

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 15, 2023**

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

[CR-22-329](#). Seth Bradley Smith v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Gladwin and Klappenbach, JJ., agree.

[CR-22-479](#). Eugene Quackenbush v. State of Arkansas, from Johnson County Circuit Court. Affirmed. Virden, J., agrees. Thyer, J., concurs.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-22-49](#). Vincent Mitchell v. Theresa Mitchell, from Pulaski County Circuit Court, Second Division. Affirmed. Gruber and Barrett, JJ., agree.

[CV-22-584](#). Miranda Dye v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-22-303](#). Mario Gurulé v. Shilia Sanders, from Sebastian County Circuit Court, Fort Smith District. Dismissed without prejudice. Harrison, C.J., and Thyer, J., agree.

[CV-22-310](#). April Blankenship and Donald Ross v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed in part; reversed and remanded in part. Harrison, C.J., and Thyer, J., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-22-233](#). Donyel Porter v. State of Arkansas, from Pope County Circuit Court. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

[CR-22-376](#). David McEuen v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-22-302](#). Kyle Myatt v. State of Arkansas, from Greene County Circuit Court. Affirmed. Barrett and Murphy, JJ., agree.

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

[CV-21-537](#). City of Sherwood v. Clint Bearden, from Pulaski County Circuit Court, Fifth Division. Reversed. Harrison, C.J., and Gladwin, J., agree.

[CV-22-298](#). Joshua Ruffin v. Command Center, Inc.; Ace American Insurance Company; and Gallagher Bassett Services, from the Arkansas Workers' Compensation Commission. Affirmed. Barrett and Murphy, JJ., agree.

[CV-22-550](#). Kimberly Gonzales v. Arkansas Department of Human Services and Minor Children, from Saline County Circuit Court. Affirmed. Harrison, C.J., and Gladwin, J., agree.

**RITA W. GRUBER, JUDGE:**

[CR-21-254](#). Logan Morrison v. State of Arkansas, from Benton County Circuit Court. Reversed and remanded. Wood and Hixson, JJ., agree.

[CR-22-207](#). Terrell Howard v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Abramson and Barrett, JJ., agree.

[CR-22-494](#). Jeffery Rogers v. State of Arkansas, from Searcy County Circuit Court. Affirmed. Abramson and Barrett, JJ., agree.

[CV-21-627](#). Tina Lewis v. Baptist Health d/b/a Baptist Health Medical Center Little Rock; and Peggy K. Guard, M.D., from Pulaski County Circuit Court, Sixth Division. Affirmed. Abramson, Gladwin, Wood, and Brown, JJ., agree. Hixson, J., dissents.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CR-22-308](#). Christopher Dougan v. State of Arkansas, from Howard County Circuit Court. Affirmed. Abramson and Gruber, JJ., agree.

[CR-22-501](#). Tyra McKellar v. State of Arkansas, from Poinsett County Circuit Court. Affirmed. Abramson and Gruber, JJ., agree.

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**WENDY SCHOLTENS WOOD, JUDGE:**

[CR-22-322](#). Brandon Goldsmith v. State of Arkansas, from Drew County Circuit Court. Affirmed; motion to withdraw granted. Thyer and Brown, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-22-391](#). Dottie Trudo v. State of Arkansas, from Crawford County Circuit Court. Reversed and dismissed. Virden and Murphy, JJ., agree.

[CR-22-462](#). Eric Romar Stanley v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Abramson, Klappenbach, and Brown, JJ., agree. Harrison, C.J., and Virden, J., dissent.

[CV-22-417](#). Jamie Lyall v. Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Virden and Murphy, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-22-392](#). Charles Greeno v. State of Arkansas, from Hot Spring County Circuit Court. Rebriefing ordered. Virden and Hixson, JJ., agree.

[CV-22-502](#). Alexandra Franklin v. Arkansas Department of Human Services and Minor Child, from Scott County Circuit Court. Affirmed. Klappenbach and Barrett, JJ., agree.

[CV-22-591](#). Julie Nault v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-22-23](#). Xavier Juwon Lacey v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Abramson, Klappenbach, and Hixson, JJ., agree. Harrison, C.J., and Virden, J., dissent.

[CR-22-24](#). Xavier Juwon Lacey v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Abramson, Klappenbach, and Hixson, JJ., agree. Harrison, C.J., and Virden, J., dissent.

