

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 2, 2011

LARRY D. VAUGHT, CHIEF JUDGE:

CACR10-755. Wendell Noe v. State of Arkansas, from St. Francis Circuit. Affirmed. Gladwin and Martin, JJ., agree.

CA10-491. Bobby McMullen and estate of William E. McMullen, deceased v. Arkansas Elder Outreach of Little Rock, Inc., Malvern Nursing Home, and Healthcare Staffing Associates, Inc., from Hot Spring Circuit. Reversed. Robbins and Glover, JJ., agree.

CA10-841. Jackie Robbins v. Debbie Robbins, from Garland Circuit. Remanded to settle record; rebriefing ordered. Gladwin and Martin, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR10-837. Johnny Lynn Bovee v. State of Arkansas, from Saline Circuit. Affirmed. Robbins and Gruber, JJ., agree.

CA10-528. Johnny L. Rockett v. Nell C. Rockett, from Hempstead Circuit. Affirmed. Hart and Martin, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR10-1115. Marty Alvard v. State of Arkansas, from Carroll Circuit, Eastern District. Affirmed. Wynne and Brown, JJ., agree.

CA10-859. Throna Marie Tarkington v. Wanda M. Riddle and Ronald W. Riddle, from Faulkner Circuit. Reversed and remanded. Wynne and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CACR10-645. Samuel Smith, Jr. v. State of Arkansas, from Crittenden Circuit. Affirmed. Vaught, C.J., and Martin, J., agree.

CA10-863. Patrick Sexton, executor of estate of Clyde J. Sexton, deceased v. Bobbie Sexton, from Hot Spring Circuit. Affirmed. Vaught, C.J., and Martin, J., agree.

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JOHN B. ROBBINS, JUDGE:

CACR10-684. Jerry Hawkins v. State of Arkansas, from Hempstead Circuit. Affirmed. Pittman and Gruber, JJ., agree.

CA10-1029. Julie Calahan and Jeremiah Calahan v. Arkansas Department of Human Services and minor child, from Monroe Circuit. Motion to dismiss granted. Pittman and Gruber, JJ., agree.

ROBIN F. WYNNE, JUDGE:

CACR10-731. John Tipton v. State of Arkansas, from Cleburne Circuit. Affirmed. Hart and Brown, JJ., agree.

CA10-398. Yanmar Co., Ltd. d/b/a Yanmar Diesel Engine Company, Ltd., and Yanmar America Corporation v. Wanda H. Slater, from Jefferson Circuit. Appeal dismissed. Gladwin and Glover, JJ., agree.

CA10-1083. Francisco Velazquez v. Arkansas Department of Human Services and minor child, from Benton Circuit. Affirmed. Hart and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR10-1099. Pamela Henry v. State of Arkansas, from Lonoke Circuit. Affirmed. Pittman and Robbins, JJ., agree.

CA10-834. Butch Walchli and Elizabeth Walchli v. Joe Morris and Tanni Morris, from Sebastian Circuit, Greenwood District. Reversed and remanded. Pittman and Robbins, JJ., agree.

DAVID M. GLOVER, JUDGE:

CA10-724. M.J., a minor v. State of Arkansas, from Craighead Circuit, Western District. Reversed. Abramson and Hoofman, JJ., agree.

CA10-1030. Mary Robinson v. Family Dollar Stores, Inc., and Risk Enterprise Management, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Hoofman, JJ., agree.

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RAYMOND R. ABRAMSON, JUDGE:

CA10-1011. Bryant School District and Risk Management Resources v. Walter A. Aylor and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed in part; reversed and remanded in part. Glover and Hoofman, JJ., agree.

DOUG MARTIN, JUDGE:

CACR10-670. Charles Lee Hancock v. State of Arkansas, from Drew Circuit. Reversed and remanded. Pittman and Hart, JJ., agree.

CACR10-867. Mary Diane Cooley v. State of Arkansas, from Grant Circuit. Affirmed. Vaught, C.J., and Gladwin, J., agree.

CACR10-904. James Alva Ross v. State of Arkansas, from Clark Circuit. Affirmed. Vaught, C.J., and Gladwin, J., agree.

CA10-170. Amy L. Piccioni v. Kevin S. Piccioni, from Lonoke Circuit. Affirmed. Pittman, J., agrees. Hart, J., concurs.

CA10-793. Eric Fox v. Christopher Bryan Nagle, from Saline Circuit. Reversed and remanded. Vaught, C.J., and Gladwin, J., agree.

CLIFF HOOFFMAN, JUDGE:

CACR10-1056. Charles Raymond v. State of Arkansas, from Jefferson Circuit. Affirmed. Glover and Abramson, JJ., agree.

