

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 6, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CACR10-115. Robert Eugene Cheater v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Pittman and Hart, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR10-315. Edward S. Collins v. State of Arkansas, from Jefferson Circuit. Affirmed. Vaught, C.J., and Hart, J., agree.

CA10-248. Karman, Inc. v. Rick Elliott and Tonya Elliott, individually and d/b/a Pleasure Apparel, from White Circuit. Affirmed. Vaught, C.J., and Hart, J., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR10-287. Corey D. Woods v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Vaught, C.J., and Pittman, J., agree.

CA10-66. Jennifer Ross v. Tomasz Bugaj, from Garland Circuit, Division II. Affirmed. Vaught, C.J., and Pittman, J., agree.

ROBERT J. GLADWIN, JUDGE:

CACR10-86. Josh Porter v. State of Arkansas, from Howard Circuit. Affirmed. Glover and Abramson, JJ., agree.

CACR10-186. Robert Purdie v. State of Arkansas, from Miller Circuit. Reversed and remanded. Glover and Abramson, JJ., agree.

CA09-1141. Luke Bradshaw, Bill Davis, Andrew Powviriya, Ed Wonnacott, A.W. Bravis Agency, LLC, and Novus Products Company, LLC v. Alpha Packaging, Inc., d/b/a Edge Marketing Group, from Sebastian Circuit, Greenwood District. Affirmed. Glover and Abramson, JJ., agree.

CA10-605. James Ross v. Arkansas Department of Human Services and minor children, from Clark Circuit. Affirmed. Glover and Abramson, JJ., agree.

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JOHN B. ROBBINS, JUDGE:

CACR10-296. Bobby Zel Gray v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Kinard and Brown, JJ., agree.

CA09-1121. Marina Velazquez, as parent and next friend of the minor child, Cruz Hernandez v. Britton Riddle, from Sebastian Circuit, Fort Smith District. Affirmed. Kinard and Brown, JJ., agree.

CA09-1193. Randall and Demita Mitchell v. Sarah Fells, from Pulaski Circuit, Twelfth Division. Reversed and remanded on direct appeal; affirmed on cross-appeal. Hart, Kinard, Glover, and Abramson, JJ., agree. Brown, J., concurs.

M. MICHAEL KINARD, JUDGE:

CACR09-549. Kelton Esquire Bond v. State of Arkansas, from Benton Circuit, Second Division. Affirmed. Robbins and Brown, JJ., agree.

CACR09-1296. Donald Ray Mathis v. State of Arkansas, from Union Circuit, First Division. Affirmed. Robbins and Brown, JJ., agree.

CA10-499. Mark Smith v. Arkansas Department of Human Services and minor children, from Saline Circuit. Affirmed. Robbins and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR09-1302. Raymond Ysel Bell v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Rebriefing ordered. Henry and Baker, JJ., agree.

CA10-550. Jared M. Rose v. Arkansas Department of Human Services, from Jefferson Circuit, Fourth Division. Affirmed. Henry and Baker, JJ., agree.

DAVID M. GLOVER, JUDGE:

CACR10-113. Robert Eugene Johnson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Gladwin and Abramson, JJ., agree.

CA09-801. Mose Minor v. Chase Auto Finance Corporation, from Johnson Circuit. Affirmed. Gladwin and Abramson, JJ., agree.

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RAYMOND R. ABRAMSON, JUDGE:

CA10-563. Heather Worrell and Heath Worrell v. Arkansas Department of Human Services, from Garland Circuit, Division II. Affirmed. Gladwin and Glover, JJ., agree.

CA10-615. Shequena Williams v. Arkansas Department of Human Services and O.R. and J.W., minors, from Faulkner Circuit. Appeal dismissed; motion to withdraw denied. Gladwin and Glover, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR10-118. Matthew Ray Beckmann v. State of Arkansas, from Benton Circuit. Affirmed. Gruber and Baker, JJ., agree.

CA10-576. Brenda Gephardt v. Arkansas Department of Human Services, from Polk Circuit. Affirmed; motion to be relieved granted. Gruber and Baker, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR10-31. Eddrick Childs v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Gruber and Henry, JJ., agree.

