

**ARKANSAS REPORTS  
VOLUME 284**

**ARKANSAS  
APPELLATE REPORTS  
VOLUME 13**

THIS BOOK CONTAINS  
**ARKANSAS REPORTS**  
Volume 284

CASES DETERMINED  
IN THE  
**Supreme Court  
of Arkansas**

FROM  
November 5, 1984 — February 11, 1985  
INCLUSIVE<sup>1</sup>

AND  
**ARKANSAS APPELLATE  
REPORTS**  
Volume 13

CASES DETERMINED  
IN THE  
**Court of Appeals  
of Arkansas**

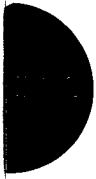
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November 7, 1984 — February 6, 1985  
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PUBLISHED BY THE  
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<sup>1</sup>Arkansas Supreme Court cases (ARKANSAS REPORTS) are in the front section, pages 1 through 575. Cite as 284 Ark. \_\_\_\_ (1984) or 284 Ark. \_\_\_\_ (1985).

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# ARKANSAS REPORTS

Volume 284

CASES DETERMINED  
IN THE  
Supreme Court  
of Arkansas

FROM  
November 5, 1984 — February 11, 1985  
INCLUSIVE

CLYDE DICKENS CALLIOTTE  
REPORTER OF DECISIONS

MARLO M. BUSH  
ASSISTANT  
REPORTER OF DECISIONS

PUBLISHED BY THE  
STATE OF ARKANSAS  
1985

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**JUSTICES AND OFFICERS  
OF THE  
SUPREME COURT OF  
ARKANSAS**

**DURING THE PERIOD COVERED  
BY THIS VOLUME**

(November 5, 1984 —  
February 11, 1985, inclusive)

**JUSTICES**

<b>WEBB HUBBELL<sup>1</sup></b>	Chief Justice
<b>JACK HOLT, JR.<sup>2</sup></b>	Chief Justice
<b>GEORGE ROSE SMITH</b>	Associate Justice
<b>DARRELL HICKMAN</b>	Associate Justice
<b>JOHN I. PURTLE</b>	Associate Justice
<b>ROBERT H. DUDLEY</b>	Associate Justice
<b>STEELE HAYS</b>	Associate Justice
<b>P. A. HOLLINGSWORTH<sup>3</sup></b>	Associate Justice
<b>DAVID NEWBERN<sup>4</sup></b>	Associate Justice

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<b>DONA L. WILLIAMS</b>	Clerk
<b>JACQUELINE S. WRIGHT</b>	Librarian
<b>CLYDE DICKENS CALLIOTTE</b>	Reporter of Decisions

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<sup>1</sup>Appointment expired December 31, 1984.

<sup>2</sup>Sworn in January 2, 1985.

<sup>3</sup>Appointment expired December 31, 1984.

<sup>4</sup>Sworn in January 2, 1985.

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## Rule 21

## Rules of the Arkansas Supreme Court and Court of Appeals

## OPINIONS

1. All signed opinions of the Supreme Court shall be designated for publication.

2. Opinions of the Court of Appeals may be in conventional form or in memorandum form. They shall be filed with the Clerk. The opinions need not contain a detailed statement of the facts, but may set forth only such matters as may be necessary to an understandable discussion of the errors urged. In appeals from decisions of the Arkansas Board of Review in unemployment compensation cases when the Court finds the decision appealed from is supported by substantial evidence, that there is an absence of fraud, no error of law appears in the record and an opinion would have no precedential value, the order may be affirmed without opinion.

3. Opinions of the Court of Appeals which resolve novel or unusual questions will be released for publication when the opinions are announced and filed with the Clerk. The Court of Appeals may consider the question of whether to publish an opinion at its decision-making conference and at that time, if appropriate, make a tentative decision not to publish. Concurring and dissenting opinions will be published only if the majority opinion is published. All opinions that are not to be published shall be marked, Not Designated For Publication.

4. Opinions of the Court of Appeals not designated for publication shall not be published in the official reports and shall not be cited, quoted, or referred to by any court or in any argument, brief, or other materials presented to any court (except in continuing or related litigation upon an issue such as *res judicata*, collateral estoppel, or law of the case). Opinions not designated for publication shall be listed in the Arkansas Reports by case number, style, date, and disposition.

