

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 20, 2019

RITA W. GRUBER, CHIEF JUDGE:

[CR-18-562](#). Jonathan Tomes v. State of Arkansas, from Crawford County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered. Whiteaker and Vaught, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-18-717](#). Andrew Lee Jackson v. State of Arkansas, from Garland County Circuit Court. Appeal dismissed. Hixson, J., agrees. Virden, J., concurs.

[CV-18-618](#). James Randall Amason, Sr. v. City of Calion, Arkansas, from Union County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-18-424](#). Benjamin Pitts v. State of Arkansas, from Garland County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

[CR-18-621](#). James Ernest Duff v. State of Arkansas, from Miller County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

[CV-18-803](#). Irasema Arazola v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Affirmed. Klappenbach and Whiteaker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-18-769](#). Chelsi Isbell and Janet Nicholas v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Southern District. Affirmed. Murphy and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-18-563](#). David Dewayne Wingfield, Jr. v. State of Arkansas, from Hempstead County Circuit Court. Affirmed. Klappenbach and Glover, JJ., agree.

[CV-18-565](#). Trudy Crain v. Donald Crain, from Perry County Circuit Court. Affirmed. Klappenbach and Glover, JJ., agree.

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N. MARK KLAPPENBACH, JUDGE:

[CR-18-801](#). Jeremy Louis Huskey v. State of Arkansas, from Drew County Circuit Court. Affirmed. Harrison and Glover, JJ., agree.

[CV-18-496](#). Emily Armstrong v. Martel Draper, from Pulaski County Circuit Court, Fifteenth Division. Reversed and remanded. Harrison and Glover, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CR-18-504](#). Andris McClendon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Remanded with instructions. Harrison and Klappenbach, JJ., agree.

[CR-18-652](#). John Mark Wilson v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gladwin and Vaught, JJ., agree.

[CV-17-970](#). Gen-Kal Pipe & Steel Corp. and Eugene Kalsky v. M.S. Wholesale Plumbing, Inc., from Pope County Circuit Court. Affirmed. Gladwin and Vaught, JJ., agree.

[CV-18-317](#). Terra Land Services, Inc.; Samantha Smith; and Jim Tom Bell v. Jerry McIntyre and McVesting, LLC, from Faulkner County Circuit Court. Reversed and remanded. Gladwin and Vaught, JJ., agree.

[CV-18-687](#). Michael Boyd v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Remanded to settle and supplement the record. Harrison and Klappenbach, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-17-996](#). (In the Matter of the Adoption of E.A.W.) Greg Holmes v. Michael Shane Wilhelm and Erin Wilhelm, from Benton County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

[CV-18-709](#). Clint Kloss v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Motion to withdraw denied; rebriefing ordered. Gruber, C.J., and Vaught, J., agree.

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LARRY D. VAUGHT, JUDGE:

[CV-18-46](#). D&T Pure Trust; Mayflower R.V., Inc.; and Toni Len Boydston, as Personal Representative of the Estate of Lendell Douglas Boydston v. DWB, LLC, Formerly d/b/a Mayflower RV Sales and Service; and Danny Brown, Individually, from Crawford County Circuit Court. Reversed and remanded. Gruber, C.J., and Whiteaker, J., agree.

KENNETH S. HIXSON, JUDGE:

[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. Affirmed. Abramson and Virden, JJ., agree.

[CV-18-740](#). Arkansas Department of Correction and Arkansas Insurance Department, Public Employee Claims Division v. James Jackson and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Abramson and Virden, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-18-300](#). Robert E. Bamberg v. Joan R. Zumwalt and Lisa J. Bamberg, Individually and on Behalf of Minor Child, from Pulaski County Circuit Court, Ninth Division. Dismissed without prejudice. Gladwin and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-18-150](#). (In the Matter of the Adoption of B.E.B.D., a Minor) Forrest Wayne Daily and Erin Marie Daily v. Justin Stanley, from Sebastian County Circuit Court, Greenwood District. Affirmed. Gladwin and Murphy, 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-18-295. Samuel Collier v. Director et al.

E-18-296. Matthew Dement v. Director et al.

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E-18-297. Laronica Miles v. Director et al.

E-18-298. Carla Trowler v. Director et al.

E-18-299. Ryan Cernosek v. Director et al.

E-18-300. Kendall Ashley v. Director et al.

E-18-301. Demond Sanders v. Director et al.

E-18-302. Hershell Walter v. Director et al.

E-18-303. John Steadman v. Director et al.

