

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 13, 2021

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-19-914](#). Shykeen Daniels v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed; motion to withdraw granted. Gladwin and Brown, JJ., agree.

[CR-20-116](#). Robert Scott Wilcox v. State of Arkansas, from Ashley County Circuit Court. Motion to withdraw denied; rebriefing ordered. Gladwin and Brown, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-19-980](#). David Reynolds v. State of Arkansas, from Faulkner County Circuit Court. Appeal dismissed; motion to withdraw granted. Gruber and Hixson, JJ., agree.

[CR-20-307](#). Mitchell Cameron Ramsey v. State of Arkansas, from Benton County Circuit Court. Dismissed; motion to withdraw granted. Gruber and Hixson, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-20-402](#). Tyrone Owens v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Klappenbach and Whiteaker, JJ., agree.

[CV-20-511](#). Brad Honeycutt v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Klappenbach and Whiteaker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-19-957](#). Shawn Crosby v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appeal dismissed; motion to withdraw granted. Harrison, C.J., and Brown, J., agree.

[CR-19-973](#). Debert Morgan v. State of Arkansas, from Hot Spring County Circuit Court. Rebriefing ordered; motion to withdraw denied. Harrison, C.J., and Brown, J., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-19-992](#). Dion Hogans, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed; motion to withdraw granted. Virden and Whiteaker, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 13, 2021

N. MARK KLAPPENBACH, JUDGE: (Continued)

[CR-20-57](#). Robert Dean Ball v. State of Arkansas, from Crawford County Circuit Court. Rebriefing ordered; motion to be relieved denied. Virden and Whiteaker, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-20-103](#). Melissa Joyner v. State of Arkansas, from Hot Spring County Circuit Court. Rebriefing ordered; motion to withdraw denied. Abramson and Hixson, JJ., agree.

[CR-20-110](#). Mark Edward Wagner v. State of Arkansas, from Washington County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Hixson, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-20-131](#). Ronald Huggins v. State of Arkansas, from Hot Spring County Circuit Court. Rebriefing ordered; motion to withdraw denied. Virden and Klappenbach, JJ., agree.

[CR-20-300](#). Tylor Reed Jones v. State of Arkansas, from Miller County Circuit Court. Motion to withdraw denied; rebriefing ordered. Virden and Klappenbach, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-19-891](#). Jason Paul Goode v. State of Arkansas, from Lonoke County Circuit Court. Affirmed in part; dismissed in part; motion to withdraw granted. Abramson and Gruber, JJ., agree.

[CR-20-99](#). Malvin Bynum v. State of Arkansas, from Faulkner County Circuit Court. Rebriefing ordered; motion to withdraw denied without prejudice. Abramson and Gruber, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-19-860](#). Stephon Tyrone Harris v. State of Arkansas, from Garland Country Circuit Court. Rebriefing and supplemental addendum ordered; motion to withdraw denied. Harrison, C.J., and Gladwin, J., agree.

[CR-19-923](#). William Sterling Cook v. State of Arkansas, from Poinsett County Circuit Court. Rebriefing ordered; motion to withdraw denied. Harrison, C.J., and Gladwin, J., agree.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 13, 2021

WAYMOND M. BROWN, JUDGE: (Continued)

[CV-18-752](#). Theresa Vigo Miaoulis, as Guardian and Next Friend of Johnathon E. Lopez, a Minor v. Toyota Motor North America, Inc., d/b/a Toyota Motor Company, et al., from St. Francis County Circuit Court. Affirmed. Gladwin, Whiteaker, and Hixson, JJ., agree. Harrison, C.J., and Murphy, J., dissent in part.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 13, 2021

PER CURIAM ORDERS

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

CR-20-11. Forrest R. Stewart v. State of Arkansas, from Miller County Circuit Court. Barrett, J., not participating.

CR-20-55. Scottie Wayne Flippo v. State of Arkansas, from Boone County Circuit Court.

CR-20-193. Durell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Klappenbach, J., not participating.

CR-20-241. Clyde E. Wallace v. State of Arkansas, from Garland 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. White County Medical Center, from White County Circuit Court.

CV-19-647. Edward Lee Hardin v. Shelia Hardin, from Jefferson County Circuit Court.

CV-19-798. John Franklin Trickett v. John Spann and Sally Spann, from Franklin County Circuit Court, Southern District. Harrison, C.J., not participating.

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

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.

