

ARKANSAS SUPREME COURT

Opinions delivered
January 30, 2009

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JIM HANNAH, CHIEF JUSTICE:

08-167. Arkansas Annual Conference of the AME Church, Inc. and African Methodist Episcopal Church, Inc. v. New Direction Praise and Worship Center, Inc., Daryl Bailey, Lloyd Worthy, and Vivian Nooner, from Pulaski Circuit, Second Division. Affirmed. PUBLISHED

08-380. City of Centerton v. City of Bentonville, from Benton Circuit. Affirmed. PUBLISHED

ROBERT L. BROWN, JUSTICE:

08-610. Katie Zimmerebner Stehle v. Ernest William Zimmerebner, from Faulkner Circuit. Affirmed; Court of Appeals Reversed. PUBLISHED

JIM GUNTER, JUSTICE:

08-473. Arthur Douglas Chavis, III, as Guardian for and Next Friend of Arthur D. Chavis, IV v. Jill Frances Brackenbury, from Pulaski Circuit, Seventeenth Division. Affirmed. Brown, J., not participating. PUBLISHED

PAUL E. DANIELSON, JUSTICE:

CR08-930. Tony Bernard Johnson v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. PUBLISHED

ELANA CUNNINGHAM WILLS, JUSTICE:

08-232. Roger and Ruth Anderson, d/b/a Anderson Auto Salvage v. BNSF Railway Company, from Craighead Circuit, Western District. Arkansas State Highway Commission Order Vacated. PUBLISHED

PER CURIAM OPINIONS:

CR07-984. Brent Eugene Belt v. State of Arkansas, from Carroll Circuit, Eastern District. Affirmed. UNPUBLISHED

CR08-637. Jessie Earl Hill, III v. State of Arkansas, from Ouachita Circuit. Pro se motions for appointment of counsel and enlarged brief moot; motions to supplement addendum and for oral argument denied; appeal affirmed. UNPUBLISHED

PER CURIAM ORDERS

REVIEW GRANTED: Petition for review was granted today in the following case.

CR08-1336. Martin Hinojosa v. State of Arkansas, from Pope Circuit.

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

CR08-1332. Brouce Holden v. State of Arkansas, from Lonoke Circuit.

08-630. Georgia-Pacific Corporation et al. v. Huey P. Bradshaw, from Arkansas Workers' Compensation Commission.

08-677. Brenda Rutherford v. Mid-Delta Community Services, Inc., from Arkansas Workers' Compensation Commission.

08-690. Jimmy Singleton v. City of Pine Bluff, from Arkansas Workers' Compensation Commission.

08-1233. Cyndall Sharp v. M.J. Keeler, from Washington Circuit.

08-1379. Tanya Kay Wesley v. Carlos Deshaun Hall, from Washington Circuit.

CR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion to accept belated brief on writ of certiorari. Motion treated as motion to file belated return of writ and granted. See **per curiam** this date. PUBLISHED

CR08-826. State of Arkansas v. John Brown, from Saline Circuit. Rebriefing ordered. See **per curiam** this date. PUBLISHED

CACR08-1388. Jonathan L. Stevenson v. State of Arkansas, from Mississippi Circuit, Osceola District. Motion for reconsideration is denied.

CR08-1481. Jessie Lloyd Misskelley, Jr. v. State of Arkansas, from Clay Circuit, Western District. Appellant's motion to hold briefing in abeyance until resolution of Rule 37 case is denied. Imber and Wills, JJ., not participating.

CR09-29. Steve Stewart v. State of Arkansas, from Ashley Circuit. Motion for rule on clerk is granted. See **per curiam** this date. PUBLISHED

08-167. Arkansas Annual Conference of the African Methodist Episcopal Church, Inc. et al v. New Directions Praise and Worship Center, Inc. et al., from Pulaski Circuit, Second Division. Appellees' motion for award of costs and attorney's fees is denied. See opinion this date.

