

ARKANSAS SUPREME COURT

Opinions delivered
February 12, 2009

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DONALD L. CORBIN, JUSTICE:

08-845. Ernest Garcia, Beverly Garcia, and Patsy Durham v. Estate of James M. Duvall, from Yell Circuit, Northern District. Affirmed. PUBLISHED

ROBERT L. BROWN, JUSTICE:

08-784. Charles Archer and Linda Archer, Husband and Wife, Individually and as Parents and Next Friends of Mason Archer v. Sisters of Mercy Health System, St. Louis, Inc. d/b/a Sisters of Mercy Health System d/b/a St. Joseph's Mercy Health Center; Bethany A. McGraham, M.D.; James E. Tutton, M.D.; Hot Springs Radiology Services, Ltd.; Mark S. Russell, M.D.; Mark B. Robbins, M.D.; Deanna L. Shatwell, R.N. a/k/a Deanna L. Dial, R.N.; and Paula Scheck, R.N., from Garland Circuit. Reversed and Remanded. PUBLISHED

PAUL E. DANIELSON, JUSTICE:

08-323. William L. Jackson v. Sparks Regional Medical Center & Columbia Casualty Company, from Sebastian Circuit, Fort Smith District. Affirmed in Part; Reversed and Remanded in Part. PUBLISHED

PER CURIAM OPINIONS:

07-813. Philip Eugene Parmley v. Larry Norris, Director, Arkansas Department of Correction, from Jackson Circuit. Affirmed. Brown, J., not participating. UNPUBLISHED

07-1037. James Munson v. Arkansas Department of Correction, from Pulaski Circuit, Third Division. Affirmed. Brown, J., not participating. PUBLISHED

PER CURIAM ORDERS

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

CR07-1016. Stanley Dewayne Jackson v. State of Arkansas, from Desha Circuit, Arkansas City District.

REVIEWS GRANTED: Petitions for review were granted today in the following cases.

CR08-1380. Ronald Blanchard v. State of Arkansas, from Saline Circuit.

08-653. McCourt Manufacturing Corporation v. Dave Rycroft, from Sebastian Circuit, Fort Smith District.

08-740. Christopher Wayne Roberts v. Robin Yanyan Yang (formerly Roberts), from Pulaski Circuit, Seventeenth Division.

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

CR08-1080. Michael Justin Drake v. State of Arkansas, from Drew Circuit. Imber and Wills, JJ., would grant.

08-698. C & C Trucking & Equipment, Inc. v. James Nolen et al., from Pike Circuit.

08-703. Earnest Tate v. Laboratory Corporation of American Holdings, from Pulaski Circuit, Sixteenth Division.

08-813. New Life Beauty Center, Inc. v. Palomar Medical Technologies, Inc., from Sebastian Circuit, Fort Smith District.

09-83. In Re: Sally Kathleen Svoboda, Arkansas Bar No. 79159, 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.

CR08-160. Ledell Lee v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion of Danny W. Glover to be relieved as attorney of record is granted, motion for additional time in which to file abstract and brief is moot.

CR08-160. Ledell Lee v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's motion to supplement the record is granted.

CR08-1021. State of Arkansas v. Clarence Richardson, from Phillips Circuit. Motion to file belated brief is granted.

CR09-60. Charles Jason Baldwin v. State of Arkansas, from Craighead Circuit, Western District. Motion for rule on clerk is granted. See **per curiam** this date. Wills, J., not participating. PUBLISHED

CR09-60. Charles Jason Baldwin v. State of Arkansas, from Craighead Circuit, Western District. Motion to hold briefing in abeyance until resolution of Rule 37 proceedings is denied. Wills, J., not participating.

CR09-76. Jarvis Rhodes v. State of Arkansas, from Jefferson Circuit. Motion of Horace J. Fikes, Jr. to withdraw as attorney of record is denied without prejudice. See Ark. Code Ann. 19-4-1604(b)(2)(B) (Repl. 2007).

CA07-741. Ketan Bulsara v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Motion to certify appeal to the Supreme Court is denied. Brown, Imber, and Wills, JJ., would grant.

08-653. McCourt Manufacturing Corporation v. Dave Rycroft, from Sebastian Circuit, Fort Smith District. Motion for leave to file a reply. Moot.

08-654. Robert Meyer v. CDI Contractors, LLC, from Pulaski Circuit, Third Division. Motion of Nona M. Robinson to withdraw and substitute counsel is granted.

08-698. C & C Trucking & Equipment, Inc. v. James Nolen, from Pike Circuit. Motion to accept belated response to petition for review. Moot.

08-754. David Hamilton et al. v. Bank of England, from Lonoke Circuit. Joint motion to dismiss joint petition for review. Moot.

CA08-834. Beverly Enterprises et al. v. Valerie Keaton, from Ouachita Circuit. Motion for reassignment or transfer of appeal to the Supreme Court is granted.

08-1323. Don Cockerham et al. v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Motion of Everett O. Martindale to be relieved as attorney of record is denied.

