

ARKANSAS SUPREME COURT

PROCEEDINGS OF SEPTEMBER 14, 2017

COURTNEY HUDSON GOODSON, JUSTICE

[CR-99-126](#). Charles Green v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Response ordered.

RHONDA K. WOOD, JUSTICE

[CR-17-181](#). Jessie E. Hill v. Edwin A. Keaton, Circuit Judge, from Ouachita County Circuit Court. Petitions granted in part and denied in part; motion denied.

ROBIN F. WYNNE, JUSTICE

[CR-14-257](#). Christopher Grady v. State of Arkansas, from Jackson County Circuit Court. Petition denied; motions moot.

SHAWN A. WOMACK, JUSTICE

[CR-16-1061](#). Kevin Lee Reed v. State of Arkansas, from Benton County Circuit Court. Affirmed.

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PER CURIAM ORDERS

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

[CR-16-413](#). Arron Michael Lewis v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Hart, J., dissents. See **dissenting opinion** this date.

CR-16-1075. Olajuwon Smith v. State of Arkansas, from Benton County Circuit Court.

CV-15-898. Clyde N. Booth and Frank W. Booth v. Candice A. Franks, Bank Commissioner of the State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Hart, J., would grant.

CV-17-329. Duane Gonder v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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

[CV-17-411](#). Estate of Anderson Dale Williams, Deceased, and Twyla A. Williams, Administrator v. Schwarze Industries, Inc., and Arkansas Power Steering and Hydraulics, Inc., from Desha County Circuit Court, Arkansas City District. Hart, J., dissents. See **dissenting opinion** this date.

[CV-17-425](#). Nathan J. Jarrett and Key Energy Services, LLC v. Andrew J. Brand, from Perry County Circuit Court. Hart, J., dissents. See **dissenting opinion** this date.

[CV-17-474](#). Danielle Blair v. Randall Willis, from Garland County Circuit Court. Baker and Wynne, JJ., would grant. Hart, J., dissents. See **dissenting opinion** this date.

CV-17-530. Sharon K. Barton, Robert Franklin Bryant, Gallie Thomas Bryant, and Frances Paulette Bryant v. Bobby and Sheila Brockinton, from Faulkner County Circuit Court. Baker and Hart, JJ., would grant.

CR-92-1385. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to recall the mandate taken on April 17, 2017, is denied.

CR-92-1385. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to dismiss stay of execution is denied.

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CR-00-528. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to recall the mandate taken on April 17, 2017, is denied.

CR-00-528. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to dismiss stay of execution is denied.

CR-07-1308. Derek Sales v. State of Arkansas, from Bradley County Circuit Court. Motion of Julie Vandiver and John C. Williams for permission to be recognized as counsel on behalf of petitioner is granted.

CR-07-1308. Derek Sales v. State of Arkansas, from Bradley County Circuit Court. Petitioner's petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis is denied. Baker and Wynne, JJ., would take as a case.

CR-07-1308. Derek Sales v. State of Arkansas, from Bradley County Circuit Court. Petitioner's motion to take as a case is denied. Baker and Wynne, JJ., would grant.

CR-13-1006. Rolandis Lorenzo Chatmon v. State of Arkansas, from Faulkner County Circuit Court. Motion of David R. Raupp, Senior Assistant Attorney General, to substitute counsel of record for respondent is granted.

CR-13-1006. Rolandis Lorenzo Chatmon v. State of Arkansas, from Faulkner County Circuit Court. Petitioner's pro se motion for reconsideration is denied.

CR-14-257. Christopher S. Grady v. State of Arkansas, from Jackson County Circuit Court. Motion of Michael A. Hylden, Assistant Attorney General, to substitute counsel of record for appellee is granted.

CR-16-1132. Darren Duncan v. State of Arkansas, from Arkansas County Circuit Court, Southern District. Motion of Kent G. Holt, Assistant Attorney General, to substitute counsel of record for appellee is granted.

CR-16-1135. Laron Edward Williams v. State of Arkansas, from Clark County Circuit Court. Motion of Terrence Cain to be appointed as counsel on behalf of appellant is granted.

