

**Please print in ink or type**

Arkansas  
State Claims Commission

# G12

JUL 21 2014

**BEFORE THE STATE CLAIMS COMMISSION**  
Of the State of Arkansas

- ☐ Mr.  
☐ Mrs.  
☐ Ms.  
☐ Miss

**Jerry Ellis, #078658**

**Claimant**

vs.

**State of Arkansas, Respondent**

Dept. of Corr.

RECEIVED

Do Not Write in These Spaces

Claim No. 15-0038-CC

Date Filed July 21, 2014  
(Month) (Day) (Year)

Amount of Claim \$ 5,000.00

Fund DOC

## COMPLAINT

Negligence, Loss of Property

Jerry Ellis, #078658 (Name) the above named Claimant, of POB 400, Grady, AR 71644 (Street or R.F.D. & No.) (City)  
 N/A (State) N/A (Zip Code) (District Phone No.) County of LINCOLN represented by PRO, GE (Legal Counsel, if any, for Claim)  
 of N/A (Street No.) N/A (City) N/A (State) N/A (Zip Code) N/A (Phone No.) N/A (Fax No.) says:  
 State agency involved: A.D.C. Amount sought: \$5,000.00

Month, day, year and place of incident or service:

[illegible]

MONTH, DAY, YEAR, AND PLACE OF INCIDENT OR SERVICE: DECEMBER 27, 2013

(Yes or No) \_\_\_\_\_; when? \_\_\_\_\_ (Month) \_\_\_\_\_ (Day) \_\_\_\_\_ (Year) \_\_\_\_\_; to whom? \_\_\_\_\_ N/A \_\_\_\_\_  
 \_\_\_\_\_; and that the following action was taken thereon: \_\_\_\_\_ (Department) \_\_\_\_\_

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

and that the nature thereof is as follows: NA : and was acquired on NA 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.

that they are true

JERRY ELLIS  
(Print Claimant/Representative Name)

(Signature of Claimant Representative)

SWORN TO and subscribed before me at

(SEAL) FELICIA PIGGEE  
NOTARY PUBLIC-STATE OF ARKANSAS  
DESHA COUNTY  
My Commission Expires 01-31-2021  
Commission # 12382702

SF1- R7/99

My Commission Expires:

(Month)

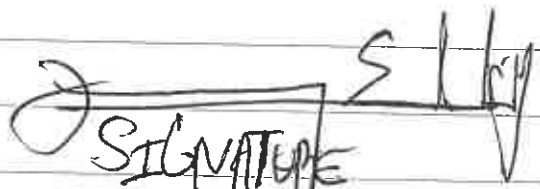
(Day)

(Year)

VARNER LINT SUPERMAN.

EXPLANATION: ON THE EVENING OF 12-27-13 -  
DUE TO THAT CLAIMANT WAS ON A HUNGER STRIKE  
CLAIMANT WAS MOVED FROM CELL BLOCK #3 OF CELL  
312 TO ISO-4 CELL #4016 AND ONCE CLAIMANT  
WAS PLACED IN CELL #4016 OF ISO-4 LT. PRUITT  
CONDUCTED AND SHAKEDOWN OF CELL #4016  
AND ALL OF THE CLAIMANT PROPERTY WHICH LT.  
PRUITT CONFISCATED (3.) COLGATE GEL TOOTH PASTE  
AND (4.) BAGS OF KEEFE COFFEE AND LT. PRUITT -  
NEVER ISSUED THE CLAIMANT AND AB-401 FORM NOR  
AND F-841-1 FORM OF THE ABOVE LISTED ITEMS  
AND DUE THAT THE A.O.C.T.C. LITIGATION TOWARD -  
LT. PRUITT NEGLIGENCE OF 12-27-13.

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY  
PUBLIC, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20

  
SIGNATURE

NOTARY PUBLIC

0 Inmate After Completion of Step One and Step Two.

INMATE NAME: Ellis, Jerry J.

ADC #: 078658B

GRIEVANCE #: VSM13-04371

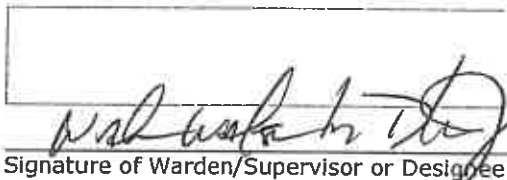
WARDEN/CENTER SUPERVISOR'S DECISION


In response to your grievance in which you stated.

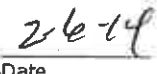
"On 10-16-13 at approx 4:05 am Sgt ??, Sgt Andrew, Sgt Foote and CO II Davenport of (BB) shift entered cell block #1 and approached my cell #26 where I was housed of cell block #1. I was housed by Sgt ?? and Sgt Andrew to strip and I apply to all orders and at ? I went through the strip search procedure I then was and cuffed and Sgt ?? Sgt Andrews and CO II Davenport then entered my cell #26 I was advised by Sgt ?? that per to Deputy Asst warden Jackson e-mail to Lt Plummer of (BB) shift all of my personal property would be shake down and due to my cell being shaken down Sgt Andrew sized (2) nude photos (2) pencils and (1) pencil sharpener Sgt ?? sized (3) ADC regulations of AR 225 AR 107 and AD 12-33 and CO II Davenport sized (1) Sony radio with a ? faling in coloring (6) (AA) batteries and (92) stamped envelopes and I was never issued any AR 401 of the above items sized from me on 10-10-13 and do to that nor of the property was considered contraband."

Searches of inmates are conducted as often as necessary to control contraband, but never for purposes of punishment or harrassment. Staff states that a search was conducted of you and your property. However, staff deny your allegations that any items were confiscated. I find no evidence to support your allegations that items were confiscated and you were not issued a confiscation form.

Therefore I find this issue without merit.

  
Signature of Warden/Supervisor or Designee

  
Title

  
Date

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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?

