

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 1, 2019**

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

[CR-18-506](#). Colby Bullington v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Klappenbach and Murphy, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-17-865](#). Board of Trustees of the Arkansas Public Employees Retirement System, Craighead Nursing Center, Hudson Memorial Nursing Home, and Lawrence Hall Nursing Home v. Martha Ellis Garrison, Shawn Marie Hall, Michelle Dawson, Willie Mae Dawson, and Nichelle Underwood, from Pulaski County Circuit Court, Twelfth Division. Reversed. Hixson, Murphy, and Brown, JJ., agree. Gruber, C.J., concurs. Harrison, J., dissents.

[CV-18-209](#). Phyllis Haley v. Kelly Elkins, as Personal Representative of the Estate of Kerry Haley, from Pulaski County Circuit Court, Thirteenth Division. Affirmed. Virden and Vaught, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[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. Affirmed. Gladwin and Whiteaker, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-18-221](#). Andrew Logan Wilson v. State of Arkansas, from Crittenden County Circuit Court. Affirmed as modified. Virden and Whiteaker, JJ., agree.

**BRANDON J. HARRISON, JUDGE:**

[CV-18-776](#). Earl Betts and Amy Betts v. USAA General Indemnity Company, from Benton County Circuit Court. Appeal dismissed without prejudice. Hixson and Brown, JJ., agree.

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**N. MARK KLAPPENBACH, JUDGE:**

[CV-18-679](#). Frederick Pitchford v. City of Earle; Mayor Carolyn Jones, Individually and in Her Official Capacity; City Council Members Robert Malone; Bobby Luckett, Sr.; Donnie Cheers; Charlie Young; and Jesse Selvy, Individually and in Their Official Capacities; and Davis Loftin, Individually and in His Official Capacity, from Crittenden County Circuit Court. Affirmed. Gruber, C.J., and Murphy, J., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-18-941](#). Nina Hannah v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Affirmed. Virden and Gladwin, JJ., agree.

[CV-18-1015](#). Steven Burns v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-18-983](#). Steven Blackwood v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Harrison and Brown, JJ., agree.

**MIKE MURPHY, JUDGE:**

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

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

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

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

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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.

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**PER CURIAM ORDERS**

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

CV-18-735. Julian Gifford v. Darrell McGee, from Mississippi County Circuit Court, Chickasawba District.

CV-18-771. Darann Diane Harrison v. Arkansas Public Employees' Retirement System, from Pulaski County Circuit Court, Twelfth Division. Gruber, C.J., not participating.

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CR-18-224. Adam Patton v. State of Arkansas, from Desha County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees and costs is granted. Allowed \$1,800.00.

CR-18-441. Malachi Muhammad v. State of Arkansas, from Monroe County Circuit Court. Motion of Omar F. Greene for payment of appointed counsel in case with oral argument is granted. Allowed \$1,800.00. Virden, J., not participating.

CR-18-500. Roderick Montgomery v. State of Arkansas, from Ashley County Circuit Court. Appellant's motion to rely on previously filed reply brief is granted.

CR-18-508. Roderick Montgomery v. State of Arkansas, from Drew County Circuit Court. Appellant's motion to rely on previously filed reply brief is granted.

CR-18-626. William E. Starks v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Tyson K. Spradlin for attorney fees is granted. Allowed \$1,800.00. Virden, J., not participating.

CR-18-653. Lawrence Ralston v. State of Arkansas, from Benton County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$1,800.00.

CR-18-971. Bruce Wayne Devries v. State of Arkansas, from Saline County Circuit Court. Motion of D. Ryan Mullenix to withdraw as counsel is granted. Harrison, J., not participating.

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**PER CURIAM ORDERS**

CR-18-1040. Leodis Randle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for probable cause, malicious prosecution, and unclear record is denied.

CR-18-1040. Leodis Randle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for acquittal, for ineffective counsel, and mistreatment of the law is denied.

CR-19-29. Vernon Dodson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion to dismiss is granted.

CR-19-29. Vernon Dodson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for belated brief is moot.

CR-19-199. Roscoe Fletcher, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for writ of certiorari to complete the record is granted.

CR-19-340. Dequintis Bailey v. State of Arkansas, from Miller County Circuit Court. Motion of appointed counsel John Pickett to withdraw and motion to stay appellate deadlines pending ruling on motion to withdraw is granted.

