

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 26, 2012

*****LINKS WILL BE AVAILABLE LATER TODAY*****

JIM HANNAH, CHIEF JUSTICE:

CR10-369. Charles Wayne Green v. State of Arkansas, from Randolph Circuit. Affirmed.

DONALD L. CORBIN, JUSTICE:

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

JIM GUNTER, JUSTICE:

11-770. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. James P. Clouette, Arkansas Bar No. 74025, from the Supreme Court Committee on Professional Conduct. Affirmed.

PAUL E. DANIELSON, JUSTICE:

11-881. Wilma Bohot v. State Farm Mutual Automobile Insurance Company, from Washington Circuit. Affirmed.

COURTNEY HUDSON GOODSON, JUSTICE:

11-383. Arkansas Lottery Commission, Ernie Passailaigue, Director v. Alpha Marketing, from Pulaski Circuit, Fifth Division. Dismissed. Hannah, C.J., and Brown and Baker, JJ., dissent.

PER CURIAM OPINION:

CR11-215. Jonathan E. Olivarez v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Reversed and remanded.

ARKANSAS SUPREME COURT
PROCEEDINGS OF JANUARY 26, 2012
PER CURIAM ORDERS

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

CR93-988. Frank Williams, Jr. v. State of Arkansas, from Lafayette Circuit. Special Justice Steven W. Quattlebaum joins in this denial. Corbin, J., not participating.

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

CR11-1311. Christian Adan Villagran v. State of Arkansas, from Pulaski Circuit, First Division.

11-944. Billy Mike Wilson v. Union Pacific Railroad Company, from Jefferson Circuit.

CR02-22. Karl D. Roberts v. State of Arkansas, from Polk Circuit. Tendered motion for additional time to tender replies is denied.

CR03-780. Karl D. Roberts v. State of Arkansas, from Polk Circuit. Tendered motion for additional time to tender replies is denied.

CR11-116. Kenneth Ray Osburn v. State of Arkansas, from Ashley Circuit. Appellant's amended motion to recall mandate is granted.

CR11-556. Cristobal Mancia v. State of Arkansas, from Benton Circuit. Appellee's motion to file belated brief is granted. See **per curiam** this date.

CR11-776. Meloni Sey v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Courtney Cline to withdraw as counsel is granted.

CR11-776. Meloni Sey v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to dismiss appeal is granted.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 26, 2012

PER CURIAM ORDERS

CR11-1267. Marcus W. Fields v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Otto R. Frye to be relieved and for substitution as counsel of record is granted. Danielson, J., not participating.

CR11-1267. Marcus W. Fields v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motion for appointment of counsel is granted. Danielson, J., not participating.

CR12-14. Tony James Robinson v. Pulaski County Circuit Court, from Pulaski Circuit, Seventh Division. Petition for writ of certiorari is denied without prejudice.

CR12-30. Richard Stephen Federick v. State of Arkansas, from Saline Circuit. Motion for rule on clerk is granted. See **per curiam** this date.

11-70. Bayer CropScience LP et al. v. Lenny Joe Kyle et al., from Woodruff Circuit. Appeal held in abeyance for thirty days subject to a motion to dismiss being filed.

11-790. Kenneth G. Middleton et al. v. Geraldine Lockhart et al., from Newton Circuit. Appellees' motion to correct brief is granted.

11-931. Bennett & DeLoney, P.C., et al. v. State of Arkansas, from Pulaski Circuit, Second Division. Appellee's motion to consolidate 11-931 and 11-1013 is denied.

11-1000. Anna Geiger et al. v. Terry Hipp et al., from Cleburne Circuit. Appellants' motion to file belated brief is granted. Corbin, J., would deny.

11-1013. Jack Boyajian v. State of Arkansas, from Pulaski Circuit, Sixth Division. Appellee's motion to consolidate 11-1013 and 11-931 is denied.

11-1199. Stuart Thomas v. Keith Hall, from Pulaski Circuit, Fifth Division. Appellant's request for oral argument is denied. Hannah, C.J., and Brown and Danielson, JJ., would grant.

CR10-638. State of Arkansas v. Kenneth Harrison, from Pulaski Circuit, First Division. Pro se petition for reconsideration of dismissal of appeal granted; appeal reinstated.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 26, 2012

PER CURIAM ORDERS

CR11-148. Sherman Watson v. State of Arkansas, from Hot Spring Circuit. Pro se petition for writ of certiorari and motions to amend petition, for transcript, for extension of time to lodge record, and for use of trial transcript. Appeal dismissed; petition for writ of certiorari and motions moot. See **per curiam** this date.

CR11-954. Danny L. Wright v. State of Arkansas, from Miller Circuit. Pro se motion to dismiss appeal. Motion granted; appeal dismissed with prejudice to refile.

