

E15.

Arkansas
State Claims Commission
MAY 20 2015

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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

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Layne Carver

Claimant

vs.

State of Arkansas, Respondent
Dept. of Correction

Do Not Write in These Spaces

Claim No. 15-0877-CC

Date Filed May 20, 2015
(Month) (Day) (Year)

Amount of Claim \$ 50.00

Fund DOC

COMPLAINT

Loss of Property

Layne Carver (Name) the above named Claimant, of P.O. Box 1630 MALVERN (City)

AR. 72104 (State) (Zip Code) (Daytime Phone No.) County of HOT SPRING represented by N/A (Legal Counsel, if any, for Claim)

of N/A (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.) says:

State agency involved: Arkansas Department of Correction Amount sought: \$50.00

Month, day, year and place of incident or service: 3-29-2015

Explanation: On 3-29-2015 Sgt. Cook took my radio and headphones, along with other items from my property while inventorying my property after I left via ambulance from ORCU. On 4-1-2015 CO Davis gave me my radio back, but Sgt. Cook had confiscated my Sony noise cancelling headphones, claiming they were altered. Several items were confiscated from my property. Sgt. Cook claiming I was in possession of excessive property. Sgt. Cook wrote a disciplinary for items confiscated but the headphones were not listed on the disciplinary. On 4-1-2015, then, I was transferred to Bowie Co., Texas, and was told that Capt. King tore up the disciplinary. I want my headphones back, in good working order, like they were when Sgt. Cook took them. In the alternative, I would like to be reimbursed their value of \$50.00.

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?

YE (Yes or No) when? 4 3 15 (Month) (Day) (Year) to whom? Department of Corr. Grievance Pro. (Department)

and that the following action was taken thereon: The grievance & the appeal of the grievance was found to have no merit.

and that \$ 0 was paid thereon: (2) Has any third person or corporation an interest in this claim? NO (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

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

and was acquired on N/A (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code) 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.

LAYNE E. CARVER

(Print Claimant/Representative Name)

Layne E. Carver

(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Malvern Ark.



on this 15 day of May 2015 (Date) (Month) (Year)

Evelyn Haynie-Gulley (Notary Public)

SP1-R7/99

My Commission Expires: 10-14-2021 (Month) (Day) (Year)

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UNIT LEVEL GRIEVANCE FORM

APR 06 2015

Attachment I

Unit/Center ORCC
 Name WAYNE (E) CARROLL
 ADC# 137073 Brks # 15th Job Assignment _____

GRIEVANCE OFFICE

CO 4 H-36
 FOR OFFICE USE ONLY
 GRV. # OR-15-00368
 Date Received: 4.06.15
 GRV. Code #: 513

4-7-15 (Date) STEP ONE: Informal Resolution

4-3-2015 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: man was not resolved - security can't just search my property and say anything (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, and place, name of personnel involved and how you were affected. (Please Print):

I want my Sony headphones returned to me. There is no reason valid documentation to warrant keeping my property. My Radio has already been returned to me so there is no question why I can't have my headphones.
4-3-15 (Date)

Inmate Signature Jayce Elam

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 4-3-15 (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? (Yes or NO) If yes, name of the person in that department receiving this form: _____ Date _____

PRINT STAFF NAME (PROBLEM SOLVER) Fredrick OTTS ID Number 41837 Staff Signature Fredrick Date Received 4-3-15

Describe action taken to resolve complaint, including dates:

On 4-3-15 I spoke with CT Carl concerning this incident. She stated that inmate Carvers headphones were not returned because they were altered as stated on the confiscation form. 2/10/15

Print and Sign Staff Name & Date Returned 4-3-15 2/10/15 Inmate Signature & Date Received Jayce Elam 4-3-2015

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: _____ INMATE SUPERVISOR 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; **ORIGINAL** - Given back to Inmate after Completion of Step One and Step Two.

