

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF FEBRUARY 28, 2024**

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

[CV-22-643](#). Delores Ann Rawls v. Jesse Malvern Rawls, from Garland County Circuit Court. Dismissed without prejudice. Wood and Murphy, JJ., agree.

[CV-23-144](#). William Day v. State of Arkansas, from Ashley County Circuit Court. Affirmed. Wood and Murphy, JJ., agree.

**RAYMOND R. ABRAMSON, JUDGE:**

[CR-23-483](#). Jerry Lee Washington v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Virden and Thyer, JJ., agree.

[CV-23-643](#). Dalia Harris v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Virden and Thyer, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-22-532](#). William N. Gillison Revocable Trust v. Willian W. Bunker and Claudia M. Bunker Joint Revocable Trust, from Chicot County Circuit Court. Affirmed; remanded with instructions to amend the judgment. Gladwin and Wood, JJ., agree.

[CV-23-560](#). Jessica Edwards and Gary Tacker v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Gladwin and Wood, JJ., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-22-400](#). Pines – Progressive Eldercare Services, Inc., d/b/a/ The Pines Nursing and Rehabilitation Center; Progressive Eldercare Services, Inc.; Southern Administrative Services, Inc.; Procure Therapy Services, LLC; Careplus Staffing Services, LLC; Professional Nursing Solutions, LLC; OHI Asset (AR) Hot Springs, LLC; MasterTen, LLC; Angela D. Marlar, Individually and in Her Capacity as Administrator and President of The Pines Nursing and Rehabilitation Center; John Does 1 Through 5, Unknown Defendants; and John Doe Insurance Companies A–D, Unknown Defendants v. Laura Carnahan, as Administratrix of the Estate of Mary Evelyn Rhea, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Mary Evelyn Rhea, from Garland County Circuit Court. Affirmed. Gruber and Barrett, JJ., agree.

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**N. MARK KLAPPENBACH, JUDGE:**

[E-23-132](#). Marisol Canchola v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed. Hixson and Brown, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CR-22-787](#). Glenn Robert Lema v. State of Arkansas, from Yell County Circuit Court, Southern District. Affirmed. Gladwin and Barrett, JJ., agree.

[CR-23-199](#). Victor Harmon v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Dismissed. Gladwin and Barrett, JJ., agree.

[CV-23-115](#). Roger Riley v. First State Bank, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. Gladwin and Barrett, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CR-23-147](#). Travis Roberts v. State of Arkansas, from Benton County Circuit Court. Affirmed. Gladwin and Gruber, JJ., agree.

[E-23-35](#). Maegan Hollis v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed. Gladwin and Gruber, JJ., agree.

[E-23-195](#). Maegan Hollis v. Director, Division of Workforce Services, from the Arkansas Board of Review. Affirmed. Gladwin and Gruber, JJ., agree.

**CINDY GRACE THYER, JUDGE:**

[CV-22-448](#). Johnson Industrial Maintenance Co., d/b/a/ JIMCO, LLC, and Andy Johnson v. Mary Borkowski and William Borkowski, from Washington County Circuit Court. Affirmed. Abramson and Virden, JJ., agree.

[CV-23-91](#). Paul Willhite v. Danita Lynn Willhite, from Washington County Circuit Court. Affirmed. Gruber and Brown, JJ., agree.

[CV-23-92](#). Paul Willhite v. Cameron Willhite, from Washington County Circuit Court. Affirmed. Gruber and Brown, JJ., agree.

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**WENDY SCHOLTENS WOOD, JUDGE:**

[CR-23-522](#). Timothy Sled v. State of Arkansas, from Cleveland County Circuit Court. Affirmed. Harrison, C.J., and Murphy, J., agree.

[CV-22-593](#). Michael Ward v. Commerce Construction Co., Inc.; and Cincinnati Insurance Co., from the Arkansas Workers' Compensation Commission. Affirmed. Harrison, C.J., and Murphy, J., agree.

