

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF SEPTEMBER 17, 2014

### ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-14-303](#). Melissa Wilhite v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion to withdraw granted. Wood and Brown, JJ., agree.

[E-13-971](#). Allyson Theophile v. Director, Department of Workforce Services, and Administrative Office of the U.S. Court, from the Arkansas Board of Review. Affirmed. Wood and Brown, JJ., agree.

### JOHN MAUZY PITTMAN, JUDGE:

[CR-13-1099](#). Terrell Wayne Hood v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Walmsley and Hixson, JJ., agree.

[CV-14-259](#). Lora Lindsay v. Arkansas Department of Human Services, from Washington County Circuit Court. Affirmed; motion to withdraw granted. Walmsley and Hixson, JJ., agree.

### BILL H. WALMSLEY, JUDGE:

[CV-13-834](#). Samantha Villasaldo v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Glover and Vaught, JJ., agree.

### BRANDON J. HARRISON, JUDGE:

[CV-14-304](#). Tyrone Moses, Sr. v. Arkansas Department of Humans Services and T.M. and A.M., Minors, from Conway County Circuit Court. Affirmed. Wynne and Glover, JJ., agree.

[CV-14-372](#). Monique Ware v. Arkansas Department of Humans Services and Minor Children, from Benton County Circuit Court. Affirmed; motion to withdraw granted. Wynne and Glover, JJ., agree.

### ROBIN F. WYNNE, JUDGE:

[CV-14-316](#). Danielle Tuck and Dustin Tuck v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed. Harrison and Glover, JJ., agree.

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ROBIN F. WYNNE, JUDGE: (Continued)

[CV-14-405](#). Jennie Warren v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Harrison and Glover, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-13-1113](#). Roger Dale Pierce v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Affirmed. Harrison and Wood, JJ., agree.

[CR-14-230](#). Kayla DeShazier v. State of Arkansas, from Jefferson County Circuit Court. Affirmed; motion granted; remanded for correction of sentencing order. Whiteaker and Vaught, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-13-654](#). James T. Piper v. State of Arkansas, from Drew County Circuit Court. Affirmed. Walmsley and Vaught, JJ., agree.

[CV-14-232](#). Teddy Overturff v. James A. Read, Mary Read, Clarence A. Conwell, Jr., Jane Conwell, Petrohawk Properties, LP, and Western Land Services, Inc., from Van Buren County Circuit Court. Affirmed in part; reversed and remanded in part. Walmsley and Vaught, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-13-1121](#). Dale Harvey Brown v. State of Arkansas, from Van Buren County Circuit Court. Affirmed; remanded with instructions to correct sentencing order. Gruber and Vaught, JJ., agree.

[CV-14-306](#). Virgil Drake v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gruber and Vaught, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-13-1142](#). Linda Dixon Bly, In Her Capacity as Trustee of the Dorothy Dixon Hatchett Revocable Trust v. Guy Collister, from Van Buren County Circuit Court. Affirmed in part; reversed and remanded in part. Gruber and Whiteaker, JJ., agree.

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LARRY D. VAUGHT, JUDGE: (Continued)

[CV-14-336](#). Cataayah Miles v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Whiteaker, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-13-1118](#). Terry Detherow v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Pittman and Walmsley, JJ., agree.

[E-13-1008](#). Shelia Spencer v. Director, Department of Workforce Services, and Murphy Oil USA, Inc., from the Arkansas Board of Review. Reversed and remanded. Pittman and Walmsley, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CV-13-632](#). Mary Hartman and Donna Dewey v. Henry N. Edwards, from Crawford County Circuit Court. Affirmed. Harrison and Gruber, JJ., agree.

[CV-14-320](#). Brandon Williams v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Affirmed in part; reversed and remanded in part. Gladwin, C.J., and Brown, J., agree.

WAYMOND M. BROWN, JUDGE:

[CV-14-356](#). Greg Holmes 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 Wood, J., agree.

[E-13-1242](#). SCI, Inc. v. Director, Department of Workforce Services, from the Arkansas Board of Review. Affirmed. Gladwin, C.J., and Wood, J., agree.

**ARKANSAS COURT OF APPEALS**  
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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-14-167. Towanda Ingram v. Director et al.

E-14-168. Gloria Threlkeld v. Director et al.

E-14-169. Marquis Brown v. Director et al.

E-14-170. Marquette Gill v. Director et al.

E-14-171. Curtis Solomon v. Director et al.

E-14-172. Kerry Gross v. Director et al.

E-14-173. Carl Lange v. Director et al.

E-14-174. Alamgir Khan v. Director et al.

E-14-175. Melvin George v. Director et al.

E-14-176. Sandra Williams v. Director et al.

E-14-177. Michael Blakeley v. Director et al.

E-14-178. Melissa Teague v. Director et al.

E-14-179. Icie Phillips v. Director et al.

E-14-180. Connie Leonard v. Director et al.

