

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 28, 2018**

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

[CR-17-715](#). Timmy Dale Jester v. State of Arkansas, from Nevada County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Brown, JJ., agree.

[CV-18-463](#). Arkansas Department of Human Services v. Santino Salcido, from Sebastian County Circuit Court, Fort Smith District. Reversed. Gladwin and Brown, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-18-380](#). Hickory Heights Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton v. Lemarion Adams, as Guardian of Ida Adams, from Pulaski County Circuit Court, Sixth Division. Affirmed. Virden and Hixson, JJ., agree.

[CV-18-420](#). Central Moloney, Inc., and Risk Management Resources v. Carol Scoles, from the Arkansas Workers' Compensation Commission. Affirmed. Virden and Hixson, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-18-609](#). Trachica Newmy v. Arkansas Department of Human Services and Minor Children, from Mississippi County Circuit Court, Chickasawba District. Affirmed; motion to withdraw granted. Gladwin and Vaught, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-18-242](#). Derrick Grant Collins v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Gruber, C.J., and Brown, J., agree.

[CR-18-431](#). Anthony Baumann v. State of Arkansas, from Benton County Circuit Court. Affirmed. Virden and Vaught, JJ., agree.

[CV-18-598](#). Malisa Phillips and Wayne Phillips v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court. Affirmed. Gruber, C.J., and Brown, J., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 28, 2018**

**BRANDON J. HARRISON, JUDGE:**

[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. Dismissed. Abramson and Brown, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-18-378](#). Christopher Raymond v. Linda K. Kuhns (previously Raymond), from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Harrison and Glover, JJ., agree.

[CV-18-637](#). Jaci Hedrick v. Arkansas Department of Human Services and Minor Children, from Grant County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Glover, JJ., agree.

**DAVID M. GLOVER, JUDGE:**

[CR-18-60](#). Teresa Jean McCormick v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Harrison and Klappenbach, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CV-17-995](#). Ida King and Kenneth Caldwell v. Leslie Jackson and Karen Jackson, from Pulaski County Circuit Court, Fifth Division. Reversed and remanded. Vaught and Murphy, JJ., agree.

[CV-18-528](#). William Norris v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court. Affirmed. Vaught and Murphy, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CR-18-89](#). Charles Dwight King, Jr. v. State of Arkansas, from Boone County Circuit Court. Affirmed. Whiteaker and Murphy, JJ., agree.

[CV-18-83](#). Jason Hearst v. Robert Newcomb, from Pulaski County Circuit Court, Fifth Division. Affirmed. Whiteaker and Murphy, JJ., agree.

[CV-18-234](#). Jorja Trading, Inc.; Automatic Auto Finance, Inc.; Cashfish Motor Pawn, Inc.; Virginia Rivers; and Monte Johnston v. Leah Willis and Adrian Bartholomew, from Washington County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 28, 2018**

**KENNETH S. HIXSON, JUDGE:**

[CR-18-229](#). Latasha Kay Schoolfield v. State of Arkansas, from Craighead County Circuit Court, Eastern District. Affirmed. Abramson and Virden, JJ., agree.

[CR-18-273](#). Zion Woods v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Abramson and Virden, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-17-150](#). William K. McDaniel, Jr. v. Judith H. McDaniel, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Whiteaker and Vaught, JJ., agree.

[CV-18-381](#). University of Arkansas at Pine Bluff and Public Employee Claims Division v. Carl Hopkins, from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker and Vaught, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-18-26](#). Alim Shakir Hakim v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion to withdraw granted. Gruber, C.J., and Gladwin, J., agree.

[CR-18-393](#). Amos Cooper, Jr. v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gruber, C.J., and Gladwin, J., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 28, 2018**

**PER CURIAM ORDERS**

REHEARING DENIED: Petition for rehearing was denied today in the following case.

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

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CR-16-941. Joseph Thomas Lacefield v. State of Arkansas, from Benton County Circuit Court. Motion of David M. Hogue for attorney's fees is granted. Allowed \$1,800.00. Glover, J., not participating.

