

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 22, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CR-19-510](#). Oliver W. Hart III v. State of Arkansas, from Miller County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

[CV-19-131](#). Arkansas Department of Human Services v. Marshall Newcity, M.D., from Sebastian County Circuit Court, Fort Smith District. Reversed. Abramson and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-19-434](#). Keith Demetrius McBride v. State of Arkansas, from Columbia County Circuit Court. Affirmed. Gruber, C.J., and Murphy, J., agree.

[CV-19-177](#). Carl Lewis v. Dorothy Johnson, from Pulaski County Circuit Court, Second Division. Reversed and remanded. Gruber, C.J., and Murphy, J., agree.

BART F. VIRDEN, JUDGE:

[CR-19-480](#). Chad Allen Jernigan v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Vaught, JJ., agree.

[CV-17-197](#). Farm Credit Midsouth, PCA v. Fred Bollinger, Jr; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court. Appeal dismissed. Switzer and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-19-78](#). Leona Kay Crowe v. Robert Gene Crowe, from Benton County Circuit Court. Affirmed. Harrison and Whiteaker, JJ., agree.

[CV-19-408](#). Jamy L. Blair v. American Stitchco, Inc., and Bridgefield Casualty Insurance, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison and Whiteaker, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-19-401](#). Bobby Law v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Vaught and Hixson, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CV-19-372](#). Adrienne O’Neal v. Ethel Love, from Pulaski County Circuit Court, Sixth Division. Affirmed. Gladwin and Harrison, JJ., agree.

[E-19-77](#). Danny Bugg v. Director, Department of Workforce Services, and City of Hot Springs, from the Arkansas Board of Review. Rebriefing ordered. Abramson and Harrison, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[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. Dismissed without prejudice. Klappenbach and Hixson, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-19-602](#). J.B.G. v. State of Arkansas, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Gladwin, J., agree.

[CV-19-696](#). Nora McCormick v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Abramson, J., agree.

WAYMOND M. BROWN, JUDGE:

[CR-19-379](#). Kanikka S. Jenkins v. State of Arkansas, from Drew County Circuit Court. Affirmed. Virden and Switzer, 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-19-187. Robert Shannon v. Director et al.

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

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

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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.

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.

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CR-19-10. Quayvon Peoples v. State of Arkansas, from Miller County Circuit Court. Motion of Eric Moore for award of attorney's fees is granted. Allowed \$1,800.00. Harrison, J., not participating.

CR-19-10. Quayvon Peoples v. State of Arkansas, from Miller County Circuit Court. Motion of Eric Moore to withdraw as appellate counsel is granted. Harrison, J., not participating.

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 is granted. Allowed \$1,800.00. Switzer, J., not participating.

CR-19-179. Jordan Onks v. State of Arkansas, from White County Circuit Court. Pursuant to Rule 4-3(g) of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas, this appeal is dismissed for failure to file an appellant's brief.

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 is denied. Virden, J., not participating.

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 is granted. Allowed \$1,800.00.

CR-19-409. Janet Young v. State of Arkansas, from Crawford County Circuit Court. Motion of Tyson K. Spradlin for attorney fees is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

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 is granted. Allowed \$1,800.00.

CR-19-532. Michael Shock v. State of Arkansas, from Cleburne County Circuit Court. Appellant's motion to substitute corrected brief in reply is granted. Murphy, J., not participating.

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

CR-19-561. D.Q. v. State of Arkansas, from Washington County Circuit Court. Motion of Eric Moore for award of attorney's fees is granted. Allowed \$1,800.00.

CR-19-581. Cedric Williams 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. Switzer, J., not participating.

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

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

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 is granted.

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 is denied.

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

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

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 is granted.

CV-18-939. Jessica McCabe and Amy Purdy v. Wal-Mart Associates, Inc., from Benton County Circuit Court. Appellants' supplement to emergency petition for supersedeas is denied. Gruber, C.J., and Abramson and Hixson, JJ., not participating.

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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 is denied. Gladwin and Switzer, JJ., not participating.

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 is denied. Gladwin and Switzer, JJ., not participating.

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 is granted.

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

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 is granted.

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 is dismissed.

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 is moot.

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CR-18-524. John Dunn v. State of Arkansas, from Clark County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-18-524. John Dunn v. State of Arkansas, from Clark County Circuit Court. Motion of Misty Grady for attorney's fees.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion to stay the mandate pending the filing of a petition for writ of certiorari in the United States Supreme Court.

CR-19-110. Randy W. Duck v. State of Arkansas, from Union County Circuit Court. Motion of Craig Lambert to be relieved.

CR-19-573. Mark Douglas Neal v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion to dismiss for lack of jurisdiction and for brief time pending the court's jurisdictional determination.

CR-19-622. John William Marsh v. State of Arkansas, from Nevada County Circuit Court. Motion to file belated appellant's brief

CR-19-871. Joe Raymond Mallard v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to supplement the record.

CR-19-992. Dion Hogans, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of John H. Bradley to relieve attorney of record and appoint counsel for appeal.

CV-18-934. Brodie Faughn and Billy Colvin v. Alfred Kennedy and Wayne Kennedy, from St. Francis County Circuit Court. Appellees' belated motion for extension of time.

CV-19-647. Edward Lee Hardin v. Shelia Hardin, from Jefferson County Circuit Court. Appellee's motion to supplement the record on appeal.

CV-19-764. Ronald E. Dana and Linda D. Dana v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellants' joint motion to consolidate appeals and briefing.

