

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 7, 2018

RITA W. GRUBER, CHIEF JUDGE:

[CV-17-962](#). (In the Matter of the Adoption of Z.K., a Minor) Justin Chatley v. Nathan Key and Brandy Key, from Benton County Circuit Court. Affirmed. Glover and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-18-239](#). Otis Daniels v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Harrison and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-18-352](#). Joseph Russell Makinson v. State of Arkansas, from Crawford County Circuit Court. Affirmed as modified. Gladwin and Vaught, JJ., agree.

[CV-18-168](#). Tarrance Rawls v. Brandi Yarberry (Rawls), from Pulaski County Circuit Court, Third Division. Affirmed. Gladwin and Vaught, JJ., agree.

[CV-18-253](#). Denise Bambico v. Ouachita Industries, Inc., from Ouachita County Circuit Court. Affirmed; motion to strike or dismiss denied. Gladwin and Vaught, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-17-884](#). Betty Guenther v. Glynn Guenther and Aric Guenther, Guardians in the Matter of the Guardianship of James Guenther, an Incapacitated Person, from Pulaski County Circuit Court, Seventeenth Division. Dismissed. Virden and Vaught, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-17-990](#). Moses Watts, Sr., and Ruby Watts v. Entergy Arkansas, Inc., from Jefferson County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-18-347](#). Larry David Davis v. State of Arkansas, from Clark County Circuit Court. Affirmed. Whiteaker and Hixson, JJ., agree.

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N. MARK KLAPPENBACH, JUDGE: (Continued)

[E-18-177](#). Victoria Keith v. Director, Department of Workforce Services; and Tyson Mexican Original Inc., from the Arkansas Board of Review. Reversed and remanded. Whiteaker and Hixson, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-18-75](#). Amber Robinson and Brandy Robinson v. James Willis and Marion Starks, from Pulaski County Circuit Court, Ninth Division. Affirmed. Gruber, C.J., and Murphy, J., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-18-374](#). Ethel Love v. Adrienne O’Neal, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded. Klappenbach and Hixson, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-18-70](#). William Edward Gray v. State of Arkansas, from Pope County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-18-118](#). Michael Dye v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-17-292](#). Hankook Tire Co., LTD; and Hankook Tire America Corp. v. Elmer Philpot, from Conway County Circuit Court. Dismissed without prejudice. Gruber, C.J., and Glover, J., agree.

[CV-18-95](#). City of Bryant, Arkansas v. The Boone Trust, Dated 12/22/1997, from Saline County Circuit Court. Affirmed on direct appeal; affirmed in part and reversed in part on cross-appeal. Gruber, C.J., and Glover, J., agree.

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PER CURIAM ORDERS

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

CR-16-941. Joseph Thomas Lacefield v. State of Arkansas, from Benton County Circuit Court.

CR-18-112. Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court.

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.

CV-18-92. National Park Community College and Public Employee Claims Division v. Melinda Castaneda, from the Arkansas Workers' Compensation Commission.

CR-16-721. Edward Darnell Rogers v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Sharon Kiel for award of attorney's fees is granted. Allowed \$1,800.00.

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 is granted. Allowed \$800.00.

CR-17-894. Alim Shakir Hakim v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David L. Dunagin for attorney's fee is granted. Allowed \$1,800.00.

CR-17-952. Cody Lamar Hall v. State of Arkansas, from Garland County Circuit Court. Motion of Brian G. Brooks for attorney fees is granted. Allowed \$1,800.00.

CR-17-1080. Ronald Allan Lewis v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to strike appellant's new and changed subpoints is granted. Appellee's brief is due in ten days (November 17, 2018).

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CR-18-59. Steven Ray Miller v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of John Wesley Hall for attorney's fees is granted. Allowed \$1,800.00.

CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motions to file a supplement to the brief and to compel testing of certain evidence are denied. Klappenbach, J., not participating.

CR-18-560. Joshua Windford Curl v. State of Arkansas, from White County Circuit Court. Appellant's combined motion for clarification or for leave to place material within the addendum, to stay the briefing schedule or for an extension of time is granted. Gruber, C.J., would deny pursuant to Administrative Order No. 4. Appellant's brief is due in thirty days (December 7, 2018).

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 is granted. Appellant's petition for writ of certiorari to complete the record is granted. Writ issued; returnable in thirty days (December 7, 2018). Clerk is directed to reset the briefing schedule when the supplemental record is lodged.

CR-18-683. Rodney W. Rayburn v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's pro se motion for extension of time to file appeal brief is granted. Appellant's brief is due in thirty days (December 7, 2018).

