

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF APRIL 22, 2020**

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

[CV-19-947](#). Angel McCord v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court. Affirmed. Switzer and Hixson, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-19-573](#). Mark Douglas Neal v. State of Arkansas, from Ashley County Circuit Court. Affirmed; motion to dismiss denied. Klappenbach and Murphy, JJ., agree.

[CR-19-775](#). Angelia Engeron v. State of Arkansas, from Greene County Circuit Court. Affirmed. Klappenbach and Murphy, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[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. Reversed and remanded. Harrison and Vaught, JJ., agree.

[CV-19-948](#). Morgan Adame and Jeremy Adame v. Arkansas Department of Human Services and Minor Children, from Pope County Circuit Court. Affirmed; motion to withdraw granted. Harrison and Vaught, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-19-684](#). Bobby Kellensworth v. State of Arkansas, from Grant County Circuit Court. Affirmed in part; reversed and dismissed in part. Whiteaker and Brown, JJ., agree.

[CV-19-782](#). Cynthia Butler Farrell v. Hanford Francis Farrell, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Whiteaker and Brown, JJ., agree.

**BRANDON J. HARRISON, JUDGE:**

[CV-19-192](#). Devlin Vediell Ashby and Shelter Mutual Insurance Company v. Marnette Ragon, Individually and as Special Administratrix of the Estate of William Ragon, from Pulaski County Circuit Court, Second Division. Affirmed. Gruber, C.J., and Abramson, Virden, Klappenbach, and Switzer, JJ., agree. Gladwin, Vaught, and Brown, JJ., dissent.

[CV-19-509](#). First Presbyterian Church of Magnolia, Arkansas v. The Presbytery of the Pines, from Columbia County Circuit Court. Reversed and remanded. Virden and Vaught, JJ., agree.

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**BRANDON J. HARRISON, JUDGE: (Continued)**

[CV-19-560](#). Ted Bentley v. Mary Bentley, from Perry County Circuit Court. Affirmed. Virden and Vaught, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-19-337](#). Freda Hostler, Kimberly Steward, Stephanie Moten, and Eylorna Bones v. Nathaniel Dennison; Angela Newcomb; Cecile Blucher; and Becky Dunagin, Individually and in Their Official Capacities; and Arkansas Department of Human Services, Division of Children and Family Services, from Jefferson County Circuit Court. Affirmed in part; reversed and remanded in part. Abramson and Murphy, JJ., agree.

[CV-19-946](#). Latisha Gilbert v. Arkansas Department of Human Services and Minor Children, from Johnson County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Murphy, JJ., agree.

**MEREDITH B. SWITZER, JUDGE:**

[CV-19-759](#). Encompass Insurance Company and Encompass Indemnity Company v. Paul I. Wills, from Sebastian County Circuit Court, Fort Smith District. Appeal dismissed. Gruber, C.J., and Hixson, J., agree.

[CV-19-797](#). Brittany Pelayo v. Wesley Sims, from Sebastian County Circuit Court, Greenwood District. Affirmed. Gladwin and Murphy, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-19-697](#). Cynthia Overton v. State of Arkansas, from Saline County Circuit Court. Affirmed. Gladwin and Brown, JJ., agree.

[CV-19-536](#). Bernard Court, LLC v. Walmart, Inc., from Benton County Circuit Court. Rebriefing ordered. Gladwin and Brown, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-19-674](#). Steven D. Mitchell v. Sex Offender Assessment Committee, State of Arkansas, from IZARD County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

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**KENNETH S. HIXSON, JUDGE:**

[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. Remanded for supplementation of the record; rebriefing ordered. Gruber, C.J., and Switzer, J., agree.

