

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 14, 2015

ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-14-382](#). Ricky L. Peals v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Hixson, JJ., agree.

[CR-14-634](#). Christopher Clemons v. State of Arkansas, from Grant County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Hixson, JJ., agree.

[CV-14-604](#). Myrtle Stevens v. Seeco, Inc., et al., from Van Buren County Circuit Court. Supplemental addendum ordered. Whiteaker and Hixson, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-14-451](#). Robert Edward Jones v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Vaught and Brown, JJ., agree.

[CV-14-34](#). Jose Peraza and Leticia Orellana, Individually and as Parents and Next Friends of Daniel Peraza v. United Financial Casualty Company, from Faulkner County Circuit Court. Appeal dismissed. Vaught and Brown, JJ., agree.

[CV-14-512](#). Diana McKenzie v. Diana Stockton Moore, from Saline County Circuit Court. Affirmed. Hixson and Hoofman, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-14-385](#). Dewayne Brown v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion granted. Glover and Whiteaker, JJ., agree.

[CR-14-524](#). Derrick A. Whitney v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion granted. Glover and Whiteaker, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-14-41](#). Larry Lee Cooper v. State of Arkansas, from Faulkner County Circuit Court. Motion to withdraw denied; rebriefing ordered; and clerk directed to serve copy of Larry Cooper's pro se points on the Attorney General's office Pursuant to Rule 4-3(K)(3). Gladwin, C.J., and Gruber, J., agree.

[CR-14-150](#). Delevocchio Antonio Suggs v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; counsel's motion to be relieved granted. Gladwin, C.J., and Gruber, J., agree.

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DAVID M. GLOVER, JUDGE: (Continued)

[CR-14-466](#). Marcus Martez Sims v. State of Arkansas, from Crittenden County Circuit Court. Rebriefing ordered; motion to withdraw denied. Gruber and Hixson, JJ., agree.

[CR-14-579](#). Khiry Daushon Nichols v. State of Arkansas, from Washington County Circuit Court. Motion to withdraw denied; rebriefing as a merit appeal ordered. Gruber and Hixson, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-14-377](#). Laquay Marquice Kindle v. State of Arkansas, from Johnson County Circuit Court. Affirmed; motion to withdraw granted. Gladwin, C.J., and Hixson, J., agree.

[CR-14-509](#). Frank Bemis Pledger v. State of Arkansas, from Miller County Circuit Court. Rebriefing ordered; motion to withdraw denied. Gladwin, C.J., and Hixson, J., agree.

LARRY D. VAUGHT, JUDGE:

[CR-14-149](#). Jennifer L. Schiffer v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Brown, JJ., agree.

[CR-14-155](#). Edward Antonio Walton v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Brown, JJ., agree.

[CR-14-520](#). Marlin Leach v. State of Arkansas, Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Brown, JJ., agree.

[CR-14-523](#). Derek Lemanuel Harmon v. State of Arkansas, Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-14-522](#). Alonzo Buckley v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Vaught, JJ., agree.

[CR-14-660](#). Vincent Showers v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Vaught, JJ., agree.

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PER CURIAM ORDERS

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

CV-13-924. Sue Poff v. James P. Elkins, M.D., and James P. Elkins, P.A., from Benton County Circuit Court.

CV-13-967. Champion Burks et al. v. Liberty Bank of Arkansas et al., from Garland County Circuit Court.

CV-13-1138. Affordable Bail Bonds, Inc. v. State of Arkansas, from Pope County Circuit Court.

CV-14-32. Maria Estrada v. AERT, Inc., and National Union Fire Insurance, from the Arkansas Workers' Compensation Commission. Glover, J., would grant.

CV-14-91. Cheri Suzanne McCoy v. Vernon Jeffrey Kincade, from Baxter County Circuit Court. Brown, J., would grant.

CV-14-348. Eric and Tama Anderson v. CitiMortgage, Inc., from Pulaski County Circuit Court, Third Division.

