

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF DECEMBER 11, 2019

RITA W. GRUBER, CHIEF JUDGE:

[CR-19-409](#). Janet Young v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

[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. Affirmed. Virden and Harrison, JJ., agree.

[CV-19-139](#). Ken Lancaster and Tabitha Lancaster v. Rogers Construction, Inc., and John and Jane Does 1–99, from Clark County Circuit Court. Appeal dismissed without prejudice. Klappenbach and Brown, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-19-432](#). Drevion Marbley v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Switzer and Whiteaker, JJ., agree.

[CV-19-98](#). Java’s Motorcycle Repair, LLC v. Gary Barth, from Garland County Circuit Court. Reversed and remanded. Gladwin and Klappenbach, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-19-199](#). Roscoe Fletcher v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Gruber, C.J., and Harrison, J., agree.

[CR-19-258](#). Derrick Heard v. State of Arkansas, from Jackson County Circuit Court. Affirmed. Gruber, C.J., and Harrison, J., agree.

[CV-18-785](#). Teddy Reynolds v. Arkansas Appraiser Licensing and Certification Board, from Columbia County Circuit Court. Affirmed. Gladwin and Vaught, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-18-1024](#). Minor Children v. Arkansas Department of Human Services and Jacklyn Gabbard, from Perry County Circuit Court. Affirmed. Harrison, Klappenbach, Switzer, and Murphy, JJ., agree. Brown, J., dissents.

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BRANDON J. HARRISON, JUDGE:

[CV-19-115](#). Mary C. Petty Family Trust; David Petty, Trustee; and Mary C. Petty, Individually and as Trustee v. Robert Louton, from Hot Spring County Circuit Court. Affirmed. Gruber, C.J., and Virden, J., agree.

[CV-19-463](#). Jonathan Terry v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Reversed and remanded. Murphy, J., agrees. Gruber, C.J., concurs without written opinion.

N. MARK KLAPPENBACH, JUDGE:

[CR-19-518](#). Maxxi L. Brooks v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gruber, C.J., and Brown, J., agree.

[CR-19-561](#). D.Q. v. State of Arkansas, from Washington County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

[CV-19-216](#). Moorefield Construction, Inc. v. R.L. Hurst Concrete Construction, Inc., a/k/a R.L. Hurst, from Garland County Circuit Court. Affirmed. Gruber, C.J., and Brown, J., agree.

MEREDITH B. SWITZER, JUDGE:

[CV-19-58](#). Jessica Drummond v. Nicholas Baureis, from Faulkner County Circuit Court. Affirmed. Vaught and Murphy, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-18-1062](#). Angela Jones v. John E. Jones, Jr., from Marion County Circuit Court. Reversed. Gruber, C.J., and Harrison, Switzer, Vaught, and Murphy, JJ., agree. Abramson, Virden, and Gladwin, JJ., dissent.

[CV-19-677](#). Crystal Smallwood v. Arkansas Department of Human Services and Minor Child, from Benton County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-19-394](#). Jorge Vasquez-Ramirez v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Switzer and Murphy, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CR-19-250](#). Jose Gonzalez v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Reversed and remanded. Virden, Gladwin, and Murphy, JJ., agree. Abramson and Brown, JJ., dissent.

[CR-19-581](#). Cedric D. Williams v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Whiteaker and Brown, JJ., agree.

[CV-19-149](#). Jason Papageorge v. Tyson Shared Services, Inc., and Tynet Corporation, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison and Murphy, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-19-87](#). Jackie D. Howard v. State of Arkansas, from Miller County Circuit Court. Affirmed and remanded with instructions. Harrison and Hixson, JJ., agree.

[CV-19-187](#). The Fairways at Marion, a Limited Partnership v. Mary Jefferson, from Crittenden County Circuit Court. Dismissed. Switzer and Vaught, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-19-424](#). Brian Russell v. State of Arkansas, from Ashley County Circuit Court. Affirmed. Gruber, C.J., and Klappenbach, J., agree.

[CV-18-819](#). Tim Parker v. Sharon Parker, from Benton County Circuit Court. Affirmed. Gruber, C.J., and Klappenbach, J., agree.

[CV-19-13](#). Arkansas Department of Human Services, Office of Long Term Care v. Phoebe Egbosimba, from Pulaski County Circuit Court, Fifth Division. Affirmed. Whiteaker and Hixson, 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-19-175. Malcolm Washington v. Director et al.

E-19-176. Charles McCray v. Director et al.

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E-19-177. Michael Wiggins v. Director et al.

E-19-178. Michael Wiggins v. Director et al.

E-19-179. Johnny Morris v. Director et al.

E-19-180. Robby Lowe v. Director et al.

E-19-181. Michael Houston v. Director et al.

E-19-182. George Camp v. Director et al.

E-19-183. Karuthus Plummer v. Director et al.

E-19-184. Robin Beck v. Director et al.

E-19-185. Steven Carrick v. Director et al.

E-19-186. Latoya Childs v. Director et al.

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PER CURIAM ORDERS

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

CV-18-14. Boston Mountain Regional Solid Waste Management District v. Benton County Regional Solid Waste Management District, from Benton County Circuit Court.

CV-19-148. White County Judge and Association of Arkansas Counties Risk Management Services v. Bruce Menser, from the Arkansas Workers' Compensation Commission.

CR-18-971. Bruce Wayne Devries v. State of Arkansas, from Saline County Circuit Court. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$1,800.00. Harrison, J., not participating.

CR-19-141. Freddie Ezekiel v. State of Arkansas, from Clark County Circuit Court. Motion of Lee D. Short for attorney fees is granted. Allowed \$1,800.00.

