

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF JUNE 17, 2015

### ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-14-771](#). Jeffery Dale Hardy v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Virden and Brown, JJ., agree.

[CV-14-1067](#). Mohammad Ashraf Lone v. Rick Koch d/b/a Rick Koch Oil Company, from Pulaski County Circuit Court, Sixth Division. Affirmed on direct appeal; reversed and remanded on cross-appeal. Virden and Hixson, JJ., agree.

[CV-15-146](#). Chantel Simmons v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Affirmed. Virden and Brown, JJ., agree.

### RAYMOND R. ABRAMSON, JUDGE:

[CR-14-892](#). Kenneth O. Newton v. State of Arkansas, from Union County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered; motion to withdraw denied without prejudice. Gruber and Hoofman, JJ., agree.

[CR-14-960](#). Anthony McLemore, Jr. v. State of Arkansas, from Jefferson County Circuit Court. Affirmed; motion to be relieved granted. Gruber and Hoofman, JJ., agree.

[CV-14-1013](#). Abigail Adams Ransom v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Eleventh Division. Affirmed; motion to withdraw granted. Glover and Brown, JJ., agree.

### BART J. VIRDEN, JUDGE:

[CR-14-1103](#). Aaron Keith Hughes v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed; motion to withdraw granted. Gladwin, C.J., and Brown, J., agree.

[CR-15-105](#). Noel Douglas Turner v. State of Arkansas, from Lonoke County Circuit Court. Affirmed; motion to withdraw granted. Gladwin, C.J., and Brown, J., agree.

[CV-15-36](#). Centers for Youth & Families, Risk Management Resources, ATA Workers' Comp-Si Trust v. Joyce A. Wood, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin, C.J., and Hixson, J., agree.

[CV-15-69](#). Alma Ozuna v. Arkansas Department of Human Services, from Logan County Circuit Court, Southern District. Affirmed; motion to withdraw granted. Gladwin, C.J., and Hixson, J., agree.

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BRANDON J. HARRISON, JUDGE:

[CR-14-835](#). Jay Jones v. State of Arkansas, from Pope County Circuit Court. Supplemental addendum ordered; rebriefing ordered; motion to withdraw denied without prejudice. Kinard and Glover, JJ., agree.

[CR-14-911](#). Hailey Michelle Turman v. State of Arkansas, from Crawford County Circuit Court. Affirmed; sentencing order modified. Gruber and Vaught, JJ., agree.

[CV-15-13](#). Robert B. Prochazka and Donna M. Prochazka v. Bee-Three Development, LLC, from Pope County Circuit Court. Reversed and remanded. Abramson, Kinard, and Whiteaker, JJ., agree. Virden, J., concurs. Gruber, Vaught, Hoofman, and Brown, JJ., dissent.

[CV-15-143](#). Magaly Delacruz v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Gruber and Vaught, JJ., agree.

[CV-15-154](#). Brittany Morton v. Arkansas Department of Human Services and Minor Children, from White County Circuit Court. Affirmed. Kinard and Glover, JJ., agree.

[E-15-53](#). Cassie Johnson v. Director, Department of Workforce Services, and Arkansas Department of Correction, from the Arkansas Board of Review. Reversed and remanded. Kinard and Glover, JJ., agree.

M. MICHAEL KINARD, JUDGE:

[CR-14-789](#). Marcus Harris v. State of Arkansas, from Jefferson County Circuit Court. Supplemental addendum ordered. Harrison and Glover, JJ., agree.

[CR-14-913](#). Teria K. Sutton v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Glover, JJ., agree.

[CR-14-983](#). Richard Springer v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Supplemental abstract and addendum ordered. Whiteaker and Hoofman, JJ., agree.

[CV-14-1099](#). Richard J. Orintas and M. Melanie Orintas v. Point Lookout Property Owners Association Board of Directors, from Garland County Circuit Court. Remanded to supplement the record; supplemental addendum ordered. Whiteaker and Hoofman, JJ., agree.

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RITA W. GRUBER, JUDGE:

[CR-14-683](#). Albert W. Liddell v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion granted. Harrison and Vaught, JJ., agree.

[CR-14-780](#). Brandon House v. State of Arkansas, from Clark County Circuit Court. Dismissed. Abramson and Hoofman, JJ., agree.

[CR-14-888](#). Sammy Lee Dickson v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion granted. Abramson and Hoofman, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-14-579](#). Khiry Daushon Nichols v. State of Arkansas, from Washington County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

[CR-14-834](#). Colton Gene Slusher v. State of Arkansas, from Johnson County Circuit Court. Affirmed; motion granted. Harrison and Kinard, JJ., agree.

