

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MARCH 9, 2011**

LARRY D. VAUGHT, CHIEF JUDGE:

CA10-792. James Hubbard v. HomeBank of Arkansas, from Searcy Circuit. Affirmed. Gladwin and Martin, JJ., agree.

CA10-1194. Ashley Pearson v. Arkansas Department of Human Services, from Carroll Circuit, Eastern District. Affirmed; motion to withdraw granted. Gladwin and Martin, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR10-308. Timothy H. Pratt II v. State of Arkansas, from Faulkner Circuit. Affirmed. Hart and Martin, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR10-846. Jerome D. Terry v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion to withdraw denied; rebriefing ordered. Wynne and Brown, JJ., agree.

CA10-417. D.W. v. State of Arkansas, from Pulaski Circuit, Eleventh Division. Affirmed. Wynne and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CACR10-848. Paul Franklin Pitchford v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Martin, J., agree.

CA10-228. Charles R. Mason, Jr. v. David Mitcham, from Union Circuit. Reversed. Vaught, C.J., and Martin, J., agree.

JOHN B. ROBBINS, JUDGE:

CACR10-988. Keith Laron Newton v. State of Arkansas, from Bradley Circuit. Affirmed. Pittman and Gruber, JJ., agree.

CA10-601. Danny Wayne Flippen v. Michael R. Jones and Denise A. Jones, from Sebastian Circuit, Fort Smith District. Affirmed. Pittman and Gruber, JJ., agree.

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ROBIN F. WYNNE, JUDGE:

CACR10-1014. Brian Keith Jordan v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Hart and Brown, JJ., agree.

CA10-690. BAC Home Loans Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP v. Benefit Bank, from Crawford Circuit. Affirmed. Hart and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR10-500. Edward Charles Snyder v. State of Arkansas, from Washington Circuit. Affirmed. Pittman and Robbins, JJ., agree.

CA10-747. Lisa Brinkley v. Thomas Brinkley, from Washington Circuit. Affirmed. Pittman and Robbins, JJ., agree.

DAVID M. GLOVER, JUDGE:

CACR10-1062. Wayne Allen Ackerman v. State of Arkansas, from Benton Circuit. Reversed and remanded. Abramson and Hoofman, JJ., agree.

CA10-678. Keith Burns v. Milton R. Stewart and Verna Jo Stewart, Co-trustees for the Stewart Trust, from White Circuit. Affirmed. Vaught, C.J., Robbins, Gruber, and Abramson, JJ., agree. Wynne, J., dissents.

CA10-862. Holly McClaran v. Amos R. Traw and Moon-Ja Traw, his wife; Tony Lowe and Selena Lowe, his wife; and David Woodward and Kathy Woodward, his wife, from Sharp Circuit. Reversed. Abramson and Hoofman, JJ., agree.

CA10-977. Lucinda Ann Reynolds v. Keith Hendrix, from Craighead Circuit, Western District. Appeal dismissed. Abramson and Hoofman, JJ., agree.

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RAYMOND R. ABRAMSON, JUDGE:

CA10-478. Norman E. Bundy, Jr. v. Pat Moody, from Jackson Circuit. Reversed. Glover and Hoofman, JJ., agree.

CA10-827. Christopher George Stout v. Pheth Stout, from Sebastian Circuit, Fort Smith District. Affirmed in part; reversed and remanded in part. Glover and Hoofman, JJ., agree.

CA10-994. Delaplaine Farm Center and AG-Comp SIF v. Ralph Crafton, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Hoofman, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

CA10-798. David Coombs and Razorback Logistics v. J.B. Hunt Transport, Inc., Rich Allensworth, and Mark Emerson, from Benton Circuit. Dismissed. Glover and Abramson, JJ., agree.

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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(f).

- E10-121. Kim McClellan v. Director et al.
- E10-122. Nathan Salinas v. Director et al.
- E10-123. TRI National Logistics v. Director et al.
- E10-124. Hurshel Choat v. Director et al.
- E10-125. Wesley Roderick v. Director et al.
- E10-126. Guard Tronic v. Director et al.
- E10-127. Melanie Gyngard v. Director et al.
- E10-128. Patricia Turner v. Director et al.
- E10-131. Bruce Harvey v. Director et al.
- E10-132. Randy Walker v. Director et al.
- E10-133. Willnetta Jones v. Director et al.
- E10-135. Demecia Birmingham v. Director et al.

