

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 5, 2011

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR10-1144](#). Joseph Anthony Scamardo, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Rebriefing ordered. Hoofman and Brown, JJ., agree.

[CA11-380](#). Bradley Clevenger v. City of Jonesboro and Arkansas Municipal League, from the Arkansas Workers' Compensation Commission. Affirmed. Hoofman and Brown, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR10-48](#). Robert William Fischer, Jr. v. State of Arkansas, from Benton Circuit. Affirmed; motion to withdraw granted. Hart and Robbins, JJ., agree.

[CA11-145](#). William Austin v. Arkansas Department of Human Services, from Mississippi Circuit, Chickasawba District. Affirmed. Robbins, J., agrees. Hart, J., concurs.

JOSEPHINE LINKER HART, JUDGE:

[CA11-73](#). William Smith and Mindy Smith v. Lori Smith, from Cleveland Circuit. Returned for rebriefing. Pittman and Robbins, JJ., agree.

[CA11-463](#). St. Edward Mercy Medical Center and Sisters of Mercy Health System v. Linda Dart and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross-appeal. Pittman and Robbins, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CA11-58](#). Carl Lucas v. Teresa Wilson, from Sharp Circuit. Reversed and remanded. Pittman and Gruber, JJ., agree.

JOHN B. ROBBINS, JUDGE:

[CA11-315](#). Cooper Tire & Rubber Company v. Stacy Strickland, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Hart, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CA10-599](#). Michael Hansen v. Kristine Hansen, from Saline Circuit. Affirmed. Gladwin and Gruber, JJ., agree.

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ROBIN F. WYNNE, JUDGE: (Continued)

[CA11-174](#). Michael B. Belin v. United Parcel Service and Liberty Mutual Fire Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Gruber, JJ., agree.

[CA11-455](#). Christopher Murray v. Arkansas Department of Human Services and Minor Children, from Washington Circuit. Affirmed. Gladwin and Gruber, JJ., agree.

RITA W. GRUBER, JUDGE:

[CA10-1266](#). IC Corporation and International Truck & Engine Corporation v. Hoover Treated Wood Products, Inc., Osmose Holdings, Inc., and Osmose, Inc., from Faulkner Circuit. Affirmed. Gladwin and Wynne, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CACR10-413](#). Kirk Johnson v. State of Arkansas, from Jefferson Circuit. Affirmed. Abramson and Martin, JJ., agree.

[CA10-1245](#). In Re: Gaucha-Iga 12 Gauge, Ser# 363457, Benelli 12 Gauge, Ser# Z291509, Traditions .50 Cal., Ser# 14-13-005451-08, Vanguard 7mm Rifle, Ser# VS3737, Ruger 10/22, Ser# 249-07007, from Drew Circuit. Affirmed. Abramson and Martin, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CA10-1073](#). Erika Jordan v. Arkansas Department of Human Services, from Conway Circuit. Affirmed. Glover and Martin, JJ., agree.

[CA11-432](#). Timmy Hensley v. Cooper Tire & Rubber Company; Crockett Adjustment; and Death & Permanent Total Disability Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Martin, JJ., agree.

DOUG MARTIN, JUDGE:

[CA10-468](#). Ronald Worley and Meryl Worley v. City of Jonesboro, Arkansas; Mary Jo Drum; Crye-Leike of Arkansas, Inc.; and Joyce Isbell, from Craighead Circuit, Western District. Affirmed on direct appeal; affirmed on cross-appeal. Wynne and Hoofman, JJ., agree.

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DOUG MARTIN, JUDGE: (Continued)

[CA11-133](#). Melissa Kasinger v. East End School District by and through its Board of Directors, Jeremy Williams, Wayne Olles, Jamie Reed, Dennis Bell, and Don Langston, Jr., from Perry Circuit. Affirmed. Glover and Abramson, JJ., agree.

[CA11-456](#). Angela Burnett and Quinton Harris v. Arkansas Department of Human Services; Minor Children, from Perry Circuit. Affirmed. Glover and Abramson, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CACR10-1209](#). Vernell Renold Conley v. State of Arkansas, from Washington Circuit. Affirmed. Vaught, C.J., and Brown, J., agree.

