

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF DECEMBER 9, 2020

RITA W. GRUBER, CHIEF JUDGE:

[CV-19-933](#). Eddy Arnold v. Dr. Mary Pitts, Mr. Mike Doyle, Board of Trustees of Arkansas State University, and Dr. Carl Cates, from Craighead County Circuit Court, Western District. Affirmed. Gladwin and Harrison, JJ., agree.

[CV-19-952](#). Valerie Denarvaez v. Enrique Denarvaez, from Pulaski County Circuit Court, Seventeenth Division. Dismissed in part; affirmed in part. Abramson and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-20-15](#). Toya Boston v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Whiteaker and Murphy, JJ., agree.

[CV-19-798](#). John Franklin Trickett v. John Spann and Sally Spann, from Franklin County Circuit Court, Southern District. Affirmed. Gruber, C.J., and Hixson, J., agree.

BART F. VIRDEN, JUDGE:

[CR-19-974](#). William Edward Gray v. State of Arkansas, from Pope County Circuit Court. Remanded to settle the record. Klappenbach and Whiteaker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-19-758](#). Michelle Lawrence v. State of Arkansas, from Grant County Circuit Court. Affirmed; motion to withdraw granted; remanded with instructions. Harrison and Brown, JJ., agree.

[CR-19-793](#). Mack Harris v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Gruber, C.J., and Harrison, J., agree.

BRANDON J. HARRISON, JUDGE:

[CR-20-151](#). Steven James Cash v. State of Arkansas, from Garland County Circuit Court. Reversed and remanded. Gruber, C.J., and Gladwin, J., agree.

[CR-20-239](#). Clifton Lambert v. State of Arkansas, from Montgomery County Circuit Court. Affirmed. Gruber, C.J., and Gladwin, J., agree.

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BRANDON J. HARRISON, JUDGE: (Continued)

[CV-20-10](#). Crystal Holiman v. William Brent Holiman and Office of Child Support Enforcement, from Grant County Circuit Court. Reversed and remanded. Gladwin and Brown, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-19-691](#). Reco Walker v. State of Arkansas, from Independence County Circuit Court. Affirmed; motion to be relieved granted. Virden and Whiteaker, JJ., agree.

[CR-19-945](#). Boyce Williams v. State of Arkansas, from Saline County Circuit Court. Affirmed; remanded to correct sentencing order. Hixson and Brown, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-20-351](#). Nicholas Gruber v. State of Arkansas, from Lonoke County Circuit Court. Appeal dismissed. Abramson and Murphy, JJ., agree.

[CV-18-1047](#). Jefferson Hospital Association, Walter Johnson, David Nixon, and Federal Insurance Company v. Lee Davis, M.D., from Jefferson County Circuit Court. Reversed and remanded. Abramson and Murphy, JJ., agree.

[CV-19-536](#). Bernard Court, LLC v. Walmart, Inc., from Benton County Circuit Court. Affirmed in part; reversed and remanded in part. Virden, Gladwin, Murphy, and Brown, JJ., agree. Harrison, J., dissents.

[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. White County Medical Center, from White County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-20-359](#). Jeffery Bushnell v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Gruber, C.J., and Abramson, J., agree.

[CV-18-981](#). Kosmic Kidz Outreach, Inc.; and Fredrick Jackson v. Arkansas Department of Human Services and Cindy Gillespie, from Jefferson County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

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MIKE MURPHY, JUDGE:

[CV-20-174](#). Brince Plymale v. Jeremy Alan Rogers and Brandi Nichole Rogers, from Logan County Circuit Court, Southern District. Reversed and dismissed. Abramson, J., agrees. Whiteaker, J., concurs.

[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. P. Reddy Tukivakala, M.D., P.A.; and P. Reddy Tukivakala, M.D., Individually, from Phillips County Circuit Court. Affirmed. Abramson and Whiteaker, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-20-184](#). Landis Hester v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Gladwin and Harrison, JJ., agree.

