

APR 30 2013

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Please Read Instructions on Reverse Side of Yellow copy

I would like to appear before the Commission for a hearing.
Please print in ink or type
BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

Mr. Mrs. Ms. Miss
Alonzo Gilliam, #098194 Claimant

Do Not Write in These Spaces
Claim No. 13-0759-CC
Date Filed April 30, 2013
Amount of Claim \$ 9,550.00
Fund ASCC

State of Arkansas, Respondent
State Claims Commission

Failure to Follow Procedure

COMPLAINT

Alonzo Gilliam, #098194, the above named Claimant, of POB 180, Brickeys, AR 72320
County of LeF represented by Pro Se

State agency involved: Arkansas Claims Commission Amount sought: \$9,550.00

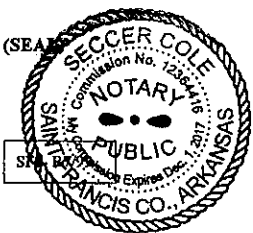
Month, day, year and place of incident or service: JANUARY 11, 2013, ON THE COMMISSION BOARD IT'S-SELF.
Explanation: ON NOV 13 12 I FILED A PERSONAL INJURY CLAIM (#13-0408-CC). ON DEC 3 12 I MAILED A LETTER TO THE COMMISSION INFORMING THE COMMISSION THAT I WANTED TO APPEAR FOR A HEARING ON BOTH OF MY CLAIMS. IN RETURN I RECEIVED A FILE MARKED COPIES ON BOTH OF MY CLAIMS WITH A NOTICE ACKNOWLEDGING THAT MY LETTER AND THEN I WAS REQUESTING HEARING ON BOTH OF MY CLAIMS ALONG WITH FILED MARKED COPIES OF BOTH CLAIMS AND THE LETTER. SEE DOCUMENT DATED 12/3/12 AND FILED MARKED AS BEING RECEIVED ON DEC 6 2012 BY THE COMMISSION. ON DEC 12 12 I RECEIVED A LETTER FROM THE COMMISSION GIVEN ME INSTRUCTIONS TO RESPOND WITHIN 15-DAYS WITH A LETTER TO THE COMMISSION INFORMING THEM THAT I WANTED TO APPEAR FOR A HEARING WHICH I HAD ALREADY DONE, BUT STILL WANT AHEAD AND RESPONDED TO THE LETTER DATED DEC 12 12 ANYWAY. ON DEC 18 12 I SENT A NOTICE TO THE COMMISSION EXPLAINING THAT I DID EXHAUST ALL MY ADMINISTRATIVE REMEDIES WITH COPIES OF EACH OF THE DOCUMENTS ALONG WITH A LETTER OF APPEARANCE. I STILL HAD NOT RECEIVED ANYTHING FROM THE RESPONDENTS ON THIS PERSONAL INJURY CLAIM, SO ON JAN 1 2013 I FILE A DOCUMENT UNDER RULE 2.2 OF THE CLAIM COMMISSION HANDBOOK REQUESTING TO BE AWARDED RELIEF FROM THE DEPARTMENT OF CONNECTION / RESPONDENTS FOR FAILURE TO ANSWER

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? Yes when? 10-22-12 to whom? State Claims Commission and the Department of Connection and that the following action was taken thereon: Claims were dismissed on false grounds and mistakes made by the commissions staff and are covered up. and that \$ 0 was paid thereon: (2) Has any third person or corporation an interest in this claim?

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.
Alonzo Gilliam #98194
(Print Claimant/Representative Name) Signature of Claimant/Representative

SWORN TO and subscribed before me at Brickey AR
on this 16 day of April 2013
Decker Cole
(My Commission Expires: Dec 01 2017)



Within The Time Frame Allowed By The Commission. After Filing This With The Commission I Received A Finding Of Facts Conclusion Sheet Dated Jan. 11 2013, Unanimously Dismissing My Claim For Failure To Respond To A Letter Dated Dec. 12. 13, Which I Had Already Answered But Still Respond To Again On Dec. 18. 2012. Along With My Notice To Comm.

My Claim #13-0408-CC On Personal Injury Was Dismissed On Ground The Were Clearly Incorrect. I May Be Wrong But It Appears That My Claims Was Dismissed Because Of My Educational Level, Being That I'm Not A Very Good Speller And Or Someone Within The Office Of The Commission Has And Is Conspiring With The Depart. Of Correction & Their Attorney Lisa Wilkins To Dismiss My Claims As Well As Other Prisoners To. My Reasons For Making Those And This Claim Go's As Follow.

*1. Claim #13-0408-CC, Was Dismissed For Failure To Respond To A Letter Dated Dec. 12. 12, Which I Did Respond To On Dec. 18. 12. But When I File My Motion For Reconsideration Explaining This To The Board Members And Providing Documents To Show Them. My Documents And The Fact That Someone Within Their Office Had To Have Over Looked My Letters Of Appeals Dated Dec. 3. 12 And Dec. 18. 12. Which Was Respond To By The Commission With An

Acknowledgment, that my letter was received and that I was requesting hearing on both of my claim. At that time the commission sent me file marked copies of both of my claims & a file mark copy of my letter. SEE: Motion for Reconsideration and all supporting documents. But on Feb. 8, 2013 my motion for reconsideration was dismissed stating that I failed to offer evidence that was not previously available.

*How can I offer evidence that was not previously available, when the evidence that I submit with my motion for reconsideration were only copies of the documents that I had already submitted with the commission. The only new evidence that I did submit was proof that I did mail not one but two letters of appearance & pointed out the fact that someone within the commission had overlooked those letters. And it appears that it was done so on purpose, because after showing that I had responded to, had copies and almost all of them was file marked. My motion for reconsideration was dismissed as well. But let me point it out again, that my claim was not dismissed until after I had file my document under rule 2.2 and requested I be awarded relief from DOC and Respondants ~~For~~ Failure to answer claim as set forth by the rule & regulations of the state claims.

Commission. My claim was file on Nov. 13, 2012 but I did not receive a respond until the month of January 2013. And that's when my claim was dismissed on even more fabricated grounds. When I clearly should have been awarded relief in this claim.

I have ask around among other prisoners and some other prisoners have being have their claims dismissed for reasons that can't be explain. As well. In ^{my} case it's clear that my claim was dismiss ~~on~~ fabricated grounds on two different occasions when I should have been award relief. For the above state facts I ask the the Commission Director, General Assembly or who ever has to make ~~the~~ ^{the} decision ^{to} award claimant the some of \$9,550 ⁰⁰ for not properly following procedures, and dismissing not one but both of claimants claim.

"Claim Two #13-0329-CC"

Claim Number Two was file on Oct. 22, 2012, for loss of property. On Oct. 29, 12, I received a letter from the Commission telling me to notify it's office within 15-days which I did so timely. On more the one occasion. On Jan. 4, 2013 the claim commission granted claimant's motion for production of documents and ordered respondents to produce, which they did so in part.

At The Same Time That Respondants, Respondant To My Request For Production Of Documents . I Was Served With A Respondant's Motion To Dismiss Which Had A Table That Was Said To Have Illustrated Missing Property Versus What I Possessed Prior To May 15, 2012 . Which Was Truly Fabricated .

In Which Claimant Responded To On Jan. 10, 2013 Along With My Respond I Sent Personal Property Forms Showing That I Did Have These Items Prior To May, 15, 2012 , I Even Sent A Property Form From June 14, 2012 . Which Showed Were Officers Logged Missing Property, My Missing Property On A Inmate Personal Property Inventory Record Form .

I Provided All Of These Documents To The Claims Commission ~~with~~ with My Motion For Reconsideration See Attached Exhibits With That Motion File Marked On March, 6, 13 . These Claims Should Never Have Been Dismissed, But They Were Because Someone Take It Upon Themselves To Dismiss & Over Look Facts , Evidence And Mistakes Made By The Comissions Staff. In Order To Help - The Department Of Correction Causes Injuries , Loss & Steal Inmates Property And Then Cover It All Up By Dismissing My As Well As Other Prisoners Small Claims . Both Claims Are Now Appealed To The General Assembly , See Both Notice And Appeals To The General Assembly .

FOR THE REASONS STATED IN CLAIM TWO I ASK
THAT BOTH CLAIMS BE RESUBMITTED AND RELIEF BE
AWARDED IN BOTH CLAIMS. AND THAT THE CLAIMS
COMMISSION OR WHAT PARTY - IT'S ON TO AWARD
CLAIMANT THE SUM OF \$ 9,550⁰⁰ FOR ITS
PART IN THE DISMISSAL ^{of} CLAIM #13-0408-CC. AND
CLAIM #13-0329-CC FOR FABRICATED REASONS, AND
PURPOSELY OVERLOOKING MISTAKE MADE BY ITS OWN
STAFF. Respectfully Submitted.

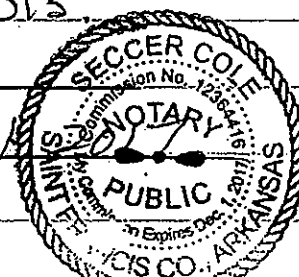
#98194

Date: April, 24 2013. Alonzo Gilliam
PO BOX 180
Brickeys Ark. 72320

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS
14 Day Of April 2013

Notary: Seccer Cole

Commission Expires: Dec. 01



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ARKANSAS STATE CLAIMS COMMISSION



(501) 682-1619
FAX (501) 682-2823

NORMAN L. HODGES, JR.
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, AR 72201-3823

April 30, 2013

Mr. Dennis Hansen
Deputy Attorney General
323 Center Street, Suite 200
Little Rock, Arkansas 72201

Re: Alonzo Gilliam, #098194
Claim # 13-0759-CC
Vs.
AR State Claims Commission

Dear Mr. Hansen:

Enclosed please find the above-styled claim filed against the Arkansas State Claims Commission. We have also enclosed documentation from two prior claims that Mr. Gilliam filed against the Arkansas Department of Correction which are mentioned in this current claim. We request that you represent the Arkansas State Claims Commission in this claim. Obviously we will be denying liability in this matter.

Your assistance in this matter is much appreciated.

Sincerely,

A handwritten signature in black ink that reads "N. L. Hodges".

Norman L. Hodges, Jr.
Director

NLH/jh

Claim No.: 13-0329-CC
Claimant: Alonzo Gilliam, #098194
Respondent: Department of Correction
Type: Loss of Property
Amount: \$950.00

| <u>Date</u> | <u>Action</u> |
|-------------------|---|
| October 22, 2012 | Claim filed. Assigned #13-0329-CC. ASCC mailed a copy of claim to Respondent's Attorney Lisa Wilkins at DOC. |
| October 29, 2012 | Answer received from Respondent denying liability. ASCC mailed Claimant a letter that stated Respondent was denying liability. <u>Letter advised Claimant that he had 15 days to notify ASCC in writing if he wanted a hearing.</u> Respondent is cc'd on this letter. |
| November 5, 2012 | Claimant submitted a letter that advised he would like to have a hearing. |
| November 8, 2012 | Claimant filed a "Response to Respondent's Answer." Claimant also filed a "Motion for Production of Documents." Claimant submitted a second letter that advised he would like to have a hearing. |
| December 14, 2012 | ASCC granted Claimant's "Motion for Production of Documents." Respondent ordered to respond by Friday, January 4, 2013. |
| December 28, 2012 | Claimant filed a "Request for Production of Documents." |
| January 2, 2013 | Respondent responded to Claimant's 11/08/12 "Motion for Production of Documents." Respondent filed a "Motion to Dismiss." |

January 16, 2013 Claimant filed a "Motion to Compel Documents" which alleged he did not receive the documents he requested.

Claimant also filed a response to Respondent's "Motion to Dismiss."

