

ARKANSAS SUPREME COURT

Opinions Delivered
December 3, 2009

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JIM HANNAH, CHIEF JUSTICE:

CR09-176. Brad Singleton v. State of Arkansas, from Pulaski Circuit, Seventh Division. Affirmed as Modified. Wills, J., concurs. Imber, J., not participating.

CR09-530. State of Arkansas v. Edward Joshaway, from Phillips Circuit. Appeal Dismissed. Imber, J., not participating.

DONALD L. CORBIN, JUSTICE:

09-643. John and Cindy Schubert v. Arkansas Department of Human Services and K.M., A Minor Child, from Crawford Circuit. Motion to Dismiss Denied; Motion for Reconsideration Moot. Imber, J., not participating.

ROBERT L. BROWN, JUSTICE:

CR09-494. Tracy Ann Cross v. State of Arkansas, from Lawrence Circuit. Reversed and Dismissed. Imber, J., not participating.

ANNABELLE CLINTON IMBER, JUSTICE:

CR09-609. Hutson Burks v. State of Arkansas, from Pulaski Circuit, Seventh Division. Circuit Court Affirmed; Court of Appeals Affirmed. Hannah, C.J., Corbin and Wills, JJ., dissent.

09-135. Arkansas Office of Child Support Enforcement v. Jason S. Hearst, from Faulkner Circuit. Reversed and Remanded. Hannah, C.J., Corbin and Gunter, JJ., dissent.

JIM GUNTER, JUSTICE:

CR09-629. Kenneth Lee Lawshea v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Affirmed. Imber, J., not participating.

09-11. Darryl V. Talley, Sr. v. City of North Little Rock and Tom Wadley, from Pulaski Circuit, Thirteenth Division. Affirmed. Imber, J., not participating.

ELANA CUNNINGHAM WILLS, JUSTICE:

CR08-793. Jeremy Michael Richie v. State of Arkansas, from Faulkner Circuit. Remanded With Directions. Imber, J., not participating.

PER CURIAM ORDERS

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

08-667. Kenneth White v. M.D. Reed, Warden, Cummins Unit, from Lincoln Circuit. See per curiam this date.

08-1383. PH, LLC v. City of Conway, Arkansas, from Faulkner Circuit.

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

CR09-1137. Naeem Hassan Rasul v. State of Arkansas, from Pulaski Circuit, Fifth Division.

09-808. John J. Bronakowski and Judith C. Bronakowski v. John R. Lindhurst and Lisa Lindhurst, from Marion Circuit.

CA09-695. John Schubert et ux. v. Arkansas Department of Human Services, from Crawford Circuit. Appellee's motion to reconsider granting of appellants' request for an additional thirty days to file brief. Moot. See opinion issued this date in 09-643, John Schubert et ux. v. Arkansas Department of Human Services.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Appellants' motion to file supplemental brief is granted. Gunter and Danielson, JJ., not participating.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Public Service Commission's motion to file supplemental brief is granted. Gunter and Danielson, JJ., not participating.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Southwestern Electric Power Company's motion to file supplemental brief is granted. Gunter and Danielson, JJ., not participating.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Appellants' motion to file pleadings previously filed with the Court of Appeals is granted. Gunter and Danielson, JJ., not participating.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Southwestern Electric Power Company's motion to dismiss appeal. Passed until case submitted. Gunter and Danielson, JJ., not participating.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Southwestern Electric Power Company's motion for oral argument on motion to dismiss appeal. Moot. Gunter and Danielson, JJ., not participating.

09-1204. Michalle Moss v. Steve Absher, from Lonoke Circuit. Motion for rule on clerk is denied. See Wandrey v. Etchison, 363 Ark. 36, 210 S.W.3d 892 (2005).

09-1272. Exigence, LLC et al. v. Courtney Baylark, from Phillips Circuit. Motion to expedite is granted; motion for stay of trial court proceedings pending interlocutory appeal is denied without prejudice.

09-1283. A.H., a Minor v. Conway County Circuit Court, Honorable Terry Sullivan, Circuit Judge, from Conway Circuit. Motion to expedite is granted; petition for writ of certiorari is denied without prejudice.

CACR02-419. Edward Charles Wright v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion to be heard. Motion treated as motion for photocopying at public expense and denied. See **per curiam** this date.

CR09-916. Eldon Ray Cobb v. State of Arkansas, from Baxter Circuit. Appellee's motions to dismiss and for brief time. Motion to dismiss granted; appeal dismissed; motion for brief time moot. See **per curiam** this date.

CR09-938. David Pierce v. State of Arkansas, from Miller Circuit. Pro se motion for extension of time to file appellant's brief. Appeal dismissed; motion moot. See **per curiam** this date.

CR09-939. David Daniels v. State of Arkansas, from Washington Circuit. Pro se motions for belated appeal, to add exhibits, and to admit evidence. Motions denied. See **per curiam** this date.

CR09-1012. William F. Young, Jr. v. State of Arkansas, from Sharp Circuit. Pro se motion for rule on clerk to accept appeal without certified record. Motion denied. See **per curiam** this date.

