

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 4, 2023**

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

[CV-22-687](#). Arkansas Department of Transportation and Public Employee Claims Division v. Rose Hill, from the Arkansas Workers' Compensation Commission. Affirmed. Klappenbach and Brown, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-22-548](#). Robert Dean Penny v. State of Arkansas, from Baxter County Circuit Court. Affirmed. Virden and Hixson, JJ., agree.

[CV-22-397](#). Nursing and Rehabilitation Center at Good Shepherd, LLC; Central Arkansas Nursing Centers, Inc.; and Michael Morton v. Mary Richardson, as Special Administratrix of the Estate of Jeffrey James Joy, Deceased; and on Behalf of the Wrongful Death Beneficiaries of Jeffrey Joy, from Pulaski County Circuit Court, Sixteenth Division. Affirmed. Virden and Hixson, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-22-382](#). Mary Grayson v. Christopher Anderson, from Boone County Circuit Court. Affirmed in part; reversed and remanded in part. Abramson and Hixson, JJ., agree.

[CV-23-195](#). Kyle Lee Drake v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Abramson and Hixson, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-23-47](#). Ryan Cockrell v. State of Arkansas, from Faulkner County Circuit Court. Remanded to supplement the record. Gruber and Murphy, JJ., agree.

[CV-22-136](#). Kenmark Optical, Inc. v. Charles Ford, from Carroll County Circuit Court, Western District. Dismissed without prejudice. Gruber and Murphy, JJ., agree.

[CV-22-260](#). Tracey Burris v. Kristen J. Simmons and James M. Simmons, from Franklin County Circuit Court, Northern District. Affirmed on direct appeal and on cross-appeal. Gruber and Murphy, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 4, 2023**

**N. MARK KLAPPENBACH, JUDGE:**

[CR-22-667](#). David Wayne Railey v. State of Arkansas, from Nevada County Circuit Court. Affirmed. Harrison, C.J., and Brown, J., agree.

[CV-23-220](#). Bailey Cothran v. Arkansas Department of Human Services and Minor Children, from Saline County Circuit Court. Affirmed. Harrison, C.J., and Brown, J., agree.

**RITA W. GRUBER, JUDGE:**

[CV-21-549](#). Charles “Chuck” Frankhouse v. City of Russellville, Arkansas, from Pope County Circuit Court. Appeal dismissed. Gladwin and Murphy, JJ., agree.

[CV-22-294](#). Linzy Moore v. Collin Moore, from Saline County Circuit Court. Affirmed. Gladwin and Murphy, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CR-22-291](#). James E. Ricks, Jr. v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Dismissed. Thyer and Wood, JJ., agree.

[CV-22-410](#). Carl Roberts v. Karen Roberts, from Benton County Circuit Court. Affirmed. Thyer and Wood, JJ., agree.

**CINDY GRACE THYER, JUDGE:**

[CR-22-784](#). Joshua Steven Fleming v. State of Arkansas, from Drew County Circuit Court. Affirmed. Barrett and Wood, JJ., agree.

**WENDY SCHOLTENS WOOD, JUDGE:**

[CR-23-40](#). Pablo Flores v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Barrett and Thyer, JJ., agree.

[CV-22-699](#). Barbara Howell v. Arkadelphia Human Development Center and Public Employee Claims Division, from the Arkansas Workers’ Compensation Commission. Affirmed. Barrett and Thyer, JJ., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 4, 2023**

**KENNETH S. HIXSON, JUDGE:**

[CR-23-128](#). William Ryan Breshears v. State of Arkansas, from Cleveland County Circuit Court. Affirmed; remanded to correct sentencing order. Abramson and Virden, JJ., agree.

[CV-23-243](#). Crystal Jurls v. Arkansas Department of Human Services and Minor Children, from Columbia County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CV-23-163](#). Sahara Gonzales v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gladwin and Gruber, JJ., agree.

[CV-23-165](#). Sahara Gonzales v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gladwin and Gruber, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-22-3](#). Sterling Woolford v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

[CV-22-490](#). Troy Christopher Brewer v. Alexis Nichol Patterson, from Van Buren County Circuit Court. Affirmed in part; reversed and dismissed in part. Harrison, C.J., and Klappenbach, J., agree.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 4, 2023**

**PER CURIAM ORDERS**

REHEARING GRANTED: Petition for rehearing was granted today in the following case.

[CV-21-588](#). Lara Wilkerson (formerly Durham) v. Randall Durham, from Garland County Circuit Court. See **substituted and dissenting opinions** on grant of rehearing. Gladwin, Gruber, Thyer, and Wood, JJ., agree. Barrett, J., dissents.

\*\*\*\*\*

CR-22-453. Dale Buckley v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$2,250. Klappenbach, J., not participating.

