

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF NOVEMBER 5, 2020

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

[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. Affirmed on direct appeal; affirmed on cross-appeal. Wood, J., concurs. Kemp, C.J., concurs in part and dissents in part. Hart and Womack, JJ., join on direct appeal and dissent on cross-appeal.

### **ROBIN F. WYNNE, JUSTICE**

[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 Co., LLC; and Glidewell Distributing Co. v. Larry Walther, Director, Arkansas Department of Finance and Administration, from Pulaski County Circuit Court, Fifth Division. Affirmed. Hart, Wood, and Womack, JJ., concur.

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

[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. Affirmed. Baker, J., concurs without opinion. Hart, J., dissents.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 5, 2020**

**PER CURIAM ORDERS**

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

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. Hart, J., would grant.

CR-19-748. Zachary L. Atwood v. State of Arkansas, from Faulkner County Circuit Court. Hart and Wynne, JJ., would grant.

\*\*\*\*\*

CR-20-245. Timothy Justin Joyner v. State of Arkansas, from Stone County Circuit Court. Appellant’s motion to file enlarged brief is granted. Special Justice Robert Bynum Gibson agrees. Kemp, C.J., not participating.

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 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 for reconsideration with incorporated brief and memorandum of authorities is denied. Special Justice Jim Spears agrees. 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. Appellant’s motion to supplement the addendum is granted.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 5, 2020**

**PER CURIAM ORDERS**

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 is granted. Womack, J., not participating.

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

\*\*\*\*\*

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 is moot.

CR-20-373. Alvin Aikens v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s pro se motion for default is denied. Hart, J., would moot.

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. Motion to dismiss appeal granted.

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 is moot.

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 is moot.

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

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 is granted.

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 is granted.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 5, 2020**

**PER CURIAM ORDERS**

CV-20-554. Brandon Carter v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se petition for writ of mandamus. Response requested. Hart, J., would grant.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 5, 2020**

**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

CR-19-64. Steven C. Hayes v. State of Arkansas, from Saline County Circuit Court.

\*\*\*\*\*

CR-95-549. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's motion to be relieved from the abstracting and addendum requirements.

CR-98-463. Timothy Wayne Kemp v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's motion to be relieved from the abstracting and addendum requirements.

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

CR-19-591. Tracy Will Vaughn v. State of Arkansas, from White County Circuit Court. Appellant's motion for stay of the mandate in order to petition for writ of certiorari.

CR-19-901. Nicholas Lewondowski v. State of Arkansas, from Garland County Circuit Court. Appellee's motion for remand to settle the record and abeyance of brief time.

CR-20-403. Tracy Duane Wright v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for rule on clerk.

CV-20-488. Dell Griffin, Jr. v. William T. Oliver and Sherilyn Ann Oliver, from Miller County Circuit Court. Appellant's pro se motion to accept written testimony, resume, and surveys.

CV-20-488. Dell Griffin, Jr. v. William T. Oliver and Sherilyn Ann Oliver, from Miller County Circuit Court. Appellant's pro se motion to include photo evidence.

CV-20-602. Allen W. Potter v. Fredrick Potter, Cassaundra Holmes, Thomas Wright, and Kevin Wright, from Scott County Circuit Court. Petitioner's petition for writ of certiorari.

\*\*\*\*\*

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 5, 2020**

**MOTIONS SUBMITTED**

CR-19-732. Gregory J. Martin v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for belated appeal.

CR-20-243. Albert Allen Dirickson v. State of Arkansas, from Sevier County Circuit Court. Appellant's pro se motion to supplement addendum.

CR-20-573. Christopher Everett v. State of Arkansas, from Independence County Circuit Court. Appellant's pro se motion for appointment of counsel.

CR-20-573. Christopher Everett v. State of Arkansas, from Independence County Circuit Court. Appellant's pro se second motion for appointment of counsel.

CR-20-573. Christopher Everett v. State of Arkansas, from Independence County Circuit Court. Appellant's pro se motion for status on both motions for appointment of counsel.

CR-20-573. Christopher Everett v. State of Arkansas, from Independence County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CV-20-360. Arlo C. Benedict v. Wendy Kelley, Director, Arkansas Department of Correction, from Pulaski County Circuit Court, Ninth Division. Appellant's pro se motion for extension of time to file brief.

CV-20-526. Malik Muntaqim v. Wendy Kelley, Director, Arkansas Department of Correction; Dexter Payne, Deputy Director, Arkansas Department of Correction; Raymond Naylor, Disciplinary Administrator, Arkansas Department of Correction; Daniel Wayne Golden, Disciplinary Hearing Officer, Arkansas Department of Correction; Nurzuhal Faust, Warden, Arkansas Department of Correction; Esmerelda Fraire, Corporal, Arkansas Department of Correction, Ouachita River Unit; Aaron T. Hisek, Corporal, Arkansas Department of Correction, Ouachita River Unit; Cheiana Sykes, Sergeant, Arkansas Department of Correction, Ouachita River Unit; and Josh E. Crosby, Captain, Arkansas Department of Correction, Ouachita River Unit, from Hot Spring County Circuit Court. Appellant's pro se motion for voluntary dismissal.

CV-20-560. Detriawn R. Wade v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for appointment of counsel.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 5, 2020**

**MOTIONS SUBMITTED**

CV-20-560. Detriawn R. Wade v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for extension of time to file brief.

CV-20-560. Detriawn R. Wade v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se second motion for extension of time to file brief.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 5, 2020**

**CASES SUBMITTED**

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. Orally argued.

CR-19-926. Marvin Arrell Stanton v. State of Arkansas, from Miller County Circuit Court.

CR-20-107. Billy Combs v. State of Arkansas, from Poinsett County Circuit Court.

CV-19-962. Bear Chaney, in His Capacity as Director of the Arkansas Assessment Coordination Department of the State of Arkansas v. Union Producing, L.L.C.; J. David Reynolds Company; J. David Reynolds III; Panther Creek Properties, LLC; E & L Oil, L.L.C.; Jerry Langley Oil Company, L.L.C.; James Langley Operating Company, Inc.; James Wallace Langley; Berg Laney & Brown Company; Berg Royalty Company; Arkansas Production Services, LLC; Smackover Resources, Inc.; TOC, LLC; Dan Reynolds Company; Debbie Lambert, Tax Assessor of Ouachita County, Arkansas; George Betts; Jerry L. Hunter; Brenda Kirkley; Robert F. Foster; Everett N. Eppinnette; and Grover Newton, Jr., Members of the Equalization Board of Ouachita County, Arkansas, from Ouachita County Circuit Court.

CV-20-167. Arkansas Development Finance Authority v. Jean Wiley; Rosalind Williams; Ronnie Minnick, Individually and d/b/a The Reata Foundation, Inc.; The City Council of the City of Lake Village, Arkansas; and Union Bank & Trust Company of Monticello, Arkansas, from Chicot County Circuit Court.

\*\*\*\*\*

CR-19-176. Ronnie Flow v. State of Arkansas, from Columbia County Circuit Court.

CR-20-197. Dusten Blake Ward v. State of Arkansas, from Benton County Circuit Court.

CV-20-146. Romario Waller v. State of Arkansas, from Lincoln County Circuit Court.

CV-20-177. Korey Rabion v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.



**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 5, 2020**

**CASES SUBMITTED**

CV-20-344. Roy Russell, Sr. v. Dexter Payne, Director, Arkansas Department of Correction, from Chicot County Circuit Court.

Opinions are available on the internet at

<http://arcourts.gov>