

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 10, 2015

PAUL E. DANIELSON, JUSTICE

[CV-15-111](#). Shelter Mutual Insurance Company v. Michael Goodner and Robbie Goodner, from Miller County Circuit Court. Affirmed. Special Justices Ronald A. Williams, R. Bryan Tilley, and Kevin R. Holmes join. Brill, C.J., and Wood, J., dissent. Goodson, Hart, and Wynne, JJ., not participating.

[CV-15-278](#). Duit Construction Company, Inc. v. 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, from Pulaski County Circuit Court, Sixth Division. Affirmed. Baker, J., concurs. Hart, J., dissents.

[CV-15-567](#). Charles Philyaw v. Wendy Kelley, Director, Arkansas Department of Correction, from Pulaski County Circuit Court, Fifth Division. Affirmed.

PER CURIAM OPINIONS

[CR-15-192](#). Matthew Williams v. State of Arkansas, from Pike County Circuit Court. Affirmed; motion moot.

[CV-15-339](#). Rodney Holly v. Ray Hobbs, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

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

CV-15-395. Raymond Edwards and Patricia Edwards v. Arkansas Department of Human Services and M.A.E., Minor Child, from Lonoke County Circuit Court. Goodson and Hart, JJ., would grant.

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

CV-15-493. Myrtle Stevens et al. v. SEECO, Inc., et al., from Van Buren County Circuit Court. Special Justices Steven Schulte, Amy Driver, and Mark Spradley agree. Hart, J., and Special Justice Keith Chrestman would grant. Danielson, Baker, Wood, and Wynne, JJ., not participating.

CV-15-756. Kelly Greenlee v. Austin Alexander, from Washington County Circuit Court.

CV-15-901. Edward Edmondson v. Penny Lockett (formerly Edmondson), from Pulaski County Circuit Court, Sixteenth Division.

CV-15-917. Joanne Nicholson v. Director et al., from the Arkansas Board of Review.

CR-15-618. State of Arkansas v. Vann Bragg, from Phillips County Circuit Court. Appellee's motion to withdraw petition and amended petition for writ of certiorari to complete the record is granted. Wood, J., not participating.

CR-15-620. Antonio Whitlow v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to proceed in forma pauperis and appointment of counsel is granted. Ronald L. Davis, Jr., appointed as counsel for appellant.

CR-15-817. Troy Laurence McCulley v. State of Arkansas, from Poinsett County Circuit Court. Steven R. Davis's motion to be relieved as attorney for the appellant is granted.

CR-15-908. Ronald Ewing Hardin v. State of Arkansas, from Jackson County Circuit Court. Jeff Rosenzweig's entry of appearance for Mr. Hardin is noted.

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[CR-15-948](#). Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Motion for rule on clerk. Motion granted. See **per curiam** this date.

[CR-15-948](#). Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Motion of Mark S. Frasier to withdraw as attorney on direct appeal. Motion granted. Dale Adams appointed to represent appellant. See **per curiam** this date.

CV-15-197. SEECO, Inc. N/K/A SWN Production (Arkansas), Inc. v. Eldridge Snow, from Conway County Circuit Court. Appellee's combined motion to strike notice of opt out filed by nonparties and memorandum in support thereof is passed until case is submitted. Danielson, Baker, and Goodson, JJ., not participating.

CV-15-422. Marilyn J. Worsham v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion to request all brief copying fees, other copying fees, other miscellaneous fees, costs, etc. be waived; motion to have 2012 appeal tribunal hearing CD transcribed; motion to have E-14-864 transcript of record copies made for appellant is denied.

CV-15-606. Southwest Power Pool, Inc. v. Kanis and Denny Roads et al., from Pulaski County Circuit Court, Thirteenth Division. Appellees' motion for the Court to limit further requests for additional time to expedite this matter is denied. Appellant's request for additional five day enlargement of time is granted.

CV-15-824. Temika Donley v. Lakitcher Donley, from Pulaski County Circuit Court, Seventeenth Division. Appellant's motion for supplemental briefing is granted.

CV-15-922. Mattie Goodwin et al. v. Northwest Financial Corporation et al., from Union County Circuit Court. Appellant's motion for rule on clerk is denied.

CV-15-932. Tiffany Wafford and Freddie Miles, Jr. v. Arkansas Department of Human Services, from Miller County Circuit Court. Motions of Tiffany Wafford and Freddie Miles, Jr., for rule on clerk are granted.

