

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

1 of 3
exhibits: 1-5
2 set of exhibits: 1-33

E1.

- ☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Deverick Scott, #131042, Claimant

vs.

State of Arkansas, Respondent

Dept. of Correction

Do Not Write in These Spaces

Claim No. 15-0527-CC

Date Filed January 21, 2015
(Month) (Day) (Year)

Amount of Claim \$ Claim 1: \$4,500.00

Fund DOC Claim 2: \$4,500.00

COMPLAINT

Claim 1: Failure to Follow
Procedure, Negligence

Claim 2: Failure to Follow
P.O. Box 100, Grady, AR 71644 Procedure
(Street and P.O. Box) (City) Negligence

Deverick Scott, #131042, the above named Claimant, of
(Name)
N/A (State) N/A (Zip Code) N/A (Daytime Phone No.)
County of Lincoln represented by P. O. Se
(City) (Legal Counsel, if any, for Claim)
N/A (Street and No.) N/A (City) N/A (State) N/A (Zip Code) N/A (Phone No.) N/A (Fax No.)

State agency involved: Arkansas Department of Corrections Amount sought: \$9,000 for 2 claims 4,500 each

Month, day, year and place of incident or service: (Claim: 1) From June 1, 2012 - 1/1/15 (Claim 2) From 6/1/12 - 1/1/15

Explanation: (Claim: 1) On 6/1/12 claimant Scott was shipped to Vanner Supermax. From 6/1/12 - 1/1/15, while there and a half claimant and other inmates in Vanner Supermax was denied they worked on holidays that fell on Mon-Friday. Claimant wrote grievance about being denied his yardwork. (See exhibit: 1) where supervisors responded they are off due to the holidays and set to work 5 days a week meaning they are off on holidays. Note: every other max unit in ADC if yardwork don't run yardwork the Sergeant let him off on holidays. This shows the negligence of Vanner Supermax supervisors to Ark. state law policy procedures (see exhibit: 2, 3) where Vanner supervisors and ADC directors had direct knowledge of the unit's policy. He denied inmates yardwork 5 days a week Mon-Friday but still denied yardwork with no corrective action making Vanner Vanner, Jackson, Brooks, Mergers, Directors Hobbs more liable. Harris liable in his supervisor duties. Constitutes the tort of negligence under law of Ark and Arkansas procedure #12-24 punitive segregation. (See exhibit: 5) A.C.A.S 14-14-102 (a)(1) Ark. 28-2 Vanner unit policy and procedure 4/1/10 5.0. Thus, ADC Vanner is liable toward Vanner, Vanner, Jackson, Brooks, Mergers, Directors Hobbs Harris. Harris negligence of Ark state law policy and procedure. relief sought for claim 1: \$4,500

Claims 2 on next page attach →

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?

N/A; when? N/A; to whom? N/A
(Yes or No) (Month) (Day) (Year) (Department)

and that the following action was taken thereon: N/A

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

and that the nature thereof is as follows: N/A (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)
: and was acquired on N/A 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.

Deverick Scott #131042
(Print Claimant/Representative Name)

Deverick Scott
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

DOROTHY MORRIS SMITH
NOTARY PUBLIC - STATE OF ARKANSAS
(SEAL) JEFFERSON COUNTY
My Commission Expires 03-31-2020
Commission # 12345

on this 15 day of January, 2015
(Date) (City) (State)
(Month) (Year)

(Notary Public)

My Commission Expires:

3 (Month) 9- (Day) 21 (Year)

Unit/Center VSM
Name Devenish Scott
ADC# 131042 Brks # 15.4-4 cell Job Assignment _____

FOR OFFICE USE ONLY
GRV. # 15m-14-111
Date Received: 1/9/14
GRV. Code #: 511

1/1/14 (Date) STEP ONE: Informal Resolution
1/7/14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: my right to 5 hrs. a week yardcell is not dictated by you'll wait get enough officers. You suppose to have officers
(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): The conduct of Warden Watson, Jackson, Banks, manner to violate Fed law by making a Vicer document policy that on all holidays during the week Mon-Friday inmates is not allowed they 1 hour yardcell which violates Fed law up suppose to be allowed 5 hours a week. And they didn't make preparations if holiday fall during week make up that day on weekends like at hockey's unit or another they during the week. All 2013 we been denied our 1 hour day yardcell on Jan 1, Jan 21st Feb 13, Feb 18th May 8th July 14th Sept 2 Nov 11, Dec 28th Dec 25th of 2013 and Jan 1 2014. This shows callous disregard of VSM Wardens to make a Ark. State rule i policy violating Federal law. And directors they make policy allowing to happen by signing off on policy. I will be asked to be compensated for my mental anguish.

Devenish Scott
Inmate Signature _____ Date 1/1/14

You are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on _____ (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name the person in that department receiving this form: _____

Staff Name (Problem Solver) Warden ID Number 72558 Staff Signature Warden Date 1-8-14
Describe action taken to resolve complaint, including dates: _____ Date Received _____

you are give day a week they are allowed to work five working days
John 1-7-14
Inmate Signature & Date Returned _____ Inmate Signature & Date Received Devenish Scott 1/7/14

This form was received on _____ (date), pursuant to Step Two. Is it an emergency? _____ (Yes or No).
Who Received Step Two Grievance: St. Louis Date: 01/07/2014
Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____
Forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE - Grievance Officer; ORIGINAL - Given back Inmate After Completion of Step One and Two

making for yardcell in inmate unit. make it up just set. used all your off hrs are just sitting around or you make up our 1 hr during the week which is a right.

IGTT410
3GS

Attachment III

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

GRIEVANCE #: VSM14-00111

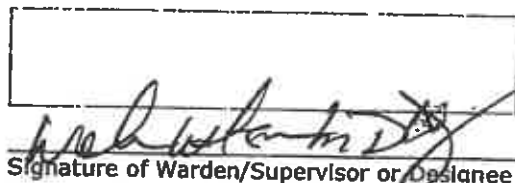
WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance in which you stated.

"The conduct of Warden Watson, Jackson Banks, Meizner to violate fed law by making a varner supermax policy that on all holidays during the week Mon- Friday inmates is not allowed they 1 hour yard call which violates fed law we suppose to be offered 5 hours a week. And they didn't make preparations if holiday fall during week make up that day on weekends like at brickey's unit or another day during the week. All 2013 we been denied our 1 hour a day yard call on Jan 1, Jan 21st, Feb 12th, Feb 18th, May 27th, July 14th, Sept 2. Nov 28th, Dec 25th of 2013 and Jan 1 2014. This show callous disregard of VSM Wardens to make a Ark State rule & policy, violates federal law. And directors Ray Hobbs Larry Mae allowing to happen by signing off on policy. I will be asked to be compissted for my mental anguish"

Inmates will be offered a minimum of one hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.

Therefore I find this issue without merit.


Signature of Warden/Supervisor or Designee

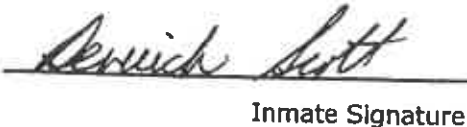

Title

2-7-14
Date

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? *well tell me why it wasnt address us being denied yardcall every holiday "during the week" for whole 2013 and then after this was filed Martin Luther King Jr. holiday Monday Jan. 21 2014 was still denied after this warden had knowledge, but they want address cause they made vsot unit policy we cant go on yardcall on holidays without trying to make it up*


Inmate Signature

RECEIVED 

ADC#

Date

FEB 20 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

IGTT430
3GD

Attachment VI (3)

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM14-00111

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION


Your complaint is about not being afforded yard call on the holidays.

Based on the Warden's response in which he states in part, "Inmates will be offered a minimum of one hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.

Therefore I find this issue without merit."

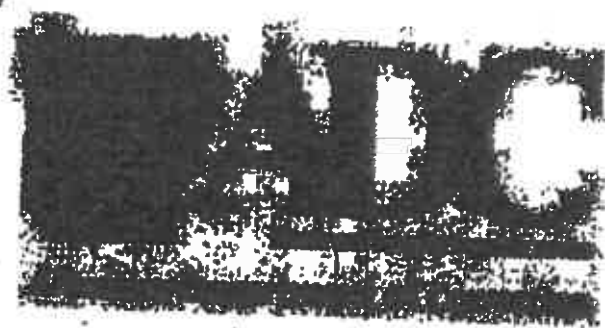
I find that I concur with the unit's response.

Appeal denied


Director

3-27-2014
Date

Exhibit: 4



PO Box 8707
Pine Bluff, AR 71611-8707
Phone: 870-267-6200
Fax: 870-267-6244
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Punitive Segregation/Restriction

NUMBER: 12-24

SUPERSEDES: 10-20

APPLICABILITY: To all employees, especially those involved in the operation of punitive segregation; and inmates

REFERENCE: AR 839 - Punitive Segregation

PAGE 1 of 8

APPROVED: Original signed by Ray Hobbs

EFFECTIVE DATE: 06/03/2012

I. POLICY:

It shall be the policy of the Department of Correction to provide safe, secure housing for inmates who require a higher degree of physical control because they have been found guilty of committing serious rule violations. Additionally, to provide for a consistent method of applying punitive restrictions to inmates who are removed from punitive segregation areas prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer. This policy applies only to the punitive segregation portion of a disciplinary sentence and is not meant to add to or negate any restrictions imposed by the Disciplinary Hearing Officer.

II. EXPLANATION:

Any inmate who has been found guilty of violating departmental rules and regulations may be placed in punitive segregation after an impartial due process hearing pursuant to procedures in the Disciplinary Manual and shall be subject to the following restrictions and/or conditions of confinement while in punitive segregation. Punitive measures may include punitive segregation or punitive restriction.

III. PROCEDURES:

AD12-24 Punitive Segregation/Restrictions

Page 2 of 8

A. Restrictions and/or Conditions of Confinement

Any exception or deviation from this policy must be authorized by the Director.

1. **Mail** -- Inmates in punitive segregation will be allowed to send and receive letters on the same basis as inmates in the general population. This will include both general and privileged correspondence.
2. **Newspapers/Magazines** -- Inmates will not be able to receive newspapers or magazines in punitive segregation. During their 48-hour relief, inmates will be allowed to receive the two most current newspapers and magazines on a one-for-one exchange basis.
3. **Visitation** -- Inmates in punitive segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges. Visits will be conducted for two (2) hours, once a month (offender) and scheduled at least 24 hours in advance. The Warden or designee must approve all such visits. Approval will be contingent upon but not limited to:
 - a. Nature of rule violation.
 - b. No further rule violations while housed in punitive.
 - c. Satisfactory cell inspection reports.

A legal visit may be approved in advance by the Warden/Center Supervisor. This is to be done only when the attorney can justify the urgency of the legal matter prior to the release from punitive status, then only with the consistent need for good security.
4. **Exercise** -- Inmates in punitive segregation will be offered a minimum of one hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.
 - a. The exercise periods are to be conducted outside, security and weather permitting. During inclement weather, courts and raincoats are available.
 - b. During these exercise periods, the inmates will not be afforded any recreational equipment, television, or radio.
 - c. Exercise periods should be documented. Any imposition of constraint during the exercise period will be justified and documented.

2nd exhibits:
1-33

Claim: 2

month, day year of incidents: From 4/12 - 12/19/14

Explanation: claimant scott moved to Verner-Supermax on 4/12 - till this present day and been on punitive consecutive. Every 30 days by Ark state law. If an inmate has been in punitive isolation for at least a short period of time possibly at least one day, before he is returned to serve the following sentence or sentences. (see exhibit: 1-2, 33) On 7/3/14 (see exhibit: 9) claimant wrote grievance # VSM 14-509, on his 48 hr relief been denied since he been at VSM unit, By not being moved out his cell for 24 hrs a day after doing 30 consecutive days punitive (see exhibit: 4) Verner Supermax response was: Be advise Verner Supermax due not have enough staff to accomodate inmates. Tr. is a privilege not a necessity. On 4/5/14 Warden Watson response was "if you want to be moved from punitive isolation, then you will need to remain disciplinary free and complete your punitive time." Note: This shows Warden Watson is violating Ark. state law to punish claimant and other inmates. This constitutes negligence under tort laws Ark. Cons. Art. 2 § 3 malice or reckless indifference to fed. law. On 5/14/14 Director Harris stated: inmates are not moved during their 48 hr relief (see exhibit: 12) Note: every other unit inmates moved for whole 48 hr relief. (see exhibit: 12) Note: every other unit inmates moved for whole 48 hr relief. Cause when you on 48 hr relief you isn't on punitive status no more. (see exhibit: 21) ADC supervisors not it, but go on to violate Ark. policy and procedure stating this policy remain in effect while on 48 hr relief. (see exhibit: 21) (see exhibits: 2-24) of other inmates grievances claimant scott wrote he denied his 48 hr relief which violates Ark. state by 7

Claim: 2; exhibits: 1-33

11-1-79
268

rk. Op. Atty. Gen. No. 79-4, 1979 WL 25158 (Ark.A.G.)

