

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JUNE 22, 2011

LARRY D. VAUGHT, CHIEF JUDGE:

[CA11-135](#). Owens Planting Company and American Home Assurance Company v. Arvel B. Graham, from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Glover, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CA10-492](#). Jerri L. Bishop, Individually and as Administratrix of the Estate of Guy Douglas Bishop, deceased v. Tariq, Inc., and Joe Fisher, from Pulaski Circuit, Sixteenth Division. Reversed and remanded on direct appeal; cross-appeal moot. Vaught, C.J., and Glover, J., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR10-1299](#). Jennifer Irene Bates v. State of Arkansas, from Drew Circuit. Affirmed. Hart, J., agrees. Abramson, J., concurs.

[CA10-1257](#). First Electric Cooperative Corporation v. Black, Corley, Owens & Hughes, P.A., and Building Design Services, Inc., from Pulaski Circuit, Ninth Division. Affirmed. Pittman and Brown, JJ., agree.

[CA11-23](#). Brandy Robertson v. Pork Group, Inc., and Tynet Corporation, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson, Martin, and Brown, JJ., agree. Hart and Robbins, JJ., dissent.

JOHN B. ROBBINS, JUDGE:

[CA11-31](#). Dan Billingsley v. Planit Dirt Excavation & Concrete, Inc., and DesJoyaux Pools of Arkansas, Inc., from Saline Circuit. Appeal dismissed. Gruber and Abramson, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CA10-1234](#). Odd Jobs & More and Nationwide Insurance Company v. Rosewell Reid, from the Arkansas Workers' Compensation Commission. Affirmed. Martin and Hoofman, JJ., agree.

RITA W. GRUBER, JUDGE:

[CA10-921](#). Emerson Electric Company and Sedgwick Claims Management v. Roger Crawford and Second Injury Fund, from The Arkansas Workers' Compensation Commission. Affirmed. Glover and Hoofman, JJ., agree.

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DAVID M. GLOVER, JUDGE:

[CACR10-1086](#). James Cortez Arnold v. State of Arkansas, from Washington Circuit. Affirmed. Vaught, C.J., and Hart, J., agree.

[CA10-878](#). Entergy Arkansas, Inc. v. Arkansas Public Service Commission and Arkansas Tech University, from the Arkansas Public Service Commission. Affirmed. Hart, Gladwin, Gruber, Abramson, and Hoofman, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CA10-1242](#). Marty Kilman v. Catherine L. Kennard, from Cleburne Circuit. Affirmed. Robbins and Gruber, JJ., agree.

DOUG MARTIN, JUDGE:

[CACR11-25](#). Jack Wagner Bass v. State of Arkansas, from Faulkner Circuit. Affirmed. Robbins and Brown, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CA10-1243](#). Mearl McCoy v. Ernest A. Jackson, Jr., and Carolyn Jackson, from Garland Circuit. Remanded to settle and supplement the record; rebriefing ordered. Wynne and Martin, JJ., agree.

[CA11-47](#). Janelle Pierce Boudreau v. W. Ty Pierce, from Washington Circuit. Affirmed in part; reversed and remanded in part. Glover, J., agrees. Gruber, J., concurs.

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PER CURIAM ORDERS

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

CACR10-224. Shawn Massey v. State of Arkansas, from Faulkner Circuit.

CA10-1031. Southern Farm Bureau Casualty Insurance Company and Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Cleo Watkins, Jr., And Brenda Watkins, from Pulaski Circuit, Sixth Division.

CA10-1049. Forever Green Athletic Fields, Inc. d/b/a Progreen, Keith Day, David Ripka, Progreen Sport Surfaces, LLC, and Raymond Fritz v. Lasiter Construction, Inc., from Pulaski Circuit, Third Division.

CA10-1132. Dana K. Kemp v. Kevin L. Kemp, from Pulaski Circuit, Ninth Division.

CACR09-345. Daniel Dorsey v. State of Arkansas, from Crittenden Circuit. Appellant's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is denied. Glover, J., not participating.

