

ARKANSAS SUPREME COURT
PROCEEDINGS OF AUGUST 1, 2019

PER CURIAM ORDERS

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

CR-18-325. Tyler Joseph Barefield v. State of Arkansas, from Pope County Circuit Court. Special Justice J. Cliff McKinney and Hart and Wood, JJ., would grant. Kemp, C.J., not participating.

CR-19-82. Eric Burgie v. State of Arkansas, from Garland County Circuit Court. Hart, J., would grant.

CV-18-61. Sheila McHughes, David Hodges, and Josh McHughes v. Anissa Wayland and Children's Medical Transportation Service, LLC, from Saline County Circuit Court.

CV-18-259. Walter Farris v. Express Services, Inc., and New Hampshire Insurance Company, from the Arkansas Workers' Compensation Commission. Hart, J., would grant.

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

CV-18-351. City of Fort Smith, a Municipal Corporation; Keith Lau, in His Official Capacity as a City Director of the City of Fort Smith; Mike Lorenz, in His Official Capacity as a City Director of the City of Fort Smith; and Andre Good, in His Official Capacity as a City Director of the City of Fort Smith v. Bruce Wade, from Sebastian County Circuit Court, Fort Smith District. Hart and Wynne, JJ., would grant.

CV-18-684. Steven L. McArthur v. State of Arkansas, from Lee County Circuit Court. Hart, J., would grant.

CV-18-733. (In the Matter of the Guardianship of Betty Bevill) Jonathan R. Streit v. State of Arkansas, from White County Circuit Court. Baker and Hart, JJ., would grant.

CV-18-813. Meranda Martin, Successor Special Administratrix of the Estate of Virgil Brown, Jr., Deceased v. Dr. Leslie Smith, from Pulaski County Circuit Court, Seventeenth Division. Hart and Wynne, JJ., would grant.

CV-18-824. Frank Watts II v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Hart, J., would grant.

CV-19-40. Eric Johnson v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Hart, J., would grant.

ARKANSAS SUPREME COURT

PROCEEDINGS OF AUGUST 1, 2019

PER CURIAM ORDERS

CR-95-1314. Lawrence Edward Martin v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se motion for rehearing treated as a motion for reconsideration and denied. Hart, J., would grant.

CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion for reconsideration is denied.

CR-18-325. Tyler Joseph Barefield v. State of Arkansas, from Pope County Circuit Court. Appellant's motion for stay of mandate in order to petition for writ of certiorari is granted. Special Justice J. Cliff McKinney agrees. Baker and Wood, JJ., would deny. Kemp, C.J., not participating.

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

CR-18-517. Eric Allen Reid v. State of Arkansas, from Garland County Circuit Court. Appellee's motion to file enlarged brief is granted.

CR-18-845. Karl D. Roberts v. State of Arkansas, from Polk County Circuit Court. Appellant's motion to expand page limit for reply brief is granted.

CR-18-902. Thomas Edmond Crockett v. State of Arkansas, from Phillips County Circuit Court. Petitioner's pro se motion for rehearing treated as a motion for reconsideration and denied. Hart, J., would grant.

CR-19-257. Scotty Ray Gardner v. State of Arkansas, from Faulkner County Circuit Court. Appellant's second motion for extension of time to comply with writ of certiorari is granted.

CR-19-311. Ivory Purifoy v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellee's motion to dismiss appeal upon suggestion of death or, in the alternative, for extension of brief time is granted. Appeal dismissed.

[CR-19-383](#). Sammie L. Thomas, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for disqualification. Motion to disqualify treated as motion to recuse; denied by Justice Womack individually herein. Hart, J., would grant. Wood, J., not participating. See **opinion** this date.

ARKANSAS SUPREME COURT

PROCEEDINGS OF AUGUST 1, 2019

PER CURIAM ORDERS

CR-19-396. Cameron Halliburton v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to supplement the record treated as petition for writ of certiorari to supplement the record and granted.

CR-19-396. Cameron Halliburton v. State of Arkansas, from Miller County Circuit Court. Appellant's second motion to supplement the record treated as petition for writ of certiorari to supplement the record and granted.

CR-19-396. Cameron Halliburton v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to stay briefing time is granted.

CR-19-396. Cameron Halliburton v. State of Arkansas, from Miller County Circuit Court. Appellant's second motion to stay briefing time is granted.

CR-19-420. Mark Edward Chumley v. State of Arkansas, from Washington County Circuit Court. Appellant's unopposed motion to view sealed record volume 13 is granted.

CR-19-455. Daniel L. Wessels v. State of Arkansas, from Marion County Circuit Court. Appellant's motion to file belated appeal is granted. Womack, J., not participating.

CR-19-471. Jesse Collins v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Philip Wilson to be relieved as counsel for appellant is granted.

