

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF DECEMBER 8, 2021**

**BRANDON J. HARRISON, CHIEF JUDGE:**

[CR-21-320](#). Devario Rashawn Paskell v. State of Arkansas, from Ashley County Circuit Court. Affirmed. Vaught and Brown, JJ., agree.

[CV-20-652](#). Suzanne Harden and Daniel Harden v. Heather Beck, from Franklin County Circuit Court, Northern District. Affirmed in part; reversed in part; remanded with instructions. Hixson and Murphy, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-21-77](#). Omar Ali v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Barrett and Whiteaker, JJ., agree.

[CR-21-328](#). Jennifer Goad v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-20-707](#). Yafai Investments, Inc.; and Mahdi HS Saleh v. Arkmo Foods, LLC, from Arkansas County Circuit Court, Northern District. Affirmed. Gladwin and Vaught, JJ., agree.

[E-21-163](#). Ronnie Robinson v. Director, Division of Workforce Services, from the Arkansas Board of Review. Reversed and remanded. Abramson and Klappenbach, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-20-697](#). Layman J. Hughes v. Jonathan Elliott and Roxann Elliott, from Polk County Circuit Court. Reversed and dismissed. Virden and Vaught, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-20-645](#). Alvin Aikens v. State of Arkansas, from Pulaski County Circuit Court, First Division. Remanded to settle and supplement the record; supplemental addendum ordered. Abramson and Virden, JJ., agree.

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**N. MARK KLAPPENBACH, JUDGE: (Continued)**

[CV-21-333](#). Bethany Williams v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed. Gruber and Brown, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CV-20-612](#). Janet Nicholas v. Mike Jones, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Klappenbach and Brown, JJ., agree.

[CV-21-345](#). Tonya York v. Arkansas Department of Human Services and Minor Children, from Conway County Circuit Court. Dismissed without prejudice. Barrett and Murphy, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CR-21-225](#). David Veasley v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gruber and Murphy, JJ., agree.

[CV-21-102](#). Shawna Lynn Powers v. Michael Martin, from Washington County Circuit Court. Affirmed. Abramson and Whiteaker, JJ., agree.

**PHILLIP T. WHITEAKER, JUDGE:**

[CV-21-20](#). William Sanchez v. Glenn E. Weeks, from Benton County Circuit Court. Dismissed without prejudice. Gladwin and Hixson, JJ., agree.

[CV-21-205](#). Christopher Scott v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Affirmed. Abramson and Barrett, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CR-20-729](#). Frankie DeJohn v. State of Arkansas, from Washington County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-21-187](#). Cody Lee Walker v. State of Arkansas, from Miller County Circuit Court. Affirmed. Gladwin and Whiteaker, JJ., agree.

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**KENNETH S. HIXSON, JUDGE: (Continued)**

[CV-21-218](#). Arkansas Forestry Commission; and Arkansas Insurance Department, Public Employee Claims Division v. Thomas Lindsey, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison, C.J., and Murphy, J., agree.

**MIKE MURPHY, JUDGE:**

[CV-19-528](#). A&B Pawn Shop d/b/a Webb's Sporting Goods v. Mack's Sport Shop, LLLP, d/b/a Mack's Prairie Wings, from Arkansas County Circuit Court, Southern District. Affirmed. Hixson, J., agrees. Harrison, C.J., concurs.

[CV-20-439](#). Curis Pharmacy (Sentrix Pharmacy and Discount, LLC), OS02705; and Kenneth Zielinski, PD10077 v. Arkansas State Board of Pharmacy, from Pulaski County Circuit Court, Ninth Division. Affirmed. Whiteaker and Brown, JJ., agree. Hixson, J., concurs. Barrett and Vaught, JJ., dissent.

[CV-21-83](#). Kellie Elliot v. Eli Hale, from Sharp County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-21-226](#). W.H. v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Klappenbach and Gruber, JJ., agree.

[CV-20-718](#). Ashley Operations, LLC, d/b/a Crossett Rehabilitation and Health Center; Ross M. Ponthie; John Ponthie; JEJ Investments, LLC; Marybret, LLC; 1101 Waterwell Road, LLC; SLC Operations Master Tenant, LLC; Southern Administrative Services, LLC; Professional Nursing Solutions, LLC; CarePlus Staffing Solutions, LLC; Debra A. Watkins-Jones, in Her Capacity as Administrator of Crossett Rehabilitation and Health Center; Kiedra T. Kirk, in Her Capacity as Director of Nursing of Crossett Rehabilitation and Health Center; and John Does 1 through 5 v. Donnie Morphis, as Special Administrator of the Estate of Mildred Morphis, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Mildred Morphis, Deceased, from Ashley County Circuit Court. Affirmed. Harrison, C.J., and Vaught, J., agree.

