

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 28, 2022

BRANDON J. HARRISON, CHIEF JUDGE:

[CV-21-229](#). James S. Branscum and Colette R. Branscum v. John Nelson and Whitney Butts, from Perry County Circuit Court. Reversed on direct appeal and remanded with instructions; affirmed on cross-appeal. Whiteaker and Murphy, JJ., agree.

[CV-22-92](#). Jodi Bobbitt v. Arkansas Department of Human Services and Minor Children, from Logan County Circuit Court, Southern District. Affirmed. Whiteaker and Murphy, JJ., agree.

[CV-22-163](#). Sheila King v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Abramson and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-21-439](#). Charles Stepp v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Harrison, C.J., and Hixson, J., agree.

[CV-20-305](#). Stroud Production, LLC v. J-Lu Ltd. Co.; J-Roc Ltd. Co.; Ploutos, LLC; Sagely Investments, LLC; Kevin Schmidt; and Monica Schmidt, from Miller County Circuit Court. Rebriefing ordered. Harrison, C.J., agrees. Hixson, J., concurs without opinion.

BART F. VIRDEN, JUDGE:

[CR-21-427](#). Robert Jeffries v. State of Arkansas, from Benton County Circuit Court. Affirmed; motion to withdraw granted. Klappenbach and Whiteaker, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-22-66](#). Shawn Harness v. State of Arkansas, from Boone County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

[CV-19-765](#). Al Faigin and N.G. Faigin v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

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ROBERT J. GLADWIN, JUDGE: (continued)

[CV-19-766](#). John Brunner and Carolyn Brunner v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-21-51](#). Darrell James Brown, M.D. v. Crossett Health Foundation d/b/a Ashley County Medical Center, from Ashley County Circuit Court. Reversed and remanded. Virden and Whiteaker, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-19-764](#). Ronald E. Dana and Linda D. Dana v. Diamante Members Club, Inc; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Affirmed. Gladwin and Barrett, JJ., agree.

[CV-19-767](#). Phillip Woodward and Katherine Woodward v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Affirmed. Gladwin and Barrett, JJ., agree.

[CV-19-769](#). Mark Dana and Diana Dana v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Affirmed. Gladwin and Barrett, JJ., agree.

[CV-22-167](#). Shavonna Ford v. Arkansas Department of Human Services and Minor Children, from Van Buren County Circuit Court. Affirmed. Gladwin and Barrett, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-21-486](#). Gary Chambers v. State of Arkansas, from Clark County Circuit Court. Affirmed. Gladwin and Gruber, JJ., agree.

[CV-19-768](#). Jerry Ann Winters v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Affirmed. Gladwin and Gruber, JJ., agree.

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STEPHANIE POTTER BARRETT, JUDGE: (continued)

[CV-19-770](#). George Hunter and Joan Hunter v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Affirmed. Gladwin and Gruber, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CV-22-119](#). Brandy Huggins v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Affirmed. Murphy and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-20-528](#). Paul Reesnes v. Bridget Reesnes, from White County Circuit Court. Affirmed in part and reversed in part and remanded on direct appeal and cross-appeal. Harrison, C.J., and Abramson, J., agree.

MIKE MUPRHY, JUDGE:

[CV-20-318](#). Farm Credit Services of America, FCA v. Simmons Bank; Walter Keith Lockley; Walter Keith Lockley, Jr; Walter Lockley Partnership; Lockley & Sons, Inc.; Walter Lockley & Sons; G.L. Morris Farms Limited Partnership; Wilson Family Limited Partnership; Deere & Company; Helena Agri-Enterprises, LLC, f/k/a Helena Chemical Company; Greenway Equipment, Inc.; John Doe Defendants Nos. 1–10; and Jane Doe Defendants Nos. 1–10, from Cross County Circuit Court. Dismissed without prejudice. Vaught and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-20-317](#). Helena Agri-Enterprises, LLC, f/k/a Helena Chemical Company v. Simmons Bank; Walter Keith Lockley; Walter Keith Lockley, Jr; Walter Lockley Partnership; Lockley & Sons, Inc.; Walter Lockley & Sons; G.L. Morris Farms Limited Partnership; Wilson Family Limited Partnership; Deere & Company; Farm Credit Services of America, FCA; Greenway Equipment, Inc.; John Doe Defendants Nos. 1–10; and Jane Doe Defendants Nos. 1–10, from Cross County Circuit Court. Dismissed without prejudice. Vaught and Murphy, JJ., 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-21-462. Toris Lambert v. Director et al.

