

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-13-206](#). Stephen Brian Cole v. State of Arkansas, from Garland County Circuit Court. Remand for supplementation of the addendum. Pittman and Wood, JJ., agree.

[CR-13-242](#). Andrew Deshazer v. State of Arkansas, from Drew County Circuit Court. Affirmed; motion to withdraw granted. Pittman and Wood, JJ., agree.

[CV-12-1126](#). Rentco, Inc. v. Farmers Insurance Company, Inc., and the Shoppach Agency, Inc., from Sebastian County Circuit Court, Greenwood District. Affirmed. Wood, J., agrees. Pittman, J., concurs.

[CV-13-198](#). Diamante, a Private Membership Golf Club, LLC v. Gary Dye and Linda Dye, from Saline County Circuit Court. Affirmed. Pittman, J., agrees. Wood, J., concurs.

[CV-13-300](#). Bridget Watkins v. Travis Watkins, from Sebastian County Circuit Court, Greenwood District. Affirmed. Pittman and Wood, JJ., agree.

[CV-13-500](#). Cliff Ernest Contant v. Retention Management Services, Marlin Transit, Inc.; and Death & Permanent Total Disability Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Wood, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CR-13-235](#). Samuel D. Snowden v. State of Arkansas, from Pike County Circuit Court. Affirmed. Gladwin, C.J., and Wood, J., agree.

[CV-13-208](#). Minnie M. Coulter v. Honorable Joe Griffin, Circuit Judge, et al., from Miller County Circuit Court. Rebriefing ordered. Gladwin, C.J., and Wood, J., agree.

BILL H. WALMSLEY, JUDGE:

[CR-13-245](#). Kelvin Stepps v. State of Arkansas, from Jefferson County Circuit Court. Affirmed; motion to withdraw granted. Hixson and Brown, JJ., agree.

[CV-13-287](#). Ralph Shane Calaway v. Tara Fallen Crotty, from Union County Circuit Court. Dismissed on direct appeal; reversed on cross-appeal. Hixson and Brown, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

ROBIN F. WYNNE, JUDGE:

[CR-12-1123](#). Joshua E. Hogue v. State of Arkansas, from Johnson County Circuit Court. Affirmed; motion to be relieved granted. Glover and Vaught, JJ., agree.

[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. Affirmed. Glover and Vaught, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-13-560](#). Jermaine Carroll v. State of Arkansas, from Jefferson County Circuit Court. Affirmed as modified; motion granted. Harrison and Whiteaker, JJ., agree.

[CV-13-344](#). Elaine Howard, Donald Howard, and Larry Codling v. William Codling, from Benton County Circuit Court. Reversed and remanded. Harrison and Whiteaker, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-13-308](#). Ned Wayne Cauffiel v. State of Arkansas, from Saline County Circuit Court. Affirmed. Harrison and Gruber, JJ., agree.

[CR-13-421](#). Scott Collier v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Harrison and Gruber, JJ., agree.

[CV-13-54](#). Kenneth Brian Martin v. Arkansas Department of Human Services and Minor Child, from Boone County Circuit Court. Affirmed; motion granted. Harrison and Gruber, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-13-345](#). Johnny Eugene Earls v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion to withdraw granted. Wynne and Glover, JJ., agree.

[CV-12-219](#). William Curtis v. Michael Lemna and New Champions Golf and Country Club, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman, Gruber, Glover, and Brown, JJ., agree. Wynne and Whiteaker, JJ., concur in part; dissent in part. Hixson and Wood, JJ., dissent.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

[CV-12-800](#). Tom Vytlačil v. Linda Vytlačil, from Benton County Circuit Court. Affirmed. Wynne and Glover, JJ., agree.

[CV-13-545](#). Emily Dawn Smithee and Terrence Smithee v. Arkansas Department of Human Services and Minor Child, from Clay County Circuit Court, Western District. Affirmed. Wynne and Glover, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-13-105](#). Otis Gipson v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Walmsley and Brown, JJ., agree.

[CR-13-228](#). Gregory Cohen v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to be relieved granted. Walmsley and Brown, JJ., agree.

[CV-12-726](#). Crittenden County v. Barry Davis, from Crittenden County Circuit Court. Reversed. Walmsley, Harrison, and Whiteaker, JJ., agree. Gruber and Brown, JJ., dissent

[CV-12-1040](#). Gregg Anderson v. Brandy Thomas, from Saline County Circuit Court. Reversed. Walmsley and Brown, JJ., agree.

[CV-13-297](#). State of Arkansas Sex Offender Risk Assessment Committee v. Michael G. Wallace, from Garland County Circuit Court. Agency affirmed; circuit court reversed. Walmsley and Brown, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CR-13-157](#). Bobby Cummins v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Dismissed; motion to withdraw granted. Gladwin, C.J., and Pittman, J., agree.

[CR-13-307](#). Dameon Davis v. State of Arkansas from Mississippi County Circuit Court, Chickasawba District. Affirmed. Gladwin, C.J., and Pittman, J., agree.

