

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF NOVEMBER 18, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CR-20-11](#). Forrest R. Stewart v. State of Arkansas, from Miller County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

[CV-19-647](#). Edward Lee Hardin v. Shelia Hardin, from Jefferson County Circuit Court. Affirmed in part; reversed in part. Virden and Switzer, JJ., agree.

[CV-20-118](#). Timothy Lee Noble and Amanda DeAnn Noble v. Jeremy Mayes, as Next Friend to MM, from Washington County Circuit Court. Affirmed. Gladwin and Harrison, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-20-59](#). Innisfree Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc., d/b/a Professional Nursing and Rehabilitation Services; Innisfree Estates, LLC; and Michael S. Morton v. Kenny Jordan, as Special Administrator of the Estate of Kenneth Harold Jordan, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Kenneth Harold Jordan, from Benton County Circuit Court. Affirmed. Gruber, C.J., and Klappenbach, J., agree.

[CV-20-217](#). Jessica Hendrickson v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-19-872](#). Kendrick L. Reed v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Switzer and Murphy, JJ., agree.

[CV-19-895](#). Nancy Jan Neidhardt v. Lewis Taylor Neidhardt, from Cleburne County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-19-861](#). Mochariee Kewanna West v. State of Arkansas, from Garland County Circuit Court. Affirmed. Hixson and Murphy, JJ., agree.

[CR-20-193](#). Durrell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Hixson and Murphy, JJ., agree.

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ROBERT J. GLADWIN, JUDGE: (Continued)

[CV-20-96](#). Tyler Samples v. David Lee Ward and Christine Renee Ward, from Clay County Circuit Court, Eastern District. Reversed and remanded. Gruber, C.J., and Harrison, J., agree.

BRANDON J. HARRISON, JUDGE:

[CR-20-55](#). Scottie Wayne Flippo v. State of Arkansas, from Boone County Circuit Court. Affirmed. Switzer and Whiteaker, JJ., agree.

[CR-20-91](#). John Ford v. State of Arkansas, from Garland County Circuit Court. Affirmed. Virden and Brown, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-19-648](#). Ronterrio Mayo v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Gruber, C.J., and Abramson, J., agree.

[CV-18-711](#). City of Tontitown, Arkansas v. City of Springdale, Arkansas; First Security Bank; and Hillcrest Holdings, LLC, from Washington County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-20-2](#). Granville Murphy v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed. Klappenbach and Brown, JJ., agree.

[CR-20-117](#). Steven Polston v. State of Arkansas, from Pulaski County Circuit Court, Seventh District. Affirmed as modified. Gladwin and Murphy, JJ., agree.

[CV-20-147](#). Tommy Lee Thigpen v. City of El Dorado, Arkansas, from Union County Circuit Court. Affirmed. Gladwin and Murphy, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-20-125](#). David King v. State of Arkansas, from Van Buren County Circuit Court. Affirmed. Abramson and Whiteaker, JJ., agree.

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MIKE MURPHY, JUDGE: (Continued)

[CV-20-389](#). Antonio Johnson v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Gladwin and Hixson, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-19-617](#). Joseph Thomas Lacefield v. State of Arkansas, from Benton County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

[CR-19-815](#). Phillip Horne, Jr. v. State of Arkansas, from Logan County Circuit Court, Northern District. Affirmed; motion to withdraw granted. Klappenbach and Hixson, JJ., agree.

[CV-20-105](#). Kent McKelvey v. Sheryl McKelvey, from Pulaski County Circuit Court, Third Division. Appeal dismissed. Virden and Vaught, 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-20-104. Shamiere Chatman v. Director et al.

E-20-105. Shane Davidson v. Director et al.

E-20-106. Wilbert Henderson v. Director et al.

E-20-107. Carol Girtman v. Director et al.

E-20-108. Shawna Levy v. Director et al.

E-20-109. Christopher Howell v. Director et al.

E-20-110. Robert Gipson v. Director et al.

E-20-111. Daniel Cabell v. Director et al.

E-20-112. Demekus Thomas v. Director et al.

