

ARKANSAS SUPREME COURT

Opinions delivered
April 9, 2009

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JIM HANNAH, CHIEF JUSTICE:

08-287. Arkansas Beverage Retailers Association v. Michael Langley, Arkansas Alcoholic Beverage Control, Daniel S. Holtrey, Sam's West, Inc., Sam's Club #8209, from Pulaski Circuit, Sixteenth Division. Affirmed. Special Justices John Goodson and David Maddox join. Corbin and Wills, JJ., not participating. PUBLISHED

ROBERT L. BROWN, JUSTICE:

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

JIM GUNTER, JUSTICE:

08-973. Larry Neely v. Hon. 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. Affirmed. PUBLISHED

PER CURIAM OPINION:

CR07-905. Willie J. Cartwright v. State of Arkansas, from Grant Circuit. Affirmed. UNPUBLISHED

PER CURIAM ORDERS

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

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

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

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.

08-1328. 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.

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

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 is denied.

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) is granted.

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

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. Moot.

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 is granted. Wills, J., not participating.

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. Granted thirty days with directions to file any future motions separately. Wills, J., not participating.

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. Granted thirty days with directions to file any future motions separately. Wills, J., not participating.

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

CR09-249. Donald Thompson v. State of Arkansas, from Carroll Circuit, Eastern District. Motion for belated appeal. Remanded. See **per curiam** this date. PUBLISHED

CR09-263. Gordon Randall Gwathney v. State of Arkansas, from Lee Circuit. Motion for rule on clerk is granted. See **per curiam** this date. PUBLISHED

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. Granted extension of oral argument to allow thirty minutes per side. Motion to grant each subclass two attorneys to argue is denied. Corbin and Gunter, JJ., would grant.

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

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 is denied.

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. Passed until case submitted.

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 is denied.

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 is denied.

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

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. Extension granted to April 16, 2009.

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

09-276. Anna Geiger et al. v. Hipp Lumber & Hardware et al., from Cleburne Circuit. Motion for rule on clerk. Remanded. See **per curiam** this date. PUBLISHED

CACR03-488. Timothy Ramon Moore v. State of Arkansas, from Pulaski Circuit, Sixth 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. UNPUBLISHED

CR08-1266. Adam Scott Peppers v. State of Arkansas, from Craighead Circuit, Western District. Appellee State's motion to dismiss appeal granted; appellant's pro se motion to stay appeal moot. See **per curiam** this date. UNPUBLISHED

CR08-1437. Jessie Earl Hill, III v. State of Arkansas, from Grant Circuit. Pro se motion for evidentiary hearing, amended appeal, writ of prohibition and writ of mandamus; pro se motion and amended motion for extension of brief time; pro se motions for appointment of counsel, for duplication at public expense, to file enlarged brief and to supplement the record on appeal. Appeal dismissed; motions moot. See **per curiam** this date. UNPUBLISHED

08-533. Edward Loveless v. Larry Norris, Director, Arkansas Department of Correction, Mike Beebe, Governor, and Roy Agee, Arkansas Department of Correction Keeper of Records, from Jefferson Circuit. Pro se motion for certificate of appealability. Motion denied. See **per curiam** this date. Gunter, J., not participating. UNPUBLISHED

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

09-14. Alfonzo Hendrix v. Carl Vaughn, from Nevada Circuit. Pro se motion for rule on clerk. Motion denied. See **per curiam** this date. Gunter, J., not participating. UNPUBLISHED

In Re: Administrative Order Number 4(a); Rules of Criminal Procedure, Rules 24.3(b) and 28.1. See **per curiam** this date. PUBLISHED

MOTIONS SUBMITTED

PETITION FOR REHEARING:

08-313. Ryan Whiteside v. Russellville Newspapers, Inc. et al., from Pope Circuit.

PETITIONS FOR REVIEW:

CR09-265. Vance B. Rollins, Jr. v. State of Arkansas, from Perry Circuit.

08-1169. Walter W. Kent v. Single Source Transportation, Inc., from Workers' Compensation Commission.

08-1427. Thomas G. Carmody and Dr. Norman C. Savers, Jr. v. George Philip Betts, from Ouachita Circuit.

09-295. Walter Dowdy et ux. v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

CR08-1336. Martin Hinojosa v. State of Arkansas, from Pope Circuit. Appellant's motion for belated brief.

CR09-306. Terrance M. Rhodes v. State of Arkansas, from Saline Circuit. Motion for belated appeal.

CR09-324. Jewel Eugene Johnson and Michael Ryan Webb v. State of Arkansas, from Pulaski Circuit, Fifth Division. Joint petition for writ of certiorari to complete the record.

09-320. Raymond Vaughn v. Patricia Bates, from Polk Circuit. Motion for rule on clerk and petition for writ of certiorari.

SUBMISSIONS

CR08-479. Quentin Gaye v. State of Arkansas, from Pulaski Circuit, Fourth Division.

08-119. Ann Warmack Brookshire et al. v. Robert H. Adcock, Jr. et al., from Pulaski Circuit, First Division.

08-769. Edward Trusclair v. McGowan Working Partners, from Union Circuit.

08-972. Joe McCutchen v. Arkansas State Police, from Sebastian Circuit, Fort Smith District.

08-1165. John P. Parkman v. Sex Offender Assessment Committee, from Pulaski Circuit, Sixth Division.