

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 12, 2012

JIM HANNAH, CHIEF JUSTICE:

[11-563](#). Monica Brodie v. City of Jonesboro, from Craighead Circuit, Western District. Reversed and remanded. Brown, J., concurs.

JIM GUNTER, JUSTICE:

[CR11-161](#). Sarah Marie Lynn v. State of Arkansas, from Madison Circuit. Appeal dismissed. Brown, J., concurs.

PAUL E. DANIELSON, JUSTICE:

[11-652](#). Kenneth Joe May; Mary A. May; Michael Bryant; Donna Bryant; Ralph Bryant; Christi Bryant; C.M. Sneed; Carolyn Sneed; E.C. Rowlett Limited Partnership; B.J. McNair; Donna McNair; Danny Snowden; and Shelia Snowden, on Behalf of Themselves and All Other Owners of Oil and Gas Royalty and Production Interests in the State of Arkansas v. Debra Akers-Lang, Tax Assessor of White County, Arkansas; Sue Liles, Tax Collector of White County, Arkansas; White County, Arkansas; Jeff Stephens, Tax Assessor of Faulkner County, Arkansas; Steve Simon, Tax Collector of Faulkner County, Arkansas; Faulkner County, Arkansas; Helen Noll, Tax Assessor of Conway County, Arkansas; Catherine Bradshaw, Tax Collector of Conway County, Arkansas; Conway County, Arkansas; Trina Jones, Tax Assessor of Van Buren County, Arkansas; Lisa Nunley, Tax Collector of Van Buren County, Arkansas; Van Buren County, Arkansas; Karen Reed, Tax Assessor of Cleburne County, Arkansas; Kathy White, Tax Collector of Cleburne County, Arkansas; and All Other Tax Assessors, Tax Collectors, and Counties in the State of Arkansas that Assess and Collect an Ad Valorem Tax on Oil and Gas Royalties, from White Circuit. Affirmed. Hannah, C.J., and Baker, J., not participating.

KAREN R. BAKER, JUSTICE:

[11-691](#). Al Faigin and N.G. Faigin, James Bodge [Intervenor] v. Diamante, A Private Membership Golf Club, LLC, from Saline Circuit. Affirmed.

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PER CURIAM ORDERS

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

11-128. Julia Laney Machen v. Billy Randall Machen, from Columbia Circuit.

11-625. Advance Fiberglass, LLC v. Irag Rovnaghi et al., from Pulaski Circuit, Third Division.

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

11-733. John T. Payne, II v. Keith Donaldson d/b/a/ Donaldson Wrecker Service, from Chicot Circuit.

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

11-688. Theresa Marshall v. Director et al., from Board of Review.

11-700. Sheila Myers et al. v. Cooper Clinic, P.A., et al., from Sebastian Circuit, Fort Smith District. Goodson, J., not participating.

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CR10-1200. Lemuel Session Whiteside v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appellant's motion for recall of mandate is granted.

[CR11-1252](#). Lydia Marie Delgado v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion to file belated appeal is denied. See **per curiam** this date.

CR11-1256. Charles Cannon v. State of Arkansas, from Howard Circuit. Motion for extension of time to file record is denied. See Ark. R. App. P.–Crim. 4(c)(3).

CA11-767. Donna Watkins et al. v. Arkansas Elder Outreach of Little Rock, Inc., et al., from Crittenden Circuit. Appellants' motion to transfer to Supreme Court is denied.

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11-784. Carnegie Public Library of Eureka Springs et al. v. Carroll County, Arkansas, et al., from Carroll Circuit, Western District. Appellants' motion to file amended and substituted reply brief to correct typographical errors and/or clerical misprision is granted. Danielson, J., not participating.

CA11-924. Dee Ann Miller et al. v. Dennis Enders, from Workers' Compensation Commission. Appellants' motion to transfer to Supreme Court is granted. Hannah, C.J., and Corbin, J., would deny. Appellants' request for oral argument is denied.

11-927. NISHA, LLC, et al. v. TriBuilt Construction Group, LLC, from Sebastian Circuit, Fort Smith District. Appellants' joint motion to strike brief of appellee International Fidelity Insurance Company is granted. Danielson, J., would pass motion until case is submitted.