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- E-20-113. Kimberly Lewis v. Director et al.
- E-20-114. Richard Miller v. Director et al.
- E-20-117. Jennifer Singleton v. Director et al.
- E-20-118. Damon Williamson v. Director et al.
- E-20-119. Stevie Whitehorn v. Director et al.
- E-20-120. Kendrick Brown, Sr. v. Director et al.
- E-20-121. Maronica Anderson v. Director et al.
- E-20-122. Cheryllin Reedy v. Director et al.
- E-20-123. Kimberly Brown v. Director et al.
- E-20-124. Seneca Simmons v. Director et al.
- E-20-125. Aisha Sawyer-Conway v. Director et al.

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PER CURIAM ORDERS

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

CR-20-106. Shawn Collins v. State of Arkansas, from White County Circuit Court. Virden and Harrison, JJ., not participating.

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

CV-19-950. Shelby Woods v. Dianne Woods, from Pulaski County Circuit Court, Third Division. Murphy, J., not participating.

CR-19-600. Keraig House v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Matthew Kezhaya for attorney's fees is granted. Allowed \$1600.00.

CR-19-900. Chelsea Davis v. State of Arkansas, from Lonoke County Circuit Court. Motion of Jonathan Lane for award of attorney fees is granted. Allowed \$1800.00.

CR-19-972. Tanya Warbritton 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-20-65. Trina Honeycutt v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1800.00.

CR-20-66. Sabrina Anderson v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1800.00.

CR-20-324. Linquinton Dean v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to supplement the record is granted.

CR-20-465. Antwon Wheaton v. State of Arkansas, from Miller County Circuit Court. Appellant's motion for extension of time is granted.

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PER CURIAM ORDERS

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. Appellee's motion to dismiss is granted. Gruber, C.J., not participating.

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. Appellee's unopposed motion for extension of brief time is moot. Gruber, C.J., not participating.

CR-20-604. Eddie Dale King v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for belated appeal and copy of trial transcript and records is granted.

CR-20-604. Eddie Dale King v. State of Arkansas, from Jefferson County Circuit Court. Motion of Jonathan Huber to withdraw is granted.

CV-20-302. Lyllyn Mitchell v. Arkansas Department of Human Services; and Cindy Gillespie, Director, from Sevier County Circuit Court. Appellees' motion for leave to file belated brief is denied. Gladwin, J., would grant.

CV-20-449. Jessica Donham v. Jake Frauenthal, from Benton County Circuit Court. Appellant's motion for oral argument is denied.

E-20-204. Sharon McCuller-Silverman v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to add documents as evidence is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-19-839. Larry Britt v. State of Arkansas, from Boone County Circuit Court.

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.

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

E-20-79. Janine Erhardt v. Director et al., from the Arkansas Board of Review.

CR-19-699. Marlon Tramain Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Natalie S. King for costs and attorney fees.

CR-19-709. Taylor Butry-Weston v. State of Arkansas, from Crawford County Circuit Court. Appellee's motion to file a belated brief.

CR-19-714. Shawn Curtis v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees.

CR-19-717. Rodney Dain Doster v. State of Arkansas, from Union County Circuit Court. Motion of John Wesley Hall for attorney fees.

CR-19-829. Omar H. Ali v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees.

CR-19-875. Johnathon Pinney v. State of Arkansas, from Van Buren County Circuit Court. Motion of Sharon Kiel for award of attorney's fees.

CR-19-966. Corey Hobbs v. State of Arkansas, from Clay County Circuit Court, Eastern District. Motion of Kirk B. Lonidier for attorney's fee.

CR-20-149. Dertavious Cain v. State of Arkansas, from Jefferson County Circuit Court. Motion of Bobby R. Digby II for fees.

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MOTIONS SUBMITTED

CR-20-349. Chadwick Staggs v. State of Arkansas, from Pope County Circuit Court. Appellant's motion to withdraw second writ of certiorari to complete the record and to remand this case to the circuit court to reconstruct the record

CR-20-395. Adam M. Green v. State of Arkansas, from Polk County Circuit Court. Statement of the fact of death of appellant.

CR-20-397. Dale C. Bartlett v. State of Arkansas, from Monroe County Circuit Court. Appellant's motion to supplement the record on appeal.

CR-20-455. Mark Edward Morgan v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for leave to file belated appellant's brief.

CR-20-491. Christopher W. Terrell v. State of Arkansas, from Poinsett County Circuit Court. Appellee's motion to supplement the record.

CR-20-505. Clarence Turnbo v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to rescind access to sealed exhibit.

CR-20-636. Jermaine Bohanon v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion for belated appeal.

