

ARKANSAS SUPREME COURT

PROCEEDINGS OF OCTOBER 8, 2020

JOHN DAN KEMP, CHIEF JUSTICE

[CR-95-975](#). Jimmy Don Wooten v. State of Arkansas, from Pope 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. Petition denied. Hart, J., dissents.

KAREN R. BAKER, JUSTICE

[CR-19-421](#). Robert Woodward v. State of Arkansas, from Chicot County Circuit Court. Remanded to settle and supplement the record. Womack, J., dissents.

COURTNEY RAE HUDSON, JUSTICE

[CR-19-745](#). Matthew Armstrong v. State of Arkansas, from Searcy County Circuit Court. Affirmed. Hart, J., dissents.

RHONDA K. WOOD, JUSTICE

[CR-19-64](#). Steven C. Hayes v. State of Arkansas, from Saline County Circuit Court. Affirmed. Hart, J., dissents.

SHAWN A. WOMACK, JUSTICE

[CR-19-591](#). Tracy Will Vaughn v. State of Arkansas, from White County Circuit Court. Affirmed; court of appeals opinion vacated. Hart and Wynne, JJ., dissent.

[CR-19-981](#). Curtis Dorsey v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Baker, J., concurs without opinion.

[CV-20-13](#). Darryl Talley v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed. Hart, J., dissents.

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PER CURIAM ORDERS

CR-20-60. Jerry McKee v. State of Arkansas, from Greene County Circuit Court. Appellant's pro se motion to dismiss appointed attorneys and to proceed with pro se appeal or vacate sentence is denied.

CR-20-60. Jerry McKee v. State of Arkansas, from Greene County Circuit Court. Appellant's pro se motion for investigators to be appointed is denied.

CR-20-60. Jerry McKee v. State of Arkansas, from Greene County Circuit Court. Appellant's pro se motion to pay for investigators, prison, and others is denied.

CR-20-60. Jerry McKee v. State of Arkansas, from Greene County Circuit Court. Appellant's pro se motion for extension of time to get information is denied.

CR-20-232. Montrell Ventry v. State of Arkansas, from Saline County Circuit Court. Appellant's motion for extension of time to comply with writ of certiorari 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 reconsideration is denied.

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. Intervenors' petition for rehearing, motion to recall the mandate, and request for expedited consideration. Expedited consideration granted; motion to recall the mandate denied; petition for rehearing is moot. Hart, J., would file the tendered response to petition for rehearing; grant the motion to recall the mandate; and grant the petition for rehearing. (Proceedings of October 1, 2020)

CV-20-377. Stark Ligon, Executive Director of the Office of Professional Conduct v. Reginald Shelton McCullough, a Former Attorney, an Original Action. Petitioner's motion for extension of time to serve petition for contempt and summons is granted. Hart, J., would deny.

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PER CURIAM ORDERS

CV-20-456. C.J. Mahan Construction Company, LLC; Parsons-Mahan Joint Venture; Parsons Construction Group, Inc.; Anthony Cruz; Scott Richardson; Chris Gentry; and Bryan Hoffman v. Paul Betzner and Rhonda Betzner, Husband and Wife; The Calvin Fred Betzner Revocable Trust; James Alberson and Tiffani Alberson, as Parent and Next Friend of M.J., a Minor; Kelley Kelly; Tony Patterson; and City of Fredonia a/k/a City of Biscoe, on Behalf of All Others Similarly Situated, from Prairie County Circuit Court. Appellants' unopposed motion to supplement the record on appeal is granted. Special Justice Cory Cox agrees. Kemp, C.J., not participating.

CV-20-562. John Thurston, in His Official Capacity as Secretary of State; and Leslie Rutledge, in Her Official Capacity as Attorney General v. Safe Surgery Arkansas, a Ballot Question Committee; and Dr. Laurie Barber, Individually and on Behalf of Safe Surgery Arkansas, from Pulaski County Circuit Court, Ninth Division. Appellants' emergency motion for stay of injunction, and request for expedited consideration. Appellants' motion to supplement the record and for expedited consideration. Expedited consideration granted; motion for stay granted; motion to supplement the record granted; clerk to set briefing schedule. Hart, J., would deny the motion for stay. (Proceedings of October 1, 2020)

CV-20-568. Jane Doe v. Amy Fecher, in Her Official Capacity as Secretary of Transformation and Shared Services; Arkansas Democrat-Gazette, Inc.; and Mark Myers, from Pulaski County Circuit Court, Second Division. Appellant's motion and incorporated brief in support of expedited/emergency motion for stay of judgment pending appeal, request to proceed without supersedeas bond, and request to shorten response time is granted. Baker and Hart, JJ., would deny. Appellant's motion for leave to file reply is moot. Womack, J., not participating. (Proceedings of October 7, 2020)

CR-20-284. LaJason Coakley v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for extension of time to file reply brief is granted.

