

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 3, 2018

RITA W. GRUBER, CHIEF JUDGE:

[CV-18-92](#). National Park Community College and Public Employee Claims Division v. Melinda Castaneda, from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker and Brown, JJ., agree.

[CV-18-513](#). Deborah White v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Affirmed. Whiteaker and Brown, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-16-903](#). Connie Watkins and Richard Watkins v. Arkansas Department of Agriculture, Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors, Arkansas Division of Land Surveys; Bradley P. Hancock Surveying and Mapping; and in Their Individual Capacities: Everett Rowland, Brandon Robinson, Steve Haralson, James Atchley, Ronald Hawkins, H. James Engstrom, Nora Moses, Robert D. Holloway, and Bradley P. Hancock, from Pulaski County Circuit Court, Sixth Division. Affirmed. Gladwin and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-17-278](#). \$4,076.00 in U.S. Currency and Nathaniel Adam Walters v. State of Arkansas, from Washington County Circuit Court. Dismissed with prejudice. Harrison and Klappenbach, JJ., agree.

[CV-18-91](#). Lyndon Tyler Bundy v. Brooklynn Gage Womble, from Woodruff County Circuit Court. Affirmed. Harrison and Klappenbach, JJ., agree.

[CV-18-203](#). Kevin Phillips v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison and Klappenbach, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-18-510](#). James King v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

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BRANDON J. HARRISON, JUDGE:

[CR-17-894](#). Alim Shakir Hakim v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Virden and Klappenbach, JJ., agree.

[CR-17-969](#). Earl Alexander v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

[CV-17-1066](#). In the Matter of the Adoption of J.N., a Minor, from White County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-18-159](#). Raddai Swan v. State of Arkansas, from Washington County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

[CV-17-499](#). Lynn B. Hargis v. Allen Hargis, from Garland County Circuit Court. Affirmed. Virden, J., agrees. Harrison, J., concurs.

[CV-18-266](#). Janet Nicholas v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Southern District. Appeal dismissed. Virden and Harrison, JJ., agree.

[CV-18-529](#). Santos Ivan Mitjans v. Arkansas Department of Human Services and Minor Children, from Johnson County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-18-34](#). Randa Synder v. Arkansas Department of Human Services, Division of Medical Services, Office of Long-Term Care, from Pulaski County Circuit Court, Second Division. Affirmed. Vaught and Hixson, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-18-112](#). Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court. Reversed and remanded. Gruber, C.J., and Brown, J., agree.

[CV-17-910](#). James W. Pilkinton v. Hope A. Pilkinton, from Baxter County Circuit Court. Supplemental addendum ordered. Gruber, C.J., and Brown, J., agree.

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LARRY D. VAUGHT, JUDGE:

[CR-18-182](#). Lance Harjo v. State of Arkansas, from Polk County Circuit Court. Dismissed. Glover and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-18-205](#). James Neal Bynum v. State of Arkansas, from Scott County Circuit Court. Reversed and remanded. Glover and Vaught, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-18-59](#). Steven Ray Miller v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed; remanded to correct the sentencing order. Abramson and Gladwin, JJ., agree.

[CV-17-798](#). Jesse Austin Dale Ballard and Hailee Danielle Ballard v. Curtis Daniel Howard, from White County Circuit Court. Affirmed. Abramson, Gladwin, Vaught, and Brown, JJ., agree. Harrison, Klappenbach, Glover, and Hixson, JJ., dissent.

WAYMOND M. BROWN, JUDGE:

[CR-16-941](#). Joseph Thomas Lacefield v. State of Arkansas, from Benton County Circuit Court. Affirmed. Abramson, Gladwin, Harrison, Klappenbach, and Vaught, JJ., agree.

[CR-18-315](#). James Caple v. State of Arkansas, from Baxter County Circuit Court. Supplemental abstract ordered. Gruber, C.J., and Whiteaker, J., agree.

