

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MARCH 3, 2021**

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

[CV-20-254](#). Ascentium Capital, LLC v. James Marshall, Individually and Doing Business as Your Furniture Store, from Pulaski County Circuit Court, Ninth Division. Appeal dismissed. Whiteaker and Murphy, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-20-386](#). Carmen Okereafor v. Phil Conley, from Pulaski County Circuit Court, Fifteenth Division. Affirmed. Klappenbach and Brown, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-20-335](#). Jamie Gordin v. State of Arkansas, from Lonoke County Circuit Court. Affirmed; remanded for correction of the sentencing order. Gruber and Barrett, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-20-275](#). Scotty Howell v. Kimberly Howell, from Garland County Circuit Court. Dismissed without prejudice. Vaught and Hixson, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-20-333](#). Mercedes Loren Taylor v. State of Arkansas, from Benton County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CR-20-285](#). Anthony Michael Ford v. State of Arkansas, from Benton County Circuit Court. Affirmed. Virden and Barrett, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CV-19-862](#). Don Tilton, Jr. v. Lisa Tilton, from Craighead County Circuit Court, Western District. Remanded. Virden and Gruber, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CV-19-704](#). Charles Morgan v. Arkansas Department of Human Services and Minor Children, from Polk County Circuit Court. Affirmed; motion to withdraw granted. Harrison, C.J., and Murphy, J., agree.

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**LARRY D. VAUGHT, JUDGE:**

[CR-19-676](#). Michael Hull v. State of Arkansas, from Clay County Circuit Court, Eastern District. Reversed and remanded. Gladwin and Hixson, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-20-388](#). Garrett Chandler v. State of Arkansas, from Greene County Circuit Court. Appeal dismissed. Gladwin and Vaught, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-20-330](#). Markelle Demetrice Davis v. State of Arkansas, from Miller County Circuit Court. Affirmed. Harrison, C.J., and Whiteaker, J., agree.

[CV-19-263](#). Alan Burley v. Joe Bradley, Jr.; Alicia Bradley; and Mike Loftin, Union County Judge, from Union County Circuit Court. Affirmed in part; reversed and remanded in part. Harrison, C.J., and Whiteaker, J., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-19-913](#). Dragan Vicentic, Individually and As a Member, Director, and Officer of Green Springs Medical, LLC v. Bruce Simpson, from Garland County Circuit Court. Rebriefing ordered. 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-20-264. Crashonna Douglas v. Director et al.

E-20-265. Latasha Grass v. Director et al.

E-20-266. Angela Williams v. Director et al.

E-20-267. Terry Collins v. Director et al.

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E-20-269. Clara Warren v. Director et al.

E-20-270. Vincent Tidwell, Jr. v. Director et al.

E-20-271. Joanne Losurdo v. Director et al.

E-20-272. Curtiss Marshall v. Director et al.

E-20-273. Tinetra Suggs v. Director et al.

E-20-275. Jerry Terry v. Director et al.

E-20-276. Larry Oliver v. Director et al.

E-20-277. Teresa Calahan v. Director et al.

E-20-280. Jaciade Simmons v. Director et al.

E-20-281. David Smith v. Director et al.

E-20-282. Kevia Gill v. Director et al.

E-20-283. Steven Bradley v. Director et al.

E-20-284. Katterria Forbes v. Director et al.

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**PER CURIAM ORDERS**

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

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

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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 is granted. Allowed \$1600.00.

CR-20-193. Durell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$1800.00.

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

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 is granted. Allowed \$1800.00.

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 is granted.

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 is granted.

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 is noted. Status reports are due in ninety days (June 1, 2021). Abramson, J., not participating.

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 is granted.

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**PER CURIAM ORDERS**

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 is passed until the case is submitted. Klappenbach, Gruber, Barrett, Whiteaker, and Murphy, JJ., would grant.

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 is granted. Murphy, J., not participating.

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

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

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

CV-21-54. James West v. Shelter Mutual Insurance Company, from Pike County Circuit Court. Appellee's motion to settle and complete the record is granted. The circuit court is directed to settle the record. The supplemental record, if any, must be filed within thirty days (April 2, 2021).

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 is denied.

