

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF APRIL 22, 2021**

**JOHN DAN KEMP, CHIEF JUSTICE**

[CV-20-420](#). Billy Wolfe v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Affirmed. Webb, J., dissents.

**COURTNEY RAE HUDSON, JUSTICE**

[CR-11-613](#). Danny Lee Ashley v. State of Arkansas, from Grant County Circuit Court. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and for clarification of certain dates. Petition denied.

**BARBARA W. WEBB, JUSTICE**

[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. Affirmed. Wynne, J., dissents.

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**PER CURIAM ORDERS**

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

CR-11-331. Ricky R. Anderson v. Dexter Payne, Director, Arkansas Department of Correction, from Washington County Circuit Court.

CV-19-287. Timothy Mack Clemmons v. Wendy Kelley, Director, Arkansas Department of Correction, from Chicot County Circuit Court.

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CR-19-762. Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Appellee's motion for extension of time for supplemental findings is granted. Special Justice Tim Snively agrees. Wood, J., not participating.

CR-20-505. Clarence Eugene Turnbo v. State of Arkansas, from Pulaski County Circuit Court, First Division. Motion of Lee Short to provide copy of brief to appellant is granted with the limitation that the brief must be redacted per the State's request.

CR-21-162. Katherine Seward (Gibby) v. State of Arkansas, from Lawrence County Circuit Court. Petitioner's petition for writ of certiorari and/or petition for writ of habeas corpus. Expedited consideration granted; petition for writ of certiorari denied; petition for writ of habeas corpus granted in part; denied in part. The circuit court is directed to conduct a bail hearing concerning the propriety of petitioner's release. *See* Ark. Rule Crim. P. 8.5 and 9.2. Kemp, C.J., would deny petition for writ of habeas corpus. (Proceedings of April 15, 2021)

CV-20-136. Arkansans for Healthy Eyes, a Ballot Question Committee; and Vicki Farmer, Individually and on Behalf of Arkansans for Healthy Eyes v. John Thurston, in His Official Capacity as Secretary of State of the State of Arkansas; Safe Surgery Arkansas, a Ballot Question Committee; and Laurie Barber, M.D., Individually and on Behalf of Safe Surgery Arkansas, an Original Action. Respondent's motion to exchange physical exhibits for electronic reproductions is granted.

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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 take judicial notice of legislative enactment is granted. Wood, J., would note. (Proceedings of April 16, 2021)

CV-20-643. Medicanna, LLC v. Arkansas Department of Finance and Administration, Arkansas Alcoholic Beverage Control Division; Arkansas Medical Marijuana Commission; and Nature’s Herbs and Wellness of Arkansas, LLC, from Pulaski County Circuit Court, Fifth Division. Appellees’ motion to dismiss appeal for lack of jurisdiction, to stay merits briefing, and incorporated memorandum of authorities taken with a case. Webb, J., would grant.

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. Appellant’s motion for expansion of word-count limitation is granted. Baker, Hudson, and Webb, JJ., would deny.

CV-20-728. K.B.X., Inc.; Steven Michael Keith, Sr., Individually; Steven Michael Keith, Jr., Individually; and Jeffrey Shay Sebree, Individually v. Zero Grade Farms, a Partnership, also d/b/a Isbell Farms; Mark Isbell, Individually; Chris Isbell, Individually; Shane Isbell, Individually; Judy Isbell, Individually; Jeremy Jones, Individually; K & K Farm Service, Inc., also d/b/a K & K Farm Services; Edward Schafer & Sons, a Partnership; Ronald Schafer and Roger Schafer, as Trustees of the Edward Burnard Schafer Q-TIP Trust; Ronald Schafer, Individually; Dee Anne Schafer, Individually; Clifford Schafer, Individually; Rachel Schafer, Individually; Roger Schafer, Individually; Pamela Schafer, Individually; Donald Schafer, Individually; Donna Schafer, Individually; Gary Hardke Farms, a Partnership; Gary Hardke, Individually; Melodie Hardke, Individually; Bigfoot AG, Inc.; Agri-Petroleum Sales, LLC; Agribusiness Properties, LLC; Brinkley Truck Brokerage, LLC; Christopher Taylor, Individually; Dale Bartlett, Individually; Ivory Rice, LLC; Anna Hurst, Special Administrator of the Estate of Jason Coleman; LJTC, LLC; Turner Commodities, Inc.; Turner North, LLC; and Turner Grain, Inc., d/b/a Turner Grain, from Lonoke County Circuit Court. Appellants’ unopposed motion to correct and supplement the record on appeal is granted.

