

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Jimmy Frazier, #116580, Claimant

vs.

State of Arkansas, Respondent  
Dept. of Correction

Do Not Write in These Spaces	
Claim No.	14-0165-CC
Date Filed	August 23, 2013 (Month) (Day) (Year)
Amount of Claim \$	13,500.00
Fund	DOC

Personal Injury, Pain & Suffering, Negligence, Failure to Follow Procedure, Mental Anguish

COMPLAINT

Jimmy Frazier, #116550, the above named Claimant, of P.O. Box 180, Brickeys, AR 72320

(Name) (State) (Zip Code) (Daytime Phone No.) County of Lee represented by \_\_\_\_\_ (Legal Counsel, if any, for Claim)

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

State agency involved: East Arkansas Regional unit Amount sought: \$13,500.00

Month, day, year and place of incident or service: May 13 2013 EARU South Hall 7 barrack

Explanation: ON or around April 30 - May 2 2013 I was assigned to population barber by Warden Earl Major Earl Sgt Harris being over all barbers. At no time after I was assigned was I given an orientation on the grounds of safety or was I instructed on the hair cutting procedures. There was no instruction of any given to me on how or what to do when approach by a hostile situation with an irrational inmate. It seem as if I was just thrown into a job position without a formal introduction on the what ifs of the job (unforeseen events). ON May 13 2013 around 7:00pm I was called out for work by Master Central. ON picking up my Barber box no instruction was given by Sgt Walker or no escort was given to me like it is done for Max barbers for safety. I proceeded to the south hall to cut hair. Shave starting at 4:00, 5:00 and ending in 7:00 to shave on around 10:00pm. ON entering I was insitly being verbally assaulted by many inmate for not coming there first. As I started to the or side of the barrack to set up to shave the insult kept coming now with threat. I continued ignoring them. For some reason I turned around and inmate Corey Melina was standing there in a aggressive stance with a shank in his right hand saying he was gonna kill me. I looked to see if security was anywhere around but there was none to be seen or could they see me. Corey Melina at this time stab me but I caught his hand and it only went in a little under an inch. He then pulled away and tried again but I ran around the barrack's 3 to 4 time falling thinking I was gonna die it was only in the last circuit around that I was noticed by 7:28 PM.

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

\_\_\_\_\_ when? \_\_\_\_\_ to whom? \_\_\_\_\_ (Department)

\_\_\_\_\_ and that the following action was taken thereon: \_\_\_\_\_

and that \$ \_\_\_\_\_ was paid thereon: (2) Has any third person or corporation an interest in this claim? \_\_\_\_\_; 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: \_\_\_\_\_ and was acquired on \_\_\_\_\_, in the following manner: \_\_\_\_\_

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

Jimmy Frazier (Print Claimant/Representative Name) Jimmy Frazier (Signature of Claimant/Representative)

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

(SEAL) this 17 day of Aug, 2013 (Date) (Month) (Year)



(Notary Public) My Commission Expires: Oct 18 2014 (Month) (Day) (Year)

SF1- R7/99

While he was closing 26th door. The fact of the matter is if an escort was given me or if additional security was sent to the south hall to monitor the three inmate barbee within zone 7 barracks it would have deterred me from doing harm to me. I say this because when he seen to C.O. at the door I first ran to hide the shank and then layed on the floor and complied with their orders. If other inmate were involed and would have block my path from running I would be dead today. Actually I did not have proper security because they were not in the barrack to monitor & deter these actions before they happen. I think about this daily with I would have died like others here this has become very stressful for me and my family in dealing in the what if's of my life and death.



sworn to and subscribed before me at Brickeys Arkansas  
City State

on this 17 day of Aug 2013  
Month Year

[Signature]  
Notary Public

My Commission Expires Oct 18 2022  
Month Day year

(Seal)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JIMMY FRAZIER (ADC 116550)

CLAIMANT

V.

NO. 14-0165-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

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

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
  - a. Agency number: 0480
  - b. Cost Center: HCA0100
  - c. Internal Order: 340301
  - d. Fund Center: 509

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

Respectfully submitted,  
Department of Correction Office of Counsel

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

Arkansas  
State Claims Commission

SEP 03 2013

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CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 30 day of August, 2013, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Jimmy Frazier (ADC 116550)  
East Arkansas Regional Unit  
PO Box 180  
Brickeys, AR 72320-0180

*Lisa Mills Wilkins*  
LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 13,500.00

Claim No. 14-0165-CC

Jimmy Frazier #116550 Claimant  
vs.

Attorneys  
Pro se Claimant

AR Department of Corrections Respondent  
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed August 23, 2013

Type of Claim Personal Injury, Pain & Suffering, Negligence, Failure To Follow Procedure and Mental Anguish

FINDING OF FACTS

This claim was filed for personal injury, pain and suffering, negligence, failure to follow procedure and mental anguish in the amount of \$13,500.00 against Arkansas Department of Corrections.

Present at a hearing March 5, 2014 was the Claimant, pro se, and the Respondent, represented by Lisa Wilkins, Attorney.

