

ARKANSAS SUPREME COURT
PROCEEDINGS OF FEBRUARY 2, 2023

PER CURIAM ORDERS

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

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CV-21-557. Keith Gibson, Marie Holder, Alec Farmer, Philip Taldo, and Robert S. Moore, Jr., as Members of the Arkansas State Highway Commission; Lorie Tudor, Director of the Arkansas Department of Transportation; Arkansas Department of Transportation; Asa Hutchinson, Governor of the State of Arkansas; Larry W. Walther, Director of Arkansas Department of Finance and Administration; Andrea Lea, Auditor of the State of Arkansas; and Dennis Milligan, Treasurer of the State of Arkansas v. Shelly Buonauto; Mary Weeks; Verlon Abrams; and Sarah B. Thompson, from Pulaski County Circuit Court, Sixteenth Division. Baker, Hudson, and Wynne, JJ., would grant.

CR-14-833. Robert Holland v. State of Arkansas, from Lincoln County Circuit Court. Petitioner's application to reinvest jurisdiction in the circuit court to consider a petition for writ of error coram nobis is denied. Baker, Hudson, and Wynne, JJ., would take as a case.

CR-14-833. Robert Holland v. State of Arkansas, from Lincoln County Circuit Court. Petitioner's motion to file exhibits under seal is denied. Baker and Wynne, JJ., would grant.

CR-14-833. Robert Holland v. State of Arkansas, from Lincoln County Circuit Court. Petitioner's motion to take application to reinvest jurisdiction to consider a petition for coram nobis as a case is denied. Baker, Hudson, and Wynne, JJ., would grant.

CR-20-143. Donald Adams v. State of Arkansas, from Benton County Circuit Court. Motion of Craig Lambert for leave to withdraw as counsel for appellant and for clarification regarding access to sealed record. Motion to withdraw granted; attorney Craig Lambert is directed to send his copy of the sealed record to the Clerk of the Courts.

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for copy of the opinion of the Arkansas Supreme Court is moot.

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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 re-new motion requesting oral argument is denied. Webb, J., would moot.

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's pro se motion for the Court to provide access to appellant's brief and reply brief is denied.

CR-22-615. Marlon Smith v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for extension of time to complete the record is granted.

CR-22-677. Zorel Tilson v. State of Arkansas, from Garland County Circuit Court. Petitioner's petition for writ of certiorari to complete the record is granted.

CR-22-776. Jason Bridges v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Motion of Fernando Padilla to be relieved as attorney for appellant and stay briefing schedule is granted.

CR-23-1. Justin Howard Petty v. State of Arkansas, from Miller County Circuit Court. Motion of David L. Dunagin to withdraw and appoint new attorney is granted.

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. Appellants' motion requesting that this court enforce its issuance of a writ of certiorari to complete electronic record is granted. The court reporter is ordered to comply with this court's writ within thirty days (March 4, 2023). Wood, Womack, and Webb, JJ., would require the court reporter to comply with this writ and previous writs in this case within ten business days or prepare to show cause.

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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. Petition of David R. Matthews and Sarah L. Waddoups to withdraw as counsel for separate appellee former Governor Asa Hutchinson, in His Official Capacity is granted. Special Justice Howard W. Brill agrees. Wood, J., not participating.

CV-22-521. Chris P. Corbitt, Esq. v. Arkansas Game and Fish Commission, and Austin Booth, Esq., in His Official Capacity as Director of the Arkansas Game and Fish Commission, from Pulaski County Circuit Court, Twelfth Division. Appellant's motion to file belated reply brief 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 the United States Chamber of Commerce, the American Tort Reform Association, and the Pharmaceutical Research and Manufacturers of America for permission to file brief amicus curiae in support of petitioner is granted.

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 the Federation of German Industries and the German Chamber of Commerce and Industry for leave to file amicus brief is granted. Wood, J., would deny.

CV-22-764. (In the Matter of the Guardianship of Minor Children) Christopher Paschall, John Paschall, and Mary Paschall v. Jeremy Paschall and Crystal Paschall, from Washington County Circuit Court. Petitioner's pro se motion for leave to proceed in forma pauperis and motion for appointment of counsel is denied. Baker, J., would grant. Wynne, J., would grant motion for leave to proceed in forma pauperis.

CV-22-795. (In the Matter of the Estate of Michael McAllister, Deceased) Alexis McAllister v. Terry McAllister, from Benton County Circuit Court. Petitioner's petition for permission to appeal is denied. Wynne, J., would transfer to court of appeals.

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CV-23-13. Bob Robbins v. Judy LeMay, from Clark County Circuit Court. Petitioner’s petition for writ of mandamus is denied.