CR-18-88. Christopher Brady Parker v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to dismiss is denied. Attorney Tamra Barrett is removed as attorney for the appellant and referred to the Arkansas Supreme Court Committee on Professional Conduct. John Ogles is appointed to represent the appellant. The Clerk is directed to reset the briefing schedule.

CR-18-349. David A. Vines v. State of Arkansas, from Faulkner County Circuit Court. Motion of Grace Casteel for award of attorney's fees is granted. Allowed \$1,800.00.

CR-18-353. Jamie Taff v. State of Arkansas, from Montgomery County Circuit Court. Motion of Michael Kaiser for attorney's fees is granted. Allowed \$1,800.00.

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

CR-18-763. William Pettigrew v. State of Arkansas, from Logan County Circuit Court, Northern District. Appellant's motion for remand to settle the record and stay briefing schedule is granted. Supplemental record is due in thirty days (December 28, 2018). The Clerk is directed to reset the briefing schedule after the supplemental record is lodged.

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

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

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 28, 2018**

**PER CURIAM ORDERS**

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

CV-18-672. Presbytery of Arkansas v. Woodlands Presbyterian Church, from Saline County Circuit Court. Appellant's status report is accepted.

CV-18-672. Presbytery of Arkansas v. Woodlands Presbyterian Church, from Saline County Circuit Court. Appellant's motion to dismiss is granted.

CV-18-854. Anita Middleton v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Motion to dismiss appeal is moot.

CV-18-854. Anita Middleton v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Motion to rescind motion to dismiss appeal is granted.

CV-18-888. Dexter Harmon v. Waymon McDaniel, from Lincoln County Circuit Court. Appellant's pro se motion for copies at public expense is denied. Appellant's brief is due in thirty days (December 28, 2018).

E-18-304. Natasha Adkins v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 28, 2018**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

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

CR-18-215. Phillip Herren v. State of Arkansas, from Cleveland County Circuit Court.

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

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

CV-17-1082. Rick Doss v. Jennifer Doss, from Fulton County Circuit Court.

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

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CR-17-665. Dermarius Parsha Blanks v. State of Arkansas, from Drew County Circuit Court. Motion of Brian G. Brooks for attorney fees.

CR-17-1050. Jamal Akram v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Dusti Standridge for attorney's fees and expenses.

CR-17-1080. Ronald A. Lewis v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for oral argument.

CR-18-31. Doriane Clentail Norton v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs.

CR-18-233. Alberto Damien Chavez v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Joseph Karl Luebke to withdraw as counsel of record and for allowance of attorney's fees and expenses.

CR-18-237. Jason Douglas Hensley v. State of Arkansas, from Faulkner County Circuit Court. Motion of Scott A. Scholl for attorney's fees and costs.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 28, 2018**

**MOTIONS SUBMITTED**

CR-18-359. Paul Gilton v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Quincy Jaeger for attorney's fee.

CR-18-394. Duan Jamal Harris v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Johnny Dunigan for attorney's fee.

CR-18-527. James Moore, Jr. v. State of Arkansas, from Lafayette County Circuit Court. Motion of Joseph C. Self for payment of fees.

CR-18-538. Henry Gadsden, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Motion to file amended and substituted appellant's brief.

CR-18-729. Tereginald Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion to submit a nonconforming brief.

CR-18-898. DeJuan Miller v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for a copy or use of trial transcript and extension of time to file brief.

CV-18-209. Phyllis Haley v. Kelly Lee Elkins, as Personal Representative of the Estate of Kerry Haley, from Pulaski County Circuit Court, Thirteenth Division. Appellant's motion to submit case for final decision.

CV-18-688. Jill Grimsley v. Pine Drewyor, from Benton County Circuit Court. Appellant's renewed motion for supersedeas with increased third-party security annexed.

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 for writ of certiorari and injunction.

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 for jury trial.

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,

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 28, 2018**

**MOTIONS SUBMITTED**

from Pulaski County Circuit Court, Third Division. Appellant's pro se motion to release past due funds.

