

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas State Claims Commission  
JAN 13 2015

D7.

BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

James Fudge, #078875 Claimant

vs.

State of Arkansas, Respondent  
Dept. of Corr.

Do Not Write in These Spaces	
Claim No.	15-0520-CC
Date Filed	January 13, 2015 (Month) (Day) (Year)
Amount of Claim \$	257.00
Fund	DOC

Failure to Follow Procedure

COMPLAINT

JAMES C. FUDGE, ADC #78875, the above named Claimant, of P.O. Box 400 GRADY  
(Name) (Street or R.F.D. & No.) (City)

ARKANSAS 71644 County of LINCOLN represented by PRE SE  
(State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)

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

State agency involved: VARNER - VARNER SUPERMAX UNIT OF ADC Amount sought: \$ 257.00

Month, day, year and place of incident or service: ON OCTOBER 2nd, 2014 ON THURSDAY AT THE VARNER - VSM UNIT OF ADC

Explanation: ON THURSDAY OCTOBER 2nd, 2014 [I] INMATE FUDGE, JAMES #78875 PLACED THREE (3) INMATE CHECKS FOR LEGAL MAIL POSTAGE COST IN THE INSTITUTIONAL LEGAL MAIL THOSE THREE (3) INMATE CHECKS WAS DATED 10/02/2014 BY MYSELF THE DATE OF POSTAGE TO THE U.S. DISTRICT COURT, AND ATTORNEYS OFFICE IT TAKES U.S. MAIL TWO (2) DAYS TO REACH LITTLE ROCK, AR DESTINATION FROM GRADY, AR. ON OCTOBER 2nd, I HAD NO FUNDS FOR LEGAL MAIL POSTAGE COST THUS ADC PLACED THIS LEGAL MAIL POSTAGE FEE AS AN LIEN, PER VARNER TO ADC POLICY, FIVE (5) DAYS LATER, AFTER THOSE LEGAL LETTERS REACHED THEIR DESTINATION VARNER - VSM UNIT OF ADC BARBARA SMALLWOOD, RETRIEVED THOSE THREE (3) LIENS OF 10-02-2014 OLD LEGAL INMATE CHECKS AND CONSEALED THEIR DATES WITH HER DEDUCTION ON TUESDAY OCTOBER 7th, 2014 AGAINST ADC LIENS POLICY COLLECTING POSTAGE LIENS FROM A BALANCE OF FIVE \$500 DOLLARS THEFT BY DECEPTION, STEALING TWO DOLLARS AND FIFTY-SEVEN CENTS FOR MAIL THAT WAS NOT SENT OUT ON TUESDAY OCTOBER 7th, 2014 BUT HAD ARRIVED AT ITS DESTINATION BEFORE MS. SMALLWOOD MADE THESE COLLECTIONS OF THEFT ON THREE (3) THURSDAY OCTOBER 2nd, 2014 INMATE CHECKS FOR LEGAL MAIL POSTAGE BY HIDING THE DATES ON THOSE OLD CHECK WITH A VARNER CANTEN RECIPT HOWEVER VARNER UNIT MAILROOM RECEIVED STAMPED - MARK REFLECT FRIDAY OCTOBER 3rd 2014 LING BEHRE TUESDAY OCTOBER 7th, 2014 THE UNIT WARDEN MR. RANDALL WATSON AND DEP. WARDEN MR. MOSES JACKSON REFUSED TO RESPOND TO REQUEST FOR INTERVIEW IN THIS CONCERN SEE EXHIBIT Mrs. BARBARA SMALLWOOD HIDDS THE DATE OF THREE CHECKS TO COLLECT FROM \$500 AGAINST ADC LIENS POLICY. I seek one dollar for every PENNY STOLEN AGAINST POLICY PROCEDURES, \$ 257.00

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? OCT 11th 2014; to whom? WARDEN, Dep-WARDEN, GRIEVANCE STAFF OF ADC  
(Yes or No) (Month) (Day) (Year) (Department)

and that the following action was taken thereon: GENERAL DENIALS - EXCUSES TO COVER UP LOST OF FUNDS BY DECEPTIVE THEFT

and that \$ 0 was paid thereon: (2) Has any third person or corporation an interest in this claim? N/A; if so, state name and address  
(Name) N/A (Street or R.F.D. & No.) N/A (City) N/A (State) N/A (Zip Code)

and that the nature thereof is as follows: \_\_\_\_\_ 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.

