

**DISPOSITION OF CASE BY UNPUBLISHED MEMORANDUM DECISION  
IN THE COURT OF APPEALS OF INDIANA  
INDIANA RULES OF PROCEDURE, APPELLATE RULE 15(A)(3) AND APPELLATE RULE 65(D) PROVIDES:**

**Appellate Rule 15(A)(3) - effective prior to January 1, 2001**

“Unless specifically designated ‘for publication’, memorandum decisions shall not be published nor shall they be regarded as precedent nor cited before any court except for purposes of establishing the defense of Res Judicata, collateral estoppel or law of the case.”

**Appellate Rule 65(D) – effective January 1, 2001**

“Unless later designated for publication, a not-for-publication memorandum decision shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish *res judicata*, collateral estoppel, or law of the case.”

NAME OF THE CASE	CAUSE NUMBER	DATE	JUDGES	DISPOSITION
Chadd William Maxwell v. State of Indiana	82A04-0503-CR-126	12-5-05	Robertson, Sr. J. Mathias, J. Riley, J.	Affirmed Concurs Concurs in result
Benjamin J. Smoote v. State of Indiana	49A02-0502-CR-103	12-6-05	Sharpnack, J. Darden, J. Bailey, J.	Affirmed Concurs Concurs
Anthony Fisher v. Ball State University	18A05-0504-CV-195	12-6-05	Barnes, J. Najam, J. Crone, J.	Affirmed Concurs Concurs
Jhue Pearson v. State of Indiana	49A02-0502-CR-104	12-6-05	Sharpnack, J. Darden, J. Bailey, J.	Affirmed and Remanded Concurs Concurs
Rocky L. Truex, Sr. v. State of Indiana	38A02-0502-CR-162	12-6-05	Friedlander, J. Sullivan, J. Vaidik, J.	Affirmed Concurs Concurs
American Flea Market, LLC v. Estes Excavating, Inc.	10A04-0505-CV-292	12-6-05	Sharpnack, J. Darden, J. Bailey, J.	Affirmed Concurs Concurs
Trent Burnworth v. State of Indiana	35A04-0503-CR-161	12-6-05	Sullivan, J. Friedlander, J. Vaidik, J.	Affirmed Concurs Concurs
James A. Wells v. State of Indiana	91A02-0504-CR-355	12-6-05	Robb, J. Kirsch, C.J. May, J.	Affirmed Concurs Concurs

**DISPOSITION OF CASE BY UNPUBLISHED MEMORANDUM DECISION  
IN THE COURT OF APPEALS OF INDIANA  
INDIANA RULES OF PROCEDURE, APPELLATE RULE 15(A)(3) AND APPELLATE RULE 65(D) PROVIDES:**

**Appellate Rule 15(A)(3) - effective prior to January 1, 2001**

“Unless specifically designated ‘*for publication*’, memorandum decisions shall not be published nor shall they be regarded as precedent nor cited before any court except for purposes of establishing the defense of Res Judicata, collateral estoppel or law of the case.”

**Appellate Rule 65(D) – effective January 1, 2001**

“Unless later designated for publication, a not-for-publication memorandum decision shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish *res judicata*, collateral estoppel, or law of the case.”

NAME OF THE CASE	CAUSE NUMBER	DATE	JUDGES	DISPOSITION
Jill D. Dunbar v. Timothy S. Nelson and Colleen M. North	49A02-0408-CV-651	12-6-05	Friedlander, J. Bailey, J. Robb, J.	Affirmed/Reversed/Remanded Concurs Concurs
Scott L. King, Mayor, City of Gary, In. v. Gary Fire Civil Service Commission and Charles Hughes	45A03-0507-CV-350	12-6-05	Barnes, J. Crone, J. Najam, J.	Affirmed Concurs Concurs
Brandon M. Gudger v. State of Indiana	18A02-0501-CR-6	12-6-05	Sharpnack, J. Darden, J. Bailey, J.	Affirmed Concurs Concurs
Christopher Beadles v. State of Indiana	46A03-0503-CR-102	12-6-05	Sharpnack, J. Darden, J. Bailey, J.	Affirmed Concurs Concurs
John Anthony Malan v. Melissa Mae Malan	45A03-0501-CV-33	12-6-05	Friedlander, J. Vaidik, J. Sullivan, J.	Affirmed and Remanded Concurs Concurs to parts 1 and 3, and concurs in result to part 2
Joshua Kochell v. State of Indiana	79A02-0504-CR-314	12-6-05	Sharpnack, J. Darden, J. Bailey, J.	Affirmed Concurs Concurs
Torm L. Howse v. State of Indiana	32A04-0504-PC-212	12-6-05	Bailey, J. Darden, J. Barnes, J.	Reversed and Remanded Concurs Concurs

**DISPOSITION OF CASE BY UNPUBLISHED MEMORANDUM DECISION  
IN THE COURT OF APPEALS OF INDIANA  
INDIANA RULES OF PROCEDURE, APPELLATE RULE 15(A)(3) AND APPELLATE RULE 65(D) PROVIDES:**

**Appellate Rule 15(A)(3) - effective prior to January 1, 2001**

“Unless specifically designated ‘for publication’, memorandum decisions shall not be published nor shall they be regarded as precedent nor cited before any court except for purposes of establishing the defense of Res Judicata, collateral estoppel or law of the case.”

