

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 19, 2013**

ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-12-972](#). Curtis Richey v. State of Arkansas, from Lawrence Circuit. Affirmed. Glover and Vaught, JJ., agree.

[CR-12-1107](#). Gary Weathersby v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to withdraw granted. Walmsley and Harrison, JJ., agree.

[CV-12-460](#). Michael Alan Dugas v. Kathy Jean Kells, from Faulkner Circuit. Affirmed. Glover and Vaught, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CR-12-885](#). Nicole Leigh Foster v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to withdraw granted. Wynne and Gruber, JJ., agree.

[CV-13-58](#). Larry Cooper v. Annette Cooper, from Pulaski Circuit, Fourteenth Division. Supplemental addendum ordered. Wynne and Gruber, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CR-13-10](#). Perry Hunter, Jr. v. State of Arkansas, from Lonoke Circuit. Affirmed; motion to withdraw granted. Gladwin, C.J., and Harrison, J., agree.

[CV-12-915](#). Essential Accounting Systems, Inc. v. Dewayne P. Dewberry, from Garland Circuit. Reversed and remanded. Whiteaker and Wood, JJ., agree.

[CV-13-136](#). Tamara McBride v. Arkansas Department of Human Services, from Jefferson Circuit. Remanded to settle and supplement the record; supplemental addendum ordered. Whiteaker and Wood, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-12-724](#). Olivia Moody v. State of Arkansas, from Jefferson Circuit. Remanded to correct and supplement the record. Hixson and Brown, JJ., agree.

[CV-12-691](#). Charles Jones v. Myra Jones, from Independence Circuit. Affirmed. Wynne and Whiteaker, JJ., agree.

[CV-12-707](#). Colonel Robert Avery v. Warren School District, from Bradley Circuit. Affirmed in part; remanded in part for further findings. Hixson and Brown, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 19, 2013**

ROBIN F. WYNNE, JUDGE:

[CR-12-866](#). Douglas W. Kirby v. State of Arkansas, from Washington Circuit. Affirmed. Pittman and Gruber, JJ., agree.

[CV-12-751](#). Amalie E. Bishop (Singletary) v. Joseph E. Singletary, from Lonoke Circuit. Reversed and remanded. Walmsley, Glover, and Hixson, JJ., agree. Brown, J., concurs. Gladwin, C.J., Harrison, Gruber, and Wood, JJ., dissent.

[CV-12-956](#). Todd Higginbotham and Rowdy Boys, LLC v. Mary G. Graham, from Craighead Circuit, Eastern District. Affirmed. Pittman and Gruber, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-12-1055](#). Matthew Lamar Smith v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to withdraw granted. Pittman and Wynne, JJ., agree.

[CR-12-1079](#). William Nickels Collins v. State of Arkansas, from Faulkner Circuit. Affirmed. Pittman and Wynne, JJ., agree.

[CR-13-63](#). Kevin Leon Dates v. State of Arkansas, from Crittenden Circuit. Affirmed; motion granted. Pittman and Wynne, JJ., agree.

[CV-12-1042](#). Treena Carroll v. John Carroll, from Pulaski Circuit, Sixteenth Division. Affirmed. Walmsley and Whiteaker, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-12-399](#). Rodney Scott Porta v. State of Arkansas, from Crawford Circuit. Reversed and remanded. Vaught, J., agrees. Gruber, J., concurs.

[CR-12-584](#). Brandon Clark Fritts v. State of Arkansas, from Sebastian Circuit, Greenwood Division. Motion to withdraw granted; affirmed. Gladwin, C.J., and Vaught, J., agree.

[CR-12-1066](#). Morrell D. Stewart v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to be relieved granted. Wood and Brown, JJ., agree.

[CV-13-165](#). Leonard Austin v. Arkansas Department of Human Services and Minor Child, from Pope Circuit. Affirmed. Gladwin, C.J., and Vaught, J., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 19, 2013**

PHILLIP T. WHITEAKER, JUDGE:

[CR-12-737](#). Joseph L. Lindsey v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed; motion to withdraw as counsel granted. Vaught and Hixson, JJ., agree

[CR-12-975](#). Eric Castrellon v. State of Arkansas, from the Pulaski Circuit, Fourth Division. Affirmed. Walmsley and Wood, JJ., agree.

