

**ARKANSAS REPORTS
VOLUME 292**

**ARKANSAS
APPELLATE REPORTS
VOLUME 21**

THIS BOOK CONTAINS
ARKANSAS REPORTS
Volume 292

CASES DETERMINED
IN THE

**Supreme Court
of Arkansas**

FROM
April 20, 1987 — July 6, 1987
INCLUSIVE¹

AND

**ARKANSAS APPELLATE
REPORTS**
Volume 21

CASES DETERMINED
IN THE

**Court of Appeals
of Arkansas**

FROM
April 15, 1987 — July 1, 1987
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PUBLISHED BY THE
STATE OF ARKANSAS
1987

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ARKANSAS REPORTS

Volume 292

CASES DETERMINED
IN THE

Supreme Court of Arkansas

FROM
April 20, 1987 — July 6, 1987
INCLUSIVE

CLYDE DICKENS CALLIOTTE
REPORTER OF DECISIONS

MARLO M. BUSH
ASSISTANT
REPORTER OF DECISIONS

PUBLISHED BY THE
STATE OF ARKANSAS
1987

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OF THE
SUPREME COURT OF
ARKANSAS

DURING THE PERIOD COVERED
BY THIS VOLUME
(April 20, 1987 —
July 6, 1987, inclusive)

JUSTICES

JACK HOLT, JR.	Chief Justice
DARRELL HICKMAN	Associate Justice
JOHN I. PURTLE	Associate Justice
ROBERT H. DUDLEY	Associate Justice
STEELE HAYS	Associate Justice
DAVID NEWBERN	Associate Justice
TOM GLAZE	Associate Justice

OFFICERS

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

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STANDARDS FOR PUBLICATION OF OPINIONS

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

- Avery v. State, CR 87-15 (Per Curiam), Pro Se Rule 37 Petition denied May 4, 1987.
- Baker v. State, CR 87-53 (Per Curiam), Pro Se Rule 37 Petition denied June 22, 1987.
- Barnes v. State, CR 85-115 (Per Curiam), Pro Se Rule 37 Petition denied May 18, 1987.
- Berna v. State, CR 83-153 (Per Curiam), Pro Se Motion for Transcript denied May 26, 1987.
- Bilal v. State, CR 86-209 (Per Curiam), Pro Se Rule 37 Petition and Motion to Amend Petition denied and Motion denied April 27, 1987.
- Boyd v. State, CR 87-100 (Per Curiam), Pro Se Motion for Appointment of Counsel denied and appeal dismissed June 22, 1987.
- Britt v. State, CR 87-34 (Per Curiam), Pro Se Petition for Writ of Certiorari denied May 11, 1987.
- Burns v. State (Per Curiam), Motion for Rule on the Clerk denied June 1, 1987.
- Burns v. State (Per Curiam), Appellant's Petition for Reconsideration for Rule on the Clerk to Lodge Transcript denied July 6, 1987.
- Campbell v. State, CR 83-147 (Per Curiam), Pro Se Motion for Transcript denied June 1, 1987.
- Caswell v. State, CR 87-63 (Per Curiam), Pro Se Rule 37 Petition denied July 6, 1987.
- David v. State, CR 84-200 (Per Curiam), Pro Se Rule 37 Petition denied June 22, 1987.
- Dickson v. State, CR 87-38 (Per Curiam), Pro Se Rule 37 Petition denied June 8, 1987.
- Garner v. Norris, 87-96 (Per Curiam), Pro Se Motion for Appointment of Counsel denied and appeal dismissed June 8, 1987.
- Glick v. State, CR 86-221 (Per Curiam), affirmed June 15, 1987.
- Hampton v. State, CR 87-58 (Per Curiam), Pro Se Rule 37 Petition denied June 22, 1987.
- Harris v. State, CR 87-90 (Per Curiam), Pro Se Petition for Writ of Certiorari denied June 29, 1987.
- Harrison v. State, CR 85-99 (Per Curiam), Pro Se Rule 37 Petition denied May 26, 1987.
- Hayes v. State, CR 77-160 (Per Curiam), Pro Se Rule 37 Petition denied June 1, 1987.
- Henderson v. State, CR 86-140 (Per Curiam), Pro Se Rule 37 Petition and Motion to Amend denied June 1, 1987.
- Hensley v. State, CR 87-51 (Per Curiam), Pro Se Motion for

- Appointment of Counsel remanded April 20, 1987.
- Hensley v. State, CR 87-51 (Per Curiam), Pro Se Motion for Appointment of Counsel reversed and motion denied June 22, 1987.
- Holmes v. State, CR 85-150 (Per Curiam), Pro Se Rule 37 Petition denied May 4, 1987.
- Jones, Eddie Lee v. State, CR 86-58 (Per Curiam), Pro Se Rule 37 Petition denied June 29, 1987.
- Jones, Edward v. State, CR 87-35 (Per Curiam), Pro Se Rule 37 Petition denied May 26, 1987.
- Kimbrell v. State, CR 87-70 (Per Curiam), Pro Se Motion for Appointment of Counsel, motion denied and appeal dismissed May 18, 1987.
- Libeck v. State, CR 86-125 (Per Curiam), Pro Se Rule 37 Petition denied June 29, 1987.
- Mason v. State, CR 84-217 (Per Curiam), Pro Se Rule 37 Petition denied May 11, 1987.
- Moddies v. State, CR 87-27 (Per Curiam), Pro Se Rule 37 Petition denied May 18, 1987.
- Santifer v. State, CA 86-170 (Per Curiam), affirmed April 27, 1987.
- Santifer v. State, CR 86-170 (Per Curiam), Pro Se Rule 37 Petition denied without prejudice June 15, 1987.
- Sherron v. State, CR 84-138 (Per Curiam), Pro Se Rule 37 Petition denied April 27, 1987.
- Sivils v. State, CR 86-220 (Per Curiam), affirmed May 26, 1987.
- Smith v. State, CR 87-123 (Per Curiam), Pro Se Petition for Writ of Habeas Corpus denied June 29, 1987.
- Tillman v. State, CR 87-18 (Per Curiam), Pro Se Rule 37 Petition denied May 4, 1987.
- Vance v. State, CR 87-25 (Per Curiam), affirmed July 6, 1987.
- Williams v. State, CR 87-102 (Per Curiam), Pro Se Motion for Appointment of Counsel denied and appeal dismissed July 6, 1987.

