

ARKANSAS SUPREME COURT

PROCEEDINGS OF SEPTEMBER 14, 2023

PER CURIAM ORDERS

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

CR-22-21. Stacy Anthony Mitchell v. State of Arkansas, from Benton County Circuit Court. Baker and Hudson, JJ., would grant.

CV-22-662. LaQuince T. Hogan v. Dexter Payne, Director, Arkansas Division of Correction, from Hot Spring County Circuit Court.

CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motion to amend motion for reconsideration and for writ of certiorari is denied.

CR-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se second motion to amend motion for reconsideration and for writ of certiorari is denied.

CR-20-505. Clarence Turnbo v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion for access to sealed exhibit is denied. Wood and Hiland, JJ., would grant.

CR-22-615. Marlon Smith v. State of Arkansas, from Washington County Circuit Court. Appellee's motion to remand to settle and supplement the record and for extension of brief time is granted.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of the Center on Wrongful Convictions for permission to file an amicus curiae brief is granted. Special Justices Mary Carole Young and Marcia Hearnberger agree. Womack, J., would deny. Kemp, C.J., and Hiland, J., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of exonerees for permission to file a belated amicus curiae brief is granted. Special Justices Mary Carole Young and Marcia Hearnberger agree. Womack, J., would deny. Kemp, C.J., and Hudson and Hiland, JJ., not participating.

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CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of exonerees for permission to file an oversized amicus curiae brief is granted. Special Justice Mary Carole Young agrees. Womack, J., and Special Justice Marcia Hearnberger would deny. Kemp, C.J., and Hudson and Hiland, JJ., not participating.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of Stephen L. Braga for admission pro hac vice is granted. Special Justices Mary Carole Young and Marcia Hearnberger agree. 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 and Anne Miles Golson to reconsider order as to the pro hac vice applications or, in the alternative, for leave of Lindsey C. Boney IV and Anne Miles Golson to file substituted and amended motions for pro hac vice admission or, in the alternative, for leave of The Innocence Project to file a substituted and amended motion to participate as amicus curiae. Motion for reconsideration denied; motion for leave of Lindsey C. Boney IV and Anne Miles Golson to file substituted and amended motions for pro hac vice admission is granted. Special Justice Mary Carole Young agrees. Special Justice Marcia Hearnberger would grant leave to allow The Innocence Project to file a substituted and amended motion to participate as amicus curiae. Kemp, C.J., and Hiland, J., not participating.

CR-23-1. Justin Howard Petty v. State of Arkansas, from Miller County Circuit Court. Joint status report ordered. The conventionally filed disc marked as defendant's exhibit number 1 contains no files. The parties are, therefore, ordered to file a status report on the relevance, if any, of the missing exhibit. Status report due in seven days (September 14, 2023). Baker, Hudson, and Wood, JJ., would remand to settle the record. (Proceedings of September 7, 2023)

CR-23-84. Michael Eugene Driver v. State of Arkansas, from Conway County Circuit Court. Joint motion to supplement the record is granted.

CR-23-351. State of Arkansas v. Mulazim Muhammad, from Pulaski County Circuit Court, Third Division. Respondent's motion for reconsideration is denied.

CR-23-354. Lemuel Sisson Whiteside v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's petition for writ of certiorari or, alternatively, motion to correct record on appeal is granted.

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CR-23-400. Zachary Nicholas Ryan Harlan v. State of Arkansas, from Benton County Circuit Court. Appellant's motion to extend return of writ of certiorari is granted.

CR-23-411. Ricky Lewis Neal v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion to relieve counsel is denied.

CR-23-441. Timothy Wayne Ross v. State of Arkansas, from Dallas County Circuit Court. Motion of Louis L. Loyd to withdraw as attorney for appellant is granted.

CR-23-462. Stephen Allen King, Jr. v. State of Arkansas, from Randolph County Circuit Court. Petitioner's motion to consolidate is denied.

CR-23-537. Corey Jeffery v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's petition for writ of certiorari to complete the record is granted.

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 to strike statement of the case and facts, and portions of argument or, alternatively, to require rebriefing is moot.

