

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 29, 2017

RITA W. GRUBER, CHIEF JUDGE:

[CV-17-333](#). Kimberly E. Grindstaff v. Joseph D. Strickland and Minor Children, from Benton County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

[CV-17-663](#). Crystal Griffin v. Arkansas Department of Human Services and Minor Children, from Pope County Circuit Court. Affirmed; motion granted. Virden and Harrison, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-17-350](#). Shuandrell Hubbard v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Murphy and Brown, JJ., agree.

[CV-17-375](#). Arkansas Highway & Transportation Department; Arkansas Insurance Department, Public Employee Claims Division; and Death and Permanent Total Disability Trust Fund v. Robert Lynn Dunlap, from the Arkansas Workers' Compensation Commission. Affirmed. Murphy and Brown, JJ., agree.

BART F. VIRDEN, JUDGE

[CR-17-109](#). Garland Trice v. City of Pine Bluff, from Jefferson County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

[CV-17-175](#). Helen M. Bittle v. Wal-Mart Associates, Inc., and Claims Management, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Klappenbach and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-17-639](#). Candace Solee v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Glover and Hixson, JJ., agree.

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N. MARK KLAPPENBACH, JUDGE:

[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 & Rubber Company, Purcell Tire and Service Center, Purcell Tire Company of Arkansas, from Grant County Circuit Court. Reversed and remanded; motion to strike denied. Abramson, Virden, Gladwin, and Whiteaker, JJ., agree. Brown, J., dissents.

[CV-17-83](#). Jon-Claude Jenkins v. Scarlett Jenkins, from Pulaski County Circuit Court, Thirteenth Division. Affirmed. Whiteaker and Vaught, JJ., agree.

[CV-17-252](#). Wright Steel & Machine, Inc., and Security National Insurance Company v. James D. Heimer, from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker and Vaught, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-16-852](#). Fredrick Leon Wilson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion to withdraw denied; rebriefing ordered. Gladwin and Hixson, JJ., agree.

[CV-17-124](#). Elizabeth James v. Butch Lee Walchli, from Sebastian County Circuit Court, Greenwood District. Affirmed in part; reversed and remanded in part. Gladwin and Hixson, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-17-46](#). Daniel Lynn Honey v. State of Arkansas, from Logan County Circuit Court, Northern District. Remanded to settle and supplement the record; rebriefing ordered. Klappenbach and Vaught, JJ., agree.

[CR-17-96](#). Aaron Michael Cutsinger v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Affirmed. Klappenbach and Vaught, JJ., agree.

[CV-16-836](#). Steven Wait v. Spencer Elmen, Individually and in a Derivative Capacity for Jackie, LLC, and Sodakco, LLC, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded with instructions. Klappenbach and Vaught, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE: (Continued)

[CV-17-363](#). Brian Skender v. Union Pacific Railroad Company, from Jefferson County Circuit Court. Supplemental addendum ordered. Klappenbach and Vaught, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-17-258](#). Jesus Herrera-Larios (Deceased) v. El Chico 71, Travelers Insurance Company, and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Klappenbach and Whiteaker, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-17-373](#). Arkansas State University and Arkansas Insurance Department, Public Employee Claims Division v. Jeanette Gatlin-Tennant, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Glover, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-17-296](#). Brian Ray Cross v. State of Arkansas, from Newton County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

[CV-17-410](#). Stephen Wilson v. Riceland Foods, Inc., and Ace American Insurance Company, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-17-403](#). Absolute Care Management and Guarantee Insurance Company v. Letha Stacy and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Rebriefing ordered. Abramson and Murphy, JJ., agree.

[CV-17-584](#). Jonathan Snow v. Arkansas Department of Human Services and Minor Child, from Baxter County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Murphy, 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).

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E-17-311. Chimere Maddox v. Director et al.

E-17-312. Steve Martin v. Director et al.

E-17-313. Stephyne Johnson v. Director et al.

E-17-314. DeValve DeGree, Sr. v. Director et al.

E-17-315. Zach Sheffield v. Director et al.

E-17-316. Clint Allison v. Director et al.

E-17-317. Eboni (Larde) Crawford v. Director et al.

E-17-318. Randy Bowie v. Director et al.

