

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF OCTOBER 21, 2021

### **KAREN R. BAKER, JUSTICE**

[CV-21-289](#). Cherokee Nation Businesses, LLC; and Arkansas Racing Commission v. Gulfside Casino Partnership, from Pulaski County Circuit Court, Sixth Division. Reversed and dismissed. Wood and Womack, JJ., and Special Justice Jim Spears concur. Hudson and Webb, JJ., dissent. Kemp, C.J., not participating.

### **COURTNEY RAE HUDSON, JUSTICE**

[CV-19-62](#). Arkansas Department of Human Services Crimes Against Children Division v. Steven D. Mitchell, from Izard County Circuit Court. Administrative law judge decision affirmed; circuit court order reversed; court of appeals opinion vacated.

### **SHAWN A. WOMACK, JUSTICE**

[CV-19-63](#). Arkansas Department of Human Services Crimes Against Children Division v. Steven D. Mitchell, from Izard County Circuit Court. Administrative law judge decision affirmed; circuit court order reversed; court of appeals opinion vacated.

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**PER CURIAM ORDERS**

CR-19-420. Mark Edward Chumley v. State of Arkansas, from Washington County Circuit Court. Entry of appearance of John Wesley Hall on behalf of appellant noted.

CV-21-421. Jimmy Hickey, Jr., in His Official Capacity as President Pro Tempore of the Arkansas Senate; and Matthew Shepherd, in His Official Capacity as Speaker of the Arkansas House of Representatives v. Veronica McClane, as Parent and Next Friend of Her Minor Children, Walter and Beckett McClane; Ashley Simmons, as Parent and Next Friend of Her Minor Children, August and Henry Simmons; The State of Arkansas, Acting Through the 93rd General Assembly; Hon. Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas; Barry Hyde, in His Official Capacity as the County Judge for Pulaski County; Eric Higgins, in His Official Capacity as Pulaski County Sheriff; Little Rock School District; and Marion School District, from Pulaski County Circuit Court, Sixth Division. Appellants' unopposed motion to supplement the record is moot. Baker, J., would grant. Wood, J., not participating.

CV-21-421. Jimmy Hickey, Jr., in His Official Capacity as President Pro Tempore of the Arkansas Senate; and Matthew Shepherd, in His Official Capacity as Speaker of the Arkansas House of Representatives v. Veronica McClane, as Parent and Next Friend of Her Minor Children, Walter and Beckett McClane; Ashley Simmons, as Parent and Next Friend of Her Minor Children, August and Henry Simmons; The State of Arkansas, Acting Through the 93rd General Assembly; Hon. Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas; Barry Hyde, in His Official Capacity as the County Judge for Pulaski County; Eric Higgins, in His Official Capacity as Pulaski County Sheriff; Little Rock School District; and Marion School District, from Pulaski County Circuit Court, Sixth Division. Appellants' motion to supplement the record is moot. Baker, J., would grant. Wood, J., not participating.

CV-21-421. Jimmy Hickey, Jr., in His Official Capacity as President Pro Tempore of the Arkansas Senate; and Matthew Shepherd, in His Official Capacity as Speaker of the Arkansas House of Representatives v. Veronica McClane, as Parent and Next Friend of Her Minor Children, Walter and Beckett McClane; Ashley Simmons, as Parent and Next Friend of Her Minor Children, August and Henry Simmons; The State of Arkansas, Acting Through the 93rd General Assembly; Hon. Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas; Barry Hyde, in His Official Capacity as the County Judge for Pulaski County; Eric Higgins, in His Official Capacity as Pulaski County Sheriff; Little Rock School District; and Marion School District, from Pulaski County Circuit Court, Sixth Division. Motion of separate appellee Hon. Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas, to consolidate appellate cases is granted. Womack and Webb, JJ., would deny. Wood, J., not participating.