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 APR 08 2015
 QUACHITA RIVER UNIT
 WARDENS OFFICE

RECEIVED
 APR 06 2015
 QUACHITA RIVER UNIT
 WARDENS OFFICE

2

INMATE NAME: Carver, Layne E.

ADC #: 137273A


GRIEVANCE #: OR-15-00368

WARDEN/CENTER SUPERVISOR'S DECISION

In this grievance dated 4-3-15, you state: "I want my Sony Headphones returned to me. There is no valid documentation to warrant keeping my property. My radio has already been returned to me. So there is no reason why I can't have my headphones."

Your headphones were confiscated according to the Confiscation Form done by Sgt. Cook on 3/29/15 at 2:00PM because they were altered. Per AD 2011-24: Searches of Inmates, Unit Searches and Control of Contraband-"Contraband" means any item or items determined by the Board of Corrections or ADC to jeopardize the safety, security, or good order of its institutions, including but not limited to the following: Articles in excess of established facility limits, articles that have been altered or used for unauthorized purposes, and/or articles in an inmate's possession in an unauthorized area.

You were charged with rule violations pending disciplinary hearing due to the contraband you had in your possession. I find this grievance to have no merit.


Signature of Warden/Supervisor or Designee

Warden
Title

4-8-15
Date

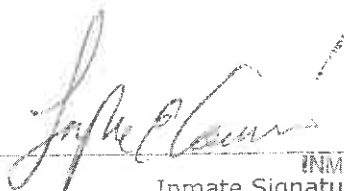
INMATE'S APPEAL

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.

AD 2011-24 QUOTES

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? Jeopardizing the safety, security and/or good order of the institution: - Articles in excess of established facility limits, Articles that have been altered or used for unauthorized purpose.
None of these 2011-24 AD determinations apply to my headphones. I have been informed that the disciplinary in question concerning Contraband was dismissed and never had any wording as to Altered headphones. I'm requesting my headphones be returned to me undamaged and in the same working order as when Confiscated. This is one more Example of Abuse of power by ADC and its employees.

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Inmate Signature

INMATE'S DISCIPLINARY DIVISION
ADMINISTRATION BUILDING

137273

ADC#

4-8-2015

Date

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APR 08 2015

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INMATE NAME: Carver, Layne E.

ADC #: 137273

GRIEVANCE#: OR-15-00368

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

April 3, 2015, you grieved that, "I want my Sony Headphones returned to me. There is no valid documentation to warrant keeping my property. My radio has already been returned to me. So there is no reason why I can't have my headphones."

The Warden responded, "Your headphones were confiscated according to the Confiscation Form done by Sgt. Cook on 3/29/15 at 2:00PM because they were altered. Per AD 2011-24: Searches of Inmates, Unit Searches and Control of Contraband-"Contraband" means any item or items determined by the Board of Corrections or ADC to jeopardize the safety, security, or good order of its institutions, including but not limited to the following: Articles in excess of established facility limits, articles that have been altered or used for unauthorized purposes, and/or articles in an inmate's possession in an unauthorized area. You were charged with rule violations pending disciplinary hearing due to the contraband you had in your possession. I find this grievance to have no merit."

After reviewing all supporting documentation, I have determined that I concur with the Warden's response of no merit. I am unable to substantiate your allegations that policy and procedures were not followed. I am unable to determine that any of your rights have been violated.

Appeal denied.



