

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 14, 2012

JIM HANNAH, CHIEF JUSTICE:

[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. Affirmed.

DONALD L. CORBIN, JUSTICE:

[11-344](#). Partne A. Daugherty v. Jacksonville Police Department; Gary Sipes, as Jacksonville Police Chief; and Gary Fletcher, Mayor of Jacksonville, from Pulaski Circuit, Fifth Division. Affirmed in part; reversed and remanded in part.

ROBERT L. BROWN, JUSTICE:

[11-1157](#). N.D. v. State of Arkansas, from Jefferson Circuit. Affirmed. Corbin, J., not participating.

[11-1225](#). Clinical Study Centers, Inc., John M. Giblin, M.D., Anthony Johnson, M.D., and Gordon Gibson, M.D. v. Samuel Boellner, M.D., and Marilyn Boellner, from Pulaski Circuit, Sixteenth Division. Affirmed.

JIM GUNTER, JUSTICE:

[12-24](#). Barry Jewell v. Keith Moser; Scott Fletcher; Jewell, Moser, Fletcher & Holleman, P.A.; JMF Enterprises, Inc.; and Debra Worley, Administratrix for the Estate of Micheal Sims, from Pulaski Circuit, Sixth Division. Appeal dismissed.

COURTNEY HUDSON GOODSON, JUSTICE:

[11-495](#). Lenny Joe Kyle and Lenny Joe Kyle Farms v. Gray, Ritter & Graham, P.C.; Wolf, Haldenstein, Adler, Freeman & Herz, LLC; Seeger Weiss, LLP; Neblett, Beard & Arsenault, LLP; Emerson, Poynter, LLP; Whatley, Drake & Kallas, LLP; Looper, Reed & McGraw; Chapman, Lewis & Swan, from Woodruff Circuit. Appeal dismissed.

PER CURIAM OPINION:

[CR09-1167](#). Jeremiah Walton v. State of Arkansas, from Pulaski Circuit, Fifth Division. Affirmed.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 14, 2012

PER CURIAM ORDERS

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

CR10-638. State of Arkansas v. Kenneth Harrison, from Pulaski Circuit, First Division. Hannah, C.J., and Danielson, J., would grant.

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

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. Danielson, J., not participating.

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

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

11-1265. Henry Nichols and Regions Bank, Trustees for Alpha Trust v. Culotches Bay Navigation Rights Committee, LLC, from Prairie Circuit, Northern District. Brown, J., not participating.

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.

12-189. 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.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 14, 2012

PER CURIAM ORDERS

12-208. Catherine Yokley v. Bruce Yokley, from White Circuit. Hannah, C.J., not participating.

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. Corbin, J., not participating.

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. Moot.

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

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

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. Stay granted for 60 days.

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 is denied.

12-419. Steven David Erdahl, Arkansas Bar No. 2005005 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.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 14, 2012

PER CURIAM ORDERS

12-468. Elizabeth Vandeven, APN and Horizons for Women, LLC v. Circuit Court of Pulaski County, Arkansas, from Pulaski Circuit, Sixteenth Division. Motion for emergency or accelerated proceedings regarding petition for writ of prohibition or certiorari and for temporary relief. Moot.

12-468. Elizabeth Vandeven, APN and Horizons for Women, LLC v. Circuit Court of Pulaski County, Arkansas, from Pulaski Circuit, Sixteenth Division. Petition for writ of prohibition. Moot.

12-468. Elizabeth Vandeven, APN and Horizons for Women, LLC v. Circuit Court of Pulaski County, Arkansas, from Pulaski Circuit, Sixteenth Division. Petitioner's motion to withdraw petition for writ of prohibition and for temporary relief and motion for emergency or accelerated proceedings is granted.

CR86-193. Robert Munnerlyn v. State of Arkansas, from Pulaski Circuit, Fourth Division. Pro se petition for rehearing treated as motion for reconsideration of denial of motion and denied.

CR87-61. Robert Munnerlyn v. State of Arkansas, from Pulaski Circuit, Fourth Division. Pro se petition for rehearing treated as motion for reconsideration of denial of motion and denied.

[CR02-161](#). David Alan Anderson v. State of Arkansas, from Greene Circuit. Pro se petition and six amendments to petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and motions for addition to petition, to voluntarily dismiss without prejudice, to compel, and to raise objections. Motion for addition granted; motions to dismiss, compel, and raise objections denied; petition with amendments denied. See **per curiam** this date.

CR11-1279. Lee Charles Millsap, Jr. a/k/a Solomon Lee Millsap v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se petition for rehearing treated as motion for reconsideration and denied.

CR12-111. El Cid Harris v. State of Arkansas, from Ashley Circuit. Appellee's motion to dismiss appeal is granted.

CR12-111. El Cid Harris v. State of Arkansas, from Ashley Circuit. Pro se motion for copy of record at public expense is denied.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 14, 2012

PER CURIAM ORDERS

[CR12-181](#). Frank Garner v. State of Arkansas, from Little River Circuit. Pro se motion for extension of brief time. Appeal dismissed; motion moot. See **per curiam** this date.

12-65. Daniel Sanders v. Hon. Timothy D. Fox, Circuit Judge, from Pulaski Circuit, Sixth Division. Pro se motion for reconsideration is denied.

In Re Arkansas Supreme Court Commission on Children, Youth and Families. See [per curiam](#) this date.

We established the Arkansas Supreme Court Commission on Children, Youth and Families on December 15, 2011, to study and recommend improvements to state courts and court practices. *See In re Creation of the Arkansas Supreme Court Comm'n on Children, Youth & Families*, 2011 Ark. 545 (per curiam). At that time, we announced the commission's goals and structure.

Today, we appoint the members of the commission. The standing members are as follows:

Jim Hannah, Chief Justice of the Arkansas Supreme Court (chair),
Mr. John Selig, Director of the Department of Human Services,
Dr. Tom W. Kimbrell, Commissioner of Education,
Mr. Rich Huddleston, Executive Director of Arkansas Advocates for Children and Families,
Senator Missy Irwin, Chair of the Senate Committee on Children and Youth,
and
Representative Stephanie Malone, Chair of the House Committee on Children and Youth.

In addition, the supreme court appoints six members to serve two-year terms:

Hon. Wiley Branton, Jr., Circuit Judge, Sixth Circuit,
Hon. Ken Coker, Jr., Circuit Judge, Fifth Circuit,
Dr. Jonathan Bates, President and CEO of Arkansas Children's Hospital,
Dr. Sherece West, President and CEO of the Winthrop Rockefeller Foundation,
Ms. Claire Babineaux-Fontenot, Senior Vice President and Chief Tax Officer of Wal-Mart Stores, Inc., and
Ms. Sedella White, Chair of the Division of Children and Families Youth Advisory Committee.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 14, 2012

PER CURIAM ORDERS

The court thanks the standing-commission members and the appointees for their interest in this important issue and their willingness to invest their time and talents in the commission's work.

In Re October 11, 2012 Session of the Arkansas Supreme Court. See [per curiam](#) this date.

On October 11, 2012, the Supreme Court will convene at 9:00 a.m. at Murphy Hall II at the El Dorado Conference Center.

In Re Supreme Court Board of Certified Court Reporter Examiners. See [per curiam](#) this date.

We reappoint the following members to our Board of Certified Court Reporter Examiners: the Honorable Gordon W. "Mack" McCain, Jr., of Pope County, Circuit Judge, Fifth Judicial Circuit, Division 2; the Honorable Richard N. Moore, Jr., of Pulaski County, Circuit Judge, Sixth Judicial Circuit, Division 15; and Reni Irby of White County, Certified Court Reporter. Their three-year terms will expire on July 31, 2015. We appreciate the willingness of these members to continue their service on this important board.

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

On March 31, 2011, this court appointed Mr. Stan Langley, an attorney from Jonesboro, to replace Judge David Laser on the Judges and Lawyers Assistance Program Committee (Committee). Mr. Langley expressed great enthusiasm for participation in the good works of this Committee. Sadly, after an extended illness, Mr. Langley died in December 2011, just a few months after his appointment. As we now appoint a replacement for Mr. Langley, we take the opportunity to express our appreciation for Mr. Langley's willingness to serve on this Committee. We also extend our condolences to Mr. Langley's family as well as his friends and colleagues in and around Jonesboro. The Committee will miss the contribution he no doubt would have made.

We appoint Jim Julian of Little Rock to serve as an attorney representative on the Committee. In accord with Rule 2 of the Arkansas Rules for the Judges and Lawyers Assistance Program, Mr. Julian shall serve the balance of Mr. Langley's term which will conclude on February 28, 2017. Again, we are grateful that Mr. Langley was willing to step forward and offer assistance to his colleagues in the Bar and on the Bench. We thank Mr. Julian for his acceptance of appointment to this important Committee.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 14, 2012

PER CURIAM ORDERS

In Re The Professional Practicum Committee. See [per curiam](#) this date.

On July 1, 2004, Murray Claycomb was an original appointee to the Professional Practicum Committee (Committee). Thereafter, Mr. Claycomb was ready and able to continue his service on the Committee and was reappointed to a full six-year term in 2006. That term is to conclude on July 1, 2012.

Mr. Claycomb has expressed an interest in continuing his service on the Committee, and we can think of no better person to continue service on this Committee. His long tenure as a Committee member will provide a highly desirable measure of experience and continuity to the Committee.

Therefore, we appoint Murray Claycomb of Warren to another six-year term as a representative of the Fourth Congressional District, with his term of service to conclude on July 1, 2018. We thank Mr. Claycomb for his continued willingness to serve his profession.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 14, 2012

MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR11-736. Napoleon Johnson v. State of Arkansas, from Jefferson Circuit.

PETITIONS FOR REVIEW:

CR12-425. Dale Harvey Brown v. State of Arkansas, from Van Buren Circuit.

CR12-440. David Lee Williams v. State of Arkansas, from Hempstead Circuit.

12-337. Fred's Stores of Tennessee, Inc., et al. v. Melvin Ely, from Workers' Compensation Commission.

12-367. Deltic Timber Corporation and Griffith Land Services, Inc. v. Kathy Sue Newland et al., from Conway Circuit.

CR12-191. Cedrick D. Simpson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellee's motion to dismiss appeal.

CR12-191. Cedrick D. Simpson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellee's motion to stay briefing schedule and for additional time to file brief filed in conjunction with motion to dismiss appeal.

CR12-463. Shane Donovan Wade v. State of Arkansas, from Independence Circuit. Motion for rule on clerk.

CR12-465. William S. Fisher v. State of Arkansas, from Garland Circuit. Motion for belated appeal.

CR12-475. Steven Russell, Jr. v. State of Arkansas, from Pulaski Circuit, Fifth Division. Motion for rule on clerk.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 14, 2012

MOTIONS SUBMITTED

CA11-612. Ford Motor Credit Company v. Paulette R. Washington et al., from Jefferson Circuit. Appellees' motion to certify this appeal to the Arkansas Supreme Court.

11-1266. Kenneth Smith, Jr., et al. v Rebsamen Medical Center, Inc., et al., from Pulaski Circuit, Sixth Division. Appellees' motion for leave to file supplemental brief.

11-1295. John Pearson v. Worksource and Wausau Insurance Company, from Workers' Compensation Commission. Appellees' motion to file supplemental briefs.

12-88. Bryant Healthcare Center, LLC d/b/a Bryant Healthcare Center et al. v. Circuit Court of Saline County, Arkansas, from Saline Circuit. Plaintiffs/Real Parties in interests' motion to correct the partial record.

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 Trial Lawyers Association to file amicus curiae brief in support of Respondent.

12-427. George Jones et al. v. William Garrison et al., from Washington Circuit. Appellees' motion to dismiss appeal.

12-455. Carol E. Ludwig, Arkansas Bar No. 83211 v. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct, an Original Action. Petition for voluntary surrender of license (resignation).

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 14, 2012

SUBMISSIONS

11-1128. Ray Hobbs, Director, Arkansas Department of Correction and Arkansas Department of Correction v. Jack Harold Jones et al., from Pulaski Circuit, Sixth Division. Argued orally.

CR11-1209. Brian T. Jordan v. State of Arkansas, from Benton Circuit.

CR12-19. Mackenzie Pickering v. State of Arkansas, from Pope Circuit.

11-1109. Grady Tracy v. Theresa Dennie, from Saline Circuit.

12-345. In Re Harold Wayne Madden, an Original Action, from Arkansas State Board of Law Examiners.