

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 5, 2018**

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

[CR-17-705](#). Charles Forrest Silmon v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Reversed and remanded. Virden and Whiteaker, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-17-926](#). Douglas Alan Anderson v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Glover and Vaught, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-18-101](#). Shuronda Davis v. Remington Arms Company; XL Insurance Company; and Gallagher Bassett Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Klappenbach and Brown, JJ., agree.

**BRANDON J. HARRISON, JUDGE:**

[CR-17-685](#). Anfernee Wells v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Hixson and Murphy, JJ., agree.

**DAVID M. GLOVER, JUDGE:**

[CV-17-907](#). Ginger Durham v. Al McCone and Penny McCone, from Chicot County Circuit Court. Affirmed. Abramson and Vaught, JJ., agree.

**PHILLIP WHITEAKER, JUDGE:**

[CR-17-1017](#). David Caldwell v. State of Arkansas, from Crawford County Circuit Court. Supplemental addendum ordered. Gruber, C.J., and Virden, J., agree.

[CV-17-966](#). Billy K. Roberts, Kelly L. Roberts, Holiday Island Development Corporation, and Table Rock Landing Owners Association v. Holiday Island Suburban Improvement District #1, from Carroll County Circuit Court, Western District. Reversed and remanded. Gruber, C.J., and Virden, J., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-18-184](#). David Fraser v. Arkansas Department of Human Services and Minor Child, from Polk County Circuit Court. Affirmed. Abramson and Glover, JJ., agree.

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**KENNETH HIXSON, JUDGE:**

[CR-17-772](#). Ryan James Kirkland v. State of Arkansas, from Washington County Circuit Court. Affirmed. Harrison and Murphy, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-18-181](#). Rose Corley and Joey Bilbrey v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Affirmed. Harrison and Hixson, JJ., agree.

**WAYMOND BROWN, JUDGE:**

[CV-17-776](#). Brenda Evans v. The Estate of George Henry Fritsche et al., from Logan County Circuit Court, Southern District. Rebriefing ordered. Gladwin and Klappenbach, JJ., agree.

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**PER CURIAM ORDERS**

REHEARING GRANTED: Petition for rehearing was granted today in the following case.

[CR-17-659](#). Melchizedek Shabazz v. State of Arkansas, from Howard County Circuit Court. See **substituted opinion** issued this date. Gruber, C.J., and Abramson, Gladwin, Hixson, and Murphy, JJ., agree.

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CR-16-1134. Eric Lewis v. State of Arkansas, from Ouachita County Circuit Court. Ouachita County Circuit Court is ordered to file a formal written report regarding the status of the June 21, 2017, formal order issued by the Arkansas Court of Appeals. Status report is due in seven days (September 12, 2018). Klappenbach, J., not participating.

CR-17-1050. Jamal D. Akram v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion to file brief is denied. Brown, J., would grant and treat brief as pro se points.

CR-18-347. Larry David Davis v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion to add to the record belated reply addendum is denied.

CR-18-524. John Dunn v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion for appointment of counsel and extension of brief time is granted. Misty Grady is appointed as counsel for the appellant. Appellant's brief is due in forty days (October 15, 2018).

CR-18-543. Jaylan Holmes v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to supplement the record is granted. Tendered supplemental record filed this date. Appellant's tendered brief filed this date.

CR-18-621. James Ernest Duff II v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for extension of time to file appeal to Rule 37 petition is granted. Appellant's brief is due in thirty days (October 5, 2018).

CR-18-626. William E. Starks v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Clint Miller to be relieved as appellant's counsel is granted. Tyson K. Spradlin is appointed as counsel for the appellant. Appellant's brief is due in forty days (October 15, 2018).

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CR-18-649. Tyler Antonio King 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. Melissa Sawyer is appointed as counsel for the appellant. Appellant's brief is due in forty days (October 15, 2018).

CV-17-843. Anderson-Tully Company v. Patricia Scales Vaden and James Michael Moncrief, from Desha County Circuit Court. Suggestions of death and joint motion to substitute counsel is moot.

CV-17-843. Anderson-Tully Company v. Patricia Scales Vaden and James Michael Moncrief, from Desha County Circuit Court. Petition to withdraw joint motion to substitute counsel is granted.

CV-17-983. Jefferson Hospital Association, Inc. d/b/a Jefferson Regional Medical Center; Continental Casualty Company, an Insurer of Jefferson Hospital Association, Inc. d/b/a Jefferson Regional Medical Center Preferred Provider Organization; Jeff Ballard, CT Technologist; and Continental Casualty Company v. Whitney Nicole Smith, Individually and as Special Administratrix of the Estate of Doris Laree Moss Smith, Deceased; and on Behalf of All Wrongful Death Beneficiaries and Heirs at Law, from Jefferson County Circuit Court. Motion of the Arkansas Hospital Association to file brief of amicus curiae is denied. Gruber, C.J., and Abramson, Hixson, and Brown, JJ., would grant.

