



**STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH**

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for Information Technology Services

***Claims Review/Litigation Reports Oversight Subcommittee
of the Arkansas Legislative Council
Claims Subcommittee of the Joint Budget Committee
Statement of Redaction of Confidential Information***

Style of Case: Leundra Davis v. Arkansas Division of Correction

Docket Number: Claim No. 201177

Type of Matter (please circle one):

Claims Review

Litigation Reports Oversight

As indicated by my signature below:

- I acknowledge that documents submitted to the Subcommittee may be published or disseminated by the Subcommittee for purposes of its consideration and those documents that are published or disseminated by the Subcommittee will be considered subject to disclosure under the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.
- I further acknowledge that it is my responsibility to review each document submitted to the Subcommittee and make any necessary redactions.
- I certify that I have reviewed each document submitted herein and have redacted all confidential information excluded from public access by Arkansas Supreme Court Administrative Order No. 19, § VII, and the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., including without limitation an individual's home address, personal email address, personal phone number, date of birth, social security number, information identifying a minor child, medical records, and financial account numbers.
- If a redacted document has been submitted, I have also included a non-redacted copy of the same document that may be considered exempt from disclosure under Arkansas Code § 25-19-105.


Signature

Mika Tucker
Name

Arkansas State Claims Commission, Attorney Specialist

Title and Agency

February 28, 2024

Date

JUN 16 2020

RECEIVED

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

- ☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Leundra Davis # [REDACTED], Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces

Claim No. _____

Date Filed _____
(Month) (Day) (Year)

Amount of Claim \$ _____

Fund _____

COMPLAINT

Leundra Davis

the above named Claimant, of [REDACTED]

(Name)

County of [REDACTED] represented by PIC 30
(Legal Counsel, if any, for Claim)

(State) (Zip Code) (Daytime Phone No.)

of _____, says:
(Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)State agency involved: Arkansas Department of Correction Amount sought: \$2,344.60Month, day, year and place of incident or service: November 7th 2019 [REDACTED]

Explanation: On Thursday, November 7th, 2019 in housing 1, barracks 2, which was the barracks me and my property were being housed. My property came up missing from my cell while I was at school. On the above said date 11-7-2019, while I was at school officers came into (2 barracks) notifying them to pack their property because they'll be moving to the gym. "Major C. Christopher", had officers to bring me back to (2 barracks) from school to get my property. Upon returning to the barracks none of my property was in the cell or barracks. Upon looking for my property some of it was located in the barber shop and in north control booth. While going thru my property I noticed a few items were missing which consist of: 1 PRAYER Rug, 1 Holy KORAN, 1 Pair B10 headphones, and 1-MP3 PLAYER, 6-ramen noodles, 2- Frozen Flake cereal and 6-branola bars. My cellmate, Darnell Washington, A/C [REDACTED] stated that when he left out for work that my property was still in the cell that he took his property leaving mine in the cell. According to AD 14-03 property control my property has to be packed by an officer if I'm not present and also it was suppose to be inventory by marking the items packed on a property form. I filed a few grievances on November 7th 2019 Gov# AR-19-01286 which I asked that the camera footage be reviewed and that this be investigated to see who stole my property which I received a response back from the Warden on 11-22-2019 Captain Dallas breached policies and procedures of Employee Conduct AR-225 13-B falsification of written/verbal statements and AR-225-17 which he stated (see attached sheet)

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?

N/A; when? N/A; to whom? N/A
(Yes or No) (Month) (Day) (Year) (Department)

and that the following action was taken thereon: N/A

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

(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: N/A

and was acquired on N/A, in the following manner:

THE UNDERSIGNED states on oath that he or she is qualified to administer oaths and that he or she verily believes that they are true.

(Print Claimant/Representative Name)

(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

(SEAL)

on this

(Date)

day of

(City)

(State)

(Year)

SHELIA R JOHNSON
NOTARY PUBLIC-STATE OF ARKANSAS
JEFFERSON COUNTY
My Commission Expires 09-05-2028
Commission # 12706182

Shelia R Johnson

(Notary Public)

SF1- R7/99

My Commission Expires:

(Month)

(Day)

(Year)

(Continuance ~~from~~) In his response to the grievance I filed (Gr# OR-19-01284) he stated that he recovered the items I reported missing, so I filed another grievance on 11-21-2019, cause Captain Dallas and other officers took 1 magazine from my cell stating it was contraband which he later had to return none of the items I reported missing were not recovered. Captain Dallas openly admits breaking policy by allowing another inmate to pack my property which policy he should be clearly aware about do to him being "Ranked as Captain" cause policy states that if its not an officer or the owner of the property no other inmate shall be allowed to pack the property the property was suppose to be inventoried according to AD-14-03 inmate personal property inventory and packed by an officer or by the owner (me) Captain Dallas's statement has nothing to do with November 7th 2019 with which a proper investigation by the Warden and or grievance administrator would've noticed the dates Captain Dallas states November 2nd 2019, was on a Saturday I would not have been at school. I've taken all exhaustion requirements at the unit level trying to get this handled. I've asked in the grievances to please review the camera footage to see what happen or who took my property none at it has been done. I also used the inmate PREA HALLIVAS which is used for reports on officers and or sexual assault/rape of offenders. Which Captain ~~Dallas~~ Johnson got with me told me this situation will be investigated. I have the "Memorandum", witness statements, property forms, grievance and stolen property forms included in this claim. I've been asking that this property please be found and returned, or replaced. The MP3 player was valuable considering it's the only means I have as an inmate to respond to emails my loved ones send which is a very important part in helping me during these stressful times of incarceration. As for my prayer rug I'm having to use a state issued blanket and a Koran that is in the chapel which is smaller and hard to read even with my glasses on. I'm asking that the State Claims Commission please help me on this matter. I'm asking that the people at fault be held accountable here within the Arkansas Department of Correction at the (see attached paper)

(continued) Ouchalia River Correctional Unit in Mulvren, Arkansas
and that I be granted my missing property replaced

Itemized list of property

Edge mini MP3 player 8 GB -

\$154.00

PRAYER Rug

\$50.00

Holy Koran Large print -

\$65.00

R-10 Headphones -

\$ 50.00

Ramen Noodles x 6

\$ 1.74

Granola bars x 4

\$ 3.96

Frosted Flake, x 2

\$ 9.90

Pain & Suffering

\$ 1,000

Mental Stress and Anguish

1,000

= Total \$2,344.60

Respectfull Submitted

x Leundra Davis AD [REDACTED]

Leundra Davis

I inmate L. Davis AD#

am requesting that I be granted

proper justice in my claims for the return of my missing/loss/
stolen property and rewarded of the damages suffered

RECEIVED

NOV 14 2019

OUACHITA RIVER UNIT
GRIEVANCE OFFICE

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [REDACTED]

Name Leundra DavisADC# [REDACTED] Brks # 2 Job Assignment Fig. 1/Sch

FOR OFFICE USE ONLY

GRV. # 9-01286Date Received: 11-14-19GRV. Code #: 305

JUN 16 2020

11-7-19 (Date) STEP ONE: Informal Resolution11-13-19 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: This complaint wasnot resolved or even negotiated please look into this
(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 serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In 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 Thursday NOV 7, 2019 I was atSchool when 2-barracks was told to move to the gym. Some of my stuff was
packed because we was suppose to move the day before. While I was at school
some body from the Clean up crew went into my cell and stole my property
12-10's blood phones, my M.K.Y. player and a little commissary. When I came
out of school my property was in the main-hall way the barbet shop and I
can't tell you how it got there. When my cellmate got off work he stated my
stuff was in the cell when he left with his property. I want this matter
investigated I have my property forms and every to prove what I had be-
fore. Some one went in my cell. I want video played back so that we can
find out who has my property its important to me because my family don't
send me money just so my stuff can be taken when I'm not around.
Stolen property form as well as a statement from my cell mate have been
prepared for you. Please look into this matter. I just want my property back
is all.Inmate Signature Leundra DavisDate NOV 7, 2019Chris Tophers
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 11-11-19 (date), and determined to be **Step One** and/or an Emergency GrievanceYes (Yes or No). This form was forwarded to medical or mental health? No (Yes or No). If yes, name
of the person in that department receiving this form: _____ Date _____PRINT STAFF NAME (PROBLEM SOLVER) Set D. Griffin

ID Number [REDACTED]

Staff Signature Set D. Griffin

RECEIVED

Date Received 11-11-19

Describe action taken to resolve complaint, including dates: _____

DEC 02 2019

Staff Signature & Date Returned _____

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.

INMATE NAME: Davis, Leundra

ADC #: [REDACTED]

GRIEVANCE #: [REDACTED]-19-01286

WARDEN/CENTER SUPERVISOR'S DECISION

In your grievance dated 11-7-19, you stated "On Thursday Nov 2, 2-19 I was at school when 2-barracks was told to move to the gym some of my stuff was packed because we was suppose to move the day before. While I was at school somebody from the clean up crew went into my cell and stole my property R-10's head phones, my M.P. 4 player and a little commissary. When I came out of school my property was in the main-hall-way the barber shop and I can't tell you how it got there. When my cell mate got off work he stated my stuff was in the cell when he left with his property. I want this matter investigate I have my property forms and every to prove what I had before someone went in my cell. I want video played back so that we can find out who has my property its important to me because my family don't send me money just so my stuff can be taken when I'm not around. Stolen property form ask ? as a statement from my cell mate have been prepared for you. Please look into this matter I just want my property back is all."

In his response, Captain Dallas states that on 11-21-19, he went to your cell and talked with you. It was determined that the items you listed as missing were actually found in your cell, once Captain Dallas checked your property. This should have resulted in a major disciplinary being placed on you. It was also determined that your cell mate was not at work but was the one that actually packed your property up for you the morning of Nov, 2, 2019. The next time you falsify documents and make false accusations, you will receive disciplinary action.

I find this grievance without merit.



Signature of Warden/Supervisor or Designee

RECEIVED
DEC 02 2019
Warden

Title

Date

11-22-19

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? Documents are being falsified by Capt. Dallas why throw my cell mate under the bus when it's not his fault, half of my property was in north control and they found the rest throwed in the barber shop across from north control. No inmates have keys to either room then he lied and stated that my cell mate wasnt at work on the Nov 2, 2019 "please tell me what that have to do with Nov 7, 2019 5 days later? But Capt. Dallas is lying so fast that he aint paying attention to date's or anything so you tell me how he is going to determine anything if you dont know what day it happen. Plus he lied because they never found any items, thats on my stolen property form please look into the documents that is being falsified and the

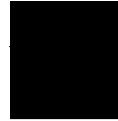
RECEIVED
NOV 21 2019
OQUACHITA RIVER UNIT
WARDENS OFFICE

Page 1 of 2 lies being told. Thank you!

Leundra Davis

Inmate Signature

ADC#:



Nov 22, 2019

Date

RECEIVED
DEC 02 2019
INMATE OFFICE
FACILITY

IGTT430
3GD

Attachment VI

INMATE NAME: Davis, Leundra

ADC #: [REDACTED]

GRIEVANCE# [REDACTED] 9-01286

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

In your grievance dated 11-7-19, you stated, "On Thursday Nov 2, 2-19 I was at school when 2-barracks was told to move to the gym some of my stuff was packed because we was suppose to move the day before. While I was at school somebody from the clean up crew went into my cell and stole my property R-10's head phones, my M.P. 4 player and a little commissary. When I came out of school my property was in the main-hall-way the barber shop and I can't tell you how it got there. When my cell mate got off work he stated my stuff was in the cell when he left with his property. I want this matter investigate I have my property forms and every to prove what I had before someone went in my cell. I want video played back so that we can find out who has my property its important to me because my family don't send me money just so my stuff can be taken when I'm not around. Stolen property form ask ? as a statement from my cell mate have been prepared for you. Please look into this matter I just want my property back is all."

On 11/22/19 the warden responded, "In his response, Captain Dallas states that on 11-21-19, he went to your cell and talked with you. It was determined that the items you listed as missing were actually found in your cell, once Captain Dallas checked your property. This should have resulted in a major disciplinary being placed on you. It was also determined that your cell mate was not at work but was the one that actually packed your property up for you the morning of Nov, 2, 2019. The next time you falsify documents and make false accusations, you will receive disciplinary action. I find this grievance without merit."

Your appeal was received on 12/2/19. In your appeal you stated that half of your property was located in North Control and the rest in the barber shop across from North Control. No inmates have keys to these rooms. You also stated that Capt. Dallas lied because they never found any items that was listed on my stolen property form.

I have reviewed your appeal and the response from the warden, I concur with the warden's decision. I find no merit in your appeal.

Appeal denied.



Director

Date

1/16/20

RECEIVED

NOV 26 2019

OUACHITA RIVER UNIT
GRIEVANCE OFFICE

FOR OFFICE USE ONLY

GRV.

19-01328

Date Received:

11-26-19

GRV. Code #:

505

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center

Name Leundra Davis

ADC# Brks # 2 Job Assignment Sch / F. u. l

11-21-19 (Date) STEP ONE: Informal Resolution

11-25-19 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: never received a response on my first step, so problem was not resolved

(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 serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In 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 Nov 21, 2019 about 9:30 or 9:45 am I was called back to H.U. 1 from School and when I entered 2 barracks my cell 201 was being searched by Capt. Dallas, Cpl. Woods and Cpl. John Doe. Capt. Dallas violated policy when he took my Magazine that I came from another unit with. It's on my property forms. But my question is why did he take it? It don't have nudity in it, It's not a threat to security at this unit so why did he take my book? Maybe he was right when I ask him why he was taking my magazine and he stated because he can. then he violated policy because he took my magazine and didn't give me a Confiscation Sheet so he violated AR-225-17 because his conduct wasn't in conformance with policy. Plus for them to be messing with me for no reason is violating policy because it's willful harassment. So could you please look into this matter because I feel that I am being retaliated against. Thank you! Note: Capt. Dallas didn't issue me a Confiscation Sheet within 24 hours nor was I given the choice to donate or mail my magazine home!

Leundra Davis

Inmate Signature

NOV 21, 2019

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 ONLYThis form was received on 11-22-19 (date), and determined to be **Step One** and/or an Emergency Grievance YES (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: Date

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

RECEIVED

Date Received

Describe action taken to resolve complaint, including dates:

DEC 06 2019

INMATE GRIEVANCES SUPERVISOR

ADMINISTRATION BUILDING

Staff Signature & Date Returned

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.

INMATE NAME: Davis, Leundra

ADC #: [REDACTED]

GRIEVANCE #: OR-19-01328

WARDEN/CENTER SUPERVISOR'S DECISION

In your grievance dated 11-21-19, you stated "On Nov 21, 2019 about 9:30 or 9:45 am I was called back to H.U.1 from school and when I entered 2 barracks my cell 201 was being searched by Capt. Dallas, Cpl. Woods and Cpl. John Doe Capt. Dallas violated policy when he took my Magazine that I came from another unit with Its on my property forms. But my questions is why did he take it? It don't have nudity in it. its not a threat to security at this unit so why did he take my book? Maybe he was right when I ask him why he was taking my magazine and he stated because he can. then he violated policy because he took my magazine and didn't give me a confiscation sheet so he violated AR-225-17 because his conduct wasn't in conformace with policy. Plus for them to be messing with me for no reason is violating policy because its willful harassment. So could you please look into this matter because I feel that I am being retaliated against. Thank you! Note: Capt Dallas didn't issue me a confiscation sheet within 24 hours nor was I give the choice to donate or mail my magazine home!"

In his response, Captain Dallas states that the magazine confiscated from you was a porn magazine, which is considered contraband in the A.D.C.

I find this grievance without merit.

RECEIVED

DEC 06 2019

Warden

12-2-19

Signature of Warden/Supervisor or Designee

GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

Title

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 grievance system here at O.R.C.U. is Politically rigged and warden Earl is the biggest Politician of them all, because all he do is make excuse's and find ways to cover up thier wrong doings. All these people do down here is falsify documents written and verbal and nothing is never done about it, now here this Captain Dallas done lied to his supervisor about my magazine being a porn magazine, But yet while the Warden is answering my grievance based on a lie he done told why is it that my magazine is returned to me? The same porn magazine let him tell it!

[REDACTED]

ADC #: [REDACTED]

Dec 3, 2019

Date

Leundra Davis

Inmate Signature

RECEIVED

DEC 02 2019

OUACHITA RIVER UNIT
WARDENS OFFICE

IGTT430
3GD

Attachment VI

INMATE NAME: Davis, Leundra

ADC # [REDACTED]

GRIEVANCE# [REDACTED] 19-01328

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION


In your grievance dated 11-21-19, you stated, "On Nov 21, 2019 about 9:30 or 9:45 am I was called back to H.U.1 from school and when I entered 2 barracks my cell 201 was being searched by Capt. Dallas, Cpl. Woods and Cpl. John Doe Capt. Dallas violated policy when he took my Magazine that I came from another unit with Its on my property forms. But my questions is why did he take it? It don't have nudity in it. its not a threat to security at this unit so why did he take my book? Maybe he was right when I ask him why he was taking my magazine and he stated because he can. then he violated policy because he took my magazine and didn't give me a confiscation sheet so he violated AR-225-17 because his conduct wasn't in conformace with policy. Plus for them to be messing with me for no reason is violating policy because its willful harassment. So could you please look into this matter because I feel that I am being retaliated against. Thank you! Note: Capt Dallas didn't issue me a confiscation sheet within 24 hours nor was I give the choice to donate or mail my magazine home!"

On 12/2/19 the warden responded, "In his response, Captain Dallas states that the magazine confiscated from you was a porn magazine, which is considered contraband in the A.D.C. I find this grievance without merit."

Your appeal was received on 12/6/19. In your appeal you stated the grievance system at ORCU is politically rigged, all these people do down here is falsify documents, written and verbal.

In review of your appeal, I find that you have addressed a different issue than was raised in your grievance. Per AD19-34 Inmate Grievance Procedure; Section IV. Procedures; Subsection G. Steps to Appeal the Unit Level Grievances Decision; #2. (partially quoted) Do not list additional issues, request, or names which were not a part of the original grievance, as those will not be address. I concur with the warden's decision and find no merit in your appeal.

Appeal denied.



Director

Date

1/23/20

Department of Correction

Report of Stolen Property

To: Major Christopher, Chief Security Officer

Name: Leundra Davis, ADC# [REDACTED]

Description of Property:

1- Prayer Rug, 1- Holy Koran, 1 Pair R-10 head phones, 1- M.P. 4- Player
6 Raman Soups, 2- Frosted Flakes, and 6 Granola bars

Give complete detail of property and where property was last seen:

When I left going to school my Prayer Rug & my Holy Koran was laying on
top of my table folded up, my M.P. 4. player was laying in my window and
my head phones was hanging on the bed as always. my food ^{was} ~~was~~ in my
laundry bag at the foot of my bed, Major Christopher had officer's to bring
me back to 2 barracks to see if my stuff was down there or it had been
left in the barber shop where some body stuck my property. I would truly
be most grateful if you would Re-cover my property. Thank you!

Approved ☐

Inmate Signature: Leundra Davis

Denied ☐

Security Officer: _____

STATE OF ARKANSAS)

COUNTY OF CLARK)

SS



SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 12

Day of November, 20 .

