

ARKANSAS COURT OF APPEALS

PROCEEDINGS OF JANUARY 25, 2012

LARRY D. VAUGHT, CHIEF JUDGE:

[CACR10-1144](#). Joseph Anthony Scamardo, Jr. v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Rebriefing ordered. Abramson and Hoofman, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

[CACR11-298](#). Demetris Jordan v. State of Arkansas, from Miller Circuit. Affirmed. Robbins and Glover, JJ., agree.

[CACR11-696](#). Erick Garcia v. State of Arkansas, from Benton Circuit. Affirmed. Glover, J., agrees. Robbins, J., concurs.

JOSEPHINE LINKER HART, JUDGE:

[CA11-303](#). Mary Gibbs, Executrix of the Estate of Bethel Acuff (deceased) v. Donald V. Bumgarner, Mildred R. Bumgarner, and Donald W. “Donnie” Bumgarner, from Madison Circuit. Affirmed on direct appeal and cross-appeal. Gladwin and Wynne, JJ., agree.

JOHN B. ROBBINS, JUDGE:

[CACR11-856](#). Bob Dale Devor v. State of Arkansas, from Washington Circuit. Affirmed. Pittman and Glover, JJ., agree.

[CA11-697](#). William C. Go, Jr., M.D. v. Crossett Health Foundation d/b/a Ashley County Medical Center, from Ashley Circuit. Affirmed. Pittman and Glover, JJ., agree.

ROBIN F. WYNNE, JUDGE:

[CA11-706](#). ServiceMaster of Little Rock, Inc. v. Peggy Vickers, from Pulaski Circuit, Seventeenth Division. Affirmed. Hart and Gladwin, JJ., agree.

RITA W. GRUBER, JUDGE:

[CACR11-815](#). Justin Dees v. State of Arkansas, from Polk Circuit. Remanded to settle the record; rebriefing ordered. Martin and Brown, JJ., agree.

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RITA W. GRUBER, JUDGE: (continued)

[CA11-808](#). Jamie Russenberger v. Thomas Pest Control, Inc.; Marilyn Thomas Robison, Individually; Marilyn Robison d/b/a Thomas Pest Control, Inc.; Bobby Hill, Individually; Bobby Hill as “Operations Manager” of Thomas Pest Control, Inc.; Daryl Little, Director of the Arkansas State Plant Board; and Western Surety Company, from Pulaski Circuit, Sixth Division. Reversed and remanded. Martin and Brown, JJ., agree.

DAVID M. GLOVER, JUDGE:

[CACR11-768](#). Terry Lee Scroggins v. State of Arkansas, from Logan Circuit. Affirmed. Abramson, J., agrees. Pittman, J., concurs.

[CA11-402](#). Jerry Brasfield v. Glayton Johnson, from Jefferson Circuit. Affirmed. Robbins, J., agrees. Pittman, J., concurs.

[CA11-825](#). John O’Hara v. J. Christy Construction Co., Inc., Travelers Casualty & Surety Co., and Death & Permanent Total Disability Trust Fund, from the Arkansas Workers’ Compensation Commission. Affirmed. Pittman and Robbins, JJ., agree.

DOUG MARTIN, JUDGE:

[CACR11-712](#). Darin D. Graham v. State of Arkansas, from Chicot Circuit. Affirmed. Gruber and Brown, JJ., agree.

WAYMOND M. BROWN, JUDGE:

[CACR11-848](#). Arthur Lee Newton, Jr. v. State of Arkansas, from Drew Circuit. Affirmed. Gruber and Martin, JJ., agree.

[CA11-557](#). Doris Scott v. Potlatch Forest Products Corporation, Self-Insured Employer, and Management Claim Solutions (TPA), Insurance Carrier, from the Arkansas Workers’ Compensation Commission. Affirmed. Gruber and Martin, JJ., agree.

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PER CURIAM DECISIONS

The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).

