



STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH

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**Claims Review/Litigation Reports Oversight Subcommittee
of the Arkansas Legislative Council
Claims Subcommittee of the Joint Budget Committee
Statement of Redaction of Confidential Information**

Style of Case: Barry Turner v. Arkansas Division of Correction

Docket Number: Claim No. 180886

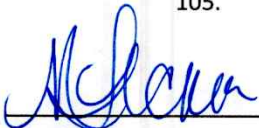
Type of Matter (please circle one):

Claims Review

Litigation Reports Oversight

As indicated by my signature below:

- I acknowledge that documents submitted to the Subcommittee may be published or disseminated by the Subcommittee for purposes of its consideration and those documents that are published or disseminated by the Subcommittee will be considered subject to disclosure under the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.
- I further acknowledge that it is my responsibility to review each document submitted to the Subcommittee and make any necessary redactions.
- I certify that I have reviewed each document submitted herein and have redacted all confidential information excluded from public access by Arkansas Supreme Court Administrative Order No. 19, § VII, and the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., including without limitation an individual's home address, personal email address, personal phone number, date of birth, social security number, information identifying a minor child, medical records, and financial account numbers.
- If a redacted document has been submitted, I have also included a non-redacted copy of the same document that may be considered exempt from disclosure under Arkansas Code § 25-19-105.


Signature

Mika Tucker
Name

Arkansas State Claims Commission, Attorney Specialist
Title and Agency

February 29, 2024
Date

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

April 30, 2018

Mr. Thomas Burns
Arkansas Department of Correction
Post Office Box 8707
Pine Bluff, Arkansas 71611

(via email)

RE: ***Barry Turner v. Arkansas Department of Correction***
Claim No. 180886

Dear Mr. Burns,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Department 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,

A handwritten signature in black ink, appearing to read 'Kathryn Irby', with a long horizontal flourish extending to the right.

Kathryn Irby

Enclosure
cc: Barry Turner (ADC [REDACTED] (w/o 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.

Please Read Instructions on Reverse Side of Yellow copy

Arkansas State Claims Commission

Please print in ink or type

APR 25 2018

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

Mr. Barry Turner, # [redacted], Claimant

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

vs. State of Arkansas, Respondent

Barry Turner, [redacted] the above named Claimant, of [redacted] County of Jefferson represented by [redacted] N/A

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

State agency involved: ARKANSAS DEPT. OF CORRECTIONS Amount sought: APPROXIMATELY \$2450.00 TOTAL

Month, day, year and place of incident or service: ISSUE 1 = 8-7-17 ... ISSUE 2 = 9-6-17

Explanation: THIS CLAIM REPRESENTS 2 SEPERATE ISSUES/CLAIMS, STEMMING FROM 2 SEPERATE INCIDENTS IN REGARDS TO ISSUE #1... ON 8-7-17 DUE TO NEGLIGENT PRACTICES OF SECURITY AND THE UNIT ADMINISTRATION, A LOT OF MY PERSONAL PROPERTY WAS STOLEN OUT OF MY CELL DURING THE INCIDENT...

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? YES when? 8-19-17 to whom? GRIEVANCE WARDEN

and that the following action was taken thereon: ON ISSUE 1, I WAS TOLD ON MY GRIEVANCE TO PURSUE LEGAL REMEDIES; ON ISSUE 2, I WAS TOLD BY THE WARDEN THAT MY GRIEVANCE HAD MERIT.

and that \$ 0.00 was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; if so, state name and address

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.

Barry Turner # [redacted] (Print Claimant/Representative Name) Barry Turner # [redacted] (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Tucker AR on this 30th day of March 2018

My Commission Expires: [redacted] (Month) (Year) NOTARY PUBLIC STATE OF ARKANSAS JEFFERSON COUNTY My Commission Expires 03-09-2021 Commission # 1232188

SF1- R7/99

SECRET

INMATE NAME: Turner, Barry

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED]-17-01486

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On 8/10/17, you stated the following complaint: "My hand is broken so it is very hard to write right now. So this will be brief, just to cover the important overall facts- I reserve the right to add in the exact details at a later time, when I can write better. On 8-7-17, numerous inmates took control of East Isolation, where I was housed. I was attacked by at least 8 inmates ; repeatedly stabbed, beaten, tasered and sprayed with fire extinguisher. Some of these same inmates then stole numerous items out of my personal property in my cell; including my MP4, keyboard *** TD80 headphones, and several personal books. No attempt by the administration has been made to recover these stolen items. Noone in the administration has even talked to me yet. I want to talk to Warden Burl, my property recovered. (End of allotted space)"

The Warden responded to your grievance on 8/16/17 by stating the following: "This incident is currently under investigation. Therefore, I reserve the right find merit in this situation."

Your appeal was received on 8/30/17. After review of your appeal and supporting documentation, I find that upon the completion of an investigation that was conducted of your complaint, it was stated that only state property will be replaced and for all other items, you would need to pursue further legal actions your personal items were not able to be replaced. Your appeal is without merit.

Appeal denied.



Director

Date 10-17-17

**Arkansas
State Claims Commission**

APR 25 2018

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ISSUE # 1



W/B

INMATE NAME: Turner, Barry

ADC #: [REDACTED]

GRIEVANCE #: [REDACTED]-17-01486

WARDEN/CENTER SUPERVISOR'S DECISION

I have reviewed your complaint; your complaint is as follows: "My hand is broken so it is very hard to write right now. So this will be brief, just to cover the important overall facts- I reserve the right to add in the exact details at a later time, when I can write better. On 8-7-17, numerous inmates took control of East Isolation, where I was housed. I was attacked by at least 8 inmates ; repeatedly stabbed, beaten, tasered and sprayed with fire extinguisher. Some of these same inmates then stole numerous items out of my personal property in my cell; including my MP4, keyboard *** TD80 headphones, and several personal books. No attempt by the administration has been made to recover these stolen items. Noone in the administration has even talked to me yet. I want to talk to Warden Burl, my property recovered. (End of allotted space)"

This incident is currently under investigation. Therefore, I reserve the right find merit in this situation.

[Signature]
Signature of Warden/Supervisor or Designee

RECEIVED

AUG 30 2017

Wards

8/16/17
Date

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

INMATE'S APPEAL

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

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

THE ADMINISTRATION ALREADY KNOWS THE ABOVE STATED FACTS ARE MERITORIOUS. THEY KNOW I WAS ASSAULTED, THEY KNOW MY CELL WAS TORN UP AND MY PROPERTY STOLEN. THE ONLY THING LEFT TO DO IS RECOVER MY PROPERTY FROM THE INMATES WHO STOLE IT. THEY WERE TRANSFERRED TO THE VARNER SUPERMAX, SO THEY KNOW WHERE MY PROPERTY IS, AND HAVE TAKEN NO POSITIVE ACTION TO RECOVER THE STOLEN ITEMS. I MUST GO FORWARD WITH THE GRIEVANCE PROCESS.

Barry Turner
Inmate Signature

[REDACTED]

ADC#

8-17-17

Arkansas
State Claims Commission

APR 25 2018

ISSUE # 1

RECEIVED

RECEIVED

AUG 30 2017

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

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UNIT LEVEL GRIEVANCE FORM (Attachment I)

AUG 30 2017

FOR OFFICE USE ONLY	
GRV. [REDACTED]	7-1486
Date Received:	8/14/17
GRV. Code #:	505

Unit/Center MSU

Name BARRY TURNER

INMATE GRIEVANCE SUPERVISOR

ADC# [REDACTED]

Brks # UNIFORMARY

Job Assignment RESTRI. HOUSING

8-10-17 (Date) STEP ONE: Informal Resolution

8-11-17 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: STILL WANT IT TO GO THROUGH THE GRIEVANCE PROCESS AS NOTHING HAS BEEN RESOLVED.