Winburn Earl Melugin Jr.
NOTARY PUBLIC

My Commission Expires: 9/5/2028

ARKANSAS DEPARTMENT OF CORRECTION
STATEMENT OF WITNESSName Darnell Washington Rank/Status/Number [REDACTED] U [REDACTED]

STATEMENT: The following is the truth and nothing but the truth
that on Nov 7, 2019 I never packed my cell mate property nor
have I stated to any staff or Inmate that I did, Capt. Dallas
has falsified documents stating that I packed my Cell mate
property for him while he was at school. Also he is putting light
on me as if I played apart in taking my cell mate's property
and lied stating I wasn't at work in which I was I would
like a full investigation in this matter because I'm being used
by staff as a test dummy in order for them to sweep the
real truth under the rug!

I make this statement freely, under no duress, and without undue coercion exerted against me by any correctional officer or official of the Arkansas Department of Correction.

Darnell Washington
Signature11-22-19
DateCapt. John

Witness/Statement Taken By

STATE OF ARKANSAS

COUNTY OF Hot SpringsAFFIDAVIT

I, Darnell Washington, after first being duly sworn, do hereby swear, depose and state that: the following is the truth and nothing but the truth that on Nov 7, 2019 I never packed my cell mate property nor have I stated to any staff or inmate that I did, Capt. Dallas has falsified documents stating that I packed my cell mate property for him while he was at school. Also he is putting light on me as if I played apart in taking my cell mate's property and lied stating I wasn't at work in which I was I would like a full investigation in this matter because I am being used by staff as a test dummy in order for them to sweep the real truth under the rug.

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

11-24-19
DATE

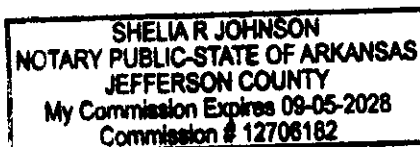
Darnell Washington
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 24th day of

November, 2019.

Shelia R Johnson
NOTARY PUBLIC

My Commission Expires: 09-05-2028



-- Reprint -- Reprint -- Reprint --

Arkansas ADC

Canteen 4

Davis, Leundra

Customer Number:

Housing Location:

BK02/201L

REGULAR RECEIPT

Item	Qty	Price
Edge Mini MP3 Player 8GB	1 @ 140.00	140.00
Subtotal		140.00
Sales Tax		14.00
Total		154.00

February 16, 2018 08:32:07 AM

X _____
Davis, Leundra

-- Reprint -- Reprint -- Reprint --

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

Transfer ☒ 48 on ☐ 48 off ☐ Medical ☐ Court ☐ Other ☐

Inmate's Name: Devis, Leandra ADC# [REDACTED] Sending Institution [REDACTED]

Non-Expendable Items

ITEM (# allowed)	#REC/SEN	CODE	#RET'D	DESCRIPTION	ITEM	#REC/SENT	CODE	#RET'D	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)	1	S		
All Books (10)	20	1010			Personal Mail	num	K		
Bathrobe (F, 2)					Photos (5)	5	K		
Bowls	4	1+3			Radio (1)	2	1+1		
Bras/Panties (F-I 3 ea + 5)					Religious Material	1	K		
Comb (M, I 1)	1	K			Religious Medal (1)				Prayer Rug
Cup	1	K			Ring (1)	2	S		Gold & Silver Band
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)	1	1+2		
Ear buds/earphone(1)	2	K			Soap Dish	2	1+1		
Earplugs					Socks (1 3 + 2)	6	3+3		
Eyeglasses/Contacts (1)	1	K			Stockings				
Gloves (1)					Sweat Pants (1)	1	K		
Gym Shoes (1)	3	1+2		Workout Clothes	Sweat Shirts (1)				
Hair Brush (1)	1	K			Toothbrush holder				
Laundry Bag (1 1 + 1)	3	1+1			Undershirts	20	S+I		
Legal Mail/Transcript	num	K			Undershorts (M,I-2 + 3)	6	3+3		
Magazines (3 ea)	1	K			Watch-Wrist (1)				

Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

Batteries (4)	2	K			Flex Pens				
Beauty Aid products	2	K			Food items	20	K		
Denture adhesive (2)					Hair Dressing (2)	2	1+1		
Deodorant (2)	4	2+2			Shampoo (2)				
Envelopes (10)					Shaving Cream (2)				

Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

State Issued Items

Brogans-shoes (1pr)					Razor-Safety (2)				
Pants (3 pr)					Shirts (3)				
Cap/Hat (1)					Soap	2	1+1		
Canvas Shoes (M,1)					Thermals (2 sets)	2	1+1		
ADC Hand Book					Bath Towel as needed	1	1+2		
Toothbrush (1)	1	K			Toothpaste (2)	1	K		
Jacket/Coat (1)					Washcloth (1)	2	1+1		

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

Printed Name / Sign Name / Badge # of Official Receiving Property [Signature] Date 12/11/12 Location Stored 4C0 Inmate's Signature & ADC# / Witness, if refuses [Signature] Date 12/11/12

Printed Name / Sign Name / Badge # of Official Returning Property [Signature] Date 12/11/12 Location Stored 4C0 Inmate's Signature & ADC# / Witness, if refuses [Signature] Date 12/11/12

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

Transfer _____ 48 on _____ 48 off _____ Punitive _____ Medical _____ Court _____ Other _____

Inmate's Name: Davis ADC#: _____ Sending Institution: _____ Receiving Institution: _____

Non-Expendable Items

ITEM (# allowed)	#REC/SEN	CODE	#RET'D	DESCRIPTION	ITEM	#REC/SEN	CODE	#RET'D	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)	1	S		
All Books (10)	7	K			Personal Mail	4	K		Folders
Bathrobe (F, 2)					Photos (5)	24	K		MP4
Bowls					Radio (1)	1			Q. up'n
Bras/Panties (F-I 3 ea + 5)					Religious Material	1			
Comb (M, I 1)	1	K			Religious Medal (1)				
Cup	2	K			Ring (1)				
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)	1	K		
Ear buds/earphone(1)	3	S			Soap Dish	3	K		
Earplugs					Socks (I 3 + 2)	7	K		
Eyeglasses/Contacts (1)					Stockings				
Gloves (1)					Sweat Pants (1)	2	S		
Gym Shoes (1)	2	S		Reebok	Sweat Shirts (1)	4	S		
Hair Brush (1)	4	K			Toothbrush holder				
Laundry Bag (I 1 + 1)	5	K			Undershirts	16	S		
Legal Mail/Transcript					Undershorts (M,I-2 + 3)				
Magazines (3 ea)					Watch-Wrist (1)	1	S		Olac

Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

Batteries (4)	4			AA	Flex Pens				
Beauty Aid products					Food items	188	K		
Denture adhesive (2)					Hair Dressing (2)	1	K		
Deodorant (2)					Shampoo (2)				
Envelopes (10)	29	K			Shaving Cream (2)				

Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

Blanket	1	S			Earbud	1	S		
Shirts	2	S			prayer rug	1	K		
Mirror	1	K							

State Issued Items

Brogans-shoes (1pr)					Razor-Safety (2)	9	S		
Pants (3 pr)	3	S			Shirts (3)	3	S		
Cap/Hat (1)					Soap	1	K		
Canvas Shoes (M,I)	1	K			Thermals (2 sets)				
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)					Toothpaste (2)				
Jacket/Coat (1)					Washcloth (1)				

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

Printed Name / Sign Name / Badge # of Official Receiving Property _____ Date _____ Location Stored _____

Inmate's Signature & ADC# / Witness, if refuses _____ Date 7-2-18

Printed Name / Sign Name / Badge # of Official Returning Property _____ Date _____ Location Stored _____

Inmate's Signature & ADC# / Witness, if refuses _____ Date _____

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

Transfer _____ 48 on _____ 48 off _____ Punitive _____ Medical _____ Court _____ Other OCK

Inmate's Name: Davis ADC# [REDACTED] Sending Institution: _____ Receiving Institution: _____

Non-Expendable Items

ITEM (# allowed)	#REC/SEN	CODE	#RET'D	DESCRIPTION	ITEM	#REC/SEN	CODE	#RET'D	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)	2	S		
All Books (10)	10	S			Personal Mail	1	S		1 bundle
Bathrobe (F, 2)					Photos (5)				
Bowls	2	1K2S			Radio (1)	5	S		2 radio 1 map 1 table
Bras/Panties (F-I 3 ea + 5)					Religious Material	2	K		Bible / Quran
Comb (M, I 1)	2	1K1S			Religious Medal (1)				
Cup	3	K			Ring (1)				
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)	2 pair	1K1S		
Ear buds/earphone(1)	5	S			Soap Dish	5	1K3S		
Earplugs					Socks (I 3 + 2)	2 pair	K		
Eyeglasses/Contacts (1)	2	1K1S			Stockings				
Gloves (1)					Sweat Pants (1)	1	S		
Gym Shoes (1)	3 pair	S			Sweat Shirts (1)	2	S		
Hair Brush (1)	4	1K3S			Toothbrush holder	2	S		
Laundry Bag (I 1 + 1)	4	S			Undershirts	2	S		
Legal Mail/Transcript					Undershorts (M,I-2 + 3)	2	K		
Magazines (3 ea)	6	S			Watch-Wrist (1)	1	S		

Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

Batteries (4)	20	S			Flex Pens				
Beauty Aid products	6	S			Food items	5	K		
Denture adhesive (2)					Hair Dressing (2)	1	1K2S		
Deodorant (2)	4	1K3S			Shampoo (2)	1	K		
Envelopes (10)					Shaving Cream (2)				

Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

mirror	1	K			pillow	1	S		
blanket	5	S							
shirts	2	S							

State Issued Items

Brogans-shoes (1pr)					Razor-Safety (2)	5	S		
Pants (3 pr)	2	S			Shirts (3)	2	S		
Cap/Hat (1)	2	S			Soap	7	1K3S		
Canvas Shoes (M,1)					Thermals (2 sets)				
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)	2	1K1S			Toothpaste (2)	5	1K4S		
Jacket/Coat (1)					Washcloth (1)	2	K		

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

Printed Name / Sign Name / Badge # of Official Recording Property _____ Date _____ Location Stored _____ Inmate's Signature & ADC# / Witness, if refuses _____ Date _____

Printed Name / Sign Name / Badge # of Official Returning Property _____ Date _____ Location Stored _____ Inmate's Signature & ADC# / Witness, if refuses _____ Date _____

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

Transfer _____ 48 on _____ 48 off _____ Position _____ Medical _____ Court _____ Other _____
 Inmate's Name: Davis ADC#: _____ Holding Institution: _____ Receiving Institution: _____

Non-Expendable Items

ITEM (# allowed)	#REC/SEN	CODE	#RET'D	DESCRIPTION	ITEM	#REC/SENT	CODE	#RET'D	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)	1	S		
All Books (10)	7	K			Personal Mail	4	K		Folders
Bathrobe (F, 2)					Photos (5)	24	K		
Bowls					Radio (1)	1			MP4
Bras/Panties (F-I 3 ea + 5)					Religious Material	1			Q up on
Comb (M, I 1)	1	K			Religious Medal (1)				
Cup	2	K			Ring (1)				
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)	1	K		
Ear buds/earphone(1)	3	S			Soap Dish	3	K		
Earplugs					Socks (1 3 + 2)	7	K		
Eyeglasses/Contacts (1)					Stockings				
Gloves (1)					Sweat Pants (1)	2	S		
Gym Shoes (1)	2	S		Reebok	Sweat Shirts (1)	4	S		
Hair Brush (1)	4	S			Toothbrush holder				
Laundry Bag (I 1 + 1)	3	K			Undershirts	16	S		
Legal Mail/Transcript					Undershorts (M,I-2 + 3)				
Magazines (3 ea)					Watch-Wrist (1)	1	S		Dial K

Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

Batteries (4)	4	S		AA	Flex Pens				
Beauty Aid products					Food items	188	K		
Denture adhesive (2)					Hair Dressing (2)	1	K		
Deodorant (2)					Shampoo (2)				
Envelopes (10)	24	K			Shaving Cream (2)				

Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

Blanket	1	S			Car bed	1	S		
Shirts	2	S			prayer rug	1	K		
Mirror	4	S							

State Issued Items

Brogans-shoes (1pr)					Razor-Safety (2)	9	S		
Pants (3 pr)	3	S			Shirts (3)	3	S		
Cap/Hat (1)					Soap	1	K		
Canvas Shoes (M,I)	1	K			Thermals (2 sets)				
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)					Toothpaste (2)				
Jacket/Coat (1)					Washcloth (1)				

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

Printed Name / Sign Name / Badge # of Official Receiving Property _____ Date _____ Location Stored _____ Inmate's Signature & ADC# / Witness, if refuses _____ Date _____

Printed Name / Sign Name / Badge # of Official Returning Property _____ Date _____ Location Stored _____ Inmate's Signature & ADC# / Witness, if refuses _____ Date _____

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

Transfer _____ 48 on _____ 48 off _____ Medical _____ Court _____ Other _____

Inmate's Name: Davis, Leundra ADC#: _____ Sending Institution: _____ Receiving Institution: _____

Non-Expendable Items

ITEM (# allowed)	#REC/SEN	CODE	#RET'D	DESCRIPTION	ITEM	#REC/SEN	CODE	#RET'D	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)	1	S		
All Books (10)	10	K			Personal Mail	1	K		Bundle
Bathrobe (F, 2)					Photos (5)				
Bowls	2	K-S		1 Kept-1 Stored	Radio (1)	1	S		Mini-Tablet
Bras/Panties (F-I 3 ea + 5)					Religious Material	1	K		Quran
Comb (M, I 1)					Religious Medal (1)				Quran Rug/Green
Cup	2				Ring (1)				
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)	1	K		
Ear buds/earphone(1)	1	S		Sony	Soap Dish	1	K		
Earplugs					Socks (1 3 + 2)				
Eyeglasses/Contacts (1)					Stockings				
Gloves (1)					Sweat Pants (1)				
Gym Shoes (1)	1	K		White Reebok	Sweat Shirts (1)				
Hair Brush (1)	1	K			Toothbrush holder	2	K		
Laundry Bag (1 1 + 1)					Undershirts				
Legal Mail/Transcript	1	K		Bundle	Undershorts (M,I-2 + 3)				
Magazines (3 ea)	3	K			Watch-Wrist (1)	1	S		Black G-Shock

Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

Batteries (4)	4	S			Flex Pens				
Beauty Aid products					Food items	155	K		Commissary
Denture adhesive (2)					Hair Dressing (2)				
Deodorant (2)	2	K			Shampoo (2)	1	K		script
Envelopes (10)					Shaving Cream (2)				

Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

State Issued Items

Brogans-shoes (1pr)					Razor-Safety (2)				
Pants (3 pr)					Shirts (3)				
Cap/Hat (1)					Soap				
Canvas Shoes (M,1)					Thermals (2 sets)				
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)					Toothpaste (2)				
Jacket/Coat (1)					Washcloth (1)				

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

Printed Name / Sign Name / Badge # of Official Receiving Property _____ Date _____ Location Stored _____ Inmate's Signature & _____ if refuses _____ Date _____

Printed Name / Sign Name / Badge # of Official Returning Property _____ Date _____ Location Stored _____ Inmate's Signature & ADC# / Witness, if refuses _____ Date _____

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

Transfer _____ 48 on _____ 48 off _____ Punitive _____ Medical _____ Court _____ Other _____
 Inmate's Name: Duall, C. ADC# [REDACTED] Sending Institution: _____ Receiving Institution: CYCU

Non-Expendable Items

ITEM (# allowed)	#REC/SEN	CODE	#RET'D	DESCRIPTION	ITEM	#REC/SENT	CODE	#RET'D	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)				
All Books (10)		K	5	BOOKS	Personal Mail				
Bathrobe (F, 2)					Photos (5)				
Bowls		K	3		Radio (1)		K	1	Sony
Bras/Panties (F-I 3 ea + 5)					Religious Material				
Comb (M, I 1)					Religious Medal (1)				
Cup		K	2		Ring (1)		K	2	gold color (Poth 2000)
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)		K	1	par
Ear buds/earphone(1)					Soap Dish				
Earplugs		K	1		Socks (1 3 + 2)				
Eyeglasses/Contacts (1)					Stockings				
Gloves (1)					Sweat Pants (1)				
Gym Shoes (1)					Sweat Shirts (1)				
Hair Brush (1)					Toothbrush holder				
Laundry Bag (I 1 +1)					Undershirts				
Legal Mail/Transcript		K	20	papers	Undershorts (M,I-2 + 3)				
Magazines (3 ea)					Watch-Wrist (1)		K	1	G Shock (\$30.00) (Baud)

Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

Batteries (4)					Flex Pens				
Beauty Aid products					Food items				
Denture adhesive (2)					Hair Dressing (2)				
Deodorant (2)					Shampoo (2)				
Envelopes (10)					Shaving Cream (2)				

Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)

		K	51	Hygiene Products					
		K	32	T-shirts					
		K	56	Food Items					

State Issued Items

Brogans-shoes (1pr)					Razor-Safety (2)				
Pants (3 pr)					Shirts (3)				
Cap/Hat (1)					Soap				
Canvas Shoes (M,1)					Thermals (2 sets)				
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)					Toothpaste (2)				
Jacket/Coat (1)					Washcloth (1)				

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

Printed Name / Sign Name / Badge # of Official Property: Duall, C. Date: 10-18 Location Stored: [REDACTED]
 Inmate's Signature & Refuses: [REDACTED] Date: 10-18
 Printed Name / Sign Name / Badge # of Official Returning Property: Duall, C. Date: 10-18 Location Stored: [REDACTED]
 Inmate's Signature & Refuses: [REDACTED] Date: 10-18

SCAN INTO EOMIS UPON COMPLETION

F-841-3

ARKANSAS DEPARTMENT OF CORRECTION
PROPERTY ADDITION FORM

Date: 2-16-18 Unit: [REDACTED]
Inmate's Name: Davis, Leundra ADC#: [REDACTED]
Issuing Department: Stone 4 Date Issued: _____

Please indicate below the appropriate item to be added to an inmate's personal property file. It is important to submit a detailed description of any item(s) that are added, i.e., number of items, brand, color, size, etc.

<input type="checkbox"/> Radio	<input type="checkbox"/> Watch	<input type="checkbox"/> Ring
<input type="checkbox"/> Earbuds	<input type="checkbox"/> Combination Lock	<input type="checkbox"/> Sweat Shirt
<input type="checkbox"/> Shoes	<input type="checkbox"/> Religious Medallion	<input type="checkbox"/> Sweat Pants
<input type="checkbox"/> MP3 Player		

Other: _____

Detail description of item: (1) Edge Mini MP4 Player 8GBName & Signature of issuing staff: C. Bailey AASIS#: _____Signature of Inmate: Leundra Davis Date: 2-22-18 ADC#: [REDACTED]

This form is to be completed in the event of an addition to an inmate's personal property.

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

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

May 19, 2020

Leundra Davis (ADC [REDACTED])
[REDACTED]

RE: *Leundra Davis v. Arkansas Department of Correction*
Claim No. 201177

Dear Mr. Davis,

Your claim has been filed but has not been transmitted to the Arkansas Department of Correction because the claim exceeds the page limitations set out in Ark. Code Ann. § 19-10-208(f). The text of this subsection is set out on the following page for your review.

Pursuant to Ark. Code Ann. § 19-10-208(f)(3)(A)(ii), you have forty-five days from the date of this letter to resubmit your complaint in compliance with the statute or to file a motion for leave to exceed the page limitations. Failure to do so will result in the dismissal of your claim without prejudice. Ark Code Ann. § 19-10-208(f)(3)(C).