IN THE MATTER OF MODIFYING RULE XIII OF
THE RULES GOVERNING ADMISSION TO THE BAR

726 S.W.2d LXXVI

Supreme Court of Arkansas
Delivered April 20, 1987

PER CURIAM. Paragraph 10 of Section A of Rule XIII of the Rules Governing Admission to the Bar is hereby amended to read as follows:

The applicant shall have 30 days from receipt of the notice to request a hearing. Such request shall be in writing and addressed to the Chairman of the Board, and the hearing herein provided for shall be set by the Chairman of the Board for a day certain, not less than ten days nor more than sixty days, following receipt of the request. Upon Motion duly made and for good cause shown, extension or extensions of time for the hearing may be granted the applicant by the Chairman of the Board.

IN RE: RULES GOVERNING ADMISSION TO THE
BAR

727 S.W.2d XXXVIII

Supreme Court of Arkansas
Delivered April 27, 1987

PER CURIAM. By per curiam order of February 23, 1970, this court adopted Rule XII of the Rules Regulating the Practice of Law. That series of rules has long since been replaced by others, but Rule XII, which is our rule regulating student practice, has survived. As of this date, the rule, set forth below with minor changes, shall be Rule XV of the Rules Governing Admission to the Bar.

Rule XV

STUDENT PRACTICE

A. Purpose

The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. As one means of providing assistance to lawyers who represent clients unable to pay for such services and to encourage law schools to provide clinical instruction in trial work of varying kinds, this rule is adopted.

B. Activities

1. An eligible law student may appear in any court or before any administrative tribunal in this State on behalf of any indigent person if the person on whose behalf he or she is appearing has indicated in writing his or her consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance, in the following matters:
 - (a) Any civil matter. In such cases the supervising lawyer is not required to be personally present in court if both (a) the court or administrative tribunal before whom an appearance is being made, after reasonable advance notice in writing, and (b) the person on whose behalf an appearance is being made, consent to his or her absence.
 - (b) Any criminal matter in which the defendant does not have the right to the assignment of counsel under any constitutional provision, statute, or rule of this court. In such cases the supervising lawyer is not required to be personally present in court if both (a) the court or administrative tribunal before whom an appearance is being made, after reasonable advance notice in writing, and (b) the person on whose behalf an appearance is being made, consents to his or her absence.

- (c) Any criminal matter in which the defendant has the right to the assignment of counsel under any constitutional provision, statute, or rule of this court. In such cases the supervising lawyer must be personally present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.
2. An eligible law student may also appear in any criminal matter on behalf of the State with the written approval of the prosecuting attorney or his or her authorized representative and of the supervising lawyer.
3. In each case the written consent and approval referred to above shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

C. Requirements and Limitations

In order to make an appearance pursuant to this rule, the law student must:

1. Be duly enrolled in this State in law school approved by the American Bar Association.
2. Have completed legal studies amounting to at least four (4) semesters, or the equivalent if the school is on some basis other than a semester basis.
3. Have certified by the dean of his or her law school as being of good character and competent legal ability, and as being adequately trained to perform as a legal intern.
4. Be introduced to the court in which he or she is appearing by an attorney admitted to practice in that court.
5. Neither ask for nor receive any compensation of any kind for his services in connection with any court appearance.
6. Certify in writing that he or she has read and is familiar with the Model Rules of Professional Conduct adopted by this court.

D. Certification

The certification of a student by the law school dean:

1. Shall be filed with the Clerk of this Court and, unless it is sooner withdrawn, it shall remain in effect until the expiration of eighteen (18) months after it is filed, or until the announcement of the results of the first bar examination following the student's graduation, whichever is earlier. For any student who passes that examination or who is admitted to the bar without taking an examination the certification shall continue in effect until the date he or she is admitted to the bar.
2. May be withdrawn by the dean at any time by mailing a notice to that effect to the Clerk of this Court. It is not necessary that the notice state the cause for withdrawal.
3. May be terminated by this Court at any time without notice or hearing and without any showing of cause. Notice of the termination may be filed with the Clerk of the Court.
4. After a law student has appeared in a trial court on one or more occasions, a judge of the trial court may terminate the authority of any such student to appear subsequently in the court or division thereof over which he presides, for good cause.

E. Other Activities

1. In addition, an eligible law student may engage in other activities, under the general supervision of a member of the bar of this Court, but outside the personal presence of that lawyer, including:
 - (a) Preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear, but such pleadings or documents must be signed by the supervising lawyer.
 - (b) Preparation of briefs, abstracts, and other documents to be filed in appellate courts of this State, but such documents must be signed by the supervising lawyer.

