

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 20, 2018

JOHN DAN KEMP, CHIEF JUSTICE

[CR-17-1003](#). Kenneth Roshell Isom v. State of Arkansas, from Drew County Circuit Court. Affirmed. Hart and Wood, JJ., dissent.

[CV-18-391](#). James E. Whitney v. Wells, Gayden, Lloyd, and Brooks, from Lincoln County Circuit Court. Appellant's pro se notice and advisement (motion to file nonconforming brief). Appeal dismissed; motion moot. Hart, J., dissents.

[CV-18-405](#). James E. Whitney v. Jamie Cruce, Donald Compton, Claudia M. Harris, Keith Waddle, Randall Watson, Raymond Naylor, and Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se notice and advisement (motion to file nonconforming brief). Appeal dismissed; motion moot. Hart, J., dissents.

[CV-18-407](#). James E. Whitney v. Carolyn Wallace, from Lincoln County Circuit Court. Appellant's pro se notice and advisement (motion to file nonconforming brief). Appeal dismissed; motion moot. Hart, J., dissents.

KAREN R. BAKER, JUSTICE

[CR-97-1344](#). Androus Hall v. State of Arkansas, from Phillips County Circuit Court. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Petition denied. Hart, J., concurs.

COURTNEY HUDSON GOODSON, JUSTICE

[CR-00-1360](#). Rodney Bunch v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis; pro se motion for sanctions to be placed upon the office of the Attorney General for the State of Arkansas for violation of Rule 11 of the Arkansas Rules of Appellate Procedure –Civil. Petition denied; motion for sanctions denied.

[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 denied.

[CV-17-385](#). Russell Berger v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Remanded for findings of fact.

[CV-18-144](#). Terrance Proctor v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed. Hart, J., concurs.

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COURTNEY HUDSON GOODSON, JUSTICE (continued)

[CV-18-384](#). James Edward Whitney v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se notice and advisement (motion to file nonconforming brief). Remanded for additional findings; motion moot. Kemp, C.J., and Wood, J., dissent.

[CV-18-385](#). James E. Whitney v. Asa Hutchinson, Governor, from Lincoln County Circuit Court. Appellant's pro se notice and advisement (motion to file nonconforming brief). Appeal dismissed; motion moot.

[CV-18-392](#). James E. Whitney v. Washington County, Arkansas; Washington County, Arkansas, Sheriff's Office; and Sheriff Tim Helder, Sgt. Kenneth Albright, Detective Yvette Schrock, Detective Steven Hulsey, Deputy Melancon, Deputy Hammersla, and Cpl. Bruce Strain, Individually, from Lincoln County Circuit Court. Appellant's pro se notice and advisement (motion to file nonconforming brief). Appeal dismissed; motion moot. Hart, J., dissents.

[CV-18-396](#). James E. Whitney v. Unknown Jenkins, Donald Compton, Randall Watson, and Rory Griffin, from Lincoln County Circuit Court. Appellant's pro se notice and advisement (motion to file nonconforming brief). Appeal dismissed; motion moot. Hart, J., dissents.

JOSEPHINE LINKER HART, JUSTICE

[CR-07-8](#). Anthony Jerome Fitzgerald v. Gregory Neal Robinson, from Jefferson County Circuit Court. Petitioner's pro se motion requesting copies of records; notice of application for judgment; and motion for default judgment; motion requesting leave to amend motion requesting records. Response ordered; notice of application for judgment moot; motion for default judgment denied; motion requesting leave to amend motion requesting records denied. Kemp, C.J., Wood and Womack, JJ., dissent.

[CR-18-177](#). Mo Shay v. State of Arkansas, from Johnson County Circuit Court. Reversed and remanded; court of appeals opinion vacated. Goodson, J., concurs. Wood and Womack, JJ., dissent.

ROBIN F. WYNNE, JUSTICE

[CR-07-277](#). Jimmy Smith v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Petition denied.

