

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 1, 2020

BART F. VIRDEN, JUDGE:

[CR-19-552](#). Dylan Wayne Carpenter v. State of Arkansas, from Garland County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-19-586](#). Erica Gray, as Parent and Natural Guardian of B.B., a Minor v. Marianna Housing Authority, from Lee County Circuit Court. Affirmed. Switzer and Murphy, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-19-163](#). Mark C. Williams v. Amy Minton Williams, from Baxter County Circuit Court. Affirmed in part; dismissed in part. Vaught and Brown, JJ., agree.

[CV-19-367](#). Elizabeth Jane Callan v. Jason Elliot Callan, from Pulaski County Circuit Court, Third Division. Reversed and remanded. Vaught and Brown, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[E-19-77](#). Danny Bugg v. Director, Department of Workforce Services; and City of Hot Springs, from the Arkansas Board of Review. Affirmed. Gruber, C.J., and Harrison, J., agree.

LARRY D. VAUGHT, JUDGE:

[CR-19-755](#). George Burns v. State of Arkansas, from Little River County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-19-282](#). Barrows/Thompson, LLC v. HB Ven II, LP; and Michael McAfee, Individually, from Madison County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-18-926](#). Joseph Barr v. FPI Arkansas LLC and FPI Colorado LLC, from Yell County Circuit Court, Northern District. Appeal dismissed without prejudice. Gladwin and Switzer, JJ., agree.

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WAYMOND M. BROWN, JUDGE:

[CV-19-302](#). Joseph Wayne Ponder v. Haley McCain, from St. Francis County Circuit Court. Affirmed. Klappenbach and Vaught, 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-19-274. Ricky Hokes v. Director et al.

E-19-275. Marquis Smith v. Director et al.

E-19-276. Antrelle Baker v. Director et al.

E-19-277. Jeffery Watson v. Director et al.

E-19-278. Charkesetta Coder v. Director et al.

E-19-279. John Kidd v. Director et al.

E-19-280. Hedoris Wilborn v. Director et al.

E-19-281. Valerie Oji v. Director et al.

E-19-282. Rosetta Davis v. Director et al.

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PER CURIAM ORDERS

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

CR-19-431. Michael Landon Doll v. State of Arkansas, from Benton County Circuit Court. Harrison, J., not participating.

CV-19-366. Corey Allen v. Employbridge Holding Co. and Gallagher Bassett Services, Inc., from the Arkansas Workers' Compensation Commission.

CV-19-620. Josue Tovias v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

CR-19-456. Contrell Henderson v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,800.00.

CR-19-523. Nicolas Hernandez-Lopez v. State of Arkansas, from Pope County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee is granted. Allowed \$1,800.00.

CR-19-524. Paul Mitchell Lilly v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Omar F. Greene for withdrawal of counsel and payment of appointed counsel is granted. Allowed \$1,800.00.

CR-19-692. Carlton Shutes v. State of Arkansas, from Union County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00. Switzer, J., not participating.

CR-19-735. John A. Buffington v. State of Arkansas, from Ouachita County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00. Klappenbach, J., not participating.

CR-19-905. Joseph Brehm v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to file belated appellant's brief is granted.

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

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CR-19-945. Boyce Williams v. State of Arkansas, from Saline County Circuit Court. Motion of William O. “Bill” James, Jr., and Nickols Wayne Dunn for entry of appearance is granted.

CV-19-344. Ben Motal v. City of Little Rock, from Pulaski County Circuit Court, Seventeenth Division. Motion to appear as amicus curiae is moot.

CV-19-647. Edward Lee Hardin v. Shelia Hardin, from Jefferson County Circuit Court. Appellee’s motion to present supplemental authority is granted.

CV-19-851. James Bates v. Kristine Collins Homan, in Her Capacity as Special Administratrix of the Estate of Victor Collins, Deceased, from Benton County Circuit Court. Appellee’s motion for extension of word-count for appellee’s brief is moot.

CV-20-92. James Tony Hollis v. City of Blytheville; Ross Thompson, in His Individual and Official Capacity as Chief of Police of Blytheville, Arkansas; James Sanders, in His Individual and Official Capacity as Mayor of Blytheville, Arkansas; and Chris Brown, in His Individual and Official Capacity as City Attorney of Blytheville, Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellees’ motion to supplement the record is granted. Gruber, C.J., not participating.

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In re Retirement of Chief Staff Attorney Valerie Denton. See [per curiam](#) this date.