CR-17-89. Mauricio Alejandro Torres v. State of Arkansas, from Benton County Circuit Court. Appellant's second amended motion for extension of time to comply with writ of certiorari is granted.

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CR-17-120. Morris Dean Davis v. State of Arkansas, from Boone County Circuit Court. Motion of Kathryn Henry, Assistant Attorney General, to substitute counsel of record for respondent is granted.

CR-17-164. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Motion of Bryce Benjet for admission pro hac vice is granted.

CR-17-230. Wallace A. Gardner v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant's pro se motion for reconsideration is denied.

CR-17-260. Richard Ralph Conte v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to file belated brief is granted. Wood, J., not participating.

CR-17-353. Elliott Harold Finch, Jr. v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion to dismiss appeal without prejudice is granted.

CR-17-357. Elliott Harold Finch, Jr. v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion to dismiss appeal without prejudice is granted.

CR-17-360. Elliott Harold Finch, Jr. v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion to supplement the record on appeal is granted.

CR-17-362. Omar J. Griffis v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motion for reconsideration is denied.

CR-17-546. Courtney Jarrell Douglas v. State of Arkansas, from Union County Circuit Court. Appellant's motion to supplement record and for permission to file belated brief is granted.

CR-17-547. Courtney Jarrell Douglas v. State of Arkansas, from Union County Circuit Court. Appellant's motion to supplement record and for permission to file belated brief is granted.

CR-17-585. State of Arkansas v. Damarcus Jordan, from Pulaski County Circuit Court, Fourth Division. Respondent's motion requesting permission to file a belated response to the State's petition requesting the issuance of a writ of certiorari is granted.

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CR-17-586. State of Arkansas v. Prince Johnson, from Pulaski County Circuit Court, Fourth Division. Respondent's motion requesting permission to file a belated response to the State's petition requesting the issuance of a writ of certiorari is granted.

CR-17-588. State of Arkansas v. Charles Lee, from Pulaski County Circuit Court, Fourth Division. Respondent's motion requesting permission to file a belated response to the State's petition requesting the issuance of a writ of certiorari is granted.

CR-17-589. State of Arkansas v. Mervin Jenkins, from Pulaski County Circuit Court, Fourth Division. Respondent's motion requesting permission to file a belated response to the State's petition requesting the issuance of a writ of certiorari is granted.

CR-17-590. State of Arkansas v. Wallace Allen, from Pulaski County Circuit Court, Fourth Division. Respondent's motion requesting permission to file a belated response to the State's petition requesting the issuance of a writ of certiorari is granted.

CR-17-591. State of Arkansas v. Terry Carroll, from Pulaski County Circuit Court, Fourth Division. Respondent's motion requesting permission to file a belated response to the State's petition requesting the issuance of a writ of certiorari is granted.

CR-17-685. Anfernee Wells v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's motion for rule on clerk is granted.

CV-16-575. Apprentice Information Systems, Inc., and David Randall Lamp a/k/a Randy Lamp v. Datascout, LLC, from Benton County Circuit Court. Motion of Robert S. Tschiemer to withdraw as counsel for appellee 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. Appellants' motion for rule on clerk is denied. Goodson and Hart, JJ., would grant.

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. Appellee's motion to dismiss appeal is granted. Goodson and Hart, JJ., would deny.

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CV-17-168. The Board of Trustees of the University of Arkansas v. Matthew Andrews, from Phillips County Circuit Court. Motion of amicus curiae for exception to Ark. Sup. Ct. R. 4-6(b) and permission to participate in oral argument is denied. Goodson, J., not participating.

CV-17-183. Arkansas Department of Human Services v. Bradley Ledgerwood, Louella Jones, Peggy Sanders, Marcus Strope, Winnie Winston, Dana Wolf, and Michael Yarra, from Pulaski County Circuit Court, Fifth Division. Motion of Amy Pritchard to withdraw as counsel is granted.

