

Please Read Instructions on Reverse Side of Yellow copy

Arkansas
State Claims Commission

Please print in ink or type

MAY 19 2014

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- ☐ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Deverick Scott, #131042

Claimant

vs.

State of Arkansas, Respondent
Dept. of Corr.

Do Not Write in These Spaces	
Claim No.	14-0874-CC
Date Filed	May 19, 2014 (Month) (Day) (Year)
Amount of Claim \$	7500.00
Fund	DOC

COMPLAINT

1 & 2) Failure to Follow Procedure
Pain & Suffering

Deverick Scott, #131042, the above named Claimant, of POB 600, Grady, AR 71644
 (Name) (Street or R.F.D. & No.) (City)
AR 71644 County of Lindsey represented by Rose
 (State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)
 of Ark. Department of correction (City) (State) (Zip Code) (Phone No.) (Fax No.) says:

State agency involved: Ark. Department of correction Amount sought: 7500
 Month, day, year and place of incident or service: Claim #1 4/15/12, Claim #2 10/13/13
 Explanation: rebel spirit claim #1 \$2500 for claimant violation of "AD"
Arkansas Directive #08-82 Behavior control. At approx 9:30 am
on 4/15/2012 claimant was alleged of (Allegations) a "AD" rule
violation. As a result claimant was placed being put on behavior
control for 72 hours. The temperature drop that night and
claimant was denied extra blanket and had to huddle for
3 days in a cell with

next page

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

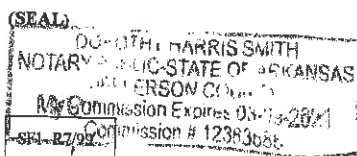
: and that the following action was taken thereon: N/A
 and that \$ N/A was paid thereon: (2) Has any third person or corporation an interest in this claim? N/A ; if so, state name and address
N/A
 (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)
 and that the nature thereof is as follows: N/A ; and was acquired on N/A in the following manner:

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

Deverick Scott #131042
 (Print Claimant/Representative Name)

Deverick Scott #131042
 (Signature of Claimant/Representative)

SWORN TO and subscribed before me at



on this 15 day of May (City) (State)
Douglas Smith (Date) (Month) (Year)
 (Notary Public)
 My Commission Expires: 3901
 (Month) (Day) (Year)

Before The State Claims Commission
of the State of Arkansas

1 of 4

Do not write in These Spaces

Claim No. _____

Date Filed _____

(month)

(Day)

(year)

Amount of claim \$ _____

Fund _____

☐ Mr.

Devenick Scott, #131042

Claimant

vs.

State of Arkansas,

Respondent

Complaint

Devenick Scott, the above named claimant, of P.O. box 600,
Name (street or R.F.D. No.)

Grady, Ar 71644 county of Lincoln represented by Prose
(City) legal counsel.

of N/A

NA

(street No.)

(city)

(state)

(zip code)

(phone No.)

says:

state agency involved A.D.C amount sought: \$ 7,500

month, day, year and place of incident or service: (claim #1)

On 4/15/2012, Varner unit Supermax

Explanation: At approx 9:30 am on 4/15/2014 claimant was
alleged of (attempting) a ADC rule violation. As a result
claimant was punished being put on behavior control for 72 hrs.
The temperature drop that night, and claimant was denied extra
blanket and force to freeze for 3 days in a cell with 2

nothing but a blanket, 1 pr boxers, that's it by AD#08-82 behavior control policy. But claimant was put on behavior control as a retaliation of pass writing officers up. Therefore violating AD#08-82 Behavior control, cause it states a inmate must be counsel first to stop his unruly behavior before being placed on behavior control. Claimant was put on Behavior control at 3:00 pm 5 hrs after alleged incident taken place. Also claimant beat the 10-3 Indecent exposure disciplinary thus not violating 10-3 rule infraction. The AD#08-82 Behavior control policy shows how the Behavior control tool is not to be use as a punishment. But ADC directors violated this Arkansas Rule and Regulation and added 10-3 Indecent exposure to include in Behavior control ~~punishment~~ policy to punish those inmates. Thus, Warden Jackson, Major Malone abusing they authority giving Sgt. Higgins a order to place me on Behavior control from just hearing claimant name in a incident, but not no whole issue violated claimant Arkansas rights, and AD#08-82.

relief sought: \$2500 for pain and sufferings of his Arkansas Rules and Regulations rights being violated.

see exhibits: 1

(Claim #2)

On 10/13/2013 at 3:36 pm Corporal Latoya Smith violated the following A.D.C. Rules & regulations as of Ar-225 AD-12-33, AD 11-63, AD-10-14 and AD# 74-03 per to ~~her~~ falsifying 005 report to cover up bribing claimant at lunch early that day to mask by eat on with (3) hamburger patties. And Lt. Taylor force her to falsify 005 report at last chow for 10-3 after he

came to claimant cell at lunch told him he can't wait till
 claimant get free go to wal-mart and kill him. They place
 claimant on 7-days of alternative meal also violating
 Arkansas Directive #13-86 Alternative meal cause a 10-3
 allege violation is not a Alternative meal violation. It's a
 AD#13-161 Behavior control. So when they put claimant on Behavior
 control they should of left it at that. Shows they abuse of
 authority and malicious intent to cause plaintiff extra pain
 and suffering. Then first 3 days they denied claimant any
 thing to drink stating Warden Jackson stated make sure
 we don't receive no juice or anything cause it violated
 Alternative meal. So next day when claimant had officer
 give him some juice so he could be taken off. Sgt. Carmichael
 Bailey, Webb, refuse to take him off. on 10/9/13 Sgt. Evans refuse
 to get claimant grievance cause officer barksdale had just gave
 him some koolaid. Sgt. Evans refuse to call kitchen Supervisor Corporal
 Jackson. Officer barksdale called Corporal Jackson told her to
 send claimant regular tray his alternative meal terminated sie
 refuse so claimant had to wait till last chow for Lieutenant
 Price go talk to Warden Jackson to highly being taken off
 alternative meal. Then claimant went to disciplinary court
 beating 10-3 disciplinary, for the violations of Arkansas
 Directives #13-86 Alternative meal, Ar #225 Employee Conduct
 standards as rest of Arkansas Rules and Regulations claimant
 suffered 7 days of not eating while placed on Alternative
 meal, 3 days behavior control. relief sought: \$5,000
 see exhibits: 2-22

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 :

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 N/A and that the nature thereof is as follows: N/A; and was required on N/A in the following manner: N/A

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.

