

E5.

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas
State Claims Commission
OCT 27 2014

RECEIVED

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Antonio Coley #092842

Claimant

vs.

State of Arkansas, Respondent
Dept. of Corr.

Antonio Coley #092842

COMPLAINT

Failure to Follow Procedure,
Negligence

2501 State Farm
Folger, AR 72168

Do Not Write in These Spaces		
Claim No.	15-0333-CC	
Date Filed	October 27, 2014 (Month) (Day) (Year)	
Amount of Claim \$	1,500,000.00	
Fund	DOC	

the above named Claimant, of P.O. Box 180, Briekers, AR 72320-0180

(Name)

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

(City)

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

County of Lee

represented by N/A

(Legal Counsel, if any, for Claim)

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

State agency involved: Arkansas Department of Correction Amount sought: 1.5 million dollars

Month, day, year and place of incident or service: February 28, 2014 East Ark Regional Unit, Br. 400 AR

Explanation: In August 2012 I, complainant/claimant Antonio Coley #92842, mail a complaint to Lee County Circuit Clerk against correction medical service (CMS) / correction and correctional staff. (See Exhibit Label #A) complaint includes an habeas corpus writ. On October 2, 2012 a letter was written from Lee County Circuit Clerk Mary Ann Wilkinson and mail to me on October 4, 2012 thru U.S. Postal Mail informing me of several instructions needed to be fulfilled within next 6 months including a \$165,000 dollars filing fee. If filing fee is not received within those 6 months the paperwork will be destroyed (see Exhibit Label #B). (I) see copy of letter dated October 2, 2012 letter post dated October 4, 2012 was mail in that I received on February 28, 2014 (16 months later) stamp February 28, 2014 and sign by Captain Ford as delivery personnel (see Exhibit Label #C). This 16 months delay of mail caused me to miss my 6 months court instructions/obligations causing my paperwork to be destroyed and complaint not to be processed. I am unable to hear my complaint for (see Explanation sent on 10/2/12) →

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?

NO ; when? N/A (Month) N/A (Day) N/A (Year) ; to whom? N/A (Department) N/A

: and that the following action was taken thereon: N/A

and that \$ N/A was paid thereon: (2) Has any third person or corporation an interest in this claim? NO ; 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: N/A

: and was acquired on N/A

in the following manner: N/A

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

(Print Claimant/Representative Name)

(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

WILLIAM IVORY
SINGITARY PUBLIC-STATE OF ARKANSAS
ST. FRANCIS COUNTY
My Commission Expires Dec. 1, 2017
Commission # 12363868

on this

3

day of

JUNE

(City)

(State)

2014

(Date)

(Month)

(Year)

William Ivory

(Notary Public)

My Commission Expires:

12
(Month)

1
(Day)

2017
(Year)

SF1- R7/99

Explanation con't Pg. 2 of 6

Violation of not receiving proper medical care.
(I was seeking \$1.5 million dollars in damages etc...)
(See Exhibit Label # A, Pg. 5).

4. Unit level Grievance, Warden/Center Supervisor Decision and Deputy/Assistant Director Decision responds showing complaint with Merit (See Exhibit #D), Also unit level Grievance responds by Ms. Roberts falsely answer (See Exhibit Label #D & #E).

5. Unit level Grievance, Warden/Center Supervisor Decision and Deputy/Assistant Director Decision responds and post Note in Ms. Roberts handwriting (See Exhibit Label #E) untrue.

6. Ms. Roberts responds to my request form dated 3-20-14, her responds to when she started working in Unit mailroom or who was working in Unit mailroom between October 4, 2012 thru October 31, 2012, her responds dated 3-24-14 not answering (See Exhibit Label #F).

7. Deputy Wardens Mills responds to my request to Unit Warden Burl form dated 3-25-14, his responds

Explanation con't Pg. 3 of 6

dated 3-28-14 stating Ms. Roberts was assign to Unit mailroom in March 2013, showing she work for 11 months in Unit mailroom before the February 28, 2014 date, her Responsibility's in that time was to have Known/Inventory what was stored/kept in Unit mailroom and I'm sure that the Ink cartridges had been inventory and order before within those 11 months making her (Ms. Roberts) also liable for the 16 months mail delay (See Exhibit Label # 6).

8. Letter from U.S. Postmaster (Cathie L. Fields) stating mail delay was not Post Office fault (See Exhibit Label # H).

9. Letter responds from Lee County clerk (Mary Ann Wilkinson) dated May 6, 2014 stating my paperwork is No-Longer there after 2 years almost had passed, after I recieved 16 months late letter with instruction to follow, I wrote to Lee County Court seeking information (See Exhibit Label # I).

10. Unit Warden, Deputy/Assistant Director stating corrected actions was taken staff was terminated, staff terminated (Ms. Harrell) was terminated well before 2014, was not terminated because of mail deliver on 3-28-14 dated 10-4-12 Post Dated (See Exhibit Label # D & # E).

Explanation con't Pg. 4 of 6

I Antonio Coley #92842 as a prisoner housed within the Ark. Dept. of Corr. then at East Arkansas Regional Unit now housed at Maximum Security Unit, 2501 State Farm Rd., Tucker, Ar. 72168 have been denied Due - Process from Ark. Dept. of corr, mail Policy/Procedures that allow inmates to correspond with courts and that inmates out-going and incoming Legal Mail is mail out and recieved timely to ensure courts deadlines are met, In this matter prison officials have actively interfered with my Legal Mail, stopping/denying me from meeting deadlines aswell as paying filing fees which cause my complaint/case from being properly file and complaint being destroyed and not meeting the required 2 year deadline in order to file an Malpractice suit in a State Court in Arkansas.

(1) Defendant Danny Burl (Unit Warden Ark. Dept. of Corr. at East Ark. Reg. Unit); Is to ensures that inmates has available thru U.S. Postal Services and Policy/Procedure that assures inmates recieve there Legal Mail timely within the ADC threw his employees/staff that will allow inmates access to courts to meet allotted deadlines/obligations in there entirety, which was denied to this claimant, by this defendant and agency

Explanation Con't Pg. 5 of 6

(Ark. Dept. of corr.),

(2) Defendant Ms. Roberts (Mailroom supervisor Ark. Dept. of Corr. at East Ark. Reg. Unit): Is to ensurer each inmate has available thru U.S. Postal Services and Policy/Procedure that assures inmates recieve there Legal Mail timely within the ADC (Ark. Dept. of corr.) that will allow inmates access to courts to meet allotted deadlines/obligation in there entirety, which was denied to this claimant, by this defendant and agency (Ark. Dept. of corr.).

(3) Defendant Ray Hobbs (Director Ark. Dept. of Corr.): Is to ensurer that inmates has available thru U.S. Postal Services and Policy/Procedure that assures inmates recieve there Legal Mail timely within the ADC threw his employees/staff that will allow inmates access to courts to meet allotted deadlines/obligations in there entirety, which was denied to this claimant, by this defendant and agency (Ark. Dept. of corr.).

Explanation cont pg. 6 of 6

This Claimant Pray this claims Commission of the state of Arkansas award to him the Amount Sought or Settlement amount propose or an Settlement Agreement Agreed between all parties.

Sincerely,
Antonio Demarion Coley #92842
Antonio Demarion Coley
2501 State Farm Rd.
Tucker, Ar. 72168

Exhibit Label #A

IN THE CIRCUIT COURT OF Lee COUNTY, ARKANSAS

ANTONIO COLEY

PLAINTIFF

VS.

CASE NO. _____

Correction Medical Services/Corzion
Marybeth Floyd, Christopher Loe, Chiketa Davis
Crystal Sims, Walter Holloway, Wendy Kelley

DEFENDANT

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
WHILE IN COUNTY JAIL OR STATE CORRECTIONAL INSTITUTION

COMES NOW, the plaintiff, Antonio Coley, pro se in the
above civil matter and for the cause states the following:

I. JURISDICTION

1. This court has jurisdiction of this matter pursuant to A.C.A. §§ 16-123-101, et seq.
2. This action is filed in the proper circuit court within three (3) years of the date the events herein occurred.

II. PARTIES

3. Plaintiff Antonio Coley is an adult citizen of the State of Arkansas
presently incarcerated in the Arkansas Department of Correction
East Ark. Regional Unit BricKeys, Arkansas 72320.
4. Defendant See Attach Sheet Label #A is an adult citizen of the State of Arkansas
employed at East Ark. Regional Unit BricKeys, Arkansas 72320.

Exhibit Label # 9

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

5. a.) Does the facility where this incident occurred have a grievance procedure?

☒ Yes ☐ No

IF YES, did you complete the grievance procedure prior to filing this suit?

