



STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH

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TO: CLAIMS REVIEW SUBCOMMITTEE

FROM: Legal Division Staff

DATE: March 9, 2013

SUBJECT: Summary of legal issues
Maurice "Trey" Clark v. Department of Human Services
Awarded Claim/Appealed by Respondent

B.2

Date of Occurrence: June 30, 2009
Date of Claim Filed: May 15, 2012
Amount Claimed: \$1,000,000.00
Amount Awarded: \$1,500,000.00
Claimant's Representative: David H. Williams
Respondent's Representative: Carmen Mosley-Sims

Allegations of Claimant: The Claimant's father, Maurice "Beau" Clark, was killed by Antonio Terry during an invasion and robbery of Mr. Clark's home. Terry had been in in-patient care at the Arkansas Juvenile Assessment and Treatment Center for a history of crime and violence and during his stay there he made many violent statements. He also had a history of cutting off a GPS tracking device. In spite of all that, Terry was released by the Center, likely due to clear out bed space. The claimant now brings a wrongful death claim for damages.

Agency Response: The agency filed a motion to dismiss arguing that the elements of the claim cannot be met since the agency did not have a duty towards Mr. Clark. It also argues that the course of action argued by the claimant -- that it should have revoked Terry's aftercare -- the agency did not have the authority to do.

Opinion of the Claims Commission: After a hearing, the Commission unanimously found that the agency was negligent and the claimant was awarded \$1,500,000.00.

Previous History of Claim (if any): None.

Issue(s) for Consideration: None.