

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

Arkansas
State Claims Commission

SEP 15 2014

RECEIVED

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Roger Bradford, #078948

Claimant

vs.

State of Arkansas, Respondent

A.D.O.C.

COMPLAINT

Failure to Follow Procedure

Roger Bradford, #078948

the above named Claimant, of

2501 State Farm Rd. TUCKER, AR 72168

(Name)

(Street or R.F.D. & No.)

(City)

(State) (Zip Code) (Daytime Phone No.)

County of

represented by

NIA

(Legal Counsel, if any, for Claim)

of

(Street and No.)

(City)

(State)

(Zip Code)

(Phone No.)

(Fax No.)

says:

State agency involved: A.D.O.C.

Amount sought: \$15,000.00

Month, day, year and place of incident or service:

Explanation: ON OR ABOUT 4-26-014, I WAS TRANSFERRED FROM MX(8)-07 TO ISO (2)-59 BY SGT. H. WILLIAMS AND C.O. JOHN DOE WHO ADVISED ME THAT I HAD TO COMPLETE CONSECUTIVE SENTENCES PURSUANT TO F-83-1 REPORTS WRITTEN BY SGT. A. WALLACE ON 3-14-014, ST. J. DAVIS ON 3-25-014 AND SGT. C. JONES ON 4-7-014. I ADVISED SGT. H. WILLIAMS THAT NONE OF THE MAJOR DISCIPLINARY FORMS ISSUED PROVIDED TO ME BY THE MAJOR DISCIPLINARY HEARING AUTHORITY ORDERED ANY OF MY SENTENCES TO BE CONSECUTIVE. I ALSO ADVISED SGT. H. WILLIAMS THAT I HAD BEEN REVIEWED BY THE EAR MAX CLASSIFICATION COMMITTEE ON 4-23-014 AND THAT THEIR A/S REVIEW REPORT DIRECTED THAT I WAS TO REMAIN IN A/S MX(8)-07. I HAVE ALSO SUBMITTED A REQUEST TO MS. ETHEL DARROUGH OF THE TUCKER MAX RECORDS DEPT. FOR THE PERTINENT AND MOST RELEVANT DOCUMENTS PERTAINING TO THIS CLAIM ON 8-28-014 BUT MS. DARROUGH HAS FAILED OR REFUSED TO PROVIDE ME THESE DOCUMENTS TO SUBMIT WITH MY CLAIM FORM. SEE COPY OF REQUEST TO MS. DARROUGH, EXHIBIT (A) ATTACHED. MS. DARROUGH'S ACTIONS ALSO VIOLATES THE PROVISIONS OF AIR 804 ETAL.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?

Yes (Yes or No) : when? 5 (Month) 5 (Day) 014 (Year) : to whom? WARDEN BURL AND MR. GRANT HARRIS (Department)

: and that the following action was taken thereon: APPEAL DENIED 7-2-014

and that \$ NIA was paid thereon: (2) Has any third person or corporation an interest in this claim? NIA : if so, state name and address

(Name) and that the nature thereof is as follows:

(Street or R.F.D. & No.)

(City)

(State)

(Zip Code)

: and was acquired on

, in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

ROGER BRADFORD
(Print Claimant/Representative Name)

Roger Bradford
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

Tucker

AR

(City)

(State)

(SEAL)

on this

11

day of

Sept

(Date)

(Month)

(Year)

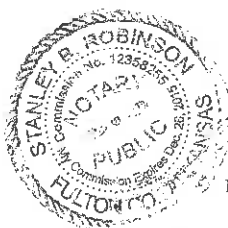
(Notary Public)

My Commission Expires:

12 (Month)

20 (Day)

2015 (Year)



SF1-R7/99

TO: Ms. Ethel DARROUGH, Records Department Exhibit (A)
FROM: Roger BRADFORD #078948 MX(8)-09
DATE: 8-28 - 014
RE: Request pursuant to AIR 804 For Certified Records.

DEAR MS. DARROUGH:

I AM going to FILE A SMALL CLAIM IN the ARK. State CLAIMS Commission, And the CLAIMS Commission Requires that ALL Pertinent And Relevant Documents Be Submitted With the CLAIM FORM. Wherefore I Respectfully Request that you Provide me Certified Records OF the Following Listed Documents so that I can submit them With my CLAIMS FORM.

1. A Certified Record OF Grievance #: EAM14-01434.
2. A Certified Record OF the ISSR101 MAJOR Disciplinary Hearing Action FORM Hearing Date 3-21-014, Hearing Recorder MS. Terrie L. BANISTER.
3. A Certified Record OF the ISSR101 MAJOR Disciplinary Hearing Action FORM, hearing Date 4-3-014, Hearing Recorder MR. Keith L. Waddle.
4. A Certified Record OF the ISSR101 MAJOR Disciplinary Hearing Action FORM Hearing Date 4-16-014, Hearing Recorder MS. JUSTINE MINOR.
5. A Certified Record OF MYA/S Record OF Release Consideration DATE 4-23-014.
6. A Certified Record OF A/d NO. 01-10, Page NO. (6).
7. A Certified Record OF AIR 831 SEC. (vi)(m).

P. 1 OF 2

Affidavit

I Roger BRADFORD states ON OATH that I HAVE Read the Foregoing Request to MS. DARROUGH pursuant to AIR 804 And the Facts stated therein ARE TRUE, CORRECT, AND Complete to the Best of my Knowledge And Belief.

SWORN to Before me A NOTARY PUBLIC on this 28 DAY OF August 2014. My comm: Expires 12-26-2015



Stanley B. Robinson
NOTARY PUBLIC

Certificate of Service

I, Roger BRADFORD Do hereby certify that I HAVE SERVED A COPY OF the Foregoing on MS. Ethel DARROUGH, TUCKER MAX Records Dept. By turning my Request to MS. DARROUGH to Prison Officials to place In the TUCKER MAX Internal Institutional Administrative MAIL System on this 28 DAY OF AUGUST 014.

cc MS. DARROUGH

Roger Bradford
NO. 078948
2501 STATE FARM RD
TUCKER, AR 72168
MX (8)-09

P.20F2

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD (ADC 078948)

RECEIVED
CLAIMANT

V.

