

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 18, 2017

BART F. VIRDEN, JUDGE:

[CR-16-721](#). Edward Darnell Rogers v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Reversed and remanded. Glover, Hixson, and Brown, JJ., agree. Gladwin and Whiteaker, JJ., dissent.

[CV-17-59](#). Arkansas Game and Fish Commission and Public Employee Claims Division v. Oscar A. Gerard, Jr., from the Arkansas Workers' Compensation Commission. Reversed. Abramson, Whiteaker, Hixson, and Murphy, JJ., agree. Gladwin, Glover, Vaught, and Brown, JJ., dissent.

[CV-17-508](#). Elizabeth S. Barnes v. Arkansas Department of Human Services and Minor Child, from Independence County Circuit Court. Affirmed; motion to withdraw granted. Glover and Murphy, JJ., agree.

BRANDON HARRISON, JUDGE:

[CR-16-1124](#). Larry Williams v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed. Gladwin and Klappenbach, JJ., agree.

[CV-17-162](#). Billy Newby v. Century Industries, Inc.; Travelers Indemnity Company of America; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Klappenbach, JJ., agree.

[CV-17-427](#). Amanda Lessley v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed. Gladwin and Klappenbach, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-17-512](#). Lyle White v. Arkansas Department of Human Services and Minor Child, from Madison County Circuit Court. Affirmed. Gladwin and Harrison, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-17-3](#). Alicia Vest (now Buford) v. Cory Vest, from Franklin County Circuit Court, Northern District. Affirmed. Virden and Murphy, JJ., agree.

[CV-17-51](#). Harold R. Dace v. Debra (Dace) Doss, from White County Circuit Court. Affirmed. Virden and Murphy, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CV-17-64](#). Ashley Peck O'Dell, as a Qualified Beneficiary of the Peck Family Trust and the Peck Marital Trust, and in her Individual Capacity v. Hannah Peck a/k/a Hannah Finley, Individually and as Trustee of the Peck Family Trust U/D June 15, 2001, and as Trustee of the Peck Marital Trust, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded with instructions. Gruber, C.J., and Brown, J., agree.

[CV-17-138](#). Prescott School District v. Patricia Steed, from Nevada County Circuit Court. Dismissed without prejudice. Gruber, C.J., and Brown, J., agree.

LARRY D. VAUGHT, JUDGE:

[CR-16-1152](#). Rayford Wright v. City of Bearden, from Ouachita County Circuit Court. Reversed and remanded with instructions. Abramson and Hixson, JJ., agree.

[CV-17-136](#). Carolyn Kirshberger v. Jeff Frost, Individually and d/b/a Frost Oil Company, and John Doe, from Johnson County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-16-1154](#). Tony L. Jefferson, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Affirmed; remanded with instructions to correct the sentencing order. Abramson and Vaught, JJ., agree.

[CV-17-475](#). James Kreckler v. Arkansas Department of Human Services and Minor Child, from Crawford County Circuit Court. Affirmed. Abramson and Vaught, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-17-39](#). Korey Rabion v. State of Arkansas, from Dallas County Circuit Court. Affirmed. Virden and Glover, JJ., agree.

[CV-15-731](#). Gene Garner and Linda Narug v. Board of Directors, Hot Springs Village Property Owners Association, and Hot Springs Village Property Owners Association, from Garland County Circuit Court. Affirmed. Virden and Glover, JJ., agree.

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WAYMOND M. BROWN, JUDGE:

[CR-17-15](#). Steven Wayne Wheeler v. State of Arkansas, from Saline County Circuit Court. Affirmed. Gruber, C.J., and Whiteaker, 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-17-184. Danny Vitzthum v. Director et al.
- E-17-185. Stanley Bunch v. Director et al.
- E-17-186. Shirley Syrus v. Director et al.
- E-17-187. Tanae Broaden v. Director et al.
- E-17-188. Christopher Echols v. Director et al.
- E-17-189. Debra Goforth v. Director et al.
- E-17-190. Robert Deyton v. Director et al.
- E-17-191. Matthew Gaines v. Director et al.
- E-17-192. Anthony Davis, Jr. v. Director et al.
- E-17-193. Victoria Kefale v. Director et al.
- E-17-194. Russell Holley v. Director et al.
- E-17-195. Eleanor Repper v. Director et al.
- E-17-196. Irene Walker v. Director et al.
- E-17-197. Patrick Lamb v. Director et al.
- E-17-198. Clear Mountain Refreshment v. Director et al.

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E-17-199. Lisa Brents v. Director et al.

E-17-200. Stanley Peavey, Jr. v. Director et al.

E-17-201. Anthony Terry v. Director et al.

E-17-202. Amanda Emerson v. Director et al.