JAMES CHARLES FUDGE #78875  
(Print Claimant/Representative Name)

James Charles Fudge #78875  
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at



on this 08 day of December, 2014  
(Date) (Month) (Year)

Felicia Piggee  
(Notary Public)

SFI-R799

My Commission Expires: 01 31 2021  
(Month) (Day) (Year)

AL WITHDRAWAL REQUEST FORM

2 SUPER MAX  
ADC Unit

78875  
ADC Number

CB5/#512  
Barracks Number

Arkansas ADC  
Varner Unit New Building Canteen

Fudge, James

Customer Number: 078875  
Housing Location: CB05/512

Initial Balance: 5.00  
Ending Balance: 4.52  
Spending Limit: 100.00

NT REQUESTED INFORMATION

4 Amount of Request \$ -48  
Dollars *Legal*

REGULAR RECEIPT

Item	Qty	Price
POSTAGE		
[901]	48 @ 0.01	0.48
Subtotal		0.48
Sales Tax		0.00
Total		0.48

October 07, 2014 01:48:12 PM

X

Fudge, James

MONERY A 3/4 W) % MR. DALE E. ADAMS ATTY AT LAW  
Name

EAST 8th STREET Street or P.O. Box

E. ROCK, ARKANSAS 72202 City, State, Zip

LEGAL MAIL POSTAGE COST "OUT-GOING" TO

TORNEY AT LAW IN PULASKI COUNTY LR. ARK

James Charles Fudge #78875  
Inmate Signature

[Signature]  
ADC Witnessed Signature

Approved: Circle One

YES  
NO

Reason for Denial

[Signature]  
Signature Warden / Warden Designee

Business Manager - Print Name

Business Manager Signature

TrustFund Centralized Banking: Inmate Funds Available - Circle One Yes No

Name: Fudge, James

ADC #: 078875B PID #: 100095

IBSS042C

Inmate Bank Account Transaction

Monday October 13, 2014 09:32:03 AM

**Bank Account**

Banking Location\*: AR Department of Corrections  
Account ID: 1000950

Account Type: Inmate Checking Account  
Name: Fudge, James  
ADC #: 078875B

**Account Transaction**

Transaction Date\*: 10/07/2014 Time\*: 01:48:12 PM  
Type\*: Canteen Sale to Inmate [26CC]  
Reason\*: Personal Spending [51]  
Batch Date: 10/07/2014 Batch Number: 26CC  
Batch Location: Varner Unit New Building Canteen Line Item #: 0001  
Reference #: 1617730  
Payee/Remitter:  
Amount\*: \$ 0.48 Receipt #:   
Tender\*: N/A Receipt Printed: No  
Transaction Location: Varner Super Max Task #: 06073699  
Status\*: Posted As Of Date\*: 10/07/2014

**Status History**

**Comments**

None

**Prior Page**

Hide Last Updated Information

**Last Updated Information:**

Date: 10/07/2014 Time: 01:48:12 PM User: Cindy Shields (SHIC101)

**Office/Facility of User on that date**

Varner Unit  
Varner Super Max

**Work Assignment**

Commissary Manager  
Commissary Manager

PERSONAL WITHDRAWAL REQUEST FORM

IER SUPER Max  
ADC Unit

78875  
ADC Number

CB5 - #512 cell  
Barracks Number

Arkansas ADC  
Varner Unit New Building Canteen

Fudge, James

Customer Number: 078875

Housing Location: CB05/512

Initial Balance: 2.91

Ending Balance: 2.43

Spending Limit: 100.00

PRINT REQUESTED INFORMATION

114 Amount of Request \$ .48 leg  
Dollars

REGULAR RECEIPT

Item	Qty	Price
POSTAGE [901]	48 @ 0.01	0.48
Subtotal		0.48
Sales Tax		0.00
Total		0.48

DEPT OF FINANCE, MOTOR VEHICLES DIV Name

OFFICE BOX 1272 Street or P.O. Box

TRLE ROCK, ARK 72203 City, State, Zip

LEGAL MAIL POSTAGE COST "OUT-GOING" TO

MOTOR VEHICLES DIVISION - REVENUE DIVISION LR, ARK

October 07, 2014 02:30:11 PM

X \_\_\_\_\_  
Fudge, James

James Charles Fudge #78875  
Inmate Signature

[Signature]  
ADC Witnessed Signature

Approved: Circle One

YES

NO

Reason for Denial \_\_\_\_\_

[Signature]  
Signature Warden / Warden Designee

Business Manager - Print Name \_\_\_\_\_

Business Manager Signature \_\_\_\_\_

RECEIVED

OCT - 3 2014

TrustFund Centralized Banking: Inmate Funds Available - Circle One

Yes No

VARNER UNIT MAILROOM

ADC/Central OFFICE  
POSTED 10/06/2014

U.S. DIST. COURT MAILED  
OUT 10/08/2014

Arkansas ADC  
Varner Unit New Building Canteen

Fudge, James  
Customer Number: 078875  
Housing Location: CB05/512

Initial Balance: 2.91  
Ending Balance: 2.43  
Spending Limit: 100.00

REGULAR RECEIPT

Item	Qty	Price
POSTAGE		
[901]	48 @ 0.01	0.48
Subtotal		0.48
Sales Tax		0.00
Total		0.48

