

# ARKANSAS COURT OF APPEALS

Opinions delivered  
June 24, 2009

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LARRY D. VAUGHT, CHIEF JUDGE:

CACR08-1086. Patricia McClanahan v. State of Arkansas, from Scott Circuit. Reversed and Dismissed. Pittman and Gladwin, JJ., agree. PUBLISHED

CA09-161. April Lechner v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District. Affirmed. Pittman and Gladwin, JJ., agree. UNPUBLISHED

JOHN MAUZY PITTMAN:

CACR07-467. Mack Leonard Eason v. State of Arkansas, from Crittenden Circuit. Affirmed. Marshall and Henry, JJ., agree. UNPUBLISHED

CACR08-402. Jermal Dotson v. State of Arkansas, from Hempstead Circuit. Affirmed. Vaught, C.J., and Gladwin, J., agree. UNPUBLISHED

CA08-952. Dustin Norwood and Dylan Norwood v. Cathy Sellers, Administratrix of the Estate of Thomas Norwood, from Craighead Circuit, Western District. Affirmed. Robbins and Gruber, JJ., agree. PUBLISHED

CA08-1227. Effie Collins v. Arkansas Board of Embalmers and Funeral Directors, from Pulaski Circuit, Sixteenth Division. Affirmed. Marshall and Henry, JJ., agree. PUBLISHED

JOSEPHINE LINKER HART, JUDGE:

CA08-1487. J. F. v. State of Arkansas, from Garland Circuit. Affirmed. Glover and Marshall, JJ., agree. UNPUBLISHED

ROBERT J. GLADWIN, JUDGE:

CACR08-1408. Corey J. Mosley v. State of Arkansas, from Miller Circuit. Rebriefing Ordered. Vaught, C.J., and Pittman, J., agree. UNPUBLISHED

CA08-871. Larry Johnson v. Alcoholic Beverage Control Division, from Pulaski Circuit, Fifth Division. Affirmed. Vaught, C.J., and Pittman, J., agree. UNPUBLISHED

JOHN B. ROBBINS, JUDGE:

CACR08-1389. Rodney A. Pankau v. State of Arkansas, from Washington Circuit. Affirmed. Gruber and Brown, JJ., agree. UNPUBLISHED

CA08-1017. Heather Michelle Ussery v. Buddy Michael Ussery, from Pulaski Circuit, Seventeenth Division. Affirmed. Gruber and Brown, JJ., agree. UNPUBLISHED

M. MICHAEL KINARD, JUDGE:

CACR08-1343. Deandrae Lewis v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Vaught, C.J., and Brown, J., agree. PUBLISHED

CA09-17. T.V., a Minor v. State of Arkansas, from Sevier Circuit. Affirmed. Henry and Baker, JJ., agree. UNPUBLISHED

D. P. MARSHALL JR., JUDGE:

CACR08-666. Leland Allen Radford v. State of Arkansas, from Crawford Circuit. Affirmed. Pittman and Henry, JJ., agree. UNPUBLISHED

CA08-1197. Arkansas Appraiser Licensing & Certification Board v. Peter Emig, from Union Circuit. Circuit Court Reversed; Board Affirmed. Hart and Glover, JJ., agree. UNPUBLISHED

COURTNEY HUDSON HENRY, JUDGE:

CACR08-1362. Francisco Gerado Rodriguez v. State of Arkansas, from Crawford Circuit. Affirmed. Pittman and Marshall, JJ., agree. PUBLISHED

CACR09-137. Felanta Williams v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Kinard and Baker, JJ., agree. UNPUBLISHED

KAREN R. BAKER, JUDGE:

CACR09-142. James Lee Elkins v. State of Arkansas, from Miller Circuit. Affirmed. Kinard and Henry, JJ., agree. UNPUBLISHED

CA08-128. Hempstead County Hunting Club, Inc., Schultz Family Management Company, Po-Boy Land Company, Inc., and Yellow Creek Corporation v. Public Service Commission, Southwestern Electric Power Company, and American Electric Power Company, from Arkansas Public Service Commission. Reversed. Hart, Gladwin, Gruber, Glover, and Brown, JJ., agree. Hart, J., concurs. PUBLISHED

CA08-1446. Lorrie Ann McNeil v. Donald Keith McNeil, from Marion Circuit. Reversed and Remanded. Kinard and Henry, JJ., agree. UNPUBLISHED

CA08-1151. John J. Bronakowski and Judith C. Bronakowski v. John R. Lindhurst and Lisa Lindhurst, from Marion Circuit. Affirmed. Vaught, C.J., agrees. Marshall, J., concurs. PUBLISHED

WAYMOND M. BROWN, JUDGE:

CACR09-31. Mary Joann Cole v. State of Arkansas, from Greene Circuit. Affirmed. Vaught, C.J., and Kinard, J., agree. PUBLISHED

CA08-497. Charles R. Griffith Farms, Inc. v. Edward Grauman, from Phillips Circuit. Affirmed. Vaught, C.J., and Kinard, J., agree. PUBLISHED

**PER CURIAM ORDERS**

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

CA08-1022. Angie Fletcher v. Kevin Scorza, from Pulaski Circuit, Seventeenth Division.