January 29, 2013 Respondent filed a response to Claimant's "Motion to Compel."

January 30, 2013 Respondent responded to Claimant's 12/28/12 "Request for Production of Documents."

February 8, 2013 ASCC granted Respondent's "Motion to Dismiss" for reasons in claim one, set forth in paragraphs 1-13 and in claim two, section one (1) set forth in paragraphs contained in the motion.

March 6, 2013 Claimant filed a "Motion for Reconsideration."

March 26, 2013 Claimant mailed a letter to ASCC requesting that he receive a file-marked copy of his "Motion for Reconsideration." A file-marked copy is mailed to him.

April 11, 2013 ASCC denied Claimant's "Motion for Reconsideration" for Claimant's failure to offer evidence not previously available.

April 30, 2013 Claimant filed a "Notice of Appeal" to the Arkansas General Assembly which has not been heard.

Claim No.: **13-0408-CC**
Claimant: Alonzo Gilliam, #098194
Respondent: Department of Correction
Type: Personal Injury, Failure to Follow Procedure
Amount: \$6,500.00

DATE

November 13, 2012

ACTION

Claim filed. Assigned #13-0408-CC.

ASCC mailed a copy of claim to Respondent's Attorney Lisa Wilkins at DOC.

December 12, 2012

Answer received from Respondent denying liability.

ASCC mailed Claimant a letter that stated Respondent was denying liability. Letter advised Claimant that he had 15 days to notify ASCC in writing if he wanted a hearing. Respondent is cc'd on this letter.

Claimant alleges in his new claim that he mailed on December 3, 2012, a letter to the Claims Commission requesting hearings on two claims and that he received a December 6, 2012 file-marked copy from the Claims Commission. No such records are found in Claimant's claim packets nor did Claimant provide copies of same.

December 28, 2012

Claimant filed a "Motion to Subpoena Film."

January 4, 2013

Claimant submitted "Rule 2.2 of the AR State Claims Commission" in which he alleged he did not get an answer from Respondent.

January 7, 2013

Claimant submitted a letter advising that he would like to have a hearing. **This was received 26 days after letter of December 12, 2012, was sent to Claimant. The letter mentions no claim but #13-0408-CC.**

Claimant also submitted a "Notice to Commission."

January 11, 2013 ASCC denied & dismissed Claim for Claimant's failure to respond to a Claims Commission letter dated December 12, 2012.
-Claimant's response was late (past the 15 day deadline).

January 28, 2013 Claimant filed a "Motion for Reconsideration" in which he stated he mailed the ASCC a letter requesting a hearing on both of his claims (13-0408-CC & 13-0329-CC). Claimant stated this letter was dated December 3, 2012 and was file-marked December 6, 2012. Claimant also stated he mailed the ASCC a "Motion to Award Relief" on January 1, 2013 since he allegedly did not receive a response from the Respondent in accordance with Rule 2.2. Lastly, Claimant alleged that he did attempt to exhaust all his remedies.

February 1, 2013 Respondent submitted a letter regarding Claimant's Request for Relief and Rule 2.2.

February 8, 2013 ASCC denied Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available.

February 14, 2013 ASCC receives letter from Claimant responding to Respondent's January 31, 2013 letter

February 25, 2013 Claimant filed a "Notice of Appeal."

March 21, 2013 Claim was reviewed and denied by the Claims Review Subcommittee of the Arkansas General Assembly.

March 22, 2013 ASCC receives letter from Claimant.

BEFORE THE
ARKANSAS STATE CLAIMS COMMISSION

ARKANSAS STATE
CLAIMS COMMISSION

JUN 07 2013

RECEIVED

ALLONZO GILLIAM
ADC # 098194

CLAIMANT

V.

NO. 13-0759-CC

ARKANSAS STATE CLAIMS COMMISSION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes now the Respondent, the Arkansas State Claims Commission, by and through its attorneys, and for its Motion to Dismiss hereby states as follows:

1. Petitioner filed the present claim attempting to seek review and reversal of prior Commission decisions denying two claims Petitioner filed against the Arkansas Department of Correction.
2. Petitioner's claim is barred as a matter of law on any one of several, independent grounds.
3. First, Petitioner's claim is barred by *res judicata*, because he has already litigated and appealed the property and personal injury claims he asserted against the Department of Correction.
4. Second, Petitioner's claim is barred, because the only method to challenge a decision of the Arkansas State Claims Commission is by appeal to the Arkansas

General Assembly. A disgruntled claimant may not challenge a Commission decision by filing a new claim against the Commission itself.

5. Third, Petitioner's claim is barred because it fails to state any claim upon which relief can be granted.

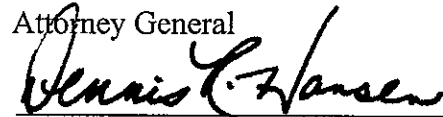
6. A brief in support of this motion is filed herewith and incorporated by reference herein.

WHEREFORE, for the reasons stated herein, the Respondent respectfully requests that its motion be granted and for any and all other relief to which it may be entitled.

Respectfully submitted,

DUSTIN MCDANIEL
Attorney General

BY:




DENNIS HANSEN #97225
Deputy Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201-2610
(501) 682-2503

Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Dennis Hansen, Deputy Attorney General, do hereby certify that the foregoing has been served by depositing a copy in the U. S. Mail, postage prepaid, on this 7th day of June, 2013, addressed to the following:

Mr. Alonzo Gilliam
ADC #098194
Arkansas Department of Correction
East Arkansas Regional Unit
P.O. Box 180
Brickeys, AR 72320


Dennis R. Hansen

BEFORE THE
ARKANSAS STATE CLAIMS COMMISSION

ARKANSAS STATE
CLAIMS COMMISSION

JUN 07 2013

RECEIVED

ALLONZO GILLIAM
ADC # 098194

CLAIMANT

V.

NO. 13-0759-CC

ARKANSAS STATE CLAIMS COMMISSION

RESPONDENT

RESPONDENT'S BRIEF IN SUPPORT OF ITS MOTION TO DISMISS

Comes now the Respondent, the Arkansas State Claims Commission, by and through its attorneys, and for its Brief in Support of its Motion to Dismiss hereby states as follows:

I. INTRODUCTION.

In late 2012, ADC Inmate Alonzo Gilliam filed two claims with the Commission against the Department of Correction. In Claim No. 13-0329, October 22, 2012, Mr. Gilliam alleged that certain items of his clothing had gone missing from a property storage room while he was temporarily relocated from his cell and that certain other items of his clothing had gone missing from the prison laundry. Mr. Gilliam's claim sought recovery of \$950.00 from ADC. In Claim No. 13-0408, Mr. Gilliam sought \$6500 for injuries he says he suffered by being pushed into the bars of his cell and struck during an incident when a fire was set near his cell.

In January 2013, the Department of Correction filed a motion to dismiss Gilliam's property claim (13-0329), stating that ADC property records showed no record that Gilliam ever possessed the items he alleged to be missing. ADC contended that either Gilliam never possessed the items, or he had obtained them illegally through prohibited trafficking and trading among inmates, and as a result they were never inventoried. In either event, ADC argued that the claim should be denied. (ADC Motion to Dismiss filed January 2, 2013.). On January 16, 2013, Gilliam responded to the Department's motion to dismiss and argued again that the items of clothing were missing and ADC should be responsible for replacing them. (Claimant's Response to Motion to Dismiss filed January 16, 2013). On February 8, 2013, the Commission granted the Department's motion to dismiss. On March 6, 2013, Mr. Gilliam filed a Motion for Reconsideration of the Commission's Order. He argued that ADC's contentions in its motion to dismiss were incorrect and therefore the Commission's decision granting the motion to dismiss was in error. On April 11, 2013, the Commission issued an order denying Mr. Gilliam's motion for reconsideration. On April 30, 2013, Mr. Gilliam filed a notice of appeal, appealing the Commission's decision to the Arkansas General Assembly. That appeal has not yet been heard or decided.

In December 2012, the Department of Correction filed an answer denying liability on Mr. Gilliam's personal injury claim (No. 13-0408). The Commission then mailed Gilliam a letter advising him that the Department was denying liability and notifying Gilliam that he had 15 days to respond in writing if he wished to have a hearing on the claim. Gilliam did not submit any written request for a hearing within 15 days. On January 11, 2013 the Commission denied and dismissed Gilliam's personal injury claim

based on his failure to timely respond. Gilliam filed a Motion for Reconsideration. The Commission denied the Motion for Reconsideration. On February 25, 2013, Mr. Gilliam filed a notice appealing the Commission's dismissal of his claim to the General Assembly. The Claim was reviewed and the Commission's decision was upheld by the Claims Review Subcommittee on March 21, 2013.

Mr. Gilliam has now filed the instant claim against the Commission itself, seeking recovery of \$9550.00 from the Commission for refusing to grant his two previous claims against the Department of Correction, including both the property claim (13-0329) and the personal injury claim (13-0408).

II. STANDARD OF REVIEW.

When a respondent moves to dismiss a petitioner's claims, the facts alleged in the complaint are treated as if they were true and reviewed in the light most favorable to the petitioner. *Biedenharn v. Thicksten*, 361 Ark. 438, 206 S.W.3d 837 (2005). But, the Arkansas Rules of Civil Procedure require fact pleading, and a complaint must state facts sufficient to entitle the petitioner to relief; mere conclusions or bare assertions are not sufficient. Ark. R. Civ. P. 8(a) (1); *Doe v. Weiss*, 2010 Ark. 150. Petitioner's complaint is properly dismissed, if, on the facts alleged, the respondents are entitled to judgment as a matter of law. *Arkansas Dep't of Environmental Quality v. Brighton Corp.*, 352 Ark. 396, 102 S.W.3d 458 (2003). On appeal, the grant of a motion to dismiss will not be disturbed absent abuse of discretion. *Ark. Tech Univ. v. Link*, 341 Ark. 495, 501, 17 S.W.3d 809, 812 (2000).

III. DISCUSSION.

A. Petitioner's Claims are Barred by Res Judicata.

Petitioner's claims are barred by principles of res judicata and collateral estoppel, because both claims have been previously litigated to a final decision. He may not now use this action in an attempt to relitigate or collaterally attack the decisions on his claims against the Department of Correction. His personal injury claim has already been upheld by the General Assembly, and his property claim is still pending on appeal to the General Assembly. The decisions may not be challenged by filing a new claim against the decision maker.

A prior ruling precludes a new action on the same facts so long as the litigant had a fair *opportunity* to litigate the issues in the previous action. *Davis v. Little Rock School Dist.*, 92 Ark. App. 174 , 211 S.W. 3d 587 (2005); *Cox v. Keahey*, 84 Ark. App. 121, 133 S.W. 3d 430 (2003); *Pentz v. Romine*, 75 Ark. App. 274, 57 S.W. 3d 235 (2001). Consistent with the Arkansas Rules of Civil Procedure and its own procedures, the Commission rejected Petitioner's claims; he cannot now attempt to relitigate those claims by filing a new action raising the same issues. *See, e.g., Owen v. State*, 249 Ark. 903, 462 S. W. 2d 469 (1971) (Inmate was held to be barred from seeking to litigate in a second proceeding the same claim that had already been decided in a prior action.) There is no doubt that Mr. Gilliam had a full and fair opportunity to litigate his claims. Because his claims were already considered and rejected, Petitioner is barred from relitigating those contentions in the present case. Accordingly, Petitioner's Complaint should be dismissed.

B. Petitioner's Claims against the Department of Correction, a State agency, were cognizable only in the Claims Commission and the only avenue for challenging the Commission's decisions is by appeal to the General Assembly.

