

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 13, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CV-19-363](#). William B. Cherry v. Rhonda Marlene Cherry (now Fulkroad), from Columbia County Circuit Court. Affirmed on direct appeal; affirmed on cross-appeal. Abramson, Whiteaker, Vaught, and Brown, JJ., agree. Virden, Harrison, Klappenbach, and Hixson, JJ., concur in part; dissent in part. Virden and Hixson, JJ., dissent.

[CV-19-867](#). Jetta Elliott v. Dusty Morgan, in His Official Capacity as a Deputy Sheriff of Boone County, from Boone County Circuit Court. Affirmed. Switzer and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-20-28](#). Alan Francisco v. State of Arkansas, from Benton County Circuit Court. Supplemental addendum ordered. Klappenbach and Murphy, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-19-619](#). Linda Mickles v. Deborah Milam, from Pulaski County Circuit Court, Fifth Division. Affirmed. Whiteaker and Brown, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-19-693](#). Jeremy B. Bates v. David M. Gilliam and Charlene L. Gilliam, from Garland County Circuit Court. Affirmed. Virden and Vaught, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-19-688](#). Phyllis Hall v. Immanuel Baptist Church, Carlisle, from Lonoke County Circuit Court. Affirmed. Abramson, J., agrees. Murphy, J., concurs.

MEREDITH B. SWITZER, JUDGE:

[CR-19-685](#). Chris C. Brissette v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Gruber, C.J., and Hixson, J., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[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. Supplementation of addendum ordered. Gladwin and Brown, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-19-824](#). Tara Kolb v. State of Arkansas, from Drew County Circuit Court. Reversed. Gladwin, Harrison, Whiteaker, and Murphy, JJ., agree. Gruber, C.J., and Klappenbach, Switzer, and Brown, JJ., dissent.

[CR-19-941](#). Michael A. Thomas v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Viriden and Harrison, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-19-344](#). Ben Motal v. City of Little Rock, from Pulaski County Circuit Court, Seventeenth Division. Reversed and remanded. Viriden, Klappenbach, Vaught, and Brown, JJ., agree. Abramson, J., dissents.

[CV-19-616](#). Gerald Stow v. John Montgomery, Sheriff for Baxter County, Arkansas, in His Official Capacity, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Gruber, C.J., and Switzer, J., agree.

MIKE MURPHY, JUDGE:

[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. Affirmed. Abramson and Klappenbach, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-19-955](#). Irena P. Brimlett v. State of Arkansas, from Craighead County Circuit Court, Western District. 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-19-756. Robert Jamar Fields v. State of Arkansas, from Union County Circuit Court. Klappenbach, J., not participating.

CV-19-674. Steven D. Mitchell v. Sex Offender Assessment Committee, State of Arkansas, from IZARD County Circuit Court. Switzer, J., not participating.

CR-19-42. Terrance Keith Billups v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for a copy of the motion for extension of time to file supplemental addendum filed March 30, 2020, is denied.

CR-19-533. David Lee Washburn, Sr. v. State of Arkansas, from Lonoke County Circuit Court. Motion of Ben Motal for attorney's fees is granted. Allowed \$1,800.00.

CR-20-193. Durell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for leave to file an enlarged brief is denied.

CV-19-752. David Brian Holcomb v. Diha Marie Middlebrook, from Saline County Circuit Court. Appellant's unopposed third motion to suspend briefing schedule due to pending settlement is granted. Appellant's brief is due in thirty days (June 12, 2020). Final extension. Whiteaker, J., would deny.

CV-19-761. Robert S. Young v. Roxanne D. Blake; Roxanne D. Blake, P.A.; George H. Niblock; George H. Niblock, LTD; The Niblock Law Firm, PLC; and John Does 1-10, from Washington County Circuit Court. Appellant's motion to remove Paige E. Young as counsel of record is granted.

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. Appellant's motion for reconsideration is denied. Abramson, J., not participating.

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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. Appellant’s motion for an extension of time to supplement the record is granted. Abramson, J., not participating.

CV-19-922. Wells Fargo Bank, N.A. v. M.S. Wholesale Plumbing, Inc., on Behalf of Itself and All Other Entities and Persons Similarly Situated; and Westfax, Inc., from Pope County Circuit Court. Motion of Arkansas Bankers Association and American Bankers Association for permission to file amicus brief is denied. Abramson, Hixson, and Brown, JJ., would grant.

CV-19-922. Wells Fargo Bank, N.A. v. M.S. Wholesale Plumbing, Inc., on Behalf of Itself and All Other Entities and Persons Similarly Situated; and Westfax, Inc., from Pope County Circuit Court. Motion of separate appellee M.S. Wholesale Plumbing, Inc., for leave to respond to brief amicus curiae is moot. Abramson, Hixson, and Brown, JJ., would grant.