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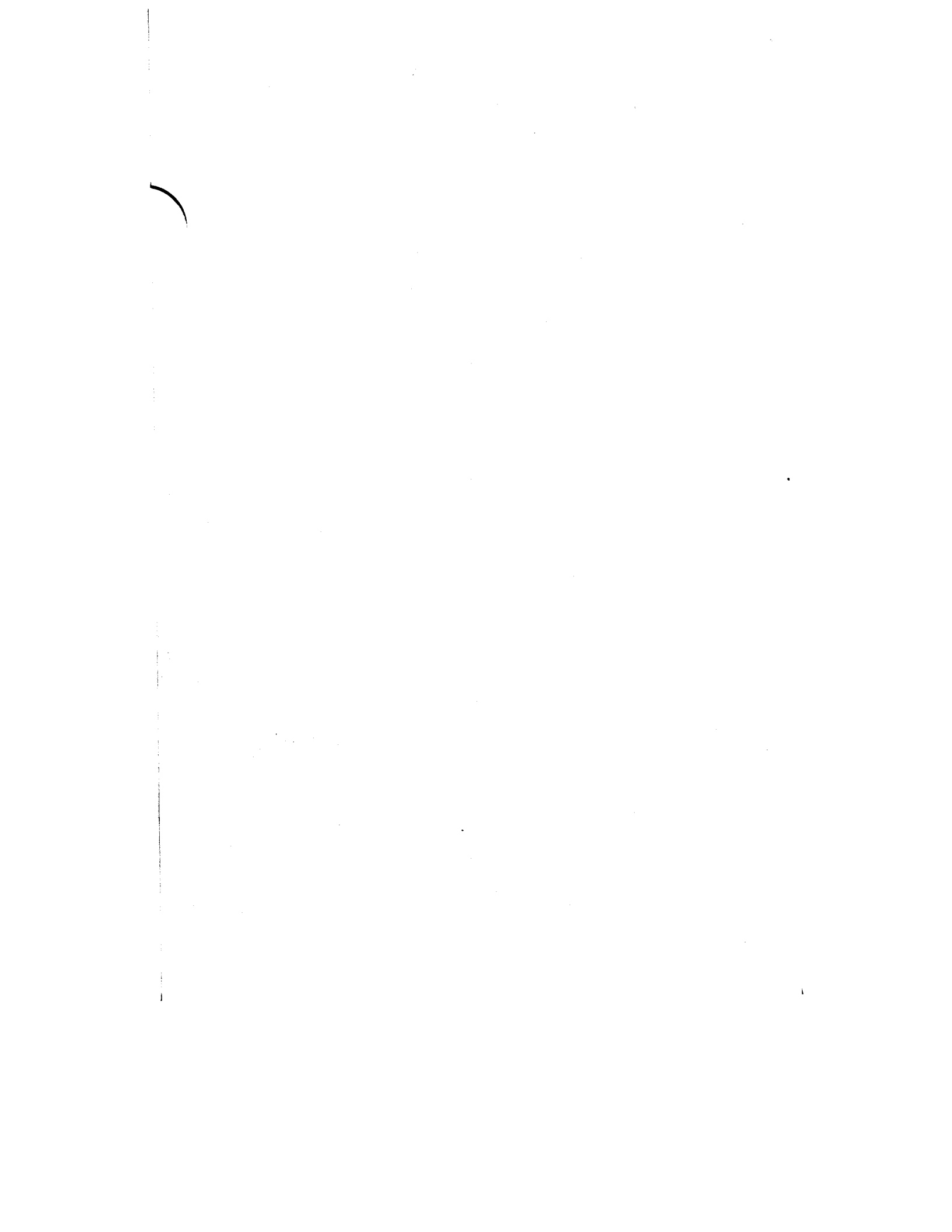
5. Copies of All Opinions Available. — In every case the Clerk will furnish without charge one typewritten copy of all of either court's published or unpublished opinions in the case to counsel for every party on whose behalf a separate brief was filed. The charge for additional copies is fixed by statute.

## OPINIONS NOT DESIGNATED FOR PUBLICATION

- Abernathy v. State*, CR 82-121 (Per Curiam), Pro Se Rule 37 Petition denied January 14, 1985.
- Allen v. State*, CR 83-98 (Per Curiam), Pro Se Motion for Transcript at Public Expense denied December 3, 1984.
- Banks v. State*, CR 84-50 (Per Curiam), Pro Se Rule 37 Petition denied January 21, 1985.
- Blevins v. State*, (Per Curiam), Pro Se Motion for Belated Appeal denied December 3, 1984.
- Bradley v. State*, CR 85-10 (Per Curiam), Petition for Permission to Proceed under Criminal Procedure Rule 37 denied February 11, 1985.
- Ball v. State*, CR 82-147 (Per Curiam), Pro Se Rule 37 Petition granted in part, denied in part February 4, 1985.
- Brasher v. State*, CR 82-65 (Per Curiam), Pro Se Rule 37 Petition denied December 10, 1984.
- Bullock v. State*, CR 84-102 (Per Curiam), affirmed November 13, 1984.
- Burns v. State*, (Per Curiam), Pro Se Petition for Writ of Certiorari denied but judgment and conviction for rape set aside as void January 14, 1985.
- Franklin v. State*, (Per Curiam), Pro Se Motion for Belated Appeal denied November 19, 1984.
- Fuller v. State*, CR 82-140 (Per Curiam), Pro Se Rule 37 Petition denied February 11, 1985.
- Gilyard v. State*, CR 84-172 (Per Curiam), Pro Se Petition to Proceed in Circuit Court Pursuant to Rule 37 denied December 17, 1984.
- Grissom v. State*, CR 84-136 (Per Curiam), Rule 37 Petition denied November 13, 1984.
- Gunn v. State*, (Per Curiam), Motion for Belated Appeal denied January 14, 1985.
- Hall v. State*, CR 84-64 (Per Curiam), Pro Se Motion for Copy of Appellees' Brief and Opinion at Public Expense denied December 10, 1984.
- Harden v. State*, (Per Curiam), Pro Se Motion for Belated Appeal denied December 3, 1984.
- Lear, Jack D. v. State*, CR 82-110 (Per Curiam), Pro Se Motion for Transcript at Public Expense denied December 10, 1984.

