



STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Arron Lewis v. Department of Correction, No. 16-0237-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: January 6, 2015
Amount Claimed: \$15,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate was strip searched before coming in from the yard while he was being housed in isolation. It was very cold outside and the guard was taunting the inmate while the inmate removed his clothing. The inmate informed the ADC guard that he was going to file a grievance based on the guard's behavior. While walking back to the inmate's cell, the guard purposefully tripped the inmate, who was in full restraints, causing him to fall and injure his right shoulder, which became dislocated. The inmate now seeks damages for personal injury, pain and suffering, and negligence.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate has failed to state facts upon which relief may be granted. Specifically, the inmate has failed to show which procedure the ADC violated by searching him in cold weather. Further, the ADC would offer proof that the threat of grievances are hardly a reason for retaliation, given the number of grievances that are filed daily in the ADC. Moreover, the ADC would offer testimony by ADC personnel that there was no tripping and that the officers actually tried to grab the inmate to protect him from falling when he tripped on his own. Last, the inmate has been treated for shoulder dislocations since 2012.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion.



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Legal Summary for Agenda Item G2

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Cedric Austin v. Department of Correction, No. 15-0575-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: September 6, 2014

Amount Claimed: \$15,000.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate was suffering from a nosebleed for several days which required medical attention not only from the ADC infirmary but UAMS as well. On the day in question, the inmate was attempting to go to the infirmary because his nose was bleeding uncontrollably. However, he was ordered to return to his bunk by an ADC guard, despite the inmate's explanation that he could not stop bleeding. The guard even refused to contact the infirmary to verify the inmate's condition. It was not until sometime later that he was permitted to visit the infirmary, which in turn sent the inmate to the medical facility at the Ouachita Regional unit where he was given three (3) pints of blood. The actions of the ADC resulted in a serious medical emergency and the inmate now seeks damages for failure to follow procedure and negligence.

Agency Response: The ADC generally denied the allegations.

Opinion of the Claims Commission: After a hearing on the matter, the commission found that the inmate failed to show that the ADC was liable by a preponderance of the evidence. A motion for reconsideration was likewise denied.



STATE OF ARKANSAS
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Legal Summary for Agenda Item G3

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Charles Winston v. Department of Correction, No. 16-0458-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: June 14, 2014
Amount Claimed: \$659.62
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate filed a grievance with the ADC that the ADC in turn contended contained a threat to ADC personnel as well as contained contraband. This was done in retaliation for the inmate's filing a claim as the grievance contained no threat. This retaliation was further demonstrated when the inmate had numerous items of personal property confiscated for allegedly being contraband, even though the inmate was not provided a confiscation form. Among the items confiscated and destroyed were family photographs and legal documents. The inmate now seeks damages for loss of property and failure to follow procedure.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate has failed to state a claim upon which relief may be granted. Specifically, the inmate was given a disciplinary for making a threat to an ADC employee and when he was being locked up his personal property was inventoried in his presence. This personal property contained numerous items of contraband, including numerous papers, books, and magazines that did not belong to him, as well as altered property and numerous loose over the counter medications. The inmate has no right to any of this contraband material and has provided no proof that family photographs were either confiscated or destroyed. Moreover, the commission has no jurisdiction over administrative or agency operations.

Opinion of the Claims Commission: The commission unanimously granted the ADC's motion to dismiss for the reasons set out in the motion. A motion for reconsideration was likewise denied.



STATE OF ARKANSAS
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Legal Summary for Agenda Item G4

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Christopher Dismuke v. Department of Correction, No. 16-0393-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: July 15, 2015
Amount Claimed: \$3,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate claims certain items of personal property -- including books, paper, a radio, and sweat pants -- went missing the day he was transferred to isolation. The ADC later found some of the items but many are still missing. He now seeks damages for loss of personal property.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate has failed to state a claim upon which relief may be granted. Specifically, the day the inmate was taken to isolation, he was admittedly on some sort of intoxicant and had a confrontation with ADC officers. His personal property at that time was unsecured and while ADC personnel attempted to pack it up, the items were subject to theft by other inmates. Moreover, several of the items the inmate identified as missing would be considered contraband, not sold in the commissary, or were not identified as being his property on previous inventories, which would mean he obtained the items by unlawful means. Ultimately, the inmate has not shown that he is missing any item for which the ADC is liable.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion.