E-21-519. Clyde Diffie II v. Director et al.

E-21-520. Omar Kassees v. Director et al.

E-21-521. Blake Cunningham v. Director et al.

E-21-522. William Godfrey v. Director et al.

E-21-523. Lance Jewell v. Director et al.

E-21-524. Mary Richardson v. Director et al.

E-21-525. Mary Richardson v. Director et al.

E-21-526. Brandon Barnett v. Director et al.

E-21-527. Christopher Graham v. Director et al.

E-21-528. Johnny McGowan v. Director et al.

E-21-529. Margaret Frombough v. Director et al.

E-21-530. Calvin Young v. Director et al.

E-21-531. Eppie Ward v. Director et al.

E-21-532. Jody Nakedhead v. Director et al.

E-21-533. Mary Shepherd v. Director et al.

E-21-535. Lakita Strawder v. Director et al.

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PER CURIAM DECISIONS

- E-21-536. Constance Hurd-Dillard v. Director et al.
- E-21-537. Tiffany Thomas v. Director et al.
- E-21-538. TaLeesa Reed v. Director et al.
- E-21-539. Patricia Harris v. Director et al.
- E-21-540. Joseph Wright v. Director et al.
- E-21-541. Laura Lyon v. Director et al.
- E-21-542. Sydnee Tolbert v. Director et al.
- E-21-543. Aaron McClure v. Director et al.
- E-21-544. Josephine Pride v. Director et al.
- E-21-545. Hubert Cash v. Director et al.
- E-21-546. Hubert Cash v. Director et al.
- E-21-549. Nelson Morris v. Director et al.
- E-21-550. Syreeta Dawkins v. Director et al.
- E-21-551. Syreeta Dawkins v. Director et al.
- E-21-552. Pamela Shepherd v. Director et al.
- E-21-553. Dessa Henry v. Director et al.
- E-21-554. Rebecca Catlett v. Director et al.
- E-21-555. Rebecca Catlett v. Director et al.
- E-21-556. Elizabeth Hegwood v. Director et al.

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PER CURIAM ORDERS

CR-22-99. Luther Shaw v. State of Arkansas, from Garland County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted.

CR-22-126. David Kelley-Lucas v. State of Arkansas, from Benton County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted.

CR-22-184. Clate Alan Leonard v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for leave to amend brief is granted.

CR-22-225. John Mitchell v. State of Arkansas, from Polk County Circuit Court. Appellant's unopposed motion to file substituted appellant's brief correcting RT and RP references is granted.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to file a nonconforming belated brief is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to file a nonconforming brief is denied.

CR-22-278. Jimmy Ted Standridge v. State of Arkansas, from Miller County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted. Barrett, J., not participating.

CR-22-327. Gary Don Murphy v. State of Arkansas, from Drew County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted.

CR-22-341. Nahaman Castillo v. State of Arkansas, from Conway County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted. Virden, J., not participating.

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PER CURIAM ORDERS

CR-22-346. William J. Boswell v. State of Arkansas, from Miller County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted. Barrett, J., not participating.

CR-22-392. Charles Greeno v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted.

CR-22-402. Evan Columbus Anderson v. State of Arkansas, from Benton County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted.

CR-22-444. John Roberts v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to substitute brief is granted.

CR-22-458. Jiggs Dean Compton v. State of Arkansas, from Newton County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted.

CR-22-489. Keonni Moehgenit Conway v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted.

CR-22-505. Larry Wilson Crain v. State of Arkansas, from Bradley County Circuit Court. Appellee's motion for stay and request for expedited consideration. Motion for stay is denied. Gladwin, Klappenbach, and Gruber, JJ., would grant. Request for expedited consideration is granted. Virden, J., not participating.

CR-22-558. Toya Boston v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion to preserve anonymity of a juvenile pursuant to Ark. Sup. Ct. R. 6-3(a). Motion granted in part; denied in part and remanded with instructions. Gladwin, J., would grant. *See Crain v. State*, 2022 Ark. App. 334.

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CR-22-560. Ross Segroves, Jr. v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's motion to correct record is granted.

CV-20-661. J. David John v. Megan Marie Bolinder, from Benton County Circuit Court. Appellant's motion to release supersedeas bond is granted.