(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 serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: _____

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): MY HAND IS BROKEN SO IT IS VERY HARD TO WRITE RIGHT NOW. SO THIS WILL BE BRIEF, JUST TO COVER THE IMPORTANT OVERALL FACTS - I RESERVE THE RIGHT TO ADD IN THE EXACT DETAILS AT A LATER DATE WHEN I CAN WRITE BETTER.

ON 8-7-17 NUMEROUS INMATES TOOK CONTROL OF EAST ISOLATION, WHERE I WAS HOUSED. I WAS ATTACKED BY AT LEAST 8 INMATES; REACTIVELY STABBED, BEATEN, THROTTLED AND SPANNED WITH FIRE EXTINGUISHER. SOME OF THESE SAME INMATES THEN STOLE NUMEROUS ITEMS OUT OF MY PERSONAL PROPERTY IN MY CELL, INCLUDING MY MP4, KEYBOARD, KISS T-SHIRT AND ADDITIONAL, AND SEVERAL PERSONAL BOOKS. NO ATTEMPT BY THE ADMINISTRATION HAS BEEN MADE TO RECOVER THESE STOLEN ITEMS. NO ONE IN THE ADMINISTRATION HAS EVEN TALKED TO ME YET.

I WANT TO TALK TO WARDEN BURL, MY PROPERTY RECOVERED, ~~AND THE ATTACK~~

BARRY TURNER
Inmate Signature

8-10-17
Date

LEGAL REDRESS WILL BE PURSUED.

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

8-11-17 THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 8-11-2017 (date), and determined to be **Step One** and/or an Emergency Grievance

NO (Yes or NO). This form was forwarded to medical or mental health? NO (Yes or NO). If yes, name

of the person in that department receiving this form: Investigation Team Date 8-11-2017

Sgt Ryles [REDACTED] Sgt Ryles 8-11-2017

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: This issue is currently under investigation status per CPL Gaines. By ADC E other agency and inmate Barry Turner stated he just want to start a paper trail. End.

Sgt Ryles 8-11-2017 BARRY TURNER 8-11-17
Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on 8-11-17 (date), pursuant to **Step Two**. Is it an Emergency? NO (Yes or No).

Staff Who Received Step Two Grievance: Grievance - Forward Date: 8-11-17

Action Taken: (Forwarded to Grievance Officer/Warden/Other) Date: 8-11-17

If forwarded, provide name of person receiving this form: Sgt Ryles - Forward Date: 8-11-17

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

ESS114 #1

RECEIVED

MAY 24 2017

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING



Arkansas Department of Correction

Maximum Security Unit
2501 State Farm Road
Tucker, Arkansas 72168-9503
Phone: (501) 842-3800
Fax: (501) 842-1977

To: Barry Turner ADC [REDACTED] BKS: East/04

From: Danny Burl, Warden *[Signature]*

Date: September 26, 2017

Ref: **Inmate Request**

I am in receipt of your affidavits regarding your stolen property. We will only replace all state property. For all other items, you will need to pursue further legal action as I am not able to replace your personal materials.

DB/fb

CC: File

**Arkansas
State Claims Commission**

APR 25 2018

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ISSUE # 1

A-1

THE FOLLOWING 8 LISTED ITEMS CAN BE REPLACED AT THE UNIT COMMISSARY

- 1) MP4 DEVICE
- 1) MP4 KEYBOARD
- 1) 6 PACKS "AA" BATTERIES
- 1) 3 CLEAR BOWLS W/ LIDS
- 1) 2 (SX) T-SHIRTS
- 1) 1 CHESS / CHECKERS SET
- 1) 3 SPEEDSTICK DEODORANTS
- 1) 4 BARS NEXT SOAP

= UNIT COMMISSARY

BARRY TURNER
[Redacted]

THE FOLLOWING ITEM CAN BE REPLACED AT (WWW.KOSS.COM)

- 1) KOSS T180 HEADPHONES = \$36.00

THE FOLLOWING BOOKS CAN BE REPLACED AT WWW.EDWARDHAMILTONBOOKS.COM

- 1) SEVEN LANGUAGE DICTIONARY
- 1) OXFORDS UNABRIDGED DICTIONARY (OVER 2000 PAGES)
- 1) FLUENT FOREVER
- 1) 1000 PLACES TO SEE BEFORE YOU DIE - 2ND EDITION
- 1) THE ART OF SEDUCTION
- 1) THE EX-OFFENDERS GUIDE TO A SUCCESSFUL LIFE
- 1) MIND GAMES
- 1) MR. SKINS SKINCYCLOPEDIA - 1ST EDITION
- 1) MR. SKINS SKINCYCLOPEDIA - 2ND EDITION
- 1) MR. SKINS 500 GREATEST MOVIES EVER

= ALL AVAILABLE AT EDWARD HAMILTON BOOKS

THE FOLLOWING BOOKS SHOULD BE AVAILABLE AT AMAZON.COM

- 1) FUTURE CRIMES BY MARC GOODMAN
- 1) CIVILIZATIONS OF THE WORLD: OUR ORIENTAL HERITAGE
- 1) PAGE LAUGER EXPLOSIVE IMPULSIVE DISORDER (RED COVER)
- 1) VIDEORAMAS GOLDEN MOVIE RETRIEVER - 2012

= AMAZON.COM

THE FOLLOWING BOOKS CAN BE REPLACED AT WWW.BILLBOARDMUSIC.COM

- 1) BILLBOARD MUSIC YEARBOOK - 2010
- 1) BILLBOARD MUSIC YEARBOOK - 2011
- 1) BILLBOARD MUSIC YEARBOOK - 2012
- 1) BILLBOARD MUSIC YEARBOOK - 2013
- 1) BILLBOARD MUSIC YEARBOOK - 2014

= BILLBOARDMUSIC.COM

THE FOLLOWING MAGAZINES SHOULD BE AVAILABLE FOR REPLACEMENT AT AMAZON.COM

- 1) STRAIGHT STUNNIN' - ISSUE # 20
- 2) STRAIGHT STUNNIN' - ISSUE # 26
- 3) BODY MAGAZINE - ISSUE # 1
- 4) BODY MAGAZINE - ISSUE # 2
- 5) BBO MAGAZINE - ISSUE # 1
- 6) BBO MAGAZINE - ISSUE # 2
- 7) SHOW - "THE ART OF SEXY" - ISSUE # 1
- 8) XUTIX MAGAZINE - ISSUE # 2
- 9) AMERICAN CURVES MAGAZINE - ISSUE # 5
- 10) AMERICAN CURVES MAGAZINE - ISSUE # 7
- 11) SPORTS ILLUSTRATED SWIMSUIT EDITION - 2010
- 12) SPORTS ILLUSTRATED SWIMSUIT EDITION - 2011
- 13) SPORTS ILLUSTRATED SWIMSUIT EDITION - 2013

(SUBSTITUTE WITH CLOSEST ISSUES IF UNAVAILABLE)

AMAZON.COM

OR

INDIVIDUAL GOOGLE SEARCH



ADC INMATE PERSONAL PROPERTY INVENTORY RECORD (Code: S-STORAGE K-KEEP IN POSSESSION I-ISSUED F=FEMALE M=MALE) F-941-1

Transfer on 48 on 48 off 48 ADC# XXXXXXXXXX Punitive XXXXXXXXXX Medical XXXXXXXXXX Court XXXXXXXXXX Receiving Institution: XXXXXXXXXX

