

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 22, 2010**

LARRY D. VAUGHT, CHIEF JUDGE:

CACR10-92. Juan Vega, Jr. v. State of Arkansas, from Benton Circuit. Affirmed. Pittman and Hart, JJ., agree.

CA10-219. Kelly Galloway v. Tyson Foods, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Hart, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-140. Brandon Carter v. State of Arkansas, from Columbia Circuit. Affirmed. Vaught, C.J., and Hart, J., agree.

CA09-1001. Carl Crenshaw v. Arkansas Warehouse, Inc., from Crawford Circuit. Affirmed. Gladwin, Gruber, and Baker, JJ., agree. Robbins, J., concurs. Kinard, J., dissents.

JOSEPHINE LINKER HART, JUDGE:

CACR09-1146. Terry Moss v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Pittman, J., agree.

CA10-316. Latrice Gilmore v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Affirmed. Vaught, C.J., and Pittman, J., agree.

ROBERT J. GLADWIN, JUDGE:

CACR09-1348. Marilyn Heydenrich v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Glover and Abramson, JJ., agree.

CA09-704. Estate of Helen Virginia Coan v. Michael P. Gaughan, from Ouachita Circuit. Affirmed. Vaught, C.J., and Hart, Abramson, and Baker, JJ., agree. Robbins, J., concurs in part and dissents in part. Henry and Brown, JJ., concur in part and dissent in part.

CA09-1034. David Rees v. Danielle McGlaughlin and Donald Latourette, from Craighead Circuit, Western District. Dismissed. Glover and Abramson, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CA10-403. M.F.1, M.F.2 and Arkansas Department of Human Services v. Marquis Foster, from Jefferson Circuit. Affirmed. Kinard and Brown, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 22, 2010**

M. MICHAEL KINARD, JUDGE:

CACR10-6. Danny Ray Henington v. State of Arkansas, from Benton Circuit. Affirmed. Robbins and Brown, JJ., agree.

CA09-1130. Raye A. West v. Stuttgart Regional Medical Center and Risk Management Resources, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR10-68. Steven W. Evans v. State of Arkansas, from White Circuit. Affirmed. Henry and Baker, JJ., agree.

CA10-322. Tonya Casarreal v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District. Affirmed. Henry and Baker, JJ., agree.

DAVID M. GLOVER, JUDGE:

CA10-389. Dawn Masterson-Heard and James Heard v. Arkansas Department of Human Services, from Marion Circuit. Affirmed; motions to withdraw granted. Gladwin and Abramson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

CACR10-20. Justin A. Nicholson v. State of Arkansas, from Faulkner Circuit. Affirmed. Gladwin and Glover, JJ., agree.

CA10-107. American Railcar Industries, Inc. and Specialty Risk Services v. Kyle Gramling, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Glover, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR10-132. Charles Rayford Johnston v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Gruber and Baker, JJ., agree.

CA10-184. Patti Jo Davis-Lewallen v. Matthew Clegg and Katherine Clegg, from Clay Circuit, Western District. Affirmed. Gruber and Baker, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 22, 2010**

KAREN R. BAKER, JUDGE:

CACR10-209. Lori Sue Draper v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Gruber and Henry, JJ., agree.

CA10-334. St. Joseph's Mercy Health Center and Sisters of Mercy Health System v. Jimmie Redmond, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Gruber and Henry, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CA10-342. Atlis In-Home Care, Inc., and AIG Claim Services, Inc. v. Tonya Hackney, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Kinard, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 22, 2010**

PER CURIAM DECISIONS

The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(b).

