

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 28, 2018

RITA W. GRUBER, CHIEF JUDGE:

[CR-17-617](#). Devon Lamar Ward v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Harrison and Vaught, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-17-554](#). Frederick T. Jones v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Gladwin and Vaught, JJ., agree.

[CV-17-417](#). Danny L. Burrow v. J.T. White Hardware & Lumber Company, from Craighead County Circuit Court, Western District. Affirmed. Klappenbach and Murphy, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-17-559](#). Herschel L. Brigance v. State of Arkansas, from Faulkner County Circuit Court. Reversed and remanded. Virden and Vaught, JJ., agree.

[CV-17-658](#). First Government Lease Company and Paul Graver v. Northwest Scott County Volunteer Fire Department, from Scott County Circuit Court. Rebriefing ordered. Murphy and Brown, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-17-874](#). Public Employee Claims Division v. Gary Clark and North Arkansas Livestock Auction, Inc., from Carroll County Circuit Court, Eastern District. Reversed and remanded. Glover and Hixson, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-17-795](#). Shriners Hospitals for Children v. First United Methodist Church of Ozark, from Franklin County Circuit Court, Northern District. Affirmed. Klappenbach and Hixson, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-17-46](#). Daniel Lynn Honey v. State of Arkansas, from Logan County Circuit Court, Northern District. Reversed and remanded. Abramson and Virden, JJ., agree.

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LARRY D. VAUGHT, JUDGE:

[CV-17-749](#). Bobby Bolden v. Arkansas Department of Human Services and Minor Children, from Pope County Circuit Court. Affirmed. Gruber, C.J., and Harrison, J., agree.

KENNETH S. HIXSON, JUDGE:

[CR-17-764](#). Duan Harris v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Klappenbach and Glover, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-17-618](#). Kabal Burnett v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division. Reversed and dismissed. Gladwin and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-17-1018](#). Don Johnson v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Gladwin and Murphy, 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-17-472. 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.

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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.

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PER CURIAM ORDERS

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

CV-17-297. Michael Nauman v. Rene Nauman, from Pulaski County Circuit Court, Thirteenth Division.

CV-17-655. Mahmood Ahmad v. Arkansas State Medical Board, from Pulaski County Circuit Court, Sixth Division.

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

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 is granted. Allowed \$1,800.00.

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 is granted.

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 is granted. Allowed \$1,800.00.

CR-17-656. Conrail Lamon Criswell v. State of Arkansas, from Conway County Circuit Court. Motion of Jonathan T. Lane for award of attorney fees is granted. Allowed \$1,800.00.

CR-17-679. James D. Horton v. State of Arkansas, from Lonoke County Circuit Court. Motion of Jonathan T. Lane for award of attorney fees is granted. Allowed \$1,800.00.

CR-17-925. Justin Drew Bray v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Meagan Burns to withdraw is granted. Clint Lancaster is appointed to represent the appellant. Appellant's brief is due in forty days (May 7, 2018).

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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 is remanded to the circuit court pursuant to *Brewer v. State*, 64 Ark. App. 372, 984 S.W.2d 65 (1998). Record on remand returnable in thirty days (April 27, 2018).

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 is granted. Allowed \$1,800.00.

CV-17-580. John V. Glenn v. Mike Bubbus, from Pope County Circuit Court. Appellant's motion to file belated reply brief is denied.

CV-17-717. W.N. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to preclude recording, broadcasting, webcasting, or photographing of oral argument is denied.

CV-17-862. J. David John v. Martin T. Faitak, Ph.D., from Washington County Circuit Court. Appellant's motion to seal record and briefs is denied. Hixson, J., not participating.

CV-17-971. Kenisha Williform v. Arkansas Department of Human Services, from Craighead County Circuit Court, Western District. Appellant's motion to hold oral argument is denied.

CV-17-989. Larry Gene Phifer v. Richard Cowin, Margot Cowin, and SWN Production (Arkansas), LLC, from White County Circuit Court. Appellant's motion to remand for want of a final order and for extension of time is denied. Appeal dismissed without prejudice.

