

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 24, 2018

RITA W. GRUBER, CHIEF JUDGE:

[CR-18-148](#). William Heath French v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Reversed and remanded. Glover and Murphy, JJ., agree.

[CV-18-583](#). Nikki Maray Wright v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Glover and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-17-1050](#). Jamal Akram v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Harrison and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-18-382](#). Travis Lynn Wyly v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Harrison and Klappenbach, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-17-1046](#). Kenyon Wayne Taylor v. State of Arkansas, from Garland County Circuit Court. Dismissed. Virden and Vaught, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-18-31](#). Doriane Clentail Norton v. State of Arkansas, from Miller County Circuit Court. Affirmed as modified. Whiteaker and Hixson, JJ., agree.

[CV-18-403](#). Arkansas Secretary of State v. Ruby Young, from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker and Hixson, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-18-16](#). Calvin Damond Blair v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed. Gruber, C.J., and Murphy, J., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 24, 2018

PHILLIP T. WHITEAKER, JUDGE:

[CV-17-1026](#). John McGraw and Darlene McGraw v. Richard Crowden, Jr., and Jane Crowden, from Newton County Circuit Court. Appeal dismissed; order vacated; and remanded to county court for further proceedings. Klappenbach and Hixson, JJ., agree.

[CV-18-222](#). Melissa Jackson v. Quanterrio Littleton, Sr., from Pulaski County Circuit Court, Fourteenth Division. Affirmed. Klappenbach and Hixson, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-18-355](#). Micah Kenton Krol v. State of Arkansas, from Washington County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-18-237](#). Jason Douglas Hensley v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

[CV-18-188](#). Christopher Lee Paschall v. John Paschall, Mary Paschall, Amber Trammell, Cathy Townsend, Jeremy Paschall, Crystal Paschall, and Minor Children, from Washington County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-17-1030](#). Jonathan Goodman v. Misty Goodman, from Union County Circuit Court. Supplementation of the addendum ordered. Abramson and Harrison, 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-18-158. Lonette Byrd v. Director et al.

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.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF OCTOBER 24, 2018

- 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.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 24, 2018

PER CURIAM ORDERS

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

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

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

CV-17-327. Davis Nursing Association d/b/a Davis Life Care Center v. Gracie Neal, as Personal Representative of the Estate of Johnny Newborn and on Behalf of the Wrongful Death Beneficiaries of Johnny Newborn, from Jefferson County Circuit Court.

CV-17-878. Meranda Martin, Successor Special Administratrix of the Estate of Virgil Brown, Jr., Deceased v. Dr. Leslie Smith, from Pulaski County Circuit Court, Seventeenth Division. Virden, J., not participating.

CV-17-1001. Jason Buskirk v. December Buskirk (now Melton), from Washington 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. Harrison, J., not participating.

CV-18-261. Katia Gelyukh Colston v. Walter Jackson Williams, from Washington County Circuit Court.

CR-17-559. Herschel L. Brigance v. State of Arkansas, from Faulkner County Circuit Court. Motion for release of exhibits is moot.

CR-17-559. Herschel L. Brigance v. State of Arkansas, from Faulkner County Circuit Court. Motion to withdraw motion for release of exhibits is granted.

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 denied.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 24, 2018

PER CURIAM ORDERS

CR-18-429. Steven Leroy Swanigan v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for leave to file an enlarged brief is granted. Appellant's tendered brief filed this date. Whiteaker and Brown, JJ., would deny.

CR-18-429. Steven Leroy Swanigan v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for extension of brief time is moot.

CR-18-447. A.J. Bradford Lunsford, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant's motion for leave to file belated brief is granted. Appellant's tendered brief filed this date.

CR-18-729. Tereginald Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for extension of time is granted. Appellant's brief is due November 14, 2018.