October 07, 2014 02:30:11 PM

ATTY DALE E. ADAMS  
POSTED 10/03/2014

Arkansas ADC  
Varner Unit New Building Canteen

Fudge, James  
Customer Number: 078875  
Housing Location: CB05/512

Initial Balance: 4.52  
Ending Balance: 2.91  
Spending Limit: 100.00

REGULAR RECEIPT

Item	Qty	Price
POSTAGE		
[901]	161 @ 0.01	1.61
Subtotal		1.61
Sales Tax		0.00
Total		1.61

October 07, 2014 02:20:34 PM

X \_\_\_\_\_  
Fudge, James

Arkansas ADC  
Varner Unit New Building Canteen

Fudge, James  
Customer Number: 078875  
Housing Location: CB05/512

Initial Balance: 5.00  
Ending Balance: 4.52  
Spending Limit: 100.00

REGULAR RECEIPT

Item	Qty	Price
POSTAGE		
[901]	48 @ 0.01	0.48
Subtotal		0.48
Sales Tax		0.00
Total		0.48

October 07, 2014 01:48:12 PM

5

PERSONAL WITHDRAWAL REQUEST FORM

PRNER SUPER MAX  
ADC Unit

Arkansas ADC  
Varner Unit New Building Canteen

78875  
ADC Number

CB5/#512 cell  
Barracks Number

Fudge, James  
Customer Number: 078875  
Housing Location: CB05/512

PLEASE PRINT REQUESTED INFORMATION

Initial Balance: 4.52  
Ending Balance: 2.91  
Spending Limit: 100.00

Amount of Request \$ 1.61 *legal*  
Dollars

REGULAR RECEIPT

Item	Qty	Price
POSTAGE		
[901]	161 @ 0.01	1.61
Subtotal		1.61
Sales Tax		0.00
Total		1.61

October 07, 2014 02:20:34 PM

X \_\_\_\_\_  
Fudge, James

S. DIST COURT CLERK'S OFFICE Name

West Capitol Ave STE A 149 Street or P.O. Box

Little Rock, ARKANSAS 72201 City, State, Zip

For Legal MAIL POSTAGE COST "OUT-GOING"

CLERK'S OFFICE AT LITTLE ROCK, ARKANSAS

James Charles Fudge #78875  
Inmate Signature

[Signature]  
ADC Witnessed Signature

Approved: Circle One  YES

NO  
Reason for Denial

[Signature]  
Signature Warden / Warden Designee

RECEIVED

OCT - 7 2014

Business Manager - Print Name

Business Manager Signature  
VARNER UNIT NEW BUILDING ROOM

TrustFund Centralized Banking: Inmate Funds Available - Circle One Yes No

**Bank Account**

Banking Location\*: AR Department of Corrections  
Account ID: 1000950

Account Type: Inmate Checking Account  
Name: Fudge, James  
ADC #: 078875B

**Account Transaction**

Transaction Date\*: 10/07/2014 Time\*: 02:20:34 PM

Type\*: Canteen Sale to Inmate [26CC]

Reason\*: Personal Spending [51]

Batch Date: 10/07/2014

Batch Number: 26CC

Batch Location: Varner Unit New Building Canteen

Line Item #: 0002

Reference #\*: 1617730

Payee/Remitter:

Amount\*: \$ 1.61

Receipt #:

Tender\*: N/A

Receipt Printed: No

Transaction Location: Varner Super Max

Task #: 06073897

Status\*: Posted

As Of Date\*: 10/07/2014

**Status History**

**Comments**

None

**Prior Page**

Hide Last Updated Information

**Last Updated Information:**

Date: 10/07/2014

Time: 02:20:34 PM

User: Cindy Shields (SHICI01)

**Office/Facility of User on that date**

Varner Unit

Varner Super Max

**Work Assignment**

Commissary Manager

Commissary Manager

AR DOC  
 REPORT NO. IBSR148 - 80

TRUST FUND ACCOUNT STATEMENT  
 FROM: 10/01/2014 TO: 10/13/2014

PAGE: 1 of 2  
 PROCESSED: 10/13/2014 09:38 AM  
 REQUESTOR: Barbara Smallwood

BANKING LOCATION: AR Department of Corrections  
 UNIT: Varner Unit  
 FACILITY: Varner Super Max