Director

4-27-15
Date

SCAN INTO EOMIS UPON COMPLETION

F-401

STATE OF ARKANSAS - DEPARTMENT OF CORRECTION

CONFISCATED FORM -- AREA OR PERSON

(Check One) ☒ Inmate ☐ Visitor ☐ Staff ☐ Area
Unit: ORCU Building or Area: Hotel Barracks Hotel Cell 34
Date and Time of Search: 3-29 2015 2:00 : pm am
Officer(s) Conducting Search: (Print) James Cook
Officer(s) Conducting Search: (Signature) [Signature]
Inmate Name: Layne Carver ADC #: 137273

Articles Seized (description and number of items):

Number	Description
69	Pieces of News Paper
7	Partial Rolls of Paper
1	Coffee bag with Creamer in it
1	Bottle of crushed M
	1 each headphones altered
	3 Bottles of Spices
	20 Roll of toilet Paper
	3 ea High lighters

Reason Seized: ☐ Voluntarily Produced Excess Property ☒ Contraband ☐ Disciplinary/Criminal Evidence
Other _____

Inmate Signature: _____ () Refused to Sign

Area/Shift/Supervisor: (Signature) [Signature]

Disposition of Contraband: Delivered to central control

Copy Delivered to Inmate: Date: _____ Time: _____

Delivered By: (Signature) _____

Disciplinary Written: () No (X) Yes By: J. Cook

Voluntarily Produced Excess articles only may be mailed to: _____

Inmate authorizes deduction of postage from pen store account for voluntarily produced excess property only:
() No () Yes Inmate Signature: _____

To be completed by UPCO

Destruction Date: _____

UPCO: (Signature) _____ Witnessing Staff: (Signature) _____

Original - Institutional file Pink Copy - Inmate Scanned copy - UPCO copy

F-401

Revised

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SCAN INTO EOMIS UPON COMPLETION

F-401

STATE OF ARKANSAS - DEPARTMENT OF CORRECTION

CONFISCATED FORM - AREA OR PERSON

(Check One) ☒ Inmate ☐ Visitor ☐ Staff ☐ Area

Unit: ORCU Building or Area: _____ Barracks _____ Cell _____

Date and Time of Search: 3-29, 2015, 2:00 : pm am

Officer(s) Conducting Search: (Print) St James Cook

Officer(s) Conducting Search: (Signature) [Signature]

Inmate Name: LEVINE CARVER ADC #: 137273

Articles Seized (description and number of items):

Number	Description
1	altered winter cap
1	green emery board
5	blue gloves
5	altered thermal bottoms
1	ea altered head band to cover eyes
1	ea thermal top
1	ea Bye Bye odor
1	pair of insoles

Reason Seized: _____ Voluntarily Produced Excess Property ☒ Contraband _____ Disciplinary/Criminal Evidence

Other _____

Inmate Signature: _____ () Refused to Sign

Area/Shift/Supervisor: (Signature) [Signature]

Disposition of Contraband: Relieved to center control

Copy Delivered to Inmate: Date: _____ Time: _____

Delivered By: (Signature) _____

Disciplinary Written: () No () Yes By: [Signature] J. Cook

Voluntarily Produced Excess articles only may be mailed to: _____

Inmate authorizes deduction of postage from pen store account for voluntarily produced excess property only:
() No () Yes Inmate Signature: _____

To be completed by UPCO

Destruction Date: _____ / _____ / _____

UPCO: (Signature) _____ Witnessing Staff: (Signature) _____

Original - Institutional file Pink Copy - Inmate Scanned copy - UPCO copy

F-401

Revised

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F-401

CONFISCATED FORM - AREA OR PERSON

(Check One) ☒ Inmate _____ Visitor _____ Staff _____ Area _____
Unit: ORCV Building or Area: Hotel Barracks Hotel Cell 34
Date and Time of Search: 3-29 / 2015 / 2:00 : PM am
Officer(s) Conducting Search: (Print) J. Cook
Officer(s) Conducting Search: (Signature) [Signature]
Inmate Name: Layne Carver ADC #: 137273

Articles Seized (description and number of items):

Articles Seized (description and number of items):		
Number	Description	
1	Aiwa Clear Radio with Batteries 2et	1 Clear Spoon
1	Pair of finger Nail clippers broken	2 Plastic Knives
1	U. A. COT for Drug testing	10 ea Paperclips
6	ea Forks Plastic	7 Metal Paperclips