The Arkansas General Assembly has established the Arkansas State Claims Commission to provide for the payment of the State's "just and legal debts." See Ark. Code Ann. §§ 19-10-201 through 19-10-210. "The legislature has thus created a method by which claims alleged to be just and legal debts of the state shall be filed, processed, and reviewed by the General Assembly while preserving the state's sovereign immunity as declared in the Constitution." *Fireman's Insurance Co. v. Arkansas State Claims Commission*, 301 Ark. 451 (1990) (State courts lacked jurisdiction to hear claim against a State agency).

The Claims Commission operates according to the Arkansas Rules of Civil Procedure as supplemented by its own rules; and the review and disposition of claims against the State and her agencies by the Claims Commission satisfies the constitutional requirement of due process of law. *Austin v. Arkansas State Highway Commission*, 320 Ark. 292 (1995) (State courts lacked jurisdiction to hear claim against State arising from highway construction project; claim properly brought in Arkansas State Claims Commission, which comports with due process); *Tri-B Advertising v. Arkansas State Highway Commission*, 260 Ark. 227 (1976) (landowner's claims against the State Highway Commission properly brought in Arkansas State Claims Commission).

The Arkansas Code provides the sole means for review of the decisions of the Claims Commission. Section 19-10-211(a) specifically states: "A decision of the Arkansas State Claims Commission may be appealed only to the General Assembly."

That Section also sets forth the specific timelines and procedures for a party to file a notice of appeal. Mr. Gilliam not only was aware of the provisions of 19-10-211 for an appeal to the General Assembly, but he has actually invoked those appeal procedures with respect to both his property and personal injury claims.

The Arkansas Supreme Court has reviewed and upheld the Claims Commission process for claims against the State as satisfying all the requirements of due process; and the Court has explicitly recognized that the power of reviewing the decisions of the Claims Commission lies solely with the legislature. *Fireman's Ins. Co. v. Arkansas State Claims Comm'n*, 301 Ark. 451, 457 (1990). In *Fireman's Insurance* the Court explicitly held that Arkansas law did not provide for any review of Claims Commission matters other than by the General Assembly; the Supreme Court concluded that this system satisfied all constitutional requirements:

We hold that the Claims Commission is an arm of the General Assembly and the General Assembly has total control over the determination of and subsequent funding for payment of the "just debts and obligations of the state — all other avenues for redress through legal proceedings being barred by the sovereign immunity provision of the Arkansas Constitution.

Id. at 457. And, in *Hanley v. Arkansas State Claims Commission*, 333 Ark. 159, 970 S.W.2d 198 (1998), the Court reiterated that the exclusive remedy to challenge a Commission decision is by appeal to the General Assembly:

"In 1949, the General Assembly created the Arkansas Claims Commission for the sole purpose of hearing and resolving claims against the State that could not otherwise be heard by the judiciary. In *Fireman's*, we clarified that the Commission was an "arm of the legislature," and thus all appeals of the Commission's rulings must be heard by the General Assembly, and not the courts."

Id., at 166.

Thus, under Arkansas law the sole remedy for a claimant aggrieved with a decision of the Claims Commission is to appeal the Commission's decision to the General Assembly. Mr. Gilliam may not institute a new action against the Commission itself in an attempt to collaterally attack the Commission's rulings.

C. Petitioner's claim is also barred as a matter of law, because it fails to state a claim upon which relief may be granted.

Petitioner's complaint appears to raise three basic claims. First, he contends that his rights were violated, because he was not given an in-person hearing on his claims. Second, he contends that his rights were denied, because his personal injury claim was dismissed for failing to respond. Third, he argues that -- given his own belief that his claims had merit -- his claims must have been dismissed because of a conspiracy between the Commission and the Department of Correction. Petitioner has failed to back up his conclusory assertions with supporting fact allegations, and his Complaint fails to state any claim upon which relief can be granted.

First, neither due process nor the Commission's rules require that every claim filed with the Commission must be decided only after a full in-person hearing. The Commission follows the same Arkansas Rules of Civil Procedure applicable to suits in Arkansas courts. Just as in lawsuits filed in court, a claim filed in the Commission may be decided on the papers without any hearing, and a claim may be dismissed for failure of one of the parties to follow the applicable procedural rules. Indeed, Mr. Gilliam conceded this point by arguing that his personal injury claim should be decided in his own favor without ever getting to the merits, based on his contention that ADC had defaulted by not timely filing its Answer. Mr. Gilliam's argument that he should win by

default turned out to be mistaken, because ADC had 30 days to file its first responsive pleading and not 20 days as Mr. Gilliam asserted. But by so arguing, Mr. Gilliam admitted that not every case must be decided on the merits after a hearing; some cases will be decided on procedural grounds or based on a party's failure to follow the applicable rules. Mr. Gilliam's personal injury claim fell into this category. He was required to respond to the Commission's notice within 15 days but failed to do so.

Procedural due process requires only that a person be given notice and the *opportunity* to be heard before he is deprived of any significant property interest. *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Boddie v. Connecticut*, 501 U.S. 371 (1971). So long as a person has the *opportunity* to argue why proposed action should not be taken, due process is satisfied. *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532 (1985). Mr. Gilliam was not denied due process merely because his claims were decided without a full-blown, in-person hearing.

Second, due process is also not denied where a claim is dismissed for failing to follow a procedural requirement, such as the rule here requiring Gilliam to respond within 15 days. As the Arkansas Supreme Court has held, denial of subsequent relief is fundamentally fair where a petitioner had the opportunity to pursue his remedies but failed timely to do so. *Maulding v. State*, 299 Ark. 570, 776 S.W.2d 339 (1989). And, due process does not require a separate set of rules for pro se or inmate litigants. All litigants, including those proceeding without counsel, are responsible for following procedural rules in perfecting their rights in litigation. *Watkins v. State*, 2010 Ark. 156 (2010) (Inmates like other litigants are required to follow the procedural rules and act in a timely manner.). Petitioner's Complaint demonstrates that he had notice of the

proceedings and, indeed, he actively participated. Due process is not violated merely because the Commission dismissed Petitioner's complaints and denied his motions for reconsideration.

Finally, Petitioner's conclusory contention that his claims were denied as the result of a conspiracy between ADC and the Claims Commission is entirely baseless and devoid of factual support. Accordingly, his argument is legally insufficient to state a claim for relief. The Arkansas Supreme Court has repeatedly held that a petitioner must allege specific facts; vague assertions, conclusory allegations, and the use of legal terms or labels without factual support will not suffice. *Doe v. Weiss*, 2010 Ark. 150 ("Our rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief."). To state a claim for conspiracy, a petitioner must show: (1) a combination of two or more persons; (2) based on an agreement to accomplish a purpose that is unlawful or oppressive, (3) which resulted in the injury of another. *See, e.g., Born v. Hosto & Buchan, PLLC*, 2010 Ark. 292, 308 S.W.3d 573 (2010). Petitioner's Complaint makes plain that he has no facts to back up his claim of a conspiracy. He merely infers, based on his belief that his claims had merit and the fact that they were denied, that the reason for the denial must have been due to a conspiracy against him. As the Arkansas Supreme Court said in *Hodges v. Lamora*, another case where a public official was alleged to have engaged in a conspiracy: "Even viewing these allegations expansively, we cannot make the leap in logic that the [mere fact that the event occurred] . . . equated to a conspiracy." *Hodges v. Lamora*, 337 Ark. 470, 476, 989 S.W.2d 530, 533 (Ark. 1999) (Because the complaint failed to allege specific facts that would support a claim of conspiracy, the Circuit Court granted the defendants' motion to

dismiss for failure to state a claim and the Supreme Court affirmed.). Having pleaded no specific facts showing agreement, unlawful purpose, or unlawful means (because there are no such facts), Petitioner's conspiracy claim, like his other arguments, is insufficient as a matter of law.

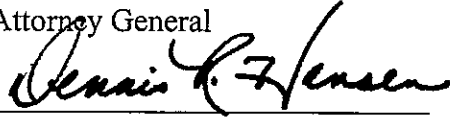
IV. CONCLUSION.

WHEREFORE, for the reasons stated herein, the Respondent respectfully requests that its motion be granted and for any and all other relief to which it may be entitled.

Respectfully submitted,

DUSTIN MCDANIEL
Attorney General

BY:

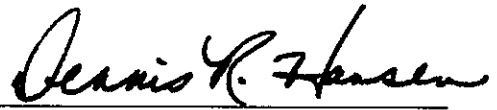

DENNIS HANSEN #97225
Deputy Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201-2610
(501) 682-2503

Attorneys for Respondent
Arkansas State Claims Commission

CERTIFICATE OF SERVICE

I, Dennis Hansen, Deputy Attorney General, do hereby certify that the foregoing has been served by depositing a copy in the U. S. Mail, postage prepaid, on this 7th day of June, 2013, addressed to the following:

Mr. Alonzo Gilliam
ADC #098194
Arkansas Department of Correction
East Arkansas Regional Unit
P.O. Box 180
Brickeys, AR 72320



Dennis R. Hansen

"Arkansas State Claim Commission"

JUN 24 2013

RECEIVED

Gilliam v. State Claims Commission NO. 13-0759-CC

"Claimants Response To Motion To Dismiss"

Come Now Alonzo Gilliam Pro Se. With His Response To Respondants Motion To Dismiss, Request That This Motion To Be Dismissed Be Denied, Stating The Following.

#1. On Nov. 13. 2012 Claimant Alonzo Gilliam File A Personal Injury Claim With The State Claims Commission Claim (#13-0408cc)

#2. On Dec. 3. 2012 Gilliam Had Not Received A Response From The Respondants So Claimant Wrote A Letter To The Commission Informing Them That He Wanted To Appear Before The Committee For A Hearing On Both The Personal Injury And Property Claim. Which Was Acknowledged By The Claim Commissions Clerks Office With A Hand Written Response And A File Marked Copies Of Both, My Letter Requesting To Attend A Hearing And Both Of My Claims Complaint Forms. SEE Exhibit (A).

#3. Exhibit (A) Is A File Manked Copy Of My Letter Requesting To Attend A Hearing, And It's Also Acknowledgement And Response From The Clerks Office Of The Commission.

#4. The Commission Sent Gilliam A Letter On Dec. 12. 2012 Advising Claimant That He Need To Send A Letter Informing The Commission That I wanted To Attend A Hearing See Exhibit (B).

On Dec. 17, 2012 Gilliam Mailed To The Commission A Notice To The Commission Which Included The Following Documents. #1. Affidavit Dated 12-19-2011, #1. Memorandum Date 1-10-2012, #1. Affidavit Dated 1-16-2012, #1. Inmate Grievance Appeal Dated 2-12-2012, #1. Memorandum Dated 2-23-2012 And The Letter Requesting Attendance During The Hearing. See Exhibit (C) And (D).

#5. Claimant Did Not Have Any More Certificate Of Service So Gilliam Wrote A Inmate Grievance Listing Each Document That Was Being Mailed, And Where They Were Being Mailed To See Exhibit (E) — Sgt. W. Brown Checked The Documents Then Allowed Me To Seal The Envelope Which She Sign The Back Of. The Sgt. Brown Sign The Grievance Verifying Those Where The Document Being Mailed, Who Mail Them And When They Were Mailed.

#6. Exhibit (F) Shows That The Grievance Office Received And Acknowledged That Grievance FAM 12-05024 Which Was Written On Dec. 17, 2012 Was Received In Their Office On Dec. 19-2012. See Exhibit (F)

#7. This Documentary Evidence (Exhibits) Clearly Shows That Claimant Did Send Not One But Two Letters Requesting To Appear Before The Committee For A Hearing On Both Claims And Was Acknowledged As Being Received By The Commission.

