

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

Mr.
Mrs.
Ms.
Miss

Jessie Hill #104136

Claimant

vs.

State of Arkansas, Respondent

AR State Claims Commission
AR Dept. of Corrections

Do Not Write in These Spaces

Claim No. 16-0026-CC

Date Filed July 9, 2015
(Month) (Day) (Year)

Amount of Claim \$ 10,000.00

Fund ASCC/DOC

Failure to Follow Procedure

COMPLAINT

Jessie Hill #104136

(Name)

the above named Claimant, of

2501 State Farm Road, Tucker, AR 72168

(Street or R.F.D. & No.)

(City)

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

County of

represented by

(Legal Counsel, if any, for Claim)

of

(Street and No.)

(City)

(State)

(Zip Code)

(Phone No.)

(Fax No.)

says:

State agency involved: Brenda Wade, Claims Commission, Lisa Watkins, AR Dept. of Corrections

Amount sought: \$10,000

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

March 13, 2015, April 23, 2015, April 27, 2015

Explanation: On March 13, 2015, during a small claims commission hearing in Hill, AR Dept. of Corrections, Claim #104136-CC, Lisa Watkins, Attorney for the AOC, knowingly committed perjury by falsely stating that she had obtained statements from my witnesses: Col. James Smith, Major Col. Larry Chidester, Col. Steven Kirk, Sgt. McDonald, etc. After March 13, 2015, I spoke with Col. Kirk, Col. Chidester, and Sgt. McDonald and was informed that neither had ever been asked for a statement. We never provided a statement to anyone employed on behalf of the AOC, in a regard related to any complaint I have ever raised. I mailed my motion for reconsideration on April 19, 2015. According to Brenda Wade, my motion for reconsideration was not received until April 23, 2015. If the mail left the post on the April 20, 2015, it was received in the claims commission on or about April 21, 2015. Brenda Wade, Director, ignored the claims commission rule that the forty (40) day period begins on the third (3rd) day following the postmarked (mail) day of the decision. My motion for reconsideration was not due until on or about April 20th or 23rd, 2015. Hence my motion for reconsideration was timely if it was received on April 23rd or 27th, 2015, and Brenda Wade intentionally denied me reconsideration of my two (2) claims when intentionally interfering with said timely filed motion, causing Lisa Watkins' knowingly use of perjury. Whether actually used or inferred use of such non-existing statements never obtained by my witnesses that would have verified that I was presenting an untruthfully credible claim(s). My appeal was timely and equally denied by Brenda Wade because my claim would have been found with merit showing intent by claimant.

As part of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has there been presented to my state department or other agency?

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

and that the following action was taken thereon:

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

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

and that the nature thereof is as follows:

and was acquired 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.

Notary Public Representative Name)

Signature of Claimant/Representative)

SWORN TO and subscribed before me at

Tucker Ark

on this 11th day of June 2015

(Date) (Month) (Year)

Barbara A. Matlock

(Notary Public)

My Commission Expires: 9 17 2017

(Month) (Day) (Year)



SP- R7/99

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 2, 2015

Mr. Jessie Hill, #104136
2501 State Farm Road
Tucker, AR 72168

Re: Jessie Hill, #104136
Claim #14-0867-CC
Vs.
AR Department of Correction

Dear Mr. Hill:

This is to advise you that the above-styled claim is scheduled for hearing, beginning at 9:00 A.M., Friday, March 13, 2015. The Department of Correction (DOC) will arrange for your appearance before the State Claims Commission. Your hearing may be conducted by video-conference (v-c). The DOC will, if necessary, transport you to the nearest DOC facility with video-conferencing capability. Witnesses, if any, will normally be at the DOC unit from which the v-c will broadcast. The legal counsel for DOC, and perhaps some witnesses, will with the Claims Commissioners conducting the hearing. This process will not alter the normal hearing process-it only means parties involved may be in different locations.

If you did not submit it at the time you filed your claim, you should have all material/witness lists you wish to have presented to the Claims Commission in the Claims Commission office by Friday, February 27, 2015. You do not need to send us material that you have already filed with this office. As a number of claims will be heard on March 13, 2015, the DOC should have you present at the facility from which the hearing or video-conferencing will take place by 9:00 A.M., so hearings may proceed without delay.

If you have secured legal counsel please supply the name(s) to the Commission as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Wade".

Brenda Wade
Director

cc: Ms. Lisa Wilkins, Attorney, DOC

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Received Max Unit

Unit/Center Maximum Security UnitName Jessie Hill

APR 01 2015

ADC# 104136Brks # 788Job Assignment Grievance Officer

FOR OFFICE USE ONLY	
GRV. #	<u>MX-15-0854</u>
Date Received:	<u>4/1/15</u>
GRV. Code #:	<u>700</u>

03/26/15 (Date) STEP ONE: Informal Resolution03/30/15 (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 did not request disciplinary action be taken. Neither can prison officials ignore a disciplinary need when it is brought to attention.

