

ARKANSAS SUPREME COURT

PROCEEDINGS OF MAY 26, 2022

RHONDA K. WOOD, JUSTICE

[CV-21-467](#). Calvin Perry and Marcus Atkins v. Dexter Payne, Director, Arkansas Division of Correction, from Jefferson County Circuit Court. Reversed and Remanded with Directions. Baker and Wynne, JJ., concur. Womack, J., dissents.

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PER CURIAM ORDERS

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

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

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

CR-21-442. Tonya D. Price v. State of Arkansas, from Lonoke County Circuit Court. Webb, J., would grant.

CV-19-969. Pop-A-Duck, Inc.; Berry Abney; Buck Matthews; Larry Vassar; Billy Kyle; and Robert Hardin v. John E. Gardner; Robbie Gardner; Manning Family, LLC; Cecil Gardner Family, LLC; Terrell Wayne Evans; and WE Farms, LLC, from Jackson County Circuit Court.

CV-20-53. Emery Branch, Individually and as the Duly Appointed Personal Representative of Her Unborn Child, A.B. v. St. Bernards Healthcare; St. Bernards Hospital, Inc., a/k/a St. Bernards Regional Medical Center a/k/a St. Bernards Medical Center; St. Bernards Ob-Gyn Associates; Martin Kosckiuk, M.D.; Serena Vance, M.D.; Brittany Smith, M.D.; Samantha Fry, RN; Christy Simpkins, RN; Callie Wagner, RN (Talley); James Gillean, RN; Madison Thomason, RN; ProAssurance Indemnity Company, Inc.; John Doe 1; John Doe 2; and John Doe 3, from Craighead County Circuit Court, Western District. Kemp, C.J., and Wood, J., not participating.

CV-20-542. Malik Muntaqim v. Wendy Kelley, Director, Arkansas Department of Correction; Dexter Payne, Deputy Director, Arkansas Department of Correction; James Gibson, Warden, Varner Supermax; James Shipman, Deputy Warden, Varner Supermax; Floria Washington, Classification Officer, Varner Supermax; Steve Outlaw, Deputy Warden, Ouachita River Correctional Unit; Jerilyn Hosman, Classification Officer, Ouachita River Correctional Unit; and Nurzuhal Faust, Warden, Ouachita River Correctional Unit, from Hot Spring County Circuit Court.

CV-20-702. Bobbi Bennett Patterson v. Keith Bennett and Deborah Bennett, from Pulaski County Circuit Court, Ninth Division.

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REVIEWS DENIED: (continued)

CV-20-750. Christopher Miles and All Other Similarly Situated Persons v. Craighead County, Arkansas; and Jack McCann, Craighead County Sheriff, from Craighead County Circuit Court, Western District. Baker and Wood, JJ., would grant.

CV-21-24. (In the Matter of the Guardianship of K.M., a Minor) Wanetta Akers-Trask and Roger Trask v. Ashley Malone-Durham and Ariel Malone-Durham, from Randolph County Circuit Court.

CV-21-42. St. Joseph's Utility Operating Company, LLC v. Alexander Municipal Property Owners' Multipurpose Improvement District No. 43; Alexander Municipal Property Owners' Multipurpose Improvement District No. 86; and St. Joseph's Glen Property Owners Association, from Saline County Circuit Court. Appellees' petition for review.

CV-21-42. St. Joseph's Utility Operating Company, LLC v. Alexander Municipal Property Owners' Multipurpose Improvement District No. 43; Alexander Municipal Property Owners' Multipurpose Improvement District No. 86; and St. Joseph's Glen Property Owners Association, from Saline County Circuit Court. Appellant's petition for review.

CV-21-56. Arkansas Department of Human Services, Division of Medical Services v. Northwest Health System, from Pulaski County Circuit Court, Second Division.

CV-21-87. Cody Tackett and Toni Tackett Womble v. Amy Freedman, Special Administratrix of the Estate of John Z. Tackett, Jr., Deceased; Miller-Claborn Oil Distributing Company, Inc.; and Melissa Tackett, from Sevier County Circuit Court.