CR11-1186. Charles Edward Goodwin v. Hon. Edwin A. Keaton, Circuit Judge, from Ouachita Circuit. Pro se petition for writ of mandamus. Amended response requested. See **per curiam** this date.

CR11-1187. Mycheal Kinard a/k/a Mychael Kinard v. State of Arkansas, from Garland Circuit. Pro se motion for belated appeal. Motion granted. See **per curiam** this date.

11-605. Rodney D. Williams v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Pro se motions to file a belated reply brief and for duplication of tendered reply brief at public expense. Appeal dismissed; motions moot. See **per curiam** this date.

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

Hon. Stephen Tabor of Fort Smith, Circuit Judge, 12th Judicial Circuit, is appointed to our Committee on Criminal Practice for a three-year term to expire on January 31, 2015. We thank Judge Tabor for accepting appointment to this important committee.

Hon. Duncan Culpepper of Prescott, Circuit Judge, 8th-N Judicial Circuit; Hon. Grisham Phillips of Benton, Circuit Judge, 22nd Judicial Circuit; Hon. Marion Humphrey of Little Rock, Circuit Judge, Retired; Vada Berger, Esq., of Little Rock; Ellen Reif, Esq., of Little Rock; and Jack Lassiter, Esq., of Little Rock are reappointed to the Committee on Criminal Practice for three-year terms to expire on January 31, 2015. We thank them for their continued service.

We express our gratitude to Circuit Judge Robin Green of Bentonville, whose term has expired, for her years of dedicated service to the committee.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 26, 2012

PER CURIAM ORDERS

In Re The Arkansas Continuing Legal Education Board. See **per curiam** this date.

Retired Circuit Judge Tom Smitherman, Jr., of Hot Springs is appointed to the Continuing Legal Education Board for a three-year term concluding on December 5, 2014. Former Judge Smitherman will be a representative of the Fourth Congressional District and replaces Judge Waymond Brown whose term has concluded.

Michael Angel of Conway is appointed to the Continuing Legal Education Board for a three-year term to expire on December 5, 2014. Mr. Angel will be an at-large representative, Position 7, and replaces Roy Beth Kelley whose term has concluded.

Lynn Lisk of Fort Smith is reappointed to the Continuing Legal Education Board for a second three-year term to expire on December 5, 2014. Mr. Lisk is an at-large representative, Position 8.

The Court extends its sincere appreciation to Former Judge Smitherman and Mr. Angel for accepting appointment to this important Board and to Mr. Lisk for accepting reappointment to this important Board. The Court also thanks Judge Brown for his many years of work on this Board, including serving one year as Chair of the Board, and Ms. Kelley for her many years of work on this Board as well.

ARKANSAS SUPREME COURT
PROCEEDINGS OF JANUARY 26, 2012
MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CR11-1300. Lee James Owens v. State of Arkansas, from Miller Circuit.

11-963. Deutsche Bank National Trust Company v. Mike Austin, from Sebastian Circuit, Fort Smith District.

CR11-1256. Charles Cannon v. State of Arkansas, from Howard Circuit. Appellant's motion for reconsideration, or, in the alternative, motion for belated appeal.

CR12-34. James Green, Jr. v. State of Arkansas, from Drew Circuit. Motion to invalidate the appointment of Public Defenders' office as appellate counsel.

09-532. Harold Davy Cassell v. Larry Norris, Director, Arkansas Department of Correction, from Lincoln Circuit. Appellant's motion to recall mandate.

CA11-52. Melissa Ann Young et al. v. Britte Smith, M.D., et al., from Washington Circuit. Appellants' motion to certify and transfer appeal to the Supreme Court.

11-733. John T. Payne, II v. Keith Donaldson d/b/a Donaldson Wrecker Service, from Chicot Circuit. Joint motion to dismiss as moot.

11-931. Bennett & DeLoney, P.C., et al. v. State of Arkansas, from Pulaski Circuit, Second Division. Appellant Richard DeLoney's pro se motion for acceptance of brief (rule on clerk).

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 26, 2012

SUBMISSIONS

11-26. Theresa Renuart Paulino and Eddie Paulino v. QHG of Springdale, Inc., d/b/a Northwest Medical Center et al., from Washington Circuit. Argued orally.

CR11-576. Rodney Jones v. State of Arkansas, from Van Buren Circuit.

CR11-1026. Cameka Sullivan v. State of Arkansas, from Saline Circuit.

11-574. Arkansas Department of Human Services, Division of Developmental Disabilities Services v. Civitan Center, Inc., from Saline Circuit.

11-946. Arkansas Department of Human Services v. Takemma Shelby et al., from Jefferson Circuit.