

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

116. IN RE: MICHAEL W. JOHNSON
DEBTOR, ET AL. V.
BRANCH BANKING AND TRUST
COMPANY
**OPINION OF THE COURT BY
JUSTICE VENTERS –
CERTIFYING THE LAW**
NOBLE, J., DISSENTS BY
SEPARATE OPINION IN WHICH
CUNNINGHAM, J., JOINS.

[2009-SC-000319-CL](#)
TO BE PUBLISHED

U.S. COURT
OF APPEALS
SIXTH CIRCUIT

Questions Presented:

Under Kentucky law, final perfection of a vehicle lien does not occur until physical notation is made on the title pursuant to KRS 186A.190; perfection is not accomplished by merely submitting the required paperwork to the county clerk. KRS 186A.195(5) addresses initiation of the perfection process and is designed primarily as a timing mechanism for establishing priority among creditors; compliance alone with the acts set forth therein does not accomplish perfection.

117. TOYOTA MOTOR MANUFACTURING,
KENTUCKY, INC. V.
HONORABLE ROBERT G. JOHNSON
JUDGE, (SCOTT CIRCUIT COURT) ET AL.
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
ABRAMSON, J., CONCURS BY
SEPARATE OPINION IN WHICH
MINTON, C.J., JOINS.
NOBLE, J., DISSENTS BY SEPARATE
OPINION IN WHICH SCOTT, J., JOINS.

[2007-SC-000647-MR](#)
TO BE PUBLISHED

SCOTT

Questions Presented:

Petition for rehearing granted and new opinion issued affirming denial of requested writ.

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

118. IMA RUTH THRASHER, INDIVIDUALLY, [2008-SC-000809-DG](#) CLINTON
AND AS EXECUTRIX OF THE **TO BE PUBLISHED**
ESTATES OF HOWARD THRASHER;
AND BARRY DOUGLAS THRASHER V.

TILMOND DURHAM, ET AL.
**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING**
SCOTT, J., CONCURS IN
RESULT ONLY.

Questions Presented:
Evidence. Admissibility and Authentication of Documents. Issues include whether documents produced during discovery are deemed authenticated by virtue of their production or whether additional authentication is required where documents were part of the file compiled by the defendant's former attorney in a prior lawsuit.

119. ORLANDO SAXTON V. [2008-SC-000899-DG](#) GRAVES
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Criminal Law. Trafficking in a Controlled Substance within 1,000 Yards of a School. Culpable Mental State. Entrapment. Issues include whether conviction under KRS 218A.1411 requires proof that defendant knew drug transaction was occurring within 1,000 yards of a school; and whether conviction reflected palpable error and manifest injustice because police informants designated location of transaction, although issue of entrapment was not raised at trial.

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

120. RAY'MON JA'KEE ROGERS V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING**
SCOTT, J., CONCURS BY
SEPARATE OPINION IN WHICH
CUNNINGHAM, J., JOINS.

[2008-SC-000915-MR](#)
TO BE PUBLISHED

HARDIN

Questions Presented:
Complicity to Commit Murder, Complicity to Criminal Attempt to Commit Murder, and two counts of Complicity to Commit First-Degree Robbery. Trial court did not err in terminating statements by defendant's counsel regarding the difference between the burden of proof at a civil trial versus a criminal trial where the matter was raised to educate the jury rather than to elicit disqualifying information.

121. ROBERT B. TAYLOR, SR. V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE SCHRODER –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2009-SC-000180-DG](#)
TO BE PUBLISHED

MONTGOMERY

Questions Presented:
Criminal Law. Criminal liability. Issues include whether an individual who knowingly takes contraband into a detention facility has committed a voluntary act despite entering the facility involuntarily.

122. SCOTT CROUCH V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2009-SC-000129-DG](#)
TO BE PUBLISHED

JESSAMINE

Questions Presented:
Criminal Law. Prosecutorial Discretion. Rule of Lenity. Equal Protection. Issues include whether providing a false name to a police officer may be prosecuted as identity theft, a Class D Felony, even though same actions arguably constitute the more specific offense of giving a false name to a peace officer, which is only a Class B misdemeanor.

