

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 3, 2019

PER CURIAM ORDERS

RAYMOND R. ABRAMSON, JUDGE:

[CV-18-1004](#). Nicole Riggs v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court. Affirmed; motion to withdraw granted. Klappenbach and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-18-491](#). Shannon L. Williams v. Doby L. Williams, from Carroll County Circuit Court, Eastern District. Affirmed. Vaught and Hixson, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[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. Reversed and remanded. Whiteaker and Murphy, JJ., agree.

[CV-18-825](#). Todd Armstrong v. Hayley Armstrong, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Whiteaker and Murphy, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-18-459](#). Roberto E. Carrillo v. Nancy Morales Ibarra, from Jefferson County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-18-102](#). Alison Ashley Peck, as a Qualified Beneficiary of the Peck Family Trust and the 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 14, 2001, and the Peck Marital Trust, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded. Harrison and Murphy, JJ., agree.

[CV-18-808](#). Patricia Fudge v. Eddie Parks, from Baxter County Circuit Court. Affirmed on direct appeal; affirmed on cross-appeal. Harrison and Murphy, JJ., agree.

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LARRY D. VAUGHT, JUDGE:

[CR-18-604](#). LaQueena Cox v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Gladwin and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-18-367](#). Kandice A. Gibbons, Woodrow Anderson III, and the WWA Living Trust v. Seth Anderson and Trevor Anderson, from Crawford County Circuit Court. Affirmed. Gladwin and Vaught, JJ., agree.

[CV-18-1014](#). Tina Marie Williams v. Arkansas Department of Human Services and Minor Children, from Poinsett County Circuit Court. Affirmed. Gladwin and Vaught, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-18-648](#). James Pafford v. State of Arkansas, from Hempstead County Circuit Court. Affirmed. Harrison and Whiteaker, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-18-524](#). John Dunn v. State of Arkansas, from Clark County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered. Abramson and Klappenbach, JJ., agree.

[CV-18-430](#). Melita Cox (now Nicola) v. Nathan Cox, from Washington County Circuit Court. Reversed and remanded. Gruber, C.J., and Whiteaker and Vaught, JJ., agree. Gladwin and Murphy, JJ., dissent.

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

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

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

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.

CR-18-456. Timothy David v. State of Arkansas, from Faulkner County Circuit Court. Motion of Brian G. Brooks for attorney fees is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

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 is denied. Klappenbach, J., not participating.

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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 is denied.

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

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 is granted. Allowed \$1,400.00.

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 is granted.

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 is denied. Gruber, C.J., not participating.

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 is denied. Gruber, C.J., not participating.

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 is denied. Gruber, C.J., not participating.

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

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 is denied.

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 is granted. Appellant's brief is due May 3, 2019. Klappenbach, J., not participating.

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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 is moot. Klappenbach, J., not participating.

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 is granted. Brian Brooks is appointed to represent the appellant. Appellant's brief is due May 23, 2019.

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 is granted. Gregg Knutson is appointed to represent the appellant.

CR-19-146. Delvin Demond Neal v. State of Arkansas, from Drew County Circuit Court. Appellant's motion for extension of brief time is granted. Appellant's brief is due May 18, 2019.

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 is granted.

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 is granted. Gruber, C.J., and Virden, J., not participating.

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 is moot. Gladwin, J., not participating.

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 is granted. Gladwin, J., not participating.

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

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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 is granted. Request for costs and attorney's fees is denied without prejudice.

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 is granted.

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 is granted. Murphy, J., not participating.

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 is granted. Gruber, J., would deny.

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In Memory of Judge David M. (Mac) Glover. See [per curiam](#) this date.

It is with some irony that David McGee (Mac) Glover was born in Texas, not Arkansas, because the accomplishments that he amassed since calling the Natural State his home were completed with a seemingly supernatural ease. Here is the short list: Eagle Scout, three-sport letterman and student body president of Malvern High School, which did not fully satisfy his interest in governance, so he decided to become student body president of the University of Arkansas at Fayetteville, where he would also graduate from law school. (Of his two degrees from Northwest Arkansas the judge has quipped, “I am an outstanding mediocre graduate.”) Perhaps having some sort of leadership trifecta in mind, Judge Glover would later serve as the Arkansas Bar Association President.

After more than three decades in private practice in Malvern as a third-generation lawyer, an opportunity to sit on the court of appeals arrived when he was elected to serve in 2004. Since that privileged event, Judge Glover has ably and efficiently worked to advance the cause of Justice during a full fourteen years of service on this court. Conference by conference. Case by case. Week in, week out. From day one until his tenure ended unexpectedly, the judge possessed a studious but practical turn of mind and a heart for the court’s members and staff.

Judge Glover kept a small sign in his chamber office, perched on a bookshelf, which reads:

I WANT TO HELP YOU OUT
WHICH WAY DID YOU COME IN

The judge, of course, would always welcome colleagues not show them the door! Speaking of doors, the judge’s chamber opened early in the morning and did not close until day’s end. And whether you entered to confer with the judge about a case vote or draft opinion, sought the assistance or company of his excellent staff, or just hoped to benefit from the endless pot of coffee, everyone has always been welcomed.

