

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF DECEMBER 12, 2018

RITA W. GRUBER, CHIEF JUDGE:

[CR-18-578](#). Rodrick Vann, Jr. v. State of Arkansas, from Miller County Circuit Court. Reversed. Gladwin and Brown, JJ., agree.

[CV-18-454](#). Michelle Androff v. Arkansas Department of Human Services and Minor Child, from Cleburne County Circuit Court. Affirmed. Klappenbach and Vaught, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-18-415](#). Shaun Anthony Allen v. State of Arkansas, from Lonoke County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

[CR-18-593](#). Darrell Edward Sanders v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Glover and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-18-41](#). Markevious King v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Reversed and remanded. Abramson and Hixson, JJ., agree.

[CV-17-911](#). Victor B. Williams, M.D. v. Tiffany M. Lofton, from Pulaski County Circuit Court, Seventeenth Division. Reversed in part; remanded in part; affirmed in part. Abramson and Hixson, JJ., agree.

[CV-18-336](#). GM Enterprises, LLC v. HCH Toyota, LLC, and Sachs/Haynes 503, LLC, from Benton County Circuit Court. Reversed and remanded. Abramson and Hixson, JJ., agree.

[CV-18-677](#). Julie Strickland v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Abramson and Hixson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-18-320](#). Ryan Saige Oxford v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Virden and Whiteaker, JJ., agree.

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ROBERT J. GLADWIN, JUDGE: (Continued)

[CV-17-270](#). Cynthia Lou Horton and Anthony Bryce Brewer, as Special Administrator of the Estate of Prentice Byars Young v. Deborah Ann Mitchell, from Marion County Circuit Court. Affirmed on direct appeal; affirmed on cross-appeal. Gruber, C.J., and Brown, J., agree.

[CV-18-522](#). TEGNA, Inc. v. Courtney Goodson and Courtney Goodson Campaign, from Pulaski County Circuit Court, Second Division. Dismissed. Harrison and Whiteaker, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-18-105](#). Jonathan Daniel Snow v. State of Arkansas, from Baxter County Circuit Court. Reversed and dismissed in part; affirmed in part. Gladwin, Klappenbach, and Hixson, JJ., agree. Murphy and Brown, JJ., dissent.

[CR-18-303](#). Allen Miller v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Klappenbach and Glover, JJ., agree.

[CV-18-697](#). Karen Langston v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Affirmed. Klappenbach and Glover, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-17-955](#). Jared Wayne Jeffers v. State of Arkansas, from Ashley County Circuit Court. Dismissed. Harrison and Glover, JJ., agree.

[CR-18-440](#). Gregory Alan Rongey v. State of Arkansas, from Logan County Circuit Court, Southern District. Affirmed. Harrison and Glover, JJ., agree.

[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. Affirmed. Gruber, C.J., and Vaught, J., agree.

[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 Pulaski County Circuit Court, Fifteenth Division. Affirmed. Harrison and Glover, JJ., agree.

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DAVID M. GLOVER, JUDGE:

[CR-18-564](#). Jameel Raheem v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed. Harrison and Klappenbach, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-17-1039](#). Kenny Lemont Danner, Jr. v. State of Arkansas, from Garland County Circuit Court. Affirmed. Vaught and Murphy, JJ., agree.

[CR-18-368](#). A.M. v. State of Arkansas, from Howard County Circuit Court. Reversed and remanded. Klappenbach and Hixson, JJ., agree.

[CR-18-386](#). Donald Columbus Cagle v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Supplemental addendum ordered. Viriden and Gladwin, JJ., agree.

[CV-17-910](#). James William Pilkinton v. Hope A. Pilkinton, from Baxter County Circuit Court. Affirmed. Vaught and Murphy, JJ., agree.

[CV-18-525](#). Baxter Regional Medical Center and Risk Management Resources v. LaQuita Ferris, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught and Murphy, JJ., agree.

[CV-18-533](#). Mountain Crest, LLC; Rodney Frisbee; and Linda Frisbee v. Malcolm Keith Kimbro, Individually and as Trustee of the Malcom Keith Kimbro Revocable Trust; and Cindy Kimbro, from Pulaski County Circuit Court, Twelfth Division. Affirmed. Viriden and Gladwin, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-18-535](#). Tina Webb v. Wal-Mart Associates, Inc., and Claims Management, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Whiteaker and Murphy, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-18-512](#). Brian Mudd v. State of Arkansas, from Miller County Circuit Court. Affirmed. Abramson and Viriden, JJ., agree.

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MIKE MURPHY, JUDGE:

[CR-18-416](#). J.L., a Juvenile v. State of Arkansas, from Benton County Circuit Court. Affirmed. Harrison and Hixson, JJ., agree.

[CV-18-153](#). Lee Arthur Johnson v. Sarah Anderson Schafer, Individually and as an Employee/Owner of Fenter Physical Therapy, LLC; and Fenter Physical Therapy, LLC, from Crittenden County Circuit Court. Affirmed. Harrison and Hixson, JJ., agree.

