

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 4, 2012

LARRY D. VAUGHT, CHIEF JUDGE:

[CA11-560](#). John Holleman v. Hedger Brothers Concrete, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Brown, JJ., agree.

[CA11-832](#). Margaret Brabon v. Arkansas Department of Human Services, from Izard Circuit. Affirmed. Gladwin and Brown, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR11-83](#). Darren Earl Bull v. State of Arkansas, from Faulkner Circuit. Affirmed; motion to withdraw granted. Wynne and Martin, JJ., agree.

[CA11-242](#). Archie Walls et al. v. Noble Humphries et al., from Van Buren Circuit. Affirmed in part; reversed in part. Vaught, C.J., and Gruber, J., agree.

[CA11-469](#). Kenneth Butler and Tina Butler v. Jacqueline Williams and Marcie Johnson, from Jefferson Circuit. Affirmed. Wynne and Martin, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CA11-73](#). William Smith and Mindy Smith v. Lori Smith, from Cleveland Circuit. Affirmed. Robbins and Abramson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CA11-705](#). St. Joseph's Mercy Medical Center and Sisters of Mercy Health System v. Jimmie Redmond, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught, C.J., and Brown, J., agree.

[CA11-757](#). Jose Anaya v. Robert Ford, from Garland Circuit. Reversed and remanded. Vaught, C.J., and Brown, J., agree.

JOHN B. ROBBINS, JUDGE:

[CACR11-575](#). James Edward Daniels, Jr. v. State of Arkansas, from Drew Circuit. Affirmed. Hart and Abramson, JJ., agree.

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JOHN B. ROBBINS, JUDGE: (Continued)

[CA11-452](#). Juanita Dodds Moreland, Personal Representative of the Estate of Willie Mae Dodds, Deceased v. Lonzell Dodds, Executor of the Estate of Willie Mae Dodds, Deceased, and Willie A. Dodds, from Lincoln Circuit. Affirmed. Gladwin and Hoofman, JJ., agree.

[CA11-710](#). Charles Wayne Hill v. Diana Erikson Hill, from Washington Circuit. Reversed and remanded. Hart and Abramson, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CA11-343](#). Partne A. Daugherty v. Gary Sipes, as Jacksonville Police Chief, and Jacksonville Police Department, from Pulaski Circuit, Fifth Division. Rebriefing ordered. Pittman and Martin, JJ., agree.

[CA11-782](#). Arkansas Electric Co-op Corp. and Regions Claims Management v. Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Martin, JJ., agree.

RITA W. GRUBER, JUDGE:

[CACR11-395](#). Phillip D. Wofford v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Glover and Hoofman, JJ., agree.

[CA11-540](#). Morton "Skip" Conrad and Minnie Anne Weeks-Conrad v. City of Beebe, from White Circuit. Affirmed. Glover and Hoofman, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CA11-626](#). Linda Berry and Neal Berry v. Joe Walker, from Conway Circuit. Affirmed in part; reversed and remanded in part. Gruber and Hoofman, JJ., agree.

[CA11-800](#). Zackery Clement v. Johnson's Warehouse Showroom, Inc., and National Union Fire Insurance Co., from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Hoofman, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CA11-509](#). David W. Paschal v. Tressa Paschal, from Washington Circuit. Rebriefing ordered. Hart and Robbins, JJ., agree.

[CA11-762](#). Newberry Green Forest Products and Chartis Insurance v. Charles McGill, from the Arkansas Workers' Compensation Commission. Affirmed. Hart and Robbins, JJ., agree.

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DOUG MARTIN, JUDGE:

[CA11-189](#). Grayson & Grayson, P.A. v. David A. Couch, from Pulaski Circuit, Third Division. Reversed and remanded on direct appeal; affirmed on cross-appeal. Hart and Glover, JJ., agree.

[CA11-586](#). Tim Green v. City of North Little Rock, from Pulaski Circuit, Third Division. Affirmed. Pittman and Wynne, JJ., agree.

[CA11-758](#). Amanda Andrews v. Arkansas Department of Human Services and Minor Children, from Pope Circuit. Affirmed. Hart and Glover, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CACR11-329](#). Fred O. Warren v. State of Arkansas, from Crittenden Circuit. Affirmed. Gruber and Glover, JJ., agree.

