

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF AUGUST 19, 2020**

**PER CURIAM ORDERS**

CR-18-830. Dylan Johnson v. State of Arkansas, from Ouachita County Circuit Court. Appellant's second pro se petition under Supreme Court Rule 19 is denied. Klappenbach, J., not participating.

CR-19-671. Ryan James Kirkland v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for extension of re-brief time is granted.

CR-19-733. Dominic Parker v. State of Arkansas, from Pope County Circuit Court. Motion of Michael S. Robbins for attorney's fees is granted. Allowed \$1,600.00.

CR-19-760. Rodney Goshien v. State of Arkansas, from Saline County Circuit Court. Motion of Ben Motal for attorney's fees is moot.

CR-19-760. Rodney Goshien v. State of Arkansas, from Saline County Circuit Court. Amended motion of Ben Motal for attorney's fees is granted. Allowed \$1,800.00.

CR-19-771. David Heath Haney v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Joseph C. Self for payment of fees is granted. Allowed \$1,600.00.

CR-19-826. Robert Draft v. State of Arkansas, from White County Circuit Court. Motion of Jonathan Streit for attorney's fees is denied.

CR-19-943. James Theodore Livsey v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$1,600.00.

CR-19-971. Steven Burns v. State of Arkansas, from Clay County Circuit Court, Western District. Motion of Kirk B. Lonidier for attorney's fee is granted. Allowed \$1,800.00.

CR-20-308. Benjamin Pitts v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of time is granted. Switzer, J., not participating.

CR-20-332. Eric Coon v. State of Arkansas, from Drew County Circuit Court. Motion of Timothy R. Leonard to be relieved and for appointment of new counsel is granted.

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CR-20-341. Jamar Conic v. State of Arkansas, from Pulaski County Circuit Court, Eleventh Division. Appellant's motion for extension of time is moot. Gruber, C.J., not participating.

CR-20-341. Jamar Conic v. State of Arkansas, from Pulaski County Circuit Court, Eleventh Division. Appellant's petition for writ of certiorari to supplement the record is granted. Gruber, C.J., not participating.

CR-20-349. Chadwick Staggs v. State of Arkansas, from Pope County Circuit Court. Appellant's petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record is granted. Klappenbach, J., not participating.

CR-20-371. Larry Zane Neff v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to file belated appeal is granted.

CR-20-414. Raul Torres-Garcia v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record is granted. Klappenbach, J., not participating.

CR-20-418. Matthew Jeremiah Edwards v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for rule on clerk is denied. Switzer, J., not participating.

CR-20-444. James Neal Bynum v. State of Arkansas, from Scott County Circuit Court. Appellant's motion for rule on clerk is granted.

CR-20-452. Preston Johnson v. State of Arkansas, from Saline County Circuit Court. Motion for rule on clerk and resetting briefing schedule is granted.

CR-20-455. Mark Edward Morgan v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for rule on clerk is granted.

CV-19-630. Sears Roebuck & Co.; Ace American Insurance Co.; and Sedgwick CMS v. Dale Brown, from the Arkansas Workers' Compensation Commission. Joint motion to request remand to the Arkansas Workers' Compensation Commission is denied. See Court of Appeals Mandate issued on March 13, 2020.

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

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CV-19-768. Jerry Ann Winters v. Diamante Members Club, Inc., from Saline County Circuit Court. Motion of Robert S. Tschiemer to withdraw as counsel is granted. Switzer, J., not participating.

CV-19-768. Jerry Ann Winters v. Diamante Members Club, Inc., from Saline County Circuit Court. Supplement to motion to withdraw as counsel is moot. Switzer, J., not participating.

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 stay enforcement of judgment is granted. Switzer, J., not participating.

CV-19-812. Rachel Freeman v. Darren Freeman, from Faulkner County Circuit Court. Appellant's motion for approval to resubmit reply brief is granted.

CV-19-917. Saline Hospital, LLC, d/b/a Saline Memorial Hospital; and Arkansas Healthcare Services, LLC v. Van H. De Bruyn, M.D., from Pulaski County Circuit Court, Sixth Division. Appellee's motion to strike appellants' reply brief is passed until the case is submitted.

