

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JUNE 2, 2021

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-20-452](#). Preston Johnson v. State of Arkansas, from Saline County Circuit Court. Motion to withdraw denied; rebriefing ordered. Virden and Klappenbach, JJ., agree.

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

RAYMOND R. ABRAMSON, JUDGE:

[CR-20-352](#). Jeffery Ford v. State of Arkansas, from Garland County Circuit Court. Affirmed; motion to withdraw granted. Hixson and Murphy, JJ., agree.

[CV-20-316](#). Betty Charles v. James Shelton Ellis, Trustee of the James Shelton Ellis Trust CUI 9/2/1998, from Ouachita County Circuit Court. Dismissed without prejudice. Hixson and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-20-457](#). Charles Grunenburg v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Harrison, C.J., and Klappenbach, J., agree.

[CV-20-18](#). Bronco Industrial Services, LLC; Gray Insurance Company; and Cannon Cochran Management Services, Inc. v. James Brooks, from the Arkansas Workers' Compensation Commission. Affirmed on direct appeal; affirmed on cross-appeal. Harrison, C.J., and Klappenbach, J., agree.

[CV-20-715](#). Shawna Ann Marie Miller v. Arkansas Department of Human Services and Minor Children, from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-20-465](#). Antwon Picaso Wheaton v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Vaught and Brown, JJ., agree.

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ROBERT J. GLADWIN, JUDGE: (Continued)

[CV-20-221](#). Juan D. Cruz v. State of Arkansas, from Monroe County Circuit Court. Reversed. Vaught and Brown, JJ., agree.

MARK KLAPPENBACH, JUDGE:

[CR-20-543](#). Calvin Kentra Marshall v. State of Arkansas, from Crittenden County Circuit Court. Rebriefing ordered; motion to withdraw denied. Harrison, C.J., and Virden, J., agree.

[CV-20-458](#). Ben M. Branson and Joseph Alan Branson v. R. Lee Hiers, from Garland County Circuit Court. Affirmed in part; reversed in part. Harrison, C.J., and Virden, J., agree.

RITA W. GRUBER, JUDGE:

[CR-20-436](#). Jeremy Tutt v. State of Arkansas, from Saline County Circuit Court. Appeal dismissed; motion to withdraw granted. Barrett and Whiteaker, JJ., agree.

[CV-20-89](#). Erik Rye v. Sonia Rye, from Benton County Circuit Court. Affirmed in part; dismissed in part. Abramson, Murphy, and Brown, JJ., agree. Harrison, C.J., and Virden, J., concur in part and dissent in part.

[CV-20-587](#). Xpress Boats, Inc.; and Bridgefield Casualty Insurance Company v. Jose Mora, from the Arkansas Workers' Compensation Commission. Dismissed. Barrett and Whiteaker, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-20-503](#). Terry Cortez Stewart v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Whiteaker, JJ., agree.

[CV-20-422](#). Devona Powell v. Kenneth James Parker, from Lafayette County Circuit Court. Reversed. Gruber and Whiteaker, JJ., agree.

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PHILLIP T. WHITEAKER, JUDGE:

[CR-20-332](#). Eric Alan Coon v. State of Arkansas, from Drew County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Barrett, JJ., agree.

[CV-20-717](#). Tiffany Cramer v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

[E-21-24](#). Nichole E. Tucker v. Director, Division of Workforce Services; and Bentonville Christian Academy, from the Arkansas Board of Review. Reversed and remanded for an award of benefits. Gruber and Barrett, JJ., agree.

[E-21-51](#). Kristin Caldwell v. Director, Division of Workforce Services, from the Arkansas Board of Review. Remanded to settle and supplement the record. Gruber and Barrett, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-20-398](#). Cody Lane Cagle v. State of Arkansas, from Faulkner County Circuit Court. Appeal dismissed; motion granted. Gladwin and Brown, JJ., agree.

[CR-20-636](#). Jermaine Bohanon v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Gladwin and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-20-207](#). Joseph Evan Bennion v. State of Arkansas, from Benton County Circuit Court. Rebriefing ordered; motion to withdraw denied without prejudice. Abramson and Murphy, JJ., agree.

[CR-20-444](#). James N. Bynum v. State of Arkansas, from Scott County Circuit Court. Affirmed; remanded to correct sentencing order. Abramson and Murphy, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-20-384](#). Joshua Michael Miller v. State of Arkansas, from Baxter County Circuit Court. Rebriefing ordered; motion to withdraw denied. Abramson and Hixson, JJ., agree.

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MIKE MURPHY, JUDGE: (Continued)

[CV-20-376](#). Scottsdale Insurance Company v. Latonya Thrower, Personal Representative of the Estate of Jasiah Thrower, from Ouachita County Circuit Court. Affirmed. Abramson, J., agrees. Hixson, J., concurs.

[CV-20-413](#). Heather Galli v. Linda Jones and Vinton Jones, from Pulaski County Circuit Court, Fourteenth Division. Affirmed. Abramson, Gruber, Barrett, and Whiteaker, JJ., agree. Hixson, J., dissents.

WAYMOND M. BROWN, JUDGE:

[CR-20-691](#). Brandon S. Fannin v. State of Arkansas, from Pope County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Vaught, JJ., agree.

[CV-19-595](#). St. Francis River Regional Water District v. City of Marmaduke, Arkansas, from Greene County Circuit Court. Affirmed. Virden and Murphy, JJ., agree.

[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. Affirmed. Gladwin and Vaught, 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-20-375. Shelby Blackwell v. Director et al.

E-20-376. Thomas Mulcahy v. Director et al.

E-20-377. Melissa Milde v. Director et al.

E-20-378. Torando Lay v. Director et al.

E-20-379. Linda Davis v. Director et al.

