

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 3, 2013**

ROBERT J. GLADWIN, CHIEF JUDGE:

[CACR12-753](#). William J. Sellers v. State of Arkansas, from Faulkner Circuit. Affirmed. Harrison and Whiteaker, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CA12-611](#). Jimmie Adams v. St. Vincent Health System, from the Arkansas Workers' Compensation Commission. Affirmed. Glover and Wood, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CACR12-677](#). Earnest Tyler v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Wynne and Brown, JJ., agree.

[CA12-351](#). James David Carruth v. Mary Ann Carruth, from Union Circuit. Dismissed. Wynne, Hixson, and Brown, JJ., agree. Gladwin, C.J., and Glover, J., dissent.

ROBIN F. WYNNE, JUDGE:

[CACR12-810](#). Angela Lynn Gasca v. State of Arkansas, from Crawford Circuit. Affirmed. Walmsley and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CACR12-549](#). Lawrence Mahomes v. State of Arkansas, from Conway Circuit. Affirmed. Vaught and Hixson, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CA12-826](#). Deutsche Bank National Trust Co., as Trustee for Argent Securities, Inc., and Asset-Backed Pass-Through Certificates, Series 2006-W2 v. Fineline Development, LLC, from Washington Circuit. Reversed and Remanded. Pittman and Wood, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CA12-1014](#). Patricia Gantt v. Arkansas Department of Human Services and Minor Children, from Pulaski Circuit, Tenth Division. Affirmed. Gladwin, C.J., and Harrison, J., agree.

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LARRY D. VAUGHT, JUDGE:

[CA12-1050](#). Stacy Robertson v. Arkansas Department of Human Services and Minor Children, from Poinsett Circuit. Affirmed; motion granted. Gruber and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[E12-463](#). Kenneth O. Crisp v. Director, Department of Workforce Services, and Cloyes Gear & Products, Inc., from the Arkansas Board of Review. Affirmed. Gruber and Vaught, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CA12-844](#). Wendy Sutton (Singer) v. Russell Sutton, from Jefferson Circuit. Dismissed. Pittman and Glover, 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).

- E12-952. Deborah Lamar v. Director et al.
- E12-953. Robby Humphries v. Director et al.
- E12-954. Raymond Nelson v. Director et al.
- E12-955. Leslie Howell v. Director et al.
- E12-956. Travis Hubbert v. Director et al.
- E12-957. Presby Martin, Jr. v. Director et al.
- E12-958. Charles Turner v. Director et al.
- E12-959. Carol Lawrence v. Director et al.
- E12-960. John Stewart, III v. Director et al.
- E12-961. Gena McGowan v. Director et al.
- E12-962. Regina Mornes v. Director et al.
- E12-963. Robin McKee v. Director et al.
- E12-965. Jordan County Line Liquor v. Director et al.
- E12-967. Brandon Dokes v. Director et al.
- E12-968. Joseph Childs v. Director et al.
- E12-969. Alexis Fuller v. Director et al.
- E12-970. William Grochowicz v. Director et al.

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- E12-971. Lisa Allen v. Director et al.
- E12-972. Dana Hill v. Director et al.
- E12-973. Michael W. Grunwald v. Director et al.
- E12-974. Amy Wyatt v. Director et al.
- E12-975. Tammy Taskey v. Director et al.
- E12-976. Thomas Tobias v. Director et al.
- E12-977. Wayne Van de Pol v. Director et al.
- E12-978. Tamothy Orr v. Director et al.
- E12-979. Mark Alexander v. Director et al.
- E12-980. Advance Eyecare of Crossett v. Director et al.
- E12-981. Larry Hornaday v. Director et al.
- E12-982. Willie R. Litzsey v. Director et al.
- E12-983. Cherine Banks v. Director et al.
- E12-984. Gina Littlejohn v. Director et al.
- E12-985. Carla Hamilton v. Director et al.
- E12-986. Nicole Middleton v. Director et al.
- E12-987. Felicia Holman v. Director et al.
- E12-988. William Hronas v. Director et al.
- E12-989. Lacy Gunvy v. Director et al.
- E12-990. Sherry Perry v. Director et al.