CA08-1449. Robert Maulding v. Price's Utility Contractors, Inc. et al., from Workers' Compensation Commission. Motion requesting clarification regarding redacting issues is denied. See **per curiam** this date. PUBLISHED

CR00-565. Steven Bader v. State of Arkansas, from Benton Circuit. Pro se motion for continuance and petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Petition denied; motion moot. See **per curiam** this date. Brown, J., not participating. UNPUBLISHED

CR01-1132 & CR02-895. Dennis James Smith v. State of Arkansas, from Drew Circuit and Desha Circuit, Arkansas City District. Pro se petitions to reinvest jurisdiction in trial courts to consider a petition for writ of error coram nobis denied; pro se motions for issuance of subpoenas moot. See **per curiam** this date. Brown, J., not participating. UNPUBLISHED

CR08-1090. John Patrick Dickinson v. State of Arkansas, from Craighead Circuit, Western District. Pro se application for leave to appeal. Application treated as motion for reconsideration of motion for rule on clerk and denied. See **per curiam** this date. Brown, J., not participating. UNPUBLISHED

CR08-1370. John Lamb v. State of Arkansas, from Greene Circuit. Pro se motion to proceed with appeal of order. Motion treated as motion for rule on clerk and denied. See **per curiam** this date. Brown, J., not participating. UNPUBLISHED

08-1287. Alfonzo Hendrix v. Honorable Russell Rogers, Circuit Judge, from Nevada Circuit. Pro se petition for writ of mandamus. Petition denied. See **per curiam** this date. Brown, and Gunter, JJ., not participating. UNPUBLISHED

08-1358. Jairo Montgomery v. Larry Norris, Director, Arkansas Department of Correction, from Lee Circuit. Pro se motion for belated appeal of order. Motion denied. See **per curiam** this date. Brown, J., not participating. UNPUBLISHED

09-66. Tommy Hall v. Honorable Jim Hudson, Circuit Judge, from Miller Circuit. Pro se petition for writ of mandamus. Petition moot. See **per curiam** this date. Brown, J., not participating. UNPUBLISHED

In Re: Supreme Court Automation Committee. See **per curiam** this date. PUBLISHED

Ms. Vickie Asher, District Court Clerk, Hot Springs, Arkansas, is appointed to replace Ms. Judy West to the Committee on Automation for a one year term to expire October 31, 2009. The court expresses its appreciation to Ms. West for her willingness to serve and for her valuable service to this committee.

MOTIONS SUBMITTED

PETITION FOR REHEARING:

08-804. Ann C. Donovan v. Arkansas Supreme Court Committee on Professional Conduct, an Original Action.

PETITIONS FOR REVIEW:

CR08-1194. Lakeela Webb v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CR09-3. Marvin Earl Goodsell v. State of Arkansas, from Faulkner Circuit.

08-719. Larry McGinley v. Little Rock Sheet Metal et al., from Workers' Compensation Commission.

08-764. David Beliew v. Lennox Industries et al., from Workers' Compensation Commission.

08-788. Barbara Jenkins v. Timothy Wayne Jenkins, from Pulaski Circuit, Sixteenth Division.

CR07-1127. William Joel Reeves v. State of Arkansas, from Saline Circuit. Motion for appointment of counsel.

CR07-1155. Steven Victor Wertz v. State of Arkansas, from Sharp Circuit. Motion for appointment of attorney on appeal.

CR09-82. Calvin Carrick v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion to file belated petition for review.

CR09-99. Shannon David Ray v. State of Arkansas, from Clark Circuit. Motion for rule on clerk.

07-1101. Edward Williams v. Johnson Custom Homes et al., from Workers' Compensation Commission. Appellant's motion for fees and costs.

09-86. K. L., a Minor v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion for rule on clerk.

09-86. K. L., a Minor v. State of Arkansas, from Desha Circuit, Arkansas City District. Motion to be relieved as counsel.

09-88. Palani Karupaiyan v. Kristin Cia, from Pulaski Circuit, Third Division. Appellee's motion to dismiss appeal.

09-97. Becki McConnell v. Arkansas Department of Human Services, from Pulaski Circuit, Tenth Division. Appellee's motion to dismiss appeal.

09-98. Timothy Toth et al. v. Arkansas Department of Human Services, from Drew Circuit. Appellee's motion to

dismiss appeal.

SUBMISSIONS

CR08-903. Charles Wayne Green v. State of Arkansas, from Randolph Circuit. Argued orally.

08-388. Lee Vent v. Lewis Johnson et al., from St. Francis Circuit.

08-744. L. D. Shields v. QHG of Springdale, Inc. et al., from Washington Circuit.

08-1034. Bernice Martin Russell v. Watson Chapel School District, from Jefferson Circuit.

08-1234. Thomas Kelly, M.D. et al. v. Estate of Kenneth Edwards, Sr., from Sebastian Circuit, Greenwood District.