

ARKANSAS COURT OF APPEALS

Opinions delivered
January 14, 2009

LARRY D. VAUGHT, CHIEF JUDGE:

CACR07-278. Bryan Keith Rakestraw v. State of Arkansas, from Crittenden Circuit. Affirmed; Motion to Withdraw Granted. Robbins and Marshall, JJ., agree. UNPUBLISHED

CACR08-408. Frederick Dwayne Mason v. State of Arkansas, from Pulaski Circuit, Second Division. Rebriefing Ordered. Hart and Marshall, JJ., agree. UNPUBLISHED

JOHN MAUZY PITTMAN, JUDGE:

CACR07-395. Corrie Derell Thomas v. State of Arkansas, from Mississippi Circuit, Osceola District. Affirmed; Motion to Withdraw Granted. Gladwin and Glover, JJ., agree. UNPUBLISHED

CACR08-402. Jermal Dotson v. State of Arkansas, from Hempstead Circuit. Rebriefing Ordered. Gladwin and Glover, JJ., agree. UNPUBLISHED

CACR08-418. Antonio Herman v. State of Arkansas, from Drew Circuit. Affirmed; Motion to Withdraw Granted. Gladwin and Glover, JJ., agree. UNPUBLISHED

CA08-341. Diana Lou Mathews v. Robert Leon Mathews, from Pulaski Circuit, Sixth Division. Affirmed. Gladwin and Glover, JJ., agree. UNPUBLISHED

JOSEPHINE LINKER HART, JUDGE:

CACR08-261. Eddie Tyrone Davis v. State of Arkansas, from Crittenden Circuit. Affirmed; Motion Granted. Robbins and Baker, JJ., agree. UNPUBLISHED

CACR08-527. Brittany Nicole Gartrell v. State of Arkansas, from Crawford Circuit. Motion to Withdraw Denied. Rebriefing Ordered. Robbins and Baker, JJ., agree. UNPUBLISHED

CA08-92. Bubba Properties, LLC v. Ronny Bell, from Columbia Circuit. Affirmed. Robbins and Baker, JJ., agree. UNPUBLISHED

ROBERT J. GLADWIN, JUDGE:

CACR07-468. Quabina Rasheen Penson v. State of Arkansas, from Crittenden Circuit. Affirmed; Motion to Withdraw Granted. Pittman and Glover, JJ., agree. UNPUBLISHED

CACR08-528. Crystal Barnett v. State of Arkansas, from Drew Circuit. Affirmed; Motion to be Relieved Granted. Pittman and Glover, JJ., agree. UNPUBLISHED

CA08-589. Brenda Bryant Osborn, Opal M. Garfi, Altha P. Hickman, Norma Sexton, Linda Bliss, Rita Gilliam, Gene Bryant, Billy Ray Bryant and Beverly Beeman v. Billy Bryant, Betty Hamby, Norma Knight, Mabel Kimberling and Dortha M. Whitner, from Jackson Circuit. Reversed. Pittman and Glover, JJ., agree. PUBLISHED

JOHN B. ROBBINS, JUDGE:

CACR07-941. Jayson Wayne Carroll v. State of Arkansas, from Columbia Circuit. Affirmed. Motion to be Relieved Granted. Hart and Baker, JJ., agree. UNPUBLISHED

CACR08-815. Chamika Shanta Rogers v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Baker, J., agrees. Hart, J. concurs. Baker, J., joins. UNPUBLISHED

CACR08-609. Monterele Eron Davenport v. State of Arkansas, from Miller Circuit. Affirmed. Motion to be Relieved Granted. Hart and Baker, JJ., agree. UNPUBLISHED

DAVID M. GLOVER, JUDGE:

CACR08-303. Latoshia N. Dotson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed; Motion to be Relieved Granted. Pittman and Gladwin, JJ., agree. UNPUBLISHED

CACR08-558. Scott Brandon Ford v. State of Arkansas, from Faulkner Circuit. Affirmed; Motion to be Relieved Granted. Pittman and Gladwin, JJ., agree. UNPUBLISHED

D.P. MARSHALL JR., JUDGE:

