

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

123. MICHAEL ANTHONY PEAK V. [2003-SC-000244-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
- AND**
- PATRICK W. MEEKS V. [2003-SC-000271-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
- OPINION OF THE COURT BY**
JUSTICE WINTERSHEIMER – AFFIRMING
ROACH, J., CONCURS IN RESULT ONLY.
COOPER, J., FILES A SEPARATE OPINION
CONCURRING IN PART AND DISSENTING
IN PART IN WHICH LAMBERT, C.J., AND
SCOTT, J., JOIN.
124. SHAWN O. THACKER V. [2003-SC-000430-MR](#) HARDIN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
- OPINION OF THE COURT BY**
JUSTICE GRAVES – AFFIRMING
COOPER, J., DISSENTS IN A SEPARATE
OPINION IN WHICH JOHNSTONE, J., JOINS.
125. CITY OF LOUISVILLE; AND [2004-SC-000048-DG](#) JEFFERSON
DANIEL P. ALPIGER V. **TO BE PUBLISHED**
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY
- OPINION OF THE COURT BY**
JUSTICE COOPER – AFFIRMING
WINTERSHEIMER, J., DISSENTS BY
SEPARATE OPINION.
126. BINTA MARYAM BARAKA V. [2004-SC-000256-DG](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
- OPINION OF THE COURT BY**
JUSTICE GRAVES – AFFIRMING
COOPER, J., CONCURS IN A SEPARATE
OPINION IN WHICH GRAVES AND
ROACH, J.J., JOIN. JOHNSTONE, J.,
DISSENTS IN A SEPARATE OPINION
IN WHICH LAMBERT, C.J., JOINS.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

127. EVA HOOFNEL V. [2004-SC-000381-DG](#) JEFFERSON
JAMES SEGAL, M.D. AND **TO BE PUBLISHED**
SUSAN GALANDIUK, M.D.
OPINION OF THE COURT BY
JUSTICE GRAVES – AFFIRMING
COOPER, J., DISSENTS IN A SEPARATE
OPINION IN WHICH WINTERSHEIMER, J.,
JOINS.
128. LISA BAKER, ET AL. V. [2005-SC-000208-TG](#) FRANKLIN
ERNIE FLETCHER IN HIS OFFICIAL **TO BE PUBLISHED**
CAPACITY AS THE GOVERNOR OF
THE COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY CHIEF
JUSTICE LAMBERT – AFFIRMING
COOPER, J., DISSENTS BY SEPARATE
OPINION IN WHICH WINTERSHEIMER, J.,
JOINS. ROACH, J., NOT SITTING.
129. REALTY IMPROVEMENT CO., INC. V. [2005-SC-000499-WC](#) FROM COURT
RICKY RALEY, DECEASED, ET AL. **TO BE PUBLISHED** OF APPEALS
OPINION OF THE COURT – AFFIRMING
130. B.F. V. [2005-SC-000557-DG](#) JEFFERSON
T.D. **TO BE PUBLISHED**
OPINION OF THE COURT BY CHIEF
JUSTICE LAMBERT – AFFIRMING
131. RICHARD E. JACOBS [2005-SC-000695-WC](#) FROM COURT
GROUP, INC. ET AL. V. **TO BE PUBLISHED** OF APPEALS
CHRIS WHITE, ET AL.
AND
LEXINGTON-FAYETTE URBAN [2005-SC-000696-WC](#) FROM COURT
COUNTY GOVERNMENT V. **TO BE PUBLISHED** OF APPEALS
CHRIS WHITE, ET AL.
OPINION OF THE COURT– AFFIRMING
ROACH, J., DISSENTS BY SEPARATE
OPINION IN WHICH COOPER AND
JOHNSTONE, J.J. JOIN.

