

Danny Zee Hooper (ADC) [REDACTED]  
[REDACTED]

Arkansas State Claims Commission  
101 E. Capitol Ave. suite 410  
Little Rock, AR 72201-3823

RE: Filing COMPLAINT

Date: 6-28-2022

Dear Court Clerk,

Enclosed please find the (5) Full Copies that is reference for filing within this Honorable Court.

Please file my Complaint before the Court, and Please mail me An Filed MARKED Copies of the Complaint for my Receipt of its Filing to MY Above ADDRESS. Thank You!

Danny Zee Hooper [REDACTED]

ORIGINAL

JUN 30 2022

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

- Mr. Mrs. Ms. Miss

Danny Lee Hooper (ADC [redacted]), Claimant

Do Not Write in These Spaces. Claim No. Date Filed (Month) (Day) (Year) Amount of Claim \$ Fund

vs.

State of Arkansas, Respondent

COMPLAINT

Danny Lee Hooper (ADC [redacted]), the above named Claimant, of [redacted] (Name)

(State) (Zip Code) (Daytime Phone No.) County of represented by (Legal Counsel, if any, for Claim)

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

State agency involved: MR DEXTER PAYNE, DIRECTOR (ADC) Amount sought: \$3500.00

Month, day, year and place of incident or service: 7/22/2020 / and / November 9, 2020 see EXHIBIT A (ADC)

1. Explanation: RESPONDENT AGENCY FOR THE ARKANSAS DIVISION OF CORRECTION, MR DEXTER PAYNE, IS THE DIRECTOR, AND IS THE APPOINTED SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS FOR THE STATE OF ARKANSAS PURSU... HE HAS OVERALL RESPONSIBILITY FOR THE POLICIES, PROCEDURES, OPERATIONS AND SUPERVISION OF THE ARKANSAS DEPARTMENT OF CORRECTIONS, ITS EMPLOYEES, AGENCIES, ASSIGNS AND CORRECTIONAL FACILITIES INCLUDING THE ARKANSAS STATE PENITENTIARY AT THE [redacted] AGENCY MR DEXTER PAYNE DIRECTOR, IS THE FINAL POLICY MAKER AND DECISION MAKER FOR THE (ADC). HE IS ULTIMATELY RESPONSIBLE FOR ESTABLISHING (ADC) POLICIES PERTAINING TO THE ARKANSAS 831 - DISCIPLINARY RULES AND REGULATIONS, AD 18-34 INMATE DISCIPLINARY MANUAL (E) HEARING (A3) STATING AS FOLLOWS & QUOTING "NO DISCIPLINARY WILL BE HEARD AFTER SEVEN (7) BUSINESS DAYS FROM THE DATE IT WAS WRITTEN EXCEPT PURSUANT TO AN AUTHORIZED EXTENSION". RESPONDENT AGENCY MR DEXTER PAYNE, DIRECTOR, DENIED CLAIMANT MR DANNY LEE HOOPER (ADC) [redacted] DISCIPLINARY APPEAL ON NOVEMBER 9th 2020, ISSUING SUBSTANTIVE DECISIONS UPHOLDING MAJOR DISCIPLINARY WRITTEN ON 7-22-2020 BY

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 (Yes or No) when? 11 09 2020 (Month) (Day) (Year) to whom? DIVISION of Correction Dexter Payne Director (Department) and that the following action was taken thereon: Reversal Disciplinary Denied

and that \$ - 0 - was paid thereon: (2) Has any third person or corporation an interest in this claim? ; 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.

HOOPER, Danny Lee (Print Claimant/Representative Name)

Hooper Danny Lee (Signature of Claimant/Representative)

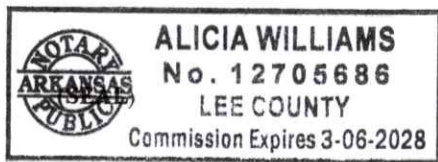
SWORN TO and subscribed before me at Marrianna ARKANSAS (City) (State)

on this 13th day of May, 2022 (Date) (Month) (Year)

Alicia Williams (Notary Public)

(Notary Public)

My Commission Expires: 3 04 22 (Month) (Day) (Year)



SF1- R7/99

(ATTACHMENT) page 1 of 5  
Before The STATE Claims Commission  
of The STATE of Arkansas  
Danny Lee Hooper (ADC [REDACTED]), Claimant  
vs  
State of Arkansas, Respondent  
(COMPLAINT)

Corporal Haywood, John. see Exhibit A

2.) Agency Mr. Dexter Payne, Director, had the Authority as sworn under oath by the ARKANSAS Code Annotated §12-27-107 (a) (d) (1) to not impose or maintain the Discipline written against Claimant Danny Lee Hooper, [BUT] due to the written nurture of the violation(s) against Claimant Mr. Hooper, Mr. Payne Choose to impose and maintain [it];. The violation(s) of the written punishment by the "HEARING OFFICER, MRS. Bonister, Terr L." on Hearing date: 8/13/2020 see Exhibit B

3.) After the written Disciplinary by Mr. Haywood in it's self had done "Expired on 08-07-2020" from the very First written VAILD Disciplinary Extension Form by Deputy Warden, Mrs. Branch, Emmer J. on 07/31/2020 see this Exhibit C — Delivered by Cpl. S. Davis,

4.) [BECAUSE] within it's self, the second written Disciplinary Extension Form was "INVALIDATED" as written by Deputy Warden Mr. Jackson, Anthony L. in Regards(s)

(ATTACHMENT) page 2 of 5

that Mr. Jackson, had inadvertently DATED: Quoting  
"RE: DISCIPLINARY DATED "08/05/2020" at [REDACTED]  
For Rule violations): 4-17, 12-3, 7-1, 3. On the very  
same DATE that Mr. Jackson had issued for the  
Disciplinary Extension Form DATE: "08/05/2020"  
see Exhibit D Delivered By Cpl. S. DAVIS

5.) The Hearing Administration Officer, Recorder  
Mrs. Banister, Terrie L. Hearing date: 08/13/2020,  
had an duty pursuant to ARKANSAS 831-DISCIPLINARY  
RULES and REGULATIONS, per (AD 18-34) Inmate  
Disciplinary Manual, Quoting: (E) Hearing #'s (3)  
(13), (14), (15) to had reviewed all evidence pertaining  
to the written major Disciplinary Report including the  
validated Authorized Extension presented within the  
Report that All written documentions) are valid for  
Any Extension and that the Inmate is Afforded his  
due process to had been heard before Hearing Officer  
in a "TIMELY FASHION" in accordance to the  
established ARKANSAS Department of Correction  
Rules and Regulations) Policies. (AR 831) and (AD 18-34)

6.) The Clarmont Mr. Hooper, Danny Lee, (ADC) [REDACTED]  
was found guilty of the 04-17 and 12-3 and not  
guilty of the 07-1 Rule violation, and Mr. Hooper  
had received Punishment by the Hearing Administrative

(ATTACHMENT) pages 3 of 5

officer, Mrs. Bonister on 08/13/2020, six (6) days after the VALIDATED Extension had done Expired on 08/07/2020, at 6:00 PM, see Claimant Exhibit C pages 1 and 2.

7.) By Restriction days to serve: Commissary, visitation sixty (60) days; Punitive Isolation days to serve thirty (30); GT (good time) Class Reduced to IV one Year before Claimant could restore His class back, Exhibit B

8.) Due to the nature of written Major Disciplinary by Cpl. John Haywood on 07/22/2020, Exhibit A the Hearing Administrative officer "DID NOT" uphold Her duties as She sworn to under OATH to All Policies not limited to the AR 831 Disciplinary Rules and Regulations pursuant to AD 18-34 I/M Disciplinary Manual (E) Hearing.

9.) Mrs Bonister was bias towards Mr Hooper and clearly did not acknowledge the FACTS that Exhibit D Extension Form was clearly Invalidated presented for the HEARING.

10.) By Proof the Hearing officer was Bias in regards to Her written Statement by not upholding the well established law AR 831 and AD 18-34 on 08/13/2020 Exhibit B

11.) Claimant herein again emphasizes the importance of the doctrine that is presented has clearly made a prima facie showing by the Disciplinary Extension Form on 08/05/2020 by Deputy Warden Jackson Anthony Exhibit D has clearly demonstrated by

(ATTACHMENT) pages 4 of 5  
establishing proof of error presented by a  
preponderance of the evidence the Extension Form in  
it's self is very clearly Invaldated presented to  
Extend the greater length of time for the Disciplinary  
written on 07/22/2020, by Cpl. John Haywood, see  
Claimants' Exhibit A to be Heard in accordance to  
well established Law, Policies Pertaining to the  
ARKANSAS 831 Disciplinary Rules and Regulations,  
AD18-34, Inmate Disciplinary Manual

12.) Claimant Mr Hooper has Exhausted through all levels  
of the (ADC) Administration levels for the violation to  
been Resolved And Reverse in accordance to the Rules  
and Regulations pursuant to APPEAL proceeding  
see the Claimant's Exhibits A, B, And E.

13.) Prayer FOR Relief

Wherefore, the Claimant prays this Honorable Court  
Before The State Claims Commission will Grant:

(a) declare the Acts and omission of the Respondent  
Agency Mr. Dexter, Payne, Director for (ADC) violated His  
well established sworn duties under Law of OATH  
in accordance to the Ark. Code. Ann. §12-27-107 (a) (d) (1)  
to not had imposed or maintain Proof of Error presented  
Invaldated Extension Form, Exhibit D against  
the Claimant Danny Lee Hooper (ADC) [REDACTED]

(ATTACHMENT) page 5 of 5

(b) Enter an injunction requiring Respondents to Restore to Claimant all rights and privileges he enjoyed prior to had been heard in the Major Disciplinary Hearing from it's INVALIDATED Extension Form and Remove the Report in it's self on 07-22-2020, written by Mr. Haywood John, entirely from Claimant Hooper's ADC Records and the E-OMIS.

(c). Award to the Claimant, Mr. Hooper Danny Lee, nominal, Compensatory, and punitive Damages in accordance to the ARKANSAS LAWS and the Court's own Judgment for Rewards up to \$10,000<sup>00</sup>

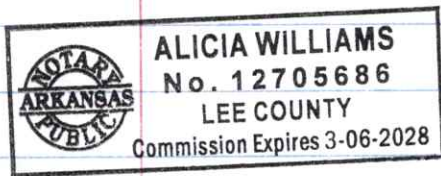
(d) Award to the Claimant reasonable costs and Attorney fees.

(e). and Grant the Claimant such other relief as the Court may deem just and proper.

Thank You Your HONOR

Respectfully Submitted

Danny Lee Hooper



Subscribed and Sworn before me a notary on this 13<sup>th</sup> day of May month 2022

Alicia Williams  
Notary Public

My Commission Expires 3-06-2028

Division of Correction



Office of the Director

6814 Princeton Pike  
Pine Bluff, Ar 71602  
Phone: (870) 267-6200  
Fax: (870) 267-6244

MEMORANDUM

TO: Inmate Danny L. Hooper, ADC # [REDACTED]  
[REDACTED]

FROM: Dexter Payne, Director *Dexter Payne*

RE: Major Disciplinary Appeal

DATE: November 9, 2020

Please be advised that I am in receipt of your disciplinary appeal regarding the major disciplinary you received 07/22/2020 at 2:00 a.m. by Cpl. John Haywood.

You state in your appeal that the second disciplinary extension by Deputy Warden Jackson dated 8/5/2020 you received noted the disciplinary date of 8/5/2020 and that this error is merit for reversal.

Your disciplinary states, "On July 22, 2020, at approximately 2:00 a.m., while I, Cpl. Haywood, and Cpl. Williams were escorting an inmate back to his cell during shower call in Max I, I passed cell 17 which housed inmate Danny Hooper ADC [REDACTED] (verified by eOMIS housing roster). Inmate Hooper had a shampoo bottle with an unknown substance in it at the time (which was later found to be human feces) and sprayed it on me, striking me in my head and facial area as well as on the back of my state issued uniform shirt. I immediately notified my supervisor and removed myself from the area. Inmate Hooper knows his actions are against ADC and Unit policy; therefore, I, Cpl. Haywood, am charging him with rule violations 12-3, 4-17, and 7-1, pending DCR. End of Statement."

You stated during your disciplinary hearing, "ADC have seven business days to take me to court. The extensions are not right."

