

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 29, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CR-19-649](#). Joshua Parks v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Switzer and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-19-953](#). Darnell Washington v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Klappenbach and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-19-622](#). John William Marsh v. State of Arkansas, from Nevada County Circuit Court. Affirmed. Harrison and Vaught, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-19-961](#). Kenneth Miller v. State of Arkansas, from Saline County Circuit Court. Affirmed. Whiteaker and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-19-596](#). MacArthur Eans v. State of Arkansas, from Jefferson County Circuit Court. Appeal dismissed. Virden and Vaught, JJ., agree.

MEREDITH B. SWITZER, JUDGE:

[CV-19-889](#). Secia Salinas v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Hixson, J., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-19-606](#). Antonio Jamar Guyton v. State of Arkansas, from Benton County Circuit Court. Affirmed. Gladwin and Brown, JJ., agree.

[CV-19-402](#). Lockard & Williams Insurance Services, Inc. v. Luther Waldrip, Administrator for the Estate of Timothy Waldrip, Deceased, from Benton County Circuit Court. Affirmed. Gruber, C.J., and Abramson, Vaught, and Brown, JJ., agree. Virden, Harrison, Klappenbach, and Hixson, JJ., dissent.

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LARRY D. VAUGHT, JUDGE:

[CV-19-978](#). Jose Chacon v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison, J., agrees. Virden, J., concurs.

KENNETH S. HIXSON, JUDGE:

[CV-19-890](#). Secia Salinas v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Switzer, J., agree.

WAYMOND M. BROWN, JUDGE:

[CR-19-754](#). Jeremy Mickens v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

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PER CURIAM ORDERS

REHEARING GRANTED: Petition for rehearing was granted today in the following case.

[CV-19-589](#). Lache Price v. Christopher D. Price, from Pulaski County Circuit Court, Fourteenth Division. See **substituted opinion** issued this date.

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

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

CR-19-588. Milton Thomas 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-19-628. Cortland Ruffin v. State of Arkansas, from Lafayette County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$1,800.00.

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 is denied.

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 is granted.

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

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

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

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

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CR-20-182. Ricky Cleveland Alexander v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for free transcript is denied. Switzer, J., not participating.

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 is granted.

CR-20-224. Cory Gibson, Jr. v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for belated appeal is granted. Switzer, J., not participating.

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

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 is granted. Switzer, J., not participating.

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 is granted. Harrison, J., not participating.

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 is granted. Gladwin, J., not participating.

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

CV-20-168. Clarence Henson and Sherry Henson v. Kandice Brumble, from Lawrence County Circuit Court. Appellants' motion for extension of time to file brief is granted.

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 is denied. Switzer, J., not participating.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-19-123. Randy Lee Deason v. Angela Deason, from Washington County Circuit Court.

CV-19-163. Mark C. Williams v. Amy Minton Williams, from Baxter County Circuit Court.

E-19-77. Danny Bugg v. Director, Department of Workforce Services; and City of Hot Springs, from the Arkansas Board of Review.

E-19-293. Mark Drouin v. Director, Department of Workforce Services; and Wal-Mart Associates, Inc., from the Arkansas Board of Review.

CR-02-520. David Lee Hickey v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion for production of documents.

CR-19-534. Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court. Motion of Jason R. Davis for attorney's fees and costs.

CR-19-534. Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court. Motion of Jason R. Davis to withdraw.

CR-19-602. J.B.G. v. State of Arkansas, from Washington County Circuit Court. Motion of Brett D. Watson for attorney fees.

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. Appellant's pro se motion for reconsideration.

CV-20-237. Edward Jones v. Paul Ford and Bryce Cook, from Craighead County Circuit Court, Western District. Appellees' motion to dismiss appeal.

CV-20-237. Edward Jones v. Paul Ford and Bryce Cook, from Craighead County Circuit Court, Western District. Appellant's pro se motion for rule on clerk.

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CV-20-77. Camden-Progressive Eldercare Services, Inc., d/b/a Ouachita Nursing and Rehabilitation Center; Progressive Eldercare Services, Inc.; Southern Administrative Services, LLC; Care Plus Staffing, LLC; Procure Therapy Services, LLC; Professional Nursing Solutions, LLC; Ponthie Holdings, LLC; JEJ Investments, LLC; John Ponthie; Ross Ponthie; Mark Thompson; and Angela Marlar, in Her Capacity as Administrator of Ouachita Nursing and Rehabilitation Center v. Sheila Whitney, as Personal Representative of the Estate of Lillie Whitney; and on Behalf of the Wrongful Death Beneficiaries of Lillie Whitney, from Ouachita County Circuit Court. Appellee's motion to dismiss appeal.

E-20-94. Janice Jorgensen v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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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.