- Lear, Jerry E. *v.* State, CR 84-91 (Per Curiam), affirmed November 13, 1984.
- Lowrey *v.* State, (Per Curiam), Motion for Time Extension granted November 5, 1984.
- Moore *v.* State, CR 84-180 (Per Curiam), Pro Se Motion for Transcript at Public Expense denied December 10, 1984.
- Morrow *v.* State, CR 80-92 (Per Curiam), Pro Se Rule 37 Petition denied November 19, 1984.
- Nelson *v.* State, CR 84-133 (Per Curiam), Pro Se Rule 37 Petition denied November 19, 1984.
- Robinson *v.* State, CR 84-70 (Per Curiam), affirmed February 11, 1985.
- Smith, Eddie Dean *v.* State, CR 84-147 (Per Curiam), Pro Se Rule 37 Petition denied November 19, 1984.
- Smith, William H. *v.* State, CR 82-55 (Per Curiam), Pro Se Rule 37 Petition denied December 3, 1984.
- St. John *v.* Lockhart, (Per Curiam), Pro Se Motion for Rule on the Clerk and Motion for Appointment of Counsel granted December 10, 1984.
- Thorne *v.* State, CR 84-97 (Per Curiam), affirmed December 10, 1984.
- Tosh *v.* State, CR 82-118 (Per Curiam), Pro Se Rule 37 Petition denied January 28, 1985.
- Travis *v.* State, (Per Curiam), Motion for Rule on the Clerk denied December 3, 1984.
- Woods *v.* State, CR 84-129 (Per Curiam), affirmed December 17, 1984.





**APPENDIX**  
**Rules Adopted**  
**and/or Amended**  
**by Per Curiam Orders**

## In Re: Rules of Civil Procedure

679 S.W.2d XC

Supreme Court of Arkansas  
December 3, 1984

PER CURIAM. By *per curiam* dated February 29, 1984, we invited comments regarding the recommendation by our Committee on Rules of Civil Procedure to abolish local court rules. Most of the responses filed stated generally that they were in favor of or against such a proposal. Although lawyers, and many judges, are either in favor of or opposed to local rules, that posture gives us little insight into a solution. What we need are specifics. If, indeed, local rules have in some instances become vehicles for arbitrary or unreasonable action, we want to know of these instances. We want to know whether the Committee deems there to be a reasonable alternative to either abolishing or allowing local rules.

Obviously, lower courts must have the power to regulate the local administration of justice. Are local rules in that regard to be totally abolished? Do one or more circuits have local rules that clearly contravene the Uniform Local Circuit and Chancery Rules and the Rules of Civil Procedure? If so, which circuits and which rules? What local rules are considered to be indispensable by circuit and chancery judges? We need specific responses and, perhaps, examples, so that we will know the problem and the extent of it. Furthermore, judges should ask themselves why they cannot do without local rules.

This matter is remanded to the Committee for further study and the bench, bar and other interested persons are invited to send constructive suggestions to the Committee by addressing the Chairman, Judge Henry Wilkinson, Box 429, Forrest City, Arkansas 72335. We will defer further action pending the Committee's report.

In Re: Amendment of Rule 25 of the  
Supreme Court and Court of Appeals

679 S.W.2d LXXXIX

Supreme Court of Arkansas  
December 3, 1984

PER CURIAM. A second paragraph is added to Rule 25, to  
make the rule read as follows:

**DISPOSED OF RECORD AND EXHIBITS**

1. Attorneys may obtain from the Clerk the record in a disposed of case by giving a receipt therefor, and may retain such record for a period of not more than thirty days. No extension of time will be granted until such record has been returned, and then only upon order of the Court. Upon failure to return any record so procured, within the time allotted, the Clerk shall make demand therefor. If the demand is not complied with within ten days, the delinquency shall be reported to the Court; whereupon citation shall issue commanding the attorney to immediately appear before the Court and show cause why citation for contempt should not issue.

2. All exhibits filed in civil cases and not attached to the transcript, in the Supreme Court and Court of Appeals, must be claimed by the party who presented the exhibit to the trial court and be removed from the Clerk's office within 90 days from the date the mandate is issued. The attorney receiving such exhibits must sign the docket showing their receipt.

---

In Re Amendment of Rules of the  
Supreme Court and Court of Appeals

683 S.W.2d LXXII

Supreme Court of Arkansas  
February 11, 1985

**PER CURIAM.** Rule 16(a) of the Rules of the Supreme Court and Court of Appeals is amended by adding a third sentence, making the subsection read as follows:

**Rule 16(a). Pleadings — Number of Copies. —** In cases in which the jurisdiction of this court is in fact appellate although in form original, such as petitions for writs of prohibition, certiorari, or mandamus, the pleadings with their exhibits are treated as the record, and the pleader is required to file only the original typewritten copy, with evidence of service of a copy upon the adverse party or his counsel of record in the trial court. When the petition includes as an exhibit a certified copy of the record in the trial court it is not necessary that a copy of such exhibit be served on the adverse party or his counsel. In prohibition cases a copy of the pleadings will also be served on the trial judge, but he is ordinarily a nominal party and is not required or expected to file a response, the real parties in interest being the litigants in the trial court.

In Re: Attorneys' Annual License Fees

679 S.W.2d XCI

Supreme Court of Arkansas  
December 10, 1984

PER CURIAM. Effective January 1, 1985, the Supreme Court license fees for lawyers will be fixed at \$25.00 per calendar year. Such fees will be payable between January 1 and March 1 of each calendar year, after which a \$25.00 penalty for delinquency shall be imposed for each year of delinquency. Lawyers 65 years of age or older on or before January 1 of the year for which the fees are payable may pay a reduced fee of \$10.00 by certifying that their earnings will not prevent a person of their age from drawing the maximum social security benefits. Lawyers are responsible for notifying the Clerk of changes of their address.

