

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 29, 2012

JIM HANNAH, CHIEF JUSTICE:

CR11-673. David Waldon Paschal v. State of Arkansas, from Washington Circuit. Affirmed in part; reversed and remanded in part; reversed and dismissed in part. Danielson, J., concurs in part and dissents in part. Brown, Gunter, and Baker, JJ., dissent in part and concur in part.

DONALD L. CORBIN, JUSTICE:

11-784. Carnegie Public Library of Eureka Springs, Eureka Springs Library Board, Lucilla Garrett, and David Zimmerman v. Carroll County, Arkansas; the Carroll County Quorum Court; Sam Barr, Carroll County Judge; the Carroll County Library Board, Bill Brown, President; the Berryville Public Library; and the Green Forrest Public Library, from Carroll Circuit, Western District. Appeal dismissed. Danielson, J., not participating.

ROBERT L. BROWN, JUSTICE:

11-650. Donnell Richard v. Union Pacific Railroad Company, from Jefferson Circuit. Reversed and remanded.

11-927. NISHA, LLC and Centennial Bank, formerly known as Community Bank v. TriBuilt Construction Group, LLC, from Sebastian Circuit, Fort Smith District. Reversed.

JIM GUNTER, JUSTICE:

11-790. Kenneth G. Middleton and Lynn Carl Middleton v. Geraldine Lockhart, Mildred M. Anderson, Joyce M. Henson, and Jessie J. Brewer, from Newton Circuit. Affirmed.

COURTNEY HUDSON GOODSON, JUSTICE:

11-1062. Barry Jewell v. Scott Fletcher, John T. Holleman, Debra Worley, Administratrix; and Estate of Micheal Sims, from Pulaski Circuit, Sixth Division. Appeal dismissed.

PER CURIAM OPINION:

CR10-600. Angel Yonis Romero and Conrado Giovany Cordona-Duarte v. State of Arkansas, from Crawford Circuit. Reversed and remanded.

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PER CURIAM ORDERS

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

11-1116. Ronald E. Mauldin and Pamela D. Mauldin v. Danny Snowden et al., from Van Buren Circuit. Danielson and Baker, JJ., not participating.

11-1144. Dan C. Clow and Suzanne Clow v. Vickers Construction Co., Inc., from Stone Circuit.

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CR11-271. Michael Dewayne Gulley v. State of Arkansas, from Nevada Circuit. Master appointed. Danielson, J., would not require the attorneys to show cause but would instead refer Mr. Davis to the Supreme Court Committee on Professional Conduct. See **per curiam** this date.

CR12-7. Richard T. Gordon, Sr. v. State of Arkansas, from Stone Circuit. Motion of Larry R. Froelich to withdraw as counsel and to substitute Craig Lambert as attorney of record on behalf of appellant is granted.

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 granted.

CR12-74. Terry Dean Birts v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's petition requesting authorization of the issuance of a writ of certiorari to correct the record on appeal and requesting that the time within which the appellant must file initial brief be stayed until the record on appeal is corrected. Granted; corrected record due within thirty days.

CR12-124. Rickey Bruner, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of R. Gunner DeLay to be relieved as attorney for appellant Rickey Bruner, Jr., and stay briefing schedule is denied. See *Calhoun v. State*, 370 Ark. 367, 259 S.W.3d 455 (2007).

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CR12-124. Melissa Workman v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion for reconsideration of Joseph C. Self to withdraw as counsel for appellant Melissa Workman is denied. *See Calhoun v. State*, 370 Ark. 367, 259 S.W.3d 455 (2007).

11-1000. Anna Geiger et al. v. Terry Hipp et al., from Cleburne Circuit. Appellees' motion to dismiss appeal and to stay briefing schedule. Motion to dismiss appeal is granted. Motion to stay briefing schedule moot.

