

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF APRIL 13, 2017**

**PER CURIAM OPINIONS**

[CR-15-658](#). Antonio Williams v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Affirmed.

[CV-16-1015](#). Matthew W. Barnett v. Dexter Payne, Assistant Director, Arkansas Department of Correction; Ms. Ramsey, Grimes Unit Classification Officer; and Mr. Pearce, Grimes Unit Classification Officer, from Pulaski County Circuit Court, Sixth Division. Remanded.

**ARKANSAS SUPREME COURT**

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**PER CURIAM ORDERS**

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

CR-17-196. Alexander Pokatilov v. State of Arkansas, from Lonoke County Circuit Court.

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

CV-16-1121. Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court.

CV-16-1136. S.E. Arnold and Company, Inc. d/b/a Arnold's Flooring America v. Cincinnati Insurance Company, from Pulaski County Circuit Court, Second Division.

CV-17-222. Ricky Howell and Susan Howell v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Kemp, C.J., and Wynne, J., would grant.

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CR-92-1385. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Motion of Scott W. Braden and Deborah Sallings for permission to be recognized as counsel on behalf of appellant; appellant's emergency motion to expedite consideration; and appellant's motion to expand page limit are granted. (Proceedings of April 12, 2017)

CR-98-510. Jason Farrell McGehee v. State of Arkansas, from Boone County Circuit Court. Appellant's motion for reconsideration and stay of execution is denied. Goodson, Hart, and Wynne, JJ., would grant and find motion for stay of execution moot.

CR-98-657. Bruce Earl Ward v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Scott W. Braden and Deborah Sallings for permission to be recognized as counsel on behalf of appellant; appellant's emergency motion to expedite consideration; and appellant's motion to expand page limit are granted. (Proceedings of April 12, 2017)

CR-00-528. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Motion of Scott W. Braden and Deborah Sallings for permission to be recognized as counsel on behalf of appellant; appellant's emergency motion to expedite consideration; and appellant's motion to expand page limit are granted. (Proceedings of April 12, 2017)

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[CR-16-63](#). Kenneth Ray Marshall v. State of Arkansas, from Columbia County Circuit Court. Supplemental record ordered; substituted briefing ordered. See **per curiam** this date.

CR-17-239. State of Arkansas v. Rickey Dale Newman, from Crawford County Circuit Court. Appellee's motion for expedited briefing schedule is denied.

CV-16-596. Robert Steinbuch v. University of Arkansas a/k/a University of Arkansas-Little Rock; Michael Schwartz, in His Official Capacity; Theresa Beiner, in Her Official Capacity; Zulma Toro, in Her Official Capacity; and Joann Maxey, in Her Official Capacity, from Pulaski County Circuit Court, Sixth Division. Appellant's and Appellees' status reports are noted. Goodson, Wood, and Wynne, JJ., not participating.

CV-17-132. Tomasz B. Tomczyk v. Janelle B. Buie, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for reconsideration of denial of motion for rule on clerk is denied.

CV-17-217. St. Vincent Infirmary Medical Center v. Circuit Court of Pulaski County, Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's petition for writ of certiorari is moot.

CV-17-217. St. Vincent Infirmary Medical Center v. Circuit Court of Pulaski County, Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's application for temporary relief in connection with petition for writ of certiorari is moot.

CV-17-217. St. Vincent Infirmary Medical Center v. Circuit Court of Pulaski County, Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's motion to dismiss petition for writ of certiorari and application for temporary relief is granted.

CV-17-237. Thomas Welvaert v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Appellant's motion for rule on clerk is granted.

CV-17-243. Entergy Arkansas, Inc., and Entergy Operations, Inc. v. Ronnie Francis, from Pope County Circuit Court. Petitioners' petition for permission to appeal is granted.

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**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF APRIL 13, 2017**

**PER CURIAM ORDERS**

[CR-95-985](#). Greg Hogue v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and to proceed in forma pauperis is denied. Hart, J., would grant. See **per curiam** and **dissenting opinion** this date.

[CR-16-547](#). Matthew Wayne Nichols v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motions for extension of time to file brief and to duplicate appellant's brief at public expense. Appeal dismissed; motions moot. See **per curiam** this date.

