

Please Read Instructions on Reverse Side of Yellow copy

Arkansas Claims Commission

Please print in ink or type

JUN 03 2014

F9

BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Jerry Ellis, #078658

Claimant

vs.

State of Arkansas, Respondent  
AR Dept. of Correction

Do Not Write in These Spaces		
Claim No.	14-0912-CC	
Date Filed	June 3, 2014	
	(Month) (Day) (Year)	
Amount of Claim \$	7,500.00	
Fund	DOC	

COMPLAINT Failure to Follow Policy & Procedure

Jerry Ellis, #078658 (Name) the above named Claimant, of  
(State) (City) (Street or R.F.D. & No.) (City)

N/A (State) N/A (City) N/A (Street and No.) N/A (City) N/A (State) N/A (Zip Code) N/A (Phone No.) N/A (Fax No.) says:

County of LINCOLN represented by P.D. SEI (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: A.D.C. Amount sought: \$7,500.00

Month, day, year and place of incident or service: 11-20-03 VARNER, LIMIT SUPERMAX

Explanation: ON THE EVENING OF 11-20-03 CO-ITL A. B. LUCARDE OF AA SHIFT OF THE VARNER LIMIT SUPERMAX FABRICATED A STRIKE DOCUMENT AND DOES RESIST HIS WORK THE CLAIMANT ALLEGED BEHAVIOR OF 11-20-03 AND DUE TO THAT THE A.D.C IS LIABLE TOWARD CO-ITL A. B. LUCARDE & (AA) SHIFT NEGLIGENCE TOWARD THE CLAIMANT SEE EXHIBIT - A - P - 831 RESIST OF 11-20-03 AND SEE EXHIBIT - B - MR. STANMOND NALL OR DESA OLIMPI HEARD AN ADMINISTRATOR ALLEGED MEMORANDUM OF JAN. 30, 04 ALSO SEE EXHIBIT - C - CONVINCE V.S.M - 543 - 4777

MONTH, DAY, YEAR AND PLACE OF INCIDENT OR SERVICE: DEC 27, 03 VARNER, LIMIT SUPERMAX

EXPLANATION: ON THE MORNING OF 12-27-03 CO-ITL S. FRANKLIN V.S.M. DISCIPLINARY NOTIFYING OFFICER AND MRS. LORIE TAYLOR MET ON DISCIPLINARY HEARING OFFICER WANTED THE CLAIMANT MET ON DISCIPLINARY HEARING AND DECISION OF THE MORNING OF 12-27-03 WHICH PUT THE

A parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any law department or other branch?

when? (Month) (Day) (Year) ; to whom? (Department)

and that the following action was taken thereon:

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

and that the nature thereof is as follows: (Street or R.F.D. & No.) (City) (State) (Zip Code)

; and was acquired on (Date) ; 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.

JERRY ELLIS (Print Claimant/Representative Name)

(Signature of Claimant/Representative)

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

on this 08 day of May 2014 (Date) (Month) (Year)

(Notary Public)

My Commission Expires: (Month) (Day) (Year)

SF1- R799

WRITTEN CONSENT PER TO AD-13-10 POLICY AND —  
PROCEDURES OF (PG) (15,) TOWARD SECTION (4) AND DUE —  
TO THAT THE A.D.C IS LIABLE TOWARD C.S. S. —  
FRANKLIN, V.S.M DISCIPLINARY NOTIFYING OFFICER AND —  
MRS. LARIE TAYLOR MAJOR DISCIPLINARY HEARING OFFICER,  
NEGLIGENCE TOWARD AD-13-10 POLICY AND PROCEDURES  
OF (PG) (15,) TOWARD SECTION (4) SEE EXHIBIT — A —  
MAJOR DISCIPLINARY APPEAL OF JAN, 13, 04 AND SEE —  
EXHIBIT — B — CIRCUMSTANCES # V.S.M — 04 — 0265

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EXHIBIT-A

312

ISSR100

Arkansas Department of Corrections  
Varner Super Max Unit  
MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious; he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Ellis, Jerry James

ADC#: 078658B

Assignment: AM/PM:Admin Segregation

Class: IV is being charged by Luckadue, Angelica B

Title: Correctional Officer

with code violation(s):

- 12-1 Failure to obey verbal and/OR written orders of staff
- 11-2 Using abusive/obscene language to A staff member
- 11-1 Insolence To A Staff Member
- 02-17 Creating Unnecessary Noise
- 02-12 Failure to keep one's person OR quarters IN accordance with regulations

Date & Time: 11/20/2013 4:55 PM

Notice of Charges:

Incident Report Unit: Varner Unit  
 Incident Report Date/Time: 11/20/2013/04:55:00 PM  
 Incident Report Number: 2013-11-217  
 Incident Report Comments By: Angelica B Luckadue  
 On November 20, 2013 at approximately 4:55 PM I COII Luckadue was assisting COII M. Johnson with moves in cell block 3, Zone 3 as I passed cell #312 which houses Inmate Jerry Ellis #078658 in a loud tone of voice I/M J. Ellis yelling out the door Ms. Luckadue keep my name out your motherfucking mouth bitch. Your a fake ass bitch. I/M J. Ellis also had his light covered with a state issued blanket. I/M Jerry Ellis is aware of ADC rules and regulations therefore I COII Luckadue is charging I/M Ellis with the following rule violations 2-12, 2-17, 11-1, 11-2, and 12-1 pending DCR. End of Statement

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

Signature of Charging Officer

NOTIFICATION: Officer C. S. Frank Date & Time Notified 11/22/13 10:17 AM

Witness Statements: No  Yes  If yes list: CO2 Johnson

Inmate's Signature: [Signature]

C.S.O. Review: Outcome: Refer to Hearing Officer/Comm.  
 By: Bolden, Kennie L Date 11/22/2013

Extension: No  Yes  Has extension form been completed?

