

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JULY 15, 2020

PER CURIAM ORDERS

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

CR-19-824. Tara Kolb v. State of Arkansas, from Drew County Circuit Court.

CV-19-363. William B. Cherry v. Rhonda Marlene Cherry (now Fulkroad), from Columbia County Circuit Court.

CV-19-546. Dominika Szwedo v. Arthur Cyrus, from Pulaski County Circuit Court, Fourteenth Division. Gladwin and Murphy, JJ., not participating.

CV-19-616. Gerald Stow v. John Montgomery, Sheriff for Baxter County, Arkansas, in His Official Capacity, from Pulaski County Circuit Court, Seventeenth Division. Virden, J., not participating.

CV-19-670. Brittany Kohler v. Randy Gene Croney, from Baxter County Circuit Court.

CV-19-688. Phyllis Hall v. Immanuel Baptist Church, Carlisle, from Lonoke County Circuit Court.

CV-19-702. Edward D. Jones & Co., LLC, and Alan Frazier v. Charles Michael Lewis, Individually and as Representative of the Estate of Charley Lewis, Deceased; Lauren Lewis; Andrea Lewis; and Margaret Anne Lewis, from Jefferson County Circuit Court.

CR-19-370. Lentonio Marcell Jenner v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for extension of time to file a substitute brief is granted.

CR-19-484. Larry David Davis v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for a copy of the transcript is denied.

CR-19-576. Darin Lee Hutson v. State of Arkansas, from Independence County Circuit Court. Motion of Brian G. Brooks for attorney fees is granted. Allowed \$1,800.00.

CR-19-634. Mark. A. Watts v. State of Arkansas, from Yell County Circuit Court, Southern District. Motion of Jeremy Wann to be relieved as attorney of record is granted.

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CR-19-634. Mark. A. Watts v. State of Arkansas, from Yell County Circuit Court, Southern District. Motion of Jeremy Wann for attorney's fees and costs is granted. Allowed \$1,800.00.

CR-19-649. Joshua Parks v. State of Arkansas, from Faulkner County Circuit Court. Motion of Eric Moore for award of attorney's fees is granted. Allowed \$1,800.00.

CR-19-649. Joshua Parks v. State of Arkansas, from Faulkner County Circuit Court. Motion of Eric Moore to withdraw as appellate counsel is granted.

CR-19-697. Cynthia Overton v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones for attorney's fees is granted. Allowed \$1,800.00.

CR-19-699. Marlon Tramain Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion to proceed pro se on appeal is denied.

CR-19-753. Lorenzo A. Green v. State of Arkansas, from Washington County Circuit Court. Motion of Clint Lancaster for attorney's fees is granted. Allowed \$1,800.00. Switzer, J., not participating.

CR-19-753. Lorenzo A. Green v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for copies of record/transcript and brief at the public expense is denied. Switzer, J., not participating.

CR-19-780. Rufus Lamont Virgil v. State of Arkansas, from Faulkner County Circuit Court. Motion of Sharon Kiel for award of attorney's fees is granted. Allowed \$1,800.00. Murphy, J., not participating.

CR-19-811. Cortez Barefield v. State of Arkansas, from Phillips County Circuit Court. Appellant's pro se motion for belated appeal is denied.

CR-19-811. Cortez Barefield v. State of Arkansas, from Phillips County Circuit Court. Appellant's pro se motion for discovery is denied.

CR-19-811. Cortez Barefield v. State of Arkansas, from Phillips County Circuit Court. Appellant's pro se motion for transcript is denied.

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CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se motion to expedite review is denied.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se motion to suppress evidence is denied.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se demand unburdened stenographer is denied.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se demand expert witness is denied.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se demand change of venue is denied.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se demand subpoena is denied.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se demand evidence supplied internet access and Facebook terms of service is denied.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se further notice/identification of fundamental issues at hand is denied.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se notice of defenses raised is denied.

CR-19-941. Michael A. Thomas v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Grace Casteel for award of attorney's fees is granted. Allowed \$1,800.00.

CR-19-951. Donald Frazier v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion to immediately file out of time unconventional brief is denied. Appeal dismissed.

CR-19-954. Christopher L. Washington, Jr. v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00.

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CR-19-955. Irena P. Brimlett v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$1,800.00.

CR-19-976. Brent Lawrence v. State of Arkansas, from Logan County Circuit Court, Southern District. Motion of Rena Beth Wright for attorney's fees is granted. Allowed \$1,600.00.

CR-20-8. Damont Ewells v. State of Arkansas, from Lincoln County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1,800.00.

CR-20-39. Timothy Ramon Moore v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion for extension of time to correct appellant's brief is granted.