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- E12-991. Janice Martinez v. Director et al.
- E12-992. Dennis Conley v. Director et al.
- E12-993. Bad Bobs v. Director et al.
- E12-994. Douglas Chapin v. Director et al.
- E12-995. Elaine Irwin v. Director et al.
- E12-996. Lloyd McCaster v. Director et al.
- E12-997. Jeff Singleton v. Director et al.
- E12-998. Daphne Holly v. Director et al.
- E12-999. Flora Miller v. Director et al.
- E12-1000. Family Practice Associates v. Director et al.
- E12-1001. Christian Matlock v. Director et al.
- E12-1002. Nikki Nelson v. Director et al.
- E12-1004. Lavonne Alexander v. Director et al.
- E12-1005. Jimmy Evans v. Director et al.
- E12-1008. Donald Joshua v. Director et al.
- E12-1009. Brenda Rowland v. Director et al.
- E12-1011. Janet B. Warren v. Director et al.
- E12-1012. Raquel McClain v. Director et al.
- E12-1013. Janet Whitmire v. Director et al.
- E12-1014. John Toms v. Director et al.

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- E12-1015. Tonya Crawford v. Director et al.
- E12-1016. Bertha Lewis v. Director et al.
- E12-1017. Diane Hubbard v. Director et al.
- E12-1018. Angela Rasheed v. Director et al.
- E12-1020. Gloria Tate v. Director et al.
- E12-1021. Bryant Thorpe v. Director et al.
- E12-1022. Emmanuel Watson v. Director et al.
- E12-1023. Dawn Shoemaker v. Director et al.
- E12-1024. Scott Cambridge v. Director et al.
- E12-1025. Florida Hill v. Director et al.
- E12-1026. Landry Harris v. Director et al.
- E12-1027. Mary Weston v. Director et al.
- E12-1028. Timothy Bailey v. Director et al.
- E12-1029. Danny Richard v. Director et al.
- E12-1031. Jerry Bradley v. Director et al.

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**PER CURIAM ORDERS**

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

CA11-780. Les Marlow, Brooks “Chip” Meadows, Cary Marlow, Chad Marlow, and Leigh Carson v. United Systems of Arkansas, Inc., and Glenn Petkovsek, from Pulaski Circuit, First Division. Hixson, J., would grant.

CA12-222. R.R. v. State of Arkansas, from Pope Circuit.

CA12-547. Joy B. Hughes and the Joy B. Hughes Revocable Living Trust v. Anna Dalton, from Sebastian Circuit, Fort Smith District.

CA12-633. Terry Dray and Tonia D. Dray v. Justin L. Likens and Erin R. Likens, from Crawford Circuit.

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CACR11-1075. Tom Aaron Dillard v. State of Arkansas, from Washington Circuit. Motion of Paul M. Gehring to be relieved as counsel for appellant is granted.

CACR12-485. Brandon Atchley v. State of Arkansas, from Mississippi Circuit, Osceola District. Appellee's motion for permission to file a supplemental brief is granted. Brief filed this date.

CACR12-664. Eric L. Kennedy v. State of Arkansas, from Faulkner Circuit. Motion of Charles D. Hancock for attorney's fees is granted. Allowed \$1,600.00.

CACR12-755. Ivory Lamar Cole v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's motion for time to correct brief and to file a belated brief is granted. Brief filed this date.

CACR12-775. Devarious Moore v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,600.00.

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**PER CURIAM ORDERS**

CACR12-778. Arthur Branch, Jr. v. State of Arkansas, from Crittenden Circuit. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,600.00.

CACR12-930. Joshua Daniel Mars v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Nick Churchill for attorney's fees is granted. Allowed \$1,600.00.

CACR12-981. Richard Jackson v. State of Arkansas, from Clark Circuit. Appellant's motion to correct brief with supplemental abstract. Substituted abstract due April 10, 2013.