CV-20-201. Courtney Young v. Shelter Mutual Insurance Company, from Phillips County Circuit Court. Appellant's motion to strike supplemental addendum and arguments pertaining to the supplemental addendum contained in the brief filed by the appellee on September 30, 2020.

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 documents to prove case and stay on reply brief until court provides a reply.

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 remand to correct and settle the record.

CV-20-633. Tiffany Nicole Robinson v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court. Appellant's motion for belated appeal.

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MOTIONS SUBMITTED

CV-20-653. Laurie Higdon v. Community First Trust Company, from Garland County Circuit Court. Appellant's pro se petition for leave to proceed in forma pauperis.

E-20-274. Rhoda Yancy v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion for reconsideration.

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CASES SUBMITTED

CR-19-479. Robert Eugene Dyas v. State of Arkansas, from Grant County Circuit Court.

CR-19-793. Mack Harris v. State of Arkansas, from Hot Spring County Circuit Court.

CR-19-945. Boyce Williams v. State of Arkansas, from Saline County Circuit Court.

CR-20-15. Toya Boston v. State of Arkansas, from Crittenden County Circuit Court.

CR-20-161. William H. Milner v. State of Arkansas, from Ouachita County Circuit Court.

CR-20-224. Cory Gibson, Jr. v. State of Arkansas, from Garland County Circuit Court.

CR-20-239. Clifton Lambert v. State of Arkansas, from Montgomery County Circuit Court.

CR-20-241. Clyde Ernest Wallace v. State of Arkansas, from Garland County Circuit Court.

CR-20-244. Nicky Neely v. State of Arkansas, from Saline County Circuit Court.

CR-20-351. Nicholas Gruber v. State of Arkansas, from Lonoke County Circuit Court.

CV-18-978. Kosmic Kids Outreach, Inc.; and Fredrick Jackson v. Arkansas Department of Human Services and Cindy Gillespie, from Jefferson County Circuit Court.

CV-18-981. Kosmic Kids Outreach, Inc.; and Fredrick Jackson v. Arkansas Department of Human Services and Cindy Gillespie, from Jefferson County Circuit Court.

CV-19-933. Eddy Arnold v. Dr. Mary Pitts; Mr. Mike Doyle; Board of Trustees, Arkansas State University; and Dr. Carl Cates, from Craighead County Circuit Court, Western District.

CV-19-940. John Dillon Brooks v. Kristi A. Brooks, from Saline County Circuit Court.

CV-20-140. Courtland Faulkner v. Daniel McCain, from Pulaski County Circuit Court, Sixteenth Division.

CV-20-166. Haley Lewis v. Arkansas Department of Human Services, Division of Medical Services Office of Long-Term Care, from Bradley County Circuit Court.

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CASES SUBMITTED

CV-20-174. (In the Matter of the Adoption of A.M.P. and A.A.P.) Brince Plymale v. Jeremy Alan Rogers and Brandie Nichole Rogers, from Logan County Circuit Court, Southern District.

CV-20-202. Herman Dixon, Personal Representative of the Estate of Nora G. Dixon, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Nora G. Dixon v. RCG Mississippi, Inc., d/b/a Fresenius Medical Care Helena; P. Reddy Tukivakala, M.D., P.A.; and P. Reddy Tukivakala, M.D., Individually, from Phillips County Circuit Court.

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

E-20-115. Margie Rouse v. Director et al.

E-20-116. Marquis Weathersby v. Director et al.

E-20-126. Fidelis Transportation v. Director et al.

E-20-127. Roy Hancock v. Director et al.

E-20-128. James Yates v. Director et al.

E-20-129. Steve Scott v. Director et al.

E-20-130. Dominic White v. Director et al.

E-20-131. Darren Holmes v. Director et al.

E-20-132. Michael Norwood v. Director et al.

E-20-133. Donna Connor v. Director et al.

E-20-134. Miranda Chronister v. Director et al.

E-20-135. Billy Hines v. Director et al.

E-20-136. Debra Nelson v. Director et al.

E-20-137. William Dean v. Director et al.

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CASES SUBMITTED

E-20-139. Abrianna Wilbourn v. Director et al.

E-20-140. Pierre Flowers v. Director et al.

E-20-141. Terry Welch v. Director et al.

E-20-142. Michael Meizis v. Director et al.