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

Counsel-Substitute: Assigned (Name) \_\_\_\_\_ Not Assigned \_\_\_\_\_

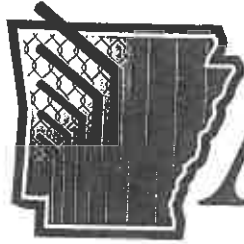
M

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EXHIBIT-B-



**ADC**

*honor and integrity in public service*

**Arkansas Department of Correction**

**I**nternal  
**A**ffairs  
**D**ivision

P.O. Box 8707  
Pine Bluff, Arkansas 71611-8707  
Phone: (870) 267-6218  
Fax: (870) 267-6226

**MEMORANDUM**

**TO:** Inmate Jerry Ellis ADC# 078658  
Varner Supermax Unit  
*[Signature]*

**FROM:** Raymond Naylor, Disciplinary Hearing Administrator

**RE:** Major Disciplinary Appeal Reversal

**DATE:** January 14, 2014

Please be advised I am in receipt of your disciplinary appeal letter regarding the major disciplinary you received on 11-20-2013, 4:55pm, by Cpl. Angelica Luckadue.

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

If you so desire, you may appeal further to the Director of the Department of Correction.

RN1

**Cc:** Superintendent Watson / Inmate File  
File

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UNIT LEVEL GRIEVANCE FORM (Attachment D)

Unit/Center

Name: J. Ellis

ADC#: 78658 Brks # 3-12 Job Assignment: ADMIN SEC

(Date) STEP ONE: Informal Resolution

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

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

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 11-20-13 AT APPROX 5:05 PM WHEN COL LUCKACHE OF AAAS SHIFT WAS ESCORTING AN INMATE TO HIS CELL... I AM BELIEVING THE SITUATION THAT... SHE HAD ME PADDLED WHICH I STAYED IN THE... I SUBMITTED STEP ONE GRIEVANCE OF BETHLEHEM AGAINST ME... ON 11-20-13 AND WAS TOLD BY COL LUCKACHE THAT I SHOULD WAIT... I SUBMITTED STEP TWO GRIEVANCE OF BETHLEHEM AGAINST ME... ON 11-21-13...

RECEIVED NOV 22 2013 VARNER UNIT GRIEVANCE

FOR OFFICE USE ONLY GRV. # US M-13-4711 Date Received: 11/22/13 GRV. Code #: 800

Inmate Signature

Date: 11-21-13

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:

at Thomas 79547 M. Thomas RECEIVED 11-21-13

Describe action taken to resolve complaint, including date: On November 20, 2013, I Col Luckache heard Inmate J. Ellis yelling out of his door creating unnecessary noise so advised Jim Ellis to get off the floor and as far as the above statement, Col Luckache 11-21-13

Staff Signature & Date Returned: Inmate Signature & Date Received: 11-21-13

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

Staff Who Received Step Two Grievance: Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date: FEB 13 2014

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

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



EXHIBITS - C -

IGTT410  
3GS

Attachment III

INMATE NAME: Ellis, Jerry J.

ADC #: 078658B

GRIEVANCE #: VSM13-04711

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance in which you stated.

"I am grieving the situation that on 11-20-13 at approx. 5:05 pm when COI Luckdue of (AA) shift and COII Johnson of (AA) shift was escorting a inmate to the third tier of cellblock #3 ove to me yelling out COII Johnson of (AA) shift COI Luckdue of (AA) shift threaten to write me a major Disciplinary. Which COI Luckdue of (AA) shift replied to me saying that due to I snitched on her for being at an inmate cell for over (30) minutes that every time she came in contact with me she had me padded which COI Luckdue remarks toward me is a form of retaliation aganist me due to my submitted step2 grievance of 9-24-13 of grievance vsm 13-03744 and part to AD 12-16 policy and procedures of pg 16 toward section 3 COI luckdue shift (AA) is prohibitedof threatening me neither can COI Luckdue of (AA) shift retaliate aganist me of grievance # VSM -013-03744 that I submitted aganist her on 9-24-13"


Officer A. Luckadue denies your allegation that she threatened to write you a disciplinary. However, documentation shows that you were written a Major Disciplinary, due to your actions. Upon further review of documents the Major Disciplinary was reversed. Officer A. Luckadue denies your allegation that she is retaliating towards you.

Therefore I find this issue without merit.

Arkansas Claims Commission

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Signature of Warden/Supervisor or Designee

FEB 13 2014  
INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING  
Title

RECEIVED

  
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 DEPUTY ASSISTANT  
WARDEN M JACKSON, MRS BURCHFIELD, V, S, M GRIEVANCE  
COORDINATOR AND COIT A LUCKADUE OF (AA) SHIFT  
RESPONDED DUE TO THAT ON 11-13-13 WHEN CAPTAIN STEPHEN  
SPOKE WITH COIT M. J. JOHNSON OF (AA) SHIFT TOWARD MY  
BEHAVIOR TOWARD

ELLIS  
COIT A. LUCKADUE ALLEGED F-831 REPORT - F 11-2-13

Inmate Signature

ELLIN

ADC# 78658

Date 2-3-14

WAS NOT AFFIRMED BY [redacted] M-13-03744  
 AA) SHEET BUT ON THE MORNING OF 11-2-13 AT APPROX 9:15  
 AA) [redacted] A. LUCKNOWE OF SHEET CALL ME A SNITCH  
 TOWARD MI SUBMITTED GRIEVANCE # V.S. M-13-03744 WHICH  
 LUCKNOWE OF (AA) SHEET REMARKS TOWARD ME WERE  
 PROHIBITED PER [redacted] POLICY AND PROCEDURES OF (AA)  
 (B) TOWARD SECTION (S)

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FEB 13 2014

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

7

EXHIBITS-C

IGTT430  
3GD

Attachment VI

INMATE NAME: Ellis, Jerry J.

ADC #: 078658

GRIEVANCE#:VSM13-04711

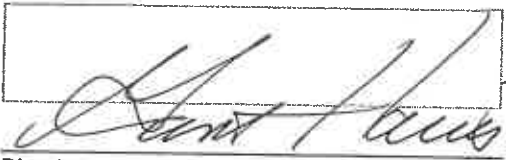
**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

Your complaint is against Officer Luckadue.

