

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF SEPTEMBER 4, 2014**

**PER CURIAM OPINIONS**

[CR-13-214](#). Joseph Chunestudy v. State of Arkansas, from Greene County Circuit Court. Affirmed.

[CV-13-801](#). Wallace Gardner v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed; motion for appointment of counsel denied.

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**PER CURIAM ORDERS**

REVIEW GRANTED: Petition for review was granted today in the following case.

CV-14-456. Linda J. Earls and Tony L. Earls v. Harvest Credit Management VI-B, LLC, from Greene County Circuit Court.

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

CR-14-552. Timothy J. Dewitt v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CV-14-374. Napoleon Timothy Sandeford v. United Parcel Service, Inc., and Liberty Mutual Group, Carrier/TPA, from the Arkansas Workers' Compensation Commission.

CV-14-426. Arkansas Federal Credit Union v. Eleanor Pigg, from Pulaski County Circuit Court, Fifth Division.

CV-14-431. Sarah T. Brantley and James William Brantley v. Northwest Arkansas Hospitals, LLC d/b/a Northwest Medical Center-Bentonville; Scott Smith, M.D.; Pinnacle Women's Health Care PLC; and Diane Wyatt, R.N., from Benton County Circuit Court. (Appellants)

CV-14-431. Sarah T. Brantley and James William Brantley v. Northwest Arkansas Hospitals, LLC, d/b/a Northwest Medical Center-Bentonville; Scott Smith, M.D.; Pinnacle Women's Health Care PLC; and Diane Wyatt, R.N., from Benton County Circuit Court. (Appellees Scott Smith, M.D., and Pinnacle Women's Health Care PLC)

CV-14-432. Sherry Holliman v. Director et al., from the Arkansas Board of Review.

CV-14-433. Sedra Young v. Director et al., from the Arkansas Board of Review.

CV-14-443. Catherine Voss v. Director et al., from the Arkansas Board of Review.

CV-14-467. Deneshia Morgan v. Director et al., from the Arkansas Board of Review.

CV-14-483. Kevin Cooney v. Director et al., from the Arkansas Board of Review.

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CV-14-496. Bertha Belle Graves v. James Jay Graves, from Van Buren County Circuit Court.

CV-14-510. Risie Rene Howard et al. v. C & L Used Car Lot and City of Pine Bluff, from Jefferson County Circuit Court.

CV-14-527. Jerry Wilson v. Greg Williams Farm, Inc., from Lafayette County Circuit Court.

CV-14-532. James Strange and Karen Strange v. Mary K. Reed Trust, from Van Buren County Circuit Court.

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CR-13-775. Ivor Gordon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion to settle the record is granted. Completed record due in thirty days. Brief due fifteen days after completed record is filed.

CR-13-775. Ivor Gordon v. State of Arkansas, from Pulaski County Circuit Court. Motion for extension to file appellant's brief and addendum. Moot.

CR-14-633. Freddie L. Sharp III v. State of Arkansas and the Circuit Court of Mississippi County, from Mississippi County Circuit Court. Motion to stay circuit court proceedings is denied.

CR-14-633. Freddie L. Sharp III v. State of Arkansas and the Circuit Court of Mississippi County, from Mississippi County Circuit Court. Petition for extraordinary writ is denied.

CR-14-636. Michael Anthony Mercouri v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion to complete the record is denied without prejudice.

CR-14-636. Michael Anthony Mercouri v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion for leave to withdraw is denied without prejudice.

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CV-13-950. J-McDaniel Construction Company, Inc.; John B. McDaniel; and Barbara G. McDaniel v. Dale E. Peters Plumbing Ltd., d/b/a Dale Peters Plumbing and Irrigation; Robert Bostic Hauling and Excavating, Inc., d/b/a Bobby Bostic Hauling and Excavating; Robert Bostic, Individually; and Esquire Marble Company, from Pulaski County Circuit Court, Sixth Division. Appellants' motion for amendment of costs is denied.

CV-13-976. The Ballard Group, Inc. v. BP Lubricants USA, Inc., and Tracy Curtis King, from Benton County Circuit Court. Motion to recall mandate is denied.

CV-14-193. Philip Morris USA, Inc. v. Wayne Minor and James Easley, from Pulaski County Circuit Court, Sixth Division. Motion of Campaign for Tobacco-Free Kids, the American Lung Association and the American Cancer Society Cancer Action Network for permission to file amicus curiae brief is granted.

