G9

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas State Claims Commission
JUN 12 2014
RECEIVED

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

☐ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

James Coston, #137739, Claimant

vs.

State of Arkansas, Respondent

Dept. of Corr.

Do Not Write in These Spaces

Claim No. 14-0934-CC

Date Filed June 12, 2014 (Month) (Day) (Year)

Amount of Claim $ 15,000.00

Fund DOC

COMPLAINT

Personal Injury, Negligence, Failure to Follow Procedure

James Coston, #137739 (Name), the above named Claimant, of POB 600, Grady, AR 71644 (Street or R.F.D. & No.) (City) (State) (Zip Code) (Daytime Phone No.) County of Lincoln represented by (Legal Counsel, if any, for Claim) of (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.), says:

State agency involved: Arkansas Department of Corrections Amount sought: $15,000

Month, day, year and place of incident or service: February 18 2014 Arkansas Department Correction Varner Unit

Explanation: I was injured by inmate A. Greathouse #133073, who was assigned to two barracks. Security officer Cpl Knight allowed the inmate to enter ten barracks while in possession of a weapon. The security officer failed to prevent the inmate from entering the barracks and failed to secure the barracks door while the altercation took place. Allowing the inmate to pressure me into the hallway, then allowing the inmate to re-enter the barracks to assault the victim. It should be noted that Chow Call was in progress but between 1-2 cot in the Sunrise kitchen located directly across the hallway from two barracks. There are four secure fire doors between two barracks and the barracks. This inmate should never had been allowed to move past the fire doors on the South Hall and enter the North Hall. Due to negligence of the security staff I was injured. Security staff failed to adhere to policy and procedure when given the circumstances for the altercation to occur. Approximately ten days prior to this incident I was assaulted by inmate J. Nolan in the Chow Hall but I was placed back in ten barracks immediately after the incident allowing gang members to assault me a second time.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? NO (Yes or No); when? (Month) (Day) (Year); to whom? (Department): and that the following action was taken thereon:

and that $ was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; if so, state name and address (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code) and that the nature thereof is as follows:

: 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.

James Eric Coston
(Print Claimant/Representative Name)

James Coston
(Signature of Claimant/Representative)

FELICIA POGUE
NOTARY PUBLIC-STATE OF ARKANSAS
DESHA COUNTY
(SEAL)
My Commission Expires 01-31-2021
Commission # 12382202

SWORN TO and subscribed before me at Grady (City) AR (State) on this 05 (Date) day of June (Month), 2014 (Year)

Alicia Pogue
(Notary Public)

My Commission Expires: 01 (Month) 31 (Day) 2021 (Year)

SF1- R7/99

1

UNIT LEVEL GRIEVANCE FO[illegible] I (Attachment I)

Unit/Center Varner

Name James Eric Coston

ADC# 137739 **Brks #** I303 **Job Assignment** N/A

FOR OFFICE USE ONLY
GRV. # VSM14-6065
Date Received: 02-20-14
GRV. Code #: 508

2-19-14 (Date) STEP ONE: Informal Resolution

2-19-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: The answer to Step one does not deal with the issue of my safety and injuries.

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

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

BRIEFLY state your one complaint/concern and be specific as to the complaint, **date**, place, name of personnel involved and how **you** were affected. (Please Print): On 2-18-14 this facility and its staff allowed an inmate from two barracks to enter ten barracks and stab me four times with a home made knife. I feel this facility and its staff has failed to protect me and my safety due to negligence and lack of abiding by its own policy and procedure. Due to several breaches of security which allowed this inmate to acquire passes and move through multiple secure areas with a weapon my life safety and well being was placed in jeopardy. As a result of these infractions I have sustained several serious injuries. one on the right near armpit one to left under arm, one to lower right side, one to lower right back.

