

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF NOVEMBER 2, 2023**

**JOHN DAN KEMP, CHIEF JUSTICE**

[CR-22-776](#). Jason Bridges v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed.

**CODY HILAND, JUSTICE**

[CR-23-130](#). Kayvon Ward v. State of Arkansas, from Garland County Circuit Court. Affirmed.

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**PER CURIAM ORDERS**

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

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.

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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 is denied.

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

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 is granted.

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

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

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 is denied.

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

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 is granted.

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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 is granted. Wood and Hiland, JJ., would deny.

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

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 is granted.

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 is granted. Webb, J., would deny.

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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 is denied.

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 is denied. Kemp, C.J., would grant.

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 is moot.

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

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 is denied.

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

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 is denied.

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 is denied. Kemp, C.J., would grant.

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# ARKANSAS SUPREME COURT

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### MOTIONS SUBMITTED

CR-22-670. Damien Echols v. State of Arkansas, from Crittenden County Circuit Court. Motion of The Innocence Project to file amicus curiae brief in support of appellant.

CR-23-354. Lemuel Sisson Whiteside v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Appellant's second motion to correct or supplement the record on appeal.

CR-23-683. Charles Edward Harris, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Petitioner's pro se petition for writ of certiorari.

CV-23-412. Arkansas Department of Finance and Administration v. Kit C. Wilson and JoLe Wilson, from Phillips County Circuit Court. Appellees' motion to dismiss and brief in support.

CV-23-511. Fred Guy Monaco II and Sandra Jean Monaco v. Krissy Lewis, in Her Official Capacity as Faulkner County Assessor; and Sherry Koonce, in Her Official Capacity as Faulkner County Tax Collector, from Faulkner County Circuit Court. Appellants' pro se motion to quash appellees' brief.

CV-23-511. Fred Guy Monaco II and Sandra Jean Monaco v. Krissy Lewis, in Her Official Capacity as Faulkner County Assessor; and Sherry Koonce, in Her Official Capacity as Faulkner County Tax Collector, from Faulkner County Circuit Court. Appellants' pro se motion to withdraw motion to quash appellees' brief.

CV-23-575. City of Helena-West Helena and Christopher Franklin, as Mayor of the City of Helena-West Helena v. Greg Williams, from Phillips County Circuit Court. Motion of Thomas N. Kieklak to withdraw as counsel for appellants.

CV-23-575. City of Helena-West Helena and Christopher Franklin, as Mayor of the City of Helena-West Helena v. Greg Williams, from Phillips County Circuit Court. Motion of R. Justin Eichmann to withdraw as counsel for appellants.

CV-23-616. Little Scholars of Arkansas Foundation, d/b/a LISA Academy; AP Consolidated Theatres II L.P.; CSRC Charter Lisa, LLC; and KLS Leasing, LLC, on Behalf of Themselves and All Others Interested v. Pulaski County, Arkansas; Debra Buckner, in Her Official Capacity as Pulaski County Treasurer; and Janet Troutman Ward, in Her Official Capacity as Pulaski County Assessor, from Pulaski County Circuit Court, Eleventh Division. Motion of Harper Kiefer to withdraw as counsel for appellants.

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**MOTIONS SUBMITTED**

CV-23-653. Union Pacific Railroad Company v. Randy G. Franklin, an Original Action. Motion to certify a question of law.

D-23-701. Arkansas Supreme Court Board of Certified Court Reporter Examiners v. Deborah Hall, CCR No. 758, an Original Action. Petitioner's petition to accept surrender of certificate in lieu of disciplinary proceedings.

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CR-23-308. Terrick Nooner v. State of Arkansas, from Saline County Circuit Court. Appellant's pro se motion for recusal against justices.

CR-23-318. Wesley Jefferson v. State of Arkansas, from St. Francis County Circuit Court. Appellee's motion to dismiss appeal.

CR-23-608. Kendrick Story v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se petition for writ of mandamus.

CV-23-375. Jessie Hill v. Dexter Payne, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motion to expand page limit and for final order, decree, or judgment.

CV-23-559. Jose-Enrique Mendiola v. Dexter Payne, Director, Arkansas Division of Correction, from Lincoln County Circuit Court. Petitioner's pro se motion for belated appeal.

CV-23-592. Ricky Lee Scott v. Rhonda Sullivan, Circuit Clerk; Alvah Griggs-Washington, Court Reporter, and/or Successor Kristy Wheeler; Linda E. Worstell, Court Reporter; Nila Keels, Court Reporter, and/or Successor Carla K. Astin; Judge L.T. Simes II, and/or Successor Hon. E. Dion Wilson; Judge Harvey Yates, and/or Successor Hon. Richard L. Proctor; Judge Ashley Higgins, and/or Successor Hon. Christopher W. Morledge, from Cross County Circuit Court. Petitioner's pro se petition for writ of mandamus.

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**MOTIONS SUBMITTED**

CV-23-633. Charles Edward Harris, Jr. v. Dexter Payne, Director, Arkansas Division of Correction; Bobby Glover, Chairman; Arkansas Board of Corrections; John Doe, Vice Chairman, Arkansas Board of Corrections; Buddy Chadick, Secretary, Arkansas Board of Corrections; Tyrone Broomfield; John Felts; William Byers; and Whitney Gass, in Their Official Capacities as Members of the Arkansas Board of Corrections, from Lincoln County Circuit Court. Appellant's pro se motion for use of record and extension of time to file brief.

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**CASES SUBMITTED**

CR-22-253. Ricky Lee Burnett v. State of Arkansas, from Benton County Circuit Court.

CV-22-600. Jeremy Cook and Ronnie Hedge v. The Most Worshipful Lodge, Free and Accepted Masons of the State of Arkansas, and its Masonic Jurisdiction (Grand Lodge); Carl E. Nelson; Robert L. Jackson; Boyd Freeman; Samuel D. Lattin; George K. Coffman (Deceased); Arnold G. Hodge; Charles H. Ferguson; Martin E. Warren; Billy Joe Holder; Bradley R. Phillips; George R. Franks, Jr.; and Chris Young, All in Their Individual Capacities and in Their Official Capacities as Office Holders and Members of the Grand Lodge; and John Does 1–25, from Pulaski County Circuit Court, Fifth Division.

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.



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### CASES SUBMITTED

CV-23-95. 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.

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.