

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 4, 2013**

ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-13-296](#). Bobby Joe Singletary v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Affirmed. Walmsley and Gruber, JJ., agree.

[CV-13-155](#). Michele McCormick Keith v. Steven Conrad Keith, from Ouachita County Circuit Court. Affirmed. Walmsley and Gruber, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CR-12-70](#). Reco Givan v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Harrison and Wynne, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CV-13-656](#). Angela Sue Wear v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed in part; dismissed in part. Gladwin, C.J., and Gruber, J., agree.

BRANDON J. HARRISON, JUDGE:

[CV-13-310](#). Rose Butler v. Lake Hamilton School District, Risk Management Resources, and Arkansas School Boards and Association Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross-appeal. Gruber and Whiteaker, JJ., agree.

[CV-13-348](#). Escapes! Inc., Escapes To The Gulf, Inc., Escapes! Property Management, Inc., Escapes! Travel Choices, LLC, Ken Burger, and Neff Basore v. Palm Beach Vacation Owners Association, Inc., Natalie Bobsin, Harry E. Bobsin, John Pope, Rodney A. Watson, Sr., David S. Barley, Casey J. Plagge, Julia R. Leigh, Isaac Leigh, and Robert Edwards, from Benton County Circuit Court. Reversed and remanded. Pittman and Wynne, JJ., agree.

[CV-13-494](#). The Lucci Corp. v. Breaux Manufacturing Co., Inc., from Benton County Circuit Court. Reversed and remanded. Pittman and Wynne, JJ., agree.

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ROBIN F. WYNNE, JUDGE:

[CR-13-606](#). A.E.L. v. State of Arkansas, from White County Circuit Court. Affirmed. Pittman and Harrison, JJ., agree.

[CV-13-366](#). Wyatt Lee Young v. Bridgett Ann Young, from Madison County Circuit Court. Affirmed. Pittman and Harrison, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-12-842](#). Carlos D. Williams v. State of Arkansas, from Crittenden County Circuit Court. Remanded to supplement and settle record; rebriefing ordered. Gladwin, C.J., and Walmsley, J., agree.

[CV-13-347](#). Todd Whatley v. Estate of Bettye L. McDougal and Albert Warren, from Union County Circuit Court. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

DAVID M. GLOVER, JUDGE:

[CV-13-352](#). Gary K. Overstreet v. Crystal C. Overstreet, from Union County Circuit Court. Affirmed in part; affirmed in part, with instructions; reversed and remanded in part. Hixson and Wood, JJ., agree.

[CV-13-644](#). Albert Lee McHenry and Joyce C. McHenry v. Arkansas Department of Human Services and Minor Children, from Poinsett County Circuit Court. Affirmed. Hixson and Wood, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-12-828](#). Josie Payne v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-13-65](#). Reginald Eugene Alls v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion granted. Glover and Wood, JJ., agree.

[CV-13-542](#). Andrea Daines Hart v. Scott Arthur Hart, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Glover and Whiteaker, JJ., agree.

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KENNETH S. HIXSON, JUDGE:(Continued)

[CV-13-678](#). Amanda L. Mitchell and John Anthony Mitchell v. Arkansas Department of Human Services and Minor Children, from Pope County Circuit Court. Affirmed; motion granted. Glover and Wood, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CR-13-463](#). Timothy Joe Kendrick v. State of Arkansas, from Yell County Circuit Court, Northern District. Affirmed and remanded with instructions. Glover and Hixson, JJ., agree.

[CV-13-658](#). Bilal Abdul-Khaliq v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion to withdraw granted. Glover and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-12-663](#). Gail Parkerson v. Janet Brown, Harlan & Mary Hankins, Thomas & Blanche Choate, Mark Wilcox, Arkansas Land Commissioner, Brenda Short, Garland County Assessor, Rebecca Dodd-Talbert, Garland County Tax Collector, and Ron Lewsader Construction, LLC, from Garland County Circuit Court. Affirmed. Whiteaker and Vaught, JJ., agree.

[CV-13-240](#). Penny Strother v. Lacroix Optical, Massachusetts Bay Insurance Company, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker and Vaught, JJ., agree.

[CV-13-543](#). Ginny Skaggs Elliot v. Danny Skaggs and Minor Child, from Crawford County Circuit Court. Affirmed. Whiteaker and Vaught, JJ., agree.

