

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 16, 2017

JOHN DAN KEMP, CHIEF JUSTICE

[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. Affirmed; court of appeals opinion vacated. Baker and Hart, JJ., concur in part; dissent in part.

JOSEPHINE LINKER HART, JUSTICE

[CV-16-185](#). Elizabeth Ann Williamson, Administrator of the Estate of Cynthia Frazier v. Baptist Health Medical Center, from Pulaski County Circuit Court, Third Division. Appeal dismissed; court of appeals opinion vacated. Baker, J., concurs. Hart, J., joins.

RHONDA K. WOOD, JUSTICE

[CV-16-233](#). Truman Arnold Companies v. Miller County Circuit Court, from Miller County Circuit Court. Petition granted.

[CV-16-840](#). George Pritchett, Russell Skallerup and Bruce Mitchell v. City of Hot Springs, Arkansas, from Garland County Circuit Court. Affirmed. Hart, J., dissents.

SHAWN A. WOMACK, JUSTICE

[CV-15-789](#). Malik Muntaqim, ADC #088633 v. Ray Hobbs, Director of Arkansas Department of Correction; Gaylon Lay, Warden of Cummins Unit; Larry May, Chief Deputy Director; Grant Harris, Deputy Director; Wendy Kelley, Deputy Director; Raymond Naylor, Internal Affairs Administrator; Randy Watson, Warden of Varner Unit; Marvin Evans, Deputy Director; Eddie Selvey, Deputy Warden ADC; Crystal Wood, Classification Officer Cummins Unit; Michelle Williams, Deputy Warden Cummins Unit; Patricia Baxter, Mailroom Supervisor Cummins Unit; Leonard Banks, Chaplain of Cummins Unit; Sgt. S. Cook, Correctional Officer Cummins Unit; Tiffanye Compton, Grievance Coordinator Central Office; Dennise Alexander, Publication Review Central Office; Jan Scussell, Publication Review Central Office; Tami Aiken, Publication Review Central Office; John M. Wheeler, Religious Administrator Central Office; April Gibson, Grievance Officer Cummins Unit; Lisa R. Hall, Grievance Officer Cummins Unit; Muhammad Ameen, Islamic Chaplain Central Office, from Jefferson County Circuit Court. Dismissed in part; reversed and remanded in part.

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SHAWN A. WOMACK, JUSTICE (Continued)

[CV-16-151](#). Gregory L. Pelts v. Shelly A. Pelts, from Lonoke County Circuit Court. Reversed and remanded; Court of appeals opinion vacated. Kemp, C.J., and Goodson and Wynne, JJ., concur in part; dissent in part.

[CV-16-234](#). Truman Arnold Companies v. Miller County Circuit Court, from Miller County Circuit Court. Petition for writ of prohibition granted.

PER CURIAM OPINIONS

[CR-16-415](#). Ka’Ron Daule Mohammed v. State of Arkansas, from Garland County Circuit Court. Affirmed; remanded with instructions.

[CV-16-929](#). Deontae Antonio Fulton v. State of Arkansas, from Chicot County Circuit Court. Affirmed.

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PER CURIAM ORDERS

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

CV-16-851. Wesley Jefferson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court.

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

CR-16-759. James Hall v. State of Arkansas, from Drew County Circuit Court.

CR-16-819. Anthony L. Bragg v. State of Arkansas, from Boone County Circuit Court.

[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. Hart, J., would grant. See **dissenting opinion** this date.

CV-16-945. Lydia Burch v. Daryl Bassett, Director, Department of Workforce Services, and Weldon, Williams & Lick, Inc., from the Arkansas Board of Review.

CR-98-510. Jason Farrell McGehee v. State of Arkansas, from Boone County Circuit Court. Appellant's motion to recall the mandate is denied. Goodson, Hart, and Wynne, JJ., would take as a case.

CR-98-510. Jason Farrell McGehee v. State of Arkansas, from Boone County Circuit Court. Appellant's motion to take as a case is denied. Goodson, Hart, and Wynne, JJ., would grant motion to take as a case.

CR-08-1385. Edward Carter v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se motion for reconsideration is denied.

CR-16-759. James Hall v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion to stay sentence pending appeal and appointment of special circuit court judge is denied.

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CR-16-1075. Olajuwon Smith v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to supplement the record and accompanying motion for extension of brief time is granted.

CV-16-851. Wesley Jefferson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Appellant's pro se motion for extension of time to file a brief in support of petition for rehearing is denied.

CV-17-140. In Re Scott County Circuit Court, an Original Action. Petition of Tom Tatum II, Prosecuting Attorney for the Fifteenth Judicial District is granted.

CV-17-161. Phillips Hospital Corporation d/b/a Helena Regional Medical Center, Dr. Arthur Levy, and Dr. James Major v. Dewayne Douglas Dowd, Sr., Individually, and as Administrator of the Estate of Cora Lee Dowd, Deceased, from Phillips County Circuit Court. Motion of Dr. Arthur Levy for writ of certiorari to complete the record is granted. Appellee's motion to dismiss is denied.