Sincerely,

Kathryn Irby

ES: mshaynes

Enclosures

Ark. Code Ann. § 19-10-208(f)

- (1) A claimant who is an inmate in the Department of Correction or the Department of Community Correction at the time the claim or action is filed is limited to no more than:
 - (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
 - (B) Five (5) additional pages of exhibits to accompany his or her complaint.
- (2)
 - (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
 - (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.
- (3)
 - (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
 - (i) Assign the inmate's claim a docket number; and
 - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
 - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
 - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.
 - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.
 - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
 - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
 - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.
 - (D)
 - (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
 - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Leundra Davis # [REDACTED] ^{Arkansas} State Claims Commission Claimant

JUL 01 2020

Arkansas Department of Correction Respondent

RECEIVED

Motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations requirements set out in Ark. Code Ann. § 19-10-208(f)

1. Comes now the Claimant Leundra Davis # [REDACTED] for its motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitation requirements set out in Ark. Code Ann. § 19-10-208(f) state:

1. That the additional exhibits are needed pertaining to my claim and asking that the Claims Commission will grant the motion and all additional exhibits.

2. Claimant is pro se with no legal training asking that the commission give him the opportunity to bring his claim this motion is filed in good faith, believed to be meritorious and is necessary to further claimants claim

Wherefore, Claimant respectfully prays
that the Arkansas State Claims Commission
grants this motion

Respectfully submitted,
Leundra Davis (APC# [REDACTED])
Leundra Davis

Leundra Davis - claimant
[REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 201177

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Leundra Davis (the “Claimant”) for leave to exceed the page limitations set in Ark. Code Ann. § 19-10-208(f)(1). Upon review of the complaint and supporting documentation, the Claims Commission hereby GRANTS Claimant’s motion for leave and will accept the complaint and supporting documentation previously submitted. However, this order does not constitute any determination as to the validity of Claimant’s claim.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird
Dexter Booth
Henry Kinslow, Co-Chair
Paul Morris, Co-Chair
Sylvester Smith

DATE: July 8, 2020

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Maritza Haynes](#) on behalf of ASCC.New.Claims@arkansas.gov
To: [Thomas Burns](#); [Roni Gean](#)
Cc: [Kathryn Irby](#)
Subject: CLAIM: Leundra Davis (ADC [REDACTED]) v. ADC, Claim No. 201177
Date: Tuesday, July 14, 2020 10:45:00 AM
Attachments: [Leundra Davis \(ADC 145900\) v. ADC, Claim No. 201177.pdf](#)

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Maritza

Maritza S Haynes
Arkansas State Claims Commission
101 East Capitol Avenue
Suite 410
Little Rock, Arkansas 72201
501-682-2819
Maritza.Haynes@arkansas.gov

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

July 14, 2020

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602

(via email)

RE: ***Leundra Davis v. Arkansas Division of Correction***
Claim No. 201177

Dear Mr. Burns,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Division of Correction. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Kathryn Irby

ES: mshaynes

cc: Leundra Davis (ADC [REDACTED], Claimant (w/ encl.)

Note to Claimant or Claimant's counsel: The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.

From: [Roni Gean](#)
To: [ASCC Pleadings](#)
Cc: [Thomas Burns](#)
Subject: Leundra Davis #1 [REDACTED] Claim 201177 - Answer 07-14-2020
Date: Tuesday, July 14, 2020 11:06:30 AM
Attachments: [Leundra Davis \(ADC 145900\) v. ADC Claim No. 201177 Answer 07-14-2020.pdf](#)

Please find attached our Answer in the above matter. Thank you.

Roni Gean

Administrative Specialist III
ADC Division of Correction/Legal Division
6814 Princeton Pike, Pine Bluff, AR 71603
Phone: (870) 267-6844; Fax: (870) 267-6373
roni.gean@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC# [REDACTED])

CLAIMANT

v.

NO. 201177

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

ANSWER

COMES NOW the Respondent, Arkansas Department of Corrections, 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,
Arkansas Department of Corrections
Office of Chief Counsel



Thomas Burns (02006)
ADC Legal Division
6814 Princeton Pike, Pine Bluff, AR 71602-9411
(870) 267-6845 Office/(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 14th day of July 2020 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Leundra Davis (ADC# [REDACTED])
[REDACTED]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEONDRA DAVIS (ADC# [REDACTED])

CLAIMANT

No. 201177

Arkansas
State Claims Commission

Arkansas Department of Corrections
DIVISION OF CORRECTION

AUG 11 2020
Respondent
RECEIVED

REPLY

COMES NOW THE CLAIMANT, LEONDRA DAVIS (ADC# [REDACTED]) with a REPLY, STATES AND ALLEGES AS FOLLOWS:

1. CLAIMANT ASKS, That this matter not be held in abeyance. The (ADC DIVISION OF CORRECTION) was giving the opportunity to investigate this matter when I used the inmate (prer hotline) which by policy was suppose to have this matter investigated which the line is a direct line to Internal Affairs (Please see memorandum) sent in complaint. The complaint contains sufficient factual matter that is plausible on it's face that allows (The Arkansas STATE CLAIMS COMMISSION), to see that the Respondant acted unlawfully and should be held liable of their actions

Where fore The reasons STATED ABOVE, THE CLAIMANT prays that this ~~matter~~ claim be granted in the claimant's favor not being held in abeyance, That the Respondant be held accountable, and claimant be awarded the missing property. Claimant also prays that this complaint not be dismissed rather that Respondant be held liable.

Respectfully submitted

Leondra Davis (ADC# [REDACTED])

Leondra Davis

Leondra Davis ADC# [REDACTED]
[REDACTED]

CERTIFICATION OF SERVICE

I certify that a copy of this pleading has been served on this 1st day of August 2020 on the Respondent by placing a copy of the same in the U.S. Mail, regular postage, to:

Thomas Burns (02006)

ADC Legal Division

6814 Princeton Pike, Pine Bluff, AR

71602-9411

Leundra Davis
Leundra Davis

From: [Thomas Burns](#)
To: [ASCC Pleadings](#)
Cc: [Roni Gean](#)
Subject: Leundra Davis v ADC 201177
Date: Wednesday, August 19, 2020 12:53:35 PM
Attachments: [0903_001.pdf](#)

Motion to Dismiss

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

v

NO. 201177

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.
2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan*, 2011 Ark. 94. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*
3. Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State bank*, 339 F.3d 764 (8th Cir. 2003). A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v Iqbal* 556 U.S. 662 (2009). Although detailed factual allegations are not required, more than "unadorned, the-defendant-unlawfully-harmed-me-accusations" are required. *Id.* To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to

relief that is plausible on its face. *Id.* A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

4. The inmate seeks the sum of \$2344.66 for alleged Missing Property. Although inmate seeks an award of damages (\$2344.66), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company*, 362 Ark. 317, 208 S.W. 3d 153 (2008). The inmate’s claim, even if true, does not support a claim for monetary relief.

5. Even if the inmate were to plead with more specificity, he would still not be able to prevail. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett*, 308 Ark. 291, 824 S.W. 2d 377 (1992). Even taking the inmate’s allegations true as pleading, and giving him the benefit of every possible inference, his mere inconvenience of alleged wrongdoing can never render a claim that is anything but speculation.

6. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. *Pressler v. Ark. Publ. Serv. Comm’n*, 2011 Ark. App. 512, at 9, 385 S.W.3d 349, 355 (citing *Elder v. Mark Ford & Assocs.*, 103 Ark. App. 302, 288 S.W.3d 702 (2008)). The Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793* (ASCC 2019).

7. Whether a plaintiff is represented by counsel or is appearing pro se, his complaint must allege specific facts sufficient to state a claim. See *Martin v Sargent*, 780 F.2d 1334, 1337 (8th Cir. 1985).

8. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v Weiss*, 2010 Ark. 150.

9. In reviewing whether a complaint is subject to dismissal, the Court must accept as true all factual allegations in the complaint, but is “not bound to accept as true a legal conclusion couched as a factual allegation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* “Nor does a complaint suffice if it ‘tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (quoting *Twombly*, 550 U.S. at 557). Rather, a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 556). A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. *Twombly*, 550 U.S. at 556. A complaint cannot, however, simply leave open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery. *Id.* at 561. Rather, the facts set forth in the complaint must be sufficient to nudge the claims across the line from conceivable to plausible. *Id.* at 570. “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged –but it has not ‘show[n]’ – ‘that the pleader is entitled to relief.’” *Iqbal*, 556 U.S. at 679 (quoting *Fed.R.Civ.P. 8(a)(2)*).

10. The Plausibility standard is not akin to a “probability requirement” but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads

facts that are “merely consistent with” a defendant’s liability, it” stops short of the line between possibility a plausibility of entitlement to relief” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)

11. The inmate is currently housed at the [REDACTED] of the ADC. He is serving a 25-year sentence on a conviction of Aggravated Robbery and other crimes.

12. The inmate claims that his property was missing.

13. The inmate states in his complaint that he was at school, when his unsecured items went missing.

14. The Inmate filed a grievance OR-19-01286, which after two levels of review was found without merit. *See attached to Inmate complaint*. The reason is that the items were found in the Inmates cell.

15. The Inmate has all his property. *See attached Ex A*.

16. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

17. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

18. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). “Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.” Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere

assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



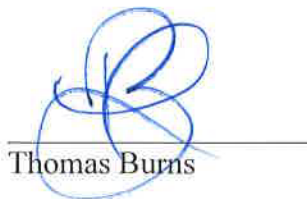
Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870)267-6845 Office
(870)267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 19th day of August 2020, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Leundra Davis ([REDACTED])

[REDACTED]



Thomas Burns

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL	REMARKS
1	1/2" x 1/2" x 1/2" (1)	1	EA	1.00	1.00	
2	1/2" x 1/2" x 1/2" (1)	1	EA	1.00	1.00	
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ALL EXHIBIT PERSONAL PROPERTY SUBJECT TO SEIZURE BY THE FBI IN CONNECTION WITH THE INVESTIGATION OF THE ABOVE NAMED SUBJECTS. THIS PROPERTY IS TO BE KEPT IN THE FBI OFFICE UNTIL THE MATTER IS RESOLVED. IF THE MATTER IS RESOLVED IN FAVOR OF THE SUBJECTS, THIS PROPERTY IS TO BE RETURNED TO THEM. IF THE MATTER IS RESOLVED AGAINST THE SUBJECTS, THIS PROPERTY IS TO BE FORFEITED TO THE FBI.

ADP INMATE PERSONAL PROPERTY INVENTORY
Transfer 48 on 48 off
Inmate's Name ADC#
Receiving Institution
Medical Court Other
F-341-1

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

I hereby certify that all my property

Printed Name / Sign Name / Badge

Printed Name / Sign Name / Badge

Printed Name / Sign Name / Badge # of Official Returning Property

Date

Location Stored

Inmate's Signature & ADC # / Witness, if refuses

Date

to my other inmate

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS 

CLAIMANT
Arkansas

State Claims Commission

V.

NO.201177

SEP 08 2020

**ARKANSAS DEPARTMENT OF
CORRECTION - DIVISION
OF CORRECTION**

RESPONDENT
RECEIVED

RESPONSE TO RESPONDENT'S MOTION TO DISMISS

Comes Now the Claimant, Leundra Davis, in response to respondents Motion to Dismiss;
Claimant now states:

1. The Claimant's claim should not be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12 (b)(6) as he stated numerous facts upon which relief can be granted.

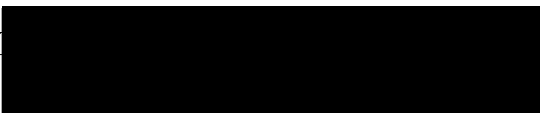
2. On a motion to dismiss pursuant to Rule 12 (b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. Dockery v. Morgan, 2011 Ark. 94. However, [Arkansas] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief. "Id. The Court should" treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation. Id.

3. Legal conclusions, unsupported conclusions, and unwarranted inferences must be

ignored and fail to withstand a rule 12 (b)(6) motion. See *Farm Credit Svcs. v. American State Bank*, 339 F.3d 764 (8th Cir. 2003). A pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v. Iqbal* 556 U.S. 662 (2009). Although detailed factual allegations are not required, more than “unadorned, the-defendant-unlawfully-harmed-me-accusations” are required. *Id.* To survive a motion to dismiss, a complaint must contain sufficient factual matters that, when accepted as true, state a claim to relief that is plausible on its face. *Id.* A claim is facially plausible “When the plaintiff pleads factual content that allows the court to draw the reasonable inference content that the defendant is liable for this misconduct alleged.” *Id.*

4. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v. Weiss*, 2010 Ark. 150.

5. In reviewing whether a complaint is subject to dismissal, the court must accept as true all factual allegations in the complaint, (emphasis added) but is “not bound to accept as true a legal conclusion couched as a factual allegation.” *Ashcraft v. Iqbal* 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 554, 555 (2007)). Rather, a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. *Id.* A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. *Twombly*, 550 U.S. at 556. Rather, the facts set forth in the complaint must be sufficient to nudge the claims across the line from conceivable to plausible. *Id.* at 570.

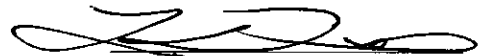
6. The Claimant is currently housed at the C 

7. The Claimant’s property was packed up “by ADC employees while Claimant was not present.

8. The Claimant's property was put in two separate locations, the barber shop and north central control booth.
9. Only ADC Employees such as Captain Dallas had key access to those locations (emphasis added).
10. The Claimant was at another location (school) when his property items when his property items went missing from the property "pack up" by ADC employees. The officer that was on post in the housing unit was Correctional Officer Bledsoe.
11. Upon noticing the missing items Claimant filed a grievance OR-19-01286 and Captain Dallas stated that "he found all the missing property." However, there is no proof that Captain Dallas actually found anything, just his allegation that he did.
12. Respondent's Ex A, does not show the missing property.
13. Through the entire process none of the ADC Employees followed ADC rules and/or policies, as trained officers, nor showed any regard to find the Claimant's missing property.
14. ADC has filed this motion in bad faith to try and cover up the facts that because of their officers not following ADC rules and/or procedures, the Claimant's property went missing while in ADC's possession.
15. Given the facts if presented to a court of general jurisdiction, this same claim, as a matter of law, would be awarded in favor of the Claimant.
16. Because the Claimant suffered no court would dismiss this claim.

WHEREFORE, the Claimant prays that the motion to dismiss be denied and the complaint to proceed further, and all other just and proper relief to which the Claimant may be entitled.

Respectfully Submitted



Leundra Davis, Pro-Se

ADC# [REDACTED]

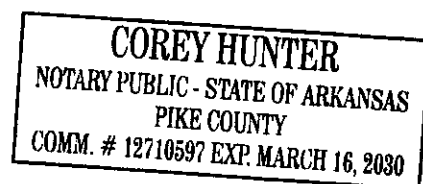
STATE OF ARKANSAS

COUNTY OF Pike

Petitioner, Corey Hunter, being first duly sworn under oath, presents that he has read and subscribed to the above and states that the information therein is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME this 2nd day of September, 2020.

My Commission Expires: March 16, 2030


NOTARY PUBLIC

CERTIFICATE OF SERVICE

A copy of the foregoing response to motion to dismiss has been served by the United States Mail, postage pre-paid, to:

Thomas Burns (02006) Legal Department Division of Corrections
6814 Princeton Pike, Pine Bluff, Ar. 71602

on this 3rd day of Sept, 2020.

Leundra Davis

Leundra Davis, Pro-Se
ADC# 



From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns](#)
Cc: [Roni Gean](#); [ASCC Pleadings](#); [Kathryn Irby](#)
Subject: ORDER: Leundra Davis v. ADC, Claim No. 201177
Date: Friday, September 18, 2020 2:59:02 PM
Attachments: [Leundra Davis2 v. ADC.pdf](#)
[Leundra Davis-Order.pdf](#)

Thomas:

Please see attached. Contact Kathryn Irby with any questions.

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

September 18, 2020

Mr. Leundra Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email only)

Re: ***Leundra Davis v. Arkansas Division of Correction***
Claim No. 201177

Dear Mr. Davis and Mr. Burns:

Enclosed please find the Order entered on September 11, 2020, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 201177

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the motion filed by Arkansas Division of Correction (the “Respondent”) to dismiss the claim filed by Leundra Davis (the “Claimant”). Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on June 16, 2020, seeking \$2,344.60 in lost property. Claimant stated that while he was at school, his property was packed in violation of Respondent’s policies, which resulted in lost property.

2. On July 14, 2020, Respondent filed an answer denying liability.

3. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6), arguing that the items were found in the inmate’s cell and that the inmate has all of his property.

4. Claimant responded to the motion, stating, *inter alia*, that Respondent’s exhibits do not show that Claimant has the missing property.

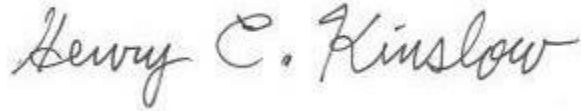
5. In reviewing Respondent’s motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at *6, 380

S.W.3d 377, 382. The facts alleged in the complaint will be treated as true, but not “a plaintiff’s theories, speculation, or statutory interpretation.” *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

6. Under the *Hodges* standard, the Claims Commission finds that dismissal is not appropriate at this time. The inventory forms attached to Claimant’s complaint are difficult to read, and the inventory forms attached to Respondent’s motion are nearly impossible to read. As such, the Claims Commission is unable to determine which inventory form relates to the packing of Claimant’s property on November 7, 2019.

7. Respondent’s motion to dismiss is DENIED, and the parties are instructed to begin discovery.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird
Dexter Booth
Henry Kinslow, Co-Chair
Paul Morris, Co-Chair
Sylvester Smith

DATE: September 11, 2020

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Kathryn Irby](#)
To: [Thomas Burns](#); [ASCC Pleadings](#)
Cc: [Roni Gean](#)
Subject: RE: ORDER: Leundra Davis v. ADC, Claim No. 201177
Date: Friday, September 18, 2020 3:17:00 PM
Attachments: [Cl's response to MTD.pdf](#)

Claimant's response attached.

We're trying!

Thanks,
Kathryn

From: Thomas Burns <Thomas.Burns@arkansas.gov>
Sent: Friday, September 18, 2020 3:01 PM
To: ASCC Pleadings <ASCCPleadings@arkansas.gov>
Cc: Roni Gean <Roni.Gean@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: RE: ORDER: Leundra Davis v. ADC, Claim No. 201177

Kathryn:
It says the Inmate replies to the Motion to Dismiss. We never got that, could you please send it to me?
Thank you
-TB

PS; Y'all are really getting caught up!! Thanks!

From: Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings
Sent: Friday, September 18, 2020 2:59 PM
To: Thomas Burns <Thomas.Burns@arkansas.gov>
Cc: Roni Gean <Roni.Gean@arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: ORDER: Leundra Davis v. ADC, Claim No. 201177

Thomas:

Please see attached. Contact Kathryn Irby with any questions.

Misty Scott
Arkansas State Claims Commission

From: [Thomas Burns](#)
To: [ASCC Pleadings](#)
Cc: [Roni Gean](#)
Subject: Leundra Davis v ADC 201177
Date: Monday, October 12, 2020 10:15:44 AM
Attachments: [1777_001.pdf](#)

Requests for Admissions

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

v

NO. 201177

**ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION**

RESPONDENT

**FIRST SET OF REQUESTS FOR ADMISSIONS
TO LEUNDRA DAVIS**

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Leundra Davis, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages related to this matter Claim 201177.

