

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 10, 2021**

**BRANDON J. HARRISON, CHIEF JUDGE:**

[CR-20-361](#). David Burgess v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed in part; reversed and dismissed in part; remanded in part. Klappenbach and Barrett, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-20-563](#). Paul Christopher Watkins v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-19-671](#). Ryan James Kirkland v. State of Arkansas, from Washington County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

[CR-20-58](#). Gary Conley v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed; remanded to correct sentencing order. Abramson and Hixson, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-20-415](#). Anthony Baumann v. State of Arkansas, from Benton County Circuit Court. Affirmed. Murphy and Brown, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-20-198](#). Hunt Memorial Cathedral of Faith and West Dumas Church of God in Christ v. Union Bank and Trust Company, from Desha County Circuit Court. Reversed and remanded. Harrison, C.J., and Barrett, J., agree.

**RITA W. GRUBER, JUDGE:**

[CR-20-119](#). Vincent N. Ludwick v. State of Arkansas, from Madison County Circuit Court. Rebriefing ordered; motion to withdraw denied. Whiteaker and Vaught, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CV-20-114](#). Tina L. Melius v. Chapel Ridge Nursing Center, LLC; and Amtrust North America Insurance, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Harrison, C.J., and Klappenbach, J., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 10, 2021**

**STEPHANIE POTTER BARRETT, JUDGE:** (Continued)

[CV-20-564](#). Sarah McCloud v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CV-20-279](#). (In the Matter of the Adoption of LZ, a Minor) Steven and Christina Zimmerman v. Austin Henry, from White County Circuit Court. Affirmed. Gruber and Vaught, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CR-20-209](#). Ray Porchay v. State of Arkansas, from Pope County Circuit Court. Affirmed. Gruber and Whiteaker, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-19-805](#). Jeffery C. Frazier v. Office of Child Support Enforcement, Jana L. Bland, and Paige E. Bland, from White County Circuit Court. Affirmed in part; reversed and remanded in part. Abramson and Virden, JJ., agree.

[E-20-211](#). Charles Fred Martin v. Director, Department of Workforce Services; and Arkansas Democrat Gazette, Inc., from the Arkansas Board of Review. Reversed and remanded. Abramson and Virden, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-20-157](#). America's Pre-Owned Selection, LLC v. Franchesica Williams, from Pulaski County Circuit Court, Twelfth Division. Affirmed. Gladwin and Brown, JJ., agree.

[CV-20-441](#). Fred Nolen v. Walmart Associates; Walmart Associates, Inc.; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Gladwin and Brown, JJ., agree.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF FEBRUARY 10, 2021**

**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-20-209. Connor Welch v. Director et al.
- E-20-210. Tracey Anderson v. Director et al.
- E-20-212. Terry Von Tersch v. Director et al.
- E-20-213. Marlon Warren v. Director et al.
- E-20-214. Robert Randleas v. Director et al.
- E-20-215. Vicki Watson v. Director et al.
- E-20-216. Laticia Barnes v. Director et al.
- E-20-217. Lorenzo Spearmon v. Director et al.
- E-20-218. Brenda Graves v. Director et al.
- E-20-219. Kanisha Williams v. Director et al.
- E-20-220. James Porter, Sr. v. Director et al.
- E-20-221. Shannon Branstetter v. Director et al.
- E-20-222. Candis Thomas v. Director et al.
- E-20-223. Lovie Downs v. Director et al.
- E-20-224. Roy Williams v. Director et al.
- E-20-226. Frank Stalling v. Director et al.
- E-20-227. Randal Young v. Director et al.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 10, 2021

PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

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. Gladwin, J., not participating.

\*\*\*\*\*

CR-20-55. Scottie Wayne Flippo v. State of Arkansas, from Boone County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$1800.00.

CR-20-126. J.P. v. State of Arkansas, from Van Buren County Circuit Court. Motion of Ben Motal for attorney's fees is granted. Allowed \$1800.00.

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

CR-20-735. Jervontae Cox v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for extension of brief time is denied.

[CR-21-4](#). Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Motion for belated appeal or in the alternative motion for rule on clerk; motion to lodge record or in the alternative motion for rule on clerk; motion to proceed in forma pauperis; motion to consolidate; petition for writ of certiorari. Remanded for findings. See **per curiam** this date.

[CR-21-5](#). Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Motion for belated appeal or in the alternative motion for rule on clerk; motion to lodge record or in the alternative motion for rule on clerk; motion to proceed in forma pauperis; motion to consolidate; petition for writ of certiorari. Remanded for findings. See **per curiam** this date.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF FEBRUARY 10, 2021

PER CURIAM ORDERS

[CR-21-6](#). Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Motion for belated appeal or in the alternative motion for rule on clerk; motion to lodge record or in the alternative motion for rule on clerk; motion to proceed in forma pauperis; motion to consolidate; petition for writ of certiorari. Remanded for findings. See **per curiam** this date.

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 to disallow and strike appellants' response to petition for rehearing and brief is denied. Gladwin, J., not participating.