[CV-17-1085](#). Montie Hobson v. George Hobson, from Benton County Circuit Court. Dismissed without prejudice; appellee's motion for fees and costs denied without prejudice. Gruber, C.J., and Whiteaker, J., 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-18-134. Collene Warren v. Director et al.

E-18-135. Darvin Marshall v. Director et al.

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- E-18-136. Twanna Ratliff v. Director et al.
- E-18-137. Siloe Boutique v. Director et al.
- E-18-138. Tiffany Lognion v. Director et al.
- E-18-139. Sandra Banks v. Director et al.
- E-18-140. Jason Funderburk v. Director et al.
- E-18-141. Kerry Greenwood v. Director et al.
- E-18-142. Joe Mouse v. Director et al.
- E-18-143. Michael Bruxvoort/Goodrich v. Director et al.
- E-18-144. Gary Walker v. Director et al.
- E-18-145. Dorkus Foreman v. Director et al.

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PER CURIAM ORDERS

CR-17-487. Charles Randall Davis v. State of Arkansas, from Poinsett County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$1,800.00.

CR-17-720. Leslie Anna Crowell v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Brett D. Watson for attorney fees is granted. Allowed \$1,600.00.

CR-17-824. Jessica D. Vangilder v. State of Arkansas, from Faulkner County Circuit Court. Motion of Mylissia M. Blankenship for attorney's fees is granted. Allowed \$1,800.00.

CR-17-825. Jessica D. Vangilder v. State of Arkansas, from Faulkner County Circuit Court. Motion of Mylissia M. Blankenship for attorney's fees is granted. Allowed \$1,800.00.

CR-17-985. Robert Jamar Fields v. State of Arkansas, from Union County Circuit Court. Appellant's motion to accept late writ/supplemental record is granted. Klappenbach, J., not participating.

CR-18-556. Jared Allen Harper v. State of Arkansas, from Miller County Circuit Court. Stipulation with regard to missing defendant's pretrial exhibit 3 is granted upon certification.

CR-18-570. Jaylen Farmer v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for argument to exceed thirty (30) pages is granted. Gruber, C.J., and Klappenbach, Whiteaker, and Brown, JJ., would deny.

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 for reconsideration of order denying motion to file brief of amicus curiae is denied. Gruber, C.J., and Brown, J., would grant.

CV-18-167. Mike Tankersley and SJT Properties, LLC v. Evelin Hampton, Cherkenia Hood, and Ricky Hood, from Garland County Circuit Court. Motion of Q. Byrum Hurst to withdraw as counsel is granted.

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PER CURIAM ORDERS

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

CV-18-650. (In the Matter of the Estate of Khyree Martin, a Minor) George Prange, as Vice President and Trust Officer of the Bank of the Ozarks and Guardian of the Estate of Khyree Martin, a Minor; and the Estate of Khyree Martin v. Arkansas Department of Human Services and Katelyn Gooden, from Pulaski County Circuit Court, Seventeenth Division. Appellants' motion to seal and for extension of time. Motion to seal is denied. Motion for extension of time is granted. Appellants' brief is due in ten days (October 13, 2018).

CV-18-690. James Lancaster v. The Estate of John Burt Lancaster, Deceased; and Michael Lancaster, as Personal Representative of the Estate of John Burt Lancaster, Deceased, from Pulaski County Circuit Court, Third Division. Petitioner's pro se motion to reverse judgment is denied.

CV-18-699. Carolyn Magrans, as General Personal Representative of the Estate of Ramon Magrans, Deceased; on Behalf of the Estate of Ramon Magrans, Deceased; and the Wrongful-Death Beneficiaries of Ramon Magrans, Deceased v. Capella Healthcare, Inc. d/b/a Saint Mary's Regional Medical Center; Saint Mary's Regional Medical Center; River Valley Emergency Physicians, P.A.; Radiologists of Russellville, P.A.; Millard-Henry Clinic, P.A.; Edward Lucas Andrada, M.D.; Sarah Robertson, M.D.; and Sarah Robertson, M.D., P.A., from Pope County Circuit Court. Appellants' motion to supplement record and to correct party designation is granted upon certification. Glover and Murphy, JJ., not participating.

