

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 23, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CV-20-128](#). Craighead County and AAC Risk Management Services v. Garland Tipton, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-19-626](#). Delvin Neal v. State of Arkansas, from Drew County Circuit Court. Affirmed. Switzer and Brown, JJ., agree.

[CV-19-572](#). (In the Matter of the Adoption of E.R., K.R., and G.R., Minors) Danielle Rose Rowe v. Jamie Ray Rowe, from White County Circuit Court. Affirmed. Switzer and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-19-795](#). Christopher Shane Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Affirmed. Gladwin and Whiteaker, JJ., agree.

[CV-19-737](#). Anna Sherrill v. Rika Properties, LLC, from Garland County Circuit Court. Reversed and remanded. Whiteaker, Hixson, and Murphy, JJ., agree. Harrison and Brown, JJ., dissent.

ROBERT J. GLADWIN, JUDGE:

[CR-20-52](#). Rachel Callaway v. State of Arkansas, from Baxter County Circuit Court. Affirmed. Virden and Whiteaker, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CR-19-249](#). James M. Bohanan v. State of Arkansas, from Conway County Circuit Court. Motion to withdraw denied; merit brief ordered. Klappenbach and Hixson, JJ., agree.

[CR-20-194](#). Malachi Muhammad v. State of Arkansas, from Monroe County Circuit Court. Reversed and remanded. Klappenbach and Hixson, JJ., agree.

[CV-19-813](#). Shawn Smith, and the Following Lands Located in Newton County, Arkansas 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 and Rachel Bowser, Husband and

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Wife, from Newton County Circuit Court. Affirmed. Klappenbach and Hixson, JJ., agree.

BRANDON J. HARRISON, JUDGE: (Continued)

[CV-19-857](#). Earl Betts and Amy Betts v. USAA General Indemnity Company, from Benton County Circuit Court. Affirmed. Virden and Brown, JJ., agree.

[E-20-53](#). Vivian Anderson v. Director, Department of Workforce Services; and Inspiration Day Treatment, Inc., from the Arkansas Board of Review. Reversed and remanded. Klappenbach and Hixson, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-20-183](#). Joel Guerrero v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Harrison and Hixson, JJ., agree.

MEREDITH B. SWITZER, JUDGE:

[CR-19-829](#). Omar H. Ali v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

[CV-19-819](#). David L. Eddy, P.A. v. Jennifer Haley in Her Official Capacity as Tax Collector of Pope County, Arkansas, from Pope County Circuit Court. Appeal dismissed. Abramson and Brown, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-19-866](#). Ashley Roper v. Travis O'Neal, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Virden and Gladwin, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-20-36](#). Richard S. Gross v. State of Arkansas, from Washington County Circuit Court. Affirmed. Gruber, C.J., and Murphy, J., agree.

[CV-20-222](#). Jason Skalski v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Affirmed in part; reversed in part. Gruber, C.J., and Murphy, J., agree.

KENNETH S. HIXSON, JUDGE:

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[CR-20-74](#). Jimmie Holland v. State of Arkansas, from Washington County Circuit Court. Affirmed. Harrison and Klappenbach, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-19-726](#). (In the Matter of Christopher Springer) Christopher Springer v. Charles Jensen, M.D., from Pulaski County Circuit Court, Sixteenth Division. Affirmed. Gruber, C.J., and Vaught, J., agree.

[CV-20-21](#). Sarah Cater v. Edwin Slater, from Pulaski County Circuit Court, Third Division. Reversed and remanded. Gruber, C.J., and Vaught, J., agree.

WAYMOND M. BROWN, JUDGE:

[CV-19-785](#). Tyrice Brown v. Victoria McCauley, from Faulkner County Circuit Court. Affirmed. Abramson and Switzer, JJ., agree.

[CV-19-938](#). Tashyra Powell v. Arkansas Department of Human Services and Minor Child, from Logan County Circuit Court, Northern District. Affirmed; motion to withdraw granted. Abramson and Switzer, JJ., agree.

