

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 9, 2014

ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-13-206](#). Stephen Brian Cole v. State of Arkansas, from Garland County Circuit Court. Affirmed. Pittman, Wynne, Whiteaker, Wood, and Brown, JJ., agree. Harrison, Vaught, and Hixson, JJ., dissent.

[CV-13-985](#). R.J. Chiodini v. David Lock, from Stone County Circuit Court. Affirmed. Walmsley and Whiteaker, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CV-13-875](#). Danny Wayne Flippen v. Michael R. Jones and Denise A. Jones, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Glover and Vaught, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CR-13-431](#). Arbury Charles Bowerman v. State of Arkansas, from Logan County Circuit Court, Northern District. Affirmed. Gladwin, C.J., and Whiteaker, J., agree.

BRANDON H. HARRISON, JUDGE:

[CV-13-447](#). John Bruce McNeill v. Leslie Robbins, from Garland County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CR-13-641](#). Joel Buckley v. State of Arkansas, from Washington County Circuit Court. Rebriefing ordered. Gruber and Wood, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-13-654](#). James T. Piper v. State of Arkansas, from Drew County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered. Pittman and Vaught, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CV-13-1076](#). Douglas Henson and Shannon Cooper-Henson v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

KENNETH S. HIXSON, JUDGE:

[CV-13-1081](#). Daniel Ford v. Arkansas Department of Human Services and Minor Child, from Yell County Circuit Court, Dardanelle District. Affirmed. Harrison and Brown, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CV-13-519](#). SEECO, Inc.; Joyce Walls, Individually; and Jack and Joyce Walls, as Trustees of the Jack G. Walls and Joyce J. Walls Revocable Trust v. Carver L. Holden; Chesapeake Operating, Inc.; Chesapeake Exploration Limited Partnership; Chesapeake Exploration, LLC; Chesapeake Investments, an Oklahoma Limited Partnership; BP America Production Company; BHP Billiton Petroleum (Fayetteville), LLC; and Riverbend Exploration and Production, LLC, from White County Circuit Court. Dismissed without prejudice. Wynne and Gruber, JJ., agree.

[CV-13-898](#). Napoleon Timothy Sandeford v. United Parcel Service, Inc., and Liberty Mutual Group, Carrier/TPA, from the Arkansas Workers' Compensation Commission. Affirmed. Wynne and Gruber, JJ., agree.

[CV-13-1056](#). Carl Skaggs v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Wynne and Gruber, JJ., agree.

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PER CURIAM DECISIONS

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

E-13-982. Tasha St. Clair v. Director et al.

E-13-983. Lily Stephens v. Director et al.

E-13-984. Pamela Harmon v. Director et al.

E-13-985. Kimberly Rowlett v. Director et al.

E-13-986. Robert Holden v. Director et al.

E-13-987. Melvin Caldwell v. Director et al.

E-13-988. Terrance Bolden v. Director et al.

E-13-989. Teresa Moore v. Director et al.

E-13-990. Walter Archer v. Director et al.

E-13-991. Ronald Bradford v. Director et al.

E-13-992. Crystal Davidson v. Director et al.

E-13-993. Holly Jaquith v. Director et al.

E-13-994. Clista Carroll v. Director et al.

E-13-995. Betty Johnson v. Director et al.

E-13-996. Todd Cowling v. Director et al.

E-13-997. William Minor v. Director et al.

E-13-998. LaKeisha Eans v. Director et al.

E-13-999. Doletha Cross v. Director et al.

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- E-13-1000. James Smith v. Director et al.
- E-13-1001. Derek Harris v. Director et al.
- E-13-1002. Cordelia Bohlar v. Director et al.
- E-13-1003. Martha Anglin v. Director et al.
- E-13-1004. Marcus Horton v. Director et al.
- E-13-1005. Colie Chandler v. Director et al.
- E-13-1006. Anthony Green v. Director et al.
- E-13-1007. Nemarcus Hall v. Director et al.
- E-13-1010. Jeffery Lowery v. Director et al.
- E-13-1011. Fredrick White v. Director et al.
- E-13-1012. Richard Parham v. Director et al.
- E-13-1013. Darius Hill v. Director et al.
- E-13-1014. Anthony Brumfield v. Director et al.
- E-13-1015. Margaret Palmer v. Director et al.
- E-13-1016. Suzie Ridgley v. Director et al.
- E-13-1017. Jessica Upchurch v. Director et al.
- E-13-1018. Larry Brents v. Director et al.
- E-13-1019. Cassie Lane v. Director et al.
- E-13-1020. Phillip McClure v. Director et al.
- E-13-1021. Shelley Robinson v. Director et al.

