

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 18, 2017

RITA W. GRUBER, CHIEF JUDGE:

[CR-16-224](#). Eric Lenderman v. State of Arkansas, from Greene County Circuit Court. Motion to withdraw denied; rebriefing ordered. Virden and Hixson, JJ., agree.

[CV-16-761](#). Richard Shawkey v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Virden and Hixson, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-16-372](#). Robert Dark v. State of Arkansas, from Garland County Circuit Court. Motion to withdraw denied; rebriefing ordered. Gruber, C.J., and Hixson, J., agree.

[CR-16-548](#). Thomas Kidwell v. State of Arkansas, from Polk County Circuit Court. Affirmed. Gruber, C.J., and Hixson, J., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-16-315](#). Herbert Parmer, Jr. v. State of Arkansas, from Hempstead County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Vaught, JJ., agree.

[CR-16-614](#). Tanner Baxley v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Vaught, JJ., agree.

[CV-16-436](#). Cynthia Butler Farrell v. Hanford Francis Farrell, from Sebastian County Circuit Court, Fort Smith District. Affirmed in part; reversed in part; and remanded. Harrison and Vaught, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-16-320](#). Javian Young v. State of Arkansas, from Jefferson County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Vaught, JJ., agree.

[CV-16-760](#). Ike Ritter v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gladwin and Vaught, JJ., agree.

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DAVID M. GLOVER, JUDGE:

[CR-16-95](#). Markel Taivon Eubanks v. State of Arkansas, from Washington County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Brown, JJ., agree.

[CR-16-644](#). DeAngelo Darnell Bates v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appeal dismissed; motion to withdraw granted. Whiteaker and Brown, JJ., agree.

[CR-16-723](#). Aaron Lovelace v. State of Arkansas, from Jefferson County Circuit Court. Supplementation of addendum ordered. Whiteaker and Brown, JJ., agree.

[CV-16-265](#). Cynthia Ingram Jordan v. Timothy Anderson Jordan, from Ouachita County Circuit Court. Affirmed. Whiteaker and Brown, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-16-69](#). Triva Coble v. State of Arkansas, from Garland County Circuit Court. Affirmed; motion to withdraw granted. Glover and Brown, JJ., agree.

[CR-16-529](#). Mark Jeffery Livingston v. State of Arkansas, from Ouachita County Circuit Court. Affirmed; motion to withdraw granted. Glover and Brown, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-16-13](#). Michael Oliver v. State of Arkansas, from Crawford County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Harrison, JJ., agree.

[CR-16-489](#). Derrick Glenn Estell v. State of Arkansas, from Garland County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Harrison, JJ., agree.

[CR-16-610](#). Dalvin Haley v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Gladwin and Harrison, JJ., agree.

[CV-16-751](#). Montana Guthrey v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Reversed. Gladwin and Harrison, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CR-16-38](#). Jessie Earl Baney v. State of Arkansas, from Sharp County Circuit Court. Reversed. Gruber, C.J., and Virden, J., agree.

[CR-16-108](#). James Lee McPherson v. State of Arkansas, from Faulkner County Circuit Court. Rebriefing ordered; motion to withdraw denied without prejudice. Gruber, C.J., and Virden, J., agree.

[CR-16-364](#). Bobby Joe Gill v. State of Arkansas, from Faulkner County Circuit Court. Affirmed; motion to be relieved granted. Gruber, C.J., and Virden, J., agree.

[CV-16-378](#). Barry J. Jones d/b/a Borderline Farms v. John B. Dozier Land Trust and John B. Dozier, Trustee, from Lee County Circuit Court. Reversed and remanded. Gruber, C.J., and Virden, J., agree.

WAYMOND M. BROWN, JUDGE:

[CR-16-476](#). Jackie Renay Matthews v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appeal dismissed; motion to withdraw granted. Glover and Whiteaker, JJ., agree.

[CR-16-477](#). Jackie Renay Matthews v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appeal dismissed; motion to withdraw granted. Glover and Whiteaker, JJ., agree.

[CV-16-326](#). Tyler Carter Johnson v. State Farm Mutual Automobile Insurance Company, from Craighead County Circuit Court, Western District. Affirmed. Glover and Whiteaker, 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-16-357. Velvet Carlock v. Director et al.

E-16-358. Marqueeena Simmons v. Director et al.

E-16-359. Dwayne Horn, Jr. v. Director et al.