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CACR08-782. Detriawn Rondell Wade v. State of Arkansas, from Crittenden Circuit. Motion of S. Butler Bernard, Jr., 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 supplemental attorney's fees is granted. Allowed \$1,400.00.

CACR08-1102. Michael Shane Wilmoth v. State of Arkansas, from Benton Circuit. Motion of Chad M. Green for attorney's fees is granted. Allowed \$1,000.00.

CACR08-1221. Ymari Boyce Reid v. State of Arkansas, from Jefferson Circuit. Appellant's pro se motion for transcript at public expense is denied.

CACR08-1255. Christopher Lee Burcham v. State of Arkansas, from Crawford Circuit. Motion of David O. Bowden for attorney's fees is granted. Allowed \$1,400.00.

CACR08-1314. Timothy Duane Giffin v. State of Arkansas, from Miller Circuit. Motion of Jeff Harrelson for attorney's fees is granted. Allowed \$1,400.00.

CACR08-1385. Edward Lee Carter v. State of Arkansas, from Garland Circuit. Appellant's pro se motion for transcript is denied.

CACR09-16. Rosemary Blakes v. State of Arkansas, from Crittenden Circuit. Motion of Bart Ziegenhorn for attorney's fees is granted. Allowed \$975.00.

CACR09-78. Calvin W. Clark v. State of Arkansas, from Craighead Circuit, Western District. Motion of Paul Teufel for attorney's fees is granted. Allowed \$1,400.00.

CACR09-217. Antonio Madison v. State of Arkansas, from Jefferson Circuit. Appellee's motion to dismiss for lack of jurisdiction is granted.

CACR09-217. Antonio Madison v. State of Arkansas, from Jefferson Circuit. Appellee's motion for extension of time pending motion to dismiss is moot.

CACR09-358. Derrick White v. State of Arkansas, from Union Circuit. Motion of William O. "Bill" James, Jr. for attorney's fees is granted. Allowed \$500.00.

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 to proceed in forma pauperis is granted.

CACR09-508. Nathaniel Price v. State of Arkansas, from Crawford Circuit. Motion of Thurman Ragar, Jr., to withdraw as counsel for appellant is granted.

CACR09-508. Nathaniel Price v. State of Arkansas, from Crawford Circuit. Motion of R. Derek Barlow to be substituted as counsel for appellant is granted.

CACR09-543. Dwayne Gibson v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Dennis R. Molock to withdraw, for appointment of substitute counsel and to stay briefing schedule is granted. Matthew J. McWilliams is appointed to represent appellant.

CACR09-589. Richard Lea Colvin v. State of Arkansas, from Faulkner Circuit. Motion of Lynn Plemmons to be

relieved as counsel for appellant is granted. Rebekah Kennedy is appointed to represent appellant.

CACR09-589. Richard Lea Colvin v. State of Arkansas, from Faulkner Circuit. Appellant's pro se motion for appointment of counsel is granted.

CA08-1078. Cecile S. Taylor v. Claudia C. Taylor et al., from Union Circuit. Appellees' motion for continuance of oral argument is denied.

CA08-1181. Willie H. Lewis v. Roger Nelson and Jacobson Transportation Co., Inc., from Lonoke Circuit. Appellant's status report on bankruptcy proceedings. Appeal stayed. The parties are directed to provide a subsequent status report on or before December 10, 2009.

CA08-1351. Gary Bodiford, M.D. v. Joy Street, LLC et al., from Washington Circuit. Appellees' status report on bankruptcy proceedings. Appeal stayed. The parties are directed to provide a subsequent status report on or before December 10, 2009.

CA09-116. Arkansas Construction & Excavation, LLC v. City of Maumelle, Arkansas, from Pulaski Circuit, Ninth Division. Joint motion to supplement the record and for order on the clerk is granted.

CA09-136. Jessica Schmit Chrisp v. Robert M. Schmit, from Benton Circuit. Motion of George R. Spence to withdraw as counsel for appellee is granted.

