

ARKANSAS COURT OF APPEALS

Opinions delivered
February 17, 2010

LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-839. Calvin Brown v. State of Arkansas, from Cross Circuit. Affirmed. Kinard and Gruber, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CA09-235. Heirs of F.D. Goza, Jr., et al. v. Estate of William E. Potts, Deceased, from Hot Spring Circuit. Affirmed. Henry and Baker, JJ., agree.

CA09-765. Pulaski County Special School District et al. v. Karen G. Glover, from the Arkansas Workers' Compensation Commission. Affirmed. Henry and Baker, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR09-503. Michael A. Green v. State of Arkansas, from Drew Circuit. Affirmed. Gladwin and Brown, JJ., agree.

CA09-539. Janna D. McCoy v. Wayne Dale Bodiford, from Perry Circuit. Affirmed. Gladwin and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CACR08-1239. Debra Johnson v. State of Arkansas, from Union Circuit. Affirmed. Hart and Brown, JJ., agree.

CACR09-441. Randy Paul Brown v. State of Arkansas, from Saline Circuit. Affirmed in Part; Reversed and Remanded in Part. Marshall, J., agrees. Baker, J., concurs.

CA09-565. Juliane Kinard Mathews v. Joseph G. Schumacher, from Union Circuit. Affirmed. Brown, J., agrees. Hart, J., concurs.

CA09-581. Alphonso Reid v. Arkansas Department of Human Services, from Miller Circuit. Affirmed. Marshall and Baker, JJ., agree.

JOHN B. ROBBINS, JUDGE:

CACR09-799. Kendrick White v. State of Arkansas, from Jefferson Circuit. Affirmed. Glover and Marshall, JJ., agree.

CA09-627. Tracey Lilley Trafford v. Dennis Lilley; Suzanne Lilley Sakevicius and Zack Sakevicius; husband and wife; Ozark Capital Corporation; and Palisades Collection, LLC, from Conway Circuit. Appeal Dismissed. Glover and Marshall, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR09-803. Clark A. Gray v. State of Arkansas, from Garland Circuit. Affirmed. Vaught, C.J., and Kinard, J., agree.

CA09-639. Stephanie Harris v. Stephen Harris, from Pulaski Circuit, Seventeenth Division. Affirmed. Vaught, C.J., and Kinard, J., agree.

DAVID M. GLOVER, JUDGE:

CACR09-880. Ramon E. Chavez v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Robbins and Marshall, JJ., agree.

D. P. MARSHALL JR., JUDGE:

CACR09-903. Linda Kay Graham v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Reversed and Remanded. Robbins and Glover, JJ., agree.

CACR09-444. Jimmy Lee Frost v. State of Arkansas, from Drew Circuit. Affirmed. Gladwin and Baker, JJ., agree.

CA09-572. Richard and Debra Ondrisek v. Arkansas Department of Human Services, from Miller Circuit. Affirmed. Gladwin and Baker, JJ., agree.

CA09-802. Holly Medina v. Clayton Roberts, from Benton Circuit. Affirmed. Gladwin and Baker, JJ., agree.

COURTNEY HUDSON HENRY, JUDGE:

CACR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Rebriefing Ordered. Pittman and Baker, JJ., agree.

CA09-1053. Kadrian Thompson v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Affirmed. Pittman and Baker, JJ., agree.

KAREN R. BAKER, JUDGE:

CA09-580. Brian Broderick v. Arkansas Department of Human Services, from Miller Circuit. Affirmed. Gladwin and Marshall, JJ., agree.

CA09-584. Greg Seago v. Arkansas Department of Human Services, from Miller Circuit. Affirmed. Gladwin and Marshall, JJ., agree.

CA09-1026. Malichia H. Horton v. Arkansas Department of Human Services, from Benton Circuit. Motion Granted; Affirmed. Pittman and Henry, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CA08-739. Bobbie Bruce, Ronnie L. Rice, and Boyd Brothers Transportation Company v. Floyd Hancock, Marlene Hancock, Patricia Runyan, and Wesley Runyan, from Poinsett Circuit. Affirmed. Hart and Gladwin, JJ., agree.

PER CURIAM OPINION:

CA09-606. Tonya Rodgers v. Arkansas Department of Human Services, from Craighead Circuit, Western District. Rebriefing Ordered.

