

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 10, 2024

BART F. VIRDEN, JUDGE:

[CV-22-751](#). Donald Martin v. Eric Higgins, as Sheriff of Pulaski County, AR, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded for further proceedings. Harrison, C.J., and Wood, Hixson, Murphy, and Brown, JJ., agree. Gladwin, Gruber, and Barrett, JJ., dissent.

ROBERT J. GLADWIN, JUDGE:

[CV-22-466](#). Freddie Bradshaw v. Irene Bradshaw, from Dallas County Circuit Court. Affirmed. Harrison, C.J., and Hixson, J., agree.

N. MARK KLAPPENBACH, JUDGE:

[CV-23-479](#). Andrela Moore and Damien Garner v. Arkansas Department of Human Services and Minor Child, from Hot Spring County Circuit Court. Affirmed. Virden and Wood, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-23-20](#). LeRoy Jackson v. State of Arkansas, from Pulaski County Circuit Court, Third Division. Affirmed. Harrison, C.J., and Klappenbach, J., agree.

CINDY GRACE THYER, JUDGE:

[CV-21-293](#). Ashley Jacks, Individually and as Parent/Legal Custodian to Minor Beneficiaries, Paris Ludwig and Bayli Ludwig, of the Havis L. Jacks Revocable Trust v. Sandra Brossett, Individually, as Executrix of the Last Will and Testament of Havis L. Jacks, and as Trustee of the Havis L. Jacks Revocable Trust, from Pulaski County Circuit Court, Fifth Division. Affirmed. Abramson, Gladwin, Wood, and Murphy, JJ., agree. Harrison, C.J., and Virden, Barrett, and Hixson, JJ., dissent.

WENDY SCHOLTENS WOOD, JUDGE:

[CR-22-701](#). Jason Baxter v. State of Arkansas, from White County Circuit Court. Affirmed. Virden and Klappenbach, JJ., agree.

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KENNETH S. HIXSON, JUDGE:

[CV-23-39](#). RATS Entertainment Park, LLC v. Rogers Land & Timber, LLC; and Joe M. Rogers, Sr., from Calhoun County Circuit Court. Affirmed. Harrison, C.J., and Gladwin, J., agree.

PER CURIAM DECISIONS

The following case appealed from the Arkansas Board of Review is affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).

E-22-545. Jessica McMillin v. Director et al.

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PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

CV-22-241. Amy Smith v. Brad Smith, from Hot Spring County Circuit Court. Abramson, J., not participating.

CR-21-488. Macon Carter, Jr. v. State of Arkansas, from Phillips County Circuit Court. Motion of Don Etherly for award of attorney's fees is granted. Allowed \$2,250.

CR-22-392. Charles Greeno v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees is granted. Allowed \$2,250.

CR-22-407. George Gitchell v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees is granted. Allowed \$2,250.

CR-22-460. Bryan Smith v. State of Arkansas, from Crawford County Circuit Court. Motion of Erin W. Lewis for attorney's fees is granted. Allowed \$2,250.

CR-22-534. Mario Palmer 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. Virden, J., not participating.

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 is granted. Tendered appellant's brief filed this date.

CR-23-67. Jarvis Dillard v. State of Arkansas, from Desha County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees is granted. Allowed \$2,250.

CR-23-68. Jarvis Dillard v. State of Arkansas, from Desha County Circuit Court. Motion of Gary W. Potts for costs and attorney's fees is granted. Allowed \$2,250.

CR-23-162. James Williams v. State of Arkansas, from Union County Circuit Court. Motion of Andrew W. Best for award of attorney's fees is granted. Allowed \$2,250.

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PER CURIAM ORDERS

CR-23-407. Tony McCoy v. State of Arkansas, from Bradley County Circuit Court. Appellant's motion for reconsideration is denied.

CR-23-576. Martavion T. Oliver v. State of Arkansas, from Crittenden County Circuit Court. Motion of Sharon Kiel for award of attorney's fees is granted. Allowed \$2,250. Thyer, J., not participating.

CR-23-724. Larry Mathis v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Matt Kezhaya to supplement counsel of record is granted.

CR-23-782. Assefa Gabriel Egziabher v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for rule on clerk is denied. Klappenbach, J., not participating.

