

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 1, 2023**

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-21-136](#). Flywheel Energy Production, LLC v. Arkansas Oil and Gas Commission, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Virden and Hixson, JJ., agree.

[CV-22-266](#). Perry Linder, Jr., and Kathy Linder v. Michael Steven Gertsch and Lisa Gertsch, from Cleburne County Circuit Court. Affirmed. Klappenbach and Thyer, JJ., agree.

[CV-22-596](#). Liz Alsina v. Joshua Hicks, from Benton County Circuit Court. Affirmed. Klappenbach and Thyer, JJ., agree.

[E-22-392](#). Tiarra London v. Director, Division of Workforce Services, from the Arkansas Board of Review. Remanded. Klappenbach and Thyer, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CR-23-67](#). Jarvis Dillard v. State of Arkansas, from Desha County Circuit Court. Affirmed; motion to withdraw granted; remanded with instructions. Gladwin and Barrett, JJ., agree.

[CR-23-68](#). Jarvis Dillard v. State of Arkansas, from Desha County Circuit Court. Affirmed; motion to withdraw granted. Gladwin and Barrett, JJ., agree.

[CV-21-443](#). (In the Matter of the Estate of Lexa Page, Sr., Deceased) Lexa Page, Jr. v. Annette Page and the Estate of Lexa Page, Sr., Deceased, from Ouachita County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CR-23-79](#). Rhonda Lynn Hogue v. State of Arkansas, from Drew County Circuit Court. Rebriefing ordered; motion to withdraw denied. Virden and Barrett, JJ., agree.

[CV-23-138](#). Emily Copp and Joshua Hartman v. Arkansas Department of Human Services and Minor Child, from Benton County Circuit Court. Affirmed; motion to withdraw granted. Virden and Barrett, JJ., agree.

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**N. MARK KLAPPENBACH, JUDGE:**

[CV-22-511](#). Charles L. Grant v. Eileen N. Grant, from Pulaski County Circuit Court, Twelfth Division. Affirmed. Abramson and Thyer, JJ., agree.

[CV-22-719](#). David Treece and Nancy Treece v. Bree Calley and Richard Calley, from Garland County Circuit Court. Affirmed. Abramson and Thyer, JJ., agree.

[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. Affirmed. Abramson and Thyer, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CV-22-781](#). Francine Chance v. Lowe's Home Centers, LLC; and Sedgwick Claims Management Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Harrison, C.J., and Hixson, J., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[E-22-406](#). Stacy Hickey v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed in part; remanded in part. Virden and Gladwin, JJ., agree.

**CINDY GRACE THYER, JUDGE:**

[CR-22-707](#). Aaron Scott Taylor v. State of Arkansas, from Saline County Circuit Court. Affirmed; remanded to correct sentencing order. Abramson and Klappenbach, JJ., agree.

[E-22-404](#). Stacy Bridges v. Director, Division of Workforce Services, from the Arkansas Board of Review. Remanded for additional findings or to supplement the record. Abramson and Murphy, JJ., agree.

**WENDY SCHOLTENS WOOD, JUDGE:**

[CV-22-186](#). John James Baker v. Denise Binns Baker, from Garland County Circuit Court. Affirmed on direct appeal and on cross-appeal. Murphy and Brown, JJ., agree.

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**MIKE MURPHY, JUDGE:**

[CR-22-392](#). Charles Greeno v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Gladwin and Gruber, JJ., agree.

[CR-23-162](#). James Williams v. State of Arkansas, from Union County Circuit Court. Affirmed. Wood and Brown, JJ., agree.

[CR-23-82](#). Ricky Roberts v. State of Arkansas, from Pope County Circuit Court. Reversed and remanded. Wood and Brown, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CR-22-407](#). George Gitchell v. State of Arkansas, from Hot Spring County Circuit Court. Affirmed. Wood and Murphy, JJ., agree.

[CV-22-618](#). Danny Hopper v. Pamela Hopper, from Crawford County Circuit Court. Affirmed. Wood and Murphy, 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-22-378. Jasmine Cooper v. Director et al.

E-22-379. Charles Cogburn v. Director et al.

E-22-380. Brenda Omusi v. Director et al.

E-22-381. Kenan Dzide v. Director et al.

E-22-382. Dorothy Byrd v. Director et al.

E-22-384. Dorothy Byrd v. Director et al.

