

ARKANSAS SUPREME COURT

Opinions delivered
April 30, 2009

[Click here for today's opinions](#)

DONALD L. CORBIN, JUSTICE:

08-1440. Christina Hagenbaugh, Nancy K. Sears, Freda Blair, Modean Parks, Anthony Mayfield, Loraine Brand, Paula McConnell, Claudia Heer, Wayne Ives, Michael Reaves, Jeremy Reaves, Randy Wise, and Ricky Wise v. Perry County Sheriff Scott Montgomery, Perry County Sheriff's Investigator Ray Byrd, Perry County Sheriff's Chief Deputy Mike Surrette, Perry County Deputy Bob Barker, Perryville Police Officer Daniel Warren, and Perry County District Judge Elizabeth Wise, all in their individual and official capacities, from Pulaski Circuit, Second Division. Affirmed. PUBLISHED

JIM GUNTER, JUSTICE:

CR08-693. Joshua Leallen Lofton v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed. PUBLISHED

PAUL E. DANIELSON, JUSTICE:

08-1009. Darrell Johnson and A. Jan Thomas, Jr., Bankruptcy Trustee in the Matter of Darrell W. Johnson and Janet K. Johnson, Debtors v. Rockwell Automation, Inc.; Consolidated Electrical Distributors, Inc., d/b/a Keathley-Patterson Electric; and John Does 1-5, from the United States District Court for the Eastern District of Arkansas. Certified Questions Answered. PUBLISHED

PER CURIAM OPINIONS:

CR08-249. Dallas Gene Roy v. State of Arkansas, from Independence Circuit. Affirmed. UNPUBLISHED

CR08-532. Robert Alfred Williams v. State of Arkansas, from Columbia Circuit. Affirmed. UNPUBLISHED

PER CURIAM ORDERS

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

08-1416. Vang Lee v. Monzer Mansour, from Benton Circuit.

09-23. Randy E. Lewis v. Auto Parts & Tire Co., Inc. et al., from Workers' Compensation Commission.

09-166. Denver L. Gulley v. City of Mountain Home and Municipal League, from Workers' Compensation Committee.

CR08-112. Timothy Wallace v. State of Arkansas, from Saline Circuit. Petition to withdraw and for appointment of attorney is denied.

CR08-778. State of Arkansas v. Bobby Junior Cox, from Lonoke Circuit. Appellant's motion to dismiss appeal and cross-appeal is granted.

CR08-1320. Kenny Travis, Jr. v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Motion for belated brief is granted. See **per curiam** this date. PUBLISHED

CR08-1464. Justin Anderson v. State of Arkansas, from Miller Circuit. Appellee's motion for rebriefing by the appellant to comply with Ark. Sup. Ct. R. 4-2(a)(5) as to an abstract of the trial records. Granted sixty days. See Drymon v. State, 327 Ark. 375, 938 S.W.2d 825 (1997).

CR09-370. Antonio Daniels v. State of Arkansas, from Drew Circuit. Motion for rule on clerk. Remanded. See **per curiam** this date. PUBLISHED

05-1412. Stark Ligon, As Executive Director of the Supreme Court Committee on Professional Conduct v. Zimmery Crutcher, Jr., Arkansas Bar No. 74029, an Original Action. Petitioner's motion for judgment on the pleadings and for entry of final order of disbarment. Motion granted. See **per curiam** this date. PUBLISHED

09-26. Virginia Kowalski, Administratrix of the Estate of Kevin Allen Curry, Deceased v. Rose Drug of Dardenelle, Inc., and Randeep Mann, M.D., from Yell Circuit, Northern District. Motion of Arkansas Trial Lawyers Association to file brief amicus curiae is granted.

09-196. Timothy Gwaltney v. Sex Offender Assessment Committee, from Pulaski Circuit, Sixth Division. Appellant's motion to supplement the record and for extension of time to file brief. Granted thirty days.

09-371. James O. Wyre, II v. Carrie Wyre, from Garland Circuit. Motion for rule on clerk. Remanded. See **per curiam** this date. PUBLISHED

CR08-1331. John William "Bill" Seamster, Jr. v. State of Arkansas, from Crawford Circuit. Appellant's motion to strike. Motion to be submitted with the case.

