

## ARKANSAS COURT OF APPEALS

Opinions delivered  
April 14, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CA09-1107. Danielle N. Wood v. Wendy's Old Fashioned Hamburgers and Wausau Business Insurance Company, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Pittman and Brown, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CA09-677. Tim Cassinger v. Poinsett County Rice & Grain, Inc., from Craighead Circuit, Western District. Affirmed. Henry and Baker, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR09-669. Courtney Craig v. State of Arkansas, from Phillips Circuit. Affirmed. Robbins and Henry, JJ., agree.

CA09-883. Adrian David Minton v. Danny Minton, David Minton, and Estate of Freddie Lynn Minton, Deceased, from Montgomery Circuit. Affirmed. Robbins and Henry, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CA09-1099. Darrell W. Diggs v. Cattlemen's Livestock Market, Inc., and Commerce & Industry Insurance Company, Carrier, from the Arkansas Workers' Compensation Commission. Affirmed. Kinard and Glover, JJ., agree.

CA09-1134. Deborah Landers v. Arkansas Department of Education and State Board of Education, from Pulaski Circuit, Sixth Division. Affirmed. Kinard and Glover, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CACR09-1185. Steven Ray Skomp v. State of Arkansas, from Bradley Circuit. Affirmed. Gladwin and Glover, JJ., agree.

CA09-780. Patricia Pereira Dos Reis Courdin v. Mitch Paul Courdin, from Washington Circuit. Affirmed. Gladwin and Glover, JJ., agree.

CA09-1083. Bertha Osborne v. Booneville Human Development Center and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Glover, JJ., agree.

RITA W. GRUBER, JUDGE:

CA09-579. Albert Krantz and Miriam Krantz v. Arkansas Department of Human Services, from Miller Circuit. Affirmed. Marshall and Baker, JJ., agree.

CA09-583. Don Thorne v. Arkansas Department of Human Services, from Miller Circuit. Affirmed. Marshall and Baker, JJ., agree.

CA09-908. Cleveland Smith v. Sherry Smith, from Garland Circuit. Affirmed. Marshall and Baker, JJ., agree.

CA09-1163. Rex Thurlkill v. Thelon Wood and Nancy Wood, Trustee of the Wood Family Irrevocable Trust, from

Union Circuit. Affirmed. Marshall and Baker, JJ., agree.

DAVID M. GLOVER, JUDGE:

CA09-988. Cindy Gilbow v. Fraser M. Richards, M. D., from Craighead Circuit, Western District. Rebriefing ordered. Gladwin and Kinard, JJ., agree.

CA09-1255. Glayton Johnson v. Jerry Brasfield, from Jefferson Circuit. Reversed and remanded. Gladwin and Kinard, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR08-1477. Matthew Cole Hagen v. State of Arkansas, from Garland Circuit. Affirmed. Hart and Robbins, JJ., agree.

CACR09-29. Steve Brian Stewart v. State of Arkansas, from Ashley Circuit. Affirmed. Hart and Robbins, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-990. Charles Edward Jones v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Gruber and Marshall, JJ., agree.

CA09-544. Deanna Wilson Mainerich v. Mark Wilson, from Union Circuit. Reversed and remanded. Gruber and Marshall, JJ., agree.

CA09-569. Bethany Myers and Jim Myers v. Arkansas Department of Human Services, from Miller Circuit. Affirmed. Gruber and Marshall, JJ., agree.

CA09-571. Carlos Parrish and Sophia Parrish v. Arkansas Department of Human Services, from Miller Circuit. Affirmed. Gruber and Marshall, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR09-994. Rodney A. Adkins v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Vaught, C.J., and Pittman, J., agree.

CA09-1085. Sam Durham v. Terry Smith and Susan Smith, from Izaard Circuit. Affirmed in part; reversed and remanded in part. Vaught, C.J., agrees. Pittman, J., concurs.

PER CURIAM OPINION:

CA09-922. Greenway Land Company, Inc v. Beth Imboden Hinchey, from Cross Circuit. Dismissed without prejudice.

**PER CURIAM ORDERS**

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

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.

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CACR07-929. Kelly Harrison Campbell v. State of Arkansas, from Lonoke Circuit. Motion of Jerry J. Sallings and Gary D. Marts, Jr. for attorney's fees is granted. See **per curiam** this date.

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

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

CACR09-899. Charles Goodman, Jr. v. State of Arkansas, from Saline Circuit. Motion of J. Brent Standridge for attorney's fees is granted. Allowed \$1,400.00.

CACR09-901. Ryan R. Autrand v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$1,400.00.

CACR09-972. Ricky Dale Smith v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of Lea Ellen Fowler for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1046. Bernard Jones v. State of Arkansas, from Hempstead Circuit. Motion of Anthony S. Biddle for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1047. Antonio Hunt v. State of Arkansas, from Lonoke Circuit. Motion of Caroline L. Winningham for attorney's fees is granted. Allowed \$1,400.00.

CACR10-41. Everett Gene Foster, Jr. v. State of Arkansas, from Lonoke Circuit. Resubmission after remand of motion to substitute counsel is granted. Jonathan Lane is relieved and Gene McKissic is substituted as counsel for appellant.

CACR10-47. Jacob Wages v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion for appointment of counsel and for extension of brief time is granted. Farris Merritt is appointed to represent the appellant. Appellant's brief due May 24, 2010.

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

CACR10-110. Roger Dale Rudd v. State of Arkansas, from Jackson Circuit. Resubmission after remand of motion to substitute retained counsel Debra J. Reece to replace C. Scott Nance, Public Defender, as counsel for appellant is granted. Appellant's brief due May 24, 2010.