NO. 15-0235-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT


ANSWER

COMES NOW the Respondent, Arkansas Department of Correction, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA 0100
 - c. Internal Order: 340301
 - d. Fund Center: 509

WHEREFORE, for the reasons cited above the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing, or in the alternative that the matter be held in abeyance until completion of the investigation by internal affairs.

Respectfully submitted,
Department of Correction Office of Counsel


LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 26 day of September, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Roger Bradford (ADC 078948)
Maximum Security Unit
2501 State Farm Road
Tucker, AR 72168


LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION.

ROGER BRADFORD PROSE

Claimant

V. NO 15-0235-CC

A. D. O. C.

Respondent

Motion FOR Production OF Documents

Comes NOW ROGER BRADFORD Who Request that Respondent PROVIDE Him Certified Records OF the Following Listed Documents.

1. A Certified Record OF Grievance NO. EAM14-01434.
2. A Certified Record OF the ISSR101 MAJOR Disciplinary hearing Action FORM
Hearing Date 3-21-014, Hearing Recorder MS. TERRIE L. BANISTER.
3. A Certified Record OF the ISSR101 MAJOR Disciplinary hearing Action FORM, hearing
Date 4-3-014, Hearing Recorder MR. Keith L. Waddle.
4. A Certified Record OF the ISSR101 MAJOR Disciplinary hearing Action FORM,
Hearing Date 4-16-014, Hearing Recorder MS. JUSTINE MINOR.
5. A Certified Record OF my A/S Record OF Release Consideration Date 4-23-014.
6. A Certified Record OF A/d NO. 01-10 PAGE # (6).
7. A Certified Record OF A/R 831 Sec. (vi) (m).
8. A Certified Record OF FORM F-831-1.
9. A Certified Record OF FORM F-831-2.
10. A Certified Record OF FORM F-831-3.

Arkansas
State Claims Commission
OCT 07 2014

RECEIVED

P. 1 OF 2

Affidavit

I, ROGER BRADFORD States on OATH that I HAVE Read the Foregoing Motion FOR PRODUCTION OF Documents to Respondent A.D. O. C. And the Facts stated therein ARE TRUE, CORRECT, AND COMPLETE to the BEST OF MY Knowledge And Belief.

SWORN to Before me A NOTARY PUBLIC on this 5 DAY OF OCT
014. My comm: EXPIRES 12-26-2015



Certificate of Service

I, ROGER BRADFORD DO hereby CERTIFY that I HAVE SERVED A COPY OF the Foregoing on MR. NORMAN HODGES At 101 E. CAPITOL AVE. SUITE 410 Little Rock, AR 72201, And to MS. JISA MILLS WILKINS At P.O. BOX 8707 Pine Bluff, AR 71611 By turning my legal mail over to PRISON OFFICIALS to PLACE IN the TUCKER MAX Internal Institutional mail system with 1st CLASS postage Prepaid on this 5 DAY OF OCTOBER 014.

CC MR. NORMAN HODGES
MS. JISA WILKINS

Roger Bradford
NO. 078948
2501 State FARM Rd
TUCKER, AR 72168
MX (8) - 09

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD PROSE

V. CLAIM NO: 15-0235-CC

A.D.C.C.

CLAIMANT

Arkansas
State Claims Commission

RESPONDENT

OCT 10 2014

MOTION FOR DISCOVERY RECEIVED

COMES NOW ROGER BRADFORD WHO REQUEST THAT RESPONDENT PROVIDE HIM CERTIFIED RECORDS OF THE FOLLOWING LISTED INFORMATION.

1. A CERTIFIED RECORD OF ANY AND ALL INVESTIGATION REPORTS AND DOCUMENTS EXAMINED BY INTERNAL AFFAIRS RELATING TO CLAIM NO: 15-0235-CC.
2. THE NAME OF ALL PERSONS INTERVIEWED BY INTERNAL AFFAIRS IN REFERENCE TO CLAIM NO: 15-0235-CC.
3. A CERTIFIED RECORD OF ANY BOOKS, PAPERS, DOCUMENTS, PHOTOGRAPHS OR TANGIBLE OBJECTS WHICH RESPONDENT INTENDS TO USE IN ANY HEARING.
4. THE NAME OF ALL PERSONS THAT RESPONDENT INTENDS TO CALL AS WITNESSES AT ANY HEARING HELD ON THIS MATTER.

WHEREFORE CLAIMANT PRAYS THAT RESPONDENT PROVIDE HIM CERTIFIED RECORDS AND INFORMATION OF HIS DISCOVERY REQUEST AS SOON AS POSSIBLE.

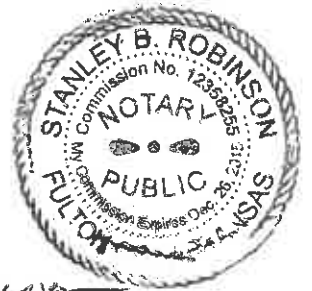
P. 1 OF 2

AFFIDAVIT

I, Roger BRADFORD states on oath that I have Read the Foregoing Motion For Discovery And that the Facts Stated therein ARE TRUE, CORRECT, AND COMPLETE to the Best of my Knowledge And Belief.