---

In Re: George L. Taylor

681 S.W.2d 917

Supreme Court of Arkansas  
January 21, 1985

On the recommendation of the Committee on Professional Conduct, the court accepts the surrender by George L. Taylor, El Dorado, of his license to practice law for a period of one year from August 25, 1984, to August 25, 1985, subject to reinstatement only upon such conditions as the court may impose. The court accepts Mr. Taylor's sworn statement that his actual license has been lost.

In the Matter of the Petition of  
Paul David Fray for Reinstatement to Practice Law

684 S.W.2d 243

Supreme Court of Arkansas  
February 11, 1985

**PER CURIAM.** In 1978 the Supreme Court Committee on Professional Conduct found the petitioner guilty of violating nine sections of the Code of Professional Responsibility of the American Bar Association as adopted by this Court. In addition, the petitioner was found guilty of altering a court docket book to reflect that a case had been dismissed on motion of the state when, in fact, the defendant had been found guilty. The petitioner stated that he did not recall accepting \$500.00 for the serious impropriety. In 1980, petitioner unconditionally surrendered his license to practice law. He now seeks to have his license reinstated. We decline to reinstate the license.

In March 1984, petitioner applied to the Board of Bar Examiners for reinstatement to practice law. The board appointed three examiners to hear the petition. They took the evidence and have recommended to this Court that we reinstate the license.

A review of the record describes that the petitioner has a tragic medical history. In 1978, after the court docket alteration, he suffered a cerebral hemorrhage. He suffers from seizures and has been addicted to phenobarbital and dilantin. He states that his judgment is no longer distorted by drugs.

After surrendering his license he earned a Master of Divinity degree from Southwest Baptist Theological School in Fort Worth. He then served as a fund raising Vice President of Howard Payne University in Brownwood, Texas. At present he directs fund raising campaigns for the Salvation Army in two cities but desires to practice law in North Little Rock.

Petitioner has supplied a number of letters of reference. Most of them are from ministers and attorneys.

We are not convinced by petitioner's testimony, and we are not satisfied that he possesses the good moral character necessary for a law license. The alteration of the court record occurred before he suffered the cerebral hemorrhage. The act demonstrates a basic lack of integrity.

Petition denied.

PURTLE, J., dissents.

JOHN I. PURTLE, Justice, dissenting. On April 16, 1977, petitioner made a false entry on the Sherwood Municipal Court docket. The false entry changed a DWI conviction of his client to a dismissal and placed him on a one-year suspended sentence conditioned upon full cooperation with the alcohol control program and the probation officer. Petitioner admitted the entry was unauthorized but stated he did not remember the details because he suffered from a brain disorder at the time. This may have been the best disposition of the case but I do not defend his action in altering the court record. In a sense no one was hurt by this action — except Paul D. Fray, the petitioner.

The other charge lodged against petitioner concerned helping a disbarred attorney practice law. There were no other allegations of wrongdoing before the Committee on Professional Conduct when petitioner surrendered his license on October of 1980. Although he denied remembering doing the wrongful acts attributed to him, he admitted they were true and surrendered his license unconditionally. He never stole money or anything of that nature.

Since he surrendered his license to practice law he has earned a master's degree from Southwestern Baptist Theological Seminary, which is an accredited school, in Ft. Worth, Texas. He later taught at Southwestern and subsequently became Vice President for Development at Howard Payne University in Brownwood, Texas.



During his illness petitioner incurred huge medical expenses. He has paid as much as he could. He borrowed from banks to pay medical bills and now he owes the banks as well as the medical bills. These are the bills he wants to pay.

A Committee of the State Board of Law Examiners met on September 27, 1984, to consider petitioner's request to return to the practice of law. At the hearing Fray did not attempt to justify his past actions concerning the circumstances surrounding the surrender of his attorney's license. He did explain, however, that following his brain hemorrhage he was placed on Dilantin and Phenobarbital. These drugs were intended to work on the brain to prevent seizures as he had been termed seizureatic following the hemorrhage. He continued on the drugs until the end of 1981. During the hearing petitioner stated his symptoms commenced in February of 1977, with the onset of severe headaches which in turn required medication. The hemorrhage occurred in May, 1977. At all times petitioner committed these wrongs he was under the influence of prescription drugs or over the counter pain medication. Testimony at the hearing also tended to establish that a cerebral hemorrhage is caused by a blood clot which grows like a tumor and can cause erratic behavior. His wife clearly gave the picture of a man who had a change of behavior several months prior to his stroke. His physical appearance changed, he lost a lot of weight, and he became very unpredictable. His behavior became bizzare to some extent. Not everything he did was in keeping with his prior conduct and mannerisms. He was especially forgetful and acted with ambiguity.

Several prominent citizens appeared on behalf of petitioner or wrote letters of recommendation. All of them supported their opinions of his honesty, integrity and ability with good reasons. Petitioner also presented a psycho-diagnosis evaluation stating he is now stable and secure as opposed to his unstable condition in 1980. Among those supporting petitioner's position are lawyers, judges, doctors, ministers and officeholders, including the present Governor of Arkansas.