[CR-16-574](#). John Richard Lukach v. State of Arkansas, from Hot Spring County Circuit Court. Petitioner's pro se motions for writ of certiorari; to duplicate brief at State's expense; for an expansion of the page limit; for appointment of counsel; to compel Arkansas Department of Correction; in support of affidavit; and objections to refusal to respond. Appeal dismissed as to 30CR-91-115 & 30CR-91-126; motion for writ of certiorari treated as motion to supplement the record and for extension of time and denied in part, moot in part, and granted in part; remanded for supplemental record; objections and motion in support of affidavit moot; motion to duplicate brief, for an expansion of the page limit, for appointment of counsel, and to compel denied. See **per curiam** this date.

CR-16-702. Mark David Johnson v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motions for extension of brief time and for rule on clerk to file brief are granted; brief previously tendered may be resubmitted for filing within fourteen days (April 27, 2017) from the date of this per curiam order.

CV-16-866. Rodney Dewayne Johnson v. State of Arkansas, from Lee County Circuit Court. Appellant's pro se motion for the court to reject appellee's brief as untimely for failure to comply with Arkansas Supreme Court Rule 4-7 and request to censure appellee's conduct is denied.

CV-16-1017. Jeremy S. Kennedy v. John Felts, Chairman, Arkansas Parole Board, and Arkansas Parole Board, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se appeal of denial of petition for leave to proceed in forma pauperis. Remanded to the circuit court to enter a supplemental order setting forth the court's factual findings that were the basis for the order denying in forma pauperis status in accord with Arkansas Rule of Civil Procedure 72 (2016); remand, including any supplemental record, returnable to this court within thirty days (May 13, 2017) from the date of this per curiam order; upon return of the remand, a new briefing schedule will be set for the appeal.

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[CV-16-1060](#). Khalid Ryahim Alexander v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant’s pro se motions objecting to scheduling order and for relief from judgment. Appeal dismissed; motions moot. See **per curiam** this date.

In Re Arkansas Board of Law Examiners. See **per curiam** this date.

Ernest Sanders of Little Rock is appointed to the Board of Law Examiners for a six-year term concluding on April 13, 2023. Mr. Sanders will be an at-large member and replaces Melissa McJunkins “Missy” Duke of Little Rock whose term has concluded.

The Court extends its sincere appreciation to Mr. Sanders for accepting appointment to this important board. The Court also expresses its gratitude to Ms. Duke for her dedicated service to the board.

In Re Arkansas Continuing Legal Education Board. See **per curiam** this date.

The Honorable Laurie Bridewell of Lake Village is appointed to the Continuing Legal Education Board for a three-year term to expire on April 13, 2020. Judge Bridewell will represent the First Congressional District and replaces Judge Mitch Cash, whose term has concluded.

Melissa McJunkins “Missy” Duke of Little Rock is appointed to the Continuing Legal Education Board for a three-year term to expire April 13, 2020. Ms. Duke will be an at-large representative, Position Nine; she replaces Elisa White of Little Rock, whose term has concluded.

Jim Jackson of Little Rock is reappointed to the Continuing Legal Education Board for a three-year term to expire on April 13, 2020. Mr. Jackson is an at-large representative, Position Six.

The court extends its sincere appreciation to Judge Bridewell and Ms. Duke for accepting appointment to this important board and to Mr. Jackson for accepting reappointment. The court also thanks Judge Cash and Ms. White for their years of dedicated service on this board.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF APRIL 13, 2017**

**MOTIONS SUBMITTED**

PETITION FOR REHEARING:

CR-16-427. Derrick Gerade Lambert v. State of Arkansas, from Drew County Circuit Court.

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PETITIONS FOR REVIEW:

CR-17-194. George Wesley Bates, Jr. v. State of Arkansas, from Poinsett County Circuit Court.

CV-16-1120. Southern Farm Bureau Casualty Insurance Company v. Shelter Mutual Insurance Company and Tommy Roberson, from Ashley County Circuit Court.

CV-16-1137. Chelsea S. Harley v. Wyndham S. Dempster, Sr., from Pulaski County Circuit Court, Fourteenth Division.

