

ARKANSAS SUPREME COURT

Opinions Delivered
January 21, 2010

JIM HANNAH, CHIEF JUSTICE:

09-710. Newton Donald Jenkins, Jr., Arkansas Bar No. 94231 v. Stark Ligon, Executive Director of the Arkansas Supreme Court Committee on Professional Conduct, an Original Action. Affirmed; Motion to Strike Granted. Sheffield, J., not participating.

DONALD L. CORBIN, JUSTICE:

09-290. Mike E. Carr; Michael L. Carr, Son of Mike E. Carr; Tahoe Gaming, LLC; C.L. Carr; and C.L. Carr, Jr. v. Stewart Nance, individually and as parent of John Pruett Nance, and John Pruett Nance, from Newton Circuit. Appeal Dismissed Without Prejudice. Sheffield, J., not participating.

09-463. Peter Rosenow, individually, and on behalf of a class of similarly situated persons v. Alltel Corporation and Alltel Mobile Communications, Inc., from Saline Circuit. Reversed and Remanded. Brown, J., dissents in part and concurs in part.

ROBERT L. BROWN, JUSTICE:

09-636. Dewayne Provence, Carline Provence, Charley Transportation, Inc., Charley Leasing, LLC, Camel Logistics, Inc., Charley Logistics, Inc. v. National Carriers, Inc., from Washington Circuit. Affirmed. Sheffield, J., not participating.

PER CURIAM OPINIONS:

CR08-976. Laurie Jamett a/k/a Laurie Jammett v. State of Arkansas, from Benton Circuit. Affirmed.

CR08-1333. Sanders M. Carter v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed.

08-1489. David Henderson v. State of Arkansas, from Lincoln Circuit. Affirmed.

PER CURIAM DECISIONS

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

CR09-77. Timothy Wayne Kemp v. State of Arkansas, from Pulaski Circuit, First Division.

09-361. Jimmy Rettig v. Alton Ballard, from Pulaski Circuit, Fifth Division.

09-671. J.B. Robinson et al. v. Floyd G. "Buddy" Villines et al., from Pulaski Circuit, Sixth Division.

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

09-1169. Troy Butcher, as Guardian of Thelma Healy v. Diane Beatty, as Personal Representative of John Healy's Estate, from Hot Springs Circuit. Corbin, J., would deny.

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

09-1075. Donna Hanna v. Burt Hanna, from Washington Circuit.

09-1246. J.S., a Minor v. State of Arkansas, from Benton Circuit.

CR09-634. Zachariah Scott Marcyniuk v. State of Arkansas, from Washington Circuit. Appellee's motion to file enlarged brief is granted.

09-1410. Frederick S. Wetzel v. Mortgage Electronic Registration Systems, Inc., an Original Action. Motion for certification of a question of law. Certified question accepted. See **per curiam** this date.

CR08-1481. Jessie Lloyd Misskelley, Jr. v. State of Arkansas, from Clay Circuit, Western District. Renewed motion for remand for further fact-findings on issue of Judge Burnett's political plans and for designation of special judge to make fact-findings is denied. Wills, J., not participating.

CR09-1372. Jimmy Smith v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion to be relieved as counsel is granted.

09-671. J.B. Robinson et al. v. Floyd G. "Buddy" Villines et al., from Pulaski Circuit, Sixth Division. Motion for expedited consideration of, and ruling on, the petition for reconsideration filed by Bobby Roberts and by the Central Arkansas Library System appellees is granted.

09-710. Newton Donald Jenkins, Jr., Arkansas Bar No. 94231 v. Stark Ligon, Executive Director of the Arkansas Supreme Court Committee on Professional Conduct, an Original Action. Motion to strike is granted. See opinion issued this date.

09-1128. T.C. v. State of Arkansas, from Ouachita Circuit. Motion to file an amicus curiae brief by the Center on Wrongful Convictions of Youth is granted. Corbin and Wills, JJ., not participating.

09-1128. T.C. v. State of Arkansas, from Ouachita Circuit. Appellant's motion to file a supplemental brief is granted. Corbin and Wills, JJ., not participating.

09-1186. Carroll W. Smith and Lorene R. Smith v. Arkansas Midstream Gas Services Corporation, from White Circuit. Remanded. See **per curiam** this date.

CR09-566. Brandon J. Johnson v. State of Arkansas, from Washington Circuit. Appellee's motion to dismiss appeal is granted.

CR09-1064. Conray Carroll v. State of Arkansas, from Pulaski Circuit, Second Division. Pro se motions for belated appeal of order and for declaratory judgment. Motion for belated appeal treated as motion for rule on clerk and denied; motion for declaratory judgment treated as motion to expedite and for order directing trial counsel to represent petitioner, or in the alternative, for appointment of counsel and declared moot. See **per curiam** this date.

CR09-1069. Jon Mills v. State of Arkansas, from Saline Circuit. Appellee's motion to dismiss appeal is granted.

CR09-1209. Edward Ray Burgess v. State of Arkansas, from Miller Circuit. Pro se motion for belated appeal of order treated as motion for rule on clerk and denied; pro se motion for appointment of counsel moot. See **per curiam** this date.

In Re: Arkansas Rules of Civil Procedure, Rules of the Supreme Court and Court of Appeals, and Rules of Appellate Procedure-Civil. See **per curiam** this date.

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

MOTIONS SUBMITTED

PETITION FOR REHEARING:

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

PETITIONS FOR REVIEW:

09-1219. QHG of Springdale, Inc. d/b/a Northwest Medical Center v. Ernest W. Archer, M.D., from Washington Circuit. (Appellant)

09-1219. QHG of Springdale, Inc. d/b/a Northwest Medical Center v. Ernest W. Archer, M.D., from Washington Circuit. (Appellee)

09-1295. Tim Johnson v. Arkansas Steel Erectors et al., from Workers' Compensation Commission.

CR07-623. Ronald Jay Campbell v. State of Arkansas, from Lonoke Circuit. Motion to withdraw as counsel.

CR09-788. Robert D. Loggins v. State of Arkansas, from Union Circuit. Motion to file belated appeal brief.

CR09-1248. Michael Allen Hatcher v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motion

"for ruling in favor of petitioner due to State's failure to timely file brief."

CR09-1248. Michael Allen Hatcher v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion to file belated brief.

CR10-17. Joshua Adam Tillery v. State of Arkansas, from Van Buren Circuit. Petition for writ of certiorari to complete the record and motion for setting of briefing schedule.

CR10-38. Benjamin Eagle v. Circuit Court of Pulaski County, from Pulaski Circuit, Fourth Division. Motion to proceed *informa pauperis*.

09-1093. State of Louisiana et al. v. The City of El Dorado Waste Utilities et al., from Union Circuit. Motion for enlargement of the page limit of appellee Pollution Control and Ecology Commission's response brief.

10-27. Alan Sargent v. William Springer, from Garland Circuit. Motion for rule on clerk and for extension of time to file record on appeal.

SUBMISSIONS

CR08-1477. Matthew Cole Hagen v. State of Arkansas, from Garland Circuit.

CR09-761. Patricia McClanahan v. State of Arkansas, from Scott Circuit.

08-543. Landmark Novelties, Inc. v. Arkansas State Board of Pharmacy, from Pulaski Circuit, Second Division.

09-603. Jeffrey J. Hardy v. Diana Hardy, from Faulkner Circuit.