

JUL 06 2015

E23.

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Do Not Write in These Spaces		
Claim No.	16-0008-CC	
Date Filed	July 6, 2015	
	(Month)	(Day) (Year)
Amount of Claim \$	1,300.00	
Fund	DOC	
Failure to Follow Procedure		

Tommy Gibbs, #086084 Claimant

vs.

State of Arkansas, Respondent
AR Dept. of Correction

COMPLAINT

Tommy Gibbs, #086084, the above named Claimant, of P.O. Box 970, Marianna, AR 72360
(Name) (Street or R.F.D. & No.) (City)

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

of _____ (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: ADC HEARING OFFICER, B. WADDIE Amount sought: \$1,300.00

Month, day, year and place of incident or service: 2/3/2015 ADC EAST, ARKANSAS REGIONAL UNIT

Explanation: ON 2/3/2015 HEARING OFFICER KEITH WADDIE VIOLATED MAJOR DISCIPLINARY POLICY, ADMINISTRATIVE DIRECTOR 15-01 (UNLAWFUL DISCIPLINARY MANUAL), RE INTENTIONAL DELIBERATE WAIVERING CLAIMANT RIGHT TO APPEAR.
Subsequently, Finding Claimant guilty on A MAJOR DISCIPLINARY POLICY, AR 831 Disciplinary Rules and Regulation. Punish/States The inmate must be AFFORDED AN OPPORTUNITY TO SPEAK ON HIS/HER OWN BEHALF. MR. WADDIE VIOLATED THIS POLICY. WAIVED CLAIMANT RIGHT TO APPEAR. UNKNOWN TO CLAIMANT AND CONVICTED CLAIMANT OF VIOLATING APL - RULES - INTERFERING CLAIMANT TO - NO. COMMISSARY, PHONE, VISITATION, FOR 60 DAYS, PUNISHMENT ISOLATION DAYS 30 TO SERVE. CLAIMANT FILED HIS APPEAL 2-4-15 WARDEN LAY DENIED IT. ON 2-11-15 HE APPEALED TO RAYMOND NAYLOR, HEARING ADMINISTRATOR, RECEIVED NO RESPONSE. ON 3/21/15 APPEALED TO WENDY KELLY DIRECTOR, ADC, AND WAS ADVISED ON 4-8-15, THE HEARING ADMINISTRATOR, REVERSED THE HEARING OFFICER DECISION. ON 3/23/15, SEE ATTACH MEMORANDUM. CLAIMANT BEARS \$100.00 A DAY FOR THE DAYS SPENT IN PUNISHMENT ISOLATION

As part 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 office thereof?
YES; when? 2 4 2015; to whom? WARDEN COLA LAY, EAST ARKANSAS REGIONAL UNIT; and that the following action was taken thereon: WARDEN LAY DENIED MY MAJOR DISCIPLINARY APPEAL

and that \$ _____ was paid thereon: (2) Has any third person or corporation an interest in this claim? YES; if so, state name and address
WENDY KELLY DUNBLUFF ARKANSAS 71611

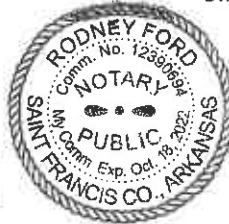
and that the nature thereof is as follows: 2 Appealed my MAJOR DISCIPLINARY to WENDY KELLY 3/21/2015; and was acquired on 2/2015; advised on 4-8-2015; in the following manner: that the HEARING ADMINISTRATOR RAYMOND NAYLOR, REVERSED MY DISCIPLINARY 3/23/15

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

Tommy Gibbs (Print Claimant/Representative Name)
Tommy Gibbs (Signature of Claimant/Representative)

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

(SEAL) on this 19 day of June 2015 (Date) (Month) (Year)



Notary Public (Notary Public)
 My Commission Expires: Oct 18 2022 (Month) (Day) (Year)

SF1-R799

EXHIBIT

ISSR101

JSD2

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Gibbs, Tommy

ADC#: 086084B

Unit: East AR Region. Unit

Code Violation(s):

- 12-1 Failure to obey verbal and/OR written orders of staff
- 10-3 Indecent Exposure
- 11-3 Making profane/obscene gestures to A staff member
- 17-1 Any act OR acts defined as felonies OR misdemeanor by the state of Arkansas; may result in teh loss of all good time.
- 11-1 Insolence To A Staff Member

Date/Time of Alleged Offense(s): 01/28/2015 8:14 PM

Hearing Date: 02/03/2015 Time: Start 10:26 AM End 10:27 AM

Recorder: Waddle, Keith L Tape#: Side: Meter: From To

Plea: Not Guilty, Not Guilty, Not Guilty, Not Guilty, Not Guilty Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

Signature of Inmate

Court Questions:

Sentencing Conditions:

Verdict: Guilty, Guilty, Guilty, Guilty, Guilty

Restriction Days to Serve			
Commissary:	60	Days Suspended:	0
Phone:	60	Days Suspended:	0
Visitation:	60	Days Suspended:	0
Punitive Isolation Days to Serve:	30	Days Suspended:	0
GT Class Reduced to:	IV	Class Suspended:	

2-3-15
MB

escort

Inmate: Gibbs, Tommy

ADC#: 086084B

Unit: East AR Region. Unit

Additional Sanctions/General Comments:

Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):

Inmate indecently exposed his penis to staff.

Evidence Relied Upon:

FI states on the pm of 1-28-15, Gibbs disobeyed an order and broke a state law by indecently exposing his penis to staff.

Reasons Why Information Purporting to Exonerate Inmate was Discounted:

FI report is accepted.

Reasons for Assessment of Punishment:

Inmate is class IV and must not expose his penis to staff.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature _____

Counsel-Substitute _____

I affirm that the information is true to the best of my knowledge.

Hearing Officer _____

Date _____



13. The inmate must be afforded an opportunity to speak on his/her own behalf and submit any documentary evidence excluding witness statements. All documentary evidence presented will become a part of the disciplinary packet. All witness statements are to be gathered by ADC employees after the inmate has submitted a witness list to the serving officer. Inmates will not be allowed to gather and submit witness statements on their own.
14. After the inmate has made a statement and/or presented a defense, the recorder will be muted and witness statements will be reviewed and documented.
15. The Disciplinary Hearing Officer must carefully weigh all evidence with special emphasis upon individual pieces of "primary evidence." Rumor or suspicion about an inmate's behavior shall not be taken into account.
16. After the Disciplinary Hearing Officer has weighed all of the evidence, a decision shall be made regarding guilt/innocence.
17. In the event that the inmate is found guilty, punishment must be imposed within the guidelines established by this policy.
18. The video conferencing system will then be un-muted. The inmate must then be informed as to the finding of guilt or innocence on each particular rule violation and must be informed of the punishment, if any, imposed.
19. The inmate must be informed of his right to appeal and to obtain staff assistance in the fashioning of an appeal if needed.
20. The inmate will receive an oral statement detailing the reason for the finding of guilt or innocence at the time the hearing officer informs the inmate of the verdict. The hearing officer will reduce these reasons to writing prior to the conclusion of that business day and the unit disciplinary officer will provide a typed copy or ISSR 100 (electronic generated disciplinary hearing results form) generated by electronic Offender Management Information System to the inmate within twenty-four (24) hours. The inmate is not required to sign the typed copy. It is sufficient to indicate that the inmate signed (or refused to sign) the original copy.
21. When the Disciplinary Hearing Officer has completed his/her work for the day, the Disciplinary Hearing Officer shall complete the disciplinary court report.

1/2 Will my appeal Mr. R. Naylor, the Warden isn't stating anything concerning my plea. Sir I never was at my hearing because the staff never escorted me to disciplinary court. On the hearing action form it shows I didn't make a statement because I was not there. Also on the blue form it shows "Attendance waived the answer is NO. Therefore the ADC Security Staffs should have escorted me to my hearing. But I was denied that right! There isn't No documents showing I waived to give up my rights. Sir I asked that the ISO-2 log be reviewed it will show I never left out on 2.3.2015 to go anywhere. (the day my hearing was held by hearing officer)... Accordly to the ADC Policy AR 831 to deny a inmate of their hearing (w/o a waive being sign isn't the procedure). All documents show sir hearing officer held my hearing w/o me being there. Truth is Blue Copy Show I did ~~not~~ "waive" They (Staff) should have took me to disciplinary court but did not. Please be just and true to the facts... Thank you sir!

Inmate Tommy Gibbs #86084

Exhibit C

sent this

EXHAD 19 - L -



ADC

honor and integrity in public service

Arkansas Department of Correction

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

MEMORANDUM

TO: Inmate T. Gibbs, ADC #086084
East Arkansas Regional Maximum Unit

From: Jada Lawrence *J. Lawrence*
Assistant to the Director

Date: April 8, 2015

RE: Major Disciplinary Appeal

I am in receipt of your major disciplinary appeal regarding the major disciplinary you received on 01/28/2015, at 8:14 p.m., by Corporal K. Brown.

After thoroughly reviewing your appeal, I find that the Disciplinary Hearing Administrator reversed the decision of the Disciplinary Hearing Officer on 03/23/2015. No further action is necessary in this matter.

JL/cv

cc: Inmate File
File

*PS. After I wrote Wendy Kellig
They send me this. I have two
more copies but they send me
since this.*

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TOMMY GIBBS (ADC 086084)

Arkansas
State Claims Commission CLAIMANT

V.

NO. 16-0008-CC

JUL 16 2015

ARKANSAS DEPARTMENT OF CORRECTION

RECEIVED

RESPONDENT

ANSWER

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

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA 0100
 - c. Internal Order: 340301
 - d. Fund Center: 509

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

Respectfully submitted,
Department of Correction Office of Counsel

Lisa Mills Wilkins

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

Tommy Gibbs (ADC 086084)

East Arkansas Max Unit

PO Box 970

Marianna, AR 72360-0970

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIM COMMISSION

Arkansas Claims Commission
AUG 20 2015

Tommy Gibbs (ADC No. # 086084)

CLAIMANT RECEIVED

v.

Claim No. 16-0008-CC

ARKANSAS DEPT. OF CORRECTION

RESPONDENT

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34, FED. R. CIV. PROC. the Claimant Requests that the Respondent Produce Documents listed herein within 30 days either by Providing the Claimant with Copies or by making them Available to the Claimant For Inspection and Copying

PRODUCTION REQ. 1). Please Produce the DISCIPLINARY HEARING ADMINISTRATOR RAYMOND NAYLOR MEMORANDUM ON 3/23/2015 REVERSING THE DISCIPLINARY HEARING OFFICER DECISION.

PRODUCTION REQ. 2). Please Produce the Inmate WAIVER FORM Signed by Claimant Showing Attendance WAIVED DISCIPLINARY HEARING 2/3/2015

LS/ Tommy Gibbs

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of same has been served on LISA WILKINSON, STAFF ATTORNEY FOR RESPONDENT at her address P.O. Box 8707 Pine Bluff, AR, 71611 this 17 day of August 2015, by placing copy in U.S. Postal mail service box.

LS/ Tommy Gibbs
ADC No # 086084
East, Ar. Rec. unit
P.O. Box 970
Marionna AR, 72360

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TOMMY GIBBS (ADC #086084)

CLAIMANT

V.

NO. 16-0008-CC

ARKANSAS DEPARTMENT OF CORRECTION


RESPONDENT

RESPONSE TO CLAIMANT'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

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

1. Response to Request #1: This will be furnished at a later date. However, the investigation shows that the disciplinary was reversed due to a technicality, your statements were not typed on the F-2 and F-3 forms before it was given to you. This made the forms incomplete.
2. Response to Request for Production Nos. 3: None. You attended the hearing.

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

Arkansas Claims Commission
SEP 30 2015
RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of the DISCOVERY RESPONSE has been served this 29 day of September, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

TOMMY GIBBS (ADC #086084)
EARU
P. O. Box 970
MARIANNA, AR 72360-0970


LISA MILLS WILKINS Ark. Bar #87190

J502

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Gibbs, Tommy

ADC#: 086084B

Unit: East AR Region. Unit

Code Violation(s):

- 12-1 Failure to obey verbal and/OR written orders of staff
- 10-3 Indecent Exposure
- 11-3 Making profane/obscene gestures to A staff member
- 17-1 Any act OR acts defined as felonies OR misdemeanor by the state of Arkansas; may result in teh loss of all good time.
- 11-1 Insolence To A Staff Member

Date/Time of Alleged Offense(s): 01/28/2015 8:14 PM

Hearing Date: 02/03/2015 Time: Start 10:26 AM

End 10:27 AM

Recorder: Waddle, Keith L

Tape#:

Side:

Meter: From

To

Plea: Not Guilty, Not Guilty, Not Guilty, Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed?

Inmate's Statement:

Signature of Inmate

Court Questions:

Sentencing Conditions:

Verdict: Guilty, Guilty, Guilty, Guilty, Guilty

Restriction Days to Serve

Commissary:	60	Days Suspended:	0
Phone:	60	Days Suspended:	0
Visitation:	60	Days Suspended:	0
Punitive Isolation Days to Serve:	30	Days Suspended:	0
GT Class Reduced to:	IV	Class Suspended:	

16-0008-0000-01

2-3-15

MB

Escort



Exhibit

A

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas Claims Commission

TOMMY GIBBS (ADC #086084)

CLAIMANT ~~SEP~~ 30 2015

V.

NO. 16-0008-CC

RECEIVED

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

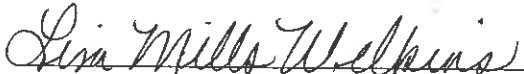
COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION TO DISMISS, states and responds as follows:

1. Claimant alleges a failure to follow procedure when a disciplinary violation was reversed by the disciplinary hearing administrator, Raymond Naylor. He seeks \$1,300.00 in damages. Claimant has already been made whole by having his disciplinary reversed.
2. Claimant does not dispute that he was stroking his penis at Officer Brown while she was conducting security rounds. His disciplinary was reversed because his statements were not written IN HIS COPY of the disciplinary, a technicality.
3. Claimant has attempted to perpetrate a fraud upon this commission by stating that he was found GUILTY on all charges by Mr. Waddle 'wavering his right to appear.' However, the very documents attached by the Claimant and attached hereto as Exhibit "A", show that Claimant DID NOT waive his attendance. Therefore, any statement not written on his form which he wanted to make during the hearing could have been made since Claimant was present; however, since the policy requires that it be written, Mr. Naylor reversed the disciplinary. Claimant has been made whole. Respondent requests that this claim 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 29 day of September, 2014, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

TOMMY GIBBS (ADC #086084)
EARU
P. O. Box 970
MARIANNA, AR 72360-0970


LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIM COMMISSION FEB 10 2015

Tommy Gibbs (ADC # 086084)

RECEIVED
Claimant

Arkansas Department of Correction

No. 16-0008-cc

RESPONDENT

CLAIMANT RESPONSE TO RESPONDENT MOTION TO DISMISS

Comes now the Claimant by and through Pro Se and with his Response to Respondent motion to Dismiss. States,

1. CLAIMANT CLAIM AND ALLEGES [A FAILURE TO FOLLOW POLICY, MAJOR DISCIPLINARY COURT RULES AND REGULATIONS] WHEN HIS DISCIPLINARY VIOLATION WAS REVERSED BY THE DISCIPLINARY HEARING ADMINISTRATOR, RAYMOND NAYLOR HE SEeks \$1,300.00 IN DAMAGES, DUE TO THE AMOUNT OF DAYS HE HAD TO DO IN PUNITIVE ISOLATION, DUE TO THE MAJOR DISCIPLINARY HEARING OFFICER, MR. WADDLE, AND THE MAJOR DISCIPLINARY ISSUING OFFICER MR. SPARKMAN, INTENTIONALLY AND DELIBERATELY WAIVED CLAIMANT RIGHT TO APPEAR IN PERSON TO HIS MAJOR DISCIPLINARY HEARING, ON 2-3-2015.

- STATEMENTS OF FACTS:-

A). ON 2-3-2015, MR. SPARKMAN, CAME TO CLAIMANT CELL AND ASKED THE CLAIMANT WAS HE GOING TO DISCIPLINARY COURT CLAIMANT RESPONDED "YES" AND WAS TOLD TO GET READY. MR. SPARKMAN, THE "MAJOR DISCIPLINARY ISSUING OFFICER", HE ISSUES MAJOR DISCIPLINARIES AND ALSO ESCORTS YOU TO MAJOR DISCIPLINARY COURT.

B) ON 2-3-2015 AFTER CLAIMANT MADE MENTION TO MR. SPARKMAN HE WANTED TO GO TO DISCIPLINARY COURT, MR. SPARKMAN NEVER CAME BACK TO GET CLAIMANT FOR DISCIPLINARY COURT LATER THAT DAY CLAIMANT WAS SLEEPING. WHEN HE AWOKEN HE NOTICE ON HIS FLOOR HIS "MAJOR DISCIPLINARY ACTION SHEET THE RESULTS" INDICATION. CLAIMANT HAD BEEN FOUND GUILTY FOR THE RULE VIOLATIONS HE WAS CHARGED WITH. AND.

For Punishment. loss of Commissary for 60 days
loss of Telephone for 60 days
loss of Visitation for 60 days
30 days Punitive Isolation Days
to Serve.
Class reduce to Class IV

See Claimant. Exhibit (A) Disciplinary Hearing Action.
Attach. Hearing date, 2/3/2015.

C) AR 831. MAJOR DISCIPLINARY Rules and Regulations.
AD 15-01 (13). CLEARLY States, IN PART

the Inmate must be afforded an OPPORTUNITY to
SPEAK on his/her behalfs and Submit any documentary
evidence. See Claimant Exhibit (B) AD 15-01

Inmate disciplinary manual (13)

D). MR. Waddle the disciplinary hearing officer, and MR. SPARK
MAN disciplinary Issuing officer they Denied me the
OPPORTUNITY to SPEAK on my own behalfs and Submit
Any Documentary evidence, A Violation of AD 15-01. And
AS A Result, Claimant had to Suffer and had to do
the (13) days in Punitive Isolation And All his PRIV
LOSS. ADC. MAJOR DISCIPLINARY Policy AD 15-01 (13) Plainly
States the Policy, that must be Followed, and MR. Waddle
MR. SPARKMAN. Ignored there Responsibilities And Claimant
had to Spend (13) days in Punitive Isolation.

E). The Respondent has Intentionally Attempted to mislead
this Commission, Attempting to Fabricated what Really
happen, By Alleging Claimant has Already been made
whole by having his disciplinary Reversed. And that
Claimant disciplinary was reversed because his statements
were not written in his copy of the disciplinary Results

F). Claimant has not been made whole by his disciplinary
being reversed. Claimant had to do (13) days in Punitive
Isolation, only because the Respondents Violated
AD 15-01 (13) MAJOR DISCIPLINARY Policy. MR. Waddle
MR. SPARKMAN. WAIVED Claimant Right to APPEAR. And
SPEAK on his own behalfs And Present Documentary
evidence, Claimant Never Signed A WAIVER FORM
Claimant told MR. SPARKMAN. HE WANTED to go to DIS
CIPLINARY Court.

6) The Respondent Claim. [Claimant Disciplinary was Reversed] because Claimant Statement was not write down. This is. Unheard of, "NOT TRUE". There is. No Such Thing. — Anytime An Inmate is taken to Disciplinary Court. the Recorder is turned on. [After the Inmate has made A Statement and/or Presented a defense the recorder will be mute and witness statements will be reviewed and documented. See Claimant Exhibit (B) AD. 15-01 Page 18 of 44. (14), (15), (16), (17), (18), 19, (20) (21). Claimant- Exhibit (B). line (13) to (21) Shows the Respondents. Are Attempting to Fabricate. what Really Happen. ~~TRUTH~~ IS, Claimant was Denied to Appeal And. SPEAK on his on Behalf. And. Present/submit documentary evidence., Respondents waived Claimant. Disciplinary hearing, without Claimant. Consent. A. violation of. Disciplinary Policy. Claimant had to do (13) days in Punitive Isolation. Because of Respondents violation of the. Disciplinary Policy, with Clerk Conscious of what they were doing.

7) The Respondent claimant. Claimant Disciplinary was Reversed. because Claimant Statement was not write down. — NOT TRUE. See Claimant Exhibit (C). the Appeal that was Forwarded to Mr. Raymond Naylor. Disciplinary Hearing Administrator. 2/11/2015
8) Claimant Claim Should. Not Be Dismissed Claimant Attempted to mis Advise And mislead this Commission ~~was~~ Show the Respondent has Fabricated. And Claimant Exhibits. Proves this, Claimant. had to spend (13) days in Punitive Isolation loss. of All Privileges only Because. Respondent choose to intentionally Violate. these. Policy., And this is. Wrong. Claimant is Entitled to the \$1300.00. he. Seeks. it is Prayed Respectfully Submitted
Tommy. Bibbs, Claimant

3502

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Gibbs, Tommy

ADC#: 086084B

Unit: East AR Region. Unit

Code Violation(s):

- 12-1 Failure to obey verbal and/OR written orders of staff
- 10-3 Indecent Exposure
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Recorder: Waddle, Keith L

Tape#:

Side:

Meter: From

To

Plea: Not Guilty, Not Guilty, Not Guilty, Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed?

Inmate's Statement:

Signature of Inmate

Court Questions:

Sentencing Conditions:

Verdict: Guilty, Guilty, Guilty, Guilty, Guilty

Restriction Days to Serve

Commissary:	60	Days Suspended:	0
Phone:	60	Days Suspended:	0
Visitation:	60	Days Suspended:	0
Punitive Isolation Days to Serve:	30	Days Suspended:	0
GT Class Reduced to:	IV	Class Suspended:	

16-0008-01

CLAIMANT EXHIBIT - A -

2-3-15 MB

Escort

Exhibit A

13. The inmate must be afforded an opportunity to speak on his/her own behalf and submit any documentary evidence excluding witness statements. All documentary evidence presented will become a part of the disciplinary packet. All witness statements are to be gathered by ADC employees after the inmate has submitted a witness list to the serving officer. Inmates will not be allowed to gather and submit witness statements on their own.
14. After the inmate has made a statement and/or presented a defense, the recorder will be muted and witness statements will be reviewed and documented.
15. The Disciplinary Hearing Officer must carefully weigh all evidence with special emphasis upon individual pieces of "primary evidence." Rumor or suspicion about an inmate's behavior shall not be taken into account.
16. After the Disciplinary Hearing Officer has weighed all of the evidence, a decision shall be made regarding guilt/innocence.
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18. The video conferencing system will then be un-muted. The inmate must then be informed as to the finding of guilt or innocence on each particular rule violation and must be informed of the punishment, if any, imposed.
19. The inmate must be informed of his right to appeal and to obtain staff assistance in the fashioning of an appeal if needed.
20. The inmate will receive an oral statement detailing the reason for the finding of guilt or innocence at the time the hearing officer informs the inmate of the verdict. The hearing officer will reduce these reasons to writing prior to the conclusion of that business day and the unit disciplinary officer will provide a typed copy or ISSR 100 (electronic generated disciplinary hearing results form) generated by electronic Offender Management Information System to the inmate within twenty-four (24) hours. The inmate is not required to sign the typed copy. It is sufficient to indicate that the inmate signed (or refused to sign) the original copy.
21. When the Disciplinary Hearing Officer has completed his/her work for the day, the Disciplinary Hearing Officer shall complete the disciplinary court report.