- (c) Each document or pleading must contain the name of the eligible law student who has participated in drafting it. If he participated in drafting only a portion of it, that fact may be mentioned.

F. Supervision

The member of the bar under whose supervision an eligible law student does any of the things permitted by this rule shall:

1. Be a lawyer whose service as a supervising lawyer for this program is approved by the dean of the law school in which the law student is enrolled.
2. Assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.
3. Assist the student in his or her preparation to the extent the supervising lawyer considers it necessary.

G. Miscellaneous

Nothing contained in this rule shall affect the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule.

IN RE: AMENDMENT TO RULES OF THE COURT
REGULATING PROFESSIONAL CONDUCT OF
ATTORNEYS AT LAW

728 S.W.2d 183

Supreme Court of Arkansas
Delivered April 27, 1987

PER CURIAM. In our per curiam order of January 21, 1986, we erroneously referred to "Rule 1" of the Rules of the Court Regulating Professional Conduct of Attorneys at Law as the rule being amended. Our reference should have been to Rule 2. Rule 1 remains as it was prior to January 21, 1986, and Rule 2 was

amended by our order to read as provided therein.

IN RE: RULE 9, INFERIOR COURT RULES

728 S.W.2d LXX

Supreme Court of Arkansas
Delivered May 26, 1987

PER CURIAM. Effective July 1, 1987, Rule 9 of the Arkansas Inferior Court Rules is amended by deleting subsection (d) and replacing it with the following:

(d) *Supersedeas Bond*. Whenever an appellant entitled thereto desires a stay on appeal to circuit court in a civil case, he shall present to the inferior court for its approval a supersedeas bond which shall have such surety or sureties as the court requires. The bond shall be to the effect that appellant shall pay to appellee all costs and damages that shall be affirmed against appellant on appeal; or if appellant fails to prosecute the appeal to a final conclusion, or if such appeal shall for any cause be dismissed, that appellant shall satisfy and perform the judgment, decree, or order of the inferior court. All proceedings in the inferior court shall be stayed from and after the date of the court's order approving the supersedeas bond.

The following addition is made to the Reporter's Note accompanying Rule 9:

Addition to Reporters Note, 1987 Amendment:

Rule 9(d) is amended to require that a supersedeas bond, with such surety as the court may require, be presented to the inferior court if a stay is sought pending appeal to circuit court. Under the prior rule, such a bond was posted with and approved by the circuit clerk. The rule was changed in light of the expanded jurisdiction given municipal courts under Amendment 64 to the Constitution. Amended Rule 9(d) follows closely Rule 8(c) of the

Rules of Appellate Procedure.

**IN THE MATTER OF AMENDMENT OF THE
ARKANSAS RULES OF CIVIL PROCEDURE**

730 S.W.2d LXI

Supreme Court of Arkansas
Delivered July 6, 1987

PER CURIAM. The changes, which are appended to and made part of this order in the Arkansas Rules of Civil Procedure and Reporter's Notes, were drafted by our Committee on Rules of Pleading, Practice, and Procedure in Civil Cases. We wish again to thank the committee chairman, Judge Henry Wilkinson, and the committee reporter, Professor John J. Watkins, as well as all the members of the committee for the superb work they continue to do.

The changes approved in this order will become effective September 21, 1987, unless withdrawn by order of this court before that date. Between now and then we will welcome suggestions and comments by members of the bench and bar.

Along with its annual list of suggested changes, the committee submitted its recommendation that applicability of the Uniform Rules for Circuit and Chancery Courts to civil cases be abolished. This matter has been under study for some time, and we are convinced those rules are, for the most part, superfluous as they antedate the Arkansas Rules of Civil Procedure and the Arkansas Rules of Criminal Procedure. Other than Uniform Rule 10., which has been accommodated in Ark. R. Civ. P. 41, only Uniform Rules 15. and 17. have been mentioned to us as rules we should retain. Rule 15. concerns uniform docketing of cases, and Rule 17. expounds on the means of selecting special judges pursuant to Ark. Const. art. 7, and certain statutory provisions. They should not be mixed with procedural rules governing the parties' and the courts' manner of trying cases. We plan to issue administrative orders dealing with those matters and others when we abolish the uniform rules.

To avoid confusion, we decline to abolish the applicability of

the uniform rules to civil cases. Our intent is to abolish them altogether after we have been advised by our criminal rules committee on the subject, assuming that committee gives us no reason to retain, in some form, any of the uniform rules provisions other than those mentioned above.

The rules and reporter's notes changes and additions are as follows:

Rule 12, Ark. R. Civ. P.

Rule 12 of the Arkansas Rules of Civil Procedure is amended as follows:

(1) By adding the following as a new section (i):

(i) *Response to Motions.* If a party opposes a motion made under this or any other rule, he shall file his response, including a brief in support, within ten (10) days after service of the motion upon him. If the movant desires to reply he shall do so within five (5) days after service of the response upon him.

(2) By adding the following as new section (j):

(j) *Further Pleading.* Attorneys will be notified of action taken by the court under this rule, and, if appropriate, the court will designate a certain number of days in which a party is to be given to plead further.

The following addition is made to the Reporter's Note accompanying Rule 12:

Addition to Reporter's Note, 1987 Amendment: Two new sections, based on provisions of the Uniform Rules for Circuit and Chancery Courts, have been added to Rule 12 in the interest of clarity and simplification. New section (i), which sets forth the time in which responses to motions must be filed, as well as the time period for the movants to file replies, tracks Uniform Rule 2(c) and (d). Though this requirement is also found in Rule 78(b) of the Rules of Civil Procedure, it is repeated here in a more conspicuous manner to assist users of the Rules. New section (j), borrowed from Rule 2(f) of the Uniform Rules, simply states that the court is to specify the time in which further pleading is allowed in the event the court grants a motion to

dismiss and the deficiency can be remedied. These new provisions do not alter prior Arkansas practice.

