

ARKANSAS COURT OF APPEALS

Opinions delivered
April 1, 2009

LARRY D. VAUGHT, CHIEF JUDGE:

CACR08-867. William Wacaser v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Hart and Brown, JJ., agree. UNPUBLISHED

CA07-1123. Ora Lee Williams v. R.S. McCullough, USA/Super D Franchising, Inc., Super D Drug Acquisition Com., and Super D Drug Store, from St. Francis Circuit. Reversed and Remanded. Hart and Brown, JJ., agree. UNPUBLISHED

JOHN MAUZY PITTMAN, JUDGE:

CACR08-1116. John Fitzpatrick v. State of Arkansas, from Cleburne Circuit. Appeal Dismissed. Gladwin and Henry, JJ., agree. UNPUBLISHED

CA08-760. Rhonda Russell, Individually and as Personal Representative of the Estate of Larry Wayne Russell, Sr., Deceased v. Northeast Texas Land & Timber and Perry Steitler, from Little River Circuit. Rebriefing Ordered. Gladwin and Henry, JJ., agree. UNPUBLISHED

JOSEPHINE LINKER HART, JUDGE:

CA08-838. Paula Ard v. St. Vincent Health Services and Alternative Insurance Management, from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Vaught, C.J., and Brown, J., agree. UNPUBLISHED

CA08-963. Phillip M. Baldwin v. Eugene Eberle, III, from Pulaski Circuit, Fourth Division. Affirmed. Vaught, C.J., and Brown, J., agree. PUBLISHED

ROBERT J. GLADWIN, JUDGE:

CA08-776. Sea Ark Marine, Inc. and AIG Claim Services, Inc. v. Jerry Pippinger, from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Pittman and Henry, JJ., agree. PUBLISHED

CA08-956. Roosevelt Dye v. Anderson Tully et al., from Desha Circuit, Arkansas City District. Dismissed. Pittman and Henry, JJ., agree. UNPUBLISHED

CA08-1113. Rausch Coleman Homes, LLC v. Gene Brech et al., from Lonoke Circuit. Affirmed. Robbins and Baker, JJ., agree. PUBLISHED

JOHN B. ROBBINS, JUDGE:

CA08-989. Theo Johnson v. Harry Lawton, from Scott Circuit. Affirmed. Kinard, J., agrees. Baker, J., concurs. UNPUBLISHED

M. MICHAEL KINARD, JUDGE:

CA08-1066. Richard E. Brooks v. R.A. Brooks Trucking Co., and Retention Management Services, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Marshall, JJ., agree. UNPUBLISHED

RITA W. GRUBER, JUDGE:

CA08-1023. William Lester Thomason and Peggy Thomason v. Marilyn Cooper King, from White Circuit. Affirmed. Glover and Marshall, JJ., agree. UNPUBLISHED

CA08-1229. Kimberly D. Harris v. Columbia Sewing Company, Inc. and State Automobile Mutual Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Baker, JJ., agree. UNPUBLISHED

DAVID M. GLOVER, JUDGE:

CACR08-724. Theodis Anderson v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed as Modified. Hart and Henry, JJ., agree. UNPUBLISHED

CA08-188. James Bryant, Jr. v. Sherrie Bryant, from Pulaski Circuit, Twelfth Division. Affirmed. Robbins, Marshall, Henry and Brown, JJ., agree. Hart, J., dissents. PUBLISHED

CA08-983. Clemons Timber, Inc. v. American Interstate Insurance Co., from Cleburne Circuit. Affirmed. Gruber and Marshall, JJ., agree. UNPUBLISHED

CA08-1067. Shelia Smith v. Kohler Company and Crawford & Company, from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Gruber and Marshall, JJ., agree. UNPUBLISHED

D.P. MARSHALL JR., JUDGE:

CACR08-680. David Childress v. State of Arkansas, from Lonoke Circuit. Affirmed. Gruber and Glover, JJ., agree. UNPUBLISHED

COURTNEY HUDSON HENRY, JUDGE:

CACR08-878. Johnny Linn Mann v. State of Arkansas, from Drew Circuit. Affirmed. Pittman and Gladwin, JJ., agree. UNPUBLISHED

CA08-1263. Stacey Corter v. Arkansas Department of Human Services, Stone Circuit. Affirmed; Motion to withdraw granted. Pittman and Gladwin, JJ., agree. UNPUBLISHED

KAREN R. BAKER, JUDGE:

CA08-520. Monte Red and Michelle Red v. U.S. Bank, from Saline Circuit. Affirmed. Pittman and Gruber, JJ., agree. UNPUBLISHED

CA08-848. Wesley Jackson v. Susan Jackson, from Logan Circuit, Southern District. Affirmed. Robbins and Kinard, JJ., agree. PUBLISHED

WAYMOND M. BROWN, JUDGE:

CACR08-1128. Gregory Jones v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Vaught, C.J., and Hart, J., agree. UNPUBLISHED

CA08-681. Jackie Donald Hoffarth v. Anna Harp, from Benton Circuit. Affirmed. Vaught, C.J., and Hart, J., agree. PUBLISHED

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(b).

