

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 8, 2020**

**PER CURIAM ORDERS**

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

CR-19-506. Robert Gautreaux v. State of Arkansas, from Garland County Circuit Court. Switzer, J., not participating.

CV-18-313. Dollar General Corporation; Dolgencorp, LLC, d/b/a Dollar General; Caddo Trading Co., Inc.; Rodney Fagan; and Judy Fagan v. Karen Renee Elder, from Montgomery County Circuit Court.

CV-19-267. Lexa Page v. Southwestern Bell Telephone Company/AT&T, Inc.; Old Republic Insurance Company; and Sedgwick Claims Management Services, Inc., from the Arkansas Workers' Compensation Commission.

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CR-18-649. Tyler Antonio King v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Motion of Robert M. "Robby" Golden for award of attorney's fees is granted. Allowed \$1,500.00.

CR-18-680. Kerrie Louise Davis v. State of Arkansas, from Conway County Circuit Court. Motion of Robert N. Jeffrey for attorney's fees is granted. Allowed \$1,800.00. Virden, J., not participating.

CR-19-97. Anastasia Turner v. State of Arkansas, from Benton County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees is granted. Allowed \$1,800.00.

CR-19-110. Randy W. Duck v. State of Arkansas, from Union County Circuit Court. Appellant's petition for writ of certiorari to complete the record and to suspend briefing schedule is granted. Klappenbach, J., not participating.

CR-19-146. Delvin Demond Neal v. State of Arkansas, from Drew County Circuit Court. Motion of Gregg A. Knutson for attorney fees is granted. Allowed \$1,800.00.

CR-19-208. Jesse Lamb 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-19-222. Craytonia Badger v. State of Arkansas, from Columbia County Circuit Court. Motion of Andrew W. Best for award of attorney's fees is granted. Allowed \$1,800.00. Klappenbach, J., not participating.

CR-19-247. Amanda Jill Sharp v. State of Arkansas, from Howard County Circuit Court. Motion of Camille M. Cashion for attorney's fees is granted. Allowed \$1,800.00.

CR-19-281. Fredrick Bruce Barfield v. State of Arkansas, from Garland County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$1,800.00. Switzer, J., not participating.

CR-19-303. A.J.A. v. State of Arkansas, from Howard County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$1,800.00. Harrison, J., not participating.

CR-19-309. Rogrick Adway, Jr. v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00.

CR-19-369. Courtney Daniels 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.

CR-19-388. Ashley Lynne Hull v. State of Arkansas, from Franklin County Circuit Court, Northern District. Motion of Ernie Witt for attorney's fee is granted. Allowed \$1,800.00.

CR-19-467. Misty Shirlondia Martin v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip McGough for attorney fees and costs is granted. Allowed \$1,800.00.

CR-19-467. Misty Shirlondia Martin v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip McGough to be relieved is granted.

CR-19-515. Garland Butler v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$1,800.00.

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CR-19-579. Alyssia Kirby-Snow v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to correct the record or for a writ of certiorari and to stay the briefing schedule is granted.

CR-19-626. Delvin Neal v. State of Arkansas, from Drew County Circuit Court. Appellant's petition for writ of certiorari to complete the record is granted.

CR-19-626. Delvin Neal v. State of Arkansas, from Drew County Circuit Court. Appellant's motion to stay the briefing schedule is granted.

CR-19-649. Joshua Parks v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to file substitute brief is granted.

CR-19-678. Corey Turner v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion requesting extension of time to file reply brief is granted.

CR-19-678. Corey Turner v. State of Arkansas, from Clark County Circuit Court. Appellant's second pro se motion for appointment of counsel is denied.

CR-19-678. Corey Turner v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se petition requesting issuing of subpoena is denied.

CR-19-678. Corey Turner v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se petition requesting leave to add to appellant's reply brief supplementary addendum is denied.

CR-19-678. Corey Turner v. State of Arkansas, from Clark County Circuit Court. Appellant's second pro se petition to supplement appellant's reply brief is denied.

CR-19-753. Lorenzo Adam Green v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to file belated brief is granted.

CR-19-801. Carl Gene Morgan v. State of Arkansas, from Greene County Circuit Court. Appellant's motion to supplement record is granted.