Changes in Reporter's Notes

1. *Rule 28(c), Ark. R. Civ. P.* The last sentence of the second paragraph of the Reporter's Note is deleted and the following added: "Nothing in this rule requires that the deposition actually be taken before the court. In this sense the rule may be a departure from the superseded statute."

2. *Rule 45(c), Ark. R. Civ. P.* The Addition to the Reporter's Note, 1986 Amendment, is amended by adding the following sentence after the third sentence: "The amended rule thus permits an attorney for any party to serve a subpoena by mail, so long as the requirements of Rule 4(d)(8) with respect to restricted delivery, return receipt, etc. are satisfied."

Rule 64, Ark. R. Civ. P.

Rule 64 of the Arkansas Rules of Civil Procedure is amended as follows:

(1) by retitling the rule "Addition and Withdrawal of Counsel";

(2) by designating the present paragraph as section (b); and

(3) by adding a new section (a) as follows:

(a) When additional counsel is employed to represent any party in a case, said counsel shall immediately cause the clerk to enter his name as an attorney of record in the case and shall also immediately notify the court and opposing counsel that he has been employed in the case.

The following addition is made to the Reporter's Note accompanying Rule 64:

Reporter's Note, 1987 Amendment: As adopted in 1984, Rule 64 dealt only with withdrawal of counsel, a topic also covered by Rule 9 of the Uniform Rules for Circuit and Chancery Court. The 1987 amendment addresses the employment of additional counsel, an issue heretofore covered by Rule 8 of the Uniform Rules. The amendment makes no change in existing law.

Appointments to Committees

IN RE: ARKANSAS SUPREME COURT BOARD OF
COURT REPORTER EXAMINERS

728 S.W.2d LXXI

Supreme Court of Arkansas
Delivered May 26, 1987

PER CURIAM. The Honorable Charles H. Eddy, Circuit Judge, Morrilton, Arkansas is reappointed a member of the Board of Certified Court Reporter Examiners and Mary Sue Clark is appointed to the Board effective July 8, 1987. Each appointment, is for a three-year term expiring July 8, 1990.

The Court expresses its gratitude to Ms. Joan Porter for her faithful service on the Board.

**ARKANSAS
APPELLATE
REPORTS**

Volume 21

**CASES DETERMINED
IN THE**

**Court of Appeals
of Arkansas**

**FROM
April 15, 1987 — July 1, 1987
INCLUSIVE**

**CLYDE DICKENS CALLIOTTE
REPORTER OF DECISIONS**

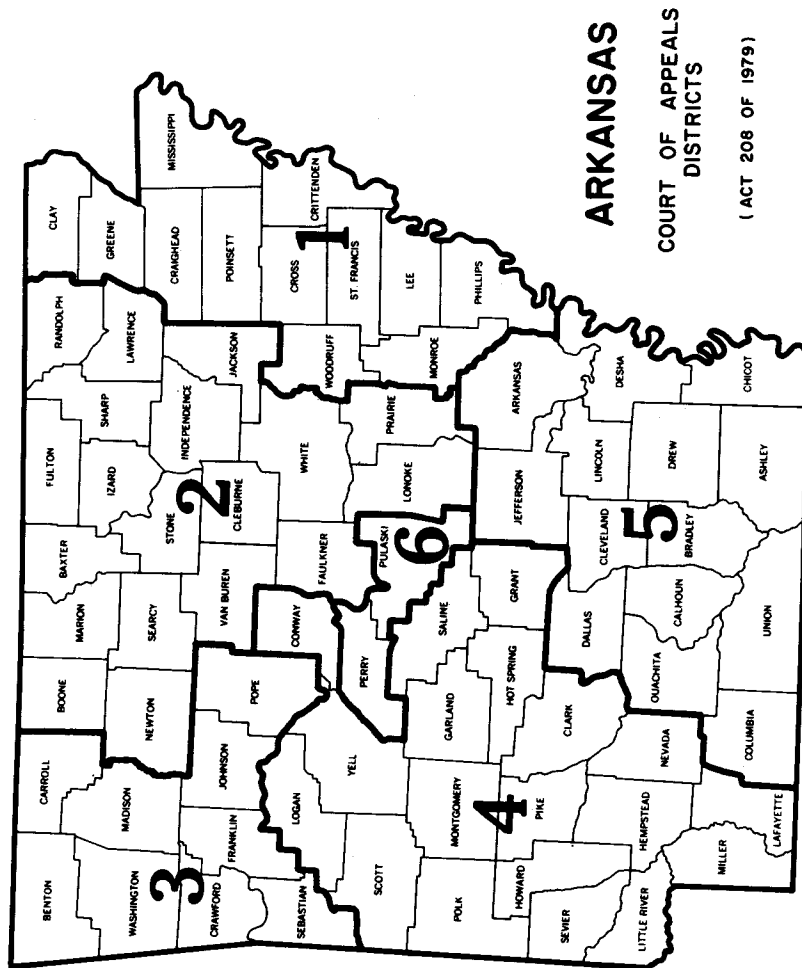
**MARLO M. BUSH
ASSISTANT
REPORTER OF DECISIONS**

**PUBLISHED BY THE
STATE OF ARKANSAS
1987**

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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
(April 15, 1987—
July 1, 1987, inclusive)**

JUDGES

DONALD L. CORBIN	Chief Judge¹
GEORGE K. CRACRAFT	Judge²
JAMES R. COOPER	Judge³
JOHN E. JENNINGS	Judge⁴
MELVIN MAYFIELD	Judge⁵
BETH GLADDEN COULSON	Judge⁶

OFFICERS

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

¹District 4.