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ROBIN F. WYNNE, JUSTICE (continued)

[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; and SWN Production (Arkansas), LLC 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. Reversed and remanded on direct appeal and on cross-appeal. Hart, J., concurs. Wood and Womack, JJ., concur in part and dissent in part. Baker, J., dissents.

[CV-18-270](#). Dolandon V. Mack v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed. Hart, J., dissents.

[CV-18-398](#). James E. Whitney v. Allen, Boreani, Ross, Watson, and Payne, from Lincoln County Circuit Court. Appellant's pro se notice and advisement (motion to file nonconforming brief). Appeal dismissed; motion moot. Hart, J., dissents.

[CV-18-399](#). James Edward Whitney v. James Plummer, from Lincoln County Circuit Court. Appellant's pro se notice and advisement (motion to file nonconforming brief). Appeal dismissed; motion moot. Hart, J., dissents.

SHAWN A. WOMACK, JUSTICE

[CR-18-493](#). Gary Robinson v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to file a belated brief. Appeal dismissed; motion moot.

[CV-18-245](#). Ben Grimes v. State of Arkansas, from Lee County Circuit Court. Affirmed.

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PER CURIAM ORDERS

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

CR-17-654. Kenneth Reams v. State of Arkansas, from Jefferson County Circuit Court. Wood, J., would grant.

CR-17-916. Edward Darnell Rogers v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-17-291. Bruce Earl Ward v. William Asa Hutchinson, Governor of the State of Arkansas; Wendy Kelley, Director, Arkansas Department of Correction; Randy Watson, Warden of Varner Supermax Unit; and Benny Magness, Chairperson of the Arkansas Board of Corrections, in Their Official Capacities, from Jefferson County Circuit Court. Baker, Wood, and Womack, JJ., would grant.

CV-17-500. Arkansas Department of Human Services, Erica Eneks, and Tony Huffman v. Tegan Renee Dowdy and Minor Children, from Crawford County Circuit Court. Kemp, C.J., and Womack, J., and Special Justice Grant Fortson would grant. Wynne, J., not participating.

CV-17-913. Jack Gordon Greene v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Baker, Wood, and Womack, JJ., would grant.

REVIEW GRANTED: Petition for review was granted today in the following case.

CV-18-502. Connie Cantrell v. Toyota Motor Corporation; Toyota Motor Sales USA, Inc.; and Bale Management Company, Inc., from Pulaski County Circuit Court, Fifth Division. Appellees' petition for review. Special Justice Collier Moore agrees. Baker, Goodson, and Wynne, JJ., would deny. Kemp, C.J., not participating.

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

CR-18-867. James Neal Bynum v. State of Arkansas, from Scott County Circuit Court. Kemp, C.J., would grant.

CR-18-871. Neal Allen Hall v. State of Arkansas, from Garland County Circuit Court.

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PER CURIAM ORDERS

REVIEWS DENIED: (continued)

CR-18-910. Micah Kenton Krol v. State of Arkansas, from Washington County Circuit Court. Hart, J., would grant.

CR-18-913. Travis Lynn Wyly v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Hart, J., would grant.

CV-18-502. Connie Cantrell v. Toyota Motor Corporation; Toyota Motor Sales USA, Inc.; and Bale Management Company, Inc., from Pulaski County Circuit Court, Fifth Division. Appellant's petition for review. Special Justice Collier Moore agrees. Hart, Wood, and Womack, JJ., would grant. Kemp, C.J., not participating.

CV-18-869. Connie Watkins and Richard Watkins v. The Arkansas Department of Agriculture, The Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors, Arkansas Division of Land Surveys; Bradley P. Hancock Surveying and Mapping; and in Their Individual Capacities: Everett Rowland, Brandon Robinson, Steve Haralson, James Atchley, Ronald Hawkins, H. James Engstrom, Nora Moses, Robert D. Holloway, and Bradley P. Hancock, from Pulaski County Circuit Court, Sixth Division. Hart, J., not participating.

CV-18-886. Ricky Lee Craig v. Cheryl Craig, Jansen McDaniel, and Jacob Crawford Craig, from Garland County Circuit Court.