Reason Seized: ☐ Voluntarily Produced Excess Property ☐ Contraband ☐ Disciplinary/Criminal Evidence
☐ Other _____

Inmate Signature: _____ () Refused to Sign

Area/Shift/Supervisor: (Signature)

Disposition of Contraband:

Copy Delivered to Inmate: Date:

Time: _____

Delivered By: (Signature)

Disciplinary Written: () No (1) Yes

By:

Voluntarily Produced Excess articles only may be mailed to:

Inmate authorizes deduction of postage from pen store account for voluntarily produced excess property only:
() No () Yes Inmate Signature: _____

To be completed by UP CO

Destruction Date: / /

UPCO: (Signature)

Witnessing Staff: (Signature)

Original – Institutional file Pink Copy – Inmate Scanned copy – UPCO copy

F-401

2015

4 of 5

2015-03-162

SCAN INTO EOMIS UPON COMPLETION

F-401

STATE OF ARKANSAS - DEPARTMENT OF CORRECTION

CONFISCATED FORM - AREA OR PERSON

(Check One) ☒ Inmate ☐ Visitor ☐ Staff ☐ Area

Unit: ORCV Building or Area: Hotel Barracks Hotel Cell 34

Date and Time of Search: 3-29 1 2015 1 2:00 pm: am

Officer(s) Conducting Search: (Print) ST J. COOK

Officer(s) Conducting Search: (Signature) [Signature]

Inmate Name: Layn Carter ADC #: 137273

Articles Seized (description and number of items):

Number	Description
1	metal spring
1	pair of metal shower shoes
1	roll of paper towels
1	ear phone like 12" long broken
	2 each click pens
	1 each mask
	3 each field and stream magazine
	1 each Texas monthly magazine

Reason Seized: ☐ Voluntarily Produced Excess Property ☐ Contraband ☐ Disciplinary/Criminal Evidence

Other: _____

Inmate Signature: _____ () Refused to Sign

Area/Shift/Supervisor: (Signature) [Signature]

Disposition of Contraband: Delivered to canteen control

Copy Delivered to Inmate: Date: _____ Time: _____

Delivered By: (Signature) _____

Disciplinary Written: () No () Yes By: ST J. COOK

Voluntarily Produced Excess articles only may be mailed to:

Inmate authorizes deduction of postage from pen store account for voluntarily produced excess property only:
() No () Yes Inmate Signature: _____

To be completed by UPCO

Destruction Date: _____

UPCO: (Signature) _____ Witnessing Staff: (Signature) _____

5 of 3
2015-03-16

SCAN INTO EOMIS UPON COMPLETION

F-401

STATE OF ARKANSAS - DEPARTMENT OF CORRECTION

CONFISCATED FORM - AREA OR PERSON

(Check One) ☒ Inmate ☐ Visitor ☐ Staff ☐ Area

Unit: ORC 1 Building or Area: Hotel Barracks Hotel Cell 34

Date and Time of Search: 3-29, 2015, 2:00 : 0 pm: am

Officer(s) Conducting Search: (Print) J. COOK

Officer(s) Conducting Search: (Signature) [Signature]

Inmate Name: Layne Carter ADC #: 137273

Articles Seized (description and number of items):

Number	Description
1	24 Popular Science
2	altered towel
1	bowl of butter
1	glove of salt
	1 glove of paper
	1 cont. of paper
	1 Ring of 34 mag beads

Reason Seized: ☐ Voluntarily Produced Excess Property ☐ Contraband ☐ Disciplinary/Criminal Evidence
Other _____

Inmate Signature: _____ () Refused to Sign

Area/Shift/Supervisor: (Signature) [Signature]

Disposition of Contraband: Delivered to central control

Copy Delivered to Inmate: Date: _____ Time: _____

Delivered By: (Signature) _____

Disciplinary Written: () No () Yes By: J. COOK

Voluntarily Produced Excess articles only may be mailed to: _____

Inmate authorizes deduction of postage from pen store account for voluntarily produced excess property only:
() No () Yes Inmate Signature: _____

To be completed by UPCO

Destruction Date: _____

UPCO: (Signature) _____ Witnessing Staff: (Signature) _____

Original - Institutional file Pink Copy - Inmate Scanned copy - UPCO copy

F-401

Revised

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

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LAYNE CARVER (ADC 137273)

CLAIMANT

V.