Inmate's Name: Barry, Robert Other Pauline Ind 10-15-14

ITEM (# allowed)	#REC/SENT	CODE	#RETD	DESCRIPTION	ITEM	#REC/SENT	CODE	#RETD	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)	1	S		
All Books (10)	10	S			Personal Mail	1	S		Video/Books/Records
Bathrobe (F, 2)					Photos (5)	2	S		1 photo
Bowls	6	S		C.V.S.	Radio (1)	1	S		MP3 Player
Bras/Panties (F-1-3 ea + 3)					Religious Material				
Comb (M, 1 1)					Religious Medal (1)				
Cup					Ring (1)				
Dentures (1)					Shoes (Kett)	1	S		Shoe/socks (Kett)
Depilatory preparation (1)					Shower Shoes (1)				
Ear buds/headphone (1)	1	S		KES	Soap Dish	2	S		
Earplugs					Socks (1-3 + 2)	1	S		
Eyeglasses/Contacts (1)					Stockings				
Gloves (1)					Sweat Pants (1)				
Gym Shoes (1)	1	S		Nike	Sweat Shirts (1)	2	S		
Hair Brush (1)					Toothbrush holder	1	S		
Laundry Bag (1-1 + 1)	5	S			Undershirts	2	S		
Legal Mail/Transcript					Undershorts (M, 1-2 + 3)	1	S		
Magazines (3 ea)	14	S		gpc Newsletters	Watch-Wrist (1)				
Expandable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Batteries (4)	28	S			Flex Pens				
Beauty Aid products	2	S		Baby Powder	Food Items				
Denture adhesive (2)					Hair Dressing (2)				28 soap, 1 pack, 1 comb, 1 sock, 1 hat, 1 sweater, 1 bag, 1 coffee
Deodorant (2)	8	S			Shampoo (2)				
Envelopes (10)					Shaving Cream (2)				
Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Key	1	S			BB Cream	2	S		
Keys	1	S			Deodorant	1	S		
Mirror	1	S			Keychain	1	S		
State Issued Items									
Program shoes (4 pr)	1	S		Kiddie	Razer Safety (2)	3	S		Shoe/undergarments
Pants (3 pr)					Shirts (3)				
Cap/Hat (1)					Soap	8	S		
Canvas Shoes (M, 1)					Thermals (2 sets)	2	S		
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)					Toothpaste (2)	1	S		
Jacket/Coat (1)					Washcloth (1)				

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

Printed Name / Sign Name / Badge # of Official Receiving Property: Robert Barry Date: 9-15-14 Location Stored: Reception

Printed Name / Sign Name / Badge # of Official Returning Property: Robert Barry Date: 9-15-14 Location Stored: Reception

Inmate's Signature & ADC# / Witness, if refuses: Robert Barry Date: 9-15-14

Inmate's Signature & ADC# / Witness, if refuses: Robert Barry Date: 9-15-14

ISSUE # 1



INMATE NAME: Turner, Barry

ADC #: [REDACTED]

GRIEVANCE#: [REDACTED]-17-01643


CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On 9/6/17, you stated the following complaint: "I am being denied a 48 hour relief from punitive isolation. I was told that there were no cells open in 5, 6, 7 for me to go on 48, yet right now as I write W-04 is being released from W-04 to 5 bks. I have a constitutional protected right to relief from punitive isolation every 30 days and I am being denied relief. The only thing that changed is the status in eomis-I am not being given granted access to news or anything room in 5, 6, or 7 is supposed to be made to accomodate my legally protected right to 48 hour relief from punitive isolation. The inmate in W-12 is being moved to 5 bks right now too so I am being denied my right to 48 hour relief under the false pretense of no cells being available. I need to be given a 48 hour relief in ad seg, as is my right!"

The Warden responded to your grievance on 9/28/17 by stating the following: "Per documentation, I have found that you did not receive a proper 48 hour relief, as you did not receive your property. Corrective action will be taken. Therefore, I find your grievance with merit."

Your appeal was received on 9/29/17. After review of your appeal and supporting documentation, I find that I concur with the Warden's decision. Your appeal is without merit.

Appeal denied.



Director

10-13-17

Date

**Arkansas
State Claims Commission**

APR 25 2018

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ISSUE # 2



E/4

IGTT410
3GS

APR 25 2018

Attachment III

INMATE NAME: Turner, Barry **RECEIVED** ADC #: [REDACTED] GRIEVANCE #: [REDACTED]-17-01643

WARDEN/CENTER SUPERVISOR'S DECISION

I have reviewed your complaint; your complaint is as follows: "I am being denied a 48 hour relief from punitive isolation. I was told that there were no cells open in 5, 6, 7 for me to go on 48, yet right now as I write W-04 is being released from W-04 to 5 bks. I have a constitutional protected right to relief from punitive isolation every 30 days and I am being denied relief. The only thing that changed is the status in eomis-I am not being given granted access to news or anything room in 5, 6, or 7 is supposed to be made to accomodate my legally protected right to 48 hour relief from punitive isolation. The inmate in W-12 is being moved to 5 bks right now too so I am being denied my right to 48 hour relief under the false pretense of no cells being available. I need to be given a 48 hour relief in ad seg, as is my right!"

Per documentation, I have found that you did not receive a proper 48 hour relief, as you did not receive your property. Corrective action will be taken. Therefore, I find your grievance with merit.

[Signature Box]

Signature of Warden/Supervisor or Designee

Ward
Title

9/28/17
Date

INMATE'S APPEAL

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

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

BECAUSE CORRECTIVE ACTION CANNOT BE TAKEN NOW; MY PUNITIVE TIME ENDED ON 9-21-17; IT HAS ALREADY BEEN DETERMINED THAT MY GRIEVANCE HAS MERIT! THE ONLY WAY TO CORRECT THE FACT THAT I WAS DENIED MY 48 HOUR RELIEF, AND ULTIMATELY HAD TO DO 47 DAYS STRAIGHT ON PUNITIVE WITHOUT A 48 HOUR RELIEF - IS A DIRECT VIOLATION OF A.D.C. POLICY AND PROCEDURES - IS TO COMPENSATE ME MONETARILY FOR THE EXTRA 7 DAYS OF HARSHNESS THAT I WAS FORCED TO ENDURE. IT HAS LONG BEEN HELD THAT APPROPRIATE COMPENSATION MATTERS SUCH AS THIS IS \$100.00 PER DAY; A TOTAL OF \$700.00. PROPERLY COMPENSATING ME IS THE ONLY WAY CORRECTIVE ACTION CAN BE TAKEN.

Barry Jarner
Inmate Signature

[REDACTED] 9-29-17
ADC# RECEIVED Date

OCT 04 2017

ISSUE # 2

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

RECEIVED

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center

Name

ADC#

Brks #

INMATE GRIEVANCE SUPERVISOR

ADMINISTRATION BUILDING
Job Assignment

FOR OFFICE USE ONLY

GRV. #

Date Received:

GRV. Code #:

(Date) STEP ONE: Informal Resolution

9-12-17 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: WANT RECEIVE A REQUEST TO STEP 1 AND HAVE NOT GOTTEN A 48H

(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 serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why:

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

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

[Handwritten text describing grievance details]

Inmate Signature

Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 9-13-17 (date), and determined to be **Step One** and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name of the person in that department receiving this form: Date

PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received
Describe action taken to resolve complaint, including dates:

OCT 04 2017

Staff Signature & Date Returned Ahernally 9-13-17

INMATE GRIEVANCE SUPERVISOR Barry Jamm 9-13-17
ADMINISTRATION BUILDING Inmate Signature & Date Received

This form was received on 9-13-17 (date), pursuant to **Step Two**. Is it an Emergency? (Yes or No).

