

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

Claims Commission
MAY 11 2015

RECEIVED

E10.

- Mr.
Mrs.
Ms.
Miss

Jessie Buchanan #099656, Claimant

vs.

State of Arkansas, Respondent
Dept. of Correction

Do Not Write in These Spaces
Claim No. 15-0849-CC
Date Filed May 11, 2015
Amount of Claim \$ 2374.23
Fund DOC

COMPLAINT Loss of Property, Negligence

Jessie L. Buchanan #99656 the above named Claimant, of P.O. Box 970 Marianna, AR 72360
Same County of Lee represented by Pro Se
Same City of Same

State agency involved: Arkansas Dept. of Correction Amount sought: \$ 2,374.23

Month, day, year and place of incident or service: On 7/20/14, I was transferred from Tucker max unit to EARU. Upon my arrival, I learned that my hobby-craft property (assorted hobby-craft tools, and various materials) were not with my personal property. Cpl. McKnight UPDO advised me that (Tucker max) would probably send it by "truck-mail" later.

On 9/30/14, Mr. G. Smith - EARU Hobby-Craft supervisor telephoned Sgt. Kelley, UPDO at Tucker max regarding my hobby-craft after she never responded back to Mr. Smith previous e-mail or my letter dated 8/19/14. Mr. Smith advised me, after talking to Sgt. Kelley, who stated, "Buchanan doesn't have any hobby-craft property at Tucker max."

I previously spoke with Sgt. Kelley in Jan. 2014, and on multiple occasions prior about my hobby-craft. Sgt. Kelley informed me that my hobby-craft was being stored in #6 BKS storage room, where it had been since I arrived at Tucker max in the late part of 2009. Sgt. Kelley has never indicated to me that she had planned to dispose of my hobby-craft or that I needed to send it home. Prior to being transferred from Varner in November 2009, Mrs. D. Waddy (then) Hobby-Craft Supervisor inventoried my hobby-craft property, and it was transferred with me to Tucker max. I spoke with Warden David White in the hallway at the max about my hobby-craft and transferring me to another unit, where hobby-craft is allowed. Warden White took me to Major Williams' office and advised him to have Sgt. Kelley to (see attached sheet).

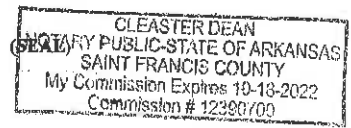
As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? Yes when? 10/2/14 to whom? ADX Grievance procedure EA-14-01714 and that the following action was taken thereon: none

and that \$ None was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; if so, state name and address
and that the nature thereof is as follows: and was acquired on, in the following manner:

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

Jessie L. Buchanan (Print Claimant/Representative Name) [Signature] (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Bickney Ark. (City) (State)



on this 30 day of April 2015 (Date) (Month) (Year)

SF1-R7/99

My Commission Expires: 10-18-2022 (Month) (Day) (Year)

(Continued from page 1)

.... store my hobby-craft until I was transferred. Major Williams told me on several occasions that he wouldn't let my hobby-craft be destroyed and that he would eventually get me to EARU and he did; in which I'm currently in the Hobby Craft program since 10/18/14 here at EARU, but I'm deprived of my hobby craft tools and materials.

There have been many inmates who were previously housed at Tucker Max Unit with Hobby-craft property who were also allowed to have their hobby craft stored until they were transfer to another facility. That was a customary practice at MSU.

On 1/22/15, Mr. Q. Smith called me from my job assignment (Law Library) to the Hobby Craft Office to speak with Major Williams on the telephone from Tucker Max about my hobby craft property. Major Williams told me that he remembered telling his Property Officer Sgt. Kelly to store my hobby craft until I was transferred. Major Williams further advised me that he would look again for my hobby craft.

If my hobby craft is not found I pray that this Honorable Commission will schedule an evidentiary hearing where all the facts may be brought to light and award me the amount requested in this complaint.



Jesse L. Buchanan #99656  
East Arkansas Regional Unit  
P. O. Box 970  
Marianna, AR 72360

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JESSIE BUCHANAN (ADC 099656)

CLAIMANT

V.

