

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 19, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CV-18-855](#). (In the Matter of the Estate of Eunice Goye Smith, Deceased) Martin Smith v. Derrell Smith and Lloyd Smith, Jr., from Little River County Circuit Court. Affirmed in part; reversed in part. Virden and Klappenbach, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-19-646](#). Corey Hughes v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Gladwin and Brown, JJ., agree.

[CV-19-694](#). (In the Matter of the Adoption of B.R.) Rusty Raiteri v. Clayton Nowak, from Cleburne County Circuit Court. Reversed and dismissed. Gladwin and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-19-352](#). Kelly Mullins v. Joel Helgren, from Garland County Circuit Court. Dismissed without prejudice. Gruber, C.J., and Klappenbach, J., agree.

[E-19-248](#). Zbigniew Klak v. Director, Department of Workforce Services, and St. Vincent Health System, from the Arkansas Board of Review. Reversed and remanded. Gruber, C.J., and Klappenbach, J., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-19-535](#). Jerry Michael Turley v. State of Arkansas, from Saline County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

[CV-18-903](#). Jana Hanshew and Clint Hanshew, Individually; and Clint Hanshew as Guardian of the Estate of Alyssa Hanshew, a Minor v. Arturo Martinez and Melissa Martinez, from Benton County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-19-484](#). Larry David Davis v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Gruber, C.J., and Virden, J., agree.

[CR-19-869](#). Z.B. v. State of Arkansas, from Lonoke County Circuit Court. Reversed and remanded. Vaught and Hixson, JJ., agree.

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N. MARK KLAPPENBACH, JUDGE: (Continued)

[CV-19-219](#). Natalie Tompkins v. Lawrence Tompkins, from Garland County Circuit Court. Affirmed in part; reversed and remanded in part. Vaught and Hixson, JJ., agree.

MEREDITH B. SWITZER, JUDGE:

[CR-19-505](#). Jeffrey Allen Lewis v. State of Arkansas, from Washington County Circuit Court. Affirmed. Virden and Brown, JJ., agree.

[CV-18-401](#). Shirley Lyle Hitt v. James Waller Lyle, Individually; Ann Lyle, Individually; Katherine Lyle Harbison, Individually; and d/b/a Lyle Farms Partnership, from Jackson County Circuit Court. Affirmed in part on direct appeal; reversed and remanded with instructions in part on direct appeal; affirmed on cross-appeal. Virden, J., agrees. Brown, J., concurs.

PHILLIP T. WHITEAKER, JUDGE:

[CR-19-599](#). Roderick Shoulders v. State of Arkansas, from Hot Spring County Circuit Court. Supplemental addendum ordered. Hixson and Murphy, JJ., agree.

[CV-19-77](#). Keith W. Emis v. Robin M. Emis, from Pulaski County Circuit Court, Sixteenth Division. Reversed and remanded. Gladwin and Harrison, JJ., agree.

[CV-19-366](#). Corey Allen v. Employbridge Holding Co. and Gallagher Bassett Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Harrison, JJ., agree.

[CV-19-704](#). Charles Morgan v. Arkansas Department of Human Services and Minor Children, from Polk County Circuit Court. Remanded to settle and supplement the record; rebriefing ordered; motion to withdraw denied. Hixson and Murphy, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-19-842](#). Philip Frederic v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Harrison and Switzer, JJ., agree.

KENNETH S. HIXSON, JUDGE:

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[CR-19-711](#). Quentin Kyle Green v. State of Arkansas, from Miller County Circuit Court. Affirmed. Whiteaker and Murphy, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-19-744](#). Marvin Stuart v. State of Arkansas, from Boone County Circuit Court. Affirmed. Whiteaker and Hixson, JJ., agree.

