

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 18, 2010

JIM HANNAH, CHIEF JUSTICE:

10-112. State of Arkansas v. J.O., from Pulaski Circuit, Eleventh Division. Motion to Dismiss Appeal Granted.

DONALD L. CORBIN, JUSTICE:

10-151. City of Rockport, Arkansas v. City of Malvern, Arkansas, from Hot Spring Circuit. Affirmed. Brown, J., concurs.

10-259. Christopher LaFont and Erin LaFont, Individually and as Guardians of Tyler LaFont, a Minor v. Jana C. Mooney Mixon, from Clark Circuit. Affirmed.

ROBERT L. BROWN, JUSTICE:

10-8. Patsy Simmons Limited Partnership v. Honorable Jay Finch, Benton County Circuit Court, Marlene M. Seratt, Mark A. Seratt, Aurora Cortez, and Dan McMillan, from Benton Circuit. Petition for Writ of Prohibition. Writ of Certiorari Issued.

JIM GUNTER, JUSTICE:

CR10-300. Deon Markregus Neely v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Hannah, C.J., and Corbin and Danielson, JJ., dissent.

09-622. Ketan Bulsara, Individually and as Administrator of the Estate of Simi Bulsara, deceased, and on Behalf of the Wrongful-Death Beneficiaries of Simi Bulsara v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Dismissed Without Prejudice. Corbin, J., not participating.

PAUL E. DANIELSON, JUSTICE:

CR10-362. Kevin Ray Percy v. State of Arkansas, from Garland Circuit. Affirmed.

10-275. Troy Burdine v. Arkansas Department of Finance & Administration; Richard Weiss, Director, from Benton Circuit. Affirmed. Wills, J., concurs.

PER CURIAM OPINIONS:

CR09-1111. Richard J. Bower a/k/a Richard J. Bauer v. State of Arkansas, from Baxter Circuit. Affirmed.

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PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

CR10-50. Jason Taylor v. State of Arkansas, from Saline Circuit.

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

CR10-1095. Tracie Lynn Snider v. State of Arkansas, from Jackson Circuit.

10-485. R.J. Chiodini v. David Lock, from Stone Circuit.

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10-356. Pat Matsukis, Karen Linblad, Ray Hahn, Lany Ballance and Charlie Wurmnest v. Dani Joy, Mayor of the City of Eureka Springs, et al., from Carroll Circuit, Western District. Appellants' motion for taxation of costs moot. Costs assessed on mandate.

CA10-742. Erin Inc. and Robert S. Harris, Jr. v. Tim Johnson, from Workers' Compensation Commission. Motion of Appellant Robert S. Harris, Jr., for reassignment of case to the Arkansas Supreme Court is denied.

10-840. Arkansas Department of Human Services et al. v. Sheila Cole et al., from Pulaski Circuit, Second Division. Motion by Lambda Legal Defense and Education Fund, Inc., and other civil rights organizations for permission to file an amicus curiae brief in support of appellees-cross-appellants is granted.

10-840. Arkansas Department of Human Services et al. v. Sheila Cole et al., from Pulaski Circuit, Second Division. Motion of Arkansas Law School Deans and Professors for leave to file brief as amicus curiae in support of appellees is granted.

10-840. Arkansas Department of Human Services et al. v. Sheila Cole et al., from Pulaski Circuit, Second Division. Motion of the American Academy of Adoption Attorneys et al., for leave to file amicus curiae brief in support of appellees is granted.

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10-1123. Rhino Mini-Storage, LLC et al. v. First National Bank of Rogers f/k/a Bank of Rogers, a Division of First National Bank of Fort Smith, from Benton Circuit. Motion for rule on clerk is remanded to settle the record.

10-1124. Gray Construction, Inc., et al. v. First National Bank of Rogers f/k/a Bank of Rogers, a Division of First National Bank of Fort Smith, from Benton Circuit. Motion for rule on clerk is remanded to settle the record.

10-1155. City of Crossett et al. v. Billy J. Hubbell, an Original Action. Motion to dismiss granted. Petition for immediate issuance of writ of quo warranto dismissed.

CR10-560. Donald Winnett v. State of Arkansas, from Saline Circuit. Appellant's pro se motion for reconsideration of dismissal of appeal is denied. Pro se motion to submit brief moot.

CR10-584. Ronald J. Hamilton, Jr. v. State of Arkansas, from Saline Circuit. Pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

CR10-1008. Douglas Musgrove v. State of Arkansas, from Ashley Circuit. Pro se motions for extension of time to file brief and for use of transcript. Appeal dismissed; motions moot. See **per curiam** this date.

10-818. Wilbert Johnson v. Ray Hobbs, from Lincoln Circuit. Pro se motion for extension of time to file appellant's brief and motion to stay appeal or for extension of brief time. Appeal dismissed; motions moot. See **per curiam** this date.

10-910. James Robert Lowe v. Honorable Jodi Raines Dennis, Circuit Judge, from Jefferson Circuit. Pro se motion to withdraw petition for writ of mandamus is granted.

In Re Ad Hoc Committee on Broadcasting of Court Proceedings. See **per curiam** this date.

In Re Appointments to the Committee on Professional Conduct. See **per curiam** this date.

Jerry D. Pinson of Harrison, whose initial term as the attorney member on Panel A for the Third Congressional District expires December 31, 2010, is reappointed to a second six-year term in that position, expiring December 31, 2016.

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The term of Rita M. Harvey of Little Rock, as a nonattorney-at-large on Panel C, expires December 31, 2010. The court thanks Ms. Harvey for her long and faithful service to the Committee.

F. Mark Limbird of Scranton is appointed to the open nonattorney-at-large position on Panel C for a six-year term expiring December 31, 2016.

The term of Robert D. Trammell of Little Rock, as the attorney member on Panel C for the Second Congressional District, expires December 31, 2010. The court thanks Mr. Trammell for his long and faithful service to the Committee.

Michael R. Mayton of Little Rock is appointed to the open attorney position for the Second Congressional District on Panel C for a six-year term expiring December 31, 2016.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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.

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PETITIONS FOR REVIEW:

CR10-1077. Joe A. Newman v. State of Arkansas, from Jefferson Circuit.

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

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

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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.

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.

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

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MOTIONS SUBMITTED

CR10-1164. Gregory H. Holt v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion for declaration of indigency.

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.

10-1139. Sander Wood v. Julian H. Wood, from Cleburne Circuit. Appellant's motion for rule on clerk and to remand for clarification of trial court extension order to lodge record.

10-1139. Sander Wood v. Julian H. Wood, from Cleburne Circuit. Appellant's motion to remand for lack of a final order.

10-1157. Larry Lindsay v. Dorina Morcan, from Garland Circuit. Pro se motion to proceed in forma pauperis.

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SUBMISSIONS

09-1406. Tasha Orr, Personal Representative of the Estate of Melvin Woodson Jr., Deceased v. Timothy Calicott, M.D., and Stephen Hudson, M.D., from Faulkner Circuit.

10-32. Alvin Eugene Dowty, Sr., et al. v. Evelyn Riggs, from Craighead Circuit, Western District.

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

10-516. Southwestern Energy Production Company v. James Elkins and Ruby Elkins, from Conway Circuit.