

# ARKANSAS SUPREME COURT

Opinions delivered  
May 20, 2010

## DONALD L. CORBIN, JUSTICE:

09-619. Farmers Union Mutual Insurance Company, Inc. v. Randall and Heather Robertson, Individually and on Behalf of a Class of All Arkansans Similarly Situated, from Pope Circuit. Affirmed.

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

## ELANA CUNNINGHAM WILLS, JUSTICE:

09-1355. James R. Baber, M.D., J.D. v. Arkansas State Medical Board; Trent M. Pierce, M.D., Chairman; Joseph M. Beck, M.D., Vice Chairman; Bob Cogburn, M.D., Secretary; Mrs. Anne Britton, Treasurer; Omar Atiq, M.D.; Harrold B. Betton, M.D.; Jim Citty, M.D.; William F. Dudding, J.D.; Mr. Roger Harmon, P.D.; Patty Pettaway, D.O.; Douglas F. Smart, M.D.; and John B. Weiss, M.D., in Their Official and Individual Capacities, from Washington Circuit. Appeal Dismissed.

10-243. Brandon Woodrome v. Charlie Daniels, in His Official Capacity as Secretary of State and Randy Zook, Dennis Jungmeyer, Randy Wilbourn, and Ray C. Dillon, Individually, and on Behalf of Arkansans to Protect Police, Libraries, Education & Services (Apples), an Original Action. Petition for Review Dismissed; Secretary of State's Declaration Vacated; Cross-Petition Dismissed.

## RONALD L. SHEFFIELD, JUSTICE:

09-557. Henry Morgan v. Todd Turner, from Clark Circuit. Reversed and Remanded.

09-801. Mose Minor v. Chase Auto Finance Corporation, from Johnson Circuit. Certified Question Answered; Remanded to Court of Appeals. Gunter and Wills, JJ., concur.

## PER CURIAM OPINION:

CR08-770. Christobal Antonio Mancia v. State of Arkansas, from Benton Circuit. Affirmed; Motion Granted.

## **PER CURIAM ORDERS**

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

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. Hannah, C.J., Danielson and Wills, JJ., would grant.

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

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.

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08-1492. State of Arkansas v. R.H., from Pulaski Circuit, Tenth Division. Appellee's motion to file the record and briefs under seal. Treated as motion under Supreme Court Rule 6-3 and granted.

10-112. State of Arkansas v. J.O., from Pulaski Circuit, Eleventh Division. Appellee's motion to file the record and briefs under seal. Treated as motion under Supreme Court Rule 6-3 and granted.

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. Granted ninety days.

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. Writs of certiorari granted. Wills, J., not participating.

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 is denied.

09-1011. Grand Valley Ridge, LLC et al. v. Metropolitan National Bank, from Washington Circuit. Appellants' motion for clarification is denied; granted an additional seven day extension of brief time for appellants and appellee. Brown, J., not participating.

09-1070. Baptist Health v. Bruce E. Murphy, M.D. et al., American Medical Association, and Arkansas Medical Society, from Pulaski Circuit, Thirteenth Division. Rebriefing ordered. See **per curiam** this date. Special Justices George Ellis, Julie Greathouse, and Clark Mason, join. Corbin, Danielson, and Wills, JJ., not participating.

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

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. Passed until case submitted.

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 is granted.

10-438. Patsy Adele Long v. Brandon Eckhart et al., from Pulaski Circuit, Sixteenth Division. Motion for rule on clerk is denied. Gunter, J., not participating.

10-438. Patsy Adele Long v. Brandon Eckhart et al., from Pulaski Circuit, Sixteenth Division. Appellant's motion to correct record. Moot. Gunter, J., not participating.

09-1197. State of Arkansas v. K.H., a Minor, from Pulaski Circuit, Tenth Division. Appellee's motion to seal the record and brief. Treated as motion under Supreme Court Rule 6-3 and granted.

CACR08-1454. Willie Lee Shavers v. State of Arkansas, from Pulaski Circuit, Fifth Division. Pro se motion for photocopy of transcript at public expense is denied.

CR09-318. Larry Donnell Reed v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion to supplement brief is denied.

CR10-54. Barry G. Aaron v. State of Arkansas, from Miller Circuit. Pro se motion to supplement the record. Motion denied; appeal dismissed. See **per curiam** this date. Gunter, J., not participating.