After a thorough review of all the documents pertaining to this matter, I am upholding the guilty verdicts of rule violations 04-17/Throwing or attempting to throw substances, known or unknown, toward or upon another person and 12-3/Failure to obey verbal and/or written order(s) of staff; therefore, your request to reverse your disciplinary is denied.

DP/jl

cc: Warden / Inmate File / File

EXHIBIT A  
8

ISSR101

1501/25

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Hooper, Danny Lee

ADC#: [REDACTED]

Unit: [REDACTED]

Code Violation(s):

04-17 Throwing OR attempting to throw substances, known or unknown, toward or upon another person. Rule violation may result in loss of all good time.

12-3 Failure to obey verbal and/or written order(s) of staff.

07-1 Unauthorized use of state property/supplies

Date/Time of Alleged Offense(s): 07/22/2020 2:00 AM

Hearing Date: 08/13/2020 Time: Start 10:51 AM End 11:05 AM

Recorder: Banister, Terrie L Tape#: Side: Meter: From To

Plea: Not Guilty, Not Guilty, Not Guilty Attendance Waived: No

Has waiver form been completed? \_\_\_\_\_

Inmate's Statement:

ADC HAVE 7 BUSINESS DAYS TO TAKE ME TO COURT. THE EXTENSIONS ARE NOT RIGHT.

\_\_\_\_\_  
Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Guilty, Not Guilty

Restriction Days to Serve

Commissary:	60	Days Suspended:	0
Visitation:	60	Days Suspended:	0
Punitive Isolation Days to Serve:	30	Days Suspended:	0
GT Class Reduced to:	IV	Class Suspended:	

Exhibit B page 1 of 2  
9

Disciplinary Hearing Action

08/13/2020 4:04 PM

Page 2

Inmate: Hooper, Danny Lee

ADC#: [REDACTED]

Unit: [REDACTED]

**Additional Sanctions/General Comments:**

**Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):**

INMATE HOOPER THREW A LIQUID SUBSTANCE ON STAFF WHICH LATER FOUND TO BE HUMAN FECES.

**Evidence Relied Upon:**

F1 REPORT STATES INMATE HOOPER THREW A LIQUID SUBSTANCE ON STAFF WHICH LATER FOUND TO BE HUMAN FECES.

F-1 statement from charging officer, EXTENSION FORMS, PHOTO, STAFF SUPPORTING 005 REPORTS.

**Reasons Why Information Purporting to Exonerate Inmate was Discounted:**

Staff report is accepted.

**Reasons for Assessment of Punishment:**

INMATE HOOPER IS A CLASS IV INMATE WHO MUST LEARN THAT THROWING HUMAN WASTE ON STAFF WILL NOT BE TOLERATED.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature \_\_\_\_\_

Counsel-Substitute \_\_\_\_\_

I affirm that the information is true to the best of my knowledge.

Hearing Officer

*TOP 010*  
*Gravste*

Date \_\_\_\_\_

Exhibit B 10 pages

RECEIVED 78284 OCT 20 2020 RECEIVED ✓

SEP 04 2020 AUG 24 2020

F-831-4

Major Disciplinary Appeal Form

Director Arkansas Department of Correction

ADMINISTRATOR DISCIPLINARY HEARINGS

Inmate Name Hooper Danny Lee ADC# [REDACTED]

Unit/Center [REDACTED] Punitive Isolation [X] Yes \_\_\_ No

Disciplinary (date) 07-22-2020 by (charging officer) Haywood, John

08-20-20 Appealed to Warden/Center Supervisor: Note, if you do not agree with the decision of the Disciplinary Hearing Officer, you have 15 business days from receipt of disciplinary action to appeal to the Warden/Center Supervisor.

Warden's Decision: Affirm [X] Reverse \_\_\_ Modify \_\_\_ (See attached if modified)

Signature: [Signature] Date 9-2-20

09-03-20 Appealed to Disciplinary Hearing Administrator: Note, if you do not agree with the response of the Warden/Center Supervisor, you may appeal within 15 business days from receipt of the Warden/Center Supervisor's response to the Disciplinary Hearing Administrator.

DHA's Decision: Affirm [X] Reverse \_\_\_ Modify \_\_\_ (See attached if modified)

Signature: [Signature] Date 09/10/2020

9-13-2020 Appealed to Director: Note if you do not agree with the Disciplinary Hearing Administrator's response, you may appeal within 15 business days from receipt of the Disciplinary Hearing Administrator's decision to the Director.

Director's Decision: Affirm [X] Reverse \_\_\_ Modify \_\_\_ (See attached if modified)

Signature: [Signature] Date 11-9-2020

Notice to Inmate: This form is to be used for all appeal levels and responses. Briefly state reasons why conviction or punishment should be reversed or modified. This information will be considered at all three levels of appeal. Only information that is contained within this space on this form will be considered:

Per (AD 18-311) M DISCIPLINARY MANUAL (Quotml E. Hearing #3). "ON DISCIPLINARY WILL BE HEARD AFTER SEVEN (7) BUSINESS DAYS FROM THE DATE IT WAS WRITTEN EXCEPT PURSUANT TO AN AUTHORIZED EXTENSION." [Please note] two (2) DISCIPLINARY EXTENSION FORMS ARE ATTACHED TO MY APPEAL THAT WAS GIVEN TO ME. THE FIRST EXTENSION FORM BY DP WARDEN BRANDEN, WHICH WAS VALID [BUT] THE SECOND INVALID DISCIPLINARY EXTENSION FORM BY DP WARDEN JACKSON DATED FOR 08-05-2020. MR JACKSON HAD ERROR WHEN MAKING THIS FORM. BY PLEASE NOTICE HIS ERROR QUOTING "RE: DISCIPLINARY DATE FOR 08-05-2020." AS FOR HIS ERROR CLEARLY CALLS FOR BY MERIT THE REVERSAL OF MY WRITTEN MAJOR DISCIPLINARY ON 07-22-2020 AT 2AM BY CO HAYWOOD JOHN. PLEASE SEE THE COPIES OF THESE EXTENSION FORM LISTED ABOVE.

THANK YOU

Inmate's Signature: Hooper Danny Lee Date: 08-20-2020

08-07-2020

Original to be submitted for appeal; copies for inmate's use to proceed to next level if timely response not received.

EXHIBIT E

7/31/2020 10/14/2020 11/14/2020

1501/205

ARKANSAS DEPARTMENT OF CORRECTION  
[REDACTED]  
**DISCIPLINARY EXTENSION FORM**

TO: Inmate Hooper, Danny L. ADC #: [REDACTED]

FROM: Jackson, Anthony L

RE: Disciplinary Dated 08/05/2020 at [REDACTED]

For rule violation(s):

4-17, 12-3, 7-1

**Date:** 08/05/2020

This is to inform you that I am extending your Disciplinary Hearing for a period of 5 additional working days for the following reasons:

- Inmate is out to court/hospital, or otherwise off the Unit/Center.
- Awaiting the decision of the prosecuting attorney regarding the filing of a felony charge.
- The case requires more extensive investigation. The following is needed:  
Inmate is on lock down for covid 19
- Volume of Disciplinaries scheduled for hearing is excessive and more time is needed to insure a fair determination in each case.
- Emergency situations exist at the unit.

**Retroactive extension:**

- Escaped inmate, not in custody, returned to unit on at .

*Anthony Jackson*

08/05/2020

Warden/Center Supervisor, Hearing Officer Signature

Date

*Cpl. S. Davis*

8.5.20

Copy Delivered By Signature

*1:24 pm*

Date

Cc: File

\* An extension may be granted up to five (5) working days. If a greater length of time is needed, then the extension must be renewed and will not exceed (5) days per extension. The Director must approve any extension over thirty (30) days total.

Director Signature

Date

Length of Extension

EXHIBIT D page 12 of 2

This extension will expire on 08/14/2020 at 06:00:00 PM.

**ORIGINAL-** File

**COPY-** Inmate

Color-White

1501/205

ARKANSAS DEPARTMENT OF CORRECTION

[Redacted] UNIT

DISCIPLINARY EXTENSION FORM

TO: Inmate Hooper, Danny L. ADC #: [Redacted]

FROM: Branch, Emmer J

RE: Disciplinary Dated 07/22/2020 at [Redacted]

For rule violation(s):

4-17, 12-3, 7-1

Date: 07/31/2020

This is to inform you that I am extending your Disciplinary Hearing for a period of 5 additional working days for the following reasons:

- Inmate is out to court/hospital, or otherwise off the Unit/Center.
- Awaiting the decision of the prosecuting attorney regarding the filing of a felony charge.
- The case requires more extensive investigation. The following is needed:

Inmate is on lock down for covid 19

- Volume of Disciplinaries scheduled for hearing is excessive and more time is needed to insure a fair determination in each case.
- Emergency situations exist at the unit.

Retroactive extension:

Escaped inmate, not in custody, returned to unit on [ ] at [ ]

*Emmer Branch*

07/31/2020

Warden/Center Supervisor, Hearing Officer Signature

Date

EXHIBIT C page 1 of 2

Cpl. S. Davis  
Copy Delivered By Signature

7.31.20 2:23pm  
Date

Cc: File

\* An extension may be granted up to five (5) working days. If a greater length of time is needed, then the extension must be renewed and will not exceed (5) days per extension. The Director must approve any extension over thirty (30) days total.

Director Signature

Date

Length of Extension

This extension will expire on 08/07/2020 at 06:00:00 PM

ORIGINAL- File

COPY- Inmate

Color-White

Exhibit C15 page 2

# ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

June 30, 2022

Danny Lee Hooper (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

RE: **Claim No. 221542 – deficient filing**

---

Dear Mr. Hooper,

Your claim has been filed but has not been transmitted to the Arkansas Department of Correction because the claim exceeds the page limitations set out in Ark. Code Ann. § 19-10-208(f). The text of this subsection is set out on the following page for your review.

Pursuant to Ark. Code Ann. § 19-10-208(f)(3)(A)(ii), you have forty-five days from the date of this letter to resubmit your complaint in compliance with the statute or to file a motion for leave to exceed the page limitations. Failure to do so will result in the dismissal of your claim without prejudice. Ark Code Ann. § 19-10-208(f)(3)(C).

Sincerely,

Kathryn Irby

ES: cmcdaniel

Enclosures

**Ark. Code Ann. § 19-10-208(f)**

- (1) A claimant who is an inmate in the Department of Correction or the Department of Community Correction at the time the claim or action is filed is limited to no more than:
  - (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
  - (B) Five (5) additional pages of exhibits to accompany his or her complaint.
  
- (2)
  - (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
  - (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.
  
- (3)
  - (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
    - (i) Assign the inmate's claim a docket number; and
    - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
      - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
      - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.
  - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.
  - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
    - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
    - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.
  - (D)
    - (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
    - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

INMATE Legal Correspondence

Danny Jee Hooper CADC [REDACTED]

Arkansas  
State Claims Commission

JUL 20 2022

RECEIVED

Arkansas State Claims Commission

AA10: KATHRYN Irby, (Director)  
101 East Capitol Ave, Suite 400  
Little Rock, AR 72201-3823

Date July 18<sup>th</sup> 2022

Regards: Claim NO. 221542-deficient filing

Dear Mrs. Irby,

Greetings MAAM?

I Am Receipt to Your Correspondence June 30, 2022  
in the Above Claim Number, to file the enclosed  
Motion for leave to exceed the page limitations.

Therefore, I have enclosed original and two (2)  
copies of my motion for leave to exceed the page  
limitations, and a copy of the above Complaint  
Claim NO. 221542-deficient filing for the Court's  
approval to exceed the page limitations.

Please file my motion for leave to exceed the  
pages 1 of 2

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Vertical text on the left margin, possibly a page number or date.

Main body of handwritten notes, starting with a large heading.

A line of handwritten text, possibly a sub-heading or a key point.

Another line of handwritten text, continuing the notes.

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A paragraph of handwritten text, continuing the notes.

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page limitations pursuant to Ark. Code Ann.  
# 19-10-208 (f) (i) (b) before the Court.

[AND] Please donot Hesitate to contact me at  
the Above given Address from the Courts  
reeling in order for me to submit my  
Complaint back to ~~the~~ Your office for it's  
complete entirely for filing my Claim NO.  
22152 = deficient filing.

Thank You MAAM.