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**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-21-155. Katrina Payne v. Director et al.

E-21-156. Jayne Roth v. Director et al.

E-21-157. Mikel Thomas v. Director et al.

E-21-158. De'Quana Rouse v. Director et al.

E-21-159. Michael Buie v. Director et al.

E-21-160. Kellianne Parker v. Director et al.

E-21-161. Kellianne Parker v. Director et al.

E-21-164. Delphena Qasim v. Director et al.

E-21-165. Haylie Gibby v. Director et al.

E-21-166. Haylie Gibby v. Director et al.

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**PER CURIAM ORDERS**

REHEARING DENIED: Petition for rehearing is denied in the following case.

CR-19-974. William Edward Gray v. State of Arkansas, from Pope County Circuit Court.

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CR-19-823. Noah Stephen McDaniel v. State of Arkansas, from Madison County Circuit Court. Motion of W. Whitfield Hyman for costs and attorney fees is granted. Allowed \$1600.00.

CR-21-57. Eric Bragg v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Terry Goodwin Jones for attorney's fee is granted. Allowed \$2000.00.

CR-21-82. Jeremy Andrew Avery v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of time is granted. Appellant's brief is due in thirty days (January 7, 2022). Final extension. Harrison, C.J., would deny and dismiss the appeal.

CR-21-297. Micah Angel v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's pro se motion for appellee's counsel to be withdrawn is denied.

CR-21-306. Todd Hall v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete the record is granted.

CR-21-306. Todd Hall v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for entry of appearance is granted.

CR-21-393. Jeff Dunlap v. State of Arkansas, from Saline County Circuit Court. Renewed motion of Gina Reynolds to withdraw as counsel of record and substitute counsel is granted.

CR-21-394. Jeff Dunlap v. State of Arkansas, from Saline County Circuit Court. Renewed motion of Gina Reynolds to withdraw as counsel of record and substitute counsel is granted.

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CR-21-455. Ray Leon Taylor v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for extension of time to file pro se points is granted. Appellant's pro se points for reversal is due in thirty days (January 7, 2022). Final extension.

CV-19-686. Elaine Petroleum Distributor, Inc.; and Qingdao Xiyangmen Double Camel Tyre Co., LTD v. Sandra Kaye Freeman Snyder, as Administratrix of the Estate of Michael Snyder, from Phillips County Circuit Court. Appellee's/cross-appellant's motion for substitution of party is granted.

CV-19-858. David Kinder v. Wendy Kinder, from Pulaski County Circuit Court, Third Division. Appellee's motion to dismiss appeal is passed until the case is submitted. Murphy, J., not participating.

CV-20-33. LaDonna Humphrey, Individually v. Absolute Pediatric Services, Inc., d/b/a Absolute Pediatric Therapy; and Anthony Christopher, from Benton County Circuit Court. Appellant's status report is noted. Status report is due in ninety days (March 8, 2022).

CV-21-412. Tracy Wilson v. Jeffrey Wilson, from Benton County Circuit Court. Appellant's motion for a writ of certiorari to complete the record is treated as a motion to settle the record and is granted. Harrison, C.J., and Klappenbach, Gruber, and Whiteaker, JJ., would deny.

CV-21-508. Donald Banks v. Petro Banks, from Monroe County Circuit Court. Motion of Dequeshia Prude-Wheeler to withdraw as counsel is granted.

CV-21-542. Bryson David Deaton v. Charles Niederbrach, Sr., Individually and as Special Administrator of the Estate of Charles Alden Niederbrach, Jr., Deceased; and on Behalf of the Wrongful Death Beneficiaries of Charles Alden Niederbrach, Jr., from Clark County Circuit Court. Motion of Charles Niederbrach, Sr., to dismiss appeal for want of a final or appealable order is granted. Appeal dismissed.

CV-21-545. Stephanie Hoy v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant's motion for rule on clerk is granted.

E-21-590. Paula Pendarvis v. Director et al., from the Arkansas Board of Review. Motion for extension of time to file record on remand is granted. Record is due in twenty days (December 28, 2021). Final extension.

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**PER CURIAM ORDERS**

E-21-637. Ella Scruggs v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add new evidence is denied.

E-21-706. Danny Thomas v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add new evidence is denied.

E-21-719. Brian Browder v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file a belated appeal is denied.

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**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

CV-19-373. Garry B. Sutherland, Individually; and Garry B. Sutherland and Brenda Sutherland, Husband and Wife, as Co-Trustees of the Sutherland Revocable Trust Dated July 25, 2007 v. Larry Edge; Julius Edge; and Kurt Phillips and Virginia Phillips, Husband and Wife, from Cleburne County Circuit Court.

CV-20-557. Teresa Ann White v. Paige Harper and Andrew Alton James, from Pulaski County Circuit Court, Seventeenth Division.