#8. As You Can See From Documentary Evidence And The Response From The Clerks Office Along With File Marked Copies. Claim 13-0408-CC Was Dismissed By The Commission Of Ground That

Did Not Exist And Were Do To The A Mistake Made By The Commission Staff, When They Clearly Over Looked Document Letters File By Claimant Alonzo Gilliam

"Statement Of Facts"

#9. Mr. Hensen The Attorney For The Commission Is Correct Not Every Case Must Be Decided On It's Merits After A Hearing, Some Cases Will Be Decided On Procedural Grounds OR Based On Someone Failure To Follow The Procedure And OR Rules. Claimants Personal Claim And The Claim Against The Commission Both Fall In That Category. Gilliam Was Required To Respond And Request Attendance At A Hearing Which Exhibit (A), (B) And (C) Makes It Clear That He Did, And Did So Well Before A 15 Day Deadline Expired.

#10 Exhibit A, B And C Clearly Shows That Gilliams Claim Against The Commission Not Only Falls In The Above Category But Also Shows His Claims Have Merits. Because Gilliams Claims Were Dismissed Wrongly And For A Mistake Made By The Commission It-Self. And By Showing This Also Show That Due Process Was Not Satisfied.

#11 Futhera More Due Process Was Not Denied Because Those Claims Were Dismissed For Failing To Follow Procedural Requirement, Because Claimant Complied With All Requirement.

#12 But Due Process Was Denied When Claims were Dismissed For A Mistake Made By The Commission, And When Those Mistakes Were Brought To Their Attention By Claimant Alonzo Gilliam. Instead of Correcting Their Mistake The Committee Members Came Together And Agreed To Denied claimants claim

Again, Denying Gilliam's His Due Process Further.

#13. Alonzo Gilliam, Claimant states that he wrote the Commission to find out how to file a complaint against the Claims Commission, and in response the Claims Commission sent Gilliam a state claims complaint form and directed him to file his complaint with them. See Exhibit (F) so that is what Gilliam did.

#14. The Arkansas Supreme Court has repeatedly held that a petitioner must allege specific facts, Gilliam did in his motions for reconsiderations, notice of appeals and in this complaint against the Commission. Gilliam has clearly shown that, with all of the documentary evidence that he has presented as exhibits. And that is all that's needed to be awarded relief.

#15. To claim conspiracy a petitioner must show the following:
#A. A combination of two or more people who has come together in agreement with the purpose that is unlawful or oppressive
#B. Or which will result in the injury of another person's person or property or the denial of right protected by law, which would be by due process.

#16. And the fact that Gilliam's claims was dismissed on fabricated grounds and a mistake made by the Commission, which Gilliam pointed out and after being informed of their mistakes, members of the committee came together and agreed to disregard the clear facts with the purpose denying claimant his day in court, his protected due process right, and the right to recover damages for his claims, due to their not taking action and connecting

A mistake made by the Owe staff.

"Missing Property Claim"

On Oct. 22, 2012 claimant Alonzo Gilliam filed a property claim with the State Claims Commission claim #13-0329

On Jan. 2, 2013 the ADC file a motion to dismiss using a fabricated table that was supposed to have illustrated Gilliam's personal property prior to May-15-2012. The ADC claim that Gilliam did not have these items prior to May-15-2012, when property was inventoried by Officer Steven Eldridge and placed into property storage room in isolation (#3).

Gilliam file a response to the ADC motion to dismiss on Jan. 10, 2012 with supporting document that not only showed that claimant did have this property, but had it prior to May-15-2012, in fact had it in 2011. See Exhibits A-1 & A-2

Exhibit A-1 & A-2 shows that Gilliam did have these items back in 2011, so the fact that respondents stated that I did not have these items were clearly proven wrong. These property items that were inventoried by officers at this unit so respondents knew that I had these items. But they did not share that information with the commission when making up their fabricated illustration table.

SEE EXHIBIT (B-1) & (C-1)

These exhibits will show that Gilliam's property was missing from Gilliam's stored property. Exhibit (B-1) — Sgt. H. Williams was the Area Supervisor and one of the officers

That Checked Gilliams Property Before It Was Returned To Him. That's Was Sgt. Williams Had Me File Out A Stolen Property Report And Sign It His-self. Exhibit (C-1) Lt. D. Winston Sign This Form Show That That He And Capt. Monegy Both Did A Shake Down Looking Of These Items And Could Not Find Them.

"All Of These Avents Are On Camers" //

The Fact That Plaintiff Provided Evidence That showed He Did Have Stated Property with Exhibit (A-1) & (A2). That Shows That The Table That The Respondants Produced Was Indeed Just A Lie And That Gilliams Was Intitled To Relief In The Missing Property Claim #13-0329

SEE EXHIBIT (D)

Exhibit (D) Shows That Property Was Inventory And Placed Into Storage On May-15-12, By Officer Steven Eldridge Officer Eldridge Signed This Personal Property Record Form Acknowledging That He Had Received And Place That Property In Isolation #3 Storage Room, On The Date of May 15-2012.

Claimant Alonzo Gilliam Provided All Of These Documents To The Claim Commission Which Clearly Shows That Gilliam Did Have The Missing Property Prior To The Date It Was Take And Placed In Storage By Eldridge On May-15-2012. All Of These Documents Were Signed By Officers Who Witnessed Each Event. The Fore Claimant Should Have Been Awarded Relief In This Claim.

But The Commission Disregarded The Facts And Evidence That Gilliam Provided To Them And Went Along With A Table That Was Supposed To Have Illustrated Gilliam's Property Which Was Clearly Proven Inconnect With Exhibits (A-1) (A-2), (B), (C) & (D).

"Facts"

If You Compare Exhibit A-1 And A-2 To The Table That Was Created By Respondents To Mislead The Commission You'll See Gilliam Did Have The Missing Property That Respondents Said He Did Not Prior To May-15-2012, And Claimant Has Proven That, And That He Should Have Been Awarded Relief. In The Property Claim.

Gilliam States That He Did Inform The Commission That He Want To Appeal For A Hearing And Has Provided Documentary Evidence That Show That With Exhibit (A), (C) And (D). The Clerk on The Claim Committee Made A Mistake And Over Look Those Letters, And Gilliam Made A Point Of Being That To Their Att But Instead Of Correcting Their Mistake, They Made It Appear That Claimant Had Not Made A Letter Requesting A Hearing And Wrongly Dismissed Gilliam's Claims.

And That Is Why This Claim Against The Claims Commission Is Pending Now. See Exhibit (G), Letter From The Commission Directing Gilliam To File A Claims Complaint Against Them With Them. So That Is What Claimant Alanco Gilliam Did.

Plaintiff Futher States That Claimants Claims Are Not Banned Because Gilliam Did State Claims In Which Relief Could Be Awarded Futher More The Claim Commission Has The Right And Authorization To Re-Amitt And Review Any Claim That It Has Made A Ruling On.

"Conclusion"

Claimant Alonzo Gilliam Has Clearly Provided Documentary Evidence ~~and~~ And Stated Facts In His Response To Respondants Motion To Dismiss. Therefore Respondants Motion Should Be Dismissed In Good Faith Because Their Motion Was Ground Less. Gilliam Have Provided Evidence And Showed That His Claim Against The Commission Has Merits And His Claims Were Wrongly Dismissed By The Comittee For A Mistake They Made.

Therefore, For The Reason Stated Herein Claimant Request That The Commission To Dismiss Respondants Motion To Dismiss And Schedule A Hearing In This Above stude Claim. And Grant Any And All Relief The Commission Deems Just.

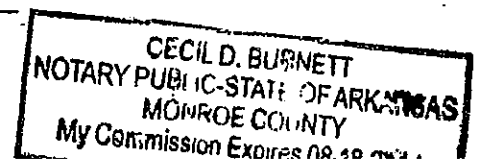
Respectfully Submitted.

I, Alonzo Gilliam ~~III~~, Hereby Certify That On June, 19, 2013. I Mailed The Inclosed Document By United States Postal Service to The Following: State Claims Commission, 101 E. Capitol Suite 410 L.R. AR. 72201.
From: Alonzo Gilliam #98194, PO BOX 180, Brickley AR. 72320.

Subscribed And Sworn To Before Me This 12 Day Of June 2013

My Commission Expires: 8-18-14

Notary: C. Burnett



Alonzo Gilliam, III v. Tony Barnes, et al.

NO. 13-0759-CC

Exhibit " "

Exhibits On Personal Injury Claim

Index

- #1. File Marked Letter To Commission To Appear At Hearing Exhibit (A)
- #2. Letter From State Commission Exhibit (B)
- #3. Notice To The Commission Exhibit (C)
- #4. Letter To Commission To Appear At Hearing Exhibit (D)
- #5. Inmate Grievance From EAM 12-05024 Exhibit (E)
- #6. Inmate Grievance Acknowledgment On EAM 12-05024 Exhibit (F)
- #7. Letter From The Commission Exhibit (G)
- #8. _____ Claim 13-0408-CC
- #9. _____
- #10. _____

* The Claims Commission did receive your letter requesting a hearing. We are enclosing copies of both of your claims.



Arkansas Claims Commission

DEC 06 2012

RECEIVED

To: State Claims Commission
101 E. Capitol Ave. Suite 410
Little Rock, Arkansas 72201

Date 12/3/12

From: Alonzo Gilliam #98194
PO. BOX 180
Brickeys Ar. 72320-0180

Re. I'm writing to you inform you that I have sent in two State Claims From #1. For My Missing Property Claim, In which I have Already Answered Your letters Leting It Be known that I wanted To Appear Before The Commission For The Hearing.

Re. #2. You Also Have A Personal Injury Claim That I Have Not Received A Reply Back On And It's Been Around (30) Days Sense The Date That I mailed It which was mailed On The Date Of Nov. 6. 2012. And I Have Not Received A Reply Back From Respondents. So I'm Waitting In Request of A Case Number For The Injury Claim And To Ifform You That I would like To Appear Before The Commission Of Both The Injury & Property Claim.

P.S. Will you Also send something Showing Which Number If For Each One Of My Claims. Thank You.

Exhibit

A

Alonzo Gilliam #98194

Alonzo Gilliam
V.
A.D.C

NO# 13-0408-CC

I, Alonzo Gilliam, Hereby Certify That On This
3rd Day Of Dec. 2012, I Mailed The
Following Documents. By The United States Postal Service
To The Said Address.

Documents

Mailed To: A.S.C.C
101 East Capital Ave
Suite 410
Little Rock AR. 72201

#1. Letter To State Claims Commission
About Hearing ~~on~~ On Both
Property And Personal Injury
Claims.

Mailed To: _____

Mailed To: _____

Pursuant To 28 U.S.C § 1746 I Declare Under Perjury That The
Foregoing Is True And Correct.

Date: Dec / 3rd / 2012

Alonzo Gilliam #98194
PO Box 150
Brickens Ar, 72201
Alonzo Gilliam

I Do Hereby State That I Have Witnessed The Stated
Documents Was Mailed On The Date of Dec 3, 2012.
Witness BY: Henry Williams

ARKANSAS STATE CLAIMS COMMISSION

(501) 682-1619
FAX (501) 682-2823



NORMAN L. HODGES, JR.
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, AR 72201-3823

December 12, 2012

Mr. Alonzo Gilliam, #098194
P. O. Box 180
Brickeys, AR 72320

Re: Alonzo Gilliam
Claim #13-0408-CC
Vs.
Department of Corrections

Dear Mr. Gilliam:

Please be advised that the Respondent in the above-styled claim is disputing liability in an "answer" filed on your claim. This letter does not deal with any motions, discovery request or other matters related to this claim.

When liability is contested by the Respondent, the only alternative available to the Claimant is to appear before the Arkansas State Claims 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 fifteen (15) calendar days from the date of this letter and a hearing will be arranged.

