

ARKANSAS SUPREME COURT

PROCEEDINGS OF FEBRUARY 21, 2013

DONALD L. CORBIN, JUSTICE:

[12-183](#). Diane Koniecki Ausman, on behalf of the Estate of Daniel Herman Ausman, Deceased v. Hiram Shaddox Geriatric Center, from Baxter Circuit. Affirmed. Hart, J., not participating.

PAUL E. DANIELSON, JUSTICE:

[12-137](#). Donald G. Crews v. Deere & Company, from Craighead Circuit, Western District. Reversed and dismissed. Baker and Hart, JJ., dissent.

COURTNEY HUDSON GOODSON, JUSTICE:

[CR12-124](#). Rickey Bruner, Sr., and Melissa Workman v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Baker, Hart, and Hoofman, JJ., concur in part and dissent in part.

[12-458](#). Progressive Halcyon Insurance v. Margarita Saldivar, from Sebastian Circuit, Fort Smith District. Reversed and remanded.

JOSEPHINE LINKER HART, JUSTICE:

[CR12-621](#). Alfonso Villanueva v. State of Arkansas, from Washington Circuit. Affirmed. Hannah, C.J., concurs. Corbin and Danielson, JJ., dissent.

[12-579](#). City of Fayetteville v. Fayetteville School District No. 1, from Washington Circuit. Affirmed.

PER CURIAM OPINIONS:

[12-836](#). Hotfoot Logistics, LLC and Freight Ambulance, LLC v. Shipping Point Marketing, Inc., David Fishgold, and Louis N. Fishgold, Pulaski Circuit, Sixth Division. Supplemental addendum ordered.

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PER CURIAM ORDERS

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

CR12-266. James C. Holian v. State of Arkansas, from Faulkner Circuit.

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

12-965. Cynthia Smith et al. v. Heather Manor Care Center, Inc., et al., from Hempstead Circuit.

12-989. Capitol Zoning District Commission v. B. Patrick Cowan, from Pulaski Circuit, Fifth Division. Hoofman, J., not participating.

12-1004. Ivin Brown v. Director et al., from Board of Review.

CR12-721. Billy Dale Green v. State of Arkansas, from Randolph Circuit. Appellant's second motion to supplement the record is granted.

CR12-1012. Tracy Todd v. State of Arkansas, from Crawford Circuit. Petitioner's motion to reconsider petition for review is denied. Hoofman, J., not participating.

[CR12-1128](#). State of Arkansas v. Kendrick Robinson, from Pulaski Circuit, Fifth Division. Appellant's unopposed motion to consolidate appellate records for purposes of briefing is granted. Baker, Goodson, and Hart, JJ, dissent. See **opinion** this date. [dissenting opinion only]

12-957. Southern Farm Bureau Casualty Insurance Company v. Stuart Parsons et al., from Pulaski Circuit, Seventeenth Division. Petitioner's Rule 6-1(b) motion for accelerated hearing and motion to stay circuit court proceedings pending Supreme Court's ruling concerning writ of prohibition are granted. (Proceedings of February 15, 2013)

CR12-824. Jerry Wrone Walker v. State of Arkansas, from Pulaski Circuit, Sixth Division. Pro se motion to file a belated motion for reconsideration. Motion dismissed.

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PER CURIAM ORDERS

CR12-887. Garland Green v. State of Arkansas, from Pulaski Circuit, Fifth Division. Pro se motions for copy of evidentiary hearing at public expense, motion for access to trial transcript, motion to file belated reply brief and petition for writ of certiorari. Motion to supplement record with transcript of evidentiary hearing granted. Petition for writ of certiorari treated as motion to supplement record with transcript of evidentiary hearing and declared moot. Access to transcript of evidentiary hearing and trial transcript granted. Any amended brief due in thirty days from the date of this order. (Copies of transcript must be returned by appellant.) Motion to file belated reply brief moot.

CR12-893. Michael Davis v. State of Arkansas, from Pulaski Circuit, Fourth Division. Appellee's motion to dismiss appeal. Granted.

[CR12-1033](#). Cornelious Paige v. Hon. David L. Reynolds, Circuit Judge, from Faulkner Circuit. Pro se petition for writ of mandamus. Amended response requested. See **per curiam** this date.

[CR13-36](#). Jacques Slocum v. State of Arkansas, from Pulaski Circuit, Second Division. Pro se motions to withdraw appeal without prejudice. Appeal dismissed; motions moot. See **per curiam** this date.

CR13-44. Ke'Ondra Chestang v. Hon. Larry Chandler, Circuit Judge, from Columbia Circuit. Pro se petition for writ of mandamus. Moot.

[12-971](#). Preston Roberson v. State of Arkansas, from Lee Circuit. Pro se appellant's motion and amended motion to file a belated brief. Appeal dismissed; motions moot. See **per curiam** this date.

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

Michael S. Moore of Little Rock is hereby appointed to serve as chairman of the Arkansas Judges and Lawyers Assistance Program Committee for a six-year term commencing on February 28, 2013, and concluding on February 28, 2019. Mr. Moore replaces Thomas L. Barron of Little Rock.

The Court extends its sincere appreciation to Mr. Moore for accepting appointment. The Court also expresses its gratitude to Mr. Barron for his dedicated and faithful service to the committee.

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MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

12-996. Arkansas Department of Human Services and Arkansas State Police v. David Koprovic, from Sebastian Circuit, Fort Smith District.

12-1077. Charles Thomas v. Director et al., from Board of Review.

CR13-122. Timothy Allen Wells v. State of Arkansas, from Garland Circuit. Motion of Mark S. Fraiser to withdraw as attorney on direct appeal.

13-32. United States of America v. Garret Sorensen, Katherine Sorensen, and Shannon Walters, from Pulaski Circuit, Fifth Division. Appellant's motion to dismiss appeal.

13-116. Edward Dimodana and Judy Dimodana v. John T. Tatum and Janelle Tatum, from Yell Circuit, Southern District. Motion for rule on clerk.

13-145. Tanya Smith v. ConAgra Foods, Inc. and Terry Steen, an Original Action. Motion to certify question of law.

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SUBMISSIONS

CR12-243. Louis Oberlin Morris v. Hon. Timothy Weaver, Circuit Judge, from Fulton Circuit.

12-369. Ronald Lee May v. Raymond Cole Goodman, Jr., M.D., et al., from Sebastian Circuit, Fort Smith District.

12-603. Searcy County Counsel for Ethical Government v. Johnny Hinchey, County Judge, from Searcy Circuit.

12-646. Crafton, Tull, Sparks & Associates v. Ruskin Heights, LLC, et al., from Washington Circuit.

12-767. In Re Jeffrey Lee Haynes, an Original Action, from Arkansas State Board of Law Examiners.