

ARKANSAS SUPREME COURT

Opinions delivered
June 17, 2010

JIM HANNAH, CHIEF JUSTICE:

CR09-872. Gregory Forrester v. State of Arkansas, from Benton Circuit. Affirmed. Corbin, J., not participating.

ROBERT L. BROWN, JUSTICE:

09-971. William G. Born, Sr., Barbara Johnson, Billy W. Nabours, Cindy Miller, and Nathan Scoggins, Each Individually and On Behalf of Other Similarly Situated Citizens of Arkansas v. Hosto & Buchan, PLLC, from Pulaski Circuit, Sixth Division. Affirmed as Modified. Corbin, J., not participating.

JIM GUNTER, JUSTICE:

CR09-831. Benjamin Carter v. State of Arkansas, from Union Circuit. Affirmed. Corbin, J., not participating.

PAUL E. DANIELSON, JUSTICE:

CR10-18. State of Arkansas v. Jaret Thompson, from Garland Circuit. Reversed and Remanded. Corbin, J., not participating.

PER CURIAM OPINION:

CR08-1154. Marques D. Tavron v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Corbin, J., not participating.

PER CURIAM ORDERS

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

10-178. Derrick L. Flowers v. Arkansas State Police, Public Employee Claims Division, from Workers' Compensation Commission. Corbin, J., not participating.

10-211. Jackie R. Shaver v. Land O' Frost, from Workers' Compensation Commission. Corbin, J., not participating.

CR10-141. Omar Salazar v. State of Arkansas, from Benton Circuit. Motion for reconsideration is denied. Corbin, J., not participating.

09-404. In Re: F. Scott Straub, Arkansas Bar ID No. 98019, an Original Action. Motion to lift stay and to grant request to reciprocally disbar. Motion granted; disbarment ordered. See **per curiam** this date. Corbin, J., not participating.

09-454. Julia Carole Gunn v. Farmers Insurance Exchange et al., from Sebastian Circuit, Fort Smith District. Motion to submit record under seal is granted. See **per curiam** this date. Corbin, J., not participating.

10-60. John K. Kelly v. Honorable Richard N. Moore, Jr., Circuit Judge, from Pulaski Circuit, Fifteenth Division. Petition for writ of mandamus is denied. Corbin and Brown, JJ., not participating.

10-60. John K. Kelly v. Honorable Richard N. Moore, Jr., Circuit Judge, from Pulaski Circuit, Fifteenth Division. Motion for stay. Motion granted, conditioned on posting \$150,000 bond and placing deed to lake house in escrow. Corbin and Brown, JJ., not participating.

10-116. Beverly Enterprises, Inc. et al. v. Valerie Keaton, from Ouachita Circuit. Motion of the Arkansas Trial Lawyers Association to file amicus curiae brief is granted. Corbin and Wills, JJ., not participating.

CA10-520. Khadya Smith v. Arkansas Department of Health and Human Services and Minor Children, from Phillips Circuit. Motion to file a belated notice of appeal is granted. See **per curiam** this date. Corbin, J., not participating.

CR09-878. George Hickey v. State of Arkansas, from Pulaski Circuit, Fourth Division. Pro se motion for photocopy of trial transcript and records of criminal proceeding at public expense. Motion denied. See **per curiam** this date. Corbin, J., not participating.

CR09-1167. Jeremiah Walton v. State of Arkansas, from Pulaski Circuit, Fifth Division. Pro se motion to file corrected brief is granted. Corbin, J., not participating.

CR09-1379. Diana Nichole Robertson v. State of Arkansas, from Crittenden Circuit. Pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date. Corbin, J., not participating.

CR10-101. John Cummings v. State of Arkansas, from Pulaski Circuit, Fifth Division. Pro se request for court order. Request treated as petition for writ of certiorari and granted. See **per curiam** this date. Corbin, J., not participating.

CR10-410. Willie Clay Smith v. State of Arkansas, from Pulaski Circuit, Fourth Division. Pro se motion for appointment of counsel denied; pro se motion for extension of time to file appellant's brief granted in part and denied in part. See **per curiam** this date. Corbin, J., not participating.

In Re: Proposed Arkansas Supreme Court and Court of Appeals Rule 1-8. See **per curiam** this date. Corbin, J., not participating.

In Re: Administrative Order No. 21 - Electronic Filing. See **per curiam** this date. Corbin, J., not participating.

