

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas State Claims Commission  
NOV 26 2013

E9

BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Deverick Scott Claimant

vs.

State of Arkansas, Respondent  
Arkansas Department of Corrections

Do Not Write in These Spaces	
Claim No.	<u>14-0439-CC</u>
Date Filed	<u>November 26, 2013</u> (Month) (Day) (Year)
Amount of Claim \$	<u>1100.00 (Total)</u>
Fund	<u>DOC</u>

- 1) Failure to Follow Procedure Pain & Suffering
- 2) Failure to Follow Procedure
- 3) Failure to Follow Procedure

COMPLAINT

Deverick Scott the above named Claimant, of Varner Max unit p.o. box 600,  
 (Name) (Street or R.F.D. & No.) (City)  
Ar 71644 County of Jefferson represented by Prose  
 (State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)  
 of po box 600 Grady Ar 71644 any:  
 (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: Arkansas Department of Corrections (ADOC) Amount sought:

Month, day, year and place of incident or service: Several claims containing several days starting on 7/2/13

Explanation: Claim 1 On 7/1/13 at approx 11:00pm Lt Taylor Sgt. Bailey enter isolation 3. Claimant Scott was first to be escorted to iso 1 cause the water temperature in iso 1 was too hot burning inmates body. Sgt. Bailey, Lt Taylor walked in and tried to force inmate Scott in isolation 3 shower. Told him if he didn't take one in isolation 3 he wouldn't get a shower. Inmate Scott refuse to shower and he subjected to endure pain & suffering. Lt. Taylor told claimant if he didn't shower he couldn't get a shave either. That morning at breakfast claimant wrote Lt. Taylor & Sgt. Bailey up for taking his shower and shave. On 7/2/13 Lt. Taylor seen inmate Scott at doctor call he knew he took inmate shave previously night. Lt. Taylor then wrote inmate Scott 2 disciplinarys in retaliation of claimant Scott utilizing prisoner's grievance system. He wrote on 7/1/13 at 11:00pm for refusing shower which was thrown out. And second one 7/2/13 at 8:30pm for refusing to shave. If these wasn't write in retaliation he would of write there at some time on some day.

The conduct of Lt. Taylor to write claimant Scott a disciplinary in retaliation violates Arkansas Administrative Directive section 13. C. retaliation against employees or inmates who have filed lawsuits or grievances. When claimant filed grievances on 7/1/13 about the conduct of Lt. Taylor writing a disciplinary in retaliation and Warden's refuse to investigate stating disciplinarys matter are unreviewable for Warden's & Director's refuse to investigate grievance on retaliation violates Arkansas Administrative 12-16 section G

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?

No when? \_\_\_\_\_; to whom? \_\_\_\_\_  
(Yes or No) (Month) (Day) (Year) (Department)

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

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

\_\_\_\_\_ and was acquired on \_\_\_\_\_, in the following manner:

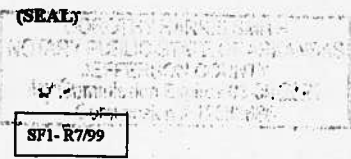
THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verify believes that they are true.  
Deverick Scott Deverick Scott  
 (Print Claimant/Representative Name) (Signature of Claimant/Representative)

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

on this 7th day of November, 2013  
(Date) (Month) (Year)

Dorely Ann  
(Notary Public)

My Commission Expires: 3-9-21  
(Month) (Day) (Year)



Note: Claims of retaliation, even if related to an issue referenced above, are grievable. (5.) Disciplinaries pg. 3 of P 29  
 claimant relief sought? \$300.00 see exhibits: #1-3,  
 second set exhibits: #46

### Claim 2

On 8/20/12 claimant scott a muslim inmate was denied his Ramandum feast after fasting 30 days. There was no provisions made for claimant scott and rest of inmates in cell block 1, or rest of Varner Supermax, but regular inmates was afforded they feast. The chaplain stated Max inmates is not allowed a feast per orders of Warden Joe Page.