Based on the Warden's response in which he states in part, "Officer A. Luckadue denies your allegation that she threatened to write you a disciplinary. However, documentation shows that you were written a Major Disciplinary, due to your actions. Upon further review of documents the Major Disciplinary was reversed. Officer A. Luckadue denies your allegation that she is retaliating towards you. Therefore I find this issue without merit."

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

Appeal denied



Director

3-21-2014  
Date

Arkansas Claims Commission

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max 4/016

(EXHIBIT-A)

F-831-4

ARKANSAS DEPARTMENT OF CORRECTION AR 831

VARNER Unit MAJOR DISCIPLINARY APPEAL FORM

~~PUNITIVE ISOLATION MARK AN "X"~~

Inmate JERRY ELLIS ADC # 78658 Date 1-3-14  
Concerning Disciplinary Given on (date) 12-16-13 by (officer) SGT. D. DANIELS

APPEAL TO WARDEN: (to be completed by inmate)

State reasons why conviction or punishment should be reversed or modified:

STATES THAT ON 12-27-13 COURT S. FRANKLIN V.S. M. DISCIPLINARY HEARING OFFICER AND THE DISCIPLINARY HEARING OFFICER MRS. LOUIE TAYLOR WAIVED THE APPELLANT MATTER DISCIPLINARY HEARING PROCEEDING OF 12-27-13 WITHOUT

Inmate's Signature:

[Signature] (SEE REVERSE SIDE)

RESPONSE FROM WARDEN: (due within ten (10) calendar days of receipt of appeal if punitive)

Affirm: \_\_\_\_\_ Reverse:  Modify: \_\_\_\_\_

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

I have received your disciplinary appeal on 01/13/2014 for your disciplinary dated 12/16/2013 issued by Sgt. D. Daniels at 05:00 PM for the charges of: 12-1 failure to obey order of staff;

After review all evidence, this Disciplinary will be REVERSED due to -on 12/27/2013 you were scheduled to be seen by Classification and Major Disciplinary Court Hearing at the approximate same time.

IF YOU DISAGREE WITH MY DECISION, YOU MAY APPEAL TO MR. RAYMOND NAYLOR, HEARING OFFICER ADMINISTRATOR, AT CENTRAL OFFICE.

Signature: [Signature] Date 1-28-14

NOTICE TO INMATE: If you do not agree with the warden's response, you may appeal it to the Hearing Officer Administrator. If you do not agree with the Hearing Officer Administrator's response, then you may appeal it to the Director. If you decide to appeal, then write a letter repeating your reasons why your conviction or punishment should be reversed or modified.

Arkansas Claims Commission

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JAN 13 2014  
VARNER UNIT GRIEVANCE

9

THE APPELLANT WITH HIS CONSENT PER 1 - 12-15-13 -  
POLICY AND PROCEDURES OF (PG) 15 TOWARD SECTION (4)  
AND DUE TO THAT THE APPELLANT IMPOSED PUNISHMENT OF  
12-27-13 MUST BE REVERSED IN FULL.

1. THE APPELLANT STATES THAT ON 12-27-13 AT APPROX 9:25 A/M  
HE APPEARED BEFORE THE V.S.M CLASSIFICATION COMMITTEE  
IN DEPT. ASSIST WARDEN MOSES JACKSON OFFICE SEE F-831-  
REPORT OF DEPT. ASSIST WARDEN MOSES JACKSON WHICH  
THE APPELLANT WAS ESCORTED BACK TO I S-4 BY CO: II  
MRS. WHITE AND CO: II SANDERS AT APPROX 9:30 A/M SO HOW  
COULD THE APPELLANT WAIVED HIS MAJOR DISCIPLINARY -  
HEARING PROCEEDING OF 12-27-13 AT 9:28 A/M ON 12-27-  
13 WHEN THE APPELLANT WAS NEVER ASKED OF CO: II S.-  
FRANKLIN, V.S.M DISCIPLINARY NOTIFYING OFFICERS DID HE  
WISH TO ATTEND HIS MAJOR DISCIPLINARY HEARING OF 12-27-  
13 AND SEE I S-4 SURVEILLANCE CAMERA OF THE EAST SIDE  
PILOT GATE WHICH DUE TO THE ABOVE THE APPELLANT IMPOSED -  
PUNISHMENT OF 12-27-13 MUST BE REVERSED IN FULL.

S. M.  
RESPECTFULLY SUBMITTED

SGT. GADOLEY V. S.M. DISCIPLINARY INVESTIGATION

**UNIT LEVEL GRIEVANCE FORM (Attachment I)**

Unit/Center VSM

Name: JERRY ELLIS 4016 (EXHIBIT-B)

ADC# 78658 Brks # IS-4 Job Assignment ADMIN, SEG

FOR OFFICE USE ONLY  
GRV. # VSM14-0265  
Date Received: 01-21-14  
GRV. Code #: 400

1-14-14 (Date) **STEP ONE: Informal Resolution**

1-16-14 (Date) **STEP TWO: Formal Grievance** (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: SOLVER COORDINATION DESCRIBED BY 4016-14 IS MISLEADING

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

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): I AM LEAVING THE SITUATION THAT

SGT. GADOLEY V. S.M. DISCIPLINARY INVESTIGATION  
IS A HARMFUL AND THREATENING SITUATION  
TO MY WELL BEING AND THAT OF MY FAMILY  
AND I AM LEAVING THE SITUATION THAT  
IS A HARMFUL AND THREATENING SITUATION  
TO MY WELL BEING AND THAT OF MY FAMILY  
AND I AM LEAVING THE SITUATION THAT  
IS A HARMFUL AND THREATENING SITUATION  
TO MY WELL BEING AND THAT OF MY FAMILY

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JAN 14 2014  
WCM TREATMENT OFFICE

RECEIVED  
FEB 05 2014  
INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION

Inmate Signature

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) Donna Hoxby ID Number 7227 Staff Signature Donna Hoxby Date Received 1/14/14

Describe action taken to resolve complaint, including date: Inmate cannot grievance  
An disciplinary  
Arkansas Claims Commission

Staff Signature & Date Returned

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Inmate Signature & Date Received

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

Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

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

max 4/016

EXHIBIT-B

### ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Ellis, Jerry J.  
FROM: Cantrell, Sharon L  
DATE: 01/22/2014

ADC #: 078658B  
TITLE: ADC/DCC Program Specialist  
GRIEVANCE #: VSM14-00265

Please be advised, I have received your Grievance dated 01/16/2014 on 01/21/2014.  
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.

