

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 1, 2012

JIM HANNAH, CHIEF JUSTICE:

10-127. Joe Louis Kelley, Jr. v. Larry Norris, Director and Shelli Maroney, Records Supervisor, Arkansas Department of Correction, from Jefferson Circuit. Reversed and remanded with directions.

DONALD L. CORBIN, JUSTICE:

CR09-824. Thomas Leo Springs v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed.

ROBERT L. BROWN, JUSTICE:

11-870. City of Clinton v. Southern Paramedic Services, Inc., Gary Padget et al., from Van Buren Circuit. Appeal dismissed as moot; case remanded with directions.

11-1129. Michelle Anne Brown v. Vernon Paul Brown, from Benton Circuit. Affirmed.

PAUL E. DANIELSON, JUSTICE:

11-356. In Re Appointment of a Temporary Guardian for Baby Boy B., a Minor, from Faulkner Circuit. Appeal moot.

KAREN R. BAKER, JUSTICE:

CR11-695. Ricky Hershel Justus v. State of Arkansas, from Garland Circuit. Pro se petition for writ of certiorari and motions to supplement record and for transcript. Petition granted in part; appeal dismissed; motions moot. Hannah, C.J., concurs.

11-374. In the Matter of the Adoption of Baby Boy B., a Minor, from Faulkner Circuit. Reversed and remanded. Corbin and Danielson, JJ., concur.

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KAREN R. BAKER, JUSTICE: (continued)

11-671. Deer/Mt. Judea School District v. Mike Beebe, Individually and in His Official Capacity as Governor of the State of Arkansas; Mark Darr, Individually and in His Official Capacity as Lieutenant Governor of the State of Arkansas; Dr. Tom W. Kimbrell, Individually and in His Official Capacity as Commissioner of Education for the State of Arkansas; Dr. Naccaman Williams, Individually and in His Official Capacity as Chairman of the State Board of Education; Dr. Ben Mays, Individually and in His Official Capacity as a Member of the State Board of Education; Sherry Burrow, Individually and in Her Official Capacity as a Member of the State Board of Education; Jim Cooper, Individually and in His Official Capacity as a Member of the State Board of Education; Brenda Gullett, Individually and in Her Official Capacity as a Member of the State Board of Education; Samuel Ledbetter, Individually and in His Official Capacity as a Member of the State Board of Education; Alice Williams Mahoney, Individually and in Her Official Capacity as a Member of the State Board of Education; Toyce Newton, Individually and in Her Official Capacity as a Member of the State Board of Education; Vicki Saviers, Individually and in Her Official Capacity as a Member of the State Board of Education; Richard Weiss, Individually and in His Official Capacity as Director of the Department of Finance and Administration; Mac Dodson, Individually and in His Official Capacity as President of the Arkansas Development Finance Authority; Robert Moore, Individually and in His Official Capacity as Speaker of the House of Representatives; Paul Bookout, Individually and in His Official Capacity as President Pro Tempore of the Senate, from Pulaski Circuit, Second Division. Dismissed without prejudice.

PER CURIAM OPINION:

CR10-174. Michael Raymond Schniepp v. State of Arkansas, from Benton Circuit. Affirmed.

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PER CURIAM ORDERS

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

11-951. Kelsey Villines et al. v. North Arkansas Regional Medical Center et al., from Boone Circuit.

11-1210. Brenda A. Browning v. David Browning, from Faulkner Circuit.

CR10-456. Charles Jason Baldwin v. State of Arkansas, from Craighead Circuit, Western District. Motion of Charles Jason Baldwin to dismiss appeal is granted.

CR11-1187. Mycheal Kinard a/k/a Mychael Kinard v. State of Arkansas, from Garland Circuit. Appellant's petition for writ of certiorari to complete the record is granted.

CR11-1270. Samuel Lee Conway v. State of Arkansas, from Garland Circuit. Appellant's petition for writ of certiorari to complete the record or remand to settle the record is granted. Writ of certiorari due within ten days.

CR12-7. Richard T. Gordon, Sr. v. State of Arkansas, from Stone Circuit. Motion of Craig Lambert to be substituted as counsel on behalf of appellant is denied without prejudice.

CR12-128. Anthony Oral Craigg v. State of Arkansas, from Washington Circuit. Motion of Kao V. Lee to be relieved as attorney for appellant is granted. See **per curiam** this date.

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

11-483. Thomas A. Terminella and Grand Valley Ridge, LLC v. Metropolitan National Bank et al., from Washington Circuit. Appellants' expedited motion to stay appeal and oral arguments. Oral argument cancelled; motion to stay appeal is denied. Brown, J., not participating. (Proceedings of February 28, 2012)

11-609. Bayer CropScience LP et al. v. Doyle Sims et al., from Desha Circuit. Appeal held in abeyance for thirty days pending motion to dismiss.

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11-924. Dee Ann Miller and Clayton Bratt v. Dennis Enders, from Workers' Compensation Commission. Certification granted improvidently. Transferred to the Court of Appeals.

