

# ARKANSAS SUPREME COURT

Opinions delivered  
May 7, 2009

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ROBERT L. BROWN, JUSTICE:

CR08-160. Ledell Lee v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. PUBLISHED

08-649. Doris Nelson v. William Scott Stubblefield, M.D., St. Bernards Medical Center, and Medical Assurance Company, Inc., from Craighead Circuit, Western District. Affirmed. PUBLISHED

PAUL E. DANIELSON, JUSTICE:

CR08-1330. Johnny Elmo Morgan v. State of Arkansas, from Scott Circuit. Affirmed; Court of Appeals Reversed. PUBLISHED

ELANA CUNNINGHAM WILLS, JUSTICE:

CR08-1331. John William "Bill" Seamster, Jr. v. State of Arkansas, from Crawford Circuit. Circuit Court Affirmed; Court of Appeals Reversed. PUBLISHED

08-934. Union Pacific Railroad; Herbert C. Stuart; Rodney Wayne Woods; and Ronnie Charles Glover v. Victor S. Vickers; Robert Udell, Administrator of the Estate of Tracey Udell, Deceased; and James Freeman, Individually and on Behalf of All Other Persons Similarly Situated, from Lafayette Circuit. Reversed and Remanded. Special Justice Jennifer Wilson-Harvey joins. Imber, J., dissents. Gunter, J., not participating. PUBLISHED

PER CURIAM OPINION:

CR08-550. Steven Sparks v. State of Arkansas, from Washington Circuit. Affirmed. UNPUBLISHED

## PER CURIAM ORDERS

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

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

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

09-61. Louis C. Schmoll and Elizabeth A. Schmoll v. Hartford Casualty Insurance Company et al., from Conway Circuit. Danielson, J., not participating.

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

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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. Motion to be submitted as a case.

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 is granted. Imber, J., not participating.

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. Granted sixty days.

CR08-1331. John William "Bill" Seamster, Jr. v. State of Arkansas, from Crawford Circuit. Appellant's motion to strike. Moot. See opinion issued this date.

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

CR09-402. Jerry Sykes v. State of Arkansas, from Washington Circuit. Motion to withdraw is granted. See **per curiam** this date. PUBLISHED

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

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

08-1031. Arkansas Department of Correction v. Frank Williams, Jr., from Pulaski Circuit, Sixth Division. Appellee's motion for supplemental briefing. Motion granted, per curiam to follow. Special Justice Stuart Jackson agrees. Gunter, J., not participating.

08-1099. John H. Bayird, as Administrator for the Estate of Mamie Elliott, Deceased v. William Floyd, from Drew Circuit. Rebriefing ordered. See per curiam issued. (Proceedings of May 1, 2009)

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 is denied.

09-403. Fred E. Eggestein v. Shirley A. Eggestein, from Lawrence Circuit. Petition for writ of certiorari is denied; appeal dismissed. See **per curiam** this date. PUBLISHED

09-430. In Re: Shelia Foster Anthony, Arkansas Bar No. 85181, an Original Action. Petition for voluntary surrender of law license. Granted with direction to the Clerk to remove the attorney's name from the registry of attorneys licensed to practice law in the State of Arkansas.

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

Circuit. Appellee's motion to accept belated response to petition for review. Moot.

CR90-274. Charles L. Jackson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Pro se motion for photocopying at public expense. Motion denied. See **per curiam** this date. UNPUBLISHED

CR96-900. James Bernard Giles v. State of Arkansas, from Pulaski Circuit, Second Division. Pro se motion for photocopying at public expense. Motion denied. See **per curiam** this date. UNPUBLISHED

CR00-565. Steven Bader v. State of Arkansas, from Benton Circuit. Pro se motion for reconsideration of denial of petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Motion denied. See **per curiam** this date. UNPUBLISHED

CR08-1394. Wilbert L. Johnson v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion to compel, motion for production of documents and "amended" motion for copy of record, to stay or for extension of time to file appellant's brief. Motion for production of documents denied; motion to compel treated as motion for writ of certiorari and access granted in part, denied in part and held in abeyance in part; motion for copy of record and extension of time moot in part and held in abeyance in part. See **per curiam** this date. UNPUBLISHED