☒ Yes ☐ No

IF YES, state briefly what occurred throughout the grievance process and attach as exhibits all forms you filed in the grievance process:

Responses only favorable to de-
fendants when they're in the wrong
that's why theres courts to get to
the truth

(See Enclosed
Grievances copies)

b.) If you did not complete the grievance process at the facility where this incident occurred, explain why you did not and what exception exists that will permit you to continue with this suit without having exhausted your administrative remedies:

N/A

6. List the civil rights you claim the defendants violated and how each right was violated. Do not get into each set of facts, simply state the right and cause. Number each paragraph with a small alphabet letter encased in parenthesis (e.g. (a), (b), (c), etc.):

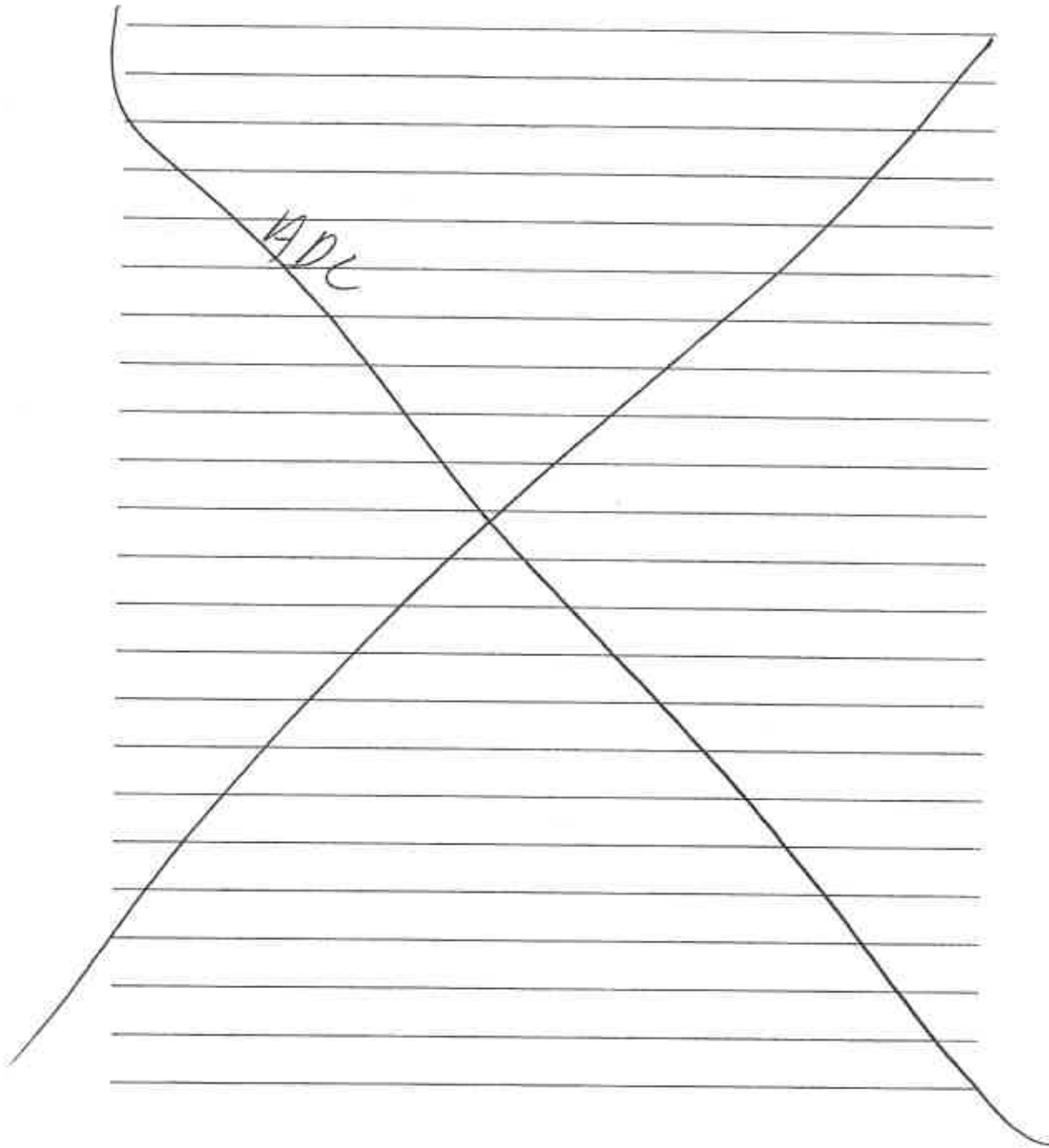
- (a) My right to medical care
(b) (Adequate Medical Care)
(c) Tort Action, Negligence, Malpractice Suit
(d) My rights that were violated was de-
(e) liberate indifference, cause pain and suffering,
(f) was cruel and unusual punishment

IV. STATEMENT OF FACTS

7. State in consistent numbered sentence type paragraphs the facts of the case. Number each sentence paragraph as (a), (b), (c), etc. DO NOT argue law or make assumptions. Only state the facts that you are aware of that you will be able to prove if your case were presented to a jury or judge. Include additional sheets of paper if necessary. Number those pages as 3a, 3b, 3c, etc.

(see Attach Pages Label
3a thru 3h).

Exhibit label #A



V. RELIEF SOUGHT

8. Identify the relief you are asking the court or the jury to grant you. The three

Exhibit Label #A

types of monetary awards that may be granted are compensatory, punitive or nominal. However, you may also seek injunctive relief. Again, number each paragraph using the encased small alphabet (a), (b), etc.

- (a) \$500,000 dollars for Nominal Damages
- (b) \$500,000 dollars for Compensatory Damages
- (c) Injunctive Relief being Transfer permanent
- (d) at the end of lawsuit, and a preliminary
- (e) injunction while the court is ^{POC} ~~POC~~ considering
- (f) my case (Transfer).
- (g) \$500,000 dollars for Pain and Suffering
- (h) Court Cost Fees (Filing Fees)

Respectfully submitted this 18 day of August, 20 12.

By:

Antonio Coley

ADC #

92842

F.A.R.U. (Brickys Unit) P.O. Box 180

Brickys

, AR 72320

Exhibit Label #A

IN THE CIRCUIT COURT OF Lee COUNTY, ARKANSAS

DIVISION

Antonio Coley

PETITIONER

VS

No. _____

STATE OF ARKANSAS

Correction Medical Services, Corzions, Chiketa Davis RESPONDENT
Marybeth Floyd, Christopher Lee, Wendy Kelley, Crystal Sims
Walter Hollaway

PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner Antonio Coley proceeding pro se, requests this Court to grant him leave to file the attached Complaint For Violation Of Civil Rights and to proceed in forma pauperis for the following reasons:

1. That Petitioner, a resident of the State of Arkansas, has prepared and desires to file with the court a Complaint Of Violation Of Civil Rights.

2. That Petitioner is indigent and unable to pay court costs or fees connected with this proceeding or to give security therefore. (An Affidavit in Support of Request to proceed In Forma Pauperis is attached.)

3. Petitioner believes that he/she is entitled to relief and such petition is not brought for a frivolous or malicious purpose.

WHEREFORE, Petitioner prays that he be permitted to prosecute his Complaint For Violation Of Civil Rights in forma pauperis and that he may have the necessary writs and processes without payment of fees or costs for the same.

Antonio Coley

Petitioner

ADC No. 92842

Arkansas Department of Correction

P.O. Box 180

Brickeys, AR 72320-0180

Exhibit Label #A

IN THE CIRCUIT COURT OF Lee COUNTY, ARKANSAS

ANTONIO COLEY

PLAINTIFF

VS. CASE NO. _____

Correction Medical Services / Corz'ion
Marybeth Floyd, Christopher Loe, Chiketa Davis, DEFENDANT
Crystal Sims, Walter Hollaway, Wendy Kelley

STATE OF ARKANSAS

Lee COUNTY

AFFIDAVIT

The plaintiff Antonio Coley states under oath that the facts stated in the foregoing Civil Rights Complaint are true and correct to the very best of his knowledge and belief. He also believes in good faith that he is entitled to the relief sought therein.

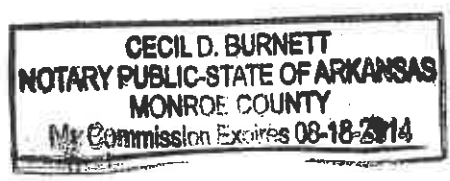
Affiant's Signature Antonio Coley

Subscribed and sworn to before me, a Notary Public, this 18 day of

August 20 12

Notary Public C. Burnett

My Commission Expires 8-18-12



Civil Complaint

IN THE CIRCUIT COURT OF Lee COUNTY, ARKANSAS

DIVISION

Antonio Coley

PETITIONER

VS

No. _____

STATE OF ARKANSAS

correction medical services / corzion, chiketa Davis
Marybeth Floyd, christopher jones, Wendy Kelle, crystal Sims
 AFFIDAVIT IN SUPPORT OF
Walter Holloway REQUEST TO PROCEED IN FORMA PAUPERIS

I, Antonio Coley, being first duly sworn, depose and say that I am the Petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefore, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions below are true.

1. Are you presently employed? Yes _____ No X
- (a) If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.

- (b) If the answer is no, state the date of last employment and amount of salary and wages per month which you received. 1989 Walmart Warehouse \$500 dollars a week, \$2,000 dollars a month.
2. Have you received, within the past twelve months any money from any of the following sources?

- (a) Business, profession or any form of self-employment? Yes _____ No X
- (b) Rent payments, interest or dividends? Yes _____ No X
- (c) Pensions, annuities or life insurance payments? Yes _____ No X
- (d) Gifts or inheritances? Yes _____ No X
- (e) Any other sources? Yes _____ No X

If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months. N/A

3. Do you own any cash, or do you have any money in a checking or savings account?
 Yes _____ No X

Exhibit Label -A

If the answer is yes, state the total amount in each account. N/A

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? Yes No X

If the answer is yes, describe the property and state its approximate value. N/A

5. List the persons who are dependent upon you for support. State your relationship to those persons, and indicate how much you contribute toward their support.

N/A

6. TO BE COMPLETED ONLY IF PETITIONER IS INCARCERATED IN THE ARKANSAS DEPARTMENT OF CORRECTION OR ANY OTHER PENAL INSTITUTION.

Do you have any funds in the inmate welfare fund? Yes X No

State the total amount in such account and have the certificate found below completed by the authorized officer of the institution

\$ 21.12

I understand that a false statement of answer to any questions in this affidavit will subject me to penalties for perjury.

Antonio Coley
Signature of Petitioner

STATE OF ARKANSAS

COUNTY OF Lee

Petitioner, Antonio Coley, being first duly sworn under oath, presents that he has read and subscribed to the above and states that the Information therein is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME this 13 day of Aug 2012.

