

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF SEPTEMBER 10, 2020

### PER CURIAM ORDERS

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

[CR-19-643](#). Laron Hayes, Jr. v. State of Arkansas, from Bradley County Circuit Court. Supplemental record ordered. See **per curiam** this date.

CR-19-762. Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Appellant's belated motion for oral argument is granted. Special Justice Tim Snively agrees. Wood, J., not participating.

CR-19-901. Nicholas Lewondowski v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to file second supplement to the record is granted. Kemp, C.J., and Hudson and Wynne, JJ., would deny and remand to settle the record.

CR-20-143. Donald Adams v. State of Arkansas, from Benton County Circuit Court. Appellant's unopposed motion to supplement the record is granted. Hart, J., would deny.

CR-20-232. Montrell Ventry v. State of Arkansas, from Saline County Circuit Court. Appellant's petition for writ of certiorari to complete the record or remand to settle the record and to stay briefing is granted.

CR-20-245. Timothy Justin Joyner v. State of Arkansas, from Stone County Circuit Court. Appellant's motion to supplement the record is granted. Special Justice Robert Bynum Gibson III agrees. Kemp, C.J., not participating.

CR-20-301. Anthony Keith Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to accept belated motion to have the Arkansas Supreme Court hear case for appeal after court of appeals denial treated as motion to accept belated petition for review. Motion for belated petition for review granted; court of appeals decisions on motion for rule on clerk and motion for reconsideration vacated; transferred to court of appeals. Court of appeals is directed to order a response from appellant's counsel and commence briefing. Womack, J., would deny.

CR-20-409. Duane Jefferson Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se petition for rehearing treated as motion for reconsideration and denied. Hart, J., would grant.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF SEPTEMBER 10, 2020**

**PER CURIAM ORDERS**

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

CR-20-409. Duane Jefferson Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se petition for writ of certiorari is denied. Hart, J., would grant.

CR-20-409. Duane Jefferson Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion to file a response to the State's response to petition for writ of certiorari is moot. Hart, J., would deny.

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

CR-20-409. Duane Jefferson Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion to file affidavit in support of petition for writ of certiorari is moot. Hart, J., would deny.

CR-20-433. Markus Gentry v. State of Arkansas, from Craighead County Circuit Court, Western District. Appellant's petition for writ of certiorari to complete the record or, in the alternative, motion to remand to settle the record is granted.

CV-19-664. James Andrew Williams v. St. Vincent Infirmary Medical Center; Catholic Health Initiatives; First Initiative Insurance Company, LTD.; and Dr. Jay D. Holland, M.D., from Pulaski County Circuit Court, Second Division. Certification to the Supreme Court is granted. Baker and Wood, JJ., would deny.

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; Safe Surgery Arkansas, a Ballot Question Committee; and Laurie Barber, M.D., Individually and on Behalf of Safe Surgery Arkansas, an Original Action. Motion of Edwin L. Lowther, Jr., Stephen R. Lancaster, Scott A. Irby, and Gary D. Marts, Jr., to withdraw as counsel for intervenors is granted.

## ARKANSAS SUPREME COURT

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#### PER CURIAM ORDERS

CV-20-173. Monsanto Company v. Arkansas State Plant Board; and Arkansas State Plant Board Members in Their Official Capacities: Walter “Bruce” Alford, Kyle Baltz, Russell Black, Russell Bragg, Robert Campbell, Dr. Rick Cartwright, Marty Eaton, Danny Finch, Barry Walls, Terry Fuller, Greg Hay, Otis Howe, Jerry Hyde, Larry Jayroe, Thomas Post, Dr. Craig Rothrock, Dennie Stokes, and Matthew Marsh, from Pulaski County Circuit Court, Second Division. Appellant’s motion to consolidate or submit for a decision simultaneously is granted as to simultaneous submission. Hart, J., would grant consolidation of appeals.

CV-20-175. Arkansans for Healthy Eyes, a Ballot Question Committee; Vicki Farmer, Individually and on Behalf of Arkansans for Healthy Eyes; Matthew E. Jones, O.D.; Belinda R. Starkey, O.D.; Shane Laster, O.D.; Seth Laster, O.D.; Creighton A. Simmons, O.D.; William Yoos, O.D.; John C. Whitley, O.D.; Seth Holifield; Billy Curl; and Johnny Morgan v. John Thurston, in His Official Capacity as Secretary of State; and Safe Surgery Arkansas, a Ballot Question Committee, from Pulaski County Circuit Court, Fifth Division. Motion of Edwin L. Lowther, Jr., Stephen R. Lancaster, Scott A. Irby, and Gary D. Marts, Jr., to withdraw as attorneys of record for appellee Safe Surgery Arkansas is granted.