08-934. Union Pacific Railroad et al. v. Victor S. Vickers, from Lafayette Circuit. Motion of Arkansas Trial Lawyer's Association to file amicus curiae brief is granted. Gunter, J., not participating.

08-973. Larry Neely v. Lona McCastlain, Prosecuting Attorney in her official capacity as Prosecuting Attorney of the 23rd Judicial District, Lonoke County, Arkansas, and State of Arkansas, from Lonoke Circuit. Rebriefing ordered. See **per curiam** this date. PUBLISHED

08-1009. Darrell Johnson et al. v. Rockwell Automation, Inc. et al., an Original Action. Motion of the American Tort Reform Association et al. to file amici curiae brief is granted.

08-1009. Darrell Johnson et al. v. Rockwell Automation, Inc. et al., an Original Action. Motion of the American Medical Association et al. to file amici curiae brief is granted.

CR07-171. Terry Lynn Casey v. State of Arkansas, from Grant Circuit. Pro se motion under Court Rule 2.2 for ineffective assistance of counsel. Motion treated as second motion to file belated petition for review and denied. See **per curiam** this date. UNPUBLISHED

CR08-763. Jerry L. Dodd v. State of Arkansas, Honorable Ralph Wilson, Jr., Circuit Judge, from Greene Circuit. Pro se petition and amended petitions for writ of mandamus and pro se motion to supplement record. Petitions for writ of mandamus denied; motion moot. See **per curiam** this date. UNPUBLISHED

CR08-1280. Frank Watts II v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's pro se motion to dismiss appeal. Motion granted in part and denied in part; appeal dismissed. See **per curiam** this date. UNPUBLISHED

08-733. James E. Smith v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Pro se motions for status of case, for reconsideration of dismissal of appeal, and to compel response. Motion for status moot; motion for reconsideration denied; motion to compel response moot. See **per curiam** this date. UNPUBLISHED

08-1368. Christopher Newton White and Helen Louise White v. Honorable Jay T. Finch, Circuit Judge, and Brenda DeShields, Circuit Clerk, from Benton Circuit. Pro se petition for writ of mandamus and injunction and pro se motion to intervene. Petition as to petitioner Helen Louise White dismissed; petition as to petitioner Christopher Newton White denied; motion moot. See **per curiam** this date. UNPUBLISHED

MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CR08-1330. Johnny Elmo Morgan v. State of Arkansas, from Scott Circuit.

CR08-1331. John William "Bill" Seamster, Jr. v. State of Arkansas, from Crawford Circuit.

08-644. Alan Prendergast v. Leo Craft et al., from Benton Circuit.

08-792. Gordon Hite v. J & J Trucking et al., from Arkansas Workers' Compensation Commission.

08-1219. Andrea Hicks v. Joshua A. Cook, from Chicot Circuit.

08-1497. Kurt Belue, Sr. v. Arkansas Department of Human Services, from Sebastian Circuit, Fort Smith District.

CR09-44. Kenneth Lemaster v. State of Arkansas, from Lonoke Circuit. Motion for belated petition for review.

CR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion to proceed as a

pauper.

08-790. Danny R. Dednam v. Director et al., from Board of Review. Motion for belated petition for review.

08-1144. Benjamin L. Eagle v. Bank of America, from Pulaski Circuit, Fifth Division. Motion for rule on clerk, writ of certiorari, or mandamus.

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

09-83. In Re: Sally Kathleen Svoboda, Arkansas Bar No. 79159, an Original Action. Petition for voluntary surrender of law license.

SUBMISSIONS

CR08-231. Warren Law v. State of Arkansas, from Pulaski Circuit, First Division.

CR08-926. Billy Kelley v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CR08-1051. Tommy Lee Brown v. State of Arkansas, from Drew Circuit.

08-606. City of Little Rock v. Jung Yul Rhee, from Pulaski Circuit, First Division.