

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 17, 2024

BRANDON J. HARRISON, CHIEF JUDGE:

[CV-23-212](#). Jim R. Nash v. John Nash, Jr. and Pam Nash Glover, Personal Representatives of the Estate of Norma Nash, Deceased, from Pulaski County Circuit Court, Second Division. Affirmed. Gladwin and Thyer, JJ., agree.

[CV-23-737](#). Dustin Hill v. Arkansas Department of Human Services and Minor Children, from Pike County Circuit Court. Affirmed. Virden and Barrett, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CV-22-579](#). Shelter Mutual Insurance Company v. Karen Chitwood Berry, from Crawford County Circuit Court. Affirmed. Thyer and Murphy, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-23-581](#). Jerry Dale Cherry v. State of Arkansas, from Washington County Circuit Court. Affirmed. Harrison, C.J., and Barrett, J., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-23-652](#). Exie Trammell v. State of Arkansas, from Hempstead County Circuit Court. Affirmed. Klappenbach and Gruber, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-23-446](#). Lacey Hogue v. State of Arkansas, from Saline County Circuit Court. Affirmed; motion to be relieved granted. Gladwin and Gruber, JJ., agree.

[CR-23-529](#). Derek Kilcrease v. State of Arkansas, from Ashley County Circuit Court. Reversed and remanded. Gladwin and Gruber, JJ., agree.

RITA W. GRUBER, JUDGE:

[CV-22-817](#). Leonard Reed v. M.A. Mortenson Companies and Arch Insurance Company/Gallagher Bassett Services, Inc., from the Arkansas Workers' Compensation Commission. Affirmed. Harrison, C.J., and Gladwin, Wood, and Murphy, JJ., agree. Barrett, J., dissents.

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STEPHANIE POTTER BARRETT, JUDGE:

[CR-23-586](#). Billy Hoover v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Harrison, C.J., and Virden, J., agree.

[CV-23-143](#). Janet Christine Galvan f/k/a Janet Christine Andrew v. St. Bernards Hospital, Inc., d/b/a St. Bernards Medical Center; Surgical Associates of Jonesboro, Inc., d/b/a St. Bernards Surgical Associates; and Willie E. Harper, Jr., M.D., from Craighead County Circuit Court, Western District. Affirmed. Harrison, C.J., and Virden, J., agree.

CINDY GRACE THYER, JUDGE:

[CR-23-420](#). Brittany Chambers v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

[CR-23-562](#). Brittany Chambers v. State of Arkansas, from Crawford County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CR-23-492](#). Raymond Page v. State of Arkansas, from Saline County Circuit Court. Affirmed; motion to withdraw granted. Hixson and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-23-684](#). Tyler Chandler v. State of Arkansas, from Washington County Circuit Court. Affirmed. Wood and Brown, JJ., agree.

[CV-22-304](#). Katherine Lyle Harbison, Executrix of the Estate of James Waller Lyle, Deceased v. Shirley Lyle Hitt, from Jackson County Circuit Court. Appeal dismissed. Wood and Brown, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-23-368](#). Curtis Carnley v. State of Arkansas, from Miller County Circuit Court. Dismissed. Abramson and Thyer, JJ., agree.

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MIKE MURPHY, JUDGE: (continued)

[CV-22-774](#). Brandon Lee Yarbery, as Trustee of the Brandon Lee Yarbery Bypass Trust; Paul E. Rush and Carolyn Sue Rush, Individually and as Trustees of the Paul E. Rush and Carolyn Sue Rush Family Trust of 2008; Michael Scott Rush; Jeffrey Brian Rush; and Misty Teague, Individually and as Trustees of the Paul E. Rush and Carolyn Sue Rush Irrevocable and Unamendable Living Trust of 2017 v. Lahoma Edwards, from Sebastain County Circuit Court, Greenwood District. Affirmed on direct appeal; affirmed on cross-appeal. Abramson, Gruber, and Brown, JJ., agree. Barrett and Hixson, JJ., dissent.

[CV-23-315](#). Adam White v. Megan Merrigan, from Benton County Circuit Court. Affirmed. Barrett and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-23-510](#). Jimmy Woodard v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Wood and Hixson, JJ., agree.

[CR-23-513](#). Jimmy Woodard v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Wood and Hixson, JJ., agree.

PER CURIAM DECISION

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

E-23-159. Jeanette B. Reynolds v. Director et al., from the Arkansas Board of Review.

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PER CURIAM ORDERS

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

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. Gruber and Murphy, JJ., not participating.

CV-22-488. Craig Ballegeer v. Holly Ballegeer, from Crawford County Circuit Court. Harrison, C.J., and Wood and Hixson, JJ., not participating.

CV-23-94. Jodie Hartman v. Candie Hartman, from Pulaski County Circuit Court, Seventeenth Division. Gruber and Murphy, JJ., not participating.

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 is granted. Allowed \$2,500.

CR-23-83. Keithan Jackson v. State of Arkansas, from Pike County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$2,500. Harrison, C.J., and Virden, J., not participating.

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 is granted. Allowed \$2,500.

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. Tendered appellant’s brief filed this date.

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CR-24-124. Ricky Bradsher v. State of Arkansas, from Yell County Circuit Court, Northern District. Motion of LynMarie Liberty-Ellington to withdraw as counsel is granted. Phillip A. McGough is appointed as counsel for the appellant. Appellant's brief is due May 17, 2024.

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 is denied.

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 is denied.

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 is denied.

