

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 15, 2019**

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

[CR-19-462](#). Timothy J. Worrall v. State of Arkansas, from Benton County Circuit Court. Affirmed; motion to withdraw granted. Klappenbach and Brown, JJ., agree.

[CV-19-593](#). Lisa Dominguez v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant's termination affirmed; remanded for further proceedings. Virden, J., agrees. Harrison, J., concurs.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-19-419](#). Jared Harper v. State of Arkansas, from Miller County Circuit Court. Affirmed. Switzer and Whiteaker, JJ., agree.

[CV-19-157](#). Bedrock Ventures, Inc. v. Truman Press, Inc., d/b/a Hannover House d/b/a Hannover; Hannover House Releasing, LLC, d/b/a Hannover House; Hannover House, Inc., d/b/a Hannover House; and Regal Cinemas, Inc., from Benton County Circuit Court. Affirmed. Switzer and Whiteaker, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-18-951](#). Anthony Bens v. State of Arkansas, from Grant County Circuit Court. Affirmed. Gladwin and Vaught, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-19-137](#). Joshua Eric Hurte v. State of Arkansas, from Clay County Circuit Court, Eastern District. Motion to withdraw denied without prejudice; remanded to settle and supplement the record; rebriefing ordered. Virden and Vaught, JJ., agree.

[CR-19-512](#). Roy Videll Graham v. State of Arkansas, from Logan County Circuit Court, Northern District. Affirmed; motion to withdraw granted. Virden and Vaught, JJ., agree.

[CV-19-19](#). Sandra Johnson, Administrator, Estate of Perry Johnson, Jr.; and Estate of Perry Johnson, Jr. v. Vincent Osric Johnson; Tammy Johnson; Trina Surratt; Shayla Brentley Moore; Stacy Rogers; Demarlon Bell; and Kenneth Johnson, from Jefferson County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 15, 2019**

**ROBERT J. GLADWIN, JUDGE: (Continued)**

[CV-19-679](#). Miranda Dye v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Virden and Vaught, JJ., agree.

**BRANDON J. HARRISON, JUDGE:**

[CR-19-249](#). James M. Bohanan v. State of Arkansas, from Conway County Circuit Court. Motion to withdraw denied; rebriefing ordered. Hixson and Murphy, JJ., agree.

[CR-19-395](#). Andrew Childers v. State of Arkansas, from Johnson County Circuit Court. Affirmed; motion to withdraw granted. Hixson and Murphy, JJ., agree.

[CV-19-633](#). Nathan Fox v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Gruber, C.J., agrees. Virden, J., concurs.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-18-985](#). Frederick Eugene Scott, Jr. v. State of Arkansas, from Garland County Circuit Court. Affirmed; motion to withdraw granted. Gruber, C.J., and Brown, J., agree.

**MEREDITH B. SWITZER, JUDGE:**

[CR-19-292](#). Randy James Myers v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Abramson and Whiteaker, JJ., agree.

[CR-19-340](#). Dequintis Bailey v. State of Arkansas, from Miller County Circuit Court. Rebriefing ordered; motion to withdraw denied. Abramson and Whiteaker, JJ., agree.

[CV-19-234](#). STAP, Inc., d/b/a St. Andrews Place; Kilgore Consulting Group, Inc.; and Joshua Kilgore v. LaGatha Sutterfield, as Personal Representative of the Estate of James Sutterfield and on Behalf of the Wrongful Death Beneficiaries of James Sutterfield, from Faulkner County Circuit Court. Affirmed. Abramson and Whiteaker, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-19-358](#). Nathan Reed Rowland v. State of Arkansas, from Miller County Circuit Court. Appeal dismissed; motion to withdraw granted. Abramson and Switzer, JJ., agree.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 15, 2019**

**PHILLIP T. WHITEAKER, JUDGE: (Continued)**

[CV-19-12](#). Debbie Derrick v. David Brown, Mildred Brown, and William Derrick, from Baxter County Circuit Court. Dismissed without prejudice. Hixson and Brown, JJ., agree.

