

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF SEPTEMBER 18, 2024

RAYMOND R. ABRAMSON, JUDGE:

[CR-24-11](#). Mark Tyson v. State of Arkansas, from Ashley County Circuit Court. Affirmed. Klappenbach and Brown, JJ., agree.

[CV-24-182](#). Kendall Terry v. Arkansas Department of Human Services and Minor Child, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Klappenbach and Brown, JJ., agree.

BART F. VIRDEN, JUDGE:

[CR-24-16](#). Joseph Warren v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Gladwin and Murphy, JJ., agree.

[CV-23-169](#). East Macedonia Baptist Church, Inc.; and Clifton Hayes v. Todd Allen Pettit and the Stracener Family Revocable Trust, David Stracener, Trustee, from Lonoke County Circuit Court. Affirmed. Wood and Brown, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

[CR-24-9](#). Jamie Passmore v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Virden and Murphy, JJ., agree.

N. MARK KLAPPENBACH, JUDGE:

[CR-24-136](#). Phillip Martin v. State of Arkansas, from Ashley County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

[CV-22-429](#). Tony Dale Wagoner v. Patricia Ann Wagoner; Ginger Lea Treece; Clarence Guinn, CPA; Terry Ann Deans; Bill Watkins; Ralph Williams; and Craig Campbell, from Benton County Circuit Court. Affirmed. Harrison, C.J., and Murphy, J., agree.

[CV-23-286](#). Joshua and Tamara Dixon v. Arkansas Department of Human Services, Minor Child, and Miranda Viney, from Washington County Circuit Court. Affirmed. Abramson and Brown, JJ., agree.

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STEPHANIE POTTER BARRETT, JUDGE:

[CR-24-56](#). Charles Shealy v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed; remanded to correct sentencing order. Wood and Hixson, JJ., agree.

[CV-24-149](#). Bobbie Reynolds v. Arkansas Department of Human Services and Minor Child, from Clay County Circuit Court, Western District. Affirmed. Wood and Hixson, JJ., agree.

CINDY GRACE THYER, JUDGE:

[CR-23-760](#). James Sherwood Edwards v. State of Arkansas, from Ashley County Circuit Court. Affirmed; remanded to correct sentencing order. Harrison, C.J., and Gruber, J., agree.

WENDY SCHOLTENS WOOD, JUDGE:

[CR-24-7](#). James Stuart v. State of Arkansas, from Polk County Circuit Court. Affirmed. Barrett and Hixson, JJ., agree.

[CV-23-222](#). Diamond K Investments, Inc. v. 1330 LLC, from Faulkner County Circuit Court. Reversed and remanded. Barrett and Hixson, JJ., agree.

KENNETH S. HIXSON, JUDGE:

[CR-23-830](#). Melvin Ames v. State of Arkansas, from Benton County Circuit Court. Affirmed. Barrett and Wood, JJ., agree.

[CV-22-152](#). Angela Styles v. James Styles, from Pope County Circuit Court. Affirmed in part; reversed in part; reversed and remanded in part; dismissed in part. Barrett and Wood, JJ., agree.

MIKE MURPHY, JUDGE:

[CR-23-789](#). Donnell Thomas v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Virden and Gladwin, JJ., agree.

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MIKE MURPHY, JUDGE: (continued)

[CR-23-839](#). Trelon Neal v. State of Arkansas, from Drew County Circuit Court. Affirmed. Thyer and Hixson, JJ., agree.

[CV-23-310](#). Marilyn and Scott Turnbow v. Hiegel Building Solutions, LLC, from Faulkner County Circuit Court. Reversed and remanded. Virden and Gladwin, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CR-23-615](#). Sam Tawfik v. State of Arkansas, from Izard County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

[CV-23-152](#). Chad Kelley, in His Capacity as Jefferson County Coroner and Individually v. Bryan Adams, Brandon Adams, and Skylar Wilson, from Faulkner County Circuit Court. Affirmed. Abramson and Klappenbach, JJ., agree.

