

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-20-650](#). Brittnie Renee Lee v. State of Arkansas, from Crittenden County Circuit Court. Rebriefing ordered; motion to withdraw denied. Vaught and Brown, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-21-307](#). Andrew Dennis Beal v. State of Arkansas, from Benton County Circuit Court. Affirmed; motion to withdraw granted. Virden and Klappenbach, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-21-11](#). Kelly Mullins v. Joel Helgren, from Garland County Circuit Court. Affirmed as modified. Abramson and Klappenbach, JJ., agree.

[CV-21-186](#). Sarah Beverly v. Aundra Murphy, from Pulaski County Circuit Court, Thirteenth Division. Affirmed. Gladwin and Vaught, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-20-739](#). Marty Dean Moore v. State of Arkansas, from Saline County Circuit Court. Rebriefing ordered; motion to withdraw denied. Whiteaker and Hixson, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-21-2](#). Dylan Hunter Goodwin v. State of Arkansas, from Washington County Circuit Court. Rebriefing ordered; motion to be relieved denied. Abramson and Virden, JJ., agree.

[E-21-162](#). Tessa Rosamond v. Director, Division of Workforce Services, from the Arkansas Board of Review. Remanded to settle and supplement the record. Abramson and Virden, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-21-115](#). Ay'Rhogunce Jacolbi Miller v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Barrett and Murphy, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

STEPHANIE POTTER BARRETT, JUDGE:

[CR-21-241](#). Jason Inman v. State of Arkansas, from Johnson County Circuit Court. Affirmed; motion to withdraw granted. Gruber and Murphy, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-20-544](#). Jerry Wayne Shinn v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Hixson, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-21-399](#). Aaron Davis Todd v. State of Arkansas, from Faulkner County Circuit Court. Affirmed; motion to withdraw granted. Harrison, C.J., and Brown, J., agree.

[CV-21-244](#). Wal-Mart Associates, Inc. v. Willie Anderson and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Affirmed. Harrison, C.J., and Brown, J., agree.

KENNETH S. HIXSON, JUDGE:

[CR-21-287](#). Christine Angelia Loyd v. State of Arkansas, from Faulkner County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Whiteaker, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-20-665](#). Nick Allen v. David Sargent, from Benton County Circuit Court. Reversed. Gladwin, Vaught, and Hixson, JJ., agree. Harrison, C.J., and Virden, J., concur in part and dissent in part.

WAYMOND M. BROWN, JUDGE:

[E-21-91](#). Thomas Rollins v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed. Harrison, C.J., and Vaught, J., agree.

ANNABELLE IMBER TUCK, SPECIAL JUDGE:

[CV-21-125](#). Phillip J. Jackson v. Earl Ross Downs and Raymond Abramson, from Monroe County Circuit Court. Affirmed. Special Judges Gary Arnold and Sam Bird agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

PER CURIAM ORDERS

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

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.

CV-20-475. Samantha Ann Skelton (now Frye) v. Colton Scott Davis; Scott and Sheri Davis; and Joshua Cole Frye, from Washington County Circuit Court. (Separate appellees Scott Davis and Sheri Davis) Barrett, J., would grant. Abramson, J., not participating.

CV-20-475. Samantha Ann Skelton (now Frye) v. Colton Scott Davis; Scott and Sheri Davis; and Joshua Cole Frye, from Washington County Circuit Court. (Separate appellee Colton Scott Davis) Barrett, J., would grant. Abramson, J., not participating.

CV-20-595. Aaron C. Sluyter and Cheryl Sluyter v. Wood Guys, LLC, from Benton County Circuit Court.

CV-20-661. J. David John v. Megan Marie Bolinder, from Benton County Circuit Court.

CV-21-167. North Hills Surgery Center and Risk Management Resources v. Chelsea Otis, from the Arkansas Workers’ Compensation Commission.

CV-21-170. Richard Cosner v. C&J Forms and Labels Company; and Safeco Property Casualty Insurance, from the Arkansas Workers’ Compensation Commission.

CR-20-207. Joseph Evan Bennion v. State of Arkansas, from Benton County Circuit Court. Motion of Kezhaya Law PLC for leave to enter a limited appearance and for extension of time; or for rebriefing of the no-contact orders is denied.

CR-20-207. Joseph Evan Bennion v. State of Arkansas, from Benton County Circuit Court. Appellant’s pro se motion for extension of time to file pro se points for reversal is granted.

CR-20-658. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant’s pro se motion to recall the mandate is denied. Virden, J., not participating.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

PER CURIAM ORDERS

CR-20-745. William J. Boswell v. State of Arkansas, from Miller County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2000.00. Barrett, J., not participating.

