

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 10, 2023

RAYMOND R. ABRAMSON, JUDGE:

[CV-22-318](#). James Corter v. Nakisha Corter, from Independence County Circuit Court. Affirmed. Gruber and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-22-720](#). Lane Beanblossom and Rebecca Beanblossom v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Reversed and remanded. Thyer and Hixson, JJ., agree.

[E-22-245](#). Marilyn Thomas v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed in part; remanded in part. Thyer and Hixson, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-22-218](#). McDermott Brandon Properties, LLC v. Elizabeth Wheeler, from Faulkner County Circuit Court. Affirmed. Harrison, C.J., and Wood, J., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-22-372](#). Absolute Roofing & Construction, LLC; and Jim Burress v. Paradise Developments, LLC, from Pulaski County Circuit Court, Eleventh Division. Reversed and remanded. Barrett and Brown, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-22-743](#). Timothy Ray Burton v. State of Arkansas, from Saline County Circuit Court. Affirmed; remanded to correct the sentencing order. Abramson and Murphy, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-22-729](#). Anthony Simmons v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

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CINDY GRACE THYER, JUDGE:

[CV-22-118](#). Little Rock School District v. Joy Wadley, as Administrator of the Estate of Charles Perry Parliment, Deceased, from Pulaski County Circuit Court, Sixth Division. Affirmed. Virden and Hixson, JJ., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CV-22-427](#). Kevin Johnson v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Affirmed; motion to withdraw granted. Harrison, C.J., and Gladwin, J., agree.

KENNETH S. HIXSON, JUDGE:

[CV-22-367](#). J. Alvin Lee Farms, LLC; and John Alvin Lee, Jr. v. CNH Industrial Capital America, LLC, from Pulaski County Circuit Court, Eleventh Division. Affirmed. Virden and Thyer, JJ., agree.

[E-22-203](#). Kathern Rush v. Director, Department of Workforce Services, and PeopleReady, Inc., from the Arkansas Board of Review. Affirmed in part; remanded in part. Virden and Thyer, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-22-75](#). Crawford Operations, LLC, d/b/a Valley Springs Rehabilitation and Health Center; and Crawford-Progressive Eldercare Services, Inc., d/b/a Valley Springs Rehabilitation and Health Center v. Crystal Davis, Personal Representative of the Estate of Grace B. Perryman, Deceased, from Crawford County Circuit Court. Affirmed. Abramson and Gruber, JJ., agree.

[CV-22-375](#). Audryanna Cameron v. Aaron Cameron, from Union County Circuit Court. Affirmed. Abramson and Gruber, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-22-148](#). Derrick Richardson v. Janet Calderera Richardson, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Klappenbach and Barrett, JJ., agree.

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WAYMOND M. BROWN, JUDGE: (continued)

[E-22-209](#). Leslie Swafford v. Director, Department of Workforce Services, from the Arkansas Board of Review. Remanded to settle and supplement the record. Klappenbach and Barrett, 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-22-195. Christy Scruggs v. Director et al.
- E-22-196. Tiffany Evans v. Director et al.
- E-22-197. Abrianna Wilbourn v. Director et al.
- E-22-198. Betty Wright v. Director et al.
- E-22-199. Debra Wesley v. Director et al.
- E-22-200. Debra Wesley v. Director et al.
- E-22-201. Donna Woolfolk v. Director et al.
- E-22-202. Charles Smith v. Director et al.
- E-22-204. Gerald Cowell v. Director et al.
- E-22-205. Dashannon Dorn v. Director et al.
- E-22-206. Dashannon Dorn v. Director et al.
- E-22-207. Dashannon Dorn v. Director et al.
- E-22-208. Dashannon Dorn v. Director et al.
- E-22-210. Stacey Goyne v. Director et al.

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E-22-211. Toccara Ford v. Director et al.

E-22-212. Marilyn Thomas v. Director et al.

E-22-213. Joshua Torrence v. Director et al.

