

## ARKANSAS COURT OF APPEALS

Opinions delivered  
May 26, 2010

### JOHN MAUZY PITTMAN, JUDGE:

CA09-962. Cheri Green v. Mark Randal Green, from Pulaski Circuit, Fourteenth Division. Affirmed. Hart and Baker, JJ., agree.

CA09-1090. Cal Moore, Rayburn Moore, and Estate of Feddie Moore v. Karen Dunsworth and Kerry McClendon, from Union Circuit. Reversed and remanded. Hart and Baker, JJ., agree.

### JOSEPHINE LINKER HART, JUDGE:

CACR09-789. Jeremy Leonard v. State of Arkansas, from Drew Circuit. Reversed and remanded. Baker, J., agrees. Pittman, J., concurs.

CACR09-1143. Timothy Harris v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Vaught, C.J., and Gruber, J., agree.

CA10-93. Lavonda Williams v. Arkansas Department of Human Services, from Ashley Circuit. Affirmed. Vaught, C.J., and Pittman, J., agree.

### JOHN B. ROBBINS, JUDGE:

CA09-167. West Memphis Adolescent Residential, LLC v. J.T. Compton, Jayco Acquisition & Holding, Inc., Plantation Homes of Crittenden County, Inc., Crymes Home Health, Inc., Ray Boeckmann, Jeannie Boeckmann, and Dayspring Behavioral Health Services, Inc., from Crittenden Circuit. Affirmed in part; reversed and remanded in part. Gruber and Henry, JJ., agree.

### M. MICHAEL KINARD, JUDGE:

CA09-331. Pulaski Choice, L.L.C. v. 2735 Villa Creek, L.P., from Pulaski Circuit, Sixth Division. Affirmed. Robbins and Gruber, JJ., agree.

CA09-606. Tonya Rodgers v. Arkansas Department of Human Services, from Craighead Circuit, Western District. Affirmed. Baker and Brown, JJ., agree.

### RITA W. GRUBER, JUDGE:

CACR09-1156. Willie Patton v. State of Arkansas, from Bradley Circuit. Affirmed. Robbins and Henry, JJ., agree.

### WAYMOND M. BROWN, JUDGE:

CACR09-778. Frederick Childs v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Kinard and Baker, JJ., agree.

CA10-23. Century Industries, Inc. v. Reach-Associates, LLC, from Pulaski Circuit, Third Division. Dismissed. Kinard and Baker, JJ., agree.

## PER CURIAM ORDERS

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

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

CA09-1099. Darrell W. Diggs v. Cattlemen's Livestock Market, Inc. et al., from Workers' Compensation Commission.

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

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CACR09-966. Kenneth Lee Slade v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones, III for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1058. John C. Rambeau v. State of Arkansas, from Garland Circuit. Motion of Timothy Beckham for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1156. Willie Patton, Jr. v. State of Arkansas, from Bradley Circuit. Motion of B. Dale West to be appointed counsel for appellant is granted.

CACR09-1171. Charles Skomp v. State of Arkansas, from Bradley Circuit. Motion of Joseph P. Mazzanti, III for attorney's fees and expenses is granted. Allowed \$1,400.00.

CACR09-1325. Maxwell Melder v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$600.00.

CACR10-10. Andrew Robinson v. State of Arkansas, from Clark Circuit. Motion of Al Schay for attorney's fees is granted. Allowed \$1,400.00.

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

CACR10-336. Terry Montez Moss v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to supplement the record and to stay brief time is granted.

CA08-1449. Robert Maulding v. Price's Utility Contractors, Inc., from Workers' Compensation Commission. Appellant's motion for reconsideration of imposition of brief costs is denied as to Price Utilities' \$66.00 brief costs and granted as to Second Injury Fund's \$78.00 brief costs.

CA09-1172. Wynona Smith v. Hair Plus Beauty Supplies, Inc., from Workers' Compensation Commission. Appellant's pro se motion to file belated brief is granted. Brief due June 2, 2010.

CA09-1235. M.E. v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones, III for attorney's fees is granted. Allowed \$1,400.00.

CA10-19. Bank of the Ozarks v. Jim Wood Company, Inc., from Pulaski Circuit, First Division. Appellant's motion for oral argument is granted.

CA10-58. Michael A. Hayes v. Sandra L. Otto, from Pulaski Circuit, Fourteenth Division. Appellant's pro se motion to take judicial notice to include prior documents in appellant's brief is denied. Appellant's brief due within thirty days.

CA10-129. River Valley Homes, Inc. v. Freeman-Kaufman & Freedden, Inc., from Benton Circuit. Appellee's motion to correct and/or supplement the record and to stay brief time is remanded to the trial court to settle the record within fifteen days. Appellee's brief due within fifteen days thereafter.

CA10-155. Jeanne Hudgens v. Arkansas Department of Human Services, from Union Circuit. Appellant's motion to remand the record for correction is granted. Corrected record due within thirty days.

CA10-277. Debra Floerchinger v. UAMS et al., from Workers' Compensation Commission. Appellant's pro se motion to complete the record and to stay brief time. Motion to complete the record is denied. Appellant's brief due June 9, 2010.

CA10-451. Bianca Broggi-Dunn v. Ernest E. Dunn, from Lonoke Circuit. Appellant's motion to issue writ of supersedeas is remanded to the trial court for a ruling within thirty days on the issue of supersedeas.

