

## ARKANSAS COURT OF APPEALS

Opinions delivered  
June 23, 2010

### LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-730. Ruth Ann Lagoy v. State of Arkansas, from Stone Circuit. Rebriefing ordered. Gruber and Brown, JJ., agree.

CACR09-1211. Duron Canada v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Brown, J., agrees. Hart, J., concurs.

CA09-1187. Arkansas Appraiser Licensing and Certification Board v. Steve Quast, from Garland Circuit. Board reversed; Circuit Court affirmed. Hart and Gruber, JJ., agree.

CA09-1301. Bill Warford v. Union Bank of Benton, from Saline Circuit. Rebriefing ordered. Gruber and Brown, JJ., agree.

### JOHN MAUZY PITTMAN, JUDGE:

CACR09-924. Robert Fluker, Jr. v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed; motion to withdraw granted. Hart and Kinard, JJ., agree.

CACR09-1106. Jesse Mack v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Gladwin and Glover, JJ., agree.

CACR09-1282. Joseph Michael Hadley v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Gladwin and Glover, JJ., agree.

CACR10-33. Angela Aquilino v. State of Arkansas, from Faulkner Circuit. Affirmed. Gladwin and Glover, JJ., agree.

CA09-1322. Mitchell G. Sapp v. Tyson Foods, Inc., from the Arkansas Workers' Compensation Commission. Reversed and remanded. Hart and Baker, JJ., agree.

CA10-117. Jacquelyn Culclager-Haynes v. Arkansas Department of Human Services, from Jefferson Circuit. Affirmed. Glover, J., agrees. Gladwin, J., concurs.

### JOSEPHINE LINKER HART, JUDGE:

CA10-61. Ryan Stevens v. Mid-South Mixers, Inc. and AIG Claims Services, Inc., from the Arkansas Workers' Compensation Commission. Reversed and remanded. Glover and Henry, JJ., agree.

### ROBERT J. GLADWIN, JUDGE:

CA10-164. Bruce Burkhalter v. Arkansas Department of Human Services and Z.B., a minor, from Pulaski Circuit, Tenth Division. Affirmed. Robbins and Baker, JJ., agree.

### JOHN B. ROBBINS, JUDGE:

CA10-179. Karen Diemer v. Arkansas Department of Human Services and minor children, from Pulaski Circuit, Eleventh Division. Affirmed; motion granted. Gladwin and Baker, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CACR09-822. Anthony Sanders v. State of Arkansas, from Crittenden Circuit. Remanded to supplement record; rebriefing ordered; motion denied. Pittman and Henry, JJ., agree.

CA10-140. A.F. v. State of Arkansas, from Mississippi Circuit, Osceola District. Affirmed. Pittman and Baker, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR09-368. Paul Douglas Gill v. State of Arkansas, from Union Circuit. Affirmed. Robbins and Henry, JJ., agree.

CA09-1189. Raymond L. Friend v. Alice G. Friend, from Polk Circuit. Affirmed. Vaught, C.J., and Brown, J., agree.

CA10-173. Kimbra Hughes v. Arkansas Department of Human Services and minor children, from Poinsett Circuit. Affirmed; motion to withdraw granted. Vaught, C.J., and Brown, J., agree.

DAVID M. GLOVER, JUDGE:

CACR09-694. Demarcus Cooks v. State of Arkansas, from Miller Circuit. Affirmed; counsel's motion to be relieved granted. Hart and Henry, JJ., agree.

CA09-1177. Leon Miletello, Jr., James E. Worthy, Jr., L.S.M. Gaming, Inc., and Logan's Port Gaming, Inc. v. Thomas R. Pugh, Jr., Value Properties Ltd. Partnership, and Duck Rich, LLC, from Ashley Circuit. Reversed and remanded. Pittman and Gladwin, JJ., agree.

CA09-1275. Michael L. Wommack v. Shelly R. Ingram, from Washington Circuit. Dismissed without prejudice. Hart and Henry, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR09-798. Jonathan Graydon v. State of Arkansas, from Lonoke Circuit. Affirmed; motion granted. Hart and Glover, JJ., agree.

CA09-1203. John Crum v. James and Patricia Craig, from Arkansas Circuit, Northern District. Affirmed in part; reversed and remanded in part. Hart and Glover, JJ., agree.

KAREN R. BAKER, JUDGE:

CA09-1407. Ronnie Pearce v. Glynda Pearce, from Polk Circuit. Affirmed. Gladwin and Robbins, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR09-1014. Donald Gene Gaither v. State of Arkansas, from Faulkner Circuit. Affirmed; motion to withdraw granted. Vaught, C.J., and Gruber, J., agree.

