

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF SEPTEMBER 6, 2018**

**PER CURIAM ORDERS**

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

CR-18-417. Rolandis Chatmon v. Hon. Charles E. Clawson, Jr., Circuit Judge, from Faulkner County Circuit Court. Wood, J., not participating.

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CR-95-985. Greg Hogue v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Petitioner's pro se motion to reinvest the trial court with jurisdiction to consider the issuance of the writ of error coram nobis and the issuance of the writ of audita querela, or other relief is denied. Special Justice Josh Farmer agrees. Hart, J., would grant. Goodson, J., not participating.

CR-00-1382. Gary Martin v. State of Arkansas, from Lonoke County Circuit Court. Motion of amici curiae Timothy Scott Bridges, George D. Perrot, and Jimmy Ray Bromgard for leave to file an amicus brief in support of petitioner is granted. Kemp, C.J., would deny.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of Samantha Goldstein to withdraw as counsel is granted.

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Motion of John Hill to withdraw as counsel is granted.

CR-17-829. Christopher Segerstrom v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to be excused from the abstracting requirement is granted.

CR-17-1028. Tony Alan Ray v. State of Arkansas, from Crawford County Circuit Court. Appellant's motion to be excused from the abstracting requirement is granted.

CR-18-177. Mo Shay v. State of Arkansas, from Johnson County Circuit Court. Motion of Lee Rudofsky, Solicitor General, to withdraw as counsel of record for appellee is granted.

CR-18-329. David Wayne McClendon v. State of Arkansas, from Lafayette County Circuit Court. Appellant's motion to stay briefing schedule and to supplement the record is granted.

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CR-18-366. Quenton Edward King v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Jeff Rosenzweig to enter appearance, substitute counsel, and for setting of new briefing schedule is granted.

CR-18-366. Quenton Edward King v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Ronald L. Davis, Jr. to withdraw as counsel and for extension of time to file appellant's brief is granted.

CR-18-458. Kelley Patrick Mills v. State of Arkansas, from Miller County Circuit Court. Appellee's motion for leave to file corrected brief and supplemental addendum is granted.

CR-18-587. Tina Damron v. Stewart Damron and State of Arkansas, from Benton County Circuit Court. Appellant's petition to proceed in forma pauperis is granted.

CR-18-587. Tina Damron v. Stewart Damron and State of Arkansas, from Benton County Circuit Court. Motion of Jonathan Faught to be relieved as attorney for appellant and stay briefing schedule is granted.

CR-18-673. Cortez Lamont Gould v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to file belated appeal is granted. Wood, J., would deny.

CV-17-849. State of Arkansas; Protect Fayetteville f/k/a Repeal 119; Paul Sagan, Peter Tonnessen; and Paul Phaneuf 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; Alan Long; Justin Tennant; Martin W. Schoppmeyer, Jr.; and John La Tour, in Their Official Capacities as Alderman of the Fayetteville City Council; PFLAG of Northwest Arkansas, Anthony Clark; Noah Meeks; and Liz Petray, from Washington County Circuit Court. Motion to change oral argument date is granted. Special Justices Hugh Finkelstein and Maureen Harrod agree. Goodson and Hart, JJ., not participating.

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CV-17-849. State of Arkansas; Protect Fayetteville f/k/a Repeal 119; Paul Sagan, Peter Tonnessen; and Paul Phaneuf 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; Alan Long; Justin Tennant; Martin W. Schoppmeyer, Jr.; and John La Tour, in Their Official Capacities as Alderman of the Fayetteville City Council; PFLAG of Northwest Arkansas, Anthony Clark; Noah Meeks; and Liz Petray, from Washington County Circuit Court. Motion of Lee Rudofsky, Solicitor General, to withdraw as counsel is granted. Special Justices Hugh Finkelstein and Maureen Harrod agree. Goodson and Hart, JJ., not participating.

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. Petitioner's motion to change oral argument date is granted. Special Justices Hugh Finkelstein and Maureen Harrod agree. Goodson and Hart, JJ., not participating.

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 of Lee Rudofsky, Solicitor General, to withdraw as counsel is granted. Special Justices Hugh Finkelstein and Maureen Harrod agree. Goodson and Hart, JJ., not participating.

CV-18-213. Arkansas State Highway Commission; Arkansas Department of Transportation; and Scott E. Bennett, in His Official Capacity as Director of the Arkansas Department of Transportation v. Austin L. Prince; Willie Reinhardt; Mary E. Lowman; Deborah Brown; Kevin Steeland; Phyllis Stinson; Thomas Lowman; and Richard Smith, from Pulaski County Circuit Court, Second Division. Appellees' motion to dismiss appeal as moot is granted. Wood, J., would deny. Goodson, J., not participating.

