

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 13, 2022

RAYMOND R. ABRAMSON, JUDGE:

[CV-21-538](#). Lacey Isom v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Virden and Murphy, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-21-37](#). ALB Investments, LLC v. Carl Echols, from Benton County Circuit Court. Dismissed without prejudice. Klappenbach and Brown, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-20-645](#). Alvin Aikens v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed in part; dismissed in part. Gladwin and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-21-482](#). Mary Williams v. Arkansas Department of Human Services and Minor Child, from Franklin County Circuit Court, Northern District. Affirmed; motion to withdraw granted. Vaught and Hixson, JJ., agree.

STEPHANIE POTTER BARRET, JUDGE:

[CR-21-502](#). Jeffery Keith Armer v. State of Arkansas, from Boone County Circuit Court. Affirmed. Harrison, C.J., and Whiteaker, J., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-21-519](#). Harold Truax v. State of Arkansas, from Ouachita County Circuit Court. Affirmed. Harrison, C.J., and Barrett, J., agree.

LARRY D. VAUGHT, JUDGE:

[CV-21-175](#). Kenneth Norman v. Candace Craft, from Clark County Circuit Court. Reversed and remanded. Gruber and Hixson, JJ., agree.

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MIKE MURPHY, JUDGE:

[CV-21-418](#). John Schulgen v. Lowe’s Home Improvement Centers, LLC; and Sedgwick Claims Management, from the Arkansas Workers’ Compensation Commission. Affirmed. Abramson, J., agrees. Virden, J., concurs.

WAYMOND M. BROWN, JUDGE:

[CR-21-453](#). Candy Marie King v. State of Arkansas, from Greene County Circuit Court. Affirmed. Gladwin and Klappenbach, 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-21-162. Tessa Rosamond v. Director et al.

E-21-325. Jain Sutton v. Director et al.

E-21-327. Latasha Harris v. Director et al.

E-21-348. Andrea Brewer v. Director et al.

E-21-349. Lillie Taylor v. Director et al.

E-21-350. Juan Muneton-Ramirez v. Director et al.

E-21-351. Amber Wilkins v. Director et al.

E-21-355. Raymond Johnson v. Director et al.

E-21-357. Amber Stover v. Director et al.

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PER CURIAM ORDERS

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

CV-20-575. Dee Blakely v. Arkansas Children’s Hospital, from Pulaski County Circuit Court, Sixth Division. Virden and Gruber, JJ., not participating.

CV-21-52. Coleman Bass Construction, LLC; and Big Hammer Contractors, LLC v. The City of Bentonville; City Council of the City of Bentonville; and Stephanie Orman, in Her Capacity as Mayor, from Benton County Circuit Court. Gladwin, J., not participating.

CV-21-224. Ashley Olinghouse v. Phillip Olinghouse, from Pulaski County Circuit Court, Seventeenth Division. Murphy, J., not participating.

CR-21-182. Donald Black v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney’s fees is granted. Allowed \$1972.50.

CR-21-199. Mark Barker v. State of Arkansas, from Crittenden County Circuit Court. Appellee’s motion to dismiss appeal is granted.

CR-21-228. Erica Kirby v. State of Arkansas, from Crawford County Circuit Court. Motion of Grace Casteel for award of attorney’s fees is granted. Allowed \$2000.00.

CR-21-266. Granville Murphy v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant’s pro se motion to file a belated petition for rehearing is granted. Appellant’s petition for rehearing is due in eighteen days (May 1, 2022).

CR-21-330. Toby Lee Howe v. State of Arkansas, from Benton County Circuit Court. Motion of Ben Motal for attorney’s fees is granted. Allowed \$2000.00.

CR-21-367. Joseph Allen v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of John Ogles for attorney’s fees is granted. Allowed \$2000.00.

CR-21-459. Cameron J. Braswell v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2000.00.

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CR-22-98. Martha Rosario Gonzales v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of time to file brief is granted.

CR-22-179. Antonio Holliman v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's Rule 2-2 motion is treated as a motion to file a belated record and is granted.

CV-20-748. Ollie Hammett and Lucy Hammett, Husband and Wife v. Simmons Bank f/k/a Simmons First National Bank, from Pulaski County Circuit Court, Seventeenth Division. Motion to substitute personal representatives as appellants is granted.

CV-21-529. Dan Baird v. Celina Baird (now Stelly), from White County Circuit Court. Appellee's motion to dismiss appeal. This case is remanded to the circuit court. See *Kinder v. Kinder*, 2021 Ark. App. 40, 617 S.W.3d 307. Supplemental record is due in thirty days (May 13, 2022). Harrison, C.J., and Abramson, J., not participating.

CV-22-108. John Wesley Tippit v. Charlotte A. Davis, from Clay County Circuit Court, Western District. Appellant's pro se motion to supplement the record is denied.

CV-22-109. John Wesley Tippit v. Charlotte A. Davis, from Clay County Circuit Court, Western District. Appellant's pro se motion to supplement the record is denied.

CV-22-143. Benton School District; Lori Bacon, in Her Individual and Official Capacity; and Lita Gattis, in Her Individual and Official Capacity v. Brandi Greer, from Saline County Circuit Court. Appellee's motion to dismiss appeal is passed until the case is submitted. Virden, J., not participating.

