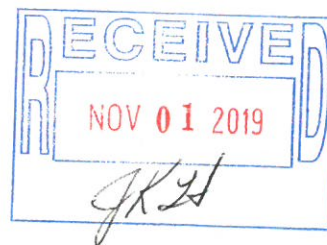


State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General



(304) 558-2021
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November 1, 2019

Honorable James Conley Justice
Governor
Office of the Governor
State Capitol, Bldg. 1
1900 Kanawha Boulevard East
Charleston, WV 25305

Honorable Mitch B. Carmichael
Senate President, State Senate
State Capitol, Bldg. 1 Rm. M211
1900 Kanawha Boulevard East
Charleston, WV 25305

Honorable Roger Hanshaw
Speaker, House of Delegates
State Capitol, Bldg. 1 Rm. M228
1900 Kanawha Boulevard East
Charleston, WV 25305



Re: Annual Report 2019

Dear Governor Justice, President Carmichael and Speaker Hanshaw:

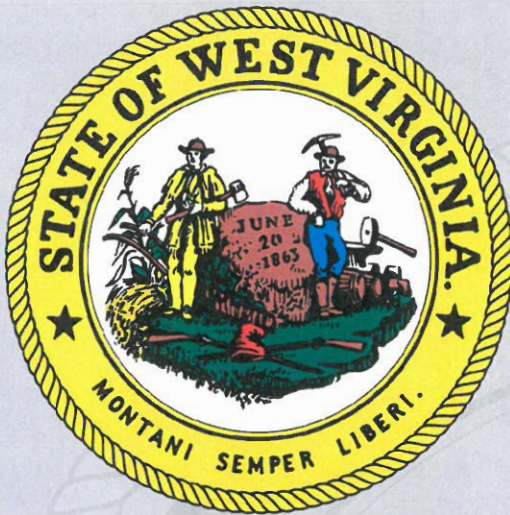
Pursuant to West Virginia Code § 5-3-4, and on behalf of Attorney General Patrick Morrissey, attached please find a report concerning the several causes of action in which the State is a party, pending in the Courts mentioned in § 5-3-2 of the West Virginia Code.

During this reporting period, and in addition to the cases listed in this report, the Attorney General's office also has 13 active Court of Claims and 119 active Legislative Claims Commission cases.

As always, if you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Candace Kraus
Senior Deputy Attorney General



Office of the Attorney General

REPORT TO THE GOVERNOR, SENATE PRESIDENT AND HOUSE OF DELEGATES SPEAKER

November 1, 2019

Patrick Morrissey
Attorney General

TABLE OF CONTENTS

APPELLATE DIVISION	1
ARTS, EDUCATION, AND BOARDS DIVISION; DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY, AND PUBLIC INTEGRITY, SAFETY AND COMPLIANCE; NATURAL RESOURCES DIVISION	2
CIVIL RIGHTS DIVISION	3
CONSUMER PROTECTION AND ANTITRUST DIVISION	4
DEPARTMENT OF HEALTH AND HUMAN RESOURCES	5
MAIN OFFICE DIVISION	6
MEDICAID FRAUD CONTROL UNIT	7
TAX, REVENUE, LEGISLATIVE CLAIMS COMMISSION, AND TRANSPORTATION DIVISION	8

