

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 15, 2024

BRANDON J. HARRISON, CHIEF JUDGE:

[CR-23-119](#). James Earl Harris v. State of Arkansas, from White County Circuit Court. Affirmed; motion to withdraw granted. Klappenbach and Murphy, JJ., agree.

[CR-23-506](#). Mitchell Steven Wine v. State of Arkansas, from Saline County Circuit Court. Affirmed. Virden and Barrett, JJ., agree.

[CV-22-486](#). Highlands Oncology Group, P.A. v. Hershey Garner, M.D., from Washington County Circuit Court. Affirmed. Virden and Barrett, JJ., agree.

RAYMOND R. ABRAMSON, JUDGE:

[CR-23-754](#). Vicki Baskins v. State of Arkansas, from Yell County Circuit Court, Southern District. Affirmed. Gruber and Wood, JJ., agree.

[CV-23-257](#). Southeastern Commercial Masonry, Inc. v. CR Crawford Construction, LLC, from Washington County Circuit Court. Reversed and remanded. Gruber and Wood, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-23-438](#). Adrias Turner v. State of Arkansas, from Garland County Circuit Court. Affirmed. Klappenbach and Gruber, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-23-207](#). Timothy Jackson v. State of Arkansas, from Miller County Circuit Court. Appeal dismissed. Harrison, C.J., and Murphy, J., agree.

RITA W. GRUBER, JUDGE:

[CV-22-799](#). Mercy Hospital Fort Smith; Mercy Clinic Fort Smith Communities; and William A. Knubley, M.D. v. Paula A. Lesley and Darren L. Lesley, from Sebastian County Circuit Court, Fort Smith District. Reversed and remanded. Gladwin and Klappenbach, JJ., agree.

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STEPHANIE POTTER BARRETT, JUDGE:

[CR-23-381](#). Dennis Hicks v. State of Arkansas, from Benton County Circuit Court. Affirmed. Thyer and Brown, JJ., agree.

[CV-23-417](#). Staci Snider v. Jeffrey Snider, from Union County Circuit Court. Affirmed. Thyer and Brown, JJ., agree.

CINDY GRACE THYER, JUDGE:

[CR-23-688](#). Marshay Wayne v. State of Arkansas, from Union County Circuit Court. Affirmed. Barrett and Brown, JJ., agree.

[CV-23-123](#). Matthew Webster v. Andrea Webster, from Garland County Circuit Court. Affirmed. Barrett and Brown, JJ., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CR-23-655](#). Minor Child v. State of Arkansas, from Boone County Circuit Court. Affirmed. Abramson and Gruber, JJ., agree.

[CV-23-146](#). Evelyn Jackson v. Mississippi County Hospital System d/b/a Great River Medical Center, and MagMutual Insurance Company, from Mississippi County Circuit Court, Chickasawba District. Reversed and remanded. Abramson and Gruber, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-23-611](#). Galindo Mendoza v. State of Arkansas, from Washington County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CV-23-834](#). Stoney Barnoskie II v. Arkansas Department of Human Services and Minor Child, from Crawford County Circuit Court. Affirmed. Barrett and Thyer, JJ., agree.

[CV-23-835](#). Stoney Barnoskie II v. Arkansas Department of Human Services and Minor Child, from Crawford County Circuit Court. Reversed and remanded. Barrett and Thyer, JJ., agree.

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

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

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PROCEEDINGS OF MAY 15, 2024

PER CURIAM ORDERS

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

CV-22-202. Roberto Rodriguez v. Mangaraju Chakka; Kanth Dasari; John Doe I; John Doe II; and John Doe III, from Pulaski County Circuit Court, Seventeenth Division.

CV-23-127. Marilyn Buckley v. Freddie Buckley, from Clark County Circuit Court.

CV-23-133. Peco Foods, Inc.; OccuSure Claims Service, LLC; and Death and Permanent Total Disability Trust Fund v. Jeffrey Johnson, from the Arkansas Workers' Compensation Commission. Gruber, J., not participating.

CR-17-264. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion to recall mandate is denied. Klappenbach, J., not participating.

CR-22-803. Kinslow Young v. State of Arkansas, from St. Francis County Circuit Court. Motion of Matt Kezhaya and Sonia Kezhaya for attorney's fees is granted. Allowed \$2,500.