11-1114. Nancie M. Givens, Acting Executive Director, Supreme Court Committee on Professional Conduct v. Alice Ward Greene, Arkansas Bar No. 95197, an Original Action. Petitioner's motion and amended motion for default judgment. Special master appointed. See **per curiam** this date.

CR02-1150. Robert Hoover v. State of Arkansas, from Drew 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.

CR11-1011. Lee Mark Harris v. State of Arkansas, from Desha Circuit. Pro se motion for belated appeal. Pro se motion for belated appeal treated as motion for rule on clerk and denied.

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

11-605. Rodney Williams v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Pro se petition for rehearing. Pro se petition for rehearing treated as motion for reconsideration of dismissal of appeal and denied.

11-1167. Jimmy Edd Lee v. Arkansas Department of Correction and Ray Hobbs, Director, from Pulaski Circuit, Sixth Division. Pro se motion for rule on clerk is granted.

12-65. Daniel Sanders v. Hon. Timothy D. Fox, Circuit Judge, from Pulaski Circuit, Sixth Division. Pro se petition for writ of mandamus is denied.

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PER CURIAM ORDERS

In Re Supreme Court Committee on Model Jury Instructions – Criminal. See **per curiam** this date.

Dan Ritchey, Esq., of Blytheville, Prosecuting Attorney Carlton Jones of Texarkana, Prosecuting Attorney Chuck Graham of Lonoke, Prosecuting Attorney Robin Carroll of El Dorado, and Circuit Judge Brent Haltom of Texarkana are appointed to the Committee on Model Jury Instructions - Criminal for three-year terms to expire on February 28, 2015. We thank these new members for their willingness to serve on this important committee.

We express our gratitude to the following members of the committee, who have provided valuable service over the years and are now term-limited: Bruce Buck, Esq., of Harrison, Billy Bob Webb, Esq., of Springdale, Joe Perry, Esq., of Marianna, Judge Raymond Abramson of Clarendon, and Judge Gordon Webb of Harrison.

We note with appreciation Judge Webb's service as the chair of the committee and designate Judge Charles Yeargan, a current member of the committee, to succeed him as chair of the committee.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

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

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PETITION FOR REVIEW:

CR12-152. Eric James Elliott v. State of Arkansas, from Lonoke Circuit.

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CA11-883. Michael Wilson v. Sara Powers, from Grant Circuit. Appellee's motion to dismiss appeal as to child custody order.

11-1086. Joey McCutchen v. City of Fort Smith, Arkansas, et al., from Sebastian Circuit, Fort Smith District. Appellees/Cross-Appellants' motion requesting ten page expansion of argument page limit.

12-212. Robin West v. Arkansas Department of Human Services, from Carroll Circuit, Eastern District. Motion for rule on clerk.

12-222. R.M.R. v. State of Arkansas, from Pope Circuit. Motion for rule on clerk.

12-222. R.M.R. v. State of Arkansas, from Pope Circuit. Motion of Michael Lamoureux to withdraw as counsel on behalf of appellant.

12-222. R.M.R. v. State of Arkansas, from Pope Circuit. Appellant's motion to protect the identity of juvenile.

12-231. Sally Thomas v. Nadav Sharon, M.D., et al., from Carroll Circuit, Eastern District. Petition for writ of certiorari to complete the record.

12-238. Field Montgomery Watts, Arkansas Bar No. 92026 v. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct, an Original Action. Petition for voluntary surrender of license (resignation).

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SUBMISSIONS

CR00-803. Timothy Lamont Howard v. State of Arkansas, from Little River Circuit. Argued orally.

CR11-111. Michael Wade Myers and Scott Lynn Hall v. State of Arkansas, from Lonoke Circuit.

CR11-366. Julian Rueda v. State of Arkansas, from Benton Circuit.

CR11-373. Carlos Andrew Keck v. State of Arkansas, from Saline Circuit.

CR11-406. William Mack Eubanks v. State of Arkansas, from Franklin Circuit, Northern District.