

# ARKANSAS SUPREME COURT

Opinions delivered  
April 2, 2009

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JIM HANNAH, CHIEF JUSTICE:

04-1395. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Reginald Shelton McCullough, Arkansas Bar No. 85102, an Original Action. Order of Disbarment Issued. PUBLISHED

DONALD L. CORBIN, JUSTICE:

08-1208. Sandy Tissing, As Administratrix of the Estate of Lula Barkus, Deceased v. Arkansas Department of Human Services, from Marion Circuit. Appeal Dismissed. PUBLISHED

ROBERT L. BROWN, JUSTICE:

08-1236. Laura Allen, Individually and as Co-Trustee of the Thomas H. Allen and Laura Allen Revocable Trust Agreement Dated October 22, 2001 v. Circuit Court of Pulaski County, Ninth Division, from Pulaski Circuit, Ninth Division. Petition for Writ of Prohibition Denied. Imber, J., not participating. PUBLISHED

JIM GUNTER, JUSTICE:

CR08-824. Timothy Justin Joyner v. State of Arkansas, from Stone Circuit. Affirmed. Hannah, C.J., and Danielson, J., concur. Imber, J., not participating. PUBLISHED

08-293. David Rees and Rees Law Firm v. Sandra Smith, from Craighead Circuit, Western District. Affirmed in Part and Reversed in Part on Direct Appeal; Reversed on Cross-Appeal. Hannah, C.J., and Wills, J., not participating. PUBLISHED

PAUL E. DANIELSON, JUSTICE:

CR08-953. William Mack Eubanks v. State of Arkansas, from Franklin Circuit, Northern District. Affirmed. PUBLISHED

## PER CURIAM ORDERS

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

08-612. Robert Barber v. Earle Blackford, from Independence Circuit.

08-1095. Benjamin F. Lackey, Jr. v. Mark A. Mays et al., from Faulkner Circuit.

08-1318. Virginia A. Elder et al. v. Mark Ford & Associates, from Sebastian Circuit, Fort Smith District.

08-1335. John H. Wilson et ux. v. Lincare, Inc. et al., from Columbia Circuit.

08-1339. Jim Defir v. Verna Reed, from Drew Circuit.

08-1360. Dana Hicks v. Antique Warehouse of Arkansas, from Workers' Compensation Commission.

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CR08-1035. Glen Homer Shelton, Jr. v. State of Arkansas, from Jefferson Circuit. Appellant's motion to substitute counsel is granted.

CR08-1297. James Aaron Miller v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to correct the record and to stay briefing schedule. Motion to correct treated as motion for certiorari and granted thirty days.

CR08-1320. Kenny Travis, Jr. v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Appellant's motion to stay briefing schedule is denied.

CR08-1320. Kenny Travis, Jr. v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Petition for writ of certiorari to complete the record is denied.

CR08-1493. Damien Wayne Echols v. State of Arkansas, from Craighead Circuit, Western District. Motion of Dennis P. Riordan and Donald M. Horgan for permission to practice by comity is granted. Wills, J., not participating.

CR09-51. Amanda Gail Holt v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellant's motion to file a supplemental brief is granted.

CR09-51. Amanda Gail Holt v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellee's motion to file a supplemental brief is granted.

CR09-223. Ricky Lee McDaniels v. State of Arkansas, from Poinsett Circuit. Motion for rule on clerk is granted. See per curiam this date.

08-804. Ann C. Donovan v. Supreme Court Committee on Professional Conduct, an Original Action. Appellant's motion to recall mandate and renewed motion for stay of enforcement of judgment. Granted stay of ninety days from the date mandate was issued.

