

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas State Claims Commission
AUG 05 2014

F13

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Roger Bradford #078948, Claimant

vs.

State of Arkansas, Respondent

ADC

COMPLAINT

Do Not Write in These Spaces		
Claim No.	15-0103-CC	
Date Filed	August 5, 2014	
	(Month)	(Day) (Year)
Amount of Claim \$	12,500.00	
Fund	DOC	

Loss of Property, Failure to Follow Procedure

Roger Bradford #078948, the above named Claimant, of P.O. Box 180 Brickeys, AR 72320-0180
(Name) (Street or R.F.D. & No.) (City)

(State) (Zip Code) (Daytime Phone No.) County of LEE represented by NIA
(Legal Counsel, if any, for Claim)

of NIA NIA NIA NIA NIA NIA says:
(Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: ARK Department of Corrections Amount sought: \$12,500.00

Month, day, year and place of incident or service: 3-14-014 EAST ARK. REGIONAL UNIT BKS # 8 Cell # 01

Explanation: ON 3-14-014, SGT. DAVIS, SGT. A. WALLACE, SGT. PARKER, CPL. MC DANIEL AND CPL. SMITH, CONDUCTED AN ILLEGAL SHAKEDOWN OF MY CELL (S) - 01 IN VIOLATION OF CHAPTER NO. 56 SECURITY AND CONTROL, PAGES 1 AND 7, F.I.R. 401 PAGES #S 2 THRU 7, AIR 84 ARL 06-14 PAGES #S 2, 5, AND 9, AIR 225/0010 SEC. (4)(h), SEC. (13)(A) AND (C), SEC. (18)(A) (B) AND (C). AND THE MANAGEMENT TEAM COMMISSARY COMMITTEE MEMORANDUM DATED REGARDING HEAD-PHONES DATED 3-25-09. ABOVE NAMED OFFICERS CONFISCATED (2) PAIR BLACK AIWA HEAD-PHONES, (2) PAIR KASS CLEAR HEAD-PHONES, (1) LARGE TOE NAIL CLIPPERS, ALL ABOVE NAMED ADC OFFICIALS ALSO STOLE FROM ME (1) SONY CLEAR A.M./F.M. RADIO, (1) CLEAR TENSEN A.M./F.M. RADIO, (2) REEBOK NIKE WHITE GYM SHOES AND (1) SILVER ELGIN DIAMOND WATCH. SGT. A. WALLACE ALSO FALSIFIED THE F-401 BY FORGING SGT. PARKER'S PRINTED SIGNATURES ON BOTH F-401 REPORTS AND VIOLATED AIR 225/0010 SEC. (19) (A) (B) AND (C). I HAVE ALSO SUBMITTED REQUESTS TO MRS. DOVER, EARL RECORDS SUPERVISOR MS. DICKERSON, EARL MAX U. P.C.O. AND MAJOR W. CONNER, EARL, C.S.O. FOR THE PERTINENT AND MOST RELEVANT DOCUMENTS PERTAINING TO THIS CLAIM BUT THESE ADC OFFICIALS HAS FAILED TO PROVIDE ME THE REQUESTED DOCUMENTS TO SUBMIT WITH MY CLAIMS FORM. SEE EXHIBITS (A), (B), (C) AND (D) ATTACHED.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? YES when? 3-14-014 to whom? ADC Inmate Grievance Procedure

and that the following action was taken thereon: Grievance Denied Grievance NO. EAM14-00925. See COPY OF Grievance Attached.

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.

ROGER BRADFORD
(Print Claimant/Representative Name)

Roger Bradford
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Brickey AR
(City) (State)

on this 13 day of July 2014
(Date) (Month) (Year)

Beccer coly
(Notary Public)

My Commission Expires: Dec 01 2017
(Month) (Day) (Year)



Max Jacob
Attachment III

IGTT410
3GS

INMATE NAME: Bradford, Roger L. ADC #: 078948C GRIEVANCE #: EAM14-00925

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Bradford, you grieve on 03/14/2014 Sergeant Wallace falsified the F-401 form by forging Sgt. Parker signature. Your complaint is noted. Sergeant Wallace stated shakedown was conducted per Lieutenant Davis and a confiscation form was given to you and he did not forge Sergeant Parker's signature. Documentation reveals the only signature on the confiscation form was Sergeant Wallace, but both officers conducted the search and their names were placed on the forms. I find no merit in your complaint.

[Signature]
Signature of Warden/Supervisor or Designee

Ward
Title

4/2/14
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?

BECAUSE WARDEN BURL FAILED OR REFUSED TO ADDRESS THE MERITS OF MY ALLEGATIONS THAT ALL OFFICERS INVOLVED VIOLATED SECURITY AND CONTROL NO. 56, MY ALLEGATIONS THAT ALL OFFICERS INVOLVED VIOLATED A/R 225/0010, AND ALL OFFICERS INVOLVED IS RESPONSIBLE FOR THE STEALING OF MY PERSONAL PROPERTY. AND LT. DAVIS LIED AND WAS PRESENT AND ACTIVE IN THE SEARCH ON 3-14-014, ALONG WITH CPL SMITH, AND CPL. MC DANIEL. AND AGAIN SGT. WALLACE FORGED THE ~~PRINTED SIGNATURE OF SGT. PARKER~~ PRINTED SIGNATURE OF SGT. PARKER ON THE F-401 CONFISCATION FORM.

[Signature]
Inmate Signature

078948
ADC#

4-25-014
Date

RECEIVED

MAY 08 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

IGTT430
3GD

Attachment VI

INMATE NAME: Bradford, Roger L.

ADC #: 078948

GRIEVANCE#: EAM14-00925

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Your complaint is on 3/14/2014; Sgt. Wallace falsified documentation by forging Sgt. Parker's signature on the 401 form and your property was stolen.

