

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 11, 2018**

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

[CV-17-843](#). Anderson-Tully Company v. Patricia Scales Vaden and James M. Moncrief, from Desha County Circuit Court. Remanded to supplement the record; rebriefing ordered. Harrison and Vaught, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-17-875](#). German Vasquez v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Klappenbach and Murphy, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-17-813](#). Ronald Clark Shaver v. State of Arkansas, from Boone County Circuit Court. Motion to dismiss granted; appeal dismissed. Murphy and Brown, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-17-1032](#). Kenneth James Clark v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Virden and Glover, JJ., agree.

**DAVID M. GLOVER, JUDGE:**

[CR-17-696](#). Davin Terell Allen v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Klappenbach and Hixson, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-17-742](#). David Atherton v. Cynthia Atherton, from Saline County Circuit Court. Affirmed. Klappenbach and Glover, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-17-511](#). Marcus Lashun Townsend v. Dorian T'Ya Townsend, from Pulaski County Circuit Court, Third Division. Affirmed in part; reversed in part. Gladwin and Brown, JJ., agree.

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**MIKE MURPHY, JUDGE: (Continued)**

[CV-17-783](#). Arkansas Department of Human Services and Arkansas Insurance Department, Public Employee Claims Division v. Cindy Shields and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross-appeal. Gladwin and Brown, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-17-848](#). Kirk David Halcomb v. State of Arkansas, from Ashley County Circuit Court. Dismissed. 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-17-485. 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.

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**PER CURIAM ORDERS**

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

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.

CV-17-778. Peregrine Trading, LLC v. Steve Rowe and Stacy Rowe, from Lafayette County Circuit Court.

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CR-16-777. Aaron Dewayne Watson v. State of Arkansas, from Woodruff County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees and costs is granted. Allowed \$1,800.00.

CR-17-85. Ronald Anthony Antonello v. State of Arkansas, from Miller County Circuit Court. Motion of Gregg A. Knutson for attorney fees and costs is granted. Allowed \$1,800.00.

CR-17-503. Ronnie Bruce Martinez v. State of Arkansas, from Grant County Circuit Court. Motion of Philip C Wilson for attorney fees is granted. Allowed \$1,800.00.

CR-17-686. Bruce Richard Sampson v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Motion of Dusti Standridge for attorney’s fees and expenses is granted. Allowed \$1,800.00.

CR-17-751. Tony Jefferson, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Motion of Dusti Standridge for attorney’s fees and expenses is granted. Allowed \$1,800.00.

CR-17-848. Kirk David Halcomb v. State of Arkansas, from Ashley County Circuit Court. Appellant’s pro se motion to overturn conviction is denied. See **opinion** issued this date.

CR-17-848. Kirk David Halcomb v. State of Arkansas, from Ashley County Circuit Court. Appellant’s pro se motion to overturn probation revocation is denied. See **opinion** issued this date.

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

CR-17-955. Jared Wayne Jeffers v. State of Arkansas, from Ashley County Circuit Court. Motion of Joseph Mazzanti to withdraw and for substitution of counsel for appeal purposes is granted. Dusti Standridge is appointed to represent the appellant. Appellant's brief is due in thirty days (May 11, 2018).

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 is moot.

CV-17-254. Luther F. Graves and FirstComp Insurance Company v. Timothy W. Hopper, from the Arkansas Workers' Compensation Commission. Motion of David A. Hodges for attorney's fees is granted.

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 is granted. Tendered supplemental record filed this date. Appellant's brief is due May 16, 2018.

CV-18-160. Kaitlyn McCool v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Appellant's motion for enlargement of time to file brief is moot. Viriden, J., not participating.

CV-18-160. Kaitlyn McCool v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Appellant's motion to dismiss appeal is granted. Viriden, J., not participating.

CV-18-184. David Fraser v. Arkansas Department of Human Services and Minor Child, from Polk County Circuit Court. Appellant's motion to strike the record and to stay briefing schedule is denied.

CV-18-225. Arkansas Health Center and Arkansas Insurance Department, Public Employee Claims Division v. Stephanie Burnett, from the Arkansas Workers' Compensation Commission. Appellants' motion for writ of certiorari to correct the

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**PER CURIAM ORDERS**

record is granted. Writ issued; returnable in thirty days (May 11, 2018). Appellants' brief is due thirty days after the supplemental record is lodged.

E-18-91. Joy McFarland v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal is denied.

E-18-92. Tammy Bitzer 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:

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

CV-17-779. Brookewood, Limited Partnership v. DeQueen Physical Therapy and Occupational Therapy, Inc., from Sevier County Circuit Court.

CV-17-807. Rex L. Houston, Jr.; Kelton R. Brown, Jr.; John G. Homatas; and Jim West, Individually and on Behalf of Themselves and All Others Similarly Situated; Collectively Known as Opponents of Ordinance 6121 v. City of Hot Springs, Arkansas, from Garland County Circuit Court.

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CR-16-812. Christopher Scott Reynolds v. State of Arkansas, from Clark County Circuit Court. Motion of Brian G. Brooks for attorney fees and costs.

CR-17-354. Roddrick Larnell Smith v. State of Arkansas, from Columbia County Circuit Court. Motion of Meagan Burns for attorney fees.