WARDEN M. JACKSON AND MRS. BUTCHER V.S.M GRIEVANCE COORDINATION  
RESPONSE DUE TO THAT ON 11-27-13 WHEN I APPEARED BEFORE THE  
V.S.M CLASSIFICATION COMMITTEE DEPT ASST WARDEN M. JACKSON -  
ADVISED ME THAT HE HAD REFERRED THE MENTIONED SITUATION OF GRIEVANCE  
V.S.M-03-24371 TO WARDEN WILSON FOR HIM TO REFER THAT SITUATION  
TO INTERNAL APPEALS BUT THAT HAS NOT BEEN DONE YET WHICH DUE TO SEX-  
SGT. LITCHEL, SGT. ANDREWS AND CO II DAVENPORT OF (BB) SHIFT VIOLATED  
AD-013-0188 INMATE PROPERTY CONTROL P-19 AND PROCEDURES OF

2 SLM

778658

2-12-14

Inmate Signature

ADC#

Date

(PG) (5) TOWARD SECTION (2) THEN THE NAMED OFFICERS IS  
LARRY TOWARD ALL THE ITEMS THAT THEY SEIZED FROM MY CELL #96  
OF CAUSALITY #1 ON THE MARCH 10-16-13 PER TO (PG) (8)  
TOWARD SECTION (1) OF AD-013-2188 IN THE PROPERTY LABEL -  
WALSH

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FEB 20 2014

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

INMATE NAME: Ellis, Jerry J.

ADC #: 078658

GRIEVANCE#: VSM13-04371

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

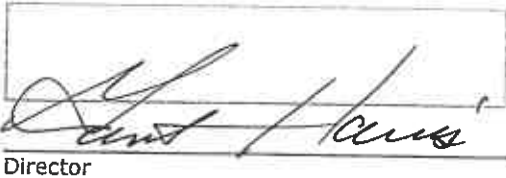
You state that you didn't receive a 401 form for the items that were confiscated from you on 10/10/13.

Based on the Warden's response in which he states in part, "Searches of inmates are conducted as often as necessary to control contraband, but never for purposes of punishment or harrassment. Staff states that a search was conducted of you and your property. However, staff deny your allegations that any items were confiscated. I find no evidence to support your allegations that items were confiscated and you were not issued a confiscation form.

Therefore I find this issue without merit."

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

Appeal denied



Director

3-26-2014  
Date



UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VSM

Name JEFFREY ELLIS 1-7-14

ADC# 78658 Brks # ISD-4 Job Assignment ADMIN SEG

FOR OFFICE USE ONLY

GRV. # VSM-14-174

Date Received: 1/13/14

GRV. Code #: 800

(Date) 1-7-14 STEP ONE: Informal Resolution

(Date) 1-9-14 STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why:

(Date) 1-9-14 EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

DESCRIBE PROBLEM: Surveillance camera of the East Side Post Gate

Is this Grievance concerning Medical or Mental Health Services? NO 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):

ME THAT IIE (3) COLGATE TO STIPASTE IN A BAGGAGE OFFICE  
THAT HE SEIZED FROM ME ON 1-4-14 WAS GIVING TO SGT  
AND NOT FROM ME I THAT I WAS MAINTAINING A 4-CELL  
EVENING OF 1-4-14 I WAS TALKING TO SGT WHICH ON THE  
THAT SGT SEIZED FROM ME GIVE HIM THE 1-CELL  
THAT SGT DID SEIZED THE ABOVE LISTED

(END OF STATEMENT)

Inmate Signature

Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 1-7-14 (date), and determined to be Step One and/or an Emergency Grievance (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:

PRINT STAFF NAME (PROBLEM SOLVER) W. Smith ID Number 78658 Staff Signature W. Smith Date Received 1-7-14

Describe action taken to resolve complaint, including date: Come & talk to you because I do not know her

Staff Signature & Date Received W. Smith 1-9-14 Inmate Signature & Date Received JEFFREY ELLIS 1-7-14

This form was received on 1-9-14 (date) pursuant to Step Two. Is it an Emergency? NO (Yes or No). Staff Who Received Step Two Grievance: W. Smith Date: 1-9-14

Action Taken: Forwarded to Grievance Officer/Warden/Other Date: MAR 19 2014

If forwarded, provide name of person receiving this form: ADMINISTRATION BUILDING DATE: 1-9-14 GRIEVANCE SUPERVISOR  
DISTRIBUTION: YELLOW - Grievance Officer Receipts; BLUE - Grievance Officer; ORIGINAL - Given back to Inmate After Completion of Step One and Step Two.

INMATE NAME: Ellis, Jerry J.

ADC #: 0786588

GRIEVANCE #: VSM14-00174

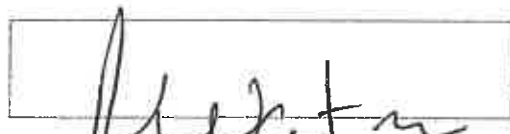
WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance in which you stated.

"On 12-27-13 Lt Pruitt advised me that the (3) colgate toothpaste and (4) bags of coffee that he seized from me on 12-9-13 was giving to Sgt. Bivens iso-4 zone sergeant supervisor for him to complete and ?? form due to that i was moved to iso 4 cell 4016 per to me being on a hunger strike which on the evening of 12-27-13 I advised Sgt. Bivens of the above situation and Sgt. Bivens replied to me telling mre that ex-sergeant Puritt never gave him the LT ?? items that he seized from me on 12-4-13 but time is ?? and CO1 ?? (AA) shift can verify that ex sergeant Pruitt did seized the above listed items on 12-4-13 End of Statement."

Lt. Pruitt states that you were on a hunger strike at the time he conducted a shakedown. He states that he did not find any food items in your cell. Therefore, there was no confiscation form done.

Therefore I find this issue without merit.



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3-10-14

Signature of Warden/Supervisor or Designee

MAR 19 2014

Title

Date

INMATE GRIEVANCE SUPERVISOR  
ADMINISTRATION BUILDING

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?

I OBJECT TO WHEN LT. PRUITT KNEW THAT IN THE EVENING OF 12-4-13 HE SEIZED (3) COLGATE TOOTH PASTE AND (4) BAGS OF COFFEE DUE TO THAT I WAS MOVED FROM CELL BLOCK #3 CELL #15-4 CELL 4016 DUE TO THAT I WAS ON A HUNGER STRIKE. WHICH DUE TO LT. PRUITT MISSED STATEMENT I HEARD THAT I WAS OF CELL 4016 VIDEO STAGE BE REVIEWED OF 12-4-13. I WOULD LT. PRUITT CONDUCTING AND SHAKEDOWN OF MY PERSONAL

Inmate Signature

ADC#

Date

78658

3-12-14



INMATE NAME: Ellis, Jerry J.

ADC #: 078658

GRIEVANCE#:VSM14-00174

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

You state on 12/27/13, Lt. Pruitt confiscated three (3) colgate toothpaste and four (4) bags of coffee from your cell, due to you being on hunger strike.

Lt. Pruitt states, "The inmate was in fact on hunger strike at the time of this alleged incident. I entered the cell and performed a shakedown to make sure there were no food items in the cell. No items were found, therefore, no items were taken."

Lt. Bivens states, "Lt. Pruitt never gave me any toothpaste or coffee."