CV-20-109. Clarksville School District v. ACE American Insurance Company, from Johnson County Circuit Court. Appellee's motion to take judicial notice of supplemental authority is treated as a motion to accept supplemental authority. The motion is passed until the case is submitted.

CV-21-24. (In the Matter of K.L.M., a Minor) Wanetta Lynn Akers-Trask and Roger Trask v. Ashley Malone-Durham, Ariel Malone-Durham, Jessie Dooley, and Kyle McBride, from Randolph County Circuit Court. Appellants' petition for writ of certiorari for completion of record for appeal is granted. See *In re Acceptance of Records on Appeal in Electronic Format and Elimination of the Abstracting and Addendum Requirements*, 2019 Ark. 213 (per curiam) (June 6, 2019).

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 10, 2021**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

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.

\*\*\*\*\*

CR-19-300. Steven Deloney v. State of Arkansas, from Little River County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-19-754. Jeremy Mickens v. State of Arkansas, from Jefferson County Circuit Court. Motion to recall mandate.

CR-20-397. Dale C. Bartlett v. State of Arkansas, from Monroe County Circuit Court. Appellant's motion for extension of time to file record.

CR-20-531. R.G. v. State of Arkansas, from Washington County Circuit Court. Appellant's objection to, and motion to strike, brief of Dynastic Wealth Management, LLLP.

CR-21-21. Marlon Tramaine Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for release on appeal bond.

CV-20-653. Laurie Higdon v. Community First Trust Company, from Garland County Circuit Court. Appellant's pro se motion for rule on clerk.

E-21-5. Holly Ballegeer v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion to add additional evidence.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF FEBRUARY 10, 2021

### CASES SUBMITTED

CR-19-881. Jordan Adcock v. State of Arkansas, from Conway County Circuit Court.

CR-19-959. Kenneth M. Abernathy v. State of Arkansas, from Saline County Circuit Court.

CR-20-259. Derrick Don Pitman v. State of Arkansas, from White County Circuit Court.

CR-20-426. Geralrod Williams v. State of Arkansas, from Hot Spring County Circuit Court.

CR-20-432. Maxwell Todd Howton v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CV-19-263. Alan Burley v. Joe D. Bradley, Jr.; Alicia Bradley; and Mike Loftin, Union County Judge, Individually and in His Official Capacity, from Union County Circuit Court.

CV-19-786. (In the Matter of the Estate of Robert H. Slaughter, Deceased) Garland Trice, Jr. v. Essie Trice-Hewett; Ernest J. Trice; Kalven Trice; Eoies Trice; Ocie Trice; Jefferey D. Trice; Herbert Trice; Addie Evans; Viol Trice; Geraldine Trice; Larry Trice; Ethel Glen; Gertha Williams; Darrell Trice; Aristean Davis; Irene Trice; Ashley Mason; Evan Mason; Donna Mason; Wayne Mason; Clyde Mason; Geferol Mason; Ivan Mason; Mack Mason; Marion Mason; Sheila Mason Laususe; Slinda James; Bruce Edward Harris; Willesta Dorsey; Lee Sherman Dorsey; Barbara Dorsey; Carla Dorsey; Prince Dorsey; Kenya Mason; Clementine Ross; and Any Unknown Heirs of Robert H. Slaughter, Deceased, or Any Persons Claiming Any Interest in Lands Described Herein, from Lee County Circuit Court.

CV-20-72. Kimberly Townsend v. James Townsend, from Lonoke County Circuit Court.

CV-20-148. Mary Jane Wilson v. Bobby J. Hatton, Administrator of the Estate of Seldon Gibbs, Deceased, from Garland County Circuit Court.

CV-20-323. Fred-Allen Self v. Jennifer Dittmer, from Washington County Circuit Court.

CV-20-487. Hot Springs Convention Center, Arkansas Municipal League, and Death and Permanent Total Disability Trust Fund v. Timothy Phelps, from the Arkansas Workers' Compensation Commission.

CV-20-594. Brandi Schultz v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 10, 2021**

**CASES SUBMITTED**

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

E-20-246. Andrew Lingle, Jr. v. Director et al.

E-20-247. Darryl Bryant v. Director et al.

E-20-248. Suzanne Schwartz v. Director et al.

E-20-249. Suzanne Schwartz v. Director et al.

E-20-250. Darryl Bryant v. Director et al.

E-20-251. Drita Ismaili v. Director et al.

E-20-252. Drita Ismaili v. Director et al.

E-20-253. Walter Daniels v. Director et al.

E-20-254. William Saunders v. Director et al.

E-20-255. Richard Hayes v. Director et al.

E-20-256. LaMarrieo Hughes v. Director et al.

E-20-257. Robin Honeyman v. Director et al.

E-20-258. Darryl Bryant v. Director et al.

E-20-259. Paul Strasser v. Director et al.

E-20-260. Van Johnson v. Director et al.

E-20-261. DeAndrea Guydon v. Director et al.

E-20-262. Tracy Keener v. Director et al.

E-20-263. Arvil Allensworth III v. Director et al.