CACR07-1166. Elliott E. Bailey v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed; Motion to Withdraw Granted. Vaught, C.J., and Pittman, J., agree. UNPUBLISHED

CACR08-374. Gary W. Banks v. State of Arkansas, from Miller Circuit. Affirmed; Motion to Withdraw Granted. Vaught, C.J., and Glover, J., agree. UNPUBLISHED

KAREN R. BAKER, JUDGE:

CACR08-84. Damont T. Ewells v. State of Arkansas, from Garland Circuit. Motion Denied; Rebriefing Ordered. Hart and Robbins, JJ., agree. UNPUBLISHED

CACR08-336. James Dickerson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion Denied; Rebriefing Ordered. Hart and Robbins, JJ., agree. UNPUBLISHED

PER CURIAM ORDERS

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

CA08-706. Home Depot et al. v. Kimberly Brasel, from Workers' Compensation Commission.

CACR07-150. John Randall McCain v. State of Arkansas, from Crawford Circuit. Motion of Michael Hodson for attorney's fees is denied.

CACR07-500. William David Watson v. State of Arkansas, from Crawford Circuit. Motion of Margo D. Warner for attorney's fees is granted. Allowed \$1,400.00.

CACR07-623. Ronald Jay Campbell v. State of Arkansas, from Lonoke Circuit. Appellant's third motion for extension of brief time is granted.

CACR08-53. Ronald Fountain v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,400.00.

CACR08-57. Mikel S. Webster v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Charles E. Smith for attorney's fees is granted. Allowed \$1,300.00.

CACR08-228. Zeronical Rice v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones, III for attorney's fees is granted. Allowed \$1,400.00.

CACR08-524. Brian Holleman v. State of Arkansas, from Jefferson Circuit. Motion of F. Wilson Bynum, Jr. for attorney's fees is granted. Allowed \$900.00.

CACR08-535. James F. Bewley v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees is granted. Allowed \$950.00.

CACR08-539. Roger D. Claphan v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees is granted. Allowed \$1,000.00.

CACR08-592. Linda Louise Stewart v. State of Arkansas, from Benton Circuit. Motion of Margo D. Warner for attorney's fees is granted. Allowed \$1,275.00.

CACR08-593. Michael Ficklin v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Chad M. Green for attorney's fees is granted. Allowed \$1,000.00.

CACR08-829. Ronnie Edward Baker v. State of Arkansas, from Crittenden Circuit. Appellant's motion to dismiss appeal is granted.

CACR08-829. Ronnie Edward Baker v. State of Arkansas, from Crittenden Circuit. Appellee's motion to dismiss appeal is moot.

CACR08-985. Vernon Holland v. State of Arkansas, from Washington Circuit. Appellee's motion to dismiss appeal is denied.

CACR08-985. Vernon Holland v. State of Arkansas, from Washington Circuit. Appellant's motion to file belated brief is granted.

CACR08-1032. William Hitchcock v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss appeal is granted. Pittman and Marshall, JJ., would deny and order counsel to file a brief within thirty days.

CACR08-1374. James Clayton Solomon v. State of Arkansas, from Washington Circuit. Motion of Charles E. Smith to withdraw as counsel for appellant is granted. David L. Dunagin is appointed to represent appellant.

CACR08-1391. Felipe Nevarez Ibarra v. State of Arkansas, from Washington Circuit. Motion of William Blair Brady to withdraw as counsel for appellant and for substitution of Victor D. Wright as counsel for appellant is granted.

CACR08-1430. Joe Anthony Simmons v. State of Arkansas, from Washington Circuit. Motion of Jason P. Kearney to be substituted as counsel and enlargement of time to file brief. Remanded to the trial court. See Brewer v. State, 66 Ark. App. 324, 992 S.W. 2d 140 (1999).

CACR08-1474. Melvin Parker v. State of Arkansas, from Crittenden Circuit. Motion of Richard West to be relieved as counsel for appellant and for appointment of substitute counsel is granted. Matt Black is appointed as counsel for appellant.

CACR08-1477. Matthew Cole Hagen v. State of Arkansas, from Garland Circuit. Motion to substitute F. Parker Jones, III and to relieve Winston C. Mathis as attorney on appeal is granted.

