

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 8, 2014**

ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-13-584](#). Heather Gossett v. Arkansas Department of Human Services and Minor Children, from Scott County Circuit Court. Affirmed; motion to withdraw granted. Pittman and Whiteaker, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CR-12-463](#). Shane Donovan Wade v. State of Arkansas, from Independence County Circuit Court. Affirmed. Gladwin, C.J., and Whiteaker, J., agree.

BILL H. WALMSLEY, JUDGE:

[CR-13-7](#). Keisha Gregory v. State of Arkansas, from Benton County Circuit Court. Reversed and remanded. Glover and Vaught, JJ., agree.

[CR-13-523](#). Alvin T. Fukunaga v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Gladwin, C.J., and Gruber, J., agree.

BRANDON J. HARRISON, JUDGE:

[CR-13-130](#). Roy Maurice Harris v. State of Arkansas, from Crittenden County Circuit Court. Rebriefing ordered; motion to withdraw denied. Gruber and Wood, JJ., agree.

[CR-13-221](#). Bobby Earl Sorrell v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Wood, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CR-13-174](#). Donald D. Edwards v. State of Arkansas, from Crittenden County Circuit Court. Rebriefing ordered; motion to withdraw denied. Hixson and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-13-61](#). Jeremy Jermaine Gatewood v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion granted; remanded for correction of sentencing order. Harrison and Wood, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CV-13-621](#). Jackie Fuller v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion to withdraw granted. Gladwin, C.J., and Pittman, J., agree.

LARRY D. VAUGHT, JUDGE:

[CR-12-20](#). Terry Douglas Reed v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Revocation affirmed; remanded for resentencing. Walmsley and Glover, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-13-495](#). Connie J. Parker v. Advanced Portable X-Ray, LLC, from the Arkansas Workers' Compensation Commission. Reversed and remanded on direct appeal; affirmed on cross-appeal. Harrison, Wynne, and Glover, JJ., agree. Pittman and Wood, JJ., dissent.

[CV-13-716](#). Terry Washington v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western Division. Motion to withdraw denied; rebriefing ordered. Wynne and Brown, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CV-13-378](#). Baker Hughes Oilfield and Gallagher Bassett Services, Inc. v. Chris Chick, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison and Gruber, JJ., agree.

[CV-13-627](#). Faron Lewallen v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion to withdraw granted. Harrison and Gruber, JJ., agree.

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WAYMOND M. BROWN, JUDGE:

[CV-13-638](#). Rodney Porta v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion to withdraw granted. Wynne and Hixson, JJ., agree

[E-13-542](#). Nikki B. Davis v. Director, Department of Workforce Services, and Baptist Hospital, from the Arkansas Board of Review. Reversed and remanded. Wynne and Hixson, 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-13-492. Brian Kass v. Director et al.
- E-13-493. Allen D. Reeves v. Director et al.
- E-13-495. Steven D. Leisey v. Director et al.
- E-13-496. Cari Stebbins v. Director et al.
- E-13-497. James Edward Wells v. Director et al.
- E-13-498. Lisa Mauch v. Director et al.
- E-13-499. Jacqueline Petit v. Director et al.
- E-13-500. Larry Grayson v. Director et al.
- E-13-501. Laura L. Carnahan v. Director et al.
- E-13-502. Charles Martin v. Director et al.
- E-13-503. Laquita Steward-Smith v. Director et al.
- E-13-504. Christian Edwards v. Director et al.

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- E-13-506. Janice Jones v. Director et al.
- E-13-507. Damion Wyrick v. Director et al.
- E-13-508. Kay Smith v. Director et al.
- E-13-509. Jason Alderman v. Director et al.
- E-13-510. Farrah Upton v. Director et al.
- E-13-511. Heather Crouch v. Director et al.
- E-13-512. James K. Wells v. Director et al.
- E-13-513. Patricia A. Robinson v. Director et al.
- E-13-514. Gregory P. McNair v. Director et al.
- E-13-515. Vivian Moore v. Director et al.
- E-13-516. Kevin Curtis v. Director et al.
- E-13-517. Charrekia Bell v. Director et al.
- E-13-518. Dena Halbert v. Director et al.
- E-13-519. Sonya L. Johnson v. Director et al.
- E-13-520. Richard Joe Joiner v. Director et al.
- E-13-521. Paul Jackson, Jr. v. Director et al.
- E-13-522. Joshua Escoffier v. Director et al.
- E-13-523. Dominic D. Young v. Director et al.
- E-13-524. Matthew Mitchell v. Director et al.
- E-13-525. James D. Riley v. Director et al.

