

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 16, 2011

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR10-937](#). James Eddie Flinn v. State of Arkansas, from Clark Circuit. Affirmed. Gladwin and Martin, JJ., agree.

[CA10-713](#). Quality Petroleum, Inc. v. Windward Petroleum, Inc., from Pulaski Circuit, Third Division. Reversed and remanded. Gruber and Abramson, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR10-293](#). Kendrick Barton v. State of Arkansas, from Nevada Circuit. Affirmed. Hart and Martin, JJ., agree.

[CA10-891](#). Eastern Tank Service v. Alton Brown, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Gruber, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR09-933](#). Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District. Remanded with instructions. Wynne and Brown, JJ., agree.

[CA10-672](#). Donnie and Vickie Farmer v. Marietta Riddle, from Pulaski Circuit, Sixth Division. Affirmed. Wynne and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR10-579](#). Terry Penister v. State of Arkansas, from Arkansas Circuit, Southern District. Rebriefing ordered. Vaught, C.J., and Martin, J., agree.

[CA10-894](#). J Mar Express, Inc., and Arkansas Truckers Association Self-Insurers Fund/Retention Management Services v. Donald W. Poteete (deceased) and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Martin, J., agree.

JOHN B. ROBBINS, JUDGE:

[CA10-756](#). Eric Dill v. Green Dental Laboratories and Hartford Fire Insurance Co., from the Arkansas Workers' Compensation Commission. Affirmed in part; reversed and remanded in part. Pittman and Gruber, JJ., agree.

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ROBIN F. WYNNE, JUDGE:

[CACR10-804](#). Lydia M. Delgado v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Hart and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CACR10-832](#). James Edward Jackson, Jr. v. State of Arkansas, from Chicot Circuit. Affirmed in part; reversed and dismissed in part. Pittman and Robbins, JJ., agree.

[CA10-665](#). Dave Smith v. Decatur School District, from Benton Circuit. Affirmed. Pittman and Robbins, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CA10-833](#). Lowe's Home Centers, Inc., and Specialty Risk Services, LLC v. William Stengel, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Hoofman, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CACR10-964](#). Roger Lemaster v. State of Arkansas, from Lonoke Circuit. Affirmed. Glover and Hoofman, JJ., agree.

[CA10-879](#). Bill Montgomery v. J & J Lumber Company and Bituminous Casualty, Carrier, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Hoofman, JJ., agree.

DOUG MARTIN, JUDGE:

[CA10-795](#). David Grothaus v. Vista Health, LLC, and Bridgefield Casualty Co., from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Gladwin, J., agree.

CLIFF HOOFFMAN, JUDGE:

[CA10-774](#). Sue Gregory v. State of Arkansas, from Marion Circuit. Affirmed in part; reversed and remanded in part. Glover and Abramson, JJ., agree.

[CA10-858](#). The Pridemen Team, Inc. v. Brian Newton and Rebecca Newton, from Saline Circuit. Dismissed. Glover and Abramson, JJ., agree.

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WAYMOND M. BROWN, JUDGE:

[CACR10-917](#). Mary Ann Hillman v. State of Arkansas, from Faulkner Circuit. Affirmed. Wynne, J., agrees. Hart, J., concurs.

[CA10-277](#). Debra Floerchinger v. University of Arkansas for Medical Sciences and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Rebriefing ordered. Hart and Wynne, JJ., agree.

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PER CURIAM ORDERS

[CACR09-933](#). Cornelius Joseph McCastle v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion to reinvest jurisdiction in the trial court is granted. *See* opinion this date.

CACR09-1296. Donald Ray Mathis v. State of Arkansas, from Union Circuit. Motion of Adam L. Hopkins for attorney's fees is denied.

CACR10-413. Kirk Johnson v. State of Arkansas, from Jefferson Circuit. Motions of Gary W. Potts to withdraw and James Clouette to be substituted as counsel for appellant are 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.

CACR10-480. Raymond Yesl Bell v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of W. Doug Hoey to be relieved as counsel for appellant is granted.

CACR10-480. Raymond Yesl Bell v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of W. Doug Hoey for attorney's fees is granted. Allowed \$1,400.00.

CACR10-626. Mario Tatum v. State of Arkansas, from Bradley Circuit. Motion of B. Dale West for attorney's fees is granted. Allowed \$1,400.00.

