

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 18, 2009**

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR08-620](#). Jeffery Wayne Winston v. State of Arkansas, from Greene Circuit. Affirmed. Gladwin and Kinard, JJ., agree.

[CA08-678](#). Johnson Medical Center and Risk Management Resources v. Starla Tripp, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Gruber, JJ., agree.

[CA08-741](#). Lynn Burkett v. Exxon Tiger Mart, Inc. and American Home Assurance Co., from the Arkansas Workers' Compensation Commission. Affirmed in Part; Reversed and Remanded in Part. Gladwin and Kinard, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR08-530](#). Ian Hunter Doyle v. State of Arkansas, from Jackson Circuit. Affirmed. Glover and Henry, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CA08-679](#). Forrest Gillespie v. Sabrena Gillespie, from Mississippi Circuit, Chickasawba District. Affirmed on Direct Appeal and Cross Appeal. Vaught, C.J., and Kinard, J., agree.

JOHN B. ROBBINS, JUDGE:

[CACR07-1292](#). Michael Lee Layton v. State of Arkansas, from Columbia Circuit. Affirmed. Gruber, Glover, and Brown, JJ., agree. Vaught, C.J., and Marshall, J. concur in part; dissent in part.

[CACR08-722](#). Jeremy Long v. State of Arkansas, from Sebastian Circuit, Greenwood District. Affirmed. Marshall and Brown, JJ., agree.

M. MICHAEL KINARD, JUDGE:

[CACR08-563](#). Tyrone Simmons, a/k/a Melchizdek Muhammad v. State of Arkansas, from Jefferson Circuit. Reversed and Remanded. Vaught, C.J., and Gladwin, J., agree.

RITA W. GRUBER, JUDGE:

[CACR08-616](#). Ricky Strain and Walter J. Sims v. State of Arkansas, from Jefferson Circuit. Affirmed. Pittman and Baker, JJ., agree.

[CA08-668](#). Evlynynne Kirkendolph v. DF&A Revenue Services Division, Death and Permanent Total Disability Fund, from the Arkansas Workers' Compensation Commission. Rebriefing Ordered. Pittman and Baker, JJ., agree.

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DAVID M. GLOVER, JUDGE:

[CACR08-638](#). Jeremy Young v. State of Arkansas, from Jefferson Circuit. Affirmed as Modified. Hart and Henry, JJ., agree.

D.P. MARSHALL JR., JUDGE:

[CACR08-749](#). Juan Castillo v. State of Arkansas, from Hot Spring Circuit. Affirmed. Robbins and Brown, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

[CACR08-693](#). Joshua Leallen Lofton v. State of Arkansas, from Pulaski Circuit, Fifth Division. Rebriefing Ordered. Hart and Glover, JJ., agree.

[CA08-673](#). Shelby Barnett and Linda Barnett v. Keith Gomance and Wanda Stafford, from Garland Circuit. Dismissed. Gladwin and Baker, JJ., agree.

[CA08-709](#). Ron Buck v. City of Hope, from Hempstead Circuit. Reversed and Remanded. Hart and Glover, JJ., agree.

KAREN R. BAKER, JUDGE:

[CACR08-817](#). Jason Wyatt Titsworth v. State of Arkansas, from Polk Circuit. Affirmed. Pittman and Gruber, JJ., agree.

[CA08-810](#). David H. Pickering and Mary L. Pickering v. Winfred W. Garrison and Cynthia R. Garrison, from Pulaski Circuit, Third Division. Affirmed. Gladwin and Henry, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CACR08-857](#). David Lee Patterson v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Robbins and Marshall, JJ., agree.

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**PER CURIAM ORDERS**

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

CACR08-815. Chamika Shanta Rogers v. State of Arkansas, from Pulaski Circuit, First Division.

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CACR07-941. Jayson Wayne Carroll v. State of Arkansas, from Columbia Circuit. Motion of William H. Craig for attorney's fees is granted. Allowed \$900.00.

CACR08-84. Damont L. Ewells v. State of Arkansas, from Garland Circuit. Motion of Joseph C. Self to withdraw as counsel for appellant is granted. William H. Craig is appointed as counsel for appellant. Appellant's brief due March 30, 2009.

CACR08-782. Detriawn R. Wade v. State of Arkansas, from Crittenden Circuit. Appellant's pro se motion to supplement the record is denied.

CACR08-835. Terrance Wright v. State of Arkansas, from Clark Circuit. Appellee's motion to dismiss appeal is denied. Pittman, J., would grant.

CACR08-1106. Vernis Joe v. State of Arkansas, from Clark Circuit. Appellant's motion for extension of brief time is granted. Final extension.

CACR08-1156. Raymond Graves v. State of Arkansas, from Crittenden Circuit. Appellant's motion for extension of brief time. Granted thirty days. Final extension.

CACR08-1430. Joe Anthony Simmons v. State of Arkansas, from Washington Circuit. Motion of Robert Scott Parks for additional time for trial court to hold hearing and make findings of fact, for expedited consideration and for continued stay of briefing schedule is granted.

CA08-460. Uris Magana-Galdamez v. State of Arkansas, from Benton Circuit. Motion of Kent Walker to withdraw as counsel for appellant is granted.

CA08-810. David H. Pickering et ux. v. Winfred W. Garrison et ux., from Pulaski Circuit, Third Division. Resubmission of appellants' motion for rule 11 sanctions is denied. See opinion this date.

CA08-910. Edward William Doss, Jr. v. Larry Norris, Director, from Hot Spring Circuit. Appellant's motion for extension of brief time is granted. Final extension.

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CA08-1183. Henry Charles Hollins v. Chinnie Lee Hollins, from Miller Circuit. Appellant's motion for entry of judgment is denied.

