

ARKANSAS SUPREME COURT

PROCEEDINGS OF AUGUST 14, 2012

PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

CR11-702. Michael Tornavacca v. State of Arkansas, from Hot Spring Circuit. Brown, J., would grant.

CR11-1204. Theodis Mitchell, Jr. v. State of Arkansas, from Arkansas Circuit, Northern District.

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

11-344. Partne A. Daugherty v. Jacksonville Police Department et al., from Pulaski Circuit, Fifth Division.

11-1213. Fatpipe, Inc. v. State of Arkansas, Arkansas Department of Finance and Administration, and Office of State Procurement, from Pulaski Circuit, Seventeenth Division.

12-15. Ground Zero Construction, Inc. v. Walnut Creek, LLC, et al., from Benton Circuit.

12-345. In Re Harold Wayne Madden, an Original Action, from Arkansas State Board of Law Examiners. Corbin and Danielson, JJ., would grant.

REVIEW GRANTED: Petition for review was granted today in the following case.

CR12-538. Derek Chambers v. State of Arkansas, from Saline Circuit.

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

12-334. Charolette Ashley v. Richard H. Ashley and J.D. Ashley, Jr., in their Capacity as Personal Representatives for the Estate of J.D. Ashley, Sr., Deceased, from Pulaski Circuit, Sixteenth Division. Brown, J., not participating.

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12-353. Loretta Mercer and Ashley Mercer v. Michael Engle and Jo Ann Engle, from Jackson Circuit.

12-356. Ray Baxter, P.A. and Union Standard Insurance Company v. Jimmy Ray Baxter and Second Injury Fund, from Workers' Compensation Commission. Gunter, J., not participating.

12-368. Arkansas Electric Energy Consumers, Inc. and Arkansas Gas Consumers, Inc. v. Arkansas Public Service Commission et al., from Public Service Commission. Gunter, J., not participating.

12-381. Tim Killian, Individually, and d/b/a Tim Killian General Contractors, Inc. v. R.A. "Reggie" Gibson et al., from Garland Circuit.

12-415. Stephanie Feagin v. Shawn Jackson, from White Circuit.

12-418. Donna Watkins, Administrator of the Estate of Frances Watkins v. Arkansas Elder Outreach of Little Rock, Inc., et al., from Crittenden Circuit.

12-420. J. Robert Fulton v. Beacon National Insurance Company and State Auto Financial Corporation d/b/a State Auto Insurance Companies, from Crittenden Circuit.

12-471. Albaro Vijil v. Schlumberger Technology Corp.; St. Paul Travelers; and Second Injury Fund, from Workers' Compensation Commission.

CR11-1071. James T. Huff v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellee's motion to take judicial notice of amended statement of compliance with Arkansas Supreme Court Rule 4-3(i). Noted.

CR12-118. Rickey Dale Newman v. State of Arkansas, from Crawford Circuit. Appellant's second application for writ of certiorari to complete the record is granted. Supplemental record due in thirty days.

CR12-118. Rickey Dale Newman v. State of Arkansas, from Crawford Circuit. Appellant's motion to stay briefing schedule. Moot.

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CR12-124. Rickey Bruner, Jr. and Melissa Workman v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellee's motion to direct compliance with Arkansas Supreme Court Rule 4-3(h) and 4-3(i) as to an abstract of the trial records and motion to stay briefing schedule pending compliance is granted.

CR12-142. Brandon Lacy v. State of Arkansas, from Benton Circuit. Reconsideration of motion for writ of certiorari. Treated as motion to remand to circuit court to settle the record and granted. Record on remand due in thirty days.

CR12-236. Benjamin L. Eagle v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellee's motion to supplement the record is granted.

CR12-244. Jimmy Lee Williams v. State of Arkansas, from Ouachita Circuit. Appellee's motion to dismiss appeal is granted.

CR12-244. Jimmy Lee Williams v. State of Arkansas, from Ouachita Circuit. Appellee's motion for extension of brief time filed in conjunction with motion to dismiss appeal. Moot.

[CR12-485](#). Brandon Atchley v. State of Arkansas, from Mississippi Circuit, Osceola District. Motion for rule on clerk is granted. See **per curiam** this date.

CR12-501. Ashley Eugene Kaufman v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Timothy Sharum to withdraw as attorney on behalf of appellant is granted. See **per curiam** this date.

[CR12-529](#). Richard Childress v. State of Arkansas, from Jackson Circuit. Motion for rule on clerk is granted. See **per curiam** this date.

CR12-537. Michael S. Winters v. State of Arkansas, from Benton Circuit. Motion of Robert M. "Robby" Golden to be relieved as attorney of record for appellant is denied without prejudice.

[CR12-588](#). Jackie Breeden, Jr. v. State of Arkansas, from Benton Circuit. Motion of Scott M. McElveen to be relieved as attorney for appellant and stay briefing schedule is granted. See **per curiam** this date.

11-900. Chase Bank USA, N.A. v. Regions Bank et al., from Pulaski Circuit, Thirteenth Division. Appellees' Rule 6-2 motion regarding Chase's appeal having been prosecuted merely for purposes of delay and requesting the court to advance and affirm is denied.

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11-961. Frank B. Whitbeck et al. v. Jay Bradford, Successor in Interest to Mike Pickens, et al., from Pulaski Circuit, Third Division. Appellants' motion for oral argument is denied. Brown, J., not participating.

11-1156. James Scott Brown, Arkansas Bar No. 70082 v. Supreme Court Committee on Professional Conduct, an Original Action. Amended petition for voluntary surrender of law license is granted. See **per curiam** this date.

11-1287. David Pack v. Little Rock Convention & Visitors Bureau and Risk Management Resources, from Workers' Compensation Commission. Appellees' motion to file a supplemental brief is granted. Gunter, J., not participating.

11-1287. David Pack v. Little Rock Convention & Visitors Bureau and Risk Management Resources, from Workers' Compensation Commission. Appellant's motion to file a supplemental brief is granted; request to present additional expert opinion evidence is disallowed. Gunter, J., not participating.

11-1308. LVNV Funding, L.L.C. v. Rae Nardi, from Montgomery Circuit. Appellee's motion to file belated brief is granted.

12-37. Arlie Walls et al. v. Noble Humphries et al., from Van Buren Circuit. Motion of separate appellees Paraclifta Land and Minerals and James A. Claughton to file supplemental brief is granted. Danielson, J., not participating.

12-37. Arlie Walls et al. v. Noble Humphries et al., from Van Buren Circuit. Appellants' motion to file supplemental brief is granted. Danielson, J., not participating.

CA12-59. Carolyn Palmer v. Leroy Palmer, from Pulaski Circuit, Fourteenth Division. Appellant's motion to transfer to Arkansas Supreme Court is denied.

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

12-326. Partne A. Daugherty v. Jacksonville Police Department and Gary Sipes, Jacksonville Police Chief, from Pulaski Circuit, Fifth Division. Appellant's motion to reopen case and recall mandate is denied.

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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 to dismiss is granted.

[12-369](#). Ronald Lee May v. Raymond Cole Goodman, Jr., M.D., et al., from Sebastian Circuit, Fort Smith District. Appellant's petition for writ of certiorari for completion of record and to stay briefing schedule is granted. See **per curiam** this date.

12-477. Christi Carr v. Arkansas Department of Human Services, from Benton Circuit. Motion for rule on clerk is granted. See **per curiam** this date.

12-500. Porocel Corporation v. Circuit Court of Saline County, Arkansas, and Booker T. Washington, Jr., from Saline Circuit. Petition for writ of prohibition is taken as a case.

12-500. Porocel Corporation v. Circuit Court of Saline County, Arkansas, and Booker T. Washington, Jr., from Saline Circuit. Motion of respondent Booker T. Washington, Jr. to strike petition for writ of prohibition is denied.

12-500. Porocel Corporation v. Circuit Court of Saline County, Arkansas, and Booker T. Washington, Jr., from Saline Circuit. Motion of respondent Booker T. Washington for extension of time to file response to petition for writ of prohibition filed in conjunction with motion to strike writ of prohibition. Moot.

12-500. Porocel Corporation v. Circuit Court of Saline County, Arkansas, and Booker T. Washington, Jr., from Saline Circuit. Motion of Reynolds Metals Company for permission to file an amicus curiae brief in support of petitioner is granted.

12-550. David H. Arrington Oil & Gas, Inc. v. John A. Bankster and Vivian K. Bankster, from Conway Circuit. Appellant's motion to dismiss appeal is granted.

12-562. Billy R. Hallum v. Estate of Mel Hallum, from Craighead Circuit, Western District. Pro se motion for rule on clerk to file petition for review is denied.

12-589. Gregory Dee Jones, Arkansas Bar No. 87095 v. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct, an Original Action. Petition to surrender Arkansas law license is granted. See **per curiam** this date.

12-590. Timothy W. Brown v. Lou Ann Brown, from Boone Circuit. Motion for leave to proceed in forma pauperis. Appeal dismissed; motion moot.

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12-591. William McKnight, Melody Gale Inge and Michael Inge v. Circuit Court of Cleburne County, Arkansas, Juvenile Division, from Cleburne Circuit. Motion to expedite petition for writ of prohibition, or in the alternative, petition for writ of certiorari, or in the alternative, writ of mandamus is granted. Gunter, J., not participating. (Proceedings of July 25, 2012)

12-591. William McKnight, Melody Gale Inge and Michael Inge v. Circuit Court of Cleburne County, Arkansas, Juvenile Division, from Cleburne Circuit. Petition for writ of prohibition, or in the alternative, petition for writ of certiorari, or in the alternative, writ of mandamus is denied without prejudice. Gunter, J., not participating. (Proceedings of July 25, 2012)

12-592. May Construction Company, Inc. v. Town Creek Construction & Development, LLC, et al., from Washington Circuit. Motion for rule on clerk is denied.

12-593. Douglas A. Caudill v. Montie R. McKinney and Donny Spence, from Marion Circuit. Motion for rule on clerk is denied.

12-614. J. David John v. Benton County Circuit Court, from Benton Circuit. Request for expedited consideration is granted. Petition for writ of prohibition or writ of certiorari and motion for stay are denied. (Proceedings of July 30, 2012)

12-654. Joshua Chase v. Circuit Court of Jefferson County, Arkansas, from Jefferson Circuit. Emergency petition for a writ of certiorari. Granted as to order to restart case from beginning; granted as to order to reopen case as to all issues and parties whose matters were closed and not appealed. Hannah, C.J., and Corbin, and Gunter, JJ., would deny.

CR97-1463. James C. Lever v. State of Arkansas, from Craighead Circuit, Western District. Pro se motion for copy of transcript at public expense is denied.

[CR00-922](#). Carlos Anthony McFerrin v. State of Arkansas, from Mississippi Circuit, Chickasawba District. Pro se petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coraam nobis. Petition denied. See **per curiam** this date.

CR07-1318. Robert Maxwell v. State of Arkansas, from Pulaski Circuit, Fourth Division. Pro se petition for rehearing is denied.

CR10-545. Mickey David Thomas v. State of Arkansas, from Sevier Circuit. Pro se motion for appointment of New Rule 37.5 counsel. Pro se motion to replace appointed counsel denied.

CR10-931. Leundra Leshawn Davis, Jr. v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion for use of transcript. Motion treated as motion for transcript at public expense and denied.

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CR11-1038. Ronald D. Little v. State of Arkansas, from Saline Circuit. Pro se petition for rehearing. Petition for rehearing treated as a motion for reconsideration and denied.

CR11-1064. Jessie Hill v. State of Arkansas, from Grant Circuit. Pro se motions for hearing en banc, for reconsideration, and for de novo hearing; to include addendum and to extend page limit; and to compel an answer, stay proceedings and for abeyance denied. See **per curiam** this date.

[CR11-1165](#). Randall T. McArty v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson Circuit. Pro se petition for rehearing. Petition denied. See **per curiam** this date.

[CR12-156](#). Hilliard Nelson v. Hon. Don Glover, Circuit Judge, from Desha Circuit. Pro se petition for writ of mandamus. Petition moot. See **per curiam** this date.

CR12-187. Joshua Battles v. State of Arkansas, from Jefferson Circuit. Appellee's motion to dismiss appeal is granted.

CR12-233. Detrick Deshawn Croston v. State of Arkansas, from Faulkner Circuit. Appellee's motion to dismiss appeal is granted.

CR12-269. Benjamin Oliver v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellee's motion to dismiss appeal is granted.

[CR12-280](#). Timothy Allen Wells v. State of Arkansas, from Hot Spring Circuit. Appellant's pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

[CR12-286](#). Jessie Hill v. State of Arkansas, from Grant Circuit. Pro se motions to introduce newly discovered evidence; to extend page limit; and to compel an answer, stay proceedings, and for abeyance. Motion to extend page limit granted; motions to introduce newly discovered evidence and compel denied; order affirmed.

[CR12-314](#). Terrance Arnez Lambert v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motions for extension of brief time and for photocopying at public expense. Appeal dismissed; motions moot. See **per curiam** this date.

[CR12-374](#). James Edward Smith v. State of Arkansas, from Pulaski Circuit, Seventh Division. Pro se motion for extension of brief time, petition for writ of mandamus to obtain record, and motion for rule on circuit clerk to obtain record. Appeal dismissed; motions and petition moot. See **per curiam** this date.

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[CR12-445](#). Desmond D. Martin v. State of Arkansas, from Faulkner Circuit. Pro se motion for belated appeal. Motion dismissed. See **per curiam** this date.

[CR12-464](#). Donald R. Wright v. Hon. Wendell Griffen, Circuit Judge, from Pulaski Circuit, Fifth Division. Pro se motion for permission to file petition for writ of mandamus without certified record. Motion treated as a motion for rule on clerk and denied. See **per curiam** this date.

[CR12-490](#). Jeffery L. Talley v. State of Arkansas, from Pulaski Circuit, Second Division. Pro se motion to stay appeal and for copy of record. Appeal dismissed; motions moot. See **per curiam** this date.

11-1227. Hendryk T. Wilencewicz v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson Circuit. Pro se motion for rehearing. Pro se motion for rehearing treated as a motion for reconsideration of dismissal of appeal and denied.

[12-341](#). Charles A.D. Bliss v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson Circuit. Pro se motions for appointment of counsel and for extension of time to file brief. Appeal dismissed; motions moot. See **per curiam** this date.

12-482. Robert Harold Munnerlyn v. Larry Jegley, from Pulaski Circuit, Sixth Division. Motion for rule on clerk to lodge record. Motion denied.

In Re Supreme Court Committee on Civil Practice. See **per curiam** this date.

Professor John Watkins of Fayetteville is appointed to the Civil Practice Committee for a three-year term to expire on July 31, 2015. We welcome him back to the committee in this new role as a voting member.

We reappoint Hon. Earnest Brown, Circuit Judge, of Pine Bluff, Brandon Harrison, Court of Appeals Judge Elect, of Fort Smith, Michelle Ator, Esq., of Little Rock, and Hani Hashem, Esq., of Monticello to the committee for three-year terms to expire July 31, 2015. We thank them for their continued service.

In Re Arkansas Rules of Civil Procedure – Summons Form. See **per curiam** this date.