

# ARKANSAS COURT OF APPEALS

Opinions delivered  
February 4, 2009

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LARRY D. VAUGHT, CHIEF JUDGE:

CA08-1173. Anthony Wise v. State of Arkansas, from Jefferson Circuit. Reversed and Remanded. Robbins and Gruber, JJ., agree. UNPUBLISHED

CA08-66. Patrick J. Powers v. Patricia Pan Adams and Alternative Solutions, LLC, from Washington Circuit. Affirmed in Part; Reversed and Dismissed in Part. Robbins and Gruber, JJ., agree. UNPUBLISHED

JOHN MAUZY PITTMAN, JUDGE:

CA08-253. Lance Henry and Crystal Henry v. Amanda Parker, from Pulaski Circuit, Sixth Division. Affirmed in Part; Reversed and Remanded in Part. Gladwin and Glover, JJ., agree. UNPUBLISHED

JOSEPHINE LINKER HART, JUDGE:

CA08-467. Linda V. Rush-Bradley v. Mary Ann Van Ore and Stevan Van Ore, from Washington Circuit. Affirmed. Pittman and Brown, JJ., agree. UNPUBLISHED

CA08-837. Curtis W. Jones v. AAC Risk Management Services; Crawford County, Arkansas; and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Brown, JJ., agree. UNPUBLISHED

ROBERT J. GLADWIN, JUDGE:

CA08-134. Powhatan Cemetery, Inc.; Darlene Moore, Individually and as Incorporator of Powhatan Cemetery, Inc.; Evelyn Flippo, Individually and as Incorporator of Powhatan Cemetery, Inc.; and Robert Flippo, Individually and as Incorporator of Powhatan Cemetery, Inc. v. Lois Colbert, Carolyn DePriest, Cletis Smith, Charles Hall, Sr., Charles Hall, Jr., Brent Tipton, Maleta Tipton, Individually and as Members of the Powhatan Cemetery Association, from Lawrence Circuit. Affirmed. Henry and Baker, JJ., agree. PUBLISHED

JOHN B. ROBBINS, JUDGE:

CA08-568. Katrina Parker, Gene Graves and Laura Graves v. Southern Farm Bureau Casualty Ins. Co. and Farm Bureau Mutual Insurance Co. of Arkansas, Inc., from Pulaski Circuit, Thirteenth Division. Affirmed in Part; Reversed and Remanded in Part. Vaught, C.J., and Gruber, J., agree. PUBLISHED

M. MICHAEL KINARD, JUDGE:

CA08-795. Denver L. Gulley v. City of Mountain Home and Municipal League, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Marshall, JJ., agree. UNPUBLISHED

RITA W. GRUBER, JUDGE:

CA08-781. Preston and Eunice Ferguson v. Tri-City Investments, LLC, from Washington Circuit. Affirmed. Vaught, C.J., and Robbins, J., agree. UNPUBLISHED

CA08-933. Michael Hodges and Sherri Hodges (Deceased) v. Arkansas Department of Human Services, from Craighead Circuit, Western District. Affirmed. Vaught, C.J., and Robbins, J., agree. UNPUBLISHED

D.P. MARSHALL JR., JUDGE:

CA08-1148. Brandi Flowers v. Arkansas Department of Health and Human Services and Minor Child, from Pulaski Circuit, Eighth Division. Affirmed; Motion to Withdraw Granted. Kinard and Glover, JJ., agree. UNPUBLISHED

COURTNEY HUDSON HENRY, JUDGE:

CA08-892. Barbara Posey v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Affirmed. Gladwin and Baker, JJ., agree. UNPUBLISHED

KAREN R. BAKER, JUDGE:

CA07-1102. Eric Stiles v. Long Ago Antiques and One Beacon Insurance, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Henry, JJ., agree. UNPUBLISHED

WAYMOND M. BROWN, JUDGE:

CA08-1015. Christina Hammond v. Arkansas Department of Human Services and Minor Child, from Marion Circuit. Affirmed; Motion Granted. Pittman and Hart, JJ., agree. UNPUBLISHED

#### **PER CURIAM ORDERS**

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

CA08-687. Randy E. Lewis v. Second Injury Fund, from Workers' Compensation Commission.

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CACR07-278. Bryan Keith Rakestraw v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,200.00.

