

**ARKANSAS REPORTS  
VOLUME 287**

**ARKANSAS  
APPELLATE REPORTS  
VOLUME 16**

THIS BOOK CONTAINS  
**ARKANSAS REPORTS**  
**Volume 287**

CASES DETERMINED  
IN THE

**Supreme Court  
of Arkansas**

FROM  
September 23, 1985 — December 23, 1985  
INCLUSIVE<sup>1</sup>

AND

**ARKANSAS APPELLATE  
REPORTS**  
**Volume 16**

CASES DETERMINED  
IN THE

**Court of Appeals  
of Arkansas**

FROM  
September 18, 1985 — December 18, 1985  
INCLUSIVE<sup>2</sup>

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STATE OF ARKANSAS  
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1985**

# ARKANSAS REPORTS

Volume 287

CASES DETERMINED  
IN THE

## Supreme Court of Arkansas

FROM  
September 23, 1985 — December 23, 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  
(September 23, 1985 —  
December 23, 1985, inclusive)

## JUSTICES

|                   |                   |
|-------------------|-------------------|
| JACK HOLT, JR.    | Chief Justice     |
| GEORGE ROSE SMITH | Associate Justice |
| DARRELL HICKMAN   | Associate Justice |
| JOHN I. PURTLE    | Associate Justice |
| ROBERT H. DUDLEY  | Associate Justice |
| STEELE HAYS       | Associate Justice |
| DAVID NEWBERN     | Associate Justice |

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| DONA L. WILLIAMS        | Clerk                 |
| JACQUELINE S. WRIGHT    | Librarian             |
| CLYDE DICKENS CALLIOTTE | Reporter of Decisions |

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GEORGE ROSE SMITH, ASSOCIATE JUSTICE:

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#### ROBERT H. DUDLEY, ASSOCIATE JUSTICE:

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#### STEELE HAYS, ASSOCIATE JUSTICE:

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## MITCHELL D. MOORE, SPECIAL CHIEF JUSTICE:

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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.

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- Allard v. State, CR 85-105 (Per Curiam), affirmed November 4, 1985.
- Austin v. State, CR 85-80 (Per Curiam), affirmed September 23, 1985.
- Austin v. State, CR 85-80 (Per Curiam), Pro Se Rule 37 Petition denied December 16, 1985.
- Boyd v. State, CR 85-71 (Per Curiam), Pro Se Rule 37 Petition denied October 7, 1985.
- Burns v. State, CR 85-196 (Per Curiam), Pro Se Petition for Writ of Certiorari denied November 4, 1985.
- Conley v. State (Per Curiam), Pro Se Petition for Belated Appeal granted November 4, 1985.
- Davis v. State, CR 84-155 (Per Curiam), Pro Se Rule 37 Petition denied December 23, 1985.
- Freeman v. State (Per Curiam), Pro Se Motion for Belated Appeal denied October 7, 1985.
- Germany v. State, CR 85-176 (Per Curiam), Pro Se Rule 37 Petition denied October 21, 1985.
- Grooms v. State, CR 85-140 (Per Curiam), Pro Se Petition for Writ of Certiorari denied October 7, 1985.
- Grover v. State (Per Curiam), Pro Se Motion for Belated Appeal of Order Denying Motion for Transcript denied December 23, 1985.
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- Hampton v. State, CR 85-55 (Per Curiam), affirmed September 23, 1985.
- Henderson v. State, CR 84-199 (Per Curiam), Pro Se Rule 37 Petition denied November 12, 1985.
- Hill v. State, CR 85-152 (Per Curiam), Pro Se Petition to Proceed pursuant to Criminal Procedure Rule 37 denied September 30, 1985.
- Jones v. State, CR 83-117 (Per Curiam), Pro Se Rule 37 Petition denied December 16, 1985.
- McDaniel v. State, CR 85-136 (Per Curiam), Pro Se Motion for Appointment of Counsel; motion denied and appeal dismissed September 23, 1985.
- McElroy v. State, CR 84-173 (Per Curiam), Pro Se Rule 37 Petition denied October 21, 1985.
- McGee v. State, CR 83-47 (Per Curiam), Pro Se Rule 37 Petition denied September 23, 1985.
- Maxwell v. State, CR 85-173 (Per Curiam), Pro Se Rule 37 Petition denied October 21, 1985.
- Mosier v. State, CR 84-148 (Per Curiam), Pro Se Rule 37