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' amended motion to strike statement of the case and facts, and portions of the argument or, alternatively, to require rebriefing is denied. Womack, J., would moot. Webb, J., would take with the case.

CV-23-227. Myron Anderson v. Dexter Payne, Director, Arkansas Department of Correction, from Lincoln County Circuit Court. Appellant's pro se motion for reconsideration is denied. Webb, J., would grant.

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CV-23-340. Robinson Nursing and Rehabilitation Center, LLC, d/b/a Robinson Nursing and Rehabilitation Center v. Andrew Phillips, as Personal Representative of the Estate of Dorothy Phillips, and on Behalf of the Wrongful Death Beneficiaries of Dorothy Phillips; and on Behalf of Themselves and All Others Similarly Situated, from Pulaski County Circuit Court, Sixth Division. Appellees' motion to exclude chart of arbitration agreements from the word count limit is granted. Wood, J., not participating.

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 of M. Christine Dillard to withdraw as counsel on behalf of respondent is granted.

CV-23-450. Arkansas Department of Finance and Administration v. Trotter Auto, Inc., d/b/a Trotter Toyota, from Jefferson County Circuit Court. Appellant's motion to consolidate appeals is granted. Womack, J., would deny.

CV-23-451. Arkansas Department of Finance and Administration v. Trotter Ford, Inc., from Jefferson County Circuit Court. Appellant's motion to consolidate appeals is granted. Womack, J., would deny.

CV-23-477. Chris P. Corbitt, Esq.; Robert Steinbuch, Esq.; and Ben Motal, Esq., on Behalf of Themselves and All Persons Similarly Situated v. Pulaski County Circuit Court; 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, Sixteenth Division. Appellants' motion to supplement the record is granted. Kemp, C.J., and Baker and Hudson, JJ., would deny.

CV-23-552. Lee Stokes v. Dexter Payne, Director, Arkansas Division of Correction, from Lincoln County Circuit Court. Motion of Michael Kiel Kaiser to be relieved as attorney of record is granted.

D-23-362. In Re Rosemarie Dora Boyd, an Original Action. Appellant's pro se motion to stay briefing schedule and motion for extension of time. Motion to stay moot; motion for extension of time granted.

D-23-362. In Re Rosemarie Dora Boyd, an Original Action. Appellant's pro se motion to correct and supplement the record on appeal is denied.

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D-23-453. In Re Matthew Porter McKay, Arkansas Bar No. 2007146, an Original Action. Petition of Matthew Porter McKay, Arkansas Bar No. 2007146, for surrender of license is granted.

D-23-523. In Re Daniel Arthur Stewart, Arkansas Bar No. 95024, an Original Action. Petition of Daniel Arthur Stewart, Arkansas Bar No. 95024, for surrender of license is granted.

E-22-201. Donna Woolfolk v. Director et al., from the Arkansas Board of Review. Petitioner's pro se motion for permission to allow late filing is denied.

CR-86-161. Anthony Frederick Thrash v. State of Arkansas, from Desha County Circuit Court. Petitioner's pro se fourth petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is denied.

CR-87-220. Ben W. Grimes, Jr. v. State of Arkansas, from Jefferson County Circuit Court. Petitioner's pro se motion to recall mandate and alternative request for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1 is denied.

CR-95-1243. David Ferrell v. State of Arkansas, from Hot Spring 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-95-1243. David Ferrell v. State of Arkansas, from Hot Spring County Circuit Court. Petitioner's pro se motion for appointment of counsel is moot.

CR-12-377. Terry Antonio Lee v. State of Arkansas, from Pulaski County Circuit Court, Seventh 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-22-98. Martha Rosario Gonzales v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Petitioner's pro se second motion to file a belated petition for review is denied.

CR-22-617. Sharvelt Marquette Mister v. State of Arkansas, from Sebastian County Circuit Court, Fort Smith District. Pro se appeal. Appeal dismissed.

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CR-22-796. Jerrod Craven v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Pro se appeal. Appeal dismissed.

CR-22-796. Jerrod Craven v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's pro se motion to file a belated reply brief is moot.

CR-23-102. Jeffery Workman v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Appellant's pro se motion to disregard the appellate brief filed by counsel of record is denied.

