

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 10, 2022**

**JOHN DAN KEMP, CHIEF JUSTICE**

[CR-22-172](#). Thomas Hartley v. State of Arkansas, from Benton County Circuit Court. Affirmed in part; reversed and remanded in part. Womack, J., concurs.

**SHAWN A. WOMACK, JUSTICE**

[CV-22-32](#). Altice USA, Inc., d/b/a Suddenlink Communications v. City of Gurdon, Arkansas ex rel. Honorable Sherry Kelley, Mayor, Individually and on Behalf of a Class of Similarly Situated Cities, from Clark County Circuit Court. Affirmed in part and dismissed in part. Kemp, C.J., and Wood, J., concur.

**BARBARA W. WEBB, JUSTICE**

[CR-22-114](#). Shawn Cone v. State of Arkansas, from Craighead County Circuit Court, Western District. Affirmed. Special Justice Greg Magness joins. Baker, J., concurs. Womack, J., not participating.

**ARKANSAS SUPREME COURT**

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**PER CURIAM ORDERS**

CR-14-833. Robert Holland v. State of Arkansas, from Lincoln County Circuit Court. Appellant's motion to recall the mandate is denied. Hudson and Wynne, JJ., would take as a case.

CR-14-833. Robert Holland v. State of Arkansas, from Lincoln County Circuit Court. Appellant's motion to take motion to recall the mandate as a case is denied. Hudson and Wynne, JJ., would grant.

CR-21-615. Jeremy Lewis v. State of Arkansas, from Clark County Circuit Court. Certification from court of appeals is granted.

CR-22-120. Eric Gillette v. City of Fort Smith, from Sebastian County Circuit Court, Fort Smith District. Certification from court of appeals is granted.

CR-22-418. John Faulkner v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to extend deadline to file supplemental record is granted.

CR-22-459. Mitchell Wine v. State of Arkansas, from Saline County Circuit Court. Petitioner's motion for reconsideration and motion for declaratory judgment and injunctive relief is denied.

CR-22-461. LaVoyce Lee Wilder v. State of Arkansas, from Pike County Circuit Court. Motion of Michael Kaiser for entry of appearance on behalf of appellant, substitution of appellant's brief, and extension of time to file written reasons for reversal is granted.

CR-22-484. Shanny L. Grady v. State of Arkansas, from Greene County Circuit Court. Appellant's pro se motion to stay proceedings and extension of time is moot. Wood, J., would deny.

CR-22-484. Shanny L. Grady v. State of Arkansas, from Greene County Circuit Court. Appellant's pro se motion to stay appeal and for appointment of new counsel is granted. Wood, J., would deny. Wynne and Webb, JJ., would moot.

CR-22-484. Shanny L. Grady v. State of Arkansas, from Greene County Circuit Court. Motion of Terry Goodwin Jones to withdraw as counsel and substitution of counsel is granted.

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**PER CURIAM ORDERS**

CR-22-498. David White v. State of Arkansas, from Yell County Circuit Court, Northern District. 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-22-609. Haley Galbreath v. State of Arkansas, from Lawrence County Circuit Court. Petitioner's motion to reconsider is denied.

CR-22-609. 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 is denied.

CV-21-120. Jeffrey Brown v. State of Arkansas, from Lincoln County Circuit Court. Appellant's pro se motion to proceed without attorney is denied. Womack and Webb, JJ., would grant.

CV-22-40. Terri L. Alpe v. Federal National Mortgage Association, an Original Action. Appellee's motion for expansion of word-count limitation is denied. Kemp, C.J., would grant.

CV-22-52. Mark DeBiasse and Michelle DeBiasse v. Arkansas Department of Human Services and Minor Children, from Garland County Circuit Court. Appellee's motion to substitute counsel is granted.

CV-22-306. Builders Transportation Co., LLC v. Jeremy Smith, from Crittenden County Circuit Court. Appellant's motion to transfer or certify to the Supreme Court is denied. Wood, J., would grant.

CV-22-347. Osage Creek Cultivation, LLC; Delta Medical Cannabis Company, LLC; Bold Team, LLC; Natural State Medicinals Cultivation, LLC; and Good Day Farm Arkansas, LLC v. Arkansas Department of Finance and Administration; Arkansas Alcoholic Beverage Control Division; Arkansas Medical Marijuana Commission; Carpenter Farms Medical Group, LLC; River Valley Relief Cultivation, LLC; River Valley Production, LLC, d/b/a River Valley Relief Cultivation; River Valley Production, LLC; and New Day Cultivation, LLC, from Pulaski County Circuit Court, Sixteenth Division. Sworn motion of Matt Simmons for admission pro hac vice is granted.

