

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 10, 2024

BRANDON J. HARRISON, CHIEF JUDGE:

[CV-22-528](#). Southern Forestry and Wildlife, LLC v. James B. Feinman, from Pulaski County Circuit Court, Eleventh Division. Reversed; motion for sanctions denied. Abramson and Hixson, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-23-472](#). Chad Evans v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Gruber and Hixson, JJ., agree.

[CV-20-305](#). Stroud Production, LLC v. J-Lu Ltd. Co.; J-Roc Ltd. Co.; Ploutos, LLC; Sagely Investments, LLC; Kevin Schmidt; and Monica Schmidt, from Miller County Circuit Court. Affirmed. Gruber and Hixson, JJ., agree.

BART F. VIRDEN, JUDGE:

[CV-23-133](#). Peco Foods, Inc.; OccuSure Claims Services, LLC; and Death and Permanent Total Disability Trust Fund v. Jeffrey Johnson, from the Arkansas Workers' Compensation Commission. Dismissed in part; affirmed. Klappenbach and Wood, JJ., concur.

N. MARK KLAPPENBACH, JUDGE:

[CR-22-748](#). Oscar Perez v. State of Arkansas, from Benton County Circuit Court. Affirmed. Virden and Wood, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-23-598](#). LeTara Davis and Jared Davis v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Affirmed. Abramson and Hixson, JJ., agree.

STEPHANIE POTTER BARRETT, JUDGE:

[CR-23-661](#). Sentoren Brooks v. State of Arkansas, from Chicot County Circuit Court. Affirmed. Murphy and Brown, JJ., agree.

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CINDY GRACE THYER, JUDGE:

[CR-23-467](#). Ronald Matthew Robinson v. State of Arkansas, from Pope County Circuit Court. Affirmed. Harrison, C.J., and Gladwin, J., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CR-23-539](#). D’Juan Williams v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Virden and Klappenbach, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-23-272](#). James McElroy v. State of Arkansas, from Howard County Circuit Court. Affirmed. Abramson and Gruber, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-23-325](#). Madison J. Bryant v. William Michael Watts, from Boone County Circuit Court. Affirmed. Barrett 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-22-625. Mytear Berkhalter v. Director et al.

E-23-67. Lauren West v. Director et al.

E-23-69. Rachel Gonzalez v. Director et al.

E-23-71. Jamie Brown v. Director et al.

E-23-72. Carolyn Denise Harding v. Director et al.

E-23-73. Cheryl R. Childress v. Director et al.

E-23-74. Kathy Staton v. Director et al.

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- E-23-75. Kathy Staton v. Director et al.
- E-23-76. Kathy Staton v. Director et al.
- E-23-77. Kathy Staton v. Director et al.
- E-23-78. Kathy Staton v. Director et al.
- E-23-79. Kathy Staton v. Director et al.
- E-23-80. Kathy Staton v. Director et al.
- E-23-81. Kathy Staton v. Director et al.
- E-23-82. Steven Ray v. Director et al.
- E-23-83. Erica Tollett v. Director et al.
- E-23-84. Erica Tollett v. Director et al.
- E-23-85. Stefanie Collins v. Director et al.
- E-23-86. Stefanie Collins v. Director et al.
- E-23-87. Randall Oxford v. Director et al.
- E-23-88. Tina F. Wilkinson v. Director et al.
- E-23-89. James Ross Gamble v. Director et al.
- E-23-90. Augustine Avuru v. Director et al.
- E-23-91. Cheryl Childress v. Director et al.
- E-23-92. Deanna Dickens v. Director et al.
- E-23-93. Angie Matthews v. Director et al.
- E-23-94. Dawn Roller v. Director et al.

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E-23-95. Tara Stovall v. Director et al.

E-23-96. Michael A. Grieco v. Director et al.

E-23-97. Michael A. Grieco v. Director et al.

E-23-98. Jamie Brown v. Director et al.

E-23-100. Holly C. Reed v. Director et al.

E-23-101. Holly Reed v. Director et al.

E-23-102. Holly Reed v. Director et al.

E-23-103. Holly Reed v. Director et al.

E-23-105. Deanna Dickens v. Director et al.

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PER CURIAM ORDERS

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

CV-23-91. Paul Willhite v. Danita Lynn Willhite, from Washington County Circuit Court.

