

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF AUGUST 23, 2017**

**PER CURIAM ORDERS**

PETITION FOR REHEARING: Petition for rehearing was denied today in the following case.

CV-15-1012. Philip Roberts v. Ed Dell Wortz, from Sebastian County Circuit Court, Fort Smith District.

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CR-16-672. Arthur Vern Macleod III v. State of Arkansas, from Johnson County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$1,600.00.

CR-16-712. Kenneth Ray Osburn v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion for stay is denied.

CR-16-712. Kenneth Ray Osburn v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion for remand to settle the record and for extension of brief time is remanded to the circuit court to settle the record in thirty days (September 22, 2017).

CR-16-712. Kenneth Ray Osburn v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion for appointment of counsel is denied.

CR-16-852. Fredrick Leon Wilson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to be excused from filing a substituted brief is granted.

CR-16-964. James Edward Whitney v. State of Arkansas, from Washington County Circuit Court. Motion of David M. Hogue for attorney's fees is granted. Allowed \$1,800.00.

CR-16-1043. Matthew Duane Byrd v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney's fees is granted. Allowed \$1,600.00.

CR-16-1053. R.J.W. v. State of Arkansas, from Garland County Circuit Court. Motion and request of Alex R. Burgos for attorney's fees is granted. Allowed \$1,800.00.

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CR-16-1102. Aaron A. Rector v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees is granted. Allowed \$1,600.00.

CR-16-1107. Isaiah Martin v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees is granted. Allowed \$1,600.00.

CR-16-1109. Jermaine C. Hester v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney's fees is granted. Allowed \$1,800.00.

CR-17-12. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Appellant's pro se motion for objection to appellee's brief is denied.

CR-17-25. James Edward Crippen v. State of Arkansas, from Crawford County Circuit Court. Appellant's pro se motion for copy of record at public expense is denied.

CR-17-102. Jimmy Christopher McMullin v. State of Arkansas, from Pope County Circuit Court. Appellee's motion to dismiss is granted.

CR-17-271. Trecie Oliver v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion to dismiss is granted.

CR-17-408. Willie Wells III v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss is granted.

CR-17-487. Charles Randall Davis v. State of Arkansas, from Poinsett County Circuit Court. Motion of Gerald A. Coleman to be relieved as attorney for appellant and to stay briefing schedule is granted.

CR-17-559. Herschel L. Brigance v. State of Arkansas, from Faulkner County Circuit Court. Motion of Lynn F. Plemmons to be relieved and for extension of time is granted.

CR-17-574. Charles Randall Davis v. State of Arkansas, from Poinsett County Circuit Court. Motion of Gerald A. Coleman to be relieved as attorney for appellant and to stay briefing schedule is granted.

CV-15-798. National Association for the Advancement of Colored People v. Hubert Bass, Member and Chairman of the Election Supervisory Committee of the Crittenden County Branch of the NAACP, from Crittenden County Circuit Court. Appellee's petition for costs, attorney's fees, and judgment is denied.

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CV-15-1012. Philip Roberts v. Ed Dell Wortz, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to remove designation of appeal as filed "under seal" is denied.

CV-17-3. Alicia Vest (now Buford) v. Cory Vest, from Franklin County Circuit Court, Northern District. Appellant's motion to file belated brief and for extension of time to file reply brief is granted.

CV-17-24. Alton Darren Barnett and Karen Barnett, Husband and Wife, Next Friend, and Natural Parents of Morgan Taylor Barnett; and Morgan Taylor Barnett, Individually v. Damon Eric Cleghorn, Purcell Tire and Rubber Company, Purcell Tire and Service Center, and Purcell Tire Company of Arkansas, from Grant County Circuit Court. Appellees' motion to strike a portion of appellants' reply brief is passed until the case is submitted. Glover, J., not participating.

CV-17-124. Elizabeth James v. Butch Lee Walchli, from Sebastian County Circuit Court, Greenwood District. Appellee's motion to determine sufficiency of appellant's abstract or rebriefing, prior to submission of appellee's brief is denied.

CV-17-207. David Box v. J.B. Hunt Transport, Inc., from Benton County Circuit Court. Appellant's motion for reconsideration of request for oral argument is granted. Vaught, J., not participating.

CV-17-237. Thomas Welvaert v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Appellant's petition for writ of certiorari to complete the record is denied.