09-436. Jim Peterson and Jan Peterson v. Honorable John Putman, Circuit Judge, from Baxter Circuit. Motion for temporary stay of compelled mediation is denied. (Proceedings of April 29, 2009)

09-436. Jim Peterson and Jan Peterson v. Honorable John Putman, Circuit Judge, from Baxter Circuit. Petition for writ of mandamus and other relief and temporary stay of compelled mediation. Petition denied. (Proceedings of April 29, 2009)

CR08-1130. Jessie Hill v. State of Arkansas, from Ouachita Circuit. Appellee State's motion to dismiss appeal. Motion granted; appeal dismissed. See **per curiam** this date. UNPUBLISHED

CR08-1284. Stacy Tubbs, a/k/a Stacey Tubbs v. State of Arkansas, from Union Circuit. Pro se motion for access to record and extension of time to file appellant's brief. Appeal dismissed; motion moot. See **per curiam** this date. UNPUBLISHED

CR08-1350. Albert L. Kilpatrick v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to dismiss. Motion granted; appeal dismissed. See **per curiam** this date. UNPUBLISHED

CR09-74. Tommy Hall v. Honorable Joe E. Griffin, Circuit Judge, from Miller Circuit. Pro se motions for certified copies. Motions denied. See **per curiam** this date. UNPUBLISHED

08-1387. Frank Watts II v. Larry Norris, Director, Arkansas Department of Correction, and Mark Cashion, Warden, from Chicot Circuit. Pro se petition for rehearing. Petition for rehearing treated as motion for reconsideration and denied. See **per curiam** this date. UNPUBLISHED

09-75. Tommy Hall v. Honorable Kirk D. Johnson, Circuit Judge, from Miller Circuit. Pro se motions for certified copies. Motions denied. See **per curiam** this date. UNPUBLISHED

MOTIONS SUBMITTED

PETITION FOR REHEARING:

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

PETITIONS FOR REVIEW:

09-61. Louis C. Schmoll and Elizabeth A. Schmoll v. Hartford Casualty Insurance Company et al., from Conway Circuit.

09-171. Death & Permanent Total Disability Trust Fund et al. v. Francisca Guevara Rodriguez et al., from Workers' Compensation Commission.

CR02-811. Rickey D. Newman v. State of Arkansas, from Crawford Circuit. Application to reinvest jurisdiction in circuit court to consider petition for writ of error coram nobis.

CR08-824. Timothy Justin Joyner v. State of Arkansas, from Stone Circuit. Appellant's motion for stay of mandate in order to petition for writ of certiorari.

CR08-1294. Courtney Pollard v. State of Arkansas, from Crittenden Circuit. Appellee's motion to reinvest jurisdiction in the circuit court to settle the record.

CR09-390. Jeffery Lynn Moss a/k/a Jeff Moss v. State of Arkansas, from Perry Circuit. Appellant's motion for leave to proceed in forma pauperis and for appointment of counsel.

CR09-390. Jeffery Lynn Moss a/k/a Jeff Moss v. State of Arkansas, from Perry Circuit. Motion for belated appeal.

CR09-401. Connie Watkins v. State of Arkansas, from Greene Circuit. Motion for rule on clerk.

CR09-402. Jerry Donald Sykes v. State of Arkansas, from Washington Circuit. Motion to be relieved as attorney for

appellant and stay briefing schedule.

CR09-405. Larry Eugene Barker v. State of Arkansas, from Baxter Circuit. Petition for writ of certiorari to complete the record.

CR09-410. Kitaka Lauderdale v. State of Arkansas, from Craighead Circuit, Western District. Petition for writ of certiorari to complete the record.

08-1031. Arkansas Department of Correction v. Frank Williams, Jr., from Pulaski Circuit, Sixth Division. Appellant's motion to dismiss appeal.

09-4. Barrett Cato et al. v. Honorable John Nelson Fogleman, Circuit Judge et al., from Craighead Circuit, Western District. Motion of the Arkansas Military Department to file amicus curiae brief.

09-403. Fred E. Eggestein v. Shirley A. Eggestein, from Lawrence Circuit. Petition for writ of certiorari.

09-430. In Re: Shelia Foster Anthony, Arkansas Bar No. 85181, an Original Action. Petition for voluntary surrender of law license.

SUBMISSIONS

08-611. Russ Skallerup et al. v. City of Hot Springs et al., from Garland Circuit. Argued orally.

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.

08-649. Doris Nelson and Carl Nelson v. William Scott Stubblefield, M.D. et al., from Craighead Circuit, Western District.

08-1199. Western Sizzlin Corporation et al. v. Parks Land Company, LLLP et al., from Pulaski Circuit, Fifth Division.