

## ARKANSAS COURT OF APPEALS

Opinions delivered  
September 30, 2009

---

LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-172. C. Scott Mannis v. State of Arkansas, from Arkansas Circuit, Northern District. Rebriefing Ordered. Hart and Gruber, JJ., agree.

CA09-292. Jack Cole v. Commerce & Industry Insurance Co., and Network of Communications Options, from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Gruber, JJ., agree.

CA09-367. Jerika Ridley v. Arkansas Department of Human Services, from Jackson Circuit. Affirmed. Hart and Gruber, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR08-1124. Tania Jones v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Kinard and Brown, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR08-1064. Tyrone D. Thompson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Gruber, J., agree.

CA08-1190. Gary Howard, Individually and as the Administrator of the Estate of Odis Howard, Deceased v. Lauren Adams, Don Brady, Todd Mazzanti, and Adams & Brady & Jackson, P.L.L.C., from Benton Circuit. Reversed. Vaught, C.J., and Gruber, J., agree.

ROBERT J. GLADWIN, JUDGE:

CACR08-1207. Sonya Nate Mooney v. State of Arkansas, from Craighead Circuit, Western District. Affirmed. Glover and Henry, JJ., agree.

CA09-504. Dawn Masterson-Heard and James Heard v. Arkansas Department of Human Services, from Marion Circuit. Affirmed. Glover and Henry, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR09-45. Gregory A. Andrews v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Marshall and Baker, JJ., agree.

CACR09-67. Andrew Beasley v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Marshall and Baker, JJ., agree.

CA09-111. Pamela D. Evans v. Jimmy Evans, from Lonoke Circuit. Reversed and Remanded. Marshall and Baker, JJ., agree.

**M. MICHAEL KINARD, JUDGE:**

CACR08-1501. Travis Taylor v. State of Arkansas, from Crittenden Circuit. Affirmed. Pittman and Brown, JJ., agree.

CACR09-48. Jermain Phontale Gines v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed as Modified. Pittman and Brown, JJ., agree.

CA08-668. Evlynene Kirkendolph v. DF&A Revenue Services Division, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Reversed in Part; Affirmed in Part. Vaught, C.J., and Pittman, J., agree.

CA09-210. Grady Martin, Jr. v. Jensen Construction Co., St. Paul Mercury Insurance Co., and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Supplementation of the Record and Rebriefing Ordered. Pittman and Brown, JJ., agree.

**RITA W. GRUBER, JUDGE:**

CACR09-62. Naeem Hassan Rasul v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Vaught, C.J., agrees. Hart, J., concurs.

CACR09-80. Jeffrey Paul Golden v. State of Arkansas, from Faulkner Circuit. Affirmed. Vaught, C.J., and Hart, J., agree.

CACR09-131. Nickarlos Banks v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Vaught, C.J., and Hart, J., agree.

CA09-150. AT&T Advertising, Southwestern Bell Yellow Pages v. C.B. McBryde and Reliable Auto Care, LLC, from Washington Circuit. Affirmed. Vaught, C.J., and Hart, J., agree.

**DAVID M. GLOVER, JUDGE:**

CACR09-154. Melvin Hawthorne v. State of Arkansas, from Garland Circuit. Affirmed. Gladwin and Henry, JJ., agree.

CACR09-160. Pedro Espinoza and Juan Pablo Espinoza v. State of Arkansas, from Pope Circuit. Affirmed. Henry, J., agrees. Gladwin, J., concurs.

**D. P. MARSHALL JR., JUDGE:**

CACR09-158. Jimmy D. Burdette v. City of Van Buren, from Crawford Circuit. Affirmed. Robbins and Baker, JJ., agree.

**COURTNEY HUDSON HENRY, JUDGE:**

CACR09-388. Stephen Kennedy v. State of Arkansas, from Logan Circuit, Southern District. Affirmed. Gladwin and Glover, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

CACR09-287. Michael A. Williams v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Pittman and Kinard, JJ., agree.

CA08-1423. Jack C. Mitchell v. Martha A. Bass, from Washington Circuit. Affirmed on Direct and Cross-Appeal. Pittman and Kinard, JJ., agree.

CA09-132. Glenda Flynn v. Southwest Catering Co. and Phoenix Insurance Co., from the Arkansas Workers' Compensation Commission. Reversed and Remanded. Pittman and Kinard, JJ., agree.

PER CURIAM OPINION:

CA08-1210. Paul Phuoc Le v. Ashley Xuan Nguyen, from Sebastian Circuit, Fort Smith District. Dismissed.

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).

E09-69. Gary K. Foster v. Director et al.

E09-70. Michael E. Curry v. Director et al.

E09-71. Simmons First National Bank/PB v. Director et al.

E09-72. Jerry W. Townson v. Director et al.

E09-73. Jeanne K. Reed v. Director et al.

E09-74. Riley J. Carpenter v. Director et al.

E09-75. Fastrip Corporation v. Director et al.

E09-76. Christine Broughton v. Director et al.

E09-77. Patricia A. Tucker v. Director et al.

E09-78. Rykiel Perry v. Director et al.

E09-79. James M. Taber v. Director et al.

E09-81. Everick L. Monk v. Director et al.

**PER CURIAM ORDERS**

CACR08-572. William Dale Morrison v. State of Arkansas, from Crawford Circuit.

CACR08-1385. Edward Lee Carter v. State of Arkansas, from Garland Circuit.

CACR08-1424. Kevin W. Payton v. State of Arkansas, from Jefferson Circuit.

CACR09-93. Ansley Rodriguez Bonilla v. State of Arkansas, from Scott Circuit.

CACR09-94. Quiten L. Young v. State of Arkansas, from Pulaski Circuit, First Division.

