

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF OCTOBER 24, 2012**

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR12-332](#). Derek Van Mullins v. State of Arkansas, from Grant Circuit. Rebriefing ordered. Wynne and Brown, JJ., agree.

[CA12-11](#). Tommy E. Thompson and Irene Thompson v. City of Bauxite, Arkansas, et al., from Saline Circuit. Affirmed. Wynne and Brown, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR11-994](#). Joe McKinley Jones v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Abramson and Martin, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

[CA11-1230](#). Sarah Jean Madden v. Aaron Madden, from Sebastian Circuit, Fort Smith District. Affirmed. Wynne and Gruber, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CACR12-144](#). Torrance Caery v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Gruber and Glover, JJ., agree.

[CA12-5](#). Cynthia Smith and Delois Muldrew, As Co-Special Administrators of the Estate of Bettye Hickman, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Bettye Hickman v. Heather Manor Care Center, Inc. d/b/a Heather Manor Nursing and Rehabilitation Center; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton, from Hempstead Circuit. Affirmed. Gruber and Glover, JJ., agree.

JOHN B. ROBBINS, JUDGE:

[CACR12-23](#). Tracy M. Standridge v. State of Arkansas, from Baxter Circuit. Dismissed. Wynne and Hoofman, JJ., agree.

[CACR12-175](#). Kurion K. Hughes, Jr. v. State of Arkansas, from Mississippi Circuit, Osceola District. Affirmed. Wynne and Hoofman, JJ., agree.

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ROBIN F. WYNNE, JUDGE:

[CACR12-38](#). Kendrick Graydon v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed. Vaught, C.J., and Brown, J., agree.

RITA W. GRUBER, JUDGE:

[CACR12-80](#). Shawn Trevell Rainer v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Affirmed. Gladwin and Glover, JJ., agree.

[CA12-107](#). David Byrd v. Darlene Byrd and State of Arkansas Office of Child Support Enforcement, from Boone Circuit. Affirmed; motion denied. Gladwin and Glover, JJ., agree.

[CA12-143](#). Janann Johnson v. Windstream Communications, Inc., from Pulaski Circuit, Third Division. Reversed and remanded. Wynne, J., agrees. Vaught, C.J., concurs.

DAVID M. GLOVER, JUDGE:

[CACR12-164](#). M.R.W. v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Gladwin and Gruber, JJ., agree.

[CA12-235](#). James Strange and Karen Strange v. The Mary K. Reed Trust, from Van Buren Circuit. Dismissed. Gladwin and Gruber, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CACR12-247](#). Marquita Brown v. State of Arkansas, from Pulaski Circuit, First Division. Affirmed as modified. Pittman and Martin, JJ., agree.

[CA11-1170](#). Lawrence Young, As Personal Representative of the Estate of Virginia Castleberry, Deceased v. Oumitana Kajkenova, from Pulaski Circuit, Third Division. Affirmed. Pittman and Martin, JJ., agree.

[E12-208](#). Tiffany Ziegler v. Director, Department of Workforce Services, from the Arkansas Board of Review. Remanded for findings. Hoofman and Brown, JJ., agree.

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DOUG MARTIN, JUDGE:

[CACR11-829](#). Timothy Allen Wells v. State of Arkansas, from Hot Spring Circuit. Affirmed. Vaught, C.J., and Glover, J., agree.

[CACR12-274](#). Dennis Andrews v. State of Arkansas, from Jackson Circuit. Affirmed as modified. Vaught, C.J., and Glover, J., agree.

CLIFF HOOFFMAN, JUDGE:

[CACR12-380](#). David M. Fraser v. State of Arkansas, from Polk Circuit. Affirmed. Robbins and Gruber, JJ., agree.

[CA12-259](#). Chasity Mathis v. Estate of Doyle McSpadden, from White Circuit. Affirmed. Robbins and Gruber, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CACR12-370](#). Shed Love v. State of Arkansas, from Crittenden Circuit. Affirmed. Vaught, C.J., and Wynne, 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).

- E12-248. Sarah Reese v. Director et al.
- E12-249. Alysia Campbell v. Director et al.
- E12-250. Porter Ferguson v. Director et al.
- E12-251. Melanie Jones v. Director et al.
- E12-252. Olivia Frederick v. Director et al.
- E12-253. Sammie Neely v. Director et al.
- E12-254. Jerry Dickens v. Director et al.
- E12-256. Daniel Utility Construction, Inc. v. Director et al.
- E12-257. Jonathan Estridge v. Director et al.
- E12-258. David Farber v. Director et al.
- E12-259. Larry Sexton v. Director et al.
- E12-261. James Gregory v. Director et al.
- E12-262. Kevin Mills v. Director et al.
- E12-263. Frederick Bobro v. Director et al.
- E12-264. Debra House v. Director et al.
- E12-265. Donna Miller v. Director et al.
- E12-266. Kim Perkins v. Director et al.

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E12-267. Peggy Walker v. Director et al.

E12-268. Hattie Stovall v. Director et al.

E12-269. Judy R. Scoggin v. Director et al.

E12-271. Daranice M. Gill v. Director et al.

