

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF APRIL 12, 2018**

**JOHN DAN KEMP, CHIEF JUSTICE**

[CR-16-537](#). Khalin Collins v. State of Arkansas, from Columbia County Circuit Court. Reversed and remanded.

[CR-17-725](#). Edmond McClinton v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motions for leave to present documentary evidence and for leave to add appendix. Appeal dismissed; motions moot. Hart, J., concurs.

[CV-17-1063](#). Jessie Hill v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motions for transcript, for extension of time to file brief, for rule on clerk clarification, and for belated appeal clarification; pro se petition for writ of mandamus. Appeal dismissed; motions and petition moot. Hart, J., dissents.

**COURTNEY HUDSON GOODSON, JUSTICE**

[CR-18-107](#). Cecil D. Beene v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motion for belated appeal and rule on clerk. Motion treated as motion for belated appeal and remanded.

**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. Petition moot.

**SHAWN A. WOMACK, JUSTICE**

[CV-17-496](#). Arkansas Community Correction v. Annette Barnes, from Pulaski County Circuit Court, Sixth Division. Reversed and dismissed. Wynne, J., concurs. Baker and Hart, JJ., dissent.

[CV-17-959](#). Michael D. Muldrow 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. Affirmed; motion moot. Hart, J., dissents.

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**PER CURIAM ORDERS**

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

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. Baker and Hart, JJ., would grant.

CV-16-866. Rodney DeWayne Johnson v. State of Arkansas, from Lee County Circuit Court.

CV-17-509. DeLarron K. Washington v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Hart, J., would grant.

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CR-95-150. Johnny Mills v. State of Arkansas, from Lawrence County Circuit Court. Petitioner's pro se motion for reconsideration is denied. Hart, J., would grant.

CR-16-949. Eric Darnell Thrower v. State of Arkansas, from Ouachita County Circuit Court. Appellee's motion for permission to file enlarged brief is granted.

CR-17-404. Brandon Eugene Lacy v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to be present for oral argument is denied. Hart, J., would grant.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Appellant's unopposed petition for writ of certiorari to complete the record and request to stay briefing is granted.

CR-17-1051. Ricardo McDaniel v. State of Arkansas, from St. Francis County Circuit Court. Appellant's petition for writ of certiorari to supplement the record with a missing transcript is granted.

CR-18-206. Nicholas Roos v. State of Arkansas, from Baxter County Circuit Court. Motion of John A. Crain and Justin Downum to withdraw as counsel of record is granted. Hart, J., would deny.

CR-18-214. Kameon Dreshawn Parker v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to dismiss appeal for want of jurisdiction is granted.

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CV-16-586. Protect Fayetteville, f/k/a Repeal 119; Paul Sagan; Peter Tonnesson; Paul Phaneuf; and the State of Arkansas v. The City of Fayetteville, Washington County, Arkansas; Lioneld Jordan, in His Official Capacity as Mayor of Fayetteville; Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin W. Schoppmeyer, Jr.; John La Tour, and Alan Long; in Their Official Capacities as Aldermen of the Fayetteville City Council, from Washington County Circuit Court. Motion of Joseph W. Price II to withdraw as counsel for appellants is granted.

CV-17-341. Tyrell Benson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Pro se declaration of Tyrell Benson is granted. Kemp, C.J., and Baker and Wynne, JJ., would note.

CV-17-341. Tyrell Benson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion for permission to file supplemental brief in response to brief of amicus is granted.

CV-17-473. Parrish A. Dare v. Scott A. Frost, from Saline County Circuit Court. Motion of Tim Cullen for award of attorney fees and brief costs on appeal is denied. Kemp, C.J., and Baker, J., would grant.

CV-17-827. Jim R. Nash v. Norma Nash, Individually and as Trustee of the Norma F. Nash Living Trust; John Nash, Jr., Individually and for Norma Nash, Deceased, as Co-trustee of the Norma F. Nash Living Trust, and as Co-administrator of the Norma Nash Estate; Pam Nash Glover, Individually and for Norma Nash, Deceased, as Co-trustee of the Norma F. Nash Living Trust, and as Co-administrator of the Norma Nash Estate; Susan Nash Lyle, Individually and for Norma Nash, Deceased; Perry Nash, Individually and for Norma Nash, Deceased; and Gaylen McClanahan, from Pulaski County Circuit Court, Second Division. Appellant's motion to certify appeal to the Supreme Court is denied. Hart, J., would grant.

