

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 10, 2018

RAYMOND R. ABRAMSON, JUDGE:

[CV-17-452](#). Charles Fuller v. Pope County Judge, from the Arkansas Workers' Compensation Commission. Affirmed; motion denied. Gruber, C.J., and Klappenbach, J., agree.

BART F. VIRDEN, JUDGE:

[CR-16-1103](#). Costello Devonte Byrd v. State of Arkansas, from Miller County Circuit Court. Affirmed. Glover and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-17-274](#). Black, Inc., and Deborah Dunklin Tipton v. George H. Dunklin, Jr., from Arkansas County Circuit Court, Northern District. Affirmed. Vaught and Murphy, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[cv-17-718](#). Jacquelyn Hall v. Arkansas Department of Human Services and Minor Children, from Poinsett County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Hixson, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[cr-17-166](#). Richard Leroy Turner v. State of Arkansas, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Abramson, J., agree.

DAVID M. GLOVER, JUDGE:

[CR-17-471](#). Terrell Antonio Harrell v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Affirmed. Virden and Brown, JJ., agree.

[CV-17-485](#). Marie Katelynn White v. Butterball, LLC, and Sedgwick Claims Management, from the Arkansas Workers' Compensation Commission. Affirmed. Virden and Brown, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[cr-16-812](#). Christopher Scott Reynolds v. State of Arkansas, from Clark County Circuit Court. Affirmed. Klappenbach and Vaught, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE: (Continued)

[cv-17-662](#). Brett Allen Sills v. Arkansas Department of Human Services and Minor Child, from Craighead County Circuit Court, Western District. Affirmed. Klappenbach and Vaught, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-17-264](#). Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Affirmed in part; reversed and remanded in part. Gladwin and Murphy, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-17-413](#). Phillip Anthony Herren v. State of Arkansas, from Cleveland County Circuit Court. Affirmed. Gladwin and Vaught, 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-17-362. Kimberly Stanfield v. Director et al.

E-17-363. Shawn Baggett v. Director et al.

E-17-364. Rachel Hunsucker v. Director et al.

E-17-365. Trena Herman v. Director et al.

E-17-366. Francis Pearson v. Director et al.

E-17-367. Arthur Tate v. Director et al.

E-17-368. David Gentry v. Director et al.

E-17-369. Nancy Narx v. Director et al.

E-17-370. Ashantia Pride v. Director et al.

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E-17-371. Donald Williams v. Director et al.

E-17-372. Antoinette Solomon 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-17-131. David Myers v. State of Arkansas, from Jefferson 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. (separate appellant Kerry Coleman)

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

CR-17-728. Gregory Rose v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's motion for remand to correct the record and stay briefing schedule is granted.

CR-17-956. Kevin Dangiolo Perry v. State of Arkansas, from Faulkner County Circuit Court. Motion of Danny M. Rasmussen to be relieved and for extension of time is granted.

CR-17-969. Earl C. Alexander v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler C. Ginn to be relieved and to stay briefing schedule is granted.

[cr-17-985](#). Robert Jamal Fields v. State of Arkansas, from Union County Circuit Court. Appellant's motion to stay briefing and reinvest jurisdiction with the circuit court to consider pending petition for writ of error coram nobis is granted. See **per curiam** this date.

CR-17-985. Robert Jamal Fields v. State of Arkansas, from Union County Circuit Court. Appellant's motion to supplement the record is granted. See **per curiam** this date.

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 is denied. Gladwin, J., not participating.

CV-17-105. Arkansas Department of Correction and Arkansas Insurance Department, Public Employee Claims Division v. Christie Dawn Jennings, from the Arkansas

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Workers' Compensation Commission. Appellee's motion for attorney's fees and costs is granted.

PER CURIAM ORDERS

CV-17-252. Wright Steel & Machine, Inc., and Security National Insurance Company v. James D. Heimer, from the Arkansas Workers' Compensation Commission. Appellants' motion to remand is denied.

CV-17-397. Vicki Bass Haynes v. Benton Ned Bass, from Garland County Circuit Court. Appellee's motion for leave to file brief with argument exceeding Supreme Court Rule 4-1 argument length restrictions and alternative motion for 7-day clerk's extension of time to file compliant brief is denied. Appellee's corrected brief is due in seven days (January 17, 2018).

CV-17-460. Shrokrollah Eliasnik a/k/a Shawn Nik v. Y & S Pine Bluff, LLC, and Shahrokh Javidzad a/k/a Steve Javidzad, from Jefferson County Circuit Court. Appellant's motion for oral argument is denied. Harrison, J., not participating.

