

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 23, 2013

ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-13-292](#). Bobby Ray Moore v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Pittman and Wood, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CR-11-536](#). Marcus Patton v. State of Arkansas, from Pope County Circuit Court. Affirmed. Gladwin, C.J., and Wood, J., agree.

[CV-13-171](#). Lyndsey Unruh v. Jonathan Grist, from Hot Spring County Circuit Court. Affirmed. Gladwin, C.J., and Wood, J., agree.

[CV-13-238](#). Janice C. Tucker v. Bank of America, from the Arkansas Workers' Compensation Commission. Affirmed. Walmsley and Vaught, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CR-13-430](#). Eloy Christopher Sandoval v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Hixson and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-13-442](#). Calvin Carrick v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Gruber and Whiteaker, JJ., agree.

[CV-12-966](#). Royal Overhead Door, Inc. d/b/a Royal Hearth and Home v. Shawn Jernigan and Shelly Jernigan, from Saline County Circuit Court. Affirmed. Wynne and Brown, JJ., agree.

[CV-13-527](#). Saline County Judge and AAC Risk Management Services v. Thomas Crouch, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Whiteaker, JJ., agree.

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ROBIN F. WYNNE, JUDGE:

[CR-13-471](#). Curtis Charles Brooks v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Glover and Vaught, JJ., agree.

[CV-13-191](#). Hassan Bashiri v. Justin Frankian, from Van Buren County Circuit Court. Reversed and remanded. Glover and Vaught, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-12-839](#). Honor Williams v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Harrison and Whiteaker, JJ., agree.

[CV-13-540](#). Patsy Ann O'Guinn v. Little River Memorial Hospital and Risk Management Resources, from the Arkansas Workers' Compensation Commission. Affirmed in part; reversed in part. Harrison, J., agrees. Whiteaker, J., concurs.

DAVID M. GLOVER, JUDGE:

[CV-13-137](#). Jack Jones v. Charles McLemore and Roger McLemore, from Jefferson County Circuit Court. Rebriefing ordered. Wynne and Vaught, JJ., agree.

[CV-13-220](#). Robbin J. Powell v. Alexander G. Fernandez, from Benton County Circuit Court. Affirmed. Wynne and Vaught, JJ., agree.

[CV-13-395](#). Tricia A. Armstrong v. Wal-Mart Associates, Inc., and Claims Management, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin, C.J., and Whiteaker, J., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-12-701](#). F. Allan Midyett v. Nancy Midyett, from Washington County Circuit Court. Affirmed. Harrison and Gruber, JJ., agree.

[CV-13-90](#). Carmen Albarran v. Liberty Healthcare Management, from Benton County Circuit Court. Appeal dismissed. Gladwin, C.J., and Glover, J., agree.

[CV-13-149](#). Denise Oldenberg, M.D. v. Arkansas State Medical Board, from Sharp County Circuit Court. Appeal dismissed. Harrison and Gruber, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE: (Continued)

[E-13-270](#). Derrick Stewart v. Director, Arkansas Department of Workforce Services, and Cooper Cameron Corp., from the Arkansas Board of Review. Reversed and remanded. Harrison and Gruber, JJ., agree

LARRY D. VAUGHT, JUDGE:

[CV-13-541](#). Winfred Kimble v. Labor Force, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Wynne and Glover, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-13-586](#). Loretta Painter v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Affirmed; motion to withdraw granted. Walmsley and Brown, JJ., agree.

[E-13-286](#). Shaunya Fraysher v. Director, Department of Workforce Services, and Darling Store Fixtures, from the Arkansas Board of Review. Remanded for additional findings. Walmsley and Brown, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CR-13-272](#). Sergio Andrade-Martinez v. State of Arkansas, from Washington County Circuit Court. Affirmed. Gladwin, C.J., and Pittman, J., agree.

[CV-13-146](#). Kent and Vickie Harris d/b/a Harris Saw Shop v. Barbara Temple, from Bradley County Circuit Court. Reversed. Gladwin, C.J., and Pittman, J., agree.

WAYMOND M. BROWN, JUDGE:

[CV-13-276](#). Scott Lindberg v. Mehlburger Brawley, PLLC, Myron Harrison, Wes Lowder, NRS, Inc., Roger Ford, from Pulaski County Circuit Court, Sixth Division. Affirmed. Walmsley and Hixson, JJ., agree.