CV-18-740. Arkansas Department of Correction, Public Employee Claims Division v. James Jackson and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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

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

CR-17-226. Reshord Demone Riley v. State of Arkansas, from Miller County Circuit Court. Motion of Joseph C. Self for payment of fees.

CR-17-685. Anfernee Wells v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Meagan Burns for attorney fees and expenses.

CR-17-687. Jeffrey Allen Wolfe v. State of Arkansas, from Yell County Circuit Court, Southern District. Motion of Eric Moore to withdraw as appellate counsel.

CR-17-772. Ryan James Kirkland v. State of Arkansas, from Washington County Circuit Court. Motion of Mylissia M. Blankenship for attorney's fees.

CR-17-895. Alim Shakir Hakim v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for permission to file points for reversal belatedly.

CR-17-926. Douglas Alan Anderson v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Jack Burns for attorney fees and expenses.

CR-18-104. Christopher Deshun Warren v. State of Arkansas, from Lonoke County Circuit Court. Motion of Sharon Kiel for award of attorney's fees.

CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion to compel.

CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion for extension of time to file brief.

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MOTIONS SUBMITTED

CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion for evidentiary hearing.

CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion for new scientific testing.

CV-17-776. Brenda Evans v. The 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. Joint motion to dismiss.

CV-18-277. Julie Henderling v. Arkansas Department of Human Services and Minor Child, from Crawford County Circuit Court. Appellant's pro se motion for leave to file non-conforming brief.

CV-18-484. Mia Ellington v. Bernard Ellington, from Pulaski County Circuit Court, Sixth Division. Appellant's withdrawal of motion to supplement the record.

CV-18-484. Mia Ellington v. Bernard Ellington, from Pulaski County Circuit Court, Sixth Division. Appellant's withdrawal of withdrawal of motion to supplement the record.

CV-18-557. Daniel Montez v. Consuela Montez (now Trujillo), from Washington County Circuit Court. Appellee's pro se motion for permission to file brief.

CV-18-557. Daniel Montez v. Consuela Montez (now Trujillo), from Washington County Circuit Court. Motion of Elizabeth Finocchi to correct the docket.

CV-18-607. Mary Katherine Myers, Widow and Administratrix of the Estate of Michael Earl Myers, Deceased v. Arkansas Steel Associates, LLC; Employers Insurance Company of Wausau; Liberty Mutual Group, TPA; Yamato Kogyo Company, LTD; Sumitomo Corporation; Sumitomo Corporation of Americas d/b/a Sumitomo Corporation of America; SC Steel Investment, Inc.; SC Steel Investment, LLC; Yamato Kogyo (U.S.A.) Corporation; Yamato Kogyo America, Inc., from the Arkansas Workers' Compensation Commission. Appellant's unopposed combined motion to remand to correct the record or petition for certiorari to complete the record, and motion to extend time or stay the briefing schedule.

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MOTIONS SUBMITTED

CV-18-769. Chelsi Isbell and Janet Nicholas v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Southern District. Motion of separate appellant Janet Nicholas to incorporate record on appeal from docket number CV-18-266 with the record in this appeal.

CV-18-786. Tyrome Hurst, Special Administrator of the Estate of Deshun Lamont Hurst v. David Palmer d/b/a Palmer Trucking, Hurlee Palmer, Travis Parell Coleman, and Riceland Foods, Inc., from Crittenden County Circuit Court. Appellant's motion to supplement the record on appeal.

ARKANSAS COURT OF APPEALS

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CASES SUBMITTED

CR-18-355. Micah Kenton Krol v. State of Arkansas, from Washington County Circuit Court. Orally argued.

CR-17-1046. Kenyon Wayne Taylor v. State of Arkansas, from Garland County Circuit Court.

CR-17-1050. Jamal Akram v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CR-18-16. Calvin Damond Blair v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

CR-18-31. Doriane Norton v. State of Arkansas, from Miller County Circuit Court.

