

ARKANSAS SUPREME COURT

PROCEEDINGS OF FEBRUARY 11, 2021

COURTNEY RAE HUDSON, JUSTICE

[CR-20-269](#). State of Arkansas v. Mauricio Alejandro Torres, from Benton County Circuit Court. Petition for writ of certiorari. Petition denied. Womack, J., dissents.

ROBIN F. WYNNE, JUSTICE

[CR-20-419](#). Terrance Manuel v. State of Arkansas, from Phillips County Circuit Court. Appeal dismissed. Webb, J., dissents.

[CR-20-433](#). Markus Gentry v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed in part; reversed and remanded with instructions in part.

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PER CURIAM ORDERS

CR-11-5. Erickson Dimas-Martinez v. State of Arkansas, from Benton County Circuit Court. Entry of appearance of Sharon Kiel on behalf of appellant noted.

CR-11-5. Erickson Dimas-Martinez v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for access to sealed record is granted.

CR-19-901. Nicholas Lewondowski v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to file substituted abstract, brief, and addendum, and abeyance of brief time is granted.

CR-20-505. Clarence Eugene Turnbo v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to rescind access to sealed exhibit is denied. Baker, Hudson, and Womack, JJ., would grant.

CR-21-3. Terry Marshall, Jr. v. State of Arkansas, from Cleburne County Circuit Court. Motion of Clay Simpson to be relieved as attorney of record and to appoint new counsel, and for extension of time is granted.

CR-21-43. Arkansas Parole Board; John Felts; John Belkin; Andy Shock; Abraham Carpenter, Jr.; Dawn Benafield; Jerry Riley; and Lona McCastlain, in Their Official Capacities as Members of the Arkansas Parole Board; Arkansas Department of Correction; and Dexter Payne, in His Official Capacity v. Terrance Proctor, from Pulaski County Circuit Court, Fifth Division. Appellants' motion for stay of judgment and request for expedited consideration. Appellants' motion to supplement the record. Request for expedited consideration granted; motion for stay of judgment and motion to supplement the record granted. Baker, Hudson, and Wynne, JJ., would deny motion for stay of judgment. (Proceedings of February 4, 2021)

CV-20-536. Arkansas Department of Education; Johnny Key, in His Official Capacity as Arkansas Commissioner of Education; and 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. Motion of Clarke Tucker to withdraw as counsel for appellees is granted.

CV-20-623. Velma Levingston v. Ardease Gooch, from Pulaski County Circuit Court, Sixteenth Division. Motion of Pulaski County Circuit Clerk for permission to respond to petitioner's motion for contempt is granted.

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CV-20-663. Hotels.com, L.P.; Hotwire, Inc.; Trip Network, Inc. (d/b/a Cheaptickets.com); Expedia, Inc.; Internetwork Publishing Corp. (d/b/a Lodging.com); Orbitz, LLC; priceline.com Incorporated (n/k/a Booking Holdings Inc.); priceline.com LLC; Travelocity.com L.P. (n/k/a TVL LP); Travelweb LLC; and Site59.com LLC v. Pine Bluff Advertising and Promotion Commission; Jefferson County, Arkansas, and All Others Similarly Situated; and City of North Little Rock, Arkansas, and All Others Similarly Situated, from Jefferson County Circuit Court. Appellees' motion to dismiss appeal is denied. Hudson, Wynne, and Webb, JJ., would take with the case.

CV-20-682. State of Arkansas *ex rel.* Leslie Rutledge, Attorney General v. Purdue Pharma L.P.; Purdue Pharma, Inc.; The Purdue Frederick Company, Inc.; Johnson & Johnson; Janssen Pharmaceutica, Inc., n/k/a Janssen Pharmaceuticals, Inc.; Ortho-McNeill-Janssen Pharmaceuticals, Inc., n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions, Inc.; Endo Pharmaceuticals, Inc.; and Does 1 through 100, Inclusive, from Pulaski County Circuit Court, Sixteenth Division. The State of Arkansas's motion for judicial notice noted. Kemp, C.J., would deny.

CV-20-682. State of Arkansas *ex rel.* Leslie Rutledge, Attorney General v. Purdue Pharma L.P.; Purdue Pharma, Inc.; The Purdue Frederick Company, Inc.; Johnson & Johnson; Janssen Pharmaceutica, Inc., n/k/a Janssen Pharmaceuticals, Inc.; Ortho-McNeill-Janssen Pharmaceuticals, Inc., n/k/a Janssen Pharmaceuticals, Inc.; Endo Health Solutions, Inc.; Endo Pharmaceuticals, Inc.; and Does 1 through 100, Inclusive, from Pulaski County Circuit Court, Sixteenth Division. Sworn motion to permit Anthony J. Franze to appear and practice pro hac vice is granted.

Pursuant to Rule 4-5 of the Rules of the Supreme Court and Court of Appeals, the following cases have been dismissed for failure to file an appellant's brief.

CV-19-810. Jackie B. Blue v. William Straughn, Warden, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-20-360. Arlo C. Benedict v. Wendy Kelley, Director, Arkansas Department of Correction, from Pulaski County Circuit Court, Ninth Division.

CV-20-400. Lewis Ray v. State of Arkansas, from Chicot County Circuit Court.

CV-20-411. Kenneth Ramirez v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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Pursuant to Rule 4-5 of the Rules of the Supreme Court and Court of Appeals, the following cases have been dismissed for failure to file an appellant's brief. (continued)

CV-20-500. Walter A. McCullough v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

CV-20-565. Roosevelt Dye v. Arkansas Client Security Fund, an Original Action.

CR-14-5. Stanley Carter v. State of Arkansas, from Crittenden County Circuit Court. Petitioner's pro se motion to compel appellate counsel to provide petitioner with a copy of the appellate record and trial transcript is denied.

