

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

125. COMMONWEALTH OF KENTUCKY V. [2011-SC-000157-CL](#) JEFFERSON
MICHAEL L. WILSON
TO BE PUBLISHED
OPINION OF THE COURT BY
JUSTICE CUNNINGHAM -
CERTIFYING THE LAW
ALL SITTING. ALL CONCUR.

Questions Presented:

Kentucky law does not authorize an ex parte motion by a criminal defendant to vacate or set aside a warrant for his or her arrest with no notice or opportunity for the Commonwealth to be heard.

126. GERALD BARKER V. [2010-SC-000116-DG](#) GRAVES
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED
AND
COMMONWEALTH OF KENTUCKY V. [2010-SC-000123-DG](#) HARDIN
RYAN JONES
TO BE PUBLISHED

Questions Presented:

Probation Revocation. Trial court may hold a probation revocation hearing when the grounds for revocation or modification are new, unresolved charges against the probationer. Probationer must be advised that testimony at the hearing cannot be used as substantive evidence in the trial of the new charges but can be used for impeachment purposes or as rebuttal evidence.

127. DARIUS HARRIS V. [2011-SC-000001-MR](#) KENTON
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED
OPINION OF THE COURT BY
JUSTICE ABRAMSON -
AFFIRMING
ALL SITTING. ALL CONCUR.

Questions Presented:

Murder-40 years. Admission into evidence of two guns not used in the crime and admission of hearsay testimony of the victim's request to borrow money from his wife were harmless error. Defendant properly not permitted to inform the jury that he had been tried twice before for the same offense and both prior juries had deadlocked.

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

128. TERRY W. ROACH V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE ABRAMSON - AFFIRMING
ALL SITTING. ALL CONCUR.

[2011-SC-000141-DG](#)
TO BE PUBLISHED

MCCRACKEN

Questions Presented:
Criminal Law. RCr 11.42. Time for Filing. The issue is whether appointed post conviction counsel must file their supplement to the defendant's original *pro se* pleading within three years after the judgment becomes final.

129. JACKIE GRIFFIN, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF CURTIS W. RICE V. KATHY RICE
OPINION OF THE COURT BY JUSTICE ABRAMSON - AFFIRMING
MINTON, C.J.; SCHRODER AND VENTERS, JJ., CONCUR. CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION. NOBLE, J., DISSENTS BY SEPARATE OPINION IN WHICH CUNNINGHAM AND SCOTT, JJ., JOIN.

[2011-SC-000250-DG](#)
TO BE PUBLISHED

HARLAN

Questions Presented:
Under KRS 392.090(2), a spouse cannot participate in his or her deceased spouse's estate if they leave and "live in adultery." The phrase "lives in adultery" requires a showing of more than one instance of adultery and, while adulterous activity need not be with the same man or woman, it must be periodic or recurring, a sustained or notorious activity.

130. TAX EASE LIEN INVESTMENTS 1, LLC V. COMMONWEALTH BANK & TRUST, ET AL.
OPINION OF THE COURT BY JUSTICE SCOTT - AFFIRMING
ALL SITTING. ALL CONCUR.

[2011-SC-000277-DG](#)
TO BE PUBLISHED

SHELBY

Questions Presented:
Mortgage lienholder has standing to object to an agreed judgment between the property owner and the purchaser of the property owner's delinquent property tax liens.