From the record it appears obvious that petitioner's original behavior was at least influenced by his psychological and physical condition both before and after his hemorrhage. Even though his unethical deeds were detrimental to the legal profession he never took any money or injured anyone but himself. He has now spent over four years rehabilitating and proving himself. I think he has done so as do all the people who are close to him and who have attempted to help him regain his license. There is not a single blot against him since he surrendered his license. His original illegal acts, if they were illegal, were misdemeanors.

We have a blue ribbon committee sitting as the State Board of Law Examiners so far as I am concerned. We have entrusted them with the authority to consider this matter and they have done so. I know they are not clearly wrong and in fact I feel most strongly that they are right. I support their decision that petitioner has proven his good moral character as well as his mental and emotional stability. I cannot in good conscience say the Board is wrong or disapprove petitioner's request for the return of his license, which he voluntarily surrendered. In denying this petition we are in fact telling our Boards and Committees that they are only ceremonial and we are also stating that a lawyer cannot be rehabilitated.

I would grant the petition.

In Re: Petition of C. D. Nelson, Circuit Clerk,  
Ashley County, Arkansas

680 S.W.2d 911

Supreme Court of Arkansas  
December 21, 1984

PER CURIAM. C. Dean Nelson, Circuit Clerk of Ashley County, Arkansas, on behalf of himself and other circuit clerks, proposes a change in the rules of appellate procedure to allow the circuit clerks ten working days to complete preparation of the record on appeal after the transcript has been delivered to them by the court reporter. Recognizing that the clerks (circuit and chancery) are often forced to work against a deadline of someone else's making, we are referring this proposal to the Supreme Court Committee on Civil Procedure.

---

AMENDMENTS TO THE CODE OF  
PROFESSIONAL RESPONSIBILITY AND  
CANONS OF JUDICIAL ETHICS

82-16

682 S.W.2d LVII

Supreme Court of Arkansas  
Opinion delivered January 21, 1985

PER CURIAM. The Board of Legal Specialization has adopted *Standards for Certification as a Specialist in Tax Law*, which has been filed with this court. We have examined the standards and approve them as filed.

# Appointments to Committees

IN THE MATTER OF  
THE BOARD OF LAW EXAMINERS

680 S.W.2d 712

Supreme Court of Arkansas  
December 17, 1984

PER CURIAM. The Honorable Bill W. Bristow, First Congressional District, Jonesboro, is hereby reappointed as a member of the Board of Law Examiners for a term expiring September 30, 1987.

The Honorable Gale Stewart, Second Congressional District, Little Rock, is hereby appointed as a member of the Board of Law Examiners for a term expiring September 30, 1987.

The court expresses its gratitude to the Honorable Fred E. Briner for his faithful service as a member of the Board of Law Examiners.

---

In Re: Supreme Court Committee on  
Rules of Civil Procedure

680 S.W.2d LVI

Supreme Court of Arkansas  
December 21, 1984

PER CURIAM. John Watkins of Fayetteville, Arkansas is hereby appointed to the Supreme Court Committee on Rules of Civil Procedure.

In Re: SUPREME COURT COMMITTEE  
ON PROFESSIONAL CONDUCT

683 S.W.2d 234

Supreme Court of Arkansas  
January 28, 1985

**PER CURIAM.** Sam Ed Gibson, of Benton, Arkansas, is hereby appointed by the Court to the Supreme Court Committee on Professional Conduct. The Court expresses its gratitude to the Honorable Jerry Winston Cavaneau for his faithful service on the Committee. It is appreciated.

**ARKANSAS  
APPELLATE  
REPORTS  
Volume 13**

**CASES DETERMINED  
IN THE  
Court of Appeals  
of Arkansas**

**FROM  
November 7, 1984 — February 6, 1985  
INCLUSIVE**

**CLYDE DICKENS CALLIOTTE  
REPORTER OF DECISIONS**

**MARLO M. BUSH  
ASSISTANT  
REPORTER OF DECISIONS**

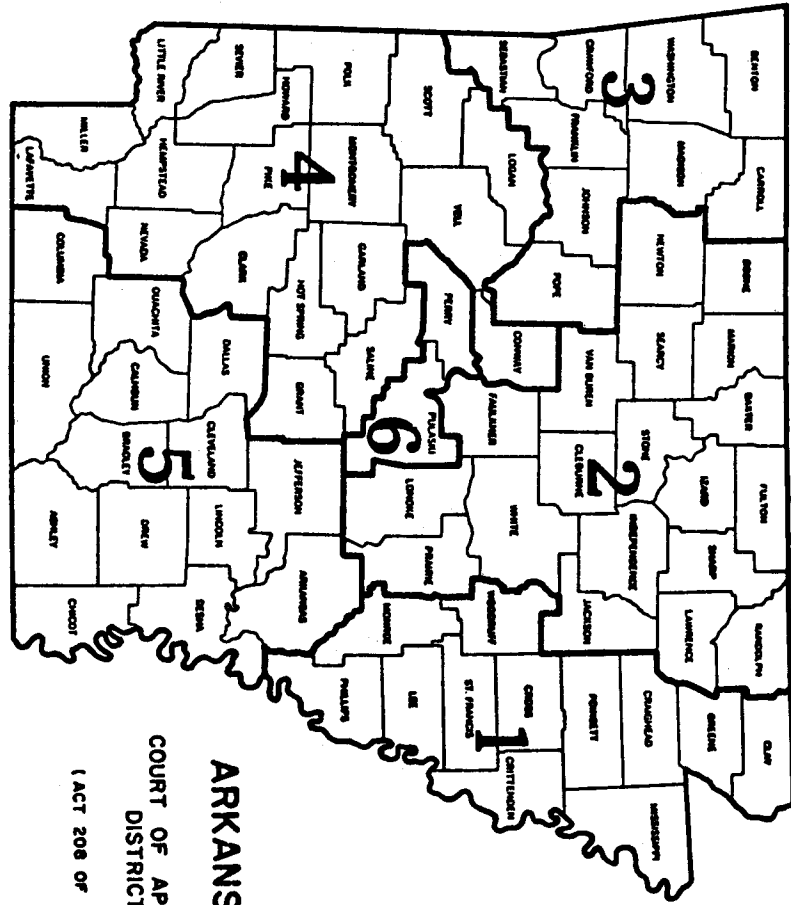
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**ARKANSAS**  
**COURT OF APPEALS**  
**DISTRICTS**  
 (ACT 208 OF 1979)