CV-18-895. Washington Regional Medical Center v. Northwest Physicians, LLC, and Shaun Senter, M.D., from Washington County Circuit Court. Hart and Wood, JJ., would grant.

CV-18-953. Rhonda Canerday-Banks and Donald Banks v. David Barton, Rebecca Barton, Minor Child, and Arkansas Department of Human Services, from Pope County Circuit Court. Baker, Goodson, and Hart, JJ., would grant.

CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Motion of Jacob H. Jones, Assistant Attorney General, to substitute counsel of record for appellee is granted.

CR-18-402. Heath Stocks v. State of Arkansas, from Lonoke County Circuit Court. Appellee's motion to file brief under seal is granted.

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CR-18-646. Duane Gonder v. State of Arkansas, from Drew County Circuit Court. Motion of Brad Newman, Assistant Attorney General, to substitute counsel of record for appellee is granted.

CR-18-694. Ralph Malone v. Hon. Barry Sims, Circuit Judge, from Pulaski County Circuit Court, Seventh Division. Motion of David L. Eanes, Jr., Assistant Attorney General, to substitute counsel of record for appellee is granted.

CR-18-822. Patrick Johnson v. Hon. Leon Johnson, Circuit Judge, from Pulaski County Circuit Court, First Division. Motion of Karen Virginia Wallace, Assistant Attorney General, to substitute counsel of record for appellee is granted.

CR-18-858. Jason Coppock v. Faulkner County Circuit Court, from Faulkner County Circuit Court. Petitioner's motion to file supplemental record is granted. Kemp, C.J., would deny.

CR-18-946. Travis Jessie Thompson v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for rule on clerk is granted.

CR-18-956. Victoria Ann Dycus v. State of Arkansas, from Stone County Circuit Court. Appellant's affidavit and motion for rule on clerk and belated appeal is granted.

CV-18-548. Monsanto Company 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; Craig Rothrock; Dennie Stokes; and Matthew Marsh, in Their Official Capacities as Members of the Arkansas State Plant Board, from Pulaski County Circuit Court, Second Division. Appellant's motion for expedited consideration is denied. Special Justice Karen McKinney agrees. Wynne, J., would grant. Hart, J., would moot. Goodson, J., not participating.

CV-18-617. Arkansas Department of Human Services v. Bradley Ledgerwood, Louella Jones, Peggy Sanders, Marcus Strope, Winnie Winston, Dana Wolf, and Michael Yarra, from Pulaski County Circuit Court, Fifth Division. Appellees' motion for joint consideration of pending appeals is noted. Hart, Wynne, and Womack, JJ., would grant.

CV-18-639. Arkansas Department of Human Services v. Bradley Ledgerwood, Louella Jones, Peggy Sanders, Marcus Strope, Winnie Winston, Dana Wolf, and Michael Yarra, from Pulaski County Circuit Court, Fifth Division. Appellees' motion for joint consideration of pending appeals is noted. Hart, Wynne, and Womack, JJ., would grant.

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CV-18-832. Lambert and Lambert Investors, Inc., and Glendon Lambert v. Craig Harris and Tabitha Harris, Individually and as Class Representatives on Behalf of All Others Similarly Situated, from Desha County Circuit Court. Appellants' motion to reconsider denial of motion for rule on clerk is denied.

CV-18-861. Chief Justice John Dan Kemp; Associate Justice Josephine Linker Hart; Associate Justice Shawn A. Womack; Associate Justice Karen R. Baker; and Associate Justice Rhonda K. Wood v. Executive Director David Sachar; Special Counsel J. Brent Standridge; and Arkansas Judicial Discipline and Disability Commission, from the Arkansas Judicial Discipline and Disability Commission. Expedited petition and amended petition for writ of mandamus, writ of prohibition, and/or writ of certiorari; request for expedited response time. Petition and amended petition for writ of mandamus, writ of prohibition, and writ of certiorari are moot. Special Chief Justice Grant Fortson, and Special Justices Bennett Nolan, Walter Cox, David Curran, Curtis Hitt, Chalk Mitchell, and Janet Moore agree. Kemp, C.J., and Baker, Goodson, Hart, Wood, Wynne, and Womack, JJ., not participating. See **per curiam** of December 19, 2018.