**KENNETH S. HIXSON, JUDGE:**

[CR-23-113](#). Angela Downing v. State of Arkansas, from Conway County Circuit Court. Affirmed; remanded to correct the sentencing order. Klappenbach and Brown, JJ., agree.

[CV-23-85](#). Angie Unruh v. Five Star Painting Services, LLC, from Benton County Circuit Court. Reversed and remanded. Klappenbach and Brown, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-23-208](#). Sunil Kumar v. State of Arkansas, from Miller County Circuit Court. Affirmed in part; dismissed in part. Harrison, C.J., and Wood, J., agree.

[CR-23-322](#). Jayaun Durham v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed. Harrison, C.J., and Wood, J., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-22-78](#). Vivek Dicholkar v. Blake McMillon, from Benton County Circuit Court. Affirmed. Klappenbach and Hixson, JJ., agree.

[CV-22-549](#). Edward Wester v. Trina Wester, Floyd Prock, and Debbie Anderson, from Sharp County Circuit Court. Affirmed. Klappenbach and Hixson, JJ., agree.

[E-22-612](#). Darren Williams v. Director, Department of Workforce Services, from the Arkansas Board of Review. Remanded to settle and supplement the record. Klappenbach and Hixson, JJ., agree.

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**PER CURIAM ORDERS**

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

CV-23-217. Steven Brazil v. Julie Goggins Brazil, from Saline County Circuit Court. Gruber and Murphy, JJ., not participating.

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CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant’s pro se motion for a copy of the case file at public expense is denied.

CR-22-458. Jiggs Dean Compton v. State of Arkansas, from Newton County Circuit Court. Motion of Geoffrey D. Kearney for attorney’s fees is granted. Allowed \$2,250.

CR-22-583. Albert B. Mitchell v. State of Arkansas, from Garland County Circuit Court. Motion of Grace Casteel for award of attorney’s fees is granted. Allowed \$2,250.

CR-22-809. Michael Shane Stoelting v. State of Arkansas, from Benton County Circuit Court. Appellant’s petition for writ of certiorari to complete the record and stay of briefing schedule is granted. Writ issued; returnable March 29, 2024. Appellant’s brief is due thirty days after the writ is returned and the electronic supplemental record is lodged.

CR-23-435. Durrell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Appellee’s motion to dismiss or, in the alternative, motion for extension of brief time. Motion to dismiss is denied. Motion for extension of brief time is granted. Klappenbach, J., not participating. Appellee’s brief is due March 29, 2024.

CR-23-807. Michael Dewayne Carr v. State of Arkansas, from Drew County Circuit Court. Appellee’s motion to dismiss or, in the alternative, motion for an extension of time in which to file brief is granted. Appeal dismissed.

CR-24-102. Anthony Petties v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant’s motion for rule on the clerk is granted. Record filed in the Arkansas Court of Appeals this date, as case No. CR-24-102.

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**PER CURIAM ORDERS**

CV-24-37. Lisa Murphy; Gregory Kent Thomas; Fiddlers Green Medical Marijuana Dispensary, LLC; and Arkansas Property and Wealth Management Company, LLC v. Ryan Hansen; Jonathan Reeves; Greystone Wellness, LLC; and Hilltop Real Estate Holdings, LLC, from Stone County Circuit Court. Appellees' motion to dismiss appeal is denied.

CV-24-37. Lisa Murphy; Gregory Kent Thomas; Fiddlers Green Medical Marijuana Dispensary, LLC; and Arkansas Property and Wealth Management Company, LLC v. Ryan Hansen; Jonathan Reeves; Greystone Wellness, LLC; and Hilltop Real Estate Holdings, LLC, from Stone County Circuit Court. Appellant's motion for oral argument on pending motion to dismiss appeal is denied.

CV-24-116 Jesus Escareno and Juan Cardenas-Valdovinos v. State of Arkansas; U.S. Currency in the Amount of \$545,022.00; 2013 Kenworth Construction VIN 1XKWD49X9DJ359020; and 1999 Rave Flatbed VIN 1R1F25022XK990598, from Lonoke County Circuit Court. Appellants' joint emergency motion for stay of transfer to federal authorities is denied.

