

SUPREME COURT OF KENTUCKY

JUNE 16, 2022 RULINGS

RELEASED: 10:00 A.M.

57. COMMONWEALTH OF KENTUCKY V.
DOVONTIA REED

[2020-SC-0116-DG](#)
TO BE PUBLISHED

WOODFORD

**OPINION OF THE COURT BY CHIEF
JUSTICE MINTON - AFFIRMING**

ALL SITTING. HUGHES, KELLER, AND
NICKELL, JJ., CONCUR. MINTON, C.J.,
CONCURS BY SEPARATE OPINION IN
WHICH HUGHES AND KELLER, JJ., JOIN.
VANMETER, J., DISSENTS BY SEPARATE
OPINION IN WHICH CONLEY AND
LAMBERT, JJ., JOIN.

Questions Presented:

Criminal Law. Search and Seizure.
Warrant. Real-Time Cell Phone Location
Data. The primary issue in this case is whether
police may obtain real-time cell-site location
information (CSLI) without a warrant absent
exigent circumstances. The Court also considered
whether the good-faith exception to the
exclusionary rule applied to the officers' obtaining
the defendant's CSLI without a warrant.

58. HENRY GRAY V.
FRANK STEWART, ET AL.

[2020-SC-0395-DG](#)
TO BE PUBLISHED

BELL

**OPINION OF THE COURT BY JUSTICE
HUGHES - AFFIRMING**

MINTON, C.J.; CONLEY, KELLER, NICKELL,
AND VANMETER, JJ., SITTING. ALL
CONCUR. LAMBERT, J., NOT SITTING.

Questions Presented:

Property Law. Contract for Sale of Land. Statute
of Frauds. Sufficiency of Property Description.
Extrinsic Evidence. Issues include whether a
contract for the sale of land contained a
sufficiently specific property description to
comply with the statute of frauds where: (1) the
contract described the property by owner and
town; (2) the contract indicated that Gatliff Coal
Company held a lease in the property; and (3) the
contract did not specify the acreage conveyed or
whether the sellers would retain any of the land.

59. CHARLES ARMSTRONG, ADMINISTRATOR OF THE ESTATE OF CRAIG ARMSTRONG V. THE ESTATE OF JONATHAN ELMORE, ET AL.

[2020-SC-0408-DG](#)
TO BE PUBLISHED

WARREN

OPINION OF THE COURT BY JUSTICE CONLEY - AFFIRMING

MINTON, C.J.; KELLER, LAMBERT, NICKELL, AND VANMETER, JJ., SITTING. ALL CONCUR. HUGHES, J., NOT SITTING.

Questions Presented:

Tort Law. Automobile Titling Statutes. Appeals. Law-of-the-Case Doctrine. Issues include whether, on remand from this Court’s decision in *Travelers Indemnity Company v. Armstrong*, 565 S.W.3d 550 (Ky. 2018), the law-of-the-case doctrine barred the plaintiff from bringing a claim against DeWalt, the dealer who sold the vehicle to the driver.

60. ALEXANDER BLOYER V. COMMONWEALTH OF KENTUCKY

[2020-SC-0473-DG](#)
TO BE PUBLISHED

HART

OPINION OF THE COURT BY JUSTICE NICKELL - AFFIRMING

ALL SITTING. ALL CONCUR.

Questions Presented:

Juvenile Law. KRS 640.075(4). Probation Reconsideration. KRS 532.045(2). Did the circuit court have the option of probating the juvenile defendant’s sentence upon his motion for probation reconsideration when: (1) the defendant committed incest against victims under the age of 14; (2) KRS 532.045(2) prohibits the trial court from granting probation to a defendant found guilty of perpetrating substantial sexual conduct against victims under age 14; and (3) defendant who elected to remain in DJJ’s custody for further treatment upon attaining the age of 18 to petition the trial court for reconsideration of probation. Appeal also considers whether *Commonwealth v. Taylor*, 945 S.W.2d 420 (Ky. 1997) limited or otherwise impacted by *Commonwealth v. Merriman*, 265 S.W.3d 196 (Ky. 2008).

61. JONATHAN SEXTON V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0528-MR](#)
TO BE PUBLISHED

CLAY

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Criminal Law. Unanimous-Verdict Violation. Palpable Error Review. Issues presented include whether an unpreserved unanimous-verdict violation constitutes a manifest injustice under palpable error review, where the criminal defendant admitted to commission of the charged crime(s) at trial.

