

MAY 20 2013

Please print in ink or type

MAY 20 2013

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

RECEIVED

- Mr. Mrs. Ms. Miss

Jimmy Frost, #140003 Claimant

State of Arkansas, Respondent Dept. of Correction

Do Not Write in These Spaces Claim No. 13-0824-CC Date Filed May 20, 2013 Amount of Claim \$ 5,000.00 Fund DOC

Failure to Follow Procedure, Loss of Property, Negligence

COMPLAINT

Jimmy Frost, #140003 the above named Claimant, of P.O. Box 180 Brickeys Ar. 72320 10 Prison Circle, Calico Rock, AR 72519

Ar. 72320 N/A County of Lee represented by pro se

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

State agency involved: Brickeys-EARU of ADC. Amount sought: 5,000

Month, day, year and place of incident or service: 4-13-12 ADC, EARU, Brickeys Ar.

Explanation: Complaint #1, On 4-13-12 Major Earl ordered Lt Etherly and three other officers to come to 14 barracks rack 47. Where I was being housed, to shake me down. Lt. Etherly took three pictures and all of my personal property slips that I had gotten since 2007 until now. The pictures were one of my ex-wife, one of my twin grandsons and one of my grand-daughter. He took all my property to Major Earl and turned it over to him. My property has never been returned to me. Major Earl says he never had my property. Then he said he had it but had returned my property to me. Then again he says he never had my property, you will be able to see all of these statements in the grievances. Under administrative directive 09-07 and administrative regulation 841 any property confiscated will be documented on a F-401 confiscation form. And under Administrative Regulation F401, V.I. F. 5. states that an inmate is to get a copy of the F-401 form within 72 hours and is to be signed by inmate and officer. All property returned must be with F-401 form signed by inmate and returning officer. None of these AR's or AD's have been followed by ADC law and procedure's. (See complaint #2 on continued page #2)

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? to whom? and that the following action was taken thereon:

and that \$ was paid thereon: (2) Has any third person or corporation an interest in this claim? if so, state name and address and that the nature thereof is as follows: and was acquired on, in the following manner:

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

Jimmy Frost #140003 (Print Claimant/Representative Name) Jimmy Frost #140003 (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Brickeys AR (City) (State)

(SEAL) on this 4 day of May 2013 (Date) (Month) (Year)

(Notary Public)

SF1- R7/99

My Commission Expires: March 1 2015 (Month) (Day) (Year)

## Complaint # 2

On 5-21-12 at 11:15 am Lt. Washington took me to the infirmary and I was locked up in the observation room until 2 pm. on 5-22-12. At that time I was taken to the max unit and locked up by Lt. Washington. When I got my property in the max, my sony radio 30<sup>58</sup>, sony ear buds 12<sup>00</sup>, one mirror 2<sup>73</sup>, reading glasses 12<sup>00</sup>, 2 pair of shower shoes 8<sup>28</sup>, one large coffee cup, yellow 5<sup>00</sup>, one new sweat shirt 25<sup>00</sup>, one new sweat pants 25<sup>00</sup> all had been stolen. All my property was locked in my property box. When my property box was opened by Lt. Washington, he failed to secure my property. Lt. Washington stole my radio at that time and allowed the rest of my property to be stolen. On 7-12-12 my radio was returned to me by Cpl. Winfrey, with out my ear buds. On 9-12-12 Warden Ball found Lt. Washington guilty of taking my radio and ear buds. He gave him till 9-19-12 to pay me for my ear buds. However he did not pay me until 10-2-12. He is responsible for all my property not just my ear buds. Under Administrative Directive 09-07 and Administrative Regulation 841 V.4.b.(3) and V.5.F. states confiscated items will be photographed and attached to Form F-401 and all actions relative to items will be documented on Form F-401. Under AR 841-7, B.1.b. Bag and Seal a F-841-6 Form shall be completed and bag sealed and signed by inmate and officer. This is to be done even on intra-unit transfers to administrative segregation, punitive isolation, infirmary, etc. 7. C. 2. a. b. c. d. e. None of ADC AD's or AR's procedures have been followed. Under AR 401, V.I. F. if any damage, loss or abuse occurs to any personal property of inmate, officer's will be liable for the cost of replacement of such items.

(Continued page # 3)

### Complaint #3

On grievance wrote 4-13-12 and there after Warden Burl was made aware of the issues concerning the possible theft that had taken place by his officer's. Under A.C.A. 12-27-102 Enforcement and reporting requirements, it is his responsibility to take action and report all possible crimes committed in ADC. Grievances wrote will show he chose to conspire with his officers, to cover up there illegal activity, apposed to reporting it by law. He also should have and had the authority to call for an internal affairs investigation into the matter. I asked repeatedly for a investigation but he refused! It is ADC's and Warden Burl as the commander of this Unit to protect me and my property against other inmates and officer's as well! Therefore everything that has taken place, has done so under the authority of ADC and Warden Burl. So due to their negligence, ADC and or Warden Burl and officers are responsible for my loss of my property. I ask that the court order for me to be paid for all my loss and for my labor and my cost in perparing my case for court. And if possible for mental anguish! In the grievances you will see that some of them were not answered on the first step, some were not answered on the second step by the Warden, whom was to answer it, and ~~the~~ on the final step to the Deputy Director's Harry May and Bennie Magness many were not answered. This ~~at~~ alone is violation of ADC's AR's and AD's procedures, and another sign of there failure to protect me and my property.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JIMMY FROST (ADC 140003)

Arkansas Claims Commission CLAIMANT

V.

NO. 13-0824-CC

JUN 05 2013

ARKANSAS DEPARTMENT OF CORRECTION

RECEIVED RESPONDENT

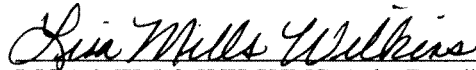
**ANSWER**

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: HCA0100
  - 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 June, 2013, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Jimmy Frost (ADC 140003)  
East Arkansas Regional Unit  
PO Box 180  
Brickeys, AR 72320

  
LISA MILLS WILKINS Ark. Bar #87190

AUG 27 2013

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

JIMMY FROST (ADC #140003)

CLAIMANT

V.