CR-23-174. Jacob Michael Lester v. State of Arkansas, from Washington County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$2,500. Harrison, C.J., not participating.

CR-23-337. Reginald Featherston v. State of Arkansas, from Hempstead County Circuit Court. Motion of Jacob Potter for attorney's fees is moot. Barrett, J., not participating.

CR-23-337. Reginald Featherston v. State of Arkansas, from Hempstead County Circuit Court. Amended motion of Jacob Potter for attorney's fees is granted. Allowed \$2,500. Barrett, J., not participating.

CR-23-402. Fredrick Childs v. State of Arkansas, from Jefferson County Circuit Court. Motion of Willard Proctor, Jr., for attorney's fees is granted. Allowed \$2,500.

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PER CURIAM ORDERS

CR-23-638. Devonte Washington v. State of Arkansas, from St. Francis County Circuit Court. Appellant's motion for leave to file amended appellant's brief is denied without prejudice. Klappenbach, J., not participating.

CR-23-833. James Franklin Nowlin v. State of Arkansas, from Little River County Circuit Court. Motion of Shorty Barrett to withdraw as counsel and to appoint appellant counsel is granted. Attorney Ben Motal is appointed as counsel for the appellant. Barrett, J., not participating. Appellant's brief is due June 14, 2024.

CR-24-241. Brian Keith Rayborn v. State of Arkansas, from Lonoke County Circuit Court. Appellant's motion to hold briefing in abeyance is moot.

CR-24-241. Brian Keith Rayborn v. State of Arkansas, from Lonoke County Circuit Court. Appellant's motion to withdraw as moot the motion to hold briefing in abeyance is granted.

CR-24-245. Aiden Jones v. State of Arkansas, from Johnson County Circuit Court. Motion of Samuel F. Eastman to withdraw as counsel of record is granted. Attorney Dusti Standridge is appointed as counsel for the appellant. Appellant's brief is due June 14, 2024.

CV-23-367. Cargill, Inc.; Old Republic Insurance Company; and Sedgwick CMS v. Samuel Perez, from the Arkansas Workers' Compensation Commission. Motion of separate appellant Cargill, Inc., to hold appeal in abeyance and remand to the Arkansas Workers' Compensation Commission for approval of settlement is granted. Harrison, C.J., not participating. Status report is due August 13, 2024.

CV-23-476. Black Farms, LLC; Rebecca Winemiller, as Co-Manager of Grand Prairie Farming & Water Company, LLC; Rebecca Winemiller, as Co-Trustee of The Ernestine Boyce Trust; and Ernestine Boyce, Co-Trustee Of The Ernestine Boyce Trust v. Grand Prairie Farming & Water Company, LLC; Jerry Lee Bogard, Co-Manager of Grand Prairie Farming & Water Company, LLC; Bogard Agriculture Consultancy Group, Inc.; Metropolitan Life Insurance Company; and James Dowden, as Receiver for Grand Prairie Farming & Water Company, LLC, from Arkansas County Circuit Court, Northern District. Motion of Kendel W. Grooms to withdraw as counsel for separate appellants Bogard Agriculture Consultancy Group, Inc., Jerry Lee Bogard, and Grand Prairie Farming & Water Company, LLC, is granted. Harrison, C.J., not participating.

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PER CURIAM ORDERS

CV-23-769. Lee Ann Hall v. Scarlett Sims, from Lawrence County Circuit Court. Appellant's motion to file belated brief is granted. Tendered appellant's brief filed this date.

CV-23-769. Lee Ann Hall v. Scarlett Sims, from Lawrence County Circuit Court. Appellee's motion to dismiss appeal is denied.

CV-23-770. Lee Ann Hall v. Matthew Sims, from Lawrence County Circuit Court. Appellant's motion to file belated brief is granted. Tendered appellant's brief filed this date.

CV-23-770. Lee Ann Hall v. Matthew Sims, from Lawrence County Circuit Court. Appellee's motion to dismiss appeal is denied.

CV-24-110. (In the Matter of the Estate of Billy Ray Waymon, Deceased) Lisa Rouse, as Administrator of the Estate of Billy Ray Waymon; and April Lunsford, Shelley Williams, and Lisa Rouse, Individually v. John Wesley Tippit; Timothy L. Tippit; Steven C. Tippit; and Robert E. Tippit, from Clay County Circuit Court, Western District. Joint motion to supplement and correct record and for extension of time is granted. Writ issued; supplemental record is due June 14, 2024. Appellant's brief is due thirty days after the writ is returned and the electronic supplemental record is filed. Gruber and Thyer, JJ., not participating.