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Legal Summary for Agenda Item G5

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE
FROM: BLR Legal Staff
SUBJECT: Summary of legal issues
Dave Stephens v. Department of Correction, No. 15-0929-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: October 22, 2014
Amount Claimed: \$567.40
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate was in possession of thirty (30) packs of AA batteries which he had lawfully purchased since 2011 at the commissary. The batteries were confiscated as contraband and he was written up for a disciplinary violation. However, he was ultimately found not guilty of the disciplinary. The batteries, however, were destroyed. He now seeks damages for loss of property and for the undue hardship that losing that property has caused him.

Agency Response: The ADC filed a motion to dismiss, arguing that the disciplinary was reversed due to an incorrect charge, but that this fact is immaterial to the fact that the inmate was in possession of contraband, which may be taken and destroyed even in the absence of a disciplinary. Old batteries are considered contraband. Ultimately, the inmate's disciplinary was reversed, his privileges and any lost good time were restored, and he has been made whole. As such, the inmate has failed to state facts upon which relief may be granted.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion. A motion for reconsideration was likewise denied.



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Legal Summary for Agenda Item G6

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE
FROM: BLR Legal Staff
SUBJECT: Summary of legal issues
Dra'Kease Hall v. Department of Correction, No. 16-0107-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: June 20, 2014

Amount Claimed: \$5,000.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate was demoted to Class IV status due to a disciplinary violation and was prohibited from moving up to Class III for one (1) year. However, the inmate still had a Class IV status after one (1) year even though other inmates similarly situated had been given an increase in class status. As such, the inmate alleges the ADC failed to follow procedure and seeks damages.

Agency Response: The ADC filed a motion to dismiss, arguing that the administration of prisons is generally beyond the scope of the courts and the Supreme Court of Arkansas has declined to dictate the operations of the Department of Correction. Moreover, the inmate was elevated to Class III shortly after his complaint was filed, so the issue has been resolved. As such, the inmate has failed to state a claim upon which relief may be granted.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion.



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Legal Summary for Agenda Item G7

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE
FROM: BLR Legal Staff
SUBJECT: Summary of legal issues
Deverick Scott v. Department of Correction, No. 15-0938-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: February 2, 2015
Amount Claimed: \$5,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate is a prison lawyer and asked an ADC guard to deliver some legal documents to another ADC inmate. The ADC guard did not deliver the documents but instead put them in the control booth. Later, the inmate went to get the documents but they were not in the control booth. Because his legal documents are now lost the inmate cannot file an appeal in a case he had brought against a third party. The inmate contends that the ADC is liable for loss of property, negligence, and failure to follow procedures and seeks damages in an amount for which he would have settled the case against the third party.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate has failed to state a case upon which relief may be granted. Specifically, the inmate's request for an ADC guard to deliver items to another inmate is of itself illegal trafficking and trading. As such, the documents were contraband and the contraband was destroyed.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion. A motion for reconsideration was likewise denied.



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Legal Summary for Agenda Item G8

Marty Garrity, Director
Kevin Anderson, Assistant Director
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Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Deverick Scott v. Department of Correction, No. 16-0155-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: Claim #1: October 1, 2012; Claim #2: March 19, 2013; and
Claim #3: July 14, 2013

Amount Claimed: Claim #1: \$380.00; Claim #2: \$555.00; and Claim #3: \$85.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate has three (3) separate property-related claims for which he alleges the ADC failed to follow procedure and lost his property. Those claims all contend that the ADC lost his property when he was shipped to different ADC units. His property was never properly inventoried. He now seeks damages.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate has failed to state a case upon which relief may be granted for all of his attendant claims. Moreover, on his second claim the inmate has contradictory statements regarding the number and type of items he claims were lost. This indicates that he did actually receive his property. Last, his third claim refers to a radio not being shipped. However, the records provided show a radio is shipped. An inmate may not possess more than one radio. There is likewise no record of the inmate purchasing a radio. Both radios are likely to be contraband if the second one even exists.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion. A motion for reconsideration was likewise denied.



