

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF FEBRUARY 14, 2018

### **RITA W. GRUBER, CHIEF JUDGE:**

[CR-17-736](#). T.R. v. State of Arkansas, from Craighead County Circuit Court, Western District. Remanded to settle and supplement the record; rebriefing ordered. Harrison and Glover, JJ., agree.

### **RAYMOND R. ABRAMSON, JUDGE:**

[CR-17-569](#). Reginald Crayton v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Vaught and Hixson, JJ., agree.

[CV-17-655](#). Mahmood Ahmad v. Arkansas State Medical Board, from Pulaski County Circuit Court, Sixth Division. Affirmed. Vaught and Hixson, JJ., agree.

### **BART F. VIRDEN, JUDGE:**

[CR-17-340](#). James Earnest Duff v. State of Arkansas, from Miller County Circuit Court. Affirmed. Klappenbach and Murphy, JJ., agree.

[CR-17-451](#). Roscoe Fletcher v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Klappenbach and Murphy, JJ., agree.

[CV-17-297](#). Michael Nauman v. Rene Nauman, from Pulaski County Circuit Court, Thirteenth Division. Affirmed. Gruber, C.J., and Harrison, J., agree.

[E-17-404](#). Mid-Delta Community Services, Inc. v. Director, Department of Workforce Services, and Thomas Franks, from the Arkansas Board of Review. Dismissed. Klappenbach and Murphy, JJ., agree.

### **ROBERT J. GLADWIN, JUDGE:**

[CR-17-799](#). Terry D. Lee, Jr. v. State of Arkansas, from Desha County Circuit Court, Arkansas City District. Affirmed in part; dismissed in part. Whiteaker and Brown, JJ., agree.

[CV-17-877](#). Tiffany Howell v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court, Eastern District. Reversed. Whiteaker and Brown, JJ., agree.

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**N. MARK KLAPPENBACH, JUDGE:**

[CR-17-286](#). Norman Ray Bullock v. State of Arkansas, from Prairie County Circuit Court, Northern District. Affirmed. Virden and Murphy, JJ., agree.

[CR-17-566](#). Chase J. Hallsted v. State of Arkansas, from Benton County Circuit Court. Affirmed. Virden and Murphy, JJ., agree.

**DAVID M. GLOVER, JUDGE:**

[CV-17-275](#). Nathaniel L. Wakefield v. Angela Lee Bell, from Boone County Circuit Court. Affirmed. Gruber, C.J., and Harrison, J., agree.

[CV-17-899](#). Ashley Cole v. Arkansas Department of Human Services and Minor Children, from Dallas County Circuit Court. Affirmed. Gruber, C.J., and Harrison, J., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[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. Affirmed. Gladwin and Brown, JJ., agree.

[CV-17-695](#). R. David Lewis, Al Stukenborg, and Phillip Wise v. City of Benton, from Saline County Circuit Court. Dismissed without prejudice. Gladwin and Brown, JJ., agree.

[CV-17-860](#). Teshara Garlington v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court. Affirmed. Gladwin and Brown, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-17-396](#). Kimberly Bentley v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Motion to withdraw denied; rebriefing ordered. Abramson and Hixson, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-17-679](#). James D. Horton v. State of Arkansas, from Lonoke County Circuit Court. Affirmed. Abramson and Vaught, JJ., agree.

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[CV-17-706](#). Tamekia Walter v. Gerome D. Chism, from Pulaski County Circuit Court, Fourteenth Division. Affirmed. Abramson and Vaught, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-17-833](#). James Edward Whitney v. State of Arkansas, from Washington County Circuit Court. Dismissed. Virden and Klappenbach, JJ., agree.

[CV-17-809](#). Eric Collier v. Walmart Associates, Inc.; and Claims Management, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Virden and Klappenbach, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-17-656](#). Contrail Lamon Criswell v. State of Arkansas, from Conway County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

[CV-17-462](#). Pine Hills Health and Rehabilitation, LLC; Arkansas SNF Operations Acquisition, LLC; SLC Professional, LLC; ADDIT, LLC; Patricia Bullard; and Robin Looney v. Jesse Alan Talley, from Ouachita County Circuit Court. Affirmed. 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-17-397. Sharanta Raynor v. Director et al.

E-17-398. Rebecca Dye v. Director et al.

E-17-399. Marvin Washington v. Director et al.

E-17-400. Bonnie Spencer v. Director et al.

E-17-401. Jerry Terry v. Director et al.

E-17-402. Andre Blevens v. Director et al.

E-17-403. James Dupont v. Director et al.

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E-17-405. Scott Smith v. Director et al.

E-17-406. Scott Smith v. Director et al.

E-17-407. Sandra Grims v. Director et al.

E-17-408. Shakeylla Allen v. Director et al.

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**PER CURIAM ORDERS**

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

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

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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 is denied.

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 is granted. Allowed \$1,600.00.

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 is granted. Allowed \$1,800.00.

CR-17-166. Richard Leroy Turner v. State of Arkansas, from Washington County Circuit Court. Motion of Michael K. Kaiser for fees is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

CR-17-1050. Jamal D. Akram v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se petition for appointment of counsel and time extension to file brief is granted. Dusti Standridge is appointed as counsel for the appellant.

