



# Office of the Attorney General

## Report to the Governor, Senate President and House of Delegates Speaker

NOVEMBER 1, 2023

**Patrick Morrissey**  
Attorney General

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**APPELLATE  
DIVISION**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2023

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Davenport, Spencer	APP-23-0147	23-303	Supreme Court - WV	Larry Gale Owens v. Michael Martin, Superintendent, St. Marys Correctional Center	Habeas appeal alleging new evidence of medical malpractice as cause of death, perjured testimony, insufficient evidence, and illegal warrantless search.
Appellate	Davenport, Spencer	APP-23-0230	23-497	Supreme Court - WV	State of West Virginia v. Eric Christopher Edgar	Direct appeal alleging abuse of discretion in denial of alternative sentence and sentencing error as Petitioner did not receive expected sentence.
Appellate	Lipscomb, Gail	APP-23-0204	2:23-cv-000577	USDC WVSD	Christopher Cox v. Donald F. Ames, Superintendent	\$2254 Habeas petition alleging due process violations regarding testifying while in prison garb and stun belt.
Appellate	Lipscomb, Gail	APP-21-0050	21-0115	Supreme Court - WV	State of West Virginia v. Kelly Marie Tusing	Direct appeal alleging illegal sentence, error in denying motion to exclude gruesome photos, failure of State to prove intent and malice, error in excluding letter from Petitioner's expert witness, and cumulative error.
Appellate	Lipscomb, Gail	APP-21-0198	21-0167	Supreme Court - WV	Joshawa Clark v. Donnie Ames, Superintendent	Habeas appeal alleging prejudicial pretrial publicity, double jeopardy, suppression of exculpatory evidence, excessive sentence, erroneous Pre-Sentence Investigation (PSI) report, ineffective assistance of counsel, and irregularities with arrest.
Appellate	Lipscomb, Gail	APP-21-0136	21-0384	Supreme Court - WV	State of West Virginia v. Ricky Vincent Pendleton	Habeas appeal alleging abuse of discretion in denial of motion for arrest of judgment (Rule 34) challenging sufficiency of indictment and failure to include findings of fact and conclusions of law.
Appellate	Lipscomb, Gail	APP-21-0126	21-0396	Supreme Court - WV	State of West Virginia v. Tracy Pennington	Direct appeal alleging error in denial of motion to suppress evidence of victim found in Petitioner's home in violation of 4th Amendment.
Appellate	Lipscomb, Gail	APP-21-0144	21-0424	Supreme Court - WV	State of West Virginia v. Candice T. Salmons	Direct appeal alleging abuse of discretion in admission of illegally obtained evidence, error in denial of motion for directed verdict, and improper jury instructions.
Appellate	Lipscomb, Gail	APP-21-0142	21-0465	Supreme Court - WV	Desmond Demetrius Clark v. Donnie Ames, Superintendent	Habeas appeal (third petition) alleging ineffective assistance of counsel.
Appellate	Lipscomb, Gail	APP-21-0167	21-0519	Supreme Court - WV	State of West Virginia v. Andrew Wayne Miller	Direct appeal alleging error in denial of preliminary hearing on violation of home incarceration as condition of bond as required by Rule 32.1 (rules of criminal procedure).
Appellate	Lipscomb, Gail	APP-21-0194	21-0542	Supreme Court - WV	State of West Virginia v. Jessie Davis	Rule 35 appeal alleging error in denial of motion to reconsider arising from untimely filing, failure to hold a hearing, and failure to recuse judge.
Appellate	Lipscomb, Gail	APP-21-0257	21-0978	Supreme Court - WV	Eric Kell v. Donnie Ames, Superintendent	Habeas appeal alleging abuse of discretion regarding Petitioner's competence.
Appellate	Lipscomb, Gail	APP-22-0020	22-0022	Supreme Court - WV	State of West Virginia v. Roger Allen Pettry	Direct appeal alleging error in considering juvenile record for sentencing and finding that Petitioner had a substance abuse problem.
Appellate	Lipscomb, Gail	APP-22-0016	22-0079	Supreme Court - WV	State of West Virginia v. Chester Robert Ulyssess Lilly, III	Direct appeal alleging improper voir dire, prosecutorial misconduct, and ineffective assistance of counsel.
Appellate	Lipscomb, Gail	APP-22-0043	22-0147	Supreme Court - WV	Timothy Charlton v. Shawn Straughn, Superintendent	Habeas appeal alleging ineffective assistance of counsel regarding error in exclusion of DNA, use of Rule 404(b) evidence, and insufficient evidence.
Appellate	Lipscomb, Gail	APP-22-0064	22-0175	Supreme Court - WV	William T. Widmyer v. Donnie Ames, Superintendent	Habeas appeal alleging error in denial of Rule 60(b) relief, insufficient order regarding findings of fact and conclusions of law, and failure to appoint counsel.
Appellate	Lipscomb, Gail	APP-22-0059	22-0203	Supreme Court - WV	State of West Virginia v. Davide Laquan Hudson, Jr.	Direct appeal alleging error in improper jury selection, prejudicial photo and text evidence, improper Rule 404(b), bias, and Brady violations.
Appellate	Lipscomb, Gail	APP-22-0078	22-0273	Supreme Court - WV	William Eric Coontz v. Shelby Searls, Superintendent	Habeas appeal alleging ineffective assistance of counsel, breach of plea agreement, and violation of 5th and 14th Amendments.
Appellate	Lipscomb, Gail	APP-22-0083	22-0287	Supreme Court - WV	State of West Virginia v. David Eugene Eakle	Direct appeal alleging disproportionate sentence and failure to impose alternative sentence.
Appellate	Lipscomb, Gail	APP-22-0107	22-0355	Supreme Court - WV	State of West Virginia v. Joseph Stephens	Direct appeal alleging insufficient evidence, improper jury instruction regarding lesser included offenses, and error in excluding witness testimony.
Appellate	Lipscomb, Gail	APP-22-0114	22-0375	Supreme Court - WV	State of West Virginia v. Bernard Echols	Rule 35(a) appeal alleging error in enhancement of sentence.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Lipscomb, Gail	APP-22-0110	22-0381	Supreme Court - WV	SER James M. Law v. Joseph Wood, Superintendent	Original Jurisdiction Habeas appeal alleging error in application of recidivist statute.
Appellate	Lipscomb, Gail	APP-22-0119	22-0412	Supreme Court - WV	State of West Virginia v. Corey Nipper	Original Jurisdiction Mandamus alleging failure of Prosecutor to indict Petitioner.
Appellate	Lipscomb, Gail	APP-22-0143	22-566	Supreme Court - WV	State of West Virginia v. Danny P. Schoolcraft	Direct appeal alleging failure to show intent and insufficient indictment.
Appellate	Lipscomb, Gail	APP-22-0175	22-667	Supreme Court - WV	State of West Virginia v. David Bumgarner	Direct appeal alleging improper jury instruction regarding duress, limitation on defense closing argument, and judicial misconduct through jury instructions.
Appellate	Lipscomb, Gail	APP-22-0170	22-705	Supreme Court - WV	State of West Virginia v. Julie Browning	Direct appeal alleging failure to conduct McGinnis hearing.
Appellate	Lipscomb, Gail	APP-22-0163	22-715	Supreme Court - WV	Michael Hodge v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging error in denial of omnibus hearing and failure to appoint counsel.
Appellate	Lipscomb, Gail	APP-22-0189	22-719	Supreme Court - WV	State of West Virginia v. Sherie M. Titchenell	Direct appeal alleging court lacked subject matter jurisdiction, violation of confrontation clause, and admission of Rule 404(b) evidence.
Appellate	Lipscomb, Gail	APP-22-0178	22-725	Supreme Court - WV	Gregory A. Smith v. Shawn Straughn, Superintendent, Northern Correctional Center	Habeas appeal alleging abuse of discretion in denial of limited discovery.
Appellate	Lipscomb, Gail	APP-22-0183	22-762	Supreme Court - WV	State of West Virginia v. Nathan Cortez Duncan	Direct appeal alleging error in denial of Rule 35(b) motion and failing to issue findings of fact and conclusions of law.
Appellate	Lipscomb, Gail	APP-22-0188	22-771	Supreme Court - US	State of West Virginia v. Bradley Rohrbaugh	Direct appeal alleging insufficient evidence and error in denial of motion to suppress vehicle stop evidence.
Appellate	Lipscomb, Gail	APP-23-0013	22-803	Supreme Court - WV	SER T.M. v. Honorable David J. Sims, Judge of the Circuit Court of Ohio County and the State of WV	Original Jurisdiction Prohibition alleging court exceeded authority in denial of Rule 35(b) due to lack of jurisdiction.
Appellate	Lipscomb, Gail	APP-23-0031	22-860	Supreme Court - WV	State of West Virginia v. Cody Bitner	Direct appeal alleging double jeopardy violation and cruel and unusual punishment.
Appellate	Lipscomb, Gail	APP-23-0065	22-886	Supreme Court - WV	State of West Virginia v. Christopher Jackson	Rule 35(b) appeal alleging error in failing to consider alternative sentencing.
Appellate	Lipscomb, Gail	APP-23-0024	22-935	Supreme Court - WV	State of West Virginia v. Samuel Ellison	Direct appeal alleging abuse of discretion in denial of Rule 35 motion.
Appellate	Lipscomb, Gail	APP-23-0025	22-938	Supreme Court - WV	State of West Virginia v. Cody Brautigam	Direct appeal alleging error in revocation of supervised release.
Appellate	Lipscomb, Gail	APP-23-0021	22-950	Supreme Court - WV	State of West Virginia v. Charles Wilbert Cook, Jr.	Direct appeal alleging disproportionate sentencing.
Appellate	Lipscomb, Gail	APP-23-0027	22-951	Supreme Court - WV	State of West Virginia v. Ricardo Jermaine Jennings	Direct appeal alleging disproportionate sentencing.
Appellate	Lipscomb, Gail	APP-22-0161	22-ICA-121	Intermediate Court of Appeals – WV	Folse In Re: Application for Grand Jury Presentment	Direct appeal. Specific errors are not articulated in petition.
Appellate	Lipscomb, Gail	APP-23-0105	23-103	Supreme Court - WV	State of West Virginia v. Jedidiah Lazear Velas	Direct appeal alleging error in imposing extended supervised release.
Appellate	Lipscomb, Gail	APP-23-0120	23-136	Supreme Court - WV	State of West Virginia v. Danny Burrows	Direct appeal alleging insufficient evidence; filed as 10(c)10(b).
Appellate	Lipscomb, Gail	APP-23-0005	23-141	Supreme Court - WV	State of West Virginia v. Samuel Thomas Workman	Direct appeal alleging involuntary and unknowing plea due to imposition of extended supervised release and due process violation arising from child abuse registration requirement.

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Appellate	Lipscomb, Gail	APP-23-0088	23-157	Supreme Court - WV	State of West Virginia v. Julius Neal Nicholas	Direct appeal alleging error in denial of Rule 35(a) motion construed as Rule 35(b).
Appellate	Lipscomb, Gail	APP-23-0049	23-17	Supreme Court - WV	State of West Virginia v. Dekotis E. Thomas	Direct appeal alleging error in statements made at sentencing hearing.
Appellate	Lipscomb, Gail	APP-23-0010	23-18	Supreme Court - WV	State of West Virginia v. Richard A. Kavazanjian	Rule 35(b) appeal alleging ineffective assistance of counsel.
Appellate	Lipscomb, Gail	APP-23-0117	23-182	Supreme Court - WV	State of West Virginia v. Darryl Harvey	Direct appeal alleging error in consideration of improper factors in sentencing.
Appellate	Lipscomb, Gail	APP-23-0093	23-193	Supreme Court - WV	State of West Virginia v. Robert L. Shingleton	Direct appeal alleging excessive and disproportionate sentencing.
Appellate	Lipscomb, Gail	APP-23-0095	23-198	Supreme Court - WV	James Whitlow v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging error in denial of writ without omnibus hearing.
Appellate	Lipscomb, Gail	APP-23-0121	23-220	Supreme Court - WV	SER Carl Vance Waites v. Joseph Wood, Superintendent, North Central Regional Jail	Original Jurisdiction Habeas alleging failure to provide transcripts.
Appellate	Lipscomb, Gail	APP-23-0102	23-224	Supreme Court - WV	State of West Virginia v. Kobe Brown	Direct appeal alleging abuse of discretion in imposing life without mercy and reliance on information not presented.
Appellate	Lipscomb, Gail	APP-23-0123	23-249	Supreme Court - WV	State of West Virginia v. Larry Gene Maynard	Direct appeal alleging error in failure to credit Petitioner with time served on home confinement after revocation of home confinement.
Appellate	Lipscomb, Gail	APP-23-0131	23-276	Supreme Court - WV	State of West Virginia v. Grant Skinkle	Direct appeal alleging disproportionate sentence after revocation while on home confinement as alternative sentence.
Appellate	Lipscomb, Gail	APP-23-0124	23-291	Supreme Court - WV	State of West Virginia v. Jessie Davis	Rule 35(b) appeal alleging abuse of discretion in denial of concurrent sentencing.
Appellate	Lipscomb, Gail	APP-23-0146	23-308	Supreme Court - WV	Thomas Lynn Bowman v. Donald Ames, Superintendent	Habeas appeal alleging denial of fair trial and ineffective assistance of counsel.
Appellate	Lipscomb, Gail	APP-23-0155	23-313	Supreme Court - WV	State of West Virginia v. Ronald Stecker Jr.	Direct appeal alleging involuntary plea and ineffective assistance of counsel.
Appellate	Lipscomb, Gail	APP-23-0144	23-336	Supreme Court - WV	C.T. v. Donald Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging failure to appoint counsel and failure to schedule omnibus hearing.
Appellate	Lipscomb, Gail	APP-23-0150	23-344	Supreme Court - WV	State of West Virginia v. James Carroll DePriest	Direct appeal alleging abuse of discretion in denial of continuance for Pre-Sentence Investigation (PSI) to be completed and considered before imposing sentence.
Appellate	Lipscomb, Gail	APP-23-0164	23-379	Supreme Court - WV	State of West Virginia v. Adam Lee Deare	Direct appeal alleging error in denial of Rule 36(b) motion for alternative sentence.
Appellate	Lipscomb, Gail	APP-23-0171	23-398	Supreme Court - WV	State of West Virginia v. Larry Glenn Wooten	Direct appeal alleging improper forfeiture of bond.
Appellate	Lipscomb, Gail	APP-23-0170	23-399	Supreme Court - WV	State of West Virginia v. Anthony Paletti	Direct appeal alleging abuse of discretion in denying probation.
Appellate	Lipscomb, Gail	APP-23-0173	23-403	Supreme Court - WV	State of West Virginia v. Joseph Andrew Bassett	Direct appeal alleging insufficient evidence, error in denial of motion for judgment of acquittal, and motion for new trial.
Appellate	Lipscomb, Gail	APP-23-0184	23-414	Supreme Court - WV	State of West Virginia v. Martin King	Rule 35(b) appeal alleging error in failing to schedule a hearing on the merits and finding the motion untimely.
Appellate	Lipscomb, Gail	APP-23-0177	23-415	Supreme Court - WV	State of West Virginia v. Matthew Paul Mercer	Direct appeal alleging abuse of discretion in denying alternative sentence and plea was involuntary and not knowing.
Appellate	Lipscomb, Gail	APP-23-0186	23-422	Supreme Court - WV	State of West Virginia v. Steven Verrell Roberts	Direct appeal alleging improper stop, admission of evidence obtained from illegal vehicle search, admission of improper body camera evidence, and error in denying request for probation.

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Appellate	Lipscomb, Gail	APP-23-0199	23-455	Supreme Court - WV	State of West Virginia v. Christopher McDonald	Direct appeal alleging error in failure to allow Petitioner to withdraw plea before sentencing.
Appellate	Lipscomb, Gail	APP-23-0194	23-456	Supreme Court - WV	State of West Virginia v. Carl Ray Summerfield	Direct appeal alleging insufficient evidence, error in failing to give missing witness jury instruction, and prosecutorial misconduct.
Appellate	Lipscomb, Gail	APP-23-0188	23-469	Supreme Court - WV	State of West Virginia v. Richard William Page	Direct appeal alleging error in denial of withdrawal of plea after imposition of sentence based on 2003 plea agreement.
Appellate	Lipscomb, Gail	APP-23-0200	23-494	Supreme Court - WV	SER Robert Pearce v. The Honorable Laura V. Faircloth and the State of West Virginia	Original Jurisdiction Prohibition alleging error in denial of motion to dismiss and continuing trial date past 180 day timeframe under Interstate Agreement on Detainers and W.Va. Code § 62-14-1.
Appellate	Lipscomb, Gail	APP-23-0213	23-502	Supreme Court - WV	Michael Dewayne Hicks v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Successive Habeas appeal (4th) alleging ineffective assistance of counsel and violation of 6th Amendment for failure to secure key witness presence at second trial.
Appellate	Lipscomb, Gail	APP-23-0210	23-512	Supreme Court - WV	State of West Virginia v. Ronald Eanes	Direct Appeal alleging prosecutorial misconduct and insufficient evidence.
Appellate	Lipscomb, Gail	APP-23-0228	23-543	Supreme Court - WV	State of West Virginia v. Christopher T. Cook	Direct appeal alleging error in failing to accept stipulation of prior conviction, denial of dismissal due to unconstitutionality of sex offender registration, improper jury instructions, and double jeopardy.
Appellate	Lipscomb, Gail	APP-23-0219	23-563	Supreme Court - WV	Donald F. Ames, Superintendent, Mt. Olive Correctional Complex v. Lamont Dees	Direct appeal alleging abuse of discretion in finding investigating officer testimony to be false and finding ineffective assistance of counsel.
Appellate	Lipscomb, Gail	APP-23-0071	23-76	Supreme Court - WV	State of West Virginia v. Jimmy Dale Bennett	Direct Appeal alleging abuse of discretion in denial of motion to withdraw plea.
Appellate	Lipscomb, Gail	APP-23-0072	23-78	Supreme Court - WV	John Moore, Sr. v. Brian Lanham, Superintendent, Tygart Valley Regional Jail	Habeas appeal alleging ineffective assistance of counsel and disproportionate sentence.
Appellate	Lipscomb, Gail	APP-23-0004	23-95	Supreme Court - WV	State of West Virginia v. Joshua Blair Pugh	Direct appeal alleging error in failing to impose Home Confinement as alternative sentence.
Appellate	Longwell, William	APP-19-0110	19-0187	Supreme Court - WV	SER Edward Dreyfuss v. Karen Psczolkowski, Superintendent	Original Jurisdiction Habeas appeal alleging ineffective assistance of counsel, prosecutorial misconduct, Brady violations, and judicial misconduct.
Appellate	Longwell, William	APP-17-0213	2:16-cv-1853	USDC WVSD	Steven Lee Mahood v. David Ballard, Warden	§2254 Habeas petition alleging denial of impartial jury, ineffective assistance of counsel, 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.
Appellate	Longwell, William	APP-21-0154	2:20-cv-255	USDC WVSD	Edward Omarrah, Jr. v. Donnie Ames, Superintendent	Habeas appeal alleging involuntary plea, ineffective assistance of counsel, and diminished capacity.
Appellate	Longwell, William	APP-20-0034	2:20-cv-35	USDC WVND	Robert Lee Lewis v. Donald Ames, Superintendent	§2254 Habeas petition alleging prosecutorial misconduct, improper Rule 404(b), improper jury instructions, juror misconduct, cumulative error, and constitutional violation arising from Defendant's jail attire.
Appellate	Longwell, William	APP-20-0182	2:20-cv-601	USDC WVSD	John Stover v. Donnie Ames, Superintendent	§2254 Habeas petition alleging no omnibus hearing and ineffective assistance of counsel.
Appellate	Longwell, William	APP-23-0108	2:21-cv-00662	USDC WVSD	Henry Stutler v. Donald Ames, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel, invalid plea, error in denial of plea withdrawal, admission of polygraph statement, and error in not allowing review of victim's abuse and neglect records.
Appellate	Longwell, William	APP-21-0213	2:21-cv-434	USDC WVSD	Martez Griffin v. Shelby Searls, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel.
Appellate	Longwell, William	APP-21-0234	2:21-cv-523	USDC WVSD	Larry S. White, II v. Shelby Searls, Superintendent	§2254 Habeas petition alleging insufficient evidence, ineffective assistance of counsel, Brady violations, illegal search of cell phone, and due process violations.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-23-0135	2:23-cv-00399	USDC WVSD	Eric Meadows v. Shelby Searls, Superintendent	\$2254 Habeas petition alleging ineffective assistance of counsel and coerced confession.
Appellate	Longwell, William	APP-23-0008	2:23-cv-0050	USDC WVSD	Walter Andrew Cooley v. William Nunley, Sheriff of Nicholas County and Harvey Hawkins, Superintendent of the Central Regional Jail	\$2254 Habeas petition alleging violation of right to speedy trial for failure to schedule motion for bail.
Appellate	Longwell, William	APP-21-0023	20-0802	Supreme Court - WV	Ray D. Cook v. Karen Pszczolkowski, Superintendent	Habeas appeal alleging error in finding Petitioner not entitled to new guilt phase of trial or new mercy phase of trial.
Appellate	Longwell, William	APP-21-0160	21-0116	Supreme Court - WV	Thomas Menei v. Karen Pszczolkowski, Superintendent	Habeas appeal alleging error in failure to provide an omnibus hearing, insufficient findings of fact and conclusions of law, and failure in addressing Losh list.
Appellate	Longwell, William	APP-21-0069	21-0172	Supreme Court - WV	James N. Mauldin v. Shelby Searls, Superintendent	Habeas appeal alleging ineffective assistance of counsel and reserving right to amend for additional claims after review of record.
Appellate	Longwell, William	APP-21-0085	21-0212	Supreme Court - WV	Apollo Rice v. Donnie Ames, Superintendent	Habeas appeal alleging abuse of discretion in denying petition.
Appellate	Longwell, William	APP-21-0101	21-0307	Supreme Court - WV	State of West Virginia v. Donald Lawrence Campbell, II	Direct appeal alleging insufficiency of evidence.
Appellate	Longwell, William	APP-21-0115	21-0323	Supreme Court - WV	State of West Virginia v. Justin Conner	Direct appeal alleging denial of effective assistance of counsel.
Appellate	Longwell, William	APP-21-0113	21-0374	Supreme Court - WV	State of West Virginia v. Alphrin A. Norman	Direct appeal alleging denial of deferral of sentencing to seek substance abuse treatment and/or probation was in error.
Appellate	Longwell, William	APP-21-0166	21-0475	Supreme Court - WV	Mark A. Sorsaia v. Linda Hunt, Putnam County Magistrate and Harlee Beasley	Appeal of writ of prohibition seeking reversal of circuit court's grant of writ and interpretation of W.Va. Code § 61-8-19.
Appellate	Longwell, William	APP-21-0168	21-0492	Supreme Court - WV	State of West Virginia v. Benjamin A. Harrison	Direct appeal alleging error in not following Rule 11 requirements regarding withdrawal of guilty plea in instance where court does not follow sentencing recommendations.
Appellate	Longwell, William	APP-21-0178	21-0548	Supreme Court - WV	State of West Virginia v. Michael Adkins	Direct appeal of probation revocation alleging insufficient evidence.
Appellate	Longwell, William	APP-21-0188	21-0573	Supreme Court - WV	State of West Virginia v. Evan Ottey, Jr.	Direct appeal alleging disproportionate sentencing, violation of due process, and misinformation regarding sentencing.
Appellate	Longwell, William	APP-21-0195	21-0630	Supreme Court - WV	State of West Virginia v. Robert Kramarage	Direct appeal alleging error in admission of suppressed jail recording after testimony "opened door," renewal of all objections to admission of Petitioner's statement, and failure to direct verdict.
Appellate	Longwell, William	APP-22-0001	21-0669	Supreme Court - WV	State of West Virginia v. Heather Musick	Direct appeal alleging insufficient evidence, excessive sentence, ineffective assistance of counsel, and newly discovered evidence.
Appellate	Longwell, William	APP-21-0212	21-0674	Supreme Court - WV	State of West Virginia v. Jaquaylla Kessler	Direct appeal alleging improper admission of victim video statement, insufficient evidence, and newly discovered exculpatory evidence.
Appellate	Longwell, William	APP-21-0205	21-0676	Supreme Court - WV	State of West Virginia v. Steven Wayne Funt	Rule 35(a) appeal alleging 2020 amendment to WV recidivist statute was procedural and therefore applicable retroactively to Petitioner.
Appellate	Longwell, William	APP-21-0224	21-0738	Supreme Court - WV	State of West Virginia v. Tremaine Lamar Jackson	Direct appeal alleging Brady violations regarding alternative shooter.
Appellate	Longwell, William	APP-21-0232	21-0749	Supreme Court - WV	Earl Conway v. Donnie Ames, Superintendent	Habeas appeal alleging insufficient evidence, disproportionate sentencing, denial of parole, and erroneous sentencing orders.
Appellate	Longwell, William	APP-21-0229	21-0787	Supreme Court - WV	Carl Lockhart v. Donnie Ames, Superintendent	Successive habeas alleging ineffective assistance of counsel.
Appellate	Longwell, William	APP-21-0261	21-0891	Supreme Court - WV	State of West Virginia v. John Henry Miller	Direct appeal regarding whether the filing of an Anders brief compels the Court to undergo its own determination of the issues for appeal.



