

ARKANSAS COURT OF APPEALS
PROCEEDINGS OF AUGUST 30, 2023

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-22-179](#). Antonio Holliman v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Affirmed as modified; motion to withdraw granted. Thyer and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-22-252](#). Gina Bettis v. Ameriprise Financial Services, Inc., AKA Ameriprise Financial Services, LLC; and Evan Connolly Bettis and Megan Marie Bettis, Trustees of the Victor L. Bettis Living Trust, from Pulaski County Circuit Court, Fourth Division. Reversed and remanded. Harrison, C.J., and Virden, J., agree.

[CV-22-497](#). Ashton Place Health and Rehab, LLC v. Joyce Russell, as Special Administratrix of the Estate of June Marie Pelham, Deceased, and on Behalf of the Wrongful Death Beneficiaries of June Marie Pelham, from Sebastian County Circuit Court, Greenwood District. Affirmed. Gruber and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[E-22-601](#). Herman Hampton v. Director, Division of Workforce Services, and Uncle Charlie's Auto, from the Arkansas Board of Review. Affirmed. Klappenbach and Wood, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-22-712](#). Jazmin Waldon v. Freddie Youngblood, Arkansas Department of Human Services, and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Barrett and Hixson, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-22-652](#). Martez Jarrett v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Virden and Wood, JJ., agree.

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RITA W. GRUBER, JUDGE:

[CV-23-112](#). Skeeter Swanson v. Arkansas Department of Human Services and Minor Children, from Logan County Circuit Court, Northern District. Affirmed. Abramson and Brown, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-23-69](#). Jacob Townsend v. State of Arkansas, from Hempstead County Circuit Court. Reversed and dismissed. Gladwin and Hixson, JJ., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CV-22-624](#). Marc Weinberg d/b/a W&W Roofing v. Madelin Pajas, from Benton County Circuit Court. Dismissed without prejudice. Virden and Klappenbach, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-22-700](#). Richard Block v. State of Arkansas, from Drew County Circuit Court. Affirmed. Gladwin and Barrett, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-22-499](#). Jose Hinojosa v. Trexis Insurance Corporation, from Benton County Circuit Court. Affirmed. Harrison, C.J., and Thyer, J., agree.

WAYMOND M. BROWN, JUDGE:

[CV-22-401](#). Big Daddy Bail Bonding, Inc. v. State of Arkansas, from Jackson County Circuit Court. Affirmed. Abramson and Gruber, JJ., agree.

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PER CURIAM ORDERS

CR-16-218. Shaun Allen v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for judicial notice of adjudicative fact and to recall the mandate is denied.

CR-20-729. Frankie P. DeJohn v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion requesting a copy of the transcript in the case CR-20-729 at public expense is denied.

CR-22-58. Synthia Ann Travis v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$1,837.50.

CR-22-809. Michael Shane Stoelting v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to enforce writ of certiorari to complete the record is granted. Electronic supplemental record is due within thirty days (September 29, 2023). This is a final extension. Failure to timely return writ may result in a show-cause order being issued.

CR-23-299. Jack Rawlins v. State of Arkansas, from Polk County Circuit Court. Appellant's pro se motion for a copy at public expense of the record/transcript is denied.

CR-23-368. Curtis Jay Carnley v. State of Arkansas, from Miller County Circuit Court. Appellant's petition for writ of certiorari to complete the record is granted as to sentencing hearing only. Writ issued; returnable in thirty days (September 29, 2023). Harrison, C.J., and Virden, J., not participating.

CR-23-435. Durrell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for extension of time to file a brief is granted. Appellant's brief is due in thirty days (September 29, 2023). Klappenbach, J., not participating.

CR-23-531. Jeremy Jermane Hawkins v. State of Arkansas, from Ouachita County Circuit Court. Appellant's pro se petition for leave to file a belated appeal from the denial of post conviction relief is granted.

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 is noted. Status report is due in ninety days (November 28, 2023).

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CV-23-171. Michael Ward v. Commerce Construction Co., Inc., from Washington County Circuit Court. Appellant's motion to clarify prior ruling on motion to stay briefing schedule and, in the alternative, motion for extension of brief time is granted. Appeal is stayed until fourteen days after the opinion is issued in case No. CV-22-593. Murphy, J., not participating.

