



PER TO EX-DEPUTY ASSIST SECURITY WARDEN -  
THOMAS JACKSON, III ORDERED THE CLAIMANT -  
TO BE PLACED ON BEHAVIOR CONTROL WITHOUT -  
ISSUING THE CLAIMANT A F-841-1 FORM TOWARD -  
HIS CONFISCATION PERSONAL PROPERTY AS OF THE  
FOLLOWING ITEMS LISTED AS OF 1.) (2) (PK) - F(AA)  
BATTERIES, 2.) (1) SONY DIGITAL RADIO, 3.) (1) PAIR OF  
MAG-5 HEADPHONE, 4.) 5.) MAGIC SHAVE, 5.) (6) DRY -  
DEODORANT'S 6.) (6) ROYAL CROWN HAIR GREASES, 7.)  
(12) BAR OF MOISTURE SOAPS, 8.) (3) COLGATE GEL  
TOOTHPASTE, 9.) (9) BAGS OF COLUMBIAN COFFEE, 10.) (18)  
11. STAMPED ENVELOPES, 98) (3) 2-X T-SHIRT'S 12) (1) -  
2-X SWEAT SHIRT, 13) (1) PAIR OF REEBOK TENNIS  
SHOE SIZE (12) 14.) (1) PAIR OF 2-X SWEAT PANTS  
15) 1. PERSONAL PRISONER'S SELF-HELP LITIGATION -  
MANUAL 2001 ISSUE, 16) (1) ARKANSAS CODE ANNOTATED  
COURT RULES ISSUE 2003 AND 17.) (1) COLLEGE  
WEBSTER DICTIONARY 2004 ISSUE WHICH DUE TO  
LT. PHILIP ESAW AND SGT. R. BROWN V. S. M) -  
PROPERTY ROOM SEGMENT NEGLIGENCE THE A.D.C  
IS LIABLE TOWARD LT. PHILIP ESAW AND SGT.  
R. BROWN V. S. M) PROPERTY ROOM SEGMENT -  
NEGLIGENCE OF A.D. 13-29 POLICY AND -  
PROCEDURES.

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center V.S.M

Name JEFFREY ELLIS

ADC# 78658

Brks # LS-24 Job Assignment ADMIN. S.G.

FOR OFFICE USE ONLY

GRV. # VS.M-14-3952

Date Received: 10-20-14

GRV. Code #: 505

(Date) 12-13-14 STEP ONE: Informal Resolution

(Date) 12-17-14 STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: AD-14-16 POLICY AND PROCEDURES OF (VS.M) PLANNED

(Date) AD-14-16 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: SMITH, V.S.M. PROBLEM SOLVER SECTION (A) BY MRS. D. SMITH

Is this Grievance concerning Medical or Mental Health Services? NO 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 OCT 10 2014 SGT. B. BROWN

V.S.M. PROPERTY SERGEANT ADVISED ME THAT HE DID NOT  
CONFISCATED MY SON'S HATS & SHOES FROM ME  
THAT SGT. BROWN PLACED IN THE PROPER PLACE ON SEPTEMBER 24  
DUE TO ME BEING PLACED ON BEHAVIOR CONTROL ON SEPTEMBER 24  
WHICH HE IS THAT SGT. BROWN'S NEGLIGENCE OF SEPTEMBER 24  
OF HIM NOT LISTENING TO ALL THE ABOVE ITEMS ON THE  
OF (VS.M) FORMS TO AD-13-1088 POLICY AND PROCEDURES  
TO (VS.M) DURING SECTION (A) ON SEPTEMBER 24 WHICH DUE  
THE ABOVE MENTIONED ITEMS BEING PLACED, ILL REQUEST

(END OF STATEMENT)

Inmate Signature [Signature]

Date 10-13-14

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 \_\_\_\_\_ (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) [Signature]

ID Number [Number]

Staff Signature [Signature]

RECEIVED

Date Received 10-17-14

Describe action taken to resolve complaint, including dates: \_\_\_\_\_

NOV 04 2014

Staff Signature & Date Returned [Signature]

INMATE GRIEVANCE SUPERVISOR

Inmate Signature & Date Received [Signature]

This form was received on 10-17-14 (date), pursuant to Step Two. Is it an Emergency? NO (Yes or No). Staff ONE Received Step Two Grievance: [Signature] Date: 10-17-14

Action Taken: \_\_\_\_\_

(Forwarded to Grievance Officer/Warden/Other) Date: 10-17-14

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

2014-1-4

ISO 413

INMATE NAME: Ellis, Jerry J.

ADC #: 078658B

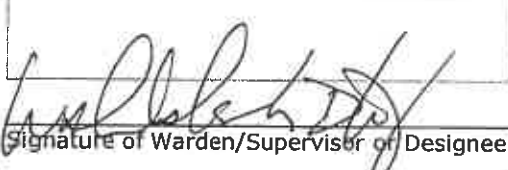
GRIEVANCE #: VSM14-03952

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance, you state, On Oct 1, 014 Sgt. Brown VSM property Sergeant advised me that he did not confiscate my sony radio and (2) (pk) of (AA) batteries that Sgt. Ramel place in the property bag on Sept. 24, 014 which due to that Sgt. Tyson negligence of Sept. 24, 014 of him not listing all the above items on the F-801-1 Form per AD-13-0188 policy and procedures of (25)(4) toward section (2) on Sept. 24, 014 which due to Sgt. Tyson negligence Sept. 24, 014 I'll request the above mention items replace  
End of statement.

According to Sgt. Tyson your property was inventoried and placed in the property room. On September 9, 2014 your property was given back to you by Sgt. Young according to the Inmate Personal Property Inventory Record. Inmate Ellis you signed the inventory sheet advising you received all property that was due to you on 9/29/14.

Therefore, I find this issue without merit.

  
Signature of Warden/Supervisor of Designee

RECEIVED

Title

Date

NOV 04 2014

INMATE'S APPEAL

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

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 OBJECT TO DEPT. ASST. WARDEN M. JACKSON, III, MRS. GLORIA THOMPSON V.S.M. GRIEVANCE COORDINATOR AND SGT. TYSON RESPONSE'S ONE THAT SGT. TYSON NEVER INVENTORIED ANY OF MY PERSONAL PROPERTY ON SEPT. 9, 2014 AND SGT. TYSON DID NOT LIST ALL OF MY PERSONAL PROPERTY ON THE F-801-1 FORM ON SEPT. 24, 2014 PER AD-13-0188 POLICY AND PROCEDURES OF (25)(4) TOWARD SECTION (2) IN LPS SGT. TYSON LISTED 78658 10-30-14  
THE ITEMS THAT I'LL NEVER RECEIVED ON SEPT. 29, 2014 ON THE F-801-1 FORM

Inmate Signature

ADC#

Date

INMATE NAME: Ellis, Jerry J.

ADC #: 078658

GRIEVANCE#: VSM14-03952

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

You state, that your sony radio is missing from your property.

Based on the Warden's response in which he states in part, "According to Sgt. Tyson your property was inventoried and placed in the property room. On September 9, 2014 your property was given back to you by Sgt. Young according to the Inmate Personal Property Inventory Record. Inmate Ellis you signed the inventory sheet advising you received all property that was due to you on 9/29/14. Therefore, I find this issue without merit."

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

Appeal denied

  
Director

12-9-2014  
Date

## Unit/Center

FEB 10 2015

**Brks #**

(Date) **STEP TWO: Formal Grievance** (All complaints /

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

(Date) 11/11/2014 EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a 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 emergency receipt. If an Emergency, state why: NIMED PRAKASH)

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):

involved and how you were affected. (Please Print): ENTIRE 3/13/14 DATE PLACE NAME OF PERSONNEL

W 3 (A) SHEET AND SG. B. BRYNMAWR ON 11-14

$\frac{1}{\sqrt{2}} \begin{pmatrix} 1 & i \\ -1 & i \end{pmatrix}$

1. What is the main purpose of the study?

1. What is the purpose of the experiment?  
 To determine the effect of temperature on the rate of reaction between hydrogen peroxide and potassium iodide.

SWING: MICHAEL - SUNDAY MORNING JAZZ CLUB - T. ORDER #0711

Form of the  $\text{Fe}^{2+}$  ion

MA 5 TENPHON 15 MAY 1968 DIGEST RADIO 3 VA PHM

6. The ALPHABETICALLY SORTED LIST OF NAMES (6) DOES NOT CONTAIN

DUBA E GEL D3

SHIMED ENVELOPE

SWETA

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~

[illegible][illegible]

Signature \_\_\_\_\_

Signature ELVED MONEIN IAH IAH Date 10/03/19  
 you are harmed/threatened because of your use of the NAME OF 12-2-11

**THIS SECTION TO BE FILLED OUT BY STAFF**

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**

\_\_\_\_\_ (Yes or No). This form was forwarded to medical or mental health? \_\_\_\_\_ (Yes or No)

the person in that department receiving this form: \_\_\_\_\_ (Yes or No). If yes, name \_\_\_\_\_

PRINT STAFF NAME (PROGRAM NUMBER) 50812 Date 1/1/12

Describe action taken to resolve complaint: \_\_\_\_\_

\_\_\_\_\_ Date Received \_\_\_\_\_

550 2 2014

DEC 29 2014

Handwritten musical notation on a staff, including a treble clef, a key signature of one sharp (F#), and a series of notes and rests.