[CV-12-689](#). Ed Blalock v. Claudette Blalock, from Washington County Circuit Court. Affirmed in part; reversed and remanded in part. Gladwin, C.J., and Pittman, J., agree.

[CV-13-162](#). Sherry Ann Ingle v. William “Billy” Robert Ingle, Jr., from Baxter County Circuit Court. Affirmed. Gladwin, C.J., and Pittman, J., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

WAYMOND M. BROWN, JUDGE:

[CR-09-1250](#). Shannon Williams v. State of Arkansas, from Greene County Circuit Court. Affirmed. Walmsley and Hixson, JJ., agree.

[CV-12-1072](#). Jose Ballesteros v. Nationwide Mutual Insurance Company, from Washington County Circuit Court. Affirmed. Walmsley, J., agrees. Hixson, J., concurs.

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-13-315. 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.
- 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 Hicksv. Director et al.
- E-13-327. Chase Crook v. Director et al.
- E-13-328. Arthur Hillard v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

- 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.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

PER CURIAM ORDERS

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

CV-13-8. Piping Industrial Company, Inc. v. Future Fuel Chemical Company, from Independence County Circuit Court.

E-12-951. Crystalee D. Nelson v. Director, Department of Workforce Services, and PRN Medical Services, from Arkansas Board of Review.

CR-12-840. Harley Inthisone v. State of Arkansas, from Faulkner County Circuit Court. Motion of James W. Wyatt for attorney's fees is granted. Allowed \$1,800.00.

CR-13-64. Joseph Ashley Max v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,400.00.

CR-13-205. Randy Rainwater v. State of Arkansas, from Polk County Circuit Court. Motion of Randy Rainwater for attorney's fees is granted. Allowed \$1,215.00.

CR-13-225. Shaun Lamond Washington v. State of Arkansas, from Pulaski County Circuit Court. Motion requesting permission to file a substituted initial appellant's brief is granted. Brief filed November 6, 2013. Appellee may file substituted brief on or before November 21, 2013.

CV-12-779. D.S., Minor v. State of Arkansas, from Benton County Circuit Court. Motion and amended motion of Andrew Ballard for attorney's fees is granted. Allowed \$1,600.00.

CV-13-694. Helena-West Helena Public School District v. Adriane Rena Sheilds, from Phillips County Circuit Court. Second Motion to supplement record is denied. Supplement accepted pursuant to previous motion. Appellant's brief due December 6, 2013.

CV-13-756. Pine Hills Health & Rehabilitation, LLC et al. v. Rufus Brian Matthews, from Ouachita County Circuit Court. Appellants' motion to correct the record is granted. Writ issued; returnable December 6, 2013. Appellants' supplemental addendum due within fifteen days after supplemental record is filed.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

PER CURIAM ORDERS

CV-13-813. Anderson's Taekwondo Center, Inc. v. Landers Auto Group No. 1, Inc., from Pulaski County Circuit Court. Appellees/Cross-Appellants' motion to supplement the record is granted. Supplement filed November 6, 2013.

CV-13-891. John H. Brunner, M.D., et al v. Brinda Robbins, from Garland County Circuit Court. Motions to complete the record are remanded to the trial court to settle the record within thirty days. Appellants' brief due within thirty days after the supplemental record is filed.

E-13-1041. William Jenkins v. Director et al., from the Arkansas Board of Review. Motion to file belated appeal is denied.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-12-479. Peter Brave v. Marie Brave, from Pulaski County Circuit Court, Sixteenth Division.

CV-12-685. Lawrence Trammell v. Willis Hooks, from Greene County Circuit Court.

CV-12-898. Connie Watkins and Richard Watkins v. City of Paragould, from Greene County Circuit Court.

CR-13-295. Hector Morales v. State of Arkansas, from Craighead County Circuit Court. Motion of Terry Goodwin Jones for attorney's fees.

CR-13-313. Antwan Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to file belated brief.

CR-13-316. Antwan Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to reconsider order of October 23, 2013 denying appellant's motion to reverse and dismiss for failure to timely complete transcript to be included in the record.

CR-13-478. Garritt S. Mason v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to supplement the abstract or addendum and file a substituted brief

CR-13-579. Richard Eli Hart v. State of Arkansas, from Union County Circuit Court. Appellee's motion for remand to complete the record and for brief time.

CR-13-917. Omar Griffis v. State of Arkansas, from Pulaski County Circuit Court. Motion for appointment of Danny Williams as counsel for appellant.

CV-13-75. Timothy Roger Simpson v. Bobby Simpson et al., from Craighead County Circuit Court. Appellant's motion to file substituted reply brief.

CV-13-309. Tim Clark v. Southern Farm Bureau Casualty Insurance Co, Inc., from Pulaski County Circuit Court. Status reports.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

MOTIONS SUBMITTED

CV-13-372. Guy D. Czajka v. Butterball Turkey, LLC and Ace American Insurance, from the Arkansas Workers Compensation Commission. Appellant's pro se motion for correct "sample brief" in order for the appellant to make the required corrections to the brief in this case.

