

# ARKANSAS SUPREME COURT

Opinions Delivered  
January 7, 2010

DONALD L. CORBIN, JUSTICE:

CR08-1297. James Aaron Miller v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed in Part; Reversed and Remanded in Part. Hannah, C.J., concurs. Bowen, J., not participating.

## PER CURIAM ORDERS

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

09-1041. Lorie Finley v. Perennial Healthcare and Commerce & Industry Insurance Company, from Workers' Compensation Commission.

09-1151. Jack Cole v. Commerce & Industry Insurance Company and Network of Communications Option, from Workers' Compensation Commission.

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CR09-60. Charles Jason Baldwin v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion to stay appeal and to remand for consideration of new evidence of actual innocence is dismissed for lack of jurisdiction.

CR09-1305. Cecil A. Bayless, II v. State of Arkansas, from Lonoke Circuit. Motion for rule on clerk is granted. See **per curiam** this date.

CR09-1337. Robert R. Cortinez, Sr. v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellee's motion to dismiss appeal for want of appellate jurisdiction and for expedited consideration. Motion granted. (Proceedings of January 6, 2010)

CR09-1337. Robert R. Cortinez, Sr. v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellant's motion for stay of trial court proceedings. Moot. (Proceedings of January 6, 2010)

08-1031. Arkansas Department of Correction v. Frank Williams, Jr., from Pulaski Circuit, Sixth Division. Appellee's motion for stay of mandate is granted. Special Justice Stuart Jackson agrees. Wills, J., not participating.

09-1343. In Re: Mark A. Horoda, Arkansas Bar No. 95047, an Original Action. Petition for voluntary surrender of 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.

In Re: Supreme Court Committee on Criminal Practice. See **per curiam** this date.

Dan Ritchey, Esq., of Blytheville is reappointed to the Committee on Criminal Practice for a three-year term to expire on January 31, 2013. We thank him for his continued service.

### MOTIONS SUBMITTED

#### PETITIONS FOR REHEARING:

CR09-530. State of Arkansas v. Edward Joshaway, from Phillips Circuit.

09-11. Darryl V. Talley, Sr. v. City of North Little Rock, from Pulaski Circuit, Thirteenth Division.

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#### PETITIONS FOR REVIEW:

CR09-1237. Routy Abernathy v. State of Arkansas, from Sebastian Circuit, Greenwood District.

CR09-1254. Colten Cockrell v. State of Arkansas, from Pulaski Circuit, Second Division.

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

CR08-1481. Jessie Lloyd Misskelley, Jr. v. State of Arkansas, from Clay Circuit, Western District. Appellant's motion to stay appeal and to remand for consideration of new evidence of actual innocence.

CR09-609. Hutson Burks v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of John Hout for leave to intervene in order to file petition for rehearing.

CR09-609. Hutson Burks v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of Sandra Cordi for leave to intervene in order to file petition for rehearing.

CR09-634. Zachariah Scott Marcyniuk v. State of Arkansas, from Washington Circuit. Appellee's motion to file enlarged brief.

CR09-952. State of Arkansas v. Clarence Richardson, from Phillips Circuit. Motion for extension of time or stay of appeal.

CR09-1182. James E. Clemons v. State of Arkansas, from Union Circuit. David O. Bowden's motion for entry of appearance.

CR09-1182. James E. Clemons v. State of Arkansas, from Union Circuit. Motion for extension of time to file appellant's brief.

CR09-1329. Kenneth Tucker, Jr. v. State of Arkansas, from Ashley Circuit. Motion for rule on clerk.

CR09-1371. Jennifer Mae Ramsey v. State of Arkansas, from Pulaski Circuit, First Division. Motion for rule on clerk.

08-73. Stark Ligon, As Executive Director of the Supreme Court Committee on Professional Conduct v. Oscar A. Stilley, an Original Action. Second motion for stay of briefing.

09-462. Farm Bureau Mutual Insurance Company of Arkansas v. Pulaski County Circuit Court, from Pulaski Circuit, Fifth Division. Resubmission of petition for writ of certiorari and stay of proceedings.

09-487. Bobby Stewart v. Arkansas Glass Container, from Workers' Compensation Commission. Appellant's motion for permission to file belated brief.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Motion of Entergy Arkansas, Inc. to file amicus curiae brief.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Appellants' motion for permission to file response briefs to amicus briefs.

CA09-873. Terrist Parramore v. Retirement Properties, Inc. d/b/a Ramada Inn of Fort Smith, from Sebastian Circuit, Fort Smith District. Appellant's motion for reassignment to the Arkansas Supreme Court.

09-1070. Baptist Health v. Bruce Murphy, M.D., from Pulaski Circuit, Thirteenth Division. Motion of appellant, Baptist Health, to admit document into the record.

09-1093. State of Louisiana et al. v. The City of El Dorado Waste Utilities et al., from Union Circuit. Appellants' motion for certiorari to correct the record and stay of briefing schedule.

09-1192. Alfred (John) Henry Racine, III v. Helane Marie Nelson, from Pulaski Circuit, Seventeenth Division. Appellant's motion for certiorari, to remand and to stay briefing schedule.

09-1192. Alfred (John) Henry Racine, III v. Helane Marie Nelson, from Pulaski Circuit, Seventeenth Division. Appellant's motion for enlargement of time to file brief.

09-1199. Bruce J. Bennett v. Supreme Court Committee on Professional Conduct, an Original Action. Appellee's motion to dismiss appeal.

09-1200. Bruce J. Bennett v. Supreme Court Committee on Professional Conduct, an Original Action. Appellee's motion to dismiss appeal.

09-1226. State of Arkansas Office of Child Support Enforcement v. Kendrick L. Jacks, from Jefferson Circuit. Appellant's motion to dismiss appeal.

09-1272. Exigence, LLC et al. v. Courtney Baylark, from Phillips Circuit. Appellants' motion to supplement the record.

09-1272. Exigence, LLC et al. v. Courtney Baylark, from Phillips Circuit. Appellants' motion to amend the record.

09-1283. A.H., a Minor v. Honorable Terry M. Sullivan, Circuit Judge, from Conway Circuit. Petition for rehearing of the denial of writ of certiorari.

09-1331. West End Garage & Auto Sales Inc. et al. v. Circuit Court of Pulaski County, from Pulaski Circuit, Thirteenth Division. Petition for writ of prohibition, or in the alternative, writ of certiorari.

09-1334. K & S Development, LLC v. Kristin J. Thomsen et al., from Garland Circuit. Motion for rule on clerk.

09-1363. Marx Real Estate Investments, LLC et al. v. Dr. Victor Coloso et ux., from Sebastian Circuit, Fort Smith

District. Petition for writ of certiorari to complete the record.

09-1410. Frederick S. Wetzel v. Mortgage Electronic Registration Systems, Inc., an Original Action. Motion for certification of a question of law.

### **SUBMISSIONS**

CR08-1033. Lloyal Willie Bryant v. State of Arkansas, from Boone Circuit.

09-386. DeSoto Gathering Company, LLC v. Janice Smallwood, from White Circuit.

09-438. Kathy Travis Gilbow v. Patrick Travis, from Benton Circuit.

09-462. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Barbara Gadbury-Swift, from Pulaski Circuit, Fifth Division.

09-463. Peter Rosenow v. Alltel Corporation et al., from Saline Circuit.

09-531. Charles Archer et ux. v. Sigma Tau Gamma Alpha Epsilon, Inc. et al., from Clark Circuit.