Seccer
Notary Public

My Commission Expires: Dec 01 - 2012



IN THE CIRCUIT COURT OF Lee COUNTY, ARKANSAS

DIVISION

Antonio Coley

PETITIONER

VS

No. _____

STATE OF ARKANSAS

STATE OF ARKANSAS
CORRECTION MEDICAL SERVICES / CORZION, CHIKETA DAVIS RESPONDENT
MARYBETH FLOYD, CHRISTOPHER BOE, WENDY KELLEY, CRYSTAL SIMS
WALTER HOLLOWAY
ORDER GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS

RESPONDENT

ORDER GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS

On this day comes to be heard the petition of _____ prays that he be permitted to prosecute his action in forma pauperis. The Court being satisfied of the truth of the facts alleged and good cause appearing therefore, IT IS HEREBY ORDERED:

1. That _____ be authorized and permitted to prosecute his action against State of Arkansas in forma pauperis.
2. That the Clerk of this Court shall receive and file any necessary forms or pleadings incident to Plaintiff's action without requiring the payment of fees or costs.
3. That the sheriffs of the several counties of the State of Arkansas shall service writs or processes incident to Plaintiff's action without requiring the payment of fees or costs.
4. That no other office shall require of the Plaintiff any fees or costs incident to Plaintiff's action.

JUDGE

DATE _____

Exhibit Label #9

CERTIFICATE

I hereby certify that the Petitioner herein, Antonio Coley #92842, has the sum of \$ 65.64 on account to his credit at the EMU unit where he is confined. I further certify that Petitioner likewise has the following securities to his credit according to the records of said _____ institution:

Shirley Opener 8-9-2012
Authorized Officer of Institution

CERTIFICATE OF SERVICE

I, Antonio Coley, hereby certify that an exact copy of the foregoing has been serviced on the Prosecuting Attorney for Lee County, Arkansas at P.O. Box 365, Forrest City, Ar. 72335, U. S. Postage prepaid on this 13 day of August 20 12.

Antonio Coley
Petitioner
ADC No. 92842

AR DOC
REPORT NO. IBSR146 - 35

CALCULATION OF INITIAL PAYMENT OF
FILING FEE

FROM: 2/2/2012 TO: 08/01/2012

PAGE: 1 of 1
PROCESSED: 08/09/2012 09:41 AM
REQUESTOR: Shelia Ann Oxner

(To be Completed by the Institution of Incarceration)

PLAINTIFF: Antonio Demarion Coley

ADC NUMBER: 092842

FEDERAL COURT CASE NUMBER (IF KNOWN):

TOTAL DEPOSITS FOR LAST (6) MONTHS:	\$150.00
AVERAGE MONTHLY DEPOSIT: (TOTAL DEPOSITS DIVIDED BY 6)	\$25.00
TOTAL BALANCES FOR LAST SIX (6) MONTHS:	\$1,950.05
AVERAGE MONTHLY BALANCE (TOTAL BALANCES DIVIDED BY 6):	\$325.01
CURRENT ACCOUNT BALANCE:	\$65.64

INITIAL PAYMENT OF FILING FEE AS OF: 08/09/2012 \$65.00

(THE GREATER OF THE AVERAGE MONTHLY DEPOSIT OR THE AVERAGE
MONTHLY BALANCE x .20)

DATE: 8-9-2012

AUTHORIZED OFFICIAL:

Shelia Ann Oxner

(NO FILING FEE SHALL BE IN EXCESS OF \$350
FOR A CIVIL LAWSUIT OR \$455 FOR AN APPEAL)

Exhibit label #B

Office of



Mary Ann Wilkinson
CIRCUIT CLERK & EX-OFFICIO RECORDER
OF LEE COUNTY

15 E. Chestnut St., Rm 2

Marianna, AR 72360

Phone: (870) 295-7710 • Fax: (870) 295-7712

DATE: October 2, 2012

PLAINTIFF: Antonio Coley # 92842

RE: CASE # your Complaint

Dear Sir or Madam:

YOU DID NOT FURNISH A ENVELOPE WITH POSTAGE TO RETURN YOUR COPIES - AS A COURTESY I AM SENDING THIS TIME ONLY

YOU DID NOT FURNISH COPIES TO MAIL BACK TO YOU- AS A COURTESY I AM SENDING TO YOU THIS TIME ONLY

IF A SUMMONS IS NEEDED YOU MUST REQUEST IT AND SUPPLY ADDRESS

OTHER: I have enclosed a copy of the Calculation form for you to give to the bookkeeper. When she issues the check for \$165.00 we will file your case and assign it a judge. You will also get a file marked copy of your case. We hold paperwork for 6 months. If we do not receive the check by then we will destroy the paperwork.

ANY PLEADINGS FILED IN YOUR CASE SHOULD BE ACCOMPANIED BY A COPY AND A SELF ADDRESSED STAMPED ENVELOPE FOR YOUR RETURN. ANY LETTER OR REQUEST FOR HEARING WILL BE FORWARDED TO THE TO THE JUDGE ASSIGNED TO YOUR CASE BY THIS OFFICE. ONCE YOUR CASE IS FILED PLEASE CONTACT THIS OFFICE IF YOU ARE PAROLED OR MOVED TO A DIFFERENT LOCATION.

Thank you,

Mary Ann Wilkinson

Exhibit Label #B

CALCULATION OF INITIAL PAYMENT
OF FILING FEEPlaintiff: Antonio ColeyADC NUMBER: 92842Total Deposits for preceding six (6) months
Multiply by 20%\$ 150.00

Initial Partial Filing fee

\$ 30.00

Current Trust Account Balance

\$ 65.64

AUTHORIZATION:

ERHShelby Dwyer8-9-2012

Unit Location:

Agency Official

Date of Approval

In the Circuit Court of Lee County, Arkansas:Antonio Coley

Plaintiff

V. Correction Medical
Services, et al

Case No: _____

Defendant

ORDER SETTING INITIAL
PARTIAL FILING FEE

Now on this day is presented the pleading of the plaintiff, and the Court, having determined that the plaintiff is not indigent. The Court now, in accordance with Act 65 of 2005, hereby find, that the plaintiff is required to pay the statutory filing fee of \$¹⁶⁵~~140~~ for bringing this action. The court assesses and set an initial partial filing fee of \$ 165.

Upon receipt of payment of the above set initial partial filing fee, the Clerk of the Court is authorized and directed to receive for filing plaintiff's pleading.

After payment of the initial partial filing fee, plaintiff will be obligated to pay the balance of the statutory filing of \$¹⁶⁵~~140~~ by making payment of all funds, credited to plaintiff's prison trust account each time the amount in the trust account exceeds \$10 until the statutory filing fee of \$~~140~~¹⁶⁵ is paid in full.

The director of the Arkansas Department of Correction or his designee shall collect plaintiff's funds as directed herein and forward the same to the Clerk of this Court until said statutory filing fee is paid in full.

The Clerk is directed to send an executed copy of this order to the Administrative officer of record of the Arkansas Department of Correction and Unit Location of the Plaintiff as noted herein above.

It is so ordered this 27 day of Sept, 2012.

Judge: Richard L. Hurb

20



Mary Ann Wilkinson
Lee County
CIRCUIT CLERK &
EX-OFFICIO RECORDER
15 E. Chestnut St., Rm 2
MARIANNA, ARKANSAS 72360

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

04 OCT 2012 PM 5 L

B14/02

14-06

Feb 20 1875

Antonio Coley # 92842
EAR 4

PO Box 180

Brickey AR 72320-0180

7232001 10000

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

FEB 26 2014

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center F.A.R.M.

Name A. Coley

ADC# 92842 Brks # 14-6 Job Assignment B1U

3-1-14 (Date) STEP ONE: Informal Resolution

3-4-14 (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 agree with this because it's clear it's mail room fault.

3-1-14 (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: because 16 months has past and I had months to respond from 10-2-12, delay prevented legal filing.

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 2-28-14 I received legal mail mailing date 10-4-12 from Lee County Circuit Court. This 16 month delay has prevent me from meeting a court order deadline that I wasn't aware that occurred. I had from 10-2-12 until 4-2-13 to respond. This is totally unacceptable, another inmate in 14 BKS, 4 other inmates in 18 BKS and 2 other inmates in 11 BKS known of received mail dated 10-4-12 on 2-28-14. It appears this mistake occurred from F.A.R.M. mail room not the U.S. Postal Service. I was able to discover during APC F.A.R.M. pre accreditation clean up since each inmates delay mail dated 10-4-12 received 16 months later on 2-28-14. I am requesting a letter from F.A.R.M. forward to me addressing Lee County Circuit Court this mistake wasn't my fault, that prevented me from properly addressing meeting deadline.

A. Coley
Inmate Signature
3-1-14
Date
MAR 26 2014

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 3/31/14 (date), and determined to be Step One and or an Emergency Grievance

Yes (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: Staff Tyrone Allison 82621 Staff Tyrone Allison 3/31/14

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: The mail was delivered when it was received by the mail room staff end of September

Staff Tyrone Allison 3/31/14 A. Coley 3-4-14

Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on 3/19/14 (date), pursuant to Step Two. Is it an Emergency? No (Yes or No)

Staff Who Received Step Two Grievance: Staff Tyrone Allison Date: 3/19/14

Action Taken: For To Look (Forwarded to Grievance Officer/Warden/Other) Date: 3/19/14

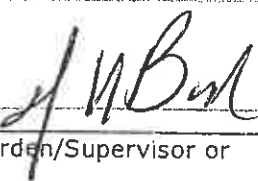
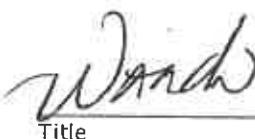
If forwarded, provide name of person receiving this form: Date:

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

IGTT410
3GSINMATE NAME: Coley, Antonio D.ADC #: 092842AGRIEVANCE #: EA-14-00313

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Coley, you grieve on 02/28/2014, you received legal mail which was postdated for 10/04/2012. Your complaint is noted. Documentation reflects on 02/26/2014, Mrs. Roberts, Mailroom Supervisor, did find some mail from the United State Postal Service dated fro October 4, 2012. I find your complaint with merit and corrective action will be taken.

Signature of Warden/Supervisor or
Designee

Title



Date

INMATE'S APPEAL

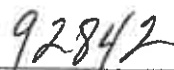
If you are not satisfied with this response, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision 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?