Deverick Scott #131042

Deverick Scott #131042

(Print claimant/representative name)

(Signature of claimant)

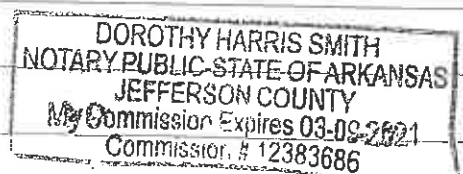
Sworn to and subscribed before me at _____ (city) (state)

of this 8 day of May, 2014.
(Date) (Month) (Year)

Dorothy Harris

Notary Public

my commission expires: 3 9 21
(month) (Day) (year)



ISSR100

Arkansas Department of Corrections
Varner Super Max Unit
MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious; he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Scott, Deverick Deshonnee

ADC#: 131042B

Assignment: AM/PM:Behavior Control (VSM)

Class: IV is being charged by Higgins, Brandon D
 with code violation(s):

Title: Correctional Sergeant

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

Date & Time: 04/15/2014 9:30 AM

Notice of Charges:

Incident Report Unit: Varner Unit
 Incident Report Date/Time: 04/15/2014/10:31:51 PM
 Incident Report Number: 2014-04-143
 Incident Report Comments By: Brandon D Higgins
 On April 15, 2014 at approximately 9:30 am in Isolation 4 Zone I, I Sgt B. Higgins was conducting chow in this area. Nurse Harston was conducting medical jacket review in at cell 4004 which houses Inmate Deverick Scott #131042 Class IV Punitive. Inmate Scott was observed by Nurse Harston with hand in his boxers attempting to masturbate on her. Nurse Harston advised Inmate Scott to cease his actions and return the medical jacket. He refuse to comply. Security staff was notified and the medical jacket was retrieved by COII Henry. Sgt Higgins advised Inmate Scott that his actions will not be tolerated. Therefore I Sgt B. Higgins is charging Inmate Deverick Scott # 131042 with the following rule violations 12-1, 10-3, 11-1, 11-3, and 17-1, pending DCR.

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer

NOTIFICATION:Officer Sgt. B. HigginsDate & Time Notified 4/16/14 12:30pmWitness Statements: No X

If yes, list

Inmate's Signature

C.S.O. Review: Outcome: Refer to Hearing Officer/Comm.By: Malone, Lasaundra MDate 04/16/2014**Extension:**No X Yes

Has extension form been completed?

Presentation by Counsel - Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

Counsel-Substitute: Assigned (Name) _____

Not Assigned _____

ISSR100

Arkansas Department of Corrections
Vanner Super Max Unit
MAJOR DISCIPLINARY

MAX 1/14 (2)

If the C.S.O. determines that the violation(s) described on this document are felonious; he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Scott, Deverick Deshonnee

ADC#: 131042B

Assignment: AM/PM:Behavior Control (Ad Seg)

Class: IV is being charged by Smith, Latoya N
 with code violation(s):

Title: Corporal

- 01-1 Banding together without administrative approval for the purpose of demonstration, work stoppage, disruption of unit operations, OR the like
- 10-3 Indecent Exposure
- 11-1 Insolence To A Staff Member
- 12-1 Failure to obey verbal and/OR written orders of staff
- 11-2 Using abusive/obscene language to A staff member
- 17-1 Any act OR acts defined as felonies OR misdemeanor by the state of Arkansas; may result in the loss of all good time.

Date & Time: 10/13/2013 3:36 PM

Notice of Charges:

On Oct. 13, 2013, at approx. 3:36 P.M. while conducting chow in Isolation 1-Zone 1-I-COII-L, Smith approached cell 1015, which houses I/m Deverick Scott ADC 131042 and observed him with his exposed penis in his hand moving in an up and down motion while staring at me. I gave I/m Scott ADC 131042 a direct order to stop his action but he refused. He yelled, "Bitch I don't play write me up." Therefore, I am charging I/m Scott ADC 131042 with the following charges 10-3, 12-1, 11-1, 17-1 pending DCR.

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer

NOTIFICATION:

Officer

Date & Time Notified

Witness Statements:

No ☒

If yes, list:

Deverick Scott
 Inmate Signature

C.S.O. Review: Outcome: Refer to Hearing Officer/Comm.

By: Moncrief, Tim W

Date 10/14/2013

Extension:

No ☒ Yes ☐

Has extension form been completed?

Presentation by Counsel - Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

Counsel-Substitute: Assigned (Name)

Not Assigned

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VSM

Name Derrick Scott

ADC# 13092

Brks # 101-14 cell Job Assignment

10/13/13 (Date) STEP ONE: Informal Resolution

10/17/13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: 220 p.m. 10/17/13

(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 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: officer intentionally abusing their authority

Is this Grievance concerning Medical or Mental Health Services? yes 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 10/13/13 official misconduct by omission in retaliation with reprisal against state of Arkansas administrative laws Ar 835 grievance procedure and Ar 225 Employees conduct Warden Watson Jackson Failure to ensure Major Moncrete was properly train governor and supervise to adhere Ar 225 rules regulations procedure of ADC policy and allow the conspiracy abuse and harassment, threaten of physical harm. Now receive camera at lunch Major Moncrete sent Lt. Taylor to my cell to threaten me. They thought at lunch they was because of me but wasn't. They intentionally abuse authority by having Major Moncrete print off a unauthorized policy that's not signed by Warden of Varner unit ADC director approving it. & to enforce this is a violation of my 8th and 14th Amendment of U.S.C. Enforcing implies that got to be put on behavior control for 12 hours when ADC Behavior control policy states they must call and get authorized from Warden. Major Moncrete didn't have authorization to put me on behavior control. Ac- forget he isn't a warden no more. Then to implement 7 days of alternative meal. When only thing I did was laying in bed which I got a write up. ADC policy once to be punish for any ADC rule violation you must have a due process disciplinary hearing which I haven't. I request investigation by Internal Affairs, 0-14 poly graph test log in books, ennisus, camera check. This retaliation of me writing Major Moncrete and Lt. Taylor on 10/17/13 only retaliation policy on y 2nd cellance we wrote grievance on it

Derrick Scott
Inmate Signature

10/13/13
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 _____ (date), and determined to be **Step One** and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____

PRINT STAFF NAME (PROBLEM SOLVER) Warden ID Number 7232 Staff Signature Warden Date Received 10/17/13

Describe action taken to resolve complaint, including date: Re-advise at NO time
Lt Taylor to threaten him all allegation is false
10-17-13

Staff Signature & Date Returned Derrick Scott 10/17/13

This form was received on 10-17-13 (date), pursuant to **Step Two** Is it an Emergency? NO (Yes or No).

Staff Who Received Step Two Grievance: Warden Date: 10/27/13

Action Taken: _____ (Forwarded to Grievance Officer/Manager/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE** - Grievance Office; **ORIGINAL** - Given back to Inmate After Completion of Step One and Step Two.

