

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 3, 2020

JOHN DAN KEMP, CHIEF JUSTICE

[CR-20-197](#). Dusten Blake Ward v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to file supplemental brief; motion to reinvest jurisdiction in the trial court. Affirmed; motions denied. Hart, J., dissents.

[CV-19-962](#). Bear Chaney, in His Official Capacity as Director of the Arkansas Assessment Coordination Division of the State of Arkansas v. Union Producing, LLC; J. David Reynolds Company; J. David Reynolds III; Panther Creek Properties, LLC; E&L Oil, LLC; Jerry Langley Oil Company, LLC; James Langley Operating Company, Inc.; James Wallace Langley; Berg Laney & Brown Company; Berg Royalty Company; Arkansas Production Services, LLC; Smackover Resources, Inc.; TOC, LLC; and Dan Reynolds Company, from Ouachita County Circuit Court. Reversed and remanded in part; dismissed in part. Baker, J., concurs without opinion. Hart and Wynne, JJ., dissent.

[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; and David Tollett, a Resident, Qualified Elector, and the Republican Nominee for Arkansas House District 12, from Pulaski County Circuit Court, Seventeenth Division. Affirmed. (Proceedings of November 24, 2020)

KAREN R. BAKER, JUSTICE

[CV-20-219](#). Roman Cervantes v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed.

[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. Dismissed. Mandate to issue immediately. Hart and Womack, JJ., concur. Kemp, C.J., and Wood, J., dissent.

COURTNEY RAE HUDSON, JUSTICE

[CV-20-167](#). Arkansas Development Finance Authority v. Jean Wiley and Rosalind Williams, from Chicot County Circuit Court. Reversed and dismissed. Baker and Wynne, JJ., concur. Hart, J., dissents.

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 3, 2020

RHONDA K. WOOD, JUSTICE

[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. Reversed. Hart and Womack, JJ., concur.

[CV-20-278](#). Lee Charles Millsap v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Affirmed. Hart, J., dissents.

ROBIN F. WYNNE, JUSTICE

[CV-20-26](#). Wendell Rogers v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Reversed and remanded. Wood and Womack, JJ., dissent without opinion.

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 3, 2020

PER CURIAM ORDERS

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

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 is granted.

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 is granted.

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

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

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 is granted.

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 is granted. Wood, J., not participating.

CR-20-642. Robert Holland v. State of Arkansas, from Lincoln County Circuit Court. Appellant's motion to stay briefing process is granted. Kemp, C.J., and Wood and Womack, JJ., would moot.

CV-19-924. In Re Donald Ray Peterson, an Original Action. Petitioner's pro se motion for leave to submit a belated filing fee is denied. Hart, J., not participating.

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 is granted.

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 3, 2020

PER CURIAM ORDERS

CV-20-623. Velma Levingston 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 is granted.

CV-20-666. Hon. Jim Sorvillo, Representative, District 32, Arkansas House of Representatives v. Pulaski County Election Commission; Evelyn Gomez, Chair, Pulaski County Election Commission; Joshua A. Price, Member, Pulaski County Election Commission; Kristi Stahr, Member, Pulaski County Election Commission; John Thurston, Arkansas Secretary of State; and Hon. Ashley Hudson, Representative-Elect, District 32, Arkansas House of Representatives, from Pulaski County Circuit Court, Fifth Division. Appellant’s motion for expedited consideration and memorandum in support. Appellant’s motion for preliminary injunctive relief against appellee Secretary of State, and motion for expedited consideration and memorandum in support. Expedited consideration granted and accelerated briefing schedule ordered; motion for preliminary injunctive relief taken with the case. Motion of Hon. Ashley Hudson, Representative-Elect, District 32, Arkansas House of Representatives to intervene is granted. (Proceedings of November 25, 2020)

CV-20-666. Hon. Jim Sorvillo, Representative, District 32, Arkansas House of Representatives v. Pulaski County Election Commission; Evelyn Gomez, Chair, Pulaski County Election Commission; Joshua A. Price, Member, Pulaski County Election Commission; Kristi Stahr, Member, Pulaski County Election Commission; John Thurston, Arkansas Secretary of State; and Hon. Ashley Hudson, Representative-Elect, District 32, Arkansas House of Representatives, from Pulaski County Circuit Court, Fifth Division. Appellant’s motion to dismiss appeal voluntarily, and to stay the briefing schedule pending consideration of motion to dismiss appeal voluntarily is granted. Appeal dismissed. (Proceedings of December 1, 2020)

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 is denied. Hart, J., would grant.

CR-20-520. Eric C. Burgie v. State of Arkansas, from Garland County Circuit Court. Appellant’s pro se motion for rule on clerk 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 submit a bona fide degree of proof, cause of action, legal process is denied. Hart, J., would grant.

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 3, 2020

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 to duplicate at State’s expense is denied. Hart, J., would grant.

In Re Response to the COVID-19 Pandemic. See [per curiam](#) issued November 20, 2020.

In Re Amended Administrative Plan for the Second Judicial Circuit and Second Amended Administrative Plan for the Twelfth Judicial Circuit. See [per curiam](#) this date.

In Re Amendments to Rules Governing Admission to the Bar. See [per curiam](#) this date.

In Re Arkansas Supreme Court Committee on Criminal Practice. See [per curiam](#) this date.

Keith L. Chrestman, Esq., of Jonesboro, Michael Kiel Kaiser, Esq., of Little Rock, and Michael S. Robbins, Esq., of Dover are appointed to the Committee on Criminal Practice for three-year terms to expire on January 31, 2023. The court thanks these attorneys for their willingness to serve on this important committee.

The court extends its gratitude to Sam Pasting, Casey Castleberry, and Brent Standridge, whose terms have expired, for their service to the committee.

In Re Implementation of Revised Administrative Order 4. See [per curiam](#) this date.

ARKANSAS SUPREME COURT

PROCEEDINGS OF DECEMBER 3, 2020

MOTIONS SUBMITTED

CR-19-901. Nicholas Lewondowski v. State of Arkansas, from Garland County Circuit Court. Appellant’s motion for reconsideration.

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. Motion of Richelle Brittain for leave to file petition for rehearing.

CV-20-536. Arkansas Department of Education; Johnny Key, in His Official Capacity as Arkansas Commissioner of Education; Diane Zook; Susan Chambers; Charisse Dean; R. Brett Williamson; O. Fitzgerald Hill; Ouida Newton; Sarah Moore; and Kathy McFetridge, in Their Official Capacities as Members of the Arkansas State Board of Education v. Amber Booth McCoy; Don Booth; Katherine Lu; Eugene Lu; and Skye Adams, from Pulaski County Circuit Court, Ninth Division. Appellants’ motion to supplement the record and for leave to file an overlength brief.

D-20-477. Stark Ligon, as Executive Director of the Supreme Court Committee on Professional Conduct v. William Kurt Moritz, Attorney at Law, Arkansas Bar No. 99021, an Original Action. Petition for disbarment.

D-20-675. In Re Judy A. Gano, Arkansas Bar No. 78192, an Original Action. Petition of Judy A. Gano, Arkansas Bar No. 78192, for voluntary surrender of license (resignation).

CR-20-621. Lonnie Allen Reed v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner’s pro se petition for writ of mandamus.

CR-20-622. Rodney Lee Jones v. State of Arkansas, from Van Buren County Circuit Court. Petitioner’s pro se petition for writ of mandamus.

Opinions are available on the internet at

<http://arcourts.gov>