**APPELLATE
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2019

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Bissett, Lara	APP-18-0169	18-0654	Supreme Court - WV	State of West Virginia v. Dean E. Gamble, Sr. (18-0654)	Appeal by drug offender alleging error in denial of motion for sentence reduction made pursuant to Rule 35(b). Briefing completed. (Fayette County)
Appellate	Bissett, Lara	APP-19-0013	19-0026	Supreme Court - WV	State of West Virginia v. Ross Jenkins (19-0026)	Petitioner was convicted of Breaking and Entering and Second Degree Sexual Assault. Petitioner was recidivized. Petitioner contends that the recidivist sentence should be vacated. Under briefing schedule. (Marion County)
Appellate	Bissett, Lara	APP-19-0047	19-0213	Supreme Court - WV	Christopher Shy v. Marvin Plumley, Superintendent (19-0213)	Petitioner pled guilty to Bank Robbery and Attempt to Commit a Felony. He alleges sentencing error in this appeal of his unsuccessful circuit court habeas proceedings. Under briefing schedule. (Cabell County)
Appellate	Bissett, Lara	APP-19-0093	19-0252	Supreme Court - WV	State of West Virginia v. Douglas G. (19-0252)	Petitioner was convicted of one count of Sexual Abuse by Parent or Custodian. He claims evidentiary insufficiency, Brady violation, and inadmissible confessions. Under briefing schedule. (Wood County)
Appellate	Bissett, Lara	APP-19-0076	19-0326	Supreme Court - WV	State of West Virginia v. Kevin Travis Costello (19-0326)	Petitioner was convicted of DUI causing Serious Bodily Injury. He was recidivized. He claims on appeal evidentiary error, insufficient evidence and disproportionate sentence. Under briefing schedule. (Jefferson County)
Appellate	Bissett, Lara	APP-19-0107	19-0499	Supreme Court - WV	State of West Virginia v. Michael Glen Kennedy (19-0499)	Petitioner alleges error regarding admission of photos, statements, 404(b) evidence, sentencing and denial of post-trial motions. Under briefing schedule. (McDowell County)
Appellate	Bissett, Lara	APP-19-0137	19-0601	Supreme Court - WV	State of West Virginia v. Tyler Howard Graening (19-0601)	Direct appeal raising insufficiency of evidence and disproportionate sentencing. Under briefing schedule. (Harrison County)
Appellate	Bissett, Lara	APP-19-0139	19-0619	Supreme Court - WV	State of West Virginia v. Karl Justin Dunn, III (19-0619)	Direct appeal alleging warrantless search of Petitioner's cell phone, 404(b) error, and cumulative error. Under briefing schedule. (Jefferson County)
Appellate	Bissett, Lara	APP-19-0150	19-0674	Supreme Court - WV	State of West Virginia v. Melissa Anne McAtee (19-0674)	Direct appeal raising failure to disclose exculpatory evidence, Brady violations, and prosecutorial misconduct. Under briefing schedule. (Harrison County)
Appellate	Bissett, Lara	APP-19-0154	19-0738	Supreme Court - WV	State of West Virginia v. Dale F. (19-0738)	Petitioner appealing denial of motion to withdraw Alford/Kennedy plea alleging abuse of discretion. Under briefing schedule. (Marion County)
Appellate	Bissett, Lara	APP-19-0176	19-0810	Supreme Court - WV	State of West Virginia v. William B. Padgett (19-0810)	Appealing order denying Motion for reduction of sentence and alternative sentencing; alleging plain error, failure to make factual findings and abuse of discretion by trial court. Under briefing schedule. (Barbour County)
Appellate	Bissett, Lara	APP-19-0211	19-0898	Supreme Court - WV	James Larkin Maynard v. Russell Maston, Superintendent (19-0898)	Appeal arising from denial of habeas petition and Rule 35 reconsideration motion; alleges double jeopardy violation and ineffective assistance of counsel. Under briefing schedule. (Cabell County)
Appellate	Bissett, Lara	APP-19-0198	19-0931	Supreme Court - WV	State of West Virginia v. Phillip J. Wilson, Jr. (19-0931)	Petitioner alleging condition of supervised release that prohibits contact with his children is illegal under the supervised release statute. Under briefing schedule. (Wood County)
Appellate	Bissett, Lara	APP-19-0218	19-0941	Supreme Court - WV	Lawrence K. Hinkle v. Charles Williams, Superintendent (19-0941)	Successive habeas alleging ineffective assistance of habeas counsel. Under briefing schedule. (Mingo County)
Appellate	Bissett, Lara	APP-19-0201	19-0957	Supreme Court - WV	State of West Virginia v. Lamere S. Troup (19-0957)	Direct appeal alleging disproportionate sentencing. Under briefing schedule. (Upshur County)
Appellate	Charnock, Jane	APP-18-0225	18-0923	Supreme Court - WV	State of West Virginia v. Leland P. (18-0923)	Petitioner was convicted of sexual offenses against his minor stepdaughter. He alleges the circuit court erred in admitting certain testimony from the State and excluding certain of his proffered testimony. (Summers County)
Appellate	Cunningham, Abby	APP-18-0194	18-0779	Supreme Court - WV	George Street v. R. S. Mutter, Superintendent (18-0779)	Appeal of successive habeas corpus action alleging ineffective assistance of counsel in connection with plea and ineffective assistance of appellate counsel. Briefing completed. (Mercer County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Fisher, Keith	APP-18-0076	18-0271	Supreme Court - WV	Edward Jesse Dreyfuss, In Re: Application to Present Complaint to Grand Jury (18-0271)	Appeal from denial of application to present a complaint before a session of the Cabell County Grand Jury alleging former prosecuting attorney procured and induced perjured testimony by a witness before the grand jury. Scheduled for Oral Argument. (Cabell County)
Appellate	Flanigan, Holly	APP-18-0053	18-0141	Supreme Court - WV	State of West Virginia v. John Henry Hoyle (18-0141)	Direct appeal from convictions for failure to register as sex offender and recidivism alleging instructional error, insufficient evidence, disproportionate sentence. Briefing completed. (Randolph County)
Appellate	Flanigan, Holly	APP-18-0118	18-0418	Supreme Court - WV	James R. L. Meadows v. Ralph Terry, Acting Warden (18-0418)	Habeas corpus appeal by petitioner convicted of murder of a child alleging ineffective assistance of counsel and cumulative error. Briefing completed. (Monroe County)
Appellate	Flanigan, Holly	APP-18-0119	18-0427	Supreme Court - WV	Tony Galloway v. R. S. Mutter, Warden (18-0427)	Habeas corpus appeal by convicted murderer alleging ineffective assistance of counsel, sentence contrary to plea agreement, and disproportionate sentence. Briefing completed. (Wood County)
Appellate	Flanigan, Holly	APP-18-0134	18-0451	Supreme Court - WV	State of West Virginia v. Patrick S. (18-0451)	Appeal from sex offense conviction alleging insufficient evidence, failure to disclose exculpatory evidence, evidentiary and other errors. Briefing completed. (Berkeley County)
Appellate	Flanigan, Holly	APP-18-0129	18-0502	Supreme Court - WV	State of West Virginia v. Edwin Mack Taylor (18-0502)	Appeal alleging error in failure to give credit for time served on charges dismissed as part of global plea agreement. Briefing completed. (Randolph County)
Appellate	Flanigan, Holly	APP-18-0131	18-0518	Supreme Court - WV	John P. v. Ralph Terry, Acting Warden (18-0518)	Habeas corpus appeal by petitioner convicted of incest alleging ineffective assistance of counsel and plea was not knowing or intelligent. Briefing completed. (Gilmer County)
Appellate	Flanigan, Holly	APP-18-0132	18-0519	Supreme Court - WV	Ballard Johnson v. Patrick Mirandy, Warden (18-0519)	Habeas corpus appeal by petitioner convicted of murder and robbery complaining of summary denial of habeas corpus relief without adequate findings. Briefing completed. (Mingo County)
Appellate	Flanigan, Holly	APP-18-0149	18-0602	Supreme Court - WV	Tony J. Walton v. Ralph Terry, Acting Warden (18-0602)	Successive habeas corpus appeal by petitioner convicted of robbery alleging ineffective assistance of prior habeas counsel and error in denial of habeas corpus relief without a hearing or appointment of counsel. Briefing completed. (Kanawha County)
Appellate	Flanigan, Holly	APP-18-0151	18-0607	Supreme Court - WV	State of West Virginia v. Ricky Parsons (18-0607)	Appeal by petitioner convicted of stolen property and obstruction charges alleging error in denial of Rule 35 (b) motion for sentence reduction. Briefing completed. (Jackson County)
Appellate	Flanigan, Holly	APP-18-0174	18-0679	Supreme Court - WV	Michael R. v. Ralph Terry, Superintendent (18-0679)	Habeas corpus appeal by sex offender alleging ineffective assistance of trial counsel, error in determining competency and criminal responsibility, guilty pleas were not knowing, intelligent or voluntary, failure to advise petitioner. Briefing completed. (Raleigh County)
Appellate	Flanigan, Holly	APP-18-0238	18-0714	Supreme Court - WV	Jamel Mitchell v. Michael Martin, Superintendent (18-0714)	Petitioner was convicted of first degree robbery, attempted first degree murder, and malicious wounding. He alleges in this appeal of a denial of his habeas of ineffective assistance of counsel. Briefing completed. (Kanawha County)
Appellate	Flanigan, Holly	APP-18-0190	18-0765	Supreme Court - WV	State of West Virginia v. Bryan R. (18-0765)	Appeal following guilty plea to sex offenses alleging error in denial of bill of particulars, denial of discovery, evidentiary errors, inadequate plea colloquy and abuse of sentencing discretion. Briefing completed. (Jackson County)
Appellate	Flanigan, Holly	APP-18-0234	18-0945	Supreme Court - WV	State of West Virginia v. Patrick C. (18-0945)	Petitioner pled guilty to third offense failure to register as a sex offender and was sentenced to 10 to 25 years of incarceration. He challenges constitutionality of his sentence. Briefing completed. (Gilmer County)
Appellate	Flanigan, Holly	APP-18-0251	18-0958	Supreme Court - WV	Denny Franklin Ervin v. Ralph Terry, Superintendent (18-0958)	Petitioner has requested transcripts of his criminal proceedings which he claims were not provided to him. He seeks, therefore, immediate release of custody. Briefing completed. (Preston County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Flanigan, Holly	APP-18-0245	18-0967	Supreme Court - WV	State of West Virginia v. Jeffrey Phipps (18-0967)	Petitioner was convicted of multiple sexual crimes. Petitioner contends the circuit court improperly denied a Daubert hearing on witnesses' testimony to improperly bolster witness credibility. Briefing completed. (Ohio County)
Appellate	Flanigan, Holly	APP-18-0258	18-0999	Supreme Court - WV	Raymond Richardson v. Ralph Terry, Superintendent (18-0999)	Petitioner was convicted of First Degree Robbery, Assault During the Commission of a Felony, and Possession with Intent to Deliver Cocaine. He alleges numerous errors in this appeal of denial of habeas corpus. Briefing completed. (Kanawha County)
Appellate	Flanigan, Holly	APP-18-0269	18-1043	Supreme Court - WV	State of West Virginia v. Kevin Woodrum (18-1043)	Petitioner was convicted of Kidnapping with mercy, Malicious Assault, Assault during the commission of a Felony, and Domestic Battery. He alleges instructional error and a double jeopardy violation. Briefing completed. (Boone County)
Appellate	Flanigan, Holly	APP-18-0256	18-1055	Supreme Court - WV	State of West Virginia v. Jack R. Watts (18-1055)	Petitioner appeals the denial of his Rule 35(b) motion as untimely. Briefing completed. (Ohio County)
Appellate	Flanigan, Holly	APP-19-0002	18-1131	Supreme Court - WV	State of West Virginia v. Daren B. (18-1131)	Petitioner entered a guilty plea to Distribution and Exhibiting of Material Depicting a Minor in Sexually Explicit Conduct. Petitioner is challenging the circuit court's no contact with the victim. Briefing completed. (Monongalia County)
Appellate	Flanigan, Holly	APP-19-0012	19-0017	Supreme Court - WV	State of West Virginia v. Michael Wayne Cain (19-0017)	Petitioner pled guilty to Child Abuse Resulting in Injury, Domestic Battery, and Child Abuse Creating a Substantial Risk of Bodily Injury. Petitioner alleges errors which lead to his probation being revoked. Briefing completed. (Calhoun County)
Appellate	Flanigan, Holly	APP-19-0034	19-0121	Supreme Court - WV	State of West Virginia v. Robert Lee Lewis (19-0121)	Petitioner was convicted of Burglary, Abduction with Intent to Defile, and Second Degree Sexual Assault. He alleges disproportionate sentence, ineffective assistance of habeas counsel, and flawed jury instructions. Briefing completed. (Kanawha County)
Appellate	Flanigan, Holly	APP-19-0037	19-0141	Supreme Court - WV	State of West Virginia v. Michael Parsons (19-0141)	Petitioner was convicted of misdemeanor battery. He alleges on appeal that the circuit court erred in concluding that the Petitioner was not privileged to use force in defense of his property. Under briefing schedule. (Jackson County)
Appellate	Flanigan, Holly	APP-19-0038	19-0142	Supreme Court - WV	State of West Virginia v. Mark A. Wilson, Jr. (19-0142)	Petitioner was convicted of Fleeing. He alleges insufficiency of the evidence to sustain this conviction. Briefing completed. (Harrison County)
Appellate	Flanigan, Holly	APP-19-0110	19-0187	Supreme Court - WV	SER, Edward Dreyfuss v. Karen Pszczolkowski, Superintendent (19-0187)	Original jurisdiction habeas, petitioner alleges ineffective assistance of counsel, prosecutorial misconduct, Brady violations, and judicial misconduct. Briefing completed. (Cabell County)
Appellate	Flanigan, Holly	APP-19-0051	19-0190	Supreme Court - WV	Melvin S. v. Donnie Ames, Superintendent (19-0190)	Petitioner was convicted of sexual offenses. He alleges in this appeal that he was entitled to an omnibus hearing, that there was ineffective assistance of counsel, that his right to be present was violated, and prosecutorial misconduct. Briefing completed. (Berkeley County)
Appellate	Flanigan, Holly	APP-19-0043	19-0218	Supreme Court - WV	In Re: B. M. (19-0218)	Petitioner was adjudicated a status offender. She was placed in a residential treatment facility. She is appealing her placement. Briefing completed. (Wood County)
Appellate	Flanigan, Holly	APP-19-0058	19-0230	Supreme Court - WV	Steven Mahood v. Donnie Ames, Superintendent (19-0230)	Petitioner was convicted of Murder without Mercy. On appeal of an unsuccessful habeas he contends there was not an impartial jury, ineffective assistance of counsel, instructional error, and prosecutorial misconduct. Briefing completed. (Jackson County)
Appellate	Flanigan, Holly	APP-19-0056	19-0232	Supreme Court - WV	State of West Virginia v. William R. (19-0232)	Petitioner pled to two Counts of First Degree Sexual Abuse and Distribution of a Non-Narcotic Controlled Substance to a Minor. Petitioner challenges his three 1 to 5 year consecutive sentences as excessive. Briefing complete. (Putnam County)
Appellate	Flanigan, Holly	APP-19-0065	19-0256	Supreme Court - WV	State of West Virginia v. William White Williams, II (19-0256)	Petitioner was convicted of misdemeanor battery in Magistrate and Circuit Court of Pocahontas County. He alleges judicial and prosecutorial misconduct, ineffective assistance of counsel, evidentiary error, and insufficient evidence. Briefing completed. (Pocahontas County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Flanigan, Holly	APP-19-0067	19-0259	Supreme Court - WV	State of West Virginia v. Jamal A. Azeez (19-0259)	Petitioner was designated as a Sexually Violent Predator. He appeals the decision of the circuit court to continue to require his sexual offender registration. Briefing completed. (Raleigh County)
Appellate	Flanigan, Holly	APP-19-0069	19-0304	Supreme Court - WV	Zachary Knotts v. State of West Virginia (19-0304)	Petitioner was convicted of making Terrorist Threats. He appeals the denial of his coram nobis petition in circuit court. Briefing completed. (Marion County)
Appellate	Flanigan, Holly	APP-19-0085	19-0359	Supreme Court - WV	State of West Virginia v. Brian Joseph Ward (19-0359)	Petitioner is alleging abuse of discretion by Circuit Court in denying hearing on his motion for new trial based on newly discovered evidence. Under briefing schedule. (Randolph County)
Appellate	Flanigan, Holly	APP-19-0091	19-0383	Supreme Court - WV	State of West Virginia v. Steven Jacob Dukes, aka Steven Young (19-0383)	Petitioner is appealing Circuit Court denial of Motion for return of property without hearing. Briefing completed. (Marion County)
Appellate	Flanigan, Holly	APP-19-0101	19-0408	Supreme Court - WV	State of West Virginia v. Molly Jo Delgado (19-0408)	Petitioner, having pled no contest to two counts of 1st Degree murder, is appealing her sentencing of two consecutive life sentences with no mercy. Briefing completed. (Berkeley County)
Appellate	Flanigan, Holly	APP-19-0117	19-0501	Supreme Court - WV	State of West Virginia v. Mark W. Carter, Jr. (19-0501)	Direct appeal alleging insufficiency of evidence, juror misconduct, and perjured testimony. Under briefing schedule. (Jefferson County)
Appellate	Flanigan, Holly	APP-19-0105	19-0514	Supreme Court - WV	In Re: L. D. (19-0514)	Petition appealing placement in residential treatment facility after finding of delinquency. Under briefing schedule. (Wood County)
Appellate	Flanigan, Holly	APP-19-0127	19-0538	Supreme Court - WV	Andrew Scott Perry v. Donnie Ames, Superintendent (19-0538)	Successive habeas alleging abuse of discretion in summarily denying petition and ineffective assistance of habeas counsel. Under briefing schedule. (Wayne County)
Appellate	Flanigan, Holly	APP-19-0132	19-0563	Supreme Court - WV	State of West Virginia v. Bryson J. England, Jr. (19-0563)	Direct appeal alleging judicial misconduct/bias, suppression errors, prosecutorial misconduct, and error in denial of post-trial motions. Under briefing schedule. (Wood County)
Appellate	Flanigan, Holly	APP-19-0136	19-0612	Supreme Court - WV	Clayton E. Rogers v. Donnie Ames, Superintendent (19-0612)	Petitioner appeals summary denial of Habeas and seeks remand for a new trial. Under briefing schedule. (Kanawha County)
Appellate	Flanigan, Holly	APP-19-0144	19-0633	Supreme Court - WV	State of West Virginia v. Devin Michael Collins (19-0633)	Direct appeal raising insufficiency of evidence, cumulative error and failure to admit exculpatory information. Under briefing schedule. (Jefferson County)
Appellate	Flanigan, Holly	APP-19-0160	19-0753	Supreme Court - WV	SER, David Tackett v. Shawn Straughn, Superintendent (19-0753)	Original jurisdiction habeas appeal alleging ineffective assistance of counsel, Zain issues and prosecutorial misconduct. Briefing completed. (Raleigh County)
Appellate	Flanigan, Holly	APP-19-0170	19-0782	Supreme Court - WV	Clayton M. v. Charles Williams, Superintendent (19-0782)	Habeas appeal alleging ineffective assistance of counsel as a violation of due process under 14th amendment. Under briefing schedule. (Webster County)
Appellate	Flanigan, Holly	APP-19-0192	19-0851	Supreme Court - WV	Jeffrey Wright v. Charles Williams, Superintendent (19-0851)	Petitioner alleging abuse of discretion and plain error in denial of motion for new trial and new competency evaluation. Under briefing schedule. (Webster County)
Appellate	Flanigan, Holly	APP-19-0195	19-0870	Supreme Court - WV	State of West Virginia v. Barbara Brellahan (19-0870)	Appealing sentencing alleging federal and state due process violations and judicial misconduct. Under briefing schedule. (Fayette County)
Appellate	Flanigan, Holly	APP-19-0213	19-0889	Supreme Court - WV	State of West Virginia v. Jeffrey Dumire (19-0898)	Petitioner re-sentenced for direct appeal purposes after counsel failed to file; Notice of appeal alleges generally the following errors, ineffective assistance of counsel, misconduct by PA, indictment issues, reconsideration issues. Under briefing schedule. (Marion County)
Appellate	Flanigan, Holly	APP-19-0197	19-0911	Supreme Court - WV	SER, Travis Lambert v. The Honorable William J. Sadler (19-0911)	Writ of prohibition alleging prosecutorial misconduct in re-indicting petitioner with additional counts. Under briefing schedule. (Mercer County)
Appellate	Flanigan, Holly	APP-19-0203	19-0960	Supreme Court - WV	State of West Virginia v. Shannon Brooke Mills (19-0960)	Direct appeal alleging insufficiency of evidence, disproportionate sentencing, and error in allowing State to pursue Kidnapping charge without notice to the petitioner. Under briefing schedule. (Jefferson County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Flanigan, Holly	APP-18-0243	3:18-cv-01464	USDC WVSD	Jeffrey Lee Finley v. Donald F. Ames, Superintendent (3:18-cv-01464)	Petitioner was convicted of First Degree Murder and two counts of Second Degree Sexual Assault, claims the trial judge met with jury out of his presence, denial of effective assistance of counsel, Brady violation, etc. In litigation. (Cabell County)
Appellate	Grant, Elizabeth	APP-18-0086	18-0312	Supreme Court - WV	Jeffrey R. Finley v. Ralph Terry, Acting Warden (18-0312)	Habeas corpus appeal by convicted murderer alleging violation of Confrontation Clause, ineffective assistance of counsel and error in advising petitioner of his right to testify or remain silent. Briefing completed. (Logan County)
Appellate	Grant, Elizabeth	APP-18-0106	18-0404	Supreme Court - WV	Dallas Butler v. Michael Martin, Acting Warden (18-0404)	Appeal by recidivist offender from denial of successive habeas corpus petition alleging ineffective assistance of habeas counsel. Briefing completed. (Harrison County)
Appellate	Grant, Elizabeth	APP-18-0141	18-0441	Supreme Court - WV	State of West Virginia v. Robert Jack Bohigan (18-0441)	Appeal from conviction for entry of building other than a dwelling with assignments of error to be determined. Briefing completed. (Marion County)
Appellate	Grant, Elizabeth	APP-18-0111	18-0480	Supreme Court - WV	State of West Virginia v. Anna Marie D'Annunzio (18-0480)	Appeal alleging error in refusal of request to expunge felony arrest for delivery of controlled substance (marijuana) in connection with guilty pleas. Briefing completed. (Harrison County)
Appellate	Grant, Elizabeth	APP-18-0127	18-0498	Supreme Court - WV	State of West Virginia v. Michael Shawn Rexrode (18-0498)	Appeal from circuit court's order affirming magistrate court conviction for domestic battery alleging warrantless entry, evidentiary and other errors. Briefing completed. (Grant County)
Appellate	Grant, Elizabeth	APP-18-0157	18-0624	Supreme Court - WV	State of West Virginia v. Kevin Hamill (18-0624)	Appeal by convicted murderer alleging error in denial of motion to sever firearm charge and motion for judgment of acquittal. Briefing completed. (Berkeley County)
Appellate	Grant, Elizabeth	APP-18-0158	18-0628	Supreme Court - WV	State of West Virginia v. Courtney L. Hamill (18-0628)	Appeal by convicted murderer alleging error in denial of motion for judgment of acquittal, improper response to jury question and other errors to be determined. Briefing completed. (Berkeley County)
Appellate	Grant, Elizabeth	APP-18-0173	18-0666	Supreme Court - WV	State of West Virginia v. Richard F. (18-0666)	Appeal from conviction for sex offenses alleging insufficient evidence and error in denial of motion for judgment of acquittal, error in excluding social media evidence and ineffective assistance of trial counsel. Briefing completed. (Marion County)
Appellate	Grant, Elizabeth	APP-18-0176	18-0688	Supreme Court - WV	Don Galloway v. Ralph Terry, Superintendent (18-0688)	Habeas corpus appeal by petitioner serving life recidivist sentence alleging ineffective assistance of appellate counsel and misconduct by the State in failing to submit a complete transcript of relevant trial testimony for Court's consideration. Briefing completed. (Summers County)
Appellate	Grant, Elizabeth	APP-18-0201	18-0834	Supreme Court - WV	State of West Virginia v. Robert Frank Baldwin (18-0834)	Petitioner seeks reversal of conviction for failing to notify State Police about his Facebook account. Alleging statement should have been suppressed and insufficient evidence to sustain conviction. Briefing completed. (Ohio County)
Appellate	Grant, Elizabeth	APP-18-0219	18-0862	Supreme Court - WV	State of West Virginia v. Nicholas Heaton (18-0862)	Petitioner's probation was revoked and sentence was executed. Petitioner alleges he should have only been give a 60 day "shock" incarceration under the probation statue. Briefing completed. (Mercer County)
Appellate	Grant, Elizabeth	APP-18-0221	18-0906	Supreme Court - WV	State of West Virginia v. Tyler Brett Kennedy (18-0906)	Petitioner alleges that the circuit court erred in finding Petitioner's Battery was sexually motivated. Briefing completed. (Jefferson County)
Appellate	Grant, Elizabeth	APP-18-0226	18-0920	Supreme Court - WV	State of West Virginia v. Jason C. (18-0920)	Petitioner pled guilty to one count of First Degree Sexual Assault. He alleges that the circuit court relied on impermissible factors in sentencing. Briefing completed. (Morgan County)
Appellate	Grant, Elizabeth	APP-18-0248	18-0970	Supreme Court - WV	State of West Virginia v. Brian C. Clark (18-0970)	Petitioner pled guilty to Second Degree Robbery and two counts of Conspiracy to Commit Robbery. Petitioner asked for placement at Anthony Center which the circuit court denied, believed it lacked jurisdiction to sentence to Anthony Center. Briefing completed. (Berkeley County)
Appellate	Grant, Elizabeth	APP-18-0267	18-1036	Supreme Court - WV	State of West Virginia v. Kenneth Andrew Rogers, II (18-1036)	Petitioner pled no contest to one count of embezzlement. He contends that under the plea the State was to recommend supervised probation and did not. Petitioner was sentenced to prison. Petitioner seeks probation. Briefing completed. (Berkeley County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Grant, Elizabeth	APP-18-0271	18-1068	Supreme Court - WV	State of West Virginia v. Derrick Dewayne Berry (18-1068)	Petitioner was convicted of sexual offenses. Petitioner alleges that the State produced insufficient evidence, prejudicial discovery violation, and claims he was denied a racially representative jury. Briefing completed. (Jefferson County)
Appellate	Grant, Elizabeth	APP-19-0004	18-1105	Supreme Court - WV	Monica Boggs v. J. D. Sallaz, Superintendent (18-1105)	Petitioner was convicted of Death of Child by a Parent, Child Abuse Causing Bodily Injury, and Gross Neglect Causing Substantial Risk of Serious Bodily Injury. Appealing court's denial of habeas petition alleging ineffective assistance of counsel. Completed briefing. (Berkeley County)
Appellate	Grant, Elizabeth	APP-19-0019	18-1119	Supreme Court - WV	John Workman v. Karen Pszczokowski, Superintendent (18-1119)	Petitioner convicted of Murder, Burglary, Forgery, and Uttering. Petitioner argues that his counsel was ineffective and that the court lacked jurisdiction. Briefing completed. (Raleigh County)
Appellate	Grant, Elizabeth	APP-19-0021	19-0071	Supreme Court - WV	State of West Virginia v. Ethan Strope (19-0071)	The Petitioner was convicted of one count of First Degree Sexual Abuse. He alleges an error in the admission of 404(b) evidence. Briefing completed. (Hancock County)
Appellate	Grant, Elizabeth	APP-19-0165	19-0759	Supreme Court - WV	SER, Michael E. Valentine v. Bryan Lanham, Superintendent (19-0759)	Original jurisdiction habeas alleging ineffective assistance of counsel and speedy trial violations. Briefing completed. (Preston County)
Appellate	Grant, Elizabeth	APP-19-0187	19-0793	Supreme Court - WV	Alexander Calvin Bosley v. J. D. Sallaz, Superintendent (19-0793)	Habeas appeal alleging ineffective assistance of counsel. Under briefing schedule. (Harrison County)
Appellate	Grant, Elizabeth	APP-19-0181	19-0829	Supreme Court - WV	State of West Virginia v. Charles W. Mauller (19-0829)	Alleging unconstitutionality of recidivist sentencing, abuse of discretion for failure to provide competency evaluation, and 404(b) error regarding past violent incidents with same victim. Under briefing schedule. (Taylor County)
Appellate	Grant, Elizabeth	APP-19-0182	19-0831	Supreme Court - WV	State of West Virginia v. Edward C. (19-0831)	Alleging defects in indictment and double jeopardy violations. Pending habeas case in Circuit Court. Under briefing schedule. (Jackson County)
Appellate	Grant, Elizabeth	APP-19-0199	19-0958	Supreme Court - WV	State of West Virginia v. Shawn B. (19-0958)	Direct appeal alleging errors regarding insufficiency of evidence, bias, and excessive sentence. Under briefing schedule. (Mingo County)
Appellate	Johnson, Scott	APP-16-0216	1:16-cv-169	USDC WVND	Kilton L. Kitchen v. David Ballard (1:16-cv-169)	Federal habeas corpus petition alleging ineffective assistance of counsel in connection with first degree murder and conspiracy charges. Stayed pending exhaustion of state court remedies. (Harrison County)
Appellate	Johnson, Scott	APP-17-0141	1:17-cv-95	USDC WVND	Thomas Grantham, Jr. v. David Ballard, Warden (1:17-cv-95)	Federal habeas corpus petition alleging ineffective assistance of counsel, failure to sever trial, and several other errors arising from convictions for second degree murder, attempted second degree murder and malicious wounding. In litigation. (Berkeley County)
Appellate	Johnson, Scott	APP-18-0213	1:18-cv-00402	USDC WVSD	Trayvon Strange v. Ralph Terry, Superintendent (1:18-cv-00402)	Federal habeas corpus filed by Petitioner alleging ineffective assistance of counsel at plea hearing. In litigation. (Mercer County)
Appellate	Johnson, Scott	APP-18-0099	1:18-cv-749	USDC WVSD	Ronnie D. Redden v. Michael Martin, Warden (1:18-cv-749)	Federal habeas corpus action by sex offender alleging ineffective assistance of counsel and other issues. In litigation. (Mercer County)
Appellate	Johnson, Scott	APP-18-0100	1:18-cv-751	USDC WVSD	Ronnie D. Redden v. Michael Martin, Warden (1:18-cv-751)	Federal habeas corpus action by sex offender alleging ineffective assistance of counsel and other issues. In litigation. (Mercer County)
Appellate	Johnson, Scott	APP-19-0190	1:19-cv-570	USDC WVSD	Michael Greene v. Charles Williams, Superintendent (1:19-cv-570)	Habeas alleging wrongful conviction, ineffective assistance of counsel for failure to appeal, and insufficiency of evidence. Under briefing schedule. (Mercer County)
Appellate	Johnson, Scott	APP-17-0183	17-0646	Supreme Court - WV	State of West Virginia v. Raymond Thomas McIntire (17-0646)	Direct appeal from sex offense convictions alleging improper expert testimony and various evidentiary errors. Briefing completed. (Harrison County)
Appellate	Johnson, Scott	APP-18-0038	18-0102	Supreme Court - WV	Randy S. Cooper v. Patrick Mirandy, Warden (18-0102)	Habeas corpus appeal by convicted murderer alleging ineffective assistance, involuntary plea, incompetency at time of plea. Briefing completed. (Cabell County)
Appellate	Johnson, Scott	APP-18-0055	18-0137	Supreme Court - WV	State of West Virginia v. Anthony Raheem Arriaga (18-0137)	Direct appeal from felony murder conviction alleging instructional error, refusal to permit inspection of victim's cell phone, denial of change of venue, spoliation of evidence, prosecutorial misconduct, and untimely disclosure of evidence. Briefing completed. (Mingo County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-18-0092	18-0339	Supreme Court - WV	State of West Virginia v. Robert L. Brown, Jr. (18-0339)	Direct appeal from guilty plea to second degree murder alleging ineffective assistance of trial counsel. Pled guilty to second degree murder, effective sentence of 40 years in penitentiary. Briefing completed. (Fayette County)
Appellate	Johnson, Scott	APP-18-0097	18-0349	Supreme Court - WV	State of West Virginia v. Benny W. (18-0349)	Appeal by sex offender alleging error in admitting Facebook messages without proper authentication, insufficient evidence, error in denial of motions to strike prospective jurors, limitation on character evidence and error in sentencing. Briefing completed. (Ritchie County)
Appellate	Johnson, Scott	APP-18-0103	18-0406	Supreme Court - WV	State of West Virginia v. Oscar Chapman (18-0406)	Appeal following murder, robbery, and burglary convictions alleging various evidentiary errors. Briefing completed. (Marion County)
Appellate	Johnson, Scott	APP-18-0130	18-0510	Supreme Court - WV	Keith R. Jeffers v. Ralph Terry, Acting Warden (18-0510)	Habeas corpus appeal by petitioner convicted of triple murder alleging error in denial of habeas corpus relief without a hearing or appointment of counsel. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-18-0143	18-0574	Supreme Court - WV	State of West Virginia v. Alex Holden (18-0574)	Appeal alleging error in decision to grant State's motion to dismiss without prejudice where co-defendant was incarcerated in Ohio but State did not exercise rights under Interstate Agreement, allegedly violated petitioner's rights. Briefing completed. (Wood County)
Appellate	Johnson, Scott	APP-18-0165	18-0576	Supreme Court - WV	State of West Virginia v. Keith Irons (18-0576)	Appeal by petitioner convicted of conspiracy to deliver a controlled substance alleging his sentence was illegal as it was based on the circuit court's consideration of impermissible considerations. Briefing completed. (Wood County)
Appellate	Johnson, Scott	APP-18-0148	18-0594	Supreme Court - WV	State of West Virginia v. Dennis S. (18-0594)	Appeal from conviction for sex offenses alleging Confrontation Clause error in permitting psychologist expert to testify to findings and opinions in report prepared by unavailable subordinate. Briefing completed. (Calhoun County)
Appellate	Johnson, Scott	APP-18-0167	18-0649	Supreme Court - WV	State of West Virginia v. David N. (18-0649)	Appeal by sex offender alleging his prison sentence was excessive and failure to grant alternative sentencing was an abuse of discretion. Briefing completed. (Preston County)
Appellate	Johnson, Scott	APP-18-0182	18-0699	Supreme Court - WV	Arthur C. v. Ralph Terry, Superintendent (18-0699)	Habeas corpus appeal by complaining of summary dismissal of petition alleging ineffective assistance of counsel and other errors in connection with underlying sex offense convictions. Briefing completed. (Marshall County)
Appellate	Johnson, Scott	APP-18-0184	18-0701	Supreme Court - WV	Jonathan Lind v. Ralph Terry, Superintendent (18-0701)	Successive habeas corpus appeal complaining of summary dismissal of petition alleging ineffective assistance of counsel and court's refusal to order preparation of hearing transcripts. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-18-0191	18-0769	Supreme Court - WV	State of West Virginia v. William N. (18-0769)	Appeal from denial of Rule 35(b) motion alleging abuse of discretion because sentence imposed after successful habeas corpus action exceeded sentence imposed after plea prior to that action. Briefing completed. (Monongalia County)
Appellate	Johnson, Scott	APP-18-0206	18-0813	Supreme Court - WV	State of West Virginia v. Jason McClain Phillips (18-0813)	Appeal of conviction alleging the court abused its discretion in sentencing him to consecutive sentences. Briefing completed. (Marshall County)
Appellate	Johnson, Scott	APP-18-0212	18-0851	Supreme Court - WV	State of West Virginia v. Lena Marie Conway (18-0851)	Parental murder case, Petitioner alleges insufficient evidence, a Brady violation, failure to allow defendant to hire a jury consultant and failing to grant a change of venue, failure to consider pro se post-trial motions and errors. Briefing completed. (Lewis County)
Appellate	Johnson, Scott	APP-19-0016	18-0866	Supreme Court - WV	Joseph Shaw v. Donnie Ames, Superintendent (18-0866)	Petitioner pled guilty to 2nd Degree Sexual Assault. He claims ineffective assistance of counsel in that his counsel misinformed him of the sentence for kidnapping and withheld information about medical records and test. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-18-0223	18-0903	Supreme Court - WV	State of West Virginia v. Casey Ryan Moles (18-0903)	Petitioner claims his 35 year sentence is excessive and that his sentence for violation of supervised release is unconstitutional. Briefing completed. (Putnam County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-18-0246	18-0971	Supreme Court - WV	State of West Virginia v. Clifton Marcus Dent (18-0971)	Petitioner was convicted of First Degree Robbery and Unlawful Assault, received a 90 year sentence for Robbery conviction and 1 to 5 year sentence for unlawful assault. He alleges disproportionate and excessive sentence. Briefing completed. (Ohio County)
Appellate	Johnson, Scott	APP-19-0079	18-0991	Supreme Court - WV	Billy J. Townsend, II v. Donnie Ames, Superintendent (18-0991)	Petitioner pled to sex offenses. He alleges the circuit court failed to provide him with an appropriate order adjudicating his ex post facto claims. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-18-0268	18-1037	Supreme Court - WV	State of West Virginia v. Jason C. (18-1037)	Petitioner pled guilty to Sexual Abuse by a Parent, Guardian, Custodian, or Person in Position of Trust. He was sentenced to 10 to 20 years. He claims the circuit court should have given him probation. Briefing completed. (Clay County)
Appellate	Johnson, Scott	APP-18-0260	18-1040	Supreme Court - WV	State of West Virginia v. Emily Ann Swecker (18-1040)	Petitioner pled guilty to two counts of Delivery of a Controlled Substance. Petitioner appeals the decision of the circuit court to deny alternative sentencing as well as its decision to run the sentences consecutively. Briefing completed. (Randolph County)
Appellate	Johnson, Scott	APP-18-0262	18-1042	Supreme Court - WV	State of West Virginia v. Jennifer Marie Wallace (18-1042)	Petitioner pled guilty to one count of Second Degree Arson. Petitioner was sentenced to seven years. She appeals her sentence and the denial of alternative sentencing. Briefing completed. (Wood County)
Appellate	Johnson, Scott	APP-18-0273	18-1079	Supreme Court - WV	State of West Virginia v. William Michael Lamb (18-1079)	Petitioner entered conditional guilty plea to two counts of Attempted Murder and one count of Malicious Assault. Plea allowed the Petitioner to appeal circuit court's determination of statements he made were admissible at trial. Briefing completed. (Ritchie County)
Appellate	Johnson, Scott	APP-19-0006	18-1088	Supreme Court - WV	Robert Edward Gura v. Karen Pszczolkowski, Superintendent (18-1088)	Petitioner was convicted of malicious assault, attempted murder, and assault during the commission of a felony. Petitioner was recidivized. Appealing court's ruling on denying habeas relief and failing to provide funds for an expert witness. Under briefing schedule. (Ohio County)
Appellate	Johnson, Scott	APP-19-0025	19-0007	Supreme Court - WV	Christopher L. Long v. Donnie Ames, Superintendent (19-0007)	Petitioner was convicted of four sexual offenses. Petitioner unsuccessfully sought habeas relief. He contends his habeas counsel was ineffective. Under briefing schedule. (Harrison County)
Appellate	Johnson, Scott	APP-19-0015	19-0037	Supreme Court - WV	State of West Virginia v. Carter Perry King (19-0037)	Petitioner was found incompetent to stand trial. Petitioner alleges the trial judge should have been recused and insufficient evidence. Briefing completed. (Marion County)
Appellate	Johnson, Scott	APP-19-0027	19-0060	Supreme Court - WV	Christopher Lee Barklow v. Donnie Ames, Superintendent (19-0060)	Petitioner pled guilty to several sex crimes. Petitioner appeals the decision of the circuit court denying him habeas relief claiming he was entitled to an evidentiary hearing and that he received ineffective assistance of counsel. Under briefing schedule. (Berkeley County)
Appellate	Johnson, Scott	APP-19-0031	19-0109	Supreme Court - WV	State of West Virginia v. Joshua Dwayne Plante (19-0109)	Petitioner was convicted of Burglary, Abduction with Intent to Defile, and Second Degree Sexual Assault. He alleges disproportionate sentence, ineffective assistance of habeas counsel, and flawed jury instructions. Under briefing schedule. (Kanawha County)
Appellate	Johnson, Scott	APP-19-0049	19-0113	Supreme Court - WV	Latasha Kanode v. J. D. Sallaz (19-0113)	Petitioner pled guilty to Murder, 1st Degree Robbery, Attempted Murder, and Conspiracy. Petitioner seeks vacation of her plea. She alleges disproportionate sentencing. Briefing completed. (Mercer County)
Appellate	Johnson, Scott	APP-19-0033	19-0133	Supreme Court - WV	SER, Raymond Justis v. Honorable Jennifer Bailey, Judge of the Circuit Court of Kanawha County (19-0133)	Petitioner claims he filed a habeas corpus petition on 08/24/17. Petitioner seeks a mandamus to move the habeas to the docket of a different judge and that counsel be appointed to represent the Petitioner. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-19-0039	19-0143	Supreme Court - WV	State of West Virginia v. Harry Lee Smith, Jr. (19-0143)	Petitioner was convicted of Kidnapping, Wanton Endangerment, and Breaking and Entering. On appeal he argues the indictment was invalid, 404(b) error, evidentiary, and instructional error. Briefing completed. (Mercer County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-19-0083	19-0186	Supreme Court - WV	Keith Ray Honey v. J. T. Binion, Superintendent (19-0186)	Petitioner pled guilty to one count of second degree sexual assault and one count of first degree sexual abuse. Petitioner alleges Circuit Court erred in denying petition for writ of habeas corpus and alleges ineffective assistance of trial counsel. Briefing completed. (Kanawha County)
Appellate	Johnson, Scott	APP-19-0046	19-0211	Supreme Court - WV	Matthew H. v. Karen Pszczolkowski, Superintendent (19-0211)	Petitioner was convicted of 1st Degree Sexual Abuse. He alleges ineffective assistance of trial, appellate, and habeas counsel, judicial bias, insufficient evidence, and cumulative error. Briefing completed. (Wood County)
Appellate	Johnson, Scott	APP-19-0057	19-0231	Supreme Court - WV	State of West Virginia v. Joseph Shumaker (19-0231)	Petitioner pled guilty to Unlawful Assault. He was sentenced to Anthony Center. Petitioner was terminated from Anthony Center and now appeals the circuit court decision to place him in the penitentiary. Briefing completed. (Berkeley County)
Appellate	Johnson, Scott	APP-19-0052	19-0253	Supreme Court - WV	State of West Virginia v. Joshua Evans (19-0253)	Petitioner was convicted of Life with Mercy. On appeal he argues 404(b) error, judicial misconduct, fifth amendment violation, and insufficient evidence. Under briefing schedule. (Grant County)
Appellate	Johnson, Scott	APP-19-0068	19-0299	Supreme Court - WV	State of West Virginia v. James H. (19-0299)	Petitioner was convicted of multiple sexual offenses. Petitioner raises numerous errors including insufficient evidence, prosecutorial misconduct, 404(b) error, evidentiary error, and other errors. (Marion County)
Appellate	Johnson, Scott	APP-19-0074	19-0327	Supreme Court - WV	State of West Virginia v. Brice Anthony Braxton (19-0327)	Petitioner was convicted of multiple charges, on appeal he alleges insufficient evidence, instructional error, and impermissibly harsh sentence. Under briefing schedule. (Upsher County)
Appellate	Johnson, Scott	APP-19-0080	19-0334	Supreme Court - WV	SER, Michael D. Hess v. Donnie Ames, Superintendent (19-0334)	Petitioner pled guilty to multiple offenses. He now alleges ineffective assistance of counsel in this original jurisdiction habeas petition. Briefing completed. (Jefferson County)
Appellate	Johnson, Scott	APP-19-0087	19-0401	Supreme Court - WV	SER, Letcher L. McKinney v. Russell Maston, Superintendent (19-0401)	Petitioner alleges coerced confession, ineffective assistance of counsel, and excessive sentence. Briefing completed. (Barbour County)
Appellate	Johnson, Scott	APP-19-0100	19-0424	Supreme Court - WV	State of West Virginia v. James K. (19-0424)	Petitioner is appealing re-sentencing hearing subsequent to a Kennedy plea for sexual assault in the first degree. Briefing completed. (Marion County)
Appellate	Johnson, Scott	APP-19-0112	19-0500	Supreme Court - WV	State of West Virginia v. Darrell Lee Williams (19-0500)	Petitioner alleges violation of 8th amendment and abuse of discretion by sentencing court by failing to make specific findings and conclusions upon which to base sentence of life without possibility of parole. Under briefing schedule. (Jackson County)
Appellate	Johnson, Scott	APP-19-0125	19-0511	Supreme Court - WV	State of West Virginia v. Kenneth A. Batey (19-0511)	Direct appeal alleging error in jury instructions relating to forgery charge, insufficiency of evidence, and cumulative error. Under briefing schedule. (Fayette County)
Appellate	Johnson, Scott	APP-19-0113	19-0524	Supreme Court - WV	Harold B. v. Donnie Ames, Superintendent (19-0524)	Successive habeas alleging ineffective assistance of habeas counsel, and error with summary denial of omnibus hearing. Briefing completed. (Harrison County)
Appellate	Johnson, Scott	APP-19-0134	19-0584	Supreme Court - WV	State of West Virginia v. Joseph Davis Cannady (19-0584)	Appeal alleging error in summary denial of motion to re-sentence for direct appeal purposes without conclusions of law or findings of fact. Under briefing schedule. (Monroe County)
Appellate	Johnson, Scott	APP-19-0153	19-0688	Supreme Court - WV	Martez A. Griffin v. Donnie Ames, Superintendent (19-0688)	Habeas appeal alleging excessive sentencing, error in denying new trial, and ineffective assistance of counsel. Under briefing schedule. (Kanawha County)
Appellate	Johnson, Scott	APP-19-0159	19-0708	Supreme Court - WV	Elwood L. Johnson v. Charles Williams, Superintendent (19-0708)	Habeas appeal alleging Zain issues regarding further laboratory testing and prejudicial testimony. Under briefing schedule. (Marion County)
Appellate	Johnson, Scott	APP-19-0166	19-0785	Supreme Court - WV	Brian Emerson Dement v. Karen Pszczolkowski, Superintendent (19-0785)	Habeas appeal alleging abuse of discretion in denial of habeas, failing to hold hearing and at the same time vacating convictions of 3 co-defendants. Under briefing schedule. (Cabell County)
Appellate	Johnson, Scott	APP-19-0179	19-0804	Supreme Court - WV	State of West Virginia v. David M. (19-0804)	Alleging failure of counsel to file timely appeal and failure of counsel to file Rule 35(b) motion resulting in ineffective assistance of counsel; requesting remand for re-sentencing. Under briefing schedule. (Harrison County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Johnson, Scott	APP-19-0214	19-0893	Supreme Court - WV	State of West Virginia v. Robert Higgins (19-0893)	Petitioner re-sentenced for direct appeal purposes after counsel failed; Notice of appeal does not allege any errors. Under briefing schedule. (Marion County)
Appellate	Johnson, Scott	APP-19-0219	19-0937	Supreme Court - WV	SER, William B. v. Russell Maston, Superintendent (19-0937)	Original jurisdiction habeas appeal alleging improper grand jury proceedings, prejudicial remarks by court, insufficiency of evidence, and ineffective assistance of counsel. Under briefing schedule. (Hardy County)
Appellate	Johnson, Scott	APP-19-0205	19-0962	Supreme Court - WV	State of West Virginia v. Roger Dale Blackburn (19-0962)	Direct appeal alleging insufficiency of evidence and disproportionate sentence. Under briefing schedule. (Wayne County)
Appellate	Johnson, Scott	APP-15-0154	2:15-cv-07458	USDC WVND	Charles Jason Lively v. David Ballard, Warden (2:15-cv-07458)	Federal habeas corpus action by petitioner convicted of murder and first degree arson alleging ineffective assistance of trial and appellate counsel as well as Brady violations and other errors. Resolving by District Court. (McDowell County)
Appellate	Johnson, Scott	APP-17-0024	2:15-cv-11422	USDC WVSD	Danny R. Swager v. David Ballard, Warden (2:15-cv-11422)	Federal habeas corpus petition arising from convictions for first degree sexual assault, second degree sexual assault, and first degree sexual abuse, and alleging premature "Allen charge" in trial and denial of right to confront accuser. In litigation. (Nicholas County)
Appellate	Johnson, Scott	APP-16-0109	2:15-cv-12744	USDC WVND	James Whitlow v. David Ballard, Warden (2:15-cv-12744)	Federal habeas corpus action by petitioner convicted of multiple counts of first degree sexual assault, sexual abuse by a parent, guardian or custodian and incest, alleging ineffective assistance of counsel, cruel and unusual punishment, prosecutorial misconduct, evidentiary and other violations. In litigation. (Fayette County)
Appellate	Johnson, Scott	APP-17-0213	2:16-cv-01853	USDC WVSD	Steven Lee Mahood v. David Ballard, Warden (2:16-cv-01853)	Federal habeas corpus petition alleging denial of impartial jury, ineffective assistance, improper denial of instruction on voluntary intoxication, prosecutorial misconduct, and improper denial of motion for judgment of acquittal by petitioner convicted of first degree murder. In litigation. (Jackson County)
Appellate	Johnson, Scott	APP-16-0145	2:16-cv-04905	USDC WVSD	Mark A. Pifer v. State of West Virginia (2:16-cv-04905)	Federal habeas corpus action by petitioner convicted of sex offenses alleging ineffective assistance of counsel and disproportionate sentence. In litigation. (Marion County)
Appellate	Johnson, Scott	APP-16-0282	2:16-cv-10949	USDC WVSD	Scott B. Burgess v. David Ballard, Warden (2:16-cv-10949)	Federal habeas corpus petition alleging ineffective assistance of counsel, irregularities in arrest and excessive bail. In litigation. (Fayette County)
Appellate	Johnson, Scott	APP-18-0203	2:17-cv-4582	USDC WVND	Raymond J. Whitley v. Randol Mutter, Warden (2:17-cv-4582)	Federal habeas petition, Petitioner alleging numerous errors. Ordered to respond on issues of timeliness and exhaustion only. In litigation. (Fayette County)
Appellate	Johnson, Scott	APP-17-0063	2:17-cv-6	USDC WVND	Elwood L. Johnson v. David Ballard, Warden (2:17-cv-6)	Federal habeas corpus petition arising from convictions for 1st degree sexual abuse and 2nd degree sexual assault, alleging violation of due process based on the testimony of Fred Zain. In litigation. (Marion County)
Appellate	Johnson, Scott	APP-12-337	5:12-cv-43	USDC WVSD	Tony Daugherty v. Dennis Dingus, Warden (5:12-cv-43)	Federal habeas corpus petition by petitioner convicted of multiple sex offenses alleging ineffective assistance of counsel and other issues. In litigation. (Summers County)
Appellate	Johnson, Scott	APP-17-0124	5:17-cv-54	USDC WVND	Stephen Herto v. John T. Murphy, Acting Warden (5:17-cv-54)	Federal habeas corpus petition alleging ineffective assistance of counsel, instructional error, and insufficient evidence arising from petitioner's conviction for solicitation of minor via computer and sexual abuse by a person in a position of trust. In litigation. (Preston County)
Appellate	Johnson, Scott	APP-17-0279	5:17-cv-993	USDC WVSD	Don Galloway v. Ralph Terry, Acting Warden (5:17-cv-993)	Federal habeas corpus action by drug offender complaining of ineffective assistance of counsel, use of perjured testimony, prosecutorial misconduct, illegal search, and cumulative error. In litigation. (Summers County)
Appellate	Johnson, Scott	APP-19-0175	5:19-cv-163	USDC WVSD	Jack Jones v. Sean Strawn, Superintendent (5:19-cv-163)	Federal petition for writ of habeas corpus alleging the Quinn-Barbe Issue and failure to provide exculpatory evidence. In litigation. (Ohio County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Lampman, Thomas	APP-18-0121	18-0445	Supreme Court - WV	State of West Virginia v. Oscar Ross Combs, Sr. (18-0445)	Appeal from murder conviction alleging violation of 3-term rule, admission of unredacted statement, improper admission of 404(b) evidence, admission of evidence without establishing chain of custody, insufficient evidence. Briefing completed. (Wyoming County)
Appellate	Lampman, Thomas	APP-18-0220	18-0908	Supreme Court - WV	State of West Virginia v. Daniel Claude Amsler (18-0908)	Felony Murder conviction without the possibility for parole and conspiracy to commit murder. The Petitioner raises sufficiency of the evidence and a hearsay claim. Briefing completed. (Harrison County)
Appellate	Lampman, Thomas	APP-19-0208	19-0894	Supreme Court - WV	State of West Virginia v. Kenneth L. McCoy, Jr. (19-0894)	Direct appeal alleging errors regarding involuntary confession, waiver of counsel, due process violations arising from failure to provide counsel timely, insufficiency of evidence, and prompt presentment issues. Under briefing schedule. (Wood County)
Appellate	Nease-Proper, Andrea	APP-18-0202	1:18-cv-464	USDC WVND	Richard Scott Bennett v. Ralph Terry, Superintendent (1:18-cv-464)	Petitioner was convicted of first degree murder without mercy. Federal habeas petitioner alleges ineffective assistance of counsel, unlawful confession, jury pool was unduly restrictive and the Court denied a change of venue. In litigation. (Monroe County)
Appellate	Nease-Proper, Andrea	APP-17-0042	17-0068	Supreme Court - WV	Dennis John Rydbom v. Marvin Plumley, Warden (17-0068)	Petitioner's habeas corpus appeal addresses numerous alleged errors arising from petitioner's first degree murder conviction. Effectively stayed pending determination as to whether petitioner wishes to prosecute his appeal pro se. Briefing completed. (Wood County)
Appellate	Nease-Proper, Andrea	APP-18-0047	18-0162	Supreme Court - WV	State of West Virginia v. Mariya Ajena Jones (18-0162)	Direct appeal by petitioner convicted of murdering her child alleging error in denial of motion to sever trial of co-defendants, violation of double jeopardy principles, failure to disclose evidence, and admission and refusal of expert testimony. Briefing completed. (Cabell County)
Appellate	Nease-Proper, Andrea	APP-18-0061	18-0207	Supreme Court - WV	State of West Virginia v. Hayden Damian Drakes (18-0207)	Direct appeal from murder conviction alleging instructional error, prosecutorial misconduct, insufficient evidence of intent to kill and erroneous treatment of evidence of flight. Briefing completed. (Cabell County)
Appellate	Nease-Proper, Andrea	APP-18-0068	18-0283	Supreme Court - WV	State of West Virginia v. Elizabeth Ladybird Jenkins (18-0283)	Direct appeal from felony murder conviction alleging error in failure to suppress confession. Briefing completed. (Harrison County)
Appellate	Nease-Proper, Andrea	APP-18-0102	18-0380	Supreme Court - WV	State of West Virginia v. Douglas Neumeyer (18-0380)	Appeal by sex offender alleging Brady violation, error in denying continuance of trial, evidentiary error and abuse of discretion in sentencing. Briefing completed. (Cabell County)
Appellate	Nease-Proper, Andrea	APP-18-0120	18-0449	Supreme Court - WV	Ronnie L. Gunther v. Ralph Terry, Acting Warden (18-0449)	Habeas corpus appeal by petitioner convicted of murder alleging ineffective assistance of counsel and unknowing and involuntary plea. Briefing completed. (Wayne County)
Appellate	Nease-Proper, Andrea	APP-18-0113	18-0459	Supreme Court - WV	State of West Virginia v. Theresa M. Vanmeter (18-0459)	Appeal alleging error in sentencing following guilty pleas to drug and other offenses. Briefing completed. (Grant County)
Appellate	Nease-Proper, Andrea	APP-18-0115	18-0479	Supreme Court - WV	State of West Virginia v. Keith D. (18-0479)	Appeal of conviction for unlawful firearm possession and recidivism alleging evidentiary errors, juror misconduct, insufficient evidence and disproportionate sentence. Briefing completed. (Summers County)
Appellate	Nease-Proper, Andrea	APP-18-0128	18-0499	Supreme Court - WV	State of West Virginia v. Roger Riggs (18-0499)	Appeal from revocation of extended supervised release alleging error in failing to grant continuance of revocation hearing to evaluate competency issues. Briefing completed. (Jefferson County)
Appellate	Nease-Proper, Andrea	APP-18-0152	18-0608	Supreme Court - WV	State of West Virginia v. Joshua Deem (18-0608)	Appeal from conviction for soliciting minor via computer alleging error in failing to suppress evidence taken from mobile telephone seized without a warrant. Briefing completed. (Harrison County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Propser, Andrea	APP-18-0156	18-0623	Supreme Court - WV	State of West Virginia v. Johnny Bowman (18-0623)	Appeal from magistrate court convictions for unlicensed operation of a salvage yard in a prohibited location alleging insufficient evidence, error in allowing State to reopen it's case and double jeopardy considerations. Briefing completed. (Roane County)
Appellate	Nease-Propser, Andrea	APP-18-0187	18-0749	Supreme Court - WV	State of West Virginia v. Robert Francis Rumble (18-0749)	Appeal from conviction for burglary and various misdemeanors alleging evidentiary errors and ineffective assistance of counsel. Briefing completed. (Morgan County)
Appellate	Nease-Propser, Andrea	APP-18-0197	18-0786	Supreme Court - WV	State of West Virginia v. Joshua Shaine Moore (18-0786)	Direct appeal of criminal conviction alleging insufficient evidence and evidentiary issues, instruction issues, and constitutional suppression issues. Briefing completed. (Berkeley County)
Appellate	Nease-Propser, Andrea	APP-18-0208	18-0817	Supreme Court - WV	State of West Virginia v. Ronald S. (18-0817)	Petitioner entered plea to one count of sexual assault by a parent, custodian, or person in trust. Petitioner alleges that plea and sentence were with no supervised release. Briefing completed. (Marion County)
Appellate	Nease-Propser, Andrea	APP-18-0229	18-0892	Supreme Court - WV	Thomas M. White v. Ralph Terry, Superintendent (18-0892)	Petitioner was convicted of two consecutive Life Sentences for Felony Murder. In the appeal of his habeas, he asserts ineffective assistance of counsel, ineffective assistance of appellate counsel, and other errors. Briefing completed. (Cabell County)
Appellate	Nease-Propser, Andrea	APP-18-0224	18-0904	Supreme Court - WV	State of West Virginia v. Christopher Wade Rebish (18-0904)	Petitioner contends the circuit court erred in sentencing him to consecutive sentences. Briefing completed. (Berkeley County)
Appellate	Nease-Propser, Andrea	APP-18-0244	18-0917	Supreme Court - WV	Robert K. Rogers v. Karen Pszczolkowski, Superintendent (18-0917)	Petitioner convicted of First Degree Murder with mercy. Petitioner alleges ineffective assistance of habeas counsel, newly discoverable evidence, and a change in law favorable to Petitioner. Briefing completed. (Kanawha County)
Appellate	Nease-Propser, Andrea	APP-18-0235	18-0946	Supreme Court - WV	State of West Virginia v. Steven John Kacenski (18-0946)	Petitioner entered a conditional Frazier v. Kennedy plea to delivery of a controlled substance. Petitioner challenges the circuit court's denial of motion to suppress. Briefing completed. (Upshur County)
Appellate	Nease-Propser, Andrea	APP-18-0252	18-0990	Supreme Court - WV	State of West Virginia v. James K. (18-0990)	Petitioner was convicted of several sexual crimes. He alleges that the trial judge was biased against him, erred in refusing to accept his guilty plea, insufficient evidence, and several other claims. Briefing completed. (Kanawha County)
Appellate	Nease-Propser, Andrea	APP-18-0266	18-1001	Supreme Court - WV	Angela Dawn Miller v. J. D. Sallaz, Warden (18-1001)	Petitioner was convicted of murder. She contends insufficient evidence, ineffective assistance of counsel, and that a juror lied during voir dire. Briefing completed. (Wyoming County)
Appellate	Nease-Propser, Andrea	APP-18-0257	18-1044	Supreme Court - WV	State of West Virginia v. Billy Edward Evans (18-1044)	Petitioner was convicted of Attempted Murder, six counts of Malicious Wounding, and five counts Wanton Endangerment. He alleges the circuit court erroneously denied his request for new counsel and prohibited him from asserting self-defense. Briefing completed. (Berkeley County)
