

ARKANSAS SUPREME COURT
PROCEEDINGS OF JANUARY 27, 2022

SHAWN A. WOMACK, JUSTICE

[CR-21-17](#). Sammie L. Thomas, Jr. v. State of Arkansas, from Faulkner County Circuit Court. Affirmed.

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PER CURIAM ORDERS

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

CR-21-29. Karen Siegel v. State of Arkansas, from Craighead County Circuit Court, Western District. Special Justice Julie Linck agrees. Kemp, C.J., not participating.

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

CR-19-974. William Edward Gray v. State of Arkansas, from Pope County Circuit Court.

CR-20-735. Jervontae Cox v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CV-20-218. Don Randall Jackson, Deceased v. Smiley Sawmill, LLC; and Technology Insurance Company, from the Arkansas Workers' Compensation Commission.

CV-20-510. Eldon K. Bugg and Danny C. Bugg v. Marc Honey, Wm. Marshall Hubbard, Cyril Gray, and Honey Law Firm, P.A., from Garland County Circuit Court.

CV-21-194. Shawna Jennings v. Arkansas Department of Human Services and Minor Child, from Washington County Circuit Court.

E-21-142. Adrienne J. Meyers v. Director et al., from the Arkansas Board of Review.

E-21-143. Adrienne J. Meyers v. Director et al., from the Arkansas Board of Review.

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 is denied.

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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. Motion of Jeffrey B. Dubner to appear pro hac vice is granted. Special Justice Howard Brill agrees. Wood, J., not participating.

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 is granted. Special Justice Howard Brill agrees. Womack, J., would deny. Wood, J., not participating.

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 is granted.

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 is moot.

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 is denied.

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 is granted. Wood and Womack, JJ., would deny.

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

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

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 is granted.

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 is granted. Wood and Womack, JJ., would deny.

In Re Virtual and Blended Court Proceedings, Revised Rule 43, and Proposed Rule 88 of the Arkansas Rules of Civil Procedure. See [per curiam](#) this date.

In Re Arkansas Supreme Court Committee on Civil Practice – Recommendations to Revise Rule 4-6 of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas and Rule 28 of the Rules of Civil Procedure and Board of Certified Court Reporter Examiners – Recommendation to Revise Section 22 of the Regulations of the Board of Certified Court Reporter Examiners. See [per curiam](#) this date.

In Re Administrative Plans for Circuit Courts. See [per curiam](#) this date.

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CR-21-27. Tacori Mackrell v. State of Arkansas, from Faulkner County Circuit Court. Joint motion regarding compliance with Supreme Court Rule 4-3(a) (2021).

CV-20-568. Mark Myers and Jane Doe v. Amy Fecher, in Her Official Capacity as Secretary of Transformation and Shared Services; and Arkansas Democrat-Gazette, Inc., from Pulaski County Circuit Court, Second Division. Motion of appellee Arkansas Democrat-Gazette, Inc., to amend the mandate.

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. Motion of appellees/cross-appellants for permission to file substituted brief.

CV-22-13. In Re Dwayne Anderson, an Original Action. Petitioner's pro se motion to proceed in forma pauperis.

CV-22-40. Terri L. Alpe v. Federal National Mortgage Association, from the United States District Court, Eastern District of Arkansas. Motion to certify a question of law.

D-22-31. In Re William Stephen Gardner, Arkansas Bar No. 2020100, an Original Action. Petition of William Stephen Gardner, Arkansas Bar No. 2020100, for voluntary surrender of license (resignation).

D-22-56. In Re Harvey M. Allen, Arkansas Bar No. 2008290, an Original Action. Petition of Harvey M. Allen, Arkansas Bar No. 2008290, for voluntary surrender of license (resignation).

D-22-57. In Re Mike Elkins O'Neal, Arkansas Bar No. 74179, an Original Action. Petition of Mike Elkins O'Neal, Arkansas Bar No. 74179, for voluntary surrender of license (resignation).

D-22-59. In Re William T. Terrell, Arkansas Bar No. 93006, an Original Action. Petition of William T. Terrell, Arkansas Bar No. 93006, for voluntary surrender of license (resignation).

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D-22-60. In Re Jeanne Morton, Arkansas Bar No. 2002118, an Original Action. Petition of Jeanne Morton, Arkansas Bar No. 2002118, for voluntary surrender of license (resignation).