CV-21-104. Darrell Slaughter v. City of Fayetteville and Arkansas Municipal League, from the Arkansas Workers' Compensation Commission.

CV-21-124. Gerald T. (Jerry) Silzell v. Sammy Ann Silzell, from Baxter County Circuit Court.

CV-21-131. Janae Robinson v. Aaron Robinson, from Benton County Circuit Court.

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REVIEW DENIED: (continued)

CV-21-190. Steven Carrick v. Baptist Health, Claims Administrative Services; and Death and Permanent Total Disability Trust Fund, from the Arkansas Workers' Compensation Commission.

CV-21-424. (In the Matter of the Guardianship of Jacquelin Ann Dicus, an Incapacitated Person) Jacquelin Ann Dicus v. Tony Dicus, from Pulaski County Circuit Court, Fourteenth Division. Baker, J., would grant.

E-21-81. Amanda Sharum v. Director, Arkansas Department of Commerce, Division of Workforce Services, from the Arkansas Board of Review. Baker, Hudson, and Womack, JJ., would grant.

CR-21-78. Demarcus Donnell Parker v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion to file substituted appellant's brief is granted.

CR-21-572. Ricky Lynn Lenard v. State of Arkansas, from Jefferson County Circuit Court. Certification to the Supreme Court is granted.

CR-22-192. Rakeem Harris v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Entry of appearance of Maryann Furrer on behalf of appellant is noted.

CR-22-192. Rakeem Harris v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's motion to substitute counsel is granted.

CR-22-219. State of Arkansas v. Tyler Pate, from Faulkner County Circuit Court. Entry of appearance of Robby Golden as counsel for appellee is noted.

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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. Appellants' joint motion for taxation of costs on appeal and incorporated memorandum of authorities is moot.

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. Appellants' joint motion to withdraw and incorporated memorandum of authorities is granted.

CV-22-188. (In the Matter of the Estate of Eunice Faye Smith, Deceased) Lloyd Smith and Derrell Smith v. Martin Smith, from Little River County Circuit Court. Appellants' motion to consolidate records is moot. Wynne and Webb, JJ., would grant.

CV-22-248. Preston P. Millbrooks v. State of Arkansas, Office of Child Support Enforcement, from St. Francis County Circuit Court. Petitioner's pro se petition for leave to proceed in forma pauperis is denied.

CR-22-193. Kwasi McKinney v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied.

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CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion to compel circuit clerk and court reporter to produce record treated as a motion for this court to provide access to the record and transcript and granted.

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for injunction or mandamus directed to circuit clerk and court reporter to produce record is moot.

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for injunction or mandamus directed to State, county, municipal officials, or circuit court to produce record is moot.

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for injunction or mandamus directed to State, county, municipal officials, or circuit court is moot.

CV-21-280. Dewayne Boykins v. State of Arkansas, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal is granted.

CV-22-183. Charles Edward Jones, Sr. v. State of Arkansas and Dexter Payne, Director, Arkansas Division of Correction, from Chicot County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied.

CV-22-243. Terrick Nooner v. Terry Hollingsworth, Circuit Clerk; Chauncey Durham, Deputy Clerk; Leslie Rutledge, Attorney General; Hon. Chris Piazza, Circuit Judge; Hon. Alice Gray, Circuit Judge; John Felts, Arkansas Board of Corrections; Lisa Mills; and Melody Barnett, from Pulaski County Circuit Court, Sixteenth Division. Petitioner's pro se motion for rule on clerk is denied.

CV-22-243. Terrick Nooner v. Terry Hollingsworth, Circuit Clerk; Chauncey Durham, Deputy Clerk; Leslie Rutledge, Attorney General; Hon. Chris Piazza, Circuit Judge; Hon. Alice Gray, Circuit Judge; John Felts, Arkansas Board of Corrections; Lisa Mills; and Melody Barnett, from Pulaski County Circuit Court, Sixteenth Division. Petitioner's pro se amended motion for rule on clerk is denied.