- E11-209. Lola A. Culbreath v. Director et al.
- E11-210. Lola A. Culbreath v. Director et al.
- E11-211. John G. Fleming v. Director et al.
- E11-212. Kina L. Burton v. Director et al.
- E11-213. Robert L. Haggans v. Director et al.
- E11-215. Nora L. Ward v. Director et al.
- E11-216. William Watkins v. Director et al.
- E11-217. Michael R. Johnston v. Director et al.
- E11-218. Ricky Warren v. Director et al.
- E11-220. Scott L. Anthony v. Director et al.
- E11-221. Jovontay McDavis v. Director et al.
- E11-222. Jerry Y. Courtney v. Director et al.

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PER CURIAM ORDERS

PETITIONS FOR REHEARING: Petitions for Rehearing were denied today in the following cases.

CA11-320. Dana T. Carek v. Charles C. Carek, III, from Faulkner Circuit.

CA11-679. Richard Little v. Tyson Poultry, Inc., and Tynet, Inc., from Workers' Compensation Commission.

CA11-785. Paula Gammill and Steven Gammill v. Christa Hoover, from Stone Probate.

CACR11-53. Orville Dewayne Kelley v. State of Arkansas, from Faulkner Circuit. Motion of Caroline Winningham for attorney's fees is granted. Allowed \$1,000.00.

CACR11-1224. John Lewis v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of John D. Coulter for entry of appearance is granted.

CA11-915. Esther Edgin et al. v. Central United Life Insurance Co., from Independence Circuit. Appellee's motion for judicial notice is granted.

CA11-1180. Sandy Thomas v. Arkansas Department of Human Services, from Miller Circuit. Appellant's motion to correct the petition on appeal is granted.

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In Memory of the Honorable George Knox Cracraft, Jr. [See per curiam](#) this date.

On August 28, 2011, the State of Arkansas lost one of its greatest jurists with the passing of the Honorable George Knox Cracraft, Jr., of Helena. The Arkansas Court of Appeals wishes to acknowledge Judge Cracraft's singular service to the State of Arkansas and to express its sympathy to his wife, Kathleen, their four daughters, and the rest of his family.

Judge Cracraft's life was one of tradition, service, and integrity. Born September 29, 1922, he became a third-generation Arkansas lawyer. He received his bachelor's degree from the University of the South and his law degree from Harvard Law School, as did his father, George Knox Cracraft, Sr. Also like his father, Judge Cracraft practiced law in Helena, Arkansas, and developed recognized expertise in insurance and property law, particularly in the area of riparian rights.

He served his country with distinction in battle, as did his grandfather, Captain George Cracraft. During World War II, Judge Cracraft served as First Lieutenant in the United States Army Air Forces, piloting B-17 Flying Fortress bombers on thirty-five combat missions over Nazi Germany. He returned to the Army in 1950 and served in Korea as Captain in the Judge Advocate General's Corps. For his service in Europe and Korea, Judge Cracraft was awarded, among a number of other decorations, the Distinguished Flying Cross, with one oak leaf cluster; the Air Medal, with six oak leaf clusters; and the Presidential Unit Citation.

Serving in peace as well as in war, Judge Cracraft was West Helena City Attorney and Phillips County Deputy Prosecuting Attorney. His judicial career began with his 1968 election as Chancery and Probate Judge for Phillips County and neighboring counties, a position that he held for twelve years. He was elected to the Arkansas Court of Appeals in 1980, served two terms as Chief Judge (1984–86 and 1991–92), and retired at the end of 1992. His opinions were models of judicial scholarship and clarity.

Judge Cracraft's intellect and accomplishments were extraordinary, and so was his humanity. All who knew him will remember his kindness, generosity, and patience, and his devotion to his beloved family. He is sorely missed.

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PETITIONS FOR REHEARING:

CA11-242. Arlie Walls et al. v. Noble Humphries et al., from Van Buren Circuit.

CA11-541. Scott Blake v. Johnathan Shellstrom, Robin Whitten, and Metropolitan Property and Casualty Insurance Company, from Stone Circuit.

CACR10-1013. Damon Jackson v. State of Arkansas, from Desha Circuit. Appellant's motion for additional time to file supplemental brief from remand.

CACR11-151. Shaheid DeShan Wilson v. State of Arkansas, from Crittenden Circuit. Motion of S. Butler Bernard, Jr., for attorney's fees.