[CR-14-971](#). Arnold Lee McCabe, Sr. v. State of Arkansas, from Crawford County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Kinard, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-14-783](#). Kamran Tyshun Jackson v. State of Arkansas, from Conway County Circuit Court. Rebriefing ordered; motion to withdraw denied without prejudice. Vaught and Hixson, JJ., agree.

[CR-14-824](#). Kendricks Hill v. State of Arkansas, from Garland County Circuit Court. Supplemental addendum ordered. Kinard and Hoofman, JJ., agree.

[CV-14-1130](#). Angela Metcalf v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division. Affirmed. Vaught and Hixson, JJ., agree.

[CV-15-167](#). Stephanie Bradshaw v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Affirmed; motion to withdraw granted. Kinard and Hoofman, JJ., agree.

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LARRY D. VAUGHT, JUDGE:

[CR-14-895](#). Jesse James Washington v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Hixson, JJ., agree.

[CR-14-1024](#). Ashley Griffin v. State of Arkansas, from Jefferson County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Hixson, JJ., agree.

[CV-15-41](#). Francis Wise v. Village Inn and Farmers Insurance Companies, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Harrison and Gruber, JJ., agree.

[CV-15-110](#). Eric Martin v. Arkansas Department of Human Services and Minor Child, from Randolph County Circuit Court. Affirmed. Harrison and Gruber, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-14-842](#). Fabian Trotter v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion granted. Whiteaker and Vaught, JJ., agree.

[CR-14-921](#). Cedrick Paschal v. State of Arkansas, from Columbia County Circuit Court. Affirmed; motion granted. Whiteaker and Vaught, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CR-14-896](#). Hannah A. Lesley v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Gruber, JJ., agree.

[CR-14-1029](#). Samuel Jerome Henderson v. State of Arkansas, from Ashley County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Gruber, JJ., agree.

[CR-15-58](#). Jacob Michael Foster v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Kinard and Whiteaker, JJ., agree.

[CV-14-974](#). Marty Flow v. Kristi Turner, from Boone County Circuit Court. Appeal dismissed. Kinard and Whiteaker, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-14-555](#). Michael Eugene Rea v. State of Arkansas, from Saline County Circuit Court. Rebriefing ordered. Gladwin, C.J., and Virden, J., agree.

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WAYMOND M. BROWN, JUDGE: (Continued)

[CR-14-866](#). Gerald Jermaine Allen v. State of Arkansas, from Crittenden County Circuit Court. Rebriefing ordered; motion to withdraw denied. Gladwin, C.J., and Virden, J., agree.

[CV-15-42](#). Stephens Production Company v. Kathy Bennett, Franklin County Assessor; Sylvia Knoles, Franklin County Collector; and Franklin County, Arkansas, from Franklin County Circuit Court, Northern District. Supplemental addendum ordered. Abramson and Glover, 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-15-9. Tyree Parham v. Director et al.

E-15-10. Brock Weast v. Director et al.

E-15-11. Genia Walker v. Director et al.

E-15-12. Heather Bennett v. Director et al.

E-15-13. Mark Sparkman v. Director et al.

E-15-14. Andrew Jackson v. Director et al.

E-15-15. Jamie Williams v. Director et al.

E-15-16. Michael Easton v. Director et al.

E-15-17. Julie Jones v. Director et al.

E-15-18. Corey Walker v. Director et al.

E-15-19. Jessie Smith v. Director et al.

E-15-20. Bryan Blackwell v. Director et al.

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- E-15-21. Jackie Garrison v. Director et al.
- E-15-22. Namen Thomas v. Director et al.
- E-15-23. Casey Fortner v. Director et al.
- E-15-24. Angela Rodgers v. Director et al.
- E-15-25. John Snelson v. Director et al.
- E-15-26. Pamela Simmons v. Director et al.
- E-15-27. David Bower v. Director et al.
- E-15-28. Doris Wilkins v. Director et al.
- E-15-29. Evan Quinalty v. Director et al.
- E-15-30. Randy Walker v. Director et al.
- E-15-32. Harold Wilson v. Director et al.
- E-15-33. Susan Hasson v. Director et al.
- E-15-34. Sammie Singleton v. Director et al.
- E-15-35. David Branscum v. Director et al.
- E-15-36. Daymon Dismuke v. Director et al.
- E-15-37. Ralph Gonzales, Jr. v. Director et al.
- E-15-38. Dave Cook v. Director et al.
- E-15-40. Hailey Counce v. Director et al.
- E-15-41. Barry Baldwin v. Director et al.
- E-15-42. Bridgett Smith v. Director et al.
- E-15-43. Karen Hudson v. Director et al.

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E-15-44. Inetta Fryar v. Director et al.

E-15-45. Sheila Smith v. Director et al.

E-15-46. LaShonda Brown v. Director et al.

E-15-47. Kevin Hinton v. Director et al.