CV-18-307. J. David John v. Megan Marie Bolinder, from Benton County Circuit Court. Appellant's motion for award of appellate attorney fees and costs is denied.

CV-18-988. Roderick Choate and Lisa Choate v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Appellees' joint motion to stay the briefing schedule and for expansion of argument page limits is granted.

CV-18-1026. Adrienne Elaine Friedly v. Erik Christopher Friedly, from Lonoke County Circuit Court. Appellant's motion to supplement the record and to stay briefing schedule is granted.

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 motion to supplement the record and extend time to file brief is granted. Virden, Harrison, and Hixson, JJ., not participating.

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**PER CURIAM ORDERS**

CV-19-47. Linda Williams v. City of Little Rock and Risk Management Services, from the Arkansas Workers' Compensation Commission. Motion of Crystal Okoro to withdraw is granted.

CV-19-112. William M. Hogan v. Bank of Little Rock, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion for leave to allow statement of the case to exceed five pages is denied. Appellant's corrected brief is due in seven days (May 8, 2019).

CV-19-128. Howard Wood v. State of Arkansas, Governor Asa Hutchinson, and Arkansas Sentencing Commission, from Pulaski County Circuit Court, Seventeenth Division. Appellees' motion to dismiss is granted.

CV-19-213. David A. Couch, PLLC v. Grayson & Grayson, P.A., from Cleburne County Circuit Court. Appellant's combined motion to supplement and correct record and for extension of time is granted. Virden, J., not participating.

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**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

CR-18-648. James Pafford v. State of Arkansas, from Hempstead County Circuit Court.

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CR-18-373. Larry Michael Berkley v. State of Arkansas, from Boone County Circuit Court. Motion of Charles D. Hancock for award of attorney's fees.

CR-18-649. Tyler Antonio King v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellee's motion to dismiss.

CR-18-936. Jeremy Andrew Avery v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to supplement record.

CR-18-964. Allen Claggett v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-19-52. Adam S. Childers v. State of Arkansas, from the Arkansas Army National Guard. Appellee's motion for rebriefing for deficient abstract, or, in the alternative, motion for extension of brief time.

CV-19-101. George E. Kincade v. Chicot Memorial Medical Center; Misty Rogers, RN; Paulette Lirette, LPN; and Dr. Viviana Suarez, M.D., from Chicot County Circuit Court. Appellees' joint motion to dismiss appeal.

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

E-19-81. Cassandra Gilliam-Andrews v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF MAY 1, 2019

### CASES SUBMITTED

CV-18-552. JMD Construction Services, LLC v. General Construction Solutions, Inc., from Washington County Circuit Court. Orally argued.

CR-18-562. Jonathan Tomes v. State of Arkansas, from Crawford County Circuit Court.

CR-18-579. David Kurtis Mondy v. State of Arkansas, from Johnson County Circuit Court.

CR-18-739. Ahmad Joseph v. State of Arkansas, from Crawford County Circuit Court.

CR-18-1007. Kyston Bass v. State of Arkansas, from Hot Spring County Circuit Court.

CV-18-200. Holly Ballegeer v. Craig Ballegeer, from Crawford County Circuit Court.

CV-18-904. A Time for You, LLC, and Cheryl Musticchi v. Park H Properties, LLC, from Pulaski County Circuit Court, Sixth Division.

CV-18-938. Cindy Gillespie, in Her Official Capacity as Director of Arkansas Department of Human Services v. Reed Brewer, from Pulaski County Circuit Court, Sixth Division.

CV-19-53. Joseia Libokmeto v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-19-54. Charles Joslin v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court.

CV-19-73. Lynanne Glover v. Arkansas Department of Human Services and Minor Child, from Lonoke County Circuit Court.

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

E-19-10. Craig Adams v. Director et al.

E-19-11. Craig Adams v. Director et al.

E-19-12. Drita Ismaili v. Director et al.

E-19-13. Lillie Chatman v. Director et al.



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**CASES SUBMITTED**

- E-19-14. Beverly Mitchell v. Director et al.
- E-19-15. Cornell Cornelius v. Director et al.
- E-19-16. Marlon Braxton v. Director et al.
- E-19-17. Bernard Jones v. Director et al.
- E-19-18. Amanda Emerson v. Director et al.
- E-19-19. Dawn Rowe v. Director et al.
- E-19-20. Leigh Stamp v. Director et al.
- E-19-21. Lisa Dixon v. Director et al.