# JUDGES AND OFFICERS OF THE COURT OF APPEALS OF ARKANSAS

DURING THE PERIOD COVERED  
BY THIS VOLUME

(November 7, 1984 —  
February 6, 1985 inclusive)

## JUDGES

GEORGE K. CRACRAFT	Chief Judge <sup>1</sup>
JAMES R. COOPER	Judge <sup>2</sup>
LAWSON CLONINGER	Judge <sup>3</sup>
DONALD L. CORBIN	Judge <sup>4</sup>
MELVIN MAYFIELD	Judge <sup>5</sup>
TOM GLAZE	Judge <sup>6</sup>

## OFFICERS

STEVE CLARK	Attorney General
DONA L. WILLIAMS	Clerk
JACQUELINE S. WRIGHT	Librarian
CLYDE DICKENS CALLIOTTE	Reporter of Decisions

---

<sup>1</sup>District 1.

<sup>2</sup>District 2.

<sup>3</sup>District 3.

<sup>4</sup>District 4.

<sup>5</sup>District 5.

<sup>6</sup>District 6.

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Rule 21

Rules of the Arkansas Supreme Court and Court of Appeals

OPINIONS

1. All signed opinions of the Supreme Court shall be designated for publication.
2. Opinions of the Court of Appeals may be in conventional form or in memorandum form. They shall be filed with the Clerk. The opinions need not contain a detailed statement of the facts, but may set forth only such matters as may be necessary to an understandable discussion of the errors urged. In appeals from decisions of the Arkansas Board of Review in unemployment compensation cases when the Court finds the decision appealed from is supported by substantial evidence, that there is an absence of fraud, no error of law appears in the record and an opinion would have no precedential value, the order may be affirmed without opinion.
3. Opinions of the Court of Appeals which resolve novel or unusual questions will be released for publication when the opinions are announced and filed with the Clerk. The Court of Appeals may consider the question of whether to publish an opinion at its decision-making conference and at that time, if appropriate, make a tentative decision not to publish. Concurring and dissenting opinions will be published only if the majority opinion is published. All opinions that are not to be published shall be marked, Not Designated For Publication.
4. Opinions of the Court of Appeals not designated for publication shall not be published in the official reports and shall not be cited, quoted, or referred to by any court or in any argument, brief, or other materials presented to any court (except in continuing or related litigation upon an issue such as res judicata, collateral estoppel, or law of the case). Opinions not designated for publication shall be listed in the Arkansas Reports by case number, style, date, and disposition.

5. Copies of All Opinions Available. — In every case the Clerk will furnish without charge one typewritten copy of all of either court's published or unpublished opinions in the case to counsel for every party on whose behalf a separate brief was filed. The charge for additional copies is fixed by statute.

## OPINIONS NOT DESIGNATED FOR PUBLICATION

- Abdullah *v.* State, CA CR 84-4 (Cooper), affirmed November 14, 1984.
- Andrews *v.* State, CA CR 84-127 (Cloninger), affirmed February 6, 1985.
- Arkansas Blue Cross & Blue Shield, Inc. *v.* Forbess, CA 84-190 (Glaze), reversed February 6, 1985.
- Bailey *v.* Bailey, CA 84-168 (Corbin), affirmed January 23, 1985.
- Ball *v.* State, CA CR 84-131 (Mayfield), affirmed January 30, 1985.
- Beck *v.* State, CA CR 84-156 (Glaze), rehearing denied November 7, 1984.
- Bird *v.* Cruz, CA 84-40 (Cracraft), affirmed November 7, 1984.
- Blankenship *v.* Faulkner Concrete Pipe Co., CA 84-99 (Cloninger), affirmed December 19, 1984.
- Bosley *v.* State, CA CR 84-116 (Corbin), affirmed November 14, 1984.
- Brown *v.* State, CA CR 84-78 (Per Curiam), affirmed November 14, 1984.
- Brown *v.* State, CA CR 84-88 (Mayfield), affirmed November 21, 1984.
- Buzbee *v.* New Hampshire Ins. Co., CA 83-473 (Cracraft), affirmed November 21, 1984.
- C & D Oil Co. *v.* Crownover, CA 84-247 (Glaze), affirmed December 12, 1984.
- Carnes Co. *v.* Mays Mission for the Handicapped, Inc., CA 84-49 (Cloninger), affirmed January 9, 1985.
- Chapman *v.* Choate, CA 84-123 (Glaze), reversed & remanded January 9, 1985.
- City of Fort Smith *v.* Edwards, CA 84-186 (Mayfield), affirmed February 6, 1985.
- Corbell *v.* Director of Labor, E 84-56 (Cooper) affirmed December 19, 1984.
- Crawford *v.* City of Pocahontas, CA 84-98 (Cooper), affirmed January 9, 1985.
- Crawford *v.* Martin Engineering Co., CA 84-91 (Cloninger), affirmed January 9, 1985.
- Delight Oak Flooring Co. *v.* Arkansas Louisiana Gas Co., CA 84-177 (Per Curiam), Appellant's Motion to File a Belated Reply Brief granted December 12, 1984.