After reviewing your appeal and all supporting documentation, I find staff denies your allegations, according to Sgt. Wallace a shakedown was conducted per Lt. Davis and a confiscation form was given to Inmate Bradford and he did not forge Sgt. Parker signature. Records indicate your property was not stolen but confiscated due to it being contraband. Due to the evidence submitted in your appeal I concur with the Warden's response of no merit.

Appeal denied


Director

6-16-2014
Date

TO: MS DOVER, EARU RECORDS SUPERVISOR

FROM: ROGER BRADFORD # 078948 MX(7)-10

DATE: 6-22-014

RE: Request For Copies Of Documents Pursuant To AIR 804.

DEAR MS. DOVER:

I AM GOING TO FILE A SMALL CLAIM WITH THE ARK. STATE CLAIMS COMMISSION AND THE ARK. STATE CLAIMS COMMISSION REQUIRES COPIES OF THE MOST COMPLETE AND RELEVANT INVENTORY SHEETS, PERTINENT POLICY SECTIONS, AND ALL OTHER SUPPORTING DOCUMENTATION TO BE SUBMITTED WITH MY ~~WARRANT~~ CLAIM. WHEREFORE I RESPECTFULLY REQUEST THAT YOU PROVIDE ME COPIES OF THE FOLLOWING LISTED DOCUMENTS.

1. A COPY OF MY AIR G-F 841-1 INMATE PERSONAL PROPERTY RECORDS DATED 5-9-08.
2. A COPY OF AIR 225/0010
3. A COPY OF CHAPTER NO. 56, SECURITY AND CONTROL PAGES 1 THRU 7.
4. A COPY OF AIR 401 DATED 2-17-94 PAGES 1 THRU 7.
5. A COPY OF WARDEN BALL'S WRITTEN AUTHORIZATION, AUTHORIZING Lt. DAVIS, SGT. WALLACE, SGT. PARKER, CPL. McDANIEL, AND CPL. SMITH TO DEVIATE FROM STAFFING ~~PROCEDURE ON 3-14-014~~ PROCEDURE ON 3-14-014.

AFFIDAVIT

I ROGER BRADFORD STATES UNDER OATH THAT I HAVE RECD THE FURE GOING REQUEST TO MS. DOVER EARU RECORDS SUPERVISOR PURSUANT TO AIR 804 AND THAT THE FACTS STATED THEREIN ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SUBSCRIBED AND SWORN TO BEFORE ME A NOTARY PUBLIC
ON THIS 22nd DAY OF JUNE 014.
MY COMM EXPIRES Dec 1, 2017



Certificate of Service

I, ROGER BRADFORD DO hereby Declare Under the penalty of PERJURY
PURSUANT to 28 U.S.C. 1746 that I HAVE TURNED OVER my Request to
MS. DOVER to PRISON OFFICIALS to MAIL to MS. DOVER AT P.O. BOX 180
BRICKEY, 5 AR 72320, AND to place IN the EAR MAX Internal Institutional
MAIL system ON this 22nd DAY OF JUNE 014.

CC MS. DOVER

Roger Bradford
No. 078948
MX (7)-10

P. 2 OF 2



honor and integrity in public service

Arkansas Department of Correction

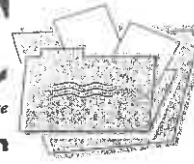


Exhibit (B)

East Arkansas Regional Unit

DATE: 06-25-2014

FROM: Mrs. Dover, Records Supervisor **RE:** Your Request

TO: Bradford, Roger

ADC# 78948

BKS# Max 7 CB 10

The paperwork you are requesting from the Records Department is not provided by the Records Department. You will need to contact the Property officer concerning your property forms and Security for security logs.

TO: MS. DICKERSON EARU, U.P.C.O.
FROM: ROGER BRADFORD #078948 MX(7)-10
DATE: 7-1-014

RE: Request FOR COPIES OF Documents PURSUANT TO AIR 804.

DEAR MS. DICKERSON:

I AM GOING TO FILE A SMALL CLAIM WITH THE ARK. STATE CLAIMS COMM'N, AND THE CLAIMS COMM'N REQUIRES COPIES OF THE MOST COMPLETE AND RELEVANT INVENTORY SHEETS, PERTINENT POLICY SECTIONS, AND ALL OTHER SUPPORTING DOCUMENTATION TO BE SUBMITTED WITH MY CLAIM. WHEREFORE I RESPECTFULLY REQUEST THAT YOU PROVIDE ME COPIES OF THE FOLLOWING LISTED DOCUMENTS.

- 1. A CERTIFIED RECORD OF MY AIR C-F-841-1 INMATE PERSONAL PROPERTY RECORDS DATED 5-9-08.
- 2. A CERTIFIED RECORD OF AIR 401 DATED 2-17-94, PAGES ~~2~~ THRU 7
- 3. A CERTIFIED RECORD OF BOTH AIR 401 FORMS SIGNED BY SGT. A WALLACE ON 3-14-014 AT 3:30 P.M AND 5:03 P.M.
- 4. A CERTIFIED RECORD OF AIR 841 ~~06-14~~ ^{A/D} PAGES NO'S 2, 5, AND 9.

AFFIDAVIT

I, ROGER BRADFORD STATES ON OATH THAT I HAVE READ THE FOREGOING REQUEST FOR COPIES OF DOCUMENTS PURSUANT TO AIR 804 TO MS. DICKERSON AND THE FACTS SET FORTH THEREIN ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

~~Subscribed and sworn to before me on this~~ _____ DAY OF _____ 2014.

CERTIFICATE OF SERVICE

I, ROGER BRADFORD DO HEREBY DECLARE UNDER THE PENALTY OF PERJURY PURSUANT TO 28 U.S.C. 1746 THAT I HAVE TURNED MY REQUEST TO MS. DICKERSON OVER TO PRISON OFFICIALS TO MAIL TO MS. DICKERSON AT E.A.R.U. P.O. BOX 180 BRICKEY'S, AR 72320, AND TO PLACE IN THE EAR MX INTERNAL INSTITUTIONAL MAIL BOX ON THIS 1 DAY OF JULY 014.