E-18-305. Rose Adair v. Director et al.

E-18-306. Margaret Pollins v. Director et al.

E-18-307. Denise Lewis v. Director et al.

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PER CURIAM ORDERS

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

CV-18-397. (In the Matter of the Guardianship of Vivian Howard) Vivian Howard v. Sarah Howard Jenkins, from Jefferson County Circuit Court. Harrison, J., not participating.

CV-18-727. Stephanie Smith-McLeod and Gregory McLeod v. Arkansas Department of Human Services and I.M., Minor Child, from Columbia County Circuit Court. Harrison and Klappenbach, JJ., not participating.

CR-17-713. LaFrances Angelo Sanford, Jr. v. State of Arkansas, from Benton County Circuit Court. Motion of Jason Hutcheson for attorney fees and expenses is granted. Allowed \$1,600.00.

CR-17-925. Justin Bray v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Clinton W. Lancaster for attorney's fees and costs is granted. Allowed \$1,500.00.

CR-17-961. J.L.W. v. State of Arkansas, from Yell County Circuit Court, Northern District. Motion and request of Toney Brasuell for attorney's fees is granted. Allowed \$1,800.00.

CR-17-1038. Lonnie Davidson v. State of Arkansas, from Garland County Circuit Court. Motion of Sharon Kiel for award of attorney's fees is denied.

CR-17-1056. Kevin Lamont Stuckey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Natalie S. King for costs and attorney fees is granted. Allowed \$1,600.00.

CR-18-90. Anthony Beare v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Tyson K. Spradlin for attorney fees is granted. Allowed \$1,800.00.

CR-18-241. Shawn Daniel Drake v. State of Arkansas, from Washington County Circuit Court. Motion of Joseph C. Self for payment of fees is granted. Allowed \$1,800.00.

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CR-18-315. James Caple v. State of Arkansas, from Baxter County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00.

CR-18-498. Royal Martin v. State of Arkansas, from Grant County Circuit Court. Motion of Philip Wilson for attorney fees is granted. Allowed \$1,800.00.

CR-18-542. Victor Hugo Alvarez-Real v. State of Arkansas, from Washington County Circuit Court. Appellee's motion to dismiss is granted. Attorney Peter Giardino is referred to the Arkansas Supreme Court Committee on Professional Conduct.

CR-18-558. Tyree Maurice Goins 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.

CR-18-595. K.O. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,800.00.

CR-18-649. Tyler Antonio King v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's third motion for extension of time to file appellant's brief is granted. Appellant's brief is due March 7, 2019. Final extension.

CR-18-793. Michael Jenkins v. State of Arkansas, from Phillips County Circuit Court. Appellant's motion for belated brief is granted. Appellant's tendered brief filed this date. Attorney Chad M. Green is referred to the Arkansas Supreme Court Committee on Professional Conduct.

CV-18-651. Jesse Cureton and Joie Cureton v. Calvin Stout, from Washington County Circuit Court. Appellants' status report is granted. Gruber, C.J., not participating.

CV-18-732. The Harvest Group, LLC v. Michael Rateliff and Rice's Honey, LLC, from Benton County Circuit Court. Joint status report. Stay lifted. Appellant's tendered reply brief filed this date.

CV-18-743. Elwyn Perser v. Whitney Perser, from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion to dismiss cross-appeal is granted. Gladwin and Harrison, JJ., not participating.

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CV-18-805. Virginia Christine Norwood v. Phillip Dale Norwood, from Hot Spring County Circuit Court. Motion of David A. Orsini to withdraw as counsel is denied. Harrison and Glover, JJ., not participating.

CV-18-1024. M.G.1, C.G., K.G., and M.G.2, Minor Children v. Arkansas Department of Human Services and Jacklyn Gabbard, from Perry County Circuit Court. Agreed motion of Media Wilkins and Dusti Standridge for substitution of counsel is granted. Gruber, C.J., not participating.

CV-18-1053. Larry Crain, Sr., and Crain Automotive Holdings, LLC v. Christopher S. Byrd, from Pulaski County Circuit Court, Fifth Division. Appellants' expedited motion for stay of circuit court proceedings pending appeal is denied. Gruber, C.J., not participating.

E-18-331. Betty Reyes v. Director et al., from the Arkansas Board of Review. Petitioner's pro se petition for rehearing treated as a motion for reconsideration and is denied.

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MOTIONS SUBMITTED

CR-18-221. Andrew Logan Wilson v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for extension of time to file rebrief.

