

ARKANSAS SUPREME COURT

PROCEEDINGS OF NOVEMBER 19, 2020

KAREN R. BAKER, JUSTICE

[CV-20-177](#). Korey Rabion v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed. Hart, J., concurs.

RHONDA K. WOOD, JUSTICE

[CV-20-344](#). Roy Russell, Sr. v. Dexter Payne, Director, Arkansas Department of Correction, from Chicot County Circuit Court. Affirmed. Hart, J., dissents.

ROBIN F. WYNNE, JUSTICE

[CR-20-107](#). Billy Allen Combs v. State of Arkansas, from Poinsett County Circuit Court. Affirmed. Hart, J., dissents.

SHAWN A. WOMACK, JUSTICE

[CV-20-146](#). Romario Waller v. State of Arkansas, from Lincoln County Circuit Court. Affirmed in part and remanded in part.

[CV-20-631](#). David Pruitt, Individually and as Alderman-Elect of Ward 1, Position 2 of Beebe, Arkansas v. Jake Smith, Derrek Goff, Mike Robertson, Linda Anthony, Tracy Lightfoot, Lee McLane, and Carla Barnett, in Her Official Capacity as Clerk of White County, Arkansas, from White County Circuit Court. Affirmed. Wood, J., concurs without opinion.

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PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

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

REVIEWS GRANTED: Petitions for review were granted today in the following cases.

CV-19-625. Charles Symanietz v. Deborah Symanietz, from Benton County Circuit Court. Kemp, C.J., and Wynne, J., would deny.

CV-20-78. Leroy Calhoun v. Area Agency on Aging of Southeast Arkansas, from the Arkansas Workers' Compensation Commission. Kemp, C.J., and Baker and Hart, JJ., would deny.

REVIEWS DENIED: Petitions for review were denied today in the following cases.

CR-19-712. Robert Powell v. State of Arkansas, from White County Circuit Court.

CR-19-795. Christopher Shane Dillard v. State of Arkansas, from Clay County Circuit Court, Western District. Hart, J., would grant.

CR-19-852. Oscar Cecilio Perez v. State of Arkansas, from Benton County Circuit Court. Baker and Hart, JJ., would grant.

CR-20-28. Alan Francisco v. State of Arkansas, from Benton County Circuit Court. Hart, J., would grant.

CR-20-36. Richard S. Gross v. State of Arkansas, from Washington County Circuit Court.

CV-19-452. Christine M. Shaw (now Skinner) v. Brandon R. Shaw, from Pulaski County Circuit Court, Sixteenth Division. Baker and Hart, JJ., would grant.

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REVIEWS DENIED: (continued)

CV-19-539. Ocwen Loan Servicing, LLC; and Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, Not in Its Individual Capacity but Solely in Its Capacity as Owner Trustee of Matawin Ventures Trust Series 2016–2 v. Travis Oden and Tina M. Oden, from Saline County Circuit Court.

CV-19-629. Country Club Gardens, LLC, d/b/a Lake Hamilton Health and Rehab; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Country Club Manor, LLC v. D’Ann Pelton Alexander, as Special Administrator of the Estate of Mary Elizabeth Pelton and on Behalf of the Wrongful Death Beneficiaries of Mary Elizabeth Pelton, from Garland County Circuit Court. Baker, Wood, and Womack, JJ., would grant.

CV-19-813. Shawn Smith and the Following Lands Located in Newton County, Arkansas, Lands To Wit: All That Part of the SE/SW in Section 10, Township 16 North, Range 20 West, Lying North of the Existing Fence v. Arnold L. Bowser and Rachel Bowser, Husband and Wife, from Newton County Circuit Court.

CV-19-819. David L. Eddy, P.A. v. Jennifer Haley, in Her Official Capacity as Tax Collector of Pope County, Arkansas, from Pope County Circuit Court. Hart and Wynne, JJ., would grant.

CV-19-882. Hole in the Wall NWA, LLC v. City of Bella Vista, from Benton County Circuit Court. Hart, J., would grant. Kemp, C.J., not participating.

CV-20-111. Kristy Schneider and Erik Schneider v. Arkansas Department of Human Services and Minor Child, from Saline County Circuit Court. Hart, J., would grant.