D-22-61. In Re Michael Parker, Arkansas Bar No. 82208, an Original Action. Petition of Michael Parker, Arkansas Bar No. 82208, for voluntary surrender of license (resignation).

D-22-62. In Re Gary K. Morrell, Arkansas Bar No. 2006260, an Original Action. Petition of Gary K. Morrell, Arkansas Bar No. 2006260, for voluntary surrender of license (resignation).

D-22-63. In Re Marjory Walters, Arkansas Bar No. 81095, an Original Action. Petition of Marjory Walters, Arkansas Bar No. 81095, for voluntary surrender of license (resignation).

CR-00-922. Carlos McFerrin v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Petitioner's pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-01-1132. Dennis James Smith v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion for copy of briefs, trial records, or transcripts.

CR-02-895. Dennis James Smith v. State of Arkansas, from Desha County Circuit Court. Petitioner's pro se motion for copy of briefs, trial records, or transcripts.

CR-04-632. Doyle Jones v. State of Arkansas, from Washington 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-12-803. Duane W. Spearman v. State of Arkansas, from Chicot County Circuit Court. Petitioner's pro se motion for trial record and jury trial transcript at public expense.

CR-21-607. Mark Robinson v. State of Arkansas, from Saline County Circuit Court. Petitioner's pro se motion for rule on clerk.

CV-21-507. Jason Wheat v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for appointment of counsel.

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CV-21-610. Stanley Norton/Mahmoud v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se motion for belated appeal.

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CASES SUBMITTED

CV-21-185. Nikita Lee Mahoney, Kimberly Ann Snodgrass, Christopher Snodgrass, Detrick Brandon, Tina Marie Phares, and Dazarious Braggs, Individually and on Behalf of All Others Similarly Situated v. Mark Derrick, in His Official Capacity as District Judge for the 23rd Judicial District of the State of Arkansas, from White County Circuit Court. Orally argued.

CR-21-202. Randy William Gay v. State of Arkansas, from Garland County Circuit Court.

CV-21-183. Arkansas State Police; Bill Bryant, in His Official Capacity as Director, and as an Individual; and 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.

CV-21-250. Bayer CropScience LP v. Glen Hooks; Michael Dougan; Pratt Remmell; Reed Storey; Tim Fisher; Victor Gray; Bland Currie; Gladys Whitney; Frances Wilson Shackelford; Adam Fisher; Guy Fisher; Paden Ball; Gale Stewart; Coy’s Honey Farm, Inc.; Arkansas State Plant Board, a Division of the Arkansas Department of Agriculture; Arkansas State Plant Board Members in Their Official Capacities: Walter “Bruce” Alford; Kyle Baltz; Tommy Anderson; Reynold Meyer; Darrell Hess; Marty Eaton; Barry Walls; Terry Fuller; Mark Hopper; Brad Koen; Sam Stuckey; Terry Stephenson; Dr. Ken North; Dr. Nathan Slaton; Matthew Marsh; Jason Parks; Scott Milburn; Dennie Stokes; Mark Morgan; OMP Farms, LLC; Ozark Mountain Poultry, Inc.; Freedom to Farm Foundation, Inc.; Jason McGee; Tim Gannon; Leslie Brown; Hollis Mankin; FarmVoice, Inc.; Timothy Pirani; Adam Henard; and Jared Hopper, from Pulaski County Circuit Court, Sixteenth Division.

CV-21-319. Arkansas Department of Health; José Romero, M.D., in His Official Capacity as Secretary of Health/Arkansas Department of Health; Arkansas Board of Hearing Instrument Dispensers; and Stephanie Pratt, in Her Official Capacity as Executive Director/Arkansas Board of Hearing Instrument Dispensers v. Samuel Solomon, from Pulaski County Circuit Court, Seventeenth Division.

CR-21-22. Cameron Scott Halliburton v. State of Arkansas, from Miller County Circuit Court.

CR-21-246. Drakease Hall v. State of Arkansas, from Pulaski County Circuit Court, Third Division.

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CV-21-173. Wendell Rogers v. Arkansas Department of Correction, from Jefferson County Circuit Court.

CV-21-223. Henry A. Harmon v. Kayla Noel-Emsweller, Records Supervisor, Arkansas Department of Correction; and Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.

CV-21-357. Saba K. Makkali v. State of Arkansas, from Jefferson County Circuit Court.