Staff Who Received Step Two Grievance: SABERNATHY Date: 9-13-17

Action Taken: FORWARDED (Forwarded to Grievance Officer/Warden/Other) Date: 9-13-17

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 Step Two.

ISSUE # 2



Inmates serving consecutive punitive isolation sentences will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored during the forty-eight (48) hour relief period and will be restricted again at the beginning of the next punitive sentence. An inmate's telephone privilege will not be restored during the forty-eight (48) hour relief if the privilege was suspended due to a conviction of disciplinary rule violation 02-5, 09-13 or 17-3. Commissary purchases may be made by an inmate only if the inmate's forty-eight (48) hour relief falls on their regularly scheduled commissary day, and will be limited to a quantity that can reasonably be consumed in forty-eight (48) hours. Inmate personal property privileges as previously outlined in paragraph A (9) of this policy will remain in effect.

2. Inmates may be released from punitive segregation prior to the completion of sentence only with the authorization of the Warden or designee. This will not relieve the inmate from punitive restrictions unless specifically ordered by the Warden or designee.

D. Punitive Restriction

1. When an inmate is found guilty of a major infraction of institutional rules and punitive segregation time is imposed, the inmate may be placed in punitive segregation and be subject to the restrictions of that assignment or be placed on punitive restrictions.
2. Should an inmate placed in punitive segregation be removed from punitive segregation prior to the completion of the punitive segregation time imposed by the Disciplinary Hearing Officer, the inmate will be placed in housing commensurate with job assignment and will be placed on punitive restrictions until completion of the punitive sentence. (Punitive restrictions can only be imposed for the duration of the punitive segregation time imposed. Any other restrictions would have to be imposed by the Disciplinary Hearing Officer.)
3. Inmates on punitive restriction will have a work assignment and will be required to work on their assigned job. Inmates on punitive restrictions may have their privileges restored prior to the completion of their punitive sentence only with the authorization of the Warden or his designee.
4. Inmates serving consecutive punitive restrictions will receive a forty-eight (48) hour relief at the end of each thirty (30) day sentence. Inmate privileges as previously outlined in this policy will be restored

Arkansas
State Claims Commission

APR 25 2018

RECEIVED

ISSUE #2



4

MAY 09 2018

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC [REDACTED])

RECEIVED
CLAIMANT

V.

NO. ~~108886~~ 18-0886-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

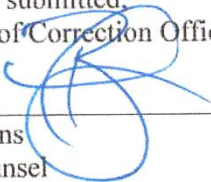
COMES NOW the Respondent, Arkansas Department of Correction, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim.
2. Respondent further asserts that, in the event the claim is not dismissed upon further pleading or motion, it will hold the Claimant to strict proof on each allegation not admitted by Respondent.
3. 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, the Respondent prays that the Commission deny the claim or dismiss it with prejudice, as appropriate.

Respectfully submitted,
Department of Correction Office of Chief Counsel

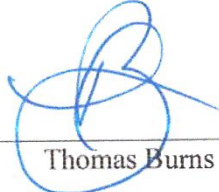


 Thomas Burns
 General Counsel
 Post Office Box 8707
 Pine Bluff, AR 71611
 (870)267-6844 Office
 (870)267-6373 Facsimile

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 9th day of May, 2018, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Barry Turner (ADC [REDACTED])
[REDACTED]



 Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

BARRY TURNER ([REDACTED])

CLAIMANT

MAY 17 2018

VS.

NO. 18-0886-CC

RECEIVED

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

REPLY

Comes now the claimant, BARRY TURNER [REDACTED] AND FOR HIS REPLY TO RESPONDENTS ANSWER, STATES AND ALLEGES AS FOLLOWS:

1) A MATERIAL DISPUTE OF LIABILITY EXISTS IN THIS CLAIM.
2) THE RESPONDENT ASKS THIS COMMISSION TO IGNORE THE ALLEGATIONS, ALONG WITH DOCUMENTARY EVIDENCE SUBMITTED, AND DISMISS THIS CLAIM FOR NO REASON OTHER THAN A DENIAL OF LIABILITY. THEY OFFER NO EVIDENCE OR EVEN AN ALLEGATION THAT THE FACTS OF MY 2 CLAIMS ARE UNTRUE OR FRIVOLOUS.

3) THE FACTS OF THIS CLAIM ARE INDISPUTABLE:
A. MY PERSONAL PROPERTY WAS STOLEN OUT OF MY LOCKED CELL ON 8-7-17 AS A DIRECT RESULT OF THE ARKANSAS DEPARTMENT OF CORRECTIONS FAILURES TO PROPERLY STORE IT AND PROTECT IT.

B. I WAS DENIED A 48 HOUR RELIEF, ENDING UP DOING 48 STRAIGHT DAYS WITHOUT A 48 HOUR RELIEF; WHICH DIRECTLY VIOLATES THEIR OWN POLICIES.

4) THE FACTS OF BOTH THESE CLAIMED ISSUES WERE ADMITTED TO IN GRIEVANCE RESPONSES. THE ONLY DISPUTE HAS BEEN THE REPARATIONS DUE ME.

5) IN ISSUE #1 OF THIS CLAIM, IT IS VERY SIMPLE: ANYTIME AN INMATES PERSONAL PROPERTY IS LOST, DAMAGED

OR STOLEN AS A RESULT OF THE ARKANSAS DEPARTMENT OF CORRECTION'S FAILURES TO PROPERLY PROTECT IT, THEY ARE LIABLE FOR REPLACING IT!

c) IN ISSUE #2, ITS JUST AS SIMPLE: ANYTIME THE A.D.C. BLATANTLY IGNORES ITS ONLY POLICIES, AND THIS CAUSES AN INMATE TO SUFFER A HARM, SUCH AS SERVING 46 STRAIGHT DAYS IN PUNITIVE ISOLATION WITH NO RELIEF, THE A.D.C. IS LIABLE FOR DAMAGES.

WHEREFORE, THE CLAIMANT PRAYS THAT THIS COMMISSION SCHEDULE THIS CLAIM FOR A HEARING BEFORE THE COMMISSION, AT ITS EARLIEST CONVENIENCE, TO WEIGH THE FACTS AND EVIDENCE OF THIS CLAIM,

Respectfully submitted,

Barry Turner # [REDACTED]

BARRY TURNER # [REDACTED]
CLAIMANT

[REDACTED]

CERTIFICATE OF SERVICE

I, Barry Turner # [REDACTED], CERTIFY THAT A COPY OF THIS PLEADING HAS BEEN SERVED THIS 15TH DAY OF MAY, 2018, ON THE RESPONDENT BY PLACING A COPY OF SAME IN THE U.S. MAIL, IN A REGULAR PRE-STAMPED ENVELOPE TO:

THOMAS BURNS
GENERAL COUNSEL
P.O. BOX 8207
FINE BLUFF, AR 71611

Barry Turner # [REDACTED]

JUN 01 2018

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC [REDACTED])

CLAIMANT RECEIVED

v

NO. 18-0886-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Correction (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. 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 (8th 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 than "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. The inmate seeks the sum of \$2450.00 for alleged loss of property and failure to follow procedure. Although inmate seeks an award of damages (\$2450.00), 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.

5. 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.

6. 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)*).

7. The inmate is currently housed at the [REDACTED] of the ADC. He is serving a 55 year sentence on a conviction of Possession of Firearms and other crimes.