(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? 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): On March 13, 2015, during a State Claims Commission hearing of Hill v AR Department of Corrections No. 14-848-CC I Lisa Wilkins, Arkansas Department of Corrections Attorney, knowingly committed perjury to the Arkansas State Claims Commission when purposefully and maliciously misleading the Claims Commission to believe that she had obtained statements from my witnesses: Sgt. McDonald, Col Kurt, Col Jerome Smith, Martin, Col Sickland, and Col (Pvt) Casey, Christopher.I have spoken to two (2) of the five (5) witnesses and have confirmed that neither has ever given a statement in regard to the incident that brought about the claim nor has either ever been asked to provide a statement about the incident nor in any relation to anything associated with my period nor with the claims commission or the complaint I lodged with the claims commission. By knowingly committing perjury, Lisa Wilkins, Attorney, did knowingly provide false, fabricated, and persuasive evidence for the purpose of improperly influencing the outcome of a legal proceeding, thus effectively injuring my rights under the First Amendment to the United States Constitution. See AR 225, Employment Conduct Standard, S.A.C.C.; See also the State and federal laws against committing perjury.Inmate Signature Jessie HillDate March 26, 2015

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 3-26-15 (date), and determined to be Step One and/or an Emergency Grievance NO (Yes or No). This form was forwarded to medical or mental health? NO (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____PRINT STAFF NAME (PROBLEM SOLVER) Kevin Nunnery #1854

ID Number

Staff Signature Kevin NunneryDate Received 3-26-15Describe action taken to resolve complaint, including dates: you can request that disciplinary action be taken against staff.Staff Signature & Date Returned Jessie Hill March 30, 2015

Inmate Signature & Date Received

This form was received on 3/31/15 (date) pursuant to Step Two. Is it an Emergency? NO (Yes or No).Staff Who Received Step Two Grievance: Sgt WilkinsDate Received 3/31/15Action Taken: Forward (Forwarded to Grievance Officer/Warden/Other) Date: 4/1/15

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

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

INMATE NAME: Hill, Jessie

ADC #: 104136

GRIEVANCE#:MX-15-00854

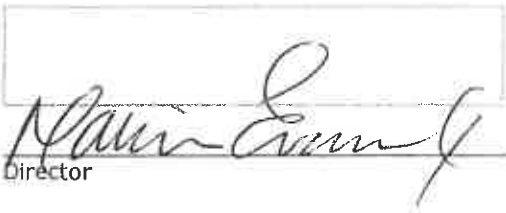
CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On 3/26/15, you wrote the following complaint: "On March 13, 2015 during a state claims commission hearing of Hill v. AR Department of Correction No 14-868-cc Lisa Wilkens Arkansas Department of Corrections Attorney or Lisa Wilkins, Attorney, knowingly committed perjury to the Arkansas State Claims Commission when purposefully and maliciously misleading the Claims Commission to believe that she had obtained statements from my witnesses. Sgt. McDonald, Cpl Kurt, Cpl. Jasmine Smith-Martin, Cpl. Strickland and Cpl. (Sgt) Larry Chidester. I have spoken to two (2) of the five (5) witnesses and have confirmed that neither has ever given a statement in regards to the incident that brought about the claim nor has either ever been asked to provide a statement about the incident nor in any relation to anything associated with my person nor with the claims Commission or the complaint I lodged with the claims commission. By knowingly committing perjury Lisa Wilkens, Attorney did knowingly provide false, fabricated, and perjures evidence for the purpose of improperly influencing the outcome of a legal proceeding thus effectively injuring my Rights under the First Amendment to the United States Constitution. See AR 225, Employee Conduct Standards, 18.A.B.C.; See also the State and federal laws against committing perjury."

The Warden responded on 4/27/15 by stating the following: "Staff advises on the new policy regarding small claims, there will not be any witnesses called. The only thing that will be heard by the Arkansas State Claims Commission is the inmate's statement and any evidence the Department has used to build their case against your claim. Therefore, I find this grievance to be without merit."

Your appeal was received on 5/6/15. After review of your appeal and supporting documentation, I find that I concur with the Warden's decision. Your appeal is without merit.

Appeal denied.


Director

5/15/15
Date

INMATE NAME: Hill, Jessie

ADC #: 104136B

GRIEVANCE #: MX-15-00854

WARDEN/CENTER SUPERVISOR'S DECISION

I have reviewed your grievance dated 03/26/2015. In your grievance, you state on 03/13/2015, during a State Claims Commission hearing, ADC Attorney Lisa Wilkins knowingly committed perjury. You state Ms. Wilkins purposely and maliciously mislead the Claims Commission to believe she had obtained statements from your witnesses. You state you have spoken to 2 out of the 5 witnesses and confirmed that neither has ever been asked to provide a statement about the incident no in any relation to anything association with your person or the complaint you have brought before the Arkansas State Claims Commission. You state by knowingly committing perjury, Ms. Wilkins did knowingly provide false and fabricated evidence for the purpose of improperly influencing the outcome of a legal proceeding, thus injuring your rights under the 1st Amendment of the US Constitution.

