

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF OCTOBER 26, 2017

### **JOHN DAN KEMP, CHIEF JUSTICE**

[CR-16-1135](#). Laron Edward Williams v. State of Arkansas, from Clark County Circuit Court. Affirmed.

[CR-17-370](#). Dennis Van Jenkins v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for appointment of counsel and stay of briefing schedule. Appeal dismissed; motion moot.

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

[CR-07-328](#). Tilton Rhodes v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion for transcript. Response ordered.

[CV-16-1016](#). Howard T. Wood v. State of Arkansas, Arkansas Sentencing Commission, and Governor Asa Hutchinson, from Pulaski County Circuit Court, Sixth Division. Remanded with instructions. Wood, J., dissents.

### **RHONDA K. WOOD, JUSTICE**

[CR-00-698](#). Brian Leonard Faulkens v. State of Arkansas, from Crittenden 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. Petition denied.

### **SHAWN A. WOMACK, JUSTICE**

[CR-05-1183](#). Walter A. McCullough v. State of Arkansas, from Craighead County Circuit Court, Western District. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Petition denied.

[CR-07-681](#). Wesley Jefferson v. State of Arkansas, from St. Francis 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. Petition denied.

[CV-17-247](#). Michael Anthony Clay v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed.

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**PER CURIAM ORDERS**

CR-92-1385. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Motion of Deborah R. Sallings to withdraw as counsel on behalf of appellant is granted.

CR-98-256. Demarco Wilson v. State of Arkansas, from Crittenden County Circuit Court. Petitioner's petition to reinvest jurisdiction with the Crittenden County Circuit Court is denied. Hart, J., would grant

CR-98-657. Bruce Earl Ward v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Deborah R. Sallings to withdraw as counsel on behalf of appellant is granted.

CR-00-528. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Motion of Deborah R. Sallings to withdraw 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 fourth amended motion for extension of time to comply with writ of certiorari is granted.

CR-17-181. Jessie E. Hill v. Edwin A. Keaton, Circuit Judge, from Ouachita County Circuit Court. Petitioner's pro se motion for reconsideration is denied.

CR-17-404. Brandon E. Lacy v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for leave to file an enlarged brief is granted. Baker and Wood, JJ., would deny.

CR-17-533. Derrick Lynell Harris v. State of Arkansas, from Drew County Circuit Court. Appellant's motion to be excused from the abstracting requirement is granted.

CR-17-573. Jerrime Wade Mardis v. State of Arkansas, from Saline County Circuit Court. Appellee's motion to withdraw petition for review is granted.

CR-17-703. Marlon Donte Howell v. State of Arkansas, from Hempstead County Circuit Court. Appellant's motion to hold briefing in abeyance is granted. Baker and Hart, JJ., would deny.

CR-17-772. Ryan James Kirkland v. State of Arkansas, from Washington County Circuit Court. Motion of Blake Chancellor to be relieved as attorney for appellant and stay briefing schedule is granted.

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**PER CURIAM ORDERS**

CV-16-814. Willie Gaster Davis, Jr. v. Thomas Deen, Prosecuting Attorney, from Desha County Circuit Court, Arkansas City District. Appellant's amended motion for belated appeal and rule on clerk is granted. Wood, J., would deny.

CV-17-168. The Board of Trustees of the University of Arkansas v. Matthew Andrews, from Phillips County Circuit Court. Appellee's objection to notice of supplemental authorities is denied. Goodson, J., not participating.

CV-17-245. Chelsea S. Harley v. Wyndham S. Dempster, Sr., from Pulaski County Circuit Court, Fourteenth Division. Appellant's unopposed motion to reconsider motion to file belated appellant's court of appeals brief is denied. Kemp, C.J., and Goodson and Wynne, JJ., would grant.

CV-17-341. Tyrell Benson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Jeff Rosenzweig appointed as counsel for appellant.

CV-17-377. Apprentice Information Systems, Inc., and David Randall Lamp a/k/a Randy Lamp v. DataScout, LLC, from Benton County Circuit Court. Appellants' unopposed motion for leave to file corrected and substituted brief is granted.