[E-12-317](#). Ethan O. Moody v. Director, Department of Workforce Services, and Arkansas Highway and Transportation Department, from the Arkansas Board of Review. Rebriefing ordered. Walmsley and Hixson, 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).

- E-13-265. Lolita Mitchell v. Director et al.
- E-13-266. Melvin Wyndham v. Director et al.
- E-13-267. Lavaughn Pate v. Director et al.
- E-13-268. Robert Pietras v. Director et al.
- E-13-271. Teresia Brantley v. Director et al.
- E-13-272. Frank Button v. Director et al.
- E-13-273. Warrick Bradford v. Director et al.
- E-13-274. Carl Frasier v. Director et al.
- E-13-275. Raysean Jaunes v. Director et al.
- E-13-276. Derrick Webb v. Director et al.
- E-13-277. Nirvonna King v. Director et al.
- E-13-278. Yates Phillips v. Director et al.
- E-13-279. Jeff Singleton v. Director et al.
- E-13-280. Savannah Thomas v. Director et al.
- E-13-281. Rita Newsome v. Director et al.
- E-13-282. JCP Trucking LLC v. Director et al.
- E-13-283. Donna Mothershed v. Director et al.
- E-13-284. Clarence Hogan v. Director et al.

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- E-13-285. Lora Morris v. Director et al.
- E-13-288. Anita Brooks v. Director et al.
- E-13-289. Craig Monette v. Director et al.
- E-13-290. Thaddeus Gray v. Director et al.

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PER CURIAM ORDERS

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

CV-13-19. Mary Berryhill v. Frances Synatzske and Bryan Huffman, as Special Administrator of the Estate of Frances Synatzske, from Hot Spring County Circuit Court.

CV-13-218. Julia Hartsfield, Emily Hartsfield, and Gayle Fisher v. Deanna Blann, Sarah Blann, Thomas Edwin Blann, and Simmons First Trust Company, N.A., from Union County Circuit Court.

CV-13-283. Kevin Brewer v. Arkansas Sex Offender Assessment Committee, from Pulaski County Circuit Court, Thirteenth Division.

CR-11-788. Glenn Eric Nelson, Jr. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Andrew Taylor for attorney's fees is granted. Allowed \$1,800.00.

CR-12-755. Ivory Cole v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Motion of Margo Warner for attorney's fees is granted. Allowed \$1,800.00.

CR-12-950. Thomas Rainey v. State of Arkansas, from Dallas County Circuit Court. Appellant's motion to supplement and settle the record and for time to file brief. Remanded to the trial court to settle the record.

CR-13-68. Tonya Christine Mott v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,400.00.

CR-13-316. Antwon Lavon Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to reverse and dismiss for failure to timely complete transcript to be included in the record lodged on appeal is denied.

CR-13-425. Demarcus Rayfield v. State of Arkansas, from Miller County Circuit Court. Appellant's motion for enlargement of time to complete the record is granted.

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PER CURIAM ORDERS

CR-13-622. Mauricio Antonio Lopez-Deleon v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to file belated brief is granted.

CR-13-783. Xavier Thomas v. State of Arkansas, from Jefferson County Circuit Court. Motion of Efrem B. Neely, Sr., to withdraw and for the appointment of Nick Churchill as counsel for appellant is granted.

CV-12-450. George and Montie Hobson v. Entergy Arkansas, Inc., from Pulaski County Circuit Court, Sixth Division. Appellee's motion for leave to file second supplemental abstract is granted.

CV-13-581. Ronnie Willcutt, Larry F. Willcutt, Marsha Kay Willcutt, and Nadine Willcutt v. Ricky D. Houston and Sherry L. Houston, from Conway County Circuit Court. Appellant's motion to substitute correct table of contents is granted.

E-13-937. Reginald Robinson v. Director et al., from the Arkansas Board of Review. Motion to file belated appeal is denied.

E-13-938. Cemantha Wolljung v. Director et al., from the Arkansas Board of Review. Motion to file belated appeal is granted.

E-13-939. James Bradford v. Director et al., from the Arkansas Board of Review. Motion to file belated appeal is denied.

E-13-954. Josephine Baltimore v. Director et al., from the Arkansas Board of Review. Motion to file belated appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-12-564. Chad Edward McCallum v. State of Arkansas, from Pulaski County Circuit Court.

