

## ARKANSAS COURT OF APPEALS

Opinions delivered  
June 16, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CA10-49. Pulaski County Special School District and Risk Management Resources v. Elmon G. Stewart, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Hart and Kinard, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-334. James Allen Hill v. State of Arkansas, from Jefferson Circuit. Affirmed. Baker, J., agrees. Hart, J., concurs.

JOSEPHINE LINKER HART, JUDGE:

CACR09-1329. Kenneth Tucker, Jr. v. State of Arkansas, from Ashley Circuit. Affirmed. Vaught, C.J., and Robbins, J., agree.

CA10-80. Dale Fuller v. Millar, Inc., and New Hampshire Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Pittman, J., agree.

ROBERT J. GLADWIN, JUDGE:

CACR09-1347. Kimberly Dione Pace v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Glover, J., agrees. Pittman, J., concurs.

CA10-292. Scott Bradford v. Elizabeth Bradford Johnson, from Van Buren Circuit. Reversed and remanded. Pittman and Glover, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CA09-1264. Southern Farm Bureau Casualty Insurance Company v. Rebecca B. Krouse, from Columbia Circuit. Affirmed. Gruber and Henry, JJ., agree.

M. MICHAEL KINARD, JUDGE:

CACR08-1104. Antonio Deshaun Sartin v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Baker and Brown, JJ., agree.

CACR10-76. Ebony Stewart v. State of Arkansas, from Lonoke Circuit. Affirmed. Baker and Brown, JJ., agree.

CA10-83. Wiley F. Jones and Carlene Jones, as Trustees of the Wiley F. Jones and Carlene Jones Living Trust v. Dottie Kerbow Bourassa, from Izard Circuit. Dismissed. Baker and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

CA10-70. Alan Ross v. Shannon Ross, from Ouachita Circuit. Affirmed. Robbins and Henry, JJ., agree.

DAVID M. GLOVER, JUDGE:

CACR09-1117. Andrew Frolos v. State of Arkansas, from Sharp Circuit. Affirmed. Gladwin, J., agrees. Pittman, J., concurs.

COURTNEY HUDSON HENRY, JUDGE:

CACR09-1218. Bobby Austin Wicks v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Robbins and Gruber, JJ., agree.

CA09-921. Terry Druyvestein v. Summit Brokerage Services, Inc. and Lois Druyvestein, from Sebastian Circuit, Fort Smith District. Reversed and remanded. Robbins and Gruber, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-1259. James E. Montgomery v. State of Arkansas, from Greene Circuit. Affirmed. Kinard and Brown, JJ., agree.

CACR10-138. Eugene Troy Reed, Jr. v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Affirmed. Kinard and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CACR09-818. Daryl Blockman v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to withdraw granted. Vaught, C.J., and Gruber, J., agree.

CACR09-1277. James Richard Grissom v. State of Arkansas, from Boone Circuit. Affirmed. Kinard and Baker, JJ., agree.

CA09-871. Gail Parkerson v. Janet Brown; Thomas and Blanche Choate; Harlan and Mary Hankins, from Garland Circuit. Reversed and remanded. Kinard and Baker, JJ., agree.

CA10-56. David Collins v. Billie Grady Collins, from Independence Circuit. Affirmed. Vaught, C.J., and Gruber, J., agree.

**PER CURIAM ORDERS**

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

CA09-862. Conmac Investments, Inc. v. Entergy Arkansas, Inc., from Jackson Circuit. Pittman and Baker, JJ., would grant.

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. See **supplemental opinion** this date.

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 is granted. Allowed \$1,400.00.

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 is granted.

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

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

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

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

CA09-1193. Randall Mitchell and Demita Mitchell v. Sarah Fells, from Pulaski Circuit, Twelfth Division. Appellants' motion for oral argument is denied.

CA09-1205. Palani Karupaiyan et al. v. Gary Brown et al., from Pulaski Circuit, Third Division. Appellants' pro se motion for reconsideration of order dated May 12, 2010, is denied.