CV-20-174. Brince Plymale v. Jeremy Alan Rogers and Brandie Nichole Rogers, from Logan County Circuit Court, Southern District.

CR-19-579. Alyssia Kirby-Snow v. State of Arkansas, from Baxter County Circuit Court. Motion of Charles D. Hancock for attorney's fees is granted. Allowed \$1800.00.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 13, 2021

PER CURIAM ORDERS

CR-19-648. Ronterrio Mayo v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees is granted. Allowed \$1800.00. Virden, J., not participating.

CR-19-815. Phillip Horne, Jr. v. State of Arkansas, from Logan County Circuit Court, Northern District. Motion of Robert N. Jeffrey for attorney's fees is granted. Allowed \$1800.00.

CR-19-885. Joshua Chapelle Joyce v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney fees is granted. Allowed \$1600.00.

CR-20-2. Granville Murphy v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Robert M. "Robby" Golden for award of attorney's fees and costs is granted. Allowed \$1800.00.

CR-20-125. David King v. State of Arkansas, from Van Buren County Circuit Court. Motion of Erin W. Lewis for attorney's fees is granted. Allowed \$1800.00.

CR-20-190. Martin Diaz v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to dismiss is granted.

CR-20-349. Chadwick Staggs v. State of Arkansas, from Pope County Circuit Court. Appellant's motion to extend deadline to file supplemental record is granted. Klappenbach, J., not participating.

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. Motion is treated as a motion for a copy of the record and to file a belated brief. Motion for a copy of the record is moot. Motion to file a belated brief is granted.

CR-20-570. Tiffany Harris v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to file belated brief is granted.

CR-20-608. Robert Krachey v. State of Arkansas, from Franklin County Circuit Court, Northern District. Joint motion to substitute counsel of record is granted.

CR-20-650. Brittanie Renee Lee v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for filing belated brief is granted.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 13, 2021

PER CURIAM ORDERS

CR-20-650. Brittnie Renee Lee v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for extension of time to file brief is moot.

CR-20-654. Mary Choate v. State of Arkansas and J.J., from Miller County Circuit Court. Appellant's motion to consolidate and motion for extension of time. Motion to consolidate is denied. Motion for extension of time is granted. Barrett, J., not participating.

CR-20-655. Mary Choate v. State of Arkansas and T.J., from Miller County Circuit Court. Appellant's motion to consolidate and motion for extension of time. Motion to consolidate is denied. Motion for extension of time is granted. Barrett, J., not participating.

CR-20-672. Russell Holliday v. State of Arkansas, from Cleburne County Circuit Court. Appellant's pro se motion for appointment of counsel is denied.

CR-20-691. Brandon Fannin v. State of Arkansas, from Pope County Circuit Court. Joint motion to substitute counsel of record is granted.

CR-20-703. Roderick Shoulders v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for extension of time to file a brief is granted.

CR-20-712. Rodney Goshien, Jr. v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for appointment of counsel and extension of time to file brief. Motion for appointment of counsel is denied. Motion for extension of time to file brief is granted.

CR-20-729. Frankie Paul DeJohn v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for rule on clerk is granted.

CR-20-740. Sharvelt Mister v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for leave to file belated appeal is granted. Klappenbach, J., would deny.

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. Appellees' motion for extension of time to file request for rehearing and brief and petition for review is moot. Gladwin, J., not participating.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 13, 2021

PER CURIAM ORDERS

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. Appellees' amended motion for extension of time to file request for rehearing and brief and petition for review. Granted as to the petition for rehearing only. Gladwin, 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 supplement addendum is granted.

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. Appellant's motion for extension of time to submit substituted brief is moot.

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. Appellant's second motion for extension of time to submit substituted brief is granted.

CV-20-417. Kristina Bonds (now Emmons) v. Clay Bonds, from Pope County Circuit Court. Motion of James Dunham to withdraw as attorney is granted. Harrison, C.J., and Virden, J., not participating.

CV-20-575. Dee Blakely v. Arkansas Children's Hospital, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to supplement the record is granted. Virden and Gruber, JJ., not participating.

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 Arkansas Public Service Commission. Arkansas Electric Cooperative Corporation's objection, motion to strike entry of appearance of Arkansas Advanced Energy Association, and motion for clarification is denied. Abramson, Gruber, Vaught, and Hixson, JJ., not participating.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 13, 2021

PER CURIAM ORDERS

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. Motion of Randall L. Bynum to withdraw as counsel for separate appellant Scenic Hill Solar, LLC, is granted. Abramson, Gruber, Vaught, and Hixson, JJ., not participating.