The conduct of Warden Joe Page to not allow no inmates in Varner Supermax a Ramandum feast to complete his Ramandum fast constitutes a violation of Arkansas Administrative Directive 12-24 Section A. #11. provisions will be made for muslims inmates to participate in the Ramandum fast pg. 4 of 8

Claimant relief sought? \$300.00 see exhibits: #7-14, second set of exhibits: #36

### Claim 3

On 12/20/12 after claimant scott wrote Warden Meizner on numerous occasion for abusing his authority. Claimant filed a inmate grievance to get his legal materials and books out his property on 12/4/12. He recieved it on 12/5/12. On 12/20/12 Warden Meizner order a shakedown of claimant legal books they no he needed to finish filing his motion by Jan. 10 2013. that he mention on his grievance. They didnt bring claimant his legal books back to Jan. 11 2013 a day pass deadline

to make sure he miss it. The conduct of warden Meizner to retaliate and order claimant legal materials took to hinder from access to the courts. Violates Arkansas Administrative Directive #00-10 Employee conduct Standards section 13.C. retaliation against employees or inmates who have filed lawsuits or grievances. And Arkansas Administrative Directive # 12-24 Punitive ~~Property~~ Segregation section B. 9. pg 3 of 8  
 a. legal materials/ only that amount of legal material which can be kept neat and orderly and does not clutter cell.

claimant relief sought? \$200.00 see exhibits: # 15-18, second set of exhibits: 35

#### Claim 4

On 12/29/12 claim turned grievance to second step on claim 3 on Warden Meizner retaliating taking his property. Warden Meizner made a round later on in isolation 3 claimant ask Warden Meizner about his property "legal books" he need he had them to take and wasn't suppose to. And he asked about they yardcall for that tues on Jan. 1 New Year. Warden Meizner stated he was God at this unit and if he say we can't go to yardcall we can't go. Warden Meizner then went and wrote a disciplinary in retaliation for claimant using prisoner system. on 12/29/12.

The conduct of Warden Meizner to write a disciplinary in retaliation of claimant using prisoners grievances system constitutes a violation of AD # 00-10 section 13.C. retaliation against employees or inmates who have filed lawsuits or grievances. Also to not have a system set up

Like every other unit where inmates go to yardcall during week even on holidays violates AD # 12-24 section A.4. pg 2 of 8 Exercise - Inmates in punitive segregation will be offered a minimum of one hour of exercise per a day outside they cells five days a week.

Claim relief sought \$500.<sup>00</sup> see exhibits: 24-28, 15-18, second set exhibits: #34

Total amount sought for all claims \$1100.<sup>00</sup>  
Eleven hundred dollars

### Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Varner unit, on Nov. 22, 2013

Dereech Scott #131042

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DEVERICK SCOTT (ADC 131042)

CLAIMANT

V.

NO. 14-0439-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 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  
DEC 17 2013

RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 13 day of December, 2013, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Deverick Scott (ADC 131042)  
Varner Super Max  
PO Box 400  
Grady, AR 71644-0400

  
LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 1,100.00

Claim No. 14-0439-CC

Deverick Scott, #131042  
vs. Claimant

Attorneys  
Pro se Claimant

Arkansas Department of Corrections  
State of Arkansas Respondent

Lisa Mills Wilkins, Attorney  
Respondent

Date Filed November 26, 2013

Type of Claim  
1) Failure to Follow Procedure,  
Pain & Suffering  
2) Failure to Follow Procedure  
3) Failure to Follow Procedure

FINDING OF FACTS

This claim was filed for pain and suffering and three different incidents of Failure to follow procedure in the amount of \$1,100.00 against the Arkansas Department of Corrections.

The Claims Commission hereby unanimously denies and dismisses this claim for Claimant's failure to respond to a Claims Commission letter dated December 17, 2013.

Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission hereby unanimously denies and dismisses this claim for Claimant's failure to respond.

Date of Hearing February 13, 2014

Date of Disposition February 13, 2014

*Pat Moran*  
Chairman  
*Richard J. Mayo*  
Commissioner  
*Bill Farnsworth*  
Commissioner

\*\*Appeal of any final Claims Commission decision is only to the Arkansas General Assembly.

Notice of appeal

Arkansas  
State Claims Commission  
FEB 19 2014

Devenick scott # 131042 claimant

RECEIVED

vs

claim no: 14-0439-CC

Arkansas Department Corrections respondent

Appeal

Because prison records will show claimant Devenick scott # 131042 did mail response on the following week after Dec 17<sup>th</sup> to Arkansas state claim commission with answer stating he wanted to continue with trial.