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

GRIEVANCE #: VSM13-04127

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Scott, you state: "On 10/13/13 official misconduct by omission in retaliation with reprisal against state of Arkansas administrative laws AR 835 grievance procedure and AR 225 Employee conduct Warden Watson Jackson failure to ensure Major Moncrete was properly train governor and supervise to adhere AR 225 rules regulation procedure of ADC policy and allow the conspiracy abuse and harassment, threaten of physical harm. Now review camera at lunch Major Moncrete sent Lt Taylor to my cell to threaten me. They thought at lunch they was called because of me, but wasn't. They intentionally abuse authority by having Major Moncrete print off a unauthorized policy that's not signed by Wardens of Varner unit, ADC director approving it. So to enforce this is a violation of my 8th and 14th Amendment of USC enforcing inmates that got to be put on behavior control for 72 hours, when ADC behavior control policy stated they must call and get authorized from Warden. Major Moncrete didn't have authorization to put me in behavior control. He forget he ain't a warden no more. Then to implement 7 days of alternative meal. When only thing I did was laying in bed which I got a write to. ADC policy once to be punish for any ADC rule violation you must have a due process disciplinary hearing which I haven't. I request investigation by internal affairs, 0-14 polygraph test, log in books, eunoisnls, camera check. This retaliation of me writing Major Moncrete and Lt Taylor on 10/7/13"

PER AD: 13-161 Behavior Control - An inmate shall be placed on Behavior Control for any assaultive, disruptive, or self-injurious behavior and/or acts of sexual misconduct.

Records show that you were disruptive during the feeding of chow and you received a disciplinary for 10-3; the disciplinary was dismissed due to a typographical error. There is no evidence to support you allegation that anyone either threatened you or falsified documents.

Therefore, I find this issue without merit.

RECEIVED

DEC 31 2013

INMATE GRIEVANCE SUPERVISOR

Signature of Warden/Supervisor or Designee

12-18-13
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? I said to enforce and put me on 7 days alternative meal also shows his abuse of authority. And ~~appeal response~~ And policy states Warden must sign and authorize a inmate being put on behavior control. Which didn't no Warden sign. An evidence will be you actually checking the camera at lunch on 10/13/13 you can see us going

at it and putting him on a 0-4 polygraph test cause this Lt. Taylor^(S) said he was gonna shoot and kill me when I get out he see me at a Wal-mart

Deverick Scott

Inmate Signature

131042

ADC#

12/20/13

Date

RECEIVED

DEC 31 2013

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM13-04127

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Based on the Warden's response in which he states in part, "PER AD: 13-161 Behavior Control - An inmate shall be placed on Behavior Control for any assaultive, disruptive, or self-injurious behavior and/or acts of sexual misconduct.

Records show that you were disruptive during the feeding of chow and you received a disciplinary for 10-3; the disciplinary was dismissed due to a typographical error. There is no evidence to support your allegation that anyone either threatened you or falsified documents.
Therefore, I find this issue without merit."

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

Appeal denied



Director

Date

2-6-2014

Unit/Center VS
Name D. Overick Scott

FOR OFFICE USE ONLY
GRV. # VSM 13 4256
Date Received: 10-28-13
GRV. Code #: 514

ADC# 131042 Brks # 1501-17 Job Assignment _____

10/21/13 (Date) STEP ONE: Informal Resolution

10/20/13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: separate made me stay on it 48 hrs

10/28/13 (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 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: separate bowl of juice so I'll starve

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): officer Johnson gave me a bowl of juice this morning 10/28/13
alternative meal is supposed to be
terminative. When next shift came on I notified Sgt. Webb before tried to give
me alternative meal. He stated it was on next shift. At last change approx 5:25pm Sgt. Daniels talk
to Capt. Stevenson who said he was too busy. Sgt. Bailey also told Sgt. Daniels she talk to major
Monette who out of retaliation from use of past grievances demanded I stay on it.
all this after Warden Jackson told Sgt. Foot we can't receive no juice or nothing cause it
terminative alternative meal. The act of all problem solvers to refuse to check cameras
from that morning to see if I receive juice, then force me still on alternative meal knowing
the mixture would mess my insides of to inflict lunatic pain & suffering shows callous
disregard for my 8th Amendment of US Constitution. And to think I was
put on alternative meal in the first places by abuse of authority by major Monette
at Taylor. I request CMEs check 0-14 polygraph test investigation by Internal Affairs
cause I will be asked 125 a day at court level for my rights being violated.
Then next night on 10/28/13 breakfast Sgt. Herring carried out all refuse
to take this grievance so they continue to talk to officer Johnson and like me off to end of day
Denise Scott
12/13

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 _____ (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____

PRINT STAFF NAME (PROBLEM SOLVER) _____ ID Number _____ Staff Signature _____ Date _____
Describe action taken to resolve complaint, including dates: According to Sgt Webb
you can have water and alternative meal

10-03-13 JAN 08 2014
Staff Signature & Date Returned _____ Inmate Signature & Date Received Denise Scott 10/26/13
This form was received on _____ (date) pursuant to Step Two. Is it an Emergency? _____ (Yes or No).
Staff Who Received Step Two Grievance: Sgt. Herring Date: 10/26/13
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.

max 4/0048

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

GRIEVANCE #: VSM13-04256

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Scott, you state, "Officer Johnson gave me a bowl of juice this morning 10-17-13 alternative meal is suppose to be terminative. When next shift came on I notified Sgt Webb before tried to give me alternative meal. He stated it was on next shift. At last chow approx 5:25 pm Sgt Daniels talk to Capt Stevenson who said he was to busy. Sgt Bailey also told Sgt Daniels she talk to Major Moncrete who out of retaliation for use of pass grievance demanded I stay on it. All this after Warden Jackson told Sgt foot we can't receive no juice or nothing cause it terminate alternative meal. The act of all problem solvers to refuse to check camera from that morning to see if I receive juice then force me still on alternative meal knowing the mixture would mess my sinus of to infect (unwanton pain & suffering) shows callous disregard for my 8th 14th amendment of US Constitution. And to thin I was put on alterative meal in the first place by abuse of authority by Major Moncrete Lt Taylor. I request camera check, 0-14 polygraph test investigation by Internal Affairs cause I will be asked \$125 a day at court level for my right being violated the next on 10/18/13 breakfast Sgt Higging Carmichael Wright all refuse to take this grievance so they went have to talk to Officer Johnson and take me."

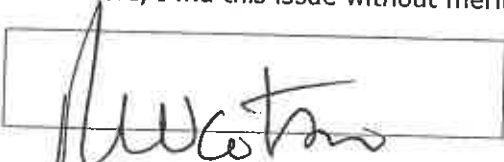
You have listed multiple issues in your complaint. However, PER AD: 12-16 only one issue will be addressed.


PER AD: 13-86 Alternative Meal in Segregation - 8. Water shall be the only beverage available with the alternative meal, unless the responsible facility health provider prescribes a substitute beverage for medical reasons. NOTE: Where drinking fountain/spigot is available in the cell, no cup or other container will be provided. When no drinking fountain/spigot is available in the cell, a paper cone-shaped cup will be issued each day unless the inmate fails to turn in a paper cup issued the day before.

Officer D. Johnson advises that he did give you juice to drink on 10/17/2013 due to he did not know that you were to only receive water in a paper cone cup.

Policy does not state that an inmate will be removed from alternative meal if served juice rather than water.

Therefore, I find this issue without merit.


