

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF MARCH 31, 2021**

**BART F. VIRDEN, JUDGE:**

[CR-20-56](#). Brian Lauer v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Whiteaker, JJ., agree.

[CV-20-446](#). In the Matter of the Adoption of J.A. and R.A., from Benton County Circuit Court. Reversed and remanded. Whiteaker, J., agrees. Gladwin, J., concurs.

**ROBERT J. GLADWIN, JUDGE:**

[CV-20-27](#). Mary Pennebaker v. Furry Feet Retreat, Inc.; and Jeaneen Niel, from Saline County Circuit Court. Affirmed. Virden and Whiteaker, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-19-850](#). Paula Rena Martin v. State of Arkansas, from Ashley County Circuit Court. Affirmed; motion to be relieved granted. Gruber and Murphy, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CR-20-39](#). Timothy Ramon Moore v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Affirmed. Klappenbach and Murphy, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CV-19-812](#). Rachel Freeman v. Darren Freeman, from Faulkner County Circuit Court. Reversed and remanded. Abramson and Vaught, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CR-20-153](#). Isaac Strong v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Virden and Gladwin, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CR-20-334](#). Duwayne Harvey v. State of Arkansas, from Garland County Circuit Court. Affirmed. Abramson and Barrett, JJ., agree.

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**KENNETH S. HIXSON, JUDGE:**

[CR-20-141](#). Lazaro Veneros-Figueroa v. State of Arkansas, from Sevier County Circuit Court. Affirmed. Harrison, C.J., and Brown, J., agree.

**MIKE MURPHY, JUDGE:**

[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; John Does 6–10, said Designation Representing the Liability Insurance Carrier(s), from Crawford County Circuit Court. Remanded to supplement the record. Klappenbach and Gruber, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-20-593](#). Allura Ring v. Arkansas Department of Human Services and Minor Child, from Sharp County Circuit Court. 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-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. Abramson, J., not participating.

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.

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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 is granted. Allowed \$1800.00.

CR-20-209. Ray Porchay v. State of Arkansas, from Pope County Circuit Court. Motion of Mary Goff for attorney’s fees is granted. Allowed \$1800.00.

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 is granted. Authorizing \$1600.00 to The Potter Law Firm, LLP. Barrett, J., not participating.

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 is granted. Allowed \$1800.00.

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 is granted.

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 is granted.

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 is moot.

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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 is denied.

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 is granted. Awarded \$18,226.26. Abramson, J., not participating.

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

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 is moot. Murphy, J., not participating.

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 is granted. Murphy, J., not participating.

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 is granted. Murphy, J., not participating.

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 is denied. Hixson, J., would grant. Murphy, J., not participating.

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**PER CURIAM ORDERS**

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 is denied. Murphy, J., not participating.

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 is granted. Murphy, J., not participating.

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 is granted. Murphy, J., not participating.

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 is denied. Murphy, J., not participating.

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 is granted. Complete and certified record is due in thirty days (April 30, 2021). Klappenbach, Gruber, and Whiteaker, JJ., would deny.

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

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

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-20-308. Benjamin Mickey Pitts v. State of Arkansas, from Garland County Circuit Court.

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

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.

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.

E-20-280. Jaciade Simmons v. Director et al., from the Arkansas Board of Review.

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CR-98-756. Dwight W. Gay v. State of Arkansas, from White County Circuit Court. Pro se motion to dismiss treated as a motion to seal.

CR-09-1143. Timothy Harris v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion pursuant to Rule 19 of the Arkansas Rules of Appellate Procedure.

CR-19-881. Jordan Adcock v. State of Arkansas, from Conway County Circuit Court. Motion of Gary Potts for costs and attorney fees.

CR-19-959. Kenneth M. Abernathy v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones for attorney's fees.

CR-19-967. Gregory Hampton v. State of Arkansas, from Clay County Circuit Court, Western District. Motion of Kirk Lonidier for attorney's fee.

CR-20-63. Bryce Allen v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for rehearing treated as pro se motion for reconsideration.

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**MOTIONS SUBMITTED**

CR-20-605. Jarmer Dewayne Roberson v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion to relieve counsel.

CR-20-605. Jarmer Dewayne Roberson v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se petition for writ of certiorari.

CR-20-729. Frankie Paul DeJohn v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to supplement counsel of record.

CR-21-2. Dylan Goodwin v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for extension of time to supplement the record and file appellant's brief.

CR-21-4. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion for belated appeal or in the alternative motion to rule on clerk, motion to lodge record or in the alternative motion to rule on clerk, and motion to proceed in forma pauperis.

CR-21-4. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to consolidate.

CR-21-4. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's petition for writ of certiorari.

CR-21-5. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion for belated appeal or in the alternative motion to rule on clerk, motion to lodge record or in the alternative motion to rule on clerk, and motion to proceed in forma pauperis.

CR-21-5. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to consolidate.

CR-21-5. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's petition for writ of certiorari.

CR-21-6. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion for belated appeal or in the alternative motion to rule on clerk, motion to lodge record or in the alternative motion to rule on clerk, and motion to proceed in forma pauperis.

**ARKANSAS COURT OF APPEALS**

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**MOTIONS SUBMITTED**

CR-21-6. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to consolidate.

CR-21-6. Jimmy Sutterfield v. State of Arkansas, from Baxter County Circuit Court. Appellant's petition for writ of certiorari.

CR-21-61. Gary Chambers v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-21-85. Anthony Beard v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's motion to supplement the record.