CV-24-123. Rachel M. Hightshoe as Executrix of the Estate of Bobby G. Robbins, Deceased v. Judy LeMay, from Clark County Circuit Court. Motion of Rachel M. Hightshoe for substitution of party or, in the alternative, motion to remand for substitution of party is moot.

CV-24-194. Michel Pardue and Karen Pardue v. Cross Keys Property Owners' Association, Inc., from Washington County Circuit Court. Appellee's motion to dismiss appeal is granted. Appeal dismissed.

CV-24-194. Michel Pardue and Karen Pardue v. Cross Keys Property Owners' Association, Inc., from Washington County Circuit Court. Appellee's motion to stay briefing schedule is moot.

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PROCEEDINGS OF MAY 15, 2024

PER CURIAM ORDERS

CV-24-259. Jeffrey Butcher v. Stephanie Butcher, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for rule on clerk is denied. Harrison, C.J., not participating.

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF MAY 15, 2024

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-22-579. Shelter Mutual Insurance Company v. Karen Chitwood Berry, from Crawford County Circuit Court.

CV-23-212. Jim Rogers Nash v. John Nash, Jr., and Pam Nash Glover, Personal Representatives of the Estate of Norma Nash, Deceased, from Pulaski County Circuit Court, Third Division.

CR-22-716. Lamiesha Toney v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion for extension of time to file appellant's brief.

CR-23-301. Kris Troy Hanson v. State of Arkansas, from Benton County Circuit Court. Motion of Lisa-Marie Norris for award of attorney's fees and costs.

CR-23-555. Vincent Peal v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-23-661. Sentoren Brooks v. State of Arkansas, from Chicot County Circuit Court. Motion of Lee D. Short for attorney's fees.

CR-23-803. Rodney Darrell Martin v. State of Arkansas, from Johnson County Circuit Court. Appellant's motion to file brief out of time.

CR-23-816. Zereak Oliver v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to correct the record.

CR-24-67. Joe Bethune v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for extension of time to file brief.

CR-24-80. Robert Wallace v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's motion to supplement record.

CR-24-90. Danny Hopper v. State of Arkansas, from Crawford County Circuit Court. Appellant's pro se motions and objection with affidavit.

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PROCEEDINGS OF MAY 15, 2024

MOTIONS SUBMITTED

CR-24-168. Larry Davis v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for appeal bond.

CR-24-175. Samuel Golden v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of time to file pro se points.

CR-24-202. Charles Youngberg v. State of Arkansas, from Stone County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CR-24-202. Charles Youngberg v. State of Arkansas, from Stone County Circuit Court. Appellant's pro se motion to compel the circuit clerk of Stone County to produce a copy of the transcript on appeal.

CR-24-202. Charles Youngberg v. State of Arkansas, from Stone County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-24-275. Jimmy Wade v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for rule on clerk to lodge late appeal record and for appointment of counsel.

CV-22-683. Jeffery C. Frazier v. Jana Bland and Paige Bland, from White County Circuit Court. Appellant's motion for supplemental briefing.

CV-23-171. Michael Ward v. Commerce Construction Co., Inc., from Washington County Circuit Court. Appellant's motion to extend stay or, in the alternative, motion for extension of brief time.

CV-23-370. Melanie Foster; Forest Roberts; Kathryn Clark; Christie Waggoner; Lillian Van Houten; Sawney Huckabay; and Allen Family Farm, Inc., an Arkansas Non-Profit Corporation v. Carla Muruaga-Atkins; Carol Ann Martin; Laura Martin, Individually; Laura Martin, as Mother and Next Friend of Two Unemancipated Minor Children; Caitlyn Peterson, Individually; Caitlyn Peterson, as Mother and Next Friend of Three Unemancipated Minor Children; and Kathryn Ahlefeld, from Benton County Circuit Court. Motion of Lisa M. Geary to withdraw as additional counsel of record.

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MOTIONS SUBMITTED

CV-23-598. LeTara Davis and Jared Davis v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court. Appellants' motion requesting permission for belated filing.

CV-23-667. Matthew Fritchie and Katherine Fritchie v. Kipp Hearne and Lisa Hearne, Individually; Big Sky Family Trust dated September 28, 2020; Kipp G. Hearne and Mary E. "Lisa" Hearne as Trustees of the Big Sky Family Trust, from Washington County Circuit Court. Motion of Lisa M. Geary to withdraw as additional counsel of record.

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 Ray Slaton to withdraw as counsel for the appellees.

CV-24-266. Brandy McCormick (now Horton) v. Joshua Fletcher, from Benton County Circuit Court. Appellant's petition for leave to proceed in forma pauperis on petition for appeal, indigent transcripts/record, and extension of time to file brief.

CV-24-270. Andrew Bradford Allender v. Alisha Louise Allender (Stotlar), from Independence County Circuit Court. Appellant's petition for leave to proceed in forma pauperis.

E-24-32. Amber Renee Hill v. Director et al., from the Arkansas Board of Review. Petitioner's motion to add new evidence.

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PROCEEDINGS OF MAY 15, 2024

CASES SUBMITTED

CR-23-567. Lillian Houselog v. State of Arkansas, from Sevier County Circuit Court. Orally argued.

CR-22-545. Leonard C. Stephenson v. State of Arkansas, from Garland County Circuit Court.

CR-23-155. Robert Richardson v. State of Arkansas, from Benton County Circuit Court.

CR-23-191. Gene Jackson, Jr. v. State of Arkansas, from Benton County Circuit Court.

CR-23-480. Cortez Banks v. State of Arkansas, from Phillips County Circuit Court.

CR-23-634. Dustin Kaine Smith v. State of Arkansas, from Ashley County Circuit Court.

CV-22-336. Charles L. Daniels II, Individually; Charles L. Daniels II on Behalf of Payton Daniels, a Minor; and Charles L. Daniels II as Special Administrator of the Estate of Harmony Lynn Williams Daniels, Deceased v. C. Wayne Lyle, M.D., Individually; C. Wayne Lyle, M.D., P.C.; Medical Services Group, Ltd.; and Baptist Health & Diamond Risk Insurance, LLC, from Pulaski County Circuit Court, Fourth Division.

CV-22-786. Patricia A. Rosales Betzinger; John Doe a/k/a Kenneth Fuchs; and the Unknown Occupants of 13 Lawrence Road, Greenbrier, AR 72058 v. U.S. Bank, N.A., as Trustee for Manufactured Housing Contract Senior/Subordinate Pass-Through Certificate Trust 1997-3, as Servicer, from Faulkner County Circuit Court.

CV-22-823. Dowell Road, LLC v. Five J. Farms LC, from Washington County Circuit Court.

CV-23-427. Kyle McCandlis v. Sara McCandlis, from Izard County Circuit Court.

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.

CV-24-59. Fatima Hasan v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division.

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CASES SUBMITTED

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

E-23-221. Stephanie Owens v. Director et al.

E-23-224. Eric Richardson v. Director et al.

E-23-225. Eric Richardson v. Director et al.

E-23-226. Eric Richardson v. Director et al.

E-23-227. Eric Richardson v. Director et al.

E-23-228. Eric Richardson v. Director et al.

E-23-229. Lori Pierce v. Director et al.

E-23-230. Lori Pierce v. Director et al.

E-23-231. Kim McDougal v. Director et al.

E-23-232. John Robert Keller III v. Director et al.

E-23-233. Allison R. Holden v. Director et al.

E-23-234. Lillian Williams-Perry v. Director et al.

E-23-235. Lillian Williams-Perry v. Director et al.

E-23-236. Lillian Williams-Perry v. Director et al.

E-23-237. Lillian Williams-Perry v. Director et al.

E-23-238. Lillian Williams-Perry v. Director et al.

E-23-239. Lillian Williams-Perry v. Director et al.

E-23-240. Melanie K. Riggs v. Director et al.

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PROCEEDINGS OF MAY 15, 2024

CASES SUBMITTED

E-23-241. Stephen Goldberg v. Director et al.

E-23-242. Betty L. Thomas v. Director et al.

E-23-243. Gregory M. Volner v. Director et al.

E-23-244. Greg Volner v. Director et al.

E-23-245. Christopher T. Mosher v. Director et al.

E-23-246. Christopher T. Mosher v. Director et al.