

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 23, 2022**

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

[CR-21-419](#). Malachi Muhammad v. State of Arkansas, from Monroe County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

[CV-20-646](#). Jeanette Singel Morin v. John Todd Singel, from Faulkner County Circuit Court. Reversed and remanded with directions. Klappenbach and Hixson, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-21-171](#). Raymond Joe Evans v. Janet Jones Carpenter, from Logan County Circuit Court, Southern District. Affirmed. Gladwin, J., agrees. Harrison, C.J., concurs.

**ROBERT J. GLADWIN, JUDGE:**

[CV-21-68](#). Robinson Nursing and Rehabilitation Center, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton v. James Briley, as Special Administrator of the Estate of Alice Ann Briley and on Behalf of the Wrongful Death Beneficiaries of Alice Ann Briley, Deceased, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded. Harrison, C.J., and Abramson, J., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-20-627](#). Angela White and McKimmey Associates, Realtors, LLC v. Great American Assurance Company, Sabine Pratt, and Raymond Pratt, from Pulaski County Circuit Court, Fifth Division. Affirmed. Vaught and Brown, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CR-21-337](#). Stephen Duvall v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Virden and Barrett, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CV-19-969](#). Pop-A-Duck, Inc.; Berry Abney; Buck Matthews; Larry Vassar; Billy Kyle; and Robert Hardin v. John E. Gardner; Robbie Gardner; Manning Family, LLC; Cecil Gardner Family, LLC; Terrell Wayne Evans; and WE Farms, LLC, from Jackson County Circuit Court. Affirmed. Gruber and Virden, JJ., agree.

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**PHILLIP T. WHITEAKER, JUDGE:**

[CV-21-204](#). Andrew Hamerlinck v. Danielle Hamerlinck, from Garland County Circuit Court. Affirmed in part; dismissed without prejudice in part. Hixson and Murphy, JJ., agree.

**LARRY D. VAUGHT, JUDGE:**

[CV-19-428](#). Shelley Diane Cooper and Annette Michelle Edelen, Individually and as Trustees of the Dolores S. Bryant Revocable Living Trust v. Horace E. Bryant and Nancy Elizabeth Edelen, Individually and in Her Capacity as Trustee of the Dolores S. Bryant Revocable Living Trust, from Benton County Circuit Court. Motion to dismiss appeal granted; appeal dismissed without prejudice. Barrett and Murphy, JJ., agree. Virden and Hixson, JJ., concur. Harrison, C.J., and Klappenbach, Gruber, and Brown, JJ., dissent.

[CV-21-116](#). Rain Investments LLC dba Saracen Cinema 8 v. James Vu, Thuytien Vu, John Vu, Theresa Vu, and Cameron Appraisal Group, LLC, from Jefferson County Circuit Court. Remanded to supplement the record and supplement the addendum; rebriefing ordered. Klappenbach and Brown, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-20-683](#). Mark Jackson v. IberiaBank, from Pulaski County Circuit Court, Seventeenth Division. Appeal dismissed without prejudice. Whiteaker and Murphy, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-21-470](#). Robin Britt v. Arkansas Department of Human Services and Minor Child, from Fulton County Circuit Court. Affirmed. Klappenbach 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-21-274. Edward Fite v. Director et al.

E-21-275. Brian Moore v. Director et al.

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- E-21-276. James Hargrove v. Director et al.
- E-21-277. Sarah Frick v. Director et al.
- E-21-278. Kevin Hussman v. Director et al.
- E-21-279. Lisa King v. Director et al.
- E-21-280. Roy Williams v. Director et al.
- E-21-281. Jimmie Spencer v. Director et al.
- E-21-282. Treva Young v. Director et al.
- E-21-283. Treva Young v. Director et al.
- E-21-284. Derrick White v. Director et al.
- E-21-285. Monique Boyd v. Director et al.
- E-21-287. Willard Burnett v. Director et al.
- E-21-288. Stephanie Tyler v. Director et al.
- E-21-289. Renardo Kelson v. Director et al.
- E-21-290. Shannon Young v. Director et al.
- E-21-291. Theotis McKnight v. Director et al.
- E-21-292. Lindsey Cannon v. Director et al.
- E-21-293. Dianna Dunn v. Director et al.
- E-21-294. Christopher Bobbitt v. Director et al.
- E-21-295. Renardo Kelson v. Director et al.
- E-21-296. David Tennant v. Director et al.