CC MS. DICKERSON, U.P.C.O.

Roger Bradford
078948
MX(7)-10

copy

TO: MAJOR WILLIAM CONNER, C.S.O. EARU.

ENTRIBL W/

FROM: ROGER BRADFORD #078948 MX(7)-10

DATE: 7-1-014

RE: Request For copies OF Documents PURSUANT TO AIR 804.

Dear MAJOR Conner:

I AM GOING TO FILE A SMALL CLAIM WITH THE ARK. STATE CLAIMS COMM'N, AND THE COMM'N REQUIRES COPIES OF THE MOST ~~RELEVANT~~ COMPLETE AND RELEVANT INVENTORY SHEETS, PERTINENT POLICY SECTIONS, AND ALL OTHER SUPPORTING DOCUMENTATION TO BE SUBMITTED WITH MY CLAIM. WHEREFORE I RESPECTFULLY REQUEST THAT YOU PROVIDE ME THE ~~RELEVANT~~ COPIES OF THE FOLLOWING LISTED DOCUMENTS.

- 1. A CERTIFIED RECORD OF MX(5) BKS. SECURITY & ACTIVITY LOG DATED 3-14-014
- 2. A CERTIFIED RECORD OF CHAPTER NO. 56 SECURITY AND CONTROL PAGES 1-7.
- 3. A CERTIFIED RECORD OF AIR 225/0010 ETAL.

Affidavit

I, ROGER BRADFORD STATES ON OATH THAT I HAVE READ THE FOREGOING REQUEST FOR COPIES PURSUANT TO AIR 804 TO MAJOR WILLIAM CONNER AND THE FACTS STATED THEREIN ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

~~Signature~~ _____ ~~Date~~ _____

Certificate of Service

I, ROGER BRADFORD DO hereby DECLARE UNDER THE PENALTY OF PERJURY PURSUANT TO 28 U.S.C. 1746 THAT I HAVE TURNED MY REQUEST TO MAJOR W. CONNER CSO OVER TO PRISON OFFICIALS TO MAIL TO MAJOR CONNER AT P.O. BOX 180 BRICKEY'S, AR 72320-0180 AND TO PLACE IN THE EAR MX INTERNAL INSTITUTIONAL MAIL SYSTEM ON THIS 1 DAY OF JULY 014.

CC MAJOR W. CONNER C.S.O

Roger Bradford
No. 078948
MX (7)-10

COPY

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD (ADC #078948)

Arkansas
State Claims Commis
SEP 16 2014
RECEIVED
CLAIMANT

V. NO. 15-0103-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

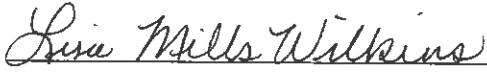
RESPONDENT'S MOTION TO DISMISS

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

1. Claimant filed a claim for failure to follow policy and loss of property based on a shakedown of his cell which resulted in several items of contraband being confiscated from him. He seeks damages of \$12,500.00. Claimant has filed in the wrong venue and his relief sought cannot be granted under ARCP Rule 12(b)(6).
2. Claimant states the shakedown was 'illegal', but doesn't say why it was illegal. All inmate property is subject to shakedown at all times and Claimant is aware of this.
3. Attached is the confiscation form which Claimant refused to sign which shows what items were taken and why. Claimant was in possession of 40 Gabapentin pills which should not have been in his possession. He had 4 altered head phones, but is allowed only one and it must be unaltered. He had two watches and one was confiscated as he is allowed only one. He had a state issued mat which was cut up; therefore, making it altered. He had a clear radio with no ADC number on it in violation of policy making it contraband. See Exhibit "A".
4. Attached hereto is a list of the items from the Inmate Property Control policy which clearly shows the quantity of each item an inmate may possess. See Exhibit "B". Claimant exceeded these amounts for the watch and radio.
5. Claimant was written a disciplinary for this contraband and found guilty of possession/introduction of clothing and destruction or intentionally misplacing state property.
6. Respondent prays that the claim be dismissed as officers properly confiscated the excess and altered property in Claimant's possession.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim should 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

10

CERTIFICATE OF SERVICE

I certify that a copy of this MOTION TO DISMISS has been served this 15 day of September, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

ROGER BRADFORD (ADC #078948)
EAMU
P. O. Box 180
BRICKEYS, AR 72320-0180



LISA MILLS WILKINS Ark. Bar #87190

SCAN INTO EOMIS UPON COMPLETION

F-401

STATE OF ARKANSAS - DEPARTMENT OF CORRECTION

CONFISCATED FORM - AREA OR PERSON

(Check One) Inmate Visitor Staff Area

Unit: EARU Building or Area: Max Barracks 5 Cell 1

Date and Time of Search: 3 1 14 1 2014 am 3:20pm

Officer(s) Conducting Search: (Print) Sgt A Wallace Sgt J Parker

Officer(s) Conducting Search: (Signature) Sgt A Wallace

Inmate Name: Roger Brad Ford ADC #: 78948

Articles Seized (description and number of items):

Number	Description
<u>40</u>	<u>400 Gabapentin pills</u>
<u>4</u>	<u>Altered head phones 2 black 2 clear</u>
<u>1</u>	<u>silver extra watch 1 Finger nail clipper</u>
<u>1</u>	<u>Altered (cut up) ADC mat 2 clear candies (cut up with No AR # on it)</u>

Reason Seized: Voluntarily Produced Excess Property Contraband Disciplinary/Criminal Evidence

Other _____

Inmate Signature: _____

Refused to Sign

Area/Shift/Supervisor: (Signature) _____

Disposition of Contraband: placed in Lt Davis's office

Copy Delivered to Inmate: Date: 3/14/2014 Time: 3:03pm

Delivered By: (Signature) Sgt A Wallace

Disciplinary Written: () No () Yes By: Sgt C. Walker

Voluntarily Produced Excess articles only may be mailed to: _____

Inmate authorizes deduction of postage from pen store account for voluntarily produced excess property only:
() No () Yes Inmate Signature: _____