*[Handwritten Signature: Cantrell]*

Signature of ADC/DCC Program Specialist

### CHECK ONE OF THE FOLLOWING

- This Grievance will be addressed by the Warden/Center Supervisor or designee.
  - This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
  - This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
  - This Grievance has been determined to be an emergency situation, as you so indicated.
- This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- This Grievance was REJECTED because it was either non-grievable ( Disciplinary matter ), untimely, was a duplicate of , or was frivolous or vexatious.

### INMATE'S APPEAL

If you disagree with a rejection, 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. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a 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.

*[Handwritten: OBJECT TO MRS. SHARON CANTRELL V.S.M GRIEVANCE SPECIALIST COORDINATOR SUPERVISOR]*

*[Handwritten: Ellis]*      *[Handwritten: 78658]*      *[Handwritten: 1-24-14]*

Inmate Signature      ADC #      Date

*[Handwritten: 1-22-14 DUE TO THAT I AM REQUESTING THAT AD- LIAISON PROCEDURES BE MET OF SECTION 4. AND PROVIDING ME COPIES OF MY WAIVER FORMS OF 12-27-13 AND 1-2-14]*

Arkansas Claims Commission

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FEB 05 2014

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

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EXHIBIT-B

IGTT405  
3GT

Attachment V

**ACKNOWLEDGEMENT OF GRIEVANCE APPEAL  
or REJECTION OF APPEAL**

**FAILURE TO FOLLOW  
POLICY HAS RESULTED IN  
A REJECTION FOR THIS  
APPEAL AND MARKS THE END  
OF THE APPEAL PROCESS**

TO: Inmate Ellis, Jerry J. ADC #: 078658B  
FROM: Harris, Grant E TITLE: Deputy Director  
RE: Receipt of Grievance VSM14-00265 DATE: 02/05/2014

Please be advised, the appeal of your grievance dated 01/16/2014  
was received in my office on this date 02/05/2014

**Your grievance appeal is being returned pursuant to the Administrative Directive on Inmate Grievances due to one of the following:**

- The time allowed for appeal has expired
- The matter is non-grievable and does not involve retaliation:
  - (a) Parole and/or Release matter
  - (b) Transfer
  - (c) Job Assignment unrelated to medical restriction
  - (d) Disciplinary matter
  - (e) Matter beyond the Department's control and/or matter of State/Federal law
  - (f) Involves an anticipated event
- You did not send all the proper Attachments:
  - (a) Unit Level Grievance Form (Attachment 1)
  - (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
  - (c) Did not give reason for disagreement in space provided for appeal
  - (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
  - (e) Unsanitary form(s) or documents received
  - (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

Arkansas Claims Commission

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC 078658)

CLAIMANT

V.

NO. 14-0912-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

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

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 

a. Agency number: 0480	b. Cost Center: HCA 0100
c. Internal Order: 340301	d. Fund Center: 509

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

Respectfully submitted,  
Department of Correction Office of Counsel

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

Arkansas  
State Claims Commission

JUN 12 2014

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CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 11 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*  
 LISA MILLS WILKINS Ark. Bar #87190



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLES #78658 CLAIMANT  
V. #14-0912-CC  
ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENTS

MOTION FOR DEFAULT JUDGMENT

JUL 01 2014

RECEIVED

COMES NOW THE CLAIMANT JERRY ELLES, SR., MOVES THIS ARKANSAS STATE CLAIMS COMMISSION PER TO RULE 55 (a.) OF THE ARKANSAS RULES OF CIVIL PROCEDURE TO GRANT HIS MOTION FOR DEFAULT JUDGMENT DUE TO THE FOLLOWS:

1. THE CLAIMANT STATES THAT HIS COMPLAINT WAS FILED ON 6-3-14 AND THE RESPONDENT'S ATTORNEY MRS. LISA MALLS WALKERS ANSWERED THE CLAIMANT COMPLAINT ON 6-11-14 ACCORDINGLY TOWARD WALDEN V. METZLER, 301 S.W.2D 439 (1955), BURTON V. SANDERS, 301 S.W.2D 209 (1959) GETTING OLMSTEAD V. BOSEDALE SUPPLY, INC. - 313 S.W.2D 235 (1958).

2. THE CLAIMANT STATES THAT DUE TO THE RESPONDENT ATTORNEY MRS. LISA MALLS WALKERS NEVER DEFENDED THE CLAIMANT MERITS AND / OR ALLEGATIONS RAISED IN HIS COMPLAINT THAT WAS FILED ON 6-3-14 IN HER ANSWER OF 6-11-14 ACCORDINGLY TO ORR V. CALVERT, 372 S.W.3D 843 (2009) THE RESPONDENT A.D. C IS IN DEFAULT.

3. THE CLAIMANT STATES THAT DUE TO THE RESPONDENTS -

ATTORNEY MRS. LISA MILLS WALKERS FAILED TO MEET THE REQUIREMENT OF ARKANSAS RULES OF CIVIL PROCEDURE OF RULE (2)(H) (4) IN A MOTION TO DISMISS ACCORDINGLY TO BRADLEY V. KEITH, 315 S.W.2D 13 (1958), FLIPPAN V. MCCLARKE, 308 S.W.2D 82 (1958) CITING WEST V. PAGE, 305 S.W.2D 336 (1957) THE RESPONDENTS A.D.C. IS IN DEFAULT TOWARD THE BELIEF OF THE CLAIMANT ALLEGATIONS BASED ON THE MERITS TOWARD THE CLAIMANT COMPLAINT FILED ON 6-3-14.

WHEREFORE THE CLAIMANT PRAYS THAT THIS ARKANSAS STATE CLAIMS COMMISSION GRANT THE CLAIMANT SAID MOTION.

