

ARKANSAS COURT OF APPEALS

Opinions delivered
April 7, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-772. James R. Lowe v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Pittman and Brown, JJ., agree.

CA09-1033. Terry Otter v. Sex Offender Assessment Committee, from Jefferson Circuit. Affirmed. Pittman and Brown, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-1113. Ashlie Byrd v. State of Arkansas, from Benton Circuit. Affirmed. Henry and Baker, JJ., agree.

CA09-1001. Carl Crenshaw v. Arkansas Warehouse, Inc., from Crawford Circuit. Rebriefing ordered. Vaught, C.J., and Brown, J., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR09-1104. James Forrest, Jr. v. State of Arkansas, from Jefferson Circuit. Affirmed. Robbins and Henry, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CA09-877. Veronica Murray v. Stant Manufacturing and Gallagher Bassett Services, from the Arkansas Workers' Compensation Commission. Affirmed. Kinard and Glover, JJ., agree.

CA09-1114. Jason Edward Ullrich v. Nicole Alexa Walsh, from Logan Circuit, Northern District. Affirmed. Kinard and Glover, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CA09-1279. Benjamin Lane v. Joe Harris Trucking and Commerce & Industry Insurance Co., from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Henry, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CA09-1116. Donna Greenfield v. Conagra Foods, Inc., Sedgwick Claims Management Services, Second Injury Fund, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Glover, JJ., agree.

CA09-1193. Randall Mitchell and Demita Mitchell v. Sarah Fells, from Pulaski Circuit, Twelfth Division. Rebriefing ordered. Gruber and Glover, JJ., agree.

RITA W. GRUBER, JUDGE:

CA09-210. Grady Martin, Jr. v. Jensen Construction Company, St. Paul Mercury Insurance Co., and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Robbins and Glover, JJ., agree. Hart and Kinard, JJ., dissent.

CA09-1108. Kathleen Lipps v. Robert Lipps, from Ouachita Circuit. Affirmed. Marshall, J., agrees. Baker, J., concurs.

CA09-1196. Fayetteville Public Schools v. Benjamin Dial, from Washington Circuit. Affirmed. Marshall and Baker, JJ., agree.

DAVID M. GLOVER, JUDGE:

CA09-1245. Nellie Garringer v. Richard Garringer, from Lonoke Circuit. Affirmed and remanded with instructions. Gladwin and Kinard, JJ., agree.

E09-120. Brenda C. Hayden v. Director, Department of Workforce Services and CMC Steel Fabricators, from the Arkansas Board of Review. Affirmed. Gladwin and Kinard, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR09-32. Bondie Hood v. State of Arkansas, from Greene Circuit. Affirmed; motion to be relieved granted. Hart and Robbins, JJ., agree.

CA09-921. Terry Druyvestein v. Summit Brokerage Services, Inc., and Lois Druyvestein, from Sebastian Circuit, Fort Smith District. Rebriefing ordered. Hart and Robbins, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-1178. John A. Diggins v. State of Arkansas, from Jefferson Circuit. Affirmed. Gruber and Marshall, JJ., agree.

CA09-907. Mark N. Erickson v. Tina K. Erickson, from Pulaski Circuit, Seventeenth Division. Affirmed. Gladwin and Marshall, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR09-1136. Melvin Marlton Brown v. State of Arkansas, from Ouachita Circuit. Affirmed. Vaught, C.J., agrees. Pittman, J., concurs.

CA09-664. R.C. Landscaping and FirstComp Ins. Co. v. William B. Jones, Death & Permanent Total Disability Trust Fund, and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross-appeal. Vaught, C.J., agrees. Pittman, J., concurs.

CA09-1129. Anthony Rose v. Louis A. Etoch, Charles Halbert, Donald E. Knapp, Jr., and Etoch Law Firm, from Phillips Circuit. Affirmed. Vaught, C.J., and Pittman, J., 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).

E09-166. 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.

PER CURIAM ORDERS

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

CA09-1030. Jonesboro Care & Rehab Center v. Ronna Woods, from Workers' Compensation Commission. Hart, Robbins and Kinard, JJ., would grant.

CACR09-346. William Rockward v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,400.00.

CACR09-692. Lathon Jordana v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Ronald L. Davis for attorney's fees is granted. Allowed \$1,400.00.

CACR09-759. Dale Sims v. State of Arkansas, from Faulkner Circuit. Motion of William O. "Bill" James, Jr. for attorney's fees is granted. Allowed \$1,400.00.

CACR09-764. James A. Holliday v. State of Arkansas, from Benton Circuit. Appellant's motion for enlargement of time to file substituted abstract and brief is granted. Brief due April 25, 2010.
Final extension.

CACR09-806. Mack Deconile Smith v. State of Arkansas, from Faulkner Circuit. Motion of William O. "Bill" James, Jr. for attorney's fees is granted. Allowed \$1,300.00.

CACR09-992. Silas Noble v. State of Arkansas, from Lafayette Circuit. Motion of Jason Horton for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1056. Donald Henry Elmore v. State of Arkansas, from Crittenden Circuit. Appellant's pro se motion for transcript and to file belated points for reversal. Motion for transcript is denied. Motion to file belated points for reversal is granted. Pro se points due April 22, 2010.

CACR09-1179. Ray O'Neal v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for costs and attorney's fees is granted. Allowed \$1,400,00.

CACR10-81. Phillip W. Holloway v. State of Arkansas, from Scott Circuit. Appellant's motion to expand page

limitation is granted.

CA09-639. Stephanie Harris v. Stephen Harris, from Pulaski Circuit, Seventeenth Division. Appellee's motion for costs and fees is denied.

CA09-861. Mike Nobles v. Robbyn Tumey, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss appeal and to stay brief time. Motion to dismiss appeal is denied. Brief due within thirty days.