CV-20-211. Cherokee Nation Businesses, LLC v. Gulfside Casino Partnership; Arkansas Department of Finance and Administration; and Arkansas Racing Commission, from Pulaski County Circuit Court, Sixth Division. Appellant’s motion to supplement the record is denied. Kemp, C.J., and Hart, J., not participating.

CV-20-216. Convent Corporation, Individually and on Behalf of All Others Similarly Situated v. City of North Little Rock, Arkansas, a Municipal Corporation; Joe Smith, Mayor, Individually and in His Official Capacity; City Council Members Debi Ross, Beth White, Linda Robinson, Maurice Taylor, Steve Baxter, Bruce Foutch, Murry Witcher, and Charlie Hight, Each Individually and in His or Her Official Capacity; Tom Wadley, Director, Code Enforcement Division, Individually and in His Official Capacity; and Felecia McHenry, Code Enforcement Officer, Individually and in Her Official Capacity, from Pulaski County Circuit Court, Twelfth Division. Appellees’ motion for enlargement of page limit is granted. Hart, J., would deny.

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**PROCEEDINGS OF SEPTEMBER 10, 2020**

**PER CURIAM ORDERS**

CV-20-216. Convent Corporation, Individually and on Behalf of All Others Similarly Situated v. City of North Little Rock, Arkansas, a Municipal Corporation; Joe Smith, Mayor, Individually and in His Official Capacity; City Council Members Debi Ross, Beth White, Linda Robinson, Maurice Taylor, Steve Baxter, Bruce Foutch, Murry Witcher, and Charlie Hight, Each Individually and in His or Her Official Capacity; Tom Wadley, Director, Code Enforcement Division, Individually and in His Official Capacity; and Felecia McHenry, Code Enforcement Officer, Individually and in Her Official Capacity, from Pulaski County Circuit Court, Twelfth Division. Appellees' motion to supplement the addendum is granted. Wood, J., would grant supplementation with the motion to dismiss and brief in support and deny supplementation of better-quality photographs.

CV-20-216. Convent Corporation, Individually and on Behalf of All Others Similarly Situated v. City of North Little Rock, Arkansas, a Municipal Corporation; Joe Smith, Mayor, Individually and in His Official Capacity; City Council Members Debi Ross, Beth White, Linda Robinson, Maurice Taylor, Steve Baxter, Bruce Foutch, Murry Witcher, and Charlie Hight, Each Individually and in His or Her Official Capacity; Tom Wadley, Director, Code Enforcement Division, Individually and in His Official Capacity; and Felecia McHenry, Code Enforcement Officer, Individually and in Her Official Capacity, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion to file corrected brief is granted.

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

CV-20-247. City of Little Rock and Little Rock Municipal Airport Commission v. Pulaski County Assessor Janet Troutman Ward, from Pulaski County Circuit Court, Twelfth Division. Motion of the Arkansas Municipal League for permission to file brief amicus curiae is granted.

CV-20-265. Donnell Bauer and Marilyn W. Bauer v. Jesse Lee Beamon, Jr., and Mary A. Beamon, Individually and as Trustees of the Jesse Lee Beamon Jr. and Mary A. Beamon Family Trust Dated 13th October, 2015, from Crawford County Circuit Court. Appellant/cross-appellees' motion for transfer and certification of case to the Supreme Court of Arkansas is denied. Kemp, C.J., and Hart, J., would grant.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF SEPTEMBER 10, 2020**

**PER CURIAM ORDERS**

CV-20-369. Ozark Mountain Solid Waste District v. Paul Summers, as Trustee of the Paul Summers Revocable Trust Dated August 19, 2004, on Behalf of Himself and All Other Taxpayers Similarly Situated; Carroll County Tax Collector, Kay Phillips; and Leslie Rutledge, Arkansas Attorney General, from Carroll County Circuit Court, Eastern District. Appellant's motion to dismiss appeal is granted. Hudson, J., not participating.

CV-20-421. Sherry Tomey, Guardian of the Estate of Novalene Kent, a Minor v. Southern Farm Bureau Casualty Insurance Company; Regina Mobley; and John Does 1–5, an Original Action. Motion to certify a question of law is granted.

CV-20-454. Bonnie Miller, Individually and on Behalf of Arkansas Voters First and Open Primaries Arkansas, Ballot Question Committees v. John Thurston, in His Capacity as Arkansas Secretary of State; the State Board of Election Commissioners; Arkansans for Transparency, a Ballot Question Committee; and Jonelle Fulmer, Individually and on Behalf of Arkansans for Transparency, an Original Action. Petitioners' petition for rehearing and motion to recall the mandate is denied. Hart, J., would grant.