**Appellate Rule 65(D) – effective January 1, 2001**

“Unless later designated for publication, a not-for-publication memorandum decision shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish *res judicata*, collateral estoppel, or law of the case.”

NAME OF THE CASE	CAUSE NUMBER	DATE	JUDGES	DISPOSITION
Rachelle Whitlow, Andrew Whitlow, Hunter Whitlow, Zoe Whitlow, b/n/f Paula Whitlow v. Annett Holdings, Inc., d/b/a TMC Transportation	93A02-0507-EX-600	12-6-05	Robb, J. Kirsch, C.J. May, J.	Affirmed Concurs Concurs
Alice Belt v. Pamela Guffey	20A03-0507-CV-315	12-6-05	Robb, J. Kirsch, C.J. May, J.	Affirmed Concurs Concurs
Thomas Townsley v. State of Indiana	49A02-0504-CR-293	12-7-05	Per Curiam Sullivan, J. Friedlander, J. Vaidik, J.	Affirmed Participating Participating Participating
Mario Sims, Sr. v. Joseph E. Kernan, et al	75A04-0502-CV-79	12-7-05	Baker, J. Friedlander, J. Bailey, J.	Affirmed Concurs Concurs
Michael E. Deferbrache v. State of Indiana	20A03-0503-CR-91	12-8-05	Sharpnack, J. Darden, J. Bailey, J.	Affirmed Concurs Concurs
Melissa A. Collins v. Mark McIntosh	12A02-0506-JV-545	12-8-05	Barnes, J. Crone, J. Najam, J.	Affirmed Concurs Concurs

**DISPOSITION OF CASE BY UNPUBLISHED MEMORANDUM DECISION  
IN THE COURT OF APPEALS OF INDIANA  
INDIANA RULES OF PROCEDURE, APPELLATE RULE 15(A)(3) AND APPELLATE RULE 65(D) PROVIDES:**

**Appellate Rule 15(A)(3) - effective prior to January 1, 2001**

“Unless specifically designated ‘for publication’, memorandum decisions shall not be published nor shall they be regarded as precedent nor cited before any court except for purposes of establishing the defense of Res Judicata, collateral estoppel or law of the case.”

**Appellate Rule 65(D) – effective January 1, 2001**

“Unless later designated for publication, a not-for-publication memorandum decision shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish *res judicata*, collateral estoppel, or law of the case.”

NAME OF THE CASE	CAUSE NUMBER	DATE	JUDGES	DISPOSITION
Anthony Idlett v. State of Indiana	49A05-0503-CR-123	12-8-05	Darden, J. Sharpnack, J. Bailey, J.	Affirmed Concurs Concurs
Village Earth Industries, LLC, d/b/a Akin Landscape and Construction, LLC and Michael K. Akin v. Randall K. and Leslie K. Emerson	29A04-0505-CV-290	12-8-05	Bailey, J. Sharpnack, J. Darden, J.	Affirmed Concurs Concurs
Involuntary Termination of Parent-Child Rel. of L.S. and J.E., Cheryl Strong and Christopher Evans v. Marion Co. Dept. of Child Serv., and Child Advocates, Inc.	49A04-0505-JV-260	12-8-05	Bailey, J. Baker, J. Najam, J.	Affirmed Concurs Concurs
Jesse A. Stickle v. State of Indiana	73A01-0502-CR-64	12-8-05	Sharpnack, J. Darden, J. Bailey, J.	Affirmed Concurs Concurs
Michael Gholston v. State of Indiana	49A04-0504-CR-184	12-8-05	Barnes, J. Najam, J. Crone, J.	Affirmed and Reversed Concurs Concurs
Tommy McElroy v. State of Indiana	49A02-0505-CR-381	12-8-05	Najam, J. Barnes, J. Crone, J.	Reversed and Remanded Concurs Concurs

**DISPOSITION OF CASE BY UNPUBLISHED MEMORANDUM DECISION  
IN THE COURT OF APPEALS OF INDIANA  
INDIANA RULES OF PROCEDURE, APPELLATE RULE 15(A)(3) AND APPELLATE RULE 65(D) PROVIDES:**

**Appellate Rule 15(A)(3) - effective prior to January 1, 2001**

“Unless specifically designated ‘for publication’, memorandum decisions shall not be published nor shall they be regarded as precedent nor cited before any court except for purposes of establishing the defense of Res Judicata, collateral estoppel or law of the case.”

