

ARKANSAS SUPREME COURT

PROCEEDINGS OF MAY 16, 2019

JOHN DAN KEMP, CHIEF JUSTICE

[CV-18-823](#). Alonzo Watson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for extension of brief time. Appeal dismissed; motion moot. Hart, J., dissents.

ROBIN F. WYNNE, JUSTICE

[CR-18-325](#). Tyler Joseph Barefield v. State of Arkansas, from Pope County Circuit Court. Affirmed. Special Justice J. Cliff McKinney joins. Wood and Womack, JJ., concur in part and dissent in part. Hart, J., dissents. Kemp, C.J., not participating.

SHAWN A. WOMACK, JUSTICE

[CV-18-1045](#). Karen Langston v. Arkansas Department of Human Services and Minor Child, from Garland County Circuit Court. Affirmed; court of appeals opinion vacated. Baker, J., concurs without opinion. Hart, J., dissents.

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PER CURIAM ORDERS

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

CR-17-988. Rodolfo Martinez v. State of Arkansas, from Washington County Circuit Court. Hart, J., would grant.

CR-13-1006. Rolandis Chatmon v. State of Arkansas, from Faulkner County Circuit Court. Petitioner's pro se motion for reconsideration of denial of fourth pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is denied. Wood, J., not participating.

CR-19-10. Quayvon Peoples v. State of Arkansas, from Miller County Circuit Court. Bart C. Craytor removed as counsel for appellant. Eric Moore appointed as counsel for appellant. Writ of certiorari to complete the record issued. Complete record due in thirty days (June 15, 2019). Appeal to transfer to court of appeals and briefing to commence upon filing of complete record.

CV-19-242. Shelley Diane Cooper and Annette Michelle Edelen, Individually and as Trustees of the Dolores S. Bryant Revocable Living Trust v. Hon. Xollie Duncan, Circuit Judge; Horace E. Bryant; and Nancy Elizabeth Edelen, Individually and as Trustee of the Dolores S. Bryant Revocable Living Trust, from Benton County Circuit Court. Petitioners' petition for writ of mandamus or, in the alternative, petition for writ of certiorari is denied.

CV-19-244. Lakeside Nursing and Rehabilitation Center, Inc., d/b/a Lakeside Nursing Center; Extendi-Care, Inc.; RHC Operations, Inc.; and Reliance Health Care, Inc. v. Lourindia Rufkahr, as Special Administrator of the Estate of Billie Jean Haley, from Craighead County Circuit Court, Eastern District. Appellees' motion for substitution of party is granted.

CV-19-255. City of Fort Smith, Arkansas v. Jennifer Merriott, Individually and on Behalf of Those Similarly Situated, from Sebastian County Circuit Court, Fort Smith District. Appellee's motion to dismiss is denied. Goodson, J., would take with the case. Wood and Womack, JJ., would grant.

CV-19-293. City of Little Rock v. Ladonna Nelson, as Parent and Next Friend of Ricky Nelson, Individually and on Behalf of Others Similarly Situated, from Pulaski County Circuit Court, Second Division. Appellant's motion to stay is granted.

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CV-19-346. Ileshia Garner v. The Goodyear Tire & Rubber Company and Dezmon Gordon, from Phillips County Circuit Court. Appellant's petition for writ of certiorari to supplement and complete the record is moot. Wood, J., would grant.

CV-19-346. Ileshia Garner v. The Goodyear Tire & Rubber Company and Dezmon Gordon, from Phillips County Circuit Court. Appellant's amendment to petition for writ of certiorari to supplement and complete the record is granted.

CR-18-902. Thomas Edmond Crockett v. State of Arkansas, from Phillips County Circuit Court. Petitioner's pro se motion for rule on clerk is denied.

CR-19-2. Marcus L. Wright v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellee's motion to dismiss appeal is granted.

CR-19-32. Eddie L. Pugh v. State of Arkansas, from Poinsett County Circuit Court. Petitioner's pro se motion for belated appeal is granted.

CR-19-142. Ernest Brown v. State of Arkansas, from Crittenden County Circuit Court. Petitioner's pro se motion for belated appeal treated as motion for rule on clerk and granted.

CR-19-188. Donnalson Brown a/k/a Donaldson Brown v. Hon. Herbert Wright, Circuit Judge, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se petition for writ of mandamus is denied. Hart, J., would moot.

CV-18-882. Calvin Robinson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-17-89. Mauricio Alejandro Torres v. State of Arkansas, from Benton County Circuit Court.

CR-18-207. Roderick R. Williams v. State of Arkansas, from Desha County Circuit Court.

CV-18-931. Stephens Production Company v. Bill R. Mainer; Peggy Ann Mainer; Mary Hammond Living Trust; H.H. Hammond Living Trust; Billy Ray Mainer, Jr.; Dwight Edward Cole; and Cynthia Rose Cole, Individually and on Behalf of All Others Similarly Situated, from Franklin County Circuit Court, Southern District.