Supervisor's Signature & Date Returned: 11/2/2011

This form was received on 2/27/16 (date), pursuant to Step Two. Is it an Emergency? Yes

aff. Who Received Step Two Grievance: Mr. [illegible] Is it an Emergency? No (Yes or No).  
Action Taken: Mr. [illegible] Date: 1/27/18

Forwarded to Grievance Officer/Warden/Other: \_\_\_\_\_ Date: 12/27/11

Forwarded, provide name of person receiving this form: \_\_\_\_\_ Date: \_\_\_\_\_

DATE: \_\_\_\_\_

DISTRIBUTION: YELLOW & PINK

INMATE AFTER COMPLETION OF STEP ONE AND STEP TWO: **DISTRIBUTION: YELLOW & PINK** – Inmate Receipts; **BLUE**-Grievance Officer; **ORIGINAL**-Given back to Inmate

\_\_\_\_\_, Finance Officer, ORIGINAL-Given back

FEB 10 2015

IGTT410  
3GS

INMATE GRIEVANCE SUPERVISOR

Attachment III

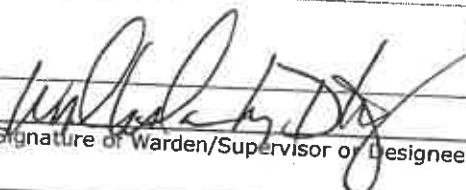
INMATE NAME: Ellis, Jerry J.ADMINISTRATION BUILDING  
ADC #: 078658BGRIEVANCE #: VSM14-04780

## WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance, you state, On the evening of 12-12-14 Lt. Esaw of (AA) shift and Sgt. R. Brown VSM property room Sergeant both violated AD 13-04 policy of (pg)(4) toward section(1) and section (2) when the both of them confiscation all of my personal property and placing me on behavior control per to Deputy Assist. Warden M. Jackson III order of 12-12-14 without issuing me my F-841-1 form of the following items as of (1)(2) pks of (AA) batteries, 2) (1) sony digital radio, 3) (2 pair of mac-5 headphone, 40 (5) magic shave, 5) (6) dry deodorants ,6) (6) royal crown hair grease, 7) (12) bags of moisture soap, 8) (3) colgate gel toothpaste ,9) bags of columbia coffee ,10) stamped envelope, 13) (2) 2xl T-shirts,14) (1) 2x sweat shirt,15) (1) pair of 2x sweat pants,16) (1) pair of rebok tennis shoes size 12, 17) 1 prisoner self help litigation manuel 2001, 18) 1 Arkansas code annotated court rule issued 2003 and 19) 1 college Webster

Inmate Ellis, according to documents you were assigned to behavior control on 12/12/14, Lt. Esaw stated your property was inventoried. However according to Sgt. Brown on your last inventory sheet dated 9/24/14 that you signed for you did not have any of the items you are claiming.

Therefore, I find this issue without merit.

  
Signature of Warden/Supervisor or Designee

  
Title

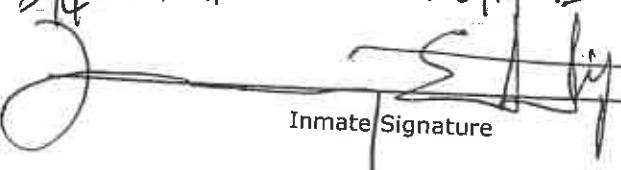
1-30-15  
Date

## 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?

WARDEN JACKSON III, MR. THOMPSON VSM GRIEVANCE  
CONFIDENTIAL, LT. ESAW AND SGT. R. BROWN RESPONSES DUE  
TO THE FOLLOWING: DEPT. ASST. WARDEN JACKSON III AND MR. THOMPSON VSM GRIEVANCE CONFIDENTIAL NEVER REVIEWED ISSUES  
WEST WING SURVEILLANCE CAMERA FOOTAGE SUBMITTED (EXHIBIT 2)  
DEPT. ASST. WARDEN JACKSON III AND MR. THOMPSON VSM GRIEVANCE  
CONFIDENTIAL NEVER EXAMINED MY PERSONAL PROPERTY RECORDS OF 12/12

  
Inmate Signature

78658  
ADC#

2-2-15  
Date

(SEE REVERSE SIDE)

INMATE NAME: Ellis, Jerry J.

ADC #: 078658

GRIEVANCE#: VSM14-04780

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

December 23, 2014, you grieved that, "On the evening of 12-12-14 Lt. Esaw of (AA) shift and Sgt. R. Brown VSM property room Sergeant both violated AD 13-04 policy of (pg)(4) toward section(1) and section (2) when the both of them confiscation all of my personal property and placing me on behavior control per to Deputy Assist. Warden M. JacksonIII order of 12-12-14 without issuing me my F-841-1 form of the following items as of (1)(2) pks of (AA) batteries, 2) (1) sony digital radio, 3) (2 pair of mac-5 headphone, 4) (5) magic shave, 5) (6) dry deodorants ,6) (6) royal crown hair grease, 7) (12) bags of moisture soap, 8) (3) colgate gel toothpaste ,9) bags of columbia coffee ,10) stamped envelope, 13) (2) 2xl T-shirts,14) (1) 2x sweat shirt,15) (1) pair of 2x sweat pants,16) (1) pair of rebok tennis shoes size 12, 17) 1 prisoner self help litigation manuel 2001, 18) 1 Arkansas code annotated court rule issued 2003 and 19) 1 college Webster."

The Warden responded, "Inmate Ellis, according to documents you were assigned to behavior control on 12/12/14, Lt. Esaw stated your property was inventoried. However according to Sgt. Brown on your last inventory sheet dated 9/24/14 that you signed for you did not have any of the items you are claiming. Therefore, I find this issue without merit."

After reviewing all supporting evidence I am unable to substantiate your allegations that your property was confiscated on 12/12/14 and was not returned to you. According to my review, records show your property was inventoried while you were on behavior control and then given back to you.

Appeal denied



Director

3.25.15

Date

## 9

mx4100

IGTT410  
3GS

Attachment III

INMATE NAME: Ellis, Jerry J.

ADC #: 078658B

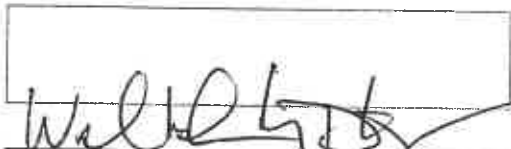
GRIEVANCE #: VSM15-01473

### WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance, you state, On the morning of 3/23/15 I appeared before the VSM classification committee toward my Warden review which I advised Warden R. Watson that the individual named at of Mrs. James Major Bolden secretary Major L. Malone Captain Stephens Sgt. Johnson VSM Isolation Supervisor and Sgt. Brown VSM property room Segeant had not been ensuring that inmates serving consecutive punitive segregation sentences be issue their 48 hour relief.

If you have specific incident that can be proved you may submit it for review. You have presented no factual evidence and/or cooperating information for corrective action. You are simply making a statement.

Therefore, I find this issue without merit.

  
Signature of Warden/Supervisor or Designee

  
Title

5-6-15  
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?

I object to a Deputy Assist Warden Andrews and Mrs. Gloria Thompson VSM - Grievance Coordinator because I own my statement to Warden Randy Watson on the morning of 3-23-15 at my Warden review with the named prison officials individually that is held responsible for issuing inmates that is serving consecutive punitive segregation sentences their 48 hour relief slips and due to my consecutive punitive segregation sentences I was not issued 48 hour relief periods. 5-15-15 and 3-22-15.

  
Inmate Signature

78658  
ADC#  
RECEIVED

5-8-15  
Date

MAY 12 2015

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

INMATE NAME: Ellis, Jerry J.

ADC #: 078658B

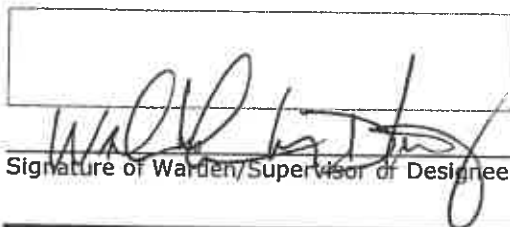
GRIEVANCE #: VSM15-01441

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance, you state, On March 20, 2015 I mailed Mrs. James Major Bolden Varner Unit building secretary a request for interview asking her was she responsibility for time all inmates serving consecutive punitive sentences be issued the 48 hour relief notification slip which Mrs. James Major Bolden Varner Unit secretary have refused to address the above mentioned situation

Ms. Mandy James advise, I have not received anything from this inmate.