Office of the Attorney General
State of Arkansas
Opinion No. 79-4

*1 January 16, 1979

r. A. L. Lockhart
Assistant Director
Institutional Services
Department of Correction
P.O. Box 8707
Fayetteville, Arkansas 72661

Dear Mr. Lockhart:

The following is in response to your request for an opinion as to the procedures to be followed when disciplinary charges are brought against an inmate while he is in punitive isolation for another offense.

In response to this request, it is our opinion that there is no mandate for the policy of immediately removing the inmate from punitive confinement and placing him in administrative segregation. The removal of a general population inmate into administrative segregation while disciplinary charges are pending has been held not to violate due process. Finney v. Arkansas Board of Correction, 505 F.2d 404, 207 (8th Cir. 1974). Certainly, then, due process is not violated by continuing to house an inmate in punitive when he has already been sentenced to such on another charge. Thus, we suggest that the inmates remain in punitive isolation while disciplinary proceedings are pending on the second charge. It should be noted, however, that although the inmate does not have to be transferred to administrative segregation, the disciplinary hearing must still be held within 72 hours of the occurrence of the rule infraction. Holt v. Hutto, 363 F.Supp. 194, 207 (E.D. Arkansas 1973).

With regard to the procedure to be employed when an inmate is found not guilty of a second charge, we suggest that the inmate complete the sentence he received to punitive isolation on the first charge before returning him to the general prison population.

There is no legal mandate which would require the continuation of the present practice of terminating a sentence being served, simply because the inmate is subjected to further disciplinary proceedings. Indeed, it would appear that such procedures would only encourage rule infraction by the inmates so confined as a means of shortening their confinement time. In making this comment, we hasten to note the warning of the federal court in its Clarifying Memorandum Opinion of March 19, 1975, in the Finney case, wherein it warned against using major disciplinary procedures as a means of evading the prohibition against indeterminate sentences.

If an inmate is found guilty of the second offense, he could be required to serve the time remaining on his first charge and then serve the new sentence on the second charge. If the combined sentences would cause an inmate to be confined in punitive for more than thirty days, a question of constitutionality then arises in light of the current injunction which established a thirty day limit on punitive confinement. See Finney v. Hutto, 410 F.Supp. 251 (E.D. Ark. 1976), aff'd 548 F.2d 740 (8th Cir. 1977). J.S. —, 98 S.Ct. 2565, 57 L.Ed.2d 522 (1970). Due to the vague language utilized by the three courts in establishing or approving the limitation, it is uncertain whether the limitation applies to the length of confinement at one time or whether the limitation is on the length of a sentence for the offenses arising out of one incident.

In Finney v. Hutto, 410 F.Supp. 251 (E.D. Ark. 1976), the District Court stated: As to the length of the maximum sentences that may be imposed, the court notes that Mr. Hutto

2

PS. 269

is of the view that basically the maximum period of time in which a man should be confined in punitive isolation with a restricted diet, with no mattress in the daytime, and perhaps without a bunk to sleep in at night is fourteen days. In view of the changes in the conditions of confinement in punitive isolation that the court is ordering, the court feels that a maximum sentence of thirty days is permissible . . . ' (Emphasis Supplied) 410 F.Supp. at 278.

In affirming the District Court's decision, the Eighth Circuit Court of Appeals in Finney v. Hutto, 548 F.2d 740 (8th Cir. 1977) stated that;

'the [district] court held, inter alia; that confinement in punitive isolation for more than thirty days is cruel and unusual punishment and thus, impermissible.' (Emphasis supplied) 548 F.2d at 742.

In certiorari, the United States Supreme Court discussed the District Court's holding and stated, 'The (district) court . . . set 30 days as the maximum isolation sentence.

Like the Court of Appeals, we find no error in the inclusion of a 30-day limitation on sentences to punitive isolation as a part of the district Court's comprehensive remedy. (Emphasis-supplied)
Finney v. Hutto, 437 U.S. 678, 98 S.Ct. 2565, 57 L.Ed.2d 522, 530, 533 (1978).

In our opinion after studying the above court decisions that the thirty day limitation applies to the maximum length of a sentence that may be given an inmate from charges arising from one incident rather than to the maximum length of total number of days spent in punitive isolation. However, in light of the confinement language utilized by the Court of Appeals, we suggest that after an inmate has been in punitive isolation for thirty days (under either one sentence or several) he should be moved from punitive isolation for at least a short period of time, probably at least one day, before he is returned to serve the following sentence or sentences.

We are hoped that the above suggestions will help clarify the questions you presented.

The above opinion, approved by me, was prepared by Catherine Anderson, Assistant Attorney General.
Sincerely,

Eve Clark
Attorney General

Ark. Op. Atty. Gen. No. 79-4, 1979 WL 25158 (Ark.A.G.)

END OF DOCUMENT

10

Mr. Meinzer
UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Vanner Max

Name Devench Scott

ADC# 131042 Brks # 1-2/cd Job Assignment

8/14/12 (Date) STEP ONE: Informal Resolution

8/17/12 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: you have the right as a

superior to change policy's as long as they don't violate inmates rights

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? _____

If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

Official misconduct by omission in
retaliation with reprisal against state of Arkansas administrative laws Ar
835 grievance procedure. And Ar 225 Employees conduct Ray Hobbs Larry mae
Failure to ensure Warden Meinzer Warden Page was properly train, cover,
and supervise to adhere to Ar 225 Rules regulations procedures of Adc
policy and allow Warden Meinzer Warden Page to deliberately maliciously with
malice make policy's to violate inmates constitutional rights by law a 48 hr
relief consist of full restoration of privileges. 608 curiously return of all
personal property including books insides, telephone. but ray hobbs, Larry mae
let Warden Meinzer & etc violate my 14th Amendment due process right every
month. Saying per AD 10-20 punitive segregation we can't allow books. When 10-20 AD
clearly states you would be allowed 2 magazines & 2 newsletter cause per policy our
books is suppose to be put in our property soaps they come in visit. We suppose
to be moved out our cell and have access to free world. without full restoration
of privileges we inmates is still on punitive status clearly depriving us of our life, liberty.

Devench Scott

Inmate Signature

8/14/12
Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on _____ (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____

Piggee 39936 Piggee
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date 08-14-12

Describe action taken to resolve complaint, including dates: According to Mr. Meinzer, AR 225
is administered within the VSM by its supervisors.

Piggee 08-17-12
Staff Signature & Date Returned

Devench Scott #131042
Inmate Signature & Date Received

This form was received on _____ (date), pursuant to Step Two. Is it an Emergency? _____ (Yes or No). Staff Who Received Step Two Grievance: sgt Brown

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other), Date: 8/17/12

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back to Inmate After Completion of Step One and Step Two

INMATE NAME: Scott, Deverick D. ADC #: 131042B GRIEVANCE #: VSM12-03123

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance, Deputy Warden C. Meinzer advised per AD 10-20 Punitive Segregation/Restriction: Newspapers/Magazines - Inmates will not be able to receive newspapers or magazines in punitive segregation. During their 48-hour relief, inmates will be allowed to receive the two most current newspapers and magazines on a one-for-one exchange basis. As far as books AD 10-20 also states: a. Legal materials/Religious text only that amount of legal material which can be kept neat and orderly and does not clutter the cell, plus one religious text (i.e., Bible, Koran, etc.). Therefore, I find no merit in your complaint.

[Signature] D/W 10/24/12
Signature of Warden/Supervisor or Designee Title Date

RECEIVED

OCT 31 2012

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

*How smart is your officers, it
ent say nothing about books or property on 48 hr relief, cause all your books suppose to
on your property already and you sign a property form acknowledging it come in
it was put in your property. And you suppose to receive all your property
48 hrs, on your 48 hr relief which you'll refuse to give us thus violating our
hr relief which consist of full restoration of privileges. When we on 48 hr
if we is not on punitive status shows how you'll violating Ar. state law
is regulations I will be asked to be compensated at court level for being
denied my 48 hr relief*

③

Reverend Laith
Inmate Signature

131042
ADC#

10/25/12
Date

RECEIVED

OCT 31 2012

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM12-03123

You allege that you are not being given your full 48hr. relief by not allowing you to have two (2) magazines, two (2) newsletters. You state without full restoration of privileges you are still on punitive status.

Deputy Warden Meinzer states, "AD 2010-20 states: Newspapers/Magazines - Inmates will not be able to receive newspapers or magazines in punitive segregation. During their 48 hour relief, inmates will be allowed to receive the two most current newspapers and magazines on a one-for-one exchange basis. As far as books AD 10-20 states: Legal materials/Religious text - only that amount of legal material which can be kept neat and orderly and does not clutter the cell, plus one religious text (i.e., Bible, Koran, etc.) Self-improvement reading materials provided by Treatment Services (1)."

Inmate Scott, please be advised according to my review you are being given what you are entitled to according to policy when you are on 48 hr. relief and assigned to Ad-Seg. I find no merit to your complaint and no further action is warranted at this time.

Appeal denied

17M7

Director

Date

12.19.12

151048

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center US02

Name Doreen Smith

Yellow
Copies

FOR OFFICE USE ONLY
GRV. # VSMB-4437
Date Received: 11-06-13
GRV. Code #: 305

ADCH _____ Brks # 11/11/13 Job Assignment _____

11/14/13 (Date) STEP ONE: Informal Resolution

11/15/13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: _____

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): The conduct of Warden Supervisor Warden Jackson Messinger constitutes a violation of my work rest of inmates on punitive isolation with more than 30 days and who has been last year or more but we are only allowed to spend \$12 on a month on our 48 hr relief we aren't allowed to have all the necessary hygiene we need every month. I do not want to spend \$3.50 shower shoes \$4.20 \$15.00 12 h. back toothbrush we aren't allowed to buy rest of hygiene we need to last a month soap, lotion, hair cream, dental floss, toothpaste, etc. come from dentist and I don't want to spend \$100. I need to wait 30 days to get dental floss I need \$15.00 month. inmates not to choose and not get all hygiene they need that is a necessity to take proper care of the hygiene. Putting our health at risk. Which violate Fed. 9th Amendment right (prohibit double punishment) I will asked for injunctive relief to be met and rest of inmates subject to the harshest conditions on our 48hr relief. All we ask raise our spend limit \$25 hygiene, soap, mouth. Every other unit regardless we get to spend spending limit.

Doreen Smith
Inmate Signature

10/29/13
Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on _____ (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____

PRINT STAFF NAME (PROBLEM SOLVER) Donna ID Number 1002 Staff Signature Donna RECEIVED 10/15/13
Describe action taken to resolve complaint, including dates: _____ Date Received _____

JAN 22 2014

INMATE GRIEVANCE SUPERVISOR

ADMINISTRATION BUILDING

Doreen Smith
Staff Signature & Date Received

Doreen Smith 11/5/13
Inmate Signature & Date Received

This form was received on 11/06/13 (date), pursuant to Step Two. Is it an Emergency? no (Yes or No).

Staff Who Received Step Two Grievance: St. McCormick Date: 11/06/13

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

VARNER UNIT GRIEVANCE

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back to Inmate After Completion of Step One and Step Two.

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

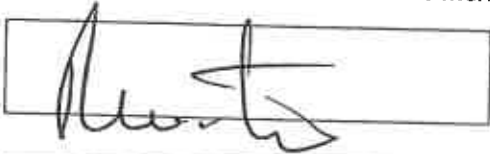
GRIEVANCE #: VSM13-04437

WARDEN/CENTER SUPERVISOR'S DECISION

inn response to your grievance: Inmate Scott, you state, "The conduct of Varner Supermax Warden Watson, Jackson, Meinzer constitutes a violation of me and rest of inmates on punitive isolation with more than 30 days and who has been last year or more by us only allowed to spend \$12.00 a month on our 48 hr relief. We ain't allowed to buy all our necessary hygiene. We need every month 1 deodorant is 3.50 shower shoes \$4.20 & 5.00 2 colgate toothpaste we can't allowed to buy rest of hygiene we need to last 6 months soap lotion hair grease dental floss comb I just came from dentist and dentist said I need dental floss I got to wait 30 days to get dental floss I need ? month inmates got to choose and not get all hygiene putting health at risk. Which violate out 8th amendment right?? condition I will asked for injunction relief for me and rest of inmates subject to the harsh condition on our 48 hr relief. All we ask raise our spending limit \$25 hygiene every month. Every other unit regardless we get to spending limit."