Inmate Ellis, please be advised, based upon the above statements and my review, I find no merit to your complaint.

Appeal denied



Director

4-8-2014

Date

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC 078658)

CLAIMANT

V.

NO. 15-0038-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

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


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

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

Respectfully submitted,  
Department of Correction Office of Counsel

Arkansas  
State Claims Commission  
JUL 30 2014

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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 29 day of July, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Jerry Ellis (ADC 078658)  
Varner Super Max  
PO Box 400  
Grady, AR 71644-0400

  
LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS #78658

CLAIMANT

#15-0038-CC

Arkansas  
State Claims Commission  
SEP 05 2014

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

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MOTION FOR DEFAULT JUDGMENT

COMES NOW THE CLAIMANT JERRY ELLIS #78658 PRO, SE, MOVES THIS ARKANSAS STATE CLAIMS COMMISSION FOR AND RULING ON HIS ABOVE STILED MOTION FOR DEFAULT JUDGMENT PER TO RULE (55) (2) OF THE ARKANSAS - RULES OF CIVIL PROCEDURE.

1. THE CLAIMANT STATES THAT HIS COMPLAINT - WAS FILED ON JULY 21 ST 2014 AND THE - RESPONDENT ATTORNEY MRS. LISA MILLS - WILKINS ANSWERED THE CLAIMANT COMPLAINT ON JULY 29 TH 2014 ACCORDING TO BURTON V. WALDEN V. METZLER, 301 S.W. 2D 439 1955) BURTON V. SANDERS 321 S.W. 2D 209 1959) CITING OLMSTEAD V. BOSEDALE SUPP 114 313 S.W. 2D 235 1958)
2. THE CLAIMANT STATES THAT DUE TO THE - RESPONDENT ATTORNEY MRS. LISA MILLS - WILKINS HAS NEVER DEFENDING THE CLAIMANT ALLEGATIONS RAISED IN HIS COMPLAINT FILED ON JULY 21, ST 2014 TOWARD HER ANSWER. "

THAT SHE FILED OF JULY 29TH 2014 PERT-  
BBV. CALICOTT, 372 S.W. 3d 843 2009  
THE RESPONDENT IS IN DEFAULT.

3. THE CLAIMANT STATES THAT DUE TO THE  
RESPONDENT ATTORNEY MRS. LISA MULLS-  
WELKINS HAS FAILED TO MEET THE REQUIREMENTS  
OF THE ARKANSAS RULES OF CIVIL PROCEDURE  
OF RULE (12.)(H)(1) OF AND MOTION TO  
DISMISS ACCORDING TO WARD BRADLEY V.  
KEITH, 313 S.W. 13 1958) FLIMM V. MCCABE,  
308 S.W. 2d 824 1958) GITHG WEST V.  
PAGE, 305 S.W. 2d 336 1957) THE RESPONDENT  
IS IN DEFAULT TOWARD THE MERITS OF THE  
BELIEF OF THE CLAIMANT SUBMITTED -  
COMPLAINT THAT WAS FILED ON JULY 21, 2014.

WHEREFORE THE CLAIMANT PRAYS THAT THE  
ARKANSAS STATE CLAIMS COMMISSION -  
GRANT HIS SUBMITTED MOTION FOR DEFAULT  
JUDGMENT.

CERTIFICATE OF SERVICE  
I, JERRY ELLIS #78658 PRO SE,  
CERTIFY THAT (5) COPIES OF THE  
FOLLOWING MOTION HAS BEEN MAILED TO  
MR. NORMAN L. HODGES, JR., DIRECTOR OF  
THE ARKANSAS STATE CLAIMS COMMISSION  
ON SEP. 4, TH 2014 AND ONE (1) COPY OF  
THE SAME MOTION HAS BEEN MAILED TO THE  
RESPONDENT ATTORNEY MRS. LISA MULLS-  
WALKINS AT P.O. BOX 823 PINE  
BLUFF AR 71601-0823 ON THIS 4TH  
DAY OF SEPTEMBER 2014

PRO SE S 44  
RESPECTFULLY SUBMITTED  
JERRY ELLIS #78658  
V.S.M.  
P.O. BOX 400  
GRADY AR 71604  
0406



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS #78658 CLAIMANT  
V. #15-0038-CC  
ARKANSAS DEPARTMENT OF CORRECTION  
RESPONDENT

Arkansas  
State Claims Commission

SEP 18 2014

MOTION FOR REQUEST OF PRODUCTION OF  
DOCUMENTS

RECEIVED

COMES NOW THE CLAIMANT JERRY ELLIS #78658 PRO SE, MOVES THIS ARKANSAS STATE CLAIMS COMMISSION PURSUANT TO RULE (4) OF THE ARKANSAS RULES OF CIVIL PROCEDURE TO ORDER THE RESPONDENT ATTORNEY MRS. LISA-MILLS WILKINS TO PRODUCE THE REQUESTED DOCUMENTS TO THE CLAIMANT FOR HIS INSPECTION WITHIN (30) DAYS OF SERVICE.

REQUEST FOR PRODUCTION OF DOCUMENT #1  
THE CLAIMANT REQUEST FOR A COPY OF CO. II ANGELICA LUCKADUE 005 REPORT OF NOV. 22, 13 TO BE MADE AVAILABLE TO THE CLAIMANT FOR HIS INSPECTION.

REQUEST FOR PRODUCTION OF DOCUMENT #2  
THE CLAIMANT REQUEST FOR A COPY OF CO. II M. JOHNSON OF (AA) SIFT 005 REPORT AND — 14

WITNESS STATEMENT OF THE CLAIMANT MAJOR-  
DISCIPLINARY HEARING OF NOV. 26, 13 TO BE MADE-  
AVAILABLE TO THE CLAIMANT FOR HIS  
INSPECTION.

REQUEST FOR PRODUCTION OF DOCUMENT #3.  
THE CLAIMANT REQUEST FOR A COPY OF HIS-  
F-831-6 WAIVER FORM BY COLT S. FRANKLIN OF  
DEC. 27, 13 TO BE MADE AVAILABLE TO THE-  
CLAIMANT FOR HIS INSPECTION.

REQUEST FOR PRODUCTION OF DOCUMENT #4.  
THE CLAIMANT REQUEST FOR A COPY OF HIS-  
F-831-6 WAIVER FORM BY SGT. P. GOODEY OF  
JAN. 2, 14 TO BE MADE AVAILABLE TO THE-  
CLAIMANT FOR HIS INSPECTION.

