

ARKANSAS SUPREME COURT
PROCEEDINGS OF JANUARY 30, 2014

JIM HANNAH, CHIEF JUSTICE

[CV-13-247](#). Michele Kelly Hill v. James Edward Kelly, III, from Sebastian County Circuit Court, Fort Smith District. Reversed and remanded.

JOSEPHINE LINKER HART, JUSTICE

[CV-11-1273](#). Tom Muccio; Mike Muccio; and Next Chapter Resources, LLC v. Johnelle Hunt; Phil Phillips; Mike Lax; Tommy Vaughan; Walter Smiley; Michael Johnson; Amy Sorrell; David Schumacher; Trey Trumbo; J.B. Hunt, LLC; Johnelle Hunt, LLC; Phil and Judy Phillips Family Limited Partnership, LLLP; TCH Investments, LLC; Big Horn Lodge Financing, LLC; Biobased Holdings, LLC; Smiley Investment Company; Lax, Vaughan, Fortson, McKenzie & Rowe, P.A.; Homestead Homes, LLC; and Next Generation Holdings, LLC, from Washington County Circuit Court. Reversed and remanded. Corbin, J., and Special Justice David M. Hargis concur. Hannah, C.J., and Danielson, J., concur in part, dissent in part. Goodson, J., not participating.

CLIFF HOOFMAN, JUSTICE

[CR-12-157](#). Marcus L. Rackley v. State of Arkansas, from Faulkner County Circuit Court. Reversed and remanded.

[CR-13-390](#). Raymond C. Sanders, Jr. v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Hannah, C.J., and Corbin, J., dissent.

ARKANSAS SUPREME COURT
PROCEEDINGS OF JANUARY 30, 2014
PER CURIAM ORDERS

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

CV-13-1005. Kent and Vickie Harris d/b/a Harris Saw Shop v. Barbara Temple, from Bradley County Circuit Court. Hart, J., would grant.

CV-13-1020. Keiko Wagster v. Jeffrey D. Wagster, from Independence County Circuit Court. Hart, J., not participating.

CV-13-1109. Angela Sue Wear v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court.

CR-13-721. Richard Ralph Conte v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to file a belated brief is granted.

CV-13-756. Pine Hills Health and Rehabilitation, LLC, et al. v. Rufus Brian Matthews, as Special Administrator of the Estate of Rufus Owens, Deceased, and on behalf of the Wrongful Death Beneficiaries of Rufus Owens, from Ouachita County Circuit Court. Appellants' motion for leave to supplement addendum is granted. Supplemental addendum due in seven days.

CV-13-1023. Brent Bartlett and Lindsey Bartlett v. Circle D Contractors, Inc., from Pope County Circuit Court. Joint motion to dismiss appeal is granted.

[CV-14-22](#). Marcie Treadwell v. Arkansas Department of Human Services and Minor Child, from Benton County Circuit Court. Motion to file a belated notice of appeal; motion to be relieved as counsel and to substitute counsel. Motion to file a belated notice of appeal granted; motion to be relieved as counsel denied without prejudice; motion to substitute counsel moot. See **per curiam** this date.

CV-14-36. Linda Marston, Patsy Ellifritz, Wanda Gragg, and Dennis Taylor v. James Taylor, Diane Crims, Janice Hagler, and Joann Morgan, from Crawford County Circuit Court. Petition for writ of certiorari to complete the record is granted.

[CR-86-114](#). Richard Alford v. State of Arkansas, from Benton County Circuit Court. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 30, 2014

PER CURIAM ORDERS

postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 and motion for appointment of counsel. Petition dismissed; motion denied. See **per curiam** this date.

CR-97-1412. Charles Alexander a/k/a Khalid Ryahim v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se motion for copy of trial transcript and petition for rehearing exhibit at public expense. Motion denied.

CR-06-1484. Charles Alexander a/k/a Khalid Ryahim v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se motion for copy of trial transcript and petition for rehearing exhibit at public expense. Motion denied.

[CR-08-1019](#). Robert Burton v. State of Arkansas, from Garland County Circuit Court. Pro se petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis. Petition denied. See **per curiam** this date.

CR-12-218. Frederick Dwayne Mason a/k/a Fredrick Dwayne Mason v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Pro se motion to file belated petition for rehearing. Denied.

CR-13-838. Vincent James Hussey v. State of Arkansas, from Drew County Circuit Court. Appellee's motion to dismiss appeal. Granted.

CR-13-842. Eugene Thomas III v. State of Arkansas, from Ashley County Circuit Court. Pro se motion for rule on clerk and petition for writ of certiorari. Pro se motion for rule on clerk granted; petition for writ of certiorari denied.

CR-13-926. Jason Duane Emery v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to dismiss appeal. Granted.

CR-13-980. Thernell Hundley v. State of Arkansas, from Clark County Circuit Court. Appellee's motion to dismiss appeal and appellant's motion to withdraw appeal. Appellant's motion to withdraw appeal granted; appellee's motion to dismiss appeal moot.

CV-11-623. Kenneth Ray Pitts v. Correctional Officer Lewis Rafter; Correctional Officer Eddie Knight; Correctional Officer Russell Meadows; and Sergeant Michael Richardson, Arkansas Department of Correction, from Jefferson County Circuit Court. Pro se motion for recommendation. Pro se motion for recommendation treated as petition for rehearing and denied.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 30, 2014

PER CURIAM ORDERS

[CV-13-424](#). Roy E. Davis v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

[CV-13-512](#). Jimmy L. Frost v. State of Arkansas, from Lee County Circuit Court. Pro se motion for appointment of counsel; motion for extension of time to file brief; motion to dismiss motion for extension to file brief; second motion for extension of time to file brief. Appeal dismissed; motions moot. See **per curiam** this date.

CV-13-831. Jess A. Fulgham v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellee's motion to dismiss appeal. Granted.

CV-13-862. Robert W. Fischer, Jr. v. Ray Hobbs, Director, Arkansas Department of Correction, from Hot Spring County Circuit Court. Appellee's motion to dismiss appeal. Granted.

CV-13-1040. Santonio O. Turner v. Hon. L.T. Simes, Circuit Judge, from Lee County Circuit Court. Pro se petition for writ of mandamus. Denied.

In Re Special Task Force on Practice and Procedure in Civil Cases - Final Report. See [per curiam](#) this date.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 30, 2014

MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CV-13-1035. Jose Ballesteros v. Nationwide Mutual Insurance Co., from Washington County Circuit Court.

CV-13-1066. Michael Gartman and Kemal Kutait, Individually and on Behalf of the Estate of Rebecca Kutait, and on Behalf of the Wrongful Death Beneficiaries v. Ford Motor Company and Crain Ford Lincoln Mercury, from Hot Spring County Circuit Court.

CV-13-1083. Tango Truck Services, Inc.; Midwest Employers Casualty Company; and York Risk Service Group, Inc. v. Herschel Skinner and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CR-13-905. William O. James, Jr. v. Pulaski County Circuit Court, Fifth Division, from Pulaski County Circuit Court, Fifth Division. Appellee's motion to dismiss, or, in the alternative, motion for an extension of time in which to file brief.

CV-13-356. Desiree Kolbek et al. v. Farmers Insurance Exchange and Truck Insurance Exchange, from Sebastian County Circuit Court, Fort Smith District. Appellees' motion to supplement record with decision from U.S. District Court.

CV-13-356. Desiree Kolbek et al. v. Farmers Insurance Exchange and Truck Insurance Exchange, from Sebastian County Circuit Court, Fort Smith District. Appellees' motion to supplement record with amended decision from U.S. District Court.

CV-13-356. Desiree Kolbek et al. v. Farmers Insurance Exchange and Truck Insurance Exchange, from Sebastian County Circuit Court, Fort Smith District. Appellants' motion to further supplement record.

CV-13-1080. Teri Baber v. Richardson Baber, from Madison County Circuit Court. Appellee's motion to reconsider motion to dismiss appeal or alternatively, motion to require appellant to supplement record.

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 30, 2014

CASES SUBMITTED

CV-12-73. Greg E. Prock v. Bull Shoals Landing and AIG Domestic Claims, Inc., from the Arkansas Workers' Compensation Commission. Orally argued.

CV-12-75. Matthew Edmisten v. Bull Shoals Landing and AIG Domestic Claims, Inc., from the Arkansas Workers' Compensation Commission. Orally argued.

CR-12-644. Bobby Charles Nelson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-13-175. Sharon Garrett v. Director et al., from Arkansas Board of Review.

CV-13-623. Carmella Bell v. Lana Eagle McDonald, from White County Circuit Court.