Staff advises on the new policy regarding small claims, there will not be any witnesses called. The only thing that will be heard by the Arkansas State Claims Commission is the inmate's statement and any evidence the Department has used to build their case against your claim. Therefore, I find this grievance to be without merit.

[Signature]

Signature of Warden/Supervisor or Designee

[Signature]

Title

4/27/15

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 have spoken with two (2) of my witnesses, and both state that they have NEVER given a statement to anyone regarding either, rather, any matter related to this, has NEVER BEEN asked to provide any such statement. Lisa Wilkins committed perjury when she told the Claims Commission that she had obtained statements from my five (5) witnesses. AR 225 Employee Conduct Standard, I.B.A.B.C. mandates "discharge" is the only viable result; yet Warden Buel's response condones the knowingly fabrication of evidence submitted to the claims commission for the purpose of misreading the outcome of a state proceeding.

Jessie Hill
Inmate Signature

104136
ADC#

4/24/15
Date

MAY 06 2015

5

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

April 23, 2015

Mr. Jessie Hill, #104136
2501 State Farm Road
Tucker, AR 72168

RE: Jessie Hill, #104136
Claim #: 14-0868-CC
Vs.
AR Dept. of Correction

Dear Mr. Hill:

This office is in receipt of your attempt to file a "Motion for Reconsideration" on the above-referenced claim on April 23, 2015. You had forty (40) days from the date of the opinion to file an "Appeal" or a "Motion for Reconsideration." Your deadline for filing a "Motion for Reconsideration" or an "Appeal" on the Claims Commission's decision expired on April 22, 2015. Therefore this claim will remain dismissed. We are returning your documents to you.

Sincerely,

A handwritten signature in black ink that reads "B. Wade".

Brenda Wade
Director

BW/

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

April 27, 2015

Mr. Jessie Hill, #104136
2501 State Farm Road
Tucker, AR 72168

RE: Jessie Hill, #104136
Claim #: 14-0868-CC
Vs.
AR Dept. of Correction

Dear Mr. Hill:

This office is in receipt of your letter and attempt to file a "Motion for Reconsideration" a second time on the above-referenced claim. You had **forty (40)** days (well over a month) from March 13, 2015, to ensure that this office received this pleading. It was your responsibility to mail it in a reasonable amount of time to ensure that the pleading arrived in this office within the forty (40) day deadline. It is not the fault of the Claims Commission that you chose to mail it near the end of the deadline. The Claims Commission will not accept your "Motion for Reconsideration" and is returning it to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brenda Wade".

Brenda Wade
Director

BW/

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Maximum Security Unit (MSU)

Received Max Unit

Name Jessie Hill

MAR 16 2015

ADC# 1041310

Brks # 5.11

Job Assignment Adm. Serv. Officer

FOR OFFICE USE ONLY

GRV. #

MX-15-0046

Date Received

3-16-15

GRV. Code #

714

03/08/15 (Date) STEP ONE: Informal Resolution

03/13/15 (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 do not know who the inmate attorney's are

(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? 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): I need a copy of the exculpatory marble rolling

print report as relates to State v Hill, No. CR-95-38, MO case #95-02713, Agency case #95-70 (Grand County)
I also need a copy of the ballistic (FBI/BAEM/Adm. Serv.) report and autopsy report as related
to State v Hill, No. CR-95-156, MO case #95-127169, Agency case #95-152 (Grand County).

I am requesting these presentence reports for the purpose of attaching them and/or
presenting them along with the competency hearing committal application.

Jessie Hill
Inmate Signature

March 08, 2015
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 3-8-15 (date), and determined to be Step One and/or an Emergency Grievance
NO (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:

Kevin Nunnery 41804

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date

3-8-15
Date Received

Describe action taken to resolve complaint, including dates:

This inmate needs to contact one of the ADC

attorneys in writing for the items he is requesting.

Staff Signature & Date Returned

Jessie Hill 03/13/15
Inmate Signature & Date Received

This form was received on 3-13-15 (date), pursuant to Step Two. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: M. G. Nelson Date:

Action Taken: Forwarded to Grievance Officer (Forwarded to Grievance Officer/Warden/Other) Date: 3-13-15

If forwarded, provide name of person receiving this form: Mrs. K. Lee

Date:

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

IGTT410
3GS


Attachment III

INMATE NAME: Hill, JessieINMATE # 104136BGRIEVANCE #: MX-15-00646

WARDEN/CENTER SUPERVISOR'S DECISION

I have reviewed your grievance dated 03/08/2015. In your grievance, you state you need a copy of some evidence regarding your court case State V. Hill, No. CR-95-38, lab case #95-00993, agency case #95-70. You state you also need a copy of the ballistics and autopsy report that is related to this case as well. You state you are requesting these reports for the purpose of using them with a clemency/time commutation application.

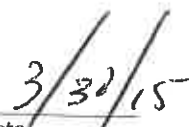
This grievance should have been rejected because the items in question are out of the control of this department. You will need to contact the appropriate authorities to receive these items. Therefore, I find this grievance to be without merit.



