

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF OCTOBER 7, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CR-19-717](#). Rodney Dain Doster v. State of Arkansas, from Union County Circuit Court. Remanded for resentencing. Vaught and Murphy, JJ., agree.

[CV-20-272](#). Jasmine Thomas v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Affirmed; motion to withdraw granted. Vaught and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-19-823](#). Noah Stephen McDaniel v. State of Arkansas, from Madison County Circuit Court. Rebriefing ordered; motion to withdraw denied. Switzer and Brown, JJ., agree.

[CV-19-843](#). Jason Shell v. Kristi (Shell) Twitty, from Izard County Circuit Court. Affirmed. Switzer and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-19-699](#). Marlon Tramain Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith Division. Affirmed. Gladwin and Whiteaker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-20-134](#). Roderick Talley v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Virden and Whiteaker, JJ., agree.

BRANDON J. HARRISON, JUDGE:

[CV-20-337](#). Jessica Sneed v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court. Affirmed. Klappenbach and Hixson, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-19-850](#). Paula Rena Martin v. State of Arkansas, from Ashley County Circuit Court. Rebriefing ordered; motion to be relieved denied. Harrison and Hixson, JJ., agree.

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MEREDITH B. SWITZER, JUDGE:

[CR-19-837](#). Lonnie Ross, Jr. v. State of Arkansas, from Hempstead County Circuit Court. Affirmed; motion granted. Abramson and Brown, JJ., agree.

[CR-20-149](#). Dertavious Cain v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CV-19-910](#). Lillian Morris Reichert and Brent D. Morris v. William Colwell, from Izard County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-19-875](#). Johnathan Pinney v. State of Arkansas, from Van Buren County Circuit Court. Reversed and remanded for a new trial. Gruber, C.J., and Murphy, J., agree.

[CR-20-100](#). Donnie Samuel Witherspoon v. State of Arkansas, from Garland County Circuit Court. Affirmed. Gruber, C.J., and Murphy, J., agree.

KENNETH S. HIXSON, JUDGE:

[CV-19-950](#). Shelby Woods v. Dianne Woods, from Pulaski County Circuit Court, Third Division. Reversed and remanded on direct appeal; affirmed on cross-appeal. Harrison and Klappenbach, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-20-306](#). Tabitha Smith v. Arkansas Department of Human Services and Minor Child, from White County Circuit Court. Affirmed; motion to withdraw granted. Gruber, C.J., and Vaught, J., agree.

WAYMOND M. BROWN, JUDGE:

[CV-19-836](#). Colton T. Kankey v. Bailey C. Quimby, from Fulton County Circuit Court. Affirmed in part; reversed and dismissed in part. Abramson and Switzer, JJ., agree.

[E-20-43](#). Ronnie Lovins v. Director, Department of Workforce Services; and US LMB Ridout Asset Holdings, from the Arkansas Board of Review. Affirmed. Abramson and Switzer, 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-20-64. 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.

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PER CURIAM ORDERS

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

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

CV-19-629. County Club Gardens, LLC, d/b/a Lake Hamilton Health and Rehab; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Country Club Manor, LLC v. D'Ann Pelton Alexander, as Special Administrator of the Estate of Mary Elizabeth Pelton and on Behalf of the Wrongful Death Beneficiaries of Mary Elizabeth Pelton, from Garland County Circuit Court. Switzer, J., not participating.

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

CR-19-67. Terrell Thomas v. State of Arkansas, from Garland County Circuit Court. Motion of T. Clay Janske for attorney's fees is granted. Allowed \$1,800.00. Switzer, J., not participating.

CR-19-370. Lentonio Marcell Jenner v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for oral argument is denied.

CR-19-685. Chris C. Brissette v. State of Arkansas, from Faulkner County Circuit Court. Appellant counsel's motion and request for attorney fees is granted. Allowed \$1,800.00.

CR-20-39. Timothy Moore v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion for extension of time to file reply brief is granted. The State is ordered to serve the appellant within seven days of this order. Appellant's reply brief is due thirty days thereafter.

CR-20-398. Cody Lane Cagle v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to withdraw counsel is denied.

CR-20-398. Cody Lane Cagle v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for postconviction for ineffective counsel is denied.

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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 treated as a belated motion for writ of certiorari and granted. Klappenbach, J., would deny.

CV-19-542. David Eversole v. Rita Eversole, from Saline County Circuit Court. Appellant's motion for additional time for rebriefing and filing of supplemental abstract and addendum, for leave to file a forty-page brief, and to modify the issues on appeal is denied. Harrison, J., not participating.

CV-19-546. Dominika Szwedow v. Arthur Cyrus, from Pulaski County Circuit Court, Fourteenth Division. Appellee's motion for attorney fees is denied. Gladwin and Murphy, JJ., not participating.

CV-20-464. Edward Weeks v. Brittany Weeks (Phillips) and State of Arkansas, Office of Child Support Enforcement, from Drew County Circuit Court. Motion of separate appellee Brittany Weeks (Phillips) to dismiss appeal for want of a final order is granted.

E-20-188. Edward McClendon v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to include documents and witnesses is denied. Abramson, J., not participating.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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

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

CR-19-137. Joshua Eric Hurte v. State of Arkansas, from Clay County Circuit Court, Eastern District. Motion of Kirk B. Lonidier for attorney's fee.

