

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 6, 2023

ROBIN F. WYNNE, JUSTICE

[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. Reversed and remanded; court of appeals opinion vacated.

SHAWN A. WOMACK, JUSTICE

[CV-22-649](#). Helen Rice Grinder v. William Scott Campbell and Jennifer Leigh Campbell, from Faulkner County Circuit Court. Petition denied.

BARBARA W. WEBB, JUSTICE

[CV-22-40](#). Terri L. Alpe v. Federal National Mortgage Association, on Certification from the United States District Court for the Eastern District of Arkansas. Certified question answered. Kemp, C.J., and Wood, J., concur.

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PER CURIAM ORDERS

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

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 is granted. Wood and Webb, JJ., would note. Kemp, C.J., not participating.

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. Motion to dismiss appeal denied; motion for extension of time to file brief granted. Special Justice Mary Carole Young agrees. Kemp, C.J., not participating.

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 is denied. Baker, Hudson, and Wynne, JJ., would take as a case.

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

CV-22-79. Lauren Taylor v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Appellees' joint motion to dismiss 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. Joint motion requesting that this court enforce its issuance of a writ of certiorari for complete electronic record is granted. 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 December 1, 2022.

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 is dismissed.

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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 is denied. Wood, Womack, and Webb, JJ., would grant.

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

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 is denied.

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 is moot. Kemp, C.J., and Wood and Womack, JJ., would grant.

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) is granted.

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 is denied.

CR-23-99. Billy N. Culbertson v. State of Arkansas, from Lonoke County Circuit Court. Petitioner’s pro se petition for writ of mandamus filed February 13, 2023, is denied.

CR-23-99. Billy N. Culbertson v. State of Arkansas, from Lonoke County Circuit Court. Petitioner’s pro se petition for writ of mandamus filed February 13, 2023, is denied. Wood, J., would dismiss.

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CR-23-99. Billy N. Culbertson v. State of Arkansas, from Lonoke County Circuit Court. Petitioner's pro se motion for appointment of counsel is moot. Womack and Webb, JJ., would deny.

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 filed March 6, 2023, is dismissed. Wood, J., would dismiss at moot. Webb, J., would deny.

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

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 is granted in part; appellant's brief due in thirty days (May 6, 2023).

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. Response requested. Baker, Hudson, and Womack, JJ., would grant.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

CR-21-615. Jeremy Lewis v. State of Arkansas, from Clark County Circuit Court.

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

CV-21-120. Jeffery Brown v. State of Arkansas, from Lincoln County Circuit Court.

CR-22-253. Ricky Lee Burnett v. State of Arkansas, from Benton County Circuit Court. Motion of Deason Criminal Justice Reform Center for leave to file amicus curiae brief in support of petitioner.

CR-22-776. Jason Bridges v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion to extend deadline to file supplemental record.

CR-23-136. Willie Doby v. State of Arkansas, from St. Francis County Circuit Court. Appellant's motion to hold briefing in abeyance or, in the alternative, motion for extension.

CR-23-137. Willie Doby v. State of Arkansas, from St. Francis County Circuit Court. Appellant's motion to hold briefing in abeyance or, in the alternative, motion for extension.

CR-23-160. Rodney Dale Harmon v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion to hold briefing in abeyance.

CR-23-197. Christopher Segerstrom v. State of Arkansas, from Washington County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CV-21-120. Jeffery Brown v. State of Arkansas, from Lincoln County Circuit Court. Motion of Josh Q. Hurst to be relieved as counsel for appellant.

CV-22-678. (In the Matter of the Guardianship of Minor Children) Christopher L. Paschall, John Paschall, and Mary Paschall v. Jeremy Paschall and Crystal Paschall, from Washington County Circuit Court. Appellants' pro se motion to accept filing fee beyond the deadline and motion to accept appellants' filings as timely per the mailroom rule and motion to consolidate cases.

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MOTIONS SUBMITTED

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. Appellant’s motion to enforce writ of certiorari and extend time.

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. Appellants’ motion to accept transcript record or enforce writ of certiorari.

CV-22-750. Edmond McClinton v. Arkansas Judicial Discipline and Disability Commission, from Arkansas Judicial Discipline and Disability Commission. Petitioner’s pro se petition for writ of certiorari.

CV-23-51. Robert Steinbuch v. University of Arkansas a/k/a University of Arkansas-Little Rock; the Trustees of the University of Arkansas; Michael Schwartz, in His Official and Personal Capacity; Theresa Beiner, in Her Official and Personal Capacity; JoAnn Maxey, in Her Official Capacity; John M.A. DiPippa, in His Official Capacity; Velmer Burton, in His Official Capacity; and Terri Hollingsworth, in Her Official Capacity as Pulaski County Clerk, from Pulaski County Circuit Court, Sixth Division. Motion of separate appellee Terri Hollingsworth, in Her Official Capacity as Pulaski County Clerk, to supplement the record.

CV-23-59. Kenneth D. Stuart, James Greenhaw, Elizabeth Jessup, Amber Wooldridge, Kevin Lightburn, Calvin Henderson, Timothy Tyler Gardner, Jamshid Mirtalipov, Garrett Taylor, and CBC Vision, LLC v. Larry Walther, in His Official Capacity as Secretary of Arkansas Department of Finance and Administration, from Pulaski County Circuit Court, Eleventh Division. Appellants’ declaration that party was unable to file in a timely manner due to a technical failure and motion to accept belated brief.

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MOTIONS SUBMITTED

CV-23-59. Kenneth D. Stuart, James Greenhaw, Elizabeth Jessup, Amber Wooldridge, Kevin Lightburn, Calvin Henderson, Timothy Tyler Gardner, Jamshid Mirtalipov, Garrett Taylor, and CBC Vision, LLC v. Larry Walther, in His Official Capacity as Secretary of Arkansas Department of Finance and Administration, from Pulaski County Circuit Court, Eleventh Division. Appellants' motion for expansion of word count and, alternatively, extension of time.

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.

CR-15-492. Deontae Fulton 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-19-10. Quayvon Peoples v. State of Arkansas, from Miller 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-22-409. Marlon Tucker v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Appellant's pro se motion for appointment of new appellate counsel.

CR-22-485. William H. Milner III v. State of Arkansas, from Ouachita County Circuit Court. Petitioner's pro se motion to assume jurisdiction and enforce order.

CR-22-575. Devontae T. Nelson v. State of Arkansas, from White County Circuit Court. Pro se appeal.

CR-23-121. Donarius Mays v. State of Arkansas, from Crittenden County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CR-23-164. Leonard Noble v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Petitioner's pro se motion for rule on clerk to proceed without certified record.

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CASES SUBMITTED

CR-22-414. Joe Bernard Nowell v. State of Arkansas, from Faulkner County Circuit Court. Orally argued.

CR-21-600. Vann Bragg v. State of Arkansas, from Phillips County Circuit Court.

CR-22-192. Rakeem Harris v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District.

CR-22-461. LaVoyce Lee Wilder v. State of Arkansas, from Pike County Circuit Court.

CV-22-685. Kristina Gulley v. State of Arkansas *ex rel.* Larry Jegley, Sixth Judicial District Prosecuting Attorney; and Pulaski County, Arkansas, *ex rel.* Barry Hyde, Pulaski County Judge, from Pulaski County Circuit Court, Sixteenth Division.