Signature of Warden/Supervisor or Designee



Title



Date

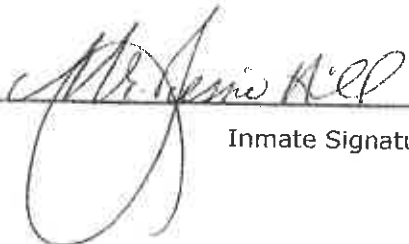
INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

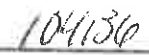
WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

And still, no answer has been given telling me who to contact for this information. As these are considered "investigative" or "presentence" reports the ADC's parole officer are supposed to be able to access these records upon my application for clemency or parole. See U.S. Dept. of Justice v. Julian,

Who is the inmate attorney?



Inmate Signature



ADC#



Date

INMATE NAME: Hill, Jessie

ADC #: 104136

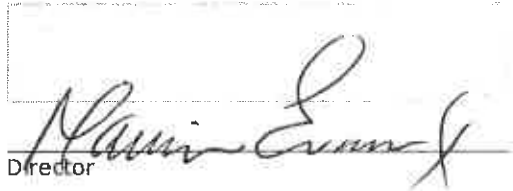
GRIEVANCE#:MX-15-00646

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On 2/25/15, you wrote the following complaint: "I need a copy of the exculpatory marble rolling pin stent finger report and exculpatory truck of 1990 Nissan Maxima latent-finger print report as relates to State V Hill No. CR-95-38, Ab Case #95-00993 agency case #95-70 (Grant County I also need a copy of the ballistic (firearm/toolmark) report and autopsy report as related to State V Hill No. CR-95-156 ab case #95-00769 agency case #95-122 (Ouachita County). I am requesting these pre sentence report for the purpose of attacking and/or presenting them along with the clemency** commutation application."

The Warden responded on 3/30/15 by stating: "grievance should have been rejected because the items in question are out of the control of this department. You will need to contact the appropriate authorities to receive these items. Therefore, I find this grievance to be without merit."

Your appeal was received on 4/8/15. After review of your appeal and supporting documentation, I find that this grievance should have been rejected at the unit level as beyond the control of the department. Therefore I will not address the merit of your appeal which is denied.


Director

Date 4-15-15

Exhibit #



STATE CLAIMS COMMISSION
101 E. CAPITOL AVE., SUITE 410
LITTLE ROCK, ARKANSAS 72201-3823

JP

Jessie Hill, # 104136
2501 State Farm Rd.
Tucker, AR 72168

721689567 H082



POSTNET
03/16/2015

FIRST-CLASS MAIL
\$00.48



ZIP 72201
041110220320

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ _____
?

14-0868-CC
Claim No. _____

Jessie Hill, # 104136	Claimant	Attorneys	
vs.		Pro se	Claimant
AR Department of Corrections	Respondent	Lisa Wilkins, Attorney	Respondent
State of Arkansas			
Date Filed	May 15, 2014	Type of Claim	Failure to Follow Procedure, Negligence, Mental Anguish

FINDING OF FACTS

This claim was filed for failure to follow Procedure, negligence and mental anguish in an unknown amount against the Arkansas Department of Corrections.

Present at a hearing March 13, 2015 was the Claimant, pro se, and the Respondent, represented by Lisa Wilkins, Attorney.

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

Therefore, this claim is hereby unanimously dismissed.

IT IS SO ORDERED.




(See Back of Opinion Form)

CONCLUSION

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

Date of Hearing March 13, 2015

Date of Disposition March 13, 2015

	Chairman
	Commissioner
	Commissioner

JUL 21 2015

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

RECEIVED

JESSIE HILL, ADC #104136

CLAIMANT

v.

No. 16-0026-CC

ARKANSAS STATE
CLAIMS COMMISSION
and ARKANSAS DEPARTMENT
OF CORRECTION

RESPONDENTS

MOTION FOR JUDGMENT ON THE PLEADINGS

Comes the Respondent, Arkansas State Claims Commission, through Attorney General Leslie Rutledge and Assistant Attorney General Charles Lyford, and states for its Motion for Judgment on the Pleadings:

1. Claimant Jessie Hill, ADC #104136, has sued the Arkansas State Claims Commission ("Commission") for failure to follow procedural and agency-specific rules. His claim must be dismissed as an attempt to re-litigate a claim already pursued before the Commission. Furthermore, quasi-judicial immunity is an absolute bar to any claim based on dissatisfaction with an adjudicating body's performance of its duties.

2. Claimant filed a due-process and negligence claim that was docketed as 14-0868-CC and heard on March 13, 2015. By order dated the same day, the claims were unanimously dismissed.

3. The Commission received Claimant's motion to reconsider the dismissal of 14-0868-CC on April 23, 2015. In the current claim, Claimant alleges that he placed this motion in the mail on April 19, 2015.

4. Ark. Code Ann. § 19-10-211(b)(2) allows a claimant forty days from the date of dismissal in which to move for reconsideration before the Commission or to file an appeal with the legislative Claims Review Subcommittee.