CV-20-629. (In the Matter of B.P. and E.P., Minors) Scarlett Tapp and Timothy Perry v. Jamie Luper and Brian Luper, from Washington County Circuit Court. Appellants' motion to amend record is denied.

CV-20-638. Kacie Scott v. Arkansas Department of Human Services and Minor Children, from Saline County Circuit Court. Motion of separate appellees Minor Children to substitute brief is granted.

CV-20-656. Whit Barton, as Special Administrator; Troy Brown; Cherryale Burge; and Dwaine Riley v. Theophilus C. King, Individually and in His Capacity as the Trustee of the Lois Barnes Perkins Revocable Trust, from Ashley County Circuit Court. Motion of Vicki Gilliam to withdraw is granted.

CV-20-659. Crain Family Holdings, LLC; and Auto Dealership Partners, LLC v. Ford Motor Company and Arkansas Motor Vehicle Commission, from Saline County Circuit Court. Appellants' motion to substitute records and motion to stay briefing is moot.

CV-20-659. Crain Family Holdings, LLC; and Auto Dealership Partners, LLC v. Ford Motor Company and Arkansas Motor Vehicle Commission, from Saline County Circuit Court. Appellants' notice of withdrawal of motion to substitute records and motion to stay briefing is granted.

CV-20-677. (In the Matter of the Adoption of A.P., a Minor) Dillon Arnold v. Nicklaus Przytarski and Courtney Przytarski, from Garland County Circuit Court. Appellant's petition for certiorari to complete record is denied.

CV-20-686. Irvin Esparza v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Motion of Dusti Standridge to be relieved as counsel is granted. Gruber, J., not participating.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 13, 2021

PER CURIAM ORDERS

CV-20-688. John Patrick Cullen v. Allstate Insurance Company; Kathy Jo Brinkley; and Katie Knight, from Garland County Circuit Court. Appellant's pro se motion for transcript and payment of costs is denied.

CV-20-696. Pennsylvania Lumbermens Mutual Insurance Company v. WestRock CP, LLC; and Philadelphia Indemnity Insurance Company, from Drew County Circuit Court. Appellant's motion for extension of time to file appeal brief is granted.

E-20-353. Andra Nosari v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 13, 2021
MOTIONS SUBMITTED

PETITION FOR REHEARING:

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

CR-19-479. Robert Eugene Dyas v. State of Arkansas, from Grant County Circuit Court. Appellant counsel's motion and request for attorney fees.

CR-19-758. Michelle Lawrence v. State of Arkansas, from Grant County Circuit Court. Motion of Gregory Crain for attorney fees.

CR-19-793. Mack Harris v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees.

CR-20-161. William H. Milner III v. State of Arkansas, from Ouachita County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-20-239. Clifton Lambert v. State of Arkansas, from Montgomery County Circuit Court. Motion of Michael Kiel Kaiser for fees.

CR-20-644. Craytonia Badger v. State of Arkansas, from Columbia County Circuit Court. Appellant's motion to file belated reply brief.

CV-19-922. Wells Fargo Bank, N.A. v. M.S. Wholesale Plumbing, Inc., on Behalf of Itself and All Other Entities and Persons Similarly Situated; and Westfax, Inc., from Pope County Circuit Court. Joint motion for remand and stay pending circuit court approval of settlement between appellant and appellees.

CV-20-362. Kim Parsons v. Doug Plumley, from Garland County Circuit Court. Appellee's motion to dismiss appeal.

CV-20-362. Kim Parsons v. Doug Plumley, from Garland County Circuit Court. Appellee's second motion to dismiss.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 13, 2021

MOTIONS SUBMITTED

CV-20-549. Kelly L. Branam and Cynthia Ann Hall v. Heraeus Electro-Nite, LLC; David Miller; Landstar Ranger, Inc.; Joy Hinshaw; LM General Insurance Company; Sherita Franklin; Justin Davis; and Industrial Power Products, from Crittenden County Circuit Court. Appellants' motion for extension of page limit to the argument section of brief.

CV-20-567. Paschal Heating and Air Conditioning Co., Inc. v. Scott Zotti, from Washington County Circuit Court. Motion to dismiss point "C" of appellant's appeal.