CV-14-193. Philip Morris USA, Inc. v. Wayne Minor and James Easley, from Pulaski County Circuit Court, Sixth Division. Motion of Arkansas Trial Lawyers Association for permission to file amicus curiae brief is granted.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Suggestion of recusal denied.

CV-14-462. Mark Martin, Secretary of State, et al. v. Freedom Kohls et al., from Pulaski County Circuit Court, Sixth Division. Motion of Pulaski County Circuit/County Clerk Larry Crane for proposed amicus curiae brief is granted.

CV-14-462. Mark Martin, Secretary of State, et al. v. Freedom Kohls et al., from Pulaski County Circuit Court, Sixth Division. Motion of the NAACP Legal Defense and Educational Fund, W. Harold Flowers Law Society, the Arkansas NAACP, etc., to file amicus curiae brief is granted. Danielson, J., would deny.

CV-14-462. Mark Martin, Secretary of State, et al. v. Freedom Kohls et al., from Pulaski County Circuit Court, Sixth Division. Motion of Dr. Thomas DeBlack, Dr. Bill Schreckhise, John DiPippa and Nate Coulter for permission to file amicus curiae brief is granted. Danielson, J., would deny.

CV-14-462. Mark Martin, Secretary of State, et al. v. Freedom Kohls et al., from Pulaski County Circuit Court, Sixth Division. Motion for permission to file amicus curiae brief for People First Voting Project is granted.

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CV-14-585. James Tree and Crane Service, Inc., and Roger Williams v. Terri Fought, from Pulaski County Circuit Court, Twelfth Division. Motion for additional time to complete the record is granted. Completed record due in twenty days.

CV-14-612. Tonia Ingle v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Motion to expedite appeal is moot. *See* Rule 2(d).

CV-14-613. Frank Okoli v. Lucy M. Chukwu, from Pulaski County Circuit Court, Twelfth Division. Motion to extend time for filing transcripts for record on appeal is denied.

CV-14-618. Diamante, a Private Membership Golf Club, LLC v. Gary Dyer, Linda Dyer, and DC Member Group, Inc., from Saline County Circuit Court. Motion to dismiss appeal is taken with the case.

CV-14-675. Megan Tollett v. Honorable Mary McGowan, Ninth Division of the Pulaski County Circuit Court, from Pulaski County Circuit Court, Ninth Division. Petition for writ of mandamus and for other additional means, writs and processes. Moot.

CV-14-685. Denise Chiarizzio v. Justin Whiley and Whiley Construction, from Garland County Circuit Court. Motion for rule on clerk is denied.

D-14-646. In Re Patricia Ann Manson, Arkansas Bar No. 94047, an Original Action. Petition for voluntary surrender of license (resignation). Granted, with direction to the Clerk to remove the attorney's name from the registry of attorneys licensed to practice law in the State of Arkansas.

[CR-03-800](#). Anarian Chad Jackson v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Pro se motion to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis and to recall mandate and motion to expand page limit. Motion to expand page limit moot; motion to reinvest jurisdiction and to recall mandate denied. See **per curiam** this date.

[CR-03-1294](#). Lewis J. White v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Pro se petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis. Petition denied. See **per curiam** this date.

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CR-10-897. Charles Wilson, Jr. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Pro se motion for rehearing. Motion treated as motion for reconsideration and denied.

CR-12-1044. Antonio C. Robinson v. State of Arkansas, from Ashley County Circuit Court. Pro se brief in support of petition treated as petition for reconsideration and denied.

CR-14-318. Oscar W. Stanley v. State of Arkansas, from Sebastian County Circuit Court. Motion to dismiss appeal is granted.

[CR-14-341](#). Joseph Adkins v. State of Arkansas, from Lonoke County Circuit Court. Appellee's motions to dismiss and to stay brief time and pro se appeal. Order reversed and remanded; motions moot. See **per curiam** this date.

[CR-14-362](#). Richard Ingram v. State of Arkansas, from Jackson County Circuit Court. Pro se motions for writ of certiorari to complete the record, for access to transcript, and for extension of time to file brief. Motion for writ of certiorari to complete the record denied; appeal dismissed; motions for access to transcript and for extension of time to file brief moot. See **per curiam** this date.

[CR-14-399](#). Damont Ewells v. State of Arkansas, from Garland County Circuit Court. Pro se motions for extension of time to file brief and for copy of record. Appeal dismissed; motions moot. See **per curiam** this date.