5. Forty days from the dismissal of 14-0868-CC was April 22, 2015. The Commission rejected Claimant's motion for reconsideration as untimely because it did not arrive until April 23, 2015.

6. Claimant was notified of the rejection by letters from the Director of the Commission dated April 23, 2015 and April 27, 2015.

7. Claimant now alleges that the Commission "ignored the Claims Commission rule[s]" regarding motions for reconsideration and notices of appeal. *See* Complaint, 16-0026-CC. His claim must be dismissed for a number of reasons.

8. First, there is no subject-matter jurisdiction. Under Ark. Code Ann. § 19-10-204(b)(2)(A), the Commission can hear "only . . . those claims which are barred by the doctrine of sovereign immunity from being litigated in a court of general jurisdiction."

9. The Commission does not have jurisdiction to review final decisions from closed claims. In order for it to reconsider or alter a prior decision, the aggrieved party must file an appropriate motion to reconsider. Ark. Code Ann. § 19-10-211(b)(2).

10. Inasmuch as Claimant's motion was filed on the forty-first day, he did not comply with the reconsideration statute. The Commission is unable to hear the current claim.

11. Claim 16-0026-CC is also barred by res judicata, which prevents further litigation between identical parties once “a valid and final judgment [is] rendered on the merits by a court of competent jurisdiction.” *Crockett v. C.A.G. Invs., Inc.*, 2011 Ark. 208, 381 S.W.3d 793 (2011).

12. The current claim is an attempt to revive allegations of negligence and due-process violations against the Department of Correction, based on events that allegedly occurred on October 24, 2013. The Commission decided those claims on the merits when it dismissed them. *See* Order of March 13, 2015, Claim 14-0868. Res judicata applies.

13. And quasi-judicial immunity prevents claims against the Commission arising from its role in adjudication. The Commission is “an administrative quasi-judicial agency” tasked with acting as a “fact-finding body of the General Assembly.” Rules and Regulations, Jurisdiction of Commission. The Commission acts in a quasi-judicial capacity, then, when it makes factual findings and rules on legal issues.

14. Because “judicial immunity is absolute immunity,” entities or individuals “acting as an arm of the court and performing a quasi-judicial function” are immune to the extent they “serv[e] an integral part of the judicial process.” *Chambers v. Stern*, 338 Ark. 332, 994 S.W.2d 463 (1999). Likewise, “nonjudicial persons who fulfill quasi-judicial functions . . . have absolute immunity for damage claims arising from their performance of the delegated functions.” *Myers v. Morris*, 810 F.2d 1437 (8th Cir. 1987).

15. Claimant alleges that the Commission erred in applying rules of decision and procedure in adjudicating Claim 14-0868-CC. Thus, Claim 16-0026-CC is a dispute against the Commission "acting as an arm of the [General Assembly] and performing a quasi-judicial function," namely hearing a disputed claim within its statutory jurisdiction. *Chambers*, 338 Ark. 332; *Myers*, 810 F.2d 1437.


16. The Commission is entitled to absolute immunity from such disputes.

WHEREFORE, the Arkansas State Claims Commission requests that its Motion for Judgment on the Pleadings be granted and that the claims of Jessie Hill, ADC #104136, be dismissed.

Respectfully submitted,

Leslie Rutledge,
Attorney General

By:


Charles W. Lyford
Arkansas Bar No. 2010-200
323 Center Street, Suite 200
Little Rock, Arkansas 72201
Telephone: (501) 682-3676
Facsimile: (501) 682-2591
charles.lyford@arkansasag.gov

CERTIFICATE OF SERVICE

I, Charles Lyford, certify that on July 20th, 2015, the foregoing was served by United States Postal Service, addressed to:

Jessie Hill, ADC #104136
MAXIMUM SECURITY UNIT
Arkansas Department of Correction
2501 State Farm Road
Tucker, AR 72168-8713



Charles W. Lyford

JUL 21 2015

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

RECEIVED

JESSIE HILL, ADC #104136

CLAIMANT

v.

No. 16-0026-CC

ARKANSAS STATE
CLAIMS COMMISSION
and ARKANSAS DEPARTMENT
OF CORRECTION

RESPONDENTS

ANSWER

Comes the Respondent, Arkansas State Claims Commission, through Attorney General Leslie Rutledge and Assistant Attorney General Charles Lyford, and states for its Answer:

1. Respondent admits Claimant filed a claim, docketed as 14-0868-CC, which was heard on March 13, 2015. He did not prevail, and his claims were dismissed by order dated March 13, 2015.

2. Respondent is without sufficient information to admit or deny that on April 19, 2015, Claimant mailed a motion for reconsideration of the dismissal, and so it denies that allegation.

3. As stated in a letter from the Director of the Claims Commission dated April 23, 2015, Respondent received Claimant's motion on April 23, 2015.

4. Under Ark. Code Ann. § 19-10-211(b)(2), Claimant was allowed forty days from the date of dismissal in which to move for reconsideration. Forty days from March 13, 2015, not including the last day, is April 22, 2015.

