

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 30, 2013

ROBERT J. GLADWIN, CHIEF JUDGE:

[CACR12-452](#). Reco Blakely v. State of Arkansas, from Clark Circuit. Affirmed. Pittman and Walmsley, JJ., agree.

[CA11-1117](#). Dave Eusanio v. Dante Tippin, from Jefferson Circuit. Affirmed. Pittman and Walmsley, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR11-1224](#). John Lewis v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

[CA12-307](#). Steve's Outdoor Investments, LLC v. Reynolds Forestry Consulting-RFG, Inc., from Columbia Circuit. Affirmed on appeal and cross-appeal. Gladwin, C.J., and Walmsley, J., agree.

BILL H. WALMSLEY, JUDGE:

[CACR12-545](#). Clifford Upshaw v. State of Arkansas, from Craighead Circuit, Western District. Affirmed. Gladwin, C.J., and Pittman, J., agree.

[CA12-442](#). James Launius and Dora D. Launius v. Edwina Dawn Beasley, from Union Circuit. Reversed and Remanded. Gladwin, C.J., agrees. Pittman, J., concurs.

[CA12-585](#). Kevin S. Phifer v. Penny J. Phifer, from Bradley Circuit. Appeal dismissed. Gladwin, C.J., and Pittman, J., agree.

BRANDON J. HARRISON, JUDGE:

[CA12-448](#). Marry Nicolson v. Jimmy D. Harrison, from Cleburne Circuit. Affirmed as modified. Wynne and Gruber, JJ., agree.

[CA12-488](#). First Tennessee Bank National Association v. Paul Mortensen and Angela Mortensen, from Benton Circuit. Dismissed. Wynne and Gruber, JJ., agree.

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ROBIN F. WYNNE, JUDGE:

[CACR12-190](#). Gilberto Martinez-Marmol v. State of Arkansas, from Washington Circuit. Rebriefing ordered. Harrison and Gruber, JJ., agree.

[CA12-608](#). Lieux'rita Green v. Jerry Darnell Pruitt and Erica Ann Baldwin Pruitt, from Pulaski Circuit, Third Division. Affirmed. Harrison and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CACR12-302](#). Eric Mason v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Harrison and Wynne, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CACR11-1054](#). Sharvelt Marquette Mister v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Whiteaker and Vaught, JJ., agree.

[CA12-696](#). Eddie Young v. Blytheville School District and Erick Smith, from Mississippi Circuit, Chickasawba District. Affirmed. Whiteaker and Vaught, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CACR12-398](#). Alphonso Lanfair v. State of Arkansas, from Conway Circuit. Affirmed. Glover and Vaught, JJ., agree.

[CA12-578](#). James R. Bowen, Richard J. Cagle, d/b/a B&C Shavings v. Kendall Gardner, from Washington Circuit. Affirmed. Glover and Vaught, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CA12-147](#). Thane Thomas Newton v. State of Arkansas, Office of Child Support Enforcement, and Cathie S. Reed, from Washington Circuit. Affirmed. Glover and Whiteaker, JJ., agree.

[CA12-325](#). Charles D. Washington and Shirley Washington v. Andrew Washington et al., from Izard Circuit. Affirmed and remanded with instructions. Glover and Whiteaker, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CACR12-327](#). Aaron Bass v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Wood and Brown, JJ., agree.

[CA12-138](#). Donna Deering and Barry Deering v. Supermarket Investors, Inc., from Pulaski Circuit, Sixth Division. Affirmed. Wood and Brown, JJ., agree.

[CA12-268](#). Dallas R. Gregory v. Pauline L. Gregory, from Little River Circuit. Affirmed. Wood and Brown, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CACR12-575](#). Anthony C. Jones v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Hixson and Brown, JJ., agree.

[CA12-523](#). The Willows, LLC and The Willows II, LLC v. Herbert B. Bogy, Juanita L. Bogy, and Herbert B. Bogy and Juanita L. Bogy Revocable Trust, from Jefferson Circuit. Affirmed. Hixson and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CACR12-115](#). Freddie Atkins v. State of Arkansas, from Crittenden Circuit. Affirmed. Hixson and Wood, JJ., agree.

[CA12-148](#). Mercy Health System of Northwest Arkansas v. Dr. Lisa McGraw, from Benton Circuit. Dismissed. Hixson and Wood, JJ., 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).