- Diehl v. Price Chevrolet Co.*, CA 84-50 (Cooper), affirmed November 28, 1984.
- Dorazio v. Davis*, CA 84-146 (Cloninger), affirmed November 7, 1984.
- Dorey v. Ryder Truck Rental, Inc.*, CA 84-132 (Mayfield), affirmed November 14, 1984.
- Durante v. State*, CA CR 84-129 (Corbin), affirmed February 6, 1985.
- Eades v. Eades*, CA 84-71 (Cooper), affirmed December 12, 1984.
- Edmonds v. State*, CA CR 84-157 (Glaze), affirmed January 30, 1985.
- Fine v. Ballentine*, CA 84-164 (Corbin), affirmed January 23, 1985.
- First State Bank of Crossett v. Bostik Brothers, Inc.*, CA 84-141 (Cracraft), affirmed January 9, 1985.
- Floyd v. State*, CA CR 84-54 (Cloninger), reversed & remanded January 16, 1985.
- Foley v. State*, CA CR 84-82 (Corbin), affirmed November 7, 1984.
- Frazier v. State*, CA CR 84-123 (Per Curiam), affirmed December 19, 1984.
- Givens v. State*, CA CR 84-143 (Per Curiam), affirmed January 23, 1985.
- Hall v. Union Tire Co.*, CA 84-243 (Mayfield), affirmed December 5, 1984.
- Harris v. State*, CA CR 84-108 (Glaze), affirmed November 7, 1984.
- Harvey and Sullins, Inc. v. Horne Brothers, Inc.*, CA 84-67 (Cooper), affirmed as modified November 28, 1984.
- Heflin v. State*, CA CR 84-113 (Mayfield), affirmed December 12, 1984.
- Hicks v. McDermott*, CA 84-163 (Cloninger), affirmed January 16, 1985.
- Higgins v. State*, CA CR 84-140 (Per Curiam), affirmed January 23, 1985.
- Hudson v. State*, CA CR 84-95 (Glaze), affirmed November 28, 1984.
- Jacobs v. State*, CA CR 84-144 (Cooper), affirmed January 9, 1985.
- Jaynes v. Tedder*, CA 84-92 (Corbin), affirmed December 19, 1984.

- Johnson *v.* Dawson, CA 84-69 (Corbin), affirmed December 5, 1984.
- Jones *v.* Winkelman, CA 84-46 (Glaze), reversed & remanded November 21, 1984.
- Kapellas *v.* State, CA CR 84-59 (Cloninger), affirmed November 14, 1984.
- Kennett *v.* Kennett, CA 84-158 (Mayfield), affirmed January 30, 1985.
- Kimsey *v.* State, CA CR 84-102 (Cracraft), affirmed December 5, 1984.
- King Pizza, Inc. *v.* Executive Group, Inc., CA 84-165 (Cooper), reversed and dismissed December 5, 1984.
- Langlois *v.* State, CA CR 84-149 (Cracraft), affirmed January 30, 1985.
- Lee *v.* Bethlehem Steel Corp., CA 84-97 (Cracraft), affirmed December 19, 1984.
- Leonard *v.* Leonard, CA 84-82 (Mayfield), affirmed January 16, 1985.
- Love *v.* Warren, CA 84-16 (Corbin), affirmed November 7, 1984.
- Lunsford *v.* Jones, CA 84-107 (Mayfield), affirmed January 30, 1985.
- McMiller *v.* State, CA CR 84-68 (Per Curiam), affirmed November 7, 1984.
- Martin *v.* Martin, CA 84-52 (Corbin), affirmed November 21, 1984.
- Martin *v.* Martin, CA 84-134 (Cloninger), affirmed January 16, 1985.
- Matthews *v.* State, CA CR 84-110 (Cloninger), affirmed November 14, 1984.
- Merryman *v.* Merryman, CA 84-151 (Cracraft), affirmed January 16, 1985.
- Miranda *v.* State, CA CR 84-120 (Cooper), affirmed December 19, 1984.
- Mize Road Nursing Center *v.* Caton, CA 84-241 (Cloninger), affirmed November 21, 1984.
- Moore *v.* Nix, CA 84-81 (Cracraft), affirmed December 12, 1984.
- Morgan *v.* Morgan, CA 84-215 (Glaze), affirmed February 6, 1985.
- Morris *v.* Morris, CA 84-6 (Mayfield), affirmed November 28, 1984.