SWORN to Before me A NOTARY PUBLIC on this 8 DAY OF OCTOBER 2014

My Comm Expires 12-26-2015



Stanley B. Robinson
NOTARY PUBLIC

Certificate of Service

I, Roger BRADFORD DO CERTIFY that I have served A copy of the Foregoing BY U.S. MAIL ON MR. NORMAN HODGES AT 161 E. CAPITOL AVE Suite 410 Little Rock, AR 72201 And ms. Lisa WILKINS AT P.O. BOX 8707 Pine BLUFF, AR 71611 BY turning my legal mail over to PRISON OFFICIALS to place In the TUCKER MAX INTERNAL INSTITUTIONAL MAIL SYSTEM With 1st class Postage Prepaid on this 8 DAY OF OCTOBER 2014.

CC MR. Norman Hodges
MS. Lisa Wilkins

Roger Bradford
NO. 078948
2501 State Farm Rd
TUCKER, AR 72168
MX (8)-09

P.20F2

Arkansas
State Claims Comm
JAN 20 2015

RECEIVED
CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD (ADC # 078948)

V. NO. 15-0235-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT


**RESPONSE TO CLAIMANT'S
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to the Claimant's First Request for Production of Documents, and responds as follows:

1. Request #1.: Objection. It is the responsibility of the Claimant to maintain copies of his grievances. However, ADC policy provides that he may request one copy of his grievance from the facility grievance staff upon presenting a completed Claims Commission claim. See AD 14-16 IV(C)(3). Any duplication here is a waste of resources.
2. Requests #2, #3, and #4.: Respondent is unsure of what Claimant is asking to be produced.
3. Request #5: Respondent is unsure of what Claimant is asking to be produced.
4. Requests #6 & #7: Objection. All policies to which Claimant is entitled are in the law library for his review and copying. Any duplication here is a waste of resources.
5. Request #8: See RFP #1
6. Request #9: See RFP #2
7. Request #10: See RFP #3

Respectfully submitted,

Department of Correction
Office of Counsel


LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the DISCOVERY RESPONSE has been served this 14 day of January, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

ROGER BRADFORD (ADC # 078948)
MSU
2501 State Farm Road
Tucker, AR 72168


LISA MILLS WILKINS Ark. Bar #87190

F-831

ARKANSAS DEPARTMENT OF CORRECTION

AR 831

Unit _____

MAJOR DISCIPLINARY

Inmate _____ ADC # _____ Assignment _____
Class _____ is being charged by _____ Title _____
with rule violation(s) _____ Time & Date _____, 20 _____

NOTICE OF CHARGES

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer _____

NOTIFICATION: Officer _____ Date & Time Notified _____

Inmate's Signature _____

Witness: YES _____ NO _____

List of Witness:

C.S.O. REVIEW: Reduce _____ Dismiss _____ To Disc. Court _____ Initial _____ Date _____

EXTENSION: No _____ Yes _____ Has extension form been completed? _____

Presentation by Counsel Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

COUNSEL SUBSTITUTE Assigned (Name) _____ Not Assigned



RFP

#

1

11

F-831-2

ARKANSAS DEPARTMENT OF CORRECTION AR 831

UNIT

DISCIPLINARY HEARING ACTION

Inmate _____ ADC # _____ Unit _____
Rule Violation(s) _____ Date/Time of Alleged Offense(s) _____
Hearing Date _____ Time: Start _____ End _____
Recorder _____ Tape # _____ Side _____ Meter: From _____ To _____
Plea: _____ Attendance Waived: Yes _____
Has waiver form been completed? _____

Inmate's Statement:

Signature of Inmate _____

Court Questions: _____

Verdict: _____ Punishment: _____

Factual Basis for Decision: (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.)

Hearing Officer's Initials _____

RFP
2

12

F-831-3

ARKANSAS DEPARTMENT OF CORRECTION AR 831

UNIT _____

DISCIPLINARY HEARING ACTION

Inmate _____ ADC # _____ Date _____

Evidence Relied Upon:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

7. If relevant, contraband observed: Actual Item _____ Photo _____ Receipt _____
Describe: _____

Reasons Why Information Purporting to Exonerate Inmate Was Discounted:

Reasons for Assessment of Punishment:

Hearing Officer's Initials _____

The Hearing Officer is reminded that if an informant provided firsthand information in the case, then that informant's name and written statement must only be presented to the Disciplinary Court. This information will be retained with the Disciplinary tape by the Hearing Officer Administrator. Also, if an inmate claimed to have been sick, the opinion of the infirmary examiner must be obtained.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) days by completing the "Disciplinary Appeal" form.

Inmate's Signature _____ Counsel Substitute _____

Hearing Officer - I affirm that the information is true to the best of my knowledge.

Hearing Officer _____ Signature _____ Date _____



RFP

3

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD (ADC #078948)

State Claims Commission
CLAIMANT
APR 23 2015

V.

NO. 15-0235-CC

ARKANSAS DEPARTMENT OF CORRECTION

RECEIVED

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION TO DISMISS, states and responds as follows:

1. Claimant filed a claim alleging that on April 26, 2014, he was transferred to isolation and advised to completed consecutive sentences. He states that none of his paperwork ordered such sentences. He seeks \$15,000.00 in damages. Claimant has failed to state a claim upon which relief can be granted herein under ARCP Rule 12(b)(6).
2. Claimant received disciplinary violations on 3/14/14, 3/25/14 and 4/7/14. Each of these states in the punishment "consecutive." See Exhibit "A". Claimant states his copies do not have that information, but he does not provide those copies.
3. Claimant served this time over a year ago and has gained his Class I- C. This matter is moot and Respondent requests that this claim be dismissed.
4. Based on the foregoing statements, Claimant has failed to state a claim upon which relief can be granted herein under ARCP Rule 12(b)(6).

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim must be dismissed.

Respectfully submitted,
Department of Correction
Office of Counsel

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190
Attorney Supervisor
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6844 Office
(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the MOTION TO DIMISS has been served this 23 day of April, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

ROGER BRADFORD (ADC #078948)
MSU
2501 State Farm Road
Tucker, AR 72168-0240

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

Name: Bradford, Roger L.