CV-23-50. Legends Resort and Casino, LLC; Cherokee Nation Businesses, LLC; and Arkansas Racing Commission v. Gulfside Casino Partnership and Choctaw Nation of Oklahoma, from Pulaski County Circuit Court, Sixth Division. Appellants’ joint motion to expedite appeal. Expedited consideration granted; motion to expedite appeal denied. Wood, J., would additionally instruct the clerk not to grant any brief extensions in this matter. Kemp, C.J., not participating. (Proceedings of January 31, 2023)

D-22-802. In Re David M. Littlejohn, Arkansas Bar No. 2008038, an Original Action. Petition of David M. Littlejohn, Arkansas Bar No. 2008038, for surrender of license is granted.

D-23-15. In Re Douglas A. Jorden, Arkansas Bar No. 76171, an Original Action. Petition of Douglas A. Jorden, Arkansas Bar No. 76171, for voluntary surrender of license (resignation) is granted.

D-23-23. In Re Mary C. Moll, Arkansas Bar No. 80104, an Original Action. Petition of Mary C. Moll, Arkansas Bar No. 80104, for voluntary surrender of license (resignation) is granted.

D-23-24. In Re Danielle J. Palm, Arkansas Bar No. 2005201, an Original Action. Petition of Danielle J. Palm, Arkansas Bar No. 2005201, for voluntary surrender of license (resignation) is granted.

D-23-25. In Re Martha Jett McAlister, Arkansas Bar No. 88133, an Original Action. Petition of Martha Jett McAlister, Arkansas Bar No. 88133, for voluntary surrender of license (resignation) is granted.

CR-22-221. Parnell R. May v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant’s pro se motion to stay appeal is moot.

CR-22-524. Allen Phillips v. State of Arkansas, from Jefferson County Circuit Court. Appellee’s motion to dismiss appeal is granted.

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CR-22-617. Sharvelt Mister v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion to file belated appeal treated as a motion to file belated brief and granted.

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 is moot.

CR-22-688. Duane Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion to withdraw petition for writ of mandamus is granted.

CR-22-688. Duane Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot.

CR-22-694. Rodney L. Baker v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot.

CR-22-731. Luther Wayne Dillon v. State of Arkansas, from Boone County Circuit Court. Appellant's pro se motion for extension of time to file brief is moot.

CR-22-731. Luther Wayne Dillon v. State of Arkansas, from Boone County Circuit Court. Appellant's pro se motion for appointment of counsel is denied.

CV-22-757. Malik Muntaqim v. Dexter Payne, Director, Arkansas Department of Correction; Raymond Naylor, Disciplinary Hearing Administrator, Arkansas Department of Correction; Nurzuhal Faust, Warden, Arkansas Department of Correction; Wendy Kelley, Director, Arkansas Department of Correction; Daniel Golden, Disciplinary Hearing Officer, Arkansas Department of Correction; and Arkansas Department of Correction Ouachita River Unit employees Captain Joshua Crosby; Corporal Aaron T. Hisek; Sergeant Cheiana Sykes; and Corporal Esmeralda Fraire, in Their Official and Individual Capacities, from Jefferson County Circuit Court. Petitioner's pro se petition for writ of mandamus. Petition denied in part; response requested. Webb, J., would grant.

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CR-93-284. Saba K. Makkali v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se amended motion.

CR-22-503. Nathaniel Allen Freeman v. State of Arkansas, from Stone County Circuit Court. Joint status report and contemporaneous motion for abatement and dismissal of appeal due to appellant's death.

CR-20-143. Donald Adams v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se motion for copies of records.

CR-21-413. Andre Corley v. State of Arkansas, from Faulkner 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-22-450. John Patrick Cullen v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion to file belated reply brief.

CR-22-561. Henry A. Harmon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se motion to file belated brief.

CR-22-561. Henry A. Harmon v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se amended motion to file belated brief.

CR-22-574. Jonathan Granger v. State of Arkansas, from Crittenden County Circuit Court. Pro se appeal.

CR-22-607. Scott Riddle v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Pro se appeal.

CR-23-19. Zayzhon Thompson v. State of Arkansas, from Lincoln County Circuit Court. Petitioner's pro se motion for rule on clerk to proceed with tendered petition for writ of mandamus without a certified record.

CV-22-737. Roderick Parrish v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for extension of time to file brief.

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CV-22-792. Conray Carroll v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for issuance upon evidence only pursuant to Arkansas Code Annotated section 16-112-122.

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CASES SUBMITTED

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. Orally argued.

CR-22-219. State of Arkansas v. Tyler Pate, from Faulkner County Circuit Court.

CV-22-281. A-1 Recovery Towing and Recovery, Inc. v. Larry Walther, Secretary of the Arkansas Department of Finance and Administration, from Pulaski County Circuit Court, Sixth Division.

CV-22-283. Cenark Investment Group, LLC v. Larry Walther, Secretary of the Arkansas Department of Finance and Administration, from Pulaski County Circuit Court, Sixth Division.

CV-22-326. Gerber Products Company v. Mitchell, Williams, Selig, Gates & Woodyard, PLLC, and Byron Freeland, from the United States District Court, Eastern District of Arkansas.