

ARKANSAS COURT OF APPEALS

Opinions delivered
February 3, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CA08-1516. Rick Doss v. Carrie Miller, from Fulton Circuit. Affirmed on Direct Appeal; Reversed and Remanded on Cross-Appeal. Pittman and Robbins, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-514. Jonathon Moss v. State of Arkansas, from Faulkner Circuit. Affirmed. Gladwin, Robbins, Kinard, and Gruber, JJ., agree. Hart, J., dissents.

CA09-568. Johnny Mack Shaffer et al. v. Leo Yang, M.D., from Garland Circuit. Affirmed. Vaught, C.J., and Robbins, J., agree.

ROBERT J. GLADWIN, JUDGE:

CA09-712. Raymond Vaughn v. Patricia Bates, Danny Vaughn, Joanne Vaughn, Gerald Driggers, Jonell Driggers, Ricky Vaughn, and Linda Vaughn, from Pike Circuit. Affirmed. Marshall and Baker, JJ., agree.

CA09-940. Derrick L. Flowers v. Arkansas State Police; Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Affirmed. Marshall and Baker, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR09-484. Daniel Edward Nichols v. State of Arkansas, from Crittenden Circuit. Affirmed. Vaught, C.J., and Pittman, J., agree.

CA09-125. Neal Hollingsworth v. Courtney Hollingsworth, from Washington Circuit. Affirmed. Vaught, C.J., and Pittman, J., agree.

CA09-967. Sammy Caldwell v. Arkansas Department of Human Services, from Grant Circuit. Reversed and Remanded. Vaught, C.J., and Pittman, J., agree.

M. MICHAEL KINARD, JUDGE:

CA09-635. Kendrick D. Hawkins v. Ethel J. Hawkins, from Faulkner Circuit. Dismissed. Hart and Henry, JJ., agree.

RITA W. GRUBER, JUDGE:

CA09-507. Kimberly Fredrick v. Arkansas Department of Human Services, from Garland Circuit. Affirmed. Glover and Brown, JJ., agree.

CA09-700. P. Rye Trucking, Inc. v. Pet Solutions, LLC, from Yell Circuit, Northern District. Reversed and Remanded. Glover and Brown, JJ., agree.

D. P. MARSHALL JR., JUDGE:

CA09-604. Nancy Siegel v. Bill Halley, from Pulaski Circuit, Sixth Division. Affirmed. Gruber and Henry, JJ., agree.

CA09-804. James W. Stanley, Jr., and Audrey Burtrum-Stanley v. Mike Hogan, from Pulaski Circuit, Second Division. Affirmed. Gladwin and Baker, JJ., agree.

CA09-858. Natasha Blakes v. Arkansas Department of Human Services and Minor Child, from Crittenden Circuit. Motion Denied; Rebriefing Ordered. Gladwin and Baker, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CA09-847. Shelby Barnett and Linda Barnett v. Keith Gomance and Wanda Stafford, from Garland Circuit. Affirmed. Hart and Kinard, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-346. William Rockward v. State of Arkansas, from Saline Circuit. Affirmed. Henry and Brown, JJ., agree.

CACR09-508. Nathaniel Price v. State of Arkansas, from Crawford Circuit. Affirmed. Gladwin and Marshall, JJ., agree.

CA09-690. David Beliew v. Lennox Industries and Ace American Insurance, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Marshall, JJ., agree.

CA09-695. John Schubert and Cindy Schubert v. Arkansas Department of Human Services, from Crawford Circuit. Reversed and Remanded. Gladwin and Marshall, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR09-270. Benjamin Scott v. State of Arkansas, from Saline Circuit. Affirmed. Gruber and Glover, 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).

E09-130. Latrina Beasley v. Director et al.

E09-131. Marianne J. Zeno v. Director et al.

E09-132. Miriam Rangel v. Director et al.

E09-133. Antoinette A. Baker v. Director et al.

E09-134. Darren L. Chance v. Director et al.

E09-135. Cynthia K. Christie v. Director et al.

E09-136. Jimmy D. Braswell v. Director et al.

E09-137. Cholista A. Price v. Director et al.

E09-138. Aretha Bowman v. Director et al.

E09-139. Shan D. Stallings v. Director et al.

E09-140. Sharon Hughes v. Director et al.

E09-141. Albert D. Sanders v. Director et al.

PER CURIAM ORDERS

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

CA09-851. Carl Johnson v. U. S. Food Services, Inc. et al., from Workers' Compensation Commission.

CACR08-767. Eric Dewayne Martin v. State of Arkansas, from Miller Circuit. Motion of Phillip A. McGough for attorney's fees and costs is granted. Allowed \$1,300.00.

CACR08-1121. Dennis Eric Morgan v. State of Arkansas, from Drew Circuit. Motion of Gary W. Potts for costs and attorney's fees is granted. Allowed \$1,400.00.