CV-17-853. Ronald Shelton Tidwell v. Lauren Madison Rosenbaum, from Hempstead County Circuit Court. Appellant's motion to withdraw appellant's petition for review is granted.

## ARKANSAS SUPREME COURT

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#### PER CURIAM ORDERS

CV-18-45. Robinson Nursing and Rehabilitation Center, LLC, d/b/a Robinson Nursing and Rehabilitation Center; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton v. Andrew Phillips, as Personal Representative of the Estate of Dorothy Phillips, and on Behalf of the Wrongful Death Beneficiaries of Dorothy Phillips; and on Behalf of Themselves and All Others Similarly Situated, from Pulaski County Circuit Court, Sixth Division. Appellees' motion to supplement the record is granted.

CV-18-223. Arkansas Oil & Gas Commission; Lawrence Bengal, in His Official Capacity as Director of the Arkansas Oil & Gas Commission; W. Frank Morledge, Mike Davis, Lee Dawkins, Jerry Langley, Jim Phillips, Chris Weiser, Timothy Smith, Charles Wohlford, and Thomas McWilliams, in Their Official Capacities as Commissioners of the Arkansas Oil & Gas Commission v. J.R. Hurd; Sara Smith Hurd; Patricia Hurd McGregor; Victoria Hurd Goebel; David W. Killam; Adrian Kathleen Killam; Tracy Leigh Killam-Dileo; Hurd Enterprises, Ltd.; and Killam Oil Co., Ltd., from Pulaski County Circuit Court, Sixth Division. Appellants' motion for stay pending appeal is granted. Kemp, C.J., and Baker and Hart, JJ., would deny.

CV-18-223. Arkansas Oil & Gas Commission; Lawrence Bengal, in His Official Capacity as Director of the Arkansas Oil & Gas Commission; W. Frank Morledge, Mike Davis, Lee Dawkins, Jerry Langley, Jim Phillips, Chris Weiser, Timothy Smith, Charles Wohlford, and Thomas McWilliams, in Their Official Capacities as Commissioners of the Arkansas Oil & Gas Commission v. J.R. Hurd; Sara Smith Hurd; Patricia Hurd McGregor; Victoria Hurd Goebel; David W. Killam; Adrian Kathleen Killam; Tracy Leigh Killam-Dileo; Hurd Enterprises, Ltd.; and Killam Oil Co., Ltd., from Pulaski County Circuit Court, Sixth Division. Motion of separate appellant SWN Production, LLC, to adopt and join in the Arkansas Oil & Gas Commission's motion for stay pending appeal is granted. Hart, J., would deny.

CV-18-227. Anita G., LLC, and First Community Bank v. Centennial Bank, from Craighead County Circuit Court, Western District. Motion of appellant, Anita G., LLC, for certiorari to complete the record or, in the alternative, to settle the record, to remand, and to stay briefing schedule is moot. Kemp, C.J., and Baker and Wynne, JJ., would grant.

CV-18-227. Anita G., LLC, and First Community Bank v. Centennial Bank, from Craighead County Circuit Court, Western District. Supplement to motion of appellant,

Anita G., LLC, for certiorari to complete the record or, in the alternative, to settle the record, to remand, and to stay briefing schedule is granted.

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CV-18-249. Randolph C. Cooper v. Discover Bank, from Randolph County Circuit Court. Appellant's pro se motion for correction of the record pursuant to Rule 6(e) of the Rules of Appellate Procedure-Civil is granted. Baker, J., would deny.

CV-18-296. State of Arkansas ex rel. Leslie Rutledge, Attorney General v. Scott Ellington, from Crittenden County Circuit Court. Petitioner's emergency petition for writ of mandamus is denied. (Proceedings of April 6, 2018)

D-18-252. In Re Andrew R. Liverman, Arkansas Bar No. 2006340, an Original Action. Petition of Andrew R. Liverman, Arkansas Bar No. 2006340, for voluntary surrender of license (resignation) is granted.

