

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 22, 2023**

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

[CR-22-184](#). Clate Alan Leonard v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gladwin and Klappenbach, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-22-126](#). David Kelley-Lucas v. State of Arkansas, from Benton County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-22-530](#). Nicholas Allen Burks, Sr. v. Arkansas Department of Human Services and Minor Child, from Greene County Circuit Court. Affirmed; motion to withdraw granted. Hixson and Murphy, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-22-630](#). Alissa Minchew v. Arkansas Department of Human Services and Minor Children, from Perry County Circuit Court. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-21-500](#). David Preston Kinard and Donna Kinard; William Troy Kinard and Cindy Kinard; Drew William Kinard and Monica Kinard; Preston Cook Kinard; and Mary Camille Kinard v. Michael David Kinard, as Trustee of the Wilma Kinard Revocable Trust; Michael David Kinard; and Tara Kinard, from Jackson County Circuit Court. Affirmed. Harrison, C.J., and Gladwin, J., agree.

**RITA W. GRUBER, JUDGE:**

[CV-21-398](#). Sharon Parker Ivy, and as Administratrix of the Estate of Earl Lee Parker, and on Behalf of All Wrongful Death Beneficiaries of Earl Lee Parker, Deceased v. David D. Nugent; Propane Resources Supply and Marketing, LLC; Propane Resources Transportation, LLC; and Propane Resources, LLC, from Crittenden County Circuit Court. Affirmed. Abramson and Barrett, JJ., agree.

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**STEPHANIE POTTER BARRETT, JUDGE:**

[CV-21-568](#). Ken Swindle v. The Benton County Prosecuting Attorney’s Office, the Benton County Circuit Court Clerk’s Office, and the Arkansas Crime Victims Reparation Board, from Benton County Circuit Court. Affirmed. Abramson and Gruber, JJ., agree.

**CINDY GRACE THYER, JUDGE:**

[CV-22-621](#). Claire Hooker v. Arkansas Department of Human Services and Minor Child, from Union County Circuit Court. Affirmed. Wood and Brown, JJ., agree.

**WENDY SCHOLTENS WOOD, JUDGE:**

[CV-21-596](#). Angelita McFadden-Gregory v. Lizzie Johnson, from Pulaski County Circuit Court, Sixth Division. Dismissed in part; affirmed in part. Thyer and Brown, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[E-22-230](#). Aria Lambert v. Director, Department of Workforce Services; and Centene Management Company, from the Arkansas Board of Review. Reversed and remanded. Viriden and Murphy, JJ., agree.

**MIKE MURPHY, JUDGE:**

[E-22-22](#). IHOP #1914 v. Director, Department of Workforce Services, from the Arkansas Board of Review. Dismissed. Viriden and Hixson, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-22-128](#). William Daniel Mosley III v. State of Arkansas, from Columbia County Circuit Court. Affirmed. Thyer and Wood, 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-22-17. Selestina Garcez v. Director et al.

E-22-18. Miranda Conway v. Director et al.  
E-22-19. Michael Ludwick v. Director et al.  
E-22-20. Shirley Barron v. Director et al.  
E-22-21. James Tollison v. Director et al.  
E-22-23. Floyd Manning v. Director et al.  
E-22-24. Barbara Venegas v. Director et al.  
E-22-25. Yraima Newman v. Director et al.  
E-22-26. Patricia Cook v. Director et al.  
E-22-27. Jacqueline Beaumont v. Director et al.  
E-22-28. William Atkins, Jr. v. Director et al.  
E-22-30. Frazier Geter, Jr. v. Director et al.  
E-22-31. Alexis Willis v. Director et al.  
E-22-32. Kimberly Gilliam v. Director et al.  
E-22-33. Frashawn Harris v. Director et al.  
E-22-34. Marie Crowder v. Director et al.  
E-22-35. James Kelloms v. Director et al.  
E-22-36. Charles Brown v. Director et al.  
E-22-38. Cynthia Cooper v. Director et al.  
E-22-39. ConTrina Moore v. Director et al.  
E-22-40. Robert Hill, Jr. v. Director et al.  
E-22-57. Frazier Geter, Jr. v. Director et al.  
E-22-58. Cynthia Cooper v. Director et al.

