

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 16, 2019

RITA W. GRUBER, CHIEF JUDGE:

[CR-17-1056](#). Kevin Lamont Stuckey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed; motion to withdraw granted. Klappenbach and Vaught, JJ., agree.

[CR-18-506](#). Colby Bullington v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Rebriefing ordered; motion to withdraw denied. Klappenbach and Vaught, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-17-1078](#). Michael Dye v. State of Arkansas, from Crawford County Circuit Court. Rebriefing ordered; motion to withdraw denied. Glover and Brown, JJ., agree.

[CV-18-539](#). Brianna Jones v. Arkansas Department of Human Services and Minor Children, from Hempstead County Circuit Court. Appeal dismissed. Glover and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-18-595](#). K.O. v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gladwin and Whiteaker, JJ., agree.

[CV-18-606](#). Fabiola Falcon v. Northwest Medical Center and Gallagher Bassett Services, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Whiteaker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-18-221](#). Andrew Logan Wilson v. State of Arkansas, from Crittenden County Circuit Court. Rebriefing ordered; motion to withdraw denied. Virden and Whiteaker, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-17-1031](#). Shawn Paul Vail v. State of Arkansas, from Crittenden County Circuit Court. Motion to withdraw denied; rebriefing ordered. Gruber, C.J., and Vaught, J., agree.

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[CR-18-241](#). Shawn Daniel Drake v. State of Arkansas, from Washington County Circuit Court. Affirmed; motion to withdraw granted. Gruber, C.J., and Vaught, J., agree.

DAVID M. GLOVER, JUDGE:

[CR-17-713](#). LaFrancis Angelo Sanford, Jr. v. State of Arkansas, from Benton County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Brown, JJ., agree.

[CR-18-558](#). Tyree Maurice Goins v. State of Arkansas, from Miller County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

[CV-18-363](#). Janet Marie Smyth v. James Adger Smyth, from Washington County Circuit Court. Reversed and remanded. Harrison and Klappenbach, JJ., agree.

[CV-18-701](#). Leo Anderson v. Arkansas Department of Human Services and Minor Child, from Jefferson County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Brown, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-18-90](#). Anthony Beare v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Dismissed; motion to withdraw granted. Gruber, C.J., and Klappenbach, J., agree.

[CV-18-397](#). (In the Matter of the Guardianship of Vivian Howard) Vivian Howard v. Sarah Howard Jenkins, from Jefferson County Circuit Court. Affirmed. Gruber, C.J., and Klappenbach, J., agree.

[CV-18-712](#). Jamie Guardado v. Arkansas Department of Human Services and Minor Children, from Grant County Circuit Court. Affirmed. Gruber, C.J., and Klappenbach, J., agree.

MIKE MURPHY, JUDGE:

[CR-18-316](#). Joshua Rigsby v. State of Arkansas, from Miller County Circuit Court. Supplementation of the record and rebriefing ordered; motion to withdraw denied. Harrison and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

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[CR-17-925](#). Justin Bray v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. 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-18-211. 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.
- 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.

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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.

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

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 is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

CR-17-1039. Kenny Lemont Danner v. State of Arkansas, from Garland County Circuit Court. Motion of Tim Cullen for attorney fees and costs is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

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CR-18-205. James Neal Bynum v. State of Arkansas, from Scott County Circuit Court. Motion of Ernie Witt for attorney's fee is granted. Allowed \$1,800.00.

CR-18-298. Michael Lee Sweeten v. State of Arkansas, from Miller County Circuit Court. Motion of Joseph C. Self for payment of fees is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

CR-18-368. A.M. v. State of Arkansas, from Howard County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$1,800.00. Harrison, J., not participating.

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 is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

CR-18-605. Latosha Deann Lee v. State of Arkansas, from Woodruff County Circuit Court. Joint motion to substitute counsel on appeal is granted. Appellant's brief filed this date.

CR-18-622. I.K. v. State of Arkansas, from Polk County Circuit Court. Motion of Brandon Crawford for attorney's fees is granted. Allowed \$1,800.00.

CR-18-756. Rusty Lee Latham v. State of Arkansas, from Miller County Circuit Court. Appellant's motion for nonconforming brief is denied. Appellant is granted thirty days (February 15, 2019) to file a conforming brief.

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CR-18-820. Damion Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to dismiss or, in the alternative, for an extension of brief time is granted. Appeal dismissed. See *Bradley v. State*, 2015 Ark. App. 144 and *Muldrow v. State*, 2014 Ark. App. 333.

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 is denied.

CR-18-840. Larry Hawkins, Sr. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for transcript and for extension of time to file brief is granted. Appellant's brief is due in thirty days (February 15, 2019).

CV-17-692. Nancy Lee Garrett v. George Webb Neece, from Sebastian County Circuit Court, Fort Smith District. Appellant's verified motion to substitute party is granted. Per Rule 12 of the Arkansas Rules of Appellate Procedure—Civil, the new style of the case shall be John C. Garrett, as Heir and Nominated Personal Representative of Nancy Lee Garrett's Estate v. George Webb Neece.

