

ARKANSAS SUPREME COURT

PROCEEDINGS OF JUNE 21, 2018

KAREN R. BAKER, JUSTICE

[CV-18-84](#). Kyron Watkins v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion to file belated brief. Affirmed; motion granted. Hart, J., dissents.

RHONDA K. WOOD, JUSTICE

[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. Reversed and dismissed. Kemp, C.J., concurs. Baker, Goodson, and Hart, JJ., dissent.

[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 coversheet. Affirmed; motion to correct the docket number granted; motion for appointment of counsel moot. Hart, J., concurs.

[CV-18-356](#). Arkansas Department of Finance & Administration, Arkansas Alcoholic Beverage Control Division; Arkansas Medical Marijuana Commission; Natural State Wellness Enterprises, LLC; Osage Creek Cultivation, LLC; BOLD Team, LLC; and Delta Medical Cannabis Company, LLC v. Naturalis Health, LLC; Arkansas Medicinal Source, LLC; Clear Creek Medical, Inc.; Natural State Agronomics, Inc.; River Valley Production, LLC, d/b/a River Valley Relief Cultivation; Acanza Health Group, LLC; Carpenter Farms Medical Group, LLC; Mildred Griggs; and Delta Cannabinoid Corporation, from Pulaski County Circuit Court, Fifth Division. Reversed and dismissed on direct appeal and on cross-appeal. Special Justice Emily White joins. Kemp, C.J., concurs. Hart, J., not participating.

SHAWN A. WOMACK, JUSTICE

[CR-98-1332](#). Randy Turrell Johnson v. State of Arkansas, from Crittenden County Circuit Court. Petitioner's pro se motion for photocopies at public expense pursuant to the Freedom of Information Act. Motion denied.

[CR-10-43](#). Michael Dashun Jackson v. State of Arkansas, from Pulaski County Circuit Court, Fourth 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.

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PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

CV-17-676. Deandra L. Stephenson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

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

CR-18-377. German Vasquez v. State of Arkansas, from Crawford County Circuit Court. Hart, J., would grant.

CR-18-409. James Larail Sharp, Jr. v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Hart and Wynne, JJ., would grant.

CR-18-413. Michael Mitchell v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Wood, J., would grant.

CR-18-426. Eric Benard Rounds v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Goodson, J., not participating.

CR-18-442. Sherita M. King v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division. Wood, Wynne, and Womack, JJ., would grant.

CV-18-348. Farm Credit Midsouth, PCA v. Fred Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc., from Crittenden County Circuit Court. Hart, J., would grant.

CV-18-364. National Transit Staffing, Inc., and Triangle Insurance Company v. Mark Joseph Norris, from the Arkansas Workers' Compensation Commission.

CV-18-365. Kenneth James Clark v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District. Hart, J., would grant.

CV-18-372. Jonathan Jacob Buck v. Arkansas Department of Human Services and Minor Children, from Sebastian County Circuit Court, Fort Smith District.

CV-18-404. Entergy Arkansas, Inc., and Entergy Operations, Inc. v. Ronnie Francis; Bigge Crane and Rigging Company; Bigge Group; Siemens Energy, Inc.; Bigge Power Constructors, Inc.; Vei General Contractors, Inc.; and DP Engineering, LTD, Co., from Pope County Circuit Court. Hart, J., would grant.

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REVIEWS DENIED: (continued)

CV-18-411. Roger D. Pleasant; Information and Discovery, Inc.; PSG and Investigation, LLC; Physician First Marketing Group, LLC; and Network Collision Group, LLC v. Dustin McDaniel, Attorney General of the State of Arkansas, from Pulaski County Circuit Court, Sixth Division.

CV-18-439. White River Health System, Inc., d/b/a White River Medical Center, et al. v. Madeline Long, as Special Administratrix of the Estate of Danielle Toth, Deceased, from Independence County Circuit Court. Wood, J., not participating.

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

CR-18-434. Jason Allen Farmer v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete and correct the record is granted.

CR-18-461. Charles Hawkins and Wayne Boren, Agent for Bail Bond Financing, Inc. v. Robert Bynum Gibson, Jr., Circuit Judge; and Mark Gober, Drew County Sheriff, from Drew County Circuit Court. Petitioners' motion to dismiss is granted.