Inmates on Punitive Segregation or restricted privileges shall not be allowed commissary privileges during their period of punitive segregation or restrictions except on 48-hour relief, on ~~in~~ ⁱⁿ the amount of \$25.00 and it's their scheduled commissary day. In the event an inmate's 48-hour relief falls on a day that is not their regularly scheduled commissary day the inmates will be allowed to purchase on hygiene items and legal supplies in the amount of \$12.00.

Therefore, I find this issue without merit.



Signature of Warden/Supervisor or Designee



Title

1-4-14

Date

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

Listen please that's what we saying our 48 hr relief aint on store call we still should be able to spend \$25 buy all the hygienes we need!

JAN 22 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING



Inmate Signature

131042

ADC#

1/10/14

Date

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM13-04437

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Based on the Warden's response in which he states in part, "Inmates on Punitive Segregation or restricted privileges shall not be allowed commissary privileges during their period of punitive segregation or restrictions except on 48-hour relief, on indigent in the amount of \$25.00 and it's their scheduled commissary day. In the event an inmate's 48-hour relief falls on a day that is not their regularly scheduled commissary day the inmates will be allowed to purchase on hygiene items and legal supplies in the amount of \$12.00. Therefore, I find this issue without merit."

I find that I concur with the unit's response.

Appeal denied



Director

2-27-2014
Date

NIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VSM

Name Deverick Scott

DC# 131642 Brks # 1504-4cell Job Assignment _____

FOR OFFICE USE ONLY

GRV. # VSM14-509

Date Received: 02-07-14

GRV. Code #: 212

3/3/14 (Date) STEP ONE: Informal Resolution

4/6/14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: Isolation and don't excuse our 14 hr punishment right due to 48 hr relief

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: VSM TREATMENT OFFICE

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): The conduct of Warden Watson, Jackson, Capt. Deperson, Mrs. Washington, Sgt. Brown over property room constitutes a violation of Ark. state law cruel and unusual punishment deliberately on 4/30/14 3/1/14 and all my last 48 hr relief. They left me in my cell 1504 cell, denied me my property to get radio and listed to news my 145 courtesy limit as rest of prisoner they ain't on punitive denied me visitation. All there is which consist of full restoration of privileges. Ray Hobbs, Brent Harris allowed AD#12-24 VU-10-20 policy made knowing they violated my 48 hr relief as well as rest of VSM inmates. Attorney General asked a 48 hr relief misadvised a inmate who has 30 days consecutive isolation punitive after that 30 day they should be taken out they cell for 24 hrs and all privileges restored. There's no reason they ain't moved me in last month they moved 5 white boys from 1504 - cellblock 1-6 who still on punitive. They move inmate brewer to cellblock 5, inmate my cellmate 4, and on 3/1/14 they move another white inmate still on punitive out 1504 - cell to cellblock 5. Why they didn't move me cause of isolation, discrimination, abuse of authority I'm back to suffer. I will asked to

Deverick Scott
Inmate Signature

2/3/14
Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on _____ (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

UNIT STAFF NAME (PROBLEM SOLVER) Donna ID Number 1032 Staff Signature Donna Date Received 02/07/14

Describe action taken to resolve complaint, including dates: Be advised prisoner supervisor here not have enough staff to accommodate inmate. Is a privileges not necessary.

Donna 2-6-14
Staff Signature & Date Returned

Deverick Scott 2/6/14
Inmate Signature & Date Received

This form was received on _____ (date), pursuant to Step Two. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: Self - Deverick Date: 2-6-14

Action Taken: S (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: APR 15 2014

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL Given back to Inmate After Completion of Step One and Step Two. ADMINISTRATION BUILDING

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

GRIEVANCE #: VSM14-00509

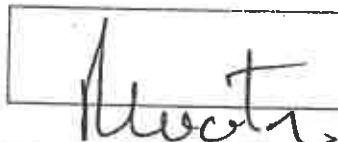
WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Scott, you state, "the conduct of Warden Watson, Jackson, Captain Stevenson, Mrs Washington, Sgt Brown over property room constitutes to violation of Ark state law cruel and unusual punishment deliberately on 1/31/14, 2/1/14 and all my last 48 hr relief. They left me in my cell ISO 4-4 cell, denied me my property to get radio and listen to news, my \$65 commissary limit as rest of inmates who ain't on punitive denied me visitation. All these is which consist of full restoration of privilege, Ray Hobbs, Grant Harris allowed AD 12-24, VU 10-20 policy made knowing they violated my 48 hr relief as well as rest of VSM inmates. Attorney General stated a 48 hr relief mandated a inmate who has 30 days consecutive isolation punitive after that 30 day they should be taken out they cell for 24 hrs and all privilege restored. There's no reason they aint moved me in last month they moved 5 white boys from ISO 4- cell block 1-6 who still on punitive. They move inmate brewer to cell block 5 inmate may cell block 4 and on 2/1/14 they move another white inmate still on punitive out iso 4 look to cell blocks. So why they didn't move me cause of this retaliation, discrimination abuse of authority I'm force to suffer. I will asked to."

PER AD: 12-24 Punitive Segregation/Restriction - Should an inmate placed in punitive segregation be removed from punitive segregation prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer, the inmate will be placed in housing commensurate with job assignment and will be placed on punitive restrictions until completion of the punitive sentence.

If you want to be moved from Punitive Isolation, then you will need to remain disciplinary free and complete your punitive time.

Therefore, I find this issue without merit.


Signature of Warden/Supervisor or Designee
INMATE GRIEVANCE SUPERVISOR

RECEIVED

APR 15 2014


Title

4-5-14
Date

ADMINISTRATION BUILDING

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

I don't want to be move while I'm on punitive. But my 48 hr relief I'm not on ~~punitive~~ punitive. And I need my privileges restored. If you gonna violate state law and not move me on my 48 hr relief. I want to be able to spend \$65 commissary including food and I want my property return on my 48 hr relief. Cause if not I will asked be compromised at court level. You directors gonna have to start doing your job in your supervisor's duties.

Derrick Scott
Inmate Signature

131042
ADC#

4/8/14
Date

11

RECEIVED

APR 15 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

20

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM14-00509

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

You state that, you want to be moved out of Isolation #4, when you are on 48Hr. relief.

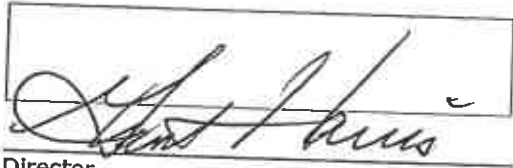
Based on the Warden's response in which he states in part, "PER AD: 12-24 Punitive Segregation/Restriction - Should an inmate placed in punitive segregation be removed from punitive segregation prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer, the inmate will be placed in housing commensurate with job assignment and will be placed on punitive restrictions until completion of the punitive sentence.

If you want to be moved from Punitive Isolation, then you will need to remain disciplinary free and complete your punitive time.

Therefore, I find this issue without merit."

I find that I concur with the unit's response. Also, while on 48 hr. relief, you are restored and given items allowed and privileges. Inmates are not moved during their 48 hr. relief.

Appeal denied



Director

5-21-2014

Date

UNIT LEVEL GRIEVANCE FORM (Attachment I)
Unit/Center VSM

Name Derrick Scott

ADC# 131042 Brks # 1504 4cell Job Assignment

FOR OFFICE USE ONLY
GRV. # VSM14-579
Date Received: 02-13-14 (13)
GRV. Code #: 717

1/8/14 (Date) STEP ONE: Informal Resolution

2/12/14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: This favoritism towards homosexuals

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print) On 2/11/14 the conduct of Warden Jackson to show favoritism towards homosexuals and discriminate against me and more a white boy inmate Reed who also a supervisor inmate out of No. 4 - cell 1504 which is not even part of supervisor unit. And leave me over in Solahan 4 which he made me over here in retaliation and abuse his authority where I can't sleep cause they bang on toilet and vents all night, can't work on my legal cases which I'm a parole inmate. But he move this white inmate the same meaning inmate Reed just flooded his cell at breakfast. In last month they move all white inmates 4 of them had just recently caught a disciplinary. This was a Friday, but when I went on my 48 hr relief the Friday before they refuse to move me out my cell which at Ark. State Law end of out if constitutes cruel and unusual punishment I will asked to be compensated at court level. This is also violation of APC 225 Employee Conduct Standards. The white boy is a suicidal supervisor inmate who suppose to be under camera after he cut is yesterday but they won't move me where I can focus on my stuff.
Derrick Scott
Inmate Signature Date 2/8/14

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.
THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 2-9-14 (date), and determined to be Step One and/or an Emergency Grievance Yes (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: St. Blues Date 2-9-14
PRINT STAFF NAME (PROBLEM SOLVER) ID Number 63702 Staff Signature [Signature] Date Received 2-9-14
Describe action taken to resolve complaint, including date: RECEIVED

MAR 26 2014
Staff Signature & Date Received Derrick 2/12/14 INMATE GRIEVANCE SUPERVISOR
This form was received on 2/12/14 (date), pursuant to Step Two. Is it an Emergency? (Yes or No).
Staff Who Received Step Two Grievance: [Signature] Date: 2-13-14
Action Taken: FFR 13 2014 (Forwarded to Grievance Officer/Warden/Other) Date:
If forwarded, provide name of person receiving this form: Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back to Inmate After Completion of Step One and Step Two.

max 4/004
Attachment III
14

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

GRIEVANCE #: VSM14-00579

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Scott, you state, " On 2/7/14 the conduct of Warden Jackson to show favoritism towards homosexual and discriminate against me and move a white boy inmate reed who also a supermax inmate out of iso 4 till iso 1 which aint even apart of supermax unit and leave me over in isolation 4 which he move me over here in retaliation and abuse his authority where I can't sleep cause they bangs on the toilet and vents all night, can't work on my legal cases which in a prose inmate but he move this white inmate the same morning inmate reed just flooded his cell at breakfast in last month they move all white inmate 4 of them had just recently caught a disciplinary This was a Friday, but when I went on my 48 hr relief the Friday before they reuse to move me out my cell which is Ark State Law and if not it constitutes crule and unusual punishment. I will asked to be compiscated at court level. this is also violation of AR 225 Employee Conduct standards the whiteboy is a suicidal supermax inmates who suppose to be under camera after he cut his testicles off."

The issue of your 48-hour relief and being moved from Isolation has been previously addressed and will not be addressed at this level again - refer to the response to Grievance #VSM14-00578. Staff denies all allegations.

Therefore, I find this issue without merit.

RECEIVED

MAR 26 2014

Signature of Warden/Supervisor or Designee

Title

Date

INMATE GRIEVANCE SUPERVISOR

ADMINISTRATION BUILDING

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

check roster of isolation 4-
I Wasnt move out my cell. and check iso 4 till iso 1 roster will show they move homo sexual inmate Andrew reed. All this is just proof for future lawsuit cause that's the only way you'll gonna start respecting our rights due to 48 hr relief

Inmate Signature

ADC#

Date

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM14-00579

15

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Based on the Warden's response in which he states in part, "The issue of your 48-hour relief and being moved from Isolation has been previously addressed and will not be addressed at this level again - refer to the response to Grievance #VSM14-00578. Staff denies all allegations. Therefore, I find this issue without merit."

I find that I concur with the unit's response.

Appeal denied


Director

4-25-2014
Date

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VSM

Name Devenick Scott

ADC# 131042

Brks # 1804-4 cell Job Assignment

2/8/14 (Date) STEP ONE: Informal Resolution

2/12/14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: This discrimination and favoritism towards white inmates to constantly move white inmates out so I still on punitive

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

The conduct of Capt. Stevenson to show favoritism towards white inmates and discriminate against me and move white inmate Bill out of 1804 to cell block 1 who was still on punitive when you review camera of shower fall on Weds 2/5/14 we both talk to Capt. Stevenson. But on 2/11/14 that Friday they move white inmate but the Friday before they refuse to move me on my 48 hr relief which Ark. state law states inmates is mandatory to be move out his cell every 30 days consecutive isolation punitive. This discrimination and favoritism cause when by rights they suppose to move me they refuse and still refuse to compensate me by giving me a proper 48 hr relief. I ask well let me go to commissary order some food. They say no by policy I got to wait to store cell which is once every 6 months. This shows Capt. Stevenson Jackson ADC, Vanner Superior Callous disregard for inmates rights I will asked to be compensated at court level or a day my 48 hr relief was denied.

Devenick Scott
Inmate Signature

2/8/14
Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 2-9-14 (date), and determined to be Step One and/or an Emergency Grievance YES (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form:

Sgt. Bivens

63202

[Signature]
Staff Signature

RECEIVED

2-9-14
Date Received

Describe action taken to resolve complaint, including date:

MAR 26 2014

INMATE GRIEVANCE SUPERVISOR

ADMINISTRATION BUILDING

Staff Signature & Date Received

Devenick Scott 2/12/14
Inmate Signature & Date Received

This form was received on 2/12/14 (date), pursuant to Step Two. Is it an Emergency? NO (Yes or No).