To be completed by UPSCO

Destruction Date: 1 / 1 /

UPSCO: (Signature) _____ Witnessing Staff: (Signature) _____

Original - Institutional file Pink Copy - Inmate Scanned copy - UPSCO copy

F-401

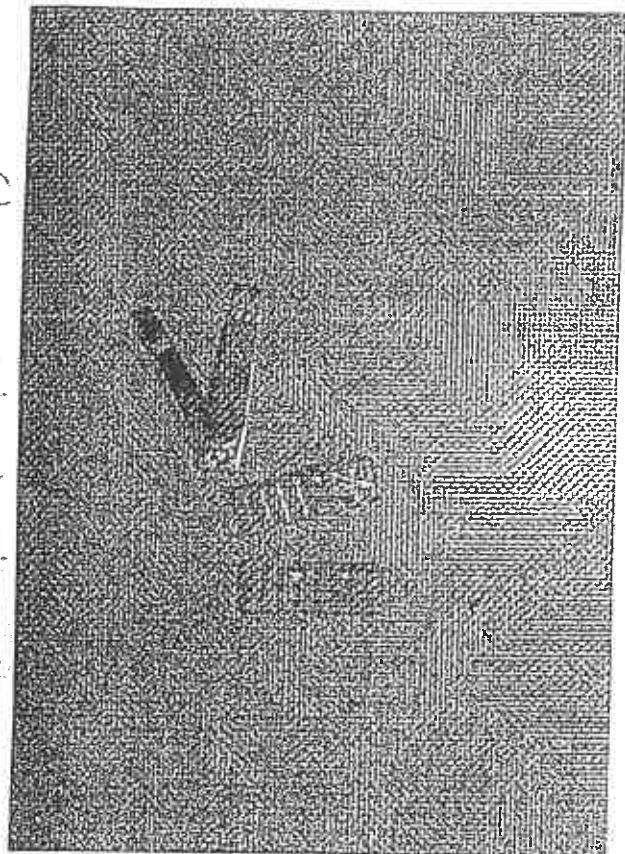
Revised



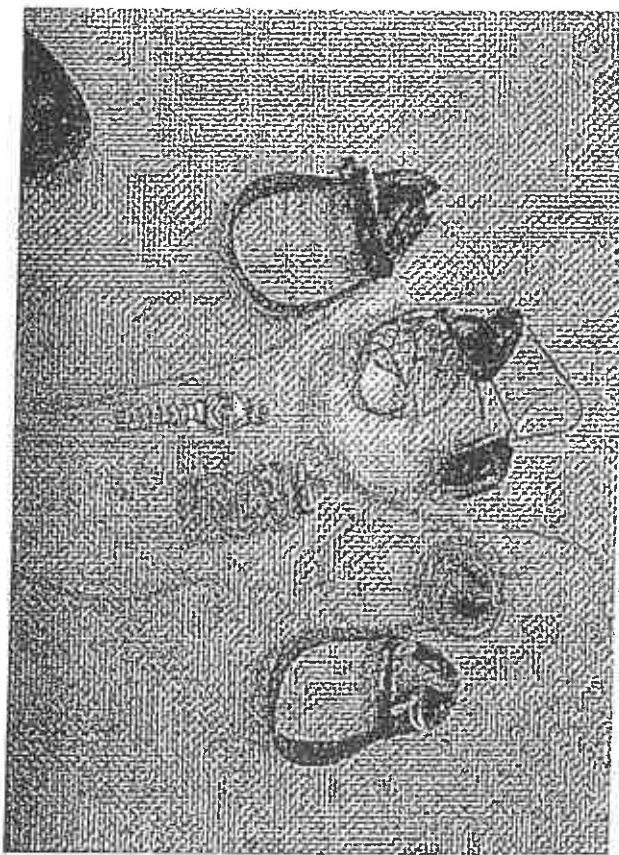
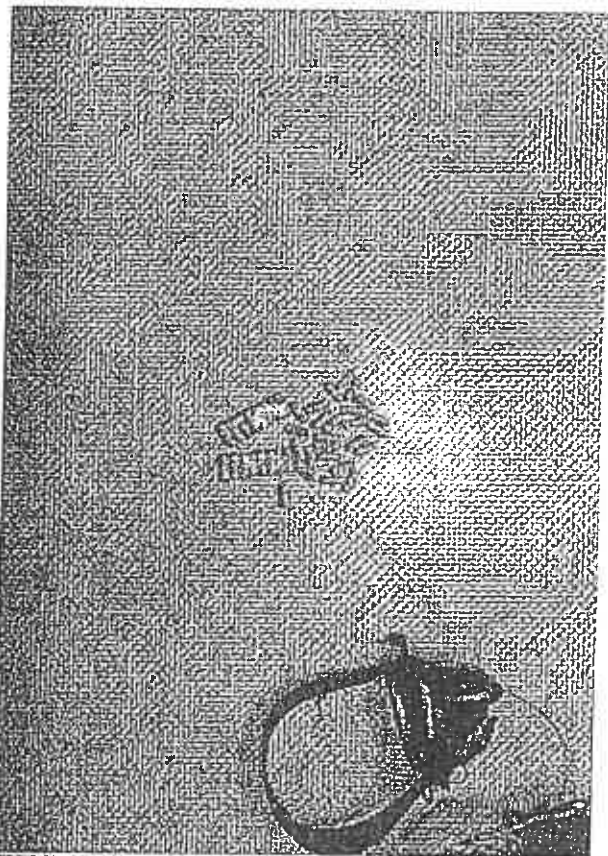
Exhibit

A

Clippers not returned to me



Radio pants. Mechanics jacket



Head phones altered with tape & clipped with scissor

ATTACHMENT 2

**PERSONAL PROPERTY ITEMS AUTHORIZED FOR INMATE
POSSESSION AND NOT ISSUED BY STATE**

CLOTHING

- 1 Sweat shirt (white)
- 1 Sweat pant (white)
- 1 Pair shower shoes
- 1 Pair cloth gloves
- 2 Bathrobes (white) (female)
- 1 Pair gym shoes
- 1 Pair civilian shoes (work release)
- **5 Undershirts
- **8 Pairs panties
- **8 Bras
- **5 Pairs socks

PERSONAL HYGIENE ITEMS

- 1 Shaving cream
- 1 Deodorant – roll/stick
- 1 Shampoo
- 1 Denture adhesive
- 1 Hair dressing
- 1 Hair brush
- 1 Depilatory preparation
- ** Feminine hygiene items
- ** Beauty aid products
- 1 Laundry bag
- 1 Pair nail clippers
(as sold on Commissary)

** Includes some items issued by state

NOTE: No pressurized cans of flammable materials are allowed.

