

ARKANSAS SUPREME COURT

Opinions Delivered
April 29, 2010

DONALD L. CORBIN, JUSTICE:

09-313. Barry Jewell v. Scott Fletcher and Debra Worley, as Special Administrator of the Estate of Michael D. Sims and Keith Moser; Jewell, Moser, Fletcher & Holleman, A Professional Association; JMF Enterprises, Inc., and John T. Holleman, IV; and Holleman & Associates, P.A., from Pulaski Circuit, Sixth Division. Affirmed as to Jewell; Affirmed in Part; Reversed and Remanded in Part as to Sims; Affirmed as to Fletcher's Cross-Appeal; Dismissed as to Holleman's Cross-Appeal. Brown and Wills, JJ., dissent in part and concur in part.

09-1002. Dustin Ellis and Dawn Ellis v. Arkansas State Highway Commission; Dan Flowers, Individually and in His Official Capacity as Director of the Arkansas State Highway and Transportation Department; Jim Gaither, Individually and in His Official Capacity as Division Head, from Poinsett Circuit. Dismissed in Part; Affirmed in Part.

ELANA CUNNINGHAM WILLS, JUSTICE:

CR09-1131. Daericko T. Witcher v. State of Arkansas, from Columbia Circuit. Affirmed.

09-487. Bobby Stewart v. Arkansas Glass Container and Risk Management Resources, from Arkansas Workers' Compensation Commission. Workers' Compensation Commission Affirmed; Court of Appeals Reversed. Hannah, C.J., and Corbin and Sheffield, JJ., dissent.

PER CURIAM OPINION:

08-910. Edward William Doss, Jr. v. Larry Norris, Director, Arkansas Department of Correction, from Hot Spring Circuit. Affirmed.

PER CURIAM ORDERS

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

08-1352. David Stills v. Amber Stills, from Washington Circuit. Hannah, C.J., and Sheffield, J., would grant.

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

CR10-242. Randy Paul Brown v. State of Arkansas, from Saline Circuit. Hannah, C.J., and Corbin, J., would deny.

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

CR10-215. Leroy Stevenson v. State of Arkansas, from Craighead Circuit, Western District.

CR10-250. Cornelius Dale Earl v. State of Arkansas, from White Circuit.

CR91-36. Bruce Earl Ward v. State of Arkansas, from Pulaski Circuit, First Division. Motion of Joseph W. Luby and Jennifer A. Merrigan to practice by comity is denied.

CR91-36. Bruce Earl Ward v. State of Arkansas, from Pulaski Circuit, First Division. Application for permission to be appointed as counsel on behalf of petitioner is denied.

CR10-362. Kevin Ray Percy v. State of Arkansas, from Garland Circuit. Motion to withdraw as attorney of record. Motion granted. See **per curiam** this date.

09-1004. Kevin R. Walters et al. v. James Dobbins et al., from Sevier Circuit. Appellants' motion to supplement the record is denied.

09-1054. Melvin Smith v. Leroy Brownlee, Arkansas Board of Parole, or in the alternative, Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Appellee's motion to substitute Ray Hobbs, Interim Director of Arkansas Department of Correction, as separate appellee is granted.

09-1070. Baptist Health v. Bruce Murphy, M.D. et al., from Pulaski Circuit, Thirteenth Division. Appellees' motion to file substituted brief is denied. See Supreme Court Rule 5-1(j). Special Justices Julie Greathouse and Clark Mason agree. Corbin, Danielson, and Wills, JJ., not participating.

09-1406. Tasha Orr v. Timothy Calicott, M.D. and Stephen Hudson, M.D., from Faulkner Circuit. Appellant's motion to file supplemental brief is granted.

09-1406. Tasha Orr v. Timothy Calicott, M.D. and Stephen Hudson, M.D., from Faulkner Circuit. Appellees' motion to file supplemental brief is granted.

10-390. Peter E. Hying v. Director, Arkansas Department of Workforce Services et al., from Board of Review. Appellant's motion to file belated petition for review is denied.

10-408. Harrill & Sutter, P.L.L.C. v. Honorable Lynn Williams, Circuit Judge, from Garland Circuit. Emergency verified petition for writ of prohibition, petition for writ of certiorari, and motion for stay. Stay granted as to distribution of money; petition for writ of prohibition and writ of certiorari is denied without prejudice. Brown, J., would deny as to stay.

09-1018. State of Arkansas v. K.B., from Pulaski Circuit, Tenth Division. Motion to seal the record and briefs is granted.

