

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF MARCH 30, 2011**

LARRY D. VAUGHT, CHIEF JUDGE:

[CA10-1103](#). First Horizon Home Loan Corporation v. Bank of Fayetteville and Catherine L. Brumley Evancho, from Washington Circuit. Dismissed without prejudice. Gruber and Brown, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR10-820](#). Larry H. Reese v. State of Arkansas, from Arkansas Circuit, Southern District. Affirmed. Robbins and Gruber, JJ., agree.

[CACR10-956](#). Antonio DeWayne Robertson v. State of Arkansas, from Drew Circuit. Affirmed. Abramson and Martin, JJ., agree.

[CA10-412](#). Linda Howell Bailey, trustee of the M. David Howell Family Trust v. William B. Benton et al., from Crittenden Circuit. Affirmed. Abramson and Martin, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR10-1060](#). DeCarlos Vance v. State of Arkansas, from Mississippi Circuit, Osceola District. Affirmed. Robbins and Hoofman, JJ., agree.

[CA10-967](#). Southern Farm Bureau Casualty Insurance Co. v. Richard E. Williams and Kathy Williams, from Mississippi Circuit, Chickasawba District. Appeal dismissed. Robbins and Hoofman, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR10-729](#). Antonio Harris v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Affirmed. Wynne and Glover, JJ., agree.

[CA10-1002](#). Melvin Emerson and Jeanette Emerson, husband and wife v. Stephen Linkinogger and Toni Linkinogger, husband and wife, and Harold Christian and Luann Christian, husband and wife, from Van Buren Circuit. Affirmed. Wynne and Glover, JJ., agree.

JOHN B. ROBBINS, JUDGE:

[CACR10-849](#). Willie J. Wilson, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Hart and Hoofman, JJ., agree.

[CA10-1061](#). Stephanie Feagin v. Shawn Jackson, from White Circuit. Appeal dismissed. Hart and Hoofman, JJ., agree.

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ROBIN F. WYNNE, JUDGE:

[CACR10-845](#). David Ted Green v. State of Arkansas, from Faulkner Circuit. Rebriefing ordered. Gladwin and Glover, JJ., agree.

[CA10-843](#). P.P. v. State of Arkansas, from Faulkner Circuit. Affirmed. Gladwin and Glover, JJ., agree.

RITA W. GRUBER, JUDGE:

[CACR10-1067](#). Kevin Smith v. State of Arkansas, from Drew Circuit. Affirmed. Vaught, C.J., and Brown, J., agree.

[CA10-1225](#). Jennifer C. Vangilder v. Anchor Packaging, Inc., and Cannon Cochran Claim Management Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Brown, J., agree.

DAVID M. GLOVER, JUDGE:

[CACR10-873](#). Arkein L. Settles v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Gladwin and Wynne, JJ., agree.

DOUG MARTIN, JUDGE:

[CA10-620](#). Billy K. Berry, derivatively on behalf of Dillard's, Inc. v. William Dillard, II, James I. Freeman, Alex Dillard, Mike Dillard, Drue Matheny, James A. Haslam, III, Peter R. Johnson, Robert C. Connor, R. Brad Martin, Frank R. Mori, Warren A. Stephens, and Nick White, and Dillard's, Inc., nominal defendant, from Pulaski Circuit, Second Division. Affirmed. Vaught, C.J., and Gladwin, J., agree.

[CA10-742](#). Robert S. Harris, Jr. v. Tim Johnson, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Hoofman, JJ., agree. Gladwin and Glover, JJ., concur. Vaught, C.J., dissents.

[CA10-924](#). William Stacey Gillison v. Mary Carol Talbot Gillison, from Chicot Circuit. Affirmed in part; reversed and remanded in part. Pittman and Abramson, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CA10-997](#). Tim Killian and Tim Killian General Contractors v. R.A. "Reggie" Gibson, Sheila Gibson, R.A. Gibson, Inc., and Fiesta Bay, LLC, from Garland Circuit. Dismissed. Hart and Robbins, JJ., agree.