REQUEST FOR ADMISSION NO. 2: Admit that your PROPERTY WAS FOUND IN YOUR CELL ON November 21, 2019.

REQUEST FOR ADMISSION NO. 3: Admit that your claim, 201177, is completely falsified.

REQUEST FOR ADMISSION NO. 4: Admit that exhibit A shows you have all your property.

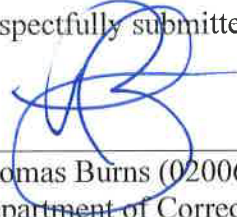
REQUEST FOR ADMISSION NO. 5: Admit that you violated ADC policy in relation to claim 201177.

REQUEST FOR ADMISSION NO. 6: Admit that ADC acted pursuant to policy in claim 201177.

REQUEST FOR ADMISSION NO. 7: Admit that you must secure all of your property at all times.

Filed 12 October 2020.

Respectfully submitted,




Thomas Burns (02006)
Department of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 12th day of October 2020, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Leundra Davis [REDACTED]

[REDACTED]



Thomas Burns

2010

64
G.A.

I hereby certify that all my property is disposed of as follows:

Disposition of all property listed on this inventory is correct. Also, I do not have any legal materials belonging to any other inmate	Printed Name / Sign Name / Badge # of Official Receiving Property	Date	Location Stored	Inmate's Signature	if refuses	Date
	W. J. [redacted]	2/21/20	cell 2025A	[redacted]		2-22-20

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC# [REDACTED])

CLAIMANT
Arkansas
State Claims Commission

CLAIM NO. 201177

OCT 12 2020

ARKANSAS DIVISION OF CORRECTION

RECEIVED
RESPONDENT

PETITIONER'S MOTION FOR DISCOVERY
AND REQUEST FOR PRODUCTION

Comes now, the Claimant, Leundra Davis (ADC# [REDACTED]), Pro-Se and pursuant to Rule 26 & 34, Arkansas Rules of Civil Procedure, request that the Respondent's produce the documents within thirty (30) days after service of this request:

1. The names and addresses of all persons whom the Arkansas Division of Correction intends to call as witnesses at any hearing or at a trial of this matter.

2. Any and all Administrative Directives, Administrative Regulations, Policy Manuals, Guidelines or documentation regarding packing inmates property, inventory of said inmates property, or employee conduct.
3. Any written or recorded documents made by the Respondent (Arkansas Division of Correction) on the discovery of, or in reference to the discovery of Claimant's missing property.
4. Any property form(s) produced before November 7th 2019.
5. Any property form(s) produced after November 7th 2019.
6. Any written or recorded documents made by Respondent's (Arkansas Division of Corrections) that can produce that the property inmate is missing was found by Respondent's employee (Captain Davis) i.e.; incident report, 005 form, etc.
7. The Claimant hereby notifies the Arkansas State Claims Commission that he intends to be given the opportunity to cross-examine all witnesses that may be called in this matter.

Respectfully Submitted

Leundra Davis [REDACTED]

Leundra Davis, Pro-Se (ADC# [REDACTED])
[REDACTED]

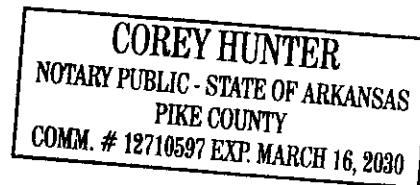
CERTIFICATE OF SERVICE

On this 1st day of Oct, 2020, I Claimant, Leundra Davis, Pro-Se, ADC# [REDACTED] do hereby certify that I have served the within instrument to Respondent, at the address listed below by mailing a copy of same regular U.S. Mail postage pre-paid:

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

Leundra Davis

Leundra Davis, Pro-Se ADC# [REDACTED]
[REDACTED]



OCT 30 2020

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

LEUNDRA DAVIS (ADC# [REDACTED])

CLAIMANT

NO. 201177

ARKANSAS DEPARTMENT OF
CORRECTIONS OF CORRECTION

RESPONDENT

**CLAIMANTS RESPONSE TO FIRST SET OF REQUESTS
FOR ADMISSION FROM RESPONDENT**

Comes now, the Claimant, Leundra Davis (ADC# [REDACTED]) Pro-Se with his response to Respondent's First Set of Request for Admissions, answered in accordance with the Arkansas Rules of Civil Procedure, states:

- ANSWER FOR ADMISSION 1.** Claimant admits that there is damages related to this matter, claim 201177.
- ANSWER FOR ADMISSION 2.** Claimant admits that his property was not found in his cell on November 21st 2019 (Please see Exhibit A) which clearly shows that property reported missing in this matter is still missing. Quarn, Edge mini player, Prayer rug, Black Sony headphones, etc.
- ANSWER FOR ADMISSION 3.** Claimant admits that his claim 201177 is relevant and true and accurate stating clear facts and not mere conclusions.
- ANSWER FOR ADMISSION 4.** Claimant admits that (Exhibit A) shows none of the missing property that is missing in claim 201177 which includes, but not limited to Quarn, Edge mini player, Prayer rug, Black Sony headphones, etc.

- ANSWER FOR ADMISSION 5.** Claimant admits that at no time in relation to claim 201177 did Claimant violate ADC policy rather has followed all ADC policy and procedure in pursuit to this claim.
- ANSWER FOR ADMISSION 6.** Claimant admits that ADC did not act according to there own policy in claim 201177, as Claimant's property is still missing and ADC is trying to make it appear on a property form (Exhibit A) which shows none of the missing property, therefore ADC has not acted pursuant to policy in claim 201177.
- ANSWER FOR ADMISSION 7.** Claimant admits that his property must be secured while in his possession. Claimant's property was removed form his living quarters by ADC staff and placed in two different locations by ADC staff and that these locations could not have been totally secured do to the fact property came up missing while in the custody of ADC in these locations.

Respectfully Submitted

Leundra Davis, Pro-Se
ADC# [REDACTED]
[REDACTED]

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 22st day of October 2020, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns
6814 Princeton Pike
Pine Bluff, AR. 71602


Leundra Davis, Pro-Se

From: [Thomas Burns](#)
To: [ASCC Pleadings](#)
Cc: [Roni Gean](#)
Subject: Leundra Davis v ADC 201177
Date: Tuesday, November 17, 2020 4:46:28 PM
Attachments: [2313_001.pdf](#)

Motion to deem admitted

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

v.

NO. 201177

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

MOTION TO DEEM REQUESTS FOR ADMISSIONS ADMITTED

Comes now, the Respondent, Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their Motion, states:

1. On October 12, 2020, Respondent caused to be served via US Mail on Claimant a set of Requests for Admissions, *See attached Ex. A.*
2. As such the Inmate responses to the Requests became due on November 17, 2020.
3. The inmate has failed and refused answers to the Respondent as prescribed by Rule 36(a). *See attached Ex B.*
4. The Inmate has failed to sign the pleading as required by Rule 11 of the Arkansas Rule of Civil Procedure. *Id.*
4. The permissible responses, according to **RULE 36(a)**, are, (1) **admit**; (2) **deny**; (3) object, stating the reasons for the objection; (4) state the reasons why the responding party can neither **admit** or **deny**; (5) **admit** or **deny** to the remainder; or (6) **admit** or **deny** in whole or in part with qualification. In one of the few cases construing the **rule**, for example, the Court of Appeals held that “**denied**” was an adequate response. Even if a party has no personal knowledge, he or she must answer a request for admission if the information can be obtained through reasonable inquiry. *Chiodini v Lock*; 2010 Ark App 340.

5. ARCP Rule 36(a) states in part:

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, the party to whom the request is directed served upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney...If objection is made, the reasons therefore shall be stated. **The party answering requests for admissions shall repeat each request immediately before the answer or objection. The answer shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter.** A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why he cannot admit or deny it...[emphasis added].

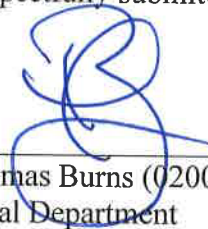
6. Requests for Admissions have their own procedures and requirements, which results in automatic consequences for failure to respond that are similar to though more stringent than failing to respond to pleadings, and much more stringent than those for failing to respond to written discovery such as Interrogatories and Requests for Production. No mention of any specific Requests for Admissions is made anywhere, and no specific issue is taken, even by the respondent's own pleading, with any of the substance of the Requests for Admissions; to the extent any of the requests propounded are considered improper by the respondent, they were not independently objected to with grounds laid out in good faith as mandated by the above-quoted Rule. In any case, by the plain language of Rule 36, as quoted in paragraph 6 hereof, the matters on which admission was sought are deemed admitted. *Compare with Widmer v. Wood*, 243 Ark. 547, 420 S.W.2d 828 (1967).

7. Rule 36(a) further states that “The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.” Here, the Imamate has wholly failed to admit, deny, or properly object to any of the propounded requests. Respondent should be granted a reasonable fee for this motion.

8. The inmate has not followed the Rules as set out for Responses to Requests for Admissions, as such the Requests **SHALL** be deemed admitted.

WHEREFORE, the Respondent prays that the Requests for Admission be Deemed Admitted; for attorney’s fees and costs; and for all other just and proper relief to which he may be entitled.

Respectfully submitted,



Thomas Burns (02006)
Legal Department
6814 Princeton Pike
Pine Bluff Arkansas 71602
Telephone (870) 267-6845
Fax (870) 267-6373
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 18th day of November 2020, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Leundra Davis (ADC [REDACTED])
[REDACTED]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

v

NO. 201177

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

FIRST SET OF REQUESTS FOR ADMISSIONS
TO LEUNDRA DAVIS

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Leundra Davis, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages related to this matter Claim 201177.

REQUEST FOR ADMISSION NO. 2: Admit that your PROPERTY WAS FOUND IN YOUR CELL ON November 21, 2019.

REQUEST FOR ADMISSION NO. 3: Admit that your claim, 201177, is completely falsified.

REQUEST FOR ADMISSION NO. 4: Admit that exhibit A shows you have all your property.

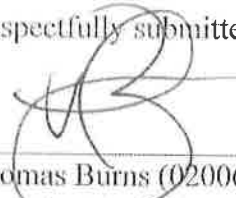
REQUEST FOR ADMISSION NO. 5: Admit that you violated ADC policy in relation to claim 201177.

REQUEST FOR ADMISSION NO. 6: Admit that ADC acted pursuant to policy in claim 201177.

REQUEST FOR ADMISSION NO. 7: Admit that you must secure all of your property at all times.

Filed 12 October 2020.

Respectfully submitted,



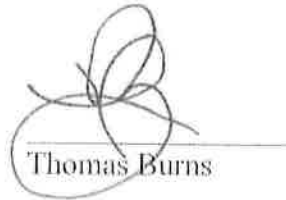
Thomas Burns (02006)
Department of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 12th day of October 2020, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Leundra Davis (

[REDACTED]



Thomas Burns

Transfer 48 on 48 off Inmate's Name: Moss, L ADC#: Punitive: Medical: Court: Other:

Non-Expendable Items

Sending Institution:

Receiving Institution:

ITEM (# allowed)	#REC/SEN	CODE	#RETD	DESCRIPTION	ITEM	#REC/SEN	CODE	#RETD	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)	1	S		
All Books (10)	3+8	S			Personal Mail	1	S		
Bathrobe (F, 2)					Photos (5)				Small bundle
Bowls	2	S			Radio (1)	1+1+1	S		Adapter, Clear Sensory, Diner
Bras/Panties (F-1 3 ea + 5)					Religious Material	8+1	S		Bible, News Paper
Comb (M, 1)	1	S			Religious Medal (1)				
Cup	2	S			Ring (1)				
Dentures (1)					Shoes wk rel (1)	2	S		Good quality, 1 broken
Depilatory preparation (1)					Shower Shoes (1)				
Ear buds/earphone(1)	1	S			Soap Dish	3+1	S		
Earrings					Socks (1 3 + 2)	5	S		5 pairs of socks
Eyeglasses/Contacts (1)	1	K			Stockings				
Gloves (1)	1	K			Sweat Pants (1)				
Gym Shoes (1)	1	K			Sweat Shirts (1)	1	S		
Hair Brush (1)	1	S			Toothbrush holder	1+1	S		
Laundry Bag (1 1 + 1)	2	S			Undershirts	13	S		
Legal Mail/Transcript					Undershorts (M, L-2 + 3)	1	S		
Magazines (3 ea)	3	S			Watch-Wrist (1)	1	S		
Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)					Flex Pens				Invicta gold/black pen
Batteries (4)	20	S			Food items	11	S		
Beauty Aid products					Hair Dressing (2)	3	S		
Denture adhesive (2)					Shampoo (2)				
Deodorant (2)	1	K			Shaving Cream (2)				
Envelopes (10)									
Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
OPN's	2	S			Q-Tips	1	S		
Earplugs	2	S			Toiletries	1	S		
Invicta Gold/Black Pen	1	S			Invicta Gold/Black Pen	1	S		
State issued Items					Invicta Gold/Black Pen	1	S		
Brogans-shoes (1 pr)	1	S			Invicta Gold/Black Pen	1	S		
Pants (3 pr)	1	S			Invicta Gold/Black Pen	1	S		
Cap/Hat (1)					Invicta Gold/Black Pen	1	S		
Canvas Shoes (M, L)					Invicta Gold/Black Pen	1	S		
ADC Hand Book					Invicta Gold/Black Pen	1	S		
Toothbrush (1)	1	K			Invicta Gold/Black Pen	1	S		
Jacke/Coat (1)					Invicta Gold/Black Pen	1	S		

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

Printed Name / Sign Name / Badge # of Official Receiving Property: Date: Location Stored:

Printed Name / Sign Name / Badge # of Official Returning Property: Date: Location Stored:

Inmate's Signature & ADC # / Witness, if refuses: Date:

OCT 30 2020

ATTORNEY
ARKANSAS

DIVISION OF CORRECTION

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC# [REDACTED])

CLAIMANT

NO. 201177

ARKANSAS DEPARTMENT OF
CORRECTIONS OF CORRECTION

RESPONDENT

CLAIMANTS RESPONSE TO FIRST SET OF REQUESTS
FOR ADMISSION FROM RESPONDENT

Comes now, the Claimant, Leundra Davis (ADC# [REDACTED]), Pro-Se with his response to Respondent's First Set of Request for Admissions, answered in accordance with the Arkansas Rules of Civil Procedure, states:

- ANSWER FOR ADMISSION 1.** Claimant admits that there is damages related to this matter, claim 201177.
- ANSWER FOR ADMISSION 2.** Claimant admits that his property was not found in his cell on November 21st 2019 (Please see Exhibit A) which clearly shows that property reported missing in this matter is still missing. Quarn, Edge mini player, Prayer rug, Black Sony headphones, etc.
- ANSWER FOR ADMISSION 3.** Claimant admits that his claim 201177 is relevant and true and accurate stating clear facts and not mere conclusions.
- ANSWER FOR ADMISSION 4.** Claimant admits that (Exhibit A) shows none of the missing property that is missing in claim 201177 which includes, but not limited to Quarn, Edge mini player, Prayer rug, Black Sony headphones, etc.

ANSWER FOR ADMISSION 5. Claimant admits that at no time in relation to claim 201177 did Claimant violate ADC policy rather has followed all ADC policy and procedure in pursuit to this claim.

ANSWER FOR ADMISSION 6. Claimant admits that ADC did not act according to there own policy in claim 201177, as Claimant's property is still missing and ADC is trying to make it appear on a property form (Exhibit A) which shows none of the missing property, therefore ADC has not acted pursuant to policy in claim 201177.

ANSWER FOR ADMISSION 7. Claimant admits that his property must be secured while in his possession. Claimant's property was removed form his living quarters by ADC staff and placed in two different locations by ADC staff and that these locations could not have been totally secured do to the fact property came up missing while in the custody of ADC in these locations.

Respectfully Submitted

Leundra Davis, Pro-Se
ADC# [REDACTED]
[REDACTED]

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 22st day of October 2020, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns
6814 Princeton Pike
Pine Bluff, AR. 71602


Leundra Davis, Pro-Se

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

v

NO. 201177

Arkansas
State Claims Commission

DEC 07 2020

ARKANSAS DEPARTMENT OF CORRECTION
DIVISION OF CORRECTION

RESPONDENT
RECEIVED

**CLAIMANT'S RESPONSE TO RESPONDENT'S MOTION
TO DEEM REQUEST FOR ADMISSIONS ADMITTED**

Comes now, the Claimant, Leundra Davis (ADC# [REDACTED]), Pro-Se with his response to Respondent's Motion to Deem Request for Admission Admitted and states:

1. On October 22, 2020 Claimant served his response to the Respondent's First Set of Request for Admissions.
2. Claimant is a Pro-Se litigant and in accordance with the Arkansas Rules of Civil Procedure Rule 8 (f) **Construction of Pleadings**. All pleadings shall be liberally construed so as to do substantial justice.
3. Claimant responded to each and every request for admission of the Respondent answering each one and specify stated why he was admitting or deny each request.
4. Respondent now ask the Arkansas State Claims Commission to not adjudicate Claimant's claim on the merits of the cause of action, but to issue a ruling based on a technical ground.

5. The Claims Commission should consider “Pleadings shall be liberally construed so that effect is given to the substance of the pleading rather than the form.” Fort Smith Symphony Orchestra, Inc. v. Fort Smith Symphony Ass’n, Inc., 285 Ark. 284, 287 (1985) (citing Home Ins. Co. v. Williams, 252 Ark. 1012, 482 S.W.2d 626 (1972)).

6. This is not a case in which a defect in failing to repeat each request immediately before the answer or objection would effect the responsive answer provided by the party upon which the request was served.

7. Respondent in number eight (8) states: “The inmate has not followed the Rules as set out for Responses to Request for Admissions, as such the Request **SHALL** be deemed admitted.

8. Claimant would like to point out that no where within Rule 36 does it state: “as such the Request **SHALL** be deemed admitted.” This is the Respondent’s way of trying to add wording into the Rules of Civil Procedure, however; The policy behind the Rules of Civil Procedure is to resolve controversies on the merits, not on technicalities of pleading.

WHEREFORE, the Claimant prays that as a Pro-Se litigant the Claims Commission liberally construe the Claimants Response to the First Set of Request for Admissions or enter an ORDER directing the Claimant to cure any defect, that the Respondents Request for the Admission be Deemed Admitted be denied, the request for fee’s and cost be denied, and for all other just and proper relief to which he may be entitled.

Respectfully Submitted

Leundra Davis, Pro-Se
ADC# [REDACTED]
P.O. B [REDACTED]
[REDACTED]

CERTIFICATE OF SERVICE

A certify copy of this pleading has been served this 25day of November 2020, on the Respondent by placing a copy of the same in the United States Mail, postage pre-paid, to:

Thomas Burns
6814 Princeton Pike
Pine Bluff, AR. 71602

Leundra Davis Pro-Se

From: [ASCC Pleadings](#)
To: [Thomas Burns](#)
Cc: [Roni Gean](#); [ASCC Pleadings](#); [Kathryn Irby](#)
Subject: ORDER: Leundra Davis v. ADC, Claim No. 201177
Date: Tuesday, May 18, 2021 1:21:17 PM
Attachments: [Leundra Davis. v. ADC2.pdf](#)
[Leundra Davis v. ADC - 201177 - Order.pdf](#)

Please see attached. Contact Kathryn Irby with any questions.