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- E-16-360. Charla Pierce v. Director et al.
- E-16-361. Mario Davis v. Director et al.
- E-16-362. Derrick Washington v. Director et al.
- E-16-363. Robert Plummer v. Director et al.
- E-16-364. Samuel Frazier v. Director et al.
- E-16-365. Sunni Lively v. Director et al.
- E-16-366. Joann Whitaker v. Director et al.
- E-16-367. Jason Lewis v. Director et al.
- E-16-368. Laura Bean v. Director et al.
- E-16-369. Michael Wilson v. Director et al.
- E-16-370. Jerry Waters v. Director et al.
- E-16-371. Janice West v. Director et al.
- E-16-372. Mark Whitesell v. Director et al.
- E-16-373. Wayne Bryant v. Director et al.
- E-16-374. Karan Topiwala v. Director et al.
- E-16-375. Sonia Elliott v. Director et al.
- E-16-376. Laquita Howell v. Director et al.
- E-16-377. April Davis v. Director et al.
- E-16-378. Keith Flanigan v. Director et al.
- E-16-380. Lawanda Murphy v. Director et al.
- E-16-381. Lynn Lee v. Director et al.

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E-16-382. Katherine Huie v. Director et al.

E-16-383. Rickey Harper v. Director et al.

E-16-384. Flossie Marie Moore 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-14-1096. Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court.

CV-16-48. Judith L. Arnold v. Jerry K. Ashworth, from Newton County Circuit Court.

CV-16-289. Cristobal Mancía v. Bruce Jameson Bennett, from Benton County Circuit Court.

CV-16-306. Southern Farm Bureau Casualty Insurance Company v. Shelter Mutual Insurance Company and Tommy Roberson, from Ashley County Circuit Court.

CR-12-950. Thomas Rainey v. State of Arkansas, from Dallas County Circuit Court. Appellant's motion for leave to designate volume numbers for record on appeal is granted.

CR-15-540. James Hall v. State of Arkansas, from Drew County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees is granted. Allowed \$1,800.00.

CR-15-620. Antonio Whitlow v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Ronald L. Davis, Jr., for attorney's fees is granted. Allowed \$1,800.00.

CR-16-241. Jimmy Dewayne May v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David L. Dunagin for attorney's fees is granted. Allowed \$1,800.00.

CR-16-272. Jimmy Lee Prickett v. State of Arkansas, from Drew County Circuit Court. Motion of Timothy R. Leonard for attorney's fees and expenses is granted. Allowed \$1,800.00.

CR-16-331. Chachawal Chawangkul v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Motion of Brett D. Watson for attorney's fees is granted. Allowed \$1,800.00.

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CR-16-344. Terrance Washington v. State of Arkansas, from Crittenden County Circuit Court. Motion of Bryan Donaldson for attorney's fees is granted. Allowed \$1,800.00.

CR-16-640. Sterling Armour v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees is granted. Allowed \$1,800.00.

CR-16-830. James Elijah West v. State of Arkansas, from Garland County Circuit Court. Motion of Thomas Burns to be relieved is granted.

CR-16-879. Anne O'Hara Bynum v. State of Arkansas, from Drew County Circuit Court. Motion of Charles Sidney Gibson II to withdraw as counsel is granted.

CR-16-879. Anne O'Hara Bynum v. State of Arkansas, from Drew County Circuit Court. Motion of John Wesley Hall, Jr., for substitution of counsel is granted.

CR-16-1039. Trenton Jefferson v. State of Arkansas, from Faulkner County Circuit Court. Motion of Michael K. Kaiser to substitute counsel on appeal is granted.

CR-16-1103. Costello Byrd v. State of Arkansas, from Miller County Circuit Court. Motion of Jason Horton to withdraw and motion to stay appellate deadlines pending ruling on motion to withdraw is granted.

CV-15-250. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court. Appellant's motion to take judicial notice is denied.

CV-15-250. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court. Appellant's motion for extension of time to file belated brief is denied.

CV-15-250. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court. Appellant's motion to supplement the record on appeal is denied.

CV-15-250. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court. Appellee's motion to dismiss direct appeal and proceed on cross-appeal only is granted.

CV-15-918. Chelsea S. Harley v. Wyndham S. Dempster, Sr., from Pulaski County Circuit Court, Fourteenth Division. Appellee's motion to file belated response is granted.

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CV-15-943. Debbie Worsham v. Roy Day and Teresa Day, from Franklin County Circuit Court, Northern District. Appellant's motion for second supplementation of record and addendum is granted.

CV-15-1012. Philip Roberts v. Ed Dell Wortz, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for extension of time to file substituted brief is granted.

