

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 29, 2019**

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

[CR-18-429](#). Steven Swanigan v. State of Arkansas, from Garland County Circuit Court. Affirmed. Abramson and Harrison, JJ., agree.

[CR-18-767](#). Tiffany Rena Campbell v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Abramson and Harrison, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-19-84](#). Odis Hamrick v. State of Arkansas, from Lonoke County Circuit Court. Affirmed; remanded to correct sentencing order. Gruber, C.J., and Harrison, J., agree.

[CV-18-539](#). Brianna Jones v. Arkansas Department of Human Services and Minor Children, from Hempstead County Circuit Court. Affirmed. Gruber, C.J., and Harrison, J., agree.

**BART F. VIRDEN, JUDGE:**

[CV-19-49](#). Nathan Arnold and Jessica Davis v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court. Affirmed. Murphy and Brown, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-18-894](#). Yuniesky Hernandez-Diaz v. State of Arkansas, from Prairie County Circuit Court, Southern District. Affirmed and remanded to correct sentencing order. Switzer and Hixson, JJ., agree.

[CR-18-1050](#). Steven Anthony Straub v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Switzer and Hixson, JJ., agree.

**BRANDON J. HARRISON, JUDGE:**

[CR-18-492](#). Shelby Jamal Davis v. State of Arkansas, from Miller County Circuit Court. Reversed and remanded. Abramson, Gladwin, Whiteaker, Vaught, and Murphy, JJ., agree. Gruber, C.J., and Klappenbach and Hixson, JJ., dissent.

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**BRANDON J. HARRISON, JUDGE: (Continued)**

[CR-18-836](#). Donnie Lee Holmes v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Supplemental addendum ordered. Gruber, C.J., and Abramson, J., agree.

[CV-18-607](#). Mary Katherine Myers, Widow [of Michael Earl Myers] 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. Affirmed. Abramson, Klappenbach, Murphy, and Brown, JJ., agree. Whiteaker, J., dissents.

[CV-18-687](#). Michael Boyd v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Gruber, C.J., and Abramson, J., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-18-956](#). Victoria Ann Dycus v. State of Arkansas, from Stone County Circuit Court. Rebriefing ordered. Whiteaker and Vaught, JJ., agree.

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

**MEREDITH B. SWITZER, JUDGE:**

[CR-18-789](#). Eliot Pargament v. State of Arkansas, from Crawford County Circuit Court. Reversed and remanded. Gladwin and Hixson, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-18-948](#). K.F. v. State of Arkansas, from Faulkner County Circuit Court. Reversed and dismissed. Klappenbach and Vaught, JJ., agree.

[CV-18-1052](#). Brittany Baltimore v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Affirmed; motion to withdraw granted. Klappenbach and Vaught, JJ., agree.

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**LARRY D. VAUGHT, JUDGE:**

[CR-18-798](#). Brandon Philpott v. State of Arkansas, from Benton County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-18-933](#). P.J. v. State of Arkansas, from Clay County Circuit Court, Western District. Affirmed. Gladwin and Switzer, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-18-1053](#). Larry Crain, Sr., and Crain Automotive Holdings, LLC v. Christopher S. Byrd, from Pulaski County Circuit Court, Fifth Division. Affirmed. Viriden and Brown, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-18-942](#). Joseph L. Nichols v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Affirmed. Viriden and Murphy, JJ., agree.

[CV-18-1010](#). Lone's RT 92, Inc. v. DJ Mart, LLC, and Daljit Singh, from Pulaski County Circuit Court, Sixth Division. Affirmed. Viriden and Murphy, JJ., 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-19-35. Lori Oglesby Beall v. Director et al.

E-19-36. Nicole Boyd v. Director et al.

E-19-37. Keosha Love v. Director et al.

E-19-38. Carmilo Vannucci v. Director et al.

E-19-40. Kyla Brown v. Director et al.

E-19-41. Tammy Short v. Director et al.

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E-19-42. Selina Porter v. Director et al.

E-19-43. Lionel Perez v. Director et al.