Therefore I find this issue without merit.

  
Signature of Warden/Supervisor or Designee

  
Title

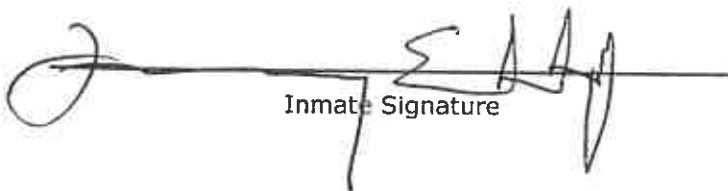
5-5-15  
Date

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?

*ASSIST WARDEN AND DEPUTY -  
V. S. M. GRIEVANCE COMMISSION RESPONSES DUE TO THE  
MISS MAND JAMES MAILED HER WRITTEN STATEMENT PER  
MY SUBMITTED COMPLAINT*

  
Inmate Signature

78658  
ADC#

5-7-15  
Date

RECEIVED

MAY 12 2015

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

INMATE NAME: Ellis, Jerry J.

ADC #: 078658

GRIEVANCE#: VSM15-01441

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

March 25, 2015, you grieved that, "On March 20, 2015 I mailed Mrs. James Major Bolden Varner Unit building secretary a request for interview asking her was she responsible for time all inmates serving consecutive punitive sentences be issued the 48 hour relief notification slip which Mrs. James Major Bolden Varner Unit secretary have refused to address the above mentioned situation."

The Warden responded, "Ms. Mandy James advise, I have not received anything from this inmate. Therefore I find this issue without merit."

In my review of this matter, I find that I concur with the unit's response.

Appeal denied



Director

Date

6-9-15

INMATE NAME: Ellis, Jerry J.

ADC #: 078658

GRIEVANCE#: VSM15-01473

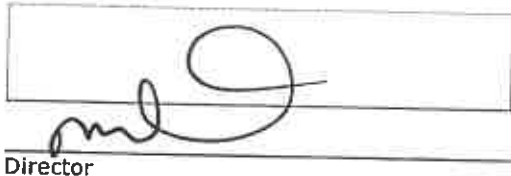
**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

March 31, 2015, you grieved that, "On the morning of 3/23/15 I appeared before the VSM classification committee toward my Warden review which I advised Warden R. Watson that the individual named at of Mrs. James Major Bolden secretary Major L. Malone Captain Stephens Sgt. Johnson VSM Isolation Supervisor and Sgt. Brown VSM property room Segeant had not been ensuring that inmates serving consecutive punitive segregation sentences be issue their 48 hour relief."

The Warden responded, "If you have specific incident that can be proved you may submit it for review. You have presented no factual evidence and/or cooperating information for corrective action. You are simply making a statement.  
Therefore, I find this issue without merit."

Based upon my review, you are receiving 48 hour relief in accordance with policy and procedures. I find no merit to your complaint.

Appeal denied

  
Director

6-9-15  
Date

JUL 29 2015

RECEIVED

CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC 078658)

V.

NO. 15-0930-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**ANSWER to AMENDED CLAIM**

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 29 day of July, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Jerry Ellis (ADC 078658)  
Varner Super Max  
PO Box 400  
Grady, AR 71644-0400

  
LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS #78658 CLAIMANT

V. #15-0930-CC

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENTS

Arkansas Claims Commission

AUG 12 2015

RECEIVED

MOTION FOR INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF  
DOCUMENTS

COMES NOW THE CLAIMANT JERRY ELLIS #78658 PBA, SE, MOVES THIS ARKANSAS-STATE CLAIMS COMMISSION TO ORDER THE RESPONDENT'S MRS. LISA MILLS WILKINS ATTORNEY OF THE A.D.C. PURSUANT TO RULE (33) AND RULE (34) OF THE ARKANSAS RULES OF CIVIL PROCEDURE TO ANSWER EACH INDIVIDUALLY INTERROGATORIES AND PRODUCE EACH REQUESTED DOCUMENTS TO THE ARKANSAS STATE CLAIMS COMMISSION AND THE CLAIMANT FOR THEIR INSPECTION - WITHIN (30) WORKING DAYS OF SERVICE.

INTERROGATORY #1. RESPONDENT SGT. TYSON  
WHAT WAS YOUR ENCOUNTER WITH THE  
CLAIMANT ON THE EVENING OF Sept. 24, 2014

INTERROGATORY #2. RESPONDENT SGT. - IS

TYSON DID YOU INVENTORIED ALL OF THE CLAIMANT PERSONAL PROPERTY ITEMS ON THE EVENING OF SEPT. 24, 2014?

INTERROGATORY #3. RESPONDENT SGT. TYSON WAS YOU ALONE WHEN YOU CONDUCTED AND INVENTORIED OF THE CLAIMANT PERSONAL PROPERTY ITEMS ON THE EVENING OF SEPT. 24, 2014?

INTERROGATORY #4. RESPONDENT SGT. TYSON WHERE WAS YOU AT WHEN YOU CONDUCTING AND INVENTORIED OF ALL THE CLAIMANT PERSONAL PROPERTY ITEMS ON THE EVENING OF SEPT. 24, 2014?

INTERROGATORY #5. RESPONDENT SGT. TYSON DID YOU INVENTORIED EACH INDIVIDUALLY ITEM OF THE CLAIMANT PERSONAL PROPERTY YOURSELF ON THE EVENING OF SEPT. 24, 14?

REQUEST FOR PRODUCTION OF DOCUMENT #1

THE CLAIMANT REQUEST THAT CELL BLOCK # 2 SURVEILLANCE CAMERA TAPE BE REVIEW BY THE STATE CLAIMS COMMISSION OF SEPT. 24, 2014 BETWEEN 12:30 P/M AND 1:30 P/M TO WHICH RESPONDENT SGT. TYSON

ACTIONS OF INVENTORING THE CLAIMANT  
PERSONAL PROPERTY ITEMS ON THE EVENING  
OF SEPT. 24, 2014

INTERROGATORY #6. RESPONDENT SGT. TYSON  
DID YOU EVER EXIT THE CLAIMANT CELL  
OF 2-24 WHEN YOU WAS CONDUCTING AND  
INVENTOR OF ALL THE CLAIMANT  
PERSONAL PROPERTY ITEMS ON THE EVENING  
OF SEPT. 24, 2014?

REQUEST FOR PRODUCTION OF  
DOCUMENT #2  
THE CLAIMANT REQUEST THAT CELL BLOCK #2  
SURVEILLANCE CAMERA TAPE BE REVIEWED  
BY THE STATE CLAIMS COMMISSION BETWEEN  
12:30 P/M AND 1:30 P/M TOWARD THE  
RESPONDENT SGT. TYSON EXITING THE  
CLAIMANT CELL # 2-24 ON THE EVENING  
OF SEPT. 24, 2014

INTERROGATORY #7. RESPONDENT SGT. TYSON  
AFTER YOU COMPLETED YOUR INVENTORING  
OF ALL THE CLAIMANT PERSONAL PROPERTY  
ITEMS ON THE EVENING OF SEPT. 24, 2014  
WHAT DID YOU DO WITH THE CLAIMANT  
PERSONAL PROPERTY?

INTERROGATORY # 8. Respondent SGT. TYSON WHO WAS WITH YOU WHEN YOU WAS INVENTORING ALL OF THE CLAIMANT PERSONAL PROPERTY ITEMS ON THE EVENING OF SEPT. 24, 2014?

REQUEST FOR PRODUCTION OF DOCUMENT # 3

THE CLAIMANT REQUEST FOR AND COPY OF HIS ORIGINAL F-841-1 FORM OF SEPT. 24, 2014 PRODUCED TO CLAIMANT FOR HIS INSPECTION.

INTERROGATORY # 9. Respondent SGT. TYSON DID YOU MET ALL THE REQUIREMENT PER TO AD-43-2088 POLICY AND PROCEDURES OF (PG) (3) TOWARD SECTION (1) OF YOU INVENTORING ALL OF THE CLAIMANT PERSONAL PROPERTY ITEMS ON THE EVENING OF SEPT. 24, 2014?

INTERROGATORY # 10. Respondent LT. ESAW WHAT WAS YOUR ENCOUNTER WITH THE CLAIMANT ON THE MORNING OF DEC. 12, 2014?

INTERROGATORY # 11 Respondent LT. ESAW DID YOU AND SGT. BRUNN X. S. M. 18

PROPERTY SERGEANT CONFISCATED ALL  
OF THE CLAIMANT PERSONAL PROPERTY ITEMS  
OUT OF CELL #3 OF #54 ON THE  
MORNING OF DEC. 12, 1944?