James Coston
Inmate Signature

2-19-14
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 2-19-14 (date), and determined to be **Step One** and/or an Emergency Grievance _____ (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name of the person in that department receiving this form: _____ Date

Sgt Thomas	29547	M. Thomas	2-19-14
PRINT STAFF NAME (PROBLEM SOLVER)	ID Number	Staff Signature	Date Received

Describe action taken to resolve complaint, including **dates**: 2-19-14 I Sgt Thomas was not able to contact staff on this day at this time.

Sgt Thomas 2-19-14
Staff Signature & Date Returned

James Coston 3-20-14
Inmate Signature & Date Received

This form was received on 2-19-14 (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).
Staff Who Received Step Two Grievance: Sgt Thomas Date: 2-19-14
Action Taken: Grievance Sent (Forwarded to Grievance Officer/Warden/Other) Date: _____
If forwarded, provide name of person receiving this form: _____ Date: _____

RECEIVED
MAR 26 2014
INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

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

CB04-434

Attachment III

INMATE NAME: Coston, James E. ADC #: 137739C GRIEVANCE #: VSM14-00665

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Coston, you state, "On 2-18-14 this facility and it's staff allowed an inmate from two barracks to enter ten barracks and stab me four times with a homemade knife. I feel this facility and its staff has failed to protect me and my safety due to negligence and lack of abiding by its down policy and procedure. Due to several breaches of security which allowed this inmate to acquire posses and move through multiple secure areas with a weapon my life safety and well being was placed in jeporday. As a result of these infractions I have substained several serious injuries. One on the right reer area one to left under arm, one to lower right side, one to lower right back."

The Arkansas Department of Correction - Varner Unit and Varner Supermax strives to detect and deter the introduction, manufacture, possession and/or conveyance of contraband for the safety, security, and good order of the unit as well as the inmates and staff.

Records show there was an incident on 02/18/2014 wherein you and another inmate were involved in an altercation in 10 barracks. According to documentation of the incident while the officer was letting inmates back in to the barracks from chow an inmate did enter 10 barracks at which time you were assaulted. Staff responded and you were seen by medical staff. The Condensed Health Services Encounter states: IM standing inside infirmary door stating: "He ran in the barracks and stabbed me." ...2 inch laceration to right upper chest near clavicle, 1/4 inch laceration to right lower back near waistline, pinhead size wound that appears to be a possible puncture wound to left axilla, and abrasion to the axilla. IM speaking freely with this nurse and ADC staff. IM speaking loudly and was asked to lower his voice by this nurse. All lacerations and abrasion cleaned with wound cleaner and patted dry. Steri strips applied and band aid applied to the abrasion. Advised to leave steri-strips in place. X-ray ordered. The pre-lock up Health Services Encounter states: Resp even and non labored; no s/s of distress noted; bandages changed tolerated well.

There is no evidence of any long term effects from the altercation. Enemy alerts were placed on you and the other inmate. You are currently housed a single man cell in the Varner Supermax assigned as Administrative Segregation. Be advised inmates will not be apprized as to any corrective action involving staff.

Therefore, I find this issue resolved.

RECEIVED
MAR 26 2014
INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

Signature of Warden/Supervisor or Designee — Title: Warden — Date: 3-19-14

INMATE'S APPEAL

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

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? I disagree because due to several
urity breaches on the Part of the Security Staff this inmate was allowed
on area that he should have never been in to stab me with a weapon that he
and have not Possesed. This inmate was housed in two barracks which eats
the Sattlite kitchen where as ten barracks eats in the main kitchen. This inmate
and have not been on this end of the hall unless called for by medical. ALSO

3

There are several metal detectors between two and ten barracks this inmate moved Past with the weapon. There is no evidence to show that I will not suffer long term medical issues but I'm not grieving medical I am grieving Security. There were four security gates as well as two locked barracks doors between me and the inmate who stabbed me. The sattilite kitchen is across the hall from two barracks, he should not have been allowed on the other end of the hallway during Chow Out.