CR-18-857. Joseph Bowman v. State of Arkansas, from Little River County Circuit Court. Motion of Phillip A. McGough for appointment of counsel on appeal is granted. Steven Harrelson is relieved as counsel. Clerk is directed to reset the briefing schedule.

CR-18-857. Joseph Bowman v. State of Arkansas, from Little River County Circuit Court. Motion of Phillip A. McGough to supplement the record is granted. Tendered supplemental record filed this date.

CV-18-496. Emily Armstrong v. Martel Draper, from Pulaski County Circuit Court, Fifteenth Division. Appellant's motion for additional extension under special circumstances is granted. Whiteaker, J., would deny. Tendered appellant's brief filed this date. Gruber, C.J., and Murphy, J., not participating.

CV-18-496. Emily Armstrong v. Martel Draper, from Pulaski County Circuit Court, Fifteenth Division. Appellant's motion to supplement the record granted. Whiteaker, J.,

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PER CURIAM ORDERS

would deny. Tendered supplemental record filed this date. Gruber, C.J., and Murphy, J., not participating.

CV-18-651. Jesse Cureton and Joie Cureton v. Calvin Stout, from Washington County Circuit Court. Appellants' motion to stay proceedings is granted. Status report is due in ninety days (February 5, 2019).

CV-18-688. Jill Grimsley v. Pine Drewyor, from Benton County Circuit Court. Appellant's motion to extend time to file supplemental record is granted. Appellant's motion for supersedeas is denied without prejudice. See Rule 8 of the Rules of Appellate Procedure –Civil. Gladwin, J., not participating. Tendered supplemental record filed this date.

CV-18-711. City of Tontitown, Arkansas v. City of Springdale, Arkansas; First Security Bank; and Hillcrest Holdings, LLC, from Washington County Circuit Court. Motion of separate appellees First Security Bank and Hillcrest Holdings, LLC, to dismiss appeal is denied. Gladwin and Glover, JJ., not participating.

CV-18-724. SAM Group, LLC; and Adam Waldron, Individually, a Minority Shareholder v. CR Crawford Construction, LLC, from Washington County Circuit Court. Separate appellant Adam Waldron's notice of suggestion of bankruptcy. Noted.

CV-18-724. SAM Group, LLC; and Adam Waldron, Individually, a Minority Shareholder v. CR Crawford Construction, LLC, from Washington County Circuit Court. Motion of separate appellant SAM Group, LLC, to stay briefing schedule because of notice of suggestion of bankruptcy, and in the alternative, motion for extension of time; and motion of separate appellant Adam Waldron to stay briefing schedule based upon bankruptcy filing, or in the alternative, motion for extension of time. Motions granted. Status report is due in ninety days (February 5, 2019).

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 correct the record, stay briefing schedule, and for additional brief time is granted. Writ issued; returnable in fourteen days (November 21, 2018). Appellant's brief is due fourteen days after the supplemental record is lodged.

E-18-284. Samuel Oliver v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-18-205. James Neal Bynum v. State of Arkansas, from Scott County Circuit Court.

CV-18-82. Ricky Lee Craig v. Cheryl Craig, Jason McDaniel, and Jacob Crawford Craig, from Garland County Circuit Court.

CR-17-887. Derrick Leon Johnson v. State of Arkansas, from Faulkner County Circuit Court. Motion of Matthew A. Kezhaya for attorney's fees.

CR-17-969. Earl Alexander v. State of Arkansas, from Crittenden County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-18-36. Breanna Rene Talbert v. State of Arkansas, from Saline County Circuit Court. Motion of J. Brent Standridge for attorney fees and expenses.

CR-18-44. Dameion Williams v. State of Arkansas, from Pope County Circuit Court. Appellant's motion for seven-day extension of time to file substituted brief.

CR-18-88. Christopher Brady Parker v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to dismiss.

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

CR-18-605. Latosha Deann Lee v. State of Arkansas, from Woodruff County Circuit Court. Appellee's motion to dismiss.

CR-18-610. Allan Curtis Jones v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Entry of appearance of James W. Harris and Zachary W. Morrison.

CR-18-806. Jerrod Craven v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Mark Hampton to be relieved.

CR-18-806. Jerrod Craven v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Robert E. Hodge III to be appointed.

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MOTIONS SUBMITTED

CR-18-806. Jerrod Craven v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion for extension of time to file appellant's brief.

CR-18-901. Jonathen Manek v. State of Arkansas, from Cleburne County Circuit Court. Appellant's motion to seal the record.

CV-17-844. Jason Reynolds v. Stacy Reynolds (now Thomas), from Garland County Circuit Court. Appellant's motion to tender belated brief.