NO. 13-0824-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**RESPONDENT'S MOTION TO DISMISS**

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

1. Claimant alleges three violations of the policy and seeks \$5,000.00 in damages. Claimant has failed to state a cause of action under ARCP 12(B)(6) and the claims should be dismissed.
2. Claimant alleges that on April 13, 2012, his property was shaken down at EARU and three photos and his property forms were confiscated from him. On the three property forms dated March 7, 2012, March 30, 2012, and February 6, 2012 prior to this date, no photos are shown in his possession. On each of those dates Claimant signed the form stating that he had in his possession all of his property. See Exhibit "A". Thus, Claimant cannot prove that he possessed any photos he now claims are missing.
3. Claimant alleges that his property forms were confiscated from him at EARU and not returned. The forms were borrowed and faxed to NCU and should have been returned to Claimant. However, copies of every form received by NCU have been tendered to him for the form and dates as follows: Inventory ("Inv.") for Oct. 22, 2010, Property Disposal Form ("PDF") for Oct. 22, 2010, Inv. for Sept. 30, 2011, Bag and Seal for Dec. 22, 2011, Bag and Seal for Dec. 22, 2011, Bag and Seal for Jan. 3, 2012, Bag and Seal for Jan. 12, 2012, Bag and Seal for Jan. 12, 2012, Bag and Seal for Jan. 13, 2012, Inv. for Feb. 6, 2012, Bag and Seal for Feb. 6, 2012, Inv. for March 7, 2012, Bag and Seal for March 12, 2012, Bag and Seal for March 30, 2012, Inv. for March 30, 2012, Inv. for March 30, 2012. Thus, Claimant has been made whole.
4. Claimant states that on May 22, 2012, his property was stored when he received a disciplinary and not all of it was returned to him on June 27, 2012. Claimant alleged that he was missing new sweat pants, new sweat shirt, large coffee cup, 2 pair of shower shoes, reading glasses, and a mirror. His radio was returned to him and the earbuds were paid for. His property inventory on May 30 indicates the reading glasses and shower shoes were kept by him and not stored so he should have had those in his possession. The inventory also shows that he only stored one sweat shirt and one cup. No mirror is indicated in his possession on that date.
5. Claimant has been on indigent status much of the time since his re-incarceration in May of 2009. However, a review of his commissary purchases shows that at no time has he


ever purchased sweatpants, sweatshirts or any cups since that date. If he was in possession of these items, they were likely the results of trafficking and trading for which Claimant is not entitled to compensation.

6. Claimant has been made whole with all of the property returned to him to which he is entitled and Respondent prays that the claim be dismissed.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim filed must be dismissed.

Respectfully submitted,

Department of Correction  
Office of Counsel

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

### CERTIFICATE OF SERVICE

I certify that a copy of the above MOTION TO DISMISS has been served this 27 day of August, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JIMMY FROST (ADC #140003)  
EARU  
P. O. Box 180  
BRICKEYS, AR 72320-0180

  
LISA MILLS WILKINS Ark. Bar #87190

1 of 2

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Inmate's Name: Frost, J ADC#: 14003 Institution: NCU

Non-Expendable Items

Table with 8 columns: ITEM, #, DESCRIPTION, CODE, ITEM, #, DESCRIPTION, CODE. Lists various personal items like Blanket, Books, Bowls, etc.

Expendable Items

Table with 8 columns: ITEM, #, #/DESCRIPTION, CODE, ITEM, #, #/DESCRIPTION, CODE. Lists items like Denture Adhesive, Deodorant, etc.

Other

Table with 8 columns: ITEM, #, #/DESCRIPTION, CODE, ITEM, #, #/DESCRIPTION, CODE. Lists miscellaneous items like BATH, SOAP DISH, etc.

"I hereby certify that all of my property is listed on this inventory and disposition of all property listed on this inventory is correct. I further state that I do not have in my possession the legal materials belonging to any other inmate."

Signature of Official Receiving Property: Sgt Gaskin, R. Date: 3/30/12. Location Stored: [blank]. Inmate's Signature: J. Frost, Date: 3-30-12.

Signature of Official Returning Property: [blank]. Date: [blank]. Witness Signature: [blank]. Date: [blank]. Inmate's Signature: [blank]. Date: [blank].

"If I should die during my incarceration, I designate the individual listed below to receive my personal property."

Name: [blank] Address: [blank] City: [blank] State: [blank] Phone: [blank]

Code Column: D=Donate M=Mail S=Storage I=Issued K=Keep in Possession DES=Destroy. Original - Unit Personal Property Officer Pink Copy - Inmate Yellow Copy - Inmate's File



ATTACHMENT #16

F-841-1

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD  
Inmate's Name: Frost, J ADC#: 140003 Institution: EARL

Non-Expendable Items

ITEM	#	DESCRIPTION	CODE	ITEM	#	DESCRIPTION	CODE
Blanket				Pants			
Body Support Device				Photos			
Books	1	<u>Medical Book</u>	<u>K</u>	Photo Album			
Bowls	2	<u>with lids</u>	<u>K</u>	Pillow Case			
Magazines				Pillow			
Cap/Hat				Prosthetic			
Clock				Radio			
Comb				Religious Material	1	<u>Small</u>	<u>R</u>
Cup	1		<u>K</u>	Religious Model	2	<u>Small</u>	<u>R</u>
Dentures				Rings			
Earphones	1	<u>set</u>	<u>K</u>	Shirts			
Earplugs				Shirts			
Eyeglasses	1	<u>set</u>	<u>K</u>	Shoes			
Gloves				Shower Shoes	1	<u>pair</u>	<u>K</u>
Gym Shoes				Soles	1	<u>pair</u>	<u>K</u>
Hair Braids				Socks			
Hair Dressing				Socks			
Headphones				Socks			
Inmate ID Badge				Socks			
Jacket/Coat				Socks			
Laundry Bag	2			Socks			
Legal Materials	7	<u>Books</u>	<u>K</u>	Socks			
Mail Legal	1	<u>Book</u>	<u>K</u>	Socks			
Mail Personal				Socks			
Matress				Socks			
Mirror	1		<u>K</u>	Socks			
Nail Clippers	2		<u>K</u>	Socks			
Padlock				Socks			