[CA11-517](#). David Coombs v. J.B. Hunt Transport, Inc.; Rich Allensworth; and Mark Emerson, from Benton Circuit. Affirmed in part; reversed and remanded in part. Gruber and Glover, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CACR10-680](#). Jewel Goldsberry, Jr. v. State of Arkansas, from Pulaski Circuit, Seventh Division. Remanded to correct and supplement the record. Vaught, C.J., and Gladwin, J., agree.

[CACR11-735](#). Brennan King v. State of Arkansas, from Pulaski Circuit, Fourth Division. Supplementation of abstract ordered. Wynne and Abramson, JJ., agree.

[CA10-940](#). Rebecca Jean Meritt Watkins v. Floyd Charles Watkins, from Phillips Circuit. Remanded with instructions. Wynne and Abramson, JJ., agree.

[CA11-541](#). Scott Blake v. Jonathan Shellstrom, Robin Whitten, and Metropolitan Property Casualty Insurance Company, from Stone Circuit. Affirmed. Vaught, C.J., and Gladwin, J., agree.

[CA11-888](#). Savannah Rossie-Fonner v. Arkansas Department of Human Services and C.R., a Minor, from Pulaski Circuit, Eighth Division. Affirmed. Vaught, C.J., and Gladwin, J., agree.

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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(f).

- E11-182. Frederick D. Sproling v. Director et al.
- E11-184. Billy A. Fricks v. Director et al.
- E11-185. Patricia A. Doty v. Director et al.
- E11-186. Lester S. Smith v. Director et al.
- E11-187. Marion S. Norwood v. Director et al.
- E11-188. Franklin D. Addington v. Director et al.
- E11-189. Lonnie B. Natt v. Director et al.
- E11-190. Kenneth R. Williams v. Director et al.
- E11-191. Teresa Warren v. Director et al.
- E11-192. Richard Lusty v. Director et al.
- E11-193. Ricky Woodruff v. Director et al.
- E11-194. Mary J. Dixon v. Director et al.

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PER CURIAM ORDERS

PETITIONS FOR REHEARING: Petitions for Rehearing were denied today in the following cases.

CACR11-384. Sherrell J. Whisenant v. State of Arkansas, from Arkansas Circuit, Northern District.

CA10-1046. Teresa Eagle Bloodman v. Jefferson Hospital Association; Jefferson Regional Medical Center; Continental Casualty Company; and Steven H. Wright, M.D., from Jefferson Circuit.

CACR10-608. Michael Gregory v. State of Arkansas, from Crittenden Circuit. Motion of Shaun Hair for attorney's fees is granted. Allowed \$1,000.00.

CACR11-384. Sherrell J. Whisenant v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of William O. "Bill" James, Jr., for attorney's fees is granted. Allowed \$1,400.00.

CACR11-536. Marcus Patton v. State of Arkansas, from Pope Circuit. Appellant's motion to supplement and settle the record and for extension of time to file brief is granted. Writ issued; returnable within thirty days. Appellant's brief due within thirty days thereafter.

CACR11-558. Mable Newsom v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion of Kent Walker for attorney's fees is granted. Allowed \$1,000.00

CACR11-603. Jamil Naim Ali v. State of Arkansas, from Pulaski Circuit, First Division. Motion of William O. "Bill" James for attorney's fees is granted. Allowed \$1,400.00.

CACR11-935. John William Wakeley v. State of Arkansas, from Benton Circuit. Appellant's motion to substitute counsel is granted. Farris Merritt appointed to represent appellant. Appellant's brief due February 13, 2012.

CACR11-1110. Ronald Tywan Jackson v. State of Arkansas, from Lonoke Circuit. Motion to relieve C. Daniel Hancock as appellate counsel and to appoint Robby Golden as appellate counsel and to find Ronald Jackson indigent for purposes of appeal is denied without prejudice.

CA11-125. T.B. v. State of Arkansas, from Howard Circuit. Motion of Jason Horton for attorney's fees is granted. Allowed \$1,400.00.