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

123. ALVIN KNUCKLES V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE SCHRODER –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2009-SC-000206-MR](#)
TO BE PUBLISHED

ROCKCASTLE

Questions Presented:

Two counts of Trafficking in a Controlled Substance, First Degree, Second or Subsequent Offense; one count of Trafficking in a Controlled Substance, Second Degree, Second or Subsequent offense; and three counts of Persistent Felony Offender, First Degree (PFO I)-25 years. Where trial judge's absence was unavoidable and jurors were admonished not to discuss the case, a 14 day delay in the trial was not a due process violation, absent a showing of actual prejudice. Juror involved with Operation UNITE properly seated on the jury. No double enhancement in using a prior trafficking offense to prove subsequent offender status and then using the remaining felonies in the same judgment as part of the PFO proof.

124. ROBIN KEN LEE V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2009-SC-000371-DG](#)
TO BE PUBLISHED

HARDIN

Questions Presented:

Criminal Law. DUI. The issues are 1. whether an officer's transporting a defendant to a hospital where the attending physician refuses to administer a blood alcohol test are a sufficient accommodation of a defendant's statutory right to an independent test under KRS 189A.103(7) and 2. if the officer's actions are not a reasonable accommodation, is the remedy suppression of the breathalyzer test or to dismiss the charge?

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

125. FOX TROT PROPERTIES, LLC V. [2009-SC-000329-MR](#) LETCHER
HON. SAMUEL T. WRIGHT, III, **TO BE PUBLISHED**
JUDGE, LETCHER CIRCUIT COURT
AND
DLX, INC., REAL PARTY IN
INTEREST
OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING
ALL SITTING. ALL CONCUR.

Questions Presented:
Circuit Court had jurisdiction to entertain a motion for partial relief from its judgment, under CR 60, and to stay enforcement of its judgment, under CR 62.01, until it could rule on the motion.

126. HOYLE STYLES V. [2009-SC-000494-WC](#) FROM COURT
ELKHORN TRUCK PARTS & SERVICE; **TO BE PUBLISHED** OF APPEALS
ET AL.
OPINION OF THE COURT –
AFFIRMING
ALL SITTING. ALL CONCUR.

Questions Presented:
Workers' Compensation. KRS 342.730(4). Whether a worker who qualifies for old-age social security benefits when injured may receive two years of permanent income benefits in addition to any temporary total disability benefits.

127. DAVID BELSITO V. [2009-SC-000550-WC](#) FROM COURT
U-HAUL COMPANY OF KENTUCKY; **TO BE PUBLISHED** OF APPEALS
HONORABLE JAMES L. KERR,
ADMINISTRATIVE LAW JUDGE;
AND WORKERS' COMPENSATION
BOARD
OPINION OF THE COURT –
AFFIRMING
ALL SITTING. ALL CONCUR.

Questions Presented:
Workers' Compensation. Appellate Procedure. Whether a failure to serve the Workers' Compensation Board with a copy of the petition for review as required by CR 76.25(8) before filing a timely petition warrants dismissal.

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

128. HON. KAREN CONRAD, JUDGE, [2009-SC-000687-MR](#) FROM COURT
OLDHAM CIRCUIT COURT, DIVISION I **TO BE PUBLISHED** OF APPEALS
AND

BERRY D. BAXTER, ASSISTANT
COMMONWEALTH ATTORNEY, 12TH
JUDICIAL CIRCUIT (REAL PARTY IN
INTEREST) V.
KEITH THOMAS EVRIDGE
**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Probation Revocation. Court of Appeals properly granted writ of prohibition where circuit court had no jurisdiction to hold a revocation hearing after the probationary period had expired. KRS 533.020(1).

129. TREVOR ANDREW SMITH; AND [2009-SC-000738-MR](#) JEFFERSON
BETHANY SMITH V. **TO BE PUBLISHED**

ELEANORE GARBER, JUDGE,
JEFFERSON FAMILY COURT
AND
ANDREW CAHILL (REAL PARTY
IN INTEREST)
**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
MINTON, C.J., CONCURS IN
RESULT ONLY BY SEPARATE
OPINION. CUNNINGHAM AND
SCOTT, JJ., CONCUR IN RESULT
ONLY WITHOUT SEPARATE
OPINION.