ADC #: 078948C PID #: 0002940

ISSS001B

Disciplinary Violation

Thursday April 23, 2015 09:34:40 AM

Violation Date*: 03/14/2014

Time*: 03:20:00 PM

Version*: 4-1988 - Present

Facility*: East AR Regional Max Unit [L02]

Incident Report #:

Zone*: Zone 3

Location within Facility*: Cellblock 5

Shift: Shift A

Charged by Staff*: Wallace, Adrian P

Violation Type*: Major

Received Date*: 03/14/2014

Time*: 08:01:50 AM

Received By Staff*: Security, Security

Injuries to: Staff*: 0

Inmates*: 0

Visitors*: 0

Weapon Involved: ☐

STG Involved:

Code	Code Violation
12-1	Failure To Obey Order Of Staff
15-1	Purchase Of Unauthor Articles
08-8	Destruct or Intentionally misplace State Prop.
09-5	Possession/Introduction Of Clothing
02-12	Keep Person/Quarters W Regulat

On 3-14-2014 at approx 3:20 pm in Zone 3, I Sgt. A. Wallace conducted a search of inmate Roger Bradford #078948 cell. During the search the following contraband was found and confiscated: 40 (forty) 400mg Gabapention pills, 4 (Four) pair of Altered headphones, One 1 Lexia Watch (Silver in Color, inmate possessed two watches), One (1) nail clippers and One (1) destroyed state issued mat. Inmate R. Bradford # 078948 is aware that his actions violates ADC and unit policy. Therefore I Sgt. A. Wallace am charging inmate R. Bradford with the following rule violations : 12-1, 15-1, 8-8, 9-5, 08-0 and 2-12 pending disciplinary court review. End of Statement.

CSO Staff*: Conner, William M

Review Date*: 03/18/2014

Action*: Refer to Hearing Officer/Comm.

☐ None

None

Inmate Notified by Staff*: Thorne, Ricky D Jr

Inmate Notified Date*: 03/20/2014

Time*: 08:39:00



Exhibit

A 1

Recreation:	0	Days Suspended:	0
Punitive Isolation Days to Serve:	30	Days Suspended:	0
How Served:	Consecutive		
Extra Duty Hours Assigned:	0	Hours Suspended:	0
GT Class Reduced to:	Class IV	Class Suspended:	
GT Days Forfeited:	0	Days Suspended:	0
Restitution Owed:	0.00	Dollars Suspended:	0.00
Suspended Sanctions Duration (in Days):	0 N/A		
Days available to be Taken on MR:		on PE/TE:	

STAFF CONDUCTED A SEARCH OF CONTRABAND ON INMATE BRADFORD AND HIM IN POSSESSION OF 40 400MG. GABAPENTIN PILLS, FOUR PAIRS OF ALTERED HEADPHONES, ONE LEXIA WATCH SILVER IN COLOR, ONE NAIL CLIPPER AND ONE DESTROYED STATE ISSUED MAT.

STAFF CONDUCTED A SEARCH OF CONTRABAND ON INMATE BRADFORD AND HIM IN POSSESSION OF 40 400MG. GABAPENTIN PILLS, FOUR PAIRS OF ALTERED HEADPHONES, ONE LEXIA WATCH SILVER IN COLOR, ONE NAIL CLIPPER AND ONE DESTROYED STATE ISSUED MAT.

005 from staff supporting F-1 report.

F-1 statement from charging officer.

PHOTO

401- FORM

Staff report is accepted.

INMATE BRADFORD IS A CLASS III INMATE WHO MUST LEARN THAT REFUSING TO OBEY STAFF ORDERS, POSSESSION OF CONTRABAND AND DESTROYING STATE PROPERTY IS AGAINST ADC RULES AND REGULATIONS AND WILL NOT BE TOLERATED FOR SECURITY PURPOSES.

DR Status: Finalized

As of Date: 07/09/2014

Status History

Appealed to Warden Date:	03/24/2014	Outcome:	Findings Upheld	Date:	04/01/2014
Appealed to H/O Admin. Date:	05/06/2014	Outcome:	Findings Upheld	Date:	05/28/2014
Appealed to Director Date:	06/18/2014	Outcome:	Findings Upheld	Date:	07/09/2014

TimeStamp: 2 April 2014 13:22:46 --- User: Earlene Doyle (DE-8)

Per Warden Burl, Staff observed you in possession of unauthorized and altered property, which violates policy. This type of behavior will not be tolerated. Therefore I am affirming the decision of the hearing officer. EVD

After a thorough review of all the documents pertaining to this matter, I find that I must affirm the decision of the major disciplinary hearing officer. RN1

A 2,16

Name: Bradford, Roger L.

ADC #: 078948C PID #: 0002940

ISSS001B

Disciplinary Violation Thursday April 23, 2015 09:35:20 AM

Violation Date*: 03/25/2014

Time*: 09:33:00 AM

Version*: 4-1988 - Present

Facility*: East AR Regional Max Unit [L02]

Incident Report #:

Zone*: Zone 1

Location within Facility*: Service Area

Shift: Shift C

Charged by Staff*: Davis, Lemarcus

Violation Type*: Major

Received Date*: 03/25/2014

Time*: 11:11:51 AM

Received By Staff*: Security, Security

Injuries to: Staff*: 0

Inmates*: 0

Visitors*: 0

Weapon Involved: ☐

STG Involved:

Code	Code Violation
12-1	Failure To Obey Order Of Staff
13-1	Giving Misinformation

