

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF MARCH 27, 2019**

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-18-779](#). (In the Matter of the Estate of Loy Gene Cunningham, Deceased) Deborah Cunningham v. Connie Dillard, from Marion County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-17-692](#). John C. Garrett, as Heir and Nominated Personal Representative of Nancy Lee Garrett's Estate v. George Webb Neece, from Sebastian County Circuit Court, Fort Smith District. Affirmed; remanded with instructions. Abramson and Hixson, JJ., agree.

[CV-18-771](#). Darann Diane Harrison v. Arkansas Public Employees' Retirement System, from Pulaski County Circuit Court, Twelfth Division. Affirmed. Abramson and Hixson, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-18-650](#). (In the Matter of the Estate of Khyree Martin, a Minor) George Prange, as Vice President and Trust Officer of Bank of the Ozarks and Guardian of the Estate of Khyree Martin, a Minor; and the Estate of Khyree Martin v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Vaught and Hixson, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-18-1011](#). Liset Araujo v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CR-18-626](#). William Starks v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed in part; dismissed in part. Gladwin and Hixson, JJ., agree.

[CV-18-735](#). Julian Gifford v. Darrell McGee, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Gruber, C.J., and Whiteaker, J., agree.

**MIKE MURPHY, JUDGE:**

[CR-18-757](#). Kimberly Gail Lee v. State of Arkansas, from Woodruff County Circuit Court. Affirmed. Harrison and Whiteaker, JJ., agree.

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**PROCEEDINGS OF MARCH 27, 2019**

**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-18-311. 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-18-327. 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.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF MARCH 27, 2019**

**PER CURIAM ORDERS**

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

CR-18-628. Chad Everett Graham v. State of Arkansas, from Washington County Circuit Court.

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

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

CV-18-589. Hope Medical Park Hospital d/b/a Medical Park Doctors Group v. Carrie Varner and Thomas Varner, from Hempstead County Circuit Court.

CV-18-618. James Randall Amason, Sr. v. City of Calion, Arkansas, from Union County Circuit Court. Klappenbach, J., not participating.

CV-18-642. Tambre Qualheim v. April Roush and Jason Roush, from Craighead County Circuit Court, Western District.

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CR-18-654. Donzell Jackson v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss is granted. Klappenbach, J., would deny. Attorney Clint Miller is referred to the Arkansas Supreme Court Committee on Professional Conduct.

CR-18-728. Jermaine Bailey v. State of Arkansas, from Jefferson County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$1,800.00.

CR-18-801. Jeremy Louis Huskey v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00.

CR-18-898. DeJuan Miller v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion to dismiss is granted.

CR-19-108. Rodney B. Hill v. State of Arkansas, from Howard County Circuit Court. Appellant's pro se motion for extension of time is granted.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF MARCH 27, 2019**

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CV-18-888. Dexter Harmon v. Waymon McDaniel, from Lincoln County Circuit Court. Appellee's motion to dismiss is moot.

CV-18-888. Dexter Harmon v. Waymon McDaniel, from Lincoln County Circuit Court. Appellee's amended motion to dismiss is granted.

CV-18-988. Roderick Choate and Lisa Choate v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Appellants' joint motion to enlarge page limit is granted. Gruber, C.J., and Whiteaker, Murphy, and Brown, JJ., would deny.

CV-19-47. Linda Williams v. City of Little Rock and Risk Management Services, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion for reconsideration is denied.

CV-19-47. Linda Williams v. City of Little Rock and Risk Management Services, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss is granted. Gruber, C.J., and Harrison, Vaught, and Hixson, JJ., would deny.

CV-19-62. Arkansas Department of Human Services, Crimes Against Children Division v. Steven D. Mitchell, from Izard County Circuit Court. Appellee's pro se Rule 4-5 motion to dismiss is denied.

CV-19-63. Arkansas Department of Human Services, Crimes Against Children Division v. Steven D. Mitchell, from Izard County Circuit Court. Appellee's pro se Rule 4-5 motion to dismiss is denied.

CV-19-126. Amber Boomhower and Mark Hosier v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court. Appellants' joint motion to remand to settle and correct record and to stay briefing schedule is granted.

CV-19-147. Melanie Blasingame and Daniel Blasingame v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Separate appellant Daniel Blasingame's motion for extension of time to file brief due to extraordinary circumstances and to stay briefing time is granted. Appellants' brief is due in fifteen days (April 11, 2019). Whiteaker, J., would deny. Harrison, J., not participating.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF MARCH 27, 2019**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

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

CV-17-970. Gen-Kal Pipe & Steel Corp. and Eugene Kalsky v. M.S. Wholesale Plumbing, Inc., from Pope County Circuit Court.

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.

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.

CV-18-638. David Brennan v. White County, Arkansas, from White County Circuit Court.

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.

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CR-18-456. Timothy David v. State of Arkansas, from Faulkner County Circuit Court. Motion of Brian G. Brooks for attorney fees.

CR-18-483. John Britt v. State of Arkansas, from Benton County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees.

CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant’s pro se motion to obtain crime-lab results.

CR-18-551. Michael Thomas Rethore v. State of Arkansas, from Polk County Circuit Court. Appellant’s pro se motion to file a belated appeal and for appointment of counsel treated as a motion to reinstate appeal.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MARCH 27, 2019**

**MOTIONS SUBMITTED**

CR-18-729. Tereginald Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to dismiss.