[CV-19-653](#). Jamie Carpenter v. Arkansas Department of Human Services and Minor Child, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Abramson and Switzer, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CR-19-585](#). Jermaine Bohanon v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Virden and Gladwin, JJ., agree.

[CV-19-570](#). Addam Maxwell v. Lori Maxwell, from Benton County Circuit Court. Reversed and remanded. Virden and Gladwin, JJ., agree.

[CV-19-680](#). Ladonna Huddleston v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-19-136](#). Christopher Richardson v. State of Arkansas, from Faulkner County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Murphy, JJ., agree.

[CR-19-412](#). Evelyn Faye Seamster v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to be relieved granted. Harrison and Murphy, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-18-849](#). Timothy Lee Miller v. State of Arkansas, from Ashley County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Hixson, JJ., agree.

[CR-18-850](#). Timothy Lee Miller v. State of Arkansas, from Ashley County Circuit Court. Affirmed as modified; motion to withdraw granted. Harrison and Hixson, JJ., agree.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 15, 2019**

**WAYMOND M. BROWN, JUDGE:**

[CR-19-245](#). Andre Leonard Flowers v. State of Arkansas, from Garland County Circuit Court. Affirmed; motion to withdraw granted. Gruber, C.J., and Klappenbach, J., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 15, 2020**

**PER CURIAM ORDERS**

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

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. Brown, J., would grant. Gruber, C.J., and Abramson and Hixson, JJ., not participating.

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. Brown, J., would grant. Gruber, C.J., not participating.

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. Gladwin, J., not participating.

CV-19-13. Arkansas Department of Human Services, Office of Long Term Care v. Phoebe Egbosimba, from Pulaski County Circuit Court, Fifth Division. Gruber, C.J., not participating.

CV-19-149. Jason Papageorge v. Tyson Shared Services, Inc., and Tynet Corporation, from the Arkansas Workers' Compensation Commission. Abramson, J., not participating.

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

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 15, 2020**

**PER CURIAM ORDERS**

CV-19-487. University of Arkansas for Medical Sciences and Public Employee Claims Division v. Patricia Hines, from the Arkansas Workers' Compensation Commission. Gladwin, J., not participating.

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CR-18-921. Christopher W. Terrell v. State of Arkansas, from Poinsett County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$1,800.00. Virden, J., not participating.

CR-18-955. Lenin Alejandro-Alvarez v. State of Arkansas, from Crawford County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee is granted. Allowed \$1,800.00.

CR-18-986. Milton Peebles III v. State of Arkansas, from Garland County Circuit Court. Motion of Jason R. Davis to withdraw is granted. Switzer and Hixson, JJ., not participating.

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 is granted. Allowed \$1,800.00. Switzer and Hixson, JJ., not participating.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion to stay mandate is denied. Gruber, C.J., not participating.

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 is granted. Allowed \$1,800.00.

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 is granted. Switzer, J., not participating.

CR-19-111. Chris Michael Baker v. State of Arkansas, from White County Circuit Court. Motion of Brian G. Brooks for attorney fees is granted. Allowed \$1,800.00.

CR-19-190. Dillon Weatherford v. State of Arkansas, from Faulkner County Circuit Court. Motion of Matthew Kezhaya for attorney's fees is granted. Allowed \$1,800.00.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 15, 2020**

**PER CURIAM ORDERS**

CR-19-410. Christopher Hooten v. State of Arkansas, from Crawford County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$1,800.00.

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

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 is granted.

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 is granted. Appellant's brief is due March 17, 2020. Final extension.

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 is granted.

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 is granted.

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 is granted.

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

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

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

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

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 is moot.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 15, 2020**

**PER CURIAM ORDERS**

CR-19-945. Boyce Williams v. State of Arkansas, from Saline County Circuit Court. Motion of William Owen James III to substitute counsel on appeal is granted.