Inmate Signature

137739
ADC#

3-20-14
Date

RECEIVED

MAR 26 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

IGTT430
3GD

Attachment VI

INMATE NAME: Coston, James E. ADC #: 137739 GRIEVANCE#:VSM14-00665

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

You state on 2/18/14, an inmate was allowed from two (2) barracks to enter ten (10) barracks and stab you four times, with a homemade knife. You state that, the facility failed to protect you.

It is noted, "On February 18, 2014 at approximately 3:48pm Cpl Knight was working 9 &10 Barracks (Zone 2) letting inmates in 10 barracks returning from the main chow hall. At this time Cpl Knight observed Inmate Greathouse, Arlis #133023 in front of 10 Barracks door. Cpl Knight told Inmate Greathouse to move down the hallway. As Cpl Knight was allowing inmates to reenter 10 barracks from the main dining hall inmate Greathouse entered into 10 Barracks. Cpl Knight asked inmate Greathouse if he was assigned to 10 bks to which he did not reply. Cpl Knight observed inmate Greathouse walk down to the bottom tier of the barrracks when I/m Coston #137739 began running up from the bottom tier stating "let me out of the barracks". Cpl Knight observed inmate Coston stop at the door and inmate Greathouse then began assaulting I/m Coston with what appeared to be a homemade weapon. Cpl Knight observed I/M Greathouse strike Inmate Coston approximately three times in the lower part of his torso. Both inmates entered into the main hallway where Inmate Greathouse continuously attempted to assault inmate Coston. Cpl Knight immediately called for additional assistance. Additional staff arrived along with Sgt. Madden when staff stepped between the two inmates. Cpl Knight advised that Inmate Greathouse was in possession of a homemade weapon. Inmate Greathouse then immediately entered into 10 barracks and entered the restroom area and appeared to have flushed the homemade weapon. Sgt. Compton immediately placed restraints on Inmate Greathouse and escorted him from the area and to the VSM for lock up. Inmate Coston was placed in restraints and escorted to the infirmary for treatment of injuries. Enemy alert notifications entered concerning the altercation. Warden Watson, Deputy Director Harris, & IAD notified of the incident. Major Disciplinary Written on Inmate Greathouse. Unit level investigation revealed the altercation was gang related in which I/M Greathouse is affiliated with N.A.E. and Inmate Coston is affiliated with Aryan Circle. Investigation revealed that inmate Coston was ordered to cover his "patch" and did not do so therefore; Inmate Greathouse was to assault inmate Coston. Injuries sustained by Inmate Coston included a 2" laceration to upper left chest area near clavicle, 1/4" laceration to lower back, (1) pin sized puncture wound to left axilla with abrasions and small laceration to left axilla. Infirmary report stated x-rays were negative and all injuries were treated on-site. Video of incident was downloaded and preserved for evidence. Corrective Actions being taken toward Cpl Knight for not following procedures."

According to my review, you are currently assigned to Ad-Seg. Staff was made aware of your complaint and correction action was taken against staff to ensure that policy and procedures will be followed. Therefore, I find no merit to your complaint.

Appeal denied

Director

4-28-2014
Date

434

800-4

STATE OF ARKANSAS)
COUNTY OF Lincoln) §
)

AFFIDAVIT

I, James Eric Coston, after first being duly sworn, do hereby swear, depose and state that: 2-18-14 at "Approx" 5:00 Pm I was assulted and stabbed four times by another inmate. This inmate was assigned to two barracks, where Security officer Williams was on Post. I was assigned to ten barracks where Security officer Knight was on Post. There are four secure fire gates between barracks two and ten. During the assult I fled from this inmate into the hallway, back into the barracks, and into the hallway again ending up in the infirmary. I recived a stab wound to the right side of my neck, lower right side, lower back and under my left arm.

I further swear that the statements, matters and things contained herein are true and accurate to the best of my knowledge, information and belief.

2-19-14
DATE

James Coston #137739
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 06 day of March, 20 14.

