

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2012**

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR11-979](#). Leonard Morice Reed v. State of Arkansas, from Grant Circuit. Affirmed. Hart and Robbins, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR11-1036](#). Ronney Briggs v. State of Arkansas, from Garland Circuit. Reversed and remanded. Wynne and Hoofman, JJ., agree.

[CA11-718](#). D.C.T. v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Affirmed. Wynne and Hoofman, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CACR11-949](#). Alquantis Kentrel Pitts v. State of Arkansas, from Chicot Circuit. Affirmed. Vaught, C.J., and Robbins, J., agree.

[CA11-980](#). Charles S. Wilson and Janice B. Wilson, husband and wife v. Mary S. Graf, Trustee of the Mary S. Graf Living Trust, from Van Buren Circuit. Affirmed. Vaught, C.J., and Gruber, Martin, and Hoofman, JJ., agree. Brown, J., dissents.

ROBERT J. GLADWIN, JUDGE:

[CA11-845](#). Charolette Ashley v. Richard H. Ashley and J.D. Ashley, Jr., in their capacity as personal representatives for the Estate of J.D. Ashley, Sr., deceased, from Pulaski Circuit, Sixteenth Division. Affirmed. Glover and Brown, JJ., agree.

[CA11-1087](#). Capstone Oilfield Disposal of Arkansas, Inc. v. Pope County, Arkansas; Arnold Bowden; Dusty Hampton; Connie Aday; and Kenneth Bowden, from Pope Circuit. Affirmed. Glover and Brown, JJ., agree.

JOHN B. ROBBINS, JUDGE:

[CA11-554](#). Guy Maris Trust, Eugene Maris, and Mahlon O. Maris v. Zachary W. “Woody” Truemper, John J. Truemper, Jr., Julia Clare Truemper, Blue II Land Corporation, Ron Shamlin, and Ron Shamlin, Jr., from Pulaski Circuit, Third Division. Affirmed in part; reversed and remanded in part. Vaught, C.J., and Hart, J., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2012**

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. Affirmed. Pittman and Hoofman, JJ., agree.

RITA W. GRUBER, JUDGE:

[CACR11-812](#). Dominic McPeak v. State of Arkansas, from Clark Circuit. Affirmed. Abramson and Martin, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CACR11-1153](#). Jonale Henry v. State of Arkansas, from Lonoke Circuit. Affirmed. Gladwin and Brown, JJ., agree.

[CA11-741](#). Charolette Ashley v. Richard H. Ashley and J.D. Ashley, Jr., in their capacity as personal representatives for the Estate of J.D. Ashley, Sr., deceased, from Pulaski Circuit, Sixteenth Division. Affirmed. Gladwin and Brown, JJ., agree.

[CA11-869](#). Jack Barnes et al. v. Arkansas Department of Finance & Administration, Alcoholic Beverage Control Board, et al., from Columbia Circuit. Affirmed. Vaught, C.J., and Hart, Robbins, and Abramson, JJ., agree. Gruber, J., dissents.

RAYMOND R. ABRAMSON, JUDGE:

[CA11-958](#). Fred's Stores of Tennessee, Inc.; Indemnity Insurance Company of North America; and Sedgwick Claims Management v. Melvin Ely, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross-appeal. Gruber and Martin, JJ., agree.

DOUG MARTIN, JUDGE:

[CA11-893](#). Bismark School District v. Paul Sims, from Hot Spring Circuit. Affirmed. Pittman and Gladwin, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2012**

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).

- E11-275. Ricky A. Steed v. Director et al.
- E11-276. Anthony D. Palmer v. Director et al.
- E11-277. Jeana L. Wilson v. Director et al.
- E11-278. David A. Kelley v. Director et al.
- E11-279. Brenda K. Turner v. Director et al.
- E11-280. Amy E. Clark v. Director et al.
- E11-281. Rebekah S. Kerr v. Director et al.
- E11-282. Paul Enos v. Director et al.
- E11-283. Anthony D. Martin v. Director et al.
- E11-285. Stephanie Ingle v. Director et al.
- E11-286. Mary Sult v. Director et al.
- E11-287. Cornelia G. Griffin v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 4, 2012

PER CURIAM ORDERS

REHEARING GRANTED: Petition for Rehearing was granted today in the following case.

[CA11-739](#). Arkansas Department of Human Services v. A.M., Sonja Mitchell, and Christopher Matthews, Sr., from Jefferson Circuit. *See* substituted opinion on granting of Rehearing.

REHEARING DENIED: Petition for Rehearing was denied today in the following case.

