

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF SEPTEMBER 26, 2024**

**JOHN DAN KEMP, CHIEF JUSTICE**

[CV-24-128](#). Jeremy Kennedy v. Arkansas Parole Board, from IZARD County Circuit Court. Affirmed. Womack, J., dissents.

**KAREN R. BAKER, JUSTICE**

[CV-24-34](#). Vern Schuldheisz v. John Felts, Chairman, Arkansas Parole Board, from Pulaski County Circuit Court, Sixth Division. Affirmed. Womack, J., dissents.

**RHONDA K. WOOD, JUSTICE**

[CV-23-733](#). John Luckett v. Arkansas Parole Board; John Felts, Jamol Jones, Andy Shock, Boyce Hamlet, Wendy Ryals, Doug Smith, and Lona McCastlain, in Their Official Capacities as Members of the Arkansas Parole Board; and Dexter Payne, Director, Arkansas Division of Correction, from Pulaski County Circuit Court, Sixth Division. Affirmed. Womack, J., dissents.

**CODY HILAND, JUSTICE**

[CR-23-706](#). Tyler Joseph Barefield v. State of Arkansas, from Pope County Circuit Court. Affirmed. Special Justice J. Cliff McKinney II joins. Kemp, C.J., not participating.

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**PER CURIAM ORDERS**

REVIEWS DENIED: Petitions for review were denied today in the following cases.

CR-22-748. Oscar Perez v. State of Arkansas, from Benton County Circuit Court.

CR-23-131. Jason Adkins v. State of Arkansas, from Washington County Circuit Court.

CR-23-431. Zachary Vermillion v. State of Arkansas, from Jefferson County Circuit Court. Kemp, C.J., not participating.

CR-23-483. Jerry Lee Washington v. State of Arkansas, from Jefferson County Circuit Court.

CR-23-567. Lillian Houselog v. State of Arkansas, from Sevier County Circuit Court. Womack and Webb, JJ., would grant.

CR-23-573. John Damron v. State of Arkansas, from Baxter County Circuit Court.

CR-23-586. Billy Hoover v. State of Arkansas, from Crawford County Circuit Court.

CR-23-604. Kevin Skillern v. State of Arkansas, from Lonoke County Circuit Court.

CR-23-629. Chasity Rashelle Rogers v. State of Arkansas, from Saline County Circuit Court.

CR-23-687. Andrea Burciaga v. State of Arkansas, from Garland County Circuit Court.

CR-23-688. Marshay Wayne v. State of Arkansas, from Union County Circuit Court.

CV-22-202. Roberto Rodriguez v. Magaraju Chakka, Kanth Dasari, John Doe I, John Doe II, and John Doe III, from Pulaski County Circuit Court, Seventeenth Division.

CV-22-211. Tracey Scott and Lorenzo Hampton, Individually and on Behalf of All Others Similarly Situated v. RevClaims, LLC; and St. Bernards Hospital, from Craighead County Circuit Court, Western District.

CV-22-315. Kevin Cheri v. Laura Cheri, from Boone County Circuit Court.

CV-22-579. Shelter Mutual Insurance Company v. Karen Chitwood Berry, from Crawford County Circuit Court.

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**PER CURIAM ORDERS**

**REVIEWS DENIED:** (continued)

CV-22-585. Cody Stevens v. Harvey N. Hillenburg and Mark Hillenburg, from Stone County Circuit Court.

CV-22-695. John Cochran v. Nina Cromer, Terry Cromer, and Teresa Cromer Zachary, from Johnson County Circuit Court.

CV-22-786. Patricia Ann Betzinger and Steven Michael Betzinger v. U.S. Bank, N.A., as Trustee for Manufactured Housing Contract Senior/Subordinate Pass-Through Certificate Trust 1997-3, as Servicer, from Faulkner County Circuit Court. Webb, J., would grant.

CV-22-817. Leonard Reed v. M.A. Mortenson Companies and Arch Insurance Company/Gallagher Bassett Services, Inc., from the Arkansas Workers' Compensation Commission. Kemp, C.J., not participating.

CV-23-127. Marilyn Buckley v. Freddie Buckley, from Clark County Circuit Court. Webb, J., would grant.

CV-23-133. Peco Foods, Inc.; Occusure Claims Services, LLC; and Death and Permanent Total Disability Trust Fund v. Jeffrey Johnson, from the Arkansas Workers' Compensation Commission. Webb, J., not participating.