CACR10-168. Ismael Garduno-Trejo v. State of Arkansas, from Benton Circuit. Motion of Wendy R. Howerton for attorney's fees is denied. Untimely.

CACR10-202. Johnny Mingo, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees is granted. Allowed \$1,000.00.

CACR10-383. Jeffery Garcia v. State of Arkansas, from Saline Circuit. Appellant's pro se motion for extension of time to file a petition for rehearing is denied.

CACR10-579. Terry Penister v. State of Arkansas, from Arkansas Circuit, Southern District. Motion of Douglas D. Ennis for attorney's fees is granted. Allowed \$1,400.00.

CACR10-583. Shannon Cruise v. State of Arkansas, from Franklin Circuit, Northern District. Motion of Michael S. Robbins for attorney's fees is granted. Allowed \$1,400.00.

CACR10-644. Jonathan E. Olivarez v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$1,400.00.

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CACR10-897. Charles Isaac Wilson, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$1,400.00.

CACR10-980. Robert Joseph Moten v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Joshua D. Gillispie for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1012. David Ockerman v. State of Arkansas, from Pulaski Circuit, First Division. Motion of Jonathan T. Lane for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1040. Troy Lynn Scott and Kenneth Crain v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1040. Troy Lynn Scott and Kenneth Crain v. State of Arkansas, from Lonoke Circuit. Motion of Jonathan T. Lane for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1063. Nathaniel Ray Brown v. State of Arkansas, from Carroll Circuit, Eastern District. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1110. Lee James Owens v. State of Arkansas, from Miller Circuit. Appellant's motion for waiver of addendum obligation is granted.

CACR10-1173. Richard D. Percefull v. State of Arkansas, from Hot Spring Circuit. Motion of Gregory Crain for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1231. Malcolm Morton v. State of Arkansas, from Union Circuit. Motion of N. Mark Klappenback for attorney's fees is granted. Allowed \$1,400.00.

CACR10-1316. Theodore Vance v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Motion of Charles E. Ellis for attorney's fees is granted. Allowed \$1,200.00.

CACR10-1331. William Losh Dover v. State of Arkansas, from Lonoke Circuit. Motion of Jonathan T. Lane for attorney's fees is granted. Allowed \$1,400.00.

CACR11-14. Derek Lee Jackson v. State of Arkansas, from Pulaski Circuit, Second Division. Appellant's motion for waiver of abstracting requirement is granted.

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CACR11-20. Jeryl Dean Bond v. State of Arkansas, from Sebastian Circuit, Greenwood District. Motion of Julie Linker for attorney's fees is granted. Allowed \$1,400.00. Motion of Julie Linker to be relieved as counsel for appellant is passed until mandate is issued.

CACR11-79. Autry Basham v. State of Arkansas, from Sebastian Circuit, Greenwood District. Appellant's motion for stay of mandate is moot. Gladwin, J., not participating.

CACR11-261. Christian Adan Villagran v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion for writ of certiorari to complete the record and stay brief time is granted.

CACR11-536. Marcus Patton v. State of Arkansas, from Pope Circuit. Motion of Teresa Bloodman to be substituted as counsel for appellant is 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.

CACR11-536. Marcus Patton v. State of Arkansas, from Pope Circuit. Motion of John C. Burnett to be relieved is 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.

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

CA10-940. Rebecca Jean Meritt Watkins v. Floyd Charles Watkins, from Phillips Circuit. Appellant's motion to file belated brief is granted.

CA10-944. Cynthia Marie Beyers v. George L. Beyers, III, from Saline Circuit. Stay remains in effect. Bankruptcy status report due August 21, 2011.

CA10-1031. Southern Farm Bureau Casualty Insurance Co. et al. v. Cleo Watkins, Jr., and Brenda Watkins, from Pulaski Circuit, Sixth Division. Appellees' motion for costs is denied. Costs assessed by clerk.

