

ARKANSAS SUPREME COURT
PROCEEDINGS OF OCTOBER 30, 2014

JIM HANNAH, CHIEF JUSTICE

[CR-14-345](#). State of Arkansas v. Stephen Michael Crane, from Calhoun County Circuit Court. Appeal dismissed in part; reversed and remanded in part.

KAREN R. BAKER, JUSTICE

[CV-14-85](#). Lois Swenson v. Shelley Kane, Guardian, from Saline County Circuit Court. Affirmed.

JOSEPHINE LINKER HART, JUSTICE

[CR-13-294](#). Sharvelt Marquette Mister v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed.

CLIFF HOOFFMAN, JUSTICE

[CR-13-951](#). Sharvelt Marquette Mister v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed.

[CR-14-248](#). State of Arkansas v. Quinton Riley, from Pulaski County Circuit Court, Fourth Division. Appeal dismissed.

PER CURIAM OPINIONS

[CR-13-1112](#). Rodney L. Jones v. State of Arkansas, from Van Buren County Circuit Court. Affirmed.

[CV-13-1052](#). Robert Earl Tucker, Jr. v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

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PER CURIAM ORDERS

REVIEW DENIED: Petition for review was denied today in the following case.

CR-14-805. Dimitria Singleton-Harris v. State of Arkansas, from Miller County Circuit Court.

CR-14-412. Richard Morrow v. State of Arkansas, from Independence County Circuit Court. Motion to transfer this case from the Arkansas Court of Appeals to the Arkansas Supreme Court is granted.

CR-14-829. Beth's Bail Bonds, Inc. v. Honorable James Leon Johnson, Circuit Court of Pulaski County, Arkansas, First Division; Dustin McDaniel, Attorney General; Arkansas Professional Bail Bond Company and Professional Bail Bondsmen Licensing Board; Larry Crane, Pulaski County Circuit Court Clerk; Larry Jegley, Prosecutor for Pulaski County; Buddy Villines, Pulaski County Judge; and Pulaski County Quorum Court, from Pulaski County Circuit Court, First Division. Petition for writ of certiorari is denied.

CR-14-870. Beth's Bail Bonds, Inc. v. Honorable Barry Sims, Pulaski Circuit Court of Arkansas, Seventh Division; Dustin McDaniel, Attorney General; and Larry Jegley, Prosecutor for Pulaski County, from Pulaski County Circuit Court, Seventh Division. Petition for writ of certiorari and/or petition for writ of mandamus is denied.

CR-14-870. Beth's Bail Bonds, Inc. v. Honorable Barry Sims, Pulaski Circuit Court of Arkansas, Seventh Division; Dustin McDaniel, Attorney General; and Larry Jegley, Prosecutor for Pulaski County, from Pulaski County Circuit Court, Seventh Division. Motion for accelerated consideration is denied.

CV-13-962. Jasper School District No. 1 of Newton County; Kerry Saylor, Individually, and in His Capacity as Superintendent of the Jasper School District; and Wanda Mann, Individually, and in Her Capacity as Assistant Superintendent of the Jasper School District v. Anita Cooper, from Johnson County Circuit Court. Appellee's motion for attorneys' fees and costs. Motion for costs is denied; attorneys' fees in the amount of \$6,080.00 is granted.

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CV-14-34. Jose Peraza et al. v. United Financial Casualty Co., from Faulkner County Circuit Court. Motion to transfer and motion for oral arguments. Motion to transfer is denied; motion for oral argument is moot.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of Retired Law Enforcement Officers, Fire Fighters, Paramedics, Public Safety Department, and Not-For-Profit Organizations for permission to file amicus curiae brief is granted. is granted. Special Justice Robert McCorkindale agrees. Hoofman, J., not participating.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of the Right Reverend Larry R. Benfield et al., for permission to file amicus curiae brief is granted. Special Justice Robert McCorkindale agrees. Hoofman, J., not participating.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of American Sociological Association for permission to file amicus curiae brief in support of appellees is granted. Special Justice Robert McCorkindale agrees. Hoofman, J., not participating.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of Family Equality Council, COLAGE, National Association of Social Workers, and NASW Arkansas Chapter, for permission to file amicus curiae brief in support of plaintiffs-appellees is granted. Special Justice Robert McCorkindale agrees. Hoofman, J., not participating.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of Outserve-SLDN and the American Military Partner Association for permission to file amicus curiae brief is granted. Special Justice Robert McCorkindale agrees. Hoofman, J., not participating.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of Parents, Families and Friends of Lesbians and Gays, Inc., for permission to file amicus curiae brief in support of plaintiffs-appellees and affirmance is granted. Special Justice Robert McCorkindale agrees. Hoofman, J., not participating.

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CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of the American Civil Liberties Union and the Arkansas Civil Liberties Union for permission to file amicus curiae brief is granted. Special Justice Robert McCorkindale agrees. Hoofman, J., not participating.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of Gary J. Gates, the Williams Distinguished Scholar at the Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy at the UCLA School of Law for permission to file amicus curiae brief is granted. Special Justice Robert McCorkindale agrees. Hoofman, J., not participating.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion to expand time allowed for oral argument is denied. Special Justice Robert McCorkindale agrees. Hoofman, J., not participating.

[CV-14-855](#). Christina Mosher v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Motion for rule on clerk is granted. See **per curiam** this date.

