

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 30, 2019

RITA W. GRUBER, CHIEF JUDGE:

[CR-17-1080](#). Ronald Allan Lewis v. State of Arkansas, from Benton County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-18-354](#). Gary Phillips v. DeLage Landen Financial Services, from Mississippi County Circuit Court, Chickasawba District. Affirmed; motion to dismiss denied. Abramson and Hixson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-16-1134](#). Eric Lewis v. State of Arkansas, from Ouachita County Circuit Court. Affirmed. Glover and Vaught, JJ., agree.

[CV-18-494](#). Marleny Reyes-Ramos v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Affirmed. Glover and Vaught, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-18-681](#). Alvin Keith Boykin v. State of Arkansas, from Ashley County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

[CV-18-154](#). William D. Schreckhise v. Janine A. Parry, from Washington County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-18-283](#). Wilson S. Clark, By and Through His Attorney-In-Fact, Jason Clark v. Jimmy H. Eubanks and Marsha A. Eubanks, from Madison County Circuit Court. Affirmed. Virden and Whiteaker, JJ., agree.

[CV-18-765](#). Lesley Bridges v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Affirmed. Virden and Whiteaker, JJ., agree.

[E-18-260](#). Markitt Smith v. Director, Department of Workforce Services; and Baptist Medical Center, from the Arkansas Board of Review. Reversed and remanded. Virden and Whiteaker, JJ., agree.

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DAVID M. GLOVER, JUDGE:

[CV-18-423](#). Abdul Maalik Muhammad v. Danny Burl, Warden, Maximum Security Unit, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed. Gladwin and Vaught, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-18-728](#). Jermaine Bailey v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Virden J., agrees. Klappenbach, J., concurs.

[CV-18-452](#). Roy Tuccillo v. Adkins & Associates, Inc., from Pope County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-17-984](#). Vasile Stan d/b/a Renaissance Plaster & Design v. Jose Juan Vences, from Pulaski County Circuit Court, Fifth Division. Reversed and dismissed. Gladwin and Glover, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-18-436](#). Eric Carter v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed; remanded to correct the sentencing order. Gruber, C.J., and Brown, J., agree.

WAYMOND M. BROWN, JUDGE:

[CR-18-44](#). Dameion Williams v. State of Arkansas, from Pope County Circuit Court. Affirmed. Gruber, C.J., and Hixson, 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-18-258. Dava Williams v. Director et al.

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

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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.

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PER CURIAM ORDERS

CR-18-149. Bryan Porras 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-18-489. Ashton Clark v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's motion for belated reply brief is granted. Tendered reply brief filed this date.

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 is granted.

CR-18-604. Laqueena Nicole Cox v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion to supplement the record is granted. Tendered supplemental record filed this date.

CR-18-820. Damion Durflinger v. State of Arkansas, from Benton County Circuit Court. Motion of Tara Schmutzler to be relieved as counsel is granted.

CR-18-820. Damion Durflinger v. State of Arkansas, from Benton County Circuit Court. Motion of Tara Schmutzler for costs and attorney's fee is granted. Allowed \$1,800.00.

CR-18-1061. Joshua Dulle v. State of Arkansas, from Boone County Circuit Court. Appellant's motion for permission to exclude certain exhibit pages from addendum is granted.

CR-18-1061. Joshua Dulle v. State of Arkansas, from Boone County Circuit Court. Appellant's motion for extension of time to file appellant's abstract, brief, and addendum is granted. Appellant's brief is due March 6, 2019.

CR-19-57. Gregory Dwayne Lewis III v. State of Arkansas, from Miller County Circuit Court. Motion of Jeff Harrelson to withdraw and motion to stay appellate deadlines pending ruling on motion to withdraw is granted. Joseph Self is appointed to represent the appellant. Appellant's brief is due in forty days (March 11, 2019).

CV-18-277. Julie Henderling v. Arkansas Department of Human Services and Minor Child, from Crawford County Circuit Court. Appellees' joint motion to dismiss is granted.

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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. Appellee's motion for an award of attorney's fees is granted. Allowed \$1,000.00.

CV-18-484. Mia Ellington v. Bernard Ellington, from Pulaski County Circuit Court, Sixth Division. Appellant's motion for permission to file belated brief is granted. Tendered appellant's brief filed this date.

CV-18-746. Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court. Appellant's second petition for writ of certiorari to complete record is granted. Writ issued; returnable in thirty days (March 1, 2019). Appellant's brief is due thirty days after the writ is returned and the supplemental record is lodged.

CV-18-759. Karen and Tim Fitzpatrick, Individually and as Parents to Noah Riley Fitzpatrick; and Karen and Tim Fitzpatrick, as Special Administrators of the Estate of Noah Riley Fitzpatrick, Deceased v. Ndidibuike Nnabundo Ukwe, M.D., from Crittenden County Circuit Court. Combined motion to remand for the entry of a final order, motion to settle the record, and motion to extend time or stay the briefing schedule. Appeal dismissed without prejudice.