CV-18-300. Robert E. Bamberg v. Joan R. Zumwalt and Lisa J. Bamberg, Individually and on Behalf of Minor Children, from Pulaski County Circuit Court, Ninth Division. Appellant's motion for correctional supplementation of the record and extension of time is granted. Gruber, C.J., not participating.

CV-18-450. Steve Arman, Special Administrator of the Estate of Philip Lewis Arman, Deceased v. CHI St. Vincent Hot Springs d/b/a St. Vincent Hospital Hot Springs; CHI St. Vincent Hospital Hot Springs d/b/a St. Vincent Hospital Hot Springs; and First Initiatives Insurance LTD, from Garland County Circuit Court. Combined joint motion to remand to correct the record or alternative petition for certiorari to complete the record, and motion to extend time or stay the briefing schedule is remanded to the circuit court to settle the record within thirty days (October 5, 2018). Appellant's brief is due thirty days after the supplemental record is lodged. Glover, J., not participating.

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**PER CURIAM ORDERS**

CV-18-672. Presbytery of Arkansas and Presbyterian Church (U.S.A.) v. Woodlands Presbyterian Church, from Saline County Circuit Court. Joint motion to stay briefing schedule is granted. Status report is due November 6, 2018.

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**MOTIONS SUBMITTED**

CR-17-985. Robert Jamar Fields v. State of Arkansas, from Union County Circuit Court. Appellant's second motion to stay briefing and reinvest jurisdiction with the circuit court for further evidentiary hearing on appellant's petition for writ of error coram nobis.

CR-18-210. Richard James Laquerre v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-18-613. Landan J. Worsham v. State of Arkansas, from Pope County Circuit Court. Appellant's motion to be excused from the abstracting requirement.

CR-18-653. Lawrence Ralston v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for remand to settle the record and stay briefing schedule.

CR-18-678. Randy James Myers v. State of Arkansas, from Faulkner County Circuit Court. Motion of Bobby R. Digby II to be relieved as counsel.

CV-16-739. Farm Credit Midsouth, PCA v. Fred Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court. Appellees' objection to and motion for reconsideration of per curiam order of August 22, 2018, granting appellant's motion for reconsideration and for writ of certiorari, and recalling mandate issued June 21, 2018.

CV-18-387. James R. Carvill v. Lloyd W. Kitchens, from Pulaski County Circuit Court, Fifth Division. Appellee's renewed motion to dismiss appeal.

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**CASES SUBMITTED**

CR-17-581. C.C.F. v. State of Arkansas, from Saline County Circuit Court.

CR-17-887. Derrick Leon Johnson v. State of Arkansas, from Faulkner County Circuit Court.

CR-17-961. J.L.W. v. State of Arkansas, from Yell County Circuit Court, Northern District.

CR-18-85. Sergio Gabriel Garza v. State of Arkansas, from Montgomery County Circuit Court.

CV-17-499. Lynn B. Hargis v. Allen Hargis, from Garland 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-17-727. Larry Hamilton v. Bank of the Ozarks, from Pulaski County Circuit Court, Fifteenth Division.

CV-17-771. Lynn B. Hargis v. Allen Hargis, from Garland County Circuit Court.

CV-17-992. Rhonda Canerdy-Banks and Donald Banks v. David Barton, Rebecca Barton, Arkansas Department of Human Services, and Minor Child, from Pope County Circuit Court.

CV-17-1001. Jason Buskirk v. December Buskirk (now Melton), from Washington County Circuit Court.

CV-18-77. Prescott School District v. Patricia Steed, from Nevada County Circuit Court.

CV-18-121. Shelby Murphy v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court.

CV-18-203. Kevin Phillips v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

CV-18-225. Arkansas Health Center and Arkansas Insurance Department, Public Employee Claims Division v. Stephanie Burnett, from the Arkansas Workers' Compensation Commission.

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**CASES SUBMITTED**

CV-18-254. Breonna Hogue v. Arkansas Department of Human Services and Minor Children, from Johnson County Circuit Court.

CV-18-260. Kristen James v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CV-18-266. Janet Nicholas v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Southern District.

CV-18-281. Melinda Foster v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-18-308. Misty Gonzalez v. Arkansas Department of Human Services and Minor Children, from Poinsett County Circuit Court.

CV-18-323. Laura Hilburn v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CV-18-328. Leslie Harley v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Southern District.

CV-18-390. Leon Harris v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division.

CV-18-454. Michelle Androff v. Arkansas Department of Human Services and Minor Child, from Cleburne County Circuit Court.

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

E-18-110. Kenneth Crisp v. Director et al.

E-18-111. Adam Humphrey v. Director et al.

E-18-112. Venita McCoy v. Director et al.

E-18-113. Regina Younger v. Director et al.

E-18-114. Cynthia Evans v. Director et al.



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E-18-115. Theresa Hall v. Director et al.

E-18-116. John Wheeler v. Director et al.

E-18-117. Rodney Creech v. Director et al.

E-18-118. Kathy Hice v. Director et al.

E-18-119. Thomas Connor v. Director et al.

E-18-120. Marvin Short v. Director et al.

E-18-121. Earlene Edgmon v. Director et al.