Signature of Warden/Supervisor or Designee


Title
RECEIVED

12-26-13
Date

INMATE'S APPEAL

JAN 08 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATIVE DIVISION
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?

If alternative meal state nothing else that do terminate alternative meal, now this proves how at this unit the Warden Watson won't even acknowledge they wrong doing "admit it" how else can it be fix

13

9

Devenish Scott

Inmate Signature

131042

ADC#

12/30/13

Date

RECEIVED
JAN 08 2014
INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

14

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM13-04256

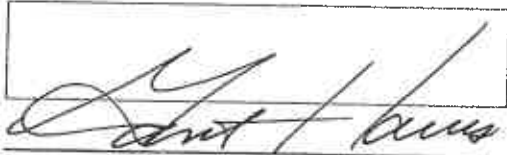
CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

You state that the alternative meal should have been terminated on 10/17/13, because you were issued juice instead of water.

Based on the Warden's response in which he states in part, "You have listed multiple issues in your complaint. However, PER AD: 12-16 only one issue will be addressed.
PER AD: 13-86 Alternative Meal in Segregation - 8. Water shall be the only beverage available with the alternative meal, unless the responsible facility health provider prescribes a substitute beverage for medical reasons. NOTE: Where drinking fountain/spigot is available in the cell, no cup or other container will be provided. When no drinking fountain/spigot is available in the cell, a paper cone-shaped cup will be issued each day unless the inmate fails to turn in a paper cup issued the day before.
Officer D. Johnson advises that he did give you juice to drink on 10/17/2013 due to he did not know that you were to only receive water in a paper cone cup.
Policy does not state that an inmate will be removed from alternative meal if served juice rather than water. Therefore, I find this issue without merit."

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

Appeal denied


Director

Date

2-6-2014

Unit/Center

Name

ADC#

Brks #

Job Assignment

FOR OFFICE USE ONLY

GRV. #

Date Received:

GRV. Code #:

(Date) STEP ONE: Informal Resolution

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

If the issue was not resolved during Step One, state why: I was put on alternative med

(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 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:

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): 05/10/2013, doctor, stress

referred and now you were affected. (Please fill in). On 10/13/77, conduct shows the
 relationship is harassment of Marie Morale. It took 80 hours, some 900
 records on this staff isolated 10-3 ~~part~~ rule interacted and they didn't
 put them on alternative meal or behavior control but when I did, they
 said it was a long story and they put me on alternative meal + behavior
 control. I as the supervisor, under 2 circumstances, with them as the supervisor
 for 2 children. The conduct while at the clubhouse, "conduct" standards
 AD 71-73 without meal, AD 78-82 Behavior 16-18. I received 1 P's
 Marie Morale Used alternative meal when and they didn't have one.

RECEIVED

JAN 22 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

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 10/31/13 (date), and determined to be **Step One** and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? _____ (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 _____

Date Received _____

Describe action taken to resolve complaint, including **dates**:

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 1/7/13 (date), pursuant to Step Two. Is it an Emergency? Yes (Yes or No).

Staff Who Received Step Two Grievance:

Date: 11/4/2013

Action Taken: NOV - 4 2013

(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.

max 4/004
12

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

GRIEVANCE #: VSM13-04409

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Scott, you state, " On 10/27/13 conduct shows retaliation of harassment of Major Moncrete Lt Taylor, Sgt Bailey cause several inmates on this shift violated 10-3 rule infraction and they didn't put them on alternative meal or behavior control not when I did it they said it was VSM policy and they put me on alternative meal behavior control. I no the motive was cause I previously wrote them up for abusing they authority. This conduct violate AR 225 Employee Conduct Standards, AD 06-23 alternative meals, AD 08-82 Behavior Control. I requested the Major Moncrete VSM alternative meal policy and they didn't have me."

On 10/28/2013 during the feeding of chow in Isolation 1, you received a major disciplinary for 10-3 Indecent Exposure, 17-1 Any Felony Act or Misdemeanor, 12-1 Failure to Obey Order of Staff, and 11-1 Insolence to A Staff Member. You pled guilty to 10-3 and 11-1 and was subsequently found guilty on all charges in Major Disciplinary Court Hearing.

PER AD: 13-86 Alternative Meal Service in Segregation - B. Disruptive Behavior - As used in this Directive, includes the following forms of behavior to the extent they are directly related to food service: food abuse; throwing food, utensils or body waste; arson; cell flooding; assault on staff; refusal to return utensils; tampering with or jamming doors, locks, slots; or otherwise deliberately impeding the cause of feeding or food service operations by institutional staff assigned to serve food to inmates in segregation.

PER AD: 13-161 Behavior - Sexual Misconduct: the display of genitalia to another person and/or masturbation in the presence or direct vision of another person. Sexual misconduct may also include written or verbal communication expressing sexually inappropriate conduct with staff.

You were placed on Alternative Meal and Behavior Control for you actions - disrupting the feeding of chow and indecent exposure.

Therefore, I find this issue without merit.

RECEIVED

JAN 22 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

1-5-14

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?

you answer other grievance on behavior control this is on its against policy to put me on alternative meal. why it don't say it in AD #13-16 alternative meal, and he just the AD #13-1 behavior control policy. Officer abuse his authority in retaliation of me writing them up on pass grievances and put me on alternative meal and wasn't suppose to. 17

13

Derrick L. H.

Inmate Signature

131642

ADC#

1/10/14

Date

RECEIVED

JAN 22 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM13-04409

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

Your complaint is that you were put on alternative meal for a 10-3 rule infraction.

Based on the Warden's response in which he states in part, "On 10/28/2013 during the feeding of chow in Isolation 1, you received a major disciplinary for 10-3 Indecent Exposure, 17-1 Any Felony Act or Misdemeanor, 12-1 Failure to Obey Order of Staff, and 11-1 Insolence to A Staff Member. You pled guilty to 10-3 and 11-1 and was subsequently found guilty on all charges in Major Disciplinary Court Hearing.

PER AD: 13-86 Alternative Meal Service in Segregation - B. Disruptive Behavior - As used in this Directive, includes the following forms of behavior to the extent they are directly related to food service: food abuse; throwing food, utensils or body waste; arson; cell flooding; assault on staff; refusal to return utensils; tampering with or jamming doors, locks, slots; or otherwise deliberately impeding the cause of feeding or food service operations by institutional staff assigned to serve food to inmates in segregation.

PER AD: 13-161 Behavior - Sexual Misconduct: the display of genitalia to another person and/or masturbation in the presence or direct vision of another person. Sexual misconduct may also include written or verbal communication expressing sexually inappropriate conduct with staff.

You were placed on Alternative Meal and Behavior Control for you actions - disrupting the feeding of chow and indecent exposure.

Therefore, I find this issue without merit."