In Re: Reappointment to Professional Practicum Committee. See **per curiam** this date.

In Accordance with In re Arkansas Bar Association - Petition for Adoption of Arkansas Professional Practicum; Administrative Order Number 17, 358 Ark. Appx. 496 (2004) (**per curiam**), both Brian Rosenthal and then-Dean Chuck Goldner of the UALR Bowen School of Law were initially appointed to the Professional Practicum Committee. Pursuant to that **per curiam**, terms were to be staggered and each of the appointees was to draw for his or her initial term. Mr. Rosenthal and Mr. Goldner each received an initial six-year term, both of which conclude July 1, 2010.

In our **per curiam**, we stated that “[e]ach appointee shall serve a term or six (6) years, unless otherwise designated by this Court.” 358 Ark. Appx. at 498. With their agreement, we reappoint both Mr. Rosenthal, as a representative of the Second Congressional District, and Mr. Goldner, as an “at-large” appointee, to terms of six years to conclude on July 1, 2016. We thank Mr. Rosenthal and Mr. Goldner for their continued service on this Committee.

In addition, Mr. Goldner has acted ably as the Chair of the Committee since the inception of the professional-practicum requirement, and we thank him for his efforts. In accord with the aforementioned per curiam, it is this court's duty to appoint the Chair of the Committee. We, therefore, appoint Mr. Rosenthal to succeed Mr. Goldner as Chair, and we extend our appreciation to him for his acceptance of this appointment.

Corbin, J., not participating.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR10-120. Arkansas Public Defender Commission v. Honorable Herbert T. Wright, Jr., Circuit Judge, from Pulaski Circuit, Fourth Division.

09-556. Stark Ligon, Executive Director, Office of Professional Conduct v. Frank David Rees, Arkansas Bar No. 79238, an Original Action.

09-718. Hempstead County Hunting Club, Inc. et al. v. Arkansas Public Service Commission et al., from Public Service Commission (Appellee PSC).

09-718. Hempstead County Hunting Club, Inc. et al. v. Arkansas Public Service Commission et al., from Public Service Commission (Appellee SWEPCO).

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

09-1018. State of Arkansas v. K.B., a Minor, from Pulaski Circuit, Tenth Division.

PETITIONS FOR REVIEW:

CR10-423. Matthew Cole Hagen v. State of Arkansas, from Garland Circuit.

CR10-446. Steve Brian Stewart v. State of Arkansas, from Ashley Circuit.

CR10-469. Mark Edward Campbell v. State of Arkansas, from Montgomery Circuit.

CR10-481. Steven Washington v. State of Arkansas, from Jefferson Circuit.

CR10-503. Demetricus Marcus Hampton v. State of Arkansas, from Craighead Circuit, Western District.

CR10-504. Clarence Jay Arendall v. State of Arkansas, from Crawford Circuit.

10-99. In Re: The Estate of Mary Elizabeth Reimer, from Pulaski Circuit, Seventeenth Division.

10-177. David Beliew v. Lennox Industries et al., from Worker' Compensation Commission.

10-189. Bradley Perkins et ux. v. Warren O. Henry, from Lonoke Circuit.

10-212. Mary Hudak-Lee v. Baxter County Regional Hospital et al., from Arkansas Workers' Compensation Commission.

10-241. Pam Mills v. Marie Finch, from Lonoke Circuit.

10-280. Esterosto, LLC v. Randy D. Kinsey et al., from Pulaski Circuit, Sixth Division.

10-421. Bethany Myers et al. v. Arkansas Department of Human Services et al., from Miller Circuit.

10-422. Don Thorne et al. v. Arkansas Department of Human Services et al., from Miller Circuit.

10-444. Albert Krantz et ux. v. Arkansas Department of Human Services et al., from Miller Circuit.

10-466. K. C., Minor Mother v. Arkansas Department of Human Services et al., from Pulaski Circuit, Eighth Division.

CR95-549. Timothy Wayne Kemp v. State of Arkansas, from Pulaski Circuit, First Division. Motion to file application under seal.

CR05-699. Timothy L. Howard v. State of Arkansas, from Little River Circuit. Motion to correct scrivener's error concerning application for permission to be appointed as counsel on behalf of defendant.

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

CR10-40. Thurman Russell v. State of Arkansas, from Baxter Circuit. Appellee's motion to dismiss appeal.

CR10-40. Thurman Russell v. State of Arkansas, from Baxter Circuit. Appellee's motion for extension of brief time.

