

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF FEBRUARY 22, 2018

### **COURTNEY HUDSON GOODSON, JUSTICE**

[CV-17-472](#). Mississippi County, Arkansas v. City of Blytheville, Arkansas; City of Dell, Arkansas; City of Manila, Arkansas; and City of Leachville, Arkansas, from Mississippi County Circuit Court, Chickasawba District. Reversed and remanded. Hart, J., concurs in part and dissents in part.

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

[CV-16-866](#). Rodney DeWayne Johnson v. State of Arkansas, from Lee County Circuit Court. Affirmed.

[CV-17-245](#). Chelsea Harley v. Wyndham Dempster, from Pulaski County Circuit Court, Fourteenth Division. Dismissed; court of appeals' opinion vacated. Goodson and Wynne, JJ., concur.

[CV-17-707](#). Convent Corporation, Individually and on Behalf of All Others Similarly Situated v. City of North Little Rock, Arkansas; Joe Smith, Mayor, Individually and in His Official Capacity; City Council Members, Debi Ross, Beth White, Linda Robinson, Maurice Taylor, Steve Baxter, Bruce Foutch, Murry Witcher, and Charlie Hight, Individually and in His or Her Official Capacity; Tom Wadley, Director, Code Enforcement Division, Individually and in His Official Capacity; and Felecia McHenry, Code Enforcement Officer, Individually and in Her Official Capacity, from Pulaski County Circuit Court, Twelfth Division. Appeal dismissed.

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

[CV-15-958](#). Kenny Halfacre v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed in part; reversed and remanded in part.

[CV-17-567](#). James Scott Adams v. Arkansas Board of Law Examiners, an Original Action. Affirmed. Hart, J., dissents.

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**PER CURIAM ORDERS**

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

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

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

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

CR-17-999. David Myers v. State of Arkansas, from Jefferson County Circuit Court.

CR-17-1083. Lucan Dhru Worsham v. State of Arkansas, from Faulkner County Circuit Court. Baker, Goodson, and Hart, JJ., would grant.

CR-18-3. Willie Lee Doby, Jr. v. State of Arkansas, from St. Francis County Circuit Court.

CV-17-1000. Brooke Ashley Miller and Kerry Coleman v. Jason Edward Moore and Manesseh Blythe Moore, from Crawford County Circuit Court.

CV-17-1045. Alton Darren Barnett and Karen Barnett, Husband and Wife, Next Friends, and Natural Parents of Morgan Taylor Barnett, and Morgan Taylor Barnett, Individually v. Damon Eric Cleghorn, Purcell Tire & Rubber Company, Purcell Tire and Service Center, and Purcell Tire Company of Arkansas, from Grant County Circuit Court. Kemp, C.J., not participating.

CV-17-1057. David Hill and Dana Hill v. Brooksie Felty-Hartness and Image Realty, LLC, from Craighead County Circuit Court, Western District. Baker, Hart, and Wood, JJ., would grant.

CV-17-1062. Gary Marks and Kristin Marks v. Beckie Saville, Guardian of the Estate of Willa Dean Jackson, from Pope County Circuit Court. Kemp, C.J., not participating.

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CV-17-1064. Earvin Davis, Jr. v. Shelter Insurance a/k/a Shelter Mutual Insurance Company, a/k/a Shelter General Insurance Company, from Washington County Circuit Court. Hart, J., would grant.

CV-17-1073. Baptist Health Medical Center v. First Community Bank of Batesville and Estate of William Scott Mueller, from Pope County Circuit Court. Kemp, C.J., and Womack, J., not participating.

CV-18-2. Robert Vanmatre and Tina Vanmatre v. Larry Davenport and Jason Davenport, from Marion County Circuit Court.

CV-18-4. Denise Oldenberg McCormick, M.D. v. Arkansas State Medical Board, from Baxter County Circuit Court. Womack, J., not participating.

CV-18-5. Debra L. Mason v. Charles F. Mason, from Pulaski County Circuit Court, Third Division. Hart, J., would grant.

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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 is granted.

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 is granted.

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

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 is granted.

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 is noted. Baker and Hart, JJ., would grant.

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CR-17-1069. Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court. Appellant's motion to consolidate for oral argument is denied. Baker, Wood, and Womack, JJ., would grant.

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 is denied. Hart, J., would grant.

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 is granted.

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 is denied. Hart, J., would grant. Wood, J., not participating.

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 is granted.

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 is denied. Wood, J., would grant.

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 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. Appellees' motion to dismiss appeal 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. Appellees' motion to dismiss appeal is granted. Hart, J., would deny.

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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 is denied. Hart, J., would take as a case.

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

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

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

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CR-96-605. John Christopher Peeler v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motion to dismiss second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is granted; petition dismissed.

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 is moot.

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**MOTIONS SUBMITTED**

CR-00-1382. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's motion to file expanded petition to reinvest the circuit court with jurisdiction to consider a writ of error coram nobis.

CR-00-1382. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's petition to reinvest the circuit court with jurisdiction to consider a writ of error coram nobis or other relief based on newly discovered evidence.

CR-00-1382. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Motion of Bryce Benjet to practice by comity.

CR-00-1382. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's motion to consolidate proceedings.

CR-11-19. Joe McKinley Jones v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Petitioner's pro se petition for discretionary review.

CR-17-164. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Appellant's motion to consolidate proceedings.

CR-17-276. Richard Jordon Tarver v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellee's motion to file enlarged brief.

