

ARKANSAS SUPREME COURT

PROCEEDINGS OF FEBRUARY 16, 2017

JOHN DAN KEMP, CHIEF JUSTICE

[CR-16-427](#). Derrick Gerade Lambert v. State of Arkansas, from Drew County Circuit Court. Affirmed; court of appeals opinion vacated. Baker and Hart, JJ., dissent.

COURTNEY HUDSON GOODSON, JUSTICE

[CV-16-10](#). Erin Potts v. Timothy D. Potts, from Sebastian County Circuit Court, Fort Smith District. Reversed and remanded; court of appeals' opinion vacated.

RHONDA K. WOOD, JUSTICE

[CR-15-1022](#). Adam Eugene Lane v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed. Kemp, C.J., and Baker and Womack, JJ., concur.

[CV-16-284](#). City of Conway, an Arkansas Municipality v. Richard Shumate, Jr., and Damon Reed, on Behalf of Themselves and All Other Similarly Situated Persons and Entities, from Faulkner County Circuit Court. Affirmed.

ROBIN F. WYNNE, JUSTICE

[CV-16-455](#). Gary Dye and Linda Dye, Individually and on Behalf of Persons Similarly Situated v. Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Mandate recalled in case no. CV-14-618; clerk directed to amend mandate to reflect that each party is to bear its own costs; circuit court's order of April 14, 2016, reversed and dismissed. Special Justice David Sterling joins. Goodson, J., concurs in part and dissents in part. Wood, J., not participating.

SHAWN A. WOMACK, JUSTICE

[CR-16-827](#). Richard Shreck v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Hart, J., dissents.

[CV-16-119](#). James Toland and First Arkansas Bail Bonds, Inc. v. 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 District, from Saline County Circuit Court. Appeal dismissed without prejudice.

[CV-16-127](#). Gary Dye and Linda Dye, Individually and on Behalf of Persons Similarly Situated v. Diamante, A Private Membership Golf Club, LLC, from Saline County Circuit Court. Affirmed. Special Justice David Sterling joins. Baker and Hart, JJ., dissent. Wood, J., not participating.

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PER CURIAM ORDERS

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

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

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. Writ of certiorari to complete the record is granted in part and denied in part. Granted for the subpoena issued and denied as to the interrogatories.

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 is granted.

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 is granted.

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 is granted.

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

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. Motion to consolidate denied; motion for enlargement of time to file brief granted.

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 is denied. Goodson, J., not participating.

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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 is granted.

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 is granted.

[CR-08-458](#). Myron Newjean Anderson, Jr. v. State of Arkansas, from Ashley 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 pro se motion for appointment of counsel. Petition denied; motion moot. See **per curiam** this date.

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. Petition denied; motion moot.

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

[CR-16-609](#). Kenneth Siler v. State of Arkansas, from Polk County Circuit Court. Petitioner’s pro se motion for belated appeal is denied. See **per curiam** this date.

[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. Appeal dismissed; motion treated as a motion to file belated brief moot. See **per curiam** this date.

[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 counsel and to proceed without costs. Remanded for supplemental record. See **per curiam** this date.

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 is denied.

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PER CURIAM ORDERS

In Re the Arkansas Judges and Lawyers Assistance Program Committee. See [per curiam](#) this date.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR-16-420. Samuel Hartman v. State of Arkansas, from Franklin County Circuit Court, Ozark District.

PETITIONS FOR REVIEW:

CV-16-902. Gloria Navarrete v. Heidi Creech, from Hempstead County Circuit Court.

CV-16-1074. CMS Investment Holdings, LLC v. Estate of Robert M. Wilson, Jr., Deceased, from Pulaski County Circuit Court, Fourteenth Division.

CV-16-1123. Kennetta Miller v. Daryl Bassett, Director, Department of Workforce Services, and Good Samaritan Cedar Lodge - HS, from the Arkansas Board of Review.

CR-16-849. Frederick Pennington, Jr v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion for belated appeal.

CR-16-849. Frederick Pennington, Jr v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to supplement the record on appeal.