[CV-19-474](#). (In the Matter of the Guardianship of Matthew Helton, an Incapacitated Adult) Matthew Helton v. Melanie Stogsdill and John Stogsdill, from Garland County Circuit Court. Reversed. Whiteaker and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-18-866](#). Howard T. Wood, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

[CV-19-491](#). Arkansas Department of Human Services v. Bobbie Ann Hogan, from Nevada County Circuit Court. DHS Office of Appeals and Hearings affirmed; circuit court reversed. Abramson and Gladwin, 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-19-237. Jeffrey Lowery v. Director et al.

E-19-238. Brenda Henderson v. Director et al.

E-19-239. Candis Bates v. Director et al.

E-19-240. David McKinley v. Director et al.

E-19-241. Drew Hargis v. Director et al.

E-19-242. Jonathan Thomas v. Director et al.

E-19-243. Drita Ismaill v. Director et al.

E-19-244. Drita Ismaill v. Director et al.

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E-19-245. Drita Ismaill v. Director et al.

E-19-246. Josue Garcia v. Director et al.

E-19-247. Brady McMillin v. Director et al.

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PER CURIAM ORDERS

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

CV-18-630. Industrial Iron Works, Inc.; and Industrial Iron Works Construction, Inc., d/b/a Adams Fertilizer Equipment v. Larry Hodge, Connie Hodge, John Does 1–10, and Sentry Insurance, from Mississippi County Circuit Court, Osceola District. Harrison, J., not participating.

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; Demarlone Bell; and Kenneth Johnson, from Jefferson County Circuit Court.

CV-19-593. Lisa Dominguez v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CR-18-996. Parnell May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Lee D. Short for attorney fees is granted. Allowed \$1,800.00. Gruber, C.J., not participating.

CR-19-140. Chavell Terrell Jemison v. State of Arkansas, from Miller County Circuit Court. Motion of Lee D. Short for attorney fees 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 to be relieved as counsel is granted.

CR-19-724. Bryant Adams v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant’s motion to supplement the record on appeal and to stay briefing schedule is granted. Gladwin and Brown, JJ., would deny.

CR-19-758. Michelle Lawrence v. State of Arkansas, from Grant County Circuit Court. Appellant’s pro se motion for extension of time to file brief is treated as a request to file belated points for reversal and is granted.

CR-19-871. Joe Raymond Mallard v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion for extension of time to file brief is granted.

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PER CURIAM ORDERS

Appellant's reply brief is due March 7, 2020. Final extension. Switzer, J., not participating.

CR-19-945. Boyce Williams v. State of Arkansas, from Saline County Circuit Court. Appellant's petition for writ of certiorari to complete the record is granted.

CV-19-402. Lockhard & Williams Insurance Services, Inc. v. Luther Waldrip, Administrator for the Estate of Timothy Waldrip, Deceased, from Benton County Circuit Court. Motion of attorney J. William Manuel to withdraw as counsel is granted.

CV-19-402. Lockhard & Williams Insurance Services, Inc. v. Luther Waldrip, Administrator for the Estate of Timothy Waldrip, Deceased, from Benton County Circuit Court. Unopposed motion of Candice L. Rucker to participate in oral argument is granted.

CV-19-865. Karen and Tim Fitzpatrick, Individually and as Parents to Noah Riley Fitzpatrick; and Karen and Tim Fitzpatrick, as Special Administrators of the Estate of Noah Riley Fitzpatrick, Deceased v. Ndidibuike Nnabundo Ukwe, M.D., from Crittenden County Circuit Court. Appellants' motion to dismiss appeal is granted.

CV-19-873. Julia McCay Brand v. Michael T. Brand, from Jackson County Circuit Court. Appellee's motion to dismiss for lack of jurisdiction is denied.

CV-19-873. Julia McCay Brand v. Michael T. Brand, from Jackson County Circuit Court. Appellee's motion for extension of time to file brief is granted.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

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

CR-18-849. Timothy Lee Miller v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-18-850. Timothy Lee Miller v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

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

CR-19-245. Andre Leonard Flowers v. State of Arkansas, from Garland County Circuit Court. Motion of Natalie S. King for costs and attorney fees.

CR-19-358. Nathan Reed Rowland v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip McGough for attorney fees and costs.