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Appellate	Longwell, William	APP-21-0248	21-0904	Supreme Court - WV	State of West Virginia v. D.E.H., Jr.	Direct appeal alleging error by court in considering inappropriate factors and failure to consider requisite factors regarding transfer of juvenile, sentencing of juvenile, and disproportionate sentencing.
Appellate	Longwell, William	APP-22-0022	22-0013	Supreme Court - WV	State of West Virginia v. Keith J. Walker	Direct appeal alleging error in denial of continuance, denial of psychological evaluation of victim, and insufficient evidence.
Appellate	Longwell, William	APP-22-0018	22-0042	Supreme Court - WV	State of West Virginia v. Brian E. Lyon, II	Direct appeal alleging erroneous jury instruction, insufficient evidence, and inadmissible hearsay testimony.
Appellate	Longwell, William	APP-22-0030	22-0104	Supreme Court - WV	Omar Deonte Lewis v. Shelby Searls, Superintendent	Habeas appeal alleging violation of due process in failure to hold evidentiary hearing, misapplication of Strickland test, error finding Petitioner unsuccessful in challenge of traffic stop, and impact on guilty plea.
Appellate	Longwell, William	APP-22-0039	22-0119	Supreme Court - WV	State of West Virginia v. Bruce Edward Bird	Direct appeal alleging disproportionate sentencing and ineffective assistance of counsel.
Appellate	Longwell, William	APP-22-0049	22-0153	Supreme Court - WV	State of West Virginia v. Charles Wesley Wild	\$2254 Habeas petition alleging no grounds as Petitioner is filing for protective stay and abeyance.
Appellate	Longwell, William	APP-22-0057	22-0197	Supreme Court - WV	State of West Virginia v. Rusty Allen White	Direct appeal alleging error in revocation of supervised release and imposition of 2 years additional incarceration.
Appellate	Longwell, William	APP-22-0065	22-0198	Supreme Court - WV	Clayton Eugene Eagle v. George Trent, Superintendent	Habeas appeal alleging error in denial of relief based on the record presented by Petitioner.
Appellate	Longwell, William	APP-22-0077	22-0238	Supreme Court - WV	State of West Virginia v. Douglas Edward Harper	Direct appeal alleging insufficient evidence to support Alford plea.
Appellate	Longwell, William	APP-22-0075	22-0239	Supreme Court - WV	State of West Virginia v. David Ray Thomas	Direct appeal alleging improper jury instructions and failure to hold in-camera hearing regarding out of court identification.
Appellate	Longwell, William	APP-22-0071	22-0246	Supreme Court - WV	SER Lemir Baker-Moore v. Donald Ames, Superintendent	Original Jurisdiction Mandamus alleging failure to provide full copy of transcript for preparation of habeas.
Appellate	Longwell, William	APP-22-0076	22-0252	Supreme Court - WV	State of West Virginia v. Juan McMutory	Direct appeal alleging illegal seizure, improper enhancement regarding weight of controlled substance, and improper jury deliberation.
Appellate	Longwell, William	APP-22-0084	22-0267	Supreme Court - WV	State of West Virginia v. Edward Yeager	Direct appeal alleging error in denial of post-trial motions and any other errors evident upon review of record.
Appellate	Longwell, William	APP-22-0098	22-0301	Supreme Court - WV	Brian Morgan v. Donnie Ames, Superintendent	Habeas appeal alleging error in denial of Rule 60(b)(6) motion, denial of Rule 35(a) motion, and failure to certify Petitioner's question regarding procedural autonomy.
Appellate	Longwell, William	APP-22-0096	22-0314	Supreme Court - WV	State of West Virginia v. Celina Sansone	Direct appeal alleging ineffective assistance of counsel, improper jury instructions, Brady violation, insufficient evidence, speedy trial violation, and due process violations.
Appellate	Longwell, William	APP-22-0080	22-0320	Supreme Court - WV	State of West Virginia v. Aaron Franklin Edwards	Direct appeal alleging ex post facto violation regarding application of post trial supervision and failure to notify of terms and conditions.
Appellate	Longwell, William	APP-22-0100	22-0321	Supreme Court - WV	Jonathan W. Physioc v. Donald Ames, Superintendent	Habeas appeal alleging arbitrary and capricious sentence for robbery conviction.
Appellate	Longwell, William	APP-22-0086	22-0339	Supreme Court - WV	In Re: Cody Hall	Direct appeal alleging denial of expungement inappropriate.
Appellate	Longwell, William	APP-22-0106	22-0344	Supreme Court - WV	State of West Virginia v. Shane Andrew Miller	Direct appeal alleging insufficient evidence, Rule 404(b) issues, error in admission of flight evidence, improper jury instructions, and error in denial of post trial motions.
Appellate	Longwell, William	APP-22-0111	22-0356	Supreme Court - WV	State of West Virginia v. Gary Smith, II	Direct appeal alleging ineffective assistance of counsel.
Appellate	Longwell, William	APP-22-0121	22-0392	Supreme Court - WV	DeAndre Moore v. Shelby Searls, Superintendent	Habeas appeal alleging ineffective assistance of counsel, failure to hold full omnibus hearing, and abuse of discretion in failing to fully consider evidence.
Appellate	Longwell, William	APP-22-0130	22-0465	Supreme Court - WV	State of West Virginia v. Elmer M. Mills	Direct appeal. No assignments of error alleged in Notice of Appeal.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-22-0133	22-0467	Supreme Court - WV	State of West Virginia v. Andrew Jackson McCauley, Jr.	Direct appeal alleging insufficiency of evidence, improper expert testimony, error in admission of texts, and denial of change of venue.
Appellate	Longwell, William	APP-22-0162	22-558	Supreme Court - WV	SER David Vashawn Reasby v. Honorable Mark E. Wills	Original Jurisdiction Prohibition alleging error in denial of motion to dismiss Habitual Offender Information.
Appellate	Longwell, William	APP-22-0155	22-568	Supreme Court - WV	Robert Hacker v. Ralph Terry, Warden	Habeas appeal alleging defective indictment, violation of Miranda, improper sentence, Brady violations, perjured testimony, double jeopardy, and ineffective assistance of counsel.
Appellate	Longwell, William	APP-22-0151	22-607	Supreme Court - WV	State of West Virginia v. Angel Alberta Estep	Direct appeal alleging illegal search, insufficient evidence, improper jury charge and instructions, double jeopardy violation, error in failure to impose alternative sentencing, and improper jury selection.
Appellate	Longwell, William	APP-22-0149	22-653	Supreme Court - WV	SER Edward Spaulding v. Honorable Lora Dyer, Judge	Original Jurisdiction Prohibition alleging insufficient indictment.
Appellate	Longwell, William	APP-22-0213	22-682	Supreme Court - WV	State of West Virginia v. B.W.	Direct appeal alleging insufficient evidence.
Appellate	Longwell, William	APP-23-0018	22-706	Supreme Court - WV	State of West Virginia v. Richard Dane Small	Direct appeal alleging error in failure to give notice of Co-defendant's 404(b), Miranda violation, improper closing argument statement, and failure to sever.
Appellate	Longwell, William	APP-22-0196	22-710	Supreme Court - WV	State of West Virginia v. Marty L. Browning	Direct appeal alleging jurisdictional error, violation of speedy trial, and confrontation clause violation.
Appellate	Longwell, William	APP-22-0190	22-724	Supreme Court - WV	Eric Corder v. Shawn Straughn, Superintendent, Northern Regional Correctional Center	Habeas appeal alleging plea was involuntary and not intelligently made.
Appellate	Longwell, William	APP-22-0191	22-728	Supreme Court - WV	SER Richard Lawson v. Donald F. Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging error in applying res judicata doctrine and failure to issue findings of fact and conclusions of law.
Appellate	Longwell, William	APP-22-0199	22-740	Supreme Court - WV	State of West Virginia v. Gerard Maxwell	Direct appeal alleging error in admission of hearsay, failure to instruct on impeachment, denial of new trial motion due to newly discovered evidence, and witness fraud during grand jury proceedings.
Appellate	Longwell, William	APP-23-0017	22-756	Supreme Court - WV	Andrew Miller v. State of West Virginia	Summary petition for bail alleging abuse of discretion in denial of reconsideration for bail.
Appellate	Longwell, William	APP-22-0215	22-776	Supreme Court - WV	State of West Virginia v. Fred Lindsey Badger	Direct appeal alleging abuse of discretion by denying alternative sentence.
Appellate	Longwell, William	APP-22-0214	22-808	Supreme Court - WV	Christopher Spears v. Shelby Searls, Warden, Huttonsville Correctional Center	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Longwell, William	APP-22-0212	22-809	Supreme Court - WV	State of West Virginia v. Kelly Marie Tusing	Direct appeal alleging error in recommendation that Petitioner serve actual life sentence.
Appellate	Longwell, William	APP-23-0063	22-858	Supreme Court - WV	State of West Virginia v. A.M.	Direct appeal alleging insufficient evidence, improper witness testimony, and Miranda violation.
Appellate	Longwell, William	APP-23-0062	22-868	Supreme Court - WV	State of West Virginia v. Zachary A. Sandy	Direct appeal alleging cruel and unusual punishment for failure to grant alternative sentencing.
Appellate	Longwell, William	APP-23-0061	22-870	Supreme Court - WV	State of West Virginia v. Richard Waters	Direct appeal alleging error denying motion to continue based on failure of defense witness to appear, ineffective assistance of counsel, admission of 403 evidence, and improper jury selection.
Appellate	Longwell, William	APP-23-0001	22-889	Supreme Court - WV	SER Aron Freeland v. Honorable Cindy Scott, Judge of the Circuit Court of Monongalia County	Original Jurisdiction Mandamus alleging error in failure to provide transcript and ineffective assistance of counsel combined with vindictive prosecution equating to structural error.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-23-0070	22-901	Supreme Court - WV	State of West Virginia v. Scott Michael Hundley	Direct appeal alleging error in admission of Petitioner's illegal statement, improper prosecutorial remarks during closing, improper jury instruction, suppression of witness testimony, and insufficient evidence.
Appellate	Longwell, William	APP-23-0015	22-936	Supreme Court - WV	SER Andrew Wayne Miller v. David Young, Superintendent, Southern Regional Jail and Correctional Center	Original Jurisdiction Habeas alleging insufficient evidence and admission of hearsay testimony.
Appellate	Longwell, William	APP-23-0085	22-941	Supreme Court - WV	State of West Virginia v. Duane Leroy Eckard	Direct appeal alleging error in denial of motion to modify court costs and fees.
Appellate	Longwell, William	APP-22-0165	22-ICA-122	Intermediate Court of Appeals - WV	In Re: Petition of D.K. for Expungement of Record	Direct appeal alleging error in declining petition based on misapprehension of law.
Appellate	Longwell, William	APP-23-0115	23-106	Supreme Court - WV	State of West Virginia v. Argie L. Jeffers, Sr.	Direct appeal alleging error in denial of jury view, admission of 911 calls, denial of voluntary manslaughter instruction, and failure to prepare Pre-Sentence Investigation report.
Appellate	Longwell, William	APP-23-0097	23-170	Supreme Court - WV	State of West Virginia v. Gary A. Thomas	Direct appeal alleging 3-term violation, error in admitting Petitioner's statement and 404(b) evidence, defective indictment, and refusal of jury instruction regarding definition of "engages."
Appellate	Longwell, William	APP-23-0090	23-181	Supreme Court - WV	Richard B. McNemar v. Russell Matson, Superintendent	Habeas appeal alleging 8th Amendment violation arising from imposition of supervised release.
Appellate	Longwell, William	APP-23-0045	23-19	Supreme Court - WV	State of West Virginia v. Darrell Wesley Hazelwood	Direct appeal alleging insufficient evidence.
Appellate	Longwell, William	APP-23-0100	23-203	Supreme Court - WV	Jamie Miller v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging error in failing to appoint habeas counsel, actual innocence, improper jury instructions, ineffective assistance of counsel, and insufficient evidence.
Appellate	Longwell, William	APP-23-0216	23-213	Supreme Court - WV	SER Reginald Ward, Jr. v. Honorable Bridget Cohee, Judge of the Circuit Court of Berkeley County	Original Jurisdiction Prohibition alleging court exceeded authority in establishing protective order.
Appellate	Longwell, William	APP-23-0125	23-239	Supreme Court - WV	Arthur Dale Crow v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging ex parte communications with jury, ineffective assistance of counsel for not raising confrontation issue, error in absence during critical pre-trial hearing, and failure to include necessary language in indictment.
Appellate	Longwell, William	APP-23-0133	23-270	Supreme Court - WV	State of West Virginia v. Michael Frederick Ryzner	Direct appeal alleging abuse of discretion in failing to impose alternative sentence.
Appellate	Longwell, William	APP-23-0007	23-28	Supreme Court - WV	State of West Virginia v. Brenda S. Cook	Direct appeal alleging improper charges for cost of transcripts for direct appeal.
Appellate	Longwell, William	APP-23-0157	23-314	Supreme Court - WV	Patricia Ann Aldridge v. J.D. Salaz, Superintendent	Habeas appeal alleging error in denial of motion for sentence reconsideration.
Appellate	Longwell, William	APP-23-0074	23-33	Supreme Court - WV	State of West Virginia v. R.M.	Direct appeal alleging insufficient evidence and error in admission of expert testimony.
Appellate	Longwell, William	APP-23-0145	23-330	Supreme Court - WV	State of West Virginia v. Kevin Scott Dickens	Direct appeal alleging error in declaring a mistrial sua sponte over Petitioner's objection and prosecutorial misconduct.
Appellate	Longwell, William	APP-23-0156	23-347	Supreme Court - WV	State of West Virginia v. Rickie Lee Scruton	Direct appeal alleging abuse of discretion in imposing unduly harsh and punitive sentence.
Appellate	Longwell, William	APP-23-0152	23-368	Supreme Court - WV	State of West Virginia v. Douglas G. Hill, Jr.	Direct appeal alleging insufficient evidence to revoke probation based on definition of absconded.
Appellate	Longwell, William	APP-23-0165	23-385	Supreme Court - WV	State of West Virginia v. Harold Rue	Direct appeal alleging insufficient evidence and improper jury instructions.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-23-0168	23-396	Supreme Court - WV	SER Keith Dement v. Donald Ames, Superintendent, Mt. Olive Correctional Center	Habeas appeal (successive) alleging double jeopardy and improper life sentence.
Appellate	Longwell, William	APP-23-0183	23-413	Supreme Court - WV	State of West Virginia v. Heather L. Hewitt	Direct appeal alleging imposition of unconstitutional statutory sentencing scheme under W.Va. Code § 60A-4-408 resulting in a cruel, unusual, and disproportionate sentence.
Appellate	Longwell, William	APP-23-0185	23-423	Supreme Court - WV	Paul Darren Spinks v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging error in not finding constitutional error and due process violations, ineffective assistance of counsel, and error in affirming denial of expert witness.
Appellate	Longwell, William	APP-23-0174	23-425	Supreme Court - WV	State of West Virginia v. Jonathan Nuzum	Direct appeal alleging error in denial of motion to reconsider after probation revocation.
Appellate	Longwell, William	APP-23-0178	23-439	Supreme Court - WV	State of West Virginia v. Aron Freeland	Direct appeal alleging error in failure to issue findings of fact and conclusions of law and error in denial of resentencing for purposes of appeal.
Appellate	Longwell, William	APP-23-0196	23-458	Supreme Court - WV	State of West Virginia v. Brandon James Prazma	Direct appeal alleging insufficient evidence and disproportionate sentence.
Appellate	Longwell, William	APP-23-0197	23-465	Supreme Court - WV	State of West Virginia v. Shannon Brandon	Direct appeal alleging denial of due process as condition of supervised release because unconstitutionally vague.
Appellate	Longwell, William	APP-23-0189	23-480	Supreme Court - WV	SER Charles E. Jacobs v. John Anderson, Superintendent, Northern Correctional Facility	Habeas appeal alleging error in denial of motion for recalculation of credit for good time.
Appellate	Longwell, William	APP-23-0222	23-489	Supreme Court - WV	Kevin Travis Costello v. Hon. David M. Hammer, Judge of Circuit Court of Jefferson County	Habeas appeal alleging erroneous denial of Rule 35(a) motion.
Appellate	Longwell, William	APP-23-0191	23-490	Supreme Court - WV	State of West Virginia v. Richard Austin	Direct appeal alleging verdict contrary to evidence presented, error in denying evidence of Petitioner's intoxication, and renewal of all objections made during trial.
Appellate	Longwell, William	APP-23-0208	23-496	Supreme Court - WV	David Eugene Adkins v. Russell Maston, Superintendent, St. Marys Correctional Center	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Longwell, William	APP-23-0212	23-518	Supreme Court - WV	State of West Virginia v. Timothy John Wickline	Direct appeal alleging improper jury instruction regarding consciousness, cruel and unusual sentence, and other additional grounds that may be discovered upon review of transcript.
Appellate	Longwell, William	APP-23-0227	23-542	Supreme Court - WV	State of West Virginia v. Robert Burl Vance	Direct appeal alleging error in rejecting plea agreement, insufficient evidence, and prejudice arising from victim's presence during closing argument.
Appellate	Longwell, William	APP-23-0217	23-61	Supreme Court - WV	Zachary Knotts v. Judge Jennifer Bailey and Monica Schwartz	Original Jurisdiction Mandamus alleging failure to provide copies of recordings and appointment of counsel.
Appellate	Longwell, William	APP-23-0079	23-79	Supreme Court - WV	Travis Norwood v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex and Jail	Habeas appeal alleging disproportionate sentence and ineffective assistance of counsel.
Appellate	Longwell, William	APP-23-0077	23-80	Supreme Court - WV	State of West Virginia v. Shawn Douglas Newman	Direct appeal alleging error in denial of motion to dismiss recidivist information and disproportionate sentence.
Appellate	Longwell, William	APP-18-0243	3:18-cv-1464	USDC WVSD	Jeffrey Lee Finley v. Donald F. Ames, Superintendent	§2254 Habeas petition alleging the trial judge met with jury out of his presence, denial of effective assistance of counsel, and Brady violation.
Appellate	Longwell, William	APP-22-0145	3:22-cv-00343	USDC WVSD	Patricia Ann Aldridge v. J.D. Salaz, Superintendent, Lakin Correctional Center	§2254 Habeas petition alleging ineffective assistance of counsel, failure to present forensic evidence, and perjury by trial counsel.
Appellate	Longwell, William	APP-22-0122	3:22-cv-108	USDC WVSD	Rajion Alterek Mayo v. Shelby Searls, Superintendent	§2254 Habeas petition alleging error in juvenile transfer, ineffective assistance of counsel, and disproportionate sentencing.
Appellate	Longwell, William	APP-17-0279	5:17-cv-993	USDC WVSD	Don Galloway v. Ralph Terry, Acting Warden	§2254 Habeas petition alleging ineffective assistance of counsel, use of perjured testimony, prosecutorial misconduct, illegal search, and cumulative error.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Longwell, William	APP-21-0152	5:20-cv-661	USDC WVSD	Angela Dawn Miller v. J.D. Sallaz, Superintendent	\$2254 Habeas petition alleging denial of psychiatric defense, ineffective assistance of counsel, new evidence of juror misconduct, and improper voir dire.
Appellate	Longwell, William	APP-22-0067	5:21-cv-198	USDC WVND	Frank Antrobus v. Huttonsville Correctional Center	\$2254 Habeas petition alleging Brady violation, newly discovered evidence, knowing use of perjured testimony, pre-indictment delay, 4th Amendment violation, and severe sentence.
Appellate	Longwell, William	APP-22-0027	5:21-cv-41	USDC WVND	Ross Jenkins v. Shelby Searls, Superintendent	\$2254 Habeas petition alleging ineffective assistance of counsel.
Appellate	Longwell, William	APP-22-0087	5:22-cv-206	USDC WVSD	Thomas Leftwich v. Donnie Ames, Superintendent	\$2254 Habeas petition alleging excessive sentence in violation of double jeopardy, coerced confession, ineffective assistance of counsel, defective indictment, improper jury instruction and jury composition, and due process violation.
Appellate	Longwell, William	APP-23-0039	5:23-cv-00041	USDC WVND	Nicholas Robey v. Donald F. Ames, Superintendent, Mt. Olive Correctional Complex	\$2254 Habeas petition alleging ineffective assistance of counsel and disproportionate sentence.
Appellate	May, Euva	APP-21-0211	21-0678	Supreme Court - WV	State of West Virginia v. Matthew S. Dixon	Direct appeal alleging speedy trial violation, illegal stop, and other errors evidenced by the record.
Appellate	May, Euva	APP-21-0236	21-0793	Supreme Court - WV	State of West Virginia v. Bobby J. Criner	Direct appeal alleging error in admitting Petitioner's statement as voluntary.
Appellate	May, Euva	APP-21-0239	21-0806	Supreme Court - WV	State of West Virginia v. Henry Jo Ward	Direct appeal alleging due process violations due to actions of court and prosecution, and ineffective assistance of counsel.
Appellate	May, Euva	APP-22-0025	22-0023	Supreme Court - WV	State of West Virginia v. Charles Lee Finley	Direct appeal alleging misapplication of altered Pseudoephedrine statute.
Appellate	May, Euva	APP-22-0019	22-0034	Supreme Court - WV	State of West Virginia v. Robert Hayes	Direct appeal alleging error in sentencing Petitioner to active incarceration contrary to recommendation by State and motion for probation.
Appellate	May, Euva	APP-22-0038	22-0091	Supreme Court - WV	Jullian Anthony Scardina v. Russell Maston, Superintendent	Habeas appeal alleging error in denial of Losh List claims.
Appellate	May, Euva	APP-22-0029	22-0113	Supreme Court - WV	State of West Virginia v. David Sullivan	Direct appeal alleging improper indictment, erroneous competency finding, insufficient evidence, error in denying psychological evaluation of victim, disproportionate sentence, and involuntary confession.
Appellate	May, Euva	APP-22-0041	22-0150	Supreme Court - WV	State of West Virginia v. Gino Renaldo Estep	Direct appeal alleging error interpreting W.Va. Code § 61-7-10(f) and admission of evidence seized after Petitioner in custody but not mirandized.
Appellate	May, Euva	APP-22-0047	22-0160	Supreme Court - WV	Michael Vess v. Shelby Searls, Superintendent	Habeas appeal alleging ineffective assistance of counsel and failure to test evidence.
Appellate	May, Euva	APP-22-0056	22-0210	Supreme Court - WV	State of West Virginia v. L.G.	Direct appeal alleging improper jury instructions and violation of 5th Amendment regarding limited cross-examination of witness.
Appellate	May, Euva	APP-22-0070	22-0235	Supreme Court - WV	Jamal Azeez v. Sex Offender Registration Advisory Board	Original Jurisdiction Mandamus alleging newly discovered information and request for summary judgment.
Appellate	May, Euva	APP-22-0095	22-0290	Supreme Court - WV	State of West Virginia v. Caleb Lee Atkins	Direct appeal alleging improper jury selection and error in admission of Rule 404(b) evidence.
Appellate	May, Euva	APP-22-0101	22-0296	Supreme Court - WV	Jeffrey Phipps v. Donnie Ames, Superintendent	Habeas appeal alleging error in failure to hold omnibus evidentiary hearing.
Appellate	May, Euva	APP-22-0093	22-0298	Supreme Court - WV	State of West Virginia v. Antoine Lane	Direct appeal alleging disproportionate sentencing.
Appellate	May, Euva	APP-22-0120	22-0402	Supreme Court - WV	John Hedrick v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel and disproportionate sentencing.
Appellate	May, Euva	APP-22-0129	22-0460	Supreme Court - WV	State of West Virginia v. Nicole L. Semans	Direct appeal alleging improper jury instruction.
Appellate	May, Euva	APP-22-0131	22-0472	Supreme Court - WV	State of West Virginia v. David J. Markley	Direct appeal alleging disproportionate sentencing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	May, Euva	APP-22-0134	22-0477	Supreme Court - WV	State of West Virginia v. Nicholas Avory Cook	Direct appeal alleging error in denial of probation and disproportionate sentencing.
Appellate	May, Euva	APP-22-0132	22-0486	Supreme Court - WV	State of West Virginia v. Todd Wesley Clutter	Direct appeal alleging error in approving magistrate court actions as lawful during closing argument.
Appellate	May, Euva	APP-22-0140	22-0513	Supreme Court - WV	Reginald Kelly v. Carl Aldridge, Superintendent, Western Regional Jail and Correctional Facility	Habeas appeal alleging ineffective assistance of counsel, prosecutorial misconduct, and evidence discrepancies and fabrication.
Appellate	May, Euva	APP-23-0032	22-0514	Supreme Court - WV	Carl Magee v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging error in summary denial of omnibus hearing.
Appellate	May, Euva	APP-22-0144	22-596	Supreme Court - WV	State of West Virginia v. Freddy D. Bostic	Direct appeal alleging involuntary plea, illegal sentence, and miscalculation of good time.
Appellate	May, Euva	APP-22-0194	22-685	Supreme Court - WV	State of West Virginia v. Kirsten Nicole Wetzel	Direct appeal of Rule 35(a) alleging error in denial of good time credit.
Appellate	May, Euva	APP-22-0211	22-691	Supreme Court - WV	State of West Virginia v. M.P.	Direct appeal alleging disproportionate sentence imposed for violation of supervised release.
Appellate	May, Euva	APP-22-0171	22-693	Supreme Court - WV	State of West Virginia v. Russell Weis	Direct appeal alleging abuse of discretion in finding Petitioner violated supervised release rules regarding residence and possession of obscene material, and disproportionate sentence imposed.
Appellate	May, Euva	APP-22-0166	22-717	Supreme Court - WV	SER Lemir Baker-Moore v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Original Jurisdiction Mandamus alleging error in denial of providing full and complete copy of transcript for habeas petition.
Appellate	May, Euva	APP-22-0192	22-728	Supreme Court - WV	State of West Virginia v. Jeremy Thomas Allen	Direct appeal alleging failure to abide by plea agreement and improper sentencing.
Appellate	May, Euva	APP-22-0195	22-764	Supreme Court - WV	State of West Virginia v. Desmond Clark	Direct appeal alleging due process violation in denial of resentencing for direct appeal purposes.
Appellate	May, Euva	APP-22-0218	22-791	Supreme Court - WV	State of West Virginia v. Susan Shepherd	Direct appeal alleging insufficient evidence and failure to give credit for time served on home confinement.
Appellate	May, Euva	APP-22-0206	22-792	Supreme Court - WV	State of West Virginia v. John Gerard Bendana	Direct appeal alleging error in admission of evidence obtained during illegal detention.
Appellate	May, Euva	APP-22-0219	22-794	Supreme Court - WV	State of West Virginia v. Isiah Lee	Direct appeal alleging error in imposition of incarceration and denial of alternative sentence.
Appellate	May, Euva	APP-22-0148	22-819	Supreme Court - WV	SER John Cain v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Original Jurisdiction Habeas alleging disproportionality of sentence imposed, improper interpretation of determinate sentences for certain sexual offenses, and denial of parole eligibility.
Appellate	May, Euva	APP-23-0064	22-866	Supreme Court - WV	State of West Virginia v. Robert Quinn	Direct appeal alleging disproportionate sentencing.
Appellate	May, Euva	APP-23-0023	22-931	Supreme Court - WV	Robert M. Lee v. R.S. Mutter, Superintendent, Stevens Correctional Center	Habeas appeal alleging insufficient evidence, disproportionate sentencing, ineffective assistance of counsel, and error in assessment of fees.
Appellate	May, Euva	APP-23-0080	23-105	Supreme Court - WV	Cody Dale Foster v. Shelby Searls, Superintendent, Huttonsville Correctional Center	Habeas appeal alleging error in finding no constitutional errors regarding plea agreement, failure to recognize ineffective assistance of counsel, and double jeopardy violation.
Appellate	May, Euva	APP-23-0112	23-107	Supreme Court - WV	William Ballenger v. Robin Miller, Superintendent, Huttonsville Correctional Center	Habeas appeal alleging error in using prior Kentucky charge as basis for recidivist, ineffective assistance of counsel, and cumulative error.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	May, Euva	APP-23-0096	23-120	Supreme Court - WV	State of West Virginia v. Sean Allen Taylor	Direct appeal alleging error in denial of motion to suppress traffic stop findings.
Appellate	May, Euva	APP-23-0099	23-129	Supreme Court - WV	Henry Wayne Johnston v. Donald Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging ineffective assistance of counsel and confrontation clause violation.
Appellate	May, Euva	APP-23-0009	23-166	Supreme Court - WV	SER Steven Foster v. Honorable Alfred E. Ferguson and Shawn Straughn, Superintendent	Original Jurisdiction Prohibition alleging judicial misconduct.
Appellate	May, Euva	APP-23-0091	23-184	Supreme Court - WV	State of West Virginia v. Lawrence Foye	Direct appeal alleging error in failing to apply the required burden of proof and revoking home confinement.
Appellate	May, Euva	APP-23-0122	23-205	Supreme Court - WV	Michael Ian Palmer v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging ineffective assistance of counsel, defective indictment, and prosecutorial misconduct.
Appellate	May, Euva	APP-23-0119	23-206	Supreme Court - WV	William B. Murray v. Shawn Straughn, Superintendent	Habeas appeal alleging ineffective assistance of counsel and insufficient evidence.
Appellate	May, Euva	APP-23-0132	23-285	Supreme Court - WV	Thomas Ferguson v. Donald Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel.
Appellate	May, Euva	APP-23-0127	23-294	Supreme Court - WV	State of West Virginia v. Marques Robinson	Direct appeal alleging error in denial of motion for directed verdict, abuse of discretion in denial of 35(b) motion, and all objections made during trial.
Appellate	May, Euva	APP-23-0153	23-312	Supreme Court - WV	State of West Virginia v. Kenton Eugene Turner	Direct appeal alleging error in denial of motion for resentencing for purposes of appeal and failure to appoint counsel.
Appellate	May, Euva	APP-23-0149	23-315	Supreme Court - WV	Brandon L. Cantley v. Shawn Straughn, Superintendent, Northern Correctional Center	Habeas appeal alleging ineffective assistance of counsel regarding investigation, error in finding diminished capacity, and unknowing, involuntary entry of plea.
Appellate	May, Euva	APP-23-0160	23-370	Supreme Court - WV	Iran Eli Glover v. Rhonda Starn, Circuit Clerk of Marion County	Original Jurisdiction Mandamus alleging removal of information from file.
Appellate	May, Euva	APP-23-0159	23-372	Supreme Court - WV	SER Devin Sue Howell v. J.D. Sallaz, Superintendent, Lakin Correctional Center	Habeas appeal alleging ineffective assistance of counsel and insufficient evidence.
Appellate	May, Euva	APP-23-0162	23-373	Supreme Court - WV	State of West Virginia v. Izael Fisher	Direct appeal alleging error in denial of Rule 35(b) motion for alternative sentence.
Appellate	May, Euva	APP-23-0164	23-379	Supreme Court - WV	State of West Virginia v. Adam Lee Deare	Direct appeal alleging error in denial of Rule 36(b) motion for alternative sentence.
Appellate	May, Euva	APP-23-0180	23-429	Supreme Court - WV	State of West Virginia v. Charles Bryan Bolling	Direct appeal alleging error in denying plea withdrawal.
Appellate	May, Euva	APP-23-0179	23-435	Supreme Court - WV	State of West Virginia v. Robert Peacher	Direct appeal alleging insufficient evidence, error in imposing consecutive sentences, and improper consideration of bond revocation.
Appellate	May, Euva	APP-23-0198	23-457	Supreme Court - WV	State of West Virginia v. Antonio Devon Cottingham	Direct appeal alleging abuse of discretion in denial of motion for judgment of acquittal as evidence adduced at trial contrary to conviction for Count 3.
Appellate	May, Euva	APP-23-0172	23-473	Supreme Court - WV	SER Jason Carroll v. State of WV and Honorable Steven Redding, Judge of the Circuit Court of Marion County	Original Jurisdiction Prohibition alleging failure to respond to motions and scheduling omnibus hearing.
Appellate	May, Euva	APP-23-0192	23-478	Supreme Court - WV	State of West Virginia v. Victor Lee Thompson	Direct appeal alleging error in admission of booking photographs, hearsay of victim, insufficient evidence, and denial of motion for post verdict judgment of acquittal based on failure to prove intent.
Appellate	May, Euva	APP-23-0223	23-534	Supreme Court - WV	State of West Virginia v. Donald Workman	Direct appeal alleging error in denial of withdrawal of plea because plea was involuntary.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	May, Euva	APP-23-0229	23-546	Supreme Court - WV	State of West Virginia v. Rida Shahid Hendershot	Direct appeal alleging evidence contrary to verdict, error in admission of 404(b) evidence, disproportionate sentencing, and improper expert witness testimony.
Appellate	May, Euva	APP-23-0081	23-77	Supreme Court - WV	Steven Don Barker v. Shelby Searls, Superintendent, Huttonsville Correctional Center	Habeas appeal alleging error in not finding jury instructions constitutionally flawed and ineffective assistance of counsel.
Appellate	Nease-Proper, Andrea	APP-15-0219	1:15-cv-123	USDC WVSD	Eric Paul Minda v. David Ballard, Warden	\$2254 Habeas petition alleging ineffective assistance of counsel, imposition of cruel and unusual punishment, and instructional error.
Appellate	Nease-Proper, Andrea	APP-23-0118	1:23-cv-00042	USDC WVND	State of West Virginia v. Emmanuel Jones	Petitioner filed motion for removal of criminal matter to federal court.
Appellate	Nease-Proper, Andrea	APP-23-0136	2:20-cv-00644	USDC WVSD	Andrew Miller v. Warden, South Central Regional Jail	\$2254 Habeas petition alleging improper finding of parole violation as violation is barred by double jeopardy.
Appellate	Nease-Proper, Andrea	APP-20-0181	2:20-cv-573	USDC WVSD	Raymond Andrew Richardson v. Donnie Ames, Superintendent	\$2254 Habeas petition alleging insufficiency of evidence.
Appellate	Nease-Proper, Andrea	APP-22-0126	2:22-cv-228	USDC WVSD	Ronald Davis v. Donald Ames, Superintendent	\$2254 Habeas petition alleging insufficient evidence, ineffective assistance of counsel, coerced testimony, and destruction of evidence.
Appellate	Nease-Proper, Andrea	APP-23-0233	2:23-cv-634	USDC WVSD	Juan Moore v. Donnie Ames, Superintendent, Mt. Olive Correctional Center	\$2254 Habeas petition alleging ineffective assistance of counsel, Public Defender conflict of interest, unlawful search, and failure to preserve diagram.
Appellate	Nease-Proper, Andrea	APP-20-0079	20-0222	Supreme Court - WV	State of West Virginia v. Benjamin R. Taylor	Direct appeal alleging error arising from denial of motion for change of venue, improper jury selection, evidentiary issues regarding gruesome photos, admissibility of Officer's testimony, DNA evidence, and Petitioner's phone calls.
Appellate	Nease-Proper, Andrea	APP-20-0220	20-0891	Supreme Court - WV	State of West Virginia v. Jason Michael Payne	Rule 35(a) appeal alleging error in doubling recidivist sentences.
Appellate	Nease-Proper, Andrea	APP-21-0046	21-0078	Supreme Court - WV	John Keenan v. Karen Pszczolkowski, Superintendent	Habeas appeal alleging abuse of discretion in denying omnibus hearing, error in finding (1) no Zain III issues, (2) effective assistance of counsel, (3) sufficient evidence, and (4) no violation of proportionality clause.
Appellate	Nease-Proper, Andrea	APP-21-0057	21-0162	Supreme Court - WV	State of West Virginia v. Shaun Richard Duke	Direct appeal alleging improper jury instruction, double jeopardy violation, and insufficient evidence regarding conspiracy.
Appellate	Nease-Proper, Andrea	APP-21-0089	21-0265	Supreme Court - WV	State of West Virginia v. Nicholas Shackelford	Rule 35(b) appeal alleging error in failing to consider Youthful Offender Act and breach of plea agreement.
Appellate	Nease-Proper, Andrea	APP-21-0245	21-0346	Supreme Court - WV	State of West Virginia v. Teresa A. Stine a/k/a Teresa A. Dixon	Direct appeal alleging abuse of discretion in considering an impermissible factor in denying Petitioner's request for alternative sentencing.
Appellate	Nease-Proper, Andrea	APP-21-0128	21-0352	Supreme Court - WV	In Re: A.W.	Direct appeal alleging error in placing Petitioner in roundtable program, failure of DHHR to make reasonable efforts to achieve permanency, and error in not following the recommendations of the treating psychologist.
Appellate	Nease-Proper, Andrea	APP-21-0127	21-0419	Supreme Court - WV	Edwin Wright v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of habeas counsel.
Appellate	Nease-Proper, Andrea	APP-21-0155	21-0487	Supreme Court - WV	State of West Virginia v. William S. Thompson	Direct appeal alleging insufficient evidence and error in denial of juror questionnaire.
Appellate	Nease-Proper, Andrea	APP-21-0171	21-0490	Supreme Court - WV	State of West Virginia v. Emily Keefer	Rule 35(b) appeal alleging failure of court to consider inability to attend certain maternal programs in prison and finding that Rule 35(b) motion untimely.
Appellate	Nease-Proper, Andrea	APP-21-0161	21-0524	Supreme Court - WV	Charles Terry v. Donnie Ames, Superintendent	Habeas appeal alleging error in denial of actual innocence, ineffective assistance of counsel, insufficient evidence, improper jury instruction, and cumulative error.
Appellate	Nease-Proper, Andrea	APP-21-0197	21-0588	Supreme Court - WV	John David Smith v. Donnie Ames, Superintendent	Habeas appeal alleging failure to appeal denied habeas due to death of counsel.
Appellate	Nease-Proper, Andrea	APP-21-0208	21-0605	Supreme Court - WV	Todd Wayne Boyes v. State of West Virginia	Rule 35(a) appeal alleging double jeopardy violation in upholding consecutive sentencing for two like offenses occurring in same transaction.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-21-0185	21-0619	Supreme Court - WV	State of West Virginia v. Shane Peck	Direct appeal alleging abuse of discretion for failure to issue findings of fact and conclusions of law regarding motion to rescind/quash indictment violating Petitioner's due process rights.
Appellate	Nease-Proper, Andrea	APP-21-0199	21-0651	Supreme Court - WV	State of West Virginia v. Robert L. Holcomb	Direct appeal alleging insufficient evidence and error in admitting hearsay.
Appellate	Nease-Proper, Andrea	APP-21-0217	21-0695	Supreme Court - WV	State of West Virginia v. Anthony William Cartagena	Rule 35(a) appeal alleging error in not receiving credit for time served and credit for good time after revocation of probation.
Appellate	Nease-Proper, Andrea	APP-21-0220	21-0699	Supreme Court - WV	State of West Virginia v. Caleb Tebeau	Direct appeal alleging error in permitting minor victim to testify via closed circuit, admission of PTSD testimony by expert, violation of Miranda rights, insufficiency of evidence, and improper
Appellate	Nease-Proper, Andrea	APP-21-0227	21-0769	Supreme Court - WV	State of West Virginia v. Andrew Douglas Wells	Direct appeal alleging cumulative error, improper jury instructions, 6th Amendment violation, use of illegally obtained statement, and error in broadcasting through "live" microphone to jury sidebar discussion.
Appellate	Nease-Proper, Andrea	APP-21-0238	21-0796	Supreme Court - WV	State of West Virginia v. Christopher McDonald	Direct appeal alleging disproportionate sentencing.
Appellate	Nease-Proper, Andrea	APP-21-0247	21-0864	Supreme Court - WV	State of West Virginia v. Nathaniel Edward Burroughs	Direct appeal alleging defective indictment and insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-22-0023	21-0940	Supreme Court - WV	Brian Merchant v. John Anderson, Superintendent	Habeas appeal alleging ineffective assistance of counsel, violation of three-term rule, and illegal use of recidivist to enhance sentence.
Appellate	Nease-Proper, Andrea	APP-21-0250	21-0943	Supreme Court - WV	State of West Virginia v. Timothy Maichle	Direct appeal alleging defective indictment and improper jury instruction.
Appellate	Nease-Proper, Andrea	APP-21-0260	21-0964	Supreme Court - WV	State of West Virginia v. Keith Allen Wood	Direct appeal alleging error in denial of Petitioner's expert testimony, creation of "Super Witness," denial of redaction of medical records, prejudicial effect of presence of bikers against child abuse in gallery, double jeopardy violation, improper jury instructions, and abuse of discretion in sentencing.
Appellate	Nease-Proper, Andrea	APP-22-0008	21-1011	Supreme Court - WV	State of West Virginia v. Elizabeth Jane Justice	Direct appeal alleging error in admission of evidence obtained through unlawful search.
Appellate	Nease-Proper, Andrea	APP-22-0009	21-1039	Supreme Court - WV	State of West Virginia v. Alexander Thomas Infante	Direct appeal alleging ineffective assistance of counsel.
Appellate	Nease-Proper, Andrea	APP-22-0012	22-0011	Supreme Court - WV	Juan Moore v. Donnie Ames, Superintendent	Habeas appeal alleging misapplication of collateral estoppel regarding Counsel's conflict of interest.
Appellate	Nease-Proper, Andrea	APP-22-0015	22-0072	Supreme Court - WV	State of West Virginia v. Dylan Rexrode	Direct appeal alleging reversible error in denying motion for directed verdict and imposition of 50 years supervision as excessive and unconstitutional.
Appellate	Nease-Proper, Andrea	APP-22-0036	22-0099	Supreme Court - WV	State of West Virginia v. Danny Edward Lane	Direct appeal alleging insufficient evidence, cruel and unusual punishment, improper juror selection, trial court misconduct, failure to grant mistrial, denial of expert testimony, and improper jury instructions.
Appellate	Nease-Proper, Andrea	APP-22-0037	22-0107	Supreme Court - WV	State of West Virginia v. John William Robinette	Direct appeal alleging error in denial of disqualification motions and interference of Day Report on Petitioner's liberty interest.
Appellate	Nease-Proper, Andrea	APP-22-0046	22-0161	Supreme Court - WV	William C. Jordan v. Harvey Hawkins, Superintendent	Habeas appeal alleging error in denying motion to treat habeas petition as writ of coram nobis.
Appellate	Nease-Proper, Andrea	APP-22-0058	22-0190	Supreme Court - WV	State of West Virginia v. Michael Paul Jones	Direct appeal alleging Brady and 4th Amendment violations regarding electronic device information, failure to provide discovery timely, and error in victim testimony after COVID positive.
Appellate	Nease-Proper, Andrea	APP-22-0053	22-0219	Supreme Court - WV	State of West Virginia v. Shane Eric Hagerman	Direct appeal alleging improper jury selection, improper jury instruction regarding elements of voluntary manslaughter, insufficient evidence, and failure to instruct on self-defense.
Appellate	Nease-Proper, Andrea	APP-22-0066	22-0222	Supreme Court - WV	Paul Darren Spinks v. Donnie Ames, Superintendent	Habeas appeal alleging constitutional error, improper jury instruction, ineffective assistance of counsel, and failure to allow expert testimony.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-22-0092	22-0295	Supreme Court - WV	State of West Virginia v. Daniel Vigil	Direct appeal alleging insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-22-0090	22-0328	Supreme Court - WV	David M. Wasanyi v. Randall Mutter, Superintendent	Habeas appeal alleging lack of jurisdiction over federal charges, illegal search and seizure, illegal indictment, and ineffective assistance of counsel.
Appellate	Nease-Proper, Andrea	APP-22-0104	22-0363	Supreme Court - WV	State of West Virginia v. Christopher James Cody	Direct appeal alleging error in denial of motion to suppress as Petitioner did not consent.
Appellate	Nease-Proper, Andrea	APP-22-0105	22-0367	Supreme Court - WV	Lotta Gray v. State of West Virginia and Honorable Harry L. Snow	Direct appeal alleging denial of mandamus as violation of due process relating to quashing of subpoena.
Appellate	Nease-Proper, Andrea	APP-22-0113	22-0369	Supreme Court - WV	State of West Virginia v. Godfrey Eugene Warren	Direct appeal alleging insufficiency of evidence, failure to postpone trial due to Defendant's impairment on last day of trial, error in denial of Co-Defendant's motion to suppress seized weapon, and erroneous interpretation of W.Va. Code § 61-7-10.
Appellate	Nease-Proper, Andrea	APP-22-0118	22-0399	Supreme Court - WV	SER Charles Bruce Franklin v. Rachel Romano, Harrison County Prosecuting Attorney	Original Jurisdiction Mandamus alleging failure of Prosecutor to indict Petitioner.
Appellate	Nease-Proper, Andrea	APP-23-0029	22-0420	Supreme Court - WV	Kevin Hamill v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Nease-Proper, Andrea	APP-22-0127	22-0444	Supreme Court - WV	SER Jeremy Kiser v. South Central Regional Jail	Original Jurisdiction Habeas alleging double jeopardy, improper grand jury, unlawful evaluation, and refusal of Pre-Sentence Investigation.
Appellate	Nease-Proper, Andrea	APP-22-0137	22-0505	Supreme Court - WV	State of West Virginia v. Brandon B. Watts	Direct appeal alleging insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-22-0154	22-600	Supreme Court - WV	SER James Degasperin v. Donnie Ames, Superintendent, Mt. Olive Correctional	Habeas appeal alleging abuse of discretion in denying relief on all claims and denying additional expert testimony.
Appellate	Nease-Proper, Andrea	APP-22-0157	22-608	Supreme Court - WV	State of West Virginia v. Trevor Lee Hicklin	Direct appeal alleging abuse of discretion in failing to impose alternative sentencing and error in allowing Guardian ad Litem to offer sentencing recommendation.
Appellate	Nease-Proper, Andrea	APP-22-0173	22-665	Supreme Court - WV	State of West Virginia v. Richard R. Ruffner	Direct appeal alleging error in failing to impose alternative sentence.
Appellate	Nease-Proper, Andrea	APP-22-0176	22-676	Supreme Court - WV	State of West Virginia v. Amanda Massie	Direct appeal alleging error in jury instruction regarding self-defense, admission of reputation as evidence, misstatement of unanimous verdict, and insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-22-0223	22-704	Supreme Court - WV	Joshua Dewayne Plante v. Donald F. Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Nease-Proper, Andrea	APP-22-0164	22-711	Supreme Court - WV	State of West Virginia v. Leonard Dale Varner, Jr.	Direct appeal alleging error in failing to impose probation.
Appellate	Nease-Proper, Andrea	APP-23-0016	22-741	Supreme Court - WV	SER Michael E. Brown v. Honorable Paul T. Farrell, Judge of the Circuit Court of Cabell County	Original Jurisdiction Mandamus requesting production of documents relating to witness testimony and grand jury minutes.
Appellate	Nease-Proper, Andrea	APP-22-0185	22-743	Supreme Court - WV	SER Michael E. Brown v. Honorable Paul T. Farrell, Judge of the Circuit Court of Cabell County, and Shawn Straughn, Superintendent, Northern Regional Correctional Center	Original Jurisdiction Prohibition alleging error in denial of motion to disqualify judge.
Appellate	Nease-Proper, Andrea	APP-22-0184	22-761	Supreme Court - WV	State of West Virginia v. Ronald Edwin Lee	Direct appeal alleging unlawful arrest based upon false statement.
Appellate	Nease-Proper, Andrea	APP-22-0209	22-774	Supreme Court - WV	Shane Miller v. Karen Pszczolkowski, Superintendent, Northern Correctional Facility	Habeas appeal alleging error in failing to reinstate right to appeal revocation and ineffective assistance of counsel.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-22-0205	22-793	Supreme Court - WV	State of West Virginia v. Edward Jeffers	Direct appeal alleging error in denial of motion for change of venue.
Appellate	Nease-Proper, Andrea	APP-22-0204	22-823	Supreme Court - WV	State of West Virginia v. Kenny Allan Lumeyer	Direct appeal alleging abuse of discretion in imposing consecutive sentences and zero days of credit for time served.
Appellate	Nease-Proper, Andrea	APP-23-0060	22-835	Supreme Court - WV	State of West Virginia v. Kenneth E. O'Neal	Direct appeal alleging disproportionate penalty arising from revocation of extended supervision.
Appellate	Nease-Proper, Andrea	APP-22-0220	22-836	Supreme Court - WV	State of West Virginia v. M.J.	Direct appeal alleging error in admission of expert testimony, error in denying expert testimony regarding Child Advocate Center (CAC) interview, improper voir dire, and insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-23-0068	22-895	Supreme Court - WV	State of West Virginia v. Douglas Joseph Greene	Direct appeal alleging error in admission of body cam video, admission of Petitioner's statement, suppression of witness testimony, and jury mistake on verdict form.
Appellate	Nease-Proper, Andrea	APP-23-0067	22-899	Supreme Court - WV	SER Michael E. Brown v. Shawn Straughn, Superintendent, Northern	Habeas appeal alleging abuse of discretion in summary dismissal, failure to issue proper order, and error in failing to disqualify judge.
Appellate	Nease-Proper, Andrea	APP-23-0069	22-902	Supreme Court - WV	State of West Virginia v. Jason Williams Gibbons	Direct appeal alleging abuse of discretion in imposing sentence.
Appellate	Nease-Proper, Andrea	APP-23-0057	22-903	Supreme Court - WV	SER Tex G. Holbrook, II v. State of West Virginia	Habeas appeal alleging error in failing to consider all the facts regarding Petitioner's motion to present to grand jury and motion to dismiss indictment, and new Brady evidence associated with mandamus writ.
Appellate	Nease-Proper, Andrea	APP-23-0014	22-921	Supreme Court - WV	SER Catie Wilkes Delligatti, Prosecuting Attorney of Berkeley County v. Honorable Bridget Cohee, Judge of the Circuit Court of Berkeley County and Leteef Jabrall McGann	Original Jurisdiction Prohibition alleging court erred in dismissal of defective information.
Appellate	Nease-Proper, Andrea	APP-23-0044	22-924	Supreme Court - US	SER Jeremy Kiser v. Honorable Maryclaire Akers, Judge of the Circuit Court of Kanawha County	Original Jurisdiction Mandamus alleging error in failing to compute and award good time.
Appellate	Nease-Proper, Andrea	APP-23-0054	23-13	Supreme Court - WV	State of West Virginia v. Brian Allen Merchant Jones	Direct appeal alleging error in admission of hearsay and flight evidence, and insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-23-0083	23-154	Supreme Court - WV	State of West Virginia v. Jeffrey Todd Hoskins	Direct appeal alleging ineffective assistance of counsel and contradictory jury findings regarding mens rea.
Appellate	Nease-Proper, Andrea	APP-23-0042	23-155	Supreme Court - WV	SER State of West Virginia v. Honorable Susan Tucker, Judge of the Circuit Court of Monongalia County, and J.L. and D.F., Criminal Defendants Below and Party in Interest	Original Jurisdiction Prohibition alleging error in dismissal of indictments.
Appellate	Nease-Proper, Andrea	APP-23-0098	23-160	Supreme Court - WV	State of West Virginia v. Nathan Dolen	Direct appeal alleging illegal vehicle search, error in admission of cell phone plotting data, improper jury selection, and insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-23-0094	23-195	Supreme Court - WV	State of West Virginia v. Richard William Donaldson	Direct appeal alleging insufficient evidence and error in admission of Child Advocate Center interview.
Appellate	Nease-Proper, Andrea	APP-23-0048	23-20	Supreme Court - WV	State of West Virginia v. Brian Barnes	Direct appeal alleging defective indictment, admission of interrogation of Petitioner, and insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-23-0101	23-207	Supreme Court - WV	Richard B. Fleming v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging error in failure to require Prosecuting Attorney to re-offer plea and ineffective assistance of counsel.
Appellate	Nease-Proper, Andrea	APP-23-0141	23-234	Supreme Court - WV	In Re: L.C.	Direct appeal alleging insufficient evidence.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-23-0126	23-272	Supreme Court - WV	State of West Virginia v. Heath Allen Rose	Direct appeal alleging error in admission of cell phone recording and failure to suppress witness testimony.
Appellate	Nease-Proper, Andrea	APP-23-0129	23-298	Supreme Court - WV	State of West Virginia v. Jaleesa Creamer	Direct appeal alleging error in imposing underlying sentence after violation of probation.
Appellate	Nease-Proper, Andrea	APP-23-0148	23-300	Supreme Court - WV	State of West Virginia v. Cornell Lee Smith	Direct appeal alleging error in probation revocation, delayed reporting of violation, and denial of motion to dismiss.
Appellate	Nease-Proper, Andrea	APP-23-0143	23-331	Supreme Court - WV	SER Thomas Williams v. Shelby Searls, Superintendent	Original Jurisdiction Prohibition alleging violation of plea agreement whereby Division of Corrections and Rehabilitation records show discrepancy regarding parole eligibility.
Appellate	Nease-Proper, Andrea	APP-23-0154	23-367	Supreme Court - WV	State of West Virginia v. A.L.M.	Direct appeal alleging error in transfer to adult status.
Appellate	Nease-Proper, Andrea	APP-23-0151	23-371	Supreme Court - WV	SER Michael Sorrell v. The Honorable Paul T. Farrell, Judge of the Circuit Court of Cabell County	Original Jurisdiction Prohibition alleging lack of jurisdiction to amend sentence.
Appellate	Nease-Proper, Andrea	APP-23-0163	23-375	Supreme Court - WV	Brandon Saul v. Donald Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging error in denial of evidentiary hearing and failure to make sufficient findings of fact.
Appellate	Nease-Proper, Andrea	APP-23-0166	23-389	Supreme Court - WV	SER Jason Carroll v. Russell Maston, Superintendent, St. Marys Correctional Center and Honorable Steven Redding, Judge of the Circuit Court of Marion County	Original Jurisdiction Prohibition alleging error in failure of Court to rule on motions.
Appellate	Nease-Proper, Andrea	APP-23-0169	23-397	Supreme Court - WV	State of West Virginia v. Joshua James Harrison	Direct appeal alleging error in failing to provide Petitioner with full copy of record for purposes of habeas petition.
Appellate	Nease-Proper, Andrea	APP-23-0176	23-404	Supreme Court - WV	State of West Virginia v. G.M.	Direct appeal alleging abuse of discretion in denying motion for alternative sentencing.
Appellate	Nease-Proper, Andrea	APP-23-0182	23-421	Supreme Court - WV	State of West Virginia v. Michael Keith Allman	Direct appeal alleging insufficient evidence, failure to prove essential elements, improper jury instruction regarding "constructive possession," and illegal warrantless search.
Appellate	Nease-Proper, Andrea	APP-23-0187	23-468	Supreme Court - WV	State of West Virginia v. Amanda York	Direct appeal alleging error in denial of Rule 35(a) motion based upon ineffective assistance of counsel and insufficient evidence to support sentence.
Appellate	Nease-Proper, Andrea	APP-23-0193	23-486	Supreme Court - WV	State of West Virginia v. Kevin J. Winkler	Rule 35(b) appeal alleging abuse of discretion by relying on seriousness of the crime to deny alternative sentence.
Appellate	Nease-Proper, Andrea	APP-23-0026	23-5	Supreme Court - WV	State of West Virginia v. Rashad Akheem Thompson	Direct appeal alleging error in admission of gruesome photos, refusal of jury instructions, denial of motion for change of venue, and cumulative error.
Appellate	Nease-Proper, Andrea	APP-23-0209	23-511	Supreme Court - WV	State of West Virginia v. Daniel Marcus Battle	Direct appeal alleging violation of three-term rule, insufficient evidence, and prejudicial photo array.
Appellate	Nease-Proper, Andrea	APP-23-0206	23-517	Supreme Court - WV	SER Benjamin Taylor v. Honorable R. Craig Tatterson, Judge of the Circuit Court of Jackson County and the State of West Virginia	Original Jurisdiction Mandamus alleging error in denial of motion for performance DNA testing.
Appellate	Nease-Proper, Andrea	APP-23-0218	23-533	Supreme Court - WV	Aron Freeland v. Russell Maston, Superintendent, St. Marys Correctional Center	Original Jurisdiction Habeas alleging denial of free copy of transcripts.
Appellate	Nease-Proper, Andrea	APP-23-0226	23-541	Supreme Court - WV	State of West Virginia v. Matthew Wayne Archer	Direct appeal alleging error in summary denial of Rule 35(b) motion.
Appellate	Nease-Proper, Andrea	APP-23-0050	23-55	Supreme Court - WV	William H. Cecil, III v. Donnie Ames, Superintendent, Mt. Olive Correctional Center	Habeas appeal alleging ineffective assistance of counsel and denial of DNA test.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Nease-Proper, Andrea	APP-23-0078	23-65	Supreme Court - WV	State of West Virginia v. Willie Edward Belmonte, Jr.	Direct appeal alleging disproportionate sentencing.
Appellate	Nease-Proper, Andrea	APP-23-0076	23-81	Supreme Court - WV	State of West Virginia v. Chad M. Eldredge	Direct appeal alleging error in denial of motion to dismiss counts in indictment.
Appellate	Nease-Proper, Andrea	APP-23-0051	23-86	Supreme Court - WV	State of West Virginia v. Gavin Blaine Smith	Direct appeal alleging error in transfer to adult jurisdiction, inadmissible statement, error in limiting cross-examination of witness, and insufficient evidence.
Appellate	Nease-Proper, Andrea	APP-21-0242	3:21-cv-166	USDC WVND	Randy L. Hammer v. Shawn Straughn, Superintendent	§2254 Habeas petition alleging violation of due process because Prosecutor fraudulently holding office, improper jurisdiction of circuit court, and judicial misconduct.
Appellate	Nease-Proper, Andrea	APP-23-0142	3:22-cv-00552	USDC WVSD	Thomas M. White, Jr. v. Donald F. Ames, Superintendent	§2254 Habeas petition alleging illegal warrantless search, prejudicial 404(b) evidence, and disproportionate sentence.
Appellate	Nease-Proper, Andrea	APP-22-0124	3:22-cv-103	USDC WVND	Arnold Wayne McCartney v. Donnie Ames, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel.
Appellate	Nease-Proper, Andrea	APP-23-0202	3:23-cv-00184	USDC WVND	Adonne Horton v. Donald F. Ames, Superintendent	§2254 Habeas petition alleging W.Va. Code § 61-11-18 as unconstitutionally vague and arbitrarily applied by WV Supreme Court of Appeals and ex post facto violation under W.Va. Code § 61-11-18 applied to 2017 offense.
Appellate	Nease-Proper, Andrea	APP-19-0175	5:19-cv-163	USDC WVSD	Jack Jones v. Shawn Straughn, Superintendent	§2254 Habeas petition alleging the Quinn-Barbe Issue and failure to provide exculpatory evidence.
Appellate	Nease-Proper, Andrea	APP-22-0146	5:22-cv-00180	USDC WVSD	Steven Jacob Dukes v. Scott Mutter, Warden	§2254 Habeas petition alleging ineffective assistance of counsel.
Appellate	Nease-Proper, Andrea	APP-22-0150	5:22-cv-163	USDC WVND	Henry Clay Davis v. Eric Rokosky, Warden, Northern Regional Jail	§2254 Habeas petition alleging involuntary plea and ineffective assistance of counsel.
Appellate	Nease-Proper, Andrea	APP-23-0052	5:22-cv-235	USDC WVND	John D. Smith v. Donald F. Ames, Superintendent, Mt. Olive Correctional Complex	§2254 Habeas alleging disproportionate sentence.
Appellate	Nease-Proper, Andrea	APP-22-0068	5:22-cv-32	USDC WVND	Robert Rhodes v. Donald Ames, Superintendent	§2254 Federal habeas Rule 59(e) motion.
Appellate	Newman, Grant	APP-23-0055	22-882	Supreme Court - WV	State of West Virginia v. Seth Allen McDermott	Direct appeal alleging error in revoking probation and imposing original sentence.
Appellate	Newman, Grant	APP-23-0224	23-535	Supreme Court - WV	State of West Virginia v. Randy C. Cain	Direct appeal alleging erroneous admission of hearsay related to Petitioner's recorded jail calls and prosecutorial references during closing argument.
Appellate	Niday, Mary	APP-20-0051	1:19-cv-135	USDC WVND	Clarke D. Patterson v. Thomas Harlan, Interim Superintendent	§2254 Habeas petition alleging distrust in Wheeling district court and requesting permission to file in DC Circuit.
Appellate	Niday, Mary	APP-20-0183	1:20-cv-235	USDC WVND	Julia Ann Surbaugh v. J.D. Sallaz, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel, improper/lack of jury instruction regarding blood evidence, improper witness testimony, improper admission of evidence from first trial, and prosecutorial misconduct.
Appellate	Niday, Mary	APP-21-0254	1:21-cv-85	USDC WVND	Rickie Greenfield, Jr. v. Donnie Ames, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel, constitutional violations arising from use of phone tower records, judicial misconduct, and illegal search and seizure.
Appellate	Niday, Mary	APP-23-0053	1:23-cv-00222	USDC WVSD	Mason Bishop v. Shelby Searls, Superintendent, Huttonsville Correctional Center	§2254 Habeas petition alleging denial of transcripts, violation of 5th Amendment during plea hearing, sentence qualifying as cruel and unusual punishment, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-23-0203	1:23-cv-00473	USDC WVSD	Gary Dickens v. Eric Rokosky, Warden	§2254 Habeas petition alleging ineffective assistance of counsel.
Appellate	Niday, Mary	APP-19-0104	2:19-cv-53	USDC WVSD	Ronald E. Lambert, Jr. v. Donald Ames, Superintendent	§2254 Habeas petition alleging violation of procedural due process in determination of competency and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-20-0100	2:20-cv-386	USDC WVSD	Michael K. Merrifield v. Donnie Ames, Superintendent	§2254 Habeas petition requesting issuance of bail due to absence of available corrective process and existence of extraordinary circumstances.
Appellate	Niday, Mary	APP-21-0036	2:20-cv-43	USDC WVSD	Dennis J. Rydbom v. Donnie Ames, Superintendent	Habeas appeal alleging violations relating to speedy trial right, right to proceed pro se, unlawful search and seizure, 14th Amendment, jurisdiction, and due process.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-23-0035	2:22-cv-00479	USDC WVSD	Jordan J. Goard v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	§2254 Habeas petition alleging ineffective assistance of counsel, inappropriate comments by Prosecutor in closing, insufficient evidence, and disproportionate sentence.
Appellate	Niday, Mary	APP-22-0125	2:22-cv-103	USDC WVSD	Carl Tramane Magee v. Donald Ames, Superintendent	§2254 Habeas petition alleging defective indictment, Brady violations, plain error regarding post-conviction rights, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0081	2:22-cv-165	USDC WVSD	Donald Anthony Workman v. Timothy King, Superintendent	Federal petition alleging ineffective assistance of counsel and equal protection violations.
Appellate	Niday, Mary	APP-23-0019	2:22-cv-00585	USDC WVSD	Gary Lee Rollins v. Donnie Ames, Superintendent	§2254 Habeas petition alleging prosecutorial misconduct, improper jury selection, and prejudicial testimony admitted.
Appellate	Niday, Mary	APP-23-0107	2:23-cv-00230	USDC WVSD	David L. Ingram v. Shelby Searls, Superintendent	§2254 Habeas petition alleging error in denial of omnibus hearing, ineffective assistance of counsel, and denial of access to courts.
Appellate	Niday, Mary	APP-20-0031	20-0010	Supreme Court - WV	State of West Virginia v. Jerome Devonte Russell	Direct appeal alleging incorrect sentence.
Appellate	Niday, Mary	APP-20-0061	20-0143	Supreme Court - WV	Thomas E. Leftwich v. Donnie Ames, Superintendent	Habeas appeal alleging error in denial of petition asserting constitutional violations related to ineffective assistance of counsel, prosecutorial misconduct, defective indictment, improper jury instruction, and expert testimony.
Appellate	Niday, Mary	APP-20-0117	20-0386	Supreme Court - WV	SER Terrance Antoine McArthur v. Honorable Louis H. Bloom	Writ of Mandamus alleging ineffective assistance of counsel, defective indictment, three term violation, excessive bail, and irregularities impacting entry of plea.
Appellate	Niday, Mary	APP-20-0168	20-0605	Supreme Court - WV	State of West Virginia v. Raymond Bickley	Appeal of probation revocation and revocation of extended supervised release alleging due process violations. Petitioner is seeking reversal of sentence to be returned to original position to have a jury trial.
Appellate	Niday, Mary	APP-21-0017	20-0619	Supreme Court - WV	Matthew Gates v. Donnie Ames, Superintendent	Habeas appeal alleging plain error and abuse of discretion in finding no viable claim of ineffective assistance of counsel without hearing or appointment of habeas counsel.
Appellate	Niday, Mary	APP-21-0076	21-0227	Supreme Court - WV	State of West Virginia v. Carli Renae Reed	Direct appeal alleging error regarding Rule 404(b), improper jury instructions, insufficient evidence, granting motion to bifurcate, prosecutorial misconduct, and failure to indict timely.
Appellate	Niday, Mary	APP-21-0104	21-0251	Supreme Court - WV	Christopher Cox v. Donnie Ames, Superintendent	Habeas appeal alleging newly discovered evidence and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-21-0086	21-0256	Supreme Court - WV	Harry Reynolds v. Donnie Ames, Superintendent	Habeas appeal alleging due process violations and prosecutorial misconduct.
Appellate	Niday, Mary	APP-21-0090	21-0268	Supreme Court - WV	State of West Virginia v. Kyle Lewis Taylor	Direct appeal alleging improper jury charge, prosecutorial misconduct, error in failing to grant motion for directed verdict, and any other claim after review of transcripts.
Appellate	Niday, Mary	APP-21-0111	21-0376	Supreme Court - WV	State of West Virginia v. Thomas McLeod	Rule 35(b) appeal alleging error in denial without findings of fact and conclusions of law.
Appellate	Niday, Mary	APP-21-0134	21-0395	Supreme Court - WV	Brandon Saul v. Donnie Ames, Superintendent	Habeas appeal alleging error in failure to hold omnibus hearing and denial of relief regarding claims raised.
Appellate	Niday, Mary	APP-21-0129	21-0403	Supreme Court - WV	Thomas White, Jr. v. Donnie Ames, Superintendent	Habeas appeal alleging error as a matter of law in denial of petition.
Appellate	Niday, Mary	APP-21-0135	21-0432	Supreme Court - WV	Ricky Vincent Pendleton v. Donald Ames, Superintendent	Habeas appeal alleging abuse of discretion in failure to address full scope of claim under Rule 60(b)(1)(4)(6) motion.
Appellate	Niday, Mary	APP-21-0138	21-0467	Supreme Court - WV	State of West Virginia v. Michael Coffey	Direct appeal alleging error in denying motion to cross and impeach mother of victim (Rule 609 and Rule 404(b)), denial of motion in limine regarding expert testimony, and denial of motion to question mother of victim regarding calls to hospital.
Appellate	Niday, Mary	APP-21-0156	21-0472	Supreme Court - WV	State of West Virginia v. Michael White	Direct appeal of home confinement revocation alleging abuse of discretion in requiring drug/alcohol rehab as condition of home incarceration and revocation based on Petitioner's violation of home confinement conditions.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-21-0162	21-0534	Supreme Court - WV	Jaylen Alexander v. Donnie Ames, Superintendent	Habeas appeal alleging due process violation based on ineffective assistance of counsel, illegal and disproportionate sentence, insufficiency of evidence, failure to provide transcripts, coerced confession, and defective indictment.
Appellate	Niday, Mary	APP-21-0172	21-0550	Supreme Court - WV	State of West Virginia v. James Thomas Miller	Direct appeal alleging insufficient evidence, involuntary confession, severe sentence imposed, and violation of three-term rule/right to speedy trial.
Appellate	Niday, Mary	APP-21-0186	21-0598	Supreme Court - WV	State of West Virginia v. Michael Moles, Jr.	Direct appeal alleging error in failing to advise regarding Rule 11 plea and guilty plea made unknowingly and involuntarily/without advice of counsel.
Appellate	Niday, Mary	APP-21-0193	21-0612	Supreme Court - WV	Jamie Miller v. Donnie Ames, Superintendent	Habeas appeal alleging defective jury instructions, double jeopardy violation, defective indictment, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-21-0202	21-0638	Supreme Court - WV	State of West Virginia v. Carl Wayne Rich	Direct appeal alleging recidivist information defective and untimely filed, improper impeachment of State's witness, recusal of Judge Dent, prejudicial and violative of Petitioner's due process rights, insufficient evidence, and disproportionate sentencing.
Appellate	Niday, Mary	APP-21-0216	21-0689	Supreme Court - WV	State of West Virginia v. Timothy Lee Hager	Direct appeal alleging error in admitting Petitioner's confession obtained while in custody and hearsay testimony of State's key witness.
Appellate	Niday, Mary	APP-21-0221	21-0708	Supreme Court - WV	Roy F. Hillberry, II v. Donald Ames, Superintendent	Habeas appeal alleging cell-site location information was unconstitutionally obtained and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-21-0226	21-0778	Supreme Court - WV	State of West Virginia v. Rodney H. Stemple	Direct appeal alleging disproportionate and excessive sentence.
Appellate	Niday, Mary	APP-21-0237	21-0797	Supreme Court - WV	State of West Virginia v. Kenneth Bernard Nelson	Direct appeal alleging error in admission of Rule 404(b) evidence, defective indictment, 6th Amendment violation, due process violations, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-21-0249	21-0882	Supreme Court - WV	Lewis Dailey v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel and unconstitutional disparity of sentence.
Appellate	Niday, Mary	APP-21-0253	21-0945	Supreme Court - WV	Charles Barie v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Niday, Mary	APP-21-0258	21-0972	Supreme	State of West Virginia v. Jay Folse	Direct appeal alleging abuse of discretion in denying Petitioner's appeal as untimely.
Appellate	Niday, Mary	APP-22-0007	21-1028	Supreme Court - WV	State of West Virginia v. Joseph Horn	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0034	22-0082	Supreme Court - WV	State of West Virginia v. Tammy Gray	Direct appeal alleging insufficient evidence and defective search warrant.
Appellate	Niday, Mary	APP-22-0035	22-0096	Supreme Court - WV	State of West Virginia v. Randy Lewis Utt	Direct appeal alleging insufficient evidence of transporting element of kidnapping and confinement/concealment/restraint, failure to produce alleged weapon, juror misconduct, and prosecutorial misconduct.
Appellate	Niday, Mary	APP-22-0045	22-0159	Supreme Court - WV	State of West Virginia v. Darius Jamal Porter	Direct appeal alleging error in denying motion to sever, discovery violations, insufficient evidence, and consideration of impermissible factors at sentencing.
Appellate	Niday, Mary	APP-22-0055	22-0205	Supreme Court - WV	State of West Virginia v. Thomas H. Banks	Direct appeal alleging violation of 4th Amendment right in admission of drugs obtained in search.
Appellate	Niday, Mary	APP-22-0054	22-0211	Supreme Court - WV	State of West Virginia v. Charles Eric Ward	Direct appeal alleging error in admission of evidence seized in illegal search.
Appellate	Niday, Mary	APP-22-0094	22-0291	Supreme Court - WV	State of West Virginia v. Tremale Leon Straughter	Direct appeal alleging coerced and involuntary plea, and breach of plea agreement.
Appellate	Niday, Mary	APP-22-0097	22-0306	Supreme Court - WV	State of West Virginia v. Donnyel Simmons	Direct appeal alleging error in denial of mistrial arising from improper witness testimony, insufficient evidence, and improper admission of video of custodial statement.
Appellate	Niday, Mary	APP-22-0088	22-0315	Supreme Court - WV	State of West Virginia v. Bryan Obloy	Direct appeal alleging error conducting trial despite Petitioner's incapacitation and inability to appear.
Appellate	Niday, Mary	APP-22-0091	22-0330	Supreme Court - WV	Jack R. Watts v. Shawn Straughn, Superintendent	Habeas appeal alleging error in failing to issue findings of fact and conclusions of law, denial of amended petition, and failure to conduct omnibus hearing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-22-0089	22-0331	Supreme Court - WV	SER Donald Lee Taylor v. Brian K. Lanham, Superintendent	Original Jurisdiction Habeas alleging ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0116	22-0397	Supreme Court - WV	Olin Matice Gaskins v. Donnie Ames, Superintendent	Habeas appeal alleging error in failure to hold omnibus hearing.
Appellate	Niday, Mary	APP-22-0123	22-0449	Supreme Court - WV	Danny R. Six v. Donald Ames, Superintendent	Habeas appeal alleging failure to conduct omnibus hearing and deficient order regarding findings of fact and conclusions of law.
Appellate	Niday, Mary	APP-22-0136	22-0506	Supreme Court - WV	State of West Virginia v. Wilfred Hinchman	Habeas appeal alleging error in denial of habeas after omnibus hearing.
Appellate	Niday, Mary	APP-22-0139	22-577	Supreme Court - WV	State of West Virginia v. Michael Faulkner	Direct appeal alleging plain error and lack of jurisdiction regarding probation.
Appellate	Niday, Mary	APP-22-0156	22-634	Supreme Court - WV	State of West Virginia v. Michelle Boggs	Direct appeal alleging insufficient evidence and vagueness of W.Va. Code § 61-8D-2a.
Appellate	Niday, Mary	APP-22-0226	22-664	Supreme Court - WV	State of West Virginia v. Michael Goodwin	Direct appeal alleging involuntary plea and illegal sentence.
Appellate	Niday, Mary	APP-23-0043	22-674	Supreme Court - WV	State of West Virginia v. Joseph Wayne Mason	Direct appeal alleging improper admission of social media post, 404(b) violation related to gang affiliation, improper hearsay testimony, failure to sever, and cumulative error.
Appellate	Niday, Mary	APP-22-0147	22-700	Supreme Court - WV	Gregory C. Burdette v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging error in finding of res judicata regarding Petitioner's constitutional claims involving juror selection, sentencing, error in denial of additional forensic testing, and insufficient evidence.
Appellate	Niday, Mary	APP-22-0187	22-737	Supreme Court - WV	State of West Virginia v. Natosha Kuhn	Direct appeal alleging error in imposing maximum consecutive sentences with supervised release.
Appellate	Niday, Mary	APP-22-0179	22-738	Supreme Court - WV	Jeremiah Max Brown, Jr. v. Shelby Searls, Superintendent, Huttonsville Correctional Center	Habeas appeal alleging error in failing to hold evidentiary hearing.
Appellate	Niday, Mary	APP-22-0193	22-742	Supreme Court - WV	Charles Montana McCane, Jr. v. David Young, Superintendent, South Central Regional Jail	Habeas appeal alleging ineffective assistance of counsel, video surveillance not admitted into evidence, and failure to call witnesses.
Appellate	Niday, Mary	APP-22-0181	22-759	Supreme Court - WV	State of West Virginia v. Kyle K. Slaughter	Direct appeal alleging error in failing to grant credit for time served.
Appellate	Niday, Mary	APP-22-0216	22-775	Supreme Court - WV	State of West Virginia v. Andrew Prudnik	Direct appeal alleging error in admission of gruesome photos, admission of hearsay, improper jury instructions, admission of jail calls, improper sentencing recommendation, and improper jury selection.
Appellate	Niday, Mary	APP-22-0203	22-790	Supreme Court - WV	State of West Virginia v. Richard Matthew Dillon	Direct appeal alleging insufficient evidence and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0200	22-801	Supreme Court - WV	In Re: S.G.	Direct appeal alleging error in discretionary transfer of juvenile to adult status.
Appellate	Niday, Mary	APP-22-0198	22-805	Supreme Court - WV	State of West Virginia v. M.W.	Direct appeal alleging error in admission of Petitioner's statement, Brady violation, and denial of post-trial motions based on mental illness.
Appellate	Niday, Mary	APP-22-0210	22-811	Supreme Court - WV	State of West Virginia v. Timothy Mullinex	Direct appeal alleging insufficiency of evidence.
Appellate	Niday, Mary	APP-22-0207	22-822	Supreme Court - WV	State of West Virginia v. David Hunter Lewis	Direct appeal alleging error in denial of pretrial motions, admission of improper character evidence, and insufficient evidence of malice and intent.
Appellate	Niday, Mary	APP-22-0229	22-839	Supreme Court - WV	Donnie Ames, Superintendent, Mt. Olive Correctional Complex v. Barry D. White	Habeas appeal alleging abuse of discretion in granting writ where none of the Frazier factors for newly discovered evidence were satisfied.
Appellate	Niday, Mary	APP-22-0228	22-859	Supreme Court - WV	State of West Virginia v. Darrell G. Spitznogle	Direct appeal alleging defective indictment, error in admission of 404(b) evidence, and error in admission of Petitioner's statement regarding drug use.



