

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 22, 2021

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-19-249](#). James M. Bohanan v. State of Arkansas, from Conway County Circuit Court. Affirmed. Klappenbach and Barrett, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-20-604](#). Eddie Dale King v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

[CR-19-823](#). Noah Stephen McDaniel v. State of Arkansas, from Madison County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-20-535](#). Ted Hamilton v. State of Arkansas, from Hempstead County Circuit Court. Dismissed. Abramson and Hixson, JJ., agree.

[CR-20-608](#). Robert Krachey v. State of Arkansas, from Franklin County Circuit Court, Northern District. Affirmed; motion to withdraw granted. Abramson and Hixson, JJ., agree.

[CV-19-70](#). Mullen, Inc.; Larry J. Steele; and Janet Steele v. J.R. Rogers and Michelle Rogers, from Lawrence County Circuit Court. Dismissed without prejudice. Abramson and Hixson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-19-973](#). Debert Morgan v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Murphy and Brown, JJ., agree.

[CV-21-95](#). Rachael Alexander v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Murphy and Brown, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

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

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RITA W. GRUBER, JUDGE:

[CR-20-119](#). Vincent N. Ludwick v. State of Arkansas, from Madison County Circuit Court. Affirmed; motion to withdraw granted; remanded with instructions. Whiteaker and Vaught, JJ., agree.

[CV-20-551](#). Amanda Champlin v. Steven Spencer Champlin, from Benton County Circuit Court. Affirmed. Whiteaker and Vaught, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-20-742](#). Matthew A. Harvey v. State of Arkansas, from Pope County Circuit Court. Appeal dismissed. Harrison, C.J., and Klappenbach, J., agree.

[CV-21-126](#). Jerome Jackson v. Arkansas Department of Human Services and Minor Children, from St. Francis County Circuit Court. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-21-26](#). Eric Bennett v. State of Arkansas, from Phillips County Circuit Court. Affirmed. Gruber and Vaught, JJ., agree.

[CV-19-307](#). Kimberly “Shelly” R. Redwine v. Kevin Wade Coursey and Tiffany Phillips, from Sharp County Circuit Court. Appeal dismissed. Gruber and Vaught, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-20-483](#). Progressive Eldercare Services-Drew, Inc., d/b/a Belle View Estates Rehabilitation and Care Center; Progressive Eldercare Services, Inc.; Advanced Practice Solutions, LLC; Procure Therapy Services, LLC; Southern Administrative Services, LLC; Ponthie Holdings, LLC; Professional Nursing Solutions, LLC; CarePlus Staffing Services, LLC; Ross Ponthie; John Ponthie; and Marlene Hensley, in Her Capacity As Administrator Of Belle View Estates Rehabilitation And Care Center v. Angela Everett, as Special Administrator of the Estate of Lavarn Turner, and on Behalf of the Wrongful Death Beneficiaries of Lavarn Turner, from Drew County Circuit Court. Affirmed. Gruber and Whiteaker, JJ., agree.

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LARRY D. VAUGHT, JUDGE: (continued)

[CV-21-84](#). Tyler Christ v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court. Affirmed. Gruber and Whiteaker, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-21-65](#). Christy Ann Kelley v. Arkansas Department of Human Services and Minor Child, from Searcy County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-21-90](#). Cameron Braswell v. State of Arkansas, from Drew County Circuit Court. Affirmed. Brown and Gladwin, JJ., agree.

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

WAYMOND M. BROWN, JUDGE:

[CR-21-93](#). McKinzie Kory Martin v. State of Arkansas, from Drew County Circuit Court. Affirmed. Gladwin and Murphy, JJ., agree.

[CV-20-417](#). Kristina Bonds (now Emmons) v. Clay Bonds, from Pope County Circuit Court. Reversed. Gladwin and Murphy, JJ., agree.

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PER CURIAM ORDERS

CR-20-397. Dale C. Bartlett v. State of Arkansas, from Monroe County Circuit Court. Appellant's petition for certiorari to complete the record and motion to extend time or stay the briefing schedule is denied. Appellee's brief is due within thirty days (October 22, 2021).

CV-20-509. The AGREED Foundation d/b/a American Gamebird Research Education and Development Foundation, Inc. v. Friends of Lake Erling Association, from Lafayette County Circuit Court. Appellee's motion to take judicial notice of supplemental authority. Noted. Vaught, J., not participating.

CV-20-579. Addam Maxwell v. Lori Maxwell, from Benton County Circuit Court. Unopposed motion to supplement the record or for writ of certiorari to complete record is granted. Writ issued; supplemental record is due within thirty days (October 22, 2021). Appellant's supplemental brief, or at minimum a supplemental addendum, is due fifteen days after the supplemental record is filed. Appellee's supplemental brief, if any, is due fifteen days thereafter.