[CA11-15](#). Charlie Smith, Jr. v. Mary D. Smith and L. Sanford Smith Testamentary Trust, from Phillips Circuit. Affirmed as modified. Vaught, C.J., and Brown, J., agree.

WAYMOND M. BROWN, JUDGE:

[CA10-1149](#). Patricia Hruska v. Baxter Regional Medical Center, Risk Management Resources, Death & Permanent Total Disability Fund, and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Hoofman, J., agree.

[CA11-530](#). Chad Bivens and Isla Bivens v. Arkansas Department of Human Services and Minor Children, from Pulaski Circuit, Eighth Division. Affirmed; motion to withdraw granted. Vaught, C.J., and Hoofman, J., 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).

E11-39. Harold Implement Co. v. Director et al.

E11-93. Shylee Hagler v. Director et al.

E11-94. Christy M. Jackson v. Director et al.

E11-95. James R. Murray v. Director et al.

E11-96. John B. Graves v. Director et al.

E11-97. Linda E. Rose v. Director et al.

E11-98. Sheila C. Lewis v. Director et al.

E11-99. Edwards Brothers Inc. v. Director et al.

E11-101. Gina M. Flowers v. Director et al.

E11-102. Tangela N. Jackson v. Director et al.

E11-103. Dorothy M. Williams v. Director et al.

E11-104. Karen S. Brown v. Director et al.

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PER CURIAM ORDERS

CACR10-897. Charles Isaac Wilson, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motion for reconsideration or petition for rehearing of pro se motion to recall mandate and pro se motion to rule on the clerk is denied.

CACR10-897. Charles Isaac Wilson, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's permission for leave to amend motion for reconsideration or petition for rehearing and attached affidavit as to cause on motion to recall mandate and motion to rule on the clerk is denied.

CACR10-1145. Joe McKinley Jones 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.

CACR11-104. Darnell Charles Porter v. State of Arkansas, from Faulkner Circuit. Motion of Caroline L. Winningham for attorney's fees is granted. Allowed \$1,400.00.

CACR11-119. Leroy Harvey Stevenson v. State of Arkansas, from Craighead Circuit, Western District. Motion of Alvin Schay for attorney's fees is granted. Allowed \$1,400.00.

CACR11-232. Charles Grissom, Jr. v. State of Arkansas, from Miller Circuit. Motion of Jason Horton for attorney's fees is granted. Allowed \$1,400.00.

CACR11-244. Thomas T. Jones v. State of Arkansas, from Jefferson Circuit. Appellant's pro se motion to file additional points is passed until the case is submitted.

CACR11-269. Charles Len Halliday v. State of Arkansas, from Marion Circuit. Motion of William O. "Bill" James, Jr., for attorney's fees is granted. Allowed \$1,400.00.

CACR11-717. Rebecca Mary Turner v. State of Arkansas, from Garland Circuit. Motion of Q. Byrum Hurst, Jr., for appointment as attorney of record and for brief time is granted. Appellant's brief due November 4, 2011.

[CA10-21](#). Holiday Inn Franchising, Inc., now known as Holiday Hospitality Franchising, Inc. v. Hotel Associates, Inc., from Crittenden Circuit. Appellant's motion and amended motion to recall the mandate are denied. See **per curiam** this date.

CA11-507. J.A. Cates v. V.G. Cates, from Garland Circuit. Ronald G. Naramore's motion for substitution of counsel is granted.

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CA11-507. J.A. Cates v. V.G. Cates, from Garland Circuit. Motion of J. Sky Tapp to be substituted as attorney of record is granted.

CA11-525. William E. Flynn v. J.B. Hunt Transportation, from Workers' Compensation Commission. Appellant's pro se motion for reconsideration of denial of pro se motion to file nonconforming brief is treated as motion for appointed counsel and is denied.

CA11-787. Larry Payton v. Troy Coleman, from Craighead Circuit, Western District. Appellant's motion to correct record and stay the briefing schedule. Remanded to the trial court to settle the record within fifteen days. Appellant's brief due within fifteen days thereafter.

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MOTIONS SUBMITTED

CACR11-181. Elmer Risner v. State of Arkansas, from Conway Circuit. Motion of Brett D. Watson for attorney's fees.

