

ARKANSAS SUPREME COURT

Opinions delivered
June 25, 2009

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JIM HANNAH, CHIEF JUSTICE:

07-1305. Paul Barre v. Charles “Chick” Hoffman; Boy Scouts of America Incorporated; Boy Scouts of America, Quapaw Council; Holy Souls Catholic Church d/b/a Holy Souls School and the Roman Catholic Church, Diocese of Little Rock; James Peter Sartain, in his official capacity as agent for the Roman Catholic Diocese of Little Rock; The Hartford Insurance Company; United States Fidelity and Guaranty Company; John Doe Insurance Company #1; John Doe Insurance Company #2; and John Doe Insurance Company #3, from Pulaski Circuit, Sixteenth Division. Affirmed. Special Justices Donis Hamilton and Allen Roberts join. Corbin and Gunter, JJ., not participating. PUBLISHED

DONALD L. CORBIN, JUSTICE:

CR08-1035. Glen Homer Shelton, Jr. v. State of Arkansas, from Jefferson Circuit. Reversed and Dismissed. Gunter, J., dissents. PUBLISHED

ROBERT L. BROWN, JUSTICE:

CR08-1402. Ricky Earl White v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed. PUBLISHED

ANNABELLE CLINTON IMBER, JUSTICE:

CR08-1502. Eric Wayne Kelley v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Hannah, C.J., dissents. PUBLISHED

ELANA CUNNINGHAM WILLS, JUSTICE:

CR08-1353. Billy Terrell Adams v. State of Arkansas, from White Circuit. Affirmed. PUBLISHED

PAUL E. DANIELSON, JUSTICE:

CR08-1146. Kenneth Ray Osburn v. State of Arkansas, from Ashley Circuit. Reversed and Remanded. Hannah, C.J., concurs in part and dissents in part. Brown and Gunter, JJ., dissent. PUBLISHED

PER CURIAM OPINIONS:

CR08-938. Carl Heringer, Jr. v. State of Arkansas, from Craighead Circuit, Western District. Affirmed. UNPUBLISHED

08-1178. Jesus Ruiz Ortega a/k/a Jesus Ruiz v. Terry Cass and Gleenover Fitzpatrick, from Lincoln Circuit. Affirmed. UNPUBLISHED

PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

CR08-550. Steven Sparks v. State of Arkansas, from Washington Circuit. See **per curiam** this date. UNPUBLISHED

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

08-916. Travis Lumber Company v. Joe Richard Deichman, from Yell Circuit, Northern District. Danielson, J., not participating.

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

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

CR09-415. Richard Reed v. State of Arkansas, from Saline Circuit.

CR09-510. Johnny Warner v. State of Arkansas, from Miller Circuit.

09-183. A.G. "Bud" Martin, Jr. v. Guy Bobo et ux., from Hempstead Circuit. Gunter, J., not participating.

09-189. Benji Davis v. Wal-Mart Associates, Inc. et al., from Workers' Compensation Commission.

09-218. L&W Janitorial, Inc. et al. v. Pearline Williams, from Workers' Compensation Commission.

09-259. Nicholas Dugan et ux. v. American National Property & Casualty Co., from Sebastian Circuit, Greenwood District.

09-294. Keith E. Irons v. Arkansas Department of Finance and Administration, from Desha Circuit, Arkansas City District.

09-296. Reving Broussard et al. v. Guy Jones, from Faulkner Circuit. (Appellant)

09-296. Reving Broussard et al. v. Guy Jones, from Faulkner Circuit. (Appellee)

09-521. B. M. S. v. State of Arkansas, from Lonoke Circuit.

09-371. James O. Wyre, II v. Carrie Wyre, from Garland Circuit. Motion for rule on clerk is denied. Gunter, J., would grant.

CR02-811. Rickey D. Newman v. State of Arkansas, from Crawford Circuit. Pro se motion for mental health hearing. Moot.

CR02-811. Rickey D. Newman v. State of Arkansas, from Crawford Circuit. Pro se motion to withdraw certain pro se motions. Moot.

CR08-1493. Damien Wayne Echols v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion to correct supplemented record on appeal and for seven-day stay following correction of record for filing of appellant's substituted opening brief. Remanded to settle the record. Wills, J., not participating.

CR09-370. Antonio Daniels v. State of Arkansas, from Drew Circuit. Motion for rule on clerk is granted.

CR09-591. Gregory Bernard Brown v. State of Arkansas, from Pulaski Circuit, Second Division. Motion for rule on clerk is granted. See **per curiam** this date. PUBLISHED

CR09-624. David Tyson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion to substitute copies of exhibits for originals is granted.

CA08-1383. PH, LLC v. City of Conway, Arkansas, from Faulkner Circuit. Appellant's motion to transfer to the Arkansas Supreme Court is granted.