Expendable Items

ITEM	#	DESCRIPTION	CODE	ITEM	#	DESCRIPTION	CODE
Denture Adhesive				Prescriptions			
Deodorant				Razor-Safety			
Flux Pan				Shampoo			
Food Items	2		<u>K</u>	Shaving Cream			
Hygiene Items	2	<u>Box of Hygiene</u>	<u>K</u>	Sun			
Personal Items	1	<u>Personal Item</u>	<u>K</u>	Swimsuit	1	<u>Misc. items</u>	<u>K</u>

Other

ITEM	#	DESCRIPTION	CODE	ITEM	#	DESCRIPTION	CODE

"I hereby certify that all of my property is listed on this inventory and disposition of all property listed on this inventory is correct. I further state that I do not have in my possession the legal materials belonging to any other inmate."

Signature of Official Receiving Property: [Signature] Date: 3-30-12 Location Stored: [Signature] Inmate's Signature: [Signature] Date: 3-30-12  
 Signature of Official Returning Property: [Signature] Date: 3-30-12 Witness Signature: [Signature] Date: 3-30-12 Inmate's Signature: [Signature] Date: 3-30-12

"If I should die during my incarceration, I designate the individual listed below to receive my personal property."

Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Phone \_\_\_\_\_

Code Column: D=Donate M=Mail S=Storage I=Issued K=Keep in Possession DES=Destroy  
 Original - Unit Personal Property Officer Pink Copy - Inmate Yellow Copy - Inmate's File



1 OF 2

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Inmate's Name: FRIST, J ADC#: 14003 Institution: NCU

Non-Expendable Items

ITEM	#	DESCRIPTION	CODE	ITEM	#	DESCRIPTION	CODE
Blanket				Pants			
Body Support Device				Photos			
Books	13			Photo Album			
Bowls	2	Bowls w/ DIF		Pillow Case			
Magazines				Pillow			
Cap/Hat				Prosthetic			
Clock				Radio	1	SOUND w/ BELL	
Comb				Religious Material	1	BIBLE	
Cup				Religious Medal			
Dentures				Rings			
Earphones				Sheets			
Earplugs				Shirts			
Eyeglasses	2			Shoes			
Gloves				Shower Shoes	1		
Gym Shoes	1	1 FORCE STRC 16		Socks			
Hair Braids				Stockings			
Hair Dressing				Sweat Pants	1		
Headphones				Sweat Shirts	2		
Inmate ID Badge				Toothbrush			
Jacket/Coat				Towels	1		
Laundry Bag				Towels-Hand			
Legal Materials	1	LARGE BUNDLE		Undergarments			
Mail Legal	1	LARGE BUNDLE		Undershirts			
Mail Personal	1	LARGE BUNDLE		Under shorts			
Mattress				Wash Cloths			
Mirror				Watch-Pocket			
Neil Clippers	2			Watch-Wrist	1	TIMEX BLACK IN COLOR	
Padlock				Wallet			

Expendable Items

ITEM	#	#/DESCRIPTION	CODE	ITEM	#	#/DESCRIPTION	CODE
Denture Adhesive				Prescriptions			
Deodorant	2			Razor-Safety	9		
Flex Pen	6			Shampoo			
Food Items	7			Shaving Cream			
Hygiene Items	1	SOAP MISC		Soap	2	COMMUNALY BAGS	

Other

ITEM	#	#/DESCRIPTION	CODE	ITEM	#	#/DESCRIPTION	CODE
	1	BRUSH			1	ADDONAL BINDER	
					2	SOAP DSA	
					1	TOOTHBRUSH HOLDER	

"I hereby certify that all of my property is listed on this inventory and disposition of all property listed on this inventory is correct. I further state that I do not have in my possession the legal materials belonging to any other inmate."

Signature of Official Receiving Property: Sgt GORAKH R Damm Date: 3/30/12 Location Stored: 7-39-12 Inmate's Signature: Jerry Frist Date: 3-30-12  
Or Witness if inmate refuses to sign

Signature of Official Returning Property \_\_\_\_\_ Date \_\_\_\_\_ Witness Signature \_\_\_\_\_ Date \_\_\_\_\_ Inmate's Signature \_\_\_\_\_ Date \_\_\_\_\_

"If I should die during my incarceration, I designate the individual listed below to receive my personal property."

Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Phone \_\_\_\_\_

Code Column: D=Donate M=Mail S=Storage I=Issued K=Keep in Possession DES=Destroy  
Original - Unit Personal Property Officer Pink Copy - Inmate Yellow Copy - Inmate's File

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Name: FROST, Jimmy ADC#: 140003 Institution: NCU

Non-Expendable Items

ITEM	#	DESCRIPTION	CODE	ITEM	#	DESCRIPTION	CODE
Blanket				Pants			
Body Support Device				Photos			
Books	5	4 store 1 keep		Photo Album			
Bowls	2	1 keep 1 store		Pillow Case	1		S
Magazines				Pillow	1		S
Cap/Hat	1	Winter ISSUE	S	Prosthetic			
Clock				Radio	1	SONY	K
Comb				Religious Material	3	2 store 1 keep	
Cup	4	3 store 1 keep		Religious Medal			
Dentures				Rings			
Earphones				Sheets			
Earplugs				Shirts			
Eyeglasses	2	1 Keep 1 store		Shoes	2	Blue Canvas	K
Gloves				Shower Shoes	2		K
Gym Shoes	2	W/ FORCE	S	Socks	8	Pair 2 keep 6 store	
Hair Braids				Stockings			
Hair Dressing				Sweat Pants	1		S
Headphones				Sweat Shirts	2		S
Inmate ID Badge	1		S	Toothbrush holder	1	3 tooth brushes	S
Jacket/Coat				Towels			
Laundry Bag				Towels-Hand	2		K
Legal Materials	1	LARGE BUNDLE	1/2 K 1/2 S	Undergarments			
Mail Legal				Undershirts			
Mail Personal	1	BUNDLE	S	Under shorts			
Mattress				Wash Cloths			
Mirror	1		S	Watch-Pocket			
Nail Clippers	2		S	Watch-Wrist	1	TIMEX Expedition	S
Padlock				Wallet			