Incident Report Unit: East AR Region. Unit

Incident Report Date/Time: 03/25/2014/09:33:00 AM

Incident Report Number: 2014-03-220

Incident Report Comments By: Lemarcus Davis

On March 24, 2014 I (Lt. L. Davis) was forwarded a sworn affidavit by Major W. Conner (CSO) that was written by inmate R. Bradford #078948. The subject of the affidavit written by inmate Bradford is "Report of Stolen Property." In the affidavit, inmate Bradford listed a Jenson Radio-battery operated AM/FM radio, (1) Silver Elgin Diamond watch, (1) sony clear radio and (2) Reebok, Nike White gym shoes as items that were confiscated or stolen by officers during a routine search of his cell on March 14, 2014. Upon receiving this information an investigation was initiated into the allegations made by inmate R. Bradford #078948. I (Lt. L. Davis) located a 401 form that was written on 3/14/2014 by Sgt. A. Wallace (officer who conducted search of March 14, 2014) which listed (4) altered headphones, (1) Silver watch (inmate possessed two), (1) altered ADC mat (1) clear tunes radio (No ADC# and inmate possessed more than one) as the items that had been confiscated. Sgt. Wallace was listed on the 401 form as the officer conducting the search. I (Lt. L. Davis) then located the confiscated property in connection with the 401 form (property was stored for Disciplinary court evidence). Upon viewing the property that was confiscated during a search of inmate Bradford cell on March 14, 2014 (date listed on Sworn affidavit) I found (4) pair of altered headphones (not mentioned on affidavit), (1) Sony radio (no ADC number, (40) loose pills and (1) Timex watch (Silver in Color). None of the items that inmate Bradford claimed were stolen or confiscated during the search of his cell were located in the confiscated property or placed on the 401 confiscation form. Inmate Bradford was written a disciplinary by Sgt. A. Wallace for possessing contraband that was found during search of his cell on March 14, 2014. On March 25, 2014 at approximately 9:33am, I (Lt. L. Davis) concluded this investigation and find that at no time did inmate R. Bradford # 78948 ever possess the items that he claimed were stolen or confiscated by officers during a search of his cell on March 14, 2014. Inmate R. Bradford #078948 is aware that deliberately giving misinformation or falsely accusing (an) other(s) in the course of an official investigation violates ADC and

A3,17

Mail:	0	Suspended:	0
Phone:	0	Days Suspended:	0
Visitation:	0	Days Suspended:	0
Recreation:	0	Days Suspended:	0
Punitive Isolation Days to Serve:	30	Days Suspended:	0
How Served:	Consecutive		
Extra Duty Hours Assigned:	0	Hours Suspended:	0
GT Class Reduced to:	Class IV	Class Suspended:	
GT Days Forfeited:	0	Days Suspended:	0
Restitution Owed:	0.00	Dollars Suspended:	0.00
Suspended Sanctions Duration (in Days):	0 N/A		
Days available to be Taken on MR:		on PE/TE:	

Inmate lied to staff.

FI states on the am of 3-25-14, Bradford disobeyed an order by lying to staff.

FI report is accepted.

Inmate is class IV and must not lie to staff.

DR Status: Finalized

As of Date: 07/09/2014

Status History

Appealed to Warden Date:	04/07/2014	Outcome:	Findings Upheld	Date:	04/11/2014
Appealed to H/O Admin. Date:	05/06/2014	Outcome:	Findings Upheld	Date:	05/28/2014
Appealed to Director Date:	06/18/2014	Outcome:	Findings Upheld	Date:	07/09/2014

TimeStamp: 15 April 2014 14:36:20 --- User: Earlene Doyle (DE-8)

Per Warden Burl, Staff states you disobeyed by giving staff misinformation, which violates policy. This type of behavior will not be tolerated. Therefore I am affirming the decision of the hearing officer. EVD

After a thorough review of all the documents pertaining to this matter, I find that I must affirm the decision of the major disciplinary hearing officer. RN1

Print this Screen

Prior Page

Show Last Updated Information

A4
18

Name: Bradford, Roger L.

ADC #: 078948C PID #: 0002940

ISSS001B

Disciplinary Violation Thursday April 23, 2015 09:35:55 AM

Violation Date*: 04/07/2014

Time*: 08:00:00 PM

Version*: 4-1988 - Present

Facility*: East AR Regional Max Unit [L02]

Incident Report #: 2014-04-053

Zone*: Zone 1

Location within Facility*: Isolation 2

Shift: Shift D

Charged by Staff*: Jones, Cynthia D

Violation Type*: Major

Received Date*: 04/07/2014

Time*: 11:55:20 PM

Received By Staff*: Security, Security

Injuries to: Staff*: 0

Inmates*: 0

Visitors*: 0

Weapon Involved: ☐

STG Involved:

Code	Code Violation
12-1	Failure To Obey Order Of Staff

I Sgt. Jones then gave Inmate Bradford a direct order to come to the front of the cell so that i could place the handcuffs on him in which he refused. Incident Report Unit: East AR Region. Unit

Incident Report Date/Time: 04/07/2014/08:00:00 PM

Incident Report Number: 2014-04-053

Incident Report Comments By: Cynthia D Jones

On April 7, 2014, at approximately 8:00 pm. While conducting Isolation moves in zone 1, I Sgt. Jones along with Sgt. Williams attempted to move an Inmate in Iso 2-53 (two man cell) with Inmate R. Bradford #078948 (housed in Iso 2-53) (identified by Isolation two photo roster). Inmate Bradford stated, "I'm not accepting a cellmate." I Sgt. Jones advised Inmate Bradford that he was not on single man status therefore he could be housed with another Inmate. Inmate Bradford stated, "I don't care I'm not accepting a cellmate." I Sgt. Jones then gave Inmate Bradford a direct order to come to the front of the cell so that i could place the handcuffs on him in which he refused. Inmate Bradford knows that this is against the Unit and ADC Policy therefore, I Sgt. Jones am charging Inmate Bradford with rule violation 12-1. Pending DCR. End of Statement.

CSO Staff*: Conner, William M

Review Date*: 04/09/2014

Action*: Refer to Hearing Officer/Comm.