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

131. RAZA HASHMI, M.D. V. LINDA KELLY, ADMINISTRATIX OF THE ESTATE OF ROSALIE STAMPER
OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, SCHRODER, AND VENTERS, JJ., CONCUR. SCOTT, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION.
- [2009-SC-000843-DG](#) MADISON
TO BE PUBLISHED
- Questions Presented:**
Medical Malpractice. Expert Witnesses. Witness Disclosure. Issues include the admissibility of expert witness testimony by the defendant where the plaintiff took expert’s deposition but defendant failed to disclose his intent to utilize deposition as expert testimony.
132. COMMONWEALTH OF KENTUCKY V. SHAWN A. MORSEMAN
OPINION OF THE COURT BY JUSTICE SCOTT – REVERSING
ALL SITTING. ALL CONCUR.
- [2011-SC-000167-DG](#) WEBSTER
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. Restitution. Fraudulent Insurance Acts. The issue is whether a trial court may order a defendant to pay restitution in an amount greater than the amount of actual loss incurred from the defendant’s illegal conduct for which he was convicted.
133. BENJAMIN WRIGHT, JR. V. HOUSE OF IMPORTS, INC. D/B/A IN STYLE
OPINION OF THE COURT BY JUSTICE SCOTT- REVERSING
MINTON, C.J.; CUNNINGHAM, NOBLE, SCHRODER AND VENTERS, JJ., CONCUR. SCHRODER, J., ALSO CONCURS BY SEPARATE OPINION. ABRAMSON, J., CONCURS IN RESULT ONLY.
- [2011-SC-000264-DG](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Common law negligence. Court of Appeals’ prehearing statement. Trial court did not commit palpable error in permitting expert testimony of building code violations without instructing the jury as to the applicability of the code.

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

134. JEFFERSON COUNTY BOARD OF EDUCATION, ET AL. **V.** [2011-SC-000658-DGE](#) JEFFERSON
CHRIS FELL, AS FATHER AND NEXT **TO BE PUBLISHED**
FRIEND OF L.F., ET AL.
OPINION OF THE COURT BY
JUSTICE ABRAMSON –
REVERSING
MINTON, C.J.; NOBLE, SCHRODER,
AND SCOTT, JJ., CONCUR.
CUNNINGHAM, J., DISSENTS BY
SEPARATE OPINION IN WHICH
VENTERS, J., JOINS. VENTERS, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH CUNNINGHAM, J., JOINS.
- Questions Presented:**
Kentucky public school students have no statutory right to attend a particular school. Student assignment within a school district in Kentucky is a matter that the legislature has committed to the sound discretion of the local school board.
135. JOHN SAWYERS, ET AL. **V.** [2010-SC-000678-DG](#) ALLEN
ARTHUR BELLER, ET AL. **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE SCHRODER -
REVERSING IN PART
ABRAMSON, NOBLE, SCOTT, AND
VENTERS, JJ., CONCUR. MINTON,
C.J., CONCURS IN PART AND
DISSENTS IN PART BY SEPARATE
OPINION IN WHICH CUNNINGHAM,
J., JOINS.
- Questions Presented:**
Use and maintenance of an access road across appellees' property could not be restricted because appellants had an express easement to the access road, without any reservations or restrictions as to their use of the road.
136. ROSS BRANDON SLUSS **V.** [2011-SC-000318-MR](#) MARTIN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE NOBLE-
REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.
- Questions Presented:**
Criminal Law. Juror Misconduct. Use of social media. Allegation that jurors may have lied during voir dire and of juror bias due to the use of social media websites, namely Facebook.

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

- | | | | |
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| 137. | DEPARTMENT OF REVENUE,
FINANCE AND ADMINISTRATION
CABINET, ET AL. V.
WANDA FAYE WADE, ET AL.
OPINION OF THE COURT BY
JUSTICE SCOTT –
<u>REVERSING, VACATING AND
REMANDING</u>
ALL SITTING. ALL CONCUR. | 2011-SC-000095-DG
TO BE PUBLISHED | FRANKLIN |
| <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"><p style="text-align: center;">Questions Presented:
Employment Law. Termination. The issue is whether a state employee who requested a pre-termination hearing after receiving notice of termination waives said hearing by repeatedly engaging in conduct that delays the hearing.</p></div> | | | |
| 138. | WOODY SMITH V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
MINTON, C.J.; ABRAMSON, NOBLE,
SCOTT AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN
RESULT BY SEPARATE OPINION.
SCHRODER, J., NOT SITTING. | 2010-SC-000757-MR
NOT TO BE PUBLISHED | CAMPBELL |
| 139. | NICHOLAS SALFI V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, SCHRODER, SCOTT
AND VENTERS, JJ., CONCUR.
NOBLE, J., CONCURS IN RESULT
ONLY. | 2011-SC-000562-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 140. | BRIAN K. DAMRELL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2011-SC-000627-MR
NOT TO BE PUBLISHED | ROCKCASTLE |
| 141. | MACK TACKETT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2011-SC-000703-MR
NOT TO BE PUBLISHED | PIKE |