MEDICAL ITEMS

Issued as prescribed and with medical approval:

- 1 Pair eyeglasses/contact lenses
- 1 Pair dentures
- Prosthetic
- Body support devices

LEGAL MATERIAL

Papers and documents of a legal nature may be retained by the inmate in a reasonable quantity. A reasonable quantity of legal papers and documents may be retained by an inmate with his/her assigned storage box provided by the unit.

MISCELLANEOUS

- 1 Radio or MP3 Player, battery operated
- 1 Set headphones and/or earphones
- 1 Watch (wrist/pocket) - \$50 maximum value
- 1 Ring – \$50 maximum value
- 1 Religious medal (not to exceed 1 1/2" in length or width and no thicker than 1/8")
- Religious articles (as approved)
- Personal papers and letters
- 10 Envelopes
- 4 Batteries (AA or AAA only)
- 5 Photographs
- Any 3 newspapers in Inmate's name
- Any 3 issues of each magazine subscription in Inmate's name
- 10 Books (includes religious, textbooks & pleasure), subject to weight and size restrictions
- Work craft item(s)
- Hand held video games

OTHER



Exhibit

B

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROGER BRADFORD PROSE

Arkansas
State Claims Commission

CLAIMANT

V. NO. 15-0103-CC

SEP 23 2014

A.D.O.C.

RECEIVED

RESPONDENT

Claimant's prose response in opposition to Respondent's motion to Dismiss

Comes now Claimant Roger Bradford who objects to Respondent's motion to Dismiss for the following reasons:

1. Claimant objects to Respondent's motion to Dismiss under AR.R. CIV.P. (12)(B)(b) because Respondent has already filed an answer on 8-20-14, and AR.R. CIV.P. (12)(B)(1 thru 8) provides that a motion to Dismiss under Rule (12)(B)^(b) must be made before an answer is filed.

2. Claimant objects to Respondent's allegations in paragraphs 1 thru 6 of Respondent's motion to Dismiss under AR.R. CIV.P. (12)(B)(b) because Claimant filed a motion for production of documents on 8-20-14, and Respondent has failed or refused to answer Claimant's motion, and Respondent has also failed to ~~comply~~^{comply} with the ARK. State Claims Comm'n Rule 8.1(B) and Claimant cannot properly respond to Respondent's motion to ~~dismiss~~ Dismiss when he has not been provided the necessary facts to ~~respond~~ respond. See motion for production of documents Claimant's Exhibit (A) Attached.

P. 1 OF 3

3. Claimant Objects to Respondent's Allegations in Paragraph's 1 thru 6 of Respondent's motion to Dismiss Under AR. R. Civ. P. 12 (B) (6) Because Claimant Filed A motion For Discovery on 8-20-014, And Respondent Has Failed OR Refused to Answer Claimant's Discovery Requests. See motion For Discovery, Claimant's Exhibit (B) Attached.

4. Claimant Objects to Respondent's motion to Dismiss Under AR. R. Civ. P. 12 (B) (6) Paragraph's 1 thru 6 Because Claimant Filed A motion For Appointment of Counsel in The ARK. State Claims Comm'n on 8-20-014, And the Claims Comm'n In A letter to Claimant Dated 8-20-014 ^{Denied} ~~Refused~~ Claimant A Counsel. See motion For Appointment of Counsel, Claimant's Exhibit (C) Attached. Also See letter From MR. Hodges Dated 8-20-014, Denying Claimant Counsel. Claimant's Exhibit (d) Attached.

5. Claimant Objects to Respondent's motion to Dismiss Under AR. R. Civ. P. 12 (B) (6) Paragraph No. ^{3 and 4} (5) Because ~~Respondent is~~ ^{Respondent is} Attempting to Include in The Claim Record Additional material And Documents Respondent's Exhibits (A) And (B) As Evidence Which Are Not supposed to Be Considered on such motion By The ARK. State Claims Comm'n.

6. Claimant Objects to Respondent's motion to Dismiss Under AR. R. Civ. P. (12) (B) (6) PARAG' NO. (5) Because Claimant Filed A FORMAL Grievance With the A.D.O.C. Concerning this matter Grievance NO. EAM14-00925. The Respondent Knows that the A.D.O.C. Grievance Policy A/d 04-01 Do Not Authorize the A.D.O.C. to Raise matters pertainning to Disciplinarys In Grievance Proceedings. See A/d 04-01 Inmate Grievance Procedure, Claimant's Exhibit (E) Attached

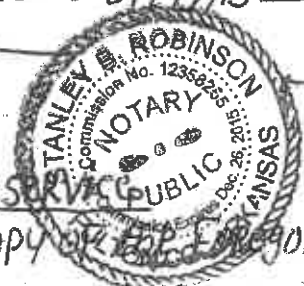
WHEREFORE CLAIMANT PRAYS:

- (A) That the ARK. State CLAIMS comm'n Deny OR At least stay Respondent's motion to Dismiss until Claimant ~~has~~ has received the Necessary INFORMATION ^{FACES} TO PROPERLY Respond.
- (B) That the CLAIMS comm'n GRANT Claimant A HEARING.
- (C) That the CLAIMS comm'n GRANT Claimant's Request FOR Monetary RELIEF.
- (D) That the CLAIMS comm'n GRANT Claimant Any And All other RELIEF he MAY be Entitled to.

