

ARKANSAS COURT OF APPEALS

Opinions delivered
March 17, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CA09-156. Jeffrey Scott Wright v. Amy Lynn Wright, from Benton Circuit. Affirmed in Part; Reversed and Remanded in Part. Pittman and Brown, JJ., agree.

CA09-1257. Cekita Mason v. Arkansas Department of Health & Human Services and Minor Children, from Pulaski Circuit, Eighth Division. Affirmed. Kinard and Gruber, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-324. Jewel Eugene Johnson and Michael Ryan Webb v. State of Arkansas, from Pulaski Circuit, Fifth Division. Reversed and Remanded. Vaught, C.J., and Robbins, J., agree.

JOSEPHINE LINKER HART, JUDGE:

CA09-769. Jonathan Young v. Kristalynn Young, from Garland Circuit. Dismissed. Robbins and Henry, JJ., agree.

CA09-891. M.S. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Gladwin and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CA09-792. John T. Payne, II v. Keith Donaldson, d/b/a Donaldson Wrecker Service, from Chicot Circuit. Affirmed in Part; Reversed and Dismissed in Part; Reversed and Remanded in Part; Appellant's Motion to Strike Appellee's Alternative Statement of the Case Denied. Kinard and Glover, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CA09-682. Georgia N. Mason, as Personal Representative of the Estate of Ferrel O. Mason, Deceased, and Mary Bostain, son and daughter of Fred O. Mason and Mary Isabelle Mason, husband and wife v. Alice Buckman, Joyce C. Minchew, Ann Conner Roche, Beverly Ann Lachmann, Lutz Lachmann, SEECO, Inc., and Caffey Group, LLC, et al., from Van Buren Circuit. Affirmed. Hart and Henry, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CA09-1183. Jeannie Lipscomb v. Arkansas Department of Human Services and B.S., a minor, from Pulaski Circuit, Tenth Division. Affirmed. Vaught, C.J., and Gruber, J., agree.

RITA W. GRUBER, JUDGE:

CACR09-872. Gregory Forrester v. State of Arkansas, from Benton Circuit. Rebriefing ordered. Marshall and Baker, JJ., agree.

DAVID M. GLOVER, JUDGE:

CA08-1518. Donald M. Valentine v. Christy Valentine, from Poinsett Circuit. Affirmed. Gladwin and Kinard, JJ., agree.

D. P. MARSHALL JR., JUDGE:

CA09-870. Peter Daniels, Jr. v. Daryl Davis, from Jefferson Circuit. Dismissed. Robbins and Glover, JJ., agree.

CA09-912. Marc and Billie Heflin v. Phil and Crystal Brackelsberg, from Pulaski Circuit, Thirteenth Division. Affirmed in Part; Reversed and Remanded in Part; Fee Award Vacated; Motion Granted. Robbins and Glover, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CA09-377. Larry Coatney v. Natalie Karen Coatney, from Carroll Circuit, Eastern District. Affirmed on Direct Appeal; Affirmed on Cross-Appeal. Hart and Robbins, JJ., agree.

CA09-854. Larco, Inc., and Robinson Contracting and Equipment Rentals, Inc. v. Thomas G. Strebeck, from Ashley Circuit. Affirmed in Part; Reversed and Remanded in Part. Pittman and Baker, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CA09-777. Sandra Hobson v. Donald Holloway, from Prairie Circuit, Southern District. Affirmed. Hart and Gladwin, JJ., agree.

PER CURIAM OPINION:

CA09-86. K. L., a Minor v. State of Arkansas, from Desha Circuit. Remanded to Settle the Record; Rebriefing ordered.

PER CURIAM ORDERS

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

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 is granted. Allowed \$1,200.00.

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 is granted.

CACR09-803. Clark A. Gray v. State of Arkansas, from Garland Circuit. Motion of Dale E. Adams for attorney's fees is granted. Allowed \$1,400.00.

CACR09-820. Robert Cayton v. State of Arkansas, from Crittenden Circuit. Motion of Brett D. Watson for attorney's fees is granted. Allowed \$1,000.00.

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

CACR09-825. Jordan Waller v. State of Arkansas, from Miller Circuit. Motion of William O. "Bill" James, Jr. for attorney's fees is granted. Allowed \$1,400.00.

CACR09-839. Calvin Brown v. State of Arkansas, from Cross Circuit. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,400.00.

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

CACR09-1045. Recho Berry v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,200.00.

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

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

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

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

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

CACR10-187. Tracy Parks v. State of Arkansas, from Greene Circuit. Motion of Kristofer E. Richardson to withdraw as counsel for appellant is granted. Jason Jouett is appointed to represent appellant. Appellant's brief due April 26, 2010. Henry, J., not participating.

CA09-792. John T. Payne, II v. Keith Donaldson, d/b/a Donaldson Wrecker Service, from Chicot Circuit. Appellant's motion to strike appellee's statement of the case is denied. See opinion this date.

CA09-873. Terrist Parramore v. Retirement Properties, Inc., d/b/a Ramada Inn Fort Smith et al., from Sebastian Circuit, Fort Smith District. Appellant's motion to continue oral arguments is granted.

CA09-912. Marc and Billie Heflin v. Phil and Crystal Brackelsberg, from Pulaski Circuit, Thirteenth Division. Appellees' motion for permission to supplement appellants' abstract and addendum and verified motion for taxation of costs is granted. See opinion this date.

CA09-925. R. W., a Minor v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,400.00.

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. Motion to supplement the record is granted. Supplemental record due within fifteen days. Brief due within fifteen days thereafter.

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 is granted. Brief due April 16, 2010. Final

extension.

