

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 11, 2018

PER CURIAM ORDERS

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

CR-10-1333. James Ray Thompson v. State of Arkansas, from Miller County Circuit Court.

CV-16-990. Desoto Gathering Company, LLC, and DeSoto Drilling v. Angela Hill, Faulkner County Assessor; Faulkner County Board of Equalization; Faulkner County Treasurer; and Faulkner County Tax Collector, from Faulkner County Circuit Court. Hart, J., would grant.

CV-16-993. Desoto Gathering Company, LLC v. Angela Hill, in Her Official Capacity as Faulkner County Assessor; Faulkner County Board of Equalization; Faulkner County, Arkansas; Faulkner County Treasurer; and Faulkner County Tax Collector, from Faulkner County Circuit Court. Hart, J., would grant.

CV-16-994. USAC Leasing, LLC, and USAC Leasing 2, LLC v. Angela Hill, in Her Official Capacity as Faulkner County Assessor; Faulkner County Board of Equalization; Faulkner County, Arkansas; Faulkner County Treasurer; and Faulkner County Tax Collector, from Faulkner County Circuit Court. Hart, J., would grant.

CV-16-1000. USAC Leasing, LLC, and USAC Leasing 2, LLC v. Angela Hill, Faulkner County Assessor; Faulkner County Board of Equalization; Faulkner County Treasurer; and Faulkner County Tax Collector, from Faulkner County Circuit Court. Hart, J., would grant.

CR-16-949. Eric Darnell Thrower v. State of Arkansas, from Ouachita County Circuit Court. Appellant's motion for expansion of argument page limit is granted.

CR-17-260. Richard Ralph Conte v. State of Arkansas, from Faulkner County Circuit Court. Appellee's suggestion of death and motion to dismiss appeal is granted. Special Justice Michelle Huff agrees. Kemp, C.J., and Baker and Goodson, JJ., would note the suggestion of death and deny the motion to dismiss. Wood, J., not participating.

CR-17-687. Jeffery Allen Wolfe v. State of Arkansas, from Yell County Circuit Court, Southern District. Appellant's petition for writ of certiorari to complete the record is granted.

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CR-17-863. Michael James Friday v. State of Arkansas, from Little River County Circuit Court. Motion of William O. “Bill” James, Jr., to substitute counsel on appeal is granted. Hart, J., would deny.

CR-17-889. Brad Hunter Smith v. State of Arkansas, from Cleveland County Circuit Court. Motion of Luke Zakrzewski to appear as counsel for appellant is granted. Kemp, C.J., and Wood, J., would note. Wynne, J., not participating.

CR-17-889. Brad Hunter Smith v. State of Arkansas, from Cleveland County Circuit Court. Appellant’s motion for authority of retained counsel to proceed as appointed counsel is granted. Wynne, J., not participating.

CR-17-988. Rodolfo A. Martinez v. State of Arkansas, from Washington County Circuit Court. Motion of Michael C. Robert to be relieved as attorney for appellant and stay of briefing schedule is granted. Misty Borkowski appointed as counsel for appellant.

CR-17-1038. Lonnie Michael Davidson v. State of Arkansas, from Garland County Circuit Court. Appellant’s motion for belated appeal is granted.

CR-17-1038. Lonnie Michael Davidson v. State of Arkansas, from Garland County Circuit Court. Motion of Timothy Beckham to withdraw as attorney for appellant on direct appeal is granted. Sharon Kiel appointed as counsel for appellant.

CR-17-1039. Kenny Lemont Danner v. State of Arkansas, from Garland County Circuit Court. Appellant’s motion for belated appeal is granted.

CR-17-1039. Kenny Lemont Danner v. State of Arkansas, from Garland County Circuit Court. Motion of Timothy Beckham to withdraw as attorney for appellant on direct appeal is granted. Tim Cullen appointed as counsel for appellant.

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. Motion of attorney Amy Whelan for permission to appear pro hac vice is denied. Kemp, C.J., and Goodson and Wynne, JJ., would grant.

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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. Motion of attorney Jonathan Weissglass for permission to appear pro hac vice is denied. Kemp, C.J., and Goodson and Wynne, JJ., would grant.

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. Motion of attorney Andrew Kushner for permission to appear pro hac vice is denied. Kemp, C.J., and Goodson and Wynne, JJ., would grant.

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 supplement the addendum or, in the alternative, to file a substituted brief is granted.

CV-17-514. 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 supplement the addendum or, in the alternative, to file a substituted brief is granted.