CR-18-570. Jaylen Lamarvin Farmer v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for extension of time to file supplemental abstract and addendum.

CR-18-1019. Gerald Lee Groomes v. State of Arkansas, from Garland County Circuit Court. Motion of Timothy Beckham to withdraw as attorney on direct appeal.

CR-18-1019. Gerald Lee Groomes v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to seal part of the record.

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 to lodge the supplemental record.

CV-18-573. Ray H. Dawson, Jr. v. Janelle D. Stoner-Sellers, Individually and as Trustee of R & LD Trust, R & LD Trust II, and R & LD Trust III; Jennifer Bouchillon, Individually and as Trustee of R & LD Trust, R & LD Trust II, and R & LD Trust III; and Luetta Dawson, from Crittenden County Circuit Court. Appellant's motion to file supplemental addendum.

CV-18-641. Tyrone Smith v. City of Earle and Carolyn Jones, in Her Individual and Official Capacity, from Crittenden County Circuit Court. Appellees' motion to dismiss pursuant to Rule 4-5.

CV-18-786. Tyrome Hurst, Special Administrator of the Estate of Deshun Lamont Hurst v. David Palmer d/b/a Palmer Trucking, Hurlee Palmer, Travis Parell Coleman, and Riceland Foods, Inc., from Crittenden County Circuit Court. Appellant's motion for permission to request oral argument.

CV-18-903. Jana Hanshew and Clint Hanshew, Individually; and Clint Hanshew as Guardian of the Estate of Alyssa Hanshew, a Minor v. Arturo Martinez and Melissa Martinez, from Benton County Circuit Court. Motion of Kimberly D. Young to withdraw as counsel for the appellees.

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MOTIONS SUBMITTED

CV-18-903. Jana Hanshew and Clint Hanshew, Individually; and Clint Hanshew as Guardian of the Estate of Alyssa Hanshew, a Minor v. Arturo Martinez and Melissa Martinez, from Benton County Circuit Court. Motion of Nicholas D. Hornung to substitute counsel for appellees.

CV-18-903. Jana Hanshew and Clint Hanshew, Individually; and Clint Hanshew as Guardian of the Estate of Alyssa Hanshew, a Minor v. Arturo Martinez and Melissa Martinez, from Benton County Circuit Court. Motion of Michael McCarty Harrison to withdraw as counsel for the appellees.

CV-18-994. David McKim v. Jack B. Sullivan; Jim Smith, Individually and d/b/a Jim Smith Collision and Wrecker Center, Inc.; Mitchell Collision and Towing Center, Inc., d/b/a Jim Smith Collision and Wrecker; Jim Smith Wrecker Service; Smith Collision and Wrecker; Samuel Mitchell, Individually; and Sam Mitchell, Individually, from Faulkner County Circuit Court. Motion of Nicholas D. Hornung to withdraw as counsel for the appellees.

CV-19-49. Jessica Davis and Nathan Arnold v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court. Motion of separate appellant Jessica Davis for reconsideration and expedited consideration.

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CASES SUBMITTED

CV-18-238. Freeman Holdings of Arkansas, L.L.C., and Francis B. Freeman, Jr. v. FNBC Bancorp, Inc., from Baxter County Circuit Court. Orally argued.

CR-18-489. Ashton Clark v. State of Arkansas, from Mississippi County Circuit Court, Osceola District.

CR-18-538. Henry Gadsden, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

CR-18-571. Henry Williams v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-18-764. Dustin Kampmann v. State of Arkansas, from Logan County Circuit Court, Northern District.

CV-18-249. Randolph Cooper v. Discover Bank, from Randolph County Circuit Court.

CV-18-430. Melita Cox (now Nicola) v. Nathan Cox, from Washington County Circuit Court.

CV-18-631. Washington County, Arkansas; Quorum Court of Washington County, Arkansas; and Joseph K. Wood, in His Official Capacity as County Judge v. Terry Presley, from Washington County Circuit Court.

CV-18-734. David L. Barnes and Arkansawyer Sawmill, Inc. v. Robert Wagoner and Rhonda Wagoner, from Marion County Circuit Court.

CV-18-771. Darann Diane Harrison v. Arkansas Public Employees Retirement System, from Pulaski County Circuit Court, Twelfth Division.

CV-18-790. Eagle Bank & Trust Company and Bid Central, Inc., d/b/a BCI Management Company v. Raynor Manufacturing Company, from Faulkner County Circuit Court.

CV-18-943. Carrie Holdcraft v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division.