11-930. Zara Thomas v. City of Fayetteville, Arkansas, from Washington Circuit. Appellant's motion to supplement addendum with legible copies is granted.

[11-1199](#). Stuart Thomas v. Keith Hall, from Pulaski Circuit, Fifth Division. Motion for order of protection to maintain job evaluation or employee performance records under seal pending a final decision on this appeal. Motion to seal granted. See per curiam issued. (Proceedings of January 11, 2012)

11-1215. Petrohawk Properties, LP v. Isaac Heigle et al., from Cleburne Circuit. Appellant's motion for leave to file reply to response to petition for review is denied.

11-1305. Mickeal D. White v. Hon. David F. Guthrie, Circuit Judge, from Calhoun Circuit. Emergency petition for writ of prohibition is denied. (Proceedings of January 9, 2012)

CR99-913. Henry Jackson Smith v. State of Arkansas, from Pulaski Circuit, Sixth Division. Pro se motion to borrow transcript treated as motion for transcript at public expense and denied.

[CR11-866](#). Milton Ray Hendrix v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motions for extension of time to file brief and for copy of record. Appeal dismissed; motions moot. See **per curiam** this date.

CR11-884. Walter Lee Walton v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motions for appointment of counsel and motion to withdraw pro se status are granted. Attorney Patrick Benca is appointed to represent the appellant. Motion for extension of brief time is granted. Brief due forty days from the date of this per curiam order.

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[CR11-1037](#). Marion Edward Riddell v. State of Arkansas, from Garland Circuit. Appellant's pro se motion for copy of trial transcript at public expense and appellee's motions to dismiss appeal and for extension of brief time. Appellee's motion to dismiss appeal granted; appellee's motion for brief time and appellant's motion for copy of trial transcript moot. See **per curiam** this date.

CR11-1138. Roger Lemaster v. State of Arkansas, from Lonoke Circuit. Pro se motion for belated appeal is granted.

CR11-1190. Ke'Ondra Chestang v. State of Arkansas, from Columbia Circuit. Pro se motion for belated appeal treated as motion for rule on clerk and denied.

11-865. Alvin H. Carter v. State of Arkansas, from Jefferson Circuit. Appellee's motion to dismiss appeal is granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR10-1241. Jose Luis Mendez v. State of Arkansas, from Washington Circuit.

CR11-71. David Smoak v. State of Arkansas, from Crawford Circuit.

11-675. Derek Lee Pippinger v. Doris Benson et al., from Poinsett Circuit.

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PETITIONS FOR REVIEW:

CR11-1207. Sherrell Jean Whisenant v. State of Arkansas, from Arkansas Circuit, Northern District.

11-918. Jeryl B. Grantham v. Gail L. Lucas, from Saline Circuit.

11-926. Roosevelt Dye v. Anderson Tully Company, from Desha Circuit.

11-1268. Brian Lowrance and Anna Lowrance v. Janet Smith, from Saline Circuit.

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11-699. Beverly Health and Rehabilitation Services, Inc. v. Valerie Keaton, from Ouachita Circuit. Appellant's motion to dismiss appeal.

11-1104. Charles T. Bedell, Jr. v. Keneshia Bedell, from Saline Circuit. Resubmission of motion for rule on clerk previously filed pending return of writ of certiorari.

11-1107. Tamera Troeskyn v. Larry Herrington et al., from Arkansas Probate, Northern District. Motion of Christopher W. Hays to withdraw as counsel.

11-1107. Tamera Troeskyn v. Larry Herrington et al., from Arkansas Probate, Northern District. Appellees' motion to substitute counsel.

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SUBMISSIONS

11-561. Teresa L. Broussard v. St. Edward Mercy Health System, Inc., et al., from Sebastian Circuit, Fort Smith District. Argued orally.

CR10-1304. Lesa Diane Menne v. State of Arkansas, from Lawrence Circuit.

CR11-445. Ronald Wayne Magness v. State of Arkansas, from Drew Circuit.

11-371. Unimeks, LLC v. Purolite, from Pulaski Circuit, Second Division.

11-740. Twin Rivers Health & Rehab, LLC v. Arkansas Health Services Permit Commission et al., from Clark Circuit.