

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 9, 2019
PER CURIAM ORDERS

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

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

CV-17-343. Sherman Hiatt v. Sheila Hiatt, from Sebastian County Circuit Court, Greenwood District. Harrison and Vaught, JJ., not participating.

CV-17-835. Gary McGahhey v. Rebecca McGahhey, from Arkansas County Circuit Court, Southern District.

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. Murphy, J., not participating.

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

CR-17-715. Timmy Dale Jester v. State of Arkansas, from Nevada County Circuit Court. Motion of Joseph C. Self for payment of fees is granted. Allowed \$1,600.00.

CR-18-26. 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-18-60. Teresa Jean McCormick v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee and expenses is granted. Allowed \$1,800.00.

CR-18-89. Charles Dwight King, Jr. v. State of Arkansas, from Boone County Circuit Court. Motion of Charles D. Hancock for award of attorney's fees is granted. Allowed \$1,800.00.

CR-18-112. Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court. Motion of Lee D. Short for attorney fees is granted. Allowed \$1,800.00.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 9, 2019

PER CURIAM ORDERS

CR-18-210. Richard James Laquerre v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to dismiss appeal is granted.

CR-18-242. Derrick Grant Collins v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee and expenses is granted. Allowed \$1,800.00. Viriden, J., not participating.

CR-18-393. Amos Cooper, Jr. v. State of Arkansas, from Craighead County Circuit Court. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$1,800.00.

CR-18-500. Roderick Devon Montgomery v. State of Arkansas, from Ashley County Circuit Court. Appellant's motion for consolidated oral argument is denied. Viriden and Harrison, JJ., would grant.

CR-18-506. Colby Cole Bullington v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to supplement the record and motion for leave to file substituted brief is denied.

CR-18-508. Roderick Devon Montgomery v. State of Arkansas, from Drew County Circuit Court. Appellant's motion for consolidated oral argument is denied. Viriden and Harrison, JJ., would grant.

CR-18-649. Tyler Antonio King v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's motion to file belated brief and motions for extension of time to file appellant's brief are granted. Appellant's brief is due in thirty days (February 8, 2019).

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

CR-18-717. Andrew Lee Jackson v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to accept reply brief for filing. Appellant's request to strike the addendum is granted. The appellant is granted seven days (January 16, 2019) to file the reply brief as modified.

CR-18-717. Andrew Lee Jackson v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to file reply brief in support of motion to accept filing of reply brief is denied.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 9, 2019

PER CURIAM ORDERS

CR-18-717. Andrew Lee Jackson v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for oral argument is denied.

CR-18-778. Larry West v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellee's motion to dismiss or, in the alternative, motion for extension of time in which to file brief is granted. Appeal dismissed. Gruber, C.J., not participating.

CR-18-804. Lonnie Hazelwood v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's motion to supplement record is granted.

CR-18-894. Yuniesky Hernandez-Diaz v. State of Arkansas, from Prairie County Circuit Court, Southern District. Appellant's petition for writ of certiorari to complete the record or, in the alternative, motion to remand to settle the record is granted. Writ issued; returnable in forty-five days (February 23, 2019).

CR-18-894. Yuniesky Hernandez-Diaz v. State of Arkansas, from Prairie County Circuit Court, Southern District. Appellant's motion for extension of brief time is granted. Appellant's brief is due fifteen days after the supplemental record is lodged.

CR-18-951. Anthony Bens v. State of Arkansas, from Grant County Circuit Court. Motion of Matthew McKay to be relieved as counsel for appeal is granted. Tara Schmutzler is appointed to represent the appellant. Gladwin, J., would deny.

CR-18-951. Anthony Bens v. State of Arkansas, from Grant County Circuit Court. Appellant's motion for extension of time for filing the appellant's brief is granted.

CR-18-971. Bruce Wayne Devries v. State of Arkansas, from Saline County Circuit Court. Motion of Jason Files to withdraw as counsel is granted. Request for attorney's fees is denied. D. Ryan Mullenix is appointed to represent the appellant.

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 file substituted reply brief is denied.

CV-17-1001. Jason Andrew Buskirk v. December Buskirk (now Melton), from Washington County Circuit Court. Appellee's motion for fees and costs is denied.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 9, 2019

PER CURIAM ORDERS

CV-18-155. Everett Latham Hayes v. Robert Psenka; Jeff Rodd; Ozark Enclave Properties; J and J Development, Inc.; Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust; and the Paul Jeffrey Rodd Trust, from Newton County Circuit Court. Appellant's report on bankruptcy. Status reports are due in ninety days (April 9, 2019).

CV-18-401. Shirley Lyle Hitt v. James Waller Lyle, Ann Lyle, Katherine Lyle Harbison, and Lyle Farm Partnership, from Jackson County Circuit Court. Appellees' motion to correct and supplement the record on appeal and to stay briefing time is moot. Vaught, J., not participating.

