

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 14, 2014**

ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-13-771](#). Christopher Seaton v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Glover and Hixson, JJ., agree.

[CV-13-1008](#). Levi Johnson v. Heather Johnson Cheatham, from Faulkner County Circuit Court. Reversed. Glover and Hixson, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CR-13-672](#). DeMarlon M. Coakes v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Affirmed. Harrison and Gruber, JJ., agree.

[CV-13-825](#). Garrett Cowser v. Michael Paul Bargar, from White County Circuit Court. Affirmed. Harrison and Gruber, JJ., agree.

BILL H. WALMSLEY, JUDGE:

[CR-13-94](#). Jeremy Leon Stockton v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith and Greenwood Districts. Affirmed; motion to withdraw granted. Wood and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-13-1009](#). Covenant Presbytery v. First Baptist Church, Osceola Arkansas v. Sun Trust Bank, as Trustee under the will of Stanley D. Carpenter, from Mississippi County Circuit Court, Osceola District. Appeal dismissed; cross-appeal dismissed. Pittman and Gruber, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CR-13-174](#). Donald D. Edwards v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Vaught, JJ., agree.

[E-13-1179](#). Kathy S. Thompson v. Director, Department of Workforce Services, and Quapaw Area Council, Inc., from the Arkansas Board of Review. Reversed and remanded. Whiteaker and Vaught, JJ., agree.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF MAY 14, 2014

#### RITA W. GRUBER, JUDGE:

[CV-13-1108](#). Denise Moore v. North Hills Life Care & Rehab and Cannon Cochran Management Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Harrison, JJ., agree.

#### DAVID M. GLOVER, JUDGE:

[CR-13-948](#). Wallace E. Hudson, Jr. v. State of Arkansas, from White County Circuit Court. Affirmed. Gladwin, C.J., and Hixson, J., agree.

[CV-13-1130](#). St. Edward Mercy Medical Center and Sisters of Mercy Health System v. Karen Annette Gilstrap, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal and on cross-appeal. Gladwin, C.J., and Hixson, J., agree.

#### PHILLIP T. WHITEAKER, JUDGE:

[CV-13-738](#). Unifund CCR Partners v. Kay Thornton, from Garland County Circuit Court. Affirmed. Wynne and Vaught, JJ., agree.

#### KENNETH S. HIXSON, JUDGE:

[CR-13-712](#). David Keith Adams v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Gladwin, C.J., and Glover, J., agree.

[CV-14-17](#). Jeffrey Scott Criswell v. Office of Child Support Enforcement and Ashley Criswell (now Strange), from Poinsett County Circuit Court. Reversed. Gladwin, C.J., and Glover, J., agree.

#### RHONDA K. WOOD, JUDGE:

[CR-13-760](#). Brandon Michael Rogers v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Walmsley and Brown, JJ., agree.

[CR-13-1011](#). Roy Martin Barber v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Walmsley and Brown, JJ., agree.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF MAY 14, 2014

#### WAYMOND M. BROWN, JUDGE:

[CR-13-840](#). Brian Elam Sims v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Walmsley and Wood, JJ., agree.

[CV-13-1019](#). Cindy Ball v. Wynne Public Schools, from the Arkansas Workers' Compensation Commission. Affirmed. Walmsley and Wood, 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-13-1177. Alyssa Buchanan v. Director et al.

E-13-1178. Victoria Rose v. Director et al.

E-13-1180. Karen Larrow v. Director et al.

E-13-1181. Kaci Bailey v. Director et al.

E-13-1182. Tiesha Levingston v. Director et al.

E-13-1183. Nancy Cox v. Director et al.

E-13-1184. Jeff Winston v. Director et al.

E-13-1185. Leroy Griffin v. Director et al.

E-13-1186. Charles Gosvener v. Director et al.

E-13-1187. Bertrum Marshall v. Director et al.

E-13-1188. Idris Goldsmith v. Director et al.

E-13-1189. Kathy Jones v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 14, 2014**

- E-13-1190. Roy Moore v. Director et al.
- E-13-1191. Barbara Riggins v. Director et al.
- E-13-1192. Timothy Cramer v. Director et al.
- E-13-1193. Richard Bass v. Director et al.
- E-13-1194. Maria Recinos v. Director et al.
- E-13-1195. Jason Cronn v. Director et al.
- E-13-1196. Theresa Mitchell v. Director et al.
- E-13-1197. Susan Lawless v. Director et al.
- E-13-1198. James Bradley Lampkin v. Director et al.
- E-13-1199. Ray Jones v. Director et al.
- E-13-1200. Ann Dowling v. Director et al.
- E-13-1201. Isael Morales v. Director et al.
- E-13-1202. Tami Tolliver v. Director et al.
- E-13-1203. Catherine Voss v. Director et al.
- E-13-1205. Donald Taylor v. Director et al.
- E-13-1206. Christopher L. Howell v. Director et al.
- E-13-1207. Tracy Hunter v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 14, 2014**

**PER CURIAM ORDERS**

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

CV-13-590. Kenneth Brooks and Ella Brooks v. Terry Abstract Co. and Centerpoint Energy Gas Transmission Co., LLC, from Mississippi County Circuit Court, Chickasawba District.