CV-17-605. David Petty, Mary C. Petty, and Mary C. Petty Family Trust v. Robert Louton, from Hot Spring County Circuit Court. Appellants' motion to file belated brief is granted.

CV-17-710. Sherry Rickman v. Arkansas Department of Human Services and Minor Child, from Crittenden County Circuit Court. Appellant's motion to stay the briefing schedule is denied. Appellant's brief is due in twenty-one days (January 31, 2018).

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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.

CV-17-47. Gary Marks and Kristin Marks v. Beckie Saville, Guardian of the Estate of Willa Dean Jackson, from Pope County Circuit Court.

CV-17-48. Jan Christopher Sarna v. Arkansas Department of Correction Sex Offender Assessment Committee, from Pulaski County Circuit Court, Sixth Division.

CV-17-283. David Hill and Dana Hill v. Brooksie Felty Hartness and Image Realty LLC, from Craighead County Circuit Court, Western District.

CV-17-570. Melissa Parnell and Rodney D. Laster v. Arkansas Department of Human Services and Minor Children, from Mississippi County Circuit Court, Osceola District. (separate appellant Melissa Parnell)

CV-17-570. Melissa Parnell and Rodney D. Laster v. Arkansas Department of Human Services and Minor Children, from Mississippi County Circuit Court, Osceola District. (separate appellant Rodney D. Laster)

CR-16-712. Kenneth Ray Osburn v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se petition to request supplemental brief in support of petition.

CR-16-852. Fredrick Leon Wilson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion for extension of time to file brief.

CR-16-879. Anne O'Hara Bynum v. State of Arkansas, from Drew County Circuit Court. Motion to participate in oral argument.

CR-16-879. Anne O'Hara Bynum v. State of Arkansas, from Drew County Circuit Court. Motion to excuse local counsel from oral argument or, alternatively, for continuance of oral argument.

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CR-16-1003. T. S. v. State of Arkansas, from Ouachita County Circuit Court. Motion of Ebony Gulley for attorney's fees.

CR-17-70. Jordan Navarr Williams v. State of Arkansas, from Hempstead County Circuit Court. Appellant's motion for extension of time to file rebrief.

CR-17-96. Aaron Michael Cutsinger v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Motion of Lee D. Short for attorney fees.

CR-17-153. Jimmy Lee Crews v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees.

CR-17-210. Terry Wayne Bartlett v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Tim Cullen for attorney fees and costs.

CR-17-213. Justin Wayne Turner v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee.

CR-17-367. Jeffery Caldwell Russell v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David L. Dunagin for attorney's fee.

CR-17-620. Chad Wesley Norman v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion requesting permission to file a substituted, corrected reply brief.

CR-17-713. Lafrances Sanford, Jr. v. State of Arkansas, from Benton County Circuit Court. Motion of Jeffrey Weber to withdraw.

CR-17-813. Ronald Clark Shaver v. State of Arkansas, from Boone County Circuit Court. Appellee's motion to dismiss, or, in the alternative, motion for extension of time in which to file brief.

CR-17-848. Kirk David Halcomb v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion to supplement the record.

CR-17-848. Kirk David Halcomb v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion for writ of certiorari.

CR-17-848. Kirk David Halcomb v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion for transcripts.

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CR-17-861. Adrian Clinkscale v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to file supplemental record.

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; Bradley P. Hancock Surveying & Mapping; and in their Individual Capacities: Everett Rowland, Brandon Robinson, Steve Haralson, James Atchley, Ronald Hawkins, H. James Engstrom, Nora Moses, Robert D. Holloway, and Bradley P. Hancock, from Pulaski County Circuit Court, Sixth Division. Watkins' new objections to the singling out of this case for unequal treatment in the application of instructions and court orders, by the clerk's office, newly known as having effected a) the wrongful removal of AG Amber Schubert from the public and private docket as a 'Case Party' b) deletion of evidence in this case, and c) chilling of Watkins' 1st amendment rights, eg., to expose fraud by the AG and motion for relief based upon these objections.

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; Bradley P. Hancock Surveying & Mapping; and in their Individual Capacities: Everett Rowland, Brandon Robinson, Steve Haralson, James Atchley, Ronald Hawkins, H. James Engstrom, Nora Moses, Robert D. Holloway, and Bradley P. Hancock, from Pulaski County Circuit Court, Sixth Division. Appellants' objection to the Arkansas Supreme Court's keeping and publishing of false incriminating web records against Connie Watkins in violation of her 5th, 6th, and 14th amendment rights which have been the source of "Appellee Brief" defamation by the AG/Assistants AG Amber Schubert, now, William Bird, and motion for relief from AOC's refusal to remove illegal public docket 'Web-Case 28CR-10-211'.