CV-22-143. Benton School District; Lori Bacon, in Her Individual and Official Capacity; and Lita Gattis, in Her Individual and Official Capacity v. Brandi Greer, from Saline County Circuit Court. Appellee's motion for partial dismissal without prejudice is passed until the case is submitted. Virden, J., not participating.

CV-22-185. Kayla Fitts and Colby Fitts v. Arkansas Department of Human Services and Minor Children, from Madison County Circuit Court. Appellants' motion to file belated appeal and to tender the record is granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-21-87. Cody Tackett and Toni Tackett Womble v. Amy Freedman, Special Administratrix of the Estate of John Z. Tackett, Jr., Deceased; Miller-Claborn Oil Distributing Company, Inc.; and Melissa Tackett, from Sevier County Circuit Court.

CV-21-190. Steven Carrick v. Baptist Health, Claims Administrative Services; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

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.

CR-22-3. Sterling D. Woolford v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's second motion requesting that court enforce its issuance of a writ of certiorari to complete the record on appeal.

CR-22-144. Michael Carr v. State of Arkansas, from Drew County Circuit Court. Motion of Terrence Cain to appear as attorney of record.

CR-22-161. Devion Spencer v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's motion to file supplemental record.

CR-22-161. Devion Spencer v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's second motion to file supplemental record.

CR-22-180. Travis Russell v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to consolidate records on appeal.

CR-22-181. Travis Russell v. State of Arkansas, from Baxter County Circuit Court. Appellant's motion to consolidate records on appeal.

CV-21-551. Doyle Philmon v. Tonya Philmon, from Scott County Circuit Court. Appellee's unopposed motion to file substituted response to appellant's brief.

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MOTIONS SUBMITTED

CV-21-589. Shafawnda Saenz v. Keifer Gray, from Benton County Circuit Court. Appellant's motion for sanctions.

CV-22-129. Anita Farfan v. Arkansas Department of Human Services and Minor Child, from Van Buren County Circuit Court. Appellant's motion to expand word count and to stay briefing schedule.

CV-22-188. (In the Matter of the Estate of Eunice Faye Smith, Deceased) Lloyd Smith and Derrell Smith v. Martin Smith and Alwin Smith, from Little River County Circuit Court. Appellants' motion to consolidate records.

E-21-787. Jacqueline Arnold v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add new evidence.

E-21-809. Rita F. Lingo v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add evidence.

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CASES SUBMITTED

CV-19-996. Shelbie T. McCue, Jeremy McCue, and Ashle Ware v. Michael H. Dominguez, Eduardo Contreras, and Stratford Insurance Company, from St. Francis County Circuit Court. Orally argued.

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

CR-21-196. Billy Hoover v. State of Arkansas, from Crawford County Circuit Court.

CR-21-476. William Seward v. State of Arkansas, from Yell County Circuit Court, Southern District.

CV-20-657. DJS Development, LLC v. Hope Bawcom (aka Hope Josephine Warden), Debra Brawley, Freeman Davis, Stephanie Lou Davis, and Interested Parties, from Sharp County Circuit Court.

CV-21-121. Mildred “Mima” Cazort and Laura Wallace-Pangle, as Co-Special Personal Representatives of the Estate of Adron Benton, a Deceased Minor v. Hershey Garner, M.D.; and Denise Garner, from Washington County Circuit Court.

CV-21-164. Hemp Health, LLC; and Izard Health, LLC v. Arkansas Department of Human Services; Cindy Gillespie, Director of the Arkansas Department of Human Services; Cecilia Vinson, Director, Office of Long Term Care; and Jerald Sharum, Director, Division of Provider Services & Quality Assurance, from Pulaski County Circuit Court, Ninth Division.

CV-21-362. First Arkansas Bail Bonds, Inc. v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-21-392. Hickory Heights Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Hickory Manor, LLC; Michael S. Morton; and John Doe Defendants 1 through 5 v. Wesley Smith, as Special Administrator of the Estate of Bettie Jean Smith, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Bettie Jean Smith, from Pulaski County Circuit Court, Eleventh Division.

CV-21-481. Jeffrey Johnson v. PECO Foods; OccuSure Claims Services, LLC; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers’ Compensation Commission.

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CASES SUBMITTED

CV-21-552. Macarena Trevino v. Arkansas Department of Human Services and Minor Children, from St. Francis County Circuit Court.

CV-21-574. Porchia Calloway v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division.

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

E-21-370. Cali Rios v. Director et al.

E-21-372. Stephen Alexander v. Director et al.

E-21-373. Derrick Wallace v. Director et al.

E-21-374. Rosemary Powell v. Director et al.

E-21-375. Kiffney Miner v. Director et al.

E-21-376. Felicia Samuels v. Director et al.

E-21-377. Joshua Ford v. Director et al.

E-21-378. Hannah Cloud v. Director et al.

E-21-379. Neil Eckhart v. Director et al.

E-21-380. Neil Eckhart v. Director et al.

E-21-381. Nikki Derrick v. Director et al.