CV-13-985. R.J. Chiodini v. David Lock, from Stone County Circuit Court.

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CR-13-180. Christopher Cory v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal is denied.

CR-13-222. Marcus A. Rimmer v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal is denied.

CR-13-557. Ismeal Leal v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal is denied.

CR-13-641. Joel Corvin Buckley v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to file belated substituted brief is granted.

CR-13-648. Donnie Summerford, Jr. v. State of Arkansas, from Cleveland County Circuit Court. Motion of N. Mark Klappenbach for attorney's fees is granted. Allowed \$1,800.00.

CR-13-772. Tracy G. Collier v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$1,800.00.

CR-13-806. Matthew Williams, Jr. v. State of Arkansas, from Pike County Circuit Court. Appellant's pro se motion to supplement brief is denied.

CV-13-967. Champion Burks et al. v. Liberty Bank of Arkansas et al., from Garland County Circuit Court. Appellants' motion to determine jurisdiction because of undetermined counterclaim is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 14, 2014**

**PER CURIAM ORDERS**

CV-13-969. Alvester Bingham v. C & L Electric Cooperative, from Desha 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. Appellant's motion to supplement the record is granted. Gladwin, C.J., and Gruber, J., not participating.

CV-14-233. Regina Jo Webb v. Lester Webb, from Grant County Circuit Court. Appellant's motion to supplement the record is granted.

CV-14-285. John M. Horne v. Steve Henson, from Washington County Circuit Court. Appellant's motion to determine jurisdiction because of undetermined counterclaim is denied.

E-14-58. Barry Jackson v. Director et al., from the Arkansas Board of Review. Pro se motion to add evidence to appeal is denied.

E-14-336. Brenda Vance v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 14, 2014**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

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

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CR-13-316. Antwan Lavan Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for extension of time to file brief.

CR-13-711. Kenneth Walker v. State of Arkansas, from Dallas County Circuit Court. Motion of Norman Klappenbach for attorney's fees.

CR-13-754. Travis Edward Harris v. State of Arkansas, from Ouachita County Circuit Court. Motion of Lott Rolfe IV for attorney's fees.

CR-13-806. Matthew Williams, Jr. v. State of Arkansas, from Pike County Circuit Court. Appellant's pro se motion to relieve appointed counsel.

CR-13-970. Christopher Lee Paschall v. State of Arkansas, from Washington County Circuit Court. Motion of Nick Churchill for attorney's fees.

CR-13-1090. James Mitchell Green v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk.

CR-13-1090. James Mitchell Green v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal.

CR-13-1091. Rodrigo Cantu v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk.

CR-13-1091. Rodrigo Cantu v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal.

# **ARKANSAS COURT OF APPEALS**

## **PROCEEDINGS OF MAY 14, 2014**

### **MOTIONS SUBMITTED**

CR-14-151. Oscar G. Hernandez v. State of Arkansas, from Benton County Circuit Court. Resubmission of motion of Peter Giardino to be substituted as counsel for appellant.

CR-14-349. Jamaal Dulane Simpson v. State of Arkansas, from Benton County Circuit Court. Motion of Leon James, Jr., to withdraw as counsel for appellant.

CV-13-1133. Harold W. Planchon v. Local Police & Fire Retirement System, from Washington County Circuit Court. Appellant's motion for substitution of counsel and to extend briefing time.

CV-14-203. George Brumley v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Agreed motion of Leah Lanford to be removed and for substitution of Dusti Standridge as counsel for appellant.

CV-14-224. Nucor Steel Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control and Ecology Commission and Big River Steel, LLC, from Mississippi County Circuit Court, Osceola District. Motion of appellee Big River Steel, LLC, to dismiss appeal.

CV-14-224. Nucor Steel Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control and Ecology Commission and Big River Steel, LLC, from Mississippi County Circuit Court, Osceola District. Motion of appellee Arkansas Pollution Control and Ecology Commission to dismiss appeal.

CV-14-224. Nucor Steel Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control and Ecology Commission and Big River Steel, LLC, from Mississippi County Circuit Court, Osceola District. Motion of appellee Arkansas Pollution Control and Ecology Commission to extend time to file the complete administrative record and to stay the briefing schedule.