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**WAYMOND M. BROWN, JUDGE: (continued)**

[CR-22-523](#). Eric Romar Stanley v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Abramson, Klappenbach, and Hixson, JJ., agree. Harrison, C.J., and Virden, J., dissent.

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**PER CURIAM ORDERS**

CR-21-535. Joey Penix v. State of Arkansas, from Lawrence County Circuit Court. Motion of Chet Dunlap for attorney's fees is granted. Allowed \$2250.00.

CR-22-51. Joshua Bryant v. State of Arkansas, from Conway County Circuit Court. Motion of Kaylyn Presley Turner for fees is denied. Virden, J., not participating. *See* Ark. Sup. Ct. R. 6-6(d).

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for "discovery and Freedom of Information Act USCA Const. Art. 3.2" and for leave to file briefs that do not conform to procedural rule is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's second pro se motion for "discovery and Freedom of Information Act USCA Const. Art. 3.2" and for leave to file briefs that do not conform to procedural rule is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion asking court "theft of property, a Class B felony and criminal mischief, ADC 5.36.103.A.2, money off ADC book" and for leave to file briefs that do not conform to procedural rule is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion asking court "still stolen and to add appellees" and for leave to file briefs that do not conform to procedural rule is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion seeking to file brief that does not conform to procedural rules is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's second pro se motion seeking to file briefs that do not conform to procedural rules is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to amend and add witnesses is denied.

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**PROCEEDINGS OF FEBRUARY 15, 2023**

**PER CURIAM ORDERS**

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion to file brief “brief open legal mail” that does not conform to procedural rules is denied.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s additional pro se motion to amend and add witnesses is denied.

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

CR-22-572. Jonathan Walker v. State of Arkansas, from Clark County Circuit Court. Appellee’s motion for permission to file a response to point VIII of Walker’s reply brief is treated as a motion to supplement the record and is granted. Klappenbach, J., not participating.

CR-23-58. Sy Nathaniel Gunter v. State of Arkansas, from Ashley County Circuit Court. Appellant’s motion to relieve appellate counsel and dismiss appeal is granted.

[CV-22-515](#). Arkansas Blue Cross Blue Shield v. Freeway Surgery Center; Scott Schlesinger, M.D.; Fair Park Surgery Center; Centerview Surgery Center; South Arkansas Surgery Center; Advanced Ambulatory Surgery Center; Executive Park Surgery Center of Fort Smith; Gastroenterology and Surgery Center of Arkansas; Mountain Home Surgery Center; Harrison Surgery Center; Bozman-Hof Eye Center; Physicians Day a/k/a McFarland Eye Center; Spring Creek Surgery Center; Taylor Plastic Surgery; Surgery Center of Northeast Texas; Advanced Interventional Pain Management; Precision Surgical of Northwest Arkansas; Executive Surgery Center of Little Rock; Central Arkansas Surgery Center a/k/a Arkansas Spine and Pain; Arkansas Center For Surgical Excellence; and Alan McClain, Insurance Commissioner, from Pulaski County Circuit Court, Fifth Division. Contempt citation and sanction issued. *See per curiam* this date. Gruber, J., not participating.

CV-22-672. Matthew Fritchie and Katherine Fritchie v. Kipp Hearne and Lisa Hearne, Individually; Big Sky Family Trust dated September 18, 2020; and Kipp G. Hearne and Mary E. “Lisa” Hearne, as Trustees of the Big Sky Family Trust, from Washington County Circuit Court. Appellants’ motion to dismiss appeal without prejudice is granted. Appeal dismissed without prejudice.

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**PER CURIAM ORDERS**

CV-23-53. Gary Yarbrough, Jr., and Angela Yarbrough v. Mark Mackie, Amber Mackie, and Heritage Title and Closing Company, from Johnson County Circuit Court. Pro se petition of separate appellant Gary Yarbrough, Jr., to expedite is denied.

CV-23-53. Gary Yarbrough, Jr., and Angela Yarbrough v. Mark Mackie, Amber Mackie, and Heritage Title and Closing Company, from Johnson County Circuit Court. Pro se petition of separate appellant Angela Yarbrough to expedite is denied.

CV-23-53. Gary Yarbrough, Jr., and Angela Yarbrough v. Mark Mackie, Amber Mackie, and Heritage Title and Closing Company, from Johnson County Circuit Court. Pro se petition of separate appellant Gary Yarbrough, Jr., to proceed in forma pauperis is denied.

