

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas State Claims Commission NOV 07 2013

G7.

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

- Mr. Mrs. Ms. Miss

Jerry Ellis, #078658 Claimant

Do Not Write in These Spaces Claim No. 14-0388-CC Date Filed November 7, 2013 Amount of Claim \$ 25,000.00 Fund DOC

vs. State of Arkansas, Respondent Dept. of Correction

COMPLAINT Failure to Follow Procedure

Jerry Ellis, #078658, the above named Claimant, of POB 400, Grady, AR 71644 represented by PBO, SE

Explanation: ON 5-25-13 VALMERE LINT SUPERMAN FAISPIED HER WRITTEN 005 REPORT TOWARD THE CIVILIAN BEHAVIOR... ON THE MORNING OF 5-25-13 CHAMON TONES OF (CC) SHE... ON 5-25-13 AT APPROX 10:50AM SHE WAS MAKING A SECURITY ROUND IN... SHE GAVE THE CLAIMANT A DIRECT ORDER TO STOP HIS ACTION...

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? N/A

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. JERRY ELLIS (Print Claimant/Representative Name)

SWORN TO and subscribed before me at Grady AR on this 10-27-2013 day of October 2013

SP1-R799

My Commission Expires:

RICKY WEBB NOTARY PUBLIC STATE OF ARKANSAS ASHLEY COUNTY My Commission Expires 03-09-2021 Commission # 12383688

(Year)

STATE OF ARKANSAS

800-4

COUNTY OF LINCOLN)
) §
)

AFFIDAVIT

I, JERRY ELLIS # 78658, after first being duly sworn, do hereby swear, depose and state that:

THE CLAIMANT STATES THAT ON THE MORNING OF 5-25-13 COJ CHAMANT JONES OF (CC) SHIFT WAS PASSING OUT LAUNDRY BAGS IN ZONE TWO OF CELL BLOCK #1 TOWARD HER MESSLEAD 005 WRITTEN REPORT TOWARD HER F-831-1 MAJOR DISCIPLINARY REPORT TOWARD THE CLAIMANT ALLEGED BEHAVIOR ON THE MORNING OF 5-25-13 AT APPROX 6:50 A/M AND COJ CHAMANT JONES OF (CC) SHIFT LIEUTENANT SUPERVISOR OF (CC) SHIFT LT, TAYLOR CAN VERIFY THAT THE ABOVE IS TRUE
(END OF STATEMENT)

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

10-3-13
DATE

[Signature]
AFFIANT

SOCIAL SECURITY # _____

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 03 day of October, 2013.

[Signature]
NOTARY PUBLIC

My Commission Expires: 01-31-2021

FELICIA PIGGEE
NOTARY PUBLIC STATE OF ARKANSAS
DESHA COUNTY
My Commission Expires 01-31-2021
Commission # 12382302

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center V.S.M

Name JERRY ELLIS

ADC# 78658

Brks # 1-10

Job Assignment ADMIN SEC

FOR OFFICE USE ONLY	
GRV. #	<u>15413-02142</u>
Date Received:	<u>6/10/13</u>
GRV. Code #:	<u>400</u>

RECEIVED JUN 5 2013

6-5-13 (Date) STEP ONE: Informal Resolution

6-11-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: REJECTED

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to

a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: SUBMITTED COMPLAINT

Is this Grievance concerning Medical or Mental Health Services? NO If yes, circle one: medical or mental

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

ON 5-25-13 CO1 CHAMONZ JONES OF (CC) SHIFT VIOLATED AD-14:03 AND AD-225 POLICY AND PROCEDURES DUE TO SHE FALSIFIED HELD WRITTEN 005 REPORT TOWARD MY BEHAVIOR ON THE MORNING OF 5-25-13 AND DUE TO THAT CO1 CHAMONZ JONES OF (CC) SHIFT HAS VIOLATED AD-14:03 AND AD-225 OF (PG) (M) TOWARD SECTIONS (B) AND (C) WHICH DUE TO THE ABOVE COMPLAINT I REQUEST THAT MYSELF AND CO1 CHAMONZ JONES OF (CC) SHIFT BE GIVING AND STRESS TEST,

END OF STATEMENT RECEIVED JUN 12 2013

Inmate Signature Jerry Ellis

Date 6-5-13

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

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

PRINT STAFF NAME (PROBLEM SOLVER) Pigge ID Number 39936 Staff Signature [Signature] Date Received 06.05.13

Describe action taken to resolve complaint, including dates: Inmate is advised you are doing this in retaliation of receiving a disciplinary.

Staff Signature & Date Returned [Signature] 06-11-13 JUN 25 2013 Inmate Signature & Date Received [Signature] 6-11-13

This form was received on _____ (date) by _____ (name of supervisor) Staff Who Received Step Two Grievance _____ (name) Date: _____ (Yes or No).

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____ If forwarded, provide name of person receiving this form: _____ Date: _____

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

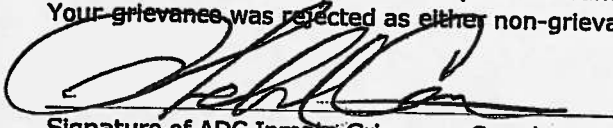
CB01/0116

ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Ellis, Jerry J.
FROM: Carter, Phalia M
DATE: 06/13/2013

ADC #: 078658B
TITLE: ADC Inmate Grievance Coord
GRIEVANCE #: VSM13-02142

Please be advised, I have received your Grievance dated 06/11/2013 on 06/12/2013.
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.


Signature of ADC Inmate Grievance Coord

CHECK ONE OF THE FOLLOWING

- This Grievance will be addressed by the Warden/Center Supervisor or designee.
- This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- This Grievance has been determined to be an emergency situation, as you so indicated.
- This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- This Grievance was REJECTED because it was either non-grievable (Disciplinary matter), untimely, was a duplicate of , or was frivolous or vexatious.

INMATE'S APPEAL

If you disagree with a rejection, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below.

I OBJECT TO MRS. PHALIA CARTER, V.S.M. GRIEVANCE COORDINATOR REJECTING MY (JERRY) GRIEVANCE OF STEP 1
 SLD 78658 6-15-13

Inmate Signature _____ ADC # _____ Date _____

(2) DUE TO THAT C of CHAMANZ JONES OF (CC) SHIFT FASIFIED HER WRITTEN 025 REPORT TOWARD MY ACTIONS ON 5-25-13 AND THAT VIOLATED AD-716-03 AND AD-225 POLICY AND PROCEDURES - THATS THE SITUATION. I AM NOT CARRYING THE F-839-1 REPORT OF 5-25-13.

