

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 19, 2014

DONALD L. CORBIN, JUSTICE

[CV-13-976](#). The Ballard Group, Inc. v. BP Lubricants USA, Inc., and Tracy Curtis King, from Benton County Circuit Court. Affirmed in part; reversed and remanded in part. Hannah, C.J., and Hart, J., dissent.

PAUL E. DANIELSON, JUSTICE

[CV-13-357](#). Reginald R. Early v. Keith Crockett, Clayborn Carroll, Roberta Lewis, and Lamon Mayo, from Jefferson County Circuit Court. Affirmed in part; reversed and remanded in part.

KAREN R. BAKER, JUSTICE

[CV-13-1154](#). The Evangelical Lutheran Good Samaritan Society; The Evangelical Lutheran Good Samaritan Society d/b/a Good Samaritan Society - Hot Springs Village; Good Samaritan Society Insurance Company, Ltd.; and Corinne White, in Her Capacity as Administrator of Good Samaritan Society - Hot Springs Village v. Robert Kolesar, as Attorney-in-Fact for Vera Kolesar, from Saline County Circuit Court. Affirmed; court of appeals' opinion vacated.

COURTNEY HUDSON GOODSON, JUSTICE

[CV-13-319](#). Asset Acceptance, LLC v. Amy Murphy Newby, from Pulaski County Circuit Court, Sixth Division. Affirmed on direct appeal; cross-appeal dismissed. Hannah, C.J., and Corbin and Danielson, JJ., dissent.

CLIFF HOOFFMAN, JUSTICE

[CV-13-950](#). J-McDaniel Construction Company, Inc.; John B. McDaniel; and Barbara G. McDaniel v. Dale E. Peters Plumbing Ltd., d/b/a Dale Peters Plumbing and Irrigation; Robert Bostic Hauling and Excavating, Inc., d/b/a Bobby Bostic Hauling and Excavating; Robert Bostic, Individually; and Esquire Marble Company, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded.

PER CURIAM OPINIONS

[CR-12-624](#). Eddie Silver Watkins v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed.

[CR-12-887](#). Garland Green v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed.

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[CV-12-796](#). Bernance Wesson v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

[CV-12-1062](#). James Edward Smith v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

[CV-12-1073](#). Michael Ray Bryant v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed.

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PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

CV-13-881. In the Matter of the Estate of H. Ripley Thompson, Deceased; and Vance Thompson, Trustee of H. Ripley Thompson Revocable Trust v. Anne L. Thompson, from Woodruff County Circuit Court. Baker and Hart, JJ., would grant.

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

CR-14-442. Russell Wayne Hudson v. State of Arkansas, from Faulkner County Circuit Court.

CV-14-240. Diamond State Insurance Company v. Dillion Rippy and Brenda Riley, from Bradley County Circuit Court. Hart, J., would grant.

CV-14-275. Billy Gene Newby v. Director et al., from the Arkansas Board of Review.

CR-14-513. Beth's Bail Bonds, Inc. v. Honorable Leon Johnson Circuit Court of Pulaski County, Arkansas, First Division, from Pulaski County Circuit Court, First Division. Motion for accelerated proceedings is granted. Motion to stay circuit court proceedings is denied. Petition for writ of certiorari is denied without prejudice. (Proceedings of June 13, 2014)

CV-14-391. Jefferson County Election Commission; Patricia Johnson, Jefferson County Clerk; Ted Davis, Chairman, Jefferson County Election Commission; Stu Soffer, Commissioner, Jefferson County Election Commission; Cynthia Sims, Commissioner, Jefferson County Election Commission; Will Fox, in His Official Capacity with the Jefferson County Election Commission; Carl A. Redus, Jr.; Loretta Whitfield; and Lloyd Franklin, Sr. v. Deborah "Debe" Hollingsworth, from Jefferson County Circuit Court. Appellants' motion to supplement record is granted.

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CV-14-461. Arthur M. Johnson, M.D. v. Circuit Court of Sebastian County, Arkansas; Carl Wooten; and Debra Wooten, from Sebastian County Circuit Court, Fort Smith District. Petition for writ of prohibition or alternatively a writ of certiorari. Petition for writ of prohibition is denied. Petition for writ of certiorari is denied without prejudice.

[CR-08-408](#). Fredrick Mason a/k/a Frederick Dwayne Mason v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Petition denied. See **per curiam** this date.

[CR-12-1044](#). Antonio C. Robinson v. State of Arkansas, from Ashley County Circuit Court. Pro se petition to amend information and stay of proceedings. Appeal dismissed; petition moot. See **per curiam** this date.

[CR-13-842](#). Eugene Thomas, III v. State of Arkansas, from Ashley County Circuit Court. Pro se motion for duplication of appellant's brief at public expense. Appeal dismissed; motion moot. See **substituted per curiam** this date.

In Re Arkansas Judges and Lawyers Assistance Program. See [per curiam](#) this date.

Shannon Subarich Pearce, a lay member whose term is due to expire on July 1, 2017, has resigned from the Arkansas Judges and Lawyers Assistance Program Committee. We appoint Anne Lynn Henry of Jonesboro as the replacement for Ms. Pearce. Ms. Henry's term will conclude on July 1, 2017.

