

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF DECEMBER 10, 2014

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

[CR-14-228](#). Lester Lee Hendrix v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Walmsley and Vaught, JJ., agree.

[CV-14-233](#). Regina Jo Webb v. Lester Webb, from Grant County Circuit Court. Affirmed. Walmsley and Vaught, JJ., agree.

#### RITA W. GRUBER, JUDGE:

[CV-14-448](#). Kenneth Coleman Colley II v. Audrey Hamilton Colley, from Sebastian County Circuit Court, Greenwood District. Reversed and remanded. Wynne and Brown, JJ., agree.

[CV-14-450](#). Baptist Memorial Hospital-Mississippi County, Inc., d/b/a Baptist Memorial Hospital-Blytheville and d/b/a Baptist Memorial Hospital-Osceola v. Madhu Kalyan, M.D., from Mississippi County Circuit Court, Chickasawba District. Reversed and remanded. Wynne and Brown, JJ., agree.

#### DAVID M. GLOVER, JUDGE:

[CR-14-473](#). Vincent Bogard v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Reversed and remanded with instructions. Pittman and Whiteaker, JJ., agree.

[CV-14-185](#). Heidi Harter f/k/a Heidi Szykowny v. David J. Szykowny, from Carroll County Circuit Court, Western District. Reversed and remanded. Pittman and Whiteaker, JJ., agree.

[CV-14-441](#). Jerry W. Barnett and Rose S. Barnett, Husband and Wife v. Gary L. Sanders and Shari H. Sanders, Husband and Wife, and Stuart H. Sanders, from Washington County Circuit Court. Affirmed in part; reversed and remanded in part. Pittman and Whiteaker, JJ., agree.

#### LARRY D. VAUGHT, JUDGE:

[CR-14-403](#). Kennetha Henson v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

[CV-14-207](#). Christa Gregory Lowder and Robert Edward Lowder v. David Gregory, from Crawford County Circuit Court. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

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#### KENNETH S. HIXSON, JUDGE:

[CV-14-179](#). James Washington d/b/a Washington Repair Service v. Kingridge Enterprises, Inc., from Pulaski County Circuit Court, Second Division. Affirmed. Harrison and Wood, JJ., agree.

[CV-14-419](#). Ronald Beggs v. Elizabeth M. Beggs, from Pulaski County Circuit Court, Fifteenth Division. Remanded to settle and supplement the record. Harrison 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-14-424. Catherine Hutchison v. Director et al.

E-14-425. Beryl Carpenter v. Director et al.

E-14-426. John Proctor v. Director et al.

E-14-427. Frank Vaughn v. Director et al.

E-14-428. Marsha Guest v. Director et al.

E-14-429. Claudia Wilson v. Director et al.

E-14-430. Robert Cobb v. Director et al.

E-14-431. James Reep v. Director et al.

E-14-432. LaTasha Franklin v. Director et al.

E-14-433. Jerry Williams v. Director et al.

E-14-434. Julia Easter v. Director et al.

E-14-435. Evelyn Moore v. Director et al.

E-14-436. Karen McCurrie v. Director et al.

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E-14-437. Tammy Burkett v. Director et al.

E-14-438. Toccara Winfrey v. Director et al.

E-14-439. Pamela Digman v. Director et al.

E-14-440. Terry Jones v. Director et al.

E-14-441. Lisa Hall v. Director et al.

E-14-442. Kimberly Kay v. Director et al.

E-14-443. Teresa Ford v. Director et al.

E-14-444. Zakary Chumney v. Director et al.

E-14-445. Aleshia Jordan v. Director et al.

E-14-446. Daniel Holzman 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-13-1104. Bank of the Ozarks v. Susan Cossey, from Pulaski County Circuit Court, Sixteenth Division.

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CR-13-868. Michael Gene Fowler v. State of Arkansas, from Faulkner County Circuit Court. Motion of Brian Brooks for attorney's fees is granted. Allowed \$1,800.00.

CR-13-892. Tracy L. Davis v. State of Arkansas, from Union County Circuit Court. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,800.00.

CR-13-917. Omar Griffis v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion for extension of time to supplement record and to file substituted brief is granted.

CR-13-945. Timothy Smith v. State of Arkansas, from Crittenden County Circuit Court. Motion of Jonathan T. Lane for attorney's fees is granted. Allowed \$1,800.00.