NO. 15-0877-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

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

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

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

Respectfully submitted,
Department of Correction Office of Counsel



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 2 day of June, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Layne Carver (ADC 137273)
Ouachita River Unit
PO Box 1630
Malvern, AR 72104-1630


LISA MILLS WILKINS Ark. Bar #87190

OCT 22 2015

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CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LAYNE CARVER (ADC #137273)

V.

NO. 15-0877-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:

1. Claimant has filed a claim for loss of property seeking \$50.00 for loss of HEADPHONES which he alleges were confiscated from him due to a disciplinary of which he was later found not guilty. Claimant has failed to state facts to support his claim under ARCP12(b)(6) and the claim should be dismissed.
2. On May 29, 2015, Claimant's headphones were confiscated due to it being altered by plastic tubing, two types of colored cords held together by tape and a third piece of cord made from a flex pen which ran to a jack tape attached to it. See description and photos in Exhibit "A"
3. AD 14-03 states that 'a disciplinary may be written on all confiscated property as unauthorized, excessive or contraband. Contraband will be destroyed.' A disciplinary was not required to be written, so it is immaterial if the disciplinary was dismissed. Altered property is contraband and is not allowed.
4. 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.

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 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:

LAYNE CARVER (ADC #137273)

ORCU

P. O. BOX 1640

MALVERN, AR 72104-1640

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

ARKANSAS DEPARTMENT OF CORRECTION STATEMENT OF WITNESS

Name [REDACTED] Davis Rank/Status/Number Cpl 182928 Unit 02CC

STATEMENT: The headphones in question were altered in the following ways: coming out of one of the ear pieces was a plastic tube from a flex pen, it had 2 different colored cords (black/white) held together by tape, and the ~~jack~~ cord going into the jack ran through another piece of flex pen tube with actual jacks heavily taped with electrical tape.

I make this statement without undue coercion exerted against me by any person or official of the Arkansas Department of Correction.

Cpl [REDACTED] Davis

7-28-15



Exhibit

A 1 12

ARKANSAS DEPARTMENT OF CORRECTION STATEMENT OF WITNESS

Name [REDACTED] Fronte Rank/Status/Number Gpl/4456-4 Unit ORC 4

STATEMENT: The headphones that were confiscated from inmate
Carter #137273 were altered. One of the speakers were altered with
a plastic glass pen tube, the pickovers taped up, also it had a white wire
taped to the original black cord.

I make this statement freely, under no duress, and without undue coercion exerted against me by any of the Arkansas Department of Correction.

Gpl [REDACTED] Fronte / [REDACTED] Fronte

7-28-15

A2 13

15-0877-CC

ARKANSAS DEPARTMENT OF CORRECTION STATEMENT OF WITNESS

Name [REDACTED] cook SR Rank/Status/Number 82382 Unit ORCU

STATEMENT: Inmate Carver # 137273, headphones were confiscated due to them being altered. The ear pieces had a plastic tube on them. The jack going into the Radio had electrical tape on it and the wires were extended by combining the black wire with a white wire

I make this statement freely, under no duress, and without undue coercion exerted against me by any individual or official of the Arkansas Department of Correction.