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

142. SANDRA J. BRACE (PERSONAL REPRESENTATIVE OF THE ESTATE OF ROB BRACE) V. HONORABLE THOMAS L. CLARK, JUDGE, FAYETTE CIRCUIT COURT, EIGHTH DIVISION, ET AL. **MEMORANDUM OPINION OF THE COURT – AFFIRMING** ALL SITTING. ALL CONCUR. [2012-SC-000021-MR](#) **NOT TO BE PUBLISHED** FROM COURT OF APPEALS
143. STEVEN L. TURNER V. COMMONWEALTH OF KENTUCKY **MEMORANDUM OPINION OF THE COURT – REVERSING** ALL SITTING. ALL CONCUR. [2011-SC-000604-MR](#) **NOT TO BE PUBLISHED** BELL
144. WILLIS L. WILSON V. HONORABLE JAMES D. ISHMAEL, JR., JUDGE, FAYETTE CIRCUIT, 22ND JUDICIAL DISTRICT, ET AL. **MEMORANDUM OPINION OF THE COURT – REVERSING** ALL SITTING. ALL CONCUR. [2012-SC-000263-MR](#) **NOT TO BE PUBLISHED** FROM COURT OF APPEALS

OPINIONS AND ORDERS – SEPTEMBER 20, 2012

- KENTUCKY BAR ASSOCIATION V. TERRY RAY EDWARDS **ORDER PERMANENTLY DISBARRED RESPONDENT FROM THE PRACTICE OF LAW.** ALL SITTING. ALL CONCUR. [2012-SC-000142-KB](#) **TO BE PUBLISHED** IN SUPREME COURT
- KENTUCKY BAR ASSOCIATION V. RONALD E. THORNSBERRY **ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR 181 DAYS, TO RUN CONSECUTIVELY TO ALL SUSPENSIONS CURRENTLY IMPOSED.** ALL SITTING. ALL CONCUR. [2012-SC-000380-KB](#) **TO BE PUBLISHED** IN SUPREME COURT

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – SEPTEMBER 20, 2012

SUSAN E. WATTS V. KENTUCKY BAR ASSOCIATION ORDER RESTORED MOVANT TO THE PRACTICE OF LAW. ALL SITTING. ALL CONCUR.	2012-SC-000384-KB	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. D. ANTHONY BRINKER ORDER SUSPENDED RESPONDENT FROM THE PRACTICE OF LAW FOR ONE YEAR. SAID SUSPENSION SHALL BE SERVED CONSECUTIVELY TO ALL SUSPENSIONS ORDER PRIOR TO THIS DATE. ALL SITTING. ALL CONCUR.	2012-SC-000386-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. RONNIE WAYNE REYNOLDS ORDER PERMANENTLY DISBARRED RESPONDENT FROM THE PRACTICE OF LAW. ALL SITTING. ALL CONCUR.	2012-SC-000400-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. LEO MARCUM ORDER PERMANENTLY DISBARRED RESPONDENT FROM THE PRACTICE OF LAW. ALL SITTING. ALL CONCUR.	2012-SC-000411-KB TO BE PUBLISHED	IN SUPREME COURT
MATTHEW SCOTT FINLEY V. KENTUCKY BAR ASSOCIATION ORDER PUBLICLY REPRIMANDED MOVANT. ALL SITTING. ALL CONCUR.	2012-SC-000465-KB TO BE PUBLISHED	IN SUPREME COURT
JOHN D. T. BRADY V. KENTUCKY BAR ASSOCIATION ORDER SUSPENDED MOVANT FROM THE PRACTICE OF LAW FOR 181 DAYS WITH CONDITIONS. ALL SITTING. ALL CONCUR.	2012-SC-000478-KB TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – SEPTEMBER 20, 2012

DANIELLE BROWN V.
KENTUCKY BAR ASSOCIATION
**ORDER SUSPENDED MOVANT FROM
THE PRACTICE OF LAW FOR 30 DAYS.**
ALL SITTING. ALL CONCUR.