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

Appeal denied



Director

2-27-2014
Date

Unit/Center 15M

Name Devenck Scott

ADC# 131042 Brks # 150 1-14 cell Job Assignment 2 4 2013

FOR OFFICE USE ONLY
GRV. # VSM13-4304
Date Received: 10-30-13
GRV. Code #: 514 717

10/23/13 (Date) STEP ONE: Informal Resolution

10/28/13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: It took him a long time at last

10/23/13 (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 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: Officer abuse authority to violate

policy to make me stay on alternative meal to make me suffer pain

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): officer misconduct by omission in

retaliation with reprisal against state of Ark administrative laws Ar 835 grievance

procedure and Ar 835 employee conduct standards Warden Victor Jackson failure

to ensure Sgt. Davis on 10/19/13 was properly train governor and supervise to adhere

to Ar 835 rules & regulations. She refuse to sign all grievances in not stating this right

her zone. At this at lunch she was in booth supervising I was on alternative meal.

I'm trying to get her to come to my cell to notify kitchen to terminate alternative meal

cause officer gave me a cup of juice. She refuse to come get grievance and

address problem. Told em call Cpl Jackson in kitchen. When officer backside call

her told her policy. She retaliated on me for writing her up that 10/19/13 told him

she ain't gonna send me no tray and force me to accept another alternative

meal knowing you can't mix it with nothing else it will mess up your stomachs.

Captain Stevens please to check and take me off on 10/18/13 when Sgt. Daniels advised

him I been given some juice. The actions to intentionally make me still accept alternative

meals shows follows disregard for my rights and health and I will insist to be

compensated at court level.

Devenck Scott 10/23/13

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 (date), and determined to be **Step One** and/or an Emergency Grievance

(Yes or No). This form was forwarded to medical or mental health? (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 Date Received

Describe action taken to resolve complaint, including date:

Not receiving a alternative meal. You cannot

be more for receiving while you were not

given any juice

10/28/13 Devenck Scott 10/28/13 RECEIVED

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.

max4/004 (16)

INMATE NAME: Scott, Deverick D.

ADC #: 131042B

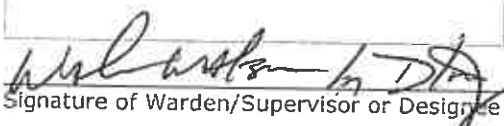
GRIEVANCE #: VSM13-04304

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Scott, you state, "official misconduct by omission in retaliation with reprisal against state of Ark administrative laws AR 835 grievance procedure and AR 225 employee conduct standards Warden Watson Jackson failure to ensure Sgt Evans on 10/19/13 was properly train govern and supervise to adhere to AR 225 rules & regulation. She refuse to sign all grievances in ISO 1 stating this ain't here zone. At this at lunch she was in booth supervising I was on alternative meal. I'm trying to get her to come to my cell to notify kitchen to terminate alterative meal cause officer gave me a cup of juice. She refuse to come get grievance and address problem. told em call Cpl Jackson in the kitchen. When officer Barksdale call her told her policy. She retaliated on me for writing her up that 10/9/13 told him she ain't gonna send me no tray and force me to accept another alternative meal knowing you can't mix it what nothing else it will mess up your stomach. Captain Steven refuse to check and take me off on 10/18/13 when Sgt Daniels notified him I been given some juice. the actions to intentionally make me still accept alternative meals shows callous disregard for my rights and health and I will asked to be compisate at court level."

You have listed multiple issues in your grievance. PER AD: 12-16 on one issue will be addressed. Sgt. W. Evans advises that she did refuse to sign and pick up your grievances because you would not allow the Zone Sgt. to pick them up plus you stated wanted to "put your dick on" Sgt. Evans. Records show that you did not receive a disciplinary for your actions on 10/19/2013. Also be advised Inmates do not "write-up" staff as any corrective action involving staff is done by management, not inmates. Records show that during the month of October 2013, you submitted thirteen (13) Step Two (2) Formal grievances.

Therefore, I find this issue without merit.


Signature of Warden/Supervisor or Designee

RECEIVED
Title

2-1-14
Date

FEB 12 2014

INMATE'S APPEAL

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

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 issue was not address showing Warden clear turn a blind eye to officer violating Ar # 835 grievance procedure, Ar # 225 Employee conduct standards, AD # 12-16 alternative meal constitutes his failure to train and properly supervise. Cause if she would of come got my grievance she could of solve problem and got taken off alternative meal like I finally got taken off that last chow by Lt. Price we I had to get him down their. He went talk to Warden Jackson and was told gone take me off. Her refusest in the action to intentionally make me suffer warden infliction of pain. And only way to get you'll to take correction action on 21

Dwain Lott

Inmate Signature

18042

ADC#

2/5/14

Date

(17)

your officers is to file lawsuits. I will asked to be compensated at
Court level.

RECEIVED

FEB 13 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

22

18

IGTT430
3GD

Attachment VI

INMATE NAME: Scott, Deverick D.

ADC #: 131042

GRIEVANCE#: VSM13-04304

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

You allege on 10/19/13 Sgt. Evans refused to sign your grievance.

Based on the Warden's response in which he states in part, "You have listed multiple issues in your grievance. PER AD: 12-16 on one issue will be addressed. Sgt. W. Evans advises that she did refuse to sign and pick up your grievances because you would not allow the Zone Sgt. to pick them up plus you stated wanted to "put your dick on" Sgt. Evans. Records show that you did not receive a disciplinary for your actions on 10/19/2013. Also be advised Inmates do not "write-up" staff as any corrective action involving staff is done by management, not inmates. Records show that during the month of October 2013, you submitted thirteen (13) Step Two (2) Formal grievances. Therefore, I find this issue without merit."

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

Appeal denied



Director

3-21-2014

Date

23

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DEVERICK SCOTT (ADC 131042)

V.

NO. 14-0874-CC

ARKANSAS DEPARTMENT OF CORRECTION

Arkansas
State Claims Commission
MAY 29 2014
RECEIVED
RESPONDENT

ANSWER

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

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

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

Respectfully submitted,
Department of Correction Office of Counsel

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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 28 day of May, 2014, 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
LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DEVERICK SCOTT (ADC #131042)

Arkansas Claims Commission
FEB 04 2015
CLAIMANT RECEIVED

V.