E-22-214. Angela Goodwin v. Director et al.

E-22-216. Lisa Ponzer v. Director et al.

E-22-217. Tessa Rosamond v. Director et al.

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PER CURIAM ORDERS

CR-22-278. Jimmy Standridge v. State of Arkansas, from Miller County Circuit Court. Motion of David Dunagin for attorney's fee is granted. Allowed \$2,250. Barrett, J., not participating.

CR-22-458. Jiggs Dean Compton v. State of Arkansas, from Newton County Circuit Court. Appellant's motion to file a belated brief is granted.

CR-23-28. Cleotis Milton v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for transcript is denied.

CR-23-48. Tristen Waller v. State of Arkansas, from Union County Circuit Court. Appellant's motion to reinvest the circuit court with jurisdiction in order to complete the record and to consider petition for error coram nobis is moot. Virden, J., not participating.

CR-23-48. Tristen Waller v. State of Arkansas, from Union County Circuit Court. Appellant's third motion for extension of time is granted. Appellant's brief is due within fifteen days (May 25, 2023). Virden, J., not participating.

CR-23-48. Tristen Waller v. State of Arkansas, from Union County Circuit Court. Appellant's amended motion to reinvest the circuit court with jurisdiction in order to complete the record and to consider petition for writ of error coram nobis is denied. Virden, J., not participating.

CR-23-147. Travis Roberts v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for extension of time to complete the record is granted.

CR-23-177. Zayzhon Thompson v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted.

CR-23-207. Timothy W. Jackson v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for appointment of counsel is denied. Jackson's trial attorney, Connor Herrold, remains the attorney of record. The briefing schedule will be reset.

CR-23-208. Sunil Abeku Kumar v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se petition for writ of certiorari is granted. Barrett, J., not participating.

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PER CURIAM ORDERS

CR-23-262. Samuel McLeod v. State of Arkansas, from Columbia County Circuit Court. Appellant's joint motion to substitute appellant's counsel is granted.

CR-23-266. Cecil Sixkiller v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for rule on clerk is granted.

CV-21-282. MMSC, L.L.C., f/k/a MMSW, L.L.C. v. Washington County, Arkansas; Quorum Court of Washington County, Arkansas; and Joseph K. Wood, In His Official Capacity as County Judge, from Washington County Circuit Court. Motion of Joshua C. Ashley for leave to withdraw as counsel is granted. Murphy, J., not participating.

CV-22-336. Charles L. Daniels II, Individually; Charles L. Daniels II on Behalf of Payton Daniels, a Minor; and Charles L. Daniels II as Special Administrator of the Estate of Harmony Lynn Williams Daniels, Deceased v. C. Wayne Lyle, M.D., Individually; C. Wayne Lyle, M.D., P.C.; Medical Services Group, Ltd.; Baptist Health d/b/a Baptist Health Medical Center – Little Rock; and Baptist Health & Diamond Risk Insurance, LLC, from Pulaski County Circuit Court, Fourth Division. Motion of Joshua C. Ashley for leave to withdraw as counsel is granted.

CV-22-442. Arkansas Department of Human Services, Division of Medical Services v. Northwest Health System, from Pulaski County Circuit Court, Sixth Division. Joint notice of settlement is noted.

CV-22-592. Bryan Mattox v. Mountain Home School District, from Baxter County Circuit Court. Motion of Joshua C. Ashley for leave to withdraw as counsel for appellee is granted.

CV-22-637. Arkansas Department of Human Services, Division of Medical Services v. Northwest Health System, from Pulaski County Circuit Court, Eleventh Division. Joint notice of settlement is noted.

CV-22-646. Andrew Hamerlinck v. Danielle Hamerlinck, from Garland County Circuit Court. Appellee's motion for extension of time to file appellee's brief and to stay briefing schedule is granted.

CV-22-805. Janet Nicholas v. Mike Jones, from Sebastian County Circuit Court, Fort Smith District. Appellant's status report is noted. Status report is due in sixty days (July 9, 2023). Harrison, C.J., and Abramson, J., not participating.