CV-23-53. Gary Yarbrough, Jr., and Angela Yarbrough v. Mark Mackie, Amber Mackie, and Heritage Title and Closing Company, from Johnson County Circuit Court. Pro se petition of separate appellant Angela Yarbrough to proceed in forma pauperis is denied.

CV-23-53. Gary Yarbrough, Jr., and Angela Yarbrough v. Mark Mackie, Amber Mackie, and Heritage Title and Closing Company, from Johnson County Circuit Court. Pro se petition of separate appellant Gary Yarbrough, Jr., for writ of certiorari is denied. *See Ark. R. App. P.–Civ. 5(b)(3).*

CV-23-53. Gary Yarbrough, Jr., and Angela Yarbrough v. Mark Mackie, Amber Mackie, and Heritage Title and Closing Company, from Johnson County Circuit Court. Pro se petition of separate appellant Angela Yarbrough for writ of certiorari is denied. *See Ark. R. App. P.–Civ. 5(b)(3).*

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 15, 2023**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-22-226. Thelma Williams, Jr. v. State of Arkansas, from Faulkner County Circuit Court.

CR-22-361. Geoffery Basham v. State of Arkansas, from Miller County Circuit Court.

CV-22-343. Devin Campbell v. Arkansas Department of Human Services and Minor Child, from Faulkner County Circuit Court.

CV-22-355. Gaylon Scroggins v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division.

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CR-22-226. Thelma Williams, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion “Freedom of Information Act” and to file a brief that does not conform to procedural rule.

CR-22-226. Thelma Williams, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion to file “brief stolen and add defendants” that does not comply with procedural rules.

CR-22-226. Thelma Williams, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion “Freedom of Information Act, U.S. Const. Art. 3.2.d.1 on briefs and motions.”

CR-22-226. Thelma Williams, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion for leave to file briefs that do not conform to procedural rules and to make appellee copy legal papers and return to appellant and for injunction.

CR-22-226. Thelma Williams, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion asking the court for injunctions for deliberate refusal to copy legal work and for leave to file briefs that do not conform to procedural rules.

CR-22-519. Jervontae Cox v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellee’s motion to dismiss appeal.



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**MOTIONS SUBMITTED**

CR-22-548. Robert Dean Penny v. State of Arkansas, from Baxter County Circuit Court. Appellant's pro se motion to file belated brief.

CR-23-44. Anthony L. Isom v. State of Arkansas, from Drew County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees.

CV-22-312. Eric Sharbino v. Jennifer Graham, from Sharp County Circuit Court. Appellee's motion to seal.

CV-22-357. Leticia M. Sanders v. JLP, LLC, from Pulaski County Circuit Court, Seventeenth Division. Appellant's pro se motion to appeal denied decision for appellant's reply brief, and appellant's reconsideration.

CV-22-357. Leticia M. Sanders v. JLP, LLC, from Pulaski County Circuit Court, Seventeenth Division. Appellee's motion for sanctions and for contempt.

CV-22-357. Leticia M. Sanders v. JLP, LLC, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to oppose appellee's motion for sanctions and for contempt.

CV-22-421. 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 as Trustee of the Dolores S. Bryant Revocable Living Trust, from Benton County Circuit Court. Appellants' motion for leave to file substituted brief.

CV-22-622. William Sanchez v. Glenn E. Weeks, from Benton County Circuit Court. Appellee's motion to amend.

CV-22-681. Terri Peek v. Sharon D. Diley, from Sebastian County Circuit Court, Greenwood District. Appellant's motion to withdraw motion to file substituted electronic record.

CV-22-681. Terri Peek v. Sharon D. Diley, from Sebastian County Circuit Court, Greenwood District. Appellant's motion to file substituted electronic record.

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**PROCEEDINGS OF FEBRUARY 15, 2023**

**MOTIONS SUBMITTED**

CV-23-10. (In the Matter of the Estate of H.C. “Dude” Crain, Jr., Deceased) Shirley Crain v. R. Ray Fulmer II, from Sebastian County Circuit Court, Fort Smith District. Appellant’s motion to supplement the record on appeal.

CV-23-53. Gary N. Yarbrough, Jr., and Angela R. Yarbrough v. Mark Mackie, Amber Mackie, and Heritage Title and Closing Company, from Johnson County Circuit Court. Appellants’ pro se motion to strike counterclaim.

CV-23-66. Caroline Lasiter v. Newland & Associates, PLLC, as Trustee of the Michael Allen Lasiter Revocable Trust and as Trustee of the MAL Irrevocable Insurance Trust, from Pulaski County Circuit Court, Fifth Division. Appellant’s petition for writ of certiorari to complete the record on appeal.