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**PER CURIAM ORDERS**

CACR10-135. Todd Wayne Hall v. State of Arkansas, from Benton Circuit. Renewed motion of David O. Bowden for attorney's fees is granted. Allowed \$1,200.00.

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 is denied.

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 is granted. Allowed \$1,400.00.

CACR10-937. James Flinn v. State of Arkansas, from Clark Circuit. Motion of Alvin Schay for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1037. Theodis Mitchell, Jr. v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion for rule on clerk is treated as motion to file belated brief and granted. Brief filed this date.

CACR10-1038. Robert Earl Colbert v. State of Arkansas, from Jefferson Circuit. Appellant's motion for rule on clerk is treated as motion to file belated brief and granted. Brief filed this date.

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

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" is denied.

CACR11-119. Leroy Harvey Stevenson v. State of Arkansas, from Craighead Circuit, Western District. Motion of Ben Bristow to withdraw as counsel for appellant is granted. Alvin Schay appointed to represent appellant. Appellant's brief due April 18, 2011.

CA10-452. John O'Hara v. J. Christy Construction Company, Inc., et al. from Workers' Compensation Commission. Appellant's motion in aid of judgment is denied.

CA10-739. D.B., a Minor v. State of Arkansas, from Scott Circuit. Motion of Andy Riner for attorney's fees is granted. Allowed \$1,400.00.

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**PER CURIAM ORDERS**

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

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

CA10-970. Ruth Macon v. State of Arkansas, from Clark Circuit. Appellee's motion to file belated brief is granted. Brief filed timely this date.

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

CA10-1105. Centennial Bank v. Tribuilt Construction Group, LLC, from Sebastian Circuit, Fort Smith District. Appellant's motion to stay briefing schedule pending determination of appellate case no. CA10-610 is granted.

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 is granted.

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 is granted.

CA10-1279. Seyoum Clark v. El Nopal, Inc., from Workers' Compensation Commission. Appellee's motion and supplemental motion for reconsideration of order granting appellant's motion for extension of time are denied.

CA10-1279. Seyoum Clark v. El Nopal, Inc., from Workers' Compensation Commission. Appellant's amended motion to file belated brief is granted. Appellant's brief due March 18, 2011.

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, to strike extraneous and irrelevant material, and to stay brief time is passed until the case is submitted.

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**PER CURIAM ORDERS**

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 is granted. Glover and Hoofman, JJ., not participating.

CA11-114. Arkansas Surgical Hospital, LLC v. United Healthcare of Arkansas, Inc., from Pulaski Circuit, Third Division. Motion of Appellees United Healthcare of Arkansas, Inc., United Healthcare Insurance Company, Nicholas Thompson, and Mitchell, Williams, Selig, Gates & Woodyard, PLLC, for judicial notice or, in the alternative, remand to supplement the record and to stay briefing schedule. Remanded to the trial court to supplement the record within fifteen days. Appellant's brief due within thirty days thereafter. Glover and Hoofman, JJ., not participating.

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**PROCEEDINGS OF MARCH 9, 2011**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CACR10-465. Travis Smith v. State of Arkansas, from Mississippi Circuit, Osceola District.

CA10-406. Rhodis L. Smith, Sr. v. Hershel Lovelace and Venita Lovelace, from Pulaski Circuit, Ninth Division.

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CACR09-730. Ruth Ann Lagoy v. State of Arkansas, from Stone Circuit. Motion of Jonathan T. Lane for attorney's fees.

CACR09-1358. Moises Diaz v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Jeffrey Weber for attorney's fees.

CACR10-684. Jerry Hawkins v. State of Arkansas, from Hempstead Circuit. Motion of Anthony S. Biddle for attorney's fees.

CACR10-904. James Alva Ross v. State of Arkansas, from Clark Circuit. Motion of Alvin Schay for attorney's fees.

CACR10-1012. David Ockerman v. State of Arkansas, from Pulaski Circuit, First Division. Pro se motion for hearing to relieve counsel.

CACR10-1012. David Ockerman v. State of Arkansas, from Pulaski Circuit, First Division. Pro se motion for hearing to appoint counsel.

CACR10-1012. David Ockerman v. State of Arkansas, from Pulaski Circuit, First Division. Pro se motion to reverse and dismiss.

