

ARKANSAS SUPREME COURT

PROCEEDINGS OF FEBRUARY 20, 2020

JOHN DAN KEMP, CHIEF JUSTICE

[CR-19-232](#). Kenneth Ray Marshall v. State of Arkansas, from Columbia County Circuit Court. Affirmed. Hart, J., dissents.

KAREN R. BAKER, JUSTICE

[CR-19-17](#). Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court. Affirmed. Hart, J., concurs in part and dissents in part.

[CV-19-151](#). BHC Pinnacle Pointe Hospital, LLC v. Debra Nelson and Henry Anderson, Jr., Individually and on Behalf of All Others Similarly Situated, from Pulaski County Circuit Court, Sixth Division. Reversed and remanded. Hart, J., dissents.

COURTNEY RAE HUDSON, JUSTICE

[CR-19-319](#). Heath Mabry v. State of Arkansas, from Greene County Circuit Court. Affirmed. Hart, J., concurs in part and dissents in part.

[CV-18-594](#). Lakshminarayana Chekuri v. Madhuri Nekkalapudi, from Pulaski County Circuit Court, Fifteenth Division. Affirmed; court of appeals' opinion vacated. Hart and Wood, JJ., dissent.

[CV-19-690](#). Kelvin Collier v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed. Hart, J., concurs in part and dissents in part.

RHONDA K. WOOD, JUSTICE

[CV-18-916](#). Steven Christopher Hayes v. Wendy Kelley, Director, Arkansas Department of Correction, from Hot Spring County Circuit Court. Appellant's pro se motions for extension of brief time, to supplement the record, and to file supplemental addendum and substituted brief. Affirmed; motions moot. Hart, J., dissents.

[D-18-689](#). Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct v. Bobby D. McCallister Attorney at Law, Arkansas Bar No. 91103, an Original Action. Special judge's recommendation adopted; nine-month suspension ordered. Kemp, C.J., and Wynne, J., concur in part; dissent in part.

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ROBIN F. WYNNE, JUSTICE

[CV-19-655](#). Michael Young v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed. Hart, J., dissents.

SHAWN A. WOMACK, JUSTICE

[CR-18-700](#). Stacey Eugene Johnson v. State of Arkansas, from Sevier County Circuit Court. Petition for rehearing denied. Hart and Wynne, JJ., dissent.

[CR-19-590](#). Thernell Hundley v. State of Arkansas, from Clark County Circuit Court. Affirmed. Hart, J., concurs.

[CV-19-658](#). Alvin Lovelace v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for rule on clerk. Affirmed; motion moot. Hart, J., dissents.

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PER CURIAM ORDERS

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

CR-18-272. Eugene Issac Pitts v. State of Arkansas, from Pulaski County Circuit Court, First Division. Hart, Wood, and Wynne, JJ., would grant.

REVIEWS GRANTED: Petitions for review were granted today in the following cases.

CR-18-1057. Rodney Harmon v. State of Arkansas, from Faulkner County Circuit Court. Kemp, C.J., and Wood and Womack, JJ., would deny.

CV-18-313. Dollar General Corporation; Dolgencorp, LLC, d/b/a Dollar General; Caddo Trading Company, Inc.; Rodney Fagan; and Judy Fagan v. Karen Renee Elder, from Montgomery County Circuit Court. Kemp, C.J., and Hudson and Wynne, JJ., would deny.

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

CR-19-199. Roscoe Fletcher v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Hart, J., would grant.

CR-19-250. Jose Gonzales v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Hudson and Womack, JJ., would grant.

CR-19-251. Markell Jimmerson v. State of Arkansas, from St. Francis County Circuit Court. Hart, J., would grant.

CV-17-893. Margaret Ellis v. Roger Thompson and Frances Thompson, from Cross County Circuit Court.

CV-18-819. Tim Parker v. Sharon Parker, from Benton County Circuit Court.

CV-18-939. Jessica McCabe and Amy Purdy v. Wal-Mart Associates, Inc., from Benton County Circuit Court. Hudson and Wynne, JJ., would grant.

CV-18-990. City of Gravette v. Centerton Waterworks and Sewer Commission and City of Centerton, from Benton County Circuit Court. Kemp, C.J., and Hart, J., would grant.

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PER CURIAM ORDERS

REVIEWS DENIED: (continued)

CV-18-1024. Minor Children v. Arkansas Department of Human Services and Jacklyn Gabbard, from Perry County Circuit Court. Baker, J., would grant.

CV-18-1036. William B. Stanley, Niolene E. Stanley, Stephen C. Parker, Kathryn A. Parker, Matthew Britt, and Michael C. Willis, on Behalf of Themselves and All Others Similarly Situated v. Ozarks Electric Cooperative Corporation and OzarksGo, LLC, from Washington County Circuit Court. Hart and Wynne, JJ., would grant. Wood, J., not participating.