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PER CURIAM ORDERS

CV-22-819. Kaylee Cathcart v. Charles Darwin “Skip” Davidson; J. Blake Hendrix; Annie Depper; and Fuqua Campbell, PA, from Pulaski County Circuit Court, Fifth Division. Appellees’ joint motion for extension of time to file brief is moot. Harrison, C.J., and Virden and Gruber, JJ., not participating.

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 correct the record on appeal is granted. Harrison, C.J., not participating.

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. Motion to expand word-count limitations is granted. Gruber, J., not participating.

E-23-157. James Holman v. Director et al., from the Arkansas Board of Review. Appellees’ motion to remand is granted. Supplemental record is due within sixty days (July 9, 2023).

E-23-158. James Holman v. Director et al., from the Arkansas Board of Review. Appellees’ motion to remand is granted. Supplemental record is due within sixty days (July 9, 2023).

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR-22-525. Assefa G. Egziabher v. State of Arkansas, from Washington County Circuit Court.

CR-18-542. Victor Hugo Alvarez-Real v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion to reinstate appeal and to file belated brief.

CR-18-542. Victor Hugo Alvarez-Real v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-18-542. Victor Hugo Alvarez-Real v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for copy of record on appeal at state's expense.

CR-22-345. Danielle Smith v. State of Arkansas, from Clark County Circuit Court. Motion of Matt Kezhaya and Sonia Kezhaya for attorney's fees.

CR-23-35. Michael Preston Whiting v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Appellant's petition for writ of certiorari to complete the record, or, in the alternative, motion to remand to settle the record.

CR-23-155. Robert Richardson v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to extend deadline to file supplemental record.

CR-23-271. Donald Ray Mouse, Jr. v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete the record on appeal.

CR-23-277. Johnathan Tyler Summons v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for rule on clerk and affidavit to proceed in forma pauperis.

CR-23-289. Joshua Chapelle Joyce v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., to withdraw.

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MOTIONS SUBMITTED

CV-21-237. Halon V, LLC v. Thomas Terminella a/k/a Tom Terminella; Monica Terminella; The Terminella Company, Inc.; Monica's Meadow, LLC; Wedington Mine, LLC; and Johnson Mine, LLC, from Benton County Circuit Court. Motion of Joshua C. Ashley for leave to withdraw as counsel for separate appellees Wedington Mine, LLC; and Johnson Mine, LLC.

CV-22-11. American Insurance Co. v. Red Apple Enterprises; United Resorts, Inc.; and Richard H. Upton, from Cleburne County Circuit Court. Appellant's motion to stay enforcement of judgment for remainder of pendency of the appeal.

CV-22-639. Patricia Argent and Dennis Lasiter v. Nathan Argent, from Washington County Circuit Court. Appellee's motion for expedited affirmation.

CV-22-762. OCNC, Inc., d/b/a Silver Oaks Health and Rehabilitation and John Does I–V v. Renee Lewis, Individually and as Special Administrator of the Estate of Lillie Mae Edwards, Deceased; and on Behalf of All Wrongful Death Beneficiaries of Lillie Mae Edwards, Deceased, from Ouachita County Circuit Court. Motion of separate appellant OCNC, Inc., d/b/a Silver Oaks Health and Rehabilitation for expansion of word count limit for appellant's reply brief.

CV-23-45. Simon Pockrus v. Kristy Pockrus, from Benton County Circuit Court. Appellee's motion to dismiss appeal.

CV-23-45. Simon Pockrus v. Kristy Pockrus, from Benton County Circuit Court. Appellee's motion for extension of time to file appellee's brief pending decision on motion to dismiss.

CV-23-45. Simon Pockrus v. Kristy Pockrus, from Benton County Circuit Court. Appellant's motion for extension of time to file response to motion to dismiss appeal.

