

# ARKANSAS SUPREME COURT

Opinions delivered  
June 4, 2009

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JIM HANNAH, CHIEF JUSTICE:

08-653. McCourt Manufacturing Corp. v. Dave Rycroft, from Sebastian Circuit, Fort Smith District. Affirmed in Part; Reversed in Part. Motion for Costs Granted. PUBLISHED

ANNABELLE CLINTON IMBER, JUSTICE:

08-618. Fort Smith School District; Greenwood School District; Lavaca School District; Alma School District; Ozark School District; Mansfield School District; Van Buren School District; County Line School District; Charleston School District; Paris School District; Cedarville School District; Mulberry School District; Mountainburg School District; Bonneville School District; and James O. Cox, Esq. v. Mike Beebe, Governor, State of Arkansas; The Arkansas State Board of Education, Randy Lawson, Chair; Sherry Burrow; Diane Tatum; Dr. Naccaman Williams; Jim Cooper; Brenda Gullett; Samuel Ledbetter; Alice Williams Mahoney; and Dr. Ben Mays, All in their Official Capacities as Members of the State Board of Education, from Pulaski Circuit, First Division. Affirmed. Special Justice Gary B. Rogers joins. Wills, J., not participating. PUBLISHED

09-4. Barrett Cato v. Craighead County Circuit Court, from Craighead Circuit, Western District. Petition for Writ of Prohibition or, in the alternative, Writ of Certiorari. Writ of Prohibition Denied; Writ of Certiorari Granted. PUBLISHED

JIM GUNTER, JUSTICE:

CR08-1380. Ronald Blanchard v. State of Arkansas, from Saline Circuit. Affirmed; Court of Appeals Reversed. Brown, J., concurs. Hannah, C.J., dissents. PUBLISHED

PAUL E. DANIELSON, JUSTICE:

CR08-459. Darius Jackson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. Corbin and Imber, JJ., concur. Hannah, C.J., dissents. PUBLISHED

PER CURIAM OPINIONS:

CR08-547. Shahid Omar v. State of Arkansas, from Crawford Circuit. Affirmed. UNPUBLISHED

CR08-1004. Tavarus Montgomery v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. UNPUBLISHED

08-395. Marcus King v. Larry Norris, Director, Arkansas Department of Correction, from Lee Circuit. Appeal Dismissed. UNPUBLISHED

08-667. Kenneth White v. M.D. Reed, Warden, Cummins Unit, from Lincoln Circuit. Affirmed. UNPUBLISHED

## PER CURIAM ORDERS

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

CR08-693. Joshua Leallen Lofton v. State of Arkansas, from Pulaski Circuit, Fifth Division.  
See substituted opinion issued this date. PUBLISHED

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

09-182. Jamie Hicks et al. v. Dustin Dewayne Bates et al., from Workers' Compensation Commission.

09-190. Bonnie Mitchell v. Tyson Poultry, Inc., from Workers' Compensation Commission.  
Danielson, J., not participating.

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

09-297. R.J. Chiodini v. David Lock, from Stone Circuit. Rebriefing and supplemental record ordered. See **per curiam** this date. PUBLISHED

CR09-390. Jeffery Lynn Moss a/k/a Jeff Moss v. State of Arkansas, from Perry Circuit. Petition for writ of certiorari to complete the record. Granted sixty days; clerk to set new briefing schedule.

CR09-390. Jeffery Lynn Moss a/k/a Jeff Moss v. State of Arkansas, from Perry Circuit. Appellant's motion for extension of time, or alternatively, to stay briefing schedule. Moot.

CR09-514. Jonathan David Moss v. State of Arkansas, from Faulkner Circuit. Motion for rule on clerk is granted. See **per curiam** this date. Danielson and Wills, JJ., would not refer to Professional Conduct Committee. PUBLISHED

08-653. McCourt Manufacturing Corp. v. Dave Rycroft, from Sebastian Circuit, Fort Smith District. Motion to tax costs and fees due to appellant's insufficient abstract. Motion granted. See opinion this date.

08-1452. Don Gentry, County Judge and Phillips County, Arkansas v. Christine Robinson, from Phillips Circuit. Rebriefing ordered. See **per curiam** this date. PUBLISHED

09-114. Mary Clark v. Arthur Johnson, M.D. et al., from Johnson Circuit. Appellant's motion to consolidate appeals 09-431 and 09-114. Motion denied; cases to be submitted simultaneously.

09-431. Mary Clark v. Arthur Johnson, M.D. et al., from Sebastian Circuit, Fort Smith District. Appellant's motion to consolidate appeals 09-431 and 09-114. Motion denied; cases to be submitted simultaneously.

09-535. Michelle Henson v. Arkansas Department of Human Services, from Yell Circuit, Northern District. Petition for writ of certiorari to complete the record. Granted seven days.

