

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 12, 2023

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-22-567](#). David Haskell Green v. State of Arkansas, from Pope County Circuit Court. Affirmed. Barrett and Murphy, JJ., agree.

[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. Affirmed. Virden, Klappenbach, Hixson and Murphy, JJ., join. Gladwin, J., concurs.

[CV-22-235](#). Darlene Halbrog v. Frances Roberson, as Executrix of the Estate of Nancy Belle Park, from Pope County Circuit Court. Affirmed. Barrett and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-22-758](#). Iesha Knox v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Affirmed. Gladwin and Thyer, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-22-472](#). Orlando Daniels v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Gruber and Brown, JJ., agree.

[CR-22-563](#). James Ray Sanderson v. State of Arkansas, from Lonoke County Circuit Court. Affirmed. Gruber and Brown, JJ., agree.

[CV-20-625](#). Brandon Barrs v. Laura Todd, Baptist Health Medical Center, and North Little Rock Medical Center, from Lonoke County Circuit Court. Affirmed. Gruber and Brown, JJ., agree.

ROBERT J. GLADWIN:

[CR-22-568](#). Kimberly Rogers v. State of Arkansas, from Saline County Circuit Court. Affirmed. Abramson and Thyer, JJ., agree.

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ROBERT J. GLADWIN: (continued)

[CV-22-37](#). Belvedere Nursing and Rehabilitation Center, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc. v. Kathy Ward, Thomas Poe and Gilford Poe, as Co-Executors of the Estate of Martha Poe, and on behalf of the Wrongful Death Beneficiaries of Martha Poe, from Garland County Circuit Court. Reversed and remanded. Abramson and Thyer, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-22-460](#). Bryan Smith v. State of Arkansas, from Crawford County Circuit Court. Remanded to settle and supplement the record. Virden and Brown, JJ., agree.

[CV-22-292](#). Sandra Foster v. The Manhattan Group, LLC, d/b/a Foster Motor Company, from Jefferson County Circuit Court. Remanded to supplement the record. Virden and Brown, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-22-327](#). Gary Murphy v. State of Arkansas, from Drew County Circuit Court. Affirmed. Harrison, C.J., and Murphy, J., agree.

[CR-22-629](#). Nicholas Burriss v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Harrison, C.J., and Murphy, J., agree.

CINDY GRACE THYER, JUDGE:

[CR-22-535](#). James Daniel Koonce v. State of Arkansas, from Pope County Circuit Court. Affirmed. Abramson and Gladwin, JJ., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CR-22-311](#). Raterius Howard v. State of Arkansas, from Crittenden County Circuit Court. Affirmed. Klappenbach and Hixson, JJ., agree.

[CR-22-504](#). Jaylon Bryant v. State of Arkansas, from Drew County Circuit Court. Affirmed. Klappenbach and Hixson, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CR-22-741](#). Mark D. Curtis v. State of Arkansas, from Ashley County Circuit Court. Affirmed. Klappenbach and Wood, JJ., agree.

[CV-22-330](#). Keith Alan Dixon v. Holly Ann Dixon, from Perry County Circuit Court. Remanded to settle and supplement the record. Klappenbach and Wood, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-22-297](#). Jacen Gann v. CK Asphalt, LLC, and Bobby Kennedy Construction Company, Inc., from the Arkansas Workers' Compensation Commission. Reversed and remanded. Harrison, C.J., and Barrett, J., agree.

[CV-22-676](#). Justin Richie v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Reversed and remanded. Harrison, C.J., and Barrett, J., agree.

WAYMOND M. BROWN, JUDGE:

[CR-22-473](#). Wynton Erby v. State of Arkansas, from Garland County Circuit Court. Affirmed. Wood, J., agrees. Thyer, J., concurs.

[CR-22-653](#). Darryl Williams v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Virden and Gruber, JJ., agree.

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PER CURIAM ORDERS

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

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

CV-21-31. Altice USA, Inc., d/b/a Suddenlink Communications v. Tina Johnson, from Clark County Circuit Court.

CV-21-32. Altice USA, Inc., d/b/a Suddenlink Communications v. Sandra Peterson, from Clark County Circuit Court.

CV-21-33. Altice USA, Inc., d/b/a Suddenlink Communications v. Ronnie Francis and Debbie Francis, from Clark County Circuit Court.

CV-22-234. Altice USA, Inc., d/b/a Suddenlink Communications v. William Campbell, from Clark County Circuit Court.