E09-22. Bobby R. Johnson v. Director et al., from Board of Review. Appellant's pro se motion to file belated appeal is denied.

### MOTIONS SUBMITTED

CACR06-506. Paul Barron v. State of Arkansas, from Carroll Circuit, Eastern District. Appellant's pro se motion for photocopies at public expense.

CACR07-623. Ronald Jay Campbell v. State of Arkansas, from Lonoke Circuit. Appellant's motion to expand brief page limits.

CACR07-1173. Anthony Wise v. State of Arkansas, from Jefferson Circuit. Motion of Cecilia Ashcraft for attorney's fees.

CACR08-336. James Dickerson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's pro se motion for appointment of counsel.

CACR08-408. Frederick Dwayne Mason v. State of Arkansas, from Pulaski Circuit, Second Division. Appellant's pro se petition for writ of error coram nobis.

CACR08-458. Michael L. Anderson et al. v. State of Arkansas, from Ashley Circuit. Appellant Michael Anderson's motion to file belated brief.

CACR08-720. Jennifer Lynn Cheater v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Charles E. Smith for attorney's fees.

CACR08-1285. Connie Watkins v. State of Arkansas, from Greene Circuit. Appellant's pro se motion to supplement the record and for brief time.

CA07-1210. L. F. Brands Marketing, Inc. v. Dillard's, Inc., from Pulaski Circuit, Twelfth Division. Resubmission of appellee's motions to strike.

CA08-466. Wendy Evans et al. v. Shawn D. Deboer, from Pulaski Circuit, Sixth Division. Resubmission of appellees' motion to dismiss.

CA08-497. Charles R. Griffith Farms, Inc. v. Edward Grauman, from Phillips Circuit. Appellant's motion for oral argument.

CA08-520. Monte Red and Michelle Red v. U. S. Bank, from Saline Circuit. Resubmission of appellee's motions to dismiss.

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CA08-520. Monte Red and Michelle Red v. U. S. Bank, from Saline Circuit. Resubmission of appellants' motion for sanctions.

CA08-679. Forrest F. Gillespie v. Sabrena R. Gillespie, from Mississippi Circuit, Chickasawba District. Resubmission of appellee's motion to impose costs.

CA08-999. Riceland Foods, Inc. v. Randy Pearson et al., from St. Francis Circuit. Appellees' motion to supplement the record and for permission to reference the supplemental record in Appellees' and Cross-Appellants' brief.

CA08-999. Riceland Foods, Inc. v. Randy Pearson et al., from St. Francis Circuit. Appellees' motion for extension of brief time.

CA08-1478. Tonya L. Merritt v. Bob Thornton, from Lonoke Circuit. Appellant's motion to remand to settle the record.

CA08-1478. Tonya L. Merritt v. Bob Thornton, from Lonoke Circuit. Appellee's motion to dismiss appeal.

CA09-34. Ashley Fortenberry v. Arkansas Department of Human Services, from Faulkner Circuit. Appellant's motion to supplement the record.

CA09-138. Dorado Ridgell v. Chicot County et al., from Workers' Compensation Commission. Appellant's pro se motion for rule on clerk.

### SUBMISSIONS

CA07-1210. L. F. Brands Marketing, Inc. v. Dillard's, Inc., from Pulaski Circuit, Twelfth Division. Argued orally.

CA08-520. Monte Red and Michelle Red v. U. S. Bank, from Saline Circuit. Argued orally.

CACR08-570. Lisa Jeanette Hasman v. State of Arkansas, from Desha Circuit, Arkansas City District.

CACR08-626. Clarence Jerome Hill v. State of Arkansas, from Jackson Circuit.

CACR08-634. Christopher Boyd Mathis v. State of Arkansas, from Arkansas Circuit, Southern District.

CACR08-866. Marshall Deshun Curry v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR08-966. Willie Clay Smith v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR08-1007. Glendle Barnett v. State of Arkansas, from Arkansas Circuit, Northern District.

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CA08-466. Wendy Evans et al. v. Shawn D. Deboer et al., from Pulaski Circuit, Sixth Division.

CA08-544. Donna Chamness v. Wendy's Restaurant et al., from Workers' Compensation Commission.

CA08-615. George Bruce Proctor v. Max F. Vickers, from Prairie Circuit, Southern District.

CA08-674. Michael Griffin v. Arkansas Department of Health & Human Services, from Columbia Circuit.

CA08-694. Reving Broussard et al. v. Guy Jones, from Faulkner Circuit.

CA08-710. Gregory Worley and Debbie Worley v. Calvin Spradlin and Melba Spradlin, from Lonoke Circuit.

CA08-797. Don Miner v. Yellow Freight, from Workers' Compensation Commission.

CA08-800. Johnny G. Hickman v. Juanita Hickman et al., from Lafayette Circuit.

CA08-801. Nadine L. Wilson et al. v. Lawrence Vaughn, from Yell Circuit, Northern District.

CA08-830. Armand Cesena v. Steve Gray, from Pulaski Circuit, Twelfth Division.

CA08-888. Enterprise Products Company et al. v. Billy J. Leach, from Workers' Compensation Commission.

CA08-895. Margarita Barbosa v. Curt Bean Lumber Company et al., from Workers' Compensation Commission.

CA08-896. Anthony Stewart et al. v. Copeland Holdings, LLC, from Van Buren Circuit.

CA08-904. Keith E. Irons v. Arkansas Department of Finance and Administration, from Desha Circuit, Arkansas City District.

CA08-920. City of Jonesboro v. Tammy Morgan, from Workers' Compensation Commission.

CA08-961. Gladis Hernandez v. Wal-Mart Associates, Inc., from Workers' Compensation Commission.