10-428. Stacey Eugene Johnson v. Ray Hobbs, Director, Arkansas Department of Correction, from Pulaski Circuit, Sixth Division. Petition for stay of execution is granted. Wills, J., not participating.

09-971. William G. Born, Sr. et al. v. Hosto & Buchan, LLC, from Pulaski Circuit, Sixth Division. Appellee's second motion for oral argument is granted.

CR09-1294. State of Arkansas v. Lynda King, from Jefferson Circuit. Pro se motion to file belated appellee's brief is granted; appellee's brief due within thirty days; no further extensions of time will be granted. Gunter and Danielson, JJ., would deny.

CR09-1372. Jimmy Smith v. State of Arkansas, from Pulaski Circuit, Fifth Division. Pro se motion for reconsideration of dismissal of appeal is denied.

CR10-240. Robert M. Redfeather v. State of Arkansas, from Washington Circuit. Pro se motion for use of record. Appeal dismissed; motion moot. See **per curiam** this date.

08-1177. Edward Loveless v. Fern Tucker, Clerk, from Pope Circuit. Pro se motion for reconsideration is denied.

10-134. Melvin Jefferson v. State of Arkansas, from Lincoln Circuit. Pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

10-196. Jessie J. Manning v. Larry Norris, Director, Arkansas Department of Correction, Melba Smith, Records Keeper, and Miriam Lester, Records Keeper, from Jefferson Circuit. Pro se motion to expedite appeal is denied.

MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CR10-251. Debra Johnson v. State of Arkansas, from Union Circuit.

CR10-286. Matthew Turner v. State of Arkansas, from Lonoke Circuit.

CR10-332. Dwayne Wallis v. State of Arkansas, from Lonoke Circuit.

10-163. Donna Wilson Hanna v. Burton Dugan Hanna, from Washington Circuit.

CR95-975. Jimmy Don Wooten v. State of Arkansas, from Pope Circuit. Appellant's motion for leave to file twenty-one page reply brief.

CR95-975. Jimmy Don Wooten v. State of Arkansas, from Pope Circuit. Appellant's motion for leave to file reply brief by U.S. Mail.

CR95-975. Jimmy Don Wooten v. State of Arkansas, from Pope Circuit. Appellant's motion for consideration of brief filed out of time.

CR95-975. Jimmy Don Wooten v. State of Arkansas, from Pope Circuit. Appellant's motion to supplement the record.

CR10-141. Omar Salazar v. State of Arkansas, from Benton Circuit. Appellee's motion to dismiss appeal.

CR10-141. Omar Salazar v. State of Arkansas, from Benton Circuit. Appellee's motion to stay the briefing schedule.

CR10-247. Timothy Lamont Howard v. State of Arkansas, from Little River Circuit. Appellee's motion to dismiss appeal.

09-829. Anthony Koch v. Nancy Adams and Danny Ebbs, from Pulaski Circuit, Second Division. Appellees' motion for costs pursuant to Rule 6-7 of the Rules of the Supreme Court.

09-1222. Carlos Honeysuckle v. Michael S. McCarthy, from Workers' Compensation Commission. Appellant's motion for leave to file belated brief.

10-116. Beverly Enterprises, Inc. et al. v. Valerie Keaton, from Ouachita Circuit. Motion to file amici curiarum brief.

10-257. Allstate Insurance Company v. Jon H. Dodson, M.D., from Pulaski Circuit, Sixteenth Division. Joint stipulation and motion to correct and supplement the record.

10-257. Allstate Insurance Company v. Jon H. Dodson, M.D., from Pulaski Circuit, Sixteenth Division. Appellant's separate motion for stay pending correction of the record.

10-327. Tim S. Parker et al. v. Gerald K. Crow, Circuit Judge, an Original Action. Motion of Colin R. Jorgensen for entry of appearance and for substitution of counsel.

10-387. Ovie A. Wood v. Robinson & Associates, P.A. et al., from Jefferson Circuit. Motion for rule on clerk.

10-396. Anna Leonard v. Arkansas Department of Human Services, from Pulaski Circuit, Eighth Division. Motion for rule on clerk.

SUBMISSIONS

09-555. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Frank David Rees, an Original Action. Argued orally.

09-556. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Frank David Rees, an Original Action. Argued orally.

09-559. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Frank David Rees, an Original Action. Argued orally.

09-560. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Frank David Rees, an Original Action. Argued orally.

CR09-952. State of Arkansas v. Clarence Richardson, from Phillips Circuit.

10-384. Willard Proctor, Jr. v. Charlie Daniels, in His Official Capacity as Secretary of State et al., from Pulaski Circuit, Seventeenth Division.