Questions Presented:
Family court was acting within its jurisdiction to order genetic testing in a paternity case where the putative father alleged and presented evidence that the child was born out of wedlock to a married woman whose marital relationship with her husband had ceased ten (10) months prior to the birth of the child.

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

130. PHILLIP L. BROWN V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING IN PART, REVERSING
IN PART, AND REMANDING**
CUNNINGHAM, J., CONCURS IN
RESULT ONLY BY SEPARATE
OPINION IN WHICH MINTON, C.J.,
JOINS. ABRAMSON, J.,
CONCURRING IN PART AND
DISSENTING IN PART BY
SEPARATE OPINION IN WHICH
VENTERS, J., JOINS. SCOTT, J.,
CONCURRING IN PART AND
DISSENTING IN PART BY
SEPARATE OPINION IN WHICH
SCHRODER, J., JOINS.

[2006-SC-000654-MR](#)
TO BE PUBLISHED

WARREN

Questions Presented:

Defendant's aggravated sentence of life without the possibility of parole for 25 years at the first trial was a finding that the Commonwealth had not proved that death was the appropriate penalty and it precluded the death penalty at the subsequent trial for the same offense. Ordinary standards of review are applicable because the case is now a non-capital case. Jury was properly seated. Trial court did not abuse its discretion by admitting defendant's testimony from his first trial; the court's failure to redact hearsay portions of that testimony was harmless error. Trial court did not abuse its discretion in admitting Commonwealth's DNA evidence. Law-of-the-case doctrine is not applicable where the Commonwealth failed to show that at the first trial the trial court ruled on the question now raised regarding its DNA evidence. Cross-examination concerning defendant's tattoos was improper but harmless with respect to his convictions.

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

131. LILA FAYE SPENCER V. ESTATE OF CHARLES SPENCER
OPINION OF THE COURT BY JUSTICE ABRAMSON – AFFIRMING IN PART, REVERSING IN PART, AND REMANDING
ALL SITTING. ALL CONCUR.
- [2008-SC-000191-DG](#) MCCRACKEN
[2008-SC-000196-DG](#)
TO BE PUBLISHED

Questions Presented:
Joint Accounts. Multiple Party Accounts Act. KRS 391.315(1)(a). Issues include whether a joint brokerage account is a joint account for purposes of KRS 391 .315(1)(a), which provides the sums remaining on the death of one party go to the surviving party as against the estate.

132. CARA SAJKO V. JEFFERSON COUNTY BOARD OF EDUCATION; ET AL.
OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING IN PART, REVERSING IN PART, AND REMANDING
ALL SITTING. ALL CONCUR.
- [2009-SC-000021-DG](#) JEFFERSON
TO BE PUBLISHED

Questions Presented:
Notice. The issue is whether a teacher's fax to general counsel for the school board followed by certified letters mailed on the tenth day but received on the eleventh day complies with the provisions of KRS 161.790 (3) which affords school teachers the right to appeal their termination.

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

133. DANA TONY BANKS V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING IN PART AND
REVERSING AND REMANDING
IN PART**
SCOTT, J., CONCURS IN PART
AND DISSENTS IN PART BY
SEPARATE OPINION, IN WHICH
CUNNINGHAM, J., JOINS.
CUNNINGHAM, J., CONCURS IN
PART AND DISSENTS IN PART
BY SEPARATE OPINION.

[2009-SC-000161-MR](#)
TO BE PUBLISHED

HARDIN

Questions Presented:
Nine counts of first-degree sodomy, five counts of incest, and four counts of first-degree sexual abuse-Life imprisonment. Sodomy instructions were sufficiently differentiated between incidents except in two instances and those convictions are reversed. Trial court properly denied motions for directed verdicts on the sodomy and the incest charges and properly instructed on the sexual abuse charges.

134. INA COCHRAN V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT –
REVERSING**
VENTERS, J., DISSENTS
BY SEPARATE OPINION, IN WHICH
MINTON, C.J., JOINS.