- E10-39. Kimberly K. Mathis v. Director, et al.
- E10-41. Channa S. Johnson v. Director, et al.
- E10-42. Robert E. Hunter v. Director, et al.
- E10-43. Kim Hand v. Director, et al.
- E10-44. Lana B. Kofler v. Director, et al.
- E10-46. Billie J. Ramsey v. Director, et al.
- E10-47. Hipp Modern Builders Supply, LLC v. Director, et al.
- E10-48. Jeremiah Haynes, Jr. v. Director, et al.
- E10-49. Sharon McCoy v. Director, et al.
- E10-50. A-Class Scholars Child Center v. Director, et al.
- E10-51. Carl W. Crawford v. Director, et al.
- E10-52. Shannon J. Harris v. Director, et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 22, 2010**

**PER CURIAM ORDERS**

CACR09-818. Daryl Blockman v. State of Arkansas, from Crittenden Circuit. Motion of Misty Wilson Borkowski for attorney's fees is granted. Allowed \$810.00.

CACR09-1388. Dawn Dewayne Suggs v. State of Arkansas , from Crittenden Circuit. Motion of S. Butler Bernard, Jr. for attorney's fees granted. Allowed \$1,400.00.

CACR10-114. Richard Lee Pyles v. State of Arkansas , from Sebastian Circuit, Greenwood District. Motion and amended motion of David L. Dunagin for attorney's fees granted. Allowed \$1,000.00.

CACR10-358. Antwan Hardaway v. State of Arkansas , from Jackson Circuit. Appellant's motion for additional brief time is granted. Appellant's brief due October 22, 2010. Final extension.

CA10-544. Metro, LLC et al. v. Miller Transporters, Inc., from Jefferson Circuit. Appellants' motion to supplement record or in the alternative to remand to supplement the record. Remanded to the trial court to settle the record within thirty days. Appellee's brief due thirty days thereafter.

CA10-753. Earnest Johnson v. Pat Salmon & Sons, Inc., from Workers' Compensation Commission. Appellant's motion to file non-compliant brief is granted. Brief filed this date.

CA10-779. Town of Gilbert v. Benjamin F. Fruehauf, II, from Searcy Circuit. Appellant's motion to supplement the record and stay brief time. Remanded to the trial court to settle the record within thirty days. Appellant's brief due within thirty days thereafter.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 22, 2010**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

CA09-1142. Charles McCourt and Julia McCourt v. Jacqueline Triplett, from Sebastian Circuit, Fort Smith District.

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CACR09-855. Matthew Hammonds v. State of Arkansas, from Conway Circuit. Motion of Kellie M. Emerson for attorney's fees and costs.

CACR09-855. Matthew Hammonds v. State of Arkansas, from Conway Circuit. Motion of Kellie M. Emerson to be relieved as counsel for appellant.

CACR09-1007. Danny Joe Dooley v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Charles E. Smith for attorney's fees.

CACR09-1286. Wendell Lee Strickland v. State of Arkansas, from Benton Circuit. Motion of Matthew D. Black for attorney's fees.

CACR09-1286. Wendell Lee Strickland v. State of Arkansas, from Benton Circuit. Motion of Matthew D. Black to be relieved as counsel for appellant .

CACR09-1330. Taurus Sanders v. State of Arkansas, from Crittenden Circuit. Motion of Bart Ziegenhorn for attorney's fees.

CACR09-1335. John Mark Cox v. State of Arkansas, from Howard Circuit. Motion of Jason Horton for attorney's fees.

CACR10-30. Billy R. Washington v. State of Arkansas, from Garland Circuit. Motion of Alvin Schay for attorney's fees.

CACR10-119. Michael Wayne Alston v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR10-139. Larry Dunlap v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones III for attorney's fees.

CACR10-182. Jamael McKnight v. State of Arkansas, from Drew Circuit. Motion of Daren J. Nelson for attorney's fees.

CACR10-917. Mary Ann Hillman v. State of Arkansas, from Faulkner Circuit. Motion of Boyd Tackett, Jr. to be relieved as counsel for appellant and for appointment of Caroline Winningham.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF SEPTEMBER 22, 2010

CA10-228. Charles Mason, Jr. v. David Mitcham, from Union Circuit. Appellee's motion for additional brief time.