CV-20-481. Ozark Mountain Solid Waste District v. JMS Enterprises, Inc., on Behalf of Itself and All Other Taxpayers Similarly Situated; Baxter County Tax Collector, Teresa Smith; and Leslie Rutledge, Arkansas Attorney General, from Baxter County Circuit Court. Motion of Bank OZK for permission to be admitted as non-party appellant and supporting brief is moot.

CV-20-481. Ozark Mountain Solid Waste District v. JMS Enterprises, Inc., on Behalf of Itself and All Other Taxpayers Similarly Situated; Baxter County Tax Collector, Teresa Smith; and Leslie Rutledge, Arkansas Attorney General, from Baxter County Circuit Court. Motion of Bank OZK to withdraw motion for permission to be admitted as non-party appellant is granted. Hart, J., would moot.

CV-20-481. Ozark Mountain Solid Waste District v. JMS Enterprises, Inc., on Behalf of Itself and All Other Taxpayers Similarly Situated; Baxter County Tax Collector, Teresa Smith; and Leslie Rutledge, Arkansas Attorney General, from Baxter County Circuit Court. Appellant's motion to dismiss appeal is granted.

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**PER CURIAM ORDERS**

CV-20-495. 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. Appellant's motion and affidavit in support of belated appeal and/or to determine notice of appeal timely is denied. Wood and Wynne, JJ., not participating.

CV-20-517. (In Re Gag Order in the Matter of the Investigation in the Death of Joshua Keshun Smith) Arkansas Democrat-Gazette, Inc.; and Arkansas Press Association v. State of Arkansas; Shaivonn Robinson; Le'Kamerin Tolbert; Quincy Isaiah Lewis; and Odies Wilson, from Columbia County Circuit Court. Petitioners' petition for writ of certiorari. Petitioners' motion for temporary relief or, alternatively, for expedited consideration; for rule on the circuit clerk; and to take the petition as a case. Expedited consideration granted. Columbia County Circuit Clerk ordered to produce a certified copy of the record. Further action deferred awaiting certified record. Certified record due in five days. (Proceedings of September 4, 2020)

CV-20-527. Stay Strong, Status Quo, a Local Option Ballot Question Committee; and Bevans Family Limited Partnership v. Pam Bradford, in Her Official Capacity as County Clerk of Van Buren County, Arkansas; and Let Van Buren County Vote, a Local Option Ballot Question Committee, from Van Buren County Circuit Court. Appellants' petition for writ of certiorari to complete the record and motion to docket and expedite appeal. Expedited consideration, petition for writ of certiorari to complete the record, and motion to docket appeal are granted. (Proceedings of September 8, 2020)

D-20-493. In Re C. James Kubicek, Arkansas Bar No. 73070, an Original Action. Petition of C. James Kubicek, Arkansas Bar No. 73070, to surrender Arkansas law license is granted.

D-20-494. In Re Paul David Petersen, Arkansas Bar No. 2015249, an Original Action. Petition of Paul David Petersen, Arkansas Bar No. 2015249, to surrender Arkansas law license is granted.

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CR-19-911. Travis Wilson v. State of Arkansas, from Hot Spring County Circuit Court. Appellee's motion to dismiss appeal is granted.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF SEPTEMBER 10, 2020**

**PER CURIAM ORDERS**

CR-20-143. Donald Adams v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to substitute counsel is denied.

CR-20-143. Donald Adams v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for extension of time is moot. Wood, J., would grant.

CR-20-248. Alvinito Bluebird v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for copies of certified documents treated as motion for access to the record and granted.

CR-20-248. Alvinito Bluebird v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for extension of time to file brief is granted.

CR-20-399. Keithen Jones v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se petition for writ of mandamus. Response requested. Wood, J., would grant.

CR-20-410. Kwasi McKinney v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied. Hart, J., would grant.

CR-20-447. Danny Lee Hooper v. State of Arkansas, from Washington County Circuit Court. Petitioner's pro se motion for rule on clerk treated as motion for belated appeal and granted.

CV-19-261. Jessie Hill v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to dismiss appellee's brief and to grant appellant's appeal relief sought is denied.

CV-19-327. Fredrick D. Mason v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to file belated petition for rehearing is denied. Special Justice Michelle Ator agrees. Hart, J., not participating.

CV-20-400. Lewis Ray v. State of Arkansas, from Chicot County Circuit Court. Appellant's pro se motion for rule on clerk is granted.

CV-20-400. Lewis Ray v. State of Arkansas, from Chicot County Circuit Court. Appellant's pro se motion for appointment of counsel is denied.

## **ARKANSAS SUPREME COURT**

### **PROCEEDINGS OF SEPTEMBER 10, 2020**

#### **PER CURIAM ORDERS**

CV-20-411. Kenneth Ramirez v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted.

CV-20-420. Billy Joe Wolfe, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for belated appeal is granted.

CV-20-437. Eddy Stanley Harris, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Petitioner's pro se motion for belated appeal is denied. Hart, J., would grant.