[2008-SC-000095-DG](#)
TO BE PUBLISHED

CASEY

Questions Presented:
Criminal Law. Maternal Health Act. Prenatal Conduct/Postnatal Injury. The primary issue concerns whether the offense of wanton endangerment may extend to a pregnant woman who ingests drugs during pregnancy, which results in postnatal injury.

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

135. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES **V.** HONORABLE A.C. MCKAY CHAUVIN, JUDGE, JEFFERSON CIRCUIT COURT AND MATTHEW BAUMLER; ET AL. **OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING AND REMANDING** SCOTT, J., CONCURS BY SEPARATE OPINION. ABRAMSON, J., DISSENTS BY SEPARATE OPINION IN WHICH MINTON, C.J., JOINS.
- [2008-SC-000509-MR](#) JEFFERSON
TO BE PUBLISHED

Questions Presented:

Request for Discovery of Kentucky All-Schedule Prescription Electronic Reporting (KASPER) records in a civil suit. Separation of Powers. Statutory Privilege. KRS 218 A.202's prohibition of disclosure of privileged KASPER records to civil litigants, or to their attorneys, does not violate the separation of powers doctrine.

136. SARAH FORTNEY, ADMINISTRATOR OF THE ESTATE OF CLARENCE FORTNEY, DECEASED; ET AL. **V.** AIRTRAN AIRWAYS, INC.; ET AL. **OPINION OF THE COURT – REVERSING AND REMANDING** VENTERS, J., DISSENTS BY SEPARATE OPINION IN WHICH SCHRODER, J., JOINS.
- [2009-SC-000429-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED

Questions Presented:

Workers' Compensation. Work-related. Whether the "going and coming" rule barred compensation for the death of an airline pilot traveling as a passenger under the employer's free or reduced-fare arrangement from the city where he resided to the city from which he worked.

137. JOHN WAYNE COLLINS **V.** COMMONWEALTH OF KENTUCKY **MEMORANDUM OPINION OF THE COURT – AFFIRMING** VENTERS, J., DISSENTS BY SEPARATE OPINION IN WHICH NOBLE AND SCHRODER, JJ., JOIN.
- [2008-SC-000107-MR](#) WARREN
NOT TO BE PUBLISHED

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

- | | | | |
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| 138. | MERLIN D. OVERHOLT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2008-SC-000906-MR
NOT TO BE PUBLISHED | LOGAN |
| 139. | KEITH K. MOORE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u>
MINTON, C.J., CONCURS IN RESULT
ONLY. | 2008-SC-000914-MR
NOT TO BE PUBLISHED | BULLITT |
| 140. | ONDRA LEON CLAY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u>
NOBLE, J., CONCURS, IN PART,
AND DISSENTS, IN PART BY
SEPARATE OPINION IN WHICH
VENTERS, J., JOINS. | 2009-SC-000012-MR
NOT TO BE PUBLISHED | FAYETTE |
| 141. | JAMEY COPE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2009-SC-000014-MR
NOT TO BE PUBLISHED | MADISON |
| 142. | DAWAN FRANK MARTIN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2009-SC-000183-MR
NOT TO BE PUBLISHED | MCCRACKEN |

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

143. DAVID WILLIAM GRIDER V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING
SCOTT, J., CONCURS IN RESULT ONLY. MINTON, C.J. AND NOBLE, J., DISSENT FOR THE REASONS SET FORTH IN THE DISSENT IN WILBURN V. COMMONWEALTH, --S.W.3D---, 2010 WL 997164, (KY. MARCH 18, 2010) (NO. 2008-SC-000787-MR). [2009-SC-000187-MR](#) JEFFERSON
NOT TO BE PUBLISHED
144. DAIRY QUEEN OF FRANKFORT, INC. V. LINDSAY SURRITT; ET AL.
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. [2009-SC-000303-WC](#) FROM COURT OF APPEALS
NOT TO BE PUBLISHED
145. LINDA RILEY, WIDOW OF ALBERT B. RILEY, DECEASED V. RENOVARED ENERGY RESOURCES, INC.; ET AL.
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. [2009-SC-000345-WC](#) FROM COURT OF APPEALS
NOT TO BE PUBLISHED
146. GENE SMITH V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING
SCOTT, J., CONCURS IN RESULT ONLY. MINTON, C.J. AND NOBLE, J., DISSENT FOR THE REASONS SET FORTH IN THE DISSENT IN WILBURN V. COMMONWEALTH, ---S.W.3D---, 2010 WL 997164, (KY. MARCH 18, 2010) (NO. 2008-SC-000787-MR). [2009-SC-000364-MR](#) JEFFERSON
NOT TO BE PUBLISHED