INTERROGATORY #12 RESPONDENT SGT. R. -  
BROWN V. S. M. PERSONAL PROPERTY SERGEANT  
WHAT WAS YOUR ENCOUNTER WITH THE  
CLAIMANT ON THE MORNING OF DEC. 12, 1944?

INTERROGATORY #13 RESPONDENT SGT. R. -  
BROWN DID LIE AND RESPONDENT LT.  
P. ESAN CONFISCATED ALL OF THE -  
CLAIMANT PERSONAL PROPERTY ITEMS OUT  
OF CELL #3 OF #54 ON THE  
MORNING OF DEC. 12, 1944?

REQUEST FOR PRODUCTION OF  
DOCUMENT #4

THE CLAIMANT REQUEST FOR A COPY -  
OF HIS ORIGINAL F-841-1 FORM OF  
DEC. 12, 1944 SIGNED BY RESPONDENTS LT.  
P. ESAN AND SGT. R. BROWN (V. S. M.) PROPERTY  
SERGEANT PRODUCED THE SAME CLAIMS  
COMMISSION AND THE CLAIMANT FOR THE  
INSPECTION.

INTERROGATORY # 14. RESPONDENTS LT. ESAW AND SGT. B. BROWN DID THE BOTH OF YOU MET THE REQUIREMENT OF ND-93-2188 POLICY AND PROCEDURE OF PG (A) TOWARD SECTION (2.) OF THE BOTH OF YOU CONFISCATION ALL OF THE CLAIMANT PERSONAL PROPERTY ITEMS OUT OF CELL # 3 OF T-5-4 ON THE MORNING OF DEC. 12, 2014?

REQUEST FOR PRODUCTION OF DOCUMENTS.

THE CLAIMANT REQUEST THAT THE STATE CLAIMS COMMISSION REVIEW T-5-4 WEST WING SURVEILLANCE CAMERATAPE OF THE MORNING OF DEC. 12, 2014 OF THE RESPONDENTS LT. P. ESAW AND SGT. B. BROWN V. S. M. PROPERTY SEIZURE ACTIONS OF THE MORNING OF DEC. 12, 2014

INTERROGATORY # 15. RESPONDENT TTIRS MANDY JAMES WHAT WAS YOUR ENCOUNTER WITH THE CLAIMANT BEFORE MARCH, 22, 2015?

INTERROGATORY # 16. RESPONDENT TTIRS MANDY JAMES DO YOU KNOW WAS THE CLAIMANT SERVING ANY CONSECUTIVE DUTY? 20

SEGREGATION SENTENCE OF JAN. 13, 2015

REQUEST FOR PRODUCTION OF  
DOCUMENT #6

THE CLAIMANT REQUEST HAS 48 HOUR  
RELIEF NOTIFICATION SLIPS OF THE  
MONTH OF JAN 2015 THROUGH MAR. 2, 2015  
BE PRODUCED TO THE STATE CLAIMS  
COMMISSION AND THE CLAIMANT FOR THEY  
IN SPECTION.

INTERROGATORY # 17. RESPONDENT TTBS, MANDY  
JAMES WAS THE CLAIMANT ON ANY OTHER  
TYPE OF PLINTIVE RESTRICTED STATUS  
OF THE JAN. 16, 2015?

REQUEST FOR PRODUCTION OF  
DOCUMENT #7.

THE CLAIMANT REQUEST THAT HAS  
DESCRIBING ITINERARY ACTIONS FORM OF  
DEC. 14, 2014 THROUGH JAN. 16, 2015 COPIES  
BE PRODUCED TO THE STATE CLAIMS  
COMMISSION AND THE CLAIMANT FOR THEY  
IN SPECTION.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC 078658)

CLAIMANT

V.

NO. 15-0930-CC

Arkansas Claims Commission

JUN 24 2015

ARKANSAS DEPARTMENT OF CORRECTION

RECEIVED

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 23 day of June, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Jerry Ellis (ADC 078658)  
Varner Super Max  
PO Box 400  
Grady, AR 71644-0400

  
LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS #78658

CLAIMANT

V. CLAIM #15-0937-CC  
ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

Arkansas  
State Claims Commission  
JUL 27 2015

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### AMENDED COMPLAINT

COME'S NOW THE CLAIMANT JERRY ELLIS #78658 PRO, SE, STATES THAT HE AMEND HIS COMPLAINT FILED ON JUNE, 11, 2015 PER TO THE ARKANSAS RULES OF CIVIL PROCEDURES RULE 15 CITING - THE FOLLOWING ARKANSAS STAT. ANN, 27-1160 - REPL 1962) AND SEE METROPOLITAN LIFE INS CO, V. - FUGATE, 313 F.2d 788 (C.C.A 5TH 1963)

1. THE CLAIMANT STATES THAT HE IS SEEKING THE AMOUNT OF \$3,000.00 DOLLARS OF THE A.D.C LIABILITY OF THEY NEGLIGENCE TOWARD THE FOLLOWING:

2. THE CLAIMANT STATES THAT ON JAN, 16, 2015 HE - RECEIVED THIRTY (30) DAYS PUNITIVE SEGRATION - WHICH THAT THIRTY (30) DAYS SENTENCE OF JAN, 16, 2015 WAS SUPPOSE TO HAVE, ON FEB, 14, 2015 BUT DUE - TO THE CLAIMANT WAS SENTENCED ON JAN, 26, 2015 TO AND ADDITIONAL THIRTY (30) DAYS PUNITIVE - SEGRATION ON JAN, 26, 2015 CLAIMANT WAS SUPPOSE TO HAVE BEEN PLACE ON 48 HOUR RELIEF ON FEB, 15, 2015  
1 OF 1

THROUGH FEB. 16, 2015 BUT MRS. MANDY JAMES NOR  
MAJOR L. MALONE PLACED CLAIMANT ON 48-  
HOUR RELIEF. DUE TO CLAIMANT WAS SENTENCED  
TO AND ADDITIONAL CONSECUTIVE PUNITIVE-  
SENTENCE ON JAN. 26, 2015 BY THE DISCIPLINARY  
HEARING OFFICER KEITH L. WADDE ON JAN. 26,  
2015 THE CLAIMANT WAS SUPPOSE TO HAVE BEEN  
PLACED ON 48 HOUR RELIEF ON FEB. 15, 2015 -  
THROUGH FEB. 16, 2015 PER TO AND - 12-24 P. 249  
AND THAT WAS NEGLIGENCE TOWARD MRS. -  
MANDY JAMES AND MAJOR L. MALONE

3. THE CLAIMANT STATES THAT DUE TO HE WAS  
SENTENCED TO AND ADDITIONAL THIRTY (30) DAYS-  
CONSECUTIVE PUNITIVE SEGREGATION SENTENCE ON  
JAN. 26, 2015 TOWARD HIS IMPOSED PUNITIVE -  
SEGREGATION OF JAN. 16, 2015 CLAIMANT WAS -  
SUPPOSE TO HAVE BEEN PLACED ON 48 HOUR -  
RELIEF ON MAR. 19, 2015 THROUGH MAR. 22, 2015  
DUE TO THAT THE DISCIPLINARY HEARING -  
OFFICER KEITH L. WADDE SENTENCED -  
CLAIMANT TO AND ADDITIONAL THIRTY (30) DAYS  
PUNITIVE SEGREGATION SENTENCE ON JAN. 26,  
2015 AND SIXTY (60) DAYS OF CONSECUTIVE  
COMMISSARY, TELEPHONE AND VISITATION PRIVILEGES  
ON JAN. 26, 2015 THEREFORE ON MAR. 19, 2015 -  
THE CLAIMANT WAS SUPPOSE TO HAVE BEEN  
PLACED ON 48 HOUR RELIEF BUT THAT -

WASN'T DONE BY MRS. MANDY JAMES NOR MRS. L. MALONE AND THAT WAS NEGLIGENCE OF AD-22-24 P. 24,

4. THE CLAIMANT STATES THAT SGT. B. JOHNSON IS AND IS-4 SUPERVISOR NOR SGT. B. BROWN (V.S.M) PROPERTY ROOM SERGEANT ISSUED CLAIMANT ANY 48 HOUR RELEASE SLIPS IN THE MONTH OF FEBRUARY OR MARCH, 2015.

THE CLAIMANT AFFIRM THAT THE STATEMENT MATTER'S AND THING CONTAINED HEREIN THE CLAIMANT AMEND COMPLAINT TRUE.