CV-16-29. Ardith Mossholder v. Daniel Coker, Martha Coker, and Minor Children, from Faulkner County Circuit Court. Appellant's motion to file brief under seal is denied. *See* Administrative Order No. 19.

CV-16-149. Nathan J. Jarrett and Key Energy Services, LLC v. Andrew J. Brand, Jr., from Perry County Circuit Court. Appellants' notice of termination of bankruptcy stay. Appeal resubmitted to panel.

CV-16-514. Angela Moody v. Edward Moody, from Pulaski County Circuit Court, Fourteenth Division. Appellee's motion to supplement the record is granted. Gruber, C.J., not participating.

CV-16-661. Robert Jeffrey Parnell v. Victoria Lee Mattingly, from Garland County Circuit Court. Appellant's pro se motion for nonconforming brief is denied.

CV-16-676. Deran Ford, as Administrator of the Estate of Herman P. Ford, Deceased, and as Next Friend on Behalf of I.F., a Minor v. Natasa Milojkovic, M.D.; Angela Pennisi, M.D.; Matthew Steliga, M.D.; David Rutlen, M.D.; Hakan Paydak, M.D.; Thaddeus Bartter, M.D.; Teka Bartter, A.P.N.; and Kyle Kalkwarf, M.D., from Pulaski County Circuit Court, Sixth Division. Motion to dismiss appeal on behalf of appellees David Rutlen, M.D.; Hakan Paydak, M.D.; Thaddeus Bartter, M.D.; Sabha Bhatti, M.D.; and Teka Bartter, A.P.N is passed until the case is submitted.

CV-16-711. Dondie Franklin v. Arkansas Department of Correction and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Appellees' petition for writ of certiorari to correct the record is granted.

CV-16-733. Terry Wyatt v. Joyce Lorene Wyatt, from Faulkner County Circuit Court. Appellee's suggestion of mootness is denied. Vaught, J., not participating.

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CV-16-802. City of Tontitown, Arkansas v. First Security Bank; City of Springdale, Arkansas; and Hillcrest Holdings, LLC, from Washington County Circuit Court. Appellant's motion to supplement record is denied.

CV-16-850. Brookshire Grocery Company v. Cleon Morgan, Sr., from the Arkansas Workers' Compensation Commission. Motion to be allowed to proceed as an appellee is denied.

CV-16-903. Connie Watkins and Richard Watkins v. Arkansas Department of Agriculture, Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors, Arkansas Division of Land Surveys, Everett Rowland, Brandon Robinson, Steve Haralson, James Atchley, Ronald Hawkins, H. James Engstrom, Nora Moses, Robert Holloway, Bradley P. Hancock, and Bradley P. Hancock Surveying & Mapping, from Pulaski County Circuit Court, Sixth Division. Appellants' pro se motion for reconsideration of motion to supplement the record is denied.

CV-16-946. Sherry Miesner v. Estate of Joyce Edna Priest Allred, Deceased; Relyance Bank; Belinda Allred; and Janice Herring, from Cleveland County Circuit Court. Appellant's motion to supplement the record is denied.

CV-16-946. Sherry Miesner v. Estate of Joyce Edna Priest Allred, Deceased; Relyance Bank; Belinda Allred; and Janice Herring, from Cleveland County Circuit Court. Appellees' motion to supplement the record is denied.

CV-16-975. U.S. Currency in the Amount of \$31,418.00 and Nathan Stevens v. State of Arkansas, from Lonoke County Circuit Court. Appellant's motion for permission to file belated brief is granted.

CV-16-996. Producers Rice Mill, Inc. v. Rice Hull Specialty Products, Inc., from Arkansas County Circuit Court, Northern District. Appellant's motion to file supplemental addendum is granted.

CV-16-1049. Patrick Howard v. Lexicon, Inc., and Risk Management Resources, from the Arkansas Workers' Compensation Commission. Appellees' motion to remand is granted.

CV-16-1118. James Coleman and Rhonda Coleman v. Wilmington Savings Fund Society FSB, Not Its Individual Capacity, but Solely as Trustee of the Primestar-H Fund I Trust, from Jefferson County Circuit Court. Appellants' ex parte emergency motion to stay writ of execution and request for expedited determination of motion is denied.

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CV-16-1127. Tara Wallace v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Appellant's motion for extension of time to lodge appellate record is granted.

E-16-562. Kameshia Stinnett 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-16-40. Kristopher Almeida v. Metal Studs, Inc. d/b/a Drywall Crews, Inc., from Benton County Circuit Court.

CV-16-330. James Branch v. Stephanie Branch, from Saline County Circuit Court.

