

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF FEBRUARY 24, 2021

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

[CR-19-959](#). Kenneth M. Abernathy v. State of Arkansas, from Saline County Circuit Court. Reversed and remanded. Whiteaker and Murphy, JJ., agree.

### **RAYMOND R. ABRAMSON, JUDGE:**

[CR-20-259](#). Derrick Don Pitman v. State of Arkansas, from White County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

### **BART F. VIRDEN, JUDGE:**

[CR-20-308](#). Benjamin Mickey Pitts v. State of Arkansas, from Garland County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

[CV-20-148](#). Mary Jane Wilson v. Bobby J. Hatton, Administrator of the Estate of Seldon Gibbs, Deceased, from Garland County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

### **ROBERT J. GLADWIN, JUDGE:**

[CV-20-487](#). Hot Springs Convention Center v. Timothy Phelps, from the Arkansas Workers' Compensation Commission. Affirmed. Vaught and Hixson, JJ., agree.

### **N. MARK KLAPPENBACH, JUDGE:**

[CR-19-881](#). Jordan Adcock v. State of Arkansas, from Conway County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Brown, JJ., agree.

### **RITA W. GRUBER, JUDGE:**

[CV-20-323](#). Fred-Allen Self v. Jennifer Dittmer, from Washington County Circuit Court. Affirmed. Virden and Barrett, JJ., agree.

### **STEPHANIE POTTER BARRETT, JUDGE:**

[CR-20-432](#). Maxwell Todd Howton v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Virden and Gruber, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 24, 2021**

**PHILLIP T. WHITEAKER, JUDGE:**

[CV-20-72](#). Kimberly Townsend v. James Townsend, from Lonoke County Circuit Court. Affirmed. Harrison, C.J., and Murphy, J., agree.

[E-20-262](#). Tracy Keener v. Director, Department of Workforce Services; and Wood Motor Company, Inc., from the Arkansas Board of Review. Reversed and remanded. Harrison, C.J., and Murphy, J., agree.

**LARRY D. VAUGHT, JUDGE:**

[CR-20-426](#). Geralrod Williams v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Gladwin and Hixson, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-20-129](#). Jonathan Welborn v. State of Arkansas, from Saline County Circuit Court. Rebriefing ordered; motion to withdraw denied. Harrison, C.J., and Whiteaker, J., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-20-225](#). Cynadel Wilbanks v. Roger D. Wilbanks, Jr., from Faulkner County Circuit Court. Affirmed. Gladwin, J., agrees. Murphy, J., concurs.

[CV-20-594](#). Brandi Schultz v. Arkansas Department of Human Services and Minor Children, from Lonoke County Circuit Court. Affirmed. Abramson and Klappenbach, 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-20-246. 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.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 24, 2021**

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

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 24, 2021**

**PER CURIAM ORDERS**

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

CR-19-370. Lentonio Marcell Jenner v. State of Arkansas, from Washington County Circuit Court.

CR-20-179. Stephane Gerrit Ferry v. State of Arkansas, from Faulkner County Circuit Court. Murphy, J., not participating.

CV-19-62. Arkansas Department of Human Services v. Steven Mitchell, from Izard County Circuit Court.

CV-19-63. Arkansas Department of Human Services v. Steven Mitchell, from Izard County Circuit Court.

\*\*\*\*\*

CR-19-650. Damian Durflinger v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to dismiss is granted.

CR-19-830. William Heath French v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss is granted.

CR-19-891. Jason Paul Goode v. State of Arkansas, from Lonoke County Circuit Court. Motion and request of Laura Avery for attorney fees is granted. Allowed \$1600.00. Virden, J., not participating.

CR-19-898. Ricky Darnell Patton v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to dismiss is granted.

CR-19-914. Shykeen Daniels v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Rodney Chedister for attorney's fees is granted. Allowed \$1600.00.

CR-19-980. David Reynolds v. State of Arkansas, from Faulkner County Circuit Court. Motion of Jason R. Davis for attorney's fees and costs is granted. Allowed \$1600.00. Virden, J., not participating.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 24, 2021**

**PER CURIAM ORDERS**

CR-20-47. J.R. v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for belated brief is granted.

CR-20-63. Bryce Allen v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss is granted.

CR-20-110. Mark Edward Wagner v. State of Arkansas, from Washington County Circuit Court. Motion of Eric Moore for award of attorney's fees is granted. Allowed \$1600.00.

CR-20-242. Sidney Tate v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion to dismiss is granted.

CR-20-304. Trent Williams v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion to dismiss is granted.

CR-20-307. Mitchell Cameron Ramsey v. State of Arkansas, from Benton County Circuit Court. Motion of Grace Casteel for award of attorney's fees is granted. Allowed \$1600.00.

CR-20-402. Tyrone Owens v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs is granted. Allowed \$1600.00. Barrett, J., not participating.

CV-20-442. James Willie Sutton, Jr.; Homer Willis; and Lewis Willis, Each in Their Own Respective Individual Capacities; and also on Behalf of the Heirs, Assigns, and Successors of Nathaniel Neal and Emaline Neal (Married Persons, Deceased) v. Jerry D. Pickett and Judy K. Pickett, Married Persons, from Sevier County Circuit Court. Motion for judicial notice is denied. Barrett, J., not participating.

CV-20-660. Bob Robbins v. Judy Lemay, from Clark County Circuit Court. Agreed motion to resubmit appellee's brief is granted.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 24, 2021**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

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

\*\*\*\*\*

CR-19-992. Dion Hogans, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Matthew Kezhaya for attorney's fees.

