

ARKANSAS SUPREME COURT

PROCEEDINGS OF MAY 19, 2016

HOWARD W. BRILL, CHIEF JUSTICE

[CV-15-799](#). Larry Walther, in His Official Capacity as Director, Arkansas Department of Finance and Administration v. Carrothers Construction Company of Arkansas, LLC, from Pulaski County Circuit Court, Fifth Division. Reversed and Remanded. Baker and Goodson, JJ., dissent.

JOSEPHINE LINKER HART, JUSTICE

[CR-15-927](#). Dion Dashonne Robinson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Affirmed.

[CV-15-912](#). Convent Corporation, Individually and on Behalf of All Others Similarly Situated v. City of North Little Rock, Arkansas, a Municipal Corporation; Joe Smith, Mayor, Individually and in His Official Capacity; City Council Members Debi Ross, Beth White, Linda Robinson, Maurice Taylor, Steve Baxter, Bruce Foutch, Murry Witcher, and Charlie Hight, Each Individually and in His or Her Official Capacity; Tom Wadley, Director, Code Enforcement Division, Individually and in His Official Capacity; and Felicia McHenry, Code Enforcement Officer, Individually and in Her Official Capacity, from Pulaski County Circuit Court, Twelfth Division. Reversed and remanded. Brill, C.J., and Goodson and Wood, JJ., dissent.

RHONDA K. WOOD, JUSTICE

[CR-15-819](#). Edward Joseph Reynolds v. State of Arkansas, from Grant County Circuit Court. Affirmed. Baker and Hart, JJ., concur.

PER CURIAM OPINIONS

[CR-15-1009](#). James Edward Green v. State of Arkansas, from Drew County Circuit Court. Affirmed.

[CV-15-962](#). Shawn Whiteside v. Arkansas Parole Board, from Lincoln County Circuit Court. Affirmed. Hart, J., dissents.

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PER CURIAM ORDERS

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

CR-15-68. Latavious D. Johnson v. State of Arkansas, from Lee County Circuit Court.

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

CV-15-1040. Tricia Dundee v. Brenda Horton and Geico General Insurance Company, from Sebastian County Circuit Court, Greenwood District.

CV-16-9. Tim Caldwell v. Columbia Mutual Insurance Company, from Lee County Circuit Court.

CV-16-82. Alicia Dawn Neumann v. Lloyd Draughon Smith, from Miller County Circuit Court.

CR-16-125. Arthur L. Hicks v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's motion to remand to settle the record and to stay briefing is granted. Sixty days to settle the record (July 18, 2016).

CR-16-134. Frank P. Campbell v. State of Arkansas, from Carroll County Circuit Court, Eastern District. Resubmission of appellant's motion to declare defendant indigent and to order the circuit clerk and the court reporter to prepare the record is granted.

CR-16-329. James Bynum v. State of Arkansas, from Scott County Circuit Court. Appellant's motion for rule on clerk is granted. Danielson, J., would deny and remand with directions.

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CV-15-935. Stephens Production Company v. Kathy Bennett, Franklin County Assessor; Sylvie Knoles, Franklin County Collector; and Franklin County, Arkansas, from Franklin County Circuit Court, Northern District. Appellant's motion for permission to file supplemental brief is granted.

CV-16-10. Erin Lane Potts v. Timothy D. Potts, Jr., from Sebastian County Circuit Court, Fort Smith District. Appellant's motion to file supplemental brief is granted.

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 motion for extension of time to pay filing fee, motion for clarification of Court's decision of May 6, 2016, is denied.

CV-16-183. Cardinal Health v. Beth's Bail Bonds, Inc., and Cassondrea Livingston, from Pulaski County Circuit Court, Sixth District. Motion to supplement record in order to complete partial record lodged on February 26, 2016, is granted.

CV-16-196. Cynthia Lou Horton and Anthony Bryce Brewer, as the Special Administrators of the Estate of Prentice Byars Young v. Deborah Ann Mitchell, from Marion County Circuit Court. Appellant's second motion to correct the record or, in the alternative, petition for writ of certiorari to complete the record is granted. Corrected record due in fifteen days.

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. Motion of Frederick S. Wetzell III, Trustee, for leave to intervene 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' notice of bankruptcy filing is noted.

D-16-406. In Re Heidi Atkins Lieberman, Arkansas Bar No. 84168, an Original Action. Petition of Heidi Atkins Lieberman, Arkansas Bar No. 84168, for voluntary surrender of license (resignation) is granted.

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CR-06-1327. Terry Lee Ward v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motions for amended notice of appeal and for amended belated appeal and for copy of briefs and other relief to correct or amend filings. Motion for amended notice of appeal and for other relief denied; motion to correct or amend all filings moot.

CR-15-853. Bryant Turner v. State of Arkansas, from Faulkner County Circuit Court. Petitioner's pro se motion to file belated brief is granted; appellant's brief due thirty days from the date of this per curiam order.

[CR-16-266](#). Rashune Leon Raglon v. State of Arkansas, from Jefferson County Circuit Court. Motion treated as motion for rule on clerk and appointment of counsel and granted; writ of certiorari to complete the record within thirty days issued. See **per curiam** this date.

CV-15-870. Frank Watts II v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Pro se petition for writ of mandamus, motion for extension of time to file brief, petition for correction or modification of the record, and motion for rule on clerk. Petitioner's pro se petition for writ of mandamus and pro se motion for rule on clerk treated as pro se motions to correct or supplement the record and granted. Remanded with directions for submission by circuit clerk within ten days of certified file-marked copy of petition for writ of habeas corpus and petition to proceed in forma pauperis. Pro se petition for correction or modification of the record treated as motion for access to the record and granted. A forty-day extension to file brief is granted from the date the circuit clerk complies with the direction of this court. After the certified, file-marked pleadings have been received from the circuit clerk, the clerk of this court is directed to provide a copy of the record to the appellant; the appellant must return the copy upon tendering his brief.

CV-16-167. Billy Ray Smith v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Appellant's pro se motion for appointment of counsel and extension of time to file brief. Motions denied in part and granted in part; request for appointment of counsel denied; request for extension of time granted; tendered brief to be filed as of the date of this order.

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

In Re Board of Certified Court Reporter Examiners. See [per curiam](#) this date.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

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.

PETITIONS FOR REVIEW:

CV-15-865. Kristine Tran v. Director, Department of Workforce Services, from the Arkansas Board of Review.

CV-16-118. Scott Davis v. Lavonna Joy Davis, and Families, Inc. of Arkansas, from Craighead County Circuit Court, Western Division.

CV-16-135. Carl Wilhelm v. Chuck Parsons, Ray Parsons, Linda Parsons, and Chuck's Metal Buildings, Inc., from the Arkansas Workers' Compensation Commission.

CV-16-388. Benton Ned Bass v. Vicky Bass Haynes and Garland County Circuit Court, from Garland County Circuit Court. Petitioner's petition for writ of certiorari.

CR-05-472. Wallace Gardner v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's pro se motion to produce all tendered documents.

CR-15-978. Robert L. Washington v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to dismiss pro se appeal of November 3, 2015, denying Rule 37.1 petition.

CR-16-77. Anthony Lamont Randle v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to dismiss appeal for lack of jurisdiction, and alternatively, motion for extension of brief time.

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CASES SUBMITTED

CV-15-992. Wendy Kelley, Director, Arkansas Department of Correction, et al. v. Stacey Johnson et al., from Pulaski County Circuit Court, Fifth Division. Orally argued.

CV-15-480. Calvin Johnson, in His Official Capacity, and the Board of Trustees of the University of Arkansas v. Eugene Butler, from Pulaski County Circuit Court, Sixth Division.

CV-15-999. Capital 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.

CR-15-1048. Bruce Allen Echols v. State of Arkansas, from Saline County Circuit Court.