

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 5, 2018**

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

[CR-18-321](#). Adam Logan Shaffer v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed in part; reversed and remanded in part. Gladwin and Brown, JJ., agree.

[CV-18-280](#). Stephen W. Boatright, Individually and on Behalf of Stephen W. Boatright, D.D.S., P.A. v. S-R Plaza, LLC, from Pulaski County Circuit Court, Ninth Division. Dismissed without prejudice. Gladwin and Brown, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-18-208](#). Stanley Nelson v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Virden and Hixson, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-18-622](#). I.K. v. State of Arkansas, from Polk County Circuit Court. Affirmed. Gruber, C.J., and Brown, J., agree.

[CV-18-276](#). J.C. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Sixth Division. Rebriefing ordered. Gruber, C.J., and Brown, J., agree.

**BRANDON J. HARRISON, JUDGE:**

[CR-18-326](#). Allen Dale Bradley v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Reversed and remanded. Abramson and Brown, JJ., agree.

[CV-17-880](#). James E. Gooch and Betsy Gooch v. Leslie J. Davis and Landhawg, LLC, from Faulkner County Circuit Court. Dismissed with prejudice. Klappenbach and Glover, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-17-1017](#). David Caldwell v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Gruber, C.J., and Glover and Murphy, JJ., agree. Whiteaker and Hixson, JJ., concur in part and dissent in part.

[CR-18-298](#). Michael Lee Sweeten v. State of Arkansas, from Miller County Circuit Court. Affirmed. Harrison and Glover, JJ., agree.

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**N. MARK KLAPPENBACH, JUDGE: (Continued)**

[CV-17-343](#). Sherman Hiatt v. Sheila Hiatt, from Sebastian County Circuit Court, Greenwood District. Reversed and dismissed. Whiteaker and Hixson, JJ., agree.

**DAVID M. GLOVER, JUDGE:**

[CR-18-149](#). Bryan Porras v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison and Klappenbach, JJ., agree.

[CV-18-344](#). Delmar Management, Inc. v. George Mackey; Arkansas Direct Auto, LLC, d/b/a Arkansas Direct Auto Sales; and Joshua White, from Faulkner County Circuit Court. Remanded for supplementation of the record; rebriefing ordered. Harrison and Klappenbach, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CR-18-248](#). Kyle Lee Hunter Christian v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Whiteaker and Murphy, JJ., agree.

[CV-18-256](#). (In the Matter of the Adoption of J.S. and D.S., Minor Children) Jonathan Eric Swaite v. Tim Steele and Carol Steele, from Garland County Circuit Court. Affirmed. Whiteaker and Murphy, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-18-183](#). John Treloggen v. Stephanie Treloggen, from Pulaski County Circuit Court, Fifteenth Division. Affirmed. Abramson and Virden, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-17-835](#). Gary McGahhey v. Rebecca McGahhey, from Arkansas County Circuit Court, Southern District. Affirmed in part; reversed and remanded in part. Whiteaker and Vaught, JJ., agree.

[CV-18-94](#). (In the Matter of Anthony Beare) Anthony Beare v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Thirteenth Division. Affirmed. Whiteaker and Vaught, JJ., agree.

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**WAYMOND M. BROWN, JUDGE:**

[CR-17-895](#). 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.

[CV-18-472](#). Arkansas Highway and Transportation Department and Arkansas Insurance Department, Public Employee Claims Division v. Joseph Work, from the Arkansas Workers' Compensation Commission. Affirmed. Gruber, C.J., and Gladwin, 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-18-197. Johnathan Watson v. Director et al.

E-18-198. Robert Jones v. Director et al.

E-18-199. Robert Campbell v. Director et al.

E-18-200. Henry Davis v. Director et al.

E-18-201. Bryan Daniel v. Director et al.

E-18-202. Regina Taylor v. Director et al.

E-18-203. Randolph Johnson v. Director et al.