CACR13-251. Timothy Allen Fiveash v. State of Arkansas, from Boone Circuit. Motion of Jason M. Robb to withdraw as counsel for appellant is granted.

CACR13-257. Timothy Allen Fiveash v. State of Arkansas, from Boone Circuit. Motion of Jason M. Robb to withdraw as counsel for appellant is granted.

CA11-1243. Ryan Roggasch and Elite Homes of Arkansas, Inc. v. Tasha Sims and John Sims, from Saline Circuit. Bankruptcy status report. Noted. Status report due May 31, 2013.

CA12-57. Denise Bailey-Gray v. Alice C. Martinson, M.D., from Carroll Circuit, Eastern District. Appellant's motion to recall mandate is denied.

CA12-57. Denise Bailey-Gray v. Alice C. Martinson, M.D., from Carroll Circuit, Eastern District. Appellant's motion to file belated petition for rehearing is denied.

CA12-110. Loca Luna, LLC, et al. v. Board of Adjustment et al., from Pulaski Circuit, Fifth Division. Appellants' motion for leave to file belated brief is granted. Gruber, J., not participating.

CA12-507. M.W. v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,600.00.



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CA12-509. M.L. v. State of Arkansas, from Craighead Circuit, Western District. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,600.00.

CA12-726. Crittenden County, Arkansas v. Barry Davis, from Crittenden Circuit. Appellee's petition for certiorari to complete the record is granted.

CA12-805. E.S. v. State of Arkansas, from Benton Circuit. Motion of Sonia Fonticiella Rios for attorney's fees is granted. Allowed \$1,300.00.

CA12-816. Discover Bank v. Betsy R. Danner, from Clark Circuit. Appellant's motion to supplement the record on appeal is granted. Record deemed supplemented. Pittman, J., would deny.

CA12-1071. Ditch 56 Farms, LLC, et al. v. Stanley E. Foster et al., from Craighead Circuit, Eastern District. Appellants' motion to file belated reply brief is granted. Reply brief filed this date.

CA12-1086. Paul M. Gordon v. David Conrad Draper et al., from Grant Probate. Pro se request for supersedeas is denied.

CA13-16. Frances Ann Cheatham, Trustee of the Daniel Family Trust v. Donny Daniel, from Pulaski Circuit, Fifth Division. Appellee's motion to dismiss appeal or extend briefing schedule. Appeal dismissed. Gruber, J., not participating.

CA13-90. Carmen Albarran v. Liberty Healthcare Management, from Benton Circuit. Appellant's motion to stay the trial court order of October 11, 2012, is denied.

CA13-178. Matthew Gregory v. Arkansas Department of Human Services and Minor Children, from Garland Circuit. Appellant's motion to waive addendum obligation is granted.

CA13-181. Keiko Wagster v. Jeffrey D. Wagster, from Independence Circuit. Appellant's motion to supplement the record and for brief time is granted.

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**PER CURIAM ORDERS**

CA13-229. Mercy Health System of Northwest Arkansas v. Dr. Lisa McGraw, from Benton Circuit. Joint motion to accept previously filed briefs is granted. Glover, J., not participating.

E12-317. Ethan Moody v. Director et al., from Board of Review. Appellees' motion to file belated brief is granted. Brief filed this date.

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**MOTIONS SUBMITTED**

CACR12-662. Reginald Nalls v. State of Arkansas, from Ashley Circuit. Motion of Joseph P. Mazzanti, III, for attorney's fees.

CA12-693. Susan Quattlebaum v. Dr. Rodney McCarver et al., from Pulaski Circuit, Third Division. Appellant's motion for extension of time to file belated reply brief.

CA12-865. Karen Miller v. Linda Gaddy, from Washington Circuit. Appellant's motion for leave to supplement abstract in reply brief.

CA13-66. Cathy Davis Dozier v. John Dozier, from Garland Circuit. Appellant's petition for contempt.

CA13-74. E.S., a Minor v. Arkansas Department of Human Services et al., from Sebastian Circuit, Fort Smith District. Appellees' motions to stay the briefing schedule, to stay pending motion and to supplement the record.