The Claims Commission hereby unanimously denied and dismissed this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Therefore, this claim is hereby unanimously dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission unanimously denied and dismissed this claim for Claimant's failure to prove by a preponderance of the evidence any negligence on the part of the Respondent.

Date of Hearing March 5, 2014

Date of Disposition March 5, 2014

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

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

Before THE ARKANSAS STATE CLAIMS COMMISSION

JIMMY FRAZIER (#116550)

CLAIMANT

vs

NO 14-0165-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

Arkansas  
State Claims Commission  
APR 09 2014

MOTION FOR RECONSIDERATION

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COMES NOW, The Claimant, Jimmy Frazier AOC (116550) and for it's  
MOTION for Reconsideration, states and respond as follows:

(1) It has been stated that Claimant failed to prove by a preponderance of  
the evidence any negligence. Respondent negligence was in the following  
① That claimant was left without any security while performing his duty  
while officer Phillips left his post to assist in the shaking of 2 Barracks  
and while he assisted in the shaking down he had not a clear visual of  
his assigned barracks (2) Sgt Harris falsely stated that he gave/give out  
a cautionary oration to Claimant ③ Cpl Phillips falsely stated that he was  
able to see his assigned barracks while his back is turned to them as he watch  
the center shake down 2 barracks.

② I was not allowed to call my witness in whom I depended on to  
tell what he saw Cpl Phillips do and his whereabouts when I was shanked.  
Robert Levy is also a barber and his statement of the condition barber  
have to work in without security present was needed. My witness should  
have been called. I received an notice of hearing explaining if I have all ready  
my statement and other material I would not have to Resubmit them.  
As of the Law an statement is not enough my witness must be present to  
give statement in person

③ Personal Injury, Pain & Suffering and the mental Anguish can clearly be denied in this case. The failure of Cpl Phillips being on his assigned post here is an issue.

WHEREFORE. For the reasons stated above and the evidence already submitted this claim should be taken back up for a reconsideration.

Respectfully Submitted  
Jimmy Frazier 116550  
EARU  
P.O. BOX 180  
Brickeys, AR 72320-0180

### Certificate of Service

I certify that a copy of the Motion for Reconsideration has been served this 7 day of April 2014 on the Arkansas State Claims Commission by placing 2 copies in the U.S. Mail Regular Postage to:

Claims Commission  
Norman Hodges, Jr  
101 East Capitol Avenue Suite 410  
Little Rock, AR 72201-3823

STATE CLAIMS COMMISSION LOCKET  
OPINION

Amount of Claim \$ 13,500.00

Claim No. 14-0165-CC

Jimmy Frazier, #116550 Claimant      Pro se Claimant  
vs.  
Department of Correction Respondent      Lisa Wilkins, Attorney Respondent  
State of Arkansas  
Date Filed March 15, 2014      Type of Claim Personal Injury

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's March 5, 2014, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's March 5, 2014, order remains in effect.

Date of Hearing April 10, 2014

Date of Disposition April 10, 2014

Hanson Chairman  
Putman Commissioner  
Bill Lancaster Commissioner

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

Before The ARKANSAS State Claims Commission

Jimmy Frazier (ADC# 116550)

Claimant

VS.

NO 14-0165-CC

Arkansas Department of Correction

Respondent

NOTICE  
OF  
MOTION FOR APPEAL

Arkansas  
State Claims Commission  
APR 21 2014  
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Comes now the Claimant, Jimmy Frazier (ADC# 116550) and for it's  
Motion for Appeal to the Arkansas General Assembly A.C.A 819-10-211 (b)(2)

1. Respondent thus claims Claimant did not by preponderance of the evidence show negligence on March 5, 2014. Claimant then ask Commission for a Reconsider Judgment and it was denied.
2. Claimant feels that His hearing was held in a bias format in that he was alienated from an impartial hearing. Claimant was made to stand in an two by three feet cage at his assigned unit while attending officers were standing on the outside. Claimant was not allowed to see Commissioners only warden of his unit and their Lawyer. Claimant feel that this was done to psychologically confuse and discourage His state of mind and stance on the issues at Hand
- 3) Claimant was also not allowed to have His witness present at hearing
- 4) Respondent witness were it seems allowed to give false statement which if were tested could not be true,



5. Claimant was not allowed to finish his questionnaires without being rushed.

6. Claimant moves that the Arkansas General Assembly do hear and review all above said claim and all other material in its possession

WHEREFORE, For the reasons stated above and all evidence submitted this claim must be reinstated.

Respectfully submitted

Jimmy Frazier

Jimmy Frazier (ADC # 116550)

EARU

P.O. BOX 180

BRICKERS, AR 72320 - 0180

### Certificate of Service

I certify that this copy of the Notice for a motion to Appeal has been served this 17 day of April 2014 by placing this copy in the U.S. Mail, regular postage

TO  
NORMAN L. HODGES

Arkansas State Claims Commission

101 East Capitol Ave. Suite 410

Little Rock, AR 72320 - 3823