

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 28, 2018

RITA W. GRUBER, CHIEF JUDGE:

[CV-17-480](#). Janann Johnson v. Windstream Communications, Inc., from Pulaski County Circuit Court, Sixth Division. Affirmed. Whiteaker and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-17-704](#). Jason McDaniel v. State of Arkansas, from Cleveland County Circuit Court. Affirmed. Glover and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-17-345](#). Sherry Lynne Glover v. Main Street Wholesale Furniture, LLC, and Bryan William McPike, from Jefferson County Circuit Court. Reversed and remanded. Klappenbach and Murphy, JJ., agree.

[CV-17-647](#). Cleveland Earl Smith v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Sixth Division. Sealed supplemental record and sealed supplemental addendum ordered. Klappenbach and Murphy, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-17-754](#). Amy Villines and Gerrie Parker v. Harrison Housing Authority and the City of Harrison, Arkansas, from Boone County Circuit Court. Reversed and remanded in part; reversed in part. Virden and Vaught, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-17-604](#). Michael Duvall, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Gruber, C.J., and Glover, J., agree.

[CR-17-850](#). Marlin Steen v. State of Arkansas, from Ashley County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

[CV-17-682](#). Dale Carlat v. Arkansas Highway & Transportation Department, Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Affirmed. Klappenbach and Brown, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 28, 2018

N. MARK KLAPPENBACH, JUDGE:

[CR-17-855](#). Jermaine Levert Hayes v. State of Arkansas, from Garland County Circuit Court. Affirmed. Harrison and Brown, JJ., agree.

[CV-17-851](#). Ian Daniel Rude v. City of Bella Vista and Municipal League Workers' Compensation Trust, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-17-686](#). Bruce Richard Sampson v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Affirmed. Abramson and Murphy, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-17-520](#). Isabell Kersari Gervais v. State of Arkansas, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Hixson, J., agree.

LARRY D. VAUGHT, JUDGE:

[CR-17-751](#). Tony Jefferson, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-17-912](#). James Edward Green, Jr. v. State of Arkansas, from Drew County Circuit Court. Appeal dismissed. Gruber, C.J., and Whiteaker, J., agree.

[CV-17-933](#). Steven Kohlman v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gruber, C.J., agrees. Whiteaker, J., concurs.

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. Affirmed. Harrison and Klappenbach, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 28, 2018

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-17-421. 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.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 28, 2018

PER CURIAM ORDERS

REHEARING GRANTED:

[CV-17-110](#). Ronald Shelton Tidwell v. Lauren Madison Rosenbaum, from Hempstead County Circuit Court. See **substituted opinion** issued this date. Abramson, Gladwin, Harrison, Klappenbach, Vaught, and Hixson, JJ., agree. Whiteaker and Brown, JJ., dissent.

REHEARINGS DENIED:

CV-16-441. Park Plaza Mall CMBS, LLC, and ERMCI II, LP v. Kimberly Marie Powell, Individually and As Special Administratrix of the Estate of Christian Hayes, Deceased, from Pulaski County Circuit Court, Thirteenth Division. Brown, J., would grant.

CV-17-236. Adriana Wilhelm v. Greg Wilhelm, from Washington County Circuit Court.

CV-17-280. Dashunda Johnson v. NPC International, Inc., d/b/a Pizza Hut; and Old Republic Insurance Company, from the Arkansas Workers' Compensation Commission.

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.

CR-16-941. Joseph Thomas Lacefield v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for extension of time to file substituted abstract and brief is granted. Appellant's substituted brief is due in thirty days (March 30, 2018).

CR-17-289. Joanna Marie Hudson v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees is granted. Allowed \$1,600.00.

CR-17-340. James Ernest Duff v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$1,800.00.

CR-17-424. Dionte Dewayne Parks v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion and request of Laura Avery for attorney fees is granted. Allowed \$1,800.00.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 28, 2018

PER CURIAM ORDERS

CR-17-471. Terrell Antonio Harrell v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Robert E. Hodge III for attorney's fees is granted. Allowed \$1,800.00.

CR-17-728. Gregory Rose v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's motion for extension to remand to correct the record and stay briefing schedule is granted. Tendered supplemental record filed this date. Appellant's brief is due in thirty days (March 30, 2018).

CR-17-799. Terry D. Lee, Jr. v. State of Arkansas, from Desha County Circuit Court, Arkansas City District. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00.