CV-22-236. Altice USA, Inc., d/b/a Suddenlink Communications v. Pam Runyan, from Clark County Circuit Court.

CV-22-320. Glenn Carter v. GEA North America, Inc., from the Arkansas Workers' Compensation Commission. Hixson, J., not participating.

CV-22-335. Shane Helms v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Wood, J., not participating.

CR-22-126. David Kelley-Lucas v. State of Arkansas, from Benton County Circuit Court. Motion of Lisa-Marie Norris for award of attorney's fees and costs is granted. Allowed \$2250.00.

CR-22-184. Clate Alan Leonard v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of Matt Kezhaya and Sonia Kezhaya for attorney's fees is granted. Allowed \$2250.00.

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CR-22-707. Aaron Scott Taylor v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for belated brief is granted. Wood, J., not participating.

CR-22-746. Rolando Cuevas-Flores v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to extend deadline to complete the record is granted. Writ is due in thirty days (May 12, 2023). Failure to timely return writ may result in a show-cause order being issued.

CR-23-191. Gene Jackson v. State of Arkansas, from Benton 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 is granted. Klappenbach, J., not participating.

CR-23-207. Timothy W. Jackson v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for belated appeal and signed affidavit. Appellant's pro se motion for belated appeal treated as a motion for rule on the clerk and granted as to the sentencing order in case No. 46CR-21-169, which was entered on February 2, 2023.

CV-22-10. Katherine McClerkin v. Rogue Construction, LLC, from Pulaski County Circuit Court, Sixth Division. Appellee's notice of settlement and motion to dismiss appeal is denied. See Ark. Sup. Ct. R. 4-4(f). Abramson, J., not participating.

CV-22-528. Southern Forestry and Wildlife, LLC v. James B. Feinman, from Pulaski County Circuit Court, Eleventh Division. Appellant's motion for sanctions is passed until the case is submitted.

CV-22-528. Southern Forestry and Wildlife, LLC v. James B. Feinman, from Pulaski County Circuit Court, Eleventh Division. Appellee's motion to accept as timely appellee's response to appellant's motion for sanctions and request for expedited consideration is granted.

CV-22-552. James David v. Brittany David, from Washington County Circuit Court. Appellee's motion for leave to file belated brief is granted. Murphy, J., not participating.

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CV-23-129. Jerry Holland and Stacie Holland v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Motion of separate appellant Stacie Holland for extension of time to file brief is moot. Harrison, C.J., not participating.

[CV-23-133](#). Peco Foods, Inc.; OccuSure Claims Services, LLC; and Death and Permanent Total Disability Trust Fund v. Jeffrey Johnson, from the Arkansas Workers' Compensation Commission. Appellants' motion for rule on the clerk is granted. Gladwin, Klappenbach, Thyer, Wood, and Brown, JJ., dissent. Gruber, J., not participating. See **per curiam** and **dissenting opinion** issued this date.

CV-23-178. Harold Higgins v. Ola Mae Crockett, from Franklin County Circuit Court, Northern District. Appellee's motion to dismiss appeal is granted. Harrison, C.J., not participating.

E-23-119. Pam Kelley v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion for belated appeal is denied.

E-23-120. Pam Kelley v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion for belated appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-22-33. Colvin Properties, LLC v. Paul Colvin, Jr., Personal Representative of the Estate of Paul Colvin, Sr., Deceased, from Washington County Circuit Court.

CV-22-73. Lakewood Health and Rehabilitation Center; Central Arkansas Centers, Inc.; Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton 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.

CR-22-28. Larry Davis v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion and request of Laura Avery for attorney fees.

CR-22-444. John A. Roberts v. State of Arkansas, from Saline County Circuit Court. Motion of Michael K. Kaiser for fees.

CR-22-477. Darryl Lavon Bunton v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney fees.

CR-23-2. Boyce Williams v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for rule on clerk.

CR-23-196. Devalin Wiseman v. State of Arkansas, from Howard County Circuit Court. Appellant's motion to relieve trial counsel on appeal.

CR-23-209. Olajide Roddy v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's motion for a rule on the clerk.

CV-20-33. LaDonna Humphrey, Individually v. Absolute Pediatric Services, Inc., d/b/a Absolute Pediatric Therapy; and Anthony Christopher, from Benton County Circuit Court. Appellant's status report.