NO. 15-0849-CC

Arkansas Claims Commission

ARKANSAS DEPARTMENT OF CORRECTION

MAY 28 2015

RESPONDENT

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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 27 day of May, 2015, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Jessie Buchanan (ADC 099656)  
East Arkansas Regional Unit  
PO Box 970  
Marianna, AR 72360-0970

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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JESSIE BUCHANAN (ADC # 099656)

CLAIMANT  
RECEIVED

V. NO. 15-0849-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

OBJECTION TO RESPONDENT'S ANSWER

COMES NOW the Claimant, Jessie Buchanan, 099656, and for his response and objection against Respondent's Answer states and alleges:

1. Claimant vehemently objects to Respondents "dilatory tactics" to reserve the right to plead further upon completion of investigation by internal affairs and Respondents request to hold matter in abeyance until investigation is complete.
2. Claimant asserts as a matter of fact that Respondent (ADC) had an "overwhelming opportunity" to have an internal investigation on Claimant's issue when (Claimant) filed his grievance to its highest level of authority in the (ADC) on 11/3/14 for his complaint to be investigated. (See Grievance Appeal)
3. Claimant further alleges that on 11/20/14, Deputy Director Grant Harris response to Claimant's grievance appeal, in which he made crystal clear that after his "extensive research" he determined my grievance was without merit. Therefore, it's obviously unlikely that an additional investigation would produce any different result by Respondent.

WHEREFORE, for the reasons asserted above the Claimant prays respectfully that Respondents frivolous "stall tactics" be denied and a hearing be scheduled in this matter.

Respectfully Submitted,



Jessie Buchanan (ADC #099656)  
East Arkansas Regional Unit  
P. O. Box 970  
Marianna, AR 72360-0970

CERTIFICATE OF SERVICE

I certify that a copy of this objection to Respondents Answer has been served this 4<sup>th</sup> day of June, 2015, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Arkansas Department of Correction - Respondent  
Attorney Supervisor  
C/O Lisa Mills Wilkins  
P. O. Box 8707  
Pine Bluff, AR 71611



Jessie Buchanan, Claimant

Before the Arkansas State Claims Commission

Jessie Buchanan (ADC 099656)

vs.

Arkansas Department of Corrections

No. 15-0849-cc

Arkansas Claimant  
State Claims Commission

JUN 17 2015

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Respondent

Motion for Interrogatories And Production of Documents

Comes now, Claimant Jessie Buchanan, 099656, and for his interrogatories and production of documents to be answered in a timely matter states the following:

Interrogatory 1: Is Mrs. D. Waddy currently an ADC employee?

Interrogatory 2: Was Mrs. Waddy an employee with the Department of Corrections at Varner in November 2009? If so, was she the Hobby Craft Supervisor?

Interrogatory 3: Did Claimant Jessie Buchanan have a Hobby Craft card at the Varner Unit in November 2009? If so, what type of Hobby Craft card was it?

Interrogatory 4: When Claimant Jessie Buchanan was transferred from Varner to Tucker Max was the Hobby Craft supervisor responsible for inventorying of his Hobby Craft property and insuring a copy of the inventory is placed in his institutional file?

Interrogatory 5: Did Mrs. D. Waddy inventory Claimant Jessie Buchanan's Hobby Craft on the day he was transferring to Tucker Max in November of 2009?

Interrogatory 6: Is Major M. William currently the chief of security at Tucker Max? If so, was he at Tucker Max in November 2009?

Interrogatory 7: Was Major Williams aware of Claimant Jessie Buchanan's Hobby Craft items being stored at Tucker Max? If so, how did he have knowledge about it being stored?

**Production of Documents**

Production of Document 1: Provide a list for examination of all witnesses Respondent intends to call to testify at the hearing. Also, give a brief statement of witnesses expected testimony.

Production of Document 2: Provide a list for examination of any tangible items, exhibits, policies, memos, and etc., Respondent intends to use as evidence at the hearing.

Respectfully submitted,



Jessie Buchanan 099656

Claimant – Pro-Se

P.O. Box 970

Marianna, Ar. 72360

**Certificate of Service**

I certify that a copy of the motion for interrogatories and production of documents has been served this 11<sup>th</sup> day of June 2015, on the Respondent by placing a copy of same in the U.S. Mail by postage to:

  
Claimant Pro - Se

Lisa Mills Wilkins  
ADC Attorney Supervisor  
P.O. Box 8707  
Pine Bluff, Ar. 71611

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JESSIE BUCHANAN (ADC #099656)

CLAIMANT

Arkansas Claims Commission

V.