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 is granted. The supplemental record is due in thirty days (February 15, 2019). Virden and Murphy, JJ. not participating.

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 is denied. Glover, J., not participating.

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 is granted. Appellant's brief is due in thirty days (February 15, 2019).

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

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to file brief is granted. Appellant is granted forty-five days (February 21, 2019) from the date the motion was filed (January 7, 2019).

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-17-880. James E. Gooch and Betsy Gooch v. Leslie J. Davis and Landhawg, LLC, from Faulkner County Circuit Court.

CR-17-955. Jared Wayne Jeffers v. State of Arkansas, from Ashley County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-18-538. Henry Gadsden, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant's motion for order appointing counsel on appeal.

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

CR-18-729. Tereginald Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion of deprivation of appeal.

CR-18-1031. James Edward Crippen v. State of Arkansas, from Crawford County Circuit Court. Appellant's pro se motion for continuance and extension of time.

CV-18-117. Travis Johnston v. Virgil Jones and First Student, Inc., from Pulaski County Circuit Court, Sixth Division. Appellees' motion to dismiss appeal.

CV-18-594. Lakshminarayana Chekuri v. Madhuri Nekkalapudi, from Pulaski County Circuit Court, Fifteenth Division. Appellant's motion for permission to file a supplemental abstract with appellant's reply brief and alternative motion for extension of time.

CV-18-641. Tyrone Smith v. City of Earle and Carolyn Jones, in Her Individual and Official Capacity, from Crittenden County Circuit Court. Appellant's motion for an extension of time for filing his brief.

CV-18-995. JS Arkansas Five Healthcare, LLC; JS ARK Management Group, LLC; Joseph Schwartz; and John Does 1-20 v. Amy Gilbreath, as Special Personal Representative of the Estate of Janie Ann Parker, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Janie Ann Parker, from IZARD County Circuit Court. Appellants' motion to supplement the record and extend briefing time.

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CASES SUBMITTED

CV-18-13. Donna J. Milde Bennett, as Special Administratrix for Leslie Leon Bennett, Individually and on Behalf of All Heirs and Beneficiaries of Leslie Leon Bennett v. Graves & Associates, Inc.; John Does I-V; and Mobley Contractors, Inc., from Lincoln County Circuit Court. Orally argued.

CR-16-1134. Eric Lewis v. State of Arkansas, from Ouachita County Circuit Court.

CR-17-1080. Ronald Allan Lewis v. State of Arkansas, from Benton County Circuit Court.

CR-18-44. Dameion Williams v. State of Arkansas, from Pope County Circuit Court.

CR-18-424. Benjamin Mickey Pitts v. State of Arkansas, from Garland County Circuit Court.

CR-18-436. Eric Carter v. State of Arkansas, from Hot Spring County Circuit Court.

CR-18-667. Anthony Johnson v. State of Arkansas, from St. Francis County Circuit Court.

CR-18-681. Alvin Keith Boykin v. State of Arkansas, from Ashley County Circuit Court.

CR-18-728. Jermaine Bailey v. State of Arkansas, from Jefferson County Circuit Court.

CV-17-984. Stan Vasile d/b/a Renaissance Plaster & Design, Inc. v. Jose Juan Vences, from Pulaski County Circuit Court, Fifth Division.

CV-18-283. Wilson S. Clark, By and Through His Attorney in Fact, Jason Clark, Under Durable Power of Attorney, Executed by Wilson S. Clark, Under Date of October 24, 2011 v. Jimmy H. Eubanks and Marsha A. Eubanks, Husband and Wife, from Madison County Circuit Court.

CV-18-423. Abdul Maalik Muhammad v. Danny Burl, from Jefferson County Circuit Court.

CV-18-452. Roy Tuccillo v. Adkins & Associates, Inc., from Pope County Circuit Court.

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CASES SUBMITTED

CV-18-494. Marleny Reyes-Ramos v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Divison.

CV-18-557. Daniel Montez v. Consuela Montez (now Trujillo), from Washington County Circuit Court.

CV-18-642. (In the Matter of the Adoption of S.R., a Minor) Tambre Qualheim v. April Roush and Jason Roush, from Craighead County Circuit Court, Western District.

CV-18-765. Lesley Bridges v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court.

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

E-18-258. Dava Williams v. Director et al.

E-18-259. Tamica Hopkins v. Director et al.

E-18-260. Markitt Smith v. Director et al.

E-18-261. CorDarryl Cowan v. Director et al.

E-18-262. Christopher Carr v. Director et al.

E-18-263. Sherri Blankenship v. Director et al.

E-18-264. Joseph Smith v. Director et al.

E-18-265. Daryl Johnson v. Director et al.

E-18-266. Chris Atkinson v. Director et al.

E-18-267. Enrique Gonzalez v. Director et al.

E-18-268. Willie Morris v. Director et al.

E-18-269. Lakeisha Randle v. Director et al.