

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 17, 2019**

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

[CV-18-227](#). Anita G, LLC v. Centennial Bank, from Craighead County Circuit Court, Western District. Affirmed. Abramson and Virden, JJ., agree.

[CV-18-688](#). Jill Grimsley v. Pine Drewyor, from Benton County Circuit Court. Affirmed in part; reversed in part. Klappenbach and Murphy, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-18-714](#). Melvin Jones v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Klappenbach and Vaught, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-18-775](#). Tony L. Henderson v. State of Arkansas, from Garland County Circuit Court. Affirmed. Gruber, C.J., and Abramson, J., agree.

[CV-18-594](#). Lakshiminarayana Chekuri v. Madhuri Nekkalapudi, from Pulaski County Circuit Court, Fifteenth Division. Affirmed in part; reversed in part and remanded. Abramson and Vaught, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-18-868](#). Tobey Lee McCarley v. State of Arkansas, from Miller County Circuit Court. Reversed and dismissed. Virden and Whiteaker, JJ., agree.

**BRANDON J. HARRISON, JUDGE:**

[CV-18-856](#). Misty Clark v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Reversed and remanded. Abramson and Murphy, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-18-718](#). Dontae K. Washington v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Gruber, C.J., and Murphy, J., agree.

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**N. MARK KLAPPENBACH, JUDGE: (Continued)**

[CV-18-490](#). Charles Fisher, Individually and as Administrator of the Estate of Wanda Faye Boling-Fisher v. Eric Boling, and Eric Boling and Wilma Leola East as Co-Successor Trustees of the H.E. Boling Testamentary Trust, from Mississippi County Circuit Court, Chickasawba District. Affirmed as modified. Gruber, C.J., and Abramson, Virden, and Hixson, JJ., agree. Harrison, J., dissents.

**PHILLIP T. WHITEAKER, JUDGE:**

[CV-18-811](#). Patrick R. Briney and Colleen M. Briney v. Michael Bauer, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Virden, J., agree.

[CV-18-1043](#). Josue Tovias v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Reversed and remanded. Virden and Gladwin, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-18-944](#). Addam Maxwell v. Lori Maxwell, from Benton County Circuit Court. Dismissed without prejudice. Abramson and Harrison, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-18-636](#). Roger Becker v. Patricia Becker (now McCoy), from Washington County Circuit Court. Affirmed. Harrison and Brown, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-18-657](#). Courtney Lowe v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Gruber, C.J., and Virden, J., agree.

[cv-18-863](#). John E. Crum and Jane Crum v. Richard Paul Siems and Dorothy Siems, from Arkansas County Circuit Court, Northern District. Affirmed. Gruber, C.J., and Klappenbach, J., agree.

**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).

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**PROCEEDINGS OF APRIL 17, 2019**

E-18-334. Jan Smith v. Director et al.

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

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.

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**PER CURIAM ORDERS**

REHEARING DENIED: Petition for rehearing was denied today in the following case.

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. Gruber, C.J., not participating.

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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 is granted. Allowed \$1,800.00.

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

CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Motion of Michael Yarbrough to substitute counsel of record is granted. Klappenbach, J., not participating.

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 is denied.

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 is granted.

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 is granted.

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 is moot.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 17, 2019**

**PER CURIAM ORDERS**

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 is granted. Appeal stayed.

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 is granted. Harrison, J., not participating.

CV-18-748. Samuel L. Conley v. Althea T. Conley, from Union County Circuit Court. Appellee's motion to dismiss appeal is passed until the case is submitted. Klappenbach, J., not participating.

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 is granted.

CV-18-968. Shane Perry v. Brandie Perry, from Benton County Circuit Court. Appellant's motion to supplement the record is granted. Certified supplemental record is due in seven days (April 24, 2019). Gladwin, J., not participating.

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 is passed until the case is submitted.

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 is denied.

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 is moot.

CV-19-134. Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith, Akins &

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Gladden, P.A., from Garland County Circuit Court. Appellees' motion to withdraw their second motion to dismiss appeal is granted.

CV-19-163. Mark C. Williams v. Amy Minton Williams, from Baxter County Circuit Court. Appellant's motion to stay, motion for temporary relief pending consideration of the motion for stay, and for expedited or emergency consideration is moot.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CV-17-784. Irene Murphy, as Personal Representative of Alton Murphy, Deceased v. Union Pacific Railroad Company, from Jefferson County Circuit Court.