[CV-18-978](#). Kosmic Kidz Outreach, Inc. and Fredrick Jackson v. Arkansas Department of Human Services, from Jefferson County Circuit Court. Affirmed. Klappenbach and Hixson, JJ., agree.

[CV-20-1](#). Kevin Pennington v. Arkansas Game and Fish Commission, from Pulaski County Circuit Court, Twelfth Division. Affirmed. Virden and Vaught, JJ., agree.

[CV-20-73](#). K.D. Cooper v. M.N. Cooper, from Saline County Circuit Court. Affirmed. 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-20-133. 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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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.

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.

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PER CURIAM ORDERS

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

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 is granted. Allowed \$1800.00.

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 is moot.

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 is granted. Allowed \$1600.00.

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

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 is granted. Allowed \$1800.00.

CR-19-795. Christopher Shane Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$1800.00.

CR-19-845. Virgil Nathan Oliver v. State of Arkansas, from Benton County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$400.00. Harrison, J., not participating.

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CR-19-861. Mocharjee Kewanna West v. State of Arkansas, from Garland County Circuit Court. Motion of Joseph Self for payment of fees is granted. Allowed \$1800.00. Virden and Switzer, JJ., not participating.

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 is granted. Allowed \$1800.00.

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 is granted. Allowed \$1600.00.

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 is granted. Allowed \$1800.00. Switzer, J., not participating.

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 is granted. Allowed \$1800.00.

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 is granted.

CR-20-199. Tommy F. Hamilton v. State of Arkansas, from Hempstead County Circuit Court. Motion of Devon Holder for attorney's fees is granted. Allowed \$1800.00.

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 is granted.

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 is treated as a request to remand to settle the record and granted.

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 is denied.

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 is denied. Appellant's pro se points for reversal remain due December 16, 2020.

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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 is granted.

CR-20-658. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion to lodge the record is treated as a motion for rule on clerk and granted.

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

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

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 is denied. Harrison, J., would grant. Abramson, J., not participating.

[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. Supplemental response ordered. See **per curiam** this date.

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 is granted. Status reports are due in ninety days (March 9, 2021).

CV-20-610. Petit Jean Electric Cooperative Corporation v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Motion of the Arkansas Public Service Commission to consolidate appeals and motion to stay filing of record is granted. Request to grant an increase of word-count limitations in the briefs is deferred. Gruber, C.J., and Abramson and Hixson, JJ., not participating.

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 is denied. Hixson, J., would grant.

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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 is denied.

CV-20-618. Entergy Arkansas, LLC v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Motion of the Arkansas Public Service Commission to consolidate appeals and motion to stay filing of record is granted. Request to grant an increase of word-count limitations in the briefs is deferred. Gruber, C.J., and Abramson and Hixson, JJ., not participating.

CV-20-619. Arkansas Electric Cooperative Corporation v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Motion of the Arkansas Public Service Commission to consolidate appeals and motion to stay filing of record is granted. Request to grant an increase of word-count limitations in the briefs is deferred. Gruber, C.J., and Abramson and Hixson, JJ., not participating.

CV-20-620. Scenic Hill Solar, LLC v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Motion of the Arkansas Public Service Commission to consolidate appeals and motion to stay filing of record is granted. Request to grant an increase of word-count limitations in the briefs is deferred. Gruber, C.J., and Abramson and Hixson, JJ., not participating.

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 is denied. Gruber, C.J., not participating.

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MOTIONS SUBMITTED

CR-12-175. Kurion K. Hughes, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Appellant's pro se motion pursuant to Rule 19 to compel counsel to provide the appellant a copy of the trial court and appellate records.

CR-19-650. Damian Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for copies of written material pertaining to appeal.

CR-19-960. Troy Craig Sandidge, Jr. v. State of Arkansas, from Yell County Circuit Court, Northern District. Motion of Robert N. Jeffrey for attorney's fees.

CR-20-189. Roderick Watkins v. State of Arkansas, from Cleburne County Circuit Court. Motion of Matthew P. McKay for attorney's fees.