CR-20-746. William J. Boswell v. State of Arkansas, from Miller County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2000.00. Barrett, J., not participating.

CR-21-26. Eric Bennett v. State of Arkansas, from Phillips County Circuit Court. Petition and request of Don Etherly for attorney's fees is denied.

CR-21-103. Juvelye Lopez v. State of Arkansas, from Garland County Circuit Court. Motion of Robert M. "Robby" Golden for award of attorney's fees and costs is granted. Allowed \$2000.00.

CR-21-193. Andrew Burton v. State of Arkansas, from Faulkner County Circuit Court. Motion of Charles D. Hancock for attorney's fees is granted. Allowed \$1710.00.

CR-21-383. Noah Douglas Wright v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's pro se petition for writ of certiorari to bring up a copy of the Rule 37.1 hearing transcript is granted.

CR-21-578. Pedro Velazquez v. State of Arkansas, from Yell County Circuit Court, Northern District. Motion of Beth Wright to be relieved as attorney for appellant is granted.

CR-21-595. Flando Montgomery v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Willard Proctor, Jr., to be appointed as counsel of record is granted.

CV-20-112. (In the Matter of the Estate of David P. Shockley, Deceased) Tammy Davis and Alice Barclay v. Glenda Bassett, from Boone County Circuit Court. Appellants' motion for appellate costs is moot.

CV-20-688. John Patrick Cullen v. Allstate Insurance Co., Kathi Jo Brinkley, and Katie Knight, from Garland County Circuit Court. Appellant's pro se motion to file petition for rehearing is denied.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

PER CURIAM ORDERS

CV-21-114. Ace Fence Company, Inc., and Arkansas Property and Casualty Guaranty Fund v. Jeffrey Andrews, from the Arkansas Workers' Compensation Commission. Motion of Eddie H. Walker, Jr., for an award of attorney's fees is granted. Allowed \$1000.00.

CV-21-167. North Hills Surgery Center and Risk Management Resources v. Chelsea Otis, from the Arkansas Workers' Compensation Commission. Appellants' motion to supplement record is denied.

CV-21-235. (In the Matter of the Guardianship of A.P.A., a Minor) Sandra Andraca v. Patricia Tice, from Pope County Circuit Court. Motion of Arkansas Trial Lawyers Association to file brief amicus curiae is granted. Harrison, C.J., and Gladwin, Klappenbach, and Whiteaker, JJ., would deny.

CV-21-235. (In the Matter of the Guardianship of A.P.A., a Minor) Sandra Andraca v. Patricia Tice, from Pope County Circuit Court. Motion of Arkansas Civil Liberties Union for permission to file amicus curiae brief is granted. Harrison, C.J., and Gladwin, Klappenbach, and Whiteaker, JJ., would deny.

CV-21-283. Joshua A. Haeber v. Katerina Day, from Saline County Circuit Court. Appellee's motion to dismiss appeal in part is passed until the case is submitted. Abramson, J., not participating.

CV-21-369. Frederick Lee Pitchford v. Crittenden County Sheriff's Department; Sheriff Mike Allen; and Todd Groom, from Crittenden County Circuit Court. Appellees' joint motion to dismiss appeal of appellant Frederick Lee Pitchford is granted.

CV-21-374. Courtyard Rehabilitation and Health Center, LLC; SA Eldercare, LLC; JEJ Investments, LLC; Ross M. Ponthie; Mark Thompson; MCSA, LLC, d/b/a Medical Center of South Arkansas; John Doe 1; and John Doe 2 v. Estate of Gusta Tice, Deceased; and Andrew McQuerry, Special Administrator, from Union County Circuit Court. Appellees' motion for leave to file sur-reply is denied.

CV-21-404. Scotty Howell v. Kimberly Howell, from Garland County Circuit Court. Appellee's motion to partially dismiss appeal is passed until the case is submitted. Harrison, C.J., and Abramson, J., not participating.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

PER CURIAM ORDERS

CV-21-408. Shane Wallis v. Samantha Holsing, from Lonoke County Circuit Court. Motion of Cliff C. Collins to withdraw as attorney of record is granted.

CV-21-408. Shane Wallis v. Samantha Holsing, from Lonoke County Circuit Court. Appellee's motion for extension of time to file brief is granted.

CV-21-428. Crystal Hutton v. Arkansas Department of Human Services and Minor Child, from Lawrence County Circuit Court. Appellant's motion to expand word count is granted. Virden, Klappenbach, Whiteaker, and Brown, JJ., would deny.