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E-13-1022. Christine Dunn v. Director et al.

E-13-1023. Dana Killian v. Director et al.

E-13-1024. KHOZ LLC v. Director et al.

E-13-1025. Southern Refrigerated Transport v. Director et al.

E-13-1026. Julius Williams v. Director et al.

E-13-1027. Kenneth Nipper v. Director et al.

E-13-1028. Leeroy Hittson v. Director et al.

E-13-1029. Jami Honey v. Director et al.

E-13-1030. Dontae Mancini v. Director et al.

E-13-1031. Holly Patterson v. Director et al.

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PER CURIAM ORDERS

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

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

CV-13-475. Charles Smith v. Christina Hudgins, from White County Circuit Court.

CV-13-679. Diamond State Insurance Company v. Dillion Rippy and Brenda Rippy, from Bradley County Circuit Court.

CV-13-753. Ken David Swindle v. Southern Farm Bureau Casualty Insurance Co., from Benton County Circuit Court.

[CR-13-15](#). Tracy M. Standridge v. State of Arkansas, from Baxter County Circuit Court. Appellant's pro se motions to relieve counsel, order rebriefing, allow appellant to file pro se handwritten brief or to appoint an attorney to file brief for appellant are moot. *See per curiam* this date.

CR-13-15. Tracy M. Standridge v. State of Arkansas, from Baxter County Circuit Court. Appellant's amended and supplemental motions to extend time to correct are moot. *See per curiam* this date.

CR-13-226. Darron Aikens v. State of Arkansas, from Crittenden County Circuit Court. Motion of C. Brian Williams for attorney's fees is granted. Allowed \$1,600.00.

CR-13-485. Gregory Simpson Jones v. State of Arkansas, from Stone County Circuit Court. Appellee's motion to dismiss appeal is granted. Glover, J., not participating.

CR-13-817. T.N. v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip McGough to withdraw as counsel for appellant is granted.

CR-13-817. T.N. v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip McGough for attorney's fees is granted. Allowed \$1,800.00.

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CR-14-2. Jarmal Carlos Williams v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk to file tendered belated brief. Motion to file tendered belated brief is granted.

CR-14-151. Oscar Hernandez v. State of Arkansas, from Benton County Circuit Court. Motion of Peter Giardino to be substituted as counsel for appellant. Remanded to the trial court for a hearing within thirty days pursuant to *Brewer v. State*, 64 Ark. App. 372, 984 S.W.2d 65 (1998).

CR-14-153. Joe L. Bell III v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Pro se motion for copy of record and transcript of appeal is granted.

CV-13-457. Kent Smith, DVM v. Kimberly V. Freeman and Armistead Council Freeman, Jr., from Perry County Circuit Court. Appellees' motion to dismiss appeal is passed until the case is submitted.

CV-13-819. Garry Clayton and Zelma Magby v. Batesville Casket Company, Inc., and Humphrey Funeral Service, Inc., from Pope County Circuit Court. Motion of Brett Watson to withdraw as counsel for appellee Humphrey Funeral Service, Inc., is granted.

CV-13-819. Garry Clayton and Zelma Magby v. Batesville Casket Company, Inc., and Humphrey Funeral Service, Inc., from Pope County Circuit Court. Appellants' motion to file belated brief is granted.

CV-13-962. Jasper School District No. 1 of Newton County et al. v. Anita Cooper, from Johnson County Circuit Court. Appellants' motion to strike is denied.

CV-13-1015. Clay V. Jackson v. Charles Brooks Company, Inc., et al., from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss appeal is granted.

CV-13-1062. Barbara Posey v. GEICO Indemnity Insurance Company, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal 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 for reconsideration of denial of motion for appointment of new counsel and for continuance is denied.

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PER CURIAM ORDERS

[CV-13-1076](#). Douglas Henson v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Eleventh Division. Pro se motion for judicial notice of adjudicative facts is denied. *See* opinion this date.

CV-14-22. Marcie Treadwell v. Arkansas Department of Human Services and Minor Child, from Benton County Circuit Court. Appellant's motion to file belated brief is granted.

CV-14-159. John Burkhalter v. Kent G. Vestal, Jr., and Burkhalter-Vestal, LLC, from Pulaski County Circuit Court, Thirteenth Division. Appellees' motion to dismiss appeal is passed until the case is submitted.

