

ARKANSAS SUPREME COURT

Opinions delivered
May 27, 2010

JIM HANNAH, CHIEF JUSTICE:

09-735. Ernst & Young LLP v. Benjamin H. Reid, Jr. and William B. Stell, Individually and as Trustee of the W.B. Stell Charitable Remainder Unitrust, from Sebastian Circuit, Fort Smith District. Reversed and Dismissed. Danielson, J., not participating.

ROBERT L. BROWN, JUSTICE:

09-1186. Carroll W. Smith and Lorene R. Smith v. Arkansas Midstream Gas Services Corporation, from White Circuit. Affirmed. Hannah, C.J., not participating.

JIM GUNTER, JUSTICE:

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

CR09-1254. Colton Cockrell v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed; Court of Appeals Reversed. Hannah, C.J., and Sheffield, J., dissent.

PAUL E. DANIELSON, JUSTICE:

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

09-1004. Kevin R. Walters, Jacqueline W. Walters, and Payne A. Walters v. James Dobbins, John Ward, and The Horatio School District, from Sevier Circuit. Affirmed. Brown, J., dissents.

PER CURIAM OPINION:

CR08-911. Jimmy Ed Lee v. State of Arkansas, from Lafayette Circuit. Affirmed.

PER CURIAM ORDERS

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

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

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

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

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. Motion granted; disbarment ordered. See **per curiam** this date.

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

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

CR09-788. Robert D. Loggins v. State of Arkansas, from Union Circuit. Rebriefing ordered. See **per curiam** this date.

CR09-982. State of Arkansas v. Jeff Parker, from Pulaski Circuit, Fourth Division. Amended petition for rehearing is dismissed as untimely.

10-127. Joe Louis Kelly, Jr. v. Larry Norris, Director, and Shelli Maroney, Records Supervisor, Arkansas Department of Correction, from Jefferson Circuit. Motion to file belated brief is granted. See **per curiam** this date.

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 is denied.

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 is denied; initial brief due June 9, 2010.

10-530. Arkansas Department of Human Services v. Circuit Court of Jefferson County, Honorable Earnest Brown, Jr., from Jefferson Circuit. Appellant's ex parte petition for a stay of circuit court proceedings is granted. (Proceedings of May 26, 2010)

CACR04-258. Corey Johnson v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion to withdraw petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and to reinvest jurisdiction in the trial court to consider a petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 and motion to change title of tendered response to state's response to motion to withdraw petition. Motion to withdraw petition granted in part and denied in part; motion to change title of response to state's response to motion to withdraw petition moot. See **per curiam** this date.

CACR09-192. Souvanny Mingboughpa v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motion for photocopy of transcript at public expense is denied.

CR10-470. Lyndall Anthony Golden v. State of Arkansas, from Drew Circuit. Pro se petitions for review are dismissed.

09-1054. Melvin Smith, Jr. v. Leroy Brownlee, Chairman, Arkansas Board of Parole, and Ray Hobbs, Interim Director,

Arkansas Department of Correction, from Jefferson Circuit. Pro se motion to add additional information to appeal. Motion treated as motion to supplement record and denied; appeal dismissed. See **per curiam** this date.

10-194. Eric C. Burgie v. Larry Norris, from Jefferson Circuit. Pro se motion to file supplemental brief. Appeal dismissed; motion moot. See **per curiam** this date.

10-382. Robert Heffernan v. Leroy Brownlee, from Pulaski Circuit, Sixth Division. Pro se motion for rule on clerk to proceed without a certified record is denied.

In Re: Amendment to Administrative Order No. 6. See **per curiam** this date.

In Re: Amendments to Administrative Orders Nos. 1, 14 & 16. See **per curiam** this date.

In Re: Bar of Arkansas License Fees and Allocation to Arkansas Judges and Lawyers Assistance Program. See **per curiam** this date.

In Re: Arkansas Rule of Appellate Procedure - Criminal 16. See **per curiam** this date.

In Re: Honorable D. Price Marshall Jr. See **per curiam** this date.