CR-16-175. Wesley Gene Holland v. State of Arkansas, from Cleveland County Circuit Court. Petitioner's pro se motion for request of court transcripts is denied.

CR-20-447. Danny Lee Hooper v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for extension of time to file reply brief is moot.

CR-20-447. Danny Lee Hooper v. State of Arkansas, from Washington County Circuit Court. Appellant's pro se motion for stay or continuance seeking permission for leave to file a successive verified sister petition for postconviction relief is denied.

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 moot.

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 is moot.

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

CR-20-741. Charles Neil Randle v. State of Arkansas, from Phillips County Circuit Court. Petitioner's pro se motion for belated appeal treated as motion for rule on clerk and granted.

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CV-20-542. Malik Muntaqim v. Wendy Kelley, Director, Arkansas Department of Correction; Dexter Payne, Deputy Director, Arkansas Department of Correction; James Gibson, Warden, Varner Supermax, Arkansas Department of Correction; James Shipman, Deputy Warden, Varner Supermax, Arkansas Department of Correction; Floria Washington, Classification Officer, Varner Supermax Unit, Arkansas Department of Correction; Steve Outlaw, Deputy Warden, Ouachita River Unit, Arkansas Department of Correction; Jerilynn Hosman, Classification Officer, Ouachita River Unit, Arkansas Department of Correction; and Nurzuhal Faust, Warden, Ouachita River Unit, Arkansas Department of Correction, from Hot Spring County Circuit Court. Petitioner's pro se motion to file belated reply brief is denied. Webb, J., would grant.

CV-20-673. Michael MacKool v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion to stop appeal treated as motion to dismiss appeal and granted. Kemp, C.J., and Wynne, J., would dismiss with prejudice.

CV-20-753. Stanley R. Hunt v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Petitioner's pro se motion for belated appeal is denied. Wood and Womack, JJ., would dismiss.

In Re Arkansas Judicial Discipline and Disability Commission Appointments. Womack, J., concurs. See [per curiam and concurring opinion](#) this date.

The Supreme Court of Arkansas appoints to the Arkansas Judicial Discipline and Disability Commission Judge Earnest Brown of Pine Bluff to fill the position being vacated by the retirement of Judge Kirk Johnson, whose term expires on June 30, 2024, and appoints Judge Andrew Bailey of Mountain Home to fill the position being vacated by the retirement of Judge David Guthrie, whose term expires on June 30, 2022.

The Court thanks Judge Brown and Judge Bailey for accepting these appointments and expresses its gratitude to Judge Johnson and Judge Guthrie for their years of service on the commission.

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In Re Arkansas Board of Law Examiners. See [per curiam](#) this date.

Jim Jackson of Little Rock is appointed to the Arkansas Board of Law Examiners for a six-year term concluding February 11, 2027. Mr. Jackson will be a representative of the Second Congressional District and replaces Kathryn Griffin, whose term has expired.

Judge Dale Ramsey of Witter is appointed to the Arkansas Board of Law Examiners for a six-year term concluding on February 11, 2027. Judge Ramsey will be a representative of the Fourth Congressional District and replaces Lance Lee, whose term has expired.

The Court extends its sincere appreciation to Mr. Jackson and Judge Ramsey for accepting appointment to this important board. The Court also expresses its gratitude to Ms. Griffin and Mr. Lee for their dedicated service to the board.

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MOTIONS SUBMITTED

CR-06-29. Justin Anderson v. State of Arkansas, from Miller County Circuit Court. Appellee's motion for permission to file overlength response.

CR-20-581. Zachery S. Keesee v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for expansion of word-count limitations.

CV-19-781. Scott White and Jamie White v. Hunter Owen and John Does Nos. 1–3, from Pulaski County Circuit Court, Second Division. Motion of Caleb D. Lang to withdraw as counsel for appellee.

CV-19-933. Eddy Arnold v. Dr. Mary Pitts, Mr. Mike Doyle, the Board of Trustees of Arkansas State University, and Dr. Carl Cates, from Craighead County Circuit Court, Western District. Appellant's pro se motion requesting permission of the court to file a belated petition for review.

CV-19-934. Larry Walther, in His Official Capacity as Cabinet Secretary of the Arkansas Department of Finance and Administration v. Welspun Tubular, LLC, from Pulaski County Circuit Court, Thirteenth Division. Appellant's motion to reassign case to the Supreme Court.

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 second Rule 4(i)(2) motion for extension of time to serve petition for contempt and summons.

CV-20-623. Velma Levingston v. Ardease Gooch, from Pulaski County Circuit Court, Sixteenth Division. Petitioner's motion to hold Pulaski County Clerk Terri Hollingsworth in contempt of the Supreme Court.

CR-20-719. Charles Gentry Rodgers v. State of Arkansas, from Phillips County Circuit Court. Appellant's pro se motion to withdraw appeal.

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CASES SUBMITTED

CR-19-471. Jesse Collins v. State of Arkansas, from Hot Spring County Circuit Court.

CV-19-363. William B. Cherry v. Rhonda Marlene Cherry (Now Fulkroad), from Columbia 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 Security of Maximum Security, from Jefferson County Circuit Court.

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

CV-20-315. Armtec Countermeasures Co.; Esterline Technologies Corporation; and Charles King v. Aaron Brownlee and Mary Brownlee, from Ouachita County Circuit Court.

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, Southern District.

CV-20-480. Anthony Brown v. Hannah Towell, in Her Official Capacity as the Craighead County Tax Assessor; and Wes Eddington, in His Official Capacity as the Craighead County Tax Collector, from Craighead County Circuit Court, Western District.

CR-20-284. LaJason Coakley v. State of Arkansas, from Miller County Circuit Court.

Opinions are available on the internet at

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