

ARKANSAS COURT OF APPEALS

Opinions delivered
June 2, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-1305. Cecil Allen Bayless v. State of Arkansas, from Lonoke Circuit. Affirmed. Hart and Brown, JJ., agree.

CA09-108. John Truitt v. Mary Jane Freeman, from Poinsett Circuit. Affirmed. Hart and Gladwin, JJ., agree.

CA09-1095. Agracat, Inc. and Agracat, Incorporated v. AFS-NWA, LLC, d/b/a Montana Tractors; The Estate of J.B. Hunt, deceased; Charles Goforth; Dan Downing; Downing and Associates, Inc.; Outsource Investments, LLC; J.B. Hunt, LLC; and J.B. Hunt Revocable Trust, from Washington Circuit. Reversed and remanded. Hart and Kinard, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CA09-1096. David A. Bisbee and Linda M. Bisbee v. Decatur State Bank, from Benton Circuit. Affirmed. Gladwin and Glover, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CA09-1268. Barbara Miller v. White Hall School District, Risk Management Services, and Second Injury Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Glover, J., agree.

CA09-1392. David Borland v. Tom Travis, from Pulaski Circuit, Third Division. Reversed and remanded. Vaught, C.J., and Robbins, J., agree.

ROBERT J. GLADWIN, JUDGE:

CACR09-1291. Michelle Burkhart v. State of Arkansas, from Crawford Circuit. Affirmed. Pittman and Glover, JJ., agree.

CA09-1408. Global Mills, Inc. v. Carla J. Granger, from the Arkansas Workers' Compensation Commission. Dismissed. Pittman and Glover, JJ., agree.

CA10-98. David Hickey v. Travis Gardisser, d/b/a Gardisser Construction, from Benton Circuit. Affirmed. Pittman and Glover, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR09-855. Matthew Hammonds v. State of Arkansas, from Conway Circuit. Reversed and dismissed. Vaught, C.J., and Hart, J., agree. Pittman, J., concurs. Henry and Brown, JJ., dissent.

CA10-3. Gretchen Smallwood v. Arkansas Department of Human Services and Public Claims Division. Affirmed. Gruber and Henry, JJ., agree.

CA10-156. Lasandra Watkins v. Arkansas Department of Human Services, from Craighead Circuit, Western District. Affirmed; motion to be relieved granted. Gruber and Henry, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CACR09-144. Justin Charles Teague v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed; motion granted. Baker and Brown, JJ., agree.

CA09-702. Karen Davis v. Arkansas Department of Human Services and minor children, from Pulaski Circuit, Tenth Division. Affirmed. Baker and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR09-1074. Daud Amir Jones v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Robbins and Henry, JJ., agree.

CA09-1198. Ricky Gaskins v. Jeff Minner Trucking and Great American Insurance Co. of New York, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Robbins and Henry, JJ., agree.

DAVID M. GLOVER, JUDGE:

CACR09-1281. Charles L. Mance v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed as modified. Pittman and Gladwin, JJ., agree.

CA09-1073. J.D. Ashley, Sr., by and through Charolette Ashley as his attorney-in-fact v. The J.D. Ashley, Sr. Family Limited Partnership, Richard H. Ashley, and J.D. Ashley, Jr., from Pulaski Circuit, Ninth Division. Dismissed. Pittman and Gladwin, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Affirmed. Robbins and Gruber, JJ., agree.

CA09-1300. T.Y.R. v. State of Arkansas, from Faulkner Circuit. Affirmed. Robbins and Gruber, JJ., agree.

CA10-77. Robert O. Shafer, Jr. v. Estate of Robert O. Shafer, Sr., from White Circuit. Dismissed. Robbins and Gruber, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-163. David Carter v. State of Arkansas, from Crittenden Circuit. Affirmed; motion granted. Kinard and Brown, JJ., agree.

CACR09-1335. John Mark Cox v. State of Arkansas, from Howard Circuit. Affirmed. Kinard and Brown, JJ., agree.

CA09-985. Amber Kimble Shields v. Mitchell Kimble, from Randolph Circuit. Affirmed. Kinard and Brown, JJ., agree.