CV-14-174. Brandy Jung v. Arkansas Department of Human Services, from Carroll County Circuit Court. Appellant's motion to correct the record and to stay briefing schedule is granted.

E-14-85. Beverly Cross v. Director et al., from the Arkansas Board of Review. Pro se motion to file new evidence is denied.

E-14-165. Denise Seymore v. Director et al., from the Arkansas Board of Review. Pro se motion to add evidence is denied.

E-14-205. Debra Strong v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal is denied.

The following cases are dismissed for failure to file briefs in accordance with Supreme Court Rule 4-5.

CV-12-948. Peter Sam Cyphers v. Louis Lee Cyphers et al., from Union County Circuit Court.

CV-12-1111. Michael Long v. Brian Green, from Faulkner County Circuit Court.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-13-619. Roma Trakru v. David Matthews, from Stone County Circuit Court.

CV-13-952. Kassandra Page Horton v. Rhonda Sue Freeman, from Mississippi County Circuit Court, Osceola District.

CR-11-617. Daniel Weaver v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion to file belated corrected brief.

CR-13-675. Raymundo Guana-Lopez v. State of Arkansas, from Howard County Circuit Court. Motion and request of William O. "Bill" James, Jr., for attorney's fees.

CR-13-715. Troy Lawrence McCulley v. State of Arkansas, from Poinsett County Circuit Court. Appellee's motion to seal the record.

CR-13-805. Agustin Rodriguez-Gonzalez v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David L. Dunagin for attorney's fees.

CR-13-892. Tracy Land Davis v. State of Arkansas, from Union County Circuit Court, Pro se application for relief.

CR-13-1010. Jermaine C. Hicks v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk and motion for extension of time to file brief.

CR-13-1010. Jermaine C. Hicks v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal.

CR-13-1089. Corey Dotson v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk.

CR-14-55. Gregory S. Crum v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk and for extension of time to file brief.

CR-14-55. Gregory S. Crum v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal.

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MOTIONS SUBMITTED

CR-14-103. Willie Ray Porchia, Sr. v. State of Arkansas, from Ouachita County Circuit Court. Appellant's motion to supplement the record.

CR-14-178. Victoria Lynn Pedraza v. State of Arkansas, from Drew County Circuit Court. Appellant's petition for writ of certiorari to supplement the record, or alternatively, petition for writ of error coram nobis to reinvest jurisdiction in the circuit court to supplement the record, and for stay or extension of brief time.

CV-13-518. Ollye Mae Robinson v. Kimberly Jones Miller and Thomas Jones, from Jefferson County Circuit Court. Appellant's motion to file belated brief.

CV-13-619. Roma Trakru v. David Matthews, from Stone County Circuit Court. Motion of E.B. Chiles IV, Joseph R. Falasco, and Quattlebaum, Grooms, Tull & Burrow PLLC to withdraw as counsel for appellant.

CV-13-820. F.C. v. State of Arkansas, from Benton County Circuit Court. Motion of Robert M. "Robby" Golden for attorney's fees.

CV-13-899. Toby LaPointe v. New Technology, Inc., from Benton County Circuit Court. Appellant's motion for reconsideration of denial of oral argument.

CV-13-1037. Jose Ballesteros v. Tyler Roney, from Benton County Circuit Court. Appellant's motion for oral argument.

CV-13-1069. Timothy W. Brown v. Office of Child Support Enforcement, from Boone County Circuit Court. Appellant's pro se motion to supplement the record.

CV-14-7. United Food & Commercial Workers International Union et al. v. Wal-Mart Stores, Inc., et al., from Benton County Circuit Court. Appellees' motion to file brief to include an argument section extended by 12 pages.

CV-14-34. Jose Peraza et al. v. United Financial Casualty Company, from Faulkner County Circuit Court. Appellee's motion to dismiss appeal.

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MOTIONS SUBMITTED

CV-14-39. Bayer AG, Bayer CropScience AG, Bayer BioScience NV, and Bayer Corporation v. BASF Corporation, BASF Agrochemical Products, B.V., BASF Plant Science LP, and Riceland Foods, Inc., from Arkansas County Circuit Court. Motion of Robert S. Shafer and Kevin A. Crass for leave to withdraw as counsel for appellees BASF Corporation, BASF Agrochemical Products, B.V., and BASF Plant Science LP.

CV-14-72. Jennifer Steele v. John Lyon, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion for court to accept supplement to record.

