

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 9, 2015**

ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-15-611](#). Bob Derrick v. Juanita Derrick, Sarah Jane Jones, and John Derrick Jones, from Sebastian County Circuit Court, Greenwood District. Affirmed. Abramson and Kinard, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-15-113](#). Stanley Nelson v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Gladwin, C.J., and Kinard, J., agree.

BART J. VIRDEN, JUDGE:

[CR-14-936](#). Jack W. Gillean v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Kinard and Hoofman, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[E-15-446](#). Wendell Quesenberry v. Director, Department of Workforce Services, and Kimrad Transport, LP, from the Arkansas Board of Review. Reversed and remanded. Virden and Whiteaker, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-15-294](#). Lasaba Michael Hill v. State of Arkansas, from Washington County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-15-304](#). Roddrick Burton v. Arkansas Department of Human Services, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Hixson and Hoofman, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-15-632](#). Herbert Wise, Individually, Herbert Wise, Jr., d/b/a Wise Custom Built Homes and Wise Custom Built Homes, LLC v. Jennifer M. Harper, from Mississippi County Circuit Court, Chickasawba District. Affirmed in part; reversed and remanded in part. Gruber and Brown, JJ., agree.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF DECEMBER 9, 2015

#### KENNETH S.HIXSON, JUDGE:

[CV-14-699](#). Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control and Ecology Commission and Big River Steel, LLC, from the Arkansas Pollution Control and Ecology Commission. Affirmed. Abramson and Vaught, JJ., agree.

[CV-15-104](#). Citibank, N.A., as Trustee for the Benefit of SWDNSI Trust Series 2010-1 v. T. David Carruth, Cheryl K. Carruth, and Tru-Star Properties, Inc., from Conway County Circuit Court. Reversed. Glover and Hoofman, JJ., agree.

#### CLIFF HOOFFMAN, JUDGE:

[CV-15-476](#). American Express Bank, FSB v. David Davenport and MoDawg Cycles, Inc., from Saline County Circuit Court. Appeal dismissed. Glover and Hixson, JJ., agree.

#### WAYMOND M. BROWN, JUDGE:

[CR-14-980](#). Jeremy Edward Whalen v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Reversed and dismissed. Vaught, J., agrees. Gruber, J., concurs.

[CV-15-348](#). Michael R. Woodward v. Arkansas State Police Commission, from Pulaski County Circuit Court, Sixteenth Division. Supplemental addendum ordered. Gruber 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-15-442. Rebecca Darr v. Director et al.

E-15-443. Shelly Marrow v. Director et al.

E-15-444. Ginalyn Fryar v. Director et al.

E-15-445. Pedro Santos v. Director et al.

E-15-447. Alvin Withers v. Director et al.

E-15-448. Brenda Brosman v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 9, 2015**

- E-15-449. Nicholas Brown v. Director et al.
- E-15-450. Todd Spears v. Director et al.
- E-15-451. Ruth Ann Terry v. Director et al.
- E-15-452. Jana Williams v. Director et al.
- E-15-453. Willie Burrell v. Director et al.
- E-15-454. Steve Gallimore v. Director et al.
- E-15-455. Albert Sanders, Jr. v. Director et al.
- E-15-456. Flossie Watkins v. Director et al.
- E-15-457. Tommy Rogers v. Director et al.
- E-15-458. Jean Fox v. Director et al.
- E-15-459. Sondra Stoevsand v. Director et al.
- E-15-460. Margie Bueno v. Director et al.
- E-15-461. Richard Johnson v. Director et al.
- E-15-462. Nancy Jo Rogers v. Director et al.
- E-15-463. Paul Ashby v. Director et al.
- E-15-464. Kenneth Rucker, Sr. v. Director et al.
- E-15-465. Janine Erhardt v. Director et al.
- E-15-466. Michael Lawson v. Director et al.
- E-15-467. Lawrence Turner v. Director et al.
- E-15-468. Angelia Harvill v. Director et al.
- E-15-469. Ivan Johnson v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 9, 2015**

- E-15-471. Cheryl Miles v. Director et al.
- E-15-472. Michael Banceroski v. Director et al.
- E-15-473. Staci Murray v. Director et al.
- E-15-474. Ronnie Stepp v. Director et al.
- E-15-475. Karen Nelson v. Director et al.
- E-15-476. Karen Nelson v. Director et al.
- E-15-477. Preston Morgan v. Director et al.
- E-15-478. Georganne Beck v. Director et al.
- E-15-479. Lori Shehane v. Director et al.
- E-15-480. David Ashton v. Director et al.
- E-15-482. Kimberly Dixon-Bey v. Director et al.
- E-15-483. Gladys Sullivan v. Director et al.
- E-15-484. Elizabeth McClinton v. Director et al.
- E-15-485. Jason Mason v. Director et al.
- E-15-486. Derrick Bryant v. Director et al.
- E-15-487. Shakena Reed v. Director et al.
- E-15-488. India Patton v. Director et al.
- E-15-489. James Jackson v. Director et al.
- E-15-490. Tamika Wells v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 9, 2015**

**PER CURIAM ORDERS**

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

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.

