

ARKANSAS COURT OF APPEALS

Opinions delivered
March 10, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-646. Jason Lee v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Kinard and Gruber, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-679. Dustin C. Torrence v. State of Arkansas, from Cleveland Circuit. Reversed and Remanded. Vaught, C.J., and Robbins, J., agree.

CACR09-965. Kenneth Warren v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Henry and Baker, JJ., agree.

CA08-1142. Robert L. Edwards v. Diane C. Edwards, from Columbia Circuit. Affirmed. Vaught, C.J., and Robbins, J., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR09-992. Silas Noble, Jr. v. State of Arkansas, from Lafayette Circuit. Affirmed. Gladwin and Brown, JJ., agree.

CA09-853. Claudia Marron v. Brandon T. Williams and Moore US Mail Contractor, Inc., from Washington Circuit. Affirmed. Gladwin and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CA09-492. Maureen Screeton v. Asco Vending, Inc., Gerald Scott and Cynthia Scott, from Pulaski Circuit, First Division. Affirmed. Vaught, C.J., Hart, Robbins, Glover, and Marshall, JJ., agree. Gruber, Henry, and Brown, JJ., dissent.

CA09-928. Rocky Lawrence and Debra Lawrence v. Patsy Crafton Barnes f/k/a Patsy Crafton Smith, Kimberly Zellner Ward, Trevor Ward, Steven Zellner, Misty Zellner, Virginia Crafton Lewis, James M. Lewis, Debi Zellner Tacker, Tim Tacker, and Conway Title and Escrow Services, Inc., from Faulkner Circuit. Affirmed on Direct Appeal; Reversed and Remanded on Cross-Appeal. Hart and Brown, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR09-1068. Shawn Dell Whiteside v. State of Arkansas, from Lonoke Circuit. Affirmed. Glover and Marshall, JJ., agree.

CA09-676. Patsy Adele Long, Personal Representative for the Estate of Mack Henry Long, deceased v. Fredye Long Alford and Brandon Trueman Eckhart, from Pulaski Circuit, Sixteenth Division. Affirmed in Part; Reversed in Part; Dismissed in Part. Glover and Marshall, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CA09-983. Arkansas State Highway Commission v. James R. Lewis III, from Poinsett Circuit. Affirmed. Vaught, C.J., and Gruber, J., agree.

RITA W. GRUBER, JUDGE:

CACR09-596. Dennis Huchinson v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Vaught, C.J., and Kinard, J., agree.

CA09-1030. Jonesboro Care & Rehab Center v. Ronna Woods, from the Arkansas Workers' Compensation Commission. Reversed. Gladwin, Glover, Marshall, and Brown, JJ., agree. Hart, Robbins, Kinard, and Baker, JJ., dissent.

CA09-1223. Jennifer Churchwell v. Arkansas Department of Human Services and Minor Child, from Craighead Circuit, Western District. Affirmed. Vaught, C.J., and Kinard, J., agree.

DAVID M. GLOVER, JUDGE:

CACR09-612. Dwayne Wallis v. State of Arkansas, from Lonoke Circuit. Affirmed in Part; Remanded in Part. Robbins and Marshall, JJ., agree.

CA09-936. Source Logistics, Inc. v. Certain Underwriters at Lloyd's of London subscribing to Policy No. NA041790U, from Pope Circuit. Affirmed. Robbins and Marshall, JJ., agree.

CA09-1224. Tammy Gossett v. Arkansas Department of Human Services, from Craighead Circuit, Western District. Affirmed; Motion Granted. Robbins and Marshall, JJ., agree.

D. P. MARSHALL JR., JUDGE:

CACR09-1179. Ray O'Neal v. State of Arkansas, from Jefferson Circuit. Reversed and Dismissed. Robbins and Glover, JJ., agree.

CA09-1089. Donna Leaf v. Arkansas Department of Health & Human Services and Minor Child, from Ouachita Circuit. Affirmed. Robbins and Glover, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR09-890. Anthony Josenberger v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Pittman and Baker, JJ., agree.

CA09-1115. David Ashcroft v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Affirmed. Pittman and Baker, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-901. Ryan R. Autrand v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Pittman and Henry, JJ., agree.

CA09-1161. Angela Michelle Jackson v. Arkansas Department of Human Services and Minor Child, from Nevada Circuit. Affirmed. Pittman and Henry, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR09-963. Charles Edward Harris, Jr. v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Hart and Gladwin, 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).

E09-154. 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.

PER CURIAM ORDERS

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

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

CA09-451. Chrissey Nunnenman v. Estate of Donald T. Grubbs, from Garland Circuit.

