

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF AUGUST 22, 2018

PER CURIAM ORDERS

CR-16-852. Fredrick Leon Wilson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Robert M. “Robby” Golden for award of attorney’s fees and costs is granted. Allowed \$1,800.00.

CR-17-277. Don Michael Cox v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Stuart Vess for attorney fees is granted. Allowed \$1,800.00. Virden and Vaught, JJ., not participating.

CR-17-687. Jeffrey Allen Wolfe v. State of Arkansas, from Yell County Circuit Court, Southern District. Motion of Eric Moore for award of attorney’s fees is granted. Allowed \$1,800.00. Harrison, J., not participating.

CR-17-789. Trentin R. Turner v. State of Arkansas, from Chicot County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00.

CR-17-841. Christopher Cloninger v. State of Arkansas, from Lincoln County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,600.00.

CR-17-883. Adrian Tyler Lee Ealy v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney’s fee and expenses is granted. Allowed \$1,800.00. Virden, J., not participating.

CR-17-1046. Kenyon Wayne Taylor v. State of Arkansas, from Garland County Circuit Court. Appellant’s pro se motion for leave to belatedly file reply brief is granted. Appellant’s tendered reply brief filed this date.

CR-18-31. Doriane Clentail Norton v. State of Arkansas, from Miller County Circuit Court. Appellant’s pro se motion to present evidence is denied. Virden, J., not participating.

CR-18-43. Quinton Rashad Brown v. State of Arkansas, from Lafayette County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$1,600.00.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF AUGUST 22, 2018

PER CURIAM ORDERS

CR-18-54. Thomas Leaks 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-18-139. Roderick Alexander v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellee's motion to dismiss appeal is granted. Harrison and Vaught, JJ., would submit the motion with the case.

CR-18-210. Richard James Laquerre v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted. Appellant's brief is due in forty-five days (October 6, 2018).

CR-18-258. Traevaughn Richard 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. Virden, J., not participating.

CR-18-298. Michael Lee Sweeten v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to supplement the record is granted. Tendered supplemental record filed this date.

CR-18-416. J.L. v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for belated brief and motion for extension of time is granted. Appellant's brief is due in thirty days (September 21, 2018).

CR-18-560. Joshua Windford Curl v. State of Arkansas, from White County Circuit Court. Petition to proceed as pauper treated as motion to appoint counsel is moot.

CR-18-560. Joshua Windford Curl v. State of Arkansas, from White County Circuit Court. Amended petition to proceed as pauper treated as amended motion to appoint counsel is granted. Justin Mercer is allowed to withdraw as original attorney. Brian Brooks is appointed to represent the appellant. Appellant's brief is due September 28, 2018.

CR-18-564. Jameel Raheem v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Motion of Terrence Cain to appear as attorney of record is granted as an additional attorney. Tendered motion for extension of time filed this date and granted. Appellant's brief is due in ten days (September 1, 2018).

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF AUGUST 22, 2018

PER CURIAM ORDERS

CR-18-579. David Kurtis Mondy v. State of Arkansas, from Johnson County Circuit Court. Motion of Jack T. Patterson II to withdraw and new appointment of an attorney for the appellant is granted. Jack T. Patterson II is removed as attorney of record. Brett D. Watson is appointed to represent the appellant. Appellant's brief is due in thirty days (September 21, 2018).

CV-16-739. Farm Credit Midsouth, PCA v. Fred Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court. Appellant's motion for reconsideration and for writ of certiorari is granted pursuant to Arkansas Supreme Court Rule 3-5 and *Hogue v. Hogue*, 250 Ark. 102, 464 S.W.2d 67 (1971). Mandate issued on June 21, 2018, is recalled. Gladwin and Whiteaker, JJ., would deny. Harrison, J., not participating.

CV-17-197. Farm Credit Midsouth, PCA v. Fred Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court. Appellant's motion to transfer record is granted. Harrison, J., not participating.

CV-17-236. Adriana Wilhelm v. Greg Wilhelm, from Washington County Circuit Court. Appellee's motion for attorney's fees is denied. Vaught, J., not participating.

