

ARKANSAS SUPREME COURT

PROCEEDINGS OF MAY 10, 2018

COURTNEY HUDSON GOODSON, JUSTICE

[CR-17-338](#). James Flowers v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appeal dismissed.

ARKANSAS SUPREME COURT

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PER CURIAM ORDERS

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

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

CV-17-896. Arkansas Game and Fish Commission, Public Employee Claims Division; and Death & Permanent Total Disability Trust Fund v. Oscar A. Gerard, Jr., from the Arkansas Workers' Compensation Commission. Kemp, C.J., would grant.

CR-00-1382. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Motion of Kathryn Henry, Assistant Attorney General, to substitute counsel of record for appellee is granted.

CR-17-164. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Motion of Kathryn Henry, Assistant Attorney General, to substitute counsel of record for appellee is granted.

CR-17-1003. Kenneth Roshell Isom v. State of Arkansas, from Drew County Circuit Court. Appellant's motion for permission to file supplemental addendum is granted.

CR-18-171. Steven Wade Miller v. State of Arkansas, from Columbia County Circuit Court. Appellant's petition for writ of certiorari and additional time to file appellant's abstract and brief is granted.

CR-18-232. James Nelson England v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Amanda Jegley, Assistant Attorney General, to substitute counsel of record for appellee is granted.

CR-18-314. Andy VanHook v. Faulkner County Circuit Court, from Faulkner County Circuit Court. Petitioner's petition for writ of certiorari or, alternatively, for writ of habeas corpus is granted.

CR-18-329. David Wayne McClendon v. State of Arkansas, from Lafayette County Circuit Court. Motion of Jason Mitchell to withdraw and motion to stay appellate deadlines pending ruling is granted.

CR-18-335. Emmitt Riley v. Hon. Robert Bynum Gibson, Jr., Circuit Judge; and Mark Gober, Drew County Sheriff, from Drew County Circuit Court. Petitioner's petition for

writ of prohibition and writ of mandamus is moot. Hart, J., would grant. Kemp, C.J., would deny as moot.

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CR-18-335. Emmitt Riley v. Hon. Robert Bynum Gibson, Jr., Circuit Judge; and Mark Gober, Drew County Sheriff, from Drew County Circuit Court. Petitioner's motion to strike footnote to respondent's response to petition for writ of prohibition is moot. Hart, J., would grant. Kemp, C.J., would deny as moot.

CR-18-335. Emmitt Riley v. Hon. Robert Bynum Gibson, Jr., Circuit Judge; and Mark Gober, Drew County Sheriff, from Drew County Circuit Court. Motion of Wayne Boren, agent for Bail Bond Financing, Inc., for leave to intervene is moot. Hart, J., would grant. Kemp, C.J., would deny.

CV-17-761. Bullocks Kentucky Fried Chicken, Inc.; Karen King; and Arkansas Pulpwood Company, Inc. v. City of Bryant, Arkansas, Municipal Property Owners' Multipurpose Improvement District No. 84; Bank of the Ozarks; and TND Developers, LLC, from Saline County Circuit Court. Appellants' motion to reassign to the Arkansas Supreme Court and brief in support of motion is granted. Kemp, C.J., and Wood and Womack, JJ., would deny.

CV-18-114. Miracle Kids Success Academy, Inc. v. Marvin Henry Maurras, from Pulaski County Circuit Court, Twelfth Division. Appellee's motion for permission to file supplemental briefs is granted. Kemp, C.J., not participating.

CV-18-282. Honorable Mark Martin, in His Official Capacity as Secretary of State for the State of Arkansas and in His Official Capacity as Chairman of the State Board of Election Commissioners; Rhonda Cole, James Harmon Smith III, Stuart Soffer, Charles Roberts, Chad Pekron, and James Sharp, in Their Official Capacities as Commissioners of the Arkansas State Board of Election Commissioners v. Pulaski County Circuit Court, Honorable Alice S. Gray, Circuit Judge; and Barry Haas, from Pulaski County Circuit Court, Twelfth Division. Motion to withdraw motion for substitution of party pursuant to Arkansas Rules of Civil Procedure – Rule 25(d) is granted.

CV-18-305. Ricky Lee Scott v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se affidavit in support of request to proceed in forma pauperis is denied.

CV-18-311. Timothy Steadman v. Benton County Circuit Court, from Benton County Circuit Court. Petitioner's petition for writ of certiorari or prohibition is moot.

CV-18-311. Timothy Steadman v. Benton County Circuit Court, from Benton County Circuit Court. Joint motion to dismiss petition for writ of certiorari or prohibition is granted.

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CV-18-332. Arkansas Department of Human Services v. Washington County Circuit Court, from Washington County Circuit Court. Response ordered. Respondent is ordered to respond to petitioner's petition for writ of certiorari by May 16, 2018. (Proceedings of May 8, 2018)

D-14-67. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct v. Robert Brent Crews, Arkansas Bar No. 91237, an Original Action. Petitioner's motion for default and order of disbarment is granted.

D-18-330. In Re Alene Bryson, Arkansas Bar No. 91164, an Original Action. Petition of Alene Bryson, Arkansas Bar No. 91164, for voluntary surrender of license (resignation) is granted.

CR-17-482. Tyrone Swift v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's pro se motion to expedite is moot.

CR-17-725. Edmond McClinton v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for leave to file motion for default judgment is moot.

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. Appellant's brief due thirty days from the date of this per curiam order; final extension.