AFFIDAVIT

I, Roger BRADFORD States on OATH that I HAVE read the FOREgoing Objections TO Respondent's motion to Dismiss claim NO. 15-0103-CC AND the Facts stated THEREIN ARE TRUE, CORRECT, AND COMPLETE TO the Best of my Knowledge AND BELIEF.

SWORN TO BEFORE ME A NOTARY PUBLIC on this 21 DAY OF September 2014.
my comm EXPIRES 12-20-2015



Stanley Robinson
NOTARY PUBLIC

Certificate of Service PUBLIC

I, Roger BRADFORD certify that A COPY OF THE FOREgoing has been served BY MAIL THIS 21 DAY OF September 2014, ON MR. Norman Hodges AT 101 E. CAPITOL AVE SUITE 410 LITTLE ROCK, AR 72201, AND MS. LISA WILKINS AT P.O. BOX 8707 PINE BLUFF, AR 71611 BY TURNING my legal mail over to PRISON OFFICIALS TO PLACE IN THE TUCKER MAX INTERNAL INSTITUTIONAL MAIL SYSTEM WITH 1st, CLASS POSTAGE PREPAID.

cc MR. Norman Hodges
MS. LISA WILKINS

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

TO: MR. NORMAN HODGES

FROM: ROGER BRADFORD 078948 11X (8)-09

DATE: 9-21-14

RE: CLAIMANTS PROSE Response in opposition to Respondents MOTION TO DISMISS CLAIM NO. 15-0103-CC.

RECEIVED

Dear MR. Hodges:

Enclosed you will find an original of ^{Prose} ~~Affidavit~~ Response in opposition to Respondents motion to Dismiss claim no. 15-0103-CC and a copy of (5) Exhibits. Please file MARK MY PROSE Response.

Index of Exhibits

- 1. Motion For Production of Documents Claimants Exhibit (A).
- 2. Motion For Discovery Claimants Exhibit (B).
- 3. Motion For Appointment of Counsel Claimants Exhibit (C).
- 4. Letter from MR. Hodges Dated 8-20-14 Denying Claimants Counsel Claimants Exhibit (D).
- 5. A copy of the Inmate Grievance Policy #12 04-01 Claimants Exhibit (E).

Affidavit

I, ROGER BRADFORD states on Oath that I have read the foregoing and the facts stated herein are true, correct and complete to the best of my knowledge and belief.

Sworn to before me a Notary Public on this 21 Day of September 2014.
My Comm Expires 12-26-2015

Stanley B. Robinson
NOTARY PUBLIC



Certificate of Service

I, ROGER BRADFORD certify that a copy of this ~~affidavit~~ ^{prose} was filed on this 21 Day of September 2014 on the Norman, Oklahoma file for Case No. 15-0103-CC by turning my legal mail to the Tucker, Ark Internal Institutional Mail System with 1st class postage prepaid.

CC MR. NORMAN HODGES

Roger Bradford
078948
2501 State Farm Rd
Tucker, AR 72168
11X (8)-09

STATE CLAIMS COMMISSION Docket
OPINION

Amount of Claim \$ 12,500.00

Claim No. 15-0103-CC

Roger Bradford, #078948
vs. Claimant

Attorneys
Pro se Claimant

Department of Correction
State of Arkansas Respondent

Lisa Wilkins, Attorney
Respondent

Date Filed August 5, 2014

Type of Claim Loss of Property, Failure to Follow
Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," for reasons 2-6 set forth in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

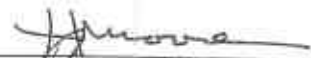

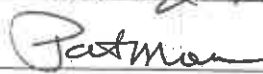
(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," for reasons 2-6 set forth in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing October 15, 2014

Date of Disposition October 15, 2014


Chairman

Commissioner

Commissioner

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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION.

ROGER BRADFORD PROSE #078948

CLAIMANT

V. CLAIM NO. 15-0103-CC

ARK. DEPT. OF CORRECTION

RESPONDENT

Arkansas Claims Commission

NOV 21 2014

RECEIVED

Notice OF APPEAL

Notice is hereby given that ROGER BRADFORD ADC # 078948
APPEALS to the ARK General Assembly FROM the DOCKET OPINION
Denying And Dismissing CLAIM NO: 15-0103-CC ON 10-15-014.

Appellate JURISDICTION

That the APPELLATE JURISDICTION OF the ARKANSAS General Assembly
IS INVOKED PURSUANT to A.C.A. SECTION 19-10-211 ET AL.

Designation OF Record

CLAIMANT hereby Designates the ENTIRE RECORD AND ALL PROCEED-
INGS, EXHIBITS, EVIDENCE, AND DOCUMENTS INTRODUCED IN EVIDENCE
TO BE CONTAINED IN THE RECORD ON APPEAL.

Certificate OF ORDER OR TRANSCRIPT

CLAIMANT States that FOR GOOD CAUSE SHOWN, he has Requested
The ARK. State Claims Comm'n to Cause the TRANSCRIPT OF the
Designated RECORD OR APPEAL, deemed ESSENTIAL to BE ORDERED

Certified, And Transmitted to the ARKANSAS General Assembly For Filing And Docketing. Claimant Further Request that the Official Reporter Pursuant to Rule 1.10 Transcribe ALL Testimony of All hearings And Sessions held in these Proceedings And that this Transcript Also Be Certified, And Transmitted to the ARK. General Assembly For Filing And Docketing.