NO. 15-0849-CC

JUL 20 2015

ARKANSAS DEPARTMENT OF CORRECTION

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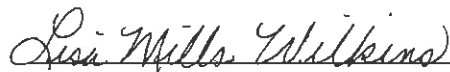
RESPONDENT

**RESPONSE TO CLAIMANT'S MOTION FOR INTERROGATORIES AND  
PRODUCTION OF DOCUMENTS**

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

1. Interrogatory No. 1: Yes
2. Interrogatory No. 2: Yes, she was employed. Unknown at this time if she was the hobbycraft supervisor on that date. This response will be supplemented.
3. Interrogatory No. 3: This information cannot be verified at this time.
4. Interrogatory No. 4: Bobby Craft supervisor or designated person will conduct the inventory. That person does not insure the record is placed in the file as the record leaves his possession.
5. Interrogatory No. 5: This information cannot be verified at this time. The response will be substituted.
6. Interrogatory No. 6: Yes. This information cannot be verified at this time. The response will be substituted.
7. Interrogatory No. 7: This information cannot be verified at this time. The response will be substituted.
8. Production No. 1: Undetermined at this time. This information will be provided when requested by the commission.
9. Production No. 2: Undetermined at this time. This information will be provided when requested by the commission.

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 DISCOVERY RESPONSE has been served this 17 day of July, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JESSIE BUCHANAN (ADC #099656)  
EARU  
P. O. Box 970  
BRICKEYS, AR 72360-0970

  
LISA MILLS WILKINS Ark. Bar #87190

OCT 22 2015

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JESSIE L. BUCHANAN (ADC #099656)

CLAIMANT

V.

NO. 15-0849-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION TO DISMISS, states and responds as follows:


1. Claimant filed a claim for loss of property and negligence. He seeks damages in the amount of \$2,374.23. Claimant has filed to state a claim under ARCP Rule 12(b)(6) and the claim should be dismissed.
2. Claimant was transferred to MSU in November of 2009 using the bag and seal form he stated that he had all of his property in his possession. See Exhibit "A".. On July 20, 2014, Claimant was transferred from MSU to EARU and states that it was done so without his hobby craft. This transfer utilized the detailed personal property inventory form and claimant signed the bottom indicating that he had all of his property in his possession for transport. See Exhibit "B" If Claimant had took any hobby craft with him, it would have been listed and should have been disposed of within thirty (30) days of transfer because MSU does not have a hobby craft program due to it being a maximum security facility.
3. MSU would not keep his property indefinitely until he transferred to another facility. Claimant has not provided any policy to this effect and there is not one. There is no guarantee that Claimant would transfer to another facility due to him serving life without parole and did not until June of 2014. ADC does not have the space and will not take responsibility of an inmate's property for 5 years in storage while waiting to see if he transfers.
4. Claimant does not provide any evidence of items missing in 2014, but merely provides documents showing some items of what he had in 2009. Many of the items listed were disposable. Claimant provided a list of sales of hobby craft items or so it appears by the documentation. Claimant does not provide any evidence that he filed any report in 2009 of the property not being transferred with him.
5. If Claimant's hobby craft was left at MSU and he did not mail it home or send out on visitation, the property was destroyed in accordance with ADC policy. Property confiscated must be disposed of within thirty (30) days by either voluntarily destruction, mailing out, or sending home on visitation. AD 14-03 Inmate Property Control policy. If Claimant failed to make arrangements for his property timely it was likely destroyed, probably longer than 30 days after it remained at the unit, simply due to the officer not getting around to destroying it in exactly 30 days.



6. Furthermore, Respondent's liability for hobby craft supplies is limited to \$100.00 per AD 11-39 Inmate Work Craft Program which states "If the Department of Correction is judged responsible for the loss of the inmate's work craft tools and materials the Department of Correction will only reimburse up to the sum of \$100.00."
7. Respondent moves that the commission dismiss this claim. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(B)(6). Claimant can show no facts upon which he is entitled to relief and therefore this claim should be dismissed.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim should 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 MOTION TO DISMISS has been served this 21 day of October, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JESSIE L. BUCHANAN (ADC #099656)  
EARU  
P. O. Box 970  
MARIANNA, AR 72360-0970

  
LISA MILLS WILKINS Ark. Bar #87190

ARKANSAS DEPARTMENT OF CORRECTION  
INMATE PROPERTY FORM  
BAG AND SEAL

F-841-6

Date: 11.10.09 Unit: Women  
Inmate's Name: Buchanan, J ADC#: 99656

**Property Placed In Bag And Sealed**

I hereby certify that I have personally witnessed the placement of my personal and state property, in its entirety, in the standard property bag and sealed same in my presence.

[Signature] 11.10.09  
Signature of Official Receiving Property Date  
[Signature] 11.10.09  
Inmate's Signature Date

If inmate is not able to be present, or refuses to sign at the time property is secured then this form should be signed by a witnessing staff, other than the person collecting the inmate's property.