E08-207. Gloria Arkadie v. Director et al.

E08-208. Ronald Wilson v. Director et al.

E08-209. Daryl Phillips v. Director et al.

E08-210. David D. Garner Enterprises, Inc. v. Director et al.

E08-211. Myria D. Johnson v. Director et al.

E08-212. Nickila L. Cleary v. Director et al.

E08-213. Michael E. Cobble v. Director et al.

E08-214. Stephanie N. Gates v. Director et al.

E08-216. Tresa Murray v. Director et al.

E08-218. Roy Hale v. Director et al.

E08-219. Debra A. Brown v. Director et al.

E08-222. Judith A. Stevenson v. Director et al.

PER CURIAM ORDERS

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

CACR08-616. Rickey Strain v. State of Arkansas, from Jefferson Circuit.

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

CA08-571. L & W Janitorial, Inc. et al. v. Pearline Williams, from Workers' Compensation Commission.

CA08-796. Benji Davis v. Wal-Mart Associates, Inc. et al., from Workers' Compensation Commission.

CA08-810. David H. Pickering and Mary L. Pickering v. Winfred W. Garrison and Cynthia R. Garrison, from Pulaski Circuit, Third Division.

CACR08-84. Damont L. Ewells v. State of Arkansas, from Garland Circuit. Appellant's pro se motion for access to transcript is denied.

CACR08-563. Tyrone Simmons v. State of Arkansas, from Jefferson Circuit. Motion of Paul M. Gehring to be relieved as counsel for appellant is granted.

CACR08-570. Lisa Jeanette Hasman v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion of Daren J. Nelson for attorney's fees and expenses is granted. Allowed \$1,400.00.

CACR08-588. Jeffrey L. Boen v. State of Arkansas, from Johnson Circuit. Appellant's pro se motion to add additional points on appeal is denied.

CACR08-607. Jeremy Garrett v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion of Daren J. Nelson for attorney's fees and expenses is granted. Allowed \$850.00.

CACR08-724. Theodis Anderson v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion for reconsideration of denial of oral argument request is denied. See opinion this date.

CACR08-786. Michael Adon Thompson v. State of Arkansas, from Ashley Circuit. Motion of Joseph P. Mazzanti, III for attorney's fees is granted. Allowed \$1,400.00.

CACR08-802. Fred Jones v. State of Arkansas, from Poinsett Circuit. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,400.00.

CACR08-816. Bobby R. Weatherford v. State of Arkansas, from Faulkner Circuit. Motion of William O. "Bill" James, Jr. for attorney's fees is granted. Allowed \$1,400.00.

CACR08-855. Jeffery Hayes v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Lea Ellen Fowler for attorney's fees and costs is granted. Allowed \$1,400.00.

CACR08-858. Caesar Clay v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of Darrell F. Brown, Jr., for attorney's fees is granted. Allowed \$900.00.

CACR08-877. Michael Gates v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$860.00.

CACR08-1207. Sonya Nate Mooney v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion to accept belated supplement is granted.

CACR08-1342. Keith Webster v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to supplement the record and to stay brief time is granted.

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

CACR08-1430. Joe Anthony Simmons v. State of Arkansas, from Washington Circuit. Motion of Jason P. Kearney to withdraw his previous motion to be substituted as counsel for appellant is moot. Motion of Jason P. Kearney to be appointed as counsel for appellant is granted. Brief due May 11, 2009.

CACR09-9. Leroy Stevenson v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones to be relieved as counsel for appellant is granted. J. Brent Standridge is appointed as counsel for appellant. Appellant's due May 11, 2009.

CACR09-255. Scorpio Laron Carroll v. State of Arkansas, from Pulaski Circuit, First Division. Motion to Clint Miller, Deputy Public Defender, to be relieved as counsel for appellant and for appointment of appellate counsel is granted. Kent Walker is appointed as counsel for appellant. Appellant's brief due May 11, 2009.

CA08-520. Monte Red and Michelle Red v. U.S. Bank, from Saline Circuit. Resubmission of appellee's motions to dismiss is denied. See opinion this date.

CA08-520. Monte Red and Michelle Red v. U.S. Bank, from Saline Circuit. Resubmission of appellants' motion for sanctions is denied. See opinion this date.