CV-19-13. Arkansas Department of Human Services, Office of Long Term Care v. Phoebe EgboSimba, from Pulaski County Circuit Court, Fifth Division. Hart, J., would grant.

CV-19-149. Jason Papageorge v. Tyson Shared Services, Inc., and Tynet Corporation, from the Arkansas Workers' Compensation Commission.

CV-19-267. Lexa Page v. Southwestern Bell Telephone Company/AT&T, Inc.; Old Republic Insurance Company; and Sedgwick Claims Management Services, Inc., from the Arkansas Workers' Compensation Commission.

CV-19-406. Cody Wadley v. Katie Wadley, from Pulaski County Circuit Court, Fourteenth Division. Baker, Hudson, and Hart, JJ., would grant.

CR-18-700. Stacey Eugene Johnson v. State of Arkansas, from Sevier County Circuit Court. Appellant's motion to stay the mandate is denied. Hudson, Hart, and Wynne, JJ., would grant.

CR-19-264. Lemuel Whiteside v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to stay or recall the mandate is denied. Hart, J., would grant.

CV-19-929. Jennifer Jones, in Her Official Capacity as Clerk of the District Court of Benton County, Arkansas, Bentonville Division v. National Association of Professional Background Screeners, from Pulaski County Circuit Court, Second Division. Appellee/cross-appellant's motion to amend case caption is granted. Baker, Hudson, and Wood, JJ., would deny.

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CV-19-933. Eddy Arnold v. Dr. Mary Pitts; Mr. Mike Doyle; Board of Trustees, Arkansas State University; and Dr. Carl Cates, from Craighead County Circuit Court, Western District. Appellant's pro se motion requesting to be excused from the requirements of Rules 4-1 and 4-2 is denied. Hart, J., would grant.

CV-20-25. (In the Matter of the Estate of Offie Ozell Williams) Paul M. Gordon, from Hot Spring County Circuit Court. Petitioner's pro se petition for leave to proceed in forma pauperis is denied. Hart, J., would grant.

CV-20-48. State of Arkansas *ex rel.* Scott Ellington, Second Judicial Circuit Prosecuting Attorney, et al. v. Cephalon, Inc., et al., from Crittenden County Circuit Court. Petitioners' petition for writ of mandamus, writ of certiorari, or other supervisory writ is denied. Kemp, C.J., not participating.

CV-20-48. State of Arkansas *ex rel.* Scott Ellington, Second Judicial Circuit Prosecuting Attorney, et al. v. Cephalon, Inc., et al., from Crittenden County Circuit Court. Respondents' motion to supplement the record is granted. Womack, J., would deny. Kemp, C.J., not participating.

D-20-69. In Re Frank M. Holbrook, Arkansas Bar No. 2008114, an Original Action. Petition of Frank M. Holbrook, Arkansas Bar No. 2008114, for voluntary surrender of license (resignation) is granted.

D-20-70. In Re Barbara E. Lingle, Arkansas Bar No. 91190, an Original Action. Petition of Barbara E. Lingle, Arkansas Bar No. 91190, for voluntary surrender of license (resignation) is granted.

D-20-71. In Re Melany C. Birdsong, Arkansas Bar No. 2008218, an Original Action. Petition of Melany C. Birdsong, Arkansas Bar No. 2008218, for voluntary surrender of license (resignation) is granted.

CR-18-418. James E. Whitney v. State of Arkansas, from Washington County Circuit Court. Appellee's motion to dismiss appeal is granted. Hart, J., would deny.

CR-19-86. Patrick Johnson v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to dismiss appeal is granted.

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PER CURIAM ORDERS

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 reply brief is granted.

CR-19-565. Cleveland Evans v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss appeal is granted.

CR-19-703. Jason Wayne Halbrook v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion to dismiss appeal is granted.

CR-19-732. Gregory J. Martin v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for writ of subpoena duces tecum is denied. Hart, J., would grant.

CR-19-827. Santonio Turner v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se motion for belated appeal is denied. Hart, J., would grant.

CR-19-855. Kendrick Story v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se motion for rule on clerk is denied. Hart, J., would grant.

CR-19-856. Willie Wells v. State of Arkansas, from Crittenden County Circuit Court. Petitioner's pro se petition for writ of mandamus. Response requested. Hart, J., would grant.

CR-19-856. Willie Wells v. State of Arkansas, from Crittenden County Circuit Court. Petitioner's pro se motion to amend the writ of mandamus petition is granted.

CR-19-856. Willie Wells v. State of Arkansas, from Crittenden County Circuit Court. Petitioner's pro se motion to supplement the record is granted.

CV-19-261. Jessie Hill 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 is denied. Kemp, C.J., and Hart, J., would grant.

CV-19-261. Jessie Hill v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion seeking waiver of the addendum obligation is denied.

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PER CURIAM ORDERS

CV-19-261. Jessie Hill v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se petition for writ of certiorari to complete the record treated as petition for access to the record and granted. Womack, J., would deny.

