

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 27, 2019**

**RITA W. GRUBER, CHIEF JUDGE:**

[CR-18-500](#). Roderick Montgomery v. State of Arkansas, from Ashley County Circuit Court. Rebriefing ordered. Whiteaker and Vaught, JJ., agree.

[CR-18-508](#). Roderick Montgomery v. State of Arkansas, from Drew County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered. Whiteaker and Vaught, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-18-692](#). Joel Friday v. Randy Friday, from Miller County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-18-614](#). Michael David Lee Walker v. State of Arkansas, from Miller County Circuit Court. Affirmed. Murphy and Brown, JJ., agree.

[CV-18-276](#). J.C. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Sixth Division. Affirmed. Murphy and Brown, JJ., agree.

**BRANDON J. HARRISON, JUDGE:**

[CV-18-64](#). Karley D. Rivers v. Caleb DeBoer, from Jefferson County Circuit Court. Reversed and remanded. Gruber, C.J., and Glover, Whiteaker, and Hixson, JJ., agree. Abramson, Klappenbach, Murphy, and Brown, JJ., dissent.

[CV-18-911](#). Rema Bailey v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Klappenbach and Glover, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-18-679](#). Frederick Pitchford v. City of Earle; Mayor Carolyn Jones, Individually and in Her Official Capacity; City Council Members Robert Malone, Bobby Lockett, Sr., Donnie Cheers, Charlies Young, and Jesse Selvy, Individually and in Their Official Capacities; and Davis Loftin, Individually and in His Official Capacity, from Crittenden County Circuit Court. Remanded to settle and supplement the record; supplemental addendum ordered. Harrison and Glover, JJ., agree.

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**PHILLIP T. WHITEAKER, JUDGE:**

[CV-18-710](#). T.S.B., a Minor v. Elizabeth A. Robinson, Christopher Cook, Tammy A. Robinson (now Wright), and B.R.C., a Minor, from Garland County Circuit Court. Remanded to supplement the record; rebriefing ordered. Gruber, C.J., and Vaught, J., agree.

[E-18-171](#). Danny Bugg v. Director, Department of Workforce Services; and City of Hot Springs, from the Arkansas Board of Review. Remanded. Gruber, C.J., and Vaught, J., agree.

**LARRY D. VAUGHT, JUDGE:**

[CR-18-546](#). Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Supplemental addendum ordered. Gruber, C.J., and Whiteaker, J., agree.

[CV-18-932](#). Cody Byrd v. Arkansas Department of Human Services and Minor Children. From Randolph County Circuit Court. Affirmed. Gruber, C.J., and Whiteaker, J., agree.

**MIKE MURPHY, JUDGE:**

[CR-18-447](#). A.J. Bradford Lunsford, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed. Gladwin and Brown, JJ., agree.

[CV-18-887](#). Alisha Rice v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Affirmed. Gladwin and Brown, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-18-633](#). Lakeside Nursing and Rehabilitation Center, Inc., d/b/a Lakeside Nursing Center; Extendi-Care, Inc.; RHC Operations, Inc.; and Reliance Health Care, Inc. v. Lourindia Rufkahr and Tiana Haley as Power of Attorney for and on Behalf of Billie Jean Haley, from Craighead County Circuit Court, Eastern District. Affirmed. Gladwin and Murphy, JJ., agree.

[CV-18-723](#). Ray Shepherd v. Cassandra Tate, from Lonoke County Circuit Court. Affirmed. Gladwin and Murphy, JJ., agree.

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**PER CURIAM ORDERS**

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 is granted. Appellant's substituted brief filed this date.

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 is granted. Appellant's supplemental abstract and addendum is due March 15, 2019.

CR-18-673. Cortez Gould v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to dismiss or, in the alternative, for extension of brief time is passed until the case is submitted. Appellee's brief is due March 29, 2019.

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

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 is granted. Appellant's supplemental addendum is due March 6, 2019. Harrison, J., not participating.

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 is granted. Abramson, J., would deny.

CV-18-786. Tyrome Hurst, Special Administrator of the Estate of Deshun Lamont Hurst v. David Palmer d/b/a Palmer Trucking, Hurlie Palmer, Travis Parell Coleman, and Riceland Foods, Inc., from Crittenden County Circuit Court. Appellant's motion for permission to request oral argument treated as a motion for oral argument and is denied. Harrison, J., not participating.

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 is granted. Glover, J., not participating.

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**PER CURIAM ORDERS**

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 is granted. Glover, J., not participating.

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 is granted. Glover, J., not participating.

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 is granted. Glover, J., not participating.

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 is denied. Virden, Gladwin, and Harrison, JJ., would grant.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

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

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

CV-18-331. Rhonda McCauley and McCauley Law Firm, PLLC v. Amilcar Cornejo and Douglas Hall, from Sebastian County Circuit Court, Fort Smith District.

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CR-16-1134. Eric Lewis v. State of Arkansas, from Ouachita County Circuit Court. Motion of Mylissia M. Blankenship for attorney's fees.

CR-18-70. William Edward Gray v. State of Arkansas, from Pope County Circuit Court. Motion of Tim Cullen for attorney fees and costs.

CR-18-105. Jonathan Daniel Snow v. State of Arkansas, from Baxter County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-18-215. Phillip Herren v. State of Arkansas, from Cleveland County Circuit Court. Motion of John Wesley Hall for attorney's fees.

CR-18-316. Joshua Rigsby v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to extend time to supplement the record.