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 extension of time to file brief is granted.

CV-20-416. James Ray Thompson, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for use of the record on appeal is granted.

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PER CURIAM ORDERS

CV-20-416. James Ray Thompson, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant’s pro se motion for extension of brief time is granted.

CV-20-416. James Ray Thompson, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant’s pro se motion to amend petition to add addendum with extension of time once ruled on by this Court is denied. Hart, J., would grant.

CV-20-416. James Ray Thompson, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant’s pro se motion to duplicate at State’s expense is denied. Baker, Hart, and Wood, JJ., would grant.

CV-20-416. James Ray Thompson, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant’s pro se motion for appointment of counsel is denied. Hart, J., would grant.

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MOTIONS SUBMITTED

CR-95-549. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s application to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis.

CR-95-549. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s notice of filing sealed exhibits.

CR-95-549. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s motion to take application as a case.

CR-98-463. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s application to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis.

CR-98-463. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s notice of filing sealed exhibits.

CR-98-463. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s motion to take application as a case.

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 strike new matter raised in reply or to grant oral argument to permit response.

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 belated corrected brief.

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MOTIONS SUBMITTED

CR-07-98. Rodney Lee Mitchael v. State of Arkansas, from Crawford County Circuit Court. Petitioner's pro se petition for writ of habeas corpus, motion to recall mandate to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis, and motion for joinder of claims.

CR-09-990. Charles Edward Jones v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-09-990. Charles Edward Jones v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se motion to show cause.

CR-09-1213. Anthony Brian Williamson v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-09-1213. Anthony Brian Williamson v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Petitioner's pro se motion for discovery and for appointment of counsel.

CR-09-1213. Anthony Brian Williamson v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Petitioner's pro se motion for default judgment.

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

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.

CR-20-424. Vasquez Dominique Hayes v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for rule on clerk.

CR-20-424. Vasquez Dominique Hayes v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for transcript.

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MOTIONS SUBMITTED

CR-20-424. Vasquez Dominique Hayes v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-20-424. Vasquez Dominique Hayes v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for appointment of counsel.

CR-20-541. Keithen Jones v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se petition for writ of mandamus.

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CASES SUBMITTED

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. Orally argued.

CR-20-294. Donald Caple v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CV-20-499. David Tollett, a Resident, Qualified Elector, and the Republican Party Nominee for Arkansas House District 12 v. Jimmie L. Wilson; Phillips County Board of Election Commissioners; Lincoln County Board of Election Commissioners; Desha County Board of Election Commissioners; Arkansas County Board of Election Commissioners; Michael John Gray, in His Official Capacity as Chairman of the Democratic Party of Arkansas; Nicole Hart, in Her Official Capacity as Chair of the Democratic Party of Arkansas' Nominating Convention for House District 12; Loretta Jarrett, in Her Official Capacity as Secretary of the Democratic Party of Arkansas' Nominating Convention for House District 12; John Thurston, in His Official Capacity as Secretary of State for the State of Arkansas; Lisa Elizabeth Ramey, Individually and as a Representative of All Similarly Situated Voter-Citizens of Arkansas House District 12, from Pulaski County Circuit Court, Twelfth Division.

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.

CV-20-546. Tom Steele v. John Thurston, in His Official Capacity as Secretary of State for the State of Arkansas, from Pulaski County Circuit Court, Ninth Division.

CV-20-548. Stay Strong, Status Quo, a Local Option Ballot Question Committee; and Bevan Family Limited Partnership v. The Van Buren County Board of Election Commissioners; Verna Hicks, in Her Official Capacity as Chair of the Van Buren County Board of Election Commissioners; and Let Van Buren County Vote, a Local Option Ballot Question Committee, from Van Buren County Circuit Court.

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CASES SUBMITTED

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.

CR-20-137. Mark Robinson v. State of Arkansas, from Saline County Circuit Court.

CV-20-83. Maurice Trammell v. Wendy Kelley, Director, Arkansas Department of Correction, from Chicot County Circuit Court.