ACCT NAME: Fudge, James

ACCT ID: 1000950

ADC#: 078875

HOUSING: CB05 512

TYPE: Innate Checking Account

POSTED TRANSACTIONS

BEGINNING BALANCE: 10/01/2014 \$0.06

DATE	TRANSACTION TYPE	DEPOSIT REMITTER	REASON	REFERENCE #	+/-	AMOUNT	BALANCE
10/01/2014	Indigent Canteen Sale		Personal Spending	1617725	-	\$0.06	\$0.00
	COMMENTS: Draw down innate balance for Indigent Sale						
10/07/2014	Deposit Money for Innate	Akins, Lisa	Money Orders	22323859558	+	\$5.00	\$5.00
10/07/2014	Canteen Sale to Innate		Personal Spending	1617730	-	\$0.48	\$4.52
10/07/2014	Canteen Sale to Innate		Personal Spending	1617730	-	\$1.61	\$2.91
10/07/2014	Canteen Sale to Innate		Personal Spending	1617730	-	\$0.48	\$2.43
10/08/2014	Canteen Sale to Innate		Personal Spending	1617725	-	\$2.25	\$0.18

ENDING BALANCE: 10/13/2014 \$0.18



IBSR160\_ARDOC - 48

SCHEDULED INMATE RECEIPT

UNIT: Varner Unit  
BANK ACCOUNT ID: 1000950

FACILITY: Varner Super Max  
ENTERED BY: MOSDE01

INMATE NAME: Fudge, James  
HOUSING AREA/BED: CB05/512

ADC #: 078875B

ACCOUNT TYPE: Inmate Checking Account

DATE	TIME	DEPOSIT TYPE
10/07/2014	8:51:29 AM	Deposit Money for Inmate

RECEIVED FROM	AMOUNT	TASK #
Akins, Lisa	\$5.00	06069455

COMMENTS: None

CURRENT BALANCE: \$2.43

REQUEST FOR INTERVIEW

4110 217

2

UNIT WARNER SUPER MAX

DATE: Wednesday October 8<sup>th</sup>, 2014

TO: Mr. Moses Jackson OFFICE: ASSISTANT DEPUTY WARDEN

FROM: JAMES C. FUDGE NUMBER: 78875 BKS: CB5 / #512 cell

JOB ASSIGNMENT: Admin - Sec - Indefinite SUPERVISOR: \_\_\_\_\_

WORKING HOURS: All-Day 24/7 TO: All-NITE 30/31

GIVE A DETAILED REASON FOR INTERVIEW: I mailed our legal mail Friday October 3rd, 2014 to #1.

The U.S. Dist Court, #2, Attorney Dale E. Adams and #3 Ad/Central office, Tonight 10-08-2014

Mrs. B. Smallwood has deducted Postage cost for last weeks legal mail that is Against

Policy Procedures too collect liens out of a balance of \$5.00 plus old postage cost liens/fee

Are not supposed to be collected from future funds deposited "After" that mail has been

Sent Out of the unit, Mrs Smallwood has taken \$2.09 James #78875

out of \$5.00 in error for old Postage cost: James Charles Kelly #78875

Backing Dating to 10-07-2014 when I have not sent out postage on 10/07/2014

James Charles Kelly  
Inmate's Signature

ADC-CDC-614

**REQUEST FOR INTERVIEW**

UNIT: VARNER SUPER MAX

DATE: Friday October 10<sup>th</sup> 2014

TO: Mr. Randall Watson OFFICE: UNIT Warden

FROM: JAMES C. Fudge NUMBER: 78875 BKS: 085 / # 512 cell

JOB ASSIGNMENT: ADMIN - SEG - IN DEFINATELY SUPERVISOR: \_\_\_\_\_

WORKING HOURS: ALL-DAY 24/7 TO: ALL-NITE 30/31

GIVE A DETAILED REASON FOR INTERVIEW: SIR Mrs. B. Smallwood has deducted Legal Mail Postage Cost Fees From Last weeks Submitted inmate/checks: On October 3rd, 2014 I mailed out Maybe Five (5) Legal Letters #1. U.S. Dist Court, Attorney Dale E. Adams, #2. ADC cent-office, Ark. Dept of Finance, #3. Ark State Gov. Offices. On Wednesday I recieved three receipts Showing Postage deduction of \$2.57 on 10/07/2014 THE SAME DATE THE COURT FILED AND ENTER THAT MAIL (NOTING DATES)

