

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ARKANSAS
FIFTH DIVISION – CIVIL

COURTNEY KELLY

PLAINTIFF

VS.

CASE NO. 35CV-23-282

GERALD ROBINSON, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS COUNTY JUDGE
OF JEFFERSON COUNTY, ARKANSAS; AND MARK CANNON

DEFENDANTS

ORDER FOR DEFAULT JUDGMENT AND PERMANENT RESTRAINING ORDER

On February 12, 2025, the matters of the Motion for Entry of Default Judgment and Motion for Injunctive Relief by Courtney Kelly, Plaintiff, against Mark Cannon, Separate Defendant, came on before this Court for a hearing. Plaintiff appeared in person, together with his attorney, Marie A. Crawford. Separate Defendant Mark Cannon was served notice of the Order for Hearing but appeared not. Separate Defendant Gerald Robinson appeared by and through his attorney, Daniel Knox Faulkner. This Court, upon a review of the pleadings, evidence, testimony of witnesses, and statements of counsels, and being well- and sufficiently- advised of the facts and law in this matter, hereby doth find and order, as follows:

1. This Court has jurisdiction of the parties and subject matter in this case.
2. Plaintiff caused notice of the Order for Hearing to be served upon Separate Defendant Mark Cannon by first-class mail, with sufficient postage pre-paid, addressed to Mark Cannon at his last-known residence address of 3410 Jewell Road, White Hall, Arkansas, 71602. The first-class mail was deposited into the United States Postal Service on January 06, 2025.

Default Judgment

3. Plaintiff commenced this cause of action on April 04, 2023. He filed a First Amended Complaint and joined Mark Cannon as a separate defendant on June 14, 2023.

4. Plaintiff filed this cause of action against Separate Defendant Mark Cannon for slander, false light, and outrage, seeking damages for reputational harm, financial loss, and other injury that he has suffered, and for which the proximate cause and actual cause are the slanderous and otherwise false and defamatory statements that Separate Defendant Mark Cannon published to third-persons about him. Plaintiff's prayer for relief also included punitive damages.

5. Plaintiff caused service of the Summons, First Amended Complaint, and Exhibits to be perfected upon Separate Defendant Mark Cannon on June 17, 2023, in a manner allowed by law. Proof of the same has been filed with this Court.

6. Separate Defendant Mark Cannon had thirty (30) days to plead or otherwise defend against this cause of action. Ark. R. Civ. P. 12(a)(1). His time to file or serve an Answer expired on or about July 17, 2023.

7. Separate Defendant Mark Cannon failed to file or serve an Answer and failed to plead or otherwise defend against this cause of action.

8. When a party against whom a judgment for affirmative relief is sought has failed to plead defenses or otherwise defend against the cause of action, judgment by default may be entered by the court. Ark. R. Civ. P. 55(a).

9. This Court finds that Separate Defendant Mark Cannon has failed to file or serve an Answer and has failed to plead or otherwise defend against this cause of action. This Court grants default judgment in favor of Plaintiff against Separate Defendant Mark Cannon. The entry of default judgment is only as to Mark Cannon and no other separate defendant in this case.

Damages

10. Plaintiff seeks compensatory damages for medical bills, loss of wages, and loss of business opportunity; damages for reputational harm, mental anguish, extreme emotional

distress, and rehabilitation of his reputation; and punitive damages. In addition, he moved for a permanent injunction restraining Separate Defendant Mark Cannon from making false and defamatory statements about him and from engaging in harassing and threatening communications against him in the future.

11. Plaintiff testified at the hearing that the primary medium that Separate Defendant Mark Cannon had used to publish and/or communicate the false and defamatory statements to third-parties was Facebook, with livestreams that viewers joined and wrote in comments and with the permanent posting of videos on the social media platform.

12. During the time that Separate Defendant Mark Cannon published the false and defamatory statements, Plaintiff was a resident of Jefferson County, Arkansas, and a sergeant with the Jefferson County Sheriff's Office. In addition, Plaintiff operated a private business through which he provided off-duty security services for clients.

13. Plaintiff testified that because of the false and defamatory statements he suffered harm to his community reputation and standing, harm to his professional reputation as a law enforcement officer, embarrassment, humiliation, depression, elevated blood pressure, mental anguish, extreme emotional distress, and nightmares. He further testified that his family, including his mother, had suffered extreme emotional distress.

14. Plaintiff testified at the hearing that from April 2022 through August 2024, Separate Defendant Mark Cannon asserted as fact false and defamatory statements that Plaintiff had stolen twenty-five thousand and 00/100 dollars (25,000.00) in work time or funds from the Central Arkansas Radiation Therapy Institute (hereinafter referred to as "CARTI"); had wrongfully apprehended and violated the civil rights of African-Americans; had stolen a hunting bench from the private property of another person; had made harassing telephone calls to

Separate Defendant Mark Cannon; and was the person in a photographic image depicting the naked lower body of a person.

15. In addition, Plaintiff testified that Separate Defendant Mark Cannon had published a false and defamatory statement in the form of a T-shirt imprinted with Plaintiff's official law enforcement portrait and the words, "Catcher Freeman."

