

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF AUGUST 2, 2018**

**PER CURIAM ORDERS**

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

CR-17-164. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Kemp, C.J., and Hart and Wynne, JJ., would grant.

CR-18-10. Lee Charles Millsap, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Hart, J., would grant.

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. Hart and Wood, JJ., would grant.

CV-18-179. Theodore Anderson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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CR-00-1382. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Motion of Erica L. Kerman to appear *pro hac vice* is granted.

CR-00-1382. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Motion of Jill K. Grant to appear *pro hac vice* is granted.

CR-00-1382. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Motion of James C. Dugan to appear *pro hac vice* is granted.

[CR-16-574](#). John Richard Lukach v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for reconsideration is denied.

CR-16-574. John Richard Lukach v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion for rule on clerk is denied. Hart, J., would grant. See **dissenting opinion** this date.

CR-17-404. Brandon Eugene Lacy v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to stay the mandate is denied. Goodson, Hart, and Wynne, JJ., would grant.

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CR-17-677. Carl Mouton v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion for stay of the mandate in order to petition for writ of certiorari is denied. Goodson, Hart, and Wynne, JJ., would grant.

CR-17-703. Marlon Donte Howell v. State of Arkansas, from Hempstead County Circuit Court. Appellant's motion for summary reversal and remand is denied.

CR-17-829. Christopher Segerstrom v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for summary reversal and remand is denied.

CR-17-1028. Tony Alan Ray v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion for summary reversal and remand is denied.

CR-18-68. Robert Lee Williams, Jr. v. State of Arkansas, from Nevada County Circuit Court. Appellant's motion for summary reversal and remand is denied.

CR-18-224. Adam Patton v. State of Arkansas, from Desha County Circuit Court. Appellant's motion to supplement the record is granted.

CR-18-293. Michael Lavern Boyd v. Hon. Herbert Wright, Circuit Judge, from Pulaski County Circuit Court, Fourth Division. Respondent's motion for permission to file amended response to pro se petition for writ of mandamus is granted.

[CR-18-360](#). Rickey Brooks v. State of Arkansas, from Bradley County Circuit Court. Appellant's pro se motion for reconsideration or, in the alternative, provide a detailed step-by-step explanation for denial of motion is denied. Hart, J., would grant. See **dissenting opinion** this date.

CR-18-517. Eric Allen Reid v. State of Arkansas, from Garland County Circuit Court. Appellant's petition for writ of certiorari to complete the record is granted.

CR-18-568. Jonathan Antonio Woods v. State of Arkansas, from Drew County Circuit Court. Entry of appearance of Michael Kaiser on behalf of appellant is noted. Hart, J., would grant.

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 pro se supplemental brief is granted.

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CV-17-619. Dee Blakely v. Arkansas Children's Hospital; Pulaski County, Arkansas; and Jane Duke, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to transfer is denied. Womack, J., would grant.

CV-17-634. City of Jacksonville, Arkansas; Gary Fletcher, Mayor of the City of Jacksonville, Arkansas, in His Official Capacity; Susan Davitt, City Clerk/Treasurer of the City of Jacksonville, Arkansas, in Her Official Capacity; and Chief of Police Geoffrey Herweg v. Tara Smith, from Pulaski County Circuit Court, Twelfth Division. Motion of Partne Daugherty to appear in case; motion for Rule 11 sanctions; motion to stay mandate; motion to recall opinion; motion for extension of time to file petition for rehearing; and motion for other relief is denied.

CV-17-634. City of Jacksonville, Arkansas; Gary Fletcher, Mayor of the City of Jacksonville, Arkansas, in His Official Capacity; Susan Davitt, City Clerk/Treasurer of the City of Jacksonville, Arkansas, in Her Official Capacity; and Chief of Police Geoffrey Herweg v. Tara Smith, from Pulaski County Circuit Court, Twelfth Division. Motion of Partne Daugherty to appear separately/motion to intervene; and affidavit in support is denied.

CV-17-873. State of Arkansas; Protect Fayetteville f/k/a Repeal 119; Paul Sagan; Peter Tonnesson; and Paul Phaneuf v. City of Fayetteville, Washington County, Arkansas; Lioneld Jordan, in His Official Capacity as Mayor of Fayetteville; Adella Gray; Sarah Marsh; Mark Kinion; Matthew Petty; Alan Long; Justin Tennant; Martin W. Schoppmeyer, Jr.; and John La Tour, in Their Official Capacities as Aldermen of the Fayetteville City Council; PFLAG Northwest Arkansas; Anthony Clark; Noah Meeks; and Liz Petray, from Washington County Circuit Court. Motion for leave to file brief of amici curiae states of Texas, Alabama, Idaho, Indiana, Kansas, Louisiana, Michigan, Missouri, Oklahoma, and the Commonwealth of Kentucky, by and through Governor Matthew G. Bevin, as amici curiae in support of petitioner is granted. Special Justices Hugh Finkelstein and Maureen Harrod agree. Goodson and Hart, JJ., not participating.

