

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 14, 2019

JOHN DAN KEMP, CHIEF JUSTICE

[CV-17-1055](#). Ryan Chase Gore a/k/a R. Chase Gore v. Arkansas Teachers Federal Credit Union, from Lonoke County Circuit Court. Affirmed.

COURTNEY HUDSON GOODSON, JUSTICE

[CV-18-777](#). Brad Paul Smith v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for extension of time to file brief; motion for copy of notice of appeal at public expense. Appeal dismissed; motions moot.

ROBIN F. WYNNE, JUSTICE

[CV-18-569](#). Eric C. Burgie v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Affirmed. Baker, Goodson, and Hart, JJ., dissent.

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PER CURIAM ORDERS

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

CV-17-849. Protect Fayetteville f/k/a Repeal 119; Paul Sagan; Peter Tonnesson; Paul Phaneuf; and the State of Arkansas 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, Justin Tenant, Martin W. Schoppmeyer, Jr., John La Tour, and Alan Long, in Their Official Capacities as Aldermen of the Fayetteville City Council; PFLAG of Northwest Arkansas; Anthony Clark; Noah Meeks; and Liz Petray, from Washington County Circuit Court. Appellees' petition for rehearing. Special Justices Hugh Finkelstein and Maureen Harrod agree. Goodson and Hart, JJ., not participating.

CV-17-849. Protect Fayetteville f/k/a Repeal 119; Paul Sagan; Peter Tonnesson; Paul Phaneuf; and the State of Arkansas 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, Justin Tenant, Martin W. Schoppmeyer, Jr., John La Tour, and Alan Long, in Their Official Capacities as Aldermen of the Fayetteville City Council; PFLAG of Northwest Arkansas; Anthony Clark; Noah Meeks; and Liz Petray, from Washington County Circuit Court. Intervenor's/appellees' petition for rehearing. Special Justices Hugh Finkelstein and Maureen Harrod agree. Goodson and Hart, JJ., not participating.

CR-93-284. Saba A. Makkali v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se petition for rehearing treated as motion for reconsideration and denied. Hart, J., would grant.

CR-17-118. Carl Lee Linell v. State of Arkansas and S. Kyle Hunter, Prosecutor, from Jefferson County Circuit Court. Appellant's pro se motion for reconsideration treated as a petition for rehearing and denied. Hart, J., would grant.

CR-18-700. Stacey Eugene Johnson v. State of Arkansas, from Sevier County Circuit Court. Motion of Karen Thompson to withdraw and to substitute counsel of record for appellant is granted.

CR-18-700. Stacey Eugene Johnson v. State of Arkansas, from Sevier County Circuit Court. Motion of Olga Akselrod to practice by comity in the State of Arkansas is granted.

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CR-18-700. Stacey Eugene Johnson v. State of Arkansas, from Sevier County Circuit Court. Motion of Bryce Benjet to practice by comity in the State of Arkansas is granted.

CR-19-15. Shaniqua Finley v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's petition for writ of certiorari to complete the record or, in the alternative, motion to remand to settle the record is granted.

CR-19-111. Chris Michael Baker v. State of Arkansas, from White County Circuit Court. Appellant's motion for rule on clerk is granted.

CR-19-127. Johnnie Donson v. State of Arkansas, from Jefferson County Circuit Court. Appellant's petition for leave to proceed in forma pauperis is granted. Kemp, C.J., and Wood, J., would deny.

CR-19-132. Steven Boyd v. State of Arkansas, from Searcy County Circuit Court. Appellant's motion to dismiss appeal is granted.

CR-19-137. Joshua Hurte v. State of Arkansas, from Clay County Circuit Court, Eastern Division. Appellant's motion for rule on clerk is granted.

CR-19-164. Don Hamrick v. Hon. Robert Edwards, Circuit Judge; Hon. Milas Hale, Special Judge; and Hon. Mark Derrick, District Judge, from White County Circuit Court. Petitioner's pro se petition to proceed in forma pauperis and affidavit in support of request to proceed in forma pauperis is denied. Hart, J., would grant.

CV-18-246. Russell Berger v. James Gibson, Warden, Varner Supermax, from Lincoln County Circuit Court. Joint motion to stay pending final settlement is granted.

CV-18-630. Industrial Iron Works, Inc.; and Industrial Iron Works Construction, Inc., d/b/a Adams Fertilizer Equipment v. Larry Hodge; Connie Hodge; Sentry Insurance, a Mutual Company; and John Does 1–10, from Mississippi County Circuit Court, Osceola District. Appellees' motion to transfer and reassign case to the Arkansas Supreme Court is denied. Hart, Wynne, and Womack, JJ., would grant.

CV-19-55. 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.

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CV-19-106. H&M International Transportation, Inc. v. Crittenden County Circuit Court; Hon. Tonya Alexander, Circuit Judge; and Barry Hoots, from Crittenden County Circuit Court. Petitioner's petition for writ of prohibition or, in the alternative, writ of certiorari is moot. Wood, J., not participating.