### CERTIFICATE OF SERVICE

I, JERRY ELLIS #78658 PR2, SE, CERTIFY  
THAT (5) COPIES OF THE FOREGOING MOTION-  
HAS BEEN MAILED TO MR. NORMAN L. HODGES, JR.  
DIRECTOR OF THE ARKANSAS STATE CLAIMS-  
COMMISSION AND ONE (1) COPY OF THE SAME MOTION  
HAS BEEN MAILED TO THE RESPONDENT ATTORNEY-  
MRS. LISA MILLS WILKINS AT P.O. Box 1-  
8707 PINE BLUFF, AR 71601-08707 ON- 15  
2.

THIS 12<sup>TH</sup> DAY OF SEPTEMBER 2014,

PRD, SE ~~SLM~~  
RESPECTFULLY SUBMITTED  
JERRY ELLIS #78688  
V. SLM  
P. O. BOX 400  
GRADY, AB 71644-2400

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC #078658)

CLAIMANT

V.

NO. 15-0038-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**RESPONSE TO MOTION for DEFAULT JUDGMENT**

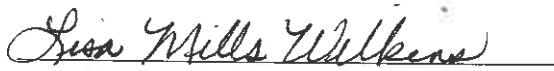
COMES NOW the Respondent, Arkansas Department of Correction, and for its RESPONSE TO MOTION FOR DEFAULT JUDGMENT, states and responds as follows:

Respondent has filed an answer denying liability in this claim; therefore, a default judgment is improper.

Respondent prays that the motion be denied

WHEREFORE, for the reason stated above and the evidence submitted, the Motion should be denied.

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  
OCT 10 2014

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CERTIFICATE OF SERVICE

I certify that a copy of the RESPONSE TO MOTION has been served this 9th day of October 2014, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JERRY ELLIS (ADC #078658)  
VARNER SUPERMAX  
P. O. BOX 400  
GRADY, AR 71644-0400

  
LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION CHECKET  
OPINION

Amount of Claim \$ 5,000.00

Claim No. 15-0038-CC

Jerry Ellis, #078658 Claimant vs. Pro se Claimant  
Attorneys  
Department of Correction Respondent Lisa Wilkins, Attorney Respondent  
State of Arkansas  
Date Filed July 21, 2014 Type of Claim Negligence, Loss of Property

FINDING OF FACTS

The Claims Commission hereby unanimously denies the Claimant's "Motion for Default Judgment." Therefore, this motion is hereby unanimously denied and dismissed. The claim will be set for hearing and all parties notified accordingly.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies the Claimant's "Motion for Default Judgment." Therefore, this motion is hereby unanimously denied and dismissed. The claim will be set for hearing and all parties notified accordingly.

Date of Hearing October 15, 2014

Date of Disposition October 15, 2014

H. Moore Chairman  
Luella May Commissioner  
Palmer Commissioner



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS #78658

CLAIMANT

#05-0038-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

Arkansas  
State Claims Commission  
NOV 03 2014

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MOTION FOR COMPEL OF REQUEST FOR  
PRODUCTION OF DOCUMENTS AND REQUEST FOR  
INJUNCTIVES

COME'S NOW THE CLAIMANT JERRY ELLIS #78658 PRO SE, MOVE'S THIS HONORABLE STATE-CLAIMS COMMISSION PLASANT TO RULE (37)(2) OF THE ARKANSAS RULES OF CIVIL PROCEDURE TO GRANT HIS SAID MOTION DUE TO THE FOLLOWS:

1. THE CLAIMANT STATES THAT ON SEPT. 18, 2014 HIS MOTION FOR REQUEST OF PRODUCTION OF DOCUMENTS WAS FILED WITH THE STATE CLAIMS COMMISSION PER TO RULE (34) OF THE ARKANSAS RULES OF CIVIL PROCEDURE OF THE RESPONDENTS - ATTORNEY MRS. LISA MILLS WILKINS BUT THE RESPONDENTS ATTORNEY MRS. LISA MILLS WILKINS HAVE REFUSED TO PRODUCE THE REQUESTED PRODUCTION OF DOCUMENTS SUBMITTED OF SEPT. 18, 2014 TO THE CLAIMANT.

2. THE CLAIMANT STATES THAT DUE TO THE — 19

RESPONDENT'S ATTORNEY MRS LISA MULLS  
WILLIAMS HAVE REFUSED TO PRODUCE THE  
REQUESTED PRODUCTION OF DOCUMENTS OF SEP  
11 2014 TO THE CLAIMANT THEN THE CLAIMANT  
SHOULD BE GRANT IN FULL TOWARD HIS CLAIM #  
15-0038-CC.

WHEREFORE THE CLAIMANT PRAYS THAT THIS HONORABLE  
STATE CLAIMS COMMISSION GRANT HIS SAID  
MOTION IN ALL RESPECTS TOWARD CLAIM # 15-0038  
CC

### CERTIFICATE OF SERVICE

I, JERRY ELLIS (#18658) PRO SE DO HEREBY  
CERTIFY THAT (5) COPIES OF THE FOREGOING  
MOTION HAS BEEN MAILED TO MR NORMAN L.  
HODGES JR. DIRECTOR OF THE ARKANSAS STATE  
CLAIMS COMMISSION AND ONE (1) COPY OF THE  
SAME MOTION HAS BEEN MAILED TO THE RESPONDENTS  
ATTORNEY MRS LISA MULLS WILLIAMS AT P.O. BOX  
87 271 PINE BLUFF, AR 71601-0872 ON THE  
OCTOBER 29 TH 2014

PRO SE  
RESPECTFULLY SUBMITTED  
JERRY ELLIS #18658  
V. SIM  
P.O. BOX 40  
GRADY, AR 71644-0020

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas Claims Commission  
NOV 20 2014

JERRY ELLIS (ADC #078658)

CLAIMANT RECEIVED

V.

NO. 15-0038-CC

ARKANSAS DEPARTMENT OF CORRECTION


RESPONDENT

TO MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its Motion to Dismiss, states as follows:

1. Claimant has filed an action seeking \$5,000.00 for loss of property by alleging that a Sony radio, 6 AA batteries and 92 stamped envelopes was confiscated during a shakedown on October 27, 2013, and on December 27, 2013, 3 tubes of toothpaste and 4 bags of coffee were confiscated and he was not given a form, F-841, a confiscation form, on either date.
2. Claimant has failed to state facts to support his claim under ARCP 12(b)(6).
3. If Claimant were in possession of these items, it would be in violation of ADc policy because of the quantity or location where he was housed he could not possess them. In either case, none of the items were found in his possession.
4. Testimony would show that no confiscation form was written by the officer because none of these items was found. Also video footage of the cell showed no officer with items in hand.
5. Claimant did receive a disciplinary on or about November 21, 2013, for stating to Officer Luckadue while she was making security rounds, "Keep my name out your motherfucking mouth bitch. Your fake ass bitch." Such vulgar and threatening words directed toward staff will not be tolerated.
6. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(B)(6). Claimant can show no facts upon which he is entitled to relief and therefore this claim should be dismissed. WHEREFORE, Respondent moves that the commission dismiss this claim for the reasons and evidence submitted.

