

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 28, 2016

ROBERT J. GLADWIN, CHIEF JUDGE:

[CV-15-523](#). Connie Watkins and Richard Watkins, Husband and Wife v. Paragould Light & Water Commission and City of Paragould, from Greene County Circuit Court. Affirmed. Virden and Glover, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-16-401](#). Nikki Lansdell v. Arkansas Department of Human Services and T.M., Minor Child, from Madison County Circuit Court. Affirmed. Harrison and Kinard, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-15-985](#). Malik Gilliam v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Abramson and Kinard, JJ., agree.

[CV-16-463](#). Tomeko Sharks v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division. Affirmed. Abramson and Kinard, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-16-232](#). Michael Doran Mitchell v. State of Arkansas, from Garland County Circuit Court. Affirmed. Whiteaker and Hoofman, JJ., agree.

[CV-16-470](#). Catherine Abram v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Whiteaker and Hoofman, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-16-226](#). Randi Wheatley v. Arkansas Department of Human Services and Minor Children, from Saline County Circuit Court. Affirmed. Gladwin, C.J., and Virden, J., agree.

[CV-16-268](#). Northwest Arkansas Community College and Arkansas Insurance Department, Public Employee Claims Division v. Adriana Baeza, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin, C.J., and Virden, J., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CV-16-361](#). Carl Jason Jackson v. Arkansas Department of Human Services and Minor Children, from Conway County Circuit Court. Affirmed. Gruber and Hoofman, JJ., agree.

[CV-16-371](#). Nicholas Lawson v. Mobilex USA/Trident USA Health Services, LLC, and American Casualty Company of Reading, PA, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber and Hoofman, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-15-1044](#). Harold Brazeal v. Scott Cooper, M.D. and Orthopaedic Clinic, LTD, d/b/a Ozark Orthopaedic and Sports Medicine Clinic, LTD, d/b/a Ozarks Orthopaedics, from Benton County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

[CV-16-425](#). Mia Dade v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-16-286](#). Alan C. Bathrick v. State of Arkansas, from Sharp County Circuit Court. Reversed and remanded. Vaught and Brown, JJ., agree.

[CV-16-104](#). Miracle Kids Success Academy, Inc. v. Marvin Maurras, from Pulaski County Circuit Court, Twelfth Division. Dismissed without prejudice. Vaught and Brown, JJ., agree.

CLIFF HOOFFMAN, JUDGE:

[CV-15-603](#). Markita Bell v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gruber and Whiteaker, JJ., agree.

[CV-15-906](#). Reanna Rodgers v. Destiny Rodgers, from Garland County Circuit Court. Affirmed. Gruber, J., agrees. Whiteaker, J., concurs.

[E-15-679](#). Wendy Higgins v. Director, Department of Workforce Services, and Arkansas Attorney General, from the Arkansas Board of Review. Affirmed. Harrison and Whiteaker, JJ., agree.

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WAYMOND M. BROWN, JUDGE:

[CV-16-486](#). Gregory Allen Kidd v. Arkansas Department of Human Services and Minor Children, from Hempstead County Circuit Court. Affirmed. Vaught and Hixson, JJ., agree.

PER CURIAM OPINION:

[CV-15-821](#). Bobby Blackwell and Blackwell Moving & Delivery, LLC v. Brown's Moving and Storage, Inc., d/b/a Blue Truck, from Pulaski County Circuit Court, Ninth Division. Dismissed; motion denied. Abramson, Virden, and Hoofman, JJ., not participating.

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-16-5. Concerned Care for Seniors v. Director et al.

E-16-80. AnTyonne Collins v. Director et al.

E-16-205. Justin Tolliver v. Director et al.

E-16-206. Kenneth Maddox v. Director et al.

E-16-207. Annette Laurencell v. Director et al.

E-16-208. Greg Kreidler v. Director et al.

E-16-209. Dwight Munns v. Director et al.

E-16-211. Scottie Hall v. Director et al.

E-16-212. Merle Jones v. Director et al.

E-16-213. Weatherly Truck Lines, Inc. v. Director et al.

E-16-214. Elisa Armstrong v. Director et al.

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E-16-215. Sulinda Hyles v. Director et al.

E-16-216. Karri Irwin v. Director et al.

E-16-217. Robert Farrish v. Director et al.

E-16-218. Efrain Gonzalez Perea v. Director et al.

E-16-219. Patricia Winemiller v. Director et al.

E-16-220. Norma Morris v. Director et al.

E-16-221. Patrick Carr v. Director et al.

E-16-222. Pamela Jackson v. Director et al.

E-16-223. Brian Smith v. Director et al.

E-16-225. Margarett Hood v. Director et al.

E-16-226. Crystal York 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-15-946. Razorback Cab of Fort Smith, Inc., and Mark Nunez v. Danaye Amon, from Sebastian County Circuit Court, Fort Smith District.

CV-15-993. Robin M. Emis v. Keith W. Emis, from Pulaski County Circuit Court, Sixteenth Division.

CR-15-880. Anna Christine Childers v. State of Arkansas, from Grant County Circuit Court. Motion of Philip C. Wilson for attorney's fees is granted. Allowed \$1,800.00.