CV-17-649. Fayetteville Express Pipeline, LLC v. Arkansas Public Service Commission, from Pulaski County Circuit Court, Fifth Division. Joint stipulation by parties to dismiss appeal is granted. Gruber, C.J., not participating.

CV-17-699. Roxanne M. Garrison and Mercy Home Health Berryville v. Charles Hodge and Mary Hodge, from Boone County Circuit Court. Motion of Paul D. Morris to withdraw as counsel is granted. Glover and Vaught, JJ., not participating.

CV-17-924. Victor Bernard Williams, M.D. v. Baptist Health d/b/a Baptist Health Medical Center; and John Hearnberger, M.D., from Pulaski County Circuit Court, Sixth Division. Separate appellee Baptist Health's motion for enlargement of brief is granted. Tendered brief filed this date.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF AUGUST 22, 2018

PER CURIAM ORDERS

CV-17-924. Victor Bernard Williams, M.D. v. Baptist Health d/b/a Baptist Health Medical Center; and John Hearnberger, M.D., from Pulaski County Circuit Court, Sixth Division. Appellant's motion for extension of time is granted. Appellant's reply brief is due in fifteen days (September 6, 2018).

CV-17-947. Lofton Palmer v. Roderick Brown, Jr., and City of Marianna, Arkansas, from Lee County Circuit Court. Joint motion to dismiss appeal is granted.

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. Modified motion for substitution of parties is granted.

CV-18-32. Charlotte Marcum; Luellen Holmes; Robert W. Snow, Jr.; and Vicki Gottspomer v. Barbara Gibson, from Drew County Circuit Court. Appellants' motion for oral argument is denied. Virden, Harrison, Whiteaker, Vaught, and Hixson, JJ., would grant.

CV-18-198. C & R Construction Company, Inc.; David Smith; and Jennifer Smith v. Woods Masonry & Repair, LLC, from Craighead County Circuit Court, Western District. Motion for substitution of appellant, Jennifer Smith is granted.

CV-18-198. C & R Construction Company, Inc.; David Smith; and Jennifer Smith v. Woods Masonry & Repair, LLC, from Craighead County Circuit Court, Western District. Appellants' third motion for extension of time to file brief is granted. Appellants' brief is due in thirty days (September 21, 2018). Final extension.

CV-18-209. Phyllis Haley v. Kerry Haley, from Pulaski County Circuit Court, Thirteenth Division. Appellee's motion for substitution of parties is granted. Murphy, J., not participating.

CV-18-216. Clay Jackson v. Charles Brooks Company, Inc.; Fireman's Fund Insurance Company; and Gallagher Bassett Services, Inc., from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss appeal is granted.

CV-18-261. Katia Gelyukh Colston v. Walter Jackson Williams, from Washington County Circuit Court. Appellant's motion for expedited consideration of appeal and

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF AUGUST 22, 2018

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request for oral argument is denied. Harrison and Hixson, JJ., would expedite. Vaught, J., not participating.

CV-18-427. Carol Bitting; Lin Wellford; and Nancy Haller, M.D. v. Arkansas Pollution Control and Ecology Commission and Ellis Campbell d/b/a EC Farms, from Newton County Circuit Court. Appellants' unopposed motion to supplement the record and revise briefing schedule is moot.

CV-18-427. Carol Bitting; Lin Wellford; and Nancy Haller, M.D. v. Arkansas Pollution Control and Ecology Commission and Ellis Campbell d/b/a EC Farms, from Newton County Circuit Court. Appellees' motion to dismiss appeal is granted.

CV-18-507. George Hunter and Joan Hunter v. Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Appellee's motion to dismiss appeal is granted.

CV-18-507. George Hunter and Joan Hunter v. Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Appellee's motion to supplement record is moot.

CV-18-518. Krystal Book v. Kenneth Book, from Garland County Circuit Court. Appellant's amended motion to dismiss appeal is granted.

CV-18-522. Comcast of Arkansas, Inc., and TEGNA, Inc. v. Courtney Goodson and Courtney Goodson Campaign, from Pulaski County Circuit Court, Second Division. Motion of separate appellant Comcast of Arkansas, Inc., to dismiss appeal is granted. Hixson, J., not participating.