Staff Who Received Step Two Grievance:

[Signature] Date: 2/12/14

Action Taken:

(Forwarded to Grievance Officer/Warden/Other) Date:

If forwarded, provide name of person receiving this form:

Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE - Grievance Officer; ORIGINAL - Given back Inmate After Completion of Step One and Step Two.

1A 25

max 4/004 (17)
Attachment III

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

GRIEVANCE #: VSM14-00578


WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Scott, you state, " The conduct of Capt Stevenson to show favoritism towards white inmates and discriminate against me and move white inmate Bill out of iso 4 10 cell to cel block 1 who was still on punitive when you review camera at shower call on Weds 2-5-14 we both talk to Capt Stevenson. But on 2-7-14 that Friday they move while inmate but the Friday before they refuse to move me on my 48 hr relief which Ark state law, states mandatory to be move out his cell every 30 days consecutive isolation punitive. This discrimination an favoritism cause when by rights they suppose to move me they refuse and still refuse to compisate me by denying me a proper 48 hr relief. I ask will let me go to commissary order some food. they say no by policy I got to wait to store came which is once every 6 months. This how Capt Stevenson Warden Jackson, Varner Supermax callous disregard for inmate rights I will asked to be compisated at court level \$125 a day my 48 hr relief was denie."

An inmate may be released when he no longer poses a threat to himself, others, or unit security, or upon completion of his punitive time assigned by the Major Disciplinary Hearing Officer. Inmates may be released prior to the completion of their sentence only with authorization of the Warden, Deputy/Assistant Warden, or the Chief Security Officer. Commissary items for inmates who remain in the Segregation Area while on 48-hour relief are reviewed by the Segregation Commander. To receive items from the commissary, the inmate must be on 48 hour relief on a regular commissary day. This is the same whether the inmate remains in the Segregation Area or is returned to general population and or isolation areas. Inmates on 48-hour relief may possess only those items from the commissary, which could reasonably be consumed in 48 hours.

You were not scheduled for 48 hour relief on 02/05-07/2014.

Therefore, I find this issue without merit.



RECEIVED

MAR 26 2014

Signature of Warden/Supervisor or Designee



Title

3-17-14

Date

INMATE GRIEVANCE SUPERVISOR

ADMINISTRATION BUILDING

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

What make it so bad on my 48 hr this month they didn't bring me my 48 hr slip. On 3/5/14 Lt. Plumer turn my slip to commissary lady on my 48 hr relief this month and store day in our barracks and she refuse saying I didn't have slip in day before. It ain't my fault they didn't let me no then look in computer my money was on the books 3:49 am on 3/5/14 talk to Major Malone, Capt. Stevenson, Warden Jackson, 4 Sgts. I still haven't had

26

my 48 hr relief it's going on 2 months. "And they didn't move me out my cell."

18

Derech Lott

Inmate Signature

131012

ADC#

3/20/14

Date

RECEIVED

MAR 26 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM14-00578

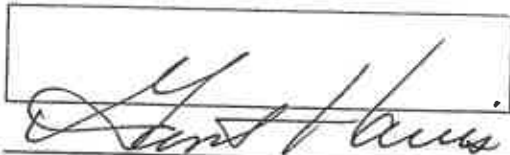
CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

You state that, your 48hr. relief was denied, because they didn't move you another cell.

Based on the Warden's response in which he states in part, "An inmate may be released when he no longer poses a threat to himself, others, or unit security, or upon completion of his punitive time assigned by the Major Disciplinary Hearing Officer. Inmates may be released prior to the completion of their sentence only with authorization of the Warden, Deputy/Assistant Warden, or the Chief Security Officer. Commissary items for inmates who remain in the Segregation Area while on 48-hour relief are reviewed by the Segregation Commander. To receive items from the commissary, the inmate must be on 48 hour relief on a regular commissary day. This is the same whether the inmate remains in the Segregation Area or is returned to general population and or isolation areas. Inmates on 48-hour relief may possess only those items from the commissary, which could reasonably be consumed in 48 hours. You were not scheduled for 48 hour relief on 02/05-07/2014. Therefore, I find this issue without merit."

I find that I concur with the unit's response.

Appeal denied



Director

4-25-2014
Date

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VSM

Name Dereck Scott

ADC# 131042

Brks # 1504-4cell Job Assignment _____

3/5/14 (Date) STEP ONE: Informal Resolution

3/16/14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: I don't get better out my cell for at 24 hrs with all my other due process relief still violating

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: _____

Is this Grievance concerning Medical or Mental Health Services? _____

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): The conduct of Warden Nabor Jackson, Mrs. Washington Capt. Stevenson, Lt. Pruitt violated Ark. state law. If they can run right test every morning. On my 48 hr relief which is consisted at every 30 days isolated punishment we suppose to be moved out our cell. 1st Amendment right we suppose to have access to free world news. Sgt. brown properly refuse to bring us our property to get radios out where we can listen to news. There is no reason. These violations be going on last 2 years I been at this unit. Talked at moving me out my cell today on 48 hr relief they moved inside out of #17 cell in 1504 to cellblock #7. This everytime I go on 48 hr relief they refuse to move me and move a inmate on punishment so there's no excuse why they deny me my 48 hr relief except for deliberate indifference and callous disregard for my constitutional rights. I will asked to be compensated \$125.00 every day my 48 hr relief been denied there last 2 yrs.

Dereck Scott

3/5/14

Inmate Signature

Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on _____ (date), and determined to be Step One and/or an Emergency Grievance of the person in that department receiving this form: _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date: _____

PRINT STAFF NAME (PROBLEM SOLVER) D. Smith ID Number 12032 Staff Signature [Signature] Date Received 3/16/14

Describe action taken to resolve complaint, including dates: Relieved the unit as another thing is scheduled for a power outage will direct have an emergency for that

Staff Signature & Date Returned [Signature] 3/11/14 Inmate Signature & Date Received [Signature] 3/12/14

This form was received on _____ (date), pursuant to Step Two. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: [Signature] Date: _____

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: 3-12-14

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE - Grievance Officer; ORIGINAL - Given back to Inmate After Completion of Step One and Step Two.

FOR OFFICE USE ONLY
GRV. # VSM14-960
Date Received: 03-13-14
GRV. Code #: 212

20
Ark. state law as well as my 19th Amendment

29

max4/004 (21)

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

GRIEVANCE #: VSM14-00960

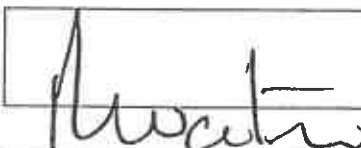

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Scott, you state, "The conduct of Warden Watson, Jackson, Mrs. Washinton, Capt. Stevenson, Lt. Pruitt violated Ark. state law. If they can run matt call every morning. On my 48 hr relief which is consited of every 30 days isolated punitive we suppose to be moved out our cell. 1st Amendment right! We suppose to have access to free world news. Sgt. Brown property officer refuse to bring us our property to get radios out where we can listen to news. denie us comissary! These violations be going on last 2 years I been at this unit. Instead of moving me out my cell today on 48 hr relief they moved inmate out of #17 cell in Iso 4 to cellblock #1 This everytime I go on 48 hr relief they refuse to move me and move a inmates on punitive so theres no excuse why they denicing me my 48 hr relief except for deliberate indifference and callous disregaard for my constitution rights. I will asked to be compisated #125. aday everyday my 48 hr relief been denied these last 2 years."

PER AD: 12-24 Inmates serving consecutive punitive isolation sentences will receive 48-hour relief at the end of each 30-day sentence. Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate's telephone privilege will not be restored during 48-hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3. Commissary purchases may be made by an inmate only if the inmate's 48-hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in 48 hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect. 2. Inmates may be released from punitive segregation prior to the completion of sentence only with the authorization of the Warden or designee. This will not relieve the inmate from punitive restrictions unless specifically ordered by the Warden or designee.

You are not released from punitive isolation prior to completion of your punitive sentence. Records show that you were afforded 48-hour relief beginning on 03/04/2014 and ending on 03/06/2014.

Therefore, I find this issue without merit.

		RECEIVED			4-9-14
Signature of Warden/Supervisor		APR 15 2014	Title		Date
ADMINISTRATION BUILDING					

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? *I'm glad your policy violates Ark state law, how can I afforded 48 hr mental relief? If I'm not allowed personal property, commissary. Cause by calendars inmates commissary only fall on hedsite days once every 4 till six months we ain't been moved out - cell. 48 hr relief is mandated so inmates could get mental relief*

The policy you made now is our liberty interest & it shows all you'll try
do is punish a inmate even when they ain't on parole

22

Devin Lott

Inmate Signature

131042

ADC#

4/10/14

Date

RECEIVED

APR 15 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM14-00960

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Based on the Warden's response in which he states in part, "PER AD: 12-24 Inmates serving consecutive punitive isolation sentences will receive 48-hour relief at the end of each 30-day sentence. Inmate privileges as previously outlined in this policy will be restored during the 48-hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate's telephone privilege will not be restored during 48-hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3. Commissary purchases may be made by an inmate only if the inmate's 48-hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in 48 hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect. 2. Inmates may be released from punitive segregation prior to the completion of sentence only with the authorization of the Warden or designee. This will not relieve the inmate from punitive restrictions unless specifically ordered by the Warden or designee. You are not released from punitive isolation prior to completion of your punitive sentence. Records show that you were afforded 48-hour relief beginning on 03/04/2014 and ending on 03/06/2014. Therefore, I find this issue without merit."

I find that I concur with the unit's response.

Appeal denied


Director

Date

5-21-2014

STATE OF ARKANSAS)
COUNTY OF Lincoln)§

AFFIDAVIT

I, Deverick Scott #131042, after first being duly sworn, do hereby swear, depose and state that: On 3/4/14 I went on my 48 hr relief. they didn't give me my 48 hr relief slip to that Tues. I went on 48 hr relief. Our commissary day is on Weds. So that Weds. morning. I stop Lt. Pruitt, Lt. Plumer show them my slip and told them officers just found in control booth right before. Lt. Plumer took my slip to Mrs. Davis in commissary to feel out. Instead of her running my slip in computer she denied it saying all I had was \$39. I got my money receipt in mail that night saying my money was on the book 3:49am that morning of 3/5/14 so when → on back

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

3/12/14
DATE

Deverick Scott
AFFIANT

SOCIAL SECURITY # _____

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 13 day of March, 2013

Dorothy Harris Smith
NOTARY PUBLIC

RECEIVED-DEPUTY DIRECTOR
ARKANSAS DEPARTMENT
OF CORRECTION

MAR 26 2014

HEALTH & CORRECTIONAL PROGRAMS

My Commission Expires: 2-9-21

DOROTHY HARRIS SMITH
NOTARY PUBLIC-STATE OF ARKANSAS
JEFFERSON COUNTY
My Commission Expires 03-09-2021
Commission # 12383686

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VSM

Name Devin Scott Commissary

ADC# 131012 Brks # 1504-4 Job Assignment

3/6/14 (Date) STEP ONE: Informal Resolution

(Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why:

3/16/14 (Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: my inmate rights are being denied and subject to 14th Amendment violations

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

On 3/5/14 the conduct of Ms. Davis constituted a violation of my 14th Amendment right of United States Constitution which me being a inmate I have a due process right is protected under a protection clause. On 3/4/14 and 3/5/14 I went on my 48 hr relief. I didn't get my 48 hr slip until Tues night on 3/4/14 the next morning Lt. Pruitt held Lt. Murren take my commissary slip to Mrs. Davis to fill. And she return stated I only had 30# on my books. I receive my receipt stating I had a \$100 on my book at 5:42 am. This deliberate indifference also violated AD# 110-20 punitive segregation that every 20 consecutive days inmate will be allowed commissary on his assigned day. Which Weds I was on 4, my assigned commissary day. I will be asked to be segregated at court level. \$125 a day my 48 hr relief is denied.

Devin Scott

Inmate Signature

3/6/14
Date

RETURNED TO INMATE
FOR THE FOLLOWING
REASON(S) NOT
PROCESSED, PREVIOUSLY
ANSWERED/REJECTED,
OR A DUPLICATE.