SUPREME COURT OF KENTUCKY

MINUTES

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132. THOMAS C. BOWLING V. [2005-SC-000712-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE JOHNSTONE – AFFIRMING
ROACH, J., NOT SITTING.
133. NICK RATLIFF V. [2004-SC-000452-MR](#) LAWRENCE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
VACATING IN PART, AND REMANDING
134. VICTOR E. HIATT V. [2005-SC-000455-MR](#) FAYETTE
HON. THOMAS L. CLARK, JUDGE **TO BE PUBLISHED**
FAYETTE CIRCUIT COURT AND
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE SCOTT – REVERSING AND
REMANDING
ROACH AND WINTERSHEIMER, J.J.,
DISSENT BECAUSE DEFENSE COUNSEL
WAS NOT PROPERLY BEFORE THE COURT
AND DISCOVERY IS NOT ALLOWED IN AN
RCR 11.42 ACTION BECAUSE IT IS A
VEHICLE ONLY FOR AIRING KNOWN
GRIEVANCES. SEE HAIGHT V. COMMONWEALTH,
41 S.W.3D 436 (KY.2001)
135. JOSHUA W. BAILEY V. [2003-SC-000935-DG](#) ALLEN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE JOHNSTONE – REVERSING
GRAVES AND WINTERSHEIMER, J.J.,
DISSENT BECAUSE THERE WAS NO
COERCIVE POLICE ACTIVITY AS
REQUIRED BY MORGAN V. COMMONWEALTH,
809 S.W.2D 704 (KY. 1991) OR
HENSON V. COMMONWEALTH,
20 S.W.3D 466 (KY. 1999).

SUPREME COURT OF KENTUCKY

MINUTES

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136. TODD A. FISCHER V. [2003-SC-000982-DG](#) BOONE
JACQUELYN FISCHER, **TO BE PUBLISHED**
INDIVIDUALLY AND AS
EXECUTRIX OF THE ESTATE
OF RICHARD A. FISCHER
**OPINION OF THE COURT BY CHIEF
JUSTICE LAMBERT – REVERSING**
COOPER, J., FILES A SEPARATE
CONCURRING OPINION. ROACH, J.,
CONCURS IN THE MAJORITY OPINION
AND IN JUSTICE COOPER’S CONCURRING
OPINION AS AN ALTERNATIVE GROUND
FOR RESOLVING THE MATTER.
137. COMMONWEALTH OF KENTUCKY V. [2004-SC-000075-DG](#) FAYETTE
RANDALL SCOTT LUCAS **TO BE PUBLISHED**
**OPINION OF THE COURT BY
JUSTICE WINTERSHEIMER – REVERSING**
COOPER, J., DISSENTS BY SEPARATE
OPINION AND IS JOINED BY LAMBERT, C.J.,
AND JOHNSTONE, J.
138. COMMONWEALTH OF KENTUCKY V. [2004-SC-000417-DG](#) FAYETTE
DERWIN WAYNE FIELDS **TO BE PUBLISHED**
**OPINION OF THE COURT BY
JUSTICE WINTERSHEIMER – REVERSING**
139. BARBARA ANN HART V. [2004-SC-000505-DG](#) WHITLEY
CHRISTOPHER HART; AND **TO BE PUBLISHED**
TONI GAIL CARLOFTIS
**OPINION OF THE COURT BY
JUSTICE ROACH – REVERSING**
LAMBERT, C.J., DISSENTS BY
SEPARATE OPINION IN WHICH
GRAVES, J., JOINS. GRAVES, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH LAMBERT, C.J., JOINS.