CV-14-511. Janet Kaye Autry v. Pam and Don Beckham, from Lonoke County Circuit Court.

E-13-1249. Teresa Buck v. Director et al., from the Arkansas Board of Review.

CR-12-950. Thomas Rainey v. State of Arkansas, from Dallas County Circuit Court. Appellant's motion for new trial is denied.

CR-13-159. Jason E. Dove v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tim Cullen for attorney's fees is granted. Allowed \$500.00. Vaught, J., not participating.

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CR-13-313. Antwan Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to dismiss appeal is denied.

CR-13-313. Antwan Fowler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to file belated substituted brief is granted. Tendered substituted brief filed this date.

CR-13-860. Tonya Renee Gaines v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,600.00.

CR-13-994. James Anthony Gould v. State of Arkansas, from Pope County Circuit Court. Appellant's motion for reconsideration of ruling regarding motion for attorney's fees is denied. Virden, J., not participating.

CR-13-1119. Adam D. Roe v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brett D. Watson for attorney's fees is granted. Allowed \$1,487.50.

CR-14-33. Travis L. White v. State of Arkansas, from Lonoke County Circuit Court. Motion of James W. Wyatt for attorney's fees is granted. Allowed \$1,800.00.

CR-14-53. Alfonzo Green v. State of Arkansas, from Crittenden County Circuit Court. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,600.00.

CR-14-127. Elizabeth J. McClellan 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-14-267. Patricia Hajek-McClure 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-14-328. Charles Earl Heard v. State of Arkansas, from Union County Circuit Court. Motion of N. Mark Klappenbach for attorney's fees is granted. Allowed \$1,800.00.

CR-14-446. Sammie Wayne Hutchinson v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,800.00.

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CR-14-490. Roy Hurst v. State of Arkansas, from Arkansas County Circuit Court. Motion of Patrick J. Benca for attorney's fees is granted. Allowed \$1,520.00.

CR-14-555. Michael Eugene Rea v. State of Arkansas, from Saline County Circuit Court. Pro se motion for extension of time to file pro se points is denied. Tendered pro se points filed this date.

CR-14-1032. Larry Edgar Truitt v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams to withdraw and for appointment of substitute counsel is denied without prejudice.

CR-14-1032. Larry Edgar Truitt v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for appointment to substitute counsel is denied without prejudice.

CV-13-1132. Southern Building Services, Inc. v. City of Fort Smith, Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for cancellation of supersedeas bond is granted.

CV-14-241. Linda S. Lee v. Sherlyn E. Jones, from Perry County Circuit Court. Appellant's pro se petition for reconsideration is denied. Virden and Gruber, JJ., not participating.

CV-14-265. DLC Properties, LLC, d/b/a Twin Lakes Plaza, LLC v. Carmike Cinemas, Inc., and Eastwynn Theatres, Inc., from Baxter County Circuit Court. Appellant's motion to supplement record and addendum is granted. Tendered supplemental record and supplemental addendum filed this date.

CV-14-312. Jimmy Ray Cross v. Arkansas Highway & Transportation Department, Public Employee Claims Division, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellee Public Employee Claims Division's motion to dismiss is granted.

CV-14-525. Gayle D. Zimmerman v. Samuel B. Pope, from Ashley County Circuit Court. Appellant's motion for extension of time to file brief is granted. Appellant's brief is due January 21, 2015. Final extension. Gladwin, C.J., and Harrison, Whiteaker, Vaught, and Brown, JJ., would deny.

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CV-14-525. Gayle D. Zimmerman v. Samuel B. Pope, from Ashley County Circuit Court. Appellee's motion to dismiss appeal is denied. Gladwin, C.J., and Harrison, Whiteaker, Vaught, and Brown, JJ., would grant.

CV-14-533. Don Davis v. Cheryl Davis, from Pope County Circuit Court. Appellant's motion to strike appellee's brief is passed until the case is submitted.