CV-23-175. Lucien Gillham; Luther Sutter; and Sutter & Gillham, PLLC v. Bryan Adams; Brandon Adams; Skylar Wilson; Noble Investigations, Inc.; Allen Noble; Denver Roller, Inc., d/b/a Roller-McNutt Funeral Home; Savannah Baker Case; Michael Noble; Kerry Baker, Individually; Gena Downey Baker; Kenneth Gregory Stephens; K. Gregory Stephens, P.A.; Chad Kelley, In His Capacity as Jefferson County Coroner and Individually; and Kerry Baker, as Administrator of the Estates of James Luke Baker, from Faulkner County Circuit Court. Appellants' motion for expansion of word count limit in appellants' reply brief is moot. Harrison, C.J., and Virden, Gruber, and Murphy, JJ., not participating.

CV-23-383. Leo Wilburd v. Shantese Wilburd, from Independence County Circuit Court. Appellee's motion to dismiss appeal is granted. Appeal dismissed.

CV-23-464. Morris Koontz v. Dexter Payne, Director, Arkansas Department of Correction; Dale Reed, Deputy Director; William Straughn, Deputy Director; Randy Watson, Warden; Jeremy Andrews, Deputy Warden; Gaylon Lay, Warden; James Dycus, Deputy Warden; Anthony Jackson, Deputy Warden; and State of Arkansas Representatives and Senators, from Pulaski County Circuit Court, Twelfth Division. Appellant's pro se motion to supplement the record is granted. Writ issued; returnable in thirty days (September 29, 2023).

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MOTIONS SUBMITTED

CR-22-777. Brendan Burns v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's motion to remand to settle the record.

CR-23-191. Gene Jackson v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to extend deadline to file supplemental record.

CR-23-207. Timothy W. Jackson v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to remand to settle the record and stay briefing schedule.

CR-23-346. Johnathan Tyler Summons v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CR-23-381. Dennis Hicks v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to extend deadline to file supplemental record.

CR-23-480. Cortez Banks v. State of Arkansas, from Phillips County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CR-23-496. Owen Watson v. State of Arkansas, from Crittenden County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CR-23-556. Isaac Strong v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion for belated appeal.

CR-23-563. Willie Munn v. State of Arkansas, from Hempstead County Circuit Court. Appellant's pro se motion for belated appeal.

CR-23-563. Willie Munn v. State of Arkansas, from Hempstead County Circuit Court. Appellant's pro se petition for writ of certiorari.

CR-23-565. Debra Lynn Farris v. State of Arkansas, from Searcy County Circuit Court. Appellant's motion to file belated appeal.

CV-20-606. Jody Underwood (Jody Lynn Doran), Individually, and as a Shareholder and Member of Conway Precision Products, Inc. v. Jeffrey S. Underwood and Conway Precision Products, Inc., from Faulkner County Circuit Court. Appellant's/Cross-Appellee's motion to clarify order.

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MOTIONS SUBMITTED

CV-22-141. Terry Fleming v. Corissa Withrow, from Pulaski County Circuit Court, Sixth Division. Appellant's third motion to supplement the record.

CV-22-141. Terry Fleming v. Corissa Withrow, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to dismiss appeal as moot.

CV-22-293. Nicholas Lelieur v. State of Arkansas, from Conway County Circuit Court. Appellant's motion to rebrief.

CV-22-805. Janet Nicholas v. Mike Jones, from Sebastian County Circuit Court, Fort Smith District. Appellant's letter containing status report.

CV-23-363. Andrew Simpson v. Carl Davis d/b/a Davis Construction Co.; Thomas J. Vilsack, in His Official Capacity as Secretary of Agriculture; and Tommy James, in His Official Capacity as Area Director of the Monticello, Arkansas, Area Office of USDA Rural Development Agency, from Ashley County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CV-23-363. Andrew Simpson v. Carl Davis d/b/a Davis Construction Co.; Thomas J. Vilsack, in His Official Capacity as Secretary of Agriculture; and Tommy James, in His Official Capacity as Area Director of the Monticello, Arkansas, Area Office of USDA Rural Development Agency, from Ashley County Circuit Court. Appellant's pro se motion to supplement record.

CV-23-538. Boone Operations, LLC, d/b/a Harrison Rehabilitation and Health Center; Harrison - Progressive Eldercare Services, Inc., d/b/a Harrison Rehabilitation and Health Center; Progressive Eldercare Services, Inc.; JEJ Investments, LLC; Marybret, LLC; Ross Ponthie; John F. Ponthie; Mark Thompson; Cathy Abatangle, in Her Capacity as Administrator of Harrison Rehabilitation and Health Center; Lillie I. Dean, in Her Capacity as Director of Nursing of Harrison Rehabilitation and Health Center; and John Does I-V v. Cherie Adams as Special Administratrix of the Estate of Roy Gattis and on behalf of the wrongful death beneficiaries of Roy Gattis, from Boone County Circuit Court. Motion of Samantha Blessingame to withdraw as counsel for the appellants.

