

ARKANSAS COURT OF APPEALS

Opinions delivered
April 29, 2009

LARRY D. VAUGHT, CHIEF JUDGE:

CA08-1359. B.M.S. v. State of Arkansas, from Lonoke Circuit. Affirmed. Marshall and Baker, JJ., agree. UNPUBLISHED

CA08-1428. Stephen Colebank v. T.J. Maxx and CNA Insurance Companies, from the Arkansas Workers' Compensation Commission. Affirmed. Marshall and Baker, JJ., agree. UNPUBLISHED

JOSEPHINE LINKER HART, JUDGE:

CACR08-1019. Robert Lavern Burton v. State of Arkansas, from Garland Circuit. Affirmed. Gladwin and Kinard, JJ., agree. UNPUBLISHED

CA08-913. W.K. v. State of Arkansas, from Grant Circuit. Affirmed. Gladwin and Kinard, JJ., agree. UNPUBLISHED

CA08-1149. North Little Rock School District and Risk Management Resources v. Cindy Lybarger and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Robbins, Kinard and Baker, JJ., agree. Vaught, C.J., and Brown, J., dissent. PUBLISHED

ROBERT J. GLADWIN, JUDGE:

CA08-1013. RWR Properties, Inc. v. M. Pauline Young, et al., from Jefferson Circuit. Affirmed. Hart and Kinard, JJ., agree. PUBLISHED

JOHN B. ROBBINS, JUDGE:

CACR08-1218. Johnny Warner v. State of Arkansas, from Miller Circuit. Affirmed. Pittman and Gruber, JJ., agree. UNPUBLISHED

CA08-1171. Sherry Meeks v. Calvin Horn and Angela Horn, from Montgomery Circuit. Affirmed. Pittman and Gruber, JJ., agree. UNPUBLISHED

M. MICHAEL KINARD, JUDGE:

CA08-1303. Martha Taggart v. Mid America Packing and Continental Casualty Company, from the Arkansas Workers' Compensation Commission. Reversed and Remanded in Part; Affirmed in Part. Robbins and Baker, JJ., agree. PUBLISHED

RITA W. GRUBER, JUDGE:

CA08-1216. Harold Crane v. Melissa Taliaferro, from Searcy Circuit. Affirmed. Pittman and Robbins, JJ., agree. PUBLISHED

CA08-1275. Terry A. Hatch v. William Paul Hatch, from Jackson Circuit. Affirmed. Pittman and Robbins, JJ., agree.

PUBLISHED

DAVID M. GLOVER, JUDGE:

CA08-1269. Harold Harrison and Craig Harrison v. Keith Capps, from White Circuit. Affirmed. Henry and Brown, JJ., agree. UNPUBLISHED

CA08-1345. Gary Seal v. Ryder Integrated Services, Inc., Ryder Services, Inc., Meyer's Bakeries, Inc., and AIG Claim Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Henry and Brown, JJ., agree. UNPUBLISHED

CA08-1450. James Carpenter v. Arkansas Department of Human Services, from Craighead Circuit, Western District. Affirmed; Motion to Withdraw Granted. Henry and Brown, JJ., agree. UNPUBLISHED

D.P. MARSHALL JR., JUDGE:

CA08-1304. Melvin Sams v. Crabtree RV Center, Inc., AIG Claim Services, Second Injury Fund and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Baker, J., agree. UNPUBLISHED

CA08-1322. Zachary Colt Carter and Sherron M. Carter v. State of Arkansas, from Washington Circuit. Affirmed. Vaught, C.J., and Baker, J., agree. PUBLISHED

CA08-1471. Sharon Jones v. Arkansas Department of Health & Human Services and Minor Child, from Pulaski Circuit, Eighth Division. Affirmed; Motion to Withdraw Granted. Vaught, C.J., and Baker, J., agree. UNPUBLISHED

COURTNEY HUDSON HENRY, JUDGE:

CA07-1119. Kenneth Dewayne Eubanks v. Holly Jean Clem Eubanks, from Craighead Circuit, Western District. Affirmed. Glover and Brown, JJ., agree. UNPUBLISHED

CA08-1467. Willa Dean Smith v. Wal-Mart Associates, Inc., et al., from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Brown, JJ., agree. UNPUBLISHED

KAREN R. BAKER, JUDGE:

CACR08-782. Detriawn Wade v. State of Arkansas, from Crittenden Circuit. Affirmed. Vaught, C.J., and Marshall, J., agree. PUBLISHED

CA08-247. Julie Davis v. Deric Sheriff, from Lonoke Circuit. Affirmed. Vaught, C.J., and Marshall, J., agree. PUBLISHED

