

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF APRIL 24, 2024

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-23-638](#). Devonte Washington v. State of Arkansas, from St. Francis County Circuit Court. Remanded to settle the record. Gladwin and Thyer, JJ., agree.

[CV-23-240](#). Christine Marie Zihala v. Bradley Thomas Staley, from Pulaski County Circuit Court, Second Division. Affirmed. Virden and Barrett, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CV-22-608](#). Maly Farms, Inc., and Maly Lodging, LLC v. Reynolds Excavating, Inc., from Faulkner County Circuit Court. Dismissed. Klappenbach and Gruber, JJ., agree.

[CV-22-756](#). Westlake Services, LLC v. Amber England, on Behalf of Herself and All Others Similarly Situated, from Pulaski County Circuit Court, Twelfth Division. Reversed and remanded. Harrison, C.J., agrees. Thyer, J., concurs.

[CV-23-730](#). Rayesha Boykins v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division. Affirmed. Klappenbach and Gruber, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-23-573](#). John Damron v. State of Arkansas, from Baxter County Circuit Court. Affirmed. Gladwin and Gruber, JJ., agree.

RITA W. GRUBER, JUDGE:

[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 Circuit Court. Affirmed on direct appeal; affirmed on cross-appeal. Gladwin and Klappenbach, JJ., agree.

CINDY GRACE THYER, JUDGE:

[CV-23-846](#). Ildifonso Garza and Shana Hembrey v. Arkansas Department of Human Services and Minor Child, from Jackson County Circuit Court. Affirmed. Abramson and Murphy, JJ., agree.

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WENDY SCHOLTENS WOOD, JUDGE:

[CR-23-496](#). Owen Delance Watson v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; remanded to correct sentencing orders. Hixson and Brown, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CV-23-785](#). Amber Michelle Rice and Kevin Robert Sierzchula v. Arkansas Department of Human Services and Minor Children, from Marion County Circuit Court. Affirmed. Wood and Brown, JJ., agree.

MIKE MURPHY, JUDGE:

[CV-22-650](#). Gregory Mills v. Arkansas Local Police and Fire Retirement System, from Benton County Circuit Court. Affirmed. Abramson and Thyer, JJ., agree.

[CV-23-311](#). Juan Fernandez and Elise Haro v. Steve Serrano, from Benton County Circuit Court. Affirmed. Abramson and Thyer, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-22-605](#). Estate of Mrs. George Howard, Jr. (Vivian) v. Dr. John Harris, from Jefferson County Circuit Court. Remanded to settle and supplement the record. Wood and Hixson, 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-23-99. Brooke Alder v. Director et al.

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.

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- 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.
- 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.

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PER CURIAM ORDERS

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 is granted. Allowed \$2,500.

CR-23-698. Dewayne Van Tilmon v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for oral argument is denied. Harrison, C.J., and Abramson, J., not participating.

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

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 is granted. Electronic supplemental record is due July 23, 2024. This court has now granted three extensions from the record's original due date of December 16, 2023. Failure to timely return writ may result in a show-cause order being issued.

CR-23-833. James Franklin Nowlin v. State of Arkansas, from Little River County Circuit Court. Appellant's motion to accept late supplemental record is granted. Barrett, J., not participating. Tendered supplemental record filed this date.

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 is granted. Record filed in Arkansas Court of Appeals this date as case No. CR-24-235. Appellant's brief will be due by May 24, 2024.

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 is granted. Gruber and Murphy, JJ., not participating.

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. Appellant's motion for expedited ruling is granted. Appellant's motion for reversal and dismissal is passed until the case is submitted. Appellant's motion to stay briefing schedule is moot.

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PER CURIAM ORDERS

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 is granted in part and denied in part. Motion of separate appellee Mid Ark Outside Storage, LLC, to dismiss is granted. Motion for attorney fees is denied. Appeal dismissed. Hixson, J., would deny.

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 is granted. Appeal dismissed.

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 is granted. The circuit clerk is directed to produce the case file forthwith, so the supplemental record can be filed with this court's clerk by May 24, 2024. If the original case file is unavailable or incomplete for any reason, then the circuit court is directed to settle the record forthwith, so the supplemental record can be filed with this court's clerk by May 24, 2024. Gruber, J., not participating.

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

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MOTIONS SUBMITTED

CR-23-47. Ryan Cockrell v. State of Arkansas, from Faulkner County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-23-103. James Terry v. State of Arkansas, from Logan County Circuit Court, Southern District. Motion of Dusti Standridge for attorney's fees and expenses.

CR-23-289. Joshua Joyce v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tim Cullen for attorney fees and costs.

CR-23-399. Balil Jamal Owens v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees.

CR-23-407. Tony McCoy v. State of Arkansas, from Bradley County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-23-423. Michelle Barrett v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees.

CR-23-522. Timothy Sled v. State of Arkansas, from Cleveland County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-23-561. Joanna White v. State of Arkansas, from Benton County Circuit Court. Motion of Sharon Kiel for award of attorney's fees.

CR-23-565. Debra Farris v. State of Arkansas, from Searcy County Circuit Court. Motion of Michael Kiel Kaiser for fees.

CR-23-607. Joshua Branch v. State of Arkansas, from Jefferson County Circuit Court. Motion of Susan Potts, executrix for the estate of Gary W. Potts, for costs and attorney fees.

CR-23-607. Joshua Branch v. State of Arkansas, from Jefferson County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses.

CR-23-631. Chad Everette Graham v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for leave to file belated brief and for brief time.

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MOTIONS SUBMITTED

CR-23-781. Donald J. Merrill v. State of Arkansas, from Marion County Circuit Court. Appellant's motion to supplement reply brief or, in the alternative, file as a substituted brief.

