

ARKANSAS SUPREME COURT

PROCEEDINGS OF JANUARY 25, 2018

JOHN DAN KEMP, CHIEF JUSTICE

[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. Petition denied.

[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. Petition treated as motion for rule on clerk and dismissed.

COURTNEY HUDSON GOODSON, JUSTICE

[CR-17-597](#). Marchello Porter v. State of Arkansas, from Faulkner County Circuit Court. Affirmed.

RHONDA K. WOOD, JUSTICE

[CV-17-259](#). Gale A. Askins v. Kroger Limited Partnership I and Sedgwick Claims Management, from the Arkansas Workers' Compensation Commission. Affirmed; court of appeals opinion vacated. Baker and Hart, JJ., dissent.

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PER CURIAM ORDERS

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

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. Special Justice Jonathan Q. Warren agrees. Goodson, Wood, and Womack, JJ., would grant. Kemp, C.J., not participating.

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

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

CR-17-916. Edward Darnell Rogers v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Baker, Goodson, and Wynne, JJ., would deny.

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

CV-17-914. Gene Garner and Linda Narug v. Board of Directors, Hot Springs Village Property Owners Association, and Hot Springs Village Property Owners Association, from Garland County Circuit Court. Hart, J., would grant.

CV-17-918. Patrice Oliver v. Arkansas Department of Human Services and Minor Child, from Craighead County Circuit Court, Western District. Baker, Goodson, and Hart, JJ., would grant.

CV-17-931. Russellville Holdings, LLC, d/b/a Saint Mary's Regional Medical Center d/b/a Turning Point Behavioral Health v. James Robertson Peters, as Personal Representative of the Estate of John D. Peters, Jr., Deceased, and on Behalf of the Estate and Its Statutory Beneficiaries; John D. Peters III; James Robertson Peters, Individually; and Kathleen Stingley, from Pope County Circuit Court. Baker, Wood, and Wynne, JJ., would grant.

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REVIEWS DENIED: Continued

CV-17-938. In the Matter of the Estate of Tom Alexander, Deceased, and David Neal, et al. v. Sparks Regional Medical Center, from Sebastian County Circuit Court, Fort Smith District. Petition for review of appellants David Neal, Judy Kruse, John Holleman, Dr. Cynthia Frazier, Dr. Marianne Massey, Kathy Barber, and Alice Boyles. Baker, Hart, and Wood, JJ., would grant.

CV-17-938. In the Matter of the Estate of Tom Alexander, Deceased, and David Neal, et al. v. Sparks Regional Medical Center, from Sebastian County Circuit Court, Fort Smith District. Appellant Evelyn Anne House's petition for review. Baker, Hart, and Wood, JJ., would grant.

CV-17-946. James Andrew Marshall v. Seth Robert Rubright and Minor Child, from Benton County Circuit Court.

CV-17-963. Angela Moody v. Edward Moody, from Pulaski County Circuit Court, Fourteenth Division.

CV-17-964. Natasha Engleman v. Cindye McCullough; St. John's Clinic, Inc., a/k/a Mercy Clinics Springfield Communities; Sisters of Mercy Health System St. Louis a/k/a Mercy Health Systems of St. Louis, from Carroll County Circuit Court, Eastern District.

CV-17-967. Ashley Bancstock Company v. Paul Meredith, Richard Meredith, and John Posey, from Ashley County Circuit Court. Wynne, J., would grant.

CV-17-973. Janefer Ogborn v. Arkansas Department of Human Services, from Benton County Circuit Court. Hart, J., would grant.

CV-17-975. Doc Holladay and Lesa Warner v. Bessie Glass, from Pulaski County Circuit Court, Fifth Division.

CV-17-977. Sherry Rickman v. Arkansas Department of Human Services and Minor Child, from Crittenden County Circuit Court. Hart, J., would grant.

CV-17-978. Deanna Baker v. Director, Arkansas Department of Human Services, from Pulaski County Circuit Court, Sixth Division. Kemp, C.J., and Hart, J., would grant.