Expendable Items

ITEM	#	#/DESCRIPTION	CODE	ITEM	#	#/DESCRIPTION	CODE
Denture Adhesive				Prescriptions			
Deodorant				Razor-Safety	8		S
Flex Pen	5	2 keep 3 store		Shampoo			
Food Items	1		K	Shaving Cream			
Hygiene Items	1	Bag	S	Soap			
Thermals	2	1 top 1 bottom	K	Soap dish	2		S

Other

ITEM	#	#/DESCRIPTION	CODE	ITEM	#	#/DESCRIPTION	CODE
Medical Belt	1		S	T-shirts	3	2 keep 1 store	
Commissary Bag	2		S				
Towels	2	1 keep 1 store					
Boxers	4	2 keep 2 store					

"I hereby certify that all of my property is listed on this inventory and disposition of all property listed on this inventory is correct. I further state that I do not have in my possession the legal materials belonging to any other inmate."

Justin Hunt / J Hunt 3-7-12      ISOLATION      Jimmy Frost 3-7-12  
 Signature of Official Receiving Property      Date      Location Stored      Inmate's Signature      Date  
 Or Witness if inmate refuses to sign  
Justin Hunt / J Hunt 3/7/12      Justin Frost 3-7-12  
 Signature of Official Returning Property      Date      Witness Signature      Date      Inmate's Signature      Date

"If I should die during my incarceration, I designate the individual listed below to receive my personal property."

Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Phone \_\_\_\_\_

Code Column: D=Donate M=Mail S=Storage I=Issued K=Keep in Possession DES=Destroy  
 Original - Unit Personal Property Officer Pink Copy - Inmate Yellow Copy - Inmate's File

*Don to Pen*

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Name: Frost, J ADC#: 14003 Institution: NCU

Non-Expendable Items

ITEM	#	DESCRIPTION	CODE	ITEM	#	DESCRIPTION	CODE
Blanket	1			Pants	1		
Body Support Device	0			Photos	0		
Books	7			Photo Album	0		
Bowls	2			Pillow Case	1		
Magazines	0			Pillow	1		
Cap/Hat	0			Prosthetic	0		
Clock	0			Radio	1		
Comb	0			Religious Material	0		
Cup	3			Religious Medal	0		
Dentures	0			Rings	0		
Earphones	0			Sheets	0		
Earplugs	0			Shirts	2		
Eyeglasses	0			Shoes	1		
Gloves	0			Shower Shoes	1		
Gym Shoes	1			Socks	3		
Hair Braids	0			Stockings	0		
Hair Dressing	0			Sweat Pants	0		
Headphones	1			Sweat Shirts	0		
Inmate ID Badge	1			Toothbrush	1		
Jacket/Coat	1			Towels	1		
Laundry Bag	2			Towels-Hand	1		
Legal Materials	0			Undergarments	0		
Mail Legal	0			Undershirts	0		
Mail Personal	0			Under shorts	0		
Mattress	2			Wash Cloths	0		
Mirror	0			Watch-Pocket	0		
Nail Clippers	2			Watch-Wrist	0		
Padlock	0			Wallet	0		

Expendable Items

ITEM	#	#/DESCRIPTION	CODE	ITEM	#	#/DESCRIPTION	CODE
Denture Adhesive	0			Prescriptions	7		
Deodorant	1			Razor-Safety	0		
Flex Pen	1			Shampoo	0		
Food Items	5			Shaving Cream	0		
Hygiene Items	0			Soap	0		

Other

ITEM	#	#/DESCRIPTION	CODE	ITEM	#	#/DESCRIPTION	CODE

"I hereby certify that all of my property is listed on this inventory and disposition of all property listed on this inventory is correct. I further state that I do not have in my possession the legal materials belonging to any other inmate."

Andrew Lee 2-6-12 Isolation Jerry Frost 2-6-12  
 Signature of Official Receiving Property Date Location Stored Inmate's Signature Date  
Chase 2-16-12 X Jerry Frost 2-6-12  
 Signature of Official Returning Property Date Witness Signature Date Inmate's Signature Date

"If I should die during my incarceration, I designate the individual listed below to receive my personal property."

Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Phone \_\_\_\_\_

Code Column: D=Donate M=Mail S=Storage I=Issued K=Keep in Possession DES=Destroy  
 Original - Unit Personal Property Officer Pink Copy - Inmate Yellow Copy - Inmate's File

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 5,000.00

Claim No. 13-0824-CC

Jimmy Frost, 140003  
vs. Claimant

Attorneys  
Pro se Claimant

Department of Correction  
State of Arkansas Respondent

Lisa Wilkins, Attorney  
Respondent

Date Filed May 20, 2013

Type of Claim Failure to Follow Procedure, Loss of  
Property & Negligence

FINDING OF FACTS

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

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

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

Date of Hearing September 12, 2013

Date of Disposition September 12, 2013

*Richard J. May*  
Chairman  
*Hanson*  
Commissioner  
*Bill Laneason*  
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.

SEP 13 2013

RECEIVED

Jimmy Frost Claimant  
v. No. 13-0824-CC  
Arkansas Department of Corrections Respondent

Claimant's Response to Respondent's Motion to Dismiss

(1) Claimant states a cause of action under ARCP 12 (B)(6), to be theft of property by ADC Employee's on two separate incident's and can be proven. Such as Respondent's alleges in (3) of Motion to Dismiss, claiming that property form's now were borrowed. In grievance answer's, they had never had them or seen them!