CR-19-482. Spencer Adam Boothe v. State of Arkansas, from Jefferson County Circuit Court. Appellant's petition for writ of certiorari treated as petition for writ of certiorari to complete the record and moot.

CR-19-482. Spencer Adam Boothe v. State of Arkansas, from Jefferson County Circuit Court. Appellant's motion to dismiss petition for writ of certiorari to complete record as moot and to set briefing schedule is granted.

CR-19-498. Donald Baugh v. State of Arkansas, from Polk County Circuit Court. Appellant's motion for rule on clerk is granted. Wood, J., would deny.

CR-19-498. Donald Baugh v. State of Arkansas, from Polk County Circuit Court. Motion of Benjamin Knuckles for substitution of counsel is granted.

CR-19-517. Timothy James Fort v. State of Arkansas, from Madison County Circuit Court. Appellant's motion for rule on the clerk or, in the alternative, motion for belated appeal is denied. Hart, J., would grant.

ARKANSAS SUPREME COURT

PROCEEDINGS OF AUGUST 1, 2019

PER CURIAM ORDERS

CR-19-525. David A. Alandt v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se petition for leave to proceed in forma pauperis is moot. Hart, J., would grant.

CR-19-525. David A. Alandt v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se first amended petition for leave to proceed in forma pauperis is denied. Hart, J., would grant.

CR-19-525. David A. Alandt v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se petition for writ of certiorari to complete the record is moot. Baker and Womack, JJ., would deny.

CR-19-525. David A. Alandt v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se amended petition for writ of certiorari to complete the record is moot.

CR-19-525. David A. Alandt v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se second amended petition for writ of certiorari to complete the record is denied. Hart, J., would grant.

CR-19-526. John Edward Kelly v. Circuit Court of Crawford County, from Crawford County Circuit Court. Petitioner's petition for writ of certiorari is denied. Kemp, C.J., and Baker and Goodson, JJ., would grant.

CR-19-541. Johnquarius Robinson v. Faulkner County Circuit Court, from Faulkner County Circuit Court. Petitioner's petition for writ of certiorari or, alternatively, for writ of habeas corpus is granted. Wood and Womack, JJ., would deny.

CR-19-543. Anthony Beard v. State of Arkansas, from Hot Spring County Circuit Court. Motion of Gregory Crain to be relieved as counsel for appellant is granted.

CR-19-543. Anthony Beard v. State of Arkansas, from Hot Spring County Circuit Court. Entry of appearance of Mark Alan Jesse, motion to substitute counsel, and request for brief extension is granted.

CV-18-573. Ray H. Dawson, Jr. v. Janelle D. Stoner-Sellers, Individually and as Trustee of R & LD Trust, R & LD Trust II, and R & LD Trust III; Jennifer Bouchillon, Individually and as Trustee of R & LD Trust, R & LD Trust II, and R & LD Trust III; Jennifer Bouchillon and Luetta Dawson, as Co-trustees of JDS Trust and JDS Trust II; and Luetta Dawson, from Crittenden County Circuit Court. Appellant's motion for oral

argument is denied. Special Justice Jim D. Spears agrees. Hart, J., would grant. Kemp, C.J., not participating.

ARKANSAS SUPREME COURT

PROCEEDINGS OF AUGUST 1, 2019

PER CURIAM ORDERS

CV-18-771. Darann Diane Harrison v. Arkansas Public Employees Retirement System, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion to file a belated brief due to illness of counsel treated as motion to file a belated petition for review and denied.

CV-18-771. Darann Diane Harrison v. Arkansas Public Employees Retirement System, from Pulaski County Circuit Court, Twelfth Division. Motion of Frances Morris Finley to withdraw as counsel for appellant is granted. Kemp, C.J., would deny.

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 second petition for belated motion for reconsideration is denied.

CV-19-237. Buffalo River Watershed Alliance, Inc.; The Arkansas Canoe Club; Gordon Watkins; and Marti Olesen v. C&H Hog Farm, Inc., from Newton County Circuit Court. Joint motion to expedite joint motion to stay appeal is granted. Joint motion to stay appeal is granted. Wood, J., would deny. Baker, J., not participating. (Proceedings of June 21, 2019)

CV-19-243. Clair Danner v. Leslie Rutledge, in Her Official Capacity as Attorney General for the State of Arkansas, an Original Action. Petitioner's original action complaint is dismissed as moot. See *Arkansas True Grass v. Rutledge*, 2019 Ark. 165 (per curiam). Baker, J., would deny.

CV-19-372. Adrienne O'Neal v. Ethel Love, from Pulaski County Circuit Court, Sixth Division. Appellant's motion to transfer is denied.

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. Appellants' motion to dismiss appeal and preserve vacatur of injunction is granted.