CA11-847. Jeremy Dewayne Summers v. Charlie Elmer Byrd, Individually and in His Official Capacity; Robert Leon Lewis, Individually and in His Official Capacity; Fred L. Roberts, Jr., Chief of Police of Gosnell, in His Official Capacity; City of Gosnell; and Dick Reams, Mayor of the City of Gosnell, in His Official Capacity, from Mississippi Circuit, Chickasawba District.

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CACR11-659. Billy Joe Clark v. State of Arkansas, from Woodruff Circuit. Appellant's motion to file supplemental brief and for additional brief time is granted.

CACR11-768. Terry Lee Scroggins v. State of Arkansas, from Logan Circuit, Southern District. Motion of Johnathan D. Dial, Sr., for attorney's fees is granted. Allowed \$1,400.00.

CACR11-860. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion to file amended brief is denied.

CACR11-1258. Robert Lee Henderson v. State of Arkansas, from Miller Circuit. Appellant's motion to seal trial record is granted.

CACR11-1258. Robert Lee Henderson v. State of Arkansas, from Miller Circuit. Appellant's motion to extend filing date to comply with court's order of redaction of record is moot.

CACR12-185. James Edward Green, Jr. v. State of Arkansas, from Drew Circuit. Appellant's motion for leave to proceed in forma pauperis is granted.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2012**

**PER CURIAM ORDERS**

CACR12-185. James Edward Green, Jr. v. State of Arkansas, from Drew Circuit. Motion of Jack R. Kearney to be relieved as counsel for appellant and to appoint appellate attorney is granted.

CACR12-185. James Edward Green, Jr. v. State of Arkansas, from Drew Circuit. Appellant's motion to supplement the record is granted.

CACR12-190. Gilberto Martinez-Marmol v. State of Arkansas, from Washington Circuit. Motion of Greg Klebanoff to be relieved as counsel for appellant is granted.

CA11-538. Mafalda Casas-Cordero v. Anthony Mira, from Baxter Circuit. Appellee's motion to dismiss appeal is denied.

CA11-840. Arkansas Elder Outreach of Little Rock, Inc., et al. v. Anniebelle Maness, from Poinsett Circuit. Motion of Arkansas Trial Lawyers Association to file a brief amicus curiae is granted. Gladwin, J., would deny.

CA11-957. Walgreen Co. et al. v. Grant W. Goode, from Workers' Compensation Commission. Appellee's motion for attorney's fees is granted.

CA11-1033. Pamela Stuckey v. Mortgage Electronic Registration Systems, Inc., from Pulaski Circuit, Third Division. Appellee's motion to dismiss appeal is passed until the case is submitted.

CA11-1033. Pamela Stuckey v. Mortgage Electronic Registration Systems, Inc., from Pulaski Circuit, Third Division. Motion of separate appellee Worsham Law Firm, P.A.'s to dismiss appeal is passed until the case is submitted.

CA11-1117. Dave Eusanio v. Dante Tippin, from Jefferson Circuit. Appellant's motion to file supplemental abstract and addendum is denied. Appellant granted leave to file substituted brief within fifteen days. *See* Ark. Sup. Ct. R. 4-2(b)(2).

CA11-1208. Catherine Yokley v. Bruce Yokley, from White Circuit. Appellant's motion for reconsideration is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2012**

**PER CURIAM ORDERS**

CA11-1247. Kay Houchins et al. v. Home Care Professionals of Arkansas, Inc., from Pulaski Circuit, First Division. Appellant's motion to file belated brief is granted.

CA12-97. Beau Welch et al. v. Gary S. Richardson, Jr., from Sebastian Circuit, Fort Smith District. Appellants' motion to hold briefing schedule in abeyance until bankruptcy proceeding is resolved is granted.

CA12-102. Christy S. Pepper v. Wendell Garrett, DDS, from Union Circuit. Appellant's motion to supplement record and to stay brief time is granted. Glover, J., not participating.

CA12-107. David Byrd v. State of Arkansas, Office of Child Support Enforcement and Darlene Byrd, from Boone Circuit. Motion of State of Arkansas, Office of Child Support Enforcement to dismiss appeal is passed until the case is submitted.

CA12-147. Thane Thomas Newton v. Office of Child Support Enforcement, from Washington Circuit. Appellee's motion for the Court to take judicial notice is denied without prejudice. Martin, J., not participating.