CACR09-433. Lashelle Graham v. State of Arkansas, from Hot Spring Circuit. Motion of Gregory Crain for attorney's fees is granted. Allowed \$1,200.00.

CACR09-543. Dwayne Gibson v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Matthew J. McWilliams for attorney's fees is granted. Allowed \$1,400.00.

CACR09-600. Bobby R. Ford v. State of Arkansas, from Union Circuit. Motion of Robert N. Jeffrey for attorney's fees is granted. Allowed \$700.00.

CACR09-728. Marcus Holley v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion of Gary Wayne Potts for costs and attorney's fees is granted. Allowed \$1,330.00.

CACR09-966. Kenneth Lee Slade v. State of Arkansas, from Saline Circuit. Appellee's motion to dismiss appeal is denied.

CACR09-966. Kenneth Lee Slade v. State of Arkansas, from Saline Circuit. Appellant's motion to file belated brief is granted. Brief filed this date.

CACR09-1007. Danny Joe Dooly v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to supplement the record and for extension of brief time is remanded to the trial court to settle the record within fifteen days. Brief due within thirty days thereafter.

CACR09-1206. Donnell Robinson v. State of Arkansas, from Chicot Circuit. Appellant's motion to accept nonconforming brief is granted.

CACR09-1271. Theotis Thornton v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motions of Dana Reece to be substituted as counsel for appellant and for extension of brief time are granted. Appellant's brief due February 25, 2010. Marshall, J., not participating.

CACR10-6. Danny Ray Henington v. State of Arkansas, from Benton Circuit. Motion of Bruce Bennett for substitution and appointment of counsel is granted. Harvey Harris is appointed to represent appellant. Brief due March 15, 2010.

CACR10-41. Everett Gene Foster, Jr. v. State of Arkansas, from Lonoke Circuit. Appellant's motion to substitute McKissic and Associates and relieve Jonathan Lane as attorney for appellant is remanded to the trial court pursuant to Brewer v. State, 66 Ark. App. 324, 992 S.W. 2d. 140 (1999).

CA09-359. City of Little Rock v. McGeorge Contracting Company, Inc., from Pulaski Circuit, Ninth Division. Appellee's status report of stay of proceedings noted. Stay of appeal lifted.

CA09-469. Linda Jo Robinson v. Walter Whit Barton et al., from Drew Circuit. Appellees' motion to strike appellant's reply brief is passed until case is submitted.

CA09-496. Martine "Tina" Oates v. Michael "Mickey" Oates, from Pulaski Circuit, Thirteenth Division. Appellant's motion for permission to file corrected briefs is granted.

CA09-496. Martine "Tina" Oates v. Michael "Mickey" Oates, from Pulaski Circuit, Thirteenth Division. Motion to file corrected amicus curiae brief in support of appellants is granted.

CA09-498. Martine "Tina" Oates v. Michael "Mickey" Oates, from Pulaski Circuit, Thirteenth Division. Appellant's motion for permission to file corrected briefs is granted.

CA09-498. Martine "Tina" Oates v. Michael "Mickey" Oates, from Pulaski Circuit, Thirteenth Division. Motion to file corrected amicus curiae brief in support of appellants is granted.

CA09-887. Juanita P. Booth, Personal Representative v. Riverside Marine Remanufacturers, Inc., from Pulaski Circuit, Sixth Division. Appellant's motion for oral argument is denied. Pittman and Marshall, JJ., not participating.

CA09-985. Amber Kimble Shields v. Mitchell Kimble, from Randolph Circuit. Appellee's motion to file belated brief is granted.

CA09-1159. Loretta Diane Cruse v. 451 Press, LLC, from Baxter Circuit. Appellee's motions to dismiss appeal are granted. See **per curiam** this date.

CA09-1159. Loretta Diane Cruse v. 451 Press, LLC, from Baxter Circuit. Appellee's motion to stay briefing or alternative motion for extension of time to file brief is moot.

CA09-1160. Progressive Southeast Arkansas Housing Development Corp. v. Barbara Abraham, from Jefferson Circuit. Appellant's motion to supplement the record and to stay brief time is granted. Supplemental record due within fifteen days. Brief due within thirty days thereafter.

CA09-1217. David G. Vigneault v. Pamela J. Vigneault, from Benton Circuit. Joint motion to supplement the record is granted.

CA09-1238. May Construction Company, Inc. v. Town Creek Construction & Development, LLC, from Washington Circuit. Appellant's motion to file nonconforming brief is granted.

E10-10. Deborah D. Bergman v. Director et al., from Board of Review. Appellant's motion to file belated appeal is granted.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA08-1419. Mary Ann Kizer v. Dale Kizer, from Jefferson Circuit.

CA09-63. Elder Construction Company v. Ivey Lane, LLC, from Washington Circuit.

CA09-697. Steven Tucker v. Cooper Standard Automotive, Inc. et al., from Workers' Compensation Commission.

