

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 10, 2019**

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

[CR-18-560](#). Joshua Windford Curl v. State of Arkansas, from White County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

[CV-18-744](#). Kevin Garrett, as Executor of the Estate of Lottie White, Deceased v. Progressive Eldercare Services-Saline, Inc., d/b/a Heartland Rehabilitation and Care Center; Progressive Eldercare Services, Inc.; Procure Therapy Services, LLC; JEJ Investments, LLC; Ponthie Holdings, LLC; Southern Administrative Services, LLC; CarePlus Staffing Services, LLC; John Ponthie; Ross Ponthie; Mark Thompson; and Ernest Johnson, in His Capacity as Administrator of Heartland Rehabilitation and Care Center, from Saline County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-18-738](#). Jay Richard Keyes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Klappenbach and Brown, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-18-812](#). George Dewayne Guthrie v. State of Arkansas, from Craighead County Circuit Court, Eastern District. Affirmed. Abramson and Hixson, JJ., agree.

[CV-18-635](#). Sarah Marie Smith v. Daniel John Brown, from Washington County Circuit Court. Dismissed without prejudice. Gruber, C.J., and Vaught, J., agree.

[E-18-317](#). Gayle Blanton v. Director, Department of Workforce Services; and Saint Jean Industries, Inc., from the Arkansas Board of Review. Reversed and remanded. Harrison and Klappenbach, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-18-373](#). Larry Michael Berkley v. State of Arkansas, from Boone County Circuit Court. Affirmed. Vaught and Hixson, JJ., agree.

[CV-18-730](#). Jim and Debbie Welch v. Cynthia Faulkner, Administrator of the Estate of Bobby Ray Faulkner, Deceased, from Sebastian County Circuit Court, Greenwood District. Reversed and remanded. Gruber, C.J., and Virden, J., agree.

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**PHILLIP T. WHITEAKER, JUDGE:**

[CR-18-964](#). Allen Claggett v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Harrison and Murphy, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-18-11](#). Reynolds Forestry Consulting and Real Estate, PLLC v. Chris Colbey d/b/a TimberPro Land Clearing, from Nevada County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

[CV-18-800](#). Pulaski County Special School District v. Stephen Nicholas Delaney, from Pulaski County Circuit Court, Sixteenth Division. Affirmed. Gladwin and Hixson, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-17-844](#). Jason Reynolds v. Stacy Reynolds (previously Thomas), from Garland County Circuit Court. Affirmed. Gladwin and Vaught, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-18-750](#). Roy Treat v. State of Arkansas, from White County Circuit Court. Dismissed. Gruber, C.J., and Abramson, Gladwin, and Klappenbach, JJ., agree. Harrison, Vaught, Hixson, and Brown, JJ., dissent.

[CR-18-901](#). Jonathen E. Manek v. State of Arkansas, from Cleburne County Circuit Court. Affirmed. Harrison and Whiteaker, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-17-862](#). J. David John v. Martin T. Faitak, Ph.D., from Washington County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

[CV-18-751](#). John 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. Reversed and remanded. Abramson and Klappenbach, JJ., agree.

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

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**PER CURIAM ORDERS**

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 is granted. Allowed \$1,800.00.

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

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

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 is denied.

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 is denied.

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 is moot.

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

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 is granted.

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

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 is granted.

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

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**PER CURIAM ORDERS**

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

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 is granted.

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

CV-19-129. Linda Collins-Smith v. Philip Smith, from Randolph County Circuit Court. Appellant's motion to supplement record is granted. Gladwin and Murphy, JJ., not participating.

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 moot.

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 is granted. Status reports are due in sixty days (June 9, 2019).

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 is granted. The Arkansas Public Defender Commission is appointed to represent the appellant. Appellant's brief is due in forty-five days (May 25, 2019).

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**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

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 Co-administrator 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 Co-administrator 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.

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CR-18-424. Benjamin Pitts v. State of Arkansas, from Garland County Circuit Court. Motion of Lee D. Short for attorney's fees.

CR-18-508. Roderick Montgomery v. State of Arkansas, from Drew County Circuit Court. Appellant's motion to file revised substituted brief.

CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Motion of Michael Yarbrough to substitute counsel of record.

CR-18-729. Tereginald Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for declaratory judgment and mandamus.

CR-18-986. Milton Peebles III v. State of Arkansas, from Garland County Circuit Court. Motion of Michael Yarbrough to substitute counsel of record for appellant and for extension of time to file brief.

CR-19-7. Travis Blake Dodson v. State of Arkansas, from Grant County Circuit Court. Motion of Philip Wilson to be relieved, substitute counsel, and for extension of time to file brief.

CR-19-44. Tanisha Karla Gillard v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for extension of time to lodge supplemental appellate record.

CR-19-97. Anastasia Turner v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for belated appeal and to stay briefing schedule.

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**PROCEEDINGS OF APRIL 10, 2019**

**MOTIONS SUBMITTED**

CR-19-97. Anastasia Turner v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for stay and extension of time to file brief.

CV-18-301. Five Forks Hunting Club, LLC v. Nixon Family Partnership, from Arkansas County Circuit Court, Northern District. Appellee's motion to reschedule oral argument.

CV-18-748. Samuel L. Conley v. Althea T. Conley, from Union County Circuit Court. Appellee's motion to dismiss appeal.

CV-18-802. DWB, LLC, d/b/a Mayflower RV Sales and Service; and Danny Brown v. D&T Pure Trust; Mayflower R.V., Inc.; and Toni Len Boydston, Individually and as Personal Representative of the Estate of Lendell Douglas Boydston, from Hot Spring County Circuit Court. Appellants'/Cross-appellees' motion for extension of time to file brief.

CV-18-968. Shane Perry v. Brandie Perry, from Benton County Circuit Court. Appellant's motion to supplement the record.

CV-19-134. Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith, Akins & Gladden, P.A., from Garland County Circuit Court. Appellees' motion to dismiss appeal.

CV-19-134. Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith, Akins & Gladden, P.A., from Garland County Circuit Court. Appellants' motion to strike appellees' motion to dismiss appeal and response in the alternative.

CV-19-134. Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith, Akins & Gladden, P.A., from Garland County Circuit Court. Appellees' second motion to dismiss appeal.

CV-19-134. Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith, Akins & Gladden, P.A., from Garland County Circuit Court. Appellees' motion to withdraw their second motion to dismiss appeal.

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**CASES SUBMITTED**

CR-17-1031. Shawn Paul Vail v. State of Arkansas, from Crittenden County Circuit Court.

CR-17-1078. Michael Dye v. State of Arkansas, from Crawford County Circuit Court.

CR-18-857. Joseph Bowman v. State of Arkansas, from Little River County Circuit Court.

CR-18-941. Nina Hannah v. State of Arkansas, from Mississippi County Circuit Court, Osceola District.

CV-18-21. (In the Matter of the Estate of Freddy Ray Graham, Deceased) Connie J. Montigue, Personal Representative and Individually v. Donna R. Jones, from Sebastian County Circuit Court, Greenwood District.

CV-18-32. (In the Matter of the Estate of Elza Clifton Bond, Jr., Deceased) Charlotte Marcum, Luellen Holmes, Robert W. Snow, Jr., and Vicki Gottsponer v. Barbara Gibson, from Drew County Circuit Court.

CV-18-776. Earl Betts and Amy Betts v. USAA General Indemnity Company; Ally Financial, Inc.; and Everett CDJR, LLC, d/b/a Everett Chrysler Dodge Jeep Ram Fiat, from Benton County Circuit Court.

CV-18-883. Roger D. Pleasant; Information and Discovery, Inc.; PSG and Investigation, LLC; Physician First Marketing Group, LLC; and Network Collision Group, LLC v. State of Arkansas, ex rel. Dustin McDaniel, Attorney General, from Pulaski County Circuit Court, Sixth Division.

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.

CV-18-1025. The TJX Companies, Inc., d/b/a T.J. Maxx and American Zurich Insurance Company v. Azzie Lopez, from the Arkansas Workers' Compensation Commission.

CV-19-25. Patricia Barton v. Arkansas Department of Human Services and Minor Children, from Poinsett County Circuit Court.