☐ None

Major Glover
Lt. Litzey
Sgt. Ivory

A5₁₉

Inmate Notified by Staff*: Thorne, Ricky D Jr
 Inmate Notified Date*: 04/10/2014 Time*: 10:13:00 AM
 Extension Granted as of Date: Time:

Hearing Date: 04/16/2014
 Start Time: 10:59:00 AM End Time: 11:03:00 AM
 Recorder: Minor, Justine M
 Tape #: Side:
 Meter From: To:
 2nd Tape #: Side:
 Meter From: To:
 Facility: East AR Region. Unit [L01]
 Hearing Officer: Minor, Justine M
 Disposition: Guilty
 Counsel Substitute Name:

☐ Attendance Waived

1. What cellmate I object cause of the way Office served me and this incident did not happen there is no name as to who is the inmate that I refuse to accept
 Do you have a statement?

Code Violation	Plea	Verdict
Failure To Obey Order Of Staff	Not Guilty	Guilty

Punishment Sanctions

Reprimand ☐
 Impose Suspended Sanctions for Disciplinary Rule Violation on: ☐
 Restriction Days to Serve:
 Commissary: 0 Days Suspended: 0
 Mail: 0 Days Suspended: 0
 Phone: 0 Days Suspended: 0
 Visitation: 0 Days Suspended: 0
 Recreation: 0 Days Suspended: 0
 Punitive Isolation Days to Serve: 15 Days Suspended: 0
 How Served Consecutive
 Hours

Ab
20

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD PROSE # 078948

Claimant

V. NO: 15-0235-CC

Arkansas
State Claims Commission

ARK. DEPT. OF CORRECTIONS

MAY 27 2015

Respondent

RECEIVED

Motion FOR Reconsideration

Comes Now the CLAIMANT, ROGER BRADFORD, And for his motion FOR Reconsideration, Allege And states AS FOLLOWS:

1. CLAIMANT Received A State CLAIMS Comm'n Docket Opinion ORDER Advising CLAIMANT that claim NO. 15-0235-CC has Been Dismissed SOLELY "FOR CLAIMANT'S FAILURE to Respond to Respondent's motion to Dismiss Which Was Filed On 4-23-015.
2. Respondent did Not Serve A copy OF said motion UPON CLAIMANT AS Required BY the AR, R. CIV. P. therefore CLAIMANT did Not know that A motion to Dismiss Was Pending.
3. CLAIMANT Requests that the ORDER OF MAY 14th, 015, Be set Aside And And that he Be Allowed the Full (10) WORKING days to Respond to Respondent's motion to Dismiss.

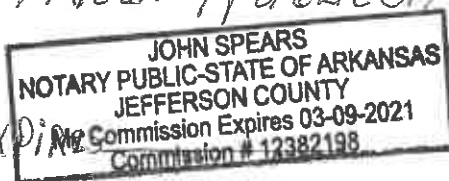
WhereFORE, CLAIMANT PRAYS that the ORDER OF MAY 14th, 015 Be set Aside And that he Be Allowed the Full (10) WORKING Days to Respond To Respondents motion to Dismiss.

AFFIDAVIT

I, ROGER BRADFORD States on OATH that I HAVE Read the Foregoing Motion FOR Reconsideration And the Fact Stated therein ARE TRUE, CORRECT, And Complete to the Best of my Knowledge And Belief.

SWORN to BEFORE me A NOTARY PUBLIC on this 26th DAY OF May, 2015

my Comm: EXPIRES



John Spears
NOTARY PUBLIC

Certificate of Service

I CERTIFY that A copy OF the Motion FOR Reconsideration HAS Been served this 26th DAY OF MAY 015, on Ms. Brenda Wade At 101 E. CAPITOL AVE. Suite 440 Little Rock, AR 72201, And on Ms. Lisa Wilkins At P.O. BOX 8707, Pine Bluff, AR 71611 By placing A copy OF the SAME In the TUCKER MAX Internal Institutional MAIL System With 1st, class Postage Prepaid.

CC Ms. BRENDA Wade
Ms. Lisa Wilkins

Roger Bradford
NO. 078948
2501 State Farm Rd
TUCKER, AR 72168
MX (8)-09

P. 20F2

STATE CLAIMS COMMISSION CASE FILED
OPINION

Amount of Claim \$ 15,000.00

Claim No. 15-0235-CC

Roger Bradford #078948 Claimant
vs.
AR Dept. of Correction Respondent
State of Arkansas Respondent
Date Filed September 15, 2014
Type of Claim Failure to Follow Procedure

Attorneys
Pro se Claimant
Lisa Wilkins, Attorney Respondent

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," for Claimant's failure to respond to Respondent's "Motion to Dismiss." Claimant had ten (10) working days to respond to Respondent's "Motion to Dismiss" which was filed on April 23, 2015. No response was ever received from Claimant. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond to Respondent's "Motion to Dismiss." Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing May 14, 2015

Date of Disposition May 14, 2015

[Signature] Chairman
[Signature] Commissioner
[Signature] Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

STATE CLAIMS COMMISSION DECISION
OPINION

Amount of Claim \$ 15,000.00

Claim No. 15-0235-CC

Roger Bradford, #078948

Attorneys Pro se

Claimant

Claimant

vs.

AR Dept. of Correction

Lisa Wilkins, Attorney

Respondent

Respondent

State of Arkansas

September 15, 2014

Failure to Follow Procedure

Date Filed

Type of Claim

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's May 14, 2015, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's May 14, 2015, order remains in effect.

Date of Hearing June 11, 2015

Date of Disposition June 11, 2015

Chairman

Commissioner

Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD #078948 PROSE
V. NO: 15-0235-CC
ARK. DEPT. OF CORRECTIONS

Claimant

Arkansas Claims Commission

JUN 23 2015

RECEIVED

Respondent

Notice OF Appeal

Notice is hereby Given that ROGER BRADFORD ADC # 078948
Appeals to the ARK. General Assembly From the Docket Opinion
Order Denying And Dismissing Claim No. 15-0235-CC.