CACR09-193. Loretta Bobbie Hodgson v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR09-209. Tyrice Bradley v. State of Arkansas, from Monroe Circuit.

CACR09-240. Jeremy Jermane Hawkins v. State of Arkansas, from Ouachita Circuit.

CACR09-285. Xzavier Arthur Butler v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR09-342. James Al Richards, Jr. v. State of Arkansas, from Faulkner Circuit.

CACR09-494. Tracy Ann Cross v. State of Arkansas, from Lawrence Circuit.

CACR09-506. Perry Dwayne Ray v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CA08-624. James Herrington et al. v. Ford Motor Company, Inc., from Washington Circuit.

CA08-958. George E. Dove v. Patricia A. Dove, from Garland Circuit.

CA09-5. Israh Littles v. Office of Child Support Enforcement, from Phillips Circuit.

CA09-27. Alecia Clark v. San Antonio Shoes, Inc., from Workers' Compensation Commission.

CA09-135. Office of Child Support Enforcement v. Jason Hearst, from Faulkner Circuit.

CA09-201. Gerald W. Fisher v. Community First Trust Company et al., from Pulaski Circuit, Twelfth Division.

CA09-299. Bryan Foster v. Kann Enterprises, from Workers' Compensation Commission.

CA09-366. Trudy Matlock v. James Matlock, from Boone Circuit.

CA09-369. Gary W. Peters v. Toby Doyle, from Workers' Compensation Commission.

CA09-394. Wal-Mart Associates, Inc. v. Lisa Ealey, from Workers' Compensation Commission.

CA09-468. Crishana Staley v. Arkansas Department of Human Services, from Mississippi Circuit, Osceola District.

CA09-535. Michelle Henson v. Arkansas Department of Human Services, from Yell Circuit, Northern District.

### **MOTIONS SUBMITTED**

#### **PETITIONS FOR REHEARING:**

CA09-65. Lisa M. Young v. Carey G. Young, from Pulaski Circuit, Ninth Division.

CA09-197. Lorie Finley v. Perennial Healthcare Commerce & Industry Ins. Co., from Workers' Compensation Commission.

\*\*\*\*\*

CACR08-905. Charles T. Bagley v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Charles E. Smith for attorney's fees.

CACR08-1415. Derek Mullins v. State of Arkansas, from Grant Circuit. Motion of Bob Fraizer for attorney's fees and expenses.

CACR08-1491. Charles Kevin Woodson v. State of Arkansas, from Randolph Circuit. Motion of C. Scott Nance for attorney's fees.

CACR08-1515. Dustin Ray Davis v. State of Arkansas, from Crawford Circuit. Motion of Bobby R. Digby II for attorney's fees.

CACR09-155. Robert Green, Jr. v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion of Gary Potts for attorney's fees and costs.

CA08-1414. Swift Transportation Company, Inc. v. Joseph Turner, from Drew Circuit. Appellee's motion for reconsideration.

CA09-84. D. A. S. v. State of Arkansas, from Crittenden Circuit. Appellant's motion to file belated brief.

CA09-529. Anthony Jennings v. Architectural Products, Inc., from Pulaski Circuit, Sixth Division. Appellant's motion to file belated brief.

CA09-708. Sea Ark Marine, Inc. et al. v. Jerry Pippinger, from Workers' Compensation Commission. Appellee's motion to file belated brief.

CA09-943. Van Buren County Title Company v. Ester Bass et al., from Van Buren Circuit. Appellees' motion to dismiss appeal.

## SUBMISSIONS

CACR08-572. William Dale Morrison v. State of Arkansas, from Crawford Circuit.

CACR08-1385. Edward Lee Carter v. State of Arkansas, from Garland Circuit.

CACR08-1424. Kevin W. Payton v. State of Arkansas, from Jefferson Circuit.

CACR09-93. Ansley Rodriguez Bonilla v. State of Arkansas, from Scott Circuit.

CACR09-94. Quiten L. Young v. State of Arkansas, from Pulaski Circuit, First Division.

CACR09-193. Loretta Bobbie Hodgson v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR09-209. Tyrice Bradley v. State of Arkansas, from Monroe Circuit.

CACR09-240. Jeremy Jermane Hawkins v. State of Arkansas, from Ouachita Circuit.

CACR09-285. Xzavier Arthur Butler v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR09-342. James Al Richards, Jr. v. State of Arkansas, from Faulkner Circuit.

CACR09-494. Tracy Ann Cross v. State of Arkansas, from Lawrence Circuit.

CACR09-506. Perry Dwayne Ray v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CA08-624. James Herrington et al. v. Ford Motor Company, Inc., from Washington Circuit.

CA08-958. George E. Dove v. Patricia A. Dove, from Garland Circuit.

CA09-5. Israh Littles v. Office of Child Support Enforcement, from Phillips Circuit.

CA09-27. Alecia Clark v. San Antonio Shoes, Inc., from Workers' Compensation Commission.

CA09-135. Office of Child Support Enforcement v. Jason Hearst, from Faulkner Circuit.

CA09-201. Gerald W. Fisher v. Community First Trust Company et al., from Pulaski Circuit, Twelfth Division.

CA09-299. Bryan Foster v. Kann Enterprises, from Workers' Compensation Commission.

CA09-366. Trudy Matlock v. James Matlock, from Boone Circuit.

CA09-369. Gary W. Peters v. Toby Doyle, from Workers' Compensation Commission.

CA09-394. Wal-Mart Associates, Inc. v. Lisa Ealey, from Workers' Compensation Commission.

CA09-468. Crishana Staley v. Arkansas Department of Human Services, from Mississippi Circuit, Osceola District.

CA09-535. Michelle Henson v. Arkansas Department of Human Services, from Yell Circuit, Northern District.