

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF OCTOBER 28, 2015

### ROBERT J. GLADWIN, CHIEF JUDGE:

[CR-15-157](#). Jackie Collins v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Harrison and Gruber, JJ., agree.

[CV-15-207](#). TFS of Gurdon, Inc. v. Kay Hook, from Hot Spring County Circuit Court. Affirmed. Harrison and Gruber, JJ., agree.

### RAYMOND R. ABRAMSON, JUDGE:

[CR-15-284](#). Jerrian Kendall Harris v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Vaught and Hixson, JJ., agree.

### BART J. VIRDEN, JUDGE:

[CR-15-221](#). Kim Derick Jackson v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Affirmed. Glover and Vaught, JJ., agree.

[CV-15-467](#). Porfirio Contreras v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Northern District. Affirmed. Glover and Vaught, JJ., agree.

### M. MICHAEL KINARD, JUDGE:

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

[CV-15-191](#). Sergio Trujillo, Special Administrator of the Estate of Pedro Trujillo v. TK Martial Arts Academy, LLC, Tim Kuth, Kevin Bearden, Jerred Roller, and Jerry Kurt, from Benton County Circuit Court. Affirmed. Virden and Hoofman, JJ., agree.

### RITA W. GRUBER, JUDGE:

[CV-14-767](#). Air Masters Mechanical, Inc.; William Bryan Crumley; and Rhonda Crumley v. Goodman Distribution, Inc., from Cleburne County Circuit Court. Dismissed. Gladwin, C.J., and Harrison, J., agree.

[CV-15-568](#). Jordyn Billingsley v. Arkansas Department of Human Services, from Jefferson County Circuit Court. Affirmed; motion granted. Gladwin, C.J., and Harrison, J., agree.

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DAVID M. GLOVER, JUDGE:

[CV-15-183](#). James Kelley and Jewell Kelley v. Cindy Williams, from Union County Circuit Court. Affirmed. Whiteaker and Brown, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-14-783](#). Kamran Tyshun Jackson v. State of Arkansas, from Conway County Circuit Court. Affirmed; motion to withdraw granted. Glover and Brown, JJ., agree.

[CV-15-106](#). First United Methodist Church of Ozark v. Harness Roofing, Inc.; Mid-Continental Restoration Company, Inc.; and K&K Electric, Inc., from Franklin County Circuit Court, Northern District. Affirmed in part; reversed and remanded in part. Glover and Brown, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-15-307](#). Richard Randal Kourakis v. State of Arkansas, from Sharp County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-15-241](#). John David Ross v. State of Arkansas, from Garland County Circuit Court. Affirmed. Abramson and Vaught, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CR-15-253](#). Deshaun Scott v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Virden and Kinard, JJ., agree.

[CV-15-203](#). Richard Burleigh v. Center Point Contractors, Inc., from Benton County Circuit Court. Reversed and remanded. Virden and Kinard, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-15-311](#). Marco D. Lee v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Glover and Whiteaker, JJ., agree.

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WAYMOND M. BROWN, JUDGE: (Continued)

[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. Dismissed. Whiteaker, J., agrees. Glover, J., concurs.

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-15-281. Tonilesa Johnson v. Director et al.
- E-15-282. Milissa Hartsell v. Director et al.
- E-15-283. Paul Jenkins v. Director et al.
- E-15-284. Tonya Curl v. Director et al.
- E-15-285. Louis Kelm v. Director et al.
- E-15-286. James Morgan v. Director et al.
- E-15-287. Ricky Martin v. Director et al.
- E-15-288. Maresha Williams v. Director et al.
- E-15-289. Sherri Harris v. Director et al.
- E-15-290. Dwayne Jones v. Director et al.
- E-15-291. Miguel Johnson v. Director et al.
- E-15-292. AG Resource Management, LLC v. Director et al.
- E-15-293. Tenae Wilson v. Director et al.
- E-15-294. Billy Moore v. Director et al.

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E-15-295. Kevin Smith v. Director et al.

E-15-296. Larry Mingo v. Director et al.

E-15-297. Ashonda McKinzie v. Director et al.

E-15-298. Dolly Zabrdac v. Director et al.

E-15-299. Alyssa Soucy v. Director et al.

E-15-300. Christy Fitch v. Director et al.

E-15-301. K & B Transportation, Inc. v. Director et al.

E-15-302. Mary Moore v. Director et al.

E-15-303. Norbert Knox v. Director et al.

E-15-304. Deangelo Braddock 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-14-525. Gayle D. Zimmerman v. Samuel B. Pope, from Ashley County Circuit Court.