CA09-1150. PC Scale, Inc. and Transcomp Systems, Inc. v. Roll Off Services, Inc., from Benton Circuit. Rebriefing and supplemental record ordered. Kinard and Brown, JJ., agree.

CA10-28. Antoinette Henderson v. Arkansas Department of Human Services, from Mississippi Circuit, Osceola District. Affirmed. Pittman and Hart, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR09-1390. Samuel C. Glass v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Reversed and remanded. Kinard and Baker, JJ., agree.

PER CURIAM OPINION:

CA08-1133. Forever Green Athletic Fields, Inc., d/b/a Progreen, Keith Day, and David Ripka and Progreen Sport Surfaces, LLC and Raymond Fritz v. Lasiter Construction, Inc., and Michael Lasiter, from Pulaski Circuit, Third Division. Appeal dismissed.

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).

E10-17. Paul A. Abeyta, Sr. v. Director et al.

E10-18. Sharee L. McGregor v. Director et al.

E10-19. Sylvia A. Harris v. Director et al.

E10-20. Cook's UniMed v. Director et al.

E10-21. Bobby D. Hicks v. Director et al.

E10-22. Frank A. Wilson v. Director et al.

E10-24. Clay H. Bacon v. Director et al.

E10-25. James E. Bryant v. Director et al.

E10-26. Kenneth R. Keathley v. Director et al.

E10-27. Jessie Gray v. Director et al.

E10-28. Ida M. Holloway v. Director et al.

PER CURIAM ORDERS

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

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.

CA09-780. Patricia Pereira dos Reis Courdin v. Mitch Paul Courdin, from Washington Circuit.
Hart, J., would grant.

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

CACR08-1239. Debra Johnson v. State of Arkansas, from Union Circuit. Motion of Robert L. Depper, Jr. for attorney's fees is granted. Allowed \$1,400.00.

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 is denied. See Rule 6-6 (c) of the Arkansas Rules of the Supreme Court.

CACR09-957. Harvey Tyson Lewis 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.

CACR09-1020. Laquince T. Hogan v. State of Arkansas, from Little River Circuit. Motion of Victor D. "Trey" Wright for attorney's fees is granted. Allowed \$1,400.00.

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 is denied.

CACR09-1184. Andra Leman Bates v. State of Arkansas, from Pulaski Circuit, First Division. Motion of Adam H. Butler for attorney's fees is granted. Allowed \$1,400.00.

CACR09-1216. Jessie Marrell Douglas 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.

CACR09-1250. Shannon D. Williams v. State of Arkansas, from Greene Circuit. Appellant's motion to seal the record and to stay and extend briefing schedule. Motion to seal the record is denied. Appellant is granted redaction per Administrative Order 19. Brief due within five days.

CACR10-493. Ronald Wayne Magness v. State of Arkansas, from Drew Circuit. Motion of Daren J. Nelson to be relieved is granted. Joseph P. Mazzanti, III is appointed as counsel for appellant. Appellant's brief due July 12, 2010.

CACR10-494. Tilton Hill v. State of Arkansas, from Conway Circuit. Motion of Daren J. Nelson to be relieved is granted. Joseph P. Mazzanti, III is appointed as counsel for appellant. Appellant's brief due July 12, 2010.

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 is granted. Dale E. Adams is appointed to represent appellant.

CA09-697. Steven Tucker v. Cooper Standard Automotive, Inc. et al., from Workers' Compensation Commission. Appellant's motion for award of attorney's fees is granted.

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

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

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

CA09-1395. M. W. v. State of Arkansas, from Pulaski Circuit, Tenth Division. Appellant's motion to seal the record is granted. See per curiam in CA10-417, D.W. v. State, issued this date.

CA10-218. Jonnie Locke v. Continental Casualty Co. et al., from Jefferson Circuit. Appellant's motion to remand is granted.

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 Clark to dismiss appeal is denied. Pittman, J., would grant. Appellees' brief due within thirty days.

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 is denied. Pittman, J., would grant. Appellees' brief due within thirty days.

CA10-417. D. W. v. State of Arkansas, from Pulaski Circuit, Eleventh Division. Appellant's motion to file the record and briefs under seal is granted. See **per curiam** this date.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA09-887. Juanita P. Booth, Individually, and as Personal Representative of the Estate of Patrick Booth v. Riverside Marine Remanufacturers, Inc., from Pulaski Circuit, Sixth Division.