CA10-258. Office of Child Support Enforcement v. Reginald Gaddie, from Jefferson Circuit. Reversed and remanded. Gruber and Henry, JJ., agree.

CA10-333. Crystal Aday v. Arkansas Department of Human Services, from Saline Circuit. Affirmed; motion granted. Gruber and Henry, JJ., agree.

CA10-596. Penny Lambert v. Arkansas Department of Human Services, from Pulaski Circuit, Tenth Division. Affirmed; motion granted. Gruber and Henry, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR10-343. Jeremy Ridgell v. State of Arkansas, from Bradley Circuit. Affirmed. Robbins and Kinard, JJ., agree.

CA10-595. Steven Porter v. Arkansas Department of Human Services and minor child, from Pulaski Circuit, Eighth Division. Affirmed. Robbins and Kinard, JJ., agree.

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PER CURIAM ORDERS

REHEARING DENIED: Petition for Rehearing was denied today in the following case.

CA10-210. Bryan Miller v. Michael A. Neil, Sherry A. Neil, and the McIntosh Group Realtors, Inc., from Washington Circuit.

CACR09-140. Brandon Carter v. State of Arkansas, from Columbia Circuit. Motion of Brenna J. Ryan for attorney's fees is granted. Allowed \$1,200.00.

CACR09-1188. David Wayne Fuson v. State of Arkansas, from Crawford Circuit. Motion of John Ogles for attorney's fees is granted. Allowed \$1,050.00.

CACR09-1213. Anthony Brian Williamson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1335. John Mark Cox v. State of Arkansas, from Howard Circuit. Motion of Jason Horton for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1348. Marilyn Ruth Heydenrich v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Bobby R. Digby for attorney's fees is granted. Allowed \$1,400.00.

CACR10-92. Juan Vega, Jr. v. State of Arkansas, from Benton Circuit. Motion of Rosalyn A. Watts for attorney's fees is granted. Allowed \$1,400.00.

CACR10-209. Lori Sue Draper v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Kris Alan Higdon for attorney's fees is granted. Allowed \$1,400.00.

CACR10-522. Terry Edward Hayes v. State of Arkansas, from Washington Circuit. Appellant's motion for leave to file substituted addendum is granted.

CACR10-532. Cory Ray Lynch v. State of Arkansas, from Perry Circuit. Resubmission of motion of Gary J. Barrett to withdraw as counsel for appellant; motion of John I. Purtle for entry of appearance and substitution as counsel for appellant; and motion to check out record and/or rule on the clerk is moot.

CACR10-532. Cory Ray Lynch v. State of Arkansas, from Perry Circuit. Amended motion of Gary Barrett to withdraw as counsel for appellant and for substitution of counsel is granted.

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PER CURIAM ORDERS

CACR10-532. Cory Ray Lynch v. State of Arkansas, from Perry Circuit. Motion of R. David Lewis to be substituted as counsel for appellant is granted.

CACR10-913. Felton Earl Singleton v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of William O. "Bill" James, Jr., to withdraw motion to be relieved as counsel for appellant is granted.

CACR10-913. Felton Earl Singleton v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of William O. "Bill" James, Jr., to be relieved as counsel for appellant is moot.

CA10-21. Holiday Hospitality Franchising, Inc. v. Hotel Associates, Inc., from Crittenden Circuit. Appellant's motion to correct clerical error in judgment is remanded to the trial court to consider motion to correct within thirty days. Glover, J., not participating.

CA10-75. Waverly-Arkansas, Inc. et al. v. Norma Page, from Polk Circuit. Appellants' motion to stay appeal is granted. Appeal stayed for sixty days.

CA10-624. James D. Brown v. Joy Richardson, from Pulaski Circuit, Twelfth Division. Appellant's motion to supplement the record is denied without prejudice to substitute certified copy within fifteen days.

CA10-889. Kathy Billings v. Arkansas Department of Human Services, from Chicot Circuit. Appellant's motion to correct the record and stay briefing schedule is granted. Corrected record due within fifteen days. Appellant's brief due within fifteen days thereafter.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CA09-665. Rosemarie Clampitt v. James P. Geurin and Marilyn Geurin, from Garland Circuit.