CACR11-309. Jennifer Payton v. State of Arkansas, from Craighead Circuit, Western District. Motion of Grant DeProw for attorney's fees.

CACR11-404. Gary Benton v. State of Arkansas, from Arkansas Circuit, Northern District. Motion and amended motion of Christopher Cordero for attorney's fees.

CACR11-814. Quincy Jay Plessy v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Coy J. Rush, Jr., for attorney's fees.

CACR11-1004. Alton McLish v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to file substituted brief.

CA11-628. John L. Hansen v. Wells Fargo Bank, N.A., et al., from Pulaski Circuit, Fifth Division. Appellant's notice of bankruptcy case filing.

CA11-950. C.R. v. N.K. and C.K., from Mississippi Circuit, Osceola District. Appellees' motion to expand page limit for brief and extension of time to file brief.

CA11-971. Annette Jackson-Lockhart v. Arkansas Department of Health and Public Employee Claims Division, from Workers' Compensation Commission. Appellees' motion to dismiss appeal.

CA11-1205. Farris E. Holliman et al. v. Linda S. Johnson et al., from Cleburne Circuit. Appellants' motion to supplement the record and to stay brief time.

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MOTIONS SUBMITTED

CA11-1271. Countrywide Home Loans, Inc., et al. v. Terry L. Willis, from Garland Circuit. Motion to dismiss appeal as to separate appellant, Countrywide Home Loans, Inc.

CA12-12. Jimmy Mann v. Arkansas Department of Human Services, from Mississippi Circuit, Osceola District. Appellee's motion to dismiss appeal.

E11-198. Guy D. Czajka v. Director et al., from Board of Review. Appellant's motion to file belated brief.

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CA11-459. Benefit Bank v. Marilyn Rogers, from Sebastian Circuit, Greenwood District. Argued orally.

CACR11-341. Daniel Lewis v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR11-568. Felipe Reyes v. State of Arkansas, from Miller Circuit.

CACR11-648. Harry Lee Porter v. State of Arkansas, from Pulaski Circuit, Fourth Division.

CACR11-829. Timothy Allen Wells v. State of Arkansas, from Hot Spring Circuit.

CACR11-841. Gary Edward Knotts v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CACR11-851. Francisco Ortego Montalvo v. State of Arkansas, from Faulkner Circuit.

CACR11-880. Eric James Elliott v. State of Arkansas, from Lonoke Circuit.

CACR11-914. Howard Lynn Crowder v. State of Arkansas, from White Circuit.

CACR11-969. Scott Mitchell v. State of Arkansas, from Garland Circuit.

CA11-12. Suzanne P. Dew v. Terry L. Dew, from Johnson Circuit.

CA11-265. Suzanne P. Dew v. Terry L. Dew, from Johnson Circuit.

CA11-319. Metro Empire Land Association, LLC, et al. v. Arlands, LLC, from Jefferson Circuit.

CA11-640. Michael Richardson and Mary Richardson v. Jean Madden and Madden Law Firm, from Lonoke Circuit.

CA11-650. Donnell Richard v. Union Pacific Railroad Company, from Jefferson Circuit.

CA11-651. Perry Mack v. Union Pacific Railroad Company, from Jefferson Circuit.

CA11-665. Emily Tonos Bendinelli v. Michael Emil Bendinelli, from Chicot Circuit.

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CA11-722. Dina Hartsell v. Lelion Mark Weatherford, from Garland Circuit.

CA11-734. Donald Thompson v. Arkansas Department of Human Services and Minor Children, from Carroll Circuit, Eastern District.

CA11-806. David Brent Morris v. Paula Dickerson, from Polk Circuit.

CA11-846. Alvin M. Beck v. Inter City Transportation, Inc., from Pulaski Circuit, Seventeenth Division.

CA11-906. Ouachita County Medical Center et al. v. Stacy Murphy, from Workers' Compensation Commission.

CA11-939. Ozark Natural Food et al. v. Leah Pierson, from Workers' Compensation Commission.

E11-118. George A. Occhuzzo v. Director et al.