

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF MARCH 19, 2015**

**JIM HANNAH, CHIEF JUSTICE**

[CV-14-786](#). Ola Rose Gafford and Randy Gafford v. Allstate Insurance Company, from the United States District Court for the Eastern District of Arkansas, Western Division. Certified question answered. Special Justice Sam Bird joins in this opinion. Baker, Goodson, and Hart, JJ., concur. Danielson, J., not participating.

**PAUL E. DANIELSON, JUSTICE**

[CR-13-389](#). Christopher Beverage v. State of Arkansas, from Jefferson County Circuit Court. Affirmed in part; reversed and remanded in part. Baker and Hart, JJ., dissent in part; concur in part. Goodson, J., dissents.

**KAREN R. BAKER, JUSTICE**

[CR-11-556](#). Cristobal Mancia v. State of Arkansas, from Benton County Circuit Court. Affirmed.

[CV-14-542](#). Ray Hobbs, in His Official Capacity as Director, Arkansas Department of Correction; and Arkansas Department of Correction v. Jason McGehee, Don Davis, Stacey Johnson, Jack Jones, Terrick Nooner, Andrew Sasser, Bruce Ward, Kenneth Williams and Marcel Williams, from Pulaski County Circuit Court, Fifth Division. Reversed on direct appeal; affirmed on cross-appeal. Hannah, C.J., and Danielson and Wynne, JJ., concur in part; dissent in part.

**COURTNEY HUDSON GOODSON, JUSTICE**

[CR-14-136](#). Naeem Rasul v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed.

**JOSEPHINE LINKER HART, JUSTICE**

[CR-14-211](#). Quenton Vernard Jones v. State of Arkansas, from Pulaski County Circuit Court, First Division. Reversed and remanded.

**PER CURIAM OPINIONS**

[CR-14-736](#). Omar Perez v. State of Arkansas, from Benton County Circuit Court. Appeal dismissed.

[CV-14-614](#). Michael S. Griffis v. Ray Hobbs, Director, Arkansas Department of Correction, from Lee County Circuit Court. Affirmed.

[CV-14-641](#). Morris Dean Davis v. State of Arkansas, from Lincoln County Circuit Court. Affirmed.

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**PER CURIAM ORDERS**

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

CV-15-126. David Lineham v. Sarah Rachel Hyde et al., from Logan County Circuit Court.

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

CR-15-137. Stanley Ray Hunt II v. State of Arkansas, from Faulkner County Circuit Court.

CV-14-957. Ralph Trezza v. USA Truck, Inc., from the Arkansas Workers' Compensation Commission. Baker and Hart, JJ., would grant.

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CR-07-1155. Steven Wertz v. State of Arkansas, from Sharp County Circuit Court. Motion to expedite is granted. Goodson, J., not participating.

CR-07-1155. Steven Wertz v. State of Arkansas, from Sharp County Circuit Court. Motion for permission to be recognized as counsel on behalf of movant/petitioner is granted. Goodson, J., not participating.

CR-07-1155. Steven Wertz v. State of Arkansas, from Sharp County Circuit Court. Motion for leave to file overlength motion is granted. Goodson, J., not participating.

[CR-13-438](#). Edward Lee Thompson III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Rebriefing ordered. Hannah, C.J., and Wood, J., concur. See **per curiam** this date.

[CR-14-760](#). Susan Houghton v. State of Arkansas, from Johnson County Circuit Court. Rebriefing ordered. See **per curiam** this date.

CR-14-794. Donald D. Dickey v. State of Arkansas, from Izard County Circuit Court. Motion for compliance with Ark. Sup. Ct. R. 4-3(i) is granted. Appellant's brief in compliance due in thirty days.

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CR-14-1019. Andrew M. Holland v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion for permission to file a supplemental brief is granted.

CR-14-1019. Andrew M. Holland v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion for permission to file supplemental brief is granted.

CV-14-1059. Cheri Suzanne McCoy v. Vernon Jeffrey Kincade, from Baxter County Circuit Court. Motion for leave to file supplemental briefs is granted. Goodson and Wynne, JJ., not participating.

