

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF SEPTEMBER 19, 2013

### **PAUL E. DANIELSON, JUSTICE**

[CR-12-1034](#). State of Arkansas v. Edward Miller, from Pulaski County Circuit Court, Fifth Division. Affirmed.

[CV-12-89](#). Tammye Hall v. Justin Hall, from Pulaski County Circuit Court, Fourteenth Division. Affirmed. Corbin, Baker, and Goodson, JJ., dissent.

### **PER CURIAM OPINIONS**

[CR-11-891](#). Michael Lee Anderson v. State of Arkansas, from Ashley County Circuit Court. Affirmed.

[CV-11-438](#). James Everett Nelson v. Larry Norris, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

[CV-11-709](#). Herbert Phillip Malone v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed.

[CV-11-731](#). Marion Wayne McVane v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed.

[CV-11-777](#). Marcus Lewis v. State of Arkansas, from Lee County Circuit Court. Affirmed.

[CV-11-1134](#). Michael L. Douglas v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

[CV-11-1152](#). Milton Jasper Jones v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed.

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**PER CURIAM ORDERS**

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

CV-13-596. Charles Jones v. Myra Jones, from Independence County Circuit Court.

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

CV-13-490. Mark S. Carter v. Odis Waymack and Barbara Waymack, from Lonoke County Circuit Court.

CV-13-508. Johnnie Black, as Special Administratrix of the Estate of Everette R. Black, Deceased v. John Rowen, M.D., and JP Rowen Surgery, PLLC, from Pulaski County Circuit Court, Third Division.

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CV-13-202. Karen Cooper and Jack Dowell v. Faulkner County Circuit Court, Conway Corporation and City of Conway, from Faulkner County Circuit Court. Attorneys Gary Jiles and Matthew Brown are ordered to appear and show cause at 9:00 a.m. (See per curiam issued September 5, 2013)

CR-13-563. Antonio L. Williams v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to remand to settle the record and to stay briefing is granted. Record on remand due within sixty days. Appellant's brief due thirty days thereafter.

CR-13-781. Tony Bernard Smith v. Hon. L.T. Simes, Circuit Judge of Phillips County, Arkansas, Criminal Division, from Phillips County Circuit Court. Motion for accelerated consideration is granted. Corbin, J., not participating.

CR-13-781. Tony Bernard Smith v. Hon. L.T. Simes, Circuit Judge of Phillips County, Arkansas, Criminal Division, from Phillips County Circuit Court. Amended petition for writ of prohibition or, in the alternative, for writ of certiorari. Proceedings stayed; amended petition for writ of prohibition or, in the alternative, for writ of certiorari is taken as an expedited case. Response by Attorney General on behalf of Prosecutor improvidently filed. Corbin, J., not participating.

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### PER CURIAM ORDERS

CV-13-777. Al M. Williams v. David L. Webber, D.O., from Phillips County Circuit Court. Petition to proceed in forma pauperis is denied.

[CR-87-61](#). Robert Munnerlyn v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 and motion for appointment of counsel. Petition denied; motion moot. See **per curiam** this date.

CR-08-1453. James Edward Williams v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Pro se motion for a copy of, or use of, transcript. Denied.

[CR-12-481](#). Jamie Lynn Fowler v. State of Arkansas, from Yell County Circuit Court, Southern District. Pro se motion for rule on clerk. Motion denied. See **per curiam** this date.

[CR-12-684](#). Joe Morgan v. State of Arkansas, from Pulaski County Circuit Court, First Division. Pro se petition for writ of certiorari to complete the appellate record and motion for extension of time and access to supplemental record. Appeal dismissed; petition for writ of certiorari and motion for extension of time and access to supplemental record moot. See **per curiam** this date.

CR-13-217. William Earl Miller v. State of Arkansas, from Jackson County Circuit Court. Appellee's motion to dismiss appeal. Granted.

CR-13-237. Charles E. Pruitt, Jr. v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to dismiss appeal. Granted.

[CR-13-303](#). Gary Dewayne Cooper v. Ray Hobbs, Director, Arkansas Department of Correction, from Garland County Circuit Court. Pro se motion for belated appeal. Appeal dismissed; motion treated as motion to file belated brief moot. See **per curiam** this date.

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**MOTIONS SUBMITTED**

PETITIONS FOR REVIEW:

CV-13-525. Steven L. Jones, Lindell Cooper and Donna Cooper, his wife; James E. Smith and Gaye Smith, his wife v. Suzanne Runsick f/k/a Suzanne Cook Bangs, from Izard County Circuit Court.

CV-13-529. Linda Sue Lee v. Sherlyn E. Jones, from Perry County Circuit Court.

CV-13-549. Roger Dale Midkiff and Melinda Midkiff v. Crain Ford Jacksonville, LLC, from Arkansas County Circuit Court, Southern District.

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CR-13-536. Angela Rochelle Austin Roberts v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion to withdraw appeal.

CR-13-598. Marion Gene Westerman v. State of Arkansas, from Cleburne County Circuit Court. Pro se motion for appointment of counsel.

CR-13-598. Marion Gene Westerman v. State of Arkansas, from Cleburne County Circuit Court. Pro se motion to treat record on appeal as brief for appellant.

CR-13-598. Marion Gene Westerman v. State of Arkansas, from Cleburne County Circuit Court. Appellant's motion to supplement record and stay briefing schedule.

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 County Circuit Court, Sixth Division. Appellees' motion to file belated brief.

CV-13-539. Dennis Wayne Lewis v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal.

CV-13-539. Dennis Wayne Lewis v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion for brief time in the event the court denies motion to dismiss appeal.

CV-13-788. Jay Christopher Cloud, Arkansas Bar No. 94222 v. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct, an Original Action. Petition for voluntary surrender of license (resignation).

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**CASES SUBMITTED**

CV-13-176. Pamela Fitzgiven, Loveida Ingram, and Pulaski Association of Classroom Teachers; Lonnie Coney, Belinda Pearl, and Pulaski Association of Support Staff; Erika Evans, Brenda Robinson, and Cheryl Carpenter, as Individuals and Class Representatives; and Don Clevenger and Carlton Wyley, as Individuals and Class Representatives v. Arkansas Department of Education and Tom W. Kimbrell, Commissioner of the Arkansas Department of Education, from Pulaski County Circuit Court, Ninth Division.

CV-13-202. Karen Cooper and Jack Dowell v. Circuit Court of Faulkner County, from Faulkner County Circuit Court.

CV-13-244. Randy Russell v. Andrea Russell, from Sebastian County Circuit Court, Fort Smith District.

CV-13-255. Newton W. Dorsett v. Donald Buffington, from Lafayette County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>