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. Appellants' motion for expansion of page limit is granted. Baker, J., would deny.

CV-18-61. Sheila McHughes, David Hodges, and Josh McHughes v. Anissa Wayland and Children's Medical Transportation Services, LLC, from Saline County Circuit Court.

Appellants' motion to transfer to the Arkansas Supreme Court with supporting brief is granted.

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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 (Arkansas), LLC, to supplement the record is granted.

CV-18-356. Arkansas Department of Finance & Administration, Arkansas Alcoholic Beverage Control Division; Arkansas Medical Marijuana Commission; Natural State Wellness Enterprises, LLC; Osage Creek Cultivation, LLC; BOLD Team, LLC; and Delta Medical Cannabis Company, LLC v. Naturalis Health, LLC; Arkansas Medicinal Source, LLC; Clear Creek Medical, Inc.; Natural State Agronomics, Inc.; River Valley Production, LLC, d/b/a River Valley Relief Cultivation; Acanza Health Group, LLC; Carpenter Farms Medical Group, LLC; Mildred Griggs; and Delta Cannabinoid Corporation, from Pulaski County Circuit Court, Fifth Division. Appellants' motion to file document under seal and for protective order is denied. Temporary protective order is lifted. Motion of Natural State Agronomics, Inc., to strike is granted. Special Justice Emily White agrees. Hart, J., not participating. (Proceedings of June 7, 2018)

CV-18-375. Hon. 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, Belinda Harris-Ritter, Charles Roberts, Chad Pekron, and James Sharp, in Their Official Capacities as Commissioners of the Arkansas State Board of Election Commissioners v. Barry Haas, from Pulaski County Circuit Court, Twelfth Division. Motion of appellant Secretary of State to supplement the record and to stay briefing schedule pending consideration of motion to supplement is granted. Baker, J., would moot request to stay briefing schedule. Hart, J., would deny request to stay briefing schedule.

[CV-18-395](#). Cindy Gillespie, Director, Arkansas Department of Human Services, in Her Official Capacity v. Planned Parenthood of Arkansas & Eastern Oklahoma, Inc., d/b/a Planned Parenthood Great Plains; and Washington County Circuit Court, from Washington County Circuit Court. Petitioner’s petition for writ of mandamus, prohibition, certiorari, or a supervisory writ, or other appropriate relief is denied. Wood and Womack, JJ., would grant. Goodson, J., not participating. See **dissenting opinion** this date.

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CV-18-421. Larry Hamilton v. Hon. Richard Moore, Circuit Judge; Pulaski County Circuit Court; and Bank of the Ozarks, from Pulaski County Circuit Court, Fifteenth Division. Petitioner’s pro se petition for writ of certiorari to vacate order is denied.

CV-18-421. Larry Hamilton v. Hon. Richard Moore, Circuit Judge; Pulaski County Circuit Court; and Bank of the Ozarks, from Pulaski County Circuit Court, Fifteenth Division. Petitioner’s pro se motion to cite case is denied. Baker and Wood, JJ., would moot.

[CV-18-457](#). Beverly West v. Hon. Scott Jackson, Circuit Judge, from Carroll County Circuit Court, Eastern District. Petitioner’s pro se petition for writ of mandamus is denied. Wood, J., would dismiss. Hart, J., would grant. See **dissenting opinion** this date.

CV-18-479. Alexcia Pruitt v. Arkansas Department of Human Services and Minor Child, from Pulaski County Circuit Court, Eighth Division. Appellant’s motion for rule on clerk is granted.

