

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF FEBRUARY 9, 2017**

**JOSEPHINE LINKER HART, JUSTICE**

[CV-15-1057](#). City of Little Rock, Arkansas; Stuart Thomas; Wayne Bewley; Laura Martin; Linda Wilson; Sharon Martin; Alan Cate; Marquita Dooley; Candace Middleton; Karen Grimm; Gregory L. Summers; Robert Sharp; Frank Scott; Eddie Rhine; and Little Rock Ambulance Authority d/b/a Metropolitan Emergency Medical Services v. Dayong Yang, as Special Administrator of the Estate of Le Yang, Deceased, from Pulaski County Circuit Court, Sixth Division. Affirmed in part and reversed and remanded in part. Wood and Womack, JJ., concur in part and dissent in part.

**ROBIN F. WYNNE, JUSTICE**

[CR-16-511](#). Alvin Ray Williams v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded; request to proceed in forma pauperis granted; Lee D. Short appointed as counsel in the circuit court. Hart, J., concurs. Kemp, C.J., and Wood, J., dissent.

**SHAWN A. WOMACK, JUSTICE**

[CR-16-487](#). Christopher Beverage v. State of Arkansas, from Jefferson County Circuit Court. Affirmed.

**PER CURIAM OPINION**

[CR-16-678](#). Wesley Elisha Grissom v. State of Arkansas, from Garland County Circuit Court. Appeal dismissed.

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PER CURIAM ORDERS

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

CV-16-1021. John Ransom d/b/a Red Oak Auto Clinic and Demetrius Andre Ransom v. JMC Leasing Specialties, LLC, from Pulaski County Circuit Court, Second Division.

CV-16-1056. Mountain Pure, LLC d/b/a Mountain Pure Water Company; Mountain Pure MS, LLC; MPAR, LLC; MPMS, LLC; Mountain Pure Holdings, LLC; and John B. Stacks v. Clear Water Holdings, LLC, as Successor in Interest to Simmons First National Bank, from Pulaski County Circuit Court, Seventeenth Division.

CV-16-1097. Timothy Stanley and Jennifer Long v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eighth Division.

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CR-16-720. Kenneth Hinton v. State of Arkansas, from Lincoln County Circuit Court. Certification to the Supreme Court is granted. Baker and Goodson, JJ., would deny.

[CR-17-25](#). James Edward Crippen v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion for rule on clerk is granted. See **per curiam** this date.

CV-15-198. SEECO, Inc.; DeSoto Gathering Company, LLC; and Southwestern Midstream Services Company v. Stephanie DeVazier et al., from St. Francis County Circuit Court. Appellees' motion for sanctions against counsel is denied. Special Justices Bob Estes and Scott Richardson agree. Baker and Goodson, 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. Motion of Gerald Robinson, Jefferson County Sheriff, to file belated brief is granted. Wynne, J., not participating.

CV-16-1018. Brandon Martin v. Arkansas Department of Human Services and Minor Children, from Lawrence County Circuit Court. Appellees' motion to file belated brief is granted.

CV-17-26. Brandi Miller and Dana Crosby v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Motion of appellant, Dana Crosby, for rule on clerk is granted. Wood and Womack, JJ., would deny.

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CV-17-26. Brandi Miller and Dana Crosby v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Motion of appellant, Brandi Miller, to stay briefing schedule is granted.

CV-17-61. Home Depot Corporation v. Honorable Alice Gray, Circuit Judge, from Pulaski County Circuit Court, Twelfth Division. Petitioner's petition for writ of prohibition is denied.

D-17-68. In Re Martha Morse Cade, Arkansas Bar No. 92063, an Original Action. Petition of Martha Morse Cade, Arkansas Bar No. 92063, for voluntary surrender of license (resignation) is granted.

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[CR-01-1170](#). Phillip D. Williams v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is denied. See **per curiam** this date.

[CR-08-1385](#). Edward Carter v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se third petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and motion for leave to file response to State's response to petition. Petition denied; motion moot. See **per curiam** this date.

CR-10-744. Charles E. Foster, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion for transcript and payment of costs is denied.

CR-16-556. Jimmy Lee Frost v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion for voluntary dismissal is granted.

[CR-16-998](#). Robert Earl Henry v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se petition for writ of mandamus. Appeal dismissed; petition moot. See **per curiam** this date.

CV-16-705. Jeffrey Wendell Edwards v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for belated appeal treated as a motion to file belated brief and granted; appellant's brief filed as of the date of this per curiam order.

