

ARKANSAS SUPREME COURT
PROCEEDINGS OF APRIL 14, 2016

PAUL E. DANIELSON, JUSTICE

[CR-15-68](#). Latavious D. Johnson v. State of Arkansas, from Lee County Circuit Court. Affirmed.

[CV-15-677](#). Corina Mendoza v. WIS International, Inc., Anthony Adams, and Washington Inventory Services, Inc., from the United States District Court for the Eastern District of Arkansas, Western Division. Certified question answered. Baker, Hart, and Wood, JJ., dissent.

JOSEPHINE LINKER HART, JUSTICE

[CV-15-362](#). Richard H. Ashley and J.D. Ashley, Jr., as Personal Representatives of the Estate of J.D. Ashley, Sr.; Candace Baughman; and the Estate of Charolette Ashley, Deceased v. Todd H. Ashley, from Pulaski County Circuit Court, Sixteenth Division. Motion to dismiss denied; motion for sanctions denied; affirmed on direct appeal; affirmed on cross-appeal. Special Justice Robert Hudgins joins. Goodson, J., not participating.

[CV-15-894](#). Hammerhead Contracting & Development, LLC, and Brandon Holmes v. Dale Ladd, from Independence County Circuit Court. Reversed and remanded. Goodson, Wood, and Wynne, JJ., dissent.

RHONDA K. WOOD, JUSTICE

[CR-15-857](#). Alvin T. Fukunaga v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Wynne, J., concurs.

ROBIN F. WYNNE, JUSTICE

[CV-15-809](#). Wendy Jones and Lynn Gangemella v. Ted Douglas and John Paul Morrison, Individually and d/b/a Polymers, Inc., from Garland County Circuit Court. Affirmed in part; reversed and remanded in part; court of appeals' opinion vacated.

PER CURIAM OPINIONS

[CR-15-336](#). Calvin J. Stover v. State of Arkansas, from Benton County Circuit Court. Affirmed.

[CR-15-996](#). Lester Lee Hendrix v. State of Arkansas, from Faulkner County Circuit Court. Appeal dismissed.

[CV-15-1063](#). Derrick L. Booth v. Wendy Kelley, Director, Arkansas Department of Correction, from Chicot County Circuit Court. Affirmed.

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

CR-15-519. Earl Delmar Pigg v. State of Arkansas, from Crawford County Circuit Court.

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

CV-15-935. Stephens Production Company v. Kathy Bennett, Franklin County Assessor; Sylvia Knoles, Franklin County Collector; and Franklin County, Arkansas, from Franklin County Circuit Court, Northern District.

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

CV-15-431. Stacey McKinney v. Director et al., from the Arkansas Board of Review. Danielson and Hart, JJ., would grant.

CV-15-836. Eloise Dianne Julian v. Director et al., from the Arkansas Board of Review. Danielson, J., would grant.

CV-15-877. Platinum Peaks, Inc. v. Shirley Bradford, from Van Buren County Circuit Court.

CV-15-936. Christine Stamps v. Teneshia Brown-Epps, from Lee County Circuit Court.

CV-15-956. Michelle Treat, Executrix of the Estate of Freddie E. Hyde, Deceased v. Jerry Hyde, from White County Circuit Court.

CV-15-964. Richard J. Orintas and M. Melanie Orintas v. Point Lookout Property Owners Association Board of Directors, from Garland County Circuit Court.

CV-16-62. Billy J. Osier v. Director et al., from the Arkansas Board of Review.

CV-16-202. Kristin Bell v. Arkansas Department of Human Services and A.M., Minor Child, from Yell County Circuit Court, Southern District. Baker and Hart, JJ., would grant. Danielson, J., not participating.

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CR-16-7. Timothy Lamont Howard v. State of Arkansas, from Little River County Circuit Court. Appellant's motion for waiver of page limit is granted.

CR-16-186. Dustin Hembey v. State of Arkansas, from Pike County Circuit Court. Appellant's motion for rule on clerk is granted.

CV-15-603. Markita Bell v. Arkansas Department of Human Services, from Sebastian County Circuit Court, Fort Smith District. Appellant's petition for writ of certiorari to complete the record and to set briefing schedule is granted.

CV-15-999. Capitol SeniorCare Ventures, LLC; SLC Operations Master Tenant, LLC; Senior Living Communities of Arkansas, LLC; SLC Professionals, LLC f/k/a SLC Professionals of Arkansas, LLC; Senior Vantage Point, LLC; ADDIT, LLC; John W. Dwyer; Capital Funding Group, Inc.; CSCV Holdings, LLC; Arkansas SNF Operations Acquisition, LLC; Arkansas Nursing Home Acquisition, LLC; Premier Health and Rehabilitation, LLC; North Little Rock Holdings, LLC; Steve Hudgens, In His Capacity as Administrator of Premier Health and Rehabilitation, LLC; and John Does 1 through 5 v. The Circuit Court of Pulaski County, Arkansas, and Cindy Clough, Personal Representative of the Estate of Joyce Lee Vinson, Deceased, from Pulaski County Circuit Court, Sixth Division. Petitioners' motion to supplement the record is granted.