5. Claimant's motion was rejected as untimely. Claimant was again advised of the rejection by letter from the Director dated April 27, 2015.

6. Respondent states as an affirmative defense that decisions of the Claims Commission may be reviewed by timely motion or by appeal to the Claims Review Subcommittee of the General Assembly. Claimant's attempt to re-litigate the dismissal of claim 14-0868-CC before the Commission is improper for lack of jurisdiction.

7. Respondent states as an affirmative defense that res judicata and collateral estoppel bar Claimant's attempt to re-litigate claim 14-0868-CC.

8. Respondent states as an affirmative defense that quasi-judicial immunity bars Claimant's attempt to re-litigate claim 14-0868-CC.

9. Respondent states as an affirmative defense that Claimant failed to plead claims for which relief can be granted, so all claims must be dismissed.

10. Respondent denies that Claimant is entitled to \$10,000.00 or to any other relief.

11. Respondent denies all allegations it has not expressly admitted, whether such allegations appear in the complaint or in any document attached to or incorporated with the complaint.


12. Respondent reserves the right to amend and plead further.

WHEREFORE, the Arkansas State Claims Commission requests that the claims of Jessie Hill, ADC #104136, be dismissed.

Respectfully submitted,

Leslie Rutledge,
Attorney General

By:


Charles W. Lyford
Arkansas Bar No. 2010-200
323 Center Street, Suite 200
Little Rock, Arkansas 72201
Telephone: (501) 682-3676
Facsimile: (501) 682-2591
charles.lyford@arkansasag.gov

CERTIFICATE OF SERVICE

I, Charles Lyford, certify that on July 20th, 2015, the foregoing was served by United States Postal Service, addressed to:

Jessie Hill, ADC #104136
MAXIMUM SECURITY UNIT
Arkansas Department of Correction
2501 State Farm Road
Tucker, AR 72168-8713


Charles W. Lyford

ARKANSAS STATE CLAIMS COMMISSION

JESSIE HILL, #104136

Respondent

CLAIM #116-CC26-CC

AR STATE CLAIMS COMMISSION

Respondent
Arkansas
State Claims Commission
JUL 30 2015

REPLY BRIEF

RECEIVED

COMES NOW, JESSIE HILL, #104136, Complainant, in proper person.

First, I do wish to "appear before the ARKANSAS State Claims Commission at an oral hearing so testimony and evidence may be presented to refute the position of the Respondent."

Second, you people wasted tax payer's money by having an ARKANSAS ATTORNEY GENERAL'S ASSISTANT use all of that useless legal fiction against Brenda Wade/Claim Commission's method of calculation was faulted. I submitted my motion for reconsideration in a timely manner, as well as submitted my notice of appeal/appeal — yet the ANSWER does not refer to that proceeding; so what happened to my appeal?

I NEVER MADE ANY REFERENCE — in my motion for reconsideration, nor appeal — of the Oct 24, 2013 USE OF FORCE incident. At all. You need to terminate the employment of Charles Lyford; he can't even respect these proceedings without muddling the proceedings with obviously blatant lies, deceit, and mind-manipulation. Clearly unrelated to my complaints. I HAVE NO INTEREST in re-litigating or attempting to circumvent the process to make issue with Claimant's claim. I left alone when the Commission said this isn't the forum.

Is it better to you people lie so damn much. These "Shantec" lies cause excess spending of tax dollars that could, should, and would be better suited making reparations to the oppressed Americans. You people are no where near as smart as you think you are. God bless to yourselves. Honestly.

The Commission does not have any sovereignty nor qualified nor quasi-immunity of any kind. What whatsoever those methods of operation can, and are being called into question. Let us ask government body within the borders/jurisdiction of Arkansas. There lies a conflict of interest: how are you going to be neutral and impartial when the very members' personal integrity is being called into question? You will not. You're human beings that can not see your own errors... that's not entirely true. The Commission's implementation that the forty day time period does not begin until three (3) days after the postmark validates that my motion for reconsideration ~~and~~ appeal were timely, and that there is no validation in denying my motion for reconsideration nor my appeal.

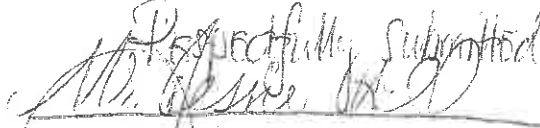
I am to be afforded time allotted by counting the postmark date on the envelope my motion for reconsideration and appeal as my submission date. As that is all I control in the mailing system, just as the claims commission alleges my forty days began March 13, 2015, the date it claims to have mailed its decision to me, the date its decision is postmarked. Real simple. Neither of us controls the mailing system, but it is a given that by placing any thing in the mail from me to the commission or from the commission to me takes only one day. That is, by either calculation, my motion for reconsideration and the envelope appeal were timely, and unfairly denied. A fact beyond made the

8. "The Commission is very much AWARE of

By ALC knowingly providing false statements never made by my witnesses, it is clearly and convincingly established in fact to the Complaint I timely filed for reconsideration and appeal. Why would the Claims Commission not want to hear evidence/testimony from the EXACT WITNESSES that NEVER gave statements the ALC alleges that WERE MADE? Why not HEAR from ALC personnel doing the right thing by giving EXTERIOR providing an opportunity to personally hear said witnesses give evidence AGAINST Lisa Wilkins for knowingly committing perjury... or the ALC for knowingly providing perjurious testimony and statements? Refusing to do so seems a sure way of neglecting the dutiful obligation of the Claims Commission. See AR 225, Employee Conduct, 15 USC.