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Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE
FROM: BLR Legal Staff
SUBJECT: Summary of legal issues
Dheaslee Wright v. Department of Correction, No. 16-0007-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: February 14, 2015
Amount Claimed: \$4,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate's family came to visit him on a special visitation day but were denied visitation because of an administrative error. The inmate contends that the "error" was avoidable if a certain ADC employee didn't hold a grudge against him for another occurrence. As such, the inmate's family was forced to stay an extra day to visit him on his regular visitation day instead. This resulted in the inmate's family being caught in a winter storm while driving back to Kansas City that they would have avoided if they had been able to visit the inmate on the day prior. The inmate's family ended up being stranded on the road due to the winter storm and put in harm's way. Because of this, the inmate alleges the ADC failed to follow procedure and negligence and seeks damages, including costs incurred.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate has no standing to claim damages on behalf of his family. Moreover, the winter storm in which the inmate's family was caught was predicted by weather stations. The fact that his wife was not aware of the storm system is not the ADC's responsibility. Last, the inmate has failed to state a claim how he was damaged. He received a visitation from his family after a small inconvenience. As such, the inmate has failed to state a claim upon which relief may be granted.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion.



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Legal Summary for Agenda Item G10

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Frank Watts v. Department of Correction, No. 16-0355-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: May 19, 2015
Amount Claimed: \$500,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate was in possession of a number of items that ADC personnel confiscated as contraband. However, the items were actually confiscated because the inmate had filed a grievance against another ADC staff member. The inmate has proof that the items were lawfully his and now seeks damages for failure to follow procedure.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate was actually trading legal services for commissary items, which is not permitted. Per ADC policy, an inmate may only possess property that was issued to the inmate, purchased through the commissary, or otherwise authorized. Otherwise, it is contraband. As such, the inmate has failed to state a claim upon which relief may be granted.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion.



STATE OF ARKANSAS
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Legal Summary for Agenda Item G11

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Gary Gardner v. Department of Correction, No. 15-0656-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: December 16, 2014, through December 18, 2014

Amount Claimed: \$15,000.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate was beaten badly by another inmate while he watched television. This attack was related to an incident two (2) days earlier when the inmate's bed was moved out into the hall without his knowledge. At that time he complained to ADC personnel that he was being targeted. This complaint was not investigated and directly led to the attack two (2) days later. The inmate contends that this was done purposely or at the very least negligently and that the ADC guard's inaction placed him in danger by not investigating the incident with the moved bed. He now seeks damages for negligence, pain and suffering, and failure to follow procedure.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate has failed to state facts upon which relief may be granted. Specifically, the ADC argues that the inmate never reported the moved bed to ADC personnel and never communicated that he felt threatened by another inmate. There were no enemy alerts on either of the inmates involved in the attack. Further, the injuries sustained by the inmate were only abrasions to his nose and right side of his face.

Opinion of the Claims Commission: The commission denied the ADC's motion to dismiss and set the case for a hearing. After the hearing, the commission denied and dismissed the inmate's claim for failure to prove the case by a preponderance of the evidence.



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Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Jamie McCall v. Department of Correction, No. 15-0900-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: November 5, 2013

Amount Claimed: \$3,500.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate was being transferred from the Faulkner County jail to an ADC unit and was told that the ADC would not transfer her personal property (an iPhone) along with her to the ADC unit. This was not the case for the inmate's past incarcerations at the department. As such, her property was destroyed. She now seeks damages for loss of property and failure for the ADC to follow procedure.

Agency Response: The ADC filed a motion to dismiss, arguing that the ADC does in fact permit personal property to be transferred to an ADC unit along with the inmate. However, it was the Faulkner County jail who informed the inmate that she could not transfer her iPhone, not the ADC. Therefore, the inmate cannot show that the ADC was at fault in this instance and therefore she has failed to state facts upon which relief may be granted.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion.



STATE OF ARKANSAS
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Legal Summary for Agenda Item G13

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Jessie Hill v. Department of Correction, No. 16-0026-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: March 13, 2015
Amount Claimed: \$10,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate argues that during a hearing before the Claims Commission, the attorney for the ADC, Lisa Wilkins, committed perjury by stating to the commission that she had obtained statements from some of the inmate's witnesses when in fact she had not. He now seeks damages.

Agency Response: The department filed a motion to dismiss arguing that the inmate has failed to state facts upon which relief may be granted. Specifically, Lisa Wilkins, as an attorney for the department, was not under oath giving testimony and therefore could not have committed perjury.

Opinion of the Claims Commission: The commission granted the motion to dismiss for the reasons set forth in the motion.