E-14-181. Patricia Johnson v. Director et al.

E-14-182. Patricia Tibbs v. Director et al.

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E-14-183. Derrick Smith v. Director et al.

E-14-184. Soon Young Redden v. Director et al.

E-14-185. Daniel Sennet v. Director et al.

E-14-186. Terry Patterson v. Director et al.

E-14-187. Jennifer Berner v. Director et al.

E-14-188. William Foster v. Director et al.

E-14-189. Troy Breedlove v. Director et al.

E-14-191. Christopher Goodin v. Director et al.

# ARKANSAS COURT OF APPEALS

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### PER CURIAM ORDERS

CR-13-925. Robert D. Turner v. State of Arkansas, from Crittenden County Circuit Court. Motion of Shaun Hair for attorney's fees is granted. Allowed \$1,800.00.

CR-14-328. Charles Earl Heard v. State of Arkansas, from Union County Circuit Court. Appellee's unopposed motion to supplement the record is granted.

CV-13-460. MidFirst Bank, Carolyn Bedford, and Denise Bedford v. Lori Ledbetter (Sumpter), Stewart Title Guaranty Company, and Fidelity National Bank, from Crittenden County Circuit Court. Motion of appellant MidFirst Bank to enlarge oral argument time is moot.

[CV-14-325](#). Todd Robinson v. Whitey's Truck Center, Inc., from Pulaski County Circuit Court, Third Division. Appellee's motion for remand to settle the record, or, in the alternative to allow appellee to proceed with an appeal based on its notice of appeal, or, in the alternative for rule on clerk and to stay brief time is denied in part; granted in part. See **per curiam** this date.

CV-14-453. Continental Construction Company and Travelers Indemnity Company v. Ronnie J. Nabors, from the Arkansas Workers' Compensation Commission. Appellants' motion for substitution of counsel and for extension of time is granted.

CV-14-501. James Dennis Perkins, Jr. v. C & M Development, from Lonoke County Circuit Court. Motion of Gregory Bryant to be relieved as counsel for appellant is granted.

CV-14-558. Coy D. Reece v. Eaton Corporation, Old Republic Insurance Company, Second Injury Fund, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellant's motion to correct administrative record and stay briefing schedule in the interim is granted.

CV-14-661. Anita Harbin v. Arkansas Department of Human Services and Minor Child, from Cleburne County Circuit Court. Appellant's motion to enlarge page limit and to stay brief deadline is granted.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, LLC, from Mississippi County Circuit Court, Osceola District. Unopposed motion for substitution of counsel on behalf of Big River Steel, LLC, is granted.

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**PER CURIAM ORDERS**

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, LLC, from Mississippi County Circuit Court, Osceola District. Unopposed motion of Big River Steel, LLC, to extend time to respond to motions is granted. Response to motions due in ten days.

CV-14-723. Vicky Bass v. Benton Ned Bass, from Garland County Circuit Court. Appellant's motion for permission to file record with missing transcript is remanded to the circuit court to settle the record.

E-14-489. Brock Weast v. Director et al., from the Arkansas Board of Review. Pro se motion to strike Arkansas Department of Workforce Services decision is denied.

E-14-696. Shirley Kirklin v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

E-14-697. Katherine Hanson v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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**MOTIONS SUBMITTED**

CR-13-932. Tracy L. Davis v. State of Arkansas, from Union County Circuit Court. Motion of Robert M. “Robby” Golden for attorney’s fees.

CR-13-1093. Desmond Eugene Rowe v. State of Arkansas, from Chicot County Circuit Court. Motion of Joseph P. Mazzanti III for attorney’s fees.

CR-14-44. Brenda Bohannon v. State of Arkansas, from Jefferson County Circuit Court. Motion of Robert R. Cortinez, Sr., for attorney’s fees.

CR-14-630. Heather P. Butler v. State of Arkansas, from Faulkner County Circuit Court. Motion of Brett D. Watson for attorney’s fees.

CV-13-928. X.O.P. v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney’s fees.

CV-13-949. Kimberly Stibich v. Adam S. Stibich, from Garland County Circuit Court. Appellee’s motion to supplement record and motion for expansion of time.

CV-13-990. Cynthia Butler Farrell v. Hanford Francis Farrell, Jr., from Sebastian County Circuit Court, Fort Smith District. Motion for attorney fees for supplemental abstracting by appellee.

CV-14-80. Louis A. Sheppard v. Arkansas Alcoholic Beverage Control Board and Jay Arnold, from Pulaski County Circuit Court, Sixth Division. Motion of Kevin M. Lemley, P.A., for substitution of counsel for appellant.

CV-14-80. Louis A. Sheppard v. Arkansas Alcoholic Beverage Control Board and Jay Arnold, from Pulaski County Circuit Court, Sixth Division. Motion of Anton L. Janik to withdraw as counsel for appellant.

CV-14-229. Marcia Jane Shepherd v. James Jones, from Pulaski County Circuit Court, Twelfth Division. Appellant’s motion to correct the record and reset the briefing schedule.