It is brought under penalty of perjury in good faith and in good faith to you or other proceedings.

Dated this 21st date of July, 2015

Respectfully Submitted,


Mr. JESSIE HILL

#104136

MSU 2501 State Exem Rd

TUCKER, AR KANSAS

7/21/15

STATE OF ARKANSAS
COUNTY OF [unclear]

33

SUBSCRIBED AND SWORN TO BEFORE me, [unclear]
a Notary Public, on this 25th date of July, 2015

[Signature]
NOTARY PUBLIC

ALL INFORMATION FURNISHED

[unclear]



CERTIFICATE OF SERVICE

I, JESSIE HILL #104136, Clerk/Comptroller, do hereby certify that a true and accurate copy of the above foregoing has been mailed, via U.S. Mail, postage prepaid, to: Brenda Wade, Director.

ARKANSAS STATE CHIEFS COMMISSION
101 E. Capitol Ave., Suite 410
Little Rock, Arkansas 72601-3823

Dated this 25th date of July, 2015

[Signature]
[unclear]
[unclear]

STA CLAIMS COMMISSION LCKET
OPINION

Amount of Claim \$ 10,000.00

Claim No. 16-0026-CC

<u>Jessie Hill, #104136</u> Claimant		Attorneys	<u>Pro se</u> Claimant
vs.			
<u>Department of Corrections</u>	<u>AR State Claims Commission</u> Respondent	<u>Lisa Wilkins, Attorney</u>	<u>Charles Lyford, Attorney</u> Respondent
<u>State of Arkansas</u>			
Date Filed <u>July 9, 2015</u>		Type of Claim <u>Failure to Follow Procedure</u>	

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion for Judgment on the Pleadings" for reasons 1-16 and rules that the portion of this claim that is against the Arkansas State Claims Commission be denied and dismissed. Therefore, the Respondent's "Motion for Judgment on the Pleadings" is granted and this claim against the Claims Commission is denied and dismissed. As of the date of this opinion, the portion of the claim against the Arkansas Department of Corrections remains active.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion for Judgment on the Pleadings" and rules that the portion of this claim that is against the Arkansas State Claims Commission be denied and dismissed. Therefore, the Respondent's "Motion for Judgment on the Pleadings" is granted and this claim against the Arkansas State Claims Commission is dismissed.

Date of Hearing August 13, 2015

Date of Disposition August 13, 2015

Robert L. Mark Chairman

Bill Lancaster Commissioner

Bill Lancaster Commissioner

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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Jessie Hill, #104136

Arkansas Claims Commission

Claimant

VS

CLAIM#: 16 - 0020 - CC

SEP 03 2015

RECEIVED

Dept. of Corrections
AR State Claims Commission

Respondent

MOTION FOR RECONSIDERATION

Comes now, Jessie Hill, #104136, Claimant, in propria persona
Aug. 13, 2015, this Claims Commission denied the portion of the
claim that argues against this ~~board~~ body or committee for interfering
with the timeliness of my motion for reconsideration and the notice of
appeal timely filed in Hill v AR Dept. of Corrections et al, Claim #14-0868-CC.

Having found merit to my complaint of the timeliness, this commission
applied common sense that it lacked by allotting the date of its decision and
the days it takes for said decision to reach me here at the prison against
me, or others in my situation. Doing so, negated any position of the commission that
its "method of operation" was actually without reproach. As my notice of appeal
was timely filed, yet never processed only serves to emphasize my stance that
relief should be granted to my person.

Does this committee not care when a party of the claim, or one of its
own members, are, or have acted dishonestly to influence the outcome of the
truth-seeking ventures this commissioned body is designed to ferret out? Having
my witnesses (Jasmine Smith-Martin, Cpl Larry Chidester, Sgt McDonald, Cpl
Charlie Strickland, Cpl Kirk/Kurt, et al) present at the hearing would certainly
negate the perjured inference Respondents will perpetrate the fraud of having collected

Statements of. I Am Already disadvantaged by my incarceration, as policy prohibits me from collecting statements from my witnesses, the entity that is the AR Dept. of Corrections are able to produce falsified / fabricated statements or interfere with the collection and preservation of impeaching statements written on my behalf against correctional officers and the grievance coordinators - slash - administrative specialists.

Absolutely no person or body of government has any degree of qualified nor sovereign immunity, no citizen nor inhabitant are immune to having to answer for their wrongs, see ARK. CONST. ART. 2, §13.