CV-22-305. Old Dominion Freight Line, Inc.; and Aaron Marvell Foster v. Frank McMillion, Allen Jones, Carlton Pettus, Hunter Bokker, Bengi Bokker, and Zach Billingsley, from St. Francis County Circuit Court. Appellants' motion for expansion of word count is denied. Harrison, C.J., and Abramson, Gruber, Vaught, and Hixson, JJ., would grant. Virden, J., not participating.

CV-22-315. Kevin Cheri v. Laura Cheri, from Boone County Circuit Court. Appellant's notice to the court of election to accept limited remand to correct record on appeal is noted. Abramson, J., not participating.

CV-22-357. Leticia M. Sanders v. JLP, LLC, from Pulaski County Circuit Court, Seventeenth Division. Appellant's pro se motion for rule on clerk to file an enlarged brief is denied. Harrison, C.J., and Hixson, J., would allow seven days to file a conforming brief.

CV-22-357. Leticia M. Sanders v. JLP, LLC, from Pulaski County Circuit Court, Seventeenth Division. Appellant's pro se motion for rule on clerk to file belated reply brief is denied. Harrison, C.J., and Hixson, J., would grant.

CV-22-435. Laura Lynn Hammett and Rural Revival Living Trust v. Micheal Pietrczak, from Searcy County Circuit Court. Pro se motion of separate appellant Laura Lynn Hammett for extension of time to file appellant's brief is denied.

CV-22-448. Johnson Industrial Maintenance Company d/b/a JIMCO, LLC; and Andy Johnson v. William Borkowski and Mary Borkowski, Husband and Wife, from Washington County Circuit Court. Appellants' motions to correct the record and for an extension of time to file the brief are granted. Murphy, J., not participating.

CV-22-463. Michael Akins d/b/a ABC Construction v. Andre Coleman d/b/a ARC Foundation, from Crittenden County Circuit Court. Appellant's petition for rehearing is treated as a motion for reconsideration and is denied.

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PER CURIAM ORDERS

CV-22-522. (In the Matter of the Guardianship of the Persons and Estates of A.T. and K.S., Minors) Terri Simmons v. Bryan Steele, from Yell County Circuit Court, Northern District. Motion of LynMarie Liberty-Ellington to withdraw as counsel for the appellee is granted.

CV-22-554. Paul E. Gunn d/b/a Paul E. Gunn & Associates Consulting v. Steve Wortman, from Pulaski County Circuit Court, Sixteenth Division. Appellant's petition for writ of certiorari to complete the record is granted. Gladwin, J., not participating.

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MOTIONS SUBMITTED

CR-21-196. Billy Hoover v. State of Arkansas, from Crawford County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees.

CR-22-263. Jeremy Durkin v. State of Arkansas, from Crawford County Circuit Court. Motion of Christopher Tolleson for entry of appearance as co-counsel on behalf of the appellant.

CR-22-501. Tyra McKellar v. State of Arkansas, from Poinsett County Circuit Court. Appellant’s motion for a belated brief and to extend time for filing brief.

CR-22-589. Bradley Rogers v. State of Arkansas, from Pope County Circuit Court. Motion of the James Law Firm to be relieved as counsel.

CV-21-308. (In the Matter of the Guardianship of Samuel Richard Gill) Marsha Dodson Gill v. Darryl Sullivan, from Stone County Circuit Court. Appellee’s motion for attorney fees.

CV-21-480. White County Medical Center, LLC; and Action Claims Administrators v. Meghan Johnson, from the Arkansas Workers’ Compensation Commission. Appellee’s motion for attorney’s fees.

CV-22-261. Preston Grumbles v. Conway Regional Medical Center, Inc.; Continental Casualty Company; Nabholz Construction Corporation; and John Does 1–5, from Faulkner County Circuit Court. Appellant’s unopposed motion to expand word-count limitations.

CV-22-304. (In the Matter of the Estate of James Waller Lyle, Deceased) Katherine Lyle Harbison v. Shirley Hitt, from Jackson County Circuit Court. Appellant’s motion to expand word-count and for additional brief time.

CV-22-388. Kristian D. Nelson v. Richard F. Toll, Individually and as Trustee of the Richard F. Toll Irrevocable Trust, from Pulaski County Circuit Court, Fifth Division. Appellant’s pro se motion for writ of certiorari.