E-17-319. Richard Smith v. Director et al.

E-17-320. Lewis Bunting, Jr. v. Director et al.

E-17-321. Tashima Franklin v. Director et al.

E-17-322. Edwina Flowers 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-16-721. Edward Darnell Rogers v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Gladwin and Whiteaker, JJ., would grant.

CV-17-58. Russellville Holdings, LLC, d/b/a Saint Mary's Regional Medical Center d/b/a Turning Point Behavioral Health v. James Robertson Peters, as Personal Representative of the Estate of John D. Peters, Jr., Deceased, and on Behalf of the Estate and Its Statutory Beneficiaries; John D. Peters III; James Robertson Peters, Individually; and Kathleen Stingley, from Pope County Circuit Court.

CV-17-322. Traci Parish v. Arkansas Department of Human Services and Minor Child, from Scott County Circuit Court.

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

CR-16-372. Robert Thomas Dark v. State of Arkansas, from Garland County Circuit Court. Motion of Tim Cullen for attorney fees and costs is granted. Allowed \$1,800.00. Vaught, J., not participating.

CR-16-709. Dustin L. Merchant v. State of Arkansas, from Howard County Circuit Court. Motion of Jonathan Randle Smolarz for award of attorney's fees is granted. Allowed \$1,800.00.

CR-16-1134. Eric Lewis v. State of Arkansas, from Ouachita County Circuit Court. Appellee's motion to dismiss is denied. Klappenbach, J., not participating.

CR-17-14. Steven Wayne Wheeler v. State of Arkansas, from Saline County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$1,800.00.

CR-17-15. Steven Wayne Wheeler v. State of Arkansas, from Saline County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$1,800.00.

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PER CURIAM ORDERS

CR-17-855. Jermaine Levert Hayes v. State of Arkansas, from Garland County Circuit Court. Motion for entry of appearance is granted.

CV-17-580. John V. Glenn v. Mike Bubbus, from Pope County Circuit Court. Appellant's motion to supplement the appellate record is granted. Supplemental record is due in fifteen days (December 14, 2017).

CV-17-730. Misty Dawn Lawrence v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Appellees' motion to stay briefing schedule and remand to circuit court to settle record is denied. Appellees' brief is due in ten days (December 9, 2017).

CV-17-744. Travis Spurling v. Bill Reed, Individually and as Executor of the Estate of Allie Marie Reed, Deceased, and Sherleen Reed, from Montgomery County Circuit Court. Notice of related appellate case. Noted.

CV-17-745. Travis Spurling v. Bill Reed, Individually and as Executor of the Estate of Allie Marie Reed, Deceased, and Sherleen Reed, from Montgomery County Circuit Court. Notice of related appellate case. Noted.

CV-17-754. Amy Villines and Gerrie Parker v. Harrison Housing Authority and the City of Harrison, Arkansas, from Boone County Circuit Court. Appellees' motion to supplement the record is granted. Supplemental record filed this date.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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.

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

CV-17-65. James Andrew Marshall v. Seth Robert Rubright and Minor Child, from Benton County Circuit Court.

CR-16-830. James Elijah West v. State of Arkansas, from Garland County Circuit Court. Motion of Sharon Kiel for award of attorney's fees.

CR-16-980. James Christopher Geeslin v. State of Arkansas, from Faulkner County Circuit Court. Motion of Tim Cullen for attorney's fees and costs.

CR-17-185. David Hanley v. State of Arkansas, from Jefferson County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees.

CR-17-501. Bobby Lee Robertson v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion to dismiss.

CR-17-650. Tommy L. Wood, Jr. v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's pro se motion for an extension of time to file brief.

CR-17-688. Howard T. Wood, Jr. v. State of Arkansas, from Scott County Circuit Court. Appellee's motion to dismiss.

CR-17-720. Leslie Anna Crowell v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's petition for writ of certiorari to complete the record.

CR-17-752. Tristan Lajuan Mosley v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's combined motion to remand to correct the record or alternative petition for certiorari to complete the record, and motion to extend time or stay the briefing schedule.

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MOTIONS SUBMITTED

CR-17-848. Kirk David Halcomb v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion for enlargement of time in which to file brief.