NO. 14-0874-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION TO DISMISS

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

CLAIM #1

1. Claimant seeks \$2,500.00 for failure to follow policy and pain and suffering for allegedly placing him on behavior control on April 15, 2014, stating that such action was unwarranted under the Indecent Exposure policy. August 17, 2011 until August 23, 2011 which was three (3) days longer than policy permitted.
2. Claimant has failed to state a cause of action under ARCP 12(b)(6) and the claim should be dismissed.
3. Claimant argues that he was placed on behavior control for indecent exposure with only a blanket and his boxer shorts by AD 08-82 Behavior Control policy. Therefore, claimant admits that he received the items he was allowed to have while on behavior control. No violation of policy occurred.
4. Claimant argues that he should have been counseled before placing on behavior control. Claimant has twenty-seven (27) previous charges for indecent exposure with the most recent one before this incident occurring on March 26, 2014. Claimant has been counseled about his behavior.
5. Claimant states that it was not proper to place him on behavior for indecent exposure. This is an incorrect statement of the policy. Behavior Control policy, II Definitions: defines sexual misconduct to include masturbation in the presence or direct vision of another person.
6. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

CLAIM #2

7. Claimant seeks \$5,000.00 for failure to follow policy and pain and suffering from an incident on 10-12-13.
13. Claimant has failed to state a cause of action under ARCP 12(b)(6) and the claim should be dismissed.
8. Claimant was placed on behavior control and alternative meal on October 13, 2013, If Claimant received aa juice at one of the meals, it is not grounds to terminate his Alternative Meal sanction for disruptive behavior although he should only have water to drink. Per AD 11-36 IV (A)(8). He is allowed to be on alternative for seven (7) days and as he states that is how long he was on this sanction.
9. It is immaterial whether or not Claimant 'beat' his underlying charge as to whether or not he was properly placed on alternative meal sanction. That alone is for disruptive behavior and not as a punishment for the disciplinary itself.

10. Claimant states that he suffered seven (7) days of not eating while on alternative meal as part of his damages. He never stated that the meal was not provided to him. If he chose not to eat it, that was Claimant's choice. The Alternative Meal provides 100% of the Recommended Dietary Allowances for males between the ages of 15 and 50 years of age. See Exhibit "A". The same is true for behavior control. It matters not whether Claimant was found guilty of the indecent exposure, it is his behavior at the time of the action that warranted placing him on behavior control.

11. Respondent prays that this claim be dismissed for failure to state a claim upon which relief can be granted under ARCP 12(b)(6).

WHEREFORE, for the reasons stated above and the evidence presented, Respondent prays that these claims be dismissed.

Respectfully submitted,
Department of Correction
Office of Counsel



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

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 3 day of February, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

DEVERICK SCOTT (ADC #131042)
EAMU
P. O. Box 970
Marianna, AR 72360-0970



LISA MILLS WILKINS Ark. Bar #87190

NUTRIENT CONTENT OF SPECIAL MANAGEMENT MEATLOAF

Calories	2,901
Protein	117 grams
Carbohydrate	260 grams
Fat	165 grams
Vitamin A	38,069 I.U.
Vitamin C	211 mg
Vitamin B1	1.914 mg
Vitamin B2	6.398 mg
Vitamin B3	12.175 mg
Vitamin B6	2.01 mg
Vitamin B12	3.21 mcg
Folic Acid	203 mcg
Sodium	2,452 mg
Potassium	5,113 mg
Phosphorus	2,170 mg
Calcium	1,299 mg
Iron	55 mg
Magnesium	826 mg

The recipe provides 100% of the Recommended Dietary Allowances for males between the ages of 15 and 50 years.

Deverick Scott (AOC# 131042)

claimant

Arkansas Claims Commission
FEB 17 2015
RECEIVED

v. No. 14-0874-CC

Arkansas Department of Correction

Respondent

Claimant response to respondents motion to dismiss
Comes now the claimant prose Deverick Scott # 131042
prose responds as follows to the respondents motion to
dismiss filed by respondents attorney Mrs. Lisa Williams
on ~~Nov 13~~ ~~Nov 13~~ ~~Nov 13~~ Feb, 3 2015. This is one day after
hearing date was schedule, on Feb, 2 2015 set for march 15 2015
Claim 1 : 2

① Under rule 12, Ark. R. Civ. P. rule 12(b)(1)(6) A motion to dismiss
is to be made before an answer is filed. On Nov. 13, 2014 The
state claims commission stated in "Conclusion" The responder
filed the answer in a timely manner.

³⁵³ However, after an answer is filed, the defendants can file a
motion making the same arguments. At that point it is
called a motion for judgment on the pleadings.

Bell Atlantic v. Twombly, 550 U.S. 544, 555, 127 S. Ct. 1895 (2007)
[stating that the decisions on such motion to dismiss rest "on
the assumption that all allegations in the complaint are
true."

Arkansas Constitution of 1874
Art. 2, § 13 Remedies

Every person is entitled to a certain remedy in the laws for all injuries or "wrongs" he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the laws Hickey v. Gardisser, 2010, 375 S.W.3d 733, 2010 Ark. App. 464 constitution law 2311

② The claimant states that due to the respondents attorney Mrs. Lisa Mills Wilkins Failed to meet the requirement of the Arkansas Rules of Civil Procedures of Rule 62 (H)(1) in filing her motion to dismiss. Bradley v. Keith, 313 S.W.13 1958). Flippin v. McCabe, 308 S.W.2d 824 1958 citing West v. page, 305 S.W.2d 336 1957) Therefore the respondents motion to dismiss for claim 1, & 2 is barred and shall be denied.

Claim 1

① It is undisputed that claimant was put on behavior control for "alleged" ADC rule violation of 10-3 Indec exposure, on 4/15/2014 at 9:30am and was found "not guilty."

② claimant is suing for \$2,500.00 for the negligence of ADC officers Major Malone, Warden Jackson to retaliate on him put him on behavior control for 72 hours for an allege ADC violation. Claimant best the 29

allege ADC violation at the process disciplinary hearing making him not guilty of "Allege" ADC 10-3 rule violation.

③ Therefore plaintiff suffered 72 hours 3 days in ^{of behavior con} typical and significant hardship from other inmates housed in punitive segregation for a adc violation he didn't commit.

④ The negligence of ADC officers Major Malone, Warden Jackson to place inmate on behavior control for 10-3 indecent exposure, and when you look at (exhibit: 1) for claim 1 disciplinary written by Sgt. Higgins Brandon stated: Inmate Scott was observed by Nurse Harston with hand in his boxers attempting to masturbate on her. The language "attempting" speaks for itself. Attempt is not "did". Nowhere in F-1 statement does it say Nurse Harston seen claimant "Indecent Exposure". This negligence cause claimant pain and suffering to sit in cell with only one pr boxers, one blanket, half roll tissue, freezing denied shower shoes, socks to cover feet forcing him to walk on concrete putting claimant health at risk to get flu or etc. claimant denied toothbrush and toothpaste to brush teeth to kill germs in mouth ^{before} eating for 3 days. claimant was denied soap & towel to keep from washing hands after using toilet from urinating & ejecting feces from his body before he eat & after he eat living 30

in inhuman conditions cause claimant loss of sleep, anxiety and humiliation. Hewitt vs. O'Leary 786 F.2d 1080 compensatory damages should have been awarded juvenile for imposition of isolation without procedural due process and for period beyond maximum period set out in relevant regulations, and for his humiliation and dejection sustained as result of such isolation.

⑤ Claimant doesn't even have to argue respondents # 4. Cause a claimant pass behavior don't make him guilty in the future, unless you hold a bias opinion, feel like the Arkansas Department of Correction is actually a "sham" and doesn't correct inmates behavior.