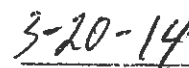
What Corrective Actions
Has Been Taken Doesn't Mention.



Inmate Signature



ADC#



Date

RECEIVED

MAR 26 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

Exhibit Label #0

IGTT430
3GD

Attachment VI

INMATE NAME: Coley, Antonio D.

ADC #: 092842

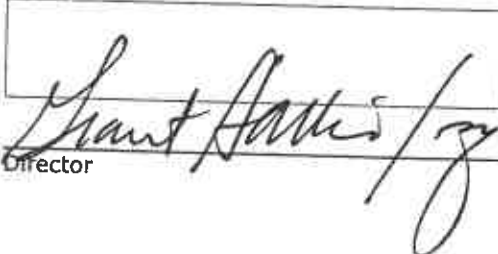
GRIEVANCE#: EA-14-00313

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

I have received your formal grievance appeal dated 03/04/14 in reference to legal mail dated 10/04/2012 that you received.

After reviewing all supporting documentation, I have determined that I concur with the Warden's response of having merit. Ms. Roberts did locate some unprocessed mail in a box when she was checking the inventory of the ink cartridges for the printer. Corrected action was taken and the staff that was responsible for this matter has been terminated.

Appeal denied due to being resolved at the unit level.


Director

5/5/14
Date

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center F.A.H.U.

Name A. Coley

GRIEVANCE/RECEIVED

ADC# 92842 Brks # 14-6 Job Assignment MAR 2 3 2014

FOR OFFICE USE ONLY

GRV. # EA-14-05461

Date Received: 3/27/14

GRV. Code #: 201

3-19-14 (Date) STEP ONE: Informal Resolution EAST AR REGIONAL UNIT

2-26-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: Incident grievance date (3-4-14), grievance written on 3-19-14 (within 15 days) AD 10-32 discipline staff.

(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 3-4-14 mail supervisor

Mrs. Roberts responds to my grievance (EA-14-00313) to Sgt. Allis was falsely given stating mailroom deliver my legal mail when it was received by the mailroom (witness by Sgt. Allis) her statement was untrue concerning a legal letter I received on 2-28-14 that was post dated 10-4-14. Mrs. Roberts stated to Warden Burr found mail from U.S. Postal Service on 2-26-14 post dated 10-4-14. F.A.H.U. mailroom received mail post dated in 2012 in 2012 (16 months earlier than deliver date in 2014). Delivered cause me to miss a April 2, 2013 court deadline (case dismissed). Her falsely statement 1st to Sgt. Allis was given untrue intentionally. To correct to problem Mrs. Roberts need to be removed from F.A.H.U. mailroom as a worker.

A. Coley
Inmate Signature

3-19-14
Date

RECEIVED

APR 17 2014

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 3/21/14 (date), and determined to be Step One and/or Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

Lester A. W. 33356 Lester A. W. 3/21/14
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: you must follow standard protocol and submit your paperwork in a timely manner. Also disciplining of a staff member is beyond your control and of statement.

Staff Signature & Date Returned 3/26/14 SGT. LAM Inmate Signature & Date Received A. Coley 3-26-14

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

Staff Who Received Step Two Grievance: _____ Date: _____

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

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

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

BK14/006L
Attachment IIIIGTT410
3GSINMATE NAME: Coley, Antonio D.ADC #: 092842AGRIEVANCE #: EA-14-00441

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Coley, you grieve Mrs. Roberts need to be removed from the mailroom because you received some mailed postdated 10/04/2012 on 02/28/2014. Mrs. Roberts, Mailroom Supervisor, was not in the mailroom during the time the mail was delivered to the unit. This issue was addressed in EA-14-00313. Please refer to that grievance for your answer.

RECEIVED

APR 17 2014

Signature of Warden/Supervisor or Designee
INMATE GRIEVANCE SUPERVISOR

Date

ADMINISTRATION BUILDING

INMATE'S APPEAL

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

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

EA-14-00313 grievance wasn't concerning the removal of Mrs. Roberts it involved lateness of mail of 16 months, however Mrs. Roberts was assign to E.A.R.U. mailroom in March 2013 late mail was deliver to me on 2-28-14, Mrs Roberts had 11 months herself to deliver mail, mail out on 10-4-12 her responsibility was nelegected during those 11 months.

Inmate Signature

ADC#

Date

I have a post note dated from Sgt. Allis he gotten from Mrs. Roberts where she edearly states she recieve late mail on 2-28-14 date when deliver untrue her responds to EA-14-00313 grievance (Falsifying of Documents) requires Termination I'm requesting her Removal out Mailroom.

Exhibit Label #E

INMATE NAME: Coley, Antonio D.

ADC #: 092842


GRIEVANCE#:EA-14-00441

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

I have received your formal grievance appeal dated 03/04/14 in reference to legal mail dated 10/04/2012 that you received.

After reviewing all supporting documentation, I have determined that I concur with the Warden's response of having merit. Ms. Roberts did locate some unprocessed mail in a box when she was checking the inventory of the ink cartridges for the printer. Corrected action was taken and the staff that was responsible for this matter has been terminated.

Appeal denied due to being resolved at the unit level.


Director

5/5/14
Date

Exbi, Label #E

The mail was
delivered when
it was received
by the mailroom
staff.

copy of
M. F. Roberts
post note
dated 3-4-74
given to Sgt. Allison
for grievance
EA-14-00313 that
was falsly written
after hand
see Exbi Label #E

Exhibit Label #F

East Arkansas Regional Unit Inmate Request Form

Inmate Name (Please Print):

A. Coley

ADC #:

92842

Housing assignment:

14-6

GT Class:

1C

Job Assignment:

B/U

Check the appropriate box for area of concern:

☐ Classification

☒ Mail

☐ Personal Hygiene

☐ Parole

☐ Mental Health

☐ Medical / Infirmary

☐ Bookkeeping (Inmate Money)

☐ GTL Phone System

☐ Law Library

☐ EARU Staff

☐ Visitation

☐ Commissary

☐ Property

☐ Job Assignment

☐ Housing Assignment

☐ Other:

Staff request to:

Mr. Roberts

Office:

E.A.R.U. Mail Room

Please give a detailed summary regarding your request:

would like to know when you started to work in E.A.R.U. mail room as well as who was assigned (working in mail room) in October 4, 2012, til October 31, 2012. I'll respectfully be awaiting your or your office Responda.

Thanking you or your office in advance for their time.

Have you previously spoken with any staff regarding your request: (Circle One) YES ☒ NO

If yes, please state who:

HIA

Date:

4/17

Inmate Signature:

A. Coley

Date: 3-20-14

DO NOT WRITE BELOW THIS LINE

Staff Responding:

Mr. Roberts

Date:

3/24/14

I have reviewed your request and here is my finding:

I am not aware of who was assigned to work in the mailroom on that date.

I am referring this request to:

I consider this issue:

☐ Resolved

☐ Not Resolved

Staff Signature:

Exhibit in 6 label

East Arkansas Regional Unit Inmate Request Form

Inmate Name (Please Print):

A. Coley

ADC #:

92842

Housing assignment:

14-6

GT Class:

1C

Job Assignment:

D/U

Check the appropriate box for area of concern:

- ☐ Classification
- ☐ Mail
- ☐ Personal Hygiene
- ☐ Parole
- ☐ Mental Health
- ☐ Medical / Infirmary
- ☐ Bookkeeping (Inmate Money)
- ☐ GTL Phone System

- ☐ Law Library
- ☒ EARU Staff
- ☐ Visitation
- ☐ Commissary
- ☐ Property
- ☐ Job Assignment
- ☐ Housing Assignment
- ☒ Other: E.A.R.U. Warden Office

Staff request to:

Warden: Burl

Office:

E.A.R.U. Warden Office

Please give a detailed summary regarding your request:

Respectfully seeking to know when Mrs. Roberts started to work in E.A.R.U. Mail Room as well as whom was assign and work in E.A.R.U. Mail Room during the days of October 1st thru 15th of 2012.

Needed for legal reasons A.S.A.P.

Have you previously spoken with any staff regarding your request: (Circle One) YES NO

If yes, please state who:

Yes (Mrs. Roberts, E.A.R.U.)

Date: 3-20-14

Inmate Signature:

A. Coley

Date: 3-25-14

DO NOT WRITE BELOW THIS LINE

Staff Responding:

David Mills

Date:

3/28/14

I have reviewed your request and here is my finding:

Date of assignment to Mail Room was March 2013.

I am referring this request to:

I consider this issue:

- ☒ Resolved
- ☐ Not Resolved

Staff Signature:

David Mills

Exhibit Label # H

March 21, 2014

Dear Mr. Coley,

No, this mail dated October 2012 did not come from this office. You will have to discuss this matter with EARU. If we would had found old mail we would have placed it in an apology envelope or written you an apology letter.

We don't hold mail here at the post office. All mail that comes in on the truck, goes out to where it is addressed, the same day it arrives.

Sincerely,

Cathie L. Fields
Cathie L. Fields
Postmaster

Exhibit Label # 1

Office of



Mary Ann Wilkinson
CIRCUIT CLERK & EX-OFFICIO RECORDER
OF LEE COUNTY

15 E. Chestnut St., Rm 2

Marianna, AR 72360

Phone: (870) 295-7710 • Fax: (870) 295-7712

DATE: May 6, 2014

PLAINTIFF: Antonio Coley # 092842

RE: CASE # your case

Dear Sir or Madam:

YOU DID NOT FURNISH A ENVELOPE WITH POSTAGE TO RETURN YOUR COPIES - AS A COURTESY I AM SENDING **THIS TIME ONLY**

YOU DID NOT FURNISH COPIES TO MAIL BACK TO YOU- AS A COURTESY I AM SENDING TO YOU **THIS TIME ONLY**

IF A SUMMONS IS NEEDED YOU MUST REQUEST IT AND SUPPLY ADDRESS

OTHER: I am sorry to inform you that I looked for your paperwork and it is no longer here. We try to keep documents as long as possible but this has been almost 2 years.

