

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 5, 2012

JIM HANNAH, CHIEF JUSTICE:

[CR11-406](#). William Mack Eubanks v. State of Arkansas, from Franklin Circuit. Affirmed.

JIM GUNTER, JUSTICE:

[CR11-111](#). Michael Wade Myers and Scott Lynn Hall v. State of Arkansas, from Lonoke Circuit. Affirmed.

PAUL E. DANIELSON, JUSTICE:

[CR11-366](#). Julian Rueda v. State of Arkansas, from Benton Circuit. Affirmed.

KAREN R. BAKER, JUSTICE:

[CR11-373](#). Carlos Keck v. State of Arkansas, from Saline Circuit. Affirmed.

PER CURIAM OPINIONS:

[CR11-217](#). Steven Samples v. State of Arkansas, from Benton Circuit. Appeal dismissed.

[10-274](#). Johnny Tarkington v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson Circuit. Affirmed.

[10-1121](#). Damont Ewells v. Alan Constant, Kirk Zaner, and Patrick Langley, from Garland Circuit. Affirmed.

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REVIEW DENIED: Petition for review was denied today in the following case.

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

10-127. Joe Louis Kelley, Jr. v. Larry Norris, Director, and Shelli Maroney, Records Supervisor, Arkansas Department of Correction, from Jefferson Circuit. Appellant's motion for belated response to petition for rehearing is granted. Response due in seven days.

10-127. Joe Louis Kelley, Jr. v. Larry Norris, Director, and Shelli Maroney, Records Supervisor, Arkansas Department of Correction, from Jefferson Circuit. Appellant's motion for leave to file response to motion for rehearing in excess of ten pages is denied. Danielson, J., would grant.

CA11-883. Michael Wilson v. Sara Powers, from Grant Circuit. Appellee's motion to dismiss appeal as to child custody order is denied. Brown and Danielson, JJ., would take as a case.

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 is granted. Corbin, J., would deny.

12-212. Robin West v. Arkansas Department of Human Services, from Carroll Circuit, Eastern District. Motion for rule on clerk is denied. Brown, J., would grant.

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 is granted. Record filed this date. Goodson, J., not participating.

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). Granted with direction to the Clerk to remove the attorney's name from the registry of attorneys licensed to practice law in the State of Arkansas.

CA12-245. Sonya Jones v. M&O Investments, from Pulaski Circuit, Fifth Division. Motion to expedite motion to stay; motion to stay proceedings; motion to expedite appeal. Moot.

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[CR11-1221](#). Phillip Harrison v. State of Arkansas, from Miller Circuit. Pro se motions for extension of time to file brief, for appointment of counsel, to waive court costs and fees, and for "subpoena deuces tecum." Appeal dismissed; motions moot. See **per curiam** this date.

[CR11-1251](#). Corey Lambert v. State of Arkansas, from Jefferson Circuit. Pro se motion for extension of time to file appellant's brief and for use of trial transcripts. Appeal dismissed; motion moot. See **per curiam** this date.

CR12-91. Willie Munn v. State of Arkansas, from Howard Circuit. Pro se motion for belated appeal is denied.

In Re April 12, 2012 Session of the Arkansas Supreme Court. See [per curiam](#) this date.

On April 12, 2012, the Supreme Court will convene at 9:00 a.m. at the Hathaway-Howard Fine Arts Center, University of Arkansas–Pine Bluff.

In Memory of Justice Thomas Glaze. See [per curiam](#) this date.

On March 30, 2012, Honorable Thomas Glaze, who served with distinction on this court from 1987 to 2008, died at the age of 74. Following his retirement from the court, Justice Glaze valiantly battled his declining health and pressed forward to successfully complete his memoir on election reform: Tom Glaze with Ernie Dumas, *Waiting for the Cemetery Vote: The Fight to Stop Election Fraud in Arkansas* (2011). This was a testament to the courage and determination that marked his life.

The Arkansas Supreme Court joins the citizens of this state in saluting Justice Glaze for a life well lived, a life of service in pursuit of justice. The court extends its deepest condolences to his wife, Phyllis, and the rest of his family.

On this sad occasion, we republish the court's sentiments expressed upon Justice Glaze's retirement. *In re Retirement of Justice Thomas Glaze*, 374 Ark. App'x 719 (2008):

Upon his retirement from the Supreme Court of Arkansas after twenty-one years of service as associate justice, the court recognizes and expresses appreciation to Justice Tom Glaze for his dedication to public service and in particular to this court. Justice Glaze has made the court's work his first priority and has zealously defended the integrity of this court. Justice Glaze has loved the law and the work of the supreme court, and his institutional memory in our deliberations has kept the court on course.

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Born in Missouri, Justice Glaze came to Arkansas to play baseball at the University of Arkansas. He went on to serve his adopted state as an attorney in private practice, as a staff attorney with Pulaski County Legal Aid, and as legal advisor to Governor Winthrop Rockefeller. He also served as the Executive Director of the Election Research Council, Inc., Assistant Attorney General, and Chairman of the Election Laws Institute, Inc. Justice Glaze first went on the bench as a chancery judge for the Sixth Judicial Circuit; he then served as a judge on the Arkansas Court of Appeals until his election to the Arkansas Supreme Court in 1986. As an adjunct professor at the University of Arkansas at Little Rock Bowen School of Law, Justice Glaze educated countless law students in the subject of family law. He taught his students not only substantive law, but the practical and ethical aspects of practicing law as well.

Justice Glaze is known by his colleagues in the legal community as a defender of those unable to protect themselves. A voice for children and families in need, he was an early proponent of foster care reform in this state. Justice Glaze advocated for the establishment of full-fledged courts for children's issues and has long encouraged the appointment of attorneys ad litem to represent children.

John F. Kennedy said, "Let the public service be a proud and lively career." It has been so for Justice Tom Glaze. To analogize his legal career to the game of baseball, which has always been close to his heart, Tom Glaze pitched a "complete and perfect game." The court wishes him godspeed in his retirement.

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In Re Judges and Lawyers Assistance Program. See [per curiam](#) this date.

Worth Sparkman was appointed in 2010 to serve the remainder of the term of Melissa Carroll. His tenure on the Committee concluded on February 28, 2012. The Court extends its appreciation to Mr. Sparkman for his service on the Committee. The Court appoints Melanie Conway, MD, of Little Rock to replace Mr. Sparkman for a six-year term as a lay member of the Board. Dr. Conway's term will conclude on February 28, 2018.

Circuit Judge Kathleen Bell has served tirelessly on the Committee, including her final term, which concluded on February 28, 2012. The Court extends its gratitude to Judge Bell for her contributions to the Committee. We appoint Circuit Judge Barbara Halsey of Paragould to replace Judge Bell. Judge Halsey's six-year term as a lawyer member of the Committee will expire on February 28, 2018.

Jim Smith has been at the center of efforts to create a program to assist Judges and Lawyers who suffer from alcoholism, substance abuse, or other disabilities. The court extends a very sincere thank you to Mr. Smith, who served selflessly on the Committee as a lawyer appointee from 2006 to the conclusion of his final term—February 28, 2012. We appoint Cynthia Nance of Fayetteville to replace Jim Smith as a lawyer appointee on the Committee for a six-year term to conclude February 28, 2018.

The Court conveys its sincere appreciation to Dr. Conway, Circuit Judge Barbara Halsey, and Cynthia Nance for generously agreeing to serve as members of the Judges and Lawyers Assistance Program Committee.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR11-713. State of Arkansas v. Mark Tyson, from Pulaski Circuit, Fifth Division.

11-374. J.E.M. v. G.F.J. and S.L.J., from Faulkner Probate.

PETITION FOR REVIEW:

CR12-161. Patrick Cinque Smith v. State of Arkansas, from Pulaski Circuit, First Division.

CR02-22. Karl Roberts v. State of Arkansas, from Polk Circuit. Petitioner's motion for leave to file a 39-page argument or for permission to incorporate by reference from the brief in CR03-780, a companion case.

03-308. Nancie Givens, Acting Executive Director, Committee on Professional Conduct v. James S. Scott, Jr., Arkansas Bar No. 87154, an Original Action. Petition to surrender.

11-609. Bayer CropScience LP et al. v. Doyle Sims et al., from Desha Circuit. Joint motion to dismiss appeal and cross-appeal.

12-88. Bryant Healthcare Center LLC d/b/a Bryant Healthcare Center et al. v. Circuit Court of Saline County, Arkansas, from Saline Circuit. Motion of Arkansas Health Care Association for permission to file amicus curiae brief in support of appellants.

12-257. Clyde McMoran v. Greater Shreveport Bossier Auto Auction, from Faulkner Circuit. Motion for rule on clerk.

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SUBMISSIONS

CR11-606. Antonio Deshun Sartin v. State of Arkansas, from Pulaski Circuit, Fourth Division.

11-902. Kenny Staggs et al. v. Union Pacific Railroad Company et al., from Independence Circuit.

11-933. Cleo McKenzie v. Joshua James Pierce, from St. Francis Circuit.

11-992. Central Oklahoma Pipeline, Inc., d/b/a Cenok Pipeline, Inc. v. Hawk Field Services, LLC, et al., from Conway Circuit.

11-1130. Cancun Cyber Cafè and Business Center, Inc. v. City of North Little Rock, Arkansas, et al., from Pulaski Circuit, Second Division.