CV-14-674. Tricia Dundee v. Brenda Horton and GEICO General Insurance Company, from Sebastian County Circuit Court, Greenwood District. Appellees' motion to strike appellant's brief and dismiss appeal is denied.

CV-14-688. Hattie M. Malone v. Trident Automotive and Travelers Property and Company, from the Arkansas Workers' Compensation Commission. Pro se motion to file belated brief is denied.

CV-14-688. Hattie M. Malone v. Trident Automotive and Travelers Property and Company, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss appeal is granted.

CV-14-710. William Whittenburg v. John R. Moody and Sandra O. Moody, from Prairie County Circuit Court, Southern District. Pro se motion to compel the circuit court to provide a copy of the transcript dated October 15, 2014 is denied. Appellant's brief is due February 13, 2015.

CV-14-732. Bert Lee Myers v. Suzie Ridgley, from Pulaski County Circuit Court, Twelfth Division. Appellee's motion to dismiss appeal is granted without prejudice. Gruber, J., not participating.

CV-14-732. Bert Lee Myers v. Suzie Ridgley, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion for supersedeas bond is moot. Gruber, J., not participating.

CV-14-743. Sandra Jean Fry v. Jimmy Wayne Fry, from Hempstead County Circuit Court. Appellant's motion to remand to settle the record and to stay briefing schedule is granted.

CV-14-755. Charlotte Wilkins v. Molex, Inc., and Phoenix/Travelers Insurance Company, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss appeal is granted.

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CV-14-810. Stephen Brian Collins and Kimberly Diane Collins v. Deutsche Bank National Trust Company, from Miller County Circuit Court. Appellee's motion for rule on clerk to supplement record is denied.

CV-14-869. Ashley Hartness v. Rick Nuckles and Restoration Plus, Inc., from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to substitute corrected page of transcript is granted.

CV-14-931. Charmell Tillman and Fredrick Burgess, Jr. v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Motion to dismiss as to appellant Fredrick Burgess, Jr., and to relieve counsel is granted.

CV-14-937. Robyn Husky and Janice Marie v. Billy Husky, from Drew County Circuit Court. Pro se motion to supplement the record is granted. Tendered supplemental record filed this date.

CV-14-1031. City of Marshall, Arkansas, et al. v. Ozark Mountain Regional Public Water Authority of Arkansas, from Searcy County Circuit Court. Appellee's motion to supplement the record on appeal is granted.

CV-14-1031. City of Marshall, Arkansas, et al. v. Ozark Mountain Regional Public Water Authority of Arkansas, from Searcy County Circuit Court. Appellee's motion to require appellant to present sufficient security to support the issuance of a valid supersedeas by the clerk is denied.

The following cases were dismissed for failure to file briefs in accordance with Supreme Court Rule 4-5.

CV-14-62. Cherrell Baker v. Joshua Gore, from Pulaski County Circuit Court, Fifteenth Division.

CV-14-360. Danny Silsbe et al. v. First Community Bank et al., from Cleburne County Circuit Court.

CV-14-410. Edward Kenneth Bingham v. Mark Wilcox, Land Commissioner, from Sebastian County Circuit Court, Fort Smith District.

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CV-14-501. James Dennis Perkins v. C&M Development, from Lonoke County Circuit Court.

CV-14-543. Patricia Barnes v. Gashu C. Habte, from Jefferson County Circuit Court.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-14-210. Jimmy Paul Pickle v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-14-207. Christa Gregory Lowder and Robert Edward Lowder v. David Gregory, from Crawford County Circuit Court.

CV-14-457. Paul Anthony Graver v. City of Alexander, Arkansas, from Pulaski County Circuit Court, Sixth Division.

CR-14-55. Gregory S. Crum v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees.

CR-14-239. Michael Woole v. State of Arkansas, from Faulkner County Circuit Court. Motion for joint stipulation to supplement the record on appeal.

CR-14-296. Marlon Tramain Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Charles "Dan" Hancock for attorney's fees.

