

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-13-619](#). Roma Trakru v. David Mathews, from Stone County Circuit Court. Affirmed; motion to dismiss denied. Vaught and Hixson, JJ., agree.

[CV-13-727](#). Heritage Physician Group, P.A., and Marco Canulla v. Retha Minton and Melodee Nobmann, as Co-Administrators of the Estate of Eugene Minton, Deceased, from Garland County Circuit Court. Affirmed. Vaught and Hixson, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CV-13-386](#). Roger Maxwell Wainwright v. Nancy (Wainwright) Merryman, from Van Buren County Circuit Court. Affirmed on direct appeal; affirmed in part and reversed and remanded in part on cross-appeal. Walmsley, J., agrees. Hixson, J., concurs.

[CV-13-753](#). Ken David Swindle v. Southern Farm Bureau Casualty Insurance Co., from Benton County Circuit Court. Affirmed. Wynne and Brown, JJ., agree.

[CV-13-871](#). Tammy McCall Myers v. Steven McCall, from Sebastian County Circuit Court, Greenwood District. Affirmed. Wynne and Brown, JJ., agree.

[CV-13-1029](#). Jennifer Ragsdale v. Arkansas Department of Human Services, from Lonoke County Circuit Court. Affirmed. Wynne and Brown, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CV-13-493](#). In the Matter of the Estate of Douglas Kemp, Deceased, and U.S. Trust, Bank of America, N.A. v. First National Bank & Trust, Mountain Home, as Special Administrator of the Estate of Douglas Kemp and Certain Heirs at Law of Douglas Kemp, from Randolph County Circuit Court. Affirmed in part; reversed in part. Gruber and Glover, JJ., agree.

[CV-13-677](#). Select Concrete Company, LLC v. Cane Creek Concrete Services, Inc., and CDI Contractors, LLC, from Drew County Circuit Court. Reversed and remanded. Gruber and Glover, JJ., agree.

[CV-13-804](#). Edward Steven Nix, Sr. v. Phyllis Diane Nix, from Sebastian County Circuit Court, Fort Smith District. Appeal dismissed. Gruber and Glover, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

BILL H. WALMSLEY, JUDGE: (Continued)

[E-13-731](#). Charles Harris v. Director, Department of Workforce Services, from the Arkansas Board of Review. Remanded. Gruber, J., agrees. Glover, J., concurs.

ROBIN F. WYNNE, JUDGE:

[CR-13-626](#). Paul Scott Singleton v. State of Arkansas, from Franklin County Circuit Court, Northern District. Affirmed. Pittman and Brown, JJ., agree.

[CV-13-952](#). Kassandra Page Horton v. Rhonda Sue Freeman, from Mississippi County Circuit Court, Osceola District. Affirmed in part; reversed and remanded in part. Pittman and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-13-642](#). Timothy Randall Jones v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith and Greenwood Districts. Affirmed. Walmsley and Glover, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-13-226](#). Darron Aikens v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion granted; remanded with instructions to correct sentencing order. Walmsley and Gruber, JJ., agree.

[CR-13-887](#). Michael Lee Ring v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Walmsley and Gruber, JJ., agree.

[CV-13-726](#). Christina Reed v. Cynthia Marie Adamec, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Walmsley and Gruber, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-12-782](#). Tyrone James Campbell v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison and Wood, JJ., agree.

[CV-13-745](#). Steven R. Kendall, Vonda Kendall, Randy Lynn Bates and Alma Bates v. John Golden and Glenda Golden, from Garland County Circuit Court. Dismissed without prejudice. Harrison and Wood, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

LARRY D. VAUGHT, JUDGE:

[CV-13-793](#). Jacqueline Parsons McFarlin v. Thomas Davidson and Anna Davidson, husband and wife, from Conway County Circuit Court. Affirmed. Gladwin, C.J., and Hixson, J., agree.

[CV-13-822](#). Elvin B. Marks v. Leona I. Marks, from Jefferson County Circuit Court. Affirmed. Gladwin, C.J., and Hixson, J., agree.

KENNETH S. HIXSON, JUDGE:

[CV-13-740](#). Delmar G. (George) Osborn v. Donna L. Cole Tennison and Carlous Tennison, wife and husband, from Marion County Circuit Court. Affirmed. Gladwin, C.J., and Vaught, J., agree.

