

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 5, 2019

JOHN DAN KEMP, CHIEF JUSTICE

[CV-18-973](#). Robert Steinbuch v. University of Arkansas a/k/a University of Arkansas-Little Rock; the Trustees of the University of Arkansas; Michael Schwartz, in His Official and Personal Capacity; Theresa Beiner, in Her Official and Personal Capacity; Joann Maxey, in Her Official Capacity; John M.A. DiPippa, in His Official Capacity; and Velmer Burton, in His Official Capacity, from Pulaski County Circuit Court, Sixth Division. Affirmed on direct appeal; cross-appeal dismissed. Special Justices James Crouch, Roger Rowe, and Doug Schrantz join. Baker, J., concurs in part and dissents in part. Hart, J., dissents. Hudson, Wood, and Wynne, JJ., not participating.

KAREN R. BAKER, JUSTICE

[CV-19-531](#). Shawn T. Rainer v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motions to compel appellee to produce file-marked copies and to supplement addendum. Appeal dismissed; motions moot. Hart, J., concurs without opinion.

COURTNEY RAE HUDSON, JUSTICE

[CR-18-206](#). Nicholas Roos v. State of Arkansas, from Baxter County Circuit Court. Affirmed. Special Justice Joshua M. Osborne joins. Hart, J., dissents. Womack, J., not participating.

JOSEPHINE LINKER HART, JUSTICE

[CR-19-705](#). Androus Hall v. State of Arkansas, from Phillips County Circuit Court. Petitioner's pro se petition for writ of mandamus. Petition moot.

RHONDA K. WOOD, JUSTICE

[CR-18-517](#). Eric Reid v. State of Arkansas, from Garland County Circuit Court. Affirmed. Hart, J., dissents.

ROBIN F. WYNNE, JUSTICE

[CV-18-389](#). Mark Crockett and Macon Carter v. Shelter Mutual Insurance Company, from Phillips County Circuit Court. Affirmed.

ARKANSAS SUPREME COURT
PROCEEDINGS OF DECEMBER 5, 2019

PER CURIAM ORDERS

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

CV-19-74. Leonard Noble v. State of Arkansas, from Hot Spring County Circuit Court.

CV-19-285. Roy Lee Russell v. Wendy Kelley, Director, Arkansas Department of Correction, from Chicot County Circuit Court.

CR-19-471. Jesse Collins v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's motion for extension of brief time or to be relieved as counsel. Motion for extension of brief time granted.

CR-19-547. Conray Carroll v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant's pro se motion for reconsideration of denial of motion for appointment of counsel is denied.

CR-19-748. Zachary L. Atwood v. State of Arkansas, from Faulkner County Circuit Court. Appellant's petition for writ of certiorari to complete the record or, in the alternative, motion to remand to settle the record is moot.

CR-19-748. Zachary L. Atwood v. State of Arkansas, from Faulkner County Circuit Court. Appellant's amended petition for writ of certiorari to complete the record or, in the alternative, motion to remand to settle the record is granted.

CR-19-811. Cortez Barefield v. State of Arkansas, from Phillips County Circuit Court. Appellant's motion for rule on clerk is granted. Hart, J., would moot.

CR-19-811. Cortez Barefield v. State of Arkansas, from Phillips County Circuit Court. Appellant's petition for writ of certiorari to complete the record is moot.

CR-19-811. Cortez Barefield v. State of Arkansas, from Phillips County Circuit Court. Appellant's amended and substituted petition for writ of certiorari to complete the record is granted.

CV-19-550. Paul M. Gordon v. Hon. Eddy Easley, Circuit Judge, from Hot Spring County Circuit Court. Petitioner's pro se motion for reconsideration is denied.

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 5, 2019

PER CURIAM ORDERS

CV-19-604. Dwight C. Jones v. Centennial Bank f/k/a Liberty Bank of Arkansas, from Yell County Circuit Court, Northern District. Petitioner's pro se motion for rule on clerk and expedited consideration; and pro se petition for writ of certiorari to complete the record. Request for expedited consideration granted; motion for rule on clerk denied; petition for writ of certiorari to complete the record moot. (Proceedings of November 22, 2019)

CV-19-636. Abdul Maalik Muhammad v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion to file substituted brief is granted.

CV-19-727. State of Arkansas; Arkansas Department of Finance and Administration; Alcoholic Beverage Control Administration; and Arkansas Medical Marijuana Commission v. Carpenter Farms Medical Group, LLC, from Pulaski County Circuit Court, Fifth Division. Petitioners' emergency petition for writ of mandamus, writ of prohibition, writ of certiorari, supervisory writ, and/or stay of proceedings before the circuit court is denied. Baker, Wood, and Womack, JJ., would take as a case.