Sincerely Submitted,  
Denny Lee Hooper



Before The State Claims Commission  
OF The State of Arkansas

JUL 20 2022

RECEIVED

Danny Lee Hooper, pro-se  
(ADC [REDACTED])

Claimant

vs. Claim NO.: 221542 - deficient filing

State of ARKANSAS

Respondent

Motion For Leave to Exceed The Page Limitations  
pursuant to Ark. Code. Ann. § 19-10-208 (f) (ii) (b)

Comes here in the Above Claimant, Danny Lee Hooper,  
(ADC 107609) pro-se, inmate incarcerated within the  
ARKANSAS Department of Correction, located at the

[REDACTED] as for He moves  
this Honorable Court by his Motion Requesting for  
the Court's Permission to GRANT, Claimant Leave  
to exceed the Page Limitations to his Exhibits A through  
E because all (5) five Exhibits is very necessary  
to present before the Court for it's evidence by  
The ARKANSAS Department of Correction for the  
following reasons):

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- 1.) Exhibit A and E, documentary by the ARKANSAS Department of Correction are both only one (1) page each;
- 2.) Exhibit B, document is the ARKANSAS Department of Correction, Disciplinary Hearing Action, exceeds two (2) pages;
- 3.) Exhibit C, document is Claimant "First", ARKANSAS Department of Correction, Disciplinary Extension Form, it exceeds two (2) pages;
- 4.) Exhibit D, document is Claimant "Second", ARKANSAS Department of Correction, Disciplinary Extension Form, it exceeds two (2) pages,
- 5.) These five (5), documentary by the ARKANSAS Department of Correction will exceed the AMOUNT of a total of Eight pages; (8) PAGES (three pages over)
- 6.) The Claimant also states, From his Complaint Form Application from the Claims Commission, Exceed five (5) additionally Attachment pages, that is very legibly Read pursuing it's FACT's;
- 7.) These documentaries are very critical to my Claim, as they do emphasizes the importance of the

1. The first part of the document is the title page.

2. The second part is the introduction.

3. The third part is the main body of the document.

4. The fourth part is the conclusion.

5. The fifth part is the references.

6. The sixth part is the appendix.

7. The seventh part is the index.

8. The eighth part is the glossary.

9. The ninth part is the bibliography.

10. The tenth part is the end of the document.

11. The eleventh part is the list of figures.

12. The twelfth part is the list of tables.

13. The thirteenth part is the list of abbreviations.

14. The fourteenth part is the list of acronyms.

15. The fifteenth part is the list of symbols.

16. The sixteenth part is the list of units.

17. The seventeenth part is the list of equations.

18. The eighteenth part is the list of formulas.

19. The nineteenth part is the list of diagrams.

20. The twentieth part is the list of figures.

21. The twenty-first part is the list of tables.

doctrine that is presented within my Complaint,  
that does make an well clearly prima facie  
Showing by these documentaries as they do  
establishing proof erroneous presented by a  
preponderance of it's evidence violation of the  
Arkansas Department of Correction Policies  
pursuant to the Arkansas 831-Disciplinary Rules  
and Regulations, per (AD18-34) inmate Disciplinary  
Manual, "Quoting" (E) Hearing; # (3) as Stating:  
"NO Disciplinary will be Heard After seven (7)  
Business Days From the Date it WAS Written,  
Except pursuant to An Authorized Extension."

8.) WHEREFORE, the Claimant prays this Court will GRANT  
his Motion For leave to Exceed the page limitations  
pursuant to ARK Code, Annot § 19-10-208 (f) (1) (b)  
for all the ABOVE given Reasons as stated, and GRANT  
Any And All other relief that the Court finds deem,  
just and proper. Thank You? Respectfully Submitted,  
Danny Lee Hooper

9.) NOTATION

This Above motion by the Above Claimant has been  
Subscribed and Sworn before me a Notary Public  
on this 7 day of July month, 2022.



M. F. Smith, Jr.  
Notary Public

My Commission Expires: 12-15-2026

page 2 of 2



JUN 30 2022

RECEIVED

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

Do Not Write in These Spaces
Claim No.
Date Filed (Month) (Day) (Year)
Amount of Claim \$
Fund

- Mr.
Mrs.
Ms.
Miss

Danny Lee Hooper (ADC [redacted]), Claimant

vs.

State of Arkansas, Respondent

COMPLAINT

Danny Lee Hooper (ADC [redacted]), the above named Claimant, of [redacted] (City)

(State) (Zip Code) (Daytime Phone No.) represented by (Legal Counsel, if any, for Claim)

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

State agency involved: MR DEXTER PAYNE, DIRECTOR (ADC) Amount sought: \$3500.00

Month, day, year and place of incident or service: 7/22/2020 / and / November 9, 2020 see EXHIBIT A (ADC)

1. Explanation: RESPONDENT AGENCY FOR THE ARKANSAS DIVISION OF CORRECTION, MR DEXTER PAYNE, IS THE DIRECTOR, AND IS THE APPOINTED SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS FOR THE STATE OF ARKANSAS... HE HAS OVERALL RESPONSIBILITY FOR THE POLICIES, PROCEDURES, OPERATIONS AND SUPERVISION OF THE ARKANSAS DEPARTMENT OF CORRECTIONS, ITS EMPLOYEES, ASSETS, ASSIGNS AND CORRECTIONAL FACILITIES INCLUDING THE ARKANSAS STATE PENITENTIARY AT THE [redacted] AGENCY MR DEXTER PAYNE DIRECTOR, IS THE FINAL POLICY MAKER AND DECISION MAKER FOR THE (ADC)3... HE IS ULTIMATELY RESPONSIBLE FOR ESTABLISHING (ADC) POLICIES PERTAINING TO THE ARKANSAS 831 - DISCIPLINARY RULES AND REGULATIONS, AD 18-34 INMATE DISCIPLINARY MANUAL (E) HEARING (#3) STATING AS FOLLOWS & QUOTING "NO DISCIPLINARY WILL BE HEARD AFTER SEVEN (7) BUSINESS DAY'S FROM THE DATE IT WAS WRITTEN EXCEPT PURSUANT TO AN AUTHORIZED EXTENSION" Respondent Agency MR DEXTER PAYNE, DIRECTOR, DENIED CLAIMANT MR DANNY LEE HOOPER (ADC) [redacted] DISCIPLINARY APPEAL ON NOVEMBER 9th 2020, ISSUING SUBSTANTIVE DECISIONS UPHOLDING MAJOR DISCIPLINARY WRITTEN ON 7-22-2020 BY

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 (Yes or No) ; when? 11 09 2020 (Month) (Day) (Year) ; to whom? Division of Correction Dexter Payne Director (Department) ; and that the following action was taken thereon: Reversal Disciplinary Denied

and that \$ - 0 - was paid thereon: (2) Has any third person or corporation an interest in this claim? ; 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.

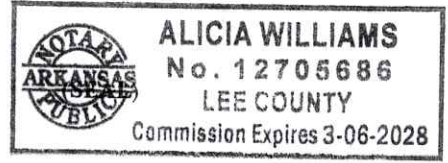
HOOPER, Danny Lee (Print Claimant/Representative Name)

Hooper Danny Lee (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Marianna Arkansas (City) (State)

on this 13th day of May 2022 (Date) (Month) (Year)

Alicia Williams (Notary Public)



SF1-R7/99

My Commission Expires: 3 04 22 (Month) (Day) (Year)

(ATTACHMENT) page 1 of 5  
Before The STATE Claims Commission  
of The STATE of Arkansas

Denny Lee Hooper (ADC [REDACTED]), Claimant

vs

State of Arkansas, Respondent

(COMPLAINT)

Corporal Haywood, John. see Exhibit A

2.) Agency Mr. Dexter Payne, Director, had the Authority as sworn under oath by the ARKANSAS Code Annotated §12-27-107 (a) (d) (4) to not impose or maintain the Discipline written against Claimant Denny Lee Hooper, [BUT] due to the written nurture of the violation(s) against Claimant Mr. Hooper, Mr. Payne Choose to impose and maintain [it];, The violation(s) of the written punishment by the "HEARING OFFICER, MRS. Bonister, Terr L." on Hearing date: 8/13/2020 see Exhibit B

3.) After the written Disciplinary by Mr. Haywood in its self had done "Expired on 08-07-2020" from the Very First written VAILD Disciplinary Extension Form by Deputy Warden, Mrs. Branch, Emmer J. on 07/31/2020 see this Exhibit C Delivered by Cpl. S. Davis,

4.) [BECAUSE] within its self, the second written Disciplinary Extension Form was "INVALIDATED" as written by Deputy Warden Mr. Jackson, Anthony L. in Regards

(ATTACHMENT) page 2 of 5

that Mr Jackson, had inadvertently DATED: Quoting  
"RE: DISCIPLINARY DATED "08/05/2020" at [REDACTED]  
For Rule Violation(s): 4-17, 12-3, 7-1, 30. On the very  
same Date that Mr Jackson had issued for the  
Disciplinary Extension Form Date: "08/05/2020"  
see Exhibit D Delivered By Cpl S. DAVIS

5.) The Hearing Administration Officer, Recorder  
Mrs. Benister, Terrie L. Hearing date: 08/13/2020,  
had an duty pursuant to ARKANSAS 831-DISCIPLINARY  
RULES and REGULATIONS, per (AD 18-34) Inmate  
Disciplinary Manual, Quoting: (E) Hearing #'s (3)  
(13), (14), (15) to had reviewed all evidence pertaining  
to the written major Disciplinary Report including the  
Validated Authorized Extension presented within the  
Report that All written documention(s) are valid for  
Any Extension and that the Inmate is Afforded his  
due process to had been heard before Hearing Officer  
in a "TIMELY FASHION" in accordance to the  
established ARKANSAS Department of Correction  
Rules and Regulations(s) Policies, (AR 831) and (AD 18-34)

6.) The Clarmont Mr. Hooper, Danny Lee, (ADC) [REDACTED]  
was found guilty of the 04-17 and 12-3 and not  
guilty of the 07-1 Rule violation, and Mr. Hooper  
had received Punishment by the Hearing Administrative

(ATTACHMENT) pages 3 of 5

officer, Mrs. Banister on 08/13/2020, six (6) days after the VALIDATED Extension had done Expired on 08/07/2020, at 6:00 PM, see Claimant Exhibit C pages 1 and 2

- 7.) By Restriction days to serve: Commissary, visitation sixty (60) days; Punitive Isolation days to serve thirty (30); GT (good time) Class Reduced to IV one Year before Claimant could restore His Class back, Exhibit B
- 8.) Due to the nature of written Major Disciplinary by Cpl. John Haywood on 07/22/2020, Exhibit A the Hearing Administrative officer "DID NOT" uphold Her duties as She sworn to under OATH to All Policies not limited to the AR 831 Disciplinary Rules And Regulations pursuant to AD 18-34 I/M Disciplinary Manual (E) Hearing.
- 9.) Mrs Banister was bias towards Mr Hooper and clearly did not acknowledge the FACTS that Exhibit D Extension Form was clearly Invalidated presented for the HEARING.
- 10.) By Proof the Hearing officer was Bias in regards to Her written Statement by not upholding the well established law AR 831 And AD 18-34 on 08/13/2020 Exhibit J
- 11.) Claimant herein again emphasizes the importance of the doctrine that is presented has clearly made a prima facie Showing by the Disciplinary Extension Form on 08/05/2020 by Deputy Warden Jackson Anthony Exhibit D has clearly demonstrated by

(ATTACHMENT) pages 4 of 5  
establishing proof of error presented by a  
preponderance of the evidence the Extension Form in  
it's self is very clearly Invaldated presented to  
Extend the greater length of time for the Disciplinary  
written on 07/22/2020, by Cpl. John Haywood, see  
Claimants' Exhibit A to be Heard in accordance to  
well established Law, Policies Pertaining to the  
ARKANSAS 831 Disciplinary Rules And Regulations,  
AD18-34, Inmate Disciplinary manual

12.) Claimant Mc Hooper has Exhausted through all levels  
of the (ADC) Administration levels for the violation to  
been Resolved And Reverse in accordance to the Rules  
and Regulations pursuant to APPEAL proceeding  
see the Claimant's Exhibits A, B, And E.

