

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 27, 2011**

PER CURIAM OPINIONS:

[CR09-658](#). Claude Wallace v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Affirmed.

[CR09-716](#). Teddy Lee Clarks v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed.

[CR10-638](#). State of Arkansas v. Kenneth Harrison, from Pulaski Circuit, First Division. Reversed.

[09-458](#). Michael F. Jackson v. Larry Norris, Director, Arkansas Department of Correction, from Jackson Circuit. Appeal Dismissed.

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**PER CURIAM ORDERS**

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

10-568. Martin Donald Wills v. Janet F. Lacefield, from Baxter Circuit.

10-1116. State of Arkansas v. A.G., from Pulaski Circuit, Fourth Division. Brown and Baker, JJ., would grant.

10-1201. N.D. v. State of Arkansas, from Jefferson Circuit. Corbin, J., not participating. Special Justice C.C. "Cliff" Gibson, III joins. Brown, Gunter, and Baker, JJ., would grant.

10-1220. Stephanie Riley v. State Farm Mutual Automobile Insurance Company, from Benton Circuit.

10-1221. Megan Bradley v. State Farm Mutual Automobile Insurance Company, from Benton Circuit.

10-1226. Steve Baxter v. State Farm Mutual Automobile Insurance Company, from Benton Circuit.

10-1250. Mark and Karla Gibbs v. Shelley Hickson et al., an Original Action.

10-1250. Mark and Karla Gibbs v. PrimeLending, A Plains Capital Company, Jeffrey Brown et al., an Original Action.

10-1250. Mark and Karla Gibbs v. Corinthian Title Company, Inc., et al., an Original Action.

10-1250. Mark and Karla Gibbs v. Amy Christine Tueckes et al., an Original Action.

10-1250. Mark and Karla Gibbs v. Netco, Inc., Netco Title, Inc., Stephanie Drye et al., an Original Action.

10-1255. Jane M. Henry, as Personal Representative of the Estate of Ernest L. Henry, Deceased v. Washington Regional Medical Center et al., from Washington Circuit. Corbin, Danielson, and Henry, JJ., would grant.

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11-112. April Forrester v. Mark Martin, Secretary of State of Arkansas, et al., from Pulaski Circuit, Ninth Division. Corbin, J., would grant.

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

11-3. Tyson Poultry, Inc. v. Francisco Narvaiz, from Workers' Compensation Commission. Baker, J., not participating.

11-128. Julia Laney Machen v. Billy Randall Machen, from Columbia Circuit. Corbin, Brown, and Danielson, JJ., would deny.

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

CR11-531. Cory Ray Lynch v. State of Arkansas, from Perry Circuit.

CR11-564. Shawn Massey v. State of Arkansas, from Faulkner Circuit.

CR11-581. Autry Basham v. State of Arkansas, from Sebastian Circuit, Greenwood District.

CR11-593. Charles E. Lovett v. State of Arkansas, from Jefferson Circuit.

CR11-666. Brian Lunsford and Edward Evans v. State of Arkansas, from Hot Spring Circuit.

CR11-698. James Cortez Arnold v. State of Arkansas, from Washington Circuit.

10-1286. Dardanelle & Russellville Railroad, Inc. v. Certain Underwriters at Lloyd's, London, from Pope Circuit.

10-1291. Michael A. Hayes v. Sandra L. Otto, from Pulaski Circuit, Fourteenth Division.

10-1310. Barney Travis et al. v. Southern Farm Bureau Casualty Insurance Company, from Craighead Circuit, Western District.

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10-1325. Chase Home Finance, LLC v. Wilmington O. Charles, Jr., et al., from Pulaski Circuit, Sixth Division.

10-1326. Johnny Pruitt and Toni Pruitt v. Dickerson Excavation, Inc., from Franklin Circuit, Northern District. Baker, J., not participating.

11-74. Courtney Mitchell et al. v. John Ramsey et al., from Crittenden Circuit.

11-84. John Crites v. Bob Cowan et al., from Pulaski Circuit, Thirteenth Division.

11-184. Peggy A. Yancey v. Carlyn J. Yancey, from White Circuit. Hannah, C.J., not participating.

11-187. Kerry Copeland v. Director et al., from Board of Review.

11-193. Richard L. Myers et al. v. Peter Karl Bogner, Sr., et al., from Carroll Circuit, Western District.

11-224. Eastern Tank Service et al. v. Alton Brown, from Workers' Compensation Commission.

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CR00-803. Timothy Lamont Howard v. State of Arkansas, from Little River Circuit. Petitioner's application to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis is taken as a case. Corbin, J., not participating.

CR10-1068. Karl D. Roberts v. State of Arkansas, from Polk Circuit. Appellee's motion to file enlarged brief is granted.

CR11-416. James Wedgeworth v. State of Arkansas, from Union Circuit. Petition for certiorari for additional time for court reporter to complete the record is granted.

CR11-484. Chariell Ali Glaze v. State of Arkansas, from Faulkner Circuit. Appellee's motion for permission to file supplemental brief is granted.

CR11-581. Autry Basham v. State of Arkansas, from Sebastian Circuit, Greenwood District. Appellant's motion for stay of mandate is denied.

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CR11-602. Vadarian Meadows v. State of Arkansas, from Union Circuit. Appellant's motion to supplement the record is denied.

CR11-602. Vadarian Meadows v. State of Arkansas, from Union Circuit. Appellant's second motion to supplement the record is granted. Supplemental record due in thirty days.

[CR11-660](#). Kevin Banks v. State of Arkansas, from Pulaski Circuit, Second Division. Motion for rule on clerk is granted. See **per curiam** this date.

[CR11-721](#). Pattie Jo James v. State of Arkansas, from Arkansas Circuit, Northern District. Motion for rule on clerk is granted. See **per curiam** this date.

09-1241. Edward Loveless v. Kerri L. Seagraves, Court Reporter, from Pope Circuit. Dismissed for failure to file briefs in accordance with Rule 4-5. Costs assessed to appellant.

10-60. John K. Kelly v. Christian Snowden Kelly, from Pulaski Circuit, Fifteenth Division. Appellant's motion for release of bond funds and release of quitclaim deed is denied. Brown, Gunter, and Baker, JJ., not participating.

CA10-474. Mady J. Maguire v. W. Gene Jines, D.D.S., et al., from Pulaski Circuit, Fifth Division. Pro se motion for rule on clerk is denied.

10-869. Emery Hughes Corporation v. Audrianna Grisham, P.A., from Lonoke Circuit. Appellant's motion to amend the mandate is denied.

10-1296/1297. Howard W. Curry v. Pope County Equalization Board et al., from Pope Circuit. Appellees' motion to reschedule oral argument is granted.

10-1337. National Bank of Arkansas v. River Crossing Partners, LLC, et al., from Pulaski Circuit, Sixth Division. Appellees' motion for leave to submit a supplemental brief is granted.

10-1337. National Bank of Arkansas v. River Crossing Partners, LLC, et al., from Pulaski Circuit, Sixth Division. Appellant's motion for leave to submit supplemental brief is granted.

11-361. Nate Douglas et al. v. First Student, Inc., an Original Action. Respondent's motion to strike the affidavit of Denise P. Oxley is granted.

11-361. Nate Douglas et al. v. First Student, Inc., an Original Action. Motion to substitute the affidavit of Denise P. Oxley is denied.

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11-361. Nate Douglas et al. v. First Student, Inc., an Original Action. ConAgra Foods' motion for permission to file an amicus curiae brief in support of Respondent is denied. Brown and Baker, JJ., would grant.

CA11-466. Sierra Club et al. v. Arkansas Pollution Control and Ecology Commission, from Hempstead Circuit. Appellants' joint motion for guidance and clarification of record costs is granted. Gunter, Danielson, and Henry, JJ., not participating.

11-483. Grand Valley Ridge, LLC, et al. v. Metropolitan National Bank et al., from Washington Circuit. Appellants' motion to correct the record and stay briefing schedule is denied.

[11-589](#). Robert Ragon White, Arkansas Bar No. 72111 v. Supreme Court Committee on Professional Conduct, an Original Action. Petition to surrender Arkansas law license is accepted. See **per curiam** this date.

11-595. Arkansas Department of Human Services v. Honorable Earnest Brown et al., from Jefferson Circuit. Ex parte petition for a stay of circuit court proceedings is denied.

11-622. Kenyatta Cook v. Blytheville Housing Authority, from Mississippi Circuit, Chickasawba District. Appellant's motion to proceed in forma pauperis is denied without prejudice. *See* Ark. R. Civ. P. 72.

11-625. Advance Fiberglass, LLC v. Irag Rovnaghi et al., from Pulaski Circuit, Third Division. Petitioner's amended motion and brief for writ of certiorari, abstract, and addendum is taken as a case.

11-631. Stark Ligon, as Executive Director v. Timothy Seth Irwin, Arkansas Bar No. 2002-066, from Committee on Professional Conduct. Petition for writ of certiorari to the Supreme Court Committee on Professional Conduct is denied. Hannah, C.J., and Gunter, J., would grant.

11-649. David A. Stebbins v. Honorable Shawn Womack, from Boone Circuit. Pro se motion to proceed in forma pauperis is denied without prejudice. *See* Ark. R. Civ. P. 72.

11-649. David A. Stebbins v. Honorable Shawn Womack, from Boone Circuit. Pro se petition and amended petition for writ of mandamus. Improvidently filed.

11-654. Thomas Ewell Burrow Family Trust et al. v. Circuit Court of Garland County, from Garland Circuit. Petition for writ of certiorari is denied without prejudice. Baker, J., not participating.

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11-688. Theresa Marshall v. Director et al., from Board of Review. Appellant's motion to proceed in forma pauperis is denied without prejudice. *See* Supreme Court Rule 6-6.

11-692. David A. Stebbins v. Boone County Circuit Court, from Boone Circuit. Pro se petition and amended petition for writ of prohibition. Improvidently filed.

11-693. David A. Stebbins v. Boone County Circuit Court, from Boone Circuit. Pro se petition for writ of prohibition. Improvidently filed.

[11-732](#). Corey McMillan, Individually and on Behalf of a Class of Similarly Situated Persons v. Live Nation Entertainment, Inc., et al., an Original Action. Motion to certify question of law. Certified question accepted. *See per curiam* this date.

CR93-189. Tina Jimerson v. State of Arkansas, from Dallas Circuit. Pro se motion for transcript at public expense is denied.

[CR93-284](#). Gary Cloird a/k/a Saba Ka Makkali v. State of Arkansas, from Jefferson Circuit. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis, for copy of motion filed in 2002 at public expense, for return of casework, and for appointment of counsel. Petition denied. *See per curiam* this date.

CACR94-1016. Clarence James Ashby v. State of Arkansas, from Saline Circuit. Pro se motion for photocopy of transcript at public expense is denied.

[CACR02-573](#). Alvin H. Biggs v. State of Arkansas, from Mississippi Circuit, Chickasawba District. 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.

CR10-572. Jacquelyne Velcoff v. State of Arkansas, from Clark Circuit. Pro se motion for reconsideration of dismissal of appeal is denied.

[CR10-727](#). Bennie David Guy v. State of Arkansas, from Crittenden Circuit. Pro se motion to request permission to file motion to submit evidence. Motion denied; appeal dismissed. *See per curiam* this date.

CR10-1172. Albert Lee Lewis, Jr. v. State of Arkansas, from Crittenden Circuit. Pro se motion for extension of time to file appellant's brief. Motion denied; appeal dismissed.

CR11-289. Walter Lee Walton v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss appeal is granted.

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[CR11-299](#). Kiara Smith v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Pro se motion for leave to file belated brief. Appeal dismissed; motion moot. See **per curiam** this date.

[CR11-352](#). Thurman Russell v. Honorable Gordon Webb, Jr., from Baxter Circuit. Pro se petition for writ of mandamus. Petition denied. See **per curiam** this date.

[CR11-472](#). Robert Coleman v. State of Arkansas, from Arkansas Circuit, Northern District. Appellant's pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

[CR11-501](#). Abraham Grant v. State of Arkansas, from Phillips Circuit. Appellant's pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

CR11-551. Jeffery Garcia v. State of Arkansas, from Saline Circuit. Pro se motion for extension of time to file pro se petition for review is denied.

[CR11-582](#). Anthony Lamar v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion for transcript. Appeal dismissed; motion moot. See **per curiam** this date.

CR11-615. Corey Turner v. State of Arkansas, from Clark Circuit. Pro se motion for belated appeal and pro se motion to pursue belated appeal. Motions treated as motions for rule on clerk and denied.

11-347. Julio R. Castillo v. Ray Hobbs, from Lee Circuit. Appellee's motion to dismiss appeal is granted.

[11-428](#). Joe Edwin Clem v. Ray Hobbs, from Lincoln Circuit. Appellant's pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

[11-436](#). Carl Edward Willis v. Ray Hobbs, from Jefferson Circuit. Appellant's pro se motions for extension of time to file brief and for State to provide copies of appellant's brief. Appeal dismissed; motions moot. See **per curiam** this date.

[11-532](#). Patrick Robertson v. Ray Hobbs, from Lincoln Circuit. Appellant's pro se motion for copy or use of transcript. Appeal dismissed; motion moot. See **per curiam** this date.



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11-547. James E. Smith v. Honorable Jodi Raines Dennis, from Jefferson Circuit. Pro se petition for writ of mandamus and pro se motion to respond to respondent's response to pro se petition for writ of mandamus and to respond to Judge Dennis's order denying motion for reconsideration. Motion to respond to respondent's response to petition for writ of mandamus and to respond to respondent's order denied; petition for writ of mandamus moot.

11-614. Jimmy Dale Cureton et al. v. State of Arkansas, from Sebastian Circuit, Greenwood District. Pro se motion to lodge record or for belated appeal. Motion treated as motion for rule on clerk and denied.

In Re Supreme Court Committee on Model Jury Instructions – Civil. See [per curiam](#) this date.

Tim Brooks, Esq., of Fayetteville is appointed to the Committee on Model Jury Instructions–Civil for a three-year term, effective September 1, 2011, to expire on September 30, 2014. The court extends its appreciation to Mr. Brooks for accepting appointment to this important committee.

In Re Supreme Court Board of Certified Court Reporter Examiners. See [per curiam](#) this date.

Patricia Hendrix of Little Rock, Certified Court Reporter, and Buffy Topper of Jonesboro, Certified Court Reporter, are appointed to our Board of Certified Court Reporter Examiners for three-year terms expiring on July 31, 2014. The court thanks them for their willingness to serve on this important board.

Hon. Xollie Duncan of Bentonville, Circuit Judge, 19th West Judicial Circuit and Hon. Larry Chandler, Circuit Judge, 13th Judicial Circuit have accepted reappointments to the Board of Certified Court Reporter Examiners for additional three-year terms, which will expire on July 31, 2014. Judge Duncan, who is the current chair of the Board, will continue in that capacity.

The court expresses its gratitude to Sharon Moody and Patricia Horton-Pfeifer, whose terms have expired, for their valuable service to the Board.

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In Memory of Justice Steele Hays. See [per curiam](#) this date.

On June 22, 2011, Honorable Steele Hays, who served with distinction on the Arkansas Supreme Court from 1981 to 1994, died at the age of eighty-six. He was first appointed to the trial bench by Governor Winthrop Rockefeller to serve an interim term on the Sixth Circuit in Little Rock. In 1980, Governor Bill Clinton appointed him as one of the original members of the Arkansas Court of Appeals, and he served on that court for two years until his election to the supreme court.

Prior to joining the bench, Justice Hays had a distinguished career as a lawyer in Little Rock. He graduated from George Washington University Law School and practiced with the firm, Spitzberg, Mitchell & Hays, from 1954 to 1979, save for his service on the trial bench.

Justice Hays was active in his community. A sampling of his activities include: Chancellor for the Episcopal Diocese of Arkansas, President of the Arkansas Chapter of the National Conference of Christians and Jews, and Chair of the Arkansas Advisory Committee to the U.S. Commission on Civil Rights.

Justice Hays had a keen sense of justice. He was a scholar on the life of Abraham Lincoln, and this quote of Lincoln, aptly fits Justice Hays, “I have always found that mercy bears richer fruits than strict justice.”

The Arkansas Supreme Court joins the citizens of this state in saluting Justice Hays for a life well-lived—a life of service, a life in pursuit of justice. The court extends its deepest condolences to Justice Hays’ wife, Peggy, and the rest of his family.

In Re Administrative Order No. 6(c). See [per curiam](#) this date.