

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 20, 2013

DONALD L. CORBIN:

[CV-12-761](#). Primus Automotive Financial Services, Inc. v. Sherry L. Wilburn and Kevin L. Wilburn, from Sebastian Circuit, Fort Smith District. Reversed and remanded. Danielson, J., not participating.

[CV-13-150](#). John Skylar “Sky” Tapp v. Stark Ligon, as Executive Director of the Arkansas Supreme Court Committee on Professional Conduct, an Original Action. Petition for Writ of Certiorari on Issue of Interim Suspension. Petition denied. Baker and Hart, JJ., concur in part; dissent in part.

PAUL DANIELSON, JUSTICE:

[CV-13-85](#). James Thompson v. The Honorable Gordon W. “Mack” McCain, Jr., from Pope Circuit. Petition for Writ of Prohibition or, in the Alternative, Writ of Certiorari. Denied.

JOSEPHINE LINKER HART, JUSTICE:

[CR-12-792](#). State of Arkansas v. Bernard Kindall, from Pulaski Circuit, First Division. Reversed and remanded. Hannah, C.J., dissents.

CLIFF HOOFFMAN, JUSTICE:

[CR-12-945](#). Kathy Livingston v. State of Arkansas, from Ashley Circuit. Affirmed.

PER CURIAM OPINION:

[CR-11-372](#). Walter Lee Walton v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed.

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PER CURIAM ORDERS

REHEARING DENIED: PETITION FOR REHEARING WAS DENIED TODAY IN THE FOLLOWING CASE.

CV-12-836. HOTFOOT LOGISTICS, LLC, AND FREIGHT AMBULANCE, LLC V. SHIPPING POINT MARKETING, INC.; DAVID FISHGOLD; AND LOUIS N. FISHGOLD, FROM PULASKI CIRCUIT, SIXTH DIVISION. HANNAH, C.J., AND CORBIN, DANIELSON, AND GOODSON, JJ., [CONCUR](#). BAKER, HART, AND HOOFMAN, JJ., [DISSENT](#). SEE OPINIONS THIS DATE.

REVIEW GRANTED. PETITION FOR REVIEW WAS GRANTED TODAY IN THE FOLLOWING CASE.

CV-13-261. ELIZABETH WORDEN AND DOUGLAS SPIRES, AS HEIRS AT LAW FOR ALFRED SPIRES, DECEASED V. DR. JEFFREY KIRCHNER, M.D., ET AL., FROM PULASKI CIRCUIT, SIXTH DIVISION.

REVIEW DENIED: PETITION FOR REVIEW WAS DENIED TODAY IN THE FOLLOWING CASE.

CV-13-267. MAE WEAVER V. ARKANSAS DEPARTMENT OF CORRECTION AND PUBLIC EMPLOYEE CLAIMS DIVISION, FROM ARKANSAS WORKERS' COMPENSATION COMMISSION.

[CR-12-933](#). BRANDON CLARK FRITTS V. STATE OF ARKANSAS, FROM SEBASTIAN CIRCUIT, FORT SMITH DISTRICT. REBRIEFING ORDERED. SEE **PER CURIAM** THIS DATE.

[CR-13-294](#). SHARVELT MARQUETTE MISTER V. STATE OF ARKANSAS, FROM SEBASTIAN CIRCUIT, FORT SMITH DISTRICT. APPELLANT'S MOTION TO FILE BELATED BRIEF IS GRANTED. SEE **PER CURIAM** THIS DATE.

ARKANSAS SUPREME COURT

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CR-13-431. ARBURY BOWERMAN V. STATE OF ARKANSAS, FROM LOGAN CIRCUIT. MOTION OF DAVID L. MOORE TO WITHDRAW AS ATTORNEY IS DENIED.

[CR-13-431](#). ARBURY BOWERMAN V. STATE OF ARKANSAS, FROM LOGAN CIRCUIT. MOTION FOR RULE ON CLERK IS GRANTED. SEE **PER CURIAM** THIS DATE.

[CR-13-438](#). EDWARD THOMPSON III V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT, SEVENTH DIVISION. MOTION OF JULIA B. JACKSON TO BE RELIEVED AS ATTORNEY FOR APPELLANT AND STAY BRIEFING SCHEDULE IS GRANTED. SEE **PER CURIAM** THIS DATE.

[CR-13-444](#). NIGEL LEWIS V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT, FIRST DIVISION. MOTION OF THOMAS B. DEVINE III TO BE RELIEVED AS ATTORNEY FOR APPELLANT AND MOTION TO STAY BRIEFING SCHEDULE. MOTION TO BE RELIEVED AS COUNSEL GRANTED; BRIEFING SCHEDULE ORDERED. SEE **PER CURIAM** THIS DATE.

CR-13-480. TONY B. SMITH V. J.R. SMITH, SHERIFF OF CROSS COUNTY AND CROSS COUNTY DETENTION FACILITY, FROM CROSS CIRCUIT. MOTIONS FOR ACCELERATED CONSIDERATION ARE GRANTED. PETITION FOR WRIT OF HABEAS CORPUS. MOOT. AMENDED PETITION FOR WRIT OF HABEAS CORPUS IS DENIED WITHOUT PREJUDICE. CORBIN, J., NOT PARTICIPATING. (PROCEEDINGS OF JUNE 6, 2013)

CR-13-481. TONY BERNARD SMITH V. HONORABLE JUDGE L.T. SIMES, CIRCUIT COURT JUDGE OF PHILLIPS COUNTY, ARKANSAS, CRIMINAL DIVISION, FROM PHILLIPS CIRCUIT. MOTIONS FOR ACCELERATED CONSIDERATION ARE GRANTED. PETITION FOR WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, FOR CERTIORARI. MOOT. PETITION FOR WRIT OF PROHIBITION OR, IN THE ALTERNATIVE, FOR CERTIORARI IS DENIED WITHOUT PREJUDICE. HANNAH, C.J., AND DANIELSON, J., WOULD GRANT WRIT OF CERTIORARI. CORBIN, J., NOT PARTICIPATING. (PROCEEDINGS OF JUNE 6, 2013)

CV-13-145. TANYA SMITH V. CONAGRA FOODS, INC., AND TERRY STEEN, AN ORIGINAL ACTION. MOTION FOR PERMISSION TO FILE AN AMICUS CURIAE BRIEF BY THE ARKANSAS STATE CHAMBER OF COMMERCE, THE ARKANSAS HOSPITALITY ASSOCIATION, AND THE ASSOCIATED BUILDERS AND CONTRACTORS OF ARKANSAS IN SUPPORT OF RESPONDENTS' BRIEF IS GRANTED.

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PER CURIAM ORDERS

CR-94-358. TERRICK NOONER V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT, FOURTH DIVISION. MOTION FOR RULE ON CLERK, MOTION FOR ATTORNEY TO SHOW CAUSE, MOTION FOR ATTORNEY TO ABBREVIATE RECORD, AMENDED MOTION PROPOSING STATEMENT OF EVIDENCE, AND PETITION FOR WRIT OF CERTIORARI DENIED.

CR-01-1132. DENNIS JAMES SMITH V. STATE OF ARKANSAS, FROM DREW CIRCUIT. PRO SE MOTION FOR TRANSCRIPTS AT PUBLIC EXPENSE DENIED.

CR-02-895. DENNIS JAMES SMITH V. STATE OF ARKANSAS, FROM DESHA CIRCUIT. PRO SE MOTION FOR TRANSCRIPTS AT PUBLIC EXPENSE DENIED.

[CR-02-1186](#). DANNY CROMEANS V. STATE OF ARKANSAS, FROM LAFAYETTE CIRCUIT. PRO SE PETITIONS TO REINVEST JURISDICTION IN THE CIRCUIT COURT TO CONSIDER A PETITION FOR WRIT OF ERROR CORAM NOBIS, MOTIONS TO AMEND AND ADD A BRIEF TO PETITION FILED MARCH 20, 2013, AND MOTION FOR APPOINTMENT OF COUNSEL. PETITIONS DENIED; MOTIONS TO AMEND AND ADD A BRIEF TO PETITION FILED MARCH 20, 2013, DENIED; MOTION FOR APPOINTMENT OF COUNSEL MOOT. SEE **PER CURIAM** THIS DATE.

[CR-09-609](#). HUTSON BURKS V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT, SEVENTH DIVISION. PRO SE PETITION FOR REHEARING. PETITION TREATED AS MOTION FOR RECONSIDERATION OF DISMISSAL OF PETITION AND DENIED. SEE **PER CURIAM** THIS DATE.

CR-13-160. DEWAYNE BOYKINS V. STATE OF ARKANSAS, FROM HOT SPRING CIRCUIT. PRO SE MOTION FOR RULE ON CLERK DENIED.

[CR-13-412](#). DALE EDWARD HAYDEN V. STATE OF ARKANSAS, FROM NEVADA CIRCUIT. PRO SE MOTION FOR APPOINTMENT OF COUNSEL. APPEAL DISMISSED; MOTION MOOT. SEE **PER CURIAM** THIS DATE.

IN RE CLIENT SECURITY FUND. SEE PER CURIAM OF JUNE 6, 2013.

WE HEREBY APPOINT JENNY R. WILKES, ESQ., OF LITTLE ROCK, ARKANSAS, TO THE ARKANSAS SUPREME COURT CLIENT SECURITY FUND COMMITTEE FOR A FIVE-YEAR TERM TO EXPIRE JULY 31, 2018.

THE COURT EXPRESSES ITS GRATITUDE TO BEN MCMINN FOR HIS DEDICATED SERVICE TO THE COMMITTEE.

ARKANSAS SUPREME COURT

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PER CURIAM ORDERS

IN RE ADOPTION OF SUPREME COURT AND COURT OF APPEALS RULE 1-8.
COURTESY ELECTRONIC COPIES. SEE PER CURIAM OF JUNE 6, 2013.

IN RE ADMINISTRATIVE ORDER NO. 19 -- ACCESS TO COURT RECORDS. SEE [PER CURIAM](#) THIS DATE.

IN RE ADOPTION OF SUPREME COURT AND COURT OF APPEALS RULE 3-7. COVER SHEET. SEE [PER CURIAM](#) THIS DATE.

IN RE RECOMMENDATIONS OF THE COMMITTEE ON CIVIL PRACTICE. SEE [PER CURIAM](#) THIS DATE.

IN RE COMMITTEE ON CRIMINAL PRACTICE -- PROPOSED RULE CHANGES. SEE [PER CURIAM](#) THIS DATE.

IN RE DISTRICT COURT RESOURCE ASSESSMENT BOARD. SEE [PER CURIAM](#) THIS DATE.

MAYOR CHRIS CLAYBAKER OF CAMDEN IS REAPPOINTED TO THE DISTRICT COURT RESOURCE ASSESSMENT BOARD FOR A FOUR-YEAR TERM TO EXPIRE ON APRIL 30, 2017. THE COURT THANKS MAYOR CLAYBAKER FOR HIS CONTINUED SERVICE ON THIS IMPORTANT BOARD.

HONORABLE TONY YOCOM, DISTRICT JUDGE, HEMPSTEAD COUNTY DISTRICT COURT IN HOPE, IS APPOINTED TO FILL THE UNEXPIRED TERM OF JUDGE RUDY MOORE, DECEASED. THIS TERM EXPIRES ON APRIL 30, 2015. WE THANK JUDGE YOCOM FOR ACCEPTING THIS IMPORTANT POSITION.

WE EXPRESS OUR CONDOLENCES TO THE FAMILY OF JUDGE MOORE. HE ABLY SERVED AS THE DISTRICT JUDGE IN FAYETTEVILLE FOR 22 YEARS UNTIL HIS DEATH ON APRIL 11, 2013.

ARKANSAS SUPREME COURT

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-10-53. DEREK SALES V. STATE OF ARKANSAS, FROM BRADLEY CIRCUIT.

CR-12-739. STATE OF ARKANSAS V. TELECIA COLVIN, FROM PULASKI CIRCUIT, FOURTH DIVISION.

CR-12-1063. STATE OF ARKANSAS V. JEREMY LYNN O'QUINN, FROM FAULKNER CIRCUIT.

PETITIONS FOR REVIEW:

CV-13-262. BENNIE JEAN WHITE V. ALVIN D. CLAY, FROM PULASKI CIRCUIT, THIRD DIVISION.

CV-13-330. JOANIE HARP V. SECURITY CREDIT SERVICES, LLC, FROM PULASKI CIRCUIT, SIXTH DIVISION.

CV-13-350. THOMAS E. REYNOLDS V. DIRECTOR ET AL., FROM BOARD OF REVIEW.

CV-13-353. CHARLES HAGGANS V. DIRECTOR ET AL., FROM BOARD OF REVIEW.

CV-13-355. DEBRA BISHOP V. DIRECTOR ET AL., FROM BOARD OF REVIEW.

CV-13-387. CHRISTIAN LOPEZ V. UNITED AUTOMOBILE INSURANCE COMPANY, FROM BENTON CIRCUIT.

CV-13-405. APRIL FLOWERS V. DIRECTOR ET AL., FROM BOARD OF REVIEW.

CR-02-213. KENNETH R. ISOM V. STATE OF ARKANSAS, FROM DREW CIRCUIT. APPELLANT'S MOTION FOR LEAVE TO FILE OVERLENGTH APPLICATION.

CR-08-1386. KENNETH R. ISOM V. STATE OF ARKANSAS, FROM DREW CIRCUIT. APPELLANT'S MOTION FOR LEAVE TO FILE OVERLENGTH MOTION.

ARKANSAS SUPREME COURT

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MOTIONS SUBMITTED

CR-12-537. MICHAEL SHANE WINTERS V. STATE OF ARKANSAS, FROM BENTON CIRCUIT. MOTION OF BRETT D. WATSON TO WITHDRAW AS COUNSEL.

CR-13-172. ROBERT SNYDER V. STATE OF ARKANSAS, FROM SALINE CIRCUIT. APPELLANT'S MOTION FOR RECONSIDERATION OF MOTION TO DISMISS APPEAL.

CR-13-478. GARRITT S. MASON V. STATE OF ARKANSAS, FROM GARLAND CIRCUIT. PETITION FOR WRIT OF MANDAMUS REGARDING PETITION TO PROCEED IN FORMA PAUPERIS.

CV-12-1131. DR. PITTMAN MOORE, M.D., ET AL. V. CIRCUIT COURT OF PHILLIPS COUNTY, ARKANSAS, FROM PHILLIPS CIRCUIT. RESPONSE TO PER CURIAM ISSUED BY THE SUPREME COURT OF ARKANSAS ON APRIL 18, 2013 ON BEHALF OF BOBBIE TROUP, IN HER CAPACITY AS ADMINISTRATOR OF THE ESTATE OF EASTER DAWKINS, DECEASED.

CV-12-1131. DR. PITTMAN MOORE, M.D., ET AL. V. CIRCUIT COURT OF PHILLIPS COUNTY, ARKANSAS, FROM PHILLIPS CIRCUIT. PETITIONERS' RESPONSE TO PER CURIAM ISSUED BY THE SUPREME COURT AND SUPPLEMENTATION OF RECORD.

CV-13-464. JPMORGAN CHASE BANK, N.A. V. FIRST SECURITY BANK, FROM FAULKNER CIRCUIT. AMENDED AND SUBSTITUTED MOTION FOR RULE ON CLERK.

CV-13-464. JPMORGAN CHASE BANK, N.A. V. FIRST SECURITY BANK, FROM FAULKNER CIRCUIT. APPELLEE'S MOTION TO DISMISS APPEAL.

CV-13-468. ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC., ET AL V. STATE OF ARKANSAS, FROM PULASKI CIRCUIT, SIXTH DIVISION. APPELLANTS' UNOPPOSED PETITION FOR WRIT OF CERTIORARI TO SUPPLEMENT AND COMPLETE THE RECORD AND MOTION TO STAY BRIEFING SCHEDULE.

CV-13-505. CHARLES L. STUTTE, ARKANSAS BAR NO. 83174 V. STARK LIGON, EXECUTIVE DIRECTOR, SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT, AN ORIGINAL ACTION. PETITION TO SURRENDER ARKANSAS LAW LICENSE.

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CASES SUBMITTED

CR-11-1137. PARTNE KIESLING-DAUGHERTY V STATE OF ARKANSAS, FROM PULASKI CIRCUIT, SEVENTH DIVISION.

CV-12-37. ARLIE WALLS ET AL. V NOBLE HUMPHRIES ET AL., FROM VAN BUREN CIRCUIT.

CV-12-306. SHARON ROLLER, VALERIE MURPHY, AND EMILY SMITH V TV GUIDE ONLINE HOLDINGS, LLC, FROM WASHINGTON CIRCUIT.

CV-12-1010. JOHN PATRICK MOODY V ARKANSAS STATE BOARD OF LAW EXAMINERS, AN ORIGINAL ACTION.

CV-13-269. JOSIE PAYNE V ARKANSAS DEPARTMENT OF HUMAN SERVICES AND MINOR CHILD, FROM UNION CIRCUIT.