13.) Prayer FOR Relief

Wherefore, the Claimant prays this Honorable Court  
Before The State Claims Commission will Grant:

(a) declare the Acts and omission of the Respondent  
Agency Mc Dexter, Payne, Director For (ADC) violated His  
well established sworn duties under Law of OATH  
in accordance to the Ark. Code. Ann. §12-27-107 (a) (d) (1)  
to not had imposed or maintain Proof of Error present  
Invaldated Extension Form, Exhibit D against  
the Claimant Danny Lee Hooper (ADC) [REDACTED]

(ATTACHMENT) page 5 of 5

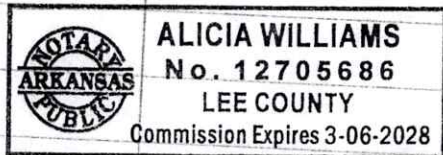
(b) Enter an injunction requiring Respondents to Restore to Claimant all Rights and privileges he enjoyed prior to had been heard in the Major Disciplinary Hearing from it's INVALIDATED Extension Form and Remove the Report in it's self on 07-22-2020, written by Mr. Haywood John, entirely from Claimant Hooper's ADC Records and the E-OMIS.

(c). Award to the Claimant, Mr. Hooper Danny Lee, nominal, Compensatory, and punitive Damages in accordance to the ARKANSAS LAWS and the Court's own Judgment for Rewards up to \$10,000<sup>00</sup>

(d) Award to the Claimant reasonable costs and Attorney fees.

(e). and Grant the Claimant such other relief as the Court may deem just and proper.

Thank You Your Honor  
Respectfully Submitted  
Danny Lee Hooper



Subscribed and Sworn before me A Notary on  
this 13<sup>th</sup> day of May Month 2022

Alicia Williams  
Notary Public

My Commission Expires 3-06-2028

**Division of Correction**



**Office of the Director**

6814 Princeton Pike  
Pine Bluff, Ar 71602  
Phone: (870) 267-6200  
Fax: (870) 267-6244

MEMORANDUM

TO: Inmate Danny L. Hooper, ADC # [REDACTED]  
East AR Regional Max Unit

FROM: Dexter Payne, Director *Dexter Payne*

RE: Major Disciplinary Appeal

DATE: November 9, 2020

Please be advised that I am in receipt of your disciplinary appeal regarding the major disciplinary you received 07/22/2020 at 2:00 a.m. by Cpl. John Haywood.

You state in your appeal that the second disciplinary extension by Deputy Warden Jackson dated 8/5/2020 you received noted the disciplinary date of 8/5/2020 and that this error is merit for reversal.

Your disciplinary states, "On July 22, 2020, at approximately 2:00 a.m., while I, Cpl. Haywood, and Cpl. Williams were escorting an inmate back to his cell during shower call in Max I, I passed cell 17 which housed inmate Danny Hooper ADC # [REDACTED] (verified by eOMIS housing roster). Inmate Hooper had a shampoo bottle with an unknown substance in it at the time (which was later found to be human feces) and sprayed it on me, striking me in my head and facial area as well as on the back of my state issued uniform shirt. I immediately notified my supervisor and removed myself from the area. Inmate Hooper knows his actions are against ADC and Unit policy; therefore, I, Cpl. Haywood, am charging him with rule violations 12-3, 4-17, and 7-1, pending DCR. End of Statement."

You stated during your disciplinary hearing, "ADC have seven business days to take me to court. The extensions are not right."

After a thorough review of all the documents pertaining to this matter, I am upholding the guilty verdicts of rule violations 04-17/Throwing or attempting to throw substances, known or unknown, toward or upon another person and 12-3/Failure to obey verbal and/or written order(s) of staff; therefore, your request to reverse your disciplinary is denied.

DP/jl

cc: Warden / Inmate File / File

EXHIBIT A  
34

ISSR101

1501/25

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Hooper, Danny Lee

ADC#: [REDACTED]

Unit: [REDACTED]

Code Violation(s):

04-17 Throwing OR attempting to throw substances, known or unknown, toward or upon another person. Rule violation may result in loss of all good time.

12-3 Failure to obey verbal and/or written order(s) of staff.

07-1 Unauthorized use of state property/supplies

Date/Time of Alleged Offense(s): 07/22/2020 2:00 AM

Hearing Date: 08/13/2020

Time: Start 10:51 AM

End 11:05 AM

Recorder: Banister, Terrie L

Tape#:

Side:

Meter: From

To

Plea: Not Guilty, Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed? \_\_\_\_\_

Inmate's Statement:

ADC HAVE 7 BUSINESS DAYS TO TAKE ME TO COURT. THE EXTENSIONS ARE NOT RIGHT.

Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Guilty, Not Guilty

Restriction Days to Serve

Commissary: 60

Days Suspended: 0

Visitation: 60

Days Suspended: 0

Punitive Isolation Days to Serve: 30

Days Suspended: 0

GT Class Reduced to: IV

Class Suspended:

Exhibit B page 1 of 2  
35

Disciplinary Hearing Action

08/13/2020 4:04 PM

Page 2

Inmate: Hooper, Danny Lee

ADC#: [REDACTED]

Unit: [REDACTED]

**Additional Sanctions/General Comments:**

**Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):**

INMATE HOOPER THREW A LIQUID SUBSTANCE ON STAFF WHICH LATER FOUND TO BE HUMAN FECES.

**Evidence Relied Upon:**

F1 REPORT STATES INMATE HOOPER THREW A LIQUID SUBSTANCE ON STAFF WHICH LATER FOUND TO BE HUMAN FECES.

F-1 statement from charging officer, EXTENSION FORMS, PHOTO, STAFF SUPPORTING 005 REPORTS.

**Reasons Why Information Purporting to Exonerate Inmate was Discounted:**

Staff report is accepted.

**Reasons for Assessment of Punishment:**

INMATE HOOPER IS A CLASS IV INMATE WHO MUST LEARN THAT THROWING HUMAN WASTE ON STAFF WILL NOT BE TOLERATED.

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature \_\_\_\_\_

Counsel-Substitute \_\_\_\_\_

I affirm that the information is true to the best of my knowledge.

Hearing Officer

*1000100*  
*Krauske*

Date \_\_\_\_\_

Exhibit B 38 pages

1501/20

ARKANSAS DEPARTMENT OF CORRECTION

[Redacted] UNIT

DISCIPLINARY EXTENSION FORM

TO: Inmate Hooper, Danny L. ADC #: [Redacted]

FROM: Branch, Emmer J

RE: Disciplinary Dated 07/22/2020 at [Redacted]

For rule violation(s):

4-17, 12-3, 7-1

Date: 07/31/2020

This is to inform you that I am extending your Disciplinary Hearing for a period of 5 additional working days for the following reasons:

- Inmate is out to court/hospital, or otherwise off the Unit/Center.
- Awaiting the decision of the prosecuting attorney regarding the filing of a felony charge.
- The case requires more extensive investigation. The following is needed:

Inmate is on lock down for covid 19

- Volume of Disciplinaries scheduled for hearing is excessive and more time is needed to insure a fair determination in each case.
- Emergency situations exist at the unit.

Retroactive extension:

Escaped inmate, not in custody, returned to unit on [ ] at [ ]

*Emmer Branch*

07/31/2020

Warden/Center Supervisor, Hearing Officer Signature

Date

EXHIBIT C p38e1of2

Cpl. S. Davis  
Copy Delivered By Signature

7.31.20 2:23pm  
Date

Cc: File

\* An extension may be granted up to five (5) working days. If a greater length of time is needed, then the extension must be renewed and will not exceed (5) days per extension. The Director must approve any extension over thirty (30) days total.

\_\_\_\_\_  
Director Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Length of Extension

This extension will expire on  at

ORIGINAL- File

COPY- Inmate

Color-White

1501/205

ARKANSAS DEPARTMENT OF CORRECTION  
[REDACTED]  
**DISCIPLINARY EXTENSION FORM**

TO: Inmate Hooper, Danny L. ADC #: [REDACTED]

FROM: Jackson, Anthony L

RE: Disciplinary Dated 08/05/2020 a [REDACTED]

For rule violation(s):

4-17, 12-3, 7-1

**Date:** 08/05/2020

This is to inform you that I am extending your Disciplinary Hearing for a period of 5 additional working days for the following reasons:

- Inmate is out to court/hospital, or otherwise off the Unit/Center.
- Awaiting the decision of the prosecuting attorney regarding the filing of a felony charge.
- The case requires more extensive investigation. The following is needed:  
Inmate is on lock down for covid 19
- Volume of Disciplinarys scheduled for hearing is excessive and more time is needed to insure a fair determination in each case.
- Emergency situations exist at the unit.

**Retroactive extension:**

- Escaped inmate, not in custody, returned to unit on at .

*Anthony Jackson*

08/05/2020

Warden/Center Supervisor, Hearing Officer Signature

Date

*Cpl. S. Davis*

8.5.20

Copy Delivered By Signature

*1:24 pm*

Date

Cc: File

\* An extension may be granted up to five (5) working days. If a greater length of time is needed, then the extension must be renewed and will not exceed (5) days per extension. The Director must approve any extension over thirty (30) days total.

Director Signature

Date

Length of Extension

EXHIBIT D page 39 of 2

This extension will expire on 08/14/2020 at 06:00:00 PM.

**ORIGINAL-** File

**COPY-** Inmate

Color-White

RECEIVED 78284 OCT 20 2020 RECEIVED ✓

F-831-4

Major Disciplinary Appeal Form

Director Arkansas Department of Correction

SEP 04 2020 AUG 24 2020

ADMINISTRATOR DISCIPLINARY HEARINGS

Inmate Name Hooper, Danny Lee ADC# [REDACTED]

Unit/Center [REDACTED] Punitive Isolation  Yes  No

Disciplinary (date) 07-22-2020 by (charging officer) Haywood, John

08-20-2020 Appealed to Warden/Center Supervisor: Note, if you do not agree with the decision of the Disciplinary Hearing Officer, you have 15 business days from receipt of disciplinary action to appeal to the Warden/Center Supervisor.

Warden's Decision: Affirm  Reverse  Modify  (See attached if modified)

Signature: [Signature] Date 9-2-20

09-03-2020 Appealed to Disciplinary Hearing Administrator: Note, if you do not agree with the response of the Warden/Center Supervisor, you may appeal within 15 business days from receipt of the Warden/Center Supervisor's response to the Disciplinary Hearing Administrator.

DHA's Decision: Affirm  Reverse  Modify  (See attached if modified)

Signature: [Signature] Date 09/10/2020

9-13-2020 Appealed to Director: Note if you do not agree with the Disciplinary Hearing Administrator's response, you may appeal within 15 business days from receipt of the Disciplinary Hearing Administrator's decision to the Director.

Director's Decision: Affirm  Reverse  Modify  (See attached if modified)

Signature: [Signature] Date 11-9-2020

Notice to Inmate: This form is to be used for all appeal levels and responses. Briefly state reasons why conviction or punishment should be reversed or modified. This information will be considered at all three levels of appeal. Only information that is contained within this space on this form will be considered:

Per AD 18-311/m DISCIPLINARY MANUAL Quoting E. Hearing #3). "ON DISCIPLINARY WILL BE HEARD AFTER SEVEN (7) BUSINESS DAYS FROM THE DATE IT WAS WRITTEN EXCEPT PURSUANT TO AN AUTHORIZED EXTENSION." [Please note] two (2) DISCIPLINARY EXTENSION FORMS ARE ATTACHED TO MY APPEAL THAT WAS GIVEN TO ME. THE FIRST EXTENSION FORM BY DP WARDEN BRANDEN, WHICH WAS VALID [BUT] THE SECOND INVALID DISCIPLINARY EXTENSION FORM BY DP WARDEN JACKSON DATED FOR 08-05-2020. MR. JACKSON HAD ERROR WHEN MAKING THIS FORM. BY PLEASE NOTICE HIS ERROR QUOTING "RE: DISCIPLINARY DATE FOR 08-05-2020" AS FOR HIS ERROR CLEARLY CALLS FOR BY MERIT THE REVERSAL OF MY WRITTEN MAJOR DISCIPLINARY ON 07-22-2020 AT 2AM BY CO HAYWOOD JOHN. PLEASE SEE THE COPIES OF THESE EXTENSION FORM LISTED ABOVE.

THANK YOU! THE HEARING TOOK PLACE ON 08-13-2020 EXTENSION HAD EXPIRED. Inmate's Signature: Hooper, Danny Lee Date: 08-20-2020 08-07-2020

Original to be submitted for appeal; copies for inmate's use to proceed to next level if timely response not received.