[CV-12-1053](#). Edward Collins and Quinn Collins v. City of Bryant, from Saline Circuit. Reversed on direct appeal; affirmed on cross-appeal. Gladwin, C.J., and Wynne, Hixson, and Brown, JJ., agree. Harrison, J., dissents.

[CV-13-152](#). Jaron Jackson v. Arkansas Department of Human Services and Minor Child, from Washington Circuit. Reversed and remanded. Walmsley and Wood, JJ., agree.

[CV-13-209](#). Kimberly Patton and Gary Shelley v. Arkansas Department of Human Services and Minor Child, from Sebastian Circuit, Fort Smith District. Affirmed; motions to be relieved granted. Vaught and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-12-917](#). Jonathan Edward Brawner v. State of Arkansas, from Faulkner Circuit. Affirmed as modified. Harrison and Brown, JJ., agree.

[CV-12-648](#). Warren School District v. Robert A. Avery, from Bradley Circuit. Affirmed. Harrison and Brown, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CR-12-1068](#). Nakista Jackson v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed; motion granted. Glover and Brown, JJ., agree.

RHONDA K. WOOD, JUDGE (CONTINUED):

[CV-12-1081](#). Ken Swindle v. Rogers Board of Education and Anita Turner, from Benton Circuit. Affirmed. Walmsley and Whiteaker, JJ., agree.

[CV-13-101](#). Stephanie Sellers and Michael Sellers v. Arkansas Department of Human Services and Minor Child, from Washington Circuit. Affirmed. Glover and Brown, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 19, 2013**

[CV-13-147](#). Tonia Ingle v. Arkansas Department of Human Services and Minor Child, from Washington Circuit. Affirmed. Pittman and Wynne, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-12-1075](#). A.H. v. State of Arkansas, form Pulaski Circuit, Fourth Division. Affirmed. Harrison and Hixson, JJ., agree.

[CV-13-178](#). Matthew Gregory v. Arkansas Department of Human Services and Minor Child, from Garland Circuit. Affirmed; motion to withdraw granted. Glover and Wood, JJ., agree.

The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).

- E13-61. Quillar Powell v. Director et al.
- E13-69. Myrtice Gortney v. Director et al.
- E13-70. Calvin Singleton v. Director et al.
- E13-71. Debra Howard v. Director et al.
- E13-72. Larry Griffin. v. Director et al.
- E13-73. Steven Lane v. Director et al.
- E13-74. Challenger Inc. v. Director et al.
- E13-75. Pathfinder Home & W. Davis Memorial v. Director et al.
- E13-76. Angel Light v. Director et al.
- E13-77. Tommy Isom v. Director et al.
- E13-78. Tracy Washington v. Director et al.
- E13-79. Catherine Hall v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 19, 2013**

**PER CURIAM ORDERS**

PETITIONS FOR REHEARING: PETITIONS FOR REHEARING WERE DENIED TODAY IN THE FOLLOWING CASES.

CV-12-650. PAMELA MARSHALL CARROLL V. RICHARD DALE CARROLL, FROM JEFFERSON CIRCUIT.

CV-12-1030. JOHN D. WELLS V. LINDA F. WELLS, FROM SEBASTIAN CIRCUIT.

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CR-12-191. GILBERTO MARTINEZ-MARMOL V. STATE OF ARKANSAS, FROM WASHINGTON CIRCUIT. MOTION OF CAREY E. LYLES DOWDY FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-13-425. DEMARCUS RAYFIELD V. STATE OF ARKANSAS, FROM MILLER CIRCUIT. APPELLANT'S MOTION TO COMPLETE THE RECORD IS DENIED.

CV-12-97. BEAU WELCH AND MELANIE K. WELCH V. GARY S. RICHARDSON, JR., FROM SEBASTIAN CIRCUIT, FORT SMITH DISTRICT. APPEAL DISMISSED.