RECEIVED

JUN 25 2013

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

IGTT405
3GT

Attachment V

ACKNOWLEDGEMENT OF GRIEVANCE APPEAL or REJECTION OF APPEAL

TO: Inmate Ellis, Jerry J. ADC #: 078658B
FROM: May, Larry D TITLE: Chief Deputy Director
RE: Receipt of Grievance VSM13-02142 DATE: 06/26/2013

Please be advised, the appeal of your grievance dated
06/11/2013
was received in my office on this date 06/25/2013

Your grievance appeal is being returned pursuant to the Administrative Directive on Inmate Grievances due to one of the following:

- The time allowed for appeal has expired
- The matter is non-grievable and does not involve retaliation:
 - (a) Parole and/or Release matter
 - (b) Transfer
 - (c) Job Assignment unrelated to medical restriction
 - (d) Disciplinary matter
 - (e) Matter beyond the Department's control and/or matter of State/Federal law
 - (f) Involves an anticipated event
- You did not send all the proper Attachments:
 - (a) Unit Level Grievance Form (Attachment 1)
 - (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
 - (c) Did not give reason for disagreement in space provided for appeal
 - (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
 - (e) Unsanitary form(s) or documents received
 - (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

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EXHIBIT - A

ISSR100

Arkansas Department of Corrections
Varner Super Max Unit
MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious; he/she must hand carry this document to the Unit Warden who must immediately notify the Director.

Inmate: Ellis, Jerry James

ADC#: 078658B

Assignment: AM/PM: Admin Segregation

Class: IV is being charged by Jones, Chamonz R
with code violation(s):

Title: Correctional Officer

10-3 Indecent Exposure

12-1 Failure to obey verbal and/OR written orders of staff

17-1 Any act OR acts defined as felonies OR misdemeanor by the state of Arkansas; may result in the loss of all good time.

Date & Time: 05/25/2013 6:50 AM

Notice of Charges:

On 5-25-13 at approximately 6:50a.m., I COI Jones, was making a security round in zone two cellblock one when I passed by cell 116 which houses inmate Ellis, J.#78658. At that time I observed inmate Ellis, J.#78658 with his exposed erect penis in hand masturbating stroking back and forth. At that time I gave inmate Ellis, J.#78658 a direct order to stop his action to which he refused. Disciplinary action taken. For the above stated reason inmate Ellis, J.#78658 is being charge with 12-1,10-3,17-1 pending DCR.

(I affirm that the information in this report is true to the best of my knowledge)

Signature of Charging Officer

NOTIFICATION: Officer *[Signature]*

Date & Time Notified *5/30/13 639c*

Witness Statements: No

If yes, list:

[Signature]
Inmate's Signature

C.S.O. Review: Outcome: Refer to Hearing Officer/Comm.

By: Culclager, Maurice D

Date 05/28/2013

Extension: No Yes _____ Has extension form been completed? _____

Presentation by Counsel - Substitute is required when it is determined that the inmate is illiterate or incompetent or that the issues are extraordinarily complex.

Counsel-Substitute: Assigned (Name) _____

Not Assigned _____

fo

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EXHIBIT - B

ISSR101

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Ellis, Jerry James

ADC#: 078658B

Unit: Varner Unit

Code Violation(s):

10-3 Indecent Exposure

12-1 Failure to obey verbal and/OR written orders of staff

17-1 Any act OR acts defined as felonies OR misdemeanor by the state of Arkansas; may result in teh loss of all good time.

Date/Time of Alleged Offense(s): 05/25/2013 6:50 AM

Hearing Date: 05/31/2013

Time: Start 9:20 AM

End 9:25 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:

I WAS SITTING ON THE TOILET PUTTING ON SOME MEDICATION. I WAS PUTTING MEDICATION AROUND HER GROIN AREA.

Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Guilty, Guilty

Punitive Isolation Days to Serve:	30	Days Suspended:	0
GT Class Reduced to:	IV	Class Suspended:	
GT Days Forfeited:	200	Days Suspended:	0

EXHIBIT - B

Disciplinary Hearing Action

05/31/2013 9:26 AM

Page 2

Inmate: Ellis, Jerry James

ADC#: 078658B

Unit: Varner Unit

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.):

STAFF WAS MAKING A SECURITY ROUND IN CELL BLOCK ONE WHEN SHE PASSES BY CELL 116 WHICH HOUSES INMATE ELLIS WITH HIS EXPOSED PENIS IN HIS HAND MASTURBATING STROKING BACK AND FORTH. STAFF GAVE INMATE ELLIS A DIRECT ORDER TO STOP HIS ACTION AND HE REFUSED TO STOP.

Evidence Relied Upon:

STAFF WAS MAKING A SECURITY ROUND IN CELL BLOCK ONE WHEN SHE PASSES BY CELL 116 WHICH HOUSES INMATE ELLIS WITH HIS EXPOSED PENIS IN HIS HAND MASTURBATING STROKING BACK AND FORTH. STAFF GAVE INMATE ELLIS A DIRECT ORDER TO STOP HIS ACTION AND HE REFUSED TO STOP.

005 from staff supporting F-1 report.

E-1 statement from charging officer.

Reasons Why Information Purporting to Exonerate Inmate was Discourted:

Staff report is accepted.

Reasons for Assessment of Punishment:

INMATE IS A CLASS IV INMATE WHO MUST LEARN TO RESPECT STAFF AND MASTURBATE IN THE PRESENCE OF STAFF.

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 _____

Date _____

ORAL WRITTEN SUSPENSION DISCHARGE

AB-225-EMPLOYEE CONDUCT STANDARDS

<p>b. Deliberate refusal to carry out reasonable work requests and/or instructions will be construed as insubordination.</p>				<p>X</p>
<p>18. Employees must give clear, complete and accurate information in completing applications, work records, written statements/verbal information, inmate records, investigations and claims for reimbursement.</p> <p>a. <u>Falsification of work records, employment applications and supporting documentation, other forms or applications.</u></p> <p>b. <u>Falsification of written/verbal statements/information.</u></p> <p>c. <u>Falsification of inmate information and/or files.</u></p> <p>d. <u>Fraudulent claims for reimbursement or benefit.</u></p> <p>Note: Intentional omission of significant information done with the intent to falsify or deceive will be considered falsification.</p> <p>* Note: Admission of previously falsified information used to assist officials engaged in an ongoing investigation may be considered a mitigating factor.</p>				<p>X</p> <p>X*</p> <p>X</p> <p>X</p>
<p>19. State property and the property of others will be respected by employees. All funds are to be properly handled as required by the Department and State accounting and budgetary procedures.</p>				

~~EXHIBIT - D~~

Administrative Directive 74:03

Dated: 3/12/74

Additional References,
Go Back to Index Page

SUBJECT: Falsification of reports on Inmates

All Employees' attention should be directed to page 38, number 28 in the employee handbook which states: "If an employee is found guilty of falsifying incident reports relative to inmate activity, he will be dismissed. As all incident reports are of great importance and carry considerable weight in the handling of inmate affairs by the staff, all reports must be accurate and specific as to the events which occurred."