CV-13-450. James F. Valley v. State of Arkansas, from Pulaski County Circuit Court, Third Division. Arkansas Legislative Council, President Pro Tempore of the Senate, and speaker of the House of Representatives' motion for leave to file an amicus curiae brief in support of appellee.

CV-13-527. Saline County Judge and AAC Risk Management v. Thomas D. Crouch, from Arkansas Workers' Compensation Commission. Appellee's motion for attorney's fees.

CV-13-679. Diamond State Insurance Company v. Dillion Rippy et al., from Bradley County Circuit Court. Joint motion to stay briefing and remand, or alternative motion for time and joint motion to stay briefing and correct the record.

CV-13-849. The Logan Centers, Inc., et al v. Carla Walker, from St. Francis County Circuit Court. Appellant's motion to correct or modify the record.

E-13-1064. Dayna Hester v. Director et al. Motion to file belated appeal.

E-13-1065. Frantzie Guerrier v. Director et al. Motion to file belated appeal.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

CASES SUBMITTED

CR-12-963.Edward Emerson v. State of Arkansas, from Faulkner County Circuit Court.

CR-12-981.Richard J. Jackson, Jr. v. State of Arkansas, from Clark County Circuit Court.

CR-13-65.Reginald Eugene Alls v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-126.Kelvin E. Locke v. State of Arkansas, from Jefferson County Circuit Court.

CR-13-451.Cameron Schubert v. State of Arkansas, from Crawford County Circuit Court.

CV-12-1039.Phillip Freeman v. Mary Freeman, from Clark County Circuit Court.

CV-12-1116.Robert G. Zepecki, DVM v. Arkansas Veterinary Medical Examining Board, from Pulaski County Circuit Court, Twelfth Division.

CV-12-663.Gail Parkerson v. Ron Lewsader Construction, LLC et al., from Garland County Circuit Court.

CV-12-951.Dannie Gilder, et al. v. Cedar Ridge Farms, Ltd, from Saline County Circuit Court.

CV-13-67.Safeco Insurance Company of Illinois and Barney Travis v. Southern Farm Bureau Casualty Insurance Company, from Craighead County Circuit Court.

CV-13-78.Jonnie Locke v. Continental Casualty Company, from Jefferson County Circuit Court.

CV-13-148.Andrew Mancabelli and Alma Mancabelli v. Andre Gies and Marci Gies, from Washington County Circuit Court.

CV-13-333.Nationwide Mutual Fire Ins. Co. v. Citizens Bank & Trust Company, from Crawford County Circuit Court.

CV-13-343.Ben S. Brann, III, et al. v Buddy Hulett, et al., from Jackson County Circuit Court.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

CASES SUBMITTED

CV-13-369.Tango Truck Services, et al. v. Herschel Skinner, et al., from Arkansas Workers Compensation Commission.

CV-13-402.Arkansas Department of Human Services v. R. F., from Pulaski County Circuit Court, Second Division.

CV-13-489.Steve Jeffery Thrapp v. Smith-Blair, Inc., from Arkansas Workers Compensation Commission.

CV-13-494.The Lucci Corporation v. Breaux Manufacturing Co., Inc., from Benton County Circuit Court.

CV-13-495.Connie J. Parker v. Advanced Portable X-Ray, from Arkansas Workers Compensation Commission.

CV-13-709.Anthony Rose v. Joel Nutt, from Benton County Circuit Court.

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

E-13-389.Trevor Martin v. Director et al.

E-13-390.Fataneh Torbai v. Director et al.

E-13-392.Ashley Gentry v. Director et al.

E-13-393.Tammie Long v. Director et al.

E-13-394.Jerri Richardson v. Director et al.

E-13-395.Tana Kay Todd v. Director et al.

E-13-396.Career Academy of Hair Design v. Director et al.

E-13-397.Laretha Roberson v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 6, 2013

CASES SUBMITTED

E-13-398. Walter Aubrey v. Director et al.

E-13-399. Terry Dean Cleary v. Director et al.

E-13-400. Southern Refrigerated Transport v. Director et al.

E-13-401. Suzanne Spicer v. Director et al.

E-13-402. Lynette Latrice Moss v. Director et al.

E-13-403. Shelly P. Reichard v. Director et al.

E-13-404. Mary A. Flenory v. Director et al.

E-13-405. Cynthia Mitchell v. Director et al.

E-13-406. Ginger Woolsey v. Director et al.

E-13-407. Brenda J. Williams v. Director et al.

E-13-408. William Crosby, Sr. v. Director et al.

E-13-409. Stephanie Hanks v. Director et al.

E-13-410. Rhonda Thomas v. Director et al.

E-13-411. Donnal Reddell v. Director et al.

E-13-412. William D. Light v. Director et al.

E-13-413. Kerry J. Kelly v. Director et al.