

ARKANSAS COURT OF APPEALS

Opinions delivered
February 24, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CACR08-1157. Bobby Lee Green v. State of Arkansas, from Drew Circuit. Affirmed; Motion to be Relieved Granted. Kinard and Gruber, JJ., agree.

CA09-874. Deena Reynolds and Hunter Dalton Goodwin v. Estate of Thomas Edward Goodwin, Deceased, Elizabeth G. Wright, and Lisa Martin, from Garland Circuit. Affirmed in Part; Reversed and Remanded in Part. Kinard and Gruber, JJ., agree.

CA09-1065. Aracely Moreno v. Arkansas Department of Human Services and Minor Children, from Craighead Circuit, Western District. Affirmed. Kinard and Gruber, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR08-458. Michael Anderson v. State of Arkansas, from Ashley Circuit. Affirmed. Henry and Baker, JJ., agree.

CA09-727. Terri D. Volgelgesang v. Imogene H. Volgelgesang, from Pulaski Circuit, Thirteenth Division. Affirmed. Vaught, C.J., and Robbins, J., agree.

JOSEPHINE LINKER HART, JUDGE:

CA09-656. Kevin and Deborah Crumpacker v. Gary Reed Construction, Inc., and Gary Reed Individually, from Franklin Circuit, Northern District. Reversed and Remanded. Pittman, Robbins, and Kinard, JJ., agree. Gladwin and Gruber, JJ., dissent.

CA09-1060. James Mason and Robert Garcia v. Chenal Country Club, from Pulaski Circuit, Sixteenth Division. Affirmed. Gladwin and Brown, JJ., agree.

CA09-1072. Tremayne Scoggins v. Evon M. Medlock, from Pulaski Circuit, Ninth Division. Appeal Dismissed. Gladwin and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CA09-1062. Nabholz Construction Corp. and Risk Management Resources v. Mark Gates, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Baker, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR09-905. Cedrick L. Mhoon v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Glover and Marshall, JJ., agree.

CA09-513. Jenifer Rebekah Wise v. Johnny E. Wise, II, from Perry Circuit. Affirmed. Glover and Marshall, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CACR09-750. Phillip Coley Elliott v. State of Arkansas, from Garland Circuit. Affirmed. Vaught, C.J., and Gruber, J.,

agree.

CACR09-932. Cornelius Dale Earl v. State of Arkansas, from White Circuit. Affirmed. Vaught, C.J., and Gruber, J., agree.

CA09-266. Robert G. Zepecki, DVM v. Arkansas Veterinary Medical Examining Board, from Pulaski Circuit, Twelfth Division. Affirmed in Part and Reversed and Remanded in Part on Direct Appeal; Affirmed on Cross-Appeal. Vaught, C.J., and Gruber, J., agree.

CA09-906. Rayburn O. Page v. Charlotte J. Page, from Garland Circuit. Affirmed. Henry, J., agrees. Hart, J., concurs.

RITA W. GRUBER, JUDGE:

CACR09-948. Avery Darnell Williams v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Vaught, C.J., and Kinard, J., agree.

CA09-199. Rio Vista, Inc. v. Jim Miles and Patricia Miles, from Sharp Circuit. Affirmed. Vaught, C.J., and Kinard, J., agree.

DAVID M. GLOVER, JUDGE:

CA09-1135. Merilee Henderson and Jeremiah Devon v. Arkansas Department of Human Services, from Benton Circuit. Affirmed; Motion to Withdraw Granted. Robbins and Marshall, JJ., agree.

D. P. MARSHALL JR., JUDGE:

CA08-1458. Brenda Wonder and Ronnie Wonder v. Nancy McLeese, from Union Circuit. Affirmed. Robbins and Glover, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CA09-258. Jason Martin v. Brooks Hallum and Sharon Hallum, from Monroe Circuit. Affirmed in Part; Reversed in Part. Pittman and Baker, JJ., agree.

CA09-919. Janice Nichols v. Omaha School District, from the Arkansas Workers' Compensation Commission. Affirmed. Kinard, Gruber, Glover, and Brown, JJ., agree. Hart, J., dissents.

KAREN R. BAKER, JUDGE:

CACR09-744. Ralph Lee St. Clair v. State of Arkansas, from Benton Circuit. Affirmed. Gladwin and Marshall, JJ., agree.

CA09-879. Robin Munzner v. Angela Marie Kushner and Lisa Bolda, from Washington Circuit. Affirmed. Pittman and Henry, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CA09-216. Robert Spriggs v. Arkansas Local Police & Fire Retirement Board, from Pulaski Circuit, Thirteenth Division. Reversed and Remanded. Hart and Gladwin, JJ., agree.

