

ARKANSAS SUPREME COURT

PROCEEDINGS OF OCTOBER 19, 2023

PER CURIAM ORDERS

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 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. Substituted and amended motion of Anne Miles Golson 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-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 is granted.

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 is denied. Webb, J., would grant. Kemp, C.J., not participating.

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 is denied. Webb, J., would take as a case.

CR-14-89. Michael Lee Williams 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-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 is denied.

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

CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion requesting disqualification because of unnecessary delay. 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 of September 2, 2023, for recusal of Arkansas Supreme Court 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 amended motion of September 3, 2023, for recusal of Arkansas Supreme Court Justices and Judges. Motion denied by each justice individually.

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

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 to supplement the record is denied.

CV-23-500. Terry Lee v. Arkansas State Crime Laboratory, from Pulaski County Circuit Court, Sixteenth Division. Appellant's pro se motion for appointment of counsel is denied. Womack, J., would dismiss.

CV-23-504. Jeremy Kennedy v. Arkansas Parole Board, from Izaard County Circuit Court. Petitioner's pro se petition for writ of mandamus is denied. Womack, J., would dismiss.

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MOTIONS SUBMITTED

PETITIONS FOR REHEARING:

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

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

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

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 McCuistion; 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.

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CR-12-377. Terry Antonio Lee v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Petitioner's pro se motion for reconsideration.

CR-22-590. Kevonce Lamont Ephriam v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to dismiss.

CR-22-619. Corey McCullon v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Jordan Tinsley to withdraw as counsel and appoint substitute counsel.

CR-22-715. Deric Smith v. State of Arkansas, from Jefferson County Circuit Court. Appellee's motion to dismiss appeal.

CR-23-630. Darren Taylor v. State of Arkansas, from Pulaski County Circuit Court, First Division. Appellant's motion for rule on clerk.

CR-23-651. Adam Maskell v. State of Arkansas, from Bradley County Circuit Court. Petitioner's pro se emergency petition for writ of mandamus, writ of prohibition and/or stay of proceedings before the Bradley County Circuit Court and request for expedited response.

CR-23-656. Keenan Letrell Hudson v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's motion for rule on clerk.

CR-23-656. Keenan Letrell Hudson v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant's petition for writ of certiorari to complete the record.

CR-23-660. David Anson Alandt v. State of Arkansas, from Saline County Circuit Court. Petitioner's pro se motion to proceed in forma pauperis.

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. Sworn motion to permit Mateo Forero-Morena to appear and practice pro hac vice.

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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. Sworn motion to permit Jason B. Torchinsky to appear and practice pro hac vice.

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, Fourth Division. Appellees' motion to supplement the record.

CV-23-590. Risie Howard, Special Administratrix of the Estate of Mrs. George Howard, Jr. (Vivian), Deceased v. Baptist Health a/k/a Baptist Health Home Health Network; Diamond Risk Insurance Company, LLC; Dr. John Harris, M.D.; Leah Willett, B.S.N., R.N., Individually; Alecia Brucks, S.L.P., Individually; and Brandy M. Cantwell, P.T., Individually, from Pulaski County Circuit Court, Sixth Division. Motion of separate appellee, Dr. John Harris, M.D., to dismiss appeal.

CV-23-624. Christina Centofante, Roger Henley, Barbara Ann Henley, Scott Stubenrauch, Cheryl Stubenrauch, Stanley Butski, Noelle Butski, John Killingsworth, Cheryl Killingsworth, Heath Henderson, Mary Katherine Henderson, Donald Robert Hudson, Bridget Hudson, Dale McDaniel, Tonya McDaniel, Clayton Moore, Miranda Moore, Randall Van Den Berghe, Cynthia Van Den Berghe, and Pinnacle Mountain Community Coalition v. Rick Ferguson; Paradise Valley, LLC; Waterview Estates, LLC; Waterview Meadows, LLC; Waterview Estates Phase III, LLC; Waterview Estates Phase VI And VII, LLC; AFF Holdings, LLC; the Pulaski County Property Owners Multipurpose Improvement District No. 2021-2; Capital City Property Holdings, LLC; and Pulaski County, Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioners' petition for writ of prohibition.

CV-23-639. (In the Matter of Sarah Alice Spencer) Sarah Alice Spencer v. Karen Kolb-Spencer and Matthew Ford Spencer, from Drew County Circuit Court. Petitioner's petition for writ of certiorari.

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CV-23-639. (In the Matter of Sarah Alice Spencer) Sarah Alice Spencer v. Karen Kolb-Spencer and Matthew Ford Spencer, from Drew County Circuit Court. Motion of separate respondent Karen Kolb-Spencer for extension of time.

CV-23-640. In the Matter of Michelle Marie Berger, from Benton County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CV-23-640. In the Matter of Michelle Marie Berger, from Benton County Circuit Court. Petitioner's pro se petition to amend application for writ of mandamus.

CV-23-641. In the Matter of Travis Vaughn Berger, from Benton County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CV-23-641. In the Matter of Travis Vaughn Berger, from Benton County Circuit Court. Petitioner's pro se petition to amend application for writ of mandamus.

CV-23-654. Marci Keefe v. Shaun Keefe and J. Brooks Wiggins, from Saline County Circuit Court. Petitioner's petition for writ of certiorari and motion for expedited consideration and temporary relief.

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MOTIONS SUBMITTED

CV-23-675. 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 McCuistion; 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 v. 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, from Mississippi County Circuit Court, Chickasawba District. Petitioners’ motion to use the record of a pending appeal and petition for writ in this petition for writ of prohibition, mandamus, and/or certiorari.

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MOTIONS SUBMITTED

CV-23-675. 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 v. 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, from Mississippi County Circuit Court, Chickasawba District. Petitioners’ petition for writ of prohibition, mandamus, and/or certiorari.

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D-23-599. Lisa C. Ballard, as Executive Director of the Supreme Court Committee on Professional Conduct v. Zachary Adam Musgraves, Arkansas Bar No. 2018201, an Original Action. Petition for disbarment.

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CASES SUBMITTED

CR-22-651. Hunter Bishop v. State of Arkansas, from White County Circuit Court. Orally argued.

CR-22-776. Jason Bridges v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-23-130. Kayvon Ward v. State of Arkansas, from Garland County Circuit Court.

CR-23-202. Michael Joe Doerhoff v. State of Arkansas, from White County Circuit Court.

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.