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CV-17-886. Malik Muntaqim v. Gaylon R. Lay, Warden, Cummins Unit; Ray Hobbs, Director, Arkansas Department of Correction; Larry May, Chief Deputy Director; Grant Harris, Deputy Director; Wendy Kelley, Deputy Director; Raymond Naylor, Internal Affairs Administrator; Randy Watson, Warden, Varner Unit; Marvin Evans, Deputy Director; Eddie Selvey, Deputy Warden; Crystal Wood, Classification Officer, Cummins Unit; Michelle Williams, Deputy Warden, Cummins Unit; Patricia Baxter, Mailroom Supervisor, Cummins Unit; Leonard Banks, Chaplain, Cummins Unit; Sgt. S. Cook, Correctional Officer, Cummins Unit; Tiffanye Compton, Grievance Coordinator, Central Office; Dennise Alexander, Publication Review, Central Office; Jan Scussell, Publication Review, Central Office; Tami Aiken, Publication Review, Central Office; John M. Wheeler, Religious Administrator, Central Office; April Gibson, Grievance Officer, Cummins Unit; Lisa R. Hall, Grievance Officer, Cummins Unit; and Muhammad Ameen, Islamic Chaplain, Central Office, in Their Official Capacities with the Arkansas Department of Correction, from Jefferson County Circuit Court. Appellees' motion to complete the record is granted.

CV-17-890. Matthew Paul Stevenson v. Honorable Beth Storey Bryan, Circuit Judge, from Washington County Circuit Court. Petitioner's petition for writ of certiorari is denied. Goodson, J., not participating.

CV-17-890. Matthew Paul Stevenson v. Honorable Beth Storey Bryan, Circuit Judge, from Washington County Circuit Court. Respondent's motion to supplement the record is granted. Goodson, J., not participating.

CV-17-890. Matthew Paul Stevenson v. Honorable Beth Storey Bryan, Circuit Judge, from Washington County Circuit Court. Petitioner's motion to strike parts of response to petition for writ of certiorari is denied. Goodson, J., not participating.

CV-17-904. Bruce Earl Ward v. Honorable Timothy Davis Fox, Circuit Judge, from Pulaski County Circuit Court, Sixth Division. Petitioner's petition for writ of certiorari is denied. Kemp, C.J., and Hart and Wynne, JJ., would grant.

CV-17-904. Bruce Earl Ward v. Honorable Timothy Davis Fox, Circuit Judge, from Pulaski County Circuit Court, Sixth Division. Petitioner's motion to allow citation to record lodged on appeal for purposes of petition for writ of certiorari or, in the alternative, to accept a copy of the certified record for purposes of filing a petition for writ of certiorari is granted. Wood, J., would deny.

CV-17-965. Marti Lynn Kidd Johnson v. Honorable Christopher Morledge, Circuit Judge, from Phillips County Circuit Court. Petitioner's petition for writ of mandamus is granted.

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CV-17-965. Marti Lynn Kidd Johnson v. Honorable Christopher Morledge, Circuit Judge, from Phillips County Circuit Court. Petitioner’s motion to set aside order granting motion for extension of time to file response to writ of mandamus and motion to strike respondent’s response to petition for writ of mandamus is denied.

CV-17-965. Marti Lynn Kidd Johnson v. Honorable Christopher Morledge, Circuit Judge, from Phillips County Circuit Court. Respondent’s motion to strike petitioner’s reply with brief incorporated is denied.

CV-17-970. Gen-Kal Pipe & Steel Corp.; Eugene Kalsky; and John Does 1–10; Intending to Refer to Those Persons, Corporations, or Other Legal Entities that Acted as Agents, Consultants, Independent Contractors or Representatives v. M.S. Wholesale Plumbing, Inc., on Behalf of Itself and all Other Entities and Persons Similarly Situated, from Pope County Circuit Court. Appellees’ motion to docket case and dismiss appeal for non-compliance with Rule 3(e) and 6(b) of the Arkansas Rules of Appellate Procedure –Civil is denied. Kemp, C.J., and Baker and Womack, JJ., would grant.

CV-17-1002. Washington Regional Medical Center v. Northwest Physicians, LLC, and Shaun Senter, M.D., from Washington County Circuit Court. Petitioner’s Rule 2(f) petition for permission to appeal is granted. Hart, J., would deny.

CV-17-1005. Louis Ricardo Butler v. Jennifer Brooks Wiggins, from Pulaski County Circuit Court, Sixth Division. Appellant’s pro se motion for rule on clerk and for belated appeal is denied.

CV-17-1027. Angela Moore v. Dr. Jennifer Short Gregory, Dr. Dicey Lee, and Baptist Health Medical Center Little Rock, from Pulaski County Circuit Court, Fifth Division. Appellant’s pro se motion for rule on clerk is denied. Kemp, C.J., not participating.

