

ARKANSAS SUPREME COURT

Opinions delivered
May 13, 2010

JIM HANNAH, CHIEF JUSTICE:

09-718. Hempstead County Hunting Club, Inc., Schultz Family Management Company, Po-Boy Land Company, Inc., and Yellow Creek Corporation v. Arkansas Public Service Commission, Southwestern Electric Power Company, and American Electric Power Company, from Arkansas Public Service Commission. Commission Reversed and Remanded; Court of Appeals Affirmed as Modified; Motion to Dismiss Denied. Special Justice Whit Fowlkes joins. Brown, J., and Special Justice Danyelle J. Walker concur. Gunter and Danielson, JJ., not participating.

09-1356. Leah Pogue, Administratrix of the Estate of Mary Frances Pogue and Carolyn Sue Richardson, Administratrix of the Estate of Hannah Faye Hayes v. Transcontinental Insurance Company d/b/a CNA and Standard Lines Insurance, from Cleburne Circuit. Affirmed.

JIM GUNTER, JUSTICE:

09-555. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Frank David Rees, Arkansas Bar No. 79238, an Original Action. Affirmed on Direct Appeal; Affirmed on Cross-Appeal. Brown, J., concurs.

PAUL E. DANIELSON, JUSTICE:

CR10-120. Arkansas Public Defender Commission v. Pulaski County Circuit Court, Fourth Division; Honorable Herbert Thomas Wright, Jr., Judge; and Abdulhakim Muhammad, from Pulaski Circuit, Fourth Division. Appeal Dismissed; Writ of Prohibition Denied; Writ of Certiorari Denied; Stay Lifted.

09-556. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Frank David Rees, Arkansas Bar No. 79238, an Original Action. Affirmed; Sanction Modified to One-Year Suspension with Credit for Thirty Days Already Served. Brown, J., concurs.

ELANA CUNNINGHAM WILLS, JUSTICE:

09-559. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Frank David Rees, Arkansas Bar No. 79238, an Original Action. Affirmed.

RONALD L. SHEFFIELD, JUSTICE:

09-560. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Frank David Rees, Arkansas Bar No. 79238, an Original Action. Affirmed.

09-1018. State of Arkansas v. K.B., a Minor, from Pulaski Circuit, Tenth Division. Error Declared. Hannah, C.J., and Danielson, J., concur.

PER CURIAM ORDERS

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

CR10-216. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District.

CR10-239. Jimmie Lee Frost v. State of Arkansas, from Drew Circuit.

10-180. Rick Doss v. Carrie Miller, from Fulton Circuit.

CR10-379. Dwight Shane Kelley v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Remanded; motion for rule on clerk and motion to withdraw as counsel granted; motion for extension of time moot. See **per curiam** this date.

09-718. Hempstead County Hunting Club, Inc. et al. v. Arkansas Public Service Commission et al., from Public Service Commission. Appellee Southwestern Electric Power Company's motion to dismiss appeal is denied. See opinion issued this date.

CACR09-405. Larry Eugene Barker v. State of Arkansas, from Baxter Circuit. Appellee's motion requesting reassignment to the Supreme Court is granted.

CR10-239. Jimmie Lee Frost v. State of Arkansas, from Drew Circuit. Appellant's motion to strike is denied.

CR10-103. Antwan Lavan Fowler v. State of Arkansas, from Faulkner Circuit. Appellant's motion to file supplemental brief is denied.

CR10-103. Antwan Lavan Fowler v. State of Arkansas, from Faulkner Circuit. Appellee's motion to file supplemental brief is granted.

09-1272. Exigence, LLC v. Courtney Baylark, from Phillips Circuit. Appellee's verified motion for costs. Passed until case submitted.

10-260. Jack Harold Jones v. Ray Hobbs, Director, Arkansas Department of Correction, from Pulaski Circuit, Sixth Division. Renewal of petition for stay of execution is granted. Wills, J., not participating.

CR09-1016. Paul Norris v. State of Arkansas, from Saline Circuit. Pro se motion for photocopy of trial transcript at public expense. Motion denied. See **per curiam** this date.

CR10-147. Jeffery Hayes v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellant's pro se motion for extension of time to file brief on appeal is granted; tendered brief to be marked filed as of this date.

CR10-195. Edward Lee Carter v. State of Arkansas, from Garland Circuit. Pro se motions for photocopying at public expense, extension of time to file brief, access to the record, to amend petition for access to the record, and to amend motion for extension of time to file brief. Appeal dismissed; motions moot. See **per curiam** this date.