11-1000. Anna Geiger et al. v. Terry Hipp et al., from Cleburne Circuit. Appellants' motion for the court to associate this appeal in this separate case with the pending appeal in the three consolidated cases in the related cases involving the same appellants and appellees for purposes of possible oral argument and submission for decision is denied.

11-1000. Anna Geiger et al. v. Terry Hipp et al., from Cleburne Circuit. Appellants' motion requesting the court to require Brian G. Brooks, one of the counsel of record for appellees, to either file a new and revised entry of appearance which does not state, in any way, that Brian G. Brooks is attempting to represent the Hipp Family, LLC in this appeal, or, alternatively, this court to enter an order finding and holding that Brian G. Brooks does not, in any way, represent the Hipp Family, LLC in this appeal is moot.

11-1181. CNA Insurance Company et al. v. Arkansas Children's Hospital, from Workers' Compensation Commission. Motion to withdraw petition for review is granted. Hannah, C.J., not participating.

11-1192. Courtney Baylark v. Exigence, LLC, et al., from Phillips Circuit. Appellant's motion to dismiss cross-appeal is dismissed without prejudice. Danielson, J., would take with case.

CA12-12. Jimmy Mann v. Arkansas Department of Human Services, from Mississippi Circuit, Osceola District. Appellee's motion to dismiss appeal is denied. Appellant's motion to file belated appeal/response is granted. See **per curiam** this date.

12-13. Anna Geiger et al. v. Janice Verser et al., from Cleburne Circuit. Appellants' motion for the court to associate this appeal in these three consolidated cases with the pending appeal in the related case involving the same appellants and appellees for purposes of possible oral argument and submission for decision is denied.

12-13. Anna Geiger et al. v. Janice Verser et al., from Cleburne Circuit. Appellants' motion to include as part of the certified record in this appeal the twelve volumes of the certified record in this case that was previously tendered by these appellants in docket No. 09-276, as well as the previously unfiled one volume certified record in the initial appeal from the Independence County Circuit Court is denied.

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12-13. Anna Geiger et al. v. Janice Verser et al., from Cleburne Circuit. Appellants' motion for extension of time within which to prepare and file the appellants' abstract, brief, and addendum on appeal filed in conjunction with motion to consolidate and supplement record is denied.

12-127. Thomas Carter et al. v. Simmons First National Corporation et al., from Jefferson Circuit. Appellees' motion to dismiss appeal is granted. Danielson, J., would take as a case.

CACR07-692. Milton Donnell Wofford v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion to borrow transcript treated as motion for transcript at public expense and denied.

CR09-788. Robert D. Loggins v. State of Arkansas, from Union Circuit. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Petition denied. See **per curiam** this date.

CR11-854. Detrick D. Croston v. Hon. Michael Maggio, Circuit Judge, from Faulkner Circuit. Pro se petition for writ of mandamus is moot.

CR11-1059. Michael Ray Perry v. State of Arkansas, from Hempstead Circuit. Appellant's pro se motion for appointment of counsel. Appeal dismissed; motion moot. See **per curiam** this date.

CR11-1068. Corey Turner v. State of Arkansas, from Clark Circuit. Pro se motions requesting records and for extension of time to file brief. Appeal dismissed; motions moot. See **per curiam** this date.

CR11-1217. Conray Carroll v. State of Arkansas, from Pulaski Circuit, Second Division. Pro se petition for writ of certiorari and motion to amend appeal. Appeal dismissed; petition and motion moot. See **per curiam** this date.

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11-1050. Rodney Eggerson v. State of Arkansas, from Pulaski Circuit, Third Division. Pro se motions for belated appeal and appointment of counsel. Motions dismissed.

11-793. Laketha Brown Fluker; Bettye Hendrix; Essie Jones; Dick Hendrix; Elizabeth Renee Valley; Tommy Hunt; Ollie Rayford; Otis W. Howe; Darlene Mayweather; Jared Zeiser; Monty Wiggins; Eugene Johnson; Wesley N. Freemyer; Alice Valley; Alan J. Levine; Dorothy Franklin; Eddie Schieffler; Elijah Valley; Barbara King; Leola Jamerson; Vance St. Columbia; Lorenzo Valley; Joe St. Columbia; Latoya Bryant; Johnny McKenzie; Mark Fitzpatrick; Larry Crumby; Constance Jarrett; Rev. Rockey Starnes; Maxine Ball; Robert Lee; Linda Whitfield; Billy Ray; Lewis O'Neal; Laymon Piercy; Fannie M. O'Neal; Larry Johnston; Derrick Fluker; Cathy Cunningham; Jacqueline Boles; Mindy Maupin; Katheenia Mills; Sharon Greene; Eddie Calhoun; Undraye Wilson; Pam Hall; Ramon Burgess; Betty Hill; Shala Burgess; Watson Light; Rev. Larry Edwards; Laurie Light; Walter Ann Nelson; Kimberly Light; Rotondra Ross; Wanda Crockett; Ruby Hardinson; and Evelyn Lewis, Individually and for and on Behalf of Themselves and Others Similarly Situated v. Helena - West Helena Public School District; Lionell Moss, Rayne Gordon, Raymond Simes, Jesse Smith, Bobby Jones, C. R. Walker, and Larry Wilson, as Members of its Board of Directors; Linda Faye White, in Her Capacity as County Clerk; the Phillips County Election Commission; and Joann Smith, as Chair of the Phillips County Election Commission, from Phillips Circuit. Supplemental addendum and supplemental record ordered. See **per curiam** this date.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

11-370. Yanmar Co., LTD, d/b/a Yanmar Diesel Engine Company, LTD, et al. v. Wanda H. Slater, from Jefferson Circuit.