For the aforesaid reasons, this commission board shall reconsider its actions.

Dated this 30th date of August, 2015.

Respectfully Submitted,
Mr. Jessie Hill
Mr. JESSIE HILL, #104136
MSU 2501 State Farm Rd
LUCKER, ARKANSAS 72118

STATE OF ARKANSAS
COUNTY OF JEFF 2015



SUBSCRIBED AND SWORN TO BEFORE me, Keith Crockett,
A Notary Public, on this 1 date of Sept, 2015.

Keith Crockett
NOTARY PUBLIC

MY COMMISSION EXPIRES: 01/05/2017

CERTIFICATE OF SERVICE

I, Jessie Hill, #10436, Claimant, do hereby certify that a true and accurate copy of the above foregoing has been mailed, via U.S. mail, postage pre-paid, to:

Arkansas State Claims Commission
101 E. Capitol Ave., Suite 410
Little Rock, Arkansas 72201

Dated this 01st date of September, 2015

Mr. Jessie Hill
MAKANT, in propria persona

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 10,000.00

Claim No. 16-0026-CC

<u>Jessie Hill, #104136</u> Claimant		Attorneys	
vs.		<u>Pro se</u> Claimant	
<u>Department of Corrections</u>		<u>Lisa Wilkins, Attorney</u>	
<u>AR State Claims Commission</u> Respondent		<u>Charles Lyford, Attorney</u> Respondent	
<u>State of Arkansas</u>			
Date Filed	<u>July 9, 2015</u>	Type of Claim	<u>Failure to Follow Procedure</u>

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's August 13, 2015 order remains in effect.

IT IS SO ORDERED.


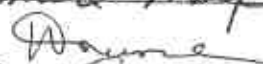
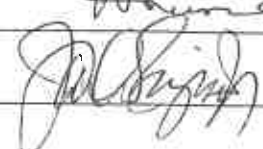
(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's August 13, 2015 order remains in effect.

Date of Hearing September 10, 2015

Date of Disposition September 10, 2015

	Chairman
	
	Commissioner
	Commissioner

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JESSIE HILL, #104136

CLAIMANT

Arkansas Claims Commission

SEP 17 2015

RECEIVED

V

CLAIM NO. 15-0026-CC / 10-00210-CC

AR DEPT. OF CORRECTIONS
AR STATE CLAIMS COMMISSION

RESPONDENTS

Notice of Appeal(s)

COMES NOW, JESSIE HILL, #104136, CLAIMANT, in propria persona.
ON SEPT. 11th, 2015, I RECEIVED A DENIAL OF THE MOTION FOR
"RECONSIDERATION" OF THE AUGUST 13, 2015 ORDER. AMONG MY COMPLAINTS ARE
THAT MY WITNESSES ARE BEING DENIED FREEDOM OF SPEECH, EFFECTIVELY
VIOLATING MY FIRST AMENDMENT RIGHT, AND ARK. CONST. ART. 2, §13 RIGHT, TO PETITION
THE COURT, OR COMMISSION, AS I AM UNABLE TO PRESENT MY CREDIBLE CLAIMS
VIA RESPONDENTS' DELIBERATELY WILLFUL CONCEALMENT, SUPPRESSION, AND WITHHOLDING OF
FAVORABLE STATEMENTS BY CREATING A POLICY THAT PROHIBITS THE ACCUMULATION OF
ANY STATEMENTS AGAINST ANY CO-WORKERS THAT WILL BE USED ON BEHALF OF AN
INCARCERATED PERSON SEEKING TO PRESENT TO THIS BODY OF THE GOVERNMENT WRONGS
INCURRED BY A STATE AGENCY'S METHOD OF OPERATIONS.

I HEREBY SUBMIT A TIMELY NOTICE OF APPEAL TO ALL PARTIES.
DATED THIS 11th DATE OF SEPTEMBER, 2015.

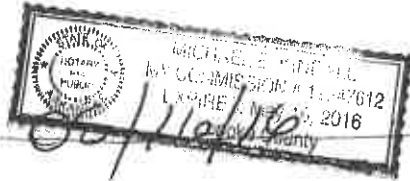
Respectfully submitted,
Jessie Hill
ME, JESSIE HILL, #104136
MSU 2501 STATE FARM RD
TUCKER, ARKANSAS 71688

STATE OF ARKANSAS }
COUNTY OF Jefferson }

SWORN AND SUBSCRIBED BEFORE ME, Michael Kelly, a Notary
Public, on this 13 date of Sept, 2015

Michael Kelly
NOTARY PUBLIC

MY COMMISSION EXPIRES:



CERTIFICATE OF SERVICE

I, JESSIE HILL, #104136, CLAIMANT, do hereby certify that a true
and accurate copy of the above foregoing has been mailed, via U.S. mail, postage
pre-paid, to: Arkansas State Claim Commission
101 E. Capitol Ave., Suite 410
Little Rock, Arkansas

72201

Dated this 16th date of September, 2015

Jessie Hill
MOVANT, in proper person