CR-18-952. Lamar Daniel Ron Wilson v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for reconsideration.

CR-19-347. Roy A. Hendrix v. State of Arkansas, from Grant County Circuit Court. Motion of Philip Wilson to be relieved and substitute counsel.

CR-19-383. Sammie L. Thomas, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to correct the record, issue certiorari to complete the record, and to stay briefing schedule.

CR-19-384. Carl Ray Sandlin v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for belated appeal.

CR-19-388. Ashley Hull v. State of Arkansas, from Franklin County Circuit Court, Northern District. Appellant's motion to file belated appeal.

CR-19-391. Jose Rufino Garcia-Chicol v. State of Arkansas, from Benton County Circuit Court. Motion of Lee Warden to be relieved as attorney for appellant and stay briefing.

CV-18-993. James Lancaster v. Estate of John Burt Lancaster, Deceased; and Michael Lancaster, as Personal Representative of the Estate of John Burt Lancaster, Deceased, from Pulaski County Circuit Court, Third Division. Petitioner's pro se belated motion for reconsideration.

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CV-19-83. Rick A. Blanchard, as Trustee of the Rick A. Blanchard Living Trust Agreement dated August 18, 1989 v. City of Springdale, Arkansas, a Municipal Corporation acting by and through its Water and Sewer Commission, from Benton County Circuit Court. Appellant's motion to transfer appeal to the Arkansas Supreme Court.

CV-19-237. Buffalo River Watershed Alliance, Inc.; The Arkansas Canoe Club; Gordon Watkins; and Marti Olesen v. C&H Hog Farms, Inc.; and Arkansas Pollution & Ecology Commission, from Newton County Circuit Court. Appellants' motion to supplement the record.

CV-19-283. Carol Wingo v. Stephens Timber Management, Inc., from Newton County Circuit Court. Appellant's motion for clarification of denial of motion for rule on clerk, and for reconsideration on portion of the appellate record.

CV-19-378. Arkansas Board of Health; Catherine Tapp; Perry Amerine; Marsha Boss; Greg Bledsoe; Glen "Eddie" Bryant; Vanessa Falwell; Alan Fortenberry; Phillip Gilmore; Anthony N. Hui; David Kiessling; Carl Mike Riddell; Robbie Thomas Knight; Susan Weinstein; Terry Yamauchi; Dr. James Zini; and Nathaniel Smith, in Their Official Capacities as Members of the Arkansas Board of Health v. Little Rock Family Planning Services; and Planned Parenthood of Arkansas and Eastern Oklahoma d/b/a Planned Parenthood Great Plains, from Pulaski County Circuit Court, Sixth Division. Appellant's unopposed motion to use the record filed in CV-19-284.

CV-19-378. Arkansas Board of Health; Catherine Tapp; Perry Amerine; Marsha Boss; Greg Bledsoe; Glen "Eddie" Bryant; Vanessa Falwell; Alan Fortenberry; Phillip Gilmore; Anthony N. Hui; David Kiessling; Carl Mike Riddell; Robbie Thomas Knight; Susan Weinstein; Terry Yamauchi; Dr. James Zini; and Nathaniel Smith, in Their Official Capacities as Members of the Arkansas Board of Health v. Little Rock Family Planning Services; and Planned Parenthood of Arkansas and Eastern Oklahoma d/b/a Planned Parenthood Great Plains, from Pulaski County Circuit Court, Sixth Division. Appellant's unopposed motion to summarily vacate ex post facto injunction.

CV-19-382. 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. Petitioners' Rule 2(f) petition for permission to appeal.

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D-19-413. Thomas C. Morris III, Arkansas Bar No. 84110, an Original Action. Petition of Thomas C. Morris III, Arkansas Bar No. 84110, to surrender Arkansas law license.

CR-97-1412. Charles E. Alexander 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 and audita querela.

CR-97-1412. Charles E. Alexander v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se amended petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and audita querela.

CR-97-1412. Charles E. Alexander v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se second amended petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and audita querela.

CR-97-1412. Charles E. Alexander v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se third amended petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and audita querela.

CR-97-1412. Charles E. Alexander v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se fourth amended petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and audita querela.

CR-97-1412. Charles E. Alexander v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motion to show cause.

CR-98-1180. Michael Antonio Davis v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-98-1180. Michael Antonio Davis v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motion requesting court to seek discovery information.

CR-07-8. Anthony Jerome Fitzgerald v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se motion requesting evidentiary and reconstruction hearing.

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CR-07-8. Anthony Jerome Fitzgerald v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se amended motion for evidentiary and reconstruction hearing in order to clarify motion requesting copies of records.

CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se amended second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se second amendment to second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-15-174. James Johnson III v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se motion to recall the mandate to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

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

CR-18-419. Tracy Lee Bryant v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se motion for belated appeal.

CR-18-419. Tracy Lee Bryant v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se motion for appointment of counsel.

CR-18-419. Tracy Lee Bryant v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se motion to supplement appeal.