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In Re Amendment to Section 3 of the Arkansas Supreme Court Procedures Regulating Professional Conduct of Attorneys at Law. See [per curiam](#) this date.

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MOTIONS SUBMITTED

CR-99-593. Corey Roshan Harris v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to set aside opinion.

CR-00-785. Demarco Raynor v. State of Arkansas, from Lonoke County Circuit Court. Appellant's motion to reinvest jurisdiction with the circuit court to consider a petition for writ of error coram nobis.

CV-22-79. Lauren Taylor v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Motion of Demarcus D. Tave and Ellen K. Howard to substitute counsel.

CV-22-138. Ricky Hendrix, Individually and on Behalf of All Arkansans Similarly Situated v. Municipal Health Benefit Fund, from Pope County Circuit Court. Appellant's motion to consolidate record with record from previous appeal.

CV-22-138. Ricky Hendrix, Individually and on Behalf of All Arkansans Similarly Situated v. Municipal Health Benefit Fund, from Pope County Circuit Court. Appellant's amended motion to consolidate record with record from previous appeal.

CV-22-138. Ricky Hendrix, Individually and on Behalf of All Arkansans Similarly Situated v. Municipal Health Benefit Fund, from Pope County Circuit Court. Appellant's motion to supplement the record.

CV-22-190. 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. Motion of Elisabeth C. Frost to appear and practice pro hac vice.

CV-22-190. 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. Motion of Alexi M. Velez to appear and practice pro hac vice.

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CV-22-190. 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. Motion of Kevin J. Hamilton to appear and practice pro hac vice.

CV-22-204. Chris P. Corbitt, Esq. v. Pulaski County Jail; Eric Higgins, in His Official Capacity as Pulaski County Sheriff; and Barry Hyde, in His Official Capacity as Pulaski County Judge, from Pulaski County Circuit Court, Fourth Division. Appellees' motion to supplement the record and for extension of time.

CR-02-1150. Robert Allen Hoover v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion pursuant to Rule 19 of the Arkansas Rules of Appellate Procedure.

CR-10-980. Husia Harkuf/Robert Joseph Moten v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-10-980. Husia Harkuf/Robert Joseph Moten v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Petitioner's pro se motion for appointment of counsel.

CR-10-980. Husia Harkuf/Robert Joseph Moten v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Petitioner's pro se motion to file a response to the State's response to coram nobis petition.

CR-12-986. Patrick Eugene Dobbins v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis, for writ of habeas corpus, and to correct an illegal sentence.

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MOTIONS SUBMITTED

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for obtaining record and exhibits after the Arkansas Supreme Court decides the case.

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se objection to violation against Parnell R. May's right to appeal.

CV-21-373. Willie Hutcherson v. Dexter Payne, Director, Arkansas Department of Correction, from Lee County Circuit Court. Appellant's pro se motion to expedite.

CV-21-436. Burley Hunter v. Dexter Payne, Director, Arkansas Division of Correction, from Hot Spring County Circuit Court. Appellee's motion to dismiss appeal.

CV-22-194. Bobby Gibbs v. Dexter Payne, Director, Arkansas Division of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for an extension of time to file appellant's brief.

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CASES SUBMITTED

CR-20-741. Charles Neil Randle v. State of Arkansas, from Phillips County Circuit Court.

CR-21-336. Terrance Manuel v. State of Arkansas, from Phillips County Circuit Court.

CR-22-30. Randall Thomas McArty v. State of Arkansas, from Clark County Circuit Court.

CV-21-270. Charles E. Goodwin v. Dexter Payne, Director, Arkansas Department of Correction, from Lee County Circuit Court.

CV-21-373. Willie Hutcherson v. Dexter Payne, Director, Arkansas Department of Correction, from Lee County Circuit Court.

CV-21-489. Ray O'Neal v. Dexter Payne, Director, Arkansas Department of Correction, from Hot Spring County Circuit Court.