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. Motion of separate appellant Attorney General Leslie Rutledge for substitution of counsel is granted. Gruber, C.J., and Abramson, J., not participating.

CV-20-78. Leroy Calhoun v. Area Agency on Aging; Risk Management Resources; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellees' motion to file belated brief is granted. Gruber, C.J., not participating.

CV-20-92. James Tony Hollis v. City of Blytheville; Ross Thompson, in His Individual and Official Capacity as Chief of Police of Blytheville, Arkansas; James Sanders, in His Individual and Official Capacity as Mayor of Blytheville, Arkansas; and Chris Brown, in His Individual and Official Capacity as City Attorney of Blytheville, Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for extension of time to file the brief is denied. Gruber, C.J., not participating.

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CV-20-102. John T. Woods v. Carter & Cole Tire Services, Inc.; and Commerce & Industry Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to file nonconforming brief is denied. Appellee's request to dismiss appeal is granted. See Ark. Sup. Ct. R. 4-5.

CV-20-112. (In the Matter of the Estate of David P. Shockley, Deceased) Tammy Davis f/k/a Tammy Goyette and Alice Barclay v. Glenda Bassett, from Boone County Circuit Court. Appellee's motion for extension of time to file brief is granted.

CV-20-112. (In the Matter of the Estate of David P. Shockley, Deceased) Tammy Davis f/k/a Tammy Goyette and Alice Barclay v. Glenda Bassett, from Boone County Circuit Court. Appellants' motion to file substituted brief is granted.

CV-20-124. David C. Stracner v. Stone Bank, Formerly Known as Ozark Heritage Bank, N.A., from Stone County Circuit Court. Joint report of the parties is accepted. Status reports are due in sixty days (October 18, 2020).

CV-20-218. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's second memorandum motion to supplement the record is granted.

CV-20-218. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers' Compensation Commission. Appellant's second motion for extension of time to file appellant's brief is granted.

CV-20-221. Juan Cruz v. State of Arkansas, from Monroe County Circuit Court. Appellant's motion to extend time for filing brief to file supplemental record is moot.

CV-20-221. Juan Cruz v. State of Arkansas, from Monroe County Circuit Court. Appellant's second motion to extend time for filing brief to file supplemental record is granted.

CV-20-229. Paragould School District and Arkansas School Boards Association Workers' Compensation Trust v. LaDonna Murphree and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Joint status report is granted. Status reports are due in ninety days (November 17, 2020).

CV-20-254. Ascentium Capital LLC v. James Marshall, Individually and d/b/a Your Furniture Store; and Corey Bolton, from Pulaski County Circuit Court, Ninth Division.

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**PER CURIAM ORDERS**

Motion of separate appellee James Marshall, Individually and d/b/a Your Furniture Store, to file sur-responsive brief is denied. Abramson, J., not participating.

CV-20-282. Pedro Hernandez v. Floors and More, Inc.; and John Polk, from Saline County Circuit Court. Motion of separate appellee Floors and More, Inc., to dismiss appeal is granted.

CV-20-282. Pedro Hernandez v. Floors and More, Inc.; and John Polk, from Saline County Circuit Court. Motion of separate appellee Floors and More, Inc., for extension of time to file appellee's brief is moot.

CV-20-282. Pedro Hernandez v. Floors and More, Inc.; and John Polk, from Saline County Circuit Court. Suggestion of death of separate appellee John Polk. Noted.

CV-20-293. John Roach v. Joe Roach and James Roach, from Marion County Circuit Court. Appellees' motion to dismiss is denied.

CV-20-293. John Roach v. Joe Roach and James Roach, from Marion County Circuit Court. Appellees' motion to stay the briefing schedule is granted.

CV-20-376. Scottsdale Insurance Company v. Latonya Thrower, Personal Representative of the Estate of Jasiah Thrower, from Ouachita County Circuit Court. Appellant's motion to supplement record is granted.

