

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF JUNE 18, 2014

#### ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-13-537](#). Khalin Collins v. State of Arkansas, from Columbia County Circuit Court. Rebriefing ordered. Vaught and Brown, JJ., agree.

[CR-13-900](#). Earl Mangum, III v. State of Arkansas, from Saline County Circuit Court. Appeal dismissed. Pittman and Whiteaker, JJ., agree.

[CR-13-1086](#). Justin B. Alberson v. State of Arkansas, from Hempstead County Circuit Court. Affirmed; motion to withdraw granted. Pittman and Whiteaker, JJ., agree.

[CV-13-865](#). Lydia Perkins v. Arkansas Department of Human Services and D.D., Minor Child, from Saline County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

#### JOHN MAUZY PITTMAN, JUDGE:

[CR-12-1080](#). Alan Lee Hooten v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Hixson and Wood, JJ., agree.

[CR-13-117](#). Seimond Evans v. State of Arkansas, from Union County Circuit Court. Affirmed; motion to withdraw granted. Gladwin, C.J., and Whiteaker, J., agree.

[CR-13-974](#). Donald Ray Miller v. State of Arkansas, from Drew County Circuit Court. Affirmed; motion to withdraw granted. Gladwin, C.J., and Whiteaker, J., agree.

#### BILL H. WALMSLEY, JUDGE:

[CR-13-89](#). Lamonza Devar Tolliver v. State of Arkansas, from Hempstead County Circuit Court. Affirmed; motion to withdraw granted. Glover and Vaught, JJ., agree.

[CR-13-714](#). Thomas Oliver Murchison v. State of Arkansas, from Garland County Circuit Court. Affirmed. Harrison and Wynne, JJ., agree.

[CR-13-743](#). Charles Whitfield v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed; remanded with instructions to correct sentencing order. Harrison and Wynne, JJ., agree.

[CR-13-845](#). Ian Patterson v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Glover and Vaught, JJ., agree.

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BILL H. WALMSLEY, JUDGE: (Continued)

[CV-13-867](#). Shelby County Health Care Corporation d/b/a Regional Medical Center v. Jessica Teague, from Poinsett County Circuit Court. Reversed and remanded. Harrison and Wynne, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-13-724](#). Frederick Rainey v. State of Arkansas, from Cleveland County Circuit Court. Rebriefing ordered; motion to withdraw denied. Gruber and Wood, JJ., agree.

[CR-13-747](#). Charles R. Whitfield v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed. Walmsley and Wynne, JJ., agree.

[CV-13-922](#). Jessica Eldredge v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court. Affirmed; motion to withdraw granted. Walmsley and Wynne, JJ., agree.

[CV-13-1097](#). Amber Dodge v. Arkansas Department of Human Services and J.H., K.F., and T.F., Minors, from Johnson County Circuit Court. Affirmed; motion to withdraw granted. Walmsley and Wynne, JJ., agree.

[CV-14-52](#). Misty Chapman and Bobby Wyles, Jr. v. Arkansas Department of Human Services, from Perry County Circuit Court. Affirmed; motions to withdraw granted. Walmsley and Wynne, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CR-13-776](#). Michael A. Davis v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Hixson and Brown, JJ., agree.

[CR-13-878](#). Gary Carter v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Hixson and Brown, JJ., agree.

[CR-13-1087](#). Herbert C. Rule, III v. State of Arkansas, from Washington County Circuit Court. Affirmed. Walmsley and Harrison, JJ., agree.

[CV-13-309](#). Tim Clark and Sarah Clark v. Southern Farm Bureau Casualty Insurance Company, from Pulaski County Circuit Court, Seventeenth Division. Dismissed without prejudice; appellee's motions denied. Walmsley and Harrison, JJ., agree.

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ROBIN F. WYNNE, JUDGE: (Continued)

[E-14-52](#). Jeremy Byers v. Director, Department of Workforce Services, and Arkansas Department of Health, from the Arkansas Board of Review. Reversed and remanded. Hixson and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-13-682](#). Calvin Jerome Stover v. State of Arkansas, from Benton County Circuit Court. Affirmed. Glover and Whiteaker, JJ., agree.

[CR-13-943](#). James E. Prackett v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Wood, JJ., agree.

[CV-13-1126](#). Brittany Cole v. Arkansas Department of Human Services, from Jefferson County Circuit Court. Affirmed. Glover and Whiteaker, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-11-617](#). Daniel Weaver v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Walmsley and Vaught, JJ., agree.

[CR-13-769](#). Michael D. Langel v. State of Arkansas, from Grant County Circuit Court. Affirmed; motion granted. Gruber and Whiteaker, JJ., agree.

[CR-13-946](#). James Andrew Boeta v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion granted. Walmsley and Vaught, JJ., agree.

[CV-13-813](#). Anderson's Taekwondo Center Camp Positive, Inc., and Richard Anderson v. Landers Auto Group No. 1, Inc., d/b/a Landers Toyota; Steve Landers, Sr.; Steve Landers, Jr.; and Scott Landers, from Pulaski County Circuit Court, Sixth Division. Affirmed in part, reversed and remanded in part on direct appeal; affirmed on cross-appeal. Walmsley, Wynne, Vaught, and Brown, JJ., agree. Gladwin, C.J., and Whiteaker, Hixson, and Wood, JJ., concur in part; dissent in part.

[CV-14-134](#). Amy Villanueva v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Whiteaker, JJ., agree.

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#### PHILLIP T. WHITEAKER, JUDGE:

[CR-13-257](#). Timothy Allen Fiveash v. State of Arkansas, from Boone County Circuit Court. Affirmed; motion to withdraw granted. Gladwin, C.J., and Pittman, J., agree.

[CR-13-853](#). David Wade Tennant v. State of Arkansas, from Benton County Circuit Court. Motion to withdraw denied; rebriefing ordered. Gruber and Glover, JJ., agree.

[CR-13-901](#). Shawn Patrick McCarty v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Appeal dismissed; motion to withdraw granted. Gladwin, C.J., and Pittman, J., agree.

[CR-14-60](#). Songa Wimbley v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Gruber and Glover, JJ., agree.

#### LARRY D. VAUGHT, JUDGE:

[CR-13-755](#). Joshua Featherston v. State of Arkansas, from Crawford County Circuit Court. Affirmed; motion to withdraw granted. Walmsley and Glover, JJ., agree.

[CR-13-947](#). Rickey Vail v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Walmsley and Glover, JJ., agree.

[CR-13-1027](#). Robbie L. Ward v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Gladwin, C.J., and Brown, J., agree.

[CV-14-162](#). Krista Collins v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Affirmed; motion to withdraw granted. Gladwin, C.J., and Brown, J., agree.

#### KENNETH S. HIXSON, JUDGE:

[CR-13-790](#). Christopher D. Bledsoe v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion granted. Wynne and Brown, JJ., agree.

[CR-13-902](#). Verlin L. Sherril v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion granted. Wynne and Brown, JJ., agree.

[CR-13-1103](#). Danny Wayne Stalnaker v. State of Arkansas, from Saline County Circuit Court. Affirmed. Pittman and Wood, JJ., agree.

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KENNETH S. HIXSON, JUDGE: (Continued)

[CV-14-223](#). Karen Denise Thompkins and Nelson Frazier v. Arkansas Department of Human Services and Minor Children, from Scott County Circuit Court. Affirmed; motions granted. Pittman and Wood, JJ., agree.

RHONDA K. WOOD, JUDGE:

[CR-13-791](#). Anthony C. Granger v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Gruber, JJ., agree.

[CR-13-1155](#). Kim Derick Jackson v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Affirmed. Pittman and Hixson, JJ., agree.

[CR-14-61](#). Damien Crump v. State of Arkansas, from Jefferson County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Gruber, JJ., agree.

[CV-14-190](#). Christopher Peoples v. Arkansas Department of Human Services and Minor Children, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Pittman and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-13-844](#). Resheila Chaisson v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Wynne and Hixson, JJ., agree.

[CR-14-43](#). Eddie Joe Andry v. State of Arkansas, from Garland County Circuit Court. Affirmed; motion to withdraw granted. Wynne and Hixson, JJ., agree.

[CR-14-119](#). T.M. v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gladwin, C.J., and Vaught, J., agree.

[CV-13-1161](#). Debra White v. Arkansas Department of Human Services and Minor Child, from Yell County Circuit Court, Danville District. Rebriefing ordered; motion to withdraw denied. Gladwin, C.J., and Vaught, J., agree.

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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-13-1277. Brittany Huffman v. Director et al.

E-14-1. Mark Hughes v. Director et al.

E-14-4. Megan Dyer v. Director et al.

E-14-7. Cindy Conway v. Director et al.

E-14-10. Paula McInnes v. Director et al.

E-14-13. Santiago Castanon v. Director et al.

E-14-16. Jason Peron v. Director et al.

E-14-19. Harry Cummings, Jr. v. Director et al.

E-14-22. Lakisha Thomas v. Director et al.

E-14-25. Adrian Clayton v. Director et al.

E-14-29. Deidra Dillard v. Director et al.

E-14-32. Yvonne Dooley v. Director et al.

E-14-33. Cody Adams v. Director et al.

E-14-34. Jennifer Norris v. Director et al.

E-14-35. Richard Vermeulen v. Director et al.

E-14-36. Eric Rankins v. Director et al.

E-14-37. Kirk Gillett v. Director et al.

E-14-38. Lisa Finch v. Director et al.

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E-14-39. Wilson Homes of Arkansas v. Director et al.

E-14-40. Ronald Shelton v. Director et al.

E-14-41. Robert Sims v. Director et al.

E-14-42. Karen Trice v. Director et al.

E-14-43. Bridgette Ray v. Director et al.

E-14-44. Carolyn Reese v. Director et al.

E-14-45. Dawnkwee Boyd v. Director et al.

E-14-46. Nivia Landon v. Director et al.

E-14-47. Roderick Hickman v Director et al.

E-14-48. Adrienne Sanders v. Director et al.

E-14-49. Harold Appukuttan v. Director et al.

E-14-50. Cynthia Lowery v. Director et al.

E-14-51. Carl Beasley v. Director et al.

E-14-53. Vanita Payne v. Director et al.

E-14-54. Heather Lemberg v. Director et al.

E-14-55. Chico Childs v. Director et al.

E-14-56. Cheryl Jones v. Director et al.

E-14-57. James Schmidt v. Director et al.

E-14-58. Barry Jackson v. Director et al.

E-14-59. Delvin Davey v. Director et al.

E-14-60. Johnny Hamilton v. Director et al.

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E-14-62. Glen Baty v. Director et al.

E-14-63. Robbie Mashburn v. Director et al.

E-14-64. John Trass v. Director et al.

E-14-65. Shawn Wood v. Director et al.

E-14-66. Whitney Christie v. Director et al.

E-14-67. Melvin Plummer v. Director et al.

E-14-68. Katherine Brown v. Director et al.

E-14-69. Denny Sharp v. Director et al.



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**PER CURIAM ORDERS**

PETITIONS FOR REHEARING: Petitions for rehearing were denied today in the following cases.

CV-13-340. Donald Ray Stratton, Jr. v. Linda Jean Stratton, Personal Representative of the Estate of Donald Ray Stratton, Sr., from Benton County Circuit Court.

CV-13-550. Linda J. Earls v. Harvest Credit Management VI-B, LLC, from Greene County Circuit Court.

[CV-13-966](#). Chidi Ukegbu and Dorothy Ukegbu, Individually, and d/b/a America's Pre-Owned Selection v. Joshua S. Daniels d/b/a Ryder Wholesale Auto, from Garland County Circuit Court. *See* substituted opinion this date.

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CR-11-415. Edward Liggins v. State of Arkansas, from Craighead Circuit, Western District. Appellant's motion for extension of time to lodge substituted brief is granted. Gladwin, C.J., would deny.

CR-13-94. Jeremy Stockton v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Evan C. Bell for attorney's fees is granted. Allowed \$1800.00.

CR-13-130. Roy Maurice Harris v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for extension of time to file brief. Brian Williams removed as counsel for appellant. Laura Avery appointed to represent appellant.

CR-13-159. Jason E. Dove v. State of Arkansas, from Crittenden County Circuit Court. Motion for rule on clerk and motion for extension of time to file brief. Brian Williams removed as counsel for appellant. Tim Cullen appointed to represent appellant. Vaught, J., not participating.

CR-13-164. Christopher Clark v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary Potts for attorney's fees is granted. Allowed \$1800.00.

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CR-13-174. Donald D. Edwards v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,600.00.

CR-13-569. Renford S. Williams II v. State of Arkansas, from Faulkner County Circuit Court. Motion of Christopher Lacy for attorney's fees is granted. Allowed \$1,800.00.

CR-13-672. Demarlon Coakes v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Motion of Jennifer Williams Flinn for attorney's fees is granted. Allowed \$1,800.00.

CR-13-760. Brandon Rogers v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,800.00.

CR-13-773. Jeremiah Stewart v. State of Arkansas, from Crittenden County Circuit Court. Motion of Shaun Hair for attorney's fees is granted. Allowed \$1,800.00.

CR-13-836. Donnie Slater v. State of Arkansas, from Arkansas County Circuit Court. Appellant's pro se motion to amend petition for amended pro se points is denied.

CR-13-929. A.S. v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees is granted. Allowed \$1,800.00.

CR-13-945. Timothy Smith v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for extension of time to file brief. Brian Williams removed as counsel for appellant. Jonathan Lane appointed to represent appellant.

CR-13-1010. Jermaine C. Hicks v. State of Arkansas, from Crittenden County Circuit Court. Motion for rule on clerk and motion for extension of time to file brief. Brian Williams removed as counsel for appellant. David Bowden appointed to represent appellant.

CR-13-1011. Roy Martin Barber v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$500.00.

CR-13-1014. Edward Juanito Boyd v. State of Arkansas, from Sebastian County Circuit Court. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$1,590.00.

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CR-13-1034. Erik Heigelmann v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney's fees is granted. Allowed \$1,800.00.

CR-14-55. Gregory S. Crum v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk. Motion treated as a motion to file belated brief and granted.

CR-14-129. Rene Garcia v. State of Arkansas, from Washington County Circuit Court. Appellee's motion to dismiss appeal is denied.

CR-14-149. Jennifer L. Schiffer v. State of Arkansas, from Crittenden County Circuit Court. Motion for rule on clerk and motion for extension of time. Brian Williams removed as counsel for appellant. Lisa-Marie Norris is appointed to represent appellant.

CR-14-217. Mark Edward Thomas v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to dismiss appeal is denied.

CR-14-254. John L. Johnson v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal is denied.

CR-14-365. H.V. v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for leave of the court to not abstract videotape exhibit is granted.

CV-13-457. Kent Smith, DVM v. Kimberly V. Freeman and Armistead Council Freeman, Jr., from Perry County Circuit Court. Appellant's pro se motion to file belated reply brief is denied.

CV-13-770. Jean Doran v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss for failure to timely file supplemental record is denied.

CV-13-814. C.C. v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones, III, for attorney's fees is granted. Allowed \$1,800.00.

CV-13-1130. St. Edward Mercy Medical Center and Sisters of Mercy Health System v. Karen Gilstrap, from the Arkansas Workers' Compensation Commission. Appellee's motion for an award of attorney's fees is granted.

CV-13-1134. Albert Coleman v. Eric Strom and Ida Strom, from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion for appointment of counsel, to allow

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counsel, Bridgette Frazier, to withdraw and for stay of proceedings. Appellant's motion for appointment of counsel is denied. Bridgette Frazier withdrawn as counsel for appellant.

CV-14-87. Daren Cason v. Gladys Lambert, Leone K. Henrickson and Union Bank & Trust Company, from Drew County Circuit Court. Appellant's pro se motion to extend time to file brief is granted.

CV-14-128. John F. Dunn et al. v. American Mortgage Associates et al., from Pulaski County Circuit Court, Seventeenth Division. Appellants' motion to supplement the record and to extend time for filing brief. Appeal dismissed without prejudice; motion moot.

CV-14-157. Richard White v. Karen Shepard, from Carroll County Circuit Court. Appellant's bankruptcy status report is due August 17, 2014.

CV-14-195. Donnie Hudson v. Arkansas Department of Human Services, from Washington County Circuit Court. Appellee's motion to dismiss appeal and stay briefing schedule. Appellee's motion to dismiss appeal is passed until case is submitted.

CV-14-225. Mary Collins v. Ava Leutholt, Richard Leutholt and Leutholt Properties, LLC, from Randolph County Circuit Court. Appellant's motion to remand or for extension of brief time. Appeal dismissed without prejudice; motion moot.

CV-14-231. Billy J. Kain, Jr. v. Michael Kain and Lenay Kain, from Craighead County Circuit Court, Eastern District. Appellant's pro se motion to file a belated brief is granted.

CV-14-394. April Young v. Arkansas Department of Human Services, from Jefferson County Circuit Court. Appellant's motion to correct the record and to stay brief time is granted.

CV-14-398. Dustin McDaniel, Attorney General v. Arkansas Public Service Commission and Sourcegas Arkansas, Inc., from Arkansas Public Service Commission. Joint motion to hold appeal in abeyance is granted.

CV-14-457. Paul Anthony Graver v. City of Alexander, Arkansas, from Pulaski County Circuit Court, Sixth Division. Motion of Carla L. Miller to withdraw as counsel for appellee is granted.

E-13-1090. Sherry Holliman v. Director et al., from the Arkansas Board of Review. Pro se motion for reconsideration is denied.

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**PER CURIAM ORDERS**

**The following cases were dismissed for failure to file briefs in accordance with Supreme Court Rule 4-5.**

CV-13-605. Will S. Ford v. Saline Steel Erectors, Inc., from the Arkansas Workers' Compensation Commission.

CV-13-808. Paige Nichole Houston v. Morgan Barnes, from Washington County Circuit Court.

CV-13-897. Alden Martinez v. Kay Martinez, from Washington County Circuit Court.