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(b).

E09-142. Jeremy S. Shelley v. Director et al.

E09-143. Larry Morris, Jr. v. Director et al.

E09-144. Thomas L. Swygert v. Director et al.

E09-145. Gary Smith v. Director et al.

E09-146. Michelle L. Czeck v. Director et al.

E09-147. Karen Tomlin v. Director et al.

E09-148. Daniel Omicinski v. Director et al.

E09-149. Keith E. Strothers v. Director et al.

E09-150. Talisha S. Henderson v. Director et al.

E09-151. Alexander W. Smullen v. Director et al.

E09-152. Glynda Fritts v. Director et al.

E09-153. Ralph H. Blundell v. Director et al.

PER CURIAM ORDERS

CACR09-549. Kelton Esquire Bond v. State of Arkansas, from Benton Circuit. Appellee's motion to dismiss appeal is denied.

CACR09-549. Kelton Esquire Bond v. State of Arkansas, from Benton Circuit. Appellant's motion to file belated brief is granted.

CACR09-562. Ho Van Nguyen v. State of Arkansas, from Benton Circuit. Motion of Leon Jones, Jr. for attorney's fees is granted. Allowed \$1,400.00.

CACR09-866. Larry Wayne Saxton v. State of Arkansas, from Prairie Circuit, Southern District. Motion of Chad M. Green for attorney's fees is granted. Allowed \$1,400.00.

CACR09-869. Terry Wayne Pack v. State of Arkansas, from Benton Circuit. Motion of Paul J. Teufel for attorney's fees is granted. Allowed \$1,400.00.

CACR09-957. Harvey Tyson Lewis v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to file belated brief is granted.

CACR09-1091. Christopher Cody Anderson v. State of Arkansas, from Boone Circuit. Appellant's motion to file belated corrected brief is granted.

CACR09-1146. Terry Moss v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Amended motion of R. Gunner DeLay to withdraw as counsel for appellant and for substitution of James Clouette as counsel for appellant is granted. Marshall, J., not participating.

CACR09-1185. Steven Ray Skomp v. State of Arkansas, from Bradley Circuit. Appellee's motion to file substituted brief is granted.

CACR09-1229. Broderick J. Cooper v. State of Arkansas, from Clark Circuit. Appellant's motion to correct brief is granted. Corrected brief due within fourteen days.

CACR09-1345. Tashika Sade Higgins v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to file belated brief is granted.

CACR10-47. Jacob Wade Pope Wages v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion to reduce appeal bond is denied.

CACR10-47. Jacob Wade Pope Wages v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion to supplement the record is denied without prejudice. Appellant's brief due within thirty days.

CACR10-47. Jacob Wade Pope Wages v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion for appointment of counsel is denied without prejudice.

CA09-565. Juliane Kinard Mathews v. Joseph G. Schumacher, from Union Circuit. Resubmission of appellant's motion to take judicial notice is denied. See opinion this date.

CA09-1164. Lee A. Davis v. Arkansas Blue Cross and Blue Shield, from Jefferson Circuit. Appellant's motion to modify and supplement the record and for extension of time to file reply brief is denied.

CA09-1225. X. T. v. M.M. and J.M., from Benton Circuit. Appellees' motion to expand page limit and for brief time is granted.

CA09-1256. Farm Bureau Mutual Insurance Company of Arkansas v. Danny W. Sells, from Pulaski Circuit, Thirteenth Division. Appellant's motion to supplement the record and to stay brief time is granted. Record deemed supplemented. Marshall, J., not participating.

CA09-1377. Roy Peters and Nicholas Peters v. Heather Moore et al., from Sebastian Circuit, Greenwood District. Appellants' motion for stay and to remand. Appeal dismissed without prejudice.

CA10-51. Homer Mooney v. AT&T et al., from Workers' Compensation Commission. Appellee Second Injury Fund's motion to revise briefing schedule is granted.

CA10-85. Po-Boy Land Company, Inc. et al. v. Kenneth R. Mullins et al., from Hempstead Circuit. Appellants' motion to correct and supplement the record is granted. Supplemental record due within thirty days. Brief due within thirty days thereafter.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CA09-271. Tri-Eagle Enterprises, Inc. et al. v. Regions Bank, from Sebastian Circuit, Fort Smith District.

