

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF DECEMBER 2, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CR-20-241](#). Clyde E. Wallace v. State of Arkansas, from Garland County Circuit Court. Dismissed. Gladwin and Harrison, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-19-479](#). Robert Eugene Dyas v. State of Arkansas, from Grant County Circuit Court. Affirmed; motion to withdraw granted. Whiteaker and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-19-51](#). James D. Cribbs v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Vaught and Brown, JJ., agree.

[CV-18-620](#). Joseph Lucas, an Individual; Glen Lucas, an Individual; Robert Lucas, an Individual; Barbara Johnson, an Individual; Thomas Lucas, an Individual; and David Abbott, an Individual v. Washington County; Pamela Vitko, as Personal Representative and on Behalf of the Laura Lee Broderick Estate; Cecily Lennard Lucas, as Personal Representative and on Behalf of the John P. Lucas Estate; and Victoria Gilbertie, from Washington County Circuit Court. Reversed and remanded with instructions; motion to dismiss the appeal is denied. Klappenbach and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-20-140](#). Courtland Faulkner v. Daniel McCain, from Pulaski County Circuit Court, Sixteenth Division. Affirmed. Gruber, C.J., and Harrison, J., agree.

BRANDON J. HARRISON, JUDGE:

[CR-20-224](#). Cory Gibson, Jr. v. State of Arkansas, from Garland County Circuit Court. Affirmed. Gruber, C.J., and Gladwin, J., agree.

[CV-19-894](#). Darin French v. Kenneth Hoelzeman, from Conway County Circuit Court. Reversed and dismissed. Abramson, Gladwin, Hixson, and Brown, JJ., agree. Klappenbach, Switzer, Whiteaker, and Vaught, JJ., dissent.

N. MARK KLAPPENBACH, JUDGE:

[CV-19-940](#). John Dillon Brooks v. Kristi A. Brooks (now Massey), from Saline County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CR-20-161](#). William H. Milner III v. State of Arkansas, from Ouachita County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-20-244](#). Nicky Neely v. State of Arkansas, from Saline County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[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. Rebriefing ordered. Klappenbach and Hixson, 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-20-115. 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.

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PER CURIAM ORDERS

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

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 is granted. Allowed \$1600.00.

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

CR-19-714. Shawn Curtis v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1575.00.

CR-19-717. Rodney Dain Doster v. State of Arkansas, from Union County Circuit Court. Motion of John Wesley Hall for attorney fees is granted. Allowed \$1800.00. Klappenbach, J., not participating.

CR-19-829. Omar H. Ali v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees is granted. Allowed \$1800.00.

CR-19-875. Johnathan Pinney v. State of Arkansas, from Van Buren County Circuit Court. Motion of Sharon Kiel for award of attorney's fees is granted. Allowed \$1800.00.

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 is granted. Allowed \$1800.00.

CR-20-149. Dertavious Cain v. State of Arkansas, from Jefferson County Circuit Court. Motion of Bobby R. Digby II for fees is granted. Allowed \$1800.00.

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

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PER CURIAM ORDERS

this case to the circuit court to reconstruct the record is granted and remanded to the circuit court to settle the record. Klappenbach, J., not participating.

CR-20-395. Adam M. Green v. State of Arkansas, from Polk County Circuit Court. Statement of the fact of death of appellant is noted. Status reports are due in ninety days (March 2, 2021). Switzer, J., not participating.

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

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 is granted.

CR-20-491. Christopher W. Terrell v. State of Arkansas, from Poinsett County Circuit Court. Appellee's motion to supplement the record is granted. Virden, J., not participating.

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

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 is denied. Appellant's reply brief is due in fifteen days (December 17, 2020). Final extension.

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 is granted.

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 is granted.

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 is denied. Switzer, J., not participating.

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

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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

CV-18-1067. Thomason Investments, LLC; and Todd Thomason v. Johnny Huddleston; Brenda Huddleston; TAB Construction of Harrison, LLC; Johnny Huddleston d/b/a TAB Construction and TAB Construction, Inc.; and TAB Investment, LLC, from Boone County Circuit Court.

CV-20-42. Mathew Ingle v. Callie Dacus, from Saline County Circuit Court.

CR-19-497. Tautiana Porter v. State of Arkansas, from Clark County Circuit Court. Motion of Robert M. “Robby” Golden for attorney’s fees and costs.

CR-19-657. Daniel Lynn Honey v. State of Arkansas, from Logan County Circuit Court, Northern District. Motion of W. Whitfield Hyman for costs and attorney fees.

CR-19-657. Daniel Lynn Honey v. State of Arkansas, from Logan County Circuit Court, Northern District. Second motion of W. Whitfield Hyman for costs and attorney fees.

CR-19-712. Robert Powell v. State of Arkansas, from White County Circuit Court. Appellant’s motion to stay the mandate.

CR-19-724. Bryant Dewight Adams v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Sharon Kiel for award of attorney’s fees.

CR-19-795. Christopher Shane Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Motion of Michael Kiel Kaiser for fees.