Upon his confirmation as a United States District Court Judge for the Eastern District of Arkansas, Judge Price Marshall Jr. tendered his resignation as the Reporter for the Supreme Court Committee on Civil Practice. We take this opportunity to thank Judge Marshall for his service to the state and to congratulate him on his appointment to the federal bench.

Judge Marshall has ably served as the Reporter for the Civil Practice Committee since 2004. Prior to that, he served a number of years as a committee member. Judge Marshall has been dedicated to the work of the committee and to improvement of the rules of court.

He has served the state as a practicing attorney for fifteen years and as a judge on the Court of Appeals since 2006. In these roles, he has taken on many extracurricular tasks that went beyond the call of duty and that have greatly benefitted the state's legal system.

The state judiciary will greatly miss his expertise. We know this dedication to service will continue, and we wish him the best of luck in his new position.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

09-313. Barry Jewell v. Keith Moser et al., from Pulaski Circuit, Sixth Division. (Appellant)

09-313. Barry Jewell v. Keith Moser et al., from Pulaski Circuit, Sixth Division. (Appellee Fletcher)

PETITIONS FOR REVIEW:

09-1362. Las Colinas International, Inc. d/b/a Formosa Foods v. Crosswood Associates, Inc., from Washington Circuit.

09-1402. Robert Dotson, Sr. v. Irma L. Dotson, from Carroll Circuit, Eastern District.

CR09-410. Kitaka Lauderdale v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion for extension of time to settle record.

CR09-1118. Joseph Rounsaville v. State of Arkansas, from Pulaski Circuit, First Division. Motion of D. Clifford Sward to be relieved as counsel and for the appointment of new counsel.

CR09-1167. Jeremiah Walton v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellee's motion for stay of brief time.

CR10-242. Randy Paul Brown v. State of Arkansas, from Saline Circuit. Appellee's motion to file a supplemental brief.

CR10-290. Wyouman D. Camp v. State of Arkansas, from Howard Circuit. Appellant's motion for substitution of counsel.

CR10-473. Dwight Shane Kelley v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion for rule on clerk and belated appeal.

CR10-473. Dwight Shane Kelley v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion to withdraw as attorney on direct appeal and for extension of brief time.

09-454. Julia Carole Gunn v. Farmers Insurance Exchange et al., from Sebastian Circuit, Fort Smith District. Appellant's motion to redact the record.

10-149. Omar Chavez et al. v. The Medical Assurance Company, Inc. et al., from Pulaski Circuit, Fifth Division. Appellants' motion to settle the record.

10-149. Omar Chavez et al. v. The Medical Assurance Company, Inc. et al., from Pulaski Circuit, Fifth Division. Appellants' motion to stay brief time.

10-198. Teresa Lynette Bloodman v. State of Arkansas, from Mississippi Circuit, Osceola District. Appellant's motion and amended motion to settle and supplement the record.

10-356. Pat Matsukis et al. v. Dani Joy, Mayor of the City of Eureka Springs et al., from Carroll Circuit, Western District. Appellants' motion dismiss separate defendant/appellee Patrick Brammer due to bankruptcy filing.

10-474. Mady J. Maguire v. W. Gene Jines, D.D.S. et al., from Pulaski Circuit, Fifth Division. Motion for rule on clerk.

10-498. McLane Southern, Inc. v. Arkansas Tobacco Control Board, from Pulaski Circuit, Third Division. Appellant's motion to supplement the record.

10-514. Tammy McLain et al. v. City of Little Rock Planning Commission et al., from Pulaski Circuit, Sixteenth Division. Petition for writ of certiorari to complete the record.

SUBMISSIONS

09-1253. Carol Walker et al. v. Arkansas State Board of Education et al., from Pulaski Circuit, Thirteenth Division. Argued orally.

CR08-1189. Max Eastin v. State of Arkansas, from Clark Circuit.

09-1273. Mary D. Fitton v. Bank of Little Rock, from Pulaski Circuit, Second Division.