

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JUNE 26, 2013

*****LINKS ARE NOT AVAILABLE AT THIS TIME*****

JOHN MAUZY PITTMAN, JUDGE:

CR-11-788. Glen Eric Nelson, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Wynne and Gruber, JJ., agree.

BILL H. WALMSLEY, JUDGE:

CR-12-1106. Dennis Williams v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to withdraw granted. Gladwin, C.J., and Harrison, J., agree.

BRANDON J. HARRISON, JUDGE:

CR-12-1133. Carlton Hobbs v. State of Arkansas, from Arkansas Circuit, Southern District. Rebriefing ordered.. Gladwin, C.J., and Walmsley, J., agree.

CV-13-169. Marisol Hernandez v. Arkansas Department of Human Services and Minor Child, from Pulaski Circuit, Eleventh Division. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

ROBIN F. WYNNE, JUDGE:

CR-12-1054. Calvin Dewayne Taylor v. State of Arkansas, from Crittenden Circuit. Affirmed; motion to withdraw granted. Pittman and Gruber, JJ., agree.

CR-13-64. Joseph Ashley Max v. State of Arkansas, from Crittenden Circuit. Rebriefing ordered; motion to withdraw denied without prejudice. Pittman and Gruber, JJ., agree

DAVID M. GLOVER, JUDGE:

CR-13-161. Joshua H. Turley v. State of Arkansas, from Benton Circuit. Reversed and remanded. Wynne, Whiteaker, and Vaught, JJ., agree. Harrison and Gruber, JJ., dissent.

CV-13-278. Heather Murray v. Arkansas Department of Human Services and Minor Child, from Sebastian Circuit, Fort Smith District. Affirmed; motion to withdraw granted. Wood and Brown, JJ., agree.

CV-12-1125. Arkansas Department of Human Services v. Brenda Pope, from Pulaski Circuit, Third Division. Affirmed. Harrison, Wynne and Whiteaker, JJ., agree. Gruber and Vaught, JJ., dissent.

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LARRY D. VAUGHT, JUDGE:

CR-12-20. Terry Douglas Reed v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Rebriefing ordered; motion to withdraw denied. Whiteaker and Hixson, JJ., agree.

CV-11-1146. Rachael Bates-Zingelman v. Arkansas Department of Human Services and Minor Children, from Randolph Circuit. Affirmed; motion granted. Gladwin, C.J., and Glover, J., agree.

KENNETH S. HIXSON, JUDGE:

CR-13-65. Reginald Eugene Alls v. State of Arkansas, from Crittenden Circuit. Rebriefing ordered; motion to withdraw denied. Whiteaker and Vaught, JJ., agree

CR-13-228. Gregory Cohen v. State of Arkansas, from Crittenden Circuit. Rebriefing ordered; motion to withdraw denied. Whiteaker and Vaught, JJ., agree.

PER CURIAM DECISIONS

The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).

E-13-80. Pamela Hamlin v. Director et al.

E-13-81. Amanda Jones v. Director et al.

E-13-82. Dannie Darby v. Director et al.

E-13-83. Yvonne Johnston v. Director et al.

E-13-84. Jerroderick Arron v. Director et al.

E-13-85. Kami Hill v. Director et al.

E-13-86. Christopher D. Montgomery v. Director et al.

E-13-87. Mayetta Stokes v. Director et al.

E-13-88. Myrna Sanders v. Director et al.

E-13-89. Danny Polite v. Director et al.

E-13-90. Gary Pickron v. Director et al.

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- E-13-91. Velma Parks v. Director et al.
- E-13-92. Adrienne Pierce v. Director et al.
- E-13-93. Mark Perrymore v. Director et al.
- E-13-94. Karisa A. Clement v. Director et al.
- E-13-95. Winston Morris v. Director et al.
- E-13-96. Mary Harrell v. Director et al.
- E-13-97. Alicia Holland v. Director et al.
- E-13-98. Mickey Hunter v. Director et al.
- E-13-99. John R. Smith v. Director et al.
- E-13-100. Derrick Harris v. Director et al.
- E-13-101. Denis Garrett v. Director et al.
- E-13-102. Benjamin Johnson v. Director et al.
- E-13-103. Tina Douglas v. Director et al.
- E-13-104. Rosie Santiago v. Director et al.
- E-13-105. Toni Hamilton v. Director et al.
- E-13-106. Ronnie Lewin v. Director et al.
- E-13-107. Comfort Systems v. Director et al.

