

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR11-235](#). Dewana Dione Runion v. State of Arkansas, from Drew Circuit. Rebriefing ordered; motion to withdraw denied. Gladwin and Brown, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR10-1295](#). Anthony Darnell Thompson v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to withdraw granted. Wynne and Martin, JJ., agree.

[CACR11-685](#). Shandra Latrice Leflore v. State of Arkansas, from Crittenden Circuit. Motion to withdraw denied; rebriefing ordered. Wynne and Martin, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR11-18](#). Anthony Dewayne Price v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Rebriefing ordered; motion to withdraw denied. Robbins and Abramson, JJ., agree.

[CA11-850](#). Mary Weatherspoon v. Arkansas Department of Human Services and Minor Child, from Pulaski Circuit, Eighth Division. Affirmed. Robbins and Abramson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR11-630](#). Jana French Carruth v. State of Arkansas, from Conway Circuit. Motion to withdraw denied; rebriefing ordered. Vaught, C.J., and Brown, J., agree.

JOHN B. ROBBINS, JUDGE:

[CACR11-53](#). Orville DeWayne Kelley v. State of Arkansas, from Faulkner Circuit. Dismissed; motion granted. Hart and Abramson, JJ., agree.

[CACR11-309](#). Jennifer Payton v. State of Arkansas, from Craighead Circuit, Western District. Affirmed; motion granted. Hart and Abramson, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CACR11-240](#). Larry Eugene Walden v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion denied; rebriefing ordered. Pittman and Martin, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 11, 2012**

ROBIN F. WYNNE, JUDGE: (Continued)

[CACR11-567](#). Dennis Lemond Armstrong v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to withdraw granted. Pittman and Martin, JJ., agree.

RITA W. GRUBER, JUDGE:

[CACR11-151](#). Shaheid DeShan Wilson v. State of Arkansas, from Crittenden Circuit. Affirmed; motion granted. Glover and Hoofman, JJ., agree.

[CACR11-399](#). Courtney Ross v. State of Arkansas, from Howard Circuit. Appeal dismissed; motion to withdraw granted. Glover and Hoofman, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CACR10-825](#). Terry Lee Mace v. State of Arkansas, from Johnson Circuit. Rebriefing ordered; motion to withdraw denied. Gruber and Hoofman, JJ., agree.

[CACR11-99](#). Christopher B. Burris v. State of Arkansas, from Union Circuit. Rebriefing ordered; motion to withdraw denied. Gruber and Hoofman, JJ., agree.

[CA11-313](#). Matthew L. Edmisten v. Bull Shoals Landing and AIG Domestic Claims, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Pittman, Robbins, Martin, and Brown, JJ., agree. Vaught, C.J., and Abramson, and Hoofman, JJ., agree in part and dissent in part. Hart, J., concurs.

RAYMOND R. ABRAMSON, JUDGE:

[CACR11-16](#). Lori Ann Pamplin v. State of Arkansas, from Grant Circuit. Motion to withdraw denied; rebriefing ordered. Hart and Robbins, JJ., agree.

[CACR11-441](#). David Swarthout v. State of Arkansas, from Lonoke Circuit. Motion to withdraw denied; rebriefing ordered. Hart and Robbins, JJ., agree.

DOUG MARTIN, JUDGE:

[CA11-175](#). Greg E. Prock v. Bull Shoals Landing, American Home Assurance, and AIG Claims Services, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman, Robbins, Glover, and Brown, JJ., agree. Vaught, C.J., and Abramson, and Hoofman, JJ., agree in part and dissent in part. Hart, J., concurs.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**

DOUG MARTIN, JUDGE: (Continued)

[CA11-797](#). Ricky Townley v. Georgia Pacific Corporation, Indemnity Ins. Co. of North America, and Sedgwick Claims Management, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Wynne, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CACR11-266](#). Donald Lewis Burton, Sr. v. State of Arkansas, from Benton Circuit. Rebriefing ordered; motion to withdraw denied. Gruber and Glover, JJ., agree.

[CACR11-323](#). Jerome Scott McPherson v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to withdraw granted. Gruber and Glover, JJ., agree.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**

**PER CURIAM ORDERS**

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).

- E11-195. Jessica A. Nichols (Potter) v. Director et al.
- E11-196. Carla M. Neal v. Director et al.
- E11-197. Eddie Ross Sr. v. Director et al.
- E11-199. Gentry Public Schools v. Director et al.
- E11-200. Tracy T. Brown v. Director et al.
- E11-201. Cleveland L. Washington v. Director et al.
- E11-202. Spencer Carolina v. Director et al.
- E11-203. Sharon K. Eddings v. Director et al.
- E11-204. Marian D. Oliver v. Director et al.
- E11-205. Charles W. Boone v. Director et al.
- E11-207. Lindsey Dill v. Director et al.
- E11-208. Lee Washington v. Director et al.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**  
**PER CURIAM ORDERS**

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

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

CA10-1170. The Lamar Company, LLC d/b/a Lamar Advertising of Greenville v. Arkansas State Highway & Transportation Department, from Pulaski Circuit, Thirteenth 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.

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

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CACR10-1130. Robert Lee Thomas, Jr. v. State of Arkansas, from Saline Circuit. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,500.00.

CACR11-186. Adam Everetts v. State of Arkansas, from Crawford Circuit. Motion of Gregg A. Knutson for attorney's fees is granted. Allowed \$1,500.00.

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 is granted. Allowed \$1,400.00.

CACR11-295. Barry C. Fredrickson, Jr. v. State of Arkansas, from Garland Circuit. Motion of Dale E. Adams for attorney's fees is granted. Allowed \$1,400.00.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**

**PER CURIAM ORDERS**

CACR11-332. Raymond Johnson v. State of Arkansas, from Union Circuit. Motion and amended motion of Gary J. Barrett for attorney's fees is granted. Allowed \$1,400.00.

CACR11-386. Tyrone Allen Ellis v. State of Arkansas, from Columbia Circuit. Motion of David W. Talley, Jr., for attorney's fees is granted. Allowed \$1,200.00.

CACR11-537. Michael Tyrone Dotson v. State of Arkansas, from Crawford Circuit. Motion of Jessica L. Carnes for attorney's fees is granted. Allowed \$1,400.00.

CACR11-558. Mable Newsom v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion of Kent Walker to withdraw as counsel for appellant is granted. Gruber, J., not participating.

CACR11-635. Robbin M. Gowen v. State of Arkansas, from Lonoke Circuit. Motion of Jonathan T. Lane for attorney's fees is granted. Allowed \$1,400.00.

CACR11-684. Bobby E. Richard v. State of Arkansas, from Desha Circuit. Appellant's petition for writ of certiorari to complete the record is granted. Writ issued; returnable January 26, 2012. Appellant's brief due within thirty days thereafter.

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

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

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 is denied.

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

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 11, 2012**

**PER CURIAM ORDERS**

CACR11-959. Rodney Dean Arter v. State of Arkansas, from Crawford Circuit. Appellee's petition for writ of certiorari to complete the record is granted. Writ issued; returnable January 26, 2012. Appellant's supplemental addendum due within seven days after the filing of the supplemental record. Appellee's brief due within thirty days thereafter.

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

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

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 is denied.

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 is denied.

CACR11-1093. Donnell Robinson v. State of Arkansas, from Chicot Circuit. Motion of Charles D. Hancock to be relieved as counsel is granted.

CACR11-1093. Donnell Robinson v. State of Arkansas, from Chicot Circuit. Appellant's pro se motion requesting to proceed pro se and motion for extension of time to file brief is granted. Appellant's pro se brief due February 27, 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 granted. Appellant's brief due February 20, 2012.

CACR11-1249. Jomey Alexander Robelo v. State of Arkansas, from Saline Circuit. Appellant's motion for writ of certiorari to complete the record is granted. Writ issued; returnable January 26, 2012. Appellant's brief due within thirty days thereafter.

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

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 11, 2012**

**PER CURIAM ORDERS**

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 reply brief page limit. Granted additional 2 pages for a total of 17 pages. Cross-Appellants' reply brief due January 18, 2012.

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 is granted. Record in compliance due within 7 days. Appellant's substituted brief due within thirty days thereafter.

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 is granted.

CA11-690. Peter Sam Cyphers et al. v. Louis Lee Cyphers et al., from Union Circuit. Appellants' pro se motion for belated brief is denied. Appeal dismissed.

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 is denied. Appellants' substituted brief due February 10, 2012.

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 is granted.

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 is granted. Writ issued; returnable January 26, 2012. Appellant's supplemental brief due within thirty days thereafter. Hoofman, J., not participating.

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

CA11-807. Jason R. Laster v. Perry Williams, from Grant Circuit. Appellee's motion for leave to file belated brief is granted. Appellee's brief due January 25, 2012.

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



**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**  
**PER CURIAM ORDERS**

supplemental abstract, brief, and supplemental addendum. Remanded to the trial court to settle the record within thirty days. Appellees' brief due within thirty days thereafter.

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

CA11-868. Nicholas Bowen v. Letezia Bowen et al., from Hot Spring Circuit. Appellees' motion to supplement the record is denied. Appellees' brief due January 26, 2012.

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

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) is granted. Writ issued; returnable January 26, 2012. Appellees' brief due within thirty days thereafter.

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

CA11-1017. Peter Daniels, Jr. v. Daryl Davis, from Jefferson Circuit. Appellant's motion for further belated brief is denied.

CA11-1017. Peter Daniels, Jr. v. Daryl Davis, from Jefferson Circuit. Appellee's motion to dismiss appeal is granted.

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

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

CA11-1072. Raju Patil, M.D. v. Kevin Hoover, from Faulkner Circuit. Appellee's motion to dismiss appeal is passed until the case is submitted. Appellee's brief due January 21, 2012.

CA11-1136. Bobby McMullen v. Healthcare Staffing Associates, Inc., from Hot Spring

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**

**PER CURIAM ORDERS**

Circuit. Appellant's motion to correct the record is granted. Record deemed supplemented.

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 is denied.

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

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

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**  
**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CACR10-1110. Lee James Owens v. State of Arkansas, from Miller Circuit.

CA11-473. Robert David Lewis v. AT&T Mobility and Metropolitan National Bank, from Pulaski Circuit, Third Division.

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CACR11-83. Darren Earl Bull v. State of Arkansas, from Faulkner Circuit. Motion of Caroline L. Winningham for attorney's fees.

CACR11-395. Phillip D. Wofford v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR11-575. James Edward Daniels, Jr. v. State of Arkansas, from Drew Circuit. Motion of Joseph P. Mazzanti, III, for attorney's fees and expenses.

CACR11-788. Glen Eric Nelson, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion seeking a copy of the transcript and documents.

CACR11-819. Benjamin Eagle v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's pro se motion to supplement brief.

CA10-133. Kathryn Stephens et al. v. Stephens Family Limited Partnership, from Pulaski Circuit, Sixth Division. Motion to accept recreated duplicate original of record.

CA11-1033. Pamela Stuckey v. Mortgage Electronic Registration System, Inc., from Pulaski Circuit, Third Division. Appellant's pro se motion to combine cases and for extension of brief time.

CA11-1179. Cynthia Wingfield v. Jeffrey Wingfield, from Pulaski Circuit, Sixth Division. Appellant's motion to correct the record and for extension of brief time.

CA11-1290. New Balance Athletic Shoe, Inc. v. Whitney Stagg et al., from Washington Circuit. Appellees' motion to dismiss appeal.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**

**MOTIONS SUBMITTED**

E11-222. Jerry Y. Courtney v. Director et al., from Board of Review. Appellant's pro se motions to add or supplement appeal.

E11-306. Troy L. Vincent v. Director et al., from Board of Review. Pro se motion to file belated appeal.

E11-307. Breanna S. Harvell v. Director et al., from Board of Review. Pro se motion to file belated appeal.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**

**SUBMISSIONS**

J & J Excavating v. Doyme Construction Company, Inc., and Liberty Mutual Insurance Company, from Pulaski Circuit, Second Division. Argued orally.

CACR10-1144. Joseph Anthony Scamardo, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR11-412. Patrick Cinque Smith v. State of Arkansas, from Pulaski Circuit, First Division.

CACR11-613. Danny Lee Ashley v. State of Arkansas, from Grant Circuit.

CACR11-696. Erick Garcia v. State of Arkansas, from Benton Circuit.

CACR11-717. Rebecca Mary Turner v. State of Arkansas, from Garland Circuit.

CACR11-815. Justin Dees v. State of Arkansas, from Polk Circuit.

CACR11-848. Arthur Lee Newton, Jr. v. State of Arkansas, from Drew Circuit.

CACR11-856. Bob Dale Devor v. State of Arkansas, from Washington Circuit.

CA11-303. Mary Evelyn Gibbs et al. v. Donald V. Bumgarner et al., from Madison Circuit.

CA11-402. Jerry Brasfield v. Glayton Johnson, from Jefferson Circuit.

CA11-511. Creed Spann et al. v. Lovett & Company Limited, from Pulaski Circuit, Fifth Division.

CA11-557. Doris Scott v. Potlatch Forest Products Corp., from Workers' Compensation Commission.

CA11-663. Jimmie H. Baker v. Scherrie L. Bolin, from Madison Circuit.

CA11-697. William Go, Jr., M.D. v. Crossett Health Foundation, from Ashley Circuit.

CA11-706. ServiceMaster of Little Rock, Inc. v. Peggy Vickers, from Pulaski Circuit, Seventeenth Division.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 11, 2012**

**SUBMISSIONS**

CA11-808. Jamie Russenberger v. Thomas Pest Control, Inc., et al., from Pulaski Circuit, Sixth Division.

CA11-825. John O'Hara v. J. Christy Construction Co., Inc., from Workers' Compensation Commission.

**The following cases are appeals from the Arkansas Board of Review.**

E11-209. Lola A. Culbreath v. Director et al.

E11-210. Lola A. Culbreath v. Director et al.

E11-211. John G. Fleming v. Director et al.

E11-212. Kina L. Burton v. Director et al.

E11-213. Robert L. Haggans v. Director et al.

E11-215. Nora L. Ward v. Director et al.

E11-216. William Watkins v. Director et al.

E11-217. Michael R. Johnston v. Director et al.

E11-218. Rickey Warren v. Director et al.

E11-220. Scott L. Anthony v. Director et al.

E11-221. Jovontay McDavis v. Director et al.

E11-222. Jerry Y. Courtney v. Director et al.