SUBSCRIBED AND AFFIRM TO BEFORE ME  
A NOTARY PUBLIC ON THE 22 DAY OF July  
2015

FELICIA PIGGEE  
NOTARY PUBLIC-STATE OF ARKANSAS  
DESHA COUNTY  
My Commission Expires 01-31-2021  
Commission #12382202

S. L. L.  
SIGNATURE OF CLAIMANT

Felicia Piggie  
NOTARY PUBLIC

01-31-2021

PLEASE PRINT NAME: MRS. JAMES MATSON BOLDEN

Ms. James  
**UNIT LEVEL GRIEVANCE FORM**

RECEIVED  
APR - 3 2015

Attachment I

Unit/Center V.S.M

Name JERRY ELLIS

ADC# 18658 Brks # 1-13

32515 (Date) STEP ONE: Informal Resolution

FOR OFFICE USE ONLY  
GRV. # 13m15-0144  
Date Received: 4/3/15  
GRV Code: 800

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

If the issue was not resolved during Step One, state why: 1. WARDEN 4/8 HAD HELD PERIODS OF 2-4 HOURS

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: SELF DEFENSE

Is this Grievance concerning Medical or Mental Health Services? NO 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):

MATSON MRS. JAMES MATSON BOLDEN UNIT 18658  
WAS SEVERELY ABUSED BY A MEDICAL PERSONNEL  
WHILE SHE WAS IN THE HOSPITAL  
ON 02-25-15  
WHICH WAS A VIOLATION OF THE  
PRISON RULES  
AND SHE WAS NOT  
PROTECTED BY THE  
PRISON

Inmate Signature

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) 19906 ID Number 19906 Staff Signature [Signature] Date Received 04-15

Describe action taken to resolve complaint, including dates:

Ms. James advised your last 48 was 02-25-15 - 02-27-15 everything had expired on 03-27-15  
just receive more time 30 days not 30 days plus a 48. You should complete everything  
on 04-26-15.

Print and Sign Staff Name & Date Returned [Signature] 04-01-15

Inmate Signature & Date Received [Signature] 4-7-15

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

Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_  
Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: \_\_\_\_\_

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

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

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

WHETHER THE PERMITTEES CONSIDERED  
HEREIN THE CLAIMANT SUBMIT THE  
FOLLOWING INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS IN  
GOOD FAITH AND NOT INTENDED TO  
FRUSTRATE AND / OR HARASS THE  
OPPOSING PART.

CERTIFICATION OF SERVICE  
I, JERRY ELLIS #78658 PRO SE,  
CERTIFY THAT(S) COPIES OF THE  
FOLLOWING MOTION HAS BEEN MAILED TO  
MRS. BRENDA WARE, DIRECTOR OF THE  
ARKANSAS STATE CLAIMS COMMISSION  
AND ONE COPY OF THE SAME MOTION HAS  
BEEN MAILED TO THE RESPONDENTS  
ATTORNEY MRS. LISA MULLS WILKINS AT  
P.O. BOX 8707 PINE BLUFF, AR  
71601-8707 ON THIS 10TH DAY OF  
AUGUST, 2015,

PRO SE  
BE SPECIFICALLY SUBMITTED  
JERRY ELLIS #78658  
V.S.M  
P.O. BOX 400  
GRAND, AR 71604

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC #078658)

Arkansas  
State Claims Commission CLAIMANT

V.

NO. ~~15-0980~~ CC SEP 29 2015

ARKANSAS DEPARTMENT OF CORRECTION


RECEIVED RESPONDENT

**RESPONSE TO MOTION FOR INTERROGATORIES AND REQUEST FOR  
PRODUCTION OF DOCUMENTS**

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to Motion for Interrogatories and Request for Production of Documents responds as follows:

1. Response to Interrogatory #1-16: Objection. Sgt. Tyson, Lt. Esaw, Sgt. Brown and Mrs. James are not a party to the action. Interrogatories are proper only to parties to the action. The only party who is named and has been served is the Arkansas Department of Correction.
2. Response to Request for Production No. 1-2, 5: Respondent will make any available reports video to the commission as requested.
3. Response to Request for Production Nos. 3: See RFP #1
4. Response to Request for Production No. 4, 6, & 7: Objection. Irrelevant and not likely to lead to any relevant information.

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 28 day of Sept., 2012, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JERRY ELLIS (ADC #078658)  
VSM  
P. O. Box 600  
Grady, AR 71644-0600

  
LISA MILLS WILKINS Ark. Bar #87190

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD (Code: S-STORAGE K-KEEP IN POSSESSION I-ISSUED F-FEMALE M-MALE) F-841-1

Transfer 48 on 48 off ☒ Punitive ☐ Medical  
 Inmate's Name: Ellis, Jerry ADC#: 78039 Sending Institution: Vallejo  
 Non-Expendable Items

Court: Vallejo Receiving Institution: Vallejo Other: Vallejo

| ITEM (# allowed)   | #REC/SEN | CODE | #RETD | DESCRIPTION | ITEM                     | #REC/SENT | CODE | #RETD | DESCRIPTION |
|--|----------|------|-------|-------------|--------------------------|-----------|------|-------|-------------|
| ADA Compliance Item  |          |      |       |             | Nail Clippers (1)        |           |      |       |             |
| All Books (10)   |          |      |       |             | Personal Mail            |           |      |       |             |
| Bathrobe (F. 2)  |          |      |       |             | Photos (1)               |           |      |       |             |
| Bowls  |          |      |       |             | Radio (1)                |           |      |       |             |
| Bras/Panties (F-1 3 ea + 5)  |          |      |       |             | Religious Material       |           |      |       |             |
| Comb (M, L 1)  |          |      |       |             | Religious Medal (1)      |           |      |       |             |
| Cup  |          |      |       |             | Ring (1)                 |           |      |       |             |
| Dentures (1)   |          |      |       |             | Shoes wk rel (1)         |           |      |       |             |
| Depilatory preparation (1)   |          |      |       |             | Shower Shoes (1)         |           |      |       |             |
| Ear buds/earphone(1)   |          |      |       |             | Soap Dish                |           |      |       |             |
| Earplugs   |          |      |       |             | Socks (1 3 + 2)          |           |      |       |             |
| Eyeglasses/Contacts (1)  |          |      |       |             | Stockings                |           |      |       |             |
| Gloves (1)   |          |      |       |             | Sweat Pants (1)          |           |      |       |             |
| Gym Shoes (1)  |          |      |       |             | Sweat Shirts (1)         |           |      |       |             |
| Hair Brush (1)   |          |      |       |             | Toothbrush holder        |           |      |       |             |
| Laundry Bag (1 1 + 1)  |          |      |       |             | Undershirts              |           |      |       |             |
| Legal Mail/Transcript  |          |      |       |             | Undershorts (M, L-2 + 3) |           |      |       |             |
| Magazines (3 ea)   |          |      |       |             | Watch-Wrist (1)          |           |      |       |             |
| Expendable Items (All Hygiene Items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack) |          |      |       |             |                          |           |      |       |             |
| Batteries (4)  |          |      |       |             | Flex Pens                |           |      |       |             |
| Beauty Aid products  |          |      |       |             | Food items               |           |      |       |             |
| Denture adhesive (2)   |          |      |       |             | Hair Dressing (2)        |           |      |       |             |
| Deodorant (2)  |          |      |       |             | Shampoo (2)              |           |      |       |             |
| Envelopes (10)   |          |      |       |             | Shaving Cream (2)        |           |      |       |             |
| Other (All Hygiene Items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)            |          |      |       |             |                          |           |      |       |             |
| Banana Lard  |          |      |       |             | Cotton Swabs             |           |      |       |             |
| Pills  |          |      |       |             |                          |           |      |       |             |
| Expendables  |          |      |       |             |                          |           |      |       |             |
| State Issued Items   |          |      |       |             |                          |           |      |       |             |
| Brogans-shoes (1 pr)   |          |      |       |             | Razor-Safety (2)         |           |      |       |             |
| Pants (3 pr)   |          |      |       |             | Shirts (3)               |           |      |       |             |
| Cap/Hat (1)  |          |      |       |             | Soap                     |           |      |       |             |
| Canvas Shoes (M, L)  |          |      |       |             | Thermals (2 sets)        |           |      |       |             |
| ADC Hand Book  |          |      |       |             | Bath Towel as needed     |           |      |       |             |
| Toothbrush (1)   |          |      |       |             | Toothpaste (2)           |           |      |       |             |
| Jacket/Coat (1)  |          |      |       |             | Washcloth (1)            |           |      |       |             |

I hereby certify that all my property is listed herein and disposition of all property listed on this inventory is correct. Also, I do not have in my possession any legal materials belonging to any other inmate.

Printed Name: Jerry Ellis Date: 9-29-14 Location: Vallejo Inmate's Signature: [Signature] Date: 9-29-14

Printed Name: [Signature] Date: 9-29-14 Location: Vallejo Inmate's Signature: [Signature] Date: 9-29-14



RFP

#

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC #078658)

V.

