

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF MAY 21, 2014

#### ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-13-782](#). Howard Stacy and Clifford Stacy v. Jimmie Dixon and Leann Dixon, from Boone County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

#### JOHN MAUZY PITTMAN, JUDGE:

[CR-13-934](#). Jerry Foshee v. State of Arkansas, from Pope County Circuit Court. Affirmed. Hixson and Wood, JJ., agree.

#### BILL H. WALMSLEY, JUDGE:

[CV-13-856](#). Jimmy Lewis and Jill Lewis, d/b/a Downtown Towing v. Benton County, Arkansas, from Benton County Circuit Court. Affirmed. Wood and Brown, JJ., agree.

#### BRANDON J. HARRISON, JUDGE:

[CR-13-569](#). Renford S. Williams v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Walmsley and Wynne, JJ., agree.

[CV-13-1088](#). Robert B. Prochazka and Donna M. Prochazka v. Bee-Three Development, LLC, from Pope County Circuit Court. Dismissed. Walmsley and Wynne, JJ., agree.

#### ROBIN F. WYNNE, JUDGE:

[CR-13-720](#). Errick Harrell v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed. Walmsley and Harrison, JJ., agree.

[CV-14-13](#). Jannie A. Hymes v. Pinewood Health & Rehabilitation and Hartford Underwriters Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Walmsley and Harrison, JJ., agree.

#### RITA W. GRUBER, JUDGE:

[CR-13-610](#). Wendi Cox v. State of Arkansas, from Columbia County Circuit Court. Affirmed; remanded to correct sentencing order. Glover and Whiteaker, JJ., agree.

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LARRY D. VAUGHT, JUDGE:

[CV-13-734](#). Ray Anthony Walker v. Fresenius Medical Care Holding, Inc., American Casualty Co. of Reading, PA, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed in part; reversed in part on direct appeal; affirmed on cross-appeal. Gladwin, C.J., and Brown, J., agree.

[CV-13-929](#). A.S. v. State of Arkansas, from the Crawford County Circuit Court. Affirmed. Wynne and Whiteaker, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-13-260](#). Bill W. Schwyhart, Carolyn Schwyhart, Robert B. Thornton, Freida Thornton, Schwyhart Holdings, LLC, and Robert B. Thornton, LLC v. J.B. Hunt, LLC, and Graham Holdings, LLC, from Benton County Circuit Court. Affirmed. Pittman and Wood, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CR-13-997](#). Brian Keith Jordan v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Pittman and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-13-649](#). Brandy Michelle Goodman v. State of Arkansas, from Lonoke County Circuit Court. Supplemental record and addendum ordered; motion to withdraw denied. Gladwin, C.J., and Vaught, J., agree.

[CV-13-1071](#). Victoria Jane Fleming v. Kenneth Vest, M.D., from Garland County Circuit Court. Remanded for supplementation of the record; rebriefing ordered. Gladwin, C.J., and Vaught, J., agree.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF MAY 21, 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-13-1208. Nathan Hutchison v. Director et al.

E-13-1209. Allison Cherry v. Director et al.

E-13-1210. Cathy L. Hayre v. Director et al.

E-13-1211. Phyllis Paulson v. Director et al.

E-13-1212. Arphlue Coburn v. Director et al.

E-13-1213. Bobby Whorton v. Director et al.

E-13-1214. James Freeman v. Director et al.

E-13-1215. Anthony Keith v. Director et al.

E-13-1216. Audra Fulcher v. Director et al.

E-13-1217. Robert McVay v. Director et al.

E-13-1218. Nancy Barcenas v. Director et al.

E-13-1220. Bobby Lee Maxfield v. Director et al.

E-13-1221. Benjamin Lyons v. Director et al.

E-13-1222. Verda Ollison v. Director et al.

E-13-1223. Melisa Wiley v. Director et al.

E-13-1225. Sarah Abernathy v. Director et al.

E-13-1227. Leonor Vazquez v. Director et al.

E-13-1228. Lillie Palmer v. Director et al.

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E-13-1229. James Nelson v. Director et al.

E-13-1230. Joe Young v. Director et al.

E-13-1231. Gloria Howard v. Director et al.

E-13-1232. Mark Goodwin v. Director et al.

E-13-1233. Samuel Harris v. Director et al.

E-13-1234. Lakendra Brown v. Director et al.

E-13-1235. Susan Markin v. Director et al.

E-13-1236. George Brown v. Director et al.

E-13-1237. Stanford Meredith III v. Director et al.

E-13-1238. Leonard Southard v. Director et al.

E-13-1239. Stephanie Robinson v. Director et al.

E-13-1240. William Stewart v. Director et al.

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**PER CURIAM ORDERS**

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

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 is granted. Final extension.

CR-13-711. Kenneth Walker v. State of Arkansas, from Dallas County Circuit Court. Motion of Norman Klappenbach for attorney's fees is granted. Allowed \$1,800.00.

CR-13-754. Travis Edward Harris v. State of Arkansas, from Ouachita County Circuit Court. Motion of Lott Rolfe IV 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 relieve appointed counsel is denied.

CR-13-970. Christopher Lee Paschall v. State of Arkansas, from Washington County Circuit Court. Motion of Nick Churchill for attorney's fees is granted. Allowed \$1,800.00.

CR-13-1090. James Mitchell Green v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk is treated as motion to file belated brief and granted. Brief filed this date.