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CV-18-309. Arkansas State Plant Board and Terry Walker v. Michael McCarty, Perry Galloway, Matt Smith, Ross Bell, Becton Bell, and Greg Hart, from Pulaski County Circuit Court, Sixth Division. Motion to file amicus curiae brief is granted.

CV-18-343. Paul M. Gordon v. Hon. Eddy Easley, Circuit Judge, from Hot Spring County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied. Goodson and Wood, JJ., would grant.

CV-18-486. Michael Lee Murphy v. Nancy Lee Murphy, from Faulkner County Circuit Court. Appellee's motion for reassignment to the Arkansas Supreme Court and brief in support of motion is granted. Baker, J., would deny. Wood, J., not participating.

CV-18-539. Brianna Jones v. Arkansas Department of Human Services and Minor Children, from Hempstead County Circuit Court. Appellant's motion for belated appeal is granted.

CV-18-539. Brianna Jones v. Arkansas Department of Human Services and Minor Children, from Hempstead County Circuit Court. Appellant's motion to stay briefing schedule is granted.

CV-18-541. Beverley West v. Hon. Dale Ramsey, District Judge, from Green Forest District Court. Petitioner's pro se petition for resubmission of petition for leave to proceed in forma pauperis is denied.

CV-18-585. Wynne-Ark., Inc., d/b/a Kelley's Restaurant v. Richard Baughn Construction, from Cross County Circuit Court. Petitioner's motion for reconsideration is granted. Kemp, C.J., and Baker and Wynne, JJ., would deny.

CV-18-608. Angela Blevins v. Hon. Xollie Duncan and Hon. Doug Schrantz, from Benton County Circuit Court. Petitioner's tendered pro se motion at law for findings of facts and conclusions of law for cause shown is denied.

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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. Appellees' motion to advance and affirm or, alternatively, for bond and to expedite briefing and request for expedited consideration. Request for expedited consideration is granted. Baker, J., would deny. Motion to advance and affirm or, alternatively, for bond and expedited briefing is denied. Wood, J., would grant. Goodson, J., not participating. (Proceedings of August 13, 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' motion to supplement the record on appeal is granted. Goodson, J., not participating.

CV-18-640. City of Helena-West Helena, Arkansas; and J.V. Hollowell, in His Official Capacity as Mayor of the City of Helena-West Helena, Arkansas v. Elijah Mondy; William Evans; Linda Harris; Hon. E. Dion Wilson, Circuit Judge; and Circuit Court of Phillips County, from Phillips County Circuit Court. Petitioners' petition for writ of mandamus, writ of prohibition, writ of certiorari, or supervisory writ, motion to stay enforcement of lower court order, and request for expedited consideration. Request for expedited consideration is granted; petition for writ of mandamus, writ of prohibition, writ of certiorari, or supervisory writ and motion to stay enforcement of lower court order is denied as moot. Petitioners' amended petition for writ of mandamus, writ of prohibition, writ of certiorari, or supervisory writ, motion to stay enforcement of lower court order, and request for expedited consideration. Request for expedited consideration is granted; amended petition for writ of mandamus, writ of prohibition, writ of certiorari, or supervisory writ and motion to stay enforcement of lower court order is denied. Petitioners' motion to strike exhibits is denied. (Proceedings of August 7, 2018)

CV-18-656. David Brennan v. Stacey Pectol, in Her Official Capacity as Clerk of the Courts for the Arkansas Supreme Court and Court of Appeals, from White County Circuit Court. Petitioner's pro se petition for writ of mandamus and prohibition is denied. Hart, J., would grant.

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CV-18-668. Hotels.com, L.P.; Hotwire, Inc.; Trip Network, Inc., d/b/a Cheaptickets.com; Expedia, Inc.; Internetnetwork Publishing Corp. d/b/a Lodging.com; 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. Pine Bluff Advertising and Promotion Commission; Jefferson City, Arkansas; City of North Little Rock, Arkansas; and All Others Similarly Situated, from Jefferson County Circuit Court. Appellants' motion for expansion of page limit is granted. Baker and Hart, JJ., would deny.

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CR-09-519. Ramon Williamson v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se petition for writ of mandamus is denied.

CR-17-264. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion for use of transcript is denied.

CR-17-264. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion for duplication of motion at State's expense is denied. Womack, J., would moot.

