

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 18, 2013

JIM HANNAH, CHIEF JUSTICE:

[12-540](#). First Arkansas Bank & Trust, Trustee; First Arkansas Bank & Trust; Bank of England; Merchants and Planters Bank; The Capital Bank; Heber Springs State Bank; Timberland Bank; Arkansas Bankers' Bank; and M&P Community Bancshares, Inc. v. Gill Elrod Ragon Owen & Sherman, P.A.; Christopher L. Travis, P.A.; Dream Team Holdings 1, LLC; and Fayetteville Municipal Property Owners' Improvement District No. 12 - Belclaire, from Pulaski Circuit, Fifth Division. Affirmed in part; reversed and remanded in part. Baker and Hart, JJ., dissent.

[12-959](#). Elmer Graham, Individually, and in His Official Capacity v. Iris Cawthorn, from Prairie Circuit, Northern District. Reversed and remanded.

DONALD L. CORBIN, JUSTICE:

[12-958](#). Roger McLemore, Charles McLemore, and Mike Hall, Individually, and on Behalf of a Class Consisting of Members of the Arkansas State Police Retirement System v. Richard Weiss, Director, Arkansas Department of Finance and Administration; J.R. Howard, Director, Department of Arkansas State Police; Gail H. Stone, Executive Secretary, Arkansas State Police Retirement System; John W. Allison, Kirk Bradshaw, Joe Miles, Brant Tosh, Donnie Underwood, Blake Wilson and John Shelnett, Trustees, Arkansas State Police Retirement System, from Pulaski Circuit, Sixteenth Division. Affirmed. Goodson, J., not participating.

PAUL E. DANIELSON, JUSTICE:

[CR12-288](#). Rodney Arlen Pankau v. State of Arkansas, from Washington Circuit. Affirmed. Hart, J., concurs.

[CR12-554](#). Joseph Anthony Scamardo, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Reversed and remanded; Court of Appeals' opinion vacated. Special Justice Byron Freeland joins in this opinion. Hoofman, J., not participating.

KAREN R. BAKER, JUSTICE:

[CR12-861](#). State of Arkansas v. Steven Carl Williams, from Benton Circuit. Appeal dismissed.

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PER CURIAM ORDERS

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

13-175. Sharon Garrett v. Director et al., from Board of Review. Corbin, J., would deny.

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

13-140. Donna Deering and Barry Deering v. Supermarket Investors, Inc., from Pulaski Circuit, Sixth Division.

13-219. R.R. v. State of Arkansas, from Pope Circuit.

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CR13-280. Delvin Devonne Williams v. State of Arkansas, from Miller Circuit. Motion to expedite petition for writ of certiorari on failure to consider conditions of release prior to money bail; excessive money bail; and predetermination by the court to keep defendant jailed pending trial is granted.

CR13-280. Delvin Devonne Williams v. State of Arkansas, from Miller Circuit. Petition for writ of certiorari on failure to consider conditions of release prior to money bail; excessive money bail; and predetermination by the court to keep defendant jailed pending trial is denied. Request for oral argument moot.

12-922. Reynolds Metals Company v. Circuit Court of Clark County, Arkansas, and Billy C. Kirksey, from Clark Circuit. Motion of Arkansas American Federation of Labor and Congress of Industrial Organizations (Arkansas AFL-CIO) to file brief amicus curiae in support of respondents is granted.

[12-1131](#). Pittman Moore, M.D., et al. v. Circuit Court of Phillips County, Arkansas, and Estate of Easter Dawkins, Deceased, from Phillips Circuit. Motion of separate respondent, Estate of Easter Dawkins, to remand to the trial court to obtain relevant portions of the record and to supplement the record. Motion granted. See **per curiam** this date.

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13-202. Karen Cooper and Jack Dowell v. Faulkner County Circuit Court, from Faulkner Circuit. Motion to dismiss petitioners' writ of prohibition, or alternatively, writ of certiorari is taken with the case.

13-282. Kevin Brewer v. Clark County Circuit Clerk, from Clark Circuit. Motion to proceed in forma pauperis. Moot.

13-282. Kevin Brewer v. Clark County Circuit Clerk, from Clark Circuit. Pro se motion for rule on clerk. Moot.

CR91-142. Harold Holloway v. State of Arkansas; CR93-1045. Harold Holloway v. B.E. Collins; 92-1063. Harold B. Holloway v. Brenda Furman; 92-1156. Harold B. Holloway v. Brenda Furman; 92-1174. Harold B. Holloway v. Bruce Edward Collins; and 94-569. Harold B. Holloway v. C. Slayden et al. Pro se combined motion for docket sheets and for leave to proceed in forma pauperis. Motion denied.

[CR12-487](#). Roy Lee Smith v. State of Arkansas, from Arkansas Circuit, Northern District. Pro se motions for belated appeal of order and for leave to respond to attorney's response to motion for belated appeal and pro se petition for writ of certiorari. Pro se motion for belated appeal granted; pro se motion to respond to attorney's response to motion for belated appeal and pro se petition for writ of certiorari moot. See **per curiam** this date.

[CR12-577](#). Leon Jackson Rice v. State of Arkansas, from Pulaski Circuit, Fourth Division. Pro se motions to vacate judgment-and-commitment order and for dismissal of charges. Motions denied part, treated as motions to supplement the record in part, and granted in part; writ of certiorari issued. See **per curiam** this date.

CR12-684. Joe Morgan v. State of Arkansas, from Pulaski Circuit, First Division. Pro se motion for access to a copy of the record on appeal and for an extension of time to file appellant's brief-in-chief. Pro se motion for access to a copy of the record on appeal and for an extension of time to file appellant's brief-in-chief granted; appellant's brief due forty days from the date of this order; and the record must be returned with or before the brief is filed.

12-311. Carletus Adams v. Arkansas Sex Offender Assessment Committee, from Sebastian Circuit, Fort Smith District. Pro se motion to file belated brief. Pro se motion to file belated brief denied; appeal dismissed.

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[12-602](#). Jeremie Dale Bryant v. Larry May, Director, Arkansas Department of Correction, from Lee Circuit. Pro se motions for appointment of counsel, oral argument, to order inmate's presence at all scheduled hearings, and to refile appeal record as record for certiorari and petition for writ of certiorari. Motion to refile record denied; appeal dismissed; motions for appointment of counsel, oral argument, and to order inmate's presence and petition for writ of certiorari moot. See **per curiam** this date.

13-259. Harry W. Andrews v. Ray Hobbs, Director, Arkansas Department of Correction, from Lee Circuit. Pro se motion for belated appeal. Motion denied. Danielson, J., not participating.

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MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

13-138. Dave Eusanio v. Dante Tippin, from Jefferson Circuit.

13-269. Josie Payne v. Arkansas Department of Human Services and Minor Children, from Union Circuit.

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CR13-20. Patrick Cinque Smith v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to supplement the record on appeal.

CR13-301. Willie McDaniels v. State of Arkansas, from Pulaski Circuit, Fourth Division. Motion for belated appeal.

12-1058. Ortho-McNeil-Janssen Pharmaceuticals, Inc., et al. v. State of Arkansas, from Pulaski Circuit, Sixth Division. Motion of Arkansas State Chamber of Commerce for leave to file amicus curiae brief in support of appellants.

12-1058. Ortho-McNeil-Janssen Pharmaceuticals, Inc., et al. v. State of Arkansas, from Pulaski Circuit, Sixth Division. Motion of Product Liability Advisory Council, Inc. for permission to file a brief as amicus curiae in support of appellants.

12-1058. Ortho-McNeil-Janssen Pharmaceuticals, Inc., et al. v. State of Arkansas, from Pulaski Circuit, Sixth Division. Motion of Washington Legal Foundation (WLF) and Allied Educational Foundation (AEF) for leave to file amicus curiae brief in support of appellants.

12-1058. Ortho-McNeil-Janssen Pharmaceuticals, Inc., et al. v. State of Arkansas, from Pulaski Circuit, Sixth Division. Motion of Pharmaceutical Research and Manufacturers of America for permission to file amicus curiae brief in support of appellants.

13-324. David W. McGhee, Arkansas Bar No. 96088 v. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct, an Original Action. Petition for voluntary surrender of license (resignation).

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CASES SUBMITTED

12-500. Porocel Corporation v. Circuit Court of Saline County, Arkansas, and Booker T. Washington, Jr., from Saline Circuit. Argued orally.

CR12-739. State of Arkansas v. Telecia Colvin, from Pulaski Circuit, Fourth Division.

12-298. J-McDaniel Construction Co., Inc., John B. McDaniel, and Barbara G. McDaniel v. David K. Conrad et al., from Pulaski Circuit, Sixth Division.

12-723. Arkansas Department of Career Education v. Bob L. Means, from Garland Circuit.

12-874. Temco Construction, LLC v. Greg Gann and Sherry Gann, from Faulkner Circuit.

Opinions are available on the Internet at

<http://courts.arkansas.gov>