

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 20, 2013

ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-13-369](#). Tango Truck Services, Inc., Midwest Employers Casualty Company, and York Risk Service Group, Inc., v. Herschel Skinner; Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Walmsley and Gruber, JJ., agree.

[CV-13-489](#). Steve Jeffery Thrapp v. Smith Blair, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Walmsley and Gruber, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CR-13-126](#). Kelvin E. Locke v. State of Arkansas, from Jefferson County Circuit Court. Affirmed; motion to withdraw granted. Gladwin, C.J., and Gruber, J., agree.

[CV-13-148](#). Andrew Mancabelli and Alma Mancabelli v. Andre Gies and Marci Gies, from Washington County Circuit Court. Appeal dismissed. Gladwin, C.J., and Gruber, J., agree.

BRANDON J. HARRISON, JUDGE:

[CV-12-951](#). Dannie Gilder et al. v. Cedar Ridge Farms, Ltd., from Saline County Circuit Court. Reversed and remanded. Pittman and Wynne, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CV-13-709](#). Anthony Rose v. Joel Andrew Nutt, from Benton County Circuit Court. Affirmed. Pittman and Harrison, JJ., agree.

[CV-13-343](#). Ben S. Brann III, Trustee of the Ben S. Brann III Revocable Trust, and Elwanda M. Brann, Trustee of the Elwanda M. Brann Revocable Trust v. Buddy Hulett and Sandra Hulett, from Jackson County Circuit Court. Reversed and remanded. Pittman and Harrison, JJ., agree.

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RITA W. GRUBER, JUDGE:

[CR-12-981](#). Richard J. Jackson v. State of Arkansas, from Clark County Circuit Court. Affirmed; motion granted; remanded with instructions. Gladwin, C.J., and Walmsley, J., agree.

[CV-13-78](#). Jonnie Locke v. Continental Casualty Company, from Jefferson County Circuit Court. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

DAVID M. GLOVER, JUDGE:

[CR-12-963](#). Edward Emerson v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Hixson and Wood, JJ., agree.

[CR-13-226](#). Darron Aikens v. State of Arkansas, from Crittenden County Circuit Court. Rebriefing ordered; motion to withdraw denied. Wynne and Vaught, JJ., agree.

[CV-12-1039](#). Phillip Freeman v. Mary Freeman, from Clark County Circuit Court. Affirmed. Hixson and Wood, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-13-402](#). Arkansas Department of Human Services v. R.F., from Pulaski County Circuit Court, Second Division. Reversed. Vaught and Brown, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-13-445](#). Terrance D. Hollins v. State of Arkansas, from Crittenden County Circuit Court. Rebriefing ordered; motion to withdraw denied. Wynne and Glover, JJ., agree.

[CV-13-67](#). Safeco Insurance Company of Illinois and Barney Travis, as parent and natural guardian of Dylan Travis, a minor v. Southern Farm Bureau Casualty Insurance Company, from Craighead County Circuit Court, Western District. Affirmed. Whiteaker and Brown, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CV-12-1116](#). Robert G. Zepecki, DVM v. Arkansas Veterinary Medical Examining Board, from Pulaski County Circuit Court, Twelfth Division. Agency affirmed; circuit court affirmed as modified. Glover and Wood, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CR-13-451](#). Cameron Schubert v. State of Arkansas, from Crawford County Circuit Court. Reversed and dismissed. Hixson and Glover, JJ., agree.

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-13-389. 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.
- 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.

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- 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.

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PER CURIAM ORDERS

PETITION FOR REHEARING: Petition for rehearing was denied today in the following case.

CV-13-4. Donnie Farmer v. Scott Moon, from Pulaski County Circuit Court.

CR-09-1250. Shannon Williams v. State of Arkansas, from Greene County Circuit Court. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,800.00.

CR-12-839. Honor Williams v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,800.00.

CR-13-235. Samuel Snowden v. State of Arkansas, from Pike County Circuit Court. Motion of William O. "Bill" James, Jr., for attorney's fees is granted. Allowed \$1,800.00.