CV-18-61. Sheila McHughes, David A. Hodges, and Josh McHughes v. Anissa Wayland and Children's Medical Transportation Services, LLC, from Saline County Circuit Court. Appellants' motion to supplement the record. Clerk directed to file the tendered supplemental record as a new appeal. Appellant's motion to supplement the record treated as motion to consolidate is granted.

CV-18-146. James Randall Amason, Sr. v. City of Calion, Arkansas, from Union County Circuit Court. Appellant's motion to remand, or alternatively, motion to dismiss without

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prejudice, for lack of a final order. Alternative motion to dismiss without prejudice is granted.

CV-18-185. Meegan Wingate-Mickles, as Administratrix on Behalf of the Estate of Emrich Swonia, Jr. v. Marqueita Lathell Harris, from Pulaski County Circuit Court, Ninth Division. Appellee's motion to dismiss is denied.

E-18-66. Todd Cartwright v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-16-1092. Dorian Lacy v. State of Arkansas, from Clark County Circuit Court.

CR-17-199. Vernyell Yarquis Mosby v. State of Arkansas, from Desha County Circuit Court, Arkansas City District.

CV-16-733. Terry Larue Wyatt v. Joyce Lorene Wyatt, from Faulkner 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-17-345. Sherry Lynne Glover v. Main Street Wholesale Furniture, LLC, and Bryan William McPike, from Jefferson County Circuit Court.

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-17-460. 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.

CR-17-133. Marvin Joe Starks v. State of Arkansas, from Washington County Circuit Court. Motion of Eric Moore for award of attorney's fees.

CR-17-286. Norman Ray Bullock v. State of Arkansas, from Prairie County Circuit Court, Northern District. Motion of Sharon Kiel for award of attorney's fees.

CR-17-581. C.C.F. v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to dismiss.

CR-17-650. Tommy L. Wood, Jr. v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellee's motion to dismiss.

CR-17-685. Anfernee Xavier Wells v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Meagan Burns to withdraw.

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CR-17-772. Ryan James Kirkland v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to file belated brief and motion to file corrected brief.

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

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

CR-17-926. Douglas Alan Anderson v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to supplement record.

CR-17-955. Jared Wayne Jeffers v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion to dismiss.

CR-17-961. J.L.W. v. State of Arkansas, from Yell County Circuit Court, Northern District. Motion to compel the Yell County Circuit Court Clerk to settle the record.

CR-18-31. Doriane Clentail Norton v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for extension of time to file pro se points.

CR-18-239. Otis Daniels v. State of Arkansas, from Jefferson County Circuit Court. Motion of Leonardo Monterrey to withdraw as attorney on direct appeal.

CV-16-1130. Wanda J. Hartley v. Vendor Resource Management, from Pulaski County Circuit Court, Second Division. Appellee's motion to dismiss.

CV-17-280. Dashunda R. 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 recall mandate in first impression.

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

CV-17-626. John Roach v. Joe Roach and James Roach, from Marion County Circuit Court. Appellees' motion to dismiss appeal.

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CV-17-727. Larry Hamilton v. Bank of the Ozarks, from Pulaski County Circuit Court, Fifteenth Division. Appellee's motion to supplement the record on appeal.

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

CV-17-884. Betty Guenther v. Glynn Guenther, Aric Guenther, and Estate of James Guenther, an Incapacitated Person, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to supplement the record.

CV-17-884. Betty Guenther v. Glynn Guenther, Aric Guenther, and Estate of James Guenther, an Incapacitated Person, from Pulaski County Circuit Court, Seventeenth Division. Appellees' motion to dismiss.

CV-17-884. Betty Guenther v. Glynn Guenther, Aric Guenther, and Estate of James Guenther, an Incapacitated Person, from Pulaski County Circuit Court, Seventeenth Division. Appellees' amended motion to dismiss and motion to extend time for response brief if motion to dismiss is denied.

CV-17-970. Gen-Kal Pipe & Steel Corporation and Eugene Kalsky v. M.S. Wholesale Plumbing, Inc., from Pope County Circuit Court. Motion for substitution of appellants' counsel.

