

# ARKANSAS SUPREME COURT

Opinions delivered  
February 26, 2009

JIM HANNAH, CHIEF JUSTICE:

[08-744](#). L.D. Shields v. QHG of Springdale, Inc., Northwest Health System Center of Washington County, and John H. Kendrick, M.D., from Washington Circuit. Affirmed. Brown, Imber, and Danielson, JJ., dissent. PUBLISHED

DONALD L. CORBIN, JUSTICE:

[08-921](#). Roger Schubert v. Target Stores, Inc., from Pulaski Circuit, Seventh Division. Appeal Dismissed. Imber, J., not participating. PUBLISHED

ANNABELLE CLINTON IMBER, JUSTICE:

[CR08-112](#). Timothy Wallace v. State of Arkansas, from Saline Circuit. Affirmed. PUBLISHED

PAUL E. DANIELSON, JUSTICE:

[08-978](#). Atallah Kassees, Sr. v. Guy Randolph Satterfield and Satterfield Law Firm, PLC, from Pulaski Circuit, Sixth Division. Affirmed. PUBLISHED

ELANA CUNNINGHAM WILLS, JUSTICE:

[08-388](#). Lee Vent v. Lewis Johnson, from St. Francis Circuit. Affirmed. Hannah, C.J., dissents. PUBLISHED

[08-1010](#). The Medical Assurance Company, Inc. v. Sherry Castro, Individually, and as Parent and Court-Appointed Guardian of the Person and Estate of C.S., a Minor, from Sebastian Circuit, Fort Smith District. Affirmed. PUBLISHED

**PER CURIAM ORDERS**

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

08-804. Ann C. Donovan v. Arkansas Supreme Court on Professional Conduct, an Original Action.

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

08-731. Sharon Bell v. James Misenheimer, from Columbia Circuit.

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

08-699. Greenwood School District v. Barbara Leonard, from Sebastian Circuit, Greenwood District.

08-728. Brent Patterson v. United Parcel Service, Inc., from Saline Circuit.

08-1138. Terry's Finer Foods, Inc. v. Director et al., from Board of Review.

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CR07-1127. William Joel Reeves v. State of Arkansas, from Saline Circuit. Motion for appointment of counsel is granted.

CR07-1155. Steven Victor Wertz v. State of Arkansas, from Sharp Circuit. Motion for appointment of attorney on appeal is denied without prejudice. See Rule 6-6.

CR08-459. Darius Jackson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Rebriefing ordered. See **per curiam** this date. PUBLISHED

CR09-99. Shannon David Ray v. State of Arkansas, from Clark Circuit. Motion for rule on clerk is granted. See **per curiam** this date. PUBLISHED

04-1395. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Reginald S. McCullough, an Original Action. Respondent\ appellant's request and amended motion for oral argument are denied.

04-1395. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Reginald S. McCullough, an Original Action. Respondent\ appellant's motion for recusal of Judge Wills. Justice Wills declines the suggestion of recusal.

04-1395. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Reginald S. McCullough, an Original Action. Respondent\ appellant's motion to file belated brief is denied.

04-1395. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Reginald S. McCullough, an Original Action. Petitioner\appellee's motion to strike respondent's brief. Moot.

04-1395. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Reginald S. McCullough, an Original Action. Petitioner\appellee's motion to submit matter for decision is granted.

08-654. Robert Meyer d/b/a Meyer Excavators Contractors, Inc. v. CDI Contractors, LLC, from Pulaski Circuit, Third Division. Motion of the Arkansas Contractors Licensing Board to file amicus curiae brief in support of appellant is granted.

08-804. Ann C. Donovan v. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct, an Original Action. Appellant's motion for stay of enforcement of judgment is denied without prejudice. See Arkansas Supreme Court Rule 5-3(c).

08-811. Justin Bryan d/b/a J&L Construction v. City of Cotter, Arkansas et al., from Pulaski Circuit, Second Division. Appellant's motion to reschedule oral argument is denied.

08-834. Beverly Enterprises, Inc. et al. v. Valerie Keaton, from Ouachita Circuit. Motion of American Tort Reform Association et al. to file amici curiae brief in support of appellants is granted.

08-834. Beverly Enterprises, Inc. et al. v. Valerie Keaton, from Ouachita Circuit. Motion of Arkansas Asphalt Pavement Association et al. to file amici curiae brief in support of appellants is granted.

08-834. Beverly Enterprises, Inc. et al. v. Valerie Keaton, from Ouachita Circuit. Motion of the Arkansas Trial Lawyers Association to file an amicus curiae brief in support of appellee is granted.

08-934. Union Pacific Railroad et al. v. Victor S. Vickers et al., from Lafayette Circuit. Appellants' motion to strike appellees' statement of the case is granted. Danielson, J., would deny. Gunter, J., not participating.

08-1434. Leon Perry et ux. v. Charles Edwards et al., from Garland Circuit. Motion for reconsideration is denied.