²District 1.

³District 2.

⁴District 3.

⁵District 5.

⁶District 6.

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OPINIONS WRITTEN BY THE RESPECTIVE
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DURING THE PERIOD COVERED BY THIS
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JOHN E. JENNINGS, JUDGE:

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MELVIN MAYFIELD, JUDGE:

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STANDARDS FOR PUBLICATION OF OPINIONS

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

- Alexander v. Alexander, CA 86-486 (Per Curiam), Appellee's Petition for Writ of Certiorari to Complete the Record remanded to trial court to settle the record, April 22, 1987.
- Angel v. First Federal of Arkansas, CA 86-397 (Cooper, J.), affirmed May 6, 1987.
- Arkla Energy Resources v. Bell, CA 86-319 (Jennings, J.), affirmed April 29, 1987.
- Atwell v. Poultry Specialties, CA 87-33 (Cracraft, J.), appeal dismissed July 1, 1987.
- Auto Audio & Video, Inc. v. Fordyce, CA 86-427 (Coulson, J.), affirmed May 20, 1987.
- Avery v. State, CA CR 86-228 (Jennings, J.), affirmed May 20, 1987.
- BB & B Construction v. Watson, CA 87-13 (Corbin, C.J.), affirmed June 24, 1987.
- Baker v. Baker, CA 86-355 (Cooper, J.), affirmed April 15, 1987.
- Barnett v. Security Bank, CA 86-367 (Mayfield, J.), affirmed June 17, 1987.
- Bennett v. State, CA CR 86-200 (Mayfield, J.), affirmed April 29, 1987.
- Biggers v. State, CA CR 86-214 (Coulson, J.), affirmed April 29, 1987.
- Birchfield v. State, CA CR 86-235 (Mayfield, J.), affirmed as modified July 1, 1987.
- Bituminous Ins. Co. v. Hirscheider, CA 87-12 (Jennings, J.), affirmed May 27, 1987.
- Blagg v. State, CA CR 87-22 (Coulson, J.), affirmed June 3, 1987.
- Blake v. State, CA CR 86-111 (Coulson, J.), Supplemental Opinion on Denial of Rehearing, May 13, 1987.
- Blankenship v. Twitty, CA 85-196 (Coulson, J.), affirmed as modified June 17, 1987.
- Blanks v. State, CA CR 86-195 (Cracraft, J.), affirmed April 22, 1987.
- Bowers v. State, CA CR 86-182 (Jennings, J.), affirmed April 29, 1987.
- Boyette v. Safeway Stores, CA 86-432 (Cracraft, J.), affirmed May 27, 1987.
- Brashears v. Womble, CA 86-470 (Cooper, J.), affirmed May 20, 1987.
- Brinkley v. Brinkley, CA 86-388 (Corbin, C.J.), affirmed June 24, 1987.
- Brooks v. State, CA CR 87-15 (Cooper, J.), affirmed June 24, 1987.

- Browder v. State, CA CR 86-223 (Jennings, J.), affirmed June 10, 1987.
- Brown v. State, CA CR 86-204 (Coulson, J.), affirmed May 6, 1987.
- Browning v. Director of Labor, E 86-124 (Cracraft, J.), affirmed June 10, 1987.
- Burr v. State, CA CR 86-198 (Cooper, J.), affirmed April 22, 1987.
- Caldwell v. Kawneer Co., CA 87-16 (Coulson, J.), affirmed June 10, 1987.
- Cataloupe v. Blazek, CA 86-466 (Cooper, J.), affirmed as modified, April 22, 1987.
- Cazort v. Cazort, CA 86-186 (Coulson, J.), affirmed April 15, 1987.
- Childress v. Winn, CA 86-444 (Cooper, J.), affirmed July 1, 1987.
- Chism v. Jones, CA 86-485 (Jennings, J.), affirmed June 3, 1987.
- Chronister v. Chronister, CA 87-4 (Cooper, J.), affirmed as modified June 24, 1987.
- Churchman v. Churchman, CA 86-489 (Cracraft, J.), affirmed April 29, 1987.
- Clark v. Clark, CA 86-140 (Cracraft, J.), affirmed April 22, 1987.
- Cleveland County Nursing Home v. Miller, CA 87-25 (Jennings, J.), affirmed June 24, 1987.
- Cochran v. Padgett, CA 86-492 (Jennings, J.), affirmed April 15, 1987.
- Coffman v. State, CA CR 87-6 (Coulson, J.), affirmed June 24, 1987.
- Creason v. State, CA CR 86-212 (Cracraft, J.), affirmed June 10, 1987.
- Cruise v. State, CA CR 86-224 (Jennings, J.), affirmed May 13, 1987.
- DeLoach v. United Ins. Co. of America, CA 86-487 (Coulson, J.), reversed and remanded May 27, 1987.
- Dickerson v. State, CA CR 86-213 (Mayfield, J.), affirmed June 3, 1987.
- Dickson v. State, CA CR 86-120 (Coulson, J.), affirmed May 13, 1987.
- Dotson v. State, CA CR 86-206 (Corbin, C.J.), affirmed April 29, 1987.
- Douglas v. State, CA CR 86-226 (Corbin, C.J.), affirmed June 17, 1987.
- Dunkin v. National Foundation Life Ins. Co., CA 86-339 (Jennings, J.), affirmed May 6, 1987.
- Duvall v. State, CA CR 86-215 (Cooper, J.), affirmed May 6, 1987.