CV-17-227. Charles Jerry Walker, Tiffany Lognion, and Alphonso Wynn, Individually and on Behalf of a Class of Similarly Situated Persons v. Wilmoie Corp., from Pulaski County Circuit Court, Second Division. Appellants' motion to supplement the addendum and file a substituted opening brief is granted.

CV-17-245. Chelsea S. Harley v. Wyndham S. Dempster, Sr., from Pulaski County Circuit Court, Fourteenth Division. Appellant's motion to file belated brief is denied. Goodson, Wynne, and Womack, JJ., would grant.

CV-17-246. Multi-Craft Contractors, Inc., and Gallagher Bassett Services, Inc. v. Rick Yousey, from the Arkansas Workers' Compensation Commission. Appellants' motion to file supplemental brief is granted. Kemp, C.J., and Goodson, J., would deny.

CV-17-327. Davis Nursing Association d/b/a Davis Life Care Center v. Gracie Neal, as Personal Representative of Johnny Newborn, and on Behalf of the Wrongful Death Beneficiaries of Johnny Newborn, from Jefferson County Circuit Court. Appellant's motion to certify appeal to the Arkansas Supreme Court is denied. Kemp, C.J., and Baker and Hart, JJ., would grant.

CV-17-341. Tyrell Benson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Motion of Vada Berger, Assistant Attorney General, to substitute counsel of record for appellee is granted.

CV-17-576. Brookshire Grocery Company v. Cleon Morgan, Sr., from the Arkansas Workers' Compensation Commission. Appellant's motion to allow filing of supplemental brief is granted. Kemp, C.J., and Baker and Goodson, JJ., would deny.

CV-17-583. Mike Steeland v. Bobbie Jo Steeland, from Monroe County Circuit Court. Appellant's application for writ of certiorari to complete the record and motion to stay briefing schedule pending issuance and return of the writ is granted.

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CV-17-628. Minor L. McNeil and Deborah F. McNeil v. Honorable Gary Arnold, Circuit Judge, and U.S. Bank, National Association, from Saline County Circuit Court. Petitioners' petition for writ of habeas corpus is denied.

CV-17-628. Minor L. McNeil and Deborah F. McNeil v. Honorable Gary Arnold, Circuit Judge, and U.S. Bank, National Association, from Saline County Circuit Court. Motion of Jerry P. McNeil to appear on behalf of petitioners is denied. Womack, J., would grant.

CV-17-628. Minor L. McNeil and Deborah F. McNeil v. Honorable Gary Arnold, Circuit Judge, and U.S. Bank, National Association, from Saline County Circuit Court. Respondent's motion for leave to file belated response in opposition to petition for writ of habeas corpus is granted.

CV-17-633. Donna Swangel v. Arkansas Department of Human Services and Minor Children, from Marion County Circuit Court. Appellant's motion for rule on clerk is granted.

CV-17-634. City of Jacksonville, Arkansas; Gary Fletcher, Mayor; Susan Davitt, City Clerk/Treasurer; and Geoffrey Herweg, Chief of Police v. Tara Smith, from Pulaski County Circuit Court, Twelfth Division. Appellants' motion to stay pending interlocutory appeal is denied.

CV-17-653. Jim Harris, Individually and in His Official Capacity, and Dennis Milligan, Individually and in His Official Capacity as Treasurer of the State of Arkansas v. David Singer, from Pulaski County Circuit Court, Second Division. Appellants' motion for a stay of the briefing schedule or, in the alternative, for an extension of time to file the opening brief. Motion for stay of the briefing schedule granted.

CV-17-666. Kristal L. Thompson v. Luke B. Brunck and Amber M. Brunck, from Washington County Circuit Court. Appellant's motion for rule on clerk is granted. Baker, Goodson, and Wood, JJ., would deny.

CV-17-670. Simon Pockrus v. Honorable Brad Karren, Circuit Judge, from Benton County Circuit Court. Petitioner's petition for writ of certiorari is dismissed as moot.

CV-17-690. David Singer v. Jim Harris, Individually and in His Official Capacity, Dennis Milligan, Individually and in His Official Capacity as Treasurer of the State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellants' motion for rule on clerk is denied.