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**PER CURIAM ORDERS**

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

CACR11-917. William Johnson v. State of Arkansas, from Craighead Circuit, Western District.

CA11-873. Boeuf River Farms v. Larry Browder and Brian Browder, from Ashley Circuit.

E11-228. Alan R. Hoy v. Director, Department of Workforce Services and Tyson Foods, from Board of Review.

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CACR11-862. Andre Timothy James v. State of Arkansas, from Crittenden Circuit. Motion of C. Brian Williams for attorney's fee is denied without prejudice.

CACR11-1254. John Siddell Jefferson v. State of Arkansas, from Crittenden Circuit. Motion of C. Brian Williams for attorney's fees is granted. Allowed \$1,600.00.

CACR12-84. Tyrone Dewayne Tate v. State of Arkansas, from Ashley Circuit. Appellee's motion for reconsideration of oral argument is granted.

CACR12-116. Raymond Michael Hill v. State of Arkansas, from Crittenden Circuit. Motion of C. Brian Williams for attorney's fees is granted. Allowed \$1,600.00.

CACR12-399. Rodney Scott Porta v. State of Arkansas, from Crawford Circuit. Appellant's motion to remand to settle the record and for extension of brief time is denied.

CACR12-754. Joseph Baker v. State of Arkansas, from Arkansas Circuit, Southern District. Motion of Dennis R. Molock to withdraw as attorney on direct appeal, for appointment of counsel, and to stay brief time is granted.

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CACR12-755. Ivory Lamar Cole v. State of Arkansas, from Arkansas Circuit, Northern District. Motion of Dennis R. Molock to withdraw as attorney on direct appeal, for appointment of counsel, and to stay brief time is granted.

CA11-876. Derry Berrigan & Company et al. v. KBS Leasing, LLC, from Benton Circuit. Appellee's motion to reschedule oral argument is granted.

CA12-147. Thane Thomas Newton v. Office of Child Support Enforcement, from Washington Circuit. Motion of Kimberly J. Keller to be substituted and for withdrawal of Andrew J. Ziser as counsel for Office of Child Support Enforcement is granted.

CA12-225. Jacqueline R. Curley v. Pilgrims Pride Corporation et al., from Workers' Compensation Commission. Appellees' motion to dismiss appeal is granted.

CA12-456. New Balance Athletic Shoe, Inc. v. Elizabeth L. Tuberville, from Ouachita Circuit. Appellant's status report and motion to continue stay of briefing pending settlement is granted. Glover, J., not participating.

CA12-528. Carl Johnson v. U.S. Food Service, Inc., et al., from Workers' Compensation Commission. Appellant's pro se motion to file belated corrected brief is granted.

CA12-586. Williams Tractor, Inc. v. ANB Venture, LLC, from Benton Circuit. Appellee's motion to dismiss appeal is passed until the case is submitted. Vaught, C.J., not participating.

CA12-586. Williams Tractor, Inc. v. ANB Venture, LLC, from Benton Circuit. Joint motion to stay briefing schedule is denied. Appellant's brief due November 8, 2012. Vaught, C.J., not participating.

CA12-660. Allen Hall v. Nancy Hall, from Mississippi Circuit, Osceola District. Appellant's motion to modify the record, file supplemental abstract and stay briefing schedule is granted.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CACR11-1101. Myrickki McClendon v. State of Arkansas, from Pulaski Circuit, First Division.

CACR11-1133. Claude C. Smith v. State of Arkansas, from Miller Circuit.

CA12-27. Earvin Davis, Jr. v. Action Mechanical, CNA Insurance Company, and Second Injury Fund, from Workers' Compensation Commission.

CA12-438. Ricky Johnson, Jr. v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

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CACR11-813. Deondrae R. Sims v. State of Arkansas, from Jefferson Circuit. Motion of Jimmy C. Morris, Jr. for attorney's fees.

CACR11-1069. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CACR11-1105. Jose Barrera v. State of Arkansas, from Crawford Circuit. Motion of David L. Dunagin for attorney's fees.

CACR11-1137. Partne Kiesling Daugherty v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of Charles Daniel Hancock for attorney's fees.

CACR12-9. Calvin Lewis Edwards v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David O. Bowden for attorney's fees.

CACR12-25. Tracy M. Standridge v. State of Arkansas, from Baxter Circuit. Motion of John Ogles for attorney's fees.

CACR12-136. Reginald Muldrew v. State of Arkansas, from Garland Circuit. Motion of Douglas D. Ennis for attorney's fees.



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**MOTIONS SUBMITTED**

CACR12-140. Nicholas V. Pfeifer v. State of Arkansas, from Yell Circuit, Northern District. Motion of Hugh R. Laws for attorney's fees.

CACR12-343. Rosa Elia Gutierrez v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellee's motion to dismiss appeal.

CA11-840. Arkansas Elder Outreach of Little Rock, Inc. v. Anniebelle Maness, Individually and as Special Administrator of the Estate of David Sipes, Deceased et al., from Poinsett Circuit. Appellant's motion to stay appeal pending settlement and dismissal.