GROUND. 1 OF 10

That ARK. State Claims Comm'n Docket Opinion Denying And Dismissing Claim No. 15-0103-CC is Void For Want of Due Process of the Law in Violation of AR. R. Civ. P. 12 (B)(6) And Claimant's 5th, And 14th, Amend's Federal Rights in View of the Fact that the ARK. Claims Comm'n Lacked Jurisdiction to Grant Respondent's motion to Dismiss Because on or About 8-15-014, Respondent Filed An Answer to Claim No. 15-0103-CC, And Failed to include the Defense Alleged in Parag. NO. One of Respondent's motion to Dismiss, or in a motion Filed Prior to, or Simultaneously With its Answer And thereby Waived its Objection Under Rule 12 (B)(6). The ARK. Supreme Ct, has Addressed this issue Previously. See *Gailey v. Allstate Ins. Co.* 210 S.W. 3d 40 (2005).

(2) That ARK. State Claims Comm'n Docket Opinion Denying And Dismissing Claim No. 15-0103-CC is Void For Want of Due Process of the Law in Violation of AR. R. Civ. P. 56 (e) And Claimant's 5th, And 14th, Amend's Federal Rights in View of the Fact that the ARK. Claims Comm'n Erred in Basing Its Decision on motion For Summary Judgment, Converted From motion to Dismiss on Respondent's Attached Exhibits For Reasons #3, And 4,

OR (A) And (B) Which ARE Unsigned ^{And} photocopies OF PAPERS UNaccompanied BY CERTIFYing AFFidavITS OR OTHER means OF AUTHENTICATION AS ReQUIred BY AR.R.CIV.P. 56(e), in SUPPORT OF Respondent's motion to Dismiss. The ARK. SUPreme Ct, has Addressed this issue PREVIOUSLY. See, CLARK V. RIDGEWAY 914 S.W.2d 745, The U.S. Ct. OF APPEALS FOR the 8th CIR. has ALSO Addressed This issue PREVIOUSLY. see MASON V. CLARK 930 F.2d 493.

(3) That ARK. State Claims Comm'n Docket Opinion Denying And Dismissing Claim NO. 15-0103-CC is void FOR WANT OF DUE PROCESS OF the LAW in violation OF ARK. Claims Comm'n Rule 5.2 And claimant's 5th, And 14th, Amend's Federal Rights in view OF the fact that the ARK. Claims Comm'n ERred in Denying And Dismissing Claim NO. 15-0103-CC Without Disposing OF claimant's pending motion FOR production OF Documents, motion FOR Discovery, And motion FOR APPOINTment OF COUNSEL. The ARK SUPreme Ct, has Addressed this ISSUE PREVIOUSLY. See Finn V. CRABtree 12 ARK 597 (1853), mandel V. feet Simms And CO, 18 ARK. 236 (1856). ALSO see SALAHUDDIN V. COUGHLIN 993 F.2d 306-310 (2nd CIR. 1993). KLingele V. EIKENBERRY 849 F.2d 409-413 (9th CIR. 1988).

(4) That ARK State CLAIMS Comm'n Docket Opinion Denying And Dismissing CLAIM NO. 15-0103-CC is void FOR WANT OF DUE PROCESS OF the LAW in violation OF ARK. Claims Comm'n Rule 5.2 And claimant's 5th, And 14th Amend's Federal Rights in view OF the fact that the ARK Claims Comm'n lacked SUBJECT MATTER JURISDICTION to ~~den~~ Grant Respondent's motion to Dismiss Because ARK. Claims Comm'n Rule 5.2 ONLY AUTHORIZES the ARK.

Claims Comm'n to Dismiss Claims With or Without Prejudice
For Failure to Prosecute, And therefore its Findings Dismissing Claim No.
15-0103-CC Were made upon UNLAWFUL PROCEDURE. The ARK. SUPREME CT, has
Addressed this issue PREVIOUSLY. See, REGIONAL CARE FACILITIES INC. V. ROSECARE
INC. 912 S.W.2d 409, STEUART V. ARK. STATE POLICE COMM'N 945 S.W.2d 377.

(5) That ARK. State Claims Comm'n Docket opinion Denying And Dismissing
Claim No. 15-0103-CC is void for want of due process of the law in
violation of ARK. state claims comm'n Rules 2.5 And A.C.A. Section
19-10-210 Etal, And claimant's 5th, And 14th, Amend's Federal Rights
In view of the fact that claimant was NOT properly notified by the
State Claims Comm'n, NOR the Director of the State Claims Comm'n of the
Scheduled hearing on the merits of Respondent's motion to Dismiss on
10-15-014, converted to a motion for summary judgment And claimant in
A Notarized Letter Request to the Director on 8-25-014, Specifically Requested
That the Director personally notify him of any And All hearing And sessions
held on claim No. 15-0103-CC. The ARK. State Claims Comm'n Failed to follow
its own prescribed Rules that govern it, And therefore its findings were
made upon UNLAWFUL PROCEDURE. The ARK. SUPREME CT, has Addressed
this issue PREVIOUSLY. See, REGIONAL CARE FACILITIES INC. V. ROSECARE
INC. 912 S.W.2d 409, STEUART V. ARK. STATE POLICE COMM'N 945 S.W.2d
377.

(6) That ARK. State Claims Comm'n Docket Opinion Denying And Dismissing Claim No. 15-0103-CC is void FOR WANT OF DUE PROCESS OF THE LAW in violation OF ARK Claims Comm'n Rule 4.3, And Claimant's 5th And 14th Amend's Federal Rights in view of the fact that the Claims Comm'n ERRED In Denying claimant's motion FOR APPOINTMENT OF COUNSEL, Without Providing claimant An Explanation of its Reasons, And Claimant Did NOT Elect to Represent himself Without the Aid OF COUNSEL, See Claimant's motion FOR APPOINTMENT OF COUNSEL, received In the ARK. State Claims Comm'n on 8-20-014. The ARK Claims Comm'n has Failed to Follow its OWN Prescribed Procedure OR Rule that Govern it And its Findings were made upon UNLAWFUL Procedure. The ARK. Supreme Ct, Has Addressed this issue previously. See Regional Care Facilities Inc. v. ROSE CARE, Inc. 912 S.W.2d 409. The U.S. Ct. OF APPEALS FOR the 8th, Cir. Has Also Addressed this issue previously. see, RAYES v. JOHNSON 969 F.2d 700.