CV-18-924. (In the Matter of the Estate of Nettie Jo Trotter Lawson, Deceased) Carey Weaver v. Bruce Winfrey, Seth Halley, Melinda Hoover, and Sarah L. Moore, from Monroe County Circuit Court. Appellant's motion for rule on clerk is denied.

CV-18-929. Johnnie Jones, Jr., Annie Mae Jones, and Larry J. Steele v. Arkansas Department of Human Services, Toni Sijuwade, Minor Children, and Hon. Robert Bynum Gibson, Jr., Circuit Judge, from Chicot County Circuit Court. Petitioners' petition for extraordinary writ of mandamus pursuant to Rule 6-1 of the Rules of the Arkansas Supreme Court and Court of Appeals is denied. Wood, J., would grant.

CV-18-937. Gregory Vitabile v. Hon. John R. Putman, Circuit Judge (staff); Hon. Mark Hewett, Supreme Court Appointed Retired Judge; Johnny L. Nichols, Defense Attorney; and Tommy Tuan/Tu Tran, from Boone County Circuit Court. Petitioner's pro se motion for expansion of petition page limit is denied.

CV-18-937. Gregory Vitabile v. Hon. John R. Putman, Circuit Judge (staff); Hon. Mark Hewett, Supreme Court Appointed Retired Judge; Johnny L. Nichols, Defense Attorney; and Tommy Tuan/Tu Tran, from Boone County Circuit Court. Petitioner's pro se motion to cover printing costs is denied.

CR-13-715. Troy McCulley v. State of Arkansas, from Poinsett County Circuit Court. Petitioner's pro se motion for record, additional material, and information is granted.

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CR-17-526. Demarcus Lee Rayfield v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion to file a belated reply brief is denied. Hart, J., would grant.

CR-17-777. Donnie Maiden v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motion for order to file belated brief is granted.

CR-18-8. Stacy Quantrell Cox, Jr. v. State of Arkansas, from Ashley County Circuit Court. Appellee's motion to dismiss appeal is granted.

CR-18-206. Nicholas Roos v. State of Arkansas, from Baxter County Circuit Court. Appellant's pro se motion for appointment of counsel is granted. Womack, J., not participating.

CR-18-207. Roderick R. Williams v. State of Arkansas, from Desha County Circuit Court. Appellant's pro se motion for extension of time to prepare reply brief is granted.

CR-18-272. Eugene Issac Pitts v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motion for copy of transcript at public expense is moot. Kemp, C.J., and Hart, J., would grant. Wood, J., would dismiss as moot.

CR-18-272. Eugene Issac Pitts v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motion for electronic service of response is moot. Wood, J., would dismiss as moot.

CR-18-425. Edward Thompson III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for access to the record on appeal and for extension of time to file brief is granted.

CR-18-487. Willie Porchia v. State of Arkansas, from Ouachita County Circuit Court. Petitioner's pro se motion for belated appeal is denied. Hart, J., would grant.

CR-18-588. Darrell Dennis v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant's pro se motion to supplement the record is granted. Kemp, C.J., not participating.

CR-18-619. Rolandis Chatmon v. State of Arkansas, from Faulkner County Circuit Court. Appellant's pro se motion to dismiss appeal is granted. Wood, J., not participating.

CR-18-634. Serandon Starling v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for rule on clerk is denied.

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CV-17-958. John E. Provost v. State of Arkansas, from Lee County Circuit Court. Appellant's pro se motion for extension of time to file brief. Appeal dismissed; motion moot. Hart, J., would grant.

CV-18-462. Frederick Smith v. Wendy Kelley, Director, Arkansas Department of Correction, from Lee County Circuit Court. Appellee's motion to dismiss appeal is granted.