

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 31, 2011

JIM HANNAH, CHIEF JUSTICE:

[CR10-1035](#). Milton Ray Hendrix v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed.

[09-1311](#). King's Ranch of Jonesboro, Inc. v. City of Jonesboro, Metropolitan Area Planning Commission, Ken Beadles, Marvin Day, Brian Dover, Lonnie Roberts, Jr., Jerry Halsey, Jr., Margaret Norris, Ken Collins, Joe Tomlinson and Paul Hoelscher, in Their Official Capacities as Commission Members; and Steve and Susan Baker, Mark and D.J. Duckworth, Harry and Brenda Herget, Dr. Revel and Janice Porter, Jason and Melanie Runsick, Wayne and Marta Rusley-Parker, Mike and Terri Hoover, Mark and Julia Lamar, and Dr. James and Suzie Schrantz, from Craighead Circuit, Western District. Reversed and Remanded.

ROBERT L. BROWN, JUSTICE:

[10-758](#). Vibo Corporation, Inc. v. State of Arkansas ex rel. Dustin McDaniel, Attorney General, from Pulaski Circuit, Seventeenth Division. Affirmed in Part; Reversed and Remanded in Part.

[10-777](#). Mizell Gatson v. Freddie Billings, from Union Circuit. Affirmed.

JIM GUNTER, JUSTICE:

[10-1085](#). Phyllis White v. Ren Palo and Mike Rostollan, from Polk Circuit. Writ of Certiorari Granted.

KAREN R. BAKER, JUSTICE:

[CR10-467](#). Raymond C. Sanders, Jr. v. State of Arkansas, from Grant Circuit. Dismissed.

COURTNEY HUDSON HENRY, JUSTICE:

[10-1076](#). Dustin Barwick v. Government Employee Insurance Co., Inc., from Benton Circuit. Affirmed.

ARKANSAS SUPREME COURT  
PROCEEDINGS OF MARCH 31, 2011

PER CURIAM ORDERS

PETITIONS FOR REHEARING: Petitions for rehearing were denied today in the following cases.

10-26. Mary E. Green et al. v. George's Farms, Inc., et al., from Washington Circuit.

10-306. Audrey Hunter et al. v. Transamerica Life Insurance Company et al., from Pulaski Circuit, Third Division.

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PETITIONS FOR REVIEW: Petitions for review were denied today in the following cases.

10-1066. Dr. Marc Rogers v. Alan Sargent, from Garland Circuit. Henry, J., not participating.

E10-130. Deborah D. Bergman v. Director et al., from Board of Review.

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[CR96-1025](#). Roderick Leshun Rankin v. State of Arkansas, from Jefferson Circuit. Motion to recall the mandate and/or to reinvest jurisdiction in the circuit court to consider a writ of error coram nobis. Rebriefing ordered. See **per curiam** this date.

CR00-760. Jason Farrell McGehee v. State of Arkansas, from Boone Circuit. Application of Federal Public Defender for permission to be appointed as counsel on behalf of Movant is granted.

[CR10-1068](#). Karl D. Roberts v. State of Arkansas, from Polk Circuit. Appellant's motion for leave to file belated brief is granted. See **per curiam** this date.

CR10-1143. Robert Lee Davis, Jr. v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to substitute brief and addendum is granted.

CR10-1223. Kevin Dixon v. State of Arkansas, from Miller Circuit. Appellee's motion for compliance with Arkansas Supreme Court Rule 4-3(i) is granted. Appellant's substituted brief due in thirty days.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 31, 2011

PER CURIAM ORDERS

[CR11-235](#). Dewana Dione Runion v. State of Arkansas, from Drew Circuit. Motion to file belated appeal is granted. See **per curiam** this date.

09-1333. Bank of America, N.A. v. Charles A. Brown, from Pulaski Circuit, Fourteenth Division. Appellant's motion to supplement the record is granted.

09-1333. Bank of America, N.A. v. Charles A. Brown, from Pulaski Circuit, Fourteenth Division. Appellant's motion for issuance of new briefing schedule is granted.

10-60. John K. Kelly v. Christian Snowden Kelly, from Pulaski Circuit, Fifteenth Division. Appellee's motion for recusal. Hannah, C.J., denies the suggestion of recusal.

10-60. John K. Kelly v. Christian Snowden Kelly, from Pulaski Circuit, Fifteenth Division. Appellant's motion for disclosure. Moot. Special Justices Vada Berger, James McLarty, and Alex Streett join. Brown, Gunter, and Baker, JJ., not participating.

