

ARKANSAS SUPREME COURT
PROCEEDINGS OF OCTOBER 23, 2014

DONALD L. CORBIN, JUSTICE

[CV-14-391](#). Jefferson County Election Commission; Ted Davis; Stu Soffer; Cynthia Sims; Will Fox; Patricia Johnson v. Deborah "Debe" Hollingsworth, from Jefferson County Circuit Court. Appeal dismissed.

PAUL E. DANIELSON, JUSTICE

[CV-14-137](#). Arkansas State Claims Commission; Arkansas General Assembly, Claims Review Subcommittee; Arkansas General Assembly, Joint Budget Committee; Arkansas State Highway Commission; and Arkansas State Highway and Transportation Department v. Duit Construction Company, Inc., from Pulaski County Circuit Court, Sixth Division. Reversed and remanded; appellants' motion to dismiss cross-appeal granted; cross-appeal dismissed. Special Justice J. Carter Fairley joins. Hoofman, J., not participating.

COURTNEY HUDSON GOODSON, JUSTICE

[CR-13-1074](#). Earl Delmar Pigg v. State of Arkansas, from Crawford County Circuit Court. Affirmed.

PER CURIAM OPINION

[CR-13-680](#). Reginald Fitzgerald Nalls v. State of Arkansas, from Ashley County Circuit Court. Affirmed.

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PER CURIAM ORDERS

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

CV-14-765. Tara Brooks v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Tenth Division.

[CR-13-438](#). Edward Thompson III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Rebriefing ordered; pro se motion to compel and State's unopposed motion to file supplemental abstract and substituted brief moot. See **per curiam** this date.

[CR-14-802](#). Tracy Land Davis v. State of Arkansas, from Union County Circuit Court. Motion for rule on clerk. Motion granted. See **per curiam** this date.

CR-14-812. Beth's Bail Bonds, Inc. v. Honorable Judge Leon Johnson, Circuit Court of Pulaski County, Arkansas, First Division; Dustin McDaniel, Attorney General; Larry Crane, Pulaski County Circuit Court Clerk; Larry Jegley, Prosecutor for Pulaski County; Buddy Villines, Pulaski County Judge; and Pulaski County Quorum Court, from Pulaski County Circuit Court, First Division. Petition for writ of certiorari and/or petition for writ of mandamus is denied.

CR-14-820. Beth's Bail Bonds, Inc. v. Honorable Judge Chris Piazza, Circuit Court of Pulaski County, Arkansas, Second Division; Dustin McDaniel, Attorney General; Larry Crane, Pulaski County Circuit Court Clerk; Larry Jegley, Prosecutor for Pulaski County; Buddy Villines, Pulaski County Judge; and Pulaski County Quorum Court, from Pulaski County Circuit Court, Second Division. Petition for writ of certiorari and/or petition for writ of mandamus is denied.

[CR-14-833](#). Robert Holland v. State of Arkansas, from Lincoln County Circuit Court. Motion to be relieved as attorney for appellant and stay of briefing schedule. Motion granted. See **per curiam** this date.

CV-13-995. Alltel Corporation and Alltel Communications, Inc. v. Pete Rosenow, Individually, and on Behalf of a Class of Similarly Situated Persons, from Saline County Circuit Court. Appellant's motion to stay the mandate and incorporated memorandum of authorities is granted.

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CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion to expedite appeal is granted. Special Justice Robert McCorkindale agrees. Hart, J., would deny. Hoofman, J., not participating.

CV-14-594. Anderson's Taekwondo Center Camp Positive, Inc., et al. v. Landers Auto Group No. 1, Inc., d/b/a Landers Toyota et al., from Pulaski County Circuit Court, Sixth Division. Appellees' motion to file supplemental brief on the partial reversal and remand on the promissory estoppel issue is granted.

CV-14-613. Frank Okoli v. Lucy M. Chukwu, from Pulaski County Circuit Court, Twelfth Division. Motion to file a belated appeal is denied.

CV-14-613. Frank Okoli v. Lucy M. Chukwu, from Pulaski County Circuit Court, Twelfth Division. Motion to supplement the record is moot.