CR-20-39. Timothy Ramon Moore v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion to stay appeal is denied.

CR-20-64. Henry Williams v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for belated brief is granted.

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

CR-20-126. J.P. v. State of Arkansas, from Van Buren County Circuit Court. Appellant's motion for expansion of page limit is denied.

CR-20-158. E.E. v. State of Arkansas, from Faulkner County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$1,800.00. Harrison, J., not participating.

CR-20-182. Ricky Cleveland Alexander v. State of Arkansas, from Garland County Circuit Court. Appellant's motion for remand to correct and settle the record is granted. Switzer, J., not participating.

CR-20-199. Tommy F. Hamilton v. State of Arkansas, from Hempstead County Circuit Court. Appellant's pro se motion for a copy of the appellant's brief is denied.

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

CR-20-256. Robin Miller Richard v. State of Arkansas, from Lonoke County Circuit Court. Appellant's motion to file belated appellant's brief is granted.

[CR-20-299](#). Tony Ray Reeves v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Pro se motions for belated appeal and for appointment of counsel. Remanded for findings of fact and conclusions of law. See **per curiam** this date.

CR-20-301. Anthony Keith Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion for reconsideration of motion to rule on clerk and accept late filing due to court errors and issues is denied.

CR-20-320. Carl Wynn v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion for extension of brief time is granted.

CR-20-320. Carl Wynn v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to supplement the record is moot.

CR-20-320. Carl Wynn v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's amended motion to supplement the record is granted.

CR-20-333. Mercedes Loren Taylor v. State of Arkansas, from Benton County Circuit Court. Motion of Robert Scott Parks and Janette McKinney to be relieved as attorneys for appellant is granted.

CR-20-333. Mercedes Loren Taylor v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to supplement the record is denied.

CR-20-333. Mercedes Loren Taylor v. State of Arkansas, from Benton County Circuit Court. Motion for entry of appearance of David Raupp on behalf of the Arkansas Public Defender Commission's Capital Conflicts and Appellate Division is granted.

CR-20-333. Mercedes Loren Taylor v. State of Arkansas, from Benton County Circuit Court. Appellant's unopposed motion for extension of time to file opening brief is granted.

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CR-20-349. Chadwick Staggs v. State of Arkansas, from Pope County Circuit Court. Joint motion to substitute counsel is granted. Klappenbach, J., not participating.

CR-20-357. Quayvon Peoples v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for belated appeal pursuant to Rule 37.1 is denied.

CR-20-384. Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court. Motion of Samuel J. Pasting to be relieved as appellate counsel and for substitution of counsel is granted.

CR-20-384. Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court. Appellant's petition for writ of certiorari is granted.

CR-20-385. Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court. Appellant's petition for writ of certiorari is granted.

CR-20-387. Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court. Appellant's petition for writ of certiorari is granted.

CR-20-391. Joshua Devault v. State of Arkansas, from Van Buren County Circuit Court. Motion of Angela Byrd to be relieved as counsel is granted.

CR-20-397. Dale C. Bartlett v. State of Arkansas, from Monroe County Circuit Court. Appellant's petition for writ of certiorari to complete record is granted.

CR-20-398. Cody Lane Cagle v. State of Arkansas, from Faulkner County Circuit Court. Motion of James E. Hensley, Jr., to withdraw as counsel is denied.

CR-20-436. Jeremy Tutt v. State of Arkansas, from Saline County Circuit Court. Motion for substitution of counsel and to recalculate briefing schedule is granted.

CV-18-401. Shirley Lyle Hitt v. James Waller Lyle, Individually; Ann Lyle, Individually; Katherine Lyle Harbison, Individually; and d/b/a Lyle Farms Partnership, from Jackson County Circuit Court. Appellant's motion for taxation of costs is denied. Virden and Harrison, JJ., would award half of the costs. Vaught, J., not participating.

CV-19-536. Bernard Court, LLC v. Walmart, Inc., from Benton County Circuit Court. Unopposed motion to supplement appellant's abstract and for extension of reply deadline. Motion to supplement appellant's abstract is granted. Request for extension of reply deadline is moot. Gruber, C.J., and Abramson, J., not participating.

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CV-19-670. Brittany Kohler v. Randy Gene Croney, from Baxter County Circuit Court. Appellee's motion for leave of court to extend time for appellee to respond to appellant's petition for rehearing and permit the filing of appellee's response and brief in support is granted.

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 for extension of time to file substituted brief is granted. Harrison, J., not participating.

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 consolidate records is denied. Harrison, J., not participating.

CV-19-737. Anna Sherrill v. Rika Properties, LLC, from Garland County Circuit Court. Appellant's motion to allow supplemental authority is granted. Switzer, J., not participating.