Olivia Pagan
NOTARY PUBLIC

My Commission Expires: 01-31-2021

HELIVIA PAGAN
NOTARY PUBLIC-STATE OF ARKANSAS
DESHA COUNTY
My Commission Expires 01-31-2021
Commission # 12361017

6

Arkansas Claims Commission

JUN 19 2014

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JAMES COSTON (ADC 137739) CLAIMANT

V. NO. 14-0934-CC

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

ANSWER

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

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.

2. The applicable account information required by the Commission is:
   a. Agency number: 0480
   b. Cost Center: HCA 0100
   c. Internal Order: 340301
   d. Fund Center: 509

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

Respectfully submitted,
Department of Correction Office of Counsel

Lisa Mills Wilkins

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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 18 day of June, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

James Coston (ADC 137739)
Varner Super Max
PO Box 400
Grady, AR 71644-0400

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

Before The Arkansas State Claims Commission

James Coston # 137739

vs. No 14-0934-CC

Arkansas Claims Commission
DEC 17 2014
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Arkansas Department of Corrections

Request for Production of Documents

Comes now the Claimant James Coston, Proceeding Pro se, and for his Request for Production of Documents Pursuant to Rule 34 of the Rules of Civil Procedure, and States as follows:

1. Claimant Request to be Provided with the full name of the Correctional officer whom was assigned to secure the barracks that inmate Greathouse was assigned to on February 18, 2014 which was barracks # 2 of the Varner unit.

2. Claimant request to be Provided with the Security logs that the assigned officers turned in whom were assigned to Secure #2 and #10 barracks on February 18, 2014 at the Varner unit.

3. Claimant request to be Provided with the full name of the officer assigned to work in Master Control of the Varner unit Population on February 18 2014.

4. Claimant request to be provided with a copy of all video, audio, DOC's, incident reports, infirmary reports, and disciplinary action/corrective actions taken concerning the incident that took place on February 18, 2014.

5. Claimant request to be provided with a copy of all of the names of the sargents that were assigned to supervise the Varner unit population day shift on February 18 2014

Wherefore, Claimant prays that the above be provided with in the specified time prescribed by Rule 34. of the Rules of Civil Procedure.

Respectfully Submitted,
James Coston # 137739
Po Box 600 Grady AR 71644

Certificate of Service

I certify that a copy of this pleading has been served this 15th day of December 2014 on Respondent by being a copy of the same in the US mail regular postage to:

Lisa Mills Wilkins
Attorney Supervisor
Po Box 8707
Pine Bluff AR 71611

Arkansas State Claims Commission 12-15-14
101 East Capitol Ave Suite #410
Little Rock AR 72201

Enclosed you will find the original and 4 copies of Claimants Request for Production of Documents and Claimants Request for admissions. Please return a file marked copy to me for my personal records.

I will provide the respondent with a copy of this letter and a copy of both the Request for Production of Documents and Request for admissions.

Your time and consideration in these matters are most appreciated.

James Coston #137739
VSM
PO Box 600
Grady AR 71644

Arkansas Claims Commission
DEC 17 '14
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Before The Arkansas State Claims Commission.

James Coston #137739

Vs. No. 14-0934-CC

Arkansas Department of Corrections

Arkansas Claims Commission
DEC 17 2014
RECEIVED

Request for Admissions

Comes now the Claimant James Coston, Pro se, and for his first Request for Admissions Pursuant to Rule 36. of Rules of Civil Procedure to be Answered by Former unit Employee Knight.

Request for Admissions No. One: On February 18, 2014 were you assigned to Secure barracks No. 9 and No. 10 of the Former unit Population?

2. On February 18, 2014 were you furnished with a roster with Photos and names of each inmate assigned to barracks No. 10

3. On February 18 2014 were you Provided with a radio that would have been for the Purpose of Calling for assistance if necessary?

4. On February 18 2014 was inmate James Coston assigned to 10 barracks where you were on Post?

11

5. On febrauary 18, 2014 was inmate James Coston in his assigned barracks when an unassigned inmate entered 10 barracks and stabbed him multiple times?

