

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 2, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CV-19-783](#). Southern Construction, LLC v. Christopher Caleb Horton, from Marion County Circuit Court. Affirmed in part; reversed and remanded in part. Abramson and Klappenbach, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-19-921](#). Tabitha Loving v. Shawn Loving, from Baxter County Circuit Court. Affirmed. Gruber, C.J., and Klappenbach, J., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-19-137](#). Joshua Eric Hurte v. State of Arkansas, from Clay County Circuit Court, Eastern District. Affirmed; motion to withdraw granted. Switzer and Vaught, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-18-959](#). Simon Pockrus v. Victoria Morris, from Benton County Circuit Court. Appeal dismissed with prejudice. Viriden and Brown, JJ., agree.

[CV-19-508](#). Lindy “Bud” Bostic v. Richard Stanley, from Faulkner County Circuit Court. Affirmed in part; remanded for clarification in part. Gladwin and Hixson, JJ., agree.

[CV-20-78](#). Leroy Calhoun v. Area Agency on Aging of Southeast Arkansas, from the Arkansas Workers’ Compensation Commission. Reversed and remanded. Viriden and Brown, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-19-852](#). Oscar Cecilio Perez v. State of Arkansas, from Benton County Circuit Court. Affirmed. Gruber, C.J., and Abramson, J., agree.

MEREDITH B. SWITZER, JUDGE:

[CR-19-902](#). Jeremiah Alan Webb v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Affirmed. Gladwin and Vaught, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CR-19-967](#). Gregory Hampton v. State of Arkansas, from Clay County Circuit Court, Western District. Rebriefing ordered; motion to withdraw denied. Murphy and Hixson, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-19-698](#). Roberto Torres v. State of Arkansas, from Crawford County Circuit Court. Reversed and dismissed. Gladwin and Switzer, JJ., agree.

[CR-19-712](#). Robert Powell v. State of Arkansas, from White County Circuit Court. Affirmed. Gladwin and Switzer, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-19-662](#). Mark Jackson and Kingridge Enterprises, Inc. v. IberiaBank, from Pulaski County Circuit Court, Seventeenth Division. Appeal dismissed without prejudice. Whiteaker and Murphy, JJ., agree.

[CV-19-882](#). Hole in the Wall NWA, LLC v. City of Bella Vista, from Benton County Circuit Court. Affirmed. Whiteaker and Murphy, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-19-741](#). Cleveland Earl Smith v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Whiteaker and Hixson, JJ., agree.

[CV-19-716](#). Arthur Harris v. Perry Otis, from Phillips County Circuit Court. Affirmed. Whiteaker and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-19-710](#). (In the Matter of the Estate of Joe Henry Vetter, Jr., Deceased) John D. Vetter v. White Barton, as Successor Administrator of the Estate of Joe Henry Vetter, Jr., Deceased; and as Successor Trustee of Said Testamentary Trust C/U the Will of Joe Henry Vetter, Jr.; and McGehee Bank as Guardian of the Estate of Joe Henry Vetter III, from Dallas County Circuit Court. Affirmed. Virden and Harrison, JJ., agree.

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PER CURIAM DECISIONS

The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).

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.

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PER CURIAM ORDERS

CR-20-64. Henry Williams v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss or, in the alternative, motion for extension of brief time is granted. Appeal dismissed. Viriden, J., not participating.

CR-20-208. Arthur Trulock v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for appointment of counsel is moot.

CR-20-208. Arthur Trulock v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion to dismiss motion for appointment of counsel is granted.

CR-20-215. Erskine Flamer, Jr. v. State of Arkansas, from Ashley County Circuit Court. Appellant's second motion for extension of time to file appellant's opening brief is granted.

CR-20-398. Cody Lane Cagle v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se petition for leave to proceed in forma pauperis is denied.

CR-20-491. Christopher W. Terrell v. State of Arkansas, from Poinsett County Circuit Court. Appellant's pro se motion for rule on clerk is granted. Viriden, J., not participating.

CR-20-498. Scott Dewayne Brookshire v. State of Arkansas, from Garland County Circuit Court. Motion of Brent A. Miller to withdraw as attorney for appellant and stay briefing schedule is granted. Switzer, J., not participating.

CV-20-111. Kristy Schneider and Erik Schneider v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Appellees' motion to prohibit the video recording, photographing, and broadcasting of the oral argument. Request to prohibit video recording is denied. Request to prohibit photography and broadcasting is granted.

CV-20-293. John Roach v. Joe Roach and James Roach, from Marion County Circuit Court. Appellees' pro se motion requesting the option to include all court documents filed in Marion County Circuit Court case No. 45CV-16-50 in the appellees' brief is denied.

CV-20-293. John Roach v. Joe Roach and James Roach, from Marion County Circuit Court. Appellees' pro se amended motion requesting the option to include all court

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documents filed in Marion County Circuit Court case No. 45CV-16-50 in the appellees' brief is denied.

CV-20-336. City of Little Rock and Little Rock Police Department v. Charles Starks, from Pulaski County Circuit Court, Sixth Division. Appellee's motion to require appellants to supplement the record to complete it and stay briefing treated as appellee's request to supplement the record and granted. Supplementation of the record shall be limited to pleadings and transcripts directly related to case number CV-20-336. Appellee's request for award of attorney fees is denied.

CV-20-340. Denita Melvin (Williams) v. Jefferson Comprehensive Care System, Inc.; Midwest Insurance Company; and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss is granted.

CV-20-362. Kim Parsons v. Doug Plumley, from Garland County Circuit Court. Appellant's motion to correct the record and for extension of time to file appellant's brief is granted. Switzer, J., not participating.

CV-20-370. Cheryl Ringo v. Gary Taylor and Sharon Taylor, His Wife; First Community Bank; and Larry D. Milligan and Patricia Milligan, His Wife, from Independence County Circuit Court. Separate appellee Sharon Taylor's combined notice of death on the record and motion for substitution of party is granted.

CV-20-448. Terri Ward v. Brent A. Miller, from Garland County Circuit Court. Appellant's motion to supplement the record is granted. Switzer, J., not participating.

CV-20-448. Terri Ward v. Brent A. Miller, from Garland County Circuit Court. Appellee's motion to dismiss appeal is denied. Switzer, J., not participating.

E-20-5. Andrea Tipton v. Director et al., from the Arkansas Board of Review. Petitioner's notice of waiver of briefing and motion for court to rule on record and letter brief is denied. See Ark. Sup. Ct. R. 4-4 and 4-5; *Trucks for You, Inc. v. Dir., Dep't of Workforce Servs.*, 2014 Ark. App. 622.

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MOTIONS SUBMITTED

CR-20-384. Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to supplement record.

CR-20-385. Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to supplement record.

CR-20-387. Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to supplement record.

CR-20-505. Clarence Eugene Turnbo v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion for access to sealed exhibit.

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 supplemental records.

CV-20-443. Patrick Minahan v. Rachel Leigh Williams, from Pope County Circuit Court. Joint motion to seal the briefing and transcript.

CV-20-451. Mayor Tony Cole, Individually and in His Capacity as Mayor of the City of Huttig v. Byron Sartor and City of Huttig, from Union County Circuit Court. Appellant's motion to voluntarily dismiss appeal without prejudice and remand to circuit court.

CV-20-488. Dell Griffin, Jr. v. William T. Oliver and Sharilyn Ann Oliver, from Miller County Circuit Court. Appellant's pro se motion to request clarification of denial of petition.

CV-20-488. Dell Griffin, Jr. v. William T. Oliver and Sharilyn Ann Oliver, from Miller County Circuit Court. Appellant's pro se motion to extend time to pay filing.

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CASES SUBMITTED

CR-19-249. James M. Bohanan v. State of Arkansas, from Conway County Circuit Court.

CR-19-676. Michael Hull v. State of Arkansas, from Clay County Circuit Court, Eastern District.

CR-19-795. Christopher S. Dillard v. State of Arkansas, from Clay County Circuit Court, Western District.

CR-19-816. James Edward Pope v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-19-900. Chelsea Danielle Davis v. State of Arkansas, from Lonoke County Circuit Court.

CR-19-966. Corey Hobbs v. State of Arkansas, from Clay County Circuit Court, Eastern District.

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

CR-20-49. Jaqualeyn Demond Goodwin v. State of Arkansas, from Faulkner County Circuit Court.

CR-20-120. Willie Antone Matlock v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CR-20-123. Anthony Reno v. State of Arkansas, from Logan County Circuit Court, Southern District.

CV-18-995. JS Arkansas Five Healthcare, LLC; JS ARK Management Group, LLC; Joseph Schwartz; and John Does 1–20 v. Amy Gilbreath, as Special Personal Representative of the Estate of Janie Ann Parker, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Janie Ann Parker, from IZard County Circuit Court.

CV-19-704. Charles Morgan v. Arkansas Department of Human Services and Minor Children, from Polk County Circuit Court.

CV-19-708. Christopher Minor, Lucie Minor, and TMA Operations, LLC, d/b/a Taylor Made Ambulance v. Roy Barnes, from Pulaski County Circuit Court, Second Division.

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CASES SUBMITTED

CV-19-728. Surya Janjam v. Gosike Raja Rajeshwari, from Benton County Circuit Court.

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.

CV-19-813. Shawn Smith and the Following Lands Located in Newton County, Arkansas, Lands to Wit: All That Part of the SE/SW in Section 10, Township 16 North, Range 20 West, Lying North of the Existing Fence v. Arnold L. Bowser and Rachel Bowser, Husband and Wife, from Newton County Circuit Court.

CV-19-831. Barbara Woodruff v. Western Sizzlin of Russellville, Inc., from Pope County Circuit Court.

CV-20-180. Sharon Anderson v. Arkansas Department of Human Services and Minor Children, from Union County Circuit Court.

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

E-20-47. John Tenbrook v. Director et al.

E-20-48. Brittany Thomas v. Director et al.

E-20-49. Chelsea Dawson v. Director et al.

E-20-50. Winston Virden, Jr. v. Director et al.

E-20-51. Karen Elam v. Director et al.

E-20-52. Cherita Williams v. Director et al.