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CV-21-441. State of Arkansas; Jimmy Hickey, Jr., in His Official Capacity as President Pro Tempore of the Arkansas Senate; and Matthew Shepherd, in His Official Capacity as Speaker of the Arkansas House of Representatives v. Veronica McClane, as Parent and Next Friend of Her Minor Children, Walter and Beckett McClane; Ashley Simmons, as Parent and Next Friend of her Minor Children, August and Henry Simmons; Hon. Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas; Barry Hyde, in His Official Capacity as the County Judge for Pulaski County; Eric Higgins, in His Official Capacity as Pulaski County Sheriff; Little Rock School District; and Marion School District, from Pulaski County Circuit Court, Sixth Division. Appellants' motion to proceed on partial record and to supplement the record is granted. Wood, J., not participating.

CV-21-441. State of Arkansas; Jimmy Hickey, Jr., in His Official Capacity as President Pro Tempore of the Arkansas Senate; and Matthew Shepherd, in His Official Capacity as Speaker of the Arkansas House of Representatives v. Veronica McClane, as Parent and Next Friend of Her Minor Children, Walter and Beckett McClane; Ashley Simmons, as Parent and Next Friend of Her Minor Children, August and Henry Simmons; Hon. Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas; Barry Hyde, in His Official Capacity as the County Judge for Pulaski County; Eric Higgins, in His Official Capacity as Pulaski County Sheriff; Little Rock School District; and Marion School District, from Pulaski County Circuit Court, Sixth Division. Motion of separate appellee Hon. Asa Hutchinson, in His Official Capacity as Governor of the State of Arkansas, to consolidate appellate cases is granted. Womack and Webb, JJ., would deny. Wood, J., not participating.

CV-21-451. Mitchell Wine v. Arkansas Game and Fish Commission; Officer John Crisman; and Former Officer Ron Aaron, in Both Their Professional and Personal Capacities; State Board of Election Commissioners; and Attorney Richard Chris Madison, in Both His Professional and Personal Capacities, from Stone County Circuit Court. Appellees' motion to dismiss appeal is granted.

CV-21-458. 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. Appellees' motion to supplement the record is granted. Wood and Wynne, JJ., not participating.

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CR-20-403. Tracy Duane Wright v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to stay appeal is denied. Womack, J., would deny as moot.

CR-20-403. Tracy Duane Wright v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion to relieve counsel and appoint new counsel is denied.

CR-21-415. Cleveland Evans v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se petition for writ of mandamus for extraordinary writ for expedited consideration and/or for writ to issue relief. Response requested.

CR-21-425. Qatonious Lee Sirkaneo a/k/a Walter Allen Brooks v. State of Arkansas, from St. Francis County Circuit Court. Petitioner's pro se motion for belated appeal treated as a motion for rule on clerk and granted.

CV-16-747. Ricky Lynn Lenard, Sr. v. Wendy Kelley, Director, Arkansas Department of Correction; John Felts, Director, Arkansas Board of Parole; and Sheri Flynn, Administrator, Sex Offender Community Notification Assessment Program, from Jefferson County Circuit Court. Petitioner's pro se motion for copies is denied.

CV-18-469. Ricky Lynn Lenard, Sr. v. Wendy Kelley, Director, Arkansas Department of Correction; John Felts, Chairman, Arkansas Parole Board; and Sheri J. Flynn, Administrator, Sex Offender Community Notification Assessment Program, from Jefferson County Circuit Court. Petitioner's pro se motion for copies is denied.

CV-21-157. Howard Togo Wood, Jr. v. Arkansas Parole Board; John Felts, Chairman; and Andy Shock, Commissioner, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion to supplement reply brief adding an addendum is denied.

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**MOTIONS SUBMITTED**

CR-20-301. Anthony Keith Lanos v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to have the Supreme Court of Arkansas accept case for appeal under their review.