Respectfully submitted,  
Department of Correction Office of Counsel

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

CERTIFICATE OF SERVICE

I certify that a copy of the MOTION has been served this 19 day of November, 2014, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JERRY ELLIS (ADC #078658)

VSM

P. O. BOX 400

GRADY, AR 71644-0400

  
LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION CHECKET  
OPINION

Amount of Claim \$ 5,000.00

Claim No. 15-0038-CC

Jerry Ellis, #078658 Claimant Pro se Claimant  
vs. AR Dept. of Correction Respondent

State of Arkansas Respondent Lisa Wilkins, Attorney Respondent

Date Filed July 21, 2014 Type of Claim Negligence, Loss of Property

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing December 11, 2014

Date of Disposition December 11, 2014

H. H. H. H. Chairman  
M. H. H. H. Commissioner  
Bill J. H. H. 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

JERRY ELLIS #78658

CLAIMANT

#15-0038-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

Arkansas Claims Commission

NOV 25 2014

RECEIVED

## MOTION REQUEST FOR PRODUCTION OF DOCUMENTS

COME'S NOW THE CLAIMANT JERRY ELLIS #78658 PRO SE, MOVES THIS ARKANSAS STATE CLAIMS COMMISSION PLASANT TO RULE (3) OF THE ARKANSAS RULES OF CIVIL PROCEDURE TO ORDER THE RESPONDENT - ATTORNEY MRS. LISA MILLS WILKINS TO - PRODUCE THE REQUESTED DOCUMENTS WITHIN (30) DAYS OF SERVICE,

REQUEST FOR PRODUCTION OF DOCUMENT #1  
THE CLAIMANT REQUEST FOR ALL COPIES OF HIS F-844-1 FORM'S AS OF 12-4-013, 1-10-01 THROUGH 9-24-04 TO BE MADE AVAILABLE TO THE CLAIMANT FOR HIS INSPECTION,

REQUEST FOR PRODUCTION OF DOCUMENT #2  
THE CLAIMANT REQUEST FOR ALL COPIES OF HIS AB-401 FORM'S AS OF 12-4-013, 1-10-01 THROUGH 9-24-04 TO BE MADE AVAILABLE 23



TO THE CLAIMANT FOR HIS INSPECTION,

REQUEST FOR PRODUCTION OF DOCUMENT #3

THE CLAIMANT REQUEST FOR ALL COPIES OF  
AR-401 FORMS AS OF 11-10-04, 10-10-03  
AND 7-23-02 TO BE MADE AVAILABLE TO  
THE CLAIMANT FOR HIS INSPECTION,

REQUEST FOR PRODUCTION OF DOCUMENT #4

THE CLAIMANT REQUEST FOR ALL OF THE  
COPIES OF HIS F-841-1 FORMS AS OF 8-23-  
03, 4-18-04 AND 9-24-04 TO BE MADE  
AVAILABLE TO THE CLAIMANT FOR HIS  
INSPECTION,

REQUEST FOR PRODUCTION OF DOCUMENT #5.

THE CLAIMANT REQUEST FOR A COPY OF HIS  
AR-401 FORM OF 11-10-04 TO BE MADE-  
AVAILABLE TO THE CLAIMANT FOR HIS  
INSPECTION,

REQUEST FOR PRODUCTION OF DOCUMENT #6.

THE CLAIMANT REQUEST FOR ALL COPIES OF  
HIS (V. S. M) DOCUMENTATION MOVES AS OF  
9-24-04, 4-18-04, 8-23-03 AND 1-10-02  
TO BE MADE AVAILABLE TO THE CLAIMANT  
FOR HIS INSPECTION.

CERTIFICATE OF SERVICE  
I, JERRY ELLIS #78688 PRO, SE,  
CERTIFY THAT (5) COPIES OF THE FOREGOING  
MOTION HAS BEEN MAILED TO MRS BRENDA  
WADE DIRECTOR OF THE ARKANSAS STATE  
CLAIMS COMMISSION AND ONE (1) COPY OF THE  
SAME MOTION HAS BEEN MAILED TO THE  
RESPONDENT ATTORNEY MRS. LISA MULLS-  
WELKINS AT P.O. Box 8737 Pine Bluff  
Ark 71601-38737 ON THIS 24TH DAY  
OF NOVEMBER 2014)

PRO, SE  
RESPECTFULLY SUBMITTED  
JERRY ELLIS #78688  
V. S.M.  
P.O. Box 400  
LAW, AR 71604-  
0400

NOV 20 2014

RECEIVED  
CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC #078658)

V.

NO. 15-0038-CC

ARKANSAS DEPARTMENT OF CORRECTION


RESPONDENT

**RESPONSE TO MOTION REQUEST FOR FOR PRODUCTION OF DOCUMENTS**

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

1. Response to Request for Production No. 1: See RFP #1
2. Response to Request for Production No. 2: None
3. Response to Request for Production No. 3: Objection. Irrelevant and not likely to lead to any admissible information. The F-831-6 form is a Waiver of Disciplinary Hearing form. Claimant's action seeks recovery of items he alleges were not itemized or for which he did not sign a confiscation form in October and December.
4. Response to Request for Production Nos. 4: Objection. See Response to #3.

Respectfully submitted,  
Department of Correction Office of Counsel

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

**CERTIFICATE OF SERVICE**

I certify that a copy of the above pleading has been served this 19 day of November, 2014, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JERRY ELLIS (ADC #078658)  
VSM  
P. O. Box 600  
Grady, AR 71644-0600

  
LISA MILLS WILKINS Ark. Bar #87190



ADMINISTRATIVE REGULATIONS  
STATE OF ARKANSAS  
DEPARTMENT OF CORRECTION

Section Number

005/409

Page Numl.