CR-18-148. William Heath French v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-18-237. Jason Douglas Hensley v. State of Arkansas, from Faulkner County Circuit Court.

CV-17-990. Moses Watts and Ruby Watts v. Entergy Arkansas, Inc., from Jefferson County Circuit Court.

CV-17-1026. John McGraw and Darlene McGraw v. Richard Crowden, Jr., and Jane Crowden, from Newton County Circuit Court.

CV-17-1030. Jonathan Goodman v. Misty Goodman, from Union County Circuit Court.

CV-18-35. (In the Matter of the Guardianship of A.B., S.O. & R.O., Minor Children) Bobby Brewer and Jo Ann Brewer v. Donna Bair-Massey, from Sharp County Circuit Court.

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CASES SUBMITTED

CV-18-67. C.D. Andreasen and Kathleen Andreasen v. South Mountain Estates Property Owners Association, Inc.; the Audie L. Dennis and Melodie A. Dennis Revocable Trust u/t/d February 3, 2012; Audie L. Dennis and Melodie A. Dennis, Co-Trustees; Jeffrey R. Baker and Pennie J. Baker, Husband and Wife; Amy Rachele Robinson and Bernard Schwartz, Wife and Husband; Jeffrey Rockacy and Valerie Rockacy, Husband and Wife; Thomas H. Savage and Margot E. Savage, Husband and Wife; Jose Albert Ang Fontanilla and Maria Christina M. Judit, Husband and Wife; Nino M. Ardemagni, a Single Person; Roger J. Dallas and Maryann G. Dallas, Husband and Wife; Rahman Afrasiabi and Zehra Hemmati; Howard Cain, Jr., and Sharron Cain; Serena M. Rogers; Perspective Investments, LLC; the Bernard F. Leonard and Pamela H. Leonard Revocable Trust Dated December 28, 1998; Bernard F. Leonard and Pamela H. Leonard, Co-Trustees; Deana L. Garcia, a Married Person; John D. Willett and Karen L. Willett; the Jerri L. Jenkins Revocable Trust u/t/d August 30, 1994; Jerri L. Jenkins, Trustee; Neal Victor Dellett and Staci Drews Dellett; Patty King; the Winberry Family Trust Dated August 30, 2013; Alan W. Winberry and Linda D. Winberry, Co-Trustees; Gregory F. Fess and Judith H. Fess, Husband and Wife, from Benton County Circuit Court.

CV-18-108. Commercial Fitness Concepts, L.L.C. v. WGL, LLC, from Benton County Circuit Court.

CV-18-188. (In the Matter of the Guardianship of B.C.P. and A.A.P., Minor Children) Christopher Paschall v. John Paschall, Mary Paschall, Amber Trammell, Cathy Townsend, Jeremy Paschall, Crystal Paschall, and Minor Children, from Washington County Circuit Court.

CV-18-222. Melissa Jackson v. Quanterrio Littleton, Sr., from Pulaski County Circuit Court, Fourteenth Division.

CV-18-403. Arkansas Secretary of State and Arkansas Insurance Department, Public Employee Claims Division v. Ruby Young, from the Arkansas Workers' Compensation Commission.

CV-18-583. Nikki Maray Wright v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

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

E-18-158. Lonette Byrd v. Director et al.

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CASES SUBMITTED

- E-18-159. Michael Duncan v. Director et al.
- E-18-160. Sarah Beverly v. Director et al.
- E-18-161. Ramon Bowdle v. Director et al.
- E-18-162. Kellie Stewart v. Director et al.
- E-18-163. Reamill Winfrey v. Director et al.
- E-18-164. Billy Taylor v. Director et al.
- E-18-165. Lamar Vincent v. Director et al.
- E-18-166. Secunda Gantt v. Director et al.
- E-18-167. Roderick Bell v. Director et al.
- E-18-168. Alisha Robinson v. Director et al.
- E-18-169. Tina Russell v. Director et al.