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

147. ANTHONY LAMAR CALDWELL V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING
VENTERS, J., CONCURS IN RESULT ONLY. [2009-SC-000384-MR](#) JEFFERSON
NOT TO BE PUBLISHED
148. JOHNNY PHILLIPS V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. [2009-SC-000633-MR](#) LAUREL
NOT TO BE PUBLISHED
149. SHARON DALE GREER V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING AND REMANDING WITH DIRECTION PURSUANT TO RCR 10.10
ALL SITTING. ALL CONCUR. [2008-SC-000847-MR](#) LINCOLN
NOT TO BE PUBLISHED
150. MCKINLEY HAMMONS V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – REVERSING
SCOTT, J. CONCURS IN RESULT ONLY. SCHRODER, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION, IN WHICH NOBLE AND VENTERS, JJ., JOIN. [2009-SC-000260-MR](#) KNOX
NO TO BE PUBLISHED

OPINIONS AND ORDERS– JUNE 9, 2010

WASSIM KARIM-ABDUL AYYAD V. COMMONWEALTH OF KENTUCKY
ORDER GRANTED DISCRETIONARY REVIEW, VACATED THE COURT OF APPEALS' OPINION AND REMANDED TO THE COURT OF APPEALS FOR FURTHER PROCEEDINGS.
ALL SITTING. ALL CONCUR. 2008-SC-000910-DG FAYETTE

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS– JUNE 9, 2010

COMMONWEALTH OF KENTUCKY
THOMAS CARDONA, JR.
2010-SC-000104-DG
FAYETTE
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS' OPINION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER PROCEEDINGS.**
ALL SITTING. ALL CONCUR.

OPINIONS AND ORDERS – JUNE 17, 2010

ANDREW NICHOLAS CLOONEY V.
KENTUCKY BAR ASSOCIATION
2010-SC-000260-KB
IN SUPREME COURT
**ORDER RESTORED MOVANT TO THE
PRACTICE OF LAW.**
ALL SITTING. ALL CONCUR.

IN RE: SUE HAMILTON
2010-SC-000276-CF
IN SUPREME COURT
ORDER DENYING RELIEF
ALL SITTING. ALL CONCUR.

DEBI FAYE CHALK V.
KENTUCKY BAR ASSOCIATION
[2010-SC-000277-KB](#)
TO BE PUBLISHED
IN SUPREME COURT
**ORDER PUBLICLY REPRIMANDED
MOVANT. MOVANT DIRECTED TO
PAY ALL COSTS.**
ALL SITTING. ALL CONCUR.

PAUL STEPHEN GORDINIER V.
KENTUCKY BAR ASSOCIATION
2010-SC-000292-KB
IN SUPREME COURT
**ORDER RESTORED MOVANT TO THE
PRACTICE OF LAW.**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

**MINUTES
JUNE 17, 2010**

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
JUNE 9, 2010**

DUWAN LAMAR ROBBINS V. COMMONWEALTH OF KENTUCKY	2009-SC-000643-DG	JEFFERSON
WILLIAM DUSTIN GOLDSMITH V. COMMONWEALTH OF KENTUCKY	2009-SC-000768-DG	HICKMAN
GENE A. FORTE V. NELSON COUNTY SCHOOL DISTRICT	2010-SC-000149-DG	NELSON
GINGER C. CAMPBELL V. GEORGE W. CAMPBELL	2010-SC-000158-DG	JEFFERSON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 9, 2010**