CV-23-92. Paul Willhite v. Cameron Willhite, from Washington County Circuit Court.

CR-22-787. Glenn Robert Lema v. State of Arkansas, from Yell County Circuit Court, Southern District. Motion of Gregg A. Knutson for attorney fees is granted. Allowed \$2,500.

CR-23-156. Jimmy Jacobs v. State of Arkansas, from Jefferson County Circuit Court. Motion of Dusti Standridge and Jordan Tinsley for attorney's fees is granted. Dusti Standridge is allowed \$500. Jordan Tinsley is allowed \$2,000. Virden, J., not participating.

CR-23-190. Demond Davis v. State of Arkansas, from Lonoke County Circuit Court. Motion of Omar F. Greene for attorney's fees is granted. Allowed \$2,500.

CR-23-239. Andre Luther Cain v. State of Arkansas, from Garland County Circuit Court. Motion of Jeremy D. Wann to be relieved as counsel of record is granted.

CR-23-239. Andre Luther Cain v. State of Arkansas, from Garland County Circuit Court. Motion of Jeremy D. Wann for attorney's fees and costs is granted. Allowed \$2,500.

CR-23-281. George Fowler v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$2,500.

CR-23-522. Timothy Sled v. State of Arkansas, from Cleveland County Circuit Court. Motion of Susan Potts, executrix for the estate of Gary W. Potts, for costs and attorney fees is granted. Allowed \$2,250.

CR-23-767. Crystal Lowery v. State of Arkansas, from Pulaski County Circuit Court, Third Division. Appellant's pro se motion for extension of time to file reply brief is moot. Virden and Thyer, JJ., not participating.

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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 is granted. Writ issued; returnable May 10, 2024. Harrison, C.J., not participating. This court has issued two writs of certiorari to complete the record since the record's original due date of December 14, 2023.

CR-23-816. Zereak Oliver v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Motion of Terrence Cain to appear as attorney of record is granted. Gruber, J., not participating.

CR-23-816. Zereak Oliver v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's motion for extension of time to file brief is moot. Gruber, J., not participating.

CR-23-816. Zereak Oliver v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's second motion for extension of time to file brief is granted. Gruber, J., not participating. Appellant's brief is due April 18, 2024.

CR-24-83. Georgina Gibout v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion to transport physical exhibit with record is denied. Barrett, J., would grant. Thyer, J., not participating.

CR-24-118. James Andrew Taylor v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for extension of time is granted. Virden, Klappenbach, and Barrett, JJ., not participating. Appellant's pro se brief is due June 9, 2024. This is a final extension.

CR-24-168. Larry Davis v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to supplement counsel of record is granted.

CR-24-188. Brian Peugh v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion for rule on clerk is granted. Record filed in Arkansas Court of Appeals this date as case No. CR-24-188. Appellant's brief is due May 10, 2024.

CR-24-197. Kelly Dunning v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for rule on clerk is granted. Klappenbach, J., not participating. Partial record filed in Arkansas Court of Appeals this date as case No. CR-24-197.

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PER CURIAM ORDERS

CR-24-197. Kelly Dunning v. State of Arkansas, from Benton 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 is granted. Klappenbach, J., not participating. Writ issued; returnable May 10, 2024. Appellant's brief is due thirty days after the writ is returned and the complete electronic record is filed.

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 motion for reconsideration of the court's March 6 denial of extension of additional time to file appellant's reply brief with the Arkansas Court of Appeals and amended motion for extension of additional time to file appellant's reply brief with the Arkansas Court of Appeals is granted. Harrison, C.J., and Gladwin, J., would deny. Klappenbach, J., not participating. Appellant's reply brief is due April 19, 2024. This is a final extension.

CV-23-772. Kevin Cheri v. Laura Cheri, from Boone County Circuit Court. Appellant's motion to hold appeal in abeyance is denied. Abramson, J., not participating.

CV-23-772. Kevin Cheri v. Laura Cheri, from Boone County Circuit Court. Appellant's motion for extension of time to file brief is denied. Abramson, J., not participating.

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 for expansion of word count limitation and extension of time to file appellants' brief is denied. Thyer, J., not participating. Compliant appellants' brief is due April 25, 2024.

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. Appellant's motion for reconsideration of March 6, 2024 dismissal order and brief in support is denied. Harrison, C.J., not participating.