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. Appellees' motion to dismiss appeal is denied. Kemp, C.J., and Baker and Goodson, JJ., would grant.

CV-18-114. Miracle Kids Success Academy, Inc. v. Marvin Henry Maurras, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion to permit filing of reply brief is granted. Special Justice Sandy Huckabee agrees. Kemp, C.J., not participating.

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CV-18-136. Jeff Crow, Individually and as Director of Arkansas Game and Fish Commission; and Arkansas Game and Fish Commission, an Agency of the State of Arkansas v. Greg Heslep and Keith Heslep, from Pulaski County Circuit Court, Second Division. Appellees' motion to dismiss certain points on appeal, motion for extension of time to file response brief, and memorandum brief in support is granted. Baker, J., would deny. Goodson, J., not participating.

CV-18-151. Debbie Worsham v. Roy Day and Teresa Day, from Franklin County Circuit Court, Northern District. Appellees' motion to dismiss appeal for lack of jurisdiction is denied.

CV-18-228. Koppers, Inc. v. Kelvin Trotter, Nathane Davis, Lonzo Allen, and Ken Piggee, Individually and on Behalf of All Others Similarly Situated, from Pulaski County Circuit Court, Second Division. Motion of Sarah E. DeLoach to withdraw as counsel for appellant is granted. Goodson, J., not participating.

CV-18-343. Paul M. Gordon v. Hon. Eddy Easley, Circuit Judge, from Hot Spring County Circuit Court. Petitioner's pro se notice of appeal treated as motion for reconsideration and denied. Hart, J., would grant and set briefing.

CV-18-428. Lamar D. Wilson v. Hon. Lynn Williams, Circuit Judge, from Garland County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied. Hart and Wynne, JJ., would grant.

[CV-18-455](#). Hotels.com, L.P.; Hotwire, Inc.; Trip Network, Inc., d/b/a Cheaptickets.com; Expedia, Inc.; Internetwork Publishing Corp. d/b/a Lodging.com; Lowestfare.com, Incorporated; Orbitz, LLC; Priceline.com, Incorporated n/k/a Booking Holdings, Inc.; Priceline.com, LLC; Travelocity.com, L.P., n/k/a TVL, L.P.; Travelweb, LLC; and Site59.com, LLC v. Jefferson County Circuit Court and Hon. Robert H. Wyatt, Jr., Circuit Judge, from Jefferson County Circuit Court. Petitioners' petition for writ of prohibition or certiorari is denied. Hart, J., would grant. See **dissenting opinion** this date.

CV-18-457. Beverley West v. Hon. Scott Jackson, Circuit Judge, from Carroll County Circuit Court, Eastern District. Petitioner's pro se petition for writ of mandamus treated as motion for reconsideration and denied.

CV-18-464. Robert W. Avery v. Mary A. Johnston, from Washington County Circuit Court. Petitioner's pro se motion to proceed in forma pauperis is granted. Kemp, C.J., and Baker, J., would deny. Goodson, J., not participating.

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CV-18-465. Robert W. Avery v. Aramark Commissary Service, Aramark Food Service, Sheriff Helder, and Major Denzer, from Washington County Circuit Court. Petitioner's pro se motion to proceed in forma pauperis is denied. Hart and Womack, JJ., would grant. Goodson, J., not participating.

[CV-18-494](#). Marleny Reyes-Ramos and Rolando Juarez v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Petition of separate appellant Marleny Reyes-Ramos for leave to proceed in forma pauperis is denied. Hart, J., would grant. See **dissenting opinion** this date.

CV-18-494. Marleny Reyes-Ramos and Rolando Juarez v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Petition of separate appellant Rolando Juarez to proceed in forma pauperis is denied.

CV-18-494. Marleny Reyes-Ramos and Rolando Juarez v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Motion of the Arkansas Public Defender Commission for leave to access appellants' record and leave to file a response to the petitions to proceed in forma pauperis and appointments of counsel is moot. Hart, J., would deny.

CV-18-499. Rolando Juarez and Marleny Reyes-Ramos v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Petition of separate appellant Rolando Juarez to proceed in forma pauperis is denied.