CV-17-36. William A. Buckingham, Jr. v. Clarissa Buckingham, from Pulaski County Circuit Court, Seventeenth Division. Appellee's motion for attorney fees.

CV-17-139. Mike Ellis v. Denee Ellis, from Randolph County Circuit Court. Appellee/Cross-appellant's motion for attorneys' fees and costs.

CV-17-141. Donni Joe Roach v. Karen D. Roach, from Craighead County Circuit Court, Western District. Appellee's motion to receive belated brief.

CV-17-200. John Adams and Marie Adams v. Bill Moody, from Baxter County Circuit Court. Appellants' motion for extension of substituted brief time.

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CV-17-252. Wright Steel & Machine, Inc., and Security National Insurance Company v. James D. Heimer, from the Arkansas Workers' Compensation Commission. Appellee's motion for an award of attorney fees.

CV-17-343. Sherman Hiatt v. Sheila Hiatt, from Sebastian County Circuit Court, Greenwood District. Appellee's motion for leave to file sur-reply or supplemental brief.

CV-17-363. Brian Skender v. Union Pacific Railroad Company, from Jefferson County Circuit Court. Appellant's motion to file belated supplemental addendum.

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. Appellee's motion for attorney's fees.

CV-17-376. David Tribble and Danny Tribble v. First Security Bank, Jason Tribble, and Jennifer Tribble, from Baxter County Circuit Court. Appellants' motion for oral argument.

CV-17-633. Donna Swangel v. Arkansas Department of Human Services and Minor Children, from Marion County Circuit Court. Appellees' joint motion to stay briefing schedule and for extension of time to file brief.

CV-17-652. Miranda Thomas v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Appellant's motion to consolidate appeals.

CV-17-717. W.N. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifth Division. Joint stipulation and motion to supplement/correct the record.

CV-17-717. W.N. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifth Division. Amended joint stipulation and motion to supplement/correct the record with certified exhibits.

CV-17-727. Larry Hamilton v. Bank of the Ozarks, from Pulaski County Circuit Court, Fifteenth Division. Appellant's pro se motion for extension of time to file and to stay briefing schedule.

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CV-17-730. Misty Lawrence v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Appellees' joint motion to supplement the record or petition for writ of certiorari to complete the record.

CV-17-761. Bullock's Kentucky Fried Chicken, Inc.; Karen King; and Arkansas Pulpwood Company, Inc. v. City of Bryant, Arkansas, Municipal Property Owner's Multipurpose Improvement District No. 84; Bank of the Ozarks; and TND Developers, LLC, from Saline County Circuit Court. Motion of separate appellants Bullock's Kentucky Fried Chicken, Inc., and Karen Bullock King for expansion of page limit.

CV-17-783. Arkansas Department of Human Services and Arkansas Insurance Department, Public Employee Claims Division v. Cindy R. Shields and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellee/Cross-appellee's motion to complete and/or supplement the record.

CV-17-835. Gary McGahhey v. Rebecca McGahhey, from Arkansas County Circuit Court, Southern District. Appellant's motion for remand to settle the record and for stay of 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 reconsideration or, alternatively, motion to transfer to the Arkansas Supreme Court the motion for appointment of an interpreter.

CV-17-865. Board of Trustees of the Arkansas Public Employees Retirement System, Craighead Nursing Center, Hudson Memorial Nursing Home, and Lawrence Hall Nursing Home v. Martha Ella Garrison, Shawn Marie Hall, Michelle Dawson, Willie Mae Dawson, and Nichelle Underwood, from Pulaski County Circuit Court, Twelfth Division. Motion of the Woodruff County Nursing Home Board and Woodruff County Health Center for permission to file brief as amici curiae.

CV-17-865. Board of Trustees of the Arkansas Public Employees Retirement System, Craighead Nursing Center, Hudson Memorial Nursing Home, and Lawrence Hall Nursing Home v. Martha Ella Garrison, Shawn Marie Hall, Michelle Dawson, Willie Mae Dawson, and Nichelle Underwood, from Pulaski County Circuit Court, Twelfth Division. Motion of the Woodruff County Nursing Home Board and Woodruff County Health Center to file unpublished authority.

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CV-17-992. Rhonda Canerday-Banks and Donald Banks v. David Barton, Rebecca Barton, Minor Child, and Arkansas Department of Human Services, from Pope County Circuit Court. Appellants' motion for clarification as to whether this is an appeal pursuant to Arkansas Supreme Court and Court of Appeals Rule 6-9.