**PER CURIAM ORDERS**

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

CA09-491. Tammie L. Shannon v. James McJunkins, from Craighead Circuit, Western District.

CA09-895. Sammy Scales, Charlotte Scales and Billy Scales v. Patricia Scales Vaden and James M. Moncrief, from Desha Circuit, Arkansas City District.

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CACR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion of Tim Cullen for attorney's fees is granted. Allowed \$1,400.00.

CACR09-163. David Carter v. State of Arkansas, from Crittenden Circuit. Motion of Shaun Hair for attorney's fees is granted. Allowed \$1,400.00.

CACR09-778. Frederick Childs v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Dale E. Adams for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1244. Donnie Ray Coleman v. State of Arkansas, from Poinsett Circuit. Appellant's motion to file belated reply brief is granted.

CACR09-1305. Cecil Allen Bayless v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1390. Samuel C. Glass v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Kimberly Bibb for attorney's fees is granted. Allowed \$1,400.00.

CACR10-39. Arthur Lee Doolittle v. State of Arkansas, from Faulkner Circuit. Appellee's motion to dismiss appeal is granted.

CACR10-47. Jacob Wade Pope Wages v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion to file belated brief is granted.

CACR10-48. Robert William Fischer, Jr. v. State of Arkansas, from Benton Circuit. Appellant's motion to seal briefs and record is granted. Vaught, C.J., not participating.

CACR10-263. David Wayne Fikes v. State of Arkansas, from Washington Circuit. Appellant's motion to file belated brief is granted.

CACR10-532. Cory Ray Lynch v. State of Arkansas, from Perry Circuit. Motion of Clint Miller, Deputy Public Defender, to be relieved as attorney for appellant is granted. Gary J. Barrett is appointed to represent appellant. Appellant's brief due August 2, 2010.

CA08-1351. Gary Bodiford, M.D. v. Joyce Street, LLC et al., from Washington Circuit. Status report on bankruptcy proceedings due December 20, 2010.

CA08-1449. Robert Maulding v. Price's Utility Contractors, Inc. et al., from Workers' Compensation Commission. Appellant's motion for attorney's fees is granted in the amount of \$250.00. Hart, J., would grant \$1,000.00. Brown J., would grant \$500.00.

CA09-544. Deanna Wilson Mainerich v. Mark Wilson, from Union Circuit. Appellant's motion for costs and attorney's fees. Motion for costs is moot. Costs assessed on mandate. Motion for attorney's fees is denied. Vaught, C.J., not participating.

CA09-931. Kristen N. Kuelbs et al. v. Kimberly Hill, from Garland Circuit. Appellants' motion for enlargement of time to file appellants' supplemental record is granted.

CA09-1172. Wynona Smith v. Hair Plus Beauty Supplies, Inc., from Workers' Compensation Commission. Appellant's motions to supplement the record and for extension of brief time. Motions to supplement the record are denied. Conforming brief due within thirty days. Final extension.

CA09-1214. P. G. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Aaron R. Brasel for attorney's fees is granted. Allowed \$1,400.00.

CA09-1238. May Construction Company, Inc. v. Town Creek Construction & Development, LLC, from Washington Circuit. Motion of Matthew D. Wells to withdraw as counsel for appellant is granted.

CA09-1278. Gene Ludwig v. Bella Casa, LLC et al., from Pulaski Circuit, Sixth Division. Motion of Matthew D. Wells to withdraw as counsel for appellees is granted.

CA09-1300. T. Y. R. v. State of Arkansas, from Faulkner Circuit. Motion of Britt Cannon Johnson for attorney's fees is granted. Allowed \$1,400.00.

CA09-1380. Mary Gurlen et al. v. Henry Management , Inc., d/b/a Henry Management Corporation from Pulaski Circuit, Sixth Division. Motion of Matthew D. Wells to withdraw as counsel for appellee and motion for substitution of counsel is granted.

CA09-1403. Jeanne Taylor et al. v. Barbara Taylor, from Carroll Circuit, Western District. Appellee's motion to dismiss appeal is granted. Motion for attorney's fees is denied.

CA09-1403. Jeanne Taylor et al. v. Barbara Taylor, from Carroll Circuit, Western District. Appellant's motion to file belated brief is denied.

CA10-63. Ricky Pope and Christine Pope v. Michael Overton and Entergy Arkansas, Inc., from Hot Spring Circuit. Appellee Michael Overton's motions to file belated brief are granted.