CV-16-211. M&M Environmental Oil Services, LLC, Samuel McFadin, McFadin Global, Inc., and McFadin Auto Sales, Inc. v. Omega Capital Fund I, L.P., from Faulkner County Circuit Court. Appellants' motion for substitution of counsel is granted.

CV-16-261. Charles Ray Lenhart v. In the Matter of the Estate of Paul E. Lenhart, Deceased, Virginia McNeese, and Bill Lenhart, as Personal Representatives, from Pope County Circuit Court. Appellant's motion for writ of certiorari to June Stuart, court reporter, Fifth Judicial District, Division II, to complete the record is granted. Wood, J., would deny.

CV-16-269. Arkansas Department of Human Services/Division of Youth Services v. State of Arkansas, Stephanie Daniels, and J.D., Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's petition for writ of certiorari to complete the record and to set briefing schedule is granted.

CV-16-270. Arkansas Department of Human Services/Division of Youth Services v. State of Arkansas and J.J., Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's petition for writ of certiorari to complete the record and to set briefing schedule is granted.

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CV-16-271. Arkansas Department of Human Services/Division of Youth Services v. State of Arkansas, Linda Goodman, and E.W., Minor Child, from Pulaski County Circuit Court, Eleventh Division. Appellant's petition for writ of certiorari to complete the record and to set briefing schedule is granted.

D-16-291. In Re Pamela Dunn Connolly, Arkansas Bar No. 96212, an Original Action. Petition of Pamela Dunn Connolly, Arkansas Bar No. 96212, for voluntary surrender of license (resignation) is granted.

D-16-292. In Re Bruce H. Trammell, Arkansas Bar No. 89054, an Original Action. Petition of Bruce H. Trammell, Arkansas Bar No. 89054, for voluntary surrender of license (resignation) is granted.

D-16-293. In Re Paul L. Giuffre, Arkansas Bar No. 62009, an Original Action. Petition of Paul L. Giuffre, Arkansas Bar No. 62009, for voluntary surrender of license (resignation) is granted.

D-16-294. In Re Edward Jay Bisno, Arkansas Bar No. 82017, an Original Action. Petition of Edward Jay Bisno, Arkansas Bar No. 82017, for voluntary surrender of license (resignation) is granted.

D-16-295. In Re Gary J. Heinen, Arkansas Bar No. 2007117, an Original Action. Petition of Gary J. Heinen, Arkansas Bar No. 2007117, for voluntary surrender of license (resignation) is granted.

D-16-296. In Re Terry Jean Seligmann, Arkansas Bar No. 98045, an Original Action. Petition of Terry Jean Seligmann, Arkansas Bar No. 98045, for voluntary surrender of license (resignation) is granted.

D-16-297. In Re Heather Bilderback, Arkansas Bar No. 2003054, an Original Action. Petition of Heather Bilderback, Arkansas Bar No. 2003054, for voluntary surrender of license (resignation) is granted.

CR-15-274. Jonathan Berks v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of time to file appellant's brief in pro se appeal of orders denying pro se Rule 37.1 petition and request for modification. Motion granted; brief due ten days from the date of this per curiam order (April 24, 2016).

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CR-15-928. Kenneth Tucker v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion to dismiss appeal is granted.

[CR-15-976](#). Eric C. Burgie v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se motion for belated appeal. Appeal dismissed; motion for belated appeal treated as motion for belated brief and moot. See **per curiam** this date.

[CV-15-958](#). Kenny Halfacre v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Pro se appeal from denial of petition to proceed in forma pauperis. Show cause order issued. See **per curiam** this date.

In Re Administrative Order No. 2(b)(2). See [per curiam](#) this date.

In Re Administrative Order Number 10 – Affidavit of Financial Means. See [per curiam](#) this date.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-15-660. Rolandis Lorenzo Chatmon v. State of Arkansas, from Faulkner County Circuit Court.

CR-15-967. Duane Gonder v. State of Arkansas, from Drew County Circuit Court.

CV-15-711. Kenny Quarles, as Special Administrator of the Estate of Bennie Jean Quarles, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Bennie Jean Quarles, Deceased v. Courtyard Gardens Health and Rehabilitation, LLC a/k/a Courtyard Gardens Health and Rehabilitation; Arkadelphia Holdings, LLC; SLC Operations Master Tenant, LLC; SLC Operations, LLC; SLC Professionals of Arkansas, LLC; SLC Administrative Services of Arkansas, LLC; Capital SeniorCare Ventures, LLC; SLC Properties, LLC; 2701 Twin Rivers Drive, LLC; Senior Vantage Point, LLC; Senior Living Communities of Arkansas, LLC; EOR Group, LTD; EOR, LLC; EOR-ARK, LLC; VAJ, LLC; Quality Review, LLC; Angela Marlar, In Her Capacity as Administrator/Executive Director of Golden LivingCenter – Arkadelphia n/k/a Courtyard Gardens Health and Rehabilitation, LLC; and Deborah Thornton, In Her Capacity as Administrator of Courtyard Gardens Health and Rehabilitation, LLC f/k/a Golden LivingCenter – Arkadelphia, from Clark County Circuit Court.