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**PER CURIAM ORDERS**

CV-22-430. Arkansas Parole Board; John Felts, Brett Morgan, Andy Shock, Boyce Hamlet, Wendy Ryals, Jerry Riley, and Lona McCastlain, in Their Official Capacities as Members of the Arkansas Parole Board; Arkansas Department of Corrections, Division of Correction; and Dexter Payne, in His Official Capacity as Director of the Division of Correction v. Willis W. Johnson, from Pulaski County Circuit Court, Twelfth Division. Appellee’s motion to dismiss appeal as moot is moot.

CV-22-430. Arkansas Parole Board; John Felts, Brett Morgan, Andy Shock, Boyce Hamlet, Wendy Ryals, Jerry Riley, and Lona McCastlain, in Their Official Capacities as Members of the Arkansas Parole Board; Arkansas Department of Corrections, Division of Correction; and Dexter Payne, in His Official Capacity as Director of the Division of Correction v. Willis W. Johnson, from Pulaski County Circuit Court, Twelfth Division. Appellee’s amended motion to dismiss appeal as moot is denied.

CV-22-623. Lauren Taylor v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Petitioner’s pro se petition for writ of certiorari is denied.

CV-22-635. Monsanto Company v. Cornelius Kilgore, Labommie Kilgore, Walmart, Inc., and Wal-Mart Stores Arkansas, LLC, from Drew County Circuit Court. Motion of Gregory Chernack to admit pro hac vice is denied.

CV-22-635. Monsanto Company v. Cornelius Kilgore, Labommie Kilgore, Walmart, Inc., and Wal-Mart Stores Arkansas, LLC, from Drew County Circuit Court. Motion of Rakesh Kilaru to admit pro hac vice is granted.

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CR-22-399. Myron N. Anderson, Jr. v. State of Arkansas, from Ashley County Circuit Court. Petitioner’s pro se petition for writ of mandamus is moot.

CR-22-399. Myron N. Anderson, Jr. v. State of Arkansas, from Ashley County Circuit Court. Petitioner’s pro se motion for declaration for entry of default judgment is denied.

CR-22-547. Serandon Starling v. State of Arkansas, from Miller County Circuit Court. Petitioner’s pro se motion for extension of time to file brief is moot.

CR-22-574. Jonathan Granger v. State of Arkansas, from Crittenden County Circuit Court. Petitioner’s pro se motion for belated appeal or rule on clerk treated as a motion for rule on clerk and granted.

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**PER CURIAM ORDERS**

CR-22-575. Devontae T. Nelson v. State of Arkansas, from White County Circuit Court. Petitioner's pro se motion for belated appeal is granted.

CR-22-604. Nicholas Addison v. State of Arkansas, from Poinsett County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied.

CR-22-615. Marlon Smith v. State of Arkansas, from Washington County Circuit Court. Petitioner's pro se motion for rule on clerk is granted; attorney David Hogue appointed appellate counsel and directed to file a petition for writ of certiorari to complete the record within fourteen days of this per curiam order (November 24, 2022); a copy of this order shall be forwarded to the Committee on Professional Conduct.

CV-22-542. Nicholaus Patterson v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Petitioner's pro se motion for appointment of counsel is denied.

CV-22-546. Samuel Love v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for appointment of counsel and use of the record on appeal is denied in part and granted in part; request for appointment of counsel denied; the clerk is directed to forward a copy of the record to the appellant to be returned by appellant when the brief-in-chief is tendered to be filed; appellant's brief due in thirty days from the date of this per curiam order (December 10, 2022).

In Re Arkansas Supreme Court Committee on Civil Practice – Adoption of Revised Rule 6-9 of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas. See [per curiam](#) this date.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 10, 2022**

**MOTIONS SUBMITTED**

**PETITION FOR REHEARING:**

CV-22-34. Ricky Lee Scott v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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CR-87-54. Harless Dale Maulding a/k/a Elijah Israel v. State of Arkansas, from Poinsett County Circuit Court. Entry of appearance of Michael Kiel Kaiser on behalf of appellant.

CR-87-54. Harless Dale Maulding a/k/a Elijah Israel v. State of Arkansas, from Poinsett County Circuit Court. Appellant's motion for release of physical exhibit for postconviction DNA testing.

CR-93-189. Reginald Early v. State of Arkansas, from Dallas County Circuit Court. Petitioner's amended petition to reinvest the circuit court with jurisdiction to consider a petition for writ of error coram nobis.

CR-07-319. Eric Flowers v. State of Arkansas, from Miller County Circuit Court. Motion for entry of appearance of Garnet E. Norwood on behalf of appellant.

CR-07-319. Eric Flowers v. State of Arkansas, from Miller County Circuit Court. Motion for entry of appearance of Jacob S. Potter on behalf of appellant.

CR-07-319. Eric Flowers v. State of Arkansas, from Miller County Circuit Court. Motion for entry of appearance of Joshua L. Potter on behalf of appellant.

CR-22-503. Nathaniel Allen Freeman v. State of Arkansas, from Stone County Circuit Court. Appellant's statement of the fact of death of appellant pursuant to Ark. R. App. P. –Crim. 1(c) & Ark. R. Civ. P. 25(a).

