

ARKANSAS SUPREME COURT

PROCEEDINGS OF OCTOBER 21, 2010

JIM HANNAH, CHIEF JUSTICE:

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

ROBERT L. BROWN, JUSTICE:

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

JIM GUNTER, JUSTICE:

CR10-372. John Wagner v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Affirmed in Part; Dismissed in Part.

PER CURIAM ORDERS

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

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. Hannah, C.J., not participating.

CR09-548. Kenneth R. Isom v. State of Arkansas, from Drew Circuit. Appellant's motion to update record on relevant fact is denied. Corbin, J., not participating.

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

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 is moot.

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 is denied.

10-60. John K. Kelly v. Christian Snowden Kelly, from Pulaski Circuit, Fifteenth Division. Appellant's motion for oral arguments is denied. Brown, J., not participating.

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 is denied.

10-840. Arkansas Department of Human Services et al. v. Sheila Cole et al., from Pulaski Circuit, Second Division. Motion of Daniel Greenberg on behalf of Dr. Roger Hiatt to file an amicus curiae brief is denied. Brown, J., would grant.

10-1006. Laura Ruth Teague v. Circuit Court of Pope County, from Pope Circuit. Petition for writ of prohibition and/or in the alternative for writ of certiorari is denied without prejudice.

10-1020. Kenneth L. Edwards, Jr. v. Garry Campbell, from Sebastian Circuit, Greenwood District. Motion for advanced and expedited briefing schedule; motion to advance and for expedited review; motion for stay of circuit court order pending appeal. Motion to expedite granted; briefing schedule established; motion to stay denied. See *per curiam* issued. (Proceedings of October 11, 2010)

10-1074. Cooper Tire & Rubber Company v. Olly Neal, Circuit Judge, from Phillips Circuit. Petition for writ of certiorari, prohibition, mandamus, or other supervisory writ is taken as a case.

10-1074. Cooper Tire & Rubber Company v. Olly Neal, Circuit Judge, from Phillips Circuit. Motion of the Product Liability Advisory Council Inc. for permission to file an amicus curiae brief in support of Cooper Tire & Rubber Company's petition for writ of certiorari, prohibition, mandamus or other supervisory writ is granted.

10-1074. Cooper Tire & Rubber Company v. Olly Neal, Circuit Judge, from Phillips Circuit. Motion of The Rubber Manufacturers Association and the National Association of Manufacturers for leave to appear as amici curiae is granted.

CR10-252. Woodruff T. Sparacio v. State of Arkansas, from Crawford Circuit. Appellant's pro se motion for extension of time to file a motion for reconsideration is denied.

CR10-773. Jon Mills a/k/a/ John Mills v. State of Arkansas, from Saline Circuit. Pro se motion to file belated brief. Appeal dismissed; motion moot. See **per curiam** this date.

CR10-836. David Pierce v. State of Arkansas, from Miller Circuit. Appellant's pro se motion for extension of time to file appellant's brief is moot.

CR10-860. Walter A. McCullough v. Hon. Victor L. Hill, Circuit Judge, from Craighead Circuit, Western District. Pro se petition for writ of mandamus. Petition moot. See **per curiam** this date.

CR10-896. Marcus Terrell Atkins v. State of Arkansas, from Hot Spring Circuit. Pro se motion for belated appeal of order. Motion granted. See **per curiam** this date.

CR10-931. Leundra Leshawn Davis, Jr. v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion for belated appeal of judgment of conviction. Motion denied. See **per curiam** this date.

10-957. Walter A. McCullough v. State of Arkansas, from Lee Circuit. Pro se motion for rule on clerk. Motion treated as motion for belated appeal and denied. See **per curiam** this date.

10-975. Patrick Sherman v. Hon. Robert McCallum, Circuit Judge, from Clark Circuit and Hon. Jodi Raines Dennis, Circuit Judge, from Jefferson Circuit. Pro se petition for writ of mandamus treated as motion for rule on clerk and denied.

In Re Supreme Court Committee on Criminal Practice–Proposed Rule Changes. See **per curiam** this date.

In Re Appointment of Danyelle J. Walker to Committee on Professional Conduct Panel A. See **per curiam** this date.

Due to the untimely and unfortunate death of Gwendolyn D. Hodge, Esquire, on September 29, 2010, a vacancy in the Attorney-at-Large position on Panel A of this court's Committee on Professional Conduct exists.

Danyelle J. Walker, Esquire, of Little Rock is appointed to the Committee's Panel A Attorney-at-Large position effective January 1, 2011, for the three years remaining on Ms. Hodge's term, which expires December 31, 2013. Until Ms. Walker's appointment is effective, the Committee shall use substitute members from Committee reserve panels to fill the vacancy left in Panel A.

We express our appreciation to Ms. Walker for accepting an appointment to this important Committee.

We also express our appreciation and condolences to the family of Gwendolyn D. Hodge, Esquire, who served the court and the Committee faithfully from 2000-2010, and who was active for years in a variety of efforts and organizations to improve the legal profession and the administration of justice on the local, state and national levels.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR09-833. Myka Talley v. State of Arkansas, from Miller Circuit.

