

ARKANSAS SUPREME COURT

PROCEEDINGS OF SEPTEMBER 15, 2011

JIM GUNTER, JUSTICE:

[10-966](#). Mark F. Duncan v. Cheryl Ann Duncan, from Cleburne Circuit. Reversed and Remanded; Court of Appeals Opinion Vacated. Baker, J., not participating.

PAUL E. DANIELSON, JUSTICE:

[10-1208](#). Robert Robinette v. Department of Finance and Administration, Richard Weiss, Director, from Pulaski Circuit, Fifth Division. Affirmed. Brown and Baker, JJ., concur.

KAREN R. BAKER, JUSTICE:

[11-143](#). Roberta Morningstar and Doyle Shirley, on Behalf of Themselves and All Taxpayers Similarly Situated v. Mike Bush, in His Official Capacity as Mayor of the City of Hot Springs, Arkansas; and Peggy Brunner-Maruthur, Elaine Jones, Cynthia Keheley, Carroll Weatherford, Rick Ramick, and Tom Daniel, in Their Official Capacities as Members of the Board of Directors of the City of Hot Springs, Arkansas, from Garland Circuit. Affirmed.

PER CURIAM OPINIONS:

[CR09-892](#). Robert Lavern Burton v. State of Arkansas, from Garland Circuit. Affirmed.

[CR09-1119](#). Mack L. Eason v. State of Arkansas, from Crittenden Circuit. Affirmed.

[CR09-1201](#). Oliver L. Leak, Jr. v. State of Arkansas, from Ashley Circuit. Affirmed.

[CR10-669](#). Lloyd James Callie v. State of Arkansas, from Sebastian Circuit, Greenwood District. Affirmed.

[CR10-751](#). Roderick A. White v. State of Arkansas, from Howard Circuit. Affirmed.

[CR10-877](#). James Brian Wright v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed.

[CR10-885](#). Michael A. Green v. State of Arkansas, from Drew Circuit. Affirmed.

[CR10-1045](#). Shawna Biddle v. State of Arkansas, from Boone Circuit. Affirmed.

[09-970](#). Roger Bradford v. State of Arkansas, from Lee Circuit. Affirmed.

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[10-161](#). Andre Washington v. State of Arkansas; Larry Norris, Director, Arkansas Department of Correction, from Lee Circuit. Affirmed.

[10-425](#). Percy Henderson v. David White, Warden, from Jefferson Circuit. Affirmed.

[10-1199](#). Timothy Wise v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Affirmed.

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

11-398. Billy K. Berry, derivatively on behalf of Dillard's, Inc. v. William Dillard, II, et al., from Pulaski Circuit, Second Division. Danielson, J., would grant. Brown, J., not participating.

11-418. Combined Healthcare Federal Credit Union et al. v. The Arands Corporation d/b/a Mr. Mark's Autos, from Garland Circuit.

[CR10-1164](#). Gregory Holt v. State of Arkansas, from Pulaski Circuit, First Division. Supplemental addendum ordered. See per curiam issued. (Proceedings of September 9, 2011)

[CR11-97](#). Bruce Wade Pennington v. State of Arkansas, from Poinsett Circuit. Appellant's motion to file belated brief is granted. See **per curiam** this date.

[CR11-535](#). Dale Harvey Brown v. State of Arkansas, from Van Buren Circuit. Second motion of Sharon Kiel for appointment of counsel with affidavit of indigency is granted. Second motion for belated appeal is granted. See **per curiam** this date.

[CR11-872](#). Chad Lee White v. State of Arkansas, from Benton Circuit. Motion to be relieved as attorney for appellant and stay briefing schedule is denied without prejudice. See **per curiam** this date.

CR11-887. Richard Stephen Federick v. Saline County Circuit Court, Second Division, from Saline Circuit. Motion for stay of circuit court proceedings or, in the alternative, motion for expedited proceedings. Motion for expedited proceedings granted. Petition for writ of prohibition is denied without prejudice. (Proceedings of September 12, 2011)

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11-699. Beverly Health & Rehabilitation Services, Inc., et al. v. Valerie Keaton, from Ouachita Circuit. Motion of The Committee to Save Arkansas Jobs, Inc., and Arkansas State Chamber/Associated Industries of Arkansas for permission to file amicus curiae brief is granted.

11-699. Beverly Health & Rehabilitation Services, Inc., et al. v. Valerie Keaton, from Ouachita Circuit. Motion for permission to supplement parties amici is granted. Corbin and Danielson, JJ., would deny.

11-781. Alice Spinks v. Thomas Albert Martin, Jr., from Newton Circuit. Motion to consider Appellant's counter to the Appellee's response to the petition for writ of mandamus is moot.

[11-871](#). In Re: Benjamin Thomas Donathan, Arkansas Bar No. 2008167, from Committee on Professional Conduct. Petition for voluntary surrender of law license is accepted. See **per curiam** this date.

CR10-627. Eric Wayne Kelley v. State of Arkansas, from Pulaski Circuit, Second Division. Pro se motion for extension of time to file motion for reconsideration is denied.

[CR11-91](#). Gregory Rafael Smith v. State of Arkansas, from Faulkner Circuit. Pro se motion for belated appeal of order. Motion denied. See **per curiam** this date.

CR11-550. Eddie Briley, Jr. v. State of Arkansas, from Jefferson Circuit. Pro se motion to supplement record pertaining to motion for belated appeal is granted; motion for belated appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

11-409. Kenneth King v. A.O. French et al., from Lincoln Circuit.

11-435. Rubber & Gasket Company of America, Inc. v. Timothy Zimmerman, from Pulaski Circuit, Sixteenth Division.

CR10-1223. Kevin Dixon v. State of Arkansas, from Miller Circuit. Appellant's motion to supplement record.

CR11-776. Meloni Annesta Sey v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion for substitution of counsel on behalf of appellant and tendered motion for extension of time to file appellant's brief.

CR11-776. Meloni Annesta Sey v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motion for extension of time to file appellant's brief.

CA11-268. Independence County, Arkansas v. City of Clarksville, Arkansas, from Johnson Circuit. Appellant's motion to transfer or certify appeal to the Supreme Court.

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SUBMISSIONS

CR10-934. State of Arkansas v. Joe Cantrell, from Perry Circuit.

CR10-998. David Wayne Fuson v. State of Arkansas, from Crawford Circuit.

CR10-1036. Calvin Washington, Jr. v. State of Arkansas, from Garland Circuit.

CR10-1104. Louis Ricardo Butler v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CR10-1143. Robert Lee Davis, Jr. v. State of Arkansas, from Pulaski Circuit, First Division.