CV-23-247. Lucinda Hammat Harts; Suzanne Peterson; Eric Peterson; and Christopher Houser v. Susan D. Houser; Jeffrey J. Meilahn; Jennifer Funkey; Jason Funkey; Carolyn Damskey; Flywheel Energy Production, LLC; Merit Energy Company, LLC; Riverbend Oil & Gas, LLC; Shale Royalty, LLC; and MMGJ Arkansas Upstream, LLC, from Cleburne County Circuit Court. Motion of Joshua C. Ashley to withdraw as counsel for separate appellee Shale Royalty, LLC.

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MOTIONS SUBMITTED

E-23-1. David McClain State Farm v. Director et al., from the Arkansas Board of Review. Appellee's motion to correct the record.

E-23-1. David McClain State Farm v. Director et al., from the Arkansas Board of Review. Appellant's motion to dismiss appeal.

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CASES SUBMITTED

CR-22-258. Christopher Burns v. State of Arkansas, from Hot Spring County Circuit Court.

CR-22-423. Jordan Adam Jones v. State of Arkansas, from Pulaski County Circuit Court, Third Division.

CR-22-531. Nedra Shelauriel Fields v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-22-773. David Feltner v. State of Arkansas, from Pope County Circuit Court.

CV-21-35. Ellen C. Rogers v. Rebecca Loeffel Kemp, from Pulaski County Circuit Court, Sixteenth Division.

CV-21-252. James Young v. Little Rock Water Reclamation Authority and Greg Ramon, in His Official Capacity, from Pulaski County Circuit Court, Fifth Division.

CV-22-166. John Wesley Hall, Jr., and Alison Hall, Husband and Wife v. Arkansas State Highway Commission, from Cleburne County Circuit Court.

CV-22-168. Portfolio Recovery Associates, LLC v. Pamela Barnes, from Pulaski County Circuit Court, Seventeenth Division.

CV-22-252. Gina Bettis v. Ameriprise Financial Services, Inc., a/k/a Ameriprise Financial Services, LLC; Doug Wilson; and Evan Connolly Bettis and Megan Marie Bettis, Trustees of the Victor L. Bettis Living Trust, from Pulaski County Circuit Court, Fourth Division.

CV-22-270. (In the Matter of the Estate of Adolph Johnson) Stephanie Johnson, Individually; and Gwendolyn Akins, as Her Next Friend v. Felecia Parker-Green, from Pulaski County Circuit Court, Thirteenth Division.

CV-22-641. Estefanya Garcia Huerta v. Marco Polo Davila Delgado, from Arkansas County Circuit Court, Northern District.

CV-22-801. April Bradley v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division.

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CASES SUBMITTED

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

E-22-244. Marcus Walker v. Director et al.

E-22-246. Nancy Griffin v. Director et al.

E-22-247. Ollie Leonadus Reddick, Jr. v. Director et al.

E-22-248. Victor Smith v. Director et al.

E-22-249. CFO Network v. Director et al.

E-22-250. Ray Stuard v. Director et al.

E-22-251. Ronald Jones v. Director et al.

E-22-252. Roy Gustafson v. Director et al.

E-22-253. Kiara Moore v. Director et al.

E-22-254. Kiara Moore v. Director et al.

E-22-255. Kiara Moore v. Director et al.

E-22-256. Dennard Turner v. Director et al.

E-22-257. Elaine Bell v. Director et al.

E-22-258. Jodie Bain v. Director et al.

E-22-259. Laura Thomas v. Director et al.

E-22-260. Laura Thomas v. Director et al.

E-22-261. Shaneika Jackson v. Director et al.

E-22-262. Shaneika Jackson v. Director et al.

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CASES SUBMITTED

E-22-263. Shaneika Jackson v. Director et al.

E-22-264. Jeremy Johnson v. Director et al.

E-22-265. Judy Lindblom v. Director et al.

E-22-266. Nickolas Turner v. Director et al.

E-22-272. Eddie VanMeter v. Director et al.

E-22-332. Jodie Bain v. Director et al.