

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 2, 2011

LARRY D. VAUGHT, CHIEF JUDGE:

CA10-426. Roselie Gingras v. Liberty Bank and CNA Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Abramson, JJ., agree.

CA10-754. John H. Gold, Jr. v. Bird E. Vines, from Scott Circuit. Rebriefing ordered. Gruber and Abramson, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-1088. Bobby Ray Hatton v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion to withdraw denied without prejudice; rebriefing ordered. Gladwin and Abramson, JJ., agree.

CACR10-590. James Robert Lowe v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Hart and Martin, JJ., agree.

CA10-1088. Patrice Baker v. Arkansas Department of Human Services, from Crittenden Circuit. Motion to withdraw denied; rebriefing ordered. Hart and Martin, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR10-495. Timothy Wallace Fowler v. State of Arkansas, from Conway Circuit. Affirmed. Martin, J., agrees. Pittman, J., concurs.

CACR10-618. Richard Wayne Keister v. State of Arkansas, from Miller Circuit. Affirmed. Pittman and Martin, JJ., agree.

CA10-218. Jonnie Locke v. Continental Casualty Company et al., from Jefferson Circuit. Remanded to settle the record. Pittman and Martin, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CACR10-741. Brittany Williamson v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Hoofman and Brown, JJ., agree.

CA10-406. Rhodis L. Smith, Sr. v. Hershel Lovelace and Venita Lovelace, from Pulaski Circuit, Ninth Division. Affirmed. Hoofman and Brown, JJ., agree.

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JOHN B. ROBBINS, JUDGE:

CACR10-784. Dorothy L. Warden v. State of Arkansas, from Saline Circuit. Affirmed. Wynne and Glover, JJ., agree.

CA10-614. Donald Buffington v. Diamond Transport & Drilling, LLC, and Newton W. Dorsett, from Lafayette Circuit. Reversed and remanded. Wynne and Glover, JJ., agree.

ROBIN F. WYNNE, JUDGE:

CACR10-580. Sharon Colgan v. State of Arkansas, from Baxter Circuit. Affirmed. Robbins and Glover, JJ., agree.

CA10-671. Joe Berry and Beulah Berry v. Neal Moon and Anna Moon, from Crawford Circuit. Appeal dismissed. Robbins and Glover, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR10-522. Terry Edward Hayes v. State of Arkansas, from Washington Circuit. Affirmed in part; reversed and remanded in part. Vaught, C.J., and Abramson, J., agree.

CACR10-788. Tommy D. Tatum v. State of Arkansas, from Saline Circuit. Affirmed. Vaught, C.J., and Abramson, J., agree.

CA10-486. David Reimer v. Eldon Ragsdale, Sandra Ragsdale, Timothy L. Venable, and Accurate Home Inspection Service of Arkansas, Inc., from Garland Circuit. Dismissed. Vaught, C.J., and Abramson, J., agree.

CA10-1054. Christina Maynard v. Arkansas Department of Human Services, from Garland Circuit. Affirmed. Vaught, C.J., and Abramson, J., agree.

DAVID M. GLOVER, JUDGE:

CACR10-626. Mario Tatum v. State of Arkansas, from Bradley Circuit. Affirmed. Robbins and Wynne, JJ., agree.

CA10-1044. Selena Clingenpeel v. Arkansas Department of Human Services, from Franklin Circuit. Affirmed. Robbins and Wynne, JJ., agree.

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RAYMOND R. ABRAMSON, JUDGE:

CACR10-718. Tyrone McGraw v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Vaught, C.J., and Gruber, J., agree.

CA10-681. Tina Havard and Michael J. Havard v. Jim Bob Clark, from Lonoke Circuit. Affirmed in part; reversed and remanded in part. Vaught, C.J., and Gruber, J., agree.

DOUG MARTIN, JUDGE:

CA10-548. Albaro Vijil v. Schlumberger Technology Corp., St. Paul Travelers, and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Pittman and Hart, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

CA10-821. Debra Mackey v. Cobb Vantress, Inc., and Tynet Corporation, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Brown, JJ., agree.

CA10-701. Alpha Fletcher v. Richard Fletcher and Erin Fletcher, from Logan Circuit. Affirmed. Gladwin and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR10-722. Chasmun F. Miller v. State of Arkansas, from Union Circuit. Rebriefing ordered. Gladwin and Hoofman, JJ., agree.

CA10-1058. Jason and Kristen Chambers v. Arkansas Department of Human Services and minor children, from Garland Circuit. Affirmed. Gladwin and Hoofman, JJ., agree.

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PER CURIAM ORDERS

CACR10-224. Shawn Massey v. State of Arkansas, from Faulkner Circuit. Appellant's motion to correct and supplement the record and to file belated brief is granted. Supplemental record due within fifteen days. Appellant's brief due within thirty days thereafter.

CACR10-551. Sean E. Beagles v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Cliff Collins for attorney's fees is granted. Allowed \$1,000.00.

CACR10-668. Kevin Valdez Barnes v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of M. Tracy Oates for attorney's fees is granted. Allowed \$1,050.00.

CACR10-744. Charles Foster, Jr. v. State of Arkansas, from Faulkner Circuit. Motion of Caroline L. Winningham for attorney's fees is granted. Allowed \$1,000.00.

CACR10-830. Jimmy G. Yocum v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of James E. Hensley, Jr., for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1336. Curvin Vontal McCoy v. State of Arkansas, from Bradley Circuit. Motion of Dwain Oliver to be relieved as counsel for the appellant and for Joseph P. Mazzanti, III, to be substituted as appellant's counsel is granted.

CACR11-29. Sheva Howard v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Ronald L. Davis, Jr., to be relieved as counsel for appellant is granted.