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 is granted.

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 is granted.

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 is granted.

CV-19-572. Danielle Rose Rowe v. Jamie Ray Rowe, from White County Circuit Court. Appellant's pro se motion for extension of time to supplement the record is denied.

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 is denied.

CV-19-632. Stephen C. Webb v. Sex Offender Assessment Committee, from Saline County Circuit Court. Appellant's motion for extension of time to file appellant's brief is granted. Switzer, J., not participating.

[CV-19-632](#). Stephen C. Webb v. Sex Offender Assessment Committee, from Saline County Circuit Court. Appellant's motion to settle the record denied. See **per curiam** this date. Switzer, J., not participating.

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 is denied. Harrison, J., would grant.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 15, 2020**

**PER CURIAM ORDERS**

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 is granted.

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

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 is moot.

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 is granted.

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 is denied. Abramson and Vaught, JJ., not participating.

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 is granted.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 15, 2020**

**MOTIONS SUBMITTED**

CR-19-10. Quayvon Peoples v. State of Arkansas, from Miller County Circuit Court. Motion of Eric Moore for award of attorney's fees.

CR-19-10. Quayvon Peoples v. State of Arkansas, from Miller County Circuit Court. Motion of Eric Moore to withdraw as appellate counsel.

CR-19-87. Jackie D. Howard v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs.

CR-19-294. Jerry Nutt v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for copy of Rule 37 hearing transcript with a thirty-day extension to reply after receiving transcript.

CR-19-317. Anthony Michael Spears, Jr. v. State of Arkansas, from Benton County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee.

CR-19-409. Janet Young v. State of Arkansas, from Crawford County Circuit Court. Motion of Tyson K. Spradlin for attorney fees.

CR-19-424. Brian Russell v. State of Arkansas, from Ashley County Circuit Court. Motion of Robert E. Tellez for award of attorney's fees and costs.

CR-19-518. Maxxi L. Brooks v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee.

CR-19-532. Michael Shock v. State of Arkansas, from Cleburne County Circuit Court. Appellant's motion to substitute corrected brief in reply.

CR-19-561. D.Q. v. State of Arkansas, from Washington County Circuit Court. Motion of Eric Moore to withdraw as appellate counsel.

CR-19-561. D.Q. v. State of Arkansas, from Washington County Circuit Court. Motion of Eric Moore for award of attorney's fees.

CR-19-581. Cedric Williams v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-19-648. Ronterrio Mayo v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for extension of time.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 15, 2020**

**MOTIONS SUBMITTED**

CR-19-743. Adam Brown v. State of Arkansas, from Greene County Circuit Court. Appellee's petition for writ certiorari to complete the record and motion to stay the briefing schedule.

CR-19-743. Adam Brown v. State of Arkansas, from Greene County Circuit Court. Appellee's motion to withdraw petition for writ of certiorari to complete the record and motion to stay the briefing schedule.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se motion to demand right to access, to due process, access to petition to court, and remedy.

CR-20-2. Granville Murphy v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Chet Dunlap to substitute counsel.

CR-20-14. Joey D. Watts v. State of Arkansas, from Grant County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-20-15. Toya Boston v. State of Arkansas, from Crittenden County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CV-19-603. David Tribble and Danny Tribble v. First Security Bank, Jason Tribble, and Jennifer Tribble, from Baxter County Circuit Court. Appellants' motion for more time to correct abstract and brief.

CV-19-603. David Tribble and Danny Tribble v. First Security Bank, Jason Tribble, and Jennifer Tribble, from Baxter County Circuit Court. Appellants' amended motion for more time to correct abstract and brief.

CV-19-833. Drusella Johnson and Jerry Johnson v. Deutsche Bank National Trust Company, from Pulaski County Circuit Court, Second Division. Appellants' pro se motion to dismiss.

CV-19-895. Nancy Jan Neidhardt v. Lewis Taylor Neidhardt, from Cleburne County Circuit Court. Appellant's motion to stay pursuant to Rule 8.