CA12-147. Thane Thomas Newton v. Office of Child Support Enforcement, from Washington Circuit. Appellant's pro se motion to duplicate brief at state expense is denied. Martin, J., not participating.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2012**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

CA11-1007. Carmelita Flores v. Walmart Distribution and Claims Management, Inc., from Workers' Compensation Commission.

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CACR09-345. Daniel Dorsey v. State of Arkansas, from Crittenden Circuit. Motion of Travis A. Gray for attorney's fees.

CACR11-233. Derrick Antoine Wilson, Sr. v. State of Arkansas, from Ashley Circuit. Motion of Dale West for attorney's fees.

CACR11-254. Ronald Deron Green v. State of Arkansas, from Desha Circuit. Motion of Dale West for attorney's fees.

CACR11-819. Benjamin Eagle v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Devon N. Holder for attorney's fees.

CACR12-223. Quinton Dewayne Harris v. State of Arkansas, from Arkansas Circuit, Southern District. Motion of Dennis Molock to withdraw as attorney, for appointment of substitute counsel, and for stay of brief time.

CA11-628. John L. Hansen v. Wells Fargo Bank, N.A., et al., from Pulaski Circuit, Fifth Division. Appellant's pro se motion to remove presumption, use findings of fact, request for judgment, and brief incorporated herein.

CA11-971. Annette Jackson-Lockhart v. Arkansas Department of Health et al., from Workers' Compensation Commission. Appellees' second motion to dismiss appeal.

CA11-1246. McVesting, LLC v. Heirs of Macie McGoon and Cecil R. Curren, Sr., from Van Buren Circuit. Appellees' second motion to dismiss appeal.

CA12-235. James Strange et al. v. Mary K. Reed Trust, from Van Buren Circuit. Appellants' motion for stay pending appeal.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2012**

**SUBMISSIONS**

CA11-365. Pinnacle Point Properties, LLC v. Metropolitan National Bank, from Benton Circuit. Argued orally.

CACR11-677. Robert Ryan Sipe v. State of Arkansas, from Garland Circuit.

CACR11-747. Marcus W. Fields v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR11-769. Cordell A. Wells, Jr. v. State of Arkansas, from Mississippi Circuit, Chickasawba District.

CACR11-857. Jameko J. Williams v. State of Arkansas, from Ashley Circuit.

CACR11-877. Jonathan Charles Hahn v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR11-916. Walter Bernard Boykins v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR11-972. Latoya Nicole Ayers v. State of Arkansas, from Saline Circuit.

CACR11-1004. Alton McLish v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CACR11-1031. Frankie Lee Hatton v. State of Arkansas, from Lonoke Circuit.

CACR11-1060. Raoul Juan Luevano v. State of Arkansas, from Benton Circuit.

CACR11-1145. Vincent Byron Fett v. State of Arkansas, from Polk Circuit.

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

CA11-807. Jason R. Laster v. Perry Williams, from Grant Circuit.

CA11-886. Clifford Marshall Davis v. Andrea Denise Davis, from Fulton Circuit.

CA11-941. Joe Ryburn v. Janet Carol Ryburn, from Saline Circuit.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2012**

**SUBMISSIONS**

CA11-1021. I.P. v. State of Arkansas, from Faulkner Circuit.

CA11-1042. Deltic Timber Corporation et al. v. Kathy Sue Newland et al., from Conway Circuit.

CA11-1053. Tim Killian et al. v. R. A. "Reggie" Gibson et al., from Garland Circuit.

CA11-1082. Dan Billingsley v. Planit Dirt Excavation & Concrete, Inc., from Saline Circuit.

CA11-1094. Loretta Mercer et al. v. Michael Engle et al., from Jackson Circuit.

CA11-1126. Clarence Jones v. Rheem Manufacturing Co. et al., from Workers' Compensation Commission.

CA11-1127. Rickey Vaughn Thompson v. Kelly Thompson, from Randolph Circuit.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 4, 2012**

**SUBMISSIONS**

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

E11-206. Jerry L. Crouch v. Director et al.

E11-288. Dena R. Ford v. Director et al.

E11-289. James H. Lavender v. Director et al.

E11-290. Sandra A. Nolen v. Director et al.

E11-291. Pauline D. Johnson v. Director et al.

E11-292. Elmer Marshall v. Director et al.

E11-293. Steve P. Smith v. Director et al.

E11-294. Amanda Offtermatt v. Director et al.

E11-295. Jeremiah T. Dupree v. Director et al.

E11-296. Lemetric Johnson v. Director et al.

E11-297. Linda Snearly v. Director et al.

E11-298. James Hawley v. Director et al.

E11-299. Keith Thompson v. Director et al.