CACR11-29. Sheva Howard v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion for appointment of Q. Byrum Hurst, Jr., as counsel for appellant is granted.

CACR11-39. Marion C. Butler v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion of William O. "Bill" James, Jr., to withdraw and for substitution of James Clouette as counsel for appellant is remanded to the trial court for a hearing within thirty days pursuant to *Brewer v. State*, 64 Ark. App. 372, 984 S.W.2d 65 (1998). Clerk to set briefing schedule.

CA10-417. D.W. v. State of Arkansas, from Pulaski Circuit, Eleventh Division. Appellant's motion to prohibit the broadcasting, recording, or photographing of the oral argument is granted. Gruber, J., not participating.

CA10-1132. Dana K. Kemp v. Kevin L. Kemp, from Pulaski Circuit, Ninth Division. Appellee's motion for permission to file record and briefs under seal is denied. Briefs must comply with Administrative Order No. 19. Gladwin and Gruber, JJ., not participating.

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PER CURIAM ORDERS

CA10-1139. Sander Wood v. Julian H. Wood, from Cleburne Circuit. Appellant's renewed motion to remand for lack of final order. Motion to remand is denied. Case dismissed without prejudice for lack of final order.

CA10-1139. Sander Wood v. Julian H. Wood, from Cleburne Circuit. Appellant's motion to seal the record and briefs is moot.

CA10-1139. Sander Wood v. Julian H. Wood, from Cleburne Circuit. Appellant's petition for writ of certiorari to complete the record and to stay briefing schedule is moot.

CA11-1. Jacky F. Dunn, D.O., et al. v. Sid Womack, from Pope Circuit. Appellant's motion to supplement the record is granted. Record deemed supplemented.

The following cases are dismissed for failure to file briefs in accordance with Supreme Court Rule 4-5.

CA10-453. Connie Winters v. Matthew Winters, from Desha Circuit.

CA10-454. Robert D. Brown, Jr. v. J & E Bonding Company, from Sevier Circuit.

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MOTIONS SUBMITTED

CACR09-1361. Willie Wells, III v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR10-89. Lakedrin Mills v. State of Arkansas, from Crittenden Circuit. Motion of Chad M. Green for attorney's fees.

CACR10-223. Weston Ludrick v. State of Arkansas, from Washington Circuit. Motion of William O. "Bill" James, Jr., for attorney's fees.

CACR10-695. Walter Parham v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR10-1209. Vernell Conley v. State of Arkansas, from Washington Circuit. Appellant's motion requesting appeal bond.

CACR10-1333. James Thompson v. State of Arkansas, from Miller Circuit. Motion of Jason Horton to withdraw, for appointment of Bobby R. Digby, II, as counsel for appellant, and for stay of brief time.

CA09-792. John T. Payne v. Keith Donaldson d/b/a Donaldson Wrecker Service, from Chicot Circuit. Appellee's motion for costs.

CA09-1380. Mary Gurlen et al. v. Henry Management, Inc., from Pulaski Circuit, Sixth Division. Appellants' motion for taxation of costs and attorney's fees.

CA09-1411. Adam S. Stibich v. Kimberly Rae Stibich, from Garland Circuit. Appellant's motion for judgment on appeal.

E11-11. Marsha Miller v. Director et al., from Board of Review. Motion to file belated appeal.

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SUBMISSIONS

- CA10-665. Dave Smith v. Decatur School District, from Benton Circuit. Argued orally.
- CACR09-410. Kitaka Lauderdale v. State of Arkansas, from Craighead Circuit, Western District.
- CACR09-933. Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District.
- CACR10-579. Terry Penister v. State of Arkansas, from Arkansas Circuit, Southern District.
- CACR10-787. Donnie Ray Slater v. State of Arkansas, from Arkansas Circuit, Southern District.
- CACR10-804. Lydia Marie Delgado v. State of Arkansas, from Sebastian Circuit, Fort Smith District.
- CACR10-832. James Edward Jackson, Jr. v. State of Arkansas, from Chicot Circuit.
- CACR10-904. James Alva Ross v. State of Arkansas, from Clark Circuit.
- CACR10-913. Felton Earl Singleton v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR10-917. Mary Ann Hillman v. State of Arkansas, from Faulkner Circuit.
- CACR10-937. James Flinn v. State of Arkansas, from Clark Circuit.
- CACR10-964. Roger Lemaster v. State of Arkansas, from Lonoke Circuit.
- CA10-277. Debra Floerchinger v. UAMS, from Workers' Compensation Commission.
- CA10-629. Optical Partners, Inc., et al. v. Kevin Dang, from Sebastian Circuit, Fort Smith District.
- CA10-672. Donnie Farmer et al. v. Marietta Riddle, from Pulaski Circuit, Sixth Division.
- CA10-756. Eric Dill v. Green Dental Laboratories, from Workers' Compensation Commission.
- CA10-774. Sue Gregory v. State of Arkansas, from Marion Circuit.
- CA10-795. David Grothaus v. Vista Health, LLC, from Workers' Compensation Commission.
- CA10-799. Fredric Dohle et al. v. Susan Ann Duffield, from Benton Circuit.
- CA10-833. Lowe's Home Centers, Inc., et al. v. William Stengel, from Workers' Compensation Commission.

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SUBMISSIONS

CA10-879. Bill Montgomery v. J & J Lumber Company, from Workers' Compensation Commission.

CA10-891. Eastern Tank Service et al. v. Alton Brown, from Workers' Compensation Commission.

CA10-894. J Mar Express, Inc., et al. v. Donald Poteete, from Workers' Compensation Commission.