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-20-54. Gregory Junearick v. Director et al.

E-20-55. Marquis Harvey v. Director et al.

E-20-56. Kheilah Rosario v. Director et al.

E-20-57. Jimmy Sands v. Director et al.

E-20-58. Jimmy Sands v. Director et al.

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PER CURIAM ORDERS

CR-19-793. Mack Harris v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion to relieve Gregory Crain as counsel is denied.

CR-19-793. Mack Harris v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for appointment of counsel is denied.

CR-20-301. Anthony Keith Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to rule on clerk and accept late filing due to clerk error and issues. Response from attorney ordered.

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. Motion of separate appellee Zachary Daniel Waters to supplement record is granted. Switzer, 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. Appellees' motion to dismiss appeal is granted. Gruber, C.J., not participating.

CV-20-253. Arkansas Department of Human Services; and Cindy Gillespie, in Her Official Capacity as Director of the Arkansas Department of Human Services v. Sarepta Therapeutics, Inc., from Pulaski County Circuit Court, Sixth Division. Motion of Paige H. Sharpe for leave to appear pro hac vice is granted.

CV-20-253. Arkansas Department of Human Services; and Cindy Gillespie, in Her Official Capacity as Director of the Arkansas Department of Human Services v. Sarepta Therapeutics, Inc., from Pulaski County Circuit Court, Sixth Division. Motion of Jeffrey L. Handwerker for leave to appear pro hac vice is granted.

CV-20-253. Arkansas Department of Human Services; and Cindy Gillespie, in Her Official Capacity as Director of the Arkansas Department of Human Services v. Sarepta Therapeutics, Inc., from Pulaski County Circuit Court, Sixth Division. Motion of Allison P. Gardner for leave to appear pro hac vice is granted.

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PER CURIAM ORDERS

CV-20-435. Amanda Borah and Steven Walls v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Joint motion to expedite appeal is granted.

CV-20-519. Megan Osborne (now Scheerschmidt) v. Mark Rogers, from Washington County Circuit Court. Appellant's motion for rule on clerk is denied.

E-20-220. James Porter, Sr. v. Director et al., from the Arkansas Board of Review. Petitioner's motion to include new evidence is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-19-818. Malvern Operations, LLC, d/b/a Arbor Oaks Healthcare and Rehabilitation Center; Sub-Ten Holdings, LLC; JEJ Investments, LLC; John Ponthie; Ross Ponthie; Mark Thompson; and John and Jane Does A–Z v. Anita Moss, Individually and as Special Administratrix of the Estate of Ruby Muhammad, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Ruby Muhammad, from Hot Spring County Circuit Court.

CV-20-78. Leroy Calhoun v. Area Agency on Aging of Southeast Arkansas, from the Arkansas Workers' Compensation Commission.

CR-20-207. Joseph Evan Bennion v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for extension of time to file pro se points.

CR-20-330. Markelle Demetrice Davis v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to stay proceedings in this court, reinvest jurisdiction in the circuit court to consider a writ of coram nobis, and to supplement the record.

CR-20-431. Octavia Lasha Johnson v. State of Arkansas, from Faulkner County Circuit Court. Appellant's petition for a writ of certiorari to complete the record.

CR-20-431. Octavia Lasha Johnson v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to stay the briefing schedule.

CR-20-486. Larry David Davis v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for extension of time to file appellant's brief.

CR-20-534. Larry David Davis v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for belated appeal.

CR-20-534. Larry David Davis v. State of Arkansas, from Pulaski County Circuit Court, Seven Division. Appellant's pro se amendment to motion for belated appeal.

CR-20-535. Ted Hamilton v. State of Arkansas, from Hempstead County Circuit Court. Appellant's pro se motion to file belated petition for writ of certiorari.