CV-14-203. George Brumley v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant's motion to stay and consolidate CV-14-203 and CV-14-226.

CV-14-226. Angela Poss v. Arkansas Department of Human Services, from Washington County Circuit Court. Appellant's motion to stay and consolidate CV-14-226 with CV-14-203.

CV-14-272. Board of Directors of the City of Hot Springs, Arkansas v. George Pritchett et al., from Garland County Circuit Court. Appellees' motion to dismiss appeal.

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CASES SUBMITTED

CV-13-466. Sarah T. Brantley and James William Brantley v. Northwest Arkansas Hospitals, LLC, d/b/a Northwest Medical Center - Bentonville; Scott D'Wayne Smith, M.D., Pinnacle Women's Health Care, PLC, and Diane Wyatt, R.N., from Benton County Circuit Court. Orally argued.

CR-13-564. Eugene McCarty v. State of Arkansas, from Washington County Circuit Court.

CR-13-754. Travis Edward Harris v. State of Arkansas, from Ouachita County Circuit Court.

CR-13-772. Tracy G. Collier v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-13-864. Curtis Horton v. State of Arkansas, from Saline County Circuit Court.

CR-13-879. Teresa Bedford v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-970. Christopher Lee Paschall v. State of Arkansas, from Washington County Circuit Court.

CV-13-785. Troy Russell Johnson et al. v. Henk De Kroes et al., from Pulaski County Circuit Court, Second Division.

CV-13-827. Rhonda DuCharme v. Larry Gregory and Jolynn Gregory, from Washington County Circuit Court.

CV-13-896. Christopher Charles Baker v. Stacy Baker Murray, from Pulaski County Circuit Court, Fourteenth Division.

CV-13-909. Lecia Templeton v. Dollar General Store, from Arkansas Workers' Compensation Commission.

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.

CV-13-1018. Jerome Anderson v. Freight Systems, Inc., and York Risk Services Group, Inc., from Arkansas Workers' Compensation Commission.

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CASES SUBMITTED

CV-13-1036. Aaron C. Sluyter et al. v. Heather Toney, from Benton County Circuit Court.

CV-13-1102. Tonie Atkinson v. Clifford Ledbetter and Margaret Ledbetter, from Garland County Circuit Court.

CV-13-1120. Thomas Foster, Jr. v. Katherine Crawford et al., from Independence County Circuit Court.

CV-13-1128. James Elliott Loar, Jr., Deceased v. Cooper Tire & Rubber Company, from Arkansas Workers' Compensation Commission.

CV-14-42. Monsanto Company v. Nicholas Emmett Wilson, Jr., and Green Acre Farms, LLC, from Woodruff County Circuit Court.

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CASES SUBMITTED

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

E-13-1038. Joseph Taylor v. Director et al.

E-13-1076. Christine Clarke v. Director et al.

E-13-1086. Wayne Ollis v. Director et al.

E-13-1087. Elizabeth Strain v. Director et al.

E-13-1091. Anita Keener v. Director et al.

E-13-1092. John Gills v. Director et al.

E-13-1093. Floyd Amos Fort, Jr. v. Director et al.

E-13-1096. Ronnie Johnson v. Director et al.

E-13-1097. LaCretia Howard v. Director et al.

E-13-1099. Belinda Boyd v. Director et al.

E-13-1100. Rodger Qualls v. Director et al.

E-13-1101. Rodney McQueen v. Director et al.

E-13-1102. Philip Boepple v. Director et al.

E-13-1103. Philip Boepple v. Director et al.

E-13-1104. Tamala Scott v. Director et al.

E-13-1105. James Tapp v. Director et al.

E-13-1106. James Taylor v. Director et al.

E-13-1108. Bobby Greene v. Director et al.

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CASES SUBMITTED

E-13-1109. Mark Wood v. Director et al.

E-13-1110. Michael Wilson v. Director et al.

E-13-1111. Theresa Helms v. Director et al.

E-13-1112. Stephanie Garrett v. Director et al.

E-13-1113. Causley Edwards v. Director et al.

E-13-1114. Javier Soria v. Director et al.

E-13-1115. Veronica Hudgens v. Director et al.

E-13-1116. William Lucas v. Director et al.

E-13-1117. Michael Lydon v. Director et al.

E-13-1118. George Brumfield v. Director et al.

E-13-1119. Brad Stensrud v. Director et al.

E-13-1120. Melissa Gullett v. Director et al.