CA10-1072. Deborah Duncan v. CareLink and Risk Management Resources, from Workers' Compensation Commission. Appellees' motion to dismiss appeal is granted.

CA10-1159. Marsha Criner v. Donna B. Reddell, from Boone Circuit. Appellee/cross-appellant's motion to supplement addendum is granted.

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CA11-78. Fan Timpani v. Lakeside School District, from Garland Circuit. Appellee's motion to file belated brief is granted.

CA11-130. C.P. v. State of Arkansas, from Craighead Circuit, Western District. Motion of Paul Teufel for attorney's fees is granted. Allowed \$1,400.00.

CA11-145. William Austin v. Arkansas Department of Human Services, from Mississippi Circuit, Chickasawba District. Appellant's motion to substitute petition on appeal is granted. Appellee may file brief within fifteen days if necessary.

CA11-340. Brenda A. Browning v. David Browning, from Faulkner Circuit. Motion of Debra J. Reece to be substituted as counsel for appellee and for brief time is granted.

CA11-460. S.M.C. v. State of Arkansas, from Grant Circuit. Motion of William M. Howard, Jr., to be substituted as counsel for appellant and for extension of time is 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.

CA11-460. S.M.C. v. State of Arkansas, from Grant Circuit. Motion of Bob Frazier to be relieved as counsel for appellant is 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.

E11-138. Jamal Brown v. Director et al., from Board of Review. Pro se motion to file belated appeal is granted.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CA10-1152. Carol Calaway Wilson as Personal Representative of the Estate of Richard Boggs Calaway and Trustee for Malissa Calaway, Beneficiary of Hartford Insurance Policy No. XXXX v. Pulaski Bank & Trust and Margarita Eloina Zavalza Calaway, from Pulaski Circuit, Sixth Division.

CACR10-168. Ismael Garduno-Trejo v. State of Arkansas, from Benton Circuit. Motion of Wendy R. Howerton for attorney's fees.

CACR10-579. Terry Penister v. State of Arkansas, from Arkansas Circuit, Southern District. Motion of Douglas D. Ennis for attorney's fees.

CACR10-583. Shannon Cruise v. State of Arkansas, from Franklin Circuit, Northern District. Motion of Michael S. Robbins for attorney's fees.

CACR10-644. Jonathan E. Olivarez v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR10-980. Robert Joseph Moten v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Joshua D. Gillispie for attorney's fees.

CACR10-1173. Richard D. Percefull v. State of Arkansas, from Hot Spring Circuit. Motion of Gregory Crain for attorney's fees.

CACR10-1231. Malcolm Morton v. State of Arkansas, from Union Circuit. Motion of N. Mark Klappenback for attorney's fees.

CACR10-1316. Theodore Vance v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Motion of Charles E. Ellis for attorney's fees.

CACR11-20. Jeryl Dean Bond v. State of Arkansas, from Sebastian Circuit, Greenwood District. Motion of Julie Linker for attorney's fees.

CACR11-20. Jeryl Dean Bond v. State of Arkansas, from Sebastian Circuit, Greenwood District. Motion of Julie Linker to be relieved as counsel for appellant.

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MOTIONS SUBMITTED

CA11-51. Capitol City Tree Service and Landscape v. Martin Bowen, from Pulaski Circuit, Second Division. Appellee's motion to dismiss.

CA11-150. Eaton and Morey Farms, a Partnership et al. v. Estate of George Hamilton Lescher, Deceased, from Cross Circuit. Appellants' motion for writ of certiorari to correct the record and for modification of briefing schedule.

CA11-333. Laura Casto (now Teague) v. William Mitch Casto, from Pope Circuit. Appellee's motion to dismiss, or in the alternative, motion to extend time to file brief.

CA11-333. Laura Casto (now Teague) v. William Mitch Casto, from Pope Circuit. Appellee's motion to supplement the record.

CA11-466. Sierra Club et al. v. Arkansas Pollution Control and Ecology Commission and Southwest Electric Power Company, from Hempstead Circuit. Appellants' joint motion for guidance and clarification of record costs.