

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 1, 2014**

**PAUL E. DANIELSON, JUSTICE**

[CR-13-815](#). Ronald A. Britton v. State of Arkansas, from Faulkner County Circuit Court. Affirmed.

**COURTNEY HUDSON GOODSON, JUSTICE**

[CR-13-643](#). Blake H. Walden v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed as modified.

**JOSEPHINE LINKER HART, JUSTICE**

[CR-13-888](#). State of Arkansas v. Dwayne R. Cherry, from Pulaski County Circuit Court, Fifth Division. Appeal dismissed.

**PER CURIAM OPINIONS**

[CR-12-258](#). Ray Lee Anthony v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed.

[CV-12-606](#). Steven Leroy Swanigan v. Arkansas Department of Correction; Ray Hobbs, Director, Arkansas Department of Correction; Keith L. Waddle, Hearing Officer; and Gregg E. Moore, Captain, from Hot Spring County Circuit Court. Affirmed.

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**PER CURIAM ORDERS**

REVIEWS DENIED: Petitions for review were denied today in the following cases.

CV-14-209. Terry Hicks v. Pilgrim's Pride Corporation and Sedgwick Claims Management Services, Inc., from the Arkansas Workers' Compensation Commission. Baker and Hart, JJ., would grant.

CV-14-249. Charles Smith v. Christina Hudgins, from White County Circuit Court. Hannah, C.J., not participating.

CV-14-283. Kassandra Page Horton v. Rhonda Sue Freeman, from Mississippi County Circuit Court, Osceola District.

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CV-13-357. Reginald Early v. Keith Crockett, Clayborn Carroll, Roberta Lewis, and Lamon Mayo, from Jefferson County Circuit Court. Pro se petition for writ of prohibition is denied.

CV-13-357. Reginald Early v. Keith Crockett, Clayborn Carroll, Roberta Lewis, and Lamon Mayo, from Jefferson County Circuit Court. Pro se motion for extension of time to file reply brief is moot.

CV-13-733. Jon Hopkins v. The City of Brinkley, Arkansas; and The Brinkley Water and Sewer Department, from Monroe County Circuit Court. Appellant's motion for attorney's fees and costs. Motion for attorney's fees for appellate work is denied. Motion for costs is moot; costs assessed on mandate. Motion for attorney's fees for work done in circuit court is denied without prejudice.

CV-14-12. Becky Furnas et al. v. Thomas W. Kimbrell et al., from Pulaski County Circuit Court, Sixth Division. Appellants' motion for notification of substitution of two representative appellant-parties is granted.

CV-14-45. Patty Simpson v. Cavalry SPV I, LLC, as Assignee of HSBC Bank Nevada, N.A./Orchard Bank, from the United States District Court, Eastern District of Arkansas (Batesville). Motion for permission to file amicus curiae brief is granted.

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### PER CURIAM ORDERS

CV-14-358. Valerie Thompson Bailey v. Mark Martin, in His Official Capacity as the Secretary of State for the State of Arkansas; Rob Hill, Lou Ann Carter, and Jeff Olmsted, in Their Official Capacities as the Commissioners of the Perry County Election Commission; Leonard A. Boyle, Sr., Chris Burks, and Alex Reed, in Their Official Capacities as the Commissioners of the Pulaski County Election Commission; and Kristen Hulse, from Pulaski County Circuit Court. Expedited briefing ordered. Simultaneous briefs due by noon on Friday, May 2, 2014. Danielson, Baker, and Goodson, JJ., not participating. (Proceedings of April 28, 2014)

CV-14-358. Valerie Thompson Bailey v. Mark Martin, in His Official Capacity as the Secretary of State for the State of Arkansas; Rob Hill, Lou Ann Carter, and Jeff Olmsted, in Their Official Capacities as the Commissioners of the Perry County Election Commission; Leonard A. Boyle, Sr., Chris Burks, and Alex Reed, in Their Official Capacities as the Commissioners of the Pulaski County Election Commission; and Kristen Hulse, from Pulaski County Circuit Court. Amended petition for stay pursuant to Rule 62(f) of the Arkansas Rules of Civil Procedure is denied. Special Justices Raymond Abramson, Woodson W. Bassett III, and Todd Turner agree. Danielson, Baker, and Goodson, JJ., not participating. (Proceedings of April 30, 2014)

CV-14-367. John Kelly v. Mark Martin, in His Official Capacity as the Secretary of State for the State of Arkansas; Rob Hill, Lou Ann Carter, and Jeff Olmsted, in Their Official Capacities as the Commissioners of the Perry County Election Commission; Leonard A. Boyle, Sr., Chris Burks, and Alex Reed, in Their Official Capacities as the Commissioners of the Pulaski County Election Commission; and Timothy D. Fox, from Pulaski County Circuit Court. Appellant's motion for expedited appeal and for shortening of the period of time for briefing is granted. Simultaneous briefs due by noon on Friday, May 2, 2014. Danielson, Baker, and Goodson, JJ., not participating. (Proceedings of April 28, 2014)

CV-14-367. John Kelly v. Mark Martin, in His Official Capacity as the Secretary of State for the State of Arkansas; Rob Hill, Lou Ann Carter, and Jeff Olmsted, in Their Official Capacities as the Commissioners of the Perry County Election Commission; Leonard A. Boyle, Sr., Chris Burks, and Alex Reed, in Their Official Capacities as the Commissioners of the Pulaski County Election Commission; and Timothy D. Fox v. Leslie Steen, in His Official Capacity as Clerk of the Supreme Court of the State of Arkansas and Arkansas Court of Appeals, from Pulaski County Circuit Court. Appellee/third-party appellant's petition for certiorari to complete the record is granted. Special Justices Raymond Abramson, Woodson W. Bassett III, and Todd Turner agree. Danielson, Baker, and Goodson, JJ., not participating. (Proceedings of April 30, 2014)