Though even a short list of his accomplishments can trigger pangs of envy, Judge Glover’s preeminent (and innate) talent was his ability to relate to people and bring them together. If the law was his vocation, people were his passion. A devoted and loving husband of 51 years, a doting father and grandfather, and a loyal friend, the judge loved and enjoyed people. And they returned the sentiment—some more than and some less than the treasured canines he has helped care for and shown inside the Justice Building now and then.

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To Judge Glover's family, we thank you for sharing this great man with us. The time with him has passed too quickly; but we will hold fast to joyful memories. You are in our thoughts and prayers and will remain there. The judge forged a legacy of which all Glovers and Fortners may justifiably boast.

To the bench and bar, one of the best among us is gone. Let us dwell not on the loss but on the best traits that Mac Glover exuded as lawyer and judge: a strong work ethic, a disarming and self-effacing sense of humor, an abiding interest in others, and a deep appreciation for how the legal profession affects people's lives.

To the People of the State of Arkansas, for most of his life Judge Glover served his schools, his church, his community, his profession, and most importantly his family and friends. Having had the honor of sitting with him on this court, we wish to tell you in no uncertain terms that Judge Glover fulfilled the Oath of Office with energy, excellence, and fidelity to its letter and spirit. We thank you, the People who twice placed the judge on this court, for allowing us the chance to work with him. The court of appeals is better because Judge David McGee Glover was here.

Finally, to Mac, our colleague and friend: We miss you.

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MOTIONS SUBMITTED

CR-18-148. William Heath French v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Joseph C. Self for payment of fees.

CR-18-500. Roderick Montgomery v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion to strike appellant's modified points.

CR-18-562. Jonathan Tomes v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion to resubmit abstract, brief, and addendum.

CR-18-611. Frankie Von Holt v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for appointment of counsel.

CR-18-611. Frankie Von Holt v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion to supplement appeal brief.

CR-18-1031. James Edward Crippen v. State of Arkansas, from Crawford County Circuit Court. Appellant's pro se motion for extension of time to file reply brief.

CR-19-80. Donshadrick Boyd v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion to supplement the record on appeal.

CR-19-199. Roscoe Fletcher v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for a copy of the record and transcript.

CR-19-262. Ashton Clark v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's motion to supplement the record.

CR-19-262. Ashton Clark v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Gerald A. Coleman to be relieved as attorney of record.

CR-19-262. Ashton Clark v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Jeff Rosenzweig to substitute counsel.

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 for leave to file belated brief.

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MOTIONS SUBMITTED

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. Motion of separate appellee James Jackson for an award of attorney's fees.

CV-18-968. Shane Perry v. Brandie Perry, from Benton County Circuit Court. Appellee's motion for stay pending appeal.

CV-19-129. Linda Collins-Smith v. Philip Smith, from Randolph County Circuit Court. Appellant's motion to supplement record.

CV-19-184. Adam Waldron v. CR Crawford Construction, LLC, and S.A.M. Group, LLC, from Washington County Circuit Court. Appellant's notice of bankruptcy and motion for stay of briefing schedule.

CV-19-184. Adam Waldron v. CR Crawford Construction, LLC, and S.A.M. Group, LLC, from Washington County Circuit Court. Appellant's supplement to notice of bankruptcy and motion for stay of briefing schedule, and motion to remand to the circuit court.

CV-19-205. Nikita Mahoney v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Appellant's pro se motion for appointment of counsel.

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CASES SUBMITTED

CR-18-714. Melvin Jones v. State of Arkansas, from Crawford County Circuit Court.

CR-18-718. Dontae K. Washington v. State of Arkansas, from Jefferson County Circuit Court.

CR-18-868. Tobey Lee McCarley v. State of Arkansas, from Miller County Circuit Court.

CV-18-572. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC, and Technology Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-18-594. Lakshminarayana Chekuri v. Madhuri Nekkalapudi, from Pulaski County Circuit Court, Fifteenth Division.

CV-18-636. Roger Becker v. Patricia Becker (now McCoy), from Washington County Circuit Court.

CV-18-688. Jill Grimsley v. Pine Drewyor, from Benton County Circuit Court.

CV-18-787. Phillip Granville Pace v. Jill Coburn Pace, from Miller County Circuit Court.

CV-18-863. John E. Crum and Jane Crum v. Dorothy Siems and Richard Paul Siems, from Arkansas County Circuit Court, Northern District.

CV-18-892. EB Management Company, LLC; Ernie of Little Rock, Inc., d/b/a Ernie Biggs; and Brandon Griffin v. Houston Specialty Insurance Company and Michael Scott Tice, from Pulaski County Circuit Court, Fifth Division.

CV-18-944. Addam Maxwell v. Lori Maxwell, from Benton County Circuit Court.

CV-18-1043. Josue Tovas 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-18-334. Jan Smith v. Director et al.

E-18-335. Theotis McKnight v. Director et al.

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CASES SUBMITTED

E-18-336. Larry Natt v. Director et al.

E-18-337. Maria Pruitt v. Director et al.

E-18-338. Perry Myers v. Director et al.

E-18-339. Southasom Wilson v. Director et al.

E-18-340. Charles Anderson v. Director et al.

E-18-341. Rosezlia Cole v. Director et al.

E-18-342. Adrienne Zachary v. Director et al.

E-18-343. Adrienne Zachary v. Director et al.

E-18-344. Rickey Biddle v. Director et al.

E-18-345. Beverly Farr v. Director et al.