CV-15-126. David Lineham v. Sarah Rachel Hyde et al., from Logan County Circuit Court. Motion to take judicial notice of this Court's subsequent authority in *In Re Guardianship of S.H.*, 2015 Ark. App. 38, regarding David Lineham's petition for review. Noted.

[CR-82-121](#). Roosevelt Abernathy v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 and motion to introduce exhibits as evidence. Petition dismissed; motion moot. See **per curiam** this date.

CR-14-640. Arbury Charles Bowerman v. State of Arkansas, from Logan County Circuit Court. Pro se motion for extension of time to file appeal brief. Motion granted; brief due twenty-one days from the date of this per curiam order (final extension).

CV-14-1063. Richard D. Basnett v. United Fire and Casualty Company, from Carroll County Circuit Court. Pro se petition for writ of certiorari; pro se motion for appointment of counsel. Petition for writ of certiorari with petition for leave to proceed in forma pauperis denied; motion for appointment of counsel moot.

[CV-14-1098](#). Demetrius Curtis v. Ray Hobbs, Director, Arkansas Department of Correction, from Chicot County Circuit Court. Pro se petition for writ of certiorari and motion to file a belated brief. Appeal dismissed; motion and petition moot. See **per curiam** this date.

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**PER CURIAM ORDERS**

In Re Arkansas Supreme Court Committee on Criminal Practice. See [per curiam](#) this date.

Honorable Phil Smith of Pocahontas, Circuit Judge, Third Judicial Circuit; Hon. Daniel Shue of Fort Smith, Prosecuting Attorney, 12th Judicial Circuit; Hon. Don McSpadden of Batesville, Prosecuting Attorney, 16th Judicial Circuit; Darnisa Johnson, Esq., of Little Rock; and John Everett, Esq., of Fayetteville, are appointed to the Committee on Criminal Practice for three-year terms to expire on January 31, 2018. We thank them for accepting appointment to this important committee.

Honorable Stephen Tabor of Fort Smith, Circuit Judge, 12th Judicial Circuit, and Hon. Grisham Phillips of Benton, Circuit Judge, 22nd Judicial Circuit, are reappointed to the Committee on Criminal Practice for three-year terms to expire on January 31, 2018. We thank them for their continued service.

We express our gratitude to the following members, whose terms have expired, for their years of dedicated service to the Committee on Criminal Practice: Judge Duncan Culpepper of Prescott; Judge Marion Humphrey of Little Rock; Vada Berger, Esq., of Little Rock; Ellen Reif, Esq., of Little Rock; and Jack Lassiter, Esq., of Little Rock.

We note with appreciation Judge Culpepper's service as the chair of the committee and designate Judge Smith to succeed him.

In Re Arkansas Supreme Court Committee on Criminal Practice-Arkansas Rule of Appellate Procedure-Crim. 2 and Arkansas Rule of Criminal Procedure 37.2. See [per curiam](#) this date.

In Re Supreme Court Committee on Unauthorized Practice of Law. See [per curiam](#) this date.

J.T. Skinner, Esq., of Batesville, First Congressional District, is appointed to the Supreme Court Committee on the Unauthorized Practice of Law for a three-year term to expire on May 31, 2018. The court thanks Mr. Skinner for accepting appointment to this important committee.

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James Streett, Esq., of Russellville, Third Congressional District, and Mr. Randy Hyde of Little Rock (at-large position) are reappointed to the Supreme Court Committee on the Unauthorized Practice of Law for terms to expire on May 31, 2017. The court thanks these members for their continued service.

The court expresses its gratitude to Judge Chris Morledge of Forrest City for his service to the committee.

**ARKANSAS SUPREME COURT**  
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**MOTIONS SUBMITTED**

PETITIONS FOR REVIEW:

CR-15-121. Travis Klint Perrigen v. State of Arkansas, from Garland County Circuit Court.

CV-14-977. Louis A. Sheppard v. Arkansas Alcoholic Beverage Control Board, from Pulaski County Circuit Court, Sixth Division.

CV-14-1000. G. Mason Cozart, Larry Buttram & Dynareps Investment Group v. Louise Logue, from Pulaski County Circuit Court, Seventeenth Division.

CV-14-1003. Vicky Dewey v. Director et al., from the Arkansas Board of Review.

