

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 13, 2023

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-22-767](#). Damian Demarcus Williams v. State of Arkansas, from Miller County Circuit Court. Affirmed; motion to withdraw granted. Thyer and Murphy, JJ., agree.

[CR-23-97](#). Minor Child v. State of Arkansas, from Lincoln County Circuit Court. Affirmed. Thyer and Murphy, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-21-236](#). April Madding v. Keech Law Firm, P.A.; and PPGMR Law, P.L.L.C., from Union County Circuit Court. Affirmed. Murphy and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[E-22-131](#). Linda Nance v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed in part; remanded in part. Klappenbach and Wood, JJ., agree.

[E-22-132](#). Linda Nance v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed in part; remanded in part. Klappenbach and Wood, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-20-656](#). Whit Barton, as Special Administrator of the Estate of Lois Barnes Perkins, Deceased; Troy Brown; Cherryale Burge; and Dwain 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. Affirmed on direct appeal and on cross appeal. Virden and Wood, JJ., agree.

RITA W. GRUBER, JUDGE:

[CR-22-675](#). Oscar Hill v. State of Arkansas, from Van Buren County Circuit Court. Affirmed; motion to withdraw granted. Abramson and Brown, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-23-28](#). Cleotis Milton v. State of Arkansas, from Benton County Circuit Court. Affirmed. Gladwin and Hixson, JJ., agree.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 13, 2023

CINDY GRACE THYER, JUDGE:

[CR-23-159](#). Rodney DeWayne Smith v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Affirmed. Harrison, C.J., and Murphy, J., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CR-22-783](#). Rochelle Mead v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-20-752](#). Vicky Bass Haynes v. Benton Ned Bass, from Garland County Circuit Court. Affirmed. Gladwin and Barrett, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-22-522](#). Terri Simmons v. Bryan Steele, from Yell County Circuit Court, Northern District. Affirmed. Harrison, C.J., and Thyer, J., agree.

WAYMOND M. BROWN, JUDGE:

[CR-23-29](#). Damion Norwood v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. 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-22-327. 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.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 13, 2023

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.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 13, 2023

PER CURIAM ORDERS

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 is remanded to the circuit court for a hearing within thirty days pursuant to *Brewer v. State*, 64 Ark. App. 372, 984 S.W.2d 65 (1998). Record on remand returnable in thirty days (October 13, 2023).

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 is granted. Thyer, J., not participating. Tendered supplemental record filed this date. Briefing commenced; appellant's brief is due October 23, 2023.

CV-20-606. Jody Underwood, 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 is granted. The stay entered on May 5, 2021, by this court is effective solely against the judgment entered for Jody Underwood (individually) against Jeffrey S. Underwood in the amount of \$40,456.36.

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 is passed until the case is submitted. Harrison, C.J., not participating.

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 is granted. Thyer, J., not participating.

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 stay of enforcement and application for approval of supersedeas bond is granted. Original supersedeas bond to stay in the registry of the Carroll County Circuit Court while appeal is pending.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 13, 2023

PER CURIAM ORDERS

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 is granted. Tendered supplemental record filed this date.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 13, 2023

MOTIONS SUBMITTED

CR-22-583. Albert B. Mitchell v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion to supplement the record.

CR-23-271. Donald Ray Mouse, Jr. v State of Arkansas, from Benton County Circuit Court. Appellant's notice to court.

CR-23-388. Daniel Hernandez v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion to relieve counsel and appoint new counsel.

CR-23-492. Raymond E. Page v. State of Arkansas, from Saline County Circuit Court. Appellant's motion to file a belated brief.

CR-23-536. Tandi Speer v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion to appoint substitute counsel.

CR-23-536. Tandi Speer v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion for extension of time to file brief.

CR-23-558. Johnathan Dial v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to relieve counsel Tara Schmutzler.

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

CR-23-563. Willie Munn v. State of Arkansas, from Hempstead County Circuit Court. Appellant's pro se motion for appointment of counsel with current affidavit of indigency.

CR-23-581. Jerry Cherry v. State of Arkansas, from Washington County Circuit Court. Motion of Kimberly R. Weber to withdraw as counsel for the appellant.

CV-21-175. Kenneth Norman v. Candace Craft, from Clark County Circuit Court. Appellee's motion to waive fees or, in the alternative, to be held in abeyance.

CV-21-175. Kenneth Norman v. Candace Craft, from Clark County Circuit Court. Appellant's response and motion to strike appellee's motion to waive fees or, in the alternative, to be held in abeyance.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 13, 2023

MOTIONS SUBMITTED

CV-22-549. Edward Delone Wester v. Trina Marie Wester; Floyd Prock; and Debbie Anderson, from Sharp County Circuit Court. Appellant's agreement to suggestion of death and motion of counsel to withdraw.

CV-23-397. Thelma Williams v. Britney Hapter; Brandon Carroll; Lieutenant Washington; Captain Bidens; Sergeant A. Lewis; Marhsall (Dale) Reed; Sergeant Mothershed; and Dexter Payne, Director, Arkansas Division of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for reconsideration of dismissal of the appeal.

CV-23-476. Black Farms, LLC; Rebecca Winemiller, as Co-Manager of Grand Prairie Farming & Water Company, LLC; Rebecca Winemiller, as Co-Trustee of The Ernestine Boyce Trust; and Ernestine Boyce, Co-Trustee Of The Ernestine Boyce Trust v. Grand Prairie Farming & Water Company, LLC; Jerry Lee Bogard, Co-Manager of Grand Prairie Farming & Water Company, LLC; Bogard Agriculture Consultancy Group, Inc.; Metropolitan Life Insurance Company; and James Dowden, as Receiver for Grand Prairie Farming & Water Company, LLC, from Arkansas County Circuit Court, Northern District. Appellees' motion to dismiss appeal; appellees' brief in support of motion to dismiss appeal; and memorandum of authorities.

CV-23-495. Westwood Elementary/Greenwood School District and Arkansas School Boards Association v. Gail Tibbetts, from the Arkansas Worker's Compensation Commission. Appellants' motion to remand to the Arkansas Workers' Compensation Commission.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 13, 2023

CASES SUBMITTED

CR-22-537. Jason Ashley Ray v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-22-749. Gabriel E. Walton v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-22-765. Roy Ugartechea v. State of Arkansas, from Garland County Circuit Court.

CR-22-768. Roy Ugartechea v. State of Arkansas, from Garland County Circuit Court.

CR-22-771. Frank G. Griffith v. State of Arkansas, from Greene County Circuit Court.

CR-22-772. Frank G. Griffith v. State of Arkansas, from Greene County Circuit Court.

CR-22-775. Sean M. Woodruff v. State of Arkansas, from Arkansas County Circuit Court, Southern District.

CR-23-14. Cameron Dean Wray v. State of Arkansas, from Poinsett County Circuit Court.

CR-23-37. Gyeon Porter v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-23-38. Gyeon Porter v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-23-60. Alton Young v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-23-61. Alton Young v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-21-136. Flywheel Energy Production, LLC v. Arkansas Oil and Gas Commission, from Pulaski County Circuit Court, Seventeenth Division.

CV-22-260. Tracey L. Burris v. Kristen J. Simmons and James M. Simmons, from Franklin County Circuit Court, Northern District.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 13, 2023

CASES SUBMITTED

- CV-22-312. Eric Sharbino v. Jennifer Graham, from Sharp County Circuit Court.
- CV-22-337. Travis Scherling v. Jessica Scherling, from Benton County Circuit Court.
- CV-22-382. Mary Grayson v. Christopher Anderson, from Boone County Circuit Court.
- CV-22-437. Todd Armstrong v. Hayley Armstrong, from Pulaski County Circuit Court, Seventeenth Division.
- CV-22-509. Lisa Shellito v. Timothy Hurley, from Garland County Circuit Court.
- CV-22-581. Teddy J. Berry and Antoinette Garcia Berry v. Frank Slack and Juanita Slack, from Pulaski County Circuit Court, Sixth Division.
- CV-23-96. Ricky Littleton and Juli Littleton v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Greenwood District.
- CV-23-149. Anna Brown v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court.
- CV-23-150. Arkansas Department of Human Services v. Amberley Stephens, Juniel Montelara, and Minor Children, from Hot Spring County Circuit Court.
- CV-23-195. Danielle Burke, a/k/a Danielle Drake, a/k/a Danielle Crossno-Drake; Cody Elkins; and Kyle Crossno-Drake v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.