

ARKANSAS SUPREME COURT
PROCEEDINGS OF MAY 15, 2014

JIM HANNAH, CHIEF JUSTICE

[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. Reversed and remanded; court of appeals' opinion vacated. Baker, Goodson, and Hoofman, JJ., dissent.

[CV-14-370](#). Lonnie Williams v. Mark Martin, in His Official Capacity as the Secretary of State for the State of Arkansas; James Bargar, Paul Foster, and Betty Pickett, in Their Official Capacities as the Commissioners of the Faulkner County Election Commission; L.C. Ratchford, Doyle Ragland, and G.C. Blair, in Their Official Capacities as the Commissioners of the Searcy County Election Commission; Stephen James, Jim Kirkendoll, and Bob Patterson, in Their Official Capacities as the Commissioners of the Van Buren County Election Commission; and Angela Byrd; Leslie Steen, in His Official Capacity as Clerk of the Supreme Court of Arkansas and Arkansas Court of Appeals v. Angela Byrd, from the Pulaski County Circuit Court, Fifth Division. Affirmed. Special Justices Raymond R. Abramson, Woody Bassett, and Todd Turner join in this opinion. Hart, J., concurs in part and dissents in part. Corbin, J., dissents. Danielson, Baker, and Goodson, JJ., not participating. (Proceedings of May 14, 2014)

DONALD L. CORBIN, JUSTICE

[CV-14-358](#). Valerie 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 the Pulaski County Circuit Court. Appeal dismissed. Special Justices Raymond R. Abramson and Todd Turner join in this opinion. Special Justice Woody Bassett concurs in this opinion. Danielson, Baker, and Goodson, JJ., not participating. (Proceedings of May 14, 2014)

PAUL E. DANIELSON, JUSTICE

[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 the 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, Sixth Division. Affirmed in part; vacated in part. Temporary stay dissolved. Baker and Hart, JJ., dissent. (Proceedings of May 14, 2014)

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KAREN R. BAKER, JUSTICE

[CV-13-942](#). Ray Hobbs, Director, Arkansas Department of Correction v. Ulonzo Gordon, from Lee County Circuit Court. Reversed and remanded.

JOSEPHINE LINKER HART, JUSTICE

[CV-14-367](#). John K. 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; Timothy Davis Fox v. Leslie Steen, in His Official Capacity as Clerk of the Supreme Court of Arkansas and Arkansas Court of Appeals, from the Pulaski County Circuit Court. Affirmed. Special Justices Raymond R. Abramson, Woody Bassett, and Todd Turner join in this opinion. Corbin, J., dissents. Danielson, Baker, and Goodson, JJ., not participating. (Proceedings of May 14, 2014)

CLIFF HOOFFMAN, JUSTICE

[CV-14-369](#). Doralee Chandler, Candidate for Circuit Judge, District 20, Division 5 v. Mark Martin, in His Official Capacity as the Secretary of State for the State of Arkansas; James Bargar, Paul Foster, and Betty Pickett, in Their Official Capacities as Commissioners of the Faulkner County Election Commission; L.C. Ratchford, Doyle Ragland, and G.C. Blair, in Their Official Capacities as the Commissioners of the Searcy County Election Commission; Stephen James, Jim Kirkendoll, and Bob Patterson, in Their Official Capacities as the Commissioners of the Van Buren County Election Commission; and Harry G. Foster II; Leslie Steen, in His Official Capacity as Clerk of the Supreme Court of Arkansas and Arkansas Court of Appeals v. Harry G. Foster II, from Pulaski County Circuit Court, Fifth Division. Affirmed. Special Justices Raymond R. Abramson, Woody Bassett, and Todd Turner join in this opinion. Hart, J., concurs in part and dissents in part. Corbin, J., dissents. Danielson, Baker, and Goodson, JJ., not participating. (Proceedings of May 14, 2014)

PER CURIAM OPINIONS

[CR-11-743](#). Courtney Pollard v. State of Arkansas, from Crittenden County Circuit Court. Affirmed.

[CR-12-491](#). Louis Townsell v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed.