CV-17-979. David Box v. J.B. Hunt Transport, Inc., from Benton County Circuit Court.
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REVIEWS DENIED: Continued

CV-17-998. Candace Solee v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division.

CV-17-1036. Rhonda Ann Donham v. Arkansas Department of Human Services and Minor Child, from Lincoln County Circuit Court.

CV-17-1043. Lori Elliott v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Hart, J., would grant.

CV-17-1052. Wynne-Ark., Inc., d/b/a Kelley's Restaurant v. Richard Baughn Construction, from Cross County Circuit Court. Hart and Wynne, JJ., would grant.

CV-17-1070. JMAC Farms, LLC v. G & C Generator, LLC, from Benton 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 acceptance of joint stipulation of correction to the supplemental record is granted.

CR-17-76. Sammy W. Dortch, Jr. v. State of Arkansas, from Independence County Circuit Court. Appellant's request for oral argument is denied. Special Justice Mark D. Wankum, and Hart and Wynne, JJ., would grant. Kemp, C.J., not participating.

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 is granted.

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

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

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

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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 is granted. William O. "Bill" James, Jr., appointed as counsel for appellant.

CV-17-90. Mike Wilson v. Larry Walther, Director of the Arkansas Department of Finance and Administration; Andrea Lea, State Auditor; Dennis Milligan, State Treasurer; and Central Arkansas Planning and Development District, from Pulaski County Circuit Court, Second Division. Appellees' motion for reconsideration of order granting appellant's motion for taxation of costs is denied. Hart, Wood, and Womack, 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. Motion of Arkansas Land Title Association to appear as amicus curiae in support of appellee is granted.

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 is denied.

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 of contempt of court is denied.

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 is denied. Baker and Goodson, JJ., would note. Hart, J., would grant.

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 is denied. Baker, Goodson, and Hart, JJ., would grant.

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 is granted.

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 is granted.

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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 is granted.

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 is moot.

CR-07-110. Kenneth Ray Pitts v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's pro se third petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is dismissed.

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 is denied.

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. Motion to withdraw rule on clerk and to file mandamus petition granted in part and denied in part; pro se motion for rule on clerk filed September 6, 2017, withdrawn and request to file petition for writ of mandamus denied; motion for rule on clerk to file uncertified documents denied; motion to file documents that lack original certification denied; pro se motion to file brief in support denied; third motion for rule on clerk filed January 9, 2018, denied.

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. Motion to dismiss appeal is granted; alternative motion for extension of time to file brief is moot.

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In Re Arkansas Supreme Court Committee on Criminal Practice. See [per curiam](#) this date.

Honorable John Fogleman, Circuit Judge, of Marion is appointed to the Committee on Criminal Practice for a three-year term to expire on January 31, 2021. He is also designated as chair of the committee. The court thanks him for undertaking these duties.

The court extends its gratitude to Judge Phil Smith, who recently retired, for his service as chair of the committee.

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MOTIONS SUBMITTED

CR-16-849. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for appointment of counsel.

CR-16-849. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion to duplicate at State's expense.

CR-17-143. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion for appointment of counsel.

CR-17-143. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion to duplicate at State's expense.

CR-17-144. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-17-144. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court. Appellant's pro se motion to duplicate at State's expense.

CR-18-7. Jacob Robert Dolson v. State of Arkansas, from Johnson County Circuit Court. Appellant's motion for rule on the clerk.

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 motion to supplement the record and for emergency stay of circuit court order with points of law.

CV-16-946. Sherry Ann Miesner v. Estate of Joyce Edna Priest Allred, Deceased; Relyance Bank; Belinda Diane Allred; and Janet Herring, from Cleveland County Circuit Court. Petitioner's petition to reinvest jurisdiction in the circuit court and for writ of error coram nobis.

CV-17-341. Tyrell Benson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion to dismiss counsel.

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MOTIONS SUBMITTED

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 motion for stay of the briefing schedule or, in the alternative, for extension of time to file the opening brief.

CV-17-1044. Jacob Earls v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court. Appellant’s agreed motion to substitute counsel.