[2012-SC-000480-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 12, 2012**

COMMONWEALTH OF KENTUCKY V.
SHAWN TIGUE

2011-SC-000737-DG

BELL

WESTERN KENTUCKY COCA-COLA
BOTTLING COMPANY, INC. V.
TREVOR RUNYON AND KENTUCKY
UNEMPLOYMENT INSURANCE COMMISSION

2011-SC-000784-DG

WARREN

COMMONWEALTH OF KENTUCKY V.
RONNIE LAMONT SEARIGHT

2012-SC-000007-DG

FAYETTE

COMPREHENSIVE HOME HEALTH SERVICES,
INC., D/B/A FAMILY HOME HEALTH CARE
S.E.V.
PROFESSIONAL HOME HEALTH CARE
AGENCY, INC.; WHITLEY COUNTY HEALTH
DEPARTMENT, D/B/A WHITLEY COUNTY
HOME HEALTH; AND COMMONWEALTH OF
KENTUCKY, CABINET FOR FAMILY AND
HEALTH SERVICES

2012-SC-000090-DG

FRANKLIN

STEPHEN DERRICK HILL V.
CITY OF MT. WASHINGTON

2012-SC-000104-DG

BULLITT

NISSAN NORTH AMERICA, INC., ET AL. V.
SANDRA DENISE MESSERLY, ET AL.

2012-SC-000109-DG

BOONE

COMMONWEALTH OF KENTUCKY V.
CHARLOTTE M. JONES

2012-SC-000144-DG

JEFFERSON

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 12, 2012**

DARRELL ANDERSON V. COMMONWEALTH OF KENTUCKY	2011-SC-000622-D	MONROE
UZELL MCFARLAND V. COMMONWEALTH OF KENTUCKY	2011-SC-000670-D	BUTLER
JOE PLUNK, ET AL. V. DEREK HAMMERS, AS GUARDIAN FOR DAVID HAMMERS, A MINOR, ET AL.	2011-SC-000720-D	ESTILL
BOARD OF TRUSTEES OF KENTUCKY RETIREMENT SYSTEMS V. ANTHONY J. BONNER	2011-SC-000757-D	FRANKLIN
GARRETT E. HUNTER, JR. V. COMMONWEALTH OF KENTUCKY	2011-SC-000772-D	CRITTENDEN
JOHN WHITNEY JACKSON V. COMMONWEALTH OF KENTUCKY	2012-SC-000005-D	FAYETTE
RICHARD B. THORNTON V. PATRICIA L. THORNTON	2012-SC-000013-D	BRECKINRIDGE
JAMES FRANCIS V. COMMONWEALTH OF KENTUCKY AND GARY OWENS	2012-SC-000019-D	KNOTT
TIMOTHY FANCHER V. RANDY WHITE, WARDEN, GREEN RIVER CORRECTIONAL COMPLEX	2012-SC-000032-D	MUHLENBERG
CHRISTOPHER SCHEIB, M.D. V. COMMONWEALTH ANESTHESIA, P.S.C.; HARRY H. TAYLOR III, M.D.; KENDALL F. BELL, M.D.; GEORGE W. GINTER, M.D.; WILLIAM C. ALLEN, M.D.; AND JOHN DEMAIO, M.D.	2012-SC-000038-D	FAYETTE