CV-17-984. Stan Vasile d/b/a Renaissance Plaster & Design v. Jose Juan Vences, from Pulaski County Circuit Court, Fifth Division. Joint motion for remand to correct the record or, in the alternative, petition for a writ of certiorari to correct the record and for an extension of time to file brief on appeal.

CV-17-1066. Carrie Michelle Lucas v. Adam Henry Nutt and Tami Michelle Nutt, from White County Circuit Court. Appellant's motion for extension and to supplement the record.

CV-17-1066. Carrie Michelle Lucas v. Adam Henry Nutt and Tami Michelle Nutt, from White County Circuit Court. Appellant's amended unopposed motion for extension and to supplement the record.

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 permission to file belated brief due to clerical error.

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MOTIONS SUBMITTED

CV-18-65. C.D. Andreasen and Kathleen Andreasen v. South Mountain Estates Property Owners' Association, Inc., et al., from Benton County Circuit Court. Appellants' motion to consolidate cases.

CV-18-66. C.D. Andreasen and Kathleen Andreasen v. South Mountain Estates Property Owners' Association, Inc., et al., from Benton County Circuit Court. Appellants' motion to consolidate cases.

CV-18-67. C.D. Andreasen and Kathleen Andreasen v. South Mountain Estates Property Owners' Association, Inc., et al., from Benton County Circuit Court. Appellants' motion to consolidate cases.

CV-18-95. City of Bryant, Arkansas v. Boone Trust Dated December 22, 1997, from Saline County Circuit Court. Appellant's motion to correct the record.

CV-18-117. Travis Johnston v. Virgil Jones and First Student, Inc., from Pulaski County Circuit Court, Sixth Division. Appellant's motion to correct the record on appeal.

CV-18-117. Travis Johnston v. Virgil Jones and First Student, Inc., from Pulaski County Circuit Court, Sixth Division. Appellant's motion for extension of time to file brief.

CV-18-121. Shelby Murphy v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court. Appellant's motion to stay briefing schedule.

E-18-78. Reginald Meeks v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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CASES SUBMITTED

CR-17-446. Frederick Allan Williams v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-17-696. Davin Terell Allen v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-17-813. Ronald Clark Shaver v. State of Arkansas, from Boone County Circuit Court.

CR-17-821. Michael Mitchell v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-17-848. Kirk David Halcomb v. State of Arkansas, from Ashley County Circuit Court.

CV-17-243. Entergy Arkansas, Inc., and Entergy Operations, Inc. v. Ronnie Francis; Bigge Power Constructors; Bigge Crane and Rigging Co.; Bigge Group, Inc.; Siemens Energy, Inc.; DP Engineering, Inc.; VEI General Contractors, Inc.; John Doe 1; John Doe 2; and John Doe 3, from Pope County Circuit Court.

CV-17-511. Marcus Lashun Townsend v. Dorian T'Ya Townsend, from Pulaski County Circuit Court, Third Division.

CV-17-742. David Atherton v. Cynthia Atherton, from Saline County Circuit Court.

CV-17-839. White River Health System, Inc., d/b/a White River Medical Center; Continental Casualty Company d/b/a CNA Insurance Company v. Madeline Long, as Special Administratrix of the Estate of Danielle Toth, Deceased, from Independence County Circuit Court.

CV-17-843. Anderson-Tully Company v. Patricia Scales Vaden and James M. Moncrief, from Desha County Circuit Court, Southern District.

CV-17-1032. Kenneth James Clark v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-17-1068. Jonathan Buck v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

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CASES SUBMITTED

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

E-17-485. Donna Vanzant v. Director et al.

E-17-486. Taryn Brown v. Director et al.

E-17-487. Taris Williams v. Director et al.

E-17-488. Franklin Latham, Jr. v. Director et al.

E-17-489. LaToya Gaines-Boykins v. Director et al.

E-17-490. Mark Diehl v. Director et al.

E-17-491. Soukhanh Vongkhampha v. Director et al.

E-18-1. Natalie Rader v. Director et al.

E-18-2. Daryl Hammons v. Director et al.

E-18-3. Calvin Young v. Director et al.

E-18-4. Colleen Haley v. Director et al.

E-18-5. William Shane Emery v. Director et al.