CV-19-642. Kenneth Ray Pitts v. Dr. C. Horan; R.N. C. Jacks; Nurse Erica Johnson; William P. Benton; and Rory Griffin, Medical Service Director, from Pulaski County Circuit Court, Second Division. Appellant's pro se motion for objection for entry of appearance is denied. Appeal dismissed. Hart, J., would not dismiss appeal.

CV-19-806. Roy E. Davis v. William Straughn, Warden, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for rule on clerk treated as motion to file a belated reply brief and granted.

CV-19-893. Anthony D. Lamar v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se petition for writ of mandamus is moot.

CV-19-982. Walter Sims 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 is granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CV-18-662. Joe Perry, Jr. v. State of Arkansas, from Chicot County Circuit Court.

CV-19-99. Thomas Crockett v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

CR-02-447. Roy Tolston v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se motion for reconsideration of the denial of pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and writ of audita querla.

CR-19-590. Thernell Hundley v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se notification to the court and motion to supplement record on appeal.

CR-19-590. Thernell Hundley v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se motion to dismiss lawyer and notification to the court.

CR-20-60. Jerry McKee v. State of Arkansas, from Greene County Circuit Court. Appellant's motion for rule on clerk.

CR-20-88. Anthony Dewayne Brown v. State of Arkansas, from Ashley County Circuit Court. Appellant's motion for rule on clerk.

CV-01-836. Lake View School District No. 25 of Phillips County, Arkansas, et al. v. Governor Mike Huckabee; Senator Mike Beebe, President Pro Tempore of the Senate; Representative Shane Broadway, Speaker of the House; State Auditor Gus Wingfield; State Treasurer Jimmie Lou Fisher; Director of the Arkansas Department of Education Raymond Simon; Arkansas State Board of Education Members Luke Gordy, William Fisher, Jonell Caldwell, Anita Yates, Lewis Thompson, Claiborne Deming, Richard Smith, Betty Pickett, Robert Hackler, and Shelby Hillman; Director of the Arkansas Department of Finance and Administration Richard Barclay; Rogers School District No. 30; Bentonville School District No. 6 of Benton County; and Little Rock School District of Pulaski County, from Pulaski County Circuit Court, Thirteenth Division. Motion of Dr. Julius J. Larry III for leave to intervene and file motion to recall the mandate in Lake View III.

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MOTIONS SUBMITTED

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

CV-19-633. Nathan Fox v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Motion of Kimberly Boling Bibb to substitute counsel on behalf of the appellees.

CV-19-924. In Re Donald Ray Peterson, an Original Action. Petitioner's pro se petition for rehearing treated as motion for reconsideration.

CV-20-79. Morrell Williams v. State of Arkansas Office of Child Support Enforcement, from Pulaski County Circuit Court, Third Division. Petitioner's pro se petition for leave to proceed in forma pauperis.

CV-20-80. Armtec Countermeasures Co.; Esterline Technologies Corporation; and Charles King v. Aaron Brownlee and Mary Brownlee, from Ouachita County Circuit Court. Petitioners' petition for appeal of an order compelling the production of privileged information.

CR-18-546. Kwasi Andrade McKinney v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se motion to duplicate at State's expense.

CR-19-142. Ernest Brown v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to file a belated motion for reconsideration.

CR-19-563. Carl Prince v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion to supplement the addendum and file reply brief late.

CR-20-29. Byron Lamont Wallace v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se petition for writ of mandamus. (In re petition for declaratory judgment and mandamus relief.)

CR-20-29. Byron Lamont Wallace v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se petition for writ of mandamus. (In re motion to vacate sentence.)

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MOTIONS SUBMITTED

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 file a belated brief.

CV-19-983. Abraham Grant v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CV-19-995. Arthur D. Davis, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to dismiss appeal without prejudice.

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CASES SUBMITTED

CR-19-351. Jerry Lard v. State of Arkansas, from Greene County Circuit Court. Orally argued.

CR-19-156. Charles Alan Rickman v. State of Arkansas, from Benton County Circuit Court.

CR-19-396. Cameron Halliburton v. State of Arkansas, from Miller County Circuit Court.

CR-19-500. Chad Kitchell v. State of Arkansas, from Saline County Circuit Court.

CV-18-607. Mary Katherine Myers, Widow of [Michael Earl Myers] and Administratrix of the Estate of Michael Earl Myers, Deceased v. Yamato Kogyo Company, Ltd.; Sumitomo Corporation, Arkansas Steel Associates; Sumitomo Corporation of Americas d/b/a Sumitomo Corporation of America; SC Steel Investment, Inc.; SC Steel Investment, LLC; Yamato Kogyo (U.S.A.) Corporation; and Yamato Kogyo America, Inc., from the Arkansas Workers' Compensation Commission.

CV-19-578. Shelter Mutual Insurance Company v. Edna Lyle Lovelace, from Jefferson County Circuit Court.

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