(2) Respondent's claim, that Claimant cannot prove that he had possessed any photo's. When in 'fact' there are 24 witness that were in the barrack's that saw his photo's and property slips "taken" shake down. Claimant received the photo's while he was in punitive isolation, by mail and could not keep them. So he had to add them to his property. ADC Exhibit A, attachment #10, does not show photo's because it is 1 of 2 property bag's he had, same as Exhibit #15 show's. Attachment #10 is what he was not allowed to keep when he was moved from DCR Court into Punitive Isolation. Claimant did not receive picture's until after he was moved to Punitive Isolation and

was not allowed to keep them. Claimant can very well prove he had photo's by witness's.

(3) Respond's claim, his property form's were borrowed and Faxed to NCU. However in grievance answer's they state they never seen or had them. In the free world, when you take something without legal paperwork, it is "theft of property". On August 7<sup>th</sup>, 2013 the Respondent's returned to Claimant what property form's they wished for him to have, not all of them.

(4) Claimant's property missing is sweat pants, sweat shirt, both new, large yellow coffee cup, 2 pair of shower shoes, reading glasses, and mirror, all was stolen when they locked Claimant up. His radio was stolen but returned on ~~June 27, 2012~~ 7-7-12 with out ear buds. And Warden Ball made Lt. Washington pay 12<sup>00</sup> to Claimant for ear buds. However, He has never been paid for the rest of his property.

Respondent claim's that Claimant on May 30, keep his reading glasses and shower shoes. This is half true, Claimant had two pair of reading glasses and two pair of shower shoes, The one pair of shower shoes given to Claimant on May 30, were not his. The inventory did not show but one sweat shirt, one coffee cup and no mirror because all the rest had been stolen when he was locked up.

(5) Respondent, claims that Claimant has been indigent status much of the time since his re-incarceration in May of 2009. And review of his commissary purchases shows that at no time has he ever purchased sweat pants, sweat shirt or coffee cup since that date. And if he had them it was due to trafficking and trading.

(A) Respondent needs to show that Claimant has been indigent since May of 2009, for this false statement. Respondent is providing false reliance to the Claims Commission.

(B) Respondent's are providing willfully false statement, when they claim the Claimant was re-incarcerated in May of 2009, "Fact" Claimant has never been re-incarcerated. This is the only time he has ever been incarcerated, from Nov. of 2007 until now.

(C) Respondent, claims that Claimant has never purchased sweat pants, sweat shirt, coffee cup, or glasses. Since Respondent has taken all Claimant's property slips, they need to produce all of them when I was at the Delta, Regional Unit, where he purchased his sweat pants, sweat shirt, and glasses. And from Newport the Grimes Unit, where he purchased his radio, mirror, and coffee cup. None of these property slips are provided by Respondent, "and need to be". For they will show proof of purchases!

It is certain by Respondent's actions they are providing false statements and false evidence by stating that Claimant has been re-incarcerated. And it is certain they are trying to de-fraud the Claimant and the Claims Commission. By falsely accusing Claimant of trafficking and trading, this is a wilful attempt to slander and discredit the Claimant! See: also exhibit (1) and (2) exhibit (1) shows when Claimant got to the EARU he had (1) pair of sweat pants, (2) pair of sweat shirts (4) coffee cups, (1) ear buds, radio, mirror and reading glasses. And exhibit (2) shows all my property missing when I was given it back at release from Punitive Isolation.

(6) Claimant has not been paid for his loss of property, due to ADC, and therefore ask that this case be persecuted to the fullest extent of the law. For Claimant has proven his case. However the Claimant ask that the Claims Commission insist that the Respondent's follow thru with the internal affairs investigation they ask for abeyance to do. A voice stress test and polygraph test will prove the truth once and for all!!

Therefore, for the reasons stated above and with the evidence provided, the Claimant ask that the Claim not be dismissed, but persecuted fully!! This case is about my property being stolen, not if I ever had it or how I got it!!

Jimmy Zood #140003

Date 9-4-13



ATTACHMENT #16

F-841-1

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Inmate's Name: Frost, J

ADC#: 140003 Institution: EARH

Non-Expendable Items

Table with columns: ITEM, #, DESCRIPTION, CODE, ITEM, #, DESCRIPTION, CODE. Lists various personal items like Blanket, Body Support Device, Books, Bowls, Magazines, etc.

Expendable Items

Table with columns: ITEM, #, #/DESCRIPTION, CODE, ITEM, #, #/DESCRIPTION, CODE. Lists items like Denture Adhesive, Deodorant, Flex Pen, Food Items, Hygiene Items, etc.

Other

Table with columns: ITEM, #, #/DESCRIPTION, CODE, ITEM, #, #/DESCRIPTION, CODE. This section is mostly empty with some crossed-out rows.

"I hereby certify that all of my property is listed on this inventory and disposition of all property listed on this inventory is correct. I further state that I do not have in my possession the legal materials belonging to any other inmate."

Signature of Official Receiving Property Date Location Stored Inmate's Signature Date Or Witness if inmate refuses to sign Signature of Official Returning Property Date Witness Signature Date Inmate's Signature Date

"If I should die during my incarceration, I designate the individual listed below to receive my personal property."