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MOTIONS SUBMITTED

CV-20-18. Bronco Industrial Services, LLC; Gray Insurance Company; and Cannon Cochran Management Services v. James Brooks, from the Arkansas Workers' Compensation Commission. Appellants' motion to proceed with appeal.

CV-20-251. (In the Matter of the Hamilton Living Trust Dated September 22, 2013) Larry Hamilton v. Bank of the Ozarks; Ellen B. Brantley, Successor Trustee of the Hamilton Living Trust Dated September 22, 2013; and Susan Cossey, from Pulaski County Circuit Court, Fifteenth Division. Appellant's pro se motion for rule on clerk, to strike certain parties or in the alternative, to restyle the case and incorporated brief.

CV-20-251. (In the Matter of the Hamilton Living Trust Dated September 22, 2013) Larry Hamilton v. Bank of the Ozarks; Ellen B. Brantley, Successor Trustee of the Hamilton Living Trust Dated September 22, 2013; and Susan Cossey, from Pulaski County Circuit Court, Fifteenth Division. Appellant's pro se motion to supplement the record.

CV-20-417. Kristina Bonds (now Emmons) v. Clay Bonds, from Pope County Circuit Court. Appellant's motion to supplement the record.

CV-20-490. (In the Matter of Michael Gordon Maddin, an Endangered or Impaired Adult) Michael Gordon Maddin v. Arkansas Department of Human Services, from Faulkner County Circuit Court. Agreed motion to substitute appellee counsel.

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CASES SUBMITTED

CR-19-699. Marlon Tramain Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-19-717. Rodney Dain Doster v. State of Arkansas, from Union County Circuit Court.

CR-19-823. Noah Stephen McDaniel v. State of Arkansas, from Madison County Circuit Court.

CR-19-850. Paula Rena Martin v. State of Arkansas, from Ashley County Circuit Court.

CR-19-875. Jonathon Pinney v. State of Arkansas, from Van Buren County Circuit Court.

CR-20-100. Donnie Witherspoon v. State of Arkansas, from Garland County Circuit Court.

CR-20-134. Roderick Talley v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-20-149. Dertavious Cain v. State of Arkansas, from Jefferson County Circuit Court.

CV-18-1067. Thomason Investments, LLC; and Todd Thomason, Individually and as Manager of Thomason Investments, LLC v. Johnny Huddleston and Brenda Huddleston; TAB Construction of Harrison, LLC; Johnny Huddleston d/b/a TAB Construction; Tabitha Faye (Huddleston) Nolen, as Manager of TAB Construction of Harrison, LLC; TAB Investment, LLC; and Brenda Huddleston, Manager of TAB Investment, LLC, from Boone County Circuit Court.

CV-19-836. Colton Tye Kankey v. Bailey Cheyanne Quimby, from Fulton County Circuit Court.

CV-19-843. Jason Shell v. Kristi (Shell) Twitty, from IZARD County Circuit Court.

CV-19-910. Lillian Morris Reichert, as Special Administratrix for the Estate of Benny Morris a/k/a Brent Dewitt Morris v. William Colwell, from IZARD County Circuit Court.

CV-19-950. Shelby Woods v. Dianne Woods, from Pulaski County Circuit Court, Third Division.

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CASES SUBMITTED

CV-20-223. Katiana Cole v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court.

CV-20-272. Jasmine Thomas v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division.

CV-20-306. Tabitha Smith v. Arkansas Department of Human Services and Minor Child, from White County Circuit Court.

CV-20-337. Jessica Sneed v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court.

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

E-20-43. Ronnie Lovins v. Director et al.

E-20-64. Donna Haynie v. Director et al.

E-20-66. Brianna Maye v. Director et al.

E-20-67. Eddie Green v. Director et al.

E-20-69. Bervel Freckleton v. Director et al.

E-20-73. Priscilla Henson v. Director et al.

E-20-74. Kenneth Cooper v. Director et al.