

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 7, 2018

RITA W. GRUBER, CHIEF JUDGE:

[CR-16-777](#). Aaron Dewayne Watson v. State of Arkansas, from Woodruff County Circuit Court. Reversed and remanded. Whiteaker and Hixson, JJ., agree.

[CR-17-578](#). Noah Steffy v. City of Fort Smith, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison, Klappenbach, and Whiteaker, JJ., agree. Hixson and Brown, JJ., dissent.

RAYMOND R. ABRAMSON, JUDGE:

[CV-17-716](#). Blake Dale v. Jeremy White, from Benton County Circuit Court. Affirmed in part; reversed and remanded in part. Glover and Murphy, JJ., agree.

[CV-17-847](#). Mahmoud Abdi v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Glover and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-17-406](#). Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Randy Hopkins, from Pulaski County Circuit Court, Ninth Division. Reversed and remanded. Klappenbach and Murphy, JJ., agree.

[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. Dismissed without prejudice. Gladwin and Vaught, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-17-778](#). Peregrine Trading, LLC v. Steve Rowe and Stacy Rowe, from Lafayette County Circuit Court. Affirmed. Virden and Vaught, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-16-692](#). Terry Larue Wyatt v. Joyce Lorene Wyatt, from Faulkner County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

[CV-17-376](#). David Tribble and Danny Tribble v. First Security Bank, Jason Tribble, and Jennifer Tribble, from Baxter County Circuit Court. Dismissed without prejudice. Klappenbach and Brown, JJ., agree.

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N. MARK KLAPPENBACH, JUDGE:

[CV-17-368](#). Christopher Stephen Patterson and Rebecca Lynn Patterson, as the Special Co-Administrators of the Estate of Micayla Anne Patterson, Deceased; and Daniela Salamo v. Southern Farm Bureau Casualty Insurance Company, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Harrison, Glover, and Murphy, JJ., agree. Virden, J., dissents.

DAVID M. GLOVER, JUDGE:

[CV-17-601](#). Penny Carroll v. Julie A. Shelton, from Carroll County Circuit Court, Western District. Affirmed on direct appeal; affirmed on cross-appeal. Abramson and Murphy, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-17-602](#). Skyridge Estates, LLC v. Julie Ellis, from Benton County Circuit Court. Dismissed with prejudice. Gruber, C.J., and Hixson, J., agree.

LARRY D. VAUGHT, JUDGE:

[CV-17-683](#). Bud Anderson Heating and Cooling, Inc. v. Mike Neil and Absolute HVAC, LLC, from Benton County Circuit Court. Reversed and remanded. Abramson, Virden, and Klappenbach, JJ., agree. Hixson and Murphy, JJ., dissent.

[CV-17-745](#). Travis Lane Spurling v. Estate of Allie Marie Reed, Deceased; and Bill Reed, as the Executor of the Estate of Allie Marie Reed, from Montgomery County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-17-785](#). Robert A. Woods v. Tyson Poultry, Inc.; Tynet Corp.; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber, C.J., and Whiteaker, J., agree.

MIKE MURPHY, JUDGE:

[CR-17-503](#). Ronnie Bruce Martinez v. State of Arkansas, from Grant County Circuit Court. Affirmed. Abramson and Glover, JJ., agree.

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MIKE MURPHY, JUDGE: (Continued)

[CV-17-305](#). R.E.C. Enterprises, LLC d/b/a Stan Excavating Co. v. Gaillard Builders, Inc., from Miller County Circuit Court. Remanded in part and dismissed in part. Virden and Klappenbach, JJ., agree.

[CV-17-488](#). Walter Farris v. Express Services, Inc., and New Hampshire Insurance Company, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Virden, Harrison, Whiteaker, and Brown, JJ., agree. Gruber, C.J., and Gladwin, Klappenbach, and Glover, JJ., dissent.

[CV-17-948](#). Sierra Crouch v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Abramson and Glover, JJ., agree.

[E-17-247](#). Bobby Postoak v. Daryl Bassett, Director, Department of Workforce Services; and Webb Wheel Products, Inc., from the Arkansas Board of Review. Reversed and remanded. Abramson and Glover, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-17-620](#). Chad Wesley Norman v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed; remanded to correct sentencing order. Harrison and Klappenbach, JJ., agree.

[CV-17-254](#). Luther F. Graves and FirstComp Insurance Company v. Timothy W. Hopper, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison and Klappenbach, 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-17-433. Gerald Tensley v. Director et al.

E-17-434. Dylan Heath v. Director et al.