Inmate's Signature

ADC-CDC-614

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VARNER SUPER MAX

Name JAMES C. FUDGE

ADC# 78875 Brks # CBS/512 Job Assignment ADMIN-SEG-IND

THANKS

FOR OFFICE USE ONLY	
GRV. #	<u>VSM14-03954</u>
Date Received:	<u>10/20/14</u>
GRV. Code #:	<u>803</u>

10/10/14 (Date) STEP ONE: Informal Resolution

10/18/14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)  
If the issue was not resolved during Step One, state why: Its Against ADC policy to collect A Four day old Lien For Legal Mail Postage 10/03/14 Recid 10/07/14 collected

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

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

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): ON FRIDAY OCTOBER 3rd, 2014 AT VSM-UNIT/CBS [I] inmate FUDGE, JAMES C. # 78875 ASSIGNED # 512 CELL PLACED FIVE (5) LEGAL MAIL LETTERS OUTSIDE MY ASSIGNED CELL DOOR FOR "OUT-GOING LEGAL MAIL COLLECTION POSTAGE," WITH INMATE CHECKS FILLED-OUT AND SIGNATURE BY SECURITY SERGEANT THIS 10-03-2014 ON TUESDAY OCTOBER 7th, 2014 AT 8:51:29 AM A FIVE DOLLAR \$5.00 MONEY DEPOSIT WAS POSTED ON MY TRUST FUND ACCOUNT TASK # 06069455, BY APPROX 1:48 BUSINESS MANAGER BARBARA SMALLWOOD DEDUCTED PAST LEGAL MAIL POSTAGE COST OF FRIDAY OCT 3rd, 2014 LEGAL MAIL TO THE UNITED STATES DISTRICT COURT, ECT, ECT, ECT, BY FRAUDULATION OF THE DATE AND TIME THE INMATE CHECKS WERE SUBMITTED OR WITH HOLDING OLD I/M CHECKS, DATING 10/07/2014 AT 1:48 PM, AT 2:20 PM AND AT 2:30 PM REGULAR RECEIPT(S) I AM AFFECTED BY MRS. SMALLWOODS FRAUD BY THEFT (OR) THEFT BY FRAUD WHEN THE UNITED STATES DISTRICT COURT RETURNED FILED-MARK-DATE OF RECIEVED LEGAL MAIL REFLECTS 10-07-2014 AT 2:13 PM CLEARLY BEFORE BOTH SMALLWOOD FRAUDULENT DEDUCTIONS TIME AT 2:20 PM AND 2:30 PM ON 10/07/2014 WHILE THE 1:48 PM DATED TIME IS BEFORE THE U.S. DIST COURT THE FACT THAT THE MAIL WAS POSTED BEFORE 10/07/2014 IS THEFT BY FRAUD AS WELL AGAINST ADC'S LIEN COLLECTION PROCEDURE POLICIES \$2.57

James Charles Fudge # 78875  
Inmate Signature

Friday October 10th 2014  
Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

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

Sgt Ryas PRINT STAFF NAME (PROBLEM SOLVER) OCT 20 2014 ID Number Sgt Ryas Staff Signature 10/15/14 Date Received

Describe action taken to resolve complaint, including dates: you were charged for postage for legal mail you were sent to jail as Business Manager not to pay the price or anything to take money from your funds to account for fines. Attach an receipt of your postage receipt for  
Dorian 10-13-14

     Staff Signature & Date Returned      Inmate Signature & Date Received

This form was received on 10-18-14 (date), pursuant to Step Two. Is it an Emergency? NO (Yes or No). Staff Who Received Step Two Grievance: Sgt Brooks Date: 10-18-14

Action Taken: Forwarded to Grievance Officer (Warden/Other) Date: 10-18-14

If forwarded, provide name of person receiving this form:      Date: NOV 18 2014

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

ADMINISTRATION BUILDING

40

12

CB05/512

IGTT410  
3GS

Attachment III

INMATE NAME: Fudge, James

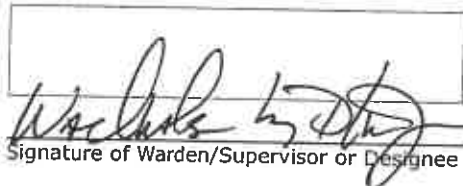
ADC #: 078875B

GRIEVANCE #: VSM14-03956

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate James Fudge, you state, "On Friday October 3rd, 2014 at VSM-unit/CB5 I inmate Fudge, James C. #78875 assigned # 512 cell placed five (5) legal mail letters outside my assigned cell door for "out going legal mail collection postage." With inmate checks filled-out and signature by security sergeant this 10-03-2014 on Tuesday October 7th, 2014 at 8:51:29am a five dollar \$5.00 money deposit was posted on my trust fund account task #06069455, by approx 1:48 business manager Barbara Smallwood deducted past legal mail postage cost of Friday Oct 3rd, 2014 legal mail to the United States District Court, Ect, Ect, Ect, by fraudulation of the date and time the inmate checks were submitted or withholding old I/M checks dating 10/07/2014 at 1:48pm, at 2:20pm and at 2:30pm regular receipt(s) I am affected by Mrs. Smallwoods fraud by theft (or) theft by fraud when the United States District Court returned filed-mark-date of received legal mail reflects 10-07-2014 at 2:13pm clearly before both Smallwood fraudulent deductions time at 2:20pm and 2:30pm on 10/07/2014 while the 1:48pm time is before the U.S. District Court the fact the mail was posted before 10/07/2014"

On 10/7/2014, a deposit was made to your trust fund account in the amount of \$5.00. There were also 3 charges to your account in the amount of \$1.61, \$.48 and \$.48 for legal mail you wanted to send out on the date of 10/7/2014. ~~Na Sir~~ The legal mail charges were not liens. Business Managers does not have the access nor the authority to remove money from an inmate's trust fund account for payment of liens. I find no evidence to support your allegations against Ms. Smallwood. Therefore, I find this issue without merit.

  
Signature of Warden/Supervisor or Designee

  
Title

10-5-14  
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? THE THREE (3) INMATE CHECKS /CHARGES TO MY ACCOUNT FOR \$1.61, \$.48 and \$.48 FOR LEGAL MAIL WAS RECEIVED ON OCTOBER 3RD, 2014 FRIDAY. THUS MEANING THOSE LEGAL LETTERS WAS POSTED ON FRIDAY OCTOBER 3RD, OR BEFORE THAT DATE INWHICH MY ACCOUNT BALANCE WAS \$. 0, "AND FOUR DAYS AFTER WARDS" ON TUESDAY OCTOBER 7TH, 2014 A MONITARY DEPOSIT WAS MADE TO MY ACCOUNT AND THAT "OLD LEGAL MAIL" FROM OCTOBER 2ND / 3RD WAS FRAUDULENTLY collect ed IN WHICH THE DATES WAS MALNIPULATED BY BUSSINESS MANAGER B. SMALLWOOD. I didnt SEND OUT ANY LEGAL MAIL ON 10/07 /2014 AT ALL PERIOD. I/M CHECKS RECEIVED <sup>DATES</sup>

James Charles Fudge  
Inmate Signature

78875  
ADC RECEIVED

10/06/2014  
Date

NOV 18 2014

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

INMATE NAME: Fudge, James

ADC #: 078875

GRIEVANCE#:VSM14-03956

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

Your complaint, is that your account is not correct.

Based on the Warden's response in which he states in part, "On 10/7/2014, a deposit was made to your trust fund account in the amount of \$5.00. There were also 3 charges to your account in the amount of \$1.61, \$.48 and \$.48 for legal mail you wanted to send out on the date of 10/7/2014. The legal mail charges were not liens. Business Managers does not have the access nor the authority to remove money from an inmate's trust fund account for payment of liens. I find no evidence to support your allegations against Ms. Smallwood. Therefore, I find this issue without merit."

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

Appeal denied



Director

12-30-2014  
Date

JAN 28 2015

RECEIVED  
CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JAMES FUDGE (ADC 078875)

V. NO. 15-0520-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

CERTIFICATE OF SERVICE

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

James Fudge (ADC 145160)  
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

JAMES FUDGE (ADC #078875)

Arkansas  
State Claims Commission CLAIMANT

MAR 25 2015

V.

NO. 15-0520-CC

ARKANSAS DEPARTMENT OF CORRECTION

RECEIVED

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

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

1. This is Claimant's second claim attempting to circumvent payment of his own debt. This first one was filed in case number 12-0907-CC. In this matter, Claimant alleges a failure to follow policy and again seeks \$257.00 which represents \$1.00 for every PENNY he alleges improperly taken from his account. Claimant has failed to state a claim upon which relief can be granted under ARCP 12(b)(6) and this matter should be dismissed.
2. Claimant historically receives deposits of less than \$5.00 in an attempt to circumvent paying for his own postage. Anytime that he received additional monies, he mails the excess funds over \$5.00 to James Fudge, Sr. However, at this time, Claimant's postage of \$2.57 for three letters to be mailed in the amounts of .48, .48 and \$1.61 were processed by inmate banking on October 7, 2014 the same day that his \$5.00 deposit was received and were properly deducted from his account.
3. Claimant furnished a copy of all relevant exhibits. The receipts from the commissary were attached showing the amounts of postage and the inmate account records. These were not postage liens or the deductions would have been noted as such. Instead, they are merely personal spending by the Claimant for which he does not want to be personally liable.
4. All transactions were properly made to Claimant's account. Unfortunately, Claimant must simply pay his own debts despite his attempt to circumvent this responsibility.
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 this claim should be dismissed.