E-21-1. Raven Freeman v. Director et al.

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- E-21-2. Sydnee Tolbert v. Director et al.
- E-21-3. Erika Flint v. Director et al.
- E-21-4. Donald Lewison v. Director et al.
- E-21-5. Holly Ballegeer v. Director et al.
- E-21-7. Travis Pittman v. Director et al.
- E-21-8. Katra Milton v. Director et al.
- E-21-9. Jeromie Jenkins v. Director et al.
- E-21-11. Lauren Langston v. Director et al.
- E-21-13. Karen Larrow v. Director et al.
- E-21-14. David Ewing v. Director et al.
- E-21-15. Daniel Uptegrove v. Director et al.
- E-21-16. Daniel Uptegrove v. Director et al.
- E-21-17. Denise Dumars v. Director et al.
- E-21-18. Brandon Warren v. Director et al.
- E-21-20. André Carter v. Director et al.
- E-21-21. Rhonda Gracey v. Director et al.
- E-21-22. Kevin Clements v. Director et al.
- E-21-23. Anthony Perry v. Director et al.
- E-21-25. Cornelius McFadden v. Director et al.
- E-21-27. Nicholas Hebrard v. Director et al.

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- E-21-28. Ricky Clopton v. Director et al.
- E-21-29. Lucinda Blair v. Director et al.
- E-21-30. Ronnie Robinson v. Director et al.
- E-21-31. Sheena Piggee v. Director et al.
- E-21-32. Gaylon Glasgow v. Director et al.
- E-21-33. Jerry Brooks v. Director et al.
- E-21-34. Robert Harrison v. Director et al.
- E-21-35. Belinda Bradford v. Director et al.
- E-21-39. Deron Canada v. Director et al.
- E-21-40. Dale Shaw v. Director et al.
- E-21-41. Yulonda Oliver v. Director et al.
- E-21-42. Laura Hammett v. Director et al.
- E-21-44. Nam Ly v. Director et al.
- E-21-45. Sherri King v. Director et al.
- E-21-46. Karen Johnson v. Director et al.
- E-21-47. Brandi House v. Director et al.
- E-21-48. Kirby Foster v. Director et al.
- E-21-49. Brenda Geurin v. Director et al.
- E-21-50. Gary Strimple v. Director et al.
- E-21-52. Timothy Stribling v. Director et al.

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PER CURIAM ORDERS

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

CR-20-552. Shawn C. Sivils v. State of Arkansas, from Faulkner County Circuit Court. Harrison, C.J., and Abramson, J., not participating.

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-20-281. Kevin Baltz v. Bradley Baltz, from Benton County Circuit Court.

CR-20-301. Anthony Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to reconsider motions denied by Arkansas Appeal Court April 14, 2021, is denied.

CR-20-414. Raul Torres-Garcia v. State of Arkansas, from Benton County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$2,000.00. Klappenbach, J., not participating.

CR-20-735. Jervontae Cox v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for transcript and records is denied.

CR-21-196. Billy Hoover v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion for rule on clerk is granted.

CV-19-415. Margaret Cogswell v. Margaret Lynn Cooper, as Executrix and Administrator of the Estate of Mary Cloar, Deceased, from Pope County Circuit Court. Appellee's suggestion of appellant's death on the record is noted. Virden, J., not participating.

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CV-20-606. Jody Underwood (Jody Lynn Doran), Individually and as a Shareholder and Member of Conway Precision Products, Inc. v. Jeffrey S. Underwood and Conway Precision Products, Inc., from Faulkner County Circuit Court. Appellees'/cross-appellants' motion to dismiss direct appeal as to declaratory judgment is passed until the case is submitted.

CV-20-606. Jody Underwood (Jody Lynn Doran), Individually and as a Shareholder and Member of Conway Precision Products, Inc. v. Jeffrey S. Underwood and Conway Precision Products, Inc., from Faulkner County Circuit Court. Appellant's partial motion to dismiss cross-appeal is passed until the case is submitted.

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. Motion of separate appellant Entergy Arkansas, LLC, to dismiss appeal is granted. Abramson, Virden, Gruber, Vaught, and Hixson, JJ., not participating.

CV-21-71. Jose A. Morales v. Athalia Garcia, from Faulkner County Circuit Court. Appellant's motion to expedite the court proceedings is denied.

CV-21-205. Christopher Scott v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Appellant's petition for leave to proceed in forma pauperis is denied. Gruber, J., not participating.

E-21-118. Jelisa Cooper v. Director et al., from the Arkansas Board of Review. Respondent's motion to remand is granted.

E-21-212. Mickey Phillips v. Director et al., from the Arkansas Board of Review. Respondent's motion to remand is granted.

E-21-234. Felita Lewis-White v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal is granted. Gruber, Whiteaker, and Brown, JJ., would deny.

E-21-261. Virgil Wilkins v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied.

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PER CURIAM ORDERS

Pursuant to Rule 4-5 of the Rules of the Supreme Court and Court of Appeals, the following cases have been dismissed for failure to file an appellant's brief.

CR-21-61. Gary Chambers v. State of Arkansas, from Clark County Circuit Court.

CV-18-720. Oscar Cordova v. State of Arkansas, from Jefferson County Circuit Court.

CV-19-986. Kenneth Waller v. John Felts, from Pulaski County Circuit Court, Sixth Division.

CV-20-192. John B. Yancey v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-20-428. Ehab Yamani v. Samar Ashour, from Washington County Circuit Court.

CV-20-471. Jasmine Crockett v. Laterrance Traylor, from Miller County Circuit Court. Barrett, J., not participating.

CV-20-679. Randall Nipper v. John A. Flynn and Flynn Law Firm, from Lonoke County Circuit Court.