### CERTIFICATE OF SERVICE

I, JERRY ELISH #78658 PRO, SE, CERTIFY THAT (4) COPIES OF THE FOREGOING MOTION HAS BEEN MAILED TO MR. NORMAN L. HODGES, JR. DIRECTOR OF THE STATE CLAIMS COMMISSION AND ONE (1) COPY OF THE SAME MOTION HAS BEEN MAILED TO THE RESPONDENTS ATTORNEY MRS. LISA MILLS WALKERS AT P.O. BOX 877 PINE BLUFF, AR 71601 ON THIS 30<sup>TH</sup> DAY OF JUNE 2014.

PRO, SE  
RESPECTFULLY SUBMITTED  
JERRY ELISH #78658  
V.S.M.  
P.O. BOX 400  
GRADWARTH 71644-2400

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 7,500.00 Claim No. 14-0912-CC

Jerry Ellis, #078658 Claimant vs. Pro se Claimant  
Attorneys

Department of Correction Respondent vs. Lisa Wilkins, Attorney Respondent  
State of Arkansas

Date Filed June 3, 2014 Type of Claim Failure to follow policy and procedure

FINDING OF FACTS

The Claims Commission hereby unanimously denied and dismissed the Claimant's "Motion for Default Judgment." Therefore, this claim is hereby set for hearing and all parties notified accordingly.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denied and dismissed the Claimant's "Motion for Default Judgment." Therefore, this claim is hereby set for hearing and all parties notified accordingly.

Date of Hearing August 14, 2014

Date of Disposition August 14, 2014

Richard May Chairman  
Jim B. Baker Commissioner  
Bill Tancat 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

JERRY ELLIS # 78658

CLAIMANT

V.

# 14-0912-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

Arkansas  
State Claims Commission  
SEP 18 2014

RECEIVED

MOTION FOR REQUEST OF PRODUCTION OF DOCUMENTS

COMES NOW THE CLAIMANT JERRY ELLIS # 78658 PRO, SE, MOVES THIS ARKANSAS STATE CLAIMS COMMISSION PURSUANT TO RULE (34) OF THE ARKANSAS RULES OF CIVIL PROCEDURE TO ORDER THE RESPONDENT ATTORNEY MRS. LISA MILLS WILKINS TO PRODUCE THE REQUESTED DOCUMENTS TO THE CLAIMANT FOR HIS INSPECTION WITHIN (30) DAYS OF SERVICE.

REQUEST FOR PRODUCTION OF DOCUMENT #1  
THE CLAIMANT REQUEST FOR A COPY OF HIS F-841-1 FORM OF AUG. 23, 13 TO BE MADE AVAILABLE TO THE CLAIMANT FOR HIS INSPECTION,

REQUEST FOR PRODUCTION OF DOCUMENT #2  
THE CLAIMANT REQUEST FOR A COPY OF HIS AR-401 FORM OF THE MORNING OF OCT, 16, 13 TO BE MADE AVAILABLE TO THE CLAIMANT FOR HIS INSPECTION,

REQUEST FOR PRODUCTION OF DOCUMENT #3.  
THE CLAIMANT REQUEST FOR A COPY OF HIS  
F-841 FORM OF OCT. 16, 13 TO BE MADE  
AVAILABLE TO THE CLAIMANT FOR HIS  
INSPECTION.

REQUEST FOR PRODUCTION OF DOCUMENT #4.  
THE CLAIMANT REQUEST FOR A COPY OF HIS  
F-841 FORM OF DEC. 4, 13 TO BE MADE  
AVAILABLE TO THE CLAIMANT FOR HIS  
INSPECTION.

REQUEST FOR PRODUCTION OF DOCUMENT #5.  
THE CLAIMANT REQUEST FOR A COPY OF HIS  
AR-401 FORM OF DEC. 4, 13 TO BE MADE -  
AVAILABLE TO THE CLAIMANT FOR HIS  
INSPECTION.

### CERTIFICATE OF SERVICE

I, JERRY ELLIS #78658 PROP, SE, CERTIFY -  
THAT (5.) COPIES OF THE FOREGOING MOTION -  
HAS BEEN MAILED TO MR. NORMAN L. HODGES, JR.,  
DIRECTOR OF THE ARKANSAS STATE CLAIMS -  
COMMISSION AND ONE (1.) COPY OF THE SAME MOTION  
HAS BEEN MAILED TO THE RESPONDENT ATTORNEY

MRS. LISA MILLS WALKER AT P. O. BOX -  
870 PINE BLUFF, AR 71611-08707  
ON THE 12TH DAY OF SEPTEMBER 2011,

~~PROSE~~ SLLM  
RESPECTFULLY SUBMITTED  
JERRY ELLIS # 78658  
V. S. M.  
P. O. BOX 400  
GRADY, AR 71644-0400



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC #078658)

Arkansas  
State Claims Commission  
SEP 18 2014  
CLAIMANT  
RECEIVED

V.

NO. 14-0912-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

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

1. Claimant alleges a failure to follow procedure and policy when TWO disciplinary violations were reversed by the disciplinary hearing administrator, Raymond Naylor. He seeks \$7,500.00 in damages.
2. While serving in punitive isolation, Claimant was written a disciplinary on November 20, 2013 for several violations stemming from lewd comments made to Corporal Luckadue as she was making her rounds with Corporal Johnson. The charges were dismissed, not reversed, but the hearing officer as Corporal Johnson did not recall the statements being said.
3. Claimant was already serving punitive time and no additional privileges or restrictions were imposed while waiting on this hearing; therefore, he suffered no damages as a result of this charge which was properly dismissed by the hearing officer.
4. The second disciplinary was written and Claimant was due to appear in disciplinary court on December 27, 2013, at the same time he had been scheduled to appear in Classification. Due to the double scheduling error, Warden Randy Watson of the Varner Unit reversed the finding that Claimant waived the disciplinary by his failure to appear. He was and is still serving time in punitive isolation; therefore, he suffered no damages by the sentence.
5. Both of these charges have been removed from his institutional record and his punitive isolation time is not reflective of them. Claimant has suffered no harm in either instance. . For a plaintiff to bring an individual action, he must be injured directly or independently." Lenz v. Associated Inns & Restaurants Co. of America, 833 F.Supp. 362, 380 (S.D.N.Y.1993).
6. Respondent requests that these claims be dismissed.