Appellate	Nease-Propser, Andrea	APP-18-0272	18-1069	Supreme Court - WV	State of West Virginia v. Devonte Ryshad Woods (18-1069)	Petitioner was convicted of several counts of Wanton Endangerment with a Firearm and Gross Child Neglect Creating Substantial Risk of Serious Bodily Harm. Alleges insufficient evidence, impermissible judicial comments to jury, and other claims. Briefing completed. (McDowell County)
Appellate	Nease-Propser, Andrea	APP-19-0008	18-1132	Supreme Court - WV	State of West Virginia v. Christopher Russell Mills (18-1132)	Petitioner conditionally pled guilty to being a felon in possession of a firearm. Petitioner contends that his predicate felony was not violent and that West Virginia Code 61-7-7(b) is void for vagueness because it does not define violent. Briefing completed. (Mingo County)
Appellate	Nease-Propser, Andrea	APP-19-0010	19-0005	Supreme Court - WV	State of West Virginia v. Nicholas Varlas (19-0005)	Petitioner was convicted of Second Degree Sexual Assault and Attempt to Commit First Degree Sexual Abuse. Original convictions were reversed on appeal. Petitioner alleges the failure of the court to grant him probation denies him due process. Briefing completed. (Brooke County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Propert, Andrea	APP-19-0028	19-0006	Supreme Court - WV	State of West Virginia v. Jeremy S. (19-0006)	Petitioner was convicted of multiple sexual charges. He appeals claiming discovery violation, insufficient evidence, failing to strike a juror, evidentiary error, and failure to grant post-trial motions concerning the victim's testimony. Briefing completed. (Calhoun County)
Appellate	Nease-Propert, Andrea	APP-19-0032	19-0108	Supreme Court - WV	State of West Virginia v. Granvill M. (19-0108)	Petitioner was convicted of numerous sex offenses. On appeal he contends that there was inadmissible expert testimony, the court erred in failing to order the State to provide specific dates of offenses, and that there was insufficient evidence. Briefing completed. (Cabell County)
Appellate	Nease-Propert, Andrea	APP-19-0044	19-0185	Supreme Court - WV	Ruben Castillo v. J. T. Binion, Superintendent (19-0185)	Petitioner was convicted of 1st Degree Sexual Assault, Domestic Battery, and Violation of a Domestic Violence Protective Order. Petitioner contends in this successive habeas that his rights were violated concerning a witness' Fifth Amendment rights. Briefing completed. (Berkeley County)
Appellate	Nease-Propert, Andrea	APP-19-0042	19-0191	Supreme Court - WV	Marcus McKinley v. Donnie Ames, Superintendent (19-0191)	Petitioner was convicted of a Murder without Mercy. He appeals the denial of habeas relief in circuit court asserting ineffective assistance of counsel. Under briefing schedule. (Mercer County)
Appellate	Nease-Propert, Andrea	APP-19-0061	19-0225	Supreme Court - WV	Keith R. v. Donnie Ames, Superintendent (19-0225)	Petitioner pled guilty to Sexual Abuse by a Parent, Guardian, or Custodian and Incest. Petitioner on appeal of his unsuccessful habeas claims ineffective assistance of counsel, involuntary plea and a harsher sentence than was expected. Under briefing schedule. (Greenbrier County)
Appellate	Nease-Propert, Andrea	APP-19-0059	19-0229	Supreme Court - WV	David Lee Adkins v. Donnie Ames, Superintendent (19-0229)	Petitioner pled to one count of First Degree Sexual Assault. On appeal of his unsuccessful habeas he alleges a number of errors. Briefing completed. (Wayne County)
Appellate	Nease-Propert, Andrea	APP-19-0070	19-0307	Supreme Court - WV	Richard Kartman v. J. T. Binion, Superintendent (19-0307)	Petitioner was convicted of First Degree Robbery. He was unsuccessful in obtaining habeas relief in circuit court and now appeals, claiming ineffective assistance of counsel. Briefing completed. (Ohio County)
Appellate	Nease-Propert, Andrea	APP-19-0071	19-0332	Supreme Court - WV	State of West Virginia v. Eric Christopher Edgar (19-0332)	Petitioner was convicted of Breaking and Entering and Destruction of Property. Petitioner is alleging insufficient evidence. Briefing completed. (Wood County)
Appellate	Nease-Propert, Andrea	APP-19-0084	19-0340	Supreme Court - WV	David John Francisco v. Donnie Ames, Superintendent (19-0340)	Petitioner pled guilty to one count of first degree murder and one count of aggravated robbery. Petitioner alleges Circuit Court erred in denying petition of writ of habeas corpus and requests a new trial due to ineffective assistance of counsel. Briefing completed. (Mason County)
Appellate	Nease-Propert, Andrea	APP-19-0090	19-0397	Supreme Court - WV	State of West Virginia v. Henry B. (19-0397)	Petitioner alleges the following errors: (1) denying motion for a new trial, (2) finding petitioner competent, (3) failure to suppress petitioner's statements. Briefing completed. (Mercer County)
Appellate	Nease-Propert, Andrea	APP-19-0097	19-0437	Supreme Court - WV	State of West Virginia v. Benjamin Ryan Taylor (19-0437)	Petitioner alleges cumulative error, suppression issues, and excessive sentencing. Under briefing schedule. (Jackson County)
Appellate	Nease-Propert, Andrea	APP-19-0094	19-0447	Supreme Court - WV	State of West Virginia v. Steven Jonathan Tewart (19-0447)	Petitioner alleging cumulative error, sufficiency of evidence, suppression/404(b) errors, and abuse of discretion in sentencing. Briefing completed. (Preston County)
Appellate	Nease-Propert, Andrea	APP-19-0109	19-0491	Supreme Court - WV	Antonio Collins v. J. R. Binion, Superintendent (19-0491)	Successive habeas alleging ineffective assistance of counsel, fundamental error in denial of habeas petition and failure to provide omnibus hearing. Briefing completed. (Kanawha County)
Appellate	Nease-Propert, Andrea	APP-19-0122	19-0523	Supreme Court - WV	State of West Virginia v. Joseph P. Hawkins (19-0523)	Petitioner alleges abuse of discretion where sentences were enhanced pursuant to West Virginia Code 60A-4-408. Briefing completed. (Fayette County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Propser, Andrea	APP-19-0118	19-0526	Supreme Court - WV	Royce Dean Burdette v. Donnie Ames, Superintendent (19-0526)	Successive habeas alleging ineffective assistance of counsel for failing to object to State's closing argument. Under briefing schedule. (Greenbrier County)
Appellate	Nease-Propser, Andrea	APP-19-0124	19-0537	Supreme Court - WV	John R. Stover v. Donnie Ames, Superintendent (19-0537)	Successive habeas alleging ineffective assistance of counsel, and abuse of discretion for summarily denying third habeas petition. Under briefing schedule. (Fayette County)
Appellate	Nease-Propser, Andrea	APP-19-0133	19-0578	Supreme Court - WV	State of West Virginia v. Jeremy Fountain (19-0578)	Appeal alleging error in summary denial of reconsideration motion. Under briefing schedule. (Summers County)
Appellate	Nease-Propser, Andrea	APP-19-0128	19-0596	Supreme Court - WV	Larry Lynn Mitchell v. Donnie Ames, Superintendent (19-0596)	Appeal of Habeas petition alleging ineffective assistance of trial counsel, disproportionate sentencing and ineffective assistance of habeas counsel. Under briefing schedule. (Monongalia County)
Appellate	Nease-Propser, Andrea	APP-19-0142	19-0634	Supreme Court - WV	State of West Virginia v. Jonathan Andrew Swiger (19-0634)	Direct appeal raising due process violations due to failure to preserve evidentiary rulings and jury selection error. Under briefing schedule. (Barbour County)
Appellate	Nease-Propser, Andrea	APP-19-0174	19-0733	Supreme Court - WV	Jason M. Compton v. Shawn Straughn, Superintendent (19-0733)	Habeas appeal alleging ineffective assistance of counsel and error in denial of motion for appointment of habeas counsel. Under briefing schedule. (Kanawha County)
Appellate	Nease-Propser, Andrea	APP-19-0157	19-0749	Supreme Court - WV	State of West Virginia v. David B. (19-0749)	Direct appeal alleging error in denying post trial motion regarding failure of jury to deliberate, insufficiency of evidence and cumulative error. Under briefing schedule. (Jefferson County)
Appellate	Nease-Propser, Andrea	APP-19-0167	19-0750	Supreme Court - WV	SER, Michael D. Hess v. Donnie Ames, Superintendent (19-0750)	Habeas appeal alleging ineffective assistance of counsel. Briefing completed. (Jefferson County)
Appellate	Nease-Propser, Andrea	APP-19-0164	19-0756	Supreme Court - WV	State of West Virginia v. Terry Butcher (19-0756)	Appealing denial of writ of mandamus regarding motion to dismiss several 10 plus year old capias warrants. Under briefing schedule. (Randolph County)
Appellate	Nease-Propser, Andrea	APP-19-0177	19-0807	Supreme Court - WV	Charles Edward Jacobs v. Shawn Straughn, Superintendent, (19-0807)	Habeas alleging abuse of discretion in denying petition for reduction of sentence and constitutional challenge to conditions of confinement. Under briefing schedule. (Kanawha County)
Appellate	Nease-Propser, Andrea	APP-19-0186	19-0849	Supreme Court - WV	Calvin Gray v. Donnie Ames, Superintendent (19-0849)	Habeas alleging denial of petitions in '98 and '06 as violative of due process, judicial misconduct, abuse of discretion, Brady violations, defective indictment, and Zain III issues. Under briefing schedule. (Kanawha County)
Appellate	Nease-Propser, Andrea	APP-19-0194	19-0860	Supreme Court - WV	State of West Virginia v. Raymond M. (19-0860)	Rule 35(b) appeal alleging abuse of discretion for denial of appointment of counsel and double jeopardy violations. Under briefing schedule. (Harrison County)
Appellate	Nease-Propser, Andrea	APP-19-0210	19-0892	Supreme Court - WV	State of West Virginia v. Mitchell H. (19-0892)	Direct appeal of sentencing order alleging error in sentencing. Notice references trial court errors (insufficiency of evidence, pre-trial rulings, cumulative error) arising from trial/verdict order which may be untimely. Under briefing schedule. (Ohio County)
Appellate	Nease-Propser, Andrea	APP-19-0200	19-0956	Supreme Court - WV	State of West Virginia v. Jamie Lee Miller (19-0956)	Direct appeal alleging errors regarding improper juror selection, insufficiency of evidence, denial of motion for new trial, and chain of custody issues. Under briefing schedule. (Calhoun County)
Appellate	Nease-Propser, Andrea	APP-19-0064	2:19-cv-188	USDC WVSD	Jason Perry v. Karen Pszczolkowski, Superintendent (2:19-cv-188)	Petitioner was convicted of numerous sexual crimes. Petitioner claims ineffective assistance of counsel, coerced confession, defective indictment, excessive sentence. Petitioner asks exhaustion be excused based on inordinate delay. In litigation. (Kanawha County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-17-0298	17-1045	Supreme Court - WV	Robert Lee Lewis v. Ralph Terry, Acting Warden (17-1045)	Habeas corpus appeal by sex offender alleging various due process violations purportedly associated with his convictions and sentence. Briefing completed. (Kanawha County)
Appellate	Niday, Mary	APP-18-0150	18-0606	Supreme Court - WV	State of West Virginia v. Brandon S. (18-0606)	Appeal by petitioner convicted of sex offenses alleging abuse of discretion in imposition of sentence. Briefing completed. (Hardy County)
Appellate	Niday, Mary	APP-18-0185	18-0713	Supreme Court - WV	Tony J. Walker v. Michael Martin, Superintendent (18-0713)	Appeal of successive habeas corpus actions complaining of summary dismissal of petition, delayed decision, abuse of discretion in sentencing and other arguments. Briefing completed. (Kanawha County)
Appellate	Niday, Mary	APP-18-0186	18-0731	Supreme Court - WV	State of West Virginia v. Jamia Coleman (18-0731)	Appeal from embezzlement conviction alleging various evidentiary errors, error in denial of motion for judgment of acquittal and other errors. Briefing completed. (Nicholas County)
Appellate	Niday, Mary	APP-18-0215	18-0897	Supreme Court - WV	State of West Virginia v. Douglas F. Kobayashi (18-0897)	Petitioner is an attorney who was convicted of witness intimidation. He alleges a Brady violation and insufficient evidence. Briefing completed. (Jefferson County)
Appellate	Niday, Mary	APP-18-0233	18-0944	Supreme Court - WV	State of West Virginia v. Vincent Paul Davis (18-0944)	Petitioner was convicted of breaking and entering. He alleges insufficient evidence. Briefing completed. (Harrison County)
Appellate	Niday, Mary	APP-18-0253	18-0989	Supreme Court - WV	State of West Virginia v. Brandon Charles Greiner (18-0989)	Petitioner was convicted of Fleeing an Officer While Under the Influence, Fleeing an Officer in a Vehicle with Reckless Disregard, and DUI. Petitioner contends error in refusing to suppress certain testimony and insufficient evidence. Briefing completed. (Wood County)
Appellate	Niday, Mary	APP-19-0020	18-1089	Supreme Court - WV	Mickey Daniel, Jr. v. Karen Pszczokowski, Superintendent (18-1089)	Petitioner convicted of Murder, Burglary, Forgery, and Uttering. Petitioner argues that his counsel was ineffective and that the court lacked jurisdiction. Briefing completed. (Raleigh County)
Appellate	Niday, Mary	APP-19-0007	18-1129	Supreme Court - WV	State of West Virginia v. Burton L. Anderson, Jr. (18-1129)	Petitioner was convicted of malicious assault and attempted murder. Petitioner alleges 404(b) errors, lack of a continuance, Brady violation, witness intimidation, etc. Briefing completed. (Ritchie County)
Appellate	Niday, Mary	APP-19-0011	19-0016	Supreme Court - WV	State of West Virginia v. David L. Ingram (19-0016)	Petitioner was convicted of Delivery of Schedule II Narcotics. He was recidivized based on an unaggravated Robbery conviction and a Third Offense Shoplifting conviction. Alleges his recidivist sentence as being disproportionate. Briefing completed. (Fayette County)
Appellate	Niday, Mary	APP-19-0086	19-0073	Supreme Court - WV	State of West Virginia v. Daniel Scott Scruggs (19-0073)	Two certified questions sent to the WV Supreme Court pf Appeals concerning kidnapping case. Case will be set for Oral Argument at a later date. Briefing completed. (Jefferson County)
Appellate	Niday, Mary	APP-19-0023	19-0078	Supreme Court - WV	State of West Virginia v. Jesse C. (19-0078)	Petitioner was convicted of numerous sexual offenses. He alleges denial of confrontation rights, insufficient evidence, suppression of statement issues, and jury misconduct. Briefing completed. (Mercer County)
Appellate	Niday, Mary	APP-19-0024	19-0087	Supreme Court - WV	Raymond Elswick v. Robin Miller, Superintendent (19-0087)	Petitioner was convicted of voluntary manslaughter, conspiracy, and recidivist. He raises a successive habeas petition charging his prior counsel with ineffectiveness. Under briefing schedule. (Roane County)
Appellate	Niday, Mary	APP-19-0048	19-0150	Supreme Court - WV	Jason Paul Lambert v. Donnie Ames, Superintendent (19-0150)	Petitioner was convicted of Sexual Abuse by Parent, Guardian, or Custodian and Display of Obscene Material to a Minor. On appeal from his unsuccessful circuit habeas, he challenges the statutory validity of the indictment. Under briefing schedule. (Marion County)
Appellate	Niday, Mary	APP-19-0035	19-0172	Supreme Court - WV	Ronald W. Holcomb v. Donnie Ames, Superintendent (19-0172)	Petitioner was convicted of Second Degree Murder and Death of a Child by a Parent by Child Abuse. He files this successive habeas petition alleging newly discovered evidence and ineffective assistance of habeas counsel. Briefing completed. (Mercer County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-19-0045	19-0173	Supreme Court - WV	Zachary Walker v. Donnie Ames, Superintendent (19-0173)	Petitioner was convicted of multiple sex offenses. He alleges ineffective assistance of counsel. Briefing complete. (Jackson County)
Appellate	Niday, Mary	APP-19-0041	19-0206	Supreme Court - WV	State of West Virginia v. Glenn B. (19-0206)	Petitioner pled guilty to sexual offenses. He claims errors in his re-sentencing. Briefing completed. (Mineral County)
Appellate	Niday, Mary	APP-19-0060	19-0223	Supreme Court - WV	State of West Virginia v. Gregory A. Smith, Jr. (19-0223)	Petitioner was convicted of a number of sexual and non-sexual offenses. On appeal he argues insufficient evidence. Briefing completed. (Berkeley County)
Appellate	Niday, Mary	APP-19-0063	19-0293	Supreme Court - WV	SER, Wilfred H. v. Kelly Lanham, Interim Superintendent (19-0293)	Petitioner was convicted of several sex crimes. Petitioner claims a Brady violation, falsified evidence, and chain of custody. Briefing completed. (Randolph County)
Appellate	Niday, Mary	APP-19-0072	19-0315	Supreme Court - WV	State of West Virginia v. Bryan Keith Allen (19-0315)	Petitioner was convicted of Conspiracy to Commit a Felony; Attempted First Degree Robbery; Unlawful Assault, etc. Petitioner claims the sentencing court imposed an impermissible sentence based on the Petitioner going to trial. Under briefing schedule. (Fayette County)
Appellate	Niday, Mary	APP-19-0077	19-0316	Supreme Court - WV	State of West Virginia v. Michael R. Hodge, Jr. (19-0316)	Petitioner was convicted of several felonies. He raises 4th and 5th Amendment issues, discovery violations, insufficient evidence, lack of competency evaluation and excessive sentence. Briefing completed. (Fayette County)
Appellate	Niday, Mary	APP-19-0088	19-0405	Supreme Court - WV	State of West Virginia v. Larry T. Huffman (19-0405)	Petitioner appealing conviction for driving while revoked for DUI, 3rd offense and alleges prosecutorial misconduct. Under briefing schedule. (Mason County)
Appellate	Niday, Mary	APP-19-0098	19-0427	Supreme Court - WV	State of West Virginia v. Michael V. (19-0427)	Petitioner appealing sentencing resulting from guilty verdict of sexual abuse by custodian. Briefing completed. (Morgan County)
Appellate	Niday, Mary	APP-19-0095	19-0452	Supreme Court - WV	State of West Virginia v. Wilson H. (19-0452)	Petitioner alleging cumulative error, sufficiency of evidence, suppression/404(b) errors, and abuse of discretion in sentencing. Briefing completed. (Preston County)
Appellate	Niday, Mary	APP-19-0103	19-0458	Supreme Court - WV	Brian Parks v. Donnie Ames, Superintendent (19-0458)	Petitioner alleges abuse of discretion and seeks reversal of denial of habeas petition. Under briefing schedule. (Kanawha County)
Appellate	Niday, Mary	APP-19-0111	19-0502	Supreme Court - WV	State of West Virginia v. Michael Joseph Taber (19-0502)	Direct appeal alleging error in jury instructions relating to forgery charge, insufficiency of the evidence, and cumulative error. Under briefing schedule. (Harrison County)
Appellate	Niday, Mary	APP-19-0120	19-0545	Supreme Court - WV	Delbert W. v. Donnie Ames, Superintendent (19-0545)	Appeal of habeas petition alleging ineffective assistance of counsel, error regarding finding of competency and cumulative error. Briefing completed. (Kanawha County)
Appellate	Niday, Mary	APP-19-0119	19-0546	Supreme Court - WV	SER, Donald C. Stout v. Kelly Lanham, Interim Superintendent (19-0546)	Original jurisdiction habeas alleging prosecutorial misconduct arising from filing of new indictment on week after dismissal of prior charges, judicial abuse of discretion from failing to hear petitioner's motion to dismiss. Briefing completed. (Preston County)
Appellate	Niday, Mary	APP-19-0143	19-0631	Supreme Court - WV	State of West Virginia v. Michael W. (19-0631)	Direct appeal of sentencing for conviction for two counts of 2nd degree sexual assault and one count 1st degree sexual abuse. Under briefing schedule. (Jefferson County)
Appellate	Niday, Mary	APP-19-0151	19-0697	Supreme Court - WV	Rickey Darrell Morgan v. Karen Pszczolkowski, Superintendent (19-0697)	Habeas appeal alleging abuse of discretion and violation of due process. Under briefing schedule. (Kanawha County)
Appellate	Niday, Mary	APP-19-0156	19-0727	Supreme Court - WV	State of West Virginia v. Donna Elizabeth Weed (19-0727)	Direct sentencing appeal alleging abuse of discretion by imposing additional two years of probation. Under briefing schedule. (Jefferson County)
Appellate	Niday, Mary	APP-19-0172	19-0788	Supreme Court - WV	Donald Ashley Johnson v. R. S. Mutter, Superintendent (19-0788)	Habeas appeal alleging insufficiency of evidence, 404(b) violations, and ineffective assistance of counsel. Under briefing schedule. (Randolph County)
Appellate	Niday, Mary	APP-19-0178	19-0806	Supreme Court - WV	Rickie Greenfield, Jr. v. Donnie Ames, Superintendent (19-0806)	Habeas appeal alleging ineffective assistance of counsel, Fourth Amendment violations of warrantless search of cell phone, and judicial misconduct. Under briefing schedule. (Berkeley County)
Appellate	Niday, Mary	APP-19-0185	19-0847	Supreme Court - WV	Larry W. v. Russel Maston, Superintendent (19-0847)	Habeas alleging plain and cumulative error resulting in unfair trial and ineffective assistance of trial counsel. Under briefing schedule. (Mercer County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-19-0209	19-0909	Supreme Court - WV	William James Bumpus v. R. S. Mutter, Superintendent (19-0909)	Habeas alleging error regarding juvenile prompt presentment rule, involuntary confession, transfer to adult status, voluntary plea, double jeopardy arising from felony murder, ineffective assistance of counsel, and cumulative error. Under briefing schedule. (Kanawha County)
Appellate	Niday, Mary	APP-19-0204	19-0961	Supreme Court - WV	State of West Virginia v. Thomas Preston Harvey (19-0961)	Direct appeal alleging error regarding plea agreement where State agreed to recommend probation with condition of restitution but remained silent and plain error. Under briefing schedule. (Mercer County)
Appellate	Niday, Mary	APP-14-0898	2:14-cv-12075	USDC WVSD	Joshua Slater v. Marvin Plumley	Petition for writ of habeas corpus filed 3/11/14. In litigation. Order directing that the Respondent answer on exhaustion and timeliness.
Appellate	Niday, Mary	APP-19-0129	2:19-cv-00487	USDC WVSD	John Rodney Johnson v. Donnie Ames, Superintendent (2:19-cv-00487)	Federal habeas appeal alleging prosecutorial misconduct, 404(b) errors, improper jury instructions, juror misconduct, and denial of fair trial where petitioner presented in restraints and prison attire. In litigation. (Cabell County)
Appellate	Niday, Mary	APP-19-0189	2:19-cv-485	USDC WVSD	Brandon Sherrod v. Donald F. Ames, Superintendent (2:19-cv-485)	Federal habeas appeal. Under briefing schedule. (Kanawha County)
Appellate	Niday, Mary	APP-19-0104	2:19-cv-53	USDC WVSD	Ronald E. Lambert, Jr. v. Donald Ames, Superintendent (2:19-cv-53)	Petitioner filed federal habeas corpus alleging violation of procedural due process in determination of competency and ineffective assistance of counsel. Petitioner pled guilty to Kidnapping and Felony Murder. Under briefing schedule. (Boone County)
Appellate	Parsley, Mindy	APP-18-0114	18-0460	Supreme Court - WV	State of West Virginia v. Shannon Scott Hines (18-0460)	Appeal from embezzlement and grand larceny convictions alleging State breached plea agreement terms concerning sentencing recommendation and abuse of discretion by court in sentencing. Briefing completed. (Wood County)
Appellate	See, Lindsay	APP-15-0219	1:15-cv-123	USDC WVSD	Eric Paul Minda v. David Ballard, Warden (1:15-cv-123)	Federal habeas corpus petition arising from convictions for first degree robbery and unlawful possession of firearm alleging ineffective assistance of counsel, imposition of cruel and unusual punishment and instructional error. Stayed pending resolution of state court proceedings. (Ohio County)
Appellate	See, Lindsay	APP-17-0166	2:17-cv-3462	USDC WVSD	Samuel Ansty v. David Ballard, Warden (2:17-cv-3462)	Federal habeas corpus petition alleging actual innocence; ineffective assistance of counsel; false testimony and invalid fire investigation techniques relating to felony murder conviction. In litigation. (Fayette County)
Appellate	Villanueva-Matkovich, Karen	APP-17-0278	1:17-cv-3021	USDC WVSD	Mark Lynn Jeffrey v. Ralph Terry, Acting Warden (1:17-cv-3021)	Federal habeas corpus action by sex offender complaining of improper admission of Rule 404(b) evidence, hearsay evidence and impeachment evidence, ineffective assistance of counsel and other grounds. In litigation. (Mercer County)
Appellate	Villanueva-Matkovich, Karen	APP-16-0231	16-0860	Supreme Court - WV	Keith Allen Dement v. David Ballard, Warden (16-0860)	Habeas corpus appeal alleging improper summary dismissal. Stayed pending resolution of proceedings in circuit court. Briefing completed. (Cabell County)
Appellate	Villanueva-Matkovich, Karen	APP-17-0215	17-0759	Supreme Court - WV	State of West Virginia v. David Eugene Huskey (17-0759)	Appeal alleging imposition of unduly harsh sentence and erroneous denial of request for alternative sentencing for petitioner who pled guilty to failure to provide notice of change in sex offender registry. Briefing completed. (Upshur County)
Appellate	Villanueva-Matkovich, Karen	APP-17-0244	17-0913	Supreme Court - WV	State of West Virginia v. Crystal Williams (17-0913)	Direct criminal appeal by petitioner convicted of child abuse resulting in serious bodily injury alleging denial of funding to employ expert, denial of continuance to consult with expert, instructional error and error in granting "jury view." Briefing completed. (Greenbrier County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0002	17-1083	Supreme Court - WV	Nathan Snyder v. Michael Martin, Acting Warden (17-1083)	Habeas corpus appeal by petitioner convicted of child abuse by parent, guardian or custodian resulting in injury, alleging ineffective assistance of counsel and denial of relief without evidentiary hearing. Briefing completed. (Berkeley County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0014	18-0001	Supreme Court - WV	Keith W. R. Lowe v. Ralph Terry, Acting Warden (18-0001)	Successive habeas corpus appeal by convicted murderer alleging numerous errors including incompetency at trial, ineffective assistance of trial and habeas counsel and other alleged errors. Briefing completed. (Kanawha County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-18-0019	18-0043	Supreme Court - WV	State of West Virginia v. Aaron Miles (18-0043)	Direct appeal by petitioner convicted of multiple crimes associated with death of child, alleging error in failure to sever trial of co-defendant, failure to disclose exculpatory and other evidence and other evidentiary and instructional errors. Briefing completed. (Cabell County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0017	18-0052	Supreme Court - WV	SER, Crystal J. Williams v. Honorable Robert A. Irons, Circuit Judge, and State of West Virginia (18-0052)	Petition for writ of prohibition by petitioner convicted of child abuse resulting in serious bodily injury complaining of revocation of post-conviction bail based on non-payment of home confinement fees and denial of hearing upon the issue. Briefing completed. (Greenbrier County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0035	18-0097	Supreme Court - WV	David Lawrence Dixon v. Ralph Terry, Acting Warden (18-0097)	Habeas corpus appeal by convicted murderer alleging the circuit court erred in denying an omnibus hearing, certain discovery, development of the record and failure to rule on petitioner's dispositive motions. Briefing completed. (McDowell County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0050	18-0139	Supreme Court - WV	State of West Virginia v. John Russell Skidmore (18-0139)	Direct appeal from conditional guilty plea challenging denial of motions to suppress petitioner's statement and evidence obtained during search of petitioner's vehicle. Briefing completed. (Monongalia County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0051	18-0160	Supreme Court - WV	State of West Virginia v. Gordon W. Swiger (18-0160)	Direct appeal from conditional guilty plea challenging denial of motions to suppress evidence obtained during search of co-defendant's vehicle. Briefing completed. (Monongalia County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0049	18-0161	Supreme Court - WV	State of West Virginia v. Nickolas Lee Velez (18-0161)	Direct appeal from conditional guilty plea challenging denial of motions to suppress petitioner's statement and evidence obtained during search of co-defendant's vehicle. Briefing completed. (Monongalia County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0046	18-0164	Supreme Court - WV	State of West Virginia v. Brian O'Neil Giff (18-0164)	Direct appeal from murder conviction alleging insufficient evidence and evidentiary errors. Briefing completed. (Jefferson County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0058	18-0206	Supreme Court - WV	State of West Virginia v. Michael Wayne Palmer (18-0206)	Direct appeal from robbery conviction and recidivist sentence alleging disproportionate sentence and errors in failing to grant continuance and admission of bad acts. Briefing completed. (Summers County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0195	18-0233	Supreme Court - WV	Thomas J. v. Ralph Terry, Superintendent (18-0233)	Habeas corpus appeal by sex offender alleging ineffective assistance of counsel, failure to permit discovery concerning newly discovered evidence and other errors. Briefing completed. (Harrison County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0067	18-0273	Supreme Court - WV	State of West Virginia v. Brandon Lee Fitzpatrick (18-0273)	Direct appeal alleging error arising from failure to honor request for counsel, mishandling of evidence, exclusion of expert testimony and other errors. Briefing completed. (Mingo County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0080	18-0304	Supreme Court - WV	Frank S. v. Patrick Mirandy, Warden (18-0304)	Habeas corpus appeal by sex offender alleging error in denial of petition without hearing or adequate findings of fact and conclusions of law, and with findings that errors had been previously adjudicated or waived. Briefing completed. (Monongalia County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0145	18-0438	Supreme Court - WV	State of West Virginia v. Ryan Ashley Hubbs (18-0438)	Petitioner, the State, seeks reversal of the dismissal of the Indictment for felony murder (Murder in the first Degree, two counts) based on the grounds of double jeopardy. (Marion County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0112	18-0481	Supreme Court - WV	State of West Virginia v. Kristofer Avery Bleck (18-0481)	Appeal alleging consideration of improper information in sentencing following no contest to burglary, conspiracy, and assault during the commission of a felony. Briefing completed. (Jefferson County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0136	18-0522	Supreme Court - WV	State of West Virginia v. Patrick S. (18-0522)	Appeal from sex offense conviction alleging insufficient evidence, failure to disclose exculpatory evidence, evidentiary and other errors. Briefing completed. (Berkeley County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-18-0140	18-0554	Supreme Court - WV	Kilton Kitchen v. Ralph Terry, Acting Warden (18-0554)	Habeas corpus appeal by petitioner convicted of murder complaining of summary denial of petition arguing ineffective assistance of counsel, prosecutorial misconduct, use of perjured testimony and more severe sentence than expected. Briefing completed. (Hampshire County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0144	18-0575	Supreme Court - WV	State of West Virginia v. Olin Matice Gaskins (18-0575)	Appeal from recidivist conviction after found guilty of felony possession of firearm following two prior delivery of controlled substance convictions, alleging insufficient evidence, disproportionate sentence in light of his current convictions. Briefing completed. (Jefferson County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0168	18-0651	Supreme Court - WV	Thomas A. Grantham, Jr. v. Ralph Terry, Superintendent (18-0651)	Habeas corpus appeal by convicted murderer alleging ineffective assistance of trial counsel, improper "concerted action" instruction, failure to sever trials of co-defendants, and cumulative error. Briefing completed. (Berkeley County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0171	18-0660	Supreme Court - WV	State of West Virginia v. Clifton D. Tasker, Jr. (18-0660)	Appeal alleging error in denial of alternative sentencing to petitioner who pled to second degree robbery. Briefing completed. (Jefferson County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0164	18-0694	Supreme Court - WV	SER, Edward Jesse Dreyfuss v. Hon. Paul T. Farrell, Circuit Judge (18-0694)	Original petition for writ of prohibition or mandamus complaining that the respondent judge ordered the disqualification of the prosecuting attorney from petitioner's habeas corpus action without a hearing. Briefing completed. (Cabell County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0188	18-0754	Supreme Court - WV	Edward Omarrah v. Karen Pszczolkowski, Superintendent (18-0754)	Habeas corpus appeal alleging petitioner's guilty pleas to murder were not knowing and voluntary and that trial counsel was ineffective with respect to diminished capacity defense, plea and appeal. Briefing completed. (Mercer County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0207	18-0818	Supreme Court - WV	State of West Virginia v. Jeffrey Lyle Sampson (18-0818)	Original petition for appeal, challenges the introduction of 404(b) evidence, evidentiary errors, and sufficiency of the evidence. Briefing completed. (Wood County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0200	18-0831	Supreme Court - WV	State of West Virginia v. Michael Buracker (18-0831)	Petitioner pled guilty to drug offenses and challenges the circuit court's decision to deny probation and to run the sentences consecutively. Briefing completed. (Berkeley County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0228	18-0833	Supreme Court - WV	Andrew R. Rios v. Ralph Terry, Superintendent (18-0833)	Appeal of sentencing order contending the sentence was disproportionate and the circuit court failed to adequately consider mitigating circumstances. Briefing completed. (Berkeley County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0215	18-0882	Supreme Court - WV	SER, David Tackett V. Hon. Darl W. Poling (18-0892)	Writ of mandamus to provide discovery to inmate prior to filing habeas corpus. Under briefing schedule. (Raleigh County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0005	18-0886	Supreme Court - WV	Stanford Allen v. Donnie Ames, Superintendent (18-0886)	Petitioner was convicted of three counts of murder. Appealing the denial of his habeas petition claiming he should have been afforded a new hearing under Zain and that court erred in finding ineffective assistance of counsel. Briefing completed. (McDowell County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0217	18-0898	Supreme Court - WV	Keith M. Molineaux v. Ralph Terry, Superintendent (18-0898)	Petitioner was convicted of two counts of First Degree Murder without Mercy. Petitioner alleges a plethora of errors. Briefing completed. (McDowell County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0222	18-0905	Supreme Court - WV	State of West Virginia v. John Henry Browning (18-0905)	Petitioner argues insufficiency of the evidence and that the circuit court erroneously failed to appoint him a new counsel for trial. Briefing completed. (Wayne County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0227	18-0937	Supreme Court - WV	State of West Virginia v. Patrick S. (18-0937)	Appeal of sentencing order contending the sentence was disproportionate and the circuit court failed to adequately consider mitigating circumstances. Briefing completed. (Berkeley County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-18-0236	18-0953	Supreme Court - WV	John Howard Williams v. Michael Martin, Superintendent (18-0953)	Petitioner was sentenced to a life sentence as a recidivist offender. He challenges his sentence under the proportionality principle of the West Virginia Constitution. Briefing completed. (Wayne County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0249	18-0969	Supreme Court - WV	State of West Virginia v. Erick D. Shute (18-0969)	Petitioner was convicted of 3 counts of First Degree Murder without mercy and several other convictions. Petitioner claims insufficient evidence, instructional error and evidentiary error. Briefing completed. (Morgan County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0265	18-1025	Supreme Court - US	Amos Gabriel Hicks v. Ralph Terry, Superintendent (18-1025)	Petitioner was convicted of First Degree Murder without mercy, Malicious Assault, and Conspiracy. He alleged 37 issues in circuit court but states due to page limitation, the actual grounds in his appeal brief will be less. Briefing completed. (McDowell County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0263	18-1047	Supreme Court - US	State of West Virginia v. Joel Michael Ziler (18-1047)	Petitioner pled guilty to two counts of Soliciting a Minor via Computer. Petitioner asserts circuit court erred in denying alternate sentencing, in imposing consecutive sentences and made mistaken findings of fact and conclusion of law. Briefing completed. (Berkeley County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0264	18-1053	Supreme Court - WV	State of West Virginia v. Steven R. Matulis (18-1053)	Petitioner was convicted of one count of sexual abuse. He asserts insufficient evidence, that the circuit court improperly excluded his expert, that the circuit court improperly allowed a State expert to testify, etc. Briefing completed. (Kanawha County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0026	19-0012	Supreme Court - WV	Cindy Allman v. J. D. Sallaz, Superintendent (19-0012)	Petitioner pled guilty to first degree murder and was sentenced to life without mercy. She unsuccessfully sought habeas relief. Petitioner claims on this appeal that a material term of plea was not fulfilled by State. Briefing completed. (Harrison County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0009	19-0015	Supreme Court - WV	State of West Virginia v. Randy H. (19-0015)	Petitioner was convicted of several sexual offenses. Petitioner alleges Prosecuting Attorney assigned his case improperly, violated his due process rights and improper actions during trial by Prosecuting Attorney. Under briefing schedule. (Wirt County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0040	19-0144	Supreme Court - WV	State of West Virginia v. Billy C. (19-0144)	Petitioner was convicted of multiple sexual offenses. On appeal he argues denial of continuance, evidentiary error, denial of motion to sever, denial of a mistrial, and destruction of evidence. Briefing completed. (Mercer County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0050	19-0179	Supreme Court - WV	Herman Catlett v. Donnie Ames, Superintendent (19-0179)	The Petitioner was convicted of Life without Mercy. In this successive habeas petition, Petitioner asserts ineffective assistance of prior habeas counsel. Briefing completed. (Berkeley County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0073	19-0333	Supreme Court - WV	State of West Virginia v. Shanique Whindleton (19-333)	Petitioner claims that the court erred in finding that the Petitioner violated a term of her deferred adjudication agreement by not proving truthful testimony. Petitioner also claims Brady violation and interpretational error. Briefing completed. (Berkeley County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0082	19-0381	Supreme Court - WV	State of West Virginia v. Michael Kandis (19-0381)	Petitioner, who in 2013 pled guilty to three counts of Robbery in the second degree, is appealing the denial of Rule 35(b) motion for modification of sentence. Under briefing schedule. (Ohio County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0092	19-0399	Supreme Court - WV	In Re: T. P. (19-0399)	Petitioner is appealing Circuit Court denial of Motion for return of property without hearing. Briefing completed. (Marion County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0102	19-0455	Supreme Court - WV	SER, Anthony Black v. Joe Wood, Superintendent (19-0455)	Original jurisdiction habeas petition, Petitioner alleges ineffective assistance of counsel, judicial conflict of interest and requests reconsideration of sentence. Briefing completed. (Mason County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0116	19-0493	Supreme Court - WV	State of West Virginia v. Brad S. (19-0493)	Direct appeal alleging (1) error in admitting Petitioner's statement and violating the prompt presentment rule and (2) violation of double jeopardy principles by failing to dismiss lesser included charge. Briefing completed. (Mercer County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-19-0108	19-0498	Supreme Court - WV	State of West Virginia v. Elbyheine Bond (19-0498)	Petitioner alleges consecutive sentences as excessive. Seeking reduction of sentence based upon abuse of discretion. Briefing completed. (Fayette County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0115	19-0504	Supreme Court - WV	State of West Virginia v. Darian R. (19-0504)	Petitioner alleges abuse of discretion by circuit court in ordering consecutive sentencing. Raises claims of cruel and unusual punishment and equal protection violations. Briefing completed. (Wetzel County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0106	19-0507	Supreme Court - WV	Ross Jenkins v. J. T. Binion, Superintendent (19-0507)	Successive Habeas Petition alleging ineffective assistance of habeas counsel and Circuit Court's abuse of discretion in denial of habeas petition without hearing. Briefing completed. (Kanawha County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0126	19-0551	Supreme Court - WV	State of West Virginia v. Robert Anthony Chester (19-0551)	Petitioner alleges abuse of discretion in denial of Rule 35(b) motion. Briefing completed. (Taylor County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0123	19-0566	Supreme Court - WV	State of West Virginia v. Matthew Starr Flanders (19-0566)	Direct appeal alleging error in admission of statement, juror misconduct, and improper sentencing under recidivist statute. Under briefing schedule. (Roane County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0135	19-0575	Supreme Court - WV	State of West Virginia v. Carl Tramane Magee (19-0575)	Petitioner alleges insufficiency of evidence, ineffective assistance of counsel, Brady errors and error in denial of post-trial motions. Under briefing schedule. (Kanawha County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0130	19-0580	Supreme Court - WV	Charles W. Chaffin v. Donnie Ames, Superintendent (19-0580)	Appeal of 2nd Habeas alleging error of summary dismissal of habeas petition and seeking remand for omnibus hearing and appointment of counsel. Under briefing schedule. (Jackson County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0131	19-0590	Supreme Court - WV	State of West Virginia v. Charles B. (19-0590)	Appeal alleging disproportionate sentencing and abuse of discretion in denial of Rule 35(a) motion. Under briefing schedule. (Nicholas County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0140	19-0623	Supreme Court - WV	Dean G., Sr. v. State of West Virginia (19-0623)	Petitioner appealing designation as sexually violent predator. Under briefing schedule. (Fayette County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0147	19-0675	Supreme Court - WV	Randy M. v. Mark Williamson, Superintendent (19-0675)	Habeas appeal alleging ineffective assistance of counsel, error in retroactively applying lifetime sex offender registration, and disproportionate sentencing. Under briefing schedule. (Hardy County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0161	19-0704	Supreme Court - WV	SER, Richard Dale West, III v. Timothy King, Superintendent (19-0704)	Original jurisdiction alleging insufficiency of evidence, double jeopardy violation due to failure of court to credit time served, and ineffective assistance of counsel. Briefing completed. (Ohio County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0158	19-0740	Supreme Court - WV	State of West Virginia v. Ercel N. (19-0740)	Direct appeal alleging abuse of discretion denying motion for alternative sentencing. Under briefing schedule. (Braxton County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0168	19-0777	Supreme Court - WV	State of West Virginia v. David Hiram Walker (19-0777)	Petitioner appealing under Rule 35(a) alleging error regarding home confinement credit towards sentence. Under briefing schedule. (Preston County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0169	19-0778	Supreme Court - WV	State of West Virginia v. David T. (19-0778)	Petitioner's appeal alleging disproportionate sentencing in violation of 8th amendment. Under briefing schedule. (Putnam County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0183	19-0840	Supreme Court - WV	State of West Virginia v. Kevin Settle (19-0840)	Rule 35(a) appeal alleging abuse of discretion in imposing sentence which exceeds statutory mandates. Under briefing schedule. (Fayette County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-19-0193	19-0865	Supreme Court - WV	State of West Virginia v. Kenneth Andrew Rogers, II (19-0865)	Petitioner alleging abuse of discretion for failure of court to consider recommendation for concurrency and other favorable factors. Under briefing schedule. (Berkeley County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0196	19-0913	Supreme Court - WV	Marcus J. Cockerham v. Donnie Ames, Superintendent (19-0913)	Original jurisdiction writ alleging ineffective assistance of trial counsel and habeas counsel. Under briefing schedule. (Mercer County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0212	19-0916	Supreme Court - WV	State of West Virginia v. Donnie Ray Miller (19-0916)	Direct appeal alleging insufficiency of evidence, improper testimony, error in evidentiary rulings, ineffective assistance of counsel regarding defendant's right to testify, prosecutorial misconduct and prejudicial identification. Under briefing schedule. (Raleigh County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0216	19-0932	Supreme Court - WV	State of West Virginia v. Timothy Arthur Lambert (19-0932)	Direct appeal of denial Rule 35(a) motion for correction of illegal sentence. Petitioner alleges abuse of discretion. Under briefing schedule. (Marion County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0217	19-0944	Supreme Court - WV	State of West Virginia v. Charles W. McClanahan, Jr. (19-0944)	Direct appeal by defense counsel of contempt of court alleging insufficiency of the evidence, evidentiary errors, and mistakes of law and fact. Under briefing schedule. (Kanawha County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0202	19-0959	Supreme Court - WV	State of West Virginia v. Evan Lee Hersman (19-0959)	Direct appeal alleging reversible error regarding improper juror selection, chain of custody issues, and insufficiency of evidence. Under briefing schedule. (Calhoun County)
Appellate	Villanueva-Matkovich, Karen	APP-16-0190	2:16-cv-06669	USDC WVSD	Morgan Shepherd v. David Ballard, Warden (2:16-cv-06669)	Federal habeas corpus petition asserting multiple grounds including ineffective assistance of counsel, arising from first degree murder conviction. Stayed pending exhaustion of state remedies. (Logan County)
Appellate	Villanueva-Matkovich, Karen	APP-17-0144	2:16-cv-07333	USDC WVND	Eric Allen Foster v. Marvin Plumley, Warden (2:16-cv-07333)	Federal habeas corpus petition arising from murder convictions and claiming ineffective assistance of counsel. Stayed and held in abeyance pending exhaustion of state court remedies. (Nicholas County)
Appellate	Villanueva-Matkovich, Karen	APP-18-0166	2:18-cv-601	USDC WVSD	Jesse James Nelson v. Patrick Mirandy, Warden (2:18-cv-601)	Federal habeas corpus action by inmate imprisoned for failure to register as sex offender alleging insufficient evidence or evidence of innocence with respect to underlying sex offense conviction. Under litigation. (Kanawha County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0017	2:19-cv-00045	USDC WVSD	Joey Keith Jeffrey v. Donald F. Ames, Superintendent (2:19-cv-00045)	Federal habeas corpus petition alleging ineffective assistance of counsel, trial judge engaged in an ex parte communication with a juror, witness was not properly sworn in, and various other allegations. Under briefing schedule. (Kanawha County)
Appellate	Villanueva-Matkovich, Karen	APP-16-0214	3:16-cv-00448	USDC WVSD	Terry L. Buxton v. David Ballard, Warden (3:16-cv-00448)	Federal habeas corpus petition alleging ineffective assistance of counsel. Stayed pending exhaustion of state court remedies. (Wayne County)
Appellate	Villanueva-Matkovich, Karen	APP-17-0165	3:17-cv-22	USDC WVND	Harold Billiter v. David Ballard, Warden (3:17-cv-22)	Federal habeas corpus petition by sex offender alleging failure to sequester witnesses; evidentiary errors; sufficiency of evidence; ineffective assistance; prejudicial closing argument. In litigation. (Harrison County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0030	3:19-cv-00126	USDC WVSD	Quinton Peterson v. Ralph Terry, Acting Warden (3:19-cv-00126)	Petitioner was convicted of First Degree Murder without Mercy. Petitioner claims ineffective assistance of counsel and Brady violations. Under briefing schedule. (Cabell County)
Appellate	Villanueva-Matkovich, Karen	APP-15-0235	5:15-cv-106	USDC WVND	Patrick Joseph Meckling v. David Ballard (5:15-cv-106)	Federal habeas corpus petition by petitioner convicted of abduction with intent to defile enhanced as a third-time recidivist, alleging ineffective assistance of counsel, improper basis for recidivist enhancement and denial of due process by requiring him to appear shackled before the jury. Stayed pending exhaustion of state court remedies. (Ohio County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-17-0131	5:17-cv-03111	USDC WVSD	Norma Brown Griffin v. State of West Virginia (5:17-cv-03111)	Federal habeas corpus petition alleging extortion statute is unconstitutional; prosecutorial misconduct and ineffective assistance of counsel. In litigation. (Greenbrier County)
Appellate	Villanueva-Matkovich, Karen	APP-17-0164	5:17-cv-2367	USDC WVND	Kenneth Riley v. William J. Vest, Warden (5:17-cv-2367)	Federal habeas corpus petition alleging ineffective assistance of counsel, consecutive sentences for same transaction, unfulfilled plea agreement; and question of actual guilt. In litigation. (Randolph County)
Appellate	Villanueva-Matkovich, Karen	APP-19-0062	5:19-cv-196	USDC WVSD	Norma B. Griffin v. State of West Virginia (5:19-cv-196)	Petitioner was convicted of extortion. She is seeking federal habeas corpus relief on grounds of inordinate delay. Her substantive grounds are: statutory unconstitutionality, prosecutorial misconduct, improper instruction, and lack of speedy trial. (Greenbrier County)
Appellate	Yancey, Ben	APP-18-0022	18-0065	Supreme Court - WV	State of West Virginia v. Kenneth Lee Morgan (18-0065)	Direct appeal by drug offender alleging insufficient evidence and excessive sentence. Briefing completed. (Gilmer County)
Appellate	Yancey, Ben	APP-18-0033	18-0128	Supreme Court - WV	Nathaniel Showalter v. Michael Martin, Acting Warden (18-0128)	Habeas Corpus appeal by bank robber alleging ineffective assistance of trial counsel, excessive sentence and error in denying habeas corpus relief without a hearing for appointment of counsel. Briefing completed. (Mercer County)
Appellate	Yancey, Ben	APP-18-0105	18-0387	Supreme Court - WV	Michael S. Thompson v. Ralph Terry, Acting Warden (18-0387)	Appeal alleging involuntary and unknowing guilty plea, and error in robbery charge. Pled guilty to 1st degree murder, life with possibility of parole. Briefing completed. (Kanawha County)
Appellate	Yancey, Ben	APP-18-0241	18-0442	Supreme Court - WV	State of West Virginia v. Kevin Monroe Miller, II (18-0442)	Appeal from wanton endangerment conviction alleging error in failing to give self-defense and defense-of-others instructions, evidentiary errors, denial of right to confront witnesses, prosecutorial misconduct and insufficient evidence. Briefing completed. (Preston County)
Appellate	Yancey, Ben	APP-18-0137	18-0532	Supreme Court - WV	Orban S. v. Michael Martin, Acting Warden (18-0532)	Habeas corpus appeal by petitioner convicted of sex offense alleging errors associated with pretrial publicity, prosecutorial misconduct, discovery of new evidence, ineffective assistance of counsel and other errors. Briefing completed. (Fayette County)
Appellate	Yancey, Ben	APP-18-0155	18-0622	Supreme Court - WV	Derek Caldwell v. Karen Pszczolkowki, Superintendent (18-0622)	Habeas corpus appeal by petitioner found guilty of robbery complaining of alleged ineffective assistance of trial counsel in connection with plea bargaining. Briefing completed. (Berkeley County)
Appellate	Yancey, Ben	APP-18-0198	18-0814	Supreme Court - WV	State of West Virginia v. Gerald R. (18-0814)	Appeal of Sentencing Order complaining that the Circuit Court failed to give adequate consideration to Petitioner's pretrial home confinement in imposing sentence. Briefing completed. (Jefferson County)
Appellate	Yancey, Ben	APP-18-0205	18-0821	Supreme Court - WV	State of West Virginia v. Michael Joe Adkins (18-0821)	Appeal of probation revocation, alleging that his statement was impermissibly used against him to revoke probation and denied probation revocation hearing. Under briefing schedule. (Cabell County)
Appellate	Yancey, Ben	APP-18-0247	18-0963	Supreme Court - WV	State of West Virginia v. Raymond C. Howells, Jr. (18-0963)	Petitioner was found guilty of delivery of methamphetamine. He alleges that the circuit court erred in not granting a continuance when the Electronic Intercept Warrant was not provided until the day before trial. Briefing completed. (Fayette County)
Appellate	Yancey, Ben	APP-18-0237	18-0980	Supreme Court - WV	Thomas B. v. Ralph Terry, Superintendent (18-0980)	Petitioner was convicted and sentenced for numerous sexual crimes. Petitioner complains that the circuit court denied his petition for habeas corpus. Briefing completed. (Marion County)
Appellate	Yancey, Ben	APP-18-0261	18-1041	Supreme Court - WV	State of West Virginia v. Donald Terrell Smith (18-1041)	Petitioner was convicted of Delivery of a Controlled Substance. He was sentenced as a recidivist. Petitioner alleges evidentiary error in the admission of certain testimony. Under briefing schedule. (Cabell County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Yancey, Ben	APP-19-0003	18-1130	Supreme Court - WV	State of West Virginia v. Joseph Arnold Farrell (18-1130)	Petitioner pled guilty to conspiracy to commit a felony controlled substance offense, bringing controlled substance into the State with intent to deliver, and Receiving /transferring stolen goods. Alleging abuse of discretion in sentencing. Briefing completed. (Jackson County)
Appellate	Yancey, Ben	APP-19-0029	19-0123	Supreme Court - WV	State of West Virginia v. Alan Lane Hicks (19-0123)	Petitioner was convicted of murder, conspiracy, and grand larceny. Petitioner unsuccessfully sought Rule 35(b) relief which was denied, he now appeals the denial. Briefing completed. (Putnam County)
Appellate	Yancey, Ben	APP-19-0081	19-0338	Supreme Court - WV	Harry A. Barron v. Donnie Ames, Superintendent (19-0338)	Petitioner appealed Order denying omnibus hearing and alleges ineffective assistance of counsel. Briefing completed. (Mercer County)
Appellate	Yancey, Ben	APP-19-0089	19-0406	Supreme Court - WV	John New v. Donnie Ames, Superintendent (19-0406)	Petitioner alleges Circuit Court erred in denying petition for writ of habeas corpus and alleges ineffective assistance of trial counsel during plea and failure to determine competency. Briefing completed. (Wyoming County)
Appellate	Yancey, Ben	APP-19-0099	19-0428	Supreme Court - WV	State of West Virginia v. Jeffrey Alan Snyder (19-0428)	Petitioner alleges 4th amendment error regarding seizure of firearms prior to guilty plea. Briefing completed. (Roane County)
Appellate	Yancey, Ben	APP-19-0114	19-0471	Supreme Court - WV	State of West Virginia v. James Wilkerson (19-0471)	Petitioner claims disproportionate sentencing and alleges abuse of discretion by Circuit Court in denying Rule 35 Motion for reduction of sentence. Briefing completed. (Ohio County)
Appellate	Yancey, Ben	APP-19-0121	19-0565	Supreme Court - WV	State of West Virginia v. Antonio Lee Smith (19-0565)	Direct appeal alleging error in denial of suppression motions, insufficiency of evidence, ineffective assistance of counsel, and cumulative error. Under briefing schedule. (Jackson County)
Appellate	Yancey, Ben	APP-19-0138	19-0602	Supreme Court - WV	State of West Virginia v. Antonio Cornell Williams, II (19-0602)	Direct appeal provisionally alleging insufficiency of evidence regarding 1st Degree Murder, Malicious Wounding and Wanton Endangerment convictions. Under briefing schedule. (Kanawha County)
Appellate	Yancey, Ben	APP-19-0141	19-0635	Supreme Court - WV	State of West Virginia v. Brenda Cook (19-0635)	Direct appeal alleging jury selection error, 404(b) error, violations of Confrontation Clause, and disproportionate sentencing. Under briefing schedule. (Grant County)
Appellate	Yancey, Ben	APP-19-0149	19-0673	Supreme Court - WV	State of West Virginia v. Joshua Michael Settle (19-0673)	Direct appeal raising due process violations under WV Constitution Art. 3, Section 14 due to trial court denying Petitioner's requested instructions and improper limitation of defense counsel's closing argument. Under briefing schedule. (Calhoun County)
Appellate	Yancey, Ben	APP-19-0155	19-0738	Supreme Court - WV	State of West Virginia v. Kevin Monroe Miller, II (19-0738)	Petitioner alleging insufficiency of evidence regarding restitution amount. Under briefing schedule. (Preston County)
Appellate	Yancey, Ben	APP-19-0163	19-0739	Supreme Court - WV	Julia Surbaugh v. J. D. Sallaz, Superintendent (19-0739)	Habeas appeal alleging improper denial of petition. Under briefing schedule. (Webster County)
Appellate	Yancey, Ben	APP-19-0173	19-0776	Supreme Court - WV	State of West Virginia v. Paul C. (19-0776)	Direct appeal alleging speedy trial violations and disproportionate sentencing. Under briefing schedule. (Preston County)
Appellate	Yancey, Ben	APP-19-0180	19-0843	Supreme Court - WV	State of West Virginia v. David Gilbert Riffe (19-0843)	Direct appeal alleging disproportionate sentencing in violation of West Virginia Constitution Art. III, Section 5, illegal sentence by imposing an indeterminate term, and failure to provide evaluation to determine competency. Under briefing schedule. (Braxton County)
Appellate	Yancey, Ben	APP-19-0184	19-0864	Supreme Court - WV	State of West Virginia v. Anthony Scott Adkins (19-0864)	Appeal alleging error in admission of gruesome photographs resulting in prejudice, error in allowing correction of report by medical expert resulting in untimely production and prejudice. Under briefing schedule. (Cabell County)
Appellate	Yancey, Ben	APP-19-0206	19-0868	Supreme Court - WV	In Re: J. J. C. (19-0868)	Petitioner appealing denial of expungment of records alleging abuse of discretion by court. Under briefing schedule. (Kanwaha County)
Appellate	Yancey, Ben	APP-19-0207	19-0897	Supreme Court - WV	State of West Virginia v. Jessica N. Roberts (19-0897)	Direct appeal alleging errors regarding involuntary confession, double jeopardy violations (felony murder), color of law issues, diminished capacity, confrontation issues and prompt presentment issues. Under briefing schedule. (Wood County)