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CV-21-140. 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. Petitioner’s pro se petition for extraordinary writ of certiorari is denied. Kemp, C.J., not participating.

CV-21-183. Arkansas State Police; Bill Bryant, in His Official Capacity as Director, and as an Individual; Kelli Laporte, in Her Official Capacity as Attorney for the Arkansas Department of Public Safety/Arkansas State Police, and as an Individual v. Russell R. Racop, from Pulaski County Circuit Court, Twelfth Division. Appellants’ emergency motion for stay of the Pulaski County Circuit Court’s order of April 8, 2021. Temporary stay granted immediately pending ruling on emergency motion for stay. (Proceedings of April 21, 2021).

D-21-113. In Re Justin Bradford Smith, Arkansas Bar No. 2011093, an Original Action. Petition of Justin Bradford Smith, Arkansas Bar No. 2011093, for voluntary surrender of license (resignation) is granted.

D-21-143. In Re Stayton L. Worthington, Arkansas Bar No. 2005006, an Original Action. Petition of Stayton L. Worthington, Arkansas Bar No. 2005006, for voluntary surrender of license (resignation) is granted.

D-21-144. In Re Garrett James Lowe, Arkansas Bar No. 2016064, an Original Action. Petition of Garrett James Lowe, Arkansas Bar No. 2016064, for voluntary surrender of license (resignation) is granted.

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CR-93-1352. Austin Cooper v. State of Arkansas, from Miller County Circuit Court. Petitioner’s pro se motion to recall the mandate is denied.

CR-93-1352. Austin Cooper v. State of Arkansas, from Miller County Circuit Court. Petitioner’s pro se motion to waive particulars is moot. Baker, Wood, and Webb, JJ., would deny.

CR-93-1352. Austin Cooper v. State of Arkansas, from Miller County Circuit Court. Petitioner’s pro se motion to enter exhibits as evidence is moot. Baker, Wood, and Webb, JJ., would deny.

CR-93-1352. Austin Cooper v. State of Arkansas, from Miller County Circuit Court. Petitioner’s pro se motion for appointment of counsel is moot. Baker, Wood, and Webb, JJ., would deny.

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CR-93-1352. Austin Cooper v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for appointment of private investigator is moot. Baker, Wood, and Webb, JJ., would deny.

CR-93-1352. Austin Cooper v. State of Arkansas, from Miller County Circuit Court. Petitioner's pro se motion for rule on clerk is denied.

CR-01-1132. Dennis James Smith v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion for transcript at public expense is denied. Webb, J., would grant.

CR-01-1132. Dennis James Smith v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion to recuse treated as a second motion for copies at public expense and denied. Webb, J., would grant.

CR-02-895. Dennis James Smith v. State of Arkansas, from Desha County Circuit Court. Petitioner's pro se motion for transcript at public expense is denied. Webb, J., would grant.

CR-02-895. Dennis James Smith v. State of Arkansas, from Desha County Circuit Court. Petitioner's pro se motion to recuse treated as a second motion for copies at public expense and denied. Webb, J., would grant.

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. Wood, J., would deny.

CR-21-58. Eric Williams v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied. Webb, J., would grant.

CR-21-59. Jeremy Turner v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se petition for writ of mandamus. Response requested. Womack, J., would grant.

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CV-20-540. Malik Muntaqim v. Anthony Jackson, Deputy Warden, Ouachita River Unit; Arkansas Department of Correction; Steve Outlaw, Deputy Warden, Ouachita River Unit, Arkansas Department of Correction; Dexter Payne, Director, Arkansas Department of Correction; Chris Menotti, Sergeant, Ouachita River Unit, Arkansas Department of Correction; William Moore, Chaplain, Ouachita River Unit, Arkansas Department of Correction; Daniel Flora, Chaplain, Ouachita River Unit; Wendy Kelley, Director, Arkansas Department of Correction; Nurzuhal Faust, Warden, Arkansas Department of Correction; Kennie Bolden, Warden, Arkansas Department of Correction; James Gibson, Warden, Varner Unit, Arkansas Department of Correction; and Virginia Allen, Mailroom Supervisor, Varner Unit, Arkansas Department of Correction, in Their Official and Individual Capacities, from Hot Spring County Circuit Court. Appellant's pro se motion to file a belated reply brief is granted.

CV-21-89. Michael Hamilton v. State of Arkansas, from Lee County Circuit Court. Petitioner's pro se petition for writ of mandamus. Response requested. Womack, J., would grant.