CA10-302. Steve's Outdoor Investments, LLD and Steve Rogers v. Reynolds Forestry Consulting-RFC, Inc., from Columbia Circuit. Appellants' motion to lift stay and issue new briefing schedule.

CA10-378. Sidney J. Phillippy and Tina Dickey v. ANB Financial Services, LLC et al., from Benton Circuit. Appellants' motion for additional brief time.

CA10-430. Anthony Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellee's motion to correct the record.

CA10-624. James D. Brown v. Joy Richardson, from Pulaski Circuit, Twelfth Division. Appellant's motion to supplement the record.

CA10-689. Sheila Myers and Trevor Myers v. Cooper Clinic, P.A. and John Does 1-10, from Sebastian Circuit, Fort Smith District. Appellants' motion for reconsideration and to set aside order dismissing appeal as to Pathology Services Laboratory, P.A.

CA10-691. Carlos Parrish and Sophia Parrish v. Arkansas Department of Human Services et al., from Miller Circuit. Appellants' motion for additional brief time.

CA10-692. Bethany Myers v. Arkansas Department of Human Services et al., from Miller Circuit. Appellant's motion for additional brief time.

CA10-693. Greg Seago v. Arkansas Department of Human Services, from Miller Circuit. Appellant's motion for additional brief time.

CA10-694. Albert Krantz and Miriam Krantz v. Arkansas Department of Human Services et al., from Miller Circuit. Appellants' motion for additional brief time.

CA10-696. Alphonzo Reid v. Arkansas Department of Human Services et al., from Miller Circuit. Appellant's motion for additional brief time.

CA10-726. Roy Peters et al. v. Heather Moore et al., from Sebastian Circuit, Greenwood District. Appellants' motion for stay or to remand.

CA10-747. Lisa Brinkley v. Thomas Brinkley, from Washington Circuit. Appellant's motion to file belated brief.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 22, 2010**

**SUBMISSIONS**

CACR09-1296. Donald Ray Mathis v. State of Arkansas, from Union Circuit.

CACR09-1302. Raymond Ysel Bell v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-113. Robert Eugene Johnson v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR10-115. Robert Eugene Cheater v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-118. Matthew Ray Beckman v. State of Arkansas, from Benton Circuit.

CACR10-185. Clayton Elliott v. State of Arkansas, from Nevada Circuit.

CACR10-186. Robert Lee Purdie v. State of Arkansas, from Miller Circuit.

CACR10-287. Corey D. Woods v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR10-296. Bobby Zel Gray v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR10-343. Jeremy Ridgell v. State of Arkansas, from Bradley Circuit.

CA09-801. Mose Minor v. Chase Auto Finance Corporation, from Johnson Circuit.

CA09-1121. Marina Velazquez v. Britton Riddle, from Sebastian Circuit, Fort Smith District.

CA10-66. Jennifer Ross v. Tomasz Bugaj, from Garland Circuit.

CA10-171. Elizabeth Ann Hickman v. Jerry Don Hickman, from Pope Circuit.

CA10-248. Karman, Inc. v. Rick Elliott, from White Circuit.

CA10-258. Office of Child Support Enforcement v. Reginald Gaddie, from Jefferson Circuit.

CA10-499. Mark Smith v. Arkansas Department of Human Services, from Saline Circuit.

CA10-550. Jared M. Rose v. Arkansas Department of Human Services, from Jefferson Circuit.

CA10-563. Heath Brian Worrell v. Arkansas Department of Human Services, from Garland Circuit.

CA10-576. Brenda Gephardt v. Arkansas Department of Human Services, from Polk Circuit.

CA10-595. Steven Porter v. Arkansas Department of Human Services, from Pulaski Circuit,

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 22, 2010**

Eighth Division.

CA10-596. Penny Lambert v. Arkansas Department of Human Services, from Pulaski Circuit, Tenth Division.

CA10-605. James Ross v. Arkansas Department of Human Services, from Clark Circuit.

CA10-615. Shequena Williams v. Arkansas Department of Human Services, from Faulkner Circuit.