

ARKANSAS SUPREME COURT

Opinions delivered
January 15, 2009

[Click here for today's opinions](#)

DONALD L. CORBIN, JUSTICE:

08-723. Veronica Post v. Franklin County Board of Election Commissioners, John Paul Pendergrass, Herman Verkamp and Randy Hillard, in their official capacities; and Gary Zollicoffer, Individually, from Franklin Circuit, Northern District. Affirmed. Imber, J., not participating. PUBLISHED

ROBERT L. BROWN, JUSTICE:

08-804. Ann C. Donovan v. Supreme Court Committee on Professional Conduct, from the Supreme Court Committee on Professional Conduct, Panel A. Affirmed; Petition for Writ of Mandamus Denied. PUBLISHED

PAUL E. DANIELSON, JUSTICE:

08-311. Emilia Duke v. Joseph Edward Shinpaugh and Rebekah Shinpaugh Ogle, from Washington Circuit. Affirmed; Court of Appeals Reversed. PUBLISHED

PER CURIAM OPINIONS:

CR07-683. Ross Lamar Burnett, Sr. v. State of Arkansas, from Drew Circuit. Affirmed; Motion to Withdraw as Counsel Granted. UNPUBLISHED

CR07-915. Jose Enrique Mendiola v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. Imber, J., not participating. UNPUBLISHED

PER CURIAM ORDERS

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

08-327. Kyle B. Johnson v. The Cincinnati Insurance Company, from Greene Circuit. Brown, J., not participating.

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

CR08-1222. Felishia McMurray v. State of Arkansas, from Jefferson Circuit.

08-631. Patrick J. Powers v. Connie Williams et al., from Washington Circuit.

08-632. Patrick J. Powers v. Kathryn Powers, from Washington Circuit.

08-1337. Tarequis Fields v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District.

CR07-628. Marcus D. Young v. State of Arkansas, from Drew Circuit. Motion to file belated appeal is denied. See **per curiam** this date. PUBLISHED

CR07-1002. Gavino Patrick Mazurek v. State of Arkansas, from Pulaski Circuit, Second Division. Motion for belated appeal is denied. Hannah, C.J., would grant.

CR08-459. Darius Jackson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to file belated brief is granted and the matter referred to the Committee on Professional Conduct.

CR08-704. Daniel Sanders v. State of Arkansas, from Pulaski Circuit, Fourth Division. Petition for writ of certiorari to complete the record. Granted thirty days.

CR08-778. State of Arkansas v. Bobby Junior Cox, from Lonoke Circuit. Appellee's motion to file substituted brief is granted.

CR08-1033. Lloyal Willie Bryant v. State of Arkansas, from Boone Circuit. Motion to substitute counsel. Wendy Howerton noted as co-counsel of record.

CR08-1033. Lloyal Willie Bryant v. State of Arkansas, from Boone Circuit. Motion for remand to settle the record. Granted sixty days.

CR08-1042. Kenneth Dana Brewton v. State of Arkansas, from Sebastian Circuit, Arkansas City District. Appellee's motion to dismiss appeal is denied.

CR08-1042. Kenneth Dana Brewton v. State of Arkansas, from Sebastian Circuit, Arkansas City District. Motion for belated brief is granted. See **per curiam** this date. PUBLISHED

CR08-1259. Gregory Christopher Decay v. State of Arkansas, from Washington Circuit. Appellant's motion to correct the record and stay briefing schedule. Remanded to settle the record within sixty days.

CR08-1386. Kenneth R. Isom v. State of Arkansas, from Drew Circuit. Appellant's motion to hold briefing in abeyance until resolution of DNA habeas case. Motion denied. Imber, J., not participating.

CR08-1508. Knight Michael Vorachith v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Petition for writ of certiorari to complete the record is granted.

CR09-35. Brent A. Alexander and Michael Chaffin v. Washington County Circuit Court, from Washington Circuit. Petition for writ of prohibition or certiorari, and temporary writ of prohibition or other order staying circuit court proceedings until resolution of the petition, and petition for expedited consideration. Petition denied without prejudice. Danielson, J, would grant temporary stay. (Proceedings of January 14, 2009)

07-1143. John David Terry v. John A. White et al., from Washington Circuit. Motion for Rule 11 sanctions is denied.