62. TAX RECALL PETITION COMMITTEE,
ACTING BY AND THROUGH ITS MEMBERS,
ET AL. AND BOBBIE HOLSCLOW, IN HER
OFFICIAL CAPACITY AS JEFFERSON
COUNTY CLERK V.
JEFFERSON COUNTY BOARD OF
EDUCATION

[2020-SC-0569-TG](#)
TO BE PUBLISHED

JEFFERSON

AND

TAX RECALL PETITION COMMITTEE,
ACTING BY AND THROUGH ITS MEMBERS,
ET AL. AND BOBBIE HOLSCLOW, IN HER
OFFICIAL CAPACITY AS JEFFERSON
COUNTY CLERK V.
JEFFERSON COUNTY BOARD OF
EDUCATION

[2020-SC-0571-TG](#)
TO BE PUBLISHED

JEFFERSON

**OPINION OF THE COURT BY JUSTICE
CONLEY - AFFIRMING**

ALL SITTING. ALL CONCUR.

Questions Presented:

School Tax. Property Tax Recall Petition. KRS 132.017. Issues include consideration of whether the recall petition for Jefferson County School Board's property tax assessment increase was properly certified in accordance with Kentucky law.

63. VERSAILLES FARM HOME AND GARDEN,
LLC V.
HARVEY HAYNES, ET AL.

[2021-SC-0161-DG](#)
TO BE PUBLISHED

WOODFORD

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

ALL SITTING. ALL CONCUR.

Questions Presented:

Uniform Commercial Code. Secured Transactions. KRS 355.9-204(3). Issues presented include whether, in order to secure loans made after the date of a security agreement, a future advances clause must be included in a security agreement.

64. JARVIS HELTON V.
ROCKHAMPTON ENERGY, LLC, ET AL.]

[2021-SC-0248-WC](#)
TO BE PUBLISHED

COURT OF
APPEALS

**OPINION OF THE COURT BY JUSTICE
HUGHES - AFFIRMING**

MINTON, C.J.; CONLEY, KELLER, NICKELL,
AND VANMETER, JJ., SITTING. ALL
CONCUR. LAMBERT, J., NOT SITTING.

Questions Presented:

Workers' Compensation. KRS 342.730(1)(c)2. Issues presented include interpretation of the "return to work" requirement and qualification for the two-multiplier contained in KRS 342.730(1)(c)2, where employee continued to work after sustaining a work injury but was later laid off for economic reasons.

65. TRACTOR SUPPLY V.
PATRICIA WELLS, ET AL.

[2021-SC-0286-WC](#)
TO BE PUBLISHED

COURT OF
APPEALS

**OPINION OF THE COURT BY JUSTICE
CONLEY - AFFIRMING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Workers' Compensation. KRS 342.730(1)(c)1. Issues involve application of the Court's decision in *Livingood v. Transfreight, LLC*, 467 S.W.3d 249 (Ky. 2015), to an award of the three-multiplier contained in KRS 342.730(1)(c)1.

66. TRACY SCOTT TOLER V.
OLDHAM COUNTY FISCAL COURT, ET AL.

[2021-SC-0356-WC](#)
TO BE PUBLISHED

COURT OF
APPEALS

**OPINION OF THE COURT BY JUSTICE
LAMBERT - REVERSING AND
REMANDING**

ALL SITTING. ALL CONCUR.

Questions Presented:

Workers' Compensation. KRS 342.0011(32).
Issues presented include whether a physician, not
licensed in the Commonwealth of Kentucky,
retained to perform a review of the medical
records of an injured worker on behalf of an
employer, qualifies as a "physician" under KRS
342.0011(32).

67. COMMONWEALTH OF KENTUCKY V.
CANON HARPER

[2020-SC-0410-DG](#)
NOT TO BE PUBLISHED

JEFFERSON

**MEMORANDUM OPINION OF THE
COURT - REVERSING**

ALL SITTING. ALL CONCUR.

68. COURTNEY KIDD V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0433-MR](#)
NOT TO BE PUBLISHED

FAYETTE

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

69. ROY GLOVER V.
COMMONWEALTH OF KENTUCKY

[2020-SC-0449-MR](#)
NOT TO BE PUBLISHED

PULASKI

**MEMORANDUM OPINION OF THE
COURT - AFFIRMING**

ALL SITTING. ALL CONCUR.