E-24-21. Edith Leah Perryman v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to supplement is denied.

E-24-31. Lafaydra Conway v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to file belated appeal is denied.

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**MOTIONS SUBMITTED**

PETITIONS FOR REHEARING:

CV-22-231. Robin Dee Enterprises, Inc. v. Carvin Burns, from Phillips 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.

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CR-22-564. Seth Fontenot v. State of Arkansas, from Lonoke County Circuit Court. Motion of Robert M. “Robby” Golden for attorney’s fees.

CR-22-616. Jimmie Holland v. State of Arkansas, from Washington County Circuit Court. Motion of Lee D. Short for attorney’s fees.

CR-22-701. Jason Baxter v. State of Arkansas, from White County Circuit Court. Motion of Lee D. Short for attorney’s fees.

CR-23-185. Minor Child v. State of Arkansas, from Pope County Circuit Court. Motion of Michael Kiel Kaiser for fees.

CR-23-287. Christon Jace Houston v. State of Arkansas, from Saline County Circuit Court. Appellant’s motion for extension of time to supplement the record on appeal.

CR-23-288. Christon Jace Houston v. State of Arkansas, from Saline County Circuit Court. Appellant’s motion for extension of time to supplement the record on appeal.

CR-23-295. Kimberlie Tilley v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney’s fees.

CR-23-329. Jason Hicks v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain for attorney fees.

CR-23-390. Mercedes Cuellar v. State of Arkansas, from Grant County Circuit Court. Motion of Gregory Crain for attorney fees.

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**MOTIONS SUBMITTED**

CR-23-790. Tremain Huggins v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's petition for writ of certiorari to complete the record.

CR-23-821. Kenneth Steward v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for extension of time to lodge supplemental record.

CR-24-99. Anthony Petties v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of the James Law Firm to substitute counsel.

CR-24-102. Anthony Petties v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Motion of the James Law Firm to substitute counsel.

CR-24-106. Timothy Black v. State of Arkansas, from Logan County Circuit Court, Northern District. Motion of Beth Wright to be relieved as attorney for appellant and for appointment of counsel.

CV-23-210. Marvin L. Hughes II v. Mark E. Turner, Individually; Steve Turner; and Mark E. Turner as Trustee of The Mark E. Turner Revocable Trust, from Poinsett County Circuit Court. Appellant's motion for oral argument.

CV-23-515. Raymond Buzbee, Jr. v. Blann Transportation, Inc., aka Blann Trucking; David Blann; Christina D. Denton; and Blann Tractor Company, from Calhoun County Circuit Court. Appellant's belated motion for additional extension of time to file appellant's reply brief with the Arkansas Court of Appeals.

CV-23-544. Arkansas Wine and Spirits Wholesale, LLC v. Arkansas Department of Finance and Administration; Arkansas Alcoholic Beverage Control Division; Freddie Black, In His Official Capacity as Chairman of the Board of the Arkansas Beverage Control Division; Pamela DePreist, In Her Official Capacity as a Member of the Board of the Arkansas Beverage Control Division; Alex Bass, In His Official Capacity as Chairman of the Board of the Arkansas Beverage Control Division; Jamie Anderson, In His Official Capacity as Chairman of the Board of the Arkansas Beverage Control Division; Steven Smith, In His Official Capacity as Chairman of the Board of the Arkansas Beverage Control Division; Mach Flynt, Inc.; Levecke Corporation; and Moon Distributors, Inc., from Pulaski County Circuit Court, Fourth Division. Motion of Clayborne Stone to withdraw.

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**MOTIONS SUBMITTED**

CV-23-736. Mighty Good Solutions, LLC; and Benjamin Rendo v. Retail Firm, LLC, from Benton County Circuit Court. Appellants' motion for stay and supersedeas bond.