3 of 3

9 of 9

Board of Correction Review Date:

9/23/87

Supersedes

005/409 Form

Dated:

12/19/85

Attorney General

Review Date

6/11/87

Date Filed

by State

12/2/87

005



Incident  
Report

and

409



Use of  
Force

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

Varner Supermax  
UNIT/DIVISION

REPORTING EMPLOYEE

Luckadue

RANK:

COFF

SHIFT ASSIGNMENT

DATE:

11-20-2013

TIME:

Approx. 4:55pm

LOCATION:

Cell

INMATE(S) INVOLVED:

Jerry Ellis 078658

Names and ADC Number

MIDDLE

AA

Block Zone 3

EMPLOYEE(S) INVOLVED:

COFF A Luckadue

Names and ADC Number

INMATE(S) PRESENT:

Same as above

Names and ADC Number

EMPLOYEE(S) PRESENT:

COFF M. Johnson

Names and ADC Number

OTHERS PRESENT/INVOLVED: (Specify)

N/A

EXTENT OF INJURY TO INMATE(S):

N

TREATMENT AFFORDED INMATE(S):

N

EXTENT OF INJURY TO OFFICER(S):

N

TREATMENT AFFORDED OFFICER(S):

N



Arkansas Department of Correction

RFP

# 1

27

STATEMENT OF FACTS (If force used, state type and explain):

ON November 20, 2013  
At approx. 4:55 pm, I, CO# W. Lachue was assisting  
CO# M. Johnson with moves in Cell Block 3 Zone  
as I passed cell # 312 which houses Inmate Jerry  
Ellis # 078658 in a loud tone of voice I/m J. Ellis  
yelling out the door in Spanish "keep my name  
out your mother fucker, you a fake  
ass bitch, I/m J. Ellis". Also, I had his light covered  
with a state issued blanket. I/m Jerry Ellis is  
aware of AOC rules and regulations therefore I  
CO# W. Lachue is charging him with the following  
rule violations 2-12, 11-2, and 12-1  
pending OCR. End of report.

CO# A. Lachue 11-21-13  
Signature of Reporting Employee

W. Lachue 11-21-13  
Signature of Supervisor Date

Reviewed by (Signature) Warden  
Supervisor/Administrator

Date

Date

RECOMMENDATION:

Reviewed by (Signature) Assistant  
Director

Date

Date

RECOMMENDATION:

Reviewed by (Signature) Director

Date

DISTRIBUTION COPIES:

Original to Assistant Director, then to Director, and to  
Warden/Cent Supervisor/Administrator

Original to

INCRPTdb

(Revised

28



~~SE CLAIMS~~ (15)  
BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS #78658

CLAIMANT

CLAIM # 15-028-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

Arkansas Claims Commission

FEB 26 2015

RECEIVED

### MOTION FOR RECONSIDERATION

COME'S NOW THE CLAIMANT JERRY ELLIS #78658 PRO, SE, MOVES THE ARKANSAS STATE CLAIMS COMMISSION TO VACATE THE ARKANSAS STATE CLAIMS COMMISSION OPINION OF DECEMBER 11TH 2014 DUE TO THE FOLLOWING

1. THE CLAIMANT STATES THAT THE ARKANSAS STATE CLAIMS COMMISSION OPINION OF DECEMBER 11TH 2014 PREJUDICED HIS CLAIM # 15-028-CC DUE TO THAT THE CLAIMANT NEVER RECEIVED A COPY OF THE RESPONDENT'S ATTORNEY MRS. LISA MILLS WILLIAMS MOTION FOR SUMMARY JUDGMENT OF OCTOBER 9TH 2014. NEITHER DID THE CLAIMANT NEVER RECEIVED A COPY OF THE RESPONDENT'S ATTORNEY MRS. LISA MILLS WILLIAMS MOTION TO DISMISS OF NOVEMBER 19TH 2014 AND DUE TO MR. NORMAN L. HODGES, JR. EX-DIRECTOR OF THE ARKANSAS STATE CLAIMS COMMISSION CONSIDERED THE LETTER OF AUG, 2ND 2014 TOWARD THE CLAIMANT CLAIM # 04-0388-CC REQUEST FOR RECONSIDERATION THE ARKANSAS STATE CLAIMS COMMISSION OPINION OF DECEMBER 11TH 2014 SHALL BE VACATED 29

SEE CONLEY V. GIBSON, 355 U.S. 46 (1957)  
BIG A WARE DISTRIBUTING INC V. BIE AUTO SUPPLY  
INC, 719 S.W.2d 716 (1986) NEAL V. WILSON,  
873 S.W.2d 552 (1994) CITING CORNETT V.  
PRATHER, 737 S.W.2d 159 (1987)

2. THE CLAIMANT STATES THAT DUE TO MR. NORMAN  
L. HODGES, JR. EX-DIRECTOR OF THE ARKANSAS-  
STATE CLAIMS COMMISSION CONSIDERED THE  
CLAIMANT LETTER OF AUG, 2<sup>ND</sup> 2014 A  
REQUEST FOR RECONSIDERATION DUE TO THE  
CLAIMANT NEVER RECEIVED A COPY OF THE  
RESPONDENT'S ATTORNEY MRS. LISA MILLER'S  
MOTION TO DISMISS OF THE CLAIMANT CLAIM #  
04-0388-CC THAT PREJUDICED THE CLAIMANT  
CLAIM SEE CONLEY V. GIBSON, 355 U.S. 46 (1957)  
BIG A WARE DISTRIBUTING INC V. BIE AUTO SUPPLY  
INC, 719 S.W.2d 716 (1986) NEAL V. WILSON,  
873 S.W.2d 552 (1994) CITING CORNETT V.  
PRATHER, 737 S.W.2d 159 (1987) AND DUE TO  
THE ABOVE THE ARKANSAS STATE CLAIMS  
COMMISSION OPINION OF DECEMBER 11<sup>TH</sup> 2014  
SHALL BE VACATED.