CA09-712. Raymond Vaughn v. Patricia Bates et al., from Pike Circuit.

CA09-940. Derrick L. Flowers v. Arkansas State Police, from Workers' Compensation Commission.

E09-121. Peter E. Hying v. Director et al., from Board of Review.

CACR09-426. Antwan Lavan Fowler v. State of Arkansas, from Faulkner Circuit. Appellant's motion to strike Petition for Rehearing is denied.

CACR09-503. Michael Anthony Green v. State of Arkansas, from Drew Circuit. Motion of Daren J. Nelson for attorney's fees is granted. Allowed \$1,400.00.

CACR09-549. Kelton Esquire Bond v. State of Arkansas, from Benton Circuit. Appellant's pro se motion for appointment of counsel is granted. Steven R. Davis is appointed to represent appellant.

CACR09-744. Ralph Lee St. Clair v. State of Arkansas, from Benton Circuit. Motion of Erin Vinett for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1357. Melvyn Stewart v. State of Arkansas, from Hot Spring Circuit. Appellant's pro se motion to file belated brief is granted. Brief due within fifteen days.

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 is granted. Paul J. Teufel is appointed to represent the appellant. Brief due within forty days (April 19, 2010).

CACR10-36. Andrew Wayne Lovett v. State of Arkansas, from Union Circuit. Appellant's petition for writ of certiorari to complete the record and for extension of brief time is granted.

CA09-39. Jack Barnes et al. v. Lamar's Bistro et al., from Columbia Circuit. Appellee Lamar's Bistro's motion to reschedule oral argument is granted. Kinard, J., not participating.

CA09-665. Rosemarie Clampitt v. James P. Geurin et ux., from Garland Circuit. Appellant's motion to correct addendum is granted. Robbins, J., not participating.

CA09-875. Glenda Dearman v. Deltic Timber Corporation, from Workers' Compensation Commission. Appellant's motion for attorney's fees is granted.

CA09-1049. Carol Diane Conway et al. v. Hi-Tech Engineering, Inc. et al., from Garland Circuit. Appellants' motion to file enlarged brief and for brief time. Motion to file enlarged brief is denied. Brief due within five days. Vaught, C.J., and Glover, J., not participating.

CA09-1268. Barbara Miller v. White Hall School District et al., from Workers' Compensation Commission. Appellee-Second Injury Fund's motion to strike appellant's brief and exhibits is denied. See Ark. S. Ct. R. 4-2(b)(1).

CA09-1268. Barbara Miller v. White Hall School District et al., from Workers' Compensation Commission. Motion of Second Injury Fund to estop Appellee White Hall School District from briefing the issue of Second Injury Fund Liability. Granted in Part; Denied in Part. Appellee White Hall School District may brief the second-injury-fund issue. But having filed neither a notice of appeal nor a notice of cross appeal from the Commission's decision, the District may argue only in support of the Commission's decision on that issue. *Boothe v. Boothe*, 341 Ark. 381, 383-84, 17 S.W.3d 464, 465 (2000). Both appellees' briefs due on March 24, 2010.

CA09-1268. Barbara Miller v. White Hall School District et al., from Workers' Compensation Commission. Appellee-Second Injury Fund's motion to set separate briefing schedule is moot.

CA09-1272. Exigence, LLC et al. v. Courtney Baylark, from Phillips Circuit. Appellee's motions to dismiss are denied.

CA09-1320. Greg E. Prock v. Bull Shoals Boat Landing et al., from Workers' Compensation Commission. Appellant's motion to file enlarged brief is denied without prejudice.

CA10-15. Marketplace Development Corp. et al. v. Keith Hood et al., from Garland Circuit. Appellees' motion to dismiss appeal is denied. Appellants to submit a supplemental record within sixty days. Appellants to pay costs of record. Appellant's brief due within thirty days after supplemental record is filed. Vaught, C.J., not participating.

CA10-15. Marketplace Development Corp. et al. v. Keith Hood, from Garland Circuit. Appellants' motion for extension of time to submit supplemental response. Moot. Vaught, C.J., not participating.

CA10-56. David Collins v. Billy Grady Collins, from Independence Circuit. Appellant's motion to issue writ of

supersedeas. Remanded to the trial court for a ruling on the issue of supersedeas within thirty days.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA09-449. Jackie R. Shaver v. Land O' Frost, from Workers' Compensation Commission.

CA09-690. David Beliew v. Lennox Industries et al., from Workers' Compensation Commission.

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

CA09-902. Mary Hudak-Lee v. Baxter County Regional Hospital et al., from Workers' Compensation Commission.