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or a Staffer.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 3/18/14 (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name of the person in that department receiving this form: Dr. Murren Date 3/11/14

PRINT STAFF NAME (PROBLEM SOLVER) Dr. Murren ID Number 12032 Staff Signature Dr. Murren Date Received 3/11/14

Describe action taken to resolve complaint, including dates: Was not on his 48 hr - Thelma Store day

Dr. Murren 3/18/14
Staff Signature & Date Returned

MAR 26 2014
Inmate Signature & Date Received

This form was received on 3/18/14 (date), pursuant to Step Two. Is it an Emergency? (Yes or No). Staff Who Received Step Two Grievance: Date: HEALTH & CORRECTIONAL PROGRAMS

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date:

If forwarded, provide name of person receiving this form: Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back to Inmate After Completion of Step One and Step Two.

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VSM 1-1

Name Dennick Scott

ADC# 131042-1 Brks# 1504-4000 Job Assignment 131042-1

3/19/14 (Date) STEP ONE: Informal Resolution

3/23/14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: Look on computer I had money on my books 3/5/14 3:49pm she didn't look in computer

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

On 3/19/14 I was denied my 48 hr relief again by Mrs. Calloway. I told them they didn't give me my 48hr relief slip let me go when it was on 48hr relief on 3/14 3/5/14 Tuesday night on 3/14 they found my 48hr relief slip in control booth. So next morning if Palmer turn my 48hr relief commissary slip on Mrs. Davis denied it saying when she filled slips the day before my money wasn't on books I didn't no the day before still I had money on my books 3/5/14 that was our store day 48hr relief is a right not a privilege and I will asking to be compensated at court level. Its saying on 2 months I been denied my 48 hr relief I'm tired of asking and for the hassle I'm go file a lawsuit for show to show you all to respect inmates rights. I will asked to be compensated \$125 a day for Mrs. Davis, Mrs. Calloway denied me Adm. State 190.

Dennick Scott

3/19/14

Inmate Signature

Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 3/19/14 (date), and determined to be Step One and/or an Emergency Grievance YES (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form:

St. W. Camille 8080 St. W. Date: 3/19/14

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

RECEIVED

APR 30 2014

3/24/14 Staff Signature & Date Returned

Dennick Scott 3/24/14 Inmate Signature & Date Received

This form was received on 3/24/14 (date) pursuant to Step Two. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: 2014 Date: 3/24/14

Action Taken: 2014 (Forwarded to Grievance Officer/Warden/Other) Date:

If forwarded, provide name of person receiving this form: 2014 Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL-Given back to Inmate After Completion of Step One and Step Two.

02 - Inmate Record Summary

Assignments

Date	Facility	Housing Area ID	Bed ID	Reason
8/2004	Diagnostic New Comm.	BK05	0035	Initial Assignment
9/2004	Varner Unit	BK14	0003	Job Assignment
6/2004	Varner Unit	BK12	0010	Initial Assignment
5/2004	Wrightsville Unit	BK11	0011	Job Assignment
4/2004	Wrightsville Boot Camp	BK01	091L	Job Assignment
2/2004	Randall L. Williams Cor. Facility	BK03	023U	Initial Assignment
3/2004	Randall L. Williams Cor. Facility	BK04	014L	Overcrowding Adjustment
3/2005	Randall L. Williams Cor. Facility	BKCJ	0003	Administrative Confinement
7/2005	Pine Bluff Unit	BD6	0007	Disciplinary Confinement
20/2005	Randall L. Williams Cor. Facility	BK01	027L	Initial Assignment
24/2005	Randall L. Williams Cor. Facility	BKCJ	0003	Disciplinary Confinement
28/2005	Pine Bluff Unit	BD6	0017	Disciplinary Confinement
11/2005	Pine Bluff Unit	BD6	0004	Disciplinary Confinement
16/2005	East AR Region. Unit	BK03	005L	Job Assignment
16/2005	East AR Regional Max Unit	ISOL	M88U	Disciplinary Confinement
25/2005	East AR Regional Max Unit	ISOL	M68U	Job Assignment
30/2005	East AR Region. Unit	BK05	040U	Job Assignment
3/2005	East AR Region. Unit	BK03	005L	Job Assignment
9/2005	East AR Regional Max Unit	ISOL	M75L	Job Assignment
19/2005	East AR Regional Max Unit	MAX7	CB11	Job Assignment
23/2005	East AR Regional Max Unit	MAX4	CB25	Job Assignment
2/2005	East AR Regional Max Unit	MAX3	CB25	Job Assignment
18/2005	East AR Regional Max Unit	ISOL	M65L	Job Assignment
12/2005	East AR Regional Max Unit	MAX8	CB42	Job Assignment
14/2006	East AR Region. Unit	BK07	020L	Job Assignment
22/2006	East AR Regional Max Unit	ISOL	M40L	Job Assignment
25/2006	East AR Regional Max Unit	ISOL	MX17	Administrative Confinement
8/14/2006	East AR Regional Max Unit	ISOL	M77L	Disciplinary Confinement
8/14/2006	East AR Regional Max Unit	ISOL	MX24	Job Assignment
03/2006	East AR Regional Max Unit	ISOL	M59L	Job Assignment
07/2006	Varner Super Max	CB03	0353	Initial Assignment
10/2006	Varner Super Max	CB06	644	Overcrowding Adjustment
1/3/2007	Varner Unit	IS04	4001	Overcrowding Adjustment
2/20/2007	Varner Super Max	CB06	610	Overcrowding Adjustment
5/30/2007	Varner Super Max	CB06	627	Overcrowding Adjustment
7/23/2007	Varner Unit	IS04	4013	Overcrowding Adjustment
7/29/2008	Varner Super Max	CB06	604	Overcrowding Adjustment
03/2008	Varner Super Max	CB06	630	Overcrowding Adjustment
3/3/2011	East AR Regional Max Unit	ISOL	MX14	Job Assignment
4/9/2011	East AR Regional Max Unit	MAX6	CB25	Administrative
5/28/2011	East AR Regional Max Unit	ISOL	M90L	Administrative
7/9/2011	East AR Regional Max Unit	ISOL	MX12	Administrative
7/10/2011	East AR Regional Max Unit	ISOL	MX01	Job Assignment



Exhibit

A

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07/29/2011	East AR Regional Max Unit	ISOL	MX27	Exchanged Beds
08/02/2011	East AR Regional Max Unit	ISOL	MX24	Job Assignment
09/22/2011	East AR Regional Max Unit	MAX8	CB22	Job Assignment
09/27/2011	East AR Regional Max Unit	ISOL	MX21	Administrative Confinement
11/03/2011	East AR Regional Max Unit	MAX8	CB43	Job Assignment
12/07/2011	East AR Regional Max Unit	ISOL	M78L	Disciplinary Confinement
01/08/2012	East AR Regional Max Unit	MAX8	CB31	Administrative Confinement
03/02/2012	East AR Regional Max Unit	ISOL	M84L	Administrative Confinement
03/12/2012	East AR Regional Max Unit	ISOL	M31L	Administrative Confinement
03/19/2012	East AR Regional Max Unit	ISOL	M38L	Exchanged Beds
04/01/2012	East AR Regional Max Unit	MAX8	CB53	48 Hour Relief
04/02/2012	East AR Regional Max Unit	ISOL	M34L	Administrative Confinement
04/20/2012	East AR Regional Max Unit	ISOL	MX29	Administrative Confinement
05/02/2012	East AR Regional Max Unit	MAX8	CB52	48 Hour Relief
05/04/2012	East AR Regional Max Unit	ISOL	MX04	Disciplinary Confinement
06/01/2012	Varner Super Max	CB01	0121	Initial Assignment
08/30/2012	Varner Super Max	CB01	0173	Initial Assignment
09/05/2012	Varner Super Max	CB01	0121	Initial Assignment
09/20/2012	Varner Super Max	MAX4	012	Exchanged Beds

03/31/2012	East AR Regional Max Unit [L02]	48 Hr Relief	001	07:00 AM	Released	03/31/2012
04/02/2012	East AR Regional Max Unit [L02]	Behavior Control	001	07:00 AM	Completed	04/02/2012
04/25/2012	East AR Regional Max Unit [L02]	Behavior Control	001	07:00 AM	Completed	04/25/2012

B9

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03/14/2012	05:22 PM	Classification Notes	I/m Scott #131042 was placed on 72hr. behavior control for assualting staff... per Lt. Washington
04/02/2012	10:09 AM	Classification Notes	Inmate placed on behavior control per Capt. C. Stewart due to inmate having possession of metal door bar for Max 6 & 8 barracks.
04/17/2012	04:07 PM	Records Review	Subject received copy of J&C, 2011-330 via mail. (Amended) jky
04/25/2012	05:02 PM	Classification Notes	I/m Scott#131042 grabbed the handcuffs while one of his hands was in the cuff. I/m scott refused to let go and after retrieving the handcuffs I/m Scott was placed on beavior control. TimeStamp: 25 April 2012 17:08:28 --- User: Stephen Lane (LANST01)
05/02/2012	12:11 AM	Classification Notes	Inmate D. Scott #131042 began his 48 hour relief on 5-2-2012. Therefore inmate moved Ad/Seg housing. Date: 05/2/2012 --- Time: 12:11:47 AM --- User: Lester Allen (ALLLE01)
05/04/2012	10:01 PM	Classification Notes	Inmate D. Scott #131042 completed his 48 hour relief on 5-4-2012. Therefore inmate was moved to isolation housing. Date: 05/4/2012 --- Time: 10:01:29 PM --- User: Lester Allen (ALLLE01)

*claimant scott at
East. Ark brckey's unit.*

*Shows low claimant
was move from isolation
for 48 hr relief and
move back to isolation to
start after 30 days punishment
when he come back
on punishment.*

Varner Unit / Varner SuperMax
NOTIFICATION OF 48 HOUR RELIEF

TO: SCOTT DEVERICK

131042

MAX4-04

ADC No.

BKS / BED

FROM: Kennie Bolden, Chief Security Officer (Bldg. Major)

RE: 48-Hour Relief Notification

DATE: Wednesday, December 25, 2013

Your 48 Hr Relief Sanction Restoration
of Lost Privileges is for these TWO days:

(Monday) 12/30/2013

(Tuesday) 12/31/2013

If you are on Punitive or Visitation restriction you are allowed to visit as long as your 48 Hour Relief occurs on your normal scheduled visitation day. If you are trying to get your commissary you must attach this 48-Hour notice to your commissary slip. If you are currently on one-year phone restriction your phone will not be activated during this 48 Hr. Relief period.

INMATE SIGNATURE

WITNESS

DATE

TIME

DATE

TIME

cc: Inmate File

Grievance Office

File

Varner Unit / Varner SuperMax
NOTIFICATION OF 48 HOUR RELIEF

TO: SCOTT DEVERICK

131042

MAX3-10

ADC No.

BKS / BED

FROM: Maurice Bulchior, Chief Security Officer / Mark Stephens, Captain

RE: 48-Hour Relief Notification

DATE: Wednesday, April 10, 2013

Your 48 Hr Relief Sanction Restoration
of Lost Privileges is for these TWO days:

(Thursday) 04/18/2013

(Friday) 04/19/2013

If you are on Punitive or Visitation restriction you are allowed to visit as long as your 48 Hour Relief occurs on your normal scheduled visitation day. If you are trying to get your commissary you must attach this 48-Hour notice to your commissary slip. If you are currently on one-year phone restriction your phone will not be activated during this 48 Hr. Relief period.

INMATE SIGNATURE

WITNESS

DATE

TIME

DATE

TIME

Varner Unit / Varner SuperMax
NOTIFICATION OF 48 HOUR RELIEF

TO: SCOTT DEVERICK

131042

MAXI-30

ADC No

BRS / BID

FROM: Maurice Cufor, Chief Security Officer / Mark Stephens Captain

RE: 48 Hour Relief Notification

DATE: Thursday, February 07, 2013

Your 48 Hr Relief Sanction Restoration
of Lost Privileges is for these TWO days:

(Wednesday) 02/13/2013

(Thursday) 02/14/2013

If you are on Punitive or Violation restriction you are allowed to visit as long as your 48 Hour Relief occurs on your normal scheduled visitation day. If you are trying to get your commissary you must attach this 48 Hour notice to your commissary slip. If you are currently on one year phone restriction your phone will not be activated during this 48 Hr. Relief period.

INMATE SIGNATURE

WITNESS

DATE

TIME

DATE

TIME

cc: Inmate File

Grievance Office

File

Varner Unit / Varner SuperMax
NOTIFICATION OF 48 HOUR RELIEF

TO: SCOTT DEVERICK

131042

MAXI-30

ADC No

BRS / BID

FROM: Tim Morehead, Chief Security Officer - (VSM Major)

RE: 48 Hour Relief Notification

DATE: Thursday, July 18, 2013

Your 48 Hr Relief Sanction Restoration
of Lost Privileges is for these TWO days:

(Tuesday) 07/23/2013

(Wednesday) 07/24/2013

If you are on Punitive or Violation restriction you are allowed to visit as long as your 48 Hour Relief occurs on your normal scheduled visitation day. If you are trying to get your commissary, and your 48 Hour Relief is on a regular commissary day for the barracks you live in then you must attach this 48 Hour notice to your commissary slip. If you are currently on one year phone restriction your phone will not be activated during this 48 Hr. Relief period.