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MOTIONS SUBMITTED

CV-19-765. Al Faigin and N.G. Faigin v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellants' joint motion to consolidate appeals and briefing.

CV-19-766. John Brunner and Carolyn Brunner v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellants' joint motion to consolidate appeals and briefing.

CV-19-767. Phillip Woodward and Katherine Woodward v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellants' joint motion to consolidate appeals and briefing.

CV-19-768. Jerry Ann Winters and Jerry Leo Winters v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellants' joint motion to consolidate appeals and briefing.

CV-19-768. Jerry Ann Winters and Jerry Leo Winters v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellant Jerry Ann Winters's withdrawal of joint motion to consolidate appeals and briefing.

CV-19-769. Mark Dana and Diana Dana v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellants' joint motion to consolidate appeals and briefing.

CV-19-770. George Hunter and Joan Hunter v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellants' joint motion to consolidate appeals and briefing.

CV-19-770. George Hunter and Joan Hunter v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellants' petition for certiorari to complete the record.

CV-19-873. Julia McCay Brand v. Michael T. Brand, from Jackson County Circuit Court. Appellant's unopposed motion to supplement the record.

CV-19-913. Dragan Vicentic, Individually and as a Member, Director, and Officer of Green Springs Medical, LLC v. Bruce Simpson, from Garland County Circuit Court. Appellant's motion for leave to use better copies of record documents in addendum.

CV-19-947. Angel McCord v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court. Appellant's motion to enlarge page limit by four pages.

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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 Sarah Page Tacker, Senior Assistant Attorney General, for substitution of counsel for Arkansas Pollution Control and Ecology Commission.

CV-20-12. Action, Inc. v. McQueeney Group, Inc.; and LG Electronics U.S.A., Inc., from Pulaski County Circuit Court, Seventeenth Division. Appellant's petition for writ of certiorari to extend time to lodge the record.

E-19-254. Betty Dillinger v. Director et al., from the Arkansas Board of Review. Petitioner's motion to submit additional evidence.

E-20-11. Monte Green v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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CASES SUBMITTED

CV-18-401. Shirley Lyle Hitt v. James Waller Lyle, Ann Lyle, Katherine Lyle Harbison, and Lyle Farm Partnership, from Jackson County Circuit Court. Orally argued.

CR-19-42. Terrance Billups v. State of Arkansas, from Benton County Circuit Court.

CR-19-380. Kyndra Lakeisha Ringo v. State of Arkansas, from Cleveland County Circuit Court.

CR-19-397. Rocky Taliaferro v. State of Arkansas, from Saline County Circuit Court.

CR-19-492. Mark Alan Garner v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-19-504. Terry Lee Gilbreth v. State of Arkansas, from Washington County Circuit Court.

CR-19-524. Paul Mitchell Lilly v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-19-533. David Lee Washburn v. State of Arkansas, from Lonoke County Circuit Court.

CR-19-614. N.R. v. State of Arkansas, from Washington County Circuit Court.

CR-19-645. Charles Allen v. State of Arkansas, from Crawford County Circuit Court.

CR-19-651. Jessie Steen v. State of Arkansas, from Desha County Circuit Court.

CV-18-786. Tyrome Hurst, Special Administrator of the Estate of Deshun Lamont Hurst v. David Palmer d/b/a Palmer Trucking, Hurlee Palmer, Travis Parell Coleman, and Riceland Foods, Inc., from Crittenden County Circuit Court.

CV-19-212. Memphis Scale Works, Inc. v. David McNorton and Accurate Superior Scale Southwest, LLC, from Washington County Circuit Court.

CV-19-279. Jerry Bruce Loftin v. First State Bank, from Washington County Circuit Court.

CV-19-325. Jessica R. Glover v. Lance T. Glover, from Benton County Circuit Court.

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CASES SUBMITTED

CV-19-338. Walter Quinn v. Richard O'Brien and Heartland Bank, from Pulaski County Circuit Court, Ninth Division.

CV-19-530. Tempworks Management Services, Inc., and AmTrust North America v. Gary Jaynes, from the Arkansas Workers' Compensation Commission.

CV-19-562. David L. Evans v. Firestone Building Products and Sedgwick Claims Management Services, from the Arkansas Workers' Compensation Commission.

CV-19-627. Franklin Peterson and Rachel Peterson v. Arkansas Department of Human Services and Minor Child, from Jackson County Circuit Court.

CV-19-638. Adela Chavez v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-19-715. Philip Wallace v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-19-792. Timberly Musick v. Arkansas Department of Human Services and Minor Children, from Mississippi County Circuit Court, Chickasawba District.

CV-19-799. Emily Reeves v. Arkansas Department of Human Services and Minor Child, from Madison County Circuit Court.

CV-19-803. Amanda Hensley v. Arkansas Department of Human Services and Minor Children, from Yell County Circuit Court, Southern District.

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

E-19-212. Racheal Eskridge v. Director et al.

E-19-213. Racheal Eskridge v. Director et al.

E-19-215. Curtis Romero v. Director et al.

E-19-217. Andrew Carson v. Director et al.

E-19-218. Tammy Carden v. Director et al.

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E-19-219. Sterling Bowers v. Director et al.

E-19-220. William Goodman v. Director et al.

E-19-221. Crystal Canady v. Director et al.

E-19-222. Cheree Avery v. Director et al.

E-19-223. Joe Griffin, Jr. v. Director et al.

E-19-224. Sherri Smith v. Director et al.

E-19-225. Anna Kozlowski v. Director et al.