NO. 15-0930-CC

ARKANSAS DEPARTMENT OF CORRECTION

Arkansas  
State Claims Commission  
CLAIMANT

SEP 29 2015

RESPONDENT

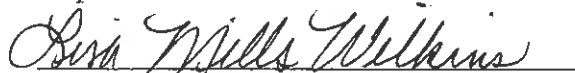
RECEIVED

TO MOTION TO DISMISS

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

1. Claimant has filed an action seeking \$3,000.00 for loss of property and negligence by alleging that the officer failed to list certain items when completing his inventory when he was being locked up for beating and kicking his cell door and creating excessive unnecessary noise and he is missing a Sony radio, 2 packs of AA batteries, 1 pair of headphones, magic shave, 6 dry deoderant, 6 Royal Crown hair greases, 12 bars of moisture soap, 3 Colgate gels, 9 bags of coffee, 18 stamped envelopes, 3 2XL t shirts, 1 2XL sweat shirt, 1 pair of Reeboks, 1 pair 2XL sweat pants, and 3 books which occurred on 9-24-14. Claimant has failed to state facts to support his claim under ARCP 12(b)(6).
2. This sounds very similar to a claim he filed as No. 15-0038-CC which alleged, "Claimant has filed an action seeking \$3,000.00 for loss of property by alleging that a Sony radio, 6 AA batteries and 92 stamped envelopes was confiscated during a shakedown on October 27, 2013, and on December 27, 2013, 3 tubes of toothpaste and 4 bags of coffee were confiscated and he was not given a form, F-841, a confiscation form, on either date. Claimant has failed to state facts to support his claim under ARCP 12(b)(6). If Claimant were in possession of these items, it would be in violation of ADC policy because of the quantity or location where he was housed he could not possess them. In either case, none of the items were found in his possession. Testimony would show that no confiscation form was written by the officer because none of these items was found. Also video footage of the cell showed no officer with items in hand."
3. In the case at hand, Claimant alleges the loss of items, but he has been indigent since 2010, especially if the items were lost after 2013, and could not have purchased them. See Exhibit "A".
4. Testimony will show that Sgt. Tyson completed the personal property inventory which was witnessed by Sgt. Ramey due to claimant's refusal to sign. This inventory shows a pair of Nike shoes. Claimant has sued for the loss of a pair of Reeboks. See Exhibit "B". Also attached hereto is a personal property inventory belonging to the Claimant from March 6, 2012 wherein he had no shoes, radio, headphones, batteries, sweatpants, sweatshirts, t-shirts, etc. See Exhibit "C". Between march 6, 2012 and September 24, 2014, Claimant was indigent and could not have purchased the items listed herein. If he claims that they were lost, he is in possession of them by unlawful means and Claimant cannot be reimbursed for contraband.
5. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(B)(6). Claimant can show no facts upon which he is entitled to relief and therefore this claim should be dismissed. WHEREFORE, Respondent moves that the commission dismiss this claim for the reasons and evidence submitted.

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 MOTION has been served this 28 day of September, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JERRY ELLIS (ADC #078658)  
VSM  
P. O. BOX 400  
GRADY, AR 71644-0400

  
LISA MILLS WILKINS Ark. Bar #87190

15-0930-C

Name: Ellis, Jerry J.

ADC #: 078658B PID #: 0123135

IBSS042B

## Inmate Bank Account

Monday July 27, 2015 01:19:08 PM

Banking Location\*: AR Department of Corrections

Account Type: Inmate Checking Account

Account ID: 0123135

Name: Ellis, Jerry J.

ADC #: 078658B

Current Balance: \$ 0.00

Unposted Deposits: \$ 0.00

On Hold: \$ 0.00

Canteen Weekly Spending Limit\*: \$ 100.00

Pending Checks: \$ 0.00

Canteen Weekly Spending Balance: \$ 100.00

Pending Withdrawals: \$ 0.00

Status\*: Active

Available To Spend: \$ 0.00

As Of Date\*: 12/16/2010

## Comments

None

## Account Transactions (1 - 30 of 30)

| Date              | Type                    | Status | Transaction Location | Reference | Task #   | Amount    | Balance |
|-------------------|-------------------------|--------|----------------------|-----------|----------|-----------|---------|
| <u>12/23/2014</u> | Indigent Canteen Sale   | Posted | Varner Super Max     | 1617725   | 06439399 | \$ (0.04) | \$ 0.00 |
| <u>12/23/2014</u> | Canteen Sale to Inmate  | Posted | Varner Super Max     | 1617725   | 06439356 | \$ (1.14) | \$ 0.04 |
| <u>12/19/2014</u> | Canteen Sale to Inmate  | Posted | Varner Super Max     | 1617730   | 06422366 | \$ (1.00) | \$ 1.18 |
| <u>12/19/2014</u> | Canteen Sale to Inmate  | Posted | Varner Super Max     | 1617730   | 06422362 | \$ (1.25) | \$ 1.18 |
| <u>12/19/2014</u> | Canteen Sale to Inmate  | Posted | Varner Super Max     | 1617719   | 06422273 | \$ (0.48) | \$ 3.43 |
| <u>12/19/2014</u> | Canteen Sale to Inmate  | Posted | Varner Super Max     | 1617719   | 06422271 | \$ (0.69) | \$ 3.91 |
| <u>12/12/2014</u> | Canteen Sale to Inmate  | Posted | Varner Super Max     | 1617719   | 06378127 | \$ (1.40) | \$ 4.60 |
| <u>12/12/2014</u> | Christmas Deposit (ADC) | Posted | Varner Super Max     | 201411CD  | 00000000 | \$ 6.00   | \$ 6.00 |
| <u>12/23/2013</u> | Indigent Canteen Sale   | Posted | Varner Super Max     | 1617725   | 04788302 | \$ (2.40) | \$ 0.00 |
| <u>12/18/2013</u> | Canteen Sale to Inmate  | Posted | Varner Super Max     | 1617730   | 04762437 | \$ (0.50) | \$ 0.00 |
| <u>12/16/2013</u> | Canteen Sale to Inmate  | Posted | Varner Super Max     | 1617719   | 04740814 | \$ (1.12) | \$ 2.90 |
| <u>12/16/2013</u> | Canteen Sale to Inmate  | Posted | Varner Super Max     | 1617719   | 04740806 | \$ (1.52) | \$ 4.02 |
| <u>12/16/2013</u> | Canteen Sale to Inmate  | Posted | Varner Super Max     | 1617719   | 04740765 | \$ (0.46) | \$ 5.54 |
| <u>12/13/2013</u> | Christmas Deposit       | Posted | Varner Super         | 201311    |          | 6.00      | \$ 6.00 |



Exhibit

A

|                   | (ADC)                                |        | Max              |                  |          |            |           |
|-------------------|--------------------------------------|--------|------------------|------------------|----------|------------|-----------|
| <u>12/28/2012</u> | Indigent Canteen Sale                | Posted | Varner Super Max | 1617725          | 03204981 | \$ (0.25)  | \$ 0.00   |
| <u>12/18/2012</u> | Canteen Sale to Inmate               | Posted | Varner Super Max | 1617725          | 03166457 | \$ (5.75)  | \$ 0.25   |
| <u>12/14/2012</u> | Christmas Deposit (ADC)              | Posted | Varner Super Max | 201211CD         | 00000000 | \$ 6.00    | \$ 6.00   |
| <u>01/24/2012</u> | Indigent Canteen Sale                | Posted | Varner Super Max | 1617725          | 01745165 | \$ (0.13)  | \$ 0.00   |
| <u>12/14/2011</u> | Canteen Sale to Inmate               | Posted | Varner Super Max | 1617725          | 01567463 | \$ (5.57)  | \$ 0.13   |
| <u>12/13/2011</u> | Canteen Sale to Inmate               | Posted | Varner Super Max | 1617719          | 01560967 | \$ (0.30)  | \$ 5.70   |
| <u>12/13/2011</u> | Christmas Deposit (ADC)              | Posted | Varner Super Max | 201111CD         | 00000000 | \$ 6.00    | \$ 6.00   |
| <u>02/09/2011</u> | Indigent Canteen Sale                | Posted | Varner Super Max | 1617725          | 00277764 | \$ (0.04)  | \$ 0.00   |
| <u>01/06/2011</u> | Canteen Sale to Inmate               | Posted | Varner Super Max | 1617719          | 00128467 | \$ (2.40)  | \$ 0.04   |
| <u>01/05/2011</u> | Canteen Sale to Inmate               | Posted | Varner Super Max | 1617719          | 00124913 | \$ (3.56)  | \$ 2.44   |
| <u>12/28/2010</u> | Restitution- St. Prop. Payable       | Posted | Varner Super Max | Refund AA 009 01 | 00098637 | \$ 6.00    | \$ 6.00   |
| <u>12/17/2010</u> | Restitution for State Property       | Posted | Varner Super Max | AA 009 01        | 00055598 | \$ (23.12) | \$ 0.00   |
| <u>12/17/2010</u> | ID Card Replacement Charge           | Posted | Varner Super Max | AA 005 01        | 00055596 | \$ (2.00)  | \$ 23.12  |
| <u>12/17/2010</u> | Fed Filing Fees - Initial Payment WD | Posted | Varner Super Max | AA 003 01        | 00055594 | \$ (81.79) | \$ 25.12  |
| <u>12/17/2010</u> | Deposit Money for Inmate             | Posted | Varner Super Max | 11W-0312849      | 00055578 | \$ 100.91  | \$ 106.91 |
| <u>12/16/2010</u> | Christmas Deposit (ADC)              | Posted | 0099999          | 201011CD         | 00000000 | \$ 6.00    | \$ 6.00   |