CR09-140. Brandon Carter v. State of Arkansas, from Columbia Circuit. Pro se motion for copy at public expense. Motion denied. See **per curiam** this date. UNPUBLISHED

CR09-421. Tommy Hall v. State of Arkansas, from Miller Circuit. Pro se motions for subpoena of testimony, to order Miller County officials to deliver documents, and for extension of time to file appellant's brief. Appeal dismissed; motions moot. See **per curiam** this date. UNPUBLISHED

CR09-464. Brian D. Higgins v. Honorable L.T. Simes, II, Circuit Judge, from St. Francis Circuit. Pro se petition for writ of mandamus. Petition denied. See **per curiam** this date. UNPUBLISHED

09-417. Isaac Russell v. Larry Norris, from Chicot Circuit. Pro se petitions for preliminary and temporary injunctions and motion to amend brief. Appeal dismissed; petitions and motion moot. See **per curiam** this date. UNPUBLISHED

In Re: Arkansas Supreme Court and Court of Appeals Rules 4-1 and 4-2. See **per curiam** this date. PUBLISHED

In Re: Client Security Fund Committee. See **per curiam** this date. PUBLISHED

Bill Bristow, attorney member from the First Congressional District, currently serves on the Client Security Fund Committee. His term expires on July 31, 2009. He is eligible for reappointment to a full term on the Committee and has expressed a willingness to continue to serve on this important Court Committee. Mr. Bristow is hereby reappointed, effective August 1, 2009, to a five-year term in his current position on the Committee, with the new term to expire on July 31, 2014.

The Court expresses its gratitude to Mr. Bristow for his dedicated and faithful service to the Committee, and his willingness to continue in this service.

## MOTIONS SUBMITTED

### PETITION FOR REHEARING:

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

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### PETITION FOR REVIEW:

09-180. Dale Shouse v. Carolyn Hegwood, from Benton Circuit.

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CR08-1331. John William "Bill" Seamster, Jr. v. State of Arkansas, from Crawford Circuit. Petition to allow appellant to remain free on bond pending petition for certiorari to the United States Supreme Court.

CR08-1331. John William "Bill" Seamster, Jr. v. State of Arkansas, from Crawford Circuit. Motion to withdraw as counsel of record and for appointment of counsel.

CR09-412. Richard Brown v. State of Arkansas, from Saline Circuit. Entry of appearance by Tona M. DeMers for the appellant.

08-1273. Jean Hetman v. Anna Marie Schwade, from Carroll Circuit, Western District. Appellant's motion for taxation of costs.

09-371. James O. Wyre, II v. Carrie Wyre, from Garland Circuit. Resubmission of motion for rule on clerk.

09-552. Doyle Marshall v. Karl P. Sandberg, M.D., from Yell Circuit, Northern District. Appellee's motion to dismiss appeal.

09-553. Chubb Lloyds Insurance Company of Texas et al. v. Miller County Circuit Court, Honorable Kirk Johnson, Circuit Judge, from Miller Circuit. Application for temporary relief.

09-564. Travis Chatten v. Jessica Blair, from Cleburne Circuit. Petition for leave to proceed in forma pauperis.

09-569. Bethany Myers v. Arkansas Department of Human Services, from Miller Circuit. Motion for extension of time to file appellant's record.

09-571. Carlos Parrish et al. v. Arkansas Department of Human Services, from Miller Circuit. Motion for extension of time to file appellants' record.

09-572. Richard Ondrisek et al. v. Arkansas Department of Human Services, from Miller Circuit. Motion for extension of time to file appellants' record.

09-579. Albert Krantz et al. v. Arkansas Department of Human Services, from Miller Circuit. Motion for extension of time to file appellants' record.

09-580. Brian Broderick v. Arkansas Department of Human Services, from Miller Circuit. Motion for extension of time to file appellant's record.

09-581. Alfonzo Reid, Sr. v. Arkansas Department of Human Services, from Miller Circuit. Motion for extension of time to file appellant's record.

09-583. Don Thorne v. Arkansas Department of Human Services, from Miller Circuit. Motion for extension of time to file appellant's record.

09-584. Greg Seago v. Arkansas Department of Human Services, from Miller Circuit. Motion for extension of time to file appellant's record.

## **SUBMISSIONS**

CR08-1146. Kenneth Ray Osburn v. State of Arkansas, from Ashley Circuit. Argued orally.

08-1200. Robert Greenwood et ux. v. Clifford Anderson, Jr., from Lawrence Circuit. Argued orally.

08-1490. Quapaw Care and Rehabilitation v. Arkansas Health Services Permit Commission, from Pulaski Circuit, Fifth Division.

09-73. Brenda Bryant Osborn et al. v. Billy Bryant et al., from Jackson Circuit.