Julie S. Jones
Arkansas Claims Commision

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

V.

NO. 201177

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**ADC RESPONSES TO MOTION FOR DISCOVERY
AND REQUEST FOR PRODUCTION**

COMES NOW, The Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their responses, state:

1: The names and addresses of all persons whom the Arkansas Division of Correction intends to call as witnesses at any hearing or at a trial (sic) of this matter.

RESPONSE: Any witness the Claimant may call. Respondent reserves the right to amend this response.

2: Any and all Administrative Directives, Administrative Regulations, Policy Manuals, Guidelines or documentation regarding packing inmate's property, inventory of said inmates property, or employee conduct.

RESPONSE: Claimant has already been provided this information and same is available online.

3: Any written or recorded documents made by the Respondent (Arkansas Division of Correction) on the discovery of, or in reference to the discovery of Claimant's missing property.

RESPONSE: Respondent does not have any recorded documents.

4: Any property form(s) produced before November 7, 2019.

RESPONSE: Respondent does not have property form(s) produced before November 7, 2019.

5: Any property form(s) produced after November 7, 2019.

RESPONSE: See attached.

6: Any written or recorded documents made by Respondent's (Arkansas Division of Corrections) that can produce that the property inmate is missing was found by Respondent's employee (Captain Davis) i.e. incident report, 005 form, etc.


RESPONSE: See attached.

7: The Claimant hereby notifies the Arkansas Claims Commission that he intends to be given the opportunity to cross-examine all witnesses that may be called in this matter.

RESPONSE: This request requires no response from Respondent.

DATED: August 19, 2022

Respectfully submitted,




Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 19th day of August 2022, on the Claimant via email, to:

Leundra Davis # [REDACTED]
[REDACTED]



Thomas Burns

INMATE NAME: Davis, Leundra

ADC #: [REDACTED]

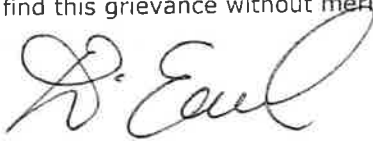
GRIEVANCE #: [REDACTED]-19-01286

WARDEN/CENTER SUPERVISOR'S DECISION

In your grievance dated 11-7-19, you stated "On Thursday Nov 2, 2-19 I was at school when 2-barracks was told to move to the gym some of my stuff was packed because we was suppose to move the day before. While I was at school somebody from the clean up crew went into my cell and stole my property R-10's head phones, my M.P. 4 player and a little commissary. When I came out of school my property was in the main-hall-way the barber shop and I can't tell you how it got there. When my cell mate got off work he stated my stuff was in the cell when he left with his property. I want this matter investigate I have my property forms and every to prove what I had before someone went in my cell. I want video played back so that we can find out who has my property its important to me because my family don't send me money just so my stuff can be taken when I'm not around. Stolen property form ask ? as a statement from my cell mate have been prepared for you. Please look into this matter I just want my property back is all."

In his response, Captain Dallas states that on 11-21-19, he went to your cell and talked with you. It was determined that the items you listed as missing were actually found in your cell, once Captain Dallas checked your property. This should have resulted in a major disciplinary being placed on you. It was also determined that your cell mate was not at work but was the one that actually packed your property up for you the morning of Nov, 2, 2019. The next time you falsify documents and make false accusations, you will receive disciplinary action.

I find this grievance without merit.



Signature of Warden/Supervisor or Designee

Warden

Title

11-22-19

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? Documents are being falsified by Capt. Dallas why throw my cell mate under the bus when it's not his fault, half of my property was in North Control and they found the rest throwed in the barber shop across from North Control. No Inmates have Keys to either room then he lied and stated that "my cell mate" wasnt at work on the Nov 2, 2019 "Please tell me what that have to do with Nov 7, 2019 8 days later? But Capt, Dallas is lying so fast that he aint paying attention to date's or anything so you

RECEIVED

NOV 21 2019

QUACHITA RIVER UNIT
WARDENS OFFICE

tell me how he is going to determine anything if you dont know what day it happen. Plus he lied because they never found any Items, thats on my stolen property form please look into the documents that is being falsified and the Page 1 of 2 lies being told. Thank you!

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

May 18, 2021

Mr. Leundra Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Leundra Davis v. Arkansas Division of Correction***
Claim No. 201177

Dear Mr. Davis and Mr. Burns:

Enclosed please find an Order entered May 18, 2021, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: jsjones

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 201177

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the motion filed by the Arkansas Division of Correction (the “Respondent”) seeking to deem admitted its requests for admission propounded to Leundra Davis (the “Claimant”). Also pending is Claimant’s motion to compel discovery. Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. The Claims Commission has jurisdiction to hear this claim pursuant to Ark. Code Ann. § 19-10-204(a).

2. Claimant filed his claim on June 16, 2020, seeking \$2,344.60 in damages related to lost property.

3. Respondent filed a motion to dismiss, which was denied by the Claims Commission on September 11, 2020. As part of that order denying the motion to dismiss, the parties were instructed to begin discovery.

4. Respondent sent requests for admission to Claimant on October 12, 2020.

5. Respondent subsequently filed a motion to deem admitted, arguing that Claimant failed repeat each request before responding pursuant to Ark. R. Civ. Proc. 36(a).

6. Ark. R. Civ. Proc. 36(a) provides, in pertinent part, that:

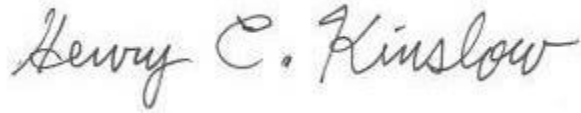
. . . Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, the party

to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney. . . . If objection is made, the reasons therefore shall be stated. The party answering requests for admissions shall repeat each request immediately before the answer or objection. The answer shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why he cannot admit or deny it.

The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served.

7. Claimant responded, arguing that Respondent's motion should not be granted.
8. The Claims Commission finds that by not repeating the request before each response, Claimant did not adhere to the requirements laid out in Ark. R. Civ. Proc. 36(a). The Claims Commission will give Claimant 30 days to file amended responses that comport with Ark. R. Civ. Proc. 36(a).
9. As such, the Claims Commission will DENY Respondent's motion to deem admitted.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird
Dexter Booth
Henry Kinslow, Co-Chair
Paul Morris, Co-Chair
Sylvester Smith

DATE: May 18, 2021

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC# [REDACTED])

CLAIM NO. 201177

ARKANSAS DIVISION OF CORRECTION

Arkansas
CLAIMANT
Arkansas State Claims Commission

JUN 11 2021

RECEIVED
RESPONDENT

**CLAIMANT'S AMENDED RESPONSE TO FIRST SET OF
REQUESTS FOR ADMISSIONS FROM RESPONDENT**

Comes now, the Claimant, Leundra Davis, Pro-Se with his Amended Response to Respondent's First Set of Request for Admissions, answered in accordance with the Arkansas Rules of Civil Procedure, states:

REQUEST FOR ADMISSION NO.1
this matter Claim 201177.

Admit that you do not have any damages related to

ANSWER FOR ADMISSION NO. 1
matter, Claim 201177.

Claimant admits that there is damages related to this

REQUEST FOR ADMISSION NO.2
YOUR CELL ON November 21, 2019.

Admit that your **PROPERTY WAS FOUND IN**

ANSWER FOR ADMISSION NO. 2

Claimant admits that his property was not found in his cell on November 21, 2019 (Please see Exhibit A) which clearly shows during an inventory of

2010
10
10
10

10

10

10

10

10

my property on February 28, 2020, that property reported missing in this matter is still missing. Quarn, Edge mini player, Prayer rug, Black Sony headphones, etc.

REQUEST FOR ADMISSION NO.3 Admit that your claim, 201177, is completely falsified.

ANSWER FOR ADMISSION NO. 3 Claimant admits that his claim 201177 is relevant and true and accurate stating clear facts and not mere conclusions.

REQUEST FOR ADMISSION NO.4 Admit that exhibit A shows you have all your property.

ANSWER FOR ADMISSION NO. 4 Claimant admits that (Exhibit A) shows none of the missing property that is missing in claim 201177 which includes, but not limited to Quarn, Edge mini player, Prayer rug, Black Sony headphones, etc.

REQUEST FOR ADMISSION NO.5 Admit that you violated policy in relation to claim 201177.

ANSWER FOR ADMISSION NO. 5 Claimant admits that at no time in relation to claim 201177 did Claimant violate policy, rather has followed all ADC policy and procedure in pursuit to this claim.

REQUEST FOR ADMISSION NO.6 Admit that ADC acted pursuant to policy in Claim 201177

ANSWER FOR ADMISSION NO. 6 Claimant admits that ADC did not act according to their own policy in Claim 201177, as Claimant's property is still missing and ADC is trying to make it appear on a property form (Exhibit A) which shows none of the missing property, therefore ADC has not acted pursuant to policy in Claim 201177.

REQUEST FOR ADMISSION NO.7
all times.

Admit that you must secure all of your property at

ANSWER FOR ADMISSION NO. 7 Claimant admits that his property must be secured while in his possession. Claimant's property was removed from his living quarters by ADC staff and placed in two different locations by ADC staff and that these locations could not have been totally secured do to the fact property came up missing while in the custody of ADC in these locations.

Respectfully

Leundra Davis, Pro-Se
ADC# [REDACTED]
[REDACTED]

CRETIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 8th day of June 2021, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns, General Counsel
6814 Princeton Pike
Pine Bluff, AR 71602

Leundra Davis, Pro-Se

2 notes

Transfer 48 on 48 off ADC Punitive Sending Institution: Court Receiving Institution: Other

Inmate's Name: DAVIS, L Medical

ITEM (# allowed)	PREC/SEN	CODE	#RETD	DESCRIPTION	ITEM	PREC/SEN	CODE	#RETD	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)	1	S		
All Books (10)	2+8	S			Personal Mail		S		small bundle
Bathrobe (F, 2)	2	S			Photos (5)				
Bowls					Radio (1)	1+1+1	S		diaper, clear Jensen; quarters
Bras/Panties (F-1) 3 ea +					Religious Material	8+1	B		bundle news paper
Comb (M, L, J)	1	S		Black w/wh bundle	Religious Medal (1)				
Cap	2	S		Cap & drinking	Ring (1)	2	S		band gold j. barker
Dentures (1)					Shoes w/rel (1)				
Depilatory preparation (1)					Shower Shoes (1)				
Ear buds/earphone (1)	1	S		Black Koss	Soap Dish	3+1			
Earplugs					Socks (1 3+2)	3	S		5 bars of soap
Eyeglasses/Contacts (1)	1	K		Voss	Stockings				
Gloves (1)	1				Sweat Pants (1)				
Gym Shoes (1)	1	K		Brown	Sweat Shirts (1)				
Hair Brush (1)	1	S		Black w/wh	Toothbrush holder	1	S		
Laundry Bag (1 1+1)	2	S		Brown	Undershirts	13	S		
Legal Mail/Transcript					Undershorts (M, L, 2 + 3)	1	S		
Magazines (3 ea)	3	S		Gar	Watch-Wrist (1)	1	S		thru the gold; buck band
Expendable Items (All Expendable items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Batteries (4)	2	S		AAA	Flex Pens		K		
Beauty Aid product	1	S			Food items	11	S		
Denture adhesive (2)					Hair Dressing (2)	3	S		
Deodorant (2)	1	K		store bought	Shampoo (2)				
Envelopes (10)					Shaving Cream (2)				
Other (All Expendable items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
OPM S	3	S			G Ties	1	S		
Eye drops	1	S			Funeral Pouch	1	S		
Washcloth	1	S			Funeral Pouch	1	S		2 Creams
State issued items	1	S			Anti-Birds	1	S		
Brogue shoes (1 pr)					Razor-Safety (2)		S		
Pants (3 pr)	1	S		State issued	Shirts (1)		S		
Cap/Hat (1)					Soap				
Canvas Shoes (M, L)					Thermals (2 sets)				
ADC Hand Book					Bath Towel as needed				
Tooth brush (1)	1	K			Toothpaste (2)	2	S		
Jackie/Coat (1)					Washcloth (1)	1	S		store bought

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

Printed Name / Sign Name Bridge # of Official Returning Property Date Location Stored Inmate's Signature & X P/W / D/T

From: [Thomas Burns](#)
To: [ASCC Pleadings](#)
Cc: [Roni Gean](#)
Subject: Leundra Davis v ADC 201177
Date: Monday, June 21, 2021 1:48:03 PM
Attachments: [1187_001.pdf](#)

Renewed motion to deem admitted and motion to strike

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

v.

NO. 201177

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

RENEWED MOTION TO DEEM REQUESTS FOR ADMISSIONS ADMITTED
and MOTION TO STRIKE PLEADING

Comes now, the Respondent, Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their Motion, states:

1. On May 18, 2021, the Claims Commission denied the ADC's motion to deem admitted but told the Inmate to correct his responses withing 30 days, *See attached Ex. A.*

2. As such the Inmate's responses to the Requests became due on June 18, 2021.

3. The Claimant has answers to the Respondent, but not as prescribed as prescribed by Rule 36(a). *See attached Ex. B.*

4. The permissible responses, according to **RULE 36(a)**, are, (1) **admit**; (2) **deny**; (3) object, stating the reasons for the objection; (4) state the reasons why the responding party can neither **admit** or **deny**; (5) **admit** or **deny** to the remainder; or (6) **admit** or **deny** in whole or in part with qualification. In one of the few cases construing the **rule**, for example, the Court of Appeals held that "**denied**" was an adequate response. Even if a party has no personal knowledge, he or she must answer a request for admission if the information can be obtained through reasonable inquiry. *Chiodini v Lock*; 2010 Ark App 340.

5. ARCP Rule 36(a) states in part:

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, the party to whom the request is directed served upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney...If objection is made, the reasons therefore shall be stated. **The party answering requests for admissions shall repeat each request immediately before the answer or objection. The answer shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission,** and when good faith requires that a party qualify his answer or deny only part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by his is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why he cannot admit or deny it...[emphasis added].

6. **Responses to requests for admissions that “the defendant refuses to admit this statement is true” were improper, did not constitute a denial, and in fact amounted to admissions of the truth of the statements contained in the requests.**

Young v Dodson 239 Ark 143 (1965).

7 Requests for Admissions have their own procedures and requirements, which results in automatic consequences for failure to respond that are similar to though more stringent than failing to respond to pleadings, and much more stringent than those for failing to respond to written discovery such as Interrogatories and Requests for Production. No mention of any specific Requests for Admissions is made anywhere, and no specific issue is taken, even by the respondent’s own pleading, with any of the substance of the Requests for Admissions; to the extent any of the requests propounded are considered improper by the respondent, they were not independently objected to with

grounds laid out in good faith as mandated by the above-quoted Rule. In any case, by the plain language of Rule 36, as quoted in paragraph 6 hereof, the matters on which admission was sought are deemed admitted. *Compare with Widmer v. Wood*, 243 Ark. 547, 420 S.W.2d 828 (1967).

8. Rule 36(a) further states that “The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.” Here, the Imamate has wholly failed to admit, deny, or properly object to any of the propounded requests. Respondent should be granted a reasonable fee for this motion.

9. The Claimant has not followed the Rules as set out for Responses to Requests for Admissions, as such the Requests **SHALL** be deemed admitted.

10. The Inmate has failed and refused to sign the amended responses in violation of Rule 11 of the Rules of Civil Procedure. *Id.*

11. The ADC requests that the inmate’s pleadings be stricken as void, ab initio, and that the motion to deem admitted be granted.

12. Even if the Inmate could correct the signature the please would be well beyond the 30 days as **ORDERED** by the Commission.

WHEREFORE, the Respondent prays that the Requests for Admission be Deemed Admitted; for attorney’s fees and costs; and for all other just and proper relief to which he may be entitled.

Respectfully submitted,




Thomas Burns (02006)
Legal Department
6814 Princeton Pike
Pine Bluff Arkansas 71602
Telephone (870) 267-6845
Fax (870) 267-6373
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 21st day of June 2021 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Leundra Davis ([REDACTED])
[REDACTED]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 201177

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the motion filed by the Arkansas Division of Correction (the “Respondent”) seeking to deem admitted its requests for admission propounded to Leundra Davis (the “Claimant”). Also pending is Claimant’s motion to compel discovery. Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. The Claims Commission has jurisdiction to hear this claim pursuant to Ark. Code Ann. § 19-10-204(a).
2. Claimant filed his claim on June 16, 2020, seeking \$2,344.60 in damages related to lost property.
3. Respondent filed a motion to dismiss, which was denied by the Claims Commission on September 11, 2020. As part of that order denying the motion to dismiss, the parties were instructed to begin discovery.
4. Respondent sent requests for admission to Claimant on October 12, 2020.
5. Respondent subsequently filed a motion to deem admitted, arguing that Claimant failed repeat each request before responding pursuant to Ark. R. Civ. Proc. 36(a).
6. Ark. R. Civ. Proc. 36(a) provides, in pertinent part, that:

... Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, the party

to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney. . . . If objection is made, the reasons therefore shall be stated. The party answering requests for admissions shall repeat each request immediately before the answer or objection. The answer shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why he cannot admit or deny it.

The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served.

7. Claimant responded, arguing that Respondent's motion should not be granted.

8. The Claims Commission finds that by not repeating the request before each response, Claimant did not adhere to the requirements laid out in Ark. R. Civ. Proc. 36(a). The Claims Commission will give Claimant 30 days to file amended responses that comport with Ark. R. Civ. Proc. 36(a).

9. As such, the Claims Commission will DENY Respondent's motion to deem admitted.

IT IS SO ORDERED.

Henry C. Kinslow

ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird
Dexter Booth
Henry Kinslow, Co-Chair
Paul Morris, Co-Chair
Sylvester Smith

DATE: May 18, 2021

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED
01496
JUN 14 2021

ATTORNEY
ARKANSAS
DIVISION OF CORRECTION

LEUNDRA DAVIS (ADC# [REDACTED])

CLAIMANT

CLAIM NO. 201177

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

CLAIMANT'S AMENDED RESPONSE TO FIRST SET OF
REQUESTS FOR ADMISSIONS FROM RESPONDENT

Comes now, the Claimant, Leundra Davis, Pro-Se with his Amended Response to Respondent's First Set of Request for Admissions, answered in accordance with the Arkansas Rules of Civil Procedure, states:

REQUEST FOR ADMISSION NO.1 Admit that you do not have any damages related to this matter Claim 201177.

ANSWER FOR ADMISSION NO. 1 Claimant admits that there is damages related to this matter, Claim 201177.

REQUEST FOR ADMISSION NO.2 Admit that your PROPERTY WAS FOUND IN YOUR CELL ON November 21, 2019.

ANSWER FOR ADMISSION NO. 2 Claimant admits that his property was not found in his cell on November 21, 2019 (Please see Exhibit A) which clearly shows during an inventory of

my property on February 28, 2020, that property reported missing in this matter is still missing. Quarn, Edge mini player, Prayer rug, Black Sony headphones, etc.

REQUEST FOR ADMISSION NO.3 Admit that your claim, 201177, is completely falsified.