In Re Suspension of Attorneys Who Failed to Pay 2021 Annual Attorney-License Fee. See [per curiam](#) this date.

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**MOTIONS SUBMITTED**

CR-21-148. Stanley Warner v. State of Arkansas, from Van Buren County Circuit Court. Motion of Angela A. Byrd to be relieved as counsel for appellant.

CV-19-635. Fred N. Bollinger, Jr.; Bollinger Lone Oak, Inc.; and Bollinger Partners, Inc. v. Farm Credit Midsouth, PCA; and Travelers Casualty & Surety Company of America, from Crittenden County Circuit Court. Appellants' motion to supplement petition for review.

CV-20-728. K.B.X., Inc.; Steven Michael Keith, Sr., Individually; Steven Michael Keith, Jr., Individually; and Jeffrey Shay Sebree, Individually v. Zero Grade Farms, a Partnership, also d/b/a Isbell Farms; Mark Isbell, Individually; Chris Isbell, Individually; Shane Isbell, Individually; Judy Isbell, Individually; Jeremy Jones, Individually; K & K Farm Service, Inc., also d/b/a K & K Farm Services; Edward Schafer & Sons, a Partnership; Ronald Schafer and Roger Schafer, as Trustees of the Edward Burnard Schafer Q-TIP Trust; Ronald Schafer, Individually; Dee Anne Schafer, Individually; Clifford Schafer, Individually; Rachel Schafer, Individually; Roger Schafer, Individually; Pamela Schafer, Individually; Donald Schafer, Individually; Donna Schafer, Individually; Gary Hardke Farms, a Partnership; Gary Hardke, Individually; Melodie Hardke, Individually; Bigfoot AG, Inc.; Agri-Petroleum Sales, LLC; Agribusiness Properties, LLC; Brinkley Truck Brokerage, LLC; Christopher Taylor, Individually; Dale Bartlett, Individually; Ivory Rice, LLC; Anna Hurst, Special Administrator of the Estate of Jason Coleman; LJTC, LLC; Turner Commodities, Inc.; Turner North, LLC; and Turner Grain, Inc., d/b/a Turner Grain, from Lonoke County Circuit Court. Appellees' unopposed motion to correct and supplement the record on appeal.

CV-21-145. (In the Matter of the Guardianship of S.L.M., a Minor) Michelle Minks v. David Minks and Rebecca Minks, from Bradley County Circuit Court. Respondents' motion for reconsideration.

D-21-165. In Re David M. Rudolph, Arkansas Bar No. 2007100, an Original Action. Petition of David M. Rudolph, Arkansas Bar No. 2007100, for voluntary surrender of license (resignation).

D-21-166. In Re Russell Ken Pippin, Arkansas Bar No. 90225, an Original Action. Petition of Russell Ken Pippin, Arkansas Bar No. 90225, for voluntary surrender of license (resignation).

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**MOTIONS SUBMITTED**

CV-20-288. Larry Osborn v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion to expand the record and designation of record on appeal.



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**CASES SUBMITTED**

CV-20-164. Michael McCarty; Perry Galloway; Matt Smith; Greg Hart; Ross Bell; and Becton Bell v. Arkansas State Plant Board and Terry Walker, in His Official Capacity as Director of the Arkansas State Plant Board, from Pulaski County Circuit Court, Sixth Division. Orally argued.

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. Orally argued.

CR-20-232. Montrell Ventry v. State of Arkansas, from Saline County Circuit Court.

CV-20-637. Robert Steinbuch v. University of Arkansas, a/k/a University of Arkansas–Little Rock; the Trustees of the University of Arkansas; Michael Schwartz, in His Official and Personal Capacity; Theresa Beiner, in Her Official and Personal Capacity; JoAnn Maxey, in Her Official Capacity; John M.A. DiPippa, in His Official Capacity; and Velmer Burton, in His Official Capacity, from Pulaski County Circuit Court, Sixth Division.

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CR-19-421. Robert Woodward v. State of Arkansas, from Chicot County Circuit Court.

CR-20-176. Rodney W. Rayburn v. State of Arkansas, from Cleburne County Circuit Court.

CR-20-553. Gerald Lowery v. State of Arkansas, from Miller County Circuit Court.

CR-20-599. Steven C. Hayes v. State of Arkansas, from Saline County Circuit Court.

CR-20-640. Randy James Myers v. State of Arkansas, from Faulkner County Circuit Court.

CV-20-288. Larry Osborn v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

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**CASES SUBMITTED**

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