CV-21-503. April Johnson v. Bradley Johnson, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to supplement the record is granted. Murphy, J., not participating.

CV-21-503. April Johnson v. Bradley Johnson, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to stay briefing is granted. Murphy, J., not participating.

CV-21-508. Donald Banks v. Petro Banks, from Monroe County Circuit Court. Appellant's motion to substitute brief is granted.

CV-21-512. Robert Walsh v. City of Little Rock, Arkansas; and Frank Scott, Jr., in His Capacity as Mayor of the City of Little Rock, from Pulaski County Circuit Court, Twelfth Division. Motion of William G. Almand to withdraw as counsel for appellant is granted.

CV-21-531. LeRaye Atwood v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Stipulation by parties to correct brief is granted.

CV-21-546. Rickie C. Battie v. All Points, Inc.; and Ohio Security Insurance Co./Liberty Mutual Group, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss appeal is granted.

CV-21-546. Rickie C. Battie v. All Points, Inc.; and Ohio Security Insurance Co./Liberty Mutual Group, from the Arkansas Workers' Compensation Commission. Appellant's motion to dismiss appeal is granted.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

PER CURIAM ORDERS

CV-21-580. Shawna Jordan v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Agreed motion to correct the record and to stay the briefing schedule is granted.

E-21-199. Rachel Hourston v. Director et al., from the Arkansas Board of Review. Appellee's motion to correct record is granted.

E-21-352. Roy Hall v. Director et al., from the Arkansas Board of Review. Petitioner's motion for support is denied.

E-21-352. Roy Hall v. Director et al., from the Arkansas Board of Review. Petitioner's motion for appointment of counsel is denied.

E-21-352. Roy Hall v. Director et al., from the Arkansas Board of Review. Petitioner's motion for timely filing is denied.

E-21-396. Ronald Parks v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file noncompliant brief is denied.

E-21-396. Ronald Parks v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file amended testimony is denied.

E-21-501. Bonnie Anderson v. Director et al., from the Arkansas Board of Review. Appellee's motion to dismiss appeal is granted.

E-21-558. Rebecca Cude v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add additional evidence is denied.

E-21-683. Jerlene Duncan v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add new evidence is denied.

E-21-765. Alison Wilkerson v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file belated appeal is denied.

E-21-808. Tiffany Brown v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file belated appeal is denied.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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.

CV-20-612. Janet Nicholas v. Mike Jones, from Sebastian County Circuit Court, Fort Smith District.

CV-20-697. Layman J. Hughes v. Jonathan Elliott and Roxann Elliott, from Polk County Circuit Court.

CV-20-707. Yafai Investments, Inc.; and Mahdi HS Saleh v. Arkmo Foods, LLC, from Arkansas County Circuit Court, Northern District.

CV-21-102. Shawna Lynn Powers v. Michael Martin, from Washington County Circuit Court.

CR-20-745. William J. Boswell v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion pursuant to Rule 19.

CR-20-746. William J. Boswell v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion pursuant to Rule 19.

CR-21-81. Jimmy Wayne Sparks v. State of Arkansas, from Poinsett County Circuit Court. Motion of Kaylyn Presley Hager for fees.

CR-21-187. Cody Lee Walker v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney fees and costs.

CR-21-187. Cody Lee Walker v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough to be relieved as counsel of record.

CR-21-225. David Veasley v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

MOTIONS SUBMITTED

CR-21-226. W.H. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fee.

CR-21-320. Devario Rashawn Paskell v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-21-328. Jennifer Goad v. State of Arkansas, from Jefferson County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-21-615. Jeremy Lewis v. State of Arkansas, from Clark County Circuit Court. Appellant's motion to seal.

CV-20-688. John Patrick Cullen v. Allstate Insurance Co., Kathy Jo Brinkley, and Katie Knight, from Garland County Circuit Court. Appellant's pro se motion to transmit transcript.

CV-21-31. Altice USA, Inc., d/b/a Suddenlink Communications v. Tina Johnson, from Clark County Circuit Court. Motion of Jennifer Ziegenhorn to withdraw as counsel.

CV-21-32. Altice USA, Inc., d/b/a Suddenlink Communications v. Sandra Peterson, from Clark County Circuit Court. Motion of Jennifer Ziegenhorn to withdraw as counsel.

CV-21-33. Altice USA, Inc., d/b/a Suddenlink Communications v. Ronnie Francis, from Clark County Circuit Court. Motion of Jennifer Ziegenhorn to withdraw as counsel.

CV-21-275. James Allen, Jr. v. CHI St. Vincent Infirmery; Morgan McDonald; Bradley Pate; and Stephanie Woolbright, from Pulaski County Circuit Court, Seventeenth Division. Appellees' motion to file substituted brief.