6. On febrauary 18, 2014 before allowing any inmate into barracks No. 10 did you review your roster to assure that each inmate attempting to enter was assigned to 10 barracks?

7. On febrauary 18, 2014 is it true that you by yourself was assigned to be security over No. 9 and No. 10 barracks in which combined housed over 80 inmates?

Wherefore Claimant Prays that the above Admissons be answered within the specified time proscribed by Rule 36 of the Rules of Civil Procedure.

Respectfully Submitted
James Coston # 137739
Po Box 600 Grady, AR, 71644

Certificate of Service

I Certify that a copy of this Pleading has been served this 15th day of December 2014 on Respondant by being a copy of the same in the US mail Regular Postage to:

Lisa Mills Wilkins
Attorney Supervisor
Po Box 8707
Pine Bluff AR 71611

Arkansas Claims Commission
DEC 22 2014
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Before The Arkansas State Claims Commission

James Coston #137739

vs No. 14-0934-CC

Arkansas Department of Corrections

Arkansas Claims Commission
DEC 22 2014
RECEIVED

Request for Production of Documents

Comes now the Claimant James Coston, Proceeding Pro, Se and for his Request for Production of Documents Pursuant to Rule 34 of the Rules of Civil Procedure and States as follows:

1. Claimant request to be Provided with any/all ARS, Policy, Procedures and/or Guidlines set forth by the Arkansas Department of Corrections that employee's are required to abide by while working as Security over a Population, barracks, living area, Hallway, Riot Gate, Metal Detector, Safety of inmate, Safety of inmate, master control, etc...

2. Claimant request to be Provided with any/all documents, Video/Audio, names, incident reports, medical reports, witness statements, DOS's, Security logs and disciplinary actions — corrective actions taken concerning the incident that took place on January 10th 2014 between inmate R. White and the Claimant.

3. Claimant request to be provided with any/all documents, video/Audio, names, incident reports, medical reports, security logs, COS's, witness statements and disciplinary action - corrective actions taken concerning the incident that took place February 2014 between inmate J. Nolan and the Claimant

4. Claimant request to be provided with any/all documents pertaining to the Gang Affiliation of inmates A. Greenhouse, inmate J. Nolan and inmate R. White

Wherefore, Claimant prays that the above be provided within the specified time prescribed by Rule 34 of the Rules of Civil Procedure.

Respectfully Submitted
James Coston # 137739
V.S.M. Po Box 1600
Grady AR 71644

Certificate of Service

I certify that a copy of this pleading has been served this 18 day of December 2014, on Respondent by placing a copy of the same in the U.S. mail regular postage to:

Lisa Mills Wilkins
Attorney Supervisor, ADC
Po Box 8707
Pine Bluff, AR 71611

Arkansas State Claims Commission 12-18-14
101 E. Capitol Ave Suite #410
Little Rock AR 72201

Arkansas Claims Commission
DEC 22 2014
RECEIVED

Enclosed you will find the orignal plus 4 copies of my Second Request for Production of Documents. Please file and return a file marked copy to me.

A copy will be mailed to the Respondant along with a copy of this letter. Thank you for your time.

James Coston #137739
V.S.M
PO Box 600
Grady AR 71644

James Coston

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JAMES COSTON (ADC # 137739) CLAIMANT

V. NO. 14-0934-CC

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

RESPONSE TO CLAIMANT'S REQUEST FOR ADMISSIONS

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

1. Objection. Requests for Admissions are only addressed to parties. Cpl. Knight is not a party to this action.

Respectfully submitted,

Department of Correction
Office of Counsel

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

CERTIFCIATE OF SERVICE

I certify that a copy of the DISCOVERY RESPONSE has been served this 16 day of January, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JAMES COSTON (ADC # 137739)
VSM
P. O. Box 600
GRADY, AR 71644-0600

Arkansas
State Claims Commission
JAN 16 2015
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Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JAMES COSTON (ADC # 137739) CLAIMANT

V. NO. 14-0934-CC

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

RESPONSE TO CLAIMANT'S REQUEST FOR PRODUCTION

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

1. Response to Request No. 1. Objection. For the safety and security of the officers and their families, Respondent does not disclose the full names of the officers. Cpl. Knight was keeping the door of 10 barracks on this date.