CV-17-305. R.E.C. Enterprises, LLC d/b/a Stan Excavating Co. v. Gaillard Builders, Inc., from Miller County Circuit Court. Appellee's motion to dismiss appeal is passed until the case is submitted.

CV-17-320. Connie Cantrell v. Toyota Motor Corporation; Toyota Motor Sales, U.S.A., Inc.; and Bale Management Company, Inc., from Pulaski County Circuit Court, Fifth Division. Appellees/cross-appellants' motion to supplement record and stay or extend briefing schedule is moot. Glover, J., not participating.

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CV-17-320. Connie Cantrell v. Toyota Motor Corporation; Toyota Motor Sales, U.S.A., Inc.; and Bale Management Company, Inc., from Pulaski County Circuit Court, Fifth Division. Appellees/cross-appellants' amended motion to supplement record and for extension of time is granted. Glover, J., not participating.

CV-17-392. Pamela Miller Doe, Individually, and as Next Friend of Robert Miller Doe v. National Healthcare of Newport, Inc.; Amber Campbell; Susan Simmons; and Chris Nwokeji, from Jackson County Circuit Court. Appellees' motion to dismiss appeal for appellant's failure to file brief is granted.

CV-17-395. Carroll "Don" Johnson, M.D. v. Schumacher Group of Arkansas, Inc.; Pope Emergency Group, LLC; and Russellville Holdings, LLC, from Pope County Circuit Court. Appellant's motion to remand. Appeal dismissed. Virden, J., not participating.

CV-17-476. Kristina Johnston v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Agreed motion for substitution of counsel is granted.

CV-17-488. Walter Farris v. Express Services, Inc., and New Hampshire Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's motion to supplement the record and file supplemental addendum is granted.

CV-17-523. Charles Nathan Harrelson, Lesley Harrelson, and Margaret Harrelson v. Dee King, from Washington County Circuit Court. Appellants' motion for waiver of addendum obligation is moot.

CV-17-523. Charles Nathan Harrelson, Lesley Harrelson, and Margaret Harrelson v. Dee King, from Washington County Circuit Court. Appellants' withdrawal of motion for waiver of addendum obligation is granted.

CV-17-553. Daniel Dee Stovall v. Rudy Preston, from Nevada County Circuit Court. Appellant's motion to enter a stay pending appeal, or alternatively, to declare circuit court order vacating existing stay as moot is denied.

CV-17-580. John V. Glenn v. Mike Bubbus, from Pope County Circuit Court. Appellant's motion to supplement the record is granted.

CV-17-580. John V. Glenn v. Mike Bubbus, from Pope County Circuit Court. Appellee's countermotion to supplement the record is granted.

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CV-17-582. Doug Riley and All Occupants of 114 Coca Bay Point, Hot Springs, Arkansas v. Welcometotulum Investment Properties, LLC, from Garland County Circuit Court. Joint motion for release of personal property is granted.

CV-17-587. Christopher M. Brannon v. Shane Robert Goodnight, from Lonoke County Circuit Court. Motion of Scarlett R. Melikian to withdraw as counsel for appellee is granted.

E-17-235. Gary Williams v. Director et al., from the Arkansas Board of Review. Pro se motion to add additional evidence is denied.

E-17-236. Christopher Goss v. Director et al., from the Arkansas Board of Review. Pro se motion for reconsideration is denied.

E-17-295. Jerry Hays 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-16-722. Cody Alan Boose v. State of Arkansas, from Faulkner County Circuit Court. Motion of John Wesley Hall, Jr., for attorney's fees.

CR-16-1103. Costello Devonte Byrd v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to file belated brief.

CR-17-98. Mario Soto v. State of Arkansas, from Pope County Circuit Court. Appellant's motion for reconsideration.

CR-17-187. Christopher James Cummings v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for oral argument.

CR-17-337. Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-17-337. Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion to proceed with handwritten motions, petitions, briefs, and responses.

CR-17-339. Hunter John Drexler v. State of Arkansas, from Faulkner County Circuit Court. Appellant's expedited and emergency request for motion to stay briefing schedule; to remand matter to trial court for an evidentiary hearing; and other relief.

CR-17-372. Michael L. Boyd v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion to file a substituted brief.

CR-17-537. Calvin Thornton v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to file a belated brief and to extend time for filing brief.

CR-17-641. Keith Harris v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to consolidate cases.

CR-17-642. Keith Harris v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to consolidate cases.