CV-22-168. Portfolio Recovery Associates, LLC v. Pamela Barnes, from Pulaski County Circuit Court, Seventeenth Division. Motion of Randall Pulliam to withdraw Jake Windley as counsel for the appellee.

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MOTIONS SUBMITTED

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. Motion of John Walker Williams to withdraw.

CV-22-745. Robert VanHook, M.D. v. Medical Emergency Trauma Associates, PLLC, from Pulaski County Circuit Court, Seventeenth Division. Appellant's unopposed motion to correct the record and to stay briefing schedule.

CV-23-145. Robert Louis Smith v. Sheri Payne, from Garland County Circuit Court. Motion of Sherri Arman to withdraw as counsel for appellee.

CV-23-163. Sahara Gonzalez v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to remand, to correct the record, and to stay the briefing schedule.

CV-23-165. Sahara Gonzalez v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court. Appellant's motion to remand, to correct the record, and to stay the briefing schedule.

CV-23-218. Martha Bell v. Walmart, Inc., from Benton County Circuit Court. Appellant's motion for rule on clerk.

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CASES SUBMITTED

CR-22-422. Charles Dalton Burnett v. State of Arkansas, from Conway County Circuit Court.

CR-22-627. Cameron Virgil v. State of Arkansas, from Faulkner County Circuit Court.

CR-22-654. Debert Morgan v. State of Arkansas, from Hot Spring County Circuit Court.

CR-22-759. Justin Lawrence v. State of Arkansas, from Pope County Circuit Court.

CV-20-628. William Angel, Patricia Belk, Dorothy Brown, Robert Brown, Anthony Buggs, Jean Carter, Alberta Cartwright, Eugene Cartwright, Frances Louise Crawford, Beatrice Eaton, Queen Ester Ross, Pearlie Franklin, Rosetta Fuller, Verna Hickey, Barbara Marshall, Shamekia Marshall, Nathaniel Martin, Linda Sanders, Bobby Lee Smith, Felisa Stokes, Kattie Mae Taylor, Fannie Lee Washington, Gloria Webster, and Claude Wilborn v. Helena Renaissance 1, L.P.; Pioneer Property Management, Inc.; Gail Wade; and Cornelius Borum, from Phillips County Circuit Court.

CV-22-1. David Thomas and Cynthia Parker v. Adam Gray, Amanda Cox, Dominique Belles, and Fulton County Hospital Foundation, Inc., from Fulton County Circuit Court.

CV-22-19. Brodie Faughn and Billy Colvin v. Alfred Kennedy and Wayne Kennedy, from St. Francis County Circuit Court.

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.

CV-22-277. Thomas Spoon and Maria Spoon v. Chester Lee Bolds and Linda Bolds, from Pulaski County Circuit Court, Seventeenth Division.

CV-22-293. In the Matter of Nicholas Lelieur v. State of Arkansas, from Conway County Circuit Court.

CV-22-332. Scott Bockholt v. Office of Child Support Enforcement, from Benton County Circuit Court.

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CASES SUBMITTED

CV-22-333. Kenneth Coleman Colley II v. Audrey Hamilton (Colley), from Sebastian County Circuit Court, Greenwood District.

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

E-22-146. Alicia Brewer v. Director et al.

E-22-147. Victor Whyte v. Director et al.

E-22-148. Rebekah Burnette v. Director et al.

E-22-149. Michael Bussey v. Director et al.

E-22-150. Larry Jackson Jr. v. Director et al.

E-22-151. Rosalind Howard v. Director et al.

E-22-152. Joshua Beal v. Director et al.

E-22-153. Joshua Beal v. Director et al.

E-22-154. Joshua Beal v. Director et al.

E-22-155. Joshua Beal v. Director et al.

E-22-156. Joshua Beal v. Director et al.

E-22-158. Armondo Cason v. Director et al.

E-22-159. Tammy Riche v. Director et al.

E-22-160. Michael Jones v. Director et al.

E-22-161. Teresa Taylor v. Director et al.

E-22-162. Teresa Taylor v. Director et al.

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CASES SUBMITTED

E-22-163. Jain Sutton v. Director et al.

E-22-164. Ashley Larkan v. Director et al.

E-22-165. Jody Knight v. Director et al.

E-22-166. Carl Stewart Jr. v. Director et al.

E-22-167. Carl Stewart Jr. v. Director et al.

E-22-168. Carl Stewart Jr. v. Director et al.

E-22-169. Jay Taylor Jr. v. Director et al.

E-22-170. Michael Heard v. Director et al.