CV-12-1071. Ditch 56 Farms, LLC, Ronnie McCord, Clint McCord, and McCord Farms, LLC v. Stanley Foster, Judy Foster, Linda Alden, and Danny Brandon, from Craighead County Circuit Court, Eastern District.

CV-13-3. Bank of the Ozarks, Inc., and Bank of the Ozarks v. Robert Walker, Ann B. Hines, and Judith Belk, from Lonoke County Circuit Court.

CV-13-27. St. Edward Mercy Medical Center and Sisters of Mercy Health System v. Deborah Warnock, from the Arkansas Workers' Compensation Commission.

CV-13-49. Lynda Hamm v. Jerry Hamm, from White County Circuit Court.

CV-13-184. Kristie Michele Cervantes v. Jeremy G. Cervantes, from Lonoke County Circuit Court.

CR-12-1027. Charles Stutte v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to file supplemental addendum.

CR-12-1133. Carlton J. Hobbs v. State of Arkansas, from Arkansas County Circuit Court. Motion of Brett Watson for attorney's fees.

CR-13-215. Leland Fleming v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees.

CR-13-735. Corie Rodrigus Frazier v. State of Arkansas, from Union County Circuit Court. Appellant's motion for leave to file belated brief.

CR-13-817. T.N. v. State of Arkansas, from Miller County Circuit Court. Motion to seal trial record.

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MOTIONS SUBMITTED

CR-13-836. Donnie Slater v. State of Arkansas, from Arkansas County Circuit Court. Motion of Alex Guynn to withdraw and for appointment of Jeff Weber as counsel for appellant.

CV-08-1351. Gary Bodiford, M.D., and Bodiford Eye Clinic v. Joyce Street LLC et al., from Washington County Circuit Court. Motion to withdraw as counsel for appellant and for extension of time to file brief.

CV-12-953. Lori Erwin v. Shelby Lee Frost, Individually and as Trustee of the Donald Ross and Shelby Lee Frost Revocable Living Trust, from Scott County Circuit Court. Appellee's motion to file belated brief.

CV-12-992. Kayla McPherson v. Arkansas Department of Human Services, from Lonoke County Circuit Court. Motion of Charles Daniel Hancock for attorney's fees.

CV-13-397. Joslin Brothers Irrigation v. Sunbelt Rental, Inc., et al., from Monroe County Circuit Court. Appellant's motion to file substituted brief.

CV-13-452. Rhodis Smith v. Herschel Lovelace and Venita Lovelace, from Pulaski County Circuit Court. Appellant's motion to supplement and settle the record and for extension of time in which to file brief.

CV-13-457. Kent Smith, DVM v. Kimberly V. Freeman and Armistead Council Freeman, Jr., from Perry County Circuit Court. Appellant's pro se motion and amended motion to compel and for brief time.

CV-13-577. Trustees of the Pruitt Family Trust v. Anita E. Gladden and Allen H. Gladden, husband and wife, and as Co-Trustees of the Anita E. Gladden Trust; Mark McClure and Kim McClure, husband and wife; and Garland County, Arkansas, from Garland County Circuit Court. Separate appellees Mark McClure and Kim McClure's motion to dismiss appeal; to stay briefing; or in the alternative, motion for extension of time to file responsive brief.

CV-13-581. Ronnie Willcutt, Larry F. Willcutt, Marsha Kay Willcutt, and Nadine Willcutt v. Ricky D. Houston and Sherry L. Houston, from Conway County Circuit Court. Appellants' motion for oral argument.

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MOTIONS SUBMITTED

CV-13-619. Roma Trakru v. David Matthews, from Stone County Circuit Court. Appellee's motion to dismiss appeal.

CV-13-632. Mary Hartman and Donna Dewey v. Henry N. Edwards, M.D., from Crawford County Circuit Court. Appellants' motion for expanded page limitation on argument and for additional brief time.

CV-13-636. Norma Ness v. Fort Smith Public Schools and Arkansas School Board Association, from the Arkansas Workers' Compensation Commission. Appellant's motion to file belated brief.

CV-13-657. Shawn Spanier v. Bryan McCormick, McCormick Owens Development, LLC, Ice Bar Investments, LTD, and Roxanne Barnes, from Carroll County Circuit Court. Appellee Bryan McCormick's motion to dismiss appeal of Bryan McCormick.

CV-13-839. Billy L. Murray, Jr. v. Fernando Mondragon and Carmen Mondragon, from Ashley County Circuit Court. Appellees' motion to dismiss interlocutory appeal.