CR-18-764. Dustin Kampmann v. State of Arkansas, from Logan County Circuit Court, Northern District. Motion of Robert N. Jeffrey for attorney's fees.

CR-18-850. Timothy Lee Miller v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se motion to transfer pro se points for reversal from CR-18-849 to CR-18-850.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se petition to the Arkansas Court of Appeals.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se petition to file pages of documents as documentary evidence for review.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se petition to file copy of a transcript as documentary evidence for review.

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

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

CR-19-110. Randy W. Duck v. State of Arkansas, from Union County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CR-19-110. Randy W. Duck v. State of Arkansas, from Union County Circuit Court. Appellant's second pro se motion for extension of time to file brief.

CR-19-111. Chris Michael Baker v. State of Arkansas, from White County Circuit Court. Motion of Clay Simpson to be relieved as attorney of record and to appoint new counsel and for extension of time.

CR-19-146. Delvin Demond Neal v. State of Arkansas, from Drew County Circuit Court. Motion of Timothy R. Leonard to be relieved and for appointment of new counsel.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MARCH 27, 2019**

**MOTIONS SUBMITTED**

CR-19-191. Jamal D. Akram v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se petition for writ of certiorari.

CV-17-619. Dee Blakely v. Arkansas Children's Hospital; Pulaski County, Arkansas; and Jane Duke, from Pulaski County Circuit Court, Sixth Division. Motion of separate appellee Jane Duke to reschedule oral argument.

CV-18-711. City of Tontitown, Arkansas v. City of Springdale, Arkansas; First Security Bank; and Hillcrest Holdings, LLC, from Washington County Circuit Court. Appellees' motion to dismiss appeal.

CV-18-711. City of Tontitown, Arkansas v. City of Springdale, Arkansas; First Security Bank; and Hillcrest Holdings, LLC, from Washington County Circuit Court. Appellees' motion to withdraw motion to dismiss appeal.

CV-18-880. Fredrick R. Potter, Individually and as Trustee of the Fred R. Potter Revocable Trust Established September 10, 2004; and as Trustee of the Fred Potter Revocable Trust Established July 10, 2013 v. Cassaundra Holmes, Individually and as Trustee of the Betty L. Potter Revocable Trust Established September 10, 2004; Thomas Wright; and Kevin Wright, from Scott County Circuit Court. Appellees' petition for writ of certiorari to complete record.

CV-18-880. Fredrick R. Potter, Individually and as Trustee of the Fred R. Potter Revocable Trust Established September 10, 2004; and as Trustee of the Fred Potter Revocable Trust Established July 10, 2013 v. Cassaundra Holmes, Individually and as Trustee of the Betty L. Potter Revocable Trust Established September 10, 2004; Thomas Wright; and Kevin Wright, from Scott County Circuit Court. Appellees' motion to stay briefing schedule.

CV-18-1058. (In the Matter of O.C., an Alleged Endangered or Impaired Adult) O.C. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Thirteenth Division. Appellant's motion for leave to file belated brief.

CV-19-39. Katherine Parker v. Arkansas Department of Human Services and Minor Child, from Miller County Circuit Court. Appellant's motion to supplement record, enlarge brief page number, and stay briefing schedule.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF MARCH 27, 2019**

**CASES SUBMITTED**

CR-18-373. Larry Michael Berkley v. State of Arkansas, from Boone County Circuit Court.

CR-18-738. Jay Richard Keyes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-18-775. Tony Henderson v. State of Arkansas, from Garland County Circuit Court.

CR-18-901. Jonathen Manek v. State of Arkansas, from Cleburne County Circuit Court.

CR-18-964. Allen Claggett v. State of Arkansas, from Jefferson County Circuit Court.

CV-17-844. Jason Reynolds v. Stacy Thomas (previously Reynolds), from Garland County Circuit Court.

CV-18-11. Reynolds Forestry Consulting and Real Estate, PLLC v. Chris Colbey d/b/a TimberPro Land Clearing, from Nevada County Circuit Court.

CV-18-227. Anita G., LLC, and First Community Bank v. Centennial Bank, from Craighead County Circuit Court, Western District.

CV-18-607. Mary Katherine Myers, Widow and Administratrix of the Estate of Michael Earl Myers, Deceased v. Yamato Kogyo Company, LTD.; Sumitomo Corporation; Arkansas Steel Associates; Sumitomo Corporation of Americas d/b/a Sumitomo Corporation of America; SC Steel Investment, Inc.; SC Steel Investment, LLC; Yamato Kogyo (U.S.A.) Corporation; and Yamato Kogyo America, Inc., from the Arkansas Workers' Compensation Commission.

CV-18-751. John R. McClendon d/b/a JRM Land Co., LLC, an Arkansas Limited Liability Company v. Farm Bureau Mutual Insurance Company of Arkansas, from Lee County Circuit Court.

CV-18-800. Pulaski County Special School District v. Stephen Nicholas Delaney, from Pulaski County Circuit Court, Sixteenth Division.

CV-18-811. Patrick R. Briney and Colleen M. Briney v. Michael Bauer, from Washington County Circuit Court.