[E-13-426](#). Gloria Huck v. Director, Department of Workforce Services, and Klein Tools, Inc., from the Arkansas Board of Review. Reversed and remanded. Whiteaker and Vaught, 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-13-414. Brandon Hobbs v. Director et al.
- E-13-415. Barbara A. Jones v. Director et al.
- E-13-416. Isaac Guiden v. Director et al.
- E-13-417. Latricia Farr v. Director et al.
- E-13-418. Carla Storment v. Director et al.
- E-13-419. Cecilia Mason v. Director et al.
- E-13-421. Mark Banks v. Director et al.
- E-13-422. Mark A. Tepper v. Director et al.
- E-13-423. James Dean Baker v. Director et al.
- E-13-424. Walter Brown v. Director et al.
- E-13-425. Cecilia Vaughn v. Director et al.
- E-13-428. Melvin Parham v. Director et al.
- E-13-429. Danielle R. Baker v. Director et al.
- E-13-430. William Jennings v. Director et al.
- E-13-431. Robert T. Topoleski v. Director et al.
- E-13-432. Tony Mathis v. Director et al.
- E-13-433. Tereasa G. Jester v. Director et al.
- E-13-434. Margarita Pacheco v. Director et al.

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- E-13-435. Paul Colby v. Director et al.
- E-13-436. Becky Williams v. Director et al.
- E-13-437. Anaya Johnson v. Director et al.
- E-13-438. Chris Meadows v. Director et al.
- E-13-439. Gary Bailey v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 4, 2013**

**PER CURIAM ORDERS**

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

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.

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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 is granted. Allowed \$1,800.00.

CR-13-242. Andrew Deshazer v. State of Arkansas, from Drew County Circuit Court. Motion of Gary Potts for costs and attorney's fees is granted. Allowed \$1,500.00.

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 is granted. Allowed \$1,500.00.

CR-13-292. Bobby Ray Moores v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney's fees is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,575.00.

CR-13-560. Jermaine Carroll v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary Potts for attorney's fees is granted. Allowed \$1,500.00.

CV-13-501. Robert E. Bamburg v. Lisa J. Bamburg, from Pulaski County Circuit Court, Fourteenth Division. Appellee's motion to stay briefing schedule is denied. Appellee's brief due December 19, 2013.

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**PER CURIAM ORDERS**

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

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 is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 4, 2013**

**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

CR-13-484. Clarence David Southern v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CV-12-701. F. Allan Midyett v. Nancy Midyett, from Washington County Circuit Court.

CV-12-1072. Jose Ballesteros v. Nationwide Mutual Insurance Company, from Washington Circuit.

CV-13-146. Kent and Vickie Harris d/b/a Harris Saw Shop v. Barbara Temple, from Bradley County Circuit Court.

CV-13-171. Lyndsey Unruh v. Jonathan Grist, from Hot Spring County Circuit Court.

CV-13-181. Keiko Wagster v. Jeffrey D. Wagster, from Independence County Circuit Court.

CV-13-187. Graham Goodloe v. Marcia Goodloe, from Pulaski County Circuit Court, Fourteenth Division.

CV-13-273. Firestone Building Products and Sedgwick CMS v. Pamela V. Hopson, from the Arkansas Workers' Compensation Commission.

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

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CR-13-126. Kelvin Locke v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary Potts for attorney's fees.

CR-13-203. Jimmy Louis Medlock v. State of Arkansas, from Garland County Circuit Court. Motion of Laura Avery for attorney's fees.

CR-13-228. Gregory Cohen v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees.



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**PROCEEDINGS OF DECEMBER 4, 2013**

**MOTIONS SUBMITTED**

CR-13-271. Jerry Dean Ross v. State of Arkansas, from Sebastian County Circuit Court. Motion of David L. Dunagin for attorney's fees.

CR-13-307. Daemon Davis v. State of Arkansas, from Mississippi County Circuit Court. Motion of Charles E. Ellis for attorney's fees.

CR-13-316. Antwan Lavon Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to complete record, order court reporter to file the transcript, and to hold briefing schedule in abeyance until the transcript is filed.

CR-13-318. Leroy Haskins v. State of Arkansas, from Sebastian County Circuit Court. Motion of Nick Churchill for attorney's fees.

CR-13-421. Scott Collier v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees.

CR-13-724. Frederick Rainey v. State of Arkansas, from Cleveland County Circuit Court. Appellant's pro se motion for transcript.

CR-13-735. Corie Rodrigus Frazier v. State of Arkansas, from Union County Circuit Court. Motion of LaTonya Laird Austin to be appointed as counsel for appellant.

CR-13-774. Reggie T. Blair v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion to substitute Gene E. McKissic as counsel for appellant and for extension of time to file brief.

CV-08-1351. Gary Bodiford et al. v. Joyce Street, LLC, et al., from Washington County Circuit Court. Motion of Donnie Rutledge, Lisle Rutledge, P.A., to withdraw as counsel for Appellee Joyce Street, LLC.

CV-12-1102. Regina Foley v. Sean Foley, from Pulaski County Circuit Court. Appellant's motion to file belated brief.

CV-13-104. Hurt-Hoover Investments, LLC v. Lester Fulmer et al., from Cleburne County Circuit Court. Appellant's motion to file belated substituted abstract, brief, and addendum.

CV-13-263. K.O.P. v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees.