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- E-13-526. Cynthia C. Leonard v. Director et al.
- E-13-527. Lilly's Dim Sum Then Some v. Director et al.
- E-13-530. Jane Ann Birmingham v. Director et al.
- E-13-531. Lori Rice v. Director et al.
- E-13-532. Robert D. Washington v. Director et al.
- E-13-533. Melvin Warren v. Director et al.
- E-13-534. Anna Guajardo v. Director et al.
- E-13-535. Dominique Phillips v. Director et al.
- E-13-536. Everick L. Monk v. Director et al.
- E-13-537. Christine Cumbie v. Director et al.
- E-13-538. Kelly Gene Narramore v. Director et al.
- E-13-539. Michael Reed v. Director et al.
- E-13-540. Germain Noah v. Director et al.
- E-13-541. Vernell Hawkins v. Director et al.
- E-13-543. Dawn Coates 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-12-1116. Robert G. Zepecki, DVM v. Arkansas Veterinary Medical Examining Board, from Pulaski County Circuit Court, Twelfth Division.

CV-13-240. Penny Strother v. LaCroix Optical, Massachusetts Bay Ins. Co., and Death & Permanent Total Disability Trust Fund, 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. *See* supplemental opinion upon denial of rehearing. Walmsley, Harrison, Gruber, Whiteaker, and Brown, JJ., agree.

CV-13-409. Alisa Virgil v. Keith Morgan and Evergreen Packing, Inc., from Jefferson County Circuit Court.

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CR-12-950. Thomas Rainey v. State of Arkansas, from Dallas County Circuit Court. Appellant's petition for writ of certiorari and emergency relief to complete the record and petition for writ of certiorari and emergency relief directing the trial court to issue an order directing the circuit clerk and court reporters to complete the supplemental record and motion to hold briefing scheduling in abeyance until the supplemental record is lodged. Writ issued. Supplemental record due January 23, 2014.

CR-13-15. Tracy M. Standridge v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to file amended opening brief and for extension of time to file amended opening abstract and brief is granted.

CR-13-65. Reginald Alls v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,400.00.

CR-13-144. Jon Shatwell v. State of Arkansas, from Boone County Circuit Court. Motion of Rebekah Kennedy for attorney's fees is granted. Allowed \$1,800.00.

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CR-13-307. Daemon Davis v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Amended motion of Charles E. Ellis for attorney's fees is granted. Allowed \$1,800.00.

CR-13-308. Ned Wayne Cauffiel v. State of Arkansas, from Saline County Circuit Court. Motion of Brent Standridge for attorney's fees is granted. Allowed \$1,800.00.

CR-13-351. Ricardo Fuentes v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Motion of William O. "Bill" James, Jr., for attorney's fees is granted. Allowed \$1,800.00.

CR-13-463. Timothy Joe Kendrick v. State of Arkansas, from Yell County Circuit Court. Motion of Brett Watson for attorney's fees is granted. Allowed \$1,800.00.

CR-13-463. Timothy Joe Kendrick v. State of Arkansas, from Yell County Circuit Court. Motion of Brett Watson to withdraw as counsel for appellant is granted.

CR-13-538. Robert Barker v. State of Arkansas, from Crittenden County Circuit Court. Motion of Bobby R. Digby for attorney's fees is granted. Allowed \$1,200.00.

CR-13-553. Leon Jackson v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip McGough for attorney's fees is granted. Allowed \$1,800.00.

CR-13-553. Leon Jackson v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip McGough to be relieved as counsel for appellant is granted.

CR-13-562. John Allen Woods v. State of Arkansas, from Poinsett County Circuit Court. Motion of Paul Teufel for attorney's fees is granted. Allowed \$1,800.00.

CR-13-595. Richard Wooten v. State of Arkansas, from Saline County Circuit Court. Motion of Bobby Digby for attorney's fees is granted. Allowed \$1,600.00.

CR-13-711. Kenneth Walker v. State of Arkansas, from Dallas County Circuit Court. Appellant's motion to complete the record is denied.