CR-13-430. Eloy Christopher Sandoval v. State of Arkansas, from Craighead County Circuit Court. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,800.00.

CR-13-471. Curtis C. Brooks v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,800.00.

CR-13-892. Tracy Land Davis v. State of Arkansas, from Union County Circuit Court. Appellant's pro se motion to be released on a conditional appeal bond is denied.

CR-13-970. Christopher Lee Paschall v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for appointment of counsel is granted.

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 are denied. Appellant's brief due December 20, 2013. Walmsley, J., not participating.

CV-13-599. Rosetta L. Giddens v. Booker Franklin and Bank of Star City, from Jefferson County Circuit Court. Appellees' motion to dismiss appeal is granted.

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CV-13-599. Rosetta L. Giddens v. Booker Franklin and Bank of Star City, from Jefferson County Circuit Court. Appellant's motions to correct record and file belated brief are moot.

CV-13-667. Consumer Utilities Rate Advocacy Division of the Arkansas Attorney General's Office v. Arkansas Public Service Commission et al., from Arkansas Public Service Commission. Appellant's motion to file belated brief is granted.

CV-13-730. Death & Permanent Total Disability Trust Fund v. Samantha Myers et al., from the Arkansas Workers' Compensation Commission. Appellees' motion to file belated brief is granted.

CV-13-809. Donnie Hudson v. Arkansas Department of Human Services et al., from Washington County Circuit Court. Appellees' motion to stay briefing schedule and dismiss appeal. Appeal dismissed without prejudice.

CV-13-832. Steven Wiggins v. Arkansas Energy Services and New Hampshire Insurance Company, from the Arkansas Workers Compensation Commission. Joint motion to remand to the Workers' Compensation Commission so that joint petition proceedings may be held is granted.

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

CV-13-876. David Brown v. Sex Offender Assessment Committee, from Franklin County Circuit Court. Appellant's motion to seal case, stay, and for more brief time is granted.

CV-13-922. Jessica Marie Eldredge v. Arkansas Department of Human Services, from Madison County Circuit Court. Motion to stay and consolidate appeals CV-13-922 and CV-13-923 is granted.

E-13-627. Juliann Harvey v. Director et al., from the Arkansas Board of Review. Pro se motion to file new evidence is denied.

E-13-978. David Miller v. Director et al., from the Arkansas Board of Review. Pro se request to permit the addition of new evidence contained in the amended petition for review is denied.

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E-13-1095. Nicholas Greene v. Director et al., from the Arkansas Board of Review. Prose motion to file belated appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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.

CV-13-541. Winfred Kimble v. Labor Force, Inc., from Arkansas Workers' Compensation Commission.

CR-13-201. Derek Anthony Walton v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of B. Chase Mangiapane for attorney's fees.

CR-13-242. Andrew Deshazer v. State of Arkansas, from Drew County Circuit Court. Motion of Gary Potts for costs and attorney's fees.

CR-13-245. Kelvin Stepps v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees.

CR-13-292. Bobby Ray Moores v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney's fees.

CR-13-345. Johnny Eugene Earls v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David Dunagin for attorney's fees.

CR-13-560. Jermaine Carroll v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary Potts for attorney's fees.

CV-13-356. Desiree Kolbek et al. v. Farmers Insurance Exchange and Truck Insurance Exchange, from Sebastian County Circuit Court, Fort Smith District. Appellees' motion to supplement the record.

CV-13-501. Robert E. Bamburg v. Lisa J. Bamburg, from Pulaski County Circuit Court, Fourteenth Division. Appellee's motion to stay briefing schedule.

CV-13-581. Ronnie Willcutt et al. v. Ricky D. Houston et al., from Conway County Circuit Court. Appellants' motion to reconsider oral arguments.

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MOTIONS SUBMITTED

CV-13-779. Travelers Casualty & Surety Company of America et al. v. Sweet's Contracting, Inc., from Independence County Circuit Court. Appellee/Cross-Appellant's motion to determine the sufficiency of the abstract and addendum.