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**PER CURIAM ORDERS**

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

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. Barrett, J., not participating.

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 is denied.

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 conform to procedural rules is denied.

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” is denied.

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 is denied.

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 is denied.

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**PER CURIAM ORDERS**

CR-22-519. Jervontae Cox v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellee's motion to dismiss appeal is granted. Appeal dismissed. Thyer, J., not participating.

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

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 is granted. Allowed \$750.00.

CV-22-312. Eric Sharbino v. Jennifer Graham, from Sharp County Circuit Court. Appellee's motion to seal is denied. See Arkansas Supreme Court Administrative Order No. 19.

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 is denied.

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

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 is denied.

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 is granted. Abramson, J., not participating.

CV-22-451. Byron D. Watkins v. L.A. Darling Co., LLC; Travelers Ins. Co.; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Appellees' motion to dismiss pro se appeal is granted. Appeal dismissed. Harrison, C.J., not participating.

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**PER CURIAM ORDERS**

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

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 is granted.

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

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. Appeal remanded to the circuit court to settle the record within thirty days (March 24, 2023).

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 is denied.

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

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 is denied.

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 is denied.

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**MOTIONS SUBMITTED**

CR-21-577. Samuel Herrington v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees.

CR-22-146. Johnny Lee Nichols v. State of Arkansas, from Pope County Circuit Court. Joint motion to substitute counsel of record.

CR-22-147. Johnny Lee Nichols v. State of Arkansas, from Pope County Circuit Court. Joint motion to substitute counsel of record.

CR-22-226. Thelma Williams v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s pro se motion asking court for “injunctions on medical nurse.”

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

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

CR-22-317. Jonathan Justice v. State of Arkansas, from Johnson County Circuit Court. Motion of Samuel F. Eastman for award of attorney’s fees.

CR-22-406. Todd Michael Winters v. State of Arkansas, from Bradley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-22-457. Lorenzo Valentino McCullough v. State of Arkansas, from Washington County Circuit Court. Appellant’s motion to extend deadline to supplement the record.

CR-22-553. Gregory McCree v. State of Arkansas, from Drew County Circuit Court. Appellant’s pro se motion for appointment of counsel and to file a belated brief.

CR-22-588. Corey Steward v. State of Arkansas, from Lincoln County Circuit Court. Appellant’s pro se motion for extension of time to file reply brief.

CR-22-809. Michael Shane Stoelting v. State of Arkansas, from Benton County Circuit Court. Appellant’s motion for extension of time to complete the record.

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**MOTIONS SUBMITTED**

CR-23-58. Sy Nathaniel Gunter v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees.

CR-23-74. Robert Spackeen v. State of Arkansas, from Searcy County Circuit Court. Appellant's pro se motion for belated appeal.

CR-23-97. Minor Child v. State of Arkansas, from Lincoln County Circuit Court. Appellant's petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record.

CR-23-103. James Terry v. State of Arkansas, from Logan County Circuit Court, Southern District. Appellant's petition for leave to proceed in forma pauperis.

CV-22-603. Willis Hooks, Lessee v. State of Arkansas; City of Jonesboro; and Jeff Brown, Owner, from Craighead County Circuit Court, Western District. Appellant's motion to withdraw notice of appeal for lack of final judgment.

CV-22-648. Kimbra Dolan v. Lichtsinn Motors, Inc.; Winnebago Industries, Inc.; and Mercedes-Benz USA, LLC, from Pulaski County Circuit Court, Eleventh Division. Motion of separate appellee Mercedes-Benz USA, LLC, to dismiss appeal.

CV-23-49. Clay County Electric Cooperative Corporation; Woodruff Electric Cooperative Corporation; Rich Mountain Electric Cooperative, Inc.; Southwest Arkansas Electric Cooperative Corporation; South Central Arkansas Electric Cooperative, Inc.; and Petit Jean Electric Cooperative Corporation v. Arkansas Public Service Commission, from the Arkansas Public Service Commission. Appellee's motion to dismiss for lack of a final order and motion to stay filing of complete record.