Today we mark Chief Staff Attorney Valerie Denton’s retirement and honor her twenty-three years of dedicated service to our court and to the citizens of the State of Arkansas. Since 1997, Valerie has faithfully served our court—first as a staff attorney, then Deputy Chief Staff Attorney, and now Chief Staff Attorney. Before that, she served the Arkansas Supreme Court for several years as law clerk to Chief Justice Jack Holt, Chief Justice Bradley Jesson, Chief Justice W.H. “Dub” Arnold, Justice Darrell Hickman, and Justice David Newbern.

Valerie is esteemed for her intellect, grace, and wit. No task is too daunting or too small for her—regardless, she handles the job professionally and with equanimity. Her knowledge of the law, as well as this court’s operations and history, is inestimable. Equally important, Valerie’s congenial nature and her dedication to this court make working with her a true pleasure. Each of us has benefited from her friendship and wise counsel.

Today is bittersweet. Though we will miss our beloved colleague, we are delighted that Valerie begins her richly deserved retirement and hope it brings her more time to devote to her family, especially her grandson Leo. We offer our friend Valerie our deep gratitude for her service and our best wishes for all good things in her future.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR-19-591. Tracy Will Vaughn v. State of Arkansas, from White County Circuit Court.

CR-18-985. Frederick Eugene Scott, Jr. v. State of Arkansas, from Garland County Circuit Court. Motion of David M. Littlejohn for costs and attorney fees.

CR-19-505. Jeffrey Allen Lewis v. State of Arkansas, from Washington County Circuit Court. Motion of Tim Cullen for attorney fees and costs.

CR-19-535. Jerry Michael Turley v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees.

CR-19-601. Kaleb Trey Benson v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees.

CR-19-646. Corey Hughes v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees.

CR-19-698. Roberto Torres v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion for time to supplement record.

CR-19-744. Marvin Stuart v. State of Arkansas, from Boone County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-19-869. Z.B. v. State of Arkansas, from Lonoke County Circuit Court. Motion of William O. "Bill" James, Jr., for fees.

CR-19-974. William Edward Gray v. State of Arkansas, from Pope County Circuit Court. Appellant's motion requesting the court to take judicial notice of records relating to appellant's petitions for rehearing and review, and denials of relief by the Court of Appeals and Supreme Court, respectively.

CR-19-980. David Reynolds v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to supplement the record on appeal.

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MOTIONS SUBMITTED

CR-20-36. Richard Stephen Gross, Jr. v. State of Arkansas, from Washington County Circuit Court. Appellee's unopposed motion to supplement record.

CR-20-87. Kiari Riggins v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Motion of the James Law Firm for entry of appearance.

CR-20-87. Kiari Riggins v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Motion of William O. "Bill" James, Jr., to substitute counsel on appeal.

CR-20-87. Kiari Riggins v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant's motion for extension of brief time.

CR-20-87. Kiari Riggins v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Motion of the James Law Firm to withdraw as appellant counsel.

CR-20-158. E.E. v. State of Arkansas, from Faulkner County Circuit Court. Motion of James F. Lane to be relieved as counsel.

CR-20-162. Tyree Goins v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for order directing clerk to lodge record.

CR-20-179. Stephane Ferry v. State of Arkansas, from Faulkner County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CR-20-182. Ricky Cleveland Alexander v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for belated appeal.

CV-19-452. Christine M. Shaw (now Skinner) v. Brandon Shaw, from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion to file corrected brief.

CV-19-704. Charles Morgan v. Arkansas Department of Human Services and Minor Children, from Polk County Circuit Court. Appellant's motion for extension of time to return the supplemental record and for brief time.

CV-19-720. Cortney Moore v. Bestway Rent to Own; Continental Indemnity Company; Liberty Mutual Insurance Co.; and Zachary Daniel Waters, from the Arkansas Workers' Compensation Commission. Appellant's motion to settle and complete the record.

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CV-19-752. David Brian Holcomb v. Diha Marie Middlebrook, from Saline County Circuit Court. Appellant's motion to suspend briefing schedule due to pending settlement.

CV-19-770. George Hunter and Joan Hunter v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Appellants' motion to supplement the record.

CV-19-866. Ashley Roper v. Travis O'Neal, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for leave to file belated brief.

CV-19-958. Betty Freeman v. Conway Regional Medical Center; Laura Grider, RN, Lathecia Greenlee, CNA; John/Jane Doe RN 1-4, John/Jane Doe LPN and CNA 1-4; and John Doe Direct Action Insurance Carrier, from Faulkner County Circuit Court. Appellant's motion to supplement the record.