ANSWER FOR ADMISSION NO. 3 Claimant admits that his claim 201177 is relevant and true and accurate stating clear facts and not mere conclusions.

REQUEST FOR ADMISSION NO.4 Admit that exhibit A shows you have all your property.

ANSWER FOR ADMISSION NO. 4 Claimant admits that (Exhibit A) shows none of the missing property that is missing in claim 201177 which includes, but not limited to Quarn, Edge mini player, Prayer rug, Black Sony headphones, etc.

REQUEST FOR ADMISSION NO.5 Admit that you violated policy in relation to claim 201177.

ANSWER FOR ADMISSION NO. 5 Claimant admits that at no time in relation to claim 201177 did Claimant violate policy, rather has followed all ADC policy and procedure in pursuit to this claim.

REQUEST FOR ADMISSION NO.6 Admit that ADC acted pursuant to policy in Claim 201177

ANSWER FOR ADMISSION NO. 6 Claimant admits that ADC did not act according to their own policy in Claim 201177, as Claimant's property is still missing and ADC is trying to make it appear on a property form (Exhibit A) which shows none of the missing property, therefore ADC has not acted pursuant to policy in Claim 201177.

REQUEST FOR ADMISSION NO.7

all times.

Admit that you must secure all of your property at

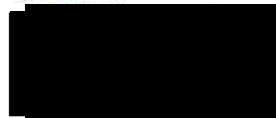
ANSWER FOR ADMISSION NO. 7

Claimant admits that his property must be secured while in his possession. Claimant's property was removed from his living quarters by ADC staff and placed in two different locations by ADC staff and that these locations could not have been totally secured do to the fact property came up missing while in the custody of ADC in these locations.

Respectfully



Leundra Davis, Pro-Se



CRETIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 8th day of June 2021, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns, General Counsel
6814 Princeton Pike
Pine Bluff, AR 71602



Leundra Davis, Pro-Se

Leundra Davis

Arkansas
State Claims Commission

JUL 02 2021

RECEIVED

Wednesday June 30, 2021

Kathryn Irby, Director
101 East Capitol Avenue, Suite 410
Little Rock, AR 72201

RE: Answers to admission

Dear Ms. Irby,

Ms. Irby enclosed you will find Claimant's letter in regards the answers to admissions A copy of the Answers has been served this day upon the Thomas Burns General counsel by U.S. Mail postage pre-paid.

Thank you in advance for your consideration and cooperation in this matter.



Leundra Davis

Cc: fil

17

Arkansas
State Claims Commission

JUL 02 2021

RECEIVED

Leundra Davis

Tuesday June 29, 2021

Thomas Burns, General Counsel
P.O. Box 6401
Princeton Pike
Pine Bluff, Arkansas 71602

RE: Answers to admissions

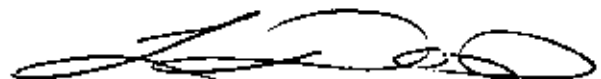
Dear Mr. Burns:

In accordance with ADC mail policy, administrative directive 2021-01(C)(4) all legal mail is be checked and sealed in the presence of ADC staff. It appears that after ADC staff check the documents they inadvertently put the old (original) documents in the envelope and not the amended answers that I had in the envelope when it was presented to them. I was told to seal the envelope and did not double check what was inserted by ADC staff.

It does appear though that the Claims Commission did receive the amended pleading in which Claimant restated the question and provided an answer to the admissions. Claimant is providing another copy of the amended answers, which a copy should be file marked with the Claims Commission as being submitted within the thirty day deadline. Claimant therefore respectfully ask that you accept his sincere apology for any inconvenience this may have cause, that you accept the amended pleading as being timely submitted.

Claimant has also sent a copy of this letter to the Claims Commission so that they may be informed as to how Claimant's pleadings during sealing at legal mail call got switched.

Thank you in advance for your consideration and cooperation in this matter.



Leundra Davis

Cc: file

From: [Kathryn Irby](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Roni Gean \(DOC\)](#); [Mika Tucker](#)
Subject: HEARING SCHEDULED: Davis v. ADC, Claim No. 201177
Date: Tuesday, June 28, 2022 9:57:00 AM
Attachments: [Davis v. ADC -- 201177 -- hearing scheduling ltr \(motions\).pdf](#)

Thomas, please see attached hearing letter. The Zoom invitation is set out below and in the attached letter.

Kathryn

Kathryn Irby
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2822

The Claims Commission invites you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings
Time: Aug 18, 2022 09:00 AM Central Time (US and Canada)

Join Zoom Meeting
<https://us06web.zoom.us/j/86544436200?pwd=VVp0Yy94SIFsNlpgSWlaUGtVUVA2dz09>

Meeting ID: 865 4443 6200
Passcode: 2L08Hb
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+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)

Meeting ID: 865 4443 6200
Passcode: 574953
Find your local number: <https://us06web.zoom.us/j/kdbZPfQSPS>

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

June 28, 2022

Mr. Leundra Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

RE: *Leundra Davis v. Arkansas Division of Correction*
Claim No. 201177

Dear Mr. Davis and Mr. Burns,

The Claims Commission has scheduled a hearing on the pending motions for **Thursday, August 18, 2022**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed, and the Claims Commission asks that Mr. Burns provide the Zoom invitation to Mr. Davis' unit.

As this is a motion hearing, no prehearing materials are requested.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission invites you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Aug 18, 2022 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/86544436200?pwd=VVp0Yy94SIFsNlpgSWlaUGtVUVA2dz09>

Meeting ID: 865 4443 6200

Passcode: 2L08Hb

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+13126266799,,86544436200#,,, *574953# US (Chicago)

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+1 929 436 2866 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 865 4443 6200

Passcode: 574953

Find your local number: <https://us06web.zoom.us/j/86544436200?pwd=VVp0Yy94SIFsNlpgSWlaUGtVUVA2dz09>

From: [Roni Gean \(DOC\)](#)
To: [Amanda Hickerson \(DOC\)](#)
Cc: [Thomas Burns \(DOC\)](#); [Kathryn Irby](#); [Leslie Browning \(DOC\)](#)
Subject: RE: Davis v. ADC -- 201177 -- hearing scheduling ltr (motions) (002).pdf
Date: Tuesday, June 28, 2022 2:49:59 PM

Yes, ma'am. He is. Sorry.

Roni Gean

Administrative Specialist III
DOC Division of Correction
Internal Affairs Division (870) 267-6218
6814 Princeton Pike, Pine Bluff, AR 71602
roni.gean@arkansas.gov

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From: Amanda Hickerson (DOC) <Amanda.Hickerson@arkansas.gov>
Sent: Tuesday, June 28, 2022 2:49 PM
To: Roni Gean (DOC) <Roni.Gean@arkansas.gov>
Cc: Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; Leslie Browning (DOC) <Leslie.Browning@arkansas.gov>
Subject: RE: Davis v. ADC -- 201177 -- hearing scheduling ltr (motions) (002).pdf

Inmate Leundra Davis [REDACTED] is located [REDACTED]
[REDACTED]

Amanda Hickerson

Administrative Specialist III
ADC-Maximum Security Unit
Warden's Secretary
Phone: (501) 842-3800 ext. 8502
Fax: (501) 842-1977
Amanda.Hickerson@arkansas.gov

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From: Roni Gean (DOC) <Roni.Gean@arkansas.gov>
Sent: Tuesday, June 28, 2022 1:43 PM
To: Amanda Hickerson (DOC) <Amanda.Hickerson@arkansas.gov>
Cc: Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>; Leslie Browning (DOC) <Leslie.Browning@arkansas.gov>; Roni Gean

(DOC) <Roni.Gean@arkansas.gov>

Subject: Davis v. ADC -- 201177 -- hearing scheduling ltr (motions) (002).pdf

Importance: High

Good afternoon,

Attached you will find a Zoom invitation for Mr. Davis to attend a Claim Commission hearing Thursday, August 18, 2022 at 9:00 a.m. Please make arrangements for him to participate. Thank you.

Roni Gean

Administrative Specialist III

DOC Division of Correction

Internal Affairs Division (870) 267-6218

6814 Princeton Pike, Pine Bluff, AR 71602

roni.gean@arkansas.gov

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From: [Roni Gean \(DOC\)](#)
To: [Kathryn Irby](#)
Subject: RE: HEARING SCHEDULED: Davis v. ADC, Claim No. 201177
Date: Tuesday, June 28, 2022 1:38:29 PM

Yes, ma'am.

Roni Gean

Administrative Specialist III
DOC Division of Correction
Internal Affairs Division (870) 267-6218
6814 Princeton Pike, Pine Bluff, AR 71602
roni.gean@arkansas.gov

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From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, June 28, 2022 1:33 PM
To: Roni Gean (DOC) <Roni.Gean@arkansas.gov>
Subject: RE: HEARING SCHEDULED: Davis v. ADC, Claim No. 201177
Okay, thanks. Will you please notify his unit of this hearing?

From: Roni Gean (DOC) <Roni.Gean@arkansas.gov>
Sent: Tuesday, June 28, 2022 1:23 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: RE: HEARING SCHEDULED: Davis v. ADC, Claim No. 201177

Roni Gean

Administrative Specialist III
DOC Division of Correction
Internal Affairs Division (870) 267-6218
6814 Princeton Pike, Pine Bluff, AR 71602
roni.gean@arkansas.gov

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From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, June 28, 2022 9:58 AM
To: Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>
Cc: Roni Gean (DOC) <Roni.Gean@arkansas.gov>; Mika Tucker <Mika.Tucker@arkansas.gov>
Subject: HEARING SCHEDULED: Davis v. ADC, Claim No. 201177

Thomas, please see attached hearing letter. The Zoom invitation is set out below and in the attached letter.

Kathryn

Kathryn Irby
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2822

The Claims Commission invites you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Aug 18, 2022 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/86544436200?pwd=VVp0Yy94SIFsNlpgSWlaUGtVUVA2dz09>

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Passcode: 2L08Hb

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+13126266799,,86544436200#,,,,*574953# US (Chicago)

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+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 865 4443 6200

Passcode: 574953

Find your local number: <https://us06web.zoom.us/j/86544436200?pwd=VVp0Yy94SIFsNlpgSWlaUGtVUVA2dz09>

From: [Leslie Browning \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Thomas Burns \(DOC\)](#)
Subject: Leundra Davis #201177
Date: Monday, August 22, 2022 8:35:27 AM
Attachments: [ADC Resp RFPD.pdf](#)

ADC Resp RFPD

Leslie Browning

Arkansas Division of Correction
Central Office/Legal Division
6814 Princeton Pike
Pine Bluff, AR 71602
Legal Support Specialist
Phone: 870-267-6844
Email: leslie.browning@arkansas.gov

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Leslie Browning \(DOC\)](#); [ASCC Pleadings](#); [Kathryn Irby](#)
Subject: ORDER: Leundra Davis v. ADC, Claim No. 201177
Date: Wednesday, August 31, 2022 1:26:00 PM
Attachments: [Leundra Davis v. ADC2 .pdf](#)
[Leundra Davis-order.pdf](#)

Thomas:

Please see attached. Contact Kathryn Irby with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

August 31, 2022

Mr. Leundra Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Leundra Davis v. Arkansas Division of Correction***
Claim No. 201177

Dear Mr. Davis and Mr. Burns:

Enclosed please find an Order entered today by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 201177

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) are the renewed motion to deem admitted and motion to strike filed by the Arkansas Division of Correction (the “Respondent”), as well as a discovery motion filed by Leundra Davis (the “Claimant”). At the motions hearing on August 18, 2022, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the pleadings, as well as the argument of the parties and the law of the State of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on June 16, 2020, seeking \$2,344.60 in damages related to lost property.
2. Respondent filed a motion to dismiss, which was denied by the Claims Commission on September 11, 2020. As part of that order, the parties were instructed to begin discovery.
3. In the course of discovery, Claimant filed a motion seeking information and documents from Respondent.
4. Also in the course of discovery, Respondent filed a motion to deem admitted, which was denied by the Claims Commission on May 18, 2021. As part of that order, the Claims Commission gave Claimant thirty days to file amended responses in accordance with Ark. R. Civ. Proc. 36(a).

5. Following receipt of Claimant's amended responses, Respondent renewed its motion to deem admitted and motion to strike, arguing that Claimant did not submit correct responses.

6. At the hearing, Respondent argued that Claimant did not submit correct responses. Respondent also argued that Claimant did not sign his responses, which is a violation of Ark. R. Civ. Proc. 11. Claimant responded that he did not sign his name because he was rushing, but he did answer the questions.

7. Upon a question from a commissioner, Claimant confirmed that his amended responses are true and accurate to the best of his knowledge.

8. The Claims Commission finds that Respondent's renewed motion to deem admitted and motion to strike must be DENIED. Claimant's amended responses appear to comport with the requirements of Ark. R. Civ. Proc. 36(a). While Claimant's failure to sign the amended responses constitutes a problem, that problem was corrected at the hearing when Claimant confirmed that the amended responses were true and accurate to the best of his knowledge. The Claims Commission cautions Claimant that any future filings should be signed.

9. Regarding Claimant's pending discovery motion, the chair commissioner noted his inclination to treat these as discovery requests and to ask Respondent to respond as it would pursuant to the Arkansas Rules of Civil Procedure. Respondent confirmed that it would file answers or objections within 30 days.¹

¹ Upon request by the chair commissioner, the Claims Commission director sent the discovery motion to Respondent via email on August 18, 2022.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: August 31, 2022

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

Before THE ARKANSAS STATE CLAIMS COMMISSION

Leundra Davis ADCH [REDACTED]

Claimant

v. Case NO. 20117

ARKANSAS DIVISION OF CORRECTION

Respondent

Writ of Mandamus

Comes now, the Prose Claimant, Leundra Davis, and in necessity, for his writ of Mandamus Shows the Court the following,

The Above style Case was filed in 2019 over 3 Years ago.

Due Process mandates a Speedy Ad Judication.

1. There is no Justification as to why this Claims Commission refuses to Decide on this Claim and or Keep it moving forward.

2. hesitation in this matter subjects me to lost evidence, witnesses Memory loss, and this omission Violated my 14th amend rights to Due Process of law. This is a deprivation of rights under the color of law, Sec 18 U.S.C. 242 which is a Crime. Wherefore, I Pray that this Court "Show Cause" as to why this Claim has not Yct been ruled upon. I ASK That I be Given a hearing Immediately to Resolve this matter and gain Justice Pursuant to ARK. Const. 12/13.

Respectfully Submitted,

Done this 10 day of Leundra Davis ADCH [REDACTED]

Jan 2023. [REDACTED]

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Leslie Browning \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Leundra Davis v. ADC, Claim No. 201177
Date: Tuesday, March 14, 2023 4:26:52 PM
Attachments: [Leundra Davis v. ADC .pdf](#)
[Leundra Davis-order2.pdf](#)

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

March 14, 2023

Mr. Leundra Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Leundra Davis v. Arkansas Division of Correction***
Claim No. 201177

Dear Mr. Davis and Mr. Burns:

Enclosed please find an Order entered on March 10, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 201177

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) a “writ of mandamus” filed by Leundra Davis (the “Claimant”). The Claims Commission has no authority to issue a writ of mandamus. As such, Claimant’s request for a writ of mandamus is DENIED. However, it appears that Claimant is requesting that a hearing be set on his claim.

The Claims Commission’s August 31, 2022, order granted Claimant’s discovery motion and directed the Arkansas Division of Correction (the “Respondent”) to respond to Claimant’s discovery requests. If the parties have since completed discovery, no such notification has been provided to the Claims Commission. The Claims Commission notes that Claimant’s pleading indicates that this claim is ready for a hearing. Therefore, the Claims Commission asks Respondent to confirm by March 31, 2023, whether discovery is complete.

The Claims Commission further notes that Claimant’s pleading contains no certificate of service. The Claims Commission cautions Claimant that any subsequent pleadings must contain a certificate of service and must be served as set forth in that certificate. Failure to comply with this requirement may result in the Claims Commission striking the pleading.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: March 10, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#); [Mika Tucker](#)
Cc: [Leslie Browning \(DOC\)](#)
Subject: Leundra Davis v ADC 201177
Date: Thursday, March 16, 2023 11:11:05 AM
Attachments: [3249_001.pdf](#)

Letter

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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LEGAL DIVISION

6814 Princeton Pike

Pine Bluff, Arkansas 71602

Phone: (870) 267-6844 | Fax: (870) 267-6373

DOC.ARKANSAS.GOV

March 16, 2023

Via email

Mika Tucker

Arkansas State Claims Commission

101 East Capitol Ave #410

Little Rock Arkansas 72201

Re: Leundra Davis v ADC claim 201177

Dear Ms. Tucker:

In response to the Commission's order of March 10, 2023 discovery is complete and the matter is ready for hearing.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'TB', is written over a circular blue stamp.

Thomas Burns
Legal Department
Division of Correction

cc: File
Leundra Davis [REDACTED]

From: [Kathryn Irby](#)
To: [Thomas Burns \(DOC\)](#); [Leslie Browning \(DOC\)](#)
Cc: [Mika Tucker](#)
Subject: HEARING SCHEDULED: Davis v. ADC, Claim No. 201177
Date: Tuesday, March 21, 2023 1:30:00 PM
Attachments: [Davis v. ADC -- 201177 -- hearing ltr.pdf](#)

Thomas, please see attached. Please make sure Mr. Davis' unit is aware of this Zoom hearing.
Thanks!

Kathryn

Kathryn Irby
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2822

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

March 21, 2023

Mr. Leundra Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

RE: ***Leundra Davis v. Arkansas Division of Correction***
Claim No. 201177

Dear Mr. Davis and Mr. Burns,

The Claims Commission has scheduled this claim for hearing on **Friday, September 22, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed.

Each party's witness lists, exhibit lists, and exhibits are due by August 11, 2023. If the parties would like for the Claims Commission to review prehearing briefs, the briefs are due at the same time.

If Claimant would like to call other inmates or ADC employees as witnesses, Claimant will need to submit subpoena requests by August 11, 2023. The subpoena requests must include the witnesses' names and addresses. If ADC objects to issuance of any subpoena, ADC will have until August 16, 2023, to file a motion to quash or detailed objections to the witness's proposed testimony.

If Claimant would like to call a witness outside of ADC, Claimant will need to arrange for that witness's virtual attendance at the hearing. Claimant can direct the witness to contact the Claims Commission for the Zoom invitation. If a subpoena will be necessary to compel a witness'

testimony, Claimant will need to submit a subpoena request by August 11, 2023. The subpoena request must include the witness's name and address. Once the Claims Commission issues the subpoena, Claimant will need to have the subpoena served upon the witness pursuant to Rule 45 of the Arkansas Rules of Civil Procedure.

If Respondent will require subpoenas in order to compel the testimony of any of its witnesses, those subpoena requests are also due on August 11, 2023.

Absent good cause shown, any subpoena requests received after August 11, 2023, will be denied.

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed by August 11, 2023.

Please note that a copy of any subpoena requests, witness lists, exhibit lists, and exhibits must be served upon the opposing party via U.S. Mail in accordance with the Arkansas Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Sep 22, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88499326899?pwd=YUJ TZi9Z Rn Fk b m 9 a e X d q c T V Q U z R m Q T 0 9>

Meeting ID: 884 9932 6899

Passcode: waf37R

One tap mobile

+13126266799,,88499326899#,,, *482369# US (Chicago)

+16469313860,,88499326899#,,, *482369# US

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

Meeting ID: 884 9932 6899

Passcode: 482369

Find your local number: <https://us06web.zoom.us/j/88499326899>

AUG 10 2023

Leundra Davis # [REDACTED]

RECEIVED

Claimant

v.

