

ARKANSAS SUPREME COURT

Opinions delivered
October 29, 2009

JIM HANNAH, CHIEF JUSTICE:

08-999. Riceland Foods, Inc. v. Randy Pearson, and Carolyn Walker, Co-Trustees of the Moore Inter Vivos Trust, and Bob Burress and St. Francis County Farmers Association and Riceland Foods, Inc., from St. Francis Circuit. Reversed and Remanded on Direct Appeal; Affirmed on Cross-Appeal. Danielson, J., dissents.

ROBERT L. BROWN, JUSTICE:

CR09-99. Shannon David Ray v. State of Arkansas, from Clark Circuit. Affirmed.

JIM GUNTER, JUSTICE:

CR09-402. Jerry Donald Sykes v. State of Arkansas, from Washington Circuit. Affirmed.

08-1031. Arkansas Department of Correction v. Frank Williams, Jr., from Pulaski Circuit, Sixth Division. Reversed and Remanded. Special Justice Stuart Jackson joins. Wills, J., not participating.

PAUL E. DANIELSON, JUSTICE:

09-26. Virginia Kowalski, Individually and as Special Administratrix of the Estate of Kevin Allen Curry, Deceased, and on Behalf of the Statutory Beneficiaries of the Estate of Kevin Allen Curry v. Rose Drugs of Dardanelle, Inc. and Randeep Mann, M.D., from Yell Circuit, Northern District. Appeal Dismissed Without Prejudice.

PER CURIAM ORDERS

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

09-622. Ketrans Bulsara v. Julia Mortimer Watkins, M.D., from Pulaski Circuit, First Division.

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

CR09-1048. James O. Williams v. State of Arkansas, from Saline Circuit.

09-654. Steven Pollard v. Stephanie Pollard, from Pulaski Circuit, Thirteenth Division.

09-674. Arkansas Commission on Law Enforcement Standards v. Arlanders Davis, from Jefferson Circuit.

09-681. Jessica Teague Henderson v. Roger Michael Teague, from Benton Circuit.

09-748. Karen Roebuck v. United Methodist Children's Home et al., from Arkansas Workers' Compensation Commission.

08-1031. Arkansas Department of Correction v. Frank Williams, Jr., from Pulaski Circuit, Sixth Division. Motion to dismiss lawsuit; motion to take judicial notice. See opinion issued this date.

09-705. Perry L. Linder, Jr. et ux. v. Arkansas Midstream Gas Services Corporation, from Cleburne Circuit. Appellants' motion for consolidation of appeals is denied; request for oral argument is granted. Imber, J., not participating.

09-941. Financial Freedom Senior Funding Corporation v. Woody Pearce, from Craighead Circuit, Western District. Petition for rehearing on appellant's motion for rule on clerk is denied. See Tarry v. Smith, 353 Ark. 158, 114 S.W.3d 161 (2003); Rossi v. Rossi, 319 Ark. 373, 892 S.W.2d 246 (1995).

CR08-1493. Damien Wayne Echols v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion for order staying appeal and remanding for further proceedings regarding showing of actual innocence is denied. Wills, J., not participating.

CR09-1118. Joseph Rounsaville v. State of Arkansas, from Pulaski Circuit, First Division. Motion to be relieved as attorney for appellant and stay briefing schedule. Motion granted. See **per curiam** this date.

CR09-1120. Melvin Lee Lockhart, III v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion to be relieved as attorney for appellant and stay briefing schedule. Motion granted. See **per curiam** this date.

08-144. Edward Loveless v. Roy Agee, Larry Norris et al., from Jefferson Circuit. Rebriefing ordered. See **per curiam** this date.

09-487. Bobby Stewart v. Arkansas Glass Container et al., from Arkansas Workers' Compensation Commission. Appellees' motion to set aside the Court of Appeals award of attorney's fees and costs is granted.

09-651. Larry Thomas et ux. v. Green Tree Servicing LLC, from Crittenden Circuit. Dismissed.

CR02-811. Rickey Newman v. State of Arkansas, from Crawford Circuit. Pro se motion to withdraw request for mental health hearing. Moot. See per curiam order of October 22, 2009, denying motion to proceed pro se.