CV-14-905. Gary Steve Lloyd v. Pier West Property Owners Association and State Farm Fire & Casualty Company, from Garland County Circuit Court.

CV-14-985. Gracie Neal, as Personal Representative of the Estate of Johnny Newborn, and on Behalf of the Wrongful Death Beneficiaries of Johnny Newborn v. Davis Nursing Association d/b/a Davis Life Care Center, from Jefferson County Circuit Court.

CV-14-1095. Wendy Jones and Lynn Gangemella v. Ted Douglas, Individually, and John Paul Morrison, Individually, and d/b/a Polymers, Inc., from Garland County Circuit Court.

CV-14-1095. Wendy Jones and Lynn Gangemella v. Ted Douglas, Individually, and John Paul Morrison, Individually, and d/b/a Polymers, Inc., from Garland County Circuit Court.

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CR-14-1115. David C. Egger v. State of Arkansas, from Polk County Circuit Court. Motion of Randy Rainwater for attorney's fees is granted. Allowed \$1,800.00.

CR-15-26. Leonard Lee McDonald v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,600.00.

CR-15-28. Donald Jefferson v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$800.00.

CR-15-34. Matthew Cochran v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,200.00.

CR-15-116. Terry Whitmore v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees is granted. Allowed \$1,600.00.

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CR-15-166. George Sullivan v. State of Arkansas, from Conway County Circuit Court. Motion of Toney B. Brasuell for attorney's fees is granted. Allowed \$1,800.00. Virden, J., not participating.

CR-15-540. James A. Hall v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion for immediate dismissal with prejudice due to *Brady* violation is denied. Virden, J., not participating.

CR-15-540. James A. Hall v. State of Arkansas, from Drew County Circuit Court. Motion of Omar F. Greene to be relieved as counsel is granted. Virden, J., not participating.

CR-15-562. Erica Crystal Valencia v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion to supplement the record is granted.

CV-14-914. Jasmine Holloway v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Entry of appearance and motion of Julius D. Kearney for substitution of counsel is moot.

CV-14-914. Jasmine Holloway v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Appellant's motion for rule on clerk is denied.

CV-15-104. Citibank, N.A. v. T. David Carruth et al., from Conway County Circuit Court. Appellant's motion for oral argument is denied. Abramson and Vaught, JJ., not participating.

CV-15-123. Alicia Dawn Neumann v. Lloyd Draughon Smith, from Miller County Circuit Court. Appellant's motion to expand the page limit in reply brief is denied.

CV-15-580. Kenneth Wayne Sparks v. Teresa Anne Sparks, from Cross County Circuit Court. Appellant's motion for writ of certiorari to complete the record is granted.

CV-15-580. Kenneth Wayne Sparks v. Teresa Anne Sparks, from Cross County Circuit Court. Appellee's motion for extension of time to file brief is moot.

CV-15-624. Jerry Johnson v. Shellee Bennett, from Craighead County Circuit Court, Western District. Appellant's motion to seal record is granted. Whiteaker, J., would deny.

E-15-603. Amanda Nelson v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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**PER CURIAM ORDERS**

E-15-610. Dorothy Carter v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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

CV-14-1126. Leece Properties, LLC, et al. v. Rodney Myers et al., from Garland County Circuit Court.

CV-15-290. Jimmy Dismuke v. Estate of Searcy W. Harrell, Jr., Deceased, from Ouachita County Circuit Court.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CV-14-730. Joni R. Collins v. Mitchell L. Collins, from Faulkner County Circuit Court.

CV-14-1097. Charity S. Lovan (now Rydberg) v. Joshua B. Lovan, from Sebastian County Circuit Court, Greenwood District.

CV-15-71. Catherine W. Smith v. Paul R. Smith, from Garland County Circuit Court.

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CR-13-1010. Jermaine Hicks v. State of Arkansas, from Crittenden County Circuit Court. Motion of Steven R. Smith and David O. Bowden for attorney's fees.

CR-14-789. Marcus Harris v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for attorney's fees.

CR-14-832. Mark Todd Morris v. State of Arkansas, from Benton County Circuit Court. Motion of David M. Hogue for attorney's fees.

CR-14-990. Edward Wallace Lockhart v. State of Arkansas, from Saline County Circuit Court. Appellant's motion to reinvest the trial court with jurisdiction to settle the record.

CR-14-990. Edward Wallace Lockhart v. State of Arkansas, from Saline County Circuit Court. Appellant's petition for writ of certiorari.

CR-14-1036. Emilio Gutierrez v. State of Arkansas, from Sevier County Circuit Court. Motion of Darrell F. Brown, Jr., for attorney's fees.