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[CV-13-741](#). Donald Ray Peterson v. Judges of the Jefferson County Circuit Court: William W. Benton, Earnest E. Brown, Jr., Jodi Raines Dennis, Leon N. Jamison, Robert H. Wyatt, Jr.; Arkansas Attorney General, from Jefferson County Circuit Court. Affirmed.

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PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

CR-13-807. Justin Jamaille Thornton v. State of Arkansas, from Lincoln County Circuit Court. Baker and Goodson, JJ., would grant.

REVIEW DENIED: Petition for review was denied today in the following case.

CR-14-363. Stephan Brian Cole v. State of Arkansas, from Garland County Circuit Court. Hart, J., would grant.

CR-95-1113. James Cooper, Jr.; Ulonzo Gordon; and Jeremy Moten v. State of Arkansas, from Crittenden County Circuit Court. Appellants' motion to reinvest the circuit court with jurisdiction in order to consider petition for writ of error coram nobis is denied.

[CR-13-438](#). Edward Thompson, III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion for extension of time to settle the record is denied. See **per curiam** this date.

CV-14-200. Rodney Evans v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court. Motion from the Arkansas Public Defender Commission for rule on clerk is granted.

CV-14-200. Rodney Evans v. Arkansas Department of Human Services and Minor Child, from Carroll County Circuit Court. Second petition for redetermination of indigency is granted.

CV-14-241. Linda S. Lee v. Sheryln E. Jones, from Perry County Circuit Court. Pro se petition for reconsideration of writ of certiorari to complete the record is granted. Complete record due in thirty days.

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CV-14-243. Linda S. Lee v. Sherlyn E. Jones, from Perry County Circuit Court. Pro se petition for reconsideration of writ of certiorari to complete the record is granted. Complete record due in thirty days.

CV-14-366. In the Matter of Jerry Hudson Shepard, Jr., an Original Action. Petition to file record under seal is denied. Request to file redacted version of record granted. Redacted version will be available to the public. Goodson, J., not participating.

CV-14-366. In the Matter of Jerry Hudson Shepard, Jr., an Original Action. Petition for readmission to the Arkansas Bar is taken as a case. Goodson, J., not participating.

[CV-14-414](#). Nathaniel Smith, M.D., MPH, Interim Director of the Arkansas Department of Health, in His Official Capacity, and His Successors in Office; Richard Weiss, Director of the Arkansas Department of Finance And Administration, in His Official Capacity, and His Successors in Office; Pulaski Circuit/County Clerk, Larry Crane, in His Official Capacity, and His Successors In Interest; White County Clerk, Cheryl Evans, in Her Official Capacity, and Her Successors in Interest; Lonoke County Clerk, William "Larry" Clarke, in His Official Capacity, and His Successors in Interest; Conway County Clerk, Debbie Hartman, in Her Official Capacity, and Her Successors In Office; Saline County Clerk, Doug Curtis, in His Official Capacity, and His Successors In Office; Faulkner County Clerk, Melinda Reynolds, in Her Official Capacity, and Her Successors In Office; Washington County Clerk, Becky Lewallen, in Her Official Capacity, and Her Successors In Office v. M. Kendall Wright and Julia E. Wright, Individually and on Behalf of Their Minor Children, G.D.W. and P.L.W.; Rhonda L. Eddy and Treba L. Leath; Carol L. Owens and Rane J. Harp; Natalie Wartick and Tommie J. Wartick; Individually and on Behalf of Their Minor Son, T.B.W.; Kimberly M. Kidwell and Kathryn E. Short; James Boone and Wesley Givens; Kimberly M. Robinson and Felicity L. Robinson; Linda L. Meyers and Angela K. Shelby; Gregory A. Bruce and William D. Smith, Jr.; Monica J. Loyd and Jennifer L. Lochridge; Jennifer D. Moore and Mandy A. Lyles; Jonathan K. Gober and Mark R. Norwine; Andra Alsbury and Amber Gardner-Alsbury; Angela Spears Gullette and Livicie C. Gullette; Shannon Havens; and Rachel Whittenburg; Cody Renegar; and Thomas Staed; Katherine Henson and Angelia Buford; Christopher H. Horton; and Michael E. Potts; John Schenck and Robert Loyd; William A. King; and John McClay Rankine; Arica Navarro and Patricia Navarro; and Randy Eddy-McCain and Gary Eddy-McCain, from Pulaski County Circuit Court, Second Division. Appeal dismissed without prejudice; petition for emergency stay denied. Corbin and Danielson, JJ., concur. See per curiam issued May 14, 2014.