CV-18-238. Freeman Holdings of Arkansas, LLC, and Francis B. Freeman, Jr. v. FNBC Bancorp, Inc., from Baxter County Circuit Court.

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.

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CR-18-570. Jaylen Lamarvin Farmer v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for oral argument.

CR-18-610. Allan Curtis Jones v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's motion for leave to withdraw reply brief and file corrected reply brief.

CR-18-757. Kimberly Gail Lee v. State of Arkansas, from Woodruff County Circuit Court. Motion of LaTonya Laird for attorney fees.

CR-18-957. Faishaun Virgies v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's motion to supplement addendum.

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

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

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

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**MOTIONS SUBMITTED**

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se petition to respond to previous order denying prior petitions treated as a motion for reconsideration.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se petition to resubmit previous petitions of statements of facts and documentary evidence.

CR-18-1027. Keith Savage v. State of Arkansas, from Yell County Circuit Court, Southern District. Appellant's petition for writ of certiorari to remand and correct the record.

CR-18-1055. Gary Holmes v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss.

CR-18-1055. Gary Holmes v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to file belated brief.

CR-19-4. Michael Phillips v. State of Arkansas, from Hempstead County Circuit Court. Appellee's motion to dismiss.

CR-19-5. Michael Phillips v. State of Arkansas, from Hempstead County Circuit Court. Appellee's motion to dismiss.

CV-18-155. Everett Latham Hayes v. Robert Psenka; Jeff Rodd; Ozark Enclave Properties; J and J Development, Inc.; Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust; and the Paul Jeffrey Rodd Trust, from Newton County Circuit Court. Appellant's second report on bankruptcy.

CV-18-238. Freeman Holdings of Arkansas, LLC, and Francis B. Freeman, Jr. v. FNBC Bancorp, Inc., from Baxter County Circuit Court. Appellee's motion to deem response to petition for rehearing timely filed.

CV-18-687. Michael Boyd v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for file-marked copy of brief.

CV-18-687. Michael Boyd v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion for extension of brief time.



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**MOTIONS SUBMITTED**

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. Appellant's motion for substitution of table of contents.

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

CV-18-865. Stacey D. Roberts v. Kendra C. Roberts, from Garland County Circuit Court. Appellant's amended motion to file brief.

CV-18-990. City of Gravette v. City of Centerton and Centerton Waterworks and Sewer Commission, from Benton County Circuit Court. Appellant's motion for belated reply brief.

CV-19-98. Java's Motorcycle Repair, LLC v. Gary Barth, from Garland County Circuit Court. Appellee's motion for leave to file belated brief and for additional brief time.

CV-19-209. Cameron Jane Tucker n/k/a Cameron Jane Boskus v. Paul Scott Tucker, from Baxter County Circuit Court. Appellant's motion for correction.

CV-19-215. Clayton Carson v. Arkansas Department of Human Services and Minor Child, from Lonoke County Circuit Court. Appellant's motion for extension of time to file brief.

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**CASES SUBMITTED**

CR-18-806. Jerrod Craven v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Orally argued.

CR-18-221. Andrew Logan Wilson v. State of Arkansas, from Crittenden County Circuit Court.

CR-18-506. Colby Bullington v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-19-20. Jacqueline Jennings v. State of Arkansas, from Crawford County Circuit Court.

CV-18-209. Phyllis Haley v. Kerry Haley, from Pulaski County Circuit Court, Thirteenth Division.

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, Charles Young, and Jesse Selvy, Individually and in Their Official Capacities; and Davis Loftin, Individually and in His Official Capacity, from Crittenden County Circuit Court.

CV-18-753. Adrian Hobart v. George Alcaraz, from Logan County Circuit Court, Southern District.

CV-18-983. Steven Blackwood v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CV-18-1015. Steven Burns v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court.

CV-19-27. Wilburn “Will” Heath v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court.

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

E-18-346. Caritha Tatum v. Director et al.

E-18-347. Audrey Jackson v. Director et al.

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**CASES SUBMITTED**

E-18-348. Justine Perez v. Director et al.

E-18-349. Kimberly Kenney v. Director et al.

E-18-350. Ivory Malone v. Director et al.

E-18-351. Maribel Hernandez v. Director et al.

E-18-352. Maribel Hernandez v. Director et al.

E-18-353. Jeremy Washington v. Director et al.

E-18-354. Laterica Valentine v. Director et al.

E-18-355. Micah McKemie v. Director et al.