CA08-741. Lynn Burkett v. Exxon Tiger Mart, Inc., from Workers' Compensation Commission. Appellant's motion for an award of attorney's fees is granted.

CA08-775. CV's Family Foods et al. v. Harold L. Caverly, from Workers' Compensation Commission. Appellee's motion for attorney's fees is granted.

CA08-960. Flash Market, Inc. et al. v. Deborah K. Norman, from Workers' Compensation Commission. Appellee's motion for attorney's fees and costs. Moot.

CA08-1142. Robert L. Edwards v. Diane C. Edwards, from Columbia Circuit. Appellant's motion to supplement brief. Granted leave to file substituted brief within fifteen days.

CA08-1288. Denisa M. McDowell v. Back Yard Burgers, Inc. et al., from Workers' Compensation Commission. Appellees' renewed motion to dismiss appeal is granted.

CA08-1419. Mary Ann Kizer v. Dale Kizer, from Jefferson Circuit. Appellant's motion for additional brief time is granted. Final extension.

CA08-1449. Robert Maulding v. Price's Utility Contractors, Inc. et al., from Workers' Compensation Commission. Appellant's subsequent petition for writ of certiorari after filing of record on remand is denied.

CA08-1449. Robert Maulding v. Price's Utility Contractors, Inc., from Workers' Compensation Commission. Appellant's motion to seal record and brief is denied.

CA08-1449. Robert Maulding v. Price's Utility Contractors, Inc., from Workers' Compensation Commission. Appellant's challenge to Second Injury Fund's standing to plead is denied.

CA08-1475. Ryan Thone v. Rick Thone and Harriet Thone, from Pope Circuit. Appellees' motion to dismiss appeal is granted.

CA09-11. Darryl V. Talley, Sr. v. City of North Little Rock et al., from Pulaski Circuit, Thirteenth Division. Appellees' motion to correct the record is granted.

CA09-91. Karen Wright v. Arkansas Department of Human Services, from Conway Circuit. Appellant's motion to supplement the record is granted.

CA09-150. AT&T Advertising v. C.B. McBryde, from Washington Circuit. Motion of Steven R. Davis to be relieved as counsel for appellant is granted. Kinard, J., not participating.

CA09-167. West Memphis Adolescent Residential LLC v. J.T. Compton et al., from Crittenden Circuit. Appellant's motion to supplement the record and stay briefing schedule is granted.

CA09-184. Jennifer Reynolds and Raymond Reynolds v. Arkansas Department of Human Services, from Benton Circuit. Appellants' motion to supplement the record is granted.

CA09-231. Donald C. Hill v. Kimberly Hill, from Garland Circuit. Appellant's motion for stay pending appeal is denied.

CA09-239. Debra Ondrisek and Richard Ondrisek v. Arkansas Department of Human Services, from Miller Circuit. Motion of the Arkansas Public Defender Commission to be relieved and for substitution of counsel is granted. Pittman, J., not participating.

CA09-239. Debra Ondrisek and Richard Ondrisek v. Arkansas Department of Human Services, from Miller Circuit. Motion of Clay S. Conrad to be substituted as counsel and to appear pro hac vice is granted. Pittman, J., not

participating.

CA09-239. Debra Ondrisek and Richard Ondrisek v. Arkansas Department of Human Services, from Miller Circuit. Appellants' motion to stay brief time until resolution of motion to be relieved and for substitution of counsel is granted. Brief due within thirty days. Pittman, J., not participating.

CA09-244. Greg Seago v. Arkansas Department of Human Services, from Miller Circuit. Motion of the Arkansas Public Defender Commission to be relieved and for substitution of counsel is granted. Pittman, J., not participating.

CA09-244. Greg Seago v. Arkansas Department of Human Services, from Miller Circuit. Motion of Clay S. Conrad to be substituted as counsel and to appear pro hac vice is granted. Pittman, J., not participating.

CA09-244. Greg Seago v. Arkansas Department of Human Services, from Miller Circuit. Appellant's motion to stay brief time until resolution of motion to be relieved and for substitution of counsel is granted. Brief due within thirty days. Pittman, J., not participating.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA08-466. Wendy Evans, Arthur Evans and Frances Evans v. Shawn D. Deboer and SNL Distribution Services Corp., from Pulaski Circuit, Sixth Division.

CA08-517. Taylor Chaney v. Gina Kern, from Washington Circuit.

CA08-694. Reving Broussard, Patti Hamilton, Golddean Crownover, Byron Crownover and Lisa Norris v. Guy Jones, from Faulkner Circuit.