CV-20-445. Marsha G. Frazier v. Sameera Omar, R&T Insurance Agency, Imperial Fire and Casualty Insurance Company, and National General Insurance Company, from Jefferson County Circuit Court. Hart, J., would grant. Kemp, C.J., not participating.

CV-20-488. Dell Griffin, Jr. v. William T. Oliver and Sherilyn Ann Oliver, from Miller County Circuit Court.

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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 is granted as to the request to be relieved from the abstracting and addendum requirements only.

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 is granted as to the request to be relieved from the abstracting and addendum requirements only.

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 is denied.

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 is denied. Hudson, Hart, and Wynne, JJ., would grant.

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 is granted.

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

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 is denied.

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 is denied.

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 is denied.

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

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CR-20-573. Christopher Everett v. State of Arkansas, from Independence County Circuit Court. Appellant's pro se motion for appointment of counsel is denied. Kemp, C.J., and Baker and Wood, JJ., would moot.

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

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 is moot. Hart, J., would deny.

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 is granted.

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 is granted. Final extension.

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 is granted.

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 is denied. Hart, J., would grant.

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 is granted.

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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 is moot. Hart, J., would grant.

In Re Amended Administrative Plans for the Twenty-First and the Twenty-Second Judicial Circuits; and Addendum to Administrative Plan for the Twelfth Judicial Circuit. See [per curiam](#) this date.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

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

CR-06-29. Justin Anderson v. State of Arkansas, from Miller County Circuit Court. Motion of John C. Williams to be recognized as counsel on behalf of appellant.

CR-06-29. Justin Anderson v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to file overlength motion to recall the mandate.

CR-19-396. Cameron Halliburton v. State of Arkansas, from Miller County Circuit Court. Appellant's motion to release exhibits.

CR-19-745. Matthew Armstrong v. State of Arkansas, from Searcy County Circuit Court. Motion of Misty Wilson Borkowski to withdraw as counsel.

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

CR-20-407. Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court. Appellant's motion for leave to file overlength statement of the case.

CR-20-641. Robert Holland v. State of Arkansas, from Lincoln County Circuit Court. Petitioner's petition for writ of mandamus.

CR-20-642. Robert Holland v. State of Arkansas, from Lincoln County Circuit Court. Appellant's motion to stay briefing process.

CV-19-924. In Re Donald Ray Peterson, an Original Action. Petitioner's pro se motion for leave to submit a belated filing fee.

CV-20-532. 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' motion to dismiss appeal.

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CV-20-623. Velma Livingston v. Ardease Gooch, from Pulaski County Circuit Court, Sixteenth Division. Petitioner’s petition for writ of certiorari, writ of mandamus, writ of prohibition, and/or supervisory writ.

CR-07-277. Jimmy Smith v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner’s pro se third petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-18-900. Corey D. Perkins v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner’s pro se motion to recall the mandate.

CR-20-520. Eric C. Burgie v. State of Arkansas, from Garland County Circuit Court. Appellant’s pro se motion for rule on clerk.

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 submit a bona fide degree of proof, cause of action, legal process.

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.

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CASES SUBMITTED

CR-20-86. Brad Hunter Smith v. State of Arkansas, from Cleveland County Circuit Court.

CR-20-292. State of Arkansas v. Jerry Higginbotham, from Scott County Circuit Court.

CV-20-624. Michael John Gray, in His Official Capacity as Chairman of the Democratic Party of Arkansas; and Nicole Hart, in Her Official Capacity as Chair of the Democratic Party of Arkansas's Nominating Convention for House District 12 v. Doyle Webb, on Behalf of the Republican Party of Arkansas; David Tollett, a Resident, Qualified Elector, and the Republican Party Nominee for Arkansas House District 12, from Pulaski County Circuit Court, Seventeenth Division.

CV-20-639. Andrew Kimbrell v. John Thurston, in His Official Capacity as Secretary of State for the State of Arkansas, from Pulaski County Circuit Court, Ninth Division.

CV-20-26. Wendell Rogers v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

CV-20-219. Roman Cervantes v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

CV-20-227. Shawn Trevell Rainer v. Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-20-267. Lance Mitchell Owens v. Dexter Payne, Director, Arkansas Department of Correction, from Lee County Circuit Court.

CV-20-278. Lee Charles Millsap v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.