CR-18-172. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion for belated appeal is granted.

CR-18-172. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se amendment or modification of notice of appeal-belated appeal is denied.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-16-537. Khalin Collins v. State of Arkansas, from Columbia County Circuit Court.

CV-17-246. Multi-Craft Contractors, Inc., and Gallagher Bassett Services, Inc. v. Rick Yousey, from the Arkansas Workers' Compensation Commission.

CV-17-1063. Jessie Hill v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CR-00-1382. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's motion for leave to file inadvertently omitted exhibits to petition to reinvest jurisdiction.

CR-17-988. Rodolfo A. Martinez v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to remand to settle the record and to stay briefing.

CR-18-68. Robert Lee Williams, Jr. v. State of Arkansas, from Nevada County Circuit Court. Appellant's motion to hold briefing in abeyance.

CR-18-360. Rickey Brooks v. State of Arkansas, from Bradley County Circuit Court. Appellant's pro se motion for rule on clerk.

CR-18-360. Rickey Brooks v. State of Arkansas, from Bradley County Circuit Court. Appellant's pro se motion for extension of time to lodge appeal.

CV-17-291. Bruce Earl Ward v. William Asa Hutchinson, Governor of the State of Arkansas; Wendy Kelley, Director, Arkansas Department of Correction; Mark Cashion, Warden, Varner Supermax Unit; and Benny Magness, Chairperson, Arkansas Board of Correction, in Their Respective Official Capacities, from Jefferson County Circuit Court. Motion of Joseph J. Perkovich to appear pro hac vice.

CV-18-309. Arkansas State Plant Board and Terry Walker, in His Official Capacity as Director of the Arkansas State Plant Board v. Michael McCarty, Perry Galloway, Matt Smith, Ross Bell, Becton Bell, and Greg Hart, from Pulaski County Circuit Court, Sixth Division. Appellees' motion to supplement the record.

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CV-18-309. Arkansas State Plant Board and Terry Walker, in His Official Capacity as Director of the Arkansas State Plant Board v. Michael McCarty, Perry Galloway, Matt Smith, Ross Bell, Becton Bell, and Greg Hart, from Pulaski County Circuit Court, Sixth Division. Appellants' motion to consolidate appeals.

CV-18-343. Paul M. Gordon v. Hon. Eddy Easley, Circuit Judge, from Hot Spring County Circuit Court. Petitioner's pro se petition for leave to proceed in forma pauperis.

CV-18-345. Fallon Cox v. Robert Canada and Amber Canada, from Logan County Circuit Court, Southern District. Appellant's motion for rule on clerk.

CV-18-346. Arkansas State Plant Board and Terry Walker, in His Official Capacity as Director of the Arkansas State Plant Board v. Harry Stephens et al., from Phillips County Circuit Court. Appellants' motion to consolidate appeals.

CV-18-362. Arkansas State Plant Board and Terry Walker, in His Official Capacity as Director of the Arkansas State Plant Board v. Gary Johnson et al., from Mississippi County Circuit Court, Osceola District. Appellants' motion to consolidate appeals.

CV-18-369. Arkansas State Plant Board and Terry Walker, in His Official Capacity as Director of the Arkansas State Plant Board v. Nickie Bell et al., from Clay County Circuit Court, Eastern District. Appellants' motion to consolidate appeals.

CR-95-975. Jimmy Don Wooten v. State of Arkansas, from Pope County Circuit Court. Petitioner's pro se petition to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis.

CR-96-428. Larry Rayford v. State of Arkansas, from Ashley County Circuit Court. Petitioner's pro se fourth petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-07-328. Tilton Rhodes v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion for trial transcript under Arkansas Rule of Appellate Procedure—Criminal 19.

CR-17-120. Morris Dean Davis v. State of Arkansas, from Boone County Circuit Court. Petitioner's pro se motion to file belated reply brief.

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.

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MOTIONS SUBMITTED

CR-17-842. Robert J. Moten v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellee's motion to dismiss appeal.

CR-18-10. Lee Charles Millsap, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for use of the record on appeal as a pauper, and for extension of time to file appellant's abstract, brief, and addendum; and pro se motion to withdraw motion for use of record.

CR-18-165. Troy Jason Patrick Riley v. State of Arkansas, from Logan County Circuit Court, Southern District. Appellant's pro se motion for extension of time to file brief.

CR-18-224. Adam Patton v. State of Arkansas, from Desha County Circuit Court. Appellant's pro se petition for leave to proceed in forma pauperis.

CR-18-224. Adam Patton v. State of Arkansas, from Desha County Circuit Court. Appellant's pro se motion for appointment of counsel.

CV-17-385. Russell Berger v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion to file belated brief.

CV-18-179. Theodore Anderson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motions for appointment of counsel and to correct the docket number on the cover sheet.

CV-18-246. Russell Berger v. James Gibson, Warden, Varner Supermax, from Lincoln County Circuit Court. Appellant's pro se motion for access to record and for extension of time to file brief on appeal.

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CASES 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. Orally argued.

CR-17-276. Richard Jordon Tarver v. State of Arkansas, from Craighead County Circuit Court, Western District.

CR-17-709. Jonathan Ryan Hill v. State of Arkansas, from Faulkner County Circuit Court.

CV-17-871. First State Bank and Pinnacle Bank n/k/a Central Bank v. City of Elkins, Arkansas, from the United States District Court, Western District of Arkansas, Fayetteville Division.

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.

CV-17-332. Carl Davis, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.