Any employee found guilty of falsifying reports will be immediately dismissed, and it is the responsibility of the Superintendents or division head to see that this is done.

~~AD-10-19~~ SUPERSEDES BY AD-12-33

ORAL WRITTEN SUSPENSION/ DEMOTION DISCHARGE

	ORAL	WRITTEN	SUSPENSION/ DEMOTION	DISCHARGE
15. Employees shall exercise reasonable and responsible care of Department equipment, materials, property and facilities. Employees must have proper approval from the appropriate supervisor for possession of Department property.				
a. Unauthorized possession, misuse or abuse of equipment, vehicles, materials, property or facilities.		X*	X*	X*
b. Unauthorized entry into State property, including unauthorized entry outside of assigned work hours.		X	X	X
c. Unauthorized entry into restricted areas. * Employees may be required to reimburse the Department for damage and/or loss.			X	X
16. Employees are responsible for reporting any injuries of employees or inmates according to established policies.				
a. Failure or delay in reporting injuries of employees or injuries or illness of inmates.		X	X	X
b. Failure to report a known PREA incident.			X	X
17. Employees are expected to perform work assignments within the scope of their descriptions and follow reasonable work requests and instructions by supervisors.				
a. Failure to perform or carry out work related instructions, when such instructions are reasonable and within the employee's ability to perform and would not pose a safety or welfare hazard to the employee.	X	X	X	X
b. Deliberate refusal to carry out reasonable work requests and/or instructions will be construed as insubordination.				X
c. Insolence to supervisor or persons of higher rank. Presumptuous and insulting manner of speech, rude and disrespectful.			X	X
18. Employees must give clear, complete and accurate information in completing applications, work records, written statements/ verbal information, inmate records, investigations and claims for reimbursement.				
a. Falsification of work records, employment applications and supporting documentation, other forms or applications.				X

~~EXHIBIT EE~~

AO-10-99 SUPERSEDES BY AO-12-33

ORAL WRITTEN SUSPENSION/ DEMOTION DISCHARGE

FALSIFYING

	ORAL	WRITTEN	SUSPENSION/ DEMOTION	DISCHARGE
b. <u>Falsification of written/verbal statements/information.</u>				X*
c. <u>Falsification of inmate information and/or files.</u>				X
d. Fraudulent claims for reimbursements or benefit.				X
<p>Note: Intentional omission of significant information done with the intent to falsify or deceive will be considered falsification.</p> <p>*Note: Admission of previously falsified information used to assist officials engaged in an ongoing investigation may be considered a mitigating factor.</p>				
19. State property and the property of others will be respected by employees. All funds are to be properly handled as required by the Department and State accounting and budgetary procedures.				
a. Mishandling of Department funds or assets.		X	X	X
b. Theft of property or mishandling of Department funds or assets for personal gain.				X
20. Employees will observe rules and regulations regarding confidential information in Department records. These records and other confidential information will be used only to conduct Department business.				
a. Unauthorized release/disclosure of information, records or documents to include, but not limited to human resources records, inmate records, unit security information, recordings, emails, photographs, etc.				X
<p><u>Notice:</u> Unauthorized disclosure of ACIC/NCIC/ Justice Exchange and/or other information is a criminal offense and subject to prosecution.</p>				
21. Employees shall maintain a courteous and professional demeanor in their association with inmates, releasees and/or their families at all times, and shall abide by the Department's regulations concerning the relationship to be observed by employees towards inmates, releasees, their families and/or friends.*				
a. Gambling.				X

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC 078658)

CLAIMANT

V.

NO. 14-0388-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

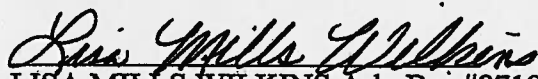
ANSWER

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

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA0100
 - c. Internal Order: 340301
 - d. Fund Center: 509

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

Respectfully submitted,
Department of Correction Office of Counsel


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

Arkansas
State Claims Commission

NOV 20 2013

RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 19 day of November, 2013, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Jerry Ellis (ADC 078658)
Varner Super Max
PO Box 400
Grady, AR 71644-0400


LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JERRY ELLIS (ADC #078658)

CLAIMANT

RECEIVED

V.

NO. 14-0388-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S AMENDED MOTION TO DISMISS

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


1. Claimant alleges that on April 25, 2013, Officer Jones falsified her disciplinary report against him and accused him of indecent exposure for which he was found guilty. Claimant is seeking \$25,000.00.
2. Claimant has previously raised this claim arising on this date against the Respondent in case No. 14-0248-CC which was dismissed on November 15, 2013. In that case, the May 31, 2013, was the disciplinary for which this incident was written.
3. Respondent requests that the motion to dismiss be granted due to a res judicata.
4. Claimant has failed to state a claim upon which relief can be granted under ARCP Rule 12(b)(6) and the matter should be dismissed.
5. Claimant has no liberty interest in having the ADC official follow the procedures. *Munson v. Arkansas Department of Correction*, 294 S. W. 3d 409, 411 (2009). Claimant does not have a liberty interest in the actual procedures to be administered. *Kennedy v. Blankenship*, 100 F. 3d 640 (8th Cir. 1996). *Munson* is one of many cases in which the Supreme Court has considered an inmate's due process challenge to a disciplinary action which resulted in the inmate's loss of status class, certain privileges, punitive isolation, or other sanction. The Court has stated that an inmate does not have a liberty interest in proceedings administered by the ADC and sanctions imposed are insufficient to raise a due process claim. In Arkansas, there is no liberty interest in good time under the analysis in *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). A loss of class status and privileges, even if impacting good time, would not compromise a liberty interest. Claimant has asserted no substantive due process violation as a result of the sanctions that were imposed by the ADC in the proceeding. To state a case for a substantive due process violation, appellant must have shown an atypical and substantive deprivation that was a dramatic departure from the basic conditions of his confinement. *Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995). Demotion from the general population is not the sort of deprivation that qualifies as 'atypical and significant.' *Kennedy* at 642.
6. Furthermore, Claimant cannot bring an action for damages for a properly assessed and upheld disciplinary. "A prisoner cannot pursue the damages claim until the conviction or sentence is reversed, expunged, or called into question by a state tribunal or federal court." *Brown v. Sanders* 2013 WL 5522435 (E.D. Ark.), citing *Heck v. Humphrey*, 512 U. S. 477, 489 (1994). In *Edwards v. Baliso*, 520, U. S. 641 (1997), the Supreme Court extended its holding in *Heck* so as to apply to disciplinary proceedings that resulted in a loss of good time credits.