CV-20-677. (In the Matter of the Adoption of AP) Dillon Arnold v. Nicklaus Przytarski and Courtney Przytarski, from Garland County Circuit Court.

E-21-97. April White v. Director et al., from the Arkansas Board of Review.

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CR-20-384. Joshua M. Miller v. State of Arkansas, from Baxter County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-20-635. A.M. v. State of Arkansas, from Miller County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees and costs.

CR-21-7. Andra Crockett v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Omar F. Greene to be relieved as appointed counsel.

CR-21-7. Andra Crockett v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Motion of Omar F. Greene for payment of appointed counsel.

CR-21-7. Andra Crockett v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Amended motion for attorney’s fees

CR-21-119. L.C. Kennedy, Jr. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney’s fee.

CR-21-216. Jamie Ann Ashby v. State of Arkansas, from Lonoke County Circuit Court. Motion of Omar F. Greene to be relieved as appointed counsel.



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**MOTIONS SUBMITTED**

CR-21-216. Jamie Ann Ashby v. State of Arkansas, from Lonoke County Circuit Court. Motion of Omar F. Greene for payment of appointed counsel.

CR-21-363. Zachary Gene Still v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Entry of appearance and motion of John Wesley Hall to substitute counsel.

CR-21-363. Zachary Gene Still v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for brief time for substitute counsel.

CR-21-555. Neal Hall v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for belated appeal.

CV-20-580. Jack Wayne Matthews v. Shirlee Diane Matthews, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion for fees and costs for preparation of supplemental abstract and supplemental addendum.

CV-21-334. City of Elm Springs, Arkansas, an Arkansas Municipal Corporation of the Second Class v. Capstone Builders, Inc., on Behalf of Itself and Similarly Situated Taxpayers, from Washington County Circuit Court. Appellant's status report.

CV-21-354. Anna Knesek v. Larry Knesek, from Crawford County Circuit Court. Appellee's motion to dismiss.

CV-21-443. Lexa Page, Jr. v. Annette Page and the Estate of Lexa Page, Sr., Deceased, from Ouachita County Circuit Court. Motion for additional time to lodge supplemental record pursuant to the court's order.

CV-21-558. Krystal N. Saul v. Jeremy Saul, from Pope County Circuit Court. Appellant's petition for a writ of certiorari.

CV-21-558. Krystal N. Saul v. Jeremy Saul, from Pope County Circuit Court. Appellant's first amended petition for a writ of certiorari.

CV-21-575. (In the Matter of the Adoption of L.J.D.) Scotty Dawson and Mindi Mahan v. TJ West and Loletta Racheale West, from Greene County Circuit Court. Appellant's motion for rule on the clerk to lodge untimely record.

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**MOTIONS SUBMITTED**

E-21-602. Harless Oglesby v. Director et al., from the Arkansas Board of Review. Joint motion to consolidate and set a unified briefing due date.

E-21-603. Cooper Tire and Rubber Company v. Director et al., from the Arkansas Board of Review. Joint motion to consolidate appeals and set a unified briefing due date.

E-21-687. Michael Mills v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to add evidence.

E-21-688. Michael Mills v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to add evidence.

E-21-749. Phillip Achor v. Director et al., from the Arkansas Board of Review. Pro se motion to file belated appeal.

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**CASES SUBMITTED**

CR-20-47. J.R. v. State of Arkansas, from Saline County Circuit Court.

CR-20-544. Jerry Wayne Shinn v. State of Arkansas, from Crittenden County Circuit Court.

CR-20-650. Brittnie Renee Lee v. State of Arkansas, from Crittenden County Circuit Court.

CR-20-739. Marty Dean Moore v. State of Arkansas, from Saline County Circuit Court.

CR-21-2. Dylan Goodwin v. State of Arkansas, from Washington County Circuit Court.

CR-21-115. Ay’Rhogunce Jacolbi Miller v. State of Arkansas, from Crittenden County Circuit Court.

CR-21-241. Jason Inman v. State of Arkansas, from Johnson County Circuit Court.

CR-21-287. Christine Angelina Loyd v. State of Arkansas, from Faulkner County Circuit Court.

CR-21-307. Andrew Beal v. State of Arkansas, from Benton County Circuit Court.

CR-21-399. Aaron Davis Todd v. State of Arkansas, from Faulkner County Circuit Court.

CV-20-24. (In the Matter of the Implementation of Act 464 of 2019 and the Modification of Net Metering Tariffs) Entergy Arkansas, LLC, and Leslie Rutledge, Attorney General v. Arkansas Public Service Commission, from the Arkansas Public Service Commission.

CV-21-292. Ella Cox v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

**The following case is an appeal from the Arkansas Board of Review.**

E-21-91. Thomas Rollins v. Director et al.