

SUPREME COURT OF KENTUCKY

APRIL 18, 2024 RULINGS

RELEASED: 10:00 A.M.

42. DEMETRIUS ROBERSON V.
COMMONWEALTH OF KENTUCKY

[2022-SC-0158-MR](#)
TO BE PUBLISHED

LOGAN

**OPINION OF THE COURT BY
JUSTICE KELLER AFFIRMING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Hearsay. Prior Inconsistent Statements. RCr 7.10. Depositions in Criminal Case. In this matter of right appeal, issues presented include whether the trial court erred by failing to sequester the jury after deliberations began. Other issues include whether the trial court committed reversible error by admitting deposition testimony of an unavailable witness.

43. LANCE CONN, ET AL. V.
KENTUCKY PAROLE BOARD

[2022-SC-0198-DG](#)
TO BE PUBLISHED

FRANKLIN

**OPINION OF THE COURT BY CHIEF
JUSTICE VANMETER AFFIRMING**

ALL SITTING. BISIG, CONLEY,
LAMBERT, AND NICKELL, JJ.,
CONCUR. KELLER, J., CONCURS IN
RESULT ONLY BY SEPARATE OPINION
IN WHICH THOMPSON, J., JOINS.

Questions Presented:

Kentucky Parole Board. Life Sentences. Serve Out. Separation of Powers. In this discretionary appeal, issues presented include whether decisions by Kentucky Parole Board requiring prisoners to "serve out" their life sentences without further opportunities for parole are unconstitutional.

44. ROBERT KEITH WOODALL V.
COMMONWEALTH OF KENTUCKY

[2022-SC-0232-MR](#)
TO BE PUBLISHED

CALDWELL

**OPINION OF THE COURT BY
JUSTICE KELLER AFFIRMING**

ALL SITTING. ALL CONCUR.
THOMPSON, J., CONCURS WITH
SEPARATE OPINION IN WHICH
CONLEY AND LAMBERT, JJ., JOIN.

Questions Presented:

Death Penalty. Intellectual Disability. Eighth Amendment to U.S. Constitution. Due Process. In this matter of right appeal, issues considered include whether the trial court abused its discretion by denying defendant's claim that it is unconstitutional to impose the death penalty because he is intellectually disabled. Other issues include whether the trial court erred by admitting an expert report from a doctor who did not testify and was not subject to cross-examination.

45. COMMONWEALTH OF KENTUCKY V.
RICKY D. ULLMAN, JR.

[2022-SC-0293-DG](#)
TO BE PUBLISHED

OLDHAM

**OPINION OF THE COURT BY
JUSTICE LAMBERT REVERSING,
REINSTATING, AND REMANDING**

VANMETER, C.J.; BISIG, CONLEY,
KELLER, LAMBERT, AND NICKELL, JJ.,
SITTING. VANMETER, C.J.; BISIG,
CONLEY, AND NICKELL, JJ., CONCUR.
KELLER, J., CONCURS IN RESULT
ONLY. THOMPSON, J., NOT SITTING.

Questions Presented:

Probation Revocation. Conditions of Probation. KRS 533.030. Sex Offender Treatment Program. CR 60.02. In this discretionary review appeal, issues include whether the imposition of enrollment in a sex offender treatment program is a permissible condition of probation for defendant not convicted of a "sex crime" as defined in KRS 17.500. Other issues include whether defendant's CR 60.02 motion challenging conditions of probation was timely.

46. JOSHUA AUSTIN WARD V.
COMMONWEALTH OF KENTUCKY

[2021-SC-0568-MR](#)
NOT TO BE PUBLISHED

BOONE

**MEMORANDUM OPINION OF THE
COURT AFFIRMING**

ALL SITTING. VANMETER, C.J.;
CONLEY, LAMBERT, AND
THOMPSON, JJ., CONCUR. BISIG,
NICKELL, AND KELLER, JJ., CONCUR
IN RESULT ONLY.