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CA11-236. Cecil Ellis et al. v. Universal Crop Protection Alliance, from Clay Circuit, Eastern District. Appellants' motion to dismiss appeal as to appellees Universal Crop Protection Alliance, LLC, et al., United Agri Products, Inc., Crop Production Services, Inc., Albaugh, Inc., Nufarm Americas, Inc., and Universal Cooperatives, Inc., is granted.

CA11-452. Juanita Dodds Moreland v. Lonzell Dodds and Willie A. Dodds, from Lincoln Circuit. Appellant's motion to remand to the trial court for entry of settlement and closure of the Estate denied.

CA11-466. Sierra Club v. Arkansas Pollution Control & Ecology Commission and Southwestern Electric Power Company, from Hempstead Circuit. Motion of Appellant, Sierra Club, for withdrawal and dismissal of appeal is granted.

CA11-566. Gary Howard et al. v. Lauren Adams et al., from Benton Circuit. Appellants' motion to file enlarged reply brief is denied. Appellants' motion to withdraw motion to file enlarged reply brief is granted. Brief filed this date.

CA11-607. Sylvia Bell et al. v. Leann Simms et al., from Sebastian Circuit, Fort Smith District. Appellants' pro se motion for reconsideration is denied.

CA11-817. Baptist Memorial Hospital-Forrest City, Inc. v. Paul Neblett, M.D., from St. Francis Circuit. Appellee's motion to file belated brief is granted. Brief filed this date.

CA11-861. Arkansas Electric Energy Consumers, Inc., et al. v. Public Service Commission et al., from Public Service Commission. Joint motion to hold appeals in abeyance is granted. Glover, J., not participating.

CA11-947. Arkansas Department of Human Services v. J.C., from Jefferson Circuit. Appellant's motion to dismiss appeal is granted.

CA11-1132. Arkansas Electric Energy Consumers, Inc., et al. v. Public Service Commission et al., from Public Service Commission. Joint motion to hold appeals in abeyance is granted. Glover, J., not participating.

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PETITIONS FOR REHEARING:

CACR11-261. Christian Adan Villagran v. State of Arkansas, from Pulaski Circuit, First Division.

CA10-1307. Jose S. Padilla, Jr., M.D. v. Mitchell Archer, as Special Administrator of the Estate of Paul Archer, and Marie S. Archer, from Boone Circuit.

CA11-54. Cicely White-Phillips v. Arkansas Children's Hospital, Ali Raja, M.D., and Richard Fiser, M.D., from Pulaski Circuit, Sixth Division.

CA11-257. Kenneth Smith, Jr., and Geraldean Smith, as Co-Special Administrators of the Estate of Mark Anthony Smith v. Rebsamen Medical Center, Inc., et al., Richard Young, M.D., and James Landry, M.D., from Pulaski Circuit, Sixth Division.

CA11-471. Clayton Coker v. Samantha Hess Coker, from Garland Circuit.

CA11-542. John Pearson v. Worksource and Wausau Insurance Company, from Workers' Compensation Commission.

CACR10-1130. Robert Lee Thomas, Jr. v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones III for attorney's fees.

CACR11-186. Adam Everetts v. State of Arkansas, from Crawford Circuit. Motion of Gregg A. Knutson for attorney's fees.

CACR11-261. Christian Adan Villagran v. State of Arkansas, from Pulaski Circuit, First Division. Motion of William O. "Bill" James, Jr., for attorney's fees.

CACR11-295. Barry C. Fredrickson, Jr. v. State of Arkansas, from Garland Circuit. Motion of Dale E. Adams for attorney's fees.

CACR11-332. Raymond Johnson v. State of Arkansas, from Union Circuit. Motion and amended motion of Gary J. Barrett for attorney's fees.

CACR11-386. Tyrone Allen Ellis v. State of Arkansas, from Columbia Circuit. Motion of David W. Talley, Jr., for attorney's fees.

CACR11-537. Michael Tyrone Dotson v. State of Arkansas, from Crawford Circuit. Motion of Jessica L. Carnes for attorney's fees.

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CACR11-558. Mable Newsom v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion of Kent Walker to withdraw as counsel for appellant.

CACR11-635. Robbin M. Gowen v. State of Arkansas, from Lonoke Circuit. Motion of Jonathan T. Lane for attorney's fees.