D-17-178. In Re Lisa Renee' Pruitt, Arkansas Bar No. 89238, an Original Action. Petition of Lisa Renee' Pruitt, Arkansas Bar No. 89238, for voluntary surrender of license (resignation) is granted.

[CR-08-616](#). Rickey C. Strain, Jr. v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se petition to recall mandate to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and other postconviction relief is denied. See **per curiam** this date.

[CR-17-35](#). Deontae Fulton v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motion for rule on clerk to proceed with motion for belated appeal without a certified record is denied. See **per curiam** this date.

CR-17-57. Shaun C. Allen v. State of Arkansas, from Faulkner County Circuit Court. Petitioner's pro se motion for rule on clerk. Motion transferred to the Arkansas Court of Appeals.

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. Lisa-Marie Norris appointed as counsel for appellant.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-16-673. Malik (Saba) Ka Makkali v. State of Arkansas, from Jefferson County Circuit Court.

PETITIONS FOR REVIEW:

CR-16-939. Ghedeon Trif v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division.

CR-17-111. James Bynum v. State of Arkansas, from Scott County Circuit Court.

CV-16-894. Janann Johnson v. Windstream Communications, Inc., from Pulaski County Circuit Court, Sixth Division.

CV-16-1138. Robert Stewart v. Gary Michaelis, Individually and d/b/a Racer AG Service, from St. Francis County Circuit Court.

CV-17-113. Chris Bean and Jennifer Bean v. Arkansas Department of Human Services and Minor Children, from Benton County Circuit Court.

CR-16-588. Larry Lavell Jones v. State of Arkansas, from Garland County Circuit Court. Motion of Gregg A. Knutson to withdraw as appellate counsel.

CR-16-939. Ghedeon Trif v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division. Appellant's pro se motion to supplement petition for review.

CR-16-939. Ghedeon Trif v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division. Appellant's pro se motion to withdraw petition for review.

CR-16-1062. Detric D. Wilson v. State of Arkansas, from Lonoke County Circuit Court. Appellant's motion for leave to supplement the addendum.

CR-17-163. Justin Isiah Burns v. State of Arkansas, from Garland County Circuit Court. Motion of Mark S. Fraiser to withdraw as attorney on direct appeal.

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MOTIONS SUBMITTED

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. Appellants' motion for reconsideration.

CV-16-211. M&M Environmental Oil Services, LLC, Samuel McFadin, McFadin Global, Inc., and McFadin Auto Sales, Inc. v. Omega Capital Fund I, L.P., from Faulkner County Circuit Court. Appellee's status report.

CV-16-211. M&M Environmental Oil Services, LLC, Samuel McFadin, McFadin Global, Inc., and McFadin Auto Sales, Inc. v. Omega Capital Fund I, L.P., from Faulkner County Circuit Court. Appellants' status report.

CV-16-1011. Tony A. Hickman v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Petitioner's pro se motion to file belated motion for reconsideration.

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

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. Appellant's pro se motion to refund \$165 filing fee.

CV-17-158. Kubota Tractor Corporation and Kubota Manufacturing of America Corporation v. The Circuit Court of Carroll County, Arkansas, from Carroll County Circuit Court, Western District. Petitioners' petition for writ of certiorari.

CV-17-168. Rich Mountain Community College v. Matthew Andrews, from Phillips County Circuit Court. Appellant's unopposed motion for substitution of parties and request for judicial notice.

CV-17-184. Wynne-Ark., Inc. d/b/a Kelley's Restaurant v. Richard Baughn Construction, from Cross County Circuit Court. Petitioner's petition for interlocutory appeal.

CV-17-184. Wynne-Ark., Inc. d/b/a Kelley's Restaurant v. Richard Baughn Construction, from Cross County Circuit Court. Petitioner's motion to file under seal.

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MOTIONS SUBMITTED

CR-10-6. Danny Henington v. State of Arkansas, from Benton 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.

CR-16-537. Khalin Collins v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion to file belated brief.

CR-16-1101. Bruce Wayne Brown v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of brief time.

CR-16-1113. Broderick Don Scott v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion seeking leave to file a reply brief.

CV-16-1016. Howard T. Wood v. State of Arkansas, Arkansas Sentencing Commission, and Governor Asa Hutchinson, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion to file belated brief.

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CASES SUBMITTED

CR-16-719. Daniel Curtis Johnson v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CV-16-304. Arkansas State Police Retirement System, Kirk Bradshaw, John Allison, Brant Tosh, Blake Wilson, Donnie Underwood, Joe Miles, and Dr. John Shelnett v. Glenn Sligh, Myron Hall, Ricky Briggs, Loyd Franklin, Mack Thompson, and Cleve Barfield, from Pulaski County Circuit Court, Seventeenth Division.

CV-16-313. City of North Little Rock, Joe Smith, in His Official Capacity as Mayor of the City of North Little Rock, Debi Ross, Beth White, Linda Robinson, Maurice Taylor, Steve Baxter, Bruce Foutch, Murry Witcher, and Charlie Hight, in Their Official Capacities as Aldermen of the City of North Little Rock v. Eugene M. Pfeifer III and Pfeifer Family Limited Partnership #1, from Pulaski County Circuit Court, Second Division.

CV-16-887. Richard Alan Davis v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>