

ARKANSAS SUPREME COURT

PROCEEDINGS OF FEBRUARY 23, 2017

JOSEPHINE LINKER HART, JUSTICE

[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, Justin Tennant, Martin W. Schoppmeyer, Jr.; John La Tour, and Alan Long; in Their Official Capacities as Alderman of the Fayetteville City Council, from Washington County Circuit Court. Reversed and remanded.

ROBIN F. WYNNE, JUSTICE

[CR-16-398](#). State of Arkansas v. Mario D. Thompson, from Washington County Circuit Court. Reversed and dismissed. Hart, J., dissents.

[CV-16-821](#). Robin M. Emis v. Keith W. Emis, from Pulaski County Circuit Court, Sixteenth Division. Court of appeals opinion vacated; remanded to the court of appeals for further consideration. Wood, J., dissents.

SHAWN A. WOMACK, JUSTICE

[CV-16-183](#). Cardinal Health v. Beth's Bail Bonds, Inc., from Pulaski County Circuit Court, Sixth Division. Motion to dismiss denied; reversed.

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PER CURIAM ORDERS

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

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

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

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

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

CV-16-1074. CMS Investment Holdings, LLC v. Estate of Robert M. Wilson, Jr., Deceased, from Pulaski County Circuit Court, Fourteenth Division. Kemp, C.J., not participating.

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 is granted.

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 is granted.

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 is granted.

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

CV-17-77. Kubota Tractor Corporation and Kubota Manufacturing of America Corporation v. Henry Gibson, from Carroll County Circuit Court, Western District.

Petitioners' petition for permission to appeal under Rule 2(f) of the Arkansas Rules of Appellate Procedure is granted.

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

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 is granted. Wood, Wynne, and Womack, JJ., would deny.

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 is denied.

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 is denied.

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). Referred to Professional Conduct Committee for comment.

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) is granted.

[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. Petition denied; motion moot. See **per curiam** this date.

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

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 is granted; brief date extended fourteen days from the date of this per curiam order.

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. Motion for extension of brief time granted; brief date extended thirty days from the date of this per curiam order; motion for copy of trial transcript denied.

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

[CV-16-1059](#). Jeffery D. Morgan v. State of Arkansas, from Lee County Circuit Court. Petitioner's pro se motion for leave to proceed with a belated appeal is dismissed. See **per curiam** this date.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR-14-990. Edward Lockhart v. State of Arkansas, from Saline County Circuit Court.

PETITIONS FOR REVIEW:

CV-16-824. Lakesia Chandler and Jasmine Davis v. Wal-Mart Stores, Inc., L'OREAL USA, Inc., and L'OREAL USA Products, Inc., from Phillips County Circuit Court.

CV-16-1153. Courtyard Gardens Health and Rehabilitation, LLC, et al. v. Annette Williamson, Personal Representative of the Estate of Jerline Kennel, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Jerline Kennel, from Clark County Circuit Court.

CR-98-510. Jason Farrell McGehee v. State of Arkansas, from Boone County Circuit Court. Motion of John C. Williams for permission to be recognized as counsel on behalf of appellant.

CR-98-510. Jason Farrell McGehee v. State of Arkansas, from Boone County Circuit Court. Appellant's motion to recall the mandate.

CR-98-510. Jason Farrell McGehee v. State of Arkansas, from Boone County Circuit Court. Appellant's motion to take as a case.

CR-16-1125. George Cage v. State of Arkansas, from Jefferson County Circuit Court. Appellant's petition for writ of certiorari to complete the record on appeal.

CR-16-1125. George Cage v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion to stay briefing schedule.

CV-17-80. Paul F. Miller v. Honorable John Homer Wright, Circuit Judge, from Garland County Circuit Court. Petitioner's pro se petition for writ of mandamus and equitable relief.

CV-17-80. Paul F. Miller v. Honorable John Homer Wright, Circuit Judge, from Garland County Circuit Court. Petitioner's pro se motion to consolidate.

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MOTIONS SUBMITTED

CV-17-80. Paul F. Miller v. Honorable John Homer Wright, Circuit Judge, from Garland County Circuit Court. Petitioner's pro se motion for stay.

CV-17-87. 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. Respondent's motion to file belated response and motion for time to file a response to writ of prohibition or certiorari.

CV-17-103. Air Evac EMS, Inc. v. USABLE Mutual Insurance Co. d/b/a Arkansas Blue Cross and Blue Shield, from United States District Court, Eastern District of Arkansas, Western Division. Motion to certify a question of law.

CV-17-127. Paul F. Miller v. DIRECTV, Individually and as a Partner of AT&T; Southwestern Bell Telephone Company d/b/a AT&T and AT&T Arkansas, from Garland County Circuit Court. Appellant's pro se motion to consolidate.

CV-17-127. Paul F. Miller v. DIRECTV, Individually and as a Partner of AT&T; Southwestern Bell Telephone Company d/b/a AT&T and AT&T Arkansas, from Garland County Circuit Court. Appellant's pro se motion for stay.

D-17-128. In Re Willis C. Hunter, Arkansas Bar No. 80189, an Original Action. Petition of Willis C. Hunter, Arkansas Bar No. 80189, for voluntary surrender of license (resignation).

CR-09-339. Adam Davis, Jr. 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 permission to file a response to the State's response.

CR-10-206. Timothy Mack Clemmons 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.

CR-16-967. Kevin V. Barnes v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motions for extension of time to file appellant's brief and for transcript.

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MOTIONS SUBMITTED

CR-16-973. George T. Sullivan v. State of Arkansas, from Conway County Circuit Court. Petitioner's pro se motions for rule on clerk and belated appeal.

CR-16-974. Androus Hall v. State of Arkansas, from Phillips County Circuit Court. Appellant's pro se motion for extension of time to file brief.

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CASES SUBMITTED

CR-16-615. Courtney Jerrell Douglas v. State of Arkansas, from Union County Circuit Court.

CR-16-703. Daniel L. Stover v. State of Arkansas, from Polk County Circuit Court.

CV-16-430. Felicia Farris, M.D. v. Cynthia L. Conger, C.P.A and Conger Wealth Management, from Pulaski County Circuit Court, Third Division.

CV-16-696. Mississippi County, Arkansas, et al. v. City of Osceola, Arkansas, et al., from Mississippi County Circuit Court, Chickasawba and Osceola Districts.

CV-17-123. Mississippi County, Arkansas, et al. v. City of Osceola, Arkansas, et al., from Mississippi County Circuit Court, Chickasawba and Osceola Districts.