CA11-1015. Smith Land Company, LLC et al. v. John Hancock Mutual Life Ins. Co., from Columbia Circuit. Appellants' motion for release of supersedeas bond.

CA11-1290. New Balance Athletic Shoe, Inc. v. Whitney Stagg and Jennifer Vaughn, from Washington Circuit. Appellant's status report and motion to continue stay of briefing pending settlement.

CA12-362. Sherall McCall et al. v. Donna Kaye McCall Grunwald et al., from Carroll Circuit, Western District. Appellants' motion to file supplemental addendum with the reply brief.

CA12-477. Christi Carr v. Arkansas Department of Human Services and Minor Children, from Benton Circuit. Appellees' joint motion to strike document from appellant's addendum.

CA12-598. Laura B. Rose (now Shahsavari) et al. v. Mary Shellnut Rose, from Pulaski Circuit, Sixth Division. Appellants' motion to accept belated supplemental record and motion to file a supplemental addendum.

CA12-648. Warren School District v. Robert A. Avery, from Bradley Circuit. Appellant's motion to file belated brief.

CA12-656. City of Jacksonville, Arkansas v. Graham Dewitt Nixon, from Pulaski Circuit, Fifth Division. Appellant's motion and amended motion for writ of certiorari to complete and correct the record and stay the briefing schedule.

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**MOTIONS SUBMITTED**

CA12-756. Fed Ex National et al. v. Steven Owens, from Workers' Compensation Commission. Appellants' motion to extend stay of appeal.

CA12-853. Michael Richardson v. Simpsons Buy & Sell, Inc., from Workers' Compensation Commission. Pro se petition to proceed in forma pauperis.

E12-964. Jasmine Rutherford v. Director et al., from Board of Review. Pro se motion to file belated appeal.

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**SUBMISSIONS**

CACR12-42. Tracy Shannon Todd v. State of Arkansas, from Crawford Circuit. Argued orally.

CACR11-1294. Irineo Tijerina-Palacios v. State of Arkansas, from Benton Circuit.

CACR12-177. Elfido Gutierrez v. State of Arkansas, from Faulkner Circuit.

CACR12-184. Leonard Leon Bean v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR12-201. John David Mashburn v. State of Arkansas, from Crawford Circuit.

CACR12-237. Earnest Larry Stocker v. State of Arkansas, from Cleveland Circuit.

CACR12-396. Latrina Smith v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR12-411. Teddy Allen Jones v. State of Arkansas, from Stone Circuit.

CACR12-428. Lisa Ann Foster v. State of Arkansas, from Lonoke Circuit.

CA11-859. Tommy R. Kimble v. Hino Motors Mfg. USA, Inc., et al., from Workers' Compensation Commission.

CA12-72. Ralph Van Cleve et al. v. City of North Little Rock et al., from Pulaski Circuit, Fifth Division.

CA12-253. Betty S. Taylor et al. v. Texas Gas Transmission, LLC, from White Circuit.

CA12-254. D.D. v. State of Arkansas, from Benton Circuit.

CA12-255. Huber Rental Properties, LLC v. Chase Allen and Kristi Allen, from Clark Circuit.

CA12-262. Janie Evins v. Darlene Carvin, from Pulaski Circuit, Third Division.

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**SUBMISSIONS**

CA12-272. B.R. v. State of Arkansas, from Benton Circuit.

CA12-295. Crystal Larry v. Legacy Hospice, from Workers' Compensation Commission.

CA12-296. Cindy Dinger et al. v. Van Buren H.M.A., Inc., et al., from Crawford Circuit.

CA12-299. Myrtle Stevens v. Seeco, Inc., from Van Buren Circuit.

CA12-331. Randy Russell v. Andrea Russell, from Sebastian Circuit, Fort Smith District.

CA12-384. Anton Menninger et al. v. John Concoby et al., from Madison Circuit.

CA12-403. Gerald G. Elsner et al. v. Kalos Financial Services, Inc., et al., from Benton Circuit.

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

E12-290. Suzanne Vickers v. Director et al.

E12-291. Eddie Austin v. Director et al.

E12-292. Donna Courtney v. Director et al.

E12-293. Willie Porterfield v. Director et al.

E12-294. Robert Gunter v. Director et al.

E12-295. Mark Young v. Director et al.

E12-296. Eric Colvin v. Director et al.

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**SUBMISSIONS**

- E12-297. Josie McAlister v. Director et al.
- E12-298. Jennifer O'Brien v. Director et al.
- E12-299. David Loggins v. Director et al.
- E12-300. Ricky Terry v. Director et al.
- E12-301. David Ashton v. Director et al.
- E12-302. Letha Gentry v. Director et al.
- E12-303. Tina Leslie v. Director et al.
- E12-304. Mila Fleming v. Director et al.
- E12-305. Ivin Brown v. Director et al.
- E12-306. Martha Benavides v. Director et al.
- E12-307. Wendy Sartin v. Director et al.
- E12-308. Jennifer Craig v. Director et al.
- E12-309. Timothy Rowland v. Director et al.
- E12-310. Jessica Hakes v. Director et al.
- E12-311. Rebecca Johnson v. Director et al.