

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 21, 2020**

**RITA W. GRUBER, CHIEF JUDGE:**

[CR-20-22](#). Harrell M. McKinney v. State of Arkansas, from Lonoke County Circuit Court. Affirmed; motion to withdraw granted. Vaught and Murphy, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-19-579](#). Alyssia Kirby-Snow v. State of Arkansas, from Baxter County Circuit Court. Affirmed. Switzer and Brown, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-20-35](#). Cari Ann Jackson v. Harps Food Stores, Inc., d/b/a Harps Food Stores, a/k/a Harps, from Washington County Circuit Court. Affirmed. Abramson and Whiteaker, JJ., agree. Brown, J., concurs. Virden and Switzer, JJ., dissent.

[CV-20-37](#). Cross County School District v. Beth Turbiville, Joseph W. Turbiville, Melissa White, and Arthur C. White, from Cross County Circuit Court. Affirmed. Virden and Whiteaker, JJ., agree.

**BRANDON J. HARRISON, JUDGE:**

[CV-20-46](#). Randall McKinnis v. Brenda McKinnis, from Garland County Circuit Court. Affirmed in part; reversed and remanded in part. Klappenbach and Hixson, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-20-185](#). Frank Paul Campbell v. State of Arkansas, from Carroll County Circuit Court, Eastern District. Affirmed. Harrison and Hixson, JJ., agree.

**MEREDITH B. SWITZER, JUDGE:**

[CV-20-223](#). Katiana Cole v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-20-199](#). Tommy F. Hamilton v. State of Arkansas, from Hempstead County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

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**PHILLIP T. WHITEAKER, JUDGE: (Continued)**

[E-20-77](#). Colbert English v. Director, Department of Workforce Services; and Ozark Mountain Poultry, Inc., from the Arkansas Board of Review. Reversed and remanded. Virden and Gladwin, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-20-348](#). Nancy Martinez v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gruber, C.J., and Murphy, J., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-20-108](#). Amorelle Best and John Best v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Harrison and Klappenbach, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-19-839](#). Larry Britt v. State of Arkansas, from Boone County Circuit Court. Affirmed. Gruber, C.J., and Vaught, J., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-19-497](#). Tautiana Porter v. State of Arkansas, from Clark County Circuit Court. 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-20-70. Gary Willis v. Director et al.

E-20-71. Gary Willis v. Director et al.

E-20-72. Gary Willis v. Director et al.

E-20-75. Cortney Wolf v. Director et al.

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E-20-76. Sheri Fleener v. Director et al.

E-20-78. Vladan Stanimirovic v. Director et al.

E-20-79. Janine Erhardt v. Director et al.

E-20-80. Ruby Fitzwater v. Director et al.

E-20-81. Michael Goins v. Director et al.

E-20-82. Olaseni Bayewumi v. Director et al.

E-20-84. Travis Gage v. Director et al.

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**PER CURIAM ORDERS**

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

CV-19-783. Southern Construction, LLC v. Christopher Caleb Horton, from Marion County Circuit Court. Virden, J., not participating.

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

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CR-11-494. Joe Edward Butler v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant’s pro se motion requesting copy of records. Response from attorney ordered. Response is due in five days (October 26, 2020). See Rule 19(b) of the Arkansas Rules of Appellate Procedure –Criminal.

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 is granted. Allowed \$1600.00.

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 is granted. Murphy, J., not participating.

CR-19-532. Michael Shock v. State of Arkansas, from Cleburne County Circuit Court. Appellant’s motion to recall mandate is denied. Murphy, J., not participating.

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 is granted. Allowed \$1800.00.

CR-19-698. Roberto Torres v. State of Arkansas, from Crawford County Circuit Court. Motion of Terry Goodwin Jones for attorney’s fee is granted. Allowed \$1800.00.

CR-19-741. Cleveland Earl Smith v. State of Arkansas, from Faulkner County Circuit Court. Motion of Lisa-Marie Norris for attorney’s fee is granted. Allowed \$1800.00. Switzer, J., not participating.

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

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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 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. Motion for rule on clerk is granted. Request of Bryan Donaldson to be relieved as counsel for the appellant is granted.

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 –Criminal treated as a motion to settle the record and granted.

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 is granted. Klappenbach, J., not participating.

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 is granted.