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CR-14-818. John Chad Griffin v. State of Arkansas, from Clark County Circuit Court. Motion to remand and settle the record.

CR-15-3. Jimmy Paul Pickle v. State of Arkansas, from Craighead County Circuit Court, Western Division. Appellee's motion for permission to file supplemental brief.

CR-15-3. Jimmy Paul Pickle v. State of Arkansas, from Craighead County Circuit Court, Western Division. Arkansas Game and Fish Commission's request for permission to file amicus curiae brief previously submitted to the Arkansas Court of Appeals.

CR-15-174. James Johnson III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion to be relieved as attorney for appellant and stay briefing schedule.

CV-14-535. Larry W. Walther, Director, Arkansas Department of Finance and Administration v. Weatherford Artificial Lift Systems, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to reassign case to the Supreme Court.

CV-14-585. In Re Sheila Russell, Court Reporter; James Tree and Crane Service, Inc. and Roger Williams v. Terri Fought, from Pulaski County Circuit Court, Twelfth Division. Motion of Lloyd W. "Tre" Kitchens to intervene or otherwise be heard on behalf of Marlow Properties, LLC, and Daria Marlow.

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**MOTIONS SUBMITTED**

CV-14-1011. Arkansas Department of Veterans Affairs v. Darlene Okeke et al., from Pulaski County Circuit Court, Third Division. Appellees' motion for extension of time to file brief.

CV-14-1011. Arkansas Department of Veterans Affairs v. Darlene Okeke et al., from Pulaski County Circuit Court, Third Division. Appellant's motion to supplement the abstract and file a substituted brief.

CV-15-27. Arkansas Highway & Transportation Department v. O.J.'s Service Two, Inc., from Pulaski County Circuit Court, Twelfth Division. Petition for writ of certiorari to complete the record.

CV-15-197. SEECO, Inc. n/k/a SWN Production (Arkansas), Inc. v. Eldridge Snow, from Conway County Circuit Court. Motion for stay pending appeal and memorandum of authorities.

CV-15-197. SEECO, Inc. n/k/a SWN Production (Arkansas), Inc. v. Eldridge Snow, from Conway County Circuit Court. Supplemental motion for stay pending appeal and memorandum of authorities.

CV-15-197. SEECO, Inc. n/k/a SWN Production (Arkansas), Inc. v. Eldridge Snow, from Conway County Circuit Court. Motion to consolidate and memorandum of authorities.

CV-15-198. SEECO, Inc. n/k/a/ SWN Production (Arkansas), Inc., DeSoto Gathering Company, LLC, and Southwestern Midstream Services Company v. Sara Stewmon, from St. Francis County Circuit Court. Appellant's motion to consolidate with CV-15-197 - SEECO, Inc. v. Eldridge Snow.

CV-15-215. Joanne Amy Doughty v. Richard William Douglas, from Garland County Circuit Court. Motion to dismiss appellant's appeal.

D-15-208. In Re Andrew Marsh, Arkansas Bar No. 2010044. Petition for voluntary surrender of license (resignation).

D-15-217. In Re Sara Falkinham, Arkansas Bar No. 99220. Petition for voluntary surrender of license (resignation).

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**CASES SUBMITTED**

CV-14-12. Bob Allen McCleskey, Individually and as a Representative of All Similarly Situated Taxpayers Who Pay Ad Valorem School Taxes for the Support of the Fountain Lake School District; the Fountain Lake School District; Jason Morris, Individually and as a Representative of All Similarly Situated Taxpayers Who Pay Ad Valorem School Taxes for the Support of the Eureka School District; and the Eureka Springs School District v. Thomas W. Kimbrell, Commissioner of the Arkansas Department of Education; the Arkansas Department of Education; and Charles Robinson, the Treasurer of the State of Arkansas (Only in His Official Capacity), from Pulaski County Circuit Court, Sixth Division. Orally argued.

CR-93-427. Sherman D. Noble v. State of Arkansas, from Jefferson County Circuit Court.

CR-14-857. Herman L. White v. State of Arkansas, from Hempstead County Circuit Court.

CV-14-816. Harold W. Planchon v. Local Police & Fire Retirement System, from Washington County Circuit Court.