

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 20, 2023**

**PER CURIAM ORDERS**

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

CV-22-599. Rolandis Chatmon v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Special Justice Cody Kees agrees. Wood and Hiland, JJ., not participating.

CV-22-690. Michael W. Gates and Susan J. Gates v. Larry Walther, Secretary, Department of Finance and Administration of the State of Arkansas, from Garland County Circuit Court.

CV-22-726. Gary S. Crawford v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

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CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se petition for rehearing or writ of certiorari treated as a motion for reconsideration and denied.

CR-22-418. John Faulkner v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to enforce writ of certiorari to complete the record is moot. Kemp, C.J., would grant.

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

CR-22-485. William H. Milner III v. State of Arkansas, from Ouachita County Circuit Court. Appellee's motion for extension of time to comply with order to address petitions for post-conviction relief is granted.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of Laura H. Nirider for admission pro hac vice is moot. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Amended motion of Laura H. Nirider for admission pro hac vice is granted. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 20, 2023**

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CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of Steven A. Drizin for admission pro hac vice is moot. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Amended motion of Steven A. Drizin for admission pro hac vice is granted. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of Zachary Fardon for admission pro hac vice is moot. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Amended motion of Zachary Fardon for admission pro hac vice is granted. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of Andrew E. Nieland for admission pro hac vice is moot. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Amended motion of Andrew E. Nieland for admission pro hac vice is granted. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of Catherine Behnke for admission pro hac vice is moot. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Amended motion of Catherine Behnke for admission pro hac vice is granted. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of Anne Miles Golson for admission pro hac vice is denied. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of Lindsey C. Boney IV for admission pro hac vice is denied. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hiland, J., not participating.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 20, 2023**

**PER CURIAM ORDERS**

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of Martin H. Tankleff for admission pro hac vice is granted. Special Justice Mary Carole Young agrees. Kemp, C.J., and Hudson and Hiland, JJ., not participating.

CR-23-72. Jacoby Austin Goehler v. State of Arkansas, from Fulton County Circuit Court. Appellee's second motion to supplement the record to comply with Ark. Sup. Ct. R. 4-3(a), and for brief time is granted.

CR-23-160. Rodney Dale Harmon v. State of Arkansas, from Faulkner County Circuit Court. Appellant's motion for clarification or extension of time to file brief is granted.

CR-23-197. Christopher Segerstrom v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to extend time to file the pleadings portion of the record on appeal is granted.

CR-23-351. State of Arkansas v. Mulazim Muhammad, from Pulaski County Circuit Court, Third Division. Petitioner's petition for writ of certiorari is granted.

CR-23-354. Lemuel Sisson Whiteside v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's motion for leave to supplement or complete the record on appeal and for extension of time to file appellant's brief is granted.

CR-23-364. Treveyon Shelton v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's petition for writ of prohibition and petition for writ of certiorari is denied.

CR-23-365. Cedric Furlow v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's petition for writ of prohibition and petition for writ of certiorari is denied.

CR-23-400. Zachary Nicholas Ryan Harlan v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete the record is granted.

CR-23-400. Zachary Nicholas Ryan Harlan v. State of Arkansas, from Benton County Circuit Court. Motion of David R. Raupp to substitute counsel of record for appellant is granted.

CR-23-401. Morgan Richard Weatherford v. State of Arkansas, from Logan County Circuit Court, Southern District. Motion of Gerald A. Coleman to be relieved as attorney for appellant and to stay briefing schedule is granted.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 20, 2023**

**PER CURIAM ORDERS**

CR-23-462. Stephen Allen King, Jr. v. State of Arkansas, from Randolph County Circuit Court. Petitioner's petition for writ of certiorari and/or petition for writ of habeas corpus. Expedited consideration granted; petitions for writ of certiorari and writ of habeas corpus denied. (Proceedings of July 17, 2023)

CV-21-353. Jeffrey S. Underwood and Conway Precision Products, Inc. v. Jody Underwood, Individually and as a Shareholder and Member of Conway Precision Products, Inc., from Faulkner County Circuit Court. Appellee's motion to dismiss appeal is granted.