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 1, 2014**

**PER CURIAM ORDERS**

CV-14-370. Leslie Steen, Clerk of the Supreme Court v. Angela Byrd, from Pulaski County Circuit Court. Motion for enlargement of time is denied. Special Justices Raymond Abramson, Woodson W. Bassett III, and Todd Turner agree. Danielson, Baker, and Goodson, JJ., not participating. (Proceedings of April 30, 2014)

CV-14-371. Arkansas State Board of Election Commissioners and Doyle Webb, on Behalf of the Republican Party of Arkansas v. Pulaski County Election Commission; Leonard A. Boyle, Sr., Chris Burks, and Alex Reed, in Their Official Capacities as Commissioners of the Pulaski County Election Commission; and Larry Crane, in His Official Capacity as the Pulaski County Circuit/County Clerk, from Pulaski County Circuit Court. The Arkansas State Board of Election Commissioners' petition for emergency stay and expedited consideration. Based on the record and facts of the instant case, this court grants in part and denies in part the Arkansas State Board of Election Commissioners' petition for emergency stay. Specifically, we grant the request for a temporary stay with regard to the circuit court's declaration that Act 595 of 2013 is unconstitutional, and we deny the request for stay with regard to the circuit court's declaration that the challenged rules promulgated by the Arkansas State Board of Election Commissioners are unconstitutional and void. We also grant the motion for expedited consideration. Simultaneous briefs are to be filed by Friday, May 2, 2014, at 12:00 p.m. No motions for extension of time or motions to file reply briefs will be entertained. (Proceedings of April 29, 2014)

CV-14-371. Arkansas State Board of Election Commissioners and Doyle Webb, on Behalf of the Republican Party of Arkansas v. Pulaski County Election Commission; Leonard A. Boyle, Sr., Chris Burks, and Alex Reed, in Their Official Capacities as Commissioners of the Pulaski County Election Commission; and Larry Crane, in His Official Capacity as the Pulaski County Circuit/County Clerk; and Freedom Kohls, Toylanda Smith, Joe Flakes, and Barry Haas, Intervenors, from Pulaski County Circuit Court. Intervenors' motion to intervene and to support denial of appellants' motion to stay is denied. (Proceedings of April 29, 2014)

[D-14-344](#). In Re Dustin Daniel Dyer, Arkansas Bar No. 2003082, an Original Action. Petition to surrender Arkansas law license. Petition granted. See **per curiam** this date.

CR-13-438. Edward Thompson v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Pro se motion for production of documents and things and entry upon land for inspection and other purposes. Motion treated as motion for copy of exhibit to transcript and granted; copy to be provided upon receipt of photocopying fee.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 1, 2014**

**PER CURIAM ORDERS**

[CR-14-114](#). Anthony Oral Craigg v. State of Arkansas, from Washington County Circuit Court. Pro se motion for belated appeal of order. Motion denied. See **per curiam** this date.

[CR-14-284](#). Broderick Don Scott v. State of Arkansas, from Pulaski County Circuit Court, First Division. Pro se motion for belated appeal. Motion denied. See **per curiam** this date.

CV-13-829. Edwin Jon Cridge v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Pro se petition for reconsideration/rehearing. Petition for reconsideration/rehearing treated as motion for reconsideration and denied.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 1, 2014**

**MOTIONS SUBMITTED**

PETITIONS FOR REVIEW:

CR-14-287. Juan Carlos Martinez v. State of Arkansas, from Benton County Circuit Court.

CV-14-238. Ethan O. Moody v. Artee Williams, Director, Arkansas Department of Workforce Services, and Arkansas Highway & Transportation Department, from the Arkansas Board of Review.

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CR-12-487. Roy Lee Smith v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's motion for belated brief.

CR-12-487. Roy Lee Smith v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's petition for writ of certiorari to complete the record.

CV-13-881. Vance M. Thompson, III, Trustee of the H. Ripley Thompson Revocable Trust v. Anne L. Thompson, from Woodruff County Circuit Court. Appellant's motion to quash writ of garnishment.

CV-13-1000. Graham Goodloe v. Marcia Goodloe, from Pulaski County Circuit Court, Fourteenth Division. Appellant's second motion for permission to file belated supplemental response brief.

CV-13-1051. Greg Bowerman v. Takeda Pharmaceuticals USA, Inc., f/k/a Takeda Pharmaceuticals North America, Inc., et al., from the United States District Court, Western District of Louisiana, Lafayette Division. Respondents' motion for oral argument.

CV-14-238. Ethan O. Moody v. Artee Williams, Director, Arkansas Department of Workforce Services, and Arkansas Highway & Transportation Department, from the Arkansas Board of Review. Appellant's motion for order granting leave to supplement the record and brief.

CV-14-346. Terence Robinson, Jr. v. State of Arkansas Office of Child Support Enforcement, from Clark County Circuit Court. Motion to file belated appeal.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MAY 1, 2014**

**CASES SUBMITTED**

CV-13-890. Bank of the Ozarks, Inc., and Bank of the Ozarks v. Robert Walker, Ann B. Hines, and Judith Belk, from Lonoke County Circuit Court. Orally argued.

CR-13-406. Osires Guevara v. State of Arkansas, from Benton County Circuit Court.

CR-13-668. Alonzo Watson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-13-1115. Melvin Smith v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.