CA10-1134. Pafford Medical Billing Services, Inc., and Firstcomp Insurance Co. v. Tammy R. Smith, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Abramson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CA10-854. Erma Smith v. Southwest Arkansas Food Bank and Chartis Insurance, from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Wynne, JJ., agree.

CA10-856. Nock Investments, LLC, John and Jill Nock, and Hank Broyles v. First National Bank of Fort Smith, from Washington Circuit. Dismissed. Hart and Wynne, JJ., agree.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for Rehearing were denied today in the following cases.

CACR10-223. Weston Ludrick v. State of Arkansas, from Washington Circuit.

CA10-451. Bianca Broggi-Dunn v. Ernest E. Dunn, from Lonoke Circuit.

CACR09-730. Ruth Ann Lagoy v. State of Arkansas, from Stone Circuit. Motion of Jonathan T. Lane for attorney's fees is denied without prejudice. *See* Ark. Sup. Ct. R. 6-6(c).

CACR10-265. Roy Lee Smith v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Lesley Burleson for attorney's fees and costs is granted. Allowed \$1,400.00.

CACR10-493. Ronald Wayne Magness v. State of Arkansas, from Drew Circuit. Motion of Joseph P. Mazzanti, III for attorney's fees is granted. Allowed \$1,400.00.

CACR10-495. Timothy Wallace Fowler v. State of Arkansas, from Conway Circuit. Motion of Dale E. Adams for attorney fees is granted. Allowed \$1,400.00.

CACR10-832. James Edward Jackson, Jr. v. State of Arkansas, from Chicot Circuit. Motion of Joseph P. Mazzanti, III for attorney's fees is granted. Allowed \$1,400.00.

CACR10-917. Mary Ann Hillman v. State of Arkansas, from Faulkner Circuit. Motion of Caroline Winningham for attorney's fees is granted. Allowed \$1,400.00.

CACR10-917. Mary Ann Hillman v. State of Arkansas, from Faulkner Circuit. Motion of Caroline Winningham to withdraw as counsel for appellant is granted.

CACR10-1013. Damon Jackson v. State of Arkansas, from Desha Circuit. Appellant's motion to file belated brief. Jeffery H. Kearney is relieved as counsel. Margo D. Warner is appointed as counsel for appellant. Clerk to set new briefing schedule.

CACR10-1306. Jakita Sealine Murphy v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to find appellant indigent for purposes other than attorney's fees. Remanded to the trial court for a hearing within forty-five days pursuant to *Brewer v. State*, 64 Ark. App. 372, 984 S.W.2d 65 (1998). Clerk to set briefing schedule.

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MOTIONS SUBMITTED

CACR10-1306. *Jakita Sealine Murphy v. State of Arkansas*, from Pulaski Circuit, First Division. Appellant's motion to stay brief time is granted.

CACR11-53. *Orville Dewayne Kelley v. State of Arkansas*, from Faulkner Circuit. Motion of B. Keith Faulkner to be relieved and for appointment of Caroline Winningham as counsel for appellant is denied without prejudice. See Ark. Sup. Ct. R. 4-3(k)(1).

CACR11-154. *Marcus Amos v. State of Arkansas*, from Faulkner Circuit. Motion of Boyd Tackett, Jr. to be relieved and for appointment of Caroline Winningham as counsel for appellant is granted.

CA10-1105. *Centennial Bank v. Tribuilt Construction Group, LLC*, from Sebastian Circuit, Fort Smith District. Motion of C. Brian Meadors and Amanda Thomas to withdraw as counsel for appellee is denied without prejudice. See Ark. R. Civ. P. 64(b).

CA10-1129. *Margaret E. Light et al. v. James Duvall*, from Yell Circuit, Northern District. Appellants' pro se motion to correct references in brief and addendum is granted.

CA10-1302. *Betty Tiner v. William Joe "Bill" Tiner*, from Saline Circuit. Appellant's motion to supplement the record on appeal is granted. Record deemed supplemented.

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MOTIONS SUBMITTED

CACR10-135. Todd Wayne Hall v. State of Arkansas, from Benton Circuit. Renewed motion of David O. Bowden for attorney's fees.

CACR10-897. Charles Isaac Wilson, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion to proceed pro se to submit supplemental brief.

CACR10-913. Felton Earl Singleton v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of William O. "Bill" James, Jr., for attorney's fees.

CACR10-937. James Flinn v. State of Arkansas, from Clark Circuit. Motion of Alvin Schay for attorney's fees.

CACR10-1037. Theodis Mitchell, Jr. v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion for rule on clerk.

