

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF JANUARY 13, 2022

### PER CURIAM ORDERS

CR-90-247. Michael Wayne Williams v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se petition for rehearing treated as a motion for reconsideration and denied.

CR-20-403. Tracy Duane Wright v. State of Arkansas, from Benton County Circuit Court. Corrected electronic transcript ordered. Corrected electronic transcript due by January 12, 2022. Wood, J., would give 30 days to submit the corrected transcript. (Proceedings of December 27, 2021)

CR-20-403. Tracy Duane Wright v. State of Arkansas, from Benton County Circuit Court. Appellant's motion for extension of time to file corrected transcript. Motion for extension of time to file corrected transcript granted; extension of time to file appellant's brief denied without prejudice. (Proceedings of January 12, 2022)

CR-21-78. Demarcus Donnell Parker v. State of Arkansas, from Crittenden County Circuit Court. Appellant's petition for writ of certiorari to complete the record or, in the alternative, motion to remand to settle the record is granted.

CR-21-195. Robert Smith III v. State of Arkansas, from Faulkner County Circuit Court. Appellee's motion to file enlarged brief is granted as to the request for alternative relief to file a compliant brief with 10,218 word-count limitation granted to appellant. Womack, J., would grant motion to file enlarged brief. Baker and Wood, JJ., would deny.

CR-21-452. George Burns v. State of Arkansas, from Little River County Circuit Court. Appellant's motion for certification to the Supreme Court is denied. Kemp, C.J., and Baker and Hudson, JJ., would grant.

CR-21-617. Devion Spencer v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Petitioner's motion for accelerated consideration on petition for writ of certiorari is granted; petition for writ of certiorari to review denial of appeal bond is denied. Webb, J., would grant the petition for writ of certiorari and remand to the circuit court. (Proceedings of December 30, 2021)

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**PER CURIAM ORDERS**

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' motion to increase amount of security for stay is denied. Kemp, C.J., and Webb, J., would grant.

CV-21-235. (In the Matter of the Guardianship of A.P.A., an Incapacitated Minor) Sandra Andraca v. Patricia Tice, from Pope County Circuit Court. Appellant's motion for reassignment to the Supreme Court is denied. Kemp, C.J., and Wynne and Webb, JJ., would grant.

CV-21-365. Asa Hutchinson, in His Official Capacity as Governor of Arkansas; and Charisse Childers, in Her Official Capacity as Director, Arkansas Division of Workforce Services v. Logan Armstrong; Emily Ball; Ronald Bates; Cynthia Eyiuche; and Kurt Johnsen, from Pulaski County Circuit Court, Fourth Division. Appellees' motion to supplement the record is moot. Womack, J., would deny.

CV-21-365. Asa Hutchinson, in His Official Capacity as Governor of Arkansas; and Charisse Childers, in Her Official Capacity as Director, Arkansas Division of Workforce Services v. Logan Armstrong; Emily Ball; Ronald Bates; Cynthia Eyiuche; and Kurt Johnsen, from Pulaski County Circuit Court, Fourth Division. Appellees' motion to strike or to file a sur-reply is denied. Wynne, J., would allow appellees to file sur-reply.

CV-21-365. Asa Hutchinson, in His Official Capacity as Governor of Arkansas; and Charisse Childers, in Her Official Capacity as Director, Arkansas Division of Workforce Services v. Logan Armstrong; Emily Ball; Ronald Bates; Cynthia Eyiuche; and Kurt Johnsen, from Pulaski County Circuit Court, Fourth Division. Appellees' amended motion to supplement the record is denied.

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**PER CURIAM ORDERS**

CV-21-434. Tracy Johnson, Gina Rambo, James R. “Rick” Bright, Greg Moon, and Karen Pryor v. Carol Wright, Individually and in Her Official Capacity as Past Chairman and Current and Past Member of the Eureka Springs City Advertising and Promotion Commission; Jeff Carter, Individually and in His Official Capacity as a Member and Current Chairman of the Eureka Springs City Advertising and Promotion Commission; James DeVito, Individually and in His Official Capacity as a Member of the Eureka Springs City Advertising and Promotion Commission; Melissa Green, Individually and in Her Official Capacity as a Member of the Eureka Springs City Advertising and Promotion Commission; Harry Meyer, Individually and in His Official Capacity as a Member of the Eureka Springs City Advertising and Promotion Commission; Patrick Burnett, Individually and Ostensibly in His Official Capacity as an Apparent Member of the Eureka Springs City Advertising and Promotion Commission; the Eureka Springs City Advertising and Promotion Commission; the City of Eureka Springs, Arkansas; Robert D. “Butch” Berry, Individually and as Mayor of the City of Eureka Springs, Arkansas; Kim Stryker, Individually and in Her Official Capacity as Chief Administrative Assistant to Mayor Butch Berry; State Auto Mutual Insurance Company; and Philadelphia Indemnity Insurance Company, from Carroll County Circuit Court, Western District. Appellants’ motion for expedited consideration is denied.

