

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 2, 2010

JIM HANNAH, CHIEF JUSTICE:

10-32. Karen Dowty and Alvis Eugene Dowty, Sr., and Karen Dowty as next friends of Riggs Dowty, a Minor v. Evelyn Riggs, from Craighead Circuit, Western District. Affirmed.

DONALD L. CORBIN, JUSTICE:

10-349. Roger Schubert v. Target Stores, Inc., from Pulaski Circuit, Seventh Division. Affirmed.

JIM GUNTER, JUSTICE:

CR95-975. Jimmy Don Wooten v. State of Arkansas, from Pope Circuit. Motion to Recall Mandate. Motion Granted. Brown, J., concurs. Hannah, C.J., and Wills, J., dissent.

10-9. United American Insurance Company; Heartland Alliance of America Association; and Farm & Ranch Healthcare, Inc. v. Jean Smith and Loria Ivie, Individually and on Behalf of All Others Similarly Situated, from Saline Circuit. Affirmed. Special Justice Jerry Larkowski joins in this opinion. Corbin, Danielson, and Wills, JJ., dissent. Sheffield, J., not participating.

PER CURIAM OPINIONS:

CR08-1376. Marcus Lance Rackley v. State of Arkansas, from Faulkner Circuit. Reversed and Remanded.

CR08-1417. James Malcolm Jones v. State of Arkansas, from Crawford Circuit. Affirmed.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

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

REVIEW GRANTED: Petition for review was granted today in the following case.

CR10-1077. Joe A. Newman v. State of Arkansas, from Jefferson Circuit. Hannah, C.J., and Corbin and Sheffield, JJ., would deny.

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

CR10-1092. Donald Ray Mathis v. State of Arkansas, from Union Circuit.

CR10-1142. Sean R. Nicholas v. State of Arkansas, from Benton Circuit.

CR10-456. Charles Jason Baldwin and Jessie L. Misskelley v. State of Arkansas, from Craighead Circuit, Western District. Appellants' joint motion for abeyance of appeal or, alternatively, expedited briefing and decision on issue of recusal. Motion for abeyance of appeal is denied; motion to reverse and remand on recusal issue is denied without prejudice. Wills, J., not participating.

CR10-456. Charles Jason Baldwin and Jessie L. Misskelley v. State of Arkansas, from Craighead Circuit, Western District. Appellants' renewed joint motion for extension of time to comply with remand requirements is granted. Final extension. Wills, J., not participating.

CR10-511. Billy D. Green v. State of Arkansas, from Randolph Circuit. Appellant's motion to file corrected reply brief is granted.

CR10-1164. Gregory H. Holt v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion for declaration of indigency is denied without prejudice.

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CR10-1164. Gregory H. Holt v. State of Arkansas, from Pulaski Circuit, First Division. Motion of Edward G. Adcock to be relieved as counsel for appellant is denied without prejudice.

CACR05-818. Vincent Cooper v. State of Arkansas, from Miller Circuit. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Petition denied. See **per curiam** this date.

CR09-418. George Lemoin Rhoades v. State of Arkansas, from Little River Circuit. Appellee's motions to dismiss appeal and to stay brief time and appellant's pro se motion for rule on clerk to file tendered response to motion to dismiss. Motion to dismiss appeal granted; motions to stay brief time and for rule on clerk moot. See **per curiam** this date.

CR10-707. John Jermaine Smith v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se petition for writ of certiorari. Petition denied; appeal dismissed. See **per curiam** this date.

CR10-727. Bennie David Guy v. State of Arkansas, from Crittenden Circuit. Pro se motion for appointment of counsel and for extension of brief time if motion for counsel denied. Motion for appointment of counsel denied. Motion for extension of brief time granted. Copy of record, which must be returned, will be provided to appellant to prepare brief. Brief due in thirty days.

CR10-1109. Kevin R. Wright v. State of Arkansas, from Arkansas Circuit, Southern District. Pro se motion for belated appeal of order. Motion denied. See **per curiam** this date.

In Re Rules Governing Admission to the Bar of Arkansas. See **per curiam** this date.

In Re Arkansas Continuing Legal Education Board. See **per curiam** this date.

Joel Taylor of Morrilton is hereby reappointed as an at-large representative, Position 6, to the Arkansas Continuing Legal Education Board for a three-year term to expire on December 5, 2013. The Court thanks Mr. Taylor for accepting reappointment to this Board.

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MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

10-488. Ressie Lee Brooks v. First State Bank, N.A., from Faulkner Circuit.

10-682. David Collins v. Billie Grady Collins, from Independence Circuit.

CR10-50. Jason Taylor v. State of Arkansas, from Saline Circuit. Appellant's motion for recall of mandate and stay of mandate in order to petition for writ of certiorari.

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

CR10-919. Vann Tucker v. State of Arkansas, from Pope Circuit. Appellant's motion for leave to exceed page limitations on brief.

CR10-998. David Wayne Fuson v. State of Arkansas, from Crawford Circuit. Appellant's motion for leave to file tendered supplemental brief on grant of petition for review.

08-73. Stark Ligon, Executive Director of the Supreme Court Committee on Professional Conduct v. Oscar Stilley, an Original Action. Respondent's renewed motion for access to the courts, renewed motion for recusal with respect to petition for rehearing, and for extension of time to file petition for rehearing.

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

10-1094. Hempstead County Hunting Club, Inc. v. Southwestern Electric Power Company et al., an Original Action. Motion of the Arkansas Public Service Commission for leave to file neutral amicus curiae brief.

10-1181. Thomas L. Fite v. Michael W. Grulkey et al., from Pulaski Circuit, Thirteenth Division. Appellant's motion for accelerated proceedings, oral argument, and expedited review.

10-1190. Donald Wayne Eastman v. Canal Insurance Company, from Ouachita Circuit. Pro se petition for writ of prohibition.

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SUBMISSIONS

CR10-207. State of Arkansas v. April Janelle Brown, from Pulaski Circuit, Fifth Division.

10-159. Shane Looney and Monica Looney v. Faye M. Blair and Chesapeake Operating, Inc., from White Circuit.

10-192. The Ralph Loyd Martin Revocable Trust Dated April 1, 1994 v. Arkansas Midstream Services Corporation, from White Circuit.

10-321. Jonesboro Care & Rehab Center v. Ronna Woods, from Workers' Compensation Commission.

10-459. Virginia Kowalski, Individually, and as Special Administrator of the Estate of Kevin Allen Curry, Deceased, et al. v. Rose Drugs of Dardanelle, Inc., and Randeep Mann, M.D., from Yell Circuit, Northern District.