CA08-830. Armand Cesena v. Steve Gray, from Pulaski Circuit, Twelfth Division.

CA08-904. Keith E. Irons v. Arkansas Department of Finance and Administration, from Desha Circuit, Arkansas City District.

CACR07-1292. Michael Lee Layton v. State of Arkansas, from Columbia Circuit. Amended motion of Scott A. Strain for attorney's fees and costs.

CACR08-303. Latoshia N. Dotson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR08-419. Walter R. Robertson II v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR08-620. Jeffery Wayne Winston v. State of Arkansas, from Greene Circuit. Motion of Kristofer E. Richardson for attorney's fees.

CACR08-634. Christopher Boyd Mathis v. State of Arkansas, from Arkansas Circuit, Southern District. Motion of Christopher H. Kinslow for costs and attorney's fees.

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

CACR08-831. Wendell Champlin v. State of Arkansas, from Grant Circuit. Motion of Gregory Crain for attorney's fees.

CACR08-939. Ricky Montgomery v. State of Arkansas, from Union Circuit. Motion of Robert N. Jeffrey for attorney's fees.

CACR08-1002. Keith Owens v. State of Arkansas, from Sebastian Circuit, Greenwood District. Appellee's motion to supplement the record.

CACR08-1124. Tania Jones v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellant's motion to expand page limit.

CACR08-1124. Tania Jones v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellant's motion to stay briefing schedule and for brief time.

CACR08-1439. Phillip Gray v. State of Arkansas, from Ashley Circuit. Appellant's motions to file belated brief.

CACR08-1501. Travis D. Taylor v. State of Arkansas, from Crittenden Circuit. Appellant's petition for writ of certiorari to complete the record.

CA08-1293. Edmundo Rogerse v. National Account Systems, Inc. Appellant's motion for extension of brief time.

CA09-86. K. L., a Minor v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion of Sara M. Hartness to be relieved, for substitution of counsel, for leave for appellant to proceed in forma pauperis and for extension of brief time.

CA09-251. Julius S. Morehead v. Valerie R. Morehead, from Ouachita Circuit. Appellant's motion to supplement the record to include exhibits from trial and for extension of brief time.

SUBMISSIONS

CA08-751. Roberts Contracting Company, Inc. v. Valentine-Wooten Road Public Facility Board and Pulaski County, Arkansas, from Pulaski Circuit, Thirteenth Division. Argued orally.

CACR08-523. Joseph Sherman v. State of Arkansas, from Mississippi Circuit, Chickasawba District.

CACR08-971. Charles Alvin Winberry v. State of Arkansas, from Crawford Circuit.

CACR08-998. Oscar Wood Stanley v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR08-1040. Christopher Todd Hamilton v. State of Arkansas, from Ouachita Circuit.

CACR08-1048. Johnny Razor v. State of Arkansas, from Mississippi Circuit, Chickasawba District.

CACR08-1119. Jerry Champion v. State of Arkansas, from Union Circuit.

CA08-566. James McCutcheon v. Kathy McCutcheon Koughl, from Benton Circuit.

CA08-623. South Flag Lake, Inc. v. Henrietta Gordan, from Arkansas Circuit, Southern District.

CA08-799. Kenny Baty v. Helena Chemical Company et al., from Workers' Compensation Commission.

CA08-850. Aubrey Mobley v. Jerry Evans and Diane Evans, from Randolph Circuit.

CA08-872. J. Sky Tapp v. Lance Landers, from Independence Circuit.

CA08-1016. JARSEW, LLC et al. v. Green Tree Servicing, LLC, from Crawford Circuit.

CA08-1025. Lisa Whitworth v. Waymond Edward Whitworth, Jr., from Grant Circuit.

CA08-1075. Steve Wolfe v. Michael Stevens et al., from Benton Circuit.

CA08-1110. Robert Lynn Anderson v. Sherri Lynn Anderson, from Washington Circuit.

CA08-1183. Henry Charles Hollins v. Chinnie Lee Hollins, from Miller Circuit.

CA08-1235. George T. Ransom v. Lyndel Ransom, from Hot Spring Circuit.

CA08-1244. Martha Finch v. Springhill Surgery Center, LLC et al., from Workers' Compensation Commission.

CA08-1303. Martha Taggart v. Mid America Packaging, from Workers' Compensation Commission.

CA08-1311. Bobby Stewart v. Arkansas Glass Containment, from Workers' Compensation Commission.

CA08-1329. Death & Permanent Total Disability Fund et al. v. Michael C. Knauls, from Workers' Compensation Commission.

CA08-1340. William Bean v. Global Geophysical Services et al., from Workers' Compensation Commission.

CA08-1406. Yolanda Lyons v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District.