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Yancey, Ben	APP-19-0191	2:19-cv-121	USDC WVSD	Richard A. White v. Donald Ames, Superintendent (2:19-cv-121)	Federal habeas appeal. Under briefing schedule.

**ARTS, EDUCATION, AND BOARDS
DIVISION; DEPARTMENT OF MILITARY
AFFAIRS AND PUBLIC SAFETY, AND
PUBLIC INTEGRITY, SAFETY AND
COMPLIANCE; AND NATURAL
RESOURCES DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2019

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Boothroyd, John	AEB-17-0357	17-AA-82	Circuit Court Kanawha County	Miners' Health, Safety and Training v. Timothy Prather	Decertification proceeding against miner.
Arts, Education and Boards	Boothroyd, John	AEB-19-0198	3:19-bk-30292	Bankruptcy Court-US WVSD	Revelation Energy Bankruptcy	Bankruptcy proceeding, Proof of Claim filed.
Arts, Education and Boards	Eates, Anthony	EA-14-562	15-AA-93	Circuit Court Kanawha County	Registered Professional Nurses v. Amy King	Disciplinary matter against nurse for arriving to work impaired.
Arts, Education and Boards	Eates, Anthony	AEB-15-0402	15-C-2223	Circuit Court Kanawha County	Summers, Richard v. Rehabilitation Services, Division of	Blind vendor was dismissed from the Randolph Sheppard program and owed the program approximately \$40,000.
Arts, Education and Boards	Eates, Anthony	AEB-19-0010	19-C-28	Circuit Court Kanawha County	Real Estate Commission v. Michael Bell	Complaint filed to enforce Consent Decree.
Arts, Education and Boards	Eates, Anthony	AEB-19-0020	19-C-72	Circuit Court Raleigh County	Real Estate Commission v. JJM Property Management, LLC	Real Estate Commission filed complaint for injunctive relief to stop unlicensed practice of real estate.
Arts, Education and Boards	Farber, Elizabeth	AEB-16-0410	16-AA-27	Circuit Court Kanawha County	Fluor Constructors v. Division of Labor	Fluor filed a petition for appeal of a wage bond cease and desist order.
Arts, Education and Boards	Fisher, Keith	AEB-18-0092	17-C-102	Circuit Court Mason County	Morgan, Elizabeth v. Parole Board	Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Fisher, Keith	AEB-19-0042	18-C-133	Circuit Court Kanawha County	Accountancy, Board of v. Allman, Christopher	Civil contempt proceedings against former licensee for violating Permanent Injunction Order.
Arts, Education and Boards	Fisher, Keith	AEB-18-0084	18-C-21	Circuit Court McDowell County	Jackson, Charles v. Board of Parole	Pro se petitioner seeks writ of habeas corpus following revocation of his parole.
Arts, Education and Boards	Fisher, Keith	AEB-19-0179	19-0683	Supreme Court - WV	Markley, Brian v. Parole, Board of	Notice of Appeal filed with the West Virginia Supreme Court regarding Berkeley County Circuit Court's denial of Petition to Correct Parole Eligibility.
Arts, Education and Boards	George, Dawn	AEB-16-0256	16-AA-14	Circuit Court Kanawha County	McPeak, Pamela v. Concord University	Unemployment claim was denied and has been appealed to circuit court.
Arts, Education and Boards	George, Dawn	AEB-17-0098	17-0630	Supreme Court - WV	Hansen, Galen v. Fairmont State BOG	Plaintiffs are seeking an injunction and declaratory judgment regarding the presidential search process under the Open Government Meetings Act.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	George, Dawn	AEB-19-0093	18-C-333	Circuit Court Mercer County	Gearheart, Gary Martin v. WVHEPC	Mr. Gearheart is challenging the appointment of Carolyn Long and failure to follow statutory requirements in appointment as interim chancellor.
Arts, Education and Boards	George, Dawn	AEB-19-0057	19-0570	Supreme Court - WV	Sheffler, Jack v. Concord College	Appeal filed after denial of grievance. Concord terminated for theft, dishonesty and insubordination.
Arts, Education and Boards	George, Dawn	AEB-19-0143	19-AA-22	Circuit Court Kanawha County	Li, Mengyang v. Shepherd University	Appeal of Grievance Board decision.
Arts, Education and Boards	George, Dawn	AEB-19-0208	CC-19-2019-C-102	Circuit Court Jefferson County	Li, Mengyang v. Shepherd University	Dr. Li asserting Shepherd University improperly interpreted the promotion policies and harassed him.
Arts, Education and Boards	Koerber, Barry	EA-14-206	13-AA-134	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Taggart Site Services	Appeal of mine safety violation for improperly maintaining structure that collapsed and injured two miners. Awaiting decision from Judge.
Arts, Education and Boards	Koerber, Barry	EA-14-471	14-AA-105	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Colegrove, Danny	Appeal of Board of Appeals decision finding that miner did not refuse drug test. Awaiting decision from Judge.
Arts, Education and Boards	Koerber, Barry	EA-14-472	14-AA-105	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Colegrove, Matthew	Appeal of Board of Appeals decision that miner did not refuse drug test. Awaiting decision from Judge.
Arts, Education and Boards	Koerber, Barry	AEB-15-0254	15-AA-112	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Martin, John	Appeal of Board of Appeals decision that miner did not fail drug test. Awaiting decision from Judge.
Arts, Education and Boards	Koerber, Barry	AEB-16-0638	16-AA-115	Circuit Court Kanawha County	Consolidation Coal Nolan's Run v. Miners' Health, Safety & Training	Coal Operator appeals a safety violation issued for failing to maintain a haul road. Awaiting Decision from Judge.
Arts, Education and Boards	McWhirter, Kristi	AEB-18-0373	18-1035	Supreme Court - WV	Zeng, Wei-Ping v. Marshall University	Appeal from Kanawha County Circuit Court regarding denial of tenure. Awaiting Decision.
Arts, Education and Boards	Spatafore, Sam	AEB-17-0389	17-AA-90	Circuit Court Kanawha County	Blon, Glen v. WVU	Blon individually appealed from a grievance decision that included multiple grievants and claimed that the Decision denying his grievance was arbitrary and capricious and clearly wrong.
Arts, Education and Boards	Spatafore, Sam	AEB-18-0302	17-AA-94	Circuit Court Kanawha County	Riedel, H. v. WVU	Riedel appealed a Grievance Board decision to circuit court and requested the matter be remanded to the Grievance Board for a hearing on the merits.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Talbott, Kelli	EA-02-157	02-C-22	Circuit Court Kanawha County	Eula M. Thacker v. AC&S, Inc, et al.	Plaintiff claims injury from asbestos exposure.
Arts, Education and Boards	Talbott, Kelli	EA-08-895	09-CAP-8	Circuit Court McDowell County	Avery Ray Bailey v. McDowell County Bd of Education	Appeal of grievance regarding non-selection for position.
Arts, Education and Boards	Talbott, Kelli	EA-14-089	14-P-62	Circuit Court Kanawha County	Massey, Rebecca v. RN Board and LPN Board	Writ of Prohibition filed against LPN Board related to alleged unauthorized disclosure of records to RN Board.
Arts, Education and Boards	Talbott, Kelli	AEB-18-0367	18-C-1418	Circuit Court Kanawha County	Sharp-Spinks, Heather v. School Building Authority	Suit against SBA seeking to find Authority in violation of Open Meetings Act.
Arts, Education and Boards	Talbott, Kelli	AEB-19-0104	19-C-374	Circuit Court Kanawha County	France, John v. Board of Medicine	Physician sues the Board of Medicine in Kanawha County Circuit Court seeking to have malpractice information expunged from his historical record.
Arts, Education and Boards	Talbott, Kelli	AEB-19-0110	19-C-375	Circuit Court Kanawha County	Kletter, Jan v. WV Board of Medicine	Physician sues Board of Medicine seeking to have malpractice information expunged from his historical records.
Arts, Education and Boards	Talbott, Kelli	AEB-19-0153	19-C-574	Circuit Court Kanawha County	Pomponio, Bren v. Department of Commerce	FOIA requester sues Department of Commerce for alleged failure to comply with FOIA.
Arts, Education and Boards	Talbott, Kelli	AEB-19-0234	19-P-402	Circuit Court Kanawha County	WV Therapy Services v. Michael Sheets, Director, Purchasing Division	Unsuccessful bidder brings mandamus and injunctive action against Purchasing with regard to award of contract for therapy services at WV Veterans Nursing Facility in Clarksburg.
Arts, Education and Boards	Talbott, Kelli	AEB-19-0011	3:19-cv-00029	USDC WVSD	Durstein, Mary v. Department of Education	Complaint for declaratory relief against State Superintendent of Schools by teacher seeking to stop him from bringing certification proceedings against her for the content of tweets.
Arts, Education and Boards	Thornton, Karen	EA-12-086	14-AA-107	Circuit Court Kanawha County	Barry Blair, et al. v. PSC and DOP	Ten employees filed grievances against the PSC seeking a 10% discretionary increase in pay to match that which was given to other employees.
Arts, Education and Boards	Thornton, Karen	AEB-15-0305	16-AA-73	Circuit Court Kanawha County	Newhouse, Carmelia Ernestine v. Insurance Commissioner and Division of Personnel	Employee currently in position of Paralegal seeks reallocation to classification of Claims Deputy.
Arts, Education and Boards	Thornton, Karen	AEB-16-0433	17-AA-8	Circuit Court Kanawha County	Milam, Jeffrey P. v. Highways and Division of Personnel	Employee seeks to keep the position he occupies from being downwardly reallocated from Supervisor 2 to Highways Storekeeper.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Weiler, Mark	EA-13-1214	13-P-472	Circuit Court Kanawha County	Administrative Hearings, Office of v. Margocee, Zane	Petition for Writ of Prohibition.
Arts, Education and Boards	Weiler, Mark	AEB-17-0337	17-0793	Supreme Court - WV	Vickie Marie Coakley v. Corporal A. D. Wooton	Petitioner has filed an appeal concerning the dismissal of Petition for Writ of Prohibition.
Arts, Education and Boards	Weiler, Mark	AEB-17-0334	17-P-381	Circuit Court Kanawha County	MVP v. WV Environmental Quality Board and Greenbrier River Watershed Association, et al. and WVDEP	Petition for Writ of Prohibition asserting that the EQB does not have jurisdiction to hear an appeal of WV Natural Streams Preservation Act Permit.
Arts, Education and Boards	Weiler, Mark	AEB-18-0257	18-P-270	Circuit Court Kanawha County	Nicholas, Karen v. Admin. Hearings, Ofc of	A petition for writ of prohibition has been filed to stop OAH from issuing a decision concerning DMV's Order of Revocation.
Arts, Education and Boards	Weiler, Mark	AEB-19-0082	19-0362	Supreme Court - WV	DMV (Holley) v. OAH/Sigley	DMV has filed a notice of appeal to the WV Supreme Court concerning Judge Kaufman's Final Order denying Petition for Writ of Prohibition, which concerns OAH's Order Granting Administrative Hearing in Sigley.
Arts, Education and Boards	Weiler, Mark	AEB-18-0208	28-M20C-01695	Magistrate Court Kanawha County	Weatherly, Chris v. WorkForce WV	Mr. Weatherly has filed a complaint in magistrate court to recoup monies WorkForce WV was able to obtain through collection to pay back unemployment benefits that were fraudulently obtained.
Arts, Education and Boards	Weiler, Mark	AEB-19-0007	CC-51-2018-25	Circuit Court Webster County	Fowler, Barbara v. Webster County Assessor, et al.	Ms. Fowler is suing the Development Office and others concerning real property ownership. She is seeking repair of flood damage under the RISE Program.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Eates, Anthony	CNB-17-0172	18-C-247	Circuit Court Kanawha County	Wendell, William v. WV State Police	Complaint for Declaratory Judgment.
Department of Military Affairs and Public Safety	Fisher, Keith	CNB-16-0096	14-C-800	Circuit Court Cabell County	Buzzard, David Dean v. Parole, Board of	This matter involves a habeas appeal. Inmate Buzzard was allegedly assaulted by correctional officers in an improper use-of-force incident. Petitioner wants his sentence reduced.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0012	15-C-139	Circuit Court Mason County	Wilson, Tammy v. Parole, Board of	Petition for habeas corpus relief.
Department of Military Affairs and Public Safety	Fisher, Keith	CNB-17-0165	17-0740	Supreme Court - WV	Taylor, Donald Lee v. Parole, Board of, et al.	Inmate filed an appeal of the Order of the Randolph County Circuit Court denying his Petition for Writ of Mandamus.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-19-0121	17-C-17	Circuit Court Fayette County	Sanger, Timothy v. Parole, Board of	Petition for writ of habeas corpus challenging decisions of the WV Parole Board and underlying convictions.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0047	18-0311	Supreme Court - WV	Garretson, Jennifer v. Parole, Board of	Inmate filed petition for writ of habeas corpus in West Virginia Supreme Court of Appeals.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0306	18-0950	Supreme Court - WV	Armstrong, Robin v. Parole, Board of	Petition for Writ of Mandamus relating to Parole Board's calculation of parole eligibility date.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0311	18-1027	Supreme Court - WV	Williams, Neil v. Parole, Board of	Petition for Writ of Habeas Corpus challenging decision of the West Virginia Parole Board.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0313	18-1056	Supreme Court - WV	Beavers, Jesse Lee v. Parole, Board of	Petition for Writ of Habeas Corpus seeking relief from denial of parole.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0049	18-P-167	Circuit Court Kanawha County	Guerrero, Modesto v. Parole, Board of	Petition for Writ of Habeas Corpus filed in the Circuit Court of Kanawha County relating to Parole Board hearing.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-18-0050	18-P-59	Circuit Court Kanawha County	Casto, Gregory v. Parole, Board of	Petition for Writ of Habeas Corpus filed in the Circuit Court of Kanawha County regarding Parole Board's Final Decision.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-19-0075	19-0221	Supreme Court - WV	Province, Michael v. Parole, Board of	Petition for Writ of Habeas Corpus challenging denial of parole.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-19-0077	19-0325	Supreme Court - WV	Fisher, Robert D. v. Parole, Board of	Petition for Writ of Habeas Corpus ad subjiciendum.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-19-0095	19-0360	Supreme Court - WV	Sayre, Kenny Drew v. Parole, Board of	Petition for Writ of Habeas Corpus challenging decision of the WV Parole Board.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-19-0149	19-0628	Supreme Court - WV	Hogan, Lee v. Parole, Board of	Petition for writ of habeas corpus filed with the WV Supreme Court of Appeals challenging denial of parole.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-19-0162	19-0681	Supreme Court - WV	Rosenberger, David v. Parole, Board of	Petition for Writ of Habeas Corpus filed with the WV Supreme Court of Appeals challenging denial of parole.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-19-0101	19-P-140	Circuit Court Kanawha County	Morgan, Ricky Darrell v. Parole, Board of	Petition for Writ of Habeas Corpus challenging denial of parole.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-19-0185	19-P-25	Circuit Court Kanawha County	Hogan, Richard Allen v. Parole, Board of	Petition for Writ of Habeas Corpus filed challenging revocation of parole.
Department of Military Affairs and Public Safety	Fisher, Keith	DMAPS-19-0199	19-P-408	Circuit Court Kanawha County	Gerlach, Tony v. Parole, Board of	Petition for Writ of Habeas Corpus challenging decisions of the WV Parole Board.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0173	15-C-1885	Circuit Court Kanawha County	Delgado, Miguel v. Corrections, Division of	Limited appearance for purposes of injunctive relief opposition and transportation issues related to trial.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0098	16-cv-8600	USDC WVSD	Blackstone, Matthew v. Corrections, Division of	Inmate litigation against federal prison - mistakenly names DAS/DCR employee as defendant; will need to file MTD to have him dismissed as defendant.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0002	17-C-267	Circuit Court Logan County	Loretta Watkins as Administratrix of Estate of Kyle Fields v. Mark Hobbs, Esq.	Subpoena from administrator of Estate of Kyle Fields for materials related to the death of Mr. Fields at Southwestern Regional Jail.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0048	17-F-160	Circuit Court Marion County	Field, Dale P. Jr. v. Robert Peters, et al.	Challenging court order regarding the provision of telephone call recordings to defendant.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0168	18-0931	Supreme Court - WV	Southall, Simona v. Corrections, Division of	Grievance challenging suspension and termination from position as Parole Officer 1. Grievance Hearing and Appeal.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0303	18-0949	Supreme Court - WV	State of West Virginia ex rel. Mark Best v. Department of Corrections and Rehabilitation	Inmate seeks writ of mandamus prohibiting WVDCR from listing his crime on website as abduction of person; kidnapping/concealing child for other purposes.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0073	18-C-103	Circuit Court Kanawha County	Catlett, Bannar C. v. Corrections, Division of	Complaint for injunctive relief re FOIA request not answered completely.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0035	18-C-112	Circuit Court Marshall County	Alden, Jeffery v. Karen Pszcolkowski	Inmate seeks order requiring he remain at Northern Correctional Facility and receive special management treatment. Judge Cramer.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0004	18-C-203	Circuit Court Putnam County	SER Hannah Walker v. Wood	Inmate seeks release from mandatory supervision because 2nd degree arson is not a crime subject to mandatory supervision.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0052	18-C-84	Circuit Court Marshall County	Buzzard, David v. Corrections, Division of	Habeas corpus petition re deliberate indifference to safety of inmate.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0171	18-cv-1475	USDC WVSD	Salmons, Jennifer v. Regional Jail Authority	Deliberate indifference to medical needs; no monetary damages sought.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0068	18-cv-1533	USDC WVSD	Jones, Eric v. Regional Jail Authority	Inmate litigation regarding conditions of confinement (BRIM denied coverage).
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0144	18-cv-1536	USDC WVSD	Puskas, Jodi v. Regional Jail Authority	Case claiming assault by a correctional officer; no monetary damages sought.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0252	18-P-13	Circuit Court Webster County	Faulkner, Michael David v. David Farmer, Warden	Petition for Writ of Habeas Corpus in the Circuit Court of Webster County.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0092	19-0065	Supreme Court - WV	Howell, Joseph v. Corrections, Division of	Writ of Prohibition/Mandamus re parole versus probation and how consecutive sentencing should be served.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0043	19-0098	Supreme Court - WV	Jacobs, Charles E. v. Corrections, Division of	Writ of mandamus/prohibition re prohibiting transfer of inmate from North Central Regional Jail.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0090	19-0363	Supreme Court - WV	Cooper, Randy v. Corrections, Division of	Petition for Writ of Habeas Corpus.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0102	19-0422	Supreme Court - WV	Patterson, Deveron v. Corrections, Division of	Writ of Mandamus regarding conditions of confinement related to risk of bodily harm from other inmates.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0103	19-0433	Supreme Court - WV	Delgado, Miguel v. Corrections, Division of	Writ of mandamus re authority of DCR to contract with Global Tel Link to process money orders and fees associated with money orders.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0142	19-0569	Supreme Court - WV	Simons, Gary v. Corrections, Division of	Petition for writ of mandamus regarding conditions of confinement.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0140	19-0574	Supreme Court - WV	Justice, Greg v. Corrections, Division of	Petition for Writ of Prohibition seeking to block transfer from Northern Correctional Center to any other facility.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0158	19-0618	Supreme Court - WV	Corriveau, Michael v. Corrections, Division of	Mandamus petition based upon Kanawha County Circuit Court's charging inmate certain fees.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0161	19-0665	Supreme Court - WV	Duncan, Henry T. v. Corrections, Division of	Writ of Mandamus regarding deliberate indifference to safety of inmate.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0184	19-0827	Supreme Court - WV	Delgado, Miguel v. Corrections, Division of	Habeas corpus related to alleged improper disciplinary proceeding/punishment.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0086	19-AA-12	Circuit Court Kanawha County	Allen, Larry v. Regional Jail Authority	Circuit court appeal by grievant of adverse decision by the WV Public Employees Grievance Board.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0174	19-C-208	Circuit Court Kanawha County	Payne, Christopher v. Corrections, Division of	Habeas corpus case - deliberate indifference to medical needs.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0130	19-C-52	Circuit Court Kanawha County	Foley, Michael D. v. Corrections, Division of	Habeas case regarding conditions of confinement re contesting disciplinary action decision and change of classification.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0104	19-cv-132	USDC WVSD	Lane, Eugene v. Regional Jail Authority	Complaint against officer for alleged excessive use of force; no monetary damages requested.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0168	19-P-341	Circuit Court Kanawha County	Murray, Garland v. Corrections, Division of	Writ of Mandamus challenging constitutionality of existing grievance procedure - prisons.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0169	19-P-79	Circuit Court Kanawha County	Little, Jamie v. Corrections, Division of	Writ of Prohibition regarding application of good time accruals to misdemeanors.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0187	2018-cr-41	USDC WVSD	United States of America v. David Moore	Motion to quash federal subpoena issued under seal.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-18-0222	3:18-cv-00517	USDC WVSD	Assi, Hassan Adnan v. Regional Jail Authority	Inmate suffers from severe hearing loss/deafness, for which he claims he is disabled. He further claims he has been denied telephone access and alleges discrimination due to his disability.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0128	5:19-50	USDC WVSD	Malone, Danny v. Regional Jail Authority	Alleges use of excessive force (OC spray) but seeks no damages.
Department of Military Affairs and Public Safety	Marino, Briana	CNB-17-0191	92-C-48M	Circuit Court Marshall County	Drescher, Thomas v. Corrections, Division of	This matter involves a Petition for Civil Contempt of Court Citation. Drescher is seeking meals in the segregation unit to be served in styrofoam trays.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0049	na	Supreme Court - WV	Goodman, Roundtree v. Corrections, Division of	Habeas Corpus - deliberate indifference to medical needs and grievance against medical care provider. Northern Correctional Facility. Appealed to WV Supreme Court of Appeals; no case number yet assigned.
Department of Military Affairs and Public Safety	Marino, Briana	DMAPS-19-0100	na	Supreme Court - WV	Lucas, James A. v. Corrections, Division of	Petition for mandamus seeking single occupancy cell.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Department of Military Affairs and Public Safety	Talbott, Kelli	CNB-16-0084	18-0429	Supreme Court - WV	Law Enforcement Pro Standards v. Fairmont State University	This matter involves a request by Fairmont State University to operate a police academy.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Division of Natural Resources	Charnock, Jane	DNR-15-0017	16-AA-61	Circuit Court Kanawha County	Akers, Malcolm L. v. DNR (Parks)	Appeal of the dismissal order in level 3 grievance, wherein it was ruled grievant does not meet the definition of employee for purposes of the grievance statute.
Division of Natural Resources	Charnock, Jane	DNR-18-0008	18-50757	Bankruptcy Court-US OHND	FirstEnergy Solution Corp., et al	All related services involving Chapter 11 Bankruptcy.
Division of Natural Resources	Charnock, Jane	DNR-18-0007	18-AA-1	Circuit Court Raleigh County	Beaver Coal Co., Ltd. v. Forestry	Petition for Review filed to reverse ruling of State Tax Commissioner that real property owned by Beaver Coal is not eligible as "managed timberland" for the 2018 tax year based on Division of Forestry's decision not to certify the property as such.

**CIVIL RIGHTS
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2019

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Civil Rights	Leslie, James	CIV-15-0012	06-C-230	Circuit Court Monongalia County	WVHRC v. Walden	Enforcement of Consent Decree.
Civil Rights	Leslie, James	CIV-15-0007	14-C-77	Circuit Court Mingo County	SER Patrick Morrissey v. Webb, et al.	Suit filed to obtain injunctive relief against the Mingo County Board of Education, various Board employees, and two students after alleged sexual abuse suffered by female students while attending Birch Middle School.
Civil Rights	Leslie, James	CIV-16-0039	16-P-41	Circuit Court Monongalia County	In Re: Gary Walden	Petition to sell real estate and to transfer all real estate interests of Gary C. Walden to his children.
Civil Rights	Leslie, James	CIV-19-0005	19-C-89	Circuit Court Berkeley County	SER Patrick Morrissey v. Christina Lester, et al.	Suit filed to obtain injunctive relief against five educators and the Berkeley County Board of Education to stop threats of or actual physical violence directed at non-verbal elementary students by their teachers and staff members.
Civil Rights	Leslie, James	CIV-18-0012	HD-46-18	Circuit Court Monongalia County	Wincor Properties v. Jessica Reed	Fair Housing Act failure to accommodate violation involving assistance animal.