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[CR-12-577](#). Leon Jackson Rice v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se motions to supplement or settle the record, for extension of time to file brief, and for default judgment, and “notification and consideration to the court.” Motions to supplement or settle the record denied; appeal dismissed; motions for extension of time to file brief and default judgment and “notification and consideration to the court” moot. See **per curiam** this date.

[CR-13-1003](#). Trammell Moore v. State of Arkansas, from Jefferson County Circuit Court. Pro se appellant’s motion for extension of brief time. Appeal dismissed; motion moot. See **per curiam** this date.

[CV-13-958](#). Morris B. Koontz v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Pro se motion for extension of time. Appeal dismissed; motion moot. See **per curiam** this date.

[CV-13-1098](#). Robert Mitchem v. Ray Hobbs, Director, Arkansas Department of Correction; M.D. Reed, Warden, Ouachita River Correctional Unit; John Felts, Chairman, Arkansas Parole Board; Abraham Carpenter, Vice Chairman, Arkansas Parole Board; Carolyn Robinson, Commissioner, Arkansas Parole Board; Joseph Peacock, Commissioner, Arkansas Parole Board; Jimmy Wallace, Commissioner, Arkansas Parole Board; Duane Vandiver, Commissioner, Arkansas Parole Board; Richard Brown, Jr., Commissioner, Arkansas Parole Board, from Jefferson County Circuit Court. Pro se motion for extension of time to file appellant’s brief. Appeal dismissed; motion moot. See **per curiam** this date.

In Re District Court Resource Assessment Board. See [per curiam](#) this date.

Honorable David Stewart, District Judge, of Fayetteville and David Kizzia, Esq., of Malvern are appointed to the District Court Resource Assessment Board for four-year terms to expire on April 30, 2018. The court thanks them for their willingness to serve on this important board.

Honorable Marcia Hearnberger, Circuit Judge, of Hot Springs is reappointed to the District Court Resource Assessment Board for a four-year term to expire on April 30, 2018. The court thanks Judge Hearnberger for her continued service.

In Re 13th Judicial Circuit, Division 4–Approval for Digital Electronic Recording. See [per curiam](#) this date.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-13-936. Peter Brave v. Marie Brave, from Pulaski County Circuit Court, Sixteenth Division.

PETITIONS FOR REVIEW:

CV-14-182. Death & Permanent Total Disability Trust Fund v. Andrew Myers, Deceased; Samantha Myers; Dixieland Gin Repair, Inc.; Zurich American Insurance Company; and Haely Morris, from the Arkansas Workers' Compensation Commission.

CV-14-198. Quick-It Enterprises, Inc., and Triangle Insurance Company, Inc. v. A.D. Dorsey, from the Arkansas Workers' Compensation Commission.

CV-14-237. Rhonda Clegg and Charlene Sullivan Swaims v. Randall Sullivan and Carolyn Moore, from Faulkner County Circuit Court.

CR-14-5. Stanley Carter v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to direct compliance with Arkansas Supreme Court Rule 4-3(i), or, in the alternative, to stay brief time.

CV-14-19. Julie Glass v. E-Z Mart Stores, Inc.; Zurich American Insurance Company; and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Joint motion to remand.

CV-14-378. Tommy Thompson v. Circuit Court of Sebastian County, Fort Smith District, from Sebastian County Circuit Court, Fort Smith District. Petition for writ of habeas corpus or, in the alternative, for writ of certiorari.

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CASES SUBMITTED

CR-13-563. Antonio L. Williams v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-13-850. Tracy Dean Jeffries v. State of Arkansas, from Hot Spring County Circuit Court.

CR-13-927. State of Arkansas v. Shawn Trevell Rainer, from Mississippi County Circuit Court, Chickasawba District.

CV-13-870. Arkansas Department of Human Services v. Gordon Pierce, from Arkansas County Circuit Court, Northern District.

Opinions are available on the internet at

<http://courts.arkansas.gov>