ARKANSAS SUPREME COURT
PROCEEDINGS OF AUGUST 1, 2019

PER CURIAM ORDERS

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 is denied. Special Justice Gregory Vardaman agrees. Baker, Hart, and Womack, JJ., would grant. Wood, J., not participating.

CV-19-417. Theresa Marshall v. Deutsche Bank National Trust Company, as Trustee for Vendee Mortgage 1993-1, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se motion for reconsideration of writ of certiorari to complete the record is denied.

CV-19-470. (In the Matter of the Estate of Jo Ann Yancey, Deceased) Dena Yancey v. David Goodson, Administrator of the Estate of Jo Ann Yancey, Deceased; and Hon. Mary S. McGowan, Circuit Judge, from Pulaski County Circuit Court, Ninth Division. Petitioner's petition for writ of mandamus is denied. Baker, Hart, and Wood, JJ., would grant.

CV-19-511. Barbara Patterson v. Dorsey Patterson, from Conway County Circuit Court. Appellant's motion for rule on clerk and motion to supplement the record is denied. Hart and Wood, JJ., would grant.

CV-19-521. In Re Hon. Wendell Griffen, Circuit Judge, an Original Action. Petitioner's pro se motion for disqualification of Justices of the Arkansas Supreme Court is denied. Hart, J., would grant.

CV-19-549. Tiffany Cramer and Joanna Hofstetter v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Appellants' motion for rule on the clerk is granted.

CV-19-550. Paul M. Gordon v. Hon. Eddy Easley, Circuit Judge, from Hot Spring County Circuit Court. Petitioner's pro se petition for leave to proceed in forma pauperis is denied. Hart, J., would grant.

ARKANSAS SUPREME COURT

PROCEEDINGS OF AUGUST 1, 2019

PER CURIAM ORDERS

CV-19-564. Zachary Lee Davis v. Hon. Xollie Duncan, Circuit Judge; and Jessica S. Freese, from Benton County Circuit Court. Petitioner’s petition for writ of certiorari and motion for stay of circuit court proceedings pending ruling on petition; motion for expedited consideration of motion for stay of circuit court proceedings pending ruling on petition; and motion to supplement the record. Motions for expedited consideration and to supplement the record are granted; motion for stay of circuit court proceedings pending ruling on petition is denied; and petition for writ of certiorari is denied. Goodson, J., not participating. (Proceedings of July 17, 2019)

D-19-557. In Re Jeremy Young Hutchinson, Arkansas Bar No. 2006145, an Original Action. Petition of Jeremy Young Hutchinson, Arkansas Bar No. 2006145, for surrender of license is granted.

D-19-567. In Re Arleen L. Siegel, Arkansas Bar No. 2012087, an Original Action. Petition of Arleen L. Siegel, Arkansas Bar No. 2012087, for voluntary surrender of license (resignation) is granted.

D-19-569. In Re Frances Morris Finley, Arkansas Bar No. 87059, an Original Action. Petition of Frances Morris Finley, Arkansas Bar No. 87059, for voluntary surrender of license (resignation) is granted. Kemp, C.J., would deny.

Pursuant to Rule 4-5 of the Rules of the Supreme Court and Court of Appeals, the following case has been dismissed for failure to file an appellant’s brief.

CV-16-907. Kenneth Ray Pitts v. Patrick S. Drummond, APN, et al., from Pulaski County Circuit Court, Sixth Division.

CR-18-972. Howard Wood v. State of Arkansas, from Scott County Circuit Court. Appellant’s pro se motion for oral argument is denied.

CR-19-17. Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court. Appellant’s pro se motion for severance of appeal or rule on clerk is denied.

CR-19-17. Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court. Appellant’s pro se motion to extend the schedule time to file brief is granted.

CR-19-17. Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion for certiorari to complete the record is denied. Hart, J., would grant.

ARKANSAS SUPREME COURT

PROCEEDINGS OF AUGUST 1, 2019

PER CURIAM ORDERS

CR-19-17. Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion to expedite is denied.

CR-19-86. Patrick Johnson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for extension of time to file brief is granted.

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 belated appeal treated as motion to file a belated brief and granted.

CV-19-30. Kenneth Ramirez v. Wendy Kelley, Director, Arkansas Department of Correction, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion for order to stay brief time and to grant appellant access to record on appeal is granted.

CV-19-56. Rolandis Chatmon v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to waive addendum obligation is denied. Hart, J., would grant. Wood, J., not participating.

CV-19-99. Thomas Crockett 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.

CV-19-99. Thomas Crockett v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se request for oral argument is denied. Hart, J., would grant.

CV-19-103. Robert Fortier v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for appointment of counsel is denied. Hart, J., would grant.

CV-19-321. Edward Cave v. State of Arkansas, from Lee County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted.