

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 10, 2011

JIM HANNAH, CHIEF JUSTICE:

[11-430](#). Ross Systems, Inc. v. Advanced Environmental Recycling Technologies, Inc., from Washington Circuit. Affirmed.

ROBERT L. BROWN, JUSTICE:

[10-870](#). M. Jay Carter v. Ernie Cline and Karen Cline, from Pulaski Circuit, Third Division. Reversed and Remanded. Motion to strike granted in part.

COURTNEY HUDSON HENRY, JUSTICE:

[10-1337](#). National Bank of Arkansas v. River Crossing Partners, LLC, and Robert Aguiar, Individually and as Trustee of the Robert J. Aguiar Revocable Trust, from Pulaski Circuit, Sixth Division. Reversed and Remanded on Direct Appeal; Affirmed on Cross-Appeal; Court of Appeals Opinion Vacated.

PER CURIAM OPINIONS:

[CR09-917](#). William Thomas Hale v. State of Arkansas, from Saline Circuit. Affirmed.

[CR09-942](#). Joseph Akin v. State of Arkansas, from Pope Circuit. Affirmed.

[CR10-143](#). Reginald Darnell Richardson v. State of Arkansas, from Ouachita Circuit. Affirmed.

[CR10-951](#). Esau Elifas Estrada v. State of Arkansas, from White Circuit. Affirmed.

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PER CURIAM ORDERS

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

CR11-981. Ryan McElroy v. State of Arkansas, from Pulaski Circuit, Seventh Division.

11-952. Rebecca Christian-Holderfield and James Holderfield v. Arkansas Department of Human Services et al., from Carroll Circuit, Western District.

CR10-1146. Rodney Tyrone Webb v. State of Arkansas, from Drew Circuit. Motion of James E. Hensley, Jr., to be relieved as counsel for appellant is granted.

[CR11-539](#). Michael Gilliland v. State of Arkansas, from Hot Spring Circuit. Appellee's motion to dismiss appeal is remanded. Motion for extension of time to file brief is moot. See **per curiam** this date.

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. International Association of Venue Managers' motion for permission to file an amicus curiae brief in support of Appellee is granted.

11-990. Johnny Warren v. Todd Wooten et al., from Pulaski Circuit, Fifth Division. Pro se petition for writ of certiorari is denied. *See* Arkansas Rules of Appellate Procedure –Civ. 5(b).

[CR87-209](#). Sanders M. Carter v. State of Arkansas, from Pulaski Circuit, Fourth Division. 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.

CR10-700. Jerry Lee Marshall v. Hon. Larry Chandler, Circuit Judge, from Cleveland Circuit. Pro se petition for writ of mandamus is moot.

CR10-1164. Gregory Holt v. State of Arkansas, from Pulaski Circuit, First Division. Pro se motions to stay the mandate, to relieve counsel, and for rehearing are denied.

[CR11-148](#). Sherman Watson v. State of Arkansas, from Hot Spring Circuit. Pro se motions for extension of time to lodge record and for use of trial transcript. Remanded for findings of fact. See **per curiam** this date.

CR11-827. Billy Jack Kain, Jr. v. State of Arkansas, from Craighead Circuit, Western District. Pro se motion for rule on clerk to file mandamus petition without a certified record is denied.

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CR11-884. Walter Lee Walton v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motions for appointment of counsel and for extension of brief time are denied without prejudice. *See* Arkansas Supreme Court Rule 6-6.

CR11-973. Dalvin D. Candler v. Hon. John Homer Wright, Circuit Judge, and State of Arkansas, from Garland Circuit. Pro se petition for writ of prohibition is dismissed.

09-532. Harold Davy Cassell v. Larry Norris, Director, Arkansas Department of Correction, from Lincoln Circuit. Petition for rehearing is denied.

[11-491](#). Matthew W. Barnett v. Danny Burl, Warden, from Lee Circuit. Pro se appellant's motion to file supplemental reply brief. Appeal dismissed; motion moot. *See per curiam* this date.

11-754. Robert R. Hawk v. Hon. Gary B. Isbell, Circuit Judge, from Boone Circuit. Pro se motion to proceed *in forma pauperis* is granted.

In Re Committee on Automation. [See per curiam](#) this date.

David Kamps of Little Rock is appointed to the Committee on Automation for a three-year term to expire October 31, 2014. Judge Vann Smith of Little Rock, Judge Sherry Burnett of Malvern, and David Danielson of Fayetteville are reappointed to the committee for three-year terms to expire October 31, 2014. We thank them for their willingness to serve on this important committee.

The court thanks Larry Jegley, whose term has expired, for his service on the committee.

In Re State Board of Law Examiners. [See per curiam](#) this date.

The court appoints Christopher Thomason of Hope to the State Board of Law Examiners. Mr. Thomason shall be a representative of the Fourth Congressional District and will serve a six-year term concluding on September 30, 2017. Mr. Thomason succeeds Spencer Robinson of Pine Bluff.