CR-19-801. Carl Gene Morgan v. State of Arkansas, from Greene County Circuit Court. Appellant's belated motion to extend time for filing brief is granted.

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CR-19-834. Derrick Lamont Booth v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion for reconsideration is denied. Gruber, C.J., not participating.

CR-19-834. Derrick Lamont Booth v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellee's motion to dismiss appeal, or, in the alternative, motion for extension of brief time is granted. Appeal dismissed. Gruber, C.J., not participating.

CR-19-845. Virgil Oliver v. State of Arkansas, from Benton County Circuit Court. Joint motion to substitute Tom Marks as counsel on appeal is granted. Harrison, J., not participating.

CR-19-845. Virgil Oliver v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for extension of time is granted. Harrison, J., not participating.

CR-19-905. Joseph Brehm v. State of Arkansas, from Faulkner County Circuit Court. Motion of Matthew McKay to be relieved as counsel for appeal is granted.

CV-18-484. Mia Ellington v. Bernard Ellington, from Pulaski County Circuit Court, Sixth Division. Appellant's motion for attorney's fees is denied.

CV-18-903. Jana Hanshew and Clint Hanshew, Individually; and Clint Hanshew as Guardian of the Estate of A.H., a Minor v. Arturo Martinez and Melissa Martinez, from Benton County Circuit Court. Appellees' motion to reschedule oral argument is granted.

CV-19-218. University of Central Arkansas and Public Employee Claims Division v. Elizabeth Srite, from the Arkansas Workers' Compensation Commission. Appellee's motion for an award of attorney's fees is granted.

CV-19-556. Willie White v. Airtherm, LLC, and Hartford Fire Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion for belated brief is denied. Appellees' request for dismissal is granted. Appeal dismissed.

CV-19-556. Willie White v. Airtherm, LLC, and Hartford Fire Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to file a reply to appellees' response to the motion to file a belated brief is denied.

CV-19-896. Donna Scruggs and Stephanie Evans v. Charles Michael Lewis, Individually and as Personal Representative of the Estate of Charley Lewis, Deceased; Margaret Anne

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Lewis, Lauren Lewis, and Andrea Lewis, from Jefferson County Circuit Court. Appellees' motion to advance and affirm pursuant to Rule 6-2 of the Rules of the Arkansas Supreme Court is denied.

E-19-109. Floyd Smith v. Director et al., from the Arkansas Board of Review. Petitioner's motion to have the case submitted to the court on the appeal and record alone is granted.

E-19-284. Aubrey Moore v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-18-1057. Rodney Harmon v. State of Arkansas, from Faulkner County Circuit Court.

CR-19-199. Roscoe Fletcher v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-19-251. Markell Jimmerson v. State of Arkansas, from St. Francis County Circuit Court.

CV-18-819. Tim Parker v. Sharon Parker, from Benton County Circuit Court.

CV-18-939. Jessica McCabe and Amy Purdy v. Wal-Mart Associates, Inc., from Benton County Circuit Court.

CV-18-990. City of Gravette v. Centerton Waterworks and Sewer Commission and City of Centerton, from Benton County Circuit Court.

CV-18-1024. Minor Children v. Arkansas Department of Human Services and Jacklyn Gabbard, from Perry County Circuit Court.

CV-18-1036. William B. Stanley, Niolene E. Stanley, Stephen C. Parker, Kathryn A. Parker, Matthew Britt, and Michael C. Willis, on Behalf of Themselves and All Others Similarly Situated v. Ozarks Electric Cooperative Corporation and OzarksGo, LLC, from Washington County Circuit Court.

CV-19-13. Arkansas Department of Human Services, Office of Long Term Care v. Phoebe Egbosimba, from Pulaski County Circuit Court, Fifth Division.

CV-19-149. Jason Papageorge v. Tyson Shared Services, Inc., and Tynet Corporation, from the Arkansas Workers' Compensation Commission.

CV-19-406. Cody Wadley v. Katie Wadley, from Pulaski County Circuit Court, Fourteenth Division.

CV-19-487. University of Arkansas for Medical Sciences and Public Employee Claims Division v. Patricia Hines, from the Arkansas Workers' Compensation Commission.

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**MOTIONS SUBMITTED**

CR-18-921. Christopher W. Terrell v. State of Arkansas, from Poinsett County Circuit Court. Motion of Michael Kiel Kaiser for fees.