CV-23-182. Nursing and Rehabilitation Center at Good Shepherd, LLC; Ecumenical Care and Rehabilitation Center, LLC; Central Arkansas Nursing Centers, Inc.; Nursing Consultants, Inc.; Michael Morton; Bobby Lamb, in His Capacity as Administrator of Nursing and Rehabilitation Center at Good Shepherd, LLC; Katie Baldwin, in Her Capacity as Director of Nursing and Rehabilitation Center at Good Shepherd, LLC; and John Does I–V v. Judith White, as Special Administratrix of the Estate of Ella Holmes; and on Behalf of the Wrongful Death Beneficiaries of Ella Holmes, from Pulaski County Circuit Court, Fifth Division. Wood, J., not participating.

CV-23-189. Elizabeth Lyon v. The Academy, Inc.; and Mark Henry, from Washington County Circuit Court. Baker, J., would grant.

CV-23-212. Jim R. Nash v. John Nash, Jr., and Pam Nash Glover, Personal Representatives of the Estate of Norma Nash, Deceased, from Pulaski County Circuit Court, Third Division. Womack and Webb, JJ., would dismiss as moot.

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**PER CURIAM ORDERS**

**REVIEWS DENIED:** (continued)

CV-23-212. Jim R. Nash v. John Nash, Jr., and Pam Nash Glover, Personal Representatives of the Estate of Norma Nash, Deceased, from Pulaski County Circuit Court, Third Division. Appellant’s amended petition for review.

CV-23-257. Southeastern Commercial Masonry, Inc. v. CR Crawford Construction, LLC, from Washington County Circuit Court. Womack, J., would grant.

CV-23-258. Johnny E. Bowles v. Rusty Taylor d/b/a Pik-A-Part, from Johnson County Circuit Court.

CV-23-311. Juan Fernandez and Elise Haro v. Steve Serrano, from Benton County Circuit Court.

CV-23-325. Madison J. Bryant v. William Michael Watts, from Baxter County Circuit Court.

CV-23-327. Stephanie Wilson and William A. Buckley III v. Jeanette Kolterman, by Her Next Friend Tad Kolterman; Tad Kolterman; Monica Johnson; and Juanita Groomer, from Sebastian County Circuit Court, Fort Smith District. Baker, Womack, and Webb, JJ., would grant.

CV-23-478. Amanda Wells v. Austin Wells, from Baxter County Circuit Court. Womack, J., not participating.

CV-24-194. Michael Pardue and Karen Pardue v. Cross Keys Property Owners’ Association, Inc., from Washington County Circuit Court.

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CR-23-656. Keenan Letrell Hudson v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Appellant’s motion for remand to settle the record and abeyance of brief time is granted.

CR-24-284. James Woods v. State of Arkansas, from Lawrence County Circuit Court. Appellant’s motion to seal the record is granted.

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**PER CURIAM ORDERS**

CR-24-375. Eathan Cypert v. State of Arkansas, from Crawford County Circuit Court. Appellant’s motion to supplement the record and to stay briefing schedule is granted.

CV-24-379. Arkansas Department of Finance and Administration v. Brandyn Gallagher, Javon Hansen, Kaden McIntosh, Lydia Nelson, and Haley Nicole Prentice, from Pulaski County Circuit Court, Eleventh Division. Joint motion for remand with instructions to dismiss; motion to stay briefing schedule. Motion for remand with instructions to dismiss granted. Special Justice Bilenda Harris-Ritter agrees. Webb, J., not participating.

CV-24-397. David A. Hodges v. M. Randy Rice, Chapter 7 Trustee for the Bankruptcy Estate of Laura Beth Stamp, from Pulaski County Circuit Court, Fifth Division. Motion of Breean “BW” Walas to withdraw as counsel of record for respondent is granted.

CV-24-550. Elwyn Graham v. Mary A. Elmore, from Columbia County Circuit Court. Petitioner’s pro se petition for writ of mandamus; motion for rule on clerk; and petition for writ of certiorari to acquire the certified record or partial certified record is dismissed. Webb, J., would grant.

CV-24-587. Becky Lewallen, in Her Role as Washington County Clerk v. Progress for Can Hill, a Local-Option Ballot Question Committee, from Washington County Circuit Court. Appellant’s motion to expedite appeal or, in the alternative, motion to stay judgment pending appeal. Motion to expedite appeal granted. (Proceedings of September 23, 2024).

D-24-562. In Re Robert Kenny McCulloch, Arkansas Bar No. 88044, an Original Action. Petition of Robert Kenny McCulloch, Arkansas Bar No. 88044, for voluntary surrender of license (resignation) is granted.

