

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 7, 2018

RITA W. GRUBER, CHIEF JUDGE:

[CR-17-265](#). Jake Earl Small v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed in part; reversed and remanded in part. Virden, Klappenburg, and Whiteaker, JJ., agree. Harrison and Vaught, JJ., dissent.

[CV-17-645](#). William Whitfield Hyman v. Bill Sadler, in His Official Capacity as Public Information Officer for the Arkansas State Police, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison and Glover, JJ., agree.

[CV-17-834](#). Charity Allen-Grace v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Harrison and Glover, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-17-632](#). Rodney Rayburn v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Affirmed. Vaught and Hixson, JJ., agree.

[Cv-17-805](#). Jonathan Nichols and Whitney Dubar (now Nichols) v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Vaught and Hixson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-17-160](#). Linda Dodds v. State of Arkansas, from Crawford County Circuit Court. Reversed and dismissed in part; remanded in part. Whiteaker and Brown, JJ., agree.

[CV-17-568](#). Kindell Whisenant v. Robert M. McKamie, Personal Representative of the Estate of Robert Samuel McKamie, Deceased, from Hempstead County Circuit Court. Affirmed. Whiteaker and Brown, JJ., agree.

[CV-17-768](#). Larry Rothrock v. Advanced Environmental Recycling, Crum & Foster, from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-17-334](#). Tommy Lee Radford v. State of Arkansas, from Ouachita County Circuit Court. Affirmed in part; remanded in part for resentencing. Gruber, C.J., and Glover, J., agree.

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BRANDON J. HARRISON, JUDGE: (Continued)

[CV-17-536](#). Jeff Phillips v. Jewell Edward Denton, from Benton County Circuit Court. Reversed and remanded. Gruber, C.J., and Glover, J., agree.

[CV-17-582](#). Doug Riley v. Welcometotulum Investment Properties, LLC, from Garland County Circuit Court. Affirmed. Gruber, C.J., and Glover, J., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-17-402](#). Cameron Mikkail Anderson v. State of Arkansas, from Desha County Circuit Court, Arkansas City District. Affirmed. Virden and Murphy, JJ., agree.

[CV-17-664](#). Cassaundra Holmes v. Fredrick Potter, from Scott County Circuit Court. Reversed and remanded. Virden and Murphy, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-17-106](#). Tyrome Harris, Sr. v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Gruber, C.J., and Harrison, J., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-17-339](#). Hunter John Drexler v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Gladwin and Brown, JJ., agree.

[CV-17-694](#). Craig Martens v. Melanie Martens Blasingame, from White County Circuit Court. Affirmed. Gladwin and Brown, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-16-712](#). Kenneth Ray Osburn v. State of Arkansas, from Ashley County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

[CV-17-169](#). Gara Cross v. State Farm Mutual Automobile Insurance Company, from Little River County Circuit Court. Reversed and remanded. Abramson, Murphy, and Brown, JJ., agree. Klappenbach and Whiteaker, JJ., concur in part and dissent in part.

[CV-17-180](#). Larry Buckley v. Kasey Summerville, from Clark County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CR-17-306](#). Mo Shay v. State of Arkansas, from Johnson County Circuit Court. Reversed and remanded. Gruber, C.J., and Virden, Gladwin, and Harrison, JJ., agree. Glover, J., dissents.

[CV-16-1116](#). Cornell Taper v. City of Forrest City, from St. Francis County Circuit Court. Affirmed. Abramson and Vaught, JJ., agree.

[CV-17-800](#). D'Andre Brown v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Affirmed. Abramson and Vaught, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-17-85](#). Ronald Anthony Antonello v. State of Arkansas, from Miller County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-17-739](#). Alison Delord Brown v. State of Arkansas, from Chicot County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

[CV-17-497](#). Jim A. Carter, Jr., Logging, LLC; and James A. Carter, Jr. v. First National Bank of Crossett, from Ashley County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered. Gladwin 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-17-385. Antonio Conway v. Director et al.

E-17-386. Eddie Gray, Jr. v. Director et al.

E-17-387. McKinley Green v. Director et al.

E-17-388. Phillip Lawrence v. Director et al.

E-17-389. Robert Moore, Jr. v. Director et al.

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E-17-390. Danyell Miles v. Director et al.

E-17-391. Gwendolyn Washington v. Director et al.

E-17-392. Desiree Fulton v. Director et al.

E-17-393. Desiree Fulton v. Director et al.

E-17-394. Mark Bevill v. Director et al.

E-17-395. Glen Corley v. Director et al.

E-17-396. Jennifer Mosley v. Director et al.

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PER CURIAM ORDERS

REHEARING GRANTED: Petition for rehearing was granted today in the following case.

[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. See **substituted opinion** issued this date. Abramson, Gladwin, Klappenbach, Whiteaker, and Brown, JJ., agree. (separate appellant Melissa Parnell)

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

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-17-148. Charles Douglas Taylor v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for fees and costs is granted. Allowed \$1,600.00.

CR-17-165. Brad L. Hill v. State of Arkansas, from Pope County Circuit Court. Motion of Natalie S. King for cost and attorney fees is granted. Allowed \$1,600.00.

CR-17-554. Frederick T. Jones v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion for leave to file his reply brief belatedly due to a technical failure of the e-filing system is granted.

CR-17-702. Alvontae Whitmore v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,600.00.

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

CR-17-848. Kirk David Halcomb v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion to file belated brief is granted.

CR-17-1014. Brandon Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's belated motion for extension of time is granted. Appellant's brief is due in thirty days (March 9, 2018).

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CR-17-1015. Eddie Nelson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's belated motion for extension of time is granted. Appellant's brief is due in thirty days (March 9, 2018).