8. The inmate claims that ADC lost his property and failed to follow procedure.

9. The inmate has filed a grievance [REDACTED]-17-01486 on his lost property claim. He claims that on August 7, 2017 his MP4 player, keyboard, headphones, and books were stolen. The problem is on August 17, 2017 he was charged with a major disciplinary and signed a F-841 where he has Earbuds, radio (MP4 player because per ADC policy your allowed only a radio or an MP4) and books. *See attached Ex A.*

10. Exhibit A also shows that the inmate signed the form which indicates **“I hereby certify that all of my property is listed herein and disposition of all property listed on this inventory is correct.”** The inmate does not notate anywhere that anything is missing at all!

11. Pursuant to ADC policy if items are stolen the inmate must file a stolen property report. This allows the ADC to investigate and determine if anything is in fact stolen. The inmate has not completed this step. That’s because nothing of his is missing.

12. The next item this inmate complains of concerns his 48 relief period. This inmate is consistently in and out of punitive segregation.

13. Arkansas does not recognize a cause of action for “excessive confinement”

Harmon v Jackson et al, 2018 Ark. 196 (2018).

14. If the inmate feels he is being held unjustly he has appeal avenues to the Director of the ADC and Habeas Corpus relief through the Courts.

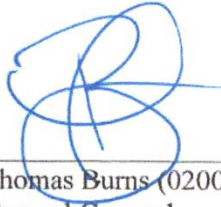
15. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

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

17. “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,

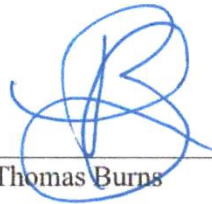


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thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 4 day of June, 2018, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Barry Turner ([REDACTED])
[REDACTED]



Thomas Burns

2017-08-01

Behavior Control

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD (Code: S=STORAGE K=KEEP IN POSSESSION I=ISSUED F=FEMALE M=MALE) R-941-1

Transfer	48 on	48 off	Medical	Other
Inmate's Name	Turner, Barry	Barry	ending Institution	Receiving Institution
ADCF #				13-5
ITEM (# allowed)	#RECS/SEN	CODE	#RETTD	DESCRIPTION
ADA Compliance Item				
All Books (10)	1	S		Asstated/Barry Lee
Bathrobe (F, 2)				
Bowls				
Bras/Panties (F-1 3 ea + 5)				
Comb (M, 1 1)				
Cup	2	S		
Dentures (1)				
Depilatory preparation (1)				
Ear buds/earphone (1)	1	S		Kept, 5 shared
Earplugs				
Eyeglasses/Contacts (1)	1	K		
Gloves (1)				
Gym Shoes (1)	1	K		
Hair Brush (1)				
Laundry Bag (1 1+1)	2	S		
Legal Mail/Transcript	8	S		Asstated/Barry Lee
Magazines (3 ea)				Watch-Wrist (1)
Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)				
Batteries (4)	4			Flex Pens
Beauty Aid products				Food items
Denture adhesive (2)				Hair Dressing (2)
Deodorant (2)	4	S		Shampoo (2)
Envelopes (10)				Shaving Cream (2)
Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)				
Blower	1	K		
Shirts	3	S		
State Issued Items				
Brograms-shoes (1pr)				Razor-Safety (2)
Pants (3 pr)				Shirts (3)
Cap/Hat (1)				Soap
Canvas Shoes (M,1)				Thermals (2 sets)
ADC Hand Book				Bath Towel as needed
Toothbrush (1)	2	S		Toothpaste (2)
Jacket/Coat (1)				Washcloth (1)

I hereby certify that all my property is listed on this and disposition of all property listed on this inventory is correct. Also, I do not have in my possession any personal materials belonging to any other inmate.

Printed Name / Sign Name: Barry Turner Official Receiving Property: Barry Turner Date: 8-17-17

Printed Name / Sign Name: Barry Turner Official Receiving Property: Barry Turner Date: 8-17-17

Location Stored: Unit 3 Location Stored: Unit 3

Inmate's Signature & ADC# / Witness, if refuses: Barry Turner Date: 8-17-17

These in separate full letters



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER # [REDACTED]

CLAIMANT

VS.

NO. 18-0886-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RECEIVED

JUN 11 2018

CLAIMANT'S ANSWER TO MOTION TO DISMISS

COMES NOW THE CLAIMANT, BARRY TURNER # [REDACTED], AND FOR HIS ANSWER, STATES:

1) CLAIMANT'S CLAIM SHOULD NOT BE DISMISSED, AS THE RESPONDENT ASKS.

2) THIS CLAIM HAS STATED CLEARLY FACTS UPON WHICH RELIEF CAN BE GRANTED.

3) THE FACTS ARE SIMPLE AND CLEAR:

A: ON 8-7-17, NUMEROUS ITEMS OF PERSONAL PROPERTY OF MINE WERE STOLEN OUT OF MY SUPPOSED LOCKED CELL.

B: THESE ITEMS WERE STOLEN AS A RESULT OF THE ARKANSAS DEPARTMENT OF CORRECTION'S FAILURES TO FOLLOW POLICY AND PROCEDURE, PROPERLY SECURE MY PROPERTY, FAILURE TO PROPERLY SUPERVISE THE AREA I WAS HOUSED, AND NEGLIGENCE.

C: THE A.D.C. FAILS TO FOLLOW POLICY + PROCEDURE AND SECURE MY PROPERTY BY FAILING TO GET MY PERSONAL PROPERTY FROM ME AND STORE IT IN A SECURE PROPERTY CONTROL ROOM.

D: A.D.C. ADMINISTRATIVE DIRECTIVES ON PROPERTY CONTROL CLEARLY OUTLINE HOW WHEN AN INMATE IS PLACED IN "PROPERTY CONTROL" STATUS THE UNIT PROPERTY

CONTROL OFFICER IS SUPPOSED TO REMOVE THE INMATES PERSONAL PROPERTY FROM THEIR CELL AND INVENTORY IT AND STORE IT IN A SECURE LOCATION.

E: ON 8-5-17 AND 8-6-17 I WAS ON 48 HOUR RELIEF FROM PUNITIVE STATUS, AND THUS WAS ENTITLED TO POSSESS MY PERSONAL PROPERTY. HOWEVER, MY 48 HOUR RELIEF ENDED AT 11:59 P.M. ON 8-6-17, AND MY PERSONAL PROPERTY WAS SUPPOSED TO BE REMOVED FROM MY CELL AND STORED IN THE UNIT PROPERTY ROOM.

F: MY PERSONAL PROPERTY WAS NOT REMOVED FROM MY CELL AND PROPERLY STORED AND SECURED!

G: THE A.D.C. (AND ITS EMPLOYEES) FAILED TO PROPERLY SUPERVISE THE INMATES IN MY HOUSING AREA WHILE THEY WERE ON RECREATION/EXERCISE, THUS MAKING IT POSSIBLE FOR SEVERAL INMATES TO BREAK INTO MY CELL AND STEAL MY PERSONAL PROPERTY ITEMS.

H: I POSSESS THE ALLEGED STOLEN PROPERTY ITEMS, AS MANY PROPERTY INVENTORY FORMS FROM BEFORE 8-7-17 CLEARLY INDICATE (I ALREADY PROVIDED 1 PROPERTY INVENTORY FORM AS SUPPORTIVE EVIDENCE, ALONG WITH MY ORIGINAL CLAIM). ALL THESE INVENTORY SHEETS CLEARLY AND SPECIFICALLY LIST (MP4, KEYBOARDS, KOSS TD-80 HEADPHONES, ETC.)

I: ON 8-7-17 WHEN MY PERSONAL PROPERTY WAS STOLEN, I WAS ALSO ASSAULTED. THIS RESULTED IN NUMEROUS INJURIES, INCLUDING A CONCUSSION AND A BROKEN CURTING HAND, WHICH REQUIRED ME TO BE HOUSED IN THE UNIT HOSPITAL CAMP.

