

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF SEPTEMBER 10, 2015**

**PER CURIAM ORDERS**

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

CR-15-3. Jimmy Paul Pickle v. State of Arkansas, from Craighead County Circuit Court, Western District. Danielson, J., Goodson, J., and Special Justice Terry Pool would grant. Wynne, J., not participating.

CV-14-1082. Wendy Kelley, Director v. Ulonzo Gordon, from Lee County Circuit Court.

CV-14-594. Anderson's Taekwondo Center Camp Positive, Inc. v. Landers Auto Group No. 1, Inc. d/b/a Landers Toyota et al., from Pulaski County Circuit Court, Sixth Division. Baker, J., Hart, J., and Special Justice Andrew Bailey would grant. Danielson, J., Wood, J., Wynne, J., not participating.

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REVIEWS GRANTED: Petitions for review were granted today in the following cases.

CV-15-267. Ralph Crenshaw and Donna Crenshaw v. Riley Vernon McFalls and Linda Sue McFalls, from White County Circuit Court.

CV-15-396. Riley Vernon McFalls and Linda Sue McFalls v. Ralph Crenshaw and Donna Crenshaw, from White County Circuit Court.

CV-15-422. Marilyn J. Worsham v. Director et al., from the Arkansas Board of Review.

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

CR-15-565. Hailey Michelle Turman v. State of Arkansas, from Crawford County Circuit Court.

CV-15-346. Daren Cason and Dorothy Pauline Cason v. Gladys Lambert, from Ashley County Circuit Court.

CV-15-389. Michael A. Hayes v. Sandra L. Otto, from Pulaski County Circuit Court, Fourteenth Division.

CV-15-390. Travelers Casualty & Surety Company of America, and Boyd Corley Construction, LLC d/b/a Tycor Construction, LLC a/k/a Tycor Industries, LLC v. Cummins Mid-South, LLC, from Ouachita County Circuit Court. Hart, J., would take as a case.

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CV-15-405. Farmers Insurance Exchange v. Ray Bradford, Lanna Bradford, and Jason Bradford, from Independence County Circuit Court.

CV-15-419. Calvin Ivory v. Woodruff Electric Cooperative Corp, from Lee County Circuit Court.

CV-15-435. Union Drilling, Inc., and Chartis v. Justin Griffith, Second Injury Fund, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-15-446. Jeffrey D. Hamby, M.D. v. Health Management Associates, Inc., from Crawford County Circuit Court.

CV-15-463. Kim Hertlein v. Director et al., from the Arkansas Board of Review.

CV-15-495. Darryl B. Brown v. Director et al., from the Arkansas Board of Review.

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CR-14-548. Heather Swain v. State of Arkansas, from Washington County Circuit Court. Motion and amended motion for recall of mandate in order to petition for writ of certiorari is granted.

CR-14-794. Donald D. Dickey v. State of Arkansas, from IZARD County Circuit Court. Second petition for writ of certiorari to complete the record is granted. Trial court given 30 days to complete the record.

CR-15-3. Jimmy Paul Pickle v. State of Arkansas, from Craighead County Circuit Court, Western District. Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department's motion for permission to join in appellee's petition and supporting brief for rehearing is denied based on Rule 4-6(c). Danielson, J., and Special Justice Terry Pool would grant. Wynne, J., not participating.

CR-15-3. Jimmy Paul Pickle v. State of Arkansas, from Craighead County Circuit Court, Western District. Arkansas Municipal League's motion for permission to file brief amicus curiae and to participate in petition for rehearing is denied based on Rule 4-6(c). Danielson, J., and Special Justice Terry Pool would grant. Wynne, J., not participating.

CR-15-3. Jimmy Paul Pickle v. State of Arkansas, from Craighead County Circuit Court, Western District. Arkansas Game and Fish Commission's motion of amicus curiae for permission to join in appellee's petition for rehearing is denied based on Rule 4-6(c). Danielson, J., and Special Justice Terry Pool would grant. Wynne, J., not participating.

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CR-15-324. David Van Winkle v. State of Arkansas, from Polk County Circuit Court. Motion to supplement the record is denied, but remanded to the circuit court to settle the record.

