

ARKANSAS COURT OF APPEALS

Opinions delivered
January 6, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CA09-843. Maria Johnson v. Arkansas Department of Human Services and Minor Children, from Cleveland Circuit. Affirmed; Motion to Withdraw Granted. Glover and Marshall, JJ., agree. [[PDF](#)]

JOHN MAUZY PITTMAN, JUDGE:

CACR09-165. Rafael G. Gonzalez v. State of Arkansas, from Sevier Circuit. Affirmed. Gladwin, Kinard, Glover, and Brown, JJ., agree. Baker, J., dissents. [[PDF](#)]

CA09-885. Nettleton School District v. Laveena Adams, from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Gladwin, JJ., agree. [[PDF](#)]

JOSEPHINE LINKER HART, JUDGE:

CACR09-669. Courtney Craig v. State of Arkansas, from Phillips Circuit. Rebriefing Ordered. Pittman and Gladwin, JJ., agree. [[PDF](#)]

ROBERT J. GLADWIN, JUDGE:

CACR09-683. Nathaniel Moseby v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Pittman and Hart, JJ., agree. [[PDF](#)]

JOHN B. ROBBINS, JUDGE:

CACR09-721. Ellis Trice v. State of Arkansas, from Crawford Circuit. Affirmed. Kinard and Gruber, JJ., agree. [[PDF](#)]

CA09-697. Steven Tucker v. Cooper Standard Automotive, Inc., St. Paul Travelers Insurance Company, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed in Part, Reversed in Part, and Remanded on Direct Appeal; Affirmed on Cross-Appeal. Glover, Baker, and Brown, JJ., agree. Pittman and Gladwin, JJ., dissent. [[PDF](#)]

M. MICHAEL KINARD, JUDGE:

CACR09-752. Bobby L. Freeman v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Affirmed. Robbins and Gruber, JJ., agree. [[PDF](#)]

RITA W. GRUBER, JUDGE:

CACR09-863. Melvyn Stewart v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Robbins and Kinard, JJ., agree. [[PDF](#)]

CA09-63. Elder Construction Company v. Ivey Lane, LLC, from Washington Circuit. Affirmed. Robbins and Kinard, JJ., agree. [[PDF](#)]

DAVID M. GLOVER, JUDGE:

CA09-86. K.L., a Minor v. State of Arkansas, from Desha Circuit, Arkansas City District. Remanded for Rebriefing. Vaught, C.J., and Marshall, J., agree. [[PDF](#)]

CA09-558. Frankie Yvonne Wise v. Walter Lloyd Wise, Jr., from Perry Circuit. Affirmed in Part; Reversed in Part. Vaught, C.J., and Marshall, J., agree. [[PDF](#)]

CA09-708. Sea Ark Marine, Inc., and AIG Claims Services v. Jerry Pippinger, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Marshall, J., agree. [[PDF](#)]

D. P. MARSHALL JR., JUDGE:

CA09-851. Carl Johnson v. U.S. Food Service, Inc., Indemnity Insurance Company of North America, and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Glover, J., agree. [[PDF](#)]

COURTNEY HUDSON HENRY, JUDGE:

CACR08-1484. Terry Antonio Lee v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Baker and Brown, JJ., agree. [[PDF](#)]

CA09-399. Charles D. Washington and Shirley Washington v. Andrew Washington et al., from Izaard Circuit. Dismissed. Kinard and Brown, JJ., agree. [[PDF](#)]

KAREN R. BAKER, JUDGE:

CA09-790. Ray Melvin Dozier v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Affirmed. Henry and Brown, JJ., agree. [[PDF](#)]

WAYMOND M. BROWN, JUDGE:

CA09-435. All Creatures Animal Hospital, Inc., and Marion Smith v. Finova Capital Corporation, from Garland Circuit. Affirmed. Henry and Baker, JJ., agree. [[PDF](#)]

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).

E09-117. Melanie G. Breeding v. Director et al.

E09-118. Billy D. VanPelt v. Director et al.

E09-119. Clark Freight Lines v. Director et al.

E09-121. Peter E. Hying v. Director et al.

E09-122. Gennieve Sparkman v. Director et al.

E09-123. Tu N. Hoang v. Director et al.

E09-124. Daniel Juarez v. Director et al.

E09-125. Pamela S. Beyer v. Director et al.

E09-126. David Hamm v. Director et al.

E09-127. Brad A. Bussard v. Director et al.

E09-128. Santino M. Harris v. Director et al.

E09-129. Janey L. Uselton v. Director et al.

PER CURIAM DECISIONS

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

CA08-1449. Robert Maulding v. Price's Utility Contractors, Inc. et al., from Workers' Compensation Commission. Appellant's Petition for Rehearing.

CA09-164. J. F. Valley v. Helena National Bank, from Phillips Circuit.

CA09-420. Intong Sivixay v. Danaher Tool Group, from Workers' Compensation Commission. Robbins, J., would grant.