CACR09-169. Zackson T. Watlington v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR09-227. Jimmie Simpson v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR09-312. Melvin Cisero v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR09-344. Jamie Deachell Fox v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR09-461. Corey Nelson v. State of Arkansas, from Garland Circuit. Motion of T. Clay Janske for attorney's fees.

CACR09-515. Sandy Yarbrough Smith v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR09-751. Ramondo Edwards v. State of Arkansas, from Union Circuit. Motion of Robert N. Jeffrey for attorney's fees.

CACR09-752. Bobby L. Freeman v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Motion of Charles E. Ellis for attorney's fees.

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

CACR10-39. Arthur Lee Doolittle v. State of Arkansas, from Faulkner Circuit. Motion of Jack R. Kearney to be relieved as counsel of record.

CACR10-89. Lakedrin Mills v. State of Arkansas, from Crittenden Circuit. Motion of Richard West to be relieved as counsel and for appointment of substitute counsel.

CA09-811. Samuel R. Massey v. Stephanie L. Rick, from Independence Circuit. Appellant's motion to file nonconforming brief.

CA09-1034. David Rees v. Danielle McLaughlin et al., from Craighead Circuit, Western District. Appellant's fourth motion for extension of brief time.

CA09-1139. Jason D. Pinkston v. Stanley McPeake, from Faulkner Circuit. Appellee's motion to dismiss appeal.

CA09-1155. Stephen Waymack v. Treadway Electric Company, Inc., from Workers' Compensation Commission. Appellant's motion to file belated brief.

CA09-1205. Palani Karupaiyan et al. v. Gary Brown et al., from Pulaski Circuit, Third Division. Appellant's pro se motion and updated and substituted motion to supplement the record.

CA10-63. Ricky Pope and Christine Pope v. Michael Overton et al., from Hot Spring Circuit. Appellants' motion for supersedeas.

SUBMISSIONS

CACR08-1239. Debra Johnson v. State of Arkansas, from Union Circuit. Argued orally.

CA08-739. Bobbie Bruce v. Floyd Hancock, from Poinsett Circuit. Argued orally.

CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit.

CACR09-503. Michael Anthony Green v. State of Arkansas, from Drew Circuit.

CACR09-750. Phillip Coley Elliott v. State of Arkansas, from Garland Circuit.

CACR09-799. Kendrick White v. State of Arkansas, from Jefferson Circuit.

CACR09-803. Clark A. Gray v. State of Arkansas, from Garland Circuit.

CACR09-839. Calvin Brown v. State of Arkansas, from Cross Circuit.

CACR09-880. Ramon Chavez v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR09-903. Linda Kay Graham v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

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

CA09-235. Heirs of F. D. Goza, Jr. et al. v. William Potts Estate, from Hot Spring Circuit.

CA09-266. Robert G. Zepecki, DVM v. Arkansas Veterinary Medical Examining Board, from Pulaski Circuit, Twelfth Division.

CA09-539. Janna D. McCoy et al. v. Wayne Dale Bodiford, from Perry Circuit.

CA09-565. Juliane Kinard Mathews v. Joseph G. Schumacher, from Union Circuit.

CA09-627. Tracey Lilley Trafford v. Dennis Lilley, from Conway Circuit.

CA09-639. Stephanie Harris v. Stephen Harris, from Pulaski Circuit, Seventeenth Division.

CA09-765. Pulaski County Special School District v. Karen G. Glover, from Workers' Compensation Commission.

CA09-829. Anthony Koch v. Nancy Adams, from Pulaski Circuit, Second Division.

CA09-874. Deena Reynolds v. Estate of Thomas Edward Goodwin, Deceased, from Garland Circuit.

CA09-912. Marc Heflin and Billie Heflin v. Phil Brackelsburg and Crystal Brackelsburg, from Pulaski Circuit, Thirteenth Division.

CA09-1026. Malichia H. Horton v. Arkansas Department of Human Services, from Benton Circuit.

CA09-1053. Kadrian Thompson v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.

CA09-1081. Vicki Roberts v. St. Vincent Health Systems, from Workers' Compensation Commission.

The following cases are appeals from the Arkansas Board of Review.

E09-142. Jeremy S. Shelley v. Director et al.

E09-143. Larry Morris, Jr. v. Director et al.

E09-144. Thomas L. Swygert v. Director et al.

E09-145. Gary Smith v. Director et al.

E09-146. Michelle L. Czeck v. Director et al.

E09-147. Karen Tomlin v. Director et al.

E09-148. Daniel Omicinski v. Director et al.

E09-149. Keith E. Strothers v. Director et al.

E09-150. Talisha S. Henderson v. Director et al.

E09-151. Alexander W. Smullen v. Director et al.

E09-152. Glynda Fritts v. Director et al.

E09-153. Ralph H. Blundell v. Director et al.