

ARKANSAS COURT OF APPEALS

Opinions delivered
March 18, 2009

LARRY D. VAUGHT, CHIEF JUDGE:

CA08-816. Bobby R. Weatherford v. State of Arkansas, from Faulkner Circuit. Affirmed. Gladwin and Kinard, JJ., agree. UNPUBLISHED

CA08-556. James G. Grant v. Betty Richardson, from Poinsett Circuit. Affirmed. Hart and Brown, JJ., agree. PUBLISHED

JOHN MAUZY PITTMAN, JUDGE:

CA08-876. St. Edward Mercy Medical Center and Sisters of Mercy Health System v. Cassandra Richards Wilson, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Henry, JJ., agree. UNPUBLISHED

JOSEPHINE LINKER HART, JUDGE:

CA08-836. Joseph Powell v. Producers Rice Mill and Liberty Mutual Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed on Direct Appeal; Affirmed on Cross-Appeal. Vaught, C.J., and Brown, J., agree. UNPUBLISHED

CA08-1050. Krissy Thompson v. Sparks Regional Medical Center, from Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Brown, J., agree. PUBLISHED

ROBERT J. GLADWIN, JUDGE:

CA08-844. Ronald Tadlock v. St. Joseph's Regional Health Center, a Self-Insured Employer, Sisters of Mercy, TPA, Insurance Carrier, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Kinard, J., agree. UNPUBLISHED

CA08-871. Larry Johnson v. Alcohol Beverage Control Division, from Pulaski Circuit, Fifth Division. Rebriefing Ordered. Pittman and Henry, JJ., agree. UNPUBLISHED

CA08-906. Betty Gerrald Barnett v. Douglas Tobacco, National Fire IC of Hartford, Second Injury Fund, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Henry, JJ., agree. UNPUBLISHED

JOHN B. ROBBINS, JUDGE:

CA08-1065. Jeffrey Glover v. Wackenhut Corporation and Gallagher Bassett Services, from the Arkansas Workers' Compensation Commission. Affirmed. Kinard and Baker, JJ., agree. UNPUBLISHED

CA08-1206. Office of Child Support Enforcement v. Loren E. Dickens, from Scott Circuit. Affirmed. Kinard and Baker, JJ., agree. PUBLISHED

M. MICHAEL KINARD, JUDGE:

CA08-451. Pearlene Ford, as Trustee of the Pearlene Ford Trust v. Gary Howard, from Benton Circuit. Reversed. Vaught, C.J., and Hart, Glover, and Henry, JJ., agree. Gladwin, J., dissents. PUBLISHED

CA08-797. Donald Miner v. Yellow Transportation, Inc. and Gallagher Bassett Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Gladwin, J., agree. PUBLISHED

CA08-1381. Brittney Shoening Dean and James Dean v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District. Affirmed; Motion to Withdraw Granted. Robbins and Baker, JJ., agree. PUBLISHED

RITA W. GRUBER, JUDGE:

CA08-954. Stephen Isely and Sharon Isely v. Annie Brockman Odom and Clifton Gilreath, from Conway Circuit. Affirmed. Glover and Marshall, JJ., agree. UNPUBLISHED

CA08-1152. James W. Goyne v. Crabtree Contracting Co., Inc. and AIG Claim Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Marshall, JJ., agree. PUBLISHED

DAVID M. GLOVER, JUDGE:

CACR08-969. Wilbert Johnson v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Gruber and Marshall, JJ., agree. UNPUBLISHED

CA08-805. Peter Kofler v. Lana Beth Kofler, from Benton Circuit. Affirmed. Gruber and Marshall, JJ., agree. UNPUBLISHED

D.P. MARSHALL JR., JUDGE:

CACR08-786. Michael Adon Thompson v. State of Arkansas, from Ashley Circuit. Affirmed. Robbins and Brown, JJ., agree. UNPUBLISHED

CACR08-1061. Diana Michelle Carter v. State of Arkansas, from Ouachita Circuit. Affirmed. Gruber and Glover, JJ., agree. UNPUBLISHED

CA08-139. Tajuana Kay Coker Holman v. Vincent Everett Coker, from Miller Circuit. Affirmed. Robbins and Brown, JJ., agree. UNPUBLISHED

