

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF MARCH 17, 2021

RAYMOND R. ABRAMSON, JUDGE:

[CR-20-430](#). Albert Marvin Arellano v. State of Arkansas, from Benton County Circuit Court. Affirmed. Barrett and Vaught, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-20-371](#). Larry Zane Neff v. State of Arkansas, from Miller County Circuit Court. Affirmed. Virden and Whiteaker, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-20-17](#). Charles Wayne Mayberry v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Abramson, Gruber, and Barrett, JJ., agree. Virden and Brown, JJ., dissent.

[CV-20-558](#). Alainna King v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division. Affirmed. Gruber and Murphy, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-19-134](#). Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith Akins & Gladden, P.A., from Garland County Circuit Court. Affirmed; motion to dismiss denied. Klappenbach and Vaught, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CV-20-7](#). Miguel Escobar v. A&A Orchard, LLC, from Carroll County Circuit Court, Eastern District. Affirmed in part; reversed and remanded in part. Abramson, Virden, and Hixson, JJ., agree. Harrison, C.J., and Klappenbach, J., concur in part and dissent in part.

[CV-20-168](#). Sherry Henson and Clarence Henson v. Kandice Brumble, from Lawrence County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-20-434](#). Alijah Wilder v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Virden and Gladwin, JJ., agree.

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LARRY D. VAUGHT, JUDGE:

[CR-20-320](#). Carl Wynn v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed. Abramson and Barrett, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-20-506](#). Melissa Albertson v. State of Arkansas, from Yell County Circuit Court, Northern District. Affirmed. Klappenbach and Gruber, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-20-358](#). Melissa Rose Hatley v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Hixson, J., agree.

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PER CURIAM ORDERS

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

CV-20-114. Tina L. Melius v. Chapel Ridge Nursing Center, LLC; and Amtrust North America Insurance, from the Arkansas Workers' Compensation Commission. Hixson, J., not participating.

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 is granted. Allowed \$1800.00.

CR-19-709. Taylor Butry-Weston v. State of Arkansas, from Crawford County Circuit Court. Motion of Jason Hutcheson for attorney fees and expenses is granted. Allowed \$1800.00.

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 is denied.

CR-20-151. Steven James Cash v. State of Arkansas, from Garland County Circuit Court. Motion of Tyson K. Spradlin for attorney fees is granted. Allowed \$1800.00.

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 is granted. Allowed \$1800.00.

CR-20-287. Antonio Bailey v. State of Arkansas, from Jefferson County Circuit Court. Motion of William O. "Will" James III for fees is granted. Allowed \$1800.00.

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 is denied.

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

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CR-20-395. Adam M. Green v. State of Arkansas, from Polk County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$500.00. 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 lodged in the appeal is denied.

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 is moot. Virden, J., not participating.

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 is granted.

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 the mandate is denied.

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 is granted.

CV-19-858. David Kinder v. Wendy Kinder, from Pulaski County Circuit Court, Third Division. Appellee's motion for attorneys' fees and costs is denied. Murphy, J., not participating.

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 is passed until the case is submitted.

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 is granted.

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 is granted. The clerk is directed to set a briefing schedule. Gruber, J., not participating.

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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 is granted. Gruber, J., not participating.

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

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-19-112. William M. Hogan v. Bank of Little Rock, from Pulaski County Circuit Court, Twelfth Division.

CV-20-61. Michael B. Stewart v. William Deaton, M.D.; Melanie Hoover, M.D.; Radiology Associates, P.A.; Merritt Rausch; William Carle, M.D.; Occupational Health Centers of Arkansas d/b/a Concentra Health Services, Inc.; and John and Jane Does A–Z, from Pulaski County Circuit Court, Ninth Division.

E-20-238. Ladelle Payne v. Director et al., from the Arkansas Board of Review.

E-20-269. Clara Warren v. Director et al., from the Arkansas Board of Review.

CR-20-208. Arthur Trulock v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Dusti Standridge for attorney’s fees and expenses.

CR-20-209. Ray Porchay v. State of Arkansas, from Pope County Circuit Court. Motion of Mary Goff for attorney’s fees.

CR-20-300. Tylor Reed Jones v. State of Arkansas, from Miller County Circuit Court. Motion of Jacob S. Potter for payment of attorney’s fees.

CR-20-361. David Burgess v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney’s fee.

CR-20-535. Ted Hamilton v. State of Arkansas, from Hempstead County Circuit Court. Appellant’s pro se motion for extension of time to file reply brief.

CR-20-645. Alvin Aikens v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant’s petition for writ of certiorari to complete the record.

CR-21-55. Lonnie Allen Reed v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant’s pro se motion for extension of time to file brief.

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CR-21-77. Omar H. Ali v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for the record pertaining to attached documents of evidence to the seven-point argument on appeal.

CV-20-319. Stephen W. Boatright, Individually and on Behalf of Stephen W. Boatright, DDS, P.A. v. S-R Plaza, LLC, from Pulaski County Circuit Court, Ninth Division. Appellee's motion for attorneys' fees and incorporated brief in support.

CV-21-20. William Sanchez v. Glen E. Weeks, from Benton County Circuit Court. Appellee's motion to substitute counsel.

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 consolidate appeals.

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 briefing schedule pending motion to consolidate appeals.

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

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. Appellees' motion to dismiss one of two identical appeals and incorporated memorandum of authorities, and response to appellants' joint motion to consolidate appeals.

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MOTIONS SUBMITTED

CV-21-96. 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 consolidate appeals.

CV-21-96. 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 briefing schedule pending motion to consolidate appeals.

CV-21-96. 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. Appellees’ motion to dismiss one of two identical appeals and incorporated memorandum of authorities, and response to appellants’ joint motion to consolidate appeals.

CV-21-110. Samantha Jones v. Arkansas Department of Human Services and Minor Child, from Pope County Circuit Court. Appellant’s motion for rule on clerk and motion for extension of time to lodge appellate record.

E-20-375. Shelby Blackwell v. Director et al., from the Arkansas Board of Review. Pro se motion to add documents to record.

E-21-26. Rodney Wade v. Director et al., from the Arkansas Board of Review. Pro se motion for reconsideration.

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CASES SUBMITTED

CR-19-811. Cortez Barefield v. State of Arkansas, from Phillips County Circuit Court.

CR-20-341. Jamar Conic v. State of Arkansas, from Pulaski County Circuit Court, Eleventh Division.

CR-20-405. Kerry Kelly v. State of Arkansas, from Faulkner County Circuit Court.

CV-20-45. Edward Monk v. Alvernon Rogers, from Pulaski County Circuit Court, Twelfth Division.

CV-20-163. (In the Matter of the Estate of Norma F. Nash, Deceased) Jim R. Nash v. John Nash, Jr.; and Pam Glover Nash, as Co-Executors of the Estate of Norma F. Nash, Deceased, from Pulaski County Circuit Court, Third Division.

CV-20-214. Cecil A. Osburn v. Pepsi Cola Metro Bottling Co.; Indemnity Ins. Co. of North America; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-20-271. James Marble, George Michael Steele, and Bobby Dan Price v. Sangalli Private Ventures, LLC, from Washington County Circuit Court.

CV-20-365. Thomas Hartman v. State of Arkansas, Sex Offender Assessment Committee, from Pulaski County Circuit Court, Sixth Division.

CV-20-647. Tianna Jackson v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-20-648. Kourtney Noe v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District.

CV-20-706. Kendra Harris and Jason Harris v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.