

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF OCTOBER 1, 2014

### ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-14-56](#). Robert A. Butler v. Karla Glass Butler, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Walmsley, Glover, Whiteaker and Vaught, JJ., agree. Pittman, J., dissents.

### JOHN MAUZY PITTMAN, JUDGE:

[CV-14-186](#). Rachel Christian et al. v. McVesting, LLC, et al., from Van Buren County Circuit Court. Reversed and remanded. Walmsley and Hixson, JJ., agree.

[CV-14-428](#). Reginald Avant v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Eighth Division. Affirmed; motion to withdraw granted. Walmsley and Hixson, JJ., agree.

### BILL H. WALMSLEY, JUDGE:

[CV-14-458](#). Sharon Singleton v. Arkansas Department of Human Services, from Scott County Circuit Court. Affirmed; motion to withdraw granted. Pittman and Hixson, JJ., agree.

[E-13-820](#). Paul Sims v. Director, Department of Workforce Services, and Bismarck Public Schools, from the Arkansas Board of Review. Reversed and remanded. Pittman and Hixson, JJ., agree.

### BRANDON J. HARRISON, JUDGE:

[CV-13-1159](#). In Re Adoption of I.C., Kevin Scott Clark and Juniorette Marie Clark v. Madison Elaine Hall, from Benton County Circuit Court. Affirmed. Wynne and Glover, JJ., agree.

[CV-14-203](#). Angela Poss and George Brumley v. Arkansas Department of Human Services and G.B. and C.F., Minors, from Washington County Circuit Court. Affirmed in part; motion to withdraw granted in part; rebriefing ordered in part; motion to withdraw denied in part. Wynne and Glover, JJ., agree.

[CV-14-343](#). Virtle Nnette Hines v. Arkansas Department of Human Services and Minor Children, from St. Francis County Circuit Court. Affirmed. Wynne and Glover, JJ., agree.

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### ROBIN F. WYNNE, JUDGE:

[CR-13-641](#). Joel Buckley v. State of Arkansas, from Washington County Circuit Court. Affirmed in part; reversed and remanded in part. Glover, J., agrees. Harrison, J., concurs.

[CV-14-258](#). Robert Boyd v. Madison County and AAC Risk Management, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison and Glover, JJ., agree.

### RITA W. GRUBER, JUDGE:

[CV-13-694](#). Helena-West Helena Public School District v. Adriane Rena Shields, from Phillips County Circuit Court. Appeal dismissed. Whiteaker and Vaught, JJ., agree.

[CV-14-277](#). Best Western Inn and Union Insurance of Providence/ Employers Mutual Casualty Co. v. Christina Paul, from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker and Vaught, JJ., agree.

### DAVID M. GLOVER, JUDGE:

[CV-14-124](#). Stuart Blake Deaton v. Alyssa Morgan, from Columbia County Circuit Court. Affirmed. Harrison and Wynne, JJ., agree.

### PHILLIP T. WHITEAKER, JUDGE:

[CR-13-491](#). Nicholas Burriss v. State of Arkansas, from Union County Circuit Court. Motion to withdraw denied without prejudice; rebriefing ordered. Gruber and Vaught, JJ., agree.

[CV-14-174](#). Brandy Jung v. Arkansas Department of Human Services and N.E., Minor Child, from Carroll County Circuit Court, Eastern District. Affirmed. Gruber and Vaught, JJ., agree.

### LARRY D. VAUGHT, JUDGE:

[CV-13-703](#). SMG 1054, Inc. v. James E. Thompson, from Randolph County Circuit Court. Reversed and remanded. Gruber and Whiteaker, JJ., agree.

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### RHONDA K. WOOD, JUDGE:

[CV-14-212](#). Sharon Chapman and Shannon Riddle, Sr. v. Arkansas Department of Human Services and Minor Child, from Crawford County Circuit Court. Affirmed, motion to withdraw granted. Wynne, Gruber, Hixson, and Brown, JJ., agree. Harrison, J., dissents.

[CV-14-471](#). Jamar Samuels v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court. Affirmed. Gladwin, C.J., and Brown, J., agree.

### WAYMOND M. BROWN, JUDGE:

[CR-13-649](#). Brandy Michelle Goodman v. State of Arkansas, from Lonoke County Circuit Court. Affirmed; motion to withdraw granted. Gladwin, C.J., and Wood, J., 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-14-218. Gary Daniel Golden v. Director et al.

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

E-14-220. Darla Aloisio 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 Ann Snow v. Director et al.