CA08-128. Hempstead County Hunting Club, Inc. et al. v. Arkansas Public Service Commission, from Public Service Commission. Appellants' motion to consolidate appeal with CA08-662 is denied. Kinard and Glover, JJ., not participating.

CA08-128. Hempstead County Hunting Club, Inc. et al. v. Arkansas Public Service Commission, from Public Service Commission. Motion of Charles Michael Turner, Donald R. Johnson, Mary D. Johnson, Willis B. Smith and Patty Smith to file amicus curiae brief in support of the appellants is denied. Marshall, J., would grant. Kinard and Glover, JJ., not participating.

CA08-237. Dewayne Sharp and Gwen Sharp v. James Tucker et al., from Randolph Circuit. Appellants' motion for costs and attorney's fees is denied.

CA08-501. Jamie Hicks v. Dustin Dewayne Bates et al., from Workers' Compensation Commission. Appellee's motion to reschedule oral argument is denied. Kinard, Marshall, and Henry, JJ., would grant. Pittman, J., not participating.

CA08-581. Steven Pollard v. Stephanie Pollard, from Pulaski Circuit, Thirteenth Division. Appellee's motion to substitute Chris Palmer as attorney for appellee is granted.

CA08-656. Gary Painter and Norma Painter v. Bethany Kerr, from Benton Circuit. Appellants' motion for order to transmit videotape exhibit is granted.

CA08-662. Willis B. Smith, Jr. and Patty F. Smith v. Arkansas Public Service Commission et al., from Public Service Commission. Motion of appellee, Arkansas Public Service Commission for extension of time to file record is moot. Kinard and Glover, JJ., not participating.

CA08-662. Willis B. Smith, Jr. and Patty F. Smith v. Arkansas Public Service Commission et al., from Public Service Commission. Motion of appellee, Arkansas Public Service Commission, to dismiss appeal is granted without prejudice. Kinard and Glover, JJ., not participating.

CA08-662. Willis B. Smith, Jr. and Patty F. Smith v. Arkansas Public Service Commission et al., from Public Service Commission. Motion of appellee, Southwestern Electric Power Company, to dismiss notice of appeal and request for expedited ruling prior to filing of record is granted without prejudice. Kinard and Glover, JJ., not participating.

CA08-854. River Valley Land, Inc. v. Charles Rayford Hudson, Sr., from Pulaski Circuit, Sixteenth Division. Appellant's motion to consolidate appeal with Case No. CA08-1325 and to extend brief time is granted. Appellant's brief due within thirty days. Appellee's brief is due thirty days thereafter.

CA08-970. Arthur Fenrich v. Citizens Bank and Terrie Barnes Lewallen, from Independence Circuit. Motion for appointment of a Special Administrator for the Estate of Arthur Fenrich is denied without prejudice for failure to address whether the claim survives the death. See Taylor v. Landherr, 101 Ark. App. 279, ___S.W.3d ___(2008).

CA08-1136. Whit Waller v. Mala Waller, from Pulaski Circuit, Seventeenth Division. Appellee's motion to dismiss appeal is denied. Parties to brief jurisdiction with the merits.

CA08-1136. Whit Waller v. Mala Waller, from Pulaski Circuit, Seventeenth Division. Appellant's combined motion to withdraw as counsel, to expedite, and for extension of time or to stay briefing schedule. Motion to withdraw as counsel is denied without prejudice. Pittman, Kinard, Glover, Vaught and Henry, JJ., would grant. Motion for extension of time is granted. Brief due within thirty days.

CA08-1188. Jessica Pacheco v. Arkansas Department of Human Services, from Pope Circuit. Appellant's motion to correct the record and the appellant's brief is granted.

CA08-1288. Denisa M. McDowell v. Back Yard Burgers, Inc. et al., from Workers' Compensation Commission. Appellees' motion to dismiss is denied. Brief due within thirty days.

MOTIONS SUBMITTED

CACR08-1104. Antonio Deshun Sartin v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellee's motion to dismiss appeal.

CACR08-1179. Cornelious Paige v. State of Arkansas, from Faulkner Circuit. Appellant's motion to file belated brief.