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PETITIONS FOR REHEARING: PETITIONS FOR REHEARING WERE DENIED TODAY IN THE FOLLOWING CASES.

CR-12-820. RAYMOND WILSON V STATE OF ARKANSAS, FROM MISSISSIPPI CIRCUIT.

CV-12-231. SALLY L. THOMAS V NADAV SHARON, M.D., AND OZARK REGIONS HEALTH SYSTEMS, INC. D/B/A ST. JOHN'S HOSPITAL-BERRYVILLE, FROM CARROLL CIRCUIT.

CV-12-503. SOUTHERN BUILDING SERVICES, INC. V CITY OF FORT SMITH, FROM SEBASTIAN CIRCUIT.

CV-12-667. SHAUNA CHANTEL YATES MCNUIT V MATTHEW DALTON YATES, FROM LONOKE CIRCUIT. HIXSON, J., WOULD GRANT.

CV-12-864. SHIRLEY ROUSE V DANNY MYERS D/B/A ACTION MOBILE HOMES, MYERS CONSTRUCTION, AND DANNY'S CARS AND TRUCK, FROM GRANT CIRCUIT.

CV-12-1032. MARK S. CARTER V ODIS WAYMACK AND BARBARA WAYMACK, HUSBAND AND WIFE, FROM LONOKE CIRCUIT.

CV-12-1046. RANDALL MORRIS V SHERI CHRISTOPHER, FROM GARLAND CIRCUIT.

CR-12-584. BRANDON CLARK FRITTS V. STATE OF ARKANSAS, MOTION OF SHERRI L. LATIMER FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-12-878. BRYAN LEWIS V. STATE OF ARKANSAS, FROM CRITTENDEN CIRCUIT. MOTION OF BRIAN WILLIAMS FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-12-889. ROGER SCALLION V STATE OF ARKANSAS, FROM BOONE CIRCUIT. MOTION OF REBEKAH KENNEDY FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-12-934. GERRY SEALS V STATE OF ARKANSAS, FROM SEBASTIAN CIRCUIT. MOTION OF JOHN OGLES FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-12-936. JUSTIN JARQUEL MARTIN V STATE OF ARKANSAS, FROM JEFFERSON CIRCUIT. MOTION OF ROBERT M. "ROBBY" GOLDEN FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-12-972. CURTIS RICHEY V. STATE OF ARKANSAS, FROM LAWRENCE CIRCUIT. MOTION OF C. SCOTT NANCE FOR ATTORNEY'S FEES IS DENIED WITHOUT PREJUDICE.

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CR-12-985. MICHAEL SHANE JOLLY V STATE OF ARKANSAS, FROM SALINE CIRCUIT. MOTION OF J. BRENT STANDRIDGE FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CR-12-1091. JUDITH ANN PIGGEE V STATE OF ARKANSAS, FROM FAULKNER CIRCUIT. MOTION OF CAROLINE WINNINGHAM FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,500.00.

CR-12-1091. JUDITH ANN PIGGEE V STATE OF ARKANSAS, FROM FAULKNER CIRCUIT. MOTION OF CAROLINE WINNINGHAM TO WITHDRAW AS COUNSEL FOR APPELLANT IS GRANTED.

CR-13-89. LAMONZA DEVAR TOLLIVER V STATE OF ARKANSAS, FROM HEMPSTEAD CIRCUIT. APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF IS GRANTED. APPELLANT'S BRIEF DUE AUGUST 8, 2013. FINAL EXTENSION.

CR-13-326. PENNY J. WHITSON V STATE OF ARKANSAS, FROM BAXTER CIRCUIT. APPELLANT'S MOTION TO PROCEED PRO SE AND MOTION TO DUPLICATE COPIES IS DENIED.

