

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 23, 2020**

**PER CURIAM ORDERS**

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

CR-18-1057. Rodney Harmon v. State of Arkansas, from Faulkner County Circuit Court. Hart, J., would grant.

CR-19-666. Sanders Carter v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Hart, J., would grant.

CV-18-313. Dollar General Corporation; Dolgencorp, LLC, d/b/a Dollar General; Caddo Trading Co., Inc.; Rodney Fagan and Judy Fagan v. Karen Elder, from Montgomery County Circuit Court. Hart, J., would grant.

CV-19-667. Rico Benton v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Hart, J., would grant.

CV-19-825. Sabba Makkali v. State of Arkansas, from Jefferson County Circuit Court. Hart, J., would grant.

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. Hudson, Hart, and Womack, JJ., would grant.

CV-19-987. Joe E. Morgan v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Hart, J., would grant.

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CR-95-549. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Julie Vandiver to be recognized as counsel on behalf of petitioner is granted.

CR-95-549. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's motion for leave to file overlength application is granted.

CR-98-463. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Julie Vandiver to be recognized as counsel on behalf of petitioner is granted.

CR-98-463. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's motion for leave to file overlength application is granted.

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CR-18-546. Kwasi McKinney v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se motion for reconsideration is denied. Hart, J., would grant.

CR-18-1057. Rodney Harmon v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for stay of mandate in order to petition for writ of certiorari is denied. Hudson, Hart, and Wynne, JJ., would grant.

CR-19-847. Latavious D. Johnson v. State of Arkansas, from Lee County Circuit Court. Appellant's motion to stay mandate is denied. Hudson, Hart, and Wynne, JJ., would grant.

CR-19-981. Curtis Dorsey v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to withdraw second writ of certiorari to complete the record is granted. Baker, Wood, and Womack, JJ., would moot.

CR-20-86. Brad Hunter Smith v. State of Arkansas, from Cleveland County Circuit Court. Appellee's motion to remand for verification of petition for postconviction relief pursuant to Rule 37.1(c) and for stay of brief time is granted.

CR-20-403. Tracy Duane Wright v. State of Arkansas, from Benton County Circuit Court. Motion of Matt Reid to be relieved as attorney for appellant and stay briefing schedule is granted.

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 of Consumer Data Industry Association, Sue Weaver Cause, and Coalition for Sensible Public Records Access for leave to file amicus brief in support of appellee/cross-appellant is granted. Wood, J., not participating.

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 of National Consumer Reporting Association for leave to file amicus curiae brief is granted.

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 of Reporters Committee for Freedom of the Press and 24 Media Organizations for leave to

file amicus curiae brief in support of appellee/cross-appellant is granted. Kemp, C.J., would deny.

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CV-19-979. Shelly Buonaiuto, Mary Weeks, Verlon Abrams, and Sarah B. Thompson v. Keith Gibson, Tom Schueck, Robert S. Moore, Jr., Alec Farmer, and Philip Taldo, Members of the Arkansas State Highway Commission; Scott E. Bennett, Director, Arkansas Department of Transportation; Dennis Milligan, Treasurer of the State of Arkansas; Andrea Lea, Auditor of the State of Arkansas; Larry W. Walther, Director, Arkansas Department of Finance and Administration; and Asa Hutchinson, Governor of the State of Arkansas, from Pulaski County Circuit Court, Sixteenth Division. Motion of Citizens for a Better Way Forward for leave to file brief on behalf of amicus curiae is granted.

CV-20-26. Wendell Rogers v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellee's motion to file belated supplemental record is granted.

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 motion for extension of time to pay filing fee is denied. Hart, J., would grant.

CV-20-115. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct v. Thomas C. Morris III, an Original Action. Petition of respondent is granted.

CV-20-145. Citizens for a Better Pope County, a Local Option Ballot Question Committee; and James Knight, in His Individual Capacity v. Ben Cross, in His Official Capacity as County Judge of Pope County, Arkansas; Phillip Haney, Caleb Moore, Tim Whittenburg, Reuben Brown, Jackie Heflin, Jamie Jackson, Blake Tarpley, Doug Skelton, Bill Sparks, James Kusturin, Ray Black, Joseph Pearson, and Ernie Enchelmayer, in Their Official Capacities as Members of the Quorum Court of Pope County, Arkansas; and Cherokee Nation Businesses, LLC, from Pope County Circuit Court. Appellants' motion to strike appellees' and intervenor's joint motion to dismiss is denied. Wood, J., would take with the case. Kemp, C.J., and Hart, J., not participating.

CV-20-343. Thomas Crockett v. Stark Ligon, Executive Director of the Supreme Court Committee on Professional Conduct, from the Arkansas Supreme Court Committee on Professional Conduct. Petitioner's pro se petition for writ of mandamus to the Supreme Court Committee on Professional Conduct through its Executive Director is moot. Hart, J., would deny.