CV-18-401. Shirley Lyle Hitt v. James Waller Lyle, Ann Lyle, Katherine Lyle Harbison, and Lyle Farm Partnership, from Jackson County Circuit Court. Appellees' motion to withdraw motion to correct and supplement the record on appeal and to stay briefing time is granted. Vaught, J., not participating.

CV-18-572. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's motion to include supplemental abstract pursuant to Rule 4-1(b) is denied.

CV-18-577. Christopher S. Holloway v. Tori D. Holloway, from Benton County Circuit Court. Appellant's motion to seal record and briefs is denied. Appellant is directed to comply with Administrative Order No. 19. Appellant's brief is due in thirty days (February 8, 2019).

CV-18-625. Hilaria Onofre Ramirez v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Motion of separate appellee Arkansas Department of Human Services to dismiss appeal is granted. Attorney Julia Atherton is referred to the Arkansas Supreme Court Committee on Professional Conduct.

CV-18-630. Industrial Iron Works, Inc.; and Industrial Iron Works Construction, Inc., d/b/a Adams Fertilizer Equipment v. Larry Hodge; Connie Hodge; Sentry Insurance, a Mutual Company; and John Does 1-10, from Mississippi County Circuit Court, Osceola District. Motion of Voice of the Defense Bar and Arkansas Association of Defense Counsel to file an amicus curiae brief is granted. Whiteaker, J., would deny. Harrison, J., not participating.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 9, 2019

PER CURIAM ORDERS

CV-18-630. Industrial Iron Works, Inc.; and Industrial Iron Works Construction, Inc., d/b/a Adams Fertilizer Equipment v. Larry Hodge; Connie Hodge; Sentry Insurance, a Mutual Company; and John Does 1–10, from Mississippi County Circuit Court, Osceola District. Motion of Arkansas Trial Lawyers Association to file an amicus curiae brief is granted. Whiteaker, J., would deny. Harrison, J., not participating.

CV-18-658. Stanley Banks v. Barbara Banks, from Dallas County Circuit Court. Appellant’s motion to supplement the addendum and stay the briefing schedule is granted. Appellant’s supplemental addendum filed this date. Klappenbach, J., 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 motion for sanctions; pro se motion to inform - state and federal violations found, set for jury trial, and deny VA lien; and pro se motion to inform the court are moot. No further pleadings will be accepted at this time in this case number.

CV-18-732. The Harvest Group, LLC v. Michael Rateliff and Rice’s Honey, LLC, from Benton County Circuit Court. Appellees’ unopposed motion to stay is granted.

CV-18-772. Richard Gawenis v. Sherry Kimbrell, from Van Buren County Circuit Court. Appellee’s motion to dismiss appeal is granted. Gruber, C.J., and Harrison, J., would deny. Viriden, J., not participating.

CV-18-772. Richard Gawenis v. Sherry Kimbrell, from Van Buren County Circuit Court. Appellant’s motion to file belated brief is moot. Gruber, C.J., and Harrison, J., would grant. Viriden, J., not participating.

CV-18-791. Joy Salmon v. Bank of America, N.A.; and Calvary SPV I, LLC, from Pulaski County Circuit Court, Sixth Division. Appellee Bank of America, N.A.’s, motion to dismiss appeal is granted. Glover, J., not participating.

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. Appellants’ motion to supplement record is granted.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 9, 2019

PER CURIAM ORDERS

CV-18-843. Dac Tat Pham v. Anh Thuy Nguyen, from Pulaski County Circuit Court, Thirteenth Division. Appellant's motion to correct the record is granted. Murphy, J., not participating.

CV-18-843. Dac Tat Pham v. Anh Thuy Nguyen, from Pulaski County Circuit Court, Thirteenth Division. Appellant's motion for extension of brief time and motion for leave to file an amended appellant's brief is granted. Appellant's amended brief is due in thirty days (February 8, 2019). Murphy, J., not participating.

CV-18-959. Simon Pockrus v. Victoria Morris, from Benton County Circuit Court. Appellant's motion for an extension of time to file appellant's brief and expansion of argument page limit is granted.

CV-18-1023. KAJACS Contractors, Inc. v. Ella V. Turner, Individually and as Trustee of the James Ethridge Turner Irrevocable Trust Dated April 27, 2012, from Washington County Circuit Court. Appellee's motion to dismiss appeal. Appeal dismissed without prejudice.

E-18-256. Elizabeth Butler v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to add new evidence is denied.

E-18-331. Betty Reyes v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion for belated appeal is denied.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 9, 2019
MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-18-105. Jonathan Daniel Snow v. State of Arkansas, from Baxter County Circuit Court.

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

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

CV-17-911. Victor B. Williams, M.D. v. Tiffany M. Lofton, from Pulaski County Circuit Court, Seventeenth Division.

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.

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

CR-17-895. Alim Shakir Hakim v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of David L. Dunagin for attorney's fee.

CR-17-1017. David Caldwell v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee and expenses.

CR-17-1039. Kenny Lemont Danner v. State of Arkansas, from Garland County Circuit Court. Motion of Tim Cullen for attorney fees and costs.