**Export Results Shown to:**

Show Last Updated Information

**Canteen Purchases/Returns**

Monday July 27, 2015 01:16:42 PM

Canteen Purchases/Returns (21 - 40 of 46)

| <u>Date</u>       | <u>Canteen Name</u>              | <u>Sales Type</u> | <u>Amount</u> |
|-------------------|----------------------------------|-------------------|---------------|
| <u>11/20/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 6.19          |
| <u>11/06/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 4.35          |
| <u>10/13/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.97         |
| <u>08/25/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.14         |
| <u>08/04/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.95         |
| <u>07/07/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.91         |
| <u>06/02/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.91         |
| <u>04/21/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.35         |
| <u>03/17/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.73         |
| <u>02/18/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.91         |
| <u>01/22/2014</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.66         |
| <u>12/23/2013</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.48         |
| <u>12/18/2013</u> | Varner Unit New Building Canteen | Debit Sale        | 0.50          |
| <u>12/16/2013</u> | Varner Unit Main Canteen         | Debit Sale        | 1.12          |
| <u>12/16/2013</u> | Varner Unit Main Canteen         | Debit Sale        | 1.52          |
| <u>12/16/2013</u> | Varner Unit Main Canteen         | Debit Sale        | 0.46          |
| <u>11/14/2013</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.66         |
| <u>10/14/2013</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.80         |
| <u>09/23/2013</u> | Varner Unit VSM Canteen          | Indigent Sale     | 11.76         |
| <u>08/30/2013</u> | Varner Unit VSM Canteen          | Indigent Sale     | 2.65          |

[Prior Page](#)
[Next Page](#)

Search Criteria: Inmate: 078658B Ellis, Jerry J. + Begin Date: 04/27/2013 + End Date: 07/27/2015

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD (Code: S-STORAGE K-KA) IN POSSESSION OF ISSUED F-1

Transfer: 48 on 48 off Punitive Medical Court Receiving Institution: valley

Inmate's Name: Elis, Serey ADC#: 7859 Sending Institution: valley

Non-Expendable Items

M-MALE F-411

20-0360-51

| ITEM # allowed  | #REC/SEN | CODE | #RETD | DESCRIPTION     | ITEM                     | #REC/SEN | CODE | #RETD | DESCRIPTION            |
|---|----------|------|-------|-----------------|--------------------------|----------|------|-------|------------------------|
| ADA Compliance Item   |          |      |       |                 | Nail Clippers (1)        |          |      |       |                        |
| All Books (10)  |          |      |       | Assorted        | Personal Mail            |          |      |       | Assorted               |
| Bathrobe (F, 2)   |          |      |       |                 | Phone(s)                 |          |      |       |                        |
| Bowls   |          |      |       | 1 Bowl          | Radio (1)                |          |      |       |                        |
| Brass Panties (F-1 3 ea + 5)  |          |      |       |                 | Religious Material       |          |      |       |                        |
| Comb (M, 1 1)   |          |      |       |                 | Religious Medal (1)      |          |      |       |                        |
| Cup   |          |      |       | 2 cups          | Ring (1)                 |          |      |       |                        |
| Dentures (1)  |          |      |       |                 | Shoes wk rel (1)         |          |      |       | 1 pair, no laces white |
| Depilatory preparation (1)  |          |      |       |                 | Shower Shoes (1)         |          |      |       | 2 pairs                |
| Ear buds/earphone(1)  |          |      |       |                 | Soap Dish                |          |      |       |                        |
| Earplugs  |          |      |       |                 | Socks (1 3 + 2)          |          |      |       |                        |
| Eyeglasses/Contacts (1)   |          |      |       | 2 pairs glasses | Stockings                |          |      |       |                        |
| Gloves (1)  |          |      |       |                 | Sweat Pants (1)          |          |      |       |                        |
| Gym Shoes (1)   |          |      |       |                 | Sweat Shirts (1)         |          |      |       |                        |
| Hair Brush (1)  |          |      |       |                 | Toothbrush holder        |          |      |       |                        |
| Laundry Bag (1 1 + 1)   |          |      |       |                 | Underbirt                |          |      |       |                        |
| Legal Mail/Transcript   |          |      |       |                 | Undershorts (M, L-2 + 3) |          |      |       |                        |
| Machines (3 ea)   |          |      |       | Assorted        | Watch-Wrist (1)          |          |      |       |                        |
| Expendable Items (All Hygiene Items limited to 2 items of each type or one pack, if sold in a pack. Possession is limited to maximum in a pack) |          |      |       |                 |                          |          |      |       |                        |
| Batteries (4)   |          |      |       |                 | Flex Pens                |          |      |       |                        |
| Beauty Aid products   |          |      |       |                 | Food items               |          |      |       |                        |
| Denture adhesive (2)  |          |      |       |                 | Hair Dressing (2)        |          |      |       | hair cream             |
| Deodorant (2)   |          |      |       | 2 deodorants    | Shampoo (2)              |          |      |       | magic shave            |
| Envelopes (10)  |          |      |       |                 | Shaving Cream (2)        |          |      |       | assorted               |
| Other (All Hygiene Items limited to 2 items of each type or one pack, if sold in a pack. Possession is limited to maximum in a pack)            |          |      |       |                 |                          |          |      |       |                        |
| Batteries   |          |      |       | 9 batteries     | Editor Scissors          |          |      |       |                        |
| Expendable Items  |          |      |       |                 |                          |          |      |       |                        |
| Bro pants-shoes (1 pr)  |          |      |       |                 | Razor-Safety (2)         |          |      |       |                        |
| Pants (3 pr)  |          |      |       |                 | Shirts (3)               |          |      |       |                        |
| Cap/Hat (1)   |          |      |       |                 | Socks                    |          |      |       | 7 pairs                |
| Canvas Shoes (M, 1)   |          |      |       |                 | Thermals (2 sets)        |          |      |       |                        |
| ADC Hand Book   |          |      |       |                 | Bath Towel as needed     |          |      |       |                        |
| Toothbrush (1)  |          |      |       |                 | Toothpaste (2)           |          |      |       | 2 tubes                |
| Jacket/Coat (1)   |          |      |       |                 | Washcloth (1)            |          |      |       |                        |

I hereby certify that all my property is listed herein and location of all property listed on this inventory is correct. I do not have in my possession any legal materials belonging to any other inmate.

Printed Name / Sign / Stamp / Badge # of Official Returning Property: 9-29-14 Date: 9-29-14



Exhibit B

No Nite shoes per 5th camp

no Radio

# ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Inmate's Name: Jerry EllisADC#: 07858Institution: VSM

## Non-Expendable Items

| ITEM                    | #         | DESCRIPTION         | CODE       | ITEM                     | #        | DESCRIPTION | CODE       |
|-------------------------|-----------|---------------------|------------|--------------------------|----------|-------------|------------|
| Blanket                 |           |                     |            | Pants                    |          |             |            |
| Body Support Device     |           |                     |            | Photos                   |          |             |            |
| Books <u>approx</u>     | <u>12</u> |                     | <u>(3)</u> | Photo Album              |          |             |            |
| Bowls                   |           |                     | <u>(3)</u> | Pillow Case              |          |             |            |
| Magazines               |           |                     |            | Pillow                   |          |             |            |
| Cap/Hat                 |           |                     |            | Prosthetic               |          |             |            |
| Clock                   |           |                     |            | Radio                    |          |             |            |
| Comb                    |           |                     | <u>(3)</u> | Religious Material       |          |             |            |
| Cup                     | <u>1</u>  |                     | <u>(3)</u> | Religious Medal          |          |             |            |
| Dentures                |           |                     |            | Rings                    |          |             |            |
| Earphones               |           |                     |            | Sheets                   |          |             |            |
| Earplugs                |           |                     |            | Shirts                   |          |             |            |
| Eyeglasses              |           |                     |            | Shoes                    |          |             |            |
| Gloves                  |           |                     |            | Shower Shoes <u>Pair</u> | <u>1</u> |             | <u>(3)</u> |
| Gym Shoes               |           |                     |            | Socks                    |          |             |            |
| Hair Brads <u>brush</u> | <u>1</u>  |                     | <u>(3)</u> | Stockings                |          |             |            |
| Hair Dressing           |           |                     |            | Sweat Pants              |          |             |            |
| Headphones              |           |                     |            | Sweat Shirts             |          |             |            |
| Inmate ID Badge         |           |                     |            | Toothbrush               |          |             |            |
| Jacket/Coat             |           |                     |            | Towels                   |          |             |            |
| Laundry Bag             |           |                     |            | Towels Hand              |          |             |            |
| Legal Materials         | <u>2</u>  | <u>Storage Bags</u> | <u>(3)</u> | Undergarments            |          |             |            |
| Mail Legal              |           |                     |            | Undershirts              |          |             |            |
| Mail Personal           |           |                     |            | Under shorts             |          |             |            |
| Mattress                |           |                     |            | Wash Cloths              |          |             |            |
| Mirror                  |           |                     |            | Watch-Pocket             |          |             |            |
| Nail Clippers           |           |                     |            | Watch-Wrist              |          |             |            |
| Padlock                 |           |                     |            | Wallet                   |          |             |            |

