

ARKANSAS COURT OF APPEALS

DIVISIONS I & II

No. CA11-471

CLAYTON COKER

APPELLANT

V.

SAMANTHA HESS COKER

APPELLEE

Opinion Delivered February 22, 2012

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[DR-2010-287-III]

HONORABLE LYNN WILLIAMS,
JUDGE

CONCURRING OPINION ON
DENIAL OF REHEARING

DAVID M. GLOVER, Judge

I concur in the denial of the petition for rehearing and write only to make clear my position that the majority opinion in this case was decided primarily on the lack of corroboration. I agree with that conclusion. There was not sufficient corroboration of *any* ground for divorce in this case. The dissenting opinion's position that an affair constitutes a general indignity is certainly supported by common sense in theory, and it is a theory with which I could agree, but theoretical common-sense alone cannot trump the lack of corroborating evidence in this case. The question of whether and under what circumstances an adulterous affair could constitute grounds for divorce as a general indignity, rather than under the specific statutory ground of adultery, was left open in this case and will have to be decided in a future one.



Cite as 2012 Ark. App. 179