

ARKANSAS SUPREME COURT

PROCEEDINGS OF FEBRUARY 8, 2018

JOHN DAN KEMP, CHIEF JUSTICE

[CR-17-638](#). Kenneth Dale Ramirez v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Affirmed.

[CV-16-458](#). Robert Duran v. Southwest Arkansas Electric Cooperative Corporation; Charles Glover, Jr., d/b/a Glover Trenching & Backhoe, from Miller County Circuit Court. Affirmed; court of appeals opinion vacated. Baker, Hart, and Womack, JJ., dissent.

COURTNEY HUDSON GOODSON, JUSTICE

[CV-17-121](#). Patricia Cannady, Individually and as Administratrix of the Estate of Anne Pressly, Deceased v. St. Vincent Infirmary Medical Center, Sarah Elizabeth Miller, Jay Holland, M.D.; and Candida Griffin, from Pulaski County Circuit Court, First Division. Affirmed on direct appeal; dismissed on cross-appeal. Hart, J., dissents.

JOSEPHINE LINKER HART, JUSTICE

[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. Petition denied.

[CV-16-1041](#). Vera Lee Angel Revocable 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, Glen Dale Perciful, Teresa M. Perciful, Robert Louis Gladfelter Revocable Trust, and Jeanne M. McFarlin Living Trust, from Garland County Circuit Court. Reversed and dismissed.

RHONDA K. WOOD, JUSTICE

[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. Appeal dismissed; motions moot. Hart, J., dissents.

ROBIN F. WYNNE, JUSTICE

[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. Amended response requested.

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PER CURIAM ORDERS

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 is denied.

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 is denied.

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 is denied.

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 is denied.

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

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 is denied.

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

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' motion to dismiss appeal for lack of jurisdiction is granted. Special Justices Jim Crouch, Roger Rowe, and Doug Schrantz agree. Hart, J., would deny. Goodson, Wood, and Wynne, JJ., not participating.

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 strike is denied. Special Justices Jim Crouch, Roger Rowe, and Doug Schrantz agree. Kemp, C.J., and Baker and Hart, JJ., would grant. Goodson, Wood, and Wynne, JJ., not participating.

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PER CURIAM ORDERS

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 is moot. Special Justice Roger Rowe agrees. Hart, J., would grant. Special Justices Jim Crouch and Doug Schrantz would grant supplementation of the record and deny stay. Goodson, Wood, and Wynne, JJ., not participating.

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 is denied. Wynne, J., not participating.

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 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 motion for stay of the briefing schedule or, in the alternative, for extension of time to file the opening brief is moot. Hart, J., would grant to set briefing.

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 is granted.

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 is granted.

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 is denied.

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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) is granted.

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, is denied.

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, is denied.

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, is denied.

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

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 is granted in part and denied in part; appellant's brief due thirty days from the date of this per curiam order (March 10, 2018).

CR-17-806. Carl Dewayne Prince v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Petitioner's pro se motion for belated appeal; and motion to compel Attorney General's opinion on the merits. Pro se motion for belated appeal is remanded for an evidentiary hearing to determine the date and time the notice of appeal was received by the circuit clerk; a supplemental record of the hearing is to be submitted to this court within sixty days of this per curiam order (April 9, 2018); pro se motion to compel Attorney General's opinion on the merits is denied. Hart, J., dissents.

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 is granted;

respondent is directed to enter an order disposing of petitioner's Rule 37.1 petition filed November 30, 2015, within sixty days of the date of this per curiam order (April 9, 2018).

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PER CURIAM ORDERS

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, is denied.

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, is denied.

CV-15-856. 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, is denied.

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, is denied.

[CV-17-509](#). DeLarron K. Washington v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal is granted. Hart, J., dissents. See **dissenting opinion** this date.

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 [petition] for ineffective assistance of counsel at appellant's trial is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-17-486. Michael Lee Garrison v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-17-505. Willie James Noble v. State of Arkansas, from Lee County Circuit Court.