CR-15-46. Joyce Rollf v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Misty Wilson Borkowski for attorney's fees.

CR-15-87. Ronald Fennell v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for enlargement of time to file supplemental addendum, supplemental abstract, and re-brief.



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**MOTIONS SUBMITTED**

CR-15-130. Andre Williams v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Lisa-Marie Norris for attorney's fees.

CR-15-131. Jeffery Brasuell v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees.

CR-15-132. Jason Mundell v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees.

CR-15-152. Matthew Brian Burnside v. State of Arkansas, from Faulkner County Circuit Court. Motion of Robert M. "Robby" Golden for attorney's fees.

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

CR-15-382. James W. Reardon v. State of Arkansas, from Boone County Circuit Court. Motion of Gary W. Potts for attorney's fees.

CV-14-954. Joanne Amy Doughty v. Richard Douglas, from Garland County Circuit Court. Appellant's pro se petition to proceed in forma pauperis.

CV-15-541. Beth's Bail Bonds, Inc. v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion to supplement the record on appeal.

E-15-361. Let's Talk Speech Pathology Services, LLC v. Director et al., from the Arkansas Board of Review. Appellant's motion to supplement the record.

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### CASES SUBMITTED

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Orally argued.

CR-14-129. Rene Garcia v. State of Arkansas, from Washington County Circuit Court.

CR-15-388. Jacqueline Ferguson v. State of Arkansas, from Lonoke County Circuit Court.

CR-15-560. Shane Edward Ramsey v. State of Arkansas, from Boone County Circuit Court.

CV-14-937. Robyn Husky and Janice Marie v. Billy Husky, from Drew County Circuit Court.

CV-14-1092. Julissa Mendez Tanner v. Richard Lloyd Tanner, from Cleveland County Circuit Court.

CV-14-1099. Richard J. Orintas and M. Melanie Orintas v. Point Lookout Property Owners Association Board of Directors, from Garland County Circuit Court.

CV-15-98. Michael R. Morris and Marie B. Hadzima v. Nickolas Knopick, from Baxter County Circuit Court.

CV-15-310. Danny Bennett v. Sheila Bennett, from White County Circuit Court.

CV-15-474. Jason Burr v. Alisha Gail Burr, from Polk County Circuit Court.

CV-15-485. Rico F. Trejo v. Meeks Lumber Company and Argonaut Insurance Company, from the Arkansas' Workers' Compensation Commission.

CV-15-535. Felipe Marquez v. PipeLife Jet Stream, Travelers Insurance Company, and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

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**CASES SUBMITTED**

**The following cases are appeals from the Arkansas Board of Review.**

- E-15-329. Twyla Baker v. Director et al.
- E-15-330. Mona Parson v. Director et al.
- E-15-331. Maria Ayala v. Director et al.
- E-15-332. Kerry Fields v. Director et al.
- E-15-333. Lisa Curlett v. Director et al.
- E-15-334. Naghmeh Najafabadi v. Director et al.
- E-15-335. Herbert Williams v. Director et al.
- E-15-336. Nancy Jo Rogers v. Director et al.
- E-15-337. Jerry Phillips v. Director et al.
- E-15-338. Elander Griffis v. Director et al.
- E-15-339. Erik Hass v. Director et al.
- E-15-340. Hillary Smith v. Director et al.
- E-15-341. Orlando Dulaney v. Director et al.
- E-15-342. Melanie Hill v. Director et al.
- E-15-343. Angela Martinez v. Director et al.
- E-15-344. James Johnson v. Director et al.
- E-15-345. Della Stark v. Director et al.
- E-15-346. John Green v. Director et al.
- E-15-347. Lewis Ray v. Director et al.

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**CASES SUBMITTED**

- E-15-348. Tom Truong v. Director et al.
- E-15-349. Kendrick Brown v. Director et al.
- E-15-350. Starla McCallister v. Director et al.
- E-15-351. Ricky Ivy, Jr. v. Director et al.
- E-15-352. Cory Hairston v. Director et al.
- E-15-353. Janet Barnes v. Director et al.
- E-15-354. Romell Bradley v. Director et al.
- E-15-355. Robbie Howell v. Director et al.
- E-15-356. Melissa Delcase v. Director et al.
- E-15-357. Bruce Evans v. Director et al.
- E-15-358. Lynne Gluck-Berry v. Director et al.
- E-15-359. John Blazer v. Director et al.
- E-15-360. Faustino Hernandez v. Director et al.
- E-15-363. Billy Barnes v. Director et al.
- E-15-364. Charles Hight v. Director et al.
- E-15-365. Leticia Armenta v. Director et al.
- E-15-366. Craig Palmer v. Director et al.