CR-17-832. Ryan Joseph Whitaker v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to dismiss is granted.

CR-17-969. Earl C. Alexander v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for remand to correct the record and stay briefing schedule is remanded to the circuit court to settle the record within thirty days (March 30, 2018).

CR-18-12. Lamar Daniel Ron Wilson v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for appointment of counsel is denied.

CR-18-12. Lamar Daniel Ron Wilson v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for time extension is granted. Appellant's brief is due in thirty days (March 30, 2018).

CR-18-70. William Edward Gray v. State of Arkansas, from Pope County Circuit Court. Motion of Lauren M. Elenbaas to be relieved and to stay briefing schedule is granted. Tim Cullen is appointed to represent the appellant.

CR-18-70. William Edward Gray v. State of Arkansas, from Pope County Circuit Court. Appellant's motion for extension of briefing schedule is granted. Appellant's brief is due in thirty days (March 30, 2018).

CR-18-85. Sergio Gabriel Garza v. State of Arkansas, from Montgomery County Circuit Court. Motion of R. David Lewis to be relieved is denied. Alternative request by R. David Lewis to be appointed as counsel is granted.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 28, 2018

PER CURIAM ORDERS

CR-18-104. Christopher Deshun Warren v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. “Robby” Golden to withdraw as attorney on direct appeal is granted. Sharon Kiel is appointed to represent the appellant. Appellant’s brief is due in thirty days (March 30, 2018).

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 is granted. Appellant’s brief is due in thirty days (March 30, 2018). Clerk directed to provide a copy of the record to the appellant. Appellant directed to return the record with the brief in thirty days.

CV-17-280. Dashunda Johnson v. NPC International, Inc., d/b/a Pizza Hut; and Old Republic Insurance Company, from the Arkansas Workers’ Compensation Commission. Appellant’s pro se motion to submit new evidence in first impression is denied.

CV-17-280. Dashunda Johnson v. NPC International, Inc., d/b/a Pizza Hut; and Old Republic Insurance Company, from the Arkansas Workers’ Compensation Commission. Appellant’s pro se motion and revised motion to vacate in first impression are denied.

CV-17-556. Shawn Harris v. James Parrish, from Pope County Circuit Court. Appellant’s motion to supplement the record is granted. Tendered supplemental record filed this date.

CV-17-761. Bullock’s Kentucky Fried Chicken, Inc.; Karen King; and Arkansas Pulpwood Company, Inc. v. City of Bryant, Arkansas, Municipal Property Owners’ Multipurpose Improvement District No. 84; Bank of the Ozarks; and TND Developers, LLC, from Saline County Circuit Court. Motion of Heather G. Zachary to withdraw as counsel for the appellee is granted. Gruber, C.J., not participating.

CV-17-991. Christopher Lynn Elder v. Kerri June Elder, from Pulaski County Circuit Court, Thirteenth Division. Appellant/cross-appellee’s motion to file belated brief is granted. Tendered brief filed this date.

CV-17-1026. John McGraw and Darlene McGraw v. Richard Crowden, Jr., and Jane Crowden, from Newton County Circuit Court. Appellants’ motion to correct record is granted. Tendered supplemental record filed this date.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 28, 2018

PER CURIAM ORDERS

CV-17-1026. John McGraw and Darlene McGraw v. Richard Crowden, Jr., and Jane Crowden, from Newton County Circuit Court. Appellants' motion for extension of time to file brief is granted. Appellants' brief is due in thirty days (March 30, 2018).

CV-18-25. Ryan Bryant v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Appellant's motion for extension of time to file brief is granted. Appellant's brief is due in fourteen days (March 14, 2018).

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 is granted. Appellant's brief is due in thirty days (March 30, 2018).

CV-18-130. Michael Scott v. Arkansas Department of Human Services and Minor Children, from Logan County Circuit Court, Northern District. Agreed substitution of counsel is granted.

E-18-49. Ronald Thrower v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal is denied.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 28, 2018

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-17-334. Tommy Lee Radford v. State of Arkansas, from Ouachita County Circuit Court.

CV-17-192. Tabatha Burgess Toney v. Jerry Burgess, from Saline County Circuit Court.

CR-17-478. Jeremiah Green v. State of Arkansas, from Union County Circuit Court. Motion of Daren J. Nelson for award of attorney's fees.

CV-17-605. David Petty, Mary C. Petty, and Mary C. Petty Family Trust v. Robert Louton, from Hot Spring County Circuit Court. Appellee's motion for attorney fees and costs for supplemental abstract and addendum.