CV-14-796. George Pritchett, Cliff Jackson, and Robert Driggers v. Lance Spicer, in His Official Capacity as City Clerk of the City of Hot Springs and Garland County Election Commission, from Garland County Circuit Court. Appellants' joint motion to dismiss appeal is granted. Hoofman, J., not participating.

CV-14-806. Jackson Thomas Stephens, Jr. v. Mark Martin, Secretary of State, et al., an Original Action. Petitioner's motion for oral argument is denied. (Proceedings of October 13, 2014)

CV-14-806. Jackson Thomas Stephens, Jr. v. Mark Martin, Secretary of State, et al., an Original Action. Motion of Attorney General Dustin McDaniel for leave to file brief amicus curiae is granted. (Proceedings of October 14, 2014)

CV-14-806. Jackson Thomas Stephens, Jr. v. Mark Martin, Secretary of State, et al., an Original Action. Petitioner's motion for simultaneous disposition of deadline issue with *Richardson v. Martin* is denied. (Proceedings of October 15, 2014)

CV-14-813. Darrell W. Day v. Angela D. Day, from Franklin County Circuit Court. Motion for rule on clerk is denied.

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CV-14-894. City of Greenwood, Arkansas v. Shadow Lake Association, Inc., a/k/a Shadow Lake Property Owners Association, an Arkansas Non Profit Corporation and Shirley Ann Walters and Jennifer Puckett, Trustees of the Bill and Shirley Walters Family Trust of 2007, from Sebastian County Circuit Court, Greenwood District. Motion for expedited review, for stay of circuit court order pending appeal and for oral argument is denied.

CR-14-640. Arbury Charles Bowerman v. State of Arkansas, from Logan County Circuit Court, Northern District. Pro se motion for transcript, motion for appointment of counsel, and motion for extension of time to file appeal brief in appeal of denial and dismissal of Rule 37.1 petition. Pro se motion for appointment of counsel denied; motion for extension of time granted; motion for copy of the transcript treated as a motion for access to the record and granted; brief due thirty days from the date of this per curiam order. (Record to be returned when brief is submitted.)

[CR-14-670](#). Vincent Cooper v. State of Arkansas, from Miller County Circuit Court. Pro se motion for extension of time to file brief. Appeal dismissed; motion moot. See **per curiam** this date.

[CR-14-686](#). Rodney W. McClanton v. State of Arkansas, from Crittenden County Circuit Court. Pro se appellant's motions for appointment of counsel and for extension of brief time. Appeal dismissed; motions moot. See **per curiam** this date.

CR-14-707. Stacy S. Abram IV v. John Fogleman, Circuit Judge; Prosecuting Attorney Thomas A. Young; Jamie Lee Counce; Earle Police Department; and State of Arkansas, from Crittenden County Circuit Court. Pro se petitions for writs of mandamus and prohibition. Petition denied.

[CR-14-792](#). Leonard L. Bean v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Pro se motion for belated appeal. Denied. See **per curiam** this date.

[CV-13-115](#). Frederick Pennington, Jr. v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Pro se petition for rehearing. Petition for rehearing treated as petition for reconsideration and granted; denial of petition for writ of habeas corpus reversed; writ of habeas corpus issued; remanded to the Jefferson County Circuit Court with instructions. See **per curiam** this date.

CV-14-485. Benjamin Oliver v. Ray Hobbs, Director, Arkansas Department of Correction, from Lee County Circuit Court. Pro se motion to file belated petition for reconsideration. Denied.

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MOTIONS SUBMITTED

PETITION FOR REVIEW:

CR-14-805. Dimitria Singleton-Harris v. State of Arkansas, from Miller County Circuit Court.

CR-14-412. Richard Morrow v. State of Arkansas, from Independence County Circuit Court. Motion to transfer this case from the Arkansas Court of Appeals to the Arkansas Supreme Court.