CV-17-1048. Fred Smith d/b/a Save Our Kids v. West Memphis School District, Board of Directors of West Memphis School District, Mr. Bill Kissinger, and Mr. Loutelious Holmes, from Crittenden County Circuit Court. Petitioner’s pro se petition to proceed in forma pauperis is denied.

D-17-1037. In Re Yvette M. Wiltgen, Arkansas Bar No. 88187, an Original Action. Petition of Yvette M. Wiltgen, Arkansas Bar No. 88187, for voluntary surrender of license (resignation) is granted.

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CR-03-800. Anarian Chad Jackson v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's pro se motion to withdraw seventh petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis, writ of certiorari, and motion to recall the mandate is moot.

CR-17-607. Anthony Edward Perry v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to dismiss appeal is granted.

CR-17-806. Carl Dewayne Prince v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Petitioner's pro se motion to consolidate proceedings is moot.

CV-17-606. Rodney Charles White, Sr. v. State of Arkansas, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal is granted.

CV-17-672. Carl Dewayne Prince v. Wendy Kelley, Director, Arkansas Department of Correction, from Sebastian County Circuit Court, Fort Smith District. Petitioner's pro se motion to consolidate proceedings is moot.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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.

CV-17-558. Edmond McClinton v. State of Arkansas, from Jefferson County Circuit Court.

CR-16-949. Eric Darnell Thrower v. State of Arkansas, from Ouachita County Circuit Court. Appellant's motion for acceptance of joint stipulation of correction to the supplemental record.

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

CR-17-854. Angela Zimmerman v. Circuit Court of Miller County, from Miller County Circuit Court. Petitioner's motion to file supplemental record.

CR-17-870. Nathan Longeway v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to proceed in forma pauperis.

CR-17-1028. Tony Alan Ray v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion to hold briefing in abeyance.

CR-17-1058. James Eugene Sharp v. State of Arkansas, from Garland County Circuit Court. Motion of Timothy Beckham to withdraw as attorney on direct appeal.

CV-17-377. Apprentice Information Systems, Inc., and David Randall Lamp a/k/a Randy Lamp v. DataScout, LLC, from Benton County Circuit Court. Motion of Arkansas Land Title Association to appear as amicus curiae in support of appellee.

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 motion for new trials.

CV-17-558. Edmond McClinton v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se petition for clerk for payment of an advance deposit of \$50.00.

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MOTIONS SUBMITTED

CV-17-558. Edmond McClinton v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for stay of the mandate to litigate proceedings in the United States Supreme Court.

CV-17-913. Jack Gordon Greene v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's unopposed motion to supplement the record.

CV-17-1049. Carolyn Moore v. Jewell Sullivan, Executrix of the Estate of Charles Sullivan, Charlene Swaims, Rhonda Clegg, and Toni Hyatt, from Faulkner County Circuit Court. Appellant's motion to correct the record or, in the alternative, petition for writ of certiorari to complete the record.

CV-17-1076. Katie Lockheart Phillips and Lien Phan v. Michelle Davis, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss appeal.

CR-03-1127. Anarian Chad Jackson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motion for appointment of counsel on remand.

CR-04-40. Adrian Louis Carner v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-07-238. Kenny Travis, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Petitioner's pro se motion for rule on clerk.

CR-11-19. Joe McKinley Jones v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-17-734. Jessie Hill v. Hon. Chris E Williams, Circuit Judge, from Grant County Circuit Court. Petitioner's pro se motion for rule on clerk to file petition for writ of mandamus without a certified record; pro se motion for rule on clerk to file uncertified documents; pro se motion to withdraw motion for rule on clerk and file writ of mandamus with certified documents; pro se motion to file certified documents with exception; pro se motion of brief in support.

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MOTIONS SUBMITTED

CR-17-737. Craig Wade v. State of Arkansas, from Clark County Circuit Court. Appellee's motion to dismiss appeal or, in the alternative, motion for extension of time to file brief.

CR-17-920. James Edward Whitney v. State of Arkansas, from Washington County Circuit Court. Petitioner's pro se petition for review en banc of the clerk's decision.

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CASES SUBMITTED

CR-16-1024. Chris Beason Taffner v. State of Arkansas, from Washington County Circuit Court. Orally argued.

CR-17-303. Lorenzo L. Kellon v. State of Arkansas, from Jefferson County Circuit Court.

CV-16-458. Robert Duran v. Southwest Arkansas Electric Cooperative Corp.; and Charles Glover, Jr., d/b/a Glover Trenching & Backhoe, from Miller County Circuit Court.

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

CV-17-259. Gale A. Askins v. Kroger Limited Partnership and Sedgwick Claims Management, from the Arkansas Workers' Compensation Commission.

CV-17-439. John C. Lohbauer v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

CR-17-597. Marchello Porter v. State of Arkansas, from Faulkner County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>