

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 20, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CA09-1374. Darla Jackson v. Tanya Smith, f/k/a Tanya Gonzales et al., from Carroll Circuit, Western District. Affirmed in part; reversed and remanded in part. Glover and Baker, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CA10-129. River Valley Homes, Inc. v. Freeland-Kauffman & Fredeen, Inc., from Benton Circuit. Appeal dismissed. Gladwin and Kinard, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR10-224. Shawn Massey v. State of Arkansas, from Faulkner Circuit. Rebriefing ordered. Robbins and Gruber, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CACR10-414. Kiara Smith v. State of Arkansas, from Jefferson Circuit. Affirmed. Pittman and Kinard, JJ., agree.

CA10-452. John O'Hara v. Death & Permanent Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Pittman and Baker, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR10-232. Bobby Forrest v. State of Arkansas, from Hot Spring Circuit. Affirmed. Hart and Gruber, JJ., agree.

CA10-409. Mariann Morrison v. Confectionately Yours, Inc. and Wausau Underwriters Insurance Co., from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Gruber, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CACR09-934. Brian Keith Walker v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Pittman and Gladwin, JJ., agree.

CA09-1297. R.R. v. State of Arkansas, from Faulkner Circuit. Affirmed; motion to withdraw granted. Pittman and Gladwin, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 20, 2010

RITA W. GRUBER, JUDGE:

CACR09-1323. David Junior Sweet v. State of Arkansas, from Crawford Circuit. Affirmed. Hart and Robbins, JJ., agree.

CA10-539. Charlie L. Jackson v. Smith Blair, Inc. and Travelers Indemnity Company, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins, J., agrees. Hart, J., concurs.

DAVID M. GLOVER, JUDGE:

CACR10-35. Blake D. Burrow v. State of Arkansas, from Lonoke Circuit. Affirmed. Vaught, C.J., and Baker, J., agree.

CA10-19. Bank of the Ozarks v. Jim Wood Company, Inc. and Capital Dirtworks, LLC, from Pulaski Circuit, First Division. Affirmed. Vaught, C.J., and Baker, J., agree.

RAYMOND R. ABRAMSON, JUDGE:

CACR10-385. Tracie Lynn Snider v. State of Arkansas, from Jackson Circuit. Affirmed. Henry and Brown, JJ., agree.

CA09-1299. C.M. v. State of Arkansas, from Faulkner Circuit. Affirmed. Henry and Brown, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR10-324. Sean Robert Nicholas v. State of Arkansas, from Benton Circuit. Dismissed. Abramson and Brown, JJ., agree.

CA10-436. Second Injury Fund v. Cleveland Osborn, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Brown, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-1158. James Louis Cannon v. State of Arkansas, from Randolph Circuit. Affirmed. Vaught, C.J., and Glover, J., agree.

CA09-1298. N.J. v. State of Arkansas, from Faulkner Circuit. Affirmed. Vaught, C.J., and Glover, J., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 20, 2010

WAYMOND M. BROWN, JUDGE:

CACR09-1050. Jermiko Vonjay Johnson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Abramson and Henry, JJ., agree.

CA10-42. Pamela Brand v. Gregory Mourot, from Perry Circuit. Affirmed. Abramson and Henry, JJ., agree.

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).

E10-53. Norman N. Woodward, Jr. v. Director et al.

E10-54. Paul F. Pattison v. Director et al.

E10-55. Linda K. Johnson v. Director et al.

E10-56. Tracy D. Brown v. Director et al.

E10-57. Francis T. Caton v. Director et al.

E10-58. Terry L. Howard v. Director et al.

E10-59. Dorian D. Boykins v. Director et al.

E10-60. Ruth E. Hendrix v. Director et al.

E10-61. Portia Y. Harris v. Director et al.

E10-62. Melissa A. Kemper v. Director et al.

E10-63. Ashton L. Smith v. Director et al.

E10-64. Fred A. Gilchrist v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 20, 2010

PER CURIAM ORDERS

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

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 is granted. Allowed \$1,400.00.

CACR09-1031. Khayam Thomas v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion of Jonathan T. Lane for attorney's fees is granted. Allowed \$1,400.00.

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

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 is granted.

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

CACR10-744. Charles Foster, Jr. v. State of Arkansas, from Faulkner Circuit. Appellant's pro se motion for reconsideration is passed until the case is submitted.

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 is remanded to the trial court to settle the record within thirty days. Appellant's brief due within thirty days thereafter.

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

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

CA10-229. Melvin Thorn et al. v. Nobel Vance Pierson, from Faulkner Circuit. Appellee's motion to correct the record is granted. Supplemental record due within fifteen days.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 20, 2010

PER CURIAM ORDERS

CA10-801. Billy Fewell v. Arkansas Department of Human Services, from Pulaski Circuit, Third Division. Appellant's pro se motion to supplement the record is denied. Appellant's brief due within thirty days.

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 is granted.

E10-23. Guy D. Czajka v. Director et al., from Board of Review. Appellant's pro se motion to supplement the record is denied. Appellant's brief due within fifteen days.

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

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF OCTOBER 20, 2010
MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CACR09-1188. David Wayne Fuson v. State of Arkansas, from Crawford Circuit.

CACR09-1386. Emmett Lee Hillard v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR09-1286. Wendell Lee Strickland v. State of Arkansas, from Benton Circuit.

CA09-1310. Deirdre Foster v. Winifred Foster, from Pulaski Circuit, Ninth Division.

CA10-167. Rickey Henry v. QHG of Springdale, Inc. et al., from Benton Circuit.