No. 201177

Arkansas Department Of Corrections

Respondent

Subpoena Request For Witnesses

Comes now Claimant, Leundra Davis #145900, pro se, and for his Subpoena Request for witnesses to appear before the Claims Commission in accordance with the Arkansas Rules of Civil Procedure, state:

- 1) Witness number one: Lt. Jennings
- 2) Witness number two: Lt. McNelly
- 3) Witness number three: CO Blessio
- 4) Witness number four: Captain Dallas

All of the above-outlined persons are assigned to the Ouachita River Correctional Unit.

For good cause / reason shown Claimant prays that this Subpoena Request be granted.

Respectfully Submitted
[Signature]
Leundra Davis # [REDACTED]



State Of Arkansas

AUG 10 2023

RECEIVED

County Of Lincoln

Subscribed and sworn to before me, a Notary Public, on this 7 day of August, 2023.

Angela Haynie
NOTARY PUBLIC

My Commission Expires:

Certificate of Service

I certify that a copy of this pleading has been served this 7 day of August, 2023, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)
Department of Correction
6814 Princeton Pike
Pine Bluff, Ark
71602

Leundra Davis # [REDACTED]

8/7/23

Arkansas
State Claims Commission

AUG 10 2023

RECEIVED

Ms. Irby,

Mam, I am sending four copies of my Subpoena Request For Witnesses & I would like a file-marked copy. I have already sent one to the Respondents as indicated on the certificate of service.

Thank you for your time & understanding in this matter.

A handwritten signature in black ink, appearing to be 'L. D. Davis', written over a horizontal line.

Respectfully Submitted,

From: [Thomas Burns \(DOC\)](#)
To: [Gary Musselwhite \(DOC\)](#); [Bryant Dallas \(DOC\)](#)
Cc: [Tina Gibson \(DOC\)](#); [Jimmy Coleman \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)
Subject: Claims Commission hearing 9/22/2023
Date: Monday, September 18, 2023 8:36:37 AM
Attachments: [Davis v. ADC -- 201177 -- hearing ltr.pdf](#)
[image001.png](#)

The following inmate has a hearing Friday 9/22 at 9am. Please have the inmate ready to go at that time. I have attached the hearing letter and zoom instructions.

Leundra Davis (201177)

Thank you,

-TB



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From: [Tina Gibson \(DOC\)](#)
To: [Thomas Burns \(DOC\)](#); [Gary Musselwhite \(DOC\)](#); [Bryant Dallas \(DOC\)](#)
Cc: [Jimmy Coleman \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#); [April Meridith \(DOC\)](#)
Subject: RE: Claims Commission hearing 9/22/2023
Date: Monday, September 18, 2023 8:41:38 AM
Attachments: [image001.png](#)

Inmate L. Davis# [REDACTED] on the calendar for zoom meeting September 22, 2023, at 9:00a.m.
Please forward link before meeting.

Thank you.

From: Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>
Sent: Monday, September 18, 2023 8:37 AM
To: Gary Musselwhite (DOC) <gary.musselwhite@arkansas.gov>; Bryant Dallas (DOC) <Bryant.Dallas@arkansas.gov>
Cc: Tina Gibson (DOC) <Tina.Gibson@arkansas.gov>; Jimmy Coleman (DOC) <Jimmy.Coleman@arkansas.gov>; ASCC Pleadings <ASCCPleadings@arkansas.gov>; Mika Tucker <Mika.Tucker@arkansas.gov>
Subject: Claims Commission hearing 9/22/2023

The following inmate has a hearing Friday 9/22 at 9am. Please have the inmate ready to go at that time. I have attached the hearing letter and zoom instructions.

Leundra Davis (201177)

Thank you,
-TB



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From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Leundra Davis v. ADC, Claim No. 201177
Date: Wednesday, October 11, 2023 9:29:21 AM
Attachments: [Leundra Davis v. ADC2 .pdf](#)
[Leundra Davis-Order3.pdf](#)

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

October 11, 2023

Mr. Leundra Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Leundra Davis v. Arkansas Division of Correction***
Claim No. 201177

Dear Mr. Davis and Mr. Burns:

Enclosed please find an Order entered on October 10, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 201177

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Leundra Davis (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). At the hearing on September 22, 2023, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the testimony and evidence presented, as well as the arguments of the parties and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on June 16, 2020, seeking \$2,344.60 in lost property.
2. Respondent denied liability.
3. Respondent filed a motion to dismiss, which was denied by the Commission on September 11, 2020.
4. Respondent filed a motion to deem admitted, which was denied by the Commission on May 18, 2021.
5. On August 18, 2022, a hearing was held on Respondent’s renewed motion to deem admitted and motion to strike, as well as a discovery motion filed by Claimant. The Commission denied Respondent’s renewed motion to deem admitted and motion to strike and addressed Claimant’s discovery motion in an order dated August 31, 2022.
6. Claimant filed a writ of mandamus, which was denied on March 10, 2023.
7. At the hearing, Claimant testified that, on the day of the incident, Cpl. Bledsoe came to the door and advised all inmates to pack their property and advised them that they would be

going to the visitation area for a property “shake down.” Claimant testified that Respondent then called “school call” and that Claimant advised the officer that he was on standby to go to visitation. Claimant testified that he was advised by Respondent to go to “school call” and, therefore, he went to “school call.” Claimant testified that, when “school call” was over, he was escorted back to the barracks and the barracks were empty. Claimant testified that, when he was looking for his property, Cpl. Bledsoe advised him that he had Claimant’s roommate move Claimant’s property. Claimant testified that, when Respondent took Claimant to the visitation area, half of his property was in the main control room and half was in the barber shop. Claimant stated that he did not know what happened to the property from the time it went from the barracks to the hallway. Claimant testified that, after returning from “school call,” he went to Captain Crosby or the captain on the shift and advised the captain what was going on, and that the captain told him to go back to the visitation area. Claimant testified that he went to the visitation area and “went on with” the grievance procedure. Upon a question from a commissioner, Claimant’s stated that he was seeking \$2,344.60 as his damages, that \$1,000.00 of that amount was for pain and suffering, that \$1,000.00 of that amount was for “mental stress and anguish” and that \$344.60 was his actual damages. Upon a question from a commissioner, Claimant testified that he was never physically injured at any time during the incident.

8. On cross-examination, Claimant testified that half of his property was in barber shop and half was in main control, and that was all his property. Claimant testified that he got the property, inventoried what was missing and advised Respondent’s employees. Claimant testified that Respondent’s employees told him to complete the stolen property form and “go with” the grievance procedure. Claimant testified that Captain Dallas looked into his stolen property. Claimant testified that Captain Dallas, “MacNelly” and Sgt. Jennings did his cell “shake down” when he completed the stolen property form to see if any of the property was there. Respondent

presented Claimant's appeal to the Step Two grievance as an exhibit, and Claimant testified that half of his property was in the barber shop and half was in main control. Respondent also presented Claimant's response to Request for Admission No. 7 as an exhibit, and Claimant testified that his property was found in the two different locations. Claimant stated that his proof was "in the paperwork" and that he had inventory forms and receipts for "everything that [he] owned." Upon a question from a commissioner, Claimant testified that he was talking about documents attached to his claim form. Claimant testified that when he bought prayer books and Qurans, those receipts go to the chaplain and the information is on EOMIS.

9. Respondent then questioned Captain Dallas. Captain Dallas testified that he vaguely remembered the incident after reading over the paperwork. Captain Dallas testified that normally the stolen property report would not go directly to him but to the laundry or property supervisor and that supervisor would notify Captain Dallas of what the inmate had missing or claimed to have missing. Captain Dallas testified that, after being notified that Claimant had items missing, Captain Dallas and others would be directed search the cell to make sure that what was claimed to be missing was missing. Captain Dallas testified that there were others that conducted this investigation and the items were found, as his statement provides. Captain Dallas testified that he talked directly with Claimant during the search. Captain Dallas stated that he questioned why he did not write Claimant a disciplinary because that was falsifying information and that he does not know how that "got by" him.

10. Claimant then questioned Captain Dallas. Captain Dallas testified that no pictures were taken of the items recovered. Captain Dallas testified that he could not recall the policy that pictures were to be taken when items were recovered. Captain Dallas then testified that Claimant "got [him] on that" and that Claimant was "absolutely right" that the photos were evidence that "go on the 401 form" and "go with" the incident report. Captain Dallas testified that there should

have been photos taken as proof that they did find Claimant's items and he was not sure if the photos were taken.

11. Respondent then questioned Captain Dallas. Captain Dallas testified that he was "absolutely sure" the items were found.

12. Upon a question from a commissioner, Respondent confirmed that it was its position that all the property listed in the claim form as missing or lost was found in his cell and returned to Claimant. Upon a question from a commissioner, Claimant stated that he "totally disagreed" and that there should have been photos of taken for evidence, but that Respondent had nothing to show that these items were found in his cell. Upon a question from a commissioner, Claimant stated that he did not get anything back, "not prayer rug, not a Quran." Upon a question from a commissioner, Claimant stated that the same day Captain Dallas took and returned a black rag and "bikini magazine" to him.

13. The Commission finds that Claimant's testimony was credible. The Commission finds it persuasive that both Claimant and Captain Dallas testified that there is a policy that requires photos to be taken of items recovered after being reported stolen and that no photos of recovered property were taken or produced by Respondent.

14. To prevail on a negligence claim, "the [claimant] must prove that the [respondent] owed a duty to the [claimant], that the [respondent] breached the duty, and that the breach was the proximate cause of the [claimant's] injuries." *Duran v. Sw. Arkansas Elec. Coop. Corp.*, 2018 Ark. 33, 6, 537 S.W.3d 722, 726 (2018). For the reasons set forth above, the Commission finds that Claimant's property was lost as a result of Respondent's negligence. Claimant seeks damages for pain and suffering and mental anguish, as well as actual damages. However, the Commission notes that pain and suffering and mental anguish damages are not recoverable in negligence actions where a claimant has not suffered physical injury. *See Wright v. Husband*, 193 Ark. 347, 99 S.W.2d

583, 585 (1936). As such, the Commission AWARDS Claimant \$241.00, which represents Claimant's actual damages taking into consideration the depreciation in value of Claimant's lost property, and directs the Commission clerk to issue a voucher in payment thereof.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: October 10, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
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- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Leundra Davis v ADC 201177
Date: Monday, November 6, 2023 1:06:07 PM
Attachments: [1657_001.pdf](#)
[image001.png](#)

Reconsideration

Thank you,
-TB



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

v

NO. 201177

**ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION**

RESPONDENT

MOTION FOR RECONSIDERATION

Comes Now the Respondent, Arkansas Department of Corrections (ADC), by Thomas Burns, and for their Motion for Reconsideration, states:

1. The Commission issued an Order October 10, 2023, awarding the inmate \$241.00 in damages.
2. The inmate put on absolutely zero (0) evidence, not even a scintilla of damages. The inmate just claimed “those receipts go to the Chaplin and the information is on EOMIS” *See paragraph 10 of the Order attached as Ex A*. The inmate did not have any receipts, nor did he ask for copies of receipts in the discovery process. Because there are none.
3. The Commission could not have looked at the evidence, the inmate in his appeal of his grievance, admits he found all of his property. *See attached Ex B*. The inmate claims he turned in a stolen property report with missing items, but he has failed to provide one. That is because there is not one, neither the inmate nor the ADC has that. If the inmate filed a stolen property report it would be in EOMIS.
4. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992)*. Regarding proof of damages, the burden of proof is on the party claiming

damages, and such proof must consist of facts, not speculation. *Marine Servs. Unlimited, Inc. v. Rakes*, 323 Ark. 757, 918 S.W.2d 132 (1996).

5. The amount of damages a plaintiff is entitled to is a question of fact. *Quality Truck Equipment Co. v. Layman*, 51 Ark. App. 195, 912 S.W.2d 18 (1995). The burden of proof regarding damages is on the party claiming them. *Grand State Mktg. v. Eastern Poultry Distrib., Inc.*, 63 Ark. App. 123, 975 S.W.2d 439 (1998). Exactness of proof of damages is not required and if it is reasonably certain that some loss occurred, it is enough that damages can be stated only approximately. *Morton v. Park View Apartments*, 315 Ark. 400, 868 S.W.2d 448 (1993); *Employers Ins. of Wausau v. Didion Mid-South Corp.*, 65 Ark. App. 201, 987 S.W.2d 745 (1999). However, a plaintiff's proof of damages must be certain enough to allow findings from established facts, not from speculation or conjecture. *Riffle v. United Gen. Title Ins. Co.*, *supra*.

6. The inmate's complaint only asks for damages in the amount of \$344.60. *See paragraph 7 of attached Order*. The inmate offers no proof of this amount and offered no proof of this amount during the hearing. The inmate states the receipts are in EOMIS, but never requested them or provided them. The inmates failure to provide receipts can only allow for speculation or conjecture.

7. The inmate claims that no photographs were taken of his alleged property. While the Commission states "go to the 401 form" an investigation would actually be a 005 form. *See attached Ex C*. A 401 form is actually a confiscation form *See attached Ex D*. nothing was confiscated from the inmate.

8. The reason there are no photos or a 005 (report of incident) is because there was not a investigation. Officers and the inmate found all of his property. This is

confirmed by the inmate, the grievance, and Capt. Dallas who stated “he was “absolutely sure” the items were found.” *See paragraph 11 of the attached Order.*

9. The inmate has been involved with 135 incidents. In 2019 he was involved in three (3), none of them involved lost or stolen property. *See attached Ex E.*

10. The Commission in paragraph 13 states that the claimant and Capt. Dallas testified there was a policy requiring photos be taken. Actually in paragraph 10 its said they Capt. Dallas could not recall a policy that pictures were to be taken when items were recovered.

11. What Capt. Dallas actually said was “that photos were evidence that would go on the 401 (wrong from should be 005) and go with the incident report.” There was no incident report because there was no investigation or incident.

12. Arkansas State Claims Commission Rule 7.1 Motions for Reconsideration “will only be entertained if they set forth new or additional evidence which was not previously available.”

13. This motion puts forth new and additional evidence the was not available at the hearing.

14. This motion presents case law and evidence that the Claims Commission should reverse their previous ruling and dismiss the claim.

WHEREFORE, the Respondent prays that the Commission reconsider the order of October 10, 2023; that this Commission set aside the award of damages for lack of evidence; for their attorney fees and costs; and for all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)
Legal Services Unit
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 6th day of November 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Leundra Davis ([REDACTED])
[REDACTED]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 201177

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Leundra Davis (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). At the hearing on September 22, 2023, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the testimony and evidence presented, as well as the arguments of the parties and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on June 16, 2020, seeking \$2,344.60 in lost property.
2. Respondent denied liability.
3. Respondent filed a motion to dismiss, which was denied by the Commission on September 11, 2020.
4. Respondent filed a motion to deem admitted, which was denied by the Commission on May 18, 2021.
5. On August 18, 2022, a hearing was held on Respondent’s renewed motion to deem admitted and motion to strike, as well as a discovery motion filed by Claimant. The Commission denied Respondent’s renewed motion to deem admitted and motion to strike and addressed Claimant’s discovery motion in an order dated August 31, 2022.
6. Claimant filed a writ of mandamus, which was denied on March 10, 2023.
7. At the hearing, Claimant testified that, on the day of the incident, Cpl. Bledsoe came to the door and advised all inmates to pack their property and advised them that they would be

going to the visitation area for a property “shake down.” Claimant testified that Respondent then called “school call” and that Claimant advised the officer that he was on standby to go to visitation. Claimant testified that he was advised by Respondent to go to “school call” and, therefore, he went to “school call.” Claimant testified that, when “school call” was over, he was escorted back to the barracks and the barracks were empty. Claimant testified that, when he was looking for his property, Cpl. Bledsoe advised him that he had Claimant’s roommate move Claimant’s property. Claimant testified that, when Respondent took Claimant to the visitation area, half of his property was in the main control room and half was in the barber shop. Claimant stated that he did not know what happened to the property from the time it went from the barracks to the hallway. Claimant testified that, after returning from “school call,” he went to Captain Crosby or the captain on the shift and advised the captain what was going on, and that the captain told him to go back to the visitation area. Claimant testified that he went to the visitation area and “went on with” the grievance procedure. Upon a question from a commissioner, Claimant’s stated that he was seeking \$2,344.60 as his damages, that \$1,000.00 of that amount was for pain and suffering, that \$1,000.00 of that amount was for “mental stress and anguish” and that \$344.60 was his actual damages. Upon a question from a commissioner, Claimant testified that he was never physically injured at any time during the incident.

8. On cross-examination, Claimant testified that half of his property was in barber shop and half was in main control, and that was all his property. Claimant testified that he got the property, inventoried what was missing and advised Respondent’s employees. Claimant testified that Respondent’s employees told him to complete the stolen property form and “go with” the grievance procedure. Claimant testified that Captain Dallas looked into his stolen property. Claimant testified that Captain Dallas, “MacNelly” and Sgt. Jennings did his cell “shake down” when he completed the stolen property form to see if any of the property was there. Respondent

presented Claimant's appeal to the Step Two grievance as an exhibit, and Claimant testified that half of his property was in the barber shop and half was in main control. Respondent also presented Claimant's response to Request for Admission No. 7 as an exhibit, and Claimant testified that his property was found in the two different locations. Claimant stated that his proof was "in the paperwork" and that he had inventory forms and receipts for "everything that [he] owned." Upon a question from a commissioner, Claimant testified that he was talking about documents attached to his claim form. Claimant testified that when he bought prayer books and Qurans, those receipts go to the chaplain and the information is on EOMIS.

9. Respondent then questioned Captain Dallas. Captain Dallas testified that he vaguely remembered the incident after reading over the paperwork. Captain Dallas testified that normally the stolen property report would not go directly to him but to the laundry or property supervisor and that supervisor would notify Captain Dallas of what the inmate had missing or claimed to have missing. Captain Dallas testified that, after being notified that Claimant had items missing, Captain Dallas and others would be directed search the cell to make sure that what was claimed to be missing was missing. Captain Dallas testified that there were others that conducted this investigation and the items were found, as his statement provides. Captain Dallas testified that he talked directly with Claimant during the search. Captain Dallas stated that he questioned why he did not write Claimant a disciplinary because that was falsifying information and that he does not know how that "got by" him.

10. Claimant then questioned Captain Dallas. Captain Dallas testified that no pictures were taken of the items recovered. Captain Dallas testified that he could not recall the policy that pictures were to be taken when items were recovered. Captain Dallas then testified that Claimant "got [him] on that" and that Claimant was "absolutely right" that the photos were evidence that "go on the 401 form" and "go with" the incident report. Captain Dallas testified that there should

have been photos taken as proof that they did find Claimant's items and he was not sure if the photos were taken.

11. Respondent then questioned Captain Dallas. Captain Dallas testified that he was "absolutely sure" the items were found.

12. Upon a question from a commissioner, Respondent confirmed that it was its position that all the property listed in the claim form as missing or lost was found in his cell and returned to Claimant. Upon a question from a commissioner, Claimant stated that he "totally disagreed" and that there should have been photos of taken for evidence, but that Respondent had nothing to show that these items were found in his cell. Upon a question from a commissioner, Claimant stated that he did not get anything back, "not prayer rug, not a Quran." Upon a question from a commissioner, Claimant stated that the same day Captain Dallas took and returned a black rag and "bikini magazine" to him.