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

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

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

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

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- E-14-229. Danny Ray Allen v. Director et al.
- E-14-230. Donald Duane Nelson, Jr. v. Director et al.
- E-14-231. Yvonne Boyce v. Director et al.
- E-14-232. Tony Sikes v. Director et al.
- E-14-233. Matthew James Whittmore v. Director et al.
- E-14-234. Gary Lee Cook v. Director et al.
- E-14-235. Eloise Michelle 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 M. Ramey v. Director et al.
- E-14-240. Thomas M. Ramey v. Director et al.
- E-14-241. Thomas M. Ramey v. Director et al.
- E-14-242. Thomas M. 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 Hoffman Cambron v. Director et al.
- E-14-247. Daniel Nooner v. Director et al.
- E-14-248. Linda F. Allen 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-14-215. Tara Brooks Harris v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division.

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CR-13-1079. Gary D. Bell v. State of Arkansas, from Clark County Circuit Court. Motion of Alex R. Burgos for attorney's fees is granted. Allowed \$1,800.00.

CR-13-1089. Corey Dotson v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,500.00

CR-14-230. Kayla DeShazier v. State of Arkansas, from Jefferson County Circuit Court. Motion of David W. Brophrey for attorney's fees is granted. Allowed \$1,600.00

CR-14-364. Delbert Raymond Price v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to file belated brief is granted.

CR-14-714. Darrell Robertson v. State of Arkansas, from Conway County Circuit Court. Appellant's motion to supplement the record is granted.

CV-14-241. Linda S. Lee v. Sherlyn E. Jones et al., from Perry County Circuit Court. Pro se motion to dismiss a party (Petit Jean State Bank) from the appeal and to extend time is denied.

CV-14-410. Edward Kenneth Bingham v. Mark Wilcox, Land Commissioner, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for extension of brief time is denied. Harrison, J., not participating.

CV-14-500. Lawrence Crowell, Jr. v. Arquest, Inc., et al., from the Arkansas Workers' Compensation Commission. Appellees' motion for substitution of counsel is granted.

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CV-14-500. Lawrence Crowell, Jr. v. Arquest, Inc., et al., from the Arkansas Workers' Compensation Commission. Joint motion to extend remand to the Arkansas Workers' Compensation Commission is granted.

CV-14-571. Linda S. Lee v. Sherlyn E. Jones et al., from Perry County Circuit Court. Pro se motion to reconsider appellant's motion to consolidate and extend time is denied.

CV-14-574. Linda S. Lee v. Sherlyn E. Jones et al., from Perry County Circuit Court. Pro se motion to reconsider appellant's motion to consolidate and extend time is denied.

CV-14-674. Tricia Dundee v. Brenda Horton and GEICO General Insurance Company, from Sebastian County Circuit Court, Greenwood District. Motion of Joe Hamilton McCutchen II to withdraw as counsel for appellant is granted.

CV-14-674. Tricia Dundee v. Brenda Horton and GEICO General Insurance Company, from Sebastian County Circuit Court, Greenwood District. Motion to disqualify McCutchen, Buckley, Campbell Law Firm, and motion to stay proceedings is moot.

CV-14-710. William Whittenburg v. John R. Moody and Sandra O. Moody, from Prairie County Circuit Court, Southern District. Pro se motion to complete the circuit court record is remanded to the circuit court to settle the record.

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**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

CR-13-722. Dimitria Singleton-Harris v. State of Arkansas, from Miller County Circuit Court.

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CR-11-415. Edward Anthony Liggins v. State of Arkansas, from Craighead County Circuit Court. Appellant's motion for extension of time in which to file reply brief.

CR-13-734. Frederick Rainey v. State of Arkansas, from Cleveland County Circuit Court. Appellees' motion to dismiss appeal held over.

CR-13-1113. Roger Dale Pierce v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Motion of David Dunagin for attorney's fees.

CR-13-1118. Terry Detherow v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of William O. "Bill" James, Jr., for attorney's fees.

CR-13-1139. Jhon Harris v. State of Arkansas, from Columbia County Circuit Court. Motion of William O. "Bill" James, Jr., for attorney's fees.

CR-14-129. Rene Garcia v. State of Arkansas, from Washington County Circuit Court. Pro se motion for trial transcript.

CR-14-129. Rene Garcia v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to allow for filing of belated brief.

CR-14-129. Rene Garcia v. State of Arkansas, from Washington County Circuit Court. Second pro se motion for transcript and payment of costs.

CR-14-153. Joe L. Bell III v. State of Arkansas of Arkansas, from Pulaski County Circuit Court, Second Division. Appellee's motion to dismiss appeal.

CR-14-445. Jeffery E. Jackson v. State of Arkansas, from Calhoun County Circuit Court. Appellant's motion to supplement record and to correct brief.