CA08-850. Aubrey D. Mobley v. Jerry Evans and Diane Evans, from Randolph Circuit. Reversed and Remanded. Robbins and Kinard, JJ., agree. PUBLISHED

CA08-1390. Rafael Ballesteros v. Tyson Poultry, Inc., and Tynet Corporation, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Marshall, J., agree. PUBLISHED

WAYMOND M. BROWN, JUDGE:

CACR07-1025. Woodruff Thomas Sparacio v. State of Arkansas, from Crawford Circuit. Affirmed. Glover and Henry, JJ., agree. UNPUBLISHED

CACR08-881. Bryon Carle v. State of Arkansas, from Greene Circuit. Reversed and Remanded. Glover and Henry, JJ., agree. UNPUBLISHED

CA09-34. Ashley Fortenberry v. Arkansas Department of Human Services, from Faulkner Circuit. Affirmed. Glover and Henry, JJ., agree. UNPUBLISHED

PER CURIAM OPINION:

CA08-1213. Robert Cleary v. Sledge Properties, Inc., from Drew Circuit. Appeal Dismissed. UNPUBLISHED

PER CURIAM ORDERS

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

CA07-1123. Ora Lee Williams v. R. S. McCullough, from St. Francis Circuit.

CA08-1229. Kimberly D. Harris v. Columbia Sewing Company, Inc., from Workers' Compensation Commission.

CACR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Appellant's pro se motion for appointment of counsel is granted. Tim Cullen is appointed to represent appellant.

CACR08-915. Lonnie Dean Vickers v. State of Arkansas, from Garland Circuit. Motion of Tim Beckham for attorney's fees is granted. Allowed \$1,400.00.

CACR08-1119. Jerry Champion v. State of Arkansas, from Union Circuit. Motion of Robert N. Jeffrey for attorney's fees is granted. Allowed \$900.00.

CACR09-158. Jimmy D. Burdette v. State of Arkansas, from Crawford Circuit. Appellant's pro se motion to substitute/correct brief is granted.

CACR09-341. Jesus Tapia v. State of Arkansas, from Sevier Circuit. Motion of Norman G. Cox to withdraw as counsel and for substitution of Jason Kearney as counsel for appellant is granted.

CA08-876. St. Edward's Mercy Medical Center et al. v. Cassandra Richards Wilson, from Workers' Compensation Commission. Appellee's motion for attorney's fees is granted.

CA08-908. Leilani C. Grisham (Fieber) v. Brian E. Grisham, from Pulaski Circuit, Fourteenth Division. Appellee's motion for attorney's fees is denied. Costs assessed on mandate.

CA08-1139. Gene Ludwig v. Bella Casa, LLC, from Pulaski Circuit, Sixth Division. Resubmission of appellees' motion for leave to supplement the record and to file a substituted abstract is granted. See **per curiam** this date. UNPUBLISHED

CA08-1170. Jason Shively v. Michelle Shively (Plautz), from Cleburne Circuit. Appellee's motion to file supplemental abstract is granted.

CA08-1361. Sylvia Bell et al. v. Thomas Simms and Leann Simms, from Sebastian Circuit, Fort Smith District. Appellants' motion to file non-conforming reply brief is granted.

CA09-49. Clayron Rasberry v. Anessa Rasberry, from Jefferson Circuit. Appellant's motion to seal the record is denied without prejudice.

CA09-79. Kennedy Funding, Inc. v. Virgil W. Shelton et al., from Pulaski Circuit, Sixth Division. Appellant's motion to remand to the trial court to correct the record is granted. Corrected record due within thirty days. Pittman and Marshall, JJ., not participating.

CA09-79. Kennedy Funding, Inc. v. Virgil W. Shelton et al., from Pulaski Circuit, Sixth Division. Appellant's motion to stay briefing schedule is granted. Brief due thirty days after record on remand is filed. Pittman and Marshall, JJ., not participating.

CA09-117. Phil Stratton, Estate of Carolyn Glover Stratton v. Cathy Sullivan, from Faulkner Circuit. Appellee's motion to supplement the record and for modification of briefing schedule is granted. Supplemental record due within thirty days. Appellee's brief due within thirty days thereafter.

CA09-188. J.S., a Minor v. State of Arkansas, from Benton Circuit. Motion of Joel O. Huggins to be relieved as counsel for appellant and for substitution of Jeff Rosenzweig is granted.