CV-20-688. John Patrick Cullen v. Allstate Insurance Company; Kathy Jo Brinkley; and Katie Knight, from Garland County Circuit Court. Appellant's pro se motion requesting to be allowed extension on pages within brief.

CV-20-708. Heritage Hospitality, Inc., d/b/a Heritage Inn v. Penn-Star Insurance Company; Toni Frazier Insurance Agency, LLC; and M.J. Kelly of Arkansas, Inc., from Monroe County Circuit Court. Motion of separate appellee M.J. Kelly of Arkansas, Inc., to dismiss appeal for lack of jurisdiction.

CV-20-708. Heritage Hospitality, Inc., d/b/a Heritage Inn v. Penn-Star Insurance Company; Toni Frazier Insurance Agency, LLC; and M.J. Kelly of Arkansas, Inc., from Monroe County Circuit Court. Appellee Penn-Star Insurance Company's adoption and joinder of motion to dismiss appeal.

CV-20-734. Jeffrey Graham v. Harding University, Inc.; and The Cincinnati Insurance Company, from White County Circuit Court. Appellees' motion to dismiss appeal.

CV-20-743. Alejandro Yopez v. Beverly Yopez, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss appeal for want of a final order.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 13, 2021

CASES SUBMITTED

CR-19-300. Steven Deloney v. State of Arkansas, from Little River County Circuit Court.

CR-19-964. Mardriekus Blakes v. State of Arkansas, from Crittenden County Circuit Court.

CR-20-127. T.P. v. State of Arkansas, from Van Buren County Circuit Court.

CR-20-132. Robert Dean Penny v. State of Arkansas, from Baxter County Circuit Court.

CR-20-142. Donald James v. State of Arkansas, from Independence County Circuit Court.

CR-20-169. Jaquan Lasley v. State of Arkansas, from Jefferson County Circuit Court.

CV-18-699. Carolyn Magrans, as General Personal Representative of the Estate of Ramon Magrans, Deceased; on Behalf of the Estate of Ramon Magrans, Deceased; and the Wrongful-Death Beneficiaries of Ramon Magrans, Deceased v. Capella Healthcare, Inc., d/b/a Saint Mary's Regional Medical Center; Saint Mary's Regional Medical Center; River Valley Emergency Physicians, P.A.; Radiologists of Russellville, P.A.; Millard-Henry Clinic, P.A.; Edward Lucas Andrada, M.D.; Sarah Robertson, M.D.; and Sarah Robertson, M.D., P.A., from Pope County Circuit Court.

CV-18-922. Kenneth J. Clark, as Trustee of the Clark Revocable Trust v. Melva Jean Summers, from Carroll County Circuit Court, Eastern District.

CV-19-62. Arkansas Department of Human Services, Crimes Against Children Division v. Steven D. Mitchell, from IZARD County Circuit Court.

CV-19-63. Arkansas Department of Human Services, Crimes Against Children Division v. Steven D. Mitchell, from IZARD County Circuit Court.

CV-20-7. Miguel Escobar v. A&A Orchard, LLC, from Carroll County Circuit Court, Eastern District.

CV-20-114. Tina L. Melius v. Chapel Ridge Nursing Center, LLC; and AmTrust North America Insurance, from the Arkansas Workers' Compensation Commission.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 13, 2021

CASES SUBMITTED

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

- E-20-171. Chassity Sellers v. Director et al.
- E-20-172. Cynthia Fose v. Director et al.
- E-20-173. Rhonda Barkey v. Director et al.
- E-20-174. Dallery Reynolds v. Director et al.
- E-20-175. DeKeidra Brewer v. Director et al.
- E-20-176. Edilberto Diaz De Leon v. Director et al.
- E-20-177. Dorcy Witherspoon v. Director et al.
- E-20-179. Sheila Williams v. Director et al.
- E-20-180. Abraham Moore v. Director et al.
- E-20-181. Memphis Wrecking Co., Inc. v. Director et al.
- E-20-182. Cynthia Davis v. Director et al.
- E-20-183. Kristen Ragan-Carter v. Director et al.
- E-20-184. Benson Jones v. Director et al.
- E-20-185. Sandra Craig v. Director et al.
- E-20-186. Gary Langlois v. Director et al.
- E-20-187. Nisreen Little v. Director et al.
- E-20-188. Edward McClendon v. Director et al.
- E-20-189. Lester Green v. Director et al.