08-804. Ann C. Donovan v. Arkansas Supreme Court Committee on Professional Conduct, an Original Action. Petition for writ of mandamus is denied. See opinion issued this date.

CA08-973. Larry Neely v. Lona McCastlain, from Lonoke Circuit. Appellee's motion to transfer to the Arkansas Supreme Court is granted.

08-1349. Henry Randel v. Sex Offender Screening and Risk Assessment Committee, from Pulaski Circuit, Third Division. Appellant's motion to dismiss appeal is granted. Imber, J., not participating.

09-28. Judge L.T. Simes II v. Arkansas Judicial Discipline and Disability Commission, an Original Action. Motion for stay, or in the alternative, a petition for a writ of mandamus, and request for expedited consideration is denied. Gunter and Wills, JJ., not participating. (Proceedings of January 14, 2009)

CACR00-645. Willie Hutcherson v. State of Arkansas, from Pulaski Circuit, Fourth Division. Pro se petition to reinvest jurisdiction in trial court to consider a petition for writ of error coram nobis. Petition denied. See **per curiam** this date. UNPUBLISHED

CR08-1211. Walter Curtis Moles v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellee's motion to dismiss appeal. Motion granted; appeal dismissed. See **per curiam** this date. UNPUBLISHED

CR08-1212. Lee Dale Lofton, Jr. v. State of Arkansas, from Pulaski Circuit, Second Division. Pro se motions for transcript and extension of time to file brief. Appeal dismissed; motions moot. See **per curiam** this date. UNPUBLISHED

CR08-1258. Adam S. Peppers v. State of Arkansas, from Craighead Circuit, Western District. Pro se motion for belated appeal of judgment of conviction. Motion dismissed. See **per curiam** this date. UNPUBLISHED

08-78. Carl Prince/Qadosh v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Pro se petition for rehearing denied; petition for writ of mandamus moot. See **per curiam** this date. UNPUBLISHED

In Re: Board of Certified Court Reporter Examiners. See **per curiam** this date. PUBLISHED

MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CR08-1241. Wishorne Turner v. State of Arkansas, from Jefferson Circuit.

CR08-1282. B.C. v. State of Arkansas, from Sharp Circuit.

08-654. Robert Meyer v. CDI Contractors, LLC., from Pulaski Circuit, Third Division.

08-1420. V.L. v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

CR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion to accept belated

return of writ.

CR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Motion for rule on clerk.

CR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Motion to be relieved as counsel

CR08-1513. Anthony Collins v. State of Arkansas, from Jefferson Circuit. Motion to file belated appeal.

CR08-1513. Anthony Collins v. State of Arkansas, from Jefferson Circuit. Motion to withdraw as counsel and stay briefing schedule.

05-1412. Stark Ligon, Executive Director v. Zimmery Crutcher, Jr., an Original Action. Motions to dismiss appeal.

07-437. General Motors Corporation v. Boyd Bryant, from Miller Circuit. Expedited motion to lift stay of mandate.

08-1476. Walter Dwayne Ramsey et al. v. Beverly Enterprises, Inc. et al., from Crittenden Circuit. Motion to dismiss on behalf of Dr. Trent P. Pierce.

09-4. Barrett Cato et al. v. John Nelson Fogleman, Circuit Judge, from Craighead Circuit, Western District. Petition for writ of prohibition or writ of certiorari.

09-13. Flow Doc Inc. et al. v. Thomas M. Horton, from Pulaski Circuit, Twelfth Division. Petition for writ of certiorari to complete the record.

SUBMISSIONS

07-1348. Wesley Seth et ux. v. St. Edward Mercy Medical Center, from Sebastian Circuit, Fort Smith District. Argued orally.

CR08-859. Howard H. Neal, Jr. v. State of Arkansas, from Pulaski Circuit, Sixth Division.

08-473. Arthur Douglas Chavis, III v. Jill Frances Brackenbury, from Pulaski Circuit, Seventeenth Division.

08-806. Rufus Homer Adams v. Arkansas Department of Human Services, from Mississippi Circuit, Osceola District.

08-1056. Larry Hobbs Farm Equipment, Inc. v. CNH America LLC, an Original Action.