STATE OF ARKANSAS
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Legal Summary for Agenda Item G14

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Juan Carillo v. Department of Correction, No. 16-0387-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: August 7, 2015, and August 27, 2015

Amount Claimed: \$95,000.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: On August 7, 2015, the inmate was attacked by another inmate while he was watching television, sustaining a serious injury to his head. On August 27, the inmate was again attacked by the same inmate and others as well as robbed of his watch. The inmates were listed on the "enemy list" prior to the second assault and the ADC was negligent in placing them near each other where the inmate could be attacked for the second time. As a result of the attacks, the inmate was injured physically, mentally, and emotionally and is being forced to be housed in administrative segregation, which is a twenty-three (23) hour lockdown for five (5) days a week and twenty-four (24) hour lockdown for the remaining two (2) days a week. He now seeks damages for personal injury, pain and suffering, loss of property, negligence, and failure to follow procedure.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate has failed to state upon which relief may be granted and that jurisdiction is lacking. The inmate had engaged in a fight with the other inmate on August 7 and after being accidentally placed in the same unit on August 27, engaged in the second fight with the inmate, this time purposely out of sight of the security cameras. The head injury the inmate said he received was the result of an injury he sustained in a motor vehicle accident. The inmate's being housed in administrative segregation is being done for the inmate's safety. Last, the inmate makes a claim based on a federal cause of action, meaning the commission has no jurisdiction over the matter.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the inmate's failure to timely respond to the motion. A motion for reconsideration was also denied.



STATE OF ARKANSAS
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Legal Summary for Agenda Item G15

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Kenneth Roof v. Department of Correction, No. 16-0369-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: April 3, 2015
Amount Claimed: \$10,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate was being taken to UAMS to have bandages removed after surgery the previous day on his eye. He was on both painkillers and medication for a spinal condition at the time. The ADC personnel who were accompanying him told him to hurry up as he was exiting the ADC's van. The parking area was darkened and the inmate could not see well. While shackled and handcuffed he stepped wrongfooted while getting out of the van and fell on his rear. A couple of days later his lower back started severely hurting. He now contends that the ADC violated policy by not taking precautions while escorting him and seeks damages for negligence and pain and suffering.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate has failed to state a claim upon which relief may be granted. Specifically, if the injury was caused by poor lighting, then UAMS is the proper party, not the ADC. Further, the inmate's injuries such as they are were caused by his own negligence and behavior. There is nothing in ADC policy that requires ADC personnel to physically assist an inmate in exiting a vehicle or ensuring proper lighting. The policy does not address any violation which the inmate alleges occurred.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion.



STATE OF ARKANSAS
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Legal Summary for Agenda Item G16

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Rodney Weston v. Department of Correction, No. 16-0357-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: May 2, 2015, through May 7, 2015

Amount Claimed: \$3,000.00

Amount Awarded: N/A

Claimant's Representative: N/A

Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate received a disciplinary violation due to a physical altercation and it was set for a hearing. However, the disciplinary judge told the ADC to "rewrite" the disciplinary so the inmate would receive a harsher sentence -- thirty (30) days in isolation. This violated ADC policy. The inmate now seeks damages for failure to follow procedure.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate was properly charged with a disciplinary and that the disciplinary was upheld through all channels of appeal, with some modification resulting in a finding of not guilty on one of the charges. The punishment was not modified. The inmate is simply trying to reargue and appeal his conviction. As such, the inmate has failed to state facts upon which relief may be granted.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the inmate's failure to respond to the motion.



STATE OF ARKANSAS
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Legal Summary for Agenda Item G17

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Richard Wilson, Assistant Director
for Research Services

TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: BLR Legal Staff

SUBJECT: Summary of legal issues
Rodney Williams v. Department of Correction, No. 16-0346-CC
Denied and dismissed claim/Appealed by Claimant

Date of Occurrence: May 4, 2015
Amount Claimed: \$5,000.00
Amount Awarded: N/A
Claimant's Representative: N/A
Respondent's Representative: Lisa Wilkins

Allegations of Claimant: The inmate received a disciplinary violation for a dirty urine sample that was allegedly taken while he was at the gym. However, this was incorrect and the documents making this allegation were falsified as the urine sample was instead taken at the school. As such, the inmate alleges the ADC failed to follow procedure and seeks damages.

Agency Response: The ADC filed a motion to dismiss, arguing that the inmate has failed to state a claim upon which relief may be granted. Specifically, the disciplinary violation for which he was found guilty was for being under the influence and/or use of illegal drugs, which was upheld at all levels of appeal. The inmate admitted at the hearing that he was not drug tested at the gym but was drug tested in the school. Therefore, there was no doubt that the test was positive.

Opinion of the Claims Commission: The commission granted the ADC's motion to dismiss for the reasons set out in the motion. A motion for reconsideration was likewise denied.