Name Address City State Phone

Code Column: D=Donate M=Mail S=Storage I=Issued K=Keep in Possession DES=Destroy Original - Unit Personal Property Officer. Pink Copy - Inmate Yellow Copy - Inmate's File

F-841-1

Revised 8/28/2006

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Inmate's Name: Jimmy Frost ADC#: 140003 Institution: FARU

Non-Expendable Items

ITEM	#	DESCRIPTION	CODE	ITEM	#	DESCRIPTION	CODE
Blanket	ONE		K	Pants			
Body Support Device				Photos			
Books	several		S	Photo Album			
Bowls	1200		S	Pillow Case			
Magazines				Pillow			
Cap/Hat				Prosthetic	ONE		K
Clock				Radio			
Comb				Religious Material			
Cup	120		S	Religious Medal			
Dentures				Rings			
Earphones				Shcets	120		B
Earplugs				Shirts			
Eyeglasses	ONE		K	Shoes			
Gloves				Shower Shoes	ONE	black	K
Gym Shoes				Socks			
Hair Braids				Stockings			
Hair Dressing				Sweat Pants			
Headphones				Sweat Shirts	ONE		
Inmate ID Badge				Toothbrush			
Jacket/Coat				Towels			
Laundry Bag	three		K	Towels-Hand			
Legal Materials	three		K	Undergarments			
Mail Legal	three		K	Undershirts	ONE		
Mail Personal	three		K	Under shorts	three		K
Mattress				Wash Cloths			K
Mirror				Watch-Pocket			
Nail Clippers				Watch-Wrist			
Padlock				Wallet			

Expendable Items

ITEM	#	#/DESCRIPTION	CODE	ITEM	#	#/DESCRIPTION	CODE
Denture Adhesive				Prescriptions			
Deodorant	120		S	Razor-Safety			
Flex Pen				Shampoo			
Food Items				Shaving Cream			
Hygiene Items				Soap			

Other

ITEM	#	#/DESCRIPTION	CODE	ITEM	#	#/DESCRIPTION	CODE
Personal Mail	four		S	Soap Dish			
				Bible	two		K

"I hereby certify that all of my property is listed on this inventory and disposition of all property listed on this inventory is correct. I further state that I do not have in my possession the legal materials belonging to any other inmate."

Signature of Official Receiving Property: C.P.I.C. Jones Date: 6/27/12 Location Stored: \_\_\_\_\_  
 Inmate's Signature: Jimmy Frost Date: \_\_\_\_\_  
 Or Witness if inmate refuses to sign: \_\_\_\_\_  
 Signature of Official Returning Property: \_\_\_\_\_ Date: \_\_\_\_\_  
 Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Inmate's Signature: Jimmy Frost Date: 6-27-12

"If I should die during my incarceration, I designate the individual listed below to receive my personal property."

Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Phone \_\_\_\_\_

Code Column: D=Donate M=Mail S=Storage I=Issued K=Keep in Possession DES=Destroy  
 Original - Unit Personal Property Officer Pink Copy - Inmate Yellow Copy - Inmate's File

VERIFICATION

I, Jimmy Frost, the petitioner herein, and in support of my Petition, after first being duly sworn, do hereby swear that the statements, matters and things contained in my petition are true and accurate to the best of my knowledge, information, and belief.

CERTIFICATE OF SERVICE

This is to certify that on this 4 day Sept 20 13, the petitioner had mailed a true and correct copy of the foregoing pleading by way of U.S. Postal Service as follows.

Jimmy Frost  
Petitioner, Pro-Se  
ADC # 140003  
Brickys EARU Unit

ADDRESSES TO:

ADC, Director's Office  
Attn: Lisa Mills Wilkins  
PO Box 8707  
Pine Bluff, Ark. 71611

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Claims Commission  
Attn: Norman Hodges  
101 East Capitol Avenue, Suite 410  
Little Rock, Ar. 72201-3823

State of Arkansas

County of Jell

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, this 4 day of September, 20 13.

1-10-2015  
My Commission Expires:

Geneva V. Jones  
(seal)

GENEVA V. JONES  
NOTARY PUBLIC-STATE OF ARKANSAS  
LEE COUNTY  
My Commission Expires 01-10-2015

OCT 07 2013

Jimmy Frost (ADC #140003)

Claimant RECEIVED

v.

NO. 13-0824-CC

ADC

Respondent

## Motion for Reconsideration

On June 6, 2013 Claimant received from the Respondent's Attorney a letter dated June 4, 2013. Requesting that Claimant's Claim be held in abeyance, until, the completion of a internal affairs investigation, which Claimant whole hardily agreed to in response to the Claims Commission.

On June 7, 2013 Claimant received a letter dated June 5, 2013, from the Claims Commission, stating that Respondent was disputing liability. And that Claimant had fifteen (15) days from date of letter to notify Claims Commission if Claimant wish to attend a hearing on this Claim. Claimant responded with a letter on June 12, 2013 to the Commission, stating that Claimant did wish to attend a hearing on the claim. And that Claimant did agree to hold case in abeyance until the completion of a internal affairs investigation.

On August 28, 2013 Claimant wrote to the Claims Commission to request that they go forward with the hearing if there was not going to be an internal affairs investigation. However Claimant did request that the Claims Commission, demand that ADC

complete an internal affairs investigation, because Claimant and the Claims Commission had been waiting some (27) days for results. Then on August 30, 2013 Claimant received a motion to dismiss, from ADC Attorney, dated August 27, 2013.

On September 5, 2013 Claimant received a letter from the Claims Commission acknowledging that it had received Claimant's letter asking to proceed with the hearing. And that the Respondent had filed a "Motion to Dismiss" claim on August 27, 2013. Therefore, we could not proceed to hearing with this claim until the motion had been dealt with.

Also that Claimant only had ten (10) working days from date that Motion was filed to respond. But however the Commission would review the Respondent's motion on September 12, 2013 ~~making~~ meeting.

By this the Commission only gave Claimant from September 5, 2013 when Claimant received notice from the Commission, until September 12, 2013 to respond. In which that only gave Claimant six (6) working days to respond.

This in no way was a reasonable or adequate amount of time to respond. Claimant did indeed rush to the best of his ability to respond on time. However ADC, staff and officers here at the Brickey's Unit, obstructed the Claimant in every way possible.

From holding Claimant's response to the Claims Commission, six (6) days from 9-4-13 until 9-9-13 just to make the Claimant copies of his response to the Claims Commission. And then by holding Claimant's

response from 9-10-13 at 5:30 am until at least 9-12-13 before mailing it to make it late.