2. Response to Request No. 2: Objection. For the safety and security of the institution, the security logs will not be disclosed. Claimant has failed to show how the security logs would lead to any relevant information. The logs do not disclose by names of the inmates entering the barracks.

3. Response to Request No. 3: Objection. For the safety and security of the officers and their families, Respondent does not disclose the full names of the officers. Claimant has failed to show how the release of this information would lead to any relevant information.

4. Response to Request No. 4: See RFP #1 which are the incident reports (005). This is the only information which Claimant is entitled under the policy to have. Claimant knows that he is not allowed to possess his medical records or any disciplinary action taken against a correction officer.

5. Response to Request No. 5: Objection. For the safety and security of the officers and their families, Respondent does not disclose the full names of the officers. Claimant has failed to show how the release of this information would lead to any relevant information.

Arkansas
State Claims Commission
JAN 16 2015
RECEIVED

Respectfully submitted,
Department of Correction
Office of Counsel

Lisa Mills Wilkins

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

CERTIFCIATE OF SERVICE

I certify that a copy of the DISCOVERY RESPONSE has been served this 16 day of January, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JAMES COSTON (ADC # 137739)
VSM
P. O. Box 600
GRADY, AR 71644-0600

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number	Page Number
005/409	06 of 15
Board of Correction Approval Date 9/23/87	
Supersedes 005/409 Form	Dated 12/19/85
Attorney General Review Date 6/11/87	Date Filed Secy. of State 10/02/87

005 [X] Incident Report and
409 [ ] Use of Force

SUBJECT: Reporting of Incidents — 005; Use of Force — 409

Varner Unit

REPORTING EMPLOYEE: Knight

RANK: COII SHIFT ASSIGNMENT: [redacted] MIDDLE

DATE: 02/18/14 TIME: APX. 3:48 PM LOCATION: A

INMATE(S) INVOLVED: Arlis Greathouse #[redacted] (ADOC Number) and James Coston# 137739 9&10 Barracks Zone 2

EMPLOYEE(S) INVOLVED: Same as above (Names, Titles, Rank)

INMATE(S) PRESENT: Same as above (Names and ADC Number(s))

EMPLOYEE(S) PRESENT: Same as above (Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A (Names & Addresses)

EXTENT OF INJURY TO INMATE(S): N/A

TREATMENT AFFORDED INMATE(S): MSF 205

EXTENT OF INJURY TO OFFICER(S): N/A

TREATMENT AFFORDED OFFICER(S): N/A

ADC Arkansas Department of Corrections

RFP # 1

STATEMENT OF FACTS (If form used, state type and explain):

On February 18, 2014 at approximately 3:48pm I COII Knight was working 9 &10 Barracks Zone 2. I COII Knight was letting inmates in 10 barracks back in from the main chow hall. I COII Knight saw Inmate Greathouse, Arlis #[redacted] in front of 10 Barracks door and I COII Knight told Inmate Greathouse, Arli[redacted] move down the hallway. Then I COII Knight had some inmates come in 10 Barracks from chow and Inmate Greathouse, Arlis #133023 walked in 10 Barracks. I COII Knight was asking Inmate Greathouse, Arlis [redacted] he stay here and he did not reply. I COII Knight shut the door and watched Inmate Greathouse, Arlis[redacted] walk down to the bottom tier. As I COII Knight continue to watch 10 Barracks I COII Knight saw Inmate J.Coston #137739 run up bottom tier stairs stating let me out of the barracks. I COII Knight was getting ready to open the door and Inmate Coston #137739 stop at the door and Inmate Greathouse, Ar[redacted]tick Inmate Coston #137739 three times at his lower part of his stomach. I COII Knight open the door to let Inmate Coston #137739 out the barrack and Inmate Greathouse, Arli[redacted] out with him. I COII Knight stated over my hand held radio I need assistance in 9&10 Barracks hallway. Then Inmate Coston #137739 ran behind me stating he trying to stab me. Approximately 3:50am I COII Knight saw Sgt Madden run and close 10 barracks door with Inmate Greathouse, Arli[redacted] the barracks and stated to me lock the door.

