

## ARKANSAS SUPREME COURT

### PROCEEDINGS OF JUNE 1, 2017

#### **KAREN R. BAKER, JUSTICE**

[CR-03-800](#). Anarian Chad Jackson v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's pro se sixth petition to reinvest jurisdiction in the trial court denied; motion to supplement the petition and motion to add to motion to supplement the petition are denied; motions to dismiss respondent's untimely response, for remand to the trial court for an evidentiary hearing, and to supplement motion to remand to the trial court for an evidentiary hearing are moot.

[CR-16-767](#). Jessie Hill v. State of Arkansas, from Grant County Circuit Court. Appellant's pro se motion for extension of time. Appeal moot in part and reversed in part; motion moot.

[CV-16-886](#). Rinaldo Rangel v. State of Arkansas, from Pope County Circuit Court. Affirmed.

[CV-17-126](#). Mark Antonio Williams v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for extension of time to file brief. Appeal dismissed; motion moot.

#### **COURTNEY HUDSON GOODSON, JUSTICE**

[CR-16-1113](#). Broderick Don Scott v. State of Arkansas, from Pulaski County Circuit Court, First Division. Reversed and remanded; motions moot. Wood, J., dissents.

[CV-17-33](#). Jackie Lee Williams v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

#### **JOSEPHINE LINKER HART, JUSTICE**

[CR-15-899](#). Zachary Holly v. State of Arkansas, from Benton County Circuit Court. Affirmed. Wood, J., concurs.

[CR-17-42](#). Joshua Anthony Beyard v. State of Arkansas, from Scott County Circuit Court. Appeal dismissed.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JUNE 1, 2017**

**RHONDA K. WOOD, JUSTICE**

[CV-16-238](#). Joshua Kilgore v. Robert Mullenax and Senior Dental Care, LLC, from Pulaski County Circuit Court, Second Division, from Pulaski County Circuit Court. Affirmed; court of appeals opinion vacated. Special Justice Jason B. Hendren joins. Hart, J., dissents. Wynne, J., not participating.

[CV-16-1038](#). Gloria Daniel v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Sixth Division. Affirmed.

**ROBIN F. WYNNE, JUSTICE**

[CR-16-891](#). Alan Ray Edwards v. State of Arkansas, from Garland County Circuit Court. Affirmed.

**SHAWN A. WOMACK, JUSTICE**

[CR-17-248](#). Calvin Lee Marshall v. State of Arkansas, from Phillips County Circuit Court. Petitioner's pro se motion for belated appeal treated as motion for rule on clerk and denied.

[CR-17-277](#). Don Michael Cox v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motion for belated appeal and rule on clerk treated as motion for belated appeal and granted; in forma pauperis status granted; writ of certiorari to be filed within fourteen days; motion for appointment of counsel moot.

**PER CURIAM OPINIONS**

[CR-16-1126](#). Paul W. Latham v. Wendy Kelley, Director, Arkansas Department of Correction, from Miller County Circuit Court. Reversed and remanded; motion moot.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JUNE 1, 2017**

**PER CURIAM ORDERS**

**REHEARINGS DENIED:** Petitions for rehearing were denied today in the following cases.

CR-16-809. Marvin A. Stanton v. State of Arkansas, from Miller County Circuit Court.

CV-16-934. Keep Our Dollars in Independence County and Carol Crosby v. Tracey Mitchell, in Her Official Capacity as County Clerk; Candy Allison Konkler; and State of Arkansas, from Independence County Circuit Court.

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

CV-17-245. Chelsea S. Harley v. Wyndham S. Demptser, Sr., from Pulaski County Circuit Court, Fourteenth Division.

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

CR-17-407. Tyrun Lamont Jones v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-17-234. James Hubbard v. Riceland Foods, Liberty Mutual Insurance Company, and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-17-244. Thomas Ellis Stuart v. Arkansas Department of Finance and Administration, and Larry Walther, Director, from Drew County Circuit Court.

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**REVIEW DISMISSED:** Petition for review was dismissed today in the following case.

CV-17-246. Multi-Craft Contractors, Inc., and Gallagher Bassett Services, Inc. v. Rick Yousey, from the Arkansas Workers' Compensation Commission. Hart, J., would grant.

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CR-17-146. Christopher Allan Eason, Sr. v. State of Arkansas, from Clark County Circuit Court. Petitioner's pro se motion for reconsideration is denied.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JUNE 1, 2017**

**PER CURIAM ORDERS**

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. Motion of non-resident attorney Bryan A. Merryman to participate in a particular case is granted.

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. Motion of non-resident attorney Matthew P. Lewis to participate in a particular case is granted.

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) is denied.

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. Appellant's motion for writ of certiorari to complete the record is granted.

CV-17-168. The Board of Trustees of the University of Arkansas v. Matthew Andrews, from Phillips County Circuit Court. Motion of the Attorney General of Arkansas for permission to file as amicus curiae in support of appellant is granted. Goodson, J., not participating.

CV-17-382. Kimberly Kenney v. University of Arkansas at Little Rock, from Pulaski County Circuit Court, Ninth Division. Appellant's pro se motion to file belated appeal is denied. Goodson, J., not participating.