CR10-331. Corey Brown v. State of Arkansas, from Pulaski Circuit, Fourth Division. Pro se motion for belated appeal. Motion denied. See **per curiam** this date.

09-614. Damont Ewells v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motion to file belated reply brief. Appeal dismissed without prejudice; motion moot. See **per curiam** this date.

10-443. Cassandra Wilborn v. Al Williams, from Pulaski Circuit, Twelfth Division. Pro se motion for rule on clerk to file motion for belated appeal without a certified record is denied.

In Re: Arkansas Supreme Court and Court of Appeals Rule 5-3. See **per curiam** this date.

In Re: Judges and Lawyers Assistance Program. See **per curiam** this date.

Melissa Carroll, a lay appointee, has resigned from the Judges and Lawyers Assistance Program Committee (Committee) effective immediately. Her current term is scheduled to conclude on February 28, 2012.

Dr. Philip Prewett, a lay appointee, has also resigned from the Committee, effective immediately. His current term of appointment is scheduled to conclude on February 28, 2013.

We appoint Jim Clark of Searcy as a lay member of the Committee. In accord with Rule 2.C. he shall serve the remainder of the term of Dr. Prewett, which will conclude on February 28, 2013. Since he will be serving an abbreviated term until that date (February 28, 2013), he shall be subject to reappointment for a term of six years thereafter.

We appoint Worth Sparkman of Fayetteville as the replacement for Ms. Carroll. He will serve the remainder of Ms. Carroll's term which will conclude on February 28, 2012. Consonant with the provisions of Rule 2.C., since he will be serving an abbreviated term until that date (February 28, 2012), he shall be subject to reappointment for a six-year term thereafter.

The Court extends its sincere gratitude to Ms. Carroll who has been an invaluable member of the

Committee since its inception many years ago. We also extend our appreciation to Dr. Philip Prewett for his service on the Committee.

## MOTIONS SUBMITTED

### PETITION FOR REHEARING:

CR09-982. State of Arkansas v. Jeff Parker, from Pulaski Circuit, Fourth Division.

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### PETITIONS FOR REVIEW:

09-1352. Lillian H. Ashton Trust et al. v. Kenny Caraway et al., from Iazard Circuit.

10-55. Carl Johnson v. U. S. Food Service, Inc. et al., from Arkansas Workers' Compensation Commission.

10-79. Steven Tucker v. Cooper Standard Automotive, Inc. et al., from Arkansas Workers' Compensation Commission.

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CR08-1146. Kenneth Ray Osburn v. State of Arkansas, from Ashley Circuit. Appellee's motion for release of exhibits.

CR09-355. Roderick Williams v. State of Arkansas, from Desha Circuit, Arkansas City District. Appellee's motion for release of exhibits.

10-127. Joe Louis Kelly, Jr. v. Larry Norris, from Jefferson Circuit. Appellant's motion to file belated brief.

10-306. Audrey Hunter, William Shepherd, and Daniel Crager v. Transamerican Life Insurance Company et al., from Pulaski Circuit, Third Division. Appellant Daniel Crager's motion to lift seal from identified portions of the record.

10-306. Audrey Hunter, William Shepherd, and Daniel Crager v. Transamerican Life Insurance Company et al., from Pulaski Circuit, Third Division. Appellant Daniel Crager's motion for extension of time to file brief.

10-306. Audrey Hunter, William Shepherd, and Daniel Crager v. Transamerican Life Insurance Company et al., from Pulaski Circuit, Third Division. Appellant Audrey Hunter's motion to lift seal from identified portions of the record.

10-306. Audrey Hunter, William Shepherd, and Daniel Crager v. Transamerican Life Insurance Company et al., from Pulaski Circuit, Third Division. Appellant Audrey Hunter's motion for extension of time to file brief.

## SUBMISSIONS

CR09-634. Zachariah Scott Marcyniuk v. State of Arkansas, from Washington Circuit. Argued orally.

CR09-1353. James Butler v. State of Arkansas, from Garland Circuit.

CR10-255. Connor Hamilton v. State of Arkansas, from Crawford Circuit.

09-735. Ernst & Young LLP v. Benjamin H. Reid, Jr. et al., from Sebastian Circuit, Fort Smith District.

09-1186. Carroll W. Smith et al. v. Arkansas Midstream Gas Services Corp., from White Circuit.