CV-12-865. KAREN MILLER V. LINDA GADDY, FROM WASHINGTON CIRCUIT. APPELLANT'S MOTION FOR ORAL ARGUMENT IS DENIED.

CV-12-988. FORD MOTOR COMPANY V. CHARLES KEATTS, FROM PULASKI CIRCUIT. APPELLANT'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL ADDENDUM IS GRANTED. GLOVER, J., NOT PARTICIPATING.

CV-13-90. CARMEN ALBARRAN V. LIBERTY HEALTHCARE MANAGEMENT, FROM BENTON CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD, STAY BRIEFING, AND SUPPLEMENT ADDENDUM IS GRANTED.

CV-13-302. NICOLE HANNAH V. ARKANSAS DEPARTMENT OF HUMAN SERVICES ET AL., FROM WASHINGTON CIRCUIT. APPELLANT'S MOTION FOR LEAVE FOR ENLARGEMENT OF PAGE LIMIT ON PETITION ON APPEAL IS DENIED.

CV-13-302. NICOLE HANNAH V. ARKANSAS DEPARTMENT OF HUMAN SERVICES ET AL., FROM WASHINGTON CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT RECORD/TANGIBLE EVIDENCE AS REVIEWED BY TRIAL COURT IS DENIED.

CV-13-304. RANDY KELSO V. ARKANSAS DEPARTMENT OF HUMAN SERVICES ET AL., FROM WASHINGTON CIRCUIT. APPELLANT'S MOTION TO CORRECT THE RECORD BY SUBSTITUTING ABSTRACTS IS GRANTED.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 19, 2013**

**PER CURIAM ORDERS**

CV-13-426. PEARL JENKINS V. APS INSURANCE, LLC, FROM PULASKI CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD AND FOR OTHER RELIEF IS GRANTED.

E-13-490. EVANS O. LINDSEY V. DIRECTOR ET AL., FROM ARKANSAS BOARD OF REVIEW. MOTION TO FILE BELATED APPEAL IS DENIED.

E-13-528. GUADALUPE FACUNDO V. DIRECTOR ET AL., FROM ARKANSAS BOARD OF REVIEW. MOTION TO FILE BELATED APPEAL IS DENIED.

E-13-529. ENGLAND MOORE V. DIRECTOR ET AL., FROM ARKANSAS BOARD OF REVIEW. MOTION TO FILE BELATED APPEAL IS DENIED.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 19, 2013**

**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

CR-12-820. RAYMOND WILSON V. STATE OF ARKANSAS, FROM MISSISSIPPI CIRCUIT.

CV-12-231. SALLY L. THOMAS V. NADAV SHARON, M.D., AND OZARK REGIONS HEALTH SYSTEMS, INC. D/B/A ST. JOHN'S HOSPITAL-BERRYVILLE, FROM CARROLL CIRCUIT.

CV-12-503. SOUTHERN BUILDING SERVICES, INC. V. CITY OF FORT SMITH, FROM SEBASTIAN CIRCUIT.

CV-12-667. SHAUNA CHANTEL YATES MCNUTT V. MATTHEW DALTON YATES, FROM LONOKE CIRCUIT.

CV-12-864. SHIRLEY ROUSE V. DANNY MYERS D/B/A ACTION MOBILE HOMES, MYERS CONSTRUCTION, AND DANNY'S CARS AND TRUCK, FROM GRANT CIRCUIT.

CV-12-1032. MARK S. CARTER V. ODIS WAYMACK AND BARBARA WAYMACK, HUSBAND AND WIFE, FROM LONOKE CIRCUIT.

CV-12-1046. RANDALL MORRIS V. SHERI CHRISTOPHER, FROM GARLAND CIRCUIT.

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CR-12-889. ROGER SCALLION V. STATE OF ARKANSAS, FROM BOONE CIRCUIT. MOTION OF REBEKAH KENNEDY FOR ATTORNEY'S FEES.