CV-20-376. Scottsdale Insurance Company v. Latonya Thrower, Personal Representative of the Estate of Jasiah Thrower, from Ouachita County Circuit Court. Appellant's motion for extension of time to file opening brief 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 amended petition for writ of certiorari to complete record and/or let this document serve as a motion or request for an extension of time to finish and accept a belated brief is denied.

CV-20-396. Estate of Vaughan Hale Baugh, Deceased v. Melissa Block, from White County Circuit Court. Appellant's motion to remand for want of a final order and for extension of time. Appeal dismissed for lack of a final order.

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CV-20-439. Curis Pharmacy (Sentrix Pharmacy & Discount, LLC) OS02705 and Kenneth Zielinski PD10077 v. Arkansas State Board of Pharmacy, from Pulaski County Circuit Court, Ninth Division. Appellee's motion for substitution of counsel is granted. Abramson and Switzer, JJ., not participating.

CV-20-445. Marsha G. Frazier v. Sameera Omar, R&T Insurance Agency, Imperial Fire and Casualty Insurance Company, and National General Insurance Company, from Jefferson County Circuit Court. Appellant's pro se motion for belated notice of appeals is denied.

CV-20-445. Marsha G. Frazier v. Sameera Omar, R&T Insurance Agency, Imperial Fire and Casualty Insurance Company, and National General Insurance Company, from Jefferson County Circuit Court. Appellant's second pro se motion for belated notice of appeals is denied.

CV-20-445. Marsha G. Frazier v. Sameera Omar, R&T Insurance Agency, Imperial Fire and Casualty Insurance Company, and National General Insurance Company, from Jefferson County Circuit Court. Appellees' joint motion to dismiss appeal is granted.

CV-20-468. (In the Matter of the Adoption of P.C., J.C., and B.C., Minor Children) Kaitlyn January and Richard Cook v. Roger and Angela Cook, from Pulaski County Circuit Court, Seventeenth Division. Appellants' petition for certiorari to complete the record or, alternatively, for mandamus is moot. Abramson and Murphy, JJ., not participating.

CV-20-468. (In the Matter of the Adoption of P.C., J.C., and B.C., Minor Children) Kaitlyn January and Richard Cook v. Roger and Angela Cook, from Pulaski County Circuit Court, Seventeenth Division. Appellees' motion to dismiss appeal of January 20, 2020 final order of adoption as untimely is granted. Abramson and Murphy, JJ., not participating.

E-20-178. Toneika Stuckey v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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**MOTIONS SUBMITTED**

CR-19-484. Larry David Davis v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se petition for a writ of certiorari to complete the record and a motion for a complete trial transcript.

CR-19-842. Philip Frederic v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for transcript.

CR-19-959. Kenneth M. Abernathy v. State of Arkansas, from Saline County Circuit Court. Appellant's motion to file belated brief.

CR-19-980. David Reynolds v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to compel and/or expedite ruling.

CR-20-234. Seth Bradley Smith v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Jason Hutcheson to withdraw as appellant's counsel.

CR-20-397. Dale C. Bartlett v. State of Arkansas, from Monroe County Circuit Court. Appellant's motion for extension of time to return writ of certiorari to complete the record.

CR-20-406. Gregory McCree v. State of Arkansas, from Drew County Circuit Court. Motion of Timothy R. Leonard to be relieved and for appointment of new counsel.

CR-20-406. Gregory McCree v. State of Arkansas, from Drew County Circuit Court. Appellant's motion for extension of brief time.

CR-20-465. Antwon Wheaton v. State of Arkansas, from Miller County Circuit Court. Appellant's motion for belated appeal.

CR-20-479. (In the Matter of the Estate of Herman Pedro Ford, Deceased) Frances Morris Finley v. State of Arkansas, from Pulaski County Circuit Court, Twelfth Division. Appellant's pro se motion to supplement the record.

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. Motion of Arkansas Electric Cooperative Corporation for permission to file amicus curiae in support of appellants' brief.

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**MOTIONS SUBMITTED**

CV-20-89. Erik Rye v. Sonia Rye, from Benton County Circuit Court. Appellant's motion for oral argument.