DONNA MARTIN V. LOUISVILLE-JEFFERSON COUNTY METRO GOVERNMENT; AND RONALD L. BISHOP, FORMER DIRECTOR COUNTY METRO CORRECTIONS	2009-SC-000528-D	JEFFERSON
LOUISVILLE-JEFFERSON COUNTY METRO GOVERNMENT; AND RONALD L. BISHOP, FORMER DIRECTOR COUNTY METRO CORRECTIONS V. DONNA MARTIN, ET AL.	2009-SC-00530-D	JEFFERSON
RONNIE E. CURTIS, ET AL. V. EUGENE BATSON, ET AL.	2009-SC-000600-D	MUHLENBERG
PHILLIP CAIN V. COMMONWEALTH OF KENTUCKY	2009-SC-000624-D	BOONE
EDWARD LEE STURGEON V. COMMONWEALTH OF KENTUCKY	2009-SC-000658-D	JEFFERSON

SUPREME COURT OF KENTUCKY

**MINUTES
JUNE 17, 2010**

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 9, 2010**

JERRELL LAMAR ROBINSON V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000693-D	FAYETTE
CHARLES L. ROSARIO V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2009-SC-000704-D	MADISON
COMMUNITY PENTECOSTAL CHURCH, ET AL. V. LORI EUBANKS, ET AL.	2009-SC-000728-D	KENTON
DONNELL MILSAP V. COMMONWEALTH OF KENTUCKY	2009-SC-000731-D	JEFFERSON
JOSEPH MICHAEL YORK V. AVRIL CHAPMAN, WARDEN, MARION ADJUSTMENT CENTER	2009-SC-000737-D	MARION
SUSAN B. EBLEN V. TAX EASE LIEN INVESTMENTS 1, LLC AND HON. VIRGINIA L. LAWSON	2009-SC-000744-D	MUHLENBERG
JESUS CARRANZA V. COMMONWEALTH OF KENTUCKY	2009-SC-000775-D	BOONE
PAUL RAY MILLER V. COMMONWEALTH OF KENTUCKY	2010-SC-000050-D	PERRY
JARED N. HART V. COMMONWEALTH OF KENTUCKY	2010-SC-000068-D	BRECKINRIDGE

SUPREME COURT OF KENTUCKY

MINUTES
JUNE 17, 2010

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
JUNE 9, 2010**

THEODORE MAYNARD V. COMMONWEALTH OF KENTUCKY	2010-SC-000077-D	JEFFERSON
ASHLAND HOSPITAL CORPORATION, D/B/A KING'S DAUGHTERS MEDICAL CENTER, ET AL. V. T. ROBERT LOVE, M.D.	2010-SC-000088-D	GREENUP
EARL GAY ET AL. V. CHARLES W. OLDHAM, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2010-SC-000137-D	MONTGOMERY
RANDALL BENNETT CLARK, ET AL. V. BOARD OF REGENTS OF WESTERN KENTUCKY UNIVERSITY	2010-SC-000176-D	WARREN
R. G. S. J. V. CABINET FOR HEALTH AND FAMILY SERVICES, COMMONWEALTH OF KENTUCKY	2010-SC-000213-DE	PIKE
WHITNEY BLAKE SPURGEON V. TAMARA DAWN SPURGEON	2010-SC-000225-DE	PULASKI
TIMOTHY TINGLE V. COMMONWEALTH OF KENTUCKY	2010-SC-000251-D	KENTON

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW – JUNE 1, 2010**

MELISSA HARDWICK PREVIOUSLY ANDERSON V. JOHN ANDERSON	2010-SC-000319-T	WASHINGTON
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SUPREME COURT OF KENTUCKY

**MINUTES
JUNE 17, 2010**

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION TO TRANSFER – JUNE 17, 2010

GROW TRIGG, INC. V. TRIGG COUNTY/JUDGE EXECUTIVE; ET AL.	2010-SC-000085-T	TRIGG
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COURT ORDERS DENYING MOTION TO TRANSFER – JUNE 17, 2010

SANDOZ, INC. V. COMMONWEALTH OF KENTUCKY, EX REL. JACK CONWAY, ATTORNEY GENERAL	2010-SC-000233-T	FRANKLIN
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COURT ORDERS DENYING PETITION FOR REHEARING – JUNE 17, 2010