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**PER CURIAM ORDERS**

[CV-16-851](#). Wesley Jefferson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Appellant's pro se motions for extension of time and for en banc review. Appeal dismissed; motions moot. See **per curiam** this date.

[CV-16-1011](#). Tony A. Hickman v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Petitioner's pro se motion for belated appeal of order is denied. See **per curiam** this date.

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**MOTIONS SUBMITTED**

**PETITIONS FOR REVIEW:**

CV-16-1019. Stephanie Sikora v. Shalon Bogard and Paulette Everett, from Pulaski County Circuit Court, Sixth Division.

CV-16-1040. MidFirst Bank, Carolyn Bedford, and Denise Bedford v. Lori Ledbetter Sumpter, from Crittenden County Circuit Court.

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CR-16-413. Aaron Michael Lewis v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant/cross-appellee's petition for writ of certiorari to complete the record or, in the alternative, motion to remand to settle the record.

CR-16-659. Jonathan Antonio Woods v. State of Arkansas, from Drew County Circuit Court. Appellant's motion to correct the record and to stay briefing schedule.

CR-16-1061. Kevin Lee Reed v. State of Arkansas, from Benton County Circuit Court. Appellant's unopposed motion to partially seal the record and to use initials.

CR-17-66. Tommy Lee Radford v. State of Arkansas, from Ouachita County Circuit Court. Motion of N. Mark Klappenbach to be relieved as counsel and for appointment of counsel for appellant.

CR-17-75. Jerrick London v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Appellant's motion for rule on clerk.

CV-16-1038. Gloria Daniel v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to consolidate or motion for an enlargement of time to file brief.

CV-16-1094. Nelda Coleman and Charles Coleman, Deceased v. University of Arkansas for Medical Sciences, Arkansas State Claims Commission Legislative Council, Harmon Gareth Tobler, M.D., and Richard Betzold, M.D., from Pulaski County Circuit Court, Sixteenth Division. Petitioner's motion for reconsideration.

CV-17-73. Brittney Sue Brasher v. Arkansas Department of Human Services and Minor Children, from Boone County Circuit Court. Appellant's motion for extension of time to lodge appellate record.

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**MOTIONS SUBMITTED**

CV-17-74. Britney Smith v. Arkansas Department of Human Services and Minor Child, from Madison County Circuit Court. Appellant's motion for rule on clerk.

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CR-08-458. Myron Newjean Anderson v. State of Arkansas, from Ashley County Circuit Court. Appellant's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and pro se motion for appointment of counsel.

CR-14-923. Terry Antonio Lee v. Honorable Barry Sims, Circuit Judge, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se petition for writ of mandamus and motion to produce evidence for writ of mandamus.

CR-16-203. Curtis Lamont Horton v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-16-609. Kenneth Siler v. State of Arkansas, from Polk County Circuit Court. Petitioner's pro se motion for belated appeal.

CV-16-673. Malik (Saba) Ka Makkali v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for belated appeal and rule on clerk.

CV-16-814. Willie Gaster Davis, Jr. v. Thomas Deen, Prosecuting Attorney, from Desha County Circuit Court. Appellant's pro se motion for belated appeal.

CV-16-907. Kenneth Ray Pitts v. Patrick S. Drummond, APN, William Benton, Health Services Administrator, Roy Griffins, Deputy Director, Health and Correctional Program, Arkansas Department of Correction, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motions for appointment of counsel and to proceed without costs with affidavit in support of request to proceed in forma pauperis.

CV-16-1048. Barry Stewart v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Appellant's pro se motion for belated appeal.

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**CASES 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. Orally argued.

CR-16-398. State of Arkansas v. Mario D. Thompson, from Washington County Circuit Court.

CV-16-10. Erin Lane Potts v. Timothy D. Potts, Jr., from Sebastian County Circuit Court, Fort Smith District.

CV-16-22. City of Benton, Arkansas v. Alcoa Road Storage, Inc., from Saline County Circuit Court.

CV-16-23. City of Benton, Arkansas v Larry D. Teeter, Donna A. Teeter, Amy E. Teeter Thomas, and Kevin R. Teeter, from Saline County Circuit Court.

CV-16-119. James Toland and First Arkansas Bail Bonds, Inc. v. Saline County, Arkansas; Mike Robinson, in His Official Capacity as District Judge of Saline County, Benton District; and Stephanie Casady, in Her Official Capacity as District Judge of Saline County, Bryant Division, from Saline County Circuit Court.

CV-16-284. City of Conway v. Richard Shumate, Jr., and Damon Reed, Individually and on Behalf of All Others Similarly Situated, from Faulkner County Circuit Court.

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