

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 20, 2016**

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

[CR-15-594](#). Marlo Harris v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Abramson and Brown, JJ., agree.

[CV-15-624](#). Jerry Johnson v. Shellee Bennett, from Craighead County Circuit Court, Western District. Affirmed. Abramson and Brown, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-15-633](#). Cynthia Marie Glennon v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Gladwin, C.J., and Brown, J., agree.

[CV-15-365](#). Amber Kimble Shields v. Mitchell Kimble, from Randolph County Circuit Court. Supplemental addendum ordered. Gladwin, C.J., and Brown, J., agree.

**BART F. VIRDEN, JUDGE:**

[CV-15-55](#). India Bishop v. Farm Bureau Mutual Insurance Company of Arkansas, Inc., from Pulaski County Circuit Court, Third Division. Reversed and remanded. Harrison and Whiteaker, JJ., agree.

**M. MICHAEL KINARD, JUDGE:**

[CR-15-492](#). Deontae Fulton v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Virden and Glover, JJ., agree.

[CV-15-506](#). Andrea O'Donoghue v. Brian Patrick Aloysius O'Donoghue, from Pulaski County Circuit Court, Sixteenth Division. Appeal dismissed. Virden and Glover, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CR-15-645](#). Cesar Michael Figueroa v. State of Arkansas, from Washington County Circuit Court. Reversed and remanded. Whiteaker and Hoofman, JJ., agree.

**DAVID M. GLOVER, JUDGE:**

[CR-15-475](#). Derrick D. Morgan v. State of Arkansas, from Desha County Circuit Court. Affirmed. Virden and Kinard, JJ., agree.

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### PHILLIP T. WHITEAKER, JUDGE:

[CV-15-767](#). Nathan Byrd v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Hoofman, JJ., agree.

### LARRY D. VAUGHT, JUDGE:

[CV-15-23](#). Scott Davis v. Lavonna Joy Davis, Individually, In Her Capacity as Trustee of the Lavonna Joy Davis Revocable Living Trust and In Her Capacity as President and Sole Board Member of Families, Inc. of Arkansas; Families, Inc. of Arkansas; and John Does 1-10, from Craighead County Circuit Court, Western District. Affirmed. Virden and Kinard, JJ., agree

### KENNETH S. HIXSON, JUDGE:

[CV-15-721](#). Jamie Dunn and William Dunn v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Harrison and Vaught, JJ., agree.

### CLIFF HOOFFMAN, JUDGE:

[CR-14-1111](#). Rosman Chantharath v. State of Arkansas, from Washington County Circuit Court. Affirmed. Gruber and Whiteaker, JJ., agree.

### WAYMOND M. BROWN, JUDGE:

[CR-15-440](#). Robert Stanley Freeman v. State of Arkansas, from Cleburne County Circuit Court. Affirmed. Gladwin, C.J., and Abramson, J., agree.

[CV-15-650](#). Michael Edwards v. Arkansas Department of Human Services and Minor Child, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Gladwin, C.J., and Abramson, J., 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-15-553. Terry Engeron v. Director et al.

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- E-15-554. Ricky Williams v. Director et al.
- E-15-555. Heather Johnson v. Director et al.
- E-15-556. Diana Herrington v. Director et al.
- E-15-557. Connie Green v. Director et al.
- E-15-558. Anthony Jones v. Director et al.
- E-15-559. Mackrill Orr v. Director et al.
- E-15-560. Philip Ferguson v. Director et al.
- E-15-561. Jamal McCoy v. Director et al.
- E-15-562. DaRonda Williams v. Director et al.
- E-15-563. Deanta Burnett v. Director et al.
- E-15-564. James Dillon v. Director et al.
- E-15-565. Virgle Lyons v. Director et al.
- E-15-566. Christopher Henderson v. Director et al.
- E-15-567. Debra Harbour v. Director et al.
- E-15-568. Steve Martin v. Director et al.
- E-15-569. Ronald Davis v. Director et al.
- E-15-570. Jeff Freeman v. Director et al.
- E-15-571. Karl Schroeder v. Director et al.
- E-15-572. Lawrence Williams v. Director et al.

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E-15-573. Kimberly Mahan v. Director et al.

E-15-574. Jacob James v. Director et al.

E-15-575. Kailah Herman v. Director et al.