INMATE SIGNATURE

WITNESS

DATE

TIME

DATE

TIME

cc: Inmate File

Grievance Office

File

0033

800-4

STATE OF ARKANSAS)
COUNTY OF _____) §

AFFIDAVIT

I, Devenick Scott, after first being duly sworn, do hereby swear, depose and state that: I was transferred to Varner Supermax unit on 6/1/12 and since then, today is 2/14/14 and not one time on my 48 hr relief which is mandated by Ark. state law have I been move out my cell for 24 hrs. to receive mental relief from being house in isolation punitive. I'm not allowed visit, access to free world, no t.v.'s and they keep my radio in my property which they made a Arkansas Directive policy violating our 14th Amendment right which state on 48 hr relief are property we can't have rules apply on 48 hr relief as they do we on punitive status. We can't order food unto it fall on stove day which is once every six months On Back →

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

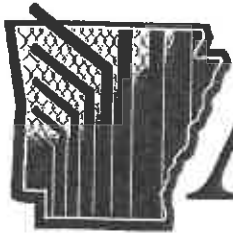
2/14/14
DATE

Devenick Scott
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 20 day of February, 2014.
Dorothy Harris
NOTARY PUBLIC

My Commission Expires: 3-9-21

DOROTHY HARRIS SMITH
NOTARY PUBLIC-STATE OF ARKANSAS
JEFFERSON COUNTY
My Commission Expires 03-09-2021
Commission # 12383696



ADC

honor and integrity in public service

Arkansas Department of Correction

TO: SCOTT, DEVERICK **ADC#** 131042 **Bks.** MAX4-04
FROM: Ms. F. Washington, VSM Classification Officer
DATE: Tuesday, December 10, 2013
RE: Your "Request For Interview" **ID#: 3401**

I received your request concerning being moved. All moves are for institutional needs only. You are on punitive and housed appropriately at this time to commensurate with your current status.

xc: Inmate File
E - File

UNIT LEVEL GRIEVANCE FORM

Attachment I

Unit/Center VSM
Name Dereck Scott
ADC# 18042 Brks # 18042 Job Assignment

FOR OFFICE USE ONLY
GRV. # VSM15-00480
Date Received: 2-6-15
GRV. Code #: 880

1/29/15 (Date) STEP ONE: Informal Resolution

2/5/14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why:

It slows rehabilitation and discourages cause you can't move me on my 48 hr relief but you can move me when I'm not in a cell with no light can't do less work or door don't lock

EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint, date, and place, name of personnel involved and how you were affected. (Please Print):

The conduct of Warden Tucker to intentionally move me to #4-11 cell from #1 cell where he skip #1 shift to pick me on 4/27/15 put me in #4-11 cell with no light. A cell not functioning. He don't admit back things was done in retaliation to hinder me doing my legal work a violation of my 1st Amendment right at this time.

Dereck Scott
Inmate Signature

1/29/15
Date

If you are harmed/threaten because of your use of the grievance process, report it immediately to the Warden or designee.

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on (date), and determined to be **Step One** and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name of the person in that department receiving this form: Date

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates:

No response

Print and Sign Staff Name & Date Returned

Inmate Signature & Date Received

This form was received on 2/5/15 (date), pursuant to **Step Two**. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: Date: 2/5/2015

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date:

If forwarded, provide name of person receiving this form: Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Officer; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

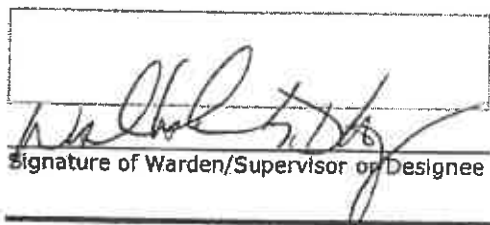
GRIEVANCE #: VSM15-00480

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance, you state, The conduct of Warden Jackson to intentionally move me to iso- 4 14 cell from 2 cell where he skip #1-3 cell to pick me on Tuesday 1/27/15 put me in iso- 4 #14 cell with no light. A cell not functioning. The door don't lock this was done in retaliation to hinder me doing my legal work a violation of my 1st amendment right of USC.

Warden Jackson states, I have not retaliated against inmate Scott, D.# 131042 in no type of way. If a cell do not have a proper function light, maintenance is to be notified to correct the problem. Also, if the door do not lock, that is a big breach of security and will be immediately checked and address.

Therefore, I find no merit to this complaint.


Signature of Warden/Supervisor or Designee


Title


Date

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

Inmate Signature

ADC#

Date

JAN 28 2015

RECEIVED
CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DEVERICK SCOTT (ADC 131042)

V.

NO. 15-0527-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 January, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Deverick Scott (ADC 131042)

Varner Super Max

PO Box 400

Grady, AR 71644-0400



LISA MILLS WILKINS Ark. Bar #87190



Arkansas Department of Correction

Director's Office
P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6200
Fax: (870) 267-6244
www.arkansas.gov/doc

May 21, 2015

Claims Commission
Attn: Ms. Brenda Wade
101 East Capitol Avenue, Suite 410
Little Rock, AR 72201-3823

RE: Deverick Scott (ADC #131042) v. ADC #15-0527-CC

Dear Ms. Wade:

Respondent submits the following information for the hearing on **June 10, 2015**:

Witnesses for the Respondent:
Deputy Warden Jeremy Andrews

Exhibits:
Past Motions to Dismiss

Exhibits submitted incamera:
Inmate Visitation History from eOMIS
Inmate Visitor List from eOMIS

Sincerely,

Lisa Mills Wilkins

Cc: Deverick Scott (ADC #131042)
VSM
P. O. Box 600
Grady, AR 71644-0600

Arkansas
State Claims Commission
MAY 21 2015

RECEIVED

MAY 21 2015

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

DEVERICK SCOTT (ADC #131042)

CLAIMANT

V.

NO. 13-0096-CC

ARKANSAS DEPARTMENT OF CORRECTION

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 alleges that on multiple dates his property was confiscated and not returned. He is seeking \$701.00.
2. On March 2, 2012, Claimant received disciplinary violations and was placed in isolation. At that time his property was inventoried and contraband and excessive property was discovered.

03/02/2012	East AR Regional Max Unit	Keep Person/Quarters W Regulat Creating Unnecessary Noise Assault - Attempt or Threat upon Staff Insolence To A Staff Member Using Abusive/Obscene Language	Isolation to be served for 30 days GT Class Reduction to IV	Guilty
03/02/2012	East AR Regional Max Unit	Indecent Exposure Failure To Obey Order Of Staff	Isolation to be served for 30 days GT Class Reduction to IV	Guilty

The following items were confiscated from the Claimant: 1 radio with no ADC number (contraband and violation of policy); 3 magazines without ADC numbers (contraband and violation of policy), 1 pair unmatched shower shoes (contraband), 2 hairbrushes (contraband), 2 durags (contraband), 2 silver toned watches (contraband), one ink pen (contraband), 32 books (27 taken as excessive), 53 photos (48 taken as excessive), and one set of upper and lower yellow toned teeth coverings, known as grills. See Exhibit "A".

3. Claimant authorized these items to be mailed out; therefore, he should not be expecting to get them back!
4. On March 5, Two cups were confiscated from the Claimant and trashed. See Exhibit "B".

5. On March 14, 2012 additional contraband was found when Claimant was placed on behavior control for 72 hours for assaulting an officer while in isolation. Claimant states this property was also taken and never returned. Claimant signed the confiscation form wherein the disposition of the items taken is 'trashed, returned to security.' See Exhibit "C". Claimant is not entitled to the property.
6. Claimant states that on March 15, 2012, Claimant's property was inventoried and never returned to him. When he was released, he signed for all of his property. In his possession were 6 books, 6 photos, Sony radio, Reeboks, mirror, and 5 toothpaste tubes. Claimant signed for the receipt of these items. See Exhibit "D".
7. Claimant further states that the 5 missing photos and 5 books were allowed to be replaced on April 24, 2012. If that is true, how could Claimant, locked in isolation, obtain 6 photos and 6 books?
8. Claimant is clearly perpetrating a fraud upon this tribunal.
9. Based on the foregoing statements, 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 Claims filed must be dismissed.

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 above pleading has been served this _____ day of _____, 2012, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

DEVERICK SCOTT (ADC #131042)
Varner Supermax
P. O. Box 600
Grady, AR 71644-0600

LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DEVERICK SCOTT (ADC #131042)

CLAIMANT

V.

NO. 14-0874-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its Motion to Dismiss, states as follows:

CLAIM #1

1. Claimant seeks \$2,500.00 for failure to follow policy and pain and suffering for allegedly placing him on behavior control on April 15, 2014, stating that such action was unwarranted under the Indecent Exposure policy. August 17, 2011 until August 23, 2011 which was three (3) days longer than policy permitted.
2. Claimant has failed to state a cause of action under ARCP 12(b)(6) and the claim should be dismissed.
3. Claimant argues that he was placed on behavior control for indecent exposure with only a blanket and his boxer shorts by AD 08-82 Behavior Control policy. Therefore, claimant admits that he received the items he was allowed to have while on behavior control. No violation of policy occurred.
4. Claimant argues that he should have been counseled before placing on behavior control. Claimant has twenty-seven (27) previous charges for indecent exposure with the most recent one before this incident occurring on March 26, 2014. Claimant has been counseled about his behavior.
5. Claimant states that it was not proper to place him on behavior for indecent exposure. This is an incorrect statement of the policy. Behavior Control policy, II Definitions: defines sexual misconduct to include masturbation in the presence or direct vision of another person.
6. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

CLAIM #2

7. Claimant seeks \$5,000.00 for failure to follow policy and pain and suffering from an incident on 10-12-13.
13. Claimant has failed to state a cause of action under ARCP 12(b)(6) and the claim should be dismissed.
8. Claimant was placed on behavior control and alternative meal on October 13, 2013. If Claimant received a juice at one of the meals, it is not grounds to terminate his Alternative Meal sanction for disruptive behavior although he should only have water to drink. Per AD 11-36 IV (A)(8). He is allowed to be on alternative for seven (7) days and as he states that is how long he was on this sanction.
9. It is immaterial whether or not Claimant 'beat' his underlying charge as to whether or not he was properly placed on alternative meal sanction. That alone is for disruptive behavior and not as a punishment for the disciplinary itself.

10. Claimant states that he suffered seven (7) days of not eating while on alternative meal as part of his damages. He never stated that the meal was not provided to him. If he chose not to eat it, that was Claimant's choice. The Alternative Meal provides 100% of the Recommended Dietary Allowances for males between the ages of 15 and 50 years of age. See Exhibit "A". The same is true for behavior control. It matters not whether Claimant was found guilty of the indecent exposure, it is his behavior at the time of the action that warranted placing him on behavior control.

11. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

WHEREFORE, for the reasons stated above and the evidence presented, Respondent prays that these claims be dismissed.

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 above pleading has been served this ____ day of _____, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

DEVERICK SCOTT (ADC #131042)
EAMU
P. O. Box 970
Marianna, AR 72360-0970

LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DEVERICK SCOTT (ADC #131042)

CLAIMANT

V.

NO. 14-0710-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its Motion to Dismiss, states as follows:

1. Claimant seeks \$5,000.00 total for three (3) claims.

CLAIM #1

2. Claimant seeks \$1,250.00 for violations of various policies and a 005 or incident report, but states no facts to support these conclusions based on an incident on November 4, 2012.

3. Arkansas is a fact pleading jurisdiction. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

CLAIM #2

4. Claimant seeks \$1,250.00 for failure to follow policy for wrongful time his spent in punitive isolation after being found guilty of indecent exposure on November 7, 2012.

5. Claimant states the officer couldn't see him masturbating through the metal door nor did the officer state where she was. The testimony would show, as it did at the disciplinary hearing, that the officer, after seeing his actions, asked him why he was being disrespectful, and he stated to the Officer Pace, "that wasn't disrespectful I'll show you disrespectful. Inmate D. Scott #131042 then came closer to the door and continued to masturbate stroking his penis in a back and forward motion as he stared at me. " The officer clearly had a n opportunity to observe Claimant's actions which violated ADC policy.

6. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

CLAIM #3

7. Claimant seeks \$2,500.00 for retaliation by Sgt. Spencer for writing him a disciplinary for indecent exposure on November 14, 2012 of which he was found not guilty.

8. Claimant failed to inform the commission that he was found guilty of failure to obey an order of staff and a violation of any felony or misdemeanor for exposing his penis to a staff member. He merely responded that he was just standing at the door looking.

9. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

WHEREFORE, for the reasons stated above and the evidence presented, Respondent prays that these claims be dismissed.

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 above MOTION TO DISMISS has been served this _____ day of _____, 2014, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

DEVERICK SCOTT (ADC #131042)
Varner Supermax
P. O. Box 600
Grady, AR 71644-0600

LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DEVERICK SCOTT (ADC #131042)

CLAIMANT

V.

NO. 13-0360-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its Motion to Dismiss, states as follows:

CLAIM #1

1. Claimant seeks \$300.00 for failure to follow policy for allegedly leaving him on behavior control from August 17, 2011 until August 23, 2011 which was three (3) days longer than policy permitted.
2. Claimant was housed in punitive isolation during this time and was never placed on behavior control according to the Control Actions section of the eOmis electronic institutional jacket of the Claimant:

07/28/2011	02:10 PM	Punitive Isolation	15	08/13/2011	15
08/13/2011	02:10 PM	Punitive Isolation	15	08/28/2011	15
08/28/2011	02:10 PM	Punitive Isolation	30	09/28/2011	30

3. During this time, his property was taken from him and stored until August 23, 2011. The property form does note at the top 'behavior control' as the reason for confiscation of the property. See Exhibit "A".
4. However, Claimant is only allowed to have the items which were taken from him in punitive isolation 'contingent upon good security'. EARU Policy 10.02.0(I)(9).
5. Claimant's behavior was likely the result of him being denied the personal items while on punitive isolation. Of his seventy-one (71) disciplinary violations since August of 2004, only one did not include a charge of failure to obey an order of staff, indecent exposure, or assaultive or felonious behavior. His most recent charge was December 29, 2012. Just a few days prior to this incident, Claimant was sent to isolation for the following: "On August 6, 2011, Cpl. B. Holloway was assigned to E-Max D Shift Isolation 1 Control located in Zone 1. At 9:57am Cpl. Holloway was hanging keys when she observed inmate D. Scott#131042 whom is housed in Isolation 24 cell standing in the shower with his hand on his exposed penis moving his hand in a back and forward motion. Inmate D.Scott#131042 was given several direct orders to stop his actions. At that time he began threaten Cpl. B. Holloway life. Inmate D.Scott#131042 stated, "you ugly bitch I wish you would write me up I promise on everything bitch I am going to put this knife on your ass bitch, I am going to stick your ass, you want be in Isolation forever". "Since I am jacking off come stand in front of the shower and let me put this dick in your mouth, I am in here for capital murder, You need to check my shit. I don't give a damn about killing your ass. Inmate D. Scott #131042 is aware that making threats on staff and indecent exposure is a direct violation of adc policy. Therefore I am

charging inmate with the above rule violations pending disciplinary court review. End of statement" A month after his property was returned to him, he received two disciplinaries for failure to obey orders of staff. Here is the Notice of Charge of one of those: "On 9/26/11 at approx. 8:05am I (Sgt. Lane), while assigned to Max C-Shift, was conducting a security check in Max 8 (zone 3). During the security check I observed that Max 8-22 cell lights and the cell window were covered up. I arrived to Max 8-22 cell (which houses I/M Deverick Scott #131042) and discovered that the cell lights and window was covered up with paper not allowing light into the cell. I gave I/M Deverick Scott several direct orders to uncover his lights and window but to no avail. At approx. 8:22am, I returned to Max 8 and observed that I/M Deverick Scott still had not removed the paper that was covering the cell lights and window. I then gave I/M Deverick Scott several more direct orders to get his assigned cell in compliance but to no avail. Instead I/M Deverick Scott stated in a loud and aggressive tone of voice, "Man fuck these lights, you stay on some hoe shit nigga. You worried about the wrong thing with your hoe ass." This inmate is in direct violation of A.D.C. and Unit Policies. Therefore I am charging this I/M Deverick Scott #131042 with the following rule violations: 2-12, 2-17, 7-1, 11-1, 11-2, and 12-1 pending D.C.R. End of report."

6. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

CLAIM #2

7. Claimant seeks \$100.00 for failure to follow policy for allegedly refusing him his property, bedding and clothing upon his return from court on December 17, 2011 and retaliated against him by placing him in isolation due to an altercation he had with Lt. Washington.

8. Claimant was serving time in punitive isolation and has been since March of 2011. When he returned from court at 8:37 p.m., he was returned to isolation to continue serving his time there. This chart shows his beginning and ending time for the current isolation sentence.

12/06/2011	02:35 PM	Punitive Isolation	30	01/05/2012	30
------------	----------	--------------------	----	------------	----

9. Claimant states that he was not allowed to have his property upon his return from court. He is correct. The items taken were those which he was not allowed to have in isolation and were stored until his release from punitive. See Exhibit "B".

10. Claimant alleges that he was not provided bedding for the night. Sgt. L. Allen will testify that he provided the proper blanket and clothing to the inmate for this time of year. Sgt. Allen was the ranking officer in isolation and was responsible for the inmates.

11. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

CLAIM #3

12. Claimant seeks \$3,000.00 for failure to follow policy due to the oversight in that his disciplinary was not signed.

13. Claimant does not state wherein the policy that this procedural error required the reversal of his disciplinary. In fact, it does not. Had the mistake been caught, the disciplinary would have been signed. It does not negate his guilt which was affirmed at each step in the disciplinary.

14. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

CLAIM #4

15. Claimant seeks \$3,000.00 for failure to follow policy for allegedly refusing to allow him to call a witness for his disciplinary on February 3, 2012.

16. Claimant never requested witnesses for his disciplinary hearing when he was served with the notice of charge; therefore, none were called.

17. Claimant was personally observed by Corporal Montague with the light in his cell covered and refused orders to remove the covering. Instead he responded with disrespectful and threatening remarks. A copy of the disciplinary is attached hereto as Exhibit "C".

18. Claimant's disciplinary was reviewed and no procedural violations were found to warrant reversal.

19. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

CLAIM #5

20. Claimant seeks \$100.00 for failure to follow policy for allegedly refusing to allow him to call a witness for his disciplinary on February 3, 2012.

21. Claimant failed to exhaust this claim which is required under AD10-32 N. which provides that "inmates are hereby advised that they must exhaust their administrative remedies as to all defendants at all levels of the grievance procedure before filing a Section 1983 lawsuit and Claims Commission claim. If this is not done, their lawsuit or claims may be dismissed immediately."

22. Claimant filed several complaints in grievance EAM #11-03375 despite the grievance policy stating in AD 10-32 IV(D)(2) "The Unit Level Grievance Form should only address one problem/issue and not multiple problems/issues. An inmate must use a separate form for each issue. Only one issue will be addressed. Additional problems/issues contained in the grievance will not be considered as exhausted. Exhaustion of an issue is required prior to filing a lawsuit under the Prison Litigation Reform Act of 1995 on that issue." Claimant's first issue was the flooding of his cell and overflowing of his sink; therefore, that issue was addressed and exhausted.

23. Respondent prays that the claim be dismissed for failure to exhaust.

CLAIM #6

24. Claimant seeks \$1,500.00 for failure to follow policy for allegedly writing him two (2) disciplinary violation charges for one incident on June 18, 2011.

25. Claimant was observed by Lt. Harris on June 18, 2011, with paper over his light and affixed to the walls in violation of policy. He removed the paper from the light, but refused to remove it from the walls. The Notice of Charge reads as follows: "On June 18, 2011 at approximately 10:55 AM, I Lt. C. M. Harris entered Max 6 cellblock. Upon entering and visually scanning the housing area, I observed cell #25 to be completely dark. Upon further observation, I observed pink inmate copies of paperwork covering the cell light, and papers affixed to the cell wall. I yelled out to cell 25 and gave a direct order to remove the paper from the cell light. And to take the papers down off the cell wall. Inmate D. Scott #131042, whom is assigned to this cell did remove the paper from the light but did not take the papers off the wall. It is against ADC policy for inmates to not have their living quarters in compliance, and to disobey written and verbal orders. Therefore I charge inmate D. Scott (131042) with the above rule violations." He was charged with failure to keep his person/quarters within regulation and failure to obey order of staff. He was found guilty of this violation and received suspension of commissary, phone and visitation privileges for sixty (60) days. See Exhibit "D".

26. About twenty (20) minutes later, Claimant was observed by Cpl. Smith with paper covering his window and blackening his cell. He refused orders to remove it from the window. The Notice of Charge reads as follows: "On June 18, 2011 at approx 11:13 AM, I Cpl. C. T Smith was assigned as Max 6 rover. While performing a routine security check I noticed that the I/M assigned to Max 6 cell #25 had paper covering his window blackening his cell, obstructing the view. I gave this I/M a direct order to remove the above listed obstructions but to no avail. I identified this I/M by roster as being I/M D. Scott #131042. Therefore, I Cpl. C. T. Smith am writing, I/M D. Scott #131042 of Max 6 cell #25 a disciplinary pending DCR for the following rule violations: 2-12, 12-1, 11-1." He was found guilty of failure to keep his person/quarters within regulation, failure to obey order of staff and received fifteen (15) days in isolation. See Exhibit "E".

27. Claimant is correct that during the grievance process, the findings were that the matters were the same incident. However, a closer review of the facts shows that the matters were twenty minutes apart, written by different officers, at different times and for different reasons. To find that Claimant can receive a disciplinary for refusing order of staff to become in compliance and remain in compliance without subjecting himself to further penalty is illogical and rewards continuing disobedience of the rules and regulations without further penalty. Such logic would reason that a criminal who kills five (5) people in a single rampage should only be charged with one because it was in one incident. Certainly that is not what the laws or the policy dictates. The policy does prevent multiple officers from writing up one inmate for an incident of which they were all part of containing.

28. Furthermore, Claimant has no liberty interest in having the ADC official follow the procedures. *Munson v. Arkansas Department of Correction*, 294 S. W. 3d 409, 411 (2009). Claimant does not have a liberty interest in the actual procedures to be administered. *Kennedy v. Blankenship*, 100 F. 3d 640 (8th Cir. 1996). *Munson* is one of many cases in which the Supreme Court has considered an inmate's due process challenge to a disciplinary action which resulted in the inmate's loss of status class, certain privileges, punitive isolation, or other sanction. The Court has stated that an inmate does not have a liberty interest in proceedings administered by the ADC and sanctions imposed are insufficient to raise a due process claim. In *Arkansas*, there is no liberty interest in good time under the analysis in *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). A loss of class status and privileges, even if impacting good time, would not compromise a liberty interest. Claimant has asserted no substantive due process

violation as a result of the sanctions that were imposed by the ADC in the proceeding. To state a case for a substantive due process violation, appellant must have shown an atypical and substantive deprivation that was a dramatic departure from the basic conditions of his confinement. *Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995). Demotion from the general population is not the sort of deprivation that qualifies as 'atypical and significant.' *Kennedy* at 642.

29. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

CLAIM #7

30. Claimant seeks \$3,000.00 for failure to follow policy for allegedly writing him two (2) disciplinary violation charges for one incident on April 25, 2012.

31. Claimant was charged at 3:05 p.m. on April 25, 2012 and additional charges were added at 5:00 p.m. based on his refusal to surrender the handcuffs upon his return to his cell and grabbing the cuffs from the officer and refusing orders to turn them over. His conduct required Lt. Lane's presence at the cell to ensure compliance with the regulations.

32. While awaiting his disciplinary hearing on the first charges, Claimant's behavior became so disruptive, that Deputy Warden Payne returned him to his cell and considered his attendance waived. Such action is permissible under AD 08-87 IV (E)(4) "...the Major Disciplinary Court shall cause the inmate to appear before it unless the inmate waive in writing or though behavior." See Exhibit "F".

33. Since Claimant waived the first hearing, he cannot appeal the decision. Since he cannot appeal, he cannot exhaust his remedies and the claim as to the first disciplinary should be dismissed for failure to exhaust under AD10-32 N. which provides that "inmates are hereby advised that they must exhaust their administrative remedies as to all defendants at all levels of the grievance procedure before filing a Section 1983 lawsuit and Claims Commission claim. If this is not done, their lawsuit or claims may be dismissed immediately."

34. With respect to the charges issued at 5:00 p.m., the charging officer was the same officer, there were additional charges which were added to the charges previously filed against. These charges were affirmed at all levels of appeal.

