

ARKANSAS SUPREME COURT
PROCEEDINGS OF OCTOBER 27, 2016

KAREN R. BAKER, JUSTICE

[CV-16-785](#). Kara L. Benca v. Mark Martin, In His Official Capacity as Secretary of State of the State of Arkansas, an Original Action. Petition granted. Mandate to issue immediately. Goodson, J., concurs. Brill, C.J., and Danielson, J., dissent.

JOSEPHINE LINKER HART, JUSTICE

[CV-16-776](#). Col. Mike Ross, Ret.; Marion Humphrey; James Brooks; Patrick Adam Jegley; Martha Deaver; and the Committee to Protect AR Families v. Mark Martin, Arkansas Secretary of State, an Original Action. Petition previously granted; Counts I & II moot. Mandate to issue immediately.

ROBIN F. WYNNE, JUSTICE

[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. Motion granted; Count III of the complaint dismissed. Mandate to issue immediately. Special Justice Warren E. Dupwe joins. Goodson, J., not participating.

PER CURIAM OPINIONS

[CR-15-274](#). Jonathan Berks v. State of Arkansas, from Garland County Circuit Court. Affirmed.

[CR-16-190](#). Bobby Joe Mitchell v. State of Arkansas, from Ashley County Circuit Court. Affirmed.

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PER CURIAM ORDERS

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

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

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. Special Justice Warren Dupwe agrees. Goodson, J., not participating. (Proceedings of October 21, 2016)

REVIEW DENIED: Petition for review was denied today in the following case.

CV-16-872. John Helvey v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court. Danielson, J., not participating.

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 are denied.

CR-16-55. Lamar Daniel Ron Wilson v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to dismiss appeal is granted. (Proceedings of October 21, 2016)

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 is granted.

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. Motion for belated appeal granted; petition for writ of certiorari to complete and lodge the record within ninety days granted. See **per curiam** this date.

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 is moot.

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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. Defendants/Appellants’ motion to cite authority on issue raised in oral argument is denied. Goodson and Wood, JJ., would grant.

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 motion for reconsideration and incorporated memorandum is denied. Special Justices Jeffrey Hatfield and Rebecca Blass agree. Wood and Wynne, JJ., not participating.

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 mandamus is denied. Special Justices Jeffrey Hatfield and Rebecca Blass agree. Wood and Wynne, JJ., not participating.

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; and request to strike selected exhibits to respondent’s response are denied. Special Justices Jeffrey Hatfield and Rebecca Blass agree. Wood and Wynne, JJ., not participating.

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 is denied. Hart, J., would grant.

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) is granted.

[CR-16-624](#). Daniel Lyons v. State of Arkansas, from Van Buren County Circuit Court. Petitioner’s pro se motion for belated appeal is remanded. See **per curiam** this date.

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[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. Appeal dismissed; motions for extension of time to file brief and to use 12-point typeface moot; motion for certified copies of records denied. See **per curiam** this date.

CV-16-370. Casey L. Ruiz v. John Felts, Chairman, Arkansas Parole Board, from Pulaski County Circuit Court, Second Division. Appellant’s pro se appeal from the denial of a petition to proceed in forma pauperis in an action seeking judicial review of a final decision rendered by the Arkansas Parole Board. Pro se appeal from order denying petition to proceed in forma pauperis remanded with directions for submission by circuit clerk within ten days of a certified file-marked copy of petition for review of decision of the Arkansas Parole Board and petition to proceed in forma pauperis.

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 is granted.

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 is granted.

[CV-16-587](#). Robert Heffernan 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. Appeal dismissed; motions moot. See **per curiam** this date.

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MOTIONS SUBMITTED

PETITION FOR REVIEW:

CR-16-827. Richard Shreck v. State of Arkansas, from Faulkner County Circuit Court.

CR-01-433. William Davis v. State of Arkansas, from Columbia County Circuit Court. Appellee's motion to release exhibits.

CV-15-197. SEECO, Inc. n/k/a SWN Production (Arkansas), Inc. v. Eldridge Snow, et al., from Conway County Circuit Court. Motion of Daniel E. Smolen and Dennis A. Caruso for admission to appear pro hac vice.

CV-16-434. Teresa Bloodman v. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct, an Original Action. Respondent's motion to strike petitioner's reply to response to motion for reconsideration or, in the alternative respondent's motion for permission to file sur-reply.

CV-16-921. Jamie Jones v. Arkansas Department of Human Services and Minor Child, from Lonoke County Circuit Court. Appellant's motion for belated appeal.

CR-03-944. Marcus D. Evans v. State of Arkansas, from Chicot County Circuit Court. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-08-1385. Edward Carter v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and request to respond to respondent's response to the petition.

CR-15-708. Robert Draft v. State of Arkansas, from White County Circuit Court. Appellant's pro se motion for transcript at public expense.

CR-16-188. Alvin Aikens v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to dismiss appeal.

CR-16-599. Cody James Malone v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motions for extension of time to file brief and for appointment of counsel.

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MOTIONS SUBMITTED

CR-16-611. Jason N. Watson v. State of Arkansas, from Howard County Circuit Court. Appellant's pro se motion for extension of brief time.

CR-16-625. Androus Hall v. Chalk Mitchell, Circuit Judge, from Phillips County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-16-728. James Ray Thompson v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for extension of brief time.

CV-16-381. Bernard Jones v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to file belated brief.

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CASES SUBMITTED

CV-15-595. Randeep S. Mann, M.D. v. Trent Pierce, M.D., et al., from Crittenden County Circuit Court. Orally argued.

CR-15-521. Gregory Aaron Kinsey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-15-890. State of Arkansas v. Walter Cecil Gray, from Washington County Circuit Court.

CR-16-244. Mark Aaron Luper v. State of Arkansas, from Benton County Circuit Court.

CR-16-263. James Cason v. State of Arkansas, from Miller County Circuit Court.

CR-16-281. Adrian Dewayne Wooten v. State of Arkansas, from Howard County Circuit Court.