CV-18-528. William Norris v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court. Appellant's motion to enlarge page limit and stay brief deadline is granted.

CV-18-573. Ray H. Dawson, Jr. v. Janelle D. Stoner-Sellers, Individually and as Trustee of R & LD Trust, R & LD Trust II, and R & LD Trust III; Jennifer Bouchillon, Individually and as Trustee of R & LD Trust, R & LD TRUST II, and R & LD Trust III; and Luetta Dawson, from Crittenden County Circuit Court. Appellant's motion to waive

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF AUGUST 22, 2018

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abstract requirement or attach transcript pages as the abstract is denied. Harrison, J., not participating.

E-18-169. Tina Russell v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to add additional evidence is denied.

E-18-193. Elizabeth Eddington v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to file belated appeal is denied.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF AUGUST 22, 2018

MOTIONS SUBMITTED

CR-17-1050. Jamal D. Akram v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for counsel to recuse.

CR-17-1077. Thomas Nathaniel Hartaway v. State of Arkansas, from Washington County Circuit Court. Motion of Gregg A. Knutson for attorney fees and costs.

CR-18-373. Larry Michael Berkley v. State of Arkansas, from Boone County Circuit Court. Appellant's motion to require correction or to supplement the record on appeal.

CR-18-645. Josh M. Barrett v. State of Arkansas, from Pike County Circuit Court. Appellant's motion to supplement the record.

CV-17-692. Nancy Lee Garrett v. George Webb Neece, from Sebastian County Circuit Court, Fort Smith District. Suggestion of death of appellant.

CV-18-484. Mia Ellington v. Bernard Ellington, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to correct the record and for extension of time for appellant to file brief.

CV-18-494. Marleny Reyes-Ramos v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Motion of Will Shelton to be relieved and for stay of briefing schedule.

CV-18-494. Marleny Reyes-Ramos v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Appellant's petition for writ of certiorari to supplement the record.

CV-18-572. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers' Compensation Commission. Joint memorandum motion to supplement the record.

E-18-223. Alice K. Ostie v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF AUGUST 22, 2018

CASES SUBMITTED

CR-17-705. Charles Forrest Silmon v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-17-772. Ryan James Kirkland v. State of Arkansas, from Washington County Circuit Court.

CR-17-926. Douglas Alan Anderson v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-17-1017. David Caldwell v. State of Arkansas, from Crawford County Circuit Court.

CV-17-776. Brenda Evans v. Estate of George Henry Fritsche, Deceased; Glen D. Fritsche; Audrey L. Leftwich; Ken L. Fritsche; Elaine K. Jones; David R. Fritsche; Fritsche, Inc.; Estate of Luther O. Evans, Deceased, by and through his Executor, Larry Evans; Raymond Joe Evans and Jerry Neil Evans d/b/a Northwest Amusement Company, Inc.; Vonda Evans; and Diane Evans, from Logan County Circuit Court, Southern District.

CV-17-907. Ginger Durham v. Al McCone and Penny McCone, from Chicot County Circuit Court.

CV-17-1022. Hickory Heights Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc. d/b/a Professional Nursing and Rehabilitation Services; Tina Lynette Beard, Individually and as Nursing Home Administrator for Hickory Heights Health and Rehab, LLC; Michael S. Morton; and John Doe Defendants 1–10 v. Mabel Keller Cook, from Pulaski County Circuit Court, Sixth Division.

CV-17-1075. Jennifer Webster (formerly Jennifer Jones) v. Shonn Jones, from Benton County Circuit Court.

CV-18-101. Shuronda Davis v. Remington Arms Company, Inc.; XL Insurance Company; and Gallagher Bassett Services, Inc., from the Arkansas Workers' Compensation Commission.

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

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF AUGUST 22, 2018

CASES SUBMITTED

CV-18-184. David Fraser v. Arkansas Department of Human Services and Minor Child, from Polk County Circuit Court.

CV-18-196. Linda Kantor v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court.