CV-24-154. Mary Brazil v. Modern Home Concepts of Arkansas and Perry Morris, from Jefferson County Circuit Court. Appellant's pro se motion to add transcript to this record from the Jefferson Circuit Court civil division case no. 35CV-22-910 is denied. Appellant's pro se brief is due May 15, 2024.

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PER CURIAM ORDERS

CV-24-165. Christina Morris v. Chad Morris, from Benton County Circuit Court. Appellant's pro se motion for rule on the clerk is granted. Partial record filed in Arkansas Court of Appeals this date as case No. CV-24-165.

CV-24-196. Angela Pacheco; Ennelida Zapet-Lopez; Walter Lovato; Marixa Gomez; Maria Pineda; Reyes Salvador Herrera; Rosa Valente; Alfredo Martinez; Sara Martinez; Jose Silva-Lopez, Individually and as Parent of Minor Child; Francisco Camacho; Gloria Camacho; Ezequiel Camacho; Lina Avila; Alejandra Pina, Individually and as Parent of Minor Child; Fidel Camacho; Maria D. Camacho; Silvano Carranza; Magdalena Carranza; Fortino Oritz; Rebeca Salazar; Lusbin Vidal; Juan Perez Pina; Juan Vasquez Pacheco; Madaly Lovato; Nancy Lovato; Maria C. Camacho; Albert Perez; Yoel Carranza; Anallele Carranza; Ezequiel Zarate Kono; Raquel Pulido de Ortiz; Ana Pichardo; and Emily Pichardo Vega v. Tyson Foods, Inc.; and Tyson Fresh Meats, Inc., from Pulaski County Circuit Court, Ninth Division. Appellees' motion to dismiss stale appeal is granted. Appeal dismissed. Abramson, J., not participating.

CV-24-198. John David Harris v. Arkansas Department of Human Services and Minor Children, from Logan County Circuit Court, Northern District. Appellant's motion for belated appeal is granted. Harrison, C.J., not participating. Record filed in Arkansas Court of Appeals this date as case No. CV-24-198. Appellant's brief is due May 10, 2024.

E-24-55. Melissa McNeal v. Director et al., from the Arkansas Board of Review. Petitioner's motion to file belated appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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

CR-23-483. Jerry Lee Washington v. State of Arkansas, from Jefferson County Circuit Court.

CV-22-432. Jessica Mathis v. Glenn Hickman, Jr., from Pulaski County Circuit Court, Seventeenth Division.

CV-22-488. Craig Ballegeer v. Holly Ballegeer, from Crawford County Circuit Court.

CV-23-94. Jodie Hartman v. Candie Hartman, from Pulaski County Circuit Court, Seventeenth Division.

CV-23-172. (In the Matter of the Adoption of Minor Child) Randell G. Shelton, Jr. v. Jesse Reid and Sheena Reid, from Washington County Circuit Court.

CR-22-778. Lloyd Barber, Jr. v. State of Arkansas, from St. Francis County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees and costs.

CR-23-83. Keithan Jackson v. State of Arkansas, from Pike County Circuit Court. Motion of Brett D. Watson for attorney fees.

CR-23-103. James Terry v. State of Arkansas, from Logan County Circuit Court, Southern District. Motion of Susan Potts, executrix for the estate of Gary W. Potts, for costs and attorney fees.

CR-23-166. Marcus Ballard v. State of Arkansas, from Faulkner County Circuit Court. Appellant’s motion requesting permission to file belated brief.

CR-24-124. Ricky Bradsher v. State of Arkansas, from Yell County Circuit Court, Northern District. Appellant’s pro se motion for extension of time to file brief.

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MOTIONS SUBMITTED

CR-24-124. Ricky Bradsher v. State of Arkansas, from Yell County Circuit Court, Northern District. Appellant's pro se motion to relieve current counsel and appoint new counsel.

CR-24-137. Glicenia C. Logan v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Appellant's pro se motion for change of venue and removal of judge.

CR-24-137. Glicenia C. Logan v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Appellant's second pro se motion for change of venue and removal of judge.

CR-24-137. Glicenia C. Logan v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Appellant's third pro se motion for change of venue and removal of judge.

