

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MARCH 6, 2019

RITA W. GRUBER, CHIEF JUDGE:

[CV-18-249](#). Randolph C. Cooper v. Discover Bank, from Randolph County Circuit Court. Reversed and remanded. Whiteaker and Vaught, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-18-483](#). John Britt v. State of Arkansas, from Benton County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

[CV-18-638](#). David Brennan v. White County, Arkansas, from White County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-18-643](#). William Campbell Ash v. First National Bank of Eastern Arkansas, from St. Francis County Circuit Court. Affirmed in part; reversed and remanded in part. Whiteaker and Murphy, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-18-434](#). Jason Allen Farmer v. State of Arkansas, from Benton County Circuit Court. Affirmed. Virden, J., agrees. Whiteaker, J., concurs.

[CV-18-631](#). Washington County, Arkansas; Quorum Court of Washington County, Arkansas; and Honorable Joseph K. Wood, in His Official Capacity as County Judge v. Terry Presley, from Washington County Circuit Court. Affirmed. Harrison and Glover, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CV-18-943](#). Carrie Holdcraft v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Harrison and Klappenbach, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-18-571](#). Henry Williams v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Gruber, C.J., and Vaught, J., agree.

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LARRY D. VAUGHT, JUDGE:

[CR-18-538](#). Henry Gadsden, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed. Gruber, C.J., and Whiteaker, J., agree.

KENNETH S. HIXSON, JUDGE:

[CR-18-74](#). Robert Glenn Brown v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Reversed and remanded. Gladwin, Glover, and Vaught, JJ., agree. Gruber, C.J., and Brown, J., dissent.

[CR-18-764](#). Dustin Kampmann v. State of Arkansas, from Logan County Circuit Court, Northern District. Affirmed; motion to be relieved granted. Abramson and Virden, JJ., agree.

[CV-18-544](#). Michelle Davis v. Van Buren School District, from Crawford County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-18-489](#). Ashton Clark v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Affirmed. Gladwin and Murphy, JJ., agree.

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PER CURIAM ORDERS

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

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. Gruber, C.J., not participating.

CV-18-331. Rhonda McCauley and McCauley Law Firm, PLLC v. Amilcar Cornejo and Douglas Hall, from Sebastian County Circuit Court, Fort Smith District. *See Massanelli v. Massanelli*, 2016 Ark. App. 90.

CR-16-1134. Eric Lewis v. State of Arkansas, from Ouachita County Circuit Court. Motion of Mylissia M. Blankenship for attorney's fees is granted. Allowed \$1,800.00. Klappenbach, J., not participating.

CR-18-70. William Edward Gray v. State of Arkansas, from Pope County Circuit Court. Motion of Tim Cullen for attorney fees and costs is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

CR-18-215. Phillip Herren v. State of Arkansas, from Cleveland County Circuit Court. Motion of John Wesley Hall for attorney's fees is granted. Allowed \$1,800.00. Virden and Klappenbach, JJ., not participating.

CR-18-316. Joshua Rigsby v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to extend time to supplement the record is granted. Tendered supplemental record filed this date. Appellant's substituted brief is due March 21, 2019.

CR-18-436. Eric Carter v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney's fees is granted. Allowed \$1,800.00.

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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 is moot.

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. Record deemed supplemented. Tendered supplemental record filed this date. Appellant's brief is due March 26, 2019.

CR-18-578. Rodrick Vann, Jr. 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-18-611. 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 is granted. Appellant's brief is due April 5, 2019.

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 is granted. Allowed \$1,800.00. Virden, J., not participating.

CR-18-728. Jermaine Bailey v. State of Arkansas, from Jefferson County Circuit Court. Motion of Michael Kiel Kaiser for fees is denied without prejudice.

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

CR-18-985. Frederick Eugene Scott, Jr. v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for belated brief is granted. Appellant's brief is due April 5, 2019.

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 is granted. Ben Motal is appointed to represent the appellant.

CR-18-1019. Gerald Lee Groomes v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to seal part of the record is granted. Harrison and Whiteaker, JJ., would grant as to exhibits only.

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

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 is granted.

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 is granted. Supplemental record is due April 5, 2019. Appellant's brief is due fifteen days after the supplemental record is lodged.

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 is denied.

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 is granted.

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 is passed until the case is submitted. Appellee's brief is due April 5, 2019. Klappenbach, J., 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. Separate appellee Jacklyn Gabbard's motion to extend time and stay briefing schedule is granted. Tendered brief filed this date. Gruber, C.J., not participating.

CV-19-62. 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 is granted.

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 is granted.

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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 is remanded to the circuit court to settle the record within fifteen days (March 21, 2019). Appellant's brief is due twenty-four days after the supplemental record is lodged. Gruber, C.J., not participating.

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 is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-18-224. Adam Patton v. State of Arkansas, from Desha County Circuit Court.

CV-18-592. Paul Noel v. Jim Cox and Larry Busby, as Representatives of Majestic Lake Village POA, from Garland County Circuit Court.