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

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

CR-17-535. Robert Friar v. State of Arkansas, from Jackson County Circuit Court. Appellee's motion to supplement the record.

CR-17-1069. Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court. Appellant's motion to be excused from the abstracting requirement.

CR-17-1069. Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court. Motion of Annie Depper to appear as co-counsel on behalf of appellant.

CR-17-1069. Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court. Appellant's motion to consolidate for oral argument.

CR-18-52. Shirley Clements v. Circuit Court of Pulaski County, from Pulaski County Circuit Court, First Division. Petitioner's petition for temporary and permanent writs of prohibition.

CR-18-68. Robert Lee Williams, Jr. v. State of Arkansas, from Nevada County Circuit Court. Appellant's petition for writ of certiorari to supplement the record.

CV-17-681. Kent Douglas McCoy v. Ronald D. Robertson, M.D.; Mario Rueda, M.D.; Christopher W. Fowler, D.O.; and Mary Katherine Kimbrough, M.D., from Pulaski County Circuit Court, Sixth Division. Appellant's motion to transfer to the Arkansas Supreme Court.

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MOTIONS SUBMITTED

CV-17-867. James Lee King v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellee's motion to supplement the record.

CV-17-949. Jefferson County Election Commission; Stu Soffer, in His Official Capacity as Jefferson County Election Commissioner; and Michael Adams, in His Official Capacity as Jefferson County Election Commissioner v. Hon. Hank Wilkins, ex rel. Jefferson County, Arkansas, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal.

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 reconsideration.

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. Appellees' motion to dismiss appeal.

CV-18-29. Don Paul Bales v. The City of Fort Smith, Arkansas, et al., from Sebastian County Circuit Court, Fort Smith District. Appellees' motion to dismiss appeal.

CV-18-51. Donny Aydelott and Sarah Aydelott v. Circuit Court of Boone County, from Boone County Circuit Court. Petitioners' petition for writ of prohibition.

CV-18-76. Angela Riley v. Israel Riley, from Craighead County Circuit Court, Eastern District. Appellant's motion for rule on clerk.

D-17-747. William Kurt Moritz v. Stark Ligon, Director, Committee on Professional Conduct, an Original Action. Appellee's motion to dismiss.

D-17-748. William Kurt Moritz v. Stark Ligon, Director, Committee on Professional Conduct, an Original Action. Appellee's motion to dismiss.

CR-96-605. John Christopher Peeler v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se second petition to reinvest jurisdiction in the

trial court to consider a petition for writ of error coram nobis and petitioner's pro se motion to dismiss petition.

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MOTIONS SUBMITTED

CR-17-646. Ricky White v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion to file a belated reply brief.

CR-17-1019. Carl D. Kelley v. Honorable Tonya Alexander, Circuit Judge, from Craighead County Circuit Court, Western District. Petitioner's pro se petition for writ of mandamus.

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CASES SUBMITTED

CV-17-240. Larry Walther, Director, Arkansas Department of Finance and Administration v. FLIS Enterprises, Inc., from Pulaski County Circuit Court, Third Division. Orally argued.

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

CR-16-1132. Darren Leon Duncan v. State of Arkansas, from Arkansas County Circuit Court, Southern District.

CV-17-245. Chelsea S. Harley v. Wyndham S. Dempster, Sr., from Pulaski County Circuit Court, Fourteenth Division.

CV-17-472. Mississippi County, Arkansas v. City of Blytheville, Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CV-17-567. James Scott Adams v. Arkansas Board of Law Examiners, and Hon. Harold J. Evans, Chairman, an Original Action.

CV-17-576. Brookshire Grocery Company v. Cleon Morgan, Sr., from the Arkansas Workers' Compensation Commission.

CR-17-646. Ricky White v. State of Arkansas, from Miller County Circuit Court.

CV-15-958. Kenny Halfacre v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>