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-19-538. DoctorDirectory.com, LLC; Everyday Health, Inc.; and John Does 1–10, Intending to Refer to Those Persons, Corporations, or Other Legal Entities That Acted as Agents, Consultants, Independent Contractors, or Representatives v. Davis Neurology, P.A., on Behalf of Itself and All Other Entities and Persons Similarly Situated, from Pope County Circuit Court. Appellants' unopposed motion to lift stay and dismiss appeal.

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' joint motion to expand word-count limitations and incorporated memorandum of authorities.

CV-21-327. Robinson Nursing and Rehabilitation Center, LLC, d/b/a Robinson Nursing and Rehabilitation Center; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; and Michael Morton v. Andrew Phillips, as Personal Representative of the Estate of Dorothy Phillips, and on Behalf of the Wrongful Death Beneficiaries of Dorothy Phillips; and on Behalf of Themselves and All Others Similarly Situated, from Pulaski County Circuit Court, Sixth Division. Appellees' motion to supplement the record.

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**MOTIONS SUBMITTED**

CV-21-371. Gerald Pevey v. Bay Cities Container Corporation, from Benton County Circuit Court. Petitioner’s motion for extension of time to file record on appeal.

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CR-90-247. Michael Wayne Williams v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner’s pro se second petition to reinvest jurisdiction in the trial court to consider a petition of error coram nobis.

CR-90-247. Michael Wayne Williams v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner’s pro se amended second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-99-1267. Charles A. “Jack” Walls III v. State of Arkansas, from Lonoke 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-05-1407. Christopher Newton White v. State of Arkansas, from Benton County Circuit Court. Petitioner’s pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-13-122. Timothy Allen Wells v. State of Arkansas, from Garland 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-21-156. Doyle Ashcraft v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee’s motion to dismiss appeal.

CR-21-277. Michael Harris v. State of Arkansas, from Benton County Circuit Court. Petitioner’s pro se petition for writ of mandamus.

CV-21-120. Jeffery Brown v. State of Arkansas, from Lincoln County Circuit Court. Petitioner’s pro se motion for belated appeal.

CV-21-285. Michael Jackson v. Dexter Payne, Director, Arkansas Department of Correction, from Lee County Circuit Court. Petitioner’s pro se petition for writ of mandamus.

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**MOTIONS SUBMITTED**

CV-21-338. Walter A. McCullough v. Dexter Payne, Director, Arkansas Division of Correction, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal or, in the alternative, motion for extension of brief time.

CV-21-456. Malik Muntaqim v. Gaylon R. Lay, Warden; Wendy Kelley, Director of Arkansas Department of Correction; Ray Hobbs, Director of Arkansas Department of Correction; Larry May, Chief Deputy Director; Grant Harris, Deputy Director; Raymond Naylor, Internal Affairs Administrator; Randy Watson, Warden, Varner Unit; Marvin Evans, Deputy Director; Eddie Selvey, Deputy Warden, Arkansas Department of Correction; Crystal Wood, Classification Officer, Cummins Unit; Patricia Baxter, Mailroom Supervisor, Cummins Unit; Leonard Banks, Chaplain, Cummins Unit; Sgt. S. Cook, Correctional Officer, Cummins Unit; Tiffanye Compton, Grievance Coordinator, Central Office; Dennise Alexander, Publication Review, Central Office; Jan Scussel, Publication Review, Central Office; Tami Aiken, Publication Review, Central Office; John M. Wheeler, Religious Administrator, Central Office; April Gibson, Grievance Officer, Cummins Unit; Lisa R. Hall, Grievance Officer, Cummins Unit; Muhammad Ameen, Islamic Chaplain, Central Office, from Jefferson County Circuit Court. Petitioner's pro se motion for rule on clerk to lodge supplemental record and correct the record.

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**CASES SUBMITTED**

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. Orally argued.

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CR-21-118. Howard Togo Wood, Jr. v. State of Arkansas, from Scott County Circuit Court.

CV-21-168. Zayzhon Thompson v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.