D-24-564. In Re Melody W. Oliver, Arkansas Bar No. 2014178, an Original Action. Petition of Melody W. Oliver, Arkansas Bar No. 2014178, for voluntary surrender of license (resignation) is granted.

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CR-23-102. Jeffery Allen Workman v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Petitioner’s pro se motion pursuant to Rule 19 of the Arkansas Rules of Appellate Procedure–Criminal (2023) is denied.

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**PER CURIAM ORDERS**

CR-23-102. Jeffery Allen Workman v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Petitioner's pro se motion to compel attorney to comply with Rule 19 is denied.

CR-23-783. Jessie Hill v. State of Arkansas, from Grant County Circuit Court. Appellant's pro se motion to file an amended and supplemental brief pursuant to Arkansas Code Annotated section 16-93-201, for a brief in support of a petition for writ of mandamus pursuant to section 16-89-113, for a brief in support of relief pursuant to section 16-89-115 and other code sections; and for reconsideration of the denial of petition to reinvest jurisdiction in the trial court to consider a writ of error coram nobis is denied.

CR-23-783. Jessie Hill v. State of Arkansas, from Grant County Circuit Court. Appellant's pro se motion for production of documents or brief-in-chief is denied.

CR-24-144. Willie McDaniels v. State of Arkansas, from Pulaski County Circuit Court, Third Division. Appellant's pro se motion to file belated reply brief is granted.

CR-24-367. Jeffery Allen Workman v. State of Arkansas, from Sebastian County Circuit Court, Greenwood District. Appellant's pro se motion for appointment of counsel is denied.

CR-24-390. Lavoyce Wilder v. State of Arkansas, from Pike County Circuit Court. Appellant's pro se motion for belated appeal treated as a pro se motion to file belated brief and granted.

CR-24-475. Kwasi McKinney v. State of Arkansas, from Pulaski County Circuit Court, First Division. Petitioner's pro se petition for writ of mandamus is granted.

CR-24-476. Abraham Grant v. State of Arkansas, from Phillips County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot.

CR-24-494. John R. Butcher v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se motion for direct appeal is denied.

CR-24-496. John R. Butcher v. State of Arkansas, from Columbia County Circuit Court. Petitioner's pro se motion for direct appeal is denied.

CR-24-497. Joseph Bienemy v. State of Arkansas, from White County Circuit Court. Petitioner's pro se motion for rule on clerk is granted.

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**PER CURIAM ORDERS**

CR-24-529. Aiden Jones v. State of Arkansas, from Johnson County Circuit Court. Petitioner’s pro se petition for writ of prohibition. Response requested.

CR-24-529. Aiden Jones v. State of Arkansas, from Johnson County Circuit Court. Petitioner’s pro se motion for appointment of counsel is denied. Kemp, C.J., and Hudson and Womack, JJ., would moot.

CV-24-129. Larry David Davis v. Dexter Payne, Director, Arkansas Division of Correction, from Chicot County Circuit Court. Petitioner’s pro se petition for writ of certiorari is denied.

CV-24-436. Edward Carter v. Dexter Payne, Director, Arkansas Division of Correction, from Chicot County Circuit Court. Appellant’s pro se motion to dismiss appeal is granted.

CV-24-502. 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. 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. Appellant’s pro se motion for access to the record and for extension of time to file brief is granted.

CV-24-502. 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. 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. Appellant’s pro se second motion for access to the record and for extension of time to file brief is moot.

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**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF SEPTEMBER 26, 2024**

**MOTIONS SUBMITTED**

CR-24-568. Arkansas Department of Human Services v. Courtney Nesbett and State of Arkansas, from Pope County Circuit Court. Petitioner's petition for writ of certiorari.

CR-24-568. Arkansas Department of Human Services v. Courtney Nesbett and State of Arkansas, from Pope County Circuit Court. Motion of Cody Bassham to be relieved as counsel for separate respondent Courtney Nesbett.

CR-24-589. Nathaniel Fort v. State of Arkansas, from Miller County Circuit Court. Motion of Tabatha Branch to declare petitioner indigent for purposes of appeal and for appointment of counsel.

CR-24-598. Shawna Cash v. State of Arkansas, from Benton County Circuit Court. Appellant's petition for writ of certiorari to complete the record.

CR-24-599. Jimmy Dean Taylor v. State of Arkansas, from Van Buren County Circuit Court. Motion of Kevin Lemley to withdraw and for appellate counsel to be appointed.

