

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 1, 2024**

**RAYMOND R. ABRAMSON, JUDGE:**

[CV-22-679](#). Christina Marziale, Individually and as Mother of Baby Boy Marziale; and Dana McLain, 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. Remanded to settle and supplement the record. Thyer and Murphy, JJ., agree.

**BART F. VIRDEN, JUDGE:**

[CV-23-465](#). Holly Jones v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Harrison, C.J., and Barrett, J., agree.

[E-23-149](#). Nirvana Med Spa v. Director, Division of Workforce Services, from the Arkansas Board of Review. Dismissed. Harrison, C.J., and Barrett, J., agree.

**ROBERT J. GLADWIN, JUDGE:**

[CV-23-356](#). Bonnie Monk v. Union County Industrial Board, from the Union County Circuit Court. Affirmed. Klappenbach and Gruber, JJ., agree.

**N. MARK KLAPPENBACH, JUDGE:**

[CR-23-585](#). Cameron Whitworth v. State of Arkansas, from Garland County Circuit Court. Affirmed. Gladwin and Gruber, JJ., agree.

[E-23-135](#). Paula Banks v. Director, Division of Workforce Services; and Family Dollar Services, Inc., #91, from the Arkansas Board of Review. Reversed and remanded. Gladwin and Gruber, JJ., agree.

**RITA W. GRUBER, JUDGE:**

[CV-22-315](#). Kevin Cheri v. Laura Cheri, from Boone County Circuit Court. Affirmed on direct appeal; affirmed on cross-appeal. Gladwin and Klappenbach, JJ., agree.

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**PROCEEDINGS OF MAY 1, 2024**

**RITA W. GRUBER, JUDGE:** (continued)

[CV-23-622](#). Kevin Cheri v. Laura Cheri, from Boone County Circuit Court. Dismissed. Gladwin and Klappenbach, JJ., agree.

**STEPHANIE POTTER BARRETT, JUDGE:**

[CV-22-469](#). Clifford W. Christian and Karen D. Christian v. SWO Properties, Inc., an Arkansas Corporation Doing Business in Boone County, Arkansas, from Boone County Circuit Court. Rebriefing ordered. Harrison, C.J., and Virden, J., agree.

[CV-23-27](#). Gary W. Horton v. Deborah L. Boggs, from Baxter County Circuit Court. Reversed and remanded. Harrison, C.J., and Virden, J., agree.

**WENDY SCHOLTENS WOOD, JUDGE:**

[CV-23-421](#). Detric Wilson v. Dexter Payne, from Jefferson County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

**MIKE MURPHY, JUDGE:**

[CR-23-285](#). Todd Menard v. State of Arkansas, from Garland County Circuit Court. Affirmed. Abramson and Thyer, JJ., agree.

**WAYMOND M. BROWN, JUDGE:**

[CV-24-5](#). Stephanie Krusen and James Krusen v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Affirmed. 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-23-129. Bianca L. Mayo v. Director et al.

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

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

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**PROCEEDINGS OF MAY 1, 2024**

**PER CURIAM ORDERS**

CR-23-47. Ryan Cockrell v. State of Arkansas, from Faulkner County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$2,500.

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 is granted. Allowed \$625.

CR-23-289. Joshua Joyce v. State of Arkansas, from Crittenden County Circuit Court. Motion of Tim Cullen for attorney fees and costs is granted. Allowed \$2,500. Thyer, J., not participating.

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 is granted. Allowed \$2,500.

CR-23-407. Tony McCoy v. State of Arkansas, from Bradley County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$625.

CR-23-423. Michelle Barrett v. State of Arkansas, from Saline County Circuit Court. Motion of F. Parker Jones III for attorney's fees is granted. Allowed \$2,500.

CR-23-522. Timothy Sled v. State of Arkansas, from Cleveland County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$625.

CR-23-561. Joanna White v. State of Arkansas, from Benton County Circuit Court. Motion of Sharon Kiel for award of attorney's fees is granted. Allowed \$2,250.

CR-23-565. Debra Farris v. State of Arkansas, from Searcy County Circuit Court. Motion of Michael Kiel Kaiser for fees is granted. Allowed \$2,500. Klappenbach, J., not participating.

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 is granted. Allowed \$2,250.