ANY PLEADINGS FILED IN YOUR CASE SHOULD BE ACCOMPANIED BY A COPY AND A SELF ADDRESSED STAMPED ENVELOPE FOR YOUR RETURN. ANY LETTER OR REQUEST FOR HEARING WILL BE FORWARDED TO THE TO THE JUDGE ASSIGNED TO YOUR CASE BY THIS OFFICE. ONCE YOUR CASE IS FILED PLEASE CONTACT THIS OFFICE IF YOU ARE PAROLED OR MOVED TO A DIFFERENT LOCATION.

Thank you,

Mary Ann Wilkinson

NOV 05 2014

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ANTONIO COLEY (ADC 092842)

CLAIMANT

V.

NO. 15-0333-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 4 day of November 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Antonia Coley (ADC 092842)
Maximum Security Unit
2501 State Farm Road
Tucker, AR 72168



LISA MILLS WILKINS Ark. Bar #87190

NOV 10 2014

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Antonio Coley (ADC #092842)

CLAIMANT

V.

NO. 15-0333-CC

ARKANSAS DEPARTMENT OF CORRECTIONS

RESPONDENT

REPLY TO RESPONDENT'S ANSWER

COMES NOW, the Claimant Antonio Coley and for his reply to the Respondent's Answer does so state:

1. Respondent has answered that there has not been an Internal Affairs investigation and that this matter should be held in abeyance until after an investigation has been completed. However, the internal affairs investigation has already been completed concerning this matter. (See Original Complaint.
2. This matter should not be held in abeyance and this claim should move forward without any unnecessary delay.

A.S. Coley wish to attend hearing

Respectfully submitted,

Antonio Coley

Antonio Coley
ADC#092842
Maximum Security Unit
2501 State Farm Road
Tucker, AR 72168

CERTIFICATE OF SERVICE

I, Antonia Coley ADC# 092842 certify that an exact copy of this reply has been served this 7 day of November 2014, on the Respondent's attorney Lisa Mills Wilkins Attorney Supervisor, Post Office Box 8707 Pine Bluff, AR 71611 by placing a copy of the same in the U. S. Mail, postage prepaid.

/s/ Antonia Coley
Antonia Coley

State of Arkansas

County of Jefferson

SUBSCRIBED AND SWORN to before me a Notary Public on this 7 day of November 2014.

My commission expires: 12-26-2015

/s/ Stanley Robinson
Notary Public



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ANTONIO COLEY (ADC #092842)

CLAIMANT

Arkansas Claims Commission

V.

NO. 15-0333-CC

APR 29 2015

ARKANSAS DEPARTMENT OF CORRECTION

RECEIVED

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 an action seeking \$1,500,000.00 for failure to follow policy and negligence alleging that ADC is responsible for him losing his \$1.5 million dollar medical malpractice case in Lee County Circuit Court because he did not receive mail from the clerk's office for 16 months and his case had been dismissed. Claimant has failed to state facts to support his claim under ARCP 12(b)(6) and the claim should be dismissed.
2. Claimant filed suit in Lee County Circuit Court and was mailed a letter advising him that he needed to pay a \$165.00 filing fee or the case would be dismissed. The Claimant never followed up on the status of his case at all because the letter was lost along with several other items of mail and not discovered until 16 months later. His case had been dismissed. Apparently he had taken no action to further his litigation or he would have been advised of its status.
3. This is not a matter of negligence. Arkansas Code Annotated § 19-10-305(a) provides that: "Officers and employees of the State of Arkansas are immune from liability and from suit, except to the extent that they may be covered by liability insurance, for damages for acts or omissions, other than malicious acts or omissions, occurring within the course and scope of their employment."
4. The ADC does not carry liability insurance for the negligent acts of its employees. The mailroom staff members are entitled to state statutory immunity from Claimant's negligence claim. See Williams v. Wade, Case No. 03-573, 2005 WL 1120255 (Ark. May 12, 2005) (unpublished opinion) (affirming the dismissal of a prisoner's claims because the prison officials were entitled to statutory immunity under Ark. Code Ann. § 19-10-305(a)); Feyans v. Norris, 89 S.W.3d 919, 924-25 (Ark. 2002).
5. Both the United States and Arkansas Constitutions grant the State of Arkansas, and its subdivisions, sovereign immunity from suit. See Cooper v. St. Cloud State Univ., 226 F.3d 964, 968 (8th Cir. 2010) (explaining that states are entitled to sovereign immunity, under the Eleventh Amendment of the U.S. Constitution, from pendent state law claims); Ark. Const. Art. 5, § 20 (providing that the State of Arkansas is entitled to sovereign immunity); Landsn Pulaski, LLC v. Arkansas Dept. of Corr., 269 S.W.3d 793, 795 (Ark. 2007) (holding that the sovereign immunity granted by Ark. Const. Art. 5, § 20 extends to the Arkansas Department of Corrections). Thus, Plaintiff's pendent state negligence claim should be dismissed, with prejudice.
6. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(B)(6). Claimant has shown no facts upon which he is entitled to relief and therefore this claim should be dismissed.

WHEREFORE, Respondent prays that this claim be dismissed for all of the reasons and evidence presented above.

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

ANTONIO COLEY (ADC #092842)
TUCKER UNIT
2501 STATE FARM ROAD
TUCKER, AR 722168

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

ENCLOSED
FIND Original
And 3 copies

BEFORE THE ARKANSAS
STATE CLAIMS
COMMISSION

ANTONIO COLEY (ADC#092842) CLAIMANT

V. NO. 15-0333-CC

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

Arkansas
State Claims Commission

MAY 07 2015

RECEIVED

CLAIMANTS RESPONDS/OBJECTIONS
TO RESPONDENTS MOTION TO
DISMISS FILE ON APRIL 28, 2015

COMES NOW the Claimant, Antonio Coley #092842 a prisoner housed in the Ark. Dept. of Corr, and for claimant supporting facts states:

(1) claimant states that state agency Ark. Dept. of Corr. is name the Respondent and state agency involved in claimant complaint concerning the above style case (Refer To Original Complaint File).

(2) State Agency (Ark. Dept. of Corr.) lead by Director Ray Hobbs at complaint filing time should be held for negligence because at time of filing of complaint there was not a policy/procedure within and in every Ark. prison system as to the receiving and issuing of legal correspondence/legal mail in a timely fashion that is recorded by the signature of a receiving inmate and issuing officer/staff.

(3) Eventhough under Ark. Code Annotated § 19-10-305 (a) does allow officers and employees of state of Ark. immune from liability and suit unless there's liability insurance, for damages for acts or omissions, other than malicious acts or omissions, occurring within the course and scope of their employment, however state agency Ark. Dept. of Corr. can be held for Negligence for not having install a policy/procedure in place that would insurer claimant received his legal mail in a timely fashion. by not having such policy/procedure mention cause claimant case to be not process / dismiss by holding claimant legal mail for 16 months, mail that held instructions to be follow within 6 months of mailing date.

(4) Claimant has supporting documents showing claimant had in fact suggested a legal ledger be available to claimant as well as all inmates to ensure out going legal mail and incoming legal mail be deliver / received within a timely fashion to state agency Ark. Dept. of Corr. they responds, not at this time per policy (Policy Quoted I Have Within Responds

(5) No State Agency is immune from claims of NEGLIGENCE nor LIABILITY.

(6) On 11-4-2014 Respondent ask for claimant claims / complaint be dismissed with prejudice (Refer To Respondent Answer To Claimants Complaint dated 11-4-2014),

(7) On 11-5-2014 Director Brenda Wade of Ark. State Claims Commission forward to claimant a letter stating when liability is contested by the Respondent the Only Alternative to claimant is to appear before Commission at an oral hearing so testimony and evidence may be presented to refute the position of the Respondent. If you wish to attend a hearing on this claim, please notify this office in writing within 15 (Fifteen) calendar days from the date of this letter and a hearing will be arranged.

(8) On 11-10-2014 Ark. Claims Commission rec'd my Reply To Respondent's Answer requesting this matter not be held in abeyance and this claim should move forward without any unnecessary delays, and that claimant wish to attend hearing. Claimant responds dated 11-6-2014 rec'd at claims commission office 11-10-2014 (Refer To § 19-10-203. Director's responsibilities (a) (b) Docket Sheet etc.,)

(9) Rule 1.6 Meeting of the Commission held each month. (been 5 months since claimant file complaint)
(No Hearing Date set As of Today)

(10) Ark. Statutes Annotated § 19-10-201 et seq. has exclusive jurisdiction against "state" and its agencies including Department of Correction.

(11) In some instances, the Commission has ruled to award monetary damages when a deficiency is found within a state agency's operations, methods or procedures which is clearly within this claimant's complaint.

(12) Rule 1.5 Communications and Pleading Generally
(f) Specific Agency Named. The specific agency, board, commission, or institution of the "state" must be stated within the complaint and all known officers and/or agents of the state named, here claimant complaint specific names state agency Ark. Dept. of Corr. in complaint as well as Director Hobbs.

WHEREFORE, Claimant prays that Respondents Motion To Dismiss dated 4-28-15 not be granted, that this Arkansas State Claims Commission set a HEARING DATE so that claimant have an Opportunity, to present evidence supporting his complaint proving his claim as mention in letter from this office dated 11-5-2014, that after receiving timely letter from claimant on 11-10-2014 requesting an hearing even though on 11-4-2014 Respondent seek to have claimant complaint dismiss with prejudice, but claimant agreed for a hearing commission ask on 11-5-2014, however no hearing date has been set even though its been 5 months since claimants letter was received in commission's office and commission meets every month.