CR-17-734. Jessie Hill v. Hon. Chris E Williams, Circuit Judge, from Grant County Circuit Court. Petitioner's pro se motion for reconsideration.

CR-17-916. Edward Darnell Rogers v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion for permission to file supplemental briefs.

CR-17-1081. State of Arkansas v. Karen Siegel, from Craighead County Circuit Court, Western District. Appellee's motion to dismiss State's appeal.

CR-18-93. Allen Dale Bradley v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Motion of Clint Miller to be relieved as appellate counsel.

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

CV-17-341. Tyrell Benson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for clarification with memorandum of law in support.

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**MOTIONS SUBMITTED**

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 permission to file a reply to appellee's response to petition for reconsideration.

CV-17-892. Rick Holman v. Allstate Property and Casualty Insurance Company, Anna Marie Flores, and Kenneth Cummings, from Crawford County Circuit Court. Appellant's motion to request certification to the Arkansas Supreme Court and to transfer case to the Arkansas Supreme Court.

CV-18-81. Michael Lynn Heard v. Officer Scott Solomon, Individually and in His Official Capacity; Officer David Hess, Individually and in His Official Capacity; Attorney Chad Brown, Individually and in His Official Capacity; Angela A. Byrd, Individually and in Her Official Capacity; Judge Harry G. Foster III, Individually and in His Official Capacity, from Van Buren County Circuit Court. Petitioner's pro se motion to proceed in forma pauperis.

CV-18-111. Arkansas Department of Human Services v. Rubye Snodgrass, Duane Snodgrass, and Minor Children, from Jefferson County Circuit Court. Appellant's motion to dismiss appeal.

CV-18-124. Shaunesha Moore, Guardian of the Estate of Cortney Moore, an Incapacitated Person; and Cortney Moore, Individually v. Pope County Circuit Court, from Pope County Circuit Court. Petitioners' petition for writ of certiorari or, in the alternative, petition for writ of prohibition or writ of mandamus.

D-18-129. In Re Jerry M. Kirksey, Arkansas Bar No. 89239, an Original Action. Petition of Jerry M. Kirksey, Arkansas Bar No. 89239, for voluntary surrender of license (resignation).

D-18-142. In Re Debbie Scott Williams, Arkansas Bar No. 88160, an Original Action. Petition of Debbie Scott Williams, Arkansas Bar No. 88160, for voluntary surrender of license (resignation).

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CR-98-1167. Rickey Lee Scott v. State of Arkansas, from Cross County Circuit Court. Petitioner's pro se motion for photocopies at public expense pursuant to the Freedom of Information Act.

CR-13-715. Troy Lawrence McCulley v. State of Arkansas, from Poinsett County Circuit Court. Appellant's pro se motion for record under Rule of Appellate Procedure – Criminal 19.

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CR-17-882. Adam Eugene Lane v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of time to file a brief, for transcript, and to stay appeal.

CV-17-235. Reginald R. Early v. Keith Crockett, Clayborn Carroll, Roberta Lewis, and Lamon Mayo, from Jefferson County Circuit Court. Appellant's pro se motion for an extension of time to file reply brief.

CV-17-936. William Robert Null v. Arkansas Parole Board and John Felts, Chairman, from Lincoln County Circuit Court. Appellant's pro se motion for copy of record and extension of time to file brief.

CV-18-9. Walter A. McCullough v. Wendy Kelley, Director, Arkansas Department of Correction; Terri Banister, Keith L. Waddle, Sgt. T. Allison, and Sgt. L. Bell, in Their Official Capacities, from Jefferson County Circuit Court. Petitioner's pro se motion for belated appeal.



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**CASES SUBMITTED**

CR-17-546. Courtney Jerrell Douglas v. State of Arkansas, from Union County Circuit Court.

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.

CV-17-473. Parrish Dare v. Scott Frost, from Saline County Circuit Court.

CV-17-496. Arkansas Community Correction v. Annette Barnes, from Pulaski County Circuit Court, Sixth Division.

CV-17-544. Arkansas Department of Correction and Wendy Kelley, in Her Official Capacity as Director of the Arkansas Department of Correction v. Steven Shults, from Pulaski County Circuit Court, Fifth Division.

CV-17-634. City of Jacksonville, Arkansas; Gary Fletcher, Mayor of the City of Jacksonville, in His Official Capacity; Susan Davitt, City Clerk/Treasurer of the City of Jacksonville; and Geoffrey Herweg, Chief of Police v. Tara Smith, from Pulaski County Circuit Court, Twelfth Division.

CV-17-707. Convent Corporation, Individually and on Behalf of All Others Similarly Situated v. City of North Little Rock, Arkansas; Joe Smith, Mayor, Individually and in His Official Capacity; City Council Members, Debi Ross, Beth White, Linda Robinson, Maurice Taylor, Steve Baxter, Bruce Foutch, Murry Witcher, and Charlie Hight, Individually and in His or Her Official Capacity; Tom Wadley, Director, Code Enforcement Division, Individually and in His Official Capacity; and Felecia McHenry, Code Enforcement Officer, Individually and in Her Official Capacity, from Pulaski County Circuit Court, Twelfth Division.

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CR-16-968. Ivor Gordon v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-17-482. Tyrone Swift v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

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**CASES SUBMITTED**

CR-17-684. Elizabeth Roberts Force v. State of Arkansas, from Independence County Circuit Court.

Opinions are available on the internet at

<http://courts.arkansas.gov>