CR-18-87. Qa'tonious Lee Sirkaneo a/k/a Walter Lee Brooks v. State of Arkansas, from St. Francis County Circuit Court. Petitioner's pro se motion for objection to appointment of Ronald L. Davis, Jr., as counsel for appeal, motion to relieve appointed counsel, and motion for appointment of new counsel for appeal is denied. Hart, J., would grant.

CR-18-87. Qa'tonious Lee Sirkaneo a/k/a Walter Lee Brooks v. State of Arkansas, from St. Francis County Circuit Court. Petitioner's pro se motion for extension of time for lodging appeal brief is denied. Hart, J., would grant. Womack, J., would moot.

CR-18-293. Michael Lavern Boyd v. Hon. Herbert Wright, Circuit Judge, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se petition for writ of mandamus is moot. Hart and Womack, JJ., would deny.

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**MOTIONS SUBMITTED**

CR-17-89. Mauricio Alejandro Torres v. State of Arkansas, from Benton County Circuit Court. Appellee's motion to file enlarged brief.

CR-18-460. Andwelle Sieed Ellis v. State of Arkansas, from Jackson County Circuit Court. Appellant's petition for writ of certiorari to complete the record and to stay briefing or, alternatively, for extension of time.

CV-18-516. The City of Magnolia v. Dennis Milligan, in His Official Capacity as Treasurer of the State of Arkansas; Larry Atkinson, in His Official Capacity as County Judge for Columbia County; and Selena Blair, in Her Official Capacity as County Treasurer for Columbia County, from Pulaski County Circuit Court, Thirteenth Division. Appellant's motion to certify appeal to the Arkansas Supreme Court.

CV-18-602. Monsanto Company, Randy Everett, Individually and as Representative of Everett Farm Partnership; Everett Farm Partnership; Leslie T. Brown, Individually and as representative of Leslie T. Brown Farms Partnership; and Leslie T. Brown Farms Partnership v. Arkansas State Plant Board; Walter "Bruce" Alford; Kyle Baltz; Russell Black; Russell Bragg; Robert Campbell; Dr. Rick Cartwright; Marty Eaton; Danny Finch; Barry Walls; Terry Fuller; Greg Hay; Otis Howe; Jerry Hyde; Larry Jayroe; Thomas Post; Dr. Craig Rothrock; Dennie Stokes; and Matthew Marsh, in Their Official Capacities as Board Members of the Arkansas State Plant Board, from Pulaski County Circuit Court, Second Division. Appellant's motion to dismiss appeal without prejudice.

CV-18-668. Hotels.com, L.P.; Hotwire, Inc.; Trip Network, Inc., d/b/a Cheaptickets.com; Expedia, Inc.; Internetwork Publishing Corp. d/b/a Lodging.com; 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. Pine Bluff Advertising and Promotion Commission; Jefferson City, Arkansas; City of North Little Rock, Arkansas; and All Others Similarly Situated, from Jefferson County Circuit Court. Appellees' motion to dismiss appeal.

D-18-689. Stark Ligon, in His Official Capacity as Executive Director of the Supreme Court Committee on Professional Conduct v. Bobby D. McCallister, Arkansas Bar No. 91103, an Original Action. Petitioner's petition for disbarment.

D-18-704. In Re Chris A. Paul, Arkansas Bar No. 2006121, an Original Action. Petition of Chris A. Paul, Arkansas Bar No. 2006121, for voluntary surrender of attorney license (resignation).

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**MOTIONS SUBMITTED**

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CR-18-521. Terrell Wayne Hood v. State of Arkansas, from Faulkner County Circuit Court. Petitioner's pro se petition for writ of certiorari.



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**CASES SUBMITTED**

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 Corrections, in Their Respective Official Capacities, from Jefferson County Circuit Court. Orally argued.

CV-17-913. Jack Gordon Greene v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Orally argued.

CR-16-949. Eric Darnell Thrower v. State of Arkansas, from Ouachita County Circuit Court.

CR-17-854. Angela Zimmerman v. Circuit Court of Miller County, from Miller County Circuit Court.

CR-17-889. Brad Hunter Smith v. State of Arkansas, from Cleveland County Circuit Court.

CR-17-891. Christopher Fletcher v. State of Arkansas, from Jefferson County Circuit Court.

CR-17-915. Kevin Conway Duck v. State of Arkansas, from Garland County Circuit Court.

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CV-18-78. Roger D. Sims v. State of Arkansas, from Jefferson County Circuit Court.