CA09-534. Baron K. Rhodes v. Commercial Metals Co. and Ace American Ins. Co., from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Gladwin, JJ., agree.

CA09-1055. Pam Mills, as Parent and Next Friend of Christian Caples, a Minor v. Marie Finch, from Lonoke Circuit. Affirmed. Hart and Gladwin, JJ., agree.

PER CURIAM ORDERS

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

CA09-770. Frances Morris Finley v. Karen Hunter (In Re: the Estate of Mary Elizabeth Reimer, an Incompetent), from Pulaski Circuit, Seventeenth Division.

CACR08-84. Damont Ewells v. State of Arkansas, from Garland Circuit. Motion of William H. Craig for attorney's fees is granted. Allowed \$1,000.00.

CACR09-484. Daniel Edward Nichols v. State of Arkansas, from Crittenden Circuit. Motion of S. Butler Bernard for attorney's fees is granted. Allowed \$1,200.00.

CACR09-741. Ryeucus Cranall Ward v. State of Arkansas, from Washington Circuit. Motion of Jarrod Russell for attorney's fees is granted. Allowed \$1,400.00.

CACR09-741. Ryeucus Cranall Ward v. State of Arkansas, from Washington Circuit. Motion of Jarrod Russell to withdraw as counsel for appellant is granted.

CACR09-1213. Anthony Brian Williamson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for counsel on appeal to file a belated motion for new trial is denied.

CACR09-1259. James E. Montgomery v. State of Arkansas, from Greene Circuit. Appellant's motion to file belated brief is granted.

CA09-472. Mack-Reynolds Appraisal Company et al. v. Robert Morton, from Workers' Compensation Commission. Appellee's motion for costs is granted.

CA09-1232. Pamela Buenau v. John Buenau, from Garland Circuit. Appellant's motions to remand to circuit court and for brief time are granted.

CA10-106. Swift Transportation Company, Inc. v. Joseph Turner, from Drew Circuit. Appellee's counter motion to dismiss appeal is denied. Marshall, J., not participating.

The following case is dismissed for failure to file briefs pursuant to Arkansas Supreme Court Rule 4-5.

CA09-977. Steve Tallent v. Betty Brooks, from Pulaski Circuit, Sixth Division.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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

CACR09-426. Antwan Lavan Fowler v. State of Arkansas, from Faulkner Circuit.

CACR08-1104. Antonio Deshun Sartin v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion to substitute James P. Clouette and to relieve Danny Ray Williams as attorney for appellant.

CACR08-1374. James Clayton Solomon v. State of Arkansas, from Washington Circuit. Appellant's pro se motion to file supplemental pro se brief.

CACR09-175. Mitchell Scott Johnson v. State of Arkansas, from Benton Circuit. Motion of Paul M. Gehring to withdraw his motion to withdraw as counsel and for leave to file amended and substituted brief.

CACR09-270. Benjamin Scott v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones III for attorney's fees.

CACR09-341. Jesus Tapia v. State of Arkansas, from Sevier Circuit. Motion of Jason P. Kearney for attorney's fees.

CACR09-426. Antwan Lavan Fowler v. State of Arkansas, from Faulkner Circuit. Appellant's motion to strike petition for rehearing.

CACR09-549. Kelton Esquire Bond v. State of Arkansas, from Benton Circuit. Appellant's pro se motion for appointment of counsel.

CACR09-616. Anthony Owens v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for appointment of new counsel.

CACR09-717. Roger Eugene Ross v. State of Arkansas, from Garland Circuit. Motion of Timothy Beckham for attorney's fees.

CACR09-722. Dellemond Cunningham v. State of Arkansas, from Washington Circuit. Motion of Jessica L. Carnes for attorney's fees.

CACR09-880. Ramon Chavez v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Christopher M. Nolen for attorney's fees.

CACR09-903. Linda Kay Graham v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees.

CACR09-1398. Ciro Jimenez v. State of Arkansas, from Benton Circuit. Motion of Charles L. Stutte to withdraw, for appointment of counsel and for extension of time to file appellant's brief.

CACR10-110. Roger Dale Rudd v. State of Arkansas, from Jackson Circuit. Appellant's motion to substitute retained counsel Debra J. Reece to replace C. Scott Nance, Public Defender.

CA09-858. Natasha Blakes v. Arkansas Department of Human Services, from Crittenden Circuit. Appellant's motion to file belated brief.

CA09-1202. Bio Tech Pharmacal, Inc. v. Edmond Blouin, from Workers' Compensation Commission. Appellant's motion to file belated brief.

