

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 2, 2023

JOHN DAN KEMP, CHIEF JUSTICE

[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. Affirmed. Wood, Womack, and Webb, JJ., concur in part and dissent in part.

ROBIN F. WYNNE, JUSTICE

[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. Decision to answer certified question rescinded. Hudson, J., concurs. Baker and Womack, JJ., dissent.

SHAWN A. WOMACK, JUSTICE

[CR-22-120](#). Eric Gillette v. City of Fort Smith, Arkansas, from Sebastian County Circuit Court, Fort Smith District. Affirmed in part; reversed and remanded in part with instructions. Kemp, C.J., and Wood and Wynne, JJ., dissent.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 2, 2023

PER CURIAM ORDERS

CR-22-69. Cordale Stacy v. State of Arkansas, from St. Francis County Circuit Court. Appellant's motion to supplement the record as to voir dire and for stay of brief time to seven days after the supplemental record is filed is granted.

CR-22-438. Timothy Clevenger v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellee's motion to dismiss or, in the alternative, motion for extension of brief time is granted. Appeal dismissed. Special Justice Fred Thorne agrees. Webb, J., would deny. Kemp, C.J., not participating.

CR-22-776. Jason Bridges v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. 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-23-72. Jacoby Austin Goehler v. State of Arkansas, from Fulton County Circuit Court. Motion of Gerald A. Coleman to be relieved as attorney for appellant and to stay briefing schedule is granted. Webb, J., would deny.

CR-23-84. Michael Eugene Driver v. State of Arkansas, from Conway County Circuit Court. Motion of Gerald A. Coleman to be relieved as attorney for appellant and to stay briefing schedule is granted. Webb, J., would deny.

CV-22-808. 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. Appellant's motion and brief in support of motion for transfer to the Arkansas Court of Appeals is granted.

CV-23-52. HIOB, LLC; and Yellow Comb, LLC v. Michael Higgins, from Pulaski County Circuit Court, Fifth Division. Petitioners' petition for writ of certiorari and brief in support is denied.

CV-23-73. (In the Matter of the Estate of John Harold Haverstick, Deceased) John A. Haverstick and Jerry Haverstick v. Frances Haverstick, from Woodruff County Circuit Court. Appellants' motion to consolidate records is granted.

D-23-75. In Re Ian W. Vickery, Arkansas Bar No. 76132, an Original Action. Petition of Ian W. Vickery, Arkansas Bar No. 76132, for voluntary surrender of license (resignation) is granted.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 2, 2023

PER CURIAM ORDERS

D-23-76. In Re Ronald McLaughlin, Arkansas Bar No. 86121, an Original Action. Petition of Ronald McLaughlin, Arkansas Bar No. 86121, for voluntary surrender of license (resignation) is granted.

D-23-77. In Re Lawrence William Fitting, Arkansas Bar No. 74055, an Original Action. Petition of Lawrence William Fitting, Arkansas Bar No. 74055, for voluntary surrender of license (resignation) is granted.

D-23-78. In Re Jeffrey Lee Haynes, Arkansas Bar No. 95243, an Original Action. Petition of Jeffrey Lee Haynes, Arkansas Bar No. 95243, for surrender of license is granted.

D-23-105. Arkansas Supreme Court Board of Certified Court Reporter Examiners v. Neva Warford, CCR No. 156, an Original Action. Petitioner’s petition for approval of voluntary surrender of certificate agreement and order is granted.

CR-22-693. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Appellant’s pro se motion requesting appointment of counsel is denied.

CR-22-693. Michael Todd v. State of Arkansas, from Hempstead County Circuit Court. Appellant’s pro se motion for appointment of counsel is denied.

CR-23-16. Durell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Petitioner’s pro se petition for writ of mandamus. Response requested. Webb, J., would grant.

CR-23-17. Raul Torres-Garcia v. State of Arkansas, from Benton County Circuit Court. Petitioner’s pro se petition for writ of mandamus is moot.