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D-13-150. Stark Ligon, as Executive Director, Arkansas Supreme Court Committee on Professional Conduct v. John Skylar “Sky” Tapp, Arkansas Bar ID # 76123, an Original Action. Respondent’s motion for leave to supplement petition for rehearing is denied. Baker and Hart, JJ., would grant.

In Re Board of Certified Court Reporter Examiners. See [per curiam](#) this date.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

D-13-150. Stark Ligon, as Executive Director, Arkansas Supreme Court Committee on Professional Conduct v. John Skylar “Sky” Tapp, Arkansas Bar ID # 76123, an Original Action.

CR-92-1385. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellant’s pro se motion to dismiss appeal.

CR-92-1385. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellant’s pro se motion to dismiss federal defenders.

CR-92-1385. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellee’s unopposed motion to stay the briefing schedule.

CR-00-528. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellant’s pro se motion to dismiss appeal.

CR-00-528. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellant’s pro se motion to dismiss federal defenders.

CR-00-528. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellee’s unopposed motion to stay the briefing schedule.

CR-16-949. Eric Darnell Thrower v. State of Arkansas, from Ouachita County Circuit Court. Appellant’s motion and brief for retrial based on deficient record.

CR-17-89. Mauricio Alejandro Torres v. State of Arkansas, from Benton County Circuit Court. Appellant’s third amended motion for extension of time to comply with writ of certiorari.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of Jin Hee Lee to appear pro hac vice.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of Ajmel Quereshi to appear pro hac vice.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of Corrine A. Irish to appear pro hac vice.

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MOTIONS SUBMITTED

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of George H. Kendall to appear pro hac vice.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of Christopher Kemmitt to appear pro hac vice.

CR-17-687. Jeffery Allen Wolfe v. State of Arkansas, from Yell County Circuit Court, Southern District. Appellant's motion for belated appeal.

CR-17-687. Jeffery Allen Wolfe v. State of Arkansas, from Yell County Circuit Court, Southern District. Appellant's amended motion for belated appeal.

CR-17-687. Jeffery Allen Wolfe v. State of Arkansas, from Yell County Circuit Court, Southern District. Motion of Christopher Tolleson to be relieved as counsel, for substitution of counsel, and to stay briefing schedule.

CR-17-687. Jeffery Allen Wolfe v. State of Arkansas, from Yell County Circuit Court, Southern District. Motion of Gregg E. Parish to appoint and substitute counsel on behalf of appellant.

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's pro se motion for extension of time to complete the record.

CV-17-240. Larry Walther, Director, Arkansas Department of Finance and Administration v. Flis Enterprises, Inc., from Pulaski County Circuit Court, Third Division. Appellant's motion to reassign case to the Supreme Court.

CV-17-717. W.N. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to seal.

CV-17-719. W.N. v. Honorable Wendell Griffen, Circuit Judge, from Pulaski County Circuit Court, Fifth Division. Petitioner's petition for writ of prohibition or, in the alternative, for writ of certiorari.

CV-17-719. W.N. v. Honorable Wendell Griffen, Circuit Judge, from Pulaski County Circuit Court, Fifth Division. Petitioner's motion to seal.

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MOTIONS SUBMITTED

CR-07-328. Tilton Rhodes v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion for transcript.

CR-17-548. Pernell Carter v. Honorable Ralph Wilson, Jr., Circuit Judge, from Crittenden County Circuit Court. Petitioner's pro se petition for writ of mandamus.

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CASES SUBMITTED

CV-17-220. Kenneth W. Tilley, Individually and as Trustee of the Kenneth Tilley Family Trust v. Malvern National Bank and Stephen Moore, from Garland County Circuit Court. Orally argued.

CR-16-125. Arthur L. Hicks v. State of Arkansas, from Arkansas County Circuit Court, Northern District.

CR-17-149. Brad S. Hortenberry v. State of Arkansas, from Greene County Circuit Court.

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

CR-17-239. State of Arkansas v. Rickey Dale Newman, from Crawford County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>