CR-24-599. Jimmy Dean Taylor v. State of Arkansas, from Van Buren County Circuit Court. Appellant's motion for extension of time to file brief.

CV-24-417. ACE American Insurance Company; ACE Property & Casualty Insurance Company; Allianz Global Risks US Insurance Company; American Guarantee & Liability Insurance Company; American Home Assurance Company; American International Group, Inc.; AIG Specialty Insurance Company; Arrowood Indemnity Company; Chicago Insurance Company; Continental Casualty Company; The Continental Insurance Company; Endurance American Insurance Company; Federal Insurance Company; General Security Indemnity Company of Arizona; General Security National Insurance Company; Great American Alliance Insurance Company; Great American Assurance Company; Great American Insurance Company; Great American Insurance Company of New York; Great American Spirit Insurance Company; Indemnity Insurance Company of North America; The Insurance Company of the State of Pennsylvania; Liberty Insurance Underwriters, Inc.; Liberty Mutual Insurance Company; National Surety Corporation; National Union Fire Insurance Company of Pittsburgh, PA; The Ohio Casualty Insurance Company; Princeton Excess and Surplus Lines Insurance Company; QBE Insurance Corporation; St. Paul Fire & Marine Insurance Company; Starr Indemnity & Liability Company; TIG Insurance Company; Travelers Casualty and Surety Company of America; The Travelers Indemnity Company; Travelers Property Casualty Company of America; Westchester Fire Insurance Company; XL Insurance America, Inc.; Zurich American Insurance Company; and Zurich Insurance Company v. Walmart, Inc., from Benton County Circuit Court. Appellee's motion to reassign to the Arkansas Supreme Court.



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**MOTIONS SUBMITTED**

CV-24-597. Risie Howard, as 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; John Harris, M.D.; Leah Willett, B.S.N., R.N., Individually; Alicia Brucks, S.L.P., Individually; and Brandy M. Cantwell, P.T., Individually, from Pulaski County Circuit Court, Eleventh Division. Appellant’s unopposed motion to file under seal.

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CR-01-1132. Dennis James Smith v. State of Arkansas, from Drew County Circuit Court. Petitioner’s pro se second motion pursuant to Rule 19 of the Arkansas Rules of Appellate Procedure–Criminal.

CR-02-895. Dennis James Smith v. State of Arkansas, from Desha County Circuit Court. Petitioner’s pro se second motion pursuant to Rule 19 of the Arkansas Rules of Appellate Procedure–Criminal.

CR-04-790. Jerry Wrone Walker v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner’s pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-04-790. Jerry Wrone Walker v. State of Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner’s pro se amended petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis.

CR-06-1346. Richard Leon Strong v. State of Arkansas, from Greene 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-10-703. Rahsaan Taylor 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.

CR-16-568. James C. Pafford v. State of Arkansas, from Hempstead 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-24-278. Dorletha Lambert v. State of Arkansas, from Craighead County Circuit Court, Western District. Petitioner’s pro se motion for rule on clerk to file petition for writ of mandamus without certified record.

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**MOTIONS SUBMITTED**

CV-24-332. Vasquez Hayes v. Dexter Payne, Director, Arkansas Division of Correction, from Lincoln County Circuit Court. Petitioner’s pro se motion for reconsideration treated as a motion to file a belated reply brief.

CV-24-332. Vasquez Hayes v. Dexter Payne, Director, Arkansas Division of Correction, from Lincoln County Circuit Court. Petitioner’s pro se motion to amend.

CV-24-470. Alex Thomas v. State of Arkansas, from Jefferson County Circuit Court. Petitioner’s pro se petition for writ of mandamus.

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**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF SEPTEMBER 26, 2024**

**CASES SUBMITTED**

CR-24-185. State of Arkansas v. Lee Clarks 2nd, from Pulaski County Circuit Court, Third Division.

CV-22-495. David Heileman v. Ariel Cahoon, from Poinsett County Circuit Court.

CV-24-52. Progressive Northwestern Insurance Company v. Misty Huddleston and Lane Huddleston, Individually and on Behalf of All Arkansans Similarly Situated, from Pope County Circuit Court.

CV-24-492. Jennifer McGill, Individually and on Behalf of the Arkansas Canvassing Compliance Committee; and Cherokee Nation Entertainment, LLC v. John Thurston, in His Official Capacity as Arkansas Secretary of State; Local Voters in Charge, a Ballot Question Committee; and Jim Knight, Individually and on Behalf of Local Voters in Charge. (Count II)