E-15-576. Terry Hollingsworth 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-14-980. Jeremy Edward Whalen v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-15-276. Tim Caldwell v. Columbia Mutual Insurance Company, from Lee County Circuit Court.

CV-15-476. American Express Bank, FSB v. David Davenport and MoDawg Cycles, Inc., from Saline County Circuit Court.

CV-15-590. Glenn W. Myers v. City of Rockport, Arkansas; Arkansas Municipal League WC Trust; and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Abramson and Kinard, JJ., would grant.

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

CR-15-453. Cortez Gould v. State of Arkansas, from Faulkner County Circuit Court. Pro se motion for leave to amend appellant's brief is denied.

[CR-15-521](#). Gregory Aaron Kinsey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to remand to correct the record is granted. Remanded for correction of the record. See **per curiam** this date.

CR-15-591. Little Antonio Ramirez v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees is granted. Allowed \$1,800.00.

CR-15-801. Joshua Caleb King v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for belated filing of brief, abstract, and addendum is granted.

CR-15-981. Joseph Donaldson v. State of Arkansas, from Drew County Circuit Court. Joint motion to substitute counsel on appeal is granted.

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**PER CURIAM ORDERS**

CV-15-420. Vicki Renee Silver v. Beverly Joslin, from Pulaski County Circuit Court, Twelfth Division. Appellee's motion to dismiss appeal is granted. Appellant's pro se motion for extension of time is denied.

CV-15-597. James B. Mitchell v. Gregory Klebanoff d/b/a Klebanoff Law Firm, from Washington County Circuit Court. Appellant's pro se motion to file belated appeal brief is granted.

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

E-15-753. George C. Hallum v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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**MOTIONS SUBMITTED**

CR-14-761. Michael E. Childers v. State of Arkansas, from Conway County Circuit Court. Motion of Justin Eisele for payment of fee.

CR-15-577. Michael Hunter v. State of Arkansas, from Columbia County Circuit Court. Appellant's motion to correct the record.

CR-15-691. Demarcus Brown v. State of Arkansas, from Phillips County Circuit Court. Appellant's motion for extension of time to file supplemental record.

CR-15-772. Cory D. Fletcher v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to dismiss, or, in the alternative, motion for extension of time in which to file brief.

CV-15-232. Partne A. Kiesling-Daugherty v. Judge Floyd "Buddy" Villines, Amanda Mankin-Mitchell, and Chasity Black-Scifres, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion for extension of time.

CV-15-232. Partne A. Kiesling-Daugherty v. Judge Floyd "Buddy" Villines, Amanda Mankin-Mitchell, and Chasity Black-Scifres, from Pulaski County Circuit Court, Sixth Division. Declaration that appellant filed in a timely manner under Administrative Order 21, Section 2(i), in the alternative, declaration that appellant was unable to file in a timely manner.

CV-15-232. Partne A. Kiesling-Daugherty v. Judge Floyd "Buddy" Villines, Amanda Mankin-Mitchell, and Chasity Black-Scifres, from Pulaski County Circuit Court, Sixth Division. Appellees' motion to dismiss and response to appellant's motion for extension of time.

CV-15-653. Monroe Carlton, Jerry Rice, Kathy Rice, Amanda Rice, Meredith Lemons, Miranda Pascoe, and Margaret Pleasants v. Grace Rice, from Lonoke County Circuit Court. Appellants' supplement, with transcript, to second petition for writ of certiorari to complete record and motion for reconsideration or rehearing of denial.

CV-15-655. Monroe Carlton, Jerry Rice, Kathy Rice, Amanda Rice, Meredith Lemons, Miranda Pascoe, and Margaret Pleasants v. Grace Rice, from Lonoke County Circuit Court. Appellants' supplement, with transcript, to second petition for writ of certiorari to complete record and motion for reconsideration or rehearing of denial.

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### MOTIONS SUBMITTED

CV-15-726. Gregory Taylor v. Woody Doss, Gregory Clark, Chris Mitchell, and Tyson Foods, Inc., from Washington County Circuit Court. Appellees' motion to redact portions of the record on appeal.

CV-15-743. Capital SeniorCare Ventures, LLC, et al. v. Annette Williamson, as Personal Representative of the Estate of Jerline Kennel, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Jerline Kennel, from Clark County Circuit Court. Appellee's second motion for extension of time.

CV-15-746. Capital SeniorCare Ventures, LLC, et al. v. Ericka Ann Davis, as Special Administrator for the Estate of Julius Marks, Deceased, from Clark County Circuit Court. Appellee's second motion for extension of time.