CV-18-499. Rolando Juarez and Marleny Reyes-Ramos v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Tenth Division. Motion of the Arkansas Public Defender Commission for leave to access appellants' record and leave to file a response to the petition to proceed in forma pauperis and appointment of counsel is moot. Hart, J., would deny.

CV-18-541. Beverley West v. Hon. Dale Ramsey, District Judge, from Green Forest District Court. Petitioner's pro se petition to proceed in forma pauperis is denied. Hart, J., would grant.

CV-18-547. W.N. v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifth Division. Motion of Mary Goff to be relieved as counsel is granted.

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CV-18-561. Edward Jones v. Clarence Jones, Wayne Traylor (Farm, Inc.), William Aaron Traylor, and Michael Traylor, from Lee County Circuit Court. Petitioner’s pro se petition for leave to proceed in forma pauperis is denied. Baker and Hart, JJ., would grant.

CV-18-561. Edward Jones v. Clarence Jones, Wayne Traylor (Farm, Inc.), William Aaron Traylor, and Michael Traylor, from Lee County Circuit Court. Petitioner’s pro se motion for rule on clerk is denied. Baker, J., would grant.

[CV-18-585](#). Wynne-Ark., Inc., d/b/a Kelley’s Restaurant v. Richard Baughn Construction, from Cross County Circuit Court. Petitioner’s petition for interlocutory appeal is denied. Goodson and Hart, JJ., would grant. See **dissenting opinion** this date.

CV-18-603. Samuel Conley v. Althea Conley, from Union County Circuit Court. Appellant’s emergency application for stay of judgment, request to stay the sale of defendant’s home, and petition for writ of certiorari to complete the record is denied. (Proceedings of July 19, 2018)

CV-18-608. Angela Blevins v. Hon. Xollie Duncan and Hon. Doug Schrantz, from Benton County Circuit Court. Expedited consideration is granted. Petitioner’s motion at law to proceed in forma pauperis; petitioner’s petition for writ of mandamus or, in the alternative, petition for several extraordinary writs; and petitioner’s motion at law and, for cause show, for walk-in emergency, no-notice hearing for concurrently filed petition for writs are denied. (Proceedings of July 23, 2018)

CV-18-616. Austin Prince, Willie Reinhardt, Mary E. Lowman, Deborah Brown, Kevin Steeland, Phyllis Stinson, Thomas Lowman, and Richard Smith v. Arkansas State Highway Commission; Arkansas Department of Transportation; and Scott E. Bennett, in His Official Capacity as Director of the Arkansas Department of Transportation, from Pulaski County Circuit Court, Second Division. Appellants’ emergency motion for stay pending appeal granted. Baker and Wood, JJ., would deny. Goodson, J., not participating. (Proceedings of July 27, 2018)

D-18-591. In Re Charles R. Erickson, Arkansas Bar No. 79155, an Original Action. Petition of Charles R. Erickson, Arkansas Bar No. 79155, for voluntary surrender of license (resignation) is granted.

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CR-18-33. Daniel L. Stover v. State of Arkansas, from Polk County Circuit Court. Appellee's motion to dismiss appeal is granted.

CR-18-379. Brian T. Jordan v. Hon. Brad Karren, Circuit Judge, from Benton County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot. Kemp, C.J., and Baker and Wood, JJ., would deny.

CR-18-379. Brian T. Jordan v. Hon. Brad Karren, Circuit Judge, from Benton County Circuit Court. Petitioner's pro se motion to amend petition for writ of mandamus is moot. Kemp, C.J., would deny. Baker, J., would deny as moot. Wood, J., would dismiss as moot.

[CR-18-417](#). Rolandis Chatmon v. Hon. Charles E. Clawson, Jr., Circuit Judge, from Faulkner County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied. Hart, J., concurs. Wood, J., not participating. See **concurring opinion** this date.

CR-18-417. Rolandis Chatmon v. Hon. Charles E. Clawson, Jr., Circuit Judge, from Faulkner County Circuit Court. Petitioner's pro se notice to the Arkansas Supreme Court is moot. Wood, J., not participating.

CV-18-247. Rickie Randle-Shabazz v. State of Arkansas, from Lincoln County Circuit Court. Appellee's motion to dismiss appeal is granted.

CV-18-251. Jessie Hill v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellee's motion to dismiss appeal is granted.

CV-18-297. Ricky Justus v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal is granted.

CV-18-312. Leslie Hill v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal is granted.

In Re Amendment to Rule 6-1(a) of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas. Hart, J., would not publish. See **per curiam** this date.