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 is denied.

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 is denied.

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 is granted. Tendered amicus curiae brief filed this date.

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 is passed until the case is submitted. Gladwin, J., not participating.

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PER CURIAM ORDERS

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 is granted. Appellee's brief is due May 17, 2024. Gladwin, J., not participating.

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 is denied.

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MOTIONS SUBMITTED

CR-23-407. Tony McCoy v. State of Arkansas, from Bradley County Circuit Court. Motion of Susan Potts, executrix for the estate of Gary W. Potts, for costs and attorney fees.

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

CR-23-762. Kenneth Eldon Waggoner v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Appellant's motion to file substituted brief.

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-23-833. James Franklin Nowlin v. State of Arkansas, from Little River County Circuit Court. Appellant's motion to accept late supplemental record.

CR-24-160. Marcello Damon v. State of Arkansas, from Ashley County Circuit Court. Motion of Christopher W. Hays and Rufus T. Buie III to substitute counsel.

CR-24-235. Samantha Cameron v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion for rule on clerk and motion for extension of time to file record.

CV-23-738. Donald Fondren v. Adrienne Fondren, from Pope County Circuit Court. Motion of Lauren Hoover and Natalie Dickson to withdraw as counsel for appellee and for removal from ECF notifications.

CV-24-33. Calvin Carrick v. Scott H. Smith d/b/a Mid Ark Outside Storage, LLC, and Pulaski County Sheriff's Office, from Pulaski County Circuit Court, Fourth Division. Motion of separate appellee Mid Ark Outside Storage, LLC, to dismiss and for attorney fees.

CV-24-227. Raymond Woolfolk and Arma Woolfolk v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Appellees' joint motion to dismiss.

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MOTIONS SUBMITTED

CV-24-228. Staci L. Burns (now Mitchell) v. Keaton D. Dillinger, from Prairie County Circuit Court, Northern District. Appellant's motion for rule on clerk, to docket appeal on partial record, or for other relief.

E-23-47. Andree Reece v. Director et al., from the Arkansas Board of Review. Appellant's pro se motion for reconsideration.

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CASES SUBMITTED

CR-23-196. Devalin Wiseman v. State of Arkansas, from Howard County Circuit Court.

CR-23-285. Todd Menard v. State of Arkansas, from Garland County Circuit Court.

CR-23-506. Mitchell Wine v. State of Arkansas, from Saline County Circuit Court.

CR-23-585. Cameron Whitworth v. State of Arkansas, from Garland County Circuit Court.

CR-23-687. Andrea Burciaga v. State of Arkansas, from Garland County Circuit Court.

CV-22-469. Clifford W. Christian and Karen D. Christian v. SWO Properties, Inc., from Boone County Circuit Court.

CV-22-679. Christina Marziale, Individually and as Mother of Baby Boy Marziale; and Dana McClain, Administrator of the Estate of Elaine Marziale v. Kimberly Brown, Special Administrator for the Estate of Tenisha Brown, in Her Individual Capacity; Tyran Turner, Individually and in His Official Capacity; Jennifer Frierson, in Her Individual Capacity and in Her Official Capacity; Phyllis Silas; Wellpath, LLC, f/k/a Correct Care Solutions, LLC; Stephen Cook; Makita LaGrant; and John Does 5–10, in Their Individual Capacities, from Jefferson County Circuit Court.

CV-22-760. Southern Pioneer Property & Casualty Insurance Company v. Troy Sharrah d/b/a A-1 Auto Sales; Allen Aultman; and John Q. Horton, from Crawford County Circuit Court.

CV-22-799. Mercy Hospital Fort Smith, an Arkansas Corporation; Mercy Clinic Fort Smith Communities, an Arkansas Corporation; and William A. Knubley, M.D. v. Paula A. Lesley, R.N.; and Darren L. Lesley, from Sebastian County Circuit Court, Fort Smith District.

CV-23-356. Bonnie Monk v. Union County Industrial Board, from Union County Circuit Court.

CV-23-421. Detric Wilson v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

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CASES SUBMITTED

CV-24-5. Stephanie Krusen and James E. Krusen v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court.

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

E-23-129. Bianca L. Mayo v. Director et al.

E-23-130. Bianca L. Mayo v. Director et al.

E-23-135. Paula Banks v. Director et al.

E-23-136. Stephen Rodgers v. Director et al.

E-23-137. Stephen Rodgers v. Director et al.

E-23-138. Victoria O. Pineda v. Director et al.

E-23-139. Kim Tarkington v. Director et al.

E-23-140. Tyler O'Banion v. Director et al.

E-23-142. Jamee Knippers v. Director et al.

E-23-143. Jimmy Johnston v. Director et al.

E-23-144. Steven Renk v. Director et al.

E-23-145. Steven Renk v. Director et al.

E-23-146. Adam Duffle v. Director et al.

E-23-147. Adam Duffle v. Director et al.

E-23-149. Nirvana Med Spa v. Director et al.

E-23-150. Tyrone Cotton v. Director et al.

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CASES SUBMITTED

E-23-151. Kristina Atkins v. Director et al.

E-23-152. Margaret Frombaugh v. Director et al.

E-23-153. James Huffman v. Director et al.

E-23-154. James Huffman v. Director et al.

E-23-155. Aaron Smith v. Director et al.

E-23-156. Melissa Coins-Oliver v. Director et al.

E-23-157. James Shannon Holman v. Director et al.

E-23-158. James Shannon Holman v. Director et al.