SUPREME COURT OF KENTUCKY

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140. COMMONWEALTH OF KENTUCKY V. [2004-SC-000534-DG](#) JEFFERSON
HON. JAMES GREEN, JUDGE **TO BE PUBLISHED**
JEFFERSON DISTRICT COURT
AND DAMON RICHARD CLAYTON;
AND DONALD WAYNE DAVIS
OPINION OF THE COURT BY
JUSTICE ROACH – REVERSING
COOPER, J., DISSENTS BY
SEPARATE OPINION
141. GARY DENZIK V. [2004-SC-001131-DG](#) WARREN
CANDY DENZIK, NOW BLAZAR **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE WINTERSHEIMER – REVERSING
LAMBERT, C.J., DISSENTS BY
SEPARATE OPINION AND IS JOINED
BY JOHNSTONE AND ROACH, J.J.
JOHNSTONE, J., DISSENTS BY
SEPARATE OPINION AND IS
JOINED BY LAMBERT, C.J., AND
ROACH, J.
142. JIMMIE R. RADFORD V. [2005-SC-001024-MR](#) CUMBERLAND
HON. EDDIE C. LOVELACE, JUDGE **TO BE PUBLISHED**
CUMBERLAND CIRCUIT COURT
AND COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE SCOTT – REVERSING
ROACH, J., DISSENTS BY
SEPARATE OPINION, WITH
JOHNSTONE AND WINTERSHEIMER,
J.J., JOINING THAT DISSENT.
143. DAVID BASHAM V. [2004-SC-000112-MR](#) GREENUP
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION
OF THE COURT – AFFIRMING

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

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| 144. | JAMES SHERMAN HUGHES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT – <u>AFFIRMING</u> | 2004-SC-000238-MR
NOT TO BE PUBLISHED | FAYETTE |
| 145. | JAMES E. COVINGTON V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT – <u>AFFIRMING</u> | 2004-SC-000316-MR
NOT TO BE PUBLISHED | WARREN |
| 146. | STEVEN WAYNE ASHBAUGH V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT – <u>AFFIRMING</u> | 2004-SC-000562-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 147. | CLARA LOU HENSON V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT – <u>AFFIRMING</u> | 2004-SC-000974-MR
NOT TO BE PUBLISHED | CLAY |
| 148. | VIRGIL HALL III V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT – <u>AFFIRMING</u> | 2005-SC-000231-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 149. | DILLARD HOSKINS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION
OF THE COURT – <u>AFFIRMING</u> | 2005-SC-000300-MR
NOT TO BE PUBLISHED | BELL |
| 150. | RICKY DIXON V.
DON AMBURGEY PLUMBING, ET AL.
MEMORANDUM OPINION
OF THE COURT – <u>AFFIRMING</u>
GRAVES, J., DISSENTS BY
SEPARATE OPINION. | 2005-SC-000726-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

MINUTES

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151. JOSEPH K. HUTCHINS V. [2005-SC-000734-WC](#) FROM COURT
SUMMA TECHNOLOGY/KEN-MAR, **NOT TO BE PUBLISHED** OF APPEALS
ET AL.
MEMORANDUM OPINION
OF THE COURT – AFFIRMING
152. TRICON GLOBAL RESTAURANT V. [2005-SC-000751-WC](#) FROM COURT
JODI JOHNSON, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION
OF THE COURT – AFFIRMING
153. PHYLLIS JUSTICE V. [2005-SC-000803-WC](#) FROM COURT
COMMUNITY TRUST BANK, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION
OF THE COURT – AFFIRMING
154. HAMILTON MUTUAL INSURANCE [2005-SC-000818-MR](#) FROM COURT
COMPANY OF CINCINNATI, OHIO V. **NOT TO BE PUBLISHED** OF APPEALS
HON. DOUGHLAS M. GEORGE
(JUDGE, TAYLOR CIRCUIT COURT), ET AL.
MEMORANDUM OPINION
OF THE COURT – AFFIRMING
155. HENRY A. DONATHAN V. [2006-SC-000011-WC](#) FROM COURT
QUALITY CABINETS, ET AL. **NOT TO BE PUBLISHED** OF APPEALS
MEMORANDUM OPINION
OF THE COURT – AFFIRMING
156. ADELE CRAVEN V. [2004-SC-000793-MR](#) KENTON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION
OF THE COURT – AFFIRMING IN PART,
REMANDING IN PART
JOHNSTONE, AND WINTERSHEIMER, J.J.,
CONCUR EXCEPT AS TO THE REMAND
FOR FURTHER PROCEEDINGS REGARDING
WHETHER APPELLANT HAS THE ABILITY
TO PAY PARTIAL FEES/COSTS
PURSUANT TO KRS 31.211(1).