CACR11-684. Bobby E. Richard v. State of Arkansas, from Desha Circuit. Appellant's petition for writ of certiorari to complete the record, alternative motion for extension of brief time, and motion for extension of brief time pending outcome of appellant's petition for writ of certiorari to complete the record.

CACR11-747. Marcus W. Fields v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to file belated brief.

CACR11-791. Edward Vincent Smith v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to supplement the record on appeal.

CACR11-860. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for a copy of the entire transcript lodged on appeal.

CACR11-877. Jonathan Charles Hahn v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to file belated brief.

CACR11-959. Rodney Dean Arter v. State of Arkansas, from Crawford Circuit. Appellee's petition for writ of certiorari to complete the record.

CACR11-972. Latoya Nicole Ayers v. State of Arkansas, from Saline Circuit. Appellant's motion for time to file belated brief.

CACR11-972. Latoya Nicole Ayers v. State of Arkansas, from Saline Circuit. Appellee's motion to dismiss.

CACR11-1054. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for a copy of the entire transcript lodged on appeal.

CACR11-1069. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion and pro se motion for a copy of the entire transcript lodged on appeal.

CACR11-1093. Donnell Robinson v. State of Arkansas, from Chicot Circuit. Motion of Charles D. Hancock to be relieved as counsel or in the alternative to find Donnell Robinson indigent for the purposes of appeal.

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CACR11-1249. Jomey Alexander Robelo v. State of Arkansas, from Saline Circuit. Appellant's motion for writ of certiorari to complete the record.

CA11-196. City of Forrest City et al. v. Michael L. Long, from Workers' Compensation Commission. Appellee's motion for attorney's fees.

CA11-236. Cecil Ellis et al. v. Universal Crop Protection Alliance et al., from Clay Circuit, Eastern District. Appellees/cross appellants' motion for enlargement of brief page limit.

CA11-460. S.M.C. v. State of Arkansas, from Grant Circuit. Appellee's motion for compliance with administrative order 19 and the rules governing contents of briefs.

CA11-463. St. Edward Mercy Medical Center et al. v. Linda Dart, from Workers' Compensation Commission. Appellee's motion for an award of attorney's fees.

CA11-690. Peter Sam Cyphers et al. v. Louis Lee Cyphers et al., from Union Circuit. Appellants' motion for belated brief.

CA11-780. Les Marlow et al. v. United Systems of Arkansas, Inc., from Pulaski Circuit, First Division. Appellants' motion to file a supplemental abstract and addendum and corrected brief.

CA11-787. Larry Payton v. Troy Coleman, from Craighead Circuit, Western District. Appellee's suggestion of death and motion to substitute Teresa Best as Administratrix of the Estate of Troy Coleman.

CA11-789. Arkansas State Highway Commission v. Thomas Ewell Burrow Family Trust et al., from Garland Circuit. Appellees' petition for certiorari for completion of record and to stay briefing schedule.

CA11-795. Stacy Gentry v. Arkansas Oil Field Services, from Workers' Compensation Commission. Appellant's motion for attorney's fees.

CA11-807. Jason R. Laster v. Perry Williams, from Grant Circuit. Appellee's motion for leave to file belated brief.

CA11-840. Arkansas Elder Outreach of Little Rock, Inc., et al. v. Anniebelle Maness, from Poinsett Circuit. Appellee's motion to supplement the record and for extension of time to file supplemental abstract, brief, and supplemental addendum.

CA11-868. Nicholas Bowen v. Letezia Bowen et al., from Hot Spring Circuit. Appellees' motion to dismiss appeal.

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CA11-868. Nicholas Bowen v. Letezia Bowen et al., from Hot Spring Circuit. Appellees' motion to supplement the record and for stay and extension of brief time.

CA11-883. Michael Wilson v. Sara Powers, from Grant Circuit. Appellee's motion to dismiss appeal as to child custody order.

CA11-900. Chase Bank USA, N.A. v. Dyke, Henry, Goldsholl & Winzerling, P.L.C., et al., from Pulaski Circuit, Thirteenth Division. Appellees' motion for correction of record pursuant to Rule 6(e).

CA11-984. Edward A. Labry, III v. Metropolitan National Bank, from Washington Circuit. Appellee's motion to correct and supplement the record.

