

ARKANSAS SUPREME COURT
PROCEEDINGS OF OCTOBER 22, 2015

PAUL E. DANIELSON, JUSTICE

CR-15-189. Deonte Edison v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed.

JOSEPHINE LINKER HART, JUSTICE

CR-15-494. Alan Ray Edwards v. State of Arkansas, from Garland County Circuit Court. Affirmed; court of appeals opinion vacated. Danielson and Wynne, JJ., dissent.

PER CURIAM OPINION

CV-15-186. Vincent Sansevero v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

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PER CURIAM ORDERS

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

CV-15-528. Razorback Concrete and Berklynet v. Michael Perkins, Sr., from the Arkansas Workers' Compensation Commission. Wood, J., would grant.

CV-15-578. Brock Weast v. Director et al., from the Arkansas Board of Review.

CV-15-616. Baptist Health Medical Systems et al. v. Leslie Rutledge, Arkansas Attorney General, et al., from Pulaski County Circuit Court, Sixth Division. Arkansas Hospital Association's motion to file amicus curiae brief is granted. Tendered amicus curiae brief filed as of this date.

CV-15-744. Anthony Salcido v. Chris Fields, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion for rule on clerk treated as belated appeal and denied.

CV-15-788. APH&R Nursing, LLC, et al. v. Angela Burnett, as Special Administratrix of the Estate of Amy Cleveland, et al., from Pulaski County Circuit Court, Sixteenth Division. Appellants' petition for appeal of an order compelling the production of privileged documents and information is granted. Danielson, J., would deny. Brill, C.J., not participating.

CV-15-798. National Association for the Advancement of Colored People v. Hubert Bass, from Crittenden County Circuit Court. Renewed motion for expedited stay pending appeal and application for approval of supersedeas bond is granted. Danielson, J., would deny without prejudice; *see* Ark. R. App. P.–Civ. 8(b) (2015).

CV-15-847. Bruce Ward v. Wendy Kelley, in Her Official Capacity as Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Emergency petition for stay of execution. Motion to withdraw petition for stay is granted. Petition for leave to proceed in forma pauperis is granted. Respondent's motion to file overlength response is moot. (Proceedings of October 20, 2015)

CR-15-832. Bruce Ward v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Emergency petition for stay of execution is granted temporarily pending resolution of petition for writ of certiorari to the United States Supreme Court, No. 15-5977. Baker and Wood, JJ., would deny. (Proceedings of October 14, 2015)

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CR-10-365. Brian Charland v. State of Arkansas, from Carroll County Circuit Court, Eastern District. Pro se motion for copy of deficient brief at public expense is moot.

CR-15-274. Jonathan Berks v. State of Arkansas, from Garland County Circuit Court. Motion to dismiss appeal is denied. Briefing schedule set. See **per curiam** this date.

CR-15-336. Calvin Stover v. State of Arkansas, from Benton County Circuit Court. Pro se motion to compel circuit clerk to provide trial transcript and for extension of brief time, motion for rule on clerk to obtain copy of trial transcript, motion for access to trial transcript and extension of brief time, motion to introduce affidavit as new evidence of ineffective assistance of counsel, and motion to introduce affidavit as new evidence and to vacate judgment are denied.

CR-15-519. Earl Pigg v. State of Arkansas, from Crawford County Circuit Court. Pro se motion for extension of time to file brief and motion to dismiss previous motion for extension of time as moot in appeal of denial of Rule 37.1 petition are moot.

CR-15-543. Tyrone Swift v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se motion for extension of time to file appellant's brief is moot. Appeal dismissed. See **per curiam** this date.

CR-15-637. Willie Wells III v. Hon. Ralph Wilson, Jr., Circuit Judge, from Crittenden County Circuit Court. Pro se petition for writ of mandamus is moot.

In Re Supreme Court Committee on Automation. See **per curiam** this date.

Dena Ross, District Court Clerk, of Mena, Scott Braden, Assistant Federal Public Defender, of Little Rock, and James Kingsbury, Arkansas State Police, are appointed to the Supreme Court Committee on Automation for three-year terms to expire October 31, 2018. We thank them for their willingness to serve on this important committee.