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

157. CHRISTOPHER NUCKOLS V. [2004-SC-000886-MR](#) BARREN
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION
OF THE COURT – AFFIRMING IN PART
AND REVERSING IN PART
WINTERSHEIMER, J., CONCURS IN RESULT
ONLY. COOPER, J., DISSENTS IN PART
AND WOULD ALSO VACATE THE
CONVICTION OF TERRORISTIC
THREATENING BECAUSE IT MERGED
INTO THE FORCIBLE COMPULSION
ELEMENT OF THE OFFENSE OF RAPE
IN THE FIRST DEGREE. GRAVES, J.,
DISSENTS AND WOULD NOT REVERSE
APPELLANT’S KIDNAPPING CONVICTION.
158. BRIAN CHARLES V. [2004-SC-001020-MR](#) KENTON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION
OF THE COURT – AFFIRMING IN PART
AND REVERSING IN PART
JOHNSTONE AND ROACH, J.J.,
CONCUR IN RESULT ONLY.
159. ELIJAH BURNS V. [2004-SC-000348-MR](#) PULASKI
COMMONWEALTH OF KENTUCKY [2004-SC-000482-MR](#)
MEMORANDUM OPINION **NOT TO BE PUBLISHED**
OF THE COURT – REVERSING AND
REMANDING
COOPER AND ROACH, J.J., CONCUR
IN RESULT ONLY. WINTERSHEIMER, J.,
DISSENTS BY SEPARATE OPINION,
WITH GRAVES, J., JOINING THAT
DISSENT. LAMBERT, C.J., NOT SITTING.

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – JUNE 15, 2006

KENTUCKY BAR ASSOCIATION V.
RODNEY MCDANIEL
**OPINION AND ORDER SUSPENDED
RESPONDENT FROM THE PRACTICE
OF LAW FOR A PERIOD OF 2 YEARS.**

[2006-SC-000230-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
KENNETH E. DANIELS
**OPINION AND ORDER SUSPENDED
RESPONDENT FROM THE PRACTICE
OF LAW.**

[2006-SC-000238-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW - JUNE 7, 2006

CARROLL L. WITTEN, JR., M.D., ET AL. V.
BONNIE PACK, ADMINISTRATRIX FOR
THE ESTATE OF JAMES PACK

2005-SC-000414-DG

JEFFERSON

TERRY RANKINS V.
COMMONWEALTH OF KENTUCKY

2005-SC-000690-DG

JEFFERSON

TERESA GAIL SHOWN V.
ROBERT TODD SHOWN

2005-SC-000855-DG

OHIO

LINDA KERN CUMMINGS V.
JOHN BROOKS PITMAN, EXECUTOR OF
THE ESTATE OF BETTY KERN MILLER, ET AL.

2005-SC-000861-DG

BOYLE

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW - JUNE 9, 2006

DONALD BLEVINS, IN HIS OFFICIAL CAPACITY AS FAYETTE COUNTY CLERK V. SUSAN LAWRENCE, ET AL. 2005-SC-000923-D FRANKLIN

AND

ANN B. BROWN, IN HER OFFICIAL CAPACITY AS OLDHAM COUNTY CLERK, ET AL. V. SUSAN LAWRENCE, ET AL. 2005-SC-000924-D FRANKLIN

AND

BOBBIE HOLSCLAW, IN HER OFFICIAL CAPACITY AS JEFFERSON COUNTY CLERK V. SUSAN LAWRENCE, ET AL. 2005-SC-000933-D FRANKLIN

AND

KENNETH TABB, IN HIS OFFICIAL CAPACITY AS HARDIN COUNTY CLERK V. SUSAN LAWRENCE, ET AL. 2005-SC-000934-D FRANKLIN

AND

SUSAN LAWRENCE, ET AL. V. WILLIAM BUSHART, IN HIS OFFICIAL CAPACITY AS COMMISSIONER, DEPARTMENT OF MOTOR VEHICLES, TRANSPORTATION CABINET, COMMONWEALTH OF KENTUCKY 2005-SC-000925-D FRANKLIN

COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW - JUNE 7, 2006

CRAIG & BISHOP, INC., D/B/A SONNY BISHOP CARS V. CHRISTY PILES, ET AL. 2005-SC-000999-DG JEFFERSON

COMMONWEALTH OF KENTUCKY V. LONNIE A. HARRIS 2006-SC-000040-D CASEY

DARLENE GRIPSHOVER V. GEORGE HENRY GRIPSOVER 2006-SC-000256-D BOONE

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW - JUNE 7, 2006

COMMONWEALTH OF KENTUCKY V. JOEY DEAN HERNDON	2004-SC-001114-D	CLARK
RANDALL SPIVEY V. COMMONWEALTH OF KENTUCKY	2005-SC-000443-D	JACKSON
VIRGIE THURMAN V. WILLIAM ESTES AND GAIL ESTES	2005-SC-000730-D	BALLARD
TRAVIS JAY HENDRIX V. COMMONWEALTH OF KENTUCKY	2005-SC-000786-D	HOPKINS
BRUCE FRIEDRICH V. COMMONWEALTH OF KENTUCKY	2005-SC-000808-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. MARLO BROWN	2005-SC-000822-D	JEFFERSON
JOHN W. ANDERSON, ET AL. V. OLD NATIONAL TRUCK AND LEBBY HUDSON COURT OF APPEALS' OPINION ORDERED NOT TO BE PUBLISHED.	2005-SC-000838-D	UNION
ALBERT BURNICE V. COMMONWEALTH OF KENTUCKY	2005-SC-000845-D	JEFFERSON
DOLLAR GENERAL CORPORATION, V. INC., ET AL. V. SONNY T. POOLE	2005-SC-000848-D	MCLEAN
CAMILLE E DEAN, ET AL. V. JOHN T. BONDURANT, ET AL.	2005-SC-000872-D	JEFFERSON
ANDRE DRAPER V. COMMONWEALTH OF KENTUCKY	2005-SC-000904-D	JEFFERSON

SUPREME COURT OF KENTUCKY

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JUNE 15, 2006

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COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW - JUNE 7, 2006

DALE RODGER DAUGHERTY V. JEAN DAUGHERTY (NOW HENDERSON)	2005-SC-000911-D	JEFFERSON
WILLIAM SCOTT KIMELTON V. COMMONWEALTH OF KENTUCKY	2005-SC-000914-D	WOLFE
KEVIN PAUL CRUM V. COMMONWEALTH OF KENTUCKY	2005-SC-000970-D	MERCER
FRANKLIN BLAKELY V. SAFE AUTO INSURANCE COMPANY	2005-SC-00980-D	BULLITT
ELLA FULMER V. JIMMY MEADE, ET AL.	2005-SC-001000-D	PIKE
DARRELL W. TREADWAY V. COMMONWEALTH OF KENTUCKY	2006-SC-000028-D	LINCOLN
GEORGE ISON V. EDISON CREECH AND PAULINE ELDRIDGE	2006-SC-000029-D	HARLAN
TOYOTA MOTOR MANUFACTURING KENTUCKY, INC., ET AL. V. PAULA KAY SLONE	2006-SC-000053-D	SCOTT
COMMONWEALTH OF KENTUCKY V. CASSANDRA HILL HOLLAND COURT OF APPEALS' OPINION ORDERED TO BE PUBLISHED.	2006-SC-000068-D	MCCRACKEN
COMMONWEALTH OF KENTUCKY V. KELVIN LEE WHITE	2006-SC-000109-D	FAYETTE
MYREE MARSHALL V. COMMONWEALTH OF KENTUCKY	2006-SC-000115-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW - JUNE 7, 2006