**CONSUMER PROTECTION
AND ANTITRUST
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2019

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Bradley, Michelle	CON-18-0005	18-C-185	Circuit Court Harrison County	SER Patrick Morrissey v. Professional Marketing Group, LLC d/b/a Vision Home Improvement, et al.	Suit filed July 25, 2018, alleging consumers purchased home improvement items and installation of items, predominately including Sundowner awnings from Defendant but the items were never purchased nor installed. Suit was served on one principal owner and the business. There have been continued attempts to serve the other owner, including a hearing held on July 1, 2019, to allow alternative service. Case is ongoing.
Consumer Protection & Antitrust	Capehart, Curtis	AD-03-805	03-C-109	Circuit Court Lincoln County	SER Patrick Morrissey v. Minnesota Mining and Manufacturing Co., Mine Safety Appliances Co., and American Optical Corp.	Suit filed August 2003, alleges that Defendants, the manufacturers and suppliers of dust masks and respirators, marketed and sold their products to coal operators in West Virginia by falsely claiming the devices were an effective means to reduce miners' exposure to airborne coal dust, thereby decreasing the number and severity of coal-related occupational pneumoconiosis cases. The State alleges that the Defendants knew or should have known that the claims were false at the time they were made. A Status Conference was held on August 2, 2019.
Consumer Protection & Antitrust	Cunningham, Abby	CON-18-0014	18-C-274	Circuit Court Ohio County	SER Patrick Morrissey v. Adam Parson d/b/a Precision Floor and Fence	Suit filed November 19, 2018, alleging that the Defendants failed to perform work on contracts for which they were paid. On August 19, 2019, the Court granted, in part, the State's Motion for Temporary Injunction and Partial Summary Judgment by issuing a temporary injunction as to performing contracting work during this action, granting restitution to 5 consumers. The State filed a motion to alter or amend to include restitution to two consumers who were identified subsequent to the filing of the lawsuit; motion is currently pending.
Consumer Protection & Antitrust	Davis, Douglas	CON-15-0019	11-C-829	Circuit Court Kanawha County	SER Patrick Morrissey v. Morgan Drexen, Inc., et al.	Suit filed May 2011 alleging Defendants were misrepresenting that they were providing legal services along with debt settlement services and for failing to register as a Credit Services Organization and as a Telemarketer. Judgment was entered against Morgan Drexen and Attorney Williamson. Defendants filed an appeal to the WV Supreme Court of Appeals. In April 2015, Morgan Drexen filed bankruptcy in California and the WV Supreme Court of Appeals stayed the appeal pending a lifting of the bankruptcy stay or closing of the bankruptcy. WV AGO filed its claim in the bankruptcy proceeding in May 2015 based on the Judgment Order. After a lengthy stay of the matter, the WV Supreme Court of Appeals has returned the appeal to its active docket. The appeal continues.
Consumer Protection & Antitrust	Davis, Douglas	CON-15-0040	15-C-1833	Circuit Court Kanawha County	SER Patrick Morrissey v. Volkswagen of America, Inc.	In 2015, Volkswagen admitted cheating on emissions tests on its diesel engines, resulting in likely falsely advertising its mileage and performance specifications for diesel vehicles, in violation of the WVCPA. Suit was filed in October 2015 and an Amended Complaint was filed in August 2016, adding allegations against Volkswagen's parent company, as well as Audi, Porsche and Robert Bosch engineering companies. VW reached a settlement in litigation pending in U.S. District Court in California. The California settlement partially affected the State's action. In May 2018, Volkswagen and its subsidiaries settled the litigation with the State, including agreeing with injunctive relief. Litigation is proceeding against the Robert Bosch defendants.
Consumer Protection & Antitrust	Davis, Douglas	CON-17-0001	17-C-41	Circuit Court Kanawha County	SER Patrick Morrissey. et al. v. CRH, PLC, et al.	Suit filed November 1, 2017, against CRH, PLC, Oldcastle, Inc., Oldcastle Materials Group, and several other defendants on behalf of the State. The state claims the defendants violated antitrust laws relating to their road paving and asphalt manufacturing businesses. The state alleges that the Defendants conspired to divide markets and increase prices paid by the state for road paving services and asphalt. The matter was transferred to the Business Court Division in April 2018. Discovery is in progress. Trial is anticipated in 2020.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Davis, Douglas	CON-19-0002	19-C-69	Circuit Court Wood County	SER Patrick Morrissey v. Diocese of Wheeling-Charleston and Michael J. Bransfield in his capacity as former Bishop of the Diocese of Wheeling-Charleston	Suit filed March 19, 2019, in the Circuit Court of Wood County. The State alleges the Diocese falsely advertised or failed to disclose that it employed priests in its schools and camps that were pedophiles. The State amended its complaint in May 2019. The Diocese has moved to dismiss the case. The court heard the motion to dismiss and took the motion under advisement.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0018	2:16-CV-5073	USDC EDPA	State of Wisconsin, et al. v. Indivior Inc. f/k/a Reckitt Benckiser Pharmaceuticals, Inc., et al.	Suit filed November 2016, by the WV Attorney General, plus 40 states and the District of Columbia against Indivior Inc. and related companies, claiming the companies monopolized or conspired to monopolize the market for co-formulated buprenorphine/naloxone, marketed as Suboxone, a prescription drug that helps individuals addicted to opioids to break the addiction. Discovery is complete and summary judgment motions will be filed through the fall of 2019. Trial is expected in 2020.
Consumer Protection & Antitrust	Davis, Douglas	CON-17-0007	3:17-cv-01180-VAB	USDC CT	State of Arkansas, et al. v. Aurobindo Pharma USA, Inc., et al.	Suit filed on July 17, 2017, by the WV Attorney General and Arkansas, District of Columbia, Missouri and New Mexico alleges the Defendants engaged in price fixing for a number of generic drugs in the U.S. The states' filing mirrors a complaint previously filed by 40 other state Attorneys General. The complaints were consolidated in June 2018. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-19-0006	3:19-cv-00710-MPS	USDC CT	State of Connecticut, et al. v. Teva Pharmaceuticals USA, Inc., et al.	Suit filed May 10, 2019. West Virginia joined more than 45 states and territories suing several generic drug manufacturers and employees for fixing the prices on more than 100 generic drugs. The Defendants have not yet answered the complaint or filed motions to dismiss.
Consumer Protection & Antitrust	Googel, Norman	CON-17-0009	16-50010	USDC WDNC	In re: Quick Silver Restoration, LLC	Suit filed in October 2014 in West Virginia alleges fraudulent and deceptive acts by Defendant home improvement contractor. A final Dismissal Order was entered on May 11, 2015, which included payment to the State. Wanniss Allen, the operator of Quick Silver, filed a petition for bankruptcy in North Carolina in October 2015. The State of WV is listed as a creditor and a proof of claim has been filed with the bankruptcy court. The bankruptcy court entered an order on June 15, 2016, confirming a payment plan in which the debtor is to make payments to the trustee to be distributed to various creditors. The State's claim is on the list of claims to be paid, with a date of payment estimated for April, 2021.
Consumer Protection & Antitrust	Googel, Norman	CON-16-0013	16-C-1487	Circuit Court Kanawha County	SER Patrick Morrissey v. Walter D. Withrow	Suit filed in September 2016 against Walter D. Withrow, a Charleston home improvement contractor, alleges that Withrow engaged in a pattern of taking substantial down payments from consumers without returning to begin or complete work, and has continued performing contracting work without a license despite the issuance of at least seven cease and desist orders from the WV Contractor Licensing Board. Near the time suit was filed, Withrow was arrested in Florida on similar charges. Order entered May 16, 2018, permits matter to remain on the docket while attempts continue to serve the Defendant. On August 22, 2019, the Court granted a motion to appoint a Guardian ad litem for purpose of service and the Guardian ad litem has been served with the Complaint. No answer has yet been filed.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Googel, Norman	CON-18-0003	18-C-454	Circuit Court Kanawha County	SER Patrick Morrissey v. Richmond's Quality Cars, LLC	Suit filed April 2, 2018, against Richmond's Quality Cars, LLC and other related companies and individuals engaged in the sale of used motor vehicles without a dealer license and violating provisions of the WVCCPA including selling cars "as is," failing to convey titles, etc. After a hearing held April 13, 2018, the Judge entered Motion for Temporary Injunction, voiding all contracts of sale of vehicles, and prohibiting defendants from selling vehicles or collecting payments, and providing clear titles. A hearing was held on September 12, 2019, on the State's Motion for Judgment by Default Against Certain Defendants and For Summary Judgment. The Court granted a default against certain defendants and scheduled a bench trial for December 9, 2019.
Consumer Protection & Antitrust	Googel, Norman	CON-18-0010	18-C-95	Circuit Court Randolph County	SER Patrick Morrissey v. Oscar Thomas and April Thomas d/b/a Thomas Plumbing Heating & A/C	Suit filed September 25, 2018, against Oscar Thomas and April Thomas, husband and wife, who do business as Thomas Plumbing Heating & A/C, alleges the Defendants are engaging in plumbing and heating, ventilation, and air conditioning services without the required contractor and specialty licenses. The suit also alleged that the Defendants failed to return to do any work after accepting down payments on several occasions and, when they did any work, it was substandard. An Order granting judgment by default on liability, permanent injunction, and awarding \$6,625.72 to be used for restitution to consumers, \$70,000.00 in civil penalties, attorney's fees and costs was entered June 13, 2019. A hearing was held on September 9, 2019, on the State's application for attorney's fees and the application was granted. An order from that hearing has not yet been entered.
Consumer Protection & Antitrust	Googel, Norman	CON-19-0010	19-C-248-3	Circuit Court Harrison County	SER Patrick Morrissey v. Concrete Technology Incorporated of North Central West Virginia, LLC, a limited liability company, and SCOTT KIRBY and BELYNDA KIRBY, its members	Suit filed September 13, 2019, against CTI of North Central WV, LLC, Scott Kirby and Belynda Kirby, its members, alleging the Defendants were accepting money for home improvement transactions, but then failing to perform the work or performing substandard work. The suit also alleges the business misrepresented the products it would use to do the work. No answers have been filed.
Consumer Protection & Antitrust	Googel, Norman	CON-19-0011	19-C-252-D	Circuit Court Raleigh County	SER Patrick Morrissey v. Howard Rents, LLC d/b/a Aarons	Suit filed June 18, 2019, against Howard Rents, LLC, a rent-to-own company, relating to its debt collection practices. Defendant has filed an Answer. A Motion for Leave to File an Amended Complaint is currently pending before the Court. Litigation is ongoing.
Consumer Protection & Antitrust	Googel, Norman	CON-19-0004	19-C-472	Circuit Court Kanawha County	SER Patrick Morrissey v. Ben Burns d/b/a Brenco Home Solutions	Suit filed May 9, 2019, alleging Brenco was performing home improvement services without a contractor's license, even after three Cease and Desist Orders from the WV Department of Labor and a Stop Work Order from the City of Hurricane. Defendant also collected money from multiple consumers and never returned to do the work. An Order Granting Temporary Injunction and Other Relief was entered July 16, 2019. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1622	12-C-122N	Circuit Court Mason County	SER Patrick Morrissey v. Intersections Insurance Services, Inc.	Suit filed October 2, 2012, against Intersections, a third party vendor offering credit card ancillary services for banks and credit card companies, alleges unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. Discovery is in progress, including numerous discovery disputes. A scheduling conference was held on August 12, 2019, and a trial date was set for March 2020.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1619	12-C-123N	Circuit Court Mason County	SER Patrick Morrissey v. Center Partners, Inc.	Suit filed October 2, 2012, against Center Partners, a third party vendor offering credit card ancillary services for banks and credit card companies, alleges unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. Discovery is in progress, including numerous discovery disputes.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-12-1618	12-C-124N	Circuit Court Mason County	SER Patrick Morrissey v. Sitel Corporations	Suit filed October 2, 2012, against the Defendant, a third party vendor offering credit card ancillary services for banks and credit card companies, alleges unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. Discovery is in progress, including numerous discovery disputes.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1620	12-C-125N	Circuit Court Mason County	SER Patrick Morrissey v. Sykes Enterprises, Inc.	Suit filed October 2, 2012, against the Defendant, a third party vendor offering credit card ancillary services for banks and credit card companies, alleges unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. Discovery is in progress, including numerous discovery disputes.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1621	12-C-126N	Circuit Court Mason County	SER Patrick Morrissey v. Stonebridge	Suit filed October 2, 2012, asserts Aegon was a third party vendor offering credit card ancillary services for banks and credit card companies, and alleges unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts in violation of the WVCCPA. During the course of discovery, Stonebridge was identified as the appropriate party in interest and was substituted as the Defendant. Discovery is in progress, including numerous discovery disputes.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1312	12-C-288	Circuit Court Putnam County	SER John D. Perdue v. American General Life and Accident Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1313	12-C-289	Circuit Court Putnam County	SER John D. Perdue v. AXA Equitable Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1317	12-C-293	Circuit Court Putnam County	SER John D. Perdue v. New York Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1318	12-C-294	Circuit Court Putnam County	SER John D. Perdue v. Monumental Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by order entered March 14, 2018. Discovery is ongoing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-12-1320	12-C-296	Circuit Court Putnam County	SER John D. Perdue v. Lincoln National Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery is ongoing.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1585	12-C-322	Circuit Court Putnam County	SER John D. Perdue v. American General Life Ins. Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1587	12-C-323	Circuit Court Putnam County	SER John D. Perdue v. Genworth Life and Annuity Ins. Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1591	12-C-328	Circuit Court Putnam County	SER John D. Perdue v. United of Omaha Life Ins. Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1590	12-C-329	Circuit Court Putnam County	SER John D. Perdue v. New York Life Insurance and Annuity Corp.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1584	12-C-330	Circuit Court Putnam County	SER John D. Perdue v. American Income Life Ins. Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case is stayed as company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	CON-17-0015	12-C-331	Circuit Court Putnam County	SER John D. Perdue v. The Western and Southern Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by order entered March 14, 2018. An Agreed Scheduling Order was entered August 17, 2018. Discovery is in progress.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-12-1687	12-C-355	Circuit Court Putnam County	SER John D. Perdue v. Western & Southern Life Assurance Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. An Agreed Scheduling Order was entered August 17, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1692	12-C-360	Circuit Court Putnam County	SER John D. Perdue v. Lincoln Benefit Life Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1710	12-C-361	Circuit Court Putnam County	SER John D. Perdue v. Transamerica Life Insurance Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1691	12-C-362	Circuit Court Putnam County	SER John D. Perdue v. Employees Life Company (Mutual)	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1685	12-C-364	Circuit Court Putnam County	SER John D. Perdue v. Protective Life Ins. Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case is stayed as the company is under audit review by West Virginia State Treasurer's Office.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1695	12-C-373	Circuit Court Putnam County	SER John D. Perdue v. Combined Insurance Co. of America	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1679	12-C-375	Circuit Court Putnam County	SER John D. Perdue v. Globe Life & Accident Ins. Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case is stayed as company is under audit review by the State Treasurer.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-12-1680	12-C-377	Circuit Court Putnam County	SER John D. Perdue v. Riversource Life Ins. Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1681	12-C-378	Circuit Court Putnam County	SER John D. Perdue v. West Coast Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case is stayed as the company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1683	12-C-380	Circuit Court Putnam County	SER John D. Perdue v. Allstate Life Ins. Co.	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-307	12-C-419	Circuit Court Putnam County	SER John D. Perdue v. Liberty Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-305	12-C-421	Circuit Court Putnam County	SER John D. Perdue v. Physicians Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. An Agreed Scheduling Order was entered on August 24, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-289	12-C-426	Circuit Court Putnam County	SER John D. Perdue v. Teachers Insurance & Annuity Associates of America	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-287	12-C-429	Circuit Court Putnam County	SER John D. Perdue v. Pacific Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. An Agreed Scheduling Order was entered on August 17, 2018. Discovery is in progress.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	AD-13-280	12-C-436	Circuit Court Putnam County	SER John D. Perdue v. Colonial Penn Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. West Virginia Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by order of March 14, 2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-278	12-C-438	Circuit Court Putnam County	SER John D. Perdue v. Genworth Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	AD-13-277	12-C-439	Circuit Court Putnam County	SER John D. Perdue v. United American Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Case is stayed as the company is under audit review by the State Treasurer.
Consumer Protection & Antitrust	Haight, Ann	AD-13-241	12-C-446	Circuit Court Putnam County	SER John D. Perdue v. Lafayette Life Insurance Company	Suit filed September 20, 2012, alleges defendant life insurance companies, as holders of life insurance policies presumed to be abandoned, failed to comply with the WV Uniform Unclaimed Property Act by not accounting for and turning over that property to the State Treasurer as unclaimed property. WV Supreme Court of Appeals upheld the legal theory in a decision issued June 16, 2015. Defendant's Motion for Judgment on the Pleadings was denied and Defendant's Motions to Reconsider and to Certify Questions to the WV Supreme Court of Appeals were denied by Order entered March 14, 2018. An Agreed Scheduling Order was entered 8/17/2018. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	CON-14-0072	13-C-1N	Circuit Court Mason County	SER Patrick Morrissey v. Pfizer, et al.	Suit filed January 2013, alleges violations of the antitrust act by the use of unfair methods of competition and trade practices to the delay of entry into the market of generic versions of Lipitor. Due to Defendant's actions, generic Lipitor did not become available until November 2011, resulting in WV consumers paying more for name brand than for generic Lipitor. Discovery is in progress.
Consumer Protection & Antitrust	Haight, Ann	CON-17-0017	17-P-427	Circuit Court Kanawha County	SER Patrick Morrissey v. Kevin Kyle d/b/a Kyle Construction	Petition to Enforce Assurance of Discontinuance filed November 16, 2017, based on Defendant's failure to make payments under an Assurance of Discontinuance. Although Defendant began making payments after suit was filed, he again defaulted and a show cause hearing was held in 2018. Defendant again began making payments as agreed then defaulted. A status hearing was scheduled for August 28, 2019, but Defendant paid the balance owed before the hearing. A dismissal order has not yet been entered.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0009	19-C-104	Circuit Court Boone County	SER Patrick Morrissey v. Teva Pharmaceuticals USA, Inc., and Cephalon, Inc.	Suit filed August 23, 2019, alleging defendant opioid manufacturers, engaged in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers. No answers have been filed.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0008	19-C-105	Circuit Court Boone County	SER Patrick Morrissey v. Janssen Pharmaceuticals, Inc., and Johnson & Johnson	Suit filed August 23, 2019, alleging defendant opioid manufacturers, engaged in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers. No answers have been filed.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	CON-19-0012	19-C-286	Circuit Court Monongalia County	SER Patrick Morrissey v. Johnson & Johnson, a New Jersey Corporation; Ethicon, Inc., a subsidiary of Johnson & Johnson; and Ethicon US, LLC, a subsidiary of Johnson & Johnson	Suit filed September 18, 2019, alleging the Defendants engaged in unlawful, unfair and deceptive marketing practices associated with surgical mesh devices. The suit claims misrepresentations as to the properties, effectiveness, risks and safety, as well as representations that the products had been approved by the FDA, without acknowledging it was approved under a less rigorous process. The suit seeks civil penalties under the WV Consumer Credit Protection Act and a permanent injunction. No answer has been filed.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0005	19-C-62	Circuit Court Boone County	SER Patrick Morrissey v. Purdue Pharma, L.P., a Delaware limited partnership, Purdue Pharma Inc., a New York corporation, and Richard Sackler, M.D.	Suit filed May 16, 2019, alleging Defendant companies and former chief executive director Richard Sackler unlawfully marketed opioids, by engaging in strategic campaigns to deceive prescribers and patients and misrepresented the risks and benefits of opioid painkillers. Defendants have filed Motions to Dismiss. Case was transferred to Mass Litigation Panel on August 27, 2019. On September 16, 2019, Purdue filed for bankruptcy and an automatic stay is in place as to defendant Purdue.
Consumer Protection & Antitrust	Lackey, Laurel	CON-15-0052	15-C-958-H	Circuit Court Raleigh County	SER Patrick Morrissey v. Rock City Pharmacy, LLC	Suit filed in November 2015, requesting an injunction and other relief against Rock City Pharmacy, LLC, a Utah based pharmacy, and its sole manager, Morgan Mower. The complaint alleged that the company engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without the patient's knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. Case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with Rock City, declared bankruptcy in the Southern District of Texas. Bankruptcy is still ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-15-0053	15-C-959-B	Circuit Court Raleigh County	SER Patrick Morrissey v. David Pharmacy, LLC	Suit was filed in November 2015, requesting an injunction and other relief against David Pharmacy, LLC, a Utah based pharmacy, and its sole manager, Dustin Barrett. The complaint alleges that the company engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without the patient's knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. Case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with Rock City, declared bankruptcy in the Southern District of Texas. Bankruptcy is still ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-16-0001	16-C-230	Circuit Court Raleigh County	SER Patrick Morrissey v. CureRX LLC, et al.	Suit filed in April 2016, requests an injunction and other relief against CureRX, LLC, a Utah based pharmacy, and its sole manager, Chris Rothe. The complaint alleges that the company engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions to the company without the patient's knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. Case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with Rock City, declared bankruptcy in the Southern District of Texas. Bankruptcy is still ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-17-0008	17-32186	Bankruptcy Court-US TXSD	In re: Uplift RX, LLC	Bankruptcy Petition filed by Uplift RX, LLC in the Southern District of Texas. Suits filed against CureRX, David Pharmacy and Rock City Pharmacy were stayed after Uplift RX, LLC filed bankruptcy in the Southern District of Texas. Uplift had entered into pre-purchase agreements with CureRX, David Pharmacy and Rock City Pharmacy, all pharmacies with suits filed against them by the Attorney General. [See notes on CureRX, David and Rock City Pharmacy cases]. The WV Attorney General's Office is identified as an unsecured creditor in the bankruptcy. Bankruptcy is ongoing and is being monitored.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Morrison, Matt	CON-17-0014	17-C-1417	Circuit Court Kanawha County	SER Patrick Morrissey v. Origins Granite Charleston, LLC	Suit filed October 16, 2017, against a kitchen and bathroom countertop business, alleges consumers paid for countertops and for installation but no work was completed and no refunds were paid. Defendant failed to answer the State's Complaint and, on March 7, 2019, the State filed its Motion for Default and Default Judgment and Memorandum of Law in Support of Motion for Default and for Entry of Default Judgment. Litigation is in progress.
Consumer Protection & Antitrust	Morrison, Matt	CON-18-0006	19-C-101	Circuit Court Fayette County	SER Patrick Morrissey v. New River Firewood, LLC, et al.	Suit filed on August 3, 2018, against New River Firewood, LLC and Power Trust Equipment, LLC, as well as their members James Sowder, Cynthia Sowder and Jerry Zimmerman, alleging Defendants sold gas powered log splitters to consumers using defective materials or welds causing the log splitters to malfunction shortly after consumers began using them, in violation of the WVCCPA. New River Firewood consistently refused to either repair the log splitters or refund consumers' payments. Case was originally filed in Kanawha County but Judge sua sponte transferred the case to Fayette County. Defendant has filed a Motion to Dismiss. Discovery is in progress and litigation is ongoing.

**DEPARTMENT OF HEALTH AND
HUMAN RESOURCES
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2019

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Campbell, Allen	HHR-14-0123	01-F-130-H	Circuit Court Raleigh County	State v. J.R.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-15-0242	07-F-49	Circuit Court Wood County	State v. R.L.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-14-0124	08-CRM-571	Circuit Court Kanawha County	State v. M.P.	M.P. is a criminal defendant currently residing in a forensic group home and seeking additional release privileges.
Health, Human Resources	Campbell, Allen	HHR-15-0165	10-F-183	Circuit Court Kanawha County	State v. S.R.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Allen	HHR-15-0693	13-F-352	Circuit Court Lewis County	State v. D.M.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Campbell, Katherine	HHR-17-0611	17-AA-89	Circuit Court Kanawha County	Deborah Smith v. WVDHHR/BCSE	Administrative Appeal filed by DHHR appealing Decision of Grievance Board Granting grievance.
Health, Human Resources	Campbell, Katherine	HHR-19-0523	19-0824	Supreme Court - WV	In Re: E.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-16-0210	15-JD-7	Circuit Court Doddridge County	In Re: A.C.C.	Juvenile delinquency matter regarding placement.
Health, Human Resources	Casteel, Chaelyn	HHR-16-0399	16-AA-1	Circuit Court Braxton County	Casey D. Toler v. WVDHHR	Appeals BOR's decision to uphold substantiation of child abuse by CPS.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0490	17-AA-1	Circuit Court Hancock County	Lori DeGarmo v. WVDHHR/BOR/OIG	Appeal of Board of Review finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0430	17-C-22	Circuit Court Pleasants County	Jason & Sherry Francis v. WVDHHR	Appeal of OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0429	17-C-311	Circuit Court Wood County	Chyanne Walters v. WVDHHR	Appeal of OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0496	17-P-180	Circuit Court Ohio County	Casaundra Spencer v. WVDHHR/OIG/BOR	Appeal of BOR Dismissal Order regarding a CPS substantiation of abuse.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Casteel, Chaelyn	HHR-18-0531	18-0850	Supreme Court - WV	In Re: N.R., A.R., & A.W.	DHHR challenging circuit court's failure to terminate of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-19-0436	19-0652	Supreme Court - WV	In Re: Z.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-19-0433	19-0653	Supreme Court - WV	In Re: Z.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-19-0435	19-0677	Supreme Court - WV	In Re: Z.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-19-0550	19-0882	Supreme Court - WV	In Re: B.C. & T.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-19-0490	19-AA-2	Circuit Court Monongalia County	M.G. v. Bill Crouch, Secretary	The Petitioner is appealing the decision of the State Hearing Officer following a Medicaid Fair Hearing Act in Board of Review Action No. 19-BOR-1581.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0431	19-P-87	Circuit Court Wood County	Jessica Helmick v. Bill J. Crouch, Secretary, et al.	Jessica Wells (Formerly Jessica Helmick) appeals OIG finding of SNAP Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0481	CC-24-2017-JD-20	Circuit Court Marion County	In Re: E.A.M.	Appropriate placement of incompetant juvenile in a delinquency matter to comply with W.Va. Code 27-6A-1, et seq.
Health, Human Resources	Compton, Steven	HHR-18-0208	18-0335	Supreme Court - WV	Hamada E. Mahmoud, M.D. v. WVDHHR/OCME	WVSCA appeal of Kanawha County Circuit Court Order denying employment grievance.
Health, Human Resources	Compton, Steven	HHR-19-0202	19-0217	Supreme Court - WV	In Re: B.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-19-0201	19-0260	Supreme Court - WV	In Re: B.C., A.C., & A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-19-0528	19-0834	Supreme Court - WV	In Re: E.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-19-0541	19-0845	Supreme Court - WV	In Re: R.G. & R.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-19-0540	19-0857	Supreme Court - WV	In Re: R.G. & R.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-19-0308	2:19-cv-00397	USDC WVSD	Kenneth Richards v. WVDHHR and Bill Crouch in his official capacity.	Class action complaint under the Americans With Disabilities Act And The Rehabilitation Act of 1973 in which plaintiff claims DHHR refuses to offer reasonable accomodations in administering and implementing benefit programs.
Health, Human Resources	Compton, Steven	HHR-19-0560	3:19-cv-00710	USDC WVSD	Jonathon R., et al. v. WVDHHR, et al.	A Better Childhood, a national child advocacy organization, Disability Rights WV and Shaffer and Shaffer filed this federal class action lawsuit claiming WVDHHR has violated the constitutional and statutory rights of children in the foster care system.
Health, Human Resources	Compton, Steven	HHR-14-0122	81-MISC-585	Circuit Court Kanawha County	E.H. v. Matin	Continuing jurisdiction over petition for writ of mandamus regarding conditions at state inpatient mental health facilities.
Health, Human Resources	Dugas, Melinda	HHR-17-0601	17-C-139	Circuit Court Nicholas County	Sabra Health Care REIT, Inc., et al. v. WV Health Care Authority, et al.	Administrative Appeal. Conflict over Certificate of Need for health care facility.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Dugas, Melinda	HHR-18-0239	18-AA-1	Circuit Court Braxton County	Shanna Wine v. WVDHHR	Shanna Wine has filed an Administrative Appeal against the Decision of the State Hearing Officer to uphold the WVDHHR's CPS finding of maltreatment against her for failing to protect her son.
Health, Human Resources	Dugas, Melinda	HHR-18-0376	18-P-27	Circuit Court Taylor County	John Hess and A.H.	Non-party appearance on behalf of DHHR as legal guardian for minor A.H. in action to secure appointment of guardian ad litem for the minor child for representation during foreclosure on real property during the settlement of his mother's estate.
Health, Human Resources	Dugas, Melinda	HHR-19-0076	19-0068	Supreme Court - WV	In Re: T.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Dugas, Melinda	HHR-19-0514	19-0718	Supreme Court - WV	In Re: A.B. & A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Dugas, Melinda	HHR-19-0430	19-BOR-2062	Circuit Court Mineral County	Katrina Powers v. WVDHHR	Represent DHHR in Administrative Appeal filed by Katrina Powers appealing the Dismissal from the Board of Review.
Health, Human Resources	Dugas, Melinda	HHR-19-0327	19-P-13	Circuit Court Grant County	Douglass Cobb v. WVDHHR	Represent DHHR in appearing to set aside Order of Default Judgment Regarding Burial Expenses.
Health, Human Resources	Evans, Sandra	HHR-16-0162	16-0380	Supreme Court - WV	In Re: A.R., M.R., & K.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-17-0115	17-0220	Supreme Court - WV	In Re: A.W. & S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0473	18-0732	Supreme Court - WV	In Re: B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-18-0472	18-0753	Supreme Court - WV	In Re: J.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0165	19-0153	Supreme Court - WV	In Re: J.M.-J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0130	19-0160	Supreme Court - WV	In Re: C.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0167	19-0219	Supreme Court - WV	In Re: M.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0192	19-0258	Supreme Court - WV	In Re: E.C., D.C., R.S., & G.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0217	19-0261	Supreme Court - WV	In Re: C.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0218	19-0301	Supreme Court - WV	In Re: K.C. & J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0274	19-0366	Supreme Court - WV	In Re: M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0275	19-0375	Supreme Court - WV	In Re: M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0299	19-0377	Supreme Court - WV	In Re: I.W. & A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0300	19-0420	Supreme Court - WV	In Re: M.G., B.S. & T.S.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Evans, Sandra	HHR-19-0312	19-0445	Supreme Court - WV	In Re: L.T. & E.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0313	19-0472	Supreme Court - WV	In Re: J.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0314	19-0473	Supreme Court - WV	In Re: S.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0318	19-0474	Supreme Court - WV	In Re: K.H., K.H., W.H., B.H. & A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0341	19-0496	Supreme Court - WV	In Re: D.C. & B.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0342	19-0505	Supreme Court - WV	In Re: E.W., C.W. & B.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0357	19-0522	Supreme Court - WV	In Re: Z.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0372	19-0548	Supreme Court - WV	In Re: J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0369	19-0550	Supreme Court - US	In Re: M.R. & M.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0383	19-0561	Supreme Court - WV	In Re: M.A., K.A. & K.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0385	19-0582	Supreme Court - WV	In Re: B.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0398	19-0597	Supreme Court - WV	In Re: E.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0389	19-0598	Supreme Court - WV	In Re: A.T., A.T. & N.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0421	19-0616	Supreme Court - WV	In Re: L.G. & D.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0401	19-0617	Supreme Court - WV	In Re: M.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0418	19-0626	Supreme Court - WV	In Re: D.S. & K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0437	19-0650	Supreme Court - WV	In Re: K.P. & L.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0464	19-0686	Supreme Court - WV	In Re: M.C., Z.C., D.C. & K.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0479	19-0695	Supreme Court - WV	In Re: L.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0465	19-0696	Supreme Court - WV	In Re: G.M. & L.V.-M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0511	19-0767	Supreme Court - WV	In Re: J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0512	19-0768	Supreme Court - WV	In Re: F.T.-T. & A.T.-T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0509	19-0781	Supreme Court - WV	In Re: A.T., L.T. & A.T.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Evans, Sandra	HHR-19-0510	19-0796	Supreme Court - WV	In Re: T.L. & E.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0508	19-0819	Supreme Court - WV	In Re: M.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0525	19-0822	Supreme Court - WV	In Re: M.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0535	19-0825	Supreme Court - WV	In Re: B.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0570	19-0846	Supreme Court - WV	In Re: L.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0538	19-0856	Supreme Court - WV	In Re: A.H. & L.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0539	19-0858	Supreme Court - WV	In Re: A.H. & L.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0542	19-0872	Supreme Court - WV	In Re: S.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0552	19-0876	Supreme Court - WV	In Re: A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0553	19-0887	Supreme Court - WV	In Re: E.J. & B.J.-C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0562	19-0914	Supreme Court - WV	In Re: C.R. & A.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0568	19-0924	Supreme Court - WV	In Re: N.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Evans, Sandra	HHR-19-0579	19-0934	Supreme Court - WV	In Re: L.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0237	18-0399	Supreme Court - WV	In Re: B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0263	18-0448	Supreme Court - WV	In Re: A.P., A.P. & A.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0324	18-0552	Supreme Court - WV	In Re: D.J., G.J. & P.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0005	18-1082	Supreme Court - WV	In Re: Z.A., S.A. & J.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0006	18-1084	Supreme Court - WV	In Re: Z.A., S.A. & J.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-18-0291	18-AA-256	Circuit Court Kanawha County	Leslie Riddle v. DHHR/BCF, Region I	Grievant was charged with Annual Leave while representing an employee at a proceeding. She wants her leave back.
Health, Human Resources	Felton, Brandolyn	HHR-19-0221	19-0321	Supreme Court - WV	In Re: I.R-V. & X.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0236	19-0324	Supreme Court - WV	In Re: C.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0268	19-0343	Supreme Court - WV	In Re: D.S. & N.Z.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Felton, Brandolyn	HHR-19-0271	19-0376	Supreme Court - WV	In Re: K.T., R.B., M.B. & D.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0272	19-0388	Supreme Court - WV	In Re: D.J. & L.J	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0298	19-0419	Supreme Court - WV	In Re: B.P., B.S. & B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0291	19-0442	Supreme Court - WV	In Re: H.M., H.G. & R.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0339	19-0497	Supreme Court - WV	In Re: L.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0340	19-0508	Supreme Court - WV	In Re: K.M., A.R. & S.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0355	19-0539	Supreme Court - WV	In Re: D.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0371	19-0540	Supreme Court - WV	In Re: M.M., L.M. & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0365	19-0541	Supreme Court - WV	In Re: C.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0397	19-0615	Supreme Court - WV	In Re: N.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0426	19-0629	Supreme Court - WV	In Re: E.K. & W.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0425	19-0647	Supreme Court - WV	In Re: K.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0452	19-0656	Supreme Court - WV	In Re: Z.M. & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0466	19-0694	Supreme Court - WV	In Re: C.W. & C.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0476	19-0716	Supreme Court - WV	In Re: D.M.-D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0500	19-0717	Supreme Court - WV	In Re: J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0502	19-0792	Supreme Court - WV	In Re: C.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0501	19-0797	Supreme Court - WV	In Re: C.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0499	19-0799	Supreme Court - WV	In Re: H.N., T.D., Jr., A.D., L.D., H.C., K.C, D.C., H.B. & H.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0526	19-0835	Supreme Court - WV	In Re: T.S., A.S., B.S. & R.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0537	19-0836	Supreme Court - WV	In Re: B.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0546	19-0863	Supreme Court - WV	In Re: T.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0544	19-0866	Supreme Court - WV	In Re: R.B., Jr. & R.B.-M.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Felton, Brandolyn	HHR-19-0543	19-0873	Supreme Court - WV	In Re: R.B., Jr.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0564	19-0896	Supreme Court - WV	In Re: J.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0584	19-0925	Supreme Court - WV	In Re: M.S. & A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Felton, Brandolyn	HHR-19-0592	19-0945	Supreme Court - WV	In Re: E.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Jackson, Michael	HHR-17-0399	17-C-57	Circuit Court Lincoln County	Gina Sowards v. WVDHHR/BOR	Appeal of BOR Order Denying Request for Consideration.
Health, Human Resources	Jackson, Michael	HHR-18-0202	18-AA-03	Circuit Court Boone County	David Warren v. WVDHHR	Mr. Warren appeals BOR Decision upholding a DHHR WV Works repayment claim totaling \$2620.00.
Health, Human Resources	Jackson, Michael	HHR-18-0070	18-AA-179	Circuit Court Kanawha County	Tiffany Proctor v. WVDHHR/BOR	Petitioner appealed CPS finding that occurred in 2002. DHHR BOR issued a Dismissal Order stating it did not have jurisdiction to remove finding. Appeal is now filed in Kanawha County Circuit Court.
Health, Human Resources	Jackson, Michael	HHR-18-0090	18-AA-2	Circuit Court Kanawha County	Chester Mitchell v. WVDHHR/BOR	Chester Mitchell appeals BOR Order of Dismissal regarding the establishment of SNAP repayment obligation due to untimely hearing request with the BOR.
Health, Human Resources	Jackson, Michael	HHR-19-0458	19-AA-82	Circuit Court Kanawha County	In Re: L.B.	Petitioner appeals DHHR Board of Review decision to deny assistance. Hearing scheduled December 6, 2019.
Health, Human Resources	Jackson, Michael	HHR-19-0459	19-C-821	Circuit Court Kanawha County	Sheila A. Cunningham v. WVDHHR	Ms. Cunningham appeals DHHR Board of Review decision regarding family assistance.
Health, Human Resources	Jones, William	HHR-19-0582	04-G-2	Circuit Court Monongalia County	In Re: Seth Rogers	WVDHHR filed a Petition to Terminate, Revoke or Modify the Appointment of Guardian and/or Conservator.
Health, Human Resources	Jones, William	HHR-19-0156	05-G-16	Circuit Court Kanawha County	In Re: Bonnie Myers	DHHR received a Petition for the Approval of Settlement and Order Filing Petition, Appointing Guardian Ad Litem and Setting a Hearing.
Health, Human Resources	Jones, William	HHR-19-0209	08-G-40	Circuit Court Kanawha County	In Re: Leigh Ann Blankenship	A Petition to Terminate, Revoke or Modify Appointment of Guardian and/or Conservator was filed.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jones, William	HHR-18-0445	10-F-283	Circuit Court Kanawha County	State v. Shannon Roberts	Shannon Roberts is a forensic patient at a state hospital and is under the court's criminal jurisdiction. APS was appointed guardian. Status review hearings are held by the circuit court.
Health, Human Resources	Jones, William	HHR-19-0569	10-G-4	Circuit Court Nicholas County	In Re: James Kelley	WVDHHR filed a Petition for Transfer of Jurisdiction.
Health, Human Resources	Jones, William	HHR-19-0111	11-G-3	Circuit Court Hardy County	In Re: Stephanie Whetzel	Protected Person filed Motion to Relocate her residence.
Health, Human Resources	Jones, William	HHR-19-0082	12-G-25	Circuit Court Berkeley County	In Re: Christopher Corso	Relative filed petition to remove DHHR guardianship.
Health, Human Resources	Jones, William	HHR-18-0449	13-G-2	Circuit Court Roane County	In Re: Charlotte Allen	GAL filed petition to remove current guardian and conservator.
Health, Human Resources	Jones, William	HHR-19-0583	16-G-1	Circuit Court Wyoming County	In Re: Mary Smith	Jennifer Taylor, Esq., filed a Petition to Terminate Guardianship.
Health, Human Resources	Jones, William	HHR-17-0420	16-G-5	Circuit Court Hampshire County	In re: Taylor S. Mount	Taylor Mount filed petition to terminate DHHR guardianship.
Health, Human Resources	Jones, William	HHR-17-0325	16-JA-249 & 16-JA-250	Circuit Court Kanawha County	In Re: B.W. & G.W.	Contempt proceeding against WVDHHR for not adequately staffing CPS workers in Kanawha County.
Health, Human Resources	Jones, William	HHR-18-0444	17-G-20-33	Circuit Court Kanawha County	In Re: Terry Gandee	Petition to appoint WVDHHR and KCSD as successor guardian/conservator.
Health, Human Resources	Jones, William	HHR-19-0585	17-G-38	Circuit Court Kanawha County	In Re: Michael Anderson	Jennifer Taylor, a Legal Aid attorney, filed a Petition for Termination, Revocation or Modification of Guardianship/Conservatorship.
Health, Human Resources	Jones, William	HHR-18-0610	17-G-6	Circuit Court Jackson County	In Re: Kayla Landis	Protected person filed petition to terminate DHHR guardianship.
Health, Human Resources	Jones, William	HHR-18-0205	18-G-02	Circuit Court Hampshire County	In re: Shelly Pierson	WVDHHR filed petition for guardianship.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jones, William	HHR-19-0068	18-G-2	Circuit Court Jefferson County	In Re: Kenneth Atkins	WVDHHR seeks motion to change protected person's residence.
Health, Human Resources	Jones, William	HHR-19-0035	18-G-35	Circuit Court Raleigh County	In Re: Colleen Johnson	Petition filed to appoint WVDHHR as guardian and county sheriff as conservator.
Health, Human Resources	Jones, William	HHR-18-0469	18-G-6	Circuit Court Upshur County	In Re: Martha Wood	WVDHHR filed petition for conservatorship.
Health, Human Resources	Jones, William	HHR-19-0354	19-C-614	Circuit Court Kanawha County	Disability Rights of WV v. WVDHHR	Petitioner, Disability Rights of WV, filed suit against WVDHHR/BCF regarding their right to access APS records.
Health, Human Resources	Jones, William	HHR-19-0429	19-G-11	Circuit Court Barbour County	In Re: Corbett Wilfong	WVDHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-19-0457	19-G-13	Circuit Court Boone County	In Re: Homer Bryant	WVDHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-19-0468	19-G-14	Circuit Court Randolph County	In Re: Rella Bodkins	WVDHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-19-0484	19-G-16	Circuit Court Monongalia County	In Re: Brenda Weaver	WVDHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-19-0590	19-G-16	Circuit Court Lincoln County	In Re: Michael Mullins	WVDHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-19-0533	19-G-18	Circuit Court Harrison County	In Re: Louis Corder	WVDHHR filed a Petition for the Appointment of Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-19-0467	19-G-5	Circuit Court Grant County	In Re: Peggy Coates	WVDHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-19-0581	19-G-51	Circuit Court Berkeley County	In Re: De'Shaun Cook Duncan	WVDHHR filed a Petition for the Appointment of a Guardian/Conservator.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Jones, William	HHR-19-0495	19-G-77	Circuit Court Kanawha County	In Re: Joyce Richey	CAMC filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-19-0494	19-G-9	Circuit Court Marshall County	In Re: Victoria Sullivan	WVDHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Jones, William	HHR-19-0106	19-P-45	Circuit Court Kanawha County	Michael Campbell v. WVDHHR	Trustee of deceased father filed petition to establish a special needs trust. WVDHHR is legal guardian over the son of the deceased.
Health, Human Resources	Lackey, Laurel	HHR-15-0262	02-20983	Bankruptcy Court-US WVND	Shawnee Hills	Chapter 7 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0271	1:13-bk-01054	Bankruptcy Court-US WVND	Fairmont General Hospital	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0273	11-13036	Bankruptcy Court-US DE	Graceway Pharma	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0267	12-19882-HJB	Bankruptcy Court-US MA	New England Compounding Pharm	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0263	13-11952	Bankruptcy Court-US DE	Rural/Metro Corp	Chapter 11 (Asset) Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0277	13-12769	Bankruptcy Court-US DE	Laboratory Partners	Chapter 11 (Asset) Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0883	15-32919 (KRH)	Bankruptcy Court-US VAED	Health Diagnostic Laboratory	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0876	15-33896 (KRH)	Bankruptcy Court-US VAED	Alpha Natural Resources, Inc., et al.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0626	15-70444 (PMB)	Bankruptcy Court-US VAWD	In Re: XINERGY LTD., et al.	Chapter 11 (Asset) Bankruptcy. Xinerger Ltd., a Tennessee-based Appalachian coal producer, and its 25 subsidiaries have filed for Chapter 11 bankruptcy in United States Bankruptcy Court for the Western District of Virginia in Roanoke, Virginia. Xinerger maintains coal operations throughout West Virginia.
Health, Human Resources	Lackey, Laurel	HHR-15-1002	15-70469	Bankruptcy Court-US KYED	Asthma and Allergy Center LLC, Chapter 11	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-1011	3:15-bk-00666	Bankruptcy Court-US WVND	Blaise Christian Sitchet MBufet	Chapter 13 Bankruptcy.
Health, Human Resources	Niezgoda, Lee	HHR-15-0766	15-0740	Supreme Court - WV	In Re: T.H.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Niezgoda, Lee	HHR-16-0275	16-0294	Supreme Court - WV	In Re: P.C. & L.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-16-0557	16-1120	Supreme Court - WV	In Re: A.J. & K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0178	17-0344	Supreme Court - WV	In Re: D.W., C.L. & B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-17-0235	17-0471	Supreme Court - WV	In Re: J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0021	17-0953	Supreme Court - WV	In Re: D.H. & M.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0013	17-1131	Supreme Court - WV	In Re: H.G., J.M., T.M., T.K., A.K., B.K. & A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0053	18-0064	Supreme Court - WV	In Re: K.P., W.P. & P.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0172	18-0281	Supreme Court - WV	In Re: B.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0265	18-0446	Supreme Court - WV	In Re: A.W. & C.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0530	18-0842	Supreme Court - WV	In Re: N.R., A.R. & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0536	18-0845	Supreme Court - WV	In Re: N.H., C.H. & B.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0534	18-0849	Supreme Court - WV	In Re: N.R., A.R. & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0533	18-0854	Supreme Court - WV	In Re: N.R., D.R. & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-18-0564	18-0955	Supreme Court - WV	In Re: S.K. III	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0077	19-0064	Supreme Court - WV	In Re: A.B., N.B., J.B., B.B., E.B. & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0172	19-0238	Supreme Court - WV	In Re: S.V., G.V. & K.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0191	19-0241	Supreme Court - WV	In Re: H.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0190	19-0246	Supreme Court - WV	In Re: K.H., A.T.-V., K.H. & G.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0215	19-0302	Supreme Court - WV	In Re: H.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0214	19-0306	Supreme Court - WV	In Re: R.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0223	19-0319	Supreme Court - WV	In Re: W.R., Jr. & T.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0222	19-0323	Supreme Court - WV	In Re: M.K. & G.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0237	19-0335	Supreme Court - WV	In Re: C.H., L.H. & A.H.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Niezgoda, Lee	HHR-19-0235	19-0336	Supreme Court - WV	In Re: A.R. & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0276	19-0344	Supreme Court - WV	In Re: Z.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0248	19-0353	Supreme Court - WV	In Re: T.T. & W.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0278	19-0354	Supreme Court - WV	In Re: R.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0277	19-0355	Supreme Court - WV	In Re: Z.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0279	19-0416	Supreme Court - WV	In Re: B.F., M.H. & B.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0288	19-0417	Supreme Court - WV	In Re: M.D. & H.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0287	19-0431	Supreme Court - WV	In Re: B.S. & A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0297	19-0432	Supreme Court - WV	In Re: A.H., M.H., II & X.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0295	19-0443	Supreme Court - WV	In Re: E.R., A.W., M.R. & E.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0317	19-0492	Supreme Court - WV	In Re: A.M. & C.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0336	19-0495	Supreme Court - WV	In Re: B.M., B.M. & I.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0343	19-0509	Supreme Court - WV	In Re: H.P. & M.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0346	19-0515	Supreme Court - WV	In Re: B.M. & D.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0344	19-0516	Supreme Court - WV	In Re: B.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0358	19-0528	Supreme Court - WV	In Re: M.W., M.W. II, C.R., L.W., R.W. & H.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0362	19-0529	Supreme Court - WV	In Re: M.B. & P.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0359	19-0530	Supreme Court - WV	In Re: M.B. & P.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0370	19-0549	Supreme Court - WV	In Re: M.M., C.M. & B.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0381	19-0553	Supreme Court - WV	In Re: M.B. & A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0380	19-0554	Supreme Court - WV	In Re: A.D. & J.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0390	19-0567	Supreme Court - WV	In Re: D.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0400	19-0581	Supreme Court - WV	In Re: J.B.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Niezgoda, Lee	HHR-19-0399	19-0603	Supreme Court - WV	In Re: W.C. & P.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0427	19-0630	Supreme Court - WV	In Re: M.W. & J.B.-R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0440	19-0651	Supreme Court - US	In Re: A.H. & N.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0454	19-0667	Supreme Court - WV	In Re: J.T., S.T. & R.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0453	19-0692	Supreme Court - WV	In Re: J.T. & S.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0477	19-0713	Supreme Court - WV	In Re: J.H., E.H. & S.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0478	19-0715	Supreme Court - WV	In Re: B.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0520	19-0769	Supreme Court - WV	In Re: R.B. & L.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0518	19-0779	Supreme Court - WV	In Re: T.M., B.M. & I.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0521	19-0790	Supreme Court - WV	In Re: B.T., B.T. & A.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0517	19-0791	Supreme Court - WV	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0519	19-0795	Supreme Court - WV	In Re: S.L. & A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0516	19-0798	Supreme Court - WV	In Re: J.B. II	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0515	19-0813	Supreme Court - WV	In Re: K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0522	19-0823	Supreme Court - WV	In Re: B.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0536	19-0844	Supreme Court - WV	In Re: G.M., F.M., Jr. & A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0545	19-0855	Supreme Court - WV	In Re: E.W.-D., E.W., A.M. & P.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0551	19-0877	Supreme Court - WV	In Re: J.R., L.R., C.E. & A.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0565	19-0923	Supreme Court - WV	In Re: C.W. & A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0587	19-0926	Supreme Court - WV	In Re: M.M., H.M. & W.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-19-0591	19-0946	Supreme Court - WV	In Re: C.W., L.W., G.H. & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0089	19-0077	Supreme Court - WV	In Re: J.B., A.B. & A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0102	19-0106	Supreme Court - WV	In Re: E.E.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Parsley, Mindy	HHR-19-0169	19-0198	Supreme Court - WV	In Re: A.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0168	19-0237	Supreme Court - WV	In Re: J.S. & T.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0189	19-0240	Supreme Court - WV	In Re: W.M. & D.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0188	19-0245	Supreme Court - WV	In Re: L.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0219	19-0322	Supreme Court - WV	In Re: C.C. & M.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0238	19-0339	Supreme Court - WV	In Re: E.F. & C.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0337	19-0342	Supreme Court - WV	In Re: B.P., D.P., L.P., R.P. & D.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0266	19-0367	Supreme Court - WV	In Re: S.S., S.S. & D.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0273	19-0389	Supreme Court - WV	In Re: Z.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0315	19-0456	Supreme Court - WV	In Re: J.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0338	19-0520	Supreme Court - WV	In Re: J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0382	19-0571	Supreme Court - WV	In Re: T.D. & X.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0384	19-0583	Supreme Court - WV	In Re: S.B. & J.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0417	19-0646	Supreme Court - WV	In Re: A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0450	19-0655	Supreme Court - WV	In Re: A.C., Jr.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0451	19-0659	Supreme Court - WV	In Re: E.G., A.G. & B.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0475	19-0702	Supreme Court - WV	In Re: P.M., S.J. & L.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0469	19-0714	Supreme Court - WV	In Re: A.M., D.E.-A., D.A., C.A. & R.A., Jr.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0505	19-0761	Supreme Court - WV	In Re: E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0506	19-0780	Supreme Court - WV	In Re: C.A. & K.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0507	19-0789	Supreme Court - WV	In Re: S.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0503	19-0811	Supreme Court - WV	In Re: A.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0504	19-0812	Supreme Court - WV	In Re: A.E.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Parsley, Mindy	HHR-19-0534	19-0837	Supreme Court - WV	In Re: J.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0547	19-0861	Supreme Court - WV	In Re: K.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0554	19-0891	Supreme Court - WV	In Re: C.R. & A.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0563	19-0912	Supreme Court - WV	In Re: A.H., N.H. & T.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0567	19-0920	Supreme Court - WV	In Re: D.H. & H.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0566	19-0921	Supreme Court - WV	In Re: B.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Parsley, Mindy	HHR-19-0588	19-0936	Supreme Court - US	In Re: C.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Stitzinger, Kim	HHR-19-0112	02-C-239	Circuit Court Wood County	Jocelyn B. v. WVDHHR	Intent to file a Petition for Substitution of Trustees and for Modification of Administrative Provisions.
Health, Human Resources	Stitzinger, Kim	HHR-15-0184	07-C-45	Circuit Court Lincoln County	American Select Insurance v. Amy Woodrum and WVDHHR	Medicaid subrogation case. A settlement check was submitted to the court but Ms. Woodrum's attorney did not take the distribution. Ms. Woodrum has now retained Legal Aid.
Health, Human Resources	Stitzinger, Kim	HHR-15-0122	15-0595	Supreme Court - WV	HCR Manor v. WVDHHR/BMS	Appeal of a document desk review regarding nursing home reimbursement rates.
Health, Human Resources	Stitzinger, Kim	HHR-18-0137	2:05-cv-03895	USDC NJ	Simpson v. Bayer	Received subpoena from the US District Court of New Jersey to produce documents regarding policies and records.
Health, Human Resources	Walters, Angela	HHR-15-0752	08-JA-40 & 41	Circuit Court Wyoming County	In Re: C.P., D.P. & D.L.	Child Protective Services Contempt case. The Petitioner states she is not receiving the monthly amount of finances to which she is entitled.
Health, Human Resources	Walters, Angela	HHR-16-0375	16-C-70	Circuit Court Wyoming County	Stephanie Collier v. WVDHHR	Appellant is appealing the DHHR'S decision to close the Administrative Services Organization provider record and her ability to be a provider. Reply Brief pending.
Health, Human Resources	Walters, Angela	HHR-19-0198	17-C-155	Circuit Court Wyoming County	Denise Adkins v. WVDHHR	Circuit Court appeal of Board of Review Decision substantiating CPS allegation of abuse.
Health, Human Resources	Walters, Angela	HHR-18-0304	17-JA-82-83	Circuit Court Greenbrier County	Simons & Crook	Possible Writ of Prohibition out of Greenbrier County Circuit Court. Awaiting more information and decision of general counsel for DHHR.
Health, Human Resources	Walters, Angela	HHR-19-0319	18-C-102	Circuit Court Wyoming County	Courtney Bailey v. WVDHHR/Board of Review	Ms. Bailey appeals Board of Review/CPS substantiation of abuse or neglect in the Circuit Court of Wyoming County.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Walters, Angela	HHR-19-0387	19-C-61	Circuit Court Wyoming County	Candy Fournier v. WVDHHR	Appeal of DHHR Board of Review decision substantiating a finding of maltreatment by CPS.
Health, Human Resources	Wegman, Jake	HHR-19-0009	18-1086	Supreme Court - WV	In Re: A.R., L.R. & D.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-19-0004	18-1099	Supreme Court - WV	In Re: A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-19-0043	18-1107	Supreme Court - WV	In Re: R.M., R.M., W.M., S.M., C.M., M.M., M.M., E.M. & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-18-0012	18-AA-4	Circuit Court Kanawha County	WVDHHR v. Charles Steven Trout, II	By Decision dated 11/16/2017, WVDHHR ordered to put Grievant back to work after its termination of Grievant. DHHR filed administrative appeal to ask the Circuit Court to reverse the Board's decision.
Health, Human Resources	Wegman, Jake	HHR-19-0200	19-0249	Supreme Court - WV	In Re: A.W., D.T. & T.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-19-0203	19-0268	Supreme Court - WV	In Re: D.W., Jr. & Z.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-19-0419	19-0627	Supreme Court - WV	In Re: T.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-19-0513	19-0747	Supreme Court - WV	In Re: A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-19-0524	19-0821	Supreme Court - WV	In Re: E.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-19-0577	19-AA-2	Circuit Court Randolph County	Mercedes Sisler v. WVDHHR	Appeal of DHHR Board of Review substantiation of CNA abuse and neglect in Randolph County Circuit Court.
Health, Human Resources	Winterholler, Claire	HHR-18-0585	18-P-415	Circuit Court Kanawha County	Christy J. Rhoades v. WVDHHR/OCME	Administratrix files Mandamus to compel OCME to provide autopsy report.
Health, Human Resources	Winterholler, Claire	HHR-15-0241	3:09-cv-00855	USDC WVSD	Town of Fort Gay	Consent Decree entered in civil enforcement action primarily for violations of the Clean Water Act and the Safe Drinking Water Act. Currently under monitoring for compliance.