08-811. Justin Bryan, d/b/a J&L Construction v. City of Cotter, Arkansas; City of Gassville, Arkansas; Garver, Inc.; Grubbs, Hoskyn, Barton & Wyatt, Inc., from Pulaski Circuit, Second Division. Rebriefing ordered. See **per curiam** this date. Corbin, Gunter, and Danielson, JJ., concur. Brown, J., dissents. PUBLISHED

08-934. Union Pacific Railroad et al. v. Victor S. Vickers et al., from Lafayette Circuit. Appellants' motion for assignment of a Special Justice. Moot. Gunter, J., not participating.

08-1010. The Medical Assurance Co., Inc. et al. v. Sherry Castro, from Sebastian Circuit, Fort Smith District. Appellee's motion for costs and fees. Granted \$500 in brief costs; additional costs and fees associated with supplementing the abstract is denied.

09-141. The Ralph Loyd Martin Revocable Trust Declaration Dated the 1st Day of April, 1994 et al. v. Arkansas Midstream Services Corp., from White Circuit. Joint motion to supplement the record is granted. Imber, J., not

participating.

09-221. Natasha White v. Arkansas Department of Health and Human Services, from Jefferson Circuit. Motion for rule on clerk and for extension of time to file appeal is granted. See **per curiam** this date. PUBLISHED

09-281. In Re Donald E. Warren, Sr., Arkansas Bar No. 99007, an Original Action. Petition to surrender Arkansas law license is granted. See **per curiam** this date. PUBLISHED

CR93-432. David Lee Edwards v. State of Arkansas, from Crittenden Circuit. 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. UNPUBLISHED

CR03-800. Anarian Chad Jackson v. State of Arkansas, from Pulaski Circuit, Sixth 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

CACR07-985. Philip Rasmussen a/k/a Phillip Rasmussen v. State of Arkansas, from Baxter Circuit. Pro se motion for photocopy of transcript at public expense or access to transcript. Motion denied. See **per curiam** this date. UNPUBLISHED

CR08-1176. Michael Clark v. State of Arkansas, from Crittenden Circuit. Pro se motion for belated brief. Appeal dismissed; motion moot. See **per curiam** this date. UNPUBLISHED

CR08-1398. Albert Lee Johnson v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion for copy of record on appeal and extension of time to file appellant's brief. Motion for copy treated as petition for writ of certiorari and motion for access and granted in part and denied in part; motion for extension of time granted in part and denied in part. See **per curiam** this date. UNPUBLISHED

CR08-1473. Panthenie Green v. State of Arkansas, from Craighead Circuit, Western District. Pro se motions for record at public expense and for extension of time to file appellant's brief. Appeal dismissed; motions moot. See **per curiam** this date. UNPUBLISHED

08-1292. Patrick L. Sherman v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Pro se motions for appointment of counsel and for sanctions under Rule 11. Appeal dismissed; motions moot. See **per curiam** this date. UNPUBLISHED

In Re: Arkansas Rules of Civil Procedure; Rules of the Supreme Court and Court of Appeals; and Rules of Appellate Procedure - Civil. See **per curiam** this date. PUBLISHED

In Re: Access to Justice Commission and Bar of Arkansas License Fees. See **per curiam** this date. PUBLISHED

## MOTIONS SUBMITTED

### PETITIONS FOR REVIEW:

CR09-173. Judy Cozart v. State of Arkansas, from Craighead Circuit, Western District.

08-729. Harold Coghlan et al. v. Smedley Enterprises, Inc. et al., from Garland Circuit.

08-1191. Joy Danielle Dachs et al. v. Barry D. Hendrix, M.D., from Greene Circuit.

08-1328. Wade Finley, Deceased et al. v. Farm Cat, Inc., from Workers' Compensation Commission.

08-1496. Marcovous L. Williams v. Director et al., from Board of Review.

09-203. Forrest F. Gillespie v. Sabrena R. Gillespie, from Mississippi Circuit, Chickasawba District.

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CR08-1035. Glen Homer Shelton, Jr. v. State of Arkansas, from Jefferson Circuit. Request for clarification.

CA08-1143. Tim Johnson v. Arkansas Steel Erectors, Inc. et al., from Workers' Compensation Commission. Appellant's motion for reassignment to the Arkansas Supreme Court.