The Claims Commission, I'm sure understands, that ADC to whom this Small Claims case is against, has complete control over a inmate's right's to make copies, to use law library, to Notary, and to the U.S. Postal Service.

ADC, Employees did with deliberate intentions, cause the Claimant's response to be untimely, by holding it up in the mailing process. Claimant had wrote to the Commission prior, complaining that ADC was obstructing his rights to Law library, and, mail service on June 17, 2013.

Therefore the Claimant, claims his right to the "Mail Box Rule" see: Clifford Medley v. Rick Thaler, Texas Department of Correction (Oct. 12, 2011) 660 F.3d 833 which applies here! For Claimant is entitled to the benefit of the "Mail Box Rule" as of the moment his document is delivered to prison officials for mailing. It's deemed "filed as soon as the pleadings have been delivered to prison officials for mailing to Court.

see: Coleman v. Johnson, 184 F.3d 398, 401 (5th Cir. 1995), Spotville v. Cain, 149 F.3d 374, 376 (5th Cir. 1998)

Huston v. Back, 487 U.S. 266, 108 S.Ct. 2379, 101 L. Ed 2d 245 (1998), Cooper v. Brookshire, 70 F.3d 377, 379 (5th Cir. 1995)

Therefore Claimant respectfully request that the Claims Commission, Reconsider it's decision to dismiss. Claimant ask that Petition be reinstated. Also ask,

that the motion made by Respondent to hold case in abeyance be reinstated, and that the internal affairs investigation be completed. And that there be hearing held on the Findings. Before the Respondent be allowed to submit another motion.

See: Exhibit (1) Verification and Certificate of Service, Sworn before Notary, Geneva V. Jones dated 4th day of September, 2013. It shows Claimant's response was ready for mail to the Claims Commission less getting copies made and being mailed. Also that ADC, Employee's held up the process from 9-4-13 until 9-12-13, before making Claimant's copies and then holding Claimant's response from mail. Claimant's response was delivered to Captain Ford and Sgt. Johnson to be sealed and mailed on 9-10-13 at 5:30 am.

By all reasons mentioned above Claimant asks that he's case against ADC be reinstated. For Claimant holds no responsibility for his response being untimely. see: Exhibit's (1-4)

Respectfully

Jimmy Frost  
ADC #140003

VERIFICATION

I, Jimmy Frost, the petitioner herein, and in support of my Petition, after first being duly sworn, do hereby swear that the statements, matters and things contained in my petition are true and accurate to the best of my knowledge, information, and belief.

CERTIFICATE OF SERVICE

This is to certify that on this 4 day Sept 20 13, the petitioner had mailed a true and correct copy of the foregoing pleading by way of U.S. Postal Service as follows.

Jimmy Frost  
Petitioner, Pro-Se  
ADC # 140003  
Brickeys EARU Unit

Arkansas Claims Commission

OCT 07 2013

RECEIVED

ADDRESSES TO:

ADC, Director's Office  
Attn: Lisa Mills Wilkins  
PO Box 8707  
Pine Bluff, Ark. 71611

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Claims Commission  
Attn: Norman Hodges  
101 East Capitol Avenue, Suite 410  
Little Rock, Ar. 72201-3823

State of Arkansas

County of Lee

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, this 4 day of September, 20 13.

1-10-2015  
My Commission Expires:

Geneva V. Jones

GENEVA V. JONES  
NOTARY PUBLIC-STATE OF ARKANSAS  
LEE COUNTY  
My Commission Expires 01-10-2015

(seal)

Exhibit (1)



**UNIT LEVEL GRIEVANCE FORM (Attachment I)**

Unit/Center E 3611

Name Jimmy Ford

ADC# 11125 Brks # 6-30 Job Assignment BU

FOR OFFICE USE ONLY	
GRV. #	_____
Date Received:	_____
GRV. Code #:	_____

9-23-13 (Date) STEP ONE: Informal Resolution

9-29-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)  
If the issue was not resolved during Step One, state why: No answer on step one

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

Is this Grievance concerning Medical or Mental Health Services? \_\_\_\_\_ If yes, circle one: medical or mental

**BRIEFLY** state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how **you** were affected. (Please Print): E 3611 mail server and the mail supervisor failed to promptly mail my legal mail, resulting in the dismissal of my Claims Commission case. My Motion was delivered to the mail room by Capt. Ford and was not picked up by Capt. Ford and Sgt. [unclear] until 2:30 AM on 9-10-13. If it was mailed on 9-10-13 I need proof. I asked that my legal mail be sent by overnight mail. Therefore E 3611 and the mail supervisor has obstructed my right to access to the courts. Therefore causing me injury!!

Arkansas Claims Commission  
**OCT 07 2013**  
**RECEIVED**

Jimmy Ford  
Inmate Signature

9-23-13  
Date

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

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**

This form was received on \_\_\_\_\_ (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 \_\_\_\_\_

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

Describe action taken to resolve complaint, including dates: \_\_\_\_\_

Staff Signature & Date Returned \_\_\_\_\_ Inmate Signature & Date Received \_\_\_\_\_

This form was received on 9-29-13 (date), pursuant to **Step Two**. Is it an Emergency? NO (Yes or No).

Staff Who Received Step Two Grievance: J. S. Munn Date: 9-29-13

Action Taken: Forwarded (Forwarded to Grievance Officer/Warden/Other) Date: 9-29-13

If forwarded, provide name of person receiving this form: Mc Donnell Date: 9-29-13

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

**UNIT LEVEL GRIEVANCE FORM (Attachment I)**

*KANDIT CJ*

Unit/Center FARU

FOR OFFICE USE ONLY

Name Jimmy Friel

GRV. # \_\_\_\_\_

ADC# 1122 Brks # 4-36 Job Assignment CL

Date Received: \_\_\_\_\_

GRV. Code #: \_\_\_\_\_

9-23-13 (Date) STEP ONE: Informal Resolution

9-29-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)  
If the issue was not resolved during Step One, state why: No answer on step one

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

Is this Grievance concerning Medical or Mental Health Services? \_\_\_\_\_ If yes, circle one: medical or mental  
**BRIEFLY** state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how **you** were affected. (Please Print):

On 9-5-13 at 5:30 am, my legal work was delivered to the law library for copies to be made by Captain Ford. By not promptly making photocopies of my legal work and returning it to me as was requested on 9-5-13, Mrs Gray "contributed to the fact of my motion being untimely in reaching the Claims Commission, by not returning my legal mail until 9-9-13 at 4:30 pm with copies. Therefore Mrs Gray is responsible for my case being dismissed, for failure to respond in a timely manner by being late. Therefore she has obviously caused an obstruction that denied my right to access to the court. Therefore Mrs Gray has caused me injury!!