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

Respectfully submitted,

Department of Correction  
Office of Counsel



LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of the above MOTION TO DISMISS has been served this 17 day of September, 2014, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JERRY ELLIS (ADC #078658)  
VARNER UNIT Super MAX Unit  
P. O. BOX 400  
GRADY, AR 71644-0400

  
LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS #78658

CLAIMANT

#14-0911-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT'S

Arkansas Claims Commission

OCT 06 2014

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CLAIMANT RESPONSE TO RESPONDENT'S MOTION TO DISMISS

COMES NOW THE CLAIMANT JERRY ELLIS #78658 PRO, SE, RESPONSE AS OF THE FOLLOWING.

1. THE CLAIMANT STATES THAT DUE TO THE RESPONDENT ATTORNEY MRS. LISA MULLS WILKINS FAILED TO MET THE REQUIREMENT OF THE ARKANSAS RULES OF CIVIL PROCEDURE OF RULE (2) (A) (1) IV - FILING HER MOTION TO DISMISS TOWARD BARDELY V. KEITH, 313 S.W. 2D 1458, FLIPPIN V. MCCABE 308 S.W. 2D 824 (1958) CITING WEST V. PAGE, 305 S.W. 2D 336 (1957) THEREFORE THE RESPONDENT'S MOTION TO DISMISS IS BARRED AND SHALL BE DENIED,

2. THE CLAIMANT STATES THAT THE RESPONDENT'S A.O.C IS LIABLE OF COST A. LUCKAQUE FABRICATING AND STATES DOCUMENT AND COST REPAIR TOWARD THE CLAIMANT ALLEGED BEHAVIOR OF THE EVENING OF NOV 29, 2013 WHICH DUE TO THAT THE CLAIMANT SEEKS DAMAGES TOWARD COST A. LUCKAQUE NEGLIGENCE OF THE EVENING OF NOV 29, 2013 -

3. THE CLAIMANT STATES THAT HE WAS NOT ALREADY SERVING ANY PUNITIVE TIME PER TO CO:II A LUCKADUE FABRICATING THE CLAIMANT ALLEGED BEHAVIOR OF THE EVENING OF NOV, 20, 013 THE CLAIMANT WAS HOUSED IN CELL BLOCK #3 OF CELL #312 SEE EXHIBIT - A - P - 831-1 - REPORT OF NOV, 20, 013,

4. THE CLAIMANT STATES THAT HIS MISLED P-831-1 REPORT BY CO:II A. LUCKADUE OF NOV, 20, 013 WAS NOT DISMISSED BY THE DISCIPLINARY HEARING OFFICER ON NOV, 26, 013 SEE EXHIBIT (B) MR. RAYMOND - MAYOR, DISCIPLINARY HEARING ADMINISTRATOR - MEMORANDUM OF JAN, 14, 014.)

5. THE CLAIMANT STATES THAT ON THE MORNING OF 12-27-013 CO:II S. FRANKLIN, V. S. M. - DISCIPLINARY NOTIFYING OFFICER THROUGH HIS NEGLIGENCE WAIVED THE CLAIMANT MAT OR - DISCIPLINARY HEARING PROCEEDING WITHOUT THE CLAIMANT WRITTEN CONSENT PER TO AD-13-10 POLICY AND PROCEDURES OF (PG) (15) - TOWARD SECTION (4.) AND DUE TO THAT THE A.D.C IS LIABLE TOWARD CO:II S. FRANKLIN, V. S. M. DISCIPLINARY NOTIFYING OFFICER NEGLIGENCE OF 12-27-013.)

6. THE CLAIMANT STATES THAT HIS PUNITIVE TIME

DID REFLECTIVE OF THE RESPONDENTS COURT  
A. LUCKAQUE AND COURT S. FRANKLIN, V. S. M -  
DISCIPLINARY NOTIFYING OFFICER NEGLIGENCE OF  
11-20-03 AND 12-27-03 THE CLAIMANT SEEKS  
DAMAGES IN FULL OF \$ 7, 500 00

7. THE CLAIMANT STATES THAT THE RESPONDENTS -  
ATTORNEY MRS. LISA MILLS WILKINS CASE  
CITED IN SUPPORT OF HER MOTION TO DISMISS -  
IS MISTAKEN OF THE DAMAGES THE CLAIMANT SEEKS  
SEE FUENTES V. SHEVIN, 437 U.S. 81 (1972),  
MATHEWS V. ELDRIDGE, 424 U.S. 319 (1976) HUPP V.  
GRAY, 500 F.2d 997 (7th Cir 1974) CITING -  
ANTI-FASCIST COMMITTEE V. MCGATH, 341 U.S. 162  
(1951) WHICH DUE TO THE ABOVE RESPONDENTS -  
MOTION TO DISMISS SHALL BE DENIED.)

8. THE CLAIMANT STATES THAT PER TO THE  
ARKANSAS STATE CLAIMS COMMISSION RICHARD MAY  
CHAIRMAN, JIM BAKER, COMMISSIONER AND BILL  
LANCASTER COMMISSIONER OPINION OF AUG, 14, 04  
TOWARD HIS SUBMITTED MOTION OF DEFAULT -  
JUDGMENT OF 6-3-04 WAS DENIED AND  
DISMISSED OF CLAIM # 14-0912-CC AND THEREFORE  
HEARD SET FOR AND HEARING. WHICH DUE TO THE  
ARKANSAS STATE CLAIMS COMMISSION OPINION OF  
AUG, 14, 04 THE RESPONDENTS MOTION TO DISMISS  
SHALL BE DENIED.

THEREFORE THE CLAIMANT PRAYS THAT THIS ARKANSAS-  
STATE CLAIMS COMMISSION DENIED THE RESPONDENT  
MOTION TO DISMISS PER TO THE ARKANSAS STATE  
CLAIMS COMMISSION OPINION OF AUG. 14, 2014 AND  
SCHEDULE THE STYLED CLAIM # 14-0912-CC FOR A  
HEARING.)