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.

CV-15-183. James Kelley and Jewell Kelley v. Cindy Williams, from Union County Circuit Court.

CV-15-236. In the Matter of the Estate of Freddie E. Hyde, Deceased; Michelle Treat, Executrix of the Estate of Freddie E. Hyde, Deceased v. Jerry Hyde, from White County Circuit Court.

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CR-14-129. Rene Garcia v. State of Arkansas, from Washington County Circuit Court. Motion of Joseph C. Self for payment of fees is granted. Allowed \$1,800.00.

CR-15-85. Tyler Jordan Means v. State of Arkansas, from Garland County Circuit Court. Motion of Jason Andrew Jouett for attorney's fees is granted. Allowed \$1,800.00.

CR-15-85. Tyler Jordan Means v. State of Arkansas, from Garland County Circuit Court. Motion of Jason Andrew Jouett to be relieved as attorney for appellant is granted.

CR-15-157. Jackie Collins v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees is granted. Allowed \$1,800.00.

CR-15-261. Michael Crews and April Jo Crews v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Jonathan T. Lane for attorney's fees is granted. Allowed \$1,800.00.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF DECEMBER 9, 2015

### PER CURIAM ORDERS

CR-15-284. Jerrian Kendall Harris v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Aubrey L. Barr for attorney's fees and expenses is granted. Allowed \$1,800.00.

CR-15-298. Robert Chandler Harris v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion for supplemental brief schedule is granted.

CR-15-311. Marco D. Lee v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees is granted. Allowed \$1,800.00.

CR-15-456. Christina Attaway v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees is granted. Allowed \$1,800.00.

CR-15-560. Shane Edward Ramsey v. State of Arkansas, from Boone County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees is granted. Allowed \$1,800.00.

CR-15-574. Ethan Patrick Sallee v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to supplement the record on appeal is granted.

CR-15-691. Demarcus Brown v. State of Arkansas, from Phillips County Circuit Court. Appellant's motion for correction or modification of the record and to stay appellate briefing schedule. Motion treated as a motion to remand to the circuit court to settle the record and granted.

CR-15-760. Jacob Wade Pope v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's pro se motion for extension of time to file brief and appointment of counsel. Motion for extension of time to file brief is granted. Motion for appointment of counsel is denied.

CV-15-123. Alicia Dawn Neumann v. Lloyd Draughon Smith, from Miller County Circuit Court. Appellant's objections to appellee's statement of the case, motion to strike, and supporting memorandum is denied.

CV-15-123. Alicia Dawn Neumann v. Lloyd Draughon Smith, from Miller County Circuit Court. Appellant's objections and response to appellee's "notice of defective abstract and supplemental abstract," motion to strike, and supporting memorandum is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 9, 2015**

**PER CURIAM ORDERS**

CV-15-558. Brenda Hendrix, Individually, and as Special Administrator for the Estate of Guy D. Hendrix, Deceased v. Alcoa, Inc., and Breeding Insulation Company, from Saline County Circuit Court. Motion of the Arkansas State Chamber of Commerce and Associated Industries of Arkansas, Inc., for leave to file amicus curiae brief in support of appellee Alcoa, Inc. is granted. Kinard, Glover, and Vaught, JJ., not participating.

CV-15-600. Shriners Hospitals for Children v. First United Methodist Church of Ozark, Arkansas, from Franklin County Circuit Court, Northern District. Appellee's motion for costs and attorney's fees is passed until the case is submitted.

CV-15-667. David Newkirk v. Lisa Hankins and James Hankins, from Lonoke County Circuit Court. Appellant's motion for waiver of addendum exhibits is denied.

CV-15-784. Dustin Marvel v. Lindsey Marvel, from Johnson County Circuit Court. Appellee's motion to dismiss appeal is denied.