**MAIN OFFICE
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2019

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-19-0005	1:18-cv-00068	USDC TXSD	Texas v United States (DACA)	West Virginia joined a multi-state coalition challenging President Obama's authority to establish deferred immigration priorities for children who are unlawfully present in the United States after being brought to the country as children.
Main Office	See, Lindsay	MO-15-0071	15-1267	US CADC	Florida, et al. v. EPA, et al.	Legal challenge to EPA's refusal to approve state implementation plan under Clean Air Act.
Main Office	See, Lindsay	MO-16-0021	15-1399	USDC DC	West Virginia v. U.S. EPA	Legal challenge to EPA's new source performance standards for new power plants; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0020	16-1204	USDC DC	Michigan v. U.S. EPA	Legal challenge to EPA's supplemental findings on costs/benefits of MATS rule.
Main Office	See, Lindsay	MO-16-0022	16-1242	USDC DC	North Dakota v. U.S. EPA	Legal challenge to the EPA's methane rule for oil and gas category.
Main Office	See, Lindsay	MO-16-0011	16-1264	US CADC	West Virginia, et al. v. U.S. EPA	Legal challenge to EPA's methane rule for new oil and gas operations.
Main Office	See, Lindsay	MO-17-0005	17-1145	US CADC	Clean Air Council, et al. v. Pruitt, et al.	West Virginia intervened in litigation concerning EPA's administrative stay of the new source methane rule.
Main Office	See, Lindsay	MO-16-0012	19-0298	Supreme Court - WV	Morrisey v. WV AFL-CIO	AFL-CIO filed a civil action challenging the constitutionality of the right to work law passed by the Legislature of the State of West Virginia; appeal pending.
Main Office	See, Lindsay	MO-19-0006	19-10011	US CAS	Texas v. United States (ACA)	West Virginia joined a multi-state coalition challenging the constitutionality of the Affordable Care Act following the elimination of the individual mandate tax penalty.
Main Office	See, Lindsay	MO-19-0002	19-1140	US CADC	American Lung Ass'n v. U.S. EPA, et al.	West Virginia intervened in litigation concerning Affordable Clean Energy rule.
Main Office	See, Lindsay	MO-15-0078	2:15-cv-00079	USDC GASD	Georgia, et al. v. Wheeler, et al.	APA challenge to the "Waters of the United States" Rule in the Southern District of Georgia.
Main Office	See, Lindsay	MO-19-0003	2:19-cv-00434	USDC WVSD	The West Virginia Coalition Against Domestic Violence, Inc. v. Morrisey	Challenge to the constitutionality of W. Va. Code 61-7-14(d).
Main Office	See, Lindsay	MO-19-0004	2201459	Supreme Court - US	Delaware v. Arkansas, et al.	Original action in US Supreme Court of Appeals regarding state entitlement to unclaimed MoneyGram checks.
Main Office	Sizemore, Vaughn	MO-17-0007	16-C-213	Circuit Court Ohio County	Crystal Mountain & Steven Minard v. Ohio County Commission, et al.	Crystal Mountain & Steven Minard v. Ohio County Commission, Ohio County Development Authority, Randy Wharton, Menard, Inc., West Virginia Economic Development Authority and Gregory L. Stewart. MTD. Appeal Pending.
Main Office	Sizemore, Vaughn	MO-17-0010	16-C-54	Circuit Court Hardy County	West Virginia v Judy's Drug Store	Action against suppliers of opioid pain medication for resulting controlled substance addiction.

MEDICAID FRAUD CONTROL UNIT

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2019

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0002	19-B-129	Circuit Court Randolph County	State of West Virginia v. Veronica Myles	Criminal Complaint filed for alleged fraud in violation of W. Va. Code 9-7-5.
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0003	19-F-127	Circuit Court Lincoln County	State of West Virginia v. Joseph Peterson	Criminal Complaint filed for alleged fraud in violation of W. Va. Code 9-7-5.
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0004	19-F-28	Circuit Court Lincoln County	State of West Virginia v. Robert Peterson	Criminal Complaint filed for alleged fraud in violation of W. Va. Code 9-7-5, and fraudulent schemes in violation of W. Va. Code 61-3-24 (d).

**TAX, REVENUE, LEGISLATIVE CLAIMS
COMMISSION, AND TRANSPORTATION
DIVISION**

ANNUAL REPORT
TO
THE GOVERNOR, SENATE PRESIDENT AND
HOUSE OF DELEGATES SPEAKER
November 1, 2019

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0194	19-0484	Supreme Court - WV	Adam Holley, Acting Commissioner v. Timothy McCabe	Timothy McCabe appealed the DMV Commissioner's denial of his salesperson license with the Circuit Court of Ohio County. The Circuit Court reversed the Commissioner's denial of Mr. McCabe's license. The Commissioner appealed to the West Virginia Supreme Court of Appeals alleging four assignments of error: (1) That the circuit erred when it found that W.Va. Code 17A-6E-4(c)(5)(2006) is an ex post facto law that cannot be retroactively applied; (2) the circuit court erred when it found that Mr. McCabe was denied due process; (3) the circuit court erred when it found that W.Va. Code 17A-6E-4(c)(5)(2006) is overly broad as it pertained to W.Va. Code 17A-6E-1 (2006), et seq.; and (4) the circuit court erred when it found that W.Va. Code 17A-6E-4(c)(5)(2006) is too narrow as it pertains to individuals who commit fraudulent acts from obtaining a salesperson license.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0062	19-AA-1	Circuit Court Preston County	Douglas Wagner v. Adam Holley, Acting Commissioner	Douglas Wagner appealed the OAH decision which affirmed the revocation of his driver's license. The Petitioner alleges that he has been substantially prejudiced by the delay of OAH in issuing its final decision. However, the Commissioner asserts that the Petitioner has not been prejudiced because he failed to show how the delay caused a change detrimental to his circumstances or situation.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0083	19-AA-1	Circuit Court Brooke County	Joseph Wall v. Adam Holley, Acting Commissioner	Joseph Wall filed a petition to appeal the OAH final order which affirmed the DMV Commissioner's Order of Revocation. The Petition alleges a constitutional violation of due process due to the delay in the issuance of the OAH decision, which was issued one year after the hearing date. The petition further alleges a violation of statutory authority and that the decision is clearly wrong because OAH failed to give sufficient weight to the blood alcohol concentration level of .073 and ignored the driver's testimony. Petitioner filed a Motion for Stay of revocation of driver's license, which was denied.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0214	19-AA-3	Circuit Court Monongalia County	Jad H. Ramadan v. Adam Holley, Acting Commissioner	Jad Ramadan filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's Order of revocation of his driver's license. The petition alleges that OAH erred when it considered Mr. Ramadan's manner of driving in concluding that he was impaired despite the lack of testimony or evidence.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0063	19-C-183	Circuit Court Ohio County	Richard Hillberry, II v. Adam Holley, Acting Commissioner	Richard Hillberry appealed the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The revocation was based upon Mr. Hillberry's refusal to submit to the designated secondary chemical test of the breath. The Petitioner alleges that the OAH's decision was in error in that the arrest was improper. Therefore, Petitioner's refusal of the designated secondary chemical test should not be considered.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0100	19-CAP-10	Circuit Court Ohio County	Gary Bosley v. Adam Holley, Acting Commissioner	Gary Bosley appealed the OAH final order which upheld the DMV Commissioner's revocation order. Although Mr. Bosley does not specify in his petition for review, it appears he is asserting that the OAH's order was clearly wrong in view of the reliable, probative, and substantial evidence on the record. A motion for stay of order of revocation was granted.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0195	19-P-108	Circuit Court Wood County	Roger L. Whited v. Adam Holley, Acting Commissioner	Timothy McCabe appealed the OAH decision affirming the DMV Commissioner's revocation of his driver's license. Petitioner alleged that he was prejudiced by the delay in the OAH issuing its final order and that the hearing examiner's decision was against the weight of the evidence.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0127	19-P-118	Circuit Court Wood County	Maria Wiseman v. Adam Holley, Acting Commissioner	Maria Wiseman appealed the OAH final order upholding the DMV Commissioner's order of revocation of her driver's license. The Petition alleges that OAH's decision was against the weight of the evidence in that the field sobriety tests and the secondary chemical test of the breath were improperly administered.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0128	19-P-12	Circuit Court Pleasants County	Diana Farson v. Adam Holley, Acting Commissioner	Diana Farson appealed the OAH final order upholding the DMV Commissioner's order of revocation of her driver's license. The Petition alleges that OAH's decision was against the weight of the evidence in that the field sobriety tests and the secondary chemical test of the breath were improperly administered.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0187	19-P-135	Circuit Court Wood County	James H. Wigal v. Adam Holley, Acting Commissioner	James Wigal filed a petition to appeal the OAH decision that affirmed the DMV Commissioner's order of revocation of his driver's license. The Petitioner alleges that he has been actually and substantially prejudiced due to the two (2) year delay of OAH in issuing its final order. The Court granted the Petitioner's motion to stay the revocation pending the outcome of the appeal.
Tax, Revenue, Court of Claims, and Transportation	Dragisich, Steven	TAX-19-0099	19-P-42	Circuit Court Hancock County	Phillip McCargo v. Adam Holley, Acting Commissioner	Phillip McCargo filed a petition to appeal the OAH final order which affirmed the revocation of his driver's license. He is alleging that OAH's decision to uphold the Commissioner's revocation was contrary to the weight of the evidence. The driver has primarily asserted that his diabetes caused his impairment symptoms and caused him to have an inflated blood alcohol concentration level. The Court granted the motion for stay of the revocation of Mr. McCargo's driver's license.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0179	19-AA-117	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Harry Perdue	The DMV filed a petition for judicial review of an OAH decision which reversed the DMV Commissioner's order of revocation. The petition alleges that OAH erred when it reversed the revocation based solely on the fact that no blood test result was entered into evidence despite other clear evidence which determined Mr. Perdue was driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0107	19-AA-118	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Timothy Elswick	The DMV filed a petition for judicial review of an OAH decision which reversed the Commissioner's order of revocation of Mr. Elswick's driver's license. The petition states that OAH erred when it based its decision to reverse the revocation solely on the basis that no blood test result was entered into evidence despite clear evidence that Mr. Elswick was under the influence of a substance.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0201	19-AA-2	Circuit Court Logan County	Scott Tanner McCloud v. Adam Holley, Acting Commissioner	Scott McCloud filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges the decision of OAH violates the driver's constitutional or statutory provisions, that OAH exceeded its statutory authority, that OAH made unlawful procedures and is clearly wrong.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0199	19-C-84	Circuit Court Wyoming County	Penny Justus v. Adam Holley, Acting Commissioner	Penny Justus filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition is handwritten and indicates pursuant to W.Va. Code 29A-5-4 she does not agree with the decision to uphold the revocation. However, Ms. Justus never properly served the DMV with the petition. The green card from the Circuit Clerk's Office indicated she may have served OAH only.
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0122	19-C-88	Circuit Court Wyoming County	Frank Anderson, II v. Adam Holley, Acting Commissioner	Frank Anderson filed a petition to appeal an OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Anderson's driver's license. The petition alleges that there is insufficient evidence to find that Mr. Anderson was operating a motor vehicle while under the influence of alcohol and there was a lack of evidence presented by the arresting officer to stop and detain Mr. Anderson.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Elswick, William	TAX-19-0188	19-C-95	Circuit Court Wyoming County	Clark Smith v. Adam Holley, Acting Commissioner	Clark Smith filed a petition for judicial review of an OAH decision which affirmed the DMV Commissioner's Order of Revocation of Mr. Smith's driver's license. The Petitioner alleges that OAH erred when it concluded that DMV had satisfied its burden of proof, relying almost exclusively on a field sobriety test and ignoring the blood test results submitted by the Petitioner.
Tax, Revenue, Court of Claims, and Transportation	Gaskins, Chelsea	TAX-19-0124	19-AA-10-B	Circuit Court Raleigh County	Phyllis Boyce v. Adam Holley, Acting Commissioner	Phyllis Boyce appealed an OAH decision which affirmed the DMV Commissioner's Order of Revocation of her driver's license. The petition alleges that DMV failed to carry its burden of proof pursuant to W.Va. Code 17C-5A-2(e) and 17C-5C-4(d) (2010). The petition further alleges that the evidence presented at the hearing established no impairment due to use of illegal drugs or alcohol by the Petitioner. Finally, the petitioner alleges there was no probable cause for the law enforcement officer to engage in a traffic stop.
Tax, Revenue, Court of Claims, and Transportation	Gaskins, Chelsea	TAX-19-0125	19-AA-11-P	Circuit Court Raleigh County	Nicholas Deems v. Adam Holley, Acting Commissioner	Nicholas Deems filed a Petition for Appeal of an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petitioner alleges that the DMV failed to meet its burden of proof by a preponderance of the evidence to successfully prove that Petitioner refused a secondary chemical test as set forth in W.Va. Code 17C-5-7.
Tax, Revenue, Court of Claims, and Transportation	Gaskins, Chelsea	TAX-19-0132	19-AA-127	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Michael Shepherd	The DMV is seeking to appeal an OAH decision which modified the Commissioner's order of revocation as it pertained to the presence of a child under 16 years of age in the vehicle. The OAH opinion cited to a lack of testimonial evidence at the hearing despite the DUI Information Sheet clearly stating that the minor was under the age of 16.
Tax, Revenue, Court of Claims, and Transportation	Gaskins, Chelsea	TAX-19-0093	19-AA-9-D	Circuit Court Raleigh County	Joseph Pollutra v. Adam Holley, Acting Commissioner	Joseph Pollutra filed a Petition for Appeal of an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. Petitioner argues the DMV failed to prove Petitioner drove on a public street, and further argues OAH abused their discretion. Petitioner filed a Motion for Stay of revocation which was initially granted by the Judge. Subsequently, the Judge entered an Order vacating the stay stating it was "improvidently granted." The Court found that the Petitioner failed to comply with the statute and case law when seeking the stay.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-13-861	13-AA-83	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Joshua Callihan	The DMV appealed an OAH decision in which OAH made an unfounded credibility determination in favor of the driver which is not supported by the record.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-13-1069	13-P-472	Circuit Court Kanawha County	Zane Margocee v. Adam Holley, Acting Commissioner	Zane Margocee was arrested for Driving Under the Influence and his license subsequently was revoked by the Division of Motor Vehicles. Thereafter, he requested a hearing from OAH. After several continuances of the hearing, he filed a writ against the DMV and OAH claiming that the delay in holding the hearing was prejudicial.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0021	16-AA-1	Circuit Court Wirt County	Mark Murphy v. Adam Holley, Acting Commissioner	Mark Murphy appealed an OAH decision affirming the revocation of his driver's license for Driving Under the Influence on the grounds that there was no reasonable suspicion to stop his car and the delay in issuing a final order caused him actual and substantial prejudice. The matter has been briefed by both parties.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0069	16-AA-109	Circuit Court Mason County	James Windle v. Adam Holley, Acting Commissioner	James Windle appealed an OAH decision upholding the revocation of his driver's license for driving under the influence. Petitioner challenges the DUI checkpoint because the Investigating Officer did not produce proof that notice was published as required by law.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0119	16-AA-42	Circuit Court Kanawha County	Jamie Crabtree v. Adam Holley, Acting Commissioner	Jamie Crabtree filed an appeal of the denial of her car salesperson license. The Court entered a briefing schedule but the Petitioner never pursued the case or filed a brief. A motion to dismiss was filed and served upon Ms. Crabtree at her last known address. However, the mail was returned as undeliverable. The motion to dismiss remains pending.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0013	17-AA-3	Circuit Court Wetzel County	Jenny Mallicone v. Adam Holley, Acting Commissioner	Jenny Mallicone appealed an OAH decision upholding the revocation of her driver's license for Driving Under the Influence. A stay hearing was held on January 8, 2018, at which time a stay of her driver's license was granted for 150 days. The Petitioner challenges the delays in holding an administrative hearing and in issuing an order following the hearing. Other issues raised by the Petitioner are the reason for stop; the walk-and-turn test should not have been considered; failure of the OAH to give her testimony weight; and denial that she refused the Intoximeter because the Investigating Officer told her the preliminary breath test was .14 when it was .16. The Petitioner stated she was caused irreparable harm because she has custody of two minor children, ages 5 and 7.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0122	17-AA-75	Circuit Court Kanawha County	Brian Propst v. Adam Holley, Acting Commissioner	Brian Propst appealed an OAH decision in Putnam County, which was dismissed because the Petitioner neither resided nor did business in that county. The Petitioner filed a second appeal in Kanawha County before it was dismissed from Putnam County. The Division of Motor Vehicles "DMV" filed a motion to dismiss from Kanawha County on January 5, 2018, because the Petitioner failed to request a certified record on appeal as required by the Administrative Procedures Act. The DMV filed an Amended Motion to Dismiss on the basis that Kanawha County never obtained jurisdiction over the matter because it was pending in Putnam County at the time it was filed in Kanawha County. The parties briefed this issue.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0015	17-P-179	Circuit Court Wood County	George Stewart, Jr. v. Adam Holley, Acting Commissioner	George Stewart appealed an OAH order which upheld the revocation of his driver's license for driving under the influence. The Petitioner failed to file a Designation of Record with the Court. The Petitioner argues that he did not refuse the secondary chemical test of the breath. The DMV filed a motion to dismiss averring that the Petitioner, who lives in Ohio, neither resides nor does business in Wood County thereby depriving that court of jurisdiction.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0054	17-P-31	Circuit Court Kanawha County	Deitra Agin v. Adam Holley, Acting Commissioner	The DMV appealed an OAH decision which reversed the DMV Commissioner's order of revocation of Deitra Agin's driver's license. The OAH reversed the Order because although the officer requested a blood test, and she agreed, no evidence of blood test was admitted at the hearing.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0065	18-0785	Supreme Court - WV	Shelby Pell v. Adam Holley, Acting Commissioner	The DMV appealed an order of the Circuit Court of Brooke County to the West Virginia Supreme Court of Appeals. The DMV asserts that the Circuit Court improperly substituted its judgment for the factfinder.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0064	18-AA-191	Circuit Court Kanawha County	Amber Linville v. Adam Holley, Acting Commissioner	Amber Linville appealed an OAH order which upheld the revocation of her license for Driving Under the Influence. The DMV filed a counterclaim on OAH's rescission of the Petitioner's causing bodily injury to another on the date of arrest. The matter is fully briefed and DMV submitted a proposed order to the Circuit Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0071	18-AA-213	Circuit Court Kanawha County	Dewayne Fowler v. Adam Holley, Acting Commissioner	The DMV appealed an OAH order and challenged OAH's position that drivers are entitled to blood test results regardless of who requests the blood test.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0122	18-AA-217	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Timothy Selmon	The DMV appealed an OAH decision rescinding a driver's license revocation. The driver parked behind a Rio General Store. The OAH found he could have become intoxicated after he parked his car. The OAH rescinded both the revocations for DUI and for refusal to submit to the designated secondary chemical test.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0078	18-AA-219	Circuit Court Kanawha County	Robert Hayes v. Adam Holley, Acting Commissioner	The DMV appealed an OAH order rescinding a driver's license revocation. The DMV challenges the OAH position that drivers are entitled to blood test results regardless of who requests the blood test. The OAH hearing was held although blood test results were pending at the State Police Lab and test was completed a month after the hearing.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0091	18-AA-229	Circuit Court Kanawha County	Heather Rishel v. Adam Holley, Acting Commissioner	The DMV appealed an OAH order rescinding the revocation of Rishel's driver's license. The OAH rescinded the revocation solely on the basis of whether there was reasonable suspicion to stop the Respondent's vehicle. This is a drug only case. The OAH failed to analyze the evidence and did not reconcile the evidence in accordance with Muscatell v. Cline, 196 W.Va. 588, 474 S.E.2d 518 (1996).
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0107	18-AA-234	Circuit Court Kanawha County	Matthew Fazio v. Adam Holley, Acting Commissioner	The DMV appealed an OAH order which rescinded a driver's license revocation. No blood test was performed. The DMV challenges OAH's position that drivers are entitled to blood test results regardless of who requests the blood test.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0086	18-P-103	Circuit Court Harrison County	Jerry Stire v. Adam Holley, Acting Commissioner	Jerry Stire appealed an OAH order upholding the revocation of his driver's license for driving under the influence. The issues are that the Investigating Officer was out of his jurisdiction when he arrested the Petitioner and did not call anyone within the proper jurisdiction. The Petitioner also argues that he was prejudiced by the delay in OAH's issuance of a final order. Another issue is whether the Petitioner was driving the car.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-18-0090	19-0056	Supreme Court - WV	Adam Holley, Acting Commissioner v. Charles Hussing, Jr.	The DMV appealed the Order entered by the Kanawha County Circuit Court which affirmed the OAH order that reversed the DMV Commissioner's order of revocation of Mr. Hussing's driver's license. The DMV states that the Circuit Court erred when it rescinded the revocation despite the evidence presented which clearly showed that Mr. Hussing was driving under the influence, that the Circuit Court further erred when it determined that a secondary chemical test was required. The appeal further states that the Circuit Court erred when it improperly applied a defense not raised below.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-16-0129	19-0351	Supreme Court - WV	Jeffrey Debord v. Adam Holley, Acting Commissioner	Jeffrey Debord appealed the decision of the Circuit Court of Kanawha County to the Supreme Court of Appeals of West Virginia. The Circuit Court order reversed the OAH's decision that rescinded the DMV Commissioner's order of revocation of his driver's license. Mr. Debord alleged that the Circuit Court erred when it found that OAH erred by failing to weigh the totality of the evidence, the Circuit Court erred when it found that OAH erred in its credibility determinations and that the Circuit Court found in error that OAH improperly decided issues not raised in the hearing request.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-17-0120	19-0465	Supreme Court - WV	Adam Holley, Acting Commissioner v. Robert Condia	The DMV appealed an OAH order which affirmed the driving under the influence offense but rescinded the enhancement of the revocation. The DMV asserted that OAH erred when it found that the evidence in the record did not address whether the driver refused the secondary chemical test because the "15 minute to refuse" box was not checked on the DUI Information Sheet. The Circuit Court affirmed the OAH Order. The DMV appealed the Circuit Court's decision to the Supreme Court of Appeals of West Virginia stating three assignments of error: (1) the Circuit Court erred when it found that Dale v. Odum, 233 W.Va. 601 (2014) misapplied W.Va. Code 29A-5-2(b) and that the DMV's record should have been excluded from evidence; (2) the Circuit Court erred when it failed to find that it is not required of the DMV to produce the investigating officer, or any witness, at the hearing; and (3) the Circuit Court erred when it failed to address whether the evidence established that the respondent refused to submit to the intoximeter test.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0133	19-0519	Supreme Court - WV	Adam Holley, Acting Commissioner v. Gary Bragg	Gary Bragg was arrested for driving under the influence and the DMV issued an order of revocation of Mr. Bragg's driver's license. OAH conducted an administrative hearing and issued an order reversing the DMV's Order of Revocation. The DMV appealed the decision to the Kanawha County Circuit Court, which upheld OAH's decision reversing DMV's order of revocation because no blood test analysis was available despite the driver admitting on the record that he was under the influence at the time of the arrest. At the time of the driver's arrest, a blood test was conducted but was subsequently misplaced by law enforcement when the officer left the agency. The DMV subsequently appealed to the Supreme Court of Appeals of West Virginia where briefing has been completed.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0156	19-AA-10	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Brian Lee Raschella	The DMV filed a petition for judicial review of an OAH decision which reversed the DMV Commissioner's Order of Revocation of Mr. Raschella's driver's license. The petition alleges that OAH erred when it reversed the revocation based on the sole fact that the blood test was lost, and completely excluded all other evidence presented.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0104	19-AA-101	Circuit Court Kanawha County	Kimberle Byus v. Adam Holley, Acting Commissioner	Kimberle Byus filed a petition for appeal of an OAH decision which upheld the DMV Commissioner's order of revocation of her driver's license. The Petitioner alleges that OAH failed to dismiss the case due to lack of evidence. It further alleges that OAH erred when it found that sufficient evidence existed to prove by a preponderance of the evidence that the Petitioner knowingly permitted her vehicle to be driven by a person who was under the influence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0110	19-AA-102	Circuit Court Kanawha County	Rebecca Kelly v. Adam Holley, Acting Commissioner	Rebecca Kelly filed a petition to appeal an OAH decision which upheld the DMV Commissioner's order of revocation of her driver's license. The Petitioner alleged that OAH erred when it omitted critical medical evidence from the record.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0123	19-AA-103	Circuit Court Kanawha County	Bridget C. Nesselrotte v. Adam Holley, Acting Commissioner	Bridget Nesselrotte filed an appeal of an OAH decision which affirmed the DMV Commissioner's order of revocation. In the appeal, Ms. Nesselrotte argued that she had a sinus and upper respiratory cold at the time of the traffic stop and that all the symptoms she exhibited at that time were a result of the over the counter medication she was taking.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0131	19-AA-105	Circuit Court Kanawha County	Ryan Ryder v. Adam Holley, Acting Commissioner	Ryan Ryder appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Ryder's driver's license. The petition alleges that OAH erred when it ruled that Mr. Ryder knowingly permitted his car to be operated by a person who was under the influence of an illegal substance or alcohol. The petition further alleges that the delay in the issuance of OAH's final order has prejudiced Mr. Ryder and will cause irreparable harm because he will not be able to work without a valid driver's license.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0113	19-AA-107	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Herman Warner	The DMV appealed an OAH decision alleging that OAH ignored other substantial evidence presented at the hearing. OAH rescinded the revocation based upon the fact that the investigating officer did not submit for testing a secondary blood sample taken at CAMC and ultimately lost the sample, despite having collected other key pieces of evidence at the scene. Said evidence was available to OAH to make a determination that the driver committed DUI.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0094	19-AA-108	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Lindsey Earl	The DMV appealed an OAH decision alleging a violation of constitutional or statutory provisions. The DMV further alleges that OAH exceeded its statutory authority and is clearly wrong in light of the substantive evidence presented by the investigating officer at the hearing when OAH discounted the Investigating Officer's evidence and determined the driver was more credible.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0141	19-AA-2	Circuit Court Putnam County	Christopher Bellomy v. Adam Holley, Acting Commissioner	Christopher Bellomy filed a petition for appeal of an OAH decision which affirmed the Commissioner's suspension of his driver's license due to frequent convictions of serious traffic offenses which resulted in the accumulation of points against his driver's license. The Petitioner alleges that since the State of Ohio assessed points on his license for the infraction, West Virginia should not assess more points pursuant to W.Va. Code 17B-1C, et seq. The DMV is relying upon W.Va. Code R. 91-5-7.5 to assess the additional points. The parties are proceeding with a briefing schedule.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0120	19-AA-2	Circuit Court Nicholas County	Jerry S. Counts v. Adam Holley, Acting Commissioner	Jerry Counts appealed an OAH decision which affirmed the DMV Commissioner's order of revocation and order of disqualification of Counts' commercial driver's license. The petition alleges that the delay of more than three years between the date of the hearing and the entry of the order has prejudiced the Petitioner substantially.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0157	19-AA-2-D	Circuit Court Raleigh County	Humera Rehman v. Adam Holley, Acting Commissioner	Humera Rehman appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of her driver's license. The Petitioner alleges that OAH improperly reconciled the testimony of the witnesses at the administrative hearing regarding whether the driver was under the influence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0144	19-AA-21	Circuit Court Kanawha County	Eric Clendenin v. Adam Holley, Acting Commissioner	Eric Clendenin filed a petition to appeal an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petitioner alleges that he was substantially prejudiced by the substitution of hearing examiners after the hearing and before the decision was issued, and the delay in the time it took OAH to issue its decision. The DMV filed a cross-claim that it was also prejudiced in the delay of OAH issuing its order.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0145	19-AA-3	Circuit Court Putnam County	Daniel Dedrickson v. Adam Holley, Acting Commissioner	Daniel Dedrickson appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license for fleeing in a vehicle from a law enforcement officer while under the influence of alcohol. The Petitioner is alleging that his rights have been substantially prejudiced by the nearly two year delay of OAH in issuing its decision.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0140	19-AA-4-B	Circuit Court Raleigh County	Joshua Bailey v. Adam Holley, Acting Commissioner	Joshua Bailey appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition states that OAH erred when it found that DMV had met its burden of proof despite the fact that the investigating officer did not recall from memory the events of the night in question, rather he relied on the DUI Information Sheet. Petitioner alleges that evidence is clearly weighed in his favor.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0147	19-AA-47	Circuit Court Kanawha County	Garland Harless v. Adam Holley, Acting Commissioner	Garland Harless appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petitioner alleges that the DMV record was improperly entered into evidence at the administrative hearing.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0150	19-AA-51	Circuit Court Kanawha County	David Miller v. Adam Holley, Acting Commissioner	David Miller filed a petition to appeal an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petitioner is alleging that DMV improperly entered the agency record into evidence at the administrative hearing.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0163	19-AA-53	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Robert V. Waugh	The DMV filed a petition for judicial review of an OAH decision which reversed the DMV's order of revocation of Mr. Waugh's driver's license. The petition states that OAH erred when it excluded the blood test results from the evidence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0142	19-AA-56	Circuit Court Kanawha County	Lara Breeding v. Adam Holley, Acting Commissioner	Lara Breeding filed a petition to appeal an OAH decision which affirmed the DMV Commissioner's order of revocation of her driver's license. The Petitioner alleges that there was not sufficient evidence to prove she was driving under the influence. The petition claims that secondary testing revealed her blood alcohol content was 0.068, which is below the legal limit. Additionally, Petitioner claims that the video submitted at the administrative hearing contradicts the driving evidence and that she has been substantially prejudiced by OAH for the delay in issuing its final decision.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0161	19-AA-58	Circuit Court Kanawha County	Claude S. Smith, IV v. Adam Holley, Acting Commissioner	Claude Smith filed a petition to appeal of an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Smith specifically challenges the sobriety checkpoint, which is the cause of the charge for driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0146	19-AA-60	Circuit Court Kanawha County	Gregory Dotson v. Adam Holley, Acting Commissioner	Gregory Dotson filed a petition to appeal an OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Dotson's driver's license. The Petitioner alleges that he was substantially prejudiced due to OAH's delay in the issuance of its decision.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0152	19-AA-63	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Crystal A. Parker	The DMV appealed an OAH decision which reversed the DMV Commissioner's order of revocation of Ms. Parker's driver's license. The petition states that OAH erred in rescinding the revocation because it excluded evidence and rescinded solely on the basis that the blood test analysis was not entered into evidence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0143	19-AA-75	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Raymond Burcker	The DMV appealed an OAH decision which affirmed the DMV Commissioner's order of revocation, but reversed the aggravated charge. The petition states that even though the diagnostic results of the blood test were admitted into evidence at the administrative hearing, the hearing examiner failed to give the results prima facie weight.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0151	19-AA-81	Circuit Court Kanawha County	Samuel S. Miller v. Adam Holley, Acting Commissioner	Samuel Miller appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petitioner alleges that the traffic stop by the officer was invalid.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0148	19-AA-84	Circuit Court Kanawha County	Justin Hensley v. Adam Holley, Acting Commissioner	Justin Hensley appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Hensley's driver's license. Mr. Hensley filed the petition alleging he has been substantially prejudiced by the delay of OAH in issuing its final decision.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0073	19-AA-86	Circuit Court Kanawha County	Tanya Stone v. Adam Holley, Acting Commissioner	Ms. Stone appealed an OAH decision affirming the DMV Commissioner's revocation of her driver's license. The Petition alleges that OAH improperly admitted the investigating officer's report despite his absence at the hearing, and that the Hearing Examiner failed to weigh credibility properly and unlawfully denied Petitioner's right to confront her accusers.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0186	19-AA-87	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Joshua Simpkins	The DMV appealed an OAH decision which reversed the DMV Commissioner's order of revocation of Mr. Simpkins' driver's license. The petition states that OAH erred when it reversed the order of revocation because the blood sample given by the driver was destroyed during the criminal proceeding related to Mr. Simpkins' driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0097	19-AA-90	Circuit Court Kanawha County	Joshua Trout v. Adam Holley, Acting Commissioner	Joshua Trout appealed an OAH decision which affirmed the DMV Commissioner's Order of Revocation. Mr. Trout failed to delineate any legal issues in his petition. He simply stated he wanted his license back. A motion for stay of order of revocation was filed but was subsequently denied by the Court.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0067	19-AA-91	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Anne Henderson	The DMV appealed an OAH decision which reversed the DMV's revocation of Ms. Henderson's driver's license. The OAH decision stated that the investigating officer did not have an articulable suspicion to justify the stop, thus making the stop invalid and Petitioner's subsequent arrest unlawful.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0149	19-AA-92	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Kevin McCoy	The DMV appealed an OAH decision which reversed the DMV Commissioner's order of revocation of Mr. McCoy's driver's license. The petition alleges that OAH erred when it reversed the revocation based solely on the driver's testimony at the administrative hearing.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0066	19-AA-93	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Robert Howie	The DMV appealed an OAH decision which reversed the DMV's revocation due to a lost blood sample. The appealed order declared the Petitioner was denied statutory and due process rights under W.Va. Code 17C-5-9.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0118	19-C-92	Circuit Court Wyoming County	Dalton Watts v. Adam Holley, Acting Commissioner	Dalton Watts appeal an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition for appeal alleges that the driver's blood alcohol concentration was below the legal limit, the decision was violative of Petitioner's rights, the decision was in contravention of DMV procedures established in W.Va. Code 29A-5-1(d), and the rulings contain "boilerplate" language not specific to the case in violation of W.Va. Code 29A-5-3.
Tax, Revenue, Court of Claims, and Transportation	James, Janet	TAX-19-0209	tbd	Supreme Court - WV	Jerry S. Counts v. Adam Holley, Acting Commissioner	On October 9, 2019, Nicholas County Judge Stephen O. Callaghan issued an order granting a stay of the revocation of Mr. Counts' driver's license until a hearing can be held on the merits. The DMV Commissioner is seeking a writ of prohibition of the order granting stay.
Tax, Revenue, Court of Claims, and Transportation	Maconaughey, Brian	TAX-19-0091	19-AA-112	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Larry E. Glassburn, Jr.	The DMV appealed an OAH decision that reversed the Commissioner's Order of Revocation of Mr. Glassburn's driver's license. The DMV alleges that OAH erred: (1) when it made a ruling that excluded evidence not heard at the hearing; (2) when it abused its discretion and committed error of law by its exclusion of evidence specifically permitted by statute; and (3) by not affording the Investigating Officer's sworn statement the rebuttable presumption of accuracy.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Maconaughey, Brian	TAX-19-0207	19-AA-121	Circuit Court Kanawha County	Norman H. Fowler v. Adam Holley, Acting Commissioner	Norman Fowler filed a petition to appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Fowler alleges that OAH erred when it failed to apply W.Va. Code 17C-6-1(b), that OAH erroneously violated his right to counsel, right to conduct meaningful cross-examination of accuser, present evidence, and violated his right to equal protection and due process.
Tax, Revenue, Court of Claims, and Transportation	Mendelson, Andrew	TAX-19-0212	1-AA-3	Circuit Court Greenbrier County	Andrew Fitzgerald v. Adam Holley, Acting Commissioner	Andrew Fitzgerald filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH Examiner improperly admitted the DUI information sheet as evidence and the Division of Motor Vehicles failed to present sufficient evidence that Andrew Fitzgerald knowingly allowed Mr. Cook to operate a motor vehicle under the influence of alcohol on March 30, 2014.
Tax, Revenue, Court of Claims, and Transportation	Mendelson, Andrew	TAX-19-0088	19-P-166-1	Circuit Court Harrison County	Christopher W. Knotts v. Adam Holley, Acting Commissioner	Christopher Knotts appealed an OAH decision which upheld the DMV Commissioner's order of revocation of his driver's license. Petitioner alleges a violation of his Fourth Amendment rights under the US Constitution among other claims. Service was not properly attained and this matter was continued and will be reset on the Motion for a Stay once proper procedure for service on all agencies involved is followed and obtained.
Tax, Revenue, Court of Claims, and Transportation	Mendelson, Andrew	TAX-19-0077	19-P-170-2	Circuit Court Harrison County	William J. Kallel, Jr. v. Adam Holley, Acting Commissioner	William Kallel appealed an OAH decision which affirmed the DMV Commissioner's revocation of his driver's license. Petitioner also filed a motion for stay, which was granted over counsel for DMV's objection.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-19-0126	19-AA-5	Circuit Court Putnam County	Chris A. Hastings v. Adam Holley, Acting Commissioner	Chris Hastings appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Hastings' driver's license. The petition alleges that the arresting officer had no experience detecting a driver under the influence and the testing conducted by other law enforcement officers was done improperly. The petition alleges that OAH committed clear error by weighing evidence improperly.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-19-0116	19-C-229 MW	Circuit Court Mercer County	Randy Jennings v. Adam Holley, Acting Commissioner	Randy Jennings appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Jennings' driver's license after he was observed by a private citizen allegedly driving under the influence. The Petition alleges that OAH erred when it affirmed the DMV Commissioner's order because the order was based upon evidence obtained in violation of Constitutional provisions. The Petitioner further alleges that the order exceeds statutory authority due to the unlawful entry of law enforcement and all such findings and evidence should be inadmissible.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-19-0114	19-C-236-WS	Circuit Court Mercer County	Paul Pitzer v. Adam Holley, Acting Commissioner	Paul Pitzer appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH's finding that Mr. Pitzer knowingly permitted a passenger in his vehicle to drive while intoxicated was clearly made in error as Mr. Pitzer alleges he never saw the agreed designated driver drink as they had become separated in the establishment. The Circuit Court Judge improperly granted a stay of the revocation of Mr. Pitzer's driver's license while the appeal is pending. DMV wishes to file a writ of prohibition of that order.
Tax, Revenue, Court of Claims, and Transportation	Murphy, Gretchen	TAX-19-0217	TBD	Circuit Court Kanawha County	Byron K. Chanoine, Jr. v. Adam Holley, Acting Commissioner	Byron Chanoine filed a petition to appeal the OAH's Decision which was affirmed the DMV Commissioner's Order of Revocation of his drivers license. The petition alleges that OAH erred in affirming Petitioner's revocation for DUI when there was insufficient evidence that Mr. Chanoine operated a motor vehicle in this State while under the influence of alcohol, controlled substances and/or drugs.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0115	19-AA-12-K	Circuit Court Raleigh County	Jeffrey A. Lilly v. Adam Holley, Acting Commissioner	Jeffrey Lilly appealed an OAH decision which affirmed the DMV Commissioner's Order of Revocation of Mr. Lilly's driver's license. In his petition, he alleges that OAH erroneously concluded that DMV satisfied its burden of proof, even though the driver asserts that evidence submitted by DMV was less reliable and less credible. Additionally, Petitioner alleges there was more credible evidence presented by the Petitioner that was in direct conflict and contradictory to the testimony regarding probable cause.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0206	19-AA-124	Circuit Court Kanawha County	Mark Steele v. Adam Holley, Acting Commissioner	Mark Steele filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition states that OAH erred when it found that Mark Steele had operated a motor vehicle while impaired.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0210	19-AA-129	Circuit Court Kanawha County	Burl Adkins v. Adam Holley, Acting Commissioner	Burl Adkins filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges OAH's finding that Mr. Adkins knowingly permitted an impaired driver to operate his motor vehicle is arbitrary and capricious and is clearly wrong.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0119	19-AA-2	Circuit Court Greenbrier County	Lance Syner v. Adam Holley, Acting Commissioner	Lance Syner appealed an OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Syner's driver's license. The petition alleges that DMV failed to prove by a preponderance of the evidence that the Petitioner was under the influence while operating a motor vehicle, the DMV failed to prove there was probable cause to stop and ultimately arrest the Petitioner for DUI, and there was conflicting data in critical evidence upon which the OAH Hearing Examiner relied.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0081	19-AA-97	Circuit Court Kanawha County	Basil A. Carpenter v. Adam Holley, Acting Commissioner	Basil Carpenter appealed an OAH decision which affirmed the DMV Commissioner's Order of Revocation of Mr. Carpenter's driver's license. In Mr. Carpenter's petition, he alleges that he successfully refuted the evidence.
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0215	TBD	Circuit Court Kanawha County	Burl Adkins v. Adam Holley, Acting commissioner	Burl Adkins filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH Examiner improperly admitted the DUI information sheet as evidence and the Division of Motor Vehicles failed to present sufficient evidence that Burl Adkins knowingly allowed Mr. Burnett to operate a motor vehicle under the influence of alcohol on March 19, 2016
Tax, Revenue, Court of Claims, and Transportation	Nicholas, Jason	TAX-19-0213	TBD	Circuit Court Webster County	Roger L. Clevenger v. Adam Holley, Acting Commissioner	Roger L. Clevenger filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's Order of revocation of his driver's license. The petition alleges that OAH violated his due process rights by not giving him a fair and impartial hearing.
Tax, Revenue, Court of Claims, and Transportation	Ringer, Susan	TAX-19-0112	19-AA-111	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Nolan M. Philogene	The DMV appealed an OAH decision which reversed the order of revocation of Mr. Philogene's driver's license. The petition states that OAH erred when it modified the revocation for aggravated DUI, which exceeds the agency's statutory authority based on the limited scope of the matters at issue.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0123	15-AA-63	Circuit Court Kanawha County	Anthony Riddell v. Adam Holley, Acting Commissioner	The DMV appealed a decision of the OAH which modified an administrative license revocation of Mr. Riddle's license for driving while under the influence of alcohol with a blood alcohol concentration in excess of .15%. The DMV alleges that the tribunal erred by excluding its evidence in contravention of the law.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0023	16-AA-18	Circuit Court Kanawha County	Adam Boyle v. Adam Holley, Acting Commissioner	Adam Boyle appealed a decision of the OAH which upheld an order by the DMV revoking his driving privileges for driving while under the influence of alcohol, drugs and/or controlled substances. Mr. Boyle alleges that the tribunal's decision is arbitrary and capricious and not supported by the evidence presented.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-16-0081	16-AA-52	Circuit Court Kanawha County	Harry Adams v. Adam Holley, Acting Commissioner	The DMV appealed a decision of the OAH reversing the Commissioner's order of the revocation of Mr. Adams's driver's license. The petition alleges that Mr. Adams refused to take the designated secondary chemical breath test. The DMV alleges that the tribunal was clearly wrong to ignore the evidence of refusal.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0098	16-C-366	Circuit Court Ohio County	Cleatus Still v. Adam Holley, Acting Commissioner	Mr. Still appealed a decision of the OAH which upheld an order by the DMV which revoked his driver's license. The DMV filed a motion to dismiss for lack of jurisdiction due to Petitioner's failure to serve the Division within 120 days.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0070	16-P-186	Circuit Court Wood County	Mark Blavos v. Adam Holley, Acting Commissioner	Mark Blavos appealed the final order of OAH which upheld the DMV Commissioner's order of revocation of his driver's license. The petition alleges that he has been substantially prejudiced by the 37 month delay between his hearing and the entry of the tribunal's order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0020	17-AA-101	Circuit Court Kanawha County	Lynn Murphy v. Adam Holley, Acting Commissioner	The DMV appealed a decision of the OAH which reversed the DMV's order of revocation of Ms. Murphy's driver's license. The petition states that the tribunal misapplied W.Va. Code § 17C-5-9 and abrogated its duty under W.Va. Code § 17C-5A-2(f).
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0082	17-AA-3	Circuit Court Raleigh County	Brittany A. Lilly v. Teresa D. Maynard, Director, West Virginia Department of Transportation, Office of Administrative Hearings	Brittany Lilly filed an Amended Petition for Appeal seeking reversal of an OAH order denying Ms. Lilly a hearing in the matter. The petition alleges a violation of Ms. Lilly's due process rights, violation of statutory provisions, that OAH exceeded its statutory authority, and an abuse of discretion. OAH denied Ms. Lilly a hearing on the DMV's Order of Revocation alleging it was untimely requested. Ms. Lilly claims she never received the Order of Revocation Notice from DMV despite having updated her mailing address with the DMV.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0083	17-AA-34	Circuit Court Kanawha County	William Dotson v. Adam Holley, Acting Commissioner	The DMV appealed a decision of the OAH which reversed the DMV Commissioner's order of revocation of Mr. Dotson's driver's license. The petition alleges that the tribunal overreached its authority by deciding an issue not on appeal; that the tribunal ignored the substantial evidence of Mr. Dotson's blood alcohol concentration level; and that the judicially created remedy in Reed v. Hall must be overturned.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0094	17-AA-54	Circuit Court Kanawha County	Jamey Propps v. Adam Holley, Acting Commissioner	Jamey Propps appealed a decision of the OAH which upheld the DMV Commissioner's order of revocation of his driver's license. The petition states that the tribunal was clearly wrong in its credibility assessment; whether there was sufficient evidence of impairment; whether the investigating officer is required to identify the impairing substance; and whether the criminal disposition is admissible in the civil, administrative license revocation proceeding.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0086	17-AA-70	Circuit Court Kanawha County	Tina Bowman v. Adam Holley, Acting Commissioner	The DMV appealed a decision of the OAH which reversed the DMV Commissioner's order of revocation of Ms. Bowman's driver's license. The petition states that the tribunal misapplied W.Va. Code § 17C-5-9 and abrogated its duty under W.Va. Code § 17C-5A-2(f).
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0128	17-AA-78	Circuit Court Kanawha County	Misty Workman v. Adam Holley, Acting Commissioner	The DMV appealed a decision of the OAH which reversed the DMV Commissioner's order of revocation of Ms. Workman's driver's license. The petition alleges that the tribunal misapplied W. Va. Code § 17C-5-9 and abrogated its duty under W. Va. Code § 17C-5A-2(f).