- Edwards Sheet Metal Works, Inc. v. Bray Sheet Metal Co., CA 86-360 (Mayfield, J.), reversed and remanded May 13, 1987.
- Elkins v. Elkins, CA 86-401 (Coulson, J.), affirmed April 15, 1987.
- English v. Reynolds Metals Co., CA 86-482 (Coulson, J.), affirmed June 17, 1987.
- Evans v. Evans, CA 87-30 (Cracraft, J.), affirmed June 17, 1987.
- F.L. Davis Trucking v. Waters, CA 86-490 (Corbin, C.J.), affirmed June 10, 1987.
- Farm Bureau Mutual Ins. Co. of Arkansas v. First Nat'l Bank in Mena, CA 86-236 (Jennings, J.), reversed and remanded May 13, 1987.
- Farmers & Merchants Ins. Agency, Inc. v. Kennedy, CA 86-362, affirmed April 15, 1987.
- Ferrell v. Ferrell, CA 87-50 (Jennings, J.), affirmed May 20, 1987.
- Fisher v. Fisher, CA 86-370 (Cracraft, J.), affirmed May 13, 1987.
- Fitzgerald v. Motel 6, CA 87-72 (Coulson, J.), affirmed July 1, 1987.
- Flanagan v. State, CA CR 86-189 (Mayfield, J.), affirmed May 6, 1987.
- Fountain v. State, CA CR 87-26 (Corbin, C.J.), affirmed July 1, 1987.
- Gatteys v. Osborne, CA 86-366 (Corbin, C.J.), reversed and remanded May 6, 1987.
- Gibbs v. Gibbs, CA 87-64 (Jennings, J.), affirmed June 24, 1987.
- H. W. Roper, Inc. v. Busbea, CA 86-343 (Coulson, J.), affirmed April 15, 1987.
- Hackett v. Meramec Specialty Co., CA 86-269 (Corbin, C.J.), affirmed April 29, 1987.
- Haddix v. State, CA CR 87-11 (Jennings, J.), affirmed June 3, 1987.
- Hamilton v. Gray, CA 86-369 (Coulson, J.), affirmed on direct appeal and cross-appeal, May 13, 1987.
- Hamilton v. Jeffrey Stone Co., CA 86-309 (Mayfield, J.), affirmed May 6, 1987.
- Hanby v. Hanby, CA 86-446 (Coulson, J.), affirmed April 29, 1987.
- Harris v. Harris, CA 87-34 (Jennings, J.), affirmed July 1, 1987.
- Haynes v. State, CA CR 86-193 (Cracraft, J.), affirmed May 20, 1987.
- Headrick v. State, CA CR 87-8 (Cracraft, J.), affirmed in part and reversed in part, June 24, 1987.
- Heathscott v. Goodwin, CA 86-418 (Cracraft, J.), affirmed May 13, 1987.

- Henry v. Fort Smith Tobacco & Candy, CA 86-416 (Cooper, J.), affirmed May 13, 1987.
- Henslin v. Hamilton, CA 86-328 (Mayfield, J.), affirmed as modified May 27, 1987.
- Hess v. First Nat'l Bank of Fayetteville, CA 86-493 (Mayfield, J.), affirmed June 3, 1987.
- Hester v. Hester, CA 86-356 (Corbin, C.J.), affirmed April 15, 1987.
- Hill v. Gill, CA 86-453 (Jennings, J.), reversed and remanded April 29, 1987.
- Hill v. Simon's Old South Pancake House, CA 86-424 (Jennings, J.), affirmed May 13, 1987.
- Hogan v. Hartwick, CA 87-42 (Jennings, J.), affirmed June 24, 1987.
- Home Ins. Co. v. Arkansas Associated General Contractors Self-Insurers Fund, CA 86-445 (Coulson, J.), affirmed May 6, 1987.
- Home Ins. Co. v. Clark, CA 86-461 (Corbin, C.J.), affirmed May 27, 1987.
- Hood v. Morris, CA 87-53 (Corbin, C.J.), affirmed July 1, 1987.
- Hooten v. Foll, CA 86-438 (Cracraft, J.), reversed and remanded May 27, 1987.
- Howell v. Howell, CA 87-78 (Cooper, J.), affirmed June 17, 1987.
- Hudson v. Hudson, CA 86-196 (Coulson, J.), affirmed April 15, 1987.
- Hust v. State, CA CR 86-241 (Coulson, J.), affirmed May 27, 1987.
- International Paper Co. v. Brewer, CA 86-404 (Corbin, C.J.), affirmed May 6, 1987.
- Iverson v. Estate of Mazique, CA 87-147 (Coulson, J.), appeal dismissed July 1, 1987.
- Janes v. Farmers Ins. Exchange, CA 86-194 (Per Curiam), rehearing denied April 22, 1987.
- Jenkins v. Shipp, CA 87-3 (Corbin, C.J.), affirmed June 3, 1987.
- Jennings v. Arkansas Transit Co., CA 86-423 (Mayfield, J.), affirmed June 24, 1987.
- John B. May & Co. v. Ins. Co. of North America, CA 86-481 (Jennings, J.), reversed and remanded May 27, 1987.
- Johnson v. Allen, CA 87-67 (Cooper, J.), affirmed June 17, 1987.
- Johnson v. Donald, CA 86-399 (Mayfield, J.), affirmed May 6, 1987.
- Jones, Willie v. State, CA CR 86-210 (Per Curiam), Appellant's Pro Se Motion for Appointment of Counsel denied July 1, 1987.
- Jones, Willie v. State, CA CR 86-210 (Per Curiam), Appellee's Motion to Dismiss Appeal granted July 1, 1987.
- Keever v. Southern Clinic Properties, Inc., CA 86-457 (Cracraft,

J.), affirmed in part and reversed and remanded in part on direct appeal, and affirmed on cross-appeal, May 6, 1987.