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**MOTIONS SUBMITTED**

CV-13-372. Guy Czajka v. Butterball Turkey, LLC, and Ace American Insurance, from Arkansas Workers' Compensation Commission. Appellant's pro se motion for acceptance of pro se brief "as is" or present oral arguments.

CV-13-550. Linda J. Earls et al. v. Harvest Credit Management VI-B, LLC, from Greene County Circuit Court. Appellant's motion to file a non-conforming brief.

CV-13-949. Kimberly Stibich v. Adam S. Stibich et al., from Garland County Circuit Court. Appellant's pro se motion for expansion of page limit for appellant's motion for stay.

CV-13-1015. Clay V. Jackson v. Charles Brooks Company, Inc., Fireman's Fund, Inc. and Gallagher Bassett Services, from Arkansas Workers Compensation Commission. Appellant's pro se motion to proceed in forma pauperis.

E-13-849. Kathy Davis v. Director et al., from the Arkansas Board of Review. Respondent's motion to remand.

E-13-1127. Tosha Wade v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

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**CASES SUBMITTED**

CR-12-404. Michael Dewayne Copeland v. State of Arkansas, from Ouachita County Circuit Court.

CR-12-782. Tyrone James Campbell v. State of Arkansas, from Sebastian County Circuit Court.

CR-13-7. Keisha Gregory v. State of Arkansas, from Benton County Circuit Court.

CR-13-290. Jill A. Woodward-Kuhn v. State of Arkansas, from Benton County Circuit Court.

CR-13-373. Allen Keith Henson v. State of Arkansas, from Saline County Circuit Court.

CR-13-515. Lewis Wayne Turner v. State of Arkansas, from Stone County Circuit Court.

CV-13-60. Arkansas Elder Outreach of Little Rock, Inc. v. Joe Ann Nicholson, from Lonoke County Circuit Court.

CV-13-108. Jacqueline Taylor v. Cynthia Miles, from Lonoke County Circuit Court.

CV-13-315. John Ryan King v. William Steven Carter, from Phillips County Circuit Court.

CV-13-365. Sarah Wilson v. Randy Wilson and Donna Wilson, from Ouachita County Circuit Court.

CV-13-368. Gary Zulpo et al. v. Carey and Danix, LLC, et al., from Faulkner County Circuit Court.

CV-13-378. Baker Hughes Oilfield et al. v. Chris Chick, from Arkansas Workers' Compensation Commission.

CV-13-426. Pearl Jenkins v. APS Insurance, LLC, from Pulaski County Circuit Court, Third Division.

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**PROCEEDINGS OF DECEMBER 4, 2013**

**CASES SUBMITTED**

CV-13-532. Rhonda Moore v. Arkansas State Highway and Transportation Department, Death & Permanent Total Disability Fund, and Public Employee Claims Commission, from Arkansas Workers' Compensation Commission.

CV-13-535. E. Leon Jackson v. O'Reilly Automotive, Inc., and Gallagher Bassett Services, Inc., from Arkansas Workers' Compensation Commission.

CV-13-659. Julie Glass v. E-Z Mart, Inc., and American Zurich Insurance Company, from Arkansas Workers' Compensation Commission.

CV-13-685. Rebekah Smith and David Wisner v. Arkansas Department of Human Services, from Benton County Circuit Court.

CV-13-693. Barbara Hill v. Arkansas Department of Human Services, from Randolph County Circuit Court.

CV-13-707. Bradley Raney, Sr. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Eighth Division.

CV-13-728. Vanessa Perez v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Eighth Division.

CV-13-780. Angela Watson v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court.

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

E-13-465. Gwendolyn Scruggs v. Director et al.

E-13-466. Janette McKelvey v. Director et al.

E-13-468. Alfred Gatson v. Director et al.

E-13-469. Lyndon L. Lunsford v. Director et al.

E-13-470. David Anderson v. Director et al.

E-13-471. Rasheda Harvell v. Director et al.

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**CASES SUBMITTED**

E-13-472. Danny L. Goodwin v. Director et al.

E-13-473. Llewellyn Davenport v. Director et al.

E-13-474. Cheryl Rogers v. Director et al.

E-13-475. Kirk Wallace v. Director et al.

E-13-477. Deborah J. Cole v. Director et al.

E-13-478. Melinda Albanese v. Director et al.

E-13-479. Jennifer Pollock v. Director et al.

E-13-480. Laura T. Stokes v. Director et al.

E-13-481. Olivia Frederick v. Director et al.

E-13-482. Eugenio Contreras v. Director et al.

E-13-483. Tena Farver v. Director et al.

E-13-484. Roy Williams v. Director et al.

E-13-485. Ryan P. Hill v. Director et al.

E-13-486. Takisha Thompson v. Director et al.

E-13-487. John Williams v. Director et al.

E-13-488. Debbie Bullock v. Director et al.

E-13-489. Sharod Dwayne Blakely v. Director et al.

E-13-491. Lauri Morton v. Director et al.