

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF OCTOBER 20, 2016**

**PAUL E. DANIELSON, JUSTICE**

[CR-16-126](#). Adam F. Doty v. State of Arkansas, from White County Circuit Court. Affirmed. Hart, J., concurs.

**KAREN R. BAKER, JUSTICE**

[CR-15-1067](#). Jeremy Edward Whalen v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Reversed and remanded; motion to take judicial notice denied; court of appeals opinion vacated. Brill, C.J., and Wood, J., concur.

**JOSEPHINE LINKER HART, JUSTICE**

[CR-80-40](#). Eugene Issac Pitts v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petition granted. Danielson and Goodson, JJ., concur in part and dissent in part.

**RHONDA K. WOOD, JUSTICE**

[CR-90-198](#). Lonnie Dolphus Strawhacker v. State of Arkansas, from Washington County Circuit Court. Petition granted. Danielson and Goodson, JJ., concur in part and dissent in part.

[CR-15-1034](#). Elvis Aaron Thacker v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Danielson and Hart, JJ., dissent.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF OCTOBER 20, 2016**

**PER CURIAM ORDERS**

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

CV-16-144. Marilyn Curry Troutman v. Ronald Troutman, from Washington County Circuit Court. Special Justices Jerrold John Scholtens and David Hogue agree. Brill, C.J., and Danielson and Wood, JJ., would deny. Goodson and Wynne, JJ., not participating.

CV-16-554. Thomas Jones and Olye Mae Robinson Jones v. Kimberly Miller and Gerald Robinson, Sheriff of Jefferson County, Arkansas, from Jefferson County Circuit Court. Danielson and Wood, JJ., would deny. Wynne, J., not participating.

CV-16-560. Wayne Holden & Company, Inc. v. Tyler Waggoner, Deceased, from the Arkansas Workers' Compensation Commission. Brill, C.J., and Wood, J., would deny.

\*\*\*\*\*

CR-14-990. Edward Wallace Lochart, Jr. v. State of Arkansas, from Saline County Circuit Court. Motion to certify to the Supreme Court. Certification accepted. Wood, J., would deny.

CR-16-615. Courtney Jerrell Douglas v. State of Arkansas, from Union County Circuit Court. Appellant's motion to remand to settle the record is granted.

CR-16-820. Lorenzo Harrison v. State of Arkansas, from St. Francis County Circuit Court. Appellant's motion for rule on clerk is granted.

CV-15-491. Thomas L. Lagios v. Kenneth Mitchell Goldman and Deanne Fields Goldman, from Columbia County Circuit Court. Motion of Robert L. Depper III, on behalf of Robert L. Depper, Jr., to withdraw as counsel is granted.

CV-16-51. Sandra Denise Lee v. Arkansas Department of Human Services, from Ouachita County Circuit Court. Appellant's pro se motion for belated appeal and petition to proceed in forma pauperis are denied.

CV-16-112. In the Matter of the Estate of Essie Mae Frazier–Odell Frazier and Gertrude Barber, Co-Administrators v. Mary Miller, Former Administrator, from Phillips County Circuit Court. Appellants' motion to withdraw appeal treated as motion to dismiss appeal and granted.

ARKANSAS SUPREME COURT

PROCEEDINGS OF OCTOBER 20, 2016

PER CURIAM ORDERS

CV-16-304. Arkansas State Police Retirement System, Kirk Bradshaw, John Allison, Brant Tosh, Blake Wilson, Donnie Underwood, Joe Miles, and Dr. John Shelnett v. Glenn Sligh, Myron Hall, Ricky Briggs, Loyd Franklin, Mack Thompson, and Cleve Barfield, from Pulaski County Circuit Court, Seventeenth Division. Appellees' motion to strike - alternatively motion to allow additional briefing. Appellees' motion to strike taken with the case; motion to allow additional briefing denied.

CV-16-600. City of Little Rock, Arkansas v. Circuit Court of Pulaski County, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to file materials under seal is granted.

D-16-875. In Re Sara L. Green-Edwards, Arkansas Bar No. 93137, an Original Action. Petition of Sara L. Green-Edwards, Arkansas Bar No. 93137, for voluntary surrender of license (resignation) is granted.

\*\*\*\*\*

CR-16-350. Cleveland Wright v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss appeal is granted.

CR-16-416. Anthony Billy James Burnell v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to dismiss appeal is granted.

[CR-16-505](#). Cohen James Davis v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of time to file brief; motion for appointment of attorney. Appeal dismissed; motions moot. See **per curiam** this date.

CR-16-547. Matthew Wayne Nichols v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se motion to file belated appeal and petition for writ of certiorari to complete the record. Pro se motion to file belated appeal granted; the clerk of this court is directed to lodge the record and set a briefing schedule for the appeal. Pro se petition for writ of certiorari to complete the record granted in part and denied in part; the clerk of this court is directed to provide a copy of the record, as filed, to the appellant; the appellant must return the copy upon tendering his brief.

CR-16-656. Michael Muldrow v. Randy Wright, Circuit Judge, from Hempstead County Circuit Court. Petitioner's pro se petition for writ of mandamus. Petition moot.