CACR10-741. Brittany Williamson v. State of Arkansas, from Pulaski Circuit, First Division. Motion of Kellie M. Emerson for attorney's fees is granted. Allowed \$1,400.00.

CACR10-959. Patrick Lavell Davis v. State of Arkansas, from Hot Spring Circuit. Appellant's motion to settle and supplement the record is remanded to the trial court to settle the record within thirty days. Appellant's brief due within thirty days thereafter.

CACR10-1012. David Ockerman v. State of Arkansas, from Pulaski Circuit, First Division. Pro se motions to proceed in forma pauperis, for copy of trial transcript, discovery, to relieve counsel, and for appointment of counsel are denied.

CACR10-1065. Charles Alvin Boatright v. State of Arkansas, from Madison Circuit. Motion of Danny Ivy to withdraw and for appointment of counsel is denied.

CACR10-1065. Charles Alvin Boatright v. State of Arkansas, from Madison Circuit. Appellant's motion to seal brief is granted.

CACR11-94. Teresa Hunter v. State of Arkansas, from Garland Circuit. Motion of Timothy Beckham to withdraw as counsel for appellant is granted. Mr. Scott Scholl is appointed to represent appellant. Appellant's brief due March 28, 2011.

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PER CURIAM ORDERS

CA09-283. Donald R. Johnson et al. v. Arkansas Public Service Commission et al., from Public Service Commission. Appellants' request to withdraw appeal is granted without prejudice. Appellees' request for advisory opinion is denied.

CA09-304. Willis B. Smith, Jr., et al. v. Public Service Commission et al., from Public Service Commission. Appellants' request to withdraw appeal is granted without prejudice. Appellees' request for advisory opinion is denied.

CA09-385. Hempstead County Hunting Club, Inc., et al. v. Arkansas Public Service Commission et al., from Public Service Commission. Appellants' request to withdraw appeal is granted without prejudice. Appellees' request for advisory opinion is denied.

CA10-996. Christopher H. Pressler et al. v. Arkansas Public Service Commission et al., from Public Service Commission. Appellees' joint motion to dismiss appeal is denied.

CA10-996. Christopher H. Pressler et al. v. Arkansas Public Service Commission et al., from Public Service Commission. Appellants' motion to file belated brief is granted.

CA10-1116. State of Arkansas v. A.G., from Pulaski Circuit, Fourth Division. Appellee's motion to dismiss appeal is denied.

CA10-1123. Rhino Mini-Storage, LLC, et al. v. First National Bank of Rogers et al., from Benton Circuit. Motion of D. Westbrook Doss, Jr., to withdraw as counsel is denied without prejudice subject to notice to all appellants.

CA10-1124. Gray Construction, Inc., et al. v. First National Bank of Rogers et al., from Benton Circuit. Motion of D. Westbrook Doss, Jr., to withdraw as counsel is denied without prejudice subject to notice to all appellants.

CA10-1151. Allen Engineering et al. v. Roy E. Green et al., from Workers' Compensation Commission. Appellants' motion to supplement the record and for extension of brief time is granted. Supplemental record due within thirty days. Appellants' brief due within thirty days thereafter.

CA10-1238. John T. Payne, II v. Keith Donaldson d/b/a Donaldson Wrecker Service, from Chicot Circuit. Appellant's motion to correct addendum and file a substituted brief is granted.

CA10-1279. Seyoum Clark v. El Nopal, Inc., et al., from Workers' Compensation Commission. Appellees' motion to dismiss appeal is denied.

CA10-1279. Seyoum Clark v. El Nopal, Inc., et al., from Workers' Compensation Commission. Appellant's motion for time to file belated brief is granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CACR10-570. Theodore Metcalf v. State of Arkansas, from Pulaski Circuit, Second Division.

CA09-1339. Tracy L. (Blair) Hanshaw v. John A. Blair, from Benton Circuit.

CA10-399. Tina Le, Dennis T. Le, and Tony T. Le v. Hoang Thi Nguyen, from Pulaski Circuit, Thirteenth Division.

CA10-561. Julia Laney Machen v. Billy Randall Machen, from Columbia Circuit.

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

CACR10-515. Jamar R. Reed v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR10-543. Michael J. Scott v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR10-590. James Robert Lowe v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR10-784. Dorothy Warden v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones, III, for attorney's fees .