CR-18-419. Tracy Lee Bryant v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se motion to file rule on clerk.

CR-18-419. Tracy Lee Bryant v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se motion to add.

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CR-19-42. Terrance Keith Billups v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se motion for rule on clerk and motion for belated appeal.

CR-19-46. Henry Harmon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motion to file a belated appeal and rule on clerk.

CR-19-64. Steven Christopher Hayes v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CR-19-64. Steven Christopher Hayes v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se second motion for extension of time to file brief.

CR-19-82. Eric Burgie v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for rule on clerk to extend brief time.

CV-18-135. Michael E. Rea v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Petitioner's pro se motion for extension of time to file brief.

CV-18-135. Michael E. Rea v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Petitioner's pro se motion to file a belated brief.

CV-18-385. James E. Whitney v. Asa Hutchinson, Governor, from Lincoln County Circuit Court. Appellant's pro se motion for rule on clerk to file belated petition for rehearing.

CV-18-866. Howard Wood v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CV-18-866. Howard Wood v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for production of documents and/or tangible things.

CV-19-40. Eric Johnson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to file supplemental addendum and substituted brief.

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MOTIONS SUBMITTED

CV-19-40. Eric Johnson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for copy of record at public expense.

CV-19-40. Eric Johnson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for rule on clerk.

CV-19-40. Eric Johnson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to file substituted brief and supplemental addendum and request to withdraw pending motions.

CV-19-43. Sharvelt Mister v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for extension of brief time.

CV-19-109. Anarian Chad Jackson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CV-19-109. Anarian Chad Jackson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion to dismiss appeal without prejudice.

CV-19-233. Charles Edward Jones, Sr. v. Hon. Quincey Ross, Circuit Judge, from Chicot County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CV-19-233. Charles Edward Jones, Sr. v. Hon. Quincey Ross, Circuit Judge, from Chicot County Circuit Court. Petitioner's pro se motion to compel for an inquiry.

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CASES SUBMITTED

CR-17-1069. Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court.

CV-18-109. Dayong Yang, as Special Administrator of the Estate of Le Yang, Deceased v. City of Little Rock, Arkansas; Stuart Thomas, Individually and in His Official Capacity as Chief of Police for the City of Little Rock; Wayne Bewley, Individually and in His Official Capacity as Assistant Chief of Police for the City of Little Rock; Laura Martin, Individually and in Her Official Capacity as Communications Center Manager for the City of Little Rock; Linda Wilson, Individually and in Her Official Capacity as Communications Administrator for the City of Little Rock; Sharon Martin, in Her Official Capacity as Communications Shift Supervisor for the City of Little Rock; Alan Cate, Individually and in His Official Capacity as Communications Shift Supervisor for the City of Little Rock; Marquita Dooley, Individually and in Her Official Capacity as Emergency Communications Trainer for the City of Little Rock; Candace Middleton, Individually and in Her Official Capacity as Communications Call Taker for the City of Little Rock; Karen Grimm, Individually and in Her Official Capacity as Communications Systems Specialist for the City of Little Rock; Gregory L. Summers, Individually and in His Official Capacity as Fire Chief for the City of Little Rock; Robert Sharp, Individually and in His Official Capacity as Fire Captain for the City of Little Rock; Frank Scott and Eddie Rhine, Individually and in Their Official Capacities as Firefighters for the City of Little Rock, from Pulaski County Circuit Court, Sixth Division.

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.

CV-18-351. City of Fort Smith, a Municipal Corporation; Keith Lau; Mike Lorenz; and Andre Good, in Their Official Capacities as City Directors of the City of Fort Smith v. Bruce Wade, from Sebastian County Circuit Court, Fort Smith District.

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CASES SUBMITTED

CV-18-369. Arkansas State Plant Board; Terry Walker, in His Official Capacity as Director of the Arkansas State Plant Board; Otis Howe, in His Official Capacity as Chair of the Arkansas State Plant Board; and Members of the Arkansas State Plant Board v. Nickie Bell; Britt Blackburn; Justin Blackburn; Doin Bowers, Jr.; Lisa Bowers; Joel Brown; Lance Bradley; Tanaya Carlton; Scotty Catt; Chad Costner; Brad DaVault; Danny Ellis; Danny Ellis, Jr.; Dustin Ellis; Chad Fullerton; Mary Galloway; Robert Gammill; Scott George; Mark Graham; Mike Graham; Allen Griffin; Kimberly Hart; Chris Leible; Dustin Little; Nathan Little; Zack McMillon; Bradly McPherson; Charles Martin; Keith Mikel; Shane Mikel; Roger Reddick; Terry Robinson; Benjamin C. Sexton; Clyde B. Sexton, Jr.; Joey Sellmeyer; Douglas Threlkeld; and Mark Williams, from Clay County Circuit Court, Eastern District.

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; Dr. 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.

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.

CR-17-777. Donnie Maiden v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division.

CV-18-333. Joe E. Morgan v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-19-43. Sharvelt Mister v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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