WHEREFORE, for the reasons stated about and the evidence submitted, the Claims filed must be dismissed.

Respectfully submitted,  
Department of Correction  
Office of Counsel



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



CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 25 day of March, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JAMES FUDGE (ADC #078875)  
VSM  
P. O. Box 600  
Varner, AR 71644-0600

Lisa Mills Wilkins  
LISA MILLS WILKINS Ark. Bar #87190

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

APR 06 2015

RECEIVED

JAMES FUDGE ADC# 78875

CLAIMANT

Vs.

NO. 15-0520-CC

ARKANSAS DEPT. OF CORRECTION

RESPONDENT

PRO SE CLAIMANT'S RESPONSE TO ADC RESPONDENT'S  
MOTION TO DISMISS


COMES NOW PRO SE CLAIMANT FUDGE IN THE ABOVE STYLED CAPTIONED CASE  
ON BEHALF OF HIS RESPONSE TO RESPONDENT'S MOTION TO DISMISS, STATES  
AS FOLLOWS:

1. The debt/ Lien in Question Varied upon date of Recieved Postal  
of inmate check: that date has been stamped as 10/03/14  
Recieved VARNER UNIT MAIL ROOM / ACROSS THE HALL OF BUSSINESS Mgr  
NOT RECIEVED 10/06/14: IN CLAIM 12-0907-CC THERE WAS NO PROOF/STAMP.
2. ADC - ADMINISTRATIVE DIRECTIVE POLICY - PROCEDURE (A) 10, COST OF  
PRIVILEGED CORRESPONDENCE - COLLECTION OF LIEN WILL NOT REDUCE  
THE ACCOUNT BALANCE BELOW \$5.00 FIVE DOLLARS.
3. THIS ASSERTION THAT MONIES EXCEEEOING - EXCESS OF \$ 5.00 MAILED TO  
JAMES FUDGE, SR, IS FALSE, AND SHOULD BE SUPPORTED BY PROOF OF AN  
RECEIPT OF DEDUCTION THAT TAKES "SEVERAL WEEKS ALLEGEDLY" SEE  
ATTACHED CLAIMANT'S EXHIBIT, "A"
4. THE DEDUCTED IMPROPER COLLECTED DEBT/LIEN WAS BELOW \$5.00 AND  
AFTER PRIVILEGED CORRESPONDENCE REACHED ITS DESTINED ADDRESS

5. CLAIMANT FUDGE HAS "NO PROBLEM", ADHERING TO ADC'S POLICY PROCEDURES ITS FRAUDULENT THEFT THATS A PROBLEM, "NO-MAIL", WAS SENT OUT 10/07/14 BY CLAIMANT, FOR THIS REASON OF DECEPTION A CANTEEN RECEIPT HIDS DATE OF SUBMISSION OF WITHDRAWAL FORM, DISPLAYING A 10/07/14 DATE. SEE ATTACHED CLAIMANT'S EXHIBIT "B"
6. THE RESPONDENTS AGREE AND ADMIT CLAIMANT'S EXHIBITS FURNISHED COPIES ARE ACCURRATE RELEVANT PROOFS OF THE MATTER OF HIS CLAIM YET THESE RESPONDENTS MIS REPRESENT EACH "ENTITLED VARNER UNIT NEW BUILDING CANTEEN", NOT A SINGLE EXHIBIT IS ENTITLED "INMATE BANKING/NOR/CENTRALIZED BANKING", AS ALLEGED AT THEIR #2: AND ONE DOLLOR PER CENT WOULD DEFERT SUCH ACTS OF DISHONESTY AND FRAUDULENT THEFTS.