CR02-811. Rickey Newman v. State of Arkansas, from Crawford Circuit. Pro se motion to dismiss the Federal Public Defenders Office from case. Moot. See per curiam order of October 22, 2009, denying motion to proceed pro se.

CACR04-395. Rodell Avery, Jr. v. State of Arkansas, from Calhoun Circuit. Pro se motion for duplication of records at public expense. Motion denied. See **per curiam** this date.

CACR07-276. Lavelle Evans v. State of Arkansas, from Union Circuit. Pro se motion for photocopies at public expense. Motion denied. See **per curiam** this date.

CR09-920. Thomas J. Waters v. State of Arkansas, from Faulkner Circuit. Pro se motion for belated appeal. Motion treated as motion for rule on clerk and denied. See **per curiam** this date.

CR09-1092. Eric Lavell Murry v. Honorable Ralph Wilson, Circuit Judge, from Crittenden Circuit. Pro se petition for writ of mandamus. Petition moot. See **per curiam** this date.

09-497. Charles Alexander/Ryahim v. Larry Norris, Director, Arkansas Department of Correction, from Lincoln Circuit. Pro se motions for appeal to be heard on full record from trial court, for extension of time to file reply brief, and to strike appellee's brief. Appeal dismissed; motions moot. See **per curiam** this date.

09-937. Christopher Branning v. Greg Harmon, from Lee Circuit. Pro se motion for rule on clerk. Motion denied. See **per curiam** this date.

In Re: Arkansas Supreme Court and Court of Appeals Rules 4-1, 4-2, 4-3, 4-4, 4-7 and 6-9. See **per curiam** this date. Danielson, J., concurs.

In Re: Proposed Amendment to Section 14 of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law. See **per curiam** this date.

In Re: Administrative Order Number 14 - Administrative Plans. See **per curiam** this date.

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

08-1089. Bernice McWhorter v. Gene McWhorter, from Phillips Circuit.

08-1099. John H. Bayird v. William Floyd et al., from Drew Circuit.

PETITIONS FOR REVIEW:

CR09-739. Leland Allen Radford v. State of Arkansas, from Crawford Circuit.

CR09-1067. Jonathan L. Stevenson v. State of Arkansas, from Mississippi Circuit, Osceola District.

CACR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Appellant's motion to transfer to the Supreme Court and for oral argument.

CR09-324. Jewel Eugene Johnson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to file corrected brief.

CR09-632. Lee A. Croy v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion for leave to file motion to withdraw ex parte and under seal.

09-487. Bobby Stewart v. Arkansas Glass Container et al., from Arkansas Workers' Compensation Commission. Appellees' motion to allow supplemental briefing.

09-684. John Doe et al. v. Stark Ligon in his capacity as Director of the Arkansas Supreme Court Committee on Professional Conduct et al., an Original Action. Petitioners' motion for leave to file amended petition for writ of certiorari.

09-1009. McCourt Manufacturing Corporation v. Dave Rycroft, from Sebastian Circuit, Fort Smith District. Motion to file nonconforming brief.

09-1140. Dennis Keith Hodges et al. v. Direct National Insurance Company, from Pulaski Circuit, Sixth Division. Appellee's motion to dismiss appeal.

09-1141. Luke Bradshaw et al. v. Alpha Packaging, Inc. d/b/a Edge Marketing Group, Inc., from Sebastian Circuit, Greenwood District. Petition for writ of certiorari to complete the record.

SUBMISSIONS

08-1257. Louise DePriest et al. v. Astrazeneca Pharmaceuticals, L.P. et al., from Searcy Circuit. Argued orally.

CR02-811. Rickey D. Newman v. State of Arkansas, from Crawford Circuit.

CR08-1259. Gregory Christopher Decay v. State of Arkansas, from Washington Circuit.

CR09-609. Hutson Burks v. State of Arkansas, from Pulaski Circuit, Seventh Division.

08-1191. Joshua Allen Dachs et al. v. Barry D. Hendrix, M.D. et al., from Greene Circuit.

08-1438. Guy Jones v. J. Eric Turner et al., from Faulkner Circuit.