CR-24-188. Brian Peugh v. State of Arkansas, from Crawford County Circuit Court. Motion of Roy Gean III for leave of court to withdraw as attorney of record for the appellant.

CV-23-30. Arkansas Department of Corrections v. Tereasa Washington, from the Arkansas Workers' Compensation Commission. Petition of Joe M. Rogers for award of attorney's fee.

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 Arkansas Trial Lawyers Association to file brief amicus curiae.

CV-23-804. Brenda Barton v. The Estate of Phillip Smith, Sr., Deceased, from Union County Circuit Court. Appellant's motion for extension of time to file brief.

CV-23-804. Brenda Barton v. The Estate of Phillip Smith, Sr., Deceased, from Union County Circuit Court. Appellee's motion to dismiss appeal.

CV-24-2. Mohammed A. Yafai v. Sonya H. Alammary; Ali Yafai; Mutee Yafai; Abdo Yafai; and Mahdi Saleh, from Pulaski County Circuit Court, Fourteenth Division. Motion of SaraCate Moery to withdraw as counsel for appellant.

CV-24-51. Eastern Equipment, LLC v. William Bryan Bates II, from Scott County Circuit Court. Appellee's motion to supplement the record.

CV-24-123. Bob Robbins v. Judy LeMay, from Clark County Circuit Court. Motion for entry of appearance of Rachel M. Hightshoe as Executrix of the Estate of Bobby G. Robbins, deceased.

CV-24-158. Aldo Gastelum v. State of Arkansas; \$687,543 in U.S. Currency; and John Doe, from St. Francis County Circuit Court. Appellant's motion for extension of time to file appellant's brief and to supplement the record.

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MOTIONS SUBMITTED

CV-24-165. Christina Morris v. Chad Morris, from Benton County Circuit Court. Appellant's pro se petition for writ of certiorari to complete the record.

CV-24-169. Natalie Davison and Garrison Tuck v. Arkansas Department of Human Services and Minor Child, from Scott County Circuit Court. Appellants' belated motion for extension of time to file brief.

CV-24-233. John and Nancy Butler v. VEP, LLC, d/b/a Vallon Condominiums; Chenal Properties, Inc.; and First Security Bank, from Pulaski County Circuit Court, Eleventh Division. Appellants' petition for writ of certiorari to complete the record.

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CASES SUBMITTED

CR-23-410. Jonathan Morrison v. State of Arkansas, from Perry County Circuit Court.

CR-23-438. Adrias Robert Turner v. State of Arkansas, from Garland County Circuit Court.

CR-23-525. Shanteria Montgomery v. State of Arkansas, from Crittenden County Circuit Court.

CR-23-629. Chasity Rogers v. State of Arkansas, from Saline County Circuit Court.

CV-22-261. Preston Grumbles v. Conway Regional Medical Center, Inc.; Continental Casualty Company; and Nabholz Construction Corporation; and John Does 1-5, from Faulkner County Circuit Court.

CV-22-486. Highlands Oncology Group, P.A. v. Hershey Garner, from Washington County Circuit Court.

CV-23-106. Jeffery Springston, Individually, and as Trustee of the Donald and Thelma Marie Springston Revocable Trust v. Kenneth Springston, Individually, and as Trustee of the Donald and Thelma Marie Springston Revocable Trust; and Joy Culp, from Benton County Circuit Court.

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.

CV-23-182. Nursing And Rehabilitation Center at Good Shepherd, LLC; Ecumenical Care and Rehabilitation Center, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; Michael Morton; Bobby Lamb In His Official Capacity as the Administrator of Nursing and Rehabilitation Center at Good Shepherd, LLC; Katie Baldwin In Her Official Capacity as The Director of Nursing and Rehabilitation Center at Good Shepherd, LLC; and John Does 1-V v. Judith White as Special Administratrix of The Estate of Ella Holmes And on Behalf of The Wrongful Death Beneficiaries of Ella Holmes, from Pulaski County Circuit Court, Fifth Division.

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CASES SUBMITTED

CV-23-258. Johnny E. Bowles v. Rusty Taylor d/b/a Pik-A-Part, from Johnson County Circuit Court.

CV-23-726. Shelley Drummond and James Kirk Pettigrew v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-23-837. Kaylyn Robison v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

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

E-22-612. Darren Williams v. Director et al.

E-23-160. Rutilio Marin v. Director et al.

E-23-161. Rutilio Marin v. Director et al.

E-23-162. Alisha Cass v. Director et al.

E-23-163. Alisha Cass v. Director et al.

E-23-164. Jacqueline Foster v. Director et al.

E-23-165. Tracy Nunez v. Director et al.

E-23-166. Carole T. Hutson v. Director et al.

E-23-167. Carole T. Hutson v. Director et al.

E-23-168. Jordan Childers v. Director et al.

E-23-169. Jordan Childers v. Director et al.

E-23-170. Gabriela Winkley v. Director et al.

E-23-171. Gabriela Winkley v. Director et al.

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CASES SUBMITTED

E-23-172. Gabriela Winkley v. Director et al.

E-23-173. Antoneisha Stigger v. Director et al.

E-23-174. Alex Emerson v. Director et al.

E-23-175. Marilyn Bailey v. Director et al.

E-23-176. Floyd Sloan v. Director et al.

E-23-177. Keshawn Harrison v. Director et al.

E-23-178. Desiree Lockhart v. Director et al.

E-23-179. Geraldine Littleton v. Director et al.

E-23-183. Gabriela Winkley v. Director et al.

E-23-184. Gabriela Winkley v. Director et al.

E-23-185. Gabriela Winkley v. Director et al.