CERTIFICATE OF SERVICE

I, JERRY ELLIS #78658 PR, SC, CERTIFY -  
THAT (5) COPIES OF THE FOREGOING MOTION HAS -  
BEEN MAILED TO MR. NORMAN L. HODGES, JR. -  
DIRECTOR OF THE ARKANSAS STATE CLAIMS -  
COMMISSION AND ONE (1) COPY OF THE SAME MOTION  
HAS BEEN MAILED TO THE RESPONDENTS ATTORNEY  
MRS. LISA HILLS WILKINS AT P.O. BOX 875,  
PINE BLUFF, AR 71601-0875 ON THIS OCTOBER  
3RD 2014.)

Arkansas Claims Commission  
OCT 06 2014  
RECEIVED

~~PROSE~~ S L H  
CHEERFULLY SUBMITTED  
JERRY ELLIS #78658  
V. S. M  
P.O. BOX 400  
GRADY, AR 71604-0400



STATE CLAIMS COMMISSION CHECK  
OPINION

Amount of Claim \$ 5,000.00

Claim No. 14-0912-CC

Jerry Ellis, #078658 Claimant vs. Pro se Claimant  
Attorneys

Department of Correction Respondent vs. Lisa Wilkins, Attorney Respondent  
State of Arkansas

Date Filed June 3, 2014 Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," for reasons contained therein. 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 contained therein. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing October 15, 2014

Date of Disposition October 15, 2014

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

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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS #78658 CLAIMANT

V. ARKANSAS DEPARTMENT OF CORRECTION #14-0912-CC

Arkansas Claims Commission

NOV 14 2014

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RESPONDENTS  
MOTION FOR RECONSIDERATION

COMES NOW THE CLAIMANT JERRY ELLIS #78658 PRO SE, MOVE'S THIS ARKANSAS STATE CLAIMS COMMISSION TO VACATE THE RULING OF OCTOBER 15, 2014 DUE TO THE FOLLOWS:

1. THE CLAIMANT STATES THAT THE ARKANSAS STATE CLAIMS COMMISSION CHAIRMAN MR. HARRY MOORE, COMMISSIONER MR. RICHARD S MAY S AND COMMISSIONER MR. PAT MORAN OPINION OF OCTOBER 15, 2014 HAS PREJUDICED HIS DEFENSE TOWARD HIS RESPONSE OF THE RESPONDENT MOTION TO DESMISS SUBMITTED ON OCTOBER 3RD 2014 SEE CONLEY V. GIBSON, 355 U.S. 46 (1957) BEG A WISE DISTRIBUTING V. BYE AUTO SUPPLY INC 719 S.W.2D 716 (1986) NEAL V. WILSON, 873 S.W.2D 552 (1994) GILING V. CORNETT V. PRATHER, 737 S.W.2D 159 (1987) AND DUE TO THAT THE ARKANSAS STATE CLAIMS COMMISSION OPINION OF OCTOBER 15, 2014 SHALL BE VACATED,

2. THE CLAIMANT STATES THE RESPONDENT'S

MOTION TO DISMISS OF SEPTEMBER, 17, 2014 IS MISLEAD DUE TO IT DID NOT MET THE REQUIREMENT OF RULE (8) OF THE ARKANSAS RULES OF CIVIL PROCEDURE WHICH DUE TO THE CLAIMANT RESPONSE TOWARD THE RESPONDENT'S MOTION TO DISMISS DISPUTED THE ARKANSAS STATE CLAIMS COMMISSION CHAIRMAN MR. HARRY MOORE, COMMISSIONERS MR. RICHARD MAY'S AND CHAIRMAN MR. PAT MORAN OPINION OF OCTOBER, 15, 2014 HAS PREJUDICED THE CLAIMANT DEFENSE TOWARD HIS RESPONSE SEE *BARDLEY V. KEITH*, 313 S.W.2D 1458, *FLANN V. McCABE*, 308 S.W.2D 824 (1958) CITING *WEST V. PAGE*, 325 S.W.2D 336 (1957) AND DUE TO THAT THE ARKANSAS STATE CLAIMS COMMISSION OPINION OF OCTOBER, 15, 2014 SHALL BE VACATED,

3. THE CLAIMANT STATES THAT DUE TO THE RESPONDENT'S ATTORNEY MRS. LISA WILSON NEVER DEFENDING THE MERITS TOWARD THE CLAIMANT SUBMITTED COMPLAINT FILED ON JUNE, 3, 2014 TOWARD HER ANSWER OF JUNE, 6, 2014 SEE *ORR V. CALCOTT*, 372 S.W.2D 843 (2009) THE RESPONDENT'S WAS IN DEFAULT SEE *LAYMAN V. BONE*, 967 S.W.2D 561 (1998) CITING *B-FING'G INC V. CATHONCO*, 832 S.W.2D 835 (1992) AND DUE TO THAT ARKANSAS STATE CLAIMS COMMISSION OPINION OF OCTOBER, 15,

014 SHALL BE VACATED,

4. THE CLAIMANT STATES THAT DUE TO THE —  
ARKANSAS STATE CLAIMS COMMISSION —  
CHAIRMAN MR. RICHARD MAYS, COMMISSIONERS MR. —  
JIM BAKER AND COMMISSIONERS MR. BILL LANCASTER —  
OPINION OF AUGUST, 14, 2014 TOWARD THE CLAIMANT —  
MOTION FOR DEFAULT JUDGMENT IS IN DISPUTE WITH —  
THE ARKANSAS STATE CLAIMS COMMISSION —  
OPINION OF OCTOBER, 15, 2014 ACCORDINGLY TO —  
MAY V. BARG, 633 S.W.2D 376 (1982) BIG A WHE —  
DESTINUS INC V. BUE AUTO SUPPLY INC, 719 —  
S.W.2D 716 (1986), SERVICE V. DULL, 354 U.S. —  
363 (1957) CITING CORNETT V. PRATHER, 737 —  
S.W.2D 159 (1987) AND DUE TO THAT THE —  
ARKANSAS STATE CLAIMS COMMISSION OPINION —  
OF OCTOBER, 15, 2014 SHALL BE VACATED,

THEREFORE THE CLAIMANT PRAYS THAT THIS —  
ARKANSAS STATE COMMISSION VACATE THE —  
OPINION OF THE ARKANSAS STATE CLAIMS —  
OPINION OF OCTOBER, 15, 2014 AND SCHEDULE —  
THE CLAIMANT CLAIM FOR A HEARING.