## MOTIONS SUBMITTED

### PETITIONS FOR REHEARING:

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

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

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

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

CA09-767. Ressie Lee Brooks v. First State Bank, N.A., from Faulkner Circuit.

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

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

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CACR08-1239. Debra Johnson v. State of Arkansas, from Union Circuit. Motion of Robert L. Depper, Jr. for attorney's fees.

CACR08-1484. Terry Antonio Lee v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion of Lesley Freeman Burleson for costs and attorney's fees.

CACR09-957. Harvey Tyson Lewis v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR09-1020. Laquince T. Hogan v. State of Arkansas, from Little River Circuit. Motion of Victor D. "Trey" Wright

for attorney's fees.

CACR09-1088. Bobby Ray Hatton v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's pro se motion to file additional points for reversal.

CACR09-1184. Andra Leman Bates v. State of Arkansas, from Pulaski Circuit, First Division. Motion of Adam H. Butler for attorney's fees.

CACR09-1216. Jessie Marrell Douglas v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR10-493. Ronald Wayne Magness v. State of Arkansas, from Drew Circuit. Motion of Daren J. Nelson to be relieved and to appoint Joseph P. Mazzanti, III as counsel for appellant.

CACR10-494. Tilton Hill v. State of Arkansas, from Ashley Circuit. Motion of Daren J. Nelson to be relieved and to appoint Joseph P. Mazzanti, III as counsel for appellant.

CACR10-495. Timothy Fowler v. State of Arkansas, from Conway Circuit. Motion of Dale E. Adams to be relieved as counsel and to appoint new counsel.

CA09-544. Deanna Wilson Mainerich v. Mark Wilson, from Union Circuit. Appellant's motion for costs and attorney's fees.

CA09-757. Patricia Milner et al. v. Rex Luttrell, M.D., from Dallas Circuit. Appellants' motion to supplement original brief and addendum and for extension of time to re-file.

CA09-876. Bobby Clark Construction et al. v. Bobby Clark, from Workers' Compensation Commission. Appellee's motion for attorney's fees.

CA09-1303. Mary E. Young v. Ronnie Young, from Lonoke Circuit. Appellant's motion for reconsideration of motion to dismiss.

CA10-218. Jonnie Locke v. Continental Casualty Company et al., from Jefferson Circuit. Appellant's motion to remand or for extension of time.

CA10-231. Delmar Glenn Pack and Jimmie L. Pack v. Bob E. Clark and Buneva C. Clark, husband and wife, and N.A. Caughron, from Van Buren Circuit. Motion of Appellees, Bob E. Clark and Buneva C. Clark to dismiss appeal and to extend brief time.

CA10-231. Delmar Glenn Pack and Jimmie L. Pack v. Bob E. Clark and Buneva C. Clark, husband and wife, and N.A. Caughron, from Van Buren Circuit. Motion of Appellee N.A. Caughron to dismiss appeal and for brief time.

CA10-520. Khadya Smith v. Arkansas Department of Human Services, from Perry Circuit. Appellant's motion to file belated notice of appeal.

## **SUBMISSIONS**

CA09-1264. Southern Farm Bureau Casualty Insurance Company v. Rebecca B. Krouse, from Columbia Circuit. Argued orally.

CACR09-368. Paul Douglas Gill v. State of Arkansas, from Union Circuit.

- CACR09-1117. Andrew Frolos v. State of Arkansas, from Sharp Circuit.
- CACR09-1211. Duron Canada v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR09-1218. Bobby Austin Wicks v. State of Arkansas, from Sebastian Circuit, Fort Smith District.
- CACR09-1259. James E. Montgomery v. State of Arkansas, from Greene Circuit.
- CACR09-1277. James Richard Grissom v. State of Arkansas, from Boone Circuit.
- CACR09-1282. Joseph Michael Hadley v. State of Arkansas, from Pulaski Circuit, First Division.
- CACR09-1329. Kenneth Tucker, Jr. v. State of Arkansas, from Ashley Circuit.
- CACR09-1347. Kimberly Dione Pace v. State of Arkansas, from Pulaski Circuit, Fifth Division.
- CACR10-65. Nicholas Tarkington v. State of Arkansas, from Lonoke Circuit.
- CACR10-76. Ebony Stewart v. State of Arkansas, from Lonoke Circuit.
- CACR10-138. Eugene Troy Reed, Jr. v. State of Arkansas, from Mississippi Circuit, Chickasawba District.
- CA09-871. Gail Parkerson v. Janet Brown, from Garland Circuit.
- CA09-921. Terry Druyvestein v. Summit Brokerage Services, Inc., from Sebastian Circuit, Fort Smith District.
- CA09-1177. Leon Miletello, Jr. v. Value Properties Limited Partnership, from Ashley Circuit.
- CA10-49. Pulaski County Special School District v. Elmon G. Stewart, from Workers' Compensation Commission.
- CA10-70. Alan Ross v. Shannon Ross, from Ouachita Circuit.
- CA10-80. Dale Fuller v. Millar, Inc., from Workers' Compensation Commission.
- CA10-83. Wiley F. Jones v. Dottie Kerbow Bourassa, from Izard Circuit.
- CA10-117. Jacquelyn Culclager-Haynes v. Arkansas Department of Human Services, from Jefferson Circuit.
- CA10-292. Scott Bradford v. Elizabeth Bradford Johnson, from Van Buren Circuit.