CR-13-778. Taneka Robinson v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal is denied.

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CR-13-800. Shaquita Whitfield v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss appeal is granted.

CR-13-868. Michael Gene Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's petition for certiorari to complete the record, and motion to extend time or stay the briefing schedule is granted.

CR-13-978. Derrick Lamont Booth v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion to add "amending brief" is denied.

CR-13-1099. Terrell Wayne Hood v. State of Arkansas, from Faulkner County Circuit Court. Motion of Lynn Plemmons to be relieved and for substitution of Brian Brooks as counsel for appellant is granted.

CV-13-104. Hurt-Hoover Investments, LLC v. Lester Fulmer et al., from Cleburne County Circuit Court. Appellees' motion for leave to file response brief and for clarification of time to file response brief is granted.

CV-13-208. Minnie M. Coulter v. Honorable Joe Griffin et al., from Miller County Circuit Court. Minnie Coulter's pro se motion to set aside rebriefing ordered dated November 6, 2013, pursuant to Ark. R. Civ. P. 60(b) with brief incorporated is denied.

CV-13-238. Janice C. Tucker v. Bank of America et al., from the Arkansas Workers' Compensation Commission. Appellees' motion for costs and reimbursement is denied.

CV-13-319. Asset Acceptance, LLC v. Amy Murphy Newby, from Pulaski County Circuit Court, Sixth Division. Joint motion to lift stay is granted.

CV-13-457. Kent Smith, DVM v. Kimberly V. Freeman and Armistead Freeman, Jr., from Perry County Circuit Court. Appellant's pro se motion to correct the record is denied.

CV-13-458. William L. Bateman v. Lillian C. Heard, from Jefferson County Circuit Court. Appellant's motion for attorney fees is denied.



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CV-13-615. Will S. Ford v. Saline Steel Erectors, Inc., and Bridgefield Casualty Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to file a belated brief is granted.

CV-13-625. William A. Goodrum, III v. Amanda J. Goodrum, from Garland County Circuit Court. Appellee's motion to dismiss appeal is granted without prejudice.

CV-13-632. Mary Hartman and Donna Dewey v. Henry N. Edwards, M.D., from Crawford County Circuit Court. Appellants' motion to settle and correct the record is remanded.

CV-13-777. Al M. Williams v. David L. Webber, D.O., from Phillips County Circuit Court. Pro se motion to file belated brief is denied.

CV-13-814. C.C. v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to dismiss appeal is denied.

CV-13-814. C.C. v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for extension of time to file brief is granted.

CV-13-911. Frederick McClard v. Bruce L. Smith, Jr., M.D. et al., from Garland County Circuit Court. Appellees' motion to amend and correct the record is remanded.

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

CV-13-949. Kimberly Stibich v. Adam S. Stibich, from Garland County Circuit Court. Appellant's pro se motion to supplement the record is granted.

CV-13-966. Chidi Ukegbu, Dorothy Ukegbu, and America's Pre-Owned Selection v. Joshua S. Daniels and Ryder Wholesale Auto, from Garland County Circuit Court. Appellants' motion to file belated brief is granted.

CV-13-1132. Southern Building Services, Inc. v. City of Fort Smith, Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's memorandum motion for stay of execution and application for approval of supersedeas bond is granted.

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E-13-1157. Yolanda Biggs v. Director et al., from Arkansas Board of Review. Pro se motion to add evidence is denied.

E-13-1210. Cathy L. Hayre v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to add evidence is denied.

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**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

CV-12-536. Debra Davis v. Schneider National, Inc.; Schneider National Carriers, Inc.; and Paul Turner, from Jefferson County Circuit Court.

CV-12-712. The Evangelical Lutheran Good Samaritan Society et al. v. Robert Kolesar, as attorney in fact for Vera Kolesar, from Saline County Circuit Court.

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

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

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CR-12-963. Edward Emerson v. State of Arkansas, from Faulkner County Circuit Court. Motion of Lorie L. Mason for attorney's fees

CR-13-118. Vilaychanh Phengthavy v. State of Arkansas, from Sebastian County Circuit Court. Motion of Clinton W. Lancaster for attorney's fees.

CV-12-1084. Harold Bud Ward v. Linda Ward Tutton, from Pulaski County Circuit Court, Seventeenth Division. Bankruptcy status report.

