

ARKANSAS SUPREME COURT

PROCEEDINGS OF FEBRUARY 10, 2022

JOHN DAN KEMP, CHIEF JUSTICE

[CR-21-22](#). Cameron Scott Halliburton v. State of Arkansas, from Miller County Circuit Court. Affirmed.

KAREN R. BAKER, JUSTICE

[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. Petition denied.

[CR-21-202](#). Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Affirmed. Special Justice Tim Snively joins. Wood, J., not participating.

COURTNEY RAE HUDSON, JUSTICE

[CV-21-357](#). Saba K. Makkali v. State of Arkansas, from Jefferson County Circuit Court. Affirmed. Wood, Womack, and Webb, JJ., concur.

RHONDA K. WOOD, JUSTICE

[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. Affirmed.

SHAWN A. WOMACK, JUSTICE

[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. Affirmed. Hudson, J., concurs.

BARBARA W. WEBB, JUSTICE

[CV-21-250](#). Bayer CropScience LP v. Glen Hooks; Michael Dougan; Pratt Rimmell; 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 Korth; 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 Jarred Hopper, from Pulaski County Circuit Court, Sixteenth Division. Reversed and remanded.

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PER CURIAM ORDERS

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) is granted.

CR-22-71. Haley Galbreath v. State of Arkansas, from Lawrence County Circuit Court. Petitioner's emergency petition for writ of certiorari and/or petition for writ of habeas corpus. Expedited consideration granted; petition for writ of certiorari and for writ of habeas corpus denied. (Proceedings of February 3, 2022)

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 is denied. Special Justice Emily White agrees. Wood, J., would grant. Womack, J., not participating.

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 is granted. Special Justice Gregory Vardaman agrees. Kemp, C.J., would deny. Wood, J., not participating.

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 Remmel, Jr., from Pulaski County Circuit Court, Sixteenth Division. Appellees' motion to strike taken with the case. Wynne and Womack, JJ., would deny. Webb, J., not participating.

CV-22-13. In Re Dwayne Anderson, an Original Action. Petitioner's pro se motion to proceed in forma pauperis is denied. Kemp, C.J., and Baker and Hudson, JJ., would grant.

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 is granted. Wood, J., would deny.

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) is granted.

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PER CURIAM ORDERS

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) is granted.

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) is granted.

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) is granted.

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) is granted.

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) is granted.

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) is granted.

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) is granted.

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 is denied.

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 is denied.

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 is denied. Baker and Hudson, JJ., would grant.

CR-21-607. Mark Robinson v. State of Arkansas, from Saline County Circuit Court. Petitioner’s pro se motion for rule on clerk treated as a motion for belated appeal and granted.

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 is denied.

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

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MOTIONS SUBMITTED

CR-21-78. Demarcus Donnell Parker v. State of Arkansas, from Crittenden County Circuit Court. Appellant’s motion for extension of time to file electronic supplemental record.

CR-21-364. Marvin Stanton v. State of Arkansas, from Miller County Circuit Court. Appellant’s motion to supplement the record.

CR-22-69. Cordale Stacy v. State of Arkansas, from St. Francis County Circuit Court. Appellant’s petition for writ of certiorari to complete the record.

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 notice of increase of security.

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 the State of Arkansas regarding mootness of interlocutory appeal due to entry of final judgment and subsequent appeal.

CR-00-587. Leonard Noble v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Petitioner’s pro se fourth petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-00-587. Leonard Noble v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Petitioner’s pro se motion for leave to file surreponse.

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MOTIONS SUBMITTED

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 for relief.

CR-21-415. Cleveland Evans v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se motion of objection and for Arkansas Supreme Court to adjudicate the merits of extraordinary writ of mandamus and/or to issue for relief.

CR-22-39. Matthew Ryan Elliott v. State of Arkansas, from Columbia County Circuit Court. Appellant's pro se motion for appointment of counsel.

CV-21-157. Howard Togo Wood v. Arkansas Parole Board; John Felts, Chairman; and Andy Shock, Commissioner, from Pulaski County Circuit Court, Sixth Division. Appellant's pro se motion to introduce new evidence.

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CASES SUBMITTED

CR-19-901. Nicholas Matthew Lewondowski v. State of Arkansas, from Garland County Circuit Court.

CR-20-740. Sharvelt Mister v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District.

CR-21-305. State of Arkansas v. Gregory Mason, from Pulaski County Circuit Court, Third Division.

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.

CV-21-141. Jerney Parnell v. Arkansas Department of Finance and Administration, Office of Child Support Enforcement, from Mississippi County Circuit Court, Chickasawba District.

CR-21-310. Duane Jefferson Gonder v. State of Arkansas, from Drew County Circuit Court.

CR-21-356. Duane Spearman v. State of Arkansas, from Chicot County Circuit Court.

CV-21-157. Howard Togo Wood v. Arkansas Parole Board; John Felts, Chairman; and Andy Shock, Commissioner, from Pulaski County Circuit Court, Sixth Division.

CV-21-221. Wallace A. Gardner v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-21-294. Michael Osburn v. Michelle Grey, Warden, Arkansas Department of Correction, from Jefferson County Circuit Court.