CV-17-377. Apprentice Information Systems, Inc., and David Randall Lamp a/k/a Randy Lamp v. DataScout, LLC, from Benton County Circuit Court. Appellee's unopposed motion to remand for want of a final order, to stay the briefing schedule and for extension of time is granted.

CV-17-435. 3 Rivers Logistics, Inc.; Heath Holbert; Amy Holbert; Gary Moss; Renee Moss; Judy McSwain; Richard F. Allen, Jr., and Judy Allen, as Trustees of the 2013 Allen Family Revocable Trust; and Richard F. Allen, Jr. v. Brown-Wright Post No. 158 of the American Legion, Department of Arkansas, Inc., from Arkansas County Circuit Court, Southern District. Appellants' motion for oral argument is denied. Hart, J., would grant.

CV-17-514. Apprentice Information Systems, Inc., and David Randall Lamp a/k/a Randy Lamp v. DataScout, LLC, from Benton County Circuit Court. Appellee's unopposed motion to remand for want of a final order and to stay briefing is granted.

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' request for certificate of federal question of petition for writ of habeas corpus is denied.

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**PER CURIAM ORDERS**

CV-17-678. Herman Conley, Kenneth Edwards and James Tate, Sr., Individually and on Behalf of a Class of Similarly Situated Persons v. Boll Weevil Pawn Company, Inc., from Pulaski County Circuit Court, Sixth Division. Appellants' motion to supplement the record is granted.

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CR-07-238. Kenny Travis, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Petitioner's pro se motion to file belated and overlength petition for reconsideration is denied.

CR-16-537. Khalin Collins v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion for extension of time to file a reply brief is granted in part and denied in part; appellant's reply brief is due fourteen days from the date of this per curiam order (November 9, 2017).

CR-16-547. Matthew Nichols v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion for rule on clerk to file tendered pro se petition for rehearing of the April 13, 2017 decision dismissing appeal from a denial of petition for postconviction relief pursuant to Rule 37.1. Motion for rule on clerk to file tendered petition for rehearing is denied.

CR-16-574. John Richard Lukach v. State of Arkansas, from Hot Spring County Circuit Court. Petitioner's pro se motion objecting to State's failure to respond is moot.

CR-17-598. Joel Raymond Rodriguez v. State of Arkansas, from Saline County Circuit Court. Petitioner's pro se motion to file belated appeal is denied.

CR-17-644. Austin D. Cooper v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for belated appeal and pro se motion to amend motion for belated appeal are denied.

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**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

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

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CR-07-1308. Derek Sales v. State of Arkansas, from Bradley County Circuit Court. Petitioner's motion for reconsideration.

CR-17-196. Alexander Pokatilov v. State of Arkansas, from Lonoke County Circuit Court. Appellee's motion for extension of time to file response to appellant's petition for rehearing pursuant to Arkansas Supreme Court Rule 2-3(b).

CR-17-533. Derrick Lynell Harris v. State of Arkansas, from Drew County Circuit Court. Entry of appearance of Jeff Rosenzweig as co-counsel on behalf of appellant.

CR-17-546. Courtney Jarrell Douglas v. State of Arkansas, from Union County Circuit Court. Appellant's motion to consolidate cases.

CR-17-547. Courtney Jarrell Douglas v. State of Arkansas, from Union County Circuit Court. Appellant's motion to consolidate cases.

CR-17-554. Frederick Jones v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion for reassignment to the Supreme Court.

CR-17-854. Angela Zimmerman v. Circuit Court of Miller County, from Miller County Circuit Court. Petitioner's petition for writ of certiorari.

CV-16-575. Apprentice Information Systems, Inc., and David Randall Lamp a/k/a Randy Lamp v. Datascout, LLC, from Benton County Circuit Court. Joint motion for oral argument.

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. Appellees' status report.

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**MOTIONS SUBMITTED**

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 status report.

CV-16-834. Harold Eugene Rogers v. Gleenover Knight, from Lincoln County Circuit Court. Appellant' pro se motion for reconsideration.