47. JAMES GENTRY V. [2022-SC-0312-MR](#) TRIGG
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT AFFIRMING**

ALL SITTING. ALL CONCUR.
48. DONAVON I. SMITH V. [2022-SC-0459-MR](#) TODD
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT AFFIRMING**

ALL SITTING. VANMETER, C.J.; BISIG,
CONLEY, KELLER, AND NICKELL, JJ.,
CONCUR. THOMPSON, J., CONCURS IN
PART AND DISSENTS IN PART BY
SEPARATE OPINION IN WHICH
LAMBERT, J., JOINS.
49. MICHAEL GARLAND V. [2022-SC-0510-MR](#) HARDIN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT AFFIRMING**

ALL SITTING. ALL CONCUR.
50. JACOB ABERCROMBIE V. [2022-SC-0511-MR](#) BRACKEN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**

**MEMORANDUM OPINION OF THE
COURT AFFIRMING IN PART,
REVERSING IN PART, AND
REMANDING**

ALL SITTING. VANMETER, C.J.; BISIG,
CONLEY, LAMBERT, NICKELL, AND
THOMPSON, JJ., CONCUR. KELLER, J.,
CONCURS IN RESULT ONLY.

51. JEFFREY SCOTT TAYLOR V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT AFFIRMING
ALL SITTING. ALL CONCUR.
- [2022-SC-0520-MR](#)
NOT TO BE PUBLISHED
- LAUREL
52. ANTONIO LEE THOMAS RAY V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT AFFIRMING
ALL SITTING. ALL CONCUR.
- [2022-SC-0532-MR](#)
NOT TO BE PUBLISHED
- WARREN
53. PAUL JASON WALKER V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT AFFIRMING
ALL SITTING. VANMETER, C.J.; BISIG, CONLEY, KELLER, LAMBERT, AND NICKELL, JJ., CONCUR. THOMPSON, J., CONCURS IN RESULT ONLY.
- [2022-SC-0562-MR](#)
NOT TO BE PUBLISHED
- WARREN
54. JEFFREY ARINGTON V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT AFFIRMING IN PART AND VACATING IN PART
ALL SITTING. VANMETER, C.J.; BISIG, CONLEY, KELLER, LAMBERT, AND NICKELL, JJ., CONCUR. THOMPSON, J., CONCURS IN RESULT ONLY.
- [2023-SC-0010-MR](#)
NOT TO BE PUBLISHED
- CARLISLE
55. BRUCE CARR V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT AFFIRMING
ALL SITTING. ALL CONCUR.
- [2023-SC-0036-MR](#)
NOT TO BE PUBLISHED
- JACKSON

- | | | | |
|-----|--|---|------------------|
| 56. | ANTONIO TYREE GASKIN V.
COMMONWEALTH OF KENTUCKY | 2023-SC-0098-MR
NOT TO BE PUBLISHED | FAYETTE |
| | MEMORANDUM OPINION OF THE COURT AFFIRMING | | |
| | ALL SITTING. ALL CONCUR.
THOMPSON, J., CONCURS WITH SEPARATE OPINION IN WHICH CONLEY, J., JOINS. | | |
| 57. | WILLIAM DULWORTH V.
COMMONWEALTH OF KENTUCKY | 2023-SC-0108-MR
NOT TO BE PUBLISHED | LOGAN |
| | MEMORANDUM OPINION OF THE COURT AFFIRMING | | |
| | ALL SITTING. ALL CONCUR. | | |
| 58. | TIMOTHY R. MAYS V.
COMMONWEALTH OF KENTUCKY | 2023-SC-0132-MR
NOT TO BE PUBLISHED | MARION |
| | MEMORANDUM OPINION OF THE COURT AFFIRMING | | |
| | ALL SITTING. VANMETER, C.J.; BISIG, CONLEY, LAMBERT, NICKELL, AND THOMPSON, JJ., CONCUR. KELLER, J., CONCURS IN RESULT ONLY. | | |
| 59. | BLUELIX V.
ESTATE OF DAVID WILLIAMS, ET AL. | 2023-SC-0288-WC
NOT TO BE PUBLISHED | COURT OF APPEALS |
| | MEMORANDUM OPINION OF THE COURT AFFIRMING | | |
| | ALL SITTING. ALL CONCUR. | | |

60. MARQUIS CARTER V. [2023-SC-0313-WC](#) COURT OF
WEBASTO ROOF SYSTEMS, ET AL. **NOT TO BE PUBLISHED** APPEALS

**MEMORANDUM OPINION OF THE
COURT AFFIRMING**

ALL SITTING. VANMETER, C.J.; BISIG,
CONLEY, KELLER, AND NICKELL, JJ.,
CONCUR. THOMPSON, J., CONCURS IN
RESULT ONLY BY SEPARATE OPINION
IN WHICH LAMBERT, J., JOINS.