CR-18-837. Casey Lynn Reynolds v. State of Arkansas, from White County Circuit Court. Motion to substitute counsel is granted. This case is remanded to the circuit court for a hearing pursuant to *Brewer v. State*, 64 Ark. App. 372, 984 S.W.2d 65 (1998). The record on remand is due in thirty days (November 23, 2018).

CR-18-837. Casey Lynn Reynolds v. State of Arkansas, from White County Circuit Court. Motion of John Wesley Hall to be relieved is granted.

CV-17-727. (In the Matter of the Hamilton Living Trust Dated September 22, 2003) Larry Hamilton v. Bank of the Ozarks, from Pulaski County Circuit Court, Fifteenth Division. Appellant's pro se motion to extend time to file brief is granted. Appellant's tendered substituted brief filed this date.

CV-17-862. J. David John v. Martin Faitak, Ph.D., from Washington County Circuit Court. Appellant's motion to accept supplemental abstract and addendum is granted. Appellant's supplemental abstract and addendum filed this date. Vaught and Murphy, JJ., not participating.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 24, 2018

PER CURIAM ORDERS

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. Motion to substitute Charles Cook, Jr., as Personal Representative of the Estate of Mabel Keller Cook, Deceased, for appellee Mabel Keller Cook is granted. Harrison, J., not participating.

CV-18-13. Donna J. Milde Bennett, as Special Administratrix for Leslie Leon Bennett, Individually and on Behalf of all Heirs and Beneficiaries of Leslie Leon Bennett v. Graves & Associates, Inc.; John Does 1–5; and Mobley Contractors, Inc., from Lincoln County Circuit Court. Motion for continuance of oral argument is granted. Oral argument is rescheduled for January 16, 2019, at 9:00 a.m. Virden, J., not participating.

CV-18-423. Abdul Maalik Muhammad v. Danny Burl, from Jefferson County Circuit Court. Appellant’s pro se motion for extension of time to file corrected brief is granted. Final extension. Appellant’s brief is due in thirty days (November 23, 2018). Appellant’s pro se motion to file an enlarged brief is denied.

CV-18-452. Roy Tuccillo v. Adkins & Associates, Inc., from Pope County Circuit Court. Appellant’s motion for extension of time to file reply brief is granted. Appellant’s tendered reply brief filed this date. Harrison, J., not participating.

CV-18-702. Fredrick R. Potter, Individually and as Trustee of the Fred R. Potter Revocable Trust Established September 10, 2004; and as Trustee of the Fred Potter Revocable Trust Established July 10, 2013 v. Cassaundra Holmes, Individually and as Trustee of the Betty L. Potter Revocable Trust Established September 10, 2004; Thomas Wright; and Kevin Wright, from Scott County Circuit Court. Motion of separate appellee Cassaundra Holmes to dismiss appeal due to lack of final orders is passed until the case is submitted.

CV-18-710. T.S.B., a Minor v. Elizabeth A. Robinson; Christopher Cook, Father; Tammy A. Robinson (now Wright), Mother; and B.R.C., Minor Child, from Garland County Circuit Court. Appellant’s motion for augmented addendum is denied.

CV-18-787. Phillip Granville Pace v. Jill Coburn Pace, from Miller County Circuit Court. Motion of Fredye Long Alford for withdrawal of counsel is granted.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 24, 2018

PER CURIAM ORDERS

E-18-171. Danny C. Bugg v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to file non-conforming brief is granted. Appellant's tendered brief filed this date. Gladwin, J., not participating.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF OCTOBER 24, 2018
MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-17-384. Joseph Roberson and Tawny Roberson v. James Roberson, from Boone County Circuit Court.

CV-17-529. Dean Goodson v. Sharon Bennett, from Pulaski County Circuit Court, Seventh Division.

CV-17-658. First Government Lease Company and Paul Graver v. Northwest Scott County Volunteer Fire Department, from Scott County Circuit Court.

E-18-127. Eddy Arnold v. Director et al., from the Arkansas Board of Review.