KEVIN TROYER V. COMMONWEALTH OF KENTUCKY	2006-SC-000150-D	CALLOWAY
JANE FERRIELL, D/B/A J. KEITH UPHOLSTERY & DESIGN V. SALOMAN PODGURSKY	2006-SC-000154-D	JEFFERSON
CARL E. KNOCHELMANN, JR. V. MARY E BJELLAND, ET AL.	2006-SC-000178-D	CAMPBELL
HOBART WAYNE HUMPHREY V. COMMONWEALTH OF KENTUCKY	2006-SC-000184-D	WOODFORD
BYRAN KEITH HOOFER V. COMMONWEALTH OF KENTUCKY	2006-SC-000189-D	HENDERSON
HOLIDAY INN HURSTBOURNE V. RICHARD LOVELACE	2006-SC-000203-D	JEFFERSON
R. T. JR., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2006-SC-000204-D	BOURBON
CARLOS CREECH V. COMMONWEALTH OF KENTUCKY	2006-SC-000233-D	JACKSON
RAYMOND SMITH V. COMMONWEALTH OF KENTUCKY	2006-SC-000257-D	LAUREL
GLEN LEE BOWERSMITH V. COMMONWEALTH OF KENTUCKY	2006-SC-000267-D	HARDIN
DEXTER W. BURGESS V. COMMONWEALTH OF KENTUCKY	2006-SC-000272-D	FAYETTE
SANDRA GAIL MAYES V. THOMAS MIKE MAYES	2006-SC-000275-D	FRANKLIN

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW - JUNE 7, 2006

TEDDY LEE COSBY V. KENTUCKY PAROLE BOARD, ET AL.	2006-SC-000276-D	FRANKLIN
ANGELA BRENNAN V. COMMONWEALTH OF KENTUCKY	2006-SC-000278-D	LARUE
CHARLES WALLING, JR. V. COMMONWEALTH OF KENTUCKY	2006-SC-000288-D	HANCOCK
TERRELL WOOSLEY V. COMMONWEALTH OF KENTUCKY	2006-SC-000339-D	HOPKINS

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF
TIME TO FILE A MOTION FOR DISCRETIONARY REVIEW – JUNE 8, 2006**

DONALD RAY SWEENEY V. PATTI WEBB, WARDEN	2006-SC-000165-D	MUHLENBERG
ED JORDAN, ET AL. V. EVERETT ADKINS	2006-SC-000302-D	JOHNSON

COURT ORDER GRANTING MOTION TO TRANSFER - JUNE 8, 2006

MICHAEL LYNN WIMBERLY V. COMMONWEALTH OF KENTUCKY	2006-SC-000406-TG	DAVISS
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COURT ORDERS DENYING PETITION FOR REHEARING – JUNE 15, 2006

BEORIA ABRAHAM SIMMONS II V. COMMONWEALTH OF KENTUCKY	1989-SC-000736-MR 2004-SC-000057-MR	JEFFERSON
SHANE LAYTON RAGLAND V. COMMONWEALTH OF KENTUCKY	2002-SC-000388-MR 2003-SC-000084-TG	FAYETTE

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – JUNE 15, 2006

JEFFREY MATHENEY V. COMMONWEALTH OF KENTUCKY	2002-SC-000920-MR	HOPKINS
EQUITANIA INSURANCE COMPANY, ET AL. V. SLONE & GARRETT, P.S.C., ET AL.	2003-SC-001003-DG	FAYETTE
GAINSCO COMPANIES, ET AL. V. DARRELL GENTRY, AS GUARDIAN FOR JOSHUA GENTRY, ET AL.	2004-SC-000276-DG	BARREN
AIG/AIU INSURANCE COMPANY V. SOUTH AKERS MINING COMPANY, LLC, ET AL. ORDER MODIFIED OPINION RENDERED JANUARY 19, 2006 BY SUBSTITUTION OF A NEW OPINION.	2005-SC-000178-WC	FROM COURT OF APPEALS

COURT ORDERS

JOSHUA MCINTIRE V. COMMONWEALTH OF KENTUCKY ORDER GRANTED MOTION TO PUBLISH. PAGES 1 AND 17 OF THE MAJORITY OPINION ARE SUBSTITUTED IN LIEU OF SAID PAGES AS ORIGINALLY RENDERED.	2003-SC-000444-MR	BOURBON
WILFORD M. HARRIS V. MARIA B. JACKSON, INDIVIDUALLY ET AL ORDER MODIFIED OPINION RENDERED MAY 18, 2006 BY THE SUBSTITUTION OF NEW PAGES 1 AND 5 OF THE DISSENTING OPINION AND PAGE 1 OF THE MAJORITY OPINION. ENTERED: MAY 24, 2006	2004-SC-000121-DG	CHRISTIAN