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PER CURIAM ORDERS

CR-23-445. Derrick Nixon v. State of Arkansas, from Desha County Circuit Court. Appellant's pro se motion for transcript at public expense is denied. *See Johnson v. State*, 2010 Ark. 15.

CR-23-631. Chad Everette Graham v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to reconsider is denied.

CR-24-141. Jaime Glenn Finley v. State of Arkansas, from Garland County Circuit Court. Motion of Brett D. Watson for attorney fees is granted. Allowed \$1,050. Harrison, C.J., not participating.

CR-24-282. Minor Child v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to remand to settle and supplement the record or, in the alternative, motion for extension of brief time is granted. Electronic supplemental record is due October 18, 2024. Appellee's brief will be due thirty days after the electronic supplemental record is filed.

CR-24-508. Gaspar Gaspar-Andres v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to correct the record with memorandum of authorities is granted. Complete electronic record is due December 17, 2024. Appellant's brief will be due forty days after the complete electronic record is filed. This court has now granted the court reporter one extension from the record's original due date of August 6, 2024.

CV-22-469. Clifford W. Christian and Karen D. Christian v. SWO Properties, Inc., from Boone County Circuit Court. Appellants' motion to withdraw motion to strike appellee's brief and sur-reply is moot.

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PER CURIAM ORDERS

CV-22-721. Landon Bunch v. Ashland Chemical, Inc., an Ohio Corporation; E.I. Du Pont De Nemours and Company, a Delaware Corporation; Exxon Mobil Corporation, a New Jersey Corporation; Gates Corporation, an Arkansas Corporation; Johnson Oil Company, an Arkansas Corporation; Lucas Oil Products, Inc., a California Corporation; Mobil Chemical Company, Inc., a Delaware Corporation; PPG Industries, Inc., a Pennsylvania Corporation; Radiator Specialty Company, a North Carolina Corporation; Shell Oil Company, a Delaware Corporation; Webb Wheel Products, Inc., an Arkansas Corporation; Lone Star Specialty Products, LLC, d/b/a Lone Star Specialties, LLC, an Oklahoma Limited Liability Company; Gross & Janes Co., a Missouri Corporation; Koppers, Inc., a Pennsylvania Corporation; North American Tie & Timber, LLC, a Nevada Limited Liability Company; Texoma Tie & Lumber Co., a Texas Corporation; K.L. Barton & Sons Tie Company, a Texas Corporation; Stella-Jones Corporation, a Delaware Corporation; Trans-Serve, Inc., d/b/a Superior Tie and Timber, a Delaware Corporation; John Doe Company No. 10, from Benton County Circuit Court. Motion of Robert L. Jones III to withdraw as counsel for separate appellee Koppers, Inc., is granted. Harrison, C.J., not participating.

CV-24-417. ACE American Insurance Company, ACE Property & Casualty Insurance Company; Allianz Global Risks US Insurance Company; American Guarantee & Liability Insurance Co.; Chicago Insurance Company; Continental Casualty Company; Federal Insurance Company; General Security Indemnity Company of Arizona; Great American Alliance Insurance Company; American Home Assurance Company; Great American Insurance Company; Great American Insurance Company of New York; Great American Spirit Insurance Company; Indemnity Insurance Company of North America; Liberty Insurance Underwriters, Inc.; National Union Fire Insurance Company of Pittsburgh, PA; The Ohio Casualty Insurance Company; QBE Insurance Corporation; St. Paul Fire & Marine Insurance Company; Starr Indemnity & Liability Company; TIG Insurance Company; The Travelers Indemnity Company; XL Insurance America, Inc. v. Walmart, Inc., from Benton County Circuit Court. Motion of Robert L. Jones III to withdraw as counsel for separate appellants AIG Specialty Insurance Company; American Home Assurance Company; National Union Fire Insurance Company of Pittsburgh, PA; and The Insurance Company of the State of Pennsylvania is granted. Harrison, C.J., and Abramson, Gruber, Wood, and Hixson, JJ., not participating.