Arkansas Claims Commission

OCT 07 2013

Jimmy Friel

Inmate Signature

Date

9-23-13

RECEIVED

**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 \_\_\_\_\_ (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 \_\_\_\_\_

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

Describe action taken to resolve complaint, including dates: \_\_\_\_\_

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on 9-29-13 (date), pursuant to **Step Two**. Is it an Emergency? NO (Yes or No).

Staff Who Received Step Two Grievance: Lt. J. Munn Date: 9-29-13

Action Taken: forward (Forwarded to Grievance Officer/Warden/Other) Date: 9-29-13

If forwarded, provide name of person receiving this form: Arc Jantz Date: 9-29-13

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

**UNIT LEVEL GRIEVANCE FORM (Attachment I)**

Unit/Center F 181

Name Jimmy Ford

ADC# 14113 Brks # 2032 Job Assignment DI

FOR OFFICE USE ONLY	
GRV. #	_____
Date Received:	_____
GRV. Code #:	_____

9-27-13 (Date) STEP ONE: Informal Resolution

9-29-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)  
If the issue was not resolved during Step One, state why: NO ANSWER ON STEP ONE

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

Is this Grievance concerning Medical or Mental Health Services? \_\_\_\_\_ If yes, circle one: medical or mental

**BRIEFLY** state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how **you** were affected. (Please Print):

On 9-5-13, at 5:30 am, at a rotary call I asked Captain Ford if I could take my legal work to the library, and slide it under the door to be copied. He said he would take care of it, so he took my legal work. If he took it to the library on 9-5-13 at 5:30 am, like he said he would, then Mrs. J. Gray is at fault. But if Captain Ford did not take it to the library like he said he would then he is at fault. For me not getting my case back with copies until 9-6-13 at 1:30 pm, in which caused my motion to the Claims Commission to be late and to be dismissed, for being untimely. Therefore "he" has caused me injury!

Arkansas Claims Commission

OCT 07 2013

RECEIVED

Jimmy Ford

Inmate Signature

9-21-13

Date

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

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**

This form was received on \_\_\_\_\_ (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 \_\_\_\_\_

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Sgt Davis Date Received 9-24-13

Describe action taken to resolve complaint, including dates: \_\_\_\_\_

Staff Signature & Date Returned \_\_\_\_\_ Inmate Signature & Date Received \_\_\_\_\_

This form was received on 9-25-13 (date), pursuant to **Step Two**. Is it an Emergency? No (Yes or No).

Staff Who Received Step Two Grievance: Lt. J. Munn Date: 9-29-13

Action Taken: forward (Forwarded to Grievance Officer/Warden/Other) Date: 9-29-13

If forwarded, provide name of person receiving this form: McDermid Date: 9-29-13

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

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 5,000.00

Claim No. 13-0824-CC

<u>Jimmy Frost, #140003</u>	<b>Claimant</b>	<u>Pro se</u>	<b>Claimant</b>
<b>vs.</b>			
<u>Department of Correction</u>	<b>Respondent</b>	<u>Lisa Wilkins, Attorney</u>	<b>Respondent</b>
<u>State of Arkansas</u>			
<b>Date Filed</b> <u>May 20, 2013</u>		<b>Type of Claim</b> <u>Failure to Follow Procedure, Loss of Property &amp; Negligence</u>	

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's September 12, 2013, 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 was not previously available. Therefore, the Commission's September 12, 2013 order remains in effect.

Date of Hearing November 15, 2013

Date of Disposition November 15, 2013

*Pat Moran* **Chairman**

*H. H. Moore* **Commissioner**

*Jim Baker* **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.

DEC 09 2013

RECEIVED

Jimmy Frost (ADC #1410003) Claimant

v. No. 13-0824-CC

Arkansas Department of Corrections Respondent

Motion for Appeal

Claimant request proper form, designed by the Ark. State Claims Commission, to appeal to the General Assembly. The decision given by the Claims Commission on 11-15-2013, and received by Claimant on 11-22-13.

Date 11-27-13

Sincerely,

Jimmy Frost  
Claimant

State of Arkansas  
County of Lee

Subscribed And Sworn to Before Me, a Notary Public,  
on this 2 day of Dec, 2013.

11-10-2015  
My Commission Expires:

Geneva Jones  
Notary (Seal)

GENEVA V. JONES  
NOTARY PUBLIC-STATE OF ARKANSAS  
LEE COUNTY  
My Commission Expires 01-10-2015

CERTIFICATE OF SERVICE

This is to certify that on this 2 day of Dec 20 13, the petitioner had mailed a true and correct copy of the foregoing pleading by way of U.S. Postal Service as follows.

Jimmy Frost  
Petitioner pro se  
ADC # 140003  
EARL, Brickeys Unit

ADDRESSED TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ark. State Claims Commission  
101 E. Capitol Ave., Suite 410  
Little Rock, Ark  
72201-3823

Motion for proper forms for appeal.

STATE OF ARKANSAS )  
COUNTY OF Lee ) SS

2 SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this day of Dec 20 13.

1-10-2015  
My Commission Expires:

Geneva V Jones  
Notary (seal)

GENEVA V. JONES  
NOTARY PUBLIC-STATE OF ARKANSAS  
LEE COUNTY  
My Commission Expires 01-10-2015