The court extends its sincere appreciation to Ms. Henry for accepting appointment. The court also expresses its gratitude to Ms. Pearce for her dedicated and faithful service to the committee.

In Re Arkansas Supreme Court Committee on Criminal Jury Instructions. See [per curiam](#) this date.

Larry D. Kisse, Esq., of Ash Flat, and Daniel Shue, Prosecuting Attorney, are appointed to our Committee on Criminal Jury Instructions for three-year terms to expire on January 31, 2017. We thank these new members for accepting appointment to this committee.

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Judge Ralph Wilson, Jr., Judge Robert Wyatt, Judge Tom Cooper, and John Wesley Hall, Esq., are reappointed to our committee for three-year terms to expire on January 31, 2017. We thank these members for their continued service.

We express our gratitude to Judge Charles Yeargan, Gregg Parrish, Esq., and Tom Deen, Prosecuting Attorney, whose terms have expired, for their service to the committee.

We note with appreciation Judge Yeargan's service as the chair of the committee and designate Judge Wilson to succeed him.

In Re Leslie W. Steen, Clerk of the Court. See [per curiam](#) this date.

Leslie W. Steen has served as Clerk of the Supreme Court and Court of Appeals for nearly twenty-seven years. The court recognizes and appreciates his service and congratulates him on his retirement.

Les has been a well-known presence in the Justice Building for close to thirty-five years. Before his appointment in 1987 to the position of Clerk, Les served as a law clerk to Justice John I. Purtle and, from 1980 to 1987, as Chief Deputy Clerk for the newly established Arkansas Court of Appeals. Since then, Les has incorporated many beneficial changes while maintaining the time-tested court procedures established by Justice George Rose Smith. His institutional knowledge of both courts is unparalleled.

During his tenure as clerk, the clerk's office has made the transition from the age of paper to an environment that utilizes sophisticated software to manage the court's docket. Through it all, Les has always been a friendly face of the courts, providing reliable guidance to judges, lawyers and members of the public who interact with the clerk's office.

Les has been a trusted friend and colleague to all who have worked for and served on the courts during his tenure. He has served this court admirably, and his knowledge and insight will be greatly missed. The court wishes him godspeed in his retirement and many years of good fishing.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-13-873. T. Ricks, LLC; Rick Adams; and the Rick and Lanan Adams Living Trust v. Rick Kent; Barbara Kent; KKC, Inc.; Mid-State Investments, LLC; and Mid-State Service Co., Inc., from White County Circuit Court.

PETITIONS FOR REVIEW:

CR-14-476. David Keith Adams v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CV-14-250. Ken David Swindle v. Southern Farm Bureau Casualty Insurance Company, from Benton County Circuit Court.

CV-14-282. Elvin Marks v. Leona I. Marks, from Jefferson County Circuit Court.

CV-14-295. Roma Trakru v. David Mathews, from Stone County Circuit Court.

CV-14-311. Hurt-Hoover Investments, LLC v. Lester Fulmer, Rob Bentley, Robert Best, and Carl Chilson, from Cleburne County Circuit Court.

CR-93-427. Sherman D. Noble v. State of Arkansas, from Jefferson County Circuit Court. Appellant's petition to reinvest jurisdiction with the Jefferson County Circuit Court.

CR-13-1074. Earl Delmar Pigg v. State of Arkansas, from Crawford County Circuit Court. Appellee's motion to file brief with corrected statement of Rule 4-3(i) compliance.

CR-14-136. Naeem Rasul v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion for reconsideration and to accept a non-conforming brief.

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MOTIONS SUBMITTED

CR-14-476. David Keith Adams v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Motion for leave to file reply in support of petition for review.

CV-14-219. Joey Hoosier et al. v. Interinsurance Exchange of the Automobile Club, from Garland County Circuit Court. Appellee's motion to file supplemental brief.

CV-14-219. Joey Hoosier et al. v. Interinsurance Exchange of the Automobile Club, from Garland County Circuit Court. Appellants' motion for leave to file supplemental brief.

CV-14-295. Roma Trakru v. David Mathews, from Stone County Circuit Court. Pro se motion to submit courtesy paper copy.

CV-14-295. Roma Trakru v. David Mathews, from Stone County Circuit Court. Pro se motion to submit errata sheet for petition for review.

CV-14-295. Roma Trakru v. David Mathews, from Stone County Circuit Court. Pro se motion to submit amended petition for review.

CV-14-504. Holly Grove Construction Co., Inc., an Arkansas Business Corporation v. Judge L.T. Simes II, Circuit Judge for the First Judicial District, from Monroe County Circuit Court. Petition for issuance of a writ of mandamus.

D-12-459. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct v. Heather Patrice Hogrobrooks, Arkansas Bar No. 92029, an Original Action. Petitioner's motion for judgment on the pleadings and for entry of final order of disbarment or alternatively for a show cause hearing as to why judgment should not be entered.

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CASES SUBMITTED

CR-13-686. Donnie Maiden v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Orally argued.

CR-13-914. Kendrick Hampton v. State of Arkansas, from Jefferson County Circuit Court.

CR-14-242. William O. James, Jr. v. Pulaski County Circuit Court, Fifth Division, from Pulaski County Circuit Court, Fifth Division.

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

CV-13-1000. Graham Goodloe v. Marcia Goodloe, from Pulaski County Circuit Court, Fourteenth Division.