E-18-204. Elizabeth Little v. Director et al.

E-18-205. Kim Young v. Director et al.

E-18-206. Angela Williams v. Director et al.

E-18-207. Shaqwosha Morris v. Director et al.

E-18-208. Deborah Richardson v. Director et al.

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**PER CURIAM ORDERS**

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

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. Viriden and Klappenbach, JJ., not participating.

CV-17-771. Lynn B. Hargis v. Allen Hargis, from Garland County Circuit Court. Gladwin and Klappenbach, JJ., would grant.

CV-17-1082. Rick Doss v. Jennifer Doss, from Fulton County Circuit Court. Viriden, J., not participating.

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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 is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

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

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 is granted. Allowed \$1,800.00. Viriden, J., not participating.

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 is granted. Allowed \$1,800.00. Harrison, J., not participating.

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 is granted. Allowed \$1,800.00.

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**PER CURIAM ORDERS**

CR-18-359. Paul Gilton v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Quincy Jaeger for attorney's fee is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

CR-18-527. James Moore, Jr. v. State of Arkansas, from Lafayette County Circuit Court. Motion of Joseph C. Self for payment of fees is granted. Allowed \$1,800.00.

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 is granted.

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 is denied. Hixson and Brown, JJ., would grant.

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 is granted. Appellant's brief is due in thirty days (January 4, 2019).

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 is granted. Case will be shown as ready for submission. Gladwin and Murphy, JJ., not participating.

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 is granted. The original irrevocable letter of credit is due in the clerk's office in seven days (December 12, 2018). Abramson and Gladwin, JJ., not participating.

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 motions for writ of certiorari and injunction; for jury trial; to release past due funds; to deny appellees' motion to dismiss appeal and set for jury trial; to request verification from the court and release of reimbursement funds; and to inform, void, revoke, and decline are denied.

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**PER CURIAM ORDERS**

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 is granted.

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 is granted.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

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

CV-18-374. Ethel Love v. Adrienne O’Neal, from Pulaski County Circuit Court, Sixth Division.

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CR-17-659. Melchizedek Shabazz v. State of Arkansas, from Howard County Circuit Court. Motion of Lee D. Short for attorney fees.

CR-17-705. Charles Forrest Silmon v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Lisa-Marie Norris for attorney’s fee and expenses.

CR-18-85. Sergio Garza v. State of Arkansas, from Montgomery County Circuit Court. Motion and request of R. David Lewis for attorney’s fees.

CR-18-118. Michael Dye v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney’s fee and expenses.

CR-18-239. Otis Daniels v. State of Arkansas, from Jefferson County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees and costs.

CR-18-352. Joseph Russell Makinson v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney’s fee and expenses.

CR-18-358. Tabitha Latrice Young v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney’s fee.

CR-18-671. Marquette Haymer, Jr. v. State of Arkansas, from Phillips County Circuit Court. Appellee’s motion to dismiss.

CR-18-671. Marquette Haymer, Jr. v. State of Arkansas, from Phillips County Circuit Court. Appellant’s motion for extension of time and to join motion to dismiss.

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**MOTIONS SUBMITTED**

CR-18-940. Travis Brown v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Dustin H. Jones to be relieved as attorney of record and appoint new counsel for appeal.

CR-18-941. Nina Hannah v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Dustin H. Jones to be relieved as attorney of record and appoint counsel for appeal.

CR-18-942. Joseph Nichols v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Dustin H. Jones to be relieved as attorney of record and appoint counsel for appeal.

CV-17-619. Dee Blakely v. Arkansas Children's Hospital; Pulaski County, Arkansas; and Jane Duke, from Pulaski County Circuit Court, Sixth Division. Motion of William A. Gruber to withdraw as counsel for separate appellee Pulaski County, Arkansas.

CV-18-403. Arkansas Secretary of State and Public Employee Claims Division v. Ruby Young, from the Arkansas Workers' Compensation Commission. Motion of Michael C. White for attorney's fees.