CV-22-143. Benton School District; Lori Bacon, in Her Individual and Official Capacity as Principal of Angie Grant Elementary School in the Benton School District; and Lita Gattis, in Her Individual and Official Capacity as Former Assistant Superintendent of the Benton School District v. Brandi Greer, from Saline County Circuit Court. Appellee's notice of supplemental authority, motion for supplemental briefing, oral argument, and to withdraw Greer's motion to dismiss without prejudice is denied.

CV-22-721. Landon Bunch v. Ashland Chemical, Inc., an Ohio Corporation; E.I. du Pont de Nemours and Company, a Delaware Corporation; Exxon Mobil Corporation, a New Jersey Corporation; Gates Corporation, an Arkansas Corporation; Johnson Oil Company, an Arkansas Corporation; Lucas Oil Products, Inc., a California Corporation; Mobil Chemical Company, Inc., a Delaware Corporation; PPG Industries, Inc., a Pennsylvania Corporation; Radiator Specialty Company, a North Carolina Corporation; Shell Oil Company, a Delaware Corporation; Webb Wheel Products, Inc., an Arkansas Corporation; Lone Star Specialty Products, LLC, d/b/a Lone Star Specialties, LLC, an Oklahoma Limited Liability Company; Gross & Janes Co., a Missouri Corporation; Koppers, Inc., a Pennsylvania Corporation; North American Tie & Timber, LLC, a Nevada Limited Liability Company; Texoma Tie & Lumber Co., a Texas Corporation; K.L. Barton & Sons Tie Company, a Texas Corporation; Stella-Jones Corporation, a Delaware Corporation; Trans-Serve, Inc., d/b/a Superior Tie and Timber, a Delaware Corporation; and John Doe Company No. 10, from Benton County Circuit Court. Appellant's motion to transfer to Arkansas Supreme Court is denied. Womack, J., would grant.

CV-23-42. St. Vincent Medical Group v. Ford Baldwin, On Behalf of Himself and All Others Similarly Situated, from Pulaski County Circuit Court, Sixteenth Division. Motion of the Arkansas Hospital Association for leave to file amicus curiae brief is granted.

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. Appellee's motion to file corrected brief is granted.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 20, 2023**

**PER CURIAM ORDERS**

CV-23-143. Janet Christine Galvan f/k/a Janet Christine Andrew v. St. Bernards Hospital, Inc., d/b/a St. Bernards Medical Center; Surgical Associates of Jonesboro, Inc., d/b/a St. Bernards Surgical Associates; and Willie E. Harper, Jr., M.D., from Craighead County Circuit Court, Western District. Appellant’s motion to transfer to Arkansas Supreme Court is denied.

CV-23-357. Jordan Good v. Shipping Connections, Inc., from Benton County Circuit Court. Petitioner’s petition for writ of mandamus is denied. Kemp, C.J., and Webb, J., would grant. Womack, J., would take as a case.

CV-23-358. Arkansas Department of Education; Jacob Oliva, in His Official Capacity as Arkansas Secretary of Education; Randy Henderson, Jeff Wood, Adrienne Woods, Steve Sutton, O. Fitzgerald Hill, Ouida Newton, Sarah Moore, Kathy McFetridge, and Lisa Hunter, in Their Official Capacities as Members of the Arkansas State Board of Education; Friendship Education Foundation; and the Marvell-Elaine School District v. Doris Ivy Jackson; Laverne Sims; Jesselia Maples; Diamacious Sims; Darryl Harris; Sylvia Moore; Danielle Wright; DeraShaun McGhee; Vivian Davis; James Carruth; Iola Hoskins; Steven Grappe; Veronica McClane; and Citizens for Arkansas Public Education and Students (CAPES), a Ballot Question Committee, from Pulaski County Circuit Court, Fourth Division. Appellees’ motion to disqualify Cody Kees as counsel for Marvell-Elaine School District, to strike the district’s responses, and to appoint a receiver to make independent decisions for the state-controlled school district is denied. Hiland, J., not participating.