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CASES SUBMITTED

CV-12-1016. John Gerard d/b/a Quality Construction v. Jason Novak and Brittney Novak, from Lonoke County Circuit Court. Orally argued.

CR-12-900. Pamela Hooks v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-13-118. Vilaychanh Phengthavy v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-13-298. Markeith Stubblefield v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-13-326. Penny J. Whitson v. State of Arkansas, from Baxter County Circuit Court.

CR-13-351. Ricardo Fuentes v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CR-13-360. Jason Hayes v. State of Arkansas, from Boone County Circuit Court.

CR-13-482. Alfred J. Walker v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-13-523. Alvin T. Fukunaga v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-13-538. Robert Barker v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-553. Leon Jackson v. State of Arkansas, from Miller County Circuit Court.

CR-13-562. John Allen Woods v. State of Arkansas, from Poinsett County Circuit Court.

CR-13-595. Richard Wooten v. State of Arkansas, from Saline County Circuit Court.

CV-12-712. Evangelical Lutheran Good Samaritan Society et al. v. Robert Kolesar, from Saline County Circuit Court.

CV-13-58. Larry Cooper v. Annette Cooper, from Pulaski County Circuit Court, Fourteenth Division.

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CASES SUBMITTED

CV-13-103. Heirs of Mancil and Sylvia Duncan, et al. v. Alfred T. Williams Living Trust, from Cleburne County Circuit Court.

CV-13-240. Penny Strother v. Lacroix Optical et al., from the Arkansas Workers' Compensation Commission.

CV-13-346. Vernon Hardesty and Martha Hardesty v. Baptist Health and Raymond Rimmell, M.D., from Pulaski County Circuit Court, Seventeenth Division.

CV-13-492. Michael Abeyta v. Amy Abeyta, from Cleveland County Circuit Court.

CV-13-522. C. Bean Transport, Inc., and Creditors Trust, Inc. v. Calude Kennedy, Jr., Mickey Joe Durden, The Phoenix Insurance Company, and Cherokee Insurance Company, from Sebastian County Circuit Court, Fort Smith District.

CV-13-543. Ginny Skaggs Elliott v. Danny Ray Skaggs, from Crawford County Circuit Court.

CV-13-561. Carmen J. Albarran v. Liberty Healthcare Management, from Benton County Circuit Court.

CV-13-609. Robert Bird Colquitt v. Linda Colquitt, from Columbia County Circuit Court.

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

E-12-1135. Law Office of Craig L. Cook v. Director et al.

E-13-440. Floyd Gaither v. Director et al.

E-13-441. Daniel Gum v. Director et al.

E-13-442. Willie L. Coleman v. Director et al.

E-13-443. Rodney Thomas v. Director et al.

E-13-444. Yoanse Poole v. Director et al.

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- E-13-445. Ruby Hensley v. Director et al.
- E-13-446. Hector Villegas v. Director et al.
- E-13-447. Gary Brothers v. Director et al.
- E-13-448. Donald Middleton v. Director et al.
- E-13-450. Janet Allison v. Director et al.
- E-13-451. Jacqueline D. McDonald v. Director et al.
- E-13-452. Susan Hasson v. Director et al.
- E-13-453. Carnisha Hamilton v. Director et al.
- E-13-454. Chenal Adult Day Care v. Director et al.
- E-13-455. James Smith v. Director et al.
- E-13-456. Kaidrick Dunn v. Director et al.
- E-13-457. Mary B. Holmes v. Director et al.
- E-13-458. Kevin Mayberry v. Director et al.
- E-13-459. Kimberly L. Robinson v. Director et al.
- E-13-460. Emma Langston v. Director et al.
- E-13-461. Kenneth Ray Vaughn v. Director et al.
- E-13-462. Rose McDaniel v. Director et al.
- E-13-463. Robert Ross Jardine, Jr. v. Director et al.
- E-13-464. Regina Grider v. Director et al.