CV-17-992. Rhonda Canerday-Banks and Donald Banks v. David Barton, Rebecca Barton, Minor Child, and Arkansas Department of Human Services, from Pope County Circuit Court. Motion of separate appellees David Barton and Rebecca Barton to dismiss appeal.

CV-17-992. Rhonda Canerday-Banks and Donald Banks v. David Barton, Rebecca Barton, Minor Child, and Arkansas Department of Human Services, from Pope County Circuit Court. Appellants' motion for extension of time.

CV-17-1021. Sameer Fares v. Kifah Fares, from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion to supplement the record on appeal.

CV-17-1021. Sameer Fares v. Kifah Fares, from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion for approval of supersedeas bond and stay of execution of judgment.

CV-17-1035. Miranda Thomas v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Appellant's motion to consolidate appeals.

CV-17-1053. Jeffrey B. Trask v. James Trask, Spencer Trask, Vicki Trask, Karen Copeland, and Todd Trask, from Saline County Circuit Court. Motion of separate appellee James Trask to remand to circuit court to permit a notice of cross-appeal to be filed.

CV-17-1065. 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.

CV-17-1071. Laura Jackson v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court, Eastern District. Motion of Maria McSperritt to be relieved as appellate counsel and to have the Arkansas Public Defender Commission appointed.

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CASES SUBMITTED

- CR-16-941. Joseph Thomas Lacefield v. State of Arkansas, from Benton County Circuit Court.
- CR-17-160. Linda Michelle Dodds v. State of Arkansas, from Crawford County Circuit Court.
- CR-17-172. Valeria Andrea Forkum v. State of Arkansas, from Benton County Circuit Court.
- CR-17-284. Michael Anthony Mercuri v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.
- CR-17-334. Tommy Lee Radford v. State of Arkansas, from Ouachita County Circuit Court.
- CR-17-340. James Ernest Duff v. State of Arkansas, from Miller County Circuit Court.
- CR-17-537. Calvin Thornton v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.
- CR-17-541. Quentin Kyle Green v. State of Arkansas, from Miller County Circuit Court.
- CR-17-542. Aaron K. Crift v. State of Arkansas, from Jefferson County Circuit Court.
- CR-17-668. Rodney Chambers v. State of Arkansas, from Washington County Circuit Court.
- CV-16-917. Tami Thomas Darr v. Francis Jean Billeaudeau, from Pulaski County Circuit Court, Fifteenth Division.
- CV-17-192. Tabatha Burgess (now Toney) v. Jerry Burgess, from Saline County Circuit Court.
- CV-17-236. Adriana Wilhelm v. Greg Wilhelm, from Washington County Circuit Court.
- CV-17-272. Teresa A. Griffith, as Executrix of the Estate of Dorothy J. Grable, Deceased v. Rick Griffith, from Pulaski County Circuit Court, Seventeenth Division.
- CV-17-374. Arkansas Department of Community Correction, Public Employee Claims Division v. Kathy Moore, from the Arkansas Workers' Compensation Commission.

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CV-17-406. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Randy Hopkins and Chris Lane, from Pulaski County Circuit Court, Ninth Division.

CV-17-432. Marianne Young v. James Bird and Robin Bird, from Conway County Circuit Court.

CV-17-488. Walter Farris v. Express Services, Inc., and New Hampshire Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-17-52. Windsong Enterprises, Inc. v. Red Apple Enterprises Limited Partnership; Richard Upto; Propco Limited Partnership No. 1; Propco, Inc.; United Resorts, Inc.; and UDC, LLC, from Cleburne County Circuit Court.

CV-17-532. Judith A. Stegall v. Arkansas Department of Human Services, from Washington County Circuit Court.

CV-17-640. Carolyn Benson v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division.

CV-17-657. Diana Holland v. Tom Cooper and Diane Cooper, from Miller County Circuit Court.

CV-17-758. Maura Blasingame and Richard Blasingame v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-17-775. Tara Lazaravage v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

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

E-17-373. Steven Ashcraft v. Director et al.

E-17-374. Darrick Jones v. Director et al.

E-17-375. Christopher Spencer v. Director et al.

E-17-376. Adam Wellner, Sr. v. Director et al.

E-17-377. Cindy Reed v. Director et al.

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E-17-378. Cindy Reed v. Director et al.

E-17-379. Caleb Smith v. Director et al.

E-17-380. Sheldon Russ v. Director et al.

E-17-381. Timothy Burton, Jr. v. Director et al.

E-17-382. First Steps CDC v. Director et al.

E-17-383. Marc Mariner v. Director et al.

E-17-384. Timothy Abbott v. Director et al.