

ARKANSAS SUPREME COURT

PROCEEDINGS OF MAY 31, 2012

JIM HANNAH, CHIEF JUSTICE:

[CR11-1204](#). Theodis Mitchell, Jr. v. State of Arkansas, from Arkansas Circuit, Northern District. Affirmed.

ROBERT L. BROWN, JUSTICE:

[12-15](#). Ground Zero Construction, Inc. v. Walnut Creek, LLC; R&R Partners, LLC; Rees Development, Inc.; Walnut Creek Properties, LLC; Marrs Electric, Inc.; Morrison Shipley Engineers, Inc.; Hutchens Construction Company; Traffic & Control Lighting Systems, LLC; and Metropolitan National Bank, from Benton Circuit. Affirmed.

JIM GUNTER, JUSTICE:

[11-256](#). Brandon Rowe et al. v. Ray Hobbs, Director of the Arkansas Department of Correction, and Leroy Brownlee, Chairman of the Arkansas Parole Board, from Pulaski Circuit, Sixth Division. Affirmed.

[11-1107](#). In the Matter of the Guardianship of S.H., a Minor, Tamera Troeskyn v. Larry Herrington and Donna Herrington, from Arkansas Circuit, Northern District. Reversed and remanded in part; affirmed in part. Corbin, Brown, and Goodson, JJ., concur in part and dissent in part.

KAREN R. BAKER, JUSTICE:

[CR11-1051](#). Brian Charland v. State of Arkansas, from Carroll Circuit, Eastern District. Affirmed.

[11-905](#). Scottsdale Insurance Company v. Morrow Land Valley Company, LLC, and Ben Cain, from Washington Circuit. Affirmed on direct appeal; dismissed without prejudice on cross-appeal. Corbin, Danielson, and Goodson, JJ., concur.

COURTNEY HUDSON GOODSON, JUSTICE:

[11-1213](#). Fatpipe, Inc. v. State of Arkansas; Arkansas Department of Finance and Administration; Office of State Procurement, from Pulaski Circuit, Seventeenth Division. Appeal dismissed.

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REVIEWS GRANTED: Petitions for review were granted today in the following cases.

12-36. Scott Blake v. Jonathan Shellstrom, Robin Whitten, and Metropolitan Property Casualty Insurance Company, from Stone Circuit.

12-146. Zelda Walls and Richard Gawenis v. Arkansas Oil and Gas Commission and SEECO, Inc., from Van Buren Circuit. Baker, J., not participating.

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

11-1203. City of Bryant, Arkansas and Richard Penn, Director of Public Works for the City of Bryant, Arkansas v. Edward Collins and Quinn Collins, from Saline Circuit.

11-1286. Robert David Lewis v. AT&T Mobility, LLC and Metropolitan National Bank, from Pulaski Circuit, Third Division.

12-1. Richard Little v. Tyson Poultry, Inc., and Tynet, Inc., from Workers' Compensation Commission. Goodson, J., not participating.

12-119. Mary Evelyn Gibbs, Executrix of the Estate of Bethel Acuff (Deceased) v. Donald V. Bumgarner, Mildred R. Bumgarner, and Donald W. "Donnie" Bumgarner, from Madison Circuit.

12-162. Perry Mack v. Union Pacific Railroad Company, from Jefferson Circuit.

12-168. Emily Tonos Bendinelli v. Michael Emil Bendinelli, from Chicot Circuit.

12-188. J&J Excavating v. Doyne Construction Company, Inc., and Liberty Mutual Insurance Company, from Pulaski Circuit, Second Division.

12-210. Larry Lunday v. Entergy Arkansas, Inc.; Second Injury Fund; and Death and Permanent Total Disability Trust Fund, from Workers' Compensation Commission.

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CR00-803. Timothy Lamont Howard v. State of Arkansas, from Little River Circuit. Appellant's motion to stay mandate in order to petition for writ of certiorari is granted. Corbin, J., not participating.

CR12-63. Kevin Kyle Crouse v. State of Arkansas, from Crittenden Circuit. Appellee's motion for permission to file supplemental brief is granted.