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CV-20-438. Cherokee Nation Businesses, LLC, and Legends Resort and Casino, LLC v. Arkansas Department of Finance and Administration; Arkansas Racing Commission; and Gulfside Casino Partnership, from Pulaski County Circuit Court, Sixth Division. Petitioners' motion for expedited consideration is granted. Petitioners' emergency petition for writ of certiorari granted in part; dismissed as moot in part. Kemp, C.J., and Hart, J., not participating. (Proceedings of July 14, 2020).

D-20-412. In Re Joseph Blake Smith, Arkansas Bar No. 2011071, an Original Action. Petition of Joseph Blake Smith, Arkansas Bar No. 2011071, to surrender Arkansas law license is granted.

**Pursuant to Rule 4-5 of the Rules of the Supreme Court and Court of Appeals, the following cases have been dismissed for failure to file an appellant's brief.**

CV-19-988. Edward Carter v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-19-994. Carl Davis, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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CR-91-279. John Richard Lukach v. State of Arkansas, from Hot Spring County Circuit Court. Petitioner's pro se motion for rule on clerk is denied. Hart, J., would grant.

CR-91-293. John Richard Lukach v. State of Arkansas, from Hot Spring County Circuit Court. Petitioner's pro se motion for rule on clerk is denied. Hart, J., would grant.

CR-19-176. Ronnie Flow, Jr. v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion to file belated reply brief. Motion granted in part and denied in part; supplemental addendum is stricken from the reply brief. Hart, J., would grant.

CR-19-920. Morris Dean Davis v. State of Arkansas, from Boone County Circuit Court. Appellee's motion to dismiss appeal is granted.

CR-20-60. Jerry McKee v. State of Arkansas, from Greene County Circuit Court. Appellant's pro se motion to file supplemental brief or to supplement the record is denied. Hart, J., would grant.

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CR-20-60. Jerry McKee v. State of Arkansas, from Greene County Circuit Court. Appellant's pro se ex parte motion is denied.

CR-20-60. Jerry McKee v. State of Arkansas, from Greene County Circuit Court. Appellant's pro se motion requesting review of ex parte motion is denied. Hart, J., would moot.

CR-20-60. Jerry McKee v. State of Arkansas, from Greene County Circuit Court. Appellant's pro se motion to stop attorney general's motion of denial for pro se supplemental appeal and motion for additional pages for supplemental appeal is denied. Hart, J., would moot.

CR-20-150. Robert W. Avery v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot.

CR-20-204. Melvin Brown v. State of Arkansas, from Ouachita County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot.

CR-20-212. Larry David Davis v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se petition for writ of mandamus is moot.

CR-20-243. Albert Allen Dirickson v. State of Arkansas, from Sevier County Circuit Court. Appellant's pro se motion to duplicate copies at public expense is denied. Hart, J., would grant.

CR-20-283. Damien Ford v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for discovery and motion for stay. Motion for discovery denied; motion for stay moot. Wood and Womack, JJ., would deny. Hart, J., would remand motion for discovery to the trial court and grant motion for stay.

CR-20-283. Damien Ford v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted. Hart, J., would moot.

CR-20-283. Damien Ford v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion to be heard on original record is denied. Hart, J., would moot.

CR-20-297. Edmond R. Lewis v. State of Arkansas, from Howard County Circuit Court. Appellant's pro se motion for duplication of appellant's brief at public expense is moot.

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CR-20-346. Rickie Green v. State of Arkansas, from Lonoke County Circuit Court. Appellant's pro se motion for discovery is denied. Hart, J., would grant.

CR-20-373. Alvin Aikens v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se petition for writ of mandamus. Response requested.

CR-20-373. Alvin Aikens v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motion for dismissal is denied.

CR-20-409. Duane Jefferson Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion for rule on clerk is denied. Hart, J., would moot.

CR-20-409. Duane Jefferson Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se supplemental motion for rule on clerk is denied. Hart, J., would grant.

CV-19-810. Jackie Blue v. William Straughn, Warden, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to file belated brief is granted.

CV-20-188. Willie Noble v. State of Arkansas, from Pulaski County Circuit Court, Ninth Division. Petitioner's pro se petition for writ of mandamus is moot.

CV-20-246. Frank Watts II v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Petitioner's pro se motion for rule on clerk treated as motion for belated appeal and denied. Hart, J., would grant.

CV-20-246. Frank Watts II v. Dexter Payne, Director, Arkansas Department of Correction. Petitioner's pro se petition for writ of mandamus is denied.

CV-20-338. Charles Edward Jones, Sr. v. State of Arkansas, from Chicot County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied.

CV-20-360. Arlo C. Benedict v. Wendy Kelley, Director, Arkansas Department of Correction, from Pulaski County Circuit Court, Ninth Division. Petitioner's pro se motion for rule on clerk treated as motion for belated appeal and granted.

In Re Arkansas Rules Governing Admission to the Bar: Rule XV-A Temporary Supervised Practice. See [per curiam](#) issued July 9, 2020.

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In Re Adoption of Arkansas Rules Governing Admission to the Bar: Rule XV-A Temporary Supervised Practice and July 2020 Arkansas Bar Examination. See [per curiam](#) issued July 9, 2020.