\_\_\_\_\_  
Signature of Witnessing Staff Date

**Property Returned To Inmate**

I do hereby certify that all personal property has been returned to the inmate. Property bag/container was properly sealed, and seal broken in the presence of the inmate.

\_\_\_\_\_  
Signature of Official Returning Property Date

I hereby certify that I have personally received all of my personal and state property from the property room and all property has been returned to me.

\_\_\_\_\_  
Inmate's Signature Date

RECEIVED

NOV 10 2009

WOMEN UNIT RECORDS

If inmate refuses to sign at the time property is returned a witnessing staff, other than the person returning the inmate's property, should sign this form below.

\_\_\_\_\_  
Signature of Witnessing Staff Date

NOTE: If an inmate is being transferred to a new unit, then the receiving unit should complete an itemized property form. (Form F-841)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CC: Original - Unit Personal Property Officer  
Pink Copy - Inmate Copy  
Yellow Copy - Inmate's File

F-841-6

Revised 8/28/2006



Exhibit

A

10

TRANSFER OF PERSONAL PROPERTY INTERESTS  
 FROM: BURNHAM, J. J. TO: APPOS, J. J.  
 DATE: 10/15/04

ITEM #	DESCRIPTION	QUANTITY	UNIT	APPROX. VALUE	REMARKS
1	AAA Compliance Item	1			
2	All Books (10)	1			
3	Ballistics (1)	1			
4	Beats	1			
5	Beats (1)	1			
6	Beats (1)	1			
7	Beats (1)	1			
8	Beats (1)	1			
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99	Beats (1)	1			
100	Beats (1)	1			

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 2374.23

Claim No. 15-0849-CC

Jessie Buchanan, #099656

Attorneys Pro se

Claimant

Claimant

vs.

Department of Corrections

Lisa Wilkins, Attorney

Respondent

Respondent

State of Arkansas

May 11, 2015

Loss of Property, Negligence

Date Filed

Type of Claim

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," for Claimant's failure to respond to Respondent's "Motion to Dismiss." The Respondent states that they mailed the "Motion to Dismiss" to both the Claimant and the Claims Commission on October 21, 2015. The Claims Commission received and filed the "Motion to Dismiss" on October 22, 2015. The Claimant had ten (10) working days from October 22, 2015, to submit a response to the "Motion to Dismiss." No response was ever received from Claimant. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

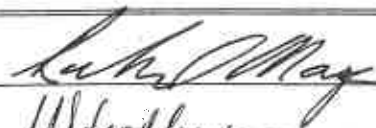
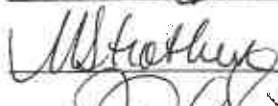
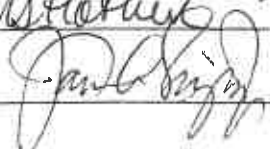
The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond to Respondent's "Motion to Dismiss." Therefore, this claim is hereby unanimously denied and dismissed.

November 12, 2015

Date of Hearing

November 12, 2015

Date of Disposition

  
Chairman  
  
Commissioner  
  
Commissioner

Before The Arkansas State Claims Commission

DEC 10 2015

Jessie L. Buchanan (ADC 099656)

Claimant

RECEIVED

Vs.

No. 15-0849-cc

Arkansas Department of Corrections

Respondent

Notice of Appeal

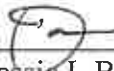
Notice is hereby given that Jessie L. Buchanan, pro se Claimant, appeals to the General Assembly of Arkansas from the final order of the Arkansas State Claims Commission, entered on November 12, 2015.

Appellate Jurisdiction

The Appellate jurisdiction of the Arkansas General Assembly is invoked pursuant Arkansas Code Annotated 19-10-211.

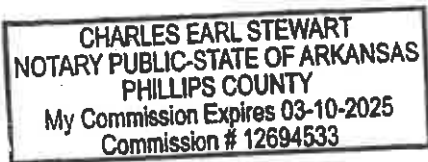
Designation of Record


Claimant hereby designates the entire record, and all proceedings, exhibits, evidence, and documents introduced in evidence and/or to be contained in the record on appeal.

  
\_\_\_\_\_  
Jessie L Buchanan (ADC 099656)  
P.O. Box 970  
Marianna, AR 72360-0970

State of Arkansas  
County of Phillips

Subscribed and sworn to before me, a notary on this 4 day of December, 2015.



  
\_\_\_\_\_  
Notary Public

My commission expires 03-10-2025