[CR12-411](#). Teddy Allen Jones v. State of Arkansas, from Stone Circuit. Motion for rule on clerk is granted. See **per curiam** this date.

[CR12-411](#). Teddy Allen Jones v. State of Arkansas, from Stone Circuit. Motion of Beverly C. Claunch to withdraw as attorney of record is granted. See **per curiam** this date.

12-162. Perry Mack v. Union Pacific Railroad Company, from Jefferson Circuit. Notice of supplemental authority. Noted.

12-256. Robert L. Cannon v. Arkansas Sex Offender Assessment Committee, from Pulaski Circuit, Sixth Division. Pro se request for motion for extension of time to file notice of appeal and designation of records is denied.

12-256. Robert L. Cannon v. Arkansas Sex Offender Assessment Committee, from Pulaski Circuit, Sixth Division. Pro se petition for writ of certiorari to complete the record is denied.

12-385. Robert W. McWilliams and Sue C. McWilliams v. Pope County Board of Equalization and Karen Martin, Assessor, from Pope Circuit. Appellants' motion requesting clarification regarding briefing issues is denied.

12-416. A.G. Hunt Construction Company, Inc. v. M.L. Tester, from Conway Circuit. Motion for rule on clerk is denied.

[CR07-1318](#). Robert Maxwell a/k/a G-Doffee v. State of Arkansas, from Pulaski Circuit, Fourth Division. Pro se petition to reinvest circuit court with jurisdiction to consider a petition for writ of error coram nobis; motion for writ of certiorari; and motion to recall the mandate. Petition denied; motion for writ of certiorari denied; motion to recall the mandate denied. See **per curiam** this date.

CR11-884. Walter Lee Walton v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motions for copy of transcript at public expense and for leave to file supplemental brief are denied.

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[CR12-55](#). Brandon Carter v. Hon. Larry Chandler, Circuit Judge, from Columbia Circuit. Pro se petition for writ of mandamus. Petition granted. See **per curiam** this date.

[CR12-251](#). Jeffrey Garcia v. Hon. Gary Arnold, Circuit Judge, from Saline Circuit. Pro se petition for writ of certiorari or, in the alternative, for writ of mandamus. Petition for certiorari denied; petition for writ of mandamus granted. See **per curiam** this date.

[CR12-267](#). David Lee Vance v. State of Arkansas, from Saline Circuit. Pro se motions to dismiss appeal, for photocopying at public expense, and for extension of brief time. Motion to dismiss appeal granted; motion for photocopying at public expense denied; motion for extension of brief time moot. See **per curiam** this date.

[CR12-342](#). David E. Lewis v. State of Arkansas, from Arkansas Circuit, Northern District. Pro se motion for rule on clerk. Motion granted. See **per curiam** this date.

[CR12-350](#). Rodney Lee Mitchael v. State of Arkansas, from Crawford Circuit. Pro se motion for belated appeal and petition for writ of mandamus. Motion for belated appeal treated as motion for rule on clerk and denied; petition for writ of mandamus denied. See **per curiam** this date.

[11-1165](#). Randall T. McArty v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson Circuit. Pro se motion to file supplemental abstract, addendum, and brief. Motion denied; order affirmed. See **per curiam** this date.

[In Re Administrative Order No. 21–Electronic Filing](#). See **per curiam** this date.

[In Re Judicial Discipline and Disability Commission](#). See **per curiam** this date.

In accordance with Amendment 66 of the Constitution of Arkansas and Act 637 of 1989, the Supreme Court appoints Hon. Kirk Johnson, Circuit Judge, of Texarkana to the Judicial Discipline and Disability Commission for a six-year term expiring on June 30, 2018. We thank Judge Johnson for accepting appointment to the Commission.

We also appoint Judge Cindy Thyer, Circuit Judge of Paragould, to an alternate position on the Commission for a six-year term expiring on June 30, 2018 and thank her for accepting appointment to this position. We reappoint Hon. Don Glover, Circuit Judge, of McGehee to an alternate position for a six-year term expiring on June 30, 2018 and thank him for his continued service.

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The court expresses its gratitude to Judge William Storey of Fayetteville, whose term has expired, for his service to the Commission, including his service as its chair. We also express our appreciation to Judge David Laser, Circuit Judge of Jonesboro, whose term has expired, for his dedicated service to the Commission.

[In Re District Court Resource Assessment Board](#). See **per curiam** this date.

Honorable Michael Lincoln of Searcy, White County Judge, is reappointed to the District Court Resource Assessment Board for a four-year term to expire on April 30, 2016. The court thanks Judge Lincoln for his continued service on this important board.

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MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

11-1265. Henry Nichols and Regions Bank, Trustees for Alpha Trust v. Culotches Bay Navigation Rights Committee, LLC, from Prairie Circuit, Northern District.

11-1287. David Pack v. Little Rock Convention & Visitors Bureau and Risk Management Resources, from Workers' Compensation Commission.

12-37. Arlie Walls et al. v. Noble Humphries et al., from Van Buren Circuit.

12-52. Grayson & Grayson, P.A. v. David A. Couch, from Pulaski Circuit, Third Division.

12-79. Eaton and Moery Farms, a Partnership, et al. v. Estate of George Hamilton Lescher, Deceased, from Cross Circuit.

12-163. Benefit Bank v. Marilyn Rogers, from Sebastian Circuit, Greenwood District.

12-189. Jeremy Dewayne Summers v. Charlie Elmer Byrd et al., from Mississippi Circuit, Chickasawba District.

12-204. Smith Land Company, LLC; Springhill Land and Timber Company, LLC; and A. Lamar Smith v. John Hancock Mutual Life Insurance Company, from Columbia Circuit.

12-208. Catherine Yokley v. Bruce Yokley, from White Circuit.

12-209. Sheila Milton v. K-Tops Plastic Manufacturing Company, Companion Property and Casualty Company, Second Injury Fund, and Death and Permanent Total Disability Trust Fund, from Workers' Compensation Commission.

12-246. Carmelita Flores v. Walmart Distribution and Claims Management, Inc., from Workers' Compensation Commission.

12-309. Clifford Flowers v. Amerisourcebergen Drug Corp., from Jefferson Circuit.

11-1061. DIRECTV, Inc., et al. v. Jo Murray, Individually and on Behalf of an Arkansas Class of Similarly Situated Persons, from Miller Circuit. Appellants' motion for assignment of a Special Justice.

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MOTIONS SUBMITTED

11-1299. HPD, LLC v. Tetra Technologies, Inc., from Union Circuit. Appellant-Cross-Appellee's motion to file belated reply brief.

12-13. Anna Geiger et al. v. Janice Verser et al., from Cleburne Circuit. Appellants' motion for permission to file belated brief.

12-349. General Steel Domestic Sales, LLC, d/b/a General Steel Corporation or General Steel v. Rising Sun Missionary Baptist Church, from St. Francis Circuit. Appellant's motion and amended motion for stay.

12-353. Loretta Mercer and Ashley Mercer v. Michael Dean Engle and Jo Ann Engle, from Jackson Circuit. Motion of Arkansas Realtors Association for permission to file an amicus curiae brief in support of appellees.

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SUBMISSIONS

11-874. Gary Brumley and Jerri Brumley, Individually and as Husband and Wife v. Terry L. Keech, Troy Blasingame, and James Adams, Individually and d/b/a J&R Trucking Company, from Crawford Circuit. Argued orally.

11-495. Lenny Joe Kyle, Individually, and Lenny Joe Kyle Farms v. Gray, Ritter & Graham, P.C., et al., from Woodruff Circuit.

11-1092. Brittany Mahavier v. Teresa Mahavier, from Benton Circuit.

11-1157. N.D. v. State of Arkansas, from Jefferson Circuit.

12-24. Barry Jewell v. Bobby Keith Moser et al., from Pulaski Circuit, Sixth Division.