**MIKE MURPHY, JUDGE:**

[CR-19-794](#). Anthony Darnell Warren v. State of Arkansas, from Nevada County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

[CV-19-892](#). Daniel Pledger v. Stacy Pledger, from Baxter County Circuit Court. Affirmed in part; dismissed in part. Abramson and Klappenbach, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-19-760](#). Rodney Goshien v. State of Arkansas, from Saline County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

[CV-19-364](#). John Farr v. Northfield Insurance Company, from Phillips County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

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**PER CURIAM ORDERS**

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

CR-19-253. John Ellis Johnson v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Switzer, J., not participating.

CR-19-743. Adam Brown v. State of Arkansas, from Greene County Circuit Court.

CR-19-755. George Burns v. State of Arkansas, from Little River County Circuit Court.

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CR-19-374. Anita Rowton v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. “Robby” Golden for attorney’s fees is granted. Allowed \$1,800.00.

CR-19-492. Mark Garner v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Gregg Knutson for attorney fees is granted. Allowed \$1,800.00.

CR-19-502. Kevin R. Adams v. State of Arkansas, from Benton County Circuit Court. Motion of Alex Burgos for award of attorney’s fees is granted. Allowed \$1,800.00.

CR-19-645. Charles Allen 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.

CV-18-939. Jessica McCabe and Amy Purdy v. Wal-Mart Associates, Inc., from Benton County Circuit Court. Appellants’ motion for an order directing the clerk to endorse an improper check to counsel’s trust account is granted. Gruber, C.J., and Abramson and Hixson, JJ., not participating.

CV-19-192. Devlin Vediell Ashby and Shelter Mutual Insurance Company v. Marnette Ragon, Individually and as Special Administratrix of the Estate of William Ragon, from Pulaski County Circuit Court, Second Division. Motion of Marnette Ragon for substitution of party is granted. Marnette Ragon, as Special Administratrix of the Estate of William Ragon, is substituted as appellee for William Ragon.

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**PER CURIAM ORDERS**

CV-19-938. Tashyra Powell v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Northern District. Appellant's pro se motion to file belated pro se points for reversal is granted.

CV-20-10. Crystal Pennanen Holiman v. William Brent Holiman and Office of Child Support Enforcement, from Grant County Circuit Court. Appellant's unopposed motion to change caption to reflect married name is granted.

CV-20-133. Keith Magness, Derek Magness, and Brandon Magness v. Joy Kaye Simmons Graddy, Individually and as Executrix of the Estate of Wilma Underwood Dupree, from Pulaski County Circuit Court, Fifth Division. Appellants' motion to correct the record pursuant to Ark. R. App. P.–Civ. 6(e) is granted. Gruber, C.J., not participating.

CV-20-203. Cox Ventures, LLC, and Brett Cox v. Jonathan Steele, from Greene County Circuit Court. Appellee's motion to dismiss appeal is granted. Harrison, J., not participating.

CV-20-210. Fredrick R. Potter, Individually and as Trustee of the Fred R. Potter Revocable Trust Established September 10, 2004; and as Trustee of the Fred Potter Revocable Trust Established July 10, 2013 v. Cassaundra Holmes, Individually and as Trustee of the Betty L. Potter Revocable Trust Established September 10, 2004; Thomas Wright; and Kevin Wright, from Scott County Circuit Court. Appellant's motion for leave to file partial record and to stay briefing schedule. Record lodged with this court on April 1, 2020. Motion to stay briefing schedule is treated as a motion for extension of time and is granted. Appellant's brief is due in thirty days (May 22, 2020).

E-20-83. Bervel Freckleton v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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**PROCEEDINGS OF APRIL 22, 2020**

**MOTIONS SUBMITTED**

CR-18-951. Anthony Bens v. State of Arkansas, from Grant County Circuit Court. Motion of Tara Schmutzler to be relieved as counsel.

CR-18-951. Anthony Bens v. State of Arkansas, from Grant County Circuit Court. Motion of Tara Schmutzler for costs and attorney's fee.

CR-19-588. Milton Thomas v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees.

CR-19-628. Cortland Ruffin v. State of Arkansas, from Lafayette County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs.