CR-15-324. David Van Winkle v. State of Arkansas, from Polk County Circuit Court. Motion to supplement appellant's brief is denied, but allowing 30 days leave to file a substituted brief after settling the record.

CR-15-585. Daroyce Rodgers v. State of Arkansas, from Miller County Circuit Court. Appointed counsel's motion to withdraw and motion to stay appellate deadlines pending ruling on motion to withdraw is granted.

CR-15-620. Antonio Whitlow v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion to proceed in forma pauperis and appointment of counsel is denied without prejudice pending completion.

CR-15-638. Ramon B. Trujillo v. State of Arkansas, from Benton County Circuit Court. Petition for writ of certiorari to be taken as a case. Baker, Goodson, and Wood, JJ., dissent..

CV-15-111. Shelter Mutual Insurance Company v. Michael Goodner and Robbie Goodner, from Miller County Circuit Court. Motion to take judicial notice and incorporated memorandum is granted and duly noted. Goodson, Hart, and Wynne, JJ., not participating.

CV-15-180. John David Moore v. Nancy Moore, from Logan County Circuit Court, Booneville Southern District. Motion for leave to file supplemental brief is granted. Danielson, J., not participating.

CV-15-197. SEECO Inc. N/K/A SWN Production (Arkansas), Inc. v. Eldridge Snow, from Conway County Circuit Court. Motion to waive addendum obligation and memorandum of authorities is granted. Danielson and Baker, JJ., not participating.

CV-15-231. Owen Kelly v. Mandy Kelly, from Washington County Circuit Court. Motion to file supplemental record is denied. *See* Arkansas Supreme Court Rule 5-3(a) and *Myers v. Yingling*, 369 Ark. 87, 251 S.W.3d 287 (2007).

CV-15-357. Washington County et al. v. Board of Trustees of the University of Arkansas, from Washington County Circuit Court. Attorney General's motion for permission to file brief as amicus curiae in support of appellee is granted. Brill, C.J., and Goodson, J., not participating.

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CV-15-357. Washington County et al. v. Board of Trustees of the University of Arkansas, from Washington County Circuit Court. Motion to extend time for filing reply brief pending ruling on Attorney General's motion for permission to file amicus curiae brief and to expand page limitations if amicus brief is filed is granted. Page limit expanded 5 pages. Brill, C.J., and Goodson, J., not participating.

CV-15-478. DeAundra Nash v. Pulaski County Special School District and Jerry Guess, Superintendent, from Pulaski County Circuit Court, Sixth Division. Motion to dismiss appeal is denied without prejudice.

CV-15-527. The Hughes School District No. 27 v. St. Francis County Circuit Court; The Honorable Richard L. Proctor, Circuit Judge; the Arkansas State Board of Education; and the West Memphis School District, from St. Francis County Circuit Court. Arkansas State Board of Education's motion to dismiss appeal is granted. Danielson and Hart, JJ., would consider motion if with the case.

CV-15-575. Eleanor Cook Turnage v. Robert G. Turnage, Jr., from Garland County Circuit Court. Motion for rule on clerk is denied.

CV-15-603. Markita Bell v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District. Appellant's petition to proceed in forma pauperis to appeal termination of parental rights and request for stay. Appellant's petition to proceed in forma pauperis is granted. Appellant's request for stay is granted. Appellant's request for appointment of counsel is denied without prejudice. Danielson, J., would appoint counsel.

CV-15-604. Markita Bell v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District. Appellant's petition to proceed in forma pauperis to determine indigency and request for stay. Appellant's petition to determine indigency is granted and public defender is appointed. Appellant's request for stay is denied.

CV-15-606. Southwest Power Pool, Inc. v. Kanis and Denny Roads Suburban Water Improvement District No. 349 of Pulaski County, Arkansas, by and through its commissioners Barry Haas; Rod Neal; James Fontenoy; Shirley Herndon; Bill Adair (Deceased); Mike Rebick, from Pulaski County Circuit Court, Thirteenth Division. Petition for writ of certiorari to complete the record, or, in the alternative, motion for extension of time to complete the record on appeal. Petition for writ of certiorari to complete the record is denied. Time to complete the record on appeal is extended to October 19, 2015.