CR-17-934. Jarmall Kelley v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-18-220. Jamari Kashard Moten v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney fees.

CR-18-383. Roy Jacob Justus v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee and expenses.

CR-18-537. Bobby John Lawson v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee and expenses.

CR-18-624. Eric Tremain Smith v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Motion of Joseph C. Self for payment of fees.

CR-18-703. Ulrick Hillman v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs.

CR-18-762. Freddie Lee Jones v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for copy of record or brief.

CR-18-820. Damion Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to clarify.

CR-18-840. Larry Hawkins, Sr. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for reconsideration.

CR-18-950. Kreag Duane Voris v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to dismiss.

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MOTIONS SUBMITTED

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.

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. Appellant's motion for extension of time to file a petition for rehearing.

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 file appellant's brief.

CV-18-865. Stacy D. Roberts v. Kendra C. Roberts, from Garland County Circuit Court. Appellant's motion to consolidate.

CV-18-1047. Jefferson Hospital Association, Inc.; Walter Johnson; David Nixon, M.D.; Federal Insurance Company; and John Does 2–20 v. Lee Andrew Davis, from Jefferson County Circuit Court. Appellee's petition for writ of certiorari to complete the record or, alternatively, motion to remand to settle and supplement the record.

CV-19-11. Jesse Cureton and Joie Cureton v. Calvin Stout, from Washington County Circuit Court. Appellants' motion to cite to the record in related cases or, in the alternative, to supplement the record.

CV-19-36. (In the Matter of the Estate of Charles L. "Lem" Turner, Deceased) First State Bank v. Steven Turner, as Administrator and Personal Representative of the Charles L. Turner Estate; and as Trustee of the Charles L. "Lem" Turner Trust Dated May 25, 2005, from White County Circuit Court. Notice treated as motion to withdraw as counsel for the appellee.

CV-19-58. Jessica Drummond v. Nicholas Baureis, from Faulkner County Circuit Court. Appellant's motion to supplement the record.

CV-19-168. Stacy D. Roberts v. Kendra C. Roberts, from Garland County Circuit Court. Appellant's motion to consolidate.

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CASES SUBMITTED

CV-18-650. (In the Matter of the Estate of Khyree Martin, a Minor) George Prange, as Vice President and Trust Officer of the Bank of Ozarks and Guardian of the Estate of Khyree Martin, a Minor; and the Estate of Khyree Martin v. Arkansas Department of Human Services and Katelyn Gooden, from Pulaski County Circuit Court, Seventeenth Division. Orally argued.

CR-18-560. Joshua Windford Curl v. State of Arkansas, from White County Circuit Court.

CR-18-626. William E. Starks v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-18-757. Kimberly Gail Lee v. State of Arkansas, from Woodruff County Circuit Court.

CV-17-862. J. David John v. Martin T. Faitak, Ph.D., from Washington County Circuit Court.

CV-18-102. Alison Ashley Peck, as a Qualified Beneficiary of the Peck Family Trust; Peck Marital Trust; and in Her Individual Capacity v. Hannah Peck a/k/a Hannah Finley, Individually and as Trustee of the Peck Family Trust U/D June 15, 2001; and the Peck Marital Trust, from Pulaski County Circuit Court, Sixth Division.

CV-18-367. Kandice A. Gibbons, Woodrow Anderson III, and the WWA Living Trust v. Seth Anderson and Trevor Anderson, Beneficiaries of the WWA Living Trust, from Crawford County Circuit Court.

CV-18-450. Steve Arman, Special Administrator of the Estate of Philip Lewis Arman, Deceased v. CHI St. Vincent Hot Springs d/b/a St. Vincent Hospital Hot Springs, CHI St. Vincent Hospital Hot Springs d/b/a St. Vincent Hospital Hot Springs, and First Initiatives Insurance LTD., from Garland County Circuit Court.

CV-18-730. Jim Welch and Debbie Welch v. Estate of Bobby Ray Faulkner, Deceased; and Cynthia Faulkner, Administratrix, from Sebastian County Circuit Court, Greenwood District.

CV-18-779. (In the Matter of the Estate of Loy Gene Cunningham, Deceased) Deborah Cunningham v. Connie Dillard, from Marion County Circuit Court.

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CASES SUBMITTED

CV-18-987. Philip Hopfner and Robin Hopfner v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court.

CV-18-1011. Liset Araujo v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

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

E-18-311. Alicia Dillon v. Director et al.

E-18-321. Ismael Cervantes v. Director et al.

E-18-323. Mark Wooten v. Director et al.

E-18-324. Tommy Miller v. Director et al.

E-18-325. Terrance Taylor v. Director et al.

E-18-326. Alicia Allmon v. Director et al.

E-18-327. Drita Ismaili v. Director et al.

E-18-328. David Loken v. Director et al.

E-18-329. Jamesia Givan v. Director et al.

E-18-330. Sheila Hutcheson v. Director et al.

E-18-332. Patrick Gaines v. Director et al.

E-18-333. Josh Johnson v. Director et al.