CR-23-102. Jeffery Workman v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Appellant's pro se motion to substitute counsel is denied.

CR-23-229. Craytonia Badger v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se petition for writ of mandamus, writ of prohibition or, alternative, motion for belated appeal is denied. Kemp, C.J., and Baker, J., would deny petition for writ of mandamus and prohibition and treat motion for belated appeal as a motion for rule on clerk and grant.

CR-23-229. Craytonia Badger v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se motion for leave to amend application for writ of mandamus and motion for belated appeal is denied.

CR-23-231. Gilberto Guerra v. State of Arkansas, from Benton County Circuit Court. Petitioner's pro se motion to file belated motion for reconsideration is denied. Wood, J., would dismiss.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for recusal of Associate Justices. Motion denied by Justice Baker and Justice Hudson individually.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion requesting disqualification of Associate Justices. Motion denied by Justice Baker and Justice Hudson individually.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se amended motion for disqualification of Associate Justices. Motion denied by Justice Baker and Justice Hudson individually.

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CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for disqualification of Associate Justices and scientific testing. Motion for disqualification denied by Justice Baker and Justice Hudson individually. Motion for scientific testing denied.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for recusal of justices. Motion denied by each justice individually.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for disqualification of justices and judges. Motion denied by each justice individually.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se writ of right is denied. Wood, J., would dismiss.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se petition for writ of certiorari to complete the record is denied.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion to withdraw Arkansas Attorney General and Assistant Attorney General is denied.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se amended motion requesting disqualification of Associate Justices. Motion denied by each justice individually.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se amended motion to recuse Associate Justices. Motion denied by Justice Baker and Justice Hudson individually.

CR-23-461. Ronnie R. Collins v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se motion to proceed without a certified record treated as a motion for rule on clerk and denied.

CV-22-684. Jason Allen Farmer v. Dexter Payne, Director, Arkansas Department of Correction, from Hot Spring County Circuit Court. Petitioner's pro se motion for extension of time to file reply brief is moot.

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CV-23-375. Jessie Hill v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion of subjugation, writ of mandamus, and motion to file transcript with appeal brief is denied.

CV-23-429. Jeremy Kennedy v. Arkansas Parole Board, an Original Action. Petitioner's pro se motion for rule on clerk is denied.

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MOTIONS SUBMITTED

CV-22-296. Jerry Herron v. Arkansas Department of Correction, from Arkansas County Circuit Court, Northern District. Petitioner’s motion to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CV-23-349. Floyd E. Sagely, Jr. v. State of Arkansas; Governor Asa Hutchinson; Attorney General Leslie Rutledge; Arkansas State Police, Col. William J. Bryant, Director; and Arkansas Crime Information Center, Brad Cazort, Director, from Pulaski County Circuit Court, Twelfth Division. Appellees’ motion for extension of time.

D-23-601. Arkansas Supreme Court Board of Certified Court Reporter Examiners v. Brittney Ridge, CCR No. 862, an Original Action. Petitioner’s petition for approval of discipline by consent agreement and order.

CR-15-492. Deontae Fulton v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner’s pro se motion to file a belated motion for reconsideration.

CR-23-142. Steven C. Hayes v. State of Arkansas, from Saline County Circuit Court. Appellant’s pro se motion for an extension of time to file a petition for rehearing and request that this court issue an opinion.

CV-23-98. Larry 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-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. Orally argued.

CR-22-677. Zorel Tilson v. State of Arkansas, from Garland County Circuit Court.

CR-22-821. Keith Wofford v. State of Arkansas, from Faulkner County Circuit Court.

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.

CR-22-561. Henry Alexander Harmon v. State of Arkansas, from Pulaski County Circuit Court, First Division.

CR-22-693. Michael J. Todd v. State of Arkansas, from Hempstead County Circuit Court.

CR-23-236. Duane Gonder v. State of Arkansas, from Drew County Circuit Court.

CV-22-702. William L. Andrews v. Dexter Payne, Director, Arkansas Department of Correction, from Chicot County Circuit Court.

CV-22-792. Conray Carroll v. Dexter Payne, Director, Arkansas Department of Correction; and Mark Felts, Director, Arkansas Parole Board, from Jefferson County Circuit Court.