

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 31, 2022

JOHN DAN KEMP, CHIEF JUSTICE

[CV-20-699](#). Terry Wynne v. Liberty Trailer and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission. Reversed and remanded; court of appeals' opinion vacated. Special Justice Megan Hargraves joins. Wood, J., dissents. Webb, J., not participating.

COURTNEY RAE HUDSON, JUSTICE

[CR-21-310](#). Duane Jefferson Gonder v. State of Arkansas, from Drew County Circuit Court. Affirmed.

RHONDA K. WOOD, JUSTICE

[CR-20-581](#). Zachery Keese v. State of Arkansas, from Faulkner County Circuit Court. Affirmed. Womack, J., concurs. Baker, Hudson, and Wynne, JJ., dissent.

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PER CURIAM ORDERS

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

CR-00-922. Carlos McFerrin v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CR-21-202. Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Special Justice Tim Snively agrees. Wood, J., not participating.

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

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

CV-21-223. Henry A. Harmon v. Kayla Noel-Emsweller, Records Supervisor, Arkansas Department of Correction; 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.

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

CR-21-55. Lonnie Allen Reed v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-21-274. Miketerrio Cooper v. State of Arkansas, from Benton County Circuit Court. Webb, J., not participating.

CR-21-555. Neal Hall v. State of Arkansas, from Garland County Circuit Court.

CV-20-439. Curis Pharmacy (Sentrix Pharmacy and Discount, LLC), OS02705; and Kenneth Zielinski, PD 10077 v. Arkansas Board of Pharmacy, from Pulaski County Circuit Court, Ninth Division. Wynne and Webb, JJ., would grant.

CV-20-475. Samantha Ann Skelton (now Frye) v. Colton Scott Davis, Scott and Sheri Davis, and Joshua Cole Frye, from Washington County Circuit Court. Petition of separate appellees Scott and Sheri Davis for review. Webb, J., not participating.

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REVIEWS DENIED: (continued)

CV-20-475. Samantha Ann Skelton (now Frye) v. Colton Scott Davis, Scott and Sheri Davis, and Joshua Cole Frye, from Washington County Circuit Court. Petition of separate appellee Colton Scott Davis for review. Webb, J., not participating.

CV-20-595. Aaron C. Sluyter and Cheryl Sluyter v. Wood Guys, LLC, from Benton County Circuit Court. Webb, J., would grant.

CV-20-661. J. David John v. Megan Marie Bolinder, from Benton County Circuit Court.

CV-20-665. Nick Allen v. David Sargent, from Benton County Circuit Court. Webb, J., would grant.

CV-20-697. Layman J. Hughes v. Jonathan Elliott and Roxann Elliott, from Polk County Circuit Court.

CV-20-707. Yafai Investments, Inc.; and Mahdi HS Saleh v. Arkmo Foods, LLC, from Arkansas County Circuit Court, Northern District.

CV-21-45. Alexa Shipley v. Charles F. Gardner, Administrator of the Estate of Nicholas H. McGuire, from Washington County Circuit Court.

E-21-173. Kevin Pollins v. Director et al., from the Arkansas Board of Review.

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 is granted. Corrected transcript due in ten days (April 10, 2022). Final extension.

CR-21-195. Robert Smith III v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for appellant to be present for oral argument is denied.

CR-22-153. Ronnie Woolfolk v. State of Arkansas, from Pulaski County Circuit Court, Third Division. Petitioner's petition for writ of certiorari or, alternatively, for writ of habeas corpus. Expedited consideration granted; petition for writ of certiorari or, alternatively, for writ of habeas corpus denied. Hudson, J., would deny the motion for expedited consideration. (Proceedings of March 17, 2022)

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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. Motion of separate appellees Barry Hyde, in His Official Capacity as County Judge for Pulaski County; and Eric Higgins, in His Official Capacity as Pulaski County Sheriff, to supplement the record is granted. Special Justice Howard Brill agrees. Baker and Hudson, JJ., would moot. Wood, J., not participating.