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0019	17-C-157	Circuit Court Wyoming County	Beverly Yost v. Adam Holley, Acting Commissioner	Beverly Yost filed a Petition for Writ of Prohibition in the Circuit Court of Wyoming County, asking that the OAH be prohibited from conducting an administrative hearing and asking that the DMV expunge his driving record of the license revocation. The DMV moved to dismiss for lack of jurisdiction, and the Circuit Court granted the DMV's motion and awarded court costs and fees. The Division is in the process of collecting on the judgment.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-17-0081	18-0637	Supreme Court - WV	Katie Crook v. Adam Holley, Acting Commissioner	The DMV appealed an Order from the Circuit Court of Ohio County, which reversed a decision of the OAH which upheld the DMV Commissioner's order of revocation of her driver's license. The DMV alleges that the Circuit Court substituted its judgment for that of the fact finder below; relied on speculation instead of fact; applied criminal standards to the civil, administrative license revocation proceeding; and failed to find good cause as to why Ms. Crook did not prosecute her appeal for more than a year.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0063	18-0702	Supreme Court - WV	Joshua Feagley v. Adam Holley, Acting Commissioner	Joshua Feagley filed a Petition for Writ of Prohibition in the Circuit Court of Monongalia County alleging that the DMV should be prohibited from conducting an administrative hearing. Mr. Feagley should have named the OAH. The DMV moved to dismiss for lack of jurisdiction and failure to name an indispensable party. The Circuit Court granted the writ against the wrong agency, and the DMV filed an appeal with the Supreme Court of Appeals of West Virginia.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0036	18-AA-186	Circuit Court Kanawha County	Patrick Corley v. Adam Holley, Acting Commissioner	The DMV appealed a decision of the OAH which modified the DMV Commissioner's order of revocation of Mr. Corley's driver's license. The petition alleges that the tribunal ignored the medical records that are required to be considered by law and were rebutted by Mr. Corley.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0059	18-AA-203	Circuit Court Kanawha County	Gary Scitzs v. Adam Holley, Acting Commissioner	Gary Scitzs appealed a decision of the OAH which upheld the DMV Commissioner's order of revocation of his driver's license. The petition alleged that he was substantially prejudiced by the 52 month post-hearing delay. The DMV filed a motion to dismiss this matter alleging the appeal was untimely filed.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0085	18-AA-223	Circuit Court Kanawha County	John Fouch v. Adam Holley, Acting Commissioner	John Fouch appealed a decision of the OAH which upheld the DMV Commissioner's order of revocation of his driver's license. The petition alleges that his due process rights were violated because he was unable to cross-examine the officer who arrested him at the hearing, even though he did not subpoena the officer.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0177	18-AA-249	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Andrew Browne	The DMV filed a petition for judicial review of the decision of the OAH which modified the DMV Commissioner's order of revocation of Mr. Browne's driver's license. The petition alleges that OAH erred when it essentially created an additional requirement regarding the Implied Consent statute, W.Va. Code 17C-5-7. The hearing examiner stated that it was logical for the driver to maintain possession of the Implied Consent form during the statutory 15 minute period following refusal of a breathalyzer test to ponder. However, this requirement is not found in the West Virginia Code and as a result OAH exceeded its statutory authority.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0060	18-AA-28	Circuit Court Mason County	Christopher Long v. Adam Holley, Acting Commissioner	Christopher Long filed a Petition for Writ of Prohibition in the Circuit Court of Mason County, asking that the DMV be prohibited from revoking his driver's license because of delay in issuing the order of revocation. The Division filed a motion to dismiss for lack of jurisdiction, and Mr. Long agreed to voluntarily dismiss the matter in Mason County. The parties are awaiting the entry of the dismissal order.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-18-0110	18-AA-4	Circuit Court Boone County	Dylan Price v. Adam Holley, Acting Commissioner	Dylan Price filed a Petition for Writ of Prohibition against the DMV in the Circuit Court of Boone County. The DMV filed a motion to dismiss for lack of jurisdiction. Mr. Price seeks to have DMV Commissioner's order of revocation reversed. Mr. Price appealed the revocation to the OAH. OAH subsequently denied the appeal due to it being untimely filed.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0174	19-0362	Supreme Court - WV	Adam Holley, Acting Commissioner v. Teresa Maynard and Clarence Sigley	The DMV filed a petition to appeal the Circuit Court's decision which upheld the OAH's decision reversing the DMV Commissioner's order of revocation of Mr. Sigley's driver's license. The arguments raised in the appeal are whether OAH had subject matter jurisdiction to hear Mr. Sigley's license revocation and whether OAH's jurisdiction is limited to only contested cases.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0185	19-0755	Supreme Court - WV	State ex rel. Adam Holley, Acting Commissioner v. Honorable William S. Thompson, Boone County Circuit Judge and Nicholas Blankenship	The DMV filed a Petition for Writ of Prohibition in the WV Supreme Court of Appeals seeking reversal of an ex parte Order Filing Petition for Review which ordered a stay of Mr. Blankenship's driver's license and ordered DMV to provide the administrative record, despite OAH being the proper record keeping tribunal. The Petition for Writ of Prohibition presents two questions: (1) May a circuit court Judge enter an ex parte order granting a stay of an Order of Revocation issued by the DMV Commissioner? and (2) In an appeal of an order of an administrative license revocation, may a circuit court order the opposing party to prepare and file the administrative record of the OAH with the circuit court?
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0084	19-AA-1	Circuit Court Lincoln County	Barbara J. Ferrell v. Adam Holley, Acting Commissioner	Barbara Ferrell filed a petition to appeal the OAH order which upheld the DMV Commissioner's order of reovocation of her driver's license. She is alleging that she was prejudiced by post-hearing delay by OAH, due to the length it took to issue its final decision. She is alleging that the DMV improperly revoked her for refusing to take the secondary chemical test of the breath. The Court lacks jurisdiction in this matter due to the Petitioner improperly serving the Petition for Appeal upon DMV. The judge entered an ex parte temporary stay order despite a lack of jurisdiction.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0181	19-AA-1	Circuit Court Berkeley County	Jeremy C. Burkholder v. Adam Holley, Acting Commissioner	Jeremy Burkholder appealed the final order issued by the OAH which upheld the DMV Commissioner's order of revocation of his driver's license. He is alleging that he was actually and substantially prejudiced by the almost twenty-six (26) month delay of the OAH in issuing its final order. The DMV filed a cross-petition alleging that it was actually and substantially prejudiced by the OAH delay because the DMV cannot fulfill its legislative mandate to get drivers off the road as quickly as possible. The briefing schedule is almost complete.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0173	19-AA-1	Circuit Court Lewis County	Raymond Shortridge v. Adam Holley, Acting Commissioner	Raymond Shortridge filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition filed in this matter recited the standard of review and fails to state the assignments of error relied upon by the Petitioner. The petition also fails to include a copy of the decision it is seeking judicial review of and other accompanying documents required by the Rules of Procedure of Administrative Appeals. A motion to dismiss was filed on behalf of DMV.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0193	19-AA-1	Circuit Court McDowell County	Robert Beck v. Adam Holley, Acting Commissioner	Robert Beck filed a petition to appeal the final order of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petitioner alleges that the investigating officer had no reason to pull the Petitioner over and the OAH provided no evidence regarding this fact in its final order. The Petitioner further alleges that OAH erred when it declined to give any weight to the negative results of the blood test or drug screen results. Finally, the petitioner alleges that OAH erred when it discredited the driver's testimony without explanation.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0169	19-AA-1-K	Circuit Court Raleigh County	Michael A. Kelly v. Adam Holley, Acting Commissioner	Michael Kelly filed a petition for judicial review of the decision issued by the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition states that OAH erred when it ruled that DMV satisfied its burden of proof and relied almost exclusively on one officer's testimony with little corroboration of the allegations and did not afford proper weight to petitioner's witness testimony.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0175	19-AA-100	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Nathan Talbert	The DMV filed a petition for judicial review of the decision of the OAH which reversed the DMV Commissioner's order of revocation of Mr. Talbert's drivers license. The petition states that, "1) There was clear evidence that Mr. Talbert committed aggravated DUI, which is determinative of the matter, and the OAH erred in reversing the revocation solely on the basis that Mr. Talbert did not receive a blood test; and 2) Because the Investigating Officer's mistake of law was reasonable, the OAH erred in ignoring the un rebutted evidence of aggravated DUI."
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0103	19-AA-104	Circuit Court Kanawha County	Edna Lee Fisher v. Adam Holley, Acting Commissioner	Edna Fisher filed a petition to appeal the final order of OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that OAH committed error when it failed to dismiss this matter for lack of evidence and that it further committed error when it found that sufficient evidence was presented to prove by a preponderance of the evidence that the Petitioner was driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0085	19-AA-106	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Douglas Null	DMV filed a petition for judicial review of the OAH decision which reversed the DMV Commissioner's order of revocation of Mr. Null's driver's license. The crux of this petition lies in the fact that despite the blood test being destroyed at the termination of the companion criminal case, there was other clear evidence that Mr. Null was driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0092	19-AA-110	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. James Reynolds	DMV filed a petition for judicial review of the decision of the OAH which reversed the DMV's order of revocation of Mr. Reynolds' driver's license. The petition alleges that OAH erred when it reversed the DMV's revocation based on the sole issue that there was not a blood test entered into evidence at the administrative hearing, despite the presence of other clear evidence entered to support the revocation.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0171	19-AA-3	Circuit Court Raleigh County	Justin Levin v. Adam Holley, Acting Commissioner	Justin Levin filed a petition for judicial review of a decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition states that OAH erred when it relied on a document, completed by a witness who failed to testify or subject himself to cross examination forcing the Petitioner to defend himself against a faceless, expressionless document in violation of his constitutional right.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0165	19-AA-46	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. David Galloway	DMV filed a petition for judicial review of the decision of the OAH which reversed the DMV Commissioner's order of revocation of Mr. Galloway's driver's license. The petition states that "In reversing the Respondent's license for DUI, the OAH hearing examiner abused her discretion and entered an order which was arbitrary and capricious and clearly wrong in view of the reliable, probative and substantial evidence on the whole record."
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0172	19-AA-5-K	Circuit Court Raleigh County	Charles K. Lowman v. Adam Holley, Acting Commissioner	Charles Lowman filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that Mr. Lowman's constitutional due process rights were violated because of the delay in the issuance of the order by OAH. The petition claims that the Petitioner has suffered actual and substantial prejudice as a result of the delay.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0191	19-AA-57	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Chad R. Goodson	DMV filed a petition for judicial review of the decision issued by the OAH which reversed the DMV Commissioner's order of revocation of Mr. Goodson's driver's license. The Commissioner's position is that OAH erred when it erroneously determined the stipulation agreed to by the parties was adverse to West Virginia Law. The petition also states that OAH ignored clear evidence that Mr. Goodson was impaired which is determinative in this matter.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0183	19-AA-6	Circuit Court Raleigh County	Daniel A. Ellis v. Adam Holley, Acting Commissioner	Daniel Ellis filed an appeal of the final order from the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. Mr. Ellis alleges that he was actually and substantially prejudiced by the three (3) year delay of the OAH in issuing its final order. The delay in OAH issuing its final order is the only issue alleged in the petition for appeal.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0176	19-AA-66	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Pamela Pearson	DMV filed a petition for judicial review of the decision of the OAH which reversed the DMV Commissioner's order of revocation of Ms. Pearson's driver's license. The OAH erred when it ruled that DMV did not provide evidence that laboratory results had been confirmed or quantified. However, a secondary chemical test is not required to prove that a motorist was driving under the influence of alcohol, controlled substance or drugs for the purpose of making an administrative revocation of the driver's license. Syl. Pt. 1, Albrecht v. State, 173 W.Va. 268 (1984).
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0170	19-AA-67	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Melody Lasure	The DMV filed a petition for judicial review of the OAH decision which reversed the DMV Commissioner's order of revocation of Ms. Lasure's driver's license. The petition states that OAH committed clear error of law by requiring additional evidence of a causal connecton between Ms. Lasure's routine ingestion of her medications and her wreck.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0074	19-AA-7	Circuit Court Raleigh County	Mickey Coalson v. Adam Holley, Acting Commissioner	Mickey Coalson filed a Petition for Judicial Review of the OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges constitutional violation of the driver's right to confront his accusers and that the Petitioner was not afforded due process stating that "only finders-of-fact can take judicial notice of facts." A hearing has been scheduled on the Petitioner's Motion for Stay.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0155	19-AA-71	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Steven A. Braxton	DMV filed a petition for judicial review of the decision issued by the OAH which reversed the DMV Commissioner's order of revocation of Mr. Braxton's driver's license. The petition states that the hearing examiner erroneously relied on supposition and conjecture and abused her discretion by offering her own medical opinion on the record with no supporting evidence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0164	19-AA-72	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. David Fitzwater	DMV filed a petition for judicial review of the decision of the OAH which reversed the DMV Commissioner's order of revocation of Mr. Fitzwater's driver's license. The petition states that there was clear evidence that Mr. Fitzwater was driving under the influence and caused bodily injury to another, which is determinative of the matter, and the OAH erred in reversing the revocation solely on the basis that no blood test result was entered into evidence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0162	19-AA-76	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Kellen Q. Dunn	DMV filed a petition for judicial review of the decision issued by the OAH which reversed the DMV Commissioner's Order of revocation of Mr. Dunn's driver's license. The petition states that the OAH erred in finding that whether Mr. Dunn was taken into custody was a jurisdictional prerequisite for an administrative license revocation for DUI.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0153	19-AA-77	Circuit Court Kanawha County	Joshua Beckett v. Adam Holley, Acting Commissioner	Joshua Beckett filed a petition to appeal an OAH decision which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petition alleges that OAH committed error of law by reversing Mr. Beckett's license revocation for aggravated DUI because the evidence did not show that the blood draw and chemical analysis were performed in accordance with the testing protocols set forth in W.Va. Code State R. § 64-10.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0080	19-AA-8-K	Circuit Court Raleigh County	Brittany A. Lilly v. Adam Holley, Acting Commissioner	Brittany Lilly filed an appeal of final order of revocation issued by OAH which affirmed the DMV Commissioner's order of revocation of her driver's license. The Petition alleges that OAH abused its discretion when it affirmed DMV's revocation order, because there was no evidence presented that the Petitioner drove her vehicle where law enforcement found her. Petitioner also filed a motion for stay of order of revocation. Appeal is still pending.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0182	19-AA-80	Circuit Court Kanawha County	Joshua Derechin v. Adam Holley, Acting Commissioner	Joshua Derechin filed an appeal of the final order issued by the OAH, which affirmed the DMV Commissioner's order of revocation of his driver's license. He is alleging that he was actually and substantially prejudiced by the almost four (4) year delay of the OAH in issuing its final order. The DMV filed a cross-petition alleging that it was actually and substantially prejudiced by the OAH delay because the DMV cannot fulfill its legislative mandate to get drivers off the road as quickly as possible.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0167	19-AA-85	Circuit Court Kanawha County	Robert W. Grass v. Adam Holley, Acting Commissioner	Robert Grass filed a petition to appeal the order of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that OAH erred when it revoked Mr. Grass' license based on inadmissible evidence and was in violation of Mr. Grass' due process rights. The Petition further alleged that the decision was rendered without any competent evidence to support the revocation.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0075	19-AA-88	Circuit Court Kanawha County	Dinos J. Smith v. Adam Holley, Acting Commissioner	Dinos Smith filed a petition for judicial review of the order issued by OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The Petition alleges three legal errors: reliance of hearsay testimony of law enforcement officer, constitutional due process violation due to delay of issuance of order by OAH, and the lack of evidence that Petitioner had driven a vehicle on public property.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0086	19-AA-89	Circuit Court Kanawha County	Russell Wayne Juba v. Adam Holley, Acting Commissioner	Russell Wayne Juba appealed the decision of the OAH which upheld the DMV Commissioner's order of revocation of his driver's license. The petition alleges that DMV had insufficient evidence that a DUI had occurred.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0154	19-AA-96	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Robert J. Bowyer	DMV filed a petition for judicial review of the OAH decision which reversed the DMV Commissioner's order of revocation of Mr. Bowyer's driver's license. The petition alleges that: 1) The Respondent's hearing request was untimely filed; therefore, the OAH lacked subject matter jurisdiction to hear the instant matter; and 2) The Respondent's refusal to submit to the secondary chemical test is a basis for revocation independent of the revocation for DUI.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0072	19-AA-99	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. George Gilbert	DMV filed a petition for judicial review of the final order issued by the OAH which reversed the DMV Commissioner's order of revocation of Mr. Gilbert's driver's license. The petition states that there was clear evidence that Mr. Gilbert was driving under the influence, which is determinative of the matter, and the OAH erred in reversing the revocation solely on the basis that there were no blood test results from the officer regarding the requested blood test.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0121	19-C-228	Circuit Court Mercer County	Joseph Keffer v. Adam Holley, Acting Commissioner	Joseph Keffer filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that the decision contained erroneous findings and that the Final Order of OAH contained boilerplate language which does not accurately reflect the evidence.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0180	19-P-14	Circuit Court Tucker County	Christopher Cussins v. Adam Holley, Acting Commissioner	Christopher Cussins appealed the final order issued by the OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. He is alleging that he was actually and substantially prejudiced by the almost five (5) year delay of the OAH in issuing its final order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0200	19-P-47	Circuit Court Jackson County	Ryan M. Graves v. Adam Holley, Acting Commissioner	Ryan Graves filed a petition to appeal the OAH decision which affirmed the DMV Commissioner's order of revocation of Mr. Graves' driver's license. The petition alleges that the facts averred at the hearing do not warrant the suspension of his license and the delay in rendering a decision has actually and substantially prejudiced the Petitioner.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0184	19-P-CR-6	Circuit Court Mason County	State of West Virginia v. Jessie Sayre	Jessie Sayre filed an administrative appeal of his license revocation in the criminal case, Magistrate Case No. 17-m26m-02259, and served the prosecutor in Mason County. Mr. Sayre asked for a reversal of his license revocation. The Circuit Court sent the pleadings to the DMV and asked it to intervene. The DMV filed a motion to intervene and a motion to dismiss alleging that the relief requested was in the nature of an extraordinary writ and must be filed in Kanawha County Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Thornton, Christopher	TAX-19-0136	19-AA-122	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Aaron Powers	The DMV appealed the decision of the OAH which affirmed the DMV Commissioner's order of revocation of Mr. Powers' driver's license in part. The Petition states that OAH erred when it reversed the enhancement of the revocation period for driving with a blood alcohol concentration level in excess of .15% because the evidence presented at the administrative hearing did not show that the proper protocols were followed to administer the tests to determine driving under the influence.
Tax, Revenue, Court of Claims, and Transportation	Thornton, Christopher	TAX-19-0139	19-AA-123	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. Joseph Slye	The DMV appealed an order of the OAH which reversed the DMV Commissioner's order of revocation of Mr. Slye's driver's license. The petition alleges that OAH erred when it failed to weigh the totality of the evidence and failed to shift the burden of proof to the driver while DMV had met its burden showing that the driver refused to take the secondary chemical test.
Tax, Revenue, Court of Claims, and Transportation	Thornton, Christopher	TAX-19-0189	19-AA-3	Circuit Court Mineral County	Linda E. Taylor v. Adam Holley, Acting Commissioner	Linda Taylor filed a petition to appeal the decision of the OAH which affirmed the DMV Commissioner's order of revocation of Ms. Taylor's driver's license. The petition states that DMV failed to prove reasonable grounds that Ms. Taylor was operating her vehicle on public streets or highways while under the influence of alcohol or illegal substances and there is not sufficient evidence to prove by a preponderance of the evidence that Petitioner drove a motor vehicle while under the influence.
Tax, Revenue, Court of Claims, and Transportation	Thornton, Christopher	TAX-19-0211	19-P-363	Circuit Court Berkeley County	Lawrence Brown v. Adam Holley, Acting Commissioner	Lawrence Brown filed a petition to appeal the OAH's Decision which was affirmed the DMV Commissioner's Order of Revocation of his drivers license. The petition alleges that OAH erred when it considered the results of the preliminary breath test when competent and credible evidence was not presented, thus ruling that the driver was under the influence of alcohol.
Tax, Revenue, Court of Claims, and Transportation	Thornton, Christopher	TAX-19-0204	TBD	Circuit Court Kanawha County	Adam Holley, Acting Commissioner v. James Harbin	DMV Commissioner appealed the OAH decision which reversed the order of revocation of Mr. Harbin's driver's license. The petition states that OAH erred when it incorrectly read evidence not presented at the administrative hearing as automatically favorable to the driver. It further erred when it interpreted the evidence in an arbitrary and capricious manner and drew a wrongful conclusion in light of clear preponderance of the evidence.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Thornton, Karen	TAX-19-0202	19-P-353	Circuit Court Berkeley County	Cheryl L. Yoder v. Adam Holley, Acting Commissioner	Cheryl Yoder filed an appeal of OAH's decision which affirmed the DMV Commissioner's order of revocation of her driver's license. The petition alleges that OAH erred when it did not take judicial notice of a drug screen test, and that OAH erred when it found that no clear evidence was presented that the driver requested a blood test despite the driver testimony that she requested one from the investigating officer.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-18-0127	18-0932	Supreme Court - WV	Division of Highways, Dept. of Transportation v. Michael A. Powell and Terra Goins	The Division of Highways filed a Notice of Appeal of an adverse decision of the Kanawha County Circuit Court. Michael A. Powell filed a grievance against the DOH for non-selection of the District 10 Highways Engineer. The Grievance Board dismissed the grievance as untimely and the Grievant appealed. The Circuit Court reversed the Grievance Board's decision and ordered that Mr. Powell be awarded the position of Highway Engineer. The DOH requested and was granted a stay pending appeal to the West Virginia Supreme Court of Appeals. This matter has been fully briefed and the parties are awaiting notice from the Supreme Court regarding a decision or scheduling an oral argument.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-18-0088	18-P-31	Circuit Court Hardy County	George Judy v. Dept. of Transportation, et al.	George Judy filed a Petition for Writ of Mandamus in the Circuit Court of Hardy County to compel the Department of Highways to reopen State Route 7, which had become obstructed by a landslide. A motion to dismiss for lack of jurisdiction was immediately filed because Judy failed to give the 30-day statutory notice. The Court heard this motion on September 11, 2018, but has yet to issue a ruling. The case remains stayed pending the Court's ruling on our motion to dismiss.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0059	19-11595	Bankruptcy Court-US DE	Blue Creek Mining, LLC, et al.	The corporate taxpayers in this matter owe approximately \$37 million in unpaid taxes, which are subject to an Offer in Compromise dated March 2019. The Chapter 11 Plan has been confirmed by the Delaware bankruptcy court, and Blackhawk is continuing to make payments under the compromise agreement post-bankruptcy.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0050	19-12762	USDC PAED	In Re: Frederick Reichle	Frederick Reichle is an individual residing in Pennsylvania. He filed a Chapter 13 bankruptcy petition and owes a total of \$62,800.00 to the West Virginia State Tax Department. The bankruptcy was filed in Eastern Bankruptcy Court of Pennsylvania where he resides, though three of his businesses which have filed Chapter 11 bankruptcy are located in West Virginia.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0049	19-12771	USDC PAED	In Re: Herz, Herz & Reichle, Inc.	Herz, Herz & Reichle operates in West Virginia and owes a total of \$39,200.00 to the State Tax Department. The Petition was filed in Eastern District Bankruptcy Court of Pennsylvania where the owner resides.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0047	19-12773	USDC PAED	In Re: Long Run Realty, Inc., d/b/a Timberline Four Seasons Realty	Long Run Realty operates in West Virginia and owes a total of \$42,028.13 to the State Tax Department. The Petition was filed in Eastern District Bankruptcy Court of Pennsylvania where the owner resides.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0046	19-12775	USDC PAED	In Re: Timberline Four Seasons Resort Management Co., Inc.	The Timberline companies are three entities that operated the Timberline Ski Resort. The companies owe a total of \$705,825.37 to the State Tax Department. The bankruptcy case is pending in Philadelphia. Timberline has filed a motion in the bankruptcy court to sell its assets, and it is anticipated that the tax debt will be paid in full upon sale of the ski resort.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0038	19-C-180	Circuit Court Cabell County	Jerry L. and Amy L. Floyd v. State Tax Commissioner of West Virginia	Taxpayers are appealing a Decision from the Office of Tax Appeals regarding the taxation of income for members of the West Virginia National Guard. The case is awaiting a time frame order from the Circuit Court of Cabell County.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0054	19-C-26	Circuit Court Mason County	Mark Hussell as Administrator for the Estate of Larry A. Hussell, deceased v. Mark Hussell and Spouse as heirs, et al.	The Administrator of the Estate of Larry Hussell filed a Complaint to Sell Real Estate of the Deceased in Mason County Circuit Court. There are numerous IRS and State Tax Department liens which apply to the subject property along with certain other debts.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0013	19-C-34	Circuit Court Putnam County	Scott Depot Christ Fellowship v. State Tax Department	Scott Depot Christ Fellowship appealed a State Tax Department ruling finding that certain of its property is not exempt from ad valorem taxes because the property was utilized by its for-profit entities. The case is awaiting a time frame order from the Circuit Court of Putnam County.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0035	19-cv-00237	USDC WVSD	United States of America v. Howard Bostic, et al.	The U.S. Department of Justice filed against Howard and Hiroko Bostic for unpaid federal taxes. The West Virginia Tax Department has a lien against property as well. We are currently working with the IRS to determine the lien priorities.
Tax, Revenue, Court of Claims, and Transportation	Bradley, Michelle	TAX-19-0208	19-AA-1	Circuit Court Kanawha County	Shannon Z. Seay v. Adam Holley, Acting Commissioner	Shannon Seay filed a petition to appeal the decision of OAH which affirmed the DMV Commissioner's order of revocation of his driver's license. The petition alleges that the order is in violation of the 1st, 5th, and 14th Amendments of the United States Constitution.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-16-0127	16-AA-73	Circuit Court Kanawha County	Carmelia Ernestine Newhouse v. Office of the Insurance Commissioner and WV Division of Personnel	Ms. Newhouse grieved the reclassification of her position from Hearing Examiner to Paralegal. She seeks to have her original position reinstated or be reclassified as a Claims Deputy. After the state agency prevailed at the Grievance Board, Ms. Newhouse filed an Administrative Appeal in Kanawha County Circuit Court. All issues have been briefed and the parties are awaiting a final decision.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0036	17-C-618	Circuit Court Kanawha County	CJ Vapors LLC v. Dale W. Steager, State Tax Commissioner, State Tax Department	Plaintiff filed a Complaint for Declaratory Judgment and Injunctive Relief challenging the constitutionality of West Virginia Code Ann. § 11-17-4b, which imposes an excise tax on sales of e-cigarette liquid. A Motion to Dismiss was filed on behalf of the Tax Department for failure to state a claim upon which relief can be granted. The Court denied the Tax Department's Motion to Dismiss and, thereafter, the Tax Department filed an Answer defending the constitutionality of W.Va. Code § 11-17-4b. Plaintiff has taken no additional action to prosecute its claim and the case remains pending.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0037	17-C-619	Circuit Court Kanawha County	Ella Vape LLC v. Dale W. Steager, State Tax Commissioner, State Tax Department	Plaintiff filed a Complaint for Declaratory Judgment and Injunctive Relief challenging the constitutionality of West Virginia Code Ann. § 11-17-4b, which imposes an excise tax on sales of e-cigarette liquid. A Motion to Dismiss was filed on behalf of the Tax Department for failure to state a claim upon which relief can be granted. The motion remains pending. In January 2019, the Court issued a Rule 41(b) notice. Plaintiff responded with a motion alleging good cause for why the matter should not be dismissed and the Tax Department objected to Plaintiff's motion. Plaintiff has taken no additional action to prosecute its claim.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0038	17-C-620	Circuit Court Kanawha County	Vandalia Mist Extracts and Vapors v. Dale W. Steager, State Tax Commissioner	Plaintiff filed a Complaint for Declaratory Judgment and Injunctive Relief challenging the constitutionality of West Virginia Code Ann. § 11-17-4b, which imposes an excise tax on sales of e-cigarette liquid. A Motion to Dismiss was filed on behalf of the Tax Department for failure to state a claim upon which relief can be granted. Proposed orders were submitted by both parties and the motion remains pending.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0039	17-C-621	Circuit Court Kanawha County	Vape Escape LLC v. Dale W. Steager, State Tax Commissioner, State Tax Department	Plaintiff filed a Complaint for Declaratory Judgment and Injunctive Relief challenging the constitutionality of West Virginia Code Ann. § 11-17-4b, which imposes an excise tax on sales of e-cigarette liquid. A Motion to Dismiss was filed on behalf of the Tax Department for failure to state a claim upon which relief can be granted. The Court denied the Tax Department's Motion to Dismiss and, thereafter, the Tax Department filed an Answer defending the constitutionality of W. Va. Code § 11-17-4b. Plaintiff has taken no additional action to prosecute its claim and the case remains pending.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-18-0126	18-P-21	Circuit Court Roane County	Transource WV, LLC v. Phillip Teel, Teresa Teel, et al.	This matter stems from a Right of Entry for a telecommunications tower in which \$30,000 was paid into the Roane County Circuit Court. The State Tax Department was named as one of multiple respondents in the matter due to the presence of several sales tax liens. It was ultimately determined that all of the sales tax liens are subordinate to a previously filed Deed of Trust.
Tax, Revenue, Court of Claims, and Transportation	Means, Cassandra	TAX-17-0142	19-0604	Supreme Court - WV	Laticia Trent v. Division of Motor Vehicles	Laticia Trent challenges her non-receipt of a merit increase. The Grievance Board and the Kanawha County Circuit Court both found that Grievant failed to prove that the agency's decision not to grant a merit increase violated any law, rule, policy, or procedure or that it was otherwise arbitrary and capricious. Grievant appealed to the West Virginia Supreme Court of Appeals, which issued a briefing schedule.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-15-0132	15-C-914	Circuit Court Kanawha County	A-1 Amusement, Inc., et al. v. West Virginia Lottery, et al.	Plaintiffs allege that Lottery and IGT, an independent vendor, have required them to make changes to their Limited Video Lottery terminals. The Plaintiffs' chief complaint is that IGT, a Nevada corporation, no longer supports the ICIS protocol which was the computer language used by their machines when permits were awarded. Dismissal of the Due Process Claim is sought based upon qualified immunity. Dismissal of the regulatory taking claim is sought based upon the fact that the Lottery's decisions reflected changes in the marketplace that it could not control. Additionally, the highly regulatory nature of the limited video lottery should diminish the likelihood of success on the takings claim. We have filed a Motion to Dismiss all claims and Memorandum in Support on behalf of the Lottery, Lottery Commission and Director.
Tax, Revenue, Court of Claims, and Transportation	Schultz, Kathy	TAX-19-0045	19-C-13	Circuit Court Kanawha County	Nigel Jeffries v. City of Charleston, Department of Revenue, Municipal Home Rule Board, Dale W. Steager, State Tax Commissioner	Nigel Jeffries filed a Complaint for Declaratory Judgment and Permanent Injunctive Relief to declare invalid and void the municipal consumers sales and use tax enacted by the City of Charleston. The Complaint alleges the tax is unconstitutional pursuant to Article VI, Section 39(a) of the West Virginia Constitution and conflicts with W.Va. Code Section 8-13C-4(b) and 8-13C-5(b). Additionally, the plaintiff claims the imposition of the tax violates the constitutional requirement of separation of powers. Plaintiff claims that because the Home Rule Board must approve the City's request to impose a consumer sales tax pursuant to W.Va. Code § 8-1-5a, it has impermissibly exercised legislative power. However, the legislature has established clear guidance regarding when such a tax is valid. The tax at issue satisfied the legislative criteria.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0020	19-AA-2	Circuit Court Berkeley County	Lewis B. and Macia Subelsky v. WV State Tax Commissioner	Lewis and Macia Subelsky are appealing an OTA Decision. The Subelskys request that the retirement income they received from PERS be treated in the same manner as the income from the State and local police officer and firefighter plans listed in W. Va. Code 11-21-12(c)(6). Because the plain language of W. Va. Code 11-21-12(c)(5)-(6) provides a \$2,000 deduction (and not a total deduction) for PERS benefits, the Tax Commissioner and OTA both denied their request. Upon appeal, the Subelskys argue that their treatment under W. Va. Code 11-21-12(c)(5)-(6) violates the equal protection clause of the West Virginia and United States Constitutions even though they receive the same treatment as every other PERS retiree.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0073	1:17-cv-121	USDC WVND	Estate of Lois M. LaRosa v. James LaRosa, et al.	The Estate of Lois M. LaRosa filed a complaint against James J. LaRosa, John T. Haskins, and the unknown heirs of the estate of James D. LaRosa and those that have an interest in the property of James D. LaRosa, deceased. James D. LaRosa, deceased, owed Lois M. LaRosa, deceased, a sum of money pursuant to their divorce decree. Lois' Estate is suing James' Estate for the settlement money. They've also included creditors of liens filed against James J. LaRosa in the lawsuit. An Answer was filed protecting the Tax liens filed against Mr. LaRosa in order of priority. The District Court appointed a Special Commissioner to sell the real estate.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-12-441	10-C-388	Circuit Court Ohio County	David O'Brien v. Charles "Randy" Dye, Dir. WV Div. of Forestry, et al.	Mr. O'Brien filed the ad valorem property tax return claiming that his real property should be valued as managed timberland property for the 2009, 2010 and 2011 tax years. As managed timberland, the O'Brien property would be valued at approximately \$4,000. However, if the property was valued as commercial property it would be valued at approximately \$750,000. The Tax Department issued Property Tax Ruling 11-10, and concluded that the O'Brien property should be valued as managed timberland for the 2011 tax year. Mr. O'Brien failed to timely challenge the property valuations before the County Commission sitting as a Board of Equalization and Review for the 2009 and 2010 tax years. Mr. O'Brien prematurely challenged the 2011 valuation before the circuit court in 2010. Mr. O'Brien did raise the issue of all three tax years in the 2010 circuit court appeal. The Tax Department filed an answer to dismiss all three years as being untimely appealed or prematurely appealed. Mr. O'Brien filed a motion for summary judgment which is still pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-11-1132	11-C-171-P	Circuit Court Logan County	James H. Wiley v. West Virginia State Tax Department	Dale and James Wiley have judgments against Ersel Prince for assault with a deadly weapon. Mr. Prince is currently in the federal penitentiary on drug related charges. The Wileys have sued to seize Mr. Prince's real property and sell the property at public auction. The Tax Department is a defendant in the lawsuit since it has several tax liens against Mr. Prince.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-13-1068	13-C-51	Circuit Court Summers County	Michael D. Skinner v. WV State Tax Dept.	Michael Skinner filed a Complaint naming Richard McFall as Defendant along with the Tax Department. In his prayer for relief, Mr. Skinner requested that two parcels of land owned by Mr. McFall be sold by a Special Commissioner to satisfy the judgment lien in favor of Mr. Skinner and to satisfy any other liens which may be filed against Mr. McFall. An Answer was filed on behalf of the Tax Department defending its lien position in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-14-005	14-AA-1	Circuit Court Kanawha County	Asian Grill v. Craig A. Griffith	Asian Grill filed a petition to appeal the administrative decision of the OTA citing several assignments of error regarding the audit performed on Asian Grill. OTA agreed with the Tax Department's audit which utilized a sample and projection procedure due to Asian Grill not keeping full records of all cash receipts. The Tax Department filed a motion to dismiss for failure to file the mandatory appeal bond. Asian Grill filed a response stating no appeal bond was necessary. The parties filed proposed Final Orders.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-14-723	14-C-776-K	Circuit Court Raleigh County	Green Tree Servicing, LLC v. William F. Mullins, et al.	The original deed of trust which encumbers real property owned by William and Toni Mullins was not recorded properly. Green Tree, the current mortgage holder, has requested that the Court correct the error and award Green Tree a first lien priority. The Tax Department has a lien on this property and filed an answer protecting its lien position. Subsequently, the Tax Department withdrew its lien recorded against Respondent Mullins. The parent company of Green Tree filed bankruptcy in the Southern District of New York in February, 2019. Accordingly, the case is still pending in circuit court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-14-680	14-C-883-K	Circuit Court Raleigh County	Lin Qin d/b/a China One Buffet v. Dale W. Steager, State Tax Commissioner	The taxpayer appealed the decision from the OTA which dismissed this matter. A motion to dismiss was filed on behalf of the Tax Department due to the taxpayer's failure to file the mandatory appeal bond.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0048	15-C-53	Circuit Court Mason County	West Virginia Division of Highways v. Kyle McCausland, Farmers Bank and Savings Company – Pt. Pleasant; and the Sheriff of Mason County, WV	The Division of Highways filed a condemnation pleading in 2015 on land situate in Mason County, West Virginia owned by Kyle McCausland. The Tax Department placed a tax lien against the landowner that encumbers the land which is the subject of this litigation. A motion to intervene was filed on behalf of the Tax Department to recover some of the proceeds to payoff Mr. McCausland's tax lien.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-16-0033	16-AA-2W	Circuit Court Hancock County	Arcelormittal Weirton v. Mark W. Matkovich, State Tax Commissioner and Joseph Alongi, Hancock County Assessor, Intervenor	Arcelormittal is appealing PTR 16-41. The taxpayers argue the steel scrap produced at their facility is subject to the Freeport Exemption. The Hancock County Assessor filed a Motion to Dismiss, and the Assessor was dismissed. The case remains pending.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0117	17-bk-10037	Bankruptcy Court-US WVSD	In Re: Denise Gail Clark, Debtor	Debtor, Denise Gail Clark, filed for Chapter 7 Bankruptcy. She is currently a resident of Florida. She owes PEIA a sum of money for a period of time when coverage was being provided but she was not receiving a retirement check at the time. PEIA filed a claim in Bankruptcy Court. PEIA inadvertently filed a duplicate claim, and Debtor's counsel objected and proffered a proposed Order denying the duplicate claim. The Debtor was discharged. The Trustee subsequently retained a law firm to represent him. A real estate agent was appointed to sell the real estate. The proceeds from the sale have been turned over to the Trustee.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0151	17-C-319	Circuit Court Ohio County	SWN Production Company, LLC v. Dale W. Steager, State Tax Commissioner, Ohio County Assessor, Ohio County Commission	SWN is appealing the Board of Assessment Appeals Order affirming the Assessor's Assessment for the 2017 tax year. SWN owns 94 Marcellus wells in Ohio County. SWN is asserting that the Tax Department does not take into account its actual operating expenses when calculating the valuation of its wells. Instead, the Tax Department utilizes a mass appraisal system pursuant to the Legislative Rule. An Answer was filed on behalf of the Tax Division citing to the Legislative Rule W.Va. Code R. 110-1J-1, et seq. The Business Court Judge set a briefing schedule for dispositive motions and will schedule oral argument as needed. This matter is similar to the Antero and CNX Gas matters recently decided by the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0105	17-cv-04046	USDC WVSD	John M. Falbo v. Albert Thomas Falbo, Mary Gruiffi, U.S., Dale W. Steager	John Falbo filed a partition suit against Albert Falbo and others in Fayette County Circuit Court. The Tax Department was named in the complaint due to liens against Albert Thomas Falbo and, therefore, against the property that is the subject of this dispute. A Partial Motion for Summary Judgment was filed by the Tax Department and was granted by the Judge. The Tax Liens have been preserved in their order of priority. While this case originated in State Circuit Court, the IRS removed it to District Court due to its liens on the property. The Trustee is selling the property to attempt to pay off liens.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-17-0141	17-P-404	Circuit Court Kanawha County	Freedom Mortgage Corporation v. Melvin E. Bailey, Jr., et al.	Freedom Mortgage filed a Petition to correct legal description of two tracts of land that a deed of trust encumbers along with adjacent property. The Tax Department has a lien against Melvin Bailey. The Tax Department filed an Answer to protect and preserve its lien position. The Plaintiff recently filed an affidavit of service by publication and order of publication to achieve service on the Baileys. Petitioner filed a Motion for Summary Judgment.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0072	18-0228	Supreme Court - WV	Antero Resources Corporation v. WV State Tax Commissioner	Antero Resources filed two petitions for reassessment in the Office of Tax Appeals on behalf of Antero Resources and Antero Resources Bluestone in the amount of \$1,272,540.62 and \$1,325.59 respectively. This is a consumers sales tax appeal. The Office of Tax Appeals issued an Order modifying the assessments to \$25,613.82, combined. The Circuit Court reversed the Office of Tax Appeals decision and ruled in Tax's favor. Antero appealed to the WV Supreme Court of Appeals. The briefing schedule is complete. We are awaiting further action from the WV Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0147	18-AA-1	Circuit Court Ritchie County	Antero Resources Corporation v. Dale Steager, State Tax Commission, Assessor Arlene Mossor, Assessor of Ritchie County, and Ritchie County Commission	Antero Resources filed a Petition in Ritchie County seeking reversal of the Ritchie County Board of Assessment Appeals decision which affirmed the Tax Department's valuation of producing oil and gas wells in Ritchie County. Antero Resources owns 75 Marcellus Shale wells in Ritchie County and believes the Tax Department is over-valuing these wells and seeks a correction. This appeal is for the 2018 tax year. It is similar to Antero and CNX matters that was decided by the WV Supreme Court of Appeals. This case is on hold due to Antero's statement that it intends to file a Petition for Writ of Certiorari in the Supreme Court of the United States in Steager v. Consol Energy.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0003	18-AA-1	Circuit Court Doddridge County	Antero Resources Corporation v. Dale Steager, State Tax Commissioner, David Sponaule, Assessor, and Doddridge County Commission	Antero Resources appealed the Doddridge County Board of Assessment and Appeals order for the 2018 tax year which upheld the WV State Tax Department's valuations of Antero's natural gas wells in Doddridge County. This is similar to the Antero and CNX gas cases that were recently decided in the West Virginia Supreme Court of Appeals. This case is on hold due to Antero's statement that it intends to file a Petition for Writ of Certiorari in the Supreme Court of the United States in Steager v. Consol Energy.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0135	18-AA-1	Circuit Court Tyler County	Antero Resources v. Dale Steager, Tax Commissioner, et al.	Antero Resources appealed the Tyler County Board of Assessment and Appeals order for the 2018 tax year which upheld the WV State Tax Department's valuations of Antero's natural gas wells in Tyler County. This is similar to the Antero and CNX gas cases that were recently decided in the West Virginia Supreme Court of Appeals. This case is on hold due to Antero's statement that it intends to file a Petition for Writ of Certiorari in the Supreme Court of the United States in Steager v. Consol Energy.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0037	18-AA-1	Circuit Court Raleigh County	Beaver Coal Company, Limited v. West Virginia Division of Forestry, West Virginia State Tax Commissioner, and Raleigh County Assessor	Beaver Coal filed a Petition for Review of PTR 18-38 issued by Commissioner Dale Steager which stated that property owned by Beaver Coal is not eligible for managed timberland valuation because Beaver Coal Company did not timely file an application for certification to the Division of Forestry. The Tax Department denied Beaver Coal Company's request for valuation as Managed Timberland under the statutory framework. The Division of Forestry filed an Answer as well. This matter should be resolved by the West Virginia Supreme Court of Appeals decision in Penn Virginia v. Yokum, et al., Appeal No. 18-0019. We are awaiting order remanding the case from the Circuit Court to the Division of Forestry.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0137	18-AA-1	Circuit Court Brooke County	SWN Production Company v. Dale Steager, Tax Commissioner, et al.	SWN Production is appealing the Wetzel County Board of Assessment Appeals decision which upheld the Tax Department's valuation for the 2018 tax year of SWN's producing oil and natural gas wells in Wetzel County. SWN Production owns 56 Marcellus Shale wells in Wetzel County. SWN claims the Tax Department overstated the valuation of its producing oil and gas wells by not allowing certain expenses to be calculated into the maximum amount for calculations of each well. The Tax Department disagrees and an answer was filed on its behalf defending the Tax Department's valuation and regarding the allowable expenses to be included in the calculation. This matter is similar to the Antero and CNX Gas matters recently decided by the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0134	18-AA-2	Circuit Court Tyler County	Consul Energy Inc. d/b/a CNX Gas Company, LLC v. Dale Steager, Tax Commissioner, et al.	CNX appealed the Tyler County Board of Assessment and Appeals order for the 2018 tax year which upheld the WV State Tax Department's valuations of CNX's natural gas wells in Tyler County. This is similar to the Antero and CNX gas cases that were recently decided in the West Virginia Supreme Court of Appeals. The CNX wells will be re-valued after the current assessment appeals are completed for the 2019 tax year.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0002	18-AA-2	Circuit Court Doddridge County	EQT Production Company v. Dale Steager, State Tax Commissioner, David Sponaule, Assessor and Doddridge County Commission	EQT Production appealed the Doddridge County Board of Assessment and Appeals order for the 2018 tax year which upheld the WV State Tax Department's valuations of EQT's natural gas wells in Doddridge County. An answer was filed on behalf of the Tax Commissioner defending the valuations. This matter is similar to the Antero and CNX Gas matters that were recently decided by the Supreme Court of Appeals of West Virginia.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0048	18-C-21	Circuit Court Wetzel County	SWN Production Company, LLC v. Dale W. Steager, State Tax Commissioner, Wetzel County Assessor and Wetzel County Commission	SWN is appealing the Board of Assessment Appeals Order affirming the Assessor's Assessment for the 2017 tax year. SWN owns numerous Marcellus wells in Wetzel County. SWN is asserting that the Tax Department does not take into account its actual operating expenses when calculating the valuation of its wells. Instead, the Tax Department utilizes a mass appraisal system pursuant to the legislative rule. An Answer was filed on behalf of the Tax Division citing to the Legislative Rule W.Va. Code R. 110-1J-1, et seq. This matter is similar to the Antero and CNX Gas matters recently decided by the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0001	18-C-281	Circuit Court Ohio County	SWN Production Company v. Dale Steager, State Tax Commissioner, Tiffany Hoffman, Assessor, Ohio County Commission	SWN appealed the Ohio County Board of Assessment and Appeals order which upheld the WV State Tax Department's valuations for the 2018 tax year of SWN's natural gas wells in Ohio County. The Tax Commission filed an answer defending the valuations. This matter is similar to the Antero and CNX Gas matters recently decided by the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0099	18-C-30	Circuit Court Mineral County	LSCG Fund 19, LLC v. George's Amoco, et al.	LSCG Fund 19, LLC, filed a complaint to Reform Deed and Collect Deficiency balance against George's Amoco, and George Terrell. The issues stems from a foreclosure sale that took place in 2017. Subsequent to the Foreclosure Sale, it was discovered that the Deed contained an error in the legal description which would result in George's Amoco retaining a portion of the intended encumbered real estate. The State Tax Department was named as a party due to the numerous Tax liens filed against George's Amoco totaling almost \$200,000.00. An Answer was filed protecting the Tax Department's liens in order of priority. Case is still pending.

