

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF APRIL 23, 2015

\*\*\*HYPERLINKS NOT AVAILABLE AT THIS TIME\*\*\*

### **JIM HANNAH, CHIEF JUSTICE**

CV-14-456. Linda J. Earls and Tony L. Earls v. Harvest Credit Management VI-B, LLC, from Greene County Circuit Court. Reversed and remanded; court of appeals opinion vacated. Special Justice James Arnold joins this opinion. Hart, J., concurs. Baker and Goodson, JJ., dissent. Wood, J., not participating.

### **PAUL E. DANIELSON, JUSTICE**

CV-14-788. Certain Underwriters at Lloyd's, London, Subscribing to Policy Nos. LLG035083, LLG041386, EQ6564A, EQ6564B, EQ6564C, LCL002222, EQ6366A, EQ6366B, EQ6366C, EQ6366D, EQ6366E, EQA22264, EQA12036, LCP001820, LCL003461, LCP002646, LLG034560, LLG040476, LLG045650, LLG051521, LLG055843, LLG059178, EQA14445, EQA14505, LSP510482, LSP511933, LSP513021, LSP513885, 05SRT20094, 05SRT20640, 05SRT21188, 05SRT21737, 05SRT20794, CP04265, CP04980, CP05809, CP06776, CP06159, CP07113, 058204-004, 058204-005, 068204-003, 058170-027, 068170-012, 068170-013, 078170-009, 078170-010, 088170-010, 088170-011, 098170-003, 098170-004, 19618-08, 19618-09, 19618-10, 19618-11, 19511-08, 19511-09, 19511-10, and 19511-11 v. David Bass; Donald Hughes; Liston Haseman, Jr.; John Kimbrough; Lewis Jenkins Trucking, Inc.; Lew Thompson & Son, Inc.; Moore Valley Farms, Inc.; Jeremy Poe; Franklin D. Pollard d/b/a The Regency Limited; Bobby and Earnestine Pollins; Robby Summers; Tommie Walker Auction, Inc.; Advada Ward; Lance Whitaker; and Shirley Williams, Individually and as Plaintiff Class Representatives, from Saline County Circuit Court. Reversed and remanded. Baker and Hart, JJ., concur.

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF APRIL 23, 2015**  
**PER CURIAM ORDERS**

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

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.

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REVIEWS GRANTED: Petitions for review were granted today in the following cases.

CR-15-266. William Dewey Gill v. State of Arkansas, from White County Circuit Court. Hannah, C.J., not participating.

CV-14-986. In the Matter of the Hamilton Living Trust and Bank of the Ozarks v. Susan Cossey, from Pulaski County Circuit Court, Sixteenth Division.

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

CR-15-272. Adam F. Doty v. State of Arkansas, from White County Circuit Court.

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CR-12-759. Brandon Carter v. State of Arkansas, from Columbia County Circuit Court. Motion to withdraw as counsel is granted.

CR-15-261. Michael Crews and April Jo Crews v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petition to proceed in forma pauperis is granted.

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. Motion for judicial notice and supplemental motion for judicial notice. Noted.

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF APRIL 23, 2015**  
**PER CURIAM ORDERS**

D-14-1110. In Re James Robin Pace, Arkansas Bar No. 85123. Petition for voluntary surrender of law license. Petition granted. See **per curiam** this date.

CR-90-43. Dennis J. Ventress v. State of Arkansas, from Jefferson County Circuit Court. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Petition denied. See **per curiam** this date.

CR-93-1096. George L. Rhoades v. State of Arkansas, from Little River County Circuit Court. Pro se petition for reconsideration is denied.

CR-14-964. Richard Ehler v. State of Arkansas, from Baxter County Circuit Court. Pro se petition for appeal reconsideration/rehearing. Motion treated as petition for rehearing and denied.

CR-14-1020. Aaron M. Hannah v. State of Arkansas, from Washington County Circuit Court. Appellee's motion to dismiss appeal is granted.

CR-14-1075. Barry Fredrickson, Jr. v. State of Arkansas, from Garland County Circuit. Appellee's motion to dismiss appeal is granted.

CR-14-1088. Fred Lee Williams v. State of Arkansas, from Drew County Circuit Court. Pro se motion for admission of supplemental attachments, extraordinary issues, and jurisdictional statement; motion for admission of supplemental attachment and point on appeal; pro se motion for admission of appellant adverse ruling 2,3,4,5 and any other issues consisting towards appeal; and pro se motion for perfection of records of appeal (total examination). Motions denied.

CR-14-1125. Ryan Nutt v. State of Arkansas, from Pike County Circuit Court. Pro se petition for rehearing or reconsideration of dismissal of motion for belated appeal of order and motion for information on status of case. Petition treated as motion for reconsideration and denied; motion for information on status of case moot. See **per curiam** this date.