If you fail to respond to this letter, or do not wish to pursue this claim at a hearing, this claim will be dismissed at the next meeting of the Claims Commission.

Sincerely,

A handwritten signature in black ink that reads "N. L. Hodges".

Norman L. Hodges, Jr.
Director

Exhibit
B

NLH/es

cc: Ms. Lisa Wilkins, Attorney Supervisor, DOC

#3 of #3

State Claims Commission

Alonzo Gilliam V. Respondants No. #13-0408-CC

Notice To The Commission

Here Are Documents That Will Show And Support The Facts That I Did Indeed Try To Exhaust All Of My Administrative Remedies On (#3) Occasions, Starting Just (#3) Days After The Date Of The Incident Which Occurred On The Date Of Nov. 13, 2011. Which After (#3) Tries And Not Receiving Replies On My Grievence Themselves, I Tried Again By Writing Other Grievence SEE GRIEVENCE #EAM 12-00797 And EAM 12-00796 In Which I Mailed In With The Complaint It Self, That Way There Could Be No Mistakes About Me Exhausting All Of My Administrative Remedies, All Documents Are Numbered In ~~the~~ Order (#1) — (#5), Thank You For Your Time In This Matter.

Page #1. Affidavit Dated 12/19/2011

Page #2. Memorandum Dated 1/10/2012

Page #3. Affidavit Dated 1/16/2012

Page #4. Inmate Grievance Appeal Dated 2/12/2012

Page #5. Memorandum Dated 2/23/2012

Page #6. Letter Of Appearance To Commission.

Exhibit # C

CECIL D. BURNETT
NOTARY PUBLIC-STATE OF ARKANSAS
MONROE COUNTY
My Commission Expires 08-18-2014

Respectfully Submitted

Alonzo Gilliam #98194
PO Box 180
Brickeys AR 72320

Date 12/18/2012

By *C. Burnett*
Notary Public

State Claims Commission

State Claims Commission

101 East Capitol Avenue

Suite 410

Little Rock, AR. 72201

Re: Alonzo Gilliam

vs.

Department of Correction

Claim # 13-0408-CC

and

Claim # 13-0329-CC

Commission

Please Be Advised That I would like to Appear Before The
Claims Commission To Give Testimony And Show Evidence Of
In The Above Small Claims. Thank You For Your Time With
This Matter, On Both The Above Claims.

Sincerely Requested

Dec / 18 / 2014
Date

Exhibit

D

Alonzo Gilliam #98194

PO Box 180

Brickeys AR. 72320

Sworn To Before Me A Notary Public on this
17 day of December 12.

CECIL D. BURNETT
NOTARY PUBLIC-STATE OF ARKANSAS
MONROE COUNTY
My Commission Expires 08-18-2014

8-18-14

My Commission Expires

C. Burnett
Notary

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center E. A. D. R

Name Alonso Gilliam

ADC# 98194 Brks # 362-05 Job Assignment Ad / Sec Pen

12/17/12 (Date) STEP ONE: Informal Resolution

_____ (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: _____

_____ (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: _____

FOR OFFICE USE ONLY
GRV. # EAM 12-05024
Date Received: 12/15/12
GRV. Code #: _____

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): So there will be NO-misunderstanding on me send these documents out to be mailed later, I sending the follow documents listed to the addresses stated below. #1. Letter of A Hearing on Both Personal Injury and Property Claim, #1. Notice To The Commission, #1. Affidavit 12/14/11, #1. Memorandum dated 1/10/12, #1. Affidavit Dated 1/16/12, #1 Inmate Grievance Appeal Dated 2/12/12 #1. Memorandum Date 2/23/12 All Going To 101 E. Capital Ave Suite 410 L.R. Ar. 22221 And Also #1. Gov. Appeal Dated 12/13/12 Going To PO Box 2707 Pine Bluff Ar 71601
EAM 12-13479E (END OF GRIEVANCE)

PLACED IN THE HANDS OFF OFFICER

SIGNING GRIEVANCE

Alonso Gilliam
Inmate Signature

12/17/12
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 12/17/12 (date), and determined to be Step One and/or an Emergency Grievance

NO (Yes or No) This form was forwarded to medical or mental health? NO (Yes or NO) If yes, name of the person in that department receiving this form: _____ Date 12/17/12

Sgt. WBrown 7427 Sgt. WBrown 12/17/12
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: Mail was placed in mail box for delivery.

E
Exhibit _____

Sgt. WBrown _____
Staff Signature & Date Returned Inmate Signature & Date 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: _____

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

Max/CB13
Attachment II

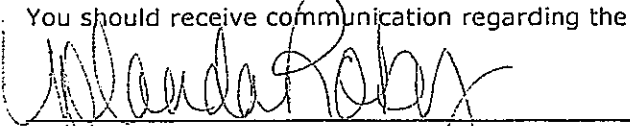
IGTT400
3GR

ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Gilliam, Alonzo III
FROM: Roby, Yolanda R
DATE: 12/19/2012

ADC #: 098194B
TITLE: ADC Inmate Grievance Coord
GRIEVANCE #: EAM12-05024

Please be advised, I have received your Grievance dated 12/17/2012 on 12/19/2012.
You should receive communication regarding the Grievance by 01/22/2013



Signature of ADC Inmate Grievance Coord

CHECK ONE OF THE FOLLOWING

- This Grievance will be addressed by the Warden/Center Supervisor or designee.
- This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- This Grievance has been determined to be an emergency situation, as you so indicated.

- This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- This Grievance was REJECTED because it was either non-grievable (), untimely, was a duplicate of , or was frivolous or vexatious.

INMATE'S APPEAL

If you disagree with a rejection, 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. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a 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.

Inmate Signature

ADC #

Date

↓
Exhibit
F

ARKANSAS STATE CLAIMS COMMISSION



(501) 682-1619
FAX (501) 682-2823

NORMAN L. HODGES, JR.
DIRECTOR

101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, AR 72201-3823

April 4, 2013

Mr. Alonzo Gilliam, III, #098914
P. O. Box 180
Brickeys, AR 72320

Dear Mr. Gilliam:

This office mailed you a complaint form that may be used to file your claim against the Claims Commission. The instructions are on the back of the yellow copy of the form. We also enclosed detailed instructions for filing your claim. This office does not have grievance forms nor does it require you to file a grievance prior to filing a claim with us.

Also, regarding your letter the Attorney General's Office forwarded to us, inmates cannot file a FOIA request. You are or should be aware that it is your responsibility to maintain records of your claim filings.

Copies of Claims Commission's Rules and Regulations are in your unit's library for your use.

The Claims Commission has no copies of any rules/procedures used by the General Assembly Committee. The Claims Commission only requires that you file any appeal of the Commission's decision(s) on regular paper and submit it to this office. We will then forward the appeal to the Legislative Subcommittee.

Sincerely,

A handwritten signature in black ink that reads "N. L. Hodges, Jr." in a cursive style.

Norman L. Hodges, Jr.
Director

NLH/es

Exhibit (6)

Alonzo Gilliam, III v. Tony Barnes, et al.

NO. 13-0759-CC

Exhibit " "

Exhibit For Property

Index

- #1. Inmate Personal Property Record Form Exhibit (A-1)
- #2. Inmate Personal Property Record Form Exhibit (A-2)
- #3. Report Of Stolen Property Form Exhibit (B-1)
- #4. Report Of Stolen Property Form Exhibit (E-1)
- #5. Inmate Personal Property Record Form Exhibit (D-1)
- #6. Fabricated Table That Illustrated some Property Exhibit (E-1)
- #7. Claim 13-0329
- #8. _____
- #9. _____
- #10. _____

DEPARTMENT OF CORRECTION
INMATE PERSONAL PROPERTY RECORD

INMATE'S NAME Alonzo Gilliam ADC # 98194 INSTITUTION _____

NON-EXPENDABLE ITEMS

| ITEM | # | C | ITEM | # | C | ITEM | # | C |
|----------|---|---|---------------------------|----|----|---------------------|---|----|
| Whitray | | | Gym Shoes | | | Religious Materials | 3 | 10 |
| Whitrobe | | | Hair Brush | | | Religious Medal | | |
| Whit | | | Hair Dressing | | | Rings | | |
| Whit | | | Headphones | 1 | K | Sheets | | |
| Whit | 1 | K | Jacket/Coat | | | Shirts | 5 | 10 |
| Whit | | | Laundry Bag | 1 | 10 | Shoes | | |
| Whit | | | Legal Materials | 20 | 10 | Shower Shoes | 2 | 10 |
| Whit | | | Lighter | | | Slippers | | |
| Whit | | | Mail Personal/Legal | 40 | 10 | Smocks | | |
| Whit | | | Mattress | | | Socks | 2 | 10 |
| Whit | | | Mirror | 1 | 10 | Stockings | | |
| Whit | | | Musical Instrument | | | Sweat Pants | 1 | 10 |
| Whit | | | Nail Clippers | | | Sweat shirts | 1 | 10 |
| Whit | | | Padlock | | | Sunglasses | | |
| Whit | | | Pants | 1 | 10 | Toothbrush | | |
| Whit | | | Pajamas | | | Towels | | |
| Whit | | | Photographs/Photo Album | 1 | 10 | Towels-Hand | | |
| Whit | | | Pillow Case | | | Undergarments | 1 | 10 |
| Whit | | | Pillow | | | Undershirts | 1 | 10 |
| Whit | | | Pipe | | | Undershorts | 1 | 10 |
| Whit | | | Pipe Cleaning Tools | | | Wash Cloths | | |
| Whit | | | Prosthetic | | | Watch Wrist/Pocket | 1 | 10 |
| Whit | | | Radio-Battery Operated AM | 1 | 10 | Wallet | | |

EXPENDABLE ITEMS

| ITEM | # | C | ITEM | # | C | ITEM | # | C |
|------|---|---|-----------------------------------|----|----|---------------|---|----|
| Whit | | | Facial Tissue | | | Shampoo | 1 | 10 |
| Whit | | | Feminine Hygiene Items | | | Shaving Cream | | |
| Whit | | | Misc. (Food, pens, Pencils, etc.) | 20 | 10 | Soap | 2 | 10 |
| Whit | | | Prescriptions | 10 | 10 | Tobacco | | |
| Whit | | | Safety Razor | | | | | |

OTHER ITEMS

| ITEM | # | C | ITEM | # | C | ITEM | # | C |
|------|---|---|-----------|---|---|------|---|---|
| Whit | 3 | K | Religious | 4 | K | | | |
| Whit | 1 | K | | | | | | |
| Whit | 6 | K | | | | | | |

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

Signature of Official Receiving Property: Sgt. D. Heath Date: _____ Location Stored: _____ Inmate's Signature: _____ Date: _____

Signature of Official Returning Property: Sgt. D. Heath Date: _____ Witness: _____ Date: _____ Signature of Inmate Receiving Property: _____ Date: _____

If I should die during my incarceration, I designate the individual listed below to receive my personal property:
Name: _____ Address: _____ City: _____ State: _____ Zip Code: _____ Phone: _____

CODE COLUMN: D = DONATE M = MAIL S = STORAGE I = ISSUED K = KEEP IN POSSESSION DES = DESTROYED

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

Exhibit
A-1

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Inmate's Name: Williams, A. ADC#: 95094 Institution: EARL

