

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF SEPTEMBER 28, 2023

### **JOHN DAN KEMP, CHIEF JUSTICE**

[CV-22-792](#). Conray Carroll v. Dexter Payne, Director, Arkansas Division of Correction; and Mark Felts, Director, Arkansas Parole Board, from Jefferson County Circuit Court. Affirmed. Womack, J., dissents.

### **COURTNEY RAE HUDSON, JUSTICE**

[CR-22-677](#). Zorel Tilson v. State of Arkansas, from Garland County Circuit Court. Petition for writ of certiorari and/or prohibition. Petition denied. Wood, J., concurs.

[CV-22-702](#). William L. Andrews v. Dexter Payne, Director, Arkansas Department of Correction, from Chicot County Circuit Court. Affirmed. Womack, J., dissents.

### **SHAWN A. WOMACK, JUSTICE**

[CR-23-1](#). Justin Howard Petty v. State of Arkansas, from Miller County Circuit Court. Remanded. Baker and Hudson, JJ., concur.

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**PER CURIAM ORDERS**

CR-22-619. Corey McCullon v. State of Arkansas, from Craighead County Circuit Court, Western District. Certification to the Supreme Court is granted.

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 is denied.

CV-23-290. Reliance Health Care, Inc.; Ovation Health Systems, Inc.; RHC Operations, Inc.; Eagle Health Systems, Inc.; GNNC, Inc., d/b/a Gosnell Therapy and Living; SRCNC, Inc., d/b/a The Crossing at Riverside Health and Rehabilitation; BVNC, Inc., d/b/a Mountain Meadows Health and Rehabilitation; SLNC, Inc., d/b/a Southfork River Therapy and Living; Nashville Nursing and Rehab, Inc.; Beebe Retirement Center, Inc.; WCNC, Inc., d/b/a Katherine's Place at Wedington; GVNC, Inc., d/b/a Gassville Therapy and Living; MHCNC, Inc., d/b/a Care Manor Nursing and Rehab; MHHNC, Inc., d/b/a Hiram Shaddox Geriatric Health and Rehab; NWA Nursing Center, LLC, d/b/a The Maples at Har-Ber Meadows; FPNC, Inc., d/b/a Twin Lakes Therapy and Living; TXKNC, Inc., d/b/a Bailey Creek Health and Rehab; Westwood Health and Rehab, Inc.; Bryan M. Adams; Anthony Brandon Adams; John Ellis; Gena Turner; Amy Rollins; and Andrea Neil v. Katherine Jones Mitchell, as Special Administrator of the Estate of John L. Mitchell, Deceased; Barbara Ann Phillips, as Special Administratrix of the Estate of Barbara Jean Crowe, Deceased; Michael Askue, as Special Administrator of the Estate of Debra Irene Watkins, Deceased; Martha Gray Donnell; Jessie Marie Melton, as Special Administrator of the Estate of Vernie Marie Graveline, Deceased; Dale Fountain, as Special Administrator of the Estate of Laura Fountain, Deceased; Mike Mims, as Special Administrator of the Estate of Mary Mims, Deceased; Betty Sue Bradford; Kristin McCuiston; Billy Ray Brewer; Lois Henley; Heather Staton; Peggy Howerton, as Personal Representative of the Estate of Melvin Howerton, Deceased; Tammie Skaggs, as Special Administratrix of the Estate of Patricia Ann San Migel, Deceased; Mary Molitor, as Special Administrator of the Estate of Willard Molitor, Deceased; Steve Harrelson, as Special Administrator of the Estate of Harvey "Curtis" Jones; Jana Dawn Smith, as Personal Representative of the Estate of Donald Keith Smith, Deceased; and Andy Wiggs, as Personal Representative of the Estate of Harold Lee Wiggs, Deceased, from Mississippi County Circuit Court, Chickasawba District. Petitioners' petition for writ of prohibition, mandamus, and/or certiorari is granted. Special Justice Tiffany Brown agrees. Kemp, C.J., would deny. Baker and Hudson, JJ., would take as a case. Womack, J., not participating.

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**PER CURIAM ORDERS**

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 treated as a motion to file belated brief and granted.

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 is granted.

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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 is denied.

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 is denied.

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**PER CURIAM ORDERS**

In Re Arkansas Supreme Court Committee on Model Jury Instructions - Civil. See [per curiam](#) this date.

Patrick Wilson, Esq., of Little Rock; Taylor Chaney of Arkadelphia; and Julie Greathouse, Esq., of Little Rock, are appointed to the Arkansas Supreme Court Committee on Model Jury Instructions - Civil for three-year terms to expire on September 30, 2026. The Court extends its appreciation to these members for their willingness to serve on this important committee.

Chip Sexton, Esq., of Fort Smith, is reappointed to the committee for a three-year term expiring September 30, 2026. We thank Mr. Sexton for his willingness to continue his service on the committee.

The court designates committee member Karen Elizabeth “Betsy” Baker, Esq., of Little Rock, to succeed Jamie Jones as chair. We thank Ms. Jones, whose term has expired, for her service on the committee as chair and extend our appreciation to Ms. Baker for undertaking these duties.

The court also expresses its gratitude to the other outgoing members, Stuart Miller, Esq., and Circuit Judge Robert Gibson III, for their years of valuable service to this committee.

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**PER CURIAM ORDERS**

In Re Arkansas Supreme Court Committee on Civil Practice. See [per curiam](#) this date.

Suzanne Penn, Esq., of Little Rock; Douglas M. Carson, Esq., of Fort Smith; and Austin Easley, Esq., of Forrest City, are reappointed to the Arkansas Supreme Court Committee on Civil Practice for three-year terms to expire on September 30, 2026. The court extends its appreciation to these members for their continued service.