CR08-1485. Shequita L. Joiner v. State of Arkansas, from Columbia Circuit. Pro se motion to compel attorney to adhere to rules of professional conduct. Motion denied. See **per curiam** this date. UNPUBLISHED

CR09-325. Rico Benton v. Unnamed Circuit Judge, from Hempstead Circuit. Pro se motion for rule on clerk to file petition for writ of mandamus without naming respondent. Motion moot. See **per curiam** this date. UNPUBLISHED

08-1177. Edward Loveless v. Fern Tucker, Circuit Clerk of Pope County, from Pope Circuit. Pro se motions for extension of brief time. Motions granted. See **per curiam** this date. UNPUBLISHED

09-277. David Williams v. Governor Mike Huckabee et al., from Pulaski Circuit, Twelfth Division. Pro se motion for rule on clerk to file pleadings without certified record. Motion denied. See **per curiam** this date. UNPUBLISHED

09-66. Tommy Hall v. Honorable Jim Hudson, Circuit Judge, from Miller Circuit. Pro se motion for reconsideration of denial of motion for certified copies. Motion denied. See **per curiam** this date. UNPUBLISHED

In Re: Supreme Court Committee on Model Jury Instructions-Civil. See **per curiam** this date. PUBLISHED

Honorable Mike Mashburn's service on the Committee on Model Jury Instructions-Civil has concluded. The Court extends its appreciation to Judge Mashburn for his service to this committee.

In the Matter of the Appointment of a Special Judge. See **per curiam** this date. PUBLISHED

Jack Holt, Jr. shall be appointed as a special judge, and he shall be given authority for the express purpose of swearing in the newly-commissioned Wildlife Officers of the Arkansas Game & Fish Commission on May 21, 2009.

It is so ordered.

## MOTIONS SUBMITTED

### PETITIONS FOR REVIEW:

CR09-219. Rickey Strain v. State of Arkansas, from Jefferson Circuit.

CR09-330. Bobby Weatherford v. State of Arkansas, from Faulkner Circuit.

09-204. Dorothy Jean Rice et al. v. Duncan Ragsdale, from St. Francis Circuit.

09-308. Daryl Guffy v. Kim Billings Counts & Office of Child Support Enforcement, from Washington Circuit.

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CR08-770. Christobal Mancia v. State of Arkansas, from Benton Circuit. Bruce J. Bennett is ordered to appear and show cause today at 9:00 a.m.

CR09-265. Vance B. Rollins v. State of Arkansas, from Perry Circuit. Appellee's motion for permission to file supplemental brief.

08-1089. Bernice McWhorter v. Gene McWhorter, from Phillips Circuit. Appellant's motion to include supplemental abstract in reply brief and for extension of brief time.

CA08-1405. Charles V. Grassi, Sr. v. James W. Hyden and Hyden, Miron & Foster, P.L.L.C., from Pulaski Circuit, Third Division. Appellees' motion to reassign to the Arkansas Supreme Court.

08-1496. Marcovous L. Williams v. Director et al., from Board of Review. Appellant's motion for reconsideration.

09-68. Don Clayton Cooksey v. Supreme Court Committee on Professional Conduct, an Original Action. Appellee's motion to dismiss appeal.

09-439. Joseph Stone v. City of Fort Smith, from Sebastian Circuit, Fort Smith District. Request to proceed in forma pauperis.

## SUBMISSIONS

CR08-523. Joseph Sherman v. State of Arkansas, from Mississippi Circuit, Chickasawba District.

CR08-1380. Ronald Blanchard v. State of Arkansas, from Saline Circuit.

08-740. Christopher Wayne Roberts v. Robin Yanyan Yang (formerly Roberts), from Pulaski Circuit, Seventeenth Division.

08-1273. Jean Hetman v. Anna Marie Schwade, from Carroll Circuit, Western District.