

ARKANSAS SUPREME COURT

Opinions Delivered
October 7, 2010

ROBERT L. BROWN, JUSTICE:

10-327. Tim S. Parker, Attorney at Law, and Ramona Wilson, Circuit Clerk and Ex Officio Recorder of Carroll County, Arkansas v. Gerald K. Crow, Circuit Judge of Carroll County, Arkansas, Eastern and Western Districts, the Nineteenth Judicial District (East), an Original Action. Petition for writ of certiorari granted. Danielson and Wills, JJ., concur in part; dissent in part.

JIM GUNTER, JUSTICE:

CR10-50. Jason Taylor v. State of Arkansas, from Saline Circuit. Affirmed. Danielson, J., concurs in part; dissents in part.

CR10-472. James Kenneth McCoy v. State of Arkansas, from Bradley Circuit. Affirmed.

ELANA CUNNINGHAM WILLS, JUSTICE:

09-1093. State of Louisiana, et al.; Louisiana Environmental Action Network; Save the Ouachita; and Kent Stegall v. Joint Pipeline Group, et al.; City of El Dorado Waste Utilities; Great Lakes Chemical Company; Arkansas Pollution Control & Ecology Commission; Lion Oil Company, and El Dorado Chemical Company, from Union Circuit. Affirmed.

PER CURIAM ORDERS

REVIEWS DENIED: Petitions for review were denied today in the following cases.

CR10-950. Willious E. Block v. State of Arkansas, from Hempstead Circuit.

10-397. Benjamin Lane v. Joe Harris Trucking and Commerce & Industry Insurance Company, from Workers' Compensation Commission.

CR08-1464. Justin Anderson v. State of Arkansas, from Miller Circuit. Attorney relieved; attorney appointed; rebriefing ordered. See **per curiam** this date. Brown, J., concurs in part; dissents in part.

CR10-602. Ernest Dean Wade v. State of Arkansas, from Washington Circuit. Motion for brief time in the event the Court denies appellee's motion to dismiss appeal is granted. Brief due in thirty days.

CR10-989. Timothy Fiveash v. William A. Storey, Circuit Judge, from Washington Circuit. Petitioner's petition for writ of prohibition or certiorari is denied.

10-257. Allstate Insurance Company v. Jon H. Dodson, M.D. et al., from Pulaski Circuit, Sixteenth Division. Appellees'/cross-appellants' motion for correction and/or modification of the record. Motion to supplement the record granted as to the verdict forms and denied as to voir dire.

10-869. Emery Hughes Corporation v. Audrianna Grisham, P.A., from Lonoke Circuit. Appellant's motion to supplement the record and for extension of time to file brief is granted. Supplemental record due in thirty days; brief due fifteen days thereafter.

10-985. April Forrester, individually and as a representative of all similarly situated citizens of Arkansas v. Charlie Daniels, in his official capacity as Secretary of State of Arkansas, an Original Action. Unopposed motion of Randy Zook, Randy Wilbourn, Ray C. Dillon, David Byerly, Don Zimmerman, and Mark McBryde, individually and on behalf of Committee for Arkansas's Future, is granted. Intervenor's brief due October 15, 2010. See **per curiam** this date.

10-985. April Forrester, individually and as a representative of all similarly situated citizens of Arkansas v. Charlie Daniels, in his official capacity as Secretary of State of Arkansas, an Original Action. Petitioner's motion and request to modify per curiam order to permit petitioner to file reply brief is denied.

10-985. April Forrester, individually and as a representative of all similarly situated citizens of Arkansas v. Charlie Daniels, in his official capacity as Secretary of State of Arkansas, an Original Action. Petitioner's motion for this court to enter an order granting leave to the presiding judge in the Pulaski County Circuit Court to consider and rule upon the petitioner's pending petition for issuance of writ of mandamus against the Secretary of State is denied.

CR86-183. Kenny Halfacre v. State of Arkansas, from Pulaski Circuit. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. Petition dismissed. See **per curiam** this date.

CR10-482. Evins Dewayne Cogshell v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion for extension of time. Appeal dismissed; motion moot. See **per curiam** this date.

CR10-715. Jerry Donald Sykes v. State of Arkansas, from Washington Circuit. Pro se motion for extension of time to file appellant's brief is granted. Brief due in thirty days.