CR-22-525. Assefa G. Egziabher v. State of Arkansas, from Washington County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$2,250. Klappenbach, J., not participating.

CR-22-572. Jonathan Walker v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion to stay the mandate and for a copy of the record without advance deposit is denied. Klappenbach, J., not participating.

CR-22-644. Tyler Austin Lucas v. State of Arkansas, from Ashley County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees is granted. Allowed \$2,250.

CR-23-156. Jimmy Jacobs v. State of Arkansas, from Jefferson County Circuit Court. Motion of Jordan Tinsley to withdraw as counsel and appoint substitute counsel is granted. Dusti Standridge is appointed as counsel for the appellant. Virden, J., not participating.

CR-23-346. Johnathan Tyler Summons v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion seeking a copy of the record is moot.

CR-23-431. Zachary Vermillion v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for appointment of counsel and current affidavit of indigency is granted. Tim Cullen is appointed as counsel for the appellant. Appellant's brief is due November 13, 2023.

CR-23-481. Timothy Finley v. State of Arkansas, from Union County Circuit Court. Motion for entry of appearance of Helen Newberry on behalf of the appellant is granted.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 4, 2023**

**PER CURIAM ORDERS**

CR-23-516. Dennis Hutchinson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for extension of time to file brief is granted. Appellant's brief is due December 3, 2023. This is a final extension.

CR-23-623. Anthony Jerome Fitzgerald v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for rule on clerk. Response ordered. The Attorney General's office is ordered to file a response by October 14, 2023. Virden, J., not participating.

CV-23-116. Lester Keith Hamaker v. Donna Hamaker, from Garland County Circuit Court. Appellant's pro se motion for leave to file addendum to appellant's brief is denied. Corrected appellant's reply brief is due October 19, 2023. Harrison, C.J., and Gruber, J., not participating.

CV-23-116. Lester Keith Hamaker v. Donna Hamaker, from Garland County Circuit Court. Appellant's pro se motion to include appellee's deposition in the record is denied. Harrison, C.J., and Gruber, J., not participating.

CV-23-157. Lakewood Subdivision Homeowners Association, Inc. v. City of Fayetteville, Arkansas; City Council of the City of Fayetteville, Arkansas; Lioneld Jordan, in His Official Capacity as Mayor of Fayetteville, Arkansas; and La Hacienda of Northwest Arkansas, Inc., from Washington County Circuit Court. Joint motion of Robert S. Tschiemer and Chuck Trantham to withdraw as counsel for separate appellee La Hacienda of Northwest Arkansas, LLC, is granted. Gladwin, J., not participating.

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. Appellants' motion for stay pending appeal is granted. Harrison, C.J., not participating.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 4, 2023**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-22-588. Corey Steward v. State of Arkansas, from Lincoln County Circuit Court. Appellant’s pro se motion for reconsideration (rehearing).

CR-22-612. William Weir v. State of Arkansas, from Pope County Circuit Court. Appellant’s petition for rehearing.

E-22-300. Julie Grandstaff v. Director et al., from the Arkansas Board of Review. Appellant’s pro se petition for rehearing.

E-22-301. Julie Grandstaff v. Director et al., from the Arkansas Board of Review. Appellant’s pro se petition for rehearing.

\*\*\*\*\*

CR-22-540. James Raper v. State of Arkansas, from Drew County Circuit Court. Motion of Gary Potts for attorney’s fees.

CR-22-700. Richard Block v. State of Arkansas, from Drew County Circuit Court. Motion of Lee D. Short for attorney’s fees.

CR-23-434. Quake Lewellyn v. State of Arkansas and Category 6 Originals Fourteen, LLC, from Lawrence County Circuit Court. Motion of Glenn Larkin to appear on behalf of separate appellee Category 6 Originals Fourteen, LLC.

CR-23-567. Minor Child v. State of Arkansas, from Sevier County Circuit Court. Appellant’s motion to seal.

CR-23-567. Minor Child v. State of Arkansas, from Sevier County Circuit Court. Motion of Sara L. Ainsworth, Farah Diaz-Tello, and Yveka Pierre to appear pro hac vice on behalf of the appellant.

CV-22-125. Jade Property Holdings, LLC; Jonathan J. Dunkley; Jacquelyn Castaing Dunkley; and Bellatori, LLC v. First Service Bank, from White County Circuit Court. Appellants’ motion to update jurisdictional statement.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 4, 2023**

**MOTIONS SUBMITTED**

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. Appellant's motion for supersedeas bond pursuant to Ark. R. Civ. P. 62 and Ark. R. App. P.–Civ. 8.

CV-23-116. Lester Keith Hamaker v. Donna Hamaker, from Garland County Circuit Court. Appellant's pro se motion to expunge and sanction.

CV-23-116. Lester Keith Hamaker v. Donna Hamaker, from Garland County Circuit Court. Appellee's response to appellant's motion to expunge and sanctions and motion to strike appellant's reply brief.

CV-23-466. Matthew Kusper v. Dr. Gregory Guisbiers, from Saline County Circuit Court. Appellee's motion to supplement the record.

CV-23-469. Caceia Coleman v. PPMG of Texas, LLC, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion to pay filing fee late due to hardship and denial of proceed in forma pauperis.

CV-23-470. Benjamin Motal v. City of Little Rock, from Pulaski County Circuit Court, Seventeenth Division. Motion of Alan W. Jones to be relieved as counsel for appellee.

CV-23-622. Kevin Cheri v. Laura Cheri, from Boone County Circuit Court. Appellant's motion to consolidate the record on appeal.

CV-23-625. Saba Makkali v. John Doe, Deputy Sheriff; Jane Doe, Unit Nurse Ouachita; Renesha Shannon; John Doe, Doctor; Nurse Bland; Sergeant Brawley; Ms. Snow; Dexter Payne, Director, Arkansas Department of Correction; Jane Doe, Nurse; Viking Insurance Co.; Jane Doe, Intake Nurse; John Doe, Sheriff; M. D. Reed; and James Gibson, from Jefferson County Circuit Court. Appellant's pro se motion for rule on clerk.

CV-23-627. Saba Makkali v. John Doe, Deputy Sheriff; Jane Doe, Unit Nurse Ouachita; Renesha Shannon; John Doe, Doctor; Nurse Bland; Sergeant Brawley; Ms. Snow; Dexter Payne, Director, Arkansas Department of Correction; Jane Doe, Nurse; Viking Insurance Co.; Jane Doe, Intake Nurse; John Doe, Sheriff; M. D. Reed; and James Gibson, from Jefferson County Circuit Court. Appellant's pro se motion for rule on clerk.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 4, 2023**

**MOTIONS SUBMITTED**

CV-23-628. WPH, LLC v. Ferstl Consulting, LLC, from Pulaski County Circuit Court, Sixteenth Division. Motion of Jordan Tinsley to withdraw as counsel for the appellee.

E-22-321. James Peterson Jr. v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion for reconsideration.



**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF OCTOBER 4, 2023**

**CASES SUBMITTED**

CR-22-407. George Gitchell v. State of Arkansas, from Hot Spring County Circuit Court.

CR-22-814. Matthew David Kimery v. State of Arkansas, from Faulkner County Circuit Court.

CR-23-54. Timothy Riley v. State of Arkansas, from Craighead County Circuit Court, Western Division.

CR-23-67. Jarvis Dillard v. State of Arkansas, from Desha County Circuit Court.

CR-23-68. Jarvis Dillard v. State of Arkansas, from Desha County Circuit Court.

CR-23-79. Rhonda Lynn Hogue v. State of Arkansas, from Drew County Circuit Court.

CR-23-82. Ricky Roberts v. State of Arkansas, from Pope County Circuit Court.

CR-23-204. Olajide Roddy v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-23-205. Olajide Roddy v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-23-209. Olajide Roddy v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-20-213. Grayson and Grayson, P.A. v. David A. Couch, from Pulaski County Circuit Court, Third Division.

CV-21-133. Montie Hobson v. George W. Hobson, from Benton County Circuit Court.

CV-21-276. David A. Couch, P.L.L.C. v. Grayson & Grayson, P.A., from Cleburne County Circuit Court.

CV-22-595. Nathaniel Shane Nicholson v. Ashley Dawn Matheny, from Sharp County Circuit Court.

CV-22-596. Liz Alsina v. Joshua Hicks, from Benton County Circuit Court.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF OCTOBER 4, 2023**

**CASES SUBMITTED**

CV-22-645. Arkansas Enterprises for the Developmentally Disabled and ATA WC Trust/Risk Management Resources v. Sandra K. Scott, from the Arkansas Workers' Compensation Commission.

CV-22-646. Andrew Hamerlinck v. Danielle Hamerlinck, from Garland County Circuit Court.

CV-22-719. David Treece and Nancy Treece v. Bree Calley, Richard Calley, and Susan Calley, from Garland County Circuit Court.

CV-22-812. Kaitlin N. Barnett v. Arkansas Department of Human Services and Minor Child, from Van Buren County Circuit Court.

CV-23-46. David House v. Karmen House, from Ouachita County Circuit Court.

CV-23-9. Melissa Passerelli v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court.

CV-23-138. Emily Copp and Joshua Hartman v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court.

CV-23-173. Nicole Spears and Shane Spears v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

CV-23-256. Rhonda Park v. Arkansas Department of Human Services and Minor Child, from Van Buren County Circuit Court.