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

COURT ORDERS

TROY MARTIN V. COMMONWEALTH OF KENTUCKY ORDER CORRECTED OPINION RENDERED MAY 18, 2006 BY THE SUBSTITUTION OF NEW PAGES 1 AND 8. ENTERED: MAY 23, 2006	2004-SC-000130-DG	FAYETTE
KENTUCKY BAR ASSOCIATION V. KEVIN M. CALLIHAN ORDER CORRECTED OPINION AND ORDER ENTERED MARCH 23, 2006, BY SUBSTITUTION OF A NEW OPINION AND ORDER. ENTERED: JUNE 15, 2006	2004-SC-000722-KB	IN SUPREME COURT
CAMILLE E. DEAN, ET AL. V. JOHN T. BONDURANT, ET AL. ORDER ENTERED JUNE 6, 2006 IS DESIGNATED TO BE PUBLISHED. ENTERED: JUNE 7, 2006	2005-SC-000872-D TO BE PUBLISHED	FROM COURT OF APPEALS
KINDRED HOSPITALS LIMITED PARTNERSHIP, D/B/A LIBERTY CARE CENTER, ET AL. V. SUSAN LUTRELL, ADMINISTRATRIX OF THE ESTATE OF ALTHA DUNCAN, DECEASED ORDER CORRECTED OPINION RENDERED APRIL 20, 2005, BY SUBSTITUTION OF A NEW PAGE 1. ENTERED: JUNE 12, 2006	2006-SC-000170-WC	FROM COURT OF APPEALS
FULTON COUNTY FISCAL COURT V. ROBERT E. HOPPER, JR., ET AL. ORDER DENIED APPELLANT'S BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE APPELLANT'S BRIEF. ENTERED: JUNE 8, 2006	2006-SC-000107-WC	FROM COURT OF APPEALS

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

COURT ORDERS

KENTUCKY RIVER DISTRICT HEALTH DEPARTMENT V. OMA COMBS, ET AL. ORDER DISMISSED APPEAL. ENTERED: MAY 31, 2006	2006-SC-000170-WC	FROM COURT OF APPEALS
MOTORISTS MUTUAL INSURANCE COMPANY V. CORLISS R. HOWARD, ET AL. ORDER GRANTED MOTION TO DISMISS. ENTERED: JUNE 7, 2006	2006-SC-000218-D	SHELBY
MELINDA L. WHEELER, PERSONNALLY AND IN HER OFFICIAL CAPACITY AS DIRECTOR, ADMINISTRATIVE OFFICE OF THE COURTS, COMMONWEALTH OF KENTUCKY V. SHELLY KNOFF ORDER GRANTED MOTION TO WITHDRAW THE MOTION TO TRANSFER. ENTERED: JUNE 8, 2006	2006-SC-000247-T	FRANKLIN
CLINTON W. JUSTICE, ET AL. V. VANDEBUILT MORTGAGE & FINANCE, INC. ORDER DENIED MOTION TO RECONSIDER THIS COURT'S ORDER OF MAY 9, 2006, DISMISSING THE APPEAL. ENTERED: JUNE 2, 2006	2006-SC-000271-D	PIKE
COMMONWEALTH OF KENTUCKY V. ASHLEY M. BLAKELY ORDER ACCEPTED REQUEST FOR CERTIFICATION OF THE LAW. ENTERED: JUNE 15, 2006	2006-SC-000313-CL	JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

JUNE 15, 2006

RELEASED: 10:00 A.M.

**COURT ORDER PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF
THE KENTUCKY BAR ASSOCIATION – JUNE 1, 2006**

JOHN DAVID HEYBURN V.
KENTUCKY BAR ASSOCIATION

2006-SC-000394

IN SUPREME
COURT