

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF MARCH 19, 2020

### **KAREN R. BAKER, JUSTICE**

[CV-19-751](#). Anthony Randle v. W. Straughn, Warden, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed. Hart, J., concurs in part and dissents in part.

### **COURTNEY RAE HUDSON, JUSTICE**

[CR-19-731](#). Kedrick T. Darrough, Sr. v. State of Arkansas, from Drew County Circuit Court. Affirmed.

[D-18-998](#). Charles Dwain Oliver, Arkansas Bar No. 2001009 v. Stark Ligon, as Executive Director of the Arkansas Supreme Court Committee on Professional Conduct, an Original Action. Affirmed. Special Justice William P. (Bill) Watkins joins. Hart, J., concurs in part and dissents in part. Wynne, J., not participating.

### **RHONDA K. WOOD, JUSTICE**

[D-18-726](#). Charles Dwain Oliver, Arkansas Bar ID #2001009 v. Stark Ligon, Director, Committee on Professional Conduct, an Original Action. Affirmed. Special Justice William P. (Bill) Watkins joins. Wynne, J., not participating.

### **SHAWN A. WOMACK, JUSTICE**

[CV-19-738](#). Luther X. Hall v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed. Hart, J., concurs.

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF MARCH 19, 2020**

**PER CURIAM ORDERS**

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

CR-18-845. Karl D. Roberts v. State of Arkansas, from Polk County Circuit Court. Hart, J., 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. Hart, J., would grant.

CV-19-639. Anthony Reed v. W. Straughn, Warden, Arkansas Department of Correction, from Jefferson County Circuit Court. Hart, J., would grant.

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

CR-19-419. Jared Harper v. State of Arkansas, from Miller County Circuit Court. Hart, J., would grant.

CV-18-630. Industrial Iron Works, Inc., and Industrial Iron Works Construction, Inc., d/b/a Adams Fertilizer Equipment v. Larry Hodge, Connie Hodge, John Does 1–10, and Sentry Insurance, from Mississippi County Circuit Court, Osceola District. Hart, J., would grant.

CV-18-934. Brodie Faughn and Billy Colvin v. Alfred Kennedy and Wayne Kennedy, from St. Francis County Circuit Court. Womack, J., would grant.

CV-19-19. Sandra Johnson, Administrator of the Estate of Perry Johnson, Jr.; and the Estate of Perry Johnson, Jr. v. Vincent Osric Johnson; Tammy Johnson; Trina Surratt; Shayla Brentley Moore; Stacy Rogers; Demarlon Bell; and Kenneth Johnson, from Jefferson County Circuit Court.

CV-19-131. Arkansas Department of Human Services v. Marshall Newcity, MD, from Sebastian County Circuit Court, Fort Smith District. Hart, J., would grant.

CV-19-157. Bedrock Ventures, Inc. v. Truman Press, Inc., d/b/a Hannover House d/b/a Hannover; Hannover House Releasing, LLC, d/b/a Hannover House; Hannover House, Inc., d/b/a Hannover House; and Regal Cinemas, Inc., from Benton County Circuit Court.

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**PER CURIAM ORDERS**

**REVIEWS DENIED:** (continued)

CV-19-234. STAP, Inc., d/b/a St. Andrews Place; Kilgore Consulting Group, Inc.; and Joshua A. Kilgore v. Lagatha Sutterfield, as Personal Representative of the Estate of James Sutterfield, and on Behalf of the Wrongful Death Beneficiaries of James Sutterfield, from Faulkner County Circuit Court. Wynne, J., not participating.

CV-19-593. Lisa Boldra Dominguez v. Arkansas Department Human Services and Minor Child, from Washington County Circuit Court. Hart, J., would grant.

CV-19-633. Nathan Fox v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court. Hart, J., would grant.

CV-20-6. Dr. Nina M. Morgan v. Dale Seiler and Ashlie Seiler, Individually and as Trustees of the Dale and Ashlie Seiler Family Trust; and Farm Credit Services of Western Arkansas, FLCA, from Lafayette County Circuit Court.

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CR-18-845. Karl D. Roberts v. State of Arkansas, from Polk County Circuit Court. Appellant's motion to stay mandate is denied. Hudson, Hart, and Wynne, JJ., would grant.

CR-19-52. Adam S. Childers v. State of Arkansas, from the Arkansas National Guard. Certification to the Supreme Court is granted.

CR-19-926. Marvin Arrell Stanton v. State of Arkansas, from Miller County Circuit Court. Appellant's motion for leave to file enlarged brief is granted. Womack, J., would deny.

CR-19-981. Curtis Dorsey v. State of Arkansas, from Pulaski County Circuit Court, Seventh 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-20-107. Billy Combs v. State of Arkansas, from Poinsett County Circuit Court. Motion of Gerald A. Coleman to be relieved as attorney for appellant and to stay briefing schedule is granted.