13. The Commission finds that Claimant's testimony was credible. The Commission finds it persuasive that both Claimant and Captain Dallas testified that there is a policy that requires photos to be taken of items recovered after being reported stolen and that no photos of recovered property were taken or produced by Respondent.

14. To prevail on a negligence claim, "the [claimant] must prove that the [respondent] owed a duty to the [claimant], that the [respondent] breached the duty, and that the breach was the proximate cause of the [claimant's] injuries." *Duran v. Sw. Arkansas Elec. Coop. Corp.*, 2018 Ark. 33, 6, 537 S.W.3d 722, 726 (2018). For the reasons set forth above, the Commission finds that Claimant's property was lost as a result of Respondent's negligence. Claimant seeks damages for pain and suffering and mental anguish, as well as actual damages. However, the Commission notes that pain and suffering and mental anguish damages are not recoverable in negligence actions where a claimant has not suffered physical injury. *See Wright v. Husband*, 193 Ark. 347, 99 S.W.2d

583, 585 (1936). As such, the Commission AWARDS Claimant \$241.00, which represents Claimant's actual damages taking into consideration the depreciation in value of Claimant's lost property, and directs the Commission clerk to issue a voucher in payment thereof.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: October 10, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

IGTT410
3GSINMATE NAME: Davis, Leundra

ADC #: [REDACTED]

GRIEVANCE #: [REDACTED]-19-01286

WARDEN/CENTER SUPERVISOR'S DECISION

In your grievance dated 11-7-19, you stated "On Thursday Nov 2, 2-19 I was at school when 2-barracks was told to move to the gym some of my stuff was packed because we was suppose to move the day before. While I was at school somebody from the clean up crew went into my cell and stole my property R-10's head phones, my M.P. 4 player and a little commissary. When I came out of school my property was in the main-hall-way the barber shop and I can't tell you how it got there. When my cell mate got off work he stated my stuff was in the cell when he left with his property. I want this matter investigate I have my property forms and every to prove what I had before someone went in my cell. I want video played back so that we can find out who has my property its important to me because my family don't send me money just so my stuff can be taken when I'm not around. Stolen property form ask ? as a statement from my cell mate have been prepared for you. Please look into this matter I just want my property back is all."

In his response, Captain Dallas states that on 11-21-19, he went to your cell and talked with you. It was determined that the items you listed as missing were actually found in your cell, once Captain Dallas checked your property. This should have resulted in a major disciplinary being placed on you. It was also determined that your cell mate was not at work but was the one that actually packed your property up for you the morning of Nov, 2, 2019. The next time you falsify documents and make false accusations, you will receive disciplinary action.

I find this grievance without merit.

Signature of Warden/Supervisor or Designee

Title

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? Documents are being falsified by Capt. Dallas why throw my cell mate under the bus when it's not his fault, half of my property was in North Control and they found the rest throwed in the barber shop across from North Control. No Inmates have keys to either room then he lied and stated that my cell mate was not at work on the Nov 2, 2019 "Please tell me what that have to do with Nov 2, 2019 8 days later? But Capt. Dallas is lying so fast that he aint paying attention to date's or anything so you tell me how he is going to determine anything if you don't know what day it happen. Plus he lied because they never found any items, thats on my stolen property form please look into the documents that is being falsified and the Page 1 of 2 lies being told. Thank you!

NOV 21 2019

OUACHITA RIVER UNIT
WARDENS OFFICE

IGTT410

ExB

IGTT430
3GD

Attachment VI

INMATE NAME: Davis, Leundra

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED]-19-01286

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

In your grievance dated 11-7-19, you stated, "On Thursday Nov 2, 2-19 I was at school when 2-barracks was told to move to the gym some of my stuff was packed because we was suppose to move the day before. While I was at school somebody from the clean up crew went into my cell and stole my property R-10's head phones, my M.P. 4 player and a little commissary. When I came out of school my property was in the main-hall-way the barber shop and I can't tell you how it got there. When my cell mate got off work he stated my stuff was in the cell when he left with his property. I want this matter investigate I have my property forms and every to prove what I had before someone went in my cell. I want video played back so that we can find out who has my property its important to me because my family don't send me money just so my stuff can be taken when I'm not around. Stolen property form ask ? as a statement from my cell mate have been prepared for you. Please look into this matter I just want my property back is all."

On 11/22/19 the warden responded, "In his response, Captain Dallas states that on 11-21-19, he went to your cell and talked with you. It was determined that the items you listed as missing were actually found in your cell, once Captain Dallas checked your property. This should have resulted in a major disciplinary being placed on you. It was also determined that your cell mate was not at work but was the one that actually packed your property up for you the morning of Nov, 2, 2019. The next time you falsify documents and make false accusations, you will receive disciplinary action. I find this grievance without merit."

Your appeal was received on 12/2/19. In your appeal you stated that half of your property was located in North Control and the rest in the barber shop across from North Control. No inmates have keys to these rooms. You also stated that Capt. Dallas lied because they never found any items that was listed on my stolen property form.

I have reviewed your appeal and the response from the warden, I concur with the warden's decision. I find no merit in your appeal.


Appeal denied.

Director



Date

11/16/20

 <p style="text-align: center;">ADMINISTRATIVE RULE</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number: ADC- 005 ACC- 4.2	Page Number: 1 of 1
	Board Approval Date: 8/24/2021	
	Supersedes: 005	Dated: 2/9/2020
	Reference:	Effective Date: 9/10/2021
	SUBJECT: Reporting of Incidents	

I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rule is found in Ark. Code Ann. § 25-43-401.

II. POLICY:

It is the policy of the Board of Corrections to ensure that all serious incidents occurring within a facility or center housing inmates or offenders, or while an offender is under the supervision of the department, are completely documented by those present, and that the Board of Corrections and all appropriate Department personnel are informed of the incident in a timely manner.

As used in this Administrative Rule, the term “offender” applies to inmates, residents, parolees, and probationers; in addition to residents in a community correction center or reentry center.

II. PURPOSE:

- A. The Secretary of the Department of Corrections shall issue a directive containing procedures ensuring that that all serious incidents are reported consistent with this rule. The issuance or revision of any policy governing the reporting of incidents within the Department of Corrections that narrows reporting requirements shall be reported to Board of Corrections.
- B. Incident reporting procedures shall provide for the immediate notification of all serious incidents to the following individuals:
 - 1. The Chairman of the Board of Corrections;
 - 2. The Assistant to the Board of Corrections who shall notify the remaining members;
 - 3. The Secretary of the Department of Corrections;
 - 4. The Division Director; and
 - 5. The Department’s Liaison in the Governor’s Office.
- C. All employees shall complete the Department’s Incident Report Form as soon as practical following an incident. This report shall be promptly entered in the electronic Offender Management Information System, or its successor, forwarded to the Unit Warden, Center Supervisor, Area Manager, or Administrator, and distributed via the appropriate incident notification list.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number :
005/409

Page Number :
005-3 of 3
409-9 of 9

Board of Correction Approval Date :
9 / 23 / 87

Supersedes :
005 / 409 Form

Dated :
12 / 19 / 85

Attorney General
Review Date :
6 / 11 / 87

Date Filed
Secy. of State :
10 / 02 / 87

005



Incident
Report
and

409



Use of
Force

SUBJECT: Reporting of Incidents-005; Use of Force-409

UNIT / DIVISION

REPORTING EMPLOYEE: _____
LAST FIRST MIDDLE

RANK: _____ SHIFT ASSIGNMENT: _____

DATE: _____ TIME: _____ LOCATION: _____

INMATE(S) INVOLVED: _____
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: _____
(Names, Titles, Rank)

INMATE(S) PRESENT: _____
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: _____
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) _____
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): _____

TREATMENT AFFORDED INMATE(S): _____

EXTENT OF INJURY TO OFFICER(S): _____

TREATMENT AFFORDED OFFICER(S): _____

This image shows a single sheet of white paper with horizontal blue lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Date _____

Date _____

Date _____

Date _____

Original to Assistant Director, then to Director, and then to Inmate Institutional File.
Assistant Director
Warden/Center Supervisor/Administrator

SCAN INTO EOMIS UPON COMPLETION**F-401****STATE OF ARKANSAS – DIVISION OF CORRECTION****CONFISCATED FORM – AREA OR PERSON**(Check One) ☐ Inmate ☐ Visitor ☐ Staff ☐ Area

Unit: _____ Building or Area: _____ Barracks _____ Cell _____

Date and Time of Search: _____ / _____ / _____ : pm: am

Officer(s) Conducting Search: (Print) _____

Officer(s) Conducting Search: (Signature) _____

Inmate Name: _____ ADC #: _____

Articles Seized (description and number of items):

Number	Description

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

Other _____

Inmate Signature: _____ (☐) Refused to Sign

Area/Shift/Supervisor: (Signature) _____

Disposition of Contraband: _____

Copy Delivered to Inmate: Date: _____ Time: _____

Delivered By: (Signature) _____

Disciplinary Written: (☐) No (☐) Yes By: _____

Voluntarily Produced Excess articles only may be mailed to: _____

Inmate authorizes deduction of postage from pen store account for voluntarily produced excess property only:

(☐) No (☐) Yes Inmate Signature: _____**To be completed by UPCO**

Destruction Date: _____ / _____ / _____

UPCO: (Signature) _____ Witnessing Staff: (Signature) _____

Original – Institutional file Legible copy – Inmate Scanned copy – UPCO copy

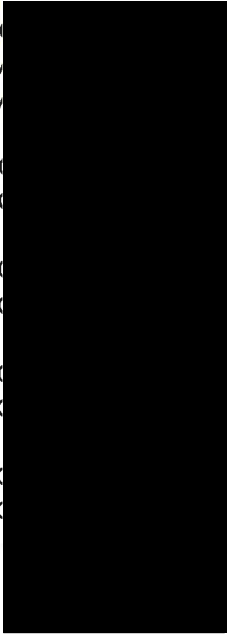
F-401**Revised**

Incident Report Log by Offender

11/06/2023 11:14:17 AM

▼ Incident Report Log by Offender (1 - 20 of 135)

Date	Unit Name	Zone	Incident Type	Involvement	Injuries	Force Used
<u>09/08/2023</u>		Zone 1	Introduction of Drugs	Suspect	None	No
<u>09/02/2023</u>		Zone 1	Introduction of Drugs	Suspect	None	No
<u>02/16/2023</u>		Zone 1	Disobey Direct Order	Suspect	None	No
<u>01/19/2023</u>		Zone 1	Disobey Direct Order	Suspect	None	No
<u>10/27/2022</u>		Zone 1	Other Rule Violation	Victim	None	No
<u>08/10/2022</u>		Zone 1	Possession of Electronic Device	Suspect	None	No
<u>02/18/2022</u>		Zone 2	Battery on Inmate/Resident With Serious Injury	Suspect	Offender/Inmate Only	No
<u>12/09/2021</u>		Zone 2	Possession of Money	Suspect	None	No
<u>12/02/2021</u>		Zone 2	Possession of Money	Suspect	None	No
<u>04/21/2021</u>		Zone 2	Disobey Direct Order	Suspect	None	No
<u>04/19/2021</u>		Zone 1	Disobey Direct Order	Suspect	None	No
<u>09/08/2020</u>		Zone 4	Employee Misconduct	Suspect	None	No
<u>08/31/2020</u>		Zone 4	Employee Misconduct	Suspect	None	No
<u>11/25/2019</u>		Zone 1	Other Incident	Suspect	None	No
<u>06/03/2019</u>		Zone 1	Possession of Cell Phone	Suspect	None	No

Date	Unit Name	Zone	Incident Type	Involvement	Injuries	Force Used
<u>03/26/2019</u>		Zone 2	Disobey Direct Order	Suspect	None	Yes
<u>02/18/2019</u>		Zone 2	Disobey Direct Order	Suspect	None	Yes
<u>12/05/2018</u>		Zone 1	Disobey Direct Order	Suspect	None	No
<u>11/15/2018</u>		Zone 1	Disobey Direct Order	Suspect	None	No
<u>11/08/2018</u>		Zone 1	Disobey Direct Order	Suspect	None	No

From: [Mika Tucker](#)
To: [Thomas Burns \(DOC\)](#)
Subject: HEARING SCHEDULED: Leundra Davis v. ADC, Claim No. 201177
Date: Friday, December 15, 2023 3:53:00 PM
Attachments: [Davis v. ADC, 201177 -- hearing letter \(motions\).pdf](#)

Hi, Thomas.

Please see the attached correspondence.

Thanks,
Mika

Mika Tucker
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2818

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

December 15, 2023

Mr. Leundra Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

RE: ***Leundra Davis v. Arkansas Division of Correction***
Claim No. 201177

Dear Mr. Davis and Mr. Burns,

The Claims Commission has scheduled a hearing on any pending motions for **Thursday, January 18, 2024**, beginning at 8:45 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed.

As this is a status conference and motions hearing, no prehearing materials are requested.

Sincerely,

Mika Tucker

ES: mtucker

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Jan 18, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87348644534?pwd=UnAvWmlBVVA4VnNuMVB6WFpuclRodz09>

Meeting ID: 873 4864 4534

Passcode: BZ1fnd

One tap mobile

+16469313860,,87348644534#,,, *299333# US

+19294362866,,87348644534#,,, *299333# US (New York)

Dial by your location

- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 873 4864 4534

Passcode: 299333

Find your local number: <https://us06web.zoom.us/j/kdJNKs5RvA>

From: [Mika Tucker](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Kathryn Irby](#)
Subject: HEARING REMOVED: Davis v. ADC, Claim No. 201177
Date: Tuesday, January 16, 2024 9:47:00 AM
Attachments: [CORR Davis v. ADC -- 201177.pdf](#)

Hi, Thomas. Please see the attached correspondence. Thank you.

-Mika

Mika Tucker
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2818

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

January 16, 2024

Mr. Leundra Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Leundra Davis v. Arkansas Division of Correction***
Claim No. 201177

Dear Mr. Davis and Mr. Burns,

The Claims Commission has removed the motion hearing in above-referenced claim from the docket. The Claims Commission will review the pending motion and enter an order soon.

Our office asks the ADC to please hand-deliver a copy of this letter to Mr. Davis as soon as possible so that he will be aware of the removal of the hearing prior to January 18, 2024.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: mtucker

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Leundra Davis v. ADC, Claim No. 201177
Date: Monday, January 22, 2024 2:40:00 PM
Attachments: [Leundra Davis v. ADC2.pdf](#)
[Leundra Davis-order4.pdf](#)

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

January 22, 2024

Mr. Leundra Davis (ADC [REDACTED])
[REDACTED]
[REDACTED]

Re: ***Leundra Davis v. Arkansas Division of Correction***
Claim No. 201177

Dear Mr. Davis:

Enclosed please find an Order entered on January 18, 2024, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 201177

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

**ORDER ON RESPONDENT'S
MOTION FOR RECONSIDERATION**

Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by the Arkansas Division of Correction (the “Respondent”) for reconsideration of the Commission’s October 10, 2023, order awarding Leundra Davis (the “Claimant”) \$241.00 in damages. Based upon a review of the claim file, including Respondent’s motion, and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on June 16, 2020, seeking \$2,344.60 in lost property.
2. Respondent denied liability. Respondent also filed a motion to dismiss, which was denied by the Commission on September 11, 2020.
3. Following a September 22, 2023, hearing, the Commission entered an order awarding Claimant \$241.00, which represented Claimant’s actual damages less a reasonable depreciation.
4. Respondent subsequently filed the instant motion for reconsideration, arguing that it was submitting new and additional evidence not available at the hearing.
5. Claimant did not respond to Respondent’s motion.
6. In analyzing a motion for reconsideration, Rule 7.1 of the Commission Rules and Regulations states that motions for reconsideration “will only be entertained if they set forth new or additional evidence which was not [previously] available”

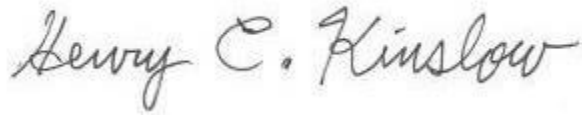
7. The Commission finds that Respondent's motion does not set forth new or additional evidence not previously available. The Commission specifically notes the following:

- a. As to Respondent's argument that Claimant presented no evidence of damages, the Commission finds this argument to be entirely incorrect. Testimony *is* evidence, and in the October 10, 2023, order the Commission found Claimant's testimony to be credible and determined that \$241.00 was an appropriate award. *See* Order at ¶ 13. The Commission further notes that Claimant's failure to produce receipts does not automatically defeat Claimant's claim, especially in a loss of property claim.
- b. As to Respondent's argument that the Commission "could not have looked at the evidence" attached to Respondent's motion for reconsideration as Exhibit B to the motion for reconsideration (the "Grievance Documents"), which Respondent characterized in its motion as an admission by Claimant that he found his property, the Commission finds this argument to be simply wrong. The Commission notes that the Grievance Documents were attached to Claimant's claim, presented and discussed during the September 22, 2023, hearing, and specifically referenced in the Commission's October 10, 2023, order. *See* Order at ¶ 8.
- c. As to Respondent's restatement of Capt. Dallas' testimony, the Commission finds that Capt. Dallas' testimony was accurately reflected in its October 10, 2023, order and that changes or corrections to witness testimony are not proper in a motion for reconsideration. Capt. Dallas' inability to recall the applicable policy regarding photographs is not the same as Capt. Dallas not recalling

whether a policy required photographs to be taken. The Commission also notes the inconsistency between Capt. Dallas' vague remembrance of the incident during direct examination by Respondent and Capt. Dallas being "absolutely sure" that Claimant's items were located during redirect, as well as his concession during cross examination by Claimant that Claimant was correct that photos should have been taken as proof Claimant's items were found. *See* Order at ¶¶ 9, 10, 11.

8. As such, Respondent's motion for reconsideration is DENIED, and the October 10, 2023, Commission order remains in effect.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: January 18, 2024

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Mika Tucker](#)
Subject: Leundra Davis v ADC Claim 201177
Date: Tuesday, January 30, 2024 11:14:56 AM
Attachments: [2662_001.pdf](#)
[image001.png](#)

Appeal to the JBC

Thank you,
-TB



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LEUNDRA DAVIS [REDACTED]

CLAIMANT

V.

NO. 201177

**ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION**

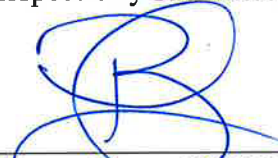
RESPONDENT

NOTICE OF APPEAL

Comes now the Respondent, Division of Correction (ADC) by and through counsel, Thomas Burns, and for notice, states:

1. That notice is hereby given that the ADC appeals from the Order of the Arkansas State Claims Commission (ASCC) made on the 2nd day of March 2021.
2. This appeal is taken to the Claims Subcommittee of the Joint Budget Committee, and the ADC hereby requests and directs that the ASCC file all documents pertaining to this case with the Claims Subcommittee.

Respectfully submitted,



Thomas Burns (02006)

Legal Division

Division of Correction

6814 Princeton Pike

Pine Bluff, AR 71602

(870) 267-6845 Office

thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 30th day of January 2024, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Leundra Davis



Thomas Burns