

ARKANSAS SUPREME COURT
PROCEEDINGS OF APRIL 21, 2016

PAUL E. DANIELSON, JUSTICE

[CR-15-613](#). Michael L. Burgess v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Baker and Hart, JJ., dissent.

JOSEPHINE LINKER HART, JUSTICE

[CR-15-770](#). State of Arkansas v. Jason Sprenger, from Carroll County Circuit Court, Western District. Appeal dismissed.

ROBIN F. WYNNE, JUSTICE

[CV-15-636](#). Tom Muccio, Mike Muccio, and Next Chapter Resources, LLC v. Johnelle Hunt; Phil Phillips; David Schumacher; Trey Trumbo; Johnelle Hunt, LLC; Phil and Judy Phillips Family Limited Partnership, LLLP; and Big Horn Lodge Financing, LLC; from Pulaski County Circuit Court, Sixth Division. Affirmed.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

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. Danielson, J., would grant.

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

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

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

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

CV-15-838. Catherine W. Smith v. Paul R. Smith, from Garland County Circuit Court. Wynne, J., not participating.

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

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REVIEWS DENIED CONTINUED:

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.

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 is granted.

CR-90-198. Lonnie Strawhacker v. State of Arkansas, from Washington County Circuit Court. Appellant's motion requesting oral argument and suggesting consolidation of oral argument with *Pitts v. State* is granted.

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

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 is granted.

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 is granted. Appellant allowed 14 days 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 is granted.

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 taken with the case.

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 is noted.

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

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 is denied.

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CV-15-743. Capital SeniorCare Ventures, LLC, et al. v. Annette 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 is denied. Request for oral argument is moot. Danielson, J., would grant.

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 is denied. Request for oral argument is moot. Danielson, J., would grant.

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 is granted. Request for oral argument is denied.

[D-16-174](#). Stark Ligon, Executive Director of the Supreme Court Committee on Professional Conduct v. Jeffery H. Kearney, Arkansas Bar No. 91249, an Original Action. Motion for appointment of special judge. Special judge appointed. See **per curiam** this date.

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) is granted.

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) is granted.

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

[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 is denied. See **per curiam** this date.

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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 for appeal of postconviction Rule 37 proceedings is denied.

[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 of judgment is dismissed. See **per curiam** this date.

In Memory of Justice Ray Thornton. See [per curiam](#). (Proceedings of April 14, 2016)

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MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CV-15-839. Joni R. Collins v. Mitchell L. Collins, from Faulkner County Circuit Court.

CV-15-840. Joni R. Collins v. Mitchell L. Collins, from Faulkner County Circuit Court.

CV-15-843. William L. Bateman v. Lillian C. Heird, from Jefferson County Circuit Court.

CV-15-850. Christopher Foster v. Leah Foster, from Garland County Circuit Court.

CV-15-863. Ashely Newby v. David Newby, from Benton County Circuit Court.

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

CR-15-890. State of Arkansas v. Walter Cecil Gray, from Washington County Circuit Court. Motion of Chad L. Atwell to withdraw as counsel.

CV-15-107. Bank of the Ozarks, Inc., and Bank of the Ozarks v. Robert Walker, Ann B. Hines, and Judith Belk, from Lonoke County Circuit Court. Appellants' motion to stay mandate pending petition for writ of certiorari to the United States Supreme Court.

CV-15-198. SEECO, Inc. n/k/a SWN Production (Arkansas), Inc.; DeSoto Gathering Company, LLC; and Southwestern Midstream Services Company v. Sara Stewmon et al., from St. Francis County Circuit Court. Appellants' motion to supplement the record.

CV-15-198. SEECO, Inc. n/k/a SWN Production (Arkansas), Inc.; DeSoto Gathering Company, LLC; and Southwestern Midstream Services Company v. Sara Stewmon et al., from St. Francis County Circuit Court. Plaintiff/Appellees' status report.

CV-15-900. United Food and Commercial Workers International Union, Organization United for Respect at Walmart (Our Walmart), and John Does 1-10 v. Wal-Mart Stores, Inc.; Wal-Mart Stores Arkansas, LLC; Wal-Mart Stores East, LP; Wal-Mart Realty Company; Wal-Mart Real Estate Business Trust; Sam's West, Inc.; and Beaver Lake Aviation, Inc.; from Benton County Circuit Court. Motion of George Wiszynski to appear pro hac vice.

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CV-15-900. United Food and Commercial Workers International Union, Organization United for Respect at Walmart (Our Walmart), and John Does 1-10 v. Wal-Mart Stores, Inc.; Wal-Mart Stores Arkansas, LLC; Wal-Mart Stores East, LP; Wal-Mart Realty Company; Wal-Mart Real Estate Business Trust; Sam's West, Inc.; and Beaver Lake Aviation, Inc.; from Benton County Circuit Court. Motion of Steven D. Wheelless to appear pro hac vice.

CV-15-900. United Food and Commercial Workers International Union, Organization United for Respect at Walmart (Our Walmart), and John Does 1-10 v. Wal-Mart Stores, Inc.; Wal-Mart Stores Arkansas, LLC; Wal-Mart Stores East, LP; Wal-Mart Realty Company; Wal-Mart Real Estate Business Trust; Sam's West, Inc.; and Beaver Lake Aviation, Inc.; from Benton County Circuit Court. Motion of Douglas D. Janicik to appear pro hac vice.

CV-16-11. Jo Ellen Serio and Stan Serio v. Copeland Holdings, LLC; Phyllis Fitzgerald; Phil Hoggard; Emerald Realty Holding, Inc. d/b/a Re/Max Advantage Realtors of Searcy, from Cleburne County Circuit Court. Appellants' motion to transfer to the Arkansas Supreme Court.

CV-16-113. Theresa Marshall v. Deutsche Bank National Trust Company, as Trustee for Vendee Mortgage Trust 1993-1, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion for extension of time, motion for reconsideration for cost of transcript and record/circuit.

CV-16-249. Hiawatha J. Covington v. United States of America, Rural Housing Service, from Hempstead County Circuit Court. Petitioner's motion to be declared indigent.

CV-16-303. Amber Kimble Shields v. Mitchell Kimble, from Randolph County Circuit Court. Appellant's motion for rule on clerk pursuant to Rule 2.2.

CV-16-307. Essie May Nichols v. Woodruff County Election Commissioners, Bobby Bowen, In His Capacity as an Election Commissioner; Ralph Myers, In His Capacity as an Election Commissioner; Kelly Peebles, In Her Capacity as Woodruff County Clerk; Wesley Carter; William Burl Simmons; and Motten Watson; from Woodruff County Circuit Court. Appellant's motion for rule on clerk.

D-16-323. In Re Edwin B. Cantrell III, Arkansas Bar No. 79030, an Original Action. Petition of Edwin B. Cantrell III, Arkansas Bar No. 79030, for voluntary surrender of license (resignation).

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D-16-324. In Re Kasey Lowe McCall-Smith, Arkansas Bar No. 2001207, an Original Action. Petition of Kasey Lowe McCall-Smith, Arkansas Bar No. 2001207, for voluntary surrender of license (resignation).

D-16-325. In Re Robert M. Nutt, Arkansas Bar No. 62035, an Original Action. Petition of Robert M. Nutt, Arkansas Bar No. 62035, for voluntary surrender of license (resignation).

CR-10-980. Robert Joseph Moten v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis; pro se motion for permission to file a response to the State's response.

CR-15-817. Troy Laurence McCulley v. State of Arkansas, from Poinsett County Circuit Court. Appellant's pro se motion for extension of time to file brief in pro se appeal of order denying Rule 37.1 petition.

CR-15-975. Roy Lee Russell v. State of Arkansas, from Desha County Circuit Court. Pro se appeal.

CR-16-203. Curtis Lamont Horton v. State of Arkansas, from Saline County Circuit Court. Petitioner's pro se motion for belated appeal.

CR-16-231. Willie James Smith v. State of Arkansas, from Ashley County Circuit Court. Petitioner's pro se motion for rule on clerk.

CV-15-789. Malik Muntaqim v. Gaylon R. Lay, Warden, et al., from Jefferson County Circuit Court. Appellant's pro se motion to file belated non-conforming reply brief.

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CASES SUBMITTED

CV-15-745. Timothy Whaley v. Pam Beckham and Don Beckham, from Lonoke County Circuit Court.

CV-15-816. Jessie Hill v. Richard H. Gallagher, Custodian of Records, Arkansas State Crime Laboratory, from Jefferson County Circuit Court.

CR-15-975. Roy Lee Russell v. State of Arkansas, from Desha County Circuit Court.