

# ARKANSAS SUPREME COURT

Opinions delivered  
January 22, 2009

---

JIM HANNAH, CHIEF JUSTICE:

CR08-148. Kevin Lynn Davis, Jr. v. State of Arkansas, from Jefferson Circuit. Affirmed. PUBLISHED

08-1056. Larry Hobbs Farm Equipment, Inc. d/b/a Hobbs Farm Implement and Hobbs Farm Equipment v. CNH America, LLC d/b/a Case IH, successor in interest to DMI, Inc., an Original Action from the United States District Court, Eastern District of Arkansas. Certified Questions Answered. PUBLISHED

DONALD L. CORBIN, JUSTICE:

CR08-859. Howard H. Neal, Jr. v. State of Arkansas, from Pulaski Circuit, Sixth Division. Affirmed. PUBLISHED

JIM GUNTER, JUSTICE:

CR08-86. Linda Stokes v. State of Arkansas, from Conway Circuit. Reversed and Remanded. PUBLISHED

PAUL E. DANIELSON, JUSTICE:

08-806. Rufus Homer Adams v. Arkansas Department of Health and Human Services, from Mississippi Circuit, Osceola District. Affirmed; Motion to Withdraw Granted. PUBLISHED

ELANA CUNNINGHAM WILLS, JUSTICE:

07-1348. Wesley and Tina Seth v. St. Edward Mercy Medical Center, from Sebastian Circuit, Fort Smith District. Affirmed. PUBLISHED

PER CURIAM OPINIONS:

CR07-709. Jacquelyne Velcoff v. State of Arkansas, from Clark Circuit. Appeal Dismissed. UNPUBLISHED

08-648. Kenny Halfacre and Narvell Johnson v. State of Arkansas, By and Through the Governor, House of Representatives, Senate and Secretary of State, from Pulaski Circuit, Sixth Division. Affirmed. UNPUBLISHED

## PER CURIAM ORDERS

REVIEW GRANTED: Petition for review was granted today in the following case.

08-654. Robert Meyer v. CDI Contractors, LLC., from Pulaski Circuit, Third Division.

\*\*\*\*\*

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

CR08-1241. Wishorne Turner v. State of Arkansas, from Jefferson Circuit.

CR08-1282. B.C. v. State of Arkansas, from Sharp Circuit.

08-1420. V.L. v. Arkansas Department of Human Services, from Craighead Circuit, Western District.

\*\*\*\*\*

08-1434. Leon Perry et ux. v. Charles Edwards et al., from Garland Circuit. Motion for rule on clerk is denied.

CR08-160. Ledell Lee v. State of Arkansas, from Pulaski Circuit, Fourth Division. Rebriefing ordered. See **per curiam** this date. PUBLISHED

CR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Motion for rule on clerk is granted. See **per curiam** this date. PUBLISHED

CR08-1344. Shelton Wormley v. State of Arkansas, from Drew Circuit. Motion to be relieved as counsel is denied.

CR08-1513. Anthony Collins v. State of Arkansas, from Jefferson Circuit. Motion to file belated appeal is granted. Brown, J., would refer counsel to the Professional Conduct Committee.

CR08-1513. Anthony Collins v. State of Arkansas, from Jefferson Circuit. Motion to withdraw as counsel and stay briefing schedule is denied. See Rule 6-6.

05-1412. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Zimmery Crutcher, Jr., an Original Action. Motions to dismiss appeal are granted.

07-437. General Motors Corporation v. Boyd Bryant, from Miller Circuit. Expedited motion to lift stay of mandate is granted. Special Justice Lane Strother concurs. Gunter, J., not participating.

08-1476. Walter Dwayne Ramsey et al. v. Beverly Enterprises, Inc. et al., from Crittenden Circuit. Motion to dismiss on behalf of Dr. Trent P. Pierce. Motion granted; appeal dismissed. See **per curiam** this date. PUBLISHED

09-4. Barrett Cato et al. v. Honorable John N. Fogleman, Circuit Judge, from Craighead Circuit, Western District. Petition for writ of prohibition or writ of certiorari. Petition to be submitted as a case.

09-13. Flow Doc Inc. et al. v. Thomas M. Horton, from Pulaski Circuit, Twelfth Division. Petition for writ of certiorari to complete the record is granted.