Appellate Jurisdiction

That the Appellate Jurisdiction OF the ARK. General Assembly
IS Invoked Pursuant to A.C.A. Sec. 19-10-211 Et AL.

Designation OF Record

Claimant hereby Designates the Entire Record And All Proceedings,
Exhibits, Evidence, And Documents introduced in Evidence to Be
Contained in the Record on Appeal.

Certificate OF Order OR Transcript

Claimant States that FOR Good cause Shown, he has Requested
The ARK. State Claims Commw to cause the transcript OF the
Designated Record OR Appeal, deemed Essential to Be Ordered
Certified, And Transmitted to the ARK. General Assembly FOR
Filing And Docketing. Claimant Further Request that the Official
Reporter Pursuant to RULE 1:10 Transcribe All testimony OF All
Hearings And sessions held in these Proceedings, And that this TRAN
SCRIPT ALSO Be Certified, And Transmitted to the ARK. General Assembly
FOR Filing And Docketing.

P. 1 OF 5

GROUND. 1 OF 11

whether

1. ~~that~~ the ARK. Claims Comm'n Docket Opinion Denying And Dismissing Claim No. 15-0235-cc is Void For Want Of Due Process Of The Law in Violation Of Claimant's 5th, And 14th, Amend's Federal Rights Because The ARK. Claims Comm'n ERred And Lacked Subject Matter Jurisdiction To Consider Claim No. 15-0235-cc ~~in~~ in view OF the Fact that the A.D.C. Final decision Pursuant to Grievance NO. EAM14-01434 Failed to include Findings Of Facts And Conclusion Of Law As Required By A.C.A. Sec. 25-15-210 (B)(2), And A Reviewing Court Cannot Perform Reviewing Functions Assigned to Them On Review Of State Agency Decision in the Absence Of Adequate And Complete Findings Of the Agency. See Sanders V. Employment Sec. Dept. 915.W.3d 520 (2002)?

whether

2. ~~that~~ the ARK. Claims Comm'n Docket Opinion Denying And Dismissing Claim No. 15-0235-cc is Void For Want Of Due Process Of The Law in Violation Of Claimant's 5th, And 14th, Amend's Federal Rights And AR. R. Civ. P. Rule 41 (B) in view OF the Fact that the ARK. Claims Comm'n Failed To Cause Notice to Be mailed to Claimant Notifying Claimant that Claim No. 15-0235-cc Would Be Dismissed For Want Of Prosecution, And Claimant did Not Fail to Follow The Rules Of the ARK. Claims Comm'n, Nor Any Order Of the ARK. Claims Comm'n?

whether

3. ~~that~~ the ARK. Claims Comm'n Docket Opinion Denying And Dismissing Claim No. 15-0235-cc is Void For Want Of due Process Of the Law in Violation Of Claimant's 5th, And 14th, Amend's Federal Rights, And AR. R. Civ. P. Rules 12 (B)(1) thru (8) in view OF the Fact that the ARK. Claims Comm'n ERred In Granting Respondent's motion to Dismiss Under AR. R. Civ. P. Rule 12 (B)(6) When Respondent Filed An Answer to Complaint No. 15-0235-cc on OR About ~~10-19-014~~ ¹¹⁻¹⁹⁻⁰¹⁴ And Subsequent to Filing An Answer to the Complaint, Respondent Filed A motion to Dismiss Claim No. 15-0235-cc on 9-26-014, in violation Of AR. R. Civ. P. Rule (12)(B) 1 thru 8) Which provides that Any motion to Dismiss A Complaint Filed Pursuant to AR. R. Civ. P. Rule (12)(B)(1) thru (8) Shall Be made Before Pleading to A Complaint. SEE Inmon Truck Sales Inc. V. Wright 743 S.W.2d 793 (1988)?

P. 2 OF 5

4. ^{Whether} ~~Ark~~ ARK. CLAIMS COMM'N DOCKET OPINION Denying And Dismissing Claim NO. 15-0235-CC is void FOR Want OF due PROCESS OF the LAW IN VIOLATION OF ARK. CLAIM COMM'N Rule 5.2 And Claimant's 5th, And 14th, Amend's Federal Rights In View OF the FACT that the ARK. CLAIMS COMM'N Lacked Subject Matter JURISDICTION to Grant Respondent's motion TO Dismiss BECAUSE ARK. CLAIMS COMM'N Rule 5.2 ONLY AUTHORIZES the ARK. CLAIMS COMM'N to Dismiss claims With or Without Prejudice FOR Failure TO PROSECUTE, And therefore its Findings Were made UPON UNLAWFUL Procedure, See ~~Regional~~ Regional Care Facilities Inc. V. ROSECARE INC. 912 S.W.2d 409.

5. ^{Whether} ~~Ark~~ ARK. CLAIMS COMM'N DOCKET OPINION Denying And Dismissing Claim NO. 15-0235-CC is void FOR Want OF due PROCESS OF the LAW in VIOLATION OF Claimant's 5th, And 14th, Amend's Federal Rights in View OF the FACT that the ARK. CLAIMS COMM'N ERRED in Dismissing Claim NO. 15-0235-CC Without disposing OF Claimant's pending motion FOR Production OF Documents, motion FOR Discovery, motion FOR APPOINTMENT OF COUNSEL, And motion pursuant to A.C.A. Sec. 19-10-207 (d)(1) Requesting That the ARK. CLAIMS COMM'N Present its petition setting forth the Facts TO ANY COURT OF RECORD that Respondent has Failed OR Refused to comply With the Comm's ORDER Dated 12-11-014. See Finn V. CRABTREE 12 ARK. 597 (1852), MANDEL V. Peet Simms And CO. 18 ARK. 236 (1856). ALSO see SALAH UDDIN V. COUGHLIN 993 F.2d 306-310 (2nd Cir. 1993). KLINGELE V. EIKENBERRY 849 F.2d 409-413 (9th Cir. 1988)?