COII [redacted]ght — Signature of Reporting Employee

18-Feb-14 — Date

Signature of Supervisor — Date

Reviewed by (Signature) Warden/Center Supervisor/Administrator — Date

RECOMMENDATION:

Reviewed by (Signature) Assistant Director — Date

RECOMMENDATION:

Reviewed by (Signature) Director — Date

DISTRIBUTION OF COPIES:

Original to Assistant Director, then to Director, and then to Inmate Institutional File.
Assistant Director
Warden/Center Supervisor/Administrator

INCRPTdb

(Revised

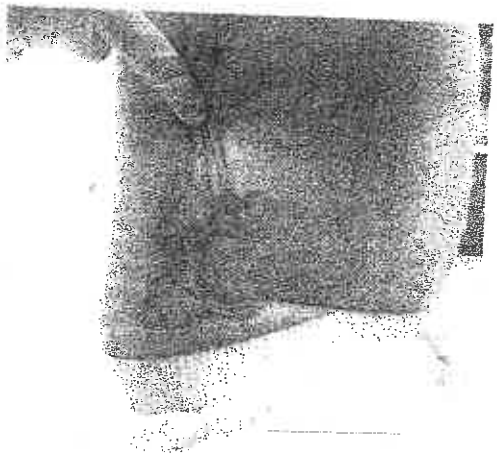
DATE:	TIME:	LOCATION OF INCIDENT:
2/18/2014	3:48 PM	9&10 Barracks Zone 2

OFFICER (S) INVOLVED (NAMES): Same as above

INMATE (S) INVOLVED (NAME & ADC #'S): Arlis Greath[redacted] and James Coston# 137739

********** STATEMENT OF OFFICER **********

I COII Knight advised Sgt Madden that the Inmate had a shank. Then, as I COII Knight watch Inmate Greathouse, Ar[redacted] in the dayroom he walk to the bathroom area with the shank in his hand and come back out with nothing in his hand, until more assistance arrive. Then Sgt Crompton told Inmate Greathouse, Arl[redacted] strip out of all of his clothes and Inmate Greathouse, Arlis[redacted] complied. Then I COII Knight open the door and Inmate Greathouse, Arli[redacted] as placed in restraints. I COII Knight am charging Inmate Greathouse, Arli[redacted] 3-1,4-9, 12-1, and 17-1 pending DCR.



Inmate James Coston # 137739

Incident in 10 Blks

February 18, 2014

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JAMES COSTON (ADC # 137739) CLAIMANT

V. NO. 14-0934-CC

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

RESPONSE TO CLAIMANT'S REQUEST FOR PRODUCTION OF DOCUMENTS FILED DECEMBER 22, 2014

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to the Claimant's Request for Production of Documents filed December 22, 2014, and responds as follows:

1. Response to Request No. 1. Objection. All of these documents which Claimant is entitled to have are in the law library. Any duplication here is a waste of resources.

2. Response to Request No. 2: None known and objection as to relevance and not likely to lead to any relevant information relating to the incident between Claimant and Inmate Greathouse.

3. Response to Request No. 3: None known and objection as to relevance and not likely to lead to any relevant information relating to the incident between Claimant and Inmate Greathouse.

4. Response to Request No. 4: Objection. Claimant is prohibited by law and policy from having information related to other inmates.

Respectfully submitted,
Department of Correction
Office of Counsel

Arkansas
State Claims Commission
JAN 16 2015
RECEIVED

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

CERTIFCIATE OF SERVICE

I certify that a copy of the DISCOVERY RESPONSE has been served this 16 day of January, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JAMES COSTON (ADC # 137739)
VSM
P. O. Box 600
GRADY, AR 71644-0600

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim $ 15,000.00

Claim No. 14-0934-CC

James Coston
Claimant

vs.