CR-17-566. Chase J. Hallsted v. State of Arkansas, from Benton County Circuit Court. Motion of Gregg A. Knutson for attorney's fees.

CR-17-661. Rodney Antonio Willis v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Johnny Dunigan for attorney's fee.

CR-18-89. Charles Dwight King, Jr. v. State of Arkansas, from Boone County Circuit Court. Appellant's motion to correct the record or in the alternative motion for writ of certiorari to correct the record on appeal.

CV-17-523. Charles Nathan Harrelson, Lesley Harrelson, and Margaret Harrelson v. Dee King, from Washington County Circuit Court. Appellants' motion to amend mandate.

CV-17-647. Cleveland Earl Smith v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to accept supplemental record.

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**MOTIONS SUBMITTED**

CV-17-802. Lisa E. Law v. Wal-Mart Stores, Inc., from Benton County Circuit Court. Appellee's motion to reschedule oral argument.

CV-17-1040. Larry Williams, Gregory Peck, and Pete Netzel v. Bank of the Ozarks as the Trustee for the Registered Owners of the \$4,400,000.00 Benton County Property Owners' Improvement District No. 7 Special Assessment Bonds, from Benton County Circuit Court. Suggestion of death of appellant Pete Netzel.

CV-17-1040. Larry Williams, Gregory Peck, and Pete Netzel v. Bank of the Ozarks as the Trustee for the Registered Owners of the \$4,400,000.00 Benton County Property Owners' Improvement District No. 7 Special Assessment Bonds, from Benton County Circuit Court. Appellants' unopposed joint motion for extension of time to file opening briefs.

CV-17-1053. Jeffrey B. Trask v. James Trask, Spencer Trask, Vicki Trask, Karen Copeland, and Todd Trask, from Saline County Circuit Court. Appellant's motion to strike notice of cross-appeal.

CV-17-1065. Farm Bureau Mutual Insurance Company of Arkansas, Inc. v. Randy Hopkins and Chris Lane, from Pulaski County Circuit Court, Ninth Division. Joint motion to remand.

CV-18-35. Bobby Brewer and Jo Ann Brewer v. Donna Bair-Massey, from Sharp County Circuit Court. Appellee's petition for certiorari to complete the record.

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

CV-18-216. Clay Jackson v. Charles Brooks Company, Inc., and Fireman Fund Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion for extension of time.

CV-18-216. Clay Jackson v. Charles Brooks Company, Inc., and Fireman Fund Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to supplement the record.

CV-18-268. William Munn, Sr. v. Summit Bank, Buddie Jordan, and Henry McFadden, from Hempstead County Circuit Court. Appellant's motion for remand or, in the alternative, motion for dismissal without prejudice.

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**MOTIONS SUBMITTED**

CV-18-274. Bad Boy, Inc., and Travelers Indemnity Company v. Samuel W. Dortch, from the Arkansas Workers' Compensation Commission. Joint motion to remand.

E-18-85. Susan Lane v. Director et al., from the Arkansas Board of Review. Pro se motion to add additional evidence.



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**CASES SUBMITTED**

CV-16-1131. DWB, LLC d/b/a Mayflower R.V. Sales and Service; and Danny Brown v. D&T Pure Trust; Mayflower R.V., Inc.; and Toni Len Boydston, from Pulaski County Circuit Court, Seventeenth Division. Orally argued.

CR-17-70. Jordan Navarr Williams v. State of Arkansas, from Hempstead County Circuit Court.

CR-17-659. Melchizedek Shabazz v. State of Arkansas, from Howard County Circuit Court.

CR-17-897. Machun Sherrod Clinkscale v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-17-150. William K. McDaniel v. Judith H. McDaniel, from Pulaski County Circuit Court, Seventeenth Division.

CV-17-681. Kent Douglas McCoy v. Ronald D. Robertson, M.D.; Mario Rueda, M.D.; Christopher W. Fowler, D.O.; and Mary Katherine Kimbrough, M.D., from Pulaski County Circuit Court, Fifth Division.

CV-17-710. Sherry Rickman v. Arkansas Department of Human Services and Minor Child, from Crittenden County Circuit Court.

CV-17-868. Nicole Killingsworth (formerly Dittmar) v. Jeremiah Dittmar, from Sharp County Circuit Court.

CV-17-885. Sandra Franks v. William Franks, from Crawford County Circuit Court.

CV-17-1016. Lynn Roberts and Vicki Steen v. Rita Riege, from Stone County Circuit Court.

CV-18-22. Alecia Harjo v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-18-37. Jessica Taylor v. Arkansas Department of Human Services and Minor Children, from Crittenden County Circuit Court.

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**CASES SUBMITTED**

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

E-17-479. Butler Furniture Depot v. Director et al.

E-18-6. Gary Lord v. Director et al.

E-18-7. Donita Lopez v. Director et al.

E-18-8. Dianna Johnson v. Director et al.

E-18-9. Wendy Nelson v. Director et al.

E-18-10. Wendy Nelson v. Director et al.

E-18-12. Vona Skaggs v. Director et al.

E-18-13. Genella McClanahan v. Director et al.

E-18-14. Roy Williams v. Director et al.

E-18-15. Jermaine Adams v. Director et al.

E-18-17. John Cullum v. Director et al.

E-18-18. Tiffany Freeman v. Director et al.