CA09-231. Donald C. Hill et al. v. Kimberly Hill, from Garland Circuit. Appellee's motion to dismiss appeal is passed until case is submitted.

CA09-231. Donald C. Hill et al. v. Kimberly Hill, from Garland Circuit. Appellee's motion for stay of brief time is granted. Brief due within thirty days.

CA09-299. Bryan Foster v. Kann Enterprises et al., from Workers' Compensation Commission. Appellees' motion to file belated brief is granted.

CA09-327. Reverend James Earl Berry and Barbara V. Berry v. Mt. Calvary Missionary Baptist Church, from Jefferson Circuit. Appellee's motion to dismiss appeal is granted. Glover, J., not participating.

CA09-333. State of Arkansas, Office of Child Support Enforcement v. Kevin L. Jones, from Hot Spring Circuit. Appellee's motion to file belated brief is granted.

CA09-434. William Doug Bell v. Jerry W. Hoofman et al., from White Circuit. Appellant's motion and supplement to motion for writ of certiorari, to remand and to stay briefing schedule is remanded to the trial court to settle the record within thirty days. Brief due within thirty days thereafter.

CA09-477. S. Kelleen DesLauriers v. Richard Gautney, from Lonoke Circuit. Motion of Lloyd W. "Tre" Kitchens, III to withdraw as counsel for appellant is denied without prejudice. See Rule 64 of the Rules of Civil Procedure. Brief due within thirty days.

CA09-479. Arkansas Department of Human Services et al. v. Tammy Denmon, from Grant Circuit. Attorney ad Litem's motion for clarification of minor children's role and for brief time, if necessary. Attorney ad Litem's brief due within thirty days adopting DHS' abstract.

CA09-479. Arkansas Department of Human Services et al. v. Tammy Denmon, from Grant Circuit. Appellant's motion to supplement the record is granted.

## MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CACR08-835. Terrance Wright v. State of Arkansas, from Clark Circuit.

CA07-741. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division.

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CACR07-623. Ronald Jay Campbell v. State of Arkansas, from Lonoke Circuit. Appellee's motion to file an enlarged brief.

CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Appellee's motion to dismiss appeal for lack of jurisdiction.

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

CACR08-1474. Melvin Parker v. State of Arkansas, from Crittenden Circuit. Motion of Matthew D. Black for attorney's fees.

CACR09-163. David Carter v. State of Arkansas, from Crittenden Circuit. Appellant's petition for writ of certiorari to complete/correct the record and for brief time.

CACR09-242. Jeremy Jason Francis v. State of Arkansas, from Benton Circuit. Appellee's motion to dismiss appeal.

CACR09-395. Sherman Watson v. State of Arkansas, from Hot Spring Circuit. Appellant's pro se motion for reconsideration.

CA09-221. Natasha White v. Arkansas Department of Human Services, from Jefferson Circuit. Joint appellees' motion to dismiss appeal.

CA09-448. Felicia D. Taylor v. Access Credit Management, Inc., from Faulkner Circuit. Appellant's pro se petition for writ of certiorari to complete the record.

CA09-448. Felicia D. Taylor v. Access Credit Management, Inc., from Faulkner Circuit. Appellant's pro se motion for additional brief time.

CA09-459. Steve Churchill v. Jeanette M. Churchill, from Pulaski Circuit, Ninth Division. Appellant's motion to file belated brief and for brief time.

CA09-498. Martine "Tina" Oates v. Michael "Mikey" Oates, from Pulaski Circuit, Thirteenth Division. Appellant's motion to consolidate CA09-498 and CA09-496.

CA09-551. Christopher E. Ausler v. J. B. Hunt et al., from Workers' Compensation Commission. Appellant's pro se motion to supplement the record.

CA09-551. Christopher E. Ausler v. J. B. Hunt et al., from Workers' Compensation Commission. Appellant's pro se motion to stay briefing schedule.

CA09-598. Judy Moore v. Mark Moore, from Washington Circuit. Motion of John Mikesch to be substituted as counsel

for appellee.

CA09-608. Olivia F. Davis, Administrator v. Dr. Roderick R. Boyd, M.D., from Phillips Circuit. Appellee's motion to dismiss.

CA09-608. Olivia F. Davis, Administrator v. Dr. Roderick R. Boyd, M.D., from Phillips Circuit. Appellee's motion for costs of record on appeal.

CA09-666. Douglas A. Pickard v. Utility Trailer Manufacturing Co., from Workers' Compensation Commission. Appellant's motion to allow belated appeal.