CV-17-1022. Hickory Heights Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc., d/b/a Professional Nursing and Rehabilitation Services; Tina Lynette Beard, Individually and as Nursing Home Administrator for Hickory Heights Health and Rehab, LLC; Michael S. Morton v. Mabel Keller Cook, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to correct the record on appeal is granted.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR-17-471. Terrell Antonio Harrell v. State of Arkansas, from Mississippi County Circuit Court, Osceola District.

CR-16-186. Dustin B. Hembey v. State of Arkansas, from Pike County Circuit Court. Motion of Jonathan Randle Smolarz for award of attorney's fees.

CR-16-985. Bobby Lee Robertson v. State of Arkansas, from Ashley County Circuit Court. Motion of Scott A. Scholl for attorney's fees and costs.

CR-16-1103. Costello Devonte Byrd v. State of Arkansas, from Miller County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees.

CR-17-166. Richard Leroy Turner v. State of Arkansas, from Washington County Circuit Court. Motion of Michael K. Kaiser for fees.

CR-17-371. John Edward Rockins v. State of Arkansas, from Faulkner County Circuit Court. Motion and request of Lee D. Short for attorney's fees.

CV-17-52. Windsong Enterprises, Inc. v. Red Apple Enterprises Limited Partnership; Richard Upton; Propco Limited Partnership No. 1; Propco, Inc.; United Resorts, Inc.; and UDC, LLC, from Cleburne County Circuit Court. Motion on behalf of appellees for taxation of costs and for costs and attorneys' fees for insufficiency of appellant's addendum.

CV-17-159. Doc Holladay and Lesa Warner v. Bessie Glass, from Pulaski County Circuit Court, Fifth Division. Appellee's petition for award of attorney's fees and costs.

CV-17-207. David Box v. J.B. Hunt Transport, Inc., from Benton County Circuit Court. Appellant's motion to recall and amend the mandate for recovery of costs.

CV-17-344. William Ray McJunkins, Angie McJunkins, Paula Knight, and Garland F. "Kip" McJunkins, Jr., Deceased v. Phillip R. McJunkins and Virginia E. McJunkins, from Grant County Circuit Court. Appellants' motion to file supplemental addendum.

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CV-17-844. Jason Reynolds v. Stacy Reynolds (now Thomas), from Garland County Circuit Court. Appellant's motion to supplement the record.

CV-17-845. William Henley v. Julie Salter (Henley), from Benton County Circuit Court. Entry of appearance and motion of Herbert C. Southern to substitute counsel.

CV-17-845. William Henley v. Julie Salter (Henley), from Benton County Circuit Court. Motion of Curtis E. Hogue to withdraw.

CV-17-865. Board of Trustees for 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. Appellees' motion for permission to file response to amicus brief filed by Woodruff County Nursing Home Board.

CV-17-1084. Edwards Law Firm, P.L.L.C., d/b/a The Edwards Law Firm; Mark Edwards; and Tony W. Edwards v. Linda Davidson, from Sebastian County Circuit Court, Fort Smith District. Appellants' motion to supplement the record.

CV-18-61. Sheila McHughes v. Anissa Wayland and Children's Medical Transportation Services, LLC, from Saline County Circuit Court. Appellees' motion to dismiss appeal.

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CASES SUBMITTED

CV-16-692. Terry Wyatt v. Joyce Lorene Wyatt, from Faulkner County Circuit Court. Orally argued.

CR-17-423. Nathan D. Martin v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

CR-17-478. Jeremiah T. Green v. State of Arkansas, from Union County Circuit Court.

CR-17-498. James Nelson England v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-17-578. Noah Steffy v. City of Fort Smith, from Sebastian County Circuit Court, Fort Smith District.

CV-16-733. Terry Wyatt v. Joyce Lorene Wyatt, from Faulkner County Circuit Court.

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.

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

CV-17-722. Erwin-Keith, Inc. v. Henry Lee Stewart, Jr., d/b/a Stewart Farms, from Monroe County Circuit Court.

CV-17-733. Deborah Diann Gunter v. Bill's Super Foods, Inc., and Union Standard Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-17-738. Elvis Middleton and Brittney Middleton v. Jennifer Middleton, as Administratrix of the Estate of Joshua Middleton, Deceased, from Newton County Circuit Court.

CV-17-746. In the Matter of the Estate of Lois Jean Edens and Wayne Edens, as Executor, from White County Circuit Court.

CV-17-756. Martha Lopez-Rodriguez v. Noemi Lopez, as Administratrix of the Estate of Guadalupe F. Lopez, Deceased, from Crawford County Circuit Court.

CV-17-763. TMG Cattle Company, Inc. v. Parker Commercial Spraying, LLC, from Phillips County Circuit Court.

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CASES SUBMITTED

CV-17-881. Jose Antonio Garcia v. Maria Garcia, from Pulaski County Circuit Court, Third Division.

CV-17-917. Heather Gann v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court.

CV-17-932. Ashley Bonner and Mickie Richardson v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-17-933. Steven Kohlman v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

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

E-17-409. Shannon Jones v. Director et al.

E-17-410. Misty Bryan v. Director et al.

E-17-411. Joanna Tucker v. Director et al.

E-17-412. Charleana McKnight v. Director et al.

E-17-413. Jasmine Nelson v. Director et al.

E-17-414. Lynette Harrington v. Director et al.

E-17-415. Royce Graves v. Director et al.

E-17-416. Adam Orr v. Director et al.

E-17-417. Corinne Moore v. Director et al.

E-17-418. Deborah Lee v. Director et al.

E-17-419. Haley Redmond v. Director et al.

E-17-420. Tabitha Payton v. Director et al.