E-17-435. Dylan Heath v. Director et al.

E-17-436. Maryland Cleghorn v. Director et al.

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E-17-437. Betty Arnold v. Director et al.

E-17-438. Steven Matson v. Director et al.

E-17-439. Sonseeaharay Fells v. Director et al.

E-17-445. Yolanda Cheek v. Director et al.

E-17-447. Antoine Shaw v. Director et al.

E-17-448. Hesten Ogden v. Director et al.

E-17-449. Janice Rivera v. Director et al.

E-17-450. Janice Rivera v. Director et al.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

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 is granted. Allowed \$1,800.00.

CR-17-665. Dermarius Parsha Blanks v. State of Arkansas, from Drew County Circuit Court. Appellee's motion to dismiss is denied. Ronald L. Davis, Jr., is removed as attorney for the appellant. Brian Brooks is appointed to represent the appellant. Appellant's brief is due in forty days (April 16, 2018).

CR-18-90. Anthony Beare v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Dustin H. Jones to relieve attorney of record and appoint counsel for appeal is granted. Tyson K. Spradlin is appointed to represent the appellant. Appellant's brief is due in forty days (April 16, 2018).

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 is passed until the case is submitted.

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 is granted. Gruber, C.J., and Virden, J., not participating.

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 is denied. Gruber, C.J., and Virden, J., not participating.

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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 is granted. Allowed ten additional pages in the appellant's brief and ten additional pages in the appellant's reply 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 is remanded to the circuit court to settle the record in thirty days (April 6, 2018). Appellee's brief is due ten days after the supplemental record is lodged.

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

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 is granted. Appellee's brief is due April 7, 2018.

CV-18-120. Keith Karolchyk v. Lisa Karolchyk, from Pulaski County Circuit Court, Fourteenth Division. Entry of appearance and motion of Sharon Kiel to substitute counsel is granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-16-712. Kenneth Ray Osburn v. State of Arkansas, from Ashley County Circuit Court.

CR-17-339. Hunter John Drexler v. State of Arkansas, from Faulkner County Circuit Court.

CV-17-568. Kindell Whisenant v. Robert M. McKamie, Personal Representative of the Estate of Robert Samuel McKamie, Deceased, from Hempstead County Circuit Court.

CV-17-582. Doug Riley v. Welcometotulum Investment Properties, LLC, from Garland County Circuit Court.

CR-16-852. Fredrick Leon Wilson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to expand page limit.

CR-16-1092. Dorian Lacy v. State of Arkansas, from Clark County Circuit Court. Motion of Jacob Worlow to stay proceedings and for appointment of counsel.

CR-17-186. Lucan Dhru Worsham v. State of Arkansas, from Faulkner County Circuit Court. Motion of Brian G. Brooks for attorney fees and costs.

CR-17-241. Frankie Dwayne Vonholt v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Dusti Standridge for attorney's fees and expenses.

CR-17-520. Isabell Kesari Gervais v. State of Arkansas, from Washington County Circuit Court. Motion of Natalie S. King for costs and attorney fees.

CR-17-520. Isabell Kesari Gervais v. State of Arkansas, from Washington County Circuit Court. Motion of Natalie S. King to be relieved as appellate counsel.

CR-17-521. Matthew Arnold v. State of Arkansas, from Fulton County Circuit Court. Motion and request of Joe A. Denton for attorney's fees.

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MOTIONS SUBMITTED

CR-17-527. Adam Lee Furo v. State of Arkansas, from Garland County Circuit Court. Motion of Matthew A. Kezhaya for attorney's fees.

CR-17-569. Reginald Crayton v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Clinton W. Lancaster for attorney's fees.

CR-17-668. Rodney Chambers v. State of Arkansas, from Washington County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-17-850. Marlin Steen v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-18-74. Robert Glenn Brown v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to substitute counsel and for brief time.

CR-18-74. Robert Glenn Brown v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion for extension of time.

CR-18-148. William Heath French v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David L. Dunagin to withdraw as counsel and have an attorney appointed.

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

CV-17-532. Judith Stegall v. Arkansas Department of Human Services, from Washington County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

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 Jane Duke to withdraw as counsel of record.

CV-17-652. Miranda Thomas v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Appellees' motion to stay briefing schedule and dismiss appeal.

CV-17-893. Margaret Ellis v. Roger Thompson and Frances Thompson, from Cross County Circuit Court. Appellant's motion for remand to correct the record or, in the

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MOTIONS SUBMITTED

alternative, petition for certiorari to complete the record and motion to stay the briefing schedule.