CV-20-610. Petit Jean Electric Cooperative Corporation; 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 John T. Elkins to withdraw as counsel for separate appellant Arkansas Electric Cooperative Corporation is granted. Abramson, Virden, Gruber, Vaught, and Hixson, JJ., not participating.

CV-21-214. Frederick Herrod and \$1,022 in U.S. Currency v. State of Arkansas, from Washington County Circuit Court. Pro se motion for open statement to the court is denied.

CV-21-288. Brenda Berryhill, as the Administratrix of the Estate of Ronny Lynn Hill II v. Angela and Phillip Lester, from Columbia County Circuit Court. Appellant's motion for relief from addendum requirement is denied. Appellant must file a compliant brief within fifteen days (October 7, 2021).

CV-21-428. Crystal Hutton v. Arkansas Department of Human Services and Minor Child, from Lawrence County Circuit Court. Appellant's motion for extension of time to lodge appellate record is granted. Complete record is due within thirty days (October 22, 2021).

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-20-634. Chester Bradford v. Stracener Brothers Construction Corporation; and Summit Consulting, LLC, from the Arkansas Workers' Compensation Commission.

CR-20-129. Jonathan Welborn v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for extension of time, amendment of brief, and to receive a copy of the transcript.

CR-21-419. Malachi Muhammad v. State of Arkansas, from Monroe County Circuit Court. Appellant's pro se motion for extension of time to file a brief.

CR-21-440. Rocky Taliaferro v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for belated appeal.

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 take judicial notice or supplement the record.

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. Motion of separate appellees Mike E. Mullally and the law firm of Snellgrove, Langley, Culpepper, Williams & Mullally to dismiss appeal and to stay briefing schedule.

CV-21-318. Gerber Products Co. v. Alberici Constructors, Inc.; and CECO Concrete Construction, L.L.C., from Sebastian County Circuit Court, Fort Smith District. Motion of Alberici Constructors, Inc., for expansion of word-count limitation for its appellee's/cross-appellant's brief.

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MOTIONS SUBMITTED

CV-21-432. Kristen Gibby v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Appellant's motion to stay the briefing schedule and consolidate cases.

CV-21-433. Kristen Gibby v. Arkansas Department of Human Services and Minor Children, from Conway County Circuit Court. Appellant's motion for belated appeal.

CV-21-435. Opal Robinson v. Quail River Properties, L.L.C., from Phillips County Circuit Court. Appellant's petition for writ of certiorari to supplement and complete the record and motion to file partial record.

E-21-222. Alicia Erives v. Director et al., from the Arkansas Board of Review. Petitioner's unopposed motion to file belated brief and for brief time.

E-21-352. Roy Hall v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion for consideration.

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CASES SUBMITTED

CR-20-129. Jonathan Welborn v. State of Arkansas, from Saline County Circuit Court.

CR-20-712. Rodney Goshien, Jr. v. State of Arkansas, from Saline County Circuit Court.

CR-21-57. Eric Bragg v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CV-19-838. Evelyn Chism v. James R. Chism, from Conway County Circuit Court.

CV-20-507. Sonya Y. Johnson v. Kortney D. Johnson, from Pulaski County Circuit Court, Seventeenth Division.

CV-20-533. David Brad House v. Karmen House, from Ouachita County Circuit Court.

CV-20-545. Progressive Eldercare Services - Morrilton, Inc., d/b/a Brookridge Cove Rehabilitation and Care Center; Progressive Eldercare Services, Inc.; JEJ Investments, LLC; Ponthie Holdings, LLC; Procure Therapy Services, LLC; Southern Administrative Services, LLC; Professional Nursing Solutions, LLC; CarePlus Staffing Services, LLC; Ross Ponthie; John Ponthie; and Bobbi Helton, in her capacity as Administrator of Brookridge Cove Rehabilitation and Care Center v. Nancy Taylor, as Special Administrator of the Estate of Virginia Rankin, and on behalf of the Wrongful Death Beneficiaries of Virginia Rankin, from Conway County Circuit Court.

CV-20-567. Paschal Heating and Air Conditioning Co., Inc. v. Scott Zotti, from Washington County Circuit Court.

CV-20-586. PST Tax Inc. d/b/a H&R Block v. Glenna Tindall d/b/a Yellow Rose Tax/Business Services, from Faulkner County Circuit Court.

CV-20-651. Jennifer McKamie v. Shaun McKamie, from Columbia County Circuit Court.

CV-20-674. Franklin Scott Pierce v. Veronica Seraphine Whitehill, from Perry County Circuit Court.

CV-21-142. Alexandra Coulter; Gregory McCuin, Jr.; and Arkansas Department of Human Services v. Minor Child, from Pulaski County Circuit Court, Tenth Division.