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

CV-18-638. David Brennan v. White County, Arkansas, from White County Circuit Court. Appellant's motion for oral argument.

CV-18-663. Michael Dodd and Tiffany Dodd v. Highway Hauling Express Corp.; Belen Transport, LLC; Bernardin Rojas-Soriano; Jorge L. Fuentes; Belen Transportation Service, Inc.; Belen Transportation; Belen Transportation, LLC; and John Does 1-5, from Faulkner County Circuit Court. Joint motion for clarification or to remand for entry of a final order.



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**MOTIONS SUBMITTED**

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. Notice of bankruptcy of separate appellee Sarah Robertson, M.D.

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. Appellees' petition for writ of certiorari to complete record.

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. Appellees' motion to stay briefing schedule.

CV-18-769. Chelsi Isbell and Janet Nicholas v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Southern District. Appellees' motion to stay briefing schedule and for extension of time to file briefs.

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 extension of time to file brief.

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**CASES SUBMITTED**

CR-18-320. Ryan Saige Oxford v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-18-386. Donald Columbus Cagle v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-18-416. J.L. v. State of Arkansas, from Benton County Circuit Court.

CR-18-492. Shelby Jamal Davis v. State of Arkansas, from Miller County Circuit Court.

CR-18-558. Tyree Maurice Goins v. State of Arkansas, from Miller County Circuit Court.

CR-18-593. Darrell Sanders v. State of Arkansas, from Hot Spring County Circuit Court.

CR-18-595. K.O. v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-18-153. Lee Arthur Johnson v. Sarah Schafer, Individually, Sarah Schafer, as an Employee/Owner of Fenter Physical Therapy, LLC; and Fenter Physical Therapy, LLC, from Crittenden County Circuit Court.

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

CV-18-318. (In the Matter of the Estate of Robert M. Jelinek, Jr., Deceased) Marie Gustin v. Angela Trotter, from Pulaski County Circuit Court, Fourteenth Division.

CV-18-331. Rhonda McCauley and McCauley Law Firm, PLLC v. Amilcar Cornejo and Douglas Hall, from Sebastian County Circuit Court, Fort Smith District.

CV-18-397. (In the Matter of Vivian S. Howard, an Incapacitated Person) Vivian S. Howard v. Sarah Howard Jenkins Hobbs, from Jefferson County Circuit Court.

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

CV-18-522. TEGNA, Inc. v. Courtney Goodson and Courtney Goodson Campaign, from Pulaski County Circuit Court, Second Division.

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**CASES SUBMITTED**

CV-18-533. Mountain Crest, LLC; Dixie Bryson; Laura Foster; Rodney Frisbee; and Linda Frisbee v. Malcolm Keith Kimbro, Individually and as Trustee of the Malcolm Keith Kimbro Revocable Trust; and Cindy Kimbro, from Pulaski County Circuit Court, Twelfth Division.

CV-18-606. Fabiola Falcon v. Northwest Medical Center and Gallagher Bassett Services, Inc., from the Arkansas Workers' Compensation Commission.

CV-18-693. Nieshia Moore v. Arkansas Department of Human Services and Minor Child, from Hot Spring County Circuit Court.

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

E-18-211. Thomas Smith v. Director et al.

E-18-222. Richard Carr v. Director et al.

E-18-224. Janet Armstrong v. Director et al.

E-18-225. Jeremiah Brown v. Director et al.

E-18-226. Loretta Thorn v. Director et al.

E-18-227. Michelle Messer v. Director et al.

E-18-228. Joy McFarland v. Director et al.

E-18-229. Henry Garry, Jr. v. Director et al.

E-18-230. Eric Hall v. Director et al.

E-18-231. Daphane Harris v. Director et al.

E-18-232. Gerald Underwood v. Director et al.

E-18-233. Nicole Roberts v. Director et al.