CV-16-1147. Judith L. Arnold v. Jerry K. Ashworth, from Newton County Circuit Court.

CV-17-10. James Branch v. Stephanie Branch, from Saline County Circuit Court.

CV-17-108. Carolyn Lawson v. Simmons Sporting Goods, Inc., from Ashley County Circuit Court.

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CV-16-899. The W L Harper Company and American Zurich Insurance Company v. George T. Woods, from the Arkansas Workers' Compensation Commission. Appellants' motion to dismiss appeal.

CV-16-1072. John E. Kiesling, Jr. v. Arkansas Professional Bail Association, from Pulaski County Circuit Court, Twelfth Division. Appellant's pro se motion for transfer back to the Arkansas Supreme Court.

**ARKANSAS SUPREME COURT**

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**MOTIONS SUBMITTED**

CV-16-1080. Geraldine Henson, as Personal Representative of the Estate of David Henson, Deceased v. Kelley Craddock, in His Official Capacity; Keith Ferguson, Individually; Jeff Robbins, Individually and in His Official Capacity; Jeremy Guyll; Olin Rankin; Janna Hulet; Michelle Wills; Warren Lafferty; Association of Arkansas Counties; and John or Jane Does 8-25, from Benton County Circuit Court. Appellant's motion to certify appeal to the Arkansas Supreme Court.

CV-16-1096. Gerber Products Company, Inc. v. CECO Concrete Construction, LLC; Alberici Constructors, Inc.; and Vee-Jay Cement Contracting Company, Inc., from Sebastian County Circuit Court, Fort Smith District. Respondent CECO Concrete Construction, LLC's motion to dismiss appeal.

CV-16-1137. Chelsea S. Harley v. Wyndham S. Dempster, Sr., from Pulaski County Circuit Court, Fourteenth Division. Appellee's motion to file belated response.

CV-16-1137. Chelsea S. Harley v. Wyndham S. Dempster, Sr., from Pulaski County Circuit Court, Fourteenth Division. Appellant's motion to withdraw petition for review.

CV-16-1147. Judith L. Arnold v. Jerry K. Ashworth, from Newton County Circuit Court. Appellant's pro se motion to amend petition for review.

CV-17-16. Theresa Marshall, Herman Marshall, and Earnest Marshall v. Nathaniel L. Marshall, Personal Representative of the Estate of Willie James Marshall, Deceased, from Pulaski County Circuit Court, Fourteenth Division. Appellant Theresa Marshall's pro se motion and brief in support for complete record.

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. Petitioner's motion to admit out-of-state counsel pro hac vice.

CV-17-262. Little Rock Studios, LLC d/b/a H&H Agency and Erin Henry v. Melton Properties, LLC, from Pulaski County Circuit Court, Sixth Division. Appellants' petition for writ of certiorari to extend time to lodge the record.

CV-17-263. Susannah Baxter v. John Wing, from Benton County Circuit Court. Petitioner's petition for writ of certiorari.

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**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF APRIL 13, 2017**

**MOTIONS SUBMITTED**

CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew 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-16-1088. Mark T. Crutcher v. Honorable Gordon Webb, Circuit Judge, from Baxter County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-17-145. Eric C. Burgie v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se motions for rule on clerk.

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.



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**CASES SUBMITTED**

CV-16-545. Department of Arkansas State Police v. Keech Law Firm, P.A., from Pulaski County Circuit Court, Seventeenth Division. Orally argued.

CV-16-148. Don Paul Bales v. City of Fort Smith, Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-16-584. Robinson Nursing and Rehabilitation Center, LLC d/b/a Robinson Nursing and Rehabilitation Center; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton v. Andrew Phillips, as Personal Representative of the Estate of Dorothy Phillips, Deceased, and on Behalf of the Wrongful Death Beneficiaries of Dorothy Phillips, and on Behalf of Themselves and All Others Similarly Situated, from Pulaski County Circuit Court, Sixth Division.

CV-16-697. Helena Country Club v. Billy Ray Brocato d/b/a Splash Pool & Spa, from Phillips County Circuit Court.

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CR-16-961. Don Earl Lewis v. State of Arkansas, from Miller County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>