CR08-1294. Courtney Pollard v. State of Arkansas, from Crittenden Circuit. Motion for writ of certiorari to complete the record and for compliance with Arkansas Supreme Court Rule 4-3(h).

CR08-1380. Ronald Blanchard v. State of Arkansas, from Saline Circuit. Appellant's motion for recusal of Associate Justice Elena Cunningham Wills.

CR08-1464. Justin Anderson v. State of Arkansas, from Miller Circuit. Appellant's motion for extension of time to file brief or, in the alternative, motion to supplement abstract, addendum, and file a substituted and compliant brief.

CR08-1493. Damien Wayne Echols v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion for permission to file opening brief on appeal in excess of usual page limit.

CR08-1493. Damien Wayne Echols v. State of Arkansas, from Craighead Circuit, Western District. Joint petition for writ of certiorari to complete the record and for stay of brief time for fourteen days after the supplement is received.

CR09-60. Charles Jason Baldwin v. State of Arkansas, from Craighead Circuit, Western District. Joint petition for writ of certiorari to complete the record and for stay of brief time for fourteen days after the supplement is received.

CR09-99. Shannon David Ray v. State of Arkansas, from Clark Circuit. Amended motion to substitute attorney on appeal.

CR09-249. Donald Thompson v. State of Arkansas, from Carroll Circuit, Eastern District. Appellant's motion for belated appeal.

CR09-263. Gordon Randall Gwathney v. State of Arkansas, from Lee Circuit. Motion for rule on clerk.

08-396. Simpson Housing Solutions, LLC et al. v. Juan C. Hernandez et al., from Washington Circuit. Appellants/Cross-Appellees joint motion for additional oral argument.

CA08-624. James Herrington et al. v. Ford Motor Company, Inc., from Washington Circuit. Appellants' motion to reassign to the Arkansas Supreme Court.

CA08-640. Tasha Orr v. Stephen Hudson, M.D. and Timothy Calicott, M.D., from Faulkner Circuit. Appellant's motion to transfer and/or certify case to the Arkansas Supreme Court.

08-653. McCourt Manufacturing Corp. v. Dave Rycroft, from Sebastian Circuit, Fort Smith District. Appellee's motion to tax costs and fees due to appellant's insufficient abstract.

CA08-1073. Carlos Honeysuckle v. Curtis H. Stout, Inc. et al., from Workers' Compensation Commission. Appellant's motion for reassignment or transfer to the Arkansas Supreme Court.

08-1144. Benjamin L. Eagle v. Bank of America, from Pulaski Circuit, Fifth Division. Petition for rehearing of appellant's motion for rule on clerk.

09-88. Palani Karupaiyan v. Kristin Cia, from Pulaski Circuit, Third Division. Appellant's motion to reconsider the dismissal of appeal.

09-114. Mary Clark v. Arthur Johnson, M.D., from Johnson Circuit. Motion to stay briefing schedule or, in the alternative, motion for extension of brief time.

09-252. Rebecca Ansel v. Arkansas Department of Human Services, from Washington Circuit. Appellee's motion to dismiss appeal.

09-254. Arkansas Department of Human Services v. J.D., from Bradley Circuit. Motion for rule on clerk.

09-276. Anna Geiger et al. v. Hipp Lumber & Hardware et al., from Cleburne Circuit. Motion for rule on clerk.

### **SUBMISSIONS**

08-287. Arkansas Beverage Retailers Association v. Michael Langley, from Pulaski Circuit, Sixteenth Division. Argued orally.

CR08-826. State of Arkansas v. John Brown, from Saline Circuit.

CR08-1021. State of Arkansas v. Clarence Richardson, from Phillips Circuit.

08-973. Larry Neely v. Lona McCastlain, from Lonoke Circuit.

08-1341. Thomas Lewis Travis v. Supreme Court Committee on Professional Conduct, an Original Action.