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; Velmer Burton, in His Official Capacity; and Terri Hollingsworth, in Her Official Capacity as Pulaski County Clerk, from Pulaski County Circuit Court, Sixth Division. Motion of appellee Terri Hollingsworth, in Her Official Capacity as Pulaski County Clerk, to supplement the record is granted. Special Justices Chris Gardner and Doug Schrantz agree. Wood and Wynne, JJ., not participating.

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; Velmer Burton, in His Official Capacity; and Terri Hollingsworth, in Her Official Capacity as Pulaski County Clerk, from Pulaski County Circuit Court, Sixth Division. Appellant’s motion to correct brief is granted. Special Justices Chris Gardner and Doug Schrantz agree. Wood and Wynne, JJ., not participating.

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[CV-21-498](#). Bentonville School District; Dr. Debbie Jones, Superintendent, in Her Official Capacity; Eric White, School Board President, in His Official Capacity; Matt Burgess, Board Member, in His Official Capacity; Kelly Carlson, Board Member, in His Official Capacity; Brent Leas, Board Member, in His Official Capacity; Willie Cowgur, Board Member, in His Official Capacity; Joe Quinn, Board Member, in His Official Capacity; and Jennifer Faddis, Board Member, in Her Official Capacity v. Matt Sitton; Matthew Bennett; and Elizabeth Bennett, from Benton County Circuit Court. Appellants’ motion for recusal. Motion to recuse denied. Wood, J., not participating. See **opinion** this date.

CV-21-557. Keith Gibson, Marie Holder, Alec Farmer, Philip Taldo, and Robert S. Moore, Jr., as Members of the Arkansas State Highway Commission; Lorie Tudor, Director of the Arkansas Department of Transportation; Arkansas Department of Transportation; Asa Hutchinson, Governor of the State of Arkansas; Larry Walther, Secretary of Arkansas Department of Finance and Administration; Andrea Lea, Auditor of the State of Arkansas; and Dennis Milligan, Treasurer of the State of Arkansas v. Shelly Buonauto; Mary Weeks; Verlon Abrams; and Sarah B. Thompson, from Pulaski County Circuit Court, Sixteenth Division. Appellants’ unopposed motion to supplement the record on appeal is granted.

CV-21-581. John Thurston, in His Official Capacity as Secretary of State of the State of Arkansas; Sharon Brooks; Bilenda Harris-Ritter; William Luther; Charles Roberts; James Sharp; and J. Harmon Smith, in Their Official Capacities as Members of the Arkansas State Board of Election Commissioners v. The League of Women Voters of Arkansas; Arkansas United; Dortha Dunlap; Leon Kaplan; Nell Matthews Mock; Jeffery Rust; and Patsy Watkins, from Pulaski County Circuit Court, Fifth Division. Appellants’ motion to expand word-count limitation is denied. Womack, J., would grant. (Proceedings of December 29, 2021)

D-21-561. In Re Thomas Henry Johnson, Arkansas Bar No. 92249, an Original Action. Petition of Thomas Henry Johnson, Arkansas Bar No. 92249, for voluntary surrender of license (resignation) is granted.

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CR-86-78. Kenneth Ray Parker v. State of Arkansas, from Lonoke County Circuit Court. Petitioner’s pro se motion to recall the mandate is denied.

**ARKANSAS SUPREME COURT**

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CR-07-629. Allen Phillips v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se motion for belated appeal, for appointment of counsel, and for partial transcript at public expense. Motion for belated appeal treated as motion to reinstate appeal and denied; appointment of counsel and for partial transcript at public expense denied.

CR-21-93. McKinzie Kory Martin v. State of Arkansas, from Drew County Circuit Court. Appellant's pro se motion for belated review is granted. Wood, J., would deny.

CR-21-513. Denzel Braud v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Petitioner's pro se motion for belated appeal is granted. Wood and Womack, JJ., would deny.

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

CV-21-387. Joe Morgan v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to strike appellee's brief is denied.

CV-21-390. Maurice Trammel v. Dexter Payne, Director, Arkansas Department of Correction, from Chicot County Circuit Court. Appellant's pro se motion to file a belated reply brief or, in the alternative, for rule on clerk. Motion to file belated reply brief is granted.

**ARKANSAS SUPREME COURT**  
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**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

CR-21-29. Karen Siegel v. State of Arkansas, from Craighead County Circuit Court, Western District.

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CV-21-389. Nelda Coleman and Charles Coleman (Deceased) v. Harmon Gareth Tobler, M.D.; Richard Betzold, M.D.; and BXS Insurance, Inc., from Pulaski County Circuit Court, Sixteenth Division. Petitioner’s pro se motion to supplement petition for review.