FOR THE 3 MONTHS I WAS IN THE HOSPITAL CAMP, I WAS

my property was brought to me. ON 8-10-17, THE UNIT PROPERTY CONTROL OFFICER AT THE TIME, SGT. ANGELAH KENNEDY BROUGHT TO THE HOSPITAL WARD ALL THE PERSONAL PROPERTY OF MINE THAT REMAINED! I SIGNED A PROPERTY FORM ON 8-10-17 FOR THE ITEMS THAT WERE BEING GIVEN TO ME BY THE PROPERTY OFFICER. (SEE ATTACHED EXHIBIT A). THIS FORM IS NOT A STATEMENT AS TO WHAT I HAD PREVIOUSLY POSSESSED, BUT SIMPLY A FORM SHOWING WHAT PROPERTY WAS BEING ISSUED TO ME ON THAT DATE, 8-10-17.

K: LISTED ON THIS ISSUED PROPERTY FORM OF 8-10-17, IS 1 GPX RADIO, WHICH I HAD NOT PREVIOUSLY OWNED OR POSSESSED! THIS RADIO WAS GIVEN TO ME BY THE UNIT PROPERTY CONTROL OFFICER OUT OF THE "EXTRA" RADIOS SHE HAD IN THE PROPERTY ROOM. SGT. KENNEDY GAVE ME THIS RADIO BECAUSE MY MAP AND HEADPHONES HAD BEEN STOLEN, LEAVING ME WITH NOTHING TO LISTEN TO. (NOTE: THE GPX RADIO INCLUDES EARBUDS). SHE GAVE ME THIS RADIO TO HOLD ME OVER UNTIL MY PROPERTY COULD EITHER BE RECOVERED OR REPLACED.

L: THE PROPERTY FORM I SIGNED ON 8-17-17 (10 DAYS AFTER MY PROPERTY ITEMS WERE STOLEN) WAS THE SAME LEFTOVER PERSONAL PROPERTY THAT HAD BEEN ISSUED TO ME ON 8-10-17. THIS, IN NO WAY, INDICATES THAT THE OTHER PERSONAL PROPERTY ITEMS LISTED IN MY CLAIM WERENT PREVIOUSLY STOLEN ON 8-7-17. THE PROPERTY FORM OF 8-17-17 WHICH THE RESPONDENT REFERENCES LISTS THAT I GOT BACK TO ME ON 8-17-17, DOES NOT LIST ANY OF THE

PREVIOUS PROPERTY FORMS), THE EARBUDS THAT COME WITH THE OAX RADIO, AND 1 BOOK. THESE FEW ITEMS HAVE ABSOLUTELY NOTHING ≡ TO DO WITH ALL THE PERSONAL PROPERTY ITEMS THAT WERE STOLEN FROM MY CELL 10 DAYS PREVIOUSLY !!!

M: PER A.D.C. POLICY, WHILE HOUSED ON PUNITIVE ISOLATION, I AM ENTITLED TO A 48 HOUR RELIEF PERIOD EVERY 30 DAYS FROM HARSH PUNITIVE CONDITIONS.

N: I WAS DENIED THIS 48 HOUR RELIEF, AND HAD TO SUFFER AN ADDITIONAL 16 DAYS WITH NO RELIEF. I DID NOT RECEIVE MY PROPERTY, WAS NOT ALLOWED TO GO TO THE STORE, AND WAS NOT AFFORDED THE OPPORTUNITY TO USE THE PHONE.

O: THE POLICY IS IN PLACE TO INSURE THAT I (AND OTHER INMATES) DON'T SUFFER THE HARSH PUNITIVE CONDITIONS FOR EXTENDED PERIODS WITHOUT A RELIEF PERIOD.

THE A.D.C. IGNORED THIS POLICY, AND WAITED UNTIL AFTER I HAD GOTTEN OUT OF PUNITIVE ISOLATION, AND THEN ACKNOWLEDGED THEIR ERROR AND VOWED TO CORRECT THE ERROR. THE PROBLEM WAS, IT WAS TOO LATE TO CORRECT IT; I HAD ALREADY SUFFERED 46 DAYS OF PUNITIVE WITH NO RELIEF.

4) THE FACTS OF THIS CLAIM ARE CERTAINLY NOT UNSUPPORTED CONCLUSIONS; AS RESPONDENTS' COUNSEL ALLEGES. AS RESPONDENTS STATED IN THEIR MOTION TO DISMISS; "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 LEGALLY VISIBLE."

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.'

SO, IF THIS COURT ACCEPTS AS TRUE THAT MY PERSONAL
PROPERTY ITEMS WERE STOLEN AND THAT I WAS DENIED
A 48 HOUR RELIEF. THE QUESTION IS, CAN THIS COURT
DRAW THE "REASONABLE INFERENCE" THAT THE A.D.C.
WAS THE CAUSE (THROUGH FAILURES, ERRORS, NEGLIGENCE)
OF THESE MISCONDUCTS, THUS MAKING THEM LIABLE.

A) IF THE A.D.C. HAD PROPERLY FOLLOWED POLICIES, PROCEDURE
AND PROTOCOLS, HAD NOT MADE ERRORS AND WERE NEGLIGENT!
MY PROPERTY ITEMS WOULD NOT HAVE BEEN STOLEN. MY
PROPERTY WAS STOLEN AS A DIRECT RESULT OF THE A.D.C.'S
FAILURES AND NEGLIGENT ERRORS; THUS MAKING THEM
LIABLE!!!! A VERY REASONABLE INFERENCE!!!

B) IF THE A.D.C. HAD PROPERLY FOLLOWED POLICIES AND
PROCEDURES, I WOULD HAVE RECEIVED A 48 HOUR RELIEF.
I COULDN'T PLACE MYSELF ON 48 HOUR RELIEF, ONLY A.D.C.
STAFF CAN DO THAT. THEY FAILED TO DO SO, THEREFORE
THE A.D.C. IS LIABLE!!! A VERY REASONABLE INFERENCE!!

5) RESPONDENT'S COUNSEL HAS THE AUDACITY TO STATE "THE
INMATE'S CLAIM, EVEN IF TRUE, DOES NOT SUPPORT A CLAIM FOR
MONETARY RELIEF." NO RATIONAL PERSON WOULD EVEN MAKE
A STATEMENT LIKE THAT. IF MY CLAIM IS TRUE, THAT
MEANS MY PERSONAL PROPERTY WAS STOLEN AS A
RESULT OF THE A.D.C.'S LIABILITY. MY PERSONAL
PROPERTY HAS VALUE, AS IT COST ME MONEY TO
BUY IT. THE A.D.C. IS LIABLE FOR THE LOSS OF MY
PROPERTY.

FOR THE LOSS OF MY PROPERTY, THERE IS OBVIOUSLY A BASIS FOR AN AWARD OF DAMAGES!!!