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. Appellees' motion to dismiss appeal.

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 deny appellees' motion to dismiss appeal and set for jury trial.

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. Attorney Jimmie "Sam" Patterson's motion to withdraw as co-counsel for the appellees.

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 request verification from the court and release of reimbursement funds.

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 inform and motion to void, revoke, and decline.

CV-18-905. Brenda Kay McKinnon v. Betty Ann Jenkins, Trustee of the Patsy R. Powers Revocable Living Trust; Tony Ray Powers; and William Robert Powers, from Pulaski County Circuit Court, Twelfth Division. Appellees' motion to dismiss and stay briefing schedule.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF NOVEMBER 28, 2018

### CASES SUBMITTED

CV-17-270. Anthony Bryce Brewer, as the Special Administrator of the Estate of Prentice Byars Young; and Cynthia Lou Horton v. Deborah Ann Mitchell, from Marion County Circuit Court. Orally argued.

CR-17-1038. Lonnie Davidson v. State of Arkansas, from Garland County Circuit Court.

CR-18-415. Shaun Anthony Allen v. State of Arkansas, from Lonoke County Circuit Court.

CR-18-440. Gregory Alan Rongey v. State of Arkansas, from Logan County Circuit Court, Southern District.

CR-18-512. Brian D. Mudd v. State of Arkansas, from Miller County Circuit Court.

CR-18-564. Jameel Raheem v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

CR-18-578. Rodrick Vann, Jr. v. State of Arkansas, from Miller County Circuit Court.

CV-17-910. James W. Pilkinton v. Hope A. Pilkinton, from Baxter County Circuit Court.

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 Smith, Deceased; and on Behalf of All Wrongful Death Beneficiaries and Heirs at Law, from Jefferson County Circuit Court.

CV-18-306. Manuel Bail Bond Company, Inc. v. Hosto & Buchan, PLLC d/b/a Hosto, Buchan, Prater, and Lawrence, P.L.L.C., from Pulaski County Circuit Court, Second Division.

CV-18-310. (In the Matter of the Guardianship of E.M.R. and D.C.R., Minors) Christine Hartman v. Franklin and Marla Reardon, from Franklin County Circuit Court, Northern District.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF NOVEMBER 28, 2018

### CASES SUBMITTED

CV-18-350. (In the Matter of the Person and Estate of Elva Jane Deal, a Ward; and in the Matter of the Estate of Elva Jane Deal, Deceased) Jimmy McGuire v. Jacob Wolfe Morris, as Guardian of Elva Jane Deal, a Ward, and as Administrator of the Estate of Elva Jane Deal, Deceased; Ann McGuire; and Mike McGuire, from the Pulaski County Circuit Court, Fifteenth Division.

CV-18-354. Gary Phillips v. De Lage Landen Financial Services Company, from Mississippi County Circuit Court, Chickasawba District.

CV-18-363. Janet Marie Smyth v. James Adger Smyth, from Washington County Circuit Court.

CV-18-534. Lonoke Exceptional School, Inc., and Risk Management Resources v. Don Coffman, from the Arkansas Workers' Compensation Commission.

CV-18-535. Tina Webb v. Wal-Mart Associates, Inc., and Claims Management, Inc., from the Arkansas Workers' Compensation Commission.

CV-18-677. Julie Strickland v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

CV-18-697. Karen Langston v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court.

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

E-18-209. Serena Hill v. Director et al.

E-18-210. Juan Scott v. Director et al.

E-18-212. McKinley Hellums III v. Director et al.

E-18-213. Araceli Harding v. Director et al.

E-18-214. Rosann Honea v. Director et al.

E-18-215. Tammie Locklear v. Director et al.

E-18-216. David Campbell v. Director et al.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF NOVEMBER 28, 2018**  
**CASES SUBMITTED**

E-18-217. Jerome Modisett v. Director et al.

E-18-218. Tammy Fitzgerald v. Director et al.

E-18-219. Michael Whittaker v. Director et al.

E-18-220. Robert Hill v. Director et al.

E-18-221. Christina McPeak v. Director et al.