[REDACTED] cook
Signature

7-29-15

Witnessed and attested to by

15-0877-2
A3 14

white cord
attached to the
headset cord

LAYNE E. CARVER
AD # 137273

MOTION BY CLAIMANT IN RESPONSE TO
RESPONDENTS MOTION TO DISMISS

THE CLAIMANT MOTION FOR THE ARKANSAS

DEPARTMENT OF CORRECTIONS TO LET CLAIMANT

SEND CONFISCATED PROPERTY HOME AT CLAIMANT'S EXPENSE

NO. 15-0877-CC

Comes now Claimant and his motion in response to
dismiss claim.

1. On May 29th, 2015 claimant's noise canceling SONY
headphones were confiscated by Ouachita River Correctional
employees. The state condemned the headphones saying
that claimant could not have them because they were altered.

2. Claimant's due process rights were directly violated
because claimant was not allowed to exercise an AD
Policy that would have given claimant the right to send
confiscated property home at claimant's expense.

3. According to AD 14-03 (Effective Date 1-10-2014)
The AD states;

Claimant
Arkansas Claims Commission

NOV 04 2015

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vs.

Arkansas Dept.
of Correction

Page (5) of Procedures -

(E) Excessive Property and Contraband after Intake

Paragraph (3) states: Hold property until proceedings complete.

Confiscated items to be used for disciplinary, grievance or judicial proceedings will be secured until proceeding are complete.

Photograph all items if necessary, attach to property confiscated form, (F-401) and document all actions relative to these items on Form (F-401).

Paragraph (4) states; Unauthorized property shall be disposed of as follows;

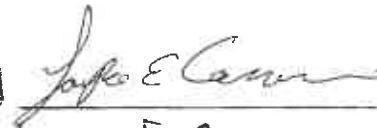
a) mail items at inmates expense to a party of the inmates choosing. No lien will be placed on an inmates account for postage to mail unauthorized property.

B) Destruction if authorized by the inmate completing and signing the destruction section of form (F-841-5) and destruction is witnessed by the UPCO and another staff member; or

c) Pick-Up by a party of the inmate's choosing during visitation or from the unit where it was confiscated if the inmate has been transferred from that unit.

Confiscated property will not be transferred with the inmate or to another more convenient location for pick-up. Any person authorized by an inmate to receive excess personal property will sign the appropriate section of the form F-841-5.


WHEREFORE for the reasons cited by the claimant in the above motion, Procedures (E) Paragraph (3), (4) Sub, (a), (B), (c) that the Commission will side with claimant and force The Arkansas Department of Corrections to abide by their AD-14-03 and allow claimant to mail said property home at his own expense.

Respectfully Submitted 
Pro Se Claimant Layne E. Carver
ADC # 137273
P.O. BOX 1630
Malvern, AR 72104

Certificate of Service

I LAYNE E. CARVER certify that a copy of the Motion by claimant in response to Respondents Motion To Dismiss. The Claimants Motion For The ARKANSAS Department of Corrections To let claimant send Confiscated Property Home AT claimants EXPENSE, has been served this 2nd Day of November 2015 on the below Respondent by placing a copy of the same in the US. Mail regular postage to;

LISA MILLS WILKINS
Attorney Supervisor
Post Office Box 8707
Pine Bluff, ARKANSAS 71611


LAYNE E. CARVER 137273

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LAYNE CARVER (ADC #137273)

CLAIMANT

V.

NO. 15-0877-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**PARTIAL RESPONSE MOTION TO SEND PROPERTY HOME
FILED ON OR ABOUT NOV. 5, 2014**

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response Motion to Send Property Home states as follows:

1. Claimant's headphones were altered which made them contraband under AD 14-03. Contraband cannot be mailed home. Contraband will be destroyed per AD 14-03 E(6).
5. WHEREFORE, for the reasons submitted above, Respondent requests that the property be mailed home should be denied.

Respectfully submitted,
Department of Correction
Office of Counsel

Arkansas Claims Commission

NOV 09 2015

RECEIVED

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 the above pleading has been served this 6 day of Nov., 2015, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

LAYNE CARVER (ADC #137273)

ORCU

P. O. Box 1630

MALVERN, AR 72140-1630

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 50,000

Claim No. 15-0877-CC

Attorneys

Layne Carver, #137273 Claimant
vs.