Respectfully submitted
Antonio Coley #092842
Antonio Coley #092842
P.O. Box 240
Tucker, Ar. 72168-0240

CERTIFICATE OF SERVICE

I certify that a copy of the Claimant Responds/ Objecting To Respondents Motion To Dismiss File On April 28, 2015 has been served this 4 day of May, 2015, on the attorney for Respondant Lisa Wilkins P.O. box 8707 Pine Bluff, Ar. 71611 by placing a copy of the same in the U.S. Mail, regular postage.

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 1,500,000.00

Claim No. 15-0333-CC

<u>Antonio Coley, #092842</u> Claimant		<u>Pro se</u> Claimant	
vs.			
<u>AR Dept. of Correction</u> Respondent		<u>Lisa Wilkins, Attorney</u> Respondent	
<u>State of Arkansas</u>			
<u>Date Filed</u>	<u>October 27, 2014</u>	<u>Type of Claim</u>	<u>Failure to Follow Procedure,</u> <u>Negligence</u>

FINDING OF FACTS

The Claims Commission hereby unanimously denied and dismissed the Respondent's "Motion to Dismiss" and orders this claim be set for hearing.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denied and dismissed the Respondent's "Motion to Dismiss" and orders this claim be set for hearing.

Date of Hearing May 14, 2015

Date of Disposition May 14, 2015

<u>[Signature]</u>	Chairman
<u>[Signature]</u>	Commissioner
<u>[Signature]</u>	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.

In The Arkansas State Claims Commission

Antonio Coley
ADC No. 092842

Claimant
Arkansas
State Claims Commission
OCT 26 2015

V. claim No. 15-0333 - CC

RECEIVED

Arkansas Department
of Correction

Respondent

claimant's Request For Interrogatories
And For Production Of Documents

Come now the claimant in the above style manner and do hereby submit his request for Interrogatories and for the production of Documents propounded to respondent,

Interrogatory No. 1: In regards to the claimant's attached supporting document, to his claim (Label # EX, N) state precisely what part of the DOC policy is being followed.

Production Of Document No. 1: Produce to the claimant any and all documents relied upon in response to Interrogatory No. 1,

pg. 1 of 2 ADC

Interrogatory No. 2: In regards to the claimant's attached supporting documents, to his claim (Label Ex. #0) state precisely what policy states no records be kept of incoming or out going privileged correspondence as well as what corrective actions were taken.

Production Of Documents No. 2: Produce to the claimant any and all documents relied upon in response to Interrogatory No. 2.

Certificate Of Services

I, Antonio Coley, do hereby certify that I have served a copy of the foregoing request for Interrogatories and for the Production of Documents upon the respondent this 23 day of October 2015, by mailing the same, with U.S. postage prepaid to the respondent's attorney at: Lisa Mills Wilkins, Ark, Bar #87190

P.O. Box 8707
Pine Bluff, Ar. 71611

Antonio Coley
Antonio Coley #092842
P.O. Box 1000
Wrightsville, Ar. 72183

Pg. 2 of 2

East Arkansas Regional Unit Inmate Request Form

Inmate Name (Please Print):

A. Coley

ADC #:

92842

Housing assignment:

14-06

GT Class:

1C

Job Assignment:

N/A Med.

Check the appropriate box for area of concern:

- ☐ Classification
- ☐ Mail
- ☐ Personal Hygiene
- ☐ Parole
- ☐ Mental Health
- ☐ Medical / Infirmary
- ☐ Bookkeeping (Inmate Money)
- ☐ GTL Phone System

- ☐ Law Library
- ☒ EARU Staff
- ☐ Visitation
- ☐ Commissary
- ☐ Property
- ☐ Job Assignment
- ☐ Housing Assignment
- ☐ Other:

Staff request to:

Warden Burl

Office:

EARU Warden's

Please give a detailed summary regarding your request:

Sir, I'm respectfully requesting if you would consider allowing a legal log wedger to be use for confirmation of out going and in coming legal mail. This would ensure notice of mail (Legal) going and coming.

It appears there's noway for an inmate to prove timely in coming and out going mail meeting deadlines. This Method has been use at other units and appears to work. I've personal been having problems with my legal mail during 2012/2013.

Have you previously spoken with any staff regarding your request: (Circle One) YES NO

If yes, please state who:

N/A

Date:

N/A

Inmate Signature:

A. Coley

9-9-13

DO NOT WRITE BELOW THIS LINE

Staff Responding:

DAVID MILLS

Date:

9/12/13

I have reviewed your request and here is my finding:

Inmate Coley, I appreciate your suggestion. At this time this will not occur. Arkansas DOC policy is being followed.

I am referring this request to:

N/A

I consider this issue:

☒

Resolved

☐

Not Resolved

Staff Signature:

DAVID MILLS

Ex. # V

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center E.A.R.U.

Name A. Coley

ADC# 92842

Brks # 14

JOB ASSIGNMENT EAST ARIZONA UNIT Med.

SEP 16 2013

FOR OFFICE USE ONLY

GRV. # 2013-01810

Date Received: 9/16

GRV. Code #: 712

9-10-13 (Date) STEP ONE: Informal Resolution

9-13-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: What records are kept

9-10-13 (Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: Legal letters pertaining to

legal matters.
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): my legal mail has been open

not in my parents sign open by mistake, return stating
2 signatures needed when clearly 2 authorize signatures
where indeed already sign latest incident on 9-9-13.

It appears there's no way for an inmate to prove
timely in coming and out going mail (legal), meeting deadlines etc.

To solve these issues a Legal Log Ledger should
be used for confirmation of out going and in coming legal
mail. This would ensure notice of legal mail going and
coming requiring both inmate and ADC staff signatures. There's no way
for an inmate to prove timely in coming/out going mail. This method
has been used at other units and appears to work.

A. Coley

Inmate Signature

9-10-13

Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

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

Teresa Davis 58123 Teresa Davis 9/10/13
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: Policy states no records be kept
of incoming or outgoing privileged correspondence.

A. Coley 9-13-13
Staff Signature & Date Returned 9/13/13 Inmate Signature & Date Received RECEIVED

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

Staff Who Received Step Two Grievance: _____ Date: OCT 24 2013

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

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

ADMINISTRATIVE SUPERVISOR
ADMINISTRATION BUILDING

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; **BLUE**-Grievance Officer; **ORIGINAL**-Given back

Ex #0

BK 14-06

Attachment III

IGTT410
3GS

INMATE NAME: Coley, Antonio D.

ADC #: 092842A

GRIEVANCE #: EA-13-01818

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Coley, you grieve when you received your legal mail it was opened. Your complaint is noted. Ms. Roberts, Mailroom Supervisor, stated if legal mail is opened in the mailroom a 005 is written. Therefore, I find your complaint with merit and corrective action will be taken.

[Signature]

Signature of Warden/Supervisor or Designee

[Signature]

Title

10/6/13

Date

INMATE'S APPEAL

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

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

What corrective action have been taken, No legal log books have been used as of this date, No memo has been posted stating I authorize signatures are required for sealing and mailing of legal mail or privileged correspondence. It's against policy and law to open legal mail not in the presence of the inmate.

Inmate Signature

A. Coley

ADC#

92842

Date

10-11-1

RECEIVED

OCT 24 2013

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

Ex, #0

IGTT430
3GD

Attachment VI

INMATE NAME: Coley, Antonio D.

ADC #: 092842

GRIEVANCE#:EA-13-01818

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

I have received your formal grievance dated 09/13/13 in reference to receiving your legal mail previously opened.

After reviewing all supporting documentation, I have determined that I concur with the Warden's response of having merit. Per policy, it is prohibited to keep a log of incoming and outgoing legal mail so your request is not possible.

Appeal denied due to corrective action being taken at the unit level.

By way of this complaint, I am instructing the unit warden to forward a copy of the corrective action to my office.

17M7

Director

Date

12.26.13

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ANTONIO COLEY (ADC #092842)

CLAIMANT

V.

NO. 15-0333-CC

ARKANSAS DEPARTMENT OF CORRECTION


RESPONDENT

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

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

1. Interrogatory No. 1: Objection. This is attorney work product and calls for a legal conclusion.
2. Interrogatory No. 2: See response above.
3. Interrogatory No. 3: There is no policy that negatively states no record be kept of incoming or outgoing privilege correspondence. Claimant is not entitled to know what corrective action was taken against any staff member as it is a breach of the safety and security of the institution.
4. Request for Production No. 2: Objection. This is not a policy which the claimant is entitled to have because it concerns the staff and not inmates. Claimant does not have any need for this policy.

Respectfully submitted,
Department of Correction Office of Counsel


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

Arkansas
State Claims Commission

NOV 19 2015

RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of the DISCOVERY RESPONSE has been served this 19 day of November, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

ANTONIO COLEY (ADC #092842)
WRIGHTSVILLE UNIT
P. O. Box 1000
WRIGHTSVILLE, AR 72183-1000


LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION DOCKET
OPINION

1,500,000.00

15-0333-CC

Amount of Claim \$ _____

Claim No. _____

Antonio Coley #092842

Attorneys

Pro se

Claimant

Claimant

vs.

AR Department of Corrections

Lisa Wilkins, Attorney

Respondent

Respondent

State of Arkansas

October 27, 2014

Date Filed _____

Type of Claim _____

Negligence, Failure to Follow
Procedure

FINDING OF FACTS

This claim was filed for the negligence and failure to follow procedure in the amount of \$1,500,000.00 against Arkansas Department of Corrections.

Present at a hearing December 9, 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.

December 9, 2015

Date of Hearing _____

December 9, 2015

Date of Disposition _____

Chairman

Commissioner

Commissioner

JAN 04 2016

RECEIVED

Antonio Coley #092842

Claimant

vs Claim No. 15-0333-CC

Ar. Dept. of Corrections et al., Respondent

Motion For Reconsideration

Come now the claimant in the above style claim and do herein submit his request for Reconsideration of the State Claims Commission Docket Opinion denying and dismissing this claim for claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent hearing date December 9, 2015 to support claimant claims for Reconsideration claimant states:

(1) Claimant has shown/proven a Preponderance of evidence.