09-1222. Carlos Honeysuckle v. Curtis H. Stout, Inc., et al., from Workers' Compensation Commission.

09-1269. Tommy Reed, Executive Director of Arkansas Professional Bail Bond Company and Professional Bail Bond Licensing Board et al. v. Arvis Harper Bail Bonds, Inc. and Arvis Harper, Jr., from Pulaski Circuit, Fifth Division.

PETITIONS FOR REVIEW:

CR10-1034. Kelton Esquire Bond v. State of Arkansas, from Benton Circuit, Second Division.

10-246. Tremayne Scoggins v. Evon M. Medlock, from Pulaski Circuit, Ninth Division.

10-392. Cheryl Lynn Prickett, as Executrix of the Estate of Shirley Harmor, Deceased v. Hot Spring County Medical Center et al., from Hot Spring Circuit.

10-400. Winrock Grass Farms, Inc. v. Affiliated Real Estate Appraisers of Arkansas, Inc., from Pulaski Circuit, Sixth Division.

CR10-420. Walter Gabriel Turner v. State of Arkansas, from Columbia Circuit. Appellant's motion for leave to file belated brief.

CR10-456. Charles Jason Baldwin and Jessie L. Misskelley v. State of Arkansas, from Craighead Circuit, Western District. Appellants' joint motion for extension of time to comply with remand requirements.

CR10-476. State of Arkansas v. Demetrice D. Jenkins, from Craighead Circuit, Western District. Appellant's motion to file a belated reply brief.

CR10-511. Billy Dale Green v. State of Arkansas, from Randolph Circuit. Appellant's motion to enlarge the record.

CR10-661. Chamika Rogers v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to continue abeyance status.

CR10-1012. David Ockerman v. State of Arkansas, from Pulaski Circuit, First Division. Motion for rule on clerk.

CR10-1036. Calvin Washington, Jr. v. State of Arkansas, from Garland Circuit. Motion of Mark S. Fraiser, Chief Public Defender, to withdraw as attorney on direct appeal.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Ketan Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Appellee's motion to reschedule oral argument.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Ketan Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Motion of M. Courtney Koger to withdraw as counsel for appellee.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Ketan Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Motion of Robert M. Slovek to withdraw as counsel for appellee.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Ketan Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Motion of Suzanne Clark to withdraw as counsel for appellee.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Ketan Bulsara, Deceased et al. v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Motion of Tyler McClay to withdraw as counsel for appellee.

CA09-1311. King's Ranch of Jonesboro, Inc. v. City of Jonesboro et al., from Craighead Circuit, Western District. Appellant's motion to certify appeal to the Arkansas Supreme Court.

10-26. Mary E. Green et al. v. George's Farms, Inc. et al., from Washington Circuit. Appellants' motion for oral argument.

10-32. Alvin Eugene Dowty, Sr., et al. v. Evelyn Riggs, from Craighead Circuit, Western District. Appellants' motion for oral argument.

10-144. Bob's Bail Bonds, Inc. v. Tommy Reed, Executive Director, of the Arkansas Professional Bail Bondsman Licensing Board, from Pulaski Circuit, Sixteenth Division. Appellees' motion to dismiss appeal.

10-144. Bob's Bail Bonds, Inc. v. Tommy Reed, Executive Director of the Arkansas Professional Bail Bondsman Licensing Board, from Pulaski Circuit, Sixteenth Division. Appellant's motion to file a belated brief.

10-149. Omar Chavez et al. v. The Medical Assurance Company, Inc., et al., from Pulaski Circuit, Fifth Division. Appellants' motion to stay mandate.

10-257. Allstate Insurance Company v. Jon H. Dodson, M.D., from Pulaski Circuit, Sixteenth Division. Appellant's motion to strike portions of appellee's addendum and abstract.

10-368. Misty Porter v. Arkansas Department of Human Services et al., from Little River Circuit. Appellant's motion for extension of time to complete the record.

10-667. Joe Capps et al. v. Carroll Electric Cooperative Corporation, from Benton Circuit. Appellants' motion for temporary stay of appeal and remand to trial court for consideration of a motion to vacate order of dismissal and grant new trial.

10-1033. American Underwriters Insurance Company v. St. Francis County Circuit Court Judge, from St. Francis Circuit. Petition for writ of prohibition.

SUBMISSIONS

09-1276. SubTeach USA, Inc. v. Director et al., from Board of Review. Argued orally.

10-985. April Forrester v. Charlie Daniels, Secretary of State, an Original Action. Argued orally.

CR95-975. Jimmy Don Wooten v. State of Arkansas, from Pope Circuit.

08-73. Stark Ligon, Executive Director v. Oscar Stilley, Ark. Bar No. 91096, an Original Action.

09-454. Julia Carole Gunn v. Farmers Insurance Exchange et al., from Sebastian Circuit, Fort Smith District.

09-1333. Bank of America, N.A. v. Charles A. Brown, from Pulaski Circuit, Fourteenth Division.

10-356. Pat Matsukis et al. v. Dani Joy, Mayor et al., from Carroll Circuit, Western District.