CR-20-193. Durell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Motion of Michael Kiel Kaiser for fees.

CR-20-256. Robin Miller Richard v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees.

CR-20-277. Carmen Tyler v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee.

CR-20-395. Adam M. Green v. State of Arkansas, from Polk County Circuit Court. Joint status report and contemporaneous motion for abatement and dismissal of appeal due to appellant's death.

CR-20-712. Rodney Goshien, Jr., v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for extension of time to file 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 status report.

CV-19-993. Tracie Barksdale and Justin Barksdale v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court. Appellees' motion to dismiss.

CV-20-662. Farm Bureau Town & Country Insurance Company of Missouri v. Mason Blair; Donald F. Deline d/b/a Deline Farms; and Donald F. Deline, from Phillips County Circuit Court. Appellees' joint motion to dismiss appellant's appeal.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 24, 2021**

**MOTIONS SUBMITTED**

CV-21-28. Encore Bank; Chris Roberts; Jimmy Burton Hicks; Phillip Jett; Justin Moore; Karla Dial; Craig Caldwell; Melvin Doug Parker; Stacey McCann; Mary Frosto; Julie Fuller Jones; Mark Yeager; and John Does 1–15 v. Simmons Bank and Simmons First National Corporation, from Jefferson County Circuit Court. Stipulation as to supplemental record.

CV-21-31. Altice USA, Inc., d/b/a Suddenlink Communications v. Tina Johnson, from Clark County Circuit Court. Appellant’s motion to consolidate.

CV-21-32. Altice USA, Inc., d/b/a Suddenlink Communications v. Sandra Peterson, from Clark County Circuit Court. Appellant’s motion to consolidate.

CV-21-33. Altice USA, Inc., d/b/a Suddenlink Communications v. Ronnie Francis, from Clark County Circuit Court. Appellant’s motion to consolidate.

CV-21-54. James West v. Shelter Mutual Insurance Company, from Pike County Circuit Court. Appellee’s motion to settle and complete the record.

CV-21-63. Rudolph Underwood v. United Services Automobile Association General Indemnity Company; President/CEO Stuart B. Parker, in His Official Capacity; Ryan Milliken; Lacy Law Firm; Mike E. Mullally, Professional Conduct Board Member; Snellgrove, Langley, Culpepper, Williams & Mullally Law Firm; Arkansas Supreme Court Committee on Professional Conduct; Robert Stark Ligon, Jr., Director, in His Official Capacity; Brad Hendricks Law Firm; and Lloyd W. Kitchens, from Craighead County Circuit Court, Western District. Appellant’s pro se motion requesting to extend number of pages.

E-20-190. Ernest Walker v. Director et al., from the Arkansas Board of Review. Motion for extension of time to file supplemental record.

E-20-191. Ernest Walker v. Director et al., from the Arkansas Board of Review. Motion for extension of time to file supplemental record.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF FEBRUARY 24, 2021

### CASES SUBMITTED

CR-20-14. Joey D. Watts v. State of Arkansas, from Grant County Circuit Court.

CR-20-87. Kiari Riggins v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

CR-20-182. Ricky Cleveland Alexander v. State of Arkansas, from Garland County Circuit Court.

CR-20-314. Rodney L. Baker v. State of Arkansas, from Benton County Circuit Court.

CR-20-355. Derrick Galvin v. State of Arkansas, from Hot Spring County Circuit Court.

CR-20-383. Alax Clingmon v. State of Arkansas, from Arkansas County Circuit Court.

CV-19-542. David Eversole v. Rita Eversole, from Saline County Circuit Court.

CV-19-635. Fred N. Bollinger d/b/a FNB Farms; Syble Bollinger; Fred N. Bollinger, Jr.; Betty C. Bollinger; Bollinger Lone Oak, Inc.; Bollinger Partners, Inc.; and Bollinger Brothers, Inc. v. Farm Credit Midsouth, PCA, from Crittenden County Circuit Court.

CV-19-931. Mark Waggoner v. Daniel Alford and Jennifer Alford, from Lonoke County Circuit Court.

CV-20-133. Keith Magness, Derek Magness, and Brandon Magness v. Joy Kaye Simmons Graddy, Individually and as Executrix of the Estate of Wilma Underwood Dupree, from Pulaski County Circuit Court, Fifth Division.

CV-20-592. Rosie Garris and Christopher Shadwick v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

CV-20-600. Arkansas Department of Human Services and Minor Children v. Lauren Hall, Jeffrey McEwen, and Robert Hall, from Pulaski County Circuit Court, Tenth Division.

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

E-20-225. Mary Washington v. Director et al.

E-20-285. Marsha Loux v. Director et al.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 24, 2021**

**CASES SUBMITTED**

- E-20-286. Beth Cresswell v. Director et al.
- E-20-287. Shamia Nevels v. Director et al.
- E-20-288. Brian Foster v. Director et al.
- E-20-290. April Norwood v. Director et al.
- E-20-291. Sandra Craig v. Director et al.
- E-20-292. Jimmy Green v. Director et al.
- E-20-293. Michele Sazama v. Director et al.
- E-20-294. Mary Ann Harrell v. Director et al.
- E-20-296. Melinda Schiller v. Director et al.
- E-20-297. Brenda Webb v. Director et al.
- E-20-298. Hunter Mathis v. Director et al.
- E-20-299. James Davis v. Director et al.
- E-20-300. Dona Simpson v. Director et al.
- E-20-301. Cynthia Fose v. Director et al.
- E-20-302. Gary Burton v. Director et al.
- E-20-303. Deborah Johnson v. Director et al.