CR-18-955. Lenin Alejandro-Alvarez v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee.

CR-18-986. Milton Peebles III v. State of Arkansas, from Garland County Circuit Court. Motion of Jason R. Davis to withdraw.

CR-18-986. Milton Peebles III v. State of Arkansas, from Garland County Circuit Court. Motion of Jason R. Davis for attorney's fees and costs.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion to stay mandate.

CR-18-1027. Keith Savage v. State of Arkansas, from Yell County Circuit Court, Southern District. Motion of Alex R. Burgos for award of attorney's fees.

CR-19-67. Terrell Deshawn Thomas v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for extension of time to file rebrief.

CR-19-111. Chris Michael Baker v. State of Arkansas, from White County Circuit Court. Motion of Brian G. Brooks for attorney fees.

CR-19-190. Dillon Weatherford v. State of Arkansas, from Faulkner County Circuit Court. Motion of Matthew Kezhaya for attorney's fees.

CR-19-410. Christopher Hooten v. State of Arkansas, from Crawford County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-19-605. Krystal V. Peer v. State of Arkansas, from Drew County Circuit Court. Appellant's motion to stay briefing schedule.

CR-19-605. Krystal V. Peer v. State of Arkansas, from Drew County Circuit Court. Appellant's motion to dismiss motion to stay briefing schedule as moot.

CR-19-650. Damian Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for extension of time to file brief.

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**MOTIONS SUBMITTED**

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Appellant's petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record.

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Appellant's unopposed motion for extension of brief time.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Motion of Angela Byrd to be relieved and to stay briefing schedule.

CR-19-923. William Sterling Cook, Jr. v. State of Arkansas, from Poinsett County Circuit Court. Appellant's motion for belated appeal.

CR-19-923. William Sterling Cook, Jr. v. State of Arkansas, from Poinsett County Circuit Court. Appellant's petition to proceed in forma pauperis.

CR-19-941. Michael Thomas v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Everett O. Martindale to be relieved.

CR-19-945. Boyce Williams v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for appointment of counsel.

CR-19-945. Boyce Williams v. State of Arkansas, from Saline County Circuit Court. Amended motion of F. Parker Jones III for appointment of counsel.

CR-19-953. Darnell Washington v. State of Arkansas, from Jefferson County Circuit Court. Motion of William Owen James III to substitute counsel on appeal.

CV-19-192. Shelter Mutual Insurance Company v. Marnette Ragon and William Ragon, from Pulaski County Circuit Court, Second Division. Appellant's motion to continue oral arguments.

CV-19-486. Steve Wilson and Susan Wilson v. Voy Gillentine, Jr., and Stephanie Gillentine, from Craighead County Circuit Court, Western District. Appellants' motion for extension of time to lodge corrected record and for extension of time to file brief.

CV-19-572. Danielle Rose Rowe v. Jamie Ray Rowe, from White County Circuit Court. Appellant's pro se motion to supplement the record with additional testimony pertaining to exhibits entered.



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**MOTIONS SUBMITTED**

CV-19-761. Robert S. Young v. Roxanne D. Blake; Roxanne D. Blake, P.A.; George H. Niblock; George H. Niblock, LTD; The Niblock Law Firm, PLC; and John Does 1–10, from Washington County Circuit Court. Appellant’s motion to expand number of pages in argument portion of brief.

CV-19-804. Bert G. Dickey IV and Lulyne D. Hicky v. Gary Lillard and Brenda Lillard, Husband and Wife; Any Unknown Heirs, Devisees, Grantees, or Other Unknown Persons or Unknown Spouses Claiming By, Through, or Under Baer C. Wood, Deceased, Lot Fifteen (15), Heber Haven Subdivision, Cleburne County, Arkansas; and Tommy Land, Commissioner of State Lands, from Cleburne County Circuit Court. Appellees’ motion to substitute Christopher J. O’Neill as counsel.

CV-19-916. Roderick Talley v. Kiara Loring, from Pulaski County Circuit Court, Fifteenth Division. Appellant’s pro se motion for belated appeal.

CV-19-916. Roderick Talley v. Kiara Loring, from Pulaski County Circuit Court, Fifteenth Division. Appellant’s pro se petition for leave to proceed in forma pauperis.