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 is moot. Gruber, C.J., and Vaught, J., not participating.

CV-17-159. Doc Holladay and Lesa Warner v. Bessie Glass, from Pulaski County Circuit Court, Fifth Division. Appellee's motion to withdraw petition for award of attorney's fees and costs is granted. Gruber, C.J., and Vaught, J., not participating.

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**PER CURIAM ORDERS**

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 is granted. Appellants’ supplemental addendum is due in seven days (February 21, 2018).

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

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 is granted.

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

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 is granted. Appellees’ responsive brief to Woodruff County Nursing Home Board’s amicus brief is due in twenty days (March 6, 2018).

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 is moot.

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. Joint motion to dismiss appeal is granted.

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 is passed until the case is submitted.

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**MOTIONS SUBMITTED**

CR-16-1089. William Chad Jones v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney fees.

CR-17-1010. Kenneth Stuart v. State of Arkansas, from Hempstead County Circuit Court. Appellant's pro se motion to supplement brief.

CR-17-129. Seneca Lanell Chatt v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tyler Ginn for attorney fees.

CR-17-160. Linda Michelle Dodds v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee and expenses.

CR-17-215. Ben Perkins v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney fees.

CR-17-306. Mo Shay v. State of Arkansas, from Johnson County Circuit Court. Motion of Paul Younger for payment of attorney's fees.

CR-17-402. Cameron Mikkail Anderson v. State of Arkansas, from Desha County Circuit Court, Arkansas City District. Motion of Gary W. Potts for costs and attorney fees.

CR-17-593. Lezell Lee Diggs v. State of Arkansas, from Grant County Circuit Court. Motion of Philip C Wilson for attorney fees.

CR-17-739. Alison Delord Brown v. State of Arkansas, from Chicot County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-17-898. Charles Edward Smith v. State of Arkansas, from Garland County Circuit Court. Appellant's status report.

CR-18-85. Sergio Gabriel Garza v. State of Arkansas, from Montgomery County Circuit Court. Motion of R. David Lewis to be relieved.

CV-17-214. Miracle Kids Success Academy, Inc. v. Marvin Henry Maurras, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion to release bond and collateral securing bond.

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**MOTIONS SUBMITTED**

CV-17-278. \$4,076.00 in U.S. Currency and Nathaniel Adam Walters v. State of Arkansas, from Washington County Circuit Court. Pro se motion for extension of time and request for copy of record on appeal.

CV-18-79. George Hunter and Joan Hunter v. Diamante Golf Club, LLC, from Saline County Circuit Court. Appellee's motion to dismiss appeal.

CV-18-82. Ricky Lee Craig v. Cheryl Craig, Jason McDaniel, and Jacob Crawford Craig, from Garland County Circuit Court. Appellant's pro se motion to file a belated brief.



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### CASES SUBMITTED

CV-16-739. Farm Credit Midsouth, PCA v. Fred N. Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court. Orally argued.

CR-17-520. Isabell Kesari Gervais v. State of Arkansas, from Washington County Circuit Court.

CR-17-686. Bruce Richard Sampson v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District.

CR-17-704. Jason McDaniel v. State of Arkansas, from Cleveland County Circuit Court.

CR-17-751. Tony Lavelle Jefferson, Jr. v. State of Arkansas, from Faulkner County Circuit Court.

CR-17-850. Marlin Steen v. State of Arkansas, from Ashley County Circuit Court.

CR-17-855. Jermaine Levert Hayes v. State of Arkansas, from Garland County Circuit Court.

CR-17-912. James Edward Green, Jr. v. State of Arkansas, from Drew County Circuit Court.

CV-17-254. Luther F. Graves and Firstcomp Insurance Company v. Timothy W. Hopper, from the Arkansas Workers' Compensation Commission.

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.

CV-17-480. Janann Johnson v. Windstream Communications, Inc., from Pulaski County Circuit Court, Sixth Division.

CV-17-601. Penny Carroll v. Julie Shelton, from Carroll County Circuit Court, Western District.

CV-17-682. Dale Carlat v. Arkansas Highway and Transportation Department and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission.

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### CASES SUBMITTED

CV-17-716. Blake Dale v. Jeremy White, from Benton County Circuit Court.

CV-17-754. Amy Villines and Gerrie Parker v. Harrison Housing Authority and City of Harrison, Arkansas, from Boone County Circuit Court.

CV-17-851. Ian Daniel Rude v. City of Bella Vista and Municipal League Workers' Compensation Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-17-948. Sierra Crouch 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-17-247. Bobby Postoak v. Director et al.

E-17-421. Janice Hooppaw v. Director et al.

E-17-422. William Beard v. Director et al.

E-17-423. Graylin Ross v. Director et al.

E-17-424. Aretha Chappell v. Director et al.

E-17-425. Kurtis Neal v. Director et al.

E-17-426. Shirley Woods v. Director et al.

E-17-427. Marcy Mermel v. Director et al.

E-17-428. Cassie Hackworth v. Director et al.

E-17-429. Tammy Wilson v. Director et al.

E-17-430. Krista Dobbs v. Director et al.

E-17-431. Nikeshia Baker v. Director et al.

E-17-432. Nikeshia Baker v. Director et al.