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Appellate	Niday, Mary	APP-23-0003	22-883	Supreme Court - WV	State of West Virginia v. William J. Morrison, III	Summary Petition for bail under Rule 34 alleging abuse of discretion.
Appellate	Niday, Mary	APP-23-0066	22-900	Supreme Court - WV	SER John W. Keener v. Russell Mason, Superintendent, St. Marys Correctional Center and Jail	Original Jurisdiction Prohibition alleging sex offender registry is unconstitutional and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-23-0020	22-910	Supreme Court - WV	Donald Dunn v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas notice of appeal did not recite any errors but requested transcripts for review.
Appellate	Niday, Mary	APP-23-0022	22-913	Supreme Court - WV	State of West Virginia v. Collins Brandon Murphy	Direct appeal alleging Petitioner's conduct does not constitute burglary.
Appellate	Niday, Mary	APP-23-0073	23-100	Supreme Court - WV	State of West Virginia v. Semaj Mygee Lowery	Direct appeal alleging insufficient evidence, error in finding that wanton endangerment is crime of violence against a person, and double jeopardy violation.
Appellate	Niday, Mary	APP-23-0113	23-108	Supreme Court - WV	State of West Virginia v. Chastity Wodzinski	Direct appeal alleging insufficient evidence, admission of 404(b) evidence, and denial of admission of Co-defendants' convictions.
Appellate	Niday, Mary	APP-23-0114	23-114	Supreme Court - WV	State of West Virginia v. Eric D. Morris	Direct appeal alleging error in denial of Rule 35(a) motion.
Appellate	Niday, Mary	APP-23-0103	23-119	Supreme Court - WV	State of West Virginia v. Kory Smelser	Direct appeal alleging error in imposing unlawful sentence.
Appellate	Niday, Mary	APP-23-0086	23-123	Supreme Court - WV	State of West Virginia v. Robert McNemar	Direct appeal alleging error in denial of motion to withdraw plea and abuse of discretion by failing to impose supervised release.
Appellate	Niday, Mary	APP-23-0116	23-137	Supreme Court - WV	State of West Virginia v. Michael Terry Cline	Direct appeal alleging error in denial of motion for acquittal, denial of relief for sleeping juror, denial for severance, disproportionate sentence, and any other error in record.
Appellate	Niday, Mary	APP-23-0092	23-189	Supreme Court - WV	State of West Virginia v. Deliezha Davonte Gravely	Direct appeal alleging error in finding conspiracy to commit robbery as crime of violence and insufficiency of evidence.
Appellate	Niday, Mary	APP-23-0104	23-221	Supreme Court - WV	State of West Virginia v. Oscar Ross Combs, Sr.	Direct appeal alleging error in denial of return of personal property.
Appellate	Niday, Mary	APP-23-0111	23-243	Supreme Court - WV	State of West Virginia v. Jeffrey Davis Wadkins	Rule 35(b) appeal alleging error in denial of alternative sentencing and finding no new information.
Appellate	Niday, Mary	APP-23-0140	23-248	Supreme Court - WV	State of West Virginia v. Malik Corbin Elder	Rule 35(a) appeal alleging firearms enhancement unconstitutional.
Appellate	Niday, Mary	APP-23-0046	23-27	Supreme Court - WV	Modesto Guerrero v. Mark Williams, Superintendent, Denmar Correctional Center	Habeas appeal alleging breach of plea agreement.
Appellate	Niday, Mary	APP-23-0130	23-277	Supreme Court - WV	State of West Virginia v. Corbett Maurice Carter	Direct appeal alleging insufficient evidence in finding that Petitioner "escaped" while on pre-trial home confinement.
Appellate	Niday, Mary	APP-23-0128	23-299	Supreme Court - WV	State of West Virginia v. William T. Widmyer	Direct appeal alleging error in denial of motion for removal of restitution due to undue hardship.
Appellate	Niday, Mary	APP-23-0161	23-318	Supreme Court - WV	State of West Virginia v. Andrew Miller	Direct appeal alleging insufficient evidence and error in denial of motion to suppress firearm evidence.
Appellate	Niday, Mary	APP-23-0207	23-352	Supreme Court - WV	State of West Virginia v. Brittany Ann McBryer	Direct appeal alleging insufficient evidence and failure to obtain search warrant for cell phone contents.
Appellate	Niday, Mary	APP-23-0158	23-362	Supreme Court - WV	State of West Virginia v. Anthony Yester	Direct appeal alleging insufficient evidence and improper verdict form.
Appellate	Niday, Mary	APP-23-0152	23-368	Supreme Court - WV	State of West Virginia v. Douglas G. Hill, Jr.	Direct appeal alleging insufficient evidence to revoke probation based on definition of absconded.
Appellate	Niday, Mary	APP-23-0167	23-390	Supreme Court - WV	State of West Virginia v. Jason Robert Swindler	Direct appeal alleging insufficient evidence, error in admission of certain items, and untimely filing of recidivist information.

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Appellate	Niday, Mary	APP-23-0175	23-412	Supreme Court - WV	SER Martez Griffin v. Shelby Searls, Superintendent, Huttonsville Correctional Center	Habeas (2nd) appeal alleging ineffective assistance of habeas counsel.
Appellate	Niday, Mary	APP-23-0185	23-423	Supreme Court - WV	Paul Darren Spinks v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	Habeas appeal alleging error in not finding constitutional error and due process violations, ineffective assistance of counsel, and error in affirming denial of expert witness.
Appellate	Niday, Mary	APP-23-0181	23-428	Supreme Court - WV	Ryan Lloyd Montgomery v. Timothy King, Superintendent, Southwestern Regional Jail	Habeas appeal alleging abuse of discretion in denial of habeas petition and ineffective assistance of counsel as Petitioner was not aware of supervised release when he pled.
Appellate	Niday, Mary	APP-23-0195	23-451	Supreme Court - WV	In Re: P.W.	Direct appeal alleging error in denial of home placement as alternative to residential facility.
Appellate	Niday, Mary	APP-23-0190	23-479	Supreme Court - WV	SER Christian James Matthews v. John Anderson, Superintendent	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Niday, Mary	APP-23-0211	23-513	Supreme Court - WV	State of West Virginia v. Tina Marie Frymyer	Direct appeal alleging improper juror selection and prosecutorial misconduct.
Appellate	Niday, Mary	APP-23-0214	23-530	Supreme Court - WV	Matthew Corrigan v. Shelby Searls, Superintendent, Huttonsville Correctional Center	Habeas appeal alleging involuntary plea due to ineffective assistance of counsel.
Appellate	Niday, Mary	APP-23-0225	23-538	Supreme Court - WV	State of West Virginia v. Joey Keith Jeffrey	Direct appeal alleging error in failing to issue findings of fact and conclusions of law regarding Petitioner's Rule 35(b) motion.
Appellate	Niday, Mary	APP-23-0232	23-549	Supreme Court - WV	State of West Virginia v. Mathew Mullins	Direct appeal alleging failure to make finding regarding Petitioner's competency to enter plea.
Appellate	Niday, Mary	APP-23-0011	23-7	Supreme Court - WV	State of West Virginia v. Monica Hartwell	Direct appeal alleging error in denial of motion in limine regarding custodial interrogation.
Appellate	Niday, Mary	APP-19-0030	3:19-cv-126	USDC WVSD	Quinton Peterson v. Ralph Terry, Acting Warden	§2254 Habeas petition alleging ineffective assistance of counsel and Brady violations.
Appellate	Niday, Mary	APP-22-0028	3:21-cv-145	USDC WVND	Yasser Abdelhaq v. Donald Ames, Superintendent	Federal petition alleging insufficient evidence in violation of 14th Amendment, violation of 6th Amendment, victim's family sentencing recommendation communicated to jury during closing, and erroneous jury instructions.
Appellate	Niday, Mary	APP-22-0026	3:21-cv-159	USDC WVND	Darnell Carlton Bouie v. Donald Ames, Superintendent	Federal habeas alleging reversible error in admission of Co-Defendant's confession, violation of 5th and 6th Amendments in admission of statements to Officer, due process violation, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-21-0251	3:21-cv-618	USDC WVSD	Alan L. Hicks v. Donnie Ames, Superintendent	§2254 Habeas petition alleging double jeopardy, failure to grant mistrial, failure to instruct on self-defense, and error in giving malice instruction.
Appellate	Niday, Mary	APP-22-0180	3:22-cv-00169	USDC WVND	Brandon S. Saul v. Donnie Ames, Superintendent, Mt. Olive Correctional Complex	§2254 Habeas petition alleging defective indictment, consecutive sentences for same transaction, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-23-0012	3:22-cv-00194	USDC WVND	Ray Cook v. Donald F. Ames, Superintendent, Mt. Olive Correctional Complex	§2254 Habeas petition alleging Brady and Miranda violations, improper admission of statement, and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0069	3:22-cv-33	USDC WVND	Michael Daniel Bowman v. Shawn Straughn, Superintendent	§2254 Habeas petition alleging willful, intentional grand jury fraud, police misconduct, ineffective assistance of counsel, and prosecutorial misconduct.
Appellate	Niday, Mary	APP-22-0082	3:22-cv-69	USDC WVND	Michael L. Blickenstaff v. Donald Ames, Superintendent	Federal petition alleging ineffective assistance of counsel and violation of 6th and 14th Amendments arising from extradition.
Appellate	Niday, Mary	APP-23-0137	3:23-cv-00143	USDC WVND	Jalisa Lashae Hawkins v. United States of America, et al.	§2254 Habeas petition alleging ineffective assistance of counsel, excessive sentence, and unconstitutional statute.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Niday, Mary	APP-23-0205	3:23-cv-000194	USDC WVND	Jalisha Lashae Hawkins v. Matthew Scott Delligatti, United States of America	\$2254 Habeas which does not articulate any error.
Appellate	Niday, Mary	APP-12-337	5:12-cv-43	USDC WVSD	Tony Daugherty v. Dennis Dingus, Warden	\$2254 Habeas petition alleging ineffective assistance of counsel and other issues.
Appellate	Niday, Mary	APP-17-0124	5:17-cv-54	USDC WVND	Stephen Herto v. John T. Murphy, Acting Warden	\$2254 Habeas 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.
Appellate	Niday, Mary	APP-19-0062	5:19-cv-196	USDC WVSD	Norma B. Griffin v. Patrick Morrissey, West Virginia Attorney General	\$2254 Habeas petition alleging inordinate delay, statutory unconstitutionality, prosecutorial misconduct, improper instruction, and lack of speedy trial.
Appellate	Niday, Mary	APP-21-0153	5:20-cv-675	USDC WVSD	Mickey Daniel, Jr. v. Karen Pszczolkowski, Superintendent	\$2254 Habeas petition alleging ineffective assistance of counsel, coerced/involuntary plea, and denial of speedy trial.
Appellate	Niday, Mary	APP-22-0152	5:22-cv-00339	USDC WVSD	Travis Ray Norwood v. Donald Ames, Superintendent	\$2254 Habeas petition alleging disproportionate sentencing and ineffective assistance of counsel.
Appellate	Niday, Mary	APP-22-0167	5:22-cv-232	USDC WVND	Elan Bell-Veney v. Shelby Searls, Superintendent, Huttonsville Correctional Center	\$2254 Habeas petition alleging sentence based on inaccurate facts.
Appellate	Niday, Mary	APP-23-0106	5:23-cv-00125	USDC WVND	Roy F. Hillberry v. Shawn Straughn, Superintendent	\$2254 Habeas petition alleging ineffective assistance of counsel and error in admission of evidence.
Appellate	Parmer, Jason	APP-23-0075	23-68	Supreme Court - WV	State of West Virginia v. Kyle John Schober	Direct appeal alleging error in denial of modification of probation to allow medical cannabis.
Appellate	Seckman, Caleb	APP-23-0175	23-412	Supreme Court - WV	SER Martez Griffin v. Shelby Searls, Superintendent, Huttonsville Correctional Center	Habeas (2nd) appeal alleging ineffective assistance of habeas counsel.
Appellate	See, Lindsay	APP-16-0203	1:16-cv-178	USDC WVND	Antonio Prophet v. David Ballard, Warden	Federal habeas corpus proceeding alleging grounds based on pre-trial publicity, jury issues, prosecutorial misconduct involving post-arrest silence, and other issues.
Appellate	See, Lindsay	APP-22-0050	1:22-cv-00082	US CA4	Daniel Collins v. Donald Ames, Superintendent	Habeas corpus appeal. Dismissed December 27, 2022.
Appellate	See, Lindsay	APP-23-0139	22-6109	US CA4	Aron Freeland v. Shelby Searls, Superintendent	Habeas corpus appeal. Dismissed September 13, 2022. Motion to Extend Filing Time for Petition for Rehearing En Banc denied November 3, 2022.
Appellate	See, Lindsay	APP-20-0161	22-7144	US CA4	Harry A. Barron v. Donald Ames, Superintendent	Habeas corpus appeal. Dismissed February 22, 2023.
Appellate	See, Lindsay	APP-22-0172	22-7182	US CA4	William Eric Coontz v. Shelby O. Searls, Superintendent	Habeas corpus appeal. Dismissed December 29, 2022.
Appellate	Travis, Steven	APP-22-0042	22-0108	Supreme Court - WV	SER Aron Freeland v. Shelby Searls, Superintendent	Original Jurisdiction Habeas appeal alleging judicial conflict of interest, prosecutorial misconduct, violation of 6th and 14th Amendments by denial of independent DNA expert, Brady violations, and 1st Amendment violations.
Appellate	Villanueva-Matkovich,	APP-20-0211	1:20-cv-749	USDC WVSD	William Parris Skeens v. Timothy King, Superintendent	\$2254 Habeas petition alleging escape charge erroneously charged in Mercer County when Petitioner entered plea in Raleigh County.
Appellate	Villanueva-Matkovich, Karen	APP-19-0207	19-0897	Supreme Court - WV	State of West Virginia v. Jessica N. Roberts	Direct appeal alleging errors regarding involuntary confession, double jeopardy violations (felony murder), color of law issues, diminished capacity, confrontation issues, and prompt presentment issues.
Appellate	Villanueva-Matkovich,	APP-19-0231	19-0939	Supreme Court - WV	In Re: Ibrahim S. Abdelnour	Petitioner appealing fourth denial of expungement regarding felony charge of wanton endangerment and misdemeanor charge of shooting across a road or near building or crowd.
Appellate	Villanueva-Matkovich, Karen	APP-17-0024	2:15-cv-11422	USDC WVSD	Danny R. Swager v. David Ballard, Warden	\$2254 Habeas 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.

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Appellate	Villanueva-Matkovich,	APP-17-0144	2:16-cv-7333	USDC WVSD	Eric Allen Foster v. Marvin Plumley, Warden	\$2254 Habeas petition alleging ineffective assistance of counsel.
Appellate	Villanueva-Matkovich, Karen	APP-23-0109	2:23-cv-00122	USDC WVSD	Kevin Goodman, Jr. v. Shelby Searls, Superintendent, Huttonsville Correctional Complex	\$2254 Habeas petition alleging ineffective assistance of counsel and actual innocence.
Appellate	Villanueva-Matkovich,	APP-23-0134	2:23-cv-00369	USDC WVSD	Oscar Combs, Sr. v. Warden	\$2254 Habeas petition alleging general constitutional violation and failure to appoint habeas counsel.
Appellate	Villanueva-Matkovich, Karen	APP-23-0201	2:23-cv-00507	USDC WVND	Terrance A. McArthur v. Russell Maston, Superintendent, St. Marys Correctional Center	\$2254 Habeas petition pending filing of sufficient petition on September 1, 2023, as ordered by the Court on August 2, 2023.
Appellate	Villanueva-Matkovich,	APP-20-0191	20-0765	Supreme Court - WV	State of West Virginia v. David Riffle	Direct appeal of resentencing alleging greater sentence than originally imposed upon resentencing after appeal.
Appellate	Villanueva-Matkovich,	APP-21-0001	20-0798	Supreme Court - WV	State of West Virginia v. Dale Lee Carr	Direct appeal alleging abuse of discretion for denial of motion to modify sentence as court failed to credit Petitioner with time served for an unrelated charge (possession of heroin).
Appellate	Villanueva-Matkovich,	APP-20-0221	20-0844	Supreme Court - WV	Robert Ewell Thomas v. Donnie Ames, Superintendent	Habeas appeal alleging error arising from failure to hold an omnibus hearing and appoint counsel.
Appellate	Villanueva-Matkovich,	APP-21-0024	20-0975	Supreme Court - WV	State of West Virginia v. Jesse Suttle	Direct appeal alleging error in denial of motion to adjourn payment and failure to inform Petitioner of fees owed.
Appellate	Villanueva-Matkovich, Karen	APP-21-0026	20-1039	Supreme Court - WV	State of West Virginia v. Billy Joe McFarland, Jr.	Direct appeal alleging undue emphasis on victim impact statement during sentencing, error in allowing victim to present dash-cam video during sentencing, and failure to adhere to Rule 11(e)(2) when court conditionally accepted plea.
Appellate	Villanueva-Matkovich,	APP-21-0159	21-0077	Supreme Court - WV	State of West Virginia v. Michael Faulkner	Direct appeal alleging lack of subject matter jurisdiction and insufficient evidence of probation violation.
Appellate	Villanueva-Matkovich,	APP-21-0063	21-0155	Supreme Court - WV	Robert L. Paige v. Russell Maston, Superintendent	Habeas appeal alleging abuse of discretion in denial of habeas.
Appellate	Villanueva-Matkovich,	APP-22-0044	21-0156	Supreme Court - WV	Michael Greene v. Shelby Searls, Superintendent	Successive habeas appeal alleging error with plea agreement and plea.
Appellate	Villanueva-Matkovich,	APP-21-0140	21-0158	Supreme Court - WV	SER Timothy Taylor v. Shelby Searls, Superintendent	Original Jurisdiction Habeas petition does not articulate any error. Amended petition to be filed by appointed counsel.
Appellate	Villanueva-Matkovich,	APP-21-0071	21-0173	Supreme Court - WV	State of West Virginia v. Jamie Carson Hicks	Direct appeal alleging error in admitting evidence of relationship between Petitioner and witness, denial of post-trial motions, and error in reasoning for sentence imposed.
Appellate	Villanueva-Matkovich,	APP-21-0098	21-0290	Supreme Court - WV	State of West Virginia v. Robert Higgins	Direct appeal alleging 8th Amendment violation regarding re-sentencing of Petitioner.
Appellate	Villanueva-Matkovich, Karen	APP-21-0114	21-0356	Supreme Court - WV	State of West Virginia v. Anthony Devaughn Johnson	Direct appeal alleging abuse of discretion in denial of motion to cancel trial due to newly discovered evidence, error in refusal to disqualify prosecutor, violation of confrontation clause resulting from admission of hearsay, prejudice from family's presence in courtroom, and due process violations.
Appellate	Villanueva-Matkovich,	APP-21-0112	21-0383	Supreme Court - WV	State of West Virginia v. Jimmy Ray Bonnett	Direct appeal alleging insufficient evidence and prejudice regarding presence of officer at counsel table with Petitioner.
Appellate	Villanueva-Matkovich,	APP-21-0125	21-0388	Supreme Court - WV	State of West Virginia v. Terry Grantham	Direct appeal alleging error in empaneling a jury with only one African American and insufficient evidence.
Appellate	Villanueva-Matkovich,	APP-21-0169	21-0514	Supreme Court - WV	State of West Virginia v. Daniel Plants	Rule 35(b) appeal alleging abuse of discretion by imposition of harsh sentence not commensurate with crime committed.
Appellate	Villanueva-Matkovich,	APP-21-0176	21-0526	Supreme Court - WV	State of West Virginia v. Roger Kent Stobart	Direct appeal alleging double jeopardy, failure to instruct jury, error in defining "uttering," failure to allow alibi defense, and insufficient evidence.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich, Karen	APP-21-0163	21-0536	Supreme Court - WV	Mark Sowards v. Donnie Ames, Superintendent	Habeas appeal alleging errors as a matter of law regarding speedy trial violation, improper jury instruction, improper evidentiary rulings, ineffective assistance of counsel, and cumulative error.
Appellate	Villanueva-Matkovich,	APP-21-0170	21-0543	Supreme Court - WV	State of West Virginia v. Richard Lee Taylor	Direct appeal alleging abuse of discretion due to imposition of excessive sentence.
Appellate	Villanueva-Matkovich,	APP-21-0196	21-0640	Supreme Court - WV	State of West Virginia v. Peter James Wodzinski, Jr.	Direct appeal alleging insufficient evidence, admission of prejudicial exhibits, and error in refusing to give instructions on lesser included offenses.
Appellate	Villanueva-Matkovich, Karen	APP-21-0201	21-0648	Supreme Court - WV	Scotty E. Boothe v. Shelby Searls, Superintendent	Habeas appeal alleging error in findings of fact and conclusions of law without evidentiary hearing, ineffective assistance of trial and habeas counsel, conflict of interest of trial and habeas counsel, and various constitutional violations.
Appellate	Villanueva-Matkovich,	APP-21-0206	21-0680	Supreme Court - WV	Clifton Dent v. Donnie Ames, Superintendent	Habeas appeal alleging abuse of discretion for failure to hold omnibus hearing.
Appellate	Villanueva-Matkovich,	APP-21-0219	21-0696	Supreme Court - WV	State of West Virginia v. William T. Wilfong	Direct appeal alleging W.Va. Code § 61-7-7(a)(3) unconstitutional as void for vagueness and potential impact on the right to bear arms.
Appellate	Villanueva-Matkovich,	APP-21-0222	21-0713	Supreme Court - WV	State of West Virginia v. Herman Catlett	Direct appeal alleging error in denial of motion for re-sentencing and failure to appoint counsel and hold a hearing.
Appellate	Villanueva-Matkovich,	APP-21-0214	21-0717	Supreme Court - WV	State of West Virginia v. Phillip N. Keener	Rule 35(a) appeal alleging judicial prejudice (abuse of discretion) in denial of motion. Petitioner seeking credit for time served on home confinement.
Appellate	Villanueva-Matkovich,	APP-21-0225	21-0764	Supreme Court - WV	State of West Virginia v. Aaron Glen Hoard	Direct appeal alleging cumulative error and insufficient evidence.
Appellate	Villanueva-Matkovich, Karen	APP-21-0240	21-0791	Supreme Court - WV	State of West Virginia v. Jeremy D. Bartram	Direct appeal alleging error in admitting Rule 404(b) evidence, unconstitutional error in allowing consideration of wanton endangerment, insufficient evidence, error in denial of jury instructions regarding lesser included offenses, and excessive punishment.
Appellate	Villanueva-Matkovich,	APP-22-0060	21-0873	Supreme Court - WV	State of West Virginia v. Micah A. McClain	Certified question regarding the interpretation of W.Va. Code § 17C-4-1.
Appellate	Villanueva-Matkovich,	APP-21-0243	21-0875	Supreme Court - WV	State of West Virginia v. Christopher D. Jackson	Direct appeal alleging disproportionate sentencing.
Appellate	Villanueva-Matkovich,	APP-21-0244	21-0876	Supreme Court - WV	State of West Virginia v. Charles Lamp, Jr.	Direct appeal alleging ineffective assistance of counsel.
Appellate	Villanueva-Matkovich,	APP-21-0246	21-0886	Supreme Court - WV	In Re: Douglas Kidd, III	Direct appeal alleging 8th Amendment violations arising from dismissed charges being used against Petitioner as punishment.
Appellate	Villanueva-Matkovich,	APP-21-0259	21-0969	Supreme Court - WV	State of West Virginia v. Todd Carpenter	Direct appeal alleging error in allowing Petitioner's alleged statement and denial of Petitioner's motion for directed verdict.
Appellate	Villanueva-Matkovich,	APP-22-0006	21-1018	Supreme Court - WV	State of West Virginia v. Richard L. Chambers, Jr.	Direct appeal alleging error in allowing Guardian ad Litem to sit with victim during testimony and error in denying indictment and jury verdict for "carbon copy" counts.
Appellate	Villanueva-Matkovich,	APP-22-0010	22-0004	Supreme Court - WV	State of West Virginia v. James Feaster	Direct appeal alleging error in denial of motion for new trial and insufficiency of evidence.
Appellate	Villanueva-Matkovich,	APP-22-0021	22-0015	Supreme Court - WV	State of West Virginia v. Donna L. Wilfong	Direct appeal alleging failure to suppress out-of-court and in-court identification, error in admission of cell phone extraction report, and error in denial of motion for new trial.
Appellate	Villanueva-Matkovich,	APP-22-0017	22-0059	Supreme Court - WV	Ryan L. Henson v. Donnie Ames, Superintendent	Habeas appeal alleging ineffective assistance of counsel.
Appellate	Villanueva-Matkovich,	APP-22-0032	22-0068	Supreme Court - WV	SER Gary Keller v. Honorable Thomas H. Ewing	Writ of Mandamus alleging error in not assigning case to specific judge and unreasonable delay regarding motion for counsel.
Appellate	Villanueva-Matkovich,	APP-22-0063	22-0164	Supreme Court - WV	In Re: S.S.	Juvenile appeal alleging insufficient evidence.
Appellate	Villanueva-Matkovich,	APP-22-0072	22-0245	Supreme Court - WV	Jeffrey L. Finley v. Donnie Ames	Habeas appeal alleging error in denial of petition based upon res judicata as grounds are unexhausted and ripe for review.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich,	APP-22-0103	22-0278	Supreme Court - WV	State of West Virginia v. Todd P. Carpenter	Direct appeal alleging failure of court to correct sentence relating to counts 1 and 3.
Appellate	Villanueva-Matkovich,	APP-22-0079	22-0318	Supreme Court - WV	SER Lemir Baker-Moore v. Perri J. DeChristopher	Original Jurisdiction Mandamus alleging destruction of evidence, failure to provide discovery, and misconduct by the State.
Appellate	Villanueva-Matkovich,	APP-22-0102	22-0337	Supreme Court - WV	State of West Virginia v. Samuel Lee Donaldson, Jr.	Direct appeal alleging ineffective assistance of counsel.
Appellate	Villanueva-Matkovich,	APP-22-0115	22-0403	Supreme Court - WV	State of West Virginia v. Caleb James Sidun	Direct appeal alleging insufficient evidence, improper jury selection due to bias, ineffective assistance of counsel, and error in failing to grant mistrial.
Appellate	Villanueva-Matkovich, Karen	APP-22-0117	22-0421	Supreme Court - WV	State of West Virginia v. Clinton James Knotts	Direct appeal alleging failure to suppress evidence acquired through defective search warrants, error granting State's motion to sever trial, insufficient evidence, and failure to follow recidivist procedure.
Appellate	Villanueva-Matkovich,	APP-22-0128	22-0451	Supreme Court - WV	Fredrico M. Hatcher v. Donald Ames, Superintendent	Habeas appeal alleging error in denial of Rule 60(b) motion without adequate findings of fact and conclusions of law.
Appellate	Villanueva-Matkovich,	APP-22-0159	22-644	Supreme Court - WV	State of West Virginia v. Saul Vega	Direct appeal alleging prosecutorial misconduct and jury impartiality damaged by news article.
Appellate	Villanueva-Matkovich,	APP-22-0158	22-646	Supreme Court - WV	State of West Virginia v. N.K.M.	Direct appeal alleging ineffective assistance of counsel, and error in denial of alternative sentencing or placement in youthful offender program.
Appellate	Villanueva-Matkovich,	APP-22-0138	22-660	Supreme Court - WV	State of West Virginia v. Amanda N. Morrison	Direct appeal alleging disproportionate and illegal sentence.
Appellate	Villanueva-Matkovich,	APP-22-0177	22-672	Supreme Court - WV	State of West Virginia v. Rachel Adkins	Direct appeal alleging breach of plea agreement regarding home confinement.
Appellate	Villanueva-Matkovich,	APP-22-0197	22-683	Supreme Court - WV	State of West Virginia v. Joshua Marcellus Phillips	Direct appeal alleging insufficient evidence.
Appellate	Villanueva-Matkovich, Karen	APP-22-0168	22-718	Supreme Court - WV	Tex G. Holbrook, II v. Honorable Thomas Ewing, Judge of the Circuit Court of Fayette County, et al.	Original Jurisdiction Mandamus requesting permission to present complaint to grand jury.
Appellate	Villanueva-Matkovich, Karen	APP-22-0217	22-768	Supreme Court - WV	SER Derrick Henley v. State of WV and Joseph Wood, Superintendent, North Central Regional Jail	Original Jurisdiction Habeas appeal alleging violation of two term rule. Petitioner also filed motion for bail embedded in petition.
Appellate	Villanueva-Matkovich,	APP-22-0208	22-810	Supreme Court - WV	SER Aron Freeland v. R.S. Mutter	Original Jurisdiction Habeas appeal alleging inordinate delay violating due process.
Appellate	Villanueva-Matkovich, Karen	APP-23-0059	22-877	Supreme Court - WV	State of West Virginia v. Lewis Jonathan Blake Williams	Direct appeal alleging insufficient evidence, improper comments by State in opening statement, defective indictment, variance in trial evidence from discovery, and prejudice arising from limiting questioning of Complainant regarding relationship with Petitioner.
Appellate	Villanueva-Matkovich, Karen	APP-23-0058	22-905	Supreme Court - WV	SER Gerald Wayne Jako, Jr. v. Honorable Jason A. Cuomo, Judge of the Circuit Court of Ohio County	Original Jurisdiction Mandamus alleging error in imposition of payment of restitution and failure to provide requested documents.
Appellate	Villanueva-Matkovich, Karen	APP-23-0006	23-145	Supreme Court - WV	SER Jesse R. Miller v. Honorable Paul M. Blake, Jr., Judge of the Circuit Court of Fayette County and the State of West Virginia	Original Jurisdiction Prohibition alleging double jeopardy arising from plea to Fleeing entered in Raleigh County and trial on Fleeing with Reckless Indifference charge in Fayette County.
Appellate	Villanueva-Matkovich, Karen	APP-23-0215	23-407	Supreme Court - WV	SER Joshua Taylor v. Honorable Paul M. Blake, Jr., Judge of the Circuit Court of Fayette County	Original Jurisdiction Mandamus alleging failure to provide transcripts for underlying criminal mater and refund demand of transcript cost.
Appellate	Villanueva-Matkovich, Karen	APP-23-0231	23-551	Supreme Court - WV	SER Steven Martin Lawson v. Honorable Robert A. Irons and State of West Virginia	Original Jurisdiction Prohibition alleging error in denial of motion to continue arising from late discovery.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Appellate	Villanueva-Matkovich,	APP-15-0235	5:15-cv-106	USDC WVND	Patrick Joseph Meckling v. David Ballard, Warden	§2254 Habeas petition alleging ineffective assistance of counsel, improper basis for recidivist enhancement, and denial of due process by requiring him to appear shackled before the jury.
Appellate	Villanueva-Matkovich,	APP-17-131	5:17-cv-3111	USDC WVSD	Norma Brown Griffin v. State of West Virginia	§2254 Habeas petition alleging extortion statute is unconstitutional, prosecutorial misconduct, and ineffective assistance of counsel.
Appellate	Williams, Michael	APP-21-0147	21-0456	Supreme Court - WV	State of West Virginia v. Alexander Paul Delorenzo	Direct appeal alleging error in suppression of psychologist testimony, in denial of motion to disqualify Prosecuting Attorney, illegal access to attorney-client privileged material, violation of Miranda rights, and failure to allow testimony of defense expert.

