

ARKANSAS COURT OF APPEALS

Opinions delivered
October 28, 2009

LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-222. Colten Cockrell v. State of Arkansas, from Pulaski Circuit, Second Division. Reversed and Remanded. Hart, Gladwin, and Glover, JJ., agree. Gruber and Henry, JJ., dissent

CA09-234. Steven W. Piper v. Potlatch Federal Credit Union, from Drew Circuit. Reversed; Default Judgment Vacated; Complaint Dismissed. Gladwin and Marshall, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR09-505. Routy Abernathy v. State of Arkansas, from Sebastian Circuit, Greenwood District. Affirmed. Pittman and Glover, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CACR09-574. Bobby J. May v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Marshall, J., agree.

CA09-667. Brandi Flowers v. Arkansas Department of Human Services and Minor Child, from Pulaski Circuit, Eighth Division. Affirmed; Motion to Withdraw Granted. Vaught, C.J., and Marshall, J., agree.

JOHN B. ROBBINS, JUDGE:

CACR08-1430. Joe Anthony Simmons v. State of Arkansas, from Washington Circuit. Affirmed. Kinard and Henry, JJ., agree.

CA09-125. Neal Hollingsworth v. Courtney Hollingsworth, from Washington Circuit. Rebriefing Ordered. Kinard and Henry, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CACR08-1391. Felipe Nevarez Ibarra v. State of Arkansas, from Washington Circuit. Affirmed. Pittman and Brown, JJ., agree.

CA08-624. James Herrington et. al. v. Ford Motor Co., Inc., from Washington Circuit. Rebriefing Ordered. Robbins and Henry, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR09-192. Souvanny Mingboupha v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Baker and Brown, JJ., agree.

CA09-188. J.S., a Minor v. State of Arkansas, from Benton Circuit. Affirmed. Baker and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

CACR09-236. Theotrice Mitchell v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Pittman and Hart, JJ., agree.

D. P. MARSHALL JR., JUDGE:

CACR08-1447. Blake Dowell McKenzie v. State of Arkansas, from Carroll Circuit. Reversed. Vaught, C.J., and Gladwin, J., agree.

CA09-195. R.A.S. v. State of Arkansas, from Benton Circuit. Affirmed. Vaught, C.J., and Gladwin, J., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR09-209. Tyrice Bradley v. State of Arkansas, from Monroe Circuit. Affirmed. Robbins and Kinard, JJ., agree.

CACR09-372. Derrick Dishman v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Robbins and Kinard, JJ., agree.

KAREN R. BAKER, JUDGE:

CA09-611. Hlamba Bell v. Arkansas Department of Health and Human Services, from Pulaski Circuit, Eighth Division. Affirmed; Motion to Withdraw Granted. Gruber and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CA09-442. United Farms, Inc., and Ag-Comp SIF v. Jessie Gist, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Baker, JJ., agree.

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).

E09-93. Regina F. Jacob v. Director et al.

E09-94. Zina F. Jones v. Director et al.

E09-95. Larry E. Porter v. Director et al.

E09-96. Shameka L. Giles v. Director et al.

E09-97. Bryan W. Gillespie v. Director et al.

E09-98. Randall R. Randolph v. Director et al.

E09-99. Tina M. Becker v. Director et al.

E09-100. Leotis D. Kindle v. Director et al.

E09-101. Katheryn K. Nicholson v. Director et al.

E09-102. Willie Wade, Jr. v. Director et al.

E09-103. Tricia B. Bradley v. Director et al.

E09-104. Patricia L. Bland v. Director et al.

PER CURIAM ORDERS

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

CA08-1256. Donna Hanna v. Burt Hanna, from Washington Circuit.

CACR08-1501. Travis D. Taylor v. State of Arkansas, from Crittenden Circuit. Motion of Bart Ziegenhorn for attorney's fees is granted. Allowed \$1,400.00.

CACR08-1508. Knight Michael Vorachith v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Barry D. Neal for attorney's fees is granted. Allowed \$1,400.00.

CACR09-9. Leroy Stevenson v. State of Arkansas, from Craighead Circuit, Western District. Appellee's motion to file a belated return of writ of certiorari is granted. Record deemed supplemented. Appellee's brief due within ten days.

CACR09-45. Gregory A. Andrews v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees is granted. Allowed \$1,000.00.

CACR09-194. Aaron Marcus Stigger v. State of Arkansas, from Cleveland Circuit. Motion of N. Mark Klappenbach for attorney's fees is granted. Allowed \$1,400.00.

CACR09-405. Larry Eugene Barker v. State of Arkansas, from Baxter Circuit. Appellant's motion to correct the record and to stay brief time is remanded to the trial court to settle the record within thirty days. Clerk to set new briefing schedule upon return of remand.

CACR09-439. Joseph Stone, a/k/a Josiah Stone v. City of Fort Smith, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for extension of brief time. Granted 30 days. Final extension.

CACR09-794. Carl Douglas Colburn v. State of Arkansas, from Benton Circuit. Motion of Bryan Powell for substitution as counsel for appellant and for brief time is granted. Appellant's brief due within sixty days.

CACR09-905. Cedrick L. Mhoon v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to supplement the record is granted. Record deemed supplemented.

CA09-201. Gerald W. Fisher v. Community First Trust Company, Administrator et al., from Pulaski Circuit, Twelfth Division. Appellant's motion to dismiss appeal is granted.

CA09-677. Tim Cassinger v. Poinsett County Rice & Grain, Inc., from Craighead Circuit, Western District. Appellee's motion to supplement the record and to reset briefing schedule is remanded to the trial court to settle the record within thirty days. Appellee's brief due within thirty days thereafter. Marshall, J., not participating.

