

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 17, 2016**

**HOWARD W. BRILL, CHIEF JUSTICE**

[CR-16-433](#). Jerroll Taylor v. State of Arkansas, from Nevada County Circuit Court. Reversed and remanded.

**KAREN R. BAKER, JUSTICE**

[CR-15-521](#). Gregory Aaron Kinsey v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Danielson, J., dissents.

**COURTNEY HUDSON GOODSON, JUSTICE**

[CR-15-724](#). Darrell Napoleon Dennis v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Affirmed. Hart, J., dissents.

**ROBIN F. WYNNE, JUSTICE**

[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; and Sam’s West, Inc., from Benton County Circuit Court. Affirmed as modified. Baker and Goodson, JJ., concur. Hart, J., concurs in part and dissents in part.

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**PER CURIAM ORDERS**

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

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

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

CR-16-896. Frederick A. Fricks v. State of Arkansas, from Nevada County Circuit Court.

CV-16-901. Randi Wheatley v. Arkansas Department of Human Services and Minor Children, from Saline County Circuit Court.

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CV-16-699. Charles Coleman and Nelda Coleman v. University of Arkansas for Medical Sciences, Harmon Gareth Tobler, M.D., and Richard Betzold, M.D., from Pulaski County Circuit Court, Sixteenth Division. Petitioner's pro se motion for certified records from the Arkansas State Claims Commission is granted. Danielson, J., would deny. Goodson, J., not participating.

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[CR-03-713](#). Tereginald Wallace v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se third petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is dismissed. See **per curiam** this date.

CR-16-574. John Richard Lukach v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for rule on clerk with writ of certiorari, motion to file belated appeal, with motion for appointment of counsel, and for extension of time in pro se appeal of order denying motion to reduce sentence, motion to compel, and motion with objection. Pro se motion to compel denied; pro se motion for rule on clerk granted and briefing schedule to be set as of the date of this per curiam order; motion for counsel denied; motion for writ of certiorari treated as motion for access to the record on appeal and granted; appellant to be provided a copy of the record on appeal that must be returned upon filing of appellant's brief; motion with objection moot.

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[CR-16-602](#). Michael Wayne Smith v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se petition for writ of certiorari and extension of brief time; motion to file belated brief. Appeal dismissed; petition and motion moot. See **per curiam** this date.

CR-16-712. Kenneth Osburn v. State of Arkansas, from Ashley 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 17, 2016).

[CR-16-714](#). Rene Garcia v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for enlargement of time to file appeal brief; motion to file belated appeal. Appeal dismissed; motions moot. See **per curiam** this date.

[CR-16-765](#). Willie R. Porchia, Sr. v. State of Arkansas, from Ouachita County Circuit Court. Petitioner's pro se motion for belated appeal of order is denied. See **per curiam** this date.

[CR-16-791](#). Fredrico Rainer Billings v. State of Arkansas, from Union County Circuit Court. Petitioner's pro se motion for belated appeal of order. Motion treated as motion for rule on clerk and denied. See **per curiam** this date.

[CR-16-798](#). Danny Ray Henington v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se motion for belated appeal of order is dismissed. See **per curiam** this date.

CV-16-316. Cody Ward v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Supplement to the record ordered. Certified copy of amended judgment and commitment order to be filed within ten days (November 27, 2016).

[CV-16-729](#). Lee Charles Millsap, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for use of the record on appeal as a pauper and for extension of time to file appellant's brief. Appeal dismissed; motion moot. See **per curiam** this date.

CV-16-853. Reggie Patterson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Appellant's pro se motion for belated appeal and petition to proceed in forma pauperis. Pro se motion for belated appeal denied; pro se petition to proceed in forma pauperis moot.

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**PER CURIAM ORDERS**

In Re District Court Resource Assessment Board. See **per curiam** this date.

Honorable Michael Lincoln of Searcy, White County Judge, is reappointed to the District Court Resource Assessment Board for a term to expire on April 30, 2020. The court thanks Judge Lincoln for his continued service.

Mark Hayes, Esq., of North Little Rock, is appointed to the District Court Resource Assessment Board for a term to expire on April 30, 2020. The court thanks Mr. Hayes for his willingness to serve on this important board.

We recognize Mayor Chris Claybaker, whose term has expired, for his service to the board.

In Re Amendment to Rules Governing Admission to the Bar, Rule VII(C)(17). See [per curiam](#) this date.

In Re Arkansas Access to Justice Commission. See **per curiam** this date.

Honorable Kim Bridgforth, State District Judge, of Pine Bluff is appointed to the Arkansas Access to Justice Commission for a three-year term to expire on October 15, 2019. The court thanks Judge Bridgforth for accepting service on this important commission.

Honorable Thomas Smith, Circuit Judge, of Bentonville and Honorable Teresa French-Coleman, Circuit Judge, of McGehee are reappointed to the Arkansas Access to Justice Commission for terms expiring on October 15, 2019. We thank them for their continued service.

We express our gratitude to Judge Vic Harper, whose term has expired, for his years of dedicated service to the Arkansas Access to Justice Commission.

In Re Client Security Fund Committee. See **per curiam** this date.