CACR08-572. William Dale Morrison v. State of Arkansas, from Crawford Circuit. Motion of Gregg A. Knutson for attorney's fees is granted. Allowed \$1,400.00.

CACR08-1374. James Clayton Solomon v. State of Arkansas, from Washington 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. Brief due within thirty days thereafter.

CACR09-486. Sharon Kay Gilmore v. State of Arkansas, from Washington Circuit. Motion of Jason Andrew Jouett for attorney's fees is granted. Allowed \$1,240.00.

CACR09-486. Sharon Kay Gilmore v. State of Arkansas, from Washington Circuit. Motion of Jason Andrew Jouett to be relieved as counsel for appellant is granted.

CACR09-707. Steven Ray Ludlam v. State of Arkansas, from Lincoln Circuit. Motion of Gary W. Potts for attorney's fees is granted. Allowed \$1,100.00.

CACR09-995. Randy McCoy v. State of Arkansas, from Faulkner Circuit. Appellee's motion to dismiss appeal is granted.

CA08-1351. Gary Bodiford, M.D. v. Joy Street, LLC et al., from Washington Circuit. Status report on bankruptcy proceedings due June 5, 2010.

CA08-1449. Robert Maulding v. Price's Utility Contractors, Inc., from Workers' Compensation Commission. Appellees' motion to strike tendered reply to response to petition for rehearing is moot.

CA09-876. Bobby Clark Construction et al. v. Bobby Clark, from Workers' Compensation Commission. Appellants'

motion to file belated brief is granted.

CA09-1159. Loretta Diane Cruse v. 451 Press, LLC, from Baxter Circuit. Appellant's motion to amend and supplement record and joint stipulation to correct and supplement the record are remanded to the trial court to settle and certify within fifteen days any pleadings, orders and notices of appeal filed after the first notice of appeal.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA09-391. Las Colinas International, Inc. and Formosa Foods v. Crosswood Associates, Inc., from Washington Circuit.

CA09-601. Lillian H. Ashton Trust et al. v. Kenny Caraway et al., from IZARD Circuit.

CACR08-704. Daniel Sanders v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Leah Lanford for attorney's fees.

CACR09-334. James Allen Hill v. State of Arkansas, from Jefferson Circuit. Appellant's motion to substitute abstract and to file substituted brief.

CACR09-345. Daniel Dorsey v. State of Arkansas, from Crittenden Circuit. Appellant's pro se motion for reconsideration of decision pertaining to preparation of points for reversal.

CACR09-390. Jeffery Lynn Moss a/k/a Jeff Moss v. State of Arkansas, from Perry Circuit. Appellant's motion for additional brief time.

CACR09-405. Larry Eugene Barker v. State of Arkansas, from Baxter Circuit. Appellant's motion for remand to trial court.

CACR09-616. Anthony Owens v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees.

CACR09-694. Demarcus Cooks v. State of Arkansas, from Miller Circuit. Appellant's pro se motions for appointment of counsel and for extension of time to file brief.

CACR09-730. Ruth Ann Lagoy v. State of Arkansas, from Stone Circuit. Appellant's pro se motion to submit additional pro se points.

CACR09-733. Harold Miller v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellee's motion to dismiss appeal.

CACR09-789. Jeremy Leonard v. State of Arkansas, from Drew Circuit. Appellant's motion to file belated brief.

CACR09-893. David Eugene Lewis v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Constance G. Grayson to withdraw as counsel for appellant.

CACR09-934. Brian K. Walker v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to correct the record and to stay briefing time.

CACR09-1050. Jermiko Vonjay Johnson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's petition for writ of certiorari to complete the record and for extension of brief time.

CACR09-1056. Donald Henry Elmore v. State of Arkansas, from Crittenden Circuit. Appellee's motion to dismiss appeal.

CACR09-1056. Donald Henry Elmore v. State of Arkansas, from Crittenden Circuit. Appellant's motion to clarify correction to brief.

CACR09-1068. Shawn Dell Whiteside v. State of Arkansas, from Lonoke Circuit. Appellant's motion to seal brief.

CACR09-1088. Bobby Ray Hatton v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's pro se motion to file additional points for reversal.

CACR09-1088. Bobby Ray Hatton v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellee's motion to stay brief time pending pro se motion.

CACR09-1213. Anthony Brian Williamson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion to dismiss attorney.

CA08-640. Tasha Orr, Personal Representative v. Timothy Calicott, M.D., and Stephen Hudson, M.D., from Faulkner Circuit. Appellant's motion for taxation of costs.

CA08-1133. Progreen Sport Surfaces et al. v. Lasiter Construction, Inc. et al., from Pulaski Circuit, Third Division. Appellant Progreen's motion for scheduling order and clarification.

CA09-529. Anthony Jennings v. Architectural Products, Inc., from Pulaski Circuit, Sixth Division. Appellee's motion to strike letters in addendum.

