

# ARKANSAS COURT OF APPEALS

Opinions delivered  
September 15, 2010

## LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-1357. Melvyn Stewart v. State of Arkansas, from Hot Spring Circuit. Affirmed. Pittman and Hart, JJ., agree.

CA10-111. Michael Main v. McGehee Metals, from the Arkansas Workers' Compensation Commission. Reversed in part; affirmed in part. Pittman and Hart, JJ., agree.

## JOHN MAUZY PITTMAN, JUDGE:

CA10-74. Reta J. Erwin v. Randy S. Erwin, from Baxter Circuit. Affirmed in part; reversed and remanded in part. Vaught, C.J., and Kinard, J., agree.

## JOSEPHINE LINKER HART, JUDGE:

CACR09-794. Carl Douglas Colburn v. State of Arkansas, from Benton Circuit. Affirmed. Vaught, C.J., and Pittman, J., agree.

CACR09-1384. Derrick White v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Vaught, C.J., and Pittman, J., agree.

## ROBERT J. GLADWIN, JUDGE:

CACR09-868. Kenneth Joe Barrow v. State of Arkansas, from Faulkner Circuit. Affirmed. Glover and Abramson, JJ., agree.

CA10-357. Tiffany and Anthony Jackson v. Arkansas Department of Human Services, from Craighead Circuit. Affirmed; motion to be relieved as counsel granted. Glover and Abramson, JJ., agree.

## JOHN B. ROBBINS, JUDGE:

CACR09-1007. Danny Joe Dooly v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Kinard and Brown, JJ., agree.

CACR10-119. Michael Wayne Alston v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Kinard and Brown, JJ., agree.

## M. MICHAEL KINARD, JUDGE:

CACR09-1188. David Wayne Fuson v. State of Arkansas, from Crawford Circuit. Affirmed. Robbins and Brown, JJ., agree.

CA09-1310. Deirdre Foster v. Winifred Foster, from Pulaski Circuit, Ninth Division. Affirmed. Pittman and Glover, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR09-1213. Anthony Williamson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Henry and Baker, JJ., agree.

CACR10-30. Billy R. Washington v. State of Arkansas, from Garland Circuit. Affirmed. Henry and Baker, JJ., agree.

DAVID M. GLOVER, JUDGE:

CACR09-1244. Donnie Ray Coleman v. State of Arkansas, from Poinsett Circuit. Affirmed. Gladwin and Abramson, JJ., agree.

CACR10-182. Jamael Lawann McKnight v. State of Arkansas, from Drew Circuit. Affirmed. Gladwin and Abramson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

CACR09-1286. Wendell Lee Strickland v. State of Arkansas, from Benton Circuit. Affirmed. Gladwin and Glover, JJ., agree.

CA10-51. Homer Mooney v. AT&T and American Home Assurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Glover, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR09-1371. Jennifer Mae Ramsey v. State of Arkansas, from Pulaski Circuit, First Division. Rebriefing ordered. Gruber and Baker, JJ., agree.

CA10-236. Telling Industries v. Cornell Petty, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Baker, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-1373. Willious E. Block v. State of Arkansas, from Hempstead Circuit. Affirmed. Gruber and Henry, JJ., agree.

CA10-167. Rickey Henry v. QHG of Springdale, Inc., Northwest Medical Center of Benton County, and Wellcare Health Insurance of Arizona, Inc., et al., from Benton Circuit. Remanded. Gladwin and Robbins, JJ., agree.

CA10-396. Anna Leonard v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Affirmed; motion to be relieved granted. Gruber and Henry, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR09-175. Mitchell Scott Johnson v. State of Arkansas, from Benton Circuit. Affirmed as modified. Robbins and Kinard, JJ., agree.

CACR10-263. David Wayne Fikes v. State of Arkansas, from Washington Circuit. Rebriefing ordered. Robbins and Kinard, JJ., agree.

CA10-304. Shanda Allen v. Arkansas Department of Human Services and minor child, from Sebastian Circuit, Fort Smith District. Affirmed. Robbins and Kinard, JJ., agree.

**PER CURIAM ORDERS**

CACR08-1374. James Clayton Solomon v. State of Arkansas, from Washington Circuit. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$1,400.00.

CACR10-81. Phillip W. Holloway v. State of Arkansas, from Scott Circuit. Motion of Eddie N. Christian and Matthew Horan to be substituted as counsel for appellant is granted.

CACR10-158. Eric Lavell Murry v. State of Arkansas, from Crittenden Circuit. Appellant's pro se motion for rule on clerk to provide copy of appellant's brief is moot.

CACR10-570. Theodore Metcalf v. State of Arkansas, from Pulaski Circuit, Second Division. Appellant's motion to supplement the record is granted. Record deemed supplemented.

CACR10-718. Tyrone McGraw v. State of Arkansas, from Pulaski Circuit, Second Division. Motion of Terrence Cain for entry of appearance as attorney for appellant and for brief time is granted. Appellant's brief due September 24, 2010.

CACR10-787. Donnie Ray Slater v. State of Arkansas, from Arkansas Circuit, Southern District. Appellant's pro se motion to reduce appeal bond is denied.