CV-22-410. Carl Roberts v. Karen Roberts, from Benton County Circuit Court. Motion of Matt Kezhaya for attorney's fees is denied.

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

CV-23-114. Barbra Davis, Individually and as Personal Representative of the Estate of Alex Davis, Deceased v. Jefferson Hospital Association, Inc., D/B/A Jefferson Regional Medical Center; Jefferson Regional Medical Center Preferred Provider Organization; Steven H. Wright, M.D.; Ayman Abdul Hameed Alshami, M.D.; and Mai Salah Abd-Alqader, M.D., from Jefferson County Circuit Court. Motion to allow Kristen S. Moyers to withdraw and be removed as counsel is granted.

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. Appellees' motion for extension of time to file belated brief is granted. Barrett, J., not participating. Tendered appellees' brief filed this date.

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CV-23-753. Robert F. Boerner; Kristina Kendall; Joy E. Martsching; Richard L. Martsching; Sherry Lynn Owens; Renita J. Philley Hale; Hans D. Purkott; Ilse M. Purkott; Cynthia L. Schreimel; Ulrich G. Schreimel; Barbara Schuette; Renee Sharboneau; Gary Welch, Either Individually or as Trustee of the Gary Welch Trust; Sharon Williams; Zachary Williams; Ronald E. Rivers; Alice E. Rivers; and Rivers Living Trust, Individually and in Their Capacity as Owners in Stony Brook Chateau Horizontal Property Regime v. Celina Richards; Arlene V. Rose; Terrell M. Rose; Markilyn Davis Spainhour; Edward Tallach; Ellen Tallach; Christie White; and Donald White, from Garland County Circuit Court. Appellees' motion to dismiss appeal, memorandum of authorities, and supporting brief is denied.

CV-23-772. Kevin Cheri v. Laura Cheri, from Boone County Circuit Court. Appellant's motion to consolidate the record on appeal is denied. Abramson, J., not participating.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-22-86. James Robert Macom; Individually and d/b/a Benson Home Repair and Christy Benson v. Peter P. Di Cresce and Delores Di Cresce, By and Through Their Powers of Attorney, Joy Christie Di Cresce and Juanita Di Cresce, from Sharp County Circuit Court.

CV-22-94. Bennie Burks, as Special Administrator of the Estate of Oliver Lee Burks, Deceased v. Hunter L. Brown, M.D.; and Robert T. Emery, M.D., from Independence County Circuit Court. Petition of separate appellee Robert T. Emery, M.D., for rehearing.

CV-22-94. Bennie Burks, as Special Administrator of the Estate of Oliver Lee Burks, Deceased v. Hunter L. Brown, M.D.; and Robert T. Emery, M.D., from Independence County Circuit Court. Petition of separate appellee Hunter L. Brown, M.D., for rehearing.

CV-22-142. Benton County Regional Solid Waste Management v. Waste Management of Arkansas, Inc., and Eco-Vista LLC, from Washington County Circuit Court.

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

CV-23-21. Edward Taylor v. Kalendria Brooks, from Pulaski County Circuit Court, Fourteenth Division.

CR-10-206. Timothy Mack Clemmons v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se petition for writ of certiorari and/or second motion to recall mandate.

CR-22-263. Jeremy Durkin v. State of Arkansas, from Crawford County Circuit Court. Motion of F. Parker Jones III for attorney's fees.

CR-22-402. Evan Columbus Anderson v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to file supplemental record out of time.

CR-22-667. David Wayne Railey v. State of Arkansas, from Nevada County Circuit Court. Motion of Ben Motal for attorney's fees.

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CR-22-707. Aaron Scott Taylor v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees.

CR-22-775. Sean Woodruff v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Motion of Gary W. Potts for costs and attorney fees.

CR-23-245. Hughey Brooks v. State of Arkansas, from Washington County Circuit Court. Motion of Trent D. Thomas for attorney's fees.

CR-23-435. Durrell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for leave to file a belated brief from the denial of post conviction relief.

CR-23-506. Mitchell Wine v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for leave of court to supplement appellant's brief and to unseal underlying criminal case 63CR-21-700.