CV-19-927. Kenneth Stephens v. Skylar Wilson, from Faulkner County Circuit Court. Unopposed motion of appellee Skylar Wilson to supplement the record and unseal the record.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 15, 2020**

**MOTIONS SUBMITTED**

CV-20-6. Dr. Nina M. Morgan v. Dale Seiler and Ashlie Seiler, Individually and as Trustees of the Dale and Ashlie Seiler Family Trust; and Farm Credit Services of Western Arkansas, FLCA, from Lafayette County Circuit Court. Appellant's pro se motion for rule on clerk.

CV-20-6. Dr. Nina M. Morgan v. Dale Seiler and Ashlie Seiler, Individually and as Trustees of the Dale and Ashlie Seiler Family Trust; and Farm Credit Services of Western Arkansas, FLCA, from Lafayette County Circuit Court. Appellant's pro se motion to supplement and correct record.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF JANUARY 15, 2020**

**CASES SUBMITTED**

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

CR-19-455. Daniel L. Wessels v. State of Arkansas, from Marion County Circuit Court.

CR-19-495. Nikki Leann Knauls v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-19-496. Robert Moten v. State of Arkansas, from Hot Spring County Circuit Court.

CR-19-582. Robert E. Dyas v. State of Arkansas, from Jefferson County Circuit Court.

CR-19-606. Antonio Guyton v. State of Arkansas, from Benton County Circuit Court.

CR-19-623. Gary Chambers v. State of Arkansas, from Clark County Circuit Court.

CR-19-675. Joseph Jean Cossey v. State of Arkansas, from Sharp County Circuit Court.

CV-18-865. Stacey Donald Roberts v. Kendra Christy Roberts, from Garland County Circuit Court.

CV-18-968. Shane Perry v. Brandie Perry, from Benton County Circuit Court.

CV-19-168. Stacy Donald Roberts v. Kendra Christy Roberts, from Garland County Circuit Court.

CV-19-280. Hickory Heights Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton v. Delores Taylor, as Attorney-In-Fact of Mary Young; Madison Healthcare and Rehabilitation Center, LLC, d/b/a Madison Healthcare and Rehabilitation Center; Prince of Persia Healthcare, LLC; Skyline Services Group, LLC; Joseph Schwartz; and Sandra Mancell, in Her Capacity as Administrator of Madison Healthcare and Rehabilitation Center, from Pulaski County Circuit Court, Fifth Division.

CV-19-289. Leah Roberts (now Higdon) v. Lynn Roberts, from Lonoke County Circuit Court.

CV-19-296. (In the Matter of the Adoption of L.W. and Z.W., Minors) Martin Goins and Karen Goins v. Kory White and Courtney White, from Cross County Circuit Court.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF JANUARY 15, 2020**

**CASES SUBMITTED**

CV-19-301. Ron Pruitt v. Diane Barclay, from White County Circuit Court.

CV-19-483. Elizabeth Bledsoe v. Viskase Companies, Inc., and Trumbull Insurance Co., from the Arkansas Workers' Compensation Commission.

CV-19-589. LaChe Price v. Christopher D. Price, from Pulaski County Circuit Court, Fourteenth Division.

CV-19-757. Constance Day and Nemiah Gilliam v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division.

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

E-19-201. Keith Hendrix v. Director et al.

E-19-202. Daniel Bocan v. Director et al.

E-19-203. David Blake v. Director et al.

E-19-204. Clarence Johnson, Jr. v. Director et al.

E-19-205. Monica Peyton v. Director et al.

E-19-206. Grant Mortenson v. Director et al.

E-19-207. Lorie Freeman v. Director et al.

E-19-208. Darren Jakub v. Director et al.

E-19-209. Janice Lewis v. Director et al.

E-19-210. Eddie Jackson v. Director et al.

E-19-211. Felicia Wade v. Director et al.

E-19-214. Melinda Baker v. Director et al.