CV-23-358. Arkansas Department of Education; Jacob Oliva, in His Official Capacity as Arkansas Secretary of Education; Randy Henderson, Jeff Wood, Adrienne Woods, Steve Sutton, O. Fitzgerald Hill, Ouida Newton, Sarah Moore, Kathy McFetridge, and Lisa Hunter, in Their Official Capacities as Members of the Arkansas State Board of Education; Friendship Education Foundation; and the Marvell-Elaine School District v. Doris Ivy Jackson; Laverne Sims; Jesselia Maples; Diamacious Sims; Darryl Harris; Sylvia Moore; Danielle Wright; DeraShaun McGhee; Vivian Davis; James Carruth; Iola Hoskins; Steven Grappe; Veronica McClane; and Citizens for Arkansas Public Education and Students (CAPES), a Ballot Question Committee, from Pulaski County Circuit Court, Fourth Division. Appellants’ motion to strike overlength brief is moot. Hiland, J., not participating.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 20, 2023**

**PER CURIAM ORDERS**

CV-23-393. J.R. Hurd; Sara Smith Hurd; Patricia Hurd McGregor; Victoria Hurd Goebel; David W. Killam; Adrian Kathleen Killam; Tracy Leigh Killam-Dileo; and Killam Oil Company, Ltd. v. Flywheel Energy Production, LLC, on certification from the United States District Court, Eastern District of Arkansas. Motion to certify a question of law is denied. Kemp, C.J., and Womack, J., would grant.

CV-23-432. Risie Howard, as Special Administrator of the Estate of Mrs. George Howard, Jr. (Vivian), Deceased v. Baptist Health; Diamond Risk Insurance Company, LLC; Leah Willett, B.S.N., R.N.; Alicia Brucks, S.L.P.; Brandy Cantwell, P.T.; and John Harris, M.D., from Pulaski County Circuit Court, Eleventh Division. Appellant's expedited motion for stay pending petition for permission to appeal. Expedited consideration granted; motion for stay pending petition for permission to appeal denied. (Proceedings of June 29, 2023)

CV-23-432. Risie Howard, as Special Administrator of the Estate of Mrs. George Howard, Jr. (Vivian), Deceased v. Baptist Health; Diamond Risk Insurance Company, LLC; Leah Willett, B.S.N., R.N.; Alicia Brucks, S.L.P.; Brandy Cantwell, P.T.; and John Harris, M.D., from Pulaski County Circuit Court, Eleventh Division. Appellant's petition for permission to appeal is denied.

CV-23-468. Arkansas Department of Education; Jacob Oliva, in His Official Capacity as Arkansas Secretary of Education; Randy Henderson, Jeff Wood, Adrienne Woods, Steve Sutton, O. Fitzgerald Hill, Ouida Newton, Sarah Moore, Kathy McFetridge, and Lisa Hunter, in Their Official Capacities as Members of the Arkansas State Board of Education; Friendship Education Foundation; and the Marvell-Elaine School District v. Doris Ivy Jackson; Laverne Sims; Jesselia Maples; Diamacious Sims; Darryl Harris; Sylvia Moore; Danielle Wright; DeraShaun McGhee; Vivian Davis; James Carruth; Iola Hoskins; Steven Grappe; Veronica McClane; and Citizens for Arkansas Public Education and Students (CAPES), a Ballot Question Committee, from Pulaski County Circuit Court, Fourth Division. Appellants' motion to expedite appeal. Expedited consideration granted; motion to expedite appeal and request for expedited briefing schedule granted. Hiland, J., not participating. (Proceedings of July 14, 2023)

D-23-341. In Re Jennifer Nelson, Arkansas Bar No. 2021095, an Original Action. Petition of Jennifer Nelson, Arkansas Bar No. 2021095, for voluntary surrender of license (resignation) is granted.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 20, 2023**

**PER CURIAM ORDERS**

D-23-362. In Re Rosemarie Dora Boyd, an Original Action. Appellant’s pro se combined motion for leave to lodge record under seal and motion to seal case or, in the alternative, motion to accept redacted record tendered to clerk. Motion for leave to lodge record under seal granted; motion to seal the case and alternative motion to accept redacted record denied. The parties are ordered to file all briefs and motions according to the procedures set out in Rule 6-3(b)(1) of the Rules of the Arkansas Supreme Court and Court of Appeals.

D-23-405. In Re Robin Louise Merrill, Arkansas Bar No. 99042, an Original Action. Petition of Robin Louise Merrill, Arkansas Bar No. 99042, for voluntary surrender of license (resignation) is granted.

D-23-406. In Re Gerard Glynn, Arkansas Bar No. 95021, an Original Action. Petition of Gerard Glynn, Arkansas Bar No. 95021, for voluntary surrender of license (resignation) is granted.