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 12, 2012**

JOSEPH MULLINS V. REDFORD TWP, ET AL.	2012-SC-000042-D	LETCHER
K.B., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY NOBLE, J., WOULD GRANT.	2012-SC-000048-D	FRANKLIN
MICHAEL NICHOLS V. MICHAEL P. HAZELIP AND STEVEN GREGSON	2012-SC-000066-D	JEFFERSON
UNIVERSITY OF KENTUCKY, ET AL. V. STEPHON QUILTON CARTER	2012-SC-000068-D	FAYETTE
ANGELO KREE HESTER V. COMMONWEALTH OF KENTUCKY	2012-SC-000070-D	FAYETTE
ANWAR ALHALABI V. KPS SALES, LLC	2012-SC-000078-D	BREATHITT
RONALD E. FERRIER V. COMMONWEALTH OF KENTUCKY	2012-SC-000080-D	KENTON
ANDERSON COUNTY BOARD OF ZONING ADJUSTMENTS, ET AL. V. JAMES I. TERRY, SR., ET AL	2012-SC-000085-D	ANDERSON
MARION T. WRAY V. COMMONWEALTH OF KENTUCKY	2012-SC-000093-D	CLINTON
KRISTEN HUMPHREY AND JASON HUMPHREY, INDIVIDUALLY, ETC. V. KIM SAPP VENTERS, J., WOULD GRANT.	2012-SC-000095-D	JEFFERSON
MICHAEL LYNN RUST V. COMMONWEALTH OF KENTUCKY CUNNINGHAM, J., WOULD GRANT.	2012-SC-000105-D	LOGAN

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
SEPTEMBER 12, 2012**

KATHY JO SMITH V. COMMONWEALTH OF KENTUCKY	2012-SC-000112-D	BRACKEN
INDIAN RIDGE PROPERTIES, INC. AND CHARLES L. WALLER, JR. V. SCHWARTZ, LLC NO. 1, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2012-SC-000114-D	JEFFERSON
KEVIN M. ALVIS V. COMMONWEALTH OF KENTUCKY	2012-SC-000152-D	JEFFERSON
GEORGE EVERLY EADS V. COMMONWEALTH OF KENTUCKY	2012-SC-000171-D	BELL
VERNON MILLS V. EDVARD GRANDE	2012-SC-000185-D	KNOX
NANCY A FROST AND GLEN F. FROST V. BRYAN D. DICKERSON THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. CUNNINGHAM AND NOBLE, JJ., WOULD GRANT.	2012-SC-000191-D	BOONE
SANDY JESUS FERREIRO V. COMMONWEALTH OF KENTUCKY	2012-SC-000212-D	JEFFERSON
JESSE R. MCNUTT V. STEPHEN COOK SANDERS	2012-SC-000217-D	CALLOWAY
KENNETH ISAACS V. TRACY A. ISAACS	2012-SC-000356-DE	SCOTT
CHILDERS OIL COMPANY, ET AL. V. REYTON REYNOLDS, ET AL.	2012-SC-000372-DE	LETCHER