35. Furthermore, Claimant has no liberty interest in having the ADC official follow the procedures. *Munson v. Arkansas Department of Correction*, 294 S. W. 3d 409, 411 (2009). Claimant does not have a liberty interest in the actual procedures to be administered. *Kennedy v. Blankenship*, 100 F. 3d 640 (8th Cir. 1996). *Munson* is one of many cases in which the Supreme Court has considered an inmate's due process challenge to a disciplinary action which resulted in the inmate's loss of status class, certain privileges, punitive isolation, or other sanction. The Court has stated that an inmate does not have a liberty interest in proceedings administered by the ADC and sanctions imposed are insufficient to raise a due process claim. In Arkansas, there is no liberty interest in good time under the analysis in *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). A loss of class status and privileges, even if impacting good time, would not compromise a liberty interest. Claimant has asserted no substantive due process violation as a result of the sanctions that were imposed by the ADC in the proceeding. To state a

case for a substantive due process violation, appellant must have shown an atypical and substantive deprivation that was a dramatic departure from the basic conditions of his confinement. *Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995). Demotion from the general population is not the sort of deprivation that qualifies as 'atypical and significant.' *Kennedy* at 642.

36. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

WHEREFORE, for the reasons stated above and the evidence presented, Respondent prays that these claims be dismissed.

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 above pleading has been served this _____ day of _____, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

DEVERICK SCOTT (ADC #131042)
Varner Supermax
P. O. Box 600
Grady, AR 71644-0600

LISA MILLS WILKINS Ark. Bar #87190

Name: Scott, Deverick D.

ISSS074A

Inmate Visitation History

Submitted
in camera
DO NOT RELEASE TO INMATE
APC #: 131018 PID #: 0152426
May 21, 2015 10:54:35 AM

Inmate Visitation History (1 - 20 of 20)

Date	Time	Visitor Name	Relationship	Facility	Reason Denied / Abnormal Outcome
<u>08/20/2009</u>	11:11 AM	Brown, Haley K.	Friend	Varner Super Max [F02]	None / None
<u>01/06/2009</u>	11:05 AM	Brown, Haley K.	Friend	Varner Super Max [F02]	None / None
<u>12/29/2008</u>	10:50 AM	Lindsey, Shirley T.	Grandparent	Varner Super Max [F02]	None / None
<u>12/29/2008</u>	10:50 AM	Scott, Jamie A.	Sister	Varner Super Max [F02]	None / None
<u>12/29/2008</u>	10:50 AM	Scott, Margie N.	Mother	Varner Super Max [F02]	None / None
<u>10/28/2008</u>	12:55 PM	Brown, Haley K.	Friend	Varner Super Max [F02]	None / None
<u>04/10/2008</u>	11:04 AM	Lindsey, Shirley T.	Grandparent	Varner Unit [F01]	None / None
<u>04/10/2008</u>	11:04 AM	Scott, Margie N.	Mother	Varner Unit [F01]	None / None
<u>04/10/2008</u>	11:04 AM	Brown, Haley K.	Friend	Varner Unit [F01]	None / None
<u>11/08/2007</u>	10:32 AM	Scott, Margie N.	Mother	Varner Unit [F01]	None / None
<u>11/08/2007</u>	10:32 AM	Brown, Haley K.	Friend	Varner Unit [F01]	None / None
<u>07/12/2007</u>	08:45 AM	Brown, Haley K.	Friend	Varner Super Max [F02]	None / None
<u>06/14/2007</u>	10:54 AM	Brown, Haley K.	Friend	Varner Super Max [F02]	None / None
<u>06/14/2007</u>	10:53 AM	Scott, Margie N.	Mother	Varner Super Max [F02]	None / None
<u>04/12/2007</u>	12:19 PM	Brown, Haley K.	Friend	Varner Super Max [F02]	None / None
<u>01/23/2007</u>	11:39 AM	Lindsey, Shirley T.	Grandparent	Varner Unit [F01]	None / None
<u>01/23/2007</u>	11:38 AM	Gaston, Jewel D.	Aunt	Varner Unit [F01]	None / None
<u>01/23/2007</u>	11:36 AM	Scott, Margie N.	Mother	Varner Unit [F01]	None / None
<u>10/28/2006</u>	11:02 AM	Scott, Margie N.	Mother	Varner Super Max [F02]	None / None
<u>10/28/2006</u>	11:01 AM	Gaston, Jewel D.	Aunt	Varner Super Max [F02]	None / None

Submitted
in camera
DO NOT RELEASE TO INMATE

Submitted
in camera
DO NOT RELEASE TO INMATE

**Submitted
in camera**
DO NOT RELEASE TO INMATE

**Submitted
in camera**
DO NOT RELEASE TO INMATE

This inmate is restricted from visitation until 01:43:00 PM on 05/24/2015.

Name: Scott, Deverick D.

ADC #: 131042B PID #: 0152426



ISSS070A



Visitor List

Thursday May 21, 2015 10:54:57 AM

Visitors (1 - 19 of 19)

Visitor Name	Relationship	Age	Photo	Status	Conditions
<u>Brown, Haley K.</u> *INACTIVE OFFENDER* (0285072)	Friend	30	 Enlarge	Terminated (due to release)	Every Week Monday through Friday Temp. Non-Contact beginning 06/25/2008 ending 06/25/2009 Reason: Other (See Comments)
<u>Foote, Ashley A.</u>	Friend	32	 Enlarge	Terminated (stopped visiting)	2nd and 4th Week Monday through Saturday
<u>Gaston, Jewel D.</u>	Aunt	66	No Photo Available	Terminated (due to release)	Every Week Monday through Friday Temp. Non-Contact beginning 06/25/2008 ending 06/25/2009 Reason: Other (See Comments)
<u>Gaston, Tiffany L.</u>	Cousin	32	No Photo Available	Terminated (due to release)	Every Week Monday through Friday Temp. Non-Contact beginning 06/25/2008 ending 06/25/2009 Reason: Other (See Comments)
<u>Jones, Ashle D.</u> <u>DENIED</u>	Friend	30	No Photo Available	Denied	2nd Week Only Thursday only
<u>Jones, Jimmy L. Sr</u>	Step-Father	48	No Photo Available	Terminated (stopped visiting)	2nd and 4th Week Monday through Saturday
<u>Jones, Travis D.</u> *INACTIVE OFFENDER*	Step-Brother	27		Terminated (stopped visiting)	2nd and 4th Week Monday through Saturday

(0193458)			No Photo Available		Submitted in camera DO NOT RELEASE TO INMATE
<u>Lindsey, Justin</u>	Cousin	23	No Photo Available	Approved Expiration: None	Every Week Any (Every) Day Temp. Non-Contact beginning 05/19/2015 ending 05/19/2016 Reason: Inmate found guilty of indecent exposure
<u>Lindsey, Shirley L.</u>	Grandparent	68	 Enlarge	Terminated (due to release)	Every Week Monday through Friday Temp. Non-Contact beginning 06/25/2008 ending 06/25/2009 Reason: Other (See Comments)
<u>Matthews, Yolanda M.</u>	Sister	35	 Enlarge	Terminated (due to release)	Every Week Monday through Friday Temp. Non-Contact beginning 06/25/2008 ending 06/25/2009 Reason: Other (See Comments)
<u>Moore, Sherika N.</u>	Friend	32	No Photo Available	Approved Expiration: None	Every Week Any (Every) Day Temp. Non-Contact beginning 05/19/2015 ending 05/19/2016 Reason: Inmate found guilty of indecent exposure
<u>Parker, Brian S.</u>	Brother	36	No Photo Available	Terminated (due to release)	Every Week Monday through Friday Temp. Non-Contact beginning 06/25/2008 ending 06/25/2009 Reason: Other (See Comments)
				Submitted in camera DO NOT RELEASE TO INMATE	Terminated (due to release) Every Week Monday through Friday

<u>Rodgers, Karla</u>	Friend	32	No Photo Available	Submitted in camera DO NOT RELEASE TO INMATE	Temp. Non-Contact beginning 06/25/2008 ending 06/25/2009 Reason: Other (See Comments)
<u>Scott, Jamie A.</u>	Sister	33	 Enlarge	Approved Expiration: None	Every Week Any (Every) Day Temp. Non-Contact beginning 05/19/2015 ending 05/19/2016 Reason: Inmate found guilty of indecent exposure
<u>Scott, Krystal J.</u>	Sister	21	No Photo Available	Submitted in camera DO NOT RELEASE TO INMATE	Every Week Any (Every) Day Temp. Non-Contact beginning 05/19/2015 ending 05/19/2016 Reason: Inmate found guilty of indecent exposure
<u>Scott, Margie N.</u>	Mother	56	 Enlarge	Approved Expiration: None	Every Week Any (Every) Day Temp. Non-Contact beginning 05/19/2015 ending 05/19/2016 Reason: Inmate found guilty of indecent exposure
<u>Smith, Valerie L.</u>	Cousin	29	No Photo Available	Terminated (due to release)	Every Week Monday through Friday Temp. Non-Contact beginning 06/25/2008 ending 06/25/2009 Reason: Other (See Comments)
<u>Smith, Veronica N.</u>	Cousin	38	No Photo Available	Terminated (due to release) Submitted in camera DO NOT RELEASE TO INMATE	Every Week Monday through Friday Temp. Non-Contact beginning 06/25/2008 ending 06/25/2009 Reason: Other (See Comments)

<u>Tenner,</u> <u>Margaret</u> <u>*INACTIVE</u> <u>OFFENDER*</u> <u>(0067607)</u>	Aunt	57	No Photo Available	Terminated (due to release)	Every Week Monday through Friday Temp. Non- Contact beginning 06/25/2008 ending 06/25/2009 Reason: Other (See Comments)
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STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 9,000.00

15-0527-CC
Claim No.

Deverick Scott #131042 Claimant
vs.

Attorneys

Pro se Claimant

AR Department of Corrections
State of Arkansas Respondent

Lisa Wilkins, Attorney
Respondent

Date Filed January 21, 2015

Type of Claim Loss of Property, & Failure to follow
Procedure

FINDING OF FACTS

These two claims were file for loss of property & failure to follow procedure in the total amount of \$9,000.00 against Arkansas Department of Corrections.

Present at a hearing June 10, 2015, was the Claimant, pro se, and the Respondent, represented by Lisa Wilkins, Attorney.

The Claims Commission hereby unanimously denies and dismisses this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Therefore, this claim is hereby unanimously dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission unanimously denied and dismissed this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Date of Hearing June 10, 2015

Date of Disposition June 10, 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.

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Arkansas State Claim Commission

Deverick Scott #131042

claim No. 15-0527-CC

claimant

Arkansas Claims Commission

JUN 23 2015

RECEIVED

AR Department Corrections respondent

Notice of appeal: motion for reconsideration

1. During the hearing the claims commission mention respondent motion to dismiss of 7 claims. I didn't mention or correct claims commission to prove in my future book the corruption of Ark. court system. That respondent's never filed a motion to dismiss. If you'll read claim # on the motion to dismiss that was from a claim filed in 2012 already dismiss. Respondent knew you'll automatically rule in favor with them so they said you'll anything and you'll so doing with it.

Reasons "Evidence how claim prove his case"
Claim # 1: specifically stated from respondent set term is off on holidays. For two years claimant work it up every holiday about his yardcell but not till he filed small claim in 2014 did respondent start making yardcrew come to work and give claimant his yardcell. Evidence exhibit 1 proves claim.

But claim commission don't care. I just can't wait till tax payers paying you'll salary no you'll is getting paid for nothing.

Claim #2 exhibit 2 of ^{second} set of exhibits clearly state it's a due process to be allowed at least 24 hr relief after being on punitive isolation for 30 days consecutive. You must be taken out your cell. exhibit: 10, 11, 13 clearly admits from respondent that inmates are not moved during 48 hr relief.

So the evidence clearly prove his case & claim. One thing we will be sure of that the public will no of the injustice by Ark. state claim commission to not issue out justice.

4/21/15

Reverend Lott #131842

2501 State Farm Rd

Tucker, Ar 72168

Claim #1: \$100 a day for over 11 days in 2 yrs
 Claimant denied yardcell on holidays non-holiday.
 settlement \$1,500.00

Claim #2: \$100 a day for over 33 months at least
 33 days for denied of 48 hr relief being taken
 out his cell for at least 24 hrs a day on 4th
 relief for 2 1/2 years straight.
 settlement \$1,500.00

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 9000.00

Claim No. 15-0527-CC

<u>Deverick Scott, #131042</u> Claimant		<u>Attorneys</u>	
vs.		<u>Pro se</u> Claimant	
<u>AR Dept. of Correction</u> Respondent		<u>Lisa Wilkins, Attorney</u> Respondent	
State of Arkansas			
Date Filed	<u>January 21, 2015</u>	Type of Claim	<u>Failure to Follow Procedure,</u> <u>Negligence (Claims 1 and 2)</u>

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 June 10, 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 June 10, 2015, order remains in effect.

Date of Hearing July 9, 2015

Date of Disposition July 9, 2015

<u>[Signature]</u>	Chairman
<u>[Signature]</u>	Commissioner
<u>[Signature]</u>	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.

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