E-15-48. Kyisha Donaldson v. Director et al.

E-15-49. Shelia Stephens v. Director et al.

E-15-50. Gregory Ayers v. Director et al.

E-15-51. Kellie White v. Director et al.

E-15-52. Patricia Brown v. Director et al.

E-15-54. Cheyenne Basden v. Director et al.

E-15-55. Gregory Christopher v. Director et al.

E-15-56. Pamela Nichols v. Director et al.

E-15-57. Connie McKinnon v. Director et al.

E-15-58. Karen Claybrooks v. Director et al.

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**PER CURIAM ORDERS**

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

CR-14-326. Bruce Allen Echols v. State of Arkansas, from Saline County Circuit Court.

CV-14-421. John J. Bruchhagen v. Felicia Wheat Acord, from Pulaski County Circuit Court, Sixth Division.

CV-14-593. Nasser K. Filat v. Jim Rand, Rand Properties I, LLC; Subway Real Estate Corporation; Doctors Associates, Inc.; and Frank and Lisa Gardner, from White County Circuit Court.

CV-14-601. Carlean Canady v. Petit Jean State Bank, from Conway County Circuit Court.

CV-14-754. John Hall v. State Farm Bank, from Independence County Circuit Court.

[CV-14-891](#). Covenant Presbytery v. First Baptist Church, Osceola, Arkansas, and Sun Trust Bank, as Trustee Under the Will of Stanley D. Carpenter, from Mississippi County Circuit Court, Osceola District. See **substituted opinion** this date.

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CR-15-64. Francisco Medley v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to dismiss appeal is denied.

CR-15-113. Stanley Nelson v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to supplement the record is granted.

CR-15-294. Lasaba Hill v. State of Arkansas, from Washington County Circuit Court. Pro se motion to relieve counsel is denied.

CR-15-309. Jessica Denae Johnson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion for consolidation of cases is denied.



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CR-15-337. Amy Lee Ballinger v. State of Arkansas, from Ashley County Circuit Court. Appellant's motion to file belated brief is granted.

CV-14-157. Richard White v. Karen Shepard, from Carroll County Circuit Court, Western District. Appellee's motion for reconsideration of award of attorney's fees on appeal to appellant is denied.

CV-14-495. T.R. v. L.H., P.M., and S.M., from Benton County Circuit Court. Appellant's motion to expand the page limitation for reply brief is denied.

CV-14-593. Nasser K. Filat v. Jim Rand, Rand Properties I, LLC; Subway Real Estate Corporation; Doctors Associates, Inc.; and Frank and Lisa Gardner, from White County Circuit Court. Appellant's motion and request for attorney's fees and costs is denied.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, LLC, from Mississippi County Circuit Court, Osceola District. Motion of appellee Big River Steel, LLC, for leave to file surreply is denied.

CV-14-1126. Leece Properties, LLC; Jeffery W. Leece; and Sherry S. Leece v. Rodney Myers; R.D. Myers Development, Inc.; Scott Vise; and Jonathan D. Jones, Individually and Jonathan D. Jones, Attorney at Law, P.A., from Garland County Circuit Court. Motion of Ronald G. Naramore to withdraw as counsel is granted. Vaught, J., would deny.

CV-15-98. Michael R. Morris v. Nickolas Knopick, from Baxter County Circuit Court. Appellee's motion to dismiss appeal for lack of final order is passed until the case is submitted.

CV-15-98. Michael R. Morris v. Nickolas Knopick, from Baxter County Circuit Court. Appellee's motion for extension is granted. Appellee's brief is due June 24, 2015.

CV-15-104. Citibank, N. A. v. T. David Carruth et al., from Conway County Circuit Court. Motion of appellee T. David Carruth to dismiss appeal is passed until the case is submitted. Abramson and Vaught, JJ., not participating.

CV-15-104. Citibank, N. A. v. T. David Carruth et al., from Conway County Circuit Court. Motion of appellee T. David Carruth for extension of time to file brief is granted. Appellees' brief is due July 17, 2015. Abramson and Vaught, JJ., not participating.

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CV-15-250. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court. Appellee's motion to modify briefing schedule is denied.

CV-15-300. Priscilla Ponder v. Arkansas Department of Human Services and Minor Children et al., from Union County Circuit Court. Appellant's motion to strike exhibits and transcript from prior hearing which were not introduced at hearing from which appeal was taken is granted.

CV-15-362. Richard H. Ashley and J.D. Ashley, Jr., as Personal Representatives of the Estate of J.D. Ashley, Sr.; Candace Baughman; and Estate of Charolette Ashley, Deceased v. Todd H. Ashley, from Pulaski County Circuit Court, Sixteenth Division. Motion of appellant Candace Baughman to supplement the record is granted. Kinard, Gruber, and Hoofman, JJ., not participating.