

ARKANSAS SUPREME COURT

PROCEEDINGS OF MAY 22, 2014

DONALD L. CORBIN, JUSTICE

[CV-13-881](#). Vance Thompson, Trustee of H. Ripley Thompson Revocable Trust v. Anne L. Thompson, from Woodruff County Circuit Court. Affirmed. Baker and Hart, JJ., dissent.

PAUL E. DANIELSON, JUSTICE

[CR-13-850](#). Tracy Dean Jeffries v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed.

KAREN R. BAKER, JUSTICE

[CR-12-655](#). Steven Victor Wertz v. State of Arkansas, from Sharp County Circuit Court. Affirmed. Special Justice Andrew Fulkerson and Hart, J., concur in part and dissent in part. Goodson, J., not participating.

PER CURIAM OPINIONS

[CR-12-347](#). David Ferrell v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed.

[CR-12-582](#). Vincent M. Cooper v. State of Arkansas, from Miller County Circuit Court. Affirmed.

[CV-12-609](#). Larry Rayford v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed.

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PER CURIAM ORDERS

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

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

CV-14-358. Valerie Thompson Bailey v. Mark Martin, in His Official Capacity as Secretary of State for the State of Arkansas; Rob Hill, Lou Ann Carter, and Jeff Olmsted, in Their Official Capacities as the Commissioners of the Perry County Election Commission; Leonard A. Boyle, Sr., Chris Burks, and Alex Reed, in Their Official Capacities as the Commissioners of the Pulaski County Election Commission; and Kristen Hulse, from Pulaski County Circuit Court. Special Justices Raymond R. Abramson, Woody Bassett and Todd Turner agree. Danielson, Baker, and Goodson, JJ., not participating. (Proceedings of May 19, 2014)

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

CV-14-182. Death & Permanent Total Disability Trust Fund v. Andrew Myers, Deceased; Samantha Myers; Dixieland Gin Repair, Inc.; Zurich American Insurance Company; and Haely Morris, from the Arkansas Workers' Compensation Commission.

CV-14-196. Joe Ryburn v. Janet Carol Ryburn, from Saline County Circuit Court.

CV-14-198. Quick-It Enterprises, Inc., and Triangle Insurance Company, Inc. v. A.D. Dorsey, from the Arkansas Workers' Compensation Commission.

CV-14-237. Rhonda Clegg and Charlene Sullivan Swaims v. Randall Sullivan and Carolyn Moore, from Faulkner County Circuit Court.

CR-14-5. Stanley Carter v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to direct compliance with Arkansas Supreme Court Rule 4-3(i), or, in the alternative, to stay brief time. Motion to direct compliance with Arkansas Supreme Court Rule 4-3(i) is granted. Appellant's substituted abstract, brief and addendum due in forty-five days. Appellee's brief due thirty days thereafter.

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CR-14-268. Rickey Dale Newman v. Hon. Gary R. Cottrell, Circuit Judge of Crawford County, from Crawford County Circuit Court. Petitioner's motion for leave to file belated brief is granted.

CV-13-881. In the Matter of the Estate of H. Ripley Thompson, Deceased; and Vance M. Thompson, III, Trustee of the H. Ripley Thompson Revocable Trust v. Anne L. Thompson, from Woodruff County Circuit Court. Appellant's motion to quash writ of garnishment is denied.

CV-14-19. Julie Glass v. E-Z Mart Stores, Inc.; Zurich American Insurance Company; and Death & Permanent Total Disability Fund, from the Arkansas Workers' Compensation Commission. Joint motion to remand. Appeal dismissed without prejudice. Goodson, J., not participating.

CV-14-378. Tommy Thompson v. Arkansas Department of Human Services et al., from Sebastian County Circuit Court, Fort Smith District. Petition for writ of habeas corpus or, in the alternative, for writ of certiorari. Petition for writ of habeas corpus is denied. Petition for writ of certiorari is denied without prejudice.

CV-14-427. Nathaniel Smith, M.D., MPH, Interim Director of the Arkansas Department of Health, in His Official Capacity, and His Successors in Office; Richard Weiss, Director of the Arkansas Department of Finance and Administration, in His Official Capacity, and His Successors in Office; Pulaski Circuit/County Clerk, Larry Crane, in His Official Capacity, and His Successors in Interest; White County Clerk, Cheryl Evans, in Her Official Capacity, and Her Successors in Interest; Lonoke County Clerk, William "Larry" Clarke, in His Official Capacity, and His Successors in Interest; Conway County Clerk, Debbie Hartman, in Her Official Capacity, and Her Successors in Office; Saline County Clerk, Doug Curtis, in His Official Capacity, and His Successors in Office; Faulkner County Clerk, Melinda Reynolds, in Her Official Capacity, and Her Successors in Office; Washington County Clerk, Becky Lewallen, in Her Official Capacity, and Her Successors in Office v. M. Kendall Wright and Julia E. Wright, Individually and on Behalf of Their Minor Children, G.D.W. and P.L.W.; Rhonda L. Eddy and Treba L. Leath; Carol L. Owens and Rane J. Harp; Natalie Wartick and Tommie J. Wartick; Individually and on Behalf of Their Minor Son, T.B.W.; Kimberly M. Kidwell and Kathryn E. Short; James Boone and Wesley Givens; Kimberly M. Robinson and Felicity L. Robinson; Linda L. Meyers and Angela K. Shelby; Gregory A. Bruce and William D. Smith, Jr.; Monica J. Loyd and Jennifer L. Lochridge; Jennifer D. Moore and Mandy A. Lyles; Jonathan K. Gober and Mark R. Norwine; Andra Alsbury and Amber Gardner-