CA10-95. Foremost Insurance Company et al. v. Evelyn J. Chivers et al., from Miller Circuit. Joint motion to remand to the trial court for further proceedings is granted. Henry, J., not participating.

CA10-126. Sandra Forde Beckworth et al. v. Diamante Golf Club, LLC et al., from Saline Circuit. Appellees' motion for stay is granted.

CA10-126. Sandra Forde Beckworth et al. v. Diamante Golf Club, LLC et al., from Saline Circuit. Appellees/Cross Appellants' motion to supplement supplemental addendum is granted.

Supplemental addendum due within fifteen days. Appellants/Cross Appellees' reply brief due within fifteen days thereafter.

CA10-478. Norman E. Bundy, Jr. v. Pat Moody, from Jackson Circuit. Appellant's motion to advance or expedite is denied.

CA10-492. Jerri L. Bishop et al. v. Tariq, Inc. et al., from Pulaski Circuit, Sixteenth Division. Appellant's petition for writ of certiorari to complete the record is granted. Supplemental record due within fifteen days. Brief due within fifteen days thereafter.

CA10-568. Martin Donald Wills v. Janet F. Lacefield, from Baxter Circuit. Appellee's pro se motion to strike three pages of appellant's statement of the case is denied.

CA10-609. Boyd-Corley Construction, LLC et al. v. Orange State Realty, Inc. et al., from Union Circuit. Appellees' motion to dismiss appeal is granted without prejudice.

CA10-739. D. B., a Minor v. State of Arkansas, from Scott Circuit. Appellee's motion for compliance with Administrative Order 19 and the rules governing contents of briefs is granted. Appellant's brief in compliance due within fifteen days. Appellee's brief due within thirty days thereafter.

CA10-750. Arkansas Research Medical Testing, LLC et al. v. William Jennings B. Osborne et al., from Pulaski Circuit, First Division. Appellant's motion to file supplemental record is granted. Record deemed supplemented.

CA10-776. Troy Cobren v. Laura Anderson, from Yell Circuit, Northern District. Appellee's motion to dismiss appeal is denied.

## **MOTIONS SUBMITTED**

CACR08-1157. Bobby Lee Green v. State of Arkansas, from Drew Circuit. Motion of Joseph P. Mazzanti, III, to be relieved as counsel for appellant.

CACR09-818. Daryl Blocman v. State of Arkansas, from Crittenden Circuit. Motion of Misty Wilson Borkowski for attorney's fees.

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

CACR10-114. Richard Lee Pyles v. State of Arkansas, from Sebastian Circuit, Greenwood District. Motion of David L. Dunagin for attorney's fees.

CACR10-358. Antwan Hardaway v. State of Arkansas, from Jackson Circuit. Appellant's motion for additional brief time.

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.

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

CA10-779. Town of Gilbert v. Benjamin F. Fruehauf, II, from Searcy Circuit. Appellant's motion to supplement the record and stay brief time.

### **SUBMISSIONS**

CA09-1141. Luke Bradshaw et al. v. Alpha Packaging, Inc. d/b/a Edge Marketing Group, from Sebastian Circuit, Greenwood District. Argued orally.

CACR09-549. Kelton Esquire Bond v. State of Arkansas, from Benton Circuit.

CACR09-893. David Eugene Lewis v. State of Arkansas, from Arkansas Circuit, Northern District.

CACR09-1031. Khayam Thomas v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR09-1176. Reina Vance v. State of Arkansas, from Crawford Circuit.

CACR09-1389. Craig Deon Thomas v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-16. Joe A. Newman v. State of Arkansas, from Jefferson Circuit.

CACR10-31. Eddrick Childs v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR10-36. Andrew Wayne Lovett v. State of Arkansas, from Union Circuit.

CACR10-86. Josh Porter v. State of Arkansas, from Howard Circuit.

CACR10-157. Brandon Buford v. State of Arkansas, from Mississippi Circuit, Osceola District.

CA09-633. Daylan Hunt et al. v. Entergy Arkansas, Inc., from Garland Circuit.

CA09-1124. Marc A. Rogers, M.D. v. Alan Sargent, from Garland Circuit.

CA09-1256. Farm Bureau Mutual Insurance Company of Arkansas v. Danny W. Sells, from Pulaski Circuit, Thirteenth Division.

CA09-1278. Gene Ludwig v. Bella Casa, LLC, from Pulaski Circuit, Sixth Division.

CA09-1301. Bill Warford v. Union Bank of Benton, from Saline Circuit.

CA09-1320. Greg E. Prock v. Bull Shoals Boat Landing, from Workers' Compensation Commission.

CA10-155. Jeanne Hudgens v. Arkansas Department of Human Services, from Union Circuit.

CA10-191. Simmons First National Bank v. Brandon Middleton, from Searcy Circuit.

CA10-333. Crystal Aday v. Arkansas Department of Human Services, from Saline Circuit.

CA10-407. Erica Lunon v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.

CA10-434. Heather Taylor v. Arkansas Department of Human Services, from Pulaski Circuit, Eleventh Division.

CA10-490. Stephanie Sites v. Arkansas Department of Human Services, from Conway Circuit.

CA10-496. Krystal Ivy v. Arkansas Department of Human Services, from Pope Circuit.