[10-125](#). Bunn Builders, Inc. and Employers Mutual Casualty Company v. Richard Womack and Roy Turner d/b/a R & R Enterprises, from Clark Circuit. Rebriefing ordered. See **per curiam** this date.

10-589. Intents, Inc. v. Southwestern Electric Power Company, from Washington Circuit. Appellant's motion for release of supersedeas bond is granted.

10-1182. David S. Clark v. Arkansas Game & Fish Commission et al., from Pulaski Circuit, Fifth Division. Appellees' motion to dismiss appeal or, in the alternative, motion to strike portions of Appellant's brief is passed until case is submitted.

CA10-1279. Seyoum Clark v. El Nopal, Inc., from Workers' Compensation Commission. Appellee's motion for rule on clerk is denied. Corbin, J., not participating.

11-70. Bayer Cropsience LP et al. v. Lenny Joe Kyle et al., from Woodruff Circuit. Appellants' motion for extension of time to complete the record on appeal is granted. Complete record due in thirty days.

[11-237](#). Luther Boyd Hardin, Arkansas Bar No. 76048 v. Supreme Court Committee on Professional Conduct, an Original Action. Petition to surrender Arkansas law license is granted. See **per curiam** this date.

11-243. Betty A. Bass v. R. C. Keith Bass, from Hot Spring Circuit. Motion for rule on clerk is granted.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 31, 2011

PER CURIAM ORDERS

[CR10-369](#). Charles Wayne Green v. State of Arkansas, from Randolph Circuit. Motion to reinvest circuit court with jurisdiction to consider a petition for writ of error coram nobis is denied. See **per curiam** this date.

CR10-800. Terry Don Matthews v. State of Arkansas, from Miller Circuit. Pro se motion to supplement pleadings. Appellant's motion treated as a motion to file a supplemental brief and granted. Supplemental brief due in thirty days. Appellee granted leave to file supplemental appellee's brief within thirty days of the date appellant's supplemental brief is filed.

[CR10-981](#). Walter J. Sims, Jr. v. State of Arkansas, from Jefferson Circuit. Pro se motion for copies at public expense. Appeal dismissed; motion moot. See **per curiam** this date.

CR11-195. Walter McCullough v. State of Arkansas, from Craighead Circuit, Western District. Pro se motion for belated appeal of order. Motion treated as motion for rule on clerk and denied.

[10-1023](#). Thane Thomas Newton v. Arkansas Department of Correction Sex Offender Assessment Committee, from Pulaski Circuit, Ninth Division. Pro se motion for leave to supplement addendum and petition for writ of certiorari to complete the record. Motion and petition denied; appeal dismissed. See **per curiam** this date.

[10-1265](#). Eric C. Burgie v. Larry Norris et al., from Jefferson Circuit. Pro se motions for extension of brief time and to amend motion for extension of brief time. Reversed and remanded; motions moot. See **per curiam** this date.

[11-106](#). Kenneth Ray Pitts v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln Circuit. Pro se motion for appointment of counsel is denied. See **per curiam** this date.

[11-192](#). In Re Petition filed by Arkansas Access to Justice Commission to permit non-admitted attorneys to provide pro bono services. See **per curiam** this date.

In Re April 7, 2011, Session of the Arkansas Supreme Court. See [per curiam](#) this date.

On April 7, 2011, the Supreme Court shall convene at 9:00 a.m. at the University of Arkansas Law School–Fayetteville, Arkansas.

In Re 4-2(b) of the Rules of the Supreme Court and Court of Appeals. See [per curiam](#) this date.

ARKANSAS SUPREME COURT  
PROCEEDINGS OF MARCH 31, 2011

PER CURIAM ORDERS

In Re Judges and Lawyers Assistance Program. See [per curiam](#) this date.

Janet Robb of Little Rock was an initial appointee to the Arkansas Judges and Lawyers Assistance Program Committee and has served with extraordinary distinction as chair since its inception. Her term concluded on February 28, 2011. Ms. Robb acted as an attorney member of the committee and provided admirable leadership during her terms on this important committee.

Circuit Judge David Laser of Jonesboro was, like Janet Robb, an initial appointee to this committee. He also provided reliable leadership on the committee during its early stages, utilizing his experience as a sitting circuit judge to beneficial effect. His term concluded on February 28, 2011. He was likewise designated as an attorney member of the committee. Both Janet Robb and Judge Laser had their original terms (which were drawn by lot) conclude in 2005 after four years. At that time each of them was appointed to a six-year term which, as noted, concluded on February 28, 2011.

We extend to Chair Robb and Judge Laser our sincere gratitude and appreciation for their many years of service which, in no small measure, has contributed to the successful initiation, development, and continuing operation of the Arkansas Judges and Lawyers Assistance Program.