OPINION AND ORDERS - June 16, 2022

ERIE INSURANCE EXCHANGE V.
MEGAN JOHNSON, ET AL.

[2021-SC-0312-DG](#)
TO BE PUBLISHED

FLOYD

**OPINION AND ORDER VACATING AND
DISMISSING**

ALL SITTING. ALL CONCUR.

KENTUCKY BAR ASSOCIATION V.
MELISSA JAN WILLIAMSON

[2022-SC-0051-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER INDEFINITELY
SUSPENDING**

ALL SITTING. ALL CONCUR.

KYLIE PARKER HOFMANN V.
KENTUCKY BAR ASSOCIATION

[2022-SC-0072-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

OPINION AND ORDER DENYING APPEAL

ALL SITTING. ALL CONCUR.

MELINDA CHRISTINE HARHAI V.
KENTUCKY BAR ASSOCIATION

[2022-SC-0073-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

OPINION AND ORDER REMANDING

ALL SITTING. KELLER, LAMBERT,
NICKELL, AND CONLEY, JJ., CONCUR.
MINTON, C.J., DISSENTS BY SEPARATE
OPINION IN WHICH HUGHES AND
VANMETER, JJ., JOIN.

KENTUCKY BAR ASSOCIATION V.
TIMOTHY D. BELCHER

[2022-SC-0102-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER PERMANENTLY
DISBARRING**

ALL SITTING. ALL CONCUR.

OPINION AND ORDERS - June 16, 2022

CLARA ROGALINSKI V.
KENTUCKY BAR ASSOCIATION

[2022-SC-0144-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**OPINION AND ORDER - PUBLIC
REPRIMAND**

ALL SITTING. ALL CONCUR.

ORDER GRANTING DISCRETIONARY REVIEW (ORAL ARGUMENT) - June 08, 2022

MEIESHA SHARP V.
COMMONWEALTH OF KENTUCKY

[2021-SC-0577-DG](#)

HENDERSON

COMMONWEALTH OF KENTUCKY V.
WILLIAM BEMBURY

[2022-SC-0018-DG](#)

FAYETTE

VANMETER, J., NOT SITTING.

FRIENDS OF LOUISVILLE PUBLIC ART,
LLC, ET AL. V.
LOUISVILLE/JEFFERSON COUNTY METRO
HISTORIC LANDMARKS AND
PRESERVATION DISTRICTS COMMISSION,
ET AL.

[2022-SC-0025-DG](#)

JEFFERSON

ESTATE OF LAHOMA SALYER BRAMBLE,
ET AL. V.
GREENWICH INSURANCE COMPANY

[2022-SC-0043-DG](#)

MAGOFFIN

CITY OF PIKEVILLE, KENTUCKY, ET AL. V.
KENTUCKY CONCEALED CARRY
COALITION, INC.

[2022-SC-0053-DG](#)

PIKE

UNIVERSITY OF KENTUCKY V.
PETER REGARD, ET AL.

[2022-SC-0129-DG](#)

FRANKLIN

ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - June 08, 2022

GUY FERRILL, III, AS EXECUTOR OF THE ESTATE OF WILLENA T. FERRILL, ET AL. [2022-SC-0056-DG](#) NELSON
V.
STOCK YARDS BANK & TRUST COMPANY,
TRUSTEE UNDER THE WILL OF MAY T.
DOTY, DECEASED, ET AL.

ORDER GRANTING DISCRETIONARY REVIEW, VACATING AND REMANDING - June 08, 2022

JAMES E. DURHAM V. [2022-SC-0033-DG](#) BULLITT
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY
SERVICES, ET AL.

ORDER GRANTING DISCRETIONARY REVIEW (NO ORAL ARGUMENT) - June 09, 2022

JEFFERSON COUNTY PUBLIC SCHOOLS [2022-SC-0024-DG](#) JEFFERSON
A/K/A JEFFERSON COUNTY BOARD OF
EDUCATION, ET AL. V.
SHONTAI TUDOR, MOTHER AND NEXT
FRIEND OF J.T., A MINOR

ORDER DENYING DISCRETIONARY REVIEW - June 08, 2022

ALMCARE, LLC V. [2021-SC-0007-D](#) FRANKLIN
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY
SERVICES

JEREMY BROWNING V. [2021-SC-0500-D](#) BULLITT
COMMONWEALTH OF KENTUCKY

CHRISTOPHER PEYTON V. [2021-SC-0535-D](#) FRANKLIN
MICHELLE FLOYD, ET AL.