CV-15-771. Patton Hospitality Management, LLC v. Bella Vista Village Coopershares Owners Association, Inc.; Rice Brown; Melvin Brown; James Aucoin; Priscilla Johnnie; and Terri Hein, from Benton County Circuit Court. Joint motion to dismiss contingent upon vacatur of underlying judgments.

CV-15-784. Dustin Marvel v. Lindsey Marvel, from Johnson County Circuit Court. Motion of Andy Taylor to withdraw as counsel and for extension of brief time.

CV-15-991. Jacqueline Ferguson and Chris Ferguson v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Joint motion to accept supplemental record.

CV-15-1030. Claude D. Wallace, as Trustee of the Claude D. Wallace Living Trust Dated July 31, 2005; and Dana Hutchinson v. Arkansas Oil and Gas Commission, XTO Energy Inc., and SEECO, Inc., from Cleburne County Circuit Court. Motion of appellee XTO Energy Inc. to dismiss appeal.

CV-15-1033. Johnny Warren v. Anthony Frizell, Jr., from Pulaski County Circuit Court, Twelfth Division. Appellee's motion to supplement the record.



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**CASES SUBMITTED**

CR-14-1022. Leopoldo D. Apodaca v. State of Arkansas, from Union County Circuit Court.

CR-15-155. Brandon Ulysess Westbrook v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-15-234. Calvin Tatum v. State of Arkansas, from Monroe County Circuit Court.

CR-15-259. Michael Boyd v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-15-561. Jimmy Dale Frahm v. State of Arkansas, from Crawford County Circuit Court.

CR-15-566. Michael Anthony Howard v. State of Arkansas, from Crawford County Circuit Court.

CR-15-657. David Adam Johnson v. State of Arkansas, from Independence County Circuit Court.

CR-15-693. Larry Willard Davis v. State of Arkansas, from Boone County Circuit Court.

CV-15-343. Teresa Lynette Bloodman v. Bank of America, N.A., from Saline County Circuit Court.

CV-15-379. Marilyn Curry Troutman v. Ronald Troutman, from Washington County Circuit Court.

CV-15-392. David G. Graves v. Jennifer A. Graves, from Jefferson County Circuit Court.

CV-15-430. Lori L. Massanelli v. Gregg L. Massanelli, from Union County Circuit Court.

CV-15-489. Thomas John Kennedy of Arkansas, D.D.S., P.C., et al. v. Barbara Ausbrooks, from Saline County Circuit Court.

CV-15-576. Gerald Stow v. State of Arkansas, from Baxter County Circuit Court.

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### CASES SUBMITTED

CV-15-600. Shriners Hospitals for Children v. First United Methodist Church of Ozark, from Franklin County Circuit Court, Northern District.

CV-15-604. Markita Bell v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

CV-15-810. James Manken v. Arkansas Department of Human Services and Minor Child, from Benton County Circuit Court.

CV-15-814. Sidney Crowley v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

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

E-15-601. Gil Stills v. Director et al.

E-15-604. Leonard Holbrook v. Director et al.

E-15-605. Alex Williams v. Director et al.

E-15-606. Chimere Flanagan v. Director et al.

E-15-607. Angela Henry v. Director et al.

E-15-608. Nancy Jo Rogers v. Director et al.

E-15-609. Charles Coleman v. Director et al.

E-15-611. LaJuan Frazier v. Director et al.

E-15-612. Patricia Wilhelm v. Director et al.

E-15-613. Ronald Smith v. Director et al.

E-15-614. Danny Jackson v. Director et al.

E-15-615. William West v. Director et al.

E-15-616. Julie Misenheimer v. Director et al.

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**CASES SUBMITTED**

- E-15-617. Jonathan Surber v. Director et al.
- E-15-618. Levester Butler v. Director et al.
- E-15-619. JeNell Lowe v. Director et al.
- E-15-620. Adrien Mason v. Director et al.
- E-15-621. Adela Contreras v. Director et al.
- E-15-622. Matthew Warren v. Director et al.
- E-15-623. Melissa Welch v. Director et al.
- E-15-624. Mikell Martinez v. Director et al.
- E-15-625. Johnny Stephens v. Director et al.
- E-15-626. Ninh Luu v. Director et al.
- E-15-627. Milton Tillman v. Director et al.