CACR11-814. Quincy Jay Plessy v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to correct the record.

CACR11-860. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Naif Samuel Khoury to withdraw as attorney of record on appeal (citing conflict and indigency).

CA11-43. St. Edward Mercy Medical Center et al. v. Whitney Phipps, from Workers' Compensation Commission. Appellee's motion for attorney's fees.

CA11-164. St. Edward Mercy Medical Center et al. v. Deborah Warnock, from Workers' Compensation Commission. Appellee's motion for attorney's fees.

CA11-574. Arkansas Department of Human Services, Division of Developmental Disabilities Services v. Civitan Center, Inc., from Saline Circuit. Appellee's motion to supplement the record.

CA11-574. Arkansas Department of Human Services, Division of Developmental Disabilities Services v. Civitan Center, Inc., from Saline Circuit. Appellee's motion for stay of briefing schedule pending decision on motion to supplement record .

CA11-638. Agricultural Asset Services, Inc., et al. v. Brian Scott et al., from Chicot Circuit. Appellants' motion to supplement the record, docket appeal, and for brief time.

CA11-663. Jimmie H. Baker v. Scherrie L. Bolin et al., from Madison Circuit. Appellees' motion to remand case to correct judgment.

CA11-663. Jimmie H. Baker v. Scherrie L. Bolin et al., from Madison Circuit. Appellees' motion to stay brief time.

CA11-881. Wilma Bohot v. State Farm Mutual Automobile Insurance Company, from Washington Circuit. Appellant's motion to supplement record.

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SUBMISSIONS

CA11-204. Ronald E. Mauldin and Pamela D. Mauldin v. Danny Snowden, et al., from Van Buren Circuit. Argued orally.

CACR09-1250. Shannon D. Williams v. State of Arkansas, from Greene Circuit.

CACR10-370. Otis Stribling v. State of Arkansas, from Jefferson Circuit.

CACR10-704. Elea Lee Murray, III v. State of Arkansas, from Crittenden Circuit.

CACR10-935. Charles Michael Davis, Jr. v. State of Arkansas, from Mississippi Circuit, Osceola District.

CACR11-154. Marcus Amos v. State of Arkansas, from Faulkner Circuit.

CACR11-186. Adam Everetts v. State of Arkansas, from Crawford Circuit.

CACR11-191. Ke'Ondra Montrel Chestang v. State of Arkansas, from Lee Circuit.

CACR11-332. Raymond Johnson v. State of Arkansas, from Union Circuit.

CA09-1326. Kristin N. Kuelbs et al. v. Kimberly Hill, from Garland Circuit.

CA10-1228. James E. Robinson v. Rose M. Robinson, from Mississippi Circuit, Chickasawba District.

CA11-172. David H. Arrington Oil & Gas, Inc. v. Tony E. Sutterfield, from Van Buren Circuit.

CA11-173. Kristi M. Grove v. Jeffrey Grove, from Garland Circuit.

CA11-276. Jeffery Jenkins and Rebecca Jenkins v. Dale Fogerty and Betty Fogerty, from Garland Circuit.

CA11-283. Angela R. Harris v. Weyerhaeuser Company, from Workers' Compensation Commission.

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CA11-288. Larry D. Dewitt and Rose Dewitt v. Roberta S. Simpson, from Yell Circuit, Southern District.

CA11-297. Gore Engineering Associates, Inc. v. Arkansas Contractors Licensing Board, from Benton Circuit.

CA11-317. Searcy County Counsel for Ethical Government v. Johnny Hinchey, County Judge, from Searcy Circuit.

CA11-376. Joseph Fili v. City of Jacksonville, from Workers' Compensation Commission.

CA11-391. Melanie Kelley v. Cooper Standard Automotive, Inc., from Workers' Compensation Commission.

CA11-515. Rafael Santillan v. Tyson Sales & Distribution, from Workers' Compensation Commission.

CA11-653. Loretta Threadgill v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.

CA11-656. Amanda Faas v. Arkansas Department of Human Services and minor child, from Clark Circuit.

CA11-657. Erick Jones and Jennifer Jones v. Arkansas Department of Human Services and minor child, from Washington Circuit.