CV-17-911. Victor B. Williams v. Tiffany Lofton-Greenfield, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to supplement trial court record.

CV-17-997. Brian Keith Morgan v. Kacie Lynn Morgan (now Myers), from Benton County Circuit Court. Motion of Christine Horwart to withdraw as attorney of record.

CV-18-14. Boston Mountain Regional Solid Waste Management District v. Benton County Regional Solid Waste Management District, from Benton County Circuit Court. Appellant's motion for enlargement of time to file brief.

CV-18-14. Boston Mountain Regional Solid Waste Management District v. Benton County Regional Solid Waste Management District, from Benton County Circuit Court. Appellant's motion for waiver of addendum obligation.

CV-18-17. Vicki Kline v. PHH Mortgage Corporation, from Benton County Circuit Court. Appellant's suggestion of bankruptcy.

CV-18-83. Jason Hearst v. Robert Alston Newcomb, from Pulaski County Circuit Court, Fifth Division. Appellant's petition for certiorari to complete the record.

CV-18-98. Christopher Lancaster and Laura Lancaster v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court, Western District. Separate appellant Laura Lancaster's pro se motion for new counsel.

CV-18-98. Christopher Lancaster and Laura Lancaster v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court. Motion of Terry Goodwin Jones to withdraw and substitution of counsel for separate appellant Laura Lancaster.

CV-18-98. Christopher Lancaster and Laura Lancaster v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court, Western District. Motion of separate appellant Laura Lancaster to toll time.

CV-18-98. Christopher Lancaster and Laura Lancaster v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court, Western District. Motion of separate appellant Christopher Lancaster to stay briefing schedule.

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MOTIONS SUBMITTED

CV-18-120. Keith Karolchyk v. Lisa Karolchyk, from Pulaski County Circuit Court, Fourteenth Division. Appellant's application for leave to file a supersedeas bond.

CV-18-132. Arkansas Children's Hospital v. Dee Blakley, from Pulaski County Circuit Court, Sixth Division. Motion of Jane Duke to withdraw as counsel of record.

CV-18-137. Jessica Brown v. Arkansas Department of Human Services and Minor Children, from Saline County Circuit Court. Agreed substitution of counsel.

CV-18-140. LaToya Thomas v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Agreed motion to substitute counsel.

CV-18-160. Kaitlyn McCool v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Appellant's motion to substitute counsel.

CV-18-178. Holli Ward v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Agreed substitution of counsel.

CV-18-181. Rose Corley and Joey Wade Bilbrey v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Agreed substitution of counsel.

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CASES SUBMITTED

CR-17-46. Daniel Lynn Honey v. State of Arkansas, from Logan County Circuit Court, Northern District.

CR-17-617. Devon Lamar Ward v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-17-618. Kabal Renee Burnett v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division.

CR-17-764. Duan Harris v. State of Arkansas, from Craighead County Circuit Court, Western District.

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.

CV-17-658. First Government Lease Company and Paul Graver v. Northwest Scott County Volunteer Fire Department, from Scott County Circuit Court.

CV-17-730. Misty Dawn Lawrence v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court.

CV-17-749. Bobby Bolden v. Arkansas Department of Human Services and Minor Children, from Pope County Circuit Court.

CV-17-795. Shriners Hospitals for Children v. First United Methodist Church of Ozark, from Franklin County Circuit Court, Northern District.

CV-17-808. Connie Burke v. Arkansas Department of Correction and Public Employee Claims Division, from the Arkansas Workers’ Compensation Commission.

CV-17-874. Public Employee Claims Division and Arkansas Livestock and Poultry Commission v. Gary Clark and North Arkansas Livestock Auction, Inc., from Carroll County Circuit Court, Eastern District.

CV-17-1018. Don Johnson v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division.

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CASES SUBMITTED

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

E-17-472. Het Khonesavanh v. Director et al.

E-17-473. Emilyn Knight v. Director et al.

E-17-474. Nikeba Davis v. Director et al.

E-17-475. Brandy Phillips v. Director et al.

E-17-476. John Grogan v. Director et al.

E-17-477. Reginald Andrews, Jr. v. Director et al.

E-17-478. ReNardo Murray v. Director et al.

E-17-480. Cannon Ford Nissan v. Director et al.

E-17-481. Ella Ennis v. Director et al.

E-17-482. Daniel Romero v. Director et al.

E-17-483. Patrick Hicks v. Director et al.

E-17-484. Clint McCullah v. Director et al.