Non-Expendable Items

| ITEM | # | DESCRIPTION | CODE | ITEM | # | DESCRIPTION | CODE |
|---------------------|----|--------------------|------|--------------------|----|----------------|------|
| Blanket | 1 | Blanket | K | Pants | | | |
| Body Support Device | | | | Photos | 21 | | S |
| Books | 15 | CSS books | S | Photo Album | 1 | | S |
| Bowls | 3 | | S | Pillow Case | | | |
| Magazines | 3 | | S | Pillow | 1 | | S |
| Cap/Hat | | | | Prosthetic | | | |
| Clock | | | | Radio | 2 | | S |
| Comb | | | | Religious Material | 1 | | S |
| Cup | 2 | Whisk | S | Religious Medal | | | |
| Dentures | | | | Rings | | | |
| Earphones | 1 | Headset | S | Sheets | 2 | | S |
| Earplugs | | | | Shirts | | | |
| Eyeglasses | 2 | State | S | Shoes | 2 | Box | S |
| Gloves | | | | Shower Shoes | | | |
| Gym Shoes | 1 | Box | S | Socks | 1 | Pair | S |
| Hair Braids | | | | Stockings | | | |
| Hair Dressing | 1 | Medium | S | Sweat Pants | 2 | | S |
| Headphones | | | | Sweat Shirts | 2 | | S |
| Inmate ID Badge | 1 | | S | Toothbrush | 1 | | S |
| Jacket/Coat | | | | Towels | 1 | 2 Big, 2 Small | S |
| Laundry Bag | 3 | | S | Towels-Hard | | | |
| Legal Materials | 1 | envelope | S | Undergarments | 6 | 2 Top 2 Bottom | S |
| Mail Legal | 15 | Legal (K, L, A, D) | S | Undershirts | | | |
| Mail Personal | | | | Under shorts | 2 | Box | S |
| Mattress | | | | Wash Cloths | 2 | | S |
| Mirror | 2 | | S | Watch-Pocket | | | |
| Nail Clippers | | | | Watch-Wrist | 1 | | S |
| Padlock | | | | Wallet | | | |

Expendable Items

| ITEM | # | #/DESCRIPTION | CODE | ITEM | # | #/DESCRIPTION | CODE |
|------------------|---|---------------|------|---------------|---|---------------|------|
| Denture Adhesive | | | | Prescriptions | 1 | | S |
| Deodorant | 1 | | S | Razor-Safety | | | |
| Flex Pen | 2 | | S | Shampoo | | | |
| Food Items | 2 | Snacks | S | Shaving Cream | | | |
| Hygiene Items | | | | Soap | | | |

Other

| ITEM | # | #/DESCRIPTION | CODE | ITEM | # | #/DESCRIPTION | CODE |
|-------|---|---------------|------|-------|---|---------------|------|
| Books | 2 | Books | S | Books | 1 | | S |
| Books | 1 | Books | S | Books | 1 | | S |
| Books | 1 | Books | S | Books | 1 | | S |
| Books | 1 | Books | S | Books | 1 | | S |

"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: 11-1-11 Location Stored: _____ Inmate's Signature: [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

Exhibit

Revised 8/28/2006

A-2

45

Department of Correction
Report of Stolen Property

To: Major Carl Chief Security Officer

Date July-14-2012

Name: Alonzo Gilliam ADC# 98194

Description of Property:

#2. Big Mugs (Cups) , #1. Dentures Gold , #1. Eyeglasses , #1 Gym Shoes Nike.
#1. Izunday Bag , #3. Sweat Pants , #3. Sweat Shirts , #4 Shirts.

Give complete detail of property and where property was last seen:

Being inventoried by an officer on the date of May-15-12 in iso #2
and not returned when I got out of iso on July-14-2012.

Alonzo Gilliam III
Inmate's Signature

St L Williams
Security Officer

200-25

Exhibit

B-1

Department of Correction
Report of Stolen Property

Date May-30-12

To: Capt. W. McNary, Chief Security Officer

Name: Alonzo Gilliam ADC# 98194

Description of Property:

Sweatpants, Sweatshirts, (XL) Laundry Bag, Socks, Face Towel
(Lg) Towel, Boxers (2X), *Tahogan New

Give complete detail of property and where property was last seen:

Sent my Laundry Bag in to be washed on May-30-12 at
Breakfast during tray pick up. But at Dinner time I was
told that my Bag was no longer there and they don't know
where it is. Capt. W. McNary and C.O. Caldwell stated they
would put it in Isn #3 bag that I did not receive my
bag back.

A. Gilliam
Inmate's Signature

L. D. White
Security Officer

200-25

Exhibit
C-1

Wde. signed this one and he wanted all that was missing

F-841-1

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Inmate's Name: Abra Gilliam ADC#: 98194 Institution: CPRI/Mex

Non-Expendable Items

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

Expendable Items

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

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: [Date] Location Stored: [Location] Inmate's Signature: [Signature] Date: [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

Exhibit

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ALONZO GILLIAM (ADC #09194)

CLAIMANT

V.

NO. 13-0329-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

1. Claimant filed two claims for loss of property. He seeks a total of \$950.00 in damages.

CLAIM #1:

2. Claimant alleges that on May 15, 2012, upon his release from isolation, he discovered that 2 mugs, 1 denture gold cup, 1 pair of Nike shoes, 1 laundry bag, 4 sweat pants, 4 sweat shirts, and 4 t-shirts were missing from his property.
3. A review of claimant's property records prior to his entry into isolation is most helpful in determining what property he possessed.
4. Attached hereto are personal property inventory records written December 9, 2011 and returned on January 5, 2012 and February 2, 2012 and returned on March 7, 2012; and his behavior control inventory from May 10, 2012 and his shakedown on November 11, 2012. See Exhibit "A".
5. The table created below illustrates the discrepancies in claimant's allegations of missing property versus what he possessed prior to and after May 15, 2012:

| Alleged missing 5/15/12 | 12/9/11-1/5/12 | 2/10/12-3/7/12 | 5/10/12 | 11/11/12 |
|-------------------------------|----------------|----------------|---------|----------|
| 2 cups | 1 | 2 | 0 | 0 |
| 1 denture gold cup | 0 | ? | 0 | 0 |
| 1 Nike shoes | 0 | 0 | 0 | 0 |
| 1 laundry bag (claimed had 4) | 3 | 0 | 1 | 2 |
| 4 shirts | 0 | 0 | 0 | 0 |
| 3 sweatpants | 0 | 0 | 0 | 0 |
| 3sweatshirts | 1 | 2 | 0 | 0 |
| 1 wristwatch | 0 | 0 | 0 | 0 |
| 1 eyeglasses | 2 | 2 | 0 | 1 |

6. Claimant alleges he was missing a gold denture cup, yet, he has never been in possession of a gold denture cup prior to May 15, 2012 and there is no record of Claimant wearing dentures to be in need of a denture cup which are usually made of plastic and issued by dental services.

Exhibit E-1

49



THE ATTORNEY GENERAL
STATE OF ARKANSAS
DUSTIN McDANIEL

Dennis R. Hansen
Deputy Attorney General

Direct dial: (501) 682-2081
E-mail: dennis.hansen@arkansasag.gov

July 3, 2013

Norman Hodges, Jr.
Director
Arkansas State Claims Commission
101 East Capitol, Suite 410
Little Rock, Arkansas 72201

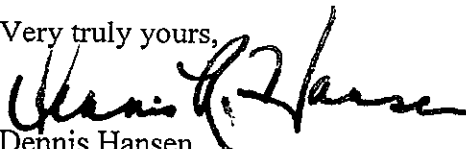
RE: *Alonzo Gilliam, ADC#098194 v. Arkansas State Claims Commission*
Claims Commission Case No. 13-0759-CC

Dear Mr. Hodges:

I am in receipt of Mr. Gilliam's response to the Motion to Dismiss I previously filed on behalf of the Commission. As Mr. Gilliam does not advance any new arguments in his response, but merely repeats the same contentions he has made several times previously, it does not appear that any Reply on behalf of the Commission is warranted. Accordingly, it appears that the Commission may treat the matter as ready for decision at its convenience.

Please let me know if can be of further assistance.

Very truly yours,


Dennis Hansen
Deputy Attorney General

DRH/jkh
CC: Alonzo Gilliam, ADC#098194

323 Center Street, Suite 200 • Little Rock, Arkansas 72201
Telephone (501) 682-2007 • Fax (501) 682-8084
INTERNET WEBSITE • <http://www.arkansasag.gov>

Arkansas Claims Commission
JUL 05 2013
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50

State Claims Commission

From: Alonzo Gilliam

Date: July-7-2013

Norman Hodges, Jr.
Director

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

Mr. Norman Hodges, Jr.

I'm In Receipt Of A Letter From Attorney Dennis Hansen Directed To You. Regarding My Response To The Motion To Dismiss That He File Concerning This Claim. In This Letter Mr. Hansen Stated That I Made No New Arguments In My Response And That I Merely Repeat The Same Things That I Had Several Times Previously. Claimant State The Following In Response To The Comments Made By Attorney Hansen In That Letter. I State The Following.

- #1. In My Response To His Motion To Dismiss, Claimant Stated Several New Arguments And submitted "Exhibits" As Documentary Evidence To Support My Arguments with Facts.
- #2. Mr. Hansen Made A Mistake When He State I merely repeated The Same Things That I Had Several Times Previously. — That Response Was The First Thing I've File Since The Filing Of This Above Claim. Attorney Hansen Clearly Made Mistakes Regarding The Facts In My Response To His Motion To Dismiss.

Therefore I Ask That Respondants Motion Be Denied. And That This Claim Be Schedule For A Hearing With Claimant Present And Or To Be Awarded Relief.

Respectfully submitted.

Alonzo Gilliam #98194

PO Box 180
Brickeys Ark. 72320

Arkansas
State Claims Commission

JUL 10 2013

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STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 9,550.00

Claim No. 13-0759-CC

Alonzo Gilliam, #098194 Claimant
vs.

Attorneys
Pro se Claimant

AR State Claims Commission Respondent
State of Arkansas

Dennis Hansen, Deputy Attorney General Respondent

Date Filed April 30, 2013

Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," for the reasons contained therein. 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," for the reasons contained therein. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing July 11, 2013

Date of Disposition July 11, 2013

Pat Mow Chairman
Hansen Commissioner
Jim Baker Commissioner

"Ark. State Claims Commission"

Alonzo Gilliam III

II

Claim # 13-0759-CC

State Claims Commission

"Notice Of Appeal"

Come Now Claimant With This Notice Of Appeal To The
Commission In Regards To Claim 13-0759-CC And The
Decision Handed Down On July-11-2013 For The Reasons
Stated In Claimants Answer To Respondants Motion To
Dismiss With Supporting Exhibits, That Was File On June
24-2013 With The Commission. This Document Hereby Gives
Notice Of My Appeal.

Respectfully Submitted

I Alonzo Gilliam III #98194, Declare Under Penalty Of Perjury
That The Foregoing Is True And Correct, Executed And Mailed
On This 19 Day Of July, 2013.

By. Alonzo Gilliam III
PO BOX 180
Brickeys Ark. 72320

Arkansas
State Claims Commission

JUL 24 2013

RECEIVED

"Ark. State Claims Commission"

Gilliam vs. Commission

Claim # 13-0759-CC

Appeal

On April, 30, 2013, I Pro Se Claimant File A Claim Against The Claims Commission For Failing To Correct A Filing Mistake Made By The Commission Staff Once It Was Brought To Their Attention. Which Cause Claimants Claim To Be Dismissed, The Commissions Actions Was Abuse Of Discretion, For The Wrongful Dismissal Of Other Claims. Stating That Their Action Did Not Satisfy Due Process And Consist Of Some Conspiracy Like Activist.

The Respondents File A Motion To Dismiss Which Was Granted By The Commission On July-11-2013, Stating The Reason Contained Therein For Dismissal.