CV-14-864. Central Flying Service, Inc., and Cal Freaney v. Pulaski County Circuit Court, from Pulaski County Circuit Court, Sixth Division. Motion for expedited stay of trial court proceedings is granted.

CV-14-864. Central Flying Service, Inc., and Cal Freaney v. Pulaski County Circuit Court, from Pulaski County Circuit Court, Sixth Division. Petition for writ of prohibition is taken as a case.

[CR-91-279](#). John R. Lukach v. State of Arkansas, from Hot Spring County Circuit Court. Pro se petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis, motion to appoint counsel and for hearing and "motion for order and supplemental motion." Petition and motion to appoint counsel and for hearing denied; motion for order moot. See **per curiam** this date.

[CR-91-293](#). John R. Lukach v. State of Arkansas, from Hot Spring County Circuit Court. Pro se petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis, motion to appoint counsel and for hearing and "motion for order and supplemental motion." Petition and motion to appoint counsel and for hearing denied; motion for order moot. See **per curiam** this date.

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CR-95-1039. Kenneth Slocum v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Pro se motion for reconsideration. Denied.

[CR-03-905](#). Jeffrey Scott Ratchford v. State of Arkansas, from Benton County Circuit Court. Pro se petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis and motion to proceed in forma pauperis. Petition denied; motion to proceed in forma pauperis moot. See **per curiam** this date.

[CR-08-1207](#). Sonya Nate Mooney v. State of Arkansas, from Craighead County Circuit Court, Western District. Pro se petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis and amendment to petition. Petition with amendment denied. See **per curiam** this date.

[CR-14-99](#). James E. Clemons v. State of Arkansas, from Union County Circuit Court. Pro se petition and amended petition for belated appeal. Petition treated as motion for rule on clerk and denied. See **per curiam** this date.

CR-14-493. Wesley Grissom v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to dismiss appeal. Granted.

CR-14-701. Billy Culbertson v. State of Arkansas, from Lonoke County Circuit Court. Pro se motion for extension of time. Motion for extension of time granted; brief due thirty days from the date of this per curiam order.

In Re Administrative Order No. 21-Electronic Filing. See [per curiam](#) this date.

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

The court appoints the Honorable Jodi Raines Dennis of Pine Bluff, Circuit Judge, 11th-West Judicial Circuit, and the Honorable Eddy R. Easley of Sheridan, Circuit Judge, 7th Judicial Circuit, to the Board of Certified Court Reporter Examiners for three-year terms expiring on July 31, 2017. The court appreciates their willingness to serve on this important board.

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Patricia Hendrix of Little Rock, Certified Court Reporter, and Leigh Ann Cook of Conway, Certified Court Reporter, are reappointed to the Board of Certified Court Reporter Examiners for three-year terms expiring on July 31, 2017. The court thanks them for their continued service on this board.

The court recognizes the outstanding leadership and commitment of the Honorable Xollie Duncan of Bentonville, Circuit Judge, 19th-West Judicial Circuit, who has served as chair of the board for the past five years and whose terms have expired. The court designates the Honorable Gordon “Mack” McCain, Jr., of Russellville, Circuit Judge, 5th Judicial Circuit, Division 2, as the new chair of the board and thanks him for accepting these duties.

The court expresses its gratitude to the Honorable Larry Chandler of Magnolia, Circuit Judge, 13th Judicial Circuit, whose terms have expired, for his many years of service on this board.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-10-53. Derek Sales v. State of Arkansas, from Bradley County Circuit Court.

CR-13-698. Daniel R. Klosky, Jr. v. State of Arkansas, from Faulkner County Circuit Court.

PETITIONS FOR REVIEW:

CR-14-822. Michael Gene Fowler v. State of Arkansas, from Faulkner County Circuit Court.

CR-14-882. James Anthony Gould v. State of Arkansas, from Pope County Circuit Court.

CR-13-775. Ivor Gordon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion to settle record in light of ruling in *Beavers v. State*, CR-14-216.

CR-14-687. Ike Shawndale Nunn v. State of Arkansas, from Jackson County Circuit Court. Motion to supplement the record.

CR-14-893. Z.T. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion to proceed in forma pauperis.

CV-14-468. Ray Hobbs, Director, Arkansas Department of Correction v. James Grubbs, from Lee County Circuit Court. Motion for permission to file amended brief.

CV-14-470. Ray Hobbs, Director, Arkansas Department of Correction v. Aaron Hodge, from Lee County Circuit Court. Motion for permission to file amended brief.

CV-14-474. The Pyramid Life Insurance Company v. William P. Parsons and Holline Parsons, from Crawford County Circuit Court. Motion to stay appeal pending likely settlement.

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CV-14-901. Jonathan Lively v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Motion to file a belated notice of appeal.

CV-14-914. Jasmine Holloway v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Motion for rule on clerk.

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CASES SUBMITTED

CV-14-7. United Food & Commercial Workers International Union and Organization United for Respect at Wal-Mart, (“Our Walmart”), and Does 1-10 v. Wal-Mart Stores, Inc., LLC; Wal-Mart Realty Company; Wal-Mart Real Estate Business Trust; Sam’s West, Inc.; and Beaver Lake Aviation, Inc., from Benton County Circuit Court. Orally argued.

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.

CV-14-291. Hotfoot Logistics, LLC; Freight Ambulance, LLC v. Shipping Point Marketing, Inc., David Fishgold, and Louis N. Fishgold, from Pulaski County Circuit Court, Sixth Division.

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