CACR09-334. James Allen Hill v. State of Arkansas, from Jefferson Circuit. Motion of Charles D. Hancock for attorney's fees.

CACR09-1031. Khayam Thomas v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion of Jonathan T. Lane for attorney's fees.

CACR10-475. Donald Aurelins Warren v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion for additional brief time.

CACR10-729. Antonio Harris v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Motion of Paul N. Ford to be substituted as counsel for appellant.

CACR10-744. Charles Foster, Jr. v. State of Arkansas, from Faulkner Circuit. Appellant's pro se motion for continuance.

CACR10-744. Charles Foster, Jr. v. State of Arkansas, from Faulkner Circuit. Appellant's pro se motion for reconsideration.

CACR10-867. Mary Diane Cooley v. State of Arkansas, from Grant Circuit. Appellant's motion for writ of certiorari to complete and correct the record and for extension of time to file brief.

CA09-665. Rosemarie Clampitt v. James P. Geurin and Marilyn Geurin, from Garland Circuit. Appellant's pro se motion to amend Petition for Rehearing.

CA09-1393. Janette Hopkins v. Jonathan Hopkins, from Baxter Circuit. Appellee's motion for sanctions (costs and attorney fees).

CA10-229. Melvin Thorn et al. v. Nobel Vance Pierson, from Faulkner Circuit. Appellee's motion to correct the record .

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MOTIONS SUBMITTED

CA10-667. Joe Capps et al. v. Carroll Electric Cooperative Corporation, from Benton Circuit. Appellants' motion to stay appeal and remand to trial court.

CA10-801. Billy Fewell v. Arkansas Department of Human Services, from Pulaski Circuit, Third Division. Appellant's pro se motion to supplement the record and for brief time.

CA10-823. Arkansas Beverage Retailers Association, Inc. et al. v. Alcoholic Beverage Control Board et al., from Pulaski Circuit, Sixteenth Division. Motion of Herbert C. Rule III to withdraw as counsel for Intervenor Tyler T. Austin.

E10-23. Guy D. Czajka v. Director et al., from Board of Review. Appellant's pro se motion to supplement the record and for brief time.

E10-112. Hewitt Robinson v. Director et al., from Board of Review. Appellant's pro se motion to file belated appeal.

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SUBMISSIONS

CA10-22. Bobby W. Allen, Sr. et al. v. Richard O. Murphy, from Lee Circuit. Argued orally.

CACR09-1398. Ciro Jimenez v. State of Arkansas, from Benton Circuit.

CACR10-41. Everett Gene Foster, Jr. v. State of Arkansas, from Lonoke Circuit.

CACR10-81. Phillip W. Holloway v. State of Arkansas, from Scott Circuit.

CACR10-91. Rodney Ray Hall v. State of Arkansas, from Randolph Circuit.

CACR10-109. Tobias Gormley v. State of Arkansas, from Garland Circuit.

CACR10-128. Byron Lamont Wallace v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR10-131. Anthony Thomas v. State of Arkansas, from Faulkner Circuit.

CACR10-175. Richard Harvey Ellis v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR10-271. Shawn M. Sims-Navarre v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-291. Michael Cook v. State of Arkansas, from Lonoke Circuit.

CACR10-381. Michael Lee Cowan v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-529. Ronald Earl Robinson v. State of Arkansas, from Hot Spring Circuit.

CA09-846. Johnny Weaver et al. v. Roosevelt Collins, from Phillips Circuit.

CA09-1202. Bio Tech Pharmacal, Inc. v. Edmond Blouin, from Workers' Compensation Commission.

CA09-1238. May Construction Company, Inc. v. Town Creek Construction and Development, LLC, from Washington Circuit.

CA10-96. George Gibbs et al. v. Roger Dale Stiles, from Madison Circuit.

CA10-231. Delmar Glenn Pack et al. v. Bob E. Clark et al., from Van Buren Circuit.

CA10-249. Wenzel Wochos et al. v. B.J. Woolverton et al., from Garland Circuit.

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SUBMISSIONS

CA10-264. Paul Phuoc Le et al. v. Ashley Xuan Nguyen, from Sebastian Circuit, Fort Smith District.

CA10-344. Larie B. Craig v. Sharon M. Craig, from Washington Circuit.