

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 3, 2016

HOWARD W. BRILL, CHIEF JUSTICE

[CR-16-244](#). Mark Aaron Luper v. State of Arkansas, from Benton County Circuit Court. Affirmed.

ROBIN F. WYNNE, JUSTICE

[CR-16-106](#). Thomas Conan Ortega v. State of Arkansas, from Garland County Circuit Court. Affirmed. Goodson, J., concurs. Danielson and Hart, JJ., dissent.

PER CURIAM OPINION

[CR-16-281](#). Adrian Dewayne Wooten v. State of Arkansas, from Howard County Circuit Court. Affirmed.

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 3, 2016

PER CURIAM ORDERS

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

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. Brill, C.J., and Danielson, J., would grant.

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

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

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

CR-16-831. Roosevelt Rashaun Coleman v. State of Arkansas, from Crittenden County Circuit Court. Motion of S. Bernard Butler, Jr., to be relieved as attorney for appellant and stay briefing is granted. Robby Golden appointed as attorney for appellant.

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 is granted. Special Justices Scott Willhite, Bob Estes, and Scott Richardson agree. Danielson, Baker, and Goodson, JJ., not participating.

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

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. Intervenor's petition for rehearing and brief in support and motion to recall the mandate is denied. Brill, C.J., and Danielson, J., would grant.

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 3, 2016

PER CURIAM ORDERS

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 is denied. Danielson, J., not participating.

CV-16-947. James A. Hall v. Johnnie Bolin, from Drew County Circuit Court. Appellant’s pro se petition for leave to proceed in forma pauperis is denied. (Proceedings of October 27, 2016)

CV-16-947. James A. Hall v. Johnnie Bolin, from Drew County Circuit Court. Appellant’s petition for review of petition for leave to proceed in forma pauperis treated as motion for reconsideration and denied.

CV-16-951. Terry Yarbrough v. Circuit Court of Pulaski County, from Pulaski County Circuit Court, Seventeenth Division. Petitioner’s petition for writ of certiorari and petition for emergency or accelerated hearing, request to stay lower court proceedings, and motion to consolidate is denied. Danielson, J., would deny without prejudice. (Proceedings of November 1, 2016)

CV-16-952. Terry Yarbrough v. Circuit Court of Pulaski County, from Pulaski County Circuit Court, Seventeenth Division. Petitioner’s petition for writ of certiorari and petition for emergency or accelerated hearing, request to stay lower court proceedings, and motion to consolidate is denied. Danielson, J., would deny without prejudice. (Proceedings of November 1, 2016)

[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 and motion to show cause for subpoena of material evidence. Petition and motion denied. See **per curiam** this date.

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

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 3, 2016

PER CURIAM ORDERS

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

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

[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. Appeal dismissed; motions moot. See **per curiam** this date.

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 is granted; brief date extended thirty days from the date of this per curiam order (December 3, 2016).

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

[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. Appeal dismissed; motion moot. See **per curiam** this date.

[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. Appeal dismissed; motion moot. See **per curiam** this date.

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 3, 2016

MOTIONS SUBMITTED

PETITION FOR REVIEW:

CR-16-540. W.J.S. v. State of Arkansas, from Crawford County Circuit Court.

CR-15-899. Zachary Holly v. State of Arkansas, from Benton County Circuit Court. Appellant's second motion to supplement the record.

CR-16-484. Ronnie Johnson v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for reconsideration.

CV-16-586. Protect Fayetteville f/k/a Repeal 119, Paul Sagan, Peter Tonnesson, Paul Phaneuf, and the State of Arkansas v. The City of Fayetteville, Washington County, Arkansas; Lioneld Jordan, In His Official Capacity as Mayor of Fayetteville; Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Alan Long, Justin Tennant, Martin W. Schoppmeyer, Jr., and John La Tour, In Their Official Capacities as Aldermen of the Fayetteville City Council, from Washington County Circuit Court. Motion of 31 Arkansas Employers for permission to file brief as amici curiae in support of defendants– appellants.

CV-16-586. Protect Fayetteville f/k/a Repeal 119, Paul Sagan, Peter Tonnesson, Paul Phaneuf, and the State of Arkansas v. The City of Fayetteville, Washington County, Arkansas; Lioneld Jordan, In His Official Capacity as Mayor of Fayetteville; Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Alan Long, Justin Tennant, Martin W. Schoppmeyer, Jr., and John La Tour, In Their Official Capacities as Aldermen of the Fayetteville City Council, from Washington County Circuit Court. Motion of the American Civil Liberties Union and the Arkansas Civil Liberties Union for permission to file amicus curiae brief.