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CR-18-23. Willie Wells v. State of Arkansas, from Crittenden County Circuit Court. Petitioner's pro se motion requesting permission to file belated petition for review is denied. Hart, J., would grant

CR-18-97. Kenneth Osburn v. State of Arkansas, from Ashley County Circuit Court. Petitioner's pro se motion to proceed with appeal from order entered November 16, 2017, coram nobis petition dismissed is granted. Hart, J., would deny.

CR-18-97. Kenneth Osburn v. State of Arkansas, from Ashley County Circuit Court. Petitioner's pro se request for order directing clerk to lodge appellant record is moot. Hart, J., would deny.

CR-18-110. Detric Deshun Wilson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se petition requesting Supreme Court Clerk to delete or omit Supreme Court case no. CR-18-110 is granted.

CV-16-1016. Howard Wood v. State of Arkansas; Arkansas Sentencing Commission; and Governor Asa Hutchinson, from Pulaski County Circuit Court, Sixth Division. Pro se appeal dismissed as moot. Hart, J., would grant.

CV-18-78. Roger D. Sims v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for production of documents and extension of time to file brief. Motion for productions of documents is denied; extension of time to file brief is moot. Hart, J., would grant motion for production of documents and moot extension of time to file brief. Baker, J., would deny.

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF APRIL 12, 2018**

**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

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.

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CR-92-1385. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to recall the mandate.

CR-92-1385. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellee's motion for rule on clerk.

CR-98-657. Bruce Earl Ward v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to recall the mandate.

CR-00-528. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to recall the mandate.

CR-00-528. Don William Davis v. State of Arkansas, from Benton County Circuit Court. Appellee's motion for rule on clerk.

CR-17-646. Ricky Wayne White v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for reconsideration.

CR-17-940. Vernon Robinson v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion for stay and, in the alternative, for extension of brief time.

CR-17-1069. Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court. Appellee's motion for stay and, in the alternative, for extension of brief time.

CR-18-275. Tonisha Mitchell v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's motion for rule on clerk.

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**MOTIONS SUBMITTED**

CV-17-678. Herman Conley, Kenneth Edwards, and James Tate, Sr., Individually and on Behalf of a Class of Similarly Situated Persons v. Boll Weevil Pawn Company, Inc., from Pulaski County Circuit Court, Sixth Division. Appellants' motion to correct the supplemental record.

CV-18-226. Erwin-Keith, Inc. v. Henry Lee Stewart, Jr., d/b/a Stewart Farms, from Monroe County Circuit Court. Appellant's motion for leave to file reply to appellee's response to petition for review.

CV-18-277. Julie Henderling v. Arkansas Department of Human Services and Minor Child, from Crawford County Circuit Court. Arkansas Public Defender Commission's motion for leave to access appellant's motion and leave to file a response to motion for appointment of counsel.

CV-18-277. Julie Henderling v. Arkansas Department of Human Services and Minor Child, from Crawford County Circuit Court. Petitioner's petition to proceed in forma pauperis and for appointment of appellate counsel.

CV-18-288. Dr. Shakeb Hashmi v. Phillips County Circuit Court, from Phillips County Circuit Court. Petitioner's petition for writ of prohibition and request for temporary stay.

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CR-12-190. Gilberto Martinez-Marmol v. State of Arkansas, from Washington County Circuit Court. Petitioner's pro se petition for permission to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.



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**CASES SUBMITTED**

CV-16-575. Apprentice Information Systems, Inc., and David Randall Lamp a/k/a Randy Lamp v. DataScout, LLC, from Benton County Circuit Court. Orally argued.

CV-17-377. Apprentice Information Systems, Inc., and David Randall Lamp a/k/a Randy Lamp v. DataScout, LLC, from Benton County Circuit Court. Orally argued.

CV-17-514. Apprentice Information Systems, Inc., and David Randall Lamp a/k/a Randy Lamp v. DataScout, LLC, from Benton County Circuit Court. Orally argued.

CR-17-677. Carl L. Mouton v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-17-1044. Jacob Earls v. Arkansas Department of Human Services and Minor Children, from Greene County Circuit Court.

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CV-17-867. James Lee King v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.