7. Claimant's disciplinary conviction for the above has not been reversed, expunged or challenged by a court; therefore, his claim should be dismissed.
8. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(b)(6). Respondent moves that the commission dismiss this claim.

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

Respectfully submitted,

Department of Correction
Office of Counsel


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

CERTIFICATE OF SERVICE

I certify that a copy of the above MOTION TO DISMISS has been served this 9th day of February, 2014, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JERRY ELLIS (ADC #078658)
VSM
P. O. Box 600
Grady, AR 71644-0600


LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 26,000.00

Claim No. 14-0388-CC

Jerry Ellis, #078658 Claimant

Attorneys
Pro se

Claimant

vs.

Arkansas Department of Corrections
State of Arkansas Respondent

Lisa Mills Wilkins, Attorney
Respondent

Date Filed November 7, 2013

Type of Claim Failure to follow Procedure

FINDING OF FACTS

This claim was filed for failure to follow procedure in the amount of \$26,000.00 against the Arkansas Department of Corrections.

The Claims Commission hereby unanimously granted, after Claimant's testimony, the Respondent's "Amended Motion to Dismiss" for the reasons contained therein.

Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission hereby unanimously denied and dismissed this claim for reasons contained therein.

Date of Hearing March 5, 2014

Date of Disposition March 5, 2014

Robert May
Chairman

Hancock
Commissioner

Bill James
Commissioner

JERRY ELLIS #78658

MAR 31 2014 CLAIMANT

V.

#14-0388-CC

RECEIVED

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION FOR RECONSIDERATION

COMES NOW THE CLAIMANT JERRY ELLIS #78658 PRO, SE, MOVES THIS HONORABLE STATE CLAIMS COMMISSION TO VACATE IT'S RULING OF MARCH, 5, 014 DUE TO THE FOLLOWING:

1. THE CLAIMANT STATES THAT THE RESPONDENT ATTORNEY MRS. LISA MILLS WILKINS MISLED THE STATE CLAIMS COMMISSION ON THE MORNING OF 3-5-2014 AT THE CLAIMANT CLAIM HEARING. DUE TO SHE ALLEGED THAT CLAIMANT CLAIM # 14-0388-CC WAS AND FORMERLY CLAIM TOWARD CLAIM # 14-0248-CC THAT WAS DENIED ON 11-15-2014 BUT THAT WAS LITIGATE SEE EXHIBIT - A -

2. THE CLAIMANT STATES THAT DUE TO THE STATES CLAIMS COMMISSION UNANIMOUSLY GRANTED THE RESPONDENT'S AMENDED MOTION TO DENY ON 3-5-014 TOWARD THE CLAIMANT TESTIMONY. THE STATE CLAIMS COMMISSION ABUSE THEIR JUDGMENT DUE TO THEY NEVER RULED ON ANY OF THE CLAIMANT SUBMITTED MOTIONS THAT CLAIMANT SUBMITTED ON 2-22-2014 TOWARD THE RESPONDENT AMENDED MOTION TO DENY OF 2-21-2014 ACCORDINGLY TO THE CITING CASES AS F HENSLEY V.

BROWN, 617 S.W.2d 867 (1981), MAY V. BAAG, 633 S.W.2d 376 (1982), NATIONAL SEC FUND CO V. SHAVER, 686 S.W.2d 878 (1985), BIG A WARE DISTRIBUTING V. BYE AUTO SUPPLY INC, 719 S.W.2d 716 (1986), CORNETT V. PRATHER, 737 S.W.2d 159-1987, SLATON V. SLATON, 956 S.W.2d 150 (1997) LAYMAN V. BONE, 967 S.W.2d 561 (1998) CITING SERVICE V. DILL, 354 U.S. 363 (1957) AND DUE TO THE MENTIONED CITED CASES THE STATE CLAIMS COMMISSION OPINION OF 3-5-04 SHALL BE VACATED.

3. THE CLAIMANT STATES THAT DUE TO THE RESPONDENT'S ATTORNEY MRS. LISA MILLS WHO HAS FAILED TO RESPOND TO THE CLAIMANT SUBMITTED MOTIONS OF 2-22-14 PER TO MR. NORMAN L. HODGES, JR. DIRECTOR OF THE STATE CLAIMS COMMISSION LETTER OF 2-19-14 SEE EXHIBIT-B WHICH THE STATE CLAIMS COMMISSION SHOULD HAVE GRANTED THE CLAIMANT SUBMITTED MOTION TO COMPEL OF 2-22-14 ACCORDING TO THE CITING CASES AS OF CARSON V. BOLING, 622 S.W.2d 180 (1981), WHITNEY V. HOLLAND BEHEMMENT INC, 912 S.W.2d 427 (1996), KRISTIES-KATERING V. AMERIE, 35 S.W.3d 807 (2000), PIERCE V. MAL-MART STORES, INC, 844 S.W.2d 337 (1993) CITING MERDES V. TORCH CLUB, INC, 744 S.W.2d 319 (1988) AND DUE TO THE ABOVE CITED CASES THE STATE CLAIMS COMMISSION OPINION OF 3-5-14 SHALL BE VACATED.