G) RESPONDENT'S COUNSEL REPEATEDLY TRIES TO ALTER FACTS OR MISREPRESENT FACTS WITH THE INTENTION OF MISLEADING THIS COURT:

a) FIRST, COUNSEL TRIES TO USE AN IRRELEVANT, TOTALLY UNRELATED PROPERTY INVENTORY FORM, FROM 10 DAYS AFTER MY PROPERTY ITEMS WERE STOLEN, TO MAKE THIS COURT THINK I RECEIVED MY PERSONAL PROPERTY. COUNSEL TRIES TO INDICATE THAT THE LISTED RADIO IS AN MP4, AND THAT I RECEIVED BOOKS (HURL). THE PROBLEM IS, THIS 8-17-17 PROPERTY FORM IS A LISTING OF ITEMS IN MY POSSESSION ON 8-17-17, AND LISTS A RADIO (THE GPK GIVEN TO ME ON 8-10-17 BY PROPERTY OFFICER SGT. KENNEDY - SEE EXHIBIT A), EARBUDS (NOT KOOS HEADPHONES, AS I'VE ALWAYS POSSESSED), AND 1 BOOK (NOT THE PLURAL BOOKS THAT COUNSEL STATED)!! THIS PROPERTY FORM DOES NOT LIST AN MP4, DOES NOT LIST A KEYBOARD, DOES NOT LIST KOOS TR-SO HEADPHONES, AND CLEARLY SHOWS I ONLY HAD 1 BOOK LEFT!!!

b) SECOND, COUNSEL TRIES TO MISLEAD THIS COURT IN REGARDS TO MY SIGNING THE PROPERTY FORM OF 8-17-17! SIGNING THAT FORM IS VERIFYING THAT THE LISTED PROPERTY IS THE CORRECT PROPERTY THAT IS BEING TAKEN FROM ME ON THAT DATE!!! IT HAS NOTHING TO DO WITH ANY PROPERTY THAT I PREVIOUSLY POSSESSED. THE FORM DOES NOT STATE "I HEREBY CERTIFY THAT THIS IS ALL THE PROPERTY THAT I POSSESSED ON 8-17-17"

would have this court believe, we sign a DIFFERENT PROPERTY FORM EVERY TIME our PROPERTY IS EITHER TAKEN FROM US OR RETURNED TO US.

c) THIRD, COUNSEL TELLS THIS COURT AN OUTRIGHT LIE WHEN STATING "11. PURSUANT TO AAC POLICY IF ITEMS ARE STOLEN THE INMATE MUST FILE A STOLEN PROPERTY REPORT. THIS ALLOWS THE AAC TO INVESTIGATE AND DETERMINE IF ANYTHING IS IN FACT STOLEN. THE INMATE HAS NOT COMPLETED THIS STEP. THAT'S BECAUSE NOTHING OF HIS IS MISSING." Counsel KNOWS THIS IS UNTRUE, BECAUSE I FILED A STOLEN PROPERTY REPORT ON 8-10-17, AFTER RECEIVING MY PROPERTY AND SEEING THAT NUMEROUS ITEMS WERE MISSING. IN FACT, ON 8-17-17, AFTER NOT HEARING ANYTHING BACK IN REGARDS TO THE STOLEN PROPERTY REPORT, I FILED A GRIEVANCE ON NOT GETTING ANY RESPONSE TO THE STOLEN PROPERTY REPORT !!! (SEE ATTACHED EXHIBIT B IN HER RESPONSE, THE UNIT PROPERTY OFFICER SGT. KENNEDY STATED "ON AUG. 15, 2017 I SENT THE STOLEN PROPERTY FORM TO SGT. R. BRAUN (UTCO) AND AS OF TODAY, HE HAS NOT GOTTEN BACK WITH ME ABOUT YOUR ITEMS. AS SOON AS HE DOES, I WILL INFORM YOU ON WHAT WAS FOUND. END OF STATEMENT." Counsel KNOWS THIS BECAUSE THEY KEEP RECORDS OF ALL STOLEN PROPERTY REPORTS FILED.

7) THE FACT IS, MY PERSONAL PROPERTY ITEMS WERE STOLEN AS A RESULT OF A D.C. FAILURES, ERRORS, AND NEGLIGENCE.

AS A RESULT OF A.D.C. FAILURES, ERRORS, AND NEGLIGENCE!

9) THE FACT IS, THE A.D.C. IS LIABLE IN BOTH THESE INSTANCES OF MISCONDUCT!

10) THE FACT IS, MONETARY DAMAGES/RELIEF ARE NECESSARY AND MERITED!

Counsel For Respondent A.D.C. HAS FILED AN INTENTIONALLY FALSE AND MISLEADING MOTION TO DISMISS, IN HOPES OF DECEIVING THIS COURT INTO DISMISSING A CLAIM THAT COUNSEL KNOWS IS MERITORIOUS.

Counsel Files THIS MOTION IN BAD FAITH, MALICIOUSLY, AND SIMPLY TO PROLONG THE PROCESS, THIS WASTING THIS COURTS TIME; AND SHOULD BE PUNITIVELY SANCTIONED AND REPLACED ON THIS CASE BY COUNSEL WHO HAS RESPECT FOR THE INTEGRITY OF THIS COURT AND THE CLAIMS PROCESS.

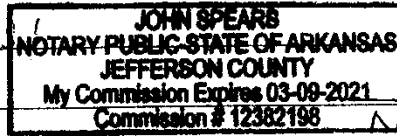
WHEREFORE, THE CLAIMANT RESPECTFULLY PRAYS THAT THE RESPONDENTS MOTION TO DISMISS BE DENIED, AND THAT A HEARING BE SCHEDULED AT THE STATE CLAIMS COMMISSIONS EARLIEST CONVENIENCE.

RESPECTFULLY SUBMITTED,
Barry Turner
BARRY TURNER #

NOTARY

SUBSCRIBED AND SWORN TO BEFORE ME, A
NOTARY PUBLIC, ON THIS 7th DAY OF JUNE, 2018.

My COMMISSION EXPIRES



John Spears
NOTARY PUBLIC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THE ABOVE PLEADING
HAS BEEN SERVED THIS 7th DAY OF JUNE, 2018, ON THE
BELOW RESPONDENT BY PLACING A COPY OF THE SAME IN
THE U.S. MAIL, REGULAR POSTAGE, TO:

THOMAS BURNS (02006)
GENERAL COUNSEL
DEPARTMENT OF CORRECTION
P.O. BOX 8707
PINE BLUFF, AR 71611

Barry Furness

Transfer 48 on 48 off Punitive Medical Court Other Receiving Institution:
 Inmate's Name: WALTER BERRY ADC#:
 Non-Expendable Items: Sing Institution:

ITEM (# allowed)	#REC/SEN	CODE	#RETTD	DESCRIPTION	ITEM	#REC/SENT	CODE	#RETTD	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)				
All Books (10)	3		(1)		Personal Mail	1			
Bathrobe (F,2)					Photos (5)	5			
Bowls	5			2 L.B.	Radio (1)	1			(10X11)
Bras/Panties (F-1,3 ea + 5)					Religious Material				
Comb (M, I, 1)					Religious Medal (1)				
Cup					Ring (1)				
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)				
Ear buds/earphone(1)					Soap Dish	1			
Earplugs					Socks (1, 3 + 2)	6			
Eyeglasses/Contacts (1)					Stockings				
Gloves (1)					Sweat Pants (1)				
Gym Shoes (1)					Sweat Shirts (1)	1			
Hair Brush (1)					Toothbrush holder				
Laundry Bag (1 + 1)					Undershirts	2			
Legal Mail/Transcript					Undershorts (M, I, 2 + 3)	3			
Magazines (3 ea)					Watch-Wrist (1)				
Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Batteries (4)	1				Flex Pens	11			
Beauty Aid products					Food items	1			
Denture adhesive (2)					Hair Dressing (2)	1			
Deodorant (2)	2				Shampoo (2)				
Envelopes (10)					Shaving Cream (2)				
Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
	1				Chopsticks	2			
	11					5			
	2					3			
State Issued Items									
Brogans-shoes (1pr)					Razor-Safety (2)				
Pants (3 pr)					Shirts (3)				
Cap/Hat (1)					Soap				
Canvas Shoes (M, I, 1)					Thermals (2 sets)	3			
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)					Toothpaste (2)				
Jacket/Coat (1)					Washcloth (1)				

I hereby certify that this property is listed herein and disposition of this property listed on this inventory is correct. Also, I do not have in my possession any legal materials belonging to any other inmate.