CA09-1205. Palani Karupaiyan et al. v. Gary Brown, from Pulaski Circuit, Third Division. Appellants' pro se motion to file enlarged motion to reconsider and nullify the order of May 12, 2010, is denied.

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

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 is granted.

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

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 is granted.

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

## **MOTIONS SUBMITTED**

### **PETITIONS FOR REHEARING:**

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.

\*\*\*\*\*

CACR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion of Tim Cullen for attorney's fees.

CACR09-163. David Carter v. State of Arkansas, from Crittenden Circuit. Motion of Shaun Hair for attorney's fees.

CACR09-778. Frederick Childs v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Dale E. Adams for attorney's fees.

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

CACR09-1305. Cecil Allen Bayless v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. "Robby" Golden for attorney's fees.

CACR09-1390. Samuel C. Glass v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Kimberly Bibb for attorney's fees.

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

CACR10-48. Robert William Fischer, Jr. v. State of Arkansas, from Benton Circuit. Appellant's motion to seal briefs and record.

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

CACR10-265. Roy Lee Smith v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Jason P. Kearney to be substituted as counsel for appellant.

CACR10-265. Roy Lee Smith v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion for stay of brief time pending motion for substitution of counsel.

CA08-1351. Gary Bodiford, M.D. v. Joyce Street, LLC et al., from Washington Circuit. Status reports on bankruptcy proceedings.

CA09-844. Rae Evelyn Rice v. Eunita Seals, from Jefferson Circuit. Appellee's motions for attorney's fees.

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

CA09-1172. Wynona Smith v. Hair Plus Beauty Supplies, Inc., from Workers' Compensation Commission. Appellant's motions to supplement the record and for brief time.

CA09-1214. P. G. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Aaron R. Brasel for attorney's fees.

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

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.

CA09-1300. T. Y. R. v. State of Arkansas, from Faulkner Circuit. Motion of Britt Cannon Johnson for attorney's fees.

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.

CA09-1403. Jeanne Taylor et al. v. Barbara Taylor, from Carroll Circuit, Western District. Appellee's motion to dismiss appeal.

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

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.

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.

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

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

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

CA10-412. Linda Bailey v. William B. Benton et al., from Crittenden Circuit. Appellant's motion to supplement record.

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.

CA10-468. Ronald Worley and Meryl Worley v. City of Jonesboro, Arkansas et al., from Craighead Circuit, Western District. Appellants' motion for remand to settle and supplement the record and to stay briefing schedule.

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.

## **SUBMISSIONS**

CACR09-949. Aaron Ault v. State of Arkansas, from Faulkner Circuit.

CACR09-950. Dewoine Holder v. State of Arkansas, from Jefferson Circuit.

CACR09-1014. Donald Gene Gaither v. State of Arkansas, from Faulkner Circuit.

CACR09-1015. Jeffery M. Nelson v. State of Arkansas, from Jefferson Circuit.

CACR09-1019. Joseph Michael Hadley v. State of Arkansas, from Pulaski Circuit, First Division.

CACR09-1031. Khayam Thomas v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR09-1056. Donald Henry Elmore v. State of Arkansas, from Crittenden Circuit.

CACR09-1057. Steven Cody v. State of Arkansas, from Clark Circuit.

CACR09-1261. Anthony Detel Beare v. State of Arkansas, from Mississippi Circuit, Osceola District.

CACR09-1316. Ronda Renee Jeffries v. State of Arkansas, from Crittenden Circuit.

CACR09-1359. Donald T. Stillwell v. State of Arkansas, from Crittenden Circuit.

CACR09-1360. Andree Renee Rodgers v. State of Arkansas, from Crittenden Circuit.

CACR10-73. Tracy Patrick v. State of Arkansas, from Crittenden Circuit.

CA10-283. Billie Hune v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.