CR-19-152. Gary G. Seyller, Jr. v. State of Arkansas, from Cleburne County Circuit Court. Motion of Joe A. Denton for attorney's fees is granted. Allowed \$1,800.00.

CR-19-235. Cory Gibson, Jr. v. State of Arkansas, from Garland County Circuit Court. Motion of Jarred Kibbey to withdraw as appellant's counsel is granted. Switzer, J., not participating.

CR-19-235. Cory Gibson, Jr. v. State of Arkansas, from Garland County Circuit Court. Motion of Jarred Kibbey for attorney's fees and costs is granted. Allowed \$1,800.00. Switzer, J., not participating.

CR-19-239. Alex Rankin v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Benjamin W. Bristow for attorney's fee is granted. Allowed \$1,800.00.

CR-19-275. B.T. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$1,800.00.

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CR-19-313. David Lee Daniels, Jr. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of William J. Ogles for attorney's fees is granted. Allowed \$1,800.00.

CR-19-323. Michael Lance Turner v. State of Arkansas, from Craighead County Circuit Court, Eastern District. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$1,800.00.

CR-19-776. Brian Raybon v. State of Arkansas, from Lonoke County Circuit Court. Motion of Terrence Cain to be substituted as the attorney of record is granted.

CR-19-776. Brian Raybon v. State of Arkansas, from Lonoke County Circuit Court. Motion of Ronald C. Nichols to substitute Terrance Cain as counsel is granted.

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Motion of Terry Goodwin Jones to withdraw is granted.

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Appellant's motion to extend time for filing brief is granted.

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Motion of Benjamin W. Bristow to withdraw is granted.

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Motion of Kirk B. Lonidier to be reassigned is denied. Attorney Michael Kaiser is appointed as counsel for the appellant. Attorney Kirk B. Lonidier is referred to the Arkansas Supreme Court Committee on Professional Conduct.

CR-19-824. Tara Kolb v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts to be substituted as appellate counsel is denied.

CR-19-824. Tara Kolb 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. Attorney Devon Holder is appointed as counsel for the appellant.

CR-19-824. Tara Kolb v. State of Arkansas, from Drew County Circuit Court. Appellant's motion for extension of brief time is granted.

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CR-19-891. Jason Paul Goode v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. “Robby” Golden to withdraw as attorney on direct appeal is granted. Attorney Laura Avery is appointed as counsel for the appellant.

CV-18-862. International Paper Company and Sedgwick Claims Management Services, Inc. v. Phyllis Robinson, from the Arkansas Workers’ Compensation Commission. Joint motion to dismiss is granted.

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 extension of time is granted.

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 reconsider the denial of supplemental evidence and extension of time is denied. Appeal dismissed.

CV-19-346. Ileshia Garner v. The Goodyear Tire & Rubber Company and Dezmon Gordon, from Phillips County Circuit Court. Motion of separate appellee The Goodyear Tire & Rubber Company to dismiss appeal of Dezmon Gordon is passed until the case is submitted. Gruber, C.J., and Harrison, J., would grant.

CV-19-392. Lenora Robinson v. Robert Murphy, from Mississippi County Circuit Court, Osceola District. Appellee’s motion to file belated brief is granted.

CV-19-446. Stephen Allen Hathcock v. Tracy Young Hathcock (now Smith), from Pulaski County Circuit Court, Fifteenth Division. Appellant’s motion to supplement addendum is denied. Switzer and Murphy, JJ., not participating.

CV-19-620. Josue Tovias v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant’s motion to correct efiled brief is granted.

CV-19-774. Reuben Eldridge and Sandra Eldridge v. Jerry Waugh, from Independence County Circuit Court. Joint stipulation as to the record is remanded to the circuit court to settle the record. See Ark. R. App. P. –Civ. 6(d).

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CASES SUBMITTED

CR-18-849. Timothy Lee Miller v. State of Arkansas, from Ashley County Circuit Court.

CR-18-850. Timothy Lee Miller v. State of Arkansas, from Ashley County Circuit Court.

CR-18-951. Anthony Bens v. State of Arkansas, from Grant County Circuit Court.

CR-18-985. Frederick Eugene Scott, Jr. v. State of Arkansas, from Garland County Circuit Court.

CR-19-136. Christopher Richardson v. State of Arkansas, from Faulkner County Circuit Court.

CR-19-137. Joshua Hurte v. State of Arkansas, from Clay County Circuit Court, Eastern District.

CR-19-245. Andre Leonard Flowers v. State of Arkansas, from Garland County Circuit Court.

CR-19-249. James M. Bohanan v. State of Arkansas, from Conway County Circuit Court.

CR-19-340. Dequintis Lamar Bailey v. State of Arkansas, from Miller County Circuit Court.

CR-19-358. Nathan Reed Rowland v. State of Arkansas, from Miller County Circuit Court.

CR-19-395. Andrew Jackson Childers v. State of Arkansas, from Johnson County Circuit Court.

CR-19-412. Evelyn Seamster v. State of Arkansas, from Miller County Circuit Court.

CR-19-419. Jared Harper v. State of Arkansas, from Miller County Circuit Court.

CR-19-462. Timothy Joseph Worrall v. State of Arkansas, from Benton County Circuit Court.

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CASES SUBMITTED

CR-19-480. Chad Allen Jernigan v. State of Arkansas, from Miller County Circuit Court.

CR-19-512. Roy Graham v. State of Arkansas, from Logan County Circuit Court, Northern District.

CR-19-585. Jermaine Bohanon v. State of Arkansas, from Crittenden County Circuit Court.

CV-19-680. Ladonna Huddleston v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.