CV-19-106. H&M International Transportation, Inc. v. Crittenden County Circuit Court; Hon. Tonya Alexander, Circuit Judge; and Barry Hoots, from Crittenden County Circuit Court. Petitioner's motion to withdraw petition for writ of prohibition or, in the alternative, writ of certiorari is granted. Wood, J., not participating.

CV-19-133. Rhonda McCauley and McCauley Law Firm, PLLC v. Amilcar Cornejo and Douglas Hall, from Sebastian County Circuit Court, Fort Smith District. Appellants' motion to strike is denied.

CV-19-134. Kimbro Stephens Insurance Trust, and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith Akins and Gladden, P.A., from Garland County Circuit Court. Motion of Josh Q. Hurst and Q. Byrum Hurst to be relieved as counsel for appellants is granted. Wood, J., not participating.

CV-19-229. Michael Griffin v. Hon. Harry G. Foster, Circuit Judge, and Beverly Schnebelen, from Faulkner County Circuit Court. Appellant's motion to withdraw motion for release or setting of reasonable bond pending appeal is granted. Appellant's motions for release or setting of reasonable bond pending appeal and for expedited consideration of motion for release or setting of reasonable bond pending appeal are moot. Case to be heard in the Court of Appeals. (Proceedings of March 13, 2019)

D-19-143. In Re Donald P. Balla, Arkansas Bar No. 95111, an Original Action. Petition of Donald P. Balla, Arkansas Bar No. 95111, for voluntary surrender of license (resignation) is granted.

CR-18-476. Jason Michael Hoyle v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss appeal or, in the alternative, motion for extension of brief time. Appellee's motion to dismiss appeal is granted; motion for extension of brief time moot.

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CR-18-588. Darrell Dennis v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant's pro se motion for appointment of counsel during appeal is denied. Hart, J., would grant.

CR-18-675. Eugene Wesley v. State of Arkansas, from Nevada County Circuit Court. Appellant's pro se motion for extension of time to file brief is moot.

CR-18-810. Ke'Ondra Chestang v. The Honorable David Talley, Circuit Judge, from Columbia County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot. Hart, J., would take as a case.

CR-18-810. Ke'Ondra Chestang v. The Honorable David Talley, Circuit Judge, from Columbia County Circuit Court. Petitioner's pro se motion for enforcement of statute under Arkansas Code Annotated, section 16-113-305 is denied. Hart, J., would take as a case.

CR-18-810. Ke'Ondra Chestang v. The Honorable David Talley, Circuit Judge, from Columbia County Circuit Court. Petitioner's pro se second motion for enforcement of statute under Arkansas Code Annotated, section 16-113-305 is denied. Hart, J., would take as a case.

CR-18-847. Frederick Pennington v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion to dismiss appeal is granted.

CR-18-874. Richard Jackson, Jr. v. State of Arkansas, from Clark County Circuit Court. Appellee's motion to dismiss appeal is granted.

CR-19-21. Bobby W. Shaver v. Hon. Tim Weaver, Circuit Judge, from Stone County Circuit Court. Petitioner's pro se petition for writ of prohibition/mandamus. Petition for writ of prohibition is denied; petition for writ of mandamus moot. Hart and Womack, JJ., would deny.

CV-18-469. Ricky Lynn Lenard v. Wendy Kelley, Director, Arkansas Department of Correction; John Felts, Chairman, Arkansas Parole Board; and Sheri J. Flynn, Administrator, S.O.C.N.A. Program, from Jefferson County Circuit Court. Appellees' motion to dismiss appeal is granted.

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CV-18-475. Frederick Pennington v. Clint Eugene Miller; Mac J. Carder, Jr.; Brandy Turner; Jeff Rosenzweig; William Simpson, Jr.; and Hon, Herbert Wright, Circuit Judge, from Pulaski County Circuit Court, Sixth Division. Appellees' motions to dismiss appeal are granted.

CV-18-475. Frederick Pennington v. Clint Eugene Miller; Mac J. Carder, Jr.; Brandy Turner; Jeff Rosenzweig; William Simpson, Jr.; and Hon, Herbert Wright, Circuit Judge, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion for belated appeal treated as motion to file a belated brief is denied. Wood, J., would grant.

CV-18-629. Allen Lynn Penn v. Richard Gallagher, Kermit B. Channell, and Arkansas State Crime Lab, from Pulaski County Circuit Court, Sixth Division. Petitioner's pro se motion for belated appeal is denied. Hart, J., would grant.

CV-18-797. Willie Porchia, Sr. v. State of Arkansas, from Ouachita County Circuit Court. Petitioner's pro se motion for belated appeal is denied.