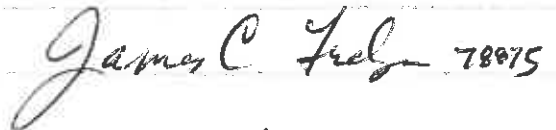
RESPECTFULL SUBMITTED

PRO SE

 78875  
JAMES CHARLES FUDGE 78875

CERTIFICATE OF SERVICE

I DO, HEREBY CERTIFY THAT (3) THREE HAND WRITTEN PROSE CLAIMANT'S RESPONSE TO RESPONDENTS MOTION TO DISMISS WAS PLACED IN THE INSTITUTIONS LEGAL MAIL COLLECTION THIS 04/02/2015 ADDRESSED TO 101 E CAPITOL AVENUE SUITE 410 L.R. ARK 72201-3823 BY JAMES FUDGE 78875 THANK YOU

 78875

04/02/2015

P.O Box 400

GRADY, ARK

71644

ARKANSAS DEPARTMENT OF CORRECTION  
VARNER UNIT  
INTER-OFFICE COMMUNICATION

TO: Inmate James Fudge #078875

CBO6-19

FROM: Mr. Nash

Fiscal Support Specialist

RE: Response to Request for Interview



DATE: October 26, 2011

---

The I/M Check process can take up to several weeks from the time they are initially sent in. Further, you must have the money on your account at the time they are deducted from your account. Currently you only have a balance of \$0.00. Any issue that you might have in regards to a medical co-pay should be addressed with the infirmary. However, the money that was deducted from your account was in payment of a medical co-pay lien that originated prior to December 2010.

CC: File

IBSR160\_ARDOC - 48

SCHEDULED INMATE RECEIPT

UNIT: Varner Unit  
BANK ACCOUNT ID: 1000950  
INMATE NAME: Fudge, James  
HOUSING AREA/BED: CB05/512

FACILITY: Varner Super Max  
ENTERED BY: MCDDI02

ADC #: 078875B

ACCOUNT TYPE: Inmate Checking Account

DATE TIME DEPOSIT TYPE  
02/19/2015 9:06:26 AM Deposit Money for Inmate  
COMMENTS: Johnny Brooks

RECEIVED FROM AMOUNT TASK #  
\$75.00 06708876

DATE TIME WITHDRAWAL TYPE  
02/19/2015 9:06:27 AM Fed Filing Fees - Initial Payment WD  
02/19/2015 9:06:28 AM Fed Filing Fees - Remaining Balance WD  
02/19/2015 9:06:29 AM Medical Co-pay Charge  
02/19/2015 9:06:30 AM Postage Charge

PAYABLE TO AMOUNT TASK #  
\$1.30 06709035  
\$15.00 06709035  
\$2.88 06709035  
\$44.82 06709035

COMMENTS:

CURRENT BALANCE: \$11.00

CLAIMANT'S  
EXHIBIT  
"B"

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 257,00

Claim No. 15-0520-CC

James Fudge, #078875 Claimant      Pro se Claimant  
vs.      Attorneys  
AR Dept. of Correction Respondent      Lisa Wilkins, Attorney Respondent  
State of Arkansas  
Date Filed January 13, 2015      Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-4 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-4 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing April 9, 2015

Date of Disposition April 9, 2015

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

\*\*Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated 519-10-211.

APR 21 2015

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JAMES FUDGE, ADC # 78875

CLAIMANT

V.

CLAIM NO. 15-0520-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

NOTICE OF APPEAL

COMES NOW PRO SE CLAIMANT JAMES FUDGE, # 78875 IN THE ABOVE STYLED CLAIM NO. 15-0520-CC ON BEHALF OF HIS NOTICE TO APPEAL THIS COMMISSIONS APRIL 9<sup>th</sup>, 2015 UNANIMOUS FINDING OF FACT AND DISPOSITION TO DISMISS HIS CLAIM UPON RESPONDENT'S REASONS SET FORTH IN THEIR MOTION NO. # 2-4, PARAGRAPHS, PURSUANT TO ARK. RULES OF CIVIL PROCEDURE. R. 12(B)(6).

RESPECTFULLY SUBMITTED

*James Charles Fudge # 78875*  
JAMES C FUDGE 78875  
P.O. BOX 400 ADC  
GRADY ARK, 71644

CERTIFICATE OF SERVICE

I, JAMES FUDGE, DO HERE BY CERTIFY THAT (3) THREE HANDDRAFTED NOTICE OF APPEAL WAS PLACED IN THIS INSTITUTIONAL LEGAL MAIL, ADDRESSED TO THE ARK. STATE CLAIMS COMMISSION AT 101 EAST CAPITOL AVE. STE 410, L.R. ARK, THIS 17<sup>th</sup> DAY OF APRIL 2015. WITH PRAYER FOR RETURN FILE-MARKED COPY THANK YOU IN ADVANCE.

*James Charles Fudge 78875*  
04-17-2015