CA09-1073. J. D. Ashley, Sr., by and through Charolette Ashley v. The J.D. Ashley, Sr. Family Limited Partnership et al., from Pulaski Circuit, Ninth Division. Appellant's motion for oral argument is denied. Marshall, J., would grant. Kinard and Gruber, JJ., not participating.

CA09-1172. Wynona Smith v. Hair Plus Beauty Supplies, Inc., from Workers' Compensation Commission. Appellant's pro se motion for extension of brief time is granted. Brief due May 7, 2010. Final extension.

CA09-1202. Bio Tech Pharmacal, Inc. v. Edmond Blouin, from Workers' Compensation Commission. Appellant's motion for additional brief time is granted. Appellant's brief due May 7, 2010.

CA10-133. Jan Chalmers (Speed), Parent, et al. v. Stephens Family Limited Partnership, from Pulaski Circuit, Sixth Division. Appellee's motion to dismiss appeal is granted.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA08-1405. Charles V. Grassi, Sr. v. James W. Hyden and Hyden, Miron & Foster, P.L.L.C., from Pulaski Circuit, Fifth Division.

CA09-676. Patsy Adele Long v. Fredye Long Alford and Brandon Trueman Eckhart, from Pulaski Circuit, Sixteenth Division.

CACR09-794. Carl Douglas Colburn v. State of Arkansas, from Benton Circuit. Appellee's motion to dismiss appeal.

CACR09-794. Carl Douglas Colburn v. State of Arkansas, from Benton Circuit. Appellant's motion to file belated brief.

CACR09-899. Charles Goodman, Jr. v. State of Arkansas, from Saline Circuit. Motion of J. Brent Standridge for attorney's fees.

CACR09-901. Ryan R. Autrand v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR09-972. Ricky Dale Smith v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of Lea Ellen Fowler for attorney's fees.

CACR09-1046. Bernard Jones v. State of Arkansas, from Hempstead Circuit. Motion of Anthony S. Biddle for attorney's fees.

CACR09-1047. Antonio Hunt v. State of Arkansas, from Lonoke Circuit. Motion of Caroline L. Winningham for attorney's fees.

CACR10-41. Everett Gene Foster, Jr. v. State of Arkansas, from Lonoke Circuit. Resubmission after remand of motion to substitute counsel.

CACR10-91. Rodney Ray Hall v. State of Arkansas, from Randolph Circuit. Motion of Ray Spruell to be relieved and of Scott C. Nance to be substituted as counsel for appellant.

CACR10-110. Roger Dale Rudd v. State of Arkansas, from Jackson Circuit. Resubmission after remand of motion to substitute counsel.

CACR10-168. Ismael Garduno-Trejo v. State of Arkansas, from Benton Circuit. Appellant's motion for leave to proceed in forma pauperis.

CA09-912. Marc and Billie Heflin v. Phil and Crystal Brackelsburg, from Pulaski Circuit, Thirteenth Division. Appellant's motion to supplement and amend the record.

CA09-1049. Carol Diane Conway et al. v. Hi-Tech Engineering, Inc. et al., from Garland Circuit. Appellant's motion to redact the record.

CA09-1127. Scott Street Townhouses, LLC v. Underwriters at Lloyd's, London et al., from Pulaski Circuit, Third Division. Appellant's motion to set aside dismissal of appeal and for permission to file belated brief.

CA09-1177. Leon Miletello, Jr. et al. v. Value Properties Limited Partnership et al., from Ashley Circuit. Appellant's motion to correct page references.

CA10-15. Marketplace Development Corporation et al. v. Keith Hood et al., from Garland Circuit. Appellees' motion for reconsideration on denial of motion to dismiss.

CA10-137. Brian Lauman and Aliesha Lauman Brown v. Arkansas Department of Human Services et al., from Sebastian Circuit, Fort Smith District. Appellees' joint motion to supplement the record and stay brief time.

SUBMISSIONS

CA09-496. Martine "Tina" Oates v. Michael "Mickey" Oates, from Pulaski Circuit, Thirteenth Division. Argued orally.

CA09-498. Martine "Tina" Oates v. Michael "Mickey" Oates, from Pulaski Circuit, Thirteenth Division. Argued orally.

CA09-842. National Christian Charitable Foundation Support, Inc. v. Harris McHenry Real Estate Co., from Benton Circuit. Argued orally.

CACR08-1460. Wesley Barringer v. State of Arkansas, from Jefferson Circuit.

CACR09-865. Lyndall Anthony Golden v. State of Arkansas, from Drew Circuit.

CACR09-911. Kimberly Ann Webb v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR09-1010. Keith Brown v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR09-1017. Steven Washington v. State of Arkansas, from Jefferson Circuit.

CACR09-1029. Odell Laron Hinton v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR09-1076. Michael A. Williams v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CA09-297. R. J. Chiodini v. David Lock, from Stone Circuit.

CA09-633. Daylan Hunt et al. v. Entergy Arkansas, Inc., from Garland Circuit.

CA09-844. Rae Evelyn Rice v. Eunita Seals, from Jefferson Circuit.

CA09-962. Cheri Green v. Mark Randal Green, from Pulaski Circuit, Fourteenth Division.

CA09-976. Troyce D. Barnett v. Mountain View School District, from Stone Circuit.

CA09-1144. Tommy Thompson and Irene Thompson v. City of Bauxite et al., from Saline Circuit.

CA09-1145. Connie S. York v. James A. York, Jr., from Yell Circuit, Southern District.

CA09-1164. Lee A. Davis v. Arkansas Blue Cross and Blue Shield, from Jefferson Circuit.

CA09-1365. Jennifer L. Ramsey v. Arkansas Department of Human Services, from Garland Circuit.