CV-20-437. Eddy Stanley Harris, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Petitioner's pro se petition for writ of certiorari is moot. Hart, J., would grant.

CV-20-437. Eddy Stanley Harris, Jr. v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Petitioner's pro se petition for writ of certiorari is moot. Hart, J., would grant.

CV-20-463. Cambrin Barnes v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Petitioner's pro se motion for belated appeal is denied. Hart, J., would grant.



**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF SEPTEMBER 10, 2020**

**MOTIONS SUBMITTED**

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

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

CR-20-176. Rodney W. Rayburn v. State of Arkansas, from Cleburne County Circuit Court. Appellee's motion for supplemental certified record and abeyance of brief time.

CR-20-403. Tracy Duane Wright v. State of Arkansas, from Benton 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.

CR-20-409. Duane Jefferson Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se petition for writ of certiorari.

CV-20-50. Rent-A-Center East, Inc. v. Larry Walther, Director, Arkansas Department of Finance and Administration, from Pulaski County Circuit Court, Sixteenth Division. Joint motion to reassign case to the Supreme Court.

CV-20-492. Samantha Edwards, Individually and as Special Administratrix of the Estate of William Bobby Wray Edwards, Deceased, and Arleigh Grayce Edwards, Deceased; and as Parent and Next Friend for Peyton Hale, a Minor v. Eric James Cornell Thomas and McElroy Truck Lines, Inc., an Original Action. Motion to certify a question of law.

CV-20-515. George Hunter and Joan Hunter v. Diamante Members Club, Inc.; and Diamante, a Private Membership Golf Club, LLC, from Saline County Circuit Court. Petitioners' petition for writ of certiorari and memorandum of authorities.

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

CR-20-85. Gregory Cook v. State of Arkansas, from Conway County Circuit Court. Appellee's motion to dismiss appeal.

CR-20-121. Derrick S. Galvin v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellee's motion to dismiss appeal.

## ARKANSAS SUPREME COURT

### PROCEEDINGS OF SEPTEMBER 10, 2020

#### MOTIONS SUBMITTED

CR-20-346. Rickie Green v. State of Arkansas, from Lonoke County Circuit Court. Appellant's pro se motion to file belated brief.

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.

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

CR-20-423. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CR-20-459. Darryl Lemar Lea v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se petition for writ of mandamus.

CV-19-983. Abraham Grant v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion to discredit appellee's responsive brief.

CV-19-983. Abraham Grant v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion for Constitution of State of Arkansas 1874 Preamble.

CV-19-983. Abraham Grant v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion for judgment on pleading.

CV-19-983. Abraham Grant v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion and facts to Supreme Court session.

CV-20-177. Korey Rabion v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to take judicial notice.

CV-20-288. Larry Osborn v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for extension of time to file reply brief.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF SEPTEMBER 10, 2020**

**CASES SUBMITTED**

CR-19-591. Tracy Will Vaughn v. State of Arkansas, from White County Circuit Court. Orally argued.

CR-19-748. Zachary L. Atwood v. State of Arkansas, from Faulkner County Circuit Court.

CR-19-854. Orlando A. Dominguez v. State of Arkansas, from Howard County Circuit Court.

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, in His Official Capacity as Secretary of State of the State of Arkansas; Safe Surgery Arkansas, a Ballot Question Committee; and Laurie Barber, M.D., Individually and on Behalf of Safe Surgery Arkansas, an Original Action.

CV-20-175. Arkansans for Healthy Eyes, a Ballot Question Committee; Vicki Farmer, Individually and on Behalf of Arkansans for Healthy Eyes; Matthew E. Jones, O.D.; Belinda R. Starkey, O.D.; Shane Laster, O.D.; Seth Laster, O.D.; Creighton A. Simmons, O.D.; William Yoos, O.D.; John C. Whitley, O.D.; Seth Holifield; Billy Curl; and Johnny Morgan v. John Thurston, in His Official Capacity as Secretary of State; and Safe Surgery Arkansas, a Ballot Question Committee, from Pulaski County Circuit Court, Fifth Division.

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CR-18-972. Howard Wood v. State of Arkansas, from Scott County Circuit Court.

CR-19-299. Nicholas Addison v. State of Arkansas, from Poinsett County Circuit Court.

CR-19-563. Carl D. Prince v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CV-19-828. Tyrun L. Jones v. Wendy Kelley, Director, Arkansas Department of Correction, from Chicot County Circuit Court.

CV-19-982. Walter Sims v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

**ARKANSAS SUPREME COURT**  
**PROCEEDINGS OF SEPTEMBER 10, 2020**  
**CASES SUBMITTED**

CV-19-983. Abraham Grant v. State of Arkansas, from Lincoln County Circuit Court.