**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, 2023



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Boothroyd, John	AEB-21-0344	1:20-bk-10394	Bankruptcy Court-US OHSD	In Re: Murray Maple Eagle Coal	Proof of Claim filed against Murray Maple Eagle Coal, LLC.
Arts, Education and Boards	Boothroyd, John	AEB-17-0357	17-AA-82	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Timothy Prather	Decertification proceeding against miner.
Arts, Education and Boards	Boothroyd, John	AEB-21-0343	2:19-bk-56885	Bankruptcy Court-US OHSD	In Re: Murray Energy Holdings	Proof of Claim filed on behalf of Miners' Health, Safety & Training.
Arts, Education and Boards	Boothroyd, John	AEB-20-0116	20-AA-62	Circuit Court Kanawha County	Bobby Beavers v. Miners' Health, Safety & Training	Office of Miners' Health, Safety & Training appeals the Board of Appeals ruling that positive THC test was due to CBD oil and should not result in certification suspension for positive THC/marijuana test.
Arts, Education and Boards	Boothroyd, John	AEB-21-0070	21-AA-8	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Anthony Albert	Appeal of Board decision dismissing certification suspension and finding insufficient foundation for breath alcohol test results.
Arts, Education and Boards	Boothroyd, John	AEB-21-0245	21-P-172	Circuit Court Kanawha County	Miners' Health, Safety & Training v. Board of Appeals and James Atkinson	Writ of Prohibition against Board of Appeals.
Arts, Education and Boards	Boothroyd, John	AEB-19-0198	3:19-bk-30292	Bankruptcy Court-US WVSD	In Re: Revelation Energy	Bankruptcy proceeding. Proof of Claim filed.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0172	06-F-407	Circuit Court Mercer County	Chauncey Ziglar v. Southern Regional Jail, et al.	Petition for a Writ of Mandamus for alleged failure to release inmate on time.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0213	1:22-cv-00561	USDC WVND	Aron Freeland v. WV Division of Corrections	Petition for Writ of Habeas Corpus due to the alleged cruel and unusual punishment he is subjected to.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0020	1:23-cv-00057	USDC WVSD	Wayne McPherson v. WV Division of Corrections	Petition for Writ of Habeas Corpus due to Corrections not releasing him after making parole for lack of appropriate housing.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0321	19-F-61	Circuit Court Raleigh County	State of West Virginia v. Nicholas Webster	Division of Corrections filed a Motion to Reconsider Parole Waiver.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0150	2:23-cv-00299	USDC WVSD	James R. Workman v. WV Division of Corrections	Writ of Habeas Corpus.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0087	2:23-cv-00304	USDC WVSD	Andrew Miller v. WV Division of Corrections	Andrew Miller filed a Complaint for Declaratory and Injunctive Relief alleging that the Division of Corrections and Rehabilitation (DOCR) violated the Free Speech, Establishment, and Free Exercise Clause of the 1st Amendment to the US Constitution.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0206	2:23-cv-00497	USDC WVSD	Aron Freeland v. WV Division of Corrections	Verified complaint alleging that the Correctional Center is violating the Consumer Protection Laws enacted by US Congress.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0367	20-F-5	Circuit Court Ohio County	Robert Watson v. WV Division of Corrections	Motion for a Writ of Prohibition regarding Corrections collecting his money as a work release inmate to pay off court debt and alleging the policy violates statute.
Arts, Education and Boards	Calhoun, Jonathan	AEB-21-0313	21-0716	Supreme Court - WV	Tex G. Holbrook v. WV Division of Corrections	Petition for Writ of Mandamus seeking an order requiring agency to provide paper transcript of inmate disciplinary hearing.
Arts, Education and Boards	Calhoun, Jonathan	AEB-21-0333	21-0773	Supreme Court - WV	Tex Holbrook v. WV Division of Corrections	Petition for Writ of Prohibition seeking an order requiring agency to allow him to challenge prior denial of grievance.
Arts, Education and Boards	Calhoun, Jonathan	AEB-21-0414	21-0931	Supreme Court - WV	Brandon Blackmon v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking review of disciplinary conviction and alleging due process violations.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0114	21-cv-00436	USDC WVSD	Steven Williams v. Bob Barker, Inc., et al.	The Division of Corrections is an interested party in this matter. Williams served DOCR a subpoena for video footage of the inside of a correctional facility. The parties attempted to enter into a protective order which has been unsuccessful.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0170	22-0424	Supreme Court - WV	Aron Freeland v. WV Division of Corrections	Petition to appeal a decision from Randolph County Circuit Court which denied his Petition for Injunction finding he had not exhausted all administrative remedies. The Petitioner failed to perfect the appeal. Respondent filed a motion to dismiss for failure to perfect. On January 12, 2023, the WV Supreme Court of Appeals dismissed the appeal.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0322	22-0818	Supreme Court - WV	Aron Freeland v. WV Division of Corrections	Appeal stemming from Pleasants County denial of Writ of Habeas Corpus.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0280	22-647	Supreme Court - WV	SER Ricky Pendleton v. WV Division of Corrections	Petition for Writ of Mandamus to allow him to listen to his audio recording of a disciplinary hearing as many times as needed. The court refused the writ.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0283	22-722	Supreme Court - WV	Harry Phillips v. WV Division of Corrections	Appealing the denial of his Petition for Writ of Habeas Corpus due to the Court's failure to appoint counsel and take his evidence into consideration.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0328	22-814	Supreme Court - WV	Aron Freeland v. WV Division of Corrections	Petition to Show Cause for abuse, retaliation, and inhumane living conditions at Huttonsville Correctional Center.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0375	22-897	Supreme Court - WV	Aron Freeland v. WV Division of Corrections	Appeal of circuit court order that dismissed his civil complaint as frivolous, malicious, and failing to state a claim for which relief can be granted.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0010	22-947	Supreme Court - WV	Timothy Sutherland v. WV Division of Corrections	Petition for Writ of Mandamus and Motion for Emergency Injunctive Relief.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0273	22-C-306	Circuit Court Raleigh County	Richard Jay Wriston v. WV Division of Corrections	Complaint filed for access to government documents following denial of documents in a Freedom of Information Act (FOIA) request.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0169	22-C-59	Circuit Court Randolph County	Donald C. Stout v. WV Division of Corrections	Petition for Writ of Habeas Corpus alleging violations of 8th and 14th Amendment rights and violations of Articles 3 and 5 of the West Virginia Constitution.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0249	22-C-697	Circuit Court Kanawha County	Tiffany Walton v. WV Division of Protective Services	Verified Complaint for Declaratory and Emergency Injunctive Relief alleging violation of 1st Amendment rights when she was not permitted to record a Legislative Session on HB 302.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0252	22-F-58	Circuit Court Jackson County	Dalton Ray White v. WV Division of Corrections	Jackson County Circuit Court issued an Order to Show Cause to the WV Division of Corrections regarding a transport order.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0251	22-F-61	Circuit Court Jackson County	Corey Dylan Neeley v. WV Division of Corrections	Jackson County Circuit Court issued an order to show cause to the WV Division of Corrections regarding a transport order.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0253	22-F-63	Circuit Court Jackson County	Michael Thomas White v. WV Division of Corrections	Jackson County Circuit Court issued an order to show cause to the WV Division of Corrections regarding a transport order.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0218	22-G-10	Circuit Court Mason County	WV Division of Corrections v. K.C.G.	The WV Division of Corrections filed a Petition for Appointment of Guardian and Conservator due to inmate's mental state while being housed at Lakin Correctional Center.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0290	22-P-352	Circuit Court Kanawha County	SER Marcus McDonald v. WV Division of Corrections and WV Parole Board	Writ of Mandamus to order WV Division of Corrections and WV Board of Parole to amend the Plaintiff's Parole Eligibility date.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0161	23-289	Supreme Court - WV	SER Nancy Oldaker v. WV Division of Corrections	Petition for Writ of Prohibition against Lewis County Circuit Court Judge for ordering her in contempt when she was denied the right to a jury trial.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0149	23-331	Supreme Court - WV	Thomas Williams v. WV Division of Corrections	Petition for Writ of Prohibition to stop the Division of Corrections from deviating from a sentencing order which listed a lesser time spent in incarceration than what Corrections stated.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0110	23-376	Supreme Court - WV	Aron Freeland v. WV Division of Corrections	Claim that DOCR has violated his constitutional rights by knowingly exposing him to known risk of harm when he was placed in the Behaviorial Unit.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0169	23-406	Supreme Court - WV	Charles Gibson, et al. v. WV Division of Corrections, et al.	Petition for Writ of Habeas Corpus seeking immediate release due to having been granted parole.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0241	23-537	Supreme Court - WV	SER Michael S. York v. WV Division of Corrections	Petition for Writ of Habeas Corpus for the alleged numerous constitutional violations, and requesting release from the facility due to living conditions.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0057	23-83	Supreme Court - WV	SER Daniel Dilly Superintendent v. Honorable Kurt Hall, et al.	Petition for Writ of Prohibition on behalf of Division of Corrections prohibiting Judge Hall from holding DOCR in contempt for failing to follow an order without proper notice and process given to Corrections.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0115	23-C-127	Circuit Court Cabell County	Amanda Clark v. Lakin Correctional Center	Petition to appeal a decision that upheld the Class I write-up at Lakin for failure to serve Ms. Clark within 72 hours notice of the same.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0273	23-C-42	Circuit Court Pocahontas County	Aron Freeland v. William Marshall, et al.	Habeas Petition alleging denial of right to procedural due process with a fair hearing and denial of 1st and 14th Amendment rights.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0178	23-C-59	Circuit Court Marshall County	Charles Mauler v. WV Division of Corrections	Petition for Declaratory Injunctive Relief requesting that he not be transferred due to threats of his life by the various gangs in the prison.
Arts, Education and Boards	Calhoun, Jonathan	AEB-23-0177	23-P-226	Circuit Court Kanawha County	Brandon D. Wilson v. WV Division of Corrections	Brandon Daniel Wilson filed a Petition for Writ of Habeas Corpus due to the Parole Board "black balling" his home plan and therefore remaining incarcerated.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0224	3:22-cv-00132	USDC WVND	Rocco Zuccaro v. WV Division of Corrections	Injunction to prevent him from being forced to take antipsychotic medication, which he claims causes him severe side effects.
Arts, Education and Boards	Calhoun, Jonathan	AEB-22-0130	CC-05-2022-C-23	Circuit Court Brooke County	Brian Peterson v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking a sentence reduction/modification due to suffering cruel and unusual punishment by being subjected to excessive force by Correctional Officers.
Arts, Education and Boards	Eates, Anthony	CNB-17-0172	18-C-247	Circuit Court Kanawha County	William Wendell v. WV State Police	Complaint for Declaratory Judgment.
Arts, Education and Boards	Eates, Anthony	AEB-19-0110	19-C-375	Circuit Court Kanawha County	Jan Kletter v. WV Board of Medicine	Physician sued WV Board of Medicine seeking to have malpractice information expunged from his historical records.
Arts, Education and Boards	Eates, Anthony	AEB-19-0020	19-C-72	Circuit Court Raleigh County	WV Real Estate Commission v. JJM Property Management, LLC	WV Real Estate Commission filed complaint for injunctive relief to stop unlicensed practice of real estate.
Arts, Education and Boards	Eates, Anthony	AEB-19-0246	20-0558	Supreme Court - WV	Derek Walker v. WV State Police	Circuit court reversed decision upholding termination of employment. The WV State Police appealed to the WV Supreme Court of Appeals.
Arts, Education and Boards	Eates, Anthony	AEB-23-0004	20-P-327	Circuit Court Kanawha County	Walton Shepherd, III v. WV Development Office, et al.	Plaintiff filed a complaint for injunctive relief. Temporary Restraining Order denied. Hearing on Preliminary Injunction canceled because Plaintiff failed to serve anyone.
Arts, Education and Boards	Eates, Anthony	AEB-22-0038	21-0954	Supreme Court - WV	William Larue v. WV State Police	Original Jurisdiction Petition for Writ of Mandamus to have name removed from sex offender registry.
Arts, Education and Boards	Eates, Anthony	AEB-22-0018	21-C-1201	Circuit Court Kanawha County	Russell Coble v. WV State Police	Sex offender registrant required to register because of military conviction. Filed declaratory judgment action to have name removed from registry.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Eates, Anthony	AEB-21-0010	21-C-56	Circuit Court Kanawha County	WV Federation of Teachers v. WV Department of Education	WV Federation of Teachers brought declaratory judgment, injunctive action, and writ against the WV Department of Education, WV Board of Education, and WV State Superintendent seeking to stop return to in-person instruction during COVID pandemic. Case is pending the issuance of an Order by the Court.
Arts, Education and Boards	Eates, Anthony	AEB-21-0283	21-C-631	Circuit Court Kanawha County	Todd Lewis Taylor v. City of Charleston and WV Policemen's Pension and Relief Fund	The WV Municipal Pensions Oversight Board has intervened in this civil action in which a Charleston Police Officer contests the calculation of his pension benefits.
Arts, Education and Boards	Eates, Anthony	AEB-21-0170	21-C-98	Circuit Court Wood County	William Cunningham v. WV State Police	Sex offender registrant challenging requirement to register workplaces when "employed" as an independent contractor.
Arts, Education and Boards	Eates, Anthony	AEB-21-0201	21-P-148	Circuit Court Kanawha County	Sheila Gamble v. WV State Police	Petition for Writ of Mandamus to remove Petitioner from sex offender registry.
Arts, Education and Boards	Eates, Anthony	AEB-21-0013	21-P-15	Circuit Court Kanawha County	WV Education Association v. WV Department of Education	Teachers' organization seeks injunctive relief against WV Department of Education, WV Board of Education, and WV State Superintendent of Schools to stop the requirement for in-person instruction. An order was entered on February 14, 2023 dismissing this matter from the docket due to inactivity in excess of 1 year.
Arts, Education and Boards	Eates, Anthony	AEB-21-0317	21-P-302	Circuit Court Kanawha County	Anthony Duncan v. WV Real Estate Commission	Plaintiff filed Petition for Writ of Mandamus/Declaratory Judgment following the Real Estate Commission's refusal to file an injunctive complaint against targets of Plaintiff's 2019 disciplinary complaint. This matter was dismissed on September 12, 2023 for inactivity in excess of 1 year.
Arts, Education and Boards	Eates, Anthony	AEB-22-0152	22-C-357	Circuit Court Kanawha County	Paul Harrison v. WV Municipal Pension Oversight Board	Petitioner filed Declaratory Judgment action following dismissal of prior action in which the WV Municipal Pension Oversight Board intervened. An Order was entered on July 7, 2023, dismissing this matter from the court's docket for inactivity.
Arts, Education and Boards	Eates, Anthony	AEB-22-0372	22-ICA-236	Intermediate Court of Appeals – WV	Elizabeth Cooper v. WV Department of Administration	Appeal of Level III Grievance denying misclassification.
Arts, Education and Boards	Eates, Anthony	AEB-23-0164	23-C-504	Circuit Court Nicholas County	Cheryl Holcomb v. WV State Police	Suit filed under FOIA for police report of incident involving her son naming WV State Police and Nicholas County Sheriff and County Commission.
Arts, Education and Boards	Eates, Anthony	AEB-23-0042	23-ICA-52	Intermediate Court of Appeals – WV	Penny Lea Jones v. WV Department of Natural Resources	Appeal from decision of WorkForce WV for denial of unemployment benefits.
Arts, Education and Boards	Eates, Anthony	AEB-23-0230	CC-32-2022-C-23	Circuit Court Monroe County	WV Department of Agriculture v. Sweet Springs	Complaint filed to evict Sweet Springs from 650 acres leased in 2017. The lease was canceled in July 2021. Transferred to circuit court, preliminary injunction granted September 2023.
Arts, Education and Boards	Eates, Anthony	AEB-23-0265	CC-41-2020-F-56	Circuit Court Raleigh County	Justin Reynolds v. WV State Police	Petition for Contempt filed against State Police for failure to return property seized from Reynolds in arrest.
Arts, Education and Boards	Eates, Anthony	AEB-22-0165	CC-41-2022-C-185	Circuit Court Raleigh County	Beckley Fire/Police Pension Board v. WV Municipal Pension Oversight Board	Declaratory Judgment complaint challenging forced calculation of pensions in full years as opposed to fractional years.
Arts, Education and Boards	Eates, Anthony	AEB-22-0185	CC-51-2022-C-15	Circuit Court Webster County	Dewayne and Kerry Holcomb v. WV Development Office	Alleging breach of contract caused by RISE program house construction.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Eates, Anthony	AEB-23-0230	None Given	Magistrate Court Monroe County	WV Development Authority v. Sweet Springs	Complaint filed to evict Sweet Springs from 650 acres leased in 2017. The lease was canceled in July 2021. Transferred to circuit court, preliminary injunction granted September 2023.
Arts, Education and Boards	Franklin, Katherine	DNR-19-0037	19-C-38	Circuit Court Ritchie County	Delmas Shipman v. Term Oil and Gas Production, et al.	Complaint arising out of a right-of-way dispute/adverse possession/roadway request in Ritchie County at North Bend State Park. Proper pre-suit notice was not given. Motion to Dismiss in 19-C-38 has not been ruled upon. Plaintiff refiled suit with proper pre-suit notice. On December 14, 2021, the Judge granted withdrawal of counsel filed by Plaintiff's Counsel (Butler) in 20-C-32. No further action on behalf of Plaintiff.
Arts, Education and Boards	Franklin, Katherine	AEB-21-0355	20-C-32	Circuit Court Ritchie County	Delmas Shipman v. WV Division of Natural Resources, et al.	Plaintiff's second suit regarding right-of-way dispute/adverse possession roadway request at North Bend State Park. Plaintiff refiled suit with proper pre-suit notice. On December 14, 2021, the Judge granted withdrawal of counsel filed by Plaintiff's Counsel in 20-C-32. No further action on behalf of Plaintiff.
Arts, Education and Boards	Franklin, Katherine	AEB-20-0191	22-AA-6	Circuit Court Kanawha County	Stuart Peters v. WV Division of Natural Resources	Grievance filed alleging improper and retaliatory Employee Performance Appraisal Form 3. Appeal of adverse decision of WV Public Employees Grievance Board.
Arts, Education and Boards	Franklin, Katherine	AEB-23-0106	CC-33-2023-P-12	Circuit Court Morgan County	Dale Kirchner v. WV Department of Natural Resources	Petition for Writ of Mandamus regarding Class II legal advertisement requirements.
Arts, Education and Boards	Marshall, Adriana	AEB-18-0092	17-C-102	Circuit Court Mason County	Elizabeth Morgan v. WV Parole Board	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Marshall, Adriana	DMAPS-18-0049	18-P-167	Circuit Court Kanawha County	Modesto Guerrero v. WV Parole Board	Petition for Writ of Habeas Corpus relating to Parole Board hearing and challenging denial of parole.
Arts, Education and Boards	Marshall, Adriana	DMAPS-20-0091	20-C-158	Circuit Court Cabell County	James Cremeans v. WV Parole Board	Petition for Writ of Habeas Corpus challenging parole revocation decision as abuse of discretion.
Arts, Education and Boards	Marshall, Adriana	AEB-21-0169	20-C-192-1	Circuit Court Harrison County	Brian Ashcraft v. WV Parole Board	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Marshall, Adriana	AEB-21-0417	21-0965	Supreme Court - WV	Jesse Prince v. WV Parole Board	Petition for Writ of Mandamus alleging violations of constitutional rights due to revocation of parole. On December 21, 2022, the WV Supreme Court of Appeals issued a Dismissal Order of the case due to the Petitioner being released from incarceration pursuant to an Order of Release on Parole.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0005	21-1043	Supreme Court - WV	Dajuan Jackson v. WV Parole Board	Petition for Writ of Habeas Corpus alleging parole interview violations.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0060	21-AA-61	Circuit Court Kanawha County	Donald Rowe v. WV Department of Environmental Protection	Employee appealed denial of unemployment.
Arts, Education and Boards	Marshall, Adriana	AEB-21-0068	21-C-18	Circuit Court Putnam County	Andrew Robert Smith v. WV Parole Board	Petition for Writ of Habeas Corpus challenging revocation of parole.
Arts, Education and Boards	Marshall, Adriana	AEB-21-0314	21-C-25	Circuit Court Pocahontas County	Timothy O'Dell v. WV Parole Board	Petition for Writ of Habeas Corpus challenging denial of parole.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Marshall, Adriana	AEB-21-0194	21-C-67	Circuit Court Harrison County	Joshua Cunningham v. WV Parole Board	Petition for Writ of Habeas Corpus challenging denial of parole.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0004	21-P-18	Circuit Court Kanawha County	Thomas MacPhee v. WV Parole Board	Petition for Writ of Habeas Corpus alleging violation of his due process rights by not allowing him to review his file prior to his parole hearing.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0124	22-0289	Supreme Court - WV	SER Donald Taylor v. Carl Aldridge	Pro Se Original Jurisdiction Petition for Writ of Habeas Corpus involving parole issues.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0146	22-0350	Supreme Court - WV	SER Benjamin Lee Wilson v. WV Division of Corrections	Original Jurisdiction Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0331	22-816	Supreme Court - WV	Timothy O'Dell v. WV Parole Board	Appeal from a final order of the Circuit Court of Pocahontas County entered denying Petition for Writ of Habeas Corpus.
Arts, Education and Boards	Marshall, Adriana	AEB-23-0006	22-934	Supreme Court - WV	SER Andrew Wayne Miller v. David Young, Superintendent and WV Parole Board	Original Jurisdiction Petition for Writ of Habeas Corpus filed regarding preliminary parole violation.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0145	22-C-135	Circuit Court Cabell County	Shawn Cook v. WV Division of Corrections	Writ of Habeas Corpus.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0166	22-C-15	Circuit Court Upshur County	Ronald Reese v. WV Parole Board	Habeas petition involving parole issues.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0174	22-C-188	Circuit Court Monongalia County	Donald Taylor v. WV Parole Board	Habeas petition involving Petitioner's parole revocation.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0295	22-P-263	Circuit Court Kanawha County	Lynn Chavez v. WV Board of Licensed Practical Nurses	Complaint for injunctive relief seeking compliance with Freedom of Information Act request and for Board to reinvestigate complaint.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0125	22-P-352	Circuit Court Kanawha County	SER Marcus McDonald v. WV Division of Corrections and WV Parole Board	Mandamus action regarding Petitioner's eligibility date for parole.
Arts, Education and Boards	Marshall, Adriana	AEB-23-0158	23-P-201	Circuit Court Kanawha County	William Roegner v. WV Parole Board	Petition for Writ of Habeas Corpus filed against Parole Board regarding the denial of his parole.
Arts, Education and Boards	Marshall, Adriana	AEB-23-0163	23-P-226	Circuit Court Kanawha County	Brandon Daniel Wilson v. WV Parole Board	Petition for Writ of Habeas Corpus against the WV Parole Board.
Arts, Education and Boards	Marshall, Adriana	AEB-23-0240	23-P-366	Circuit Court Kanawha County	John Lamar Kolle v. William K. Marshall and WV Parole Board	Petition for Writ of Habeas Corpus asserting he is being actively denied a parole hearing and his right to consideration for mandatory supervised release.
Arts, Education and Boards	Marshall, Adriana	AEB-22-0351	CC-10-2022-F-174	Circuit Court Fayette County	State of West Virginia v. William R. Oiler	Motion to Show Cause filed against WV Parole Board for preparation of parole revocation transcript.
Arts, Education and Boards	Marshall, Adriana	AEB-23-0192	CC-38-2023-C-23	Circuit Court Pocahontas County	Braden Fitzgerald v. Jason Collins, Superintendent, Denmar Correctional Center and WV Parole Board	Petition for Writ of Habeas Corpus regarding denial of parole.
Arts, Education and Boards	Marshall, Adriana	AEB-23-0184	CC-41-2023-C-211	Circuit Court Raleigh County	Jessie Lee Suttle v. WV Parole Board	Petition for Writ of Habeas Corpus alleging that his due process rights were violated during parole proceedings.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Murphy, Gretchen	AEB-23-0236	2:23-cv-0050	USDC WVSD	Wiley Edu, LLC v. West Virginia State University	Action regarding breach of contract for services and teaching materials.
Arts, Education and Boards	Murphy, Gretchen	AEB-22-0262	22-C-370	Circuit Court Kanawha County	Gurupdes Pandher v. WV State University	Plaintiff alleges violations of the WV Wage Payment and Collection Act. Plaintiff was hired as Dean of College of Business but he resigned and demanded to be paid for work that was not performed. Respondent's Motion to Dismiss was denied.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0173	15-C-1885	Circuit Court Kanawha County	Miguel Delgado v. WV Division of Corrections	Limited appearance for purposes of injunctive relief opposition and transportation issues related to trial.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0073	18-C-103	Circuit Court Kanawha County	Bannar C. Catlett v. WV Division of Corrections	Complaint for injunctive relief alleging a Freedom of Information Act request not answered completely.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0086	19-AA-12	Circuit Court Kanawha County	Larry Allen v. WV Regional Jail Authority	Appeal by Grievant of adverse decision by the WV Public Employees Grievance Board.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0174	19-C-208	Circuit Court Kanawha County	Christopher Payne v. WV Division of Corrections	Habeas petition alleging deliberate indifference to medical needs.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0008	2:19-cv-00395	USDC WVSD	Maurice Flint v. WV Regional Jail Authority	Alleged use of force incident involving an Officer.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0043	2:19-cv-140	USDC WVSD	Jermain Hill v. WV Regional Jail Authority	Inmate litigation alleging violation of constitutional rights arising from disciplinary action.
Arts, Education and Boards	Sword, Philip	AEB-21-0404	2:20-cv-744	USDC WVSD	Christopher Punzo v. WV Division of Corrections	Claim for non-pecuniary relief and non-specific damages seeking a court order for threats of violence to stop and staff to be held accountable for threats and use of force.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0045	20-0163	Supreme Court - WV	Larry Cantrell v. WV Division of Corrections	Appeal of dismissal of habeas action without evidentiary hearing on conditions of confinement.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0044	20-C-6	Circuit Court Mason County	Brittney Eads v. WV Division of Corrections	Inmate attempting to recover rent payments from Lakin Correctional Facility.
Arts, Education and Boards	Sword, Philip	DMAPS-20-0107	21-0546	Supreme Court - WV	Timothy O'Dell v. State of West Virginia	Petition for Writ of Habeas Corpus appealing classification which prevents him from being able to be assigned to work release.
Arts, Education and Boards	Sword, Philip	DMAPS-19-0068	3:18-cv-01526	USDC WVSD	John Baxley v. WV Regional Jail Authority	Inmate litigation regarding conditions of confinement.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0063	2:10-cv-36	USDC WVSD	Daniel Slonaker v. WV Division of Corrections	Claim regarding security classification level, privilege programs, and work release eligibility.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0226	2:20-cv-00255	USDC WVSD	Edward Omarrah, Jr. v. WV Division of Corrections	Petition for Writ of Habeas Corpus challenging validity of criminal sentence.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0359	2:21-cv-249	USDC WVSD	Ricky Pendleton v. WV Division of Corrections	Civil action filed seeking return of i-Bible not returned upon release from incarceration.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0022	2:21-cv-260	USDC WVSD	Jimmy Lambert v. WV Division of Corrections	Petition for Writ of Habeas Corpus challenging disciplinary proceedings.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0248	2:22-cv-00350	USDC WVSD	Tiffany Walton v. WV Division of Protective Services, et al.	Complaint for Declaratory and Emergency Injunctive Relief alleging violation of 1st Amendment rights when she was not permitted to record a Legislative Session on HB 302.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0099	20-P-285	Circuit Court Kanawha County	Aron Freeland v. WV Division of Corrections	Petition for Writ of Mandamus regarding meritorious good time and lack of legislative rules.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Tyler, Jodi	AEB-21-0286	21-0679	Supreme Court - WV	Travis Hayhurst v. WV Division of Corrections	Petition for Writ of Mandamus seeking an award of meritorious good time.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0017	21-0909	Supreme Court - WV	Aron Freeland v. WV Division of Corrections	Petition for Writ of Mandamus regarding not driving inmate to courthouse to examine documents.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0413	21-0963	Supreme Court - WV	William LaRue v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking reversal of plea, expungement of record, restoration of loss of good time, and reassignment to different unit.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0412	21-0971	Supreme Court - WV	William LaRue v. WV Division of Corrections	Petition for Writ of Mandamus seeking deletion of records from inmate file, recalculation of his time, and issuance of a new inmate timesheet showing his new discharge date.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0426	21-0977	Supreme Court - WV	William LaRue v. WV Division of Corrections	Petition for Writ of Habeas Corpus alleging failure to receive adequate medical care relating to gender dysphoria.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0354	21-C-1087	Circuit Court Kanawha County	Charles Johnson v. WV Department of Homeland Security	Petition for Declaratory Judgment regarding WV Department of Homeland Security's role in distributing death benefits.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0067	21-C-126	Circuit Court Kanawha County	Richard Taft, et al. v. WV Division of Corrections and Rehabilitation	Freedom of Information Act response challenge.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0119	21-C-38	Circuit Court Kanawha County	Miguel Delgado v. WV Division of Corrections	Request for amendment of prayer for relief removing his Fresh Favorite Food from the prayer.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0118	21-C-43	Circuit Court Kanawha County	Miguel Delgado v. WV Division of Corrections	Petition for Writ of Habeas Corpus alleging his due process rights were violated due to failure to substantiate the charge and denial of his request for presentation of a witness.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0117	21-C-64	Circuit Court Kanawha County	Miguel Delgado v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking a reversal and expungement of conviction, and retraining or replacement of hearing examiner.
Arts, Education and Boards	Tyler, Jodi	AEB-23-0141	21-C-72	Circuit Court Fayette County	Dayton Scott Lister v. WV Division of Corrections	Petition for Habeas Corpus alleging that Correctional Hearing Office erred when it assigned him to segregation following disciplinary violations.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0425	21-P-395	Circuit Court Kanawha County	Harry Phillips v. WV Division of Corrections	Petition for Writ of Habeas Corpus involving suspension for disciplinary action.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0075	21-P-399	Circuit Court Kanawha County	Terrance Hamrick v. WV Division of Corrections	Petition for Writ of Mandamus directing WV Division of Corrections run his sentence concurrent with Kanawha County Cases 16-F-142(1) and 13-F-205.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0019	22-0024	Supreme Court - WV	Christopher Simons v. WV Division of Corrections	Petition for Writ of Mandamus and Prohibition All Under Seal alleging retaliation against him.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0045	22-0136	Supreme Court - WV	Bryan Humphrey v. WV Division of Corrections	Petition for Writ of Mandamus regarding housing conditions.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0282	22-039	Supreme Court - WV	Carl Jackson v. WV Division of Corrections	Petition for Writ of Habeas Corpus calling for the release from custody due to deprivation of due process rights and equal protection while incarcerated.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0153	22-0401	Supreme Court - WV	Donald Lee Taylor v. Brian K. Lanham, et al.	Writ of Habeas Corpus commanding release from illegal segregation and Respondent's custody.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0331	22-0496	Supreme Court - WV	Jerry Lee Key v. WV Division of Corrections	Petition for Writ of Mandamus relating to denial of good time credit.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Tyler, Jodi	AEB-22-0281	22-0713	Supreme Court - WV	Jerry Lee Key v. WV Division of Corrections	Appeal of lower court decision alleging that the court erred when it ordered that Mr. Key failed to cite an injury in fact and that he failed to state any actual harm against him. On November 16, 2022, the Petitioner filed a motion to withdraw the appeal. Order dated December 19, 2022, granted the Petitioner's motion and withdrew this case from the docket.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0138	22-C-135	Circuit Court Cabell County	Shawn Cook v. WV Division of Corrections	Petition for Writ of Habeas Corpus seeking release from incarceration based upon credit for good time served and never receiving a parole hearing.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0274	22-C-302	Circuit Court Raleigh	Andrew Miller v. WV Division of Corrections	Petition for Writ of Habeas Corpus alleging that the Court's attempt to revoke his parole is double jeopardy.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0326	22-C-51	Circuit Court Fayette	Jalen Alexander v. WV Division of Corrections	Subpoena for documents. A motion to quash was filed on behalf of Corrections.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0350	22-cv-00452	USDC WVSD	Mark Anthony Jackson, II v. WV Division of Corrections, et al.	Complaint alleging that Western Regional Jail is violating his 1st and 6th Amendment rights by opening legal mail and retaining the original.
Arts, Education and Boards	Tyler, Jodi	AEB-23-0009	22-F-174	Circuit Court Kanawha County	State of West Virginia v. Fannie M. Brown	A Rule to Show Cause Order was issued requiring WV Department of Homeland Security and WV Division of Corrections and Rehabilitation to appear at a hearing to determine why they failed to comply with an order.
Arts, Education and Boards	Tyler, Jodi	AEB-23-0082	22-F-201	Circuit Court Kanawha County	State of West Virginia v. Edrienne Sutton	Order to Show Cause Hearing regarding the transportation of the Defendant.
Arts, Education and Boards	Tyler, Jodi	AEB-22-0036	22-M20C-188	Magistrate Court Kanawha County	Joshua Morrow v. WV Division of Corrections	Claim filed alleging lost property at South Central Regional Jail.
Arts, Education and Boards	Tyler, Jodi	AEB-21-0311	22-P-7	Circuit Court Monongalia County	Aron Freeland v. WV Division of Corrections	Civil case subpoena for policy directives.
Arts, Education and Boards	Tyler, Jodi	AEB-23-0040	23-124	Supreme Court - WV	Brian Smith v. WV Division of Corrections	Petition for Writ of Mandamus due to Mt. Olive Correctional Center allegedly not treating his medical conditions.
Arts, Education and Boards	Tyler, Jodi	AEB-23-0069	23-C-59	Circuit Court Logan County	Brock Wilder v. WV Division of Corrections	Civil complaint for two books that were taken from his cell during a "shake down."
Arts, Education and Boards	Tyler, Jodi	AEB-23-0039	23-P-18	Circuit Court Berkeley County	Ike Custer and Steve Cox v. WV Division of Corrections	Petition for Writ of Mandamusto comply with W.Va. Code § 51-10-6 and to cease excluding Petitioners from the approved list of bondsmen.
Arts, Education and Boards	Tyler, Jodi	AEB-23-0271	23-P-400	Circuit Court Kanawha County	Miguel Delgado v. William Marshall, Commissioner, and Donald Ames, Superintendent	Writ of Mandamus alleging Defendants are keeping inmate personal savings accounts in non-interest bearing accounts.
Arts, Education and Boards	Tyler, Jodi	AEB-23-0035	23-P-52	Circuit Court Kanawha County	American Civil Liberties Union v. WV Department of Homeland Security, et al.	Petition for Writ of Mandamus alleging that WV Department of Homeland Security and the WV Division of Corrections and Rehabilitation are keeping a Policy Manual secret and not providing accurate copies.
Arts, Education and Boards	Vella, Joanne	AEB-23-0189	23-431	Supreme Court - WV	SER Dr. Jose Ravelo v. WV Board of Dentistry	Petition for Writ of Prohibition alleging the Board violated his constitutional due process rights by not following certain statutes regarding the timeliness of concluding a self-reported complaint.
Arts, Education and Boards	Weiler, Mark	AEB-22-0085	21-0890	Supreme Court - WV	Monique Lacy v. WorkForce West Virginia	Appeal from a Final Order of the Kanawha County Circuit Court affirming the WorkForce WV Board of Review's Decision disqualifying Ms. Lacy from receiving benefits. The WV Supreme Court of Appeals affirmed the order.
Arts, Education and Boards	Weiler, Mark	AEB-22-0365	22-G-38-1	Circuit Court Harrison County	In Re: G.V.	A petition for guardianship involving a WV Veterans Nursing Facility resident.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Arts, Education and Boards	Weiler, Mark	AEB-20-0163	23-ICA-70	Intermediate Court of Appeals – WV	Linda Jenkins v. WV Board of Social Work Examiners	Complaint alleging licensee had engaged in unethical conduct with a patient at Mildred Mitchell-Bateman Hospital. The licensee appealed to the Cabell County Circuit Court which affirmed the WV Social Work Board's decision. The licensee then appealed. The briefing schedule was completed in September 2023. Parties are waiting a decision from the Court.

**CIVIL RIGHTS  
DIVISION**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2023

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Civil Rights	Haight, Ann	CIV-20-0003	22-AA-9	Circuit Court Kanawha County	Robb Livingood v. Public Defender Corporation, 5th Judicial District	Appeal of Administrative Law Judge's ruling which found employer unlawfully discriminated against job applicant on the basis of sex. The parties are awaiting a ruling.
Civil Rights	Haight, Ann	CIV-21-0004	CC-02-2021-C-155	Circuit Court Berkeley County	Gregory Parr v. Oxford House, Inc. and Oxford House Bishop Overlook	Fair Housing Act reasonable cause finding of discrimination based on race resulting in eviction and otherwise denying housing/making housing unavailable. This case was settled and a partial dismissal order was entered on August 6, 2023.
Civil Rights	Krivonyak, Chanin	CIV-19-0005	19-C-89	Circuit Court Berkeley County	SER Patrick Morrisey 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. The civil action has been stayed until the criminal trials, which are set for trial on January 22-26, 2024, have concluded.
Civil Rights	Krivonyak, Chanin	CIV-22-0028	22-C-198	Circuit Court Monongalia County	Kristen Ranson v. Dark Knight, LLC	Complaint filed against a housing provider in Monongalia County for unlawful discrimination in violation of the Fair Housing Act by discriminating against a person with a disability in the terms and conditions of the rental of a dwelling by charging a pet fine for bringing an emotional support animal into the dwelling prior to having it approved by the landlord.
Civil Rights	Krivonyak, Chanin	CIV-21-0021	CC-24-2022-C-54	Circuit Court Marion County	Phyllis Wisenbaler and Tony Ferraro v. Ronald Utt and Blissfield Estates, LLC	Fair Housing Act reasonable cause for different terms, conditions, and privileges of rental of a dwelling, and making housing unavailable based on disability discrimination. This case was settled and a dismissal order was entered on June 9, 2023.
Civil Rights	Krivonyak, Chanin	CIV-22-0022	EREL-43-22	Intermediate Court of Appeals – WV	Rickie D. Hathaway v. Barbour County Sheriff's Department	Human Rights Act probable cause based on employment religious discrimination.

**CONSUMER PROTECTION  
AND ANTITRUST  
DIVISION**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2023

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Caudill, Frederic	CON-18-0005	18-C-185	Circuit Court Harrison County	SER Patrick Morrisey v. Professional Marketing Group, LLC d/b/a Vision Home Improvement, et al.	Suit filed in July 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 filed against the Limited Liability Company and its three members. After suit was filed, Defendant Facemire died; a Notice of Suggestion of Death was filed. The case continues against the company and the two remaining members. Written discovery and depositions have been completed. Motions for Default and for Summary Judgment are pending before the Court. A trial date is set for February 2024.
Consumer Protection & Antitrust	Cunningham, Abby	CON-18-0014	18-C-274	Circuit Court Ohio County	SER Patrick Morrisey v. Adam Parson d/b/a Precision Floor and Fence	Suit filed in November 2018, alleging that the Defendant failed to perform work on contracts for which he was paid. The Court granted the State's request for a Temporary Injunction and partial Summary Judgment. On March 11, 2020, the Court revised its previous order granting additional restitution and ordering the Defendant to produce certain records to the State. The Defendant failed to comply with most of the terms of the March 11 Order, so the State filed a petition for contempt. In January 2021, the Court required the Defendant to follow a revised payment plan for paying restitution owed to consumers, to produce contact information for two additional consumer victims and to provide financial documents to the State. Between January 2021 and August 2023, the Defendant paid most, but not all, restitution to consumers. On August 28, 2023, the Court ordered the parties to provide a status update. The State advised the Court that the Defendant still owed post-judgment interest and court fees to two consumers and that the State's Motion for Summary Judgment was still pending final resolution. On September 19, 2023, the Court issued an order granting summary judgment, finding the Defendant violated the West Virginia Consumer Credit and Protection Act (WVCCPA), and requiring the Defendant to pay any consumers that he still owes. On September 27, 2023, the State filed a motion to amend the September 19, 2023, order requesting the Court to specify the amounts owed to remaining consumers and to address the State's requested injunctive relief in its summary judgment motion. Litigation is ongoing.
Consumer Protection & Antitrust	Cunningham, Abby	CON-20-0001	20-C-48	Circuit Court Putnam County	SER Patrick Morrisey v. Robert E. Jones d/b/a HR Services d/b/a A Personal Service and Jennifer Jones	Suit filed in March 2020, alleging that the Defendant used unfair and deceptive conduct to coerce consumers to enter into unnecessary and expensive home improvement contracts, misrepresented that he possessed various professional licenses, failed to fully perform contracts or performed them in an unworkmanlike manner, and failed to conform to requirements for written contracts. In September 2020, the Court granted the State's Motion for Temporary Injunction and Other Relief, barring the Defendant and anyone acting on his behalf from contracting during the pendency of the case and ordering the Defendant to provide certain records to the State. The Defendant failed to produce any records and the State filed a Petition for Contempt. Shortly thereafter, the Defendant was arrested on charges of fraudulent schemes in connection with his provision of home improvement and contracting services. The Defendant has remained incarcerated. The State has filed an amended petition for contempt to include allegations that the Defendant violated the temporary injunction. The State's motion to appoint a Limited Guardian ad Litem due to his incarceration was granted. The Court granted a motion to amend the complaint to add Mrs. Jones as a Defendant and she has filed a response. Discovery is in progress.
Consumer Protection & Antitrust	Cunningham, Abby	CON-22-0008	22-C-111	Circuit Court Putnam County	SER Patrick Morrisey v. Kroger Co., Kroger Limited Partnership I d/b/a Peyton's Southeastern and Kroger Limited Partnership II d/b/a Peyton's Northern	Suit filed in August 2022, alleging that the Defendants contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids and by failing to prevent diversion in dispensing of opioids from their chain pharmacies. The suit was transferred to the West Virginia Opioid Mass Litigation Panel in September 2022. A motion to dismiss was filed and denied by Order entered October 2022. Discovery ensued. The State reached a settlement with the Defendants on May 2, 2023, and the Consent Judgment was entered September 1, 2023.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Cunningham, Abby	CON-22-0014	22-C-132	Circuit Court Putnam County	SER Patrick Morrissey v. J. Andrews Design and Jason Andrew Sansom	Suit filed in October 2022 alleging that the Defendant failed to fully perform contracts or performed them in an unworkmanlike manner and failed to conform to requirements for written contracts. The Defendant failed to file a response or otherwise plead. In March 2023, the Court granted the State's motions for default judgment and summary judgment on liability. At a hearing in May 2023, the Court awarded restitution to six consumers. A further hearing will be held to determine whether to award civil penalties, attorney's fees and costs.
Consumer Protection & Antitrust	Cunningham, Abby	CON-23-0002	23-C-236	Circuit Court Kanawha County	SER Patrick Morrissey v. Larry Morehead d/b/a L&M Construction, LLC	Suit filed in March 2023, alleging the Defendant engaged in home improvements and contracting without the required licenses, misrepresented that he possessed a contractor's license, failed to fully perform home improvement or construction contracts or performed them in an unworkmanlike manner, and failed to conform to the requirements for written contracts. The Defendant has failed to file an answer or otherwise plead. Litigation is ongoing.
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0020	1:20-cv-03589	USDC DC	State of New York, et al. v. Meta Platforms, Inc. [Facebook Inc.]	Suit filed in December 2020, by the West Virginia Attorney General and 47 other attorneys general, alleging that Facebook illegally acquired competitors in a predatory manner, deprived users of the benefits of competition, and reduced privacy protections, all in an effort to boost profits through increased advertising revenue. On June 28, 2021, an order was entered dismissing the case without prejudice. On July 28, 2021, the Plaintiffs appealed the order to the U.S. District Court for the District of Columbia Circuit. The Court of Appeals affirmed the dismissal in April 2023. No further appeal was taken.
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0022	1:20-cv-03715	USDC DC	State of Colorado, et al. v. Google LLC	Suit filed in December 2020, by the West Virginia Attorney General and 37 other attorneys general, alleging anticompetitive conduct in violating markets through a series of anticompetitive exclusionary contracts and conduct. The lawsuit alleges that Google limits the ability of rival search engines and potential rivals to reach consumers, disadvantages users of its search-advertising management tool by favoring advertising on its own platform and discriminates against specialized search sites by depriving them of access to prime real estate. The Court combined this case with the parallel case of United States, et al. v. Google, LLC for pretrial purposes. Trial began September 12, 2023, and is ongoing.
Consumer Protection & Antitrust	Davis, Douglas	CON-23-0005	1:23-cv-00108	USDC VAED	United States of America v. Google LLC	Suit filed in April 2023 by the West Virginia Attorney General, 16 other states, and the US Department of Justice, alleging violations of antitrust laws related to display advertising that appears on internet websites. The suit claims the Defendant has unlawfully monopolized markets dealing with how ads are sold and placed on internet webpages. Trial is expected in early 2024. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-22-0016	15-2022-22-C-67	Circuit Court Hancock County	SER Patrick Morrissey v. Helen Marie Nichole Smith	Suit filed in October 2022, alleging the Defendant was advertising and selling disc jockey services and then failing to deliver the services and failing to refund money taken. The State sought civil penalties and a permanent injunction. The Defendant did not appear in the action. The State received summary judgment on liability and an award of \$270,000 in civil penalties in August 2023.
Consumer Protection & Antitrust	Davis, Douglas	CON-16-0018	2:16-cv-5073	USDC PAED	State of Wisconsin, et al. v. Indivior Inc. f/k/a Reckitt Benckiser Pharmaceuticals, Inc., et al.	Suit filed in November 2016, by the West Virginia 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. The matter was resolved through a stipulated judgment entered in June 2023, including a financial payment and injunctive relief.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Davis, Douglas	TAX-20-0123	20-22524	Bankruptcy Court-US NYSD	In Re: Frontier West Virginia, Inc.	Proof of Claim filed on behalf of the State of West Virginia in this bankruptcy matter to recover \$4,949,200, which represents an equitable subrogation relative to amounts it has paid to the federal government related to civil litigation in the USDC WVSD, Citynet, LLC v. Frontier West Virginia, Inc., et al., 2:14-cv-15947. Frontier has emerged from bankruptcy. The Citynet action appears to have been resolved through a Joint Stipulation of Settlement filed in May 2023.
Consumer Protection & Antitrust	Davis, Douglas	CON-23-0007	22-C-40	Circuit Court Taylor County	SER Patrick Morrisey v. Emily Bolyard Mooney individually and d/b/a To The Moon Roofing and Benjamin Mooney a/k/a Benji Mooney, individually and d/b/a To the Moone Roofing	Suit filed in November 2022, alleging the Mooneys took payment for home improvement contracts but never delivered the goods or services, did not complete jobs that were started, and failed to honor warranties on completed work. The State has filed a motion for summary judgment and a hearing has been scheduled in October 2023.
Consumer Protection & Antitrust	Davis, Douglas	CON-23-0006	23-P-245	Circuit Court Kanawha County	SER Patrick Morrisey v. Glenn A. Naylor II, d/b/a Naylor Monument Company, LLC	Suit filed in June 2023, alleging the Defendant took money for the delivery and/or installation of cemetery headstones or monuments but failed to complete the contracts. Discovery is in progress.
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 in July 2017, by the West Virginia Attorney General and several states, alleging the Defendants engaged in price fixing for a number of generic drugs in the U.S. The complaint was originally filed in Connecticut but was consolidated in June 2018 in multi-district litigation in Pennsylvania. An Amended Complaint was filed September 9, 2021. 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 in May 2019, by the West Virginia Attorney General and more than 45 states and territories, suing several generic drug manufacturers and officers for fixing the prices on more than 100 generic drugs. The Defendants filed motions to dismiss which remain pending. Discovery is ongoing. Suit was originally filed in federal court in Connecticut but was then transferred to multi-district litigation in Pennsylvania. Discovery is in progress.
Consumer Protection & Antitrust	Davis, Douglas	CON-20-0008	3:20-cv-00802-SRU	USDC CT	The State of Connecticut, et al. v. Sandoz, Inc., et al.	Suit filed in June 2020, by the West Virginia Attorney General and 51 states and territories, against more than two dozen generic drug manufacturers and executives, alleging unlawful price fixing on approximately 80 topical prescriptions. This action was originally filed in Connecticut but was transferred to the multi-district generic drug litigation pending in the Eastern District of Pennsylvania. Discovery is in progress.
Consumer Protection & Antitrust	Googel, Norman	CON-19-0013	19-C-420	Circuit Court Berkeley County	SER Patrick Morrisey v. Future Income Payments, LLC and Scott Alan Kohn	Suit filed in November 2019, alleging that the Defendants made consumer loans in West Virginia without required licenses and registrations and charged usurious interest rates that constitute excess charges. The suit further alleged the Defendants misled consumers to believe that they were "buying" an asset of the consumer, made "usurious" loans, misled consumers to believe it could make loans in West Virginia with interest rates higher than permitted by West Virginia law, and caused misunderstanding and confusion among consumers by failing to disclose the terms and conditions of financing. In July 2019, Defendant Kohn was indicted in USDC of South Carolina and a motion was filed to stay this proceeding during the pendency of the criminal action. The Court granted that motion. Kohn pled guilty and has been sentenced, so the stay can be lifted.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Googel, Norman	CON-20-0004	20-C-62	Circuit Court Putnam County	SER Patrick Morrisey v. Thomas Jones and Precision Home Improvements, LLC	Suit filed in April 2020, alleging that the Defendants engaged in home improvement services without being properly licensed, that work was substandard, and consumers were not provided with a three-day right to cancel. The State filed a Motion for Judgment by Default and for Summary Judgment, both of which were granted by the Court by a Final Order entered on January 25, 2021. The Order included a permanent injunction, restitution and a civil penalty. After learning that the Defendant was continuing to do contracting work, the State filed a Petition for Contempt which was heard on September 24, 2021. An Order was entered finding the Defendant in contempt. When the Defendant still failed to comply with the Court's orders, another petition was filed, and a Second Contempt Order was entered on September 7, 2022. The Defendant has still not complied with the Court's orders and further contempt proceedings may be filed.
Consumer Protection & Antitrust	Googel, Norman	CON-23-0001	2023-C-13	Circuit Court Mineral County	SER Patrick Morrisey v. Frank L. Kucera & Associates, Frank L. Kucera, M. Thomassen & Associates, P.C. and Marilyn R. Thomassen	Suit filed in March 2023, alleging that these out-of-state law firms and lawyers engaged in the unlawful provision of debt settlement services for West Virginia consumers. The businesses have been served, but no answer or response has been filed. With assistance from the California Attorney General's Office, service was recently obtained on the individual Defendants.
Consumer Protection & Antitrust	Googel, Norman	CON-21-0008	21-C-101	Circuit Court Randolph County	SER Patrick Morrisey v. Daniel C. Ray d/b/a D.R. Construction and Curlie Ray, Sr. d/b/a Curlie Ray Construction	Suit filed in November 2021, alleging Defendants were performing contracting work without a license and not completing work. Case was settled with Curlie Ray at mediation, and a consent judgment was entered in October 2022 for restitution and a permanent injunction. Case was settled with Daniel Ray, with a Consent Judgment entered in December 2022 for restitution, a civil penalty, and permanent injunction.
Consumer Protection & Antitrust	Googel, Norman	CON-21-0004	21-C-775	Circuit Court Kanawha County	SER Patrick Morrisey v. Mr. V & Sons Pre-Owned Auto Sales, Inc., Sohrab Vagheei and Camron Vagheei	Suit filed in September 2021, alleging deceptive acts and practices in the sale of used motor vehicles. The Defendants filed answers. Discovery is ongoing.
Consumer Protection & Antitrust	Googel, Norman	CON-22-0019	22-C-210	Circuit Court Harrison County	SER Patrick Morrisey v. Todd A. McDougal d/b/a Leer-Sharp Truck Caps	Suit filed in November 2022, alleging the Defendant accepted down payments for truck caps or camper tops without delivering the product. Concurrent with the State's action, Defendant was indicted and pled guilty to felony charges for the same activity. Defendant directly paid restitution to his victims. The Defendant never filed a response to the Complaint, so the State filed a motion for default judgment and summary judgment which the Court heard on May 2, 2023. The Court entered a final order on June 28, 2023, granting a permanent injunction, but declined to award civil penalties based on Defendant's criminal sentencing.
Consumer Protection & Antitrust	Googel, Norman	CON-22-0011	22-C-229	Circuit Court Raleigh County	SER Patrick Morrisey v. Jerry Smales and Altrucon, Inc. d/b/a Mountaineer Plumber and Beckley Plumbers	Suit filed in July 2022, alleging the Defendants were providing plumbing services without the required license, were charging consumers exorbitant sums for services they were not capable of performing, and were subjecting consumers to abusive debt collection practices. The State requested a hearing on its request for a preliminary injunction; the preliminary injunction was granted in October 2022. The State also filed a Motion for Judgment by Default against Altrucon, which was granted by Order entered November 21, 2022. A trial date has not been scheduled.
Consumer Protection & Antitrust	Googel, Norman	CON-22-0004	22-C-76	Circuit Court Monongalia County	SER Patrick Morrisey v. Bradley Glaspell d/b/a Helping Hands Home Improvement, Rachel Glaspell, and Over the Top Roofing	Suit filed in April 2022, alleging the Defendants were not licensed as a contractor and were receiving payments on contracts for work that was never started or was incomplete. The Defendants never responded to the complaint. The State filed a Motion for Judgment by Default and a Motion for Summary Judgment; a hearing is scheduled for October 20, 2023.
Consumer Protection & Antitrust	Googel, Norman	CON-22-0010	22-P-272	Circuit Court Kanawha County	SER Patrick Morrisey v. Jerry Walls, II d/b/a Walls Construction	Petition to Enforce Investigative Subpoena filed in July 2022, against an unlicensed contractor. An Order requiring production of documents was entered on September 20, 2022. Documents were produced.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Googel, Norman	CON-23-0003	23-C-30	Circuit Court Putnam County	SER Patrick Morrisey v. Gary May, Veronica May, Tyler May and Joshua May d/b/a May Brothers	Suit filed in March 2023, alleging the Defendants were engaged in the business of selling, transporting, setting up, repairing, and renovating mobile homes without the required licenses from the West Virginia Manufactured Housing Board and the West Virginia Contractor Licensing Board. The State requested a Temporary Injunction and, following a hearing, the Court entered an Order granting the temporary injunction on June 6, 2023. On September 28, 2023, the Court denied Defendants' motion to dismiss and on September 29, 2023, granted the State's Motion to Amend its complaint to add another Defendant. The case is set for trial on January 8, 2024.
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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the West Virginia 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-12-1591	12-C-328	Circuit Court Putnam County	SER John D. Perdue v. United of Omaha Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the West Virginia 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. Case settled, with attorney fee order entered December 7, 2022, and dismissal order entered January 10, 2023.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1584	12-C-330	Circuit Court Putnam County	SER John D. Perdue v. American Income Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the West Virginia 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 previously stayed during audit review by the State Treasurer. Case is no longer under stay and discovery is ongoing.
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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the West Virginia 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, including depositions, is in progress, with multiple motions and hearings before the Discovery Commissioner and Court.

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 Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the West Virginia 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, including depositions, is in progress, with multiple motions and hearings before the Discovery Commissioner and Court.
Consumer Protection & Antitrust	Haight, Ann	AD-12-1710	12-C-361	Circuit Court Putnam County	SER John D. Perdue v. Transamerica Life Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the West Virginia 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-12-1679	12-C-375	Circuit Court Putnam County	SER John D. Perdue v. Globe Life & Accident Insurance Company	Suit filed in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the West Virginia 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 previously stayed during audit review by the State Treasurer. Case is no longer under stay and discovery is ongoing.
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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the West Virginia 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 of March 14, 2018. Discovery is ongoing.
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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the West Virginia 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 previously stayed during audit review by the State Treasurer. Case is no longer under stay and discovery is ongoing.
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 in September 2012, alleging defendant life insurance company, as a holder of life insurance policies presumed to be abandoned, failed to comply with the West Virginia 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, including depositions, is in progress, with multiple motions and hearings before the Discovery Commissioner and Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	CON-19-0009	19-C-104	Circuit Court Boone County	SER Patrick Morrisey v. Teva Pharmaceuticals Industries, LTD, et al.	Suit filed in August 2019, alleging Defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients, misrepresented the risks and benefits of opioid painkillers, and failed to detect and prevent suspicious orders. The action was consolidated before the West Virginia Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. On September 25, 2020, the Defendants filed a Petition for Writ of Prohibition to the WV Supreme Court of Appeals with respect to the State's Motion to Strike Third Party Fault Defense. The Writ was denied in part and granted in part, with Mandate issued July 13, 2021. The case proceeded through discovery and to trial, and settled during trial. The Settlement Agreement with the Teva Defendants was signed on September 19, 2022, and the Consent Judgment entered on January 10, 2023. The Settlement Agreement with the Allergan Defendants was signed on September 29, 2023, and the Consent Judgment was entered on May 10, 2023. In the process of complying with settlement terms before case can be dismissed.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0008	19-C-105	Circuit Court Boone County	SER Patrick Morrisey v. Janssen Pharmaceuticals, Inc. and Johnson & Johnson	Suit filed in August 2019, alleging defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients, misrepresented the risks and benefits of opioid painkillers, and failed to detect and prevent suspicious orders. The action was consolidated before the West Virginia Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. On September 25, 2020, the Defendants filed a Petition for Writ of Prohibition to the WV Supreme Court of Appeals with respect to the State's Motion to Strike Third Party Fault Defense. The Writ was denied in part and granted in part, with Mandate issued July 13, 2021. The case proceeded through discovery and to trial. Case settled during trial with the Settlement Agreement signed on October 11, 2022, and a Consent Judgment entered April 14, 2023.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0015	19-C-150	Circuit Court Boone County	SER Patrick Morrisey v. Mallinckrodt LLC and SpecGx LLC	Suit filed in November 2019, alleging defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients, misrepresented the risks and benefits of opioid painkillers and failed to detect and prevent suspicious orders. The action was consolidated before the Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. On October 12, 2020, Defendant filed bankruptcy and the state case was stayed. A second bankruptcy was filed on August 28, 2023. Bankruptcy proceedings are ongoing.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0014	19-C-151	Circuit Court Boone County	SER Patrick Morrisey v. Endo Health Solutions Inc., Endo Pharmaceuticals Inc., and Par Pharmaceutical, Inc.	Suit filed in November 2019, alleging Defendant opioid manufacturers engaged in strategic campaigns to deceive prescribers and patients, misrepresented the risks and benefits of opioid painkillers and failed to detect and prevent suspicious orders. The action was consolidated before the West Virginia Opioid Mass Litigation Panel. The Panel denied the Defendants' Motion to Dismiss. The State reached a settlement with the Defendants on March 20, 2022, and advised Defendants on July 1, 2022, that the participation threshold had been reached. Defendants filed bankruptcy on August 16, 2022. The state case was stayed. Bankruptcy proceedings continue.
Consumer Protection & Antitrust	Haight, Ann	CON-19-0005	19-C-62	Circuit Court Boone County	SER Patrick Morrisey v. Purdue Pharma L.P., Purdue Pharma Inc., and Richard Sackler, M.D.	Suit filed in May 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. On September 16, 2019, Purdue filed for bankruptcy and the state case was stayed. The plan approved by the Bankruptcy Court in September 2021 included payment and release from the Sackler Family. The District Court reversed the approval, but the Second Circuit upheld the original plan. The US Supreme Court accepted the appeal from the Ninth Circuit on August 9, 2023, and argument is set for December 2023. The case remains stayed before the West Virginia Mass Litigation Panel.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Haight, Ann	CON-20-0012	20-C-131	Circuit Court Putnam County	SER Patrick Morrisey v. CVS Pharmacy, Inc.; CVS Indiana, LLC; CVS RX Services, Inc.; CVS TN Distribution, LLC; and West Virginia CVS Pharmacy, LLC	Suit filed in August 2020, alleging that the Defendants contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. The State reached a settlement with the Defendants on September 20, 2022, and the Consent Judgment was entered May 10, 2023.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0013	20-C-132	Circuit Court Putnam County	SER Patrick Morrisey v. Walmart, Inc. f/k/a Wal-Mart Stores, Inc.	Suit filed in August 2020, alleging that the Defendant contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. The State reached a settlement with the Defendants on September 20, 2022, and the Consent Judgment was entered May 10, 2023.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0007	20-C-82	Circuit Court Putnam County	SER Patrick Morrisey v. Walgreens Boots Alliance, Inc., Walgreen Company, and Walgreen Eastern Co., Inc.	Suit filed in August 2020, alleging that the Defendant contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. The State reached a settlement with the Defendants on January 13, 2023, and the Consent Judgment was entered September 12, 2023.
Consumer Protection & Antitrust	Haight, Ann	CON-20-0006	20-C-83	Circuit Court Putnam County	SER Patrick Morrisey v. Rite Aid Corporation, Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center	Suit filed in June 2020, alleging that the Defendants contributed to the opioid epidemic by failing to detect, prevent, and report suspicious orders of opioids from their chain pharmacies. The State reached a settlement with the Defendants on August 9, 2022, and the Consent Judgment was entered March 31, 2023.
Consumer Protection & Antitrust	Lackey, Laurel	CON-15-0052	15-C-958	Circuit Court Raleigh County	SER Patrick Morrisey v. Rock City Pharmacy, LLC	Suit filed in November 2015, alleging the Defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The 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. The State filed a proof of claim as an unsecured creditor. The bankruptcy case is still ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-15-0053	15-C-959	Circuit Court Raleigh County	SER Patrick Morrisey v. David Pharmacy, LLC	Suit filed in November 2015, alleging the Defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX, LLC, a company that entered into a pre-purchase agreement with David Pharmacy, declared bankruptcy in the Southern District of Texas. The State filed a proof of claim as an unsecured creditor. The bankruptcy case is still ongoing.
Consumer Protection & Antitrust	Lackey, Laurel	CON-16-0001	16-C-230	Circuit Court Raleigh County	SER Patrick Morrisey v. CureRX, LLC; a/k/a Cure Pharmacy and Chris Rothe, member and manager of CureRX, LLC	Suit filed in April 2016, alleging the Defendants engaged in a scheme to obtain personal data from patients and use that information to transfer the patients' prescriptions without their knowledge or consent. This transfer resulted in patients paying higher prices for their medicine and/or medical supplies. The case is under bankruptcy stay as Uplift RX LLC, a company that entered into a pre-purchase agreement with CureRX, LLC, declared bankruptcy in the Southern District of Texas. The State filed a proof of claim as an unsecured creditor. The bankruptcy case is still ongoing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Morrison, Matt	CON-18-0006	19-C-101	Circuit Court Fayette County	SER Patrick Morrisey v. New River Firewood, LLC, et al.	Suit filed in August 2018, 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. New River Firewood consistently refused to either repair the log splitters or refund consumers' payments. The case was originally filed in Kanawha County but was transferred to Fayette County. The Court denied Defendants' Motion to Dismiss on March 2, 2020. Due to scheduling complications caused by COVID the original trial date of May 2021 was moved to May 2022. During court-ordered mediation in April 2022, a settlement was reached, but the Defendant failed to comply with the agreed settlement. The State filed a motion to enforce the settlement and ultimately the settlement was completed. Consumers received full restitution and a Dismissal Order was entered February 6, 2023.
Consumer Protection & Antitrust	Morrison, Matt	CON-22-0013	22-C-134	Circuit Court Putnam County	SER Patrick Morrisey v. JUUL Labs, Inc.	Suit filed in October 2022, alleging that the Defendant engaged in unfair or deceptive acts or practices in the manufacture, design, sales, marketing, promotion, and distribution of electronic vapor products and that the deceptive marketing campaigns targeted children. The case has settled, with JUUL agreeing to pay a monetary settlement over 5-9 years and to stipulations regarding advertising and marketing its products in West Virginia. A Consent Judgment was entered by the Court in April 2023.
Consumer Protection & Antitrust	Sizemore, Vaughn	AD-03-805	03-C-109	Circuit Court Lincoln County	SER Patrick Morrisey v. Minnesota Mining and Manufacturing Co., Mine Safety Appliances Co., and American Optical Corp.	Suit filed in August 2003, alleging 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 the claims were false at the time they were made. The Court entered an order bifurcating the case for trial, with the West Virginia Consumer Credit and Protection Act claims to be tried first. Defendants filed a Writ of Prohibition with the WV Supreme Court of Appeals, and the writ was denied. The Court set a new trial date for November 2023, but it has been postponed because the Court sent a certified question to the WV Supreme Court of Appeals involving a question raised after a Rule 30(b) deposition of the Attorney General's Office regarding the facts relative to the discovery rule and the filing of the lawsuit. A stay of the action is in place pending the ruling of the Court.
Consumer Protection & Antitrust	Sizemore, Vaughn	AD-12-1622	12-C-122	Circuit Court Mason County	SER Patrick Morrisey v. Intersections Insurance Services, Inc.	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees and other unfair and unlawful acts against a third-party vendor offering credit card ancillary services for banks and credit card companies. Although a trial date was set for March 2020, that date was postponed and discovery continues.
Consumer Protection & Antitrust	Sizemore, Vaughn	AD-12-1619	12-C-123	Circuit Court Mason County	SER Patrick Morrisey v. Center Partners, Inc.	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees, and other unfair and unlawful acts against a third-party vendor offering credit card ancillary services for banks and credit card companies. Discovery is ongoing.
Consumer Protection & Antitrust	Sizemore, Vaughn	AD-12-1618	12-C-124	Circuit Court Mason County	SER Patrick Morrisey v. Sitel Corporation	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees, and other unfair and unlawful acts against a third-party vendor offering credit card ancillary services for banks and credit card companies. Discovery is ongoing.
Consumer Protection & Antitrust	Sizemore, Vaughn	AD-12-1620	12-C-125	Circuit Court Mason County	SER Patrick Morrisey v. Sykes Enterprises, Inc.	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees, and other unfair and unlawful acts against a third-party vendor offering credit card ancillary services for banks and credit card companies. Discovery is in ongoing.
Consumer Protection & Antitrust	Sizemore, Vaughn	AD-12-1621	12-C-126	Circuit Court Mason County	SER Patrick Morrisey v. Stonebridge Life Insurance	Suit filed in October 2012, alleging unlawful telemarketing activities, unlawful imposition of fees, and other unfair and unlawful acts against a third-party vendor offering credit card ancillary services for banks and credit card companies. During the course of discovery, Stonebridge was identified as the appropriate Party in Interest and was substituted as the Defendant. Discovery, including numerous discovery disputes, is ongoing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Consumer Protection & Antitrust	Sizemore, Vaughn	CON-14-0072	13-C-1	Circuit Court Mason County	SER Patrick Morrisey v. Pfizer, et al.	Suit filed in January 2013, alleging 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, including scheduling of depositions. A trial date is set for December 2023.
Consumer Protection & Antitrust	Wentz, Ashley	CON-23-0004	4:23-cv-00233	USDC AZ	State of Arizona v. Michael D. Lansky, LLC d/b/a Avid Telecom, Michael Lansky and Stacey S. Reeves	Suit filed in May 2023, by 48 states and the District of Columbia, alleging the Defendants initiated and facilitated billions of illegal robocalls to millions of people and violated the Telephone Consumer Protection Act, the Telemarketing Sales Rule, and other federal and state telemarketing and consumer laws. Litigation is in progress. Defendants filed a Motion for Extension of Time to Answer which was granted. Their response is due on October 6, 2023.

**DEPARTMENT OF HEALTH AND  
HUMAN RESOURCES  
DIVISION**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2023



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Campbell, Katherine	HHR-22-0046	22-0081	Supreme Court - WV	In Re: K.L.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0250	22-0435	Supreme Court - WV	In Re: C.W., T.W.-1, P.W., & L.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0249	22-0438	Supreme Court - WV	In Re: C.W., T.W., P.W., & L.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0386	22-681	Supreme Court - WV	In Re: N.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0389	22-684	Supreme Court - WV	In Re: J.J.-1 & J.J.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0448	22-782	Supreme Court - WV	In Re: K.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-22-0501	22-820	Supreme Court - WV	In Re: J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0216	23-212	Supreme Court - WV	In Re: I.D., J.D., & L.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0194	23-222	Supreme Court - WV	In Re: J.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0204	23-244	Supreme Court - WV	In Re: M.F.-1 & D.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0227	23-284	Supreme Court - WV	In Re: A.H.-1, K.C., S.D., M.L., A.D., & M.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0237	23-287	Supreme Court - WV	In Re: A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0259	23-311	Supreme Court - WV	In Re: S.G. & A.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0274	23-332	Supreme Court - WV	In Re: I.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0276	23-355	Supreme Court - WV	In Re: C.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0299	23-366	Supreme Court - WV	In Re: S.D. & C.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0307	23-395	Supreme Court - WV	In Re: M.B., L.B., & K.B-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0318	23-410	Supreme Court - WV	In Re: D.C., J.R., & L.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0336	23-436	Supreme Court - WV	In Re: J.C. & C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0360	23-493	Supreme Court - WV	In Re: K.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0442	23-594	Supreme Court - WV	In Re: K.L.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Campbell, Katherine	HHR-23-0174	23-ICA-157	Intermediate Court of Appeals – WV	Janelle Pekarek v. WV DHHR/Bureau for Child Support Enforcement	Grievant appeals Public Employees Grievance Board Decision that WV DHHR did not discriminate regarding her request for a disability accomodation.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
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-17-0429	17-C-311	Circuit Court Wood County	Chyanne Walters v. WV DHHR	Appeal of Office of Inspector General (OIG), Board of Review (BOR) finding of Supplemental Nutrition Assistance Program (SNAP) Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0496	17-P-180	Circuit Court Ohio County	C.S. v. WV DHHR/OIG/BOR	Appeal of Board of Review (BOR) dismissal order regarding a Child Protective Services (CPS) substantiation of abuse.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0431	19-P-87	Circuit Court Wood County	Jessica Helmick v. Bill J. Crouch, Secretary, et al.	Appeal of Office of Inspector General finding of Supplemental Nutrition Assistance Program Fraud.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0479	20-0595	Supreme Court - WV	L.M. & L.M. v. WV DHHR	Writ of Prohibition filed against WV DHHR and the Honorable Susan B. Tucker of the Circuit Court of Monongalia County.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0509	20-0695	Supreme Court - WV	L.M. & L.M. v. The Honorable Susan B. Tucker	Writ of Prohibition filed against WV DHHR and the Honorable Susan B. Tucker of the Circuit Court of Monongalia County.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0520	20-AA-1	Circuit Court Brooke County	Elise Carson v. WV DHHR/Bureau for Children and Families	Appeal of DHHR Board of Review decision to deny child care benefits pursuant to the Child Care Subsidy Program.
Health, Human Resources	Casteel, Chaelyn	HHR-20-0515	20-AA-1	Circuit Court Mineral County	J.S. v. WV DHHR	Circuit Court appeal of DHHR Board of Review substantiation of child abuse.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0359	20-JA-227	Circuit Court Monongalia County	In Re: A.F.-1., J.F., & A.F.-2.	DHHR filed a motion to reconsider orders issued by the Circuit Court of Monongalia County (Judge Tucker) regarding cessation of post-termination child support and order to reimburse respondent parents for over-payment of child support.
Health, Human Resources	Casteel, Chaelyn	HHR-21-0409	21-0266	Supreme Court - WV	In Re: P.G., et al.	Writ of Prohibition filed by Guardian ad Litem seeking to prohibit the Circuit Court of Hancock County from granting an improvement period to respondent parent, A.G., and seeking termination of the parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0138	21-JA-105	Circuit Court Preston County	In Re: M.B., E.B., I.B., T.R., D.R.F., & M.F.	Abuse and neglect proceeding.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0054	22-0045	Supreme Court - WV	In Re: C.M.-1 & C.M.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0276	22-0419	Supreme Court - WV	In Re: S.C., K.R., & E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0181	22-AA-1	Circuit Court Harrison County	B.W. & P.W. v. WV DHHR/Child Protective Services	Appeal of Board of Review finding of abuse and neglect.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0245	22-AA-1-1	Circuit Court Harrison County	B.W. & P.W. v. WV DHHR	Appeal of the Board of Review decision to uphold DHHR's substantiation of abuse.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0283	22-JA-54	Circuit Court Preston County	In Re: T.D.M. & T.M.	Educational neglect case.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0284	22-JA-62	Circuit Court Preston County	In Re: H.A.R.D. & E.R.D.	Educational neglect case.
Health, Human Resources	Casteel, Chaelyn	HHR-23-0242	23-297	Supreme Court - WV	In Re: C.E., A.E.-1, & A.E.-2	Guardian ad Litem seeks Writ of Prohibition prohibiting Judge Ronald Wilson of the Circuit Court of Hancock County from re-instating the post-adjudicatory improvement plans of the respondent parents.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Casteel, Chaelyn	HHR-23-0291	23-ICA-141	Intermediate Court of Appeals – WV	Vienna Learning Center v. WV DHHR	Vienna Learning Center appeals DHHR Board of Review decision to uphold strikes to Intermediate Court of Appeals of WV.
Health, Human Resources	Casteel, Chaelyn	HHR-23-0288	23-ICA-263	Intermediate Court of Appeals – WV	J.J. v. WV DHHR/Bureau of Senior Services	Appeal of WV DHHR Board of Review substantiation of neglect.
Health, Human Resources	Casteel, Chaelyn	HHR-23-0162	23-JA-16	Circuit Court Preston County	In Re: M.T.	Abuse and Neglect proceeding.
Health, Human Resources	Casteel, Chaelyn	HHR-23-0158	23-JA-17 & 18	Circuit Court Preston County	In Re: B.N.L. & J.L.	Abuse and Neglect proceeding.
Health, Human Resources	Casteel, Chaelyn	HHR-23-0160	23-JA-19, 20, & 21	Circuit Court Preston County	In Re: S.A.M., J.L.M., & L.C.A.	Abuse and Neglect proceeding.
Health, Human Resources	Casteel, Chaelyn	HHR-23-0161	23-JA-22	Circuit Court Preston County	In Re: A.J.P.	Abuse and Neglect proceeding.
Health, Human Resources	Casteel, Chaelyn	HHR-23-0159	23-JA-23	Circuit Court Preston County	In Re: A.B.L.	Abuse and Neglect proceeding.
Health, Human Resources	Casteel, Chaelyn	HHR-23-0295	23-JA-31-34	Circuit Court Preston County	In Re: L.M., H.M., Z.M., & M.M.	Verified abuse petition filed against A.M. & P.M.
Health, Human Resources	Casteel, Chaelyn	HHR-23-0294	23-JA-35-36	Circuit Court Preston County	In Re: D.F. & T.F.	Verified abuse petition filed against E.F., T.F., & J.W.
Health, Human Resources	Casteel, Chaelyn	HHR-23-0293	23-JA-51	Circuit Court Preston County	In Re: M.R.W.	Abuse petition filed against K.W. & R.W.
Health, Human Resources	Casteel, Chaelyn	HHR-17-0481	CC-24-2017-JD-20	Circuit Court Marion County	In Re: E.A.M.	Juvenile delinquency matter to determine criminal competency of juvenile and appropriate placement.
Health, Human Resources	Casteel, Chaelyn	HHR-22-0436	FC-08-2021-FIG-10	Circuit Court Clay County	In Re: D.B.	Guardianship proceeding where the DHHR/Bureau for Social Services was named as substitute guardian for the child, D.B., after the relative guardians sought to terminate the guardianship previously granted to them by the Family Court of Clay County.
Health, Human Resources	Compton, Steven	HHR-23-0269	1:23-cv-42	USDC WVND	State of West Virginia, WV DHHR, and Amy Farrar v. Emmanuel Jones	Action seeking to remove an abuse and neglect case currently in the Circuit Court of Monongalia County to the United States District Court for the Northern District of West Virginia.
Health, Human Resources	Compton, Steven	HHR-22-0336	2:22-cv-328	USDC WVSD	John Doe v. Bill Crouch, et al.	Federal action seeking to require DHHR to change birth certificates declaring the Petitioner and an anonymous donor the biological and legal parents.
Health, Human Resources	Compton, Steven	HHR-23-0150	2:23-cv-00068	USDC WVSD	Brianna Paige a/k/a William Allen LaRue v. WV DHHR/Bureau for Public Health, et al.	Transgendered individual seeks to mandate DHHR to change birth name.
Health, Human Resources	Compton, Steven	HHR-23-0443	22-0027	Supreme Court - WV	WV DHHR/Adult Protective Services v. Honorable Louis H. Bloom, et al.	Writ of Prohibition to determine whether the Circuit Court committed clear legal error and exceeded its legitimate powers in forcing DHHR to make direct payment to service providers within a prescribed time frame.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Compton, Steven	HHR-22-0045	22-0067	Supreme Court - WV	In Re: E.H., J.S., E.K., & C.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0114	22-0199	Supreme Court - WV	In Re: B.V., W.B., L.V., N.R., E.O.-R., E.R., & S.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0127	22-0206	Supreme Court - WV	In Re: B.V., W.V.-1, L.V., N.R., E.O.-R., E.R., & S.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0191	22-0312	Supreme Court - WV	In Re: G.N., L.N., & A.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0216	22-0365	Supreme Court - WV	In Re: G.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0263	22-0478	Supreme Court - WV	In Re: Z.S.-1 & Z.S.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0275	22-0556	Supreme Court - WV	In Re: K.C., C.C., & C.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0318	22-0602	Supreme Court - WV	In Re: Z.S.-1 & Z.S.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0323	22-0623	Supreme Court - WV	In Re: C.L., A.L.-1, A.L.-2, & A.L.-3	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0387	22-0687	Supreme Court - WV	In Re: A.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0414	22-709	Supreme Court - WV	In Re: S.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0426	22-729	Supreme Court - WV	In Re: L.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0444	22-755	Supreme Court - WV	In Re: L.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0445	22-770	Supreme Court - WV	In Re: M.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0447	22-783	Supreme Court - WV	In Re: A.M. & K.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0483	22-785	Supreme Court - WV	In Re: J.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0490	22-800	Supreme Court - WV	In Re: A.T.-1, A.T.-2, A.T.-3, A.T.-4, & A.T.-5	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0492	22-802	Supreme Court - WV	In Re: D.R., E.C., & B.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0491	22-807	Supreme Court - WV	In Re: T.G.-1, T.G.-2, & K.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0516	22-841	Supreme Court - WV	In Re: P.P. & W.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0520	22-855	Supreme Court - WV	In Re: B.T.-1, B.T.-2, K.T., & B.T.-3	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0529	22-857	Supreme Court - WV	In Re: J.A., K.D., & S.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-22-0527	22-871	Supreme Court - WV	In Re: G.M., A.M., & J.C.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Compton, Steven	HHR-22-0208	22-P-197	Circuit Court Kanawha County	Gray Media Group, Inc., d/b/a WSAZ v. WV DHHR	Complaint for Declaratory and Injunctive Relief relating to a Freedom of Information Act request.
Health, Human Resources	Compton, Steven	HHR-23-0110	23-104	Supreme Court - WV	In Re: C.D.-1, I.D., & C.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-23-0048	23-11	Supreme Court - WV	In Re: G.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-23-0112	23-116	Supreme Court - WV	In Re: C.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-23-0124	23-138	Supreme Court - WV	In Re: N.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-23-0127	23-139	Supreme Court - WV	In Re: E.H., J.S., E.K., & C.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-23-0128	23-140	Supreme Court - WV	In Re: A.B. & J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-23-0140	23-165	Supreme Court - WV	In Re: P.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-23-0254	23-174	Supreme Court - WV	WV DHHR v. Honorable Steven L. Shaffer, Judge of the Circuit Court of Marion County	Writ of Prohibition against Honorable Steven Shaffer of the Circuit Court of Marion County for exceeding his legitimate powers in entering an Order directing DHHR to make payments within a prescribed time frame.
Health, Human Resources	Compton, Steven	HHR-23-0255	23-175	Supreme Court - WV	SER WV DHHR v. Honorable David R. Janes, Judge of the Circuit Court of Preston County	Writ of Prohibition filed against a circuit court judge for exceeding his legitimate powers in entering an Order directing DHHR to make payments within a prescribed time frame. The writ was withdrawn from the WV Supreme Court of Appeals.
Health, Human Resources	Compton, Steven	HHR-23-0011	23-2	Supreme Court - WV	In Re: B.B.-1 & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-23-0019	23-4	Supreme Court - WV	In Re: B.B., J.M., K.M., H.C., D.C., K.C., & W.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-23-0069	23-47	Supreme Court - WV	In Re: H.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Compton, Steven	HHR-23-0310	23-ICA-283	Intermediate Court of Appeals – WV	Gray Media Group, Inc. d/b/a WSAZ v. WV DHHR	Appeal to force FOIA disclosures previously denied.
Health, Human Resources	Compton, Steven	HHR-23-0315	23-P-266	Circuit Court Kanawha County	Air Evac EMS, Inc. v. WV DHHR/Office of Emergency Medical Services	Complaint seeking declaratory and injunctive relief to enjoin DHHR Bureau for Public Health's Office of Emergency Medical Services from improperly withholding public records.
Health, Human Resources	Compton, Steven	HHR-23-0392	23-P-363	Circuit Court Kanawha County	Disability Rights of West Virginia v. WV DHHR	Complaint filed for declaratory and injunctive relief regarding DHHR's exemption claim from a FOIA request. Seeks a staffing study and award of costs and attorney fees.
Health, Human Resources	Compton, Steven	HHR-23-0186	23-P-7	Circuit Court Calhoun County	State of West Virginia v. DHHR and Amanda Gifford	DHHR was involved in a juvenile case, which led to the Judge issuing a Rule to Show Cause Order and holding DHHR and Community Service Manager Amanda Gifford in contempt.
Health, Human Resources	Compton, Steven	HHR-19-0560	3:19-cv-00710	USDC WVSD	J.R., et al. v. WV DHHR, et al.	A Better Childhood, a national child advocacy organization, Disability Rights WV, and Shaffer and Shaffer filed this federal class action lawsuit claiming WV DHHR has violated the constitutional and statutory rights of children in the foster care system.
Health, Human Resources	Compton, Steven	HHR-23-0201	5:23-CV-158	USDC WVND	West Virginia Parents for Religious Freedom, et al. v. Dr. Matthew Christianson, et al.	Verified complaint for declaratory and injunctive relief regarding mandatory immunization allowing exemptions for medical purposes but not allowing exemptions for religious purposes.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Compton, Steven	HHR-23-0447	CC-07-2023-P-7	Circuit Court Calhoun County	State of West Virginia v. WV DHHR and Amanda Gifford	Contempt matter concerning alleged refusal to follow court's order to file an amended petition. The court has indicated it will dismiss the contempt charge but has yet to do so.
Health, Human Resources	Jackson, Michael	HHR-17-0399	17-C-57	Circuit Court Lincoln County	Gina Sowards v. WV DHHR/Board of Review	Appeal of Board of Review Order Denying Request for Consideration.
Health, Human Resources	Jackson, Michael	HHR-18-0202	18-AA-03	Circuit Court Boone County	David Warren v. WV DHHR	Appeal of a Board of Review decision upholding a DHHR WV Works repayment claim totaling \$2,620.
Health, Human Resources	Jackson, Michael	HHR-18-0090	18-AA-2	Circuit Court Kanawha County	Chester Mitchell v. WV DHHR/Board of Review	Appeal of a Board of Review Order of Dismissal regarding the establishment of Supplemental Nutrition Assistance Program repayment obligation due to untimely hearing request with the BOR.
Health, Human Resources	Jackson, Michael	HHR-22-0227	22-AA-27	Circuit Court Kanawha County	R.B. v. WV DHHR/Bureau for Children and Families	Appeal of prior Child Protective Services maltreatment finding.
Health, Human Resources	Jackson, Michael	HHR-22-0337	22-ICA-28	Intermediate Court of Appeals – WV	Abbie Fisher d/b/a Adventure Academy v. WV DHHR	Appeal of DHHR decision to implement a first offense strike one corrective action step against Appellant's child care provider status.
Health, Human Resources	Jackson, Michael	HHR-23-0061	23-10	Supreme Court - WV	H.V. and C.V. v. WV DHHR	Petitioners filed an appeal of the circuit court decision denying their motion to intervene in juvenile cases.
Health, Human Resources	Jackson, Michael	HHR-23-0393	23-JA-171	Circuit Court Kanawha County	In Re: M.B.	DHHR filed a response to a Motion to Withdraw as Counsel for WV DHHR regarding this juvenile abuse case.
Health, Human Resources	Jackson, Michael	HHR-23-0130	23-JA-4	Circuit Court Calhoun County	In Re: M.M & A.M.	A Rule to Show Cause Order against DHHR was entered by the Court. DHHR must respond and attend the hearing on two juvenile cases.
Health, Human Resources	Lackey, Laurel	HHR-15-0271	1:13-bk-01054	Bankruptcy Court-US WVND	In Re: Fairmont General Hospital	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0273	11-13036 (KJC)	Bankruptcy Court-US DE	In Re: Graceway Pharmaceuticals	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0267	12-19882-HJB	Bankruptcy Court-US MA	In Re: New England Compounding Center	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0263	13-11952	Bankruptcy Court-US DE	In Re: Rural/Metro Corp.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0277	13-12769	Bankruptcy Court-US DE	In Re: Laboratory Partners	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0883	15-32919 (KRH)	Bankruptcy Court-US VAED	In Re: Health Diagnostic Laboratory	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0876	15-33896 (KRH)	Bankruptcy Court-US VAED	In Re: 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 Bankruptcy. Xinergy Ltd., a Tennessee-based Appalachian coal producer, and its 25 subsidiaries have filed for Chapter 11 Bankruptcy. Xinergy maintains coal operations throughout West Virginia.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Lackey, Laurel	HHR-15-1002	15-70469	Bankruptcy Court-US KYED	In Re: Asthma and Allergy Center, LLC	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0168	19-23649 (RDD)	Bankruptcy Court-US NYSD	In Re: Purdue Pharma L.P.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-15-0262	2:02-bk-20983	Bankruptcy Court-US WVND	In Re: Shawnee Hills	Chapter 7 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0138	20-12456 (JTD)	Bankruptcy Court-US DE	In Re: RTI Holding Company, LLC	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0167	20-12522 (JTD)	Bankruptcy Court-US DE	In Re: Mallinckrodt, PLC	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-20-0045	20-20007 (FWV)	Bankruptcy Court-US WVSD	In Re: Thomas Health System, Inc.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0166	20-33295 (DRJ)	Bankruptcy Court-US TXSD	In Re: Covia Holdings Corp.	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-21-0165	21-10461 (JTD)	Bankruptcy Court-US DE	In Re: CMC II, LLC	Chapter 11 Bankruptcy.
Health, Human Resources	Lackey, Laurel	HHR-20-0185	3:20-bk-01940	Bankruptcy Court-US TNMD	In Re: MBH Highland, LLC	Chapter 11 Bankruptcy.
Health, Human Resources	Michels, Jr., Gary	HHR-21-0135	17-C-61	Circuit Court Marshall County	In Re: Waleah Marie Nixon	Ms. Nixon was a tenant of Moundsville Housing Authority. She sustained a fall on a set of exterior steps. DHHR has asserted a lien of \$61,035.30.
Health, Human Resources	Michels, Jr., Gary	HHR-23-0268	23-ICA-249	Intermediate Court of Appeals – WV	Deborah Shifflett v. WV DHHR/BMS	Appeal of Board of Review Decision denying Medicaid benefit.
Health, Human Resources	Michels, Jr., Gary	HHR-23-0337	23-ICA-325	Intermediate Court of Appeals – WV	In Re: M.C., A Protected Individual	Appeal of DHHR/Board of Review denial of Intellectual and Developmental Disabilities (I/DD) Waiver.
Health, Human Resources	Miller, Randy	HHR-23-0428	20-JD-87	Circuit Court Berkeley County	State of West Virginia v. Z.B.	DHHR ordered to show cause regarding a juvenile delinquency.
Health, Human Resources	Miller, Randy	HHR-22-0341	22-559	Supreme Court - WV	L.D. v. The Honorable Bridget Cohee	Responding to Petition filed by Guardian ad Litem for L.D., praying for a Writ of Mandamus to be directed against the Respondent, Honorable Bridget Cohee, Judge of the Circuit Court of Berkeley County.
Health, Human Resources	Miller, Randy	HHR-22-0303	22-G-24	Circuit Court Berkeley County	In Re: E.A.	DHHR filed a petition to modify the type of appointment of the Guardian and/or Conservator, or modify the areas of protections, management, or assistance previously granted.
Health, Human Resources	Miller, Randy	HHR-22-0375	22-G-33	Circuit Court Berkeley County	In Re: M.M.	DHHR filed a Petition for the Appointment of a Guardian and/or Conservator.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Miller, Randy	HHR-22-0421	22-G-39	Circuit Court Berkeley County	In Re: C.B.	DHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Miller, Randy	HHR-22-0453	22-G-43	Circuit Court Berkeley County	In Re: K.M.	DHHR filed a Petition for the Appointment of a Guardian and Conservator.
Health, Human Resources	Miller, Randy	HHR-23-0429	22-JD-19	Circuit Court Berkeley County	State of West Virginia v. I.R.	DHHR ordered to pay rent for juvenile delinquent's grandmother. DHHR filed Motion to Reconsider.
Health, Human Resources	Miller, Randy	HHR-23-0342	23-432	Supreme Court - WV	Lydia Downs-Jamal v. WV DHHR	Petitioner now appeals the Intermediate Court of Appeals reversal of the Berkeley County Circuit Court's determination on back pay, and requests the reversal of the Intermediate Court's determination on that issue.
Health, Human Resources	Miller, Randy	HHR-23-0148	23-G-11	Circuit Court Berkeley County	In Re: M.A.G.	DHHR filed a Petition for Guardianship.
Health, Human Resources	Miller, Randy	HHR-23-0423	23-G-14	Circuit Court Jefferson County	In Re: K.G.	DHHR filed petition to determine whether a Guardian and/or Conservator should be appointed.
Health, Human Resources	Miller, Randy	HHR-23-0444	23-G-17	Circuit Court Jefferson County	In Re: Marie Asbury	DHHR filed a Petition for the Appointment of a Guardian and Conservator.
Health, Human Resources	Miller, Randy	HHR-23-0421	23-G-26	Circuit Court Berkeley County	In Re: C.A.L.	Protected individual's family appealed order granting DHHR guardianship.
Health, Human Resources	Miller, Randy	HHR-23-0149	23-G-3	Circuit Court Jefferson County	In Re: K.A.A.	DHHR filed a Petition for the Appointment of a Guardian/Conservator.
Health, Human Resources	Miller, Randy	HHR-23-0155	23-G-5	Circuit Court Hardy County	In Re: R.C.B.	DHHR filed a Petition for the Appointment of a Guardian/Conservator. DHHR is advocating for Marysia Sellaro (a friend) to be Guardian and Sheriff of Hardy County as Conservator.
Health, Human Resources	Miller, Randy	HHR-23-0145	23-G-6	Circuit Court Mineral County	In Re: A.L.T.	DHHR filed a Petition for the Appointment of Guardian/Conservator.
Health, Human Resources	Miller, Randy	HHR-23-0138	23-ICA-100	Intermediate Court of Appeals – WV	Amy R. Rhoe v. WV DHHR	Appeal filed challenging the BOR decision to terminate SNAP benefits.
Health, Human Resources	Miller, Randy	HHR-23-0147	97-G-3	Circuit Court Hardy County	In Re: Brenda Miller	Petition for Transfer of Jurisdiction from West Virginia to Maryland.
Health, Human Resources	Miller, Randy	HHR-22-0557	ICA-22-129	Intermediate Court of Appeals – WV	WV DHHR v. Lydia Downs-Jamal	Appeal of the Administrative Appeals Order in Berkeley County Circuit Court, in part, as to not pay backpay to Lydia Downs-Jamal.
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-19-0516	19-0798	Supreme Court - WV	In Re: J.B., II	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-20-0365	20-0565	Supreme Court - WV	In Re: R.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-20-0470	20-0729	Supreme Court - WV	In Re: D.R., D.R., J.R., & C.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0143	21-0180	Supreme Court - WV	In Re: K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0242	21-0397	Supreme Court - WV	In Re: B.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-21-0530	21-0937	Supreme Court - WV	D.B. and J.N., Foster Parents of R.L. v. WV DHHR, et al.	Petition for Writ of Prohibition to stop the rapid transition of R.L. from foster placement to placement with the maternal grandparents.
Health, Human Resources	Niezgoda, Lee	HHR-22-0039	22-0043	Supreme Court - WV	In Re: A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0189	22-0300	Supreme Court - WV	In Re: E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0190	22-0345	Supreme Court - WV	In Re: H.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0199	22-0368	Supreme Court - WV	In Re: B.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0201	22-0384	Supreme Court - WV	In Re: A.T.-1, A.T.-2, & B.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0204	22-0387	Supreme Court - WV	In Re: A.T.-1, A.T.-2, & B.T.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0205	22-0388	Supreme Court - WV	In Re: A.T.-1, A.T.-2, & B.T.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0373	22-0663	Supreme Court - WV	In Re: L.B., K.S., & J.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0394	22-0692	Supreme Court - WV	In Re: L.T., G.R., M.R., J.M., X.M., A.M., M.M., & I.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0404	22-688	Supreme Court - WV	In Re: E.A.-1, J.A., Jr., & E.A.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0415	22-698	Supreme Court - WV	In Re: B.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0413	22-732	Supreme Court - WV	In Re: E.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0442	22-767	Supreme Court - WV	In Re: D.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0449	22-778	Supreme Court - WV	In Re: S.H.-1, S.H.-2, & S.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0497	22-815	Supreme Court - WV	In Re: S.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0498	22-831	Supreme Court - WV	In Re: D.B., H.B., P.B., R.B.-1, R.B.-2, R.B.-3, & L.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0499	22-832	Supreme Court - WV	In Re: H.M. & L.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0496	22-840	Supreme Court - WV	In Re: L.T., J.T.-1, & B.T	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-22-0514	22-847	Supreme Court - WV	In Re: H.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0518	22-854	Supreme Court - WV	In Re: A.H.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0523	22-856	Supreme Court - WV	In Re: W.H. & B.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0528	22-867	Supreme Court - WV	In Re: D.B., H.B., P.B., R.B.-1, R.B.-2, R.B.-3, & L.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0534	22-887	Supreme Court - WV	In Re: K.Y.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0550	22-892	Supreme Court - WV	In Re: K.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0563	22-908	Supreme Court - WV	In Re: S.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0568	22-932	Supreme Court - WV	In Re: T.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-22-0567	22-933	Supreme Court - WV	In Re: A.O., D.T., & E.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0105	23-111	Supreme Court - WV	In Re: R.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0113	23-121	Supreme Court - WV	In Re: O.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0120	23-144	Supreme Court - WV	In Re: D.M.-1 & D.M.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0142	23-176	Supreme Court - WV	In Re: V.O. & S.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0151	23-180	Supreme Court - WV	In Re: K.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0152	23-183	Supreme Court - WV	In Re: S.H., E.H., & N.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0163	23-191	Supreme Court - WV	In Re: H.B. & R.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0179	23-208	Supreme Court - WV	In Re: J.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0197	23-230	Supreme Court - WV	In Re: K.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0208	23-242	Supreme Court - WV	In Re: A.M. & M.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0207	23-252	Supreme Court - WV	In Re: B.S.-1 & B.S.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0218	23-253	Supreme Court - WV	In Re: A.M., C.M.-1, D.C., & C.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0221	23-263	Supreme Court - WV	In Re: D.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0238	23-286	Supreme Court - WV	In Re: B.G. & B.C.	Parent challenging circuit court termination of parental rights.

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Health, Human Resources	Niezgoda, Lee	HHR-23-0239	23-293	Supreme Court - WV	In Re: A.F., D.F., & D.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0012	23-3	Supreme Court - WV	In Re: D.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0262	23-302	Supreme Court - WV	In Re: S.H.-1, S.H.-2, & R.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0261	23-307	Supreme Court - WV	In Re: A.D. & A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0056	23-32	Supreme Court - WV	In Re: D.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0263	23-338	Supreme Court - WV	In Re: K.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0055	23-34	Supreme Court - WV	In Re: K.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0302	23-359	Supreme Court - WV	In Re: M.R., C.R., & J.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0281	23-363	Supreme Court - WV	In Re: A.M. & E.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0301	23-364	Supreme Court - WV	In Re: K.J., F.J., S.A., & C.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0308	23-394	Supreme Court - WV	In Re: S.H.-1, S.H.-2, & R.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0316	23-416	Supreme Court - WV	In Re: D.H., M.H., & J.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0359	23-472	Supreme Court - WV	In Re: L.J., I.J., A.J., & G.J.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0391	23-483	Supreme Court - WV	In Re: R.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0362	23-485	Supreme Court - WV	In Re: J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0379	23-498	Supreme Court - WV	In Re: L.J., I.J., A.J., & G.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0387	23-521	Supreme Court - WV	In Re: D.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0405	23-528	Supreme Court - WV	In Re: B.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0407	23-531	Supreme Court - WV	In Re: N.M. & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0403	23-540	Supreme Court - WV	In Re: B.E., E.W., R.S., O.S., N.G., R.G., T.G., S.G., R.R., & J.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0433	23-554	Supreme Court - WV	In Re: A.L.-1 & A.L.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0413	23-559	Supreme Court - WV	In Re: R.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0434	23-580	Supreme Court - WV	In Re: A.L.-1 & A.L.-2	Parent challenging circuit court termination of parental rights.

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Health, Human Resources	Niezgoda, Lee	HHR-23-0448	23-596	Supreme Court - WV	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0449	23-598	Supreme Court - WV	In Re: A.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0018	23-6	Supreme Court - WV	In Re: L.M.-1 & L.M.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0079	23-62	Supreme Court - WV	In Re: N.B., J.B., & D.B.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0080	23-63	Supreme Court - WV	In Re: A.W. & L.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0095	23-73	Supreme Court - WV	In Re: E.G. & O.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0096	23-74	Supreme Court - WV	In Re: K.D., C.E., R.E., & A.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0051	23-8	Supreme Court - WV	In Re: K.R., D.R., S.F., & C.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Niezgoda, Lee	HHR-23-0099	23-91	Supreme Court - WV	In Re: J.L.-1, J.L.-2, & A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0383	22-0686	Supreme Court - WV	In Re: S.B. & K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0402	22-0699	Supreme Court - WV	In Re: J.A., M.A.-1, L.A., & S.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0076	22-58	Supreme Court - WV	In Re: A.B. & M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0409	22-731	Supreme Court - WV	In Re: A.Y., L.Y., & P.Y.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0440	22-772	Supreme Court - WV	In Re: A.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0446	22-773	Supreme Court - WV	In Re: A.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0488	22-795	Supreme Court - WV	In Re: A.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0500	22-825	Supreme Court - WV	In Re: O.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0538	22-878	Supreme Court - WV	In Re: A.H., G.H.-1, & G.H.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0537	22-879	Supreme Court - WV	In Re: H.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-22-0561	22-906	Supreme Court - WV	In Re: L.B.-1 & L.B.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0009	22-946	Supreme Court - WV	In Re: J.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0008	22-948	Supreme Court - WV	In Re: C.R., B.R., R.R., A.R., W.R., J.L., & U.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0107	23-101	Supreme Court - WV	In Re: J.T. & B.S.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Olcott, Heather	HHR-23-0106	23-112	Supreme Court - WV	In Re: A.D. & E.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0129	23-130	Supreme Court - WV	In Re: L.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0053	23-14	Supreme Court - WV	In Re: M.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0123	23-151	Supreme Court - WV	In Re: D.B. & A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0154	23-163	Supreme Court - WV	In Re: C.F. & T.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0176	23-216	Supreme Court - WV	In Re: O.R. & N.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0054	23-22	Supreme Court - WV	In Re: C.G. & M.G-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0191	23-228	Supreme Court - WV	In Re: J.H. & R.C.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0217	23-256	Supreme Court - WV	In Re: N.S. & L.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0224	23-261	Supreme Court - WV	In Re: E.C.-1 & E.C.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0223	23-262	Supreme Court - WV	In Re: E.C.-1 & E.C.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0229	23-279	Supreme Court - WV	In Re: N.S. & L.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0251	23-296	Supreme Court - WV	In Re: A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0264	23-329	Supreme Court - WV	In Re: C.H., B.H., & J.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0271	23-339	Supreme Court - WV	In Re: K.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0300	23-377	Supreme Court - WV	In Re: R.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0317	23-411	Supreme Court - WV	In Re: G.J., D.J., & K.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0319	23-417	Supreme Court - WV	In Re: G.J., D.J., & K.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0335	23-441	Supreme Court - WV	In Re: S.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0067	23-45	Supreme Court - WV	In Re: J.M., R.M., B.M., & A.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0376	23-503	Supreme Court - WV	In Re: S.B.-1 & S.B.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0371	23-506	Supreme Court - WV	In Re: M.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0400	23-526	Supreme Court - WV	In Re: S.B.-1 & S.B.-2	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Olcott, Heather	HHR-23-0439	23-571	Supreme Court - WV	In Re: N.M. & J.M.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0435	23-591	Supreme Court - WV	In Re: E.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Olcott, Heather	HHR-23-0094	23-64	Supreme Court - WV	In Re: L.D. & J.D.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0367	03-G-15	Circuit Court Harrison County	In Re: J.H.	DHHR filed a petition for modification of guardianship due to the current Guardian not performing the guardianship duties for their client.
Health, Human Resources	Ribel, Katica	HHR-23-0368	12-G-14	Circuit Court Harrison County	In Re: R.C.	DHHR filed a petition for modification of guardianship. DHHR is currently Guardian over R.C. but has determined the parent would be better suited as Guardian.
Health, Human Resources	Ribel, Katica	HHR-22-0253	22-0481	Supreme Court - WV	In Re: S.D., W.T., E.S., J.S., & H.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0252	22-0482	Supreme Court - WV	In Re: B.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0398	22-0515	Supreme Court - WV	In Re: C.D.-M.	Appeal against DHHR regarding an adult guardianship.
Health, Human Resources	Ribel, Katica	HHR-22-0379	22-0591	Supreme Court - WV	In Re: G.P. & E.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0338	22-0622	Supreme Court - WV	In Re: R.C. & D.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0374	22-0673	Supreme Court - WV	In Re: S.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0416	22-708	Supreme Court - WV	In Re: A.R. & Z.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0411	22-730	Supreme Court - WV	In Re: G.P. & E.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0441	22-763	Supreme Court - WV	In Re: G.H. & K.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0450	22-780	Supreme Court - WV	In Re: H.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0493	22-826	Supreme Court - WV	In Re: E.S., B.R., & J.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0495	22-829	Supreme Court - WV	In Re: M.W.-1 & C.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0494	22-837	Supreme Court - WV	In Re: K.U.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0505	22-838	Supreme Court - WV	In Re: J.J.-1 & J.J.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0519	22-850	Supreme Court - WV	In Re: M.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0513	22-851	Supreme Court - WV	In Re: T.D., R.D., & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0533	22-876	Supreme Court - WV	In Re: K.S., B.M., & O.S.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Ribel, Katica	HHR-22-0531	22-880	Supreme Court - WV	In Re: T.D., R.D., & J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0530	22-881	Supreme Court - WV	In Re: T.L. & M.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0532	22-885	Supreme Court - WV	In Re: A.N. & A.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0565	22-909	Supreme Court - WV	In Re: E.O. & M.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-22-0564	22-912	Supreme Court - WV	In Re: E.O. & M.O.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0010	22-944	Supreme Court - WV	In Re: D.D. & B.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0014	22-G-14	Circuit Court Barbour County	In Re: B.B.	DHHR filed a petition for the appointment of Guardian and Conservator.
Health, Human Resources	Ribel, Katica	HHR-22-0397	22-G-16	Circuit Court Monongalia County	In Re: D.M.	DHHR filed a petition for the appointment of Guardian and Conservator.
Health, Human Resources	Ribel, Katica	HHR-23-0015	22-G-33	Circuit Court Harrison County	In Re: D.B.	DHHR filed a petition for the appointment of Temporary Guardian. D.B. turned 18 and is transitioning from Child Protective Services custody to Adult Protective Services custody and will need a Guardian.
Health, Human Resources	Ribel, Katica	HHR-22-0558	22-G-37-3	Circuit Court Harrison County	In Re: D.H.	DHHR filed a petition for the appointment of Guardian and Conservator.
Health, Human Resources	Ribel, Katica	HHR-23-0052	23-12	Supreme Court - WV	In Re: E.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0119	23-146	Supreme Court - WV	In Re: B.S. & K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0118	23-148	Supreme Court - WV	In Re: H.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0153	23-159	Supreme Court - WV	In Re: L.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0170	23-194	Supreme Court - WV	In Re: A.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0050	23-21	Supreme Court - WV	In Re: D.M. & I.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0181	23-211	Supreme Court - WV	In Re: A.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0198	23-232	Supreme Court - WV	In Re: A.M. & S.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0199	23-241	Supreme Court - WV	In Re: A.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0252	23-255	Supreme Court - WV	In Re: N.H., K.H.-1, A.H.-1, & A.H.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0220	23-274	Supreme Court - WV	In Re: H.P. & L.P.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Ribel, Katica	HHR-23-0240	23-290	Supreme Court - WV	In Re: K.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0260	23-306	Supreme Court - WV	In Re: Z.B., P.W., R.W., A.W., M.R., & S.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0272	23-349	Supreme Court - WV	In Re: K.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0278	23-357	Supreme Court - WV	In Re: W.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0303	23-360	Supreme Court - WV	In Re: X.M., Z.M.-1, Z.M.-2, Z.M.-3, A.M., & I.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0304	23-382	Supreme Court - WV	In Re: G.A. & M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0320	23-393	Supreme Court - WV	In Re: A.W.-1, A.W.-2, & J.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0353	23-454	Supreme Court - WV	In Re: C.K.-1, I.F.-1, I.F.-2, & C.K.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0352	23-463	Supreme Court - WV	In Re: C.K.-1, I.F.-1, I.F.-2, & C.K.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0399	23-519	Supreme Court - WV	In Re: B.L., B.J., B.B., Q.B., S.B., T.B., & K.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0406	23-527	Supreme Court - WV	In Re: C.K.-1, B.K., & C.K.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0404	23-548	Supreme Court - WV	In Re: A.M. & P.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0078	23-57	Supreme Court - WV	In Re: C.L.-1 & C.L.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0432	23-579	Supreme Court - WV	In Re: B.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0100	23-84	Supreme Court - WV	In Re: C.R., M.S., & D.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0101	23-89	Supreme Court - WV	In Re: L.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ribel, Katica	HHR-23-0235	23-G-10	Circuit Court Monongalia County	In Re: G.H.	DHHR filed a petition for the appointment of Guardian and Conservator.
Health, Human Resources	Ribel, Katica	HHR-23-0284	23-G-12	Circuit Court Monongalia County	In Re: M.G.	DHHR filed a petition for the appointment of guardianship and conservatorship.
Health, Human Resources	Ribel, Katica	HHR-23-0420	23-G-14	Circuit Court Ohio County	In Re: A.H.	DHHR filed a petition for the appointment of guardianship and conservatorship.
Health, Human Resources	Ribel, Katica	HHR-23-0419	23-G-18	Circuit Court Marion County	In Re: J.W.	DHHR filed a petition for the appointment of guardianship.
Health, Human Resources	Ribel, Katica	HHR-23-0133	23-G-2	Circuit Court Preston County	In Re: B.D.	DHHR filed a petition for the appointment of Guardian and Conservator.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Ribel, Katica	HHR-23-0369	23-G-21	Circuit Court Harrison County	In Re: T.B.	DHHR filed a petition for the appointment of guardianship.
Health, Human Resources	Ribel, Katica	HHR-23-0132	23-G-3	Circuit Court Preston County	In Re: C.D.	DHHR filed a petition for the appointment of Guardian and Conservator.
Health, Human Resources	Ribel, Katica	HHR-23-0183	23-G-4	Circuit Court Upshur County	In Re: L.E.	DHHR filed a petition for the appointment of Guardian and/or Conservator.
Health, Human Resources	Ribel, Katica	HHR-23-0182	23-G-5	Circuit Court Upshur County	In Re: E.B.	DHHR filed a petition for the appointment of Guardian and/or Conservator.
Health, Human Resources	Ribel, Katica	HHR-23-0384	23-G-6	Circuit Court Barbour County	In Re: N.S.	DHHR filed a petition for the appointment of guardianship.
Health, Human Resources	Ribel, Katica	HHR-23-0385	98-G-30	Circuit Court Monongalia County	In Re: R.A.	DHHR filed a modification guardianship petition. DHHR desires to take over guardianship from the parent who is not performing the guardianship duties appropriately.
Health, Human Resources	Ross, Kristen	HHR-23-0266	23-316	Supreme Court - WV	In Re: F.H., H.H., J.H.-1, B.H.-1, & B.H.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0265	23-321	Supreme Court - WV	In Re: B.R.-1 & B.R.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0309	23-401	Supreme Court - WV	In Re: M.C.-1 & M.C.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0351	23-449	Supreme Court - WV	In Re: A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0363	23-477	Supreme Court - WV	In Re: B.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0374	23-510	Supreme Court - WV	In Re: G.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0375	23-515	Supreme Court - WV	In Re: A.M., L.B., & H.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0397	23-529	Supreme Court - WV	In Re: X.N., C.N., M.N., & K.N.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0408	23-545	Supreme Court - WV	In Re: L.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0437	23-584	Supreme Court - WV	In Re: S.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0438	23-592	Supreme Court - WV	In Re: D.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Ross, Kristen	HHR-23-0446	23-599	Supreme Court - WV	In Re: B.H., J.C., & E.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Stitzinger, Kim	HHR-19-0112	02-C-239	Circuit Court Wood County	J.B. v. WV DHHR	Petition for Substitution of Trustees and for Modification of Administrative Provisions.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Stitzinger, Kim	HHR-15-0184	07-C-45	Circuit Court Lincoln County	American Select Insurance v. Amy Woodrum and WV DHHR	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. WV DHHR/Bureau for Medical Services	Appeal of a document desk review regarding nursing home Medicaid reimbursement rates.
Health, Human Resources	Stitzinger, Kim	HHR-21-0362	21-P-256	Circuit Court Kanawha County	In Re: Ohio Valley Physicians	Provider is suing UniCare and DHHR/Bureau for Medical Services (BMS) for refusing to allow them to perform and bill Medicaid for the most expensive drug tests.
Health, Human Resources	Stitzinger, Kim	HHR-23-0167	22-C-32	Circuit Court Hampshire County	In Re: Estate of Terry L. Weasenforth	Auto accident causing injury. Asking for judgment against estate for damages.
Health, Human Resources	Stitzinger, Kim	HHR-23-0247	23-ICA-207	Intermediate Court of Appeals – WV	WV HCR Manorcare Facilities, et al. v. WV DHHR/BMS	Appeal of Bureau for Medical Services disallowance of medical costs for HCR facilities.
Health, Human Resources	Stitzinger, Kim	HHR-20-0265	3:17-cv-01362	USDC WVSD	In Re: AmerisourceBergen Drug Corp., et al.	Representation of DHHR in response to third party subpoenas.
Health, Human Resources	Trautwein, Jason	HHR-23-0417	2:23-cv-00067	USDC WVSD	Amaya Marie Tovar a/k/a Bryan Lee Tovar v. WV DHHR/Vital Registration et al.	Transgendered individual seeks to mandate DHHR to change birth name.
Health, Human Resources	Trautwein, Jason	HHR-23-0121	23-149	Supreme Court - WV	In Re: M.B.-1, M.B.-2, M.B.-3, D.B., E.B., & I.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0117	23-153	Supreme Court - WV	In Re: M.B.-1, M.B.-2, M.B.-3, D.B., E.B., & I.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0143	23-177	Supreme Court - WV	In Re: A.A. & K.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0169	23-199	Supreme Court - WV	In Re: M.K.-1 & M.K.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0180	23-204	Supreme Court - WV	In Re: C.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0192	23-240	Supreme Court - WV	In Re: G.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0215	23-259	Supreme Court - WV	In Re: J.W.-S. & H.W.-S	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0219	23-268	Supreme Court - WV	In Re: C.L. & C.A.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0250	23-301	Supreme Court - WV	In Re: A.B., S.B., & M.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0258	23-319	Supreme Court - WV	In Re: H.W. & R.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0270	23-341	Supreme Court - WV	In Re: K.K. & A.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0273	23-348	Supreme Court - WV	In Re: J.C., K.C., A.C., I.C., & L.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0306	23-402	Supreme Court - WV	In Re: M.M.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Trautwein, Jason	HHR-23-0326	23-426	Supreme Court - WV	In Re: K.M.-1, K.M.-2, & R.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0333	23-433	Supreme Court - WV	In Re: K.M.-1, K.M.-2, & R.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0334	23-434	Supreme Court - WV	In Re: K.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0346	23-452	Supreme Court - WV	In Re: M.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0377	23-514	Supreme Court - WV	In Re: J.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0398	23-525	Supreme Court - WV	In Re: P.F., B.D., H.D., & K.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0410	23-552	Supreme Court - WV	In Re: F.S. & N.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0441	23-583	Supreme Court - WV	In Re: N.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0436	23-585	Supreme Court - WV	In Re: C.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0093	23-66	Supreme Court - WV	In Re: M.S., K.C., S.C., & B.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0097	23-93	Supreme Court - WV	In Re: J.C.-1, J.C.-2, & J.C.-3	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Trautwein, Jason	HHR-23-0098	23-94	Supreme Court - WV	In Re: C.D.-1, I.D., & C.D.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0188	10-F-92	Circuit Court Mason County	State of West Virginia v. Ronald Erb	Court held DHHR in contempt of court due to DHHR failing to attend hearing with requested report. New hearing set. DHHR must attend and bring written report before the Judge.
Health, Human Resources	Waight, Andrew	HHR-22-0178	10-G-10	Circuit Court Hampshire County	In Re: A.C.	Petition for Removal of Guardian/Conservator. DHHR is current Guardian and strongly disagrees that removal is in the best interest of individual and will object in court.
Health, Human Resources	Waight, Andrew	HHR-23-0370	10-G-4	Circuit Court Jackson County	In Re: J.C.	DHHR filed a petition to modify guardianship. Edwin Clarkson is currently Guardian and is not performing his duties as Guardian.
Health, Human Resources	Waight, Andrew	HHR-22-0300	19-G-32	Circuit Court Kanawha County	In Re: E.B.	A Petition to Terminate, Revoke or Modify the Appointment of Guardian was filed. DHHR is currently Limited Guardian. DHHR is seeking an evaluation to determine whether individual is still considered incapacitated and in need of a Guardian.
Health, Human Resources	Waight, Andrew	HHR-22-0062	20-C-675	Circuit Court Kanawha County	L.P. v. TSAT, LLC, & Vera McCormick	Judge requested that an Adult Protective Services (APS) worker contact individual and arrange a meeting to determine whether any services APS might have to offer are needed. DHHR is now involved in this matter.
Health, Human Resources	Waight, Andrew	HHR-22-0223	22-0426	Supreme Court - WV	In Re: K.A., N.A., & J.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0378	22-0678	Supreme Court - WV	In Re: B.H., R.H., & M.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0384	22-0680	Supreme Court - WV	In Re: B.H., R.H., & M.M.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Waight, Andrew	HHR-22-0395	22-0696	Supreme Court - WV	In Re: M.C. & H.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0424	22-733	Supreme Court - WV	In Re: N.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0425	22-734	Supreme Court - WV	In Re: N.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0443	22-769	Supreme Court - WV	In Re: B.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0502	22-784	Supreme Court - WV	In Re: L.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0486	22-788	Supreme Court - WV	In Re: A.U.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0487	22-798	Supreme Court - WV	In Re: S.B. & A.W.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0515	22-842	Supreme Court - WV	In Re: K.G.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0536	22-884	Supreme Court - WV	In Re: M.F.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0556	22-898	Supreme Court - WV	In Re: C.C., H.R., & R.K.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0554	22-904	Supreme Court - WV	In Re: K.B. & K.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0562	22-907	Supreme Court - WV	In Re: W.B., C.C., & G.C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0569	22-917	Supreme Court - WV	In Re: M.F.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0566	22-929	Supreme Court - WV	In Re: M.F.-1, M.F.-2, & M.F.-3	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-22-0482	22-ICA-189	Intermediate Court of Appeals - WV	In Re: M.E.	Petitioner filed a notice of appeal to the circuit court decision of a financial exploitation protective order.
Health, Human Resources	Waight, Andrew	HHR-23-0017	23-1	Supreme Court - WV	In Re: A.E.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0108	23-102	Supreme Court - WV	In Re: K.V.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0122	23-152	Supreme Court - WV	In Re: S.B., I.B., & K.B.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0137	23-158	Supreme Court - WV	In Re: L.A., D.A., & D.P.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0164	23-186	Supreme Court - WV	In Re: J.P.-C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0171	23-196	Supreme Court - WV	In Re: W.B.-1, A.B., & R.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0177	23-209	Supreme Court - WV	In Re: D.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0193	23-215	Supreme Court - WV	In Re: L.G.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Waight, Andrew	HHR-23-0206	23-254	Supreme Court - WV	In Re: E.M., A.M., S.S., & R.S.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0214	23-264	Supreme Court - WV	In Re: E.S. & I.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0228	23-281	Supreme Court - WV	In Re: D.H., E.H.-1, & H.H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0241	23-292	Supreme Court - WV	In Re: F.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0256	23-304	Supreme Court - WV	In Re: M.C.-H.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0286	23-333	Supreme Court - WV	In Re: H.A.	Appeal regarding protected person H.A.
Health, Human Resources	Waight, Andrew	HHR-23-0280	23-346	Supreme Court - WV	In Re: F.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0275	23-353	Supreme Court - WV	In Re: I.J., O.J., A.J., & S.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0298	23-378	Supreme Court - WV	In Re: X.R. & T.R.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0060	23-38	Supreme Court - WV	In Re: B.W., B.C.-1, & B.C.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0297	23-400	Supreme Court - WV	In Re: A.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0325	23-427	Supreme Court - WV	In Re: C.S.-1, A.S., E.S., & C.S.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0347	23-459	Supreme Court - WV	In Re: K.M.-1, K.M.-2, K.M.-3, & K.M.-4	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0373	23-516	Supreme Court - WV	In Re: L.T.-1, L.T.-2, & J.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0402	23-539	Supreme Court - WV	In Re: A.L. & S.L.-1	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0077	23-59	Supreme Court - WV	In Re: S.B., A.C., & E.B.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0440	23-593	Supreme Court - WV	In Re: J.P.-C.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0109	23-87	Supreme Court - WV	In Re: H.H. & A.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0021	23-9	Supreme Court - WV	In Re: A.E.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Waight, Andrew	HHR-23-0411	23-AF-1	Circuit Court Greenbrier County	Rosa Lee Garner v. Stephen Kressley	DHHR filed a financial exploitation petition on behalf of Rosa Garner against Stephen Kressley.
Health, Human Resources	Waight, Andrew	HHR-23-0412	23-AF-2	Circuit Court Greenbrier County	William Garner v. Stephen Kressley	DHHR filed a financial exploitation petition on behalf of William Garner against Stephen Kressley.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Waight, Andrew	HHR-23-0415	23-AF-6	Circuit Court Kanawha County	Edith Shedd v. Deanna Wade	A financial exploitation petition has been filed on behalf of Edith Shedd by her daughter Stephanie Shedd against Deanna Wade.
Health, Human Resources	Waight, Andrew	HHR-23-0007	23-G-1	Circuit Court Kanawha County	In Re: T.P.	DHHR filed a petition for the appointment of Guardian and Conservator.
Health, Human Resources	Waight, Andrew	HHR-23-0365	23-G-31	Circuit Court Putnam County	In Re: C.D.	DHHR filed an emergency petition for the appointment of temporary guardianship and conservatorship.
Health, Human Resources	Waight, Andrew	HHR-23-0225	23-G-47	Circuit Court Kanawha County	In Re: T.K.W.	The Charleston Area Medical Center (CAMC) filed a Motion to Intervene, Order Immediate Placement, and for an Emergency Hearing. DHHR is involved regarding placement.
Health, Human Resources	Waight, Andrew	HHR-23-0285	23-G-6	Circuit Court Mason County	In Re: K.T.	DHHR filed a petition for the appointment of guardianship.
Health, Human Resources	Waight, Andrew	HHR-23-0305	23-G-8	Circuit Court Kanawha County	In Re: K.B.	Petition for the appointment of Guardian and Conservator.
Health, Human Resources	Waight, Andrew	HHR-23-0322	23-M-5	Magistrate Court Kanawha County	L.E.P. by Nancy Rapp v. Roger Wines	Petition for Financial Exploitation.
Health, Human Resources	Waight, Andrew	HHR-23-0323	23-M-6	Magistrate Court Kanawha County	L.E.P. by Nancy Rapp v. Daphne Wines	Petition for Financial Exploitation.
Health, Human Resources	Waight, Andrew	HHR-23-0366	23-M20A-00007	Circuit Court Kanawha County	In Re: Angela Lynch, Petitioner & Richard Lynch, Respondent	A Financial Exploitation Petition has been filed by Angela Lynch.
Health, Human Resources	Waight, Andrew	HHR-23-0426	3:22-cv-00277	USDC WVSD	A.H. & E.H. v. Putnam County Commission, et al.	CPS and former CPS workers received subpoenas for deposition in civil lawsuit.
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 claims to not be receiving the monthly amount of finances to which entitled.
Health, Human Resources	Walters, Angela	HHR-22-0434	19-JA-11 & 12-DS	Circuit Court Mercer County	In Re: E.T. & E.T.	Child Protective Services case regarding child custody.
Health, Human Resources	Walters, Angela	HHR-23-0049	20-CIGR-1	Circuit Court Mercer County	In Re: D.I.	This is an overlap case wherein the Court directed DHHR to "investigate an investigation."
Health, Human Resources	Walters, Angela	HHR-21-0048	21-AA-1	Circuit Court Raleigh County	T.A. v. WV DHHR Board of Review	Appeal of Office of Inspector General decision to substantiate maltreatment or neglect and educational neglect.
Health, Human Resources	Walters, Angela	HHR-22-0412	21-JA-137 & 22-JA-46-47	Circuit Court Fayette County	In Re: K.S.-1, C.J., & K.S-2	Child Protective Services case regarding child placement.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Walters, Angela	HHR-23-0020	22-ICA-319	Intermediate Court of Appeals – WV	R.C. v. WV DHHR/Bureau for Social Services	Appeal regarding a substantiation of child abuse by Child Protective Services.
Health, Human Resources	Walters, Angela	HHR-22-0470	22-JA-15	Circuit Court Mingo County	In Re: L.D.	Child Protective Services case regarding child custody.
Health, Human Resources	Walters, Angela	HHR-22-0512	22-JA-49 & 50	Circuit Court Nicholas County	In Re: F.K. & H.K.	Respondents are grieving previous findings of abuse/neglect to the children in this matter.
Health, Human Resources	Walters, Angela	HHR-22-0410	22-JA-80, 81, 111, 112	Circuit Court Fayette County	In Re: H.R.N. & J.S.T.	Child Protective Services case regarding the children at issue.
Health, Human Resources	Wegman, Jake	HHR-15-0242	07-F-49	Circuit Court Wood County	State of West Virginia v. R.L.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Wegman, Jake	HHR-14-0124	08-CRM-571	Circuit Court Kanawha County	State of West Virginia v. M.P.	M.P. is a criminal Defendant currently residing in a forensic group home and seeking additional release privileges.
Health, Human Resources	Wegman, Jake	HHR-15-0693	13-F-352	Circuit Court Lewis County	State of West Virginia v. D.M.	Continuing jurisdiction over a forensic patient in state custody.
Health, Human Resources	Wegman, Jake	HHR-22-0291	22-0464	Supreme Court - WV	In Re: H.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-22-0489	22-796	Supreme Court - WV	In Re: H.D.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0136	23-156	Supreme Court - WV	In Re: J.M. & M.M.	Parent challenging circuit court termination of parental rights
Health, Human Resources	Wegman, Jake	HHR-23-0141	23-162	Supreme Court - WV	In Re: J.M. & M.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0178	23-219	Supreme Court - WV	In Re: S.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0196	23-223	Supreme Court - WV	In Re: R.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0195	23-229	Supreme Court - WV	In Re: R.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0205	23-250	Supreme Court - WV	In Re: C.F., D.C., J.J., & S.J.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0222	23-265	Supreme Court - WV	In Re: B.L.-1, B.L.-2, K.L., M.L., & M.S.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0230	23-280	Supreme Court - WV	In Re: A.L.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0257	23-328	Supreme Court - WV	In Re: G.P.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0279	23-354	Supreme Court - WV	In Re: E.T.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0277	23-356	Supreme Court - WV	In Re: W.M.	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0327	23-424	Supreme Court - WV	In Re: L.H.	Parent challenging circuit court termination of parental rights.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Health, Human Resources	Wegman, Jake	HHR-23-0361	23-492	Supreme Court - WV	In Re: H.L.-1 & H.L.-2	Parent challenging circuit court termination of parental rights.
Health, Human Resources	Wegman, Jake	HHR-23-0378	23-509	Supreme Court - WV	In Re: K.F.	Parent challenging circuit court termination of parental rights.