Honorable Lynn Williams, Circuit Judge, of Hot Springs and Kirby Miraglia of Little Rock are reappointed to the Committee on Automation for three-year terms to expire October 31, 2018. We thank them for their continued service.

The court expresses its gratitude to David Fuqua and Vickie Asher, whose terms have expired, for their service on the committee. We also note the resignation of Allen Fitzgerald and thank him for his service.

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In Re Administrative Order Number 9 – Compensatory Time Record Policy for Arkansas Official Court Reporters. See **per curiam** this date.

In Re Supreme Court Committee on Child Support; Administrative Order Number 10, Section III (g). See **per curiam** this date.

In Re Arkansas Supreme Court Commission on Children, Youth, and Families. See **per curiam** this date.

Representative David Meeks, Dr. Karen Farst, and Mary Claire Hyatt, are appointed to the Arkansas Supreme Court Commission on Children, Youth, and Families for three-year terms to expire on December 31, 2018. We reappoint Judge Wiley Branton, Jr., Judge Ken Coker, Jr., Dr. Sherece West, and Ms. Claire Babineaux-Fontenot for three-year terms to expire on December 31, 2018. We recognize Johnny Key, Commissioner of Education, as a standing member of the commission. We thank all of them for their willingness to serve on this important committee. We designate Justice Rhonda K. Wood to succeed Retired Chief Justice Jim Hannah as chair.

The court expresses its gratitude to outgoing members: Retired Chief Justice Jim Hannah, Dr. Tom Kimbrell, Dr. Tony Woods, John Selig, Senator Missy Irvin, Representative Stephanie Malone, Dr. Jonathan Bates, and Ms. Sedella White for their years of valuable service to this commission.

In Re Arkansas Access to Justice Commission. See **per curiam** this date.

Professor Tiffany Murphy of the University of Arkansas School of Law at Fayetteville is appointed to the Arkansas Access to Justice Commission for a three-year term to expire on October 15, 2018. We thank Professor Murphy for accepting appointment to this important commission.

The court expresses its gratitude to Professor Charles W. Goldner, whose term has expired, for his years of dedicated service to the commission.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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

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

PETITIONS FOR REVIEW:

CV-15-498. Dorothy Williams v. Roger Pate et al., from White County Circuit Court.

CV-15-758. Justin Wayne Hollis and Kahla Alise Hollis v. Melinda Nicole Hollis, from Garland County Circuit Court.

CR-14-794. Donald D. Dickey v. State of Arkansas, from IZARD County Circuit Court. Appellee's motion for extension of time to return writ of certiorari and for briefing schedule to be set.

CR-15-817. Troy Laurence McCulley v. State of Arkansas, from Poinsett County Circuit Court. Appellant's motion for rule on clerk.

CV-14-434. Progressive Eldercare Services-Saline, Inc., d/b/a Heartland Rehabilitation and Care Center v. Patsy Krauss, from Saline County Circuit Court. Appellant's motion for leave to file supplemental addendum and to amend case caption.

CV-15-391. Covenant Presbytery v. First Baptist Church and SunTrust Bank, from Mississippi County Circuit Court, Osceola District. Appellee/cross-appellants' motion for permission to submit supplemental brief.

CV-15-478. DeAundra Nash v. Pulaski County Special School District and Jerry Guess, Superintendent, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to dismiss appeal/nonsuit.

CV-15-596. James B. Mitchell v. Erwin L. Davis, from Washington County Circuit Court. Appellee's motion to dismiss appeal.

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CASES SUBMITTED

CR-15-174. James Johnson III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CV-15-27. Arkansas Highway & Transportation Department v. O. J.'s Service Two, Inc., from Pulaski County Circuit Court, Twelfth Division.

CV-15-194. City of Siloam Springs, Arkansas v. LA-DE, LLC et al., from Benton County Circuit Court.

CV-15-285. Floyd E. Gray v. Mary F. Thomas-Barnes, from Chicot County Circuit Court.

CV-15-395. Raymond Edwards and Patricia Edwards v. Arkansas Department of Human Services and M.A.E., Minor, from Lonoke County Circuit Court.