CR10-256. Sherman Watson v. State of Arkansas, from Hot Spring Circuit. Pro se motions for rule on clerk to proceed without a certified record and for writ of certiorari is denied.

CR10-265. Roy Lee Smith v. State of Arkansas, from Arkansas Circuit, Northern District. Pro se motion for rule on clerk and for belated appeal. Motion treated as motion for rule on clerk and granted. See **per curiam** this date.

CR10-365. Brian Charland v. State of Arkansas, from Carroll Circuit, Eastern District. Pro se motion for rule on clerk. Motion for rule on clerk granted; counsel appointed. See **per curiam** this date.

09-613. Timothy Gene Evans v. State of Arkansas, from Izard Circuit. Pro se motion for leave to file belated reply brief. Appeal dismissed; motion moot. See **per curiam** this date.

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

Tim Cullen, Esq., of Little Rock, is appointed to the Committee on Model Jury Instructions-Civil for a three-year term to expire on September 30, 2013. The court thanks Mr. Cullen for his willingness to serve on this important committee.

The court expresses its gratitude to P.K. Holmes, III, Esq., of Fort Smith, who is term limited, for his many years of valuable service to the committee.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR09-1016. Paul Anthony Norris v. State of Arkansas, from Saline Circuit.

09-1197. State of Arkansas v. K.H., a Minor, from Pulaski Circuit, Tenth Division.

09-1258. Paul H. Tucker, Jr. et al. v. Rosemary Sullivant, from Craighead Circuit, Western District.

PETITIONS FOR REVIEW:

CR10-305. Jason Lee v. State of Arkansas, from Pulaski Circuit, Fifth Division.

CR10-354. Jewel Eugene Johnson and Michael Ryan Webb v. State of Arkansas, from Pulaski Circuit, Fifth Division. (Appellant)

CR10-354. Jewel Eugene Johnson and Michael Ryan Webb v. State of Arkansas, from Pulaski Circuit, Fifth Division. (Appellant)

CR10-354. Jewel Eugene Johnson and Michael Ryan Webb v. State of Arkansas, from Pulaski Circuit, Fifth Division. (Appellee)

10-345. Donald M. Valentine v. Christy Valentine, from Poinsett Circuit.

CR10-290. Wyouman D. Camp v. State of Arkansas, from Howard Circuit. Motion for extension of time to prepare and return a full and complete record.

CR10-420. Walter Gabriel Turner v. State of Arkansas, from Columbia Circuit. Motion for rule on clerk.

CR10-456. Charles Jason Baldwin and Jessie Lloyd Misskelley, Jr. v. State of Arkansas, from Craighead Circuit, Western District. Petitions for writ of certiorari or, in the alternative, motions for extension of time to file the record.

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. Petitioner's motion for default judgment and order of disbarment.

09-742. Natalie E. Willis v. Honorable Ellen B. Brantley, Circuit Judge et al., from Pulaski Circuit, Sixteenth Division. Motion to proceed in forma pauperis.

09-1011. Grand Valley Ridge, LLC et al. v. Metropolitan National Bank, from Washington Circuit. Appellants' motion for clarification and extension of briefing period.

09-1378. Donald Batchelder et al. v. Tim Marta, from Benton Circuit. Joint motion to dismiss appeal and cross appeal.

10-112. State of Arkansas v. J.O., from Pulaski Circuit, Eleventh Division. Appellee's motion to dismiss the State's appeal for lack of a final order.

10-144. Bob's Bail Bond, Inc. v. Tommy Reed, Executive Director, Arkansas Professional Bail Bondsman Licensing Board, from Pulaski Circuit, Sixteenth Division. Appellant's motion for stay of briefing schedule and to supplement the record.

10-438. Patsy Adele Long v. Brandon Eckhart et al., from Pulaski Circuit, Sixteenth Division. Motion for rule on clerk.

10-438. Patsy Adele Long v. Brandon Eckhart et al., from Pulaski Circuit, Sixteenth Division. Appellant's motion to correct record.

SUBMISSIONS

10-243. Brandon Woodrome v. Charlie Daniels, in His Official Capacity as Secretary of State, an Original Action. Argued orally.

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

09-1004. Kevin R. Walters et al. v. James Dobbins et al., from Sevier Circuit.

09-1355. James R. Baber, M.D., J.D. v. Arkansas State Medical Board et al., from Washington Circuit.

09-1410. Frederick S. Wetzell, III, Trustee v. Mortgage Electronic Registration Systems, Inc., an Original Action.