CACR10-1012. David Ockerman v. State of Arkansas, from Pulaski Circuit, First Division. Pro se motion for new trial.

CACR10-1039. Rodney A. Scales v. State of Arkansas, from Drew Circuit. Appellant's motion to supplement the record.

CACR10-1056. Charles Raymond v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for attorney's fees.



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**PROCEEDINGS OF MARCH 9, 2011**

**MOTIONS SUBMITTED**

CA09-1411. Adam S. Stibich v. Kimberly Rae Stibich, from Garland Circuit. Appellant's motion and amended motion for order authorizing and requiring the trial court to finally and fully resolve all claims currently pending and viable between the parties and appellant's renewed motion for sanctions against the appellee and appellee's counsel, Cynthia Moody.

CA10-1134. Pafford Medical Billing Services, Inc., and Firstcomp Insurance Company v. Tammy R. Smith, from Workers' Compensation Commission. Appellant's motion for attorney's fees.

CA10-1158. Robert E. Bamburg v. Lisa J. Bamburg, from Pulaski Circuit, Fourteenth Division. Appellant's motion for writ of certiorari to complete and correct the record.

CA10-1170. The Lamar Company, LLC d/b/a Lamar Advertising of Greenville v. Arkansas State Highway and Transportation Department, from Pulaski Circuit, Thirteenth Division. Appellant's motion to supplement the record.

CA10-1191. Kenneth Horey et al. v. Youn Bok Byun, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss appeal.

CA10-1307. Jose S. Padilla, Jr., M.D. v. Paul R. Archer and Marie S. Archer, from Boone Circuit. Motion of Appellee Marie S. Archer to appoint special administrator, revive this case, and substitute the special administrator in Paul Archer's stead as appellee.

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**SUBMISSIONS**

CA10-412. Linda Bailey v. William B. Benton et al., from Crittenden Circuit. Argued orally.

CACR10-729. Antonio Harris v. State of Arkansas, from Mississippi Circuit, Chickasawba District.

CACR10-785. Curtis Demond Harlmo v. State of Arkansas, from Desha Circuit.

CACR10-845. David Ted Green v. State of Arkansas, from Faulkner Circuit.

CACR10-849. Willie J. Wilson, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR10-873. Arkein L. Settles v. State of Arkansas, from Pulaski Circuit, First Division.

CACR10-956. Antonio DeWayne Robertson v. State of Arkansas, from Drew Circuit.

CACR10-1060. DeCarlos Vance v. State of Arkansas, from Mississippi Circuit, Osceola District.

CACR10-1067. Kevin Smith v. State of Arkansas, from Drew Circuit.

CACR10-1100. Tylor Weston Banks v. State of Arkansas, from Faulkner Circuit.

CA10-831. Charleen Ruth Morgan Special Administrator of the estate of Charles R. Morgan, deceased v. Steven C. Little, from Izard Circuit.

CA10-843. P.P. v. State of Arkansas, from Faulkner Circuit.

CA10-861. Joe E. Simpson v. Terence Braden, from Craighead Circuit, Western District.

CA10-924. William Stacey Gillison v. Mary Carol Talbot Gillison, from Chicot Circuit.

CA10-967. Southern Farm Bureau Casualty Insurance Company v. Richard E. Williams, from Mississippi Circuit, Chickasawba District.

CA10-992. Kenneth McClure v. City of Mayflower, from Faulkner Circuit.

CA10-997. Tim Killian, Individually and d/b/a Tim Killian General Contractors, Inc. v. R.A. "Reggie" Gibson et al., from Garland Circuit.

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**SUBMISSIONS**

CA10-1002. Melvin Emerson et al. v. Stephen Linkinogger et al., from Van Buren Circuit.

CA10-1048. Office of Child Support Enforcement and Laura Hughes Smith v. Michael Butler, from Pulaski Circuit, Ninth Division.

CA10-1061. Stephanie Feagin v. Shawn Jackson, from White Circuit.

CA10-1073. Erika Lynn Jordan v. Arkansas Department of Human Services, from Conway Circuit.

CA10-1090. Patsy Cato et al. v. Joyce Hightower et al., from Faulkner Circuit.

CA10-1103. First Horizon Home Loan Corporation v. Bank of Fayetteville, from Washington Circuit.

CA10-1225. Jennifer C. Vangilder v. Anchor Packaging, Inc., from Workers' Compensation Commission.