(7) That ARK State Claims Comm'n Docket Opinion Denying And Dismissing Claim No. 15-0103-CC is void FOR WANT OF DUE PROCESS OF THE LAW in violation OF Claims Comm'n Rules 2.5, 4.3, 4.7, And A.C.A. Sec. 19-10-210 EtAL And Claimant's 5th, And 14th, Amend's Federal Rights in view of the fact that the Claims Comm'n Denied the Claimant the right to A Fair And impartial Tribunal in Failing to Properly Notify claimant of the scheduled hearing on the merits of Respondent's motion to Dismiss on 10-15-014, Denying claimant Counsel, And the Claims Comm'n Failed to Follow the Prescribed Rules that Govern it, And its Findings were made upon UNLAWFUL Procedure thereby Denying claimant of The Right to Appear Before the ARK. Claims Comm'n And Submit information,

And OR Objections, ORAL ARGUMENT, AND COUNSEL AT THE HEARING ON 10-15-014.

The state claims comm'n has Failed to FOLLOW its OWN Prescribed PROCEDURE OR RULE that GOVERN it, And therefore its Findings Were MADE UPON UNLAWFUL PROCEDURE. The ARK. SUPREME Ct, has Addressed this issue previously. See, Regional Care Facilities Inc. v. Rose care Inc. 912 S.W.2d 409.

(8) That ARK. State claims comm'n Docket Opinion Denying And Dismissing Claim No. 15-0103-cc is Void For Want of Due Process of the Law in Violation of Claimant's 5th, And 14th, Amend's Federal Rights in view of the fact that Summary Judgment Was Granted Under AR. R. Civ. P. 12 (B)(6) Because of the Failure to state A CLAIM, And the Docket Opinion of Dismissal Should have Directed that the Dismissal Was Without Prejudice in order to AFFORD Claimant the OPPORTUNITY to Plead FURTHER. The ARK. SUPREME Ct, has Addressed this issue previously. see Fegans v. Norris 89 S.W.3d 919 (2002).

(9) That ARK. state claims comm'n Docket Opinion Denying And Dismissing claim No. 15-0103-cc is Void For Want of Due Process of the LAW in Violation of AR. R. Civ. P. 54 (B)(1)-(2) And Claimant's 5th, And 14th, Amend's Federal Rights in view of the fact that the ARK. state claims comm'n Docket Opinion Dismissing claim No. 15-0103-cc Failed to Ad. Judicate Fewer than All of the Claims OR the Rights And Liabilities OF FEWER than All the Parties, And the Docket Opinion did NOT direct the Entry OF A Final Judgment Certifying that there Was NO JUST Reason FOR A Delay And AN EXPRESS Direction FOR the Entry OF A Final Judgment As Required BY AR. R. Civ. P. 54 (B). The ARK. SUPREME COURT has

Addressed this issue PREVIOUSLY. see, MOSES V. HANNA'S CANDLE CO.
110 S.W.3d ~~1104~~⁷²⁵ (2005). MYERS V. McADAMS 236 S.W.3d 504 (2006).

(10) That ARK. State Claims Comm'n Docket Opinion Denying and Dismissing Claim No. 15-0103-CC is VOID FOR WANT OF due PROCESS OF the LAW in violation OF A.C.A. Sec. 19-10-211 (B) Et AL and Claimant's 5th, And 14th, Amend's Federal Rights in view of the fact that the ARK. Claims Comm'n Acted UPON UNLAWFUL PROCEDURE it Failed OR ReFused to provide Claimant AN APPEAL FORM Designed By the ARK. State Claims Comm'n to Appeal Claim No. 15-0103-CC After Claimant Specifically Requested AN APPEAL FORM in A Letter Request to MR. NORMAN Hodges on 10-27-014. The ARK. Supreme Ct, has Addressed this issue PREVIOUSLY. see, STUART V. ARK. State Police Comm'n 945 S.W.2d 377 (1997).

WhereFORE CLAIMANT PRAYS:

(A) That the ARK. General Assembly issue AN ORDER ReVERSING AND Remand ing Claim No. 15-0103-CC BACK to the state Claims Comm'n.

(B) That the ARK. General Assembly issue AN ORDER Directing the ARK. Claims Comm'n to Grant Claimant AN EvidentiARY hearing.

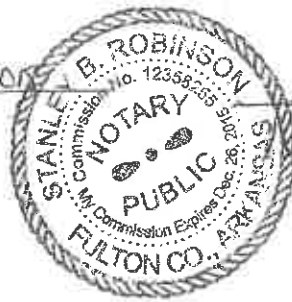
(C) That the ARK. General Assembly Grant Claimant ANY AND ALL Other Relief that he may Be Entitled to.

Affidavit

I, ROGER BRADFORD states on oath that I have Read the Foregoing And that the Facts stated therein ARE TRUE, CORRECT, AND COMPLETE To the Best of my Knowledge And Belief.

SWORN to Before me A NOTARY PUBLIC on this 19 DAY OF Nov 014.

my comm EXPIRES 12-26-2015



Stanley B. Robinson
NOTARY PUBLIC

Certificate of Service

I, ROGER BRADFORD certify that A COPY OF the Foregoing has Been Served BY U.S. mail ON MR. NORMAN Hodges AT 101 E. CAPITOL AVE. SUITE 410 Little Rock, AR 72201-3823, AND the ARK. General Assembly AT 250 State Capitol, 500 Woodlane Ave. Room 270, Little Rock, AR 72201, BY turning my notice of Appeal over to Prison officials to place in the TUCKER MAX Internal MAIL system with 1st, CLASS postage prepaid on this 19 DAY OF NOVEMBER 014.

CC MR. NORMAN Hodges
ARK. General Assembly

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