CACR06-1488. Conneal Buckhanna v. State of Arkansas, from Pulaski Circuit, Fourth Division. Pro se petition to reinvest jurisdiction in trial court to consider a petition for writ of error coram nobis and motion to supplement the pleadings. Petition denied; motion moot. See **per curiam** this date. UNPUBLISHED

CR08-203. William L. Stivers v. State of Arkansas, from Lonoke Circuit. Pro se motion for belated appeal. Motion treated as motion for belated brief; appeal dismissed; motion moot. See **per curiam** this date. UNPUBLISHED

CR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Pro se motion for transcript. Motion denied. See **per curiam** this date. UNPUBLISHED

CR08-1203. Zane Fair v. State of Arkansas, from Independence Circuit. Pro se petition for writ of certiorari. Petition denied. See **per curiam** this date. UNPUBLISHED

08-1071. Jimmy E. Nelson v. Larry Norris, Director, Arkansas Department of Correction, from Lincoln Circuit. Pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date. UNPUBLISHED

In Re: Rules and Regulations for Minimum Continuing Legal Education. See **per curiam** this date. PUBLISHED

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

Hon. Jim Hudson, Circuit Judge, Eighth-South Judicial Circuit, and Hon. Robin Green, Circuit Judge, Nineteenth-West Judicial Circuit, are reappointed to our Committee on Criminal Practice for three-year terms to expire on January 31, 2012. We thank them for their continued service. We also designate Judge Hudson as the new chair.

Hon. Marion Humphrey, Circuit Judge, Sixth Judicial Circuit, Hon. Duncan Culpepper, Circuit Judge, Eighth-North Judicial Circuit, Vada Berger, Esq., Office of Attorney General, Jack Lassiter, Esq., of Little Rock, and Ellen Reif, Esq., Office of Public Defender, are appointed to the Committee on Criminal Practice for three-year terms to expire on January 31, 2012. We thank each of these new members for accepting service on this important committee.

The court expresses its gratitude to Judge David Clinger, David Raupp, Tim Dudley, and Tom Devine, whose terms have expired, for their years of service to the committee. We also appreciate the service of Judge Brian Miller, who resigned from the committee upon his confirmation to the federal bench.

## MOTIONS SUBMITTED

### PETITIONS FOR REVIEW:

CR08-1332. Brouce Holden v. State of Arkansas, from Lonoke Circuit.

CR08-1336. Martin Hinojosa v. State of Arkansas, from Pope Circuit.

08-630. Georgia-Pacific Corporation et al. v. Huey P. Bradshaw, from Arkansas Workers' Compensation Commission.

08-677. Brenda Rutherford v. Mid-Delta Community Services, Inc., from Arkansas Workers' Compensation Commission.

08-690. Jimmy Singleton v. City of Pine Bluff, from Arkansas Workers' Compensation Commission.

08-1233. Cyndall Sharp v. M.J. Keeler, from Washington Circuit.

08-1379. Tanya Kay Wesley v. Carlos Deshaun Hall, from Washington Circuit.

\*\*\*\*\*

CACR08-1388. Jonathan L. Stevenson v. State of Arkansas, from Mississippi Circuit, Osceola District. Motion for reconsideration.

CR08-1481. Jessie Lloyd Misskelley, Jr. v. State of Arkansas, from Clay Circuit, Western District. Appellant's motion to hold briefing in abeyance until resolution of Rule 37 case.

CR09-29. Steve Brian Stewart v. State of Arkansas, from Ashley Circuit. Motion for rule on clerk.

08-934. Union Pacific Railroad et al. v. Victor S. Vickers, from Lafayette Circuit. Motion of Arkansas Trial Lawyer's Association to file amicus curiae brief.

08-1009. Darrell Johnson et al. v. Rockwell Automation, Inc. et al., an Original Action. Motion of the American Tort Reform Association et al. to file amici curiae brief.

08-1009. Darrell Johnson et al. v. Rockwell Automation, Inc. et al., an Original Action. Motion of the American Medical Association et al. to file amici curiae brief.

### **SUBMISSIONS**

08-167. Arkansas Annual Conference of the African Methodist Episcopal Church, Inc. et al. v. New Directions Praise and Worship Center, Inc. et al., from Pulaski Circuit, Second Division. Argued orally.

CR08-930. Tony Bernard Johnson v. State of Arkansas, from Pulaski Circuit, Second Division.

08-232. Roger Anderson et ux. v. BNSF Railway Company, from Craighead Circuit, Western District.

08-380. City of Centerton v. City of Bentonville et al., from Benton Circuit.

08-610. Katie Denise Gates Zimmerebner v. Ernest William Zimmerebner, from Faulkner Circuit.

08-1367. In the Matter of the Adoption of M.K.C., from Pope Circuit.