3. THE CLAIMANT STATES THAT THE ARKANSAS-  
STATE CLAIMS COMMISSION OPINION OF  
OCTOBER 15, 2014 IN DISPUTE TOWARD  
THE ARKANSAS STATE CLAIMS COMMISSION 30

OPINION OF DECEMBER 11<sup>TH</sup> 2014. SHALL BE  
VACATED. SEE CONLEY V. GIBSON, 355 U.S. 46 (1957)  
BGA WARE DISTRIBUTING CO. V. BKE AUTO SUPPLY  
INC. 719 S.W.2D 716 (1986) NEAL V. WILSON, 1  
873 S.W.2D 552 (1994) CARNETT V. PRATHER,  
737 S.W.2D 159 (1957) GING SERVICE V.  
DULLS, 354 U.S. 363 (1957) AND DUE TO THE  
ABOVE THE ARKANSAS STATE CLAIMS COMMISSION  
OPINION OF DECEMBER 11<sup>TH</sup> 2014)

WHEREFORE THE CLAIMANT PRAYS THAT THIS  
ARKANSAS STATE CLAIMS COMMISSION OPINION  
OF DECEMBER 11<sup>TH</sup> 2014 SHALL BE VACATED  
AND A HEARING SCHEDULED TOWARD CLAIM #15  
-0038-CC

CERTIFICATE OF SERVICE  
I, TERRY ELLIS #78658 PRO SE CERTIFY  
THAT 5 COPIES OF THE CLAIMANT FREEDOM  
MOTION FOR RELIEF ON SIDERATION HAS BEEN  
MAILED TO MRS. BRENDA WARE, DIRECTOR OF  
THE ARKANSAS STATE CLAIMS COMMISSION  
ON THIS 28<sup>TH</sup> DAY OF JANUARY 2015)

SLM  
CHESTERLY SMITH  
JERRY ELLIS #788  
V. S. M  
P. O. Box 400  
GRADY AR 71644-  
0485

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

TERRY ELLIS #78058

CLAIMANT  
CLAIM # 015-0038-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

Arkansas  
State Claims Commission  
JAN 20 2015

### MOTION FOR EXTENSION OF TIME

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Claims Commission

EB 26 2015

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COME'S NOW THE CLAIMANT TERRY ELLIS #78058  
PRO, SE, MOVE'S THIS ARKANSAS STATE CLAIMS  
COMMISSION FOR AN ADDITIONAL EXTENSION OF  
TIME DUE TO THE FOLLOWS:

1. THE CLAIMANT STATES ON JAN, 13, 015 HE  
WAS PLACED ON BELMONT CONTROL PER T & DEPT -  
ASSIST WARDEN MOSES JACKSON III BY LT.  
P. E. SAW OF (AA) START DUE TO THE CLAIMANT  
YELLING OUT THE SIDE OF HIS CELL DUE TO  
CLOCK #1 CELL #1-23 ON THE EVENING OF  
JAN, 13, 015 TOWARD PARAGRAPH 2)

2. THE CLAIMANT STATES THAT ON JAN, 13, 015 HE  
WAS TRYING TO OBTAIN SOME TYPE OF ASSISTANT.  
FROM DEPT ASSIST WARDEN MOSES JACKSON, III DUE  
TO THAT THE CLAIMANT HAD SUBMITTED HIS MOTION  
FOR THE CONSIDERATION TO MR. D. A. H. SMITH (D.S.M.)  
LEGAL COORDINATOR ON JAN, 29, 015 FOR HER TO  
MAKE ME (6) COPIES OF THAT MOTION TOWARD THE  
STATE CLAIMS COMMISSION OPINION OF 12-11-14  
TOWARD CLAIM # 015-0038-CC DUE TO THAT.

MRS. DOROTHY SMITH, V. S. M. LEGAL  
COORDINATOR DID NOT RETURN THE CLAIMANT  
HIS LEGAL DOCUMENTS OF JAN, 17, 2015 THAT  
WAS SUBMITTED TO HER ON JAN, 29, 2015)

3. THE CLAIMANT STATES THAT HE REQUEST FOR AND  
ADDITIONAL (15) DAYS EXTENSION OF TIME  
DUE TO THE MENTIONED LEGAL SITUATION OF  
CLAIM # 215-228-CC TO COMPLY PARAGRAPH 1-2  
OF HIS SUBMITTED MOTION OF JAN, 14, 2015)

WHEREFORE THE CLAIMANT PRAYS THAT THE STATE  
CLAIMS COMMISSION GRANT HIS SAID MOTION

CERTIFICATE OF SERVICE  
I, JERRY ELISH #18088 PRS SE D -  
HEREBY CERTIFY THAT AN (1) COPY OF THE  
FORGONE MOTION HAS BEEN MAILED TO MRS.  
BRENDA WARE, DIRECTOR OF THE STATE CLAIMS  
COMMISSION ON THIS 14TH DAY OF JANUARY 2015

S L M  
RESPECTFULLY SUBMITTED  
JERRY ELISH #18088  
V. S. M.  
P. O. Box 400  
Lumberton, NC 28044



MRS. BRENDA WADE, DIRECTOR  
101 EAST CAPITOL AVENUE  
SUITE 412  
LITTLE ROCK, AR 72201-3823

FEB, 27, 2015

RE: APPEAL OF CLAIM # 15-0038-CC

DEAR MRS. WADE MADM

I SUBMIT THIS  
LETTER TO YOU IN REGARDS OF MY SUBMITTED -  
APPEAL TOWARD CLAIM # 15-0038-CC WHICH  
I'LL REQUEST THAT YOU PLEASE FORWARD ME  
A FILE MARKED COPY OF THAT SUBMITTED APPEAL,  
THANK YOU MADM,

Arkansas Claims Commission

FEB 26 2015

RECEIVED

PLEASE  
RESPECTFULLY SUBMITTED  
JERRY ELLIS #18058  
V.S.M.  
P.O. Box 400  
GRADY, AR 72444



BEFORE THE ARKANSAS STATE GENERAL ASSEMBLY

JERRY ELLIS #78658

APPELLANT

#15-0038-CC

ARKANSAS DEPARTMENT OF CORRECTION

APPELLEE

Arkansas Claims Commission

FEB 26 2015

RECEIVED

AN APPEAL FROM THE ARKANSAS STATE  
CLAIMS COMMISSION

COME'S NOW THE APPELLANT JERRY ELLIS, 78658 PRO SE, SUBMIT HIS APPEAL PURSUANT TO ACT (33) OF 1997 BEFORE THE ARKANSAS STATE GENERAL ASSEMBLY TOWARD THE ARKANSAS STATE CLAIMS COMMISSION OPINION OF DEC, 11, 014 AS WELL AS OF MRS. BRENDA WADE, DIRECTOR OF THE ARKANSAS STATE CLAIMS COMMISSION LETTER OF JAN, 30, 015

1. THE APPELLANT STATES THAT HE FILED A - TIMELY MOTION FOR EXTENSION OF TIME TO MRS. BRENDA WADE, DIRECTOR OF THE ARKANSAS STATE CLAIMS COMMISSION ON JAN, 14, 015 BUT SHE NEVER RULED ON THE APPELLANT SUBMITTED - MOTION AND THAT PRECLUDED THE APPELLANT DEFENSE TOWARD HIS CLAIM #15-0038-CC  
SEE CONLEY V. GIBSON, 355 U.S. 46 (1957)  
SEE SEVIER V. DULLES, 354 U.S. 363 (1957)  
SEE CORNETT V. PRATHER, 737 S.W.2D 159 (1987)  
SEE NEAL V. WILSON 873 S.W.2D 552 10 30  
4 OF 1