The court appoints Amanda Nixon-White of Little Rock to replace Janet Robb. In accord with the requirements of Rule 2 of the Rules of the Arkansas Lawyer Assistance Program, Ms. Nixon-White shall be an attorney representative for a six-year term to conclude February 28, 2017. We also appoint Stan Langley, an attorney from Jonesboro, to replace Judge Laser. Mr. Langley will likewise serve a six-year term as an attorney representative to conclude February 28, 2017.

The court extends its appreciation to Ms. Nixon-White and Mr. Langley for their generous agreement to serve on this very important committee.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 31, 2011

PER CURIAM ORDERS

In Re The Arkansas Continuing Legal Education Board. See [per curiam](#) this date.

District Judge Mitch Cash of Marshall is appointed to the Continuing Legal Education Board for a three-year term concluding on December 5, 2013. Judge Cash will be a representative of the 1st Congressional District and replaces Chuck Roscofp whose term has concluded.

Elisa White of Little Rock is appointed to the Continuing Legal Education Board for a three-year term to expire on December 5, 2013. Ms. White will be an at-large representative, Position 9, and replaces Wendy Wood whose term has concluded.

The Court extends its sincere appreciation to Judge Cash and Ms. White for accepting appointment to this important Board. The Court also thanks Mr. Roscofp and Ms. Wood for their many years of work on this Board, including each of them serving one year as Chair of the Board.

ARKANSAS SUPREME COURT  
PROCEEDINGS OF MARCH 31, 2011

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

10-348. Samuel Boellner, M.D., et al. v. Clinical Study Centers, LLC, et al., from Pulaski Circuit, Sixteenth Division.

10-791. Midwest Terminals of Toledo, Inc. v. T. Arthur Palm, from Sebastian Circuit, Fort Smith District.

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PETITIONS FOR REVIEW:

CR11-190. Travis Smith v. State of Arkansas, from Mississippi Circuit, Osceola District.

CR11-229. Kendrick Barton v. State of Arkansas, from Nevada Circuit.

11-171. Rhodis L. Smith, Sr. v. Hershel Lovelace et al., from Pulaski Circuit, Ninth Division.

11-286. Butch Walchli and Elizabeth Walchli v. Joe Morris and Tanni Morris, from Sebastian Circuit, Greenwood District.

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CR10-103. Antwan Lavan Fowler v. State of Arkansas, from Faulkner Circuit. Appellee's motion to recall the mandate.

CR10-511. Billy D. Green v. State of Arkansas, from Randolph Circuit. Motion of Dale E. Adams and James W. Wyatt for appointment of counsel on behalf of Appellant.

CR11-182. Ira Gene Van Kirk v. State of Arkansas, from Greene Circuit. Motion of William O. "Bill" James, Jr., and Lee D. Short to be entered as counsel of record on behalf of Appellant.

10-568. Martin Wills v. Janet Lacefield, from Baxter Circuit. Appellant's motion to sanction Appellee and to strike Appellee's responses.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 31, 2011

MOTIONS SUBMITTED

CA10-1116. State of Arkansas v. A.G., from Pulaski Circuit, Fourth Division. Appellee's motion to transfer case to the Arkansas Supreme Court.

11-263. John M. Burnett, Arkansas Bar No. 95082 v. Supreme Court Committee on Professional Conduct, an Original Action. Petition to surrender Arkansas law license.

11-265. Suzanne P. Dew v. Terry L. Dew, from Johnson Circuit. Motion for rule on clerk.

11-272. Aaron Campbell Jones, Arkansas Bar No. 2000-011 v. Supreme Court Committee on Professional Conduct, an Original Action. Petition to surrender Arkansas law license.

11-273. Brandie Sloanaker v. Kelly Dianne Hammock et al., from Mississippi Circuit, Chickasawba District, Probate Division. Petition for writ of prohibition.

11-302. Keisha Williams v. Arkansas Department of Human Services et al., from Jefferson Circuit. Appellant's petition for writ of certiorari to complete the record and to stay brief time.



ARKANSAS SUPREME COURT  
PROCEEDINGS OF MARCH 31, 2011

CASES SUBMITTED

10-575. Otis Campbell et al. v. Asbury Automotive Group, Inc., et al., from Pulaski Circuit, Third Division. Argued orally.

CR09-76. Jarvis Rhodes v. State of Arkansas, from Jefferson Circuit.

CR10-919. Vann Tucker v. State of Arkansas, from Pope Circuit.

10-405. Jacquelin Perez Orantes v. Daniel Orantes, from Grant Circuit.