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

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

CV-17-103. Air Evac EMS, Inc. v. USABLE Mutual Insurance Co. d/b/a Arkansas Blue Cross and Blue Shield, from the United States District Court, Eastern District of Arkansas, Western Division. Appellee's motion for permission for Anthony F. Shelley to participate in oral argument.

CV-17-567. James Scott Adams v. Arkansas Board of Law Examiners, an Original Action. Joint motion to correct the record.

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' pro se motion for leave to filed belated response in support of petition for habeas corpus.

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 sanctions and to strike.

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' second pro se motion for leave to filed belated response in support of petition for habeas corpus.

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**MOTIONS SUBMITTED**

CV-17-637. John Buckner v. Rita Buckner, from Union County Circuit Court. Appellant's motion for reconsideration.

CV-17-676. Deandra L. Stephenson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Motion of Amanda Jegley, Assistant Attorney General, to substitute counsel of record for appellee.

CV-17-793. OCWEN Loan Servicing, LLC, and Federal Home Loan Mortgage Corporation v. Jamie T. Mickna, from Washington County Circuit Court. Appellants' motion for leave to file reply in support of petition for review.

CV-17-817. Gail Bennett v. Circuit Court of Crawford County, from Crawford County Circuit Court. Petitioner's petition for writ of certiorari.

CV-17-818. Eugene Bennett v. Circuit Court of Crawford County, from Crawford County Circuit Court. Petitioner's petition for writ of certiorari.

CV-17-846. Angela Riley v. Israel Riley, from Craighead County Circuit Court, Eastern District. Appellant's petition for writ of certiorari to extend time to lodge the record.

D-17-879. In Re William Curtis Bailey, Arkansas Bar No. 2012244, an Original Action. Petition of William Curtis Bailey, Arkansas Bar No. 2012244, to surrender Arkansas law license.

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CR-16-1044. James Johnson III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss appeal.

CR-17-145. Eric Burgie v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se motion for rule on clerk to file belated petition for reconsideration.

CR-17-253. Thomas C. Ortega v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CR-17-428. Bryce Allen v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se motion for rule on clerk.

CR-17-469. Robert William Fischer v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se motion for rule on clerk.

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**MOTIONS SUBMITTED**

CR-17-534. James Edward Whitney v. State of Arkansas, from Washington County Circuit Court. Petitioner's pro se motion for leave to file a belated petition for review.

CV-17-385. Russell Berger v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion to supplement the record and to waive briefing in appeal of April 17, 2017 order denying petition to proceed in forma pauperis.

CV-17-438. Terrick Nooner v. Wendy Kelley, Director, Arkansas Department of Correction; and Donald Trump, President, United States of America, from Lincoln County Circuit Court. Appellant's pro se motions for extension of time; for sanctions; and for an interlocutory injunction; pro se petitions for writ of certiorari and pro se amended petitions for writ of certiorari.



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**CASES SUBMITTED**

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. Orally argued.

CR-16-800. Virginia Ann Hyatt v. State of Arkansas, from Miller County Circuit Court.

CR-17-177. State of Arkansas v. David L. Lasley, from Crittenden County Circuit Court.

CR-17-431. State of Arkansas v. Stoney McWilliams, from Poinsett County Circuit Court.

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 Robins, Individually and In His Official Capacity; Jeremy Guyll; Olin Rankin; Janna Hulet; Michele Wills; Warren Lafferty; Association of Arkansas Counties; and John or Jane Does 1–25, from Benton County Circuit Court.

CV-17-86. Industrial Welding Supplies of Hattiesburg, LLC; Airgas, Inc.; and Airgas USA, LLC v. John Pinson and Larry Murphy, from Union County Circuit Court.

CV-17-788. Wendy Kelley, Director, Arkansas Department of Correction; and Arkansas Department of Correction v. Steven Shults, from Pulaski County Circuit Court, Seventeenth Division.

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CR-16-970. Ardwin Sylvester v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-16-983. Douglas David True v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-17-198. Fred Lee Williams v. State of Arkansas, from Drew County Circuit Court.

CV-17-34. Kedrick Trevon Darrough v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>