CACR07-468. Quabina Rasheen Penson v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,400.00.

CACR07-929. Kelly Harrison Campbell v. State of Arkansas, from Lonoke Circuit. Appellant's motion for additional brief time is granted. Glover, J., not participating.

CACR08-126. Cledia Graves, Jr. v. State of Arkansas, from Phillips Circuit. Motion of Don Etherly for attorney's fees is granted. Allowed \$1,400.00.

CACR08-261. Eddie Tyrone Davis v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,200.00.

CACR08-572. William Dale Morrison v. State of Arkansas, from Crawford Circuit. Motion of Niki Wilson to withdraw as counsel for appellant, for extension of brief time and for appointment of counsel is granted. Greg Knutson is

appointed to represent appellant. Brief due within thirty days.

CACR08-641. Steven Ralph Teater v. State of Arkansas, from Ouachita Circuit. Motion of Gary McDonald and William McLean for attorney's fees and costs is granted. Allowed \$1,400.00.

CACR08-1046. Alvin Robinson v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellant's motion to stay proceedings is remanded to the trial court to settle the record within thirty days. Brief due thirty days thereafter.

CACR08-1207. Sonya Nate Mooney v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion to complete the record and stay briefing schedule is granted.

CACR08-1207. Sonya Nate Mooney v. State of Arkansas, from Craighead Circuit, Western District. Appellant's pro se motion for copy of record at public expense is denied.

CACR08-1319. Victor Rasmussen v. State of Arkansas, from Garland Circuit. Appellant's motion to supplement the record is granted. Record deemed supplemented.

CACR08-1389. Rodney Arlen Pankau v. State of Arkansas, from Washington Circuit. Appellant's petition for writ of certiorari to complete the record is granted. Record deemed supplemented. Clerk to set briefing schedule.

CA08-686. Martha Hale v. East Poinsett School District et al., from Workers' Compensation Commission. Appellees' motion to dismiss appeal and for extension of brief time. Motion to dismiss appeal is denied. Brief due within thirty days.

CA08-1306. T. C. v. State of Arkansas, from Ouachita Circuit. Appellant's motion to seal the record is granted.

CA08-1306. T. C. v. State of Arkansas, from Ouachita Circuit. Appellant's motion for leave to supplement the abstract with an abstract of certain video exhibits is granted.

CA08-1346. Jerry Brasfield v. Jacqueline Murray, from Jefferson Circuit. Motion of John L. Kearney to be relieved as counsel for appellant is denied without prejudice. See Ark. R. Civ. P. 64 (b).

CA09-24. John Edward Stevens v. Allison Desha Stevens, from Stone Circuit. Appellant's motion to stay order is denied. Pittman, J., not participating.

## MOTIONS SUBMITTED

### PETITION FOR REHEARING:

CA08-175. Louis C. Schmoll and Elizabeth A. Schmoll v. Hartford Casualty Insurance Company d/b/a "The Hartford"; Ronney Kisner, d/b/a Circle K; and William E. Cole, from Conway Circuit.

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CACR07-1124. Felishia McMurray v. State of Arkansas, from Jefferson Circuit. Motion of Robert L. Depper, Jr., for attorney's fees.

CACR08-173. Casey Lee Dirickson v. State of Arkansas, from Grant Circuit. Motion of Sharon Kiel for attorney's fees.

CACR08-418. Antonio Herman v. State of Arkansas, from Drew Circuit. Motion of Gary W. Potts for costs and attorney's fees.

CACR08-528. Crystal Barnett v. State of Arkansas, from Drew Circuit. Motion of Gary W. Potts for costs and attorney's fees.

CA06-521. Benjamin F. Lackey, Jr. v. Mark A. Mays, from Faulkner Circuit. Appellant's motion for reconsideration of amended order.

CA07-1286. Thomas G. Carmody and Norman C. Savers, Jr., Co-Administrators of the Estate of Helen Virginia Coan, Deceased et al. v. George Philip Betts, Administrator of the Estate of Linnie Betts, Deceased et al., from Ouachita Circuit. Appellees' motion to impose costs necessitated by appellants' insufficient addendum and abstract.

CA08-460. Uris Magana-Galdamez v. State of Arkansas, from Benton Circuit. Motion of Kent Walker for attorney's fees.