CA11-1053. Tim Killian et al. v. R.A. "Reggie" Gibson et al., from Garland Circuit. Appellants' motion to file a belated brief.

CA11-1053. Tim Killian et al. v. R.A. "Reggie" Gibson et al., from Garland Circuit. Appellees' motion to dismiss appeal.

CA11-1072. Raju Patil, M.D. v. Kevin Hoover, from Faulkner Circuit. Appellee's motion to dismiss appeal or alternatively for an extension of time in which to file brief.

CA11-1107. Tamera Troeskyn v. Larry Herrington et al., from Arkansas Probate, Northern District. Appellees' motion to substitute counsel.

CA11-1107. Tamera Troeskyn v. Larry Herrington et al., from Arkansas Probate, Northern District. Motion of Christopher W. Hays to withdraw as counsel.

CA11-1115. Mark Dean v. Victoria Wiley, from Yell Circuit, Northern District. Appellant's pro se motion to supplement record and for stay of briefing schedule.

CA11-1136. Bobby McMullen v. Healthcare Staffing Associates, Inc., from Hot Spring Circuit. Appellant's motion to correct the record.

CA11-1174. Arlands, LLC v. MPC Color, Inc., from Craighead Circuit, Western District. Motion of Liberty Bank of Arkansas to supplement the record and to stay the brief time.

CA11-1234. Joe Vander Heyden v. Cindy Vander Heyden, from Pulaski Circuit, Fourteenth Division. Appellant's motion for expedited order to stay order granting appellee custody and permission to relocate the minor children pending appeal.

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CA11-1285. Larry D. Harris v. Freight Systems, Inc., from Workers' Compensation Commission. Motion for rule on clerk.

E11-198. Guy D. Czajka v. Director et al., from Board of Review. Appellant's motion to correct the record.

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CACR11-647. James Wyman Walker v. State of Arkansas, from Columbia Circuit. Argued orally.

CACR11-298. Demetris Parnel Jordan v. State of Arkansas, from Miller Circuit.

CACR11-592. Randy Kirk Cooper v. State of Arkansas, from Washington Circuit.

CACR11-659. Billy Joe Clark v. State of Arkansas, from Woodruff Circuit.

CACR11-712. Darin D. Graham v. State of Arkansas, from Chicot Circuit.

CACR11-716. Richard Duncan v. State of Arkansas, from Pulaski Circuit, Second Division.

CACR11-768. Terry Lee Scroggins v. State of Arkansas, from Logan Circuit, Southern District.

CACR11-814. Quincy Jay Plessy v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CA10-945. Barry J. Jewell v. Debra Duree Jewell, from Pulaski Circuit, Seventeenth Division.

CA10-1175. Dustin Kyle Chastain v. Courtney Heather Chastain, from Pulaski Circuit, Fourteenth Division.

CA11-77. Helen Freeman Lynch v. Harrell Bates, from Faulkner Circuit.

CA11-150. Eaton and Morey Farms, a Partnership et al. v. Estate of George Hamilton Lescher, from Cross Circuit.

CA11-153. Nathan D. Loftis v. Stephanie Coleman Nazario, from Garland Circuit.

CA11-353. Sebastian Stadler v. Betty Ann Warren, from Johnson Circuit.

CA11-739. Arkansas Department of Human Services v. A.M., from Jefferson Circuit.

CA11-755. Downey Moving & Storage Co., Inc. v. Alfred Wiseman, from Faulkner Circuit.

CA11-772. Cedric Raulston v. Waste Management, Inc., from Workers' Compensation Commission.

CA11-775. Janice C. Tucker v. Bank of America Corporation, from Workers' Compensation Commission.

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CA11-811. Cedarville Public Schools et al. v. Jan Marshall, from Workers' Compensation Commission.

CA11-831. Albert R. Wright v. St. Vincent Doctors Hospital, from Workers' Compensation Commission.

CA11-895. Breann Bayron v. Arkansas Department of Human Services, from Sevier Circuit.

CA11-896. Gabrielle Hill v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District.

CA11-907. Logan Thouvenell v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District.

CA11-911. Ciero Bajorie v. Arkansas Department of Human Services and Minor Child, from Pulaski Circuit, Eleventh Division.