

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF SEPTEMBER 6, 2023**

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

[CR-22-810](#). Brandy L. Harden v. State of Arkansas, from Columbia County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Virden, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-22-173](#). Lynn Mayall v. Diamond Bank, from Garland County Circuit Court. Affirmed. Gruber and Brown, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-22-328](#). Amanda Hanson (now Jetton) v. Ernie Hanson, from Columbia County Circuit Court. Affirmed. Barrett and Hixson, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CV-22-689](#). Christian Paige Parnell and Christian Construction, Inc. v. SNJ Truck Service, Inc., from Poinsett County Circuit Court. Affirmed. Virden and Wood, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CV-23-89](#). James Mayer and Anna Mayer v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CR-22-588](#). Corey Steward v. State of Arkansas, from Lincoln County Circuit Court. Affirmed. Gladwin and Hixson, JJ., agree.

[E-22-305](#). Deborah Wemette v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed in part; remanded in part. Gladwin and Hixson, JJ., agree.

**CINDY GRACE THYER, JUDGE:**

[CR-22-612](#). William Weir v. State of Arkansas, from Pope County Circuit Court. Affirmed. Harrison, C.J., and Murphy, J., agree.

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**WENDY SCHOLTENS WOOD, JUDGE:**

[CR-22-224](#). Donald Thatcher v. State of Arkansas, from Benton County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

[E-22-309](#). Kathy Hicks v. Director, Division of Workforce Services; and John Cage Enterprises, from the Arkansas Board of Review. Remanded. Virden and Klappenbach, JJ., agree.

[E-22-311](#). Kathy Hicks v. Director, Division of Workforce Services; and John Cage Enterprises, from the Arkansas Board of Review. Remand to supplement the record. Virden and Klappenbach, JJ., agree.

**KENNETH S. HIXSON, JUDGE:**

[CV-23-11](#). Kattie Long and James Long v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Affirmed. Gladwin and Barrett, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-22-286](#). Michael Bolen v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Abramson and Gruber, JJ., agree.

[E-22-298](#). Dellmarie Dawson v. Director, Department of Workforce Services, from the Arkansas Board of Review. Remanded for further findings. Abramson and Gruber, 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-22-270. William Smreker v. Director et al.

E-22-271. William Smreker v. Director et al.

E-22-295. Benjamin J. Kelly v. Director et al.

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E-22-296. Benjamin J. Kelly v. Director et al.

E-22-299. Jack Gavin v. Director et al.

E-22-300. Julie Grandstaff v. Director et al.

E-22-301. Julie Grandstaff v. Director et al.

E-22-302. Nadine Johnson v. Director et al.

E-22-303. Rhonda Blackmon v. Director et al.

E-22-304. Pamela Singley v. Director et al.

E-22-306. Precious Smith v. Director et al.

E-22-307. William Walker v. Director et al.

E-22-308. Carol Smith v. Director et al.

E-22-310. Kathy Hicks v. Director et al.

E-22-312. Worntre Jacobs v. Director et al.

E-22-313. Sondya Lewis v. Director et al.

E-22-314. Sondya Lewis v. Director et al.

E-22-315. Latonya Rone v. Director et al.

E-22-316. Travis Lepri v. Director et al.

E-22-317. Cynthia Millbrook v. Director et al.

E-22-318. Jeremy Yarberry v. Director et al.

E-22-319. James Duncan v. Director et al.

E-22-320. Alyson Nale v. Director et al.

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E-22-321. James Peterson Jr. v. Director et al.

E-22-322. Beunte Green v. Director et al.

E-22-325. Angela Broome v. Director et al.

E-22-326. Nitea Dixon v. Director et al.

E-22-559. Dellmarie Dawson v. Director et al.

E-22-560. Dellmarie Dawson v. Director et al.

E-22-561. Dellmarie Dawson v. Director et al.

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**PER CURIAM ORDERS**

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 is granted. Supplemental record is due by October 6, 2023. Klappenbach, J., not participating.

CR-23-191. Gene Jackson v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to extend deadline to file supplemental record is granted. Supplemental record is due by October 6, 2023. This court has now granted the court reporter three extensions of time from the writ's original due date of May 12, 2023. Failure to timely return the writ may result in a show-cause order being issued. Klappenbach, J., not participating.

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 is granted. Supplemental record is due by October 6, 2023. Virden, J., not participating.

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 is granted.

CR-23-381. Dennis Hicks v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to extend deadline to file supplemental record is granted. Supplemental record is due by October 6, 2023. This court has now granted the court reporter one extension from the writ's original due date of August 18, 2023. Klappenbach, J., not participating.

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 is granted. Appellant's brief is due by September 13, 2023.

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 is granted. Writ issued; returnable within thirty days (October 6, 2023). Thyer, J., not participating.

CR-23-556. Isaac Strong v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion for belated appeal is denied. Gruber, J., not participating.

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**PER CURIAM ORDERS**

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

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

CR-23-565. Debra Lynn Farris v. State of Arkansas, from Searcy County Circuit Court. Appellant's motion to file belated appeal is granted. Record filed in Arkansas Court of Appeals this date, as case No. CR-23-565. Appellant's brief is due by October 6, 2023. Klappenbach, J., not participating.

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

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

CV-22-293. Nicholas Lelieur v. State of Arkansas, from Conway County Circuit Court. Appellant's motion to rebrief is granted. Viriden, J., not participating.