On July, 24, 2013, Claimant File A Notice Of Appeal To That Decision And Today On Aug. 5, 2013, Gilliam Is Filing His Appeal. Stating That With These Documents And Other Information Gilliam Will Show That His Property Claims Were Wrongfully Dismissed, And That His Personnel Injury Claims Were Dismiss For A Mistake Made Solely By The Claim Commission Own Personnel. And That Once Claimant Alonzo Gilliam Informed The Commission Of Their Error, Instead Of Correcting Their Mistake, They Purposely Disregarded That Information And Dismissed All Three Of Claimants Claims At Once.

When It Was Clear That Those Claims Were Not Frivolous On Any Ground. See: Nash v. Black 781 F.2d 665, 668 (8th Cir. 1986) citing Horsey v. Asher, 741 F.2d 209, 212 (8th Cir. 1984).

It Was An Abuse Of Discretion For The Commission To Dismiss A Complaint That Is Not Legally Frivolous. E.g., Nash v. Black, 781 F.2d At 668, citing Horsey v. Asher, 741 F.2d at 212; Green v. Black, 755 F.2d 687, 688 (8th Cir. 1985)

The Question Of Whether A Complaint Is Legally Frivolous Is One Of Law Not Just Fact. Nash v. Black, 781 F.2d At 667.

And To Denie And Dismiss This Claim Would Be To Subject Claimant To The Same Faith And Misjust. When Claimant Could Clearly Prove Several Set Of Facts In Support Of Those And This Claim Which Would Entitle Me To Relief.

Smith v. Bacon, 699 F.2d 434 (8th Cir 1983) (Per Curiam), citing Wilson v. Iowa, 636 F.2d 1165, 1168 (8th Cir. 1981); See Horsey v. Asher, 741 F.2d At 211 & N. 3, citing Haines v. Kerner, 404 U.S. 519, 520, 92 S.Ct. 594, 595, 30 L. Ed. 2d 652 1972

This Court Is Under A Duty Of Law To Examining The Complaints To Determine If Claimants Allegations Provide For Relief On Any Possible Theory. — Bramlet v. Wilson, 495 F.2d 714, 716 8th Cir 1974; See, e.g., White v. Bloom, 621 F.2d 276, 279 (8th Cir.)

This Claim Involves Three Complaints, #1 Being The Wrongful Dismissal Of Gilliam Property Claim, were The Committee Clearly Abused Discretion, #2 The Dismissal Of Gilliam Personal Injury Claim For Fabricated Reasons And A Filing Mistake Made By The Claims Commissions Staff." Which They Choose To Over Look Each Time Gilliam Inform Them Of Their Mistake. But A Total Of At Least Six People Came Together With The Knowledge Of The Filing Errors On The Commissions Part

And Agreed To Over Look Those Mistake And Denie "Dismiss"
#3 Claims At Once.

Those Actions Were Clearly Abusive, Depriving, Conspiratoris/
And Denied Due Process. See: Nash v. Black, 781 F.2d 665, 668
(8th Cir. 1986) Citing Horsey v. Asher, 741 F.2d 209, 212 (8th Cir.
1984). Nash v. Black, 781 F.2d at 668, citing Horsey v. Asher, 741
F.2d at 212; Green v. Black, 755 F.2d 687, 688 (8th Cir 1985).

#3rd This Claim 13-0759 Against The State Claims Commission
Is A Result Of The Actions That Were Taken By The Commission
Personnel And For Actions That Were Not Taken When Inform
Of A Filing Error Of Some Kind By The Commission.

"Relief"

In The Filing Of This Claim, Claimant Ask For Three Different
Forms Of Relief, One Being The Review Of Claim 13-0329 A
Missing Property Claim, #2nd Being A Review Of Claim
13-0408 A Personal Injury Claim, And #3rd Being For
Compensatory And Punitive Damages Relief "Money" Against
The Commission Alone For ~~Its~~ Actions Taken By It's clerks
And Committee Members. And The Blunt Refusal To Correct
Errors Made By It's Own Personnel, Once Claimant Had Reveal
Those Mistakes To Them. The Committee Clearly Push Those
Facts To The Side And Decided To Denie And Dismiss Those
Claims. Which Is A Clear Sign Of Abused Discretion, Conspiracy
Denial Of Due Process, Deliberate Indifference, Negligent In Their
Offical Duty, Discrimination:

— Having Actual Knowledge Of, And Having Failed To Act Reasonably To
Avert It. See, Chan v. Ballista, 630 F. Supp. 2d 170, 178 (D. Mass. 2009)

Claimant Was Not Ask The Commission To Resubmitt Claims For Relitigation By Claimant, I Ask Them To Be Resubmitted So That The Commission Could See Their Mistakes And Award Claimant Relief In This Claim. Because If The Would Have Reviewed Those Claim They Would Have Seen Their Error And Surely Awarded Gilliam His Due Relief.

I Further State That Before I File This Complaint "Claim", I Wrote Letters, And Other Documents Trying To Explain To The Commission It's Error, And Trying To File A Complaint Hoping The Commission Would Correct Their Mistake In Regards To Those Claims. — But Instead Of Taking Action And Correcting Their Error, The Commission's Staff Sent Me Letters On Two Occasion Directing Me To File A Claim Against The Claims Commission With The Claims Commission.

It Would Be Wrong For The Same Department That Directed Me To File My Claim "Against Them", "With Them" To Turn Around And Dismiss That Same Claim Without Give Me A Full And Fair Opportunity To Litigate This Claim, And Present Evidence And Testimony And Refute The Position Of The Respondents During A Oral Hearing As A Matter Of Law.

I Alonzo Gilliam Believes That Staff Of The Commission Dismiss These Claims Not Only For The Reasons Stated In This Appeal But Also Because I Did Not No Much About Filing And Litigating Claim, And Also Being That I'm A Bad Speller. — So Someone Just Decide To Do As They Like With Claimants Claims Think It Would Make No Difference What They Did With Those Claims Because It Would Never Amount To Anything, Because

Claimant Alonzo Gilliam Is Ta "Dumb" To Understand What ~~was~~ Was Being Done To Him And His Claims, And That's A Form Of Discrimination.

"Note"

And To Show That These Dismissal Are Did As Harassment And Or Retaliation. On June-13-2013 The Claims Commission Committee Dismissed Two Claims: 13-0716-CC AND 13-0760-CC Saying That I Fail To Respond, Which Is Also Incorrect And I Also Have File Marked Copies Of All My Filings For Those Claims, Which I File Motion For Reconsideration On Both Of This Claims Also.

This Just Go's To Show Someone I's Lacking In Their Duties Or ~~someone~~ ^{someone} There Has Something Against Me And My Claims, Because It's Happening To Often ...

"Events That Lead Up To The Claim"

On Jan. 2, 2013, Respondents File A Motion To Dismiss Gilliam's Property Claim Stating That The Department Of Correction Property Records Show No Record That Claimant Ever Possessed Any Of The Property. He Claim Was Missing, And Provided A Table Created To Illustrate What Respondants Claim Was The Only Property That Gilliam Possessed From Dec. 9, 2011 All The Way To Dec. 11, 2012. See Exhibit E-1. Respondents Then Stated That Either Gilliam Never Possessed The Property Or That It Was Obtained Through Prohibited Trading. Therefore As A Result These Property Items Were Never Inventoried And Respondents Motion For The Dismissal Of That Property Claim. On Jan. 16, 2013, I Alonzo Gilliam File A Respond To Respondents Motion To Dismiss Stating That The Property In Question Was Missing And That It Had Been Recorded On An Inmate Personal Property Inventory Form According To The Property Control Policy.

AD 10-20, And That Form Was Sign By Officer Steven A Eldridge On May-15-2012 To Verify He Had Inventoried And Place That Property In Storage His Self. See Exhibit D-1.

On Dec. 14, 2012 The Claim Commission Granted Gilliam Motion For Production Of Documents, And Ordered Respondents To Respond By Jan. 4, 2013, In Which They Complied In Part. In Those Documents Respondents Produced The Very Documents They Claim Did Not Exist, Which Was A Property Form Dated May-15-2012 That Showed What Had Been Placed Into Storage, And Another Dated June, 14, 2012, That Showed All That Items That Had Been Taken From Claimants Property While In Storage See Exhibit That Being Said The Respondents Produced The Very Documents They Claim Did Not Exist, Therefore Showing The Reasons They Used To Make Their Motion For Dismissal Unfounded And Fabricated, Because Those Documents "Property Forms" Dated May-15-2012 And June-14-2012 Clearly Showed They Had Been Inventoried And That The ADC Did Have Records Of Them. In Fact They Used Those Very Documents They Said Did Not Exist Against Me In Their Motion To Dismiss. In Which I Pointed Out In My Answer To Their Motion To Dismiss.

On Feb. 8, 2013, The Commission Granted The Department Of Corrections Motion To Dismiss, Stating That The Commission Had Unanimously Grant The Respondents Motion To Dismiss For Reasons In Claim One Set Forth In Paragraphs #1-13 And In Claim Two Section #1.

On March, 6, 2013 Claimant Filed A Motion For Reconsideration Of The Commissions Order, And Gilliam Argued That All The ~~Contents~~ Contents In Respondants Motion To Dismiss Were Incorrect For Reasons Stated And Documentary Evidence Listed As Exhibits In This Appeal And The Reasons Stated In Paragraphs #1, #2 And #3.

And To Prove My Point And To Show That I Was Intitled To Relief, I Ask That You Look At Exhibit E-1, This Is The Table Respondents Made Up To Illustrate Claimants Property. As You Can See From This Illustration Respondents Are Saying That Gilliam Had Almost No Property At All In His Possession, And This Illustration Was Said To Have Begin On Dec. 9 2011.

Now I Ask That You Look At Exhibit A-1 And And These Documents Not Only Show That I Had These Items And That I Had Them Before Dec. 9 2011. It Also Shows That The ADC Also Had Records Of This Property Because It Was Inventoried At This Unit. ~~---~~ These Exhibits Also Proves That This Property Table Was Just Fabrication And All The Reasons They Used In Their Motion To Dismiss Was Fabricated As Well. ~~---~~ And There Is No Doubt That Claimant If Given A Full And Fair Chance To Litigate His Claim, Would Have Been Awarded Relief And These Exhibits Proves That Beyond A Shadow Of A Doubt.

Which I Pointed Out In My Motion For Reconsideration, But On April 11, 2013, The Commission Denied Claimant's Motion Stating That Claimant Fail To offer Evidence That Was Not Previously Available.

On April, 30, 2013, Gilliam File A Notice Of Appeal, Arguing That He Could Not Possible offer Evidence That Was Not Previously Available Because I Did Not Have It Until Respondents Provided Them To Me. And That The Commission Had Ordered Them To Produce Those Documents. So Why Would The Commission Hold Me Accountable For Producing Evidence That Support My Claims, And Dismiss My Claims For Providing Them With The Evidence That Showed I Was Intitled To Relief?

→ That Claim Is Still Pending A Decision Which Has Yet To Be Made By The General Assembly, As Far As I Know.

But For My Claim To Be Dismissed As They Were After All The Proof That I Presented Them With, There Had To Be Something Else Behind Those Dismissals. Because It's Clear My Claims Were Not Frivolous On Any Claim, "BUT RESPONDENTS DEFENSE WAS". 60

Alonzo Gilliam vs. Commission

Claim # 13-0759-CC

"Exhibits On Missing Property"

- #1. Exhibits A-1 Inmate Personal Property Record Form.
- #2. Exhibits A-2 Inmate Personal Property Record Form.
- #3. Exhibit B-1 Report Of Stolen Property Form.
- #4. Exhibit C-1 Report Of Stolen Property Form.
- #5. Exhibit D-1 Inmate Personal Property Record Form.
- #6. Exhibit E-1 Alleged Illustration Table Of Property.