EXHIBIT E

7/31/2020 8/10/2020 8/14/2020

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DANNY LEE HOOPER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 221542

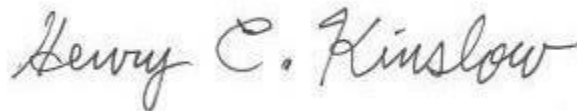
ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

**ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion of Danny Lee Hooper (the “Claimant”) for leave to exceed the page limitations set in Ark. Code Ann. § 19-10-208(f)(1). Upon review of the complaint and supporting documentation, the Claims Commission hereby GRANTS Claimant’s motion for leave and will accept the complaint and supporting documentation previously received. However, this order does not constitute any determination as to the validity of Claimant’s claim.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

Courtney Baird  
Dexter Booth  
Henry Kinslow, Co-Chair  
Paul Morris, Co-Chair  
Sylvester Smith

DATE: July 27, 2022

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

**From:** [ASCC New Claims](#)  
**To:** [Thomas Burns \(DOC\)](#); [Roni Gean \(DOC\)](#)  
**Cc:** [Kathryn Irby](#)  
**Subject:** CLAIM: Danny Lee Hooper v. ADC, Claim No. 221542  
**Date:** Thursday, July 28, 2022 1:03:00 PM  
**Attachments:** [Danny Lee Hooper ADC agency ltr.pdf](#)  
[Danny Lee Hooper Claim.pdf](#)  
[Danny Lee Hooper Deficient letter mailed to CI with claim docs.pdf](#)  
[Danny Lee Hooper Motion to Exceed page limitations and complaint.pdf](#)  
[Danny Lee Hooper Order granting motion to exceed page limitations.pdf](#)

---

Dear Mr. Hooper,

Please see attached. Contact Kathryn Irby with any questions.

Thank you,  
Caitlin

**Caitlin McDaniel**

*Administrative Specialist II*

**Arkansas State Claims Commission**

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

# ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

July 28, 2022

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602

*(via email)*

RE: ***Danny Lee Hooper v. Arkansas Division of Correction***  
**Claim No. 221542**

---

Dear Mr. Burns,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Division of Correction. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Danny Lee Hooper (ADC [REDACTED]), *Claimant* (w/ encl.)

**Note to Claimant or Claimant's counsel:** The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.

**From:** [Leslie Browning \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Thomas Burns \(DOC\)](#)  
**Subject:** Danny Hooper - Claim #221542  
**Date:** Thursday, July 28, 2022 2:18:57 PM  
**Attachments:** [ADC Answer.pdf](#)

---

*Leslie Browning*

**Arkansas Division of Correction**  
Central Office/Legal Division  
6814 Princeton Pike  
Pine Bluff, AR 71602  
Legal Support Specialist  
Phone: 870-267-6844  
Email: [leslie.browning@arkansas.gov](mailto:leslie.browning@arkansas.gov)

v.

CLAIM NO. 221542

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

ANSWER TO COMPLAINT

COMES NOW the Respondent, Arkansas Department of Corrections, 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,

---

Thomas Burns (02006)  
ADC Legal Division  
6814 Princeton Pike  
Pine Bluff, AR 71602-9411  
(870) 267-6845 telephone  
thomas.burns@arkansas.gov

**CERTIFICATE OF SERVICE**

I certify that a copy of this pleading has been served this 28th day of July 2022 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Danny Lee Hooper ( [REDACTED]  
[REDACTED]



---

Thomas Burns

Legal Correspondence

Dannylee Hooper (ADC)

mission

19 2022

REIVED

Date: August 13<sup>th</sup>, 2022

Arkansas State Claims Commission

Attn: Kathryn Irby, Director  
101 East Capitol Avenue  
Suite 410

Little Rock, AR Kansas 72201-3823

Regards: Dannylee Hooper v. Arkansas Division of Correction  
Claim NO. 221542

Dear Ms. Irby

1.)

Greetings to You MAM today!

2.) Previously on June 30, 2022 your office had entered my claim as Received and filed as (deficient filing) and you submitted back my Complaint in order for me to submit a Motion for leave to exceed the page limitations, pursuant to Ark Code Ann § 19-10-208(f)(3)(A)(ii), Given me Forty-Five days from the date of that letter to resubmit my Complaint in compliance with the statute for filing my claims.

page(s) 1 of 3

3.) On July 28<sup>th</sup> 2022, the Respondent Attorney for The ARKANSAS Division of Correction, Mr Thomas Burns Submitted its Answer to Complaint;.

4.) Yesterday on August 12, 2022, by the inmate legal mail system thru the U.S. mail, I had received by Your office The Claim NO. 221542 "ORDER" dated July 27, 2022 Mr Henry Kinslow, Co-Chair, Arkansas State Claims Commission, stating "the Claims Commission hereby GRANTS, Claimant's motion for leave and will accept the complaint and supporting documentation previously received;" (Date For June 30, 2022.)

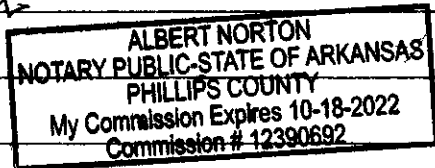
5.) Therefore ~~MAAM~~, I Am resuming My Complaint back to your office of the Original And FOUR (4) Copies of my Claim previously filed as (deficient filing) in accordance to pursuant Ark. Code, Ann § 19-10-208 (F) (D) (i) From the Given ORDER I had Received Yesterday; . ORDER Dated for July 27, 2022; .

6.) Please submit My Complaint before the Arkansas State Claims Commission to be heard, and pursuant to General Rules of Practice & Procedure, Before The Arkansas State Claims Commission (Rule 2.5 Consideration of Motion with Oral Arguments, quoting "The Commission may, at its discretion and with proper notices to the parties, set a hearing for oral arguments on a claim motion  
Thank You Mrs Irby. Sincerely Donnie Lee Heaper  
page 2 of 3

NOTATION

7.) This [redacted] correspondence by inmate Danny Zee Hooper, [redacted] to the Arkansas State Claims Commission, Mrs. Kathryn Irby, Director, 101 East Capitol Avenue, Little Rock, Arkansas, for Claim No. 221542 has been subscribed and sworn before me a Notary Public on this 14 day of Aug month 2022.

Albert Norton  
Notary Public



My Commission Expires: 10-18-2022

8.) Certificate of Service [redacted]

I Danny Zee Hooper, ADC [redacted] the Claimant herein certify that a copy of the original and four (4) copies of this pleading has been served to the above given name by notification of its service on this 14 day of August month 2022.

Respectfully Submitted  
Danny Zee Hooper, ADC [redacted]

(ATTACHMENT) page 1 of 5

Before The STATE Claims Commission  
of The STATE of Arkansas

Danny Lee Hooper (AOC [REDACTED]) Claimant

vs

State of Arkansas, Respondent

(COMPLAINT)

Corporal Haywood, John. see Exhibit A

2.) Agency Mr. Dexter Payne, Director, had the Authority as sworn under oath by the ARKANSAS Code Annotated §12-27-107 (a) (d) (e) to not impose or maintain the Discipline written against Claimant Danny Lee Hooper, [BUT] due to the written nurture of the violation(s) against Claimant Mr. Hooper, Mr. Payne Choose to impose and maintain [it];. The violation(s) of the written punishment by the "HEARING OFFICER, MRS. Banister, Terr L." on Hearing date: 8/13/2020 see Exhibit B

3.) After the written disciplinary by Mr. Haywood in it's self had done "Expired on 08-07-2020" from the very First written VAILD Disciplinary Extension Form by Deputy Warden, Mrs. Branch, Emmer J. on 07/31/2020 see this Exhibit C — Delivered by Cpl. S. Davis,

4.) [BECAUSE] within it's self, the second written Disciplinary Extension Form was "INVALIDATED" as written by Deputy Warden Mr. Jackson, Anthony L. in Regards(s)

(ATTACHMENT) page 2 of 5

that Mr. Jackson, had inadvertently DATED: Quoting  
"RE: DISCIPLINARY DATED "08/05/2020" at East AR Region Unit"  
For Rule violations: 4-17, 12-3, 7-1, 2. On the very  
same Date that Mr. Jackson had issued for the  
Disciplinary Extension Form DATE: "08/05/2020"  
see Exhibit D Delivered By Cpl. S. DAVIS

5.) The Hearing Administration Officer, Recorder  
Mrs. Bonister, Terrie L. Hearing date: 08/13/2020,  
had an duty pursuant to ARKANSAS 831-DISCIPLINARY  
RULES and REGULATIONS, per (AD 18-34) Inmate  
Disciplinary Manual, Quoting: (E.) Hearing #'s (3)  
(13), (14), (15) to had reviewed all evidence pertaining  
to the written major Disciplinary Report including the  
Validated Authorized Extension presented within the  
Report that All written document(s) are valid for  
Any Extension and that the Inmate is Afforded his  
due process to had been heard before Hearing Officer  
in a "TIMELY FASHION" in accordance to the  
established ARKANSAS Department of Correction  
Rules and Regulations Policies. (AR 831) and (AD 18-34)

6.) The Clermont Mr. Hooper, Danny Lee, (ADC) [REDACTED]  
was found guilty of the 04-17 and 12-3 and not  
guilty of the 07-1 Rule violation, and Mr. Hooper  
had received Punishment by the Hearing Administrative

(ATTACHMENT) pages 3 of 5

officer, Mrs. Bonister on 08/13/2020, six (6) days after the VALIDATED Extension had done Expired on 08/07/2020, at 6:00 PM, see Claimant Exhibit C pages 1 and 2.

7.) By Restriction days to serve: Commissary, visitation sixty (60) days; Punitive Isolation days to serve thirty (30); GT (good time) Class Reduced to IV one Year before Claimant could restore His Class back Exhibit B.

8.) Due to the nature of written Major Disciplinary by Cpl. John Hayward on 07/22/2020, Exhibit A the Hearing Administrative officer "DID NOT" uphold Her duties as She sworn to under OATH to all Policies not limited to the AR 831 Disciplinary Rules and Regulations pursuant to AD 18-34 I/M Disciplinary Manual (E) Hearing.

9.) Mrs Bonister was bias towards Mr Hooper and clearly did not acknowledge the FACTS that Exhibit D Extension Form was clearly Invalidated presented for the HEARING.

10.) By Proof the Hearing officer was Bias in regards to Her written statement by not upholding the well established law AR 831 and AD 18-34 on 08/13/2020 Exhibit I.

11.) Claimant herein again emphasizes the importance of the doctrine that is presented has clearly made a prima facie showing by the Disciplinary Extension Form on 08/05/2020 by Deputy Warden Jackson Anthony Exhibit D has clearly demonstrated by

(ATTACHMENT) pages 4 of 5  
establishing proof of error presented by a  
preponderance of the evidence the Extension Form in  
it's self is very clearly Invaldated presented to  
Extend the greater length of time for the Disciplinary  
written on 07/22/2020, by Cpl. John Haywood, see  
Claimants' Exhibit A to be Heard in accordance to  
well established Law, Policies Pertaining to the  
ARKANSAS 831 Disciplinary Rules and Regulations,  
AD 18-34, Inmate Disciplinary manual

12.) Claimant Mr Hooper has Exhausted through all levels  
of the (ADC) Administration levels for the violation to  
been Resolved And Reverse in accordance to the Rules  
and Regulations pursuant to APPSAL proceeding  
see the Claimant's Exhibit's A, B, And E.

13.) Prayer FOR Relief

Wherefore, the Claimant prays this Honorable Court  
Before The State Claims Commission will Grant:

(a) declare the Acts and omission of the Respondent  
Agency Mr. Dexter, Payne, Director for (ADC) violated His  
well established sworn duties under Law of OATH  
in accordance to the Ark Code Ann. § 12-27-107 (a) (d) (1)  
to not had imposed or maintain Proof of Error presented  
Invaldated Extension Form, Exhibit D against  
the Claimant Denny Lee Hooper (ADC) [REDACTED]

(ATTACHMENT) page 5 of 5

(b) Enter an injunction requiring Respondents to Restore to Claimant all rights and privileges he enjoyed prior to had been heard in the Major Disciplinary Hearing from it's INVALIDATED Extension Form and Remove the Report in it's self on 07-22-2020, written by Mr. Haywood John, entirely from Claimant Hooper's ADC Records and the E-OMIS.

(c). Award to the Claimant, Mr. Hooper Danny Lee, nominal, Compensatory, and punitive Damages in accordance to the ARKANSAS laws and the Court's own Judgment for Rewards up to \$10,000<sup>00</sup>

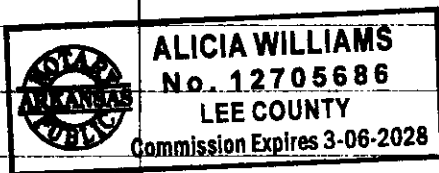
(d) Award to the Claimant reasonable costs and Attorney fees.