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW**

HARLIE P. LEWIS V.
COMMONWEALTH OF KENTUCKY
ENTERED: AUGUST 17, 2012

2012-SC-000281-D

FAYETTE

THOMAS ROLLS V.
COMMONWEALTH OF KENTUCKY
ENTERED: SEPTEMBER 14, 2012

2012-SC-000331-D

ADAIR

JOHN STEPHEN TELEK V.
SAMANTHA DAUGHERTY, NOW TAYLOR
ENTERED: SEPTEMBER 14, 2012

2012-SC-000442-D

KENTON

KEDREN SMITH V.
COMMONWEALTH OF KENTUCKY
ENTERED: SEPTEMBER 14, 2012

2012-SC-000456-D

JEFFERSON

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW**

MICHAEL S. JEAN V.
KENTUCKY UNEMPLOYMENT INSURANCE
COMMISSION, ET AL.
ENTERED: SEPTEMBER 14, 2012

2012-SC-000487-D

HENDERSON

COURT ORDERS DENYING MOTION TO TRANSFER – SEPTEMBER 20, 2012

GENEVA KING; KING FAMILY IRREVOCABLE
TRUST AGREEMENT DATED MARCH 9, 2008,
AND ANY AMENDMENTS THEREOF, AND ITS
CO-TRUSTEE, DIANA S. LIVENGOOD; AND
DIANA S. LIVENGOOD, TRUSTEE FOR
GENEVA KING V.
BUTLER REST HOME, INC., D/B/A RIVER
VALLEY NURSING HOME; COMMONWEALTH
OF KENTUCKY, CABINET FOR HEALTH AND
FAMILY SERVICES, DEPARTMENT FOR
MEDICAID SERVICES; LEIGH TAYLOR; JANIE
MILLER; NEVILLE WISE; AND PATRICIA
WILSON

2012-SC-000253-T

PENDLETON

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – SEPTEMBER 20, 2012

CRYSTAL LYNN GUZMAN V. 2010-SC-000415-DG FROM COURT
COMMONWEALTH OF KENTUCKY OF APPEALS

BILLY MASH V. 2010-SC-000584-MR MCCracken
COMMONWEALTH OF KENTUCKY

COURT ORDERS DISMISSING

HOMESERVICES OF KENTUCKY, INC., 2011-SC-000586-D SCOTT
D/B/A RECTOR HAYDEN REALTORS,
ET AL. V.
BRYAN WALDRIDGE, ET AL.
ENTERED: AUGUST 17, 2012

LEANDER JENNINGS, EXECUTRIX OF THE 2011-SC-000759-D TAYLOR
ESTATE OF ISABELLE BROCKMAN,
DECEASED , ET AL. V.
BOB YOUNG
ENTERED: AUGUST 17, 2012

DEWAYNE BRYANT V. 2012-SC-000428-MR JEFFERSON
COMMONWEALTH OF KENTUCKY
ENTERED: SEPTEMBER 14, 2012

HENRY B. LIVINGSTON V. 2012-SC-000439-MR OLDHAM
KAREN CONRAD, JUDGE, OLDHAM CIRCUIT
COURT, ET AL.
ENTERED: SEPTEMBER 10, 2012

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS

MARCUS D. SWAN V. [2011-SC-000085-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

D'ANDRE OWENS V. [2011-SC-000086-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

ORDER CORRECTED THE OPINION OF THE COURT BY JUSTICE NOBLE, RENDERED AUGUST 23, 2012 BY SUBSTITUTION OF PAGES 1 AND 51 IN LIEU OF THE ORIGINAL PAGES 1 AND 51.

ENTERED: SEPTEMBER 11, 2012

EDWARD JOHN JACOBSEN V. [2011-SC-000108-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

ORDER CORRECTED THE OPINION OF THE COURT BY JUSTICE ABRAMSON, RENDERED AUGUST 23, 2012 BY SUBSTITUTION OF PAGES 1 AND 21 IN LIEU OF THE ORIGINAL PAGES 1 AND 21.

ENTERED: SEPTEMBER 12, 2012

JAMES J. WALTERS V. 2012-SC-000285-MR MCCracken
COMMONWEALTH OF KENTUCKY

ORDER DENIED APPELLANT'S MOTION FOR BELATED APPEAL.

ENTERED: AUGUST 16, 2012

COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE KENTUCKY BAR ASSOCIATION