CV-21-275. James Allen, Jr. v. CHI St. Vincent Infirmery; Morgan McDonald; Bradley Pate; and Stephanie Woolbright, from Pulaski County Circuit Court, Seventeenth Division. Appellant's pro se motion for reconsideration and to strike.

CV-21-463. Samuel Wallace and Mary Wallace v. Rail Resources, LLC, from Union County Circuit Court. Appellants' motion to file belated brief.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

MOTIONS SUBMITTED

CV-21-515. Mike Grigsby and Freida Grigsby v. Patsy Louise Kelly, Charles L. Ford, Sharon K. Barber, Barbara Woodruff, and Donna Murphy, from Newton County Circuit Court. Appellants' motion for extension of time to file belated brief.

CV-21-618. Bryan Gadberry v. Autumn Gadberry, from Pulaski County Circuit Court, Fifteenth Division. Appellant's pro se motion for rule on the clerk.

CV-21-618. Bryan Gadberry v. Autumn Gadberry, from Pulaski County Circuit Court, Fifteenth Division. Appellant's pro se petition for writ of certiorari to complete the record.

CV-21-619. (In the Matter of the Estate of Anna Belle Patterson, Deceased) LeAnne Carpenter and Shelley Benton v. Corey Patterson, from Prairie County Circuit Court. Appellee's motion to dismiss appeal.

E-21-582. James Tanksley v. Director et al., from the Arkansas Board of Review. Appellees' motion to remand.

E-21-583. James Tanksley v. Director et al., from the Arkansas Board of Review. Appellees' motion to remand.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 12, 2022

CASES SUBMITTED

CR-21-184. W.O. v. State of Arkansas, from Benton County Circuit Court.

CR-21-361. Christopher Rice v. State of Arkansas, from Ashley County Circuit Court.

CV-20-671. Midland Funding, LLC, and Midland Credit Management, Inc. v. Jennifer Briesmeister, on Behalf of Herself and All Others Similarly Situated, from Independence County Circuit Court.

CV-20-694. James R. Humphrey and Shirley Ann Humphrey, Individually; Patrick Humphrey; James R. Humphrey and Shirley A. Humphrey, as Trustees of the Humphrey 2009 Living Trust, Dated July 13, 2009; and the Humphrey 2009 Living Trust, Dated July 13, 2009 v. Carla Tuttle Bailey, from Carroll County Circuit Court, Eastern District.

CV-20-695. Elizabeth Garner v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

CV-21-54. James West v. Shelter Mutual Insurance Company, from Pike County Circuit Court.

CV-21-79. Kenneth Lancaster and Tabitha Lancaster v. Rogers Construction, Inc., and John and Jane Does 1–99, from Clark County Circuit Court.

CV-21-92. Alejandro Yepez v. Beverly Yepez, from Sebastian County Circuit Court, Fort Smith District.

CV-21-342. Amanda Yancy v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court Fort Smith District.

CV-21-395. John Cullum v. Arkansas Department of Human Services and Minor Child, from Searcy County Circuit Court.

CV-21-400. Steven Folsom v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division.

The following cases are appeals from the Arkansas Board of Review.

E-21-81. Amanda Sharum v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 12, 2022

CASES SUBMITTED

E-21-88. Allandraus Carson v. Director et al.

E-21-90. Sheryl Scott v. Director et al.

E-21-151. Carlton Peoples v. Director et al.

E-21-152. Carlton Peoples v. Director et al.

E-21-153. Carlton Peoples v. Director et al.

E-21-154. Carlton Peoples v. Director et al.

E-21-177. Jo Poe v. Director et al.

E-21-178. Jo Poe v. Director et al.

E-21-180. Pete Terwilleger v. Director et al.

E-21-181. Nikki Jackson v. Director et al.

E-21-182. Gary Huskey v. Director et al.

E-21-183. Johnny Gipson v. Director et al.

E-21-184. Mary Bynum v. Director et al.

E-21-185. Trevern Wesley v. Director et al.

E-21-186. Laiken Branscum v. Director et al.

E-21-187. Johnathon Slayton v. Director et al.

E-21-189. Matthew Robinson v. Director et al.

E-21-190. Matthew Robinson v. Director et al.

E-21-191. Martha Soler v. Director et al.

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF JANUARY 12, 2022

CASES SUBMITTED

E-21-192. Sha-Sha Wofford v. Director et al.

E-21-193. Sue Ussery v. Director et al.

E-21-194. Nenomshia Lambert v. Director et al.

E-21-195. Dana Brehm v. Director et al.