

ARKANSAS SUPREME COURT

PROCEEDINGS OF MARCH 16, 2023

JOHN DAN KEMP, CHIEF JUSTICE

[CR-21-78](#). Demarcus Donnell Parker v. State of Arkansas, from Crittenden County Circuit Court. Reversed and dismissed. Wood, J., concurs. Womack and Webb, JJ., dissent.

COURTNEY RAE HUDSON, JUSTICE

[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, Inc.; Joshua Silverstein; Dale Pekar; John Hedrick; Denise Ennett; Rohn Muse; Barbara Barrows; and Kathy Wells, from Pulaski County Circuit Court, Seventeenth Division. Reversed and remanded. Wood, J., concurs. Kemp, C.J., dissents.

RHONDA K. WOOD, JUSTICE

[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. Affirmed. Baker, Hudson, Wynne, and Womack, JJ., concur.

[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. Reversed and dismissed. Womack, J., concurs.

BARBARA W. WEBB, JUSTICE

[CV-21-198](#). Teresa James v. Mary Cynthia Mounts, James Phillip Rocconi, and Richard Anthony Rocconi, Individually and as Executor of the Estate of James R. Rocconi, Deceased, from Ouachita County Circuit Court. Affirmed; court of appeals opinion vacated.

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PER CURIAM ORDERS

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

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 is denied. Kemp, C.J., and Wynne and Webb, JJ., would grant.

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 is granted.

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 is granted. Wood, J., would moot.

CR-22-696. Fredrick Jones v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant’s motion requesting new trial is denied. The circuit court is directed to employ a substitute court reporter to complete the record on appeal as directed in this court’s writ issued January 19, 2023.

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 is granted.

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CV-23-151. William Asa Hutchinson III v. Arkansas Supreme Court Committee on Professional Conduct, Panel A; and Lisa C. Ballard, Executive Director, Supreme Court Office of Professional Conduct, an Original Action. Petitioner’s petition for writ of certiorari and motion for expedited consideration and immediate temporary relief. Expedited consideration granted; remanded to the Committee on Professional Conduct for entry of new order with analysis of the factors set forth in *Tapp v. Ligon*, 2013 Ark. 259, 428 S.W.3d 492. The committee has twenty days to file a new order with this court (April 3, 2023). Petitioner has fifteen days to file a response to the order. Petitioner’s interim suspension remains in effect. Kemp, C.J., and Womack, J., would stay the interim suspension. Wood, J., would grant petition for writ of certiorari and void the interim suspension. (Proceedings of March 14, 2023)

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 is dismissed.

CR-03-1181. Abraham Grant v. State of Arkansas, from Phillips County Circuit Court. Petitioner’s pro se motion for default judgment is moot. Webb, J., would deny.

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 is denied.

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 is denied.

CR-22-736. Duane Gonder v. State of Arkansas, from Drew County Circuit Court. Petitioner’s pro se petition for writ of mandamus is moot.

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 is granted. Wood, Womack, and Webb, JJ., would moot.

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 is denied; appellant’s tendered brief to be filed without the addendum this date. Wood, J., would deny. Womack, J., would deny and give appellant time to correct the brief.

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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 is denied; appellant’s tendered brief to be filed without the addendum this date. Wood, J., would deny. Womack, J., would deny and give appellant time to correct the brief.

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 is moot.

CV-23-108. Duane Gonder v. Arkansas Judicial Discipline and Disability Commission, from the Arkansas Judicial Discipline and Disability Commission. Petitioner’s pro se motion to proceed in forma pauperis is denied; filing fee due within thirty days. Wood and Womack, JJ., would deny.

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MOTIONS SUBMITTED

PETITION FOR REHEARING:

CR-22-356. Philip Wallace v. State of Arkansas, from Washington County Circuit Court.

CR-95-1039. Kenneth Slocum v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Motion of Patrick J. Benca to enter appearance on behalf of appellant.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Appellee's motion to dismiss appeal or, in the alternative, motion for extension of time to file brief.

CR-23-93. Cory Franklin Thompson v. State of Arkansas, from Benton County Circuit Court. Petitioner's petition for writ of certiorari and petition for writ of habeas corpus.

CR-23-124. Rodney Dale Harmon v. State of Arkansas, from Faulkner County Circuit Court. Petitioner's petition for writ of mandamus.

CV-22-79. Lauren Taylor v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Appellees' joint motion to dismiss.

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. Joint motion requesting that this court enforce its issuance of a writ of certiorari for complete electronic record.

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. Petitioners' pro se motion to accept filing fee beyond the deadline and motion to consolidate both cases for appeal purposes.

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 motion requesting permission for belated filing.

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MOTIONS SUBMITTED

CV-23-52. HIOB, LLC; and Yellow Comb, LLC v. Michael Higgins, from Pulaski County Circuit Court, Fifth Division. Petitioners' motion for reconsideration.

CV-23-118. Cooper Tire & Rubber Company, LLC v. Derrick Danehower, Individually; Travis Lansford, Administrator of the Estate of Mackenzie Lane Danehower, Deceased; and Travis Lansford, Guardian of the Person and Estate of Madison Skylar Danehower, an Incapacitated Adult, from Craighead County Circuit Court, Western District. Petitioner's petition for permission to appeal.

CV-23-151. William Asa Hutchinson III v. Arkansas Supreme Court Committee on Professional Conduct, Panel A; and Lisa C. Ballard, Executive Director, Supreme Court Office of Professional Conduct, an Original Action. Petitioner's motion for leave to file reply to response to petition for writ of certiorari and motion for expedited consideration and immediate temporary relief.

D-23-170. In Re Janet Eileen Pecquet, Arkansas Bar No. 81212, an Original Action. Petition of Janet Eileen Pecquet, Arkansas Bar No. 81212, for voluntary surrender of license (resignation).

CR-05-779. Charles Higgins v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-23-99. Billy N. Culbertson v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-23-99. Billy N. Culbertson v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-23-99. Billy N. Culbertson v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's pro se motion for appointment of counsel.

CR-23-99. Billy N. Culbertson v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's pro se amended petition for writ of mandamus.

CR-23-101. Cortez Banks v. State of Arkansas, from Phillips County Circuit Court. Petitioner's pro se petition for writ of mandamus.

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MOTIONS SUBMITTED

CV-22-813. Keenan Lewis 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.

CV-23-98. Larry David Davis v. Dexter Payne, Director, Arkansas Department of Correction, from Chicot County Circuit Court. Petitioner's pro se petition for writ of mandamus.

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CASES SUBMITTED

CV-21-265. James Parsons, on Behalf of Himself and All Other Similarly Situated Taxpayers v. Preferred Family Healthcare, Inc., a Missouri Corporation d/b/a Health Resources of Arkansas; Decision Point; Dayspring Behavioral Health Services; and Wilbur D. Mills Treatment Center, from Benton County Circuit Court. Orally argued.

CR-22-433. Sir McNeil-Lewis v. State of Arkansas, from Crittenden County Circuit Court.

CV-22-40. Terri L. Alpe v. Federal National Mortgage Association, on Certification from the Federal District Court for the Eastern District of Arkansas.

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.

CV-22-649. Helen Rice Grinder v. William Scott Campbell and Jennifer Leigh Campbell, from Faulkner County Circuit Court.