CV-23-764. Emily Reynolds v. Jerry Alan Parker, Individually and In His Fiduciary Capacity as Co-Trustee of the Parker Family Irrevocable Trust; and William David Parker, Individually and In His Fiduciary Capacity as Co-Trustee of the Parker Family Irrevocable Trust, from Garland County Circuit Court. Motion of Clayborne Stone to withdraw.

CV-23-804. Brenda Barton v. The Estate of Phillip Smith, Sr., Deceased, from Union County Circuit Court. Appellant's motion to stay briefing schedule and to consolidate appeal.

CV-24-43. Mikayla Turner v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant's motion to dismiss appeal and motion to stay briefing time.

CV-24-43. Mikayla Turner v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Appellant's amended motion to dismiss appeal and motion to stay briefing time.

CV-24-85. Fred N. Bollinger d/b/a FNB FARMS; Fred N. Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc. v. Farm Credit Midsouth, PCA, from Crittenden County Circuit Court. Appellants' motion to consolidate records on appeal.

CV-24-100. (In the Matter of the Estate of Pyper Fay Jean Thompson, Deceased) Tiffanie McGuire v. Albany Thompson, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss appeal.

CV-24-108. Frederick Jones v. Allstate Property and Casualty Insurance Company and Brooke Brolo, from Pulaski County Circuit Court, Twelfth Division. Appellant's pro se motion for belated appeal.



## **ARKANSAS COURT OF APPEALS**

### **PROCEEDINGS OF FEBRUARY 28, 2024**

#### **CASES SUBMITTED**

CR-22-269. Martha Hughes v. State of Arkansas, from Hot Spring County Circuit Court.

CR-23-47. Ryan Cockrell v. State of Arkansas, from Faulkner County Circuit Court.

CR-23-131. Jason Conrad Adkins v. State of Arkansas, from Washington County Circuit Court.

CR-23-260. Robert Lee Battles, Jr. v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-23-289. Joshua Chapelle Joyce v. State of Arkansas, from Crittenden County Circuit Court.

CR-23-337. Reginald Featherston v. State of Arkansas, from Hempstead County Circuit Court.

CR-23-347. Joe Lester Cantrell v. State of Arkansas, from Cleburne County Circuit Court.

CR-23-399. Balil Jamal Owens v. State of Arkansas, from Saline County Circuit Court.

CR-23-423. Michelle Barrett v. State of Arkansas, from Saline County Circuit Court.

CR-23-561. Joanna Danielle White v. State of Arkansas, from Benton County Circuit Court.

CR-23-565. Debra Lynn Farris v. State of Arkansas, from Searcy County Circuit Court.

CR-23-607. Joshua Branch v. State of Arkansas, from Jefferson County Circuit Court.

CV-22-446. Alison Dorey (now Theobold) v. Adam Gabriel Dorey, from Crawford County Circuit Court.

CV-22-557. Hurlan F. Muncy and Yvonne G. Muncy v. Nella Lawson, from Pope County Circuit Court.

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#### **CASES SUBMITTED**

CV-22-714. Mary Corrine Smart-Moore v. James Moore, from Pulaski County Circuit Court, Fourteenth Division.

CV-22-728. Wanda Stewart Woods v. Leonard W. Woods, from Lonoke County Circuit Court.

CV-22-817. Leonard Redd v. M.A. Mortenson Co., Inc.; and ARCH Insurance Company/Gallagher Bassett Services, Inc., from the Arkansas Workers' Compensation Commission.

CV-23-90. Jeffery Harvey v. University of Arkansas at Fayetteville and Arkansas Insurance Department - Public Employee Claims Division, from the Arkansas Workers' Compensation Commission.

CV-23-252. Paula Graf v. Eric Graf, from Sharp County Circuit Court.

CV-23-259. Alexandria Merrifield v. James Penner, from Washington County Circuit Court.

CV-23-642. Cody Wayne Elkins and Cherokee Nation v. Minor Child and Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District.

CV-23-658. Carissa Shipp v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CV-23-692. Susan Price and Clayton Carter v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.

CV-23-703. Dayna Cheater and David Cheater v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District.