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

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

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CV-19-720. Cortney Moore v. Bestway Rent to Own, Continental Indemnity Company, and Zachary Daniel Waters, from the Arkansas Workers' Compensation Commission.

CV-19-805. Jeffery C. Frazier v. Office of Child Support Enforcement, Jana L. Bland, and Paige E. Bland, from White County Circuit Court.

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

CR-19-964. Mardriekus Blake v. State of Arkansas, from Crittenden County Circuit Court. Motion of Bart Zeigenhorn for attorney fees.

CR-20-127. T.P. v. State of Arkansas, from Van Buren County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee.

CR-20-132. Robert Penny v. State of Arkansas, from Baxter County Circuit Court. Motion of Charles D. Hancock for attorney's fees.

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

CR-20-729. Frankie Paul DeJohn v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion to extend time to file brief.

CR-20-742. Matthew Harvey v. State of Arkansas, from Pope County Circuit Court. Appellant's pro se motion to file belated brief.

CR-21-21. Marlon Tremaine Myers v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of time and to stay appellant's brief.

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 for expansion of word count limitations.

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**MOTIONS SUBMITTED**

CV-20-533. David Brad House v. Karmen House, from Ouachita County Circuit Court. Appellee's motion to remand to settle the record.

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.; National Audubon Society, Inc.; and Sierra Club, from the Arkansas Public Service Commission. Petit Jean Electric Cooperative Corporation's motion to correct and supplement record.

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. Appellee's motion to consolidate appeals.

CV-20-694. James R. Humphrey and Shirley Ann Humphrey, Individually; Patrick Humphrey; James R. Humphrey; and Shirley A. Humphrey, as Trustees of the Humphrey 2009 Living Trust, Dated July 13, 2009; and the Humphrey 2009 Living Trust, Dated July 13, 2009 v. Carla Tuttle Bailey, from Carroll County Circuit Court, Eastern District. Appellants' motion to supplement the record.

CV-20-694. James R. Humphrey and Shirley Ann Humphrey, Individually; Patrick Humphrey; James R. Humphrey; and Shirley A. Humphrey, as Trustees of the Humphrey 2009 Living Trust, Dated July 13, 2009; and the Humphrey 2009 Living Trust, Dated July 13, 2009 v. Carla Tuttle Bailey, from Carroll County Circuit Court, Eastern District. Appellants' motion for extension.

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. Appellants' joint motion to stay pending appeal and incorporated memorandum of authorities.

CV-21-40. Theophilus C. King, Individually and in His Capacity as the Trustee of the Lois Barnes Perkins Revocable Trust v. Whit Barton, as Special Administrator; Troy Brown; Cherryale Burge; and Dwaine Riley, from Ashley County Circuit Court. Appellant's motion to consolidate and for adjustment of briefing schedule.

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**MOTIONS SUBMITTED**

CV-21-40. Theophilus C. King, Individually and in His Capacity as the Trustee of the Lois Barnes Perkins Revocable Trust v. Whit Barton, as Special Administrator; Troy Brown; Cherryale Burge; and Dwaine Riley, from Ashley County Circuit Court. Appellant's motion for additional brief time.

E-21-41. Yulonda Oliver v. Director et al., from the Arkansas Board of Review. Pro se motion to add additional evidence.



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**CASES SUBMITTED**

CR-20-320. Carl Wynn v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-20-358. Melissa Hatley v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-20-371. Larry Zane Neff v. State of Arkansas, from Miller County Circuit Court.

CR-20-430. Albert Marvin Arellano v. State of Arkansas, from Benton County Circuit Court.

CR-20-434. Alijah Wilder v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-20-506. Melissa Ann Albertson v. State of Arkansas, from Yell County Circuit Court, Northern District.

CV-19-134. Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith, Akins, and Gladden, P.A., from Garland County Circuit Court.

CV-20-168. Clarence Henson and Sherry Henson v. Kandice Brumble, from Lawrence County Circuit Court.

CV-20-446. (In the Matter of the Adoption of J.C. & L.C., Minors) Cassandra N. Carter, from Benton County Circuit Court.

CV-20-550. Margaret E. Nalley v. Michael Adams, from Pulaski County Circuit Court, Fourteenth Division.

CV-20-558. Alainna King v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division.

CV-20-714. Alexius Macklin v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division.