- E12-537. George Hayes v. Director et al.
- E12-538. Cindy Maxwell v. Director et al.
- E12-539. Patsy Williams v. Director et al.
- E12-540. Diane Pilgrim v. Director et al.
- E12-541. Brandon Mounce v. Director et al.
- E12-542. Teresa Miller v. Director et al.
- E12-543. Lil' Dandies Daycare v. Director et al.
- E12-544. Cheryl Stanislaus v. Director et al.
- E12-545. Maggie Perry v. Director et al.
- E12-546. Ajok Mahion v. Director et al.
- E12-547. Steve Garner v. Director et al.
- E12-548. Kayla Jones v. Director et al.
- E12-550. Mary Gomez v. Director et al.
- E12-551. Christopher Mantia v. Director et al.
- E12-552. Joshua Kemp v. Director et al.
- E12-553. Timothy Clingan v. Director et al.
- E12-554. Donald McGowan v. Director et al.

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- E12-555. Sheila Smith v. Director et al.
- E12-556. Juanita Washington v. Director et al.
- E12-557. Randy R. Alberson v. Director et al.
- E12-558. Seven Eleven Drive In Liquor v. Director et al.
- E12-559. Lasandra Cockerham v. Director et al.
- E12-560. Bill Williams v. Director et al.
- E12-561. Peachtree Assisted Living v. Director et al.

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CACR12-99. Brandon Michael Davis v. State of Arkansas, from Benton Circuit. Motion of Keith Chrestman for attorney's fees is granted. Allowed \$1,312.50.

CACR12-154. William A. Martin v. State of Arkansas, from Ashley Circuit. Motion of Joseph P. Mazzanti, III, for attorney's fees is granted. Allowed \$1,600.00.

CACR12-319. Anthony Glen Atwell v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of David O. Bowden for attorney's fees is granted. Allowed \$1,400.00.

CACR12-549. Lawrence Mahomes v. State of Arkansas, from Conway Circuit. Appellant's pro se petition for investigation is denied.

CACR12-981. Richard J. Jackson, Jr. v. State of Arkansas, from Clark Circuit. Appellant's motion to supplement the record and for brief time is granted.

CACR12-975. Eric Castrellon v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion for access to sealed portion of the record is passed until the case is submitted.

CA12-460. Michael Alan Dugas v. Kathy Jean Kells, from Faulkner Circuit. Appellant's pro se motion to supplement the abstract or addendum. Appellant's substituted brief due March 1, 2013.

CA12-850. Lux Tan, Inc., et al. v. JK Products & Services, Inc., from Craighead Circuit, Western District. Appellee's motion for sanctions is denied.

CA12-942. Larry Knesek, Jr., et al. v. Cameron Hubbs Construction, Inc., et al., from Crawford Circuit. Appellant Larry Knesek, Jr.'s motion to dismiss appeal. Appeal dismissed as to Larry Knesek, Jr. Harrison, J., not participating.

CA12-942. Larry Knesek, Jr., et al. v. Cameron Hubbs Construction, Inc., et al., from Crawford Circuit. Appellees' motion to establish briefing schedule on appellees' cross-appeal is granted. Harrison, J., not participating.

CA13-12. Ronnie Taylor, as Special Personal Representative of the Estate of L.C. Taylor,

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deceased, and on Behalf of the Wrongful Death Beneficiaries of L.C. Taylor v. MCSA, LLC, et al. Appellees' motion to consolidate appeals CA13-12 and CA12-925 is denied. Walmsley, J., not participating.

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MOTIONS SUBMITTED

CACR11-1256. Charles Cannon v. State of Arkansas, from Howard Circuit. Motion of Jason Horton for attorney's fees.

CACR12-229. Timothy Wise v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for attorney's fees.

CACR12-279. Montrel Marquette Weeden v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR12-315. Justin Jemaine Smith v. State of Arkansas, from Jefferson Circuit. Motion of Gary W. Potts for attorney's fees.

CACR12-485. Brandon Atchley v. State of Arkansas, from Mississippi Circuit, Osceola District. Appellant's motion to supplement the record.

CACR12-532. Carl Joseph Cooper v. State of Arkansas, from Garland Circuit. Motion of Dale E. Adams for attorney's fees and expenses.

CACR12-571. Jamar Foster v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR12-573. Douglas Ray Moten v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR12-574. Dennis Richards v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR12-615. Christopher Dewayne Dodge v. State of Arkansas, from Sebastian Circuit, Greenwood District. Appellant's pro se motion for appellate documentation.