CR-17-574. Charles R. Davis v. State of Arkansas, from Poinsett County Circuit Court. Motion of Brett D. Watson for attorney fees.

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

CR-17-728. Gregory Rose v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Dusti Standridge for attorney's fees and expenses.

CR-17-1033. Philip Frederic v. State of Arkansas, from Faulkner County Circuit Court. Motion of Charles D. Hancock for award of attorney's fees.

CR-18-127. Zebarious Hawkins v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of John H. Bradley for attorney fees.

CR-18-470. Mark Anthony Cross v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of John H. Bradley for attorney fees.

CR-18-551. Michael Thomas Rethore v. State of Arkansas, from Polk County Circuit Court. Appellee's motion to dismiss.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 24, 2018

MOTIONS SUBMITTED

CR-18-626. William E. Starks v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion for extension of time to file the appellant's abstract, opening brief, and addendum.

CR-18-626. William E. Starks v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's petition for writ of certiorari to complete the record.

CR-18-762. Freddie Lee Jones v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for discovery.

CR-18-830. Dylan Johnson v. State of Arkansas, from Ouachita County Circuit Court. Motion of Daren J. Nelson to withdraw as attorney on direct appeal.

CV-18-46. D&T Pure Trust; Mayflower R.V., Inc.; and Toni Len Boydston, Individually and as Personal Representative of the Estate of Lendell Douglas Boydston v. DWB, LLC d/b/a Mayflower RV Sales and Service; and Danny Brown, from Crawford County Circuit Court. Appellants' motion to consolidate cases.

CV-18-301. Five Forks Hunting Club, LLC v. Nixon Family Partnership, from Arkansas County Circuit Court, Northern District. Appellee's motion to strike new argument from reply brief.

CV-18-651. Jesse Cureton and Joie Cureton v. Calvin Stout, from Washington County Circuit Court. Appellants' motion to stay proceedings.

CV-18-708. Cameron Davis Cole v. Arkansas Lamp Manufacturing Company and Accident Fund Insurance Company, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss.

CV-18-708. Cameron Davis Cole v. Arkansas Lamp Manufacturing Company and Accident Fund Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to file belated brief.

CV-18-719. Jessica Drummond v. Nicholas Baureis, from Faulkner County Circuit Court. Appellant's motion to modify the record.

CV-18-802. DWB, LLC d/b/a Mayflower RV Sales and Service; and Danny Brown v. D&T Pure Trust; Mayflower R.V., Inc.; and Toni Len Boydston, Individually and as Personal Representative of the Estate of Lendell Douglas Boydston, from Hot Spring County Circuit Court. Appellees' motion to consolidate cases.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 24, 2018

CASES SUBMITTED

CV-18-95. City of Bryant, Arkansas v. Boone Trust Dated 12/22/1997, from Saline County Circuit Court. Orally argued.

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

CR-18-70. William Edward Gray v. State of Arkansas, from Pope County Circuit Court.

CR-18-118. Michael Dye v. State of Arkansas, from Crawford County Circuit Court.

CR-18-239. Otis Daniels v. State of Arkansas, from Jefferson County Circuit Court.

CV-17-343. Sherman Hiatt v. Sheila Hiatt, from Sebastian County Circuit Court, Greenwood District.

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.

CV-17-962. (In the Matter of the Adoption of Z.K., a Minor) Justin Chatley v. Nathan Richard Key and Brandy Aileen Key, from Benton County Circuit Court.

CV-18-98. Christopher Lancaster and Laura Lancaster v. Arkansas Department of Human Services and Minor Children, from Clay County Circuit Court, Western District.

CV-18-162. Incorporators of the Community Known as Little Italy v. Pulaski County and Central Arkansas Water, from Pulaski County Circuit Court, Second Division.

CV-18-253. Denise Bambico v. Ouachita Industries, Inc., from Ouachita County Circuit Court.

CV-18-549. Cynthia Bailey v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division.