CR08-917. Roger Dale Sims v. State of Arkansas, from Craighead Circuit, Western District. Pro se motion for rehearing or clarification. Motion treated as motion for reconsideration and denied. See **per curiam** this date. UNPUBLISHED

CR08-994. Ruffus Gray a/k/a Rufus Gray v. State of Arkansas, from Clark Circuit. Pro se motion for reconsideration of pro se motion for belated appeal and motion for appointment of counsel. Motion for reconsideration denied; motion for appointment of counsel moot. See **per curiam** this date. UNPUBLISHED

CR08-1164. Christopher Lee Dunn v. State of Arkansas, from Grant Circuit. Pro se motion to withdraw appeal. Motion denied; appeal dismissed. See **per curiam** this date. UNPUBLISHED

CR08-1228. Kevin Joseph Steinkuehler v. State of Arkansas, from Perry Circuit. Pro se motion for extension of brief time and access to record. Appeal dismissed; motion moot. See **per curiam** this date. UNPUBLISHED

CR08-1238. James Craig Smith v. State of Arkansas, from Randolph Circuit. Pro se motion for belated appeal. Motion dismissed. See **per curiam** this date. UNPUBLISHED

CR08-1397. Xavier Redus v. State of Arkansas, from Pulaski Circuit, Second Division. Pro se motion for copy of record. Appeal dismissed; motion moot. See **per curiam** this date. UNPUBLISHED

CR08-1470. Keith Torrence v. State of Arkansas, from Miller Circuit. Pro se motion for belated appeal. Motion denied. See **per curiam** this date. UNPUBLISHED

CR09-59. Claude Wallace v. Honorable Cindy Thyer, Circuit Judge, from Mississippi Circuit, Chickasawba District. Pro se petition for writ of mandamus. Petition denied. See **per curiam** this date. UNPUBLISHED

CR09-74. Tommy Hall v. Honorable Joe E. Griffin, Circuit Judge, from Miller Circuit. Pro se petition for writ of mandamus. Petition denied in part and moot in part. See **per curiam** this date. UNPUBLISHED

08-1177. Edward Loveless v. Fern Tucker, Circuit Clerk of Pope County, from Pope Circuit. Pro se motions for extension of brief time and for access to record on appeal. Motions granted. See **per curiam** this date. UNPUBLISHED

08-1387. Frank Watts, II v. Larry Norris, Director, Arkansas Department of Correction, and Mark Cashion, Warden, from Chicot Circuit. Pro se motion, amended motion, and renewed motion for belated appeal denied; motion for modification of appeal label moot. See **per curiam** this date. UNPUBLISHED

## **MOTIONS SUBMITTED**

PETITION

FOR

REHEARING:

08-473. Arthur Douglas Chavis, III, as Guardian for and Next Friend of Arthur D. Chavis, IV v. Jill Frances Brackenbury, from Pulaski Circuit, Seventeenth Division.

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PETITIONS

FOR

REVIEW:

CR09-51. Amanda Gail Holt v. State of Arkansas, from Pulaski Circuit, Seventh Division. (Appellant)

CR09-51. Amanda Gail Holt v. State of Arkansas, from Pulaski Circuit, Seventh Division. (Appellee)

CR09-72. LaShonna Williams v. State of Arkansas, from Union Circuit.

CR09-82. Calvin Carrick v. State of Arkansas, from Pulaski Circuit, Seventh Division.

08-1070. JoAnn Cooper v. Cooper Clinic, P.A. et al., from Sebastian Circuit, Fort Smith District.

08-1135. Benjamin A. Hess v. Wal-Mart Stores, Inc. et al., from Workers' Compensation Commission.

08-1193. Brook A. Rogers v. Director, et al., from Board of Review.

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CR08-1330. Johnny Elmo Morgan v. State of Arkansas, from Scott Circuit. Appellee's motion to file supplemental brief.

CR08-1331. John William "Bill" Seamster, Jr. v. State of Arkansas, from Crawford Circuit. Appellant's motion to file substituted and alternatively a supplemental brief.

CR08-1331. John William "Bill" Seamster, Jr. v. State of Arkansas, from Crawford Circuit. Appellee's motion to file supplemental brief.

CR08-1336. Martin Hinojosa v. State of Arkansas, from Pope Circuit. Appellee's motion to file supplemental brief.

CR09-99. Shannon David Ray v. State of Arkansas, from Clark Circuit. Motion to substitute attorney on appeal.

CR09-154. Melvin Hawthorne v. State of Arkansas, from Garland Circuit. Motion for rule on clerk.

09-177. In Re: Carolyn Boies Nitta, Arkansas Bar No. 2006217, an Original Action. Petition for surrender of law license.

09-178. In Re: Christopher P. Carrington, Arkansas Bar No. 2006064, an Original Action. Petition for surrender of law license.

09-179. In Re: John David Widener, Arkansas Bar No. 85169, an Original Action. Petition for surrender of law license.

## **SUBMISSIONS**

CR08-322. Genre Jamison Page v. State of Arkansas, from Pulaski Circuit, First Division.

CR08-635. Doyle Dewayne Frye v. State of Arkansas, from Benton Circuit.

08-526. Asbury Automotive Used Car Center v. Patric Brosh et al., from Washington Circuit.