⑥ By claimant beating 10-3 Indecent exposure disciplinary AD # 08-82 Behavior control policy was violated for the negligence to put claimant on Behavior control for a rule violation he did not commit. Hewitt vs. Helms, 459 U.S. 460, 472, 103 S.Ct. 864, 871 74 L.Ed. 2d 675 (1983). Thus, the presence of substantive predicates guiding the prison officials' conduct is required to establish procedural due process protection. A liberty interest is created when the statute or regulation in question mandates "that ~~the~~ if the regulation" substantive predicates are present, a particular outcome must follow. "Id. 109 S.Ct. at 1910.

Claim #2

- ① Claimant is suing for \$5,000.00 for the negligence, and deliberate indifference of Lt. Taylor, Major Moncrete retaliatory actions for claimant on behavior control for 72 hours, and 7 days of alternative meal for a "allege" ADC violation of 10-3 Indecent exposure claimant didn't do. Claimant beat the allege ADC violation at a Due process disciplinary hearing making him not guilty of "Allege" ADC 10-3 rule violation by Latoya Smith on 10/13/13 at 3:36p
- ② It is undisputed claimant beat the disciplinary Latoya Smith disciplinary for 10-3 Indecent exposure of 10/13/13 at 3:36pm incident. (see exhibit: 15 of claim 2)
- ③ Therefore the claimant suffered 72 hours, 3 days on Behavior control and 7 days on alternative meal in typical and significant hardship from other inmates housed in punitive segregation for a ADC violation he didn't commit.
- ④ The negligence of Lt. Taylor, Major Moncrete, Latoya Smith to place claimant on behavior control, and alternative meal for 10-3 indecent exposure, for a ADC violation he didn't commit, this negligence, and deliberate indifference cause claimant pain and suffering to sit in his cell with only one pr of boxers, one blanket, bit roll of tissue, subjecting him to deliberately freeze all night refusing shower shoes, socks to cover his feet forcing him to walk on concrete

putting claimant health at risk to get flue or etc. claimant was also denied toothbrush and toothpaste to brush his teeth to kill germs in his mouth before eating for 3 days claimant was denied soap & towel to keep from washing hands after using toilet from urinating & ejecting feces from his body before he eat & after he eat living in inhuman conditions loss of sleep, anxiety, and humiliation. To put claimant in a position he don't eat, and can't eat cornbread "alternative meal" where he went 5 days to get it investigated to be taken off alternative meal for allege incident on 10/3/13 he was found not guilty of. Hewitt vs. Osletree 786 F.2d 1080 compensatory damages should have been awarded juvenile for imposition of isolation without procedural due process and for period beyond maximum period set out in relevant regulations, and for his humiliation and dejection sustained as result of such isolation.

⑤ By claimant beating 10-3 Indecent exposure discipline, AD#08-82 Behavior control, AD#13-86 Alternative meal policy was violated for the negligence to put claimant on Behavior control and alternative meal for a rule violation he didn't commit. Hewitt vs. Helms, 459 U.S. 460, 472, 103 S.Ct. 864, 871 74 L.Ed. 2d 675 (1983) Thus, the presence of substantive predicates guiding the prison officials conduct is required to established procedural due process protection. A liberty interest is created when the statute or regulation in question mandates "that if the regulation" substantive predicates are present a particular outcome must follow. Id. 109 S.Ct. at 1910

Conclusion

The evidence shows there are genuine issues of material fact. And the Respondent's motion to dismiss on ~~claimant's~~ should be denied. More particularly, prisoner pro se complaints must be construed liberally in favor of claimant, see, e.g., Hughes v. Rowe, 449 U.S. 5, 10, 101 S.Ct. 173, 176, 66 L.Ed.2d 163 (1980). Hughes, supra 449 U.S. at 10 101 S.Ct. at 176, and "should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief."

Wherefore, claimant requests that Defendant's motion to dismiss on claims 1, 2, be denied.

Certificate of Service

I Devenick Scott #131042 pro se certify That (5) copies of the foregoing motion has been mailed to Mrs. Wade Director of the Arkansas State Claims Commission and (1) copy of the same motion has been mailed to the respondents attorney Mrs. Lisa Mills Wilkins at p.o. box 8707 pine bluff, Ar 71611-8007 This Feb. 201.

2/13/15

Devenick Scott #131042

p.o. box 600

Grady, Ar 71644

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 7,500.00

Claim No. 14-0874-CC

Deverick Scott, #131042 Claimant
vs.

Attorneys
Pro se

Claimant

AR Dept. of Correction Respondent
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed May 19, 2014

Type of Claim Claims 1 & 2: Failure to Follow
Procedure, Pain & Suffering

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 1, 3-5, and 7-10. Therefore, this claim is hereby unanimously denied and dismissed and the hearing scheduled for March 13, 2015 is hereby cancelled.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 1, 3-5, and 7-10. Therefore, this claim is hereby unanimously denied and dismissed and the hearing scheduled for March 13, 2015 is hereby cancelled.

Date of Hearing March 11, 2015

Date of Disposition March 11, 2015

[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 Annotated §19-10-211.

35

Before The General Assembly

1088

Deverick Scott #131042

Arkansas Claims Commission

MAR 16 2015

Claimant

V. No. 14-0874-CC

RECEIVED

Arkansas Department of Correction

Respondent

Notice of Appeal

Comes now the claimant prose Deverick Scott #131042 prose to appeal the Arkansas State claim "Biss and imperbia decisions". Claimant was entitled to a hearing to prove his case when facts are disputed. But I will do every thing in my power to show the conspiracy between the claims commres Lisa Williams and General assembly.

Claim 1 & 2

① Under rule 12, Ark. R. Civ. P. rule 12(b)(6) A motion to dismiss is to be made before an answer is filed. On Nov 13, 2014 The state claims commission stated in "Conclusion" The respondents filed the answer in a timely manner.

³⁵³ However, After an answer is filed, the defendants can filed a motion making the same arguments. At that point it is called a motion for judgment on the pleadings. Bell Atlantic v. Twombly, 550 U.S. 544, 555, 127 S.Ct. 1995 (2007) (stating that the decisions on such motion to dismiss rest "on the assumption that all allegations in the complaint are true."

Arkansas Constitution of 1874
Art. 2, §13 Remedies

Every person is entitled to a certain remedy in the laws for all injuries or "wrongs" he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the laws Hickey v. Gardissier, 2010, 375 S.W.3d 733, 2010 Ark. App. 464
 constitution law 2311

② The claimant states that due to the respondents attorney Mrs. Lisa Mills Wilkins Failed to meet the requirement of the Arkansas Rules of Civil Procedures of Rule (12) (H)(1) in filing her motion to dismiss. Bradley v. Keith, 313 S.W.13 1958). Flippin v. McCabe, 308 S.W.2d 824 1958 citing West v. Page, 305 S.W.2d 336 1957) Therefore the respondents motion to dismiss for claim 1, & 2 is barred and shall be denied.

Claim 1

① It is undisputed that claimant was put on behavior control for "alleged" ADC rule violation of 10-3 Indec exposure, on 4/15/2014 at 9:30am and was found "not guilty."