6. ^{Whether} ~~Ark~~ ARK. STATE CLAIM COMM'N DOCKET OPINION Denying And Dismissing Claim NO. 15-0235-CC is void FOR Want OF due PROCESS OF the LAW in VIOLATION OF A.C.A. Sec. 19-10-210 (A) And Claimant's 5th, And 14th, Amend's Federal Rights BECAUSE Claimant WAS NOT NOTIFIED OF the Hearings Held ON 11-11-014, 12-11-014, 3-11-015, 5-14-015, And 6-11-015. See GOSS V. LOPEZ 419 U.S. 565?

7. ^{Whether} ~~that~~ ARK. State Claims Comm'n Docket Opinion Denying And Dismissing Claim No. 15-0235-cc is void for want of due process of the law in violation of ARK. Claims Comm'n Rule 4.3 And Claimant's 5th And 14th Amend's Federal Rights in view of the fact that Claimant has met his Burden of Showing his Complaint Not to be FRIVOLOUS And the ARK. Claims Comm'n ERRED in Failing to Appoint Counsel in Claim No. 15-0235-cc. See Reynolds V. FOREE 771 F.2d 1179 (8th Cir. 1988). RAYES V. JOHNSON 969 F.2d 700 (8th Cir. 1992). JOHNSON V. WILLIAMS 788 F.2d 1319 (8th Cir. 1986)?

8. ^{Whether} ~~that~~ ARK. State Claims Comm'n Docket opinion Denying And Dismissing CLAIM No. 15-0235-cc is void in violation of A.C.A. Sec. 19-10-210 (B) And Claimant's 5th And 14th Amend's Federal Rights Because the ARK. State Claims Comm'n ERRED in Denying claimant his Right to A FAIR AND IMPARTIAL FACT Finding TRIBUNAL in Denying Claimant the FULL OPPORTUNITY for PRESENTATION OF EVIDENCE, CROSS EXAMINATION OF WITNESSES, AND ARGUMENT?

9. ^{Whether} ~~that~~ ARK. State CLAIMS Comm'n Docket Opinion Denying And dismissing CLAIM No. 15-0235-cc is void for want of due process of the law in violation of CLAIMANT'S 5th And 14th Amend's FEDERAL RIGHTS BECAUSE the ARK CLAIMS COMM'N ERRED in Denying claimant's motion for Reconsideration Received in the ARK. CLAIMS Comm'n on 5-27-015, NOTIFYING the ARK. CLAIMS COMM'N that Respondent Did NOT serve A copy of Any motion to Dismiss UPON Claimant AS Required BY the AR. R. CIV. P.?

10. Whether ARK. CLAIMS Comm'n Docket Opinion Denying And Dismissing CLAIM No. 15-0235-cc is void for want of due process of the law in violation of ARK. SUPREME Ct, Administrative ORDER No. 2 (B)(2) And CLAIMANT'S 5th And 14th Amend's FEDERAL RIGHTS in view of the FACT that the Docket Opinion has NOT BEEN Filed in COMPLIANCE With Administrative ORDER No. (2) (B)(2)?

11. Whether ARK. CLAIMS Comm'n Docket Opinion Denying And Dismissing CLAIM No. 15-0235-cc is void for want of due process of the law in violation of AR. R. CIV. P. Rule (54) (B) And CLAIMANT'S 5th And 14th Amend's FEDERAL RIGHTS in view of the FACT That the Docket Opinion FAILS to AdJUDICATE the RIGHTS And Liabilities OF All the PARTIES, FAILS to dispose OF CLAIMANT'S pending motions mentioned in Ground NO. (5) And LACKS the Executed Certificate Required By Sec. (B)(1)?

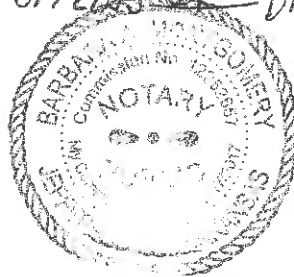
WHEREFORE CLAIMANT PRAYS:

- (A) That the ARK. General Assembly issue An Order Reversing And Remanding Claim No. 15-0235-CC BACK to the ARK. Claims Comm'n.
- (B) That the ARK. General Assembly issue An order directing the ARK. Claims Comm'n TO Grant Claimant A HEARING.
- (C) That the ARK. General Assembly Grant Claimant ANY And All other Relief That he MAY Be Entitled to.

AFFIDAVIT

I, Roger BRADFORD states on OATH that I have Read the foregoing Notice OF Appeal Claim No. 15-0235-CC And that the Facts stated therein Are true, correct, And complete to the Best of my Knowledge And Belief.

SWORN TO Before me A NOTARY Public on this 21st DAY OF June 015.
My Comm Expires 9/17/2012



Barbara G. Montgomery
NOTARY PUBLIC

Certificate of service

I, Roger BRADFORD DO hereby certify that I have Turned over my Notice OF Appeal Claim No. 15-0235-CC Grounds 1-11 to Prison Officials to ~~PLACE IN~~ MAIL to Ms. Brenda Wade at 101 E. Capitol Ave Suite 410, Little Rock, AR 72201, And to the ARK. General Assembly at 250 State Capitol, 500 Woodlane Ave. Rm 270 Little Rock, AR 72201, And TO Place in the Tucker MAX Internal Institutional MAIL BOX With 1st CLASS Postage Prepaid on this 21 DAY OF JUNE 015.

CC. MS. BRENDA WADE
ARK. General Assembly

Roger Bradford
No. 078948
2501 State Farm Rd
TUCKER, AR 72168
MX (8)-09