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Alsbury; Angela Spears Gullette and Livicie C. Gullette; Shannon Havens; and Rachel Whittenburg; Cody Renegar and Thomas Staed; Katherine Henson and Angelia Buford; Christopher H. Horton and Michael E. Potts; John Schenck and Robert Loyd; William A. King and John McClay Rankine; Arica Navarro and Patricia Navarro; and Randy Eddy-McCain and Gary Eddy-McCain, from Pulaski County Circuit Court, Second Division. State Defendants-Appellants' petition for emergency stay and Separate White, Washington, Lonoke, and Conway County Appellants' expedited motion for stay are granted. (Proceedings of May 16, 2014)

CV-14-437. Josh Johnston, Individually, and as Candidate for Sheriff of Cleburne County; Larry Crabtree, Harold Dene Lacy, and Lee Noble, in Their Representative Capacities as Members of the Cleburne County Election Committee; the Republican Party of Arkansas; Cleburne County Republican Committee; and Dana Guffey, in Her Official Capacity as Cleburne County Clerk v. Brian Haile and Don Sims, from Cleburne County Circuit Court. Josh Johnston's petition for emergency stay of circuit court order, expedited consideration, and delay of counting and certification of the vote for the Office of Sheriff in Cleburne County, Arkansas, is denied. Baker, Hart, and Hoofman, JJ., would grant. (Proceedings of May 20, 2014)

[CR-01-909](#). Anthony Lamar v. State of Arkansas, from Pulaski County Circuit Court, Seventh 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-02-228](#). James E. Smith v. State of Arkansas, from Jefferson County Circuit Court. Pro se second petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis. Petition dismissed. See **per curiam** this date.

[CR-13-1123](#). Torrance Caery v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Pro se motion for extension of brief time. Appeal dismissed; motion moot. See **per curiam** this date.

[CR-14-290](#). Ricky Lynn Lenard, Sr. v. State of Arkansas, from Jefferson County Circuit Court. Pro se motion for belated appeal of order. Motion granted. See **per curiam** this date. Hannah, C.J., and Corbin and Danielson, JJ., dissent.

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MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CV-14-206. George Hobson and Montie Hobson v. Entergy Arkansas, Inc., from Pulaski County Circuit Court, Sixth Division.

CV-14-219. Joey Hoosier et al. v. Interinsurance Exchange of the Automobile Club, from Garland County Circuit Court.

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

CR-14-257. Christopher Grady v. State of Arkansas, from Jackson County Circuit Court. Motion of Jill A. Blankenship to withdraw as counsel for appellant.

CR-14-257. Christopher Grady v. State of Arkansas, from Jackson County Circuit Court. Motion for rule on clerk.

CV-14-137. Arkansas State Claims Commission et al. v. Duit Construction Company, Inc., from Pulaski County Circuit Court, Sixth Division. Appellant/cross-appellees' motion to dismiss cross-appeal.

CV-14-193. Philip Morris Companies, Inc., a Corporation and Philip Morris Incorporated, a Corporation v. Wayne Minor and James Easley, from Pulaski County Circuit Court, Sixth Division. Appellants' motion for clarification regarding form of addendum.

CV-14-400. Entergy Arkansas, Inc., and Entergy Operations, Inc. v. Pope County Circuit Court, from Pope County Circuit Court. Petition for writ of prohibition or certiorari.

CV-14-400. Entergy Arkansas, Inc., and Entergy Operations, Inc. v. Pope County Circuit Court, from Pope County Circuit Court. DP Engineering's motion for leave to join in petition for writ of prohibition or certiorari.

CV-14-402. Entergy Arkansas, Inc., and Entergy Operations, Inc. v. Pope County Circuit Court, from Pope County Circuit Court. Petition for writ of prohibition or certiorari.

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MOTIONS SUBMITTED

CV-14-402. Entergy Arkansas, Inc., and Entergy Operations, Inc. v. Pope County Circuit Court, from Pope County Circuit Court. DP Engineering's motion for leave to join in petition for writ of prohibition or certiorari.

CV-14-411. Wade Abernathy, Inc. v. Hon. Tom Cooper, Circuit Judge, from Little River County Circuit Court. Petition for writ of mandamus, or, in the alternative, petition for writ of certiorari.

CV-14-417. James Robin Pace v. A. Heath Abshire, Arkansas Securities Commissioner, from Benton County Circuit Court. Motion for rule on clerk.

D-11-359. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct v. Frank Rees, Arkansas Bar No. 79238, an Original Action. Petitioner's motion to dismiss without prejudice on suggestion of abatement.

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CASES SUBMITTED

CR-12-1009. Zachariah Marcyniuk v. State of Arkansas, from Washington County Circuit Court. Orally argued.

CR-13-579. Richard Eli Hart v. State of Arkansas, from Union County Circuit Court.

CR-13-775. Ivor Gordon v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CV-13-976. The Ballard Group, Inc. v. BP Lubricants USA, Inc., and Tracy Curtis King, from Benton County Circuit Court.