ARKANSAS SUPREME COURT

PROCEEDINGS OF OCTOBER 20, 2016

PER CURIAM ORDERS

CR-16-677. Gilberto Martinez-Marmol v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motions for belated appeal and for appointment of counsel. Pro se motion for belated appeal denied; pro se motion for appointment of counsel moot.

[CR-16-702](#). Mark David Johnson v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion for belated appeal of order is granted. See **per curiam** this date.

CV-16-682. Detrick D. Croston v. Mike Murphy, Circuit Judge, from Faulkner County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied.

In Re Rule XIV of the Rules Governing Admission to the Bar. See [per curiam](#) this date.

In Re Rule VII of the Rules Governing Admission to the Bar. See [per curiam](#) this date.

In Re Sup. Ct. Admin. Order No. 17 Mandatory Course on Maintaining an Arkansas Law License. See [per curiam](#) this date.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF OCTOBER 20, 2016**

**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

CV-16-404. Lee Charles Millsap, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

\*\*\*\*\*

**PETITIONS FOR REVIEW:**

CV-16-821. Robin M. Emis v. Keith W. Emis, from Pulaski County Circuit Court, Sixteenth Division.

CV-16-872. John Helvey v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

\*\*\*\*\*

CR-15-846. Aaron Anthony Flemons v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motions for reconsideration of the opinion issued September 22, 2016, and to submit declaration in place of affidavit.

CR-16-713. John David Ross v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to waive any obligation to include child pornography in the addendum.

CR-16-857. Billy Davis, Jr. v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion for belated appeal and petition for writ of certiorari.

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. Appellees' motion to lift the stay of mandate.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF OCTOBER 20, 2016**

**MOTIONS SUBMITTED**

CV-16-434. Teresa Lynette Bloodman v. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct, an Original Action. Petitioner's petition for writ of certiorari; expedited motion for stay of interim suspension pending the outcome of the petition for writ of certiorari; petition for writ of certiorari to lodge the record and, in the alternative, petition for writ of mandamus; request to strike selected exhibits to respondent's response. Re-submitted with revised findings and order on remand.

CV-16-874. James Coleman and Rhonda Coleman v. Wilmington Savings Fund Society, FSB, Not in Its Individual Capacity but Solely as Trustee of the Primestar-H Fund I Trust, from Jefferson County Circuit Court. Appellants' motion for rule on clerk and petition to supplement record.

CV-16-904. Gerber Products Company, Inc. v. CECO Concrete Construction, LLC; Alberici Constructors, Inc.; and Vee-Jay Cement Contracting Company, Inc., from Sebastian County Circuit Court, Fort Smith District. Petitioner's petition for interlocutory appeal to prevent discovery of privileged information.

D-16-892. In Re James R. Holbein, Arkansas Bar No. 79166, an Original Action. Petition of James R. Holbein, Arkansas Bar No. 79166, for voluntary surrender of license (resignation).

\*\*\*\*\*

CR-16-624. Daniel Lyons v. State of Arkansas, from Van Buren County Circuit Court. Appellant's pro se motion for belated appeal.

CR-16-643. Michael Eugene Rea v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motions for extension of time to file brief, requesting certified copies of records, and to use 12-point typeface.

CV-16-542. Anthony B. Williamson v. Daniel Shue, Sebastian County Prosecutor, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss appeal.

CV-16-546. Anthony B. Williamson v. Dean Pitts, Police Chief, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss appeal.

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF OCTOBER 20, 2016**

**MOTIONS SUBMITTED**

CV-16-587. Robert Hefferman v. Wendy Kelley, Director, Arkansas Department of Correction, from Hot Spring County Circuit Court. Appellant's pro se motions for appointment of counsel, for release on personal recognizance bond, for extension of brief time, and for copy of record.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF OCTOBER 20, 2016**

**CASES SUBMITTED**

CV-15-900. United Food & Commercial Workers International Union, Organization United For Respect at Wal-Mart (Our Wal-Mart), 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. Orally argued.

CV-16-776. Col. Mike Ross, Retired; Marion Humphrey; James Brooks; Adam Jegley; Martha Deaver; and the Committee to Protect AR Families v. Mark Martin, Secretary of State, an Original Action. Counts I & II only.

CV-16-785. Kara L. Benca v. Mark Martin, Secretary of State, an Original Action.

CV-16-796. Chuck Lange and Bill Walmsley, Individually and on Behalf of Committee to Protect Arkansas’ Values/Stop Casinos Now v. Mark Martin, In His Official Capacity as Secretary of State of the State of Arkansas, an Original Action. Count III only.

\*\*\*\*\*

CR-15-274. Jonathan Berks v. State of Arkansas, from Garland County Circuit Court.

CR-16-190. Bobby Joe Mitchell v. State of Arkansas, from Ashley County Circuit Court.

CV-16-370. Casey L. Ruiz v. John Felts, Chairman, Arkansas Parole Board, from Pulaski County Circuit Court, Second Division.

Opinions are available on the internet at

<http://courts.arkansas.gov>