CR-17-887. Derrick Leon Johnson v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to hold counsel responsible for first appeal.

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

CV-17-18. Mary Christine Haggard v. Brian Edward Haggard, from Washington County Circuit Court. Appellant's motion for belated filing of petition for rehearing.

CV-17-257. Jennifer Anne Henderson v. Shane Johnston, from Pulaski County Circuit Court, Fourteenth Division. Motion of Jonathan Streit for attorney's fees and taxation of costs.

CV-17-417. Danny Burrow v. J.T. White Hardware and Lumber Company, LLC, from Craighead County Circuit Court, Western District. Appellant's motion for oral argument.

CV-17-458. Natasha Holland v. James Holland, from Craighead County Circuit Court, Western District. Motion for extension of time for circuit clerk to respond to writ of certiorari.

CV-17-627. Donna M. Reed v. Jacquelin R. Smith, William E. Smith III, and Diana M. Sharp, from Garland County Circuit Court. Appellant's motion for certiorari to complete the record, or in the alternative to settle the record, to remand, and to stay briefing schedule.

CV-17-717. W.N. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to extend length of argument.

CV-17-721. Jordan Shaw v. Arkansas Department of Human Services, from Jefferson County Circuit Court. Joint motion to remand to settle the record and to stay briefing schedule.

CV-17-847. Hassan Ali "Mahmoud" Abdi v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's motion for appointment of interpreter.

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MOTIONS SUBMITTED

CV-17-852. Frank Pettus v. Joe William Gordon and Jerry L. Childers d/b/a Jerry Childers Trucking, from Pulaski County Circuit Court, Sixth Division. Appellees' motion to dismiss appeal.

CV-17-864. Brittani Young v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Appellant's motion to remand and to correct the record and to stay the briefing schedule.

CV-17-880. James E. Gooch and Betsy Gooch v. Leslie J. Davis, Landhawg, LLC, Gerald Wilson, and Jason Aultman, from Faulkner County Circuit Court. Joint motion to supplement the record and extension for deadlines in briefing schedule.

CV-17-950. U.S. Bank National, Association Successor by Merger to U.S. Bank National Association, N.D. v. Rodney Greenwood and Jock Adam Greenwood, from Saline County Circuit Court. Appellant's motion for supersedeas.

E-17-444. Lakhraj Manohar v. Director et al., from the Arkansas Board of Review. Motion to file belated appeal.

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CASES SUBMITTED

CR-16-568. James Pafford v. State of Arkansas, from Hempstead County Circuit Court. Orally argued.

CR-17-203. Tyrone Eugene Randolph v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-17-210. Terry Wayne Bartlett v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-17-213. Justin Wayne Turner v. State of Arkansas, from Crawford County Circuit Court.

CR-17-242. Matthew Brian Burnside v. State of Arkansas, from Faulkner County Circuit Court.

CR-17-389. Danny Lee Schepp v. State of Arkansas, from Benton County Circuit Court.

CR-17-391. Jose Rosales-Almenar v. State of Arkansas, from Benton County Circuit Court.

CR-17-399. Catalina Pacheco-Alvarez v. State of Arkansas, from Saline County Circuit Court.

CR-17-545. Gary Robinson, Jr. v. State of Arkansas, from Faulkner County Circuit Court.

CV-17-169. Gara Cross v. State Farm Mutual Automobile Insurance Company, from Little River County Circuit Court.

CV-17-200. John Adams and Marie Adams v. Bill Moody, from Baxter County Circuit Court.

CV-17-280. Dashunda R. Johnson v. Pizza Hut, from the Arkansas Workers' Compensation Commission.

CV-17-325. State Farm Mutual Automobile Insurance Company v. Alvarado Esparza, from Benton County Circuit Court.

CV-17-369. Denise Oldenberg McCormick v. Arkansas State Medical Board, from Baxter County Circuit Court.

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CASES SUBMITTED

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

CV-17-467. Clifton Lewis v. Ronda Lewis, from Jefferson County Circuit Court.

CV-17-563. Larry Craigmyle v. Matthew Margolis, D.O., from Craighead County Circuit Court, Western District.

CV-17-625. Ava Dawn Mouse v. Arkansas Department of Human Services and Minor Child, from Benton County Circuit Court.