CA09-1059. Kevin F. Buehne v. Rebecca Ellen Buehne, from Benton Circuit.

CACR09-848. Tracy Lee Ingle v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of David O. Bowden for attorney's fees.

CACR09-934. Brian K. Walker v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to compel the Pulaski Circuit Clerk to file corrected record.

CACR09-1389. Craig Deon Thomas v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to supplement the record

CACR09-1397. Darrell Wayne Cavanaugh v. State of Arkansas, from Benton Circuit. Appellee's motion to dismiss appeal.

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

CACR10-273. Jose Dewayne Haynie v. State of Arkansas, from Ouachita Circuit. Appellee's motion to dismiss appeal.

CACR10-525. April Anderson v. State of Arkansas, from Pope Circuit. Motion of Debra J. Reece to be substituted as counsel for appellant.

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.

CA08-1449. Robert Maulding v. Price's Utility Contractors, Inc. et al., from Workers' Compensation Commission. Appellant's motion for attorney's fees.

CA09-1193. Randall Mitchell and Demita Mitchell v. Sarah Fells, from Pulaski Circuit, Twelfth Division. Appellants'

motion for oral argument.

CA09-1205. Palani Karupaiyan et al. v. Gary Brown et al., from Pulaski Circuit, Third Division. Appellants' pro se motion for reconsideration of order of dismissal.

CA10-136. Sabrina Donato v. Clint Walker, from Sevier Circuit. Motion of Brandon J. Harrison to withdraw as counsel for appellant Sabrina Donato.

CA10-201. Triad Transport, Inc. v. Mark Whitfield et al., from Saline Circuit. Appellant's motion for stay of judgment pending appeal and approval of supersedeas bond.

CA10-258. Office of Child Support Enforcement v. Reginald Gaddie, from Jefferson Circuit. Appellee's motion to file belated brief.

CA10-389. Dawn Heard and James Heard v. Arkansas Department of Human Services, from Marion Circuit. Motion of appellant James Heard to supplement the record.

E10-45. Natasha L. Price v. Director et al., from Board of Review. Motion of Brandon J. Harrison to withdraw as counsel for appellant.

SUBMISSIONS

CACR09-694. Demarcus Cooks v. State of Arkansas, from Miller Circuit.

CACR09-730. Ruth Ann Lagoy v. State of Arkansas, from Stone Circuit.

CACR09-798. Jonathan Graydon v. State of Arkansas, from Lonoke Circuit.

CACR09-818. Daryl Blockman v. State of Arkansas, from Crittenden Circuit.

CACR09-822. Anthony Sanders v. State of Arkansas, from Crittenden Circuit.

CACR09-924. Robert Fluker, Jr. v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR09-1229. Broderick J. Cooper v. State of Arkansas, from Clark Circuit.

CA09-1189. Raymond L. Friend v. Alice G. Friend, from Polk Circuit.

CA09-1203. John Crum v. James M. Craig and Patricia G. Craig, from Arkansas Circuit, Northern District.

CA09-1249. Tracy Zobrist v. Doug Zobrist, from Lonoke Circuit.

CA09-1275. Michael L. Wommack v. Shelly R. Ingram, from Washington Circuit.

CA09-1301. Bill Warford v. Union Bank of Benton, from Saline Circuit.

CA09-1407. Ronnie Pearce v. Glynda Pearce, from Polk Circuit.

CA10-56. David Collins v. Billy Grady Collins, from Independence Circuit.

CA10-61. Ryan Stevens v. Mid-South Mixers, Inc. et al., from Workers' Compensation Commission.

CA10-140. A. F. v. State of Arkansas, from Mississippi Circuit, Osceola District.

CA10-164. Bruce Burkhalter v. Arkansas Department of Human Services, from Pulaski Circuit, Tenth Division.

CA10-173. Kimbra Hughes v. Arkansas Department of Human Services, from Poinsett Circuit.

CA10-179. Karen Diemer v. Arkansas Department of Human Services, from Pulaski Circuit, Eleventh Division.