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CLIFF HOOFFMAN, JUDGE: (Continued)

[CA10-1048](#). Office of Child Support Enforcement and Laura Hughes Smith v. Michael Butler, from Pulaski Circuit, Ninth Division. Reversed and remanded. Hart and Robbins, JJ., agree.

[CA10-1187](#). Brian Woodall v. Arkansas Department of Human Services and minor children, from Lonoke Circuit. Affirmed. Hart and Robbins, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CACR10-814](#). Corey D. Jenkins v. State of Arkansas, from Garland Circuit. Affirmed; motion granted. Vaught, C.J., and Gruber, J., agree.

[CACR10-1100](#). Tyler Weston Banks v. State of Arkansas, from Faulkner Circuit. Affirmed. Vaught, C.J., and Gruber, J., agree.

[CA10-861](#). Joe E. Simpson v. Terence Braden, from Craighead Circuit, Western District. Reversed and remanded. Vaught, C.J., and Gruber, J., agree.

[CA10-1082](#). Kimberly Redwine v. Bobby and Brenda Turner, from Sharp Circuit. Affirmed. Vaught, C.J., and Gruber, J., agree.

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**PER CURIAM ORDERS**

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

CA10-665. Dave Smith v. Decatur School District, from Benton Circuit. Hart, J., would grant.

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

CA10-891. Eastern Tank Service and Chartis Insurance v. Alton Brown, from Workers' Compensation Commission. Hart, J., would grant.

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CACR10-837. Johnny Lynn Bovee v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1014. Brian Keith Jordan v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of George "Birc" Morledge, IV, for attorney's fees is denied without prejudice. *See* Ark. Sup. Ct. R. 6-6(c).

CACR10-1115. Marty Alvard v. State of Arkansas, from Carroll Circuit, Eastern District. Motion of William O. "Bill" James, Jr., for attorney's fees is granted. Allowed \$1,400.00.

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 granted. Appellant's brief due May 9, 2011.

CACR11-64. Duke Alexander v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion to file belated brief is granted. Appellant's brief due April 14, 2011.

CA10-430. Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion to request time to file a belated brief is denied.

CA10-724. M.J., a Minor v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,400.00.

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**PER CURIAM ORDERS**

CA10-1327. Finus Sloan and Antonio Gordon v. Arkansas Department of Human Services and Minor Children, from Craighead Circuit, Western District. Motion of Appellant Antonio Gordon to dismiss appeal. Appeal dismissed as to Antonio Gordon.

CA11-158. Elizabeth Kelley v. Arkansas Department of Human Services and Minor Children, from Craighead Circuit, Western District. Appellant's motion to correct the record and to stay brief time is granted. Corrected record due April 11, 2011. Appellant's brief due within fifteen days thereafter.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CA10-21. Holiday Inn Franchising, Inc., now known as Holiday Hospitality Franchising, Inc. v. Hotel Associates, Inc., from Crittenden Circuit.

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.

CA10-977. Lucinda Ann Reynolds v. Keith Hendrix, from Craighead Circuit, Western District.

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CACR09-1088. Bobby Ray Hatton v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's pro se motion to submit additional points.

CACR10-413. Kirk Johnson v. State of Arkansas, from Jefferson Circuit. Resubmission after remand of motions of Gary W. Potts to withdraw as counsel for appellant and James Clouette for substitution as counsel for appellant

CACR10-500. Edward Charles Snyder v. State of Arkansas, from Washington Circuit. Motion of Carey E. Lyles Dowdy for attorney's fees.

CACR10-645. Samuel Smith, Jr. v. State of Arkansas, from Crittenden Circuit. Motion of S. Butler Bernard, Jr., for attorney's fees.

CACR10-787. Donnie Ray Slater v. State of Arkansas, from Arkansas Circuit, Southern District. Motion of Marjorie E. Rogers for attorney's fees .

CACR10-802. Oliver J. Delp v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Stacy D. Fletcher for attorney's fees.

CACR10-848. Paul F. Pitchford v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees.