CR-21-85. Anthony Beard v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's motion for extension of time to file appellant's brief.

CV-20-218. Don Randall Jackson (Deceased) v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers' Compensation Commission. David Koehler's motion to withdraw as counsel.

CV-20-575. Dee Blakely v. Arkansas Children's Hospital, from Pulaski County Circuit Court, Sixth Division. David Koehler's motion to withdraw as counsel.

CV-20-611. Gerber Products Company v. Alberici Constructors, Inc.; CECO Concrete Constructions, LLC; and SSOE, Inc., from Sebastian County Circuit Court, Fort Smith District. Joint motion for limited remand to the circuit court.

CV-20-625. Brandon Barrs v. Laura Todd; Baptist Health Medical Center; and North Little Rock Medical Center, from Lonoke County Circuit Court. Appellant's motion to file abstract and brief.

CV-20-696. Pennsylvania Lumbermens Mutual Insurance Company v. WestRock CP, LLC; and Philadelphia Indemnity Insurance Company, from Drew County Circuit Court. Appellees' motion to dismiss appeal.

CV-20-696. Pennsylvania Lumbermens Mutual Insurance Company v. WestRock CP, LLC; and Philadelphia Indemnity Insurance Company, from Drew County Circuit Court. Motion of separate appellee Philadelphia Indemnity Insurance Company to stay briefing schedule.

**ARKANSAS COURT OF APPEALS**

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**MOTIONS SUBMITTED**

CV-21-65. Christy Ann Kelley v. Arkansas Department of Human Services and Minor Children, from Searcy County Circuit Court. Appellant's motion to supplement the record, or in the alternative, motion to correct the record.

CV-21-87. (In the Matter of the Estate of John Z. Tackett, Jr., Deceased) Cody Tackett and Toni Tackett Womble v. Amy Freedman, Special Administratrix of the Estate of John Z. Tackett, Jr., Deceased; Miller-Claborn Oil Distributing Company, Inc.; and Melissa Wright Tackett, from Sevier County Circuit Court. Motion of separate appellee Miller-Claborn Oil Distribution Company, Inc., to supplement the record.

CV-21-107. Anthony Lanos v. Geri Lanos, from Crittenden County Circuit Court. Appellant's pro se motion requesting to be declared indigent by the court.

CV-21-107. Anthony Lanos v. Geri Lanos, from Crittenden County Circuit Court. Appellant's pro se motion to appeal and overturn divorce ruling.

CV-21-107. Anthony Lanos v. Geri Lanos, from Crittenden County Circuit Court. Appellant's pro se amended motion to accept belated appeal and rule on clerk and to overturn divorce ruling.

CV-21-107. Anthony Lanos v. Geri Lanos, from Crittenden County Circuit Court. Appellant's pro se motion to extend the time for filing appeal and designation of court records.

CV-21-111. Calvin Anderson v. Neden Souha Yacine and United Automobile Insurance Company, from Pulaski County Circuit Court, Twelfth Division. Appellees' motion to dismiss appeal.

E-21-104. Bryant Thomas v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

E-21-106. Andrew Todd v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

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**CASES SUBMITTED**

CR-19-871. Joe Raymond Mallard v. State of Arkansas, from Faulkner County Circuit Court.

CR-20-380. Ian Moytoy v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division

CR-20-408. Darris Williams v. State of Arkansas, from Union County Circuit Court.

CR-20-539. Lee Allen Saffel v. State of Arkansas, from Miller County Circuit Court.

CR-20-582. Carlton Levon Brown v. State of Arkansas, from Ashley County Circuit Court.

CV-18-975. Teresa Genz, Kathern Cooksey, Cassandra Julich (formerly Cassandra Genz), Logan Genz, Taylor Genz, Jerry Genz, and Lance Cooksey v. Amy L. Carter, Individually and as Trustee of the James E. Cooksey Trust u/t/d March 11, 2010, from Washington County Circuit Court.

CV-19-324. St. Bernard's Community Hospital Corporation d/b/a Cross Ridge Community Hospital; Wynne Medical Clinic, P.A.; James Donald Cathey, M.D.; Zachary Lloyd Stevenson, M.D.; Charles King Bibby, M.D.; Elizabeth A. Ramsey, R.N.; John Doe Insurers 1-10; and John Does 1-10 v. Terry Cheney, In His Capacity as Special Administrator of the Estate of Sandra Cheney, Deceased, from Cross County Circuit Court.

CV-20-210. Fredrick R. Potter, Individually and as Trustee of the Fred R. Potter Revocable Trust Established September 10, 2004; and as Trustee of the Fred Potter Revocable Trust Established July 10, 2013 v. Cassaundra Holmes, Individually and as Trustee of the Betty L. Potter Revocable Trust Established September 10, 2004; Thomas Wright; and Kevin Wright, from Scott County Circuit Court.

CV-20-289. Carolyn Johnson, Willie Milton, Diamond Milton, and Lennex Milton v. Misty Sanders and Charles Sanders, from Pulaski County Circuit Court, Ninth Division.

CV-20-302. Lyllyn Mitchell v. Arkansas Department of Human Services; and Cindy Gillespie, Director, from Sevier County Circuit Court.

CV-20-649. Demetric Fowler v. Arkansas Department of Human Services and Minor Children, from Lincoln County Circuit Court.

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**CASES SUBMITTED**

CV-20-667. Frances Perry v. Arkansas Department of Human Services and Minor Children, from Mississippi County Circuit Court, Chickasawba District.