[CV-13-883](#). Robert Lee Dismute v. Potlatch Corporation, Risk Management Resources, and Sentry Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin, C.J., and Vaught, J., agree.

RHONDA K. WOOD, JUDGE:

[CV-13-661](#). Jane Allen Hall v. Board of Administration of the Willow Cove Horizontal Property Regime; and Lynn Bennett, Personally and in his Official Capacity as Both President of the Board of Administration of the Willow Cove Horizontal Property Regime and Manager of the Willow Cove Horizontal Property Regime; Pat Webb as Board Member, Doug Thacker as Board Member, Joe Thornton as Board Member, and Glen McNeal as Board Member, from Garland County Circuit Court. Dismissed without prejudice. Harrison and Whiteaker, JJ., agree.

[CV-13-835](#). Mo-Vac Services and Argonaut Insurance Company v. John Kelly Roberts, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison and Whiteaker, JJ., agree.

[CV-13-983](#). Krystal Bohannon v. Edward Fields Robinson, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Harrison, J., agrees. Whiteaker, J., concurs.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

WAYMOND M. BROWN, JUDGE:

[CR-11-415](#). Edward Anthony Liggins v. State of Arkansas, from Craighead County Circuit Court, Western District. Rebriefing ordered. Pittman and Wynne, JJ., agree.

[CR-13-129](#). Juan Carlos Martinez v. State of Arkansas, from Benton County Circuit Court. Reversed and dismissed. Whiteaker and Vaught, JJ., agree. Gladwin, C.J., concurs. Gruber and Wood, JJ., dissent.

[CV-13-999](#). Billy Hill d/b/a V & H Tire Service v. Cheyne H. Treadaway, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Wynne, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

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-13-779. Freddie White v. Director et al.
- E-13-780. Timothy Stribling v. Director et al.
- E-13-781. Rubens Ribeiro v. Director et al.
- E-13-782. David Wingfield v. Director et al.
- E-13-783. Whitney Johnson v. Director et al.
- E-13-784. Archie Harden v. Director et al.
- E-13-785. Roger Allen Perceful v. Director et al.
- E-13-786. Vanessa Peters v. Director et al.
- E-13-787. Harold Green v. Director et al.
- E-13-788. Daniel Lee McGee v. Director et al.
- E-13-789. Billy Gene Newby v. Director et al.
- E-13-790. Mid-American Motors v. Director et al.
- E-13-791. Lisa Partman v. Director et al.
- E-13-792. John Champion v. Director et al.
- E-13-793. Maritza King v. Director et al.
- E-13-794. Rocky Whitson v. Director et al.
- E-13-795. Chandra Larry v. Director et al.
- E-13-796. Jeanette Wheeler v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

- E-13-797. David Burns v. Director et al.
- E-13-798. Howard Lee Duff v. Director et al.
- E-13-799. Dianna Betterton v. Director et al.
- E-13-800. Fred Ingram v. Director et al.
- E-13-801. David Thomas v. Director et al.
- E-13-802. Brenda Brown v. Director et al.
- E-13-803. Billy Holt v. Director et al.
- E-13-804. Bobby Davis v. Director et al.
- E-13-805. Latosha Simpson. v. Director et al.
- E-13-806. Aleck Gayle v. Director et al.
- E-13-807. Susan Jamieson v. Director et al.
- E-13-808. Patrick Goodloe v. Director et al.
- E-13-809. Bryan Weary v. Director et al.
- E-13-810. King Solomon Harris v. Director et al.
- E-13-811. Debra Galvan v. Director et al.
- E-13-812. Barbara Jones v. Director et al.
- E-13-813. Kimberley Smith v. Director et al.
- E-13-814. Rebecca Devin v. Director et al.
- E-13-815. Joe P. Burns v. Director et al.
- E-13-816. Kesha Bledsoe v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