CR-13-994. James Anthony Gould v. State of Arkansas, from Pope County Circuit Court. Motion of James Dunham for attorney's fees is granted. Allowed \$1,800.00.

CR-13-1095. Kathy Gene Griffin v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to file supplemental addendum is granted. Glover, J., not participating.

CR-14-78. Graig B. Lintz v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,800.00.

CR-14-103. Willie Ray Porchia v. State of Arkansas, from Ouachita County Circuit Court. Motion of Margaret Egan for attorney's fees is granted. Allowed \$1,800.00.

CR-14-123. Anthony D. Toombs v. State of Arkansas, from Pulaski County Circuit Court, First Division. Pro se motion to object the Arkansas Attorney General's response to pro se motion for new counsel and for other relief is denied.

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CR-14-161. David Van Winkle v. State of Arkansas, from Polk County Circuit Court. Motion of William O. "Bill" James, Jr., for attorney's fees is granted. Allowed \$1,800.00.

CR-14-176. Damien Ford v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough to be relieved as counsel is granted.

CR-14-191. Shareef Palmer Brown v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,800.00.

CR-14-216. Clint Beavers v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to accept tendered briefs is granted. Appellant's tendered brief filed this date.

CR-14-239. Michael Woole v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for clarification is denied.

CR-14-313. Tyree Banks v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,800.00.

CR-14-376. Derrick Demond Glenn v. State of Arkansas, from Bradley County Circuit Court. Motion of Gary W. Potts for attorney's fees is granted. Allowed \$1,800.00.

CR-14-381. Herman Ray Frasure v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$500.00.

CR-14-540. Jerry F. Kirk v. State of Arkansas, from Searcy County Circuit Court. Appellee's motion to dismiss appeal is granted.

CR-14-652. Lasette McDougal v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's motion to supplement the record is granted. Tendered supplemental record filed this date.

CR-14-779. Brandon House v. State of Arkansas, from Clark County Circuit Court. Appellant's motion for consolidation of appeals or, in the alternative, for an extension of time to file brief. Appellant's motion for consolidation of appeals is denied. Appellant's brief due in seven days.

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CR-14-780. Brandon House v. State of Arkansas, from Clark County Circuit Court. Appellant's motion for consolidation of appeals or, in the alternative, for an extension of time to file brief. Appellant's motion for consolidation of appeals is denied. Appellant's brief due in seven days.

CV-13-949. Kimberly Stibich v. Adam S. Stibich, from Garland County Circuit Court. Appellee's motion to dismiss cross-appeal and motion for leave to file belated response. Appellee's motion to dismiss cross-appeal is granted. Appellee's motion for leave to file belated response is denied.

CV-13-1077. Clyde Ray King and Eileen McMurray v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Pro se motion to file a belated petition for rehearing and recall the mandate is denied.

CV-13-1134. Albert Coleman v. Eric Strom and Ida Strom, from Pulaski County Circuit Court, Sixteenth Division. Appellees' motion for dismissal is granted.

CV-14-229. Marcia Jane Shepherd v. James Jones, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to enforce court's order of September 24, 2014. Appellee's motion to dismiss appeal is denied. Corrected record is due December 19, 2014. Gruber, J., not participating.

CV-14-368. Tammy Wilcoxon v. William Tony Thomas, from Ashley County Circuit Court. Appellee/Cross-Appellant's combined motion to dismiss appeal for want of jurisdiction, to stay briefing schedule, or to extend time is passed until the case is submitted.

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. Motion to set a separate briefing schedule for appellee Second Injury Fund is granted.

CV-14-663. Jennifer Poff Talley et al. v. Carolyn Peedin et al., from Cleburne County Circuit Court. Appellants' motion for supersedeas bond is granted.

CV-14-693. Barton AG Center, Inc.; Verlon Spencer; and Greenway Equipment, Inc. v. William Case, from Pulaski County Circuit Court, Fifth Division. Appellee's motion to dismiss cross-appeal is granted.

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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. Arkansas Pollution Control & Ecology Commission's motion for show cause is denied.

CV-14-810. Stephen Brian Collins and Kimberly Diane Collins v. Deutsche Bank National Trust Company et al., from Miller County Circuit Court. Appellants' motion to reconsider motion to stay circuit court proceedings is denied.

E-13-216. Princella Block v. Director et al., from the Arkansas Board of Review. Pro se motion to set aside decision by the law clerk pursuant to Rule 60 of the Rules of Civil Procedure is denied.