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Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0024	18-C-8	Circuit Court Marshall County	SWN Production Company, LLC v. Dale Steager, State Tax Commissioner, Christopher J. Kessler, Assessor, Marshall County Commission	SWN is appealing the Board of Assessment Appeals Order affirming the Assessor's Assessment following the hearing before the Board regarding the 2017 tax year valuations. SWN owns numerous Marcellus wells in Marshall County. SWN is asserting that the Tax Department does not take into account its actual operating expenses when calculating the valuation of its wells. Instead, the Tax Department utilizes a mass appraisal system pursuant to the legislative rule. An Answer was filed on behalf of the Tax Division citing to the Legislative Rule W.Va. Code R. 110-1J-1, et seq. The Business Court Judge set a briefing schedule for dispositive motions and will schedule oral argument as needed. This matter is similar to the Antero and CNX Gas matters recently decided by the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0146	18-C-92	Circuit Court Brooke County	Nation Star Mortgage, LLC d/b/a Mr. Cooper v. Amber L. Sutak, Stephen L. Thompson and State of West Virginia	Nation Star filed a Petition for Declaratory Judgment seeking judgment for a particular Deed of Trust to maintain its lien priority as of its original recording date while correcting various errors in the chain of title. The Tax Department has two liens against one of the Defendants, Amber L. Sutak. Nation Star Mortgage amended its complaint to include the Tax Department. Tax has filed an answer stating it does not oppose the requested prayer for relief.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0141	18-P-184	Circuit Court Wood County	New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing v. Robin C. Reed, et al.	New Penn Financial filed a complaint to reform a Deed of Trust which contained a scrivener's error. The Tax Department has liens against the Taxpayer who owned the subject property at the time of foreclosure. The Tax Department filed an answer which did not oppose the requested prayer for relief.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0004	18-P-235	Circuit Court Harrison County	Antero Resources Corporation v. Dale Steager, State Tax Commissioner, Joseph Romano, Assessor, Harrison County Commission	Antero Resources appealed the Harrison County Board of Assessment and Appeals order for the 2018 tax year which upheld the WV State Tax Department's valuations of Antero's natural gas wells in Harrison County. This is similar to the Antero and CNX Gas cases recently decided by the West Virginia Supreme Court of Appeals. This case is on hold due to Antero's statement that it intends to file a Petition for Writ of Certiorari in the Supreme Court of the United States in Steager v. Consol Energy.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0010	18-P-445	Circuit Court Kanawha County	Appalachian Power Company v. Blanche Conner Cabell Heirs, et al.	Appalachian Power Company has petitioned the Court for condemnation and for right of way. The Petitioner has noticed this matter for hearing on February 20, 2019, for the right to condemn the land to vest indefeasible title to petitioners and to appoint a commissioner to ascertain just compensation. An Answer was filed stating the Tax Department does not oppose the relief requested.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0138	18-P-48	Circuit Court Marshall County	SWN Production Company v. Dale Steager, Tax Commissioner, et al.	SWN appealed the Marshall County Board of Assessment and Appeals order for the 2018 tax year which upheld the WV State Tax Department's valuations of SWN's natural gas wells in Marshall County. This is similar to the Antero and CNX gas cases that were recently decided in the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-18-0139	18-P-57	Circuit Court Taylor County	Mountaineer Inspection Services, LLC v. State Tax Commissioner	Mountaineer Inspection Services, LLC filed a Petition for Appeal of the Office of Tax Appeals ("OTA") Final Decision entered on October 4, 2018. They allege that OTA erred when it held that the Tax Commissioner ignored a material factor deserving weight, erred when it held that it did not rely on any improper factors, and that OTA erred when it held that the Tax Commissioner did not accord greater weight to the education factor. The Tax Department appealed the same order in Kanawha County, WV, which was then consolidated with the Taxpayer's petition in Taylor County, WV. Tax has filed a cross-assignment of error that Tax properly used its discretion regarding the requirement that a professional service must require a college degree and not simply a high school diploma. This matter has been fully briefed. We are awaiting a decision from the Circuit Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0105	19-AA-2	Circuit Court Mineral County	Keith G. Taylor v. Honorable Jim Justice, WV Governor	This is related to another tax case wherein Mr. Taylor appealed his original assessment from the WV State Tax Commissioner for the 2012 tax year. The Office of Tax Appeals affirmed the assessment. The Circuit Court reversed the assessment of the Tax Commissioner and Mr. Taylor appealed that to the WV Supreme Court. The WV Supreme Court affirmed the WV State Tax Commissioner's original assessment. This motion seeks to have that same matter readjudicated by the Honorable Governor Jim Justice.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0039	19-C-13	Circuit Court Wetzel County	SWN Production Company, LLC v. Dale W. Steager, State Tax Commissioner, Scott Lemley, Wetzel County Assessor, Wetzel County Commission	SWN Production is appealing the Wetzel County Board of Assessment Appeals decision which upheld the Tax Department's allegedly overstated valuation for the 2018 tax year of SWN's producing oil and natural gas wells in Wetzel County. SWN Production owns 56 Marcellus Shale wells in Wetzel County. SWN claims the Tax Department overstated the valuation of its producing oil and gas wells by not allowing certain expenses to be deducted. The Tax Department disagrees and an answer will be filed on its behalf defending the Tax Department's valuation and allowable expenses to be included in the calculation. This matter is similar to the Antero and CNX Gas matters recently decided by the West Virginia Supreme Court of Appeals.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0065	19-C-14	Circuit Court Tucker County	West Virginia Department of Transportation, Division of Highways v. Daniel E. Lipscomb, et al.	Division of Highways filed a Petition to Condemn land for public use naming the Tax Department as a Respondent due to its potentially having a tax lien against the property owner. The specified tax lien in the petition has been withdrawn by the Tax Department. The Tax Department filed an Answer not opposing the relief requested by DOH.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0018	19-C-146-3	Circuit Court Harrison County	Lakeview Loan Servicing, LLC v. Scott Douglas Kirby, West Virginia State Tax Commissioner, United States of America, Crystle Ridge Homeowner's Association	Lakeview Loan Servicing filed a complaint to correct legal description after the Exhibit A in the original deed of trust named an adjoining lot instead of the proper parcel. The Tax Department has a tax lien against the borrowers of the subject property. The Tax Department filed an answer not opposing relief requested by the Petitioner.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0061	19-C-167	Circuit Court Mercer County	Princeton Community Hospital Association, Inc. and Mercer County Fire Service Board v. Henry I. Small, Jr., Honorable T.A. Bailey, Sheriff of Mercer County, and State of West Virginia State Tax Department	Princeton Community Hospital and Mercer County Fire Service Board filed a complaint against Henry I. Small, Jr. to enforce judgment liens by suit under W.Va. Code 38-3-9, et seq. The Plaintiffs named the State Tax Department as a Defendant due to the tax lien against Henry I. Small, Jr. The Plaintiffs failed to provide the State with the presuit notification pursuant to W.Va. Code 55-17-3. A motion to dismiss was filed on behalf of the State Tax Department.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0040	19-C-19	Circuit Court Wetzel County	EQT Production Company v. Dale W. Steager, Tax Commissioner, Scott Lemley, Wetzel County Assessor, and Wetzel County Commission	EQT Production is appealing the Wetzel County Board of Assessment Appeals decision which upheld the Tax Department's valuation for the 2018 tax year of EQTs producing oil and natural gas wells in Wetzel County. EQT claims the Tax Department overstated the valuation of its producing oil and gas wells by not allowing certain expenses to be deducted. The Tax Department disagrees and an answer was filed on its behalf defending the Tax Department's valuation. This matter is similar to the Antero and CNX Gas matters recently decided by the Supreme Court of Appeals of West Virginia. This case is on hold pending the outcome of the 2017 tax year related cases.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0064	19-C-240	Circuit Court Monongalia County	Huntington National Bank v. Keith A. Ammons, West Virginia State Tax Department	Huntington National Bank filed a suit to correct the legal description in a Deed of Trust executed by Keith Ammons. The Tax Department has a recorded lien against the borrower. Tax does not oppose Petitioner's prayer for relief.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0089	19-C-394	Circuit Court Cabell County	Christiana Trust v. Estate of Timothy Stapleton, et al.	Christiana Trust filed a complaint seeking injunctive relief allowing the Plaintiff to protect the physical integrity of real estate it purchased at a Sheriff's Tax Sale. The State Tax Department has an interest in the property due to tax liens filed against current or former owners of the subject real estate.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0090	19-C-43	Circuit Court Mineral County	Mary Ann Taylor v. Dale W. Steager, State Tax Commissioner	Mary Ann Taylor filed a Petition for Writ of Mandamus requesting the Court to order the Tax Commissioner to disburse funds in Petitioner's "account" as of December 31, 2018. The Tax Commissioner was named as a party. However, no service has been made upon the Tax Commissioner.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0071	19-C-742	Circuit Court Kanawha County	NR Deed, LLC v. Charles E. Lantz, et al.	A lawsuit was filed to obtain partial release of tax lien against Charles Lantz. Opposing counsel has served the presuit notice. NR Deed has not served the lawsuit.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0070	19-C-743	Circuit Court Kanawha County	NR Deed, LLC v. Joseph D. Darabos, et al.	NR Deed filed a lawsuit to obtain partial release of tax lien against Joseph D. Darabos. Opposing counsel provided presuit notice, it is unclear whether Tax was served with the lawsuit.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0055	19-C-93	Circuit Court Mercer County	Wells Fargo Bank, N.A. v. Tracy Jean Coleman and WV Tax Department	Wells Fargo Bank filed a motion to add respondent to this civil action due to the Tax Department having a couple of liens against the property owner, Tracy Jean Coleman. An Answer was timely filed defending the lien position. A dismissal order is currently being circulated by Wells Fargo.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0192	19-C-958	Circuit Court Kanawha County	PHH Mortgage Corporation v. Eddie B. Owens, III, Susan L. Owens, Peoples Federal Credit Union and WV State Tax Department	PHH Mortgage Corporation filed a Petition for Declaratory Judgment to reform the legal description in a deed of trust executed by Susan and Eddie Owens. The West Virginia State Tax Department has several liens against the property owners which encumber the real estate that is the subject of this civil action. The Tax Department, by counsel, will file an answer to protect the Tax Department's lien position.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0102	19-P-183-3	Circuit Court Harrison County	Grand China Buffet & Grill, Inc, Qi Fen & Hui Chen v. Dale W. Steager, State Tax Commissioner	Grand China Buffet filed a petition to appeal an Office of Tax Appeals (OTA) decision. The Petitioners are alleging that OTA erred in affirming the State Tax Department's assessment. The Petitioners allege that OTA erred when it affirmed the State's calculation of the consumers sales tax assessment because it failed to use best information available and instead assumed every customer ordered a full buffet, ignoring the customers that might have purchased menu items.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0025	19-P-40-1	Circuit Court Harrison County	City of Clarksburg, Clarksburg Development Authority & Robinson Grand Landlord, LLC v. Dale W. Steager, State Tax Commissioner, Joseph R. Romano, State Assessor	A Petition for appeal was filed naming the Tax Commissioner and Assessor Joseph Romano appealing the Property Tax Ruling 19-48 which determined that the Robinson Grand Performing Arts Center is not exempt from ad valorem property tax because it is not being used for public purposes. This matter is currently in discovery phase.
Tax, Revenue, Court of Claims, and Transportation	Williams, Wayne	TAX-19-0058	2:19-cv-00417	USDC WVSD	USA v. Mountaineer Manufacturing, Inc., Mining Motors, Inc., Tanya Middleton, RTM Properties, LLC, WVTC, LLC, Workforce West Virginia, West Virginia State Tax Department, Cecil Walker Machinery Co.	United States filed a Complaint for Federal Taxes and Foreclosure of Tax Liens against Mountaineer Manufacturing, Inc. and to enforce corresponding federal tax liens that encumber certain real estate in Fayette County, WV. The State Tax Department has several liens against Mountaineer Manufacturing. An Answer was filed to protect the position of the State Tax Liens. This matter is currently in the discovery phase of litigation.