CR-17-89. Mauricio Alejandro Torres v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CV-16-926. Reanna Rodgers v. Destiny Rodgers, from Garland County Circuit Court. Appellant's motion for supplemental briefing.

CV-17-77. Kubota Tractor Corporation and Kubota Manufacturing of America Corporation v. Henry Gibson, from Carroll County Circuit Court. Petitioners' petition for permission to appeal under Rule 2(f) of the Arkansas Rules of Appellate Procedure.

CV-17-77. Kubota Tractor Corporation and Kubota Manufacturing of America Corporation v. Henry Gibson, from Carroll County Circuit Court. Petitioners' motion for permission to supplement addendum.

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MOTIONS SUBMITTED

CV-17-78. Erin Salem v. Sebastian County Circuit Court and Annie Powell Hendricks, Circuit Judge, from Sebastian County Circuit Court, Fort Smith District. Petitioner's petition for writs of certiorari and prohibition.

CV-17-81. Vaughn Damon Wilson v. State of Arkansas, Asa Hutchinson, Governor of the State of Arkansas; Kevin Pixley, Crawford County Tax Collector; Leslie Rutledge, Attorney General of the State of Arkansas; and Kevin Yates, Officer ID 598, Arkansas State Trooper, an Original Action. Petitioner's petition to proceed freely and without a fee.

CV-17-81. Vaughn Damon Wilson v. State of Arkansas, Asa Hutchinson, Governor of the State of Arkansas; Kevin Pixley, Crawford County Tax Collector; Leslie Rutledge, Attorney General of the State of Arkansas; and Kevin Yates, Officer ID 598, Arkansas State Trooper, an Original Action. Petitioner's petition for a writ of quo warranto.

CV-17-87. Vernon Dutton, Shirley Hinton, Rebsamen Insurance, Inc. d/b/a Rebsamen Insurance; and Regions Insurance Services, Inc. v. Circuit Court of Pulaski County, from Pulaski County Circuit Court, Fifth Division. Petitioners' petition for writ of prohibition or certiorari.

CV-17-97. Arkansas Bar Association, In Re Arkansas Rules of Professional Conduct - Rule 1.2(d), an Original Action. Petitioner's petition to amend Arkansas Rules of Professional Conduct -Rule 1.2(d).

D-17-122. In Re Teresa R. Ball, Arkansas Bar No. 86010, an Original Action. Petition of Teresa R. Ball, Arkansas Bar No. 86010, for voluntary surrender of license (resignation).

CR-09-596. Dennis Hutchinson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis; pro se motion for appointment of counsel.

CR-16-611. Jason N. Watson v. State of Arkansas, from Howard County Circuit Court. Appellant's pro se motion to include evidence of mental health issues in record lodged on appeal.

CR-16-968. Ivor Gordon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for extension of time to file brief.

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MOTIONS SUBMITTED

CR-16-970. Ardwin Sylvester v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of brief time and motion for copy of trial transcript.

CR-16-1058. Timothy Lee Holt v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for belated appeal.

CV-16-1059. Jeffery D. Morgan v. State of Arkansas, from Lee County Circuit Court. Appellant's pro se motion for leave to proceed with a belated appeal.

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CASES SUBMITTED

CV-16-151. Gregory L. Pelts v. Shelly A. Pelts, from Lonoke County Circuit Court.

CV-16-183. Cardinal Health v. Beth's Bail Bonds, Inc., and Cassondrea Livingston, from Pulaski County Circuit Court, Sixth Division.

CV-16-277. Jane Lipscomb Stone, Individually and as Executrix of the Estate of Madolene Stone, Deceased; Benjamin Hicks Stone III; Ruth Stone Jones; Margaret Stone Cotter; Harriet Stone Evans; Patricia Marty Stone; Edward Durell Stone III; Maria Francesca Stone; Fiona Campbell Stone; and Matthew Whelpley v. Washington Regional Medical Center, and City of Fayetteville, Arkansas, from Washington County Circuit Court.