SEE STUBERT V. ARKANSAS STATE POLICE -  
COMMISSION 945 S.W.2d 377 (1997) REGIONAL  
HEALTHCARE INC. V. BOSE CASE, 912 S.W.2d  
842 (1995) CITING MIGHT V. ARKANSAS STATE  
PLANT BOARD, 842 S.W.2d 42 (1992) WHICH OWE  
TO THAT THE ARKANSAS STATE CLAIMS  
COMMISSION OPINION OF DEC. 11, 2014 SHALL  
BE REVERSED,

1. THE APPELLANT STATES THAT PER TO THE  
ARKANSAS STATE CLAIMS COMMISSION OPINION  
OF DEC. 11, 2014 THE APPELLANT HAD FORTY (40)  
DAYS TO WAIVE THE POST MARKED MAIL DATE OF -  
THE OPINION OF THE ARKANSAS STATE CLAIMS  
COMMISSION OPINION TO FILE A MOTION FOR  
RECONSIDERATION OR AND APPEAL WHICH DUE TO THE  
APPELLANT RECEIVED A COPY OF THE ARKANSAS STATE  
CLAIMS COMMISSION OPINION ON DEC. 13, 2014 THE  
APPELLANT UNTIL JAN 21 ST 2015 TO FILE ANY OF  
THE ABOVE MENTIONED MOTIONS BUT MRS. BRENDA  
WADE, DIRECTOR OF THE ARKANSAS STATE CLAIMS  
COMMISSION NEVER RULED ON THE APPELLANT  
TIMELY SUBMITTED MOTION FOR EXTENSION OF TIME  
MAILED TO MRS. BRENDA WADE, DIRECTOR OF THE -  
ARKANSAS STATE CLAIMS COMMISSION ON JAN  
14, 2015 SEE EXHAUST (A) AND DUE TO THAT MRS.  
BRENDA WADE, DIRECTOR OF THE ARKANSAS STATE  
CLAIMS COMMISSION VIOLATED RULE 1.9 OUT 37  
2 OF 2

OF THE DIRECTOR PERTO THE ARKANSAS-  
STATE CLAIMS COMMISSION RULES MANUAL  
AND DUE TO THAT THE ARKANSAS STATE-  
CLAIMS COMMISSION OPINION OF DEC. 11, 2014  
SHALL BE REVERSED,

3. THE APPELLANT STATES THAT THE ARKANSAS-  
STATE CLAIMS COMMISSION OPINION OF DEC. 11,  
2014 PRECDED HIS DEFENSE TOWARD CLAIM #  
15-2038- CC DUE TO THAT THE APPELLANT -  
NEVER RECEIVED A COPY OF THE RESPONDENT.  
ATTORNEY MRS. LISA M. L. S. WALKINS MOTION  
FOR SUMMARY JUDGMENT OF OCT 9TH 2014 NOR HER  
MOTION TO DISMISS OF NOV. 14TH 2014 AND THAT -  
PRECDED THE MOTION TOWARD THE APPELLANT -  
COMPLAINT FILED OF JULY 29 ST 2014 SEE -  
CONLEY V. GIBSON, 355 U.S. 46 (1957) SERVICE V  
DILLES, 354 U.S. 363 (1957) CORNETT V. PRATHER,  
737 S.W.2d 159 (1987) NEAL V. WILSON, 873  
S.W.2d 552 (1994) STUBBS V. ARKANSAS STATE -  
POLICE COMMISSION, 945 S.W.2d 377 (1997)  
REGIONAL HEALTH CARE, INC V. ROSE CARE,  
912 S.W.2d 842 (1995) GTING. WRIGHT V. -  
ARKANSAS STATE PLANT BOARD, 842 S.W.2d 49  
(1992) WHICH DUE TO THAT THE ARKANSAS STATE  
CLAIMS COMMISSION OPINION OF DEC. 11, 2014 -  
SHALL BE REVERSED,

THEREFORE THE APPELLANT PRAYS THAT THE  
ARKANSAS STATE GENERAL ASSEMBLY REVERSE  
THE ARKANSAS STATE CLAIMS COMMISSION  
OPINION OF DEC. 11, 2014 AND SET THE STYLE  
CLAIM FOR A HEARING,

CERTIFICATE OF SERVICE  
I, JERRY ELLIS #78658 PR, SE, CERTIF  
THAT (5) COPIES OF THE APPELLANT APPEAL  
HAS BEEN MAILED TO MRS. BRANDA WARD,  
DIRECTOR OF THE ARKANSAS STATE CLAIMS  
COMMISSION ON THIS 20TH DAY OF FEBRUARY,  
2015)

PR, SE SLL  
RESPECTFULLY SUBMITTED  
JERRY ELLIS #78658  
V. S.M.  
P. O. Box 422  
GRADY, AR 71644

# ARKANSAS STATE CLAIMS COMMISSION

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



BRENDA WADE  
DIRECTOR

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

February 26, 2015

Mr. Jerry Ellis, #078658  
P.O. Box 400  
Grady, AR 71644

RE: Jerry Ellis, #078658  
Claim #: 15-0038-CC  
Vs.  
AR Dept. of Correction

Dear Mr. Ellis:

This office is in receipt of your attempt to file an "Appeal" on the above-referenced claim. After reviewing your paperwork and noting the file-marked copy of your "Motion for Extension of Time," I have decided that the Claims Commissioners will review your "Motion for Reconsideration" during their March 2015 meeting. If your "Motion for Reconsideration" is denied at this meeting, then we will go ahead and forward this claim to the Claims Review Subcommittee. A file-marked copy of your documents is enclosed.

Sincerely,

*B. Wade*

Brenda Wade  
Director

BW/

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 5,000.00

Claim No. 15-0038-CC

<u>Jerry Ellis, #078658</u>	Claimant	<u>Pro se</u>	Claimant
<u>vs.</u>			
<u>AR Dept. of Correction</u>	Respondent	<u>Lisa Wilkins, Attorney</u>	Respondent
<u>State of Arkansas</u>			
<u>Date Filed July 21, 2014</u>		<u>Type of Claim Negligence, Loss of Property</u>	

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 December 11, 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 December 11, 2014, order remains in effect.

Date of Hearing March 11, 2015

Date of Disposition March 11, 2015

Richard May  
Chairman

Strecher  
Commissioner

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.