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E-21-299. Penelope Reinoso v. Director et al.

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**PER CURIAM ORDERS**

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

CV-20-720. Melissa Perrin-Reed v. William Reed, from Craighead County Circuit Court, Western District. Abramson, J., not participating.

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CR-20-544. Jerry Wayne Shinn v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney's fees is granted. Allowed \$2000.00.

CR-21-115. Ay'Rhogunce Jacolbi Miller v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., for attorney's fees is granted. Allowed \$1775.00.

CR-21-287. Christine Angelia Loyd v. State of Arkansas, from Faulkner County Circuit Court. Motion of Robert N. Jeffrey for attorney's fees is granted. Allowed \$1600.00.

CR-21-307. Andrew Dennis Beal v. State of Arkansas, from Benton County Circuit Court. Motion of Eric Moore for award of attorney's fees is granted. Allowed \$2000.00. Harrison, C.J., not participating.

CR-21-399. Aaron Davis Todd v. State of Arkansas, from Faulkner County Circuit Court. Motion of Robert N. Jeffrey for attorney's fees is granted. Allowed \$1600.00.

CR-21-548. Dewayne Tilmon v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to keep brief under seal is denied. See Arkansas Supreme Court Administrative Order No. 19. Gruber and Barrett, JJ., would grant. Harrison, C.J., and Abramson, J., not participating.

CR-21-604. Randy Mitchell v. State of Arkansas, from Sharp County Circuit Court. Appellee's motion to file a corrected brief is granted.

CV-21-428. Crystal Hutton v. Arkansas Department of Human Services and Minor Child, from Lawrence County Circuit Court. Appellees' motion to expand word count is granted.

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CV-21-543. Evangelical Lutheran Good Samaritan Society; Sentry Insurance; and Death and Permanent Total Disability Trust Fund v. Tara A. Rowland, from the Arkansas Workers' Compensation Commission. Appellee's motion to file belated brief and motion for additional ten days to file the appellee's brief are granted.

CV-21-562. Nutrien AG Solutions, Inc.; and Larry Wilson v. Colton Heavner, from St. Francis County Circuit Court. Appellee's motion for sanctions on appeal is moot.

CV-21-562. Nutrien AG Solutions, Inc.; and Larry Wilson v. Colton Heavner, from St. Francis County Circuit Court. Appellee's motion for withdrawal of motion for Rule 11 sanctions is granted.

CV-21-573. Cassey Bassett v. Jeremy Emery, Kendra Emery, and Dusty Emery, from Greene County Circuit Court. Appellant's motion to correct and/or substitute brief is granted. Harrison, C.J., and Abramson, J., not participating.

CV-22-74. Ashlee Christensen v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court. Appellant's motion for rule on clerk is granted.

CV-22-77. Romonte Youngblood v. Arkansas Department of Human Services and Minor Children, from Faulkner County Circuit Court. Appellees' joint motion to dismiss is granted. Appeal dismissed.

CV-22-78. Vivek Dicholkar v. Blake McMillon, from Benton County Circuit Court. Appellant's motion to remand to settle the record and petition for certiorari to complete the record is denied. Hixson, J., would grant.

E-21-679. Glenda Hampton v. Director et al., from the Arkansas Board of Review. Appellees' motion for extension of time to file record is granted.

E-21-681. Toby Alexander v. Director et al., from the Arkansas Board of Review. Appellees' motion to remand is granted.