Keister v. State, CA CR 86-199 (Cooper, J.), affirmed May 13, 1987.

Kerns v. State, CA CR 87-4 (Jennings, J.), affirmed July 1, 1987.

Ketterer v. Director of Labor, E 86-177 (Jennings, J.), reversed and remanded June 3, 1987.

Kifer v. Borden's, Inc., CA 86-337 (Cooper, J.), reversed and remanded April 22, 1987.

Kirkpatrick v. Kirkpatrick, CA 86-331 (Cooper, J.), affirmed May 6, 1987.

L.A. Darling Store Fixtures v. Howard, CA 86-202 (Mayfield, J.), affirmed April 22, 1987.

LaSpina v. Pulaski County, CA 86-421 (Mayfield, J.), affirmed May 6, 1987.

Light v. State, CA CR 86-217 (Cooper, J.), affirmed April 29, 1987.

Lott v. City of Pine Bluff, CA 86-494 (Coulson, J.), affirmed July 1, 1987.

Magee v. Arkhola Sand & Gravel, CA 87-21 (Corbin, C.J.), affirmed June 3, 1987.

Marianna Motor Co. v. Hastings, CA 86-351 (Cracraft, J.), reversed and dismissed May 13, 1987.

Marshall v. Johnston Bros. Const. Co., CA 87-9 (Coulson, J.), affirmed June 3, 1987.

Mathews v. Eberle, CA 87-14 (Cooper, J.), affirmed June 3, 1987.

Meyers v. Smith, CA 87-22 (Corbin, C.J.), affirmed June 10, 1987.

Michigan Mutual Ins. Co. v. Williams, CA 86-412 (Jennings, J.), affirmed May 13, 1987.

Moore v. State, CA CR 87-79 (Per Curiam), Appellant's Motion to Set Bond remanded June 3, 1987.

Moore v. State, CA CR 87-79 (Per Curiam), Appellant's Second Motion to Set Bond remanded July 1, 1987.

Murray v. Murray, CA 86-189 (Corbin, C.J.), affirmed on direct appeal and reversed in part on cross appeal, April 15, 1987.

Neal v. Aday, CA 87-24 (Jennings, J.), affirmed June 10, 1987.

Newton County v. Ozark Entertainment, Inc., CA 86-342 (Mayfield, J.), affirmed May 13, 1987.

Noble v. State, CA CR 86-173 (Cracraft, J.), affirmed April 29, 1987.

Oleson v. Warren, CA 86-389 (Cooper, J.), affirmed June 17, 1987.

O'Neal v. Medi-Home, Inc., CA 86-260 (Mayfield, J.), reversed and remanded April 29, 1987.

Paradise Valley Vacation Resort, Inc. v. Hamilton, CA 87-62

- (Corbin, C.J.), affirmed June 3, 1987.
- Parker v. Ford, CA 87-49 (Cracraft, J.), affirmed June 3, 1987.
- Patterson v. Henson, CA 86-151 (Mayfield, J.), affirmed April 29, 1987.
- Perry v. State, CA CR 86-211 (Mayfield, J.), affirmed May 20, 1987.
- Peterson v. First Nat'l Bank of Mountain Home, CA 86-225 (Cooper, J.), affirmed April 22, 1987.
- Pitcock v. City of Benton, CA CR 86-209 (Corbin, C.J.), affirmed April 15, 1987.
- Pogue v. State, CA CR 86-216 (Jennings, J.), affirmed May 6, 1987.
- Pulaski County Child Support Enforcement Unit v. Director of Labor, E 86-121 (Coulson, J.), affirmed May 20, 1987.
- Quick Service Laundry and Cleaners v. Shiflett, CA 87-15 (Coulson, J.), affirmed June 24, 1987.
- R.C.P.R. Investments, Inc. v. Treasure Isle Property Owners Assoc., CA 87-76 (Cooper, J.), affirmed July 1, 1987.
- Rabaz v. Rabaz, CA 86-455 (Corbin, C.J.), affirmed April 29, 1987.
- Riegel v. State, CA CR 86-181 (Mayfield, J.), affirmed April 15, 1987.
- Rohrscheib v. Rohrscheib, CA 87-29 (Cracraft, J.), affirmed in part and reversed and remanded in part May 20, 1987.
- Rollins v. State, CA CR 86-208 (Cracraft, J.), affirmed May 6, 1987.
- Scroggins v. English Lumber Co., CA 87-107 (Cracraft, J.), affirmed July 1, 1987.
- Service Finance Corp. v. Stone, CA 86-358 (Mayfield, J.), affirmed May 6, 1987.
- Shelter Ins. Co. v. Richmond, CA 87-45 (Mayfield, J.), affirmed as modified June 10, 1987.
- Shuffield v. State, CA CR 87-85 (Per Curiam), Appellant's Motion to Set Bond remanded June 3, 1987.
- Silberstein v. Krug, CA 86-352 (Jennings, J.), affirmed April 29, 1987.
- Slay v. State, CA CR 86-234 (Corbin, C.J.), affirmed as modified May 20, 1987.
- Smith v. Johnson, CA 86-384 (Cracraft, J.), affirmed May 6, 1987.
- Smith v. State, CA CR 87-21 (Corbin, C.J.), affirmed June 3, 1987.
- Smithwick v. State, CA CR 86-229 (Corbin, C.J.), affirmed May 13, 1987.
- Statewright v. State, CA CR 86-231 (Mayfield, J.), affirmed June 3, 1987.
- Stillman v. Baptist Medical Center, CA 86-190 (Mayfield, J.),