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CR-07-906. Charles Edward Goodwin v. State of Arkansas, from Ouachita County Circuit Court. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Petition denied.

CR-14-416. Aaron Flemons v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Pro se motion for a copy of appellee's brief and extension of time to file reply brief. Motion moot in part and granted in part. Appellant's tendered reply brief filed as of the date of this per curiam order.

CR-14-620. John W. Magness v. State of Arkansas, from Van Buren County Circuit Court. Pro se motion for extension of time to file petition for rehearing of decision affirming denial of relief under Rule 37.1. Pro se motion for extension of time denied.

CR-14-701. Billy Culbertson v. State of Arkansas, from Lonoke County Circuit Court. Pro se petition for rehearing of decision affirming denial of petition for writ of error coram nobis. Pro se petition for rehearing denied.

CR-14-923. Terry Antonio Lee v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Pro se motion for extension of time to file brief and motion to file nonconforming brief and for appointment of counsel. Motion for extension of brief time granted; brief due thirty days from the date of this per curiam order (final extension); motion to file nonconforming brief and for appointment of counsel denied.

CR-14-972. Serandon Starling v. State of Arkansas, from Miller County Circuit Court. Pro se motions for completion of trial transcript in no merit appeal, for extension of time to file pro se points for reversal, and for appointment of counsel. Pro se motions for completion of trial transcript and for counsel denied; motion for extension of time granted in part and denied in part; appellant's pro se points for reversal due thirty days from the date of this per curiam order.

CR-15-76. Timothy L. Wheeler v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se petition for rehearing of decision dismissing appeal of denial of relief under Rule 37.1. Pro se petition for rehearing treated as petition for reconsideration and denied.

CR-15-192. Matthew Williams v. State of Arkansas, from Pike County Circuit Court. Pro se motion to file supplemental brief. Motion denied.

CR-15-490. Zeckeya Perry v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se motion for belated appeal of order. Motion dismissed. See **per curiam** this date.

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CR-15-526. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Pro se petition for review. Denied.

CV-15-149. Eric Burgie v. State of Arkansas, from Lincoln County Circuit Court. Appellee's motion to dismiss appeal. Motion to dismiss appeal granted. See **per curiam** this date.

CV-15-181. Kelvin Ray Love v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Pro se motion for extension of time to file petition for rehearing. Motion denied.

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**MOTIONS SUBMITTED**

PETITIONS FOR REVIEW:

CR-15-626. Marcus Hubbard v. State of Arkansas, from Pope County Circuit Court.

CV-15-391. Covenant Presbytery v. First Baptist Church and SunTrust Bank, from Mississippi County Circuit Court, Osceola District.

CV-15-444. John Hall v. State Farm Bank, from Independence County Circuit Court.

CV-15-457. John J. Bruchhagen v. Felicia Wheat Acord, from Pulaski County Circuit Court, Sixth Division.

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CR-15-521. Gregory Aaron Kinsey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's petition for judicial relief and additional time to file the transcript of record.

CR-15-658. Antonio Williams v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's counsel motion to be relieved.

CR-15-658. Antonio Williams v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's withdrawal of motion to be relieved.

CR-15-658. Antonio Williams v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's second motion to be relieved.

CV-15-114. Ken Blevins v. David Hudson, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for extension and supplemental record which is missing items from the writ of certiorari.

CV-15-567. Charles Philyaw v. Wendy Kelley, Director, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to correct statement of the case.

CV-15-677. Corina Mendoza v. WIS International, Inc., and Anthony Adams, Washington Inventory Services. Motion to certify a question of law.

D-15-703. In Re Nancy F. Heydemann, Arkansas Bar No. 82197. Petition for voluntary surrender of license (resignation).

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**CASES SUBMITTED**

CV-14-848. Town of Lead Hill, Arkansas, et al. v. Ozark Mountain Regional Public Water Authority, from Boone County Circuit Court. Orally argued.

CR-14-1088. Fred Lee Williams v. State of Arkansas, from Drew County Circuit Court.

CR-14-833. Robert Holland v. State of Arkansas, from Lincoln County Circuit Court.

CR-15-95. Marcus Edward Clay v. State of Arkansas, from Grant County Circuit Court.