E-22-387. Jeffery Hawkins v. Director et al.

E-22-388. Rebecca Dominguez v. Director et al.

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- E-22-389. Ebony Adams v. Director et al.
- E-22-391. Tiarra London v. Director et al.
- E-22-394. Patricia Porter v. Director et al.
- E-22-395. Tony Mason v. Director et al.
- E-22-396. Tony Mason v. Director et al.
- E-22-397. Steven White v. Director et al.
- E-22-400. Lacie Rothrock v. Director et al.
- E-22-401. Lacie Rothrock v. Director et al.
- E-22-402. Lacie Rothrock v. Director et al.
- E-22-403. Lacie Rothrock v. Director et al.
- E-22-405. Stacy Hickey v. Director et al.
- E-22-407. Ebony Adams v. Director et al.
- E-22-408. Amon Wynn v. Director et al.
- E-22-409. Josie Wheeler v. Director et al.
- E-22-410. Brittany Taunton v. Director et al.
- E-22-413. Dana Greninger v. Director et al.
- E-22-415. Beatrice Robinson v. Director et al.
- E-22-416. Ronnie Robinson v. Director et al.
- E-22-417. Ronald Cook v. Director et al.
- E-22-421. Diane Glover v. Director et al.

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E-22-422. Atia McGee v. Director et al.

E-22-424. John Ross v. Director et al.

E-22-425. Carrie Waddle v. Director et al.

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**PER CURIAM ORDERS**

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

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

CV-22-581. Teddy J. Berry and Antoinette Garcia Berry v. Frank Slack and Juanita Slack, from Pulaski County Circuit Court, Sixth Division.

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CR-22-224. Donald Thatcher v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for use of a copy of the transcript is denied.

CR-22-402. Evan Columbus Anderson v. State of Arkansas, from Benton County Circuit Court. Motion of Andrew R. Miller and Alicia Canfield for attorneys' fees is remanded to settle the record on indigency. The circuit court must enter an order to make clear whether or not Mr. Anderson was given indigency status.

CR-22-675. Oscar Hill v. State of Arkansas, from Van Buren County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$2,145. Harrison, C.J., not participating.

CR-22-767. Damian Demarcus Williams v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney's fees and costs is granted. Allowed \$2,250. Virden, J., not participating.

CR-22-777. Brendan Burns v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's motion to file belated supplemental record is denied. Thyer, J., would grant. Klappenbach, J., not participating.

CR-22-782. Corie Hare v. State of Arkansas, from Faulkner County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$2,250. Klappenbach, J., not participating.

CR-23-28. Cleotis Milton v. State of Arkansas, from Benton County Circuit Court. Motion of Gary W. Potts for costs and attorney fees is granted. Allowed \$2,250.

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CR-23-29. Damion Norwood v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees is granted. Allowed \$2,250.

CR-23-159. Rodney Dewayne Smith v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$1,413.19. Klappenbach, J., not participating.

CR-23-166. Marcus Ballard v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion requesting permission to file belated brief is granted. Appellant's brief is due December 1, 2023.

[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; show-cause order issued. *See per curiam* this date. Klappenbach, J., not participating.

CR-23-207. Timothy W. Jackson v. State of Arkansas, from Miller County Circuit Court. Appellant's second motion for remand to settle the record and stay briefing schedule is granted. Settled record is due December 1, 2023. Virden, J., not participating.

CR-23-346. Johnathan Tyler Summons v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to remand to settle and supplement the record and motion for extension of brief time is granted. Supplemental record is due December 1, 2023.

CR-23-369. Jerry Brown v. State of Arkansas, from Pike County Circuit Court. Motion of Clayton Tinkes to withdraw as counsel and to appoint appellant counsel is granted. Robert M. "Robby" Golden is appointed as counsel for the appellant.

CR-23-369. Jerry Brown v. State of Arkansas, from Pike County Circuit Court. Appellant's motion for belated extension of time to file appellant brief is granted.

CR-23-531. Jeremy Jermene Hawkins v. State of Arkansas, from Ouachita County Circuit Court. Appellant's second pro se motion for extension of time to file brief is moot.

CR-23-548. James Mathis Raper v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion to substitute brief is moot.

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**PER CURIAM ORDERS**

CR-23-548. James Mathis Raper v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion to introduce additional evidence and proof of possible evidence tampering on the part of the appellee is moot.