CR-23-607. Joshua Branch v. State of Arkansas, from Jefferson County Circuit Court. Motion of Dusti Standridge for attorney's fees and expenses is granted. Allowed \$625.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 1, 2024**

**PER CURIAM ORDERS**

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 is denied.

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 is granted. Appellant's substituted reply brief is due May 8, 2024.

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 is moot.

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 is granted.

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 is granted. Allowed \$1,000.

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 is granted. Harrison, C.J., and Gladwin and Klappenbach, JJ., would deny. Virden, J., not participating. Tendered amicus curiae brief filed this date.

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 is moot.

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

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 is granted. Gladwin, J., not participating.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 1, 2024**

**PER CURIAM ORDERS**

CV-24-51. Eastern Equipment, LLC v. William Bryan Bates II, from Scott County Circuit Court. Appellee's motion to supplement the record is granted. Supplemental record is due May 31, 2024. Harrison, C.J., not participating.

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, is granted.

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 is granted. Tendered supplemental record filed this date. Appellant's brief is due May 23, 2024.

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 is denied.

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 is granted. Tendered appellants' brief filed this date.

CV-24-224. USAble Mutual Insurance Company d/b/a Arkansas Blue Cross and Blue Shield and HMO Partners, Inc. d/b/a Health Advantage v. Arkansas Insurance Department and Alan McClain in his Official Capacity as Insurance Commissioner; and Freeway Surgery Center, LLC, and Centerview Surgery Center, LLC, from Pulaski County Circuit Court, Sixth Division. Appellants' and appellees' joint motion for supersedeas, request for expedited review, and memorandum of authorities. Appellants' and appellees' joint motion for supersedeas is denied. Appellants' and appellees' request for expedited review is granted.

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 is granted. Writ issued; supplemental record is due May 31, 2024. Appellant's brief is due thirty days after the writ is returned and the electronic supplemental record is filed. Harrison, C.J., and Virden, Gladwin, and Gruber, JJ., not participating.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 1, 2024**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

CR-23-586. Billy Hoover v. State of Arkansas, from Crawford County Circuit Court.

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CR-23-297. Kyler Perkins v. State of Arkansas, from Washington County Circuit Court. Motion of Erin Lewis for attorney’s fees.

CR-23-299. Jack Rawlins v. State of Arkansas, from Polk County Circuit Court. Motion of Ben Motal for attorney’s fees.

CR-23-347. Joe Cantrell v. State of Arkansas, from Cleburne County Circuit Court. Motion of Robert M. “Robby” Golden for award of attorney’s fees and costs.

CR-24-80. Robert Wallace v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant’s motion to file belated brief.

CR-24-118. James Andrew Taylor v. State of Arkansas, from Miller County Circuit Court. Appellant’s pro se motion for second extension of time.

CR-24-160. Marcello Damon v. State of Arkansas, from Ashley County Circuit Court. Motion of LaQuetta S. Henry to substitute counsel.

CR-24-242. Raul Aargon Castro v. State of Arkansas, from Searcy County Circuit Court. Motion of Nancy Cartwright to be relieved as counsel for appellant.

CR-24-244. Christopher Perdue v. State of Arkansas, from Benton County Circuit Court. Motion of Hanna Murphy to be relieved as attorney for appellant and stay briefing schedule.

CR-24-252. Ja’Monte Deshun Washington v. State of Arkansas, from Jefferson County Circuit Court. Appellant’s pro se motion for belated appeal.

CR-24-252. Ja’Monte Deshun Washington v. State of Arkansas, from Jefferson County Circuit Court. Appellant’s pro se motion for appointment of counsel.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 1, 2024**

**MOTIONS SUBMITTED**

CV-23-613. Christopher F. Bailey v. Lindsey Bailey, from Hot Spring County Circuit Court. Appellant's motion to take judicial notice.

CV-23-772. Kevin Cheri v. Laura Cheri, from Boone County Circuit Court. Appellant's motion to consolidate appeals.

CV-24-117. Bullet Holding Corp.; Robert Allen; and Calfneck Capital Corporation v. Delta Plantation, Inc.; Blue Lake of Arkansas; Blue Lake Farms, Inc.; Rebecca Winemiller; and Jimmy Winemiller, from Pulaski County Circuit Court, Sixteenth Division. Motion of separate appellants Bullet Holding Corp. and Robert Allen for extension of time to file brief.

CV-24-250. Bullet Holding Corp. and Robert Allen v. Delta Plantation, Inc.; Rebecca Winemiller; Blue Lake of Arkansas; Blue Lake Farms, Inc.; Jimmy Winemiller; and Calfneck Capital Corp., from Pulaski County Circuit Court, Sixteenth Division. Appellants' motion to consolidate appeals.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 1, 2024**

**CASES SUBMITTED**

CR-22-777. Brendan Burns v. State of Arkansas, from Arkansas County Circuit Court, Northern District.

CR-23-119. James Earl Harris v. State of Arkansas, from White County Circuit Court.

CR-23-207. Timothy W. Jackson v. State of Arkansas, from Miller County Circuit Court.

CR-23-381. Dennis Hicks v. State of Arkansas, from Benton County Circuit Court.

CR-23-454. Sidney Ray Hayes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-23-455. Sidney Ray Hayes v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-23-604. Kevin R. Skillern v. State of Arkansas, from Lonoke County Circuit Court.

CR-23-611. Galindo Mendoza v. State of Arkansas, from Washington County Circuit Court.

CR-23-655. Minor Child v. State of Arkansas, from Boone County Circuit Court.

CR-23-688. Marshay Wayne v. State of Arkansas, from Union County Circuit Court.

CR-23-754. Vicki Baskins v. State of Arkansas, from Yell County Circuit Court, Southern District.

CV-21-422. Cody Tackett and Toni Tackett-Womble v. Amy Freedman, Special Administratrix of the Estate of John Z. Tackett, Jr., Deceased; Miller-Claborn Oil Distributing Co., Inc.; and Melissa Tackett, from Sevier County Circuit Court.

CV-21-540. Advantage Property Management v. Christopher Burkard, from Faulkner County Circuit Court.

CV-22-155. Advantage Property Management v. Christopher Burkard, from Faulkner County Circuit Court.

## ARKANSAS COURT OF APPEALS

### PROCEEDINGS OF MAY 1, 2024

#### CASES SUBMITTED

CV-22-348. Cody Tackett; TTC, Inc.; Red River Sand and Gravel, Inc.; S.W.A.T., Inc.; Synergy Logistics, Inc.; and CST Logistics, Inc. v. Miller-Claborn Oil Distributing Co., Inc.; Amy Freedman, Special Administratrix of the Estate of John Z. Tackett, Jr.; Melissa Wright Tackett; Hwy. 71 Trucking, LLC, and JZT's Hwy. 71 Trucking, LLC, from Little River County Circuit Court.

CV-22-371. Darrell Smith, Jr., Successor Trustee of the Smith Family Trust Dated September 22, 2017; and Cole Smith, Executor of the Estate of Darrell Smith, Sr., Deceased v. Terry Orsbun and Christine Orsbun, from Crawford County Circuit Court.

CV-22-680. Cody Tackett; TTC, Inc.; Red River Sand and Gravel, Inc.; S.W.A.T., Inc.; Synergy Logistics, Inc.; and CST Logistics, Inc. v. Miller-Claborn Oil Distributing Co., Inc.; Amy Freedman, Special Administratrix of the Estate of John Z. Tackett, Jr.; Melissa Wright Tackett; Hwy. 71 Trucking, LLC; and JZT's Hwy 71 Trucking, LLC, from Little River County Circuit Court.

CV-23-123. Matthew Webster v. Andrea Webster, from Garland County Circuit Court.

CV-23-146. Evelyn Jackson v. Mississippi County Hospital System d/b/a Great River Medical Center and MAG Mutual Insurance, from Mississippi County Circuit Court, Chickasawba District.

CV-23-257. Southeastern Commercial Masonry, Inc. v. CR Crawford Construction, LLC, from Washington County Circuit Court.

CV-23-417. Staci Snider v. Jeffrey Snider, from Union County Circuit Court.

CV-23-834. Stoney Lee Barnoskie II v. Arkansas Department of Human Services and Minor Child, from Crawford County Circuit Court.

CV-23-835. Stoney Lee Barnoskie II v. Arkansas Department of Human Services and Minor Children, from Crawford County Circuit Court.

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

E-23-180. Destry Duncan v. Director et al.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF MAY 1, 2024**

**CASES SUBMITTED**

E-23-181. James Jones v. Director et al.