CACR10-1038. Robert Earl Colbert v. State of Arkansas, from Jefferson Circuit. Appellant's motion for rule on clerk.

CACR10-1038. Robert Earl Colbert v. State of Arkansas, from Jefferson Circuit. Appellee's motion to dismiss appeal.

CACR10-1333. James Thompson v. State of Arkansas, from Miller Circuit. Pro se "motion for ineffective assistant counsel and or motion for new trial and or to dismiss and to release inmate."

CACR11-119. Leroy Harvey Stevenson v. State of Arkansas, from Craighead Circuit, Western District. Motion of Ben Bristow to withdraw as counsel for appellant.

CA10-739. D.B., a Minor v. State of Arkansas, from Scott Circuit. Motion of Andy Riner for attorney's fees.

CA10-739. D.B., a Minor v. State of Arkansas, from Scott Circuit. Motion of Andy Riner to withdraw as counsel.

CA10-858. The Pridemen Team, Inc. v Brian Newton et ux., from Saline Circuit. Joint stipulated and consolidated motions to stay dismissal, supplement record, and for reconsideration.

CA10-970. Ruth Macon v. State of Arkansas, from Clark Circuit. Appellee's motion to file belated brief.

CA10-1050. Stephen E. Fisher and June Fisher v. Deininger & Wingfield, P.A., from Pulaski Circuit, Sixth Division. Appellee's motion to dismiss appeal.

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MOTIONS SUBMITTED

CA10-1123. Rhino Mini-Storage, LLC, et al. v. First National Bank of Rogers, from Benton Circuit. Motion of D. Westbrook Doss, Jr., for reconsideration of motion to withdraw as counsel.

CA10-1124. Gray Construction, Inc., et al. v. First National Bank of Rogers, from Benton Circuit. Motion of D. Westbrook Doss, Jr., for reconsideration of motion to withdraw as counsel.

CA10-1279. Seyoum Clark v. El Nopal, Inc., from Arkansas Workers' Compensation Commission. Appellee's motion and supplemental motion for reconsideration.

CA10-1279. Seyoum Clark v. El Nopal, Inc., from Arkansas Workers' Compensation Commission. Appellant's amended motion to file belated brief.

CA11-87. Shawna Jessup and Joel Jessup v. Arkansas Department of Human Services and Minor Children, from Craighead Circuit, Western District. Appellants' motion to correct the record, strike extraneous and irrelevant material, and to stay brief time.

CA11-114. Arkansas Surgical Hospital, LLC v. United Healthcare of Arkansas, Inc., et al., from Pulaski Circuit, Third Division. Appellees United Healthcare of Arkansas, Inc., United Healthcare Insurance Company, Nicholas Thompson, and Mitchell, Williams, Selig, Gates & Woodyard, PLLC's motion for judicial notice or, in the alternative, remand to supplement the record and to stay briefing schedule.

CA11-114. Arkansas Surgical Hospital, LLC v. United Healthcare of Arkansas, Inc., from Pulaski Circuit, Third Division. Appellant's motion to dismiss appeal against Arkansas Blue Cross and Blue Shield and Robert Ridgeway.

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SUBMISSIONS

CACR10-380. Zafar Iqbal v. State of Arkansas, from Baxter Circuit. Argued orally.

CA10-417. D.W. v. State of Arkansas, from Pulaski Circuit, Eleventh Division. Argued orally.

CACR10-708. Dewquan Marquis Johns v. State of Arkansas, from Lonoke Circuit.

CACR10-749. Shirley A. Taylor v. State of Arkansas, from Bradley Circuit.

CA10-523. Bruce E. Murphy, M.D. v. Jeanne Murphy, from Pulaski Circuit, Sixteenth Division.

CA10-677. Pamela Marshall Carroll v. Richard Dale Carroll, from Jefferson Circuit.

CA10-767. Micah Mark Marchand v. Rachel Campbell Marchand, from Lonoke Circuit.

CA10-779. Town of Gilbert v. Benjamin F. Fruehauf, II, from Searcy Circuit.

CA10-918. Pamela Maiorano v. Samuel Maiorano, from Garland Circuit.

CA10-920. Jeffery Strother, Jerry Strother, and Elois Strother v. David W. Mitchell and Laura Mitchell, from Independence Circuit.

CA10-945. Barry J. Jewell v. Debra Duree Jewell, from Pulaski Circuit, Seventeenth Division.

CA10-1106. Rene Cienfuegos-Mendoza v. Dobbs Coating System, from Workers' Compensation Commission.

CA10-1187. Brian Woodall v. Arkansas Department of Human Services, from Lonoke Circuit.

CA10-1193. Tiffany Cranford and Christopher Cranford v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District.