AR Department of Corrections
Respondent

State of Arkansas

Date Filed June 12, 2014

Attorneys

Pro se
Claimant

Lisa Wilkins, Attorney
Respondent

Type of Claim Failure to Follow Procedure, Personal Injury, Negligence

FINDING OF FACTS

This claim was filed for failure to follow Procedure, personal injury and negligence in the amount of $15,000.00 against Arkansas Department of Corrections.

Present at a hearing March 13, 2015 was the Claimant, pro se, and the Respondent, represented by Lisa Wilkins, Attorney.

The Claims Commission hereby unanimously denies and dismisses this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Therefore, this claim is hereby unanimously dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the **Claims Commission unanimously denied and dismissed this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.**

Date of Hearing **March 13, 2015**

Date of Disposition **March 13, 2015**

Chairman

Commissioner

Commissioner

**Appeal of any final ...

Arkansas Claims Commission
MAR 23 2015
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Notice of Appeal

Arkansas General Assembly
270 State Capitol
Little Rock AR 72201

March 19 2015

Comes now the Claimant in his appeal to the General Assembly for Reconsideration of Claim No 14-0934-CC that went before the Arkansas State Claims Commisson on march 13, 2015.

Claimant did not recive a fair and impartial hearing due to the fact that witnesses were not present at the hearing for questioning. Claimant submitted a witness list that was recived by the Arkansas State Claims Comisson on February 12 2015. All witnesses were employed by the Respondent in this claim and had relevent first hand knowledge of the claim. Claimant submitted a letter that was recived by the Arkansas State Claims Commisson on February 18 2015 requesting the opportunity to view video of the incident that took place. Respondent failed to respond to this request and the video was not shown at the hearing even though the Chief Deputy Deputy Assistant Director Delisiors states: Video of incident was downloaded and preserved for evidence. Claimant filed a Request for Production of Documents that listed the video and the Respondent objected. Claimant then filed a motion to compel disclosure but Arkansas State Claims Commission refused to file because Claimant responded to objections. The Respondent has no reason not to produce the video of the incident except it shows the extent of their negligence o

For these reasons the Claimant was not given a fair and equal opportunity to litigate his case.

Documents clearly show the negligence of CPl. Knight. The Chief Deputy Deputy Assistant Director Decisions states: Corrective action being taken toward CPl. Knight for not following Policy and Procedure. CPl. Knight demonstrates the extent of his negligence by his own admission when he wrote the incident report. CPl. Knight stated that inmate Greenhouse walked in lobby. I asked did he stay here and he did not reply. I CPl. Knight shut the door and escorted inmate Greenhouse down to the bottom tier. Not only did CPl. Knight not check the inmates ID, He didn't consult the inmate roster, and he didn't pat search the inmate all of which is standard operating procedure but he continued to watch the inmate move through the barracks then assault the Claimant when he should have immediately called for assistance to remove the inmate from the barracks. The incident report infact goes on to show that CPl. Knight did not call for assistance until the inmate pressed the Claimant into the hallway. The Respondent admits an unauthorized inmate entered lo barracks and assaulted the Claimant with a weapon and as a result a person in there employ received corrective action for not abiding by policy and procedure. The Arkansas Department of Corrections failed to protect the Claimant when it was reasonably with in their ability to do so.

Respectfully Submitted
James Coston #137739
VSM Po Box 1000 Grady AR 71644

Arkansas Claims Commission
MAR 23 2015
RECEIVED

Arkansas State Claims Commission March 19 2015
101 East Capitol Ave Suit 410
Little Rock AR 72201

Enclosed you will find a handwritten copy of Claimants appeal of the Commission's decision of the hearing held on March 13 2015 Concerning Claim No 14-0934-CC

Respectfully Submitted

Arkansas Claims Commission
MAR 23 2015
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