(e). and Grant the Claimant such other relief as the Court may deem just and proper.

Thank You Your Honor!

Respectfully Submitted

Danny Lee Hooper



Subscribed and Sworn before me a notary on this 13<sup>th</sup> day of May month 2022

*Alicia Williams*  
Notary Public

My Commission Expires 3-06-2028 55

**Division of Correction**



**Office of the Director**

6814 Princeton Pike  
Pine Bluff, Ar 71602  
Phone: (870) 267-6200  
Fax: (870) 267-6244

**MEMORANDUM**

TO: Inmate Danny L. Hooper, ADC [REDACTED]  
[REDACTED]

FROM: Dexter Payne, Director *Dexter Payne*

RE: Major Disciplinary Appeal

DATE: November 9, 2020

Please be advised that I am in receipt of your disciplinary appeal regarding the major disciplinary you received 07/22/2020 at 2:00 a.m. by Cpl. John Haywood.

You state in your appeal that the second disciplinary extension by Deputy Warden Jackson dated 8/5/2020 you received noted the disciplinary date of 8/5/2020 and that this error is merit for reversal.

Your disciplinary states, "On July 22, 2020, at approximately 2:00 a.m., while I, Cpl. Haywood, and Cpl. Williams were escorting an inmate back to his cell during shower call in Max I, I passed cell 17 which housed inmate Danny Hooper ADC [REDACTED] (verified by eOMIS housing roster). Inmate Hooper had a shampoo bottle with an unknown substance in it at the time (which was later found to be human feces) and sprayed it on me, striking me in my head and facial area as well as on the back of my state issued uniform shirt. I immediately notified my supervisor and removed myself from the area. Inmate Hooper knows his actions are against ADC and Unit policy; therefore, I, Cpl. Haywood, am charging him with rule violations 12-3, 4-17, and 7-1, pending DCR. End of Statement."

You stated during your disciplinary hearing, "ADC have seven business days to take me to court. The extensions are not right."

After a thorough review of all the documents pertaining to this matter, I am upholding the guilty verdicts of rule violations 04-17/Throwing or attempting to throw substances, known or unknown, toward or upon another person and 12-3/Failure to obey verbal and/or written order(s) of staff; therefore, your request to reverse your disciplinary is denied.

DP/jl

cc: Warden / Inmate File / File

EXHIBIT A  
56

ISSR 101

10/1/25

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

ADCC: [Redacted] Unit: [Redacted]

Administrative Code Violation(s):

...to throw anything, known or unknown toward or upon another person. Rule violation may result in loss of...  
...of staff.

Time: Start: 10:30 AM End: 11:00 AM  
Date: [Redacted] Meter: From [Redacted] To [Redacted]  
Hearing Room: [Redacted]  
Hearing Location: [Redacted]

Administrative Code Violation(s)	60	Days Suspended	0
Administrative Code Violation(s)	60	Days Suspended	0
Administrative Code Violation(s)	30	Days Suspended	0
Administrative Code Violation(s)	IV	Class Suspended	

Exhibit B page 1 of 2  
37



CONFIDENTIAL AND PROPRIETARY

THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THIS DOCUMENT'S CLASSIFICATION

THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THIS DOCUMENT'S CLASSIFICATION

THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THIS DOCUMENT'S CLASSIFICATION

THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THIS DOCUMENT'S CLASSIFICATION

THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THIS DOCUMENT'S CLASSIFICATION

Author

Counsel Subject

Document Title

Date

Date

Exhibit 12 pages

1501/205

ARKANSAS DEPARTMENT OF CORRECTION

[Redacted] UNIT

DISCIPLINARY EXTENSION FORM

TO: Inmate Hooper, Danny L. ADC #: [Redacted]

FROM: Branch, Emmer J

RE: Disciplinary Dated 07/22/2020 at [Redacted]

For rule violation(s):

4-17, 12-3, 7-1

Date: 07/31/2020

This is to inform you that I am extending your Disciplinary Hearing for a period of [Redacted] additional working days for the following reasons:

- Inmate is out to court/hospital, or otherwise off the Unit/Center.
- Awaiting the decision of the prosecuting attorney regarding the filing of a felony charge.
- The case requires more extensive investigation. The following is needed:

Inmate is on lock down for covid 19

- Volume of Disciplinaries scheduled for hearing is excessive and more time is needed to insure a fair determination in each case.
- Emergency situations exist at the unit.

Retroactive extension:

Escaped inmate, not in custody, returned to unit on [Redacted] at [Redacted]

*Emmer Branch*

07/31/2020

Warden/Center Supervisor, Hearing Officer Signature

Date

EXHIBIT C page 1 of 2

Cpl. S. Davis  
Copy Delivered By Signature

7.31.20 2:23pm  
Date

Cc: File

\* An extension may be granted up to five (5) working days. If a greater length of time is needed, then the extension must be renewed and will not exceed (5) days per extension. The Director must approve any extension over thirty (30) days total.

\_\_\_\_\_  
Director Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Length of Extension

This extension will expire on  at

ORIGINAL- File

COPY- Inmate

Color-White

Exhibit C60page 2

1501/25

ARKANSAS DEPARTMENT OF CORRECTION  
[REDACTED]  
**DISCIPLINARY EXTENSION FORM**

TO: Inmate Hooper, Danny L. ADC #: [REDACTED]  
FROM: Jackson, Anthony L  
RE: Disciplinary Dated 08/05/2020 at [REDACTED]

For rule violation(s):  
4-17, 12-3, 7-1

Date: 08/05/2020

This is to inform you that I am extending your Disciplinary Hearing for a period of 5 additional working days for the following reasons:

- Inmate is out to court/hospital, or otherwise off the Unit/Center.
- Awaiting the decision of the prosecuting attorney regarding the filing of a felony charge.
- The case requires more extensive investigation. The following is needed:  
Inmate is on lock down for covid 19
- Volume of Disciplinaries scheduled for hearing is excessive and more time is needed to insure a fair determination in each case.
- Emergency situations exist at the unit.

**Retroactive extension:**

- Escaped inmate, not in custody, returned to unit on at .

*Anthony Jackson*

08/05/2020

Warden/Center Supervisor, Hearing Officer Signature

Date

*Cpl. S. Davis*

8.5.20

Copy Delivered By Signature

Date

*1:24 pm*

Cc: File

\* An extension may be granted up to five (5) working days. If a greater length of time is needed, then the extension must be renewed and will not exceed (5) days per extension. The Director must approve any extension over thirty (30) days total.

Director Signature

Date

Length of Extension

EXHIBIT D page 1 of 2

This extension will expire on 08/14/2020 at 06:00:00 PM.

ORIGINAL- File

COPY- Inmate

Color-White

RECEIVED  
78284  
OCT 20 2020

RECEIVED ✓

SEP 04 2020 AUG 24 2020

F-831-4

Major Disciplinary Appeal Form

Director  
Arkansas  
Department of Correction

ADMINISTRATOR

Inmate Name

Hooper Danny Lee

ADC#

Punitive Isolation  Yes  No

Disciplinary (date) 07-22-2020 by (charging officer) Haywood, John

08-20-2020

Appealed to Warden/Center Supervisor: Note, if you do not agree with the decision of the Disciplinary Hearing Officer, you have 15 business days from receipt of disciplinary action to appeal to the Warden/Center Supervisor.

Warden's Decision: Affirm  Reverse  Modify  (See attached if modified)

Signature: [Signature] Date 9-2-20

09-03-20

Appealed to Disciplinary Hearing Administrator: Note, if you do not agree with the response of the Warden/Center Supervisor, you may appeal within 15 business days from receipt of the Warden/Center Supervisor's response to the Disciplinary Hearing Administrator.

DHA's Decision: Affirm  Reverse  Modify  (See attached if modified)

Signature: [Signature] Date 09/10/2020

09-13-2020

Appealed to Director: Note if you do not agree with the Disciplinary Hearing Administrator's response, you may appeal within 15 business days from receipt of the Disciplinary Hearing Administrator's decision to the Director.

Director's Decision: Affirm  Reverse  Modify  (See attached if modified)

Signature: [Signature] Date 11-9-2020

**Notice to Inmate:** This form is to be used for all appeal levels and responses. Briefly state reasons why conviction or punishment should be reversed or modified. This information will be considered at all three levels of appeal. Only information that is contained within this space on this form will be considered:

Per AD B-311 in Disciplinary Manual (Quota E. Hearing #3). "On disciplinary will be heard after seven (7) business days from the date it was written except pursuant to an authorized extension." [Please note] two (2) disciplinary extension forms are attached to my appeal that was given to me. The first extension form by DP Warden Branden, which was valid [BUT] the second INVALID disciplinary extension form by DP Warden Jackson dated for 08-05-2020. Mr. Jackson had error when making this form. BY please notice his error quoting "RE: DISCIPLINARY DATE FOR 08-05-2020". AS FOR HIS ERROR CLEARLY CALLS FOR BY MERIT the reversal of my written major disciplinary on 07-22-2020 at 2AM by CO HAYWOOD John. Please see the copies of these extension form listed above.

THANK YOU!

Inmate's Signature:

Hooper Danny Lee

Date: 08-20-2020

08-07-2020

Original to be submitted for appeal; copies for inmate's use to proceed to next level if timely response not received.

EXHIBIT E

7/31/2020  
8/10/2020  
8/14/2020

Original

JUN 30 2022

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

- Mr. Mrs. Ms. Miss

Danny Lee Hooper (ADC [redacted]), Claimant

vs. State of Arkansas, Respondent

Do Not Write in These Spaces. Claim No., Date Filed, Amount of Claim \$, Fund

COMPLAINT

Danny Lee Hooper (ADC [redacted]), the above named Claimant, of [redacted] (Name) (Street or R.F.D. & No.) (City)

(State) (Zip Code) (Daytime Phone No.) County of [redacted] represented by [redacted] (Legal Counsel, if any, for Claim)

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

State agency involved: MR DEXTER PAYNE, DIRECTOR (ADC) Amount sought: \$3500.00

Month, day, year and place of incident or service: 7/22/2020 / and / November 9, 2020 see EXHIBIT A (ADC)

1.) Explanation: RESPONDENT AGENCY FOR THE ARKANSAS DIVISION OF CORRECTIONS, MR DEXTER PAYNE IS THE DIRECTOR, AND IS THE APPOINTED SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS FOR THE STATE OF ARKANSAS PURSUANT TO THE ARKANSAS CODE ANNOTATED § 12-27-107 (C) BY THE BOARD OF CORRECTIONS. HE HAS OVERALL RESPONSIBILITY FOR THE POLICIES, PROCEDURES, OPERATIONS AND SUPERVISION OF THE ARKANSAS DEPARTMENT OF CORRECTIONS, HIS EMPLOYEES, ASSETS, ASSIGNS AND CORRECTIONAL FACILITIES INCLUDING THE ARKANSAS STATE PENITENTIARY AT THE [redacted] AGENCY MR DEXTER PAYNE DIRECTOR, IS THE FINAL POLICY MAKER AND DECISION MAKER FOR THE (ADC); HE IS ULTIMATELY RESPONSIBLE FOR ESTABLISHING (ADC) POLICIES PERTAINING TO THE ARKANSAS 831 - DISCIPLINARY RULES AND REGULATIONS, AD 18-34 INMATE DISCIPLINARY MANUAL (E) HEARING (A3) STATING AS FOLLOWS: QUOTING "NO DISCIPLINARY WILL BE HEARD AFTER SEVEN (7) BUSINESS DAYS FROM THE DATE IT WAS WRITTEN EXCEPT PURSUANT TO AN AUTHORIZED EXTENSION"

Respondent AGENCY MR DEXTER PAYNE, DIRECTOR, DENIED CLAIMANT MR DANNY LEE HOOPER (ADC) [redacted] DISCIPLINARY APPEAL ON NOVEMBER 9th 2020, ISSUING SUBSTANTIVE DECISIONS UPHOLDING MAJOR DISCIPLINARY WRITTEN ON 7-22-2020 BY

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 (Yes or No); when? 11 09 2020 (Month) (Day) (Year); to whom? Division of Correction Dexter Payne Director (Department); and that the following action was taken thereon: Reversal Disciplinary Denied

and that \$ - 0 - was paid thereon: (2) Has any third person or corporation an interest in this claim? ; 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

HOOPER, Danny Lee (Print Claimant/Representative Name)

Hooper Danny Lee (Signature of Claimant/Representative)

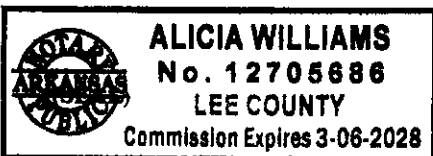
SWORN TO and subscribed before me at Marrianna ARKANSAS

on this 13th day of May, 2022 (Date) (Month) (Year)

Alicia Williams (Signature)

(Notary Public)

My Commission Expires: 3 04 22 (Month) (Day) (Year)



SF1-R7/99

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Leslie Browning \(DOC\)](#)  
**Subject:** Danny Hooper v ADC 221542  
**Date:** Tuesday, August 23, 2022 10:18:32 AM  
**Attachments:** [4224\\_001.pdf](#)

---

MTD

Thomas Burns  
General Counsel  
Arkansas Department of Corrections  
Division of Correction  
6814 Princeton Pike  
Pine Bluff Arkansas 71602  
Phone: (870) 267-6845  
Fax: (870) 267-6373  
Cell: (870) 515-0918  
[thomas.burns@arkansas.gov](mailto:thomas.burns@arkansas.gov)

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DANNY HOOPER (ADC ██████████)

CLAIMANT

v

NO. 221542

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.