4. THE CLAIMANT STATES THAT DUE TO HIS WITNESSES WAS NOT PRESENT AT HIS SCHEDULED HEARING OF 3-5-14

PART > HAS SUBMITTED WITNESS LIST > P 2-22-04 AND THE RESPONDENT'S ATTORNEY MRS LISA MILLS WALKERS REFUSED TO PRESENT THE CLAIMANT REQUESTED PRODUCTION OF DOCUMENTS TOWARD HAS SUBMITTED MOTION OF 2-22-04 TO THE STATE CLAIMS COMMISSION, SO THE CLAIMANT WOULD PROVE HOW THE A.D.C WAS LIABLE TOWARD C/O CHAMONZ JONES NEGLIGENCE OF VIOLATING AR-225, AR-127, AD-12-33 AND 10-11-63 REGULATIONS AND DUE TO THE STATE CLAIMS COMMISSION NEVER RULING ON THE CLAIMANT PENDING MOTIONS THAT WAS SUPPOSED TO HAVE BEEN BEFORE THE STATE CLAIMS COMMISSION ON THE MORNING OF 3-5-04 OF THE CLAIMANT SCHEDULED HEARING, WHICH DUE TO THE FOLLOWING CITING CASES - THE STATE CLAIMS COMMISSION REJECT THE JUDGMENT OF 3-5-04 ACCORDING TO THE CITING CASES AS OF HENSLEY V. BROWN, 617 S.W.2D 867 (1981), MAY V. BARG, 633 S.W.2D 376 (1982), NATIONAL SEC FIRE CO V. SHAWER, S.W.2D 828 (1985), BIG A WARE DISTRIBUTING V. BYE AUTO SUPPLY INC, 714 S.W.2D 716 (1986), CORNETT V. PRATHER, 737 S.W.2D 459 (1987), LAMON V. BONE, 967 S.W.2D 561 (1998) CITING SERVICE V. DILLS, 354 U.S. 363 (1957) AND DUE TO THE ABOVE CITED CASES THE STATE CLAIMS COMMISSION OPINION OF 3-5-04 SHALL BE VACATED.

WHEREFORE THE CLAIMANT PRAYS THAT THIS HONORABLE
STATE CLAIMS COMMISSION VACATE THE OPINION OF THE
STATE CLAIMS COMMISSION OPINION OF 3-5-14 AND
BE SCHEDULED THE CLAIMANT CLAIM FOR ANOTHER HEARING,

CERTIFICATE OF SERVICE

I, JERRY ELLIS #78658 PRO SE, CERTIFY THAT
(5) COPIES OF THE FORE GOING MOTION HAS BEEN
MAILED TO MR. NORMAN L. HODGES JR, DIRECTOR OF THE
STATE CLAIMS COMMISSION AND ONE (1) COPY OF THE
SAME MOTION HAS BEEN MAILED TO THE RESPONDENTS
ATTORNEY MRS LISA MILLS WILLIAMS AT P.O. BOX 8707
PINE BLUFF, AR 71611-8707 ON THIS 28TH DAY OF
MARCH 2014.

PRO SE JERRY ELLIS
RESPECTFULLY SUBMITTED
JERRY ELLIS #78658
V.S.M
P.O. BOX 400
GRAND AR 71611-0400

EXHIBIT A

Please Read Instructions on Reverse Side of Yellow copy
Please print in ink or type

Arkansas
State Claims Commission
SEP 26 2013

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Jerry Ellis, #078658, Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces

Claim No. _____

Date Filed _____
(Month) (Day) (Year)

Amount of Claim \$ _____

Fund _____

COMPLAINT

Jerry Ellis, #078658, the above named Claimant, of POB 400, Grady, AR 71644
 (Name) (Street or R.F.D. & No.) (City)
 N/A (State) N/A (Zip Code) N/A (Daytime Phone No.) County of LINCOLN represented by PRO SE.
 (State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)
 of N/A (Street and No.) N/A (City) N/A (State) N/A (Zip Code) N/A (Phone No.) N/A (Fax No.) says

State agency involved: ADC STATE EMPLOYEES Amount sought: 30,000.00

Month, day, year and place of incident or service: 04-15-13 VANNEB LINE SUPERMAX

Explanation: ON 4-15-13 MRS. L.A. TAYLOR METOH DESCRIMINATORY HEARING OFFICER VIOLATED AR-13-10 IN STATE DESCRIMINATORY MANUAL POLICY AND PROCEDURES OF 197301 TOWARD SECTION A. DUE TO THAT I FAILED TO FOLLOW THE REQUIREMENT OF AR-13-10 TOWARD THE INTRINSIC SCIENTIFIC MANUAL OF 197301 TOWARD SECTION A UNDER THE EVIDENCE USED UPON SEE EXHIBIT A WHICH THE CONCEPT OF AN EVIDENCE BELIEVED UPON SHOULD BE GIVEN THE CONCEPT OF PERSONS BELIEVED TO BE BELIEVED UPON. THE HEARING OFFICERS STAY SILENT AND THEY PROCEEDED TO EVALUATE EXACTLY WHAT IT WAS IN PERSONS BELIEVED THAT THE HEARING OFFICERS BELIEVED UPON. BUT MRS. L.A. TAYLOR METOH DESCRIMINATORY HEARING OFFICER VIOLATED THE ARS ON 4-15-13 TOWARD THE CLAIMANT SEE EXHIBIT B.

MONTH, DAY, YEAR AND PLACE OF INCIDENT OR SERVICE ON 5-20-13 VANNEB LINE SUPERMAX

Explanation: ON 5-20-13 MRS. L.A. TAYLOR METOH DESCRIMINATORY HEARING OFFICER VIOLATED AR-13-10 IN STATE DESCRIMINATORY MANUAL POLICY AND PROCEDURES OF 197301 TOWARD SECTION A. DUE TO THAT I FAILED TO FOLLOW THE REQUIREMENT OF AR-13-10 TOWARD THE INTRINSIC SCIENTIFIC MANUAL OF 197301 TOWARD SECTION A UNDER THE EVIDENCE USED UPON SEE EXHIBIT A WHICH THE CONCEPT OF AN EVIDENCE BELIEVED UPON SHOULD BE GIVEN THE CONCEPT OF PERSONS BELIEVED TO BE BELIEVED UPON. THE HEARING OFFICERS STAY SILENT AND THEY PROCEEDED TO EVALUATE EXACTLY WHAT IT WAS IN PERSONS BELIEVED THAT THE HEARING OFFICERS BELIEVED UPON. BUT MRS. L.A. TAYLOR METOH DESCRIMINATORY HEARING OFFICER VIOLATED THE ARS ON 5-20-13 TOWARD THE CLAIMANT SEE EXHIBIT B.