08-916. Travis Lumber Company v. Joe Richard Deichman, from Yell Circuit, Northern District. Notice of remittitur. Noted. Danielson, J., not participating.

09-145. Kuntrell Jackson v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Appellant's motion to stay proceedings pending decision by the United States Supreme Court is denied.

09-276. Anna Geiger et al. v. Hipp Lumber & Hardware et al., from Cleburne Circuit. Motion for rehearing on motion for rule on clerk. Motion denied. Gunter, J., would grant.

09-443. Arkansas Judicial Discipline and Disability Commission v. L.T. Simes, an Original Action. Remanded to supplement the record; rebriefing ordered. Special Justice Ron Sheffield joins. Danielson, J., dissents. Wills, J., not participating. See **per curiam** this date. PUBLISHED

09-555; 09-556; 09-559 and 09-560. Stark Ligon, Executive Director, Office of Professional Conduct v. Frank David Rees, Arkansas Bar No. 79238, an Original Action. Motion to consolidate appeals is denied; motion to submit cases simultaneously is granted.

09-587. Foremost Insurance Company et al. v. Miller County Circuit Court, from Miller Circuit. Petitioners' application for temporary relief is denied without prejudice.

09-588. Ralph Bozeman v. JoAnn Bozeman Labate, from Garland Circuit. Motion for rule on clerk is denied.

09-595. Stephen Jackson v. Cathy Jackson, from Pulaski Circuit, Sixteenth Division. Motion for rule on clerk. Remanded. See **per curiam** this date. Gunter, J., dissents. PUBLISHED

09-605. Bail Bond Financing, Inc., v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion for rule on clerk is denied.

09-660. Edward Jones v. Honorable Raymond C. Kilgore, Circuit Judge, from Pulaski Circuit, Thirteenth Division. Motion to proceed in forma pauperis is denied.

09-662. Fireman's Fund Insurance Company et al. v. Care Management, Inc. d/b/a Southwest Nursing Homes et al., an Original action. Certified Question Accepted. See **per curiam** this date. PUBLISHED

CR02-90. Eric Burgie v. State of Arkansas, from Garland Circuit. Pro se petition and supplemental petition to reinvest

jurisdiction in the trial court to consider a petition for writ of error coram nobis, motions for appointment of counsel and for transcripts and for leave to amend, motion for documents under the freedom of information act, motion for copies of motion to amend, and motion "to clarify claims for issuance of writ." Motions to amend and to clarify claims denied; petitions denied; motion for counsel and transcripts moot; motions for documents and for copies denied. See **per curiam** this date. UNPUBLISHED

CR09-213. Earnest Chambliss v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion to file belated brief. Motion granted. See **per curiam** this date. UNPUBLISHED

CR09-302. Osinachi O. Ezike v. State of Arkansas, from Saline Circuit. Appellee's motions to dismiss appeal and for extension of brief time. Motion to dismiss appeal granted; motion for extension of time moot. See **per curiam** this date. UNPUBLISHED

09-533. Steve Lenn Hill v. Larry Norris, Director, Arkansas Department of Correction, from Chicot Circuit. Pro se motion for belated appeal. Motion treated as motion for rule on clerk and denied. See **per curiam** this date. UNPUBLISHED

In Re: Supreme Court Board of Certified Court Reporter Examiners. See **per curiam** this date. PUBLISHED

Honorable Richard N. "Dick" Moore, Jr., of Pulaski County, Circuit Judge, 6th Judicial Circuit, Honorable Gordon "Mack" McCain of Pope County, Circuit Judge, 5th Judicial Circuit, and Reni Irby of White County, Certified Court Reporter, are appointed to our Board of Certified Court Reporter Examiners for three-year terms expiring on July 31, 2012. The court thanks them for their willingness to serve on this important board.

We designate Honorable Xollie Duncan of Bentonville, Circuit Judge, 19th West Judicial Circuit, the new chair of the committee and thank her for accepting these duties.

The court expresses its gratitude to Judge J. Michael "Mike" Fitzhugh of Fort Smith, Judge Mackie Pierce of North Little Rock, and Alice Cook of Cabot, whose terms will soon expire, for their valuable service to the board.

In Re: Enrollment of Attorneys. Following the State Bar Examination in July of this year, and the certification by the Board of those who passed the examination and met all other requirements, thereupon, while the Court is in recess, any Justice of this Court, after satisfying himself of all the above essentials, may authorize and empower the clerk of this Court to enroll such successful candidates as of the date such Justice so acts.

In Re: Mandates of the Supreme Court of the United States. The clerk is directed to file any mandate received from the United States Supreme Court during recess of this Court, and issue mandate of this Court in compliance therewith.

In Re: Procedure While Court is in Recess. During the recess of this Court, any individual Justice may act upon matters presented to the Court; provided, however, matters usually acted upon by the entire Court shall not be acted upon by

an individual Justice until after the clerk or his deputy has attempted to contact as many of the Justices as possible.