CR-18-7. Jacob Robert Dolson v. State of Arkansas, from Johnson County Circuit Court. Motion of Omar F. Greene for payment of appointed counsel.

CR-18-205. James Neal Bynum v. State of Arkansas, from Scott County Circuit Court. Motion of Ernie Witt for attorney's fee.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 9, 2019

MOTIONS SUBMITTED

CR-18-298. Michael Lee Sweeten v. State of Arkansas, from Miller County Circuit Court. Motion of Joseph C. Self for payment of fees.

CR-18-320. Ryan Saige Oxford v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion and request of Laura Avery for attorney fees.

CR-18-321. Adam Logan Shaffer v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion and request of Toney B. Brasuell for attorney fees.

CR-18-368. A.M. v. State of Arkansas, from Howard County Circuit Court. Motion of Brett D. Watson for attorney fees.

CR-18-415. Shawn Anthony Allen v. State of Arkansas, from Lonoke County Circuit Court. Motion of Jonathan T. Lane for award of attorney fees.

CR-18-440. Gregory Alan Rongey v. State of Arkansas, from Logan County Circuit Court, Southern District. Motion of Ernie Witt for attorney's fee.

CR-18-622. I.K. v. State of Arkansas, from Polk County Circuit Court. Motion of Brandon Crawford for attorney's fees.

CR-18-756. Rusty Lee Latham v. State of Arkansas, from Miller County Circuit Court. Appellant's motion for nonconforming brief.

CR-18-820. CR-18-820. Damion Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for appointment and change of counsel.

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. Appellant's motion to extend time.

CV-18-752. Theresa Vigo Miaoulis, as Guardian and Next Friend of J.E.L., a Minor v. Toyota Motor Corporation; Toyota Motor North America, Inc., d/b/a Toyota Motor Co.; Toyota Motor Engineering & Manufacturing North America, Inc.; Toyota Motor Manufacturing, Kentucky, Inc.; Toyota Motor Sales, U.S.A., Inc.; John Doe Texas Automotive Dealership; and Tejas Motors of Humble, Inc., d/b/a Tejas Toyota, Inc., from St. Francis County Circuit Court. Appellant's motion to supplement the record on appeal.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 9, 2019

MOTIONS SUBMITTED

CV-18-865. Stacey D. Roberts v. Kendra C. Roberts, from Garland County Circuit Court. Appellant's motion for extension of time to file the appellant's brief.

CV-18-983. Steven Blackwood v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant's motion for extension of time to file brief.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 9, 2019

CASES SUBMITTED

CR-18-74. Robert Glenn Brown v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-18-315. James Caple v. State of Arkansas, from Baxter County Circuit Court.

CR-18-448. Donald Lee Brown v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-18-497. Fred Albert Kauffeld v. State of Arkansas, from Johnson County Circuit Court.

CR-18-498. Royal Martin v. State of Arkansas, from Grant County Circuit Court.

CR-18-543. Jaylan Holmes v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-18-612. Donald Warren v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-18-628. Chad Everett Graham v. State of Arkansas, from Washington County Circuit Court.

CR-18-674. Shawn Newman v. State of Arkansas, from Pope County Circuit Court.

CV-17-141. Donni Joe Roach v. Karen Roach, from Craighead County Circuit Court, Western District.

CV-17-866. Dominika Szvedo v. Arthur Cyrus, from Pulaski County Circuit Court, Fourteenth Division.

CV-18-154. William D. Schreckhise v. Janine A. Perry, from Washington County Circuit Court.

CV-18-217. Tabitha Loving v. Shawn Loving, from Baxter County Circuit Court.

CV-18-317. Terra Land Services, Inc.; Samantha Smith; and Jim Tom Bell v. Jerry McIntyre and McVesting, LLC, from Faulkner County Circuit Court.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 9, 2019

CASES SUBMITTED

CV-18-389. Mark Crockett and Macon Carter v. Shelter Mutual Insurance Company, from Phillips County Circuit Court.

CV-18-554. Lowe's Home Centers, Inc.; and Sedgwick Claims Management Services, Inc. v. Bobby J. Robertson, from the Arkansas Workers' Compensation Commission.

CV-18-736. Avonis Fisher v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division.

CV-18-741. Sierra Hegi v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court.

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

E-18-246. Jerry Lawson v. Director et al.

E-18-247. Brenda Laird v. Director et al.

E-18-248. Chester Butler v. Director et al.

E-18-249. Irecia Brooks v. Director et al.

E-18-250. Angela Kirkwood-Hall v. Director et al.

E-18-251. Kimberly Spangler v. Director et al.

E-18-252. Keith Cunningham v. Director et al.

E-18-253. Zoila Flores v. Director et al.

E-18-254. Cynthia Mitchell v. Director et al.

E-18-255. James Freeman v. Director et al.

E-18-256. Elizabeth Butler v. Director et al.

E-18-257. Cherry Miller v. Director et al.