CV-19-932. Jonathan Ralston and All Other Occupants of Washington County Parcel No. 001-07687-001 Prairie Grove, AR 72753 v. Charles Threet, from Washington County Circuit Court. Motion of Tara Ann Schmutzler to be substituted as counsel.

CV-19-956. Geoffrey B. Treece, as Receiver for Ozark Mountain Solid Waste District v. Arkansas Pollution Control and Ecology Commission and Carroll County Solid Waste District f/k/a Carroll County Solid Waste Authority, from Pulaski County Circuit Court, Ninth Division. Motion of separate appellee Arkansas Pollution Control and Ecology Commission to waive filing fee.

CV-19-963. Joy Corp and Nazir U. Sardar, Individually v. John Roberts d/b/a Roberts Roofing, from Pope County Circuit Court. Motion of Braden R. Vaughn to withdraw.

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**CASES SUBMITTED**

CR-19-330. Lonnie Allen Reed v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-19-379. Kanikka S. Jenkins v. State of Arkansas, from Drew County Circuit Court.

CR-19-401. Bobby Law v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CR-19-433. Tracy Lee Bronson v. State of Arkansas, from Garland County Circuit Court.

CR-19-434. Keith D. McBride v. State of Arkansas, from Columbia County Circuit Court.

CR-19-510. Oliver Hart v. State of Arkansas, from Miller County Circuit Court.

CR-19-602. J.B.G. v. State of Arkansas, from Washington County Circuit Court.

CV-17-197. Farm Credit Midsouth, PCA v. Fred Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court.

CV-19-33. Terry Cauffiel, as Administrator of the Estate of Carolyn Sue Cauffiel, and on Behalf of the Wrongful Death Beneficiaries of Carolyn Sue Cauffiel v. Progressive Eldercare Services-Saline, Inc., d/b/a Heartland Rehabilitation and Care Center; Southern Administrative Services, LLC; and CarePlus Staffing Services, LLC, from Saline County Circuit Court.

CV-19-78. Leona Kay Crowe v. Robert Gene Crowe, from Benton County Circuit Court.

CV-19-131. Arkansas Department of Human Services v. Dr. Marshall Newcity, from Sebastian County Circuit Court, Fort Smith District.

CV-19-177. Carl Lewis v. Dorothy Johnson, from Pulaski County Circuit Court, Second Division.

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**CASES SUBMITTED**

CV-19-277. Highlands of Little Rock Riley Holdings, LLC, d/b/a Hillview Post Acute and Rehabilitation Center; Skyline Highland Holdings, LLC; JS Highland Holdings, LLC; Skyline Services Group, LLC; Joseph Schwartz; Mishana Jackson, in Her Capacity as Administrator of Hillview Post-Acute and Rehabilitation Center; Hickory Heights Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton v. Mary Hines, as Personal Representative of the Estate of Zelma Grissom, and on Behalf of the Wrongful Death Beneficiaries of Zelma Grissom, from Pulaski County Circuit Court, Twelfth Division.

CV-19-372. Adrienne O’Neal v. Ethel Love, from Pulaski County Circuit Court, Sixth Division.

CV-19-376. Lamb & Associates Packaging, Inc. v. Troy W. Best; James A. Best; and Precision Digital Printing, LLC, from Pulaski County Circuit Court, Fifth Division.

CV-19-408. Jamy L. Blair v. American Stitchco, Inc., and Bridgefield Casualty Insurance Company, from the Arkansas Workers’ Compensation Commission.

CV-19-696. Nora McCormick v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

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

E-19-77. Danny Bugg v. Director et al.

E-19-187. Robert Shannon v. Director et al.

E-19-188. Charles Temple v. Director et al.

E-19-190. Lavera Burton v. Director et al.

E-19-191. Lakindra Washington v. Director et al.

E-19-192. Jessica Grunwald v. Director et al.

E-19-193. LaPorscha Williams v. Director et al.

E-19-194. LaPorscha Williams v. Director et al.

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E-19-196. Korey Highsmith v. Director et al.

E-19-197. Johnnie Babb v. Director et al.

E-19-198. Lia Smith v. Director et al.

E-19-199. David Dale v. Director et al.

E-19-200. Whitney Singleton v. Director et al.