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

CR-23-698. Dewayne Van Tilmon v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion to file a belated brief.

CR-23-698. Dewayne Van Tilmon v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion of reconsideration for appellant's pro se motion for appointment of counsel.

CR-23-698. Dewayne Van Tilmon v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion to supplement the record with additional material.

CR-23-715. Shane Ledford v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for appointment of different attorney and to "look into" the case.

CR-23-715. Shane Ledford v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion to retrial.

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CR-23-735. Jeremy Latoris Reed v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's motion for leave to file a belated brief.

CR-23-760. James Sherwood Edwards v. State of Arkansas, from Ashley County Circuit Court. Appellant's petition for writ of certiorari to complete the record or, in the alternative, motion to remand to settle the record.

CR-23-761. Markelle Davis v. State of Arkansas, from Miller County Circuit Court. Appellant's motion requesting recusal of judge.

CR-23-790. Tremain Huggins v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's pro se motion for extension of time to file brief.

CR-23-790. Tremain Huggins v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's pro se motion for appointment of counsel.

CR-23-791. Lorenzo Lamont Allen v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Butler Bernard, Jr., to withdraw as counsel for the appellant.

CR-23-800. Bradley Uren v. State of Arkansas, from Baxter County Circuit Court. Motion of Tony Pirani to be relieved as attorney for appellant and to stay briefing schedule.

CR-23-805. Larry Cossey v. State of Arkansas, from Pope County Circuit Court. Joint motion to substitute counsel of record.

CR-23-813. Richard O. Newton v. State of Arkansas, from Franklin County Circuit Court, Southern District. Motion of Debra Reece Johnson to substitute counsel.

CR-23-816. Zereak Oliver v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's motion for belated appeal and/or rule on clerk.

CR-23-821. Kenneth Steward v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari.

CR-23-833. James Franklin Nowlin v. State of Arkansas, from Little River County Circuit Court. Appellant's petition for writ of mandamus to supplement record.

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CR-23-833. James Franklin Nowlin v. State of Arkansas, from Little River County Circuit Court. Appellant's first amended petition for writ of mandamus to supplement record.

CV-22-779. Michael Allwine and Sophie Allwine v. FCA US, LLC; 4X4 Offroad Outfitters, LLC; JKS Manufacturing, Inc.; Meyer Distributing, Inc.; and Fletcher Automotive No. 1, LLC, d/b/a Frank Fletcher Dodge and Frank Fletcher Dodge-Chrysler-Jeep, from Pulaski County Circuit Court, Sixteenth Division. Motion of Don A. Taylor to withdraw as counsel for Fletcher Automotive No. 1, LLC, d/b/a Frank Fletcher Dodge and Frank Fletcher Dodge-Chrysler-Jeep.

CV-23-41. Zachary M. Oxley v. Larry Ray Lumpkins, from Lonoke County Circuit Court. Appellant's motion for relief from mandate.

CV-23-421. Detric Wilson v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for information on appellant case-status.

CV-23-469. Cacea Coleman v. PPMG of Texas, LLC, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion for reconsideration of writ of certiorari to complete the record or to correct the record.

CV-23-694. Jennifer McShane v. Frenchman Woods TVRC TIC LLC, Frenchman Woods TVSJC TIC LLC, and Frenchman Woods OVA TIC LLC d/b/a The Retreat of Maumelle, from Pulaski County Circuit Court, Twelfth Division. Appellees' motion to dismiss appeal.

CV-23-742. Bo Bradley and Carl Baldwin v. Cody Lloyd, from Cross County Circuit Court. Appellant's motion to supplement the record.

CV-23-749. Michel Hughes v. Benjamin Bright, from Garland County Circuit Court. Appellant's petition for writ of certiorari to complete the record or, in the alternative, motion to supplement the record.

CV-23-765. Nationwide Mutual Insurance Company v. N.W.A. Restore-It, Inc., from Benton County Circuit Court. Motion of Michael P. Vanderford for withdrawal of Arthur C. Jefferson as counsel of record.

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MOTIONS SUBMITTED

CV-23-765. Nationwide Mutual Insurance Company v. N.W.A. Restore-It, Inc., from Benton County Circuit Court. Appellant's combined motion to supplement and correct record.