ROBERT C. BERRY, JR. V. 2012-SC-000504-KB IN SUPREME COURT
KENTUCKY BAR ASSOCIATION
ENTERED: AUGUST 28, 2012

LA KEISHA WRIGHT BUTLER V. 2012-SC-000505-KB IN SUPREME COURT
KENTUCKY BAR ASSOCIATION
ENTERED: AUGUST 28, 2012

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

GARY DEAN SWIM V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 28, 2012	2012-SC-000506-KB	IN SUPREME COURT
DAVID SCOTT RICHMOND V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 28, 2012	2012-SC-000507-KB	IN SUPREME COURT
DAVID T. SHERMAN V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 28, 2012	2012-SC-000508-KB	IN SUPREME COURT
BENJAMIN M. SULLIVAN V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 28, 2012	2012-SC-000509-KB	IN SUPREME COURT
ROBERT J. WELCH, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 28, 2012	2012-SC-000510-KB	IN SUPREME COURT
PAUL THOMAS FARRELL V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 28, 2012	2012-SC-000511-KB	IN SUPREME COURT
DIANE MORRIS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 28, 2012	2012-SC-000512-KB	IN SUPREME COURT
ANDREA EUMEI YANG V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 28, 2012	2012-SC-000513-KB	IN SUPREME COURT
JOHN LEWIS ANDERSON V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 28, 2012	2012-SC-000514-KB	IN SUPREME COURT
FLORENCE JANE PHILLIPS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 28, 2012	2012-SC-000515-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

JOSEPH BRANDON PIGG V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 29, 2012	2012-SC-000524-KB	IN SUPREME COURT
SUMMER DAWN BISHOP V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 29, 2012	2012-SC-000525-KB	IN SUPREME COURT
MARTIN ELLISON HALL V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 29, 2012	2012-SC-000526-KB	IN SUPREME COURT
JAMES EDWIN MILLIMAN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000530-KB	IN SUPREME COURT
VICKI LYNNE CARMICHAEL V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000531-KB	IN SUPREME COURT
MICHAEL JAY KOPEN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000532-KB	IN SUPREME COURT
RHONDA ELAINE CURRY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000533-KB	IN SUPREME COURT
ANNA M. WARNOCK V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000534-KB	IN SUPREME COURT
ELIZABETH IRVINE HOLDREN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000535-KB	IN SUPREME COURT
CLAIRE HAVELDA KAUFFMAN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000536-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

THOMAS R. FRENCH V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000537-KB	IN SUPREME COURT
CARLOS BENJAMIN SALANGO V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000538-KB	IN SUPREME COURT
DANIEL HUFF JUNG SATTERFIELD V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000539-KB	IN SUPREME COURT
ADAM GRANT ANDERSON V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000540-KB	IN SUPREME COURT
MICHAEL DANAY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000541-KB	IN SUPREME COURT
NATASHA MARIE CAVANAUGH V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000542-KB	IN SUPREME COURT
JANE ELIZABETH BONDURANT V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000543-KB	IN SUPREME COURT
MARY LATTA LEE V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000544-KB	IN SUPREME COURT
CORINNE MARIE MCCHESENEY V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 7, 2012	2012-SC-000545-KB	IN SUPREME COURT
BARBARA CAROLYN KLABACHA V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 5, 2012	2012-SC-000546-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

SEPTEMBER 20, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

DAVID JOSEPH WALKER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 5, 2012	2012-SC-000547-KB	IN SUPREME COURT
ROBERT GATES BARDIN V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 5, 2012	2012-SC-000548-KB	IN SUPREME COURT
BRUCE DAVID GEHLE V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 5, 2012	2012-SC-000549-KB	IN SUPREME COURT
TRACY SULLIVAN DANIEL V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 13, 2012	2012-SC-000577-KB	IN SUPREME COURT
KATHIE PATRICIA MAUTNER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 13, 2012	2012-SC-000578-KB	IN SUPREME COURT
LISA KARRAY CRAWFORD V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 13, 2012	2012-SC-000579-KB	IN SUPREME COURT
LOUIS ALBERTO VELASCO V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 13, 2012	2012-SC-000580-KB	IN SUPREME COURT
WALTER K. KIRKPATRICK V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 13, 2012	2012-SC-000581-KB	IN SUPREME COURT
JON ANTHONY PREIKSAT V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 13, 2012	2012-SC-000582-KB	IN SUPREME COURT
DAVID B. RUCKER V. KENTUCKY BAR ASSOCIATION ENTERED: SEPTEMBER 13, 2012	2012-SC-000583-KB	IN SUPREME COURT