CV-20-89. Erik Rye v. Sonia Rye, from Benton County Circuit Court. Appellant's emergency motion for stay. Motion for emergency stay is denied. Circuit Court has continuing jurisdiction to dispose of any issues that are independent, collateral, or supplemental to the issues on appeal. *See Box v. J.B. Hunt*, 2019 Ark. App. 334, 578 S.W.3d 719. (Proceedings of October 16, 2020.)

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 is denied.

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 is denied.

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**PER CURIAM ORDERS**

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 is granted.

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

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 is granted.

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 is granted.

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. Motion to dismiss as to Darrell Highsmith is granted. Appellee's additional requests for sanctions, dismissal of appeal, and costs and fees are passed until the case is submitted. Klappenbach and Brown, JJ., would grant dismissal of the appeal.

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

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-19-626. Delvin Neal v. State of Arkansas, from Drew County Circuit Court.

CR-20-74. Jimmie Holland v. State of Arkansas, from Washington 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.

CV-19-737. Anna Sherrill v. Rika Properties, LLC, from Garland 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-19-831. Barbara Woodruff v. Western Sizzlin of Russellville, Inc., from Pope County Circuit Court.

CV-19-927. Kenneth Stephens v. Skylar Wilson, from Faulkner County Circuit Court.

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CR-19-811. Cortez Barefield v. State of Arkansas, from Phillips County Circuit Court. Appellee’s unopposed motion to supplement the record.

CR-19-823. Noah Stephen McDaniel v. State of Arkansas, from Madison County Circuit Court. Appellant’s motion for extension of time.

CR-19-841. Richard Douglas Hyatt v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones for attorney’s fees.

CR-19-902. Jeremiah Alan Webb v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Appellant’s pro se motion for extension of time to file a petition for rehearing.

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.

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**MOTIONS SUBMITTED**

CR-20-41. Robert Martin v. State of Arkansas, from Calhoun County Circuit Court. Appellee's motion to dismiss.

CR-20-49. Jaqualeyn Demond Goodwin v. State of Arkansas, from Faulkner County Circuit Court. Motion of Terry Goodwin Jones for attorney's fee.

CR-20-123. Anthony Reno v. State of Arkansas, from Logan County Circuit Court, Southern District. Motion of Rena Beth Wright for attorney's fees.

CR-20-141. Lazaro Veneros-Figueroa v. State of Arkansas, from Sevier County Circuit Court. Appellant's pro se motion for time extension.

CR-20-207. Joseph Evan Bennion v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-20-299. Tony Ray Reeves v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Appellant's pro se motion for belated appeal.

CR-20-299. Tony Ray Reeves v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Appellant's pro se motion for appointment of counsel.

CR-20-395. Adam M. Green v. State of Arkansas, from Polk County Circuit Court. Motion of Brian Johnson to substitute counsel.

CR-20-395. Adam M. Green v. State of Arkansas, from Polk County Circuit Court. Appellant's motion for extension of briefing time.

CR-20-576. Tristan Tiarks v. State of Arkansas, from Benton County Circuit Court. Motion of Kimberly R. Weber for leave to withdraw.

CR-20-576. Tristan Tiarks v. State of Arkansas, from Benton County Circuit Court. Motion of Josie N. Graves for substitution of counsel.

CV-19-441. John Anthony Middleton v. Cathy J. Middleton, from Pulaski County Circuit Court, Sixteenth Division. Appellee's motion for attorney's fees.



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**MOTIONS SUBMITTED**

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. Appellant’s motion for declaratory judgment.

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.

CV-20-112. Tammy Davis and Alice Barclay v. Glenda Bassett, from Boone County Circuit Court. Appellee’s motion to strike introductory argument in appellants’ reply brief and alternative motion for opportunity to respond.

CV-20-124. David C. Stracner v. Stone Bank, Formerly Known as Ozark Heritage Bank, N.A., from Stone County Circuit Court. Appellant’s motion for dismissal of appeal with prejudice.

CV-20-124. David C. Stracner v. Stone Bank, Formerly Known as Ozark Heritage Bank, N.A., from Stone County Circuit Court. Second joint report of parties.

CV-20-218. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers’ Compensation Commission. Appellant’s request for permission to file overlength brief.

CV-20-290. Jacob Levitt and Paige Levitt v. Today’s Bank, an Arkansas Banking Corporation, from Washington County Circuit Court. Appellee’s motion to dismiss appeal.