ORDER DENYING DISCRETIONARY REVIEW - June 08, 2022

JOEY BROCKMAN, ADMINISTRATOR FOR THE ESTATE OF JACOB BROCKMAN, ET AL. V. CITY OF FALMOUTH, ET AL.	2021-SC-0563-D	ROBERTSON
JARAD MCCARGO V. COMMONWEALTH OF KENTUCKY	2021-SC-0564-D	FAYETTE
J.E. TAYLOR V. JAMES E. TAYLOR, ET AL.	2021-SC-0565-D	METCALFE
NORMAN M. BARASSI V. COMMONWEALTH OF KENTUCKY	2021-SC-0567-D	HOPKINS
REBECCA LUKEN V. COMMONWEALTH OF KENTUCKY	2021-SC-0581-D	CAMPBELL
JAMES NICK JORDAN V. KENTUCKY PAROLE BOARD	2021-SC-0582-D	FRANKLIN
SIGNATURE HEALTHCARE, LLC, ET AL. V. MARY FARRIS, AS ADMINISTRATRIX OF THE ESTATE OF SHIRLEY MAE FERRELL	2022-SC-0017-D	JEFFERSON
ANDREA DAWN RIEGLING, ET AL. V. UNIVERSAL LINEN SERVICE, LLC	2022-SC-0020-D	JEFFERSON
GLEASON F. HUMPHREY V. CAROLYN ANN HUMPHREY	2022-SC-0023-D	CLARK
CARLOS L. MOORE V. COMMONWEALTH OF KENTUCKY	2022-SC-0027-D	KENTON

ORDER DENYING DISCRETIONARY REVIEW - June 08, 2022

CABINET FOR HEALTH AND FAMILY SERVICES, DEPARTMENT FOR MEDICAID SERVICES, ET AL. V. HELP AT HOME, LLC	2022-SC-0028-D	FRANKLIN
ZAYER ANTONIO ADAMS V. COMMONWEALTH OF KENTUCKY	2022-SC-0044-D	CHRISTIAN
LUTHER GRIZZLE V. GREENUP COUNTY BOARD OF EDUCATION, ET AL. CONLEY AND LAMBERT, JJ., WOULD GRANT DISCRETIONARY REVIEW.	2022-SC-0046-D	GREENUP
BOARD OF EDUCATION OF LAUREL COUNTY, KENTUCKY, ET AL. V. ROGER SMITH	2022-SC-0047-D	LAUREL
JOHN K. CARTER V. OLDHAM COUNTY EXTENSION DISTRICT, ET AL.	2022-SC-0050-D	OLDHAM
LONNA BISHOP V. THE WELLS GROUP, LLC	2022-SC-0054-D	FAYETTE
PATRICK J. O'CONNELL V. JONNA Z. BIANCO	2022-SC-0055-D	SHELBY
M.N. V. A.A., ET AL. CONLEY, LAMBERT, AND VANMETER, JJ., WOULD GRANT DISCRETIONARY REVIEW.	2022-SC-0057-DE	JEFFERSON
CONRAI ANDRE KABALLAH V. COMMONWEALTH OF KENTUCKY	2022-SC-0082-D	JEFFERSON