CR-23-548. James Mathis Raper v. State of Arkansas, from Drew County Circuit Court. Appellee's motion to dismiss appeal or, in the alternative, extension for brief time is granted. Appeal dismissed.

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 granted.

CR-23-573. John C. Damron v. State of Arkansas, from Baxter County Circuit Court. Renewed motion of Jeremy B. Lowrey to enter appearance as co-counsel for appellant John Damron is granted. Appellant's brief is due December 1, 2023.

CR-23-576. Martavion T. Oliver v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion to supplement the appellate record of pleadings is granted. Thyer, J., not participating.

CV-23-116. Lester Keith Hamaker v. Donna Hamaker, from Garland County Circuit Court. Appellant's pro se motion to expunge and sanction is moot. Harrison, C.J., and Gruber, J., not participating.

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 is moot. Harrison, C.J., and Gruber, J., not participating.

CV-23-116. Lester Keith Hamaker v. Donna Hamaker, from Garland County Circuit Court. Appellee's motion to strike appellant's reply brief is passed until the case is submitted. Thyer, J., would grant. Harrison, C.J., and Gruber, J., not participating.



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**PER CURIAM ORDERS**

CV-23-345. Fayetteville Arkansas Hospital Company, LLC; Northwest Arkansas Hospitals, LLC; Siloam Springs Arkansas Hospital Company, LLC; White County Medical Center; Advanced Care Hospital of White County; White River Health System, Inc.; MCSA, LLC; Baptist Memorial Hospital Jonesboro, Inc.; Forrest City Arkansas Hospital Company, LLC; and Phillips Hospital Company, LLC v. Amneal Pharmaceuticals, Inc.; Amneal Pharmaceuticals of New York, LLC; Teva Pharmaceutical Industries, Ltd.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc.; Tasmanian Alkaloids Pty. Ltd.; Abbvie, Inc.; Abbott Laboratories; Abbott Laboratories, Inc.; Endo Health Solutions, Inc.; Endo Pharmaceuticals, Inc.; Par Pharmaceuticals Companies, Inc.; Par Pharmaceutical, Inc.; Mallinckrodt, LLC; Mallinckrodt PLC; Specgx, LLC; Allergan Finance, LLC; Allergan Sales, LLC; Allergan PLC; Allergan USA, Inc.; Anda, Inc.; Cardinal Health, Inc.; CVS Health Corporation; Henry Schein, Inc.; CVS Pharmacy, Inc.; Arkansas CVS Pharmacy, LLC; and Doe 1–100, from Washington County Circuit Court. Status update concerning bankruptcy proceedings is noted. Status report is due January 30, 2024. Gruber and Murphy, JJ., not participating.

E-23-408. Jeremy Cook v. Director et al., from the Arkansas Board of Review. Petitioner’s pro se motion to file a belated appeal is denied.

E-23-410. Linda White v. Director et al., from the Arkansas Board of Review. Petitioner’s motion to file belated appeal is denied.

E-23-415. Billy Stewart v. Director et al., from the Arkansas Board of Review. Petitioner’s pro se motion to file a belated appeal is denied. Abramson, J., not participating.

**Pursuant to Rule 4-3(g) and Rule 4-5 of the Rules of the Supreme Court and Court of Appeals, the following appeals have been dismissed for failure to file an appellant’s brief.**

CV-23-187. MMF Holding v. Sandra and Larry Williford, from Garland County Circuit Court.

CV-23-443. Jim Lynch v. Terrill White, from Saline County Circuit Court. Gladwin, J., not participating.

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**PROCEEDINGS OF NOVEMBER 1, 2023**

**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CR-22-667. David Wayne Railey v. State of Arkansas, from Nevada County Circuit Court.

CV-22-397. Nursing and Rehabilitation Center at Good Shepherd, LLC; Central Arkansas Nursing Centers, Inc.; and Michael Norton 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.

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CR-22-545. Leonard C. Stephenson v. State of Arkansas, from Garland County Circuit Court. Appellant’s motion for extension of time to file brief.

CR-22-572. Jonathan Walker v. State of Arkansas, from Clark County Circuit Court. Motion of Michael Kiel Kaiser for attorney’s fees.

CR-22-765. Roy Ugartechea v. State of Arkansas, from Garland County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees.