Jamie Jones, Esq., of Little Rock; Judge Robert Gibson III of Crossett; and Megan Hargraves, Esq., of Little Rock, are appointed to the committee for three-year terms to expire September 30, 2026. We thank Ms. Jones, Judge Gibson, and Ms. Hargraves for their willingness to accept appointment to this important committee.

The court extends its gratitude to Bob Estes, Esq., of Fayetteville; Bill Stanley, Esq., of Jonesboro; and Kenya Davenport, Esq., of Little Rock, whose terms have expired, for their service to this committee.

In Re Board of Certified Court Reporter Examiners. See [per curiam](#) this date.

The court appoints the Honorable Alex Guynn of Pine Bluff, Circuit Judge, 11th-West Judicial Circuit, the Honorable Leigh Zuerker of Fort Smith, Circuit Judge, 12th Judicial Circuit, and Sandra Wright of Jonesboro, Certified Court Reporter, to the Board of Certified Court Reporter Examiners for three-year terms to expire on September 30, 2026. The court extends its appreciation to these new members for their willingness to serve on this important board.

The Honorable Blake Batson of Arkadelphia, Circuit Judge, 9th-East Judicial Circuit, and Dana Hayden of Fayetteville, Certified Court Reporter, are reappointed to the Board of Certified Court Reporter Examiners for three-year terms expiring on September 30, 2026. The court thanks them for their continued service on this board.

The court expresses its gratitude to the Honorable Jodi Raines Dennis of Pine Bluff, Circuit Judge, 11th-West Judicial Circuit, and the Honorable Brad Karren of Bentonville, Circuit Judge, 19th-West Judicial Circuit, whose terms have expired, for their years of valuable service to this board.

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**MOTIONS SUBMITTED**

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Substituted and amended motion of Lindsey C. Boney IV for admission pro hac vice.

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Substituted and amended motion of Anne Miles Golson for admission pro hac vice.

CR-23-618. Mauricio Alejandro Torres v. State of Arkansas, from Benton County Circuit Court. Appellant’s petition for writ of certiorari to complete the record.

CV-23-152. Chad Kelley, in His Individual and Official Capacity as Coroner of Jefferson County, Arkansas v. Bryan Adams; Brandon Adams; Skylar Wilson; Luther Sutter; Lucien Gillham; Sutter & Gillham, PLLC; Kenneth Gregory Stephens; K. Gregory Stephens, P.A.; Kerry Baker, Individually; Kerry Baker, as Administrator of the Estates of James Luke Baker; Savannah Baker Case; Gena Downey Baker; Michael Noble; Allen Noble; Noble Investigations, Inc.; and Denver Roller, Inc., d/b/a Roller-McNutt Funeral Home, from Faulkner County Circuit Court. Appellant’s motion to transfer to Arkansas Supreme Court.

CV-23-617. Crestpark of Helena, LLC; Belew, LLC; Dilks, LLC; Home Office, LLC; Barbara Belew; and Melisha Dilks v. Ruthie Davis, as Personal Representative of the Estate of Frankie Palaima, and on Behalf of the Wrongful Death Beneficiaries of Frankie Palaima, from Phillips County Circuit Court. Petitioners’ petition for writ of certiorari.

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CR-14-89. Michael Lee Williams v. State of Arkansas, from Pulaski 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-14-1088. Fred L. Williams v. State of Arkansas, from Drew County Circuit Court. Petitioner’s pro se motion for rule on clerk for permission to file an interlocutory appeal, for disqualification of counsel, and appointment of new counsel.

CR-20-143. Donald Adams v. State of Arkansas, from Benton County Circuit Court. Petitioner’s pro se motion to unseal the record/transcript.

CR-23-308. Terrick Noonan v. State of Arkansas, from Saline County Circuit Court. Appellant’s pro se motion requesting disqualification because of unnecessary delay.

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**MOTIONS SUBMITTED**

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se amended motion for recusal of Arkansas Supreme Court Justices and Judges.

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se amended motion for recusal of Arkansas Supreme Court Justices and Judges.

CR-23-540. Joe Morgan v. State of Arkansas, from Pulaski County Circuit Court. Petitioner's pro se petition for writ of mandamus.

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 to supplement the record.

CV-23-500. Terry Lee v. Arkansas State Crime Laboratory, from Pulaski County Circuit Court. Appellant's pro se motion for appointment of counsel.

CV-23-504. Jeremy Kennedy v. Arkansas Parole Board, from IZARD County Circuit Court. Petitioner's pro se petition for writ of mandamus.

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## PROCEEDINGS OF SEPTEMBER 28, 2023

### CASES SUBMITTED

CV-23-50. Legends Resort and Casino, LLC; Cherokee Nation Businesses, LLC; and Arkansas Racing Commission v. Gulfside Casino Partnership and Choctaw Nation of Oklahoma, from Pulaski County Circuit Court, Sixth Division. Orally argued.

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

CR-23-22. Wayne Madole v. State of Arkansas, from Franklin County Circuit Court, Northern District.

CV-23-183. Leo Humphrey and Lawrence Smith, Individually and on Behalf of All Citizens and Qualified Electors of Forrest City, Arkansas v. Pattie Long, Patricia Beede, and Frederick Freeman, as Members of the St. Francis County Election Commission; Brandi McCoy, as County Clerk of St. Francis County, Arkansas; Jim Bailey, Jr., Candidate for City Council; and Ronald Williams, Candidate for City Council, from St. Francis County Circuit Court.