

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 23, 2011

JIM HANNAH, CHIEF JUSTICE:

[11-112](#). April Forrester, Individually and as a Representative of all Similarly Situated Voter-citizens of Arkansas v. Mark Martin, Secretary of State of Arkansas, in His Official Capacity only, and Randy Zook, Randy Wilbourn, Ray C. Dillon, David Byerly, Don Zimmerman, and Mark McBryde, Individually and on Behalf of the Committee for Arkansas's Future, from Pulaski Circuit, Ninth Division. Affirmed. Corbin, J., dissents.

DONALD L. CORBIN, JUSTICE:

[10-906](#). In the Matter of the Estate of Charlotte Stinnett, Deceased; Darrell F. Brown, Sr. v. Velma Ann Bell Wilson and Melvin Shane Bell, from Sevier Circuit. Appeal Dismissed with Prejudice.

ROBERT L. BROWN, JUSTICE:

[10-1182](#). David Clark v. The Arkansas Game and Fish Commission and Scott Henderson in His Capacity as its Director, from Pulaski Circuit, Fifth Division. Dismissed.

KAREN R. BAKER, JUSTICE:

[10-1093](#). The Unknown Heirs of Catherine M. Warbington, and Bert John Warbington, Trustee of the Warbington Family Trust and the Catherine M. Warbington Marital Trust v. First Community Bank and John Best and Paula Best, from Poinsett Circuit. Affirmed.

COURTNEY HUDSON HENRY, JUSTICE:

[09-1238](#). May Construction Company, Inc. v. Town Creek Construction & Development, LLC; Chambers Bank of North Arkansas; and Ohio Casualty Insurance Company, from Washington Circuit. Reversed and Remanded on Direct Appeal; Affirmed on Cross-Appeal.

[10-1201](#). N.D. v. State of Arkansas, from Jefferson Circuit. Reversed. Corbin, J., not participating. Special Justice C.C. "Cliff" Gibson, III, joins in this opinion. Brown, Gunter, and Baker, JJ., dissent.

[11-81](#). Philadelphia Indemnity Insurance Company, as insurer for Focus, Inc., a nonprofit and charitable entity v. Luther Austin, Melissa and Christopher Brown, Terria Davison, Steve Farmer, Dorothy James, Patricia and Terrance Kimble, Sarah and Jonathan Vaughn, Mary Williams, and Kennan Wilson, from Craighead Circuit, Western District. Affirmed.

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PER CURIAM ORDERS

PER CURIAM OPINION:

[CR09-632](#). Lee A. Croy v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed.

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

11-8. Hunter Crenshaw v. Special Administrator of the Estate of Steven Ken Ayers, Deceased, from White Circuit.

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

CR11-484. Chariell Ali Glaze v. State of Arkansas, from Faulkner Circuit.

10-1337. National Bank of Arkansas v. River Crossing Partners, LLC, et al., from Pulaski Circuit, Sixth Division.

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

10-1321. Carl E. Feltus v. Maverick Tube, LLC, et al., from Workers' Compensation Commission.

10-1322. Aegon Insurance USA et al. v. DeAnn E. Durham-Gilpatrick, from Workers' Compensation Commission. Baker, J., not participating.

10-1324. Advocat, Inc., et al. v. Dana Couch Heide, from Hot Spring Circuit. Baker, J., not participating.

10-1330. Mike Adams v. Bemis Company, Inc., et al., from Workers' Compensation Commission.

CR10-511. Billy Dale Green v. State of Arkansas, from Randolph Circuit. Appellant's motion to recall mandate is granted. Request that clerk be directed to prepare the appropriate record is denied.

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CR10-1200. Lemuel Session Whiteside v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellant's request for clarification of appellate rules. Noted.

CR11-11. Billy Joe Kelley, Jr. v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion for oral argument is denied.

CR11-416. James Wedgeworth v. State of Arkansas, from Union Circuit. Appellant's motion to correct the record and stay briefing schedule. Motion treated as a petition for writ of certiorari for court reporter to complete the record is granted. Brief due thirty days after completed record is filed.

CR11-535. Dale Harvey Brown v. State of Arkansas, from Van Buren Circuit. Motion for appointment of Sharon Kiel as counsel on behalf of appellant is denied without prejudice. See Arkansas Supreme Court Rule 6-6.

CR11-535. Dale Harvey Brown v. State of Arkansas, from Van Buren Circuit. Motion to file belated appeal is denied without prejudice. See Arkansas Supreme Court Rule 6-6.