CR-19-845. Virgil Nathan Oliver v. State of Arkansas, from Benton County Circuit Court. Motion of Brett D. Watson for attorney fees.

CR-19-861. Mochariee Kewanna West v. State of Arkansas, from Garland County Circuit Court. Motion of Joseph Self for payment of fees.

CR-19-905. Joseph Anthony Brehm v. State of Arkansas, from Faulkner County Circuit Court. Motion of Alex R. Burgos for award of attorney’s fees.

CR-20-22. Harrell M. McKinney v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees and costs.

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MOTIONS SUBMITTED

CR-20-100. Donnie Samuel Witherspoon v. State of Arkansas, from Garland County Circuit Court. Motion of Jonathan T. Lane for award of attorney fees.

CR-20-104. Bobby Earl Richard v. State of Arkansas, from Desha County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

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

CR-20-199. Tommy F. Hamilton v. State of Arkansas, from Hempstead County Circuit Court. Motion of Devon Holder for attorney's fees.

CR-20-391. Joshua Devault v. State of Arkansas, from Van Buren County Circuit Court. Motion of Gregg A. Knutson to withdraw as counsel and for stay of briefing schedule.

CR-20-397. Dale C. Bartlett v. State of Arkansas, from Monroe County Circuit Court. Motion to correct/supplement the record on appeal and to stay briefing schedule.

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

CR-20-398. Cody Lane Cagle v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CR-20-645. Alvin Aikens v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion to supplement the record.

CR-20-658. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion to lodge the record.

CR-20-664. Demonta Morgan v. State of Arkansas, from Hempstead County Circuit Court. Appellant's pro se motion for belated appeal.

CR-20-664. Demonta Morgan v. State of Arkansas, from Hempstead County Circuit Court. Appellant's pro se motion for appointment of counsel.

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. Motion of separate appellee Public Consulting Group, Inc., for relief from order on costs under Rule 6-7.

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MOTIONS SUBMITTED

CV-20-229. Paragould School District and Arkansas School Boards Association Workers' Compensation Trust v. LaDonna Murphree, from the Arkansas Workers' Compensation Commission. Second joint status report.

CV-20-610. Petit Jean Electric Cooperative Corporation v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Appellee's motion to consolidate appeals and motion to stay filing of record.

CV-20-615. Aaron C. Keeney and Laura J. Keeney v. David McQueen and Tina McQueen, from Benton County Circuit Court. Appellants' motion for supersedeas order and stay of judgment pending appeal.

CV-20-615. Aaron C. Keeney and Laura J. Keeney v. David McQueen and Tina McQueen, from Benton County Circuit Court. Appellants' motion to strike as untimely appellees' response in opposition to motion for supersedeas order.

CV-20-618. Entergy Arkansas, LLC v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Appellee's motion to consolidate appeals and motion to stay filing of record.

CV-20-619. Arkansas Electric Cooperative Corporation v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Appellee's motion to consolidate appeals and motion to stay filing of record.

CV-20-620. Scenic Hill Solar, LLC v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Appellee's motion to consolidate appeals and motion to stay filing of record.

CV-20-686. Irvin Esparza v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Appellant's petition to proceed in forma pauperis and motion to stay time for the lodging of the record and briefing schedule for substantive order on appeal and petition for writ of certiorari to complete the record and to set briefing schedule.

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CASES SUBMITTED

CR-19-691. Reco Walker v. State of Arkansas, from Independence County Circuit Court.

CR-19-758. Michelle Lawrence v. State of Arkansas, from Grant County Circuit Court.

CR-19-974. William Edward Gray v. State of Arkansas, from Pope County Circuit Court.

CR-20-184. Landis Hester v. State of Arkansas, from Crawford County Circuit Court.

CR-20-359. Jeffery Bushnell v. State of Arkansas, from Faulkner County Circuit Court.

CV-19-554. Lula Valentine, Individually and as Personal Representative of the Estate of Isdee Valentine, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Isdee Valentine v. Senior Care, Inc., d/b/a Oakdale Nursing Home; White County Medical Center; John Doe; and John and Jane Does A–Z, from White County Circuit Court.

CV-19-798. John Franklin Trickett v. John Spann and Sally Spann, from Franklin County Circuit Court, Southern District.

CV-19-952. Valerie Denarvaez v. Enrique Denarvaez, from Pulaski County Circuit Court, Seventeenth Division.

CV-20-10. Crystal Pennanen Holiman v. William Brent Holiman and Office of Child Support Enforcement, from Grant County Circuit Court.

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

E-20-143. Eric Hendricks v. Director et al.

E-20-144. Sedrick Granger v. Director et al.

E-20-145. Billy Harris v. Director et al.

E-20-146. Billy Whybark v. Director et al.

E-20-147. Tammy Pullen v. Director et al.

E-20-149. Billie Sanders-Woods v. Director et al.

E-20-150. Billie Sanders-Woods v. Director et al.

E-20-151. Steve Peck v. Director et al.

E-20-152. Lisa Derrick v. Director et al.