CA09-770. Frances Morris Finley v. Karen Hunter (In Re: the Estate of Mary Elizabeth Reimer, an incompetent), from Pulaski Circuit, Seventeenth Division.

CACR08-84. Damont Ewells v. State of Arkansas, from Garland Circuit. Motion of William H. Craig for attorney's

fees.

CACR09-484. Daniel Edward Nichols v. State of Arkansas, from Crittenden Circuit. Motion of S. Butler Bernard, Jr. for attorney's fees.

CACR09-741. Ryeucus Cranall Ward v. State of Arkansas, from Washington Circuit. Motion of Jarrod Russell for attorney's fees.

CACR09-741. Ryeucus Cranall Ward v. State of Arkansas, from Washington Circuit. Motion of Jarrod Russell to withdraw as counsel for appellant.

CACR09-1213. Anthony Brian Williamson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for counsel on appeal to file a belated motion for new trial.

CACR09-1259. James E. Montgomery v. State of Arkansas, from Greene Circuit. Appellant's motion to file belated brief.

CA09-472. Mack-Reynolds Appraisal Company v. Robert Morton, from Workers' Compensation Commission. Appellee's motion for costs.

CA09-912. Marc Heflin and Billie Heflin v. Phil Brackelsburg and Crystal Brackelsburg, from Pulaski Circuit, Thirteenth Division. Resubmission of appellees' motion to supplement appellants' abstract and addendum and for taxation of costs and attorney's fees.

CA09-1232. Pamela Buenau v. John Buenau, from Garland Circuit. Appellant's motion to remand to circuit court and for extension of brief time.

CA10-106. Swift Transportation Company, Inc. v. Joseph Turner, from Drew Circuit. Appellee's counter motion to dismiss appeal.

The following case is called for dismissal for failure to file briefs pursuant to Arkansas Supreme Court Rule 4-5.

CA09-977. Steve Tallent v. Betty Brooks, from Pulaski Circuit, Sixth Division.

SUBMISSIONS

CA08-1405. Charles V. Grassi, Sr. v. James W. Hyden, from Pulaski Circuit, Fifth Division. Argued orally.

CACR09-370. Antonio Daniels v. State of Arkansas, from Drew Circuit.

CACR09-768. Johnta Barber v. State of Arkansas, from Faulkner Circuit.

CACR09-897. Matthew Turner v. State of Arkansas, from Lonoke Circuit.

CACR09-960. Aaron Matthew Haralson v. State of Arkansas, from Garland Circuit.

CACR09-972. Ricky Dale Smith v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR09-1045. Recho Berry v. State of Arkansas, from Lonoke Circuit.

- CACR09-1084. Bruce Blount v. State of Arkansas, from Jefferson Circuit.
- CACR09-1113. Ashlie Byrd v. State of Arkansas, from Benton Circuit.
- CA09-162. Wade Roetzel v. Troy Coleman, from White Circuit.
- CA09-210. Grady Martin, Jr. v. Jensen Construction Company et al., from Workers' Compensation Commission.
- CA09-477. S. Kelleen DesLauriers v. Richard Gautney, from Lonoke Circuit.
- CA09-677. Tim Cassinger v. Poinsett County Rice & Grain, Inc., from Craighead Circuit, Western District.
- CA09-891. M.S., a Minor v. State of Arkansas, from Sebastian Circuit, Fort Smith District.
- CA09-925. R.W., a Minor v. State of Arkansas, from Craighead Circuit, Western District.
- CA09-936. Source Logistics, Inc. v. Certain Underwriters of Lloyd's of London, from Pope Circuit.
- CA09-964. Bobby Ayers v. Domtar Industries, from Workers' Compensation Commission.
- CA09-968. Lloyd Lee et al. v. Estate of Robert M. Bolin et al., from Pulaski Circuit, Seventeenth Division.
- CA09-984. Esterosto, LLC v. Randy D. Kinsey, et al., from Pulaski Circuit, Sixth Division.
- CA09-1023. Hughes School District v. Peggy Bain, from Workers' Compensation Commission.
- CA09-1089. Donna Leaf v. Arkansas Department of Human Services, from Ouachita Circuit.
- CA09-1115. David Ashcroft v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division.
- CA09-1161. Angela Michelle Jackson v. Arkansas Department of Human Services, from Nevada Circuit.