- affirmed April 22, 1987.
- Stratton v. Boyer, CA 87-86 (Corbin, C.J.), affirmed July 1, 1987.
- Strozier v. State, CA CR 86-142 (Coulson, J.), affirmed May 20, 1987.
- Taylor v. Winrock Equipment Co., CA 86-376 (Cooper, J.), reversed and remanded April 15, 1987.
- Thompson v. Carpenter Steel Co., CA 86-451 (Jennings, J.), affirmed May 27, 1987.
- 3 W Enterprises, Inc. v. McCain Mall Co., CA 86-381 (Mayfield, J.), reversed and remanded May 27, 1987.
- Tidwell v. Maybelline Co., CA 87-41 (Per Curiam), Appellee's Motion to Supplement Record denied July 1, 1987.
- Tolson v. Johnny Reed Mobile Homes, Inc., CA 87-19 (Jennings, J.), reversed and remanded June 24, 1987.
- Tri-State Ins. Co. v. Dersam, CA 87-32 (Coulson, J.), affirmed June 10, 1987.
- Tucker v. State, CA CR 86-236 (Corbin, C.J.), affirmed in part and reversed and dismissed in part July 1, 1987.
- Universal Underwriters Ins. Co. v. Harrell Motors, Inc., CA 86-476 (Cracraft, J.), affirmed in part and reversed and remanded in part June 3, 1987.
- Valley Lumber & Supply Co. v. Keith, CA 86-336 (Cracraft, J.), affirmed April 15, 1987.
- Walls v. Walls, CA 87-27 (Cooper, J.), affirmed May 13, 1987.
- Watts v. Evans, CA 87-69 (Corbin, C.J.), affirmed June 17, 1987.
- Webb v. State, CA CR 86-227 (Cracraft, J.), affirmed June 10, 1987.
- Webster v. Webster, CA 86-377 (Coulson, J.), affirmed April 22, 1987.
- Whitfield v. State, CA CR 87-9 (Cracraft, J.), affirmed June 17, 1987.
- Wiggins v. State, CA CR 86-240 (Cooper, J.), affirmed June 3, 1987.
- Williams, Cleon v. State, CA CR 86-124 (Cracraft, J.), affirmed May 20, 1987.
- Williams, Thomas v. State, CA CR 86-219 (Corbin, C.J.), affirmed May 6, 1987.
- Wilson v. State, CA CR 86-201 (Jennings, J.), affirmed April 15, 1987.
- Wolfe v. Estate of Wolfe, CA 86-231 (Jennings, J.), affirmed April 22, 1987.

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

Akins v. Director of Labor, E 86-179, May 20, 1987.
Allison v. Director of Labor, E 86-165, May 20, 1987.
Ayers v. Director of Labor, E 86-181, June 10, 1987.
Brogdon v. Director of Labor, E 86-148, May 6, 1987.
Chapman, Doyle v. Director of Labor, E 87-46, June 10, 1987.
Chapman, Emma v. Director of Labor, E 86-163, May 20, 1987.
Cresap v. Director of Labor, E 86-169, June 3, 1987.
DeMoville v. Director of Labor, E 86-170, June 3, 1987.
Ellsworth v. Director of Labor, E 86-194, June 10, 1987.
Erikson v. Director of Labor, E 86-193, June 10, 1987.
Fehrmann v. Director of Labor, E 86-161, June 3, 1987.
Felder v. Director of Labor, E 86-199, June 17, 1987.
Fortune v. Director of Labor, E 86-146, May 6, 1987.
Franklin v. Director of Labor, E 86-182, June 10, 1987.
Gifford v. Director of Labor, E 86-164, May 20, 1987.
Hall v. Director of Labor, E 86-180, June 10, 1987.
Hicks v. Director of Labor, E 86-178, June 3, 1987.
Howell v. Director of Labor, E 86-147, June 3, 1987.
Huff v. Director of Labor, E 86-187, June 10, 1987.
Jones v. Director of Labor, E 86-199, June 17, 1987.
Knowles v. Director of Labor, E 86-184, June 17, 1987.
Koehler v. Director of Labor, E 86-162, June 3, 1987.
Maxwell v. Director of Labor, E 86-151, May 6, 1987.
Moore v. Director of Labor, E 86-113, May 6, 1987.
Mowry v. Director of Labor, E 86-188, June 17, 1987.
Sebree v. Director of Labor, E 86-160, May 6, 1987.
Shoffner v. Director of Labor, E 86-176, May 20, 1987.
Slape v. Director of Labor, E 86-166, June 3, 1987.
Smith v. Director of Labor, E 87-50, June 10, 1987.
Stout v. Director of Labor, E 86-186, June 10, 1987.
Sutton v. Director of Labor, E 86-168, May 6, 1987.
Touchet v. Director of Labor, E 86-167, May 20, 1987.
Traylor v. Director of Labor, E 86-172, June 3, 1987.