CV-15-939. Bunge North America, Inc. and Kris Tillie v. Jefferson County Circuit Court et al. from Jefferson County Circuit Court. Appellant's petition for writ of certiorari or, in the alternative, writ of mandamus is denied. Wynne, J., not participating.

CV-15-945. Milissa Hartsell v. Director et al., from the Arkansas Board of Review. Appellant's petition to proceed in forma pauperis is granted.

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CR-04-719. Jim McDonald v. State of Arkansas, from Carroll County Circuit Court. Pro se motion for copies at public expense is denied.

[CR-09-549](#). Kelton Bond v. State of Arkansas, from Benton County Circuit Court. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is denied. See **per curiam** this date.

CR-09-1213. Anthony Brian Williamson v. State of Arkansas, from Sebastian County Circuit Court. Appellant's pro se motion for reconsideration of denial of coram nobis petition is denied.

CR-12-190. Gilberto Martinez-Marmol v. State of Arkansas, from Washington County Circuit Court. Pro se motion for transcript at public expense is denied.

CR-15-25. Clint Sawyer v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's pro se petition for reconsideration or rehearing treated as petition for rehearing and denied.

[CR-15-648](#). Anthony Toombs v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motions for extension of brief time. Appeal dismissed; motions moot. Hart, J., dissents. See **per curiam** this date.

[CV-15-397](#). Allen Lynn Penn v. Richard Gallagher, Custodian of Records, Arkansas State Crime Lab, and Kermit B. Channell, Executive Director, Arkansas State Crime Lab, from Pulaski County Circuit Court, Sixth Division. Pro se petition to proceed in forma pauperis is denied. See **per curiam** this date.

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

Ann Grimes, Esq., of Pulaski County, Robert Veach, Esq., of Pope County, David Glover, Esq., of Pulaski County, are appointed to the Committee on Civil Practice for three-year terms to expire on July 31, 2018. We thank them for accepting appointment to this important committee.

We express our gratitude to the following members, whose terms have expired, for their years of dedicated service to the Committee on Civil Practice: Judge Earnest Brown of Jefferson County; Judge Brandon Harrison of the Arkansas Court of Appeals; Michelle Ator, Esq., of Pulaski County; Hani Hashem, Esq., of Monticello, and Professor John J. Watkins, Committee Advisor of Fayetteville.

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PETITIONS FOR REHEARING:

CR-15-174. James Johnson, III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-15-266. William Dewey Gill v. State of Arkansas, from White County Circuit Court.

CV-14-1059. Cheri Suzanne McCoy v. Vernon Jeffrey Kincade, from Baxter County Circuit Court.

CV-15-27. Arkansas Highway & Transportation Department et al. v. O.J.'s Service Two, Inc., from Pulaski County Circuit Court, Twelfth Division.

PETITIONS FOR REVIEW:

CR-15-919. Antwan Fowler v. State of Arkansas, from Faulkner County Circuit Court.

CV-15-809. Wendy Jones et al. v. Ted Douglas et al., from Garland County Circuit Court.

CR-15-601. Robert W. Glover, Jr. v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to dismiss appeal.

CV-15-788. APH&R Nursing, LLC., et al. v. Angela Burnett, as Special Administratrix of the Estate of Amy Cleveland, et al., from Pulaski County Circuit Court, Sixteenth Division. Appellant's motion to withdraw appeal.

CR-11-494. Joe E. Butler v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-15-8. Nickarlos A. Banks v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant's pro se petition for rehearing.

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CR-15-811. Gifford Ray v. State of Arkansas, from Hot Spring County Circuit Court. Petitioner's pro se petition for writ of certiorari and motions for appointment of counsel and extension of brief time.

CV-15-573. David Lee Allen v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Appellant's pro se motion to file belated brief.

CV-15-740. Kenneth Tucker v. State of Arkansas, from Chicot County Circuit Court. Appellant's pro se motion for extension of brief time.

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CASES SUBMITTED

CV-15-264. James McCafferty v. The Oxford American Literary Project, Inc., from Pulaski County Circuit Court, Sixteenth Division. Orally argued.

CR-14-1030. Z.L. v. State of Arkansas, from Jackson County Circuit Court.

CR-15-291. Chad Laymon v. State of Arkansas, from Pope County Circuit Court.

CV-15-65. Desoto Gathering Company, LLC v. Hon. Troy B. Braswell, Jr., Faulkner County Circuit Court, from Faulkner County Circuit Court.

CV-15-249. Billy Joe Kelley v. State of Arkansas, from Lee County Circuit Court.