② Claimant is suing for \$2,500.00 for the negligence of ADC officers Major Malone, Warden Jackson to retaliate on him put him on behavior control for 72 hours for an allege ADC violation. Claimant best the

allege ADC violation at Due process disciplinary hearing making him not guilty of "Allege" ADC 10-3 rule violation.

③ Therefore plaintiff suffered 72 hours 3 days in typical and significant hardship from other inmates housed in punitive segregation for a adc violation he didn't comment. ^{of behavior contr}

④ The negligence of ADC officers Major Malone, Warden Jackson to place inmate on behavior control for 10-3 Indecent exposure, and when you look at Exhibit: 1 for claim 1 disciplinary written by Sgt. Higgins Brandon stated: Inmate Scott was observed by Nurse Harston with hand in his boxers attempting to masturbate on her. The language "attempting" speaks for itself. attempt is not "did". Nowhere in F-1 statement does it say Nurse Harston seen claimant "Indecent Exposure". This negligence cause claimant pain and suffering to sit in cell with only one pr boxers, one blanket, half roll tissue, freezing denied shower shoes, socks to cover feet forcing him to walk on concrete putting claimant health at risk to get flu or etc. claimant denied toothbrush and toothpaste to brush teeth to kill germs in mouth ^{before} eating for 3 days. claimant was denied soap & towel to keep from washing hands after using toilet from urinating & ejecting feces from his body before he eat & after he eat living

in inhuman conditions cause claimant loss of sleep, anxiety, and humiliation. Hewitt vs. Cagle 786 F.2d 1080 compensatory damages should have been awarded for imposition of isolation without procedural due process and for period beyond maximum period set out in relevant regulations, and for his humiliation and dejection sustained as result of such isolation.

⑤ Claimant doesn't even have to argue respondents # 4, cause a claimant pass behavior don't make him guilty in the future, unless you hold a bias opinion, feel like the Arkansas Department of Correction is actually a "sham" and doesn't correct inmates behavior.

⑥ By claimant beating 10-3 Indecent exposure disciplinary AD # 08-82 Behavior control policy was violated for the negligence to put claimant on Behavior control for a rule violation he did not commit. Hewitt vs. Helms, 459 U.S. 460, 472, 103 S.Ct. 864, 871 74 L.Ed. 2d 675 (1983) Thus, the presence of substantive predicates guiding the prison officials conduct is required to establish procedural due process protection. A liberty interest is created when the statute or regulation in question mandates "that ~~the~~ if the regulation" substantive predicates are present, a particular outcome must follow. "Id. 109 S.Ct. at 1910.

Claim #2

- ① Claimant is suing for \$5,000.00 for the negligence, and deliberate indifference of Lt. Taylor, Major Moncrete retaliatory actions for claimant on behavior control for 72 hours, and 7 days of alternative meal for a "allege" ADC violation of 10-3 Indecent exposure claimant didn't do. Claimant beat the allege ADC violation at a Due process disciplinary hearing making him not guilty of "Allege" ADC 10-3 rule violation by Latoya Smith on 10/13/13 at 3:36 p
- ② It is undisputed claimant beat the disciplinary Latoya Smith disciplinary for 10-3 Indecent exposure of 10/13/13 at 3:36 pm incident. (see exhibit: 15 of claim 2)
- ③ Therefore the claimant suffered 72 hours, 3 days on Behavior control and 7 days on alternative meal in typical and significant hardship from other inmates housed in punitive segregation for a ADC violation he didn't commit.
- ④ The negligence of Lt. Taylor, Major Moncrete, Latoya Smith to place claimant on behavior control, and alternative meal for 10-3 indecent exposure, for a ADC violation he didn't commit, this negligence, and deliberate indifference cause claimant pain and suffering to sit in his cell with only one pr of boxers, one blanket, 1/2 roll of tissue, subjecting him to deliberately freeze all night refusing shower shoes, socks to cover his feet forcing him to walk on concrete

putting claimant health at risk to get flu or etc. claimant was also denied toothbrush and toothpaste to brush his teeth to kill germs in his mouth before eating for 3 days claimant was denied soap & towel to keep from washing hands after using toilet from urinating & ejecting feces from his body before he eat & after he eat living in inhuman conditions loss of sleep, anxiety, and humiliation. To put claimant in a position he don't eat, and can't eat cornbread "alternative meal" where he went 5 days to get it investigated to be taken off alternative meal for alleged incident on 10/3/13 he was found not guilty of. Hewitt vs. Oglethorpe 786 F.2d 1080 compensatory damages should have been awarded juvenile for imposition of isolation without procedural due process and for period beyond maximum period set out in relevant regulations, and for his humiliation and dejection sustained as result of such isolation.

- ⑤ By claimant beating 10-3 Indecent exposure disciplinary, AD#08-82 Behavior control, AD#13-86 Alternative meal policy was violated for the negligence to put claimant on Behavior control and alternative meal for a rule violation he didn't commit. Hewitt vs. Helms, 459 U.S. 460, 472, 103 S.Ct. 864, 871 74 L.Ed. 2d 675 (1983) Thus, the presence of substantive predicates guiding the prison officials conduct is required to established procedural due process protection. A liberty interest is created when the statute or regulation in question mandates "that if the regulation" substantive predicates are present a particular outcome must follow. Id. 109 S.Ct. at 1910

Conclusion

The evidence shows there are genuine issues of material fact. And the Respondent's motion to dismiss on ~~grounds~~ should be denied. More particularly, prisoner pro se compl. must be construed liberally in favor of claimant. see, e.g. Hughes v. Rowe, 449 U.S. 510, 101 S.Ct. 173, 176, 66 L.Ed.2d 163 (1980). Hughes, supra 449 U.S. at 101 S.Ct. at 176, and "should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to relief."

Wherefore, claimant requests that Defendant's motion to dismiss on claims 1, 2, be denied

Certificate of Service

I Devenick Scott #131042 pro se certify That (5) copies of the foregoing motion has been mailed to Mrs. Wade Director of the Arkansas State Claims Commission and (1) copy of the same motion has been mailed to the respondents attorney Mrs. Lisa Mills Wilkins at p.o. box 8707 pine bluff, Ar 71601-8007 This Feb 2015

2/13/15

Devenick Scott #131042

p.o. box 600

Grady, Ar 71644

Added Subpoena for witness testimony of ADC offenders

1. Claimant Scott has brought this claim against the Arkansas Dept. of Corrections. This pleading is requesting Subpoena for witness testimony of ADC officers.

1. Disciplinary hearing officer for Disciplinary written on 4/15/14 at 9:30 am by Sgt. Higgins.

2. Disciplinary hearing officer for Disciplinary written on 10/13/13 at 3:36 pm by Latoya Smith.

3/15/15

Date

Deevidic Platt #131042

P.O. box 600

Grady, Ar 71644

sworn to subscribed to

on this

day of

month

year

notary public

my commission expires

month

day

year