61. MIZKAN AMERICA, INC. V. [2023-SC-0469-WC](#) COURT OF
MACK DYKES, ET AL. **NOT TO BE PUBLISHED** APPEALS

**MEMORANDUM OPINION OF THE
COURT AFFIRMING**

ALL SITTING. ALL CONCUR.

OPINION AND ORDERS - April 18, 2024

IN RE: GARY ALAN TABLER

[2024-SC-0027-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER INDEFINITELY
SUSPENDING**

ALL SITTING. ALL CONCUR.

IN RE: BRIAN ALLEN LOGAN, ESQ.

[2024-SC-0052-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER TEMPORARILY
SUSPENDING**

ALL SITTING. ALL CONCUR.

ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - April 12, 2024

SCHNEIDER ELECTRIC USA, INC., F/K/A SQUARE D V.
PAUL WILLIAMS, INDIVIDUALLY, ET AL. [2023-SC-0436-DG](#) FAYETTE

UNION CARBIDE CORPORATION V.
SCHNEIDER ELECTRIC USA, INC., F/K/A SQUARE D, ET AL. [2023-SC-0440-DG](#) FAYETTE

JEREL COLEMON, AS ADMINISTRATOR AND PERSONAL REPRESENTATIVE OF THE ESTATE OF WILLIAM VIRGIL V.
WESTPORT INSURANCE COMPANY, AS SUCCESSOR TO COREGIS INSURANCE COMPANY [2023-SC-0497-DG](#) CAMPBELL

LEXINGTON ALZHEIMER'S INVESTORS, LLC D/B/A THE LANTERN AT MORNING POINTE ALZHEIMER'S CENTER OF EXCELLENCE, ET AL. V.
SANDRA NORRIS, AS ADMINISTRATIX OF THE ESTATE OF RAYFORD CHARLES NORRIS [2023-SC-0510-DG](#) FAYETTE

COMMONWEALTH OF KENTUCKY V.
DARRELL STRUNK [2023-SC-0518-DG](#) FAYETTE

ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - April 12, 2024

KENNETH L. RAMSEY, ET AL. V.
DAPPLE STUD, LLC, ET AL. [2023-SC-0568-DG](#) FAYETTE

HICKSTEAD FARM, INC. V.
DAPPLE STUD, LLC, ET AL. [2023-SC-0569-DG](#) FAYETTE

DILLIAN FORD V.
COMMONWEALTH OF KENTUCKY [2024-SC-0008-DG](#) CARLISLE

ORDER DENYING DISCRETIONARY REVIEW - April 12, 2024

RICHARD YATES V. COMMONWEALTH OF KENTUCKY	2023-SC-0050-D	FULTON
SHELLY MATTINGLY V. JEWISH HOSPITAL AND ST. MARY'S HEALTHCARE, INC. D/B/A FRAZIER REHAB, ET AL. THOMPSON, J., NOT SITTING.	2023-SC-0067-D	JEFFERSON
JOSEPH WILLIAMS V. COMMONWEALTH OF KENTUCKY	2023-SC-0197-D	CHRISTIAN
MANUEL CRESPO V. COMMONWEALTH OF KENTUCKY	2023-SC-0275-D	HART
ISAIAH TYLER V. COMMONWEALTH OF KENTUCKY	2023-SC-0329-D	HENDERSON
HAQS, LLC V. FIRST FINANCIAL BANK, INC.	2023-SC-0441-D	JEFFERSON
KATHRYN S. WATTS, ET AL. V. FRANCIS X. SMITH, SR., ET AL. LAMBERT, J., WOULD GRANT DISCRETIONARY REVIEW.	2023-SC-0470-D	NELSON
MICHAEL D. JOHNSON V. ULYSSES GOBER, ET AL.	2023-SC-0485-D	JEFFERSON
RANDALL E. BANKS V. COMMONWEALTH OF KENTUCKY	2023-SC-0486-D	HART