- Morton v. State*, CA CR 83-165 (Cracraft), affirmed November 14, 1984.
- Moses Melody Shop v. Brandon Furniture Co.*, CA 84-278 (Corbin), affirmed December 12, 1984.
- Mullin v. Moseley*, CA 84-162 (Cooper), reversed & remanded February 6, 1985.
- Orbit Valve v. Slaten*, CA 84-408 (Glaze), affirmed November 7, 1984.
- Owens v. State*, CA CR 84-92 (Corbin), affirmed November 14, 1984.
- Perry v. Mar-Bax Shirt Co.*, CA 84-303 (Per Curiam), Appellant's Motion to Remand denied December 12, 1984.
- Perry v. Mar-Bax Shirt Co.*, CA 84-303 (Per Curiam), Petition for Writ of Certiorari denied January 9, 1985.
- Priest v. Priest*, CA 84-156 (Corbin), affirmed January 16, 1985.
- Rains v. City of Wynne*, CA 84-217 (Corbin), reversed November 7, 1984.
- Rakes v. Lee*, CA 84-1 (Cooper), affirmed November 7, 1984.
- Ray v. Continental Ins. Co.*, CA 84-277 (Mayfield), affirmed January 30, 1985.
- Read v. Director of Labor*, E 84-100 (Mayfield), affirmed January 30, 1985.
- Redmon v. State*, CA CR 84-134 (Cracraft), affirmed December 19, 1984.
- Redmon v. State*, CA CR 84-150 (Corbin), affirmed February 6, 1985.
- Rinald v. Williams*, CA 84-129 (Cooper), affirmed January 16, 1985.
- Robins v. David Mfg. Co.*, CA 84-127 (Cracraft), affirmed January 9, 1985.
- Robinson v. State*, CA CR 84-94 (Mayfield), affirmed December 5, 1984.
- Sam Wheeler Ford, Inc. v. Director of Labor*, E 84-86 (Corbin), affirmed January 9, 1985.
- Saunders v. Riceland Seed Co.*, CA 84-170 (Cracraft), affirmed January 30, 1985.
- Scott v. State*, CA CR 84-101 (Glaze), affirmed November 14, 1985.
- Scroggin v. Warehouse Liquor*, CA 84-345 (Cracraft), affirmed February 6, 1985.



- Shields v. State*, CA CR 84-145 (Glaze), affirmed January 30, 1985.
- Smith v. State*, CA CR 84-99 (Cracraft), affirmed January 30, 1985.
- Southern Electric Supply of Russellville, Inc. v. Wickes Lumber Co.*, CA 84-180 (Glaze), reversed & remanded January 30, 1985.
- Southern Electric Supply Co. v. D & L Electrical Engineering, Inc.*, CA 84-19 (Cooper), affirmed December 5, 1984.
- Springdale Water & Sewer Dep't v. Harrison*, CA 84-156 (Cloninger) affirmed February 6, 1985.
- Stan-Den Tool Co. v. Edwards*, CA 84-45 (Cloninger), affirmed November 14, 1984.
- Stickney v. Wallis*, CA 84-84 (Cooper), affirmed December 19, 1984.
- Sunwall v. State*, CA CR 84-109 (Cooper), affirmed January 30, 1985.
- Swaffar v. Swaffar*, CA 84-191 (Cracraft), affirmed February 6, 1985.
- Thweatt v. Roberts*, CA 84-36 (Cooper), affirmed November 21, 1984.
- Timmerman v. Ulm Hunting Club*, CA 84-87 (Mayfield), affirmed January 23, 1985.
- Vinson Construction Co. v. Noland Co.*, CA 84-152 (Cracraft), affirmed January 16, 1985.
- Walker v. Butler*, CA 84-96 (Cloninger), affirmed January 9, 1985.
- Walker v. State*, CA CR 84-112 (Corbin), affirmed December 12, 1984.
- Walker v. Strout Realty, Inc.*, CA 84-75 (Corbin), reversed & remanded December 5, 1984.
- Wal-Mart Stores, Inc. v. Fox*, CA 84-246 (Cracraft), affirmed November 14, 1984.
- White v. State*, CA CR 84-122 (Cloninger), affirmed January 23, 1985.
- White County Road Dep't v. Rigsby*, CA 84-350 (Cracraft), affirmed February 6, 1985.
- Williams v. U. S. Recycle Corp.*, CA 84-272 (Cracraft), affirmed December 12, 1984.
- Woodall v. Bennett*, CA 84-36 (Cracraft), affirmed November 21, 1984.

**CASES AFFIRMED BY THE ARKANSAS COURT OF  
APPEALS WITHOUT WRITTEN OPINIONS  
PURSUANT TO RULE 21(2), RULES OF THE  
ARKANSAS SUPREME COURT AND  
COURT OF APPEALS**

*Bishop v. Director of Labor*, E 84-161, January 9, 1985.  
*Compton v. Director of Labor*, E 84-64, November 28, 1984.  
*Cooper v. Director of Labor*, E 84-134, January 9, 1985.  
*DeFir v. Director of Labor*, E 84-97, January 9, 1985.  
*Ford v. Director of Labor*, E 84-138, January 9, 1985.  
*Frazer, Inc. v. Director of Labor*, E 84-73, November 28, 1984.  
*Gibbs v. Director of Labor*, E 84-129, November 28, 1984.  
*Larrison v. Director of Labor*, E 84-125, November 28, 1984.  
*Lowden v. Director of Labor*, E 84-131, January 9, 1985.  
*Schuster's, Inc. v. Director of Labor*, E 84-96, November 28,  
1984.  
*Stafford v. Director of Labor*, E 84-128, November 28, 1984.  
*Wilhite v. Director of Labor*, E 84-160, January 9, 1985.  
*Woodell v. Director of Labor*, E 84-135, January 9, 1985.  
*Young v. Director of Labor*, E 84-130, November 28, 1984.