I Declare Under Penalty Of Perjury That The Above Listed Exhibits Are Inclosed With This Appeal, And That All Information Is True And Correct. Executed On This 5 Day Of August, 2013. And Mail To Ark. State Claims Commission 101 E. Capitol Ave. Suite 410 L.R. Ark. 72201

Bv. Alonzo Gilliam #98194
PO BOX 180
Brickeys Ark. 72320

DEPARTMENT OF CORRECTION
INMATE PERSONAL PROPERTY RECORD

INMATE'S NAME Alonzo G. Williams ADC # 98194 INSTITUTION _____

NON-EXPENDABLE ITEMS

| ITEM | # | C | ITEM | # | C | ITEM | # | C |
|------------------------|----|----|---------------------------|----|----|---------------------|---|----|
| Ray | | | Gym Shoes | | | Religious Materials | 3 | 10 |
| Robe | | | Hair Brush | | | Religious Medal | | |
| Key | | | Hair Dressing | | | Rings | | |
| Support Device | | | Headphones | 1 | K | Sheets | | |
| Magazines | 76 | K | Jacket/Coat | 1 | K | Shirts | 3 | 10 |
| Stette Rolling Machine | | | Laundry Bag | 2 | 10 | Shoes | | |
| Man Dress | | | Legal Materials | 20 | 10 | Shower Shoes | 2 | 10 |
| Man Hat | | | Lighter | | | Slippers | | |
| Man Pants | | | Mail Personal/Legal | 42 | 10 | Smocks | | |
| Man Shirts | | | Mattress | | | Socks | 2 | 10 |
| Man Shoes | | | Mirror | 1 | 10 | Stockings | | |
| K - Non electric | | | Musical Instrument | | | Sweat Pants | 1 | 10 |
| Time Jewelry | 1 | 10 | Nail Clippers | | | Sweat shirts | 1 | 10 |
| Watches | | | Padlock | | | Sunglasses | | |
| Wristwatches | | | Pajamas | 1 | 10 | Toothbrush | | |
| Wristwatches | | | Photographs/Photo Album | 1 | 10 | Towels | | |
| Wristwatches | | | Pillow Case | | | Towels-Hand | | |
| Wristwatches | | | Pillow | | | Undergarments | | |
| Wristwatches | | | Pipe | | | Undershirts | 2 | 10 |
| Wristwatches | | | Pipe Cleaning Tools | | | Undershorts | 2 | 10 |
| Wristwatches | | | Prosthetic | | | Wash Cloths | | |
| Wristwatches | | | Radio-Battery Operated AM | 1 | 10 | Watch Wrist/Pocket | 1 | 10 |
| Wristwatches | | | | | | Wallet | | |

EXPENDABLE ITEMS

| ITEM | # | C | ITEM | # | C | ITEM | # | C |
|-----------------------------------|----|----|---------------|---|----|------|---|---|
| Facial Tissue | | | Shampoo | 1 | 10 | | | |
| Feminine Hygiene Items | | | Shaving Cream | | | | | |
| Misc. (Food, pens, Pencils, etc.) | 40 | 10 | Soap | 2 | 10 | | | |
| Prescriptions | 17 | 10 | Tobacco | | | | | |
| Safety Razor | | | | | | | | |

OTHER ITEMS

| ITEM | # | C | ITEM | # | C | ITEM | # | C |
|---------------------|---|---|-----------------|---|---|------|---|---|
| Religious Materials | 3 | K | Religious Medal | 1 | K | | | |
| Religious Medal | | | | | | | | |
| Rings | | | | | | | | |
| Sheets | | | | | | | | |
| Shirts | | | | | | | | |
| Shoes | | | | | | | | |
| Shower Shoes | | | | | | | | |
| Slippers | | | | | | | | |
| Smocks | | | | | | | | |
| Socks | | | | | | | | |
| Stockings | | | | | | | | |
| Sweat Pants | | | | | | | | |
| Sweat shirts | | | | | | | | |
| Sunglasses | | | | | | | | |
| Toothbrush | | | | | | | | |
| Towels | | | | | | | | |
| Towels-Hand | | | | | | | | |
| Undergarments | | | | | | | | |
| Undershirts | | | | | | | | |
| Undershorts | | | | | | | | |
| Wash Cloths | | | | | | | | |
| Watch Wrist/Pocket | | | | | | | | |
| Wallet | | | | | | | | |

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

Signature of Official Receiving Property: Sgt. D. [Signature] Date: _____ Location Stored: _____ Inmate's Signature: _____ Date: _____

Signature of Official Returning Property: Sgt. D. [Signature] Date: _____ Witness: _____ Date: _____ Signature of Inmate Receiving Property: [Signature] Date: _____

If I should die during my incarceration, I designate the individual listed below to receive my personal property:
Name: _____ Address: _____ City: _____ State: _____ Zip Code: _____ Phone: _____

KEY TO COLUMN: D= DONATE M= MAIL S= STORAGE I= ISSUED K= KEEP IN POSSESSION DES= DESTROYED

Original - Unit Personal Property Officer
Ink Copy - Inmate
Yellow Copy - Inmate's File

Exhibit
A-1

6/2

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Inmate's Name: William A. ... ADC#: 15994 Institution: EARL

Non-Expendable Items

| ITEM | # | DESCRIPTION | CODE | ITEM | # | DESCRIPTION | CODE |
|---------------------|----|-------------|------|--------------------|----|-------------|------|
| Blanket | 1 | Blanket | K | Pants | | | |
| Body Support Device | | | | Photos | 21 | | S |
| Books | 15 | Books | S | Photo Album | 1 | | S |
| Bowls | 3 | | S | Pillow Case | | | |
| Magazines | 2 | | S | Pillow | 1 | | S |
| Cap/Hat | | | | Prosthetic | | | |
| Clock | | | | Radio | 2 | | S |
| Comb | | | | Religious Material | | | |
| Cup | 2 | | S | Religious Medal | | | |
| Dentures | | | | Rings | | | |
| Earphones | 1 | | S | Sheets | 2 | | S |
| Earplugs | | | | Shirts | | | |
| Eyeglasses | 2 | | S | Shoes | 2 | | S |
| Gloves | | | | Shower Shoes | | | |
| Gym Shoes | 1 | | S | Socks | 1 | | S |
| Hair Braids | | | | Stockings | | | |
| Hair Dressing | 1 | | S | Sweat Pants | 2 | | S |
| Headphones | | | | Sweat Shirts | 2 | | S |
| Inmate ID Badge | 1 | | S | Toothbrush | 1 | | S |
| Jacket/Coat | | | | Towels | 11 | | S |
| Laundry Bag | 3 | | S | Towels-Hand | | | |
| Legal Materials | 1 | | S | Undergarments | 61 | | S |
| Mail Legal | 15 | | S | Undershirts | 2 | | S |
| Mail Personal | | | | Under shorts | 21 | | S |
| Mattress | | | | Wash Cloths | 2 | | S |
| Mirror | 2 | | S | Watch-Pocket | | | |
| Nail Clippers | | | | Watch-Wrist | 1 | | S |
| Padlock | | | | Wallet | | | |

Expendable Items

| ITEM | # | #/DESCRIPTION | CODE | ITEM | # | #/DESCRIPTION | CODE |
|------------------|----|---------------|------|---------------|----|---------------|------|
| Denture Adhesive | | | | Prescriptions | 11 | | S |
| Deodorant | 1 | | S | Razor-Safety | 1 | | S |
| Fléx Pen | 2 | | S | Shampoo | | | |
| Food Items | 21 | | S | Shaving Cream | | | |
| Hygiene Items | | | | Soap | | | |

Other

| ITEM | # | #/DESCRIPTION | CODE | ITEM | # | #/DESCRIPTION | CODE |
|---------|---|---------------|------|---------------|---|---------------|------|
| Blanket | 2 | | S | Undergarments | 1 | | S |
| Books | 1 | | S | Underwear | 1 | | S |
| Shoes | 1 | | S | Wash Cloths | 2 | | S |
| Socks | 1 | | S | Wash Cloths | 2 | | S |

"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: 11-1-11 Location Stored: [Blank] Inmate's Signature: [Signature] Date: [Blank]
Or Witness if inmate refuses to sign

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

Department of Correction
Report of Stolen Property

To: Major Carl Chief Security Officer

Date July - 14 - 2012

Name: Alonzo Gilliam ADC # 98194

Description of Property:

#2. Big Mugs (Cups) , #1. Bentures Gold , #1. Eyeglasses , #1 Gym Shoes Nike.
#1. Sunday Bag , #3. Sweat Pants , #3. Sweat Shirts , #4 Shirts .

Give complete detail of property and where property was last seen:

Being inventoried by an officer on the date of May-15-12 in iso #2
and not returned when I got out of iso on July-14-2012.

Alonzo Gilliam III
Inmate's Signature

St L Williams
Security Officer

200-25

Exhibit

B-1

4711 1250210
Department of Correction
Report of Stolen Property

Date May-30-12

To: Capt. W. McNary, Chief Security Officer

Name: Alonzo Gilliam ADC# 98194

Description of Property:

Sweatpants, Sweatshirts, (XL) Laundry Bag, Socks, Face Towel
(lg) Towel, Boxers (2x), *Tahogan New

Give complete detail of property and where property was last seen:

Sent my Laundry Bag in to be washed on May-30-12 at
Breakfast during tray pick up. But at Dinner time I was
told that my Bag was no longer there and they don't know
where it is. Capt. W. McNary and C.M. Caldwell stated they
would put it in Isn #3 bag that I did not receive my
bag back.

A. Gilliam
Inmate's Signature

L. D. White
Security Officer

200-25

Exhibit

C-1

65

He signed this one and he remarked all that was missing

F-841-1

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD

Inmate's Name: Abner Gilliam ADC#: 98194 Institution: CFR/UMC

Non-Expendable Items

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

Expendable Items

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

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: _____ 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

Exhibit

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ALONZO GILLIAM (ADC #09194)

CLAIMANT

V.

NO. 13-0329-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

1. Claimant filed two claims for loss of property. He seeks a total of \$950.00 in damages.

CLAIM #1:

2. Claimant alleges that on May 15, 2012, upon his release from isolation, he discovered that 2 mugs, 1 denture gold cup, 1 pair of Nike shoes, 1 laundry bag, 4 sweat pants, 4 sweat shirts, and 4 t-shirts were missing from his property.
3. A review of claimant's property records prior to his entry into isolation is most helpful in determining what property he possessed.
4. Attached hereto are personal property inventory records written December 9, 2011 and returned on January 5, 2012 and February 2, 2012 and returned on March 7, 2012; and his behavior control inventory from May 10, 2012 and his shakedown on November 11, 2012. See Exhibit "A".
5. The table created below illustrates the discrepancies in claimant's allegations of missing property versus what he possessed prior to and after May 15, 2012:

| Alleged missing 5/15/12 | 12/9/11-1/5/12 | 2/10/12-3/7/12 | 5/10/12 | 11/11/12 |
|-------------------------------|----------------|----------------|---------|----------|
| 2 cups | 1 | 2 | 0 | 0 |
| 1 denture gold cup | 0 | ? | 0 | 0 |
| 1 Nike shoes | 0 | 0 | 0 | 0 |
| 1 laundry bag (claimed had 4) | 3 | 0 | 1 | 2 |
| 4 shirts | 0 | 0 | 0 | 0 |
| 3 sweatpants | 0 | 0 | 0 | 0 |
| 3sweatshirts | 1 | 2 | 0 | 0 |
| 1 wristwatch | 0 | 0 | 0 | 0 |
| 1 eyeglasses | 2 | 2 | 0 | 1 |

6. Claimant alleges he was missing a gold denture cup, yet, he has never been in possession of a gold denture cup prior to May 15, 2012 and there is no record of Claimant wearing dentures to be in need of a denture cup which are usually made of plastic and issued by dental services.

Exhibit E-1