step 2 Hearing Officer Administrator's 2, 11.2015
On my appear Mr. R Naylor the Warden isn't stating anything concerning my plea. Sir I never was at my Hear because the staff never escorted me to disciplinary Court. On the hearing action form it shows I didn't make a statement because I was not there. Also on the blue form it shows "Attendance waived the answer is No. Therefore the ADC Security staffs should have escorted me to my hearing. But I was denied that right! There isn't No documents showing I waived to give up my rights. Sir I asked that the ISO-2 log be reviewed it will show I never left out on 2.3.2015 to go anywhere. (the day my hearing was held by Hearing Officer)... Accordly to the ADC Policy AR 831 to deny a inmate of their hearing (w/o a waive being sign isn't the procedure). All documents show sir Hearing Officer held my hearing w/o me being there. Truth is Blue Copy show I didn't ~~waive~~ "waive" They (Staff) should have took me to disciplinary Court but did not. Please be just and true to the facts... Thank you sir!

CLAIMANT
EXHIBIT "E"

Inmate Tommy Gibbs #86084

CERTIFICATE OF SERVICE.

I Certify that a copy of the Above motion. Responding to Respondent motion to Dismiss has been Served on this 23rd day of October. 2015. on the Respondents LISA Mills Wilkins ARK BAR #87190. Attorney/Supervisor P.O. Box 8707 Pine Bluff, AR. 71611. by placing a copy of same in the U.S. mail, regular postage.

Respectfully Submitted

M.R. Tommy Gibbs

ARL # 086084

EARU

P.O. Box. 970

MARIANNA, AR. 72360-

0970

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 1300.00

Claim No. 16-0008-CC

<u>Tommy Gibbs, #086084</u> Claimant	Attorneys	<u>Pro se</u> Claimant
vs.		
<u>Department of Corrections</u> Respondent		<u>Lisa Wilkins, Attorney</u> Respondent
<u>State of Arkansas</u>		
Date Filed <u>July 6, 2015</u>	Type of Claim	<u>Failure to Follow Procedure</u>

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2 and 3 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 and 3 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing November 12, 2015

Date of Disposition November 12, 2015

Robert L. May Chairman
M. H. ... Commissioner
John ... Commissioner

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

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IN THE CLAIM REVIEW SUBCOMMITTEE
OF THE ARKANSAS GENERAL ASSEMBLY

Tommy Gibbs (ADC # 086084) Claimant
↓
Arkansas Department of Correction No. 16-0008-cc Respondent

NOTICE OF APPEAL

Comes Now the Claimant Tommy Gibbs, and, with his Notice of Appeal. States and, alleges as follows

Notice is hereby given that the Claimant is Appealing the granting of the decision by the Arkansas State Claim Commission rendered November 12, 2015 in the Above matter to the General Assembly of State of Arkansas in accordance with Arkansas Statute 19-10-211

Claimant hereby designate the entire Record, and all Proceedings, exhibits, evidence And documents introduced. in evidence to be Contained in the Record on Appeal

Respectfully Submitted
Claimant

/s/ Tommy Gibbs
ADC # 086084
East AR. Reg. unit
P.O. Box 970
MARIANNA, AR 72368

CERTIFICATE OF SERVICE

I certify that a copy of the Notice of Appeal has been Served this 16th day of November, 2015, on the below Respondent by placing a copy of the same in the U.S. Mail Regular Postage to.

LISA MILLS WILKINS, ARK. BAR. #87190
Attorney Supervisor
Post office Box 8707
Pine Bluff, AR. 71611

Tommy Gibbs # 086984
Claimant