Printed Name / Sign Name / Badge # of Official Receiving Property: Date: 8-15-17 Location Stored:
 Inmate's Signature & ADC# / Witness, if refuses: Date:
 Printed Name / Sign Name / Badge # of Official Returning Property: Date: Location Stored:
 Inmate's Signature & ADC# / Witness, if refuses: Date:

EXHIBIT B

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center [redacted]

Name BARRY TURNER

ADC# [redacted] Brks # W-05 Job Assignment RESTRICTIVE HOUSING

8-17-17 (Date) STEP ONE: Informal Resolution

_____ (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

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

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

FOR OFFICE USE ONLY	
GRV. # _____	_____
Date Received: _____	_____
GRV. Code #: _____	_____

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

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): THIS GRIEVANCE IS REGARDING M.S.U, STAFF AND ADMINISTRATIONS FAILURE TO EVEN ATTEMPT TO RECOVER THE ITEMS OF PERSONAL PROPERTY THAT WERE STOLEN FROM ME BY THE INMATES INVOLVED IN THE EAST ISOLATION TAKEOVER ON 8-7-17. TO RECOVER MY STOLEN PROPERTY WOULD NOT BE DIFFICULT, AS THE WHEREABOUTS OF THESE INMATES IS KNOWN IT WOULD NOT BE HARD TO RECOVER MY MP4, MP4 KEYBOARD, EASILY IDENTIFIABLE KROSS T880 HEADPHONES, AND SEVERAL BOOKS - ALL OF WHICH I LISTED ON A STOLEN PROPERTY FORM GIVEN TO SGT. KENNEDY THE MSU PROPERTY CONTROL OFFICER. IT IS VERY EASY TO SEARCH THE CELLS AND PROPERTY OF ALL THE INMATES INVOLVED, BUT STAFF AND THE ADMINISTRATION HAS NOT HAD THE INCLINATION TO DO SO, WHICH INDICATES THAT THEY HAVE A TOTAL DISREGARD FOR MY STOLEN PROPERTY. I WANT MY PROPERTY RECOVERED, IN A TIMELY MANNER, WHILE THE INMATES MAINTAIN POSSESSION OF THE ITEMS!

Barry Turner [redacted] Inmate Signature

8-17-17 Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 8-18-17 (date), and determined to be **Step One** and/or an Emergency Grievance NO (Yes or NO) This form was forwarded to medical or mental health? NO (Yes or NO). If yes, name of the person in that department receiving this form: _____ Date _____

Lemuel Sanchez [redacted] [Signature] PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received 8-18-17

Describe action taken to resolve complaint, including dates: On Aug. 15, 2017 I sent the stolen property items to Sgt. R. Brown (UPCO) and as of today, he has not gotten back with me about your items. As soon as he does I will inform you on what was found. End of statement

Staff Signature & Date Returned _____ Inmate Signature & Date Received _____

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: _____ Date: _____

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

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

JANUARY 14TH, 2019

CLAIM NO. 180886

Arkansas
State Claims Commission

JAN 15 2019

DEAR MRS. IRBY,

RECEIVED

I AM AN INMATE IN THE ARKANSAS DEPARTMENT OF CORRECTION WHO CURRENTLY HAS (OR SHOULD HAVE) A PENDING CLAIM IN YOUR COMMISSION. I NORMALLY WOULD NEVER WRITE YOU AND BOTHER YOU, BUT I FEEL I HAVE NO OTHER CHOICE UNDER THESE CIRCUMSTANCES.

"LEGAL" MAIL GETS LOST / DISAPPEARS HERE AT THIS UNIT SO OFTEN RECENTLY, THAT I AM CONCERNED ABOUT THE POSSIBILITY THAT AN ACTION / MOTION / RULING HAS BEEN MADE IN MY CLAIM, WITHOUT MY KNOWING ABOUT IT.

I ANSWERED THE STATE'S ATTORNEY'S MOTION TO DISMISS IN JUNE 2018, 7 MONTHS AGO, AND HAVE HEARD EXACTLY NOTHING BACK! WHILE I UNDERSTAND THAT ANY ACTION ON MY CLAIM IS HANDLED AT YOUR CONVENIENCE, I WANT TO MAKE SURE THAT MY CLAIM DOES NOT GET DISMISSED FOR ANY SORT OF FAILURE TO RESPOND, ETC.

SO, I JUST WANT TO VERIFY THAT MY CLAIM (NO 180886) IS STILL PENDING, AND THAT NO ACTION HAS BEEN TAKEN SINCE MY LAST FILING IN JUNE 2018 - ANSWER TO STATES MOTION TO DISMISS.

I AM JUST TRYING TO DO DUE DILIGENCE TO INSURE THAT MY LITIGATION IN YOUR COMMISSION IS DONE PROPERLY, AS I DO HAVE A MERITORIOUS CLAIM.


I APOLOGIZE FOR HAVING TO BOTHER YOU WITH THIS


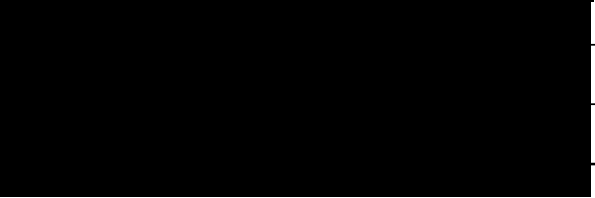
②

CLAIM Query!

Will you please advise me of any action has been taken
in my case, adversely and otherwise, AFTER JUNE 2018!
I thank you in advance!

Respectfully,

Barry Turner 

BARRY TURNER # 


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

February 22, 2019

Mr. Barry Turner (ADC [REDACTED])
[REDACTED]

Mr. Thomas Burns
Arkansas Department of Correction
Post Office Box 8707
Pine Bluff, Arkansas 71611

(via email only)

Re: ***Barry Turner v. Arkansas Department of Correction***
Claim No. 180886

Dear Mr. Turner and Mr. Burns:

Enclosed please find the Order entered February 20, 2019, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 180886

**ARKANSAS DEPARTMENT OF
CORRECTION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Arkansas Department of Correction (the “Respondent”) seeking dismissal of the claim of Barry Turner (the “Claimant”). Based upon a review of Respondent’s motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on April 25, 2018, seeking “approximately \$2350.00 total” in damages resulting from lost personal property and Respondent’s alleged violations of its procedures regarding 48-hour relief periods from punitive segregation. In support of his claim, Claimant attached grievance documentation (which grievances were found to be without merit as to his lost property claim and with merit as to his relief period claim).
2. Respondent filed an answer denying liability.
3. Respondent then moved for dismissal of Claimant’s claim pursuant to Ark. R. Civ. Proc. 12(b)(6), arguing, *inter alia*, that Claimant did not file a stolen property report, which is required in order to allow Respondent to investigate and, where appropriate, to replace the commissary items. In support, Respondent attached an August 7, 2017, inmate inventory. As to Claimant’s relief period claim, Respondent argued that Claimant has appeal avenues through the director of the ADC or through a habeas corpus petition.

4. Claimant responded to the motion to dismiss, arguing that, as to the lost property claim, Claimant signed a property inventory sheet on August 7, 2017, to indicate only what property was issued to Claimant. As to the relief period claim, Claimant argued that the problem could not be corrected by Respondent after Claimant had been released from punitive segregation.

5. In reviewing this motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However, the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at *6, 380 S.W.3d 377, 382. The facts alleged in the complaint will be treated as true, but not “a plaintiