

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 10, 2014

JIM HANNAH, CHIEF JUSTICE

[CV-13-955](#). Theresa Roeder, as the Administratrix of the Estate of Esther Kay Roeder, Deceased, and On Behalf of the Wrongful Death Beneficiaries of Esther Kay Roeder; Tara Roeder, as the Administratrix of the Estate of Bruce Wayne Roeder, and On Behalf of the Wrongful Death Beneficiaries of Bruce Wayne Roeder; and Tara Roeder, as the Administratrix of the Estate of Deborah Busby Roeder, and On Behalf of the Wrongful Death Beneficiaries of Deborah Busby Roeder v. United States of America; James S. Watson, in His Individual and Official Capacity; Gloria Maples Chrismer, in Her Individual and Official Capacity; Normal L. Wagoner, in His Individual and Official Capacity; James B. Kozik, in His Individual and Official Capacity; and John Does 1-5, in Their Individual and Official Capacity, from the United States District Court for the Western District of Arkansas, Hot Springs Division. Certified question answered.

DONALD L. CORBIN, JUSTICE

[CR-13-807](#). Justin Jamaille Thornton v. State of Arkansas, from Lincoln County Circuit Court. Reversed and dismissed. Baker and Goodson, JJ., dissent.

PER CURIAM OPINION

[CR-13-984](#). Jackie Breeden, Jr. v. State of Arkansas, from Benton County Circuit Court. Order affirmed; motion moot.

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PER CURIAM ORDERS

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

CV-12-73. Greg E. Prock v. Bull Shoals Landing and AIG Domestic Claims, Inc., from the Arkansas Workers' Compensation Commission. Appellant's petition for rehearing is denied. Special Justices Judson Kidd and Tjuana Byrd agree. Baker and Goodson, JJ., would grant. Hart and Hoofman, JJ., not participating.

CV-12-73. Greg E. Prock v. Bull Shoals Landing and AIG Domestic Claims, Inc., from the Arkansas Workers' Compensation Commission. Appellees' petition for rehearing is denied. Special Justices Judson Kidd and Tjuana Byrd agree. Baker and Goodson, JJ., would grant. Hart and Hoofman, JJ., not participating.

CV-12-75. Matthew L. Edmisten v. Bull Shoals Landing and AIG Domestic Claims, Inc., from the Arkansas Workers' Compensation Commission. Appellant's petition for rehearing is denied. Special Justices Judson Kidd and Tjuana Byrd agree. Baker and Goodson, JJ., would grant. Hart and Hoofman, JJ., not participating.

CV-12-75. Matthew L. Edmisten v. Bull Shoals Landing and AIG Domestic Claims, Inc., from the Arkansas Workers' Compensation Commission. Appellees' petition for rehearing is denied. Special Justices Judson Kidd and Tjuana Byrd agree. Baker and Goodson, JJ., would grant. Hart and Hoofman, JJ., not participating.

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

CR-14-201. Leonard Leon Bean v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-13-1031. State of Arkansas Sex Offender Risk Assessment Committee v. Michael G. Wallace, from Garland County Circuit Court.

CV-13-1158. Vernon Hardesty and Martha Hardesty v. Baptist Health d/b/a Baptist Health Medical Center, Dr. Raymond Rimmel, and Patrick O'Connell, R.N., from Pulaski County Circuit Court, Seventeenth Division.

CV-14-101. Daryl Banks v. Director et al., from the Arkansas Board of Review.

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[CR-13-294](#). Sharvelt Marquette Mister v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Rebriefing ordered. See **per curiam** this date.

CR-13-438. Edward Thompson, III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to settle the record is granted.

CR-14-257. Christopher S. Grady v. State of Arkansas, from Jackson County Circuit Court. Motion for rule on clerk is denied without prejudice.

CR-14-298. Z.L. v. Jackson County Circuit Court, from Jackson County Circuit Court. Motion for accelerated consideration and emergency stay. Motion for accelerated consideration is granted. Emergency stay is denied. Corbin, J., not participating.

CR-14-298. Z.L. v. Jackson County Circuit Court, from Jackson County Circuit Court. Petition for writ of prohibition is denied without prejudice. Corbin, J., not participating.

CV-13-942. Ray Hobbs, Director, Arkansas Department of Correction v. Ulonzo Gordon, from Lee County Circuit Court. Motion of Juvenile Law Center et al. to file brief as amicus curiae is granted.

CV-13-1137. Susan G. Cross v. Arkansas State Board of Law Examiners, an Original Action. Pro se motion to seal record is granted.

CV-13-1158. Vernon Hardesty and Martha Hardesty v. Baptist Health d/b/a Baptist Health Medical Center, Dr. Raymond Rimmel, and Patrick O'Connell, R.N., from Pulaski County Circuit Court, Seventeenth Division. Arkansas Trial Lawyers Association's request to join appellants' petition for review is moot.

CV-14-10. Charles Smith et al. v. Gloria Daniel, from Pulaski County Circuit Court, Sixth Division. Appellee's motion to dismiss appeal is denied without prejudice. Danielson, J., would take with the case.

CV-14-82. Union Pacific Railroad Company v. Rusty A. Jumper, from Crittenden County Circuit Court. Renewed petition for permission to appeal is denied. Hart and Hoofman, JJ., would grant.

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[CV-14-173](#). Robert Dickinson and Pamela Dickinson, on Behalf of Themselves and All Residents of Arkansas that are Similarly Situated v. Sun Trust Mortgage, Inc., and Federal National Mortgage Association, from United States District Court for the Eastern District of Arkansas. Request to certify question of law. Certified question accepted. See **per curiam** this date.

CV-14-200. Rodney Evans v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court. Motion for reconsideration of motion to withdraw as counsel for non-indigent appellant is denied.

CV-14-200. Rodney Evans v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court. Petition from the Arkansas Public Defender Commission for redetermination of indigency (filed pursuant to order of Supreme Court) is denied without prejudice.

CV-14-241. Linda S. Lee v. Sherlyn E. Jones, from Perry County Circuit Court. Pro se petition for writ of certiorari to complete the record is denied.

CV-14-243. Linda S. Lee v. Sherlyn E. Jones, from Perry County Circuit Court. Pro se petition for writ of certiorari to complete the record is denied.

[CV-14-261](#). In Re Arkansas Bar Association Petition Proposing Amendments to the Arkansas Rules of Professional Conduct. See **per curiam** this date.

[D-14-263](#). In Re Frank David Rees, Arkansas Bar No. 79238, an Original Action. Petition to surrender Arkansas law license. Granted. See **per curiam** this date.

CR-02-1186. Danny Amond Cromeans v. State of Arkansas, from Lafayette County Circuit Court. Pro se motion for copy of motion at public expense. Motion for copy of motion at public expense denied.

[CR-12-539](#). Quincy Jay Plessy v State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Pro se petition to reinvest jurisdiction. Petition denied; appeal dismissed. See **per curiam** this date.

CR-13-514. Bruce Wayne Brown v. State of Arkansas, from Garland County Circuit Court. Pro se motion for extension of time to file brief. Motion for extension of time to file brief granted; appellant's tendered brief-in-chief accepted for filing as of the date of this per curiam order.

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CR-13-1106. Anthony O. Craigg v. State of Arkansas, from Washington County Circuit Court. Pro se petition for rehearing. Petition treated as motion for reconsideration of dismissal of appeal and denied.

[CR-14-204](#). Lee Ed Kennel, Jr. v. State of Arkansas, from Hempstead County Circuit Court. Pro se motion for belated appeal. Motion denied. See **per curiam** this date.

[CR-14-205](#). Clifford Upshaw, Jr. v. State of Arkansas, from Craighead County Circuit Court, Western District. Pro se motion for belated appeal of order. Motion treated as motion for rule on clerk and denied. See **per curiam** this date.

In Re: Board of Certified Court Reporter Examiners. See [per curiam](#) this date.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR-13-371. Johnathan Johnston v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

PETITIONS FOR REVIEW:

CV-14-95. Ronnie Willcutt, Larry F. Willcutt, Marsha Kay Willcutt, and Nadine Willcutt v. Ricky D. Houston and Sherry L. Houston, from Conway County Circuit Court.

CV-14-143. Timothy Roger Simpson, as Personal Representative of the Estate of Edith Laverne Simpson, Deceased v. Bobby Simpson et al., from Craighead County Circuit Court, Western District.

CV-14-184. Mary Ann Ayers v. Director et al., from the Arkansas Board of Review.

CR-14-145. Henry A. Harmon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion to allow supplemental briefing.

CR-14-268. Rickey Dale Newman v. Hon. Gary R. Cottrell, Circuit Judge of Crawford County, from Crawford County Circuit Court. Petition for writ of certiorari.

CV-13-596. Charles Jones v. Myra Jones, from Independence County Circuit Court. Motion for attorney fees.

CV-13-779. Travelers Casualty & Surety Company of America and BBC Construction, LLC, d/b/a Boyd Corley Construction, LLC v. Sweet's Contracting, Inc., from Independence County Circuit Court. Appellee's motion for reassignment to the Supreme Court.

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MOTIONS SUBMITTED

CV-13-919. John K. Kelly v. Christian Snowden Kelly, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion for the recusal of Justices Corbin and Goodson.

CV-13-1000. Graham Goodloe v. Marcia Goodloe, from Pulaski County Circuit Court, Fourteenth Division. Appellant's motion to dismiss appeal as moot.

CV-13-1000. Graham Goodloe v. Marcia Goodloe, from Pulaski County Circuit Court, Fourteenth Division. Appellant's motion for permission to file belated supplemental response brief and for extension of time.

CV-13-1059. Allisa Virgil v. Evergreen Packaging, Inc., from Jefferson County Circuit Court. Appellant's motion for reconsideration.

CV-14-36. Linda Marston, Patsy Ellifritz, Dennis Taylor, and Wanda Gragg v. James E. Taylor, Diane Crims, Janice Hagler, and Joann Morgan, from Crawford County Circuit Court. Resubmission of motion for rule on clerk after remand.

CV-14-143. Timothy Roger Simpson, as Personal Representative of the Estate of Edith Laverne Simpson, Deceased v. Bobby Simpson et al., from Craighead County Circuit Court, Western District. Appellant's motion for permission to file reply to response to petition for review.

CV-14-171. Vicki Davis v. Jerrod Davis, from Lonoke County Circuit Court. Appellant's motion for reconsideration and request for oral argument on motion for rule on clerk.

CV-14-276. Jonathan Jackson and Jocelyn Jackson v. Deneidre Poole, The City of Dumas, Arkansas Public Entities Risk Management Association, and James I. Edgerson, from Desha County Circuit Court. Motion for rule on clerk.

D-12-459. Stark Ligon, Executive Director, Supreme Court Committee on Professional Conduct v. Heather Patrice Hogrobrooks, Arkansas Bar No. 92029, an Original Action. Petition of appellant Heather Patrice Hogrobrooks for information regarding the status of appeal.

D-14-297. In Re Holly W. Gibson, Arkansas Bar No. 2012102, an Original Action. Petition for voluntary surrender of license (resignation).

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CASES SUBMITTED

CR-13-655. Sandra Nance v. State of Arkansas, from Lonoke County Circuit Court. Orally argued at Northside High School, Fort Smith, Arkansas.

CR-13-757. Tommy Bowden v. State of Arkansas, from Johnson County Circuit Court.

CV-13-936. Peter Brave v. Marie Brave, from Pulaski County Circuit Court, Sixteenth Division.

CV-13-1050. Gregory Ross Giles, Terri Giles, Karen Jean Hughes, and Kevin Hughes v. Ozark Mountain Regional Public Water Authority, from Boone County Circuit Court.