CV-23-779. James Scholz and Susanne Scholz v. Esquire Ranches, LLC, from Saline County Circuit Court. Appellants' motion to remand to settle and supplement by certiorari to complete the record.

CV-23-779. James Scholz and Susanne Scholz v. Esquire Ranches, LLC, from Saline County Circuit Court. Appellee's motion to dismiss appeal.

CV-23-785. Amber Rice and Kevin Sierzchula v. Arkansas Department of Human Services and Minor Children, from Marion County Circuit Court. Motion of separate appellant Kevin Sierzchula for fourteen-day extension.

CV-23-787. Alyson Rutledge v. Donnie Rutledge, from Washington County Circuit Court. Appellant's motion to stay order pending appeal.

CV-23-818. Newland & Associates, PLLC, Trustee of the Michael Allen Lasiter Revocable Trust v. Caroline Lasiter, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion to supplement the record.

E-22-196. Tiffany Evans v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file a belated motion.

E-22-419. Daniel Abadom v. Director et al., from the Arkansas Board of Review. Appellee's motion for extension of time to file supplemental record.

E-22-420. Daniel Abadom v. Director et al., from the Arkansas Board of Review. Appellee's motion for extension of time to file supplemental record.

E-23-438. The Ohio Club, Jeannie Mir, Owner v. Director et al., from the Arkansas Board of Review. Respondent's motion to dismiss appeal.

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CASES SUBMITTED

CR-23-83. Keithan Jackson v. State of Arkansas, from Pike County Circuit Court.

CR-23-161. Matthew Garner v. State of Arkansas, from IZARD County Circuit Court.

CR-23-314. Amanda Echelbarger v. State of Arkansas, from Crawford County Circuit Court.

CR-23-361. Curtis Pittman v. State of Arkansas, from Lincoln County Circuit Court.

CV-22-725. Hamilton Mitchell, as Trustee of the Bankruptcy Estate of Jaslyn Deans v. James Strayhorn, from Washington County Circuit Court.

CV-23-80. Detraveon Simmons and \$4260 in U.S. Currency and 1991 Ford Ranger VIN #1FTCR14AXMPB11311 v. State of Arkansas, from Drew County Circuit Court.

CV-23-120. State of Arkansas Office of Child Support Enforcement v. Bernard Milner, from Columbia County Circuit Court.

CV-23-193. Marty Lane Taylor and Angie Taylor v. The Estate of Rose Ann Lewis, Deceased, from Montgomery County Circuit Court.

CV-23-213. Emily Sutton v. Jordan Falci, from Washington County Circuit Court.

CV-23-217. Steven Ray Brazil v. Julie Goggins Brazil, from Saline County Circuit Court.

CV-23-490. Summer Kazzee v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court.

CV-23-503. Marel Torres-Pacheco 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-22-404. Stacy Bridges v. Director et al.

E-22-438. Ontaria Jackson v. Director et al.

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- E-22-540. Diane McPherson v. Director et al.
- E-22-541. Diane McPherson v. Director et al.
- E-22-542. Diane McPherson v. Director et al.
- E-22-543. Diane McPherson v. Director et al.
- E-22-547. Cody Wagner v. Director et al.
- E-22-548. Robert Green v. Director et al.
- E-22-549. Kiara Andrews v. Director et al.
- E-22-550. Jeffrey Lemay v. Director et al.
- E-22-551. Mamie Lee v. Director et al.
- E-22-552. Diamond Brown v. Director et al.
- E-22-556. Timothy Davis v. Director et al.
- E-22-557. Katherine James v. Director et al.
- E-22-562. Phyllisia Loggin v. Director et al.
- E-22-563. Amanda Deweese Ply v. Director et al.
- E-22-564. Stacy Lynette Harris v. Director et al.
- E-22-566. Eddie Nolen v. Director et al.
- E-22-567. Justin Harp v. Director et al.
- E-22-568. Christopher Fischer v. Director et al.
- E-22-569. Christopher Fischer v. Director et al.

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E-22-570. Christopher Fischer v. Director et al.

E-22-571. Christopher Fischer v. Director et al.

E-22-582. Jeffrey Lemay v. Director et al.