A. Agency, Ar. Dept. of Corr. mail policy is denying claimant due-process thru their AR's and AD's policies pertaining to legal mail incoming and out going mail. (see exhibit #A, #B and #E to the courts,

B. Agency, Ar. Dept. of Corr. or their attorney Lisa Mills Wilkins Ark. bar #87190

pg. 2 of 2

has falsified legal document to this claims commission of Arkansas to get a favorable judgment, Exhibit A and Exhibit B states Doc policy is being followed, policy states no records be kept of incoming or outgoing privileged correspondence but Exhibit C #3 clearly states There is no policy that negatively states no record be kept of incoming or outgoing privilege correspondence refer to exhibit C

C Agency Ari. Dept. of Corr. stated claimant received this mention legal mail when mail room received mail mention see exhibit D but exhibit E and Exhibit F agree with claimant that claimant received mention legal mail 16 months late causing claimant malpractice lawsuit not to be process by claimant for not following courts instructions see exhibit G

D Agency mailroom supervisor deliver 16 months late legal mail was assign to mailroom in March 2013 around 11 months before delivery of late mail claimant received on 2-28-14 that was mail 10-4-12 see Exhibit H.

Therefore, claimant pray this claims commission set aside its December 9, 2015 docket opinion and award claimant \$15,000 thousand dollars of the \$1.5 million dollars claimant was seeking in his Malpractice Law suit the amount claimant was seeking within this claim within the Ari. State Claims Commission is acceptable if awarded. Claimant will consider \$7500 hundred dollars.

Respectfully Submitted

Date: 12-29-2015

Antonio Coley

Old Mills

Exhibit A

East Arkansas Regional Unit Inmate Request Form

Inmate Name (Please Print):

A. Coley

ADC #:

92842

Housing assignment:

14-06

GT Class:

1C

Job Assignment:

U/A Med.

Check the appropriate box for area of concern:

☐ Classification

☐ Mail

☐ Personal Hygiene

☐ Parole

☐ Mental Health

☐ Medical / Infirmary

☐ Bookkeeping (Inmate Money)

☐ GTL Phone System

☐ Law Library

☒ EARU Staff

☐ Visitation

☐ Commissary

☐ Property

☐ Job Assignment

☐ Housing Assignment

☐ Other:

Staff request to:

Warden Burl

Office:

EARU Warden's

Please give a detailed summary regarding your request:

Sir, I'm respectfully requesting if you would consider allowing a legal log ledger to be use for confirmation of out going and in coming legal mail. This would ensure notice of mail (legal) going and coming.

It appears there's noway for an inmate to prove timely in coming and out going mail meeting deadlines. This method has been use at other units and appears to work. I've personal been having problems with my legal mail during 2012/2013.

Have you previously spoken with any staff regarding your request: (Circle One) YES NO

If yes, please state who:

N/A

Date:

N/A

Inmate Signature:

A. Coley

9-9-13

DO NOT WRITE BELOW THIS LINE

Staff Responding:

DAVID MILLB

Date:

9/12/13

I have reviewed your request and here is my finding:

Inmate Coley, I appreciate your suggestion. At this time this will not occur. Arkansas DOC Policy is being followed.

I am referring this request to:

N/A

I consider this issue:

☒ Resolved

☐ Not Resolved

Staff Signature:

DAVID MILLB

Exhibit B

UNIT LEVEL GRIEVANCE FORM (Attachment D)

Unit/Center E.A.R.U.

SEP 16 2013

Name A. Coley

ADC# 92842

Brks # 14

EAST AR REGION Job Assignment MIA Med.

FOR OFFICE USE ONLY	
GRV. #	<u>2013-01810</u>
Date Received:	<u>9/16</u>
GRV. Code #:	<u>712</u>

9-10-13 (Date) STEP ONE: Informal Resolution

9-13-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: What records are kept

9-10-13 (Date) EMERGENCY GRIEVANCE: An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: Legal letters pertaining to legal matters.

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): My legal mail has been open

not in my parents sign open by mistake, return stating 2 signatures needed when clearly 2 authorize signatures where indeed already sign latest incident on 9-9-13.

It appears there's no way for an inmate to prove timely in coming and out going mail (legal), meeting deadlines etc.

To solve these issues a Legal Log Ledger should be used for confirmation of out going and in coming legal mail. This would ensure notice of legal mail going and coming requiring both inmate and ADC staff signatures. There's no way for an inmate to prove timely in coming/out going mail. This method has been used at other units and appears to work.

A. Coley

9-10-13
Date

Inmate Signature

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

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

Teresa Davis 58123 Teresa Davis
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature

9/10/13
Date Received

Describe action taken to resolve complaint, including dates: Policy states no records be kept of incoming or outgoing privileged correspondence.

A. Coley 9-13-13
Staff Signature & Date Returned 9/13/13 Inmate Signature & Date Received RECEIVED

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No) Date: OCT 24 2013

Staff Who Received Step Two Grievance: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

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

INMATE GRIEVANCE SUPERV

ADMINISTRATION ORIGINAL-G: 55

Exhibit C

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ANTONIO COLEY (ADC #092842)

CLAIMANT

V.

NO. 15-0333-CC

ARKANSAS DEPARTMENT OF CORRECTION

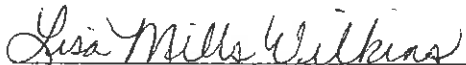
RESPONDENT

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

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

1. Interrogatory No. 1: Objection. This is attorney work product and calls for a legal conclusion.
2. Interrogatory No. 2: See response above.
3. Interrogatory No. 3: There is no policy that negatively states no record be kept of incoming or outgoing privilege correspondence. Claimant is not entitled to know what corrective action was taken against any staff member as it is a breach of the safety and security of the institution.
4. Request for Production No. 2: Objection. This is not a policy which the claimant is entitled to have because it concerns the staff and not inmates. Claimant does not have any need for this policy.

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

ANTONIO COLEY (ADC #092842)

WRIGHTSVILLE UNIT

P. O. Box 1000

WRIGHTSVILLE, AR 72183-1000



LISA MILLS WILKINS Ark. Bar #87190

Exhibit Label # D

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center F.A.R.M.

Name A. Coley

ADC# 92842

Brks # 14-6

Job Assignment B1U

GRIEVANCE/RECEIVED

MAR 05 2014

EAST AR REGIONAL UNIT

FOR OFFICE USE ONLY

GRV. # EA-14-00313
Date Received: 3-5-14
GRV. Code #: 307

3-1-14 (Date) STEP ONE: Informal Resolution

3-4-14 (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 agree with this responds its clear its mail room fault.

3-1-14 (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: because 16 months has past and I had 6 months to responds from 10-2-12, delay prevented legal filling.

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 2-28-14 I received legal mail, mailing date 10-4-12 from Lee County Circuit Court. This 16 months delay has prevent me from meeting a court order deadline that I wasn't aware that occurred. I had from 10-2-12 until 4-2-13 to respond. This is totally unacceptable, another inmate in 14 BKS, 4 other inmates in 18 BKS and 2 other inmates in 11 BKS known of received mail dated 10-4-12 on 2-28-14. It appears this mistake occurred from F.A.R.M. mail room not the U.S. Postal Service. I can't discover during ADC F.A.R.M. Accreditation clean up since each inmates delay mail dated 10-4-12 received 16 months later on 2-28-14. I'm requesting a letter from F.A.R.M. forward to me addressing Lee County Circuit Court this mistake wasn't my fault that prevented me from properly addressing meeting deadline.

A. Coley
Inmate Signature
Date 3-1-14

3-1-14 MAR 26 2014

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 3/31/14 (date), and determined to be Step One and or an Emergency Grievance Yes (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: Staff Tyrone Allison Date 3/31/14

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: The mail was delivered when it was received by the mail room staff. End of statement

Staff Tyrone Allison A. Coley
Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on 3/19/14 (date), pursuant to Step Two Is it an Emergency? No (Yes or No)

Staff Who Received Step Two Grievance: Staff Tyrone Allison Date: 3/19/14

Action Taken: For To Look (Forwarded to Grievance Officer/Warden/Other) Date: 3/19/14

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

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

Exhibit Label # E

INMATE NAME: Coley, Antonio D.

ADC #: 092842

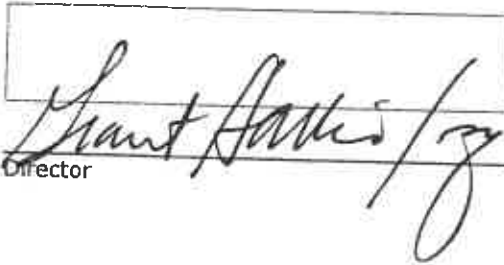
GRIEVANCE#: EA-14-00313

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

I have received your formal grievance appeal dated 03/04/14 in reference to legal mail dated 10/04/2012 that you received.

After reviewing all supporting documentation, I have determined that I concur with the Warden's response of having merit. Ms. Roberts did locate some unprocessed mail in a box when she was checking the inventory of the ink cartridges for the printer. Corrected action was taken and the staff that was responsible for this matter has been terminated.

Appeal denied due to being resolved at the unit level.


Director

5/5/14
Date

3/17/2014

Exhibit Label # F

eOMIS - Arkansas - eOMIS Production V8 - Prod12

BKKH/0006

IGTT410
3GS

Attachment III

INMATE NAME: Coley, Antonio D.

ADC #: 092842A

GRIEVANCE #: EA-14-00313

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Coley, you grieve on 02/28/2014, you received legal mail which was postdated for 10/04/2012. Your complaint is noted. Documentation reflects on 02/26/2014, Mrs. Roberts, Mailroom Supervisor, did find some mail from the United State Postal Service dated fro October 4, 2012. I find your complaint with merit and corrective action will be taken.

J. H. B. M.
Signature of Warden/Supervisor or
Designee

Warden
Title

3/17/14
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?

What corrective Actions
Has Been Taken Doesn't Mention.