## Expendable Items

| ITEM             | #        | #/DESCRIPTION      | CODE       | ITEM             | #        | #/DESCRIPTION | CODE       |
|------------------|----------|--------------------|------------|------------------|----------|---------------|------------|
| Denture Adhesive |          |                    |            | Prescriptions    |          |               |            |
| Deodorant        | <u>2</u> | <u>Speed Stick</u> | <u>(3)</u> | Razor-Safety     |          |               |            |
| Flex Pen         |          |                    |            | Shampoo          |          |               |            |
| Food Items       |          |                    |            | Shaving Cream    |          |               |            |
| Hygiene Items    |          |                    |            | Soap <u>Dish</u> | <u>1</u> |               | <u>(3)</u> |

## Other

| ITEM          | #        | #/DESCRIPTION | CODE       | ITEM | # | #/DESCRIPTION | CODE |
|---------------|----------|---------------|------------|------|---|---------------|------|
| <u>Razors</u> | <u>1</u> |               | <u>(3)</u> |      |   |               |      |

"I hereby certify that all of my property is listed on this inventory and disposition of all property listed on this inventory is correct. I further state that I do not have in my possession the legal materials belonging to any other inmate."

Signature of Official Receiving Property

Date

Location Stored

Inmate's Signature

Date

Or Witness if inmate refuses to sign

Signature of Official Returning Property

Date

Witness Signature

Date

Inmate's Signature

Date

"If I should die during my incarceration, I designate the individual listed below to receive my personal property."

Name

Address

City

State

Phone

Code Column:

D=Donate

M=Mail

S=Storage

I=Issued

K=Keep in Possession

DES=Destroy

Original - Unit Personal Property Officer

Pink Copy - Inmate

Yellow Copy - Inmate's File

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 3000.00

Claim No. 15-0930-CC

|   |                      |  |  |
|---|----------------------|--|--|
| <u>Jerry Ellis, #078658</u> Claimant        |                      | Attorneys                                |  |
| vs.   |                      | <u>Pro Se</u> Claimant                   |  |
| <u>Department of Corrections</u> Respondent |                      | <u>Lisa Wilkins, Attorney</u> Respondent |  |
| State of Arkansas                           |                      |  |  |
| Date Filed                                  | <u>June 11, 2015</u> | Type of Claim                            | <u>Failure to Follow Procedure, Loss of Property, Negligence</u> |

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," for Claimant's failure to respond to Respondent's "Motion to Dismiss." Claimant had ten (10) working days to respond to Respondent's "Motion to Dismiss" which was filed on September 29, 2015. No response was ever received from Claimant. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.



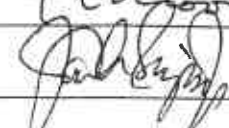
(See Back of Opinion Form)

CONCLUSION

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

Date of Hearing October 14, 2015

Date of Disposition October 14, 2015

|  |              |
|--|--------------|
|  | Chairman     |
|  | Commissioner |
|  | Commissioner |

# ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619  
FAX (501) 682-2823



BRENDA WADE  
DIRECTOR

101 EAST CAPITOL AVENUE  
SUITE 410  
LITTLE ROCK, AR 72201-3823

October 16, 2015

Mr. Jerry Ellis, #078658  
P.O. Box 400  
Grady, AR 71644

RE: Jerry Ellis, #078658  
Claim #: 15-0930-CC  
Vs.  
AR Dept. of Correction

Dear Mr. Ellis:

The office is in receipt of your attempt to file a "Claimant Response to Respondent's Motion to Dismiss" in the above-referenced matter. This claim was dismissed on October 14, 2015, for your failure to respond to Respondent's "Motion to Dismiss" within the appropriate time frame. You had ten (10) working days from the date that the "Motion to Dismiss" was filed with this office on September 29, 2015 to file a response to this motion. This office did not receive your response until today's date (October 16, 2015) which is past the deadline for submitting your response. Because this claim is now dismissed, we are returning these pleadings to you for your records. Your only option now regarding this claim is to file a "Motion for Reconsideration."

Regards,

*B. Wade*  
Brenda Wade  
Director

BW/

BEFORE THE ARKANSAS STATE GENERAL  
ASSEMBLY  
Arkansas Claims Commission  
NOV 04 2015

JERRY ELLIS #78658 RECEIVED APPELLANT  
V. CLAIM # 015-0932-CC  
ARKANSAS DEPARTMENT OF CORRECTION

AND APPEAL TOWARD THE ARKANSAS  
STATE CLAIMS COMMISSION COMMITTEE

COME'S NOW THE APPELLANT JERRY ELLIS  
#78658 PRD SE. SUBMITTED AN APPEAL  
PURSUANT TO ACT (33) OF (1997) BEFORE  
THE ARKANSAS STATE GENERAL  
ASSEMBLY TOWARD THE ARKANSAS STATE  
CLAIMS COMMISSION COMMITTEE JUNE 11 OF  
OCTOBER, 14, 2015

1. THE APPELLANT STATES THAT THE ARKANSAS  
STATE CLAIMS COMMISSION COMMITTEE OPINION  
OF OCTOBER, 14, 2015 HAVE PREJUDICING HIS  
DEFENSE TOWARD CLAIM # 15-0932-CC  
SEE CONLEY V. GIBSON, 355 U.S. 46 (1957),  
136 A WISE DISTRIBUTION V. BYE AUT 3-  
SUPPL. INC. 719 S.W.2D 716 (1986), CORNETT V.  
PRATHER, 737 S.W.2D 159 (1987) ALSO SEE  
SERVICE V. DULLES, 354 U.S. 363 (1957)  
WHICH DUE TO THE ARKANSAS STATE-  
CLAIMS COMMISSION COMMITTEE JUNE 11 OF 2015

OCTOBER, 14, 2015 THAT OPINION SHALL BE  
VACATED,

2. THE APPELLANT STATES THAT PER TO -  
RULE 2.2 OF THE ARKANSAS STATE-  
CLAIMS COMMISSION RULES THE APPELLANT  
HAD TWENTY (20) DAYS TO RESPONSE  
OF THE APPELLEE MOTION TO DISMISS OF  
SEPT. 29, 2015 WHICH DUE TO THE -  
APPELLANT MAILED HIS RESPONSE OF  
THE APPELLEE MOTION TO DISMISS TO  
MR. BRENDA WADDE, DIRECTOR OF THE  
ARKANSAS STATE CLAIMS COMMISSION  
AND APPELLEE ATTORNEY MRS. LISA  
WILLIAMS WILKINS ON OCTOBER 9TH 2015  
THE APPELLANT MET THE REQUIREMENT OF  
RULE 2.2 AND DUE TO THAT THE -  
ARKANSAS STATE CLAIMS COMMISSION  
COMMITTEE OPINION OF OCTOBER, 14, 2015  
SHALL BE VACATED SEE STUART V.  
ARKANSAS STATE POLICE COMMISSION, 945  
S.W.2d 377 (1997), REGIONAL HEALTH  
CARE INC V. BASE CARE, 912 S.W.2d -  
842 (1995) ALS SEE WRIGHT V. ARKANSAS  
STATE PLANT BOARD 842 S.W.2d 42 (1992)

THEREFORE THE APPELLANT PRAYS THAT —  
THIS ARKANSAS STATE GENERAL  
ASSEMBLY VACATED THE ARKANSAS  
STATE CLAIMS COMMISSION COMMITTEE  
OPINION OF OCTOBER 14, 2015 & HAD  
CLAIM # 015-2930-CC

CERTIFICATE OF SERVICE  
I, JERRY ELLIS #78658 PRO SE,  
CERTIFY THAT (5) COPIES OF THIS  
APPEAL HAS BEEN MAILED TO MRS. BRENDA  
WIXIE, DIRECTOR OF THE ARKANSAS STATE  
CLAIMS COMMISSION ON OCTOBER 30TH  
2015,

PRO SE  
RESPECTFULLY SUBMITTED  
JERRY ELLIS #78658  
V. S.M.  
P.O. Box 400  
Grand, AR 71644