CV-14-262. Al Brodbent and Evalee Brodbent v. Charley Smith, Minnie Proctor, Eric Hess, Johnny Smith, Edmond Ziegenhorn, and Fair Oaks Baptist Church, from Cross County Circuit Court. Appellants' motion and supplement to motion to correct or modify the record on appeal, and to stay due date for filing the abstract, brief, and addendum.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 14, 2014**

**MOTIONS SUBMITTED**

CV-14-315. Crystal Schaible v. Arkansas Department of Human Services, from Benton County Circuit Court. Agreed motion of Leah Lanford to be removed and for substitution of Elizabeth J. Finocchi as counsel for appellant.

E-13-1083. Hazel Schuetz v. Director et al., from the Arkansas Board of Review. Pro se motion for reconsideration of decision affirming the order of the Arkansas Board of Review.

E-13-971. Allyson Theophile v. Director et al., from the Arkansas Board of Review. Motion for extension of time to file belated reply brief.

E-14-351. Startavian Victory v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 14, 2014**

**CASES SUBMITTED**

CV-13-1061. Acceptance Indemnity Insurance Company v. Southwest Arkansas Electric Cooperative Corporation, from Miller County Circuit Court. Orally argued.

CR-13-714. Thomas Oliver Murchison, III v. State of Arkansas, from Garland County Circuit Court.

CR-13-715. Troy Lawrence McCulley v. State of Arkansas, from Poinsett County Circuit Court.

CR-13-1014. Edward Juanito Boyd v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-13-1070. Robert Ciesielski v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CV-13-766. Dannie F. Lafferty et al. v. Curren Everett et al., from Fulton County Circuit Court.

CV-13-935. Lauren Adams et al. v. Gary Howard et al., from Benton County Circuit Court.

CV-13-965. Donald Duvall v. Chiung-Fang Liang, from Pope County Circuit Court.

CV-13-1037. Jose Ballesteros v. Tyler Roney, from Benton County Circuit Court.

CV-13-1064. Deanna Gayle Smithson v. Vernon Todd Smithson, from Pulaski County Circuit Court, Sixth Division.

CV-13-1105. William Robinson and Brenda Robinson v. Midfirst Bank, from Saline County Circuit Court.

CV-13-1107. Ashley Gwinup v. Arkansas Department of Human Services and Minor Child, from Benton County Circuit Court.

CV-13-1156. Bertha Belle Graves v. James Graves and Donna Taylor, from Van Buren County Circuit Court.

CV-14-21. Britney Wyatt v. Brandon Dent, from Pulaski County Circuit Court, Fourteenth Division.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 14, 2014**

**CASES SUBMITTED**

CV-14-46. Barbara K. Black v. First Step, Inc., and Risk Management Resources, from the Arkansas Workers' Compensation Commission.

CV-14-69. James Strange v. Mary K. Reed Trust, from Van Buren County Circuit Court.

CV-14-131. Tasha Donley v. Arkansas Department of Human Services and Minor Child, from Drew County Circuit Court.

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

E-13-1241. Sherri Horne v. Director et al.

E-13-1243. Kevin Cooney v. Director et al.

E-13-1244. Joshua Brock v. Director et al.

E-13-1245. Jonna Paramore v. Director et al.

E-13-1247. David Westenhovner v. Director et al.

E-13-1248. Joyce Heinrich v. Director et al.

E-13-1250. James LeFlore v. Director et al.

E-13-1251. Rodney Johnson v. Director et al.

E-13-1252. Joseph Callahan v. Director et al.

E-13-1253. Putoungie Harper v. Director et al.

E-13-1254. Brittany Foster v. Director et al.

E-13-1255. Randolph Kaapuni v. Director et al.

E-13-1256. Rhonda Bowman v. Director et al.

E-13-1257. Adam Purpura v. Director et al.

E-13-1258. Laurel Elliott v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 14, 2014**

**CASES SUBMITTED**

- E-13-1259. Susan Walser v. Director et al.
- E-13-1260. Alicia Jackson v. Director et al.
- E-13-1261. Lisa Green v. Director et al.
- E-13-1262. Eric Fosha v. Director et al.
- E-13-1263. Michael Cork v. Director et al.
- E-13-1264. Brenda Lewis v. Director et al.
- E-13-1265. Lawrence Henry v. Director et al.
- E-13-1266. Ruben Guerra v. Director et al.
- E-13-1267. Sonja Harris v. Director et al.
- E-13-1268. Rebecca Bricker v. Director et al.
- E-13-1270. Linda Harvey v. Director et al.
- E-13-1271. Robert Love v. Director et al.
- E-13-1272. David Powell v. Director et al.
- E-13-1273. Dale Padgett v. Director et al.
- E-13-1274. Lillie Chatman v. Director et al.

Opinions are available on the internet at  
<http://courts.arkansas.gov>