CR10-242. Randy Paul Brown v. State of Arkansas, from Saline Circuit. Appellant's motion to file belated briefs.

CR10-571. Tammy C. Hanson v. Honorable Gordon Webb, Circuit Judge, from Baxter Circuit. Pro se motion to expedite appeal.

CR10-571. Tammy C. Hanson v. Honorable Gordon Webb, Circuit Judge, from Baxter Circuit. Pro se petition for writ of certiorari.

CR10-571. Tammy C. Hanson v. Honorable Gordon Webb, Circuit Judge, from Baxter Circuit. Pro se supplemental petition for writ of certiorari.

CR10-571. Tammy C. Hanson v. Honorable Gordon Webb, Circuit Judge, from Baxter Circuit. Pro se motion for oral argument.

CR10-586. Robert Robbins v. State of Arkansas, from Craighead Circuit, Western District. Motion for rule on clerk.

CR10-617. Waylon B. VanOven v. State of Arkansas, from Woodruff Circuit. Motion to substitute counsel.

09-718. Hempstead County Hunting Club, Inc. et al. v. Arkansas Public Service Commission et al., from Public Service Commission. Appellants' motion for taxation of costs on appeal.

09-718. Hempstead County Hunting Club, Inc. et al. v. Arkansas Public Service Commission et al., from Public Service Commission. Southwestern Electric Power Company's alternative motion to stay the issuance of the mandate.

09-1272. Exigence, LLC et al. v. Courtney Baylark, from Phillips Circuit. Appellee's motion to dismiss appeal.

09-1272. Exigence, LLC et al. v. Courtney Baylark, from Phillips Circuit. Appellee's verified motion for costs.

05-580. Johnny Weaver v. City of West Helena et al., from Phillips Circuit. Motion for permission to access sealed record.

08-73. Stark Ligon, As Executive Director of the Supreme Court Committee on Professional Conduct v. Oscar Stilley, Arkansas Bar No. 91096, an Original Action. Motion to stay or extend time for reply brief.

10-116. Beverly Enterprises, Inc. et al. v. Valerie Keaton, from Ouachita Circuit. Motion of Bayer Cropsience LP; Bayer Cropsience Holding, Inc.; Bayer Cropsience AG; Bayer AG; and Bayer Bioscience NV to intervene.

10-257. Allstate Insurance Company v. Jon H. Dodson, M.D., from Pulaski Circuit, Sixteenth Division. Motion for pro hac vice admission.

10-368. Misty Porter v. Arkansas Department of Human Services et al., from Little River Circuit. Notice and amended notice to the Court.

10-368. Misty Porter v. Arkansas Department of Human Services et al., from Little River Circuit. Motion to be relieved, or in the alternative, motion for extension of time to file motion for rule on clerk.

10-438. Patsy Adele Long v. Brandon Eckhart et al., from Pulaski Circuit, Sixteenth Division. Appellan's motion for reconsideration of rule on clerk.

10-441. Fayetteville Public Schools v. Benjamin Dial, from Washington Circuit. Appellant's motion to dismiss petition for review.

10-553. Angela Davis v. Arkansas Department of Human Services et al., from Pope Circuit. Appellee's motion to dismiss appeal.

10-585. Rodney L. Randolph v. Circuit Court of Pulaski County, from Pulaski Circuit, Sixteenth Division. Petition for writ of prohibition, or in the alternative, writ of certiorari.

10-587. Richard Bentley et ux. v. Arkansas Department of Human Services et al., from Saline Circuit. Petition for writ of certiorari to complete the record.

10-587. Richard Bentley et ux. v. Arkansas Department of Human Services et al., from Saline Circuit. Joint motion to dismiss appellants' appeal as untimely and moot.

10-587. Richard Bentley et ux. v. Arkansas Department of Human Services et al., from Saline Circuit. Appellee's motion to seal the record as confidential.

10-593. Terry A. Gilmore, P.L.S. v. The Arkansas Board of Registration for Professional Engineers and Land Surveyors, from Pulaski Circuit, Ninth Division. Motion for writ of certiorari or for order declaring record complete.

SUBMISSIONS

CR10-121. State of Arkansas v. Ricardo Tyler, from Pulaski Circuit, Fifth Division.

09-1272. Exigence, LLC et al. v. Courtney Baylark, from Phillips Circuit.

09-1367. Lorie A. Johnson v. Tomas Dawson, from Johnson Circuit.