

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 6, 2017

JOHN DAN KEMP, CHIEF JUSTICE

[CV-16-313](#). City of North Little Rock; Mayor Joe Smith; Alderman Debi Ross; Alderman Beth White, Alderman Linda Robinson, Alderman Maurice Taylor, Alderman Steve Baxter, Alderman Bruce Foutch, Alderman Murry Witcher, and Alderman Charlie Hight in Their Official Capacities v. Eugene M. Pfeifer III and Pfeifer Family Limited Partnership #1, from Pulaski County Circuit Court, Second Division. Affirmed as modified. Hart, J., concurs in part; dissents in part.

[CV-16-1018](#). Brandon Martin v. Arkansas Department of Human Services and B.D., J.M., and A.M., Minor Children, from Lawrence County Circuit Court. Affirmed; court of appeals opinion vacated. Wood, J., concurs.

RHONDA K. WOOD, JUSTICE

[CR-16-804](#). Heather Carlene Swain v. State of Arkansas, from Washington County Circuit Court. Affirmed.

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 6, 2017

PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

CV-16-151. Gregory L. Pelts v. Shelly A. Pelts, from Lonoke County Circuit Court. Kemp, C.J., and Goodson and Wynne, JJ., would grant.

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

CR-17-84. Dalvin Haley v. State of Arkansas, from Faulkner County Circuit Court.

CR-17-135. Wesley Gene Holland v. State of Arkansas, from Cleveland County Circuit Court.

CR-17-195. Randy Lee Copeland v. State of Arkansas, from Garland County Circuit Court.

CV-17-9. Pamela Dawn Reagan v. Julie Dodson and Dennis Dodson, from Howard County Circuit Court.

CV-17-179. Alyssa Ekberg and Jerry Ashmore v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division.

CR-96-553. Ledell Lee v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Motion of Kent Gipson and Lee Short for permission to be recognized as counsel on behalf of appellant Ledell Lee is granted.

CR-96-553. Ledell Lee v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant's motion to recall the mandate and order a new trial is denied.

CR-96-553. Ledell Lee v. State of Arkansas, from Pulaski County Circuit Court, Second Division. Appellant's motion to take as a case and stay the execution is denied.

CR-98-743. Stacey Eugene Johnson v. State of Arkansas, from Sevier County Circuit Court. Appellant's petitions to reinvest jurisdiction to file petition for writ of error coram nobis; for recall of the mandate; and for stay of execution are denied.

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 6, 2017

PER CURIAM ORDERS

CR-02-1362. Stacey Eugene Johnson v. State of Arkansas, from Sevier County Circuit Court. Appellant's petitions to reinvest jurisdiction to file petition for writ of error coram nobis; for recall of the mandate; and for stay of execution are denied.

CR-05-1180. Stacey Eugene Johnson v. State of Arkansas, from Sevier County Circuit Court. Appellant's petitions to reinvest jurisdiction to file petition for writ of error coram nobis; for recall of the mandate; and for stay of execution are denied.

CR-08-160. Ledell Lee v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Motion of Kent Gipson and Lee Short for permission to be recognized as counsel on behalf of appellant Ledell Lee is granted.

CR-08-160. Ledell Lee v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion for permission to file overlength motion to recall the mandate is granted.

CR-08-160. Ledell Lee v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to recall the mandate is denied.

CR-08-160. Ledell Lee v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to take as a case and stay of execution is denied.

[CR-16-125](#). Arthur L. Hicks, Jr. v. State of Arkansas, from Arkansas County Circuit Court, Northern District. Rebriefing ordered. See **per curiam** this date.

CR-16-398. State of Arkansas v. Mario D. Thompson, from Washington County Circuit Court. Appellee's motions to recall the mandate and for belated petition for rehearing are denied. Hart, Wynne, and Womack, JJ., would grant.

CR-16-427. Derrick Gerade Lambert v. State of Arkansas, from Drew County Circuit Court. Appellee's motion to file a belated response to appellant's petition for rehearing is granted.

CR-16-557. Juan Perez v. State of Arkansas, from Miller County Circuit Court. Appellant's supplemental motion to dismiss appeal as moot is granted.

CR-16-849. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motions to consolidate related appeals are denied.

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 6, 2017

PER CURIAM ORDERS

CR-16-949. Eric Darnell Thrower v. State of Arkansas, from Ouachita County Circuit Court. Appellant's motion to require correction or to supplement the record on appeal is granted.

CR-17-94. State of Arkansas v. Benjamin Ward Ledwell, from Hot Spring County Circuit Court. Entry of appearance of John Wesley Hall as additional counsel for appellee is noted.

CR-17-143. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to consolidate related appeals is denied.

CR-17-144. Frederick Pennington, Jr. v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division. Appellant's motion to consolidate related appeals is denied.

