

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 8, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CR-19-801](#). Carl Gene Morgan v. State of Arkansas, from Greene County Circuit Court. Affirmed. Harrison and Whiteaker, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-19-756](#). Robert Jamar Fields v. State of Arkansas, from Union County Circuit Court. Dismissed. Virden and Hixson, JJ., agree.

[CV-19-306](#). Hermitage Newark, LLC; Hermitage Properties, LLC; Hermitage Operating, LLC, d/b/a Endurance Sands and Logistics; and Dale E. Behan v. Arkansas Sand Company and Volvo Financial Services, a Division of VFC, LLC, from Independence County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-19-414](#). Gregory Peterson v. Dr. Stephen A. Ziller III and Catholic Health Initiatives d/b/a St. Vincent Health System, from Pulaski County Circuit Court, Fifth Division. Dismissed. Abramson and Hixson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-18-155](#). Everett Latham Hayes v. Robert Psenka; Jeff Rodd; Ozark Enclave Properties; J & J Development, Inc.; Paul Jeffrey Rodd, Trustee of the Paul Jeffrey Rodd Trust; and the Paul Jeffrey Rodd Trust, from Newton County Circuit Court. Affirmed. Switzer and Murphy, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-18-504](#). Andris McClendon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Gruber, C.J., and Whiteaker, J., agree.

[CR-19-634](#). Mark A. Watts v. State of Arkansas, from Yell County Circuit Court, Southern District. Affirmed. Gruber, C.J., and Whiteaker, J., agree.

MEREDITH B. SWITZER, JUDGE:

[CR-19-787](#). Anastasia Gonzales v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Gladwin and Murphy, JJ., agree.

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MEREDITH B. SWITZER, JUDGE: (Continued)

[CV-19-385](#). Joshua Duggar v. City of Springdale, Arkansas; and Washington County, Arkansas, from Washington County Circuit Court. Affirmed as modified. Harrison and Vaught, JJ., agree.

[CV-19-763](#). Fulton County Hospital and Risk Management Services v. Melissa J. Herring, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Murphy, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-19-611](#). Colonel Glenn Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc., d/b/a Professional Nursing and Rehabilitation Services; Argenta Health Services, LLC; and Michael S. Morton v. Teresa Joanne Aldrich, as Special Administrator of the Estate of Jeffrey Watton, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Jeffrey Watton, from Pulaski County Circuit Court, Sixth Division. Affirmed. Klappenbach and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-19-742](#). Jesse Benton v. State of Arkansas, from Boone County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-19-897](#). Eric Jerome Lacy v. State of Arkansas, from Union County Circuit Court. Affirmed. Gladwin and Switzer, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-19-405](#). Cody Jones and Lamar Joy v. Tri State Truss Co. et al., from Franklin County Circuit Court, Northern District. Dismissed without prejudice. 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-19-287. Kordell Hightower v. Director et al.

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E-19-288. Mags Trucking, Inc. v. Director et al.

E-19-289. Darrell Finks v. Director et al.

E-19-290. Charlotte McDonald v. Director et al.

E-19-291. Donald Sims v. Director et al.

E-19-292. Donald Sims v. Director et al.

E-19-293. Mark Drouin v. Director et al.

E-19-294. Kirby Foster v. Director et al.

E-19-295. Kirby Foster v. Director et al.

E-19-296. James Hodges v. Director et al.

E-19-297. Linda Lawrence v. Director et al.

E-19-298. Paula Hadaway v. Director et al.

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PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

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

CR-19-505. Jeffrey Allen Lewis v. State of Arkansas, from Washington County Circuit Court. Motion of Tim Cullen for attorney fees and costs is granted. Allowed \$1,800.00.

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

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 is granted. Allowed \$1,000.00.

CR-19-646. Corey Hughes v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees is granted. Allowed \$1,800.00.

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

CR-19-744. Marvin Stuart v. State of Arkansas, from Boone County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00.

CR-19-869. Z.B. v. State of Arkansas, from Lonoke County Circuit Court. Motion of William O. "Bill" James, Jr., for fees is granted. Allowed \$1,800.00.

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, is granted.

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

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

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 is denied.

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 is moot.

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

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 is moot.

CR-20-158. E.E. v. State of Arkansas, from Faulkner County Circuit Court. Motion of James F. Lane to be relieved as counsel is granted. Harrison, J., not participating.

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 is denied.

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 is granted.

CR-20-182. Ricky Cleveland Alexander v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for belated appeal is granted. Switzer, J., not participating.

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 is granted. Gruber, C.J., and Harrison, J., not participating.

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 is granted.

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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 is granted. Harrison, J., not participating.

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 is treated as a motion for extension of time and is granted. Appellant's brief is due in thirty days (May 8, 2020). Final extension.

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 is granted.

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 is granted.

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 is granted. Gladwin, J., not participating.

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 is denied. Gruber, C.J., and Abramson, J., not participating.

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 is granted.

CV-20-144. Dr. Christian Ball v. Arkansas Board of Podiatric Medicine, from Pulaski County Circuit Court, Sixth Division. Appellant's motion for rule on clerk is denied.

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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 is granted. Gladwin, J., not participating.

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 is granted. Gladwin, J., not participating.

E-20-68. Kevin Smith v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied. Gruber, C.J., and Abramson, J., not participating.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-19-532. Michael Shock v. State of Arkansas, from Cleburne County Circuit Court.