CA09-1303. Mary E. Young v. Ronnie Young, from Lonoke Circuit. Appellant's motion to remand to settle the record and for brief time.

- CA09-1393. Janette Hopkins v. Jonathan Hopkins, from Baxter Circuit. Appellee's motion to supplement the record.
- CA09-1411. Adam S. Stibich v. Kimberly Rae Stibich, from Garland Circuit. Appellant's motion and amended motion to remand and to stay briefing or in the alternative, motion for extension of brief time.
- CA10-15. Marketplace Development Corporation et al. v. Keith Hood et al., from Garland Circuit. Motion of Ralph C. Ohm to withdraw as counsel for appellants.
- CA10-57. Ben Williams et al. v. Liberty Bank of Arkansas, from Clay Circuit, Western District. Appellants' motion to supplement the record and for brief time.
- CA10-60. John K. Kelly v. Christian Snowden Kelly, from Pulaski Circuit, Fifteenth Division. Appellant's motion to supplement the record.
- CA10-63. Ricky Pope and Christine Pope v. Michael Overton et al., from Hot Spring Circuit. Appellant's petition for writ of certiorari to complete the record and to stay briefing schedule.
- CA10-126. Sandra Forde, as Sole Trustee v. Diamante Golf Club, LLC et al., from Saline Circuit. Appellees' motion to consolidate appeal matters.
- CA10-136. Sabrina Donato v. Clint Walker, from Sevier Circuit. Appellant's motion to seal the record.

SUBMISSIONS

- CA09-676. Patsy Adele Long v. Fredye Long Alford, from Pulaski Circuit, Sixteenth Division. Argued orally.
- CA09-801. Mose Minor v. Chase Auto Finance Corporation, from Johnson Circuit. Argued orally.
- CACR09-596. Dennis Hutchinson v. State of Arkansas, from Pulaski Circuit, First Division.
- CACR09-612. Dwayne Wallis v. State of Arkansas, from Lonoke Circuit.
- CACR09-646. Jason Lee v. State of Arkansas, from Pulaski Circuit, Fifth Division.
- CACR09-890. Anthony D. Josenberger v. State of Arkansas, from Sebastian Circuit, Fort Smith District.
- CACR09-901. Ryan R. Autrand v. State of Arkansas, from Sebastian Circuit, Fort Smith District.
- CACR09-963. Charles Edward Harris, Jr. v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR09-965. Kenneth Warren v. State of Arkansas, from Pulaski Circuit, Fifth Division.
- CACR09-992. Silas Noble v. State of Arkansas, from Lafayette Circuit.
- CACR09-1047. Antonio Hunt v. State of Arkansas, from Lonoke Circuit.
- CACR09-1063. Russ A. Brewer v. State of Arkansas, from Baxter Circuit.
- CACR09-1068. Shawn Dell Whiteside v. State of Arkansas, from Lonoke Circuit.
- CACR09-1179. Ray O'Neal v. State of Arkansas, from Jefferson Circuit.

CA09-777. Sandra Hobson v. Donald Holloway, from Prairie Circuit, Southern District.

CA09-853. Claudia Marron v. Brandon T. Williams et al., from Washington Circuit.

CA09-854. Larco, Inc. et al. v. Thomas G. Strebeck, from Ashley Circuit.

CA09-928. Rocky Lawrence and Debra Lawrence v. Patsy Crafton Barnes et al., from Faulkner Circuit.

CA09-1024. George Repking et al. v. Brad Lokey et al., from Sebastian Circuit, Fort Smith District.

CA09-1138. Heather Wiggins v. Arkansas Department of Human Services, from Pope Circuit.

CA09-1183. Jeannie Lipscomb v. Arkansas Department of Human Services, from Pulaski Circuit, Tenth Division.

CA09-1223. Jennifer Churchwell v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

CA09-1224. Tammy Gossett v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

CA09-1257. Cekita Mason v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.

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

E09-154. Michael J. Ferron v. Director et al.

E09-155. Mark E. Loris v. Director et al.

E09-156. Ingrid J. Blake-Johnson v. Director et al.

E09-157. Marjorie C. Mier-Guillen v. Director et al.

E09-158. Kim D. Keith v. Director et al.

E09-159. Teri A. Bell v. Director et al.

E09-160. Randy M. Hice v. Director et al.

E09-161. Robyn A. Royer v. Director et al.

E09-162. Amanda M. Lingo v. Director et al.

E09-163. Jennifer J. Bland v. Director et al.

E09-164. Juan M. Ortiz v. Director et al.

E09-165. Angela D. Johnson v. Director et al.