CR-19-412. Evelyn Faye Seamster v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip McGough for attorney fees and costs.

CR-19-462. Timothy J. Worrall v. State of Arkansas, from Benton County Circuit Court. Motion of W. Whitfield Hyman for costs and attorney fees.

CR-19-512. Roy Videl Graham v. State of Arkansas, from Logan County Circuit Court, Northern District. Motion of Robert Jeffrey for attorney's fees.

CR-19-512. Roy Videl Graham v. State of Arkansas, from Logan County Circuit Court, Northern District. Amended motion of Robert Jeffrey for attorney's fees.

CR-19-537. Keraig House v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for oral argument.

CR-19-585. Jermaine Bohanon v. State of Arkansas, from Crittenden County Circuit Court. Motion of Bart Ziegenhorn for attorney fees.

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MOTIONS SUBMITTED

CR-19-778. Pearlie Pope v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for permission to file a nonconforming brief.

CR-20-14. Joey D. Watts v. State of Arkansas, from Grant County Circuit Court. Appellant's motion for extension of time to comply with writ of certiorari.

CR-20-94. Kevin Deshaun Everett v. State of Arkansas, from Garland County Circuit Court. Appellant's petition for leave to proceed in forma pauperis.

CV-19-788. Arthur Joyce v. Northeast Arkansas Community Mental Health Center, Inc., d/b/a Mid-South Health Systems, Inc.; Alliance of Nonprofits for Insurance, Risk Retention Group; John Doe I, John Doe II, and John Doe III; and Steven D. Billups, from Crittenden County Circuit Court. Second motion of Northeast Arkansas Community Health Center, Inc., d/b/a Mid-South Health Systems, Inc.; and Alliance of Nonprofits for Insurance, Risk Retention Group to dismiss appeal and motion for costs.

CV-19-788. Arthur Joyce v. Northeast Arkansas Community Mental Health Center, Inc., d/b/a Mid-South Health Systems, Inc.; Alliance of Nonprofits for Insurance, Risk Retention Group; John Doe I, John Doe II, and John Doe III; and Steven D. Billups, from Crittenden County Circuit Court. Appellees' motion to stay briefing and for extension of time to file appellees' brief.

CV-19-963. Joy Corp and Nazir U. Sardar, Individually v. John Roberts d/b/a Roberts Roofing, from Pope County Circuit Court. Appellee's motion to dismiss appeal.

CV-20-1. Kevin J. Pennington v. Arkansas Game and Fish Commission, from Pulaski County Circuit Court, Twelfth Division. Appellant's pro se notice of motion and motion to vacate judgment for fraud on the court.

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CASES SUBMITTED

CV-19-192. Shelter Mutual Insurance Company v. Marnette Ragon and William Ragon, from Pulaski County Circuit Court, Second Division. Orally argued.

CR-19-110. Randy W. Duck v. State of Arkansas, from Union County Circuit Court.

CR-19-253. John Johnson v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

CR-19-431. Michael Doll v. State of Arkansas, from Benton County Circuit Court.

CR-19-698. Roberto Torres v. State of Arkansas, from Crawford County Circuit Court.

CV-18-1026. Adrienne Elaine Friedly v. Erik Christopher Friedly, from Lonoke County Circuit Court.

CV-19-288. Sarah Lee (now Whiting) v. Aaron Childs, from Lonoke County Circuit Court.

CV-19-458. Brian Seth Medlen v. April Lynn Medlen, from Clay County Circuit Court, Eastern District.

CV-19-488. Margaretta Sue Hayden v. Jason S. Hayden, from Garland County Circuit Court.

CV-19-779. (In the Matter of the Guardianship of the Person of K.Y. and R.Z.S., Minors) Rolando Cedillo v. Emma Turner, from Pulaski County Circuit Court, Third Division.

CV-19-864. Melinda Gail Martin and Jimmy Martin v. Arkansas Department of Human Services and Minor Children, from Little River County Circuit Court.

CV-19-868. Joel Guerrero, Sr. v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.