CV-19-603. David Tribble and Danny Tribble v. First Security Bank, Jason Tribble, and Jennifer Tribble, from Baxter County Circuit Court. Appellant’s motion for rule on clerk is denied. Womack, J., not participating.

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CV-19-908. Frederick Pennington, Jr. v. State of Arkansas and John Felts, Chairman, Arkansas Parole Board, from Pulaski County Circuit Court, Sixth Division. Petitioner’s pro se motion for rehearing treated as motion for reconsideration and denied. Hart, J., would grant.

CV-19-916. Roderick Talley v. Kiara Loring, from Pulaski County Circuit Court, Fifteenth Division. Appellant’s pro se petition for leave to proceed in forma pauperis is denied. Hart, J., would grant.

CV-19-965. Tom G. Clowers v. Marilyn Edwards, former Washington County Judge; Joseph Wood, current Washington County Judge; George Butler, former Washington County Attorney; Brian Lester, current Washington County Attorney; Garrett Harlan, current Washington County Law Clerk; Tim Helder, current Washington County Sheriff; Colin Jorgensen, Association of Arkansas Counties; Leslie Rutledge, Arkansas Attorney General; Arkansas Board of Election Commissioners; and Arkansas Secretary of State’s Office, from Washington County Circuit Court. Appellant’s pro se motion for discovery for Chris Villines, Director of the Arkansas Association of Counties is denied.

CV-20-97. Tamaki Mathis v. Robert Davis, from Mississippi County Circuit Court, Chickasawba District. Petitioner’s petition for writ of procedendo and memorandum of authorities is denied.

D-20-138. In Re Bobby Kenneth Keeter, Arkansas Bar No. 77076, an Original Action. Petition of Bobby Kenneth Keeter, Arkansas Bar No. 77076, to surrender Arkansas law license is granted.

D-20-139. In Re Angela Kathryn Halladay, Arkansas Bar No. 94204, an Original Action. Petition of Angela Kathryn Halladay, Arkansas Bar No. 94204, for voluntary surrender of license (resignation) is granted. Kemp, C.J., would deny.

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CR-18-962. Kenneth Hinton v. State of Arkansas, from Lincoln County Circuit Court. Petitioner’s pro se motion for copy of petitioner’s brief on appeal. Response ordered.

CR-19-64. Steven Christopher Hayes v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion to extend deadline is granted.

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#### **PER CURIAM ORDERS**

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 treated as motion to file belated petition for rehearing and denied. Hart, J., would grant.

CR-19-421. Robert Woodward v. State of Arkansas, from Chicot County Circuit Court. Appellant's pro se motion to file belated reply brief with supplemental addendum is denied.

CR-19-920. Morris Dean Davis v. State of Arkansas, from Boone County Circuit Court. Appellant's pro se motion to file belated brief is granted.

CV-19-663. Willie Gaster Davis, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction; James DePriest, Legal Counsel, Arkansas Department of Correction; Leslie Rutledge, Arkansas Attorney General; Joyce Gooley, Mailroom Supervisor of Maximum Security; and Brandace Binns, Corporal Security of Maximum Security, from Jefferson County Circuit Court. Appellant's pro se motion for judicial notice is denied.

CV-19-663. Willie Gaster Davis, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction; James DePriest, Legal Counsel, Arkansas Department of Correction; Leslie Rutledge, Arkansas Attorney General; Joyce Gooley, Mailroom Supervisor of Maximum Security; and Brandace Binns, Corporal Security of Maximum Security, from Jefferson County Circuit Court. Appellant's pro se motion for extension of time is granted.

CV-19-828. Tyrun L. Jones v. Wendy Kelley, Director, Arkansas Department of Correction, from Chicot County Circuit Court. Appellant's pro se motion to file a belated brief is granted.

CV-20-23. Frederick Marks v. State of Arkansas, from Lee County Circuit Court. Petitioner's pro se petition for writ of mandamus. Response requested.

In Re Response to the Covid-19 Pandemic. See [per curiam](#) issued March 17, 2020.



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**PROCEEDINGS OF MARCH 19, 2020**  
**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

CR-19-514. Anthony C. Fowlkes v. State of Arkansas, from Faulkner County Circuit Court.

CR-19-543. Anthony R. Beard v. State of Arkansas, from Hot Spring County Circuit Court.

CV-18-594. Lakshminarayana Chekuri v. Madhuri Nekkhalapudi, from Pulaski County Circuit Court, Fifteenth Division.

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CR-19-901. Nicholas Lewondowski v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to file belated brief, to supplement the record on appeal, and to stay briefing schedule.

CR-20-143. Donald Adams v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CV-19-234. STAP, Inc., d/b/a St. Andrews Place; Kilgore Consulting Group, Inc.; and Joshua Kilgore v. Lagatha Sutterfield, as Personal Representative of the Estate of James Sutterfield, and on Behalf of the Wrongful Death Beneficiaries of James Sutterfield, from Faulkner County Circuit Court. Appellants' motion to withdraw petition for review.

