

ARKANSAS COURT OF APPEALS

Opinions delivered
April 8, 2009

LARRY D. VAUGHT, CHIEF JUDGE:

CA08-812. David Basham v. State of Arkansas, from Craighead Circuit, Western District. Affirmed. Hart and Brown, JJ., agree. UNPUBLISHED

CA08-915. Lonnie Dean Vickers v. State of Arkansas, from Garland Circuit. Affirmed. Hart and Brown, JJ., agree. UNPUBLISHED

CA08-685. Patricia White v. Ralph G. King and King Contractors, Inc., from Crittenden Circuit. Affirmed. Hart and Brown, JJ., agree. UNPUBLISHED

JOHN MAUZY PITTMAN, JUDGE:

CA08-1005. April Krass v. Arkansas Department of Human Services, from Garland Circuit. Affirmed; Motion to Withdraw Granted. Gladwin, Henry, and Brown, JJ., agree. Hart and Baker, JJ., dissent. PUBLISHED

CA08-1140. Built Well Construction Co. v. Jorge Vera, from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Gladwin and Henry, JJ., agree. UNPUBLISHED

ROBERT J. GLADWIN, JUDGE:

CA08-312. M.H., Juvenile v. State of Arkansas, from Franklin Circuit, Northern District. Affirmed. Pittman and Henry, JJ., agree. UNPUBLISHED

JOHN B. ROBBINS, JUDGE:

CA08-1305. Jimmy Slavens v. Conform, Inc., Companion Property & Casualty Group and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Kinard and Baker, JJ., agree. UNPUBLISHED

M. MICHAEL KINARD, JUDGE:

CA08-717. Darrell W. Diggs v. Cattlemen's Livestock Market, Inc., and Commerce and Industry Insurance Co., from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Hart, Glover and Henry, JJ., agree. Vaught, C.J., and Gladwin, J., dissent. PUBLISHED

CA08-1068. James W. Allen, II v. Allen Heating & Cooling, Inc. and Cambridge Integrated Services, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins and Baker, JJ., agree. UNPUBLISHED

RITA W. GRUBER, JUDGE:

CA08-846. David Pyle v. Woodfield, Inc. and Retention Management Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Baker, J., agrees. Pittman, J., concurs. PUBLISHED

CA08-1153. Debra Franklin v. Wal-Mart Stores, Inc. and Claim Management, Inc., from the Arkansas Workers'

Compensation Commission. Affirmed. Glover and Marshall, JJ., agree. UNPUBLISHED

DAVID M. GLOVER, JUDGE:

CACR08-1018. Darryl Kent Medlock v. State of Arkansas, from Crawford Circuit. Affirmed. Gruber and Marshall, JJ., agree. UNPUBLISHED

CA08-600. Kathy Travis Gilbow v. Patrick Travis, from Benton Circuit. Affirmed in Part; Reversed in Part and Remanded with Instructions. Hart and Henry, JJ., agree. UNPUBLISHED

CA08-1122. Tom Gass, Special Administrator of the Estate of Velta Lewis Gass, Deceased v. QHG of Springdale, Inc., d/b/a Northwest Medical Center of Washington County, from Boone Circuit. Affirmed. Gruber and Marshall, JJ., agree. UNPUBLISHED

D.P. MARSHALL JR., JUDGE:

CACR08-1094. Robert Earl Webb v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Gruber and Glover, JJ., agree. UNPUBLISHED

CA08-1036. Michael Lagasse, Kristi Lagasse, Floyd Wiedower and Betty Wiedower v. Brian K. Strait and Delana W. Strait, from White Circuit. Dismissed. Gruber and Glover, JJ., agree. UNPUBLISHED

COURTNEY HUDSON HENRY, JUDGE:

CACR08-931. John Willie Webb v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Pittman and Gladwin, JJ., agree. UNPUBLISHED

CA08-601. CEI Engineering Associates, Inc. v. Elder Construction Co., from Washington Circuit. Affirmed in Part; Reversed and Remanded in Part. Pittman and Gladwin, JJ., agree. PUBLISHED

CA08-908. Leilani C. Grisham (Fieber) v. Brian E. Grisham, from Pulaski Circuit, Fourteenth Division. Affirmed. Pittman and Gladwin, JJ., agree. UNPUBLISHED

KAREN R. BAKER, JUDGE:

CACR08-946. Richard Reed v. State of Arkansas, from Saline Circuit. Affirmed. Robbins and Kinard, JJ., agree. UNPUBLISHED

CACR08-967. Jonathan Goodman v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Kinard, J., agrees. Robbins, J., concurs. PUBLISHED

CA08-1039. Caleb Meadough and Flotilla Meadough v. Marquan L. Bulliner, from Pulaski Circuit, Sixteenth Division. Affirmed. Robbins and Kinard, JJ., agree. UNPUBLISHED

WAYMOND M. BROWN, JUDGE:

CACR08-996. Michael Anthony Brown v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Vaught, C.J., and Hart, J., agree. UNPUBLISHED

PER CURIAM DECISIONS

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

CACR08-759. Dwayne Clarence Durell v. State of Arkansas, from Washington Circuit. Hart, J., concurs. See **concurrence** this date. UNPUBLISHED

CA08-466. Wendy Evans, Arthur Evans and Frances Evans v. Shawn D. Deboer and SNL Distribution Services Corporation, 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 is granted. Allowed \$1,400.00.

CACR08-303. Latoshia N. Dotson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$750.00.

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 is granted. Allowed \$1,000.00.

CACR08-620. Jeffery Wayne Winston v. State of Arkansas, from Greene Circuit. Motion of Kristofer E. Richardson for attorney's fees is granted. Allowed \$1,400.00.

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

CACR08-831. Wendell Champlin v. State of Arkansas, from Grant Circuit. Motion of Gregory Crain for attorney's fees is granted. Allowed \$1,400.00.

CACR08-939. Ricky Montgomery v. State of Arkansas, from Union Circuit. Motion of Robert N. Jeffrey for attorney's fees is granted. Allowed \$1,400.00.

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

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

CACR08-1124. Tania Jones v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellant's motion to stay briefing schedule and for brief time is granted. Brief due April 18, 2009.

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

CACR08-1501. Travis D. Taylor v. State of Arkansas, from Crittenden Circuit. Appellant's petition for writ of certiorari to complete the record is granted. Supplement due within thirty days. Brief due within thirty days thereafter.

CACR09-165. Rafael Gonzalez v. State of Arkansas, from Sevier Circuit. Motion of Norman G. Cox to withdraw and to substitute Kathy L. Hall as attorney for appellant is granted. Appellant's brief due May 18, 2009.

CACR09-212. Trozzie Lavelle Turner v. State of Arkansas, from Columbia Circuit. Motion of John Wesley Hall, Jr. to be substituted as counsel for appellant is granted. Appellant's brief due May 18, 2009.

CA08-1293. Edmundo Rogers v. National Account Systems, Inc., from Benton Circuit. Appellant's motion for additional brief time is denied.

CA09-86. K. L., a Minor v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion of Sara M. Hartness to be relieved and for substitution of counsel is denied. Leave granted for appellant to proceed in forma pauperis. Sara M. Hartness is appointed to represent the appellant on appeal. Brief due within thirty days.

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 is granted.

CA09-280. Rebecca Burtram v. Arkansas Department of Human Services, from Arkansas Circuit, Southern District. Motion of Nina Pamplin to be relieved as counsel for appellant is denied. Appellant's brief due May 8, 2009.

MOTIONS SUBMITTED

CACR08-1061. Diana Michelle Carter v. State of Arkansas, from Ouachita Circuit. Motion of David W. Talley, Jr., for attorney's fees.

CACR08-1215. Carlos Keck v. State of Arkansas, from Saline Circuit. Appellee's motion to dismiss appeal.

CACR08-1215. Carlos Keck v. State of Arkansas, from Saline Circuit. Appellant's motion to file belated brief and for brief time.

CACR08-1221. Ymari Boyce Reid v. State of Arkansas, from Jefferson Circuit. Appellant's motion to file belated brief.

CACR09-311. Deangelo Dewayne Dillard v. State of Arkansas, from Crittenden Circuit. Motion of Richard West to be relieved and for appointment of counsel.

CA08-253. Lance Henry and Crystal Henry v. Amanda Parker, from Pulaski Circuit, Sixth Division. Appellants' motion for reconsideration of denial of motion for attorney's fees.

CA08-970. Arthur Fenrich v. Citizens Bank of Batesville, Arkansas et al., from Independence Circuit. Appellant's amended motion for revivor and for the appointment of a special administrator.