CV-20-24. (In the Matter of the Implementation of Act 464 of 2019 and the Modification of Net Metering Tariffs) Entergy Arkansas, LLC; and Leslie Rutledge, Attorney General v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Appellee's motion to strike improper record designation.

CV-20-30. John D. Madison; Leisha M. Madison; and/or the Current Occupants of 1421 Whippoorwill Dr., Greenwood, AR 72936 v. U.S. National Bank Association, from Sebastian County Circuit Court, Greenwood District. Appellee's motion to substitute counsel.

CV-20-155. (In the Matter of the Estate of Willie Lee Boone, Deceased 3/31/12) Debra Flowers v. Percy Arnold and Bettie Arnold, Individually and as Co-Trustees for the Katherine Suedean Withers Boone Revocable Trust u/t/d November 18, 2010; Maggie Hawkins; and Raymon B. Harvey, from Pulaski County Circuit Court, Fourteenth Division. Appellees' motion to dismiss appeal for failure to timely file the record.

CV-20-155. (In the Matter of the Estate of Willie Lee Boone, Deceased 3/31/12) Debra Flowers v. Percy Arnold and Bettie Arnold, Individually and as Co-Trustees for the Katherine Suedean Withers Boone Revocable Trust u/t/d November 18, 2010; Maggie Hawkins; and Raymon B. Harvey, from Pulaski County Circuit Court, Fourteenth Division. Motion to withdraw as counsel of record for appellant.

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E-20-68. Kevin Smith v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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CASES SUBMITTED

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

CR-19-537. Keraig House v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-19-576. Darin Lee Hutson v. State of Arkansas, from Independence County Circuit Court.

CR-19-599. Roderick Shoulders v. State of Arkansas, from Hot Spring County Circuit Court.

CR-19-600. Keraig House v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-19-617. Joseph Thomas Lacefield v. State of Arkansas, from Benton County Circuit Court.

CV-19-387. Franklin Sears v. City of Hot Springs; Hot Springs Civil Service Commission; and Jason Stachey, Individually and as Chief of Police, from Garland County Circuit Court.

CV-19-451. Brian Escue v. Riceland Foods, Inc., from Craighead County Circuit Court, Western District.

CV-19-472. Richard Hesse v. Simoff Horse Transport, LLC, from Garland County Circuit Court.

CV-19-509. First Presbyterian Church of Magnolia, Arkansas, Inc. v. The Presbytery of the Pines and Presbyterian Church (U.S.A.), a Pennsylvania Corporation, from Columbia County Circuit Court.

CV-19-513. Bennie L. Sims and Brenda F. Sims v. Fay Servicing, LLC; The Mortgage Outlet, Inc.; and Wilmington Savings Fund Society, FSB, from St. Francis County Circuit Court.

CV-19-587. Teresa Whitson v. Buddy Belt and Vickie Belt, from Franklin County Circuit Court, Northern District.

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CASES SUBMITTED

CV-19-629. Country Club Gardens, LLC, d/b/a Lake Hamilton Health and Rehab; Central Arkansas Nursing Centers, Inc.; Country Club Manor, LLC; and Nursing Consultants, Inc. v. D'Ann Pelton Alexander, as Special Administrator of the Estate of Mary Elizabeth Pelton; and on Behalf of the Wrongful Death Beneficiaries of Mary Elizabeth Pelton, from Garland County Circuit Court.

CV-19-665. Bank of the Ozarks, Inc., as Administrator of the Estate of Rebecca Smith, Deceased; Nicholas Metcalf; and Braxton Metcalf-Smith, a Minor, By and Through His Next Friends and Legal Guardians, Betty Bronkema and Robert Bronkema v. Ford Motor Co.; Kenneth Scott Stoll d/b/a Wheel World, Inc.; Lewis Ford Sales, Inc.; Everett Buick GMC of Northwest Arkansas, LLC; Atkins Auto Repair, LLC, d/b/a The Grease Pig Lube & Tune; Atkins Oil, LLC, d/b/a The Grease Pig Lube & Tune; Little Rock CDJ, Inc.; C and C Motors, LLC; Michael Battie; and Sean Battie, from Lonoke County Circuit Court.

CV-19-853. Kristine Shipp v. Arkansas Department of Human Services and Minor Children, from Miller County Circuit Court.

CV-19-859. USA Truck, Inc.; Broadspire; and Death and Permanent Total Disability Trust Fund v. Duane Webster, from the Arkansas Workers' Compensation Commission.

CV-19-944. Tanya Taylor v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court.