As parts of this complaint, the claimant makes the statements, and agrees that the following questions indicate: (1) Has claim been presented to any state department or officer thereof?
 N/A (City or No.) when? N/A (Month) N/A (Day) N/A (Year) to whom? N/A (Department)
 and that the following action was taken thereon: N/A
 and that \$ N/A was paid thereon; (2) Has any third person or corporation an interest in this claim? N/A; if so, state name and address
 N/A (Name) N/A (Street or R.F.D. & No.) N/A (City) N/A (State) N/A (Zip Code)
 and that the nature thereof is as follows: N/A and was acquired on N/A in the following manner: N/A

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.
 JERRY ELLIS (Print Claimant/Representative Name)
 JERRY ELLIS (Signature of Claimant/Representative)

PROCEDURES OF (PG) (30) TOWARD SECTION (A) DUE TO THAT SHE FAILED TO FOLLOW THE REQUIREMENT OF AD-13-10 TOWARD THE INMATE DISCIPLINARY MANUAL OF (PG) (30) TOWARD SECTION (A) UNDER THE EVIDENCE BELIED UPON SEE EXHIBIT-A WHICH THE CONTENT OF ANY EVIDENCE BELIED UPON SHOULD BE GIVEN, THUS IF A CHARGING PERSONS REPORT IS TO BE BELIED UPON, THE HEARING OFFICER SHOULD SO STATE AND THEN PROCEED TO EXPLAIN EXACTLY WHAT IT WAS IN THE PERSONS REPORT THAT THE HEARING OFFICER BELIED UPON. BUT MRS. L. A. TAYLOR MAJOR DISCIPLINARY HEARING OFFICER VIOLATED THIS ABOVE ON 5-20-13 TOWARD THE CLAIMANT SEE EXHIBIT-B-

MONTH, DAY, YEAR AND PLACE OF INCIDENT OR SERVICE ON-5-31-13 WARNER UNIT SUPERMAX

EXPLANATION: ON 5-31-13 MRS. T. L. BANISTER MAJOR DISCIPLINARY HEARING OFFICER VIOLATED AD-13-10 - INMATE DISCIPLINARY MANUAL POLICY AND PROCEDURES OF (PG) (30) TOWARD SECTION (A) DUE TO THAT SHE FAILED TO FOLLOW THE REQUIREMENT OF AD-13-10 TOWARD THE INMATE DISCIPLINARY MANUAL OF (PG) (30) TOWARD SECTION - A - ~~WHICH THE CONTENT OF ANY EVIDENCE BELIED UPON SHOULD BE GIVEN, THUS IF A CHARGING PERSONS REPORT IS TO BE BELIED UPON, THE HEARING OFFICER~~

UNDER THE EVIDENCE BELIED UPON. SEE EXHIBIT-A WHICH THE CONTENT OF ANY EVIDENCE BELIED UPON SHOULD BE GIVEN, THUS IF A CHARGING PERSONS REPORT IS TO BE BELIED UPON, THE HEARING OFFICER

2.

SHOULD SO STATE AND THEN PROCEED TO EXPLAIN -
EXACTLY WHAT IT WAS IN THE PERSONS REPORT THAT -
THE HEARING OFFICERS BELIEVED UPON, BUT MR. S. L. -
BANKS STATEMENT ON DISCIPLINARY HEARINGS OFFICERS VIOLATED -
THE MENTIONED STATEMENT TOWARD THE CLAIMANT CLAIM -
ON 5-31-13 SEE EXHIBIT - B -

EXHIBIT - B

ARKANSAS STATE CLAIMS COMMISSION

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



NORMAN L. HODGES, JR.
DIRECTOR

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

February 19, 2014

Jerry Ellis, #078658
P. O. Box 400
Grady, AR 71644

Re: Jerry Ellis
Claim #14-0388-CC
Vs.
Department of Correction

Dear Mr. Ellis:

This is to advise you that the above-styled claim is scheduled for hearing, beginning at 9:45 A.M., Wednesday, March 5, 2014. The Department of Correction (DOC) will arrange for your appearance before the State Claims Commission. Your hearing may be conducted in person or by video-conference (v-c). The DOC will, if necessary, transport you to the nearest DOC facility with video-conferencing capability. Witnesses, if any, will normally be at the DOC unit from which the v-c will broadcast. The legal counsel for DOC, and perhaps some witnesses, will be in Pine Bluff with the Claims Commissioners conducting the hearing. This process will not alter the normal hearing process, it only means parties involved may be in different locations. If you did not submit it at the time you filed your claim, you should have all material you wish to have presented to the Claims Commission in the Claims Commission office by Thursday, February 27, 2014. You do not need to send us material that you have already filed with this office. As a number of claims will be heard during the morning of March 5, 2014, the DOC should have you present at the facility from which the hearing or video-conferencing will take place by 9:30 A.M., so hearings may proceed without delay.

If you have secured legal counsel please supply the name(s) to the Commission as soon as possible.

Sincerely,

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

Norman L. Hodges, Jr.
Director

cc: Ms. Lisa Wilkins, Attorney Specialist

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 25,000.00

Claim No. 14-0388-CC

Jerry Ellis, #078658 Claimant vs. Pro se Claimant
Department of Correction Respondent vs. Lisa Wilkins, Attorney Respondent
State of Arkansas Respondent vs. Failure to Follow Procedure Respondent
Date Filed November 7, 2013 Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's March 5, 2014, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's March 5, 2014, order remains in effect.

Date of Hearing April 10, 2014

Date of Disposition April 10, 2014

H. Moore Chairman
D. Morrow Commissioner
Bill Lancaster Commissioner

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

MAY 08 2014

JERRY ELLIS #78658

V.

#04-0388-CC

RECEIVED

APPELLANT

ARKANSAS DEPARTMENT OF CORRECTION

APPELLEE

Arkansas
State Claims Commission
MAY 08 2014

APPEAL FROM THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

COMES NOW THE APPELLANT JERRY ELLIS #78658, PRO SE, SUBMIT THIS APPEAL PURSUANT TO ACT (33) OF 1997 BEFORE THE ARKANSAS STATE GENERAL ASSEMBLY TOWARD THE ARKANSAS STATE CLAIMS COMMISSION opinion of APRIL 30, 2014

1. THE APPELLANT STATES THAT THE RESPONDENT ATTORNEY MRS. LISA MILLS WILKINS MISLED THE STATE CLAIMS COMMISSION OF MARCH 5, 2014 AT THE APPELLANT CLAIM HEARING DUE TO THAT SHE ALLEGED THAT THE APPELLANT CLAIM #04-0388-CC WAS AND FORMER CLAIM TOWARD CLAIM #04-0248-CC THAT WAS DISMISSED ON 11-15-2014 BUT THAT WAS LINTHUS SEE EXHIBIT - A -

2. THE APPELLANT STATES THAT DUE TO THE STATE CLAIMS COMMISSION LINANIMOUSLY GRANTED THE RESPONDENT - AMENDED MOTION TO DISMISS ON MARCH 5, 2014 OF THE APPELLANT TESTIMONY THEY JUDGMENT WAS ABUSING OF THE APPELLANT DUE TO THAT THE STATE CLAIMS COMMISSION CHAIRMAN NEVER RULING ON ANY OF THE APPELLANT PENDING MOTIONS OF 2-22-014 ACCORDINGLY

TO THE FOLLOWING CITED CASE'S SEE HENSLEY V. BROWN, 617 S.W.2d 867 (1981) MAY V. BABY, 633 S.W.2d 376 (1982) NATIONAL SEC FIRE CO, V. SHAWER, 686 S.W.2d 808 (1985) - BIG A WHESE DISTRIBUTING, V. BYE ACTU SUPPLY INC, - 119 S.W.2d 716 (1986) CORNETT V. PRATHER, 737 S.W.2d 159 - 1987) SLATON V. SLATON, 956 S.W.2d 150 (1997) LAMAN V. BONE, 967 S.W.2d 561 (1998) CITING SERVICE V. DILL, - 354 U.S. 363 (1957) AND DUE TO THE CITED CASE'S THE STATE CLAIMS COMMISSION OPINION OF MARCH, 5, 2014, SHALL BE VACATED.