ORDER DENYING DISCRETIONARY REVIEW - April 12, 2024

PAUL E. TAYLOR V. COMMONWEALTH OF KENTUCKY THOMPSON, J., WOULD GRANT DISCRETIONARY REVIEW.	<u>2023-SC-0492-D</u>	FAYETTE
GEORGE RUDY CUNDIFF V. DENISE JERNIGAN, ET AL.	<u>2023-SC-0494-D</u>	MUHLENBERG
MIRANDA MARIE ELLISON V. GARY WAYNE MILLER	<u>2023-SC-0541-D</u>	HOPKINS
K.Z.J. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	<u>2023-SC-0549-DE</u>	GALLATIN
QK4, INC., ET AL. V. LAURA MCCARTY AS THE ADMINISTRATRIX OF THE ESTATE OF LEAH CARTER VANMETER, C.J.; KELLER, AND BISIG, JJ., WOULD GRANT DISCRETIONARY REVIEW.	<u>2023-SC-0550-D</u>	MONROE
JAMES WILLETT AS CO-EXECUTOR OF THE ESTATE OF TOM ROBERT WILLETT, III, ET AL. V. LAURA MCCARTY AS THE ADMINISTRATRIX OF THE ESTATE OF LEAH CARTER VANMETER, C.J.; KELLER, AND BISIG, JJ., WOULD GRANT DISCRETIONARY REVIEW.	<u>2023-SC-0551-D</u>	MONROE
JAMES WILLETT AS CO-EXECUTOR OF THE ESTATE OF TOM ROBERT WILLETT, III, ET AL. V. LAURA MCCARTY AS THE ADMINISTRATRIX OF THE ESTATE OF LEAH CARTER, ET AL. VANMETER, C.J.; KELLER, AND BISIG, JJ., WOULD GRANT DISCRETIONARY REVIEW.	<u>2023-SC-0553-D</u>	MONROE

ORDER DENYING DISCRETIONARY REVIEW - April 12, 2024

SBA COMMUNICATIONS CORPORATION, ET AL. [2023-SC-0574-D](#) FRANKLIN
V.
PUBLIC SERVICE COMMISSION OF KENTUCKY,
ET AL.
BISIG, J., WOULD GRANT DISCRETIONARY
REVIEW.

JAMES DALE BOYD V. [2023-SC-0575-D](#) ADAIR
COMMONWEALTH OF KENTUCKY

J.B. V. [2024-SC-0004-DE](#) FAYETTE
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES, ET AL.

JESSICA MORELAND, ET AL. V. [2024-SC-0016-D](#) GRAVES
GRAVES COUNTY BOARD OF EDUCATION, ET
AL.

ORDER DENYING DISCRETIONARY REVIEW AND DEPUBLISHING - April 12, 2024

CHARLES R. BRADLEY V. [2023-SC-0527-D](#) FLOYD
ETHEL P. BRADLEY

ORDERS DENYING PETITION FOR REHEARING - April 18, 2024

RUBEN JOHNSON, IV V. [2022-SC-0185-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
ALL SITTING. ALL CONCUR.

COLIN JARED MONTGOMERY V. [2022-SC-0353-MR](#) BOYLE
COMMONWEALTH OF KENTUCKY
ALL SITTING. ALL CONCUR.

ORDER GRANTING TRANSFER- April 18, 2024

COMMONWEALTH OF KENTUCKY, EX REL.
ATTORNEY GENERAL RUSSELL COLEMAN V.
COUNCIL FOR BETTER EDUCATION, INC., ET
AL.

[2024-SC-0022-T](#)

FRANKLIN

ALL SITTING. ALL CONCUR.

GUS LAFONTAINE V.
COUNCIL FOR BETTER EDUCATION, INC.

[2024-SC-0024-T](#)

FRANKLIN

ALL SITTING. ALL CONCUR.

ORDER WITHDRAWING - April 04, 2024

IN RE: CRYSTAL SPIVEY WILDEMAN

[2024-SC-0140-KB](#)

IN SUPREME
COURT

IN RE: JOSHUA C. ROVELLI

[2024-SC-0146-KB](#)

IN SUPREME
COURT