Ray Fulmer, Esq., of Fort Smith, Third Congressional District, is reappointed to the Client Security Fund Committee for a five-year term to expire on July 31, 2021. JoAnn Maxey, Esq., of Little Rock, Second Congressional District, is reappointed to the Client Security Fund Committee for a term to expire on July 31, 2017. The court expresses its gratitude to Mr. Fulmer and Ms. Maxey for accepting reappointment to this committee.

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**ARKANSAS SUPREME COURT**

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**MOTIONS SUBMITTED**

PETITIONS FOR REVIEW:

CV-16-828. Lindsey Gibson v. Morgan Keener, from Boone County Circuit Court.

CV-16-829. Emergency Ambulance Services v. David Pritchard, from the Arkansas Workers' Compensation Commission.

CV-16-918. Phillip Hambrick v. Arkansas Department of Human Services and Minor Children, from White County Circuit Court.

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CR-16-55. Lamar Daniel Ron Wilson v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for reconsideration of dismissal of appeal.

CR-16-415. Ka'Ron Daule Mohammed v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to belatedly submit supplemental record and extension of brief time.

CR-16-949. Eric Darnell Thrower v. State of Arkansas, from Ouachita County Circuit Court. Appellant's motion to be relieved as counsel; to stay briefing schedule; and for the appointment of other counsel for appellant.

CR-16-988. Angela R. Patterson v. State of Arkansas, from Poinsett County Circuit Court. Appellant's motion for rule on clerk.

CV-16-472. Reginald L. Dunahue v. Hon. Jodi Raines Dennis, Circuit Judge, and Cindy Glover, Circuit Clerk of Lincoln County, from Lincoln County Circuit Court. Petitioner's petition for intervention and court order to comply treated as motion for rule on clerk re-submitted with Special Master's report.

CV-16-992. Luetta Dawson v. Ray Dawson, Jr., from Phillips County Circuit Court. Appellant's motion to remand to circuit court to settle the record.

D-16-1010. In Re DeLisa K. Blanton, Arkansas Bar No. 2000014, an Original Action. Petition of DeLisa K. Blanton, Arkansas Bar No. 2000014, for voluntary surrender of license (resignation).

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**MOTIONS SUBMITTED**

D-16-1012. In Re Lawrence Ortegon Orta, Arkansas Bar No. 2010052, an Original Action. Petition of Lawrence Ortegon Orta, Arkansas Bar No. 2010052, for voluntary surrender of license (resignation).

D-16-1013. In Re Robert Atherton Blanshard, Arkansas Bar No. 78181, an Original Action. Petition of Robert Atherton Blanshard, Arkansas Bar No. 78181, for voluntary surrender of license (resignation).

D-16-1014. In Re Adam O. Fellows, Arkansas Bar No. 98038, an Original Action. Petition of Adam O. Fellows, Arkansas Bar No. 98038, for voluntary surrender of license (resignation).

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CR-09-339. Adam Davis, Jr. v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se motion for leave to file reply to respondent's response and take judicial notice that incompetence to stand trial is a claim within the scope of writ of error coram nobis and motion for evidentiary hearing on his competence to stand trial; and pro se motion for leave to file a supplemental reply to respondent's response and take judicial notice that incompetence to stand trial is a claim within the scope of writ of error coram nobis and motion for evidentiary hearing on his competence to stand trial.

CR-16-687. Joseph M. Bienemy v. State of Arkansas, from White County Circuit Court. Appellant's pro se motion for extension of time to submit appeal brief and waive addendum requirements or, alternatively, order the appellee to submit supplemental addendum.

CR-16-706. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for amended and supplemental pleadings, for appointment of counsel, for preliminary injunction order and temporary restraining order, and to consolidate appeals.

CR-16-707. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for amended and supplemental pleadings, for appointment of counsel, for preliminary injunction order and temporary restraining order, and to consolidate appeals.

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**MOTIONS SUBMITTED**

CR-16-708. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for amended and supplemental pleadings, for appointment of counsel, for preliminary injunction order and temporary restraining order, and to consolidate appeals.

CR-16-746. Mark Anthony Ward v. Honorable Richard Proctor, Circuit Judge, from St. Francis County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-16-794. Louis Edward Richard v. State of Arkansas, from Howard County Circuit Court. Appellant's pro se motion for belated appeal of order.

**ARKANSAS SUPREME COURT**

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**CASES SUBMITTED**

CR-16-36. Edward Anthony Liggins v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-16-412. Rickey Dale Newman v. State of Arkansas, from Crawford County Circuit Court.

CV-16-47. Christopher Moore v. Arkansas Alcoholic Beverage Control Board and Sarah C. Gildehaus, from Pulaski County Circuit Court, Twelfth Division.

CV-16-257. Sarah C. Gildehaus v. Arkansas Alcoholic Beverage Control Board and Christopher Moore, from Benton County Circuit Court.

CV-16-555. Ray Ellis v. Arkansas Department of Human Services and C.E., Minor Child, from Craighead County Circuit Court, Western District.

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CR-15-853. Bryant E. Turner v. State of Arkansas, from Faulkner County Circuit Court.

CR-16-203. Curtis Lamont Horton v. State of Arkansas, from Saline County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>