CV-16-586. Protect Fayetteville f/k/a Repeal 119, Paul Sagan, Peter Tonnesson, Paul Phaneuf, and the State of Arkansas v. The City of Fayetteville, Washington County, Arkansas; Lioneld Jordan, In His Official Capacity as Mayor of Fayetteville; Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Alan Long, Justin Tennant, Martin W. Schoppmeyer, Jr., and John La Tour, In Their Official Capacities as Aldermen of the Fayetteville City Council, from Washington County Circuit Court. Motion of Jawad Muaddi for admission pro hac vice.

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 3, 2016

MOTIONS SUBMITTED

CV-16-586. Protect Fayetteville f/k/a Repeal 119, Paul Sagan, Peter Tonnesson, Paul Phaneuf, and the State of Arkansas v. The City of Fayetteville, Washington County, Arkansas; Lioneld Jordan, In His Official Capacity as Mayor of Fayetteville; Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Alan Long, Justin Tennant, Martin W. Schoppmeyer, Jr., and John La Tour, In Their Official Capacities as Aldermen of the Fayetteville City Council, from Washington County Circuit Court. Motion of Susan Baker Manning for admission pro hac vice.

CV-16-586. Protect Fayetteville f/k/a Repeal 119, Paul Sagan, Peter Tonnesson, Paul Phaneuf, and the State of Arkansas v. The City of Fayetteville, Washington County, Arkansas; Lioneld Jordan, In His Official Capacity as Mayor of Fayetteville; Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Alan Long, Justin Tennant, Martin W. Schoppmeyer, Jr., and John La Tour, In Their Official Capacities as Aldermen of the Fayetteville City Council, from Washington County Circuit Court. Motion of Stephanie Schuster for admission pro hac vice.

CV-16-586. Protect Fayetteville f/k/a Repeal 119, Paul Sagan, Peter Tonnesson, Paul Phaneuf, and the State of Arkansas v. The City of Fayetteville, Washington County, Arkansas; Lioneld Jordan, In His Official Capacity as Mayor of Fayetteville; Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Alan Long, Justin Tennant, Martin W. Schoppmeyer, Jr., and John La Tour, In Their Official Capacities as Aldermen of the Fayetteville City Council, from Washington County Circuit Court. Motion of John A. Polito for admission pro hac vice.

CV-16-697. Helena Country Club v. Billy Ray Brocato d/b/a Splash Pool & Spa, from Phillips County Circuit Court. Appellant's motion to strike appellee's brief and supplemental addendum.

D-16-953. In Re Christopher W. Kirby, Arkansas Bar No. 90064, an Original Action. Petition of Christopher W. Kirby, Arkansas Bar No. 90064, for voluntary surrender of license (resignation).

D-16-954. In Re Monica Mabry, Arkansas Bar No. 87107, an Original Action. Petition of Monica Mabry, Arkansas Bar No. 87107, for voluntary surrender of license (resignation).

D-16-956. In Re Elizabeth A. Russell, Arkansas Bar No. 2012095, an Original Action. Petition of Elizabeth A. Russell, Arkansas Bar No. 2012095, for voluntary surrender of license (resignation).

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 3, 2016

MOTIONS SUBMITTED

D-16-959. In Re Steven S. Michaels, Arkansas Bar No. 99122, an Original Action. Petition of Steven S. Michaels, Arkansas Bar No. 99122, for voluntary surrender of license (resignation).

D-16-972. In Re Sue Ann Toopes, Arkansas Bar No. 98170, an Original Action. Petition of Sue Ann Toopes, Arkansas Bar No. 98170, for voluntary surrender of license (resignation).

CR-87-209. Sanders M. Carter v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-16-662. Lee Charles Millsap, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for use of the record on appeal and for extension of time to file appellant's brief.

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 3, 2016

CASES SUBMITTED

CV-15-988. Nathaniel Smith, MD, MPH, Director of the Arkansas Department of Health, In His Official Capacity and His Successors in Office v. Marisa N. Pavan and Terrah D. Pavan, Individually and as Parents, Next Friends, and Guardians of T.R.P., a Minor Child; Leigh D.W. Jacobs and Jana S. Jacobs, Individually and as Parents, Next Friends, and Guardians of F.D.J., a Minor Child; and Courtney M. Kassel and Kelly L. Scott, Individually and as Parents, Next Friends, and Guardians of A.G.S., a Minor Child, from Pulaski County Circuit Court, Sixth Division. Orally argued.

CR-15-724. Darrell Dennis v. State of Arkansas, from Pulaski County Circuit Court, Second Division.

CV-16-219. Tony Havner v. Northeast Arkansas Electric Cooperative and Tommie L. Walker III, from Baxter County Circuit Court.

CV-16-316. Cody Ward v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.