CR09-1147. David R. Lively v. Honorable Grisham Phillips, Circuit Judge, from Saline Circuit. Pro se petition for writ of mandamus. Petition dismissed. See **per curiam** this date.

09-745. John Michael Singleton v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Appellee's motion to dismiss appeal. Motion granted. See **per curiam** this date.

09-914. Robert L. Ingold v. State of Arkansas, from Chicot Circuit. Appellee's motion to dismiss appeal. Motion granted; appeal dismissed. See **per curiam** this date.

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

Stephen R. Lancaster, Esq., of Little Rock, is appointed to the Committee on Model Jury Instructions-Civil for a three-year term to expire on September 30, 2012. The court thanks Mr. Lancaster for his willingness to serve on this important committee.

Teresa Wineland, Esq., of Little Rock, a current member of the committee, is designated chair of the committee. The court expresses its appreciation to Ms. Wineland for undertaking these additional responsibilities.

The court expresses its gratitude to Ed Lowther, Esq., of Little Rock, who is term limited, for his many years of valuable service to the committee, including his service as chair for the past two years.

In Re: State Board of Law Examiners. See **per curiam** this date.

The court appoints Brian Meadors of Fort Smith to the Arkansas State Board of Law Examiners. Mr. Meadors shall be a representative of the Third Congressional District and will serve a six-year term concluding on September 30, 2015. Mr. Meadors succeeds Jim Gresham of Harrison.

The court appoints Judge Van Gearhart of Mountain Home to the Arkansas State Board of Law Examiners. Judge Gearhart shall be a representative "at large" and will serve a six-year term concluding on September 30, 2015. Judge Gearhart succeeds Ron Harrison of Fort Smith.

The court thanks Mr. Meadors and Judge Gearhart for accepting appointment to this important board. The court extends its sincere appreciation to Jim Gresham and Ron Harrison for their many years of service to the board, including Mr. Gresham's leadership as chair of this board in 2009.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR07-623. Ronald Jay Campbell v. State of Arkansas, from Lonoke Circuit.

CR08-1394. Wilbert L. Johnson v. State of Arkansas, from Pulaski Circuit, Seventh Division.

08-999. Riceland Foods, Inc. v. Randy Pearson et al., from St. Francis Circuit.

08-1031. Arkansas Department of Correction v. Frank Williams, Jr., from Pulaski Circuit, Sixth Division.

PETITION FOR REVIEW:

CR09-1152. Sonya Nate Mooney v. State of Arkansas, from Craighead Circuit, Western District.

CR95-975. Jimmy Don Wooten v. State of Arkansas, from Pope Circuit. Motion to clarify status of motion to recall the mandate and to address motion to recall the mandate.

CR08-1493. Damien Wayne Echols v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion to file amended brief.

CR09-140. Brandon Carter v. State of Arkansas, from Columbia Circuit. Petition for writ of certiorari to complete the record.

CR09-831. Benjamin D. Carter, Jr. v. State of Arkansas, from Union Circuit. Appellee's motion to direct compliance with Arkansas Supreme Court Rule 4-3(i).

CR09-831. Benjamin D. Carter, Jr. v. State of Arkansas, from Union Circuit. Appellee's motion for extension of brief time.

CR09-1259. James E. Montgomery v. State of Arkansas, from Greene Circuit. Motion for rule on clerk.

08-1031. Arkansas Department of Correction v. Frank Williams, Jr., from Pulaski Circuit, Sixth Division. Appellee's motion for stay of mandate.

08-1352. David Stills v. Amber Stills, from Washington Circuit. Appellee's motion to reschedule oral argument.

08-1438. Guy Jones v. J. Eric Turner et al., from Faulkner Circuit. Appellant's motion for costs.

09-261. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct v. Timothy Mark Hall, Arkansas Bar No. 96043, an Original Action. Motion for default judgment and order of disbarment.

09-313. Barry Jewell v. Keith Moser et al., from Pulaski Circuit, Sixth Division. Appellant's motion to reschedule oral argument.

09-614. Damont Ewells v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to strike.

09-622. Ketan Bulsara v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Appellant's motion to file supplemental brief.

09-622. Ketan Bulsara v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division. Appellee's motion to file supplemental brief.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Motion of Sierra Club, National Audubon Society and Audubon Arkansas for leave to file amicus curiae brief in support of appellants.

09-1093. Louisiana Environmental Action Network et al. v. Arkansas Pollution Control and Ecology Commission, from Union Circuit. Motion for extension of time to file brief and for other relief.

SUBMISSIONS

09-671. J. B. Robinson et al. v. Floyd G. "Buddy" Villines et al., from Pulaski Circuit, Sixth Division. Argued orally.

09-208. State Farm Automobile Insurance Company v. Eda Stamps and Gary Stamps, from Sebastian Circuit, Fort Smith District.

09-245. Eddie Wade v. Benton County, Arkansas et al., from Washington Circuit.

09-333. State of Arkansas Office of Child Support Enforcement v. Kevin L. Jones, from Hot Spring Circuit.

09-343. Northport Health Services of Arkansas, L.L.C. et al. v. Arkansas Department of Human Services, from Pulaski Circuit, Third Division.