CASSANDRA SMITH V. COMMONWEALTH OF KENTUCKY	2008-SC-000060-DG	JEFFERSON
ROBERT CARL FOLEY V. COMMONWEALTH OF KENTUCKY	2008-SC-000909-TG	LAUREL
ESSAMOND WILBURN V. COMMONWEALTH OF KENTUCKY	2008-SC-000787-MR	JEFFERSON
MARK PADGETT V. COMMONWEALTH OF KENTUCKY	2008-SC-000632-MR	CAMPBELL

COURT ORDERS DISMISSING

SAFIJA MUSIC V. EMERSON ELECTRIC, ET AL. ENTERED: MAY 17, 2010	2010-SC-000081-WC	FROM COURT OF APPEALS
FREDERICK DAVIS V. COMMONWEALTH OF KENTUCKY ENTERED: MAY 21, 2010	2010-SC-000108-MR	KENTON
LAWRENCE FROMAN V.	2010-SC-000113-D	HARDIN

SUPREME COURT OF KENTUCKY

**MINUTES
JUNE 17, 2010**

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

JAMES ELDRIDGE ENGLAND
ENTERED: MAY 25, 2010

CLARENCE HUNTER ENGLES V.
HON. KIM BUNNELL, JUDGE,
FAYETTE CIRCUIT COURT, ET AL.
ENTERED: MAY 25, 2010

2010-SC-000153-MR

FROM COURT
OF APPEALS

ANTHONY MCMAHAN V.
COMMONWEALTH OF KENTUCKY
ENTERED: MAY 21, 2010

2010-SC-000162-MR

TAYLOR

COURT ORDERS

COMMONWEALTH OF KENTUCKY V.
JOSE R. PADILLA
**ORDER GRANTED MOTION TO
REMAND CASE TO THE HARDIN
CIRCUIT COURT FOR FURTHER
PROCEEDINGS.**

2006-SC-000321-DG

HARDIN

ENTERED: JUNE 8, 2010

TOYOTA MOTOR MANUFACTURING,
KENTUCKY, INC. V.
HONORABLE ROBERT G. JOHNSON
(JUDGE, SCOTT CIRCUIT COURT)
AND JEFF SERGENT (REAL PARTY
IN INTEREST)

2007-SC-000647-MR

SCOTT

**ORDER WITHDRAWING AND
RE-ISSUING OPINION.**

ALL SITTING. ALL CONCUR.
ENTERED: JUNE 17, 2010

SUPREME COURT OF KENTUCKY

**MINUTES
JUNE 17, 2010**

RELEASED: 10:00 A.M.

COURT ORDERS

THELMA SPENCER COMBS, ET AL. V. 2009-SC-000258-MR BREATHITT
HON. FRANK ALLEN FLETCHER,
JUDGE, BREATHITT CIRCUIT COURT
AND
DELORES JETT GILBERT, REAL
PARTY IN INTEREST

AND
THELMA SPENCER COMBS, ET AL. V. [2009-SC-0000486-OA](#) BREATHITT
KENTUCKY COURT OF APPEALS
AND SUPREME COURT OF KENTUCKY
**ORDER DENYING MOTIONS FOR
RECONSIDERATION.**

RICKEY BERNARD JONES V. 2010-SC-000229-D JEFFERSON
COMMONWEALTH OF KENTUCKY
**ORDER DENIED MOVANT'S PRO SE
MOTION TO PROCEED IN FORMA
PAUPERIS.**
ENTERED: MAY 24, 2010

**COURT ORDERS GRANTING MOVANT'S APPLICATION FOR REINSTATEMENT TO THE
PRACTICE OF LAW – JUNE 17, 2010**

ROBERT ALEXANDER 2009-SC-000460-KB IN SUPREME
DONALD, IV V. COURT
KENTUCKY BAR ASSOCIATION

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION LAW – JUNE 10, 2010**

IN RE: JOHN CHARLES JEFFREY 2010-SC-000388-KB IN SUPREME
BARLOW V. COURT
KENTUCKY BAR ASSOCIATION