CV-21-498. Bentonville School District; Dr. Debbie Jones, Superintendent, in Her Official Capacity; Eric White, School Board President, in His Official Capacity; Matt Burgess, Board Member, in His Official Capacity; Kelly Carlson, Board Member, in His Official Capacity; Brent Leas, Board Member, in His Official Capacity; Willie Cowgur, Board Member, in His Official Capacity; Joe Quinn, Board Member, in His Official Capacity; and Jennifer Faddis, Board Member, in Her Official Capacity v. Matt Sitton; Matthew Bennett; and Elizabeth Bennett, from Benton County Circuit Court. Motion of Jeffrey B. Dubner to appear pro hac vice.

CV-21-498. Bentonville School District; Dr. Debbie Jones, Superintendent, in Her Official Capacity; Eric White, School Board President, in His Official Capacity; Matt Burgess, Board Member, in His Official Capacity; Kelly Carlson, Board Member, in His Official Capacity; Brent Leas, Board Member, in His Official Capacity; Willie Cowgur, Board Member, in His Official Capacity; Joe Quinn, Board Member, in His Official Capacity; and Jennifer Faddis, Board Member, in Her Official Capacity v. Matt Sitton; Matthew Bennett; and Elizabeth Bennett, from Benton County Circuit Court. Motion of the Arkansas Chapter of the American Academy of Pediatrics and American Academy of Pediatrics to file amici curiae brief.

CV-21-517. Leslie Rutledge, Individually and as Attorney General of the State of Arkansas v. Gale Stewart, Glen Hooks, Robert B Leflar, Elaine Dumas, Michael B. Dougan, Harvey Joe Sanner, Jackie Simpson, and Pratt Cates Rimmel, Jr., from Pulaski County Circuit Court, Sixteenth Division. Appellees’ motion to strike.

D-21-630. In Re James Troy Gaston, Arkansas Bar No. 2003011, an Original Action. Petition of James Troy Gaston, Arkansas Bar No. 2003011, for voluntary surrender of license.

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**PROCEEDINGS OF JANUARY 13, 2022**

**MOTIONS SUBMITTED**

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CR-09-255. Scorpio Laron Carroll v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-09-255. Scorpio Laron Carroll v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motion for appointment of counsel.

CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se third petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se amended third petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-18-172. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion to recall the mandate and reopen postconviction proceedings.

CR-18-172. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se amended motion to recall the mandate and reopen postconviction proceedings.

CR-21-55. Lonnie Allen Reed v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motion to file belated petition for review.

CR-21-348. Charles Colbert v. State of Arkansas, from Desha County Circuit Court. Appellee's motion to dismiss appeal.

CR-21-526. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-21-601. Shawn Trevell Rainer v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Petitioner's pro se motion for belated appeal.

CV-21-430. Robert Fischer v. Dexter Payne, Director, Arkansas Department of Correction, from Hot Spring County Circuit Court. Appellant's pro se motion for extension of time to file brief.

**ARKANSAS SUPREME COURT**

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**CASES SUBMITTED**

CR-20-581. Zachery Keesee v. State of Arkansas, from Faulkner County Circuit Court. Orally argued.

CR-21-85. Anthony Beard v. State of Arkansas, from Hot Spring County Circuit Court.

CR-21-347. State of Arkansas v. Darrell Lamont Scott, from Pulaski County Circuit Court, Third Division.

CV-21-375. Anarian C. Jackson v. Dexter Payne, Director, Arkansas Division of Correction, from Lincoln County Circuit Court.

CV-21-581. John Thurston, in His Official Capacity as Secretary of State of the State of Arkansas; Sharon Brooks; Bilenda Harris-Ritter; William Luther; Charles Roberts; James Sharp; and J. Harmon Smith, in Their Official Capacities as Members of the Arkansas State Board of Election Commissioners v. The League of Women Voters of Arkansas; Arkansas United; Dortha Dunlap; Leon Kaplan; Nell Matthews Mock; Jeffery Rust; and Patsy Watkins, from Pulaski County Circuit Court, Fifth Division.

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CR-21-17. Sammie L. Thomas, Jr. v. State of Arkansas, from Faulkner County Circuit Court.

CV-19-124. Malik Muntaqim v. Wendy Kelley, Director, Arkansas Department of Correction; Raymond Naylor, Disciplinary Hearings Administrator; N. Faust, Warden, Ouachita River Correctional Unit; Daniel Golden, Disciplinary Hearing Officer, Arkansas Department of Correction; and Aaron Hisek, Correctional Officer, Ouachita River Correctional Unit, from Pulaski County Circuit Court, Fourth Division.

CV-19-261. Jessie Hill v. Wendy Kelley, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-21-178. Melvin Jefferson v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-21-220. Larry Rayford v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.