

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 10, 2021

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-20-383](#). Alax Clingmon v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Affirmed. Whiteaker and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[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. Reversed and remanded. Klappenbach and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-18-922](#). Kenneth J. Clark, as Trustee of the Clark Revocable Trust u/d/t July 23, 1997 v. Melva Jean Summers, from Carroll County Circuit Court, Eastern District. Reversed and remanded. Gladwin, Hixson, and Murphy, JJ., agree. Whiteaker, J., dissents in part. Brown, J., dissents.

[CV-19-635](#). Fred N. Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc. v. Farm Credit Midsouth, PCA; and Travelers Casualty & Surety Company of America, from Crittenden County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-20-182](#). Ricky Cleveland Alexander v. State of Arkansas, from Garland County Circuit Court. Affirmed. Vaught and Hixson, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-19-542](#). David Eversole v. Rita Eversole, from Saline County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-20-14](#). Joey D. Watts v. State of Arkansas, from Grant County Circuit Court. Affirmed; remanded to correct sentencing order. Virden and Barrett, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-20-87](#). Kiari Riggins v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed. Virden and Gruber, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CR-20-314](#). Rodney L. Baker v. State of Arkansas, from Benton County Circuit Court. Affirmed. Harrison, C.J., and Murphy, J., agree.

LARRY D. VAUGHT, JUDGE:

[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. Affirmed. Gladwin and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[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. Reversed and remanded. Gladwin and Vaught, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-19-931](#). Mark Waggoner v. Daniel Alford and Jennifer Alford, from Lonoke County Circuit Court. Affirmed. Harrison, C.J., and Whiteaker, J., agree.

WAYMOND M. BROWN, JUDGE:

[CR-20-355](#). Derrick Galvin v. State of Arkansas, from Hot Spring 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-20-225. Mary Washington v. Director et al.

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

E-20-286. Beth Cresswell v. Director et al.

E-20-287. Shamia Nevels v. Director et al.

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- 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.

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PER CURIAM ORDERS

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

CV-19-720. Cortney Moore v. Bestway Rent to Own, Continental Indemnity Company, and Zachary Daniel Waters, from the Arkansas Workers' Compensation Commission. Harrison, C.J., not participating.

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

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 is denied.

CR-19-964. Mardriekus Blake v. State of Arkansas, from Crittenden County Circuit Court. Motion of Bart Zeigenhorn for attorney fees is granted. Allowed \$1800.00.

CR-20-127. T.P. v. State of Arkansas, from Van Buren County Circuit Court. Motion of Lisa-Marie Norris for attorney's fee is granted. Allowed \$1800.00.

CR-20-132. Robert Penny v. State of Arkansas, from Baxter County Circuit Court. Motion of Charles D. Hancock for attorney's fees is granted. Allowed \$1800.00.

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

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 is denied.

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

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 is granted.

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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 is moot.

CV-20-533. David Brad House v. Karmen House, from Ouachita County Circuit Court. Appellee's motion to remand to settle the record is granted. Harrison, C.J., and Abramson, J., 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.; 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 is granted. Abramson, Gruber, Vaught, and Hixson, JJ., not participating.

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 is denied.

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 is granted.

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 is granted.

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. Motion to consolidate is denied.

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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 is granted.

E-21-41. Yulonda Oliver v. Director et al., from the Arkansas Board of Review. Pro se motion to add additional evidence is denied. Gladwin, J., not participating.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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

E-20-156. Kametric Burley v. Director et al., from the Arkansas Board of Review.

CR-19-671. Ryan James Kirkland v. State of Arkansas, from Washington County Circuit Court. Motion of Tim Cullen for attorney fees and costs.

CR-19-709. Taylor Butry-Weston v. State of Arkansas, from Crawford County Circuit Court. Motion of Jason Hutcheson for attorney fees and expenses.

CR-20-63. Bryce Allen v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion in opposition of motion to dismiss and belated request to file brief.

CR-20-151. Steven James Cash v. State of Arkansas, from Garland County Circuit Court. Motion of Tyson K. Spradlin for attorney fees.

CR-20-276. Deundrea Mathis v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee.

CR-20-287. Antonio Bailey v. State of Arkansas, from Jefferson County Circuit Court. Motion of William O. "Will" James for fees.

CR-20-301. Anthony Keith Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CR-20-320. Carl Wynn v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of the James Law Firm to be relieved.

CR-20-395. Adam M. Green v. State of Arkansas, from Polk County Circuit Court. Motion of Michael Kiel Kaiser for fees.

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 lodged in the appeal.

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MOTIONS SUBMITTED

CR-20-658. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion for extension of time to file a reply brief.

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

CR-20-712. Rodney Goshien, Jr. v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for writ of certiorari to complete record and recall mandate.

CR-21-82. Jeremy A. Avery, Sr. v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for leave to proceed with belated appeal.

CV-19-858. David Kinder v. Wendy Kinder, from Pulaski County Circuit Court, Third Division. Appellee's motion for attorneys' fees and costs.

CV-20-321. The Woodlands Nursing & Retirement Center, Inc. v. DeQueen Therapy & Living Center, Inc.; Kilgore Consulting, Inc., Formerly Known as Victoria Health Care, Inc.; and Josh Kilgore, from Garland County Circuit Court. Appellees' motion to strike brief and abstract submitted by appellant for filing an improper abstract.

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. Appellant's motion to substitute corrected reply brief.

CV-21-88. Amanda Walker and Randalle Sanders v. Arkansas Department of Human Services and Minor Children, from Cross County Circuit Court. Motion of separate appellant Amanda Walker to stay briefing schedule.

CV-21-88. Amanda Walker and Randalle Sanders v. Arkansas Department of Human Services and Minor Children, from Cross County Circuit Court. Motion of separate appellant Randalle Sanders for rule on clerk.

E-21-71. Robert Smith v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.

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CASES SUBMITTED

CR-19-850. Paula Rena Martin v. State of Arkansas, from Ashley County Circuit Court.

CR-20-39. Timothy Moore v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division.

CR-20-56. Brian Lauer v. State of Arkansas, from Miller County Circuit Court.

CR-20-141. Lazaro Veneros-Figueroa v. State of Arkansas, from Sevier County Circuit Court.

CR-20-153. Isaac Strong v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CR-20-215. Erskine Flamer, Jr. v. State of Arkansas, from Ashley County Circuit Court.

CR-20-334. Duwayne Harvey v. State of Arkansas, from Garland County Circuit Court.

CV-19-812. Rachel Freeman v. Darren Freeman, from Faulkner County Circuit Court.

CV-19-949. EBF Partners, LLC, a Delaware Limited Liability Company, d/b/a Everest Business Funding v. Letha's Pies, LLC, an Arkansas Limited Liability Company; Rhonda Glenn, an Individual; Timothy Glenn, an Individual; John Does 1–10; and John Does 11–20, from Washington County Circuit Court.

CV-20-27. Mary Pennebaker v. Furry Feet Retreat, Inc.; and Janeen Neil, from Saline County Circuit Court.

CV-20-43. William Durden v. City of Van Buren; City of Van Buren Police Department; Officer Kevin Dugan, Individually and in His Official Capacity; John Does 1–5, said Designation Representing Those Individuals and/or Entities Exercising Control Over the Plaintiff; and John Does 6–10, said Designation Representing the Liability Insurance Carrier(s), from Crawford County Circuit Court.

CV-20-593. Allura Ring v. Arkansas Department of Human Services and Minor Child, from Sharp County Circuit Court.