CACR10-788. Tommy D. Tatum v. State of Arkansas, from Saline Circuit. Motion of J. Brent Standridge for attorney's fees.

CACR10-829. Nathaniel Fitzgerald v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR10-1013. Damon Jackson v. State of Arkansas, from Desha Circuit. Appellant's motion to file belated brief.

CACR10-1032. Daniel E. Rhoades v. State of Arkansas, from White Circuit. Motion of Craig Lambert for additional brief time or alternatively, to be relieved and for appointment of counsel for appellant.

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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.

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 .

CACR11-83. Darren Earl Bull 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.

CACR11-104. Darnell Charles Porter v. State of Arkansas, from Faulkner Circuit. Motion of Lynn F. Plemmons to be relieved and for appointment of Caroline Winningham as counsel for appellant.

CA10-302. Steve's Outdoor Investments, LLC, and Steve Rogers v. Reynolds Forestry Consulting-RFC, Inc., from Columbia Circuit. Appellant's motion for additional brief time.

CA10-430. Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for appointment of counsel.

CA10-430. Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion to file supplemental response.

CA10-1057. Mercy Health System of Northwest Arkansas, Inc. v. Ajdahan D. Bicak, M.D., from Benton Circuit. Appellee's motion for costs and attorney's fees.

CA11-66. Karen Richardson v. Wanda Lamon, from Mississippi Circuit, Osceola District. Appellant's motion to supplement the record or, in the alternative, for petition for writ of certiorari to complete the record and stay brief time.

CA11-122. Rick Lewis v. Jonesboro Country Club, Inc., et al., from Workers' Compensation Commission. Pro se motion of Rick Lewis for rule on clerk.

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SUBMISSIONS

CA10-620. Billy K. Berry v. William Dillard, II, from Pulaski Circuit, Second Division. Argued orally.

CACR10-645. Samuel Smith, Jr. v. State of Arkansas, from Crittenden Circuit.

CACR10-684. Jerry Hawkins v. State of Arkansas, from Hempstead Circuit.

CACR10-731. John Tipton v. State of Arkansas, from Cleburne Circuit.

CACR10-755. Wendell Noe v. State of Arkansas, from St. Francis Circuit.

CACR10-837. Johnny Lynn Bovee v. State of Arkansas, from Saline Circuit.

CACR10-867. Mary Diane Cooley v. State of Arkansas, from Grant Circuit.

CACR10-1056. Charles Raymond v. State of Arkansas, from Jefferson Circuit.

CACR10-1099. Pamela Henry v. State of Arkansas, from Lonoke Circuit.

CACR10-1115. Marty Alvard v. State of Arkansas, from Carroll Circuit, Eastern District.

CA10-229. Melvin Thorn v. Nobel Vance Pierson, from Faulkner Circuit.

CA10-827. Christopher George Stout v. Pheth Stout, from Sebastian Circuit, Fort Smith District.

CA10-834. Butch Walchli v. Joe Morris, from Sebastian Circuit, Greenwood District.

CA10-841. Jackie Robbins v. Debbie Robbins, from Garland Circuit.

CA10-854. Erma Smith v. Southwest Arkansas Food Bank, from Workers' Compensation Commission.

CA10-856. Nock Investments, LLC v. First National Bank of Fort Smith, from Washington Circuit.

CA10-859. Throna Marie Tarkington v. Wanda M. Riddle, from Faulkner Circuit.

CA10-862. Holly McClaran et al. v. Amos R. Traw et al., from Sharp Circuit.

CA10-863. Patrick Sexton, Executor of the Estate of Clyde J. Sexton, Deceased v. Bobbie Sexton, from Hot Spring Circuit.

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SUBMISSIONS

CA10-1011. Bryant School District v. Walter A. Aylor, from Workers' Compensation Commission.

CA10-1029. Jeremiah Calahan and Julie Calahan v. Arkansas Department of Human Services, from Monroe Circuit.

CA10-1030. Mary Robinson v. Family Dollar Stores, Inc., from Workers' Compensation Commission.

CA10-1083. Francisco Velazquez v. Arkansas Department of Human Services and Minor Child, from Benton Circuit.

CA10-1134. Pafford Medical Billing Services and Firstcomp Insurance v. Tammy R. Smith, from Workers' Compensation Commission.