CV-14-353. Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court. Appellant’s motion to supplement the record on appeal.



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**MOTIONS SUBMITTED**

CV-14-525. Gayle D. Zimmerman v. Samuel B. Pope, from Ashley County Circuit Court. Appellant's motion to supplement the record and for extension of time to file brief.

CV-14-623. Brenda Mode and Calvin Mode v. Arkansas Department of Human Services and Minor Children, from Perry County Circuit Court. Appellants' motion to supplement the record.

CV-14-682. Roy Williams v. Faust Big Creek Sawmill and AIG, from the Arkansas Workers' Compensation Commission. Motion to remand to administrative law judge.

CV-14-682. Roy Williams v. Faust Big Creek Sawmill and AIG, from the Arkansas Workers' Compensation Commission. Pro se motion to withdraw appeal.

E-14-759. Teresa Cole v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

E-14-761. Marcella Aaron v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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## PROCEEDINGS OF SEPTEMBER 17, 2014

### CASES SUBMITTED

CV-13-667. Consumer Utilities Rate Advocacy Division of the Arkansas Attorney General's Office v. Arkansas Public Service Commission; Entergy Arkansas, Inc.; and Arkansas Electric Energy Consumers, from the Arkansas Public Service Commission. Orally argued.

CV-13-803. Consumer Utilities Rate Advocacy Division of the Arkansas Attorney General's Office v. Arkansas Public Service Commission; Entergy Arkansas, Inc.; and Arkansas Electric Energy Consumers, from the Arkansas Public Service Commission. Orally argued.

CR-12-724. Olivia Moody v. State of Arkansas, from Jefferson County Circuit Court.

CR-13-491. Nicholas Burris v. State of Arkansas, from Union County Circuit Court.

CR-13-641. Joel Corvin Buckley v. State of Arkansas, from Washington County Circuit Court.

CR-13-649. Brandy Michelle Goodman v. State of Arkansas, from Lonoke County Circuit Court.

CV-13-694. Helena-West Helena School District v. Adriane Rena Shields, from Phillips County Circuit Court.

CV-13-703. SMG 1054, Inc. v. James E. Thompson, from Randolph County Circuit Court.

CV-14-124. Stuart Blake Deaton v. Alyssa Morgan, from Columbia County Circuit Court.

CV-14-174. Brandy Jung v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court, Eastern District.

CV-14-258. Robert Boyd v. Madison County, Arkansas, and AAC Risk Management, from the Arkansas Workers' Compensation Commission.

CV-14-277. Best Western Inn, Union Insurance of Providence, and Employers Mutual Casualty Company v. Christina Paul, from the Arkansas Workers' Compensation Commission.

CV-14-343. Virtle Hines v. Arkansas Department of Human Services and Minor Children, from St. Francis County Circuit Court.

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### CASES SUBMITTED

CV-14-422. Ray McMahon v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CV-14-428. Reginald Avant v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division.

CV-14-458. Sharon Singleton v. Arkansas Department of Human Services and Minor Children, from Scott County Circuit Court.

CV-14-469. Tina Nguyen and Johnny Hoang v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-14-471. Jamar Samuels v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court.

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

E-14-218. Gary Golden v. Director et al.

E-14-219. Phyllis Jones v. Director et al.

E-14-220. Darla Cruz v. Director et al.

E-14-221. Kyimekia Williams v. Director et al.

E-14-222. Lewis Powell, Sr. v. Director et al.

E-14-223. Laura Snow v. Director et al.

E-14-225. Cathy Nevels v. Director et al.

E-14-226. Toni Jones v. Director et al.

E-14-227. Esmundo Juarez v. Director et al.

E-14-228. Tina Scott v. Director et al.

E-14-229. Danny Allen v. Director et al.

E-14-230. Donald Nelson, Jr. v. Director et al.

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**CASES SUBMITTED**

- E-14-231. Yvonne Boyce v. Director et al.
- E-14-232. Tony Sikes v. Director et al.
- E-14-233. Matthew Whittmore v. Director et al.
- E-14-234. Gary Cook v. Director et al.
- E-14-235. Eloise Daniels v. Director et al.
- E-14-236. Terry Geater v. Director et al.
- E-14-237. Matthew Harris v. Director et al.
- E-14-238. Riley Carpenter v. Director et al.
- E-14-239. Thomas Ramey v. Director et al.
- E-14-240. Thomas Ramey v. Director et al.
- E-14-241. Thomas Ramey v. Director et al.
- E-14-242. Thomas Ramey v. Director et al.
- E-14-243. James Hogan v. Director et al.
- E-14-244. Gloreatha Smith v. Director et al.
- E-14-245. Carla Washington v. Director et al.
- E-14-246. Martha Cambron v. Director et al.
- E-14-247. Daniel Nooner v. Director et al.
- E-14-248. Linda Allen v. Director et al.