**Appellate Rule 65(D) – effective January 1, 2001**

“Unless later designated for publication, a not-for-publication memorandum decision shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish *res judicata*, collateral estoppel, or law of the case.”

NAME OF THE CASE	CAUSE NUMBER	DATE	JUDGES	DISPOSITION
Termination of Parent-Child Rel. of G.D., Lorraine Dobbs v. Marion Co. Office of Family & Children and Child Advocates	49A02-0503-JV-260	12-8-05	Darden, J. Kirsch, C.J. Sullivan, J.	Affirmed Concurs Concurs
James S. Swint v. State of Indiana	71A04-0505-CR-239	12-8-05	Najam, J. Baker, J. Bailey, J.	Affirmed Concurs Concurs
Charlie Herbst v. State of Indiana and John R. VanNatta	52A04-0506-CV-313	12-8-05	Darden, J. Sharpnack, J. Bailey, J.	Affirmed Concurs Concurs
Steven Barnes v. State of Indiana	49A02-0505-CR-412	12-8-05	Barnes, J. Crone, J. Najam, J.	Affirmed Concurs Concurs
Vickie Graves v. Barbara Jones	45A04-0505-CV-267	12-8-05	Barnes, J. Sharpnack, J. Riley, J.	Affirmed Concurs Concurs
Rickey D. Jackson v. State of Indiana	45A05-0501-PC-43	12-8-05	Sharpnack, J. Darden, J. Bailey, J.	Affirmed Concurs Concurs
Larry Jones v. State of Indiana	49A04-0505-CR-283	12-9-05	Bailey, J. Baker, J. Najam, J.	Affirmed Concurs Concurs

**DISPOSITION OF CASE BY UNPUBLISHED MEMORANDUM DECISION  
IN THE COURT OF APPEALS OF INDIANA  
INDIANA RULES OF PROCEDURE, APPELLATE RULE 15(A)(3) AND APPELLATE RULE 65(D) PROVIDES:**

**Appellate Rule 15(A)(3) - effective prior to January 1, 2001**

“Unless specifically designated ‘for publication’, memorandum decisions shall not be published nor shall they be regarded as precedent nor cited before any court except for purposes of establishing the defense of Res Judicata, collateral estoppel or law of the case.”

**Appellate Rule 65(D) – effective January 1, 2001**

“Unless later designated for publication, a not-for-publication memorandum decision shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish *res judicata*, collateral estoppel, or law of the case.”

NAME OF THE CASE	CAUSE NUMBER	DATE	JUDGES	DISPOSITION
Wayne Williams v. State of Indiana	49A02-0504-CR-338	12-9-05	Bailey, J. Baker, J. Najam, J.	Reversed and Remanded Concurs Concurs
Joshua Lewis v. State of Indiana	49A02-0506-CR-476	12-9-05	Bailey, J. Baker, J. Najam, J.	Affirmed Concurs Concurs
W.J. v. State of Indiana	49A02-0505-JV-405	12-9-05	Bailey, J. Baker, J. Najam, J.	Affirmed Concurs Concurs
Kenneth S. Pell v. State of Indiana	26A01-0505-CR-214	12-9-05	Robertson, Sr. J. Baker, J. Robb, J.	Affirmed Concurs Concurs
Kent Simmerman v. State of Indiana	49A02-0411-CR-975	12-9-05	Sullivan, J. Friedlander, J. Vaidik, J.	Affirmed Concurs Concurs
John Boggess v. Daimler-Chrysler North, American Holdings Corp.	06A01-0506-CV-259	12-9-05	Robb, J. Kirsch, C.J. May, J.	Affirmed Concurs Concurs

**DISPOSITION OF CASE BY UNPUBLISHED MEMORANDUM DECISION  
IN THE COURT OF APPEALS OF INDIANA  
INDIANA RULES OF PROCEDURE, APPELLATE RULE 15(A)(3) AND APPELLATE RULE 65(D) PROVIDES:**

**Appellate Rule 15(A)(3) - effective prior to January 1, 2001**

“Unless specifically designated ‘for publication’, memorandum decisions shall not be published nor shall they be regarded as precedent nor cited before any court except for purposes of establishing the defense of Res Judicata, collateral estoppel or law of the case.”

**Appellate Rule 65(D) – effective January 1, 2001**

“Unless later designated for publication, a not-for-publication memorandum decision shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish *res judicata*, collateral estoppel, or law of the case.”

NAME OF THE CASE	CAUSE NUMBER	DATE	JUDGES	DISPOSITION
***** TAX COURT ***** Roller Skating Rink Operators Assoc. v. Dept. of Local Government Finance	49T10-0108-TA-76	12-6-05	Fisher, J.	The Court Reverses State Board's final determination and case is remanded.
Lincolnwood Cooperative, Inc. v. Dept. of Local Government Finance	49T10-0107-TA-49	12-7-05	Fisher, J.	The Court Affirms the final determination of the State Board.