CV-23-53. Gary N. Yarbrough, Jr., and Angela R. Yarbrough v. Mark Mackie and Amber Mackie; and Heritage Title and Closing Company, from Johnson County Circuit Court. Pro se petition of Gary N. Yarbrough, Jr., for extension of time to file certified copy of the record.

CV-23-53. Gary N. Yarbrough, Jr., and Angela R. Yarbrough v. Mark Mackie and Amber Mackie; and Heritage Title and Closing Company, from Johnson County Circuit Court. Pro se petition of Angela R. Yarbrough's for extension of time to file certified copy of the record.



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**MOTIONS SUBMITTED**

E-22-597. Cheryl Pillow v. Director et al., from the Arkansas Board of Review. Appellee's motion to dismiss appeal.

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**CASES SUBMITTED**

CR-22-28. Larry Eugene Davis v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-22-273. Keon Chaffin v. State of Arkansas, from Desha County Circuit Court.

CR-22-346. William J. Boswell v. State of Arkansas, from Miller County Circuit Court.

CR-22-358. Michael Strange v. State of Arkansas, from Baxter County Circuit Court.

CR-22-360. Quebec Solo Miya v. State of Arkansas, from Jackson County Circuit Court.

CR-22-390. Vasquez Hayes v. State of Arkansas, from Miller County Circuit Court.

CR-22-452. Rhys Franklin v. State of Arkansas, from Scott County Circuit Court.

CR-22-473. Wynton Erby v. State of Arkansas, from Garland County Circuit Court.

CR-22-474. Minor Child v. State of Arkansas, from Benton County Circuit Court.

CR-22-477. Darryl Lavon Bunton v. State of Arkansas, from Ashley County Circuit Court.

CV-21-408. Shane Wallis v. Samantha Holsing, from Lonoke County Circuit Court.

CV-22-27. Bodie Bell v. Erica Bell, from Benton County Circuit Court.

CV-22-33. Colvin Properties, LLC v. Paul Colvin, from Washington County Circuit Court.

CV-22-73. Lakewood Health and Rehabilitation Center d/b/a Lakewood Health and Rehab, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; Michael Morton; and Kindred Hospice d/b/a Kindred Hospice Services, LLC v. Lula Ashby, as Personal Representative of the Estate of Martha Weaver, and on Behalf of the Wrongful Death Beneficiaries of Martha Weaver, from Pulaski County Circuit Court, Twelfth Division.

CV-22-139. Sean Mullenix v. Jennifer Mayberry, from Garland County Circuit Court.

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**CASES SUBMITTED**

CV-22-154. Bryon Sartor v. Mayor Tony Cole, Individually and In His Capacity as Mayor of the City of Huttig; and City of Huttig, from Union County Circuit Court.

CV-22-216. NP191, LLC v. Debra Branch; Tenants of 626 Skyline Dr., North Little Rock, AR (if Any); and the Secretary of Housing and Urban Development, from Pulaski County Circuit Court, Fourth Division.

CV-22-270. (In the Matter of the Estate of Adolph Johnson, Deceased) Stephanie Johnson v. Felecia Parker-Green, from Pulaski County Circuit Court, Thirteenth Division.

CV-22-320. Glenn Carter v. GEA North America, Inc.; and Sentry Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-22-468. CHI St. Vincent Infirmiry; Indemnity Insurance Co. of North America; and Sedgwick Claims Services, Inc. v. Holly McCauley, from the Arkansas Workers' Compensation Commission.

CV-22-598. Teresea Harrah-Baird v. Arkansas Department of Human Services and Minor Children, from Franklin County Circuit Court, Northern District.

CV-22-602. Robert Bevell v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court.

CV-22-633. Marissa Valentin v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division.

CV-22-642. Brittany Price v. Arkansas Department of Human Services and Minor Children, from Jefferson County Circuit Court.

Opinions are available on the internet at

<http://arcourts.gov>