CV-20-427. (In the Matter of the Estate of Ethel Mae Nalls Adams, Deceased) Eddie S. Watkins III v. Raymond Adams, Personal Representative of the Estate of Ethel Mae Nalls Adams, Deceased, from Hot Spring County Circuit Court. Appellant's pro se motion for Rule 8 civil procedures stay pending appeal and for appointment of counsel.

CV-20-442. James Willie Sutton, Jr.; Homer Willis; and Lewis Willis, Each in Their Own Respective Individual Capacities; and also, on Behalf of the Heirs, Assigns and Successors of Nathaniel Neal and Emaline Neal (Married Persons, Deceased) v. Jerry D. Pickett and Judy K. Pickett, Married Persons, from Sevier County Circuit Court. Motion of Geoffrey D. Kearney for substitution of counsel.

CV-20-462. Luke Reardon and Elizabeth Reardon v. Holden-Conner Realty Co.; Bratcher Uehling Real Estate, Inc.; and Sue Ellen Burton, from Jackson County Circuit Court. Motion of separate appellee Holden-Conner Realty Co. to dismiss appeal.

CV-20-462. Luke Reardon and Elizabeth Reardon v. Holden-Conner Realty Co.; Bratcher Uehling Real Estate, Inc.; and Sue Ellen Burton, from Jackson County Circuit Court. Motion of separate appellee Bratcher Uehling Real Estate, Inc., to dismiss appeal.

CV-20-488. Dell Griffin, Jr. v. William T. Oliver and Sharilyn Ann Oliver, from Miller County Circuit Court. Appellant's petition for leave to proceed in forma pauperis.

E-20-195. Doug Billups v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.



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**CASES SUBMITTED**

CR-19-137. Joshua Eric Hurte v. State of Arkansas, from Clay County Circuit Court, Eastern District.

CR-19-712. Robert Powell v. State of Arkansas, from White County Circuit Court.

CR-19-741. Cleveland Earl Smith v. State of Arkansas, from Faulkner County Circuit Court.

CR-19-852. Oscar Cecilo Perez v. State of Arkansas, from Benton County Circuit Court.

CR-19-902. Jeremiah Alan Webb v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District.

CR-19-967. Gregory Hampton v. State of Arkansas, from Clay County Circuit Court, Western District.

CV-18-702. 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.

CV-18-880. 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.

CV-18-959. Simon Pockrus v. Victoria Morris, from Benton County Circuit Court.

CV-19-389. 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.

CV-19-452. Christine M. Shaw (now Skinner) v. Brandon R. Shaw, from Pulaski County Circuit Court, Sixteenth Division.

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**CASES SUBMITTED**

CV-19-662. Mark Jackson v. IBERIABANK, from Pulaski County Circuit Court, Seventeenth Division.

CV-19-710. (In the Matter of the Estate of Joe Henry Vetter, Jr., Deceased) John D. Vetter v. Whit Barton, as Special Administrator of the Estate and Testamentary Trust; and McGehee Bank, as Guardian of the Estate of Joe Henry Vetter III, from Dallas County Circuit Court.

CV-19-716. Arthur Harris v. Perry Otis, from Phillips County Circuit Court.

CV-19-783. Southern Construction, LLC v. Christopher Caleb Horton, from Marion County Circuit Court.

CV-19-882. Hole in the Wall NWA, LLC, an Arkansas Limited Liability Company v. City of Bella Vista, from Benton County Circuit Court.

CV-19-906. Stephen C. Riggs III v. Susan Carter Riggs, from Craighead County Circuit Court, Western District.

CV-19-921. Tabitha Loving v. Shawn Loving, from Baxter County Circuit Court.

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

E-20-33. Bonnie Epley v. Director et al.

E-20-34. Jerry Kirsch v. Director et al.

E-20-35. Dana Totty v. Director et al.

E-20-36. Craig Farrow v. Director et al.

E-20-37. Troy Veasey v. Director et al.

E-20-38. Melvin Terry v. Director et al.