CV-13-859. Claudine Lockridge v. Arkansas Department of Human Services, from Craighead County Circuit Court. Appellant's motion to supplement the record.

CV-13-881. Vance M. Thompson, III v. Anne L. Thompson, from Woodruff County Circuit Court. Appellant's motion to file record under seal.

E-13-1033. Richard Henrickson v. Director et al., from the Arkansas Board of Review. Motion to file belated appeal.

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CASES SUBMITTED

CR-09-1250. Shannon D. Williams v. State of Arkansas, from Greene County Circuit Court.

CR-12-1123. Joshua E. Hogue v. State of Arkansas, from Johnson County Circuit Court.

CR-13-157. Bobby Cummins v. State of Arkansas, from Pulaski County Circuit Court.

CR-13-204. Trenton Holley v. State of Arkansas, from Faulkner County Circuit Court.

CR-13-226. Darron Aikens v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-228. Gregory Cohen v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-242. Andrew Deshazer v. State of Arkansas, from Drew County Circuit Court.

CR-13-245. Kelvin Stepps v. State of Arkansas, from Jefferson County Circuit Court.

CR-13-271. Jerry Dean Ross v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-13-345. Johnny Eugene Earls v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-13-421. Scott Collier v. State of Arkansas, from Crawford County Circuit Court.

CR-13-445. Terrance D. Hollins v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-560. Jermaine Carroll v. State of Arkansas, from Jefferson County Circuit Court.

CV-12-1072. Jose Ballesteros v. Nationwide Mutual Insurance Co., from Washington County Circuit Court.

CV-12-1126. Rentco, Inc. v. Farmers Insurance Company, Inc. and The Shoppach Agency, Inc., from Sebastian County Circuit Court.

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CASES SUBMITTED

CV-13-38. Gregory Ross Giles, Terri Giles, Karen Jean Hughes, and Kevin Hughes v. Ozark Mountain Regional Public Water Authority, from Boone County Circuit Court.

CV-13-54. Kenneth Martin v. Arkansas Department of Human Services and Minor Child, from Boone County Circuit Court.

CV-13-162. Sherry Ann Ingle v. William "Billy" Robert Ingle, Jr., from Baxter County Circuit Court.

CV-13-263. K.O.P. v. State of Arkansas, from Crawford County Circuit Court.

CV-13-297. Arkansas Sex Offender Assessment Committee v. Michael G. Wallace, from Garland County Circuit Court.

CV-13-300. Bridget Watkins v. Travis Watkins, from Sebastian County Circuit Court.

CV-13-310. Rose Butler v. Lake Hamilton School District, Risk Management Resources, Arkansas School Boards Association, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-13-320. City of Little Rock v. Gurmeet S. Nerhan and George Nerhan, from Pulaski County Circuit Court.

CV-13-344. Elaine Howard, Donald Howard, and Larry Codling v. William Codling, from Benton County Circuit Court.

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

E-13-315. David Smith v. Director et al.

E-13-316. Rona Laws v. Director et al.

E-13-317. Richard Allen v. Director et al.

E-13-318. Raymond Ostrander v. Director et al.

E-13-319. Dorothy Jones v. Director et al.

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CASES SUBMITTED

- E-13-320. Darnetta Frazier v. Director et al.
- E-13-321. D'Lisa Garrett v. Director et al.
- E-13-322. Misty Tolbert v. Director et al.
- E-13-323. Kayla Klein v. Director et al.
- E-13-325. John Materna v. Director et al.
- E-13-326. Undrill Hicks v. Director et al.
- E-13-327. Chase Crook v. Director et al.
- E-13-328. Arthur Hillard v. Director et al.
- E-13-329. Scotty Ferren v. Director et al.
- E-13-330. Melissa Berry v. Director et al.
- E-13-331. Randall Pratt v. Director et al.
- E-13-332. Deanna Shrable v. Director et al.
- E-13-333. Nicholas Sidenstricker v. Director et al.
- E-13-334. Ollie Jones v. Director et al.
- E-13-335. Michael Stinson v. Director et al.
- E-13-336. Alda Wilkerson v. Director et al.
- E-13-337. Jimmie Tidwell v. Director et al.
- E-13-338. Shanna Savage v. Director et al.
- E-13-339. Darnelle Mouton v. Director et al.