CV-17-844. Jason Reynolds v. Stacy Reynolds (now Thomas), from Garland County Circuit Court. Appellee's pro se motion to dismiss appeal.

CV-18-522. TEGNA, Inc. v. Courtney Goodson and Courtney Goodson Campaign, from Pulaski County Circuit Court, Second Division. Appellant's request for oral argument.

CV-18-594. Lakshminarayana Chekuri v. Madhuri Nekkalapudi, from Pulaski County Circuit Court, Fifteenth Division. Appellant's motion for supersedeas and stay pending appeal.

CV-18-635. Sarah Marie Smith v. Daniel John Brown, from Washington County Circuit Court. Appellee's motion for modification of record.

CV-18-635. Sarah Marie Smith v. Daniel John Brown, from Washington County Circuit Court. Appellee's motion for extension of brief time.

CV-18-690. James Lancaster v. 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. Appellant's pro se motion to properly investigate the Office of Professional Conduct Director Stark Ligon, attorney Ed Adcock, attorney Dan Hancock, attorney Robby Golden, and Committee C member Carton Saffa.

CV-18-690. James Lancaster v. 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. Appellant's pro se petition to allow federal courts to assume jurisdiction.

CV-18-716. Homes of Choice Management Group, Inc.; and Frederick Jackson v. SRS Investments LTD Partnership; Ray Stewart; and Donald Howard Owen, Individually and d/b/a Owen Investments, from Jefferson County Circuit Court. Appellees' motion to dismiss.

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MOTIONS SUBMITTED

CV-18-748. Samuel Conley v. Althea Conley, from Union County Circuit Court. Appellant's motion to join the record for purposes of appeal.

CV-18-748. Samuel Conley v. Althea Conley, from Union County Circuit Court. Appellant's motion for extension of time to file brief.

[CV-18-759](#). Karen and Tim Fitzpatrick, Individually and as Parents to Noah Riley Fitzpatrick; and Karen and Tim Fitzpatrick, as Special Administrators of the Estate of Noah Riley Fitzpatrick, Deceased v. Ndidibuike Nnabundo Ukwe, M.D., from Crittenden County Circuit Court. Appellants' unopposed combined 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.

CV-18-880. 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. Appellant's motion for leave to file copy of record.

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CASES SUBMITTED

CR-17-715. Timmy Dale Jester v. State of Arkansas, from Nevada County Circuit Court.

CR-17-955. Jared Wayne Jeffers v. State of Arkansas, from Ashley County Circuit Court.

CR-18-26. Alim Shakir Hakim v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-18-41. Markevious K. King v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-18-60. Teresa Jean McCormick v. State of Arkansas, from Crawford County Circuit Court.

CR-18-89. Charles D. King v. State of Arkansas, from Boone County Circuit Court.

CR-18-149. Bryan Porras v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-18-229. Latasha Schoolfield v. State of Arkansas, from Craighead County Circuit Court, Eastern District.

CR-18-242. Derrick Grant Collins v. State of Arkansas, from Crawford County Circuit Court.

CR-18-273. Zion Woods v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CR-18-303. Allen Miller v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-18-393. Amos Cooper, Jr. v. State of Arkansas, from Craighead County Circuit Court, Western District.

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

CV-17-995. Ida King and Kenneth Caldwell v. Leslie Jackson and Karen Jackson, from Pulaski County Circuit Court, Fifth Division.

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CV-18-83. Jason Hearst v. Robert A. Newcomb, from Pulaski County Circuit Court, Fifth Division.

CV-18-336. GM Enterprises, LLC v. SACHS/HAYNES 503, LLC; and HCH Toyota, LLC, from Benton County Circuit Court.

CV-18-378. Christopher T. Raymond v. Linda K. Kuhns (Raymond), from Pulaski County Circuit Court, Seventeenth Division.

CV-18-380. Hickory Heights Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton v. Lamarion Adams, as Guardian of Ida Adams, from Pulaski County Circuit Court, Sixth Division.

CV-18-381. University of Arkansas at Pine Bluff and Public Employee Claims Division v. Carl Hopkins, from the Arkansas Workers' Compensation Commission.

CV-18-420. Central Moloney, Inc., and Risk Management Resources v. Carol Scoles, from the Arkansas Workers' Compensation Commission.

CV-18-463. Arkansas Department of Human Services v. Santino Salcido, from Sebastian County Circuit Court, Fort Smith District.

CV-18-528. William Norris v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court.

CV-18-598. Malisa Phillips and Wayne Phillips v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court.

CV-18-637. Jaci Hedrick v. Arkansas Department of Human Services and Minor Children, from Grant County Circuit Court.