CV-19-727. State of Arkansas; Arkansas Department of Finance and Administration; Alcoholic Beverage Control Administration; and Arkansas Medical Marijuana Commission v. Carpenter Farms Medical Group, LLC, from Pulaski County Circuit Court, Fifth Division. Motion of Circuit Judge Wendell Griffen for leave to appear and file pleadings regarding emergency petition for writ of mandamus, writ of certiorari, and/or stay of proceedings is denied. Hart, J., would grant. Hudson and Wynne, JJ., would moot.

CV-19-789. Larry Walther, Director, Arkansas Department of Finance and Administration; Andrea Lea, State Auditor; and Dennis Milligan, State Treasurer v. Mike Wilson, from Pulaski County Circuit Court, Second Division. Appellee's motion to dismiss State's appeal is taken with the case. Hart, J., would grant. Wood and Womack, JJ., would deny.

CV-19-849. J. Richard Newland, Jr., Individually and as Trustee of the MAL Irrevocable Insurance Trust; Elizabeth Abney Caldwell, Individually and as Trustee of the MAL Irrevocable Insurance Trust; and Newland & Associates, PLLC, Corporately and as Trustee of the MAL Irrevocable Insurance Trust v. Caroline Lasiter, from Pulaski County Circuit Court, Twelfth Division. Petitioners' petition for permission to appeal is moot. Hart, J., not participating.

ARKANSAS SUPREME COURT
PROCEEDINGS OF DECEMBER 5, 2019

PER CURIAM ORDERS

CV-19-849. J. Richard Newland, Jr., Individually and as Trustee of the MAL Irrevocable Insurance Trust; Elizabeth Abney Caldwell, Individually and as Trustee of the MAL Irrevocable Insurance Trust; and Newland & Associates, PLLC, Corporately and as Trustee of the MAL Irrevocable Insurance Trust v. Caroline Lasiter, from Pulaski County Circuit Court, Twelfth Division. Petitioners' motion to withdraw petition for permission to appeal is granted. Hart, J., not participating.

CV-19-904. Stephanie Potter Barrett v. John Thurston, in His Official Capacity as Secretary of State for the State of Arkansas; and Emily L. Lengefeld, et al., from Pulaski County Circuit Court, Sixth Division. Appellant's and appellee/cross-appellant's motions for expedited consideration are granted. (Proceedings of December 2, 2019)

CV-19-904. Stephanie Potter Barrett v. John Thurston, in His Official Capacity as Secretary of State for the State of Arkansas; and Emily L. Lengefeld, et al., from Pulaski County Circuit Court, Sixth Division. Appellee/cross-appellant's expedited motion for stay is denied. (Proceedings of December 3, 2019)

CR-19-150. Mark Antonio Williams v. State of Arkansas, from Chicot County Circuit Court. Appellant's pro se motion for extension of time to file brief is moot.

CV-19-74. Leonard Noble v. State of Arkansas, from Hot Spring County Circuit Court. Appellant's pro se motion to expedite appeal is moot.

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 is moot.

CV-19-734. Kedron L. Johnson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal is granted.

CV-19-734. Kedron L. Johnson v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion to vacate sentence for failure to file brief or file extension of brief time is moot. Hart, J., would deny.

ARKANSAS SUPREME COURT
PROCEEDINGS OF DECEMBER 5, 2019

PER CURIAM ORDERS

In Re Supreme Court Committee on Model Jury Instructions -Civil. See [per curiam](#) this date.

Casey Castleberry, Esq., of Batesville, Joseph Falasco, Esq., of Little Rock, Jackie Harris, Esq., of Pine Bluff, Angilynn Taylor, Esq., of Hope, and Robert F. Thompson, III, Esq., of Paragould are appointed to the Arkansas Supreme Court Committee on Model Jury Instructions-Civil for three-year terms to expire on September 30, 2022. The court extends its appreciation to these new members for their willingness to serve on this important committee.

The court designates Michelle Kaemmerling, a current member of the committee, to succeed Chip Chiles as chair. We thank Mr. Chiles, whose term has expired, for his service and extend our appreciation to Ms. Kaemmerling for undertaking these duties. The court also expresses its gratitude to the other outgoing members, Lyn Pruitt, Chris Averitt, Neil Chamberlin, and Scott Hickam, for their years of valuable service to this committee.

ARKANSAS SUPREME COURT
PROCEEDINGS OF DECEMBER 5, 2019

MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-18-425. Edward Thompson v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-19-15. Shaniqua Finley v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CV-18-45. 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.

CR-12-588. Jackie Breeden, Jr. v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se petition for rehearing treated as motion for reconsideration.

CR-17-17. Darryl Talley, Jr. v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motion for reconsideration.

CR-18-700. Stacey Eugene Johnson v. State of Arkansas, from Sevier County Circuit Court. Motion of Olga Akselrod to withdraw as counsel for appellant.