3. THE APPELLANT STATES THAT DUE TO THE RESPONDENT ATTORNEY MRS. LISA MALLS WILKINS NEVER RESPOND TO THE APPELLANT SUBMITTED MOTIONS OF 2-22-14 TOWARD MR. NORMAN L. HODGES, JR. DIRECTOR OF THE STATE CLAIMS COMMISSION LETTERS OF 2-19-14 SEE EXHIBIT - B - WHICH THE STATE CLAIMS COMMISSION SHOULD HAVE GRANTED THE APPELLANT SUBMITTED MOTION FOR COMPEL OF 2-22-14 ACCORDINGLY TO THE FOLLOWING CITED CASE'S SEE GIBSON V. BOLING, 622 S.W.2d 180 (1981), WHITNEY V. HOLLAND RETIREMENT INC 912 S.W.2d 427 (1996), KRISTIES - KATHING V. AMERT, 35 S.W.3d 807 (2000), PIERCY V. MALMAST STORES, INC, 844 S.W.2d 337 (1993) CITING MORRIS V. TORCH CLUB, INC, 749 S.W.2d 314 (1988) AND DUE TO THE ABOVE CITED CASE'S THE STATE CLAIMS COMMISSION OPINION OF MARCH, 5, 014 SHALL BE VACATED,

4. THE APPELLANT STATES THAT DUE TO HIS WITNESSES

WAS NOT PRESENT AT HIS SCHEDULED HEARING OF MARCH 5, 2014 TO TESTIFY PER TO THE APPELLANT SUBMIT HIS WITNESS LIST OF 2-22-04 AND THE RESPONDENT ATTORNEY MRS. LISA MALLS WILKINS REFUSED TO PROVIDE THE APPELLANT REQUESTED PRODUCTION OF DOCUMENTS TO CARO HIS SUBMITTED MOTION OF 2-22-04 TO HIM NOR TO THE STATE CLAIMS COMMISSION SO THAT THE APPELLANT COULD HAVE PROVEN HOW THE A.D.C WAS LIABLE TOWARD C. CHAMONZ JONES OF (C)SHEFT NEGLIGENCE OF VIOLATING AB-225, AB-107, AD-12-33- AND AD-1163 POLICY AND PROCEDURES, AS WELL AS TO THE STATE CLAIMS COMMISSION NEVER RULED ON ANY OF THE APPELLANT PENDING MOTIONS THAT WAS SUPPOSED TO HAVE BEEN BEFORE THE STATE CLAIMS COMMISSION ON THE MORNING OF MARCH 5, 2014 TOWARD THE APPELLANT SCHEDULED HEARING, THE STATE CLAIMS COMMISSION ABUSE THEIR JUDGMENT OF MARCH 5, 2014 ACCORDINGLY TO THE FOLLOWING CITED CASE'S SEE HENSLEY V. BROWN, 617 S.W.2D 867 (1981), MAY V. BARK, 633 S.W.2D 376 (1982), NATIONAL SEC FIRE CO, V. SHAWER, 686 S.W.2D 808 (1995), BIG A WARE DISTRS INC V. BYE AUTO SUPPLY INC, 719 S.W.2D 716 (1986) CORNETT V. PRATHER, 737 S.W.2D 159 (1987), LAYMAN V. BONE, 967 S.W.2D 561 (1998) GIBB SERVICE V. DULLS, 352 U.S. 363 (1957) AND DUE TO THE ABOVE CITED CASE'S THE STATE CLAIMS COMMISSION OPINION OF MARCH 5, 2014 SHALL BE VACATED.

5. THE APPELLANT STATES THAT THE STATE CLAIMS COMMISSION OF HIS SCHEDULED HEARING OF MARCH 5, 2014

REVERSE THE JUDGMENT OF MARCH 5, 2014 DUE TO THAT THEY
REFUSED TO HEAR THE APPEALANT REQUESTED WITNESSES
TESTIMONY ACCORDINGLY TO THE FOLLOWING CITED
CASE'S SEE CALDWELL V. STATE, 594 S.W.2D 24 (1980)
HAWTHORNE V. DAVIS, 594 S.W.2D 844 (1980), MAPLE V. STATE,
698 S.W.2D 807 (1985) CITING S. PRAM BURLAC, INC V. DAGGETT,
118 S.W.2D 525 (2003) AND DUE TO THE ABOVE CITED CASE'S
THE STATE CLAIMS COMMISSION OPINION OF MARCH 5, 2014
SHALL BE VACATED,

THEREFORE THE APPELLANT PRAYS THAT THIS ARKANSAS
STATE GENERAL ASSEMBLY REVERSE THE STATE CLAIMS
COMMISSION OPINION OF MARCH 5, 2014,

CERTIFICATE OF SERVICE

T. JERRY ELLIS #78658 PRO SE, CERTIFY THAT (5)
COPIES OF THE APPELLANT APPEAL HAS BEEN MAILED TO
MR. NORMAN L. HODGES, JR. DIRECTOR OF THE STATE
CLAIMS COMMISSION AND ONE COPY OF THE SAME APPEAL
HAS BEEN MAILED TO THE LEGISLATIVE COUNCIL OF THE
ARKANSAS STATE GENERAL ASSEMBLY AT 270 STATE -
CAPITOL 500 WOODLANE, LITTLE ROCK, AR 72201
ON THIS 7TH DAY OF MAY 2014

PRO SE, RESPECTFULLY SUBMITTED
JERRY ELLIS #78658
V.S.M.P., P.O. BOX 400
GRADY, AR 71644-0400

Handwritten scribble at the top of the page.

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas State Claims Commission

SEP 26 2013

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

- Mr. Mrs. Ms. Miss

Jerry Ellis, #078658, Claimant

vs.