PETITIONS FOR REVIEW:

CR12-125. Terry Lee Scroggins v. State of Arkansas, from Logan Circuit, Southern District.

11-1019. Michael A. Hayes v. Sandra L. Otto, from Pulaski Circuit, Fourteenth Division.

12-112. Gabrielle Hill v. Arkansas Department of Human Services et al., from Sebastian Circuit, Fort Smith District.

CR11-271. Michael Dewayne Gulley v. State of Arkansas, from Nevada Circuit. Terrence Cain is ordered to appear and show cause at 9:00 a.m. today.

CR12-103. State of Arkansas v. Juan Estrada, from Pulaski Circuit, Fourth Division. Motion to declare appellee indigent for purposes of appeal and counsel be appointed.

CR12-124. Melissa Workman v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Joseph C. Self to withdraw as counsel for Melissa Workman.

11-70. Bayer CropScience LP and Bayer CropScience Holding, Inc. v. Lenny Joe Kyle, Individually, and Lenny Joe Kyle Farms, from Woodruff Circuit. Appellants' motion to dismiss appeal.

11-650. Donnell Richard v. Union Pacific Railroad Company, from Jefferson Circuit. Appellee's notice of supplemental authority.

11-933. Cleo McKenzie v. Joshua James Pierce, from St. Francis Circuit. Appellant's motion for an order to stay lower court proceedings.

11-933. Cleo McKenzie v. Joshua James Pierce, from St. Francis Circuit. Appellant's motion to advance on the docket.

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MOTIONS SUBMITTED

11-1086. Joey McCutchen v. City of Fort Smith, Arkansas, et al., from Sebastian Circuit, Fort Smith District. Motion of the State of Arkansas for leave to file an amicus curiae brief in support of appellant/cross-appellee.

11-1086. Joey McCutchen v. City of Fort Smith, Arkansas, et al., from Sebastian Circuit, Fort Smith District. Motion of the Arkansas Press Association and The Reporters Committee for Freedom of the Press for leave to file amicus curiae brief in support of the appellant.

11-1086. Joey McCutchen v. City of Fort Smith, Arkansas, et al., from Sebastian Circuit, Fort Smith District. Motion of Stephens Media LLC for leave to appear as amicus curiae and to join the amici curiae brief of The Reporters Committee for Freedom of the Press and the Arkansas Press Association.

11-1259. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Bruce Jamison Bennett, Arkansas Bar No. 92140, an Original Action. Motion for appointment of special judge.

11-1259. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Bruce Jamison Bennett, Arkansas Bar No. 92140, an Original Action. Respondent's motion for change of venue.

CA11-1273. Tom Muccio et al. v. Johnelle Hunt et al., from Washington Circuit. Motion of separate appellees Johnelle Hunt, Phil Phillips, David Schumacher, Trey Trumbo, J.B. Hunt, LLC; Phil and Judy Phillips Family Limited Partnership, LLP; TCH Investments, LLC; Big Horn Lodge Financing, LLC; BioBased Technologies, LLC; Homestead Homes, LLC; and Next Generation Holdings, LLC, to dismiss appeal.

CA11-1273. Tom Muccio et al. v. Johnelle Hunt et al., from Washington Circuit. Motion of separate appellees Johnelle Hunt, Phil Phillips, David Schumacher, Trey Trumbo, J.B. Hunt, LLC; Phil and Judy Phillips Family Limited Partnership, LLP; TCH Investments, LLC; Big Horn Lodge Financing, LLC; BioBased Technologies, LLC; Homestead Homes, LLC; and Next Generation Holdings, LLC, to transfer and to stay briefing schedule.

CA11-1273. Tom Muccio et al. v. Johnelle Hunt et al., from Washington Circuit. Motion on behalf of appellees Michael Johnson, Amy Sorrell, Walter Smiley, and Smiley Investment Company to transfer to Supreme Court, to dismiss appeal, and to stay briefing schedule.

CA11-1273. Tom Muccio et al. v. Johnelle Hunt et al., from Washington Circuit. Motion on behalf of appellees/cross-appellants Mike Lax, Tommy Vaughan, and Lax, Vaughan, Fortson, McKenzie & Rowe, P.A., to transfer to Supreme Court, to dismiss appeal, and to stay briefing schedule.

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CASES SUBMITTED

CR11-673. David Waldon Paschal v. State of Arkansas, from Washington Circuit.

CR11-985. Ae Samontry and Pornpiemon Phouangmany v. State of Arkansas, from Lonoke Circuit.

11-483. Grand Valley Ridge, LLC, et al. v. Metropolitan National Bank et al., from Washington Circuit.