CR-17-643. Larry Ray Britt, Jr. v. State of Arkansas, from Boone County Circuit Court. Motion of Phillip A. Moon to withdraw.

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**MOTIONS SUBMITTED**

CR-17-643. Larry Ray Britt, Jr. v. State of Arkansas, from Boone County Circuit Court. Motion of Charles D. Hancock to substitute counsel.

CV-16-441. Park Plaza Mall CMBS, LLC, and ERMC, L.P. v. Kimberly Marie Powell and the Estate of Christian Ellis Hayes, from Pulaski County Circuit Court, Thirteenth Division. Motion of Mark G. Arnold for permission to argue at oral argument scheduled for September 6, 2017.

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 oral argument.

CV-17-393. Dustin Rosenbaum v. Arkansas Department of Human Services and Minor Child, from Sharp County Circuit Court. Agreed motion for substitution of counsel.

CV-17-400. Joetta Davis v. White Hall School District and Arkansas School Board Association, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion for belated brief.

CV-17-511. Marcus Townsend v. Dorian Townsend, from Pulaski County Circuit Court, Third Division. Motion of Evan Bell to withdraw as counsel.

CV-17-553. Daniel Dee Stovall v. Rudy Preston, from Nevada County Circuit Court. Appellee's motion to enter an order granting the circuit court jurisdiction to hear motions despite pendency of appeal.

CV-17-621. Lori Elliott v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Stipulated motion to enlarge the page limit and stay the briefing schedule.

E-17-309. Tiffany Robinson v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

E-17-323. Kenny Isom v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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### CASES SUBMITTED

CR-16-533. Keenan Lamonte Lewis v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-16-721. Edward Darnell Rogers v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-16-854. Fred Albert Kauffeld v. State of Arkansas, from Johnson County Circuit Court.

CR-16-1065. Jesse Torres v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-16-16. David A. Stebbins v. David D. Stebbins, from Boone County Circuit Court.

CV-16-148. Don Paul Bales v. City of Fort Smith, Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-16-515. Bill Helton v. Joseph D. Calhoun, LTD d/b/a Calhoun Law Firm, from Faulkner County Circuit Court.

CV-16-748. Mary F. Dooley v. Regions Bank, Trustee; B-J Trust Dated April 26, 1996; Belinda Shelton; and Jimmy C. Dooley II, from Pope County Circuit Court.

CV-16-805. David Neal, Judy Kruse, John Holleman, Dr. Cynthia Frazier, Dr. Marianne Massey, Kathy Barber, Evelyn Anne (Brooks) House, Robert Brooks, James Brooks, Martha Breeden, and Alice Boyle v. Sparks Regional Medical Center, from Sebastian County Circuit Court, Fort Smith District.

CV-16-810. Larry Pingatore v. Union Pacific Railroad and Dennis H. Hatley, from Crittenden County Circuit Court.

CV-16-895. Ocwen Loan Servicing, LLC, and Federal Home Loan Mortgage Corporation v. Jamie Todd Mickna, from Washington County Circuit Court.

CV-16-1054. Allan Dewayne Chambers v. Amy Michelle Chambers, from Yell County Circuit Court, Southern District.

CV-16-1099. Lara Thompson v. Rachel Broussard, from Garland County Circuit Court.



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### CASES SUBMITTED

CV-16-1142. Mark Wesley Silva and Silva Properties, LLC v. Gay Lynn Napier, Individually and as Trustee of Dennis and Gay Lynn Napier Revocable Trust u/t/d 11/5/99, from Washington County Circuit Court.

CV-17-4. Corey Robbins v. HilArk Industries, Inc., and Hartford Underwriters Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-17-209. Jacob Allison v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-17-219. Amanda Threadgill v. Arkansas Department of Human Services and Minor Child, from Yell County Circuit Court, Northern District.

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

E-17-84. Richard Meier v. Director et al.

E-17-85. Oloye Sims v. Director et al.

E-17-86. Gerald Chastain v. Director et al.

E-17-87. Anastasia Mills v. Director et al.

E-17-88. Bennie Rodgers v. Director et al.

E-17-89. James Raulston v. Director et al.

E-17-90. Clear Mountain Refreshment Service, LLC v. Director et al.

E-17-91. Claudia O'Hagan v. Director et al.

E-17-92. Jerrol Maxwell v. Director et al.

E-17-93. Joshua Flint v. Director et al.

E-17-94. Demario Bolden v. Director et al.

E-17-95. Shalanda Bunch v. Director et al.