CR-19-532. Michael Shock v. State of Arkansas, from Cleburne County Circuit Court. Motion for entry of appearance of Jeff Rosenzweig on behalf of the appellant.

CR-19-532. Michael Shock v. State of Arkansas, from Cleburne County Circuit Court. Appellant's motion to recall mandate.

CR-19-622. John William Marsh v. State of Arkansas, from Nevada County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees.

CR-19-698. Roberto Torres v. State of Arkansas, from Crawford County Circuit Court. Motion of Terry Goodwin Jones for attorney's fee.

CR-19-741. Cleveland Earl Smith v. State of Arkansas, Faulkner County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee.

CR-20-104. Bobby Earl Richard v. State of Arkansas, from Desha County Circuit Court. Appellant's pro se motion concerning brief for appellant.

CR-20-208. Arthur Trulock v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion to duplicate at state expense.

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.

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MOTIONS SUBMITTED

CR-20-301. Anthony Keith Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion for copy of record or brief under Rule 19 of the Arkansas Rules of Appellate Procedure.

CR-20-349. Chadwick Staggs v. State of Arkansas, from Pope County Circuit Court. Appellant's second petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record.

CV-19-704. Charles Morgan v. Arkansas Department of Human Services and Minor Children, from Polk County Circuit Court. Appellant's motion for extension of time to correct the addendum.

CV-20-340. Denita Melvin (Williams) v. Jefferson Comprehensive Care System, Inc.; Midwest Insurance Company; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellant's pro se motion to add documents as evidence.

CV-20-340. Denita Melvin (Williams) v. Jefferson Comprehensive Care System, Inc.; Midwest Insurance Company; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellant's amended motion to add documents as evidence and not to dismiss appeal.

CV-20-356. S & J Construction Co., Inc. v. Engineering Services, Inc.; and Ozark Mountain Regional Public Water Authority of the State of Arkansas, from Newton County Circuit Court. Ozark Mountain Regional Public Water Authority's motion for leave to file supplemental brief.

CV-20-476. Butterball, LLC; and Sedgwick Claims Management Services, Inc. v. Michelle Thompson, from the Arkansas Workers' Compensation Commission. Appellants' motion to remand.

CV-20-508. Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, Not in its Individual Capacity, but Solely as Trustee for BCAT 2015-14BTT v. Milton A. Smith; and L&M&M Corporation, from Pulaski County Circuit Court, Third Division. Appellant's motion to supplement the record.

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MOTIONS SUBMITTED

CV-20-508. Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, Not in its Individual Capacity, but Solely as Trustee for BCAT 2015-14BTT v. Milton A. Smith; and L&M&M Corporation, from Pulaski County Circuit Court, Third Division. Appellant's motion for extension of time to file appellant's brief.

CV-20-512. Eddie Watkins III and Darrell Highsmith v. Raymond Adams, Sr., from Hot Spring County Circuit Court. Appellee's memorandum motion to dismiss appeal and for sanctions.

CV-20-556. Brittany Caskey v. Andrea Hartley, from Woodruff County Circuit Court. Appellant's motion for rule on the clerk.

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CASES SUBMITTED

CR-19-657. Daniel Lynn Honey v. State of Arkansas, from Logan County Circuit Court, Northern District.

CR-19-724. Bryant Adams v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CR-19-845. Virgil Oliver v. State of Arkansas, from Benton County Circuit Court.

CR-19-885. Joshua Chappelle Joyce v. State of Arkansas, from Crittenden County Circuit Court.

CR-19-939. Jonathan Lee Keisler v. State of Arkansas, from Hot Spring County Circuit Court.

CR-20-104. Bobby Earl Richard v. State of Arkansas, from Desha County Circuit Court.

CR-20-126. J.P. v. State of Arkansas, from Van Buren County Circuit Court.

CR-20-189. Roderick Watkins v. State of Arkansas, from Cleburne County Circuit Court.

CV-19-31. Diana Wilcox v. Rube “Dubby” Wilcox, from Faulkner County Circuit Court.

CV-19-958. Betty Freeman v. Conway Regional Medical Center; Laura Grider, RN; Lathecia Greenlee, CAN; John/Jane Doe RN 1–4, John/Jane Doe LPN and CNA 1–4; and John Doe Direct Action Insurance Carrier, from Faulkner County Circuit Court.

CV-20-1. Kevin J. Pennington v. Arkansas Game and Fish Commission, from Pulaski County Circuit Court, Twelfth Division.

CV-20-51. William Keeling v. Linda McCaskill, from Clark County Circuit Court.

CV-20-62. State of Arkansas Office of Child Support Enforcement v. Timothy R. Wells, from Jefferson County Circuit Court.

CV-20-73. K.D. Cooper v. M.N. Cooper, from Saline County Circuit Court.

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CASES SUBMITTED

CV-20-372. Bradley Snider v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-20-374. Bradley Snider v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

CV-20-382. Steeve Louissaint v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court.

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.

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

E-20-85. Richard McCoy v. Director et al.

E-20-86. Diane Jackson v. Director et al.

E-20-87. Paul Finch v. Director et al.

E-20-88. Reginald Washington v. Director et al.

E-20-89. Elnora Young v. Director et al.

E-20-90. Rodney Wade v. Director et al.