The court appoints Harold J. Evans of Little Rock to the Arkansas State Board of Law Examiners. Mr. Evans shall be a representative of the Second Congressional District and will serve a six-year term concluding on September 30, 2017.

The court thanks Mr. Thomason and Mr. Evans for accepting appointment to this important Board. The court extends its sincere appreciation to Spencer Robinson for his many years of service to the Board, including his leadership as Chair of the Board in 2011.

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In Re Appointment of the Members to the Committee on Professional Conduct. [See per curiam](#) this date.

Steven Shults, Esquire, of Little Rock (Panel A, attorney member from the Second Congressional District); Elaine Dumas of Little Rock (Panel A, at large non-attorney member); Henry Hodges, Esquire, of Little Rock (Panel B, attorney member from the Second Congressional District); L. Scott Stafford, Esquire, of Little Rock (Panel C, attorney member from the Second Congressional District); William P. Watkins, III, Esquire, of Rogers (Panel D, attorney member from the Third Congressional District); James A. Ross, Jr., Esquire, of Monticello (Panel D, attorney member from the Fourth Congressional District); and Sue Winter of Little Rock (Panel D, at large non-attorney member) all currently serve on the court's Committee on Professional Conduct. Their respective terms expire on December 31, 2011.

Each member is eligible for reappointment to another full term on the Committee and has expressed a willingness to continue to serve on this important court committee. Mr. Shults, Ms. Dumas, Mr. Hodges, Mr. Stafford, Mr. Watkins, Mr. Ross, and Ms. Winter are hereby reappointed, effective January 1, 2012, to a six-year term in their respective current positions on the Committee, with the new term of each member to expire on December 31, 2017. The Court expresses its gratitude to these Committee members for their dedicated and faithful service to the Committee and for their willingness to continue in this service.

Joe A. Polk, Esquire, of Little Rock has completed a term as Panel D attorney member from the Second Congressional District, and has requested that he not be reappointed. The court expresses its gratitude for Mr. Polk's dedicated and faithful service to the Committee.

Searcy A. Harrell, Jr., Esquire, of Camden, Panel C attorney member from the Fourth Congressional District, has resigned from the Committee to accept appointment to serve as Circuit Judge in the Thirteenth Judicial Circuit. The court expresses its gratitude for Mr. Harrell's dedicated and faithful service to the Committee and wishes him well in his new position of service to the public and the legal profession.

The court hereby appoints Joseph Hickey, Esquire, of El Dorado as Panel C attorney member from the Fourth Congressional District, in place of Mr. Harrell, effective immediately and for the balance of Mr. Harrell's current term, which expires on December 31, 2014.

The court hereby appoints Richard C. Downing, Esquire, of Little Rock, as Panel D attorney member from the Second Congressional District, for a six-year term that shall commence on January 1, 2012, and expire on December 31, 2017.

The court expresses its appreciation to Mr. Hickey and Mr. Downing for accepting appointment to and serving on this important court committee.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR11-116. Kenneth Ray Osburn v. State of Arkansas, from Ashley Circuit.

PETITIONS FOR REVIEW:

CR11-1001. Jessie Lee Miller, Jr. v. State of Arkansas, from Mississippi Circuit, Osceola District.

CR11-1026. Cameka Sullivan v. State of Arkansas, from Saline Circuit.

11-1003. Robert E. Bamburg v. Lisa J. Bamburg, from Pulaski Circuit, Fourteenth Division.

CR93-988. Frank Williams, Jr. v. State of Arkansas, from Lafayette Circuit. Appellant's motion for additional time for oral argument.

CR99-1221. Frank Williams, Jr. v. State of Arkansas, from Lafayette Circuit. Appellant's motion for additional time for oral argument.

CR11-336. Brian N. Nelson v. State of Arkansas, from Garland Circuit. Motion of Gregory Crain to be appointed counsel on behalf of appellant.

11-165. BDO Seidman, LLP, et al. v. SSW Holding Company, Inc., et al., from Sebastian Circuit, Fort Smith District. Appellees' motion to take notice of supplemental authority.

11-1084. Fred Guy Monaco II v. Pulaski County Circuit Court, from Pulaski Circuit, Second Division. Pro se petition for writ of certiorari, prohibition, mandamus, and/or other supervisory writs.

11-1096. Robert L. Rickard, Arkansas Bar No. 2001065 v. Supreme Court Committee on Professional Conduct, an Original Action. Petition to surrender Arkansas law license.

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SUBMISSIONS

11-513. State of Arkansas v. Steve Jernigan, from Poinsett Circuit. Argued orally.

CR11-178. Gary Lonnie Williams v. State of Arkansas, from Faulkner Circuit.

CR11-476. Jonathan A. Halpaine v. State of Arkansas, from Saline Circuit.

11-294. Jonesboro Healthcare Center, LLC v. Eaton-Moery Environmental Service, Inc., d/b/a Delta Environmental, from Craighead Circuit, Western District.

11-526. Michael Bakalekos et al. v. Brad Furlow et al., from Pulaski Circuit, Thirteenth Division.