E-19-44. Bernard Smith v. Director et al.

E-19-45. Danyell Scates v. Director et al.

E-19-46. Stateline Holdings LLC v. Director et al.

E-19-47. Kevin Taylor v. Director et al.

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**PROCEEDINGS OF MAY 29, 2019**

**PER CURIAM ORDERS**

CR-18-221. Andrew Logan Wilson v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney fees is granted. Allowed \$1,800.00.

CR-18-224. Adam Patton v. State of Arkansas, from Desha County Circuit Court. Appellant's motion to recall the mandate is denied. Harrison and Vaught, JJ., would grant.

CR-18-840. Larry Hawkins, Sr. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss is granted.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se petition pursuant to Rule 201 of the Arkansas Rules of Evidence 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 second pro se petition pursuant to Rule 201 of the Arkansas Rules of Evidence is denied. Gruber, C.J., not participating.

CR-18-1040. Leodis Randle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss is granted.

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

CR-18-1040. Leodis Randle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion abuse of discretion, affidavit, and evidence added for mistrial is moot.

CV-18-155. Everett Latham Hayes v. Robert Psenka; Jeff Rodd; Ozark Enclave Properties; J&J Development, Inc.; Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust; and the Paul Jeffrey Rodd Trust, from Newton County Circuit Court. Appellees'/Cross-appellants' third report on bankruptcy is accepted.

CV-18-155. Everett Latham Hayes v. Robert Psenka; Jeff Rodd; Ozark Enclave Properties; J&J Development, Inc.; Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust; and the Paul Jeffrey Rodd Trust, from Newton County Circuit Court. Appellees'/Cross-appellants' motion to dismiss direct appeal and affirm is granted.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 29, 2019**

**PER CURIAM ORDERS**

CV-18-155 Everett Latham Hayes v. Robert Psenka; Jeff Rodd; Ozark Enclave Properties; J&J Development, Inc.; Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust; and the Paul Jeffrey Rodd Trust, from Newton County Circuit Court. Appellees'/Cross-appellants' motion to set briefing schedule for cross-appeal is granted.

CV-18-702. 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. Appellant's motion to supplement record is granted.

CV-18-724. S.A.M. Group, LLC; and Adam Waldron, Individually, a Minority Shareholder v. CR Crawford Construction, LLC, from Washington County Circuit Court. Status report of separate appellant Adam Waldron is moot. Separate appellant Adam Waldron's motion to withdraw participation in appeal is granted.

CV-18-724. S.A.M. Group, LLC; and Adam Waldron, Individually, a Minority Shareholder v. CR Crawford Construction, LLC, from Washington County Circuit Court. Status report of separate appellant S.A.M. Group, LLC, is accepted. Status report of S.A.M. Group, LLC is due in ninety days (August 27, 2019).

CV-18-1067. Thomason Investments, LLC; and Todd Thomason, Individually and as Manager of Thomason Investments, LLC v. Johnny Huddleston and Brenda Huddleston; TAB Construction of Harrison, LLC; Johnny Huddleston d/b/a TAB Construction; Tabitha Faye (Huddleston) Nolen, as Manager of TAB Construction of Harrison, LLC; TAB Investment, LLC; and Brenda Huddleston, Manager of TAB Investment, LLC, from Boone County Circuit Court. Appellants' motion to correct the record is granted.

CV-19-144. Larry Phifer v. Janet Ouellette, as Personal Representative of the Estate of Ruth Cowin; Richard Cowin; Margot Cowin; BHP Billiton Petroleum (Fayetteville), LLC, a Delaware LLC; BP America Production Company; Chesapeake Exploration, LLC, an Oklahoma LLC; and SWN Production (Arkansas), Inc., d/b/a SEECO, Inc., from White County Circuit Court. Appellant's combined motion to supplement and correct record and for extension of time is granted.

CV-19-184. Adam Waldron, Individually, a Minority Shareholder v. CR Crawford Construction, LLC, and S.A.M. Group, LLC, from Washington County Circuit Court. Appellant's motion to dismiss appeal with prejudice is granted.