CR-18-436. Eric Carter v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney's fees.

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

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

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**MOTIONS SUBMITTED**

CR-18-578. Rodrick Vann, Jr. v. State of Arkansas, from Miller County Circuit Court. Motion of Joseph C. Self for payment of fees.

CR-18-611. Frankie Von Holt v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for belated brief and for access to the record on appeal.

CR-18-681. Alvin Keith Boykin v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-18-728. Jermaine Bailey v. State of Arkansas, from Jefferson County Circuit Court. Motion of Michael Kiel Kaiser for fees.

CR-18-806. Jerrod Craven v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to reschedule oral argument.

CR-18-985. Frederick Eugene Scott, Jr. v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for belated brief.

CR-18-1040. Leodis Randle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se declaration, motion, and complaint.

CR-19-34. Melvin E. Herron v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for remand to obtain certification and for permission to supplement the record.

CR-19-44. Tanisha Gillard v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion to supplement the record and stay briefing schedule.

CV-18-331. Rhonda McCauley and McCauley Law Firm, PLLC v. Amilcar Cornejo and Douglas Hall, from Sebastian County Circuit Court, Fort Smith District. Appellants' motion to strike.

CV-18-647. Catherine Wilson v. Arkansas Highway and Transportation Department and Public Employee Claims Division, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss appellant's appeal.

CV-18-748. Samuel L. Conley v. Althea T. Conley, from Union County Circuit Court. Appellee's motion to limit appeal and to stay appellee's brief time.

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**MOTIONS SUBMITTED**

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. Separate appellee Jacklyn Gabbard's motion to extend time and stay briefing schedule.

CV-19-62. Arkansas Department of Human Services, Crimes Against Children Division v. Steven Michael, from IZARD County Circuit Court. Appellant's motion to stay briefing schedule, motion for extension of time, and motion for writ of certiorari to complete record.

CV-19-63. Arkansas Department of Human Services, Crimes Against Children Division v. Steven D. Mitchell, from IZARD County Circuit Court. Appellant's motion to stay briefing schedule, motion for extension of time, and motion for writ of certiorari to complete record.

CV-19-125. Kendra Brown v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Appellant's motion to remand and to correct the record and to stay the briefing schedule.

CV-19-151. BHC Pinnacle Pointe Hospital, LLC v. Debra Nelson and Henry Anderson, Jr., Individually and on Behalf of All Others Similarly Situated, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to stay proceedings, including discovery, in the circuit court pending appeal.

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**CASES SUBMITTED**

CV-18-490. (In the Matter of the Estate of H.E. Boling, Deceased) Charles Fisher, Individually and as Administrator of the Estate of Wanda Faye Boling-Fisher v. Eric Boling; and Wilma Leola East and Eric Boling, as Co-Successor Trustees of the H.E. Boling Testamentary Trust, from Mississippi County Circuit Court, Chickasawba District. Orally argued.

CR-17-985. Robert Jamar Fields v. State of Arkansas, from Union County Circuit Court.

CR-18-429. Steven Leroy Swanigan v. State of Arkansas, from Garland County Circuit Court.

CR-18-645. Josh M. Barrett v. State of Arkansas, from Pike County Circuit Court.

CR-18-812. George Guthrie v. State of Arkansas, from Craighead County Circuit Court, Eastern District.

CV-17-827. Jim R. Nash v. Norma Nash, Individually and as Trustee of the Norma F. Nash Living Trust; John Nash, Jr., Individually and for Norma Nash, Deceased, as Cotrustee of the Norma F. Nash Living Trust; and as Coadministrator of the Norma Nash Estate; Pam Nash Glover, Individually and for Norma Nash, Deceased; as Cotrustee of the Norma F. Nash Living Trust; and as Coadministrator of the Norma Nash Estate; Susan Nash Lyle, Individually and for Norma Nash, Deceased; Perry Nash, Individually and for Norma Nash, Deceased; and Gaylen McClanahan, from Pulaski County Circuit Court, Second Division.

CV-18-658. Stanley Banks v. Barbara Banks, from Dallas County Circuit Court.

CV-18-735. Julian Gifford v. Darrell McGee, from Mississippi County Circuit Court, Chickasawba District.

CV-18-737. Betty Rorie v. Clay Maxey Ford, LLC, d/b/a Clay Maxey, Ford Motor Company, from Boone County Circuit Court.

CV-18-770. (In the Matter of the GNB III Trust) Jerita Wylie and Doug Bobo v. Cheryl Shaw, from Hempstead County Circuit Court.

CV-18-794. Kiesha Childress v. Kemra Greer, from Pulaski County Circuit Court, Fifteenth Division.



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**CASES SUBMITTED**

CV-18-833. ABF Freight System, Inc., and ArcBest Corporation v. Byron Dugger and Arkansas Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

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

E-18-308. Janice Hamilton v. Director et al.

E-18-309. Nathan Carter v. Director et al.

E-18-310. Ada Stanley v. Director et al.

E-18-312. Jarrett Wilson v. Director et al.

E-18-313. James Johnson v. Director et al.

E-18-314. Jane Harper v. Director et al.

E-18-315. Darryl Jarvies v. Director et al.

E-18-316. Vanessa Cerda v. Director et al.

E-18-317. Gayle Blanton v. Director et al.

E-18-318. David King v. Director et al.

E-18-319. Lisa Cheek v. Director et al.

E-18-320. Michael Bradshaw v. Director et al.