CR-20-424. Vasquez Dominique Hayes v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to settle the record.

CR-20-424. Vasquez Dominique Hayes v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to stay the briefing schedule.

CR-20-535. Ted Hamilton v. State of Arkansas, from Hempstead County Circuit Court. Appellant's pro se motion for a copy of the record.

CR-20-604. Eddie Dale King v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion for extension of time to file record on appeal.

CR-20-645. Alvin Aikens v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Craig Lambert for entry of appearance.

CR-20-670. Michael Scott Forrest v. State of Arkansas, from Ashley County Circuit Court. Appellant's motion to relieve appellate counsel and dismiss appeal.

CV-20-575. Dee Blakely v. Arkansas Children's Hospital, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to supplement the record.

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MOTIONS SUBMITTED

CV-20-610. Petit Jean Electric Cooperative Corporation; Entergy Arkansas, LLC; Arkansas Electric Cooperative Corporation; and Scenic Hill Solar, LLC v. Arkansas Public Service Commission; Arkansas Advanced Energy Association, Inc.; Arkansas Electric Energy Consumers, Inc.; and National Audubon Society, Inc., from the Arkansas Public Service Commission. Appellant's objection, motion to strike entry of appearance, and motion for clarification.

CV-20-657. DJS Development, LLC v. Hope Bawcom (a/k/a Hope Josephine Warden), Debra Brawley, Freeman Davis, Stephanie Lou Davis, and Any Interested Parties, from Sharp County Circuit Court. Appellant's motion to permit supplementation of record and to consolidate appeals.

CV-20-657. DJS Development, LLC v. Hope Bawcom (a/k/a Hope Josephine Warden), Debra Brawley, Freeman Davis, Stephanie Lou Davis, and Any Interested Parties, from Sharp County Circuit Court. Appellant's motion for extension of time to file brief in chief.

CV-20-695. Elizabeth Garner a/k/a Elizabeth Darnell v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Appellant's petition to proceed in forma pauperis.

CV-20-695. Elizabeth Garner a/k/a Elizabeth Darnell v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to stay pending ruling on indigency.

E-20-330. Yeletta Gomillion v. Director et al., from the Arkansas Board of Review. Pro se motion of belated appeal.

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CASES SUBMITTED

- CR-19-860. Stephon T. Harris v. State of Arkansas, from Garland County Circuit Court.
- CR-19-891. Jason Paul Goode v. State of Arkansas, from Lonoke County Circuit Court.
- CR-19-914. Shykeen Daniels v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.
- CR-19-923. William Sterling Cook, Jr. v. State of Arkansas, from Poinsett County Circuit Court.
- CR-19-957. Shawn Crosby v. State of Arkansas, from Pulaski County Circuit Court, First Division.
- CR-19-973. Debert Morgan v. State of Arkansas, from Hot Spring County Circuit Court.
- CR-19-980. David Reynolds v. State of Arkansas, from Faulkner County Circuit Court.
- CR-19-992. Dion Hogans, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.
- CR-20-57. Robert D. Ball v. State of Arkansas, from Crawford County Circuit Court.
- CR-20-99. Malvin Bynum v. State of Arkansas, from Faulkner County Circuit Court.
- CR-20-103. Melissa Joyner v. State of Arkansas, from Hot Spring County Circuit Court.
- CR-20-110. Mark Edward Wagner v. State of Arkansas, from Washington County Circuit Court.
- CR-20-116. Robert Scott Wilcox v. State of Arkansas, from Ashley County Circuit Court.
- CR-20-131. Ronald Huggins v. State of Arkansas, from Hot Spring County Circuit Court.
- CR-20-300. Tylor Reed Jones v. State of Arkansas, from Miller County Circuit Court.
- CR-20-307. Mitchell Cameron Ramsey v. State of Arkansas, from Benton County Circuit Court.
- CR-20-402. Tyrone Owens v. State of Arkansas, from Miller County Circuit Court.

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CASES SUBMITTED

CV-20-511. Brad Honeycutt v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.