CACR08-1157. Bobby Lee Green v. State of Arkansas, from Drew Circuit. Motion of Joseph P. Mazzanti III for attorney's fees and expenses.

CACR09-439. Joseph Stone, a/k/a Josiah Stone v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss appeal.

CACR09-803. Clark A. Gray v. State of Arkansas, from Garland Circuit. Motion of Dale E. Adams for attorney's fees.

CACR09-820. Robert Cayton v. State of Arkansas, from Crittenden Circuit. Motion of Brett D. Watson for attorney's fees.

CACR09-820. Robert Cayton v. State of Arkansas, from Crittenden Circuit. Motion of Brett D. Watson to withdraw as counsel for appellant.

CACR09-825. Jordan Waller v. State of Arkansas, from Miller Circuit. Motion of William O. "Bill" James, Jr. for attorney's fees.

CACR09-839. Calvin Brown v. State of Arkansas, from Cross Circuit. Motion of Terry Goodwin Jones for attorney's fees.

CACR09-947. Mark Edward Francis v. State of Arkansas, from Clark Circuit. Appellee's motion to dismiss appeal.

CACR09-1045. Recho Berry v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees.

CACR09-1156. Willie Patton, Jr. v. State of Arkansas, from Bradley Circuit. Appellant's pro se motion for copy of transcript at public expense.

CACR09-1211. Duron Canada v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion to supplement the record.

CACR09-1229. Broderick J. Cooper v. State of Arkansas, from Clark Circuit. Appellant's motion to file corrected brief.

CACR09-1409. Freddie Joe Montoya v. State of Arkansas, from Benton Circuit. Appellant's motion to file belated brief.

CACR10-35. Blake D. Burrow v. State of Arkansas, from Lonoke Circuit. Appellant's motion to file belated brief.

CA09-925. R. W., a Minor v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CA09-1121. Marina Velazquez v. Britton Riddle, from Sebastian Circuit, Fort Smith District. Appellee's motion to supplement the record and for stay of briefing schedule.

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

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

CA09-1127. Scott Street Townhouses, LLC v. Underwriters of Lloyd's of London, from Pulaski Circuit, Third Division.

SUBMISSIONS

CA09-857. Winrock Grass Farms, Inc. v. Affiliated Real Estate Appraisers of Arkansas, Inc. et al., from Pulaski Circuit, Sixth Division. Argued orally.

CA09-955. George Hill v. LDA Leasing, Inc. et al., from Workers' Compensation Commission. Argued orally.

CACR09-779. Monty Lee Stidam v. State of Arkansas, from Benton Circuit.

CACR09-1039. Marcus Levern Allen v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR09-1046. Bernard Jones v. State of Arkansas, from Hempstead Circuit.

CA09-469. Linda Jo Robinson v. Walter Whit Barton et al., from Drew Circuit.

CA09-569. Bethany Myers v. Arkansas Department of Human Services, from Miller Circuit.

CA09-571. Carlos Parrish v. Arkansas Department of Human Services, from Miller Circuit.

CA09-579. Albert Krantz and Miriam Krantz v. Arkansas Department of Human Services, from Miller Circuit.

CA09-583. Don Thorne v. Arkansas Department of Human Services, from Miller Circuit.

CA09-664. R.C. Landscaping v. William B. Jones, from Workers' Compensation Commission.

CA09-672. Cheryl Lynn Prickett v. Hot Spring County Medical Center, from Hot Spring Circuit.

CA09-862. Conmac Investments, Inc. v. Entergy Arkansas, Inc., from Jackson Circuit.

CA09-883. Adrian David Minton v. Danny Minton, from Montgomery Circuit.

CA09-1022. Karla J. Gilbert v. Sonic Drive-In et al., from Workers' Compensation Commission.

CA09-1035. James Walter Breckenridge et al. v. Marvin Eugene Breckenridge, from Woodruff Probate.

CA09-1059. Kevin F. Buchne v. Rebecca Ellen Buchne, from Benton Circuit.

CA09-1061. Bridgestone/Firestone, Inc. v. Paul Hensley, from Workers' Compensation Commission.

CA09-1082. Kevin Massey v. Morris Dee Fulks, from Stone Circuit.

CA09-1083. Bertha Osborne v. Booneville Human Development Center et al., from Workers' Compensation Commission.

CA09-1112. James C. Moore and Clara Moore v. First Presbyterian Church of Searcy, Arkansas, Inc. et al., from White Probate.

CA09-1126. Paul Schmidt v. Gary Stearman, Sr., from Washington Circuit.