E-22-687. Patrick DeFoe v. Director et al., from the Arkansas Board of Review. Petitioner’s pro se motion for reconsideration.

E-23-39. Alexia Crow v. Director et al., from the Arkansas Board of Review. Petitioner’s pro se motion to file a belated appeal.

E-23-40. Alexia Crow v. Director et al., from the Arkansas Board of Review. Petitioner’s pro se motion to file a belated appeal.

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**PROCEEDINGS OF FEBRUARY 15, 2023**

**CASES SUBMITTED**

CR-21-488. Macon Carter, Jr. v. State of Arkansas, from Phillips County Circuit Court.

CR-22-225. John Mitchell v. State of Arkansas, from Polk County Circuit Court.

CR-22-278. Jimmy Ted Standridge v. State of Arkansas, from Miller County Circuit Court.

CR-22-444. John Roberts v. State of Arkansas, from Saline County Circuit Court.

CV-20-265. Donnell Bauer and Marilyn Bauer v. Jesse Lee Beamon Jr. and Mary A. Beamon, Individually and as Trustees of the Jesse Lee Beamon Jr. and Mary A. Beamon Family Trust Dated 13th October 2015; and the Jesse Lee Beamon Jr. and Mary A. Beamon Family Trust Dated 13th October 2015, from Crawford County Circuit Court.

CV-20-693. Brinkley School District v. The Terminix International Company, L.P.; Terminix International, Inc.; ServiceMaster Consumer Services, L.P.; ServiceMaster Management Services, Inc.; and Rodney Glenn Lloyd, from Monroe County Circuit Court.

CV-20-744. Metropolitan Tower Life Insurance Company and MetLife Assignment Company, Inc. v. Roosevelt Lane Partners Corp. and Donald Hill, from Clark County Circuit Court.

CV-21-503. April Johnson v. Bradley Johnson, from Pulaski County Circuit Court, Seventeenth Division.

CV-21-551. Doyle Philmon v. Tonya Philmon, from Scott County Circuit Court.

CV-22-18. Mark Cogburn and Katelyn Cogburn v. William T. Marsh, Jr., from Montgomery County Circuit Court.

CV-22-121. Progressive Eldercare Services-Columbia, Inc., d/b/a The Green House Cottages of Wentworth Place; Wentworth, LLC, d/b/a The Green House Cottages of Wentworth Place; and T. Marquel (Kelly) Park, Administrator of The Green House Cottages of Wentworth Place v. Patricia Griffin, as Special Administrator of the Estate of Dossie Lee Williams, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Dossie Lee Williams, Deceased, from Columbia County Circuit Court.

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**CASES SUBMITTED**

CV-22-189. Terry Gould v. Gayla Gould, from Fulton County Circuit Court.

CV-22-205. Fredye Long Alford v. Dale Seiler and Ashlie Seiler, from Lafayette County Circuit Court.

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

E-22-41. Kevin Parks v. Director et al.

E-22-42. Clara Scott v. Director et al.

E-22-43. Blake McFall v. Director et al.

E-22-44. Blake McFall v. Director et al.

E-22-46. Kason Jewell v. Director et al.

E-22-47. Ashley Moore v. Director et al.

E-22-48. Danny Wolaridge, Sr. v. Director et al.

E-22-49. Ella Hubbert v. Director et al.

E-22-50. Rosemary Fritts v. Director et al.

E-22-51. Kavan Kilgore v. Director et al.

E-22-52. Kavan Kilgore v. Director et al.

E-22-53. Clyde Smith, Jr. v. Director et al.

E-22-54. Kavan Kilgore v. Director et al.

E-22-55. Kavan Kilgore v. Director et al.

E-22-56. Madison Ballew v. Director et al.

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**CASES SUBMITTED**

E-22-59. Wendy Turbeville v. Director et al.

E-22-60. David Henson v. Director et al.

E-22-61. Sherrie Corbin v. Director et al.

E-22-62. Stacey Conly v. Director et al.

E-22-63. David O'Neill v. Director et al.

E-22-64. Fredrick Jeffers v. Director et al.

E-22-65. Bobby Upchurch v. Director et al.

E-22-67. Roy Spann, Jr. v. Director et al.

E-22-68. Michelle McClelland v. Director et al.

Opinions are available on the internet at

<http://arcourts.gov>