CA09-578. Jennifer L. Chanslor v. Sonic Drive-In et al., from Workers' Compensation Commission. Appellant's motion to file substituted brief and for brief time.

CA09-698. Huong B. Nguyen v. FM Corporation, from Workers' Compensation Commission. Appellant's motion for attorney's fees and costs.

CA09-786. Yeri Garcia, Deceased v. Coast to Coast Carports, Inc., from Workers' Compensation Commission. Appellee's motion to dismiss appeal.

CA09-853. Claudia Marron v. Brandon T. Williams, from Washington Circuit. Motion of Don A. Taylor of Davis, Clark, Butt, Carithers & Taylor, PLC to be substituted as counsel for appellee replacing J.R. Carroll.

CA09-877. Veronica Murray v. Stant Manufacturing et al., from Workers' Compensation Commission. Appellees' motion to file belated brief.

CA09-921. Terry Druyvestein v. Summit Brokerage Services, Inc. et al., from Sebastian Circuit, Fort Smith District. Appellant's motion to file belated brief.

CA09-1033. Terry Otter v. Arkansas Sex Offender Assessment Committee, from Jefferson Circuit. Appellee's motion to supplement the record and for extension of brief time.

CA09-1107. Danielle N. Wood v. Wendy's Old Fashioned Hamburgers et al., from Workers' Compensation Commission. Appellees' motion to file belated brief.

- CA09-1180. Chickilah Davenport v. Kenneth Burnley, from Jefferson Circuit. Appellant's motion to file belated brief.
- CA09-1205. Palani Karupaiyan et al. v. Gary Brown et al., from Pulaski Circuit, Third Division. Appellants' pro se motion to file enlarged brief.
- CA09-1292. Cecil L. Stone v. Arkansas Department of Human Services et al., from Garland Circuit. Appellees' joint motion to stay briefing schedule and dismiss appeal.
- CA09-1297. R. R. v. State of Arkansas, from Faulkner Circuit. Motion of James F. Lane to be relieved as counsel for appellant.
- CA09-1298. N. J. v. State of Arkansas, from Faulkner Circuit. Motion of James F. Lane to be relieved as counsel for appellant.
- CA09-1299. C. M. v. State of Arkansas, from Faulkner Circuit. Motion of James F. Lane to be relieved as counsel for appellant.
- CA09-1300. T. Y. R. v. State of Arkansas, from Faulkner Circuit. Motion of James F. Lane to be relieved as counsel for appellant.
- CA09-1317. Helen Cook v. Lane Cook et al., from Ouachita Circuit. Appellant's motion to suspend briefing schedule.

SUBMISSIONS

- CACR09-29. Steve Brian Stewart v. State of Arkansas, from Ashley Circuit.
- CACR09-461. Corey Jawon Nelson v. State of Arkansas, from Garland Circuit.
- CACR09-516. Virgil Dennis Pogue v. State of Arkansas, from Sevier Circuit.
- CACR09-652. Raymond D. Freeman v. State of Arkansas, from Madison Circuit.
- CACR09-751. Ramondo Edwards v. State of Arkansas, from Union Circuit.
- CACR09-825. Jordan Waller v. State of Arkansas, from Miller Circuit.
- CACR09-855. Matthew Hammonds v. State of Arkansas, from Conway Circuit.
- CACR09-904. Freddy R. Walker v. State of Arkansas, from Pulaski Circuit, Fifth Division.
- CA09-22. Brandy Mae Duncan v. Jeremy Scott Duncan, from White Circuit.
- CA09-251. Julius S. Morehead v. Valerie R. Morehead, from Ouachita Circuit.
- CA09-456. Household Recovery Service Center v. Cassandra Vega, from Sebastian Circuit, Fort Smith District.
- CA09-546. Maurice Higgins v. Betty Higgins, from Pulaski Circuit, Third Division.
- CA09-650. David Barker v. Sherry Barker Avery, from Crawford Circuit.
- CA09-653. Cathy Evans v. Bemis Company, Inc., from Workers' Compensation Commission.

CA09-736. Christine Angela Henfling v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

CA09-737. Nathan Leroy Poff, Jr. et al. v. Carolyn Sue Poff Peedin, from Cleburne Circuit.

CA09-800. Bradley Perkins v. Warren O. Henry, from Lonoke Circuit.

CA09-828. UNIMIN Corporation v. Coney Duncan, from Workers' Compensation Commission.

CA09-858. Natasha Blakes v. Arkansas Department of Human Services, from Crittenden Circuit.

CA09-875. Glenda Dearman v. Deltic Timber Corporation, from Workers' Compensation Commission.

CA09-882. Stephens Production Company v. Rita Young and J.R. Young, from Crawford Circuit.

CA09-909. Samantha Westendorf v. Arkansas Department of Human Services, from Washington Circuit.

CA09-918. St. Vincent Health Services, Inc. v. Denise Bishop et al., from Workers' Compensation Commission.

CA09-958. Charles Banks v. Arkansas Department of Human Services, from Washington Circuit.