

# ARKANSAS SUPREME COURT

Opinions Delivered  
April 1, 2010

DONALD L. CORBIN, JUSTICE:

CR09-1102. Jose Luis Fernandez v. State of Arkansas, from Grant Circuit. Affirmed.

JIM GUNTER, JUSTICE:

09-79. Kennedy Funding Inc., Rest in Peace Memorial Gardens, Inc., Willie Acklin, Rita Acklin, Sam Jarvis v. Virgil W. Shelton, Beverly Jean Shelton, John Lynn Shelton, from Pulaski Circuit, Sixth Division. Remanded to Court of Appeals.

PAUL E. DANIELSON, JUSTICE:

09-1071. John, Jane, and Junior Doe v. Richard Weiss, In His Capacity as Director of the Arkansas Department of Finance and Administration, from Benton Circuit. Affirmed.

ELANA CUNNINGHAM WILLS, JUSTICE:

09-618. Gruma Corporation v. Norman Kenneth Morrison, from Garland Circuit. Reversed and Remanded.

RONALD L. SHEFFIELD, JUSTICE:

CR08-431. Joseph Polivka v. State of Arkansas, from Garland Circuit. Affirmed.

## PER CURIAM ORDERS

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

09-888. Dee Ann Miller et al. v. Dennis C. Enders, from Benton Circuit.

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

09-1399. Bethel Acuff v. Donald V. Bumgarner, from Madison Circuit.

09-1400. Tiffany Benedetto v. Justin Wooten Construction, LLC, from Faulkner Circuit.

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CR00-482. Timothy Wayne Kemp v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to recall the mandate is denied.

CR09-140. Brandon Carter v. State of Arkansas, from Columbia Circuit. Motion to be relieved as counsel is granted. See **per curiam** this date.

09-1070. Baptist Health v. Bruce E. Murphy, M.D. et al., from Pulaski Circuit, Thirteenth Division. Appellees' motion to supplement the record is granted. Corbin, Danielson, and Wills, JJ., not participating.

10-97. Arkansas Department of Finance and Administration v. Justin A. Winberry, from Washington Circuit. Appellant's motion for voluntary dismissal of appeal is granted.

10-221. Colette Denise Lovelady v. James Anthony Lovelady, from Phillips Circuit. Motion for rule on clerk is denied.

10-299. Helen E. Viele v. Honorable Alice Gray, Circuit Judge, from Pulaski Circuit, Twelfth Division. Petition for expedited writ of prohibition, and/or, in the alternative, petition for expedited writ of certiorari is denied without prejudice.

10-327. Tim S. Parker, Attorney at Law and Ramona Wilson, Circuit Clerk and Ex Officio Recorder of Carroll County, Arkansas v. Honorable Gerald K. Crow, Circuit Judge of Carroll County, Arkansas, an Original Action. Motion for stay and for expedited consideration. Temporary stay granted; response due within three days.

CR01-644. Gyronne Buckley v. State of Arkansas, from Clark Circuit. Petition to reinvest jurisdiction in the trial court to consider petition for writ of error coram nobis and motion to file response to respondent's response to petition. Petition and motion granted. See **per curiam** this date.

CACR02-419. Edward Charles Wright v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion to remit photocopying fee. Motion treated as motion for photocopying at public expense and denied. See **per curiam** this date.

CR09-1079. Kyron Deandre Watkins v. State of Arkansas, from Hot Spring Circuit. Pro se motions for extension of time to file brief-in-chief, for remand to trial court for findings of fact, to stay appeal, and for photocopying at public expense. Motion for remand to trial court treated as petition to reinvest jurisdiction and denied; appeal dismissed; remaining motions moot. See **per curiam** this date.

CR09-1265. Michael F. Jackson v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Pro se motion for extension of time to file brief-in-chief. Appeal dismissed; motion moot. See **per curiam** this date.

CR09-1308. Michael Goldsmith v. State of Arkansas, from Union Circuit. Pro se motion for copy of record on appeal and extension of time to file appellant's brief. Appeal dismissed; motion moot. See **per curiam** this date.

CR09-1344. Robert Avery v. State of Arkansas, from Benton Circuit. Appellee's motion to dismiss appeal is granted.

CR09-1379. Diana Nichole Robertson v. State of Arkansas, from Crittenden Circuit. Pro se motion for extension of time to file appellant's brief. Motion granted. See **per curiam** this date.

CR10-162. Wyouman David Camp v. Honorable Charles Yeargan, Circuit Judge, from Howard Circuit. Pro se petition for writ of mandamus. Petition moot. See **per curiam** this date.

09-1285. Monty Wilmoth v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Appellee's motion to dismiss appeal is granted.

98-1369. In Re: Judges and Lawyers Assistance Program. See **per curiam** this date.

In Re: District Court Resource Assessment Board. See **per curiam** this date.

Honorable Marcia Hearnberger of Hot Springs, Honorable Dan Stidham of Paragould, and Honorable Eddie Walker of Fort Smith, are reappointed to the District Court Resource Assessment Board for a four-year term to expire April 30, 2014. We thank these members for their willingness to serve on this important board.

## MOTIONS SUBMITTED

### PETITION FOR REHEARING:

09-688. Alcoa World Alumina, LLC v. Richard Weiss, Director, Department of Finance and Administration, from Pulaski Circuit, Third Division.

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### PETITIONS FOR REVIEW:

CR10-103. Antwan Levan Fowler v. State of Arkansas, from Faulkner Circuit.

CR10-152. Connie Watkins v. State of Arkansas, from Greene Circuit.

09-1406. Tasha Orr v. Timothy Calicott, M.D. and Stephen Hudson, M.D., from Faulkner Circuit.

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CR09-632. Lee A. Croy v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to supplement the record and for stay of brief time.

CR10-255. Conner Hamilton v. State of Arkansas, from Crawford Circuit. Appellant's motion for expedited briefing schedule and consideration.

CA09-735. Ernst & Young LLP v. Benjamin H. Reid, Jr. et al., from Sebastian Circuit, Fort Smith District. Appellant's motion to transfer appeal to the Supreme Court of Arkansas.

09-1276. SubTeach USA v. Director, Department of Workforce Services et al., from Board of Review. Appellant's motion to file supplemental brief and for oral argument.

09-1363. Marx Real Estate Investments, LLC et al. v. Dr. Victor Coloso and Regina Coloso, from Sebastian Circuit, Fort Smith District. Petition for additional time to complete the record.

09-1406. Tasha Orr v. Timothy Calicott, M.D. and Stephen Hudson, M.D., from Faulkner Circuit. Appellant's motion

for the court to take judicial notice of recent Supreme Court decision or, in the alternative, to file amended response to appellees' petition for review in light of recent Supreme Court decision.

10-243. Brandon Woodrome v. Charlie Daniels, In His Official Capacity as Secretary of State, an Original Action. Respondent's motion to clarify the record regarding service or in the alternative for enlargement of time.

### **SUBMISSIONS**

09-621. Brenda Downing v. Lawrence Hall Nursing Center et al., from Lawrence Circuit. Argued orally.

CR09-1005. Erica Rae Grube v. State of Arkansas, from Pulaski Circuit, Seventh Division.

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

09-1258. Paul H. Tucker et al. v. Rosemary Sullivant, from Craighead Circuit, Western District.