CACR09-1132. Demetricus Marcus Hampton v. State of Arkansas, from Craighead Circuit, Western District. Amended motion of Grant C. DeProw for attorney's fees.

CACR09-1373. Willious E. Block v. State of Arkansas, from Hempstead County. Motion of F. Parker Jones III for attorney's fees.

CACR10-86. Josh Porter v. State of Arkansas, from Howard Circuit. Motion of F. Parker Jones III for attorney's fees.

CACR10-115. Robert Eugene Cheater v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR10-157. Brandon Buford v. State of Arkansas, from Mississippi Circuit, Osceola District. Motion of John H. Bradley for attorney's fees.

CACR10-315. Edward S. Collins v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for attorney's fees.

CACR10-343. Jeremy Ridgell v. State of Arkansas, from Bradley Circuit. Motion of Daren J. Nelson for attorney's fees.

CACR10-832. James Edward Jackson, Jr. v. State of Arkansas, from Chicot Circuit. Appellant's motion to supplement the record and for extension of brief time.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 20, 2010

MOTIONS SUBMITTED

CACR10-943. Jimmy Lee Williams v. State of Arkansas, from Ouachita Circuit. Motion of Dana Reece to be substituted as counsel for appellant.

CACR10-1014. Brian Keith Jordan v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of Clint Miller to be relieved and for appointment of appellate counsel.

CA09-1310. Deirdre Foster v. Winifred Foster, from Pulaski Circuit, Ninth Division. Appellee's motion for sanctions, fees and costs.

CA10-398. Yanmar Co., LTD et al. v. Wanda H. Slater, from Jefferson Circuit. Motion of appellant Yanmar Co., LTD ("Yanmar Japan") to file reply brief in excess of page limits and to stay brief time.

CA10-430. Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for relief from order and review of order.

CA10-591. Terry Richardson v. Union Pacific Railroad Company, from Pulaski Circuit, Third Division. Appellant's motion to remand to correct the record or alternative petition for certiorari to complete the record and motion to extend time or stay the briefing schedule.

CA10-757. Janice L. Alfieri v. Wal-Mart Associates, Inc., from Workers' Compensation Commission. Appellant's motion to withdraw constitutional issue and for brief time.

CA10-758. Vibo Corporation et al. v. State of Arkansas, from Pulaski Circuit, Seventeenth Division. Appellant's motion to supplement the record.

CA10-758. Vibo Corporation et al. v. State of Arkansas, from Pulaski Circuit, Seventeenth Division. Appellant's motion to stay brief time for an additional thirty days from the date of ruling on motion to supplement the record.

CA10-770. Margaret Ann Smith v. Morrison Management Specialists, from Workers' Compensation Commission. Appellee's motion to dismiss appeal.

CA10-789. Helen Elizabeth Viele and David Viele v. Lacy Leach Caldwell, from Pulaski Circuit, Twelfth Division. Appellants' motion to supplement record.

CA10-792. James Hubbard v. Homebank of Arkansas, from Searcy Circuit. Appellee's motion to dismiss appeal.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 20, 2010

CA10-925. Stephen Toof Brown et al. v. Brian Kelton, from Pulaski Circuit, Second Division. Appellants' motion to supplement the record.

CA10-960. Anthony Roseburrow v. Arkansas Department of Human Services, from Faulkner Circuit. Appellant's motion to correct the record and stay briefing schedule.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF OCTOBER 20, 2010
SUBMISSIONS

CA09-861. Mike Nobles v. Robbyn Tumey, from Sebastian Circuit, Fort Smith District. Argued orally.

CACR09-345. Daniel Dorsey v. State of Arkansas, from Crittenden Circuit.

CACR10-183. Todd T. Debriyn v. State of Arkansas, from Washington Circuit.

CACR10-187. Tracey Parks v. State of Arkansas, from Greene Circuit.

CACR10-204. Kevin Gettridge v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-226. Archie Lorenzo Ross, Jr. v. State of Arkansas, from Crittenden Circuit.

CACR10-262. Deanna Lynn Goforth v. State of Arkansas, from Saline Circuit.

CACR10-336. Terry Montez Moss v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-374. Dan Simpkins, Jr. v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR10-395. James Lee Foley v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR10-433. Joey Rhoades v. State of Arkansas, from Saline Circuit.

CACR10-564. Robert Neal v. State of Arkansas, from Jefferson Circuit.

CA09-1150. P C Scale, Inc. et al. v. Roll Off Services, Inc., from Benton Circuit.

CA10-124. American States Insurance Company v. Chad T. Williams et al., from Sebastian Circuit, Fort Smith District.

CA10-234. Garland Gable and Martha Gable v. Robert Anthony et al., from Faulkner Circuit.

CA10-281. Michael Wadley v. Elizabeth Mae Wadley, from White Circuit.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF OCTOBER 20, 2010
SUBMISSIONS

CA10-289. Megan Ann Stouffer Brothers v. Robert Brian Stouffer, from Sebastian Circuit, Fort Smith District.

CA10-294. Robert O. Shafer, Jr. et al. v. Robert Hudgins, from White Circuit.

CA10-323. Teresa Jenkins v. It's Fashion, from Workers' Compensation Commission.

CA10-350. D. R. v. State of Arkansas, from Carroll Circuit, Eastern District.

CA10-355. Johnny Pruitt and Toni Pruitt v. Dickerson Excavation, Inc., from Franklin Circuit, Northern District.

CA10-388. Wendy K. Gibson v. Brian T. Gibson, from Benton Circuit.

CA10-520. Khadya Smith v. Arkansas Department of Human Services, from Phillips Circuit.

CA10-556. Kathryn Edwards v. Arkansas Department of Human Services, from Benton Circuit.