CV-20-290. Jacob Levitt and Paige Levitt v. Today’s Bank, an Arkansas Banking Corporation, from Washington County Circuit Court. Appellee’s motion for extension of time to file appellee’s brief.

CV-20-428. Ehab Yamani v. Samar Ashour, from Washington County Circuit Court. Motion of Grace K. Johnson to withdraw as counsel.

CV-20-428. Ehab Yamani v. Samar Ashour, from Washington County Circuit Court. Appellant’s third motion for extension of time.

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**MOTIONS SUBMITTED**

CV-20-475. Samantha Ann Skelton (now Frye) v. Colton Scott Davis; and Scott and Sheri Davis, from Washington County Circuit Court. Appellant's motion to accept substituted electronic record and stay briefing pending ruling.

CV-20-509. The AGREED Foundation d/b/a American Gamebird Research Education and Development Foundation, Inc. v. Friends of Lake Erling Association, from Lafayette County Circuit Court. Motion of Joseph Hamilton Kemp to withdraw.

CV-20-558. Alainna King v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division. Agreed substitution of counsel for the appellant.

CV-20-580. Jack Wayne Matthews v. Shirlee Diane Matthews, from Sebastian County Circuit Court, Fort Smith District. Motion of Dianna Ladd to withdraw as appellee's attorney.

E-20-5. Andrea Tipton v. Director et al., from the Arkansas Board of Review. Appellees' motion to dismiss appeal.

E-20-225. Mary Washington v. Director et al., from the Arkansas Board of Review. Appellees' motion to remand.

E-20-274. Rhoda Yancy v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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**CASES SUBMITTED**

CR-19-51. James D. Cribbs v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-19-960. Troy C. Sandidge, Jr. v. State of Arkansas, from Yell County Circuit Court, Northern Division.

CR-20-117. Steven Polston v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-20-193. Durell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Orally argued.

CV-18-752. Theresa Vigo Miaoulis, as Guardian and Next Friend of J.E.L., a Minor v. Toyota Motor Corporation; Toyota Motor North America, Inc., d/b/a Toyota Motor Co.; Toyota Motor Engineering & Manufacturing North America, Inc.; Toyota Motor Manufacturing, Kentucky, Inc.; Toyota Motor Sales, U.S.A., Inc.; John Doe Texas Automotive Dealership; and Tejas Motors of Humble, Inc., d/b/a Tejas Toyota, Inc., from St. Francis County Circuit Court.

CV-19-873. Julia McCay Brand v. Michael T. Brand, from Jackson County Circuit Court.

CV-19-895. Nancy Jan Neidhardt v. Lewis Taylor Neidhardt, from Cleburne County Circuit Court.

CV-20-54. Kenneth Lancaster and Tabitha Lancaster v. Rogers Construction, Inc; and John and Jane Does 1–99, from Clark County Circuit Court.

CV-20-75. Irag Rovnaghi and Pegah Deheshmand, Husband and Wife v. Turag Ronaghi d/b/a Ronaghi International Rug Gallery, from Pulaski County Circuit Court, Sixth Division.

CV-20-101. Crain Automotive Holdings, LLC; Crain Kia of North Little Rock; Crain Hyundai of Springdale, LLC, d/b/a Crain Hyundai of Fayetteville; and Crain Imports of Fayetteville, LLC v. James Morgan, Gregory Clinton, and Jason Reader, from Pulaski County Circuit Court, Sixth Division.

CV-20-105. Kent McKelvey v. Sheryl McKelvey, from Pulaski County Circuit Court, Third Division.

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**CASES SUBMITTED**

CV-20-390. Mary Johnson v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division.

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

E-20-91. Gregory Allen v. Director et al.

E-20-92. Gregory Allen v. Director et al.

E-20-93. Garry Baker v. Director et al.

E-20-95. Derrick Turner v. Director et al.

E-20-96. Orland Moore v. Director et al.

E-20-97. Andrew Little v. Director et al.

E-20-98. Stephanie Devane v. Director et al.

E-20-99. Sharod Harvey v. Director et al.

E-20-100. Isaiah Ervin, Jr. v. Director et al.

E-20-101. Rosalind Howard v. Director et al.

E-20-102. Jacquylon Ware v. Director et al.

E-20-103. George Ray v. Director et al.