CV-10-155. JEANNE HUDGENS V ARKANSAS DEPARTMENT OF HUMAN SERVICES, FROM UNION CIRCUIT. MOTION OF NON-PARTY, ARKANSAS PSYCHOLOGY BOARD, FOR ACCESS TO SEALED RECORD IS DENIED.

CV-12-194. BETTY BOYKIN V CENTRAL MALONEY, INC., AND CROCKETT ADJUSTMENT INSURANCE, FROM ARKANSAS CIRCUIT. MOTION AND AMENDED MOTION FOR RECONSIDERATION BECAUSE OF IMPROPER FILING ARE DENIED.

CV-12-503. SOUTHERN BUILDING SERVICES, INC. V CITY OF FORT SMITH, FROM SEBASTIAN CIRCUIT. APPELLANT'S MOTION FOR CONTINUED STAY OF EXECUTION AND CANCELLATION OF SUPERSEDEAS BOND IS GRANTED.

CV-12-818. E.N. V STATE OF ARKANSAS, FROM BENTON CIRCUIT. MOTION OF M. TRACY OATES FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,046.81.

CV-12-949. LLOYD COOK V ARKANSAS DEPARTMENT OF HUMAN SERVICES AND MINOR CHILDREN, FROM BENTON CIRCUIT. JOINT MOTION OF APPELLEES' TO DISMISS APPELLANT LLOYD COOK'S APPEAL AS UNTIMELY IS GRANTED.

CV-13-60. ARKANSAS ELDER OUTREACH OF LITTLE ROCK ET AL. V JOE ANN NICHOLSON, FROM LONOKE CIRCUIT. APPELLEE'S MOTION TO DISMISS APPEAL AND STAY BRIEFING OR IN THE ALTERNATIVE EXTENSION OF BRIEF TIME. MOTION TO DISMISS DENIED. APPELLEE'S BRIEF DUE JULY 26, 2013. HARRISON AND WHITEAKER, JJ., NOT PARTICIPATING.

CV-13-87. ARKANSAS REALTORS ASSOCIATION V REAL FORMS, LLC, FROM WASHINGTON CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD IS GRANTED.

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CV-13-99. E.S. V STATE OF ARKANSAS, FROM CRAIGHEAD CIRCUIT. MOTION OF TERRY GOODWIN JONES FOR ATTORNEY'S FEES IS GRANTED. ALLOWED \$1,800.00.

CV-13-155. MICHELE MCCORMICK KEITH V STEVEN CONRAD KEITH, FROM OUACHITA CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD AND STAY BRIEFING AND MOTION TO WITHDRAW MOTION TO SUPPLEMENT THE RECORD AND FOR BRIEF TIME. MOTION TO WITHDRAW MOTION TO SUPPLEMENT IS GRANTED. APPELLANT'S BRIEF DUE JULY 11, 2013.

CV-13-260. BILL W. SCHWYHART ET AL. V J.B. HUNT, LLC, ET AL., FROM BENTON CIRCUIT. MOTION OF DERRICK DAVIDSON TO WITHDRAW AS COUNSEL FOR APPELLANTS IS GRANTED.

CV-13-260. BILL W. SCHWYHART ET AL. V J.B. HUNT, LLC, ET AL., FROM BENTON CIRCUIT. MOTION OF K. VAUGHN KNIGHT TO WITHDRAW AS COUNSEL FOR APPELLANTS IS GRANTED.

CV-13-341. BETTYE DUNN WRIGHT V ARKANSAS STATE BOARD OF EDUCATION, FROM PULASKI CIRCUIT. APPELLEE'S MOTION TO DISMISS APPEAL IS GRANTED.

CV-13-377. GARY LARUE V FORSGREN, INC., ET AL., FROM BENTON CIRCUIT. APPELLANT'S MOTION TO SUPPLEMENT THE RECORD FOR APPEAL IS GRANTED. HIXSON, J., NOT PARTICIPATING.

CV-13-466. SARAH T. BRANTLEY AND JAMES WILLIAM BRANTLEY V NORTHWEST ARKANSAS HOSPITALS, LLC, ET AL., FROM BENTON CIRCUIT. APPELLANTS' MOTION TO SEAL RECORD IS GRANTED.