CR-16-428. Teaira Williams v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees.

CV-16-788. Cox Communications and Broadspire Services v. Thomas Short, from the Arkansas Workers' Compensation Commission. Appellants' motion to remand for tentative settlement.

CV-16-1116. Cornell Taper v. City of Forrest City, from St. Francis County Circuit Court. Amended and corrected motion of E. Dion Wilson to be relieved as counsel for appellant.

E-17-10. Andreka Curley v. Director et al., from the Arkansas Board of Review. Appellant's motion for leave to file belated appeal or review.

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CASES SUBMITTED

CR-15-786. Lachesha N. Pugh-Hayes v. State of Arkansas, from Bradley County Circuit Court.

CR-15-796. Danny J. Wilson v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-15-895. W.J.S. v. State of Arkansas, from Crawford County Circuit Court.

CR-15-1007. Andrew Keaton Cox v. State of Arkansas, from Washington County Circuit Court.

CR-16-134. Frank P. Campbell v. State of Arkansas, from Carroll County Circuit Court, Eastern District.

CR-16-175. Wesley Gene Holland v. State of Arkansas, from Cleveland County Circuit Court.

CR-16-688. Robert Nicholas Jeffries v. State of Arkansas, from Madison County Circuit Court.

CR-16-718. Deion Johnson v. State of Arkansas, from Garland County Circuit Court.

CR-16-720. Kenneth Hinton v. State of Arkansas, from Lincoln County Circuit Court.

CR-16-735. Lawrence Handy v. State of Arkansas, from Crittenden County Circuit Court.

CR-16-737. Corderro Foster v. State of Arkansas, from Jefferson County Circuit Court.

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.

CV-15-778. Joseph Longley and Annette Longley (Deceased) v. Curtis Gatewood and Christine Gatewood, Husband and Wife, from Sebastian County Circuit Court, Fort Smith District.

CV-16-426. David W. Waddell v. Ferguson Home Builders, LLC, and G. Bart Ferguson, from Saline County Circuit Court.

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CASES SUBMITTED

CV-16-591. Edna Pauline Brown, an Alleged Endangered or Impaired Adult v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District.

CV-16-592. Jack Johnston, an Alleged Endangered or Impaired Adult v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District.

CV-16-594. Betty Nicholson, an Alleged Endangered or Impaired Adult v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District.

CV-16-595. Michael Howard, an Alleged Endangered or Impaired Adult v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District.

CV-16-618. Dianna Schall v. University of Arkansas for Medical Sciences, Public Employee Claims Division, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-16-658. Graylon Cooper v. University of Arkansas for Medical Sciences, Public Employee Claims Division, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-16-680. Mona Lisa Pardew v. Arkansas Department of Human Services, from Saline County Circuit Court.

CV-16-732. Kabias Bankston v. University of Arkansas at Little Rock and Public Employee Claims Division, State of Arkansas, from the Arkansas Workers' Compensation Commission.

CV-16-841. Shannon Taylor v. Arkansas Department of Human Services and Minor Children, from Franklin County Circuit Court, Northern District.

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CASES SUBMITTED

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

- E-16-148. Blake Fowlkes v. Director et al.
- E-16-410. Miguel Sandoval v. Director et al.
- E-16-411. Victoria Dumboski v. Director et al.
- E-16-412. Corrie Harris v. Director et al.
- E-16-413. Tommy Baker v. Director et al.
- E-16-414. Allen Mitchell v. Director et al.
- E-16-415. Faron Joe Plew v. Director et al.
- E-16-416. Judith Chartier v. Director et al.
- E-16-417. Glenda Jones v. Director et al.
- E-16-418. Dena Claypool v. Director et al.
- E-16-419. Johnathon Gilliam v. Director et al.
- E-16-420. Hendrika de Clonie Maclennan v. Director et al.
- E-16-421. Jasson Henderson v. Director et al.
- E-16-422. Kimberly Davis v. Director et al.
- E-16-423. Joshua Cottrell v. Director et al.
- E-16-424. David Curbow v. Director et al.
- E-16-426. Charles Maulding v. Director et al.
- E-16-427. Dennis Hines v. Director et al.
- E-16-428. Mark Main v. Director et al.

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CASES SUBMITTED

E-16-429. Matthew Vardell v. Director et al.

E-16-430. Heather Caudell v. Director et al.

E-16-432. Dianne Miller v. Director et al.

E-16-433. Lateshia Patillo v. Director et al.

E-16-434. Christopher Willbanks v. Director et al.

E-16-435. Beverly Farnsworth v. Director et al.