CR10-716. Joe Anthony Simmons v. State of Arkansas, from Washington Circuit. Pro se motion for extension of time to file brief is granted. Brief due in thirty days.

10-196. Jesse J. Manning v. Larry Norris, Director, Arkansas Department of Correction, Melba Smith, Records Keeper, and Miriam Lester, Records Keeper, from Jefferson Circuit. Pro se motion for rule on clerk to file belated reply brief is denied.

10-559. Rodney L. Mitchael v. State of Arkansas, from Lee Circuit. Pro se motion for extension of time to lodge appellant's brief. Appeal dismissed; motion moot. See **per curiam** this date.

10-763. Timothy Ramon Moore v. Ray Hobbs, from Jefferson Circuit. Pro se motion for extension of time to file appellant's brief, petition for writ of certiorari, and motion to amend petition for writ of certiorari. Appeal dismissed; motions and petition moot. See **per curiam** this date.

10-882. James E. Smith v. Hon. Jodi Raines Dennis, Circuit Judge, from Jefferson Circuit. Pro se petition for writ of mandamus, motion to supplement mandamus petition with motions from another case, motion to object to respondent's memorandum of authorities. Petition for writ of mandamus moot; motions to amend mandamus petition and motion to object to respondent's memorandum of authorities are moot.

In Re: District Court Resource Assessment Board. See **per curiam** this date.

Hon. Michael Lincoln, County Judge of White County, is appointed to the District Court Resource Assessment Board to fill the unexpired term of Hon. Wes Fowler, County Judge of Madison County. This term expires April 30, 2012.

Judge Fowler is retiring, and we thank him for his service. The court thanks Judge Lincoln for his willingness to serve on this important board.

MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CR10-1001. Mitchell Scott Johnson v. State of Arkansas, from Benton Circuit.

10-393. James C. Moore and Clara L. Moore v. First Presbyterian Church of Searcy, Arkansas, Inc., and Estate of Nellie Marie Phillips, Deceased, from White Circuit.

CR09-548. Kenneth R. Isom v. State of Arkansas, from Drew Circuit. Appellant's motion to update record on relevant fact.

CR10-707. John Jermaine Smith v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellee's motion to file corrected brief.

CR10-786. Benjamin L. Eagle v. Circuit Court of Pulaski County, from Pulaski Circuit, Fourth Division. Appellant's pro se motion to amend or supplement the record.

CR10-990. Gregory R. Smith v. State of Arkansas, from Faulkner Circuit. Appellant's petition for writ of certiorari to complete the record.

CA10-21. Holiday Inn Franchising, Inc., now known as Holiday Hospitality Franchising, Inc. v. Hotel Associates, Inc., from Crittenden Circuit. Appellant's motion to reassign case to the Arkansas Supreme Court.

10-60. John K. Kelly v. Christian Snowden Kelly, from Pulaski Circuit, Fifteenth Division. Appellant's motion for oral arguments.

CA10-689. Sheila Myers and Trevor Myers v. Cooper Clinic, P.A., Pathology Services Laboratory, P.A.; and John Does 1-10, from Sebastian Circuit, Fort Smith District. Appellants' motion for rehearing and to set aside order dismissing appeal.

10-840. Arkansas Department of Human Services et al. v. Sheila Cole et al., from Pulaski Circuit, Second Division. Motion of Dr. Roger Hiatt to file an amicus curiae brief on behalf of appellants.

10-1006. Laura Ruth Teague v. Circuit Court of Pope County, from Pope Circuit. Petitioner's petition for writ of prohibition and/or in the alternative for writ of certiorari.

SUBMISSIONS

CR09-1340. Brandon Eugene Lacy v. State of Arkansas, from Benton Circuit. Argued orally.

CR09-15. Christopher Branning v. State of Arkansas, from Boone Circuit.

CR10-242. Randy Paul Brown v. State of Arkansas, from Saline Circuit.

CR10-339. Donna M. McCormick and Lee Cater v. State of Arkansas, from Mississippi Circuit, Chickasawba District.

CR10-372. John Wagner v. State of Arkansas, from Mississippi Circuit, Chickasawba District.