CV-18-949. Karen Hardesty, in Her Official Capacity as Boone County Assessor v. North Arkansas Medical Services, Inc., and North Arkansas Regional Medical Center, Inc., from Boone County Circuit Court. Appellant's motion for permission to supplement the record is granted. Supplemental record is due in fifteen days (February 14, 2019).

CV-18-1015. Steven Burns v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court. Appellant's motion requesting partial relief from abstracting requirement of Ark. Sup. Ct. R. 4-2(a)(5)(B) is granted. Appellant's brief is due February 13, 2019.

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MOTIONS SUBMITTED

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

CR-18-840. Larry Hawkins, Sr. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion requesting an extension of time to file brief.

CR-18-1005. Edward L. Cave v. State of Arkansas, from Grant County Circuit Court. Appellee's motion to dismiss, or, in the alternative, motion for an extension of time in which to file brief.

CR-18-1040. Leodis Randle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for extension of time to file brief and for appointment of counsel.

CV-18-687. Michael Boyd v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for status of seized property.

CV-19-1. Anthony M. Lockett v. Coca-Cola Refreshments USA, Inc.; Indemnity Insurance Company of North America (PA); Sedgwick Claims Management Services, Inc.; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Joint motion to remand.

CV-19-45. Stephanie Yelvington v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Motion to dismiss notice of appeal.

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CASES SUBMITTED

CR-18-480. Matthew Todd Sitzmann v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-18-483. John Britt v. State of Arkansas, from Benton County Circuit Court.

CR-18-537. Bobby John Lawson v. State of Arkansas, from Crawford County Circuit Court.

CR-18-570. Jaylen Lamarvin Farmer v. State of Arkansas, from Crittenden County Circuit Court.

CR-18-600. Richard Shreck v. State of Arkansas, from Faulkner County Circuit Court.

CR-18-621. James Ernest Duff v. State of Arkansas, from Miller County Circuit Court.

CR-18-624. Eric Tremain Smith v. State of Arkansas, from Arkansas County Circuit Court, Southern District.

CR-18-652. John Mark Wilson v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-18-653. Lawrence Ralston v. State of Arkansas, from Benton County Circuit Court.

CR-18-683. Rodney W. Rayburn v. State of Arkansas, from Arkansas County Circuit Court, Northern District.

CR-18-703. Ulrick Hillman v. State of Arkansas, from Miller County Circuit Court.

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.

CV-17-865. Board of Trustees for the Arkansas Public Employees Retirement System, Craighead Nursing Center, Hudson Memorial Nursing Home, and Lawrence Hall Nursing Home v. Martha Ella Garrison, Shawn Marie Hall, Michelle Dawson, Willie Mae Dawson, and Nichelle Underwood, from Pulaski County Circuit Court, Twelfth Division.

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CV-17-996. (In the Matter of the Adoption of E.A.W.) Greg Darrell Holmes v. Michael Shane Wilhelm and Erin Wilhelm, from Benton County Circuit Court.

CV-17-1049. (In the Matter of the Estate of Charles P. Sullivan, Deceased) Carolyn Moore v. Jewell Sullivan, as Executrix of the Estate of Charles P. Sullivan, Deceased, from Faulkner County Circuit Court.

CV-18-307. J. David John v. Megan Marie Bolinder, from Benton County Circuit Court.

CV-18-370. Demontie Cross v. Erika Cross, from Garland County Circuit Court.

CV-18-574. Juan Cruz v. State of Arkansas, from Monroe County Circuit Court.

CV-18-587. Tina Damron v. Stewart Damron and State of Arkansas, from Benton County Circuit Court.

CV-18-655. (In the Matter of the Estate of Earl Leon Neal, Deceased) Juanita Noble v. Earl L. Neal, Jr., Individually and as Administrator of the Estate of Earl Leon Neal, Deceased, from Sebastian County Circuit Court, Fort Smith District.

CV-18-682. Shela Lybyer v. Springdale School District and Arkansas School Boards Association, from the Arkansas Workers' Compensation Commission.

CV-18-696. Arkansas State Military Department, Public Employee Claims Division, and Death and Permanent Total Disability Trust Fund v. Allen Jackson, from the Arkansas Workers' Compensation Commission.

CV-18-856. Misty Clark v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-18-885. Donald Adams v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court.

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CASES SUBMITTED

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

- E-18-282. Linda Morrison v. Director et al.
- E-18-283. Kim Burks v. Director et al.
- E-18-285. Tommy Clowers v. Director et al.
- E-18-286. Angela McGraw v. Director et al.
- E-18-287. Florene Johnson v. Director et al.
- E-18-288. James Isenhour v. Director et al.
- E-18-289. Terry Hooper v. Director et al.
- E-18-290. Christine Studebaker v. Director et al.
- E-18-291. Bessie Travis v. Director et al.
- E-18-292. Rhoda Barber v. Director et al.
- E-18-293. David Tope v. Director et al.
- E-18-294. Clayton Williams v. Director et al.