State of Arkansas, Respondent

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

COMPLAINT

Jerry Ellis, #078658, the above named Claimant, of POB 400, Grady, AR 71644... represented by PRO SE.

State agency involved: A.D.C STATE EMPLOYEES Amount sought: 30,000.00

Month, day, year and place of incident or service: 04-15-13 VARNER LINE SUPERMAX... Explanation: 04-25-13 MRS. E.L.C. WADDLE MITCH DE SCOTLAND BY HEARING OFFICER VIOLATED AR-13-10 IN THE DE SCOTLAND BY HEARING OFFICER... FIND PROCEDURES OF AR-13-10 TOWARD SECTION A... FAILED TO FOLLOW THE REQUIREMENT OF AR-13-10 TOWARD THE... IN THE DE SCOTLAND BY HEARING OFFICER TOWARD SECTION A UNDER THE EVIDENCE BELIEVED ON SEE EXHIBIT A WHICH IS THE CONTENT OF AN EVIDENCE BELIEVED ON SHOULD BE GIVEN THIS IS A CHALLENGING... BELIEVED TO BE BELIEVED UNDER THE HEARING OFFICER'S SHOW... SO STATE AND THEN PROCEED TO EXPLAIN EXACTLY WHAT IT WAS IN... PRISONS ABOUT THAT THE HEARING OFFICER BELIEVED ON: BUT MRS... TO TOWARD MRS. DE SCOTLAND BY HEARING OFFICER VIOLATED THE AR-13-10... 04-25-13 TOWARD THE CLAIMANT SEE EXHIBIT B

MONTH, DAY, YEAR AND PLACE OF INCIDENT OR SERVICE ON 5-20-13 VARNER LINE SUPERMAX

EXPLANATION: 05-20-13 MRS. L.A. TAYLOR MITCH DE SCOTLAND BY HEARING OFFICER VIOLATED AR-13-10 IN THE DE SCOTLAND BY HEARING OFFICER... AND...

As part of this complaint, the claimant makes the statements, and answers the following questions in this case: (1) Has claim been presented to any state department officer thereof? N/A... when? N/A... to whom? N/A... and that the following action was taken thereon: N/A... and that \$ N/A was paid thereon: (2) Has any third person or corporation an interest in this claim? N/A... if so, state name and address... and that the nature thereof is as follows: N/A... and was acquired on N/A... in the following manner: N/A

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. JERRY ELLIS (Print Claimant/Representative Name) [Signature] (Signature of Claimant/Representative)

RECEIVED

PROCEDURES OF (PG) (30) TOWARD SECTION (A) DUE TO THAT SHE FAILED TO FOLLOW THE REQUIREMENT OF AD-13-10 TOWARD THE INMATE DISCIPLINARY MANUAL OF (PG) (30) TOWARD SECTION (A) UNDER THE EVIDENCE BELIED UPON SEE EXHIBIT-A WHICH THE CONTENT OF ANY EVIDENCE BELIED UPON SHOULD BE GIVEN, THUS IF A CHARGING PERSONS REPORT IS TO BE BELIED UPON, THE HEARING OFFICER SHOULD SO STATE AND THEN PROCEED TO EXPLAIN EXACTLY WHAT IT WAS IN THE PERSONS REPORT THAT THE HEARING OFFICER BELIED UPON. BUT MRS. L. A. TAYLOR MAJOR DISCIPLINARY HEARING OFFICER VIOLATED THE ABOVE ON 5-20-13 TOWARD THE CLAIMANT SEE EXHIBIT-B-

MONTH, DAY, YEAR AND PLACE OF INCIDENT OR SERVICE ON 5-31-13 WARNER UNIT SUPERMAX

EXPLANATION: ON 5-31-13 MRS. T. L. BANISTER MAJOR DISCIPLINARY HEARING OFFICER VIOLATED AD-13-10 - INMATE DISCIPLINARY MANUAL POLICY AND PROCEDURES OF (PG) (30) TOWARD SECTION (A) DUE TO THAT SHE FAILED TO FOLLOW THE REQUIREMENT OF AD-13-10 TOWARD THE INMATE DISCIPLINARY MANUAL OF (PG) (30) TOWARD SECTION - A - ~~WHICH THE CONTENT OF ANY EVIDENCE BELIED UPON SHOULD BE GIVEN~~ UNDER THE EVIDENCE BELIED UPON. SEE EXHIBIT-A WHICH THE CONTENT OF ANY EVIDENCE BELIED UPON SHOULD BE GIVEN, THUS IF A CHARGING PERSONS REPORT IS TO BE BELIED UPON, THE HEARING OFFICER

SHOULD SO STATE AND THEN PROCEED TO EXPLAIN -
EXACTLY WHAT IT WAS IN THE PERSONS REPORT THAT -
THE HEARING OFFICER BELIEVED UPON, BUT MR. S. L. -
BANKS STATE MAJOR DISCIPLINARY HEARING OFFICER VIOLATED -
THE MENTIONED STATEMENT TOWARD THE CLAIMANT CLAIM -
ON 5-31-13 SEE EXHIBIT - B -

EXHIBIT - B

ARKANSAS STATE CLAIMS COMMISSION

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



NORMAN L. HODGES, JR.
DIRECTOR

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

February 19, 2014

Jerry Ellis, #078658
P. O. Box 400
Grady, AR 71644

Re: Jerry Ellis
Claim #14-0388-CC
Vs.
Department of Correction

Dear Mr. Ellis:

This is to advise you that the above-styled claim is scheduled for hearing, beginning at 9:45 A.M., Wednesday, March 5, 2014. The Department of Correction (DOC) will arrange for your appearance before the State Claims Commission. Your hearing may be conducted in person or by video-conference (v-c). The DOC will, if necessary, transport you to the nearest DOC facility with video-conferencing capability. Witnesses, if any, will normally be at the DOC unit from which the v-c will broadcast. The legal counsel for DOC, and perhaps some witnesses, will be in Pine Bluff with the Claims Commissioners conducting the hearing. This process will not alter the normal hearing process, it only means parties involved may be in different locations. If you did not submit it at the time you filed your claim, you should have all material you wish to have presented to the Claims Commission in the Claims Commission office by Thursday, February 27, 2014. You do not need to send us material that you have already filed with this office. As a number of claims will be heard during the morning of March 5, 2014, the DOC should have you present at the facility from which the hearing or video-conferencing will take place by 9:30 A.M., so hearings may proceed without delay.

If you have secured legal counsel please supply the name(s) to the Commission as soon as possible.

Sincerely,

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

Norman L. Hodges, Jr.
Director

cc: Ms. Lisa Wilkins, Attorney Specialist