CV-19-737. Anna Sherrill v. Rika Properties, LLC, from Garland County Circuit Court. Appellee's motion to strike is denied. Switzer, J., not participating.

CV-19-765. Al Faigin and N.G. Faigin v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Appellants' motion to strike appellate brief of Diamante, a Private Membership Golf Club, LLC, and motion for five-day extension of time to file reply brief. Appellants' motion to strike appellate brief of Diamante, a Private Membership Golf Club, LLC, is denied. Request for five-day extension of time to file reply brief is moot. Switzer, J., not participating.

CV-19-768. Jerry Ann Winters v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellant's motion for expedited submission is denied. Switzer, J., not participating.

CV-19-768. Jerry Ann Winters v. Diamante Members Club, Inc., from Saline County Circuit Court. Appellee's motion to strike appellant's reply brief is passed until the case is submitted. Switzer, J., not participating.

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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 strike brief of Diamante, a Private Membership Golf Club, LLC, is denied. Switzer, J., not participating.

CV-20-18. Bronco Industrial Services, LLC; Gray Insurance Company; and Cannon Cochran Management Services v. James Brooks, from the Arkansas Workers' Compensation Commission. Joint status report is granted.

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. Appellants' joint motion to supplement the record is granted. Gruber, C.J., and Abramson, 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 supplement the record is granted. Gruber, C.J., and Abramson, J., not participating.

CV-20-33. LaDonna Humphrey, Individually v. Absolute Pediatric Services, Inc., d/b/a Absolute Pediatric Therapy; and Anthony Christopher, from Benton County Circuit Court. Appellant's status report is granted.

CV-20-148. Mary Jane Wilson v. Bobby J. Hatton, Administrator of the Estate of Seldon Gibbs, Deceased, from Garland County Circuit Court. Appellee's motion to file belated brief is granted. Switzer, J., not participating.

CV-20-163. (In the Matter of the Estate of Norma F. Nash, Deceased) Jim R. Nash v. John Nash, Jr., and Pam Glover, as Co-Executors of the Estate of Norma F. Nash, Deceased, from Pulaski County Circuit Court, Third Division. Appellant's pro se motion for rule on the clerk is denied. Gruber, C.J., not participating.

CV-20-198. Hunt Memorial Cathedral of Faith and West Dumas Church of God in Christ v. Union Bank & Trust Company, from Desha County Circuit Court. Appellee's motion to supplement record and stay briefing schedule is granted.

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CV-20-201. Courtney Young v. Shelter Mutual Insurance Company, from Phillips County Circuit Court. Appellant's motion to settle and complete the record and to stay briefing schedule 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 or clarification. Parties are ordered to file conventional paper briefs.

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 extension of time to file appellant's brief is granted.

CV-20-268. Richard Schmoll v. Atkins Trucking International, Inc.; Robert Schmoll; SST Logistics, LLC; and Atkins Transport International, LLC, from Pope County Circuit Court. Appellees' motion to dismiss appeal is granted. Request for costs is denied.

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

CV-20-303. (In the Matter of the Adoption of K.A.B., a Minor) Felix E. Bryan and Elizabeth H. Bryan, His Wife v. David Chad Findley and Victoria Mae Bryan, from Pope County Circuit Court. Joint motion for clarification as to content of the record or to supplement the record. Request of the parties to stand on the record as submitted without supplementation is granted.

CV-20-316. Betty Charles v. James Shelton Ellis, Trustee of the James Shelton Ellis Trust CUI 9/2/1998, from Ouachita County Circuit Court. Appellant's pro se motion for rule on clerk treated as a motion to supplement the record is denied.

CV-20-347. Mary Cloird v. Josephine Young, Jeremy Scott, Arkansas Department of Human Services, and Minor Child, from Jefferson County Circuit Court. Motion of Kimberly Boling Bibb to substitute counsel for separate appellee Minor Child is granted.

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CV-20-347. Mary Cloird v. Josephine Young, Jeremy Scott, Arkansas Department of Human Services, and Minor Child, from Jefferson County Circuit Court. Agreed motion to substitute counsel for separate appellee Arkansas Department of Human Services is granted.

CV-20-379. Dwight C. Jones v. Centennial Bank f/k/a Liberty Bank of Arkansas; Sarah Capp in Her Capacity as the Administrator of the Estate of Margaret Jones; and State of Arkansas, Commissioner of State Lands, from Yell County Circuit Court, Northern District. Appellant's pro se petition of writ of certiorari to complete record is denied.

E-20-138. Randy Russell v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

E-20-148. Syecha Armstrong v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.