16. Plaintiff identified the following dates of online livestreams and video postings containing the false and defamatory statements and images and played excerpts for this Court: April 11, 2022; May 22, 2022; April 29, 2024; and August 11, 2024; May 22, 2022, and June 19, 2022, as the publication dates of the videos with the libelous T-shirt imprint; and August 10, 2024, as the date that Separate Defendant Mark Cannon had made a harassing and threatening telephone call to him.

17. Plaintiff testified that another individual appeared with Separate Defendant Mark Cannon in the April 11, 2022, video; that viewers remotely joined in the livestreams and submitted written comments that appeared on-line; that Separate Defendant Mark Cannon acknowledged persons by individual names during the livestreams; and that Separate Defendant Mark Cannon in a livestream stated that four hundred (400) people had joined him.

18. Plaintiff introduced as evidence copies of livestream videos and postings from the Facebook account of Separate Defendant Mark Cannon; medical records; medical bills; documentation of leave of absences from work; income tax return documents reflecting reduced business income; and a report from an internal affairs investigation that was conducted into his work hours with the Jefferson County Sheriff's Office and his off-duty work hours with CARTI and that contained no finding that he improperly had claimed pay for the same work hours on the same work dates between the agencies.

19. James Murry, pastor of Gospel Temple Baptist Church of Pine Bluff and a former law enforcement officer, testified that he had seen some of the on-line videos and that members of the community had mentioned the statements that Separate Defendant Mark Cannon had published to third-parties about Plaintiff. Rev. Murry stated that he initially rejected the statements; however, he became concerned by Separate Defendant Mark Cannon's assertions as fact that he had evidence on paper and video. He stated that he was concerned to the extent that he had a one-on-one conversation with Plaintiff regarding the statements.

20. Plaintiff stated that in addition to compensatory damages, he seeks punitive damages to deter Separate Defendant Mark Cannon and other persons from publishing false and defamatory statements with malice, no regard for the truth, and no regard for the reputational harm that they cause. Plaintiff testified that Separate Defendant Mark Cannon continued to make the false and defamatory statements even after service of the First Amended Complaint upon him.

21. The evidence showed that while Separate Defendant Mark Cannon asserted as fact during the April 29, 2024, livestream that Plaintiff had entered private property to steal a hunting bench and was on video doing so, Separate Defendant in the same livestream read aloud from a police incident report that Plaintiff did not enter onto the real property.

22. Plaintiff testified that Separate Defendant Mark Cannon had asserted as fact in the August 11, 2024, livestream that Plaintiff had made harassing telephone calls and communications to him, and Plaintiff later learned that Separate Defendant, in reports to law enforcement, had identified two (2) other persons as making the same communications to him.

23. Plaintiff testified that prior to the publication of the false and defamatory statements, he had been active in the community with participation in charitable events and other projects. He testified that he since had come to feel self-conscious because people in the

community avoided or stared at him and that he had experienced similar treatment in his law enforcement work. He testified that he seeks damages to rehabilitate his reputation, particularly to re-engage in the community with charitable participation.

24. On the issue of damages, this Court finds in favor of Plaintiff against Separate Defendant Mark Cannon, as follows:

a. compensatory damages	\$ 79,310.16
b. mental anguish and extreme emotional distress	\$ 57,000.00
c. rehabilitation of reputation	\$ -
d. punitive damages	\$ 272,620.32

25. This Court grants Plaintiff's motion for injunctive relief and enjoins Separate Defendant Mark Cannon from the publication of false and defamatory statements and communications to third-parties about Plaintiff and enjoins him from engaging in harassing and threatening communications in any and all forms to Plaintiff.

THEREFORE, IT IS SO ORDERED, ADJUDGED, AND DECREED
408,930.48
THAT this Court enters judgement in the sum of \$_____ in favor of Courtney Kelly, Plaintiff, against Mark Cannon, Separate Defendant, on claims of slander, libel, false light, and outrage; for compensatory damages, loss of wages, and loss of business opportunity; for damages for reputational harm, mental anguish, and extreme emotional distress; and in punitive damages. This Court further enjoins Mark Cannon, Separate Defendant, from the publication of false and defamatory statements and communications to third-parties about Plaintiff and enjoins him from engaging in harassing and threatening communications in any and all forms to Plaintiff in the future. The entry of default judgment is only as to Mark Cannon and no other separate defendant in this case.

FURTHER, IT IS ORDERED that, pursuant to Ark. Code Ann. § 16-66-221, Mark Cannon, Separate Defendant, shall prepare a schedule, verified by Affidavit, of all of his property, both real and personal, including monies, bank accounts, rights, credits, and choses in action held by him or by others for him, and specify the particular property which he claims as exempt under the provisions of the law. The schedule shall be filed with the Clerk of the Circuit Court of Jefferson County, Arkansas, within forty-five (45) days of entry of this judgment.



THE HONORABLE GARY ARNOLD
CIRCUIT COURT SPECIAL JUDGE

June 28, 2025

DATE

PREPARED BY:

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individually and in his official capacity as
County Judge of Jefferson County, Arkansas*