CR-15-926. Anthony L. Bragg v. State of Arkansas, from Boone County Circuit Court. Motion of Charles "Dan" Hancock for award of attorney's fees is granted. Allowed \$1,800.00.

CR-16-368. Erik Omar Garcia v. State of Arkansas, from Hempstead County Circuit Court. Resubmission of motion to substitute counsel and for an extension of time to file brief is granted.

CR-16-368. Erik Omar Garcia v. State of Arkansas, from Hempstead County Circuit Court. Appellant's motion pursuant to Rules 1-7, 2-1, and 4-3(1)(1) to stay briefing schedule or in the alternative for an extension of time to file initial appellate brief is moot.

CR-16-568. James Pafford v. State of Arkansas, from Hempstead County Circuit Court. Appellant's motion to settle record is remanded to the circuit court to settle the record in thirty days (October 28, 2016).

CR-16-568. James Pafford v. State of Arkansas, from Hempstead County Circuit Court. Appellant's motion for extension of time to file brief is granted.

CR-16-777. Aaron Dewayne Watson v. State of Arkansas, from Woodruff County Circuit Court. Motion of Danny Glover to withdraw as attorney on direct appeal is granted.

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CR-16-778. Tyrun Lamont Jones v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Robert E. Tellez to withdraw as attorney on direct appeal is granted.

CR-16-778. Tyrun Lamont Jones v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Robert M. “Robby” Golden for substitution as counsel and to stay briefing schedule is granted.

CV-15-755. Clarry Foster v. Estate of Deleta E. Collins, Alphaleda Vaughn, Kenneth Vaughn, Barry Wilkinson, Beverly Wilkinson, Barbara Poorman, Larry Collins, Barbara Collins, and Tera Wineland, from Sharp County Circuit Court. Motion for the court to consider appellant’s original addendum filed and appellant’s supplemental addendum is granted.

CV-15-993. Robin M. Emis v. Keith W. Emis, from Pulaski County Circuit Court, Sixteenth Division. Appellee’s motion to strike petition for rehearing is denied.

CV-16-551. Lois Price v. Patrick Carver and Danna Carver, from Hot Spring County Circuit Court. Appellees’ motion for costs and fees for supplemental abstract is passed until the case is submitted.

CV-16-622. Miracle Kids Success Academy, Inc. v. Marvin Maurras, from Pulaski County Circuit Court, Twelfth Division. Appellant’s motion for approval of supersedeas bond and to stay litigation pending appeal is moot.

CV-16-629. Joanne Amy Doughty v. Ralph Ferrara, from Garland County Circuit Court. Appellant’s pro se motion to consolidate is denied.

CV-16-716. John Cecil Green and Gail Green v. David Stueve, from Logan County Circuit Court, Northern District. Appellee’s motion to supplement the record is granted.

CV-16-757. Marvin Daily, Tamara Daily, Daily’s Fleeting & Harbor Services, Inc., and T&M Grocery Service, Inc. v. John Langham and Old Fort Properties, LLC, from Sebastian County Circuit Court, Fort Smith District. Motion of Christopher B. Conley to withdraw as counsel of record for appellee John Langham is granted.

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CV-16-770. Lentz Carrier Company, LLC, and Carolina Casualty Insurance Company v. Robert Smith, Southern Chips, Inc., and First Liberty Insurance Corporation, from the Arkansas Workers' Compensation Commission. Motion of appellee Robert Smith for correction of the record or in the alternative writ of certiorari to complete the record is remanded to the circuit court to settle the record in thirty days (October 28, 2016).

E-16-400. Diasheka Peters v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-15-445. Lakesia Chandler and Jasmine Davis v. Wal-Mart Stores, Inc.; L'Oréal USA, Inc.; and L'Oréal USA Products, Inc., from Phillips County Circuit Court.

CV-15-873. Don Paul Bales et al. v. The City of Fort Smith, Arkansas, et al., from Sebastian County Circuit Court, Fort Smith District.

CR-15-259. Michael Boyd v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Robert M. "Robby" Golden for award of attorney's fees.

CR-15-984. Steven Blake Wright v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees.

CR-15-1059. Willie James Cartwright v. State of Arkansas, from Chicot County Circuit Court. Motion of Joseph P. Mazzanti III for attorney's fees and expenses.

CR-15-1071. Brian Lowe v. State of Arkansas, from Greene County Circuit Court. Motion of Terry Goodwin Jones for attorney's fees.

CR-16-101. Travles Johnson v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees.

CR-16-721. Edward Darnell Rogers v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Tim Blair to withdraw as attorney on direct appeal and for appointment of counsel.

CR-16-830. James Elijah West v. State of Arkansas, from Garland County Circuit Court. Motion of Brent Miller to withdraw as attorney on direct appeal.

CV-16-16. Davis A. Stebbins v. David D. Stebbins, from Boone County Circuit Court. Appellant's pro se motion for return of original brief.

CV-16-16. Davis A. Stebbins v. David D. Stebbins, from Boone County Circuit Court. Appellant's pro se motion to clarify order for rebriefing.