**MAIN OFFICE  
DIVISION**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2023

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	Capehart, Curtis	MO-23-0036	1:22-cv-00110	USDC WVND	Susan M. Buchser v. Mac Warner, WV Secretary of State, and Election Division	Pro se Plaintiff is challenging the constitutionality of requiring voters to be registered.
Main Office	Capehart, Curtis	MO-21-0005	21-P-156	Circuit Court Kanawha County	WV AFL-CIO, et al. v. Jim Justice	Challenge to new statutory amendments relating to permitted paycheck deductions for public employees. Circuit Court preliminary injunction overturned by WV Supreme Court of Appeals. Trial has been rescheduled multiple times, and, currently, there is no trial date scheduled.
Main Office	Capehart, Curtis	MO-23-0027	2:23-cv-00598	USDC WVSD	John Anthony Castro v. Secretary of State Andrew Warner and Donald John Trump	Pro se lawsuit seeking to have President Trump declared ineligible to serve as President and to enjoin the Secretary of State from accepting candidacy filings by President Trump, allowing President Trump to be on ballots in the West Virginia primary, and counting any votes for President Trump. The State of West Virginia and the West Virginia Republican Party have intervened. Motions to dismiss have been filed by the Secretary of State and the intervening parties. Related filings continue, but no ruling has been made on the motions to dismiss.
Main Office	Capehart, Curtis	MO-23-0026	3:23-cv-00058	USDC WVSD	GenBioPro, Inc. v. Kristina Raynes, Putnam County Prosecuting Attorney, and Patrick Morrissey	Manufacturer of abortion drug challenging Unborn Child Protection Act (UCPA), provisions of telemedicine code, and other provisions of code reserved for use if UCPA found unconstitutional. Court dismissed all but preemption challenge to telemedicine provisions, but GenBioPro voluntarily dismissed that claim. GenBioPro intends to appeal the dismissal of all of its other claims; that will proceed in near future.
Main Office	Capehart, Curtis	MO-23-0037	2022-C-133	Circuit Court Marion County	Elsie & Bennie Kyle v. West Virginia Attorney General	Pro se action challenging handling and resolution of opioid cases, ultimately seeking monetary award from opioid settlements. Marion County Circuit Court granted Attorney General's Motion to Dismiss.
Main Office	Capehart, Curtis	MO-23-0028	5:23-cv-158	USDC WVND	West Virginia Parents for Religious Freedom, Andrew Waldron, Pastor Chris Figaretti, and Judd Uhl v. Dr. Matthew Christiansen, Belinda Moss, and Mindy Wilson	Challenge to W.Va. Code § 61-2-8 (old criminal abortion statute) brought shortly after US Supreme Court overturned <i>Roe v. Wade</i> . Kanawha County Circuit Court granted preliminary injunction. Appeal of preliminary injunction determined to be moot by WV Supreme Court of Appeals after Legislature amended W.Va. Code § 61-2-8 (contemporaneously with Unborn Child Protection Act). No action since WV Supreme Court of Appeals decision.
Main Office	Capehart, Curtis	MO-21-0007	2:21-cv-22	USDC WVND	West Virginia v. US Department of Homeland Security & Alejandro Mayorkas	Challenge to US Department of Homeland Security's termination of "Remain in Mexico" border security policy. Case dismissed after US Supreme Court decisions in <i>Texas v. Biden</i> (2022) and <i>U.S. v. Texas</i> (2023).
Main Office	Gray, John	MO-23-0025	CC-48-2023-C-19	Circuit Court Tyler County	SEP Exploration, LLC v. Antero Resources Corporation, James Martin, Director of West Virginia Department of Environmental Protection, and West Virginia Oil and Gas Conservation Commission	On August 29-30, 2023, Plaintiff filed a Complaint for Injunction and then a Petition for Preliminary Injunction naming the West Virginia Oil and Gas Conservation Commission (OGCC) as a Defendant. The OGCC is given limited statutory obligations in the administration of both W.Va. Code § 37B-1-1, et seq., and W.Va. Code § 22C-9-1, et seq. The purported basis for naming the OGCC as a defendant is W.Va. Code § 22C-9-12.
Main Office	See, Lindsay	MO-15-0071	15-1267	US CADC	Florida, et al. v. Environmental Protection Agency, et al.	Legal challenge to Environmental Protection Agency's refusal to approve state implementation plan under the Clean Air Act. Oral argument held March 25, 2022. Parties are awaiting a decision.
Main Office	See, Lindsay	MO-16-0021	15-1399	US CADC	West Virginia v. Environmental Protection Agency	Legal challenge to Environmental Protection Agency's new source performance standards for new power plants; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0020	16-1204	US CADC	Michigan, et al. v. Environmental Protection Agency	Legal challenge to Environmental Protection Agency's supplemental findings on costs/benefits of Mercury Air Toxics Standards rule. Court of Appeals for the D.C. Circuit granted parties' joint motion for dismissal in July 2023.
Main Office	See, Lindsay	MO-21-0015	16-1242	USDC DC	North Dakota, et al. v. Environmental Protection Agency	Legal challenge to Environmental Protection Agency's methane emissions rule for new oil and gas category; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-16-0011	16-1264	US CADC	West Virginia, et al. v. Environmental Protection Agency	Legal challenge to Environmental Protection Agency's methane rule for new oil and gas category; in abeyance pending agency rulemaking.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-19-0002	19-1140	US CADC	American Lung Association v. Environmental Protection Agency, et al.	WV intervened in litigation concerning the Affordable Clean Energy rule. Case is currently on remand to CADC after the WV Attorney General's United States Supreme Court victory in West Virginia v. United States Environmental Protection Agency.
Main Office	See, Lindsay	MO-20-0003	19-1230	US CADC	Union of Concerned Scientists, et al. v. National Highway Traffic Safety Administration, et al.	West Virginia intervened in this litigation concerning the Safer Affordable Fuel-Efficient Vehicles rule; in abeyance pending agency rulemaking.
Main Office	See, Lindsay	MO-21-0020	2:21-cv-00022	USDC WVND	West Virginia v. U.S. Department of Homeland Security, et al.	Challenge to suspension of the Migrant Protection Protocols without appropriate consideration of the impact of the termination on the trafficking of fentanyl into the U.S. Following the U.S. Supreme Court's decision in U.S. v. Texas on June 23, 2023, West Virginia filed a Stipulation of Voluntary Dismissal which was subsequently granted by order entered July 5, 2023.
Main Office	See, Lindsay	MO-21-0018	2:21-cv-01074	USDC LAWD	Louisiana, et al. v. Biden, et al.	Multi-state legal challenge to federal taskforce determinations of social costs of greenhouse gases, which are in turn used to conduct cost/benefit analyses for every regulatory action.
Main Office	See, Lindsay	MO-23-0016	2:23-cv-00016	USDC TXND	Utah, et al. v. Martin Walsh and U.S. Department of Labor	West Virginia joined a multi-state coalition challenging U.S. Department of Labor's "Prudence and Loyalty in Selecting Plan Investments and Shareholder Rights" rule. The District Court ruled in favor of Defendants on September 21, 2023.
Main Office	See, Lindsay	MO-21-0014	20-1530	Supreme Court - US	West Virginia v. Environmental Protection Agency	Challenge to United States Environmental Protection Agency's "Clean Power Plan," which purports to decide whether and how to decarbonize almost any sector of the economy. The US Supreme Court ruled in favor of the WV Attorney General's position 6-3.
Main Office	See, Lindsay	MO-20-0001	20-16606	US CA9	California, et al. v. Wheeler, et al.	West Virginia intervened in litigation concerning the Navigable Waters Protection rule. Defendant-Intervenors Chantell and Michael Sackett appealed to the Court of Appeals for the Ninth Circuit. Appeals case dismissed as moot.
Main Office	See, Lindsay	APP-21-0215	21-0683	Supreme Court - US	State of West Virginia v. Brooklyn Zavion Johnson	Petition for Writ of Certiorari concerning warrantless entry. Petition denied May 1, 2023.
Main Office	See, Lindsay	MO-19-0005	21-40680	US CA5	Texas v. United States (DACA)	West Virginia joined a multi-state coalition challenging former 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. The Court of Appeals for the Fifth Circuit affirmed the District Court's ruling and remanded for further proceedings. The District Court ruled again that DACA was unlawful on September 13, 2023.
Main Office	See, Lindsay	MO-21-0026	21-4235	US CA6	Ohio v. Xavier Becerra	Multi-state legal challenge to Department of Health and Human Services rule purporting to rescind certain aspects of regulations implementing Title X restrictions on abortion spending. Appeal is briefed and was argued on October 27, 2022. Parties are awaiting a decision.
Main Office	See, Lindsay	MO-21-0006	22-0070	Supreme Court - WV	Sam Brunett & Robert McCloud v. Craig Blair, President of WV Senate, Roger Hanshaw, Speaker of WV House of Delegates, & Jim Justice, Governor of WV	Petition for Mandamus and Injunctive Relief against the President of the Senate, Speaker of the House, and Governor to prevent the authorization of public charter schools by the WV Public Charter School Board. Circuit Court of Kanawha County entered a preliminary injunction on January 20, 2022, preventing authorization of charter schools and ordering the Governor to remove board members who continued to enforce the statute. State officials appealed to the WV Supreme Court of Appeals and requested a stay, which was granted on February 23, 2022, allowing the law to go into effect while the appeal was pending. The WV Supreme Court of Appeals reversed the Circuit Court's Preliminary Injunction against the Governor on June 8, 2023, and remanded the matter back to the Circuit Court for further proceedings.
Main Office	See, Lindsay	MO-21-0011	22-1008	US CA4	Sierra Club v. WV Department of Environmental Protection	Petition for review of Clean Water Act 401 certification by WV Department of Environmental Protection as to Mountain Valley Pipeline. The Court of Appeals for the Fourth Circuit vacated the certification by order entered April 3, 2023.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-21-0019	22-10168	US CA11	West Virginia, et al. v. U.S. Department of Treasury	West Virginia is leading a multi-state action challenging an American Rescue Plan Act (ARPA) provision barring use of ARPA funds to offset a tax revenue reduction. West Virginia presented argument in the Court of Appeals for the Eleventh Circuit in September 2022 and the Court of Appeals for the Eleventh Circuit ruled in favor of the States on January 1, 2023.
Main Office	See, Lindsay	MO-22-0002	22-1081	US CADC	Ohio v. Environmental Protection Agency	Litigation challenging California fuel standards waiver. Oral argument was held September 15, 2023, and the parties are awaiting a decision.
Main Office	See, Lindsay	MO-20-0007	22-175	Supreme Court - US	Steven M. Recht, et al. v. Patrick Morrissey	District Court preliminary injunction overturned by USDC CA4. Plaintiffs denied certiorari by US Supreme Court. The case is closed.
Main Office	See, Lindsay	MO-21-0023	22-234	Supreme Court - US	Cook County, IL v. Texas	West Virginia intervened in this litigation concerning the "public charge" rule. Court of Appeals for the Seventh Circuit affirmed the District Court order. Petition for Writ of Certiorari denied on January 9, 2023.
Main Office	See, Lindsay	MO-22-0013	22-2812	US CA8	Morehouse Enterprises v. Bureau of Alcohol, Tobacco, Firearms & Explosives, et al.	West Virginia intervened with other states in an action challenging ATF's regulation banning "ghost guns." Opinion affirming the District Court's ruling entered August 22, 2023.
Main Office	See, Lindsay	MO-22-0007	22-2854	US CA8	Arizona, et al. v. Bureau of Alcohol, Tobacco, Firearms & Explosives, et al.	Complaint seeking preliminary injunction to preserve status quo, followed by declaratory judgment and permanent injunctive relief restraining Defendants from enforcing various parts of an omnibus rulemaking by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Consolidated with Morehouse Enterprises v. ATF, et al. Ruling in favor of Defendants entered August 22, 2023.
Main Office	See, Lindsay	MO-22-0006	22-30303	US CA5	Arizona v. U.S. Centers for Disease Control and Prevention	Multi-state challenge to revocation of immigration-related Title 42 expulsion program. The District Court's Preliminary Injunction was rendered moot as a result of the decision in Arizona v. Mayorkas on May 12, 2023, and the case was remanded for entry of an order stating the same.
Main Office	See, Lindsay	MO-22-0016	22-30458	US CA5	Louisiana, et al. v. U.S Horseracing Integrity & Safety Authority	Action by West Virginia and the West Virginia Racing Commission joining Louisiana and other entities in challenge to horseracing regulations. The Court of Appeals for the Fifth Circuit affirmed the District Court's Preliminary Injunction on November 18, 2022. Matter stayed pending a decision in National Horseman's Benevolent and Protective Association v. Black.
Main Office	See, Lindsay	APP-20-0063	22-5319	Supreme Court - US	Gary Lee Rollins v. Donnie Ames, Superintendent	Appeal from denial of state post-conviction relief after murder conviction. Petition for Writ of Certiorari denied January 9, 2023.
Main Office	See, Lindsay	MO-23-0022	22-5325	US CADC	Huisha-Huisha, et al. v. Mayorkas	West Virginia joined a multi-state coalition of State Intervenor's challenging Defendants' invalidation of Title 42 Orders. The Court of Appeals for the D.C. Circuit rendered the Motion to Intervene moot as a result of the decision in Arizona v. Mayorkas on May 12, 2023, and the case was remanded for entry of an order dismissing the case as moot on September 7, 2023.
Main Office	See, Lindsay	MO-21-0013	22-5487	US CA6	Oklahoma, et al. v. U.S. Horseracing Integrity & Safety Authority, et al.	West Virginia and the West Virginia Racing Commission joined several states in suing to invalidate the Horseracing Integrity and Safety Act of 2020. The Court of Appeals for the Sixth Circuit affirmed the District Court's ruling in Defendants' favor on March 3, 2023. A Petition for Rehearing En Banc was denied in May 2023.
Main Office	See, Lindsay	MO-23-0023	22-6121	Supreme Court - US	Michael Paul Conn v. West Virginia	Appeal of sex offender registry requirement. Petition for Writ of Certiorari denied on April 3, 2023.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-22-0001	22-616	Supreme Court - WV	Travis Beaver, Karen Kalar, & Wendy Peters v. Riley Moore, WV State Treasurer; W. Clayton Burch, WV State Superintendent; Miller L. Hall, WV Board of Education President; Craig Blair, WV Senate President; Roger Hanshaw, WV House of Delegates Speaker; & Jim Justice, WV Governor	Challenge to House Bill 2013, codified as W.Va. Code § 18-31-1, et seq., the "Hope Scholarship Act," wherein the WV Supreme Court of Appeals reversed the circuit court's permanent injunction and allowed the law to go back into effect.
Main Office	See, Lindsay	MO-23-0009	22-6432	US CA4	Jonathan Lind v. Ralph Terry, Warden	Habeas corpus appeal. Parties are awaiting a decision. Motion for Rehearing En Banc denied December 28, 2022.
Main Office	See, Lindsay	APP-21-0120	22-6663	US CA4	Richard Kartman v. Shelby Searls, Superintendent	§2254 Habeas petition alleging ineffective assistance of counsel arising from failure to investigate, and conflict of interest and due process violations. Court denied the certificate of appealability and dismissed the appeal on October 3, 2023.
Main Office	See, Lindsay	MO-23-0006	22-6674	Supreme Court - US	Antonio Collins v. Shelby Searls, Superintendent	Petition for Writ of Certiorari concerning sentence. Petition denied March 6, 2023.
Main Office	See, Lindsay	APP-22-0011	22-6704	US CA4	Johnnie Franklin Wills v. Karen Psczolkowski, Superintendent	Appeal from denial of federal post-conviction relief pertaining to WV three-strikes law. Oral argument was heard on March 8, 2023, and the parties are awaiting a decision.
Main Office	See, Lindsay	APP-20-0149	22-6738	Supreme Court - US	Melvin G. Simms v. Donald Ames, Superintendent	Petition for Writ of Certiorari concerning Certificate of Appealability. Petition denied March 6, 2023.
Main Office	See, Lindsay	MO-23-0007	22-6872	US CA4	Jeffrey Hazlett v. Shelby Searls, Superintendent	Habeas corpus appeal. Parties are awaiting a decision.
Main Office	See, Lindsay	APP-17-0165	22-7029	US CA4	Harold Billiter v. Ralph Terry, Warden	Habeas corpus appeal. Parties are awaiting a decision.
Main Office	See, Lindsay	APP-21-0074	22-7129	US CA4	Keith Martin Molineaux v. Donnie Ames, Superintendent	Habeas corpus appeal. Parties are awaiting a decision.
Main Office	See, Lindsay	MO-23-0008	22-7180	US CA4	Angela Miller v. J.D. Sallaz, Superintendent	Habeas corpus appeal. Parties are awaiting a decision.
Main Office	See, Lindsay	MO-23-0004	22-7189	Supreme Court - US	Amos Hicks v. Donnie Ames, Superintendent	Inmate appeal concerning failure to receive part of his trial transcript and ineffective appellate counsel. Parties are awaiting a decision as to whether the Petition for a Writ of Certiorari will be granted.
Main Office	See, Lindsay	APP-21-0092	22-727	Supreme Court - US	Izzac Weister v. West Virginia	Petition for Writ of Certiorari concerning West Virginia's competency law. Petition denied February 27, 2023.
Main Office	See, Lindsay	MO-23-0010	22-7423	US CA4	Elan Bell-Veney v. Shelby Searls, Superintendent	Habeas corpus appeal. Court dismissed the appeal on October 10, 2023.
Main Office	See, Lindsay	MO-23-0005	22-747	Supreme Court - US	Tracy Renee Pennington v. West Virginia	Petition for Writ of Certiorari concerning challenge to probable cause judicial finding for a "pickup order." Petition denied May 22, 2023.
Main Office	See, Lindsay	APP-21-0175	22-7680	Supreme Court - US	Adonne Horton v. West Virginia	Petition for Writ of Certiorari concerning challenge of inmate sentence. Petition denied June 26, 2023.
Main Office	See, Lindsay	MO-19-0004	220145	Supreme Court - US	Delaware v. Arkansas, et al.	Original action in U.S. Supreme Court regarding state entitlement to unclaimed MoneyGram checks. The US Supreme Court heard oral argument in October 2022 and ruled for the Plaintiff States on February 28, 2023. The case has returned to the Special Master to resolve damages.
Main Office	See, Lindsay	MO-22-0004	23-1078	US CA4	B.P.J., by her next friend & mother, Heather Jackson v. WV State Board of Education, et al.	West Virginia intervened in litigation challenging new statute relating to participation in interscholastic athletic events by biological sex. West Virginia granted summary judgment holding statute is constitutional and in line with Title IX. All briefing to USDC CA4 is complete. This case has now been argued.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-23-0015	23-1144	US CADC	Iowa, et al. v. U.S. Environmental Protection Agency, et al.	Petition for Review challenging Environmental Protection Agency's renewal of two California Air Resource Board regulations for heavy-duty onroad vehicles and engines. Briefing is ongoing.
Main Office	See, Lindsay	MO-23-0001	23-1418	US CA4	West Virginia v. U.S. Environmental Protection Agency and Michael S. Regan, Administrator	Challenge to US Environmental Protection Agency's Denial of West Virginia's Ozone State Implementation Plan (SIP). The Court of Appeals for the Fourth Circuit issued a stay pending oral argument, which it set for October 27, 2023.
Main Office	See, Lindsay	MO-23-0003	23-233	Supreme Court - US	Antero Resources v. Matthew R. Irby, State Tax Commissioner, et al.	Challenge by natural gas producer concerning deduction of post-production expenses for property tax purposes. Briefing is ongoing.
Main Office	See, Lindsay	MO-23-0011	23-233	US CA4	Yasser Abdelhaq v. Donald Ames, Superintendent	Habeas corpus appeal. Parties are awaiting a decision.
Main Office	See, Lindsay	MO-23-0017	23-60079	US CA5	Texas, et al. v. Securities and Exchange Commission	Petition for Review challenging Securities and Exchange Commission's rule imposing "enhanced reporting" requirements for proxy votes. Briefing is ongoing.
Main Office	See, Lindsay	MO-23-0012	23-6329	US CA4	Jonathan Lind v. Ralph Terry, Warden	Habeas corpus appeal. Parties are awaiting a decision.
Main Office	See, Lindsay	AEB-22-0151	23-6334	US CA4	Ricky Vincent Pendleton v. Betsy C. Jividen, Commissioner, et al.	Inmate appeal under the Religious Land Use and Institutionalized Persons Act concerning Religious Special Diets. Briefing is ongoing.
Main Office	See, Lindsay	MO-23-0013	23-6351	US CA4	Dennis Rydbom v. Donnie Ames, Superintendent	Habeas corpus appeal. Parties are awaiting a decision.
Main Office	See, Lindsay	MO-23-0014	23-6940	US CA4	William Widmyer v. David Ballard, Warden	Habeas corpus appeal. Informal Opening Brief due October 19, 2023.
Main Office	See, Lindsay	APP-22-0085	23-6969	USDC WVSD	Antwyn Gibbs v. Donnie Ames, Superintendent	Appeal by Petitioner to the Court of Appeals for the Fourth Circuit regarding a \$2254 Habeas petition alleging illegal extradition, ineffective assistance of counsel, and lack of personal jurisdiction.
Main Office	See, Lindsay	TAX-19-0251	23-ICA-127	Intermediate Court of Appeals – WV	Jason Haight, et al. v. Air Evac EMS, Inc.	Challenge to PEIA's Medicare Rule rate reimbursement for ambulance transports. Briefing is ongoing.
Main Office	See, Lindsay	MO-20-0005	3:20-cv-04636	USDC CAND	In Re: Clean Water Act Rulemaking	West Virginia intervened in this litigation concerning Environmental Protection Agency's rules under Section 401 of the Clean Water Act. The District Court and the Court of Appeals for the Ninth Circuit blocked the rule; however, the US Supreme Court stayed that ruling pending appeal. Parties are awaiting a new rule from EPA.
Main Office	See, Lindsay	MO-21-0012	3:21-cv-00308	USDC TNED	Tennessee, et al. v. U.S. Department of Education, et al.	West Virginia joined several other states in suing to enjoin enforcement of certain Department of Education and Equal Employment Opportunity Commission guidance documents related to Title IX. The District Court ruled in favor of the Plaintiff States in July 2022 and the federal government subsequently appealed. Oral argument was heard by the Court of Appeals for the Sixth Circuit on April 26, 2023, and the parties are awaiting a decision.
Main Office	See, Lindsay	MO-22-0008	3:22-cv-00257	USDC TNED	Tennessee, et al. v. U.S. Department of Agriculture, et al.	Complaint for Declaratory and Injunctive Relief challenges application of U.S. Supreme Court Bostock case to state programs receiving federal funding under Supplemental Nutrition Assistance Program. The District Court granted Defendant's Motion to Dismiss on March 29, 2023.
Main Office	See, Lindsay	MO-23-0002	3:23-cv-00032	USDC NCMD	West Virginia, et al. v. Environmental Protection Agency, et al.	Challenge to the Biden Administration's replacement of the Trump-era "Waters of the United States" rule. The District Court granted West Virginia's Motion for Preliminary Injunction on April 12, 2023, and barred federal agencies from enforcing the rule in the plaintiff States.
Main Office	See, Lindsay	MO-22-0014	6:22-cv-1130	USDC LAWD	Arizona, et al. v. Merrick Garland, et al.	Multi-state challenge to the Biden Administration's "asylum rule." Discovery is ongoing.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Main Office	See, Lindsay	MO-23-0021	6:23-cv-00007	USDC TXSD	Texas, et al. v. U.S. Department of Homeland Security, et al.	West Virginia joined a multi-state coalition challenging the Biden Administration's decision to use the humanitarian parole program to allow entry into the U.S. for up to 360,000 immigrants annually from Cuba, Haiti, Nicaragua, and Venezuela. The District Court conducted a two-day bench trial in August 2023. Post-trial briefing is ongoing.
Main Office	See, Lindsay	MO-22-0015	8:22-cv-00718	USDC FLMD	Florida, et al. v. Rochell Walensky, U.S. Centers for Disease Control & Prevention, et al.	West Virginia joined other states in challenging the US Centers for Disease Control's national transportation mask mandate. Case stayed pending a decision in the Health Freedom matter. Notice of Voluntary Dismissal filed by Plaintiff States on June 27, 2023.
Main Office	Travis, Steven	MO-23-0029	2:19-cv-00434	USDC WVSD	The West Virginia Coalition Against Domestic Violence, Inc. v. Patrick J. Morrisey	Plaintiff is challenging the constitutionality of W.Va. Code § 61-7-14 which allows for individuals to possess a firearm on private property subject to certain conditions.
Main Office	Whelan, Sean	MO-22-0011	23-ICA-174	Intermediate Court of Appeals – WV	Alexander Fleming, et al. v. Mitch Carmichael, et al.	Petition for declaratory and injunctive relief challenging the constitutionality of the WV Department of Economic Development's authority under W.Va. Code § 5B-1-9 to designate Hill Top House Hotel as the State's first of five tourism development districts. The circuit court held a hearing on Secretary Carmichael's motion to dismiss on August 11, 2022, and granted dismissal by order entered March 29, 2023. Appealed to the WV Intermediate Court of Appeals with briefing ongoing.
Main Office	Williams, Michael	MO-23-0031	2:23-cv-00598	USDC WVSD	John Castro v. West Virginia Secretary of State and Donald John Trump	Plaintiff contends that President Trump is an insurrectionist and constitutionally ineligible to hold office. President Trump and the Secretary of State have moved to dismiss the complaint. The West Virginia Attorney General has intervened separately as the State's Chief Legal Officer and has moved to dismiss. The West Virginia Republican Party has also intervened and seeks a dismissal. Briefing is ongoing.

# **MEDICAID FRAUD CONTROL UNIT**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2023



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Medicaid Fraud Control Unit	Blair, John	MFCU-19-0003	19-F-127	Circuit Court Lincoln County	State of West Virginia v. Joseph Peterson	Deferred Adjudication Plea entered into, then revoked due to Defendant's failure to successfully complete. Charge reverted back to Medicaid Fraud as laid out in the Deferred Adjudication Agreement.
Medicaid Fraud Control Unit	Kenney, Stephen	MFCU-23-0010	22-316f-00092	Circuit Court Hardy County	State of West Virginia v. Ashley Castell	Action regarding submission of time sheets for services that were not rendered to Defendant's mother.
Medicaid Fraud Control Unit	Kenney, Stephen	MFCU-23-0007	22-M06M-02520	Magistrate Court Cabell County	State of West Virginia v. Vanessa Boyd	Action regarding submission of fraudulent time sheets to WV Choice for services while Defendant was working at ResCare, Inc., and no services were actually rendered to Ivan Cazad.
Medicaid Fraud Control Unit	Kenney, Stephen	MFCU-23-0004	22-M20M-09440	Magistrate Court Kanawha County	State of West Virginia v. Kayley Cabell	Defendant, a former Person Centered Support Family Services (PCSF) provider through Community Services, Inc. (CSI) and Public Partnership Limited (PPL), submitted and was paid for fraudulent time sheets from July 15, 2014, through February 22, 2019, causing a loss to the West Virginia Medicaid Program of \$7,395.26.
Medicaid Fraud Control Unit	Kenney, Stephen	MFCU-23-0006	22-M20M-09989	Magistrate Court Kanawha County	State of West Virginia v. Jessica Hensley	Defendant, a former Direct Care Provider through All Aide Services, Inc., submitted and was paid for fraudulent time sheets from May 19, 2017, through August 12, 2018, causing a loss to the West Virginia Medicaid Program of \$688.
Medicaid Fraud Control Unit	Kenney, Stephen	MFCU-23-0009	22-M20M-758	Magistrate Court Kanawha County	State of West Virginia v. Yogesh Patel	Defendant, a former Direct Support Professional through the ARC of Three Rivers, submitted and was paid for fraudulent time sheets from March 15, 2016, through April 15, 2018, causing a loss to the Medicaid Program of \$55,726.23.
Medicaid Fraud Control Unit	Kenney, Stephen	MFCU-23-0008	22-M42F-00105	Circuit Court Randolph County	State of West Virginia v. Helen Howell	Action regarding submission of fraudulent time sheets to Randolph County Council on Aging reflecting Defendant was providing services when she was actually working for other employer.
Medicaid Fraud Control Unit	Kenney, Stephen	MFCU-23-0005	23-M20M-00252	Magistrate Court Kanawha County	State of West Virginia v. Timothy Jay Adkins	Defendant caused fraudulent claims to be submitted to and paid by the Medicaid Program.
Medicaid Fraud Control Unit	Kenney, Stephen	MFCU-23-0003	CC-42-2023-F-51	Circuit Court Randolph County	State of West Virginia v. Carrie Collins	Action regarding felony Medicaid Fraud.
Medicaid Fraud Control Unit	Myers, Michael	MFCU-23-0001	23-C-242	Circuit Court Kanawha County	WV Department of Health & Human Resources v. Bali Surgical Center, PLLC, and Dr. Ahmad Bali	Civil action brought pursuant to W.Va. Code § 9-7-6 to recover three times the total amount of overpayments (\$448,417.50) that Defendant received from the Medicaid Program. Seeking payment of \$1,345,252.50 plus attorneys fees.
Medicaid Fraud Control Unit	Myers, Michael	MFCU-23-0002	23-C-522	Circuit Court Kanawha County	WV DHHR v. Elder Aid Services	Civil action brought pursuant to W.Va. Code § 9-7-6 to recover three times the total amount of overpayments (\$151,907.75) that Defendant received from the Medicaid Program. Seeking payment of \$455,723.37.