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

CR-13-1091. Rodrigo Cantu v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk is treated as motion to file belated brief and granted. Brief filed this date.

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### **PER CURIAM ORDERS**

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

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 is granted.

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 is granted.

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 is granted.

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 is granted.

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 is granted. Gruber, J., not participating.

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 is moot. Gruber, J., not participating.

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 is moot. Gruber, J., not participating.

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**PER CURIAM ORDERS**

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 is granted.

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 is granted.

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 is granted.

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 is denied.

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

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**PROCEEDINGS OF MAY 21, 2014**

**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

CV-13-1120. Thomas Foster, Jr. v. Katherine Crawford and Ruby Ann Crawford, from Independence County Circuit Court.

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CR-12-842. Carlos E. Williams v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for rule on clerk and for attorney's fees.

CR-13-129. Juan Carlos Martinez v. State of Arkansas, from Benton County Circuit Court. Motion of Jonathan Lane for attorney's fees.

CR-13-204. Trenton Holley v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to correct the record and for brief time to file supplemental brief.

CR-13-445. Terrance D. Hollins v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees

CR-13-568. Russell Wayne Hudson v. State of Arkansas, from Faulkner County Circuit Court. Motion of Charles D. Hancock for attorney's fees.

CR-13-622. Mauricio Antonio Lopez-Deleon v. State of Arkansas, from Benton County Circuit Court. Motion of David Bowden for attorney's fees.

CR-13-879. Teresa Bedford v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees.

CV-13-891. John H. Brunner, M.D., et al. v. Brinda Robbins, from Garland County Circuit Court. Appellee's motion to file belated brief.

CV-13-966. Chidi Ukegbu, Dorothy Ukegbu, Individually and d/b/a America's Pre-Owned Selection v. Joshua S. Daniels d/b/a Ryder Wholesale Auto, from Garland County Circuit Court. Appellee's motion for costs



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**MOTIONS SUBMITTED**

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 dismiss for lack of appellate jurisdiction.

CV-14-215. Tara Brooks Harris v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court. "A pro se request and a motion to supplement the records, points for reversal, reasons the Pulaski County Circuit Court judgment should be overturned on appeal."

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**CASES SUBMITTED**

CV-13-899. Toby LaPointe v. New Technology, Inc., from Benton County Circuit Court. Orally argued.

CR-13-635. Deandre Connors v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CR-13-650. John Anthony Houston v. State of Arkansas, from Cleburne County Circuit Court.

CR-13-687. Shantell L. Perkins v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-688. Monica Renea May v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-689. Paul Henyard v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-748. Timothy Joe Dewitt v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-13-773. Jeremiah O. Stewart v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-930. Tia Harris v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-13-1012. Denarius A. Martin v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-1022. Roy Lee Russell v. State of Arkansas, from Desha County Circuit Court.

CR-13-1030. John Everett Block, Jr. v. State of Arkansas, from Hempstead County Circuit Court.

CR-13-1034. Erik Heigelmann v. State of Arkansas, from Miller County Circuit Court.

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**CASES SUBMITTED**

CR-13-1039. Sergio Jamar Haynes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-12-1102. Regina Foley v. Sean Foley, from Pulaski County Circuit Court, Fourteenth Division.

CV-13-452. Rhodis Smith v. Herschel Lovelace and Venita Lovelace, from Pulaski County Circuit Court, Ninth Division.

CV-13-646. Billy Joe Crump Adams v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District.

CV-13-869. Brittany Olszewski v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CV-13-944. Cassie Lackey Dornan v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court.

CV-13-1097. Amber Marie Dodge v. Arkansas Department of Human Services and Minor Children, from Johnson County Circuit Court.

CV-13-1127. Joel Holt v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District.

CV-14-52. Misty Chapman and Bobby Wyles, Jr. v. Arkansas Department of Human Services, from Perry County Circuit Court.

CV-14-79. Charleen Horton v. Arkansas Department of Human Services, from Conway County Circuit Court.

CV-14-148. Jeff Freeman v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District.

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**CASES SUBMITTED**

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

E-13-1275. Marcia Luttrell v. Director et al.

E-13-1276. Shanese Brown v. Director et al.

E-13-1278. Jamie Adams v. Director et al.

E-13-1279. Tommy Harris v. Director et al.

E-14-2. Tabbata Corley v. Director et al.

E-14-3. Paula Latham v. Director et al.

E-14-5. Corey Wakefield v. Director et al.

E-14-6. Sandra Gray v. Director et al.

E-14-8. Michelle Thompson v. Director et al.

E-14-9. Tonia Garner v. Director et al.

E-14-11. Timothy Higginbotham v. Director et al.

E-14-12. Sammy Hughes v. Director et al.

E-14-14. Rickey Hampton v. Director et al.

E-14-15. Bobby Banister v. Director et al.

E-14-17. Franchesca Green v. Director et al.

E-14-18. Charles Beard v. Director et al.

E-14-20. Rosevelt Beal v. Director et al.

E-14-21. Derrick Burnett v. Director et al.

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**CASES SUBMITTED**

E-14-23. Christine Diamond v. Director et al.

E-14-24. Marcus Dale v. Director et al.

E-14-26. Gary Burton v. Director et al.

E-14-28. Gwendolyn Thomas v. Director et al.

E-14-30. Breyona Edwards v. Director et al.

E-14-31. Yvonne Otwell v. Director et al.