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF APRIL 23, 2015**  
**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

CR-14-136. Naeem Rasul v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

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**PETITIONS FOR REVIEW:**

CV-14-1038. Sue Poff v. James P. Elkins, M.D., and James P. Elkins, P.A., from Benton County Circuit Court.

CV-14-1039. Champion Burks, Cody Burks, Chad Burks and Colton Burks v. Liberty Bank of America, Estate of Merium Joy Burks, and Judy Moore, from Garland County Circuit Court.

CV-14-1044. Maria Estrada v. AERT, Inc., Employer & National Union Fire Insurance, Carrier, from the Arkansas Workers Compensation Commission.

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CR-15-303. Chad Squyres v. State of Arkansas, from Pike County Circuit Court. Motion for rule on clerk.

CV-13-919. John K. Kelly v. Christian Snowden Kelly, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion to withdraw petition for rehearing.

CV-13-919. John K. Kelly v. Christian Snowden Kelly, from Pulaski County Circuit Court, Seventeenth Division. Motion for release of bond.

CV-14-427. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division. Appellees' motion and amended motion to withdraw their February 17, 2015 response to per curiam, 2015 Ark. 38, and to dismiss CV-15-227 as moot.

CV-14-784. Mikel Webster v John Felts, Arkansas Parole Board Chairman, et al., from Jefferson County Circuit Court. Appellee's motion to dismiss appeal.

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF APRIL 23, 2015**

**MOTIONS SUBMITTED**

CV-15-288. Domingo Barrios v. Federal Insurance Company, as Insurer for Heifer Project International, a Charitable Non-Profit Organization; C. Douglas Smith in His Official Capacity as a Member of the Board of Directors of Heifer Project International; Marcia E. Williams, as a Member of the Board of Directors of Heifer Project International, from Pulaski County Circuit Court, Third Division. Motion for extension of time to respond to motion to dismiss.

CV-15-297. Henry L. Gomez, M.D., and Henry L. Gomez, M.D., P.A. v. Evelyn Dukes, Individually and as Special Administrator of the Estate of Jay Ren Peter-Latham Willis-Dukes, Deceased, Ladeidra Dukes, and Lorenzo Willis, from Union County Circuit Court. Petition for permission to appeal.

D-15-306. In Re Mark Alan Kennedy, Arkansas Bar No. 2005294. Petition for voluntary surrender of license (resignation).

D-15-308. In Re Farris Eugene Merritt, Arkansas Bar No. 2001133. Petition for voluntary surrender license (resignation).

D-15-315. In Re Nancy E. Hulen, Arkansas Bar No. 82171. Petition for voluntary surrender of license (resignation).

D-15-316. In Re Charles M. Hulen Arkansas Bar No. 74081. Petition for voluntary surrender of license (resignation).

D-15-317. In Re Donald Wayne Colson, Arkansas Bar No. 2005166. Petition for voluntary surrender of license (resignation).

D-15-318. In Re Gustavo A. Heudebert, Arkansas Bar No. 2014106. Petition for voluntary surrender of license (resignation).

D-15-319. In Re Henry L. Tuck III, Arkansas Bar No. 69080. Petition for voluntary surrender of license (resignation).

D-15-320. In Re Leslie Brookmeyer McWilliams, Arkansas Bar No. 83192. Petition for voluntary surrender of license (resignation).

D-15-325. In Re Myra L. Ransick, Arkansas Bar No. 83219. Petition for voluntary surrender of license (resignation).

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF APRIL 23, 2015**  
**MOTIONS SUBMITTED**

D-15-326. In Re Michael C. Nance Arkansas Bar No. 81209. Petition for voluntary surrender of license (resignation).

D-15-328. In Re Henry H. Wood, Arkansas Bar No. 96252. Petition for voluntary surrender of license (resignation).

D-15-329. In Re Kathleen H. L. Bird, Arkansas Bar No. 90139. Petition for voluntary surrender of license (resignation).

D-15-332. In Re Rhonda Kenyon Hill, Arkansas Bar No. 86198. Petition for voluntary surrender of license (resignation).

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF APRIL 23, 2015**  
**CASES SUBMITTED**

CR-13-721. Richard Ralph Conte v. State of Arkansas, from Faulkner County Circuit Court. Orally argued.

CR-13-775. Ivor Gordon v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-14-872. State of Arkansas v. Mark E. Payton, from Searcy County Circuit Court.

CV-15-227. Nathaniel Smith, MD, MPH, et al. v. M. Kendall Wright et al., from Pulaski County Circuit Court, Second Division.