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### MOTIONS SUBMITTED

CR-14-499. Lester Phillips v. State of Arkansas, from Jefferson County Circuit Court. Appellee's motion to direct compliance with Arkansas Supreme Court Rules 3-1 and 3-4 as to the trial record and motion to stay briefing pending compliance.

CR-14-499. Lester Phillips v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion to supplement the record and stay briefing schedule.

CV-14-601. Carlean Canady v. Petit Jean State Bank, from Conway County Circuit Court. Appellant's motion to amend and correct the trial record pagination and to set revised briefing schedule.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Appellants' motion to bifurcate consideration of issues for review.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Appellants' motion for appointment of master for the purpose of limited discovery and related testimony.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Appellants' motion for declaration of governing procedural rules and for stay of briefing schedule.

E-14-789. Roderic Hicks v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

E-14-790. Brenda L. Dyer v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.



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### CASES SUBMITTED

CV-14-80. Louis A. Sheppard v. Arkansas Alcohol Beverage Control Board and Jay Arnold, from Pulaski County Circuit Court, Sixth Division. Orally argued.

CR-13-180. Christopher C. Cory v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-222. Marcus A. Rimmer v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-537. Khalin Collins v. State of Arkansas, from Columbia County Circuit Court.

CR-13-778. Taneka Robinson v. State of Arkansas, from Crittenden County Circuit Court.

CR-13-892. Tracy Land Davis v. State of Arkansas, from Union County Circuit Court.

CR-13-917. Omar Griffis v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-13-1160. Ashley D. Malvin v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-14-2. Jarmal Carlos Williams v. State of Arkansas, from Crittenden County Circuit Court.

CR-14-11. Jonathan Johns v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CR-14-64. John Ellis Johnson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-14-89. Michael Lee Williams v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-14-156. Todd Aaron Smith v. State of Arkansas, from Miller County Circuit Court.

CV-13-969. Alvester Bingham v. C&L Electric Cooperative, from Desha County Circuit Court.

CV-13-1071. Victoria Jane Fleming v. Kenneth Vest, M.D., from Garland County Circuit Court.

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### CASES SUBMITTED

CV-13-1129. Kroger Limited Partnership and Sedgwick CMS, Inc. v. Joseph L. Fee, from the Arkansas Workers' Compensation Commission.

CV-14-104. Donna Kaye McCall Grunwald et al. v. Sherall Dean McCall et al., from Carroll County Circuit Court, Western District.

CV-14-270. Terry Druyvestein v Linda Van Divner, from Sebastian County Circuit Court, Fort Smith District.

CV-14-452. Roberto Jaramillo v. Systems Contracting and Integrated Claims Management, from the Arkansas Workers' Compensation Commission.

CV-14-455. Jayme Adams v. Georgia Pacific and Indemnity Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-14-479. Joyce Livermore v. Madison County Judge and AAC Risk Management Services, from the Arkansas Workers' Compensation Commission.

CV-14-538. Justin Frisby v. Arkansas Department of Human Services and Minor Children, from Cleveland County Circuit Court.

CV-14-567. Tawana Willingham v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court.

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

E-14-269. Kelli Underwood v. Director et al.

E-14-270. Shirley McCoy v. Director et al.

E-14-271. Dustin Furrow v. Director et al.

E-14-272. Bryce Miller v. Director et al.

E-14-273. Halie Norris v. Director et al.

E-14-274. Dirk Helmke v. Director et al.

E-14-275. Aimee Donahue v. Director et al.

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**CASES SUBMITTED**

- E-14-276. Deborah Garrett v. Director et al.
- E-14-277. Deborah Garrett v. Director et al.
- E-14-278. Vanessa Tensley v. Director et al.
- E-14-279. Pamela Landon v. Director et al.
- E-14-280. Brandon Richardson v. Director et al.
- E-14-281. Donna Earnest v. Director et al.
- E-14-282. Evricka Haile v. Director et al.
- E-14-283. Brittany Foster v. Director et al.
- E-14-292. Rex Blackwell v. Director et al.
- E-14-293. Ericka Davis Collins v. Director et al.
- E-14-294. Carlisle Shelby v. Director et al.
- E-14-295. Susan Richards v. Director et al.
- E-14-296. Dorothy Williams v. Director et al.
- E-14-297. Rozeta Nevels v. Director et al.
- E-14-298. Timothy McElveen v. Director et al.
- E-14-299. Ben Smith v. Director et al.
- E-14-300. Michael Jones v. Director et al.

Opinions are available on the internet at

<http://courts.arkansas.gov>