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CR-83-112. Jaster Lee Marbley v. State of Arkansas, from Jefferson County Circuit Court. Petitioner’s pro se petition for procedural default ineffective assistance of counsel treated as a pro se unauthorized second petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 and dismissed.

CR-99-126. Charles Green v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. 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-00-587. Leonard Noble v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Petitioner’s pro se fifth petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is denied. Wood, J., would dismiss.

CR-00-1384. Rodney E. Barnett v. State of Arkansas, from Mississippi County Circuit Court, Chickasawba District. Petitioner’s pro se motion to recall the mandate is denied.

CR-04-534. Charles Gentry Rodgers v. State of Arkansas, from Phillips County Circuit Court. Petitioner’s pro se third petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is denied.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 20, 2023**

**PER CURIAM ORDERS**

CR-22-658. Jimmie L. Barker v. State of Arkansas, from Crittenden County Circuit Court. Appellant's pro se motion to expedite. Trial court's order denying petition for writ of error coram nobis affirmed; pro se motion to expedite moot. Womack, J., would moot pro se motion to expedite.

CR-22-715. Deric Smith v. State of Arkansas, from Jefferson County Circuit Court. Appellant's pro se motion for leave, transcript, and copy of brief on appeal treated as motion for transcript at public expense and denied.

CR-23-16. Durell Barnum v. State of Arkansas, from Faulkner County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot.

CR-23-22. Wayne Madole v. State of Arkansas, from Franklin County Circuit Court, Northern District. Appellant's pro se motion for extension of time to file points for reversal is moot.

CR-23-32. John Patrick Cullen v. State of Arkansas, from Garland County Circuit Court. Appellant's pro se motion for extension of time to file reply brief is granted. Womack, J., would deny.

CR-23-142. Steven C. Hayes v. State of Arkansas, from Saline County Circuit Court. Pro se appeal. Trial court's order denying petition for writ of error coram nobis affirmed. Webb, J., not participating.

CR-23-153. Donald Adams v. State of Arkansas, from Benton County Circuit Court. Appellant's pro se motion for permission to file brief with an addendum is denied. Webb, J., would moot.

CR-23-267. Richard Alan Davis v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se petition for writ of mandamus is moot.

CR-23-267. Richard Alan Davis v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Petitioner's pro se motion for appointment of counsel is denied.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for gag order is denied.



**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 20, 2023**

**PER CURIAM ORDERS**

CR-23-318. Wesley Jefferson v. State of Arkansas, from St. Francis County Circuit Court. Petitioner's pro se motion for belated appeal is granted. Wood, Womack, and Hiland, JJ., would deny.

CR-23-318. Wesley Jefferson v. State of Arkansas, from St. Francis County Circuit Court. Petitioner's pro se motion for rule in contempt treated as motion for rule on clerk and denied.

CR-23-348. Jeremy Kennedy v. State of Arkansas, from Jackson County Circuit Court. Petitioner's pro se motion for rule on clerk is denied. Webb, J., would dismiss.

CV-22-546. Samuel Love v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Petitioner's pro se motion to file belated brief. Motion denied; appeal dismissed.

CV-23-57. Willie Gaster Davis, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se petition for writ of mandamus and motion for extension of time to file brief. Petition for writ of mandamus denied; motion for extension of time to file brief granted.

CV-23-227. Myron Anderson v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellee's motion to dismiss or, in the alternative, motion for extension of time in which to file brief. Motion to dismiss appeal granted.

CV-23-233. Howard Togo Wood, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Hot Spring County Circuit Court. Appellant's pro se motion for access to the record on appeal is granted.

CV-23-233. Howard T. Wood, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Hot Spring County Circuit Court. Appellant's pro se motion for extension of time to file brief is granted in part.

CV-23-282. Thernell Hundley v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion to amend petition is denied.

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF JULY 20, 2023**

**PER CURIAM ORDERS**

CV-23-282. Thernell Hundley v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion for appointment of counsel is denied.

In the Matter of the Office of Ethics Counsel. See per curiam issued July 14, 2023.

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**Pursuant to Rule 4-5 of the Rules of the Supreme Court and Court of Appeals, the following cases are dismissed for failure to file an appellant's brief.**

CV-22-542. Nicholaus Patterson v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-22-669. Amos Cooper, Jr. v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.

CV-23-176. Kenneth L. Waller a/k/a Versace Pooh LaGreca v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court.