

ARKANSAS SUPREME COURT

PROCEEDINGS OF MAY 20, 2021

JOHN DAN KEMP, CHIEF JUSTICE

[CR-20-407](#). Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court. Affirmed. Special Justice Hermann Ivester joins. Womack, J., concurs without opinion. Wood, J., not participating.

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PER CURIAM ORDERS

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

CR-20-597. Emmitt Riley v. State of Arkansas, from Drew County Circuit Court. Baker, Hudson, and Wynne, JJ., would grant.

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

CR-20-333. Mercedes Loren Taylor v. State of Arkansas, from Benton County Circuit Court.

CV-19-112. William M. Hogan v. Bank of Little Rock, from Pulaski County Circuit Court, Twelfth Division.

CV-19-134. Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith Akins & Gladden, P.A., from Garland County Circuit Court. Petition for review. Womack, J., would dismiss as moot. Wood, J., not participating.

CV-19-134. Kimbro Stephens Insurance Trust and A.K. Tennessee Irrevocable Residuary Trust v. James E. Smith, Jr.; Kimberly Woodyard; and Smith Akins & Gladden, P.A., from Garland County Circuit Court. Amended petition for review. Wood, J., not participating.

CV-20-7. Miguel Escobar v. A&A Orchard, LLC, from Carroll County Circuit Court, Eastern District. Womack and Webb, JJ., would grant.

CV-20-114. Tina L. Melius v. Chapel Ridge Nursing Center, LLC, and Amtrust North America Insurance, from the Arkansas Workers' Compensation Commission. Webb, J., would grant.

E-20-238. Ladelle Payne v. Director et al., from the Arkansas Board of Review.

CV-19-595. St. Francis River Regional Water District v. City of Marmaduke, Arkansas, from Greene County Circuit Court. Certification to the Supreme Court is denied. Kemp, C.J., and Wynne, J., would grant.

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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. Appellants' unopposed motion to continue presentation of oral argument is granted. Oral argument rescheduled for June 3, 2021. at 10:00 a.m. via Zoom videoconferencing. (Proceedings of May 13, 2021)

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 judicial notice is noted. Kemp, C.J. would deny.

CV-20-724. Kendrick Story v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se notice of appeal filed as motion for reconsideration of dismissal of appeal and denied.

CV-21-163. Dan Larry Pennington; Norma J. Bryant; Aaron Parish Black, as Trustee of the Ralph J. and Reba J. Family Trust; and Aaron Parish Black, as Trustee of the Reba J. Parish Trust, Individually and on Behalf of a Class of Similarly Situated Individuals v. BHP Billiton Petroleum (Fayetteville), LLC; and MMGJ Arkansas Upstream, LLC, from the United States District Court, Eastern District of Arkansas. Motion to certify a question of law is granted. Webb, J., not participating.

CV-21-189. Morrell Williams v. State of Arkansas, Office of Child Support Enforcement, from Pulaski County Circuit Court, Third Division. Petitioner's pro se notice of petition non-statutory writ of habeas corpus is denied.

CV-21-189. Morrell Williams v. State of Arkansas, Office of Child Support Enforcement, from Pulaski County Circuit Court, Third Division. Petitioner's pro se notice to court to take judicial notice memorandum of laws in support of petition for writ of habeas corpus is denied. Webb, J., would note.

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CV-21-189. Morrell Williams v. State of Arkansas, Office of Child Support Enforcement, from Pulaski County Circuit Court, Third Division. Petitioner's pro se notice to objection take judicial notice of Federal Rule 201(c) of an adjudicated fact by the Supreme Court and withdraw its dismissal of a petition invoking the right of habeas corpus is denied.

CR-20-596. Devontae Marquez Rivers v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellee's motion to dismiss appeal is granted.

CR-20-741. Charles Neil Randle v. State of Arkansas, from Phillips County Circuit Court. Appellant's pro se motion for use of the record on appeal is granted.

CR-20-741. Charles Neil Randle v. State of Arkansas, from Phillips County Circuit Court. Appellant's pro se motion for extension of brief time is granted.

CR-21-22. Cameron Scott Halliburton v. State of Arkansas, from Miller County Circuit Court. Appellant's pro se motion for extension of time to file brief treated as pro se motion for extension of time and for access to the record and granted.

CR-21-38. Bismillah Rahim Muhammad v. State of Arkansas, from Clark County Circuit Court. Appellant's pro se petition for writ of certiorari to complete the record is denied.

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. Petitioner's pro se motion for extension of time to file petition for rehearing is granted.

CV-20-353. Serandon Starling v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for rule on clerk is denied. Webb, J., would grant.

CV-20-723. Douglas True v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for extension of time to file reply brief is granted.

CV-21-120. Jeffery Brown v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Petitioner's pro se motion for belated appeal. Response ordered.

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CV-21-134. Kenneth Crain, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for rule on clerk treated as a motion for belated appeal and denied.

In Re Board of Certified Court Reporter Examiners. See [per curiam](#) this date.

The court appoints Valarie Flora of Benton, Certified Court Reporter, to the Board of Certified Court Reporter Examiners for a three-year term to expire on May 31, 2024. The court extends its appreciation to Valarie for her willingness to serve on this important board.

The court expresses its gratitude to G. Michael Ashcraft of Warren, Certified Court Reporter, for his years of valuable service to this board.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

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

CR-21-43. Arkansas Parole Board; John Felts, John Belkin, Andy Shock, Dawn Benafield, Jerry Riley, Lona McCastlain, and Abraham Carpenter, Jr., 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. Appellee’s motion to dismiss appeal as moot following passage of Act 1034 of 2021.

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, and All Others Similarly Situated, from Jefferson County Circuit Court. Appellants’ motion to strike the State of Arkansas’s appeal brief.

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 second motion to correct and supplement the record.

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MOTIONS SUBMITTED

D-21-209. In Re Paul F. Dumas, Arkansas Bar No. 96123, an Original Action. Petition of Paul F. Dumas, Arkansas Bar No. 96123, for surrender of license.

D-21-210. In Re Jill Odell Gibson, Arkansas Bar No. 92258, an Original Action. Petition of Jill Odell Gibson, Arkansas Bar No. 92258, for voluntary surrender of license (resignation).

D-21-211. In Re Liza Hirsch Medina, Arkansas Bar No. 80187, an Original Action. Petition of Liza Hirsch Medina, Arkansas Bar No. 80187, for voluntary surrender of license (resignation).

D-21-212. In Re Carla Suzanne Landers, Arkansas Bar No. 2010021, an Original Action. Petition of Carla Suzanne Landers, Arkansas Bar No. 2010021, for voluntary surrender of license (resignation).

D-21-213. In Re Robert Holt Freeman, Arkansas Bar No. 85056, an Original Action. Petition of Robert Holt Freeman, Arkansas Bar No. 85056, for voluntary surrender of license (resignation).

CR-13-1022. Roy Lee Russell v. State of Arkansas, from Desha 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.

CR-21-150. Eric Burgie v. State of Arkansas, from Garland County Circuit Court. Petitioner's pro se motion for rule on clerk.

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

CV-21-135. Matthew Burnside v. Arkansas Judicial Discipline and Disability Commission, an Original Action. Petitioner's pro se petition to proceed in forma pauperis.

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CASES SUBMITTED

CR-20-598. Michael Jenkins v. Wendy Kelley, Director, Arkansas Department of Correction; and Gleenover Knight, Records Supervisor, from Phillips County Circuit Court.

CV-20-416. James Ray Thompson v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-20-560. Detriawn Wade v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

CV-20-709. John Peeler v. State of Arkansas, from Lee County Circuit Court.