PETITIONS FOR REVIEW:

CV-15-838. Catherine W. Smith v. Paul R. Smith, from Garland County Circuit Court.

CV-15-913. Margaret Suzanne Horne v. Eunice Ernestine Cuthbert, from Sebastian County Circuit Court, Fort Smith District.

CV-15-921. Family Dollar Trucking, Inc.; Family Dollar, Inc.; and Family Dollar Services, Inc. v. Jimmy Huff and Robert Ward, from Crittenden County Circuit Court.

CV-16-10. Erin Lane Potts v. Timothy D. Potts, Jr., from Sebastian County Circuit Court, Fort Smith District.

CV-16-219. Tony Havner v. Northeast Arkansas Electric Cooperative, from Baxter County Circuit Court.

CR-80-40. Eugene Issac Pitts v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner’s motion for oral argument and submission with CR-90-198.

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CR-13-438. Edward Thompson III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to recall the mandate.

CR-15-890. State of Arkansas v. Walter Cecil Gray, from Washington County Circuit Court. Appellee's motion to file belated brief.

CR-15-899. Zachary Holly v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CR-15-948. Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to extend time to file supplemental record.

CR-15-1061. Jacqueline Ferguson v. State of Arkansas, from Lonoke County Circuit Court. Appellant's motion to submit a supplemental brief.

CR-15-1067. Jeremy Edward Whalen v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellee's unopposed motion to take judicial notice.

CR-16-36. Edward Anthony Liggins v. State of Arkansas, from Craighead County Circuit Court, Western District. Notice of entry of appearance from Alvin Simes on behalf of appellant.

CV-15-115. Grand River Enterprises Six Nations, LTD v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Joint Status Report.

CV-15-523. Connie Watkins and Richard Watkins v. Paragould Light and Water Commission and City of Paragould, Arkansas, from Greene County Circuit Court. Watkinses' motion to transfer this appeal to the Arkansas Supreme Court.

CV-15-743. Capital SeniorCare Ventures, LLC; et al. v. Annetee Williamson, as Personal Representative of Jerline Kennel, Deceased, and On Behalf Of the Wrongful Death Beneficiaries of Jerline Kennel, from Clark County Circuit Court. Appellee's petition to transfer case to the Supreme Court.

CV-15-746. Capital SeniorCare Ventures, LLC, et al. v. Ericka Ann Davis, as Special Administrator for the Estate of Julius Marks, Deceased, from Clark County Circuit Court. Appellee's petition to transfer case to the Supreme Court.

CV-15-1053. Courtyard Gardens Health and Rehabilitation, LLC, et al. v. Patricia Ann Sheffield, as Special Administrator of the Estate of Maylissia Holliman, Deceased, from Clark County Circuit Court. Appellee's petition to transfer case to the Supreme Court.

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D-16-310. In Re Janus F. Argo, Arkansas Bar No. 73101, an Original Action. Petition of Janus F. Argo, Arkansas Bar No. 73101, for voluntary surrender of license (resignation).

D-16-311. In Re Robert J. Viguet, Jr., Arkansas Bar No. 85161, an Original Action. Petition of Robert J. Viguet, Jr., Arkansas Bar No. 85161, for voluntary surrender of license (resignation).

D-16-312. In Re Joseph A. Miller, Arkansas Bar No. 87119, an Original Action. Petition for Joseph A. Miller, Arkansas Bar No. 87119, for voluntary surrender of license (resignation).

CR-13-431. Arbury Bowerman v. State of Arkansas, from Logan County Circuit Court, Northern District. Appellant's pro se motion for copy of transcript at public expense.

CR-16-169. Donnie Ray Slater v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Petitioner's pro se motion for appointment of counsel in pro se appeal of order denying Rule 31.1 petition.

CR-16-195. Tiandre Cardenas-Haliburton v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motion for belated appeal.

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CASES SUBMITTED

CV-15-824. Temika Donley v. Lakitcher Donley, from Pulaski County Circuit Court, Seventeenth Division. Orally argued.

CR-15-770. State of Arkansas v. Jason Sprenger, from Carroll County Circuit Court, Western District.

CV-15-636. Tom Muccio v. Johnelle Hunt, from Pulaski County Circuit Court, Sixth Division.

CV-15-962. Shawn Whiteside v. Arkansas Parole Board, from Lincoln County Circuit Court.