E-17-203. Tiffany Newman v. Director et al.

E-17-204. Amos Woodell v. Director et al.

E-17-205. Kimberley Ashley v. Director et al.

E-17-206. D’Juan Williams v. Director et al.

E-17-207. Janet Bradley 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-16-895. Ocwen Loan Servicing, LLC, and Federal Home Loan Mortgage Corporation v. Jamie T. Mickna, from Washington County Circuit Court.

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

CR-16-593. Mark Anthony Mosley v. State of Arkansas, from Washington County Circuit Court. Motion of Margo D. Warner for attorney's fees and motion to withdraw is granted. Allowed \$1,800.00.

CR-16-712. Kenneth Ray Osburn v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion to object to extension of brief time by appellee is denied.

CR-17-685. Anfernee Xavier Wells v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Robert E. Tellez to withdraw as counsel is moot.

CR-17-685. Anfernee Xavier Wells v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Amended motion of Robert E. Tellez to withdraw as counsel is granted.

CR-17-728. Gregory Rose v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of John H. Bradley to be relieved as attorney of record and appoint counsel for appeal is granted.

CV-16-895. Ocwen Loan Servicing, LLC, and Federal Home Loan Mortgage Corporation v. Jamie T. Mickna, from Washington County Circuit Court. Ocwen and Freddie Mac's motion for leave to file reply in support of petition for rehearing is denied.

CV-17-207. David Box v. J.B. Hunt Transport, Inc., from Benton County Circuit Court. Appellee's motion to dismiss appeal is passed until the case is submitted. Each party is allowed five additional minutes for oral argument. Virden, J., not participating.

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CV-17-458. Natasha Holland v. James Holland, from Craighead County Circuit Court, Western District. Appellant's motion to remand to settle record or, alternatively, for extension of time to file brief granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-16-830. James Elijah West v. State of Arkansas, from Garland County Circuit Court.

CR-16-924. Roger Herman Zemel v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-16-1057. Max Douglas Bishop v. State of Arkansas, from Benton County Circuit Court.

CV-15-250. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court.

CV-16-441. Park Plaza Mall CMBS, LLC, and ERMC, LP v. Kimberly Marie Powell, Individually and as Special Administratrix of the Estate of Christian Ellis Hayes, Deceased, from Pulaski County Circuit Court, Thirteenth Division.

CV-17-151. Stacy Don Rider and Pam Rider v. Longbow Ranch, LLC, from Stone County Circuit Court.

CR-16-108. James Lee McPherson v. State of Arkansas, from Faulkner County Circuit Court. Motion of Joseph C. Self for payment of fees.

CR-16-712. Kenneth Ray Osburn v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se notification to court and motion for rule on clerk.

CR-16-1071. C.J.M. v. State of Arkansas, from Garland County Circuit Court. Motion of Seth Bowman for costs and attorney's fees.

CR-16-1073. K.B. v. State of Arkansas, from Garland County Circuit Court. Motion of Lawrence Walker for costs and attorney's fees.

CR-16-1105. Matthew Reagan Coger v. State of Arkansas, from Madison County Circuit Court. Motion of Grace Casteel for award of attorney's fees.

CR-16-1140. Byron Jamarr Flowers v. State of Arkansas, from Miller County Circuit Court. Motion of Jack D. Burns for attorney fees and expenses.

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MOTIONS SUBMITTED

CR-16-1150. D.S. v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fees and expenses.

CR-17-1. Jesse Emanuel Harris v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Joseph Karl Luebke to withdraw as counsel of record and for allowance of attorney's fees and expenses.

CR-17-85. Ronald Anthony Antoniello v. State of Arkansas, from Miller County Circuit Court. Appellant's motion for excusal from copying child pornography.

CV-16-16. David A. Stebbins v. David D. Stebbins, from Boone County Circuit Court. Appellant's pro se motion and brief to enforce mandate.

CV-16-895. Ocwen Loan Servicing, LLC, and Federal Home Loan Mortgage Corporation v. Jamie T. Mickna, from Washington County Circuit Court. Appellee's motion for attorneys' fees and costs.

CV-16-895. Ocwen Loan Servicing, LLC, and Federal Home Loan Mortgage Corporation v. Jamie T. Mickna, from Washington County Circuit Court. Appellee's amended motion for attorneys' fees and costs.

CV-16-917. Tami Thomas Darr v. Francis Jean Billeaudeau, from Pulaski County Circuit Court, Fifteenth Division. Appellee's motion to strike appellant's substituted brief and dismiss appeal.

CV-17-60. James Tony Hollis v. National Office of the NAACP, National Association for the Advancement of Colored People, State Conference President Dale Chales, and Local Unit 6020 Officers James Welspom, Dorothy Daniels, and Mary Sue Jeffers, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for reconsideration to extend time to file brief, or the alternative, file a belated brief.