[CV-18-306](#). Manuel Bail Bond Co., Inc. v. Hosto & Buchan, PLLC, d/b/a Hosto, Buchan, Prater & Lawrence, PLLC, from Pulaski County Circuit Court, Second Division. Affirmed. Whiteaker and Vaught, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-17-1038](#). Lonnie Davidson v. State of Arkansas, from Garland County Circuit Court. Affirmed. Gruber, C.J., and Gladwin, J., agree.

[CV-18-254](#). Breonna Hogue v. Arkansas Department of Human Services and Minor Children, from Johnson County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Glover, 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-18-209. 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.

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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.

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PER CURIAM ORDERS

REHEARING GRANTED: Petition for rehearing was granted today in the following case.

[CV-18-108](#). Commercial Fitness Concepts, LLC v. WGL, LLC, from Benton County Circuit Court. See **substituted opinion** issued this date. Gruber, C.J., and Virden, Gladwin, Vaught, and Murphy, JJ., agree.

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

CR-17-1046. Kenyon Wayne Taylor v. State of Arkansas, 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-18-374. Ethel Love v. Adrienne O’Neal, from Pulaski County Circuit Court, Sixth Division.

CR-17-659. Melchizedek Shabazz v. State of Arkansas, from Howard County Circuit Court. Motion of Lee D. Short for attorney fees is granted. Allowed \$1800.00.

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 is granted. Allowed \$1800.00.

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 is granted. Allowed \$1800.00.

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 is granted. Allowed \$1800.00.

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 is granted. Allowed \$1800.00.

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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 is granted. Allowed \$1600.00.

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 is granted. Allowed \$1800.00. Virden, J., not participating.

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. Appellant is granted fifteen days (December 27, 2018) to file the appellant's brief or file appellant's consent to dismiss the appeal.

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 is granted. Erin Lewis is appointed to represent the appellant. Appellant's brief is due in forty days (January 21, 2019).

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 is granted. Gregg Knutson is appointed to represent the appellant. Appellant's brief is due in forty days (January 21, 2019).

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 is granted. Jonathan Lane is appointed to represent the appellant. Appellant's brief is due in forty days (January 21, 2019).

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, is granted. Gruber, C.J., not participating.

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 is granted. Allowed \$1,000.00.

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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 is denied. Virden and Murphy, JJ., not participating.

CV-18-638. David Brennan v. White County, Arkansas, from White County Circuit Court. Appellant's motion for oral argument is denied. Virden and Harrison, JJ., would grant.

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 is passed until the case is submitted. Glover, J., not participating.

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. Bankruptcy noted. Appeal stayed. Status reports are due in ninety days (March 12, 2019). Glover and Murphy, JJ., 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. Appellees' petition for writ of certiorari to complete record and motion to stay briefing schedule is remanded to the circuit court to settle the record within thirty days (January 11, 2019). Appellees' brief is due thirty days after the supplemental record is lodged.

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 is granted.

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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 is treated as a motion to stay appeal in case number CV-18-880 and denied. Appellant's brief is due in forty-five days (January 26, 2019).

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 is granted. Virden, Harrison, Klappenbach, and Hixson, JJ., would deny.

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CASES SUBMITTED

CR-17-713. LaFrances Sanford, Jr. v. State of Arkansas, from Benton County Circuit Court.

CR-17-925. Justin Drew Bray v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-17-961. J.L.W. v. State of Arkansas, from Yell County Circuit Court.

CR-17-1031. Shawn Paul Vail v. State of Arkansas, from Crittenden County Circuit Court.

CR-17-1056. Kevin Lamont Stuckey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-17-1078. Michael Dye v. State of Arkansas, from Crawford County Circuit Court.

CR-18-90. Anthony Beare v. State of Arkansas, from Mississippi County Circuit Court, Osceola District.

CR-18-219. Maurice Bey v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-18-220. Jamari Kashard Moten v. State of Arkansas, from Crittenden County Circuit Court.

CR-18-221. Andrew Logan Wilson v. State of Arkansas, from Crittenden County Circuit Court.

CR-18-241. Shawn Drake v. State of Arkansas, from Washington County Circuit Court.

CR-18-316. Joshua Rigsby v. State of Arkansas, from Miller County Circuit Court.

CR-18-506. Colby Cole Bullington v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-18-539. Brianna Jones v. Arkansas Department of Human Services and Minor Children, from Hempstead County Circuit Court.

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CASES SUBMITTED

CV-18-701. Leo Anderson v. Arkansas Department of Human Services and Minor Child, from Jefferson County Circuit Court.

CV-18-712. Jamie Guardado v. Arkansas Department of Human Services and Minor Children, from Grant County Circuit Court.

CV-18-727. Stephanie Smith-McLeod and Gregory McLeod v. Arkansas Department of Human Services and Minor Child, from Columbia County Circuit Court.

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

E-18-234. Rene Pitts v. Director et al.

E-18-235. Keith Kimble v. Director et al.

E-18-236. Keith Kimble v. Director et al.

E-18-237. Monte Smith v. Director et al.

E-18-238. Vergie McClure v. Director et al.

E-18-239. Linda Garrett v. Director et al.

E-18-240. Michael Eagle v. Director et al.

E-18-241. Tena Turner v. Director et al.

E-18-242. Shanta Lowe v. Director et al.

E-18-243. Angela Morris v. Director et al.

E-18-244. David Trudeau v. Director et al.

E-18-245. Amy Davis v. Director et al.