CERTIFICATE OF SERVICE

I, JERRY ELLIS #78658 PROSE, CERTIFY THAT 5 COPIES OF THE FREGONIA MATLONL HAS BEEN MAILED TO MR. NORMAN L. HODGES, JR DIRECTOR OF THE ARKANSAS STATE CLAIMS - COMMISSION AND ONE (1) COPY OF THE SAME - MATLONL HAS BEEN MAILED TO THE PRESIDENT'S ATTORNEY MRS LISA MILLS WILKINS AT P.O. BOX 87 - PINE BLUFF, AR 71601 - 287 - 7 ON THIS NOVEMBER 7TH 2011,

PROSE  
RESPECTFULLY SUBMITTED  
JERRY ELLIS #78658  
V. SIM  
P.O. BOX 400  
GRAND, AR 71604 - 2400

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 7,500.00

Claim No. 14-0912-CC

Jerry Ellis, #078658 Claimant

Attorneys

Pro se

Claimant

vs.

AR Dept. of Correction Respondent

Lisa Wilkins, Attorney

Respondent

State of Arkansas

Date Filed June 3, 2014

Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's October 15, 2014, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's October 15, 2014, order remains in effect.

Date of Hearing December 11, 2014

Date of Disposition December 11, 2014

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

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



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS #78658  
V. ARKANSAS DEPARTMENT OF CORRECTION  
APPELLANT  
# CLAIM - 04 - 0912 - CC  
APPELLEE

Arkansas Claims Commission

JAN 30 2015

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AN APPEAL FROM THE ARKANSAS STATE CLAIMS COMMISSION

COMES NOW THE APPELLANT JERRY ELLIS #78658 PRO SE SUBMIT THIS APPEAL PURSUANT TO ACT (33) OF 1997 BEFORE THE ARKANSAS STATE GENERAL ASSEMBLY TOWARD THE ARKANSAS STATE CLAIMS COMMISSION OPINION OF DECEMBER 11, 2015,

1. THE APPELLANT STATES THAT THE ARKANSAS STATE CLAIMS COMMISSION CHAIRMAN MR. HARRY MOORE COMMISSIONERS MR. RICHARDS MAXS AND COMMISSIONER MR. PAT MOHAN OPINION OF OCTOBER 15, 2014 PREJUDICED HIS DEFENSE TOWARD THE APPELLANT RESPONSE OF THE RESPONDENT'S ATTORNEY MRS. LISA MILLS WILKINS MOTION TO DISMISS OF OCTOBER 31<sup>ST</sup> 2014 SEE CONLEY V. GIBSON, 355 U.S. 46 (1957), BIL A WISE DA STRUBS - INC V. BYE AUTO SUPPLY INC, 714 S.W.2D 716 (1986) NEAL V. WILSON, 873 S.W.2D 552 (1994) GILING CORNETT V. PRATHER, 737 S.W.2D 159 - 1987 AND DO TO THE ABOVE THE ARKANSAS

STATE CLAIMS COMMISSION OPINION OF  
OCTOBER 15, 2014 SHALL BE REVERSED IN  
FULL,

2. THE APPELLANT STATES THAT DUE TO THE  
RESPONDENT'S ATTORNEY MRS. LISA MILLS-  
WILLIAMS NEVER DEFENDING THE MERITS OF  
THE APPELLANT SUBMITTED CLAIM FILED ON  
JUNE 6, 2014 PER THE ANSWER OF JUNE 6,  
2014 (SEE ORR V. CALVERT, 372 S.W.2D 843-  
2009) THE RESPONDENT IS IN DEFAULT (SEE  
LAYMAN V. BONE, 1967 S.W.2D 561 1998 CITING  
FENGLING V. COCHRANE, 830 S.W.2D 835 (1992))  
AND DUE TO THE ABOVE THE ARKANSAS STATE  
CLAIMS COMMISSION OPINION OF OCTOBER 15, 2014  
SHALL BE REVERSED IN FULL,


3. THE APPELLANT STATES THAT THE ARKANSAS  
STATE CLAIMS COMMISSION CHAIRMAN MR. HARRY  
MOORE, COMMISSIONER M. STRATHER AND COMMISSIONER  
MR. BILL LANCA STRATHER OPINION OF DECEMBER 11<sup>TH</sup>  
2014 IS IN DISPUTE OF THE ARKANSAS STATE  
CLAIMS COMMISSION OPINION OF OCTOBER 15<sup>TH</sup>  
2014 (SEE MAX V. BABCO, 633 S.W.2D 376 (1982))  
BIG A WHESE DESTRASSING V. BYE AUTO SUPPLY-  
INC 719 S.W.2D 716 (1986) SEARCE V. DULLS  
354 U.S. 363 (1957) CITING CORNET V. PRATHER  
737 S.W.2D 159 (1987) AND DUE TO THE ABOVE

THE ARKANSAS STATE CLAIMS COMMISSION -  
OPINION OF DECEMBER 11<sup>TH</sup> 2014 SHALL BE -  
REVERSED IN FULL,

WHEREFORE THE APPELLANT PRAYS THAT THE -  
ARKANSAS STATE GENERAL ASSEMBLY REVERSE -  
AND REMAN THE ARKANSAS STATE CLAIMS -  
COMMISSION OPINION OF DECEMBER 11<sup>TH</sup> 2014)

### CERTIFICATE OF SERVICE

I, JERRY ELLIS #178658 PRO, SE,  
CERTIFY THAT (5) COPIES OF THE APPELLANT  
SUBMITTED APPEAL HAS BEEN MAILED TO MRS.  
BRENDA WADE, DIRECTOR OF THE ARKANSAS STATE  
CLAIMS COMMISSION ON THE 28<sup>TH</sup> DAY OF -  
JANUARY 2015)

  
RESPECTFULLY SUBMITTED  
JERRY ELLIS #178658  
V.S.M.  
P. O. BOX 400  
CHADY, AR 71614-0400