- E-13-817. Jasmine Tharpe v. Director et al.
- E-13-818. Tonya Robey v. Director et al.
- E-13-821. Wanda Dillard v. Director et al.
- E-13-822. William Robertson v. Director et al.
- E-13-823. Tracy Loggins v. Director et al.
- E-13-824. Darren R. Sellars v. Director et al.
- E-13-825. Charles Moody v. Director et al.
- E-13-826. Joe Brooks III v. Director et al.
- E-13-827. Karen Gentry v. Director et al.
- E-13-828. William Lemser v. Director et al.
- E-13-829. Kensly Hewlett v. Director et al.
- E-13-830. LaVaughn Pate v. Director et al.
- E-13-831. Jennifer Smith v. Director et al.
- E-13-832. Matthew Podgornik v. Director et al.
- E-13-833. Neema Suphan v. Director et al.
- E-13-834. Evelyn Hall v. Director et al.
- E-13-835. Sarah Reese v. Director et al.
- E-13-836. Keith Collins v. Director et al.
- E-13-837. LaToya Burns v. Director et al.
- E-13-838. Rachel Mahurin v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

- E-13-839. Phillip Williams v. Director et al.
- E-13-840. Ronny Atkins v. Director et al.
- E-13-841. Synthia Jackson v. Director et al.
- E-13-842. Ashley Young Wilson v. Director et al.
- E-13-843. Joyce Dunn v. Director et al.
- E-13-844. Okechukwu Maduoma v. Director et al.
- E-13-845. Alvin Tyrone Brewer v. Director et al.
- E-13-846. Jessica Upchurch v. Director et al.
- E-13-847. Loretta Graham v. Director et al.
- E-13-848. Leslie Rose v. Director et al.
- E-13-851. Greg Carver v. Director et al.
- E-13-852. Larry Williams v. Director et al.
- E-13-853. Rosiland Davis v. Director et al.
- E-13-854. Donald Dykes v. Director et al.
- E-13-855. Brant Hoover v. Director et al.
- E-13-856. Dermecial Pounds v. Director et al.
- E-13-857. James Coy v. Director et al.
- E-13-858. Cominique Phillips v. Director et al.
- E-13-860. Tony Lee v. Director et al.
- E-13-861. Robert Jackson v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

- E-13-862. Shawn Maddox v. Director et al.
- E-13-863. Ellen Beth Wilson v. Director et al.
- E-13-864. Thomas Owens III v. Director et al.
- E-13-865. Deborah Romes v. Director et al.
- E-13-866. Evangella Tatum v. Director et al.
- E-13-867. Ronald Declue v. Director et al.
- E-13-868. Brenda Engle v. Director et al.
- E-13-869. David Hewitt v. Director et al.
- E-13-870. Adam Rutherford v. Director et al.
- E-13-871. Verdis Diamond, Jr. v. Director et al.
- E-13-872. Ruben Smith III v. Director et al.
- E-13-873. Nakkhaly Souriyasak v. Director et al.
- E-13-874. Talbert Fleming v. Director et al.
- E-13-875. Kellie Cormier v. Director et al.
- E-13-876. Tonya Bailey v. Director et al.
- E-13-877. Dwayne Price v. Director et al.
- E-13-878. Jeff Johnson v. Director et al.
- E-13-879. Dorthea Tillery v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 12, 2014
PER CURIAM ORDERS

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

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

CR-13-328. Luke Spencer v. State of Arkansas, from Faulkner County Circuit Court. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,800.00

CR-13-425. Demarcus Rayfield v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough to be relieved as counsel for appellant is granted.

CR-13-425. Demarcus Rayfield v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney's fees is granted. Allowed \$1,800.00.

CR-13-478. Garritt S. Mason v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion to file belated reply brief is granted. Reply brief filed this date.

CR-13-612. Melody Blankenship v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,800.00.

CR-13-618. Lonnie Flurry v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,800.00.

CR-13-778. Taneka Robinson v. State of Arkansas, from Crittenden County Circuit Court. Appellant's petition for writ of certiorari to complete the record. Remanded to the trial court to settle the record.

CR-13-914. Kendrick Hampton v. State of Arkansas, from Jefferson County Circuit Court. Appellee's motion to supplement the record is granted.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

PER CURIAM ORDERS

CR-13-1099. Terrell Wayne Hood v. State of Arkansas, from Faulkner County Circuit Court. Appellant's combined motion to remand to correct the record or alternative petition for certiorari to complete the record and motion to extend briefing schedule. Remanded to the trial court to settle the record.