CV-18-27. Dustin Rosenbaum v. Arkansas Department of Human Services and Minor Child, from Sharp County Circuit Court. Appellant’s pro se motion to file belated petition for review.

CV-18-29. Don Paul Bales v. The City of Fort Smith, Arkansas, et al., from Sebastian County Circuit Court, Fort Smith District. Appellant’s combined petition for writ of certiorari to complete or correct the record and motion for extension of time to complete the record and to stay briefing.

D-18-39. In Re Victoria L. Bennett, Arkansas Bar No. 99001, an Original Action. Petition of Victoria L. Bennett, Arkansas Bar No. 99001, for voluntary surrender of license (resignation).

CR-93-284. Gary Cloird v. State of Arkansas, from Jefferson County Circuit Court. Petitioner’s pro se motion for bulk distribution re above referenced matters filed November 27, 2017.

CR-95-7. Saba Makkali v. State of Arkansas, from Jefferson County Circuit Court. Petitioner’s pro se motion for bulk distribution re above referenced matters filed November 27, 2017.

CR-02-228. James E. Smith v. State of Arkansas, from Jefferson County Circuit Court. Petitioner’s pro se sixth petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-03-597. Gary Cloird v. State of Arkansas, from Jefferson County Circuit Court. Petitioner’s pro se motion for bulk distribution re above referenced matters filed November 27, 2017.

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MOTIONS SUBMITTED

CR-17-611. Reggie E. Clark v. State of Arkansas, from Lincoln County Circuit Court. Appellee's motion to dismiss appeal.

CR-17-777. Donnie Maiden v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion for extension of time to file brief.

CR-17-856. Michael Eugene Rea v. State of Arkansas, from Saline County Circuit Court. Petitioner's pro se motion for rule on clerk.

CR-17-857. Bart Woodard v. Honorable Mark Lindsay, Circuit Judge, from Washington County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-17-908. Fred Lee Williams v. Honorable Sam Pope, Circuit Judge, from Drew County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-17-919. 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.

CR-17-923. Paul Latham v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for rule on clerk and belated appeal.

CV-00-166. Gary Cloird v. M.D. Reed and State of Arkansas, from Lincoln County Circuit Court. Petitioner's pro se motion for bulk distribution re above referenced matters filed November 27, 2017.

CV-03-272. Gary Cloird v. Greg Harmon, Warden, from Jefferson County Circuit Court. Petitioner's pro se motion for bulk distribution re above referenced matters filed November 27, 2017.

CV-15-586. Malik Saba Ka Makkali v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Petitioner's pro se motion for bulk distribution re above referenced matters filed November 27, 2017.

CV-16-673. Malik Saba Ka Makkali v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se motion for bulk distribution re above referenced matters filed November 27, 2017.

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MOTIONS SUBMITTED

CV-17-769. Marcus Fields v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Appellant's pro se motions for appointment of counsel and for production of documents.

CV-17-769. Marcus Fields v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Appellant's pro se motion to refile Rule 37 for ineffective assistance of counsel at appellant's trial.

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CASES SUBMITTED

CR-98-657. Bruce Earl Ward v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Orally argued.

CR-92-1385. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Orally argued.

CR-00-528. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Orally argued.

CV-16-1041. Vera Lee Angel Trust, Johnny Angel, and Paula Napper v. Jim O’Bryant and Kay O’Bryant Joint Revocable Trust, John W. Whittaker, Susan C. Whittaker, John Stansel Harvey, Lisa Harvey, Ernest Bernard McCool Trust, Gregory D. Hawkins, Sharon L. Hawkins, Jimmie Earl O’Bryant, Barbara O’Bryant, Jeanne M. McFarlin Living Trust, Glen Dale Perciful, Teresa Perciful, and Robert Louis Gladfelter Revocable Trust, from Garland County Circuit Court.

CV-17-121. Patricia Cannady, Individually and as Administratrix of the Estate of Anne Pressley, Deceased v. St. Vincent Infirmiry Medical Center; Jay Holland, M.D.; Candida Griffin; and Sarah Elizabeth Miller, from Pulaski County Circuit Court, First Division.

CR-17-638. Kenneth Dale Ramirez v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.