CV-22-416. (In the Matter of the Adoption of M.W.G., K.N.G., and M.D.G.) Michael Wayne Webb v. Amy Nicole Gregory and Odis Dean Gregory II, from Phillips County Circuit Court. Appellant’s motion for extension of time to comply with writ of certiorari.

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MOTIONS SUBMITTED

CV-22-441. Kenneth Ray Hedrick v. Kole Ferguson, Individually and as Next Friend of Kierra Ferguson and Kannon Ferguson; and Bobby Jo Pope, from Pope County Circuit Court. Appellees' motion for substitution of counsel.

CV-22-469. Clifford W. Christian and Karen D. Christian v. SWO Properties, Inc., from Boone County Circuit Court. Appellants' notice of filing of appeal bond.

CV-22-469. Clifford W. Christian and Karen D. Christian v. SWO Properties, Inc., from Boone County Circuit Court. Appellants' amended notice of filing of appeal bond.

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CASES SUBMITTED

CV-21-123. Maggie Hall, Administratrix of the Estate of Brenda Dell Allbright, Deceased v. Gage's Powersports, Inc., from Boone County Circuit Court. Orally argued.

CR-21-535. Joey Penix v. State of Arkansas, from Lawrence County Circuit Court.

CR-22-54. Thomas Dewayne Wilcoxon v. State of Arkansas, from Ashley County Circuit Court.

CR-22-68. Larry Shane Matney v. State of Arkansas, from Poinsett County Circuit Court.

CR-22-120. Eric Gillette v. City of Fort Smith, from Sebastian County Circuit Court, Fort Smith District.

CV-21-435. Opal Robinson v. Quail River Properties, LLC, from Phillips County Circuit Court.

CV-21-508. Donald Banks v. Petro Banks, from Monroe County Circuit Court.

CV-21-571. Manuel Cruz Cervantez v. Carla Irene Trejo Segovia and Edgar Ulises Ruiz Pacheco, from Washington County Circuit Court.

CV-21-573. Cassey Bassett v. Jeremy Emery, Kendra Emery, and Dusty Emery, from Greene County Circuit Court.

CV-22-133. Ronna Day v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

CV-22-206. Anna Rogers v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court.

CV-22-217. Dianna Dejarnette v. Arkansas Department of Human Services and Minor Children, from Drew County Circuit Court.

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

E-21-557. James Box v. Director et al.

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CASES SUBMITTED

- E-21-558. Rebecca Cude v. Director et al.
- E-21-559. Sunny Hobbs v. Director et al.
- E-21-560. Susan Parks v. Director et al.
- E-21-561. Melinda West v. Director et al.
- E-21-562. Rosemary Lowery v. Director et al.
- E-21-564. Chasity Ray v. Director et al.
- E-21-565. Decara Allen v. Director et al.
- E-21-566. Patricia Tomasiello v. Director et al.
- E-21-567. Marlene Fulmer v. Director et al.
- E-21-568. Kristin Hogue v. Director et al.
- E-21-570. Patricia Elmore v. Director et al.
- E-21-571. Karla Golden v. Director et al.
- E-21-574. Ronnie Tucker v. Director et al.
- E-21-575. Cuong Pham v. Director et al.
- E-21-576. Amanda Fletcher v. Director et al.
- E-21-577. Glenda Thompson v. Director et al.
- E-21-578. Freddie Epperson v. Director et al.
- E-21-579. Sonja Baker v. Director et al.
- E-21-580. Sonja Baker v. Director et al.

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CASES SUBMITTED

- E-21-581. Naea Strong v. Director et al.
- E-21-582. James Tanksley v. Director et al.
- E-21-583. James Tanksley v. Director et al.
- E-21-584. Branden Barker v. Director et al.
- E-21-585. David Maddox v. Director et al.
- E-21-586. Scott Webb v. Director et al.
- E-21-587. James Tanksley v. Director et al.
- E-21-588. Joyce Brooks v. Director et al.
- E-21-589. Bonisha Foster v. Director et al.
- E-21-590. Paula Pendarvis v. Director et al.
- E-21-592. Christopher Payne v. Director et al.
- E-21-593. Dean Clark v. Director et al.
- E-21-594. Elane Britt v. Director et al.
- E-21-595. Vanders Jenkins v. Director et al.
- E-21-596. Amy Hargis v. Director et al.
- E-21-597. Amy Hargis v. Director et al.

Opinions are available on the internet at

<http://arcourts.gov>