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MOTIONS SUBMITTED

CV-23-553. Bank OZK f/k/a Bank of the Ozarks v. Paul Summers, as Trustee of the Paul Summers Revocable Trust, Dated August 19, 2004, on Behalf of Himself and All Other Taxpayers Similarly Situated; Ozark Mountain Solid Waste District; and Carroll County Tax Collector, Kay Phillips, from Carroll County Circuit Court, Eastern District. Appellant's motion to supplement partial record.

CV-23-553. Bank OZK f/k/a Bank of the Ozarks v. Paul Summers, as Trustee of the Paul Summers Revocable Trust, Dated August 19, 2004, on Behalf of Himself and All Other Taxpayers Similarly Situated; Ozark Mountain Solid Waste District; and Carroll County Tax Collector, Kay Phillips, from Carroll County Circuit Court, Eastern District. Appellant's motion for stay of enforcement and application for approval of supersedeas bond.

E-22-554. Candie DePriest v. Director et al., from the Arkansas Board of Review. Appellant's motion for extension of time to file brief.

E-22-554. Candie DePriest v. Director et al., from the Arkansas Board of Review. Joint motion to consolidate or, in the alternative, to dismiss appeal.

E-22-555. Candie DePriest v. Director et al., from the Arkansas Board of Review. Appellant's motion for extension of time to file brief.

E-22-555. Candie DePriest v. Director et al., from the Arkansas Board of Review. Joint motion to consolidate or, in the alternative, to dismiss appeal.

E-23-222. Candie DePriest v. Director et al., from the Arkansas Board of Review. Joint motion to consolidate or, in the alternative, to dismiss appeal.

E-23-223. Candie DePriest v. Director et al., from the Arkansas Board of Review. Joint motion to consolidate or, in the alternative, to dismiss appeal.

E-23-319. Daniel Harris v. Director et al., from the Arkansas Board of Review. Petitioner's motion to supplement the record.

E-23-379. Crystal Watson v. Director et al., from the Arkansas Board of Review. Petitioner's motion for belated appeal.

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CASES SUBMITTED

CR-22-675. Oscar Joseph Hill v. State of Arkansas, from Van Buren County Circuit Court.

CR-22-744. Eldavions B. Holliman v. State of Arkansas, from Crittenden County Circuit Court.

CR-22-767. Damian Demarcus Williams v. State of Arkansas, from Miller County Circuit Court.

CR-22-783. Rochelle Mead v. State of Arkansas, from Faulkner County Circuit Court.

CR-23-28. Cleotis Milton v. State of Arkansas, from Benton County Circuit Court.

CR-23-29. Damion Norwood v. State of Arkansas, from Hot Spring County Circuit Court.

CR-23-159. Rodney Smith v. State of Arkansas, from Arkansas County Circuit Court, Northern District.

CV-20-656. Whit Barton, as Special Administrator; Troy Brown; Cherryale Burge; and Dwaine Riley v. Theophilus C. King, Individually and in His Capacity as the Trustee of the Lois Barnes Perkins Revocable Trust, from Ashley County Circuit Court.

CV-20-752. Vicky Bass (Now Haynes) v. Benton Ned Bass, from Garland County Circuit Court.

CV-21-40. Theophilus C. King, Individually and in His Capacity as the Trustee of the Lois Barnes Perkins Revocable Trust v. Whit Barton, As Special Administrator; Troy Brown; Cherryale Burge; and Dwaine Riley, from Ashley County Circuit Court.

CV-21-236. April Madding v. Keech Law Firm, P.A.; and PPGMR Law, P.L.L.C., from Union County Circuit Court.

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CASES SUBMITTED

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

E-22-327. Sheena McDowell v. Director et al.

E-22-329. Vincent Flores v. Director et al.

E-22-330. Shannon Webb v. Director et al.

E-22-331. Danette Brown v. Director et al.

E-22-333. Joyce Jordan v. Director et al.

E-22-334. Necon Warrior v. Director et al.

E-22-335. Necon Warrior v. Director et al.

E-22-336. Richard Knight v. Director et al.

E-22-337. Richard Knight v. Director et al.

E-22-338. Ronald Hill v. Director et al.

E-22-339. Teddy Sexton v. Director et al.

E-22-348. Vincent Flores v. Director et al.