CA08-995. Bruce A. Keller v. Sandra E. Keller, from Washington Circuit. Appellant's motion for extension of brief time.

CA08-1017. Heather Michelle Ussery v. Buddy Michael Ussery, from Pulaski Circuit, Seventeenth Division. Appellant's motion for extension of brief time.

CA08-1213. Robert Cleary v. Sledge Properties, Inc., from Drew Circuit. Appellant's motion to amend brief.

CA08-1278. Karen Roebuck v. United Methodist Children's Home, from Workers' Compensation Commission. Appellant's motion to reinstate appeal.

CA08-1383. PH, LLC v. City of Conway, Arkansas, from Faulkner Circuit. Motion of the Arkansas Municipal League for leave to file amicus brief.

CA08-1406. Yolanda Lyons v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District. Appellant's motion to seal the record as confidential.

CA08-1429. Carla Childress v. Arkansas Department of Human Services, from Lonoke Circuit. Appellant's motion to seal the record as confidential.

CA08-1451. Troy L. Boudreaux v. Ann McNulty Boudreaux, from Pulaski Circuit, Seventeenth Division. Appellant's motion to correct the record and to stay briefing schedule, or in the alternative, for additional brief time.

SUBMISSIONS

CACR08-173. Casey Lee Dirickson v. State of Arkansas, from Grant Circuit. Argued orally.

CACR08-458. Myron Newjean Anderson, Jr. v. State of Arkansas, from Ashley Circuit.

CACR08-507. William Edward Snider v. State of Arkansas, from Columbia Circuit.

CACR08-658. Rodney Maxwell v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR08-759. Dwayne Clarence Durell v. State of Arkansas, from Washington Circuit.

CA07-1102. Eric Stiles v. Long Ago Antiques, from Workers' Compensation Commission.

CA08-174. Gail Parkerson v. Richard McMurtrey, from Garland Circuit.

- CA08-460. Uris Magana-Galdamez v. State of Arkansas, from Benton Circuit.
- CA08-577. Jennifer A. Smith v. Trevor W. Smith, from Lonoke Circuit.
- CA08-655. Stepping Stone School v. Lisa G. Ferrari, from Workers' Compensation Commission.
- CA08-707. Essie Simpson Grider v. Arkansas Department of Human Services, from Bradley Circuit.
- CA08-752. David Whitham v. Arkansas Department of Human Services, from Faulkner Circuit.
- CA08-775. CV's Family Foods v. Harold L. Caverly, from Workers' Compensation Commission.
- CA08-827. Ray Garcia v. Arkansas Department of Human Services, from Benton Circuit.
- CA08-912. Carmen Vaughan v. Arkansas Department of Human Services, from Union Circuit.
- CA08-914. Atalaya Hollister-Davis v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.
- CA08-965. Donna Sanders v. Arkansas Department of Human Services, from Union Circuit.
- CA08-974. Holly Goforth v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.
- CA08-977. Mary Nixon v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.
- CA08-1005. April Krass v. Arkansas Department of Human Services, from Garland Circuit.
- CA08-1008. Eurana Jones-Lee v. Arkansas Department of Human Services, from Pulaski Circuit, Tenth Division.
- CA08-1027. Rebecca Montgomery v. Arkansas Department of Human Services, from Johnson Circuit.
- CA08-1060. Robert Ratliff v. Arkansas Department of Human Services, from Searcy Circuit.

The following cases are appeals from the Arkansas Board of Review.

- E08-154. Steve R. Greenwood v. Director et al.
- E08-155. Walter E. Hughes v. Director et al.
- E08-156. Martha R. Smith v. Director et al.
- E08-158. Daniel M. Crouch v. Director et al.
- E08-159. Jerry's Steak House - Trumann v. Director et al.
- E08-160. Carol P. Kelley v. Director et al.
- E08-161. Amber S. Donald v. Director et al.
- E08-162. Robert W. Hunt v. Director et al.
- E08-163. Marion D. Spence v. Director et al.
- E08-164. Malcolm L. Williams v. Director et al.

E08-165. David L. Miller v. Director et al.

E08-166. Foundations Care, Inc. v. Director et al.