[CR-14-477](#). Jimmy Lee Frost v. State of Arkansas, from Drew County Circuit Court. Pro se appellant's motion for extension of time to file brief-in-chief and reply brief. Appeal dismissed; motions moot. See **per curiam** this date.

CR-14-531. Roy Lee Russell v. State of Arkansas, from Desha County Circuit Court. Pro se petition for review is denied.

[CR-14-537](#). Kenneth Neal Rowan v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Pro se motion for belated appeal of order. Motion denied. See **per curiam** this date.

[CR-14-586](#). Michael Gunderman v. State of Arkansas, from Pope County Circuit Court. Pro se motion for belated appeal of judgment entered on revocation of probation. Motion dismissed. See **per curiam** this date.

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[CR-14-605](#). Gavino Mazurek v. Honorable Christopher Piazza, Circuit Judge, from Pulaski County Circuit Court, Second Division. Pro se petition for writ of mandamus. Petition moot in part and denied in part. See **per curiam** this date.

CV-11-719. Kenneth White v. Ray Hobbs, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Motion to dismiss appeal based upon appellant's death. Motion granted.

CV-12-1060. James Edward Smith v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Pro se petition for rehearing is denied.

[CV-13-115](#). Frederick Pennington, Jr. v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Pro se motions for stay pending appeal and for supersedeas, to supplement addendum, and for appointment of counsel, and petition for writ of habeas corpus. Appeal dismissed; motions for stay pending appeal and for supersedeas, to supplement addendum, and for appointment of counsel moot; petition for writ of habeas corpus denied. See **per curiam** this date.

CV-13-429. Ernest M. Brown v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Petition for reconsideration. Petition treated as petition for rehearing and denied.

CV-13-708. Jessie Hill v. Richard J. Gallagher, Custodian of Records, Arkansas State Crime Laboratory, from Jefferson County Circuit Court. Pro se motion to proceed in forma pauperis is granted. Clerk directed to lodge the record and set briefing schedule.

CV-14-310. Ira Mullins v. State of Arkansas, from Lee County Circuit Court. Motion to dismiss appeal is granted.

In Re Arkansas Bar Examination Fee. See [per curiam](#) this date.

In Re Administrative Order No. 17 – Professional Practicum Rule. See [per curiam](#) this date.

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**MOTIONS SUBMITTED**

PETITIONS FOR REVIEW:

CR-14-589. Herbert C. Rule, III v. State of Arkansas, from Washington County Circuit Court.

CV-14-553. Acceptance Indemnity Insurance Company v. Southwest Arkansas Electric Cooperative Corporation and Charles Glover, from Miller County Circuit Court.

CV-14-569. Roderick D. Hickman v. Director et al., from the Arkansas Board of Review.

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CR-14-489. Samuel Hartman v. State of Arkansas, from Franklin County Circuit Court. Motion for non-conforming brief.

CV-14-434. Progressive Eldercare Services-Saline, Inc., d/b/a Heartland Rehabilitation and Care Center v. Patsy Krauss, from Saline County Circuit Court. Appellant's motion for permission to file supplemental brief and request for oral argument.

CV-14-468. Ray Hobbs, Director, Arkansas Department of Correction v. James Grubbs, from Lee County Circuit Court. Motion to stay proceedings.

CV-14-470. Ray Hobbs, Director, Arkansas Department of Correction v. Aaron Hodge, from Lee County Circuit Court. Motion to stay proceedings.

CV-14-726. Robert E. Brown v. Robert and Norma Williams et al., from Sharp County Circuit Court. Appellant's motion for rule on clerk.



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**CASES SUBMITTED**

CR-14-94. State of Arkansas v. Derrick Lamont Thomas, from Pulaski County Circuit Court, Seventh Division.

CV-13-87. Arkansas Realtors Association v. Real Forms, LLC, from Washington County Circuit Court.

CV-13-1048. William Curtis v. Michael Lemna and New Champions Golf & Country Club, from the Arkansas Workers' Compensation Commission.

CV-14-37. Regional Care of Jacksonville, LLC v. Shirley Henry, from Pulaski County Circuit Court, Sixth Division.

CV-14-45. Patty E. Simpson v. Cavalry SPV I, LLC, as Assignee of HSBC Bank Nevada, N.A./Orchard Bank, an Original Action from the United States District Court, Eastern District of Arkansas, Batesville Division.

Opinions are available on the internet at

<http://courts.arkansas.gov>