

ARKANSAS SUPREME COURT

PROCEEDINGS OF SEPTEMBER 5, 2013

PER CURIAM OPINIONS:

[CR-11-252](#). Dellemond Cunningham v. State of Arkansas, from Washington County Circuit Court. Affirmed.

[CR-11-481](#). Lloyal Willie Bryant v. State of Arkansas, from Boone County Circuit Court. Affirmed.

[CR-11-821](#). Ronald A. McClure v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed.

[CV-11-258](#). Earl Ray Maxwell v. Ray Hobbs, Director, Arkansas Department of Correction, from Pulaski County Circuit Court, Sixth Division. Affirmed.

[CV-11-363](#). James K. Haynes v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

[CV-11-407](#). Kristopher Dean Parker v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed.

[CV-11-1182](#). Gary Anderson v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed.

[CV-12-715](#). Frank Watts II v. State of Arkansas, from Lincoln County Circuit Court. Affirmed.

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

CV-12-37. Arlie Walls, Zelda Walls, Jonathan Hernandez De La Lama, and Ayesha Hernandez De La Lama v. Paraclifta Land & Minerals Limited Partnership and James A. Claughton, et al., from Van Buren County Circuit Court. Special Justices Suzanne G. Clark and Lance Lee agree. Special Justice Harold J. Evans would grant. Danielson, Baker, and Hoofman, JJ., not participating.

CV-12-37. Arlie Walls, Zelda Walls, Jonathan Hernandez De La Lama, and Ayesha Hernandez De La Lama v. Southwestern Energy Production Company and New Century Production Co., LLC, et al., from Van Buren County Circuit Court. Special Justices Suzanne G. Clark and Lance Lee agree. Special Justice Harold J. Evans would grant. Danielson, Baker, and Hoofman, JJ., not participating.

CV-13-150. John Skylar (Sky) Tapp v. Stark Ligon, Executive Director, Arkansas Supreme Court Committee on Professional Conduct, an Original Action. Hart, J., would grant.

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

CV-13-570. Tonia Ingle v. Arkansas Department of Human Services and C.N., from Washington County Circuit Court.

CV-13-587. Amalie E. Bishop (Singletary) v. Joseph E. Singletary, from Lonoke County Circuit Court.

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

CR-13-589. Eric Castrellon v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-13-597. State of Arkansas v. Rodney Scott Porta, from Crawford County Circuit Court.

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CR-13-617. Glen Eric Nelson, Jr. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-13-417. Robert Allen Spears and Alisa Green v. Reconstruct Company, N.A., as Attorney In Fact for Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I, Inc., Trust 2006-NC5, Mortgage Pass-Through Certificates, Series 2006-NC5, from Pulaski County Circuit Court, Third Division.

CV-13-439. Pamela Marshall Carroll v. Richard Dale Carroll, from Jefferson County Circuit Court. Hart and Hoofman, JJ., not participating.

CV-13-440. John D. Wells v. Linda F. Wells, from Sebastian County Circuit Court, Fort Smith District.

CV-13-453. Randall Morris v. Sheri Christopher, from Garland County Circuit Court. Hart, J., would grant.

CV-13-486. Odell Pollard, P.A., and Odell Pollard, Individually v. SEECO, Inc., and Desoto Drilling, Inc., from White County Circuit Court. Hannah, C.J., and Baker, J., not participating.

CV-13-510. Loca Luna, LLC and Wilkes-Abernathy, LLC v. Board of Adjustment, City of Little Rock, W. Ross McCain, Greens Investments, LLC, and B&B Taco Garage, LLC, from Pulaski County Circuit Court, Fifth Division.

CV-13-573. Jaron Jackson v. Arkansas Department of Human Services and A.J., from Washington County Circuit Court.

CV-13-582. A.H. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-02-213. Kenneth R. Isom v. State of Arkansas, from Drew County Circuit Court. Appellant's application to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis is taken as a case. Corbin, J., not participating.

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CR-02-213. Kenneth R. Isom v. State of Arkansas, from Drew County Circuit Court. Appellant's motion to take application to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis as a case is granted. Oral argument denied. Corbin, J., not participating.

CR-08-1386. Kenneth R. Isom v. State of Arkansas, from Drew County Circuit Court. Appellant's motion to recall mandate is taken as a case. Corbin, J., not participating.

CR-08-1386. Kenneth R. Isom v. State of Arkansas, from Drew County Circuit Court. Appellant's motion to take motion to recall mandate as a case is granted. Oral argument denied. Corbin, J., not participating.

CR-12-721. Billy Dale Green v. State of Arkansas, from Randolph County Circuit Court. Appellee's motion to file enlarged brief is granted.

CR-13-389. Christopher Beverage v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion for writ of certiorari to complete the record and stay brief time is granted.

[CR-13-438](#). Edward Thompson III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion for extension of time to file a belated brief is granted. See **per curiam** this date.

CR-13-488. Raymond Wilson v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellee's motion for permission to file supplemental brief is granted.

CR-13-640. Dale Hayden v. State of Arkansas, from Nevada County Circuit Court. Petition for leave to proceed in circuit court with petition for writ of error coram nobis is denied.

[CR-13-690](#). Derek Coy Holcomb v. State of Arkansas, from Crawford County Circuit Court. Motion for rule on clerk and motion to supplement the record are granted. See **per curiam** this date.

CR-13-715. Troy Lawrence McCulley v. State of Arkansas, from Poinsett County Circuit Court. Motion for rule on clerk. Remanded to the trial court for determination as to whether the attorney for defendant was asked to perfect appeal.

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CV-12-37. Arlie Walls, Zelda Walls, Jonathan Hernandez De La Lama, and Ayesha Hernandez De La Lama v. Noble Humphries, Elsie Humphries, New Century Production Co., LLC, Paraclifta Land & Minerals Limited Partnership, James A. Claughton, and Southwestern Energy Production Company, from Van Buren County Circuit Court. Motion of Arkansas Independent Producers and Royalty Owners Association, Inc. for permission to file amicus curiae brief in support of Appellees' petitions for rehearing is granted. Special Justices Suzanne G. Clark and Harold J. Evans agree. Special Justice Lance Lee would deny. Danielson, Baker, and Hoofman, JJ., not participating.

CV-12-1043. LegalZoom.com, Inc. v. Jonathan McIllwain, from Pope County Circuit Court. Appellant's motion to take notice of supplemental authority. Noted.

CV-13-145. Tanya Smith v Conagra Foods, Inc., and Terry Steen, an Original Action. Respondents' motion for oral argument is granted.

CV-13-156. Lonoke County et al. v. City of Lonoke, Arkansas and Lonoke District Court, from Lonoke County Circuit Court. Appellees' motion for continuance is granted.

CV-13-399. Christopher Cordero v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Appellant's motion to supplement the record and to stay briefing schedule is granted.

CV-13-628. Patricia Ann Barnes-Giles v. Geico Insurance and State Farm Insurance, from Jefferson County Circuit Court. Petition to proceed in forma pauperis is denied.

CV-13-628. Patricia Ann Barnes-Giles v. Geico Insurance and State Farm Insurance, from Jefferson County Circuit Court. Pro se motion for rule on clerk is denied.

CV-13-637. Keith Blackman, District Judge of the District Court of Craighead County, Arkansas; Craighead County, Arkansas; City of Bay, Arkansas; City of Bono, Arkansas; City of Brookland, Arkansas; City of Egypt, Arkansas; and City of Jonesboro, Arkansas v. Leticia Glidewell, Michael Lynn Johnson, Erik Stenzel, Enrico Hines, Amanda Swartz, William McMinn, and Steve Dunkerson, from Craighead County Circuit Court, Western District. Motion for rule on clerk is denied.

CV-13-697. Jeffrey Alan Carr, C.R.N.A., and Nomad Anesthesia, Inc. v. Garland County Circuit Court and Sylvia Derksen, from Garland County Circuit Court. Petition for writ of prohibition or writ of certiorari is denied without prejudice.

CR-83-94. Rodney Williams v. State of Arkansas, from Pulaski County Circuit Court. Pro se motion for reconsideration of petition for leave to proceed in circuit court with a petition pursuant to Arkansas Rule of Criminal Procedure 37.1. Motion denied.

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CR-94-358. Terrick Nooner v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se motions for certification by parties and attorneys and for enforcement of sanctioning. Denied.

CR-94-358. Terrick Nooner v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se motions for certification and sanctioning. Denied.

CR-08-210. Earnest Chambliss v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Pro se motion for photocopy of transcript at public expense. Denied.

CR-11-728. Robert James v. State of Arkansas, from Logan County Circuit Court. Pro se petition for rehearing. Denied.

[CR-12-242](#). Rusty Meek v. State of Arkansas, from Jackson County Circuit Court. Pro se motion for belated appeal. Appeal dismissed; motion moot. See **per curiam** this date.

CR-12-527. Ronald Green v. State of Arkansas, from Desha County Circuit Court. Pro se appellant's motion to dismiss appeal. Motion granted.

[CR-12-657](#). Wilbert Leazall Johnson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se motion for copy of trial transcript record on appeal and extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

[CR-12-920](#). Brian N. Nelson v. State of Arkansas, from Grant County Circuit Court. Petitioner's pro se motion for belated appeal of order. Motion granted. See **per curiam** this date.

CR-13-412. Dale Hayden v. State of Arkansas, from Nevada County Circuit Court. Pro se petition for rehearing and motion to supplement for rehearing. Motion to supplement petition for rehearing granted. Petition for rehearing treated as a motion for reconsideration of dismissal of appeal and denied.

CR-13-517. James Edward Green, Jr. v. State of Arkansas, from Drew County Circuit Court. Pro se motions for restraining order, to expedite appeal, pertaining to conditions of confinement, and for restraining order against targeting sex offenders and pro se litigants. Motions denied.

[CR-13-544](#). Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Pro se motions for appointment of counsel, for extraordinary writs and expedited consideration and temporary relief, for writ of certiorari, and for sanctions. Appeal dismissed; motions moot. See **per curiam** this date.

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CR-13-547. Myron Newjean Anderson v. Hon. Don Glover, Circuit Judge, from Ashley County Circuit Court. Pro se petition for writ of mandamus. Moot.

[CV-12-716](#). Frank Watts II v. State of Arkansas, from Lincoln County Circuit Court. Pro se motion for extension of time. Appeal dismissed; motion moot. See **per curiam** this date.

CV-12-880. Hershel Glen Murry v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's petition for rehearing treated as a motion for reconsideration and denied; appellant's petition for review from dismissal order treated as a motion for reconsideration and denied.

CV-13-336. Troy Roddy v. Mary Ann Wilkinson and Richard Proctor, from Lee County Circuit Court. Pro se motion for rule on clerk. Motion denied.

[CV-13-441](#). Louis Dudley Brown v. David J. Sachar, Director, Judicial Discipline and Disability Commission, from Judicial Discipline and Disability Commission. Pro se motion to proceed in forma pauperis. Motion denied. See **per curiam** this date.

[CV-13-498](#). Arthur Lee Newton v. State of Arkansas, from Lee County Circuit Court. Pro se motion for extension of time to file appellant's brief. Appeal dismissed; motion moot. See **per curiam** this date.

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MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CV-13-455. Southern Building Services, Inc. v. City of Fort Smith, Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-13-479. Sally L. Thomas v. Nadav Sharon, M.D., and Ozarks Regions Health Systems, Inc. d/b/a St. John's Hospital - Berryville, from Carroll County Circuit Court, Eastern District.

CR-13-359. Sanders M. Carter v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of J. Blake Hendrix to withdraw as counsel.

CR-13-359. Sanders M. Carter v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Karen Thompson to practice by comity in the State of Arkansas.

CR-13-359. Sanders M. Carter v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Jordon B. Tinsley to be substituted as local counsel.

CR-13-721. Richard Ralph Conte v. State of Arkansas, from Faulkner County Circuit Court. Motion of Jack T. Lassiter to withdraw as attorney of record and for appointment of counsel.

CV-13-456. Mark Adams and Kathy Adams, Individually and on Behalf of All Others Similarly Situated v. Cameron Mutual Insurance Company, from United States District Court, Western District of Arkansas, Fort Smith Division. Motion of National Association of Mutual Insurance Companies for permission to file amicus curiae brief.

CV-13-456. Mark Adams and Kathy Adams, Individually and on Behalf of All Others Similarly Situated v. Cameron Mutual Insurance Company, from United States District Court, Western District of Arkansas, Fort Smith Division. Motion of the American Insurance Association and Property Casualty Insurers Association of America for leave to file amicus curiae brief.

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CASES SUBMITTED

CV-13-182. Deer/Mt. Judea School District v. Thomas W. Kimbrell, Commissioner, Arkansas Department of Education, and Mike Beebe, Governor, from Pulaski County Circuit Court, Second Division. Argued orally.

CV-12-89. Tammye Hall v. Justin Hall, from Pulaski County Circuit Court, Fourteenth Division.

CV-12-957. Southern Farm Bureau Casualty Insurance Company v. Stuart Parsons, White County Medical Center, Arkansas Health Group d/b/a Baptist Wound Care and Hyperbaric Center North Little Rock, Arkansas Health Group d/b/a Searcy Medical Center, a Baptist Health Affiliate; Radiology Associates, P.A.; Northstar EMS, Inc.; Baptist Health d/b/a Baptist Health Medical Center-Little Rock and/or Baptist Home Infusion Services; Kinetic Concepts, Inc.; and The Honorable Mackie M. Pierce, Circuit Judge, Seventeenth Division, Pulaski County, Arkansas, from Pulaski County Circuit Court, Seventeenth Division.

CV-12-1006. Jose Marrufo v. Arkansas Department of Human Services, from Sevier County Circuit Court.

CV-12-1018. State of Arkansas v. Vincent Hatfield, from Baxter County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>