2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan, 2011 Ark. 94*. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*

3. An "important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim." *Fifth Third Bancorp v. Dudenhoeffer, 573 U.S. 409, 425 (2014)*. Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State bank, 339 F.3d 764 (8<sup>th</sup> Cir. 2003)*. A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v Iqbal 556 U.S. 662 (2009)*. Although detailed factual allegations are not required, more that "unadorned, the-defendant-unlawfully-harmed-me-

accusations” are required. *Id.* To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to relief that is plausible on its face. *Id.* A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

4. When a trial court is presented with extraneous materials outside of the pleadings and does not exclude those materials, a motion to dismiss for failure to state facts upon which relief can be granted shall be treated as one for summary judgment. *Norris v Davis, 2014 Ark. App. 632 (2014)*

5. The inmate seeks the sum of \$3500.00, for alleged disciplinary court appeal. Although inmate seeks an award of damages (\$3500.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153 (2008)*. The inmate’s claim, even if true, does not support a claim for monetary relief.

6. Even if the inmate were to plead with more specificity, he would still not be able to prevail. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992)*. Even taking the inmate’s allegations true as pleading, and giving him the benefit of every possible inference, his mere inconvenience of alleged wrongdoing can never render a claim that is anything but speculation.

7. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. *Pressler v. Ark. Publ. Serv. Comm’n, 2011 Ark. App. 512, at 9, 385 S.W.3d 349, 355 (citing Elder v. Mark Ford & Assocs., 103 Ark. App. 302, 288 S.W.3d 702 (2008))*. The

Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793 (ASCC 2019)*.

8. Whether a plaintiff is represented by counsel or is appearing pro se, his complaint must allege specific facts sufficient to state a claim. *See Martin v Sargent, 780 F.2d 1334, 1337 (8<sup>th</sup> Cir. 1985)*.

9. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v Weiss, 2010 Ark. 150*.

10. In reviewing whether a complaint is subject to dismissal, the Court must accept as true all factual allegations in the complaint, but is “not bound to accept as true a legal conclusion couched as a factual allegation.” *Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007))*. “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* “Nor does a complaint suffice if it “tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (*quoting Twombly, 550 U.S. at 557*). Rather, a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly, 550 U.S. at 570*. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal, 556 U.S. at 678*. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (*quoting Twombly, 550 U.S. at 556*). A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. *Twombly, 550 U.S. at 556*. A complaint cannot, however, simply leave open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery. *Id. at 561*. Rather, the facts set forth in the complaint must be sufficient to nudge the claims across the line from conceivable to plausible.

*Id. at 570.* “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged –but it has not ‘show[n]’ – ‘that the pleader is entitled to relief.’” *Iqbal, 556 U.S. at 679 (quoting Fed.R.Civ.P. 8(a)(2)).*

11. The Plausibility standard is not akin to a “probability requirement” but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are “merely consistent with” a defendant’s liability, it” stops short of the line between possibility a plausibility of entitlement to relief” *Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)*

12. The inmate is currently housed at the [REDACTED] of the ADC. He is serving a 110-year sentence on a conviction of rape and other crimes.

13. This inmate is appealing his disciplinary court conviction.

14. The inmate claims that the ADC wrongfully convicted him.

15. The ADC is solely responsible for their disciplinary court system, Simply put the Claims Commission is not designed to be the appellate arm of the ADC disciplinary system.

16. The Claims Commission does not have the jurisdiction to hear this claim.

17. Pursuant to the Prison Litigation Reform Act (PLRA), “no actions shall be brought with respect to prison conditions under Section 1983 of this title or any other Federal law, by a prisoner confined in any jail, or other correctional facility until such administrative remedies as ae available are exhausted.” 42 U.S.C § 1997e. In 1997, the Arkansas legislature adopted the PLRA’s exhaustion requirement by enacting Ark. Code Ann. §16-106-202. That statute follows the PLRA by adopting a grievance exhaustion requirement for state actions:

(a) A civil action **or claim** initiated against...Department of Correction...by an inmate in a penal institution or incarcerated person appearing pro se may be:

(1) Dismissed without prejudice by the court on its own motion or on a motion of the defendant, if all administrative remedies available to the inmate have not been exhausted.

18. “A basic rule of administrative procedure requires that an agency be given the opportunity to address a question before a complainant resorts to the courts. Where a party has failed to exhaust his or her administrative remedies, the trial court lacks jurisdiction over the suit” *Ark. HHS v Smith*, 370 Ark. 490. One must exhaust their administrative remedies before they may proceed in Court. *See Johnson v Johnson*, 385 F.3d 503 (2004).

19. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

20. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

21. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). “Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.” Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney’s fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,

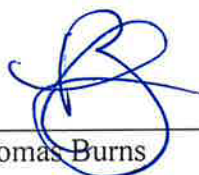


Thomas Burns (02006)  
Legal Department  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

### CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 23<sup>rd</sup> day of August 2022, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Danny Hooper ( [REDACTED] )  
[REDACTED]



Thomas Burns

Before The Arkansas State Claims Commission

Denny Hooper CADc [REDACTED]

Claimant

vs. NO. 221542

Arkansas  
State Claims Commission

SEP 08 2022

Arkansas Department of Corrections  
Division of Correction

RECEIVED  
Respondent

Claimant Reply to  
Respondent Motion To Dismiss served on August 23<sup>rd</sup>  
2022.

Comes now the Claimant, in the Above style case, inmate incarcerated within the Arkansas Department of Corrections at the [REDACTED] and for his Reply to Respondent Attorney for Motion To Dismiss, States as following:

1. Objection - without waiving said objection, Claimant States this Court should not dismiss the Above claim pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6), [Because] Claimants claim does state facts upon which relief can be granted to: pursuant to The Arkansas Code Annotated §12-27-102 (a) The Agency involved herein Mr. Dexter Payne, Director, is APPOINTED SECRETARY of the Department of Corrections

page(s) 1 of 2

Division of Correction, He is ultimately responsible for establishing (ADC) Policies Pertaining to not limited to The Arkansas 831-Disciplinary Rules and Regulation, AR 18-34, Inmate Disciplinary Manual (E) Hearing (3) Quoting "NO Disciplinary will be heard After seven (7) business days From the Date it was written Except pursuant to An Authorized Extension."

2. Objection - without waiving said objection Claimant states His Complaint does state facts alleged in his complaint by making emphasizes the importance of the doctrine that is presented by making clearly a prima facie showing in it's self the Disciplinary Extension is invalidated as written by establishing proof of error presented by a preponderance of the evidence the extension Form is invalidated presented to Extend the greater length of time for the Disciplinary written on 07/22/2020 by Cpl. John Haywood see Claimants Exhibit A

3. Objection - without <sup>waiving</sup> said objection Claimant refers back to paragraph one (1) and two (2).

4. Objection - without waiving objection Claimant refers the Court back to paragraph one (1) and two (2) and should hear the Fruit to Claimant Claim.

5. Objection - without waiving said Objection Claimant states he does in fact seeks the sum of \$3500<sup>00</sup> Thirty-Five Hundred's dollars and makes an allegation of sufficient facts to satisfy the damages element in this case pursuant to The Arkansas 831 Disciplinary Rules and Regulations, AD18-34 (IX.) Sanctions: quoting "Any employee who violates this policy will be subject to disciplinary actions which may include termination." (and) Claimant refers the Court back to paragraph one (1) and two (2) as stated.

6. Objection - without waiving said objection Claimant pleading does state more than specificity, to prevail. [AND] the Allegations are true as Claimant had made a prima facie showing by a preponderance of the evidence presented see Claimant's Exhibits A Thru E.

7.) Objection - without waiving said objection Claimant states he is represent his self, And is not ASKING the Court to Any special treatment within this claim, because the Facts does make a prime facie showing by a preponderance of the evidence presented before the Court.

8. Objection - without waiving said objection, Claimant refers the Court back to paragraph 7.
9. Objection - without waiving said objection, Claimant refers the Court back to His Complaint And paragraph one And two.
10. Objection - without waiving said objection, Claimant refers the Court back to His Complaint, And paragraph one (1) And two (2).
11. Objection - without waiving said objection, Claimant refers the Court back to his Complaint And paragraph one (1) And two (2).
12. Admitted.
13. Admitted.
14. Admitted, And refers the Court back to his Complaint And paragraph one (1) And two (2).
15. Objection - without waiving said objection ADC is responsible for their disciplinary Court system And policies, And Claimant refers the Court back to paragraph one (1) And two (2).

16. Objection - without the waiving of said objection, Claimant does truly believe The Claims Commission "DOES" have the jurisdiction to hear this claim, and Claimant refers the Court back to paragraphs one (1), two (2) And the Complaint.

17. Objection - without waiving said objection, the Claimant states all of the correctional facility until such as administrative remedies has been exhausted, pursuant to 42 U.S.C. §1997e, and this Court should hear the meritorious of the Fruit presented by Claimant referring the Court back to paragraph one (1) And two (2) Exhibit's A, B, and E, within the Claimant's Complaint for his Administrative exhaustion by the ARKANSAS Division of Correction, office of the Director Mr. Dexter Payne on Date: November 9, 2020.

18. objection - without waiving said objection, the Claimant referring the Court back to paragraph seventeenth (17).

19. Objection - without waiving said objection, Claimant states he has in very Good Faith filed His claim before this Honorable Court to hear the meritorious of the evidence presented.

20. Objection - without waiving said objection, Claimant referring the Court back to paragraph one (1) and two (2) and states The Claims Commission does have the jurisdiction to hear this Claim before it now at Your Hands.

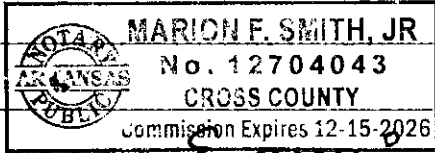
21. Objection - without waiving said objection The Claimant states he has been damages and had present a prima facie showing showing by a preponderance of the Evidence that does entitle Claimant to be awarded him damages by, nominal, Compensatory and punitive damages in accordance to the Law and this Court desegregation.

WHEREFORE, the Claimant hereby in Good Faith prays that The Claims Commission Denies the Respondent Motion to Dismiss, Grant the Claimant's Complaint to be heard before it, and Grant All other just and proper relief to which the Court may find proper entitled to Claimant.

Thank You Your Honor  
Respectfully Submitted,  
Danny Lee Hooper. ( [REDACTED] )

NOTATION

This Above Reply to Respondent Motion to Dismiss has been subscribed and sworn before me a notary Public on this 5 day of September month 2022.



Mr. J. Smith  
Notary Public  
12-15-2026

My Commission Expires

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 5 day of ~~September~~ September 2022, on the Respondent Attorney by placing a copy of the same in the U.S. mail, regular postage to: Douglas Hoops

Mr. Thomas Burns (02006)  
Legal Department  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Cc:** [Leslie Browning \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)  
**Subject:** ORDER: Danny Lee Hooper v. ADC, Claim No. 221542  
**Date:** Thursday, November 17, 2022 11:51:38 AM  
**Attachments:** [Danny Lee Hooper v. ADC .pdf](#)  
[Danny Hooper-order.pdf](#)

---

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

# ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

November 17, 2022

Mr. Danny Lee Hooper ( [REDACTED] )  
[REDACTED]  
[REDACTED]

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Danny Lee Hooper v. Arkansas Division of Correction***  
Claim No. 221542

---

Dear Mr. Hooper and Mr. Burns:

Enclosed please find an Order entered today by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**DANNY HOOPER (ADC [REDACTED])**

**CLAIMANT**

**V.**

**CLAIM NO. 221542**

**ARKANSAS DIVISION OF  
CORRECTION**

**RESPONDENT**

**ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by the Arkansas Division of Correction (the “Respondent”) to dismiss the claim of Danny Hooper (the “Claimant”). Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on June 30, 2022, seeking \$3,500.00 in damages related to Respondent’s alleged violation of its disciplinary rules and regulations with respect to a disciplinary Claimant received on July 7, 2020.