CV-18-914. Carl Prince v. Wendy Kelley, Director, Arkansas Department of Correction, an Original Action. Petitioner's pro se petition and amendment to petition for writ of mandamus treated as a motion for rule on clerk and denied. Hart, J., would grant.

CV-18-916. Steven Christopher Hayes v. Wendy Kelley, Director, Arkansas Department of Correction, from Hot Spring County Circuit Court. Appellant's pro se motion for rule on clerk is granted.

In Re Electronic Filing of Petitions for Rehearing and Petitions for Review. See [per curiam](#) this date.

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MOTIONS SUBMITTED

CR-18-935. William Heath French v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion seeking permission to file a supplemental petition for review.

CV-17-235. Reginald R. Early v. Keith Crockett, Clayborn Carroll, Roberta Lewis, and Lamon Mayo, from Jefferson County Circuit Court. Appellees' motion for extension of time to file rebrief.

CV-17-385. Russell Berger v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion to stay proceedings.

CV-18-486. Michael Lee Murphy v. Nancy Lee Murphy, from Faulkner County Circuit Court. Appellant's motion to dismiss appeal.

CV-18-928. Chad Parnell, an Arkansas Citizen on Behalf of Himself and All Other Arkansas Citizens Similarly Situated v. FanDuel, Inc., from Garland County Circuit Court. Appellant's motion to supplement the record.

CV-19-100. Brianna Jones v. Arkansas Department of Human Services and Minor Children, from Hempstead County Circuit Court. Appellant's belated petition for review.

CV-19-100. Brianna Jones v. Arkansas Department of Human Services and Minor Children, from Hempstead County Circuit Court. Appellant's motion for belated appeal.

CV-19-134. Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith Akins and Gladden, P.A., from Garland County Circuit Court. Appellees' motion to dismiss appeal.

CV-19-134. Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith Akins and Gladden, P.A., from Garland County Circuit Court. Appellants' motion to strike appellees' motion to dismiss appeal and response in the alternative.

CV-19-162. Travis Tatom, Patricia Tatom, and Cindy Tatom v. Arkansas Department of Human Services and Minor Child, from Pike County Circuit Court. Appellees' motion to dismiss appeal.

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MOTIONS SUBMITTED

CV-19-172. Buffalo River Watershed Alliance, Inc.; The Arkansas Canoe Club; Gordon Watkins; and Marti Olesen v. Newton County Circuit Court; Hon. John R. Putman, Circuit Judge; and C&H Hog Farms, Inc., from Newton County Circuit Court. Petitioners' petition for writ of certiorari or prohibition.

D-19-182. In Re Robert Miles Mason, Sr., Arkansas Bar No. 2007120, an Original Action. Petition of Robert Miles Mason, Sr., Arkansas Bar No. 2007120, for voluntary surrender of license (resignation).

D-19-183. In Re Emilie H. Leibovitch, Arkansas Bar No. 2006187, an Original Action. Petition of Emilie H. Leibovitch, Arkansas Bar No. 2006187, for voluntary surrender of license (resignation).

D-19-200. In Re David Maxton Betts, Arkansas Bar No. 2001074, an Original Action. Petition of David Maxton Betts, Arkansas Bar No. 2001074, for voluntary surrender of license (resignation).

D-19-201. In Re Matthew M. Henry, Arkansas Bar No. 2005167, an Original Action. Petition of Matthew M. Henry, Arkansas Bar No. 2005167, to surrender Arkansas law license.

CR-17-471. Terrell Antonio Harrell v. State of Arkansas, from Mississippi County Circuit Court, Osceola District. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-19-10. Quayvon Peoples v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion to file appeal.

CR-19-10. Quayvon Peoples v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for permission to make amended brief.

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 motion for rule on clerk to file belated petition for rehearing.

CV-18-398. James E. Whitney v. Allen, Boreani, Ross, Watson, and Payne, from Lincoln County Circuit Court. Appellant's pro se motion for rule on clerk to file belated petition for rehearing.

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MOTIONS SUBMITTED

CV-18-632. Nicholas Addison v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal.

CV-18-875. Elza Dale Self, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal.

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CASES SUBMITTED

CV-18-814. Davis Nursing Association d/b/a Davis Life Care Center v. Gracie Neal, as Personal Representative of the Estate of Johnny Newborn and on Behalf of the Wrongful Death Beneficiaries of Johnny Newborn, from Jefferson County Circuit Court. Orally argued.

CR-18-171. Steven Wade Miller v. State of Arkansas, from Columbia County Circuit Court.

CR-18-329. David Wayne McClendon v. State of Arkansas, from Lafayette County Circuit Court.

CR-18-453. Billy Jack Kain, Jr. v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-18-310. (In the Matter of the Guardianship of E.M.R. and D.C.R., Minors) Christine Hartman v. Franklin and Marla Reardon, from Franklin County Circuit Court, Northern District.

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.

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.

CV-18-670. Everett Foreman v. State of Arkansas, from Lee County Circuit Court.