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

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

November 1, 2023

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0022	19-12771	Bankruptcy Court-US PAED	In Re: Herz, Herz & Reichle	Three entities that operated Timberline Ski Resort filed Chapter 11 Bankruptcy. The primary case is Herz, Herz, and Reichle, Inc., Case No. 19-12771, which has Long Run Realty, Inc. and Timberline Four Seasons as associated cases. Collectively, they owe a total of \$705,825.37 to the State Tax Division. Timberline sold its assets and the cases later converted to Chapter 7. The proposed distribution schedule indicates that the State Tax Division will be paid in its order of priority.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-18-0098	19-AA-79	Circuit Court Kanawha County	WV Insurance Commissioner v. Andrew B. Jensen	The West Virginia Insurance Commissioner dismissed Mr. Jensen, Grievant, from employment due to Grievant being absent from work for more than three consecutive workdays without providing notice. An Administrative Law Judge ruled in favor of Grievant and reinstated him to his position. The West Virginia Insurance Commissioner appealed to Circuit Court, which ruled in favor of the Grievant. The West Virginia Insurance Commissioner did not appeal to the WV Supreme Court of Appeals. The matter remains open while the Court considers Grievant's counsel's request for attorney fees.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-19-0102	19-P-183-3	Circuit Court Harrison County	Grand China Buffet & Grill, Inc., Qi Fen, and Hui Chen v. Matthew R. Irby, State Tax Commissioner	Grand China Buffet filed a petition to appeal an Office of Tax Appeals' decision. The Petitioners alleged that the Office of Tax Appeals erred in affirming the State Tax Division's consumer sales tax assessment. The Petitioners allege that the Office of Tax Appeals erred because it failed to use the best information available and, instead, presumed every customer ordered a full buffet while ignoring the customers that might have purchased menu items. The Circuit Court issued a decision affirming the Office of Tax Appeals decision. On January 12, 2023, the Court entered an order approving the payment of the appeal bond, which was received by the State Tax Division. The matter is now closed.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0029	20-12043	Bankruptcy Court-US WVSD	In Re: Hopedale Mining LLC, et al.	Hopedale Mining LLC and its affiliates (the Debtors) objected to the State Tax Division's proof of claim for unpaid taxes. The bankruptcy plan was confirmed and the State Tax Division's claim is being paid over the life of the plan.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0017	20-14692	Bankruptcy Court-US PAED	In Re: Camp Rim Rock, LLC	Camp Rim Rock, LLC filed Chapter 11 Bankruptcy on December 9, 2020, in the Eastern District of Pennsylvania. The company's Chapter 11 plan was confirmed by the Bankruptcy Court on July 29, 2022, and the State Tax Division's claims filed in the case will be paid over the course of the plan.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0158	20-AA-88	Circuit Court Kanawha County	Jackson National Life Insurance Company v. WV Insurance Commissioner	Jackson National Life Insurance Company appealed to the Circuit Court of Kanawha County a decision of the West Virginia Insurance Commissioner that denied its request for refund of overpayment of annuity taxes. The parties briefed the appeal and are awaiting a decision from the Circuit Court.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0033	20-C-282	Circuit Court Kanawha County	Harold Ward, Director of Division of Mining and Reclamation v. ERP Environmental Fund, Inc.	The Director of the West Virginia Division of Mining and Reclamation filed a civil suit against ERP Environmental Fund regarding a particular coal mine it owns in West Virginia. The State Tax Division has low-priority liens against ERP Environmental Funds and requested that the Office of the Attorney General monitor this lawsuit to ensure its tax liens remain intact.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0043	20-P-159	Circuit Court Kanawha County	Board of Education of Kanawha County v. David C. Burdette, WV State Tax Department, MH Equipment-Ohio, City of Charleston, State Department of Transportation, Division of Highways and Michael J. Rutherford, Sheriff of Kanawha County	The Kanawha County Board of Education filed a Complaint to condemn property in Kanawha County that may be encumbered by state tax liens. A response was filed protecting the interests of the State Tax Division and seeking payment of any outstanding tax liens.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0089	20-P-62	Circuit Court Harrison County	City of Clarksburg v. Matthew R. Irby, WV State Tax Commissioner, and Joseph Romano, Assessor	The City of Clarksburg filed a Petition to Appeal a Property Tax Ruling, which determined that the Robinson Grand Theatre owned by the City of Clarksburg is not exempt from ad valorem taxes pursuant to W.Va. Code § 11-3-9(a)(3). A response was timely filed defending the Property Tax Ruling. The Court is currently considering the parties' Agreed Order to resolve the matter.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0112	21-AA-1	Circuit Court Brooke County	Scott Sonda v. Brooke County Board of Equalization	Taxpayer appealed the Brooke County Commission's assessment of his oil and gas mineral interests, but failed to name the State Tax Commissioner as a party. The Brooke County Commission filed a motion to join the State Tax Commissioner as a party. The motion remains pending.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0062	21-C-193	Circuit Court Kanawha County	Katie L. Monroe and James M. Davis, in their capacity of Successor Trustees v. Danielle C. Decker, West Virginia State Tax Department, USA, Department of the Treasury and IRS, and The Sanitary Board of Charleston	The Successor Trustees filed a Complaint for Interpleader for a judgment on the disbursement of excess funds that it received in a foreclosure sale of property that was encumbered by a Deed of Trust. The IRS, State Tax Division, and the Charleston Sanitary Board all have liens against the property. An Answer was filed, which properly protects the State Tax Division's lien position and interests. The matter was dismissed.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0110	21-P-103	Circuit Court Preston County	Lorn Martin, et al. v. Amanda Powell, et al.	This is an action seeking court approval to sell real property belonging to a decedant. There are outstanding tax liens. The State Tax Division requested that the sale proceeds be used to satisfy the outstanding tax liens. A Guardian ad Litem was appointed to represent the interests of the minor children who have an interest in the property. The Circuit Court is concerned with the adequacy of the purchase price and requested evidence to show that the sale price is adequate.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-23-0053	22-21375	Bankruptcy Court-US PAWD	RLI Solutions Company v. WV DMV	RLI filed for bankruptcy and the debtor continues to operate its business and manage the property of the estate as debtor-in-possession. It sought a finding that the WV Division of Motor Vehicles violated the automatic stay by requiring proof of personal property taxes being paid to Harrison County in order to register its vehicles. The parties resolved that motion, and the vehicles were registered.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0007	22-491	Supreme Court - WV	Tax Analysts v. Matthew Irby, State Tax Commissioner of West Virginia	Tax Analysts, a nonprofit corporation, filed a complaint against the State Tax Commissioner to compel the production of the State Tax Division's standards for auditing taxpayers. The Circuit Court dismissed the Complaint pursuant to W.Va. Code § 11-10-5d(b)(5)(B). Tax Analysts appealed the Circuit Court's decision to the WV Supreme Court of Appeals. Argument has been ordered by the Supreme Court for a future date.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0020	22-AA-10	Circuit Court Kanawha County	WV 2020 Holding, LLC v. State Tax Commissioner	WV 2020 Holding, LLC filed a Petition Appealing Denial of Ad Valorem Property Tax Exemption. The State Tax Commissioner filed an answer opposing the requested relief and is preparing to defend its position at circuit court.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0028	22-AA-5	Circuit Court Kanawha County	Blue Creek Mining, LLC v. Kanawha County Commission	The State Tax Division received a subpoena duces tecum for a report conducted by the West Virginia Offices of the Insurance Commissioner relating to the appraisal of Blackhawk Mining and Blue Creek Mining's property. The report was produced to the extent it was not privileged, and the subpoena was resolved.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0005	22-ICA-305	Intermediate Court of Appeals – WV	EQT Production Company v. Matthew R. Irby, WV State Tax Commissioner, Eric Buzzard, Marshall County Assessor, and Marshall County Commission	EQT filed a petition to appeal the decision of the Marshall County Commission, which affirmed the Tax Division's valuation of oil and gas wells in Marshall County owned by Chevron USA, Inc., but acquired afterward by EQT. In the Circuit Court of Marshall County, the State Tax Division argued that EQT lacked standing to appeal this assessment because it was not the taxpayer. The circuit court agreed and dismissed the petition for appeal. EQT appealed the dismissal to the WV Intermediate Court of Appeals. Briefing was completed on May 22, 2023, and the parties are awaiting a memorandum decision or order granting oral argument.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-22-0038	22-P-249	Circuit Court Kanawha County	Andrew Garretson and Melissa Garretson v. WV Public Employees Insurance Agency and Thomas Miller	The Garretsons filed a lawsuit in Circuit Court against the WV Public Employees Insurance Agency alleging the WV Public Employees Insurance Agency improperly revoked his benefits administrator access to WV Public Employees Insurance Agency, which was part of his job duties. The Garretsons also seek damages for Ms. Garretson being removed from WV Public Employees Insurance Agency health insurance in 2015. The parties resolved Mr. Garretson's computer system access by mutual agreement. WV Public Employees Insurance Agency filed a motion to dismiss the remainder of the Complaint because the Circuit Courts cannot hear claims for damages against West Virginia state agencies. The parties agreed to dismiss the case by order entered on December 2, 2022.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-23-0033	23-C-140	Circuit Court Wood County	Urban Renewal v. Hildebrand	Petition filed to condemn land for public use. The WV State Tax Division was dismissed by Agreed Order on July 21, 2023.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-23-0032	23-C-35	Circuit Court Brooke County	Scott Sonda v. Brook County Board of Equalization	Scott Sonda filed a Complaint alleging their Oil and Gas rights were assessed inaccurately. Mr. Sonda has requested that the ad valorem taxes in question be reassessed. The State Tax Division has moved to dismiss the case for lack of subject matter jurisdiction.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-23-0064	23-C-52	Circuit Court Ohio County	Scott Sonda v. Ohio County Board of Equalization	Scott Sonda filed a Complaint alleging that his Oil and Gas rights were assessed inaccurately. Mr. Sonda has requested that the ad valorem taxes in question be reassessed. The State Tax Division has moved to dismiss the case for lack of subject matter jurisdiction.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-23-0047	23-C-60	Circuit Court Harrison County	Precision Concrete LLC v. Matthew R. Irby, State Tax Commissioner	Precision Concrete provided concrete services to Defendant Dustin Loudin around his home and pool. An invoice was sent for \$26,600 for worked rendered. Precision Concrete alleges that the invoice has not been paid. Precision is filing an Amended Complaint to add the State Tax Division and others as parties. Precision alleges that the State Tax Division holds a lien against the subject property.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-23-0017	23-cv-47	USDC WVND	Edgefield Holdings, LLC v. Builders Unlimited, Inc.	Edgefield Holdings, LLC filed a Complaint for fraudulent conveyance of property. Edgefield named the State Tax Division as a defendant based on certain recorded liens, which had been paid off. The liens were released, and the State Tax Division was voluntarily dismissed from the case.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0050	23-ICA-235	Intermediate Court of Appeals – WV	Shenandoah Personal Communications, LLC v. Matthew R. Irby, State Tax Commissioner	Shenandoah Personal Communications, LLC filed a Petition for Administrative Appeal from a decision of the Office of Tax Appeals stating that the administrative tribunal erred when it ruled that purchases of cellular phones were not exempt from use tax; erred when it failed to give proper weight to the facts set forth at the administrative hearing; and erred with other factual and legal errors. The Circuit Court affirmed the Office of Tax Appeals' decision and the taxpayer appealed to the WV Intermediate Court of Appeals. Briefing is ongoing.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-23-0012	23-ICA-313	Intermediate Court of Appeals – WV	Forethought Life Insurance v. Allen McVey, Commissioner	Forethought's request for withdrawals or partial surrenders to be deducted from taxable premiums was denied by the Offices of the Insurance Commissioner. Forethought appealed to the WV Intermediate Court of Appeals and briefing is ongoing.
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-20-0045	6:19-bk-06589	Bankruptcy Court-US FLMD	In Re: Via Airlines, Inc.	Via Airlines has a pending bankruptcy in Florida. The Auditor's Office has filed a claim against Via Airlines for unpaid public utility taxes. The plan was confirmed and proposed to pay priority tax claims in full. The Debtor has agreed to pay the taxes due according to the Court's order.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Ballard, William	TAX-21-0102	None Given	Magistrate Court Berkeley County	In Re: Estate of Gregory R. Shiely	The State Tax Division is party to this matter for enforcement of state tax liabilities relating to estate administration. The parties are currently awaiting the Court to approve an estate distribution.
Tax, Revenue, Court of Claims, and Transportation	Harper, Seth	TAX-16-0033	16-AA-2W	Circuit Court Hancock County	Arcelormittal Weirton v. Matthew R. Irby, State Tax Commissioner and Joseph Alongi, Hancock County Assessor, Intervenor	Arcelormittal is appealing a Property Tax Ruling. The taxpayers argue that the steel scrap produced at their facility is subject to the Freeport Exemption. An Answer was filed on behalf of the State Tax Division defending the Property Tax Ruling. The Hancock County Assessor filed a Motion to Intervene, which was granted. This case was dismissed on August 23, 2023, due to lack of activity.
Tax, Revenue, Court of Claims, and Transportation	Harper, Seth	TAX-21-0047	21-C-36	Circuit Court Nicholas County	The Bank of NY Mellon v. Michael J. McQuerry, WV State Tax Department, et al.	Petition for Declaratory Judgment Quieting Title in Real Estate and Reforming Deed of Trust Legal Description. An Answer was filed on behalf of the State Tax Division protecting its lien position and seeking payment in its order of priority. The Tax Division is seeking to be dismissed from the case.
Tax, Revenue, Court of Claims, and Transportation	Harper, Seth	TAX-23-0038	23-C-163	Circuit Court Berkeley County	JRH Investments, LLC v. Charlotte A. Clark, et al.	Per contract, the Plaintiff JRH Investments, LLC, allegedly paid \$95,000 to third parties on behalf of Defendant Clark. The Plaintiff alleges that Clark breached the contract for failing to perform under the contract and for failure to resolve judgments attached to subject real estate. The State Tax Division filed a motion to dismiss based upon a lack of pre-suit notification. The motion to dismiss remains pending.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-19-0001	18-C-281	Circuit Court Ohio County	SWN Production Company v. Matthew R. Irby, State Tax Commissioner, Tiffany Hoffman, Assessor, and Ohio County Commission	SWN appealed the Ohio County Board of Assessment and Appeals' Order, which upheld the State Tax Division's valuations for the 2018 tax year of SWN's natural gas wells in the county. The State Tax Commissioner filed an answer defending the valuations. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019).
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-20-0008	19-C-62	Circuit Court Wyoming County	Charles W. Schollar, Jr. v. Matthew R. Irby, State Tax Commissioner	Mr. Schollar filed a petition to appeal the administrative decision issued by the WV Office of Tax Appeals, which determined that Mr. Schollar was not entitled to exempt his pension from personal income taxes. The Office of Tax Appeals' decision modified the State Tax Division's original assessment to remove the penalties. A motion to dismiss was filed on behalf of the State Tax Division for failure to perfect the appeal. The Petitioner was granted time to respond to the motion. However, before the deadline to file, he circulated a proposed agreed order dismissing the appeal. The parties await the Judge's signature on that order.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-20-0027	20-C-8	Circuit Court Hancock County	TriState River Products, Inc. v. Joseph Alongi, Hancock County Assessor, and Matthew R. Irby, State Tax Commissioner	TriState River Products filed a petition to appeal a Property Tax Ruling issued by the State Tax Commissioner. The Petitioner alleges that the State Tax Division erroneously determined that certain tangible personal property owned by Petitioner is subject to ad valorem taxation. An Answer was filed on behalf of the State Tax Division defending the property tax ruling. The appeal is ongoing.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-20-0064	20-C-97	Circuit Court Monongalia County	Mu Mu Chapter of the Sigma Chi Fraternity v. Matthew R. Irby, State Tax Commissioner, and Mark Musick, Assessor	Mu Mu Chapter of the Sigma Chi Fraternity filed a Petition appealing a Property Tax Ruling, which determined that it was not exempt from ad valorem property taxes on real estate it owns in Morgantown, West Virginia. The fraternity is no longer affiliated with West Virginia University and, as a result, is no longer entitled to the exemption under W.Va. Code § 11-3-9(a)(15). This matter is related to Alpha Rho v. Matthew Irby, 20-C-99 pending in Monongalia County Circuit Court. The parties are preparing to brief renewed motions for summary judgment.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-20-0065	20-C-99	Circuit Court Monongalia County	Alpha Rho Chapter of the Kappa Alpha Order v. Matthew R. Irby, State Tax Commissioner, and Mark Musick, Assessor	The Alpha Rho Chapter of Kappa Alpha Order filed a Petition to appeal a Property Tax Ruling, which determined that the fraternity was not eligible for exemption from ad valorem property taxes on real estate it owns in Morgantown, West Virginia because the Chapter is no longer affiliated with West Virginia University pursuant to W.Va. Code § 11-3-9(a)(15). This matter is related to Mu Mu v. Matthew R. Irby, 20-C-97 pending in Monongalia County Circuit Court. The parties are preparing to brief renewed motions for summary judgment.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-20-0021	21-0521	Supreme Court - WV	Beta Theta Pi Fraternity of WVU, Inc. v. Mark Musick, Monongalia County Assessor, and Dale W. Steager, State Tax Commissioner	Taxpayer Beta Theta Pi Fraternity of WVU, Inc. appealed Property Tax Ruling 20-36 to the Monongalia Circuit Court alleging that the State Tax Division erroneously determined that the subject property does not meet the requirements set forth in W.Va. Code § 11-3-9(a)(15) and, therefore, does not qualify for an exemption of ad valorem property taxes. The State Tax Division based its decision on the fact that Beta Theta Pi no longer has a national charter and, therefore, has no members at West Virginia University. The Circuit Court entered an order reversing the Property Tax Ruling. The State Tax Division appealed the decision to the WV Supreme Court of Appeals. After briefing and oral argument, the WV Supreme Court of Appeals determined that the wrong party appealed this matter. It vacated the circuit court's order on February 9, 2023, and dismissed the appeal without prejudice.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0060	21-C-29	Circuit Court Ritchie County	U.S. Bank v. McLaughlin	Petition for Declaratory Judgment. The opposing party failed to state a claim against the State Tax Division and gave no notice of a Motion to Join Necessary Party. A Motion to Dismiss was filed based on jurisdiction. A final order was entered dismissing the State Tax Division.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0002	21-C-37	Circuit Court Grant County	Freedom Mortgage Corporation v. Antonia Harman, Jeremy E. Hinz, and WV State Tax Department	Freedom Mortgage Corporation filed a Petition for Declaratory Judgment Reforming the Legal Description and quieting title to the real estate due to an existing cloud on title. The State Tax Division filed an Answer protecting its lien position. An Agreed Dismissal Order protecting the State Tax Division's lien interests was submitted to the Grant County Circuit Court, and the Court entered the same. The parties are awaiting a Final Order.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0017	22-C-11	Circuit Court Mason County	Appalachian Power Company v. Walter Warren Edwards' unknown heirs, et al.	Appalachian Power filed a Notice of Condemnation on property in Mason County for the Lakin Racine Transmission Line Rebuild Project. The State Tax Division did not dispute the requested relief and the Circuit Court of Mason County entered an Order granting the condemnation. The Court has noticed a hearing to determine how Appalachian Power's fair market proceeds will be distributed in light of the active tax liens. The tax liens have now been withdrawn and a motion to dismiss the State Tax Division and proposed order were submitted to the Court.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0079	22-C-204	Circuit Court Mercer County	Deutsche Bank v. Isabelita DeMesa	Deutsche Bank filed a Petition to Quiet Title in this Cloud of Title action. The State Tax Division did not dispute the relief requested by Petitioner. The State Tax Division was dismissed while maintaining the priority of its unaffected tax lien.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0057	22-C-24	Circuit Court Summers County	Betty Lightener v. Quiambao	Betty Lightener filed a Petition for real estate to be sold free and clear of any liens or encumbrances and that the proceeds be distributed to the parties entitled thereto. The State Tax Division did not dispute the requested relief, filed an Answer, and requested funds from the sale based on an active tax lien. The hearing was held and the Court granted the Petition. The tax lien was later satisfied and no distribution of funds were necessary. This matter was closed.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0027	22-C-286	Circuit Court Cabell County	SREI-III, LLC v. Chandler Hill	A Petition to Reform Deed and Mortgage to correct errors in legal descriptions, appoint Special Commissioner, and to sell real estate was filed. The State Tax Division has an active lien against a Respondent in this matter, is second in line for priority, and filed an Answer not disputing the relief requested. An Agreed Order was entered by the Court after the relief sought was not disputed. A Special Commissioner was appointed and the sale of property occurred. Petitioner was the highest bidder and no funds were left over to pay off the active tax lien. This matter was closed.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0065	22-C-61	Circuit Court Jackson County	In Re: Bailey & Slotnick, PLLC	Petition for an order granting leave to deposit excess proceeds from a Trustee's Sale. The Petition requests that the Court appoint a Special Commissioner to investigate and recommend the proper disposition of excess proceeds if the Circuit Court of Ritchie County deems necessary and for an order distributing the proceeds in accordance with the findings. The State Tax Division's tax lien has been withdrawn. A final order was entered dismissing the State Tax Division and this matter was closed.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0078	22-C-95	Circuit Court Kanawha County	US Bank v. Gary J. Ashworth	US Bank filed a Petition for Declaratory Judgment Rescinding Trustee Sale and Trustee's Deed and Reinstating Deed of Trust. An agreed order was entered dismissing the State Tax Division. This matter was closed.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0040	22-P-221	Circuit Court Kanawha County	WV Department of Transportation, Division of Highways v. David R. Basham, an individual, et al.	The Division of Highways filed this Condemnation of Land matter. The State Tax Division did not dispute the requested relief due to an active tax lien against Respondent. The hearing was conducted and the Court granted the requested condemnation relief. A petition was made to the Court, the same was granted, and condemnation funds were distributed to the State Tax Division. This matter was closed.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0076	22-P-316	Circuit Court Kanawha County	NR Deed, LLC v. Matt Harrison, et al.	NR Deed, LLC filed a Motion to Amend the Complaint to Quiet Title as to the claim against the real estate in favor of a tax lien of the State Tax Division with interest and penalties in the sum of \$1,406.52. Respondent is an heir of the delinquent taxpayer and has posted funds to redeem the property. NR Deed has now moved the Court to overturn the tax deed and return funds. The Tax Department's tax lien will remain unaffected and maintain its priority. A final order was entered and this matter was closed.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0061	22-P-360	Circuit Court Kanawha County	BankUnited N.A. v. Estate of Sandra K. Means, et al.	A Petition for Declaratory Judgment was filed seeking to correct a cloud on title and determine rightful ownership. The State Tax Division filed an Answer, did not dispute the relief requested, and asserted its tax lien rights. An Agreed Order Dismissing the State Tax Division was prepared and the same was entered by the Court. This matter was closed.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-23-0007	22-P-369	Circuit Court Kanawha County	Charleston Land Reuse Agency v. WV State Tax Department	Petitioner, Charleston Land Reuse Agency, has filed a petition to Quiet Title and declare it as the sole and rightful owner of two separate tracts of property acquired at a Sheriff's tax lien sale. The State Tax Division filed a motion to dismiss based on lack of jurisdiction and lack of interest. The Court entered a final order dismissing the State Tax Division. This matter was closed.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0071	22-P-405	Circuit Court Kanawha County	American Pride Properties, LLC v. Nancy Clark et al.	Petitioner, American Pride Properties, LLC, is the owner of certain property located in Dunbar, West Virginia, and has filed a Petition to Quiet Title and Eviction against Nancy G. Clark and the State Tax Division. The State Tax Division does not have an active lien against Nancy Clark. A final order was entered dismissing the State Tax Division and this matter was closed.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-23-0015	23-C-15	Circuit Court Putnam County	Am Pride v. C.I. Realty, LLC	Petitioner filed a Petition to Quiet Title and Eviction. The State Tax Division did not dispute the claim and sought to maintain tax lien priority. A final order was entered and this matter was closed.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-23-0056	23-C-262	Circuit Court Raleigh County	WV Department of Transportation, Division of Highways v. Lawrence Homes, Inc.	WV Department of Transportation/Division of Highways filed a Petition to Condemn Land for Public Use, Notice of Right of Entry Hearing, and Motion for Immediate Entry. A hearing is scheduled for September 27, 2023.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-23-0046	23-ICA-327	Intermediate Court of Appeals – WV	JF Allen Company v. Matthew R. Irby, State Tax Commissioner	JF Allen Company appealed a final decision of the WV Office of Tax Appeals. This case stems from the State Tax Division's assessment to Petitioner for combined consumer sales and service and use tax. The parties are currently completing a briefing scheduling.
Tax, Revenue, Court of Claims, and Transportation	Kidd, Kevin	TAX-22-0082	CC-41-2022-C-384	Circuit Court Raleigh County	Forethought Life Insurance Company v. Gary Saye	Petitioner Forethought Life Insurance Company requested a declaratory judgment affixing a manufactured home to real estate. The State Tax Division was named a party by virtue of tax liens recorded in 2016 and 2017. This matter was later voluntarily dismissed by the Petitioner.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0054	18-C-899	Circuit Court Kanawha County	NR Deed, LLC v. Charles A. White and Matthew R. Irby, State Tax Commissioner	NR Deed served the WV Attorney General and the State Tax Commissioner with a Complaint to Quiet Title. A Motion to Dismiss for Failure to Provide Presuit Notice was filed. The State Tax Division was dismissed following entry of an agreed dismissal order.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0041	2:21-cv-00310	USDC WVSD	Air Evac EMS, Inc. d/b/a Air Evac Lifeteam and AirMedCare Network v. Allen McVey, Commissioner of the West Virginia Insurance Commission	Air Evac filed a petition to prevent the Insurance Commissioner from enforcing the Air Ambulance Patient Protection Act, which declared that air ambulance membership agreements bearing certain characteristics are insurance products and, therefore, can be regulated by the Insurance Commissioner. Air Evac alleges that the Act specifically targeted its memberships and its agreements relate to its price for an emergency transport. As a result, Air Evac alleges that the Airline Deregulation Act prevents the Insurance Commissioner from requiring that it comply with West Virginia laws regarding insurance. The Insurance Commissioner is vigorously defending this case because 15 USCA § 1012, otherwise known as the McCarran Ferguson Act, provides broad authority to the State for the purpose of regulating the business of insurance. This matter was consolidated with 2:21-cv-105. The parties have submitted dispositive motion briefing to the Court and the matter is ripe for decision.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0007	20-C-64	Circuit Court Lincoln County	AEP West Virginia Transmission Company v. Harold Daniel Toney, et al.	AEP filed a Notice of Condemnation for the Circuit Court to determine the right of AEP to condemn and appropriate for public purposes the interests in real estate. The State Tax Division has a valid lien for unpaid personal income tax recorded against one of the Respondents and has filed an answer to protect its lien position. This matter is currently on hold as the Petitioner works to resolve service issues with some of the multiple Respondents.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0005	20-C-65	Circuit Court Lincoln County	AEP West Virginia Transmission Company v. Randy Lee Toney, et al.	AEP filed a Notice of Condemnation for the Circuit Court to determine the right of AEP to condemn and appropriate for public purposes the interests in real estate. The State Tax Division has valid liens for unpaid personal income tax recorded against one of the Respondents and has filed an answer to protect its lien position. This matter is currently on hold as the Petitioner works to resolve service issues with some of the multiple Respondents.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0006	20-C-80	Circuit Court Lincoln County	AEP West Virginia Transmission Company v. Kenneth L. Donahue, et al.	AEP filed a Notice of Condemnation for the Circuit Court to determine the right of AEP to condemn and appropriate for public purposes the interests in real estate. A motion to dismiss for failure to provide presuit notice was filed and remains pending with the Circuit Court.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0001	20-P-31	Intermediate Court of Appeals – WV	The Silver Creek Association, Inc., et al. v. Matthew R. Irby, State Tax Commissioner and Tom Lane, Assessor of Pocahontas County	The Silver Creek Association and several unit owners filed an appeal of Property Tax Ruling 21-16, which ruled in part that the Assessor cannot issue split tax tickets to the unit owners for their ownership of individual residential units and the common commercial elements. Following briefing and oral argument, the Circuit Court granted the State Tax Division's Motion for Summary Judgment and affirmed the property tax ruling. Silver Creek filed a Notice of Appeal to the WV Intermediate Court of Appeals and the parties are awaiting a scheduling order.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0115	21-0982	Supreme Court - WV	David C. Tabb v. WV Insurance Commissioner	David Tabb filed a petition for appeal challenging the Kanawha County Circuit Court's order that denied his appeal of the Offices of the Insurance Commissioner's order as untimely. The Respondent insurer filed a motion to dismiss due to Petitioner's failure to comply with an order adopted by the WV Supreme Court of Appeals that required the Petitioner to first obtain court approval or an attorney certification prior to proceeding pro se in any action or appeal. The Offices of the Insurance Commissioner joined in the motion and the appeal was dismissed. The Petitioner has filed several post dismissal motions seeking reconsideration of the dismissal and the recusal of justices. The WV Supreme Court of Appeals declined to docket the first motion to reconsider. There has been no action taken on the second motion to reconsider.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0009	21-1301	USDC WVSD	Air Evac EMS, Inc., d/b/a Air Evac Lifeteam and AirMedCare Network v. James A. Dodrill, West Virginia Insurance Commissioner	The State Insurance Commissioner instituted an administrative action against Air Evac because it sells membership agreements shifting the unreimbursed financial risk of an air ambulance transport from the member to Air Evac or one of its affiliates if either transports the member. Air Evac obtained a preliminary injunction to stop the administrative proceeding, which was instituted to determine if the membership agreements sold by Air Evac constitute the unlicensed sale of an insurance product. This action has been consolidated with Southern District of West Virginia Civil Action No. 2:21-cv-00310 wherein the issue of the Insurance Commissioner's ability to regulate the membership agreements will be resolved. The parties have completed a dispositive motion briefing schedule and the matter is ripe for decision.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0023	21-AA-20	Supreme Court - WV	Karen's Cookie Carnival, Inc. v. West Virginia Lottery Commission	Karen's Cookie Carnival, Inc. filed a Petition for Review of Administrative Decision appealing the decision of the Lottery Commissioner, which imposed a civil penalty in the amount of \$92,100 and revoked the Appellant's license and permit to operate limited video lottery machines. The administrative decision held that the license was being revoked because the licensee accepted and held personal and payroll checks from customers to allow them to play the video lottery terminals. This is a violation of W.Va. Code § 29-22B-702(10) and W.Va. Code R. § 179-5-35. The Circuit Court affirmed the Lottery's administrative decision. Thereafter, the Appellant requested and was denied a stay of enforcement pending appeal by both the Circuit Court and the WV Supreme Court of Appeals. The Appellant then appealed to the WV Supreme Court of Appeals, which affirmed the decision from below.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0086	21-C-110	Circuit Court Jefferson County	U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust v. Edward J. Walsh, Jr., et al.	U.S. Bank filed an Amended Complaint requesting an order from the court for a Special Commissioner to sell and convey property owned by the Defendants as a result of an improvement that encroached upon Defendant's property. The State Tax Division had a tax lien against one of the Defendant property owners. An answer was filed defending its lien position and seeking payment of the outstanding lien in its order of priority. An agreed order was entered by the court which, among other things, ordered that the State Tax Division receive sale proceeds according to priority. This ultimately equated to the receipt of \$11,250.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0055	21-C-173	Circuit Court Harrison County	Heritage Cooperative, Inc. v. Katherine Poling, Kenneth Poling, WV State Tax Department, IRS, and First Financial Bank	Heritage Cooperative obtained a judgment against the Defendants in Ohio. The Petitioner domesticated its judgment in West Virginia and now seeks to sell the real estate owned by the Defendants to satisfy its judgment liens. The State Tax Division may have tax liens against the Defendants. A motion to dismiss for failure to provide presuit notice was filed and remains pending with the Court. Currently, this matter is stayed pending bankruptcy.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0042	21-C-31	Circuit Court Brooke County	Brian Corwin v. Michael S. Riggle, et al.	The Plaintiff bought real estate at a delinquent tax auction. Subsequently, SWN Production Company, who had an interest in the land pursuant to the lease of oil and gas that encumbers the real estate, redeemed the property. The Plaintiff contends that the redemption should be null and void. The State Tax Division was named as a party because it holds a lien against the property owner. A motion to dismiss for failure to provide presuit notice was filed and granted by the Court. Following service of pre-suit notification and an amended complaint, the State Tax Division agreed to be re-added as a party to this matter. Before the State Tax Division could be readded, the Court granted default judgment against Defendants Crystal and Thomas Rogerson. Currently, the State Tax Division has yet to be re-added as a party by the Court. Most recently, the Plaintiff filed a Motion to Escrow Royalties Pending Outcome of Litigation.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-21-0056	21-C-32	Circuit Court Lewis County	The Huntington National Bank, N.A. v. Samuel J. Smith and Amie N. Radcliff, State of West Virginia, Discover Bank, a Delaware corporation, and Midland Funding, LLC, a Delaware corporation	The Huntington National Bank filed a Complaint against Samuel J. Smith and Amie N. Radcliff to reform a Deed of Trust to correct the legal description of property. The State Tax Division filed a Motion to Dismiss based upon the failure to state a claim against the State Tax Division. Specifically, the Complaint inaccurately asserts the presence of tax liens. Rather, there are judgments against Defendant Samuel J. Smith stemming from criminal matters, which fall outside the purview of the State Tax Division. The Court ultimately entered an order reforming the legal description.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-22-0081	23-317	Supreme Court - WV	Pfizer Inc. and Subsidiaries v. WV State Tax Commissioner	Petitioner appealed a final decision of WV Office of Tax Appeals, which affirmed tax assessments issued against the Petitioner. Petitioner appealed to the WV Intermediate Court of Appeals where the appeal was dismissed due to failure to comply with the mandatory appeal bond requirement. The Petitioner then appealed the dismissal to the WV Supreme Court of Appeals and the parties are currently completing a briefing schedule.
Tax, Revenue, Court of Claims, and Transportation	Means-Moore, Cassandra	TAX-20-0063	3:17-cv-01362	USDC WVSD	City of Huntington/Cabell County Commission v. AmerisourceBergen, et al.	McKesson Corporation issued a subpoena duces tecum to the Offices of the Insurance Commissioner to appear and present documents that it believed to be under its control and custody. A production was made and no objections were made. The underlying litigation has ended and the matter has been closed.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0094	19-AA-108	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Lindsey Earl	The Division of Motor Vehicles Commissioner filed a petition to appeal the decision of the Office of Administrative Hearings, which reversed the Division of Motor Vehicles Commissioner's order of revocation of Ms. Earl's driver's license. The petition alleges that Office of Administrative Hearings erred when it exceeded its statutory authority, disregarded substantive evidence presented by the investigating officer, and then determined the driver was more credible. The circuit court denied the petition and held that the Office of Administrative Hearings correctly reversed the Division of Motor Vehicles revocation order.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0070	21-0371	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Clint Casto	Mr. Casto appealed a decision of the Office of Administrative Hearings, which upheld the Division of Motor Vehicles' Commissioner's order of revocation of Mr. Casto's driver's license, to the Circuit Court of Kanawha County. The circuit court affirmed the revocation as well, and Mr. Casto appealed to the WV Supreme Court of Appeals. On June 15, 2023, the WV Supreme Court of Appeals reversed the circuit court and remanded for an order reinstating Mr. Casto's driver's license.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0143	21-0438	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Raymond Burcker	Raymond Burcker was arrested for driving while under the influence and the Division of Motor Vehicles revoked his driving privileges. Mr. Burcker appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation for driving under the influence but reversed the enhancement for aggravated driving under the influence because the Office of Administrative Hearings determined that the evidence presented at the hearing did not show that the proper protocols were followed when administering the tests. The Division of Motor Vehicles appealed the reversal of the enhancement to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Division of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals, and on April 3, 2023, the WV Supreme Court of Appeals affirmed the circuit court's decision.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0136	21-0686	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Aaron Powers	Aaron Powers was arrested for driving while under the influence and the Division of Motor Vehicles revoked his driving privileges. Mr. Powers appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation for driving under the influence but reversed the enhancement for aggravated driving under the influence because the Office of Administrative Hearings determined that the evidence presented at the hearing did not show that the proper protocols were followed when administering the tests. The Division of Motor Vehicles appealed the reversal of the enhancement to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Division of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals, and on April 3, 2023, the WV Supreme Court of Appeals affirmed the circuit court's decision.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-20-0068	21-0726	Supreme Court - WV	Everett Frazier, DMV Commissioner v. David Gaither, Jr.	The Division of Motor Vehicles Commissioner filed a petition to appeal the final decision of the Office of Administrative Hearings, which reversed the Division of Motor Vehicles Commissioner's order of revocation. The Division of Motor Vehicles asserts that the Office of Administrative Hearings erred in misinterpreting the evidence in the record. The Circuit Court of Kanawha County affirmed the Office of Administrative Hearings decision and on June 14, 2023, the WV Supreme Court of Appeals affirmed as well.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0091	21-0775	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Larry E. Glassburn, Jr.	Larry Glassburn was arrested for driving while under the influence and the Division of Motor Vehicles revoked his driving privileges. Mr. Glassburn appealed the revocation to the Office of Administrative Hearings, which reversed the revocation for driving under the influence. The Division of Motor Vehicles appealed the Office of Administrative Hearings' decision to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Division of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals alleging that the Circuit Court of Kanawha County erred when it: 1) made a ruling that excluded documentary evidence not heard at the hearing; 2) abused its discretion and committed error of law by its exclusion of evidence specifically permitted by statute; and 3) failed to afford the Investigating Officer's sworn statement a rebuttable presumption of accuracy. On December 6, 2022, the WV Supreme Court of Appeals affirmed the circuit court's decision.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0064	21-0966	Supreme Court - WV	Michael Durkee v. Everett Frazier, DMV Commissioner	Michael Durkee was arrested for driving while under the influence and proximately causing the death of his wife. The Division of Motor Vehicles revoked his driving privileges, and Mr. Durkee appealed the revocation to the Office of Administrative Hearings, which upheld the revocation for driving while under the influence. Mr. Durkee appealed the matter to the Circuit Court of Kanawha County alleging that the Division of Motor Vehicles did not prove that his drinking was a proximate cause of his wife's death. The Circuit Court of Kanawha County upheld the Office of Administrative Hearings' order, and Mr. Durkee appealed to the WV Supreme Court of Appeals. On September 15, 2023, the WV Supreme Court of Appeals affirmed the circuit court's decision.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0028	21-0991	Supreme Court - WV	Steve Briscoe v. Everett Frazier, DMV Commissioner	The Division of Motor Vehicles suspended Steve Briscoe's driving privileges for driving while revoked for driving while under the influence. Mr. Briscoe appealed the matter to the Circuit Court of Putnam County. When the Circuit Court of Putnam County dismissed the companion driving under the influence appeal for a constitutional violation, it dismissed the suspension for driving revoked without holding an evidentiary hearing. The Division of Motor Vehicles appealed the decision to the WV Supreme Court of Appeals. The WV Supreme Court of Appeals affirmed the circuit court's decision on June 15, 2023.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0068	21-1012	Supreme Court - WV	Benson Boyd v. Everett Frazier, DMV Commissioner	Benson Boyd filed a petition in the Circuit Court of Berkeley County to appeal the decision of the Office of Administrative Hearings, which affirmed the Division of Motor Vehicles Commissioner's order of revocation of his driver's license. Mr. Boyd alleges that the Office of Administrative Hearings erred when it failed to consider that he requested a blood test and that the Office of Administrative Hearings failed to consider the five panel drug screen. On November 11, 2021, Mr. Boyd lost his appeal in the Circuit Court of Berkeley County, and on December 16, 2021, Mr. Boyd appealed to the WV Supreme Court of Appeals. On January 18, 2023, the WV Supreme Court of Appeals affirmed the revocation of Mr. Boyd's license.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0034	21-AA-1	Circuit Court Logan County	Brian McDevitt v. Everett Frazier, DMV Commissioner	Brian McDevitt was arrested for driving while under the influence of alcohol, and the Division of Motor Vehicles issued an order of revocation. Mr. McDevitt appealed the revocation to the Office of Administrative Hearings, which upheld the revocation. Mr. McDevitt appealed the Office of Administrative Hearings' order to the Circuit Court of Logan County alleging that the Office of Administrative Hearings erred in finding that the signs of intoxication were due to alcohol, drugs, and/or controlled substances instead of due to the residual effects of a stroke that he had. The Circuit Court of Logan County dismissed the matter as moot because Mr. McDevitt completed all requirements for license reinstatement while his appeal was pending.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-22-0012	21-AA-1	Circuit Court Grant County	Everett Frazier, DMV Commissioner v. Chet Sisler	Chet Sisler was arrested for driving while under the influence and causing the death of another, and the Division of Motor Vehicles revoked his driving privileges. Mr. Sisler appealed the order of revocation to the Office of Administrative Hearings, which upheld the revocation. Mr. Sisler appealed the Office of Administrative Hearings' decision to the Circuit Court of Grant County, but Mr. Sisler did not pay for or otherwise produce the Administrative Record to the Circuit Court for Grant County's review as he is required to do by statute and case law. The Division of Motor Vehicles filed a Motion to Dismiss for Mr. Sisler's failure to prosecute his case for a year or more, and the Circuit Court of Grant County granted the motion and dismissed the matter.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0037	21-AA-22	Circuit Court Kanawha County	Whitney Webb v. Everett Frazier, DMV Commissioner	Whitney Webb was arrested for driving while under the influence and the Division of Motor Vehicles revoked her driving privileges. She filed an appeal with the Office of Administrative Hearings, which affirmed the license revocation, and she appealed the matter to the Circuit Court of Kanawha County alleging that there was insufficient evidence of driving and consumption of intoxicating substances. The Circuit Court of Kanawha County denied Ms. Webb's petition for judicial review.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0073	21-AA-32	Circuit Court Kanawha County	James Juba v. Everett Frazier, DMV Commissioner	James Juba was arrested for driving while under the influence and the Division of Motor Vehicles revoked his driving privileges. Mr. Juba appealed the revocation to the Office of Administrative Hearings, which upheld the revocation for driving under the influence. Mr. Juba appealed the matter to the Circuit Court of Kanawha County alleging the Office of Administrative Hearings weighed the evidence incorrectly. The Circuit Court of Kanawha County denied Mr. Juba's petition for judicial review.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0079	22-0017	Supreme Court - WV	Chadwick West v. Everett Frazier, DMV Commissioner	Chadwick West was arrested for driving while under the influence and the Division of Motor Vehicles revoked his driving privileges. Mr. West appealed the decision to the Office of Administrative Hearings, which affirmed the Division of Motor Vehicles' order of revocation of his driving privileges. Mr. West appealed the Office of Administrative Hearings' decision to the Circuit Court of Kanawha County. Mr. West alleged that the Officer did not see him driving despite the undisputed evidence that the driver wrecked his vehicle into a ditch and sat in his wrecked vehicle while drinking alcohol. The Circuit Court of Kanawha County affirmed the Office of Administrative Hearings' order, and Mr. West appealed the Circuit Court of Kanawha County's Decision to the WV Supreme Court of Appeals. On September 15, 2023, the WV Supreme Court of Appeals affirmed the circuit court's decision revoking Mr. West's license.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0029	22-0117	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Dino Carson	Dino Carson was arrested for driving while under the influence, and the Division of Motor Vehicles revoked his driving privileges. Mr. Carson appealed the revocation to the Office of Administrative Hearings alleging that there was no reasonable suspicion to stop his vehicle and that there was a discrepancy between the documentary and testimonial evidence. The Office of Administrative Hearings upheld the revocation and Mr. Carson appealed to the Circuit Court, which affirmed the Office of Administrative Hearings' order. Mr. Carson then appealed to the WV Supreme Court of Appeals. The Division of Motor Vehicles filed a motion to dismiss for mootness when it learned that Mr. Carson had been convicted of the companion criminal offense. Mr. Carson filed a motion to withdraw his appeal. The parties are awaiting entry of an order dismissing the matter.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0214	22-0223	Supreme Court - WV	Jad Ramadan v. Everett Frazier, DMV Commissioner	Jad Ramadan was arrested for driving while under the influence of controlled substances and/or drugs, and the Division of Motor Vehicles revoked his driving privileges. Mr. Ramadan appealed the revocation to the Office of Administrative Hearings, which upheld the revocation for driving while under the influence because even though there was a blood test result which was negative for all substances tested, the laboratory did not test for suboxone which Mr. Ramadan admitted to taking. Mr. Ramadan appealed the Office of Administrative Hearings' order to the Circuit Court of Monongalia County alleging that there was a lack of evidence. The Circuit Court of Monongalia County reversed the Office of Administrative Hearings' decision. The Division of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals alleging that the circuit court substituted its judgment for that of the fact finder below. The WV Supreme Court of Appeals heard oral argument on September 27, 2023, and the parties are awaiting an opinion.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-21-0035	22-0284	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Michael Moore	Michael Moore was arrested for driving while under the influence and the Division of Motor Vehicles revoked his driving privileges. Mr. Moore appealed to the Office of Administrative Hearings, which reversed the order of revocation. The Division of Motor Vehicles appealed the Office of Administrative Hearings' order to the Circuit Court of Kanawha County, which affirmed the Office of Administrative Hearings' order. The Division of Motor Vehicles appealed the matter to the WV Supreme Court of Appeals alleging that the Office of Administrative Hearings discounted evidence of impairment and the blood test results and created a requirement that an expert witness was required to show whether the drug levels were within a "therapeutic range." On June 13, 2023, the WV Supreme Court of Appeals affirmed the circuit court's decision rescinding the revocation.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-22-0011	22-0431 and 22-0352	Circuit Court Kanawha County	Everett Frazier, DMV Commissioner v. Brian Ettinger	Brian Ettinger engaged in what appears to be an illegal deferral for driving under the influence in the Magistrate Court of Berkeley County. The Division of Motor Vehicles revoked Mr. Ettinger's driving privileges based upon the federal statute's requirement for a guilty plea. Mr. Ettinger filed a Petition for Writ of Prohibition in the Circuit Court of Berkeley County. The Circuit Court of Berkeley County granted the Writ, and in a separate order denied his request for attorney fees and costs. The Division of Motor Vehicles appealed the grant of the writ and Mr. Ettinger appealed the denial of costs and fees. On June 13, 2023, the WV Supreme Court of Appeals affirmed the circuit court regarding the license revocation and in a separate decision affirmed the denial of costs and fees.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-19-0202	22-0568 and 22-0112	Supreme Court - WV	Everett Frazier, DMV Commissioner v. Cheryl Yoder	Cheryl Yoder was arrested for driving while under the influence of alcohol, controlled substances and/or drugs, and the Division of Motor Vehicles revoked her driving privileges. She appealed the revocation to the Office of Administrative Hearings, which affirmed the revocation. Ms. Yoder appealed the Office of Administrative Hearings' Order to the Circuit Court of Berkeley County. The Circuit Court of Berkeley County reversed the Office of Administrative Hearings' decision holding that the Office of Administrative Hearings erred in accepting the Division of Motor Vehicles' file into evidence without the Officer being present to testify. The Division of Motor Vehicles appealed this matter to the WV Supreme Court of Appeals, which reversed and remanded the matter. On remand, the Circuit Court of Berkeley County remanded the matter to the Office of Administrative Hearings and ordered that the Division of Motor Vehicles pay costs and fees. The Division of Motor Vehicles appealed the costs and fees issue to the WV Supreme Court of Appeals. On remand on the merits, the Office of Administrative Hearings upheld the revocation. Ms. Yoder appealed that decision to the Circuit Court of Berkeley County which again reversed the Office of Administrative Hearings' decision on the basis that Ms. Yoder had requested a blood test, which was denied. The Division of Motor Vehicles appealed this decision to the WV Supreme Court of Appeals, and the WV Supreme Court of Appeals consolidated both appeals. On June 1, 2023, the WV Supreme Court of Appeals affirmed the reinstatement of Ms. Yoder's driver's license.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-23-0001	22-M35C-00669	Magistrate Court Berkeley County	WV Department of Motor Vehicles v. Julian Green	The Plaintiff alleges that his constitutional rights were violated when the Division of Motor Vehicles would not permit an installation of the Interlock Device on his vehicle and is demanding \$10,000 in damages. The Court dismissed the matter for lack of jurisdiction.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-22-0009	22-M38M-00008	Circuit Court Pocahontas County	Everett Frazier, Commissioner v. Robert Bennett	The Pocahontas County Magistrate Court sent the Department of Motor Vehicles an order to suspend Mr. Bennett's license for failure to appear at a hearing. The Department of Motor Vehicles suspended his license, and he appealed that decision to the Circuit Court of Pocahontas County, which is required to hold an evidentiary hearing on the matter. Mr. Bennet withdrew his appeal.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-22-0064	22-P-156	Circuit Court Kanawha County	Charles Tevault v. Everett Frazier, DMV Commissioner	The Magistrate Court of Berkeley County sent the Division of Motor Vehicles documentation of what appears to be a deferral of Charles Tevault's driving while under the influence criminal case. Based upon the totality of the documents received, the Division of Motor Vehicles revoked Mr. Tevault's driving privileges. Mr. Tevault filed a petition for writ of prohibition and a request for attorney fees and costs in the Circuit Court of Kanawha County. Mr. Tevault withdrew his petition for writ of prohibition.
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-23-0004	22-P-459	Circuit Court Kanawha County	Department of Motor Vehicles v. Gregory T. Hawk	Plaintiff filed a Verified Petition for Writ of Prohibition, Declaratory Judgment and Injunctive Relief stating that the assertion by the Division of Motor Vehicles that he was driving while intoxicated is false and that his driver's license should not have been revoked. Mr. Hawk withdrew his petition.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Skorich, Elaine	TAX-23-0025	SB01002	Circuit Court Kanawha County	In Re: Juanita V. Jackson	Ms. Jackson failed to stop for a school bus and pled guilty in magistrate court. The court ordered her to pay a fine and court costs. The Division of Motor Vehicles suspended her license. Ms. Jackson filed a Petition for Declaratory Judgment in the Circuit Court of Kanawha County asking that the court interpret the statute upon which the Division of Motor Vehicles relied.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0002	22-ICA-305	Intermediate Court of Appeals – WV	EQT Production Company v. Matthew R. Irby, State Tax Commissioner, David Sponaugle, Assessor, and Doddridge County Commission	EQT filed a petition in Marshall County Circuit Court to appeal the decision of the Marshall County Commission, which affirmed the State Tax Division's valuation of its oil and gas wells. The Circuit Court dismissed the case for lack of subject matter jurisdiction. EQT appealed that decision to the WV Intermediate Court of Appeals. The case has been fully briefed and awaits an decision.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0090	2:21-cv-7	USDC WVND	The Phoenix Insurance Company, The Travelers Indemnity Company of America, The Travelers Indemnity Company, and Travelers Property Casualty Company of America v. March Westin Company, Inc., and West Virginia Army National Guard	Plaintiffs filed a Complaint for Declaratory Relief seeking a determination of the scope of coverage afforded under policies of insurance they have issued to March Westin Company, Inc., for allegations contained in a Counterclaim by the West Virginia Army National Guard in the Legislative Claims Commission. The West Virginia Army National Guard is named as an interested party only. The Plaintiff asserts no claim for recovery against it. A motion to dismiss the West Virginia Army National Guard based upon the 11th Amendment to the United States Constitution has been filed but remains pending. On August 15, 2023, the parties moved to voluntarily dismiss the case after finalizing a settlement of the related Legislative Claims Commission matter.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-20-0060	20-22476	Bankruptcy Court-US NYSD	In Re: Frontier Communications Corporation, et al.	The State Tax Division filed a claim in the Frontier bankruptcy case for unpaid taxes. The plan was confirmed and proposed to pay priority tax claims in full on August 27, 2020. The Debtor has agreed to pay the taxes due according to the court's order. The case remains open for monitoring during the payment plan.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-22-0001	21-P-15	Circuit Court Ritchie County	Antero Resources Corporation v. Matthew R. Irby, WV State Tax Commissioner, Assessor Arlene Mossor, and Ritchie County Assessor	Antero Resources Corporation filed a Petition to Appeal the Ritchie County Commission sitting as the Board of Assessment Appeals' decision, which upheld the State Tax Division's 2021 tax year valuation of Antero's oil and gas wells located in Ritchie County. This matter is related to the other Antero Resources matters for the 2016, 2017, 2018, and 2019 tax years. The case was referred to the Business Court Division, but is stayed awaiting resolution of the Writ of Certiorari Antero filed at the US Supreme Court in Antero Resources Corporation v. Irby, No. 23-233, related to the 2018 and 2019 tax year valuations.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0113	21-P-31	Circuit Court Doddridge County	Antero Resources Corporation v. Matthew Irby, State Tax Commissioner, David Sponaugle, Doddridge County Assessor, and Doddridge County Commission	Antero Resources Corporation filed a Petition to Appeal the Doddridge County Commission sitting as the Board of Assessment Appeals' decision, which upheld the State Tax Division's 2021 tax year valuation of Antero's oil and gas wells located in Doddridge County. This matter is related to the other Antero Resources matters for the 2016, 2017, 2018, and 2019 tax years. The case was referred to the Business Court Division, but is stayed awaiting resolution of the Writ of Certiorari Antero filed at the US Supreme Court in Antero Resources Corporation v. Irby, No. 23-233, related to the 2018 and 2019 tax year valuations.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-20-0034	22-0048	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Joseph Romano, Assessor, and Harrison County Commission	This case is substantially similar to Antero Resources' property tax appeal from Doddridge County for the 2018 tax year. At the WV Supreme Court of Appeals, this case was consolidated with Appeal Nos. 22-0049, 22-0050, 22-0051, 22-0052, and 22-0144. On June 13, 2023, the WV Supreme Court of Appeals affirmed the assessment of Antero's wells and rejected the producer's statutory and constitutional arguments. On September 11, 2023, Antero filed a petition for writ of certiorari in the US Supreme Court and the case is currently awaiting a determination on that petition.



Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-18-0147	22-0049	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Assessor Arlene Mossor, Assessor of Ritchie County, and Ritchie County Commission	This case is substantially similar to Antero Resources' property tax appeal from Doddridge County for the 2018 tax year. At the WV Supreme Court of Appeals, this case was consolidated with Appeal Nos. 22-0048, 22-0050, 22-0051, 22-0052, and 22-0144. On June 13, 2023, the WV Supreme Court of Appeals affirmed the assessment of Antero's wells and rejected the producer's statutory and constitutional arguments. On September 11, 2023, Antero filed a Petition for Writ of Certiorari in the US Supreme Court and the case is currently awaiting a determination on that petition.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0004	22-0050	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Joseph Romano, Assessor, and Harrison County Commission	This case is substantially similar to Antero Resources' property tax appeal from Doddridge County for the 2018 tax year. At the WV Supreme Court of Appeals, this case was consolidated with Appeal Nos. 22-0048, 22-0049, 22-0051, 22-0052, and 22-0144. On June 13, 2023, the WV Supreme Court of Appeals affirmed the assessment of Antero's wells and rejected the producer's statutory and constitutional arguments. On September 11, 2023, Antero filed a Petition for Writ of Certiorari in the US Supreme Court and the case is currently awaiting a determination on that petition.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0244	22-0051	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, David Sponaule, Assessor, and Doddridge County Commission	This case is substantially similar to Antero Resources' property tax appeal from Doddridge County for the 2018 tax year. At the WV Supreme Court of Appeals, this case was consolidated with Appeal Nos. 22-0048, 22-0049, 22-0050, 22-0052, and 22-0144. On June 13, 2023, the WV Supreme Court of Appeals affirmed the assessment of Antero's wells and rejected the producer's statutory and constitutional arguments. On September 11, 2023, Antero filed a Petition for Writ of Certiorari in the US Supreme Court and the case is currently awaiting a determination on that petition.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0003	22-0052	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, David Sponaule, Assessor, and Doddridge County Commission	Antero Resources filed a petition to appeal the decision of the Doddridge County Commission sitting as the Board of Assessment Appeals for the 2018 tax year, which affirmed the State Tax Division's allegedly overstated valuation of Antero's oil and gas wells in the County. Antero asserts that the Business Court erred when it (1) found that it lacked jurisdiction; (2) did not apply the 2020 Notice retroactively; (3) did not find that the State Tax Commissioner's refusal to apply the notice retroactively was arbitrary and capricious; and (4) did not find that the exclusion of its post-production expenses violated due process, the commerce clause, and equal protection. This matter is similar to Steager v. Consol Energy, 832 S.E.2d 135, 242 W.Va. 209 (2019), Antero Resources Corp. v. Irby, Nos. 20-0530, 20-0531, and 20-0579, 2022 WL 1055446 (April 8, 2022) (memorandum decision) ("Antero I"), and Antero Resources Corp. v. Irby, Nos. 21-0119 and 21-0121, 2022 WL 1682290 (May 26, 2022) (memorandum decision) ("Antero II"). The business court rejected Antero's arguments and affirmed the State Tax Commissioner's valuation. At the WV Supreme Court of Appeals, this case was consolidated with Appeal Nos. 22-0049, 22-0050, 22-0051, 22-0052, and 22-0144. On June 13, 2023, the WV Supreme Court of Appeals affirmed the assessment of Antero's wells and rejected the producer's statutory and constitutional arguments. On September 11, 2023, Antero filed a Petition for Writ of Certiorari in the US Supreme Court and the case is currently awaiting a determination on that petition.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-19-0135	22-0144	Supreme Court - WV	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Lisa Jackson, Assessor, and Tyler County Commission	This case is substantially similar to Antero Resources' property tax appeal from Doddridge County for the 2018 tax year. At the WV Supreme Court of Appeals, this case was consolidated with Appeal Nos. 22-0048, 22-0049, 22-0050, 22-0051, and 22-0052. On June 13, 2023, the WV Supreme Court of Appeals affirmed the assessment of Antero's wells and rejected the producer's statutory and constitutional arguments. On September 11, 2023, Antero filed a Petition for Writ of Certiorari in the US Supreme Court and the case is currently awaiting a determination on that petition.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0108	22-AA-1	Circuit Court Tyler County	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, and Tyler County Assessor	Antero Resources Corporation filed a Petition to Appeal the Tyler County Commission sitting as the Board of Assessment Appeals' decision, which upheld the State Tax Division's 2021 tax year valuation of Antero's oil and gas wells located in Tyler County. This matter is related to the other Antero Resources matters for the 2016, 2017, 2018, and 2019 tax years. The case was referred to the Business Court Division but is stayed awaiting resolution of the Writ of Certiorari Antero filed at the US Supreme Court in Antero Resources Corporation v. Irby, No. 23-233, related to the 2018 and 2019 tax year valuations.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-22-0080	22-C-216	Circuit Court Harrison County	City of Clarksburg, WV v. Timothy Gentilozzi & Matthew Irby, State Tax Commissioner	Defendant Timothy Gentilozzi is allegedly in Breach of Payment Agreement to the City of Clarksburg for payments for the demolition of property. Clarksburg is asking for the court ordered sale of the property to satisfy claims. The State Tax Division has a Notice of Lien on said property. The parties entered an agreed order dismissing the suit with prejudice on February 6, 2023.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-22-0049	22-ICA-111	Intermediate Court of Appeals – WV	StatOil USA Onshore Properties, Inc. v. Matthew Irby, State Tax Commissioner	The Taxpayer appealed the Office of Tax Appeals' decision denying its refund petition for allegedly overpaid severance taxes. Taxpayer alleges that Office of Tax Appeals incorrectly calculated the severance tax owed by disallowing processing fees and expenses charged by a third-party provider from the gross proceeds received for its natural gas and natural gas liquids. Oral argument was held on September 6, 2023, and the parties are awaiting a decision.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-21-0014	22-ICA-225	Intermediate Court of Appeals – WV	StatOil v. Matthew R. Irby, State Tax Commissioner	The Taxpayer appealed the Office of Tax Appeals' decision denying its refund petition for allegedly overpaid severance taxes. Taxpayer alleges that Office of Tax Appeals incorrectly calculated the severance tax owed by disallowing processing fees and expenses charged by a third-party provider from the gross proceeds received for its natural gas and natural gas liquids. The State Tax Commissioner also filed a cross-appeal arguing that the Office of Tax Appeals and Circuit Court of Kanawha County erred by taking jurisdiction in this case even though Taxpayer's petition was filed more than eleven months late. Oral argument was held on September 6, 2023, and the parties are awaiting a decision.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-22-0072	22-ICA-226	Intermediate Court of Appeals – WV	Equinor USA Onshore Properties, Inc. v. Matthew R. Irby, State Tax Commissioner	The Taxpayer appealed the Office of Tax Appeals' decision denying its refund petition for allegedly overpaid severance taxes. Taxpayer alleges that the Office of Tax Appeals incorrectly calculated the severance tax owed by disallowing processing fees and expenses charged by a third-party provider from the gross proceeds received for its natural gas and natural gas liquids. Oral argument was held on September 6, 2023, and the parties are awaiting a decision.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-22-0050	22-P-85	Circuit Court Harrison County	Antero Resources Corporation v. Matthew R. Irby, State Tax Commissioner, Joseph Romano, Assessor, and Harrison County Commission	Antero Resources Corporation filed a Petition to Appeal the Harrison County Commission sitting as the Board of Assessment Appeals' decision, which upheld the State Tax Division's 2021 tax year valuation of Antero's oil and gas wells located in Harrison County. This matter is related to the other Antero Resources matters for the 2016, 2017, 2018, and 2019 tax years. The case was referred to the Business Court Division but is stayed awaiting resolution of the Writ of Certiorari Antero filed at the US Supreme Court in Antero Resources Corporation v. Irby, No. 23-233, related to the 2018 and 2019 tax year valuations.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-23-0019	23-AA-1	Circuit Court Kanawha County	Frontier West Virginia v. Matthew R. Irby, State Tax Commissioner, et al.	Frontier West Virginia, Inc. filed a Verified Petition for Appeal from the valuations of its public utility property as assessed by the Board of Public Works. On May 5, 2023, the parties filed a Stipulation of Voluntary Dismissal so that the parties could pursue an alternative administrative resolution before the Board of Public Works. The dismissal was granted the same day.

Division	Attorney	AG Case No.	Docket No.	Forum	Case Name	Description
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-23-0018	23-C-20	Circuit Court Harrison County	Frontier Communications Online Long Distance Inc. v. Matthew R. Irby, State Tax Commissioner, et al.	Frontier Communications Online Long Distance, Inc. filed a Verified Petition for Appeal from the valuations of its public utility property as assessed by the Board of Public Works. On May 5, 2023, the parties filed a Stipulation of Voluntary Dismissal so that the parties could pursue an alternative administrative resolution before the Board of Public Works. The dismissal was granted on May 9, 2023.
Tax, Revenue, Court of Claims, and Transportation	Whelan, Sean	TAX-23-0010	23-ICA-36	Intermediate Court of Appeals – WV	CNX Gas Company, LLC v. Matthew Irby, State Tax Commissioner	CNX Gas Company appealed the denial of its severance tax refunds for the 2015, 2016, 2017, 2018, and 2019 tax years. In the appeal, CNX asserts that its processed natural gas liquids are not subject to severance tax under applicable statutes and equal protection, due process, and commerce clause principles. The parties completed briefing on July 10, 2023, and are awaiting an order granting oral argument or a memorandum decision.

# **OUTSIDE COUNSEL**

ANNUAL REPORT  
TO  
THE GOVERNOR, SENATE PRESIDENT AND  
HOUSE OF DELEGATES SPEAKER  
November 1, 2023

Pursuant to W.Va. Code § 5-3-4(a)(2), the following cases have outside counsel appointed and are subject to a contingency fee arrangement.

Division	Attorney	Docket No.	Forum	Case Name	Outside Counsel Retained	Amount of Recovery
Consumer Protection & Antitrust	Haight, Ann	19-C-104	Circuit Court Boone County	SER Patrick Morrisey v. Teva Pharmaceuticals USA, Inc., and Cephalon, Inc.	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	Teva: \$83.3 Million over 15 years. Allergan: \$51.2 Million over 5 years. An additional amount of Most Favored Nations money if a national settlement is reached. Attorney Fees in the amount of \$6,216,550 have been awarded from the Teva settlement and \$4,610,000 from the Allergan settlement.
Consumer Protection & Antitrust	Haight, Ann	19-C-05	Circuit Court Boone County	SER Patrick Morrisey v. Janssen Pharmaceuticals, Inc., and Johnson & Johnson	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	\$95,040,000 within 45 days after delivery of settlement participation forms representing 96% of the population of all local governments; thereafter, an additional \$990,000 upon delivery of additional sign-on forms representing 1% of the population of all local governments for a total settlement value of up to \$99 Million. Attorney Fees of \$7,000,000 have been awarded.
Consumer Protection & Antitrust	Haight, Ann	CC-40-2020-C-131	Circuit Court Putnam County	SER Patrick Morrisey v. CVS Health Corporation, et al.	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	\$82.5 Million, consisting of \$52.5 Million initial payment and \$30 Million over 10 years. An additional amount of Most Favored Nations money if a national settlement is reached. Attorney Fees of \$6,175,000 have been awarded.
Consumer Protection & Antitrust	Haight, Ann	CC-40-2020-C-132	Circuit Court Putnam County	SER Patrick Morrisey v. Walmart, Inc. f/k/a Wal-Mart Stores, Inc., a Delaware Corporation	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	65070000. Attorney Fees of \$5,303,500 have been awarded.

Pursuant to W.Va. Code § 5-3-4(a)(2), the following cases have outside counsel appointed and are subject to a contingency fee arrangement.

Division	Attorney	Docket No.	Forum	Case Name	Outside Counsel Retained	Amount of Recovery
Consumer Protection & Antitrust	Haight, Ann	CC-40-2020-C-82	Circuit Court Putnam County	SER Patrick Morrisey v. Walgreens Boots Alliance, Inc., a Delaware corporation, Walgreen Co., an Illinois corporation, and Walgreen Eastern Co., Inc., a New York corporation	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	A settlement was reached for a total of \$83,000,000. Attorney Fees of \$6,200,000 have been awarded.
Consumer Protection & Antitrust	Haight, Ann	CC-40-2020-C-83	Circuit Court Putnam County	SER Patrick Morrisey v. Rite Aid Corporation, a Delaware Corporation, and Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center, a Maryland Corporation	Joseph Rice and Linda Singer of Motley Rice LLC and Charles R. Webb of The Webb Law Centre	Up to \$30 Million. Attorney Fees have been awarded based upon the \$5 million guaranteed settlement value: \$700,000.
Consumer Protection & Antitrust	Sizemore, Vaughn	12-C-122	Circuit Court Mason County	SER Patrick Morrisey v. Intersections Insurance Services, Inc.	Troy N. Giatras of The Giatras Law Firm, PLLC and Jesse Forbes of Forbes Law Office, PLLC	None to date.
Consumer Protection & Antitrust	Sizemore, Vaughn	12-C-123	Circuit Court Mason County	SER Patrick Morrisey v. Center Partners, Inc.	Troy N. Giatras of The Giatras Law Firm, PLLC and Jesse Forbes of Forbes Law Office, PLLC	None to date.
Consumer Protection & Antitrust	Sizemore, Vaughn	12-C-124	Circuit Court Mason County	SER Patrick Morrisey v. Sitel Corporation	Troy N. Giatras of The Giatras Law Firm, PLLC and Jesse Forbes of Forbes Law Office, PLLC	None to date.
Consumer Protection & Antitrust	Sizemore, Vaughn	12-C-125	Circuit Court Mason County	SER Patrick Morrisey v. Sykes Enterprises, Inc.	Troy N. Giatras of The Giatras Law Firm, PLLC and Jesse Forbes of Forbes Law Office, PLLC	None to date.
Consumer Protection & Antitrust	Sizemore, Vaughn	12-C-126	Circuit Court Mason County	SER Patrick Morrisey v. Stonebridge Life Insurance	Troy N. Giatras of The Giatras Law Firm, PLLC and Jesse Forbes of Forbes Law Office, PLLC	None to date.
Consumer Protection & Antitrust	Sizemore, Vaughn	13-C-1	Circuit Court Mason County	SER Patrick Morrisey, Attorney General v. Pfizer, Inc., et al.	Troy N. Giatras of The Giatras Law Firm, PLLC	None to date.

Pursuant to W.Va. Code § 5-3-4(a)(2), the following cases have outside counsel appointed and are subject to a contingency fee arrangement.

Division	Attorney	Docket No.	Forum	Case Name	Outside Counsel Retained	Amount of Recovery
Main Office	Sizemore, Vaughn	03-C-109	Circuit Court Lincoln County	SER Patrick Morrissey v. Minnesota Mining and Manufacturing Co., Mine Safety Appliances Co., and American Optical Corp.	Robert M. Bastress III of DiPiero Simmons McGinley & Bastress, PLLC	None to date. Case is still ongoing.