A. Coley

Inmate Signature

92842

ADC #

3-20-14

Date

RECEIVED

MAR 26 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

Exhibit Label # 6

Office of



Mary Ann Wilkinson
CIRCUIT CLERK & EX-OFFICIO RECORDER
OF LEE COUNTY

15 E. Chestnut St., Rm 2

Marianna, AR 72360

Phone: (870) 295-7710 • Fax: (870) 295-7712

DATE:

October 2, 2012

PLAINTIFF:

Antonio Coley # 92842

RE:

CASE # Your Complaint

Dear Sir or Madam:

YOU DID NOT FURNISH A ENVELOPE WITH POSTAGE TO RETURN YOUR COPIES - AS A COURTESY I AM SENDING THIS TIME ONLY

YOU DID NOT FURNISH COPIES TO MAIL BACK TO YOU- AS A COURTESY I AM SENDING TO YOU THIS TIME ONLY

IF A SUMMONS IS NEEDED YOU MUST REQUEST IT AND SUPPLY ADDRESS

OTHER: I have enclosed a copy of the Calculation form for you to give to the bookkeeper. When she issues the check for \$165.00 we will file your case and assign it a judge. You will also get a file marked copy of your case - the hold paperwork for 6 months. If we do not receive the check by then we will destroy the paperwork.

ANY PLEADINGS FILED IN YOUR CASE SHOULD BE ACCOMPANIED BY A COPY AND A SELF ADDRESSED STAMPED ENVELOPE FOR YOUR RETURN. ANY LETTER OR REQUEST FOR HEARING WILL BE FORWARDED TO THE TO THE JUDGE ASSIGNED TO YOUR CASE BY THIS OFFICE. ONCE YOUR CASE IS FILED PLEASE CONTACT THIS OFFICE IF YOU ARE PAROLED OR MOVED TO A DIFFERENT LOCATION.

Thank you,

Mary Ann Wilkinson

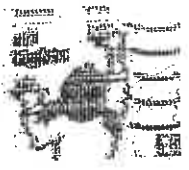
Exhibit Label # 6



Mary Ann Wilkinson
Lee County
CIRCUIT CLERK &
EX-OFFICIO RECORDER
15 E. Chestnut St., Rm 2
MARIANNA, ARKANSAS 72360

MEMPHIS TN 380

09 OCT 2012 PM 5 L



B14/00

14-06

Antonio Coley # 92842

EARLY

PO Box 180

Brickley AR 72320-0180

FEB 28 2014

C. K. Lee
28 Feb 2014

72320018080

Barcode

Exhibit G

OF NO FAULT of my own, I was not given a chance to properly meet the requirements in the allotted time frame of 6 months because I was not aware due to the delay of letter reaching me.

I'm requesting this unit mailroom to forward a letter address to this court explaining there fault address ~~to the court~~ ~~and~~ in the letter delay reaching me as at least 8 other inmates receive letters on 2-28-14 dated postmark October 4, 2012 that was found in Unit Mailroom 16 months later.

I'm therefore asking your office/this court to appoint me another time frame to meet the requirements and filing fees requested in mention letter that was delay by 16 months to reach me.

I'll respectfully be awaiting your or your office responds. Thanking you and your office in advance for your time.

Sincerely,
Mr. Antonio Calera

Exhibit 6

To: Mary Ann Wilkinson
(Circuit Clerk/Ex-Officio Recorder)
(Of Lee County)
15 E. Chestnut St., Rm 2
Marianna, Ar. 72360

Date: 3-3-14

From: Antonio Coley
ADC #92842
P.O. Box 180
Brickeys, Ar. 72360

Re: (Delay of Legal Mail, preventing Timely
Responses and Paid Filing Fees)

Dear, Mr. Wilkinson re: Who It May Concern,

I received a letter from your office on
February 28, 2014, letter dated October 2, 2012
mail on October 4, 2012 (but Mark Date) (16 months
late). E.A.K.V. / Brickeys Unit stamp date 2-28-14
as well as delivering officer (Captain Ford) sign and
dated mention letter 2-28-14 when I received
letter.

Enclosed is a copy letter contents
I received on 2-28-14.

Pg. 1 of 2

63

Exhibit Label # 6

my
Hand Written copy
Mail Original copy

Office of

Mary Ann Wilkinson

CIRCUIT CLERK & EX-OFFICIO RECORDER
OF LEE COUNTY

15 E. Chestnut St., Rm 2

Marianna, Ar. 72360

Phone: (870) 295-7710 • Fax: (870) 295-7712

DATE: May 6, 2014

PLAINTIFF: Antonie Coley #092942

RE: CASE # your case

Dear Sir or Madam:

YOU DID NOT FURNISH ENVELOPE WITH
POSTAGE TO RETURN YOUR etc...

OTHER: I am sorry to inform you that I
looked for your paperwork and it is no longer
here. We try to keep documents as long
as possible but this has been almost 2 years.

Thank you,

Mary Ann Wilkinson

Exhibit # H Label

East Arkansas Regional Unit Inmate Request Form

Inmate Name (Please Print):

A. Coley

ADC #:

92842

Housing assignment:

14-6

GT Class:

1C

Job Assignment:

B/U

Check the appropriate box for area of concern:

- ☐ Classification
- ☐ Mail
- ☐ Personal Hygiene
- ☐ Parole
- ☐ Mental Health
- ☐ Medical / Infirmary
- ☐ Bookkeeping (Inmate Money)
- ☐ GTL Phone System

- ☐ Law Library
- ☒ EARU Staff
- ☐ Visitation
- ☐ Commissary
- ☐ Property
- ☐ Job Assignment
- ☐ Housing Assignment
- ☒ Other: Earl's Warden Office

Staff request to:

Warden: Earl

Office:

Earl's Warden Office

Please give a detailed summary regarding your request:

Respectfully seeking to know when Mrs. Roberts started to work in Earl's Mail Room as well as when was assigned and work in Earl's Mail Room during the days of October 1st thru 15th of 2012.

Needed for legal reasons A.S.A.P.

Have you previously spoken with any staff regarding your request: (Circle One) YES NO

If yes, please state who:

Yes (Mrs. Roberts, Earl's)

Date: 3-20-14

Inmate Signature:

A. Coley

Date: 3-25-14

DO NOT WRITE BELOW THIS LINE

Staff Responding:

David Mills

Date:

3/28/14

I have reviewed your request and here is my finding:

Date of assignment to Mail Room was March 2013.

I am referring this request to:

I consider this issue:

- ☒ Resolved
- ☐ Not Resolved

Staff Signature:

David Mills

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 1,500,000.00

Claim No. 15-0333-CC

Antonio Coley, #092842 Claimant vs. Pro se Claimant
Attorneys

AR Dept. of Correction Respondent Lisa Wilkins, Attorney Respondent
State of Arkansas

Date Filed October 27, 2014 Type of Claim Failure to Follow Procedure,
Negligence

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 December 9, 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 December 9, 2015 order remains in effect.

Date of Hearing January 14, 2016

Date of Disposition January 14, 2016

H. Moore Chairman
W. Strother Commissioner
Bill Jannet Commissioner

66

Antonio Coley #092842

claimant

vs claim No. 15-0333-CC

Ar. Department Of Corrections et. al. Respondent

Amended
Claimant Appeal To Arkansas
General Assembly Of State
Claims Commission December
9, 2015 Decision Denying/Dismissing
Claimant Claims Against Agency
Ar. Dept. Of Corr. Etc. Al Under

Arkansas
State Claims Commission
JAN 20 2016

RECEIVED

Act #33 Of 1997 Found In Ar. Code Ann. §19-10-211

Comes now the claimant in the above
style, claim and do herein submit his appeal
for reversal of the State Claims Commission
Docket Opinion denying and dismissing claimant
claim, against the Respondent on December 9, 2015
at its hearing

In support of claimant claim claimant states:

1. Claimant has shown/proven a Preponderance
of Evidence.

2. Agency Ar. Dept. Of Corr. mail policy has denied
claimant Due-Process thru their AR's and AD's
policies pertaining to incoming and outgoing legal
mail (see Exhibit A, B and E to the courts.

3 Agency, Ar. Dept. Of Corr, or their attorney Lisa Mills Wilkins Ark. Bar #87190 has falsified legal documents to this claims commission of Arkansas, to get a favorable judgment, Exhibit A and Exhibit B and E states DOC policy is being followed, policy states no records be kept of incoming or outgoing privileged correspondence but Exhibit C #3 clearly states There is no policy that negatively states no record be kept of incoming or outgoing privilege correspondence refer to exhibit C.

4 Agency Ar. Dept. Of Corr, stated claimant received this mention legal mail when mailroom received mail mention see exhibit D but exhibit E and Exhibit F agree with claimant that claimant received mention legal mail 16 months late causing claimant Malpractice Law suit not to be process it state court by claimant for not following courts instructions see Exhibit G.

5 Agency mailroom supervisor deliver 16 months late legal mail was assign to mailroom in March 2013 around 11 months before delivery of late mail claimant received on 2-28-14 that was mail 10-4-12 see Exhibit H.

6 Claimant was denied cross examination of respondents (They Were Not Present As Required), Claimant given 3 to 5 mins. To Present Evidence. Wasn't Enough Time To Present Evidence, 2 of 3

Therefore, claimant pray this
Arkansas General Assembly of State
grant claimant appeal, award claimant between
\$7,500 dollars to \$17,500 dollars of the sought
\$1.5 million dollars sought in claimant's Malpractice
Lawsuit and what claimant was seeking within
claimant claim in Ar. State Claims Commission.

Respectfully submitted
Antonio Coley

ADC.

Date: 1-19-2016

Note: Claimant "Motion for Reconsideration,"
was denied on 1-14-2016 by Ar. State
Claims Commission. Claimant has filed
Amended Appeal to this Ar. General
Assembly within required 20 calendar
days from the opinion denying claimant
"Motion for Reconsideration" to Claims
Commission.