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**PROCEEDINGS OF MAY 29, 2019**

**PER CURIAM ORDERS**

CV-19-326. William “Bill” Carson v. Pat Salmon & Sons, Inc., and ACE American Insurance Co./Specialty Claim Services, Inc., from the Arkansas Workers’ Compensation Commission. Appellant’s pro se motion to accept non-compliant brief is denied. Appellant’s brief is due in thirty days (June 28, 2019).

CV-19-356. Stormy Gipson v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Appellant’s motion to remand and to correct the record and to stay the briefing schedule is granted.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 29, 2019**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

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

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CR-18-489. Ashton Clark v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Tim Cullen for attorney fees.

CR-18-506. Colby Bullington v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Dusti Standridge for attorney's fees and expenses.

CR-18-560. Joshua Windford Curl v. State of Arkansas, from White County Circuit Court. Motion of Brian G. Brooks for attorney fees.

CR-18-878. John Paul Lovett v. State of Arkansas, from Franklin County Circuit Court, Northern District. Motion of Omar F. Greene for withdrawal of counsel and payment of appointed counsel.

CR-19-20. Jacquelin Jennings v. State of Arkansas, from Crawford County Circuit Court. Motion of Joseph C. Self for payment of fees.

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. Appellants' motion to tax costs.

CV-19-163. Mark C. Williams v. Amy Minton Williams, from Baxter County Circuit Court. Appellant's petition for certiorari to complete the record.

CV-19-276. Zoran Peters v. Lisa Woods, from Benton County Circuit Court. Appellant's motion to stay briefing pending submission of record.

CV-19-407. Catherin Hardiman v. Arkansas Department of Human Services and Minor Children, from Columbia County Circuit Court. Appellant's motion to remand to settle and correct record and to stay briefing schedule.



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**PROCEEDINGS OF MAY 29, 2019**

**MOTIONS SUBMITTED**

E-19-100. Marcy Gray v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF MAY 29, 2019

### CASES SUBMITTED

CR-18-88. Christopher Brady Parker v. State of Arkansas, from Garland County Circuit Court.

CR-18-666. Mario Lopez Perea, Jr. v. State of Arkansas, from Benton County Circuit Court.

CR-18-680. Kerrie Louise Davis v. State of Arkansas, from Conway County Circuit Court.

CR-18-695. Antonio D. Brown v. State of Arkansas, from Crittenden County Circuit Court.

CR-18-763. William Pettigrew v. State of Arkansas, from Logan County Circuit Court, Northern District.

CR-18-809. Elmer Johnston v. State of Arkansas, from Faulkner County Circuit Court.

CR-18-818. Michael Dakota Hood v. State of Arkansas, from Benton County Circuit Court.

CR-18-879. Martha Rosario Gonzales v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-18-897. Demorcus L. Smith v. State of Arkansas, from Ashley County Circuit Court.

CR-18-925. Demorcus L. Smith v. State of Arkansas, from Ashley County Circuit Court.

CR-19-26. Lazerrick J. Black v. State of Arkansas, from Ashley County Circuit Court.

CR-19-57. Gregory Lewis III v. State of Arkansas, from Miller County Circuit Court.

CV-19-185. Leslie McDaniel v. Arkansas Department of Human Services and Minor Child, from Pope County Circuit Court.

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

E-19-48. Mel Allen v. Director et al.

E-19-49. Jenifer McAfee v. Director et al.

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**PROCEEDINGS OF MAY 29, 2019**

**CASES SUBMITTED**

E-19-50. Linda Hinson v. Director et al.

E-19-51. Daphane Harris v. Director et al.

E-19-52. Carlos Brasher v. Director et al.

E-19-53. Greg Prunty v. Director et al.

E-19-54. Amy Tatum v. Director et al.

E-19-55. Lisa Hunt v. Director et al.

E-19-56. Stephan Wilson v. Director et al.

E-19-57. James Kipfer v. Director et al.

E-19-58. David Katt v. Director et al.

Opinions are available on the internet at

<http://arcourts.gov>