CV-19-952. Valerie Denarvaez v. Enrique Denarvaez, from Pulaski County Circuit Court, Seventeenth Division. Appellee’s motion to supplement the record is granted.

CV-19-952. Valerie Denarvaez v. Enrique Denarvaez, from Pulaski County Circuit Court, Seventeenth Division. Appellee’s motion for extension of time is granted.

CV-20-192. John B. Yancey v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant’s pro se motion for extension of time to file brief is granted.

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 copy of record is granted.

CV-20-274. S.R. Land, LLC v. Drue Sims and Beverly Sims, from Drew County Circuit Court. Appellees’ motion to dismiss appeal is granted. Murphy, J., not participating.

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CV-20-274. S.R. Land, LLC v. Drue Sims and Beverly Sims, from Drew County Circuit Court. Appellant's motion for rule on clerk is denied. Murphy, J., not participating.

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MOTIONS SUBMITTED

CR-10-128. Byron Wallace v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for discovery pursuant to Rule 19.

CR-18-830. Dylan Johnson v. State of Arkansas, from Ouachita County Circuit Court. Appellant's pro se motion pursuant to Rule 19.

CR-19-552. Dylan Wayne Carpenter v. State of Arkansas, from Garland County Circuit Court. Motion of Michael Kiel Kaiser for fees.

CR-19-699. Marlon Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for objection.

CR-19-717. Rodney Dain Doster v. State of Arkansas, from Union County Circuit Court. Appellant's motion for belated brief.

CR-19-724. Bryant Adams v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellee's motion to supplement the record on appeal and for an extension of time to file brief.

CR-19-787. Anastasia Gonzales v. State of Arkansas, from Crawford County Circuit Court. Motion of Scott Scholl for attorney's fees and costs.

CR-19-801. Carl Gene Morgan v. State of Arkansas, from Greene County Circuit Court. Motion of Terry Goodwin Jones for attorney's fee.

CR-19-829. Omar Ali v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for bond on appeal.

CR-19-974. William Edward Gray v. State of Arkansas, from Pope County Circuit Court. Appellee's motion to dismiss for lack of jurisdiction, or alternatively, motion for extension of time.

CR-19-974. William Edward Gray v. State of Arkansas, from Pope County Circuit Court. Appellant's motion to correct the record on appeal.

CR-20-99. Malvin Bynum v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for extension of time to file appellant's response brief.

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MOTIONS SUBMITTED

CR-20-99. Malvin Bynum v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for trial transcript.

CR-20-142. Donald James v. State of Arkansas, from Independence County Circuit Court. Appellant's motion to supplement the record.

CR-20-241. Clyde Ernest Wallace v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-20-241. Clyde Ernest Wallace v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of time.

CR-20-242. Sidney Tate v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for extension of time.

CR-20-242. Sidney Tate v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion to duplicate at state expense.

CR-20-285. Anthony Michael Ford v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for rule on clerk.

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 supplement reply brief and to supplement addendum.

CV-19-768. Jerry Ann Winters v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellant's motion to file a substitute brief and to stay reply.

CV-19-915. Byron D. Watkins v. L.A. Darling Company, LLC; and Travelers Insurance Co., from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss appeal.

CV-20-229. Paragould School District and Arkansas School Boards Association Workers' Compensation Trust v. LaDonna Murphree, from the Arkansas Workers' Compensation Commission. Appellants' motion to stay briefing schedule and request for remand to the Arkansas Workers' Compensation Commission.

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CASES SUBMITTED

CR-19-753. Lorenzo Adam Green v. State of Arkansas, from Washington County Circuit Court.

CR-19-935. Gabriel E. Walton v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-19-954. Christopher L. Washington, Jr. v. State of Arkansas, from Ashley County Circuit Court.

CR-20-8. Damont Ewells v. State of Arkansas, from Lincoln County Circuit Court.

The following cases are appeals from the Arkansas Board of Review.

E-19-308. Albert Evans v. Director et al.

E-19-309. Annie Babb v. Director et al.

E-19-310. Henry Poindexter v. Director et al.

E-19-311. Amanda Traxler v. Director et al.

E-19-312. Connie Muqtasid v. Director et al.

E-19-313. Thurloo Pearson v. Director et al.

E-20-1. Heather O'Bannion v. Director et al.

E-20-2. S. Carlin Baker-Long v. Director et al.

E-20-3. Brandon Flowers v. Director et al.

E-20-4. Glendal Gillett, Jr. v. Director et al.

E-20-6. Heather Mathes v. Director et al.

E-20-7. Kenneth Vincent v. Director et al.