CV-17-343. Sherman Hiatt v. Sheila Hiatt, from Sebastian County Circuit Court, Greenwood District. Appellant's motion to reinstate alimony.

CV-17-406. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Randy Hopkins and Chris Lane, from Pulaski County Circuit Court, Ninth Division. Appellant's motion for stay of order and filing of supersedeas bond.

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MOTIONS SUBMITTED

CV-17-406. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Randy Hopkins and Chris Lane, from Pulaski County Circuit Court, Ninth Division. Appellant's motion to supplement the record.

CV-17-406. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Randy Hopkins and Chris Lane, from Pulaski County Circuit Court, Ninth Division. Appellant's motion for leave to file a supplemental brief.

CV-17-480. Janann Johnson v. Windstream Communications, Inc., from Pulaski County Circuit Court, Sixth Division. Appellant's motion to file belated reply brief.

CV-17-529. Dean Goodson v. Sharon Bennett, from Pulaski County Circuit Court, Seventeenth Division. Motion of Katherine Blackmon Carroll to withdraw as counsel.

CV-17-609. Alicia Michelle Morris v. Jannell Marie Clark, from Jefferson County Circuit Court. Motion of Thomas E. Brown to be relieved as counsel.

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CASES SUBMITTED

CR-16-709. Dustin Lee Merchant v. State of Arkansas, from Howard County Circuit Court.

CR-16-820. Lorenzo Harrison v. State of Arkansas, from St. Francis County Circuit Court.

CR-16-1003. T.S. v. State of Arkansas, from Ouachita County Circuit Court.

CR-17-45. Craig Allen Pledger v. State of Arkansas, from Franklin County Circuit Court, Northern District.

CR-17-100. Willie Ronay Payne v. State of Arkansas, from Drew County Circuit Court.

CR-17-187. Christopher James Cummings v. State of Arkansas, from Faulkner County Circuit Court.

CR-17-294. Wayne Travis Ray v. State of Arkansas, from Saline County Circuit Court.

CR-17-354. Roddrick Larnell Smith v. State of Arkansas, from Columbia County Circuit Court.

CR-17-372. Michael Boyd v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-16-514. Angela Moody v. Edward Moody, from Pulaski County Circuit Court, Fourteenth Division.

CV-17-67. Lauren Ashley Childress v. Tami Rachelle Braden, from Conway County Circuit Court.

CV-17-107. Brooke Ashley Miller and Kerry Coleman v. Jason Edward Moore and Manesseh Blythe Moore, from Crawford County Circuit Court.

CV-17-175. Helen M. Bittle v. Wal-Mart Associates, Inc., and Claims Management, Inc., from the Arkansas Workers' Compensation Commission.

CV-17-193. Marten Transport of Wisconsin, LTD; Zurich American Insurance Company; and Cannon Cochran Management Services, Inc. v. Kevin L. Morgan, from the Arkansas Workers' Compensation Commission.

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CASES SUBMITTED

CV-17-255. Jimmy Earl Atchley v. Cassie Ann Atchley, from Scott County Circuit Court.

CV-17-476. Kristina Lynn Johnston v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court.

CV-17-552. Patrice Oliver v. Arkansas Department of Human Services and Minor Child, from Craighead County Circuit Court, Western District.

CV-17-557. Derrick Connors v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division.

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

E-17-235. Gary Williams v. Director et al.

E-17-237. Delois Smith v. Director et al.

E-17-238. Delois Smith v. Director et al.

E-17-239. Joyce Downie v. Director et al.

E-17-240. ARcare v. Director et al.

E-17-241. Curtis Lee v. Director et al.

E-17-242. Candace Fletcher v. Director et al.

E-17-243. Annick Degny v. Director et al.

E-17-244. Travis Strickland v. Director et al.

E-17-245. Joseph Watson v. Director et al.

E-17-246. Terry Mencl v. Director et al.

E-17-248. Davis Floor Covering v. Director et al.

E-17-249. Charles Gough, Jr. v. Director et al.

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CASES SUBMITTED

- E-17-250. Floyd Fort, Jr. v. Director et al.
- E-17-251. Jaime Hannah v. Director et al.
- E-17-252. Princess Dansby v. Director et al.
- E-17-253. Peggy Rudd v. Director et al.
- E-17-254. Marquidia Hill v. Director et al.
- E-17-255. Robert Shelton v. Director et al.
- E-17-256. Jean Williams v. Director et al.
- E-17-257. Tommy Matchett v. Director et al.
- E-17-258. Errol Marchese v. Director et al.
- E-17-259. Tennie Perez v. Director et al.
- E-17-260. Yolanda Lewis v. Director et al.