CA08-1131. Claudia Prows v. Arkansas Department of Human Services and Minor Child, from Searcy Circuit. Affirmed. Gruber and Glover, JJ., agree. PUBLISHED

COURTNEY HUDSON HENRY, JUDGE:

CACR08-831. Wendell Champlin v. State of Arkansas, from Grant Circuit. Affirmed. Pittman and Gladwin, JJ., agree. UNPUBLISHED

KAREN R. BAKER, JUDGE:

CA08-36. Ivan L. Evtimov v. Mariofanna G. Milanova, from Pulaski Circuit, Seventeenth Division. Affirmed. Vaught, C.J., and Marshall, and Henry, JJ., agree. Hart and Robbins, JJ., dissent. PUBLISHED

CA08-847. Robert Sally v. Service Master and AIG Claim Service, from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Vaught, C.J., and Robbins, and Gruber, JJ., agree. Gladwin and Henry, JJ., dissent. PUBLISHED

WAYMOND M. BROWN, JUDGE:

CACR08-1024. Nicholas Andre Munn v. State of Arkansas, from Crittenden Circuit. Affirmed as Modified. Vaught,

C.J., and Hart, J., agree. UNPUBLISHED

CA08-947. Dana Yancey v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Affirmed. Vaught, C.J., agree. Hart, J., concurs. UNPUBLISHED

PER CURIAM ORDERS

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

CA08-501. Jamie Hicks and C.H. v. Cheryl Bates et al., from Workers' Compensation Commission.

CA08-568. Katrina Parker v. Southern Farm Bureau Casualty Insurance Company and Farm Bureau Mutual Insurance Company of Arkansas Inc. , from Pulaski Circuit, Thirteenth Division.

CA08-625. Dale Shouse v. Carolyn Hegwood, from Benton Circuit.

CA08-651. A.G. "Bud" Martin, Jr. v. Guy Bobo and Nellie Bobo, from Hempstead Circuit.

CA08-679. Forrest F. Gillespie v. Sabrena R. Gillespie, from Mississippi Circuit, Chickasawba District.

CA08-843. Bonnie Mitchell, Administrator of the Estate of Gerald Wagner v. Tyson Poultry, Inc., from Workers' Compensation Commission.

CA08-849. Donald A. Castleberry v. Charles H. Fohn, M.D. et al., from Ouachita Circuit.

CACR08-445. Marcus Terrell Atkins et al. v. State of Arkansas, from Hot Spring Circuit. Motion of Gregory Crain for attorney's fees is granted. Allowed \$1,400.00.

CACR08-445. Kyron Deandre Watkins et al. v. State of Arkansas, from Hot Spring Circuit. Motion of Phyllis J. Lemons for attorney's fees is granted. Allowed \$1,400.00.

CACR08-616. Rickey Strain v. State of Arkansas, from Jefferson Circuit. Motion of Robert Ray Cortinez for attorney's fees is granted. Allowed \$1,400.00.

CACR08-626. Clarence Jerome Hill v. State of Arkansas, from Jackson Circuit. Motion of Victor D. "Trey" Wright, III for attorney's fees is granted. Allowed \$1,400.00.

CACR08-638. Jeremy Young v. State of Arkansas, from Jefferson Circuit. Motion of Chad M. Green for attorney's fees is granted. Allowed \$1,100.00.

CACR08-657. Damont L. Ewells v. State of Arkansas, from Garland Circuit. Appellant's pro se motion for access to transcript is denied.

CACR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Appellant's pro se motion for transcript at public expense is denied.

CACR08-937. Richard Allan Beebe v. State of Arkansas, from Sharp Circuit. Motion of R. T. Starken for attorney's fees is granted. Allowed \$1,000.00.

CACR08-1239. Debra Johnson v. State of Arkansas, from Union Circuit. Motion of Robert L. Depper, Jr. to be appointed as counsel for appellant is granted. Kinard, J., not participating.

CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Appellant's pro se motion for appeal bond is denied.

CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Appellant's pro se motion to relieve counsel. Moot.

CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Appellant's pro se motion for appointment of counsel and for brief time is granted. Jason Kearney is appointed as appellate counsel. Appellant's brief due within forty days (April 27, 2009).

CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Motion of the Warren Law Firm to be relieved as counsel for appellant is granted.

CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Appellant's motion for extension of brief time. Moot.

CA08-651. A.G. "Bud" Martin, Jr. v. Guy Bobo and Nellie Bobo, from Hempstead Circuit. Appellee's motion to consider belated motion for extension of time to response to petition for rehearing and/or to consider belated response to petition for rehearing is granted.

CA08-668. Evlynene Kirkendolph v. DF&A Revenue Services Division and Death and Permanent Total Disability Fund, from Workers' Compensation Commission. Joint motion to supplement and settle the record is granted.

CA08-668. Evlynene Kirkendolph v. DF&A Revenue Services Division and Death and Permanent Total Disability Fund, from Workers' Compensation Commission. Appellant's motion for extension of brief time is granted.

CA09-42. James W. Poole v. Anna Michelle Poole, from Ashley Circuit. Appellant's motion to supplement the record and to stay brief time. Remanded to settle the record within twenty days. Brief due within ten days thereafter.

CA09-70. R & G Masonry Contractors, Inc. v. Safeco Insurance Company of America, from Craighead Circuit, Western District. Appellant's motion to supplement the record is granted. See **per curiam** this date. Marshall, J., not participating. UNPUBLISHED

CA09-100. John C. Rima v. M & S Framers, Inc. et al., from Workers' Compensation Commission. Appellant's motion to request discovery in aid of execution pursuant to Rule 27(b) is denied.

CA09-100. John C. Rima v. M & S Framers, Inc. et al., from Workers' Compensation Commission. Appellant's motion requesting Appellee M&S Framers, Inc. be required to post bond is denied.

SUBMISSIONS

CA08-898. Carder Buick-Olds Company, Inc. v. Tony Wilson et al., from White Circuit. Argued orally.

CACR08-915. Lonnie Dean Vickers v. State of Arkansas, from Garland Circuit.

CACR08-931. John Willie Webb v. State of Arkansas, from Pulaski Circuit, Fifth Division.

- CACR08-967. Jonathan Goodman v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR08-996. Michael Anthony Brown v. State of Arkansas, from Pulaski Circuit, Second Division.
- CACR08-1018. Darryl Kent Medlock v. State of Arkansas, from Crawford Circuit.
- CACR08-1094. Robert Earl Webb v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CA08-312. M.H., Juvenile v. State of Arkansas, from Franklin Circuit, Northern District.
- CA08-685. Patricia White v. Ralph G. King et al., from Crittenden Circuit.
- CA08-908. Leilani C. Grisham (Fieber) v. Brian E. Grisham, from Pulaski Circuit, Fourteenth Division.
- CA08-929. D. S. v. State of Arkansas, from Pulaski Circuit, Eighth Division.
- CA08-1011. A. L., a Minor v. State of Arkansas, from Washington Circuit.
- CA08-1036. Michael Lagasse et al. v. Brian K. Strait and Delana W. Strait, from White Circuit.
- CA08-1039. Caleb Meadough and Flotilla Meadough v. Marquan L. Bulliner, from Pulaski Circuit, Sixteenth Division.
- CA08-1041. Jerry Riley v. Town of Higginson, from White Circuit.
- CA08-1059. Dorothy Putman and Kervin Putman v. Chuck G. Cox and Paula Cox, from Polk Circuit.
- CA08-1068. James W. Allen, II v. Allen Heating & Cooling, Inc. et al., from Workers' Compensation Commission.
- CA08-1077. Robert Fitzpatrick v. Rheem Manufacturing Company, from Workers' Compensation Commission.
- CA08-1088. Mary Irene Murry v. David Furgason, from Saline Probate.
- CA08-1122. Tom Gass v. QHG of Springdale, Inc., from Boone Circuit.
- CA08-1140. Built Well Construction Company and Continental Casualty Company v. Jorge Vera, from Workers' Compensation Commission.
- CA08-1149. North Little Rock School District et al. v. Cindy Lybarger et al., from Workers' Compensation Commission.
- CA08-1153. Debra Franklin v. Wal-Mart Stores, Inc. et al., from Workers' Compensation Commission.
- CA08-1305. Jimmy Slavens v. Conform, Inc. et al., from Workers' Compensation Commission.