CA09-188. J.S., a Minor v. State of Arkansas, from Benton Circuit. Motion of Jeff Rosenzweig to be substituted as counsel for appellant is granted. Brief filed this date.

CA09-257. Vickie Hall v. Timothy Bias and Rennea Bias, from Crawford Circuit. Appellees' notice of bankruptcy is so noted. Briefing schedule stayed for six months.

CA09-264. Robert Maulding v. Price's Utility Contractors, Inc. et al., from Workers' Compensation Commission. Appellant's motion to withdraw appeal is granted.

CA09-264. Robert Maulding v. Price's Utility Contractors, Inc. et al., from Workers' Compensation Commission. Appellee Second Injury Fund's motion for costs is denied.

CA09-354. J. D. Ashley, Sr., by and through Charolette Ashley v. The J.D. Ashley, Sr. Family Limited Partnership et al., from Pulaski Circuit, Ninth Division. Appellees' motion to dismiss appeal is granted. Kinard and Gruber, JJ., not participating.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA08-681. Jackie Donald Hoffarth v. Anna Harp, from Benton Circuit.

CA08-983. Clemons Timber, Inc. and Deltic Timber Corporation v. American Interstate Insurance Co., from Cleburne Circuit.

CA08-1066. Richard E. Brooks v. R. A. Brooks Trucking Co. and Retention Management Services, from Workers' Compensation Commission.

CACR08-998. Oscar Wood Stanley v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees.

CACR08-1012. Chris Hale v. State of Arkansas, from Marion Circuit. Motion of Michael Hodson for attorney's fees.

CACR08-1048. Johnny Razor v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Motion of Charles E. Ellis for attorney's fees.

CACR08-1285. Connie Watkins v. State of Arkansas, from Greene Circuit. Appellant's pro se petition for writ of error coram nobis.

CACR08-1285. Connie Watkins v. State of Arkansas, from Greene Circuit. Appellant's motion to stay brief time.

CACR09-298. Gary J. Mason v. State of Arkansas, from Scott Circuit. Appellant's motion to seal brief.

CA08-1488. Bank of the Ozarks v. Jim Wood Company, Inc., from Pulaski Circuit, First Division. Appellant's motion for oral argument.

CA08-1511. Carl Bolt v. Bailey Paint Company, Inc., from Workers' Compensation Commission. Appellant's pro se motion for time to correct brief.

SUBMISSIONS

CA08-982. Nationwide Assurance Company v. Michael Lobov, from Washington Circuit. Argued orally.

CA08-1200. Robert Greenwood and Dorothy Greenwood, as Personal Representatives v. Clifford Anderson, Jr., from Lawrence Circuit. Argued orally.

CACR08-1064. Tyrone D. Thompson v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR08-1093. Allen L. Lampkin v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR08-1098. Michael Williams v. State of Arkansas, from Chicot Circuit.

CACR08-1102. Michael Shane Wilmoth v. State of Arkansas, from Benton Circuit.

CACR08-1158. Keeley S. White v. State of Arkansas, from Faulkner Circuit.

CACR08-1192. Demetrius Torrence v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR08-1202. James Albert Walker v. State of Arkansas, from Faulkner Circuit.

CACR08-1250. Kenneth Riley v. State of Arkansas, from Miller Circuit.

CACR08-1279. Rakim Farrakan v. State of Arkansas, from Pulaski Circuit, First Division.

CACR08-1295. Terrance Quartez Jarrett v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR08-1307. Elliot Eugene Flowers v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR08-1309. Larry Wickham v. State of Arkansas, from Marion Circuit.

CA08-726. Allen Engineering Corp. et al. v. Roy E. Green et al., from Workers' Compensation Commission.

CA08-870. John Adams and Marie Adams v. Bill Moody, from Baxter Circuit.

CA08-1006. Kenneth R. White v. Erika L. White, from Jefferson Circuit.

CA08-1182. Monte R. Pike and Sandy Pike v. Janice Spradlin, Executrix of the Estate of Carrie Olga Boling, Deceased et al., from Benton Circuit.

CA08-1226. Troy Butcher, Guardian v. Diane Beatty, Personal Representative, from Hot Spring Circuit.

CA08-1246. Wilma M. Kelley and Grover A. Kelley v. Douglas Trager et al., from Scott Circuit.

CA08-1283. Harvey Eugene Chambers v. Anne Walker Ratcliff, from Washington Circuit.

CA08-1395. R. G. Skinner and Susan M. Skinner v. Thomas L. Seliga et al., from Benton Circuit.

CA08-1426. Norwood Logging, Inc. et al. v. David Lewis, from Workers' Compensation Commission.