CR-14-103. Willie Porchia, Sr. v. State of Arkansas, from Ouachita County Circuit Court. Appellant's pro se motion for appeal bond, to modify bail bond, and for appointment of counsel is denied.

CV-13-208. Minnie M. Coulter v. Honorable Joe Griffin et al., from Miller County Circuit Court. Appellant's pro se motion for writ of mandamus to set aside rebriefing ordered dated November 6, 2013, pursuant to rule 60(b) rules of civil procedure with brief incorporated. Appeal dismissed for failure to file a compliant brief. *See Ark. Sup. Ct. R. 4-2(c) (2); Coulter v. Griffin*, 2013, 2013 Ark. App. ___. Second motion to set aside November 6, 2013, rebriefing order is moot.

CV-13-369. Tango Truck Services, Inc., et al. v. Herschel Skinner, from the Arkansas Workers' Compensation Commission. Appellee's motion for attorney's fees is granted.

CV-13-501. Robert E. Bamburg v. Lisa J. Bambury, from Pulaski County Circuit Court, Fourteenth Division. Appellee's motion to strike is denied.

CV-13-967. Champion Burks et al. v. Liberty Bank of Arkansas et al., from Garland County Circuit Court. Appellants' motion to supplement the record is granted.

CV-13-967. Champion Burks et al. v. Liberty Bank of Arkansas et al., from Garland County Circuit Court. Appellants' petition and supplemental petition for writ of certiorari to complete the record and for extension of time to file brief are granted.

CV-13-990. Cynthia Butler Farrell v. Hanford Francis Farrell, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to seal record is granted.

CV-13-1041. Charles Wayne Davis v. Washington Regional Medical Center, from Washington County Circuit Court. Appellee's motion to dismiss appeal is granted.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

PER CURIAM ORDERS

CV-13-1060. Chris Gamble v. Wes Wagner, from Craighead County Circuit Court, Western District. Appellant's second motion to supplement the record and to stay filing deadline is granted.

CV-13-1068. Paul Criswell v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Eighth Division. Appellant's pro se motion to appoint new counsel and for continuance is denied.

CV-14-35. Barbara A. Peterson-Roberson v. Little Rock Housing Authority, from Pulaski County Circuit Court, Third Division. Pro se motion for court to make copies at public expense is denied. Glover, J., not participating.

CV-14-142. George Wilcox et al. v. Kenn Shollmier et al., from Pulaski County Circuit Court, Seventeenth Division. Appellees' motion to dismiss appeal and to stay briefing schedule. Appeal dismissed without prejudice.

CV-14-165. Mahmood Ahmad, M.D. v. Horizon Pain, Inc., from Independence County Circuit Court. Appellant's and Appellee's joint motion for order allowing the re-submission of previously filed briefs, abstract, and addendum (CV-12-991) in lieu of re-briefing. Parties may submit eighteen (18) copies of briefs previously filed in CV-12-991.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 12, 2014
MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-13-653. Joe Ryburn v. Janet Carol Ryburn, from Saline County Circuit Court.

CV-13-730. Death & Permanent Total Disability Trust Fund v. Andrew Myers, Deceased, Samantha Myers, Dixieland Gin Repair, Inc., Zurich American Insurance Company, and Haley Morris, from the Arkansas Workers' Compensation Commission.

CV-13-768. Quick-It Enterprises, Inc., and Triangle Insurance Company, Inc., v. A.D. Dorsery, from the Arkansas Workers' Compensation Commission.

CR-12-1080. Alan Lee Hooten v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to file belated brief.

CR-13-622. Mauricio Antonio Lopez-Deleon v. State of Arkansas, from Benton County Circuit Court. Appellant's request for leave to file reply brief out of time.

CR-14-33. Travis L. White v. State of Arkansas, from Lonoke County Circuit Court. Appellant's motion to supplement the record and stay briefing schedule.

CV-14-113. Andrea Jean Tryon, Trustee et al. v. Bill W. Thompson, from Garland County Circuit Court. Appellants' motion for stay of further trial court proceedings.

CV-14-138. GGNHC Holdings, LLC, et al. v. Kathryn S. Chappel et al., from Ouachita County Circuit Court. Appellees' petition for writ of certiorari to complete the record.