Pro se Claimant

Department of Corrections Respondent
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed May 20, 2015

Type of Claim Loss of Property

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-4 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2-4 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing November 12, 2015

Date of Disposition November 12, 2015

Reck L May Chairman
W. H. H. H. H. Commissioner
John L. H. H. Commissioner

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LAYNE E. CARVER

Vs.

ARKANSAS DEPARTMENT OF CORRECTIONS

Arkansas
State Claims Commission

DEC 04 2015

RECEIVED

MOTION FOR RECONSIDERATION

Comes now Claimant before the claims commission for reconsideration of the dismissal of claim.

1. Claimant wants all motions and/or information revisited that may apply to commission overturning their decision.
2. Claimant has a strong case in that AD 14-03 was not considered in whole, only in part. This was a great injustice to claimant.
3. Claimant has questions as to who Richard Mays is that has signed off as chairman of the claims commission?
4. The same Richard Mays that is or has been an Assistant Director and Parole Board member?
5. If so, is that not an enormous conflict of interest?

6. Claimant prays that the claims commission understands this oversight and reverses it's decision to let Claimant mail the confiscated property home at the Claimant's expense.

Respectfully submitted, Layne E. Carver
Layne E. Carver
#137273

CERTIFICATE OF SERVICE

I Layne E. Carver certify that a copy of this motion for reconsideration has been mailed this 18th day of November 2015 to the Arkansas State Claims Commission by U.S. Mail.

Layne E. Carver
Layne E. Carver
#137273

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 50.00

Claim No. 15-0877-CC

Attorneys

Layne Carver, #137273 Claimant
vs.

Pro se Claimant

AR Dept. of Correction Respondent
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed May 20, 2015

Type of Claim Loss of Property

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 November 12, 2015, order remains in effect.

IT IS SO ORDERED.


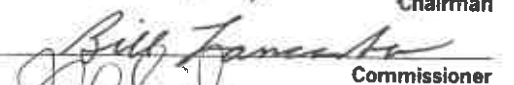

(See Back of Opinion Form)

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 November 12, 2015, order remains in effect.

Date of Hearing December 10, 2015

Date of Disposition December 10, 2015


Chairman

Commissioner

Commissioner

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LAYNE E. CARVER

vs.

ARKANSAS DEPARTMENT OF CORRECTIONS

Arkansas
State Claims Commission
DEC 04 2015

RECEIVED

MOTION FOR NOTICE OF APPEAL

FROM THE ARKANSAS STATE CLAIMS COMMISSION

TO THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS

Comes now Claimant before the Great State of Arkansas General Assembly appealing state claims commission's decision on claim under Act 33 of 1997 by Arkansas Annotated code 19-10-211.

1. Claimant wants all motions and/or information revisited that may apply to commission overturning their decision.
2. Claimant's case is strong in that AD 14-03 was considered only in part not as a whole. This was a great injustice to the claimant.

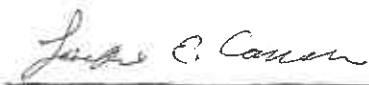
3. Claimant has questions as to who Richard Mays is that has signed off as chairman of the claims commission.
4. The same Richard Mays that is or has been assistant director and / or a Parole Board Member.
5. If so, is this not an enormous conflict of interest.
6. Claimant prays that the claims commission understands this oversight and reverses it's decision to let claimant mail the confiscated property home at claimant expense.

Respectfully submitted, 

Layne E. Carver
#137273

Certificate of Service

I Layne E. Carver certifies that a copy of this motion of notice of appeal has been mailed this 18th day of November 2015 to the Arkansas State General Assembly by the Arkansas State Claims Commission.



Layne E. Carver
#137273