E-22-45. Nakita Hollingsworth 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**

E-22-66. Sydney Golding v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal is denied. Gladwin, J., not participating.

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**MOTIONS SUBMITTED**

CR-22-83. Jay Lee Parker v. State of Arkansas, from Scott County Circuit Court. Appellant's motion for rule on clerk.

CV-21-222. Camp Nine Co., Inc. v. Firehunt, Inc., from Desha County Circuit Court. Appellee's motion to dismiss appeal.

CV-21-324. Aujontae J. Daniels v. Roma Investments, LLC, from Pulaski County Circuit Court, Seventeenth Division. Appellant's pro se motion for extension of time to file brief.

CV-21-424. (In the Matter of the Guardianship of Jacquelin Ann Dicus, an Incapacitated Person) Jacquelin Ann Dicus v. Tony Dicus, from Pulaski County Circuit Court, Fourteenth Division. Appellee's notice to court of death of appellant; motion to dismiss, and motion to stay briefing schedule.

CV-21-424. (In the Matter of the Guardianship of Jacquelin Ann Dicus, an Incapacitated Person) Jacquelin Ann Dicus v. Tony Dicus, from Pulaski County Circuit Court, Fourteenth Division. Appellee's amended notice to court of death of appellant; motion to dismiss, and motion to stay briefing schedule.

CV-21-424. (In the Matter of the Guardianship of Jacquelin Ann Dicus, an Incapacitated Person) Jacquelin Ann Dicus v. Tony Dicus, from Pulaski County Circuit Court, Fourteenth Division. Appellee's second motion for extension of brief time.

E-22-35. James Kelloms v. Director et al., from the Arkansas Board of Review. Pro se motion to correct the initial petition.

E-22-71. Reginal Foreman v. Director et al., from the Arkansas Board of Review. Pro se motion for belated appeal.



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**CASES SUBMITTED**

CV-20-53. Emery Branch, Individually and as the Duly Appointed Personal Representative of Her Unborn Child, Asaiah Buchanan, Deceased v. St. Bernards Healthcare; St. Bernards Hospital, Inc., a/k/a St. Bernards Regional Medical Center a/k/a St. Bernards Medical Center; St. Bernards OB-GYN Associates; Martin Koscuik, M.D.; Serena Vance, M.D.; Brittany Smith, M.D.; Samantha Fry, R.N.; Christy Simpkins, R.N.; Callie Wagner, R.N. (Talley); James Gillean, R.N.; Madison Thomason, R.N.; ProAssurance Indemnity Company, Inc.; John Doe 1; John Doe 2; and John Doe 3, from Craighead County Circuit Court, Western District. Orally argued.

CR-21-413. Andre Corley v. State of Arkansas, from Faulkner County Circuit Court.

CR-21-423. Tommy F. Hamilton v. State of Arkansas, from Hempstead County Circuit Court.

CR-21-465. Larry Eugene Davis v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-21-24. (In the Matter of K.L.M., a Minor) Wanetta Lynn Akers-Trask and Roger Trask v. Ashley Malone-Durham, Ariel Malone-Durham, Jessie Dooley, and Kyle McBride, from Randolph County Circuit Court.

CV-21-104. Darrell Slaughter v. City of Fayetteville, and Arkansas Municipal League, from the Arkansas Workers' Compensation Commission.

CV-21-127. Jared Branscum v. Caitlin Branscum, from Izard County Circuit Court.

CV-21-158. Carlton Newsome v. City of El Dorado, Arkansas, from Union County Circuit Court.

CV-21-224. Ashley Olinghouse v. Phillip Olinghouse, from Pulaski County Circuit Court, Seventeenth Division.

CV-21-253. Carl Watson v. Highland Pellets, LLC; Liberty Mutual Group; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-21-273. Sarah Ashton Smith v. Joshua Hembree, from Faulkner County Circuit Court.

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**CASES SUBMITTED**

CV-21-506. Venson Mason, Jr. v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court.

Opinions are available on the internet at

<http://arcourts.gov>