CR-14-742. Israel Watson v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to supplement and settle the record and motion for extension of time to file brief.

CV-14-745. Jeri Lynn Coenen v. James Leo Coenen, from Benton County Circuit Court. Joint motion to substitute legible copy.

CV-14-766. Roger Ferren v. USAA Insurance Company and Shelby County Healthcare Corporation, from White County Circuit Court. Appellees' motion to complete the record.

CV-14-1040. R & R Boats, Inc. v. United Shipyards, LLC, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to supplement the record on appeal and stay briefing schedule.

E-14-1065. Elmer Bell v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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CASES SUBMITTED

CR-14-355. Michael S. Khanthamany v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-14-389. Michael Dale Alley v. State of Arkansas, from Benton County Circuit Court.

CR-14-396. Sebastian Todd Brown v. State of Arkansas, from Polk County Circuit Court.

CR-14-420. A.D. v. State of Arkansas, from Benton County Circuit Court.

CR-14-449. Janet Tankersley v. State of Arkansas, from Crawford County Circuit Court.

CR-14-587. Johnathan Albretsen v. State of Arkansas, from Saline County Circuit Court.

CR-14-596. Travis Klint Perrigen v. State of Arkansas, from Garland County Circuit Court.

CV-14-81. Howard Graham et al. v. Steven Arzo French et al., from Desha County Circuit Court.

CV-14-87. Daren Cason v. Gladys Lambert, Leone K. Henrickson and Union Bank & Trust Company, from Drew County Circuit Court.

CV-14-139. David Lineham v. Sarah Rachael Hyde, Dennis Hyde, and Anna Hyde, from Logan County Circuit Court.

CV-14-269. Affordable Bail Bonds, Inc. v. State of Arkansas, from Baxter County Circuit Court.

CV-14-321. Gary Beard v. Lavern Arnold, from Pulaski County Circuit Court, Fifth Division.

CV-14-409. Andrew Mancabelli and Alma Mancabelli v. Andre Gies and Marci Gies, from Washington County Circuit Court.

CV-14-506. Shelby Dean Hargrove v. Robbie Lynn Hargrove, from Pulaski County Circuit Court, Seventeenth Division.

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CV-14-517. Timothy Conway v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division.

CV-14-557. Anthony George; Heart & Soul, LLC; The Heart & Soul Club; PNC Club; and Vera George v. Great Lake Reinsurance (UK) PLC, from Benton County Circuit Court.

CV-14-573. N.W. v. State of Arkansas, from Benton County Circuit Court.

CV-14-624. Roger Reed v. Turner Industries and ACE American Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-14-770. Thomas Allman v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-14-801. Dawn Johnson v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division.

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

E-14-448. Robert Foshee v. Director et al.

E-14-449. Julio Gonzalez v. Director et al.

E-14-451. James Jarboe v. Director et al.

E-14-452. David LaDue v. Director et al.

E-14-453. Averill Ferguson v. Director et al.

E-14-454. Dustin Hopkins v. Director et al.

E-14-455. Roy Baxter v. Director et al.

E-14-456. Billy Ellis v. Director et al.

E-14-457. Channon Jefferson v. Director et al.

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CASES SUBMITTED

- E-14-458. Patricia Gunter v. Director et al.
- E-14-459. Sherrita Atkinson v. Director et al.
- E-14-460. Thomas Pearson, Jr. v. Director et al.
- E-14-461. Phyllis Roper v. Director et al.
- E-14-462. Brittney Gregory v. Director et al.
- E-14-463. Lisa Thompson v. Director et al.
- E-14-464. Jeff Blakey v. Director et al.
- E-14-467. David McCorkel v. Director et al.
- E-14-468. Walker Hagar v. Director et al.
- E-14-471. SeaArk Boats v. Director et al.
- E-14-472. Luke Bryant v. Director et al.

Opinions are available on the internet at

<http://courts.arkansas.gov>