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**MOTIONS SUBMITTED**

CACR10-867. Mary Diane Cooley v. State of Arkansas, from Grant Circuit. Motion of Bob Frazier for attorney's fees.

CACR10-1306. Jakita Murphy v. State of Arkansas, from Pulaski Circuit, First Division. Resubmission after remand of appellant's motion to find appellant indigent for purposes other than attorney's fees.

CACR11-39. Marion Butler v. State of Arkansas, from Pulaski Circuit, First Division. Resubmission after remand of motion of William O. "Bill" James, Jr., to withdraw and for substitution of James Clouette as counsel for appellant.

CACR11-244. Thomas Jones v. State of Arkansas, from Jefferson Circuit. Motion of William M. Howard, Jr., to be relieved as counsel for appellant.

CA10-592. Manufacturers & Traders Trust Company et al. v. Tracy M. Nickleson and Carolyn Joan Nickleson, from Faulkner Circuit. Appellees' motion to strike.

CA10-601. Danny Wayne Flippen v. Michael R. Jones and Denise A. Jones, from Sebastian Circuit, Fort Smith District. Appellees' motion for attorney's fees from appellant.

CA10-1011. Bryant School District and Risk Management Resources v. Walter A. Aylor and Second Injury Fund, from Workers' Compensation Commission. Appellee/Cross-Appellant's motion to award attorney's fees and to reassess brief costs.

CA10-1249. Po-Boy Land Company, Inc. et al. v. Kenneth R. Mullin et al., from Hempstead Circuit. Appellees' motion for oral argument .

CA11-1. Biomed Personal Metabolic and Nutritional Testing, Inc., and Jacky F. Dunn, D.O. v. Sid Womack, from Pope Circuit. Appellee's motion to advance and affirm.

CA11-1. Biomed Personal Metabolic and Nutritional Testing, Inc., and Jacky F. Dunn, D.O. v. Sid Womack, from Pope Circuit. Appellee's motion to strike appellants' statement of the case and substitute appellee's statement of the case.

CA11-96. Tim Fox v. Julie Glassing, from Clark Circuit. Appellant's motion to file belated brief.

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**MOTIONS SUBMITTED**

CA11-96. Tim Fox v. Julie Glassing, from Clark Circuit. Appellee's motion to dismiss appeal.

CA11-202. James Anderson and Jessica Anderson v. Arkansas Department of Human Services and Minor Children, from Lonoke Circuit. Appellants' motion to correct the record, to strike extraneous and irrelevant material, and to stay brief time.

E11-67. Marissa J. Leal v. Director et al., from Board of Review. Pro se motion for belated appeal.



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**SUBMISSIONS**

CA10-352. David Bolen et al. v. Washington County Zoning Board et al., from Washington Circuit. Argued orally.

CACR10-36. Andrew Wayne Lovett v. State of Arkansas, from Union Circuit.

CA10-778. Rubber & Gasket Company of America, Inc. v. Timothy Zimmerman, from Pulaski Circuit, Sixteenth Division.

CA10-842. James C. Johnson v. Norma Johnson, from Crittenden Circuit.

CA10-914. Andrea Sha Norman v. John Eric Alexander, from Pulaski Circuit, Sixteenth Division.

CA10-969. First Security Bank v. Steven Geels, Jr., from Crawford Circuit.

CA10-1003. Deborah Rennels, Scott Rennels, and Tyler Rennels v. Four Seasons HVAC Distributors, from Craighead Circuit, Western District.

CA10-1017. Pam's Investment Properties, LLC, et al. v. Terry McCampbell et al., from Jefferson Circuit.

CA10-1075. Katherine Keckler v. Arkansas Department of Human Services et al., from Cleveland Circuit.

CA10-1204. Heidi Harper v. Arkansas Department of Human Services et al., from Sebastian Circuit, Fort Smith District.

CA10-1260. Michael Tenny v. Arkansas Department of Human Services et al., from Washington Circuit.

CA10-1305. Patricia Smith v. Arkansas Department of Human Services et al., from Crittenden Circuit.