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Appellant's motion for rule on clerk.

CR-22-677. Zorel Tilson v. State of Arkansas, from Garland County Circuit Court. Petitioner's petition for writ of certiorari and petition for writ of prohibition.

CR-22-696. Fredrick Jones v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's motion for rule on clerk.

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**PROCEEDINGS OF NOVEMBER 10, 2022**

**MOTIONS SUBMITTED**

CV-21-417. Rebecca Nichols v. James Swindoll and Chuck Gibson, from Pulaski County Circuit Court, Fifth Division. Appellant's motion to strike response to petition for review.

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. Appellant's petition for writ of certiorari to complete the record.

CV-22-254. State of Arkansas v. Veronica McClane, as Parent and Next Friend of Her Minor Children; Ashley Simmons, as Parent and Next Friend of Her Minor Children; Asa Hutchinson, in His Official Capacity as Governor of Arkansas; Barry Hyde, in His Official Capacity as 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 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, for leave to file amici curiae brief.

CV-22-463. Michael Akins d/b/a ABC Construction v. Andre Coleman d/b/a ARC Foundation, from Crittenden County Circuit Court. Appellant's pro se motion for leave of court and/or, in the alternative, motion for belated filing.

CV-22-635. Monsanto Company v. Cornelius Kilgore, Labommie Kilgore, Walmart, Inc., and Wal-Mart Stores Arkansas, LLC, from Drew County Circuit Court. Motion of Jacob Simon to admit pro hac vice.

CV-22-635. Monsanto Company v. Cornelius Kilgore, Labommie Kilgore, Walmart, Inc., and Wal-Mart Stores Arkansas, LLC, from Drew County Circuit Court. Motion of Kenneth Lee Marshall to admit pro hac vice.

CV-22-635. Monsanto Company v. Cornelius Kilgore, Labommie Kilgore, Walmart, Inc., and Wal-Mart Stores Arkansas, LLC, from Drew County Circuit Court. Motion of Stefani L. Wittenauer to admit pro hac vice.

**ARKANSAS SUPREME COURT**

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**MOTIONS SUBMITTED**

CV-22-661. Nancy Heard v. State of Arkansas ex rel. Todd H. Murray, First Judicial District Prosecuting Attorney; Phillips County, Arkansas; and Clark Hall, County Judge of Phillips County, Arkansas, from Phillips County Circuit Court. Petitioner’s petition for writ of prohibition and writ of certiorari.

D-22-692. In Re André Brandon Caldwell, Arkansas Bar No. 2021084, an Original Action. Petition of André Brandon Caldwell, Arkansas Bar No. 2021084, for voluntary surrender of license (resignation).

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CR-07-238. Kenny Travis, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Petitioner’s pro se motion for written opinion to be issued on third petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis and for writ of quo warranto.

CR-07-238. Kenny Travis, Jr. v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Petitioner’s pro se motion for rule on clerk for extension of time to file a belated petition for rehearing or reconsideration.

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

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant’s pro se motion to file reply brief within fifteen days of receipt of State’s response.

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant’s pro se motion for access to the record by obtaining a copy of appellant’s brief and reply brief with file stamp.

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant’s pro se motion requesting oral argument.



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**MOTIONS SUBMITTED**

CR-22-626. Jackie Breeden, Jr. v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-22-626. Jackie Breeden, Jr. v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se amended petition for writ of mandamus.

CV-22-599. Rolandis Chatmon v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for use of the record of appeal.

CV-22-599. Rolandis Chatmon v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for extension of time to file brief.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 10, 2022**

**CASES SUBMITTED**

CR-22-279. Markus Lee Gentry v. State of Arkansas, from Craighead County Circuit Court, Western District.

CV-21-533. Kevin Hackie v. Colonel William J. Bryant, in His Official Capacity as Director of the Department of the Arkansas State Police, from Pulaski County Circuit Court, Sixth Division.

CV-22-250. Risie Howard, as Special Administratrix of the Estate of Mrs. George Howard Jr. (Vivian), Deceased v. Baptist Health a/k/a Baptist Health Home Health Network; Diamond Risk Insurance Company, LLC; John Harris, M.D.; Leah Willett, B.S.N., R.N., Individually; Alicia Brucks, S.L.P., Individually; and Brandy M. Cantwell, P.T., Individually, from Pulaski County Circuit Court, Eleventh Division.

CV-22-314. Christopher Curran v. Client Security Fund, an Original Action.

CV-22-430. Arkansas Parole Board; John Felts, Brett Morgan, Andy Shock, Boyce Hamlet, Wendy Ryals, Jerry Riley, and Lona McCastlain, in Their Official Capacities as Members of the Arkansas Parole Board; Arkansas Department of Corrections, Division of Correction; and Dexter Payne, in His Official Capacity as Director of the Division of Correction v. Willis W. Johnson, from Pulaski County Circuit Court, Twelfth Division.