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PER CURIAM ORDERS

CV-24-461. Sayel Mohammed v. Maverick Transportation; and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Motion of Christy L. King for substitution of counsel for separate appellee Death & Permanent Total Disability Trust Fund is granted.

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MOTIONS SUBMITTED

CR-23-407. Tony McCoy v. State of Arkansas, from Bradley County Circuit Court. Appellant's pro se motion for transcript and affidavit of indigency.

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.

CR-23-790. Tremain Huggins v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's motion for extension of time to file brief.

CR-24-90. Danny Hopper v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion for allowance for variance in word limitation for reply brief.

CR-24-303. Hyrum Palmer v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to supplement the record.

CR-24-340. Paul Criswell v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for argument addendum.

CR-24-340. Paul Criswell v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for credit for time spent in custody.

CR-24-340. Paul Criswell v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for correction//clarification.

CR-24-340. Paul Criswell v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion to reconsider bond.

CR-24-408. Joseph Nelson v. State of Arkansas, from Conway County Circuit Court. Appellant's belated motion for extension of brief time.

CR-24-409. Joseph Nelson v. State of Arkansas, from Conway County Circuit Court. Appellant's belated motion for extension of brief time.

CR-24-473. LaQuincy Nance v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellee's motion to dismiss, to stay the briefing schedule, and for extension of brief time.

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MOTIONS SUBMITTED

CR-24-505. Sandra Marie Rose v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of time to file brief.

CR-24-505. Sandra Marie Rose v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for appointment of counsel.

CR-24-574. Shadrack Ward v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's motion to lodge a belated transcript and appeal.

CR-24-575. Douglas Wayne Black v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for belated appeal and appointment of counsel on appeal.

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; and Stephen Cook, Makita LaGrant, and John Does 5–10, in Their Individual Capacities, from Jefferson County Circuit Court. Motion of separate appellant Christina Marziale for leave to file belated supplemental record.

CV-24-391. Calandra Lock-Fraiser and Jahnell Fraiser v. Arkansas Department of Human Services and Minor Child, from Hot Spring County Circuit Court. Appellants' motion for extension of time to file reply brief with memorandum of authorities.

CV-24-419. Jeremy Kennedy v. Arkansas Parole Board, from Izard County Circuit Court. Appellee's motion to dismiss for lack of jurisdiction or, in the alternative, motion for extension of brief time.

CV-24-434. Thomas Chapin; Chapin Team, LLC; Ultra Holdings, LLC; and Ultra Properties PM, LLC v. Matthew Lamb, from Pulaski County Circuit Court, Fourth Division. Appellants' notice and suggestion of bankruptcy.

CV-24-434. Thomas Chapin; Chapin Team, LLC; Ultra Holdings, LLC; and Ultra Properties PM, LLC v. Matthew Lamb, from Pulaski County Circuit Court, Fourth Division. Appellants' notice to state appellate court of removal to federal court.

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MOTIONS SUBMITTED

CV-24-440. Thomas Chapin; Chapin Team, LLC; Ultra Holdings, LLC; and Ultra Properties PM, LLC v. Matthew Lamb, from Pulaski County Circuit Court, Fourth Division. Appellants' notice and suggestion of bankruptcy.

CV-24-440. Thomas Chapin; Chapin Team, LLC; Ultra Holdings, LLC; and Ultra Properties PM, LLC v. Matthew Lamb, from Pulaski County Circuit Court, Fourth Division. Appellants' notice to state appellate court of removal to federal court.

CV-24-474. Yeimer Armando Bolanos, Ana Mercedes Lara Alvarez, and Carlos Valdivieso v. Sarah Burrow, from Pulaski County Circuit Court, Fourteenth Division. Motion of separate appellant Yeimer Armando Bolanos to file substituted brief, alternatively, motion to strike 09/03/2024 brief as to appellant Bolanos.

CV-24-474. Yeimer Armando Bolanos, Ana Mercedes Lara Alvarez, and Carlos Valdivieso v. Sarah Burrow, from Pulaski County Circuit Court, Fourteenth Division. Appellee's response to motion of separate appellant Yeimer Armando Bolanos to substitute or strike brief, and incorporated motion to strike brief in total, or to otherwise dismiss.