CA09-757. Patricia Milner et al. v. Rex Edward Luttrell, M.D., from Dallas Circuit. Appellants' petition for writ of certiorari to correct the record and stay brief time is denied without prejudice.

CA09-796. Rita C. Williams v. Michael B. Williams, from Yell Circuit, Northern District. Appellant's motion for additional brief time is granted. Brief due within forty-five days. Final extension.

CA09-830. Kevin Tull v. Tim Malaney, from Pulaski Circuit, Sixth Division. Motion of Cullen & Company, PLLC to withdraw as counsel for appellant and for brief time is granted.

Vaught, C.J., not participating.

CA09-896. Dillard's, Inc. et al. v. Elizabeth Johnson et al., from Workers' Compensation Commission. Appellee Second Injury Fund's motion to set separate briefing schedule is granted.

CA09-923. C. Bean Transport, Inc. et al. v. William Justice, from Workers' Compensation Commission. Motions to dismiss appeal are granted.

CA09-977. Steve Tallent v. Betty Brooks, from Pulaski Circuit, Sixth Division. Motion of Cullen & Company, PLLC to withdraw as counsel for appellant and for brief time is granted. Vaught, C.J., not participating.

CA09-1089. Donna Leaf v. Arkansas Department of Human Services, from Ouachita Circuit. Appellant's motion to strike circuit court's handwritten notes from the record is granted.

CA09-1108. Kathleen Lipps v. Robert Lipps, from Ouachita Circuit. Appellant's motion to supplement the record is granted.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CACR08-1207. Sonya Nate Mooney v. State of Arkansas, from Craighead Circuit, Western District.

CACR09-62. Naeem Hassan Rasul v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR09-158. Jimmy D. Burdette v. City of Van Buren, from Crawford Circuit.

CACR08-1412. James O. Williams v. State of Arkansas, from Saline Circuit. Motion of J. Brent Standridge for attorney's fees.

CACR09-56. Nicholas Gibbs v. State of Arkansas, from Crittenden Circuit. Motion of Alvin Schay for attorney fees.

CACR09-154. Melvin Hawthorne v. State of Arkansas, from Garland Circuit. Motion of Patrick J. Benca for attorney's fees.

CACR09-193. Loretta Bobbie Hodgson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Charles E. Smith for attorney's fees.

CACR09-730. Ruth Ann Lagoy v. State of Arkansas, from Stone Circuit. Appellant's motion for waiver of abstracting State's exhibit seven.

CA09-663. Dorothy Johnson v. Wackenhut Corporation et al., from Workers' Compensation Commission. Appellees' motion to dismiss appeal.

CA09-665. Rosemarie Clampitt v. James P. Geurin et ux., from Garland Circuit. Appellant's motion for amendment to opening brief to be filed as timely.

CA09-777. Sandra Hobson v. Donald Holloway, from Prairie Circuit, Southern District. Appellant's motion to file belated reply brief.

CA09-815. Brittany Piggee v. The Kroger Company et al., from Workers' Compensation Commission. Appellees' second motion to dismiss appeal.

CA09-907. Mark N. Erickson v. Tina K. Erickson, from Pulaski Circuit, Seventeenth Division. Appellant's motion to correct the record and to extend brief time.

CA09-973. Thurstle Mullen v. Mike Taylor et al., from Crawford Circuit. Appellant's pro se motion for stay of time for filing of appellant's brief pending court of appeals ruling on whether circuit court order is a final order for appeal purposes.

SUBMISSIONS

CA09-419. Curt Bean Transport, Inc. v. Lawrence Hill, from Workers' Compensation Commission. Argued orally.

CACR08-1285. Connie Watkins v. State of Arkansas, from Greene Circuit.

CACR09-288. Ronnie Dean Davis v. State of Arkansas, from Jackson Circuit.

CACR09-291. Mirna Luz Marin and Jose E. Marin-Mendez v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR09-360. Reginald Dunahue v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR09-395. Sherman Watson v. State of Arkansas, from Hot Spring Circuit.

CACR09-589. Richard Lea Colvin v. State of Arkansas, from Faulkner Circuit.

CACR09-631. Pedro Lopez v. State of Arkansas, from Lonoke Circuit.

CA08-1170. Jason Shively v. Michelle Shively Plautz, from Cleburne Circuit.

CA09-21. Jeff Nix et al. v. Sidney R. Owen et ux., from Lincoln Circuit.

CA09-147. Leonard D. McCracken v. Tammy G. McCracken, from Conway Circuit.

CA09-216. Robert Spriggs v. Arkansas Local Police & Fire Retirement Board, from Pulaski Circuit, Thirteenth Division.

CA09-244. Greg Seago v. Arkansas Department of Human Services, from Miller Circuit.

CA09-350. Alfonso Reid v. Arkansas Department of Human Services, from Miller Circuit.

CA09-351. Brian Broderick v. Arkansas Department of Human Services, from Miller Circuit.

CA09-362. Arlands, LLC v. Farmers Bank & Trust Company, from Mississippi Circuit, Chickasawba District.

CA09-451. Chrissy Nunnenman (now Marshall) v. Shervenia Gruggs, Executrix et al., from Garland Circuit.

CA09-480. SSI, Inc. et al. v. George W. Cates, from Workers' Compensation Commission.

CA09-482. Billy Dotson v. Little Rock National Airport, from Workers' Compensation Commission.

CA09-483. Associated Building & Development v. Robert Newby, from Workers' Compensation Commission.

CA09-524. Ayers Drywall & Insulation v. Ronald Carey, from Workers' Compensation Commission.

CA09-726. Karen Hardy v. Arkansas Department of Human Services, from Ashley Circuit.

CA09-849. M. T., a Minor v. State of Arkansas, from Craighead Circuit, Western District.