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**CASES SUBMITTED**

CR-12-1027. Charles Stutte v. State of Arkansas, from Washington County Circuit Court.

CR-12-1115. Walter Allen Brooks v. State of Arkansas, from St. Francis County Circuit Court.

CR-13-286. Henry Harmon v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-12-324. Lawrence Schmitt v. State of Arkansas, from Benton County Circuit Court.

CR-13-400. Michael Ellis v. State of Arkansas, from Drew County Circuit Court.

CR-13-415. Rodney Steven Fletcher v. State of Arkansas, from Fulton County Circuit Court.

CR-13-513. Vanquisha Robinson v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CR-13-624. Christopher Sullivan v. State of Arkansas, from Crawford County Circuit Court.

CR-13-647. Franklin Prillerman v. State of Arkansas, from Lonoke County Circuit Court.

CR-13-837. Quincel McGuire v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-12-1035. Chesapeake Exploration, LLC v. Thomas W. Whillock and Gayla Whillock, from Van Buren County Circuit Court.

CV-12-953. Lori Erwin v. Shelby Lee Frost, from Scott County Circuit Court.

CV-13-95. Steven Wayne Jerry v. Jimmie Dell Jerry, from Union County Circuit Court.

CV-13-275. Danielle Kira Adams v. Rebecca Roseanne Adams, from Washington County Circuit Court.

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**CASES SUBMITTED**

CV-13-397. Joshlin Brothers Irrigation v. Sunbelt Rental, Inc., et al., from Monroe County Circuit Court.

CV-13-524. Joey Hoosier et al. v. Interinsurance Exchange of the Auto Club, from Garland County Circuit Court.

CV-13-566. Terry W. Terrell v. Frederick C. Hager et al., from Polk County Circuit Court.

CV-13-581. Ronnie Willcutt et al. v. Ricky D. Houston et al., from Conway County Circuit Court.

CV-13-607. Jason S. Hearst v. Billy Paul Baker, Chief of Police, from Faulkner County Circuit Court.

CV-13-634. Sarah Preston v. David Preston, Jr., from Union County Circuit Court.

CV-13-651. J.C. Lookabaugh v. Hanna Oil and Gas Company, from Sebastian County Circuit Court, Fort Smith District.

CV-13-684. Danny Burton v. Robinson Aviation, Inc., and Chartis Claims, Inc., from the Arkansas Workers' Compensation Commission.

CV-13-723. John Williams v. Baldor Electric Company, from the Arkansas Workers' Compensation Commission.

CV-13-725. Jessica Webb v. Letha's Pies, from the Arkansas Workers' Compensation Commission.

CV-13-730. Death & Permanent Total Disability Trust Fund v. Samantha Myers, from the Arkansas Workers' Compensation Commission.

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**CASES SUBMITTED**

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

E-13-505. Raunel Arce v. Director et al.

E-13-569. Ralph Smith v. Director et al.

E-13-570. Wykiki Green v. Director et al.

E-13-571. Lucy Moore v. Director et al.

E-13-572. Kristi Bragg v. Director et al.

E-13-573. Spencer Sipple v. Director et al.

E-13-574. Sylvester Pitts v. Director et al.

E-13-575. Meagan Pearson v. Director et al.

E-13-576. Linda Carter v. Director et al.

E-13-577. Timothy Hacker v. Director et al.

E-13-578. Cody Reynolds v. Director et al.

E-13-579. Anthony Davis v. Director et al.

E-13-580. Tonda Keys v. Director et al.

E-13-581. Arthur Roy Johnson v. Director et al.

E-13-582. Nannette E. Dunkerson v. Director et al.

E-13-583. Thomas Sullivan v. Director et al.

E-13-584. Crystal C. Hooks v. Director et al.

E-13-585. Marcus Marion v. Director et al.

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**CASES SUBMITTED**

E-13-586. Ava Lashay Johnson v. Director et al.

E-13-587. Harley Davidson Laws v. Director et al.

E-13-588. Betty Jones v. Director et al.

E-13-589. Mitchell Taylor v. Director et al.

E-13-590. Amy Bostick v. Director et al.

E-13-591. Debra Barns v. Director et al.

Opinions are available on the internet at

<http://courts.arkansas.gov>