CV-24-577. Simon Pockrus v. Kristy Pockrus (now Savold), from Benton County Circuit Court. Appellant's motion to consolidate records.

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CASES SUBMITTED

CR-22-424. Douglas Eugene Causey v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-23-536. Tandi Speer v. State of Arkansas, from Crawford County Circuit Court.

CR-23-550. Edward Chambers v. State of Arkansas, from Cleburne County Circuit Court.

CR-23-746. Jeremy Clay Thompson v. State of Arkansas, from Saline County Circuit Court.

CV-22-435. Laura Lynn Hammett and Rural Revival Living Trust v. Micheal Pietrczak, from Searcy County Circuit Court.

CV-22-647. Jackie Parker v. City of Little Rock, from Pulaski County Circuit Court, Sixth Division.

CV-22-816. Danny Clark v. Arkansas State Board of Health, from Crittenden County Circuit Court.

CV-23-71. Johnathon Baldwin v. Shasta Baldwin, from Clark County Circuit Court.

CV-23-234. Rebecca Skala, as Special Administrator of the Estate of Sir Christopher Earnest Walker Skala, Deceased, and Guardian of the Estate of Xavier Robert Dawson Skala, a Minor; and James Gardner, as Special Administrator of the Estate of Tammy Gardner, Deceased v. Comfort Systems USA, Inc.; Comfort Systems USA (Arkansas), Inc.; and Cody Conboy, from Independence County Circuit Court.

CV-23-249. Tommy Conder and Conder Cattle Company, LLC v. Janet S. Conder and Chad A. Conder, from Independence County Circuit Court.

CV-23-463. Abby Wallace v. Robert Clark Pyle, from Craighead County Circuit Court, Western District.

CV-23-471. Kayla Otwell and Seth Otwell v. Lizette Otwell, from Columbia County Circuit Court.

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CASES SUBMITTED

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

- E-23-303. Shannon Resor v. Director et al.
- E-23-304. Shannon Resor v. Director et al.
- E-23-305. Shannon Resor v. Director et al.
- E-23-306. Shannon Resor v. Director et al.
- E-23-313. Paige Hargis v. Director et al.
- E-23-314. Paige Hargis v. Director et al.
- E-23-315. Paige Hargis v. Director et al.
- E-23-316. Paige Hargis v. Director et al.
- E-23-323. Joshua Beal v. Director et al.
- E-23-324. Joshua Beal v. Director et al.
- E-23-326. Gary Michael Stovall v. Director et al.
- E-23-327. Angela Goodwin v. Director et al.
- E-23-328. Felicia Harris v. Director et al.
- E-23-329. Lancia Harris v. Director et al.
- E-23-330. Kenneth Quarles v. Director et al.
- E-23-331. Kenneth Quarles v. Director et al.
- E-23-332. Heather Tuck v. Director et al.
- E-23-333. Dawn E. Mrohs v. Director et al.

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CASES SUBMITTED

- E-23-334. Paul D. Thomas v. Director et al.
- E-23-336. Brian Thomas Mikus v. Director et al.
- E-23-337. Martena Maria Cash v. Director et al.
- E-23-338. Corey Prunty v. Director et al.
- E-23-339. Corey Prunty v. Director et al.
- E-23-340. Vivian Chwalinski v. Director et al.
- E-23-343. Kemberly Hall v. Director et al.
- E-23-344. James C. Howison v. Director et al.
- E-23-345. Bianca Simpson v. Director et al.
- E-23-346. Christopher Hubbard v. Director et al.
- E-23-347. Anita Downs v. Director et al.
- E-23-348. Shalea Isaac v. Director et al.
- E-23-349. Marcia Haizlip v. Director et al.
- E-23-350. Melody Bull v. Director et al.
- E-23-351. Jennifer Guffey v Director et al.
- E-23-352. Brian Cook v. Director et al.
- E-23-353. Veronica Holly v. Director et al.
- E-23-354. Duel Walker v. Director et al.