CR-12-936. JUSTIN JARQUEL MARTIN V. STATE OF ARKANSAS, FROM JEFFERSON CIRCUIT. MOTION OF ROBERT M. "ROBBY" GOLDEN FOR ATTORNEY'S FEES.

CR-13-89. LAMONZA DEVAR TOLLIVER V. STATE OF ARKANSAS, FROM HEMPSTEAD CIRCUIT. APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 19, 2013**

**MOTIONS SUBMITTED**

CR-13-316. ANTWON LAVON FOWLER V. STATE OF ARKANSAS, FROM FAULKNER CIRCUIT. APPELLANT'S MOTION TO REVERSE AND DISMISS AND IN THE ALTERNATIVE MOTION FOR EXTENSION OF TIME TO LODGE SUPPLEMENTAL RECORD.

CR-13-326. PENNY J. WHITSON V. STATE OF ARKANSAS, FROM BAXTER CIRCUIT. APPELLANT'S MOTION TO PROCEED PRO SE AND MOTION TO DUPLICATE COPIES.

CV-10-155. JEANNE HUDGENS V. ARKANSAS DEPARTMENT OF HUMAN SERVICES, FROM UNION CIRCUIT. MOTION OF NON-PARTY, ARKANSAS PSYCHOLOGY BOARD, FOR ACCESS TO SEALED RECORD.

CV-12-194. BETTY BOYKIN V. CENTRAL MALONEY, INC., AND CROCKETT ADJUSTMENT INSURANCE, FROM ARKANSAS CIRCUIT. MOTION AND AMENDED MOTION FOR RECONSIDERATION BECAUSE OF IMPROPER FILING.

CV-12-503. SOUTHERN BUILDING SERVICES, INC. V. CITY OF FORT SMITH, FROM SEBASTIAN CIRCUIT. APPELLANT'S MOTION FOR CONTINUED STAY OF EXECUTION AND CANCELLATION OF SUPERSEDEAS BOND.

CV-13-60. ARKANSAS ELDER OUTREACH OF LITTLE ROCK ET AL. V. JOE ANN NICHOLSON, FROM LONOKE CIRCUIT. APPELLEE'S MOTION TO DISMISS APPEAL AND STAY BRIEFING OR IN THE ALTERNATIVE EXTENSION OF BRIEF TIME.

CV-13-87. ARKANSAS REALTORS ASSOCIATION V. REAL FORMS, LLC, FROM WASHINGTON CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD.

CV-13-99. E.S. V. STATE OF ARKANSAS, FROM CRAIGHEAD CIRCUIT. MOTION OF TERRY GOODWIN JONES FOR ATTORNEY'S FEES.

CV-13-155. MICHELE MCCORMICK KEITH V. STEVEN CONRAD KEITH, FROM OUACHITA CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD AND STAY BRIEFING AND MOTION TO WITHDRAW MOTION TO SUPPLEMENT THE RECORD AND FOR BRIEF TIME.

CV-13-260. BILL W. SCHWYHART ET AL. V. J.B. HUNT, LLC, ET AL., FROM BENTON CIRCUIT. MOTION OF DERRICK DAVIDSON TO WITHDRAW AS COUNSEL FOR APPELLANTS.

CV-13-260. BILL W. SCHWYHART ET AL. V. J.B. HUNT, LLC, ET AL., FROM BENTON CIRCUIT. MOTION OF K. VAUGHN KNIGHT TO WITHDRAW AS COUNSEL FOR APPELLANTS.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JUNE 19, 2013**

**MOTIONS SUBMITTED**

CV-13-341. BETTYE DUNN WRIGHT V. ARKANSAS STATE BOARD OF EDUCATION, FROM PULASKI CIRCUIT. APPELLEE'S MOTION TO DISMISS APPEAL.

CV-13-377. GARY LARUE V. FORSGREN, INC., ET AL., FROM BENTON CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD FOR APPEAL.

CV-13-466. SARAH T. BRANTLEY AND JAMES WILLIAM BRANTLEY V. NORTHWEST ARKANSAS HOSPITALS, LLC, ET AL., FROM BENTON CIRCUIT. APPELLANTS' MOTION TO SEAL RECORD.