CA08-534. LaRonda Slaughter et al. v. Capitol Supply Co., Inc. et al., from Calhoun Circuit. Appellees' motion to file enlarged argument.

CA08-585. B. C. v. State of Arkansas, from Sharp Circuit. Motion of R. T. Starcken for attorney's fees.

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.

CA08-834. Beverly Enterprises, Inc. et al. v. Valerie Keaton, from Ouachita Circuit. Motion of the Arkansas Trial Lawyers Association to file an amicus curiae brief in support of appellee.

CA08-1076. Melissa Carol Thetford v. Electric Cowboy, Inc. et al., from Workers' Compensation Commission. Appellant's motion to file belated brief.

CA08-1133. Progreen Sport Surfaces, LLC et al. v. Lasiter Construction, Inc., from Pulaski Circuit, Third Division. Appellee/Cross-Appellant, Lasiter Construction, Inc.'s motion to file single response brief and for extension of brief page limit.

CA08-1393. McIlroy Investments, Ltd. et al. v. McIlroy Bank and Trust (now Arvest), from Washington Circuit. Appellants' motion to remand for a new trial.

CA09-13. Flow Doc Inc. et al. v. Thomas M. Horton, from Pulaski Circuit, Twelfth Division. Appellants' motion to supplement the record.

CA09-47. Mike Killough and Betty Killough v. Audrey Farmer and John Rogers, from Johnson Circuit. Appellants' motion to strike supersedeas bond filed with the Circuit Clerk.

E09-12. Mary L. Long v. Director et al., from Board of Review. Appellant's pro se motion for belated appeal.

The following case is called for dismissal for failure to file briefs in accordance with Rule 4-5:

CA08-51. Christopher Wayne Roberts v. Robin YanYan Roberts Yang, from Pulaski Circuit, Seventeenth Division.

## **SUBMISSIONS**

- CACR08-734. Curtis F. Donaldson v. State of Arkansas, from Drew Circuit. Argued orally.
- CA08-451. Pearlene Ford v. Gary Howard, from Benton Circuit. Argued orally.
- CACR08-530. Ian Hunter Doyle v. State of Arkansas, from Jackson Circuit.
- CACR08-563. Tyrone Simmons v. State of Arkansas, from Jefferson Circuit.
- CACR08-616. Rickey Strain and Walter J. Sims v. State of Arkansas, from Jefferson Circuit.
- CACR08-620. Jeffery Wayne Winston v. State of Arkansas, from Greene Circuit.
- CACR08-638. Jeremy Young v. State of Arkansas, from Jefferson Circuit.
- CACR08-693. Joshua Leallen Lofton v. State of Arkansas, from Pulaski Circuit, Fifth Division.
- CACR08-722. Jeremy Long v. State of Arkansas, from Sebastian Circuit, Greenwood District.
- CACR08-749. Juan Castillo v. State of Arkansas, from Hot Spring Circuit.
- CACR08-817. Jason Wyatt Titsworth v. State of Arkansas, from Polk Circuit.
- CACR08-857. David Lee Patterson v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR08-877. Michael Gates v. State of Arkansas, from Craighead Circuit, Western District.
- CA08-188. James Bryant, Jr. v. Sherrie Bryant, from Pulaski Circuit, Twelfth Division.
- CA08-403. W. E. Pender & Sons, Inc. v. Burton Lee, from Perry Circuit.
- CA08-668. Evlynene Kirkendolph v. DF&A Revenue Services Division, from Workers' Compensation Commission.
- CA08-669. Bruce Deutscher v. Aluminum Company of America, from Workers' Compensation Commission.
- CA08-676. Nicholas Dugan v. American National Property and Casualty Co., from Sebastian Circuit, Greenwood District.
- CA08-679. Forrest F. Gillespie v. Sabrena R. Gillespie, from Mississippi Circuit, Chickasawba District.
- CA08-709. Ron Buck v. City of Hope, from Hempstead Circuit.
- CA08-741. Lynn Burkett v. Exxon Tiger Mart, Inc., from Workers' Compensation Commission.
- CA08-769. Edward Trusclair v. McGowan Working Partners, from Union Circuit.
- CA08-846. David Pyle v. Woodfield, Inc., from Workers' Compensation Commission.
- CA08-1129. Sylvia Howell v. Arkansas Department of Human Services, from Faulkner Circuit.