CV-22-805. Janet Nicholas v. Mike Jones, from Sebastian County Circuit Court, Fort Smith District. Appellant's letter containing status report is noted. Status report is due by December 5, 2023. Harrison, C.J., and Abramson, J., not participating.

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 is granted. Gruber, J., not participating.

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 is granted. Gruber, J., not participating.

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**PER CURIAM ORDERS**

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 is granted.

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 is granted. Appellant’s brief is due by October 6, 2023.

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 is granted. Appeal E-23-222 is consolidated with E-22-554.

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 is granted. Appellant’s brief is due by October 6, 2023.

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 is granted. Appeal E-23-223 is consolidated with E-22-555.

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 is granted. Appeal E-23-222 is consolidated with E-22-554. Appeal E-23-222 is closed.

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 is granted. Appeal E-23-223 is consolidated with E-22-555. Appeal E-23-223 is closed.

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

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**PER CURIAM ORDERS**

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



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**MOTIONS SUBMITTED**

CR-23-558. Johnathan Dial v. State of Arkansas, from Benton County Circuit Court. Motion of Tara Schmutzler to withdraw as counsel of record for the appellant.

CR-23-573. John C. Damron v. State of Arkansas, from Baxter County Circuit Court. Motion of Jeremy B. Lowrey to enter appearance as co-counsel for appellant John Damron.

CR-23-576. Martavion T. Oliver v. State of Arkansas, from Crittenden County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CV-23-135. G. Solomon Enterprises, Inc., and Gene S. Carmical v. Cheria Russenberger and Patrick Russenberger, from Lonoke County Circuit Court. Appellees' motion to strike new arguments from the reply brief.

CV-23-349. Floyd E. Seagley, Jr. v. State of Arkansas; Governor Sarah Sanders; Attorney General Tim Griffin; Arkansas State Police, Col. William J. Bryant, Director; and Arkansas Crime Information Center, Brad Cazort, Director, from Pulaski County Circuit Court, Twelfth Division. Appellees' motion for extension of time.

CV-23-493. Paula Robinson and Tyrone Robinson v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court. Appellants' joint motion to expand word count.

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**CASES SUBMITTED**

CR-22-377. Michael Davis v. State of Arkansas, from Lonoke County Circuit Court. Orally argued.

CV-21-222. Camp Nine Co., Inc. v. Firehunt, Inc., from Desha County Circuit Court. Orally argued.

CR-22-402. Evan Columbus Anderson v. State of Arkansas, from Benton County Circuit Court.

CR-22-782. Corie Hare v. State of Arkansas, from Faulkner County Circuit Court.

CV-20-366. Jose Turcios, D.D.S. v. Tabitha Carter, Individually; Michael Lundy, Individually; Andrea M. Carter, Individually; December Smith; Sara Melton; Myrtle Clifton; Liza Lundy; and Viviana Harrison, from Pulaski County Circuit Court, Seventeenth Division.

CV-20-549. Kelly L. Branam and Cynthia Ann Hall v. Heraeus Electro-Nite, LLC; Martin David Miller; Landstar Ranger, Inc.; Joy Hinshaw; LM General Insurance Company; Sherita Franklin; Justin Robert Davis; and Industrial Power Products, Inc., from Crittenden County Circuit Court.

CV-21-618. Bryan Gadberry v. Autumn Gadberry, from Pulaski County Circuit Court, Fifteenth Division.

CV-22-195. City of Batesville, Arkansas v. Independence County, Arkansas, from Independence County Circuit Court.

CV-22-210. Kristin Kitchens v. City of Fort Smith, A Municipal Corporation; and Sherri Gard, from Sebastian County Circuit Court, Fort Smith District.

CV-22-570. Kymira Gant v. First Step, Inc.; and Risk Management Resources, Inc., from the Arkansas Workers' Compensation Commission.

CV-22-640. McDonald's and AR McDonald's Self Insured Trust/Risk Management Resources v. Jimmy Key III, from the Arkansas Workers' Compensation Commission.

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**CASES SUBMITTED**

CV-23-86. Randy J. Hutchins v. Arkansas Department of Human Services and Minor Child, from Franklin County Circuit Court, Southern District.

CV-23-88. Ashley Wagner v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

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

E-22-209. Leslie Swafford v. Director et al.

E-22-340. Latonya Smith v. Director et al.

E-22-341. Nicole Pruiett v. Director et al.

E-22-342. Allen Ford v. Director et al.

E-22-343. Christopher Hill v. Director et al.

E-22-344. Christopher Hill v. Director et al.

E-22-345. Brigitte Keus v. Director et al.

E-22-346. William J. Morgan v. Director et al.

E-22-349. Dianne Henry v. Director et al.

E-22-350. Mercedese Cuellar v. Director et al.

E-22-351. Lesa D. Ness v. Director et al.

E-22-352. Karen Lewis v. Director et al.

E-22-353. Paul A. McNeese v. Director et al.

E-22-354. Logan Dungan v. Director et al.

E-22-355. Jerry Gore v. Director et al.

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**CASES SUBMITTED**

E-22-356. David C. Sims v. Director et al.

E-22-357. Kenneth Hale v. Director et al.

E-22-358. Tametha Divvleeon v. Director et al.

E-22-359. Lauren Huskey v. Director et al.

E-22-360. Michael Givens v. Director et al.

E-22-361. Johnny Jenkins v. Director et al.

E-22-362. Anthony Brown v. Director et al.

E-22-363. Donald Kissell v. Director et al.

E-22-365. Donald Kissell v. Director et al.