CR-14-829. Beth's Bail Bonds, Inc. v. Honorable James Leon Johnson, Circuit Court of Pulaski County, Arkansas, First Division; Dustin McDaniel, Attorney General; Arkansas Professional Bail Bond Company and Professional Bail Bondsmen Licensing Board; Larry Crane, Pulaski County Circuit Court Clerk; Larry Jegley, Prosecutor for Pulaski County; Buddy Villines, Pulaski County Judge; and Pulaski County Quorum Court, from Pulaski County Circuit Court, First Division. Petition for writ of certiorari and/or petition for writ of mandamus.

CR-14-870. Beth's Bail Bonds, Inc. v. Honorable Barry Sims, Pulaski Circuit Court of Arkansas, Seventh Division; Dustin McDaniel, Attorney General; and Larry Jegley, Prosecutor for Pulaski County, from Pulaski County Circuit Court, Seventh Division. Petition for writ of certiorari and/or petition for writ of mandamus.

CR-14-870. Beth's Bail Bonds, Inc. v. Honorable Barry Sims, Pulaski Circuit Court of Arkansas, Seventh Division; Dustin McDaniel, Attorney General; and Larry Jegley, Prosecutor for Pulaski County, from Pulaski County Circuit Court, Seventh Division. Motion for accelerated consideration.

CV-13-962. Jasper School District No. 1 of Newton County; Kerry Saylor, Individually, and in His Capacity as Superintendent of the Jasper School District; and Wanda Mann, Individually, and in Her Capacity as Assistant Superintendent of the Jasper School District v. Anita Cooper, from Johnson County Circuit Court. Appellee's motion for attorneys' fees and costs.

CV-14-34. Jose Peraza et al. v. United Financial Casualty Co., from Faulkner County Circuit Court. Motion to transfer and motion for oral arguments.

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MOTIONS SUBMITTED

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of Retired Law Enforcement Officers, Fire Fighters, Paramedics, Public Safety Department, and Not-For-Profit Organizations for permission to file amicus curiae brief.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of the Right Reverend Larry R. Benfield et al., for permission to file amicus curiae brief.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of American Sociological Association for permission to file amicus curiae brief in support of appellees.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of Family Equality Council, COLAGE, National Association of Social Workers, and NASW Arkansas Chapter, for permission to file amicus curiae brief in support of plaintiffs-appellees.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of Outserve-SLDN and the American Military Partner Association for permission to file amicus curiae brief.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of Parents, Families and Friends of Lesbians and Gays, Inc., for permission to file amicus curiae brief in support of plaintiffs-appellees and affirmance.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court Second Division. Motion of the American Civil Liberties Union and the Arkansas Civil Liberties Union for permission to file amicus curiae brief.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion of Gary J. Gates, the William Distinguished Scholar at the William Institute on Sexual Orientation and Gender Identity Law and Public Policy at the UCLA School of Law for permission to file amicus curiae brief.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Motion to expand time allowed for oral argument.

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CV-14-855. Christina Mosher v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eleventh Division. Motion for rule on clerk.

CV-14-864. Central Flying Service, Inc., and Cal Freeney v. Pulaski County Circuit Court, from Pulaski County Circuit Court, Sixth Division. Motion for expedited stay of trial court proceedings.

CV-14-864. Central Flying Service, Inc., and Cal Freeney v. Pulaski County Circuit Court, from Pulaski County Circuit Court, Sixth Division. Petition for writ of prohibition.

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CASES SUBMITTED

CV-13-891. P. Timothy English, M.D.; Family Medicine Clinic, P.A.; John H. Brunner, M.D.; and Heritage Physician Group, P.A. v. Brinda Robbins, from Garland County Circuit Court. Orally argued.

CV-14-827. Our Community, Our Dollars v. David Bullock, Tiffany Francis, and Bryan Keaton, from Saline County Circuit Court. Orally argued.

CR-13-294. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-14-248. State of Arkansas v. Quinton Riley, from Pulaski County Circuit Court, Fourth Division.

CR-14-345. State of Arkansas v. Stephen M. Crane, from Calhoun County Circuit Court.

CV-14-85. Lois Swenson v. Shelley Kane, from Saline County Circuit Court.

CV-14-806. Jackson Thomas Stephens, Jr. v. Mark Martin, Secretary of State of the State of Arkansas and Stephen Copley, Individually, and on Behalf of Give Arkansas A Raise Now, an Original Action.