CV-14-159. John Burkhalter, Individually and as a Member of Burkhalter-Vestal, LLC v. Kent G. Vestal, Jr. and Burkhalter-Vestal, LLC, from Pulaski County Circuit Court, Thirteenth Division. Motion of Steven Shults to withdraw as counsel.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 12, 2014

CASES SUBMITTED

CR-13-331. Quintrell Richardson v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CR-13-648. Donnie C. Summerford, Jr. v. State of Arkansas, from Cleveland County Circuit Court.

CR-13-675. Raymundo Guana-Lopez v. State of Arkansas, from Howard County Circuit Court.

CR-13-736. Devinn Deshawn Sheppard v. State of Arkansas, from Pulaski County Circuit Court.

CR-13-805. Agustin Rodriguez-Gonzalez v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-13-420. Lynne Fogerson v. Arkansas Department of Human Services, from Washington County Circuit Court.

CV-13-534. Ives Transporation, Inc. v. Daren Ives, from Garland County Circuit Court.

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

CV-13-786. J. B. Banning v. LNV Corporation, from Garland County Circuit Court.

CV-13-894. Freddy McDougal v. Sabine River Land Company, from Independence County Circuit Court.

CV-13-898. Napoleon Sandeford v. United Parcel Service, Inc., from the Arkansas Workers' Compensation Commission.

CV-13-1025. Mary Phifer v. Seeco, Inc., from Pulaski County Circuit Court, Sixth Division.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 12, 2014
CASES SUBMITTED

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

- E-13-930. Lenora Wilkins v. Director et al.
- E-13-931. Kandess Scott v. Director et al.
- E-13-932. Ronald Williams v. Director et al.
- E-13-933. Sonya Pugh v. Director et al.
- E-13-934. Dennis Brinkley v. Director et al.
- E-13-935. Lourdes Frias v. Director et al.
- E-13-936. Lamar Lewis v. Director et al.
- E-13-938. Cemantha Wolljung v. Director et al.
- E-13-940. Candy Stewart v. Director et al.
- E-13-941. Juan San Juan v. Director et al.
- E-13-942. Alicia Riley v. Director et al.
- E-13-943. Martiesha Bell v. Director et al.
- E-13-944. Audrey Foster v. Director et al.
- E-13-945. Dexter Corner v. Director et al.
- E-13-946. Alton Buck v. Director et al.
- E-13-947. Doderick McGhee v. Director et al.
- E-13-948. Shelia Villines v. Director et al.
- E-13-949. Felicia Forte v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 12, 2014
CASES SUBMITTED

- E-13-950. Jeff Slatton v. Director et al.
- E-13-951. Kevin Goines v. Director et al.
- E-13-952. Terry Butler v. Director et al.
- E-13-953. Vicki Lynch v. Director et al.
- E-13-955. Ronald Scott, Jr. v. Director et al.
- E-13-956. Antonio Everett v. Director et al.
- E-13-957. Sarah Zuziak v. Director et al.
- E-13-958. James Croy v. Director et al.
- E-13-959. Gerald Bennett v. Director et al.
- E-13-960. Carolyn Johnson v. Director et al.
- E-13-961. Leon Lollis v. Director et al.
- E-13-962. Eric Ross v. Director et al.
- E-13-963. Wanda Green v. Director et al.
- E-13-964. Betty Jean Smith v. Director et al.
- E-13-965. Sharon Gabriel v. Director et al.
- E-13-966. Brenda Files v. Director et al.
- E-13-967. Keynon Bragg, Jr. v. Director et al.
- E-13-968. Richard Yarbrough v. Director et al.
- E-13-969. Montoya Ferguson v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 12, 2014
CASES SUBMITTED

- E-13-970. Rickey Shields v. Director et al.
- E-13-972. Diedre Bingham v. Director et al.
- E-13-973. Mark Dean v. Director et al.
- E-13-974. Pamela Kilpatrick v. Director et al.
- E-13-975. David Martinez v. Director et al.
- E-13-976. Ira Goodman v. Director et al.
- E-13-977. Chelonda Freeman v. Director et al.
- E-13-978. David Miller v. Director et al.
- E-13-979. Louis Bonner v. Director et al.
- E-13-980. Karen Hannah v. Director et al.
- E-13-981. Alan Rieder v. Director et al.

Opinions are available on the internet at

<http://courts.arkansas.gov>