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**SUBMISSIONS**

CA12-382. Robert Allen Spears and Alisa Green v. ReconTrust Company, N.A., et al., from Pulaski Circuit, Third Division. Argued orally.

CACR12-190. Gilberto Martinez-Marmol v. State of Arkansas, from Washington Circuit.

CACR12-630. Cindy L. McLane v. State of Arkansas, from Crittenden Circuit.

CACR12-678. Rodrick Alexander v. State of Arkansas, from Pulaski Circuit, Seventh Division.

CACR12-718. Arthur T. Piper v. State of Arkansas, from Drew Circuit.

CACR12-770. Melanie Garner v. State of Arkansas, from Sebastian Circuit, Greenwood District.

CACR12-813. Vann Bragg v. State of Arkansas, from Phillips Circuit.

CACR12-846. Jimmy Don Turnbough v. State of Arkansas, from Johnson Circuit.

CACR12-867. Aaron Anthony Flemons v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR12-889. Roger Scallion v. State of Arkansas, from Boone Circuit.

CACR12-1002. Jason D. Robison v. State of Arkansas, from Randolph Circuit.

CA13-30. Stacy Arnold and Kenneth Kitchen v. Arkansas Department of Human Services and Minor Child, from Craighead Circuit, Western District.

CA12-637. Fredrick D. Smart v. Arkansas Department of Human Services and Minor Child, from Jackson Circuit.

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**SUBMISSIONS**

CA12-695. Jerry L. Wilson et al. v. Greg Williams Farm, Inc., et al., from Lafayette Circuit.

CA12-761. Primus Automotive Financial Service v. Sherry Wilburn and Kevin Wilburn, from Sebastian Circuit, Fort Smith District.

CA12-777. Christian Lopez v. United Automobile Insurance Company, from Benton Circuit.

CA12-947. Amado Mancia and Denise Maldonado v. Arkansas Department of Human Services and Minor Children, from Carroll Circuit, Eastern District.

CA12-969. K.S. v. State of Arkansas, from Craighead Circuit, Western District.

CA12-992. Kayla McPherson v. Arkansas Department of Human Services and Minor Children, from Lonoke Circuit.

CA12-1089. Sherrion James v. Arkansas Department of Human Services and Minor Children, from Pulaski Circuit, Eighth Division.

CA12-1096. Kayla Stephens v. Arkansas Department of Human Services and Minor Child, from Sebastian Circuit, Fort Smith District.

CA12-1119. Trang Cindy Dang v. Arkansas Department of Human Services and Minor Children, from Sebastian Circuit, Fort Smith District.

CA12-1122. Ashlee Nichole Adams v. Arkansas Department of Human Services and Minor Child, from Crawford Circuit.

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**SUBMISSIONS**

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

E12-697. Paul R. Sims v. Director et al.

E12-1007. Susan Hasson v. Director et al.

E12-1033. David Southerland v. Director et al.

E12-1095. Edwin Siler v. Director et al.

E12-1096. James Crawford v. Director et al.

E12-1097. Virginia Dawson v. Director et al.

E12-1098. Glen Burnett v. Director et al.

E12-1099. Griffin John v. Director et al.

E12-1100. Tyris Jones v. Director et al.

E12-1101. Cederick Jones v. Director et al.

E12-1102. Calvin King v. Director et al.

E12-1103. Mary Payne v. Director et al.

E12-1105. Ann Pinkerton v. Director et al.

E12-1106. Heather Armstrong v. Director et al.

E12-1107. Jose Garcia v. Director et al.

E12-1109. Randall Smith v. Director et al.

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E12-1110. Jazzma Newton v. Director et al.

E12-1112. Michael Towner v. Director et al.

E12-1113. Gregory Aikens v. Director et al.

E12-1114. Robert Yurchak v. Director et al.

E12-1115. Thomas Johnston v. Director et al.

E12-1116. Elgie Williams v. Director et al.

E12-1117. Robert Justice v. Director et al.

E12-1118. Michelle Steiner v. Director et al.

E12-1120. Clenton Withers v. Director et al.