CACR12-618. Joshua Jamal Hamilton v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

CACR12-620. Whitney Nicole Alexander v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees.

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CACR12-820. Raymond Wilson v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Appellant's motion to supplement the record.

CACR12-955. Tom Edward Henderson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Robert M. "Robby" Golden for attorney's fees.

CA12-261. Davis Tillman et al. v. Kimberly Hughes et al., from Garland Circuit. Bankruptcy status.

CA12-921. Stephens Production Company et al. v. Boyd Blackard et al., from Johnson Circuit. Appellant, Stephens Production Company's, motion to correct the record.

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- CACR09-1250. Shannon D. Williams v. State of Arkansas, from Greene Circuit.
- CACR11-803. Scott David Ashcraft v. State of Arkansas, from Grant Circuit.
- CACR11-1075. Tom Aaron Dillard v. State of Arkansas, from Washington Circuit.
- CACR12-514. Anna Barber v. State of Arkansas, from Boone Circuit.
- CACR12-515. Esker Martin v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CACR12-521. Terrance Duggar v. State of Arkansas, from Pulaski Circuit, Fourth Division.
- CA12-470. The Longing Family Revocable Living Trust et al. v. Danny Snowden et al., from Van Buren Circuit.
- CA12-489. Richard Gawenis et al. v. Alta Resources, LLC, et al., from Van Buren Circuit.
- CA12-516. Travis L. Hancock v. Amanda Hancock, from Hot Spring Circuit.
- CA12-528. Carl Johnson v. U.S. Food Service, Inc., from Workers' Compensation Commission.
- CA12-557. Unifund CCR Partners v. Kay Thornton, from Garland Circuit.
- CA12-710. Larry Fenstermacher v. Arkansas Department of Human Services and Minor Children, from Crawford Circuit.
- CA12-801. Carrie Spencer and Bradley Spencer v. Arkansas Department of Human Services and Minor Child, from Sebastian Circuit, Fort Smith District.
- CA12-811. Antonius Collins and Jasmine Eason v. Arkansas Department of Human Services and Minor Children, from Crittenden Circuit.

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SUBMISSIONS

CA12-817. April Olivares v. Arkansas Department of Human Services and Minor Children, from Sebastian Circuit, Fort Smith District.

CA12-868. Carrinthia Tatum v. Arkansas Department of Human Services and Minor Children, from Pulaski Circuit, Eleventh Division.

CA12-871. Cherelle Y. Campbell v. Arkansas Department of Human Services and Minor Children, from Pulaski Circuit, Tenth Division.

CA12-881. James King v. Superior Wheels, from Workers' Compensation Commission.

CA12-912. OBed Figueroa v. Arkansas Department of Human Services and Minor Children, from Lonoke Circuit.

CA12-924. Marjorie Stairs v. Arkansas Department of Human Services and Minor Children, from Yell Circuit, Northern District.

CA12-939. Brian Hume v. Arkansas Department of Human Services and Minor Children, from Sebastian Circuit, Fort Smith District.

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

E12-238. Martin Booker v. Director et al.

E12-402. Guadalupe Rivas v. Director et al.

E12-494. Mark S. King, M.D., PA v. Director et al.

E12-699. Doris Ponce v. Director et al.

E12-702. Tabitha Newsom v. Director et al.

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- E12-703. Joe Townsend v. Director et al.
- E12-704. Juan Sanjuan v. Director et al.
- E12-705. Earlene Williams v. Director et al.
- E12-706. Joe Lewis v. Director et al.
- E12-707 Carolyn Howison v. Director et al.
- E12-708. Darrall Williams v. Director et al.
- E12-709. Keith Swopes v. Director et al.
- E12-710. Cary Jayroe v. Director et al.
- E12-711. Demario Cobb v. Director et al.
- E12-712. Christina Haney v. Director et al.
- E12-714. Latasha Golden v. Director et al.
- E12-715. Linda Shepherd v. Director et al.
- E12-716. Samaria Lumsey v. Director et al.
- E12-717. Thyla Popejoy v. Director et al.
- E12-718. Amanda Nordin v. Director et al.
- E12-719. Cynthia Wilson v. Director et al.
- E12-720. Analiza Merriweather v. Director et al.

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E12-721. Jamie Buckovitch v. Director et al.

E12-722. James Jones v. Director et al.

E12-723. Byron Green, Jr. v. Director et al.

E12-724. Henry Ingram v. Director et al.