CV-22-124. The Travelers Indemnity Company and Stephen E. Goldman v. Board of Trustees of the University of Arkansas, from Pulaski County Circuit Court, Sixth Division. Appellees' motion to expedite appeal. Expedited consideration granted; motion to expedite appeal granted. Kemp, C.J., and Womack, J., would deny motion to expedite appeal. (Proceedings of March 17, 2022)

D-22-122. In Re Jon S. Greig II, Arkansas Bar No. 2020073, an Original Action. Petition of Jon S. Greig II, Arkansas Bar No. 2020073, for voluntary surrender of license (resignation) is granted.

D-22-123. In Re Jennifer Twyman King, Arkansas Bar No. 2020281, an Original Action. Petition of Jennifer Twyman King, Arkansas Bar No. 2020281, for voluntary surrender of license (resignation) is granted.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-00-587. Leonard Noble v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District.

CR-17-85. Ronald Anthony Antonello v. State of Arkansas, from Miller County Circuit Court.

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

CV-20-728. KBX, 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; and Bigfoot AG, Inc., from Lonoke County Circuit Court.

CR-21-202. Randy William Gay v. State of Arkansas, from Garland County Circuit Court. Appellant's motion to stay mandate.

CR-21-364. Marvin Stanton v. State of Arkansas, from Miller County Circuit Court. Appellant's motion for clarification of ruling.

CR-22-151. Terry Break v. State of Arkansas, from Boone County Circuit Court. Appellant's motion to seal portions of the record.

CR-22-151. Terry Break v. State of Arkansas, from Boone County Circuit Court. Motion of Cody W. Dowden to be relieved as counsel, stay briefing schedule, and appoint counsel.

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MOTIONS SUBMITTED

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 Amanda Simmons to withdraw as counsel for separate appellee Terri Hollingsworth, in Her Official Capacity as Pulaski County Clerk.

CV-21-592. Eddie S. Watkins v. Raymond L. Adams, Sr., from Hot Spring County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CV-22-164. Zachery Scott Keese v. Lisa C. Ballard, in Her Official Capacity as Executive Director of the Arkansas Supreme Court Committee on Professional Conduct, an Original Action. Petitioner's pro se petition to proceed in forma pauperis.

D-22-156. In Re Celia S. Liner, Arkansas Bar No. 90183, an Original Action. Petition of Celia S. Liner, Arkansas Bar No. 90183, for voluntary surrender of license (resignation).

E-21-272. Alisa Nelson v. Director et al., from the Arkansas Board of Review. Petitioner's pro se petition to waive filing fee.

CR-93-1071. Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court. Petitioner's pro se fourth petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-93-1071. Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court. Petitioner's pro se motion for appointment of counsel.

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

CR-22-158. Edmond McClinton v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se motion for rule on clerk.

CV-21-610. Stanley Norton/Mahmoud v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for extension of brief time.

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MOTIONS SUBMITTED

CV-22-5. Randy Myers v. Dexter Payne, Director, Arkansas Division of Correction, from Lincoln County Circuit Court. Appellant's pro se motion to file belated brief.

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CASES SUBMITTED

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.

CV-21-448. Funding Metrics, LLC, a Delaware Limited Liability Company, d/b/a Quick Fix Capital and Lendini; John Does 1–10; and John Does 11–20 v. Letha’s Pies, LLC, an Arkansas Limited Liability Company; Rhonda Glenn, an Individual; and Timothy Glenn, an Individual; on Behalf of Themselves and All Others Similarly Situated, from Washington County Circuit Court.

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.

CV-21-262. Michael L. Boyd v. Dexter Payne, Director, Arkansas Department of Correction, from Lee County Circuit Court.

CV-21-271. Abraham Grant v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-21-272. Corey Johnson v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-21-387. Joe E. Morgan v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-21-390. Maurice Trammel v. Dexter Payne, Director, Arkansas Department of Correction, from Chicot County Circuit Court.

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CASES SUBMITTED

CV-21-485. Michael Henderson v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court.