CV-19-301. Ron Pruitt v. Diane Barclay, from White County Circuit Court. Appellant's motion to strike petition for review.

CV-19-700. American Honda Motor Co., Inc. v. Larry Walther, Director, Arkansas Department of Finance and Administration, from Pulaski County Circuit Court, Second Division. Joint motion to reassign case to the Supreme Court.

CV-19-929. Jennifer Jones, in Her Official Capacity as Clerk of the District Court of Benton County, Arkansas, Bentonville Division v. Professional Background Screening Association, Inc., from Pulaski County Circuit Court, Second Division. Motion for admission pro hac vice of Zachary D. Miller.

**ARKANSAS SUPREME COURT**  
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**MOTIONS SUBMITTED**

CV-19-929. Jennifer Jones, in Her Official Capacity as Clerk of the District Court of Benton County, Arkansas, Bentonville Division v. Professional Background Screening Association, Inc., from Pulaski County Circuit Court, Second Division. Motion for admission pro hac vice of E. Travis Ramey.

CV-20-136. Arkansans for Healthy Eyes, a Ballot Question Committee; and Vicki Farmer, Individually and on Behalf of Arkansans for Healthy Eyes v. John Thurston, Arkansas Secretary of State, an Original Action. Petitioners' original action complaint.

CV-20-136. Arkansans for Healthy Eyes, a Ballot Question Committee; and Vicki Farmer, Individually and on Behalf of Arkansans for Healthy Eyes v. John Thurston, Arkansas Secretary of State, an Original Action. Unopposed motion of Safe Surgery Arkansas, a Ballot Question Committee; and Laurie Barber, M.D., Individually and on Behalf of Safe Surgery Arkansas to intervene.

D-20-159. In Re Michael B. Dickinson, Arkansas Bar No. 2012092, an Original Action. Petition of Michael B. Dickinson, Arkansas Bar No. 2012092, for voluntary surrender of license (resignation).

D-20-160. In Re William Clay Wolters, Arkansas Bar No. 85212, an Original Action. Petition of William Clay Wolters, Arkansas Bar No. 85212, for voluntary surrender of license (resignation).

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CR-08-151. Shequita L. Joiner v. State of Arkansas, from Columbia 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-08-151. Shequita L. Joiner v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se motion for appointment of counsel.

CR-17-1051. Ricardo McDaniel v. State of Arkansas, from St. Francis County Circuit Court. Petitioner's pro se motion requesting copy of record.

CR-19-176. Ronnie Flow, Jr. v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion for access to sealed portion of supplemental record.



CR-20-68. Charles G. Rodgers v. State of Arkansas, from Phillips County Circuit Court.  
Petitioner's pro se petition for writ of mandamus.

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**MOTIONS SUBMITTED**

CR-20-98. Benjamin MacFarland v. State of Arkansas, from Boone County Circuit Court.  
Petitioner's pro se motion for rule on clerk or belated appeal.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF MARCH 19, 2020**

**CASES SUBMITTED**

CR-19-391. Jose Rufino Garcia-Chicol v. State of Arkansas, from Benton County Circuit Court.

CV-17-924. Victor Bernard Williams, M.D. v. Baptist Health d/b/a Baptist Health Medical Center; Douglas Weeks, Individually and in His Official Capacity as Vice-President/Administrator of Baptist Health Medical Center; Tim Burson, M.D., Individually and in His Official Capacity as Chief of Surgery and Chairperson of the Surgery Control Committee; Scott Marotti, M.D., Individually and in His Official Capacity as a Member of the Surgery Control Committee; Frederick A. Meadors, M.D., Individually and in His Official Capacity as a Member of the Surgery Control Committee; Robert Casali, M.D., Individually and in His Official Capacity as a Member of the Surgery Control Committee; T. Robert Moffett, M.D., Individually and in His Official Capacity as a Member of the Surgery Control Committee; Susan Keathley, M.D., Individually and in Her Official Capacity as Chairperson of the Credentials Committee; Everett Tucker, M.D., Individually and in His Official Capacity as a Member of the Credentials Committee; Chris Cate, M.D., Individually and in His Official Capacity as Chairman of the Executive Committee and Chief of Staff of Baptist Medical Center; Jane Does; and Jane Does and John Does, from Pulaski County Circuit Court, Sixth Division.

CV-19-148. White County Judge and Association of Arkansas Counties Risk Management Services v. Bruce Menser, from the Arkansas Workers' Compensation Commission.

CV-19-844. Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas v. Randall Thomas McArty, from Pulaski County Circuit Court, Sixth Division.

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CV-17-616. Russell Berger v. Bill Bryant, Director, Arkansas State Police, from Pulaski County Circuit Court, Sixth Division.

CV-18-768. Dexter Harmon v. Estella Bland, Jason Kelley, Rory Griffin, and Nurse Wood, from Lincoln County Circuit Court.