10-932. Arkansas State Highway & Transportation Department v. Lamar Advantage Holding Company, from Pulaski Circuit, Sixth Division. Appellee's motion to recall mandate and for permission to file petition for rehearing is denied. Baker, J., not participating.

10-1064. Michelle Six v. Vernon Rhoden et al., from Grant Circuit. Appellant's motion to dismiss appeal is granted.

10-1246. Bayer CropScience LP et al. v. Randy Schafer et al., from Lonoke Circuit. Appellants' motion for leave to file supplemental addendum is denied. Leave granted to file substituted brief within fifteen days.

10-1246. Bayer CropScience LP et al. v. Randy Schafer et al., from Lonoke Circuit. Riceland Foods' motion for leave to file amicus curiae brief in support of appellees is granted. Hannah, C.J., and Danielson, J., would deny.

10-1246. Bayer CropScience LP et al. v. Randy Schafer et al., from Lonoke Circuit. Arkansas Trial Lawyers Association's motion for leave to file amicus curiae brief in support of appellees is granted.

10-1246. Bayer CropScience LP et al. v. Randy Schafer et al., from Lonoke Circuit. USA Rice Federation's motion for leave to file amicus curiae brief in support of appellees is granted.

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11-571. Charles G. Walker, Arkansas Bar No. 2007-007 v. Supreme Court Committee on Professional Conduct, an Original Action. Petition for voluntary surrender of law license. Granted, with direction to the Clerk to remove the attorney's name from the registry of attorneys licensed to practice law in the State of Arkansas.

11-572. Sharron P. Glaze, Arkansas Bar No. 86055 v. Supreme Court Committee on Professional Conduct, an Original Action. Petition for voluntary surrender of law license. Granted, with direction to the Clerk to remove the attorney's name from the registry of attorneys licensed to practice law in the State of Arkansas.

[11-577](#). Jason Farrell McGehee, Bruce Ward, Marcel Wayne Williams v. Ray Hobbs, Director, Arkansas Department of Correction and Arkansas Department of Correction, from Pulaski Circuit, Sixth Division. Petition for stay of execution is granted. See **per curiam** this date.

CR91-232. Byron D. Hooper v. State of Arkansas, from Union Circuit. Pro se motion for production of documents at public expense. Motion treated as a motion for transcript at public expense and denied.

[CR11-328](#). Brenda Owens v. Ray Hobbs, from Crittenden Circuit. Appellant's pro se motions for extension of time to file brief and for appointment of counsel. Appeal dismissed; motions moot. See **per curiam** this date.

CR11-405. Anthony Bryant Williamson v. Honorable Stephen M. Tabor, Circuit Judge, from Sebastian Circuit, Fort Smith District. Pro se petition for writ of mandamus is denied.

CR11-468. Chadrick C. Flowers v. Honorable Duncan M. Culpepper, Circuit Judge, from Hempstead Circuit. Pro se petition for writ of mandamus. Moot.

[11-414](#). Lamont Van 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.

[11-429](#). Mark Williams v. State of Arkansas, from Lincoln Circuit. Appellant's pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

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In Re District Court Resource Assessment Board. See [per curiam](#) this date.

Honorable Rudy Moore of Fayetteville, Washington County District Court, is appointed to the District Court Resource Assessment Board for a four-year term to expire on April 30, 2015. The court thanks Judge Moore for his willingness to serve on this important board.

Chief Justice Jim Hannah is reappointed to the board for a four-year term to expire on April 30, 2015.

We express our gratitude to Judge Rusty Porter of West Helena, whose term has expired, for his valuable service to the board.

In Re Code Revision Commission. See [per curiam](#) this date.

Bettina E. Brownstein of Little Rock is appointed to the Code Revision Commission to fill the unexpired term of Douglas O. Smith of Fort Smith. The court thanks Ms. Brownstein for her willingness to serve on this important board.

We express our gratitude to Mr. Douglas O. Smith of Fort Smith, who resigned, for his valuable service to the board.

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

Jane Yearman, a lay member whose term is due to expire in 2013, has resigned from the Judges and Lawyers Assistance Program Committee (Committee) effective immediately. The term of Gary Burbank, a lay appointee, expired on February 28, 2011.

We appoint Shannon Subarich Pearce of Hot Springs, Arkansas as the replacement for Jane Yearman and John Richard Byrd, Sr. of Hamburg, Arkansas as the replacement for Gary Burbank. Each will serve a six-year term to expire on July 1, 2017.

The court extends its sincere gratitude to Ms. Yearman and Mr. Burbank for their service on the Committee.

In Re Administrative Order No. 21 – Electronic Filing. See [per curiam](#) this date.