2. On August 19, 2022, Claimant filed an amended claim, providing details related to the disciplinary process for the July 7, 2020, disciplinary.

3. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6), arguing, *inter alia*, that the Claims Commission does not have jurisdiction over claims related to disciplinary matters.

4. Claimant responded to the motion to dismiss, arguing, *inter alia*, that dismissal was not proper.

5. The Claims Commission agrees with Respondent that dismissal of this claim is proper. Because this claim is inexorably entwined with the disciplinary incident, it is beyond the

scope and purpose of the Claims Commission to consider disciplinary issues or to insert itself into Respondent's disciplinary process.

6. If Claimant believes that he was deprived of due process, that claim can be brought in a court of general jurisdiction. *See* Ark. Code Ann. § 19-10-204.

7. As such, pursuant to Ark. Code Ann. § 19-10-204 and Ark. R. Civ. Proc. 12(b), the Claims Commission hereby GRANTS the Respondent's motion to dismiss, and Claimant's claim is DISMISSED.

IT IS SO ORDERED.



---

ARKANSAS STATE CLAIMS COMMISSION  
Courtney Baird



---

ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair



---

ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: November 17, 2022

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

Before The State Claims Commission Arkansas  
OF The State of Arkansas State Claims Commission

MAR 20 2023

Dannylee Hooper, pro-se  
(ADC) [REDACTED]

RECEIVED

Claimant

vs. Claim No. 221542

Arkansas Division of  
Correction

Respondent

MOTION for Requesting The Court's  
Permission to File An Motion For Belated  
Reconsideration And/or A notice of  
Appeal to The Arkansas Claims Commissions  
November 17, 2022 ORDER, pursuant  
to Ark. Code. Ann. § 19-10-211(a)(1).

I. Comes here-in the Above Claimant,  
Dannylee Hooper, (ADC) [REDACTED], pro, se,  
inmate incarcerated within The Arkansas  
Department of Correction, located at the  
[REDACTED] P.O. Box  
[REDACTED] as for  
Claimant moves this Honorable Claims  
Commission for the Following cause of  
it's REASONS for his Above's motion:

## II. CAUSE of Reasoning

- 1.) On November 17, 2022, The Claims Commission had issued its ORDER paragraph (7) seven; As such, pursuant to Ark Code Ann § 19-10-204 and Ark R. Civ. Proc. 12(b), the Claims Commission hereby GRANTS the Respondent's motion to dismiss and Claimant's claim is DISMISSED.
- 2.) On November 21, 2022, Claimant had been placed on behavior Control in punitive ISOLATION on unlike matters [and] Claimant had all of his Property taken by the [REDACTED] Property OFFICER and placed in its care. Ms. Jenkins/White.
- 3.) On November 22, 2022, Claimant through the inmate mail system had received his receipt of this November 17, 2022 Order, by the Claims Commission.
- 4.) The Claimant then had DILIGENTLY by verbally [and] by written Request to the E.A.R.U Administration with verification of this ORDER verifying the need of Claimant's legal Documentary in ORDER to ADEQUATELY Argue this Dismissal of Claimant's Claim.

5.) Because Claimant had defaulted on 12-27-22, by making timely Argument for Motion for Reconsideration or Notice of Appeal by the negligence Above Reasoning to have His Property pretaining his legal document Restored back to Claimant after Deputy Warden Richardson during Classification had inshore Him the Property officer Ms. Jenkins/White would do.

6.) The Claimant after speaking to Ms. White on 12-09-22, then had filed on December 10, 2022 Grievance #SAM 22-02543, and Claimant did not receive his property until 12-27-2022 after He done defaulted on his CLAIM, see Claimant's Exhausted Response by the ARKANSAS Division of Correction Director February 23<sup>rd</sup>, 2023 Attachment.

7.) Wherefore, the Claimant herein prays this Honorable Claims Commission by the Grate State of Arkansas will Grant Claimant's motion to File Belated Motion For Reconsideration [Because] the Claimant herein has shown Good Cause outside of His control that Had Hinder His Abilities to Adequately show the Court it's Reason's to Reconsider it's Dismissal, After the Claim<sup>ent</sup> did in fact had diligently try to pretain his legal Property out of the Property office.

[And] Grant the Claimant Any and All other Relief that the Court findess deem, just and proper.

Thank you!

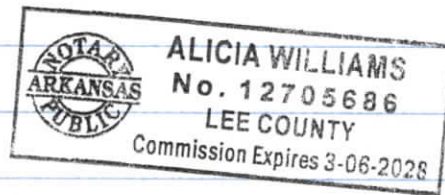
Respectfully Submitted  
Danny Lee Hooper

8.) NOTATION

This Above Motion for Requesting The Court's Permission to File An Motion For Related Reconsideration And/or Notice of Appeal HAS been subscribed And Sworn before me a Notary Public on this 4<sup>th</sup> day of March month 2023.

Alicia Williams  
Notary Public

My Commission Expires 3-06-2028 :



Certificate of Service

I, Danny Lee Hooper, ADC 107609 Claimant herein, certify that a copy of the above pleading has been served this 17 day of March, 2023, on the Respondent Attorney Mr. Thomas Burns, Legal Department Division of Corrections, 6814 Princeton Pike Pinebluff, AR 71602, by placing a copy of the same U.S. Mail Regular postage.

INMATE NAME: Hooper, Danny L.

ADC #: [REDACTED]

GRIEVANCE #: EAM22-02543

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Hooper, you stated in your grievance that, " ON 11-21-22 I was placed on behavior controle On 11-22-22 thru filed mark copy I received court order to file motion Reconsideration or Appeal. Claim NO.221542 by the Arkansas State claims Commission withing (40)days pur Ark. Cod. Anns 19-10-211(2) (1).from mailroom since then I had sent inmate request(s) to Warden Jackson and Property oFFice Ms. Jenkins/ white no response by the eathek to bring my property. Review I had then at that time informed Them the Deputy WArden of this above court order MR. Richsoner and Ms. Smith and MRs Allison The Major; PP Warden Richsone indicated for me to contact Property office Ms.Jenkins/White I informed Him I Had Done sent AN ReQuest to Her And to wArden Jackson of the mAtteR MR. RICHSONER informed me He would contact Her: AS od 12-9-22 I seen Ms. Jenkins/white She indicated She Would Get my Property: Because I have addatily informed the Above they Have Done nothing but ABriGe, AND impair my ability to comply to this court order."

According to documentation, you received your property on 12/27/22. Therefore, your grievance is found without merit.

Moses Jackson, #  
Signature of Warden/Supervisor or Designee

Supt.  
Title

1/28/23  
Date

**INMATE'S APPEAL**

[It must Be noted] did not Receive Response until 1-31-2023  
By the Above name office. Warden Jackson.

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? This Grievance [is] with MSAT [Because]  
From the time I received the Ark state. CLAIMS Commission ORDER. I ONLY  
HAD (40) days to Appeal on file motion for Reconsideration by 12-27-2023.  
[However] I HAD DeLiGentlY notified this Administration by WRiten And  
verBally ReQuest to Give me back MY Personal Property Pretain the  
Courts filed Documents in order for me to Appeal on Reconsideratic  
from the 11-17-2022 ORDER.

Wherefore this Administration was on notice of the Courts order And  
I WAS entitled to MY Personal Property. [But] they HAD Acted negligence  
And caused me to Default on the Courts Given ORDER end of STATEment

Doopec Danny Lee

ADC#: [REDACTED] 1-31-2023  
Date

INMATE NAME: Hooper, Danny L.

ADC #: [REDACTED]

GRIEVANCE#: EAM22-02543

**CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION**

On 12/10/2022, you stated the following complaint," ON 11-21-22 I was placed on behavior controle On 11-22-22 thru filed mark copy I received court order to file motion Reconsideration or Appeal. Claim NO.221542 by the Arkansas State claims Commission withing (40)days pur Ark. Cod. Anns 19-10-211(2) (1).from mailroom since then I had sent inmate request(s) to Warden Jackson and Property oFFice Ms. Jenkins/ white no response by the eathek to bring my property. Review I had then at that time informed Them the Deputy WARDen of this above court order MR. Richsoner and Ms. Smith and MRs Allison The Major; PP Warden Richsone indicated for me to contact Property office Ms.Jenkins/White I informed Him I Had Done sent AN ReQuest to Her And to wArden Jackson of the mAtteR MR. RICHSONER informed me He would contact Her: AS od 12-9-22 I seen Ms. Jenkins/white She indicated She Would Get my Property: Because I have addatily informed the Above they Have Done nothing but ABriGe, AND impair my ability to comply to this court order.

The Warden responded to your grievance on 1/20/2023, by stating the following: According to documentation, you received your property on 12/27/22. Therefore, your grievance is found without merit.

Your appeal was received on 2/6/2023. After reviewing your appeal and supporting documentation, I find Sgt. Jenkins Property Officer states in part, "The attached inventory sheet does not reflect legal work. All property was returned to this inmate." Due to the evidence submitted in your appeal, I find without further evidence, I must concur with the Warden's response of without merit. Your appeal is denied.

Appeal denied

[Signature]

Director

2-23-23  
Date

Please be advised that if you appeal this decision to the U.S. District Court, a copy of this Chief Deputy/Deputy/Assistant Director's Decision must be attached to any petition or complaint or the Court may dismiss your case without notice. You may also be subject to paying filing fees pursuant to the Prison Litigation Act of 1995.

## **Mika Tucker**

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Thursday, April 20, 2023 2:00 PM  
**To:** Thomas Burns (DOC)  
**Cc:** Leslie Browning (DOC); ASCC Pleadings; Mika Tucker  
**Subject:** ORDER: Danny Lee Hooper v. ADC, Claim No. 221542  
**Attachments:** Danny Lee Hooper v. ADC .pdf; Danny Hooper-order2.pdf

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

**Misty Scott**  
**Arkansas State Claims Commission**

# ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

April 20, 2023

Mr. Danny Lee Hooper (ADC [REDACTED])  
[REDACTED]

Mr. Thomas Burns  
Arkansas Division of Correction  
6814 Princeton Pike  
Pine Bluff, Arkansas 71602-9411

*(via email)*

Re: ***Danny Lee Hooper v. Arkansas Division of Correction***  
Claim No. 221542

---

Dear Mr. Hooper and Mr. Burns:

Enclosed please find an Order entered today by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**

**DANNY HOOPER (ADC [REDACTED])**

**CLAIMANT**

**V.**

**CLAIM NO. 221542**

**ARKANSAS DIVISION OF  
CORRECTION**

**RESPONDENT**

**ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Danny Hooper (the “Claimant”) for permission to file a motion for “Belated Reconsideration and/or a Notice of Appeal” of the Claims Commission’s November 17, 2022, order.

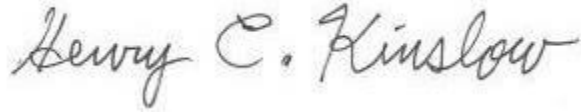
Claimant’s claim against the Arkansas Division of Correction was denied and dismissed by the Claims Commission on November 17, 2022. On March 20, 2023, 123 days after entry of the November 17, 2022, order, the Claims Commission received Claimant’s instant motion regarding reconsideration and appeal. Claimant did not file a motion for reconsideration or notice of appeal within 40 days as required by Ark. Code Ann. § 19-10-211(a)(1).

The Claims Commission notes that it cannot consider Claimant’s untimely motion for reconsideration. The Claims Commission will transmit this claim file to the Arkansas General Assembly, as Ark. Code Ann. § 19-10-211 does not permit the Claims Commission to reject an appeal for untimeliness.<sup>1</sup>

---

<sup>1</sup> The Claims Commission acknowledges the passage of Act 417 but notes that Act 417 is not effective as of the date of entry of this order.

IT IS SO ORDERED.



---

ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow



---

ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair



---

ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: April 20, 2023

**Notice(s) which may apply to your claim**

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).