CA08-1133. Progreen Sport Surfaces et al. v. Lasiter Construction, Inc., from Pulaski Circuit, Third Division. Appellee/Cross-Appellant's motion to supplement the record and file a substituted supplemental addendum.

CA08-1230. Helen Virginia Coan Estate v. Joseph William Patrick Coan Estate, from Ouachita Circuit. Joint motion for stay.

CA08-1383. PH, LLC v. City of Conway, Arkansas, from Faulkner Circuit. Motion of National Association of Home Builders to file Amicus Curiae brief.

CA08-1418. Reginald Dent v. John Westin Concrete et al., from Workers' Compensation Commission. Appellees' motion to dismiss appeal.

CA08-1418. Reginald Dent v. John Westin Concrete, from Workers' Compensation Commission. Appellant's pro se motion granting stay and to file a belated brief.

CA09-149. Kaedon Steinert d/b/a Hurricane Express, Inc., et al. v. Workers' Compensation Commission, from Workers' Compensation Commission. Appellants' motion to expand page limitation and for brief time.

SUBMISSIONS

CACR08-782. Detriawn Wade v. State of Arkansas, from Crittenden Circuit.

CACR08-881. Bryon Carle v. State of Arkansas, from Greene Circuit.

CACR08-905. Charles T. Bagley v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR08-1001. Clarence E. Williams v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR08-1012. Chris Hale v. State of Arkansas, from Marion Circuit.

CACR08-1118. Richard Donnell George v. State of Arkansas, from Miller Circuit.

CA08-247. Julie Davis v. Deric Sheriff, from Lonoke Circuit.

CA08-581. Steven Pollard v. Stephanie Pollard, from Pulaski Circuit, Thirteenth Division.

CA08-746. James Merlin Hawk v. Julie Hawk Osborn, from Faulkner Circuit.

CA08-970. Arthur Fenrich v. Citizens Bank of Batesville, Arkansas, from Independence Circuit.

CA08-1026. Joseph T. Ellzey, Sr. v. Brookhollow Associates, L.P., from Faulkner Circuit.

CA08-1053. Palani Karupaiyan v. Metropolitan Emergency Medical Services, from Pulaski Circuit, Sixteenth Division.

CA08-1123. Jessica Lee Lambert v. Lewis Dale Lambert, from Yell Circuit, Southern District.

CA08-1201. Damon Wilson v. Wal-Mart Associates, Inc., from Workers' Compensation Commission.

CA08-1216. Harold Crane v. Melissa Taliaferro, from Searcy Circuit.

CA08-1267. Aegon Insurance, USA et al. v. Deann Durham-Gilpatrick, from Workers' Compensation Commission.

CA08-1269. Harold Harrison and Craig Harrison v. Keith Capps, from White Circuit.

CA08-1298. Pharmerica v. Marlene Seratt, from Workers' Compensation Commission.

CA08-1322. Zachary Colt Carter and Sherron M. Carter v. State of Arkansas, from Washington Circuit.

CA08-1372. Scott Jones v. Sherwood Pontiac, Buick, GMC Company, from Workers' Compensation Commission.

CA08-1377. Darold Bruton v. Van Buren Pipe Corporation et al., from Workers' Compensation Commission.

CA08-1409. Lisa Curran v. Arkansas Department of Human Services, from Pulaski Circuit, Tenth Division.

CA08-1410. Sandra P. Erwin v. Riverside Furniture Corporation, from Workers' Compensation Commission.

CA08-1429. Carla Childress v. Arkansas Department of Human Services, from Lonoke Circuit.

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

E08-220. Rosemary Hamlin v. Director et al.

E08-221. Ruth Clifton v. Director et al.

E08-223. Danny Bailey v. Director et al.

E08-224. Evelyn Akins v. Director et al.

E08-225. Ineice Brooks v. Director et al.

E08-226. James Monta Brown v. Director et al.

E08-227. Vence L. Johnson v. Director et al.

E08-228. Duane T. Nesdaahl v. Director et al.

E08-229. Vanessa D. Vaughn v. Director et al.

E09-1. Dorothy M. Scott v. Director et al.

E09-2. Steven L. Carpenter v. Director et al.

E09-4. Dolores L. Thomas v. Director et al.