CR-19-650. Damian Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for appointment of counsel and to file a belated brief.

CR-19-811. Cortez Barefield v. State of Arkansas, from Phillips County Circuit Court. Motion of Gerald A. Coleman to be relieved as attorney for appellant and to stay briefing schedule.

CR-20-11. Forrest Rector Stewart v. State of Arkansas, from Miller County Circuit Court. Motion of Willard Proctor, Jr., for entry of appearance.

CR-20-87. Kiari Riggins v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Motion of Jon Johnson for entry of appearance.

CR-20-87. Kiari Riggins v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Motion of Jon Johnson for substitution of counsel.

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

CR-20-182. Ricky Cleveland Alexander v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for free transcript.

CR-20-209. Ray Porchay v. State of Arkansas, from Pope County Circuit Court. Motion of Samuel F. Eastman to be relieved and to stay briefing schedule.

CR-20-224. Cory Gibson, Jr. v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for belated appeal.

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**MOTIONS SUBMITTED**

CR-20-226. David Kevin Mallett v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to supplement the record.

CV-19-768. Jerry Ann Winters and Jerry Leo Winters v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellants' motion of suggestion of death.

CV-19-798. John Franklin Trickett v. John Spann and Sally Spann, from Franklin County Circuit Court, Southern District. Appellant's motion to file belated reply brief.

CV-20-113. Brandon Mounce; and Unique Guttering & Insulation, LLC v. Jeronimo Insulating, LLC, d/b/a G&S Insulating, from Washington County Circuit Court. Appellants' motion to file belated brief.

CV-20-168. Clarence Henson and Sherry Henson v. Kandice Brumble, from Lawrence County Circuit Court. Appellants' motion to supplement the record.

CV-20-233. Donna M. Reed v. Jacquelin R. Smith, William E. Smith III, and Diana M. Sharp, from Garland County Circuit Court. Appellant's pro se motion for belated appeal.

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**PROCEEDINGS OF APRIL 29, 2020**

**CASES SUBMITTED**

CR-19-685. Chris C. Brissette v. State of Arkansas, from Faulkner County Circuit Court.

CR-19-941. Michael Thomas v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-19-955. Irena Brimlett v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-20-28. Alan Francisco v. State of Arkansas, from Benton County Circuit Court.

CV-19-554. Lula Valentine, Individually and as Personal Representative of the Estate of Isdee Valentine, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Isdee Valentine v. Senior Care, Inc., d/b/a Oakdale Nursing Home; White County Medical Center; John Doe; and John and Jane Does A–Z, from White County Circuit Court.

CV-19-616. Gerald Stow v. John Montgomery, Sheriff for Baxter County, Arkansas, in His Official Capacity, from Pulaski County Circuit Court, Seventeenth Division.

CV-19-619. Linda Mickles v. Deborah Milam, from Pulaski County Circuit Court, Fifth Division.

CV-19-688. Phyllis Hall v. Immanuel Baptist Church, Carlisle; and Guideone Mutual Insurance Company, from Lonoke County Circuit Court.

CV-19-689. (In the Matter of the Guardianship of Kathryn Grace Kennedy, an Incapacitated Person) Dan Krotzer v. Esther Julianne McDaniel, from Sebastian County Circuit Court, Fort Smith District.

CV-19-693. Jeremy B. Bates v. David M. Gilliam and Charlene L. Gilliam, from Garland County Circuit Court.

CV-19-702. Alan Frazier; and Edward D. Jones & Co., a Limited Partnership v. Charles Michael Lewis, Individually and as Personal Representative of the Estate of Charley Lewis, Deceased; Lauren Lewis; Andrea Lewis; Margaret Ann Lewis; Donna Scruggs; and Stephanie Evans, from Jefferson County Circuit Court.

CV-19-867. Jetta Elliot v. Dusty Morgan, in His Official Capacity as Deputy Sheriff of Boone County, from Boone County Circuit Court.