ORDER DENYING DISCRETIONARY REVIEW - June 08, 2022

SAULETTE DAVIS, CLASS REPRESENTATIVE V. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT KELLER, J., WOULD GRANT DISCRETIONARY REVIEW.	<u>2022-SC-0086-DE</u>	JEFFERSON
PATSY ANN HIGGINS V. DR. WILLIAM BARNES, ET AL.	<u>2022-SC-0087-D</u>	LIVINGSTON
RAY A. MCKENZIE V. PAINTLICK STATION	<u>2022-SC-0089-D</u>	JOHNSON
M.S., ET AL. V. COMMONWEALTH OF KENTUCKY, ET AL.	<u>2022-SC-0090-DE</u>	HENDERSON
WALTER SACCHET V. COMMONWEALTH OF KENTUCKY	<u>2022-SC-0101-D</u>	FAYETTE
SAINT JOSEPH HEALTH SYSTEM, INC. D/B/A SAINT JOSEPH EAST, ET AL. V. CASEY KUFFNER, ADMINISTRATOR OF THE ESTATE OF LONNIE BAKER, ET AL.	<u>2022-SC-0103-D</u>	FAYETTE
CABINET FOR HEALTH AND HUMAN SERVICES V. C.B., ET AL.	<u>2022-SC-0108-DE</u>	JEFFERSON
ALFIE COMPTON V. COMMONWEALTH OF KENTUCKY KELLER, J., NOT SITTING.	<u>2022-SC-0114-D</u>	KENTON
RONALD JONES V. COMMONWEALTH OF KENTUCKY	<u>2022-SC-0118-D</u>	FAYETTE

ORDER DENYING DISCRETIONARY REVIEW - June 08, 2022

A.D.M. V. [2022-SC-0127-DE](#) METCALFE
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY
SERVICES, ET AL.

ORDER DENYING DISCRETIONARY REVIEW AND DEPUBLISHING - June 08, 2022

WILLOW GRANDE, LLC V. [2020-SC-0458-D](#) JEFFERSON
CHEROKEE TRIANGLE ASSOCIATION,
INC., ET AL.

LEGISLATIVE RESEARCH COMMISSION V. [2021-SC-0290-D](#) FRANKLIN
DAVID LEIGHTTY
CONLEY, LAMBERT, AND NICKELL, JJ.,
WOULD GRANT DISCRETIONARY REVIEW.

BRADWELL SCOTT CHANEY, ET AL. V. [2022-SC-0042-D](#) PIKE
HEATHER FIELDS

BUDDY LONGWELL V. [2022-SC-0077-D](#) ADAIR
COMMONWEALTH OF KENTUCKY

ORDER DENYING DISCRETIONARY REVIEW - June 14, 2022

BENNIE LITTLE V. [2022-SC-0045-D](#) PIKE
JOHN ANTHONY MANSOUR, JR., D.O., ET
AL.

FORREST MULLINS V. JOHN ANTHONY [2022-SC-0049-D](#) PIKE
MANSOUR, JR., D.O., ET AL.

PETITION FOR REHEARING DENIED - June 16, 2022

GREGORY SHIELDS, SR. V. [2020-SC-0060-MR](#) WARREN
COMMONWEALTH OF KENTUCKY

CONLEY, KELLER, AND NICKELL, JJ.,
WOULD GRANT THE PETITION FOR
REHEARING.

ANDY BESHEAR, IN HIS OFFICIAL [2021-SC-0228-I](#) BOONE
CAPACITY AS GOVERNOR OF THE
COMMONWEALTH OF KENTUCKY, ET AL.

V.
RIDGEWAY PROPERTIES, LLC D/B/A
BEANS CAFE & BAKERY, ET AL.

PETITION FOR REHEARING DENIED AND ORDER MODIFYING OPINION - June 16, 2022

HARPER SUB CLUB, LLC, ET AL. V. [2020-SC-0372-MR](#) BOONE
HONORABLE JAMES R. SCHRAND, JUDGE,
BOONE CIRCUIT COURT, ET AL.

KEVEON ROBINSON V. [2020-SC-0443-TG](#) JEFFERSON
COMMONWEALTH OF KENTUCKY

AND

KEVEON ROBINSON V. [2020-SC-0447-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY

ALAN HUMMEL V. [2021-SC-0164-MR](#) KENTON
HONORABLE GREGORY M. BARTLETT, ET
AL.

ORDER DISMISSING – May 11, 2022

JAY HARTZ, IN HIS OFFICIAL CAPACITY [2022-SC-0091-D](#) FRANKLIN
AS DIRECTOR OF THE LEGISLATIVE
RESEARCH COMMISSION V.
MCCLATCHY COMPANY, LLC

STEPHEN SHAW, ET AL. V.
LAURA CALDWELL, ET AL.

[2021-SC-0055-D](#)

TAYLOR

SYSCO FOOD SERVICE V. TERRY HECKEL,
ET AL.

[2022-SC-0094-D](#)

COURT OF
APPEALS