



# Carol M. Duncan

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## LEGAL REPORT

May 14, 2018

### CRIMINAL CASES:

CRAIGHEAD DISTRICT TRIALS	
2018 TO DATE (34 DATES)	740 CASES
TOTAL TRIALS FOR 2017 (83 DATES)	1936 CASES
CRIMINAL APPEALS PENDING IN CIRCUIT COURT	40 CASES
AFFIDAVITS FILED WITH JONESBORO CITY ATTORNEY'S OFFICE	
2018 TO DATE	234
TOTAL AFFIDAVITS FILED 2017	686

### CIVIL CASES:

THERE IS CURRENTLY 1 CIVIL CASE PENDING WHICH IS BEING HANDLED BY THE JONESBORO CITY ATTORNEY'S OFFICE.

Samuel Rosse III v. City of Jonesboro, Arkansas  
Craighead Circuit Case No. CV 2017-509

*On November 30, 2016, the Arkansas Court of Appeals remanded the case back to Craighead Circuit Court. On July 14, 2017, Craighead Circuit Court dismissed the case without prejudice. Plaintiff refiled the case in Craighead Circuit Court on July 20, 2017 it is currently set for trial August 13-14, 2018.*

THERE ARE CURRENTLY 11 CIVIL CASES BEING HANDLED BY ARKANSAS PUBLIC ENTITIES RISK MANAGEMENT ASSOCIATION (APERMA) ATTORNEY BURT NEWELL (SEE ATTACHED).

JUSTICE COMPLEX  
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PENDING CASES  
as of May 10, 2018

JONESBORO, ARKANSAS

Adam and Eve Jonesboro, LLC v. Harold Perrin

USDC 3:18-CV-00021-DPM

*Plaintiff alleges that Code Enforcement Officer refused to issue certificate of occupancy for the business; in addition it challenges the constitutionality of A.C.A. §14-1-302. The State of Arkansas has filed a motion to intervene. The Judge has set a telephone conference with the attorneys in this matter on May 15, 2018 at 1:30 p.m.*

Arkansas Vending LLC v. City of Jonesboro Craighead County Circuit Case No. 16JCV-18-80

*Plaintiff alleges that it was not provided Notice that machines were seized nor that machines were going to be destroyed and a Petition to Retrieve Property & For Hearing; on April 30<sup>th</sup> a response was filed on behalf of City of Jonesboro*

Clifton Burcham and all other similarly situated persons Craighead County Circuit Court  
v. Craighead County, Arkansas & City of Jonesboro, Arkansas Case No. CV-2016-401

*Plaintiff alleges an illegal exaction due to the Courts imposing fines and costs on DID charges. An Answer was filed on behalf of the City of Jonesboro on August 23, 2016. A pending Motion to Dismiss was filed by all Defendants and is currently pending before the Court. The Court issued a Notice of Hearing today setting this matter for a hearing on June 26, 2018.*

Robin Caldwell v. City of Jonesboro, et al

Craighead County Circuit Court Case No. CV-2017-63

*Plaintiff alleges that the denial of re-zoning request was improper and invalid and appeal; answers filed on behalf of Defendants in May-June, 2017 - no other action.*

C.A.M.P vs Marcus Devine, City of Jonesboro, et al

Craighead County Circuit Court  
Case No. CV-2013-350

*On June 8, 2016, the Plaintiffs filed an Amended Complaint concerning a landfill near the corner of Strawfloor and Parker Roads; an Answer was filed on June 20, 2016. This complaint was originally filed in 2003. A hearing was held on August 8, 2016, and a Status Hearing was held on January 5, 2017. Depositions have been taken.*

Chris Finley v. Heath Loggains, et al

USDC Case No. 3:18-Cv-00055-DPM

*Plaintiff alleges excessive force, unreasonable search & seizure; failure to train, inadequate policy, violation of due process rights, and negligence. Awaiting documents from Jonesboro PD (should be received today) with answer due by May 17, 2018.*

Ronnie Hart and Karen Winters and G. Dwayne Winters,  
Her Husband v. City of Jonesboro, et al

Craighead County Circuit Court Case No. CV-2017-465

*Plaintiffs allege denial of zoning request improper and invalid, answer filed August 10, 2017; no other action.*

Cesar Islas v. City of Jonesboro, et al

Craighead Co. Circuit Court Case No. CV-2016-876

*This case concerns denial of re-zoning application; case still pending.*

The Justice Network, Inc. v. Craighead County, et al

USDC Case No. 3:17-CV-00169

*Plaintiff alleges violation of contracts, violation of taking, violation of property rights, tortious interference with contract, unjust enrichment, supervisory liability and ratification, request for Declaratory Judgment, and Injunctive Relief. This case involves the new Craighead County Judges voided/terminated the contract for providing the collection fines and fees. All parties filed a Motion to Dismiss which the Court granted. Plaintiff have appealed the decision with the Eighth Circuit Court of Appeals and parties are awaiting the date to be scheduled by the Court for oral arguments in St. Louis.*

Unico Bank and Pat Watson, Trustee of the Watson Family Trust v. City of Jonesboro, et al

Craighead County Circuit Court Case No. CV-2013-350

*This case concerns denial of re-zoning application. At the conclusion of the bench trial in February of 2017, the Court ordered the case be reversed & remanded to Jonesboro City Council to reconsider and to recommend that re-zoning be consistent with terms of order.*

Erick Woodruff v. City of Jonesboro, et al USDC

Case No. 3:17-CV-00203

*Plaintiff alleges wrongful termination, racial discrimination, retaliation, violation of Arkansas Civil Rights Act and Arkansas Whistleblower's Act. Plaintiff voluntarily dismissed the retaliation claims; Jury trial scheduled September 17, 2018; depositions have been taken; and currently in the process of preparing a Motion for Summary Judgment to be filed by May 21, 2018.*