CR-18-706. LaJason Jaquize Coakley v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough to be relieved as counsel for appellant.

CR-19-32. Eddie L. Pugh v. State of Arkansas, from Poinsett County Circuit Court. Appellant's pro se motion for reconsideration.

CR-19-383. Sammie L. Thomas, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion for extension of time to comply with writ of certiorari.

CR-19-861. Mochariee West v. State of Arkansas, from Garland County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 5, 2019

MOTIONS SUBMITTED

CV-19-390. Jessie Hill v. Hon. Jodi Raines Dennis, Circuit Judge, from Lincoln County Circuit Court. Appellant's pro se motions for reconsideration, to amend or supplement brief and to supplement original habeas petition.

CV-19-669. Trecie V. Oliver v. State of Arkansas, from Lee County Circuit Court. Petitioner's pro se motion for reconsideration.

CV-19-789. Larry Walther, Director, Arkansas Department of Finance and Administration; Andrea Lea, State Auditor; and Dennis Milligan, State Treasurer v. Mike Wilson, from Pulaski County Circuit Court, Second Division. Appellants' motion to correct the record.

CV-19-840. Kawasaki Motors Corp., U.S.A.; and Kawasaki Motors Manufacturing Corp., U.S.A. v. Sherry Powell, Individually and as Limited Guardian of Darrell Powell, an Incapacitated Person; GhettoWorks Corp.; and John Does I–X, from Cleburne County Circuit Court. Petitioners' unopposed motion to stay consideration and ruling by the Supreme Court of Arkansas.

CV-19-876. (In the Matter of Seth Monroe) Seth Monroe v. Arkansas Department of Human Services, from Pulaski County Circuit Court, Fifteenth Division. Petitioner's pro se petition for leave to proceed in forma pauperis.

CV-19-883. State of Arkansas v. Anna Vinogradova, from Benton County Circuit Court. Petitioner's petition for writ of prohibition.

CV-19-889. Secia Salinas v. Arkansas Department of Human Services, A.F., M.S., M.S., and S.N., Minor Children, from Washington County Circuit Court. Appellant's motion for extension of time to lodge appellate record.

CV-19-890. Secia Salinas v. Arkansas Department of Human Services, C.N., and S.N. Minor Children, from Washington County Circuit Court. Appellant's motion for extension of time to lodge appellate record.

D-19-878. In Re Dustyn Codie Martin, Arkansas Bar No. 2016051, an Original Action. Petition of Dustyn Codie Martin, Arkansas Bar No. 2016051, for surrender of license.

D-19-880. In Re Paul E. Harrod, Arkansas Bar No. 84070, an Original Action. Petition of Paul E. Herrod, Arkansas Bar No. 84070, for surrender of license.

ARKANSAS SUPREME COURT
PROCEEDINGS OF DECEMBER 5, 2019

MOTIONS SUBMITTED

CR-97-1490. Christopher Epps v. State of Arkansas, from Boone County Circuit Court. Petitioner's pro se motion requesting copy of records.

CR-14-294. Dewayne Curtis Wright v. State of Arkansas, from Ouachita County Circuit Court. Appellant's pro se motion for access to the trial transcript at State's expense.

CR-15-539. Trencie Oliver v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motion for copy of brief, trial records or transcript, and all documents at public expense.

CR-18-899. Justin R. Simpson v. State of Arkansas, from Polk County Circuit Court. Petitioner's pro se motion for belated appeal.

CR-18-899. Justin R. Simpson v. State of Arkansas, from Polk County Circuit Court. Petitioner's pro se amended motion for belated appeal.

CR-19-51. James D. Cribbs v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se motion for belated appeal.

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 reply brief.

CR-19-64. Steven Christopher Hayes v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion to supplement the addendum and file a substituted brief.

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 extension of time to file brief.

CV-19-516. Michael E. Rea v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to duplicate at State's expense.

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 5, 2019

CASES SUBMITTED

CR-19-420. Mark Edward Chumley v. State of Arkansas, from Washington County Circuit Court.

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 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.

CV-18-826. Christopher H. Harris v. Asa Hutchinson, Individually and in His Official Capacity as Governor of the State of Arkansas; and Patrick Fisk, Individually and in His Official Capacity, from Pulaski County Circuit Court, Sixth Division.

CV-18-1034. City of Little Rock, Arkansas v. Alexander Apartments, LLC; Arkansas Community Organizations; Melody Branch; Carolyn Ford; Ingram Murphy; and Linda Wheeler, from Pulaski County Circuit Court, Twelfth Division.

CV-19-214. Ralph Douthitt v. State of Arkansas, from Lincoln County Circuit Court.

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.

CV-19-475. 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.

CR-18-272. Eugene Issac Pitts v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CV-19-426. Melvin Jefferson v. State of Arkansas, from Jefferson County Circuit Court.