CR-23-37. Gyeon Porter v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney’s fee.

CR-23-38. Gyeon Porter v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney’s fee.

CR-23-60. Alton Young v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney’s fee.

CR-23-61. Alton Young v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney’s fee.

CR-23-591. Tristan Tiarks v. State of Arkansas, from Benton County Circuit Court. Appellant’s motion for expansion of word count and alternative motion for extension of time.

CV-22-315. Kevin Cheri v. Laura Cheri, from Boone County Circuit Court. Appellant’s motion to confirm finality of decree for purposes of appeal.

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**MOTIONS SUBMITTED**

CV-23-414. Melissa Kopaska v. Paula McNeil and Britt Houser, from Benton County Circuit Court. Appellant's motion to consolidate two appeals.

CV-23-469. Caceia Coleman v. PPMG of Texas, LLC, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se petition for writ of certiorari.

CV-23-572. Bridget Reesnes v. Paul Reesnes, from White County Circuit Court. Appellant's motion for remand or for dismissal without prejudice.

CV-23-598. LaTara Davis and Jared Davis v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Appellants' motion for expansion of word count.

CV-23-598. LaTara Davis and Jared Davis v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Appellants' amended motion for expansion of word count.

CV-23-622. Kevin Cheri v. Laura Cheri, from Boone County Circuit Court. Appellant's motion for extension of time to file brief.

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**PROCEEDINGS OF NOVEMBER 1, 2023**

**CASES SUBMITTED**

CR-23-177. Zayzhon Thompson v. State of Arkansas, from Lincoln County Circuit Court.

CR-23-245. Hughey Ray Brooks, Jr. v. State of Arkansas, from Washington County Circuit Court.

CV-22-86. James Macom, Jody Benson, and Christy Benson v. Peter Di Cresce and Delores Di Cresce, from Sharp County Circuit Court.

CV-22-145. Tracy Warner v. Richard Ford, from Pulaski County Circuit Court, Second Division.

CV-22-150. (In the Matter of the Estate of Anna Belle Patterson, Deceased) LeAnne Carpenter and Shelley Benton v. Corey Patterson, from Prairie County Circuit Court, Northern District.

CV-22-338. Protech Solutions, Inc. v. Chase Global Services, from Pulaski County Circuit Court, Twelfth Division.

CV-22-628. (In the Matter of the Adoption of Minor Child) Adam McKirch v. Brian Myers, from Benton County Circuit Court.

CV-22-639. Patricia Argent and Dennis Lasiter v. Nathan Argent, from Washington County Circuit Court.

CV-22-724. Gabriel London v. Jessica Sauerwin, from Garland County Circuit Court.

CV-22-742. John Townshend v. Nancy Townshend, from Sebastian County Circuit Court, Fort Smith District.

CV-23-129. Jerry Holland and Stacie Holland v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-23-359. Jennifer Alexander v. Arkansas Department of Human Services and Minor Child, from Clark County Circuit Court.

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**CASES SUBMITTED**

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

- E-22-311. Kathy Hicks v. Director et al.
- E-22-445. Russ Workman v. Director et al.
- E-22-446. Nigel Watkins v. Director et al.
- E-22-447. Ragesh J. Sheth v. Director et al.
- E-22-448. Dominique Snarr v. Director et al.
- E-22-449. Dominique Snarr v. Director et al.
- E-22-450. Teresa Gerner v. Director et al.
- E-22-451. Stanley Allen v. Director et al.
- E-22-452. Rodney Ford v. Director et al.
- E-22-453. Shan Stallings v. Director et al.
- E-22-454. Danielle Morris v. Director et al.
- E-22-455. Catherine Martin v. Director et al.
- E-22-457. Lindsey Dunn v. Director et al.
- E-22-459. Rosetta Brooks v. Director et al.
- E-22-460. Paula Goodwill v. Director et al.
- E-22-461. Curtis Brown v. Director et al.
- E-22-462. David Ferren v. Director et al.
- E-22-463. Donna Higgins v. Director et al.

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**CASES SUBMITTED**

E-22-464. Kreston Gibbs v. Director et al.

E-22-465. Donna Higgins v. Director et al.

E-22-466. Donna Higgins v. Director et al.

E-22-480. Paula Goodwill v. Director et al.

E-22-481. Paula Goodwill v. Director et al.