CV-15-830. Rose Aircraft Services and AIG Claims, Inc. v. Catherine Kuakahela, from the Arkansas Workers' Compensation Commission. Appellants' motion to remand or motion for extension of time in the alternative. Motion to remand is granted.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 9, 2015**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

CV-15-300. Priscilla Ponder v. Arkansas Department of Human Services and A.P., E.P., and J.P., Minor Children, from Union County Circuit Court.

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CR-14-835. Jay Jones v. State of Arkansas, from Pope County Circuit Court. Motion of John C. Burnett for attorney's fees and expenses.

CR-14-1071. Calvin Dee Williams v. State of Arkansas, from Crittenden County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CR-15-72. J.F. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CR-15-74. I.G. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CR-15-78. D.F. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CR-15-79. A.I.M. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CR-15-87. Ronald Vince Fennell v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for leave to supplement the record and extend the due date of the revised abstract and brief.

CR-15-141. James Mikel Reep v. State of Arkansas, from Saline County Circuit Court. Motion of John Ogles for attorney's fees.

CR-15-359. Angela Y. Craft v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees.

CR-15-361. Terrell Alexander Bass v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 9, 2015**

**MOTIONS SUBMITTED**

CR-15-399. Lamarshare Wells v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees.

CV-15-663. Lindsey Nicole Hood v. Jimmy Hood, Ruth Hood, and Sherrie Fields, from Saline County Circuit Court. Appellant's petition for certiorari to complete the record and stay briefing schedule and to modify extension order to remove the word "final."

CV-15-664. Karen Granger and Brian Granger v. Farm Bureau Mutual Insurance Company of Arkansas, Inc., from Crittenden County Circuit Court. Appellants' motion for extension of time to file brief.

CV-15-713. Daniel R. Goodwin and The Goodwin Law Firm, PLLC v. Magness Oil Company, Benny W. Magness, Janie A. Magness, and Jeffrey Magness, from Baxter County Circuit Court. Appellants' motion for correction.

E-15-688. Andrea James v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF DECEMBER 9, 2015

### CASES SUBMITTED

CR-15-502. William Meeks v. State of Arkansas, from Washington County Circuit Court. Orally argued.

CR-14-892. Kenneth O. Newton v. State of Arkansas, from Union County Circuit Court.

CR-15-139. Ramon Perez v. State of Arkansas, from Lonoke County Circuit Court.

CR-15-140. James Mikel Reep v. State of Arkansas, from Saline County Circuit Court.

CR-15-281. Trent Kimbrell v. State of Arkansas, from Polk County Circuit Court.

CR-15-400. Jobeth Ferguson v. State of Arkansas, from Crittenden County Circuit Court.

CR-15-486. A.I. v. State of Arkansas, from Garland County Circuit Court.

CV-14-1043. Blaine A. Jackson v. Linda Stratton, from Benton County Circuit Court.

CV-15-123. Alicia Dawn Neumann v. Lloyd Draughon Smith, from Miller County Circuit Court.

CV-15-550. Bennie Whitehead v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division.

CV-15-552. Kimberly L. Fowler v. Kenneth R. Hendrix, from Craighead County Circuit Court, Western District.

CV-15-690. Natalie Carroll v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division.

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

E-15-511. Eloise Bolding v. Director et al.

E-15-512. Anthony Smith v. Director et al.

E-15-513. Floyd Murphy v. Director et al.

E-15-514. Cynthia Johnson v. Director et al.

E-15-515. Billy Osier v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 9, 2015**

**CASES SUBMITTED**

- E-15-516. Ron Edwards v. Director et al.
- E-15-517. Eddie Porter v. Director et al.
- E-15-518. Byron Dickinson v. Director et al.
- E-15-519. Angela Forte v. Director et al.
- E-15-520. Tony Stuart v. Director et al.
- E-15-521. Gina Rose v. Director et al.
- E-15-523. Tomika Conway v. Director et al.
- E-15-524. James Estes v. Director et al.
- E-15-525. Essence Singleton v. Director et al.
- E-15-526. William Williams v. Director et al.
- E-15-527. Shellie Grice v. Director et al.
- E-15-528. Robert Ezell v. Director et al.
- E-15-529. Charles Karich v. Director et al.
- E-15-530. Tadzia Cooley v. Director et al.
- E-15-531. Tywana Banks v. Director et al.
- E-15-533. Marilyn Cook v. Director et al.
- E-15-534. Stacy Constantino v. Director et al.
- E-15-535. Gloria Reyes v. Director et al.
- E-15-536. Gloria Reyes v. Director et al.