CV-23-679. (In the Matter of the Guardianship of a Minor) Sandra Andraca v. Patricia Louann Tice, from Pope County Circuit Court. Motion of the American Civil Liberties Union Immigrants' Rights Project, the Arkansas Civil Liberties Union, Arkansas Advocates for Children and Families, and the Hispanic Women's Organization of Arkansas for permission to file amicus curiae brief.

CV-24-25. Cherokee Nation of Oklahoma v. Arkansas Department of Human Services, Minor Child, Heath Burger, and Kari Burger, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for expedited ruling; motion for reversal and dismissal; and motion to stay briefing schedule.

CV-24-70. SC Apartments AR, LLC v. Berkadia Commercial Mortgage, LLC, from Pulaski County Circuit Court, Sixth Division. Appellee's motion to dismiss appeal as moot and memorandum of authorities in support.

CV-24-70. SC Apartments AR, LLC v. Berkadia Commercial Mortgage, LLC, from Pulaski County Circuit Court, Sixth Division. Appellee's motion to stay briefing schedule pending the court's ruling on motion to dismiss and/or, in the alternative, for an extension of time for appellee to file its brief.

E-22-591. Alba Valladares v. Director et al., from the Arkansas Board of Review. Appellant's belated motion for reconsideration of denial of rehearing.

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CASES SUBMITTED

CV-22-188. (In the Matter of the Estate of Eunice Faye Smith, Deceased) Lloyd Smith and Derrell Smith v. Martin Smith and Alwin Smith, from Little River County Circuit Court. Orally argued.

CR-23-496. Owen Watson v. State of Arkansas, from Crittenden County Circuit Court.

CR-23-573. John C. Damron v. State of Arkansas, from Baxter County Circuit Court.

CV-22-585. Cody Stevens v. Harvey N. Hillenburg and Mark Hillenburg, from Stone County Circuit Court.

CV-22-605. Estate of Mrs. George Howard, Jr. (Vivian); and Risie Howard, Special Administratrix v. John Harris, M.D., from Jefferson County Circuit Court.

CV-22-608. Maly Farms, Inc., and Maly Lodging, LLC v. Reynolds Excavating, Inc., from Faulkner County Circuit Court.

CV-23-27. Gary W. Horton v. Deborah L. Boggs, from Baxter County Circuit Court.

CV-23-240. Christina Marie Zihala v. Bradley Thomas Staley, from Pulaski County Circuit Court, Second Division.

CV-23-311. Elise Haro and Juan Fernandez v. Steve Serrano, from Benton County Circuit Court.

CV-23-465. Holly Jones v. State of Arkansas, from Faulkner County Circuit Court.

CV-23-785. Amber Rice and Kevin Sierzchula v. Arkansas Department of Human Services and Minor Children, from Marion County Circuit Court.

CV-23-846. Ildifonso Garza and Shana Hembrey v. Arkansas Department of Human Services and Minor Child, from Jackson County Circuit Court.

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

E-23-99. Brooke Alder v. Director et al.

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CASES SUBMITTED

- E-23-104. Kelly Samuels v. Director et al.
- E-23-106. Clarence Smith Jr. v. Director et al.
- E-23-107. Clarence Smith Jr. v. Director et al.
- E-23-108. Jacinda Glover v. Director et al.
- E-23-109. Justin Lusk v. Director et al.
- E-23-110. David Mills v. Director et al.
- E-23-111. Rashonie Walker v. Director et al.
- E-23-112. Donald Woodberry v. Director et al.
- E-23-113. Mary Stewart v. Director et al.
- E-23-114. Ariel Johns v. Director et al.
- E-23-115. Ariel Johns v. Director et al.
- E-23-116. Ariel Johns v. Director et al.
- E-23-117. John Smith v. Director et al.
- E-23-118. Leon Roberson v. Director et al.
- E-23-121. Romell Mitchell v. Director et al.
- E-23-122. Eric Boreani v. Director et al.
- E-23-123. Chassity A. McCain v. Director et al.
- E-23-124. Lauren Altenbaumer v. Director et al.
- E-23-125. Lauren Altenbaumer v. Director et al.

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CASES SUBMITTED

E-23-126. Melvin M. Brown v. Director et al.

E-23-127. Rufus Virgil v. Director et al.

E-23-128. Lisa Gaye Hooks v. Director et al.

E-23-131. Donald Woodberry v. Director et al.