CA09-1256. Farm Bureau Mutual Insurance Company of Arkansas v. Danny W. Sells, from Pulaski Circuit, Thirteenth Division. Appellant's second motion to supplement the record is granted. Record deemed supplemented. Appellee's brief due within thirty days. Marshall, J., not participating.

CA10-106. Swift Transportation Company, Inc. v. Joseph Turner, from Drew Circuit. Appellant's motion to dismiss appeal is granted.

CA10-106. Swift Transportation Company, Inc. v. Joseph Turner, from Drew Circuit. Appellee/Petitioner, Joseph Turner's petition for writ of mandamus. Moot.

CA10-106. Swift Transportation Company, Inc. v. Joseph Turner, from Drew Circuit. Appellee's motion to withdraw mandamus petition. Moot.

CA10-106. Swift Transportation Company, Inc. v. Joseph Turner, from Drew Circuit. Appellee's motion to supplement the record. Moot.

The following case is dismissed 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.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CACR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District.

CACR09-444. Jimmy Lee Frost v. State of Arkansas, from Drew Circuit.

CACR09-787. Theodis Jordan Smith v. State of Arkansas, from Jefferson Circuit.

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

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

CA09-1072. Tremayne Scoggins v. Evon M. Medlock, from Pulaski Circuit, Ninth Division.

CACR09-121. Russell Allen Hanna v. State of Arkansas, from Lonoke Circuit. Motion of Jonathan T. Lane for attorney's fees.

CACR09-750. Phillip Coley Elliott v. State of Arkansas, from Garland Circuit. Motion of Timothy Beckham for attorney's fees.

CACR09-890. Anthony D. Josenberger v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Charles E. Smith for attorney's fees.

CACR09-897. Matthew Turner v. State of Arkansas, from Lonoke Circuit. Motion of Jonathan T. Lane for attorney's fees.

CACR09-960. Aaron Matthew Haralson v. State of Arkansas, from Garland Circuit. Motion of Timothy Beckham for attorney's fees.

CACR09-1084. Bruce Blount v. State of Arkansas, from Jefferson Circuit. Motion of Chad M. Green for attorney's fees.

CACR09-1179. Ray O'Neal v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for costs and attorney's fees.

CA09-861. Mike Nobles v. Robbyn Tumey, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss appeal and to stay brief time.

CA09-1034. David Rees v. Danielle McLaughlin et al., from Craighead Circuit, Western District. Appellant's motion to file belated brief.

CA10-25. Ralph Hall et al. v. City of Bryant et al., from Saline Circuit. Appellant's motion to correct brief.

CA10-57. Ben Williams et al. v. Liberty Bank of Arkansas, from Clay Circuit, Western District. Appellants' motion for expanded argument.

CA10-167. Rickey Henry v. QHG of Springdale, Inc. et al., from Benton Circuit. Appellant's motion to remand for entry of a final order and to stay briefing schedule.

SUBMISSIONS

CA09-460. Troy Blankenship v. Owen Kelly, M.D. et al., from Pope Circuit. Argued orally.

CACR09-32. Bondie Hood v. State of Arkansas, from Greene Circuit.

CACR09-772. James R. Lowe v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR09-805. Michael Wayne Watson v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR09-1104. James Forrest, Jr. v. State of Arkansas, from Jefferson Circuit.

CACR09-1136. Melvin Marlton Brown v. State of Arkansas, from Ouachita Circuit.

CACR09-1178. John A. Diggins v. State of Arkansas, from Jefferson Circuit.

CA09-877. Veronica Murray v. Stant Manufacturing, from Workers' Compensation Commission.

CA09-907. Mark N. Erickson v. Tina K. Erickson, from Pulaski Circuit, Seventeenth Division.

CA09-921. Terry Druyvestein v. Summit Brokerage Services, Inc., from Sebastian Circuit, Fort Smith District.

CA09-1001. Carl Crenshaw v. Arkansas Warehouse, Inc., from Crawford Circuit.

CA09-1033. Terry Otter v. Sex Offender Assessment Committee, from Jefferson Circuit.

CA09-1108. Kathleen Lipps v. Robert Lipps, from Ouachita Circuit.

CA09-1114. Jason Edward Ullrich v. Nicole Alexa Walsh, from Logan Circuit, Northern District.

CA09-1116. Donna Greenfield v. Conagra Foods, Inc. et al., from Workers' Compensation Commission.

CA09-1129. Anthony Rose v. Louis A. Etoch et al., from Phillips Circuit.

CA09-1193. Randall Mitchell v. Sarah Fells, from Pulaski Circuit, Twelfth Division.

CA09-1196. Fayetteville Public Schools v. Benjamin Dial, from Washington Circuit.

CA09-1245. Nellie Garringer v. Richard Garringer, from Lonoke Circuit.

CA09-1279. Benjamin Lane v. Joe Harris Trucking, from Workers' Compensation Commission.

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

E09-120. Brenda C. Hayden v. Director et al.

E09-166. Sharon K. Thornton v. Director et al.

E09-167. Rodney Washington v. Director et al.

E09-168. Brandi M. Johnson v. Director et al.

E09-169. Mary Teague v. Director et al.

E09-170. Sherrica G. Sumner v. Director et al.

E09-171. Jane E. Oglesby v. Director et al.

E09-172. Larry G. Parker, Jr. v. Director et al.

E09-173. Anthony R. Banks v. Director et al.

E09-174. Lisa M. Wesley v. Director et al.

E09-175. Vester L. Nichols v. Director et al.

E09-176. Lawanda R. Wieland v. Director et al.