

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF JANUARY 4, 2018

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

[CR-17-481](#). Roderick R. Williams v. Honorable Steven Porch, Circuit Judge, from Desha County Circuit Court, Arkansas City District. Petitioner's pro se petition for writ of mandamus. Petition granted in part and denied without prejudice in part. Hart, J., dissents.

[CV-17-505](#). Willie James Noble v. State of Arkansas, from Lee County Circuit Court. Appeal dismissed. Hart, J., dissents.

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

[CV-17-495](#). Reginald Dunahue v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to file non-conforming belated brief. Appeal dismissed; motion moot. Hart, J., dissents.

### **ROBIN F. WYNNE, JUSTICE**

[CR-16-702](#). Mark David Johnson v. State of Arkansas, from Drew County Circuit Court. Affirmed. Hart, J., dissents.

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

[CV-17-486](#). Michael Lee Garrison 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, access to the record on appeal, and duplication of appellant's brief. Appeal dismissed; motion moot. Hart, J., dissents.

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**PER CURIAM ORDERS**

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

CR-16-849. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-17-143. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-17-144. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-17-672. Carl Prince v. Wendy Kelley, Director, Arkansas Department of Correction, from Sebastian County Circuit Court, Fort Smith District. Hart, J., would grant.

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CR-16-970. Ardwin Sylvester v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for reconsideration is denied.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of Danielle Gray to appear pro hac vice is granted.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of Samantha Goldstein to appear pro hac vice is granted.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of John Hill to appear pro hac vice is granted.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of National Association for Public Defense and Distinguished Members of the Bar for leave to file brief of amicus curiae is granted.

CR-17-792. James Elijah West v. State of Arkansas, from Garland County Circuit Court. Motion of Sharon Kiel for award of attorney's fees is granted. Allowed \$250.00.

CR-17-1059. Rafael Sanchez v. Honorable Gary Arnold, from Saline County Circuit Court. Petitioner's petition for writ of prohibition and expedited consideration is denied. Kemp, C.J., would grant as to refusal to submit and deny as to careless driving. Wynne,

J., would grant motion to expedite and deny the petition for writ of prohibition. (Proceedings of December 21, 2017)

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CR-17-1060. Chris Aaron Schnarr v. Circuit Court of Pulaski County, from Pulaski County Circuit Court, First Division. Petitioner's motion for accelerated consideration on petition for writ of certiorari is granted. Petitioner's petition for writ of certiorari to review denial of appeal bond is denied. Kemp, C.J., and Goodson and Womack, JJ., would grant.

(Proceedings of December 21, 2017)

CV-15-988. Nathaniel Smith, M.D., MPH, Director of the Arkansas Department of Health, in His Official Capacity, and His Successors in Office v. Marisa N. Pavan and Terrah D. Pavan, Individually and as Parents, Next Friends, and Guardians of T.R.P., a Minor Child; Leigh D.W. Jacobs and Jana S. Jacobs, Individually and as Parents, Next Friends, and Guardians of F.D.J., a Minor Child; Courtney M. Kassel and Kelly L. Scott, Individually and as Parents, Next Friends, and Guardians of A.G.S., a Minor Child, from Pulaski County Circuit Court, Sixth Division. Appellees' protective motion for appellate attorney's fees and expenses is denied. Wynne, J., would grant in part and set a schedule for briefing and submission of evidence. Kemp, C.J., would note.

CV-15-988. Nathaniel Smith, M.D., MPH, Director of the Arkansas Department of Health, in His Official Capacity, and His Successors in Office v. Marisa N. Pavan and Terrah D. Pavan, Individually and as Parents, Next Friends, and Guardians of T.R.P., a Minor Child; Leigh D.W. Jacobs and Jana S. Jacobs, Individually and as Parents, Next Friends, and Guardians of F.D.J., a Minor Child; Courtney M. Kassel and Kelly L. Scott, Individually and as Parents, Next Friends, and Guardians of A.G.S., a Minor Child, from Pulaski County Circuit Court, Sixth Division. Appellees' motion to transfer motion for attorney's fees and expenses is denied.

CV-15-988. Nathaniel Smith, M.D., MPH, Director of the Arkansas Department of Health, in His Official Capacity, and His Successors in Office v. Marisa N. Pavan and Terrah D. Pavan, Individually and as Parents, Next Friends, and Guardians of T.R.P., a Minor Child; Leigh D.W. Jacobs and Jana S. Jacobs, Individually and as Parents, Next Friends, and Guardians of F.D.J., a Minor Child; Courtney M. Kassel and Kelly L. Scott, Individually and as Parents, Next Friends, and Guardians of A.G.S., a Minor Child, from Pulaski County Circuit Court, Sixth Division. Appellant's motion for leave to file a belated response to appellees' fee motions is denied.

CV-17-473. Parrish Dare v. Scott Frost, from Saline County Circuit Court. Appellant's motion for belated brief is granted. Baker, J., would deny.

CV-17-496. Arkansas Community Correction v. Annette Barnes, from Pulaski County Circuit Court, Sixth Division. Appellant’s motion to stay proceedings is denied. Kemp, C.J., and Wynne and Womack, JJ., would grant.

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CV-17-976. The Logan Centers, Inc. d/b/a The Logan Centers at Forrest City, Arkansas; and The Logan Centers at West Memphis, Arkansas v. Carla Walker, Administratrix of the Estate of Antonio Cozart, Deceased, from Crittenden County Circuit Court. Petitioner’s petition for permission to appeal order compelling production of privileged documents is denied. Kemp, C.J., and Baker and Womack, JJ., would grant.

CV-17-983. Jefferson Hospital Association, Inc. d/b/a Jefferson Regional Medical Center; Continental Casualty Company, an Insurer of Jefferson Hospital Association, Inc. d/b/a Jefferson Regional Medical Center Preferred Provider Organization; Pine Bluff Radiologists, LTD.; Edward Elmer Chua Angtuaco, M.D.; Edward E. Angtuaco, M.D.; Nancy Williams, M.D.; Charles Mabry, M.D.; Jeff Ballard, CT Technologist; John/Jane Does 1–5; John/Jane Doe M.D.s 1–5; John Doe Direct Action Insurers; and Carriers and Insurance Companies v. Whitney Nicole Smith, Individually and as Special Administratrix of the Estate of Doris Laree Moss Smith, Deceased, and on Behalf of All Wrongful Death Beneficiaries and Heirs at Law, from Jefferson County Circuit Court. Petitioner’s petition for appeal of an order compelling the production of privileged documents and information is granted.

CV-17-1020. Arkansas Department of Veterans Affairs d/b/a Arkansas Veterans Home and Fayetteville Veterans Home v. Diane Mallett and Joseph Fabits, from Pulaski County Circuit Court, Fifth Division. Appellant’s emergency motion For immediate stay of circuit court proceedings. Request for expedited consideration granted. Baker, Goodson, and Hart, JJ., would deny. Emergency motion for immediate stay of circuit court proceedings is granted. Baker, Goodson, and Hart, JJ., would deny. (Proceedings of December 15, 2017)

D-17-980. In Re La Jeana Faye Jones, Arkansas Bar No. 89034, an Original Action. Petition of La Jeana Faye Jones, Arkansas Bar No. 89034, for voluntary surrender of license (resignation) is granted.

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In Re Arkansas Board of Law Examiners. See [per curiam](#) of December 14, 2017.