[CR-17-163](#). Justin Isiah Burns v. State of Arkansas, from Garland County Circuit Court. Motion of Mark S. Fraiser to withdraw as attorney on direct appeal is granted. See **per curiam** this date.

CV-16-10. Erin Potts v. Timothy D. Potts, from Sebastian County Circuit Court, Fort Smith District. Motion of Brett D. Watson for attorney's fees is denied.

CV-16-183. Cardinal Health v. Beth's Bail Bonds, Inc., from Pulaski County Circuit Court, Sixth Division. Appellant's motion to release supersedeas bond is granted.

CV-16-946. Sherry Miesner v. Estate of Joyce Edna Priest Allred, Deceased; Relyance Bank; Belinda Allred; and Janice Herring, from Cleveland County Circuit Court. Appellant's motion to transfer to the Arkansas Supreme Court is denied.

CV-16-1094. Nelda Coleman and Charles Coleman, Deceased v. University of Arkansas for Medical Sciences, Arkansas State Claims Commission Legislative Council, Harmon Gareth Tobler, M.D., and Richard Betzold, M.D., from Pulaski County Circuit Court, Sixteenth Division. Appellant's pro se motion to refund \$165 filing fee is denied. Hart, J., would grant. Goodson, J., not participating.

CV-17-183. Arkansas Department of Human Services v. Bradley Ledgerwood, Louella Jones, Peggy Sanders, Marcus Strope, Winnie Winston, Dana Wolf, and Michael Yarra, from Pulaski County Circuit Court, Fifth Division. Appellees' motion for expedited consideration of interlocutory appeal is denied.

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 6, 2017

PER CURIAM ORDERS

CV-17-183. Arkansas Department of Human Services v. Bradley Ledgerwood, Louella Jones, Peggy Sanders, Marcus Strope, Winnie Winston, Dana Wolf, and Michael Yarra, from Pulaski County Circuit Court, Fifth Division. Appellant’s motion to stay trial court proceedings pending decision on interlocutory appeal is granted. Hart, J., would deny.

CV-17-261. Wendy Kelley, in Her Official Capacity as Director of the Arkansas Department of Correction and the Arkansas Department of Correction v. Steven Shults, from Pulaski County Circuit Court, Fifth Division. Petitioners’ emergency motion for immediate stay. Appeal is dismissed without prejudice for lack of a written order in the record. Wood and Womack, JJ., dissent. See **dissenting opinion**. (Proceedings of April 3, 2017)

CV-17-267. Wendy Kelley, in Her Official Capacity as Director of the Arkansas Department of Correction and the Arkansas Department of Correction v. Steven Shults, from Pulaski County Circuit Court, Fifth Division. Petitioners’ emergency motion for immediate stay is granted. Womack, J., additionally would order the return of the previously provided information and issue a protective order prohibiting the judge or the parties from releasing any of the previously provided information to any third person. (Proceedings of April 4, 2017)

[CR-91-206](#). Steven Laron McArthur v. State of Arkansas, from Lonoke County Circuit Court. Petitioner’s pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis is denied. See **per curiam** this date.

[CR-96-270](#). Jessie E. Hill v. State of Arkansas, from Grant County Circuit Court. Petitioner’s pro se second petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis; motion for writ of audita querela. Petition denied; motion denied. See **per curiam** this date.

CR-11-898. Danny Franklin King v. State of Arkansas, from Hempstead County Circuit Court. Petitioner’s pro se motion to recall mandate and reinvest jurisdiction in the trial court to consider a writ of error coram nobis. Pro se motion treated as petition to reinvest jurisdiction in the trial court to consider a writ of error coram nobis and denied.

CR-16-504. Jonathan William Thacker v. State of Arkansas, from Faulkner County Circuit Court. Appellee’s motion to dismiss appeal is granted.

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 6, 2017

PER CURIAM ORDERS

CR-17-55. Fred Lee Williams v. Honorable Sam Pope, Circuit Judge, from Drew County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot.

CR-17-56. Fred Lee Williams v. Honorable Sam Pope, Circuit Judge, from Drew County Circuit Court. Petitioner's pro se petition for writ of mandamus is moot.

In Re Arkansas Access to Justice Foundation, Inc. See [per curiam](#) this date.

J. Cliff McKinney, Esq., of Little Rock and Sarah Capp, Esq., of Ozark are appointed to the Board of Directors of Arkansas Access to Justice Foundation, Inc., for three-year terms to expire on April 30, 2020. The court thanks them for accepting appointment to the board.

The court expresses gratitude to Tamra Cochran and J.D. Gingerich, whose terms have expired, for their years of valuable service to the board.

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 6, 2017

MOTIONS SUBMITTED

PETITIONS FOR REVIEW:

CR-17-196. Alexander Pokatilov v. State of Arkansas, from Lonoke County Circuit Court.

CV-16-458. Robert Duran v. Southwest Arkansas Electric Cooperative Corp., Charles Glover, Jr., d/b/a Glover Trenching and Backhoe, from Miller County Circuit Court.

CV-16-1121. Jeannie Sherman v. Raymond Boeckmann, from Cross County Circuit Court.

CV-16-1136. S.E. Arnold and Company, Inc. d/b/a Arnold's Flooring America v. Cincinnati Insurance Company, from Pulaski County Circuit Court, Second Division.

CV-17-222. Ricky Howell and Susan Howell v. Arkansas Department of Human Services and Minor Children, from Washington County Circuit Court.

CR-98-510. Jason Farrell McGehee v. State of Arkansas, from Boone County Circuit Court. Appellant's motion for reconsideration and stay of execution.

CR-17-239. State of Arkansas v. Rickey Dale Newman, from Crawford County Circuit Court. Appellee's motion for expedited briefing schedule.

CV-16-596. Robert Steinbuch v. University of Arkansas a/k/a University of Arkansas-Little Rock; Michael Schwartz, in His Official Capacity; Theresa Beiner, in Her Official Capacity; Zulma Toro, in Her Official Capacity; and Joann Maxey, in Her Official Capacity, from Pulaski County Circuit Court, Sixth Division. Appellees' status report.

CV-17-132. Tomasz B. Tomczyk v. Janelle B. Buie, from Sebastian County Circuit Court, Fort Smith District. Appellant's pro se motion for reconsideration of denial of motion for rule on clerk.

CV-17-217. St. Vincent Infirmary Medical Center v. Circuit Court of Pulaski County, Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's petition for writ of certiorari.

CV-17-217. St. Vincent Infirmary Medical Center v. Circuit Court of Pulaski County, Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's application for temporary relief in connection with petition for writ of certiorari.

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 6, 2017

MOTIONS SUBMITTED

CV-17-217. St. Vincent Infirmiry Medical Center v. Circuit Court of Pulaski County, Arkansas, from Pulaski County Circuit Court, Sixth Division. Petitioner's motion to dismiss petition for writ of certiorari and application for temporary relief.

CV-17-237. Thomas Welvaert v. Arkansas Department of Human Services and Minor Child, from Conway County Circuit Court. Appellant's motion for rule on clerk.

CV-17-243. Entergy Arkansas, Inc. and Entergy Operations, Inc. v. Ronnie Francis, from Pope County Circuit Court. Petitioners' petition for permission to appeal.

CR-16-547. Matthew Wayne Nichols v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Appellant's pro se motions for extension of time to file brief and to duplicate appellant's brief at public expense.

CR-16-574. John Richard Lukach v. State of Arkansas, from Hot Spring County Circuit Court. Petitioner's pro se motions for writ of certiorari; to duplicate brief at State's expense; for an expansion of the page limit; for appointment of counsel; to compel Arkansas Department of Correction; in support of affidavit; and objections to refusal to respond.

CR-16-702. Mark David Johnson v. State of Arkansas, from Drew County Circuit Court. Petitioner's pro se motions for extension of brief time and for rule on clerk to file brief.

CV-16-866. Rodney Dewayne Johnson v. State of Arkansas, from Lee County Circuit Court. Appellant's pro se motion for the court to reject appellee's brief as untimely for failure to comply with Arkansas Supreme Court Rule 4-7 and request to censure appellee's conduct.

CV-16-1060. Khalid Ryahim Alexander v. Wendy Kelley, Director, Arkansas Department of Correction, from Jefferson County Circuit Court. Appellant's pro se motions objecting to scheduling order and for relief from judgment.

ARKANSAS SUPREME COURT

PROCEEDINGS OF APRIL 6, 2017

CASES SUBMITTED

CR-16-63. Kenneth Ray Marshall v. State of Arkansas, from Columbia County Circuit Court.

CR-16-228. Willie James Noble v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division.

CR-16-969. Jimmy C. Morris, Jr. v. State of Arkansas, from Drew County Circuit Court.

CV-16-550. Little Rock Police Department v. Christopher Phillips, from Pulaski County Circuit Court, Sixteenth Division.

CR-15-658. Antonio Williams v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CV-16-1015. Matthew W. Barnett v. Dexter Payne, Assistant Director, Arkansas Department of Correction; Ms. Ramsey, Grimes Unit Classification Officer; and Mr. Pearce, Grimes Unit Classification Officer, from Pulaski County Circuit Court, Sixth Division.

CV-16-1017. Jeremy S. Kennedy v. John Felts, Chairman, Arkansas Parole Board, and Arkansas Parole Board, from Pulaski County Circuit Court, Sixth Division.