D-16-301. Stark Ligon, as Executive Director of the Arkansas Supreme Court Committee on Professional Conduct v. Teresa Lynette Bloodman, Arkansas Bar No. 2005055, an Original Action. Respondent’s emergency petition for writ of prohibition, and for immediate emergency stay of disbarment proceedings pending ruling of the petition, and motion to recuse Judge Kim Smith and request for expedited ruling. Request for expedited consideration is granted. Emergency petition for writ of prohibition, and for emergency stay of disbarment proceedings pending ruling of this petition, and motion to recuse Judge Kim Smith is denied. Special Justices Jeffrey W. Hatfield and Rebecca Blass agree. Wood and Wynne, JJ., not participating. (Proceedings of June 12, 2018)

D-16-301. Stark Ligon, as Executive Director of the Arkansas Supreme Court Committee on Professional Conduct v. Teresa Lynette Bloodman, Arkansas Bar No. 2005055, an Original Action. Petitioner’s motion for leave to file a belated response is granted. Special Justices Jeffrey W. Hatfield and Rebecca Blass agree. Baker and Hart, JJ., would moot. Kemp, C.J., would deny. Wood and Wynne, JJ., not participating. (Proceedings of June 12, 2018)

In Re Amendments to Administrative Order Number 8. See [per curiam](#) this date.

In Re Amendments to Administrative Order Number 19. See [per curiam](#) this date.

In Re Amendment to Administrative Order Number 21. See [per curiam](#) this date.

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In Re Paper Copies Required by the Rules of the Supreme Court and Court of Appeals. See [per curiam](#) this date.

In Re Updated List of Attorneys Suspended for Failure to Pay 2018 Annual Attorney-License Fee. See [per curiam](#) this date.

In Re Arkansas Judicial Discipline and Disability Commission. See [per curiam](#) this date.

The Arkansas Supreme Court reappoints Judge Kirk Johnson and Judge Cindy Thyer to the Arkansas Judicial Discipline and Disability Commission for six-year terms to expire on June 30, 2024. The court thanks them for accepting reappointment.

In Re Sixth Judicial Circuit Administrative Plan. See [per curiam](#) this date.

In Re Arkansas Supreme Court Committee on Civil Practice – Recommendations Ark. R. Civ. P. 72; Ark. R. Appellate P. Civ.–5; Arkansas Supreme Court Rule 2-3; and Probate Forms. See [per curiam](#) this date.

In Re Recommendations of the Committee on Civil Practice; Ark. Rules of Civil Procedure 7, 10, & 11; and Administrative Order No. 2. See [per curiam](#) this date.

In Re Recommendations of the Committee on Civil Practice; Ark. Rules of Civil Procedure 4 & 12; Arkansas Supreme Court Admin. Order No. 18. Wood, Wynne, and Womack, JJ., would republish for comment. See [per curiam](#) this date.

In Re Arkansas Supreme Court Committee on Criminal Practice; Ark. R. Crim. P. 33.6; Ark. Sup. Ct. R. 3-4; and Ark. R. Appellate P. –Crim. 2. See [per curiam](#) this date.

In Re Supreme Court Committee on the Unauthorized Practice of Law. See [per curiam](#) this date.

William A. Waddell, Jr., Esq., of Little Rock, Second Congressional District; Phillip A. Stone, Esq., of El Dorado, Fourth Congressional District; and Faye Shepherd of Conway are reappointed to the Committee on the Unauthorized Practice of Law for three-year terms to expire on May 31, 2021. The court thanks Mr. Waddell, Mr. Stone, and Ms. Shepherd for their continued service on this important committee.

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In Re Arkansas Continuing Legal Education Board. See [per curiam](#). (Proceedings of June 7, 2018)

Brandon Cogburn of Texarkana is appointed to the Continuing Legal Education Board for a three-year term to expire on June 7, 2021. Mr. Cogburn will represent the Fourth Congressional District and replaces Judge Tom Smitherman, Jr., whose term has concluded.

Daveante Jones of Little Rock is appointed to the Continuing Legal Education Board for a three-year term to expire on June 7, 2021. Mr. Jones will be an at-large representative, Position Seven; he replaces Michael Angel of Conway, whose term has concluded.

Valerie Fortner is reappointed to the Continuing Legal Education Board for a three-year term to expire on June 7, 2021. Ms. Fortner is an at-large representative, Position Eight.

The court extends its sincere appreciation to Mr. Cogburn and Mr. Jones for accepting appointment to this important board and to Ms. Fortner for accepting reappointment. The court also thanks Judge Smitherman and Mr. Angel for their years of dedicated service on this board.

In Re Amendment to Arkansas Supreme Court Rule 4-2(a)(5). See [per curiam](#). (Proceedings of June 8, 2018)