E-14-654. Crystal Jamerson v. Director et al., from the Arkansas Board of Review. Pro se motion to add new evidence is denied.

E-14-947. Michael Thomas v. Director et al., from the Arkansas Board of Review. Pro se motion to file a belated appeal is denied.

E-14-948. Steve Bradley v. Director et al., from the Arkansas Board of Review. Pro se motion to file a belated appeal is denied.

E-14-966. Betty Bass v. Director et al., from the Arkansas Board of Review. Pro se motion to file a belated appeal is denied.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CV-13-990. Cynthia Butler Farrell v. Hanford Francis Farrell, from Sebastian County Circuit Court, Fort Smith District.

CV-14-309. Keith Capps Landscaping & Excavation, Inc. v. Van Horn Construction, Inc., and Travelers Casualty & Surety Company of America, from Pope County Circuit Court.

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CR-13-557. Ismeal Leal v. State of Arkansas, from Crittenden County Circuit Court. Motion of John Ogles for attorney's fees.

CR-14-317. Donald Lynn Jones v. State of Arkansas, from Saline County Circuit Court. Motion of Bobby R. Digby II for attorney's fees.

CR-14-338. Melissa McCann Arms v. State of Arkansas, from Polk County Circuit Court. Motion of Randy Rainwater for attorney's fees.

CR-14-340. Richard Brian Ford v. State of Arkansas, from Polk County Circuit Court. Motion of Randy Rainwater for attorney's fees.

CR-14-365. H.V. v. State of Arkansas, from Benton County Circuit Court. Motion of Misty Wilson Borkowski for attorney's fees.

CR-14-892. Kenneth O. Newton v. State of Arkansas, from Union County Circuit Court. Appellant's motion to complete the record.

CR-14-892. Kenneth O. Newton v. State of Arkansas, from Union County Circuit Court. Appellant's motion for continuance of briefing schedule.

CV-14-337. Oksana G. Hackney v. Josh Hackney, from Pulaski County Circuit Court, Fourteenth Division. Appellant's motion to strike appellee's supplement abstract and addendum, or, in the alternative, to allow appellant to file a substitute abstract, brief addendum, and to stay briefing schedule.



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**MOTIONS SUBMITTED**

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 expansion of statement of the case and argument page limits.

CV-14-781. Debra Clark v. Mickey's Special Affairs, Inc., et al., from the Arkansas Workers' Compensation Commission. Pro se motion to supplement the record.

CV-14-878. Rebecca Sarut v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Appellant's motion to ask permission to place missing pages in appellant's opening brief.

E-14-976. John Hammond v. Director et al., from the Arkansas Board of Review. Pro se motion for release of information from employer.

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**CASES SUBMITTED**

- CR-13-1091. Rodrigo Cantu v. State of Arkansas, from Crittenden County Circuit Court.
- CR-13-1094. Moses A. Kimmons v. State of Arkansas, from Crittenden County Circuit Court.
- CR-13-1119. Adam D. Roe v. State of Arkansas, from Crittenden County Circuit Court.
- CR-14-41. Larry Lee Cooper v. State of Arkansas, from Faulkner County Circuit Court.
- CR-14-53. Alfonzo Green v. State of Arkansas, from Crittenden County Circuit Court.
- CR-14-55. Gregory S. Crum v. State of Arkansas, from Crittenden County Circuit Court.
- CR-14-149. Jennifer L. Schiffer v. State of Arkansas, from Crittenden County Circuit Court.
- CR-14-150. Delevechio Antonio Suggs v. State of Arkansas, from Crittenden County Circuit Court.
- CR-14-155. Edward A. Walton v. State of Arkansas, from Crittenden County Circuit Court.
- CR-14-254. John L. Johnson v. State of Arkansas, from Crittenden County Circuit Court.
- CR-14-294. Dewayne Curtis Wright v. State of Arkansas, from Ouachita County Circuit Court.
- CR-14-296. Marlon Tramain Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.
- CR-14-388. Melissa McCann Arms v. State of Arkansas, from Polk County Circuit Court.
- CV-14-203. George Brumley v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.
- CV-14-604. Myrtle Stevens v. SEECO, Inc., from Van Buren County Circuit Court.

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**CASES SUBMITTED**

CV-14-722. Tara Russell v. Arkansas Department of Human Services and Minor Child,  
from Sebastian County Circuit Court, Fort Smith District.