CV-17-619. Dee Blakely v. Arkansas Children's Hospital; Pulaski County, Arkansas; and Jane Duke, from Pulaski County Circuit Court, Sixth Division. Motion of separate appellee Arkansas Children's Hospital to reconsider the order granting appellant's motion to supplement the record and to strike the supplemental record.

CV-17-619. Dee Blakely v. Arkansas Children's Hospital; Pulaski County, Arkansas; and Jane Duke, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to consolidate.

CV-17-924. Victor Bernard Williams, M.D. v. Baptist Health d/b/a Baptist Health Medical Center, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to file enlarged brief.

CV-17-947. Roderick Brown, Jr., and City of Marianna, Arkansas v. Lofton Palmer, Jr., from Lee County Circuit Court. Appellee's motion to supplement the record, for an initial seven-day extension, and for a thirty-day extension to file brief.

CV-17-1085. Montie Hobson v. George W. Hobson, from Benton County Circuit Court. Appellee's motion to dismiss appeal for lack of finality.

CV-17-1085. Montie Hobson v. George W. Hobson, from Benton County Circuit Court. Appellee's motion for extension of time to file brief and supplemental abstract.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 28, 2018

CASES SUBMITTED

CV-17-735. AT&T Corporation v. Clark County, Arkansas; and Troy Tucker, County Judge, from Clark County Circuit Court. Orally argued.

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

CR-17-554. Frederick T. Jones v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-17-559. Herschel L. Brigance v. State of Arkansas, from Faulkner County Circuit Court.

CV-17-633. Donna Swangel v. Arkansas Department of Human Services and Minor Children, from Marion County Circuit Court.

CV-17-701. Curtis Motley, Jr., as Special Administrator of the Estate of Laura Motley, Deceased v. Michael Sifford, M.D., from Craighead County Circuit Court, Western District.

CV-17-726. Kathy Frazier Mays v. Jacqueline Mullins, from Pulaski County Circuit Court, Thirteenth Division.

CV-17-743. Lewis M. Yancy, Jr. v. Eugene Hunt, from Jefferson County Circuit Court.

CV-17-765. Herbert Ayers v. Tyson Poultry, Inc., and Second Injury Fund, from the Arkansas Workers' Compensation Commission.

CV-17-786. Robert C. Goldtrap, D.D.S.; and Robert C. Goldtrap, D.D.S., P.A., an Arkansas Dental Corporation v. Bold Dental Management, LLC, a Delaware Limited Liability Company; and Bold Dental Partners, PLLC, an Arkansas Professional Limited Liability Company, from Sebastian County Circuit Court, Fort Smith District.

CV-17-807. Rex L. Houston, Jr.; Kelton R. Brown, Jr.; John G. Homatas; and Jim West v. City of Hot Springs, Arkansas, from Garland County Circuit Court.

CV-17-838. Kristin Chelstrom v. Brandy Chelstrom and Randall Chelstrom, from Montgomery County Circuit Court.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 28, 2018

CASES SUBMITTED

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

- E-17-440. Donna Smith v. Director et al.
- E-17-441. Donna Smith v. Director et al.
- E-17-442. Donna Smith v. Director et al.
- E-17-443. Donna Smith v. Director et al.
- E-17-451. Melissa Davis v. Director et al.
- E-17-452. DeMarcus Paxton v. Director et al.
- E-17-453. Scotty Ray v. Director et al.
- E-17-454. Robin Vargas v. Director et al.
- E-17-455. Steven Sparr v. Director et al.
- E-17-456. Trina Garcia v. Director et al.
- E-17-457. Michael Berry v. Director et al.
- E-17-459. Katrina Williams v. Director et al.
- E-17-460. Marilyn Price v. Director et al.
- E-17-461. Brian Carter v. Director et al.
- E-17-462. Winnie Gillespie v. Director et al.
- E-17-463. Floyd Story v. Director et al.
- E-17-464. Floyd Story v. Director et al.
- E-17-465. Angela Wells v. Director et al.
- E-17-466. Lucinda Pemberton v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF FEBRUARY 28, 2018

CASES SUBMITTED

E-17-467. Steven Forshee v. Director et al.

E-17-468. William Anderson v. Director et al.

E-17-469. Robert Gray v. Director et al.

E-17-470. Veronica Delph v. Director et al.

E-17-471. Henry Rasulallah v. Director et al.