CV-19-398. Town of Springtown, Arkansas v. Michael M. Evans et al., from Benton County Circuit Court.

CV-19-489. Summers Drilling & Blasting, Inc., a/k/a Summers Drilling, Inc. v. Goodwin & Goodwin, Inc., from Sebastian County Circuit Court, Fort Smith District.

CV-19-503. Danny Lewis and Tami Lewis v. Danny Jewell; Charlotte Jewell; and Chandler Insurance Agency, Inc., from Miller County Circuit Court.

CV-19-673. Arkansas Department of Health and Public Employee Claims Division v. Jeffrey W. Lockhart, from the Arkansas Workers' Compensation Commission.

CR-19-42. Terrance Billups v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for extension of time to file supplemental addendum.

CR-19-699. Marlon Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se petition to amend points for reversal.

CR-19-951. Donald Frazier v. State of Arkansas, from Jefferson County Circuit Court. Appellant's second pro se motion for extension of time to file brief.

CR-20-125. David King v. State of Arkansas, from Van Buren County Circuit Court. Appellant's motion to hold briefing in abeyance.

CR-20-191. Harl Garrett v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for belated appeal.

CV-18-786. Tyrome Hurst, Special Administrator of the Estate of Deshun Lamont Hurst v. Riceland Foods, Inc., from Crittenden County Circuit Court. Appellant's second motion for extension of time to file supplemental record and appellant's substituted brief.

CV-19-77. Keith Emis v. Robin Emis, from Pulaski County Circuit Court, Sixth Division. Appellee's motion for compliance with and clarification of mandate.

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MOTIONS SUBMITTED

CV-19-123. Randy Lee Deason v. Angela Deason, from Washington County Circuit Court. Appellant's declaration that party was unable to file in a timely manner.

CV-19-205. Nikita Mahoney v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Motion of separate appellees Minor Children to dismiss appeal.

CV-19-288. Sarah Lee (now Whiting) v. Aaron Childs, from Lonoke County Circuit Court. Motion of Scott A. Scholl for attorney's fees and costs.

CV-19-415. Margaret Cogswell v. Mary Cloar, from Pope County Circuit Court. Appellant's suggestion of death and motion to substitute decedent's personal representative, heirs, devisees, or special administrator.

CV-19-415. Margaret Cogswell v. Mary Cloar, from Pope County Circuit Court. Appellee's motion to substitute decedent's executrix as the proper party.

CV-19-415. Margaret Cogswell v. Mary Cloar, from Pope County Circuit Court. Appellee's supplement to motion to substitute decedent's executrix as proper party.

CV-20-27. Mary Pennebaker v. Furry Feet Retreat, Inc., and Janeen Neil, from Saline County Circuit Court. Appellees' motion for substitution of counsel.

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CASES SUBMITTED

CR-19-573. Mark Neal v. State of Arkansas, from Ashley County Circuit Court.

CR-19-684. Bobby Kellensworth v. State of Arkansas, from Grant County Circuit Court.

CR-19-697. Cynthia Overton v. State of Arkansas, from Saline County Circuit Court.

CR-19-760. Rodney Goshien v. State of Arkansas, from Saline County Circuit Court.

CR-19-775. Angelia Engeron v. State of Arkansas, from Greene County Circuit Court.

CR-19-794. Anthony Darnell Warren v. State of Arkansas, from Nevada County Circuit Court.

CV-19-337. Eylorna Bones, Freda Hostler, and Kimberly Steward v. Nathaniel Dennison, Individually and in His Official Capacity; Angela Newcomb, Individually and in Her Official Capacity; Cecile Blucher, Individually and in Her Official Capacity; Becky Dunagin, Individually and in Her Official Capacity; and Arkansas Department of Human Services, Division of Children and Family Services, from Jefferson County Circuit Court.

CV-19-344. Ben Motal v. City of Little Rock, from Pulaski County Circuit Court, Seventeenth Division.

CV-19-364. John Farr v. Northfield Insurance Company, from Phillips County Circuit Court.

CV-19-536. Bernard Court, LLC v. Walmart Inc., from Benton County Circuit Court.

CV-19-560. Ted Bentley v. Mary Bentley, from Perry County Circuit Court.

CV-19-674. Steven D. Mitchell v. Sex Offender Assessment Committee, from Izard County Circuit Court.

CV-19-759. Encompass Insurance Company and Encompass Indemnity Company v. Paul I. Wills, from Sebastian County Circuit Court, Fort Smith District.

CV-19-782. Cynthia Butler Farrell v. Hanford Francis Farrell, from Sebastian County Circuit Court, Fort Smith District.

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CASES SUBMITTED

CV-19-807. Mitchell “Mitch” Wine v. Doralee Chandler and Leslie Rutledge, in Their Capacities as Director of Alcoholic Beverage Control Division of the Arkansas Department of Finance and Administration and Attorney General of Arkansas, Respectively; and Public Consulting Group, Inc., from Pulaski County Circuit Court, Ninth Division.

CV-19-892. Daniel Pledger v. Stacy Pledger, from Baxter County Circuit Court.

CV-19-946. Latisha Gilbert v. Arkansas Department of Human Services and Minor Children, from Johnson County Circuit Court.

CV-19-947. Angel McCord v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court.

CV-19-948. Morgan Adame and Jeremy Adame v. Arkansas Department of Human Services and Minor Children, from Pope County Circuit Court.