CA10-125. Bunn Builders, Inc. et al. v. Richard Womack et al., from Clark Circuit. Joint motion to remand to correct the record or alternative petition for certiorari to complete the record and motion to extend or stay briefing schedule. Remanded to the trial court to settle the record within forty-five days. Clerk to set new briefing schedule after remand.

CA10-170. Amy L. Piccioni v. Kevin S. Piccioni, from Lonoke Circuit. Appellee's motion for dismissal of appeal for lack of service is denied.

CA10-272. Elizabeth Toombs v. Todd Toombs, from Benton Circuit. Appellant's motion to file brief under seal is granted.

CA10-272. Elizabeth Toombs v. Todd Toombs, from Benton Circuit. Appellant's motion to stay brief time is granted.

CA10-412. Linda Bailey v. William B. Benton et al., from Crittenden Circuit. Appellant's motion to supplement record is granted. Supplemental record due within fifteen days. Brief due within fifteen days thereafter.

CA10-430. Anthony E. Owens v. Office of Child Support Enforcement, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for fundamental fairness and equal protection is moot.

CA10-468. Ronald Worley and Meryl Worley v. City of Jonesboro, Arkansas et al., from Craighead Circuit, Western District. Appellants' motion to remand to settle and supplement the record and to stay briefing schedule is granted. Record on remand due within forty-five days. Clerk to set new briefing schedule after remand.

CA10-513. Triad Transport, Inc. v. Wilson (Bill) Whitfield, et al., from Saline Circuit. Appellant's motion and amended motion for stay of judgment pending appeal and approval of supersedeas bond are granted.

## MOTIONS SUBMITTED

### PETITIONS FOR REHEARING:

CA09-1198. Ricky Gaskins v. Jeff Minner Trucking and Great American Ins. Co. of New York, from Workers' Compensation Commission.

CA10-23. Century Industries, Inc. v. Reach-Associates, LLC, from Pulaski Circuit, Third Division.

CA10-98. David Hickey v. Travis Gardisser, d/b/a Gardisser Construction, from Benton Circuit.

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CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Motion of Jason P. Kearney for attorney's fees.

CACR09-1050. Jermiko Vonjay Johnson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to reinstate appeal and file belated brief.

CACR09-1338. Marcus Allen v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of William O. "Bill" James, Jr., for attorney's fees.

CACR09-1385. Kevin Wright v. State of Arkansas, from Washington Circuit. Motion of William O. "Bill" James, Jr., for attorney's fees.

CACR10-76. Ebony Stewart v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees.

CACR10-138. Eugene Troy Reed, Jr. v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Motion of John H. Bradley for attorney's fees.

CACR10-186. Robert Lee Purdie v. State of Arkansas, from Miller Circuit. Appellant's motion for leave to file supplemental abstract, addendum and brief.

CACR10-380. Zafar Iqbal v. State of Arkansas, from Baxter Circuit. Motion of Jeff Rosenzweig for entry of appearance as counsel, remand to settle the record and for stay of brief time.

CACR10-626. Mario Tatum v. State of Arkansas, from Bradley Circuit. Motion of B. Dale West to be appointed as counsel for appellant.

CA09-359. City of Little Rock v. McGeorge Contracting Company, Inc., from Pulaski Circuit, Ninth Division. Appellee's motion to strike.

CA09-1160. Progressive Southeast Arkansas Housing Development Corp v. Barbara Abraham, from Jefferson Circuit. Appellant's motion to file belated reply brief.

CA09-1304. Robert Cleary v. Sledge Properties, Inc., from Drew Circuit. Appellant's motion to file belated reply brief.

CA10-75. Waverly-Arkansas, Inc. et al. v. Norma Page, from Polk Circuit. Appellants' motion to correct abstract, brief and addendum.

CA10-75. Waverly-Arkansas, Inc. et al. v. Norma Page, from Polk Circuit. Appellant's motion to expand length of argument in reply brief and for brief time.

CA10-84. Rhonda Haynes v. Lucille McGrath, from Franklin Circuit, Southern District. Appellant's motion to stay appeal or to remand.

CA10-222. National Bank of Arkansas v. River Crossing Partners, LLC et al., from Pulaski Circuit, Sixth Division. Appellees/Cross-Appellants' motion to correct the record.

CA10-402. Wenzel Wochos v. Darrell Smith et al., from Garland Circuit. Motion of appellee, Raymond McClard, to dismiss appeal.

CA10-537. Rick Ridenoure and Carla Ridenoure v. Donald White et al., from Washington Circuit. Motion of Appellee, Crossland Construction Company, Inc., to remand or dismiss appeal.