

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF OCTOBER 22, 2020

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

[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; motion to show cause. Petition denied; motion to show cause treated as motion to supplement petition to reinvest jurisdiction and denied. Hart, J., dissents.

[CR-20-294](#). Donald Caple v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Hart, J., concurs in part; dissents in part.

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

[CV-20-83](#). Maurice Trammell v. Wendy Kelley, Director, Arkansas Department of Correction, from Chicot County Circuit Court. Affirmed. Hart, J., dissents.

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**PER CURIAM ORDERS**

REVIEW GRANTED: Petition for review was granted today in the following case.

CV-19-781. Scott White and Jamie White v. Hunter Owen and John Does Nos. 1–3, from Pulaski County Circuit Court, Second Division. Womack, J., would deny.

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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 taken as a case. Baker, Wood, and Womack, JJ., would deny.

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

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 is granted. Baker, Wood, and Womack, JJ., would deny.

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 taken as a case. Baker, Wood, and Womack, JJ., would deny.

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

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 is granted. Baker, Wood, and Womack, JJ., would deny.

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 is denied. Hart, J., would take with the case.

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**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. Appellant’s motion to file belated corrected brief is granted.

CV-20-339. Briana Boling v. The 92nd General Assembly of the State of Arkansas, an Original Action. Petitioner’s original action complaint is dismissed due to lack of service.

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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 is moot.

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 is moot.

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**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

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

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

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

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CR-20-245. Timothy Justin Joyner v. State of Arkansas, from Stone County Circuit Court. Appellant’s motion to file enlarged brief.

CR-20-581. Zachery S. Keesee v. State of Arkansas, from Faulkner County Circuit Court. Motion of Robert M. “Robby” Golden to withdraw as attorney on direct appeal.

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 for reconsideration with incorporated brief and memorandum of authorities.

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 supplement the addendum.

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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 to stay briefing schedule and to supplement the record when completed.

E-20-94. Janice Jorgensen v. Director et al., from the Arkansas Board of Review. Petitioner’s pro se petition for reconsideration.

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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 motion for default.

CR-20-401. Steven C. Hayes v. State of Arkansas, from Saline County Circuit Court. Appellee’s motion to dismiss or, in the alternative, motion for an extension of time in which 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.

CR-20-502. Ronnie Flow, Jr. v. State of Arkansas, from Columbia County Circuit Court. Petitioner’s pro se motion for extension of time to file brief.

CR-20-502. Ronnie Flow, Jr. v. State of Arkansas, from Columbia County Circuit Court. Petitioner’s pro se motion to supplement the record.

CR-20-513. David Edward McLaughlin v. State of Arkansas, from Garland County Circuit Court. Appellant’s pro se motion for extension of time to file brief.

CV-20-525. Gary Fuller/Akbar 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.

CV-20-554. Brandon Carter v. State of Arkansas, from Jefferson County Circuit Court. Petitioner’s pro se petition for writ of mandamus.

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**CASES 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. Orally argued.

CR-20-249. Michael Collins v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-20-291. Alfonzo Hampton v. State of Arkansas, from Bradley County Circuit Court.

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.

CV-19-907. Koppers, Inc. v. Kelvin Trotter, Nathane Davis, Lonzo Allen, and Ken Piggee, Individually and on Behalf of All Others Similarly Situated, from Pulaski County Circuit Court, Second Division.

CV-19-918. Douglas Companies, Inc.; Merritt Wholesale Distributors, Inc.; Merchants Wholesale Distributors, Inc.; Imperial Trading Co., LLC; Harrison Grocer, Inc., d/b/a Pippin Wholesale Co.; Harrison Company, LLC; and Glidewell Distributing Co. v. Larry Walther, Director, Arkansas Department of Finance and Administration, from Pulaski County Circuit Court, Fifth Division.

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CR-20-297. Edmond Lewis v. State of Arkansas, from Howard County Circuit Court.

CV-19-516. Michael E. Rea v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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 of Maximum Security, from Jefferson County Circuit Court.

CV-20-178. Alonzo Watson v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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**CASES SUBMITTED**

CV-20-195. Androus Hall v. State of Arkansas, from Lee County Circuit Court.

CV-20-296. Luther Lewis v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.