CV-17-394. Kimberly Kenney v. Rainwater, Holt, and Sexton, P.A.; Sarah Baber; Allstate Property & Casualty Insurance Company; and Geico Casualty Company, from Pulaski County Circuit Court, Seventeenth Division. Appellant's pro se motion to file belated appeal is denied. Kemp, C.J., not participating.

D-11-1259. Stark Ligon, Executive Director of the Supreme Court Committee on Professional Conduct v. Bruce J. Bennett, Arkansas Bar No. 92140, an Original Action. Petitioner's motion to strike respondent's brief for failure to comply with Rule 4-2 of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas is denied. Motion for extension of brief time granted.

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**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JUNE 1, 2017**

**PER CURIAM ORDERS**

CV-16-906. Joshua D. Peters v. Wendy Kelley, Director, Arkansas Department of Correction, from Pulaski County Circuit Court, Sixth Division. Appellee's motion to dismiss appeal is granted.

CV-17-278. \$4,076.00 in U.S. Currency and Nathaniel Adam Walters v. State of Arkansas, from Washington County Circuit Court. Petitioner's pro se petition for leave to proceed in forma pauperis is denied. Petitioner is required to remit the filing fee necessary to lodge the appeal within thirty days of this per curiam order.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JUNE 1, 2017**

**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

CR-81-82. Robert R. Heffernan a/k/a Robert Richard Heffernan v. State of Arkansas, from Saline County Circuit Court.

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**PETITIONS FOR REVIEW:**

CV-17-268. Brookshire Grocery Company v. Cleon Morgan, Sr., from the Arkansas Workers' Compensation Commission.

CV-17-302. June Bradshaw v. Fort Smith School District and Fort Smith Public Schools Board of Education, from Sebastian County Circuit Court, Fort Smith District.

CV-17-304. Frederick S. "Rick" Spencer v. Air Evac EMS, Inc. a/k/a Air Evac Lifeteam, from Baxter County Circuit Court.

CV-17-307. Derek Scott Hagar, Administrator of the Estate of Darren Scott Hagar, Deceased, and on Behalf of the Wrongful-Death Beneficiaries of Darren Scott Hagar v. Robert T. Shull, M.D., from Crittenden County Circuit Court.

CV-17-331. Arkansas Department of Community Correction and Arkansas Insurance Department, Public Employee Claims Division v. Theresa Barclay, from the Arkansas Workers' Compensation Commission.

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CR-17-404. Brandon E. Lacy v. State of Arkansas, from Benton County Circuit Court. Motion of Patrick J. Benca to be relieved as counsel of record for appellant and request for the appointment of counsel for appeal.

CV-17-317. State of Arkansas; Arkansas Department of Correction; Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas; Wendy Kelley, in Her Official Capacity as Director of the Arkansas Department of Correction v. Hon. Alice Gray, Circuit Judge and McKesson Medical-Surgical, Inc., from Pulaski County Circuit Court, Twelfth Division. Petitioners' motion to dismiss emergency petition for immediate writ of mandamus, writ of certiorari, or superintending writ.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JUNE 1, 2017**

**MOTIONS SUBMITTED**

CV-17-414. Welspun Pipes, Inc.; Welspun Tubular, LLC; Debashish Bhowmick; Saleem Sawar; and Martin Cain v. Pulaski County Circuit Court, Honorable Timothy Davis Fox, and Juan Pineda, from Pulaski County Circuit Court, Sixth Division. Petitioners' application for temporary relief.

CV-17-414. Welspun Pipes, Inc.; Welspun Tubular, LLC; Debashish Bhowmick; Saleem Sawar; and Martin Cain v. Pulaski County Circuit Court, Honorable Timothy Davis Fox, and Juan Pineda, from Pulaski County Circuit Court, Sixth Division. Petitioners' petition for writ of prohibition or, in the alternative, writ of certiorari to the circuit court of Pulaski County.

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CR-16-983. Douglas David True v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of time to file reply brief.

CR-16-1101. Bruce Wayne Brown v. State of Arkansas, from Garland County Circuit Court. Appellant's second pro se motion for seven-day extension to file appeal brief.

CV-16-907. Kenneth Ray Pitts v. Patrick S. Drummond, APN; William Benton, Health Services Administrator; Roy Griffins, Deputy Director, Health and Correctional Program; and Arkansas Department of Correction, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion for pro se brief and to file amended pleadings in pro se appeal of denial of petition for leave to proceed in forma pauperis.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JUNE 1, 2017**

**CASES SUBMITTED**

CR-16-831. Roosevelt R. Coleman v. State of Arkansas, from Crittenden County Circuit Court.

CR-16-1062. Detric Deshun Wilson v. State of Arkansas, from Lonoke County Circuit Court.

CV-16-488. Debra Mason v. Charles Mason, from Pulaski County Circuit Court, Third Division.

CV-16-755. Arkansas State Medical Board and Peggy Cryer, Individually and in Her Official Capacity v. Kristi Byers, from Pulaski County Circuit Court, Second Division.