CR-23-43. Isaac Strong v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner’s pro se petition for writ of mandamus is moot.

CR-23-43. Isaac Strong v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner’s pro se amended petition for writ of mandamus is moot.

ARKANSAS SUPREME COURT
PROCEEDINGS OF MARCH 2, 2023

MOTIONS SUBMITTED

PETITION FOR REHEARING:

CV-22-340. Jamie Darnell Lee v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CR-93-284. Saba Makkali v. State of Arkansas, from Jefferson County Circuit Court. Petitioner’s pro se motion for rule on clerk.

CR-22-151. Terry E. Break v. State of Arkansas, from Boone County Circuit Court. Limited entry of appearance of Kelli LaPorte-Jenner on behalf of appellant.

CR-22-461. LaVoyce Lee Wilder v. State of Arkansas, from Pike County Circuit Court. Motion of Tara Schmutzler to withdraw as counsel for appellant.

CR-22-696. Fredrick Jones v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant’s motion requesting a new trial based on the trial court judge’s failure to carry out his affirmative duty to see that his court reporter provides an adequate transcript of the trial proceedings to include in the record on appeal.

CV-22-739. Bennett Scott “Storm” Nolan II and River Valley Production, LLC, d/b/a River Valley Relief Cultivation v. 2600 Holdings, LLC, d/b/a Southern Roots Cultivation; Arkansas Department of Finance and Administration; Arkansas Alcoholic Beverage Control Division; and Arkansas Medical Marijuana Commission, from Pulaski County Circuit Court, Fourth Division. Motion of Carolyn B. Witherspoon, Bonnie Johnson, and Brett W. Taylor to withdraw as counsel for separate appellee 2600 Holdings, LLC, d/b/a Southern Roots Cultivation.

CR-03-1181. Abraham Grant v. State of Arkansas, from Phillips County Circuit Court. Petitioner’s pro se eighth petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-05-472. Wallace A. Gardner v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner’s pro se motion to recall the mandate.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 2, 2023

MOTIONS SUBMITTED

CR-09-461. Corey Nelson v. State of Arkansas, from Garland 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-22-736. Duane Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-22-736. Duane Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion to withdraw petition for writ of mandamus.

CR-22-796. Jerrod Craven v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion for leave to file brief with an addendum.

CR-23-32. John Patrick Cullen v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for leave to file brief with an addendum.

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.

CV-23-108. Duane Gonder v. Arkansas Judicial Discipline and Disability Commission, from the Arkansas Judicial Discipline and Disability Commissioner. Petitioner's pro se motion to proceed in forma pauperis.

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 2, 2023

CASES SUBMITTED

CV-22-352. 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; and the Arkansas Department of Transportation v. The Little Rock Downtown Neighborhood Association, Inc.; The Pettaway Neighborhood Association; The Hanger Hill Neighborhood Association; The Forest Hills Neighborhood Association, Inc.; The Coalition of Little Rock Neighborhoods, Inc.; Arkansas Communities Organization; Joshua Silverstein; Dale Pekar; John Hedrick; Denise Ennett; Rohn Muse; Barbara Barrows; and Kathy Wells, from Pulaski County Circuit Court, Seventeenth Division.

CV-22-698. City of Fort Smith, Arkansas v. Jennifer Merriott, Individually and on Behalf of Those Similarly Situated, from Sebastian County Circuit Court, Fort Smith District.

CR-22-187. Wesley Jefferson v. State of Arkansas, from St. Francis County Circuit Court.

CR-22-496. Travis Price v. State of Arkansas, from Jefferson County Circuit Court.

CR-22-547. Serandon Starling v. State of Arkansas, from Miller County Circuit Court.

CR-22-571. Nickol Carter v. State of Arkansas, from Pulaski County Circuit Court, Third Division.

CR-22-580. Vincent Hussey v. State of Arkansas, from Drew County Circuit Court.

CV-22-194. Bobby Gibbs v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.