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 is granted. See **supplemental opinion** this date.

CA09-1049. Carol Diane Conway et al. v. Hi-Tech Engineering, Inc. et al., from Garland Circuit. Appellant's motion to redact the record is granted. Vaught, C.J., and Glover, J., not participating.

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 is granted. Gruber, J., not participating.

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

motion to correct page references is granted.

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 is denied. Vaught, C.J., not participating.

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 is remanded to the trial court to settle the record within fifteen days. Brief due within fifteen days thereafter.

## MOTIONS SUBMITTED

### PETITIONS FOR REHEARING:

CA08-1518. Donald M. Valentine v. Christy Valentine, from Poinsett Circuit.

CA09-682. Georgia N. Mason et al. v. Alice Buckman et al., from Van Buren Circuit.

CA09-792. John T. Payne, II v. Keith Donaldson d/b/a Donaldson Wrecker Service, from Chicot Circuit.

CA09-854. Larco, Inc. and Robinson Contracting and Equipment Rentals, Inc. v. Thomas G. Strebeck, from Ashley Circuit.

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CACR09-32. Bondie Hood v. State of Arkansas, from Greene Circuit. Motion of Robert M. "Robby" Golden for attorney's fees.

CACR09-768. Johnta Barber v. State of Arkansas, from Faulkner Circuit. Motion of William O. "Bill" James, Jr. for attorney's fees.

CACR09-772. James R. Lowe v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Charles E. Smith for attorney's fees.

CACR09-779. Monty Lee Stidam v. State of Arkansas, from Benton Circuit. Motion of Harvery Harris for attorney's fees.

CACR09-787. Theodis Jordan Smith v. State of Arkansas, from Jefferson Circuit. Motion of Jerry Larkowski for attorney's fees.

CACR09-1047. Antonio Hunt v. State of Arkansas, from Lonoke Circuit. Motion of Caroline L. Winningham to withdraw as counsel for appellant.

CACR09-1050. Jermiko Vonjay Johnson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss appeal.

CACR09-1136. Melvin Marlton Brown v. State of Arkansas, from Ouachita Circuit. Motion of Robert N. Jeffrey for attorney's fees.

CA09-846. Johnny Weaver et al. v. Roosevelt Collins, from Phillips Circuit. Appellee's motion to dismiss appeal or alternatively, for brief time.

CA10-56. David Collins v. Billy Grady Collins, from Independence Circuit. Resubmission after remand of appellant's motion to issue writ of supersedeas.

CA10-165. Pinnacle Point Properties, LLC et al. v. Metropolitan National Bank, from Benton Circuit. Appellant's motion for consolidation of interlocutory appeals (CA10-165;CA10-328) and for extension to file consolidated brief.

CA10-184. Patti Jo Davis-Lewallen et al. v. Matthew Clegg and Katherine Clegg, from Clay Circuit, Western District. Appellant Davis-Lewallen's motion to accept non-conforming brief and to allow correction.

CA10-278. Wildlife Farms, II, LLC v. Tommy F. Robinson et al., from Monroe Circuit. Appellant's petition for writ of certiorari to complete the record and for brief time.

CA10-278. Wildlife Farms, II, LLC v. Tommy F. Robinson et al., from Monroe Circuit. Motion of Appellees, Jeff and Greg Robinson, to dismiss appeal.

## SUBMISSIONS

CACR09-334. James Allen Hill v. State of Arkansas, from Jefferson Circuit.

CACR09-390. Jeffery Lynn Moss a/k/a Jeff Moss v. State of Arkansas, from Perry Circuit.

CACR09-729. Mark Edward Campbell v. State of Arkansas, from Montgomery Circuit.

CACR09-743. Clarence Jay Arendall v. State of Arkansas, from Crawford Circuit.

CACR09-1190. Marcus LaKeith Stephens v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR09-1207. Susie Klines v. State of Arkansas, from Bradley Circuit.

CACR09-1212. Merle Lee Banks, Jr. v. State of Arkansas, from Bradley Circuit.

CACR09-1247. Robert Eugene Casey v. State of Arkansas, from Faulkner Circuit.

CA08-639. Gregory Scott Goldman v. Sandra R. Goldman, from Jefferson Circuit.

CA09-359. City of Little Rock v. McGeorge Contracting Co., Inc., from Pulaski Circuit, Ninth Division.

CA09-737. Nathan Leroy Poff, Jr. et al. v. Carolyn Sue Poff Peedin, from Cleburne Circuit.

CA09-762. Charles T. Presley v. Kerr Medical Clinic, from Baxter Circuit.

CA09-876. Bobby Clark Construction v. Bobby Clark, from Workers' Compensation Commission.

CA09-887. Estate of Patrick J. Booth v. Riverside Marine Remanufacturers, Inc., from Pulaski Circuit, Sixth Division.

CA09-1180. Chickilah Davenport v. Kenneth Burnley, from Jefferson Circuit.

CA09-1225. X. T. v. M.M., from Benton Circuit.

CA09-1236. Jimmie Carpenter v. Rory Layne and Kathy Layne, from Sebastian Circuit, Greenwood District.

CA09-1260. Wanda Scroggins v. Ryan L. Chesshir, from Howard Circuit.

CA09-1321. Roy Kilgore v. CTL Distribution, Inc., from Workers' Compensation Commission.

CA09-1328. Virgilio Ochoa v. Tyson Foods, from Workers' Compensation Commission.

CA09-1381. K. C., Minor Mother v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.

CA09-1382. Cynthia Taylor v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.