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CV-16-196. Cynthia Lou Horton and Anthony Bryce Brewer, as the Special Administrator of the Estate of Prentice Byars Young v. Deborah Ann Mitchell, from Marion County Circuit Court. Appellants' motion for remand or, in the alternative, motion for dismissal without prejudice or, in the alternative, motion for extension of brief time.

CV-16-396. Thomas Kelso v. US Bank, from Cleburne County Circuit Court. Appellant's motion for extension of time to settle the record.

CV-16-575. Apprentice Information Systems, Inc., and David Randall Lamp a/k/a Randy Lamp v. DataScout, LLC, from Benton County Circuit Court. Appellee's motion to dismiss appeal.

CV-16-613. Lee Baker v. Office of Child Support Enforcement, from Pike County Circuit Court. Appellant's pro se motion for appointment of counsel.

CV-16-616. Terry Haney v. Comfort Inn and Continental Western Ins. Co., from the Arkansas Workers' Compensation Commission. Appellant's pro se petition to proceed in forma pauperis.

CV-16-638. Stacy Rider and Pam Rider v. Longbow Ranch, LLC; Ben Pearson; and Paulette Pearson, from Stone County Circuit Court. Joint motion to supplement the record.

CV-16-651. Jeremy Shane Fudge v. Whitney Lynell Dorman, from Union County Circuit Court. Motion on behalf of Robert L. Depper, Jr., to withdraw as counsel.

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CASES SUBMITTED

CR-14-990. Edward Wallace Lockhart, Jr. v. State of Arkansas, from Saline County Circuit Court.

CR-15-707. Ellis Brisher v. State of Arkansas, from Crawford County Circuit Court.

CR-16-186. Dustin Hembey v. State of Arkansas, from Pike County Circuit Court.

CR-16-240. Floyd Dwayne Daffron v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-16-242. Jeremy Myers v. State of Arkansas, from Jefferson County Circuit Court.

CR-16-380. Jeffery Duane Procella v. State of Arkansas, from Miller County Circuit Court.

CV-13-1133. Jane Watson Sexton, as Personal Representative of the Estate of Harold W. Planchon, Deceased v. Local Police & Fire Retirement System, from Washington County Circuit Court.

CV-15-855. James Byrd v. State of Arkansas, from Madison County Circuit Court.

CV-15-918. Chelsea S. Harley v. Wyndham S. Dempster, from Pulaski County Circuit Court, Fourteenth Division.

CV-15-970. William D. Nesbitt v. Renee C. Nesbitt, from Stone County Circuit Court.

CV-15-1006. Patricia Jackson v. Nationstar Mortgage LLC, from Pulaski County Circuit Court, Second Division.

CV-15-1033. Johnny Warren v. Anthony Frizell, Jr., from Pulaski County Circuit Court, Twelfth Division.

CV-16-225. Jose Turcios v. Tyson Foods, Inc., from the Arkansas Workers' Compensation Commission.

CV-16-389. USA Trucks, Inc., and Broadspire Services, Inc. v. James Jarrell, from the Arkansas Workers' Compensation Commission.

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CASES SUBMITTED

CV-16-391. Letecia Bennett v. Tyson Poultry, Inc., from the Arkansas Workers' Compensation Commission.

CV-16-408. Saint Jean Industries, Inc., and Travelers Casualty Insurance Company v. Jerry Lynn Ezell, from the Arkansas Workers' Compensation Commission.

CV-16-437. Jill McGaugh v. Arkansas Department of Human Services and Minor Children, from Little River County Circuit Court.

CV-16-439. Miz Erica Lunon v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division.

CV-16-465. Xazavier Dunbar v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division.

CV-16-500. Stasia Scarver v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division.

CV-16-561. Edward Howerton v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court.

CV-16-578. Quinshonda Ware 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-16-249. Leonard Jenkins v. Director et al.

E-16-250. Son Van Nguyen v. Director et al.

E-16-251. Glen Clark v. Director et al.

E-16-252. Philip Shackelford v. Director et al.

E-16-253. Lyle Niederbrach v. Director et al.

E-16-254. Frances Withers v. Director et al.

E-16-255. Eddie Baker v. Director et al.

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- E-16-256. Larry Luckey III v. Director et al.
- E-16-257. Beatrice Hansberry v. Director et al.
- E-16-258. Henry Sims v. Director et al.
- E-16-259. Diedre Bingham v. Director et al.
- E-16-260. Maeghan Young v. Director et al.
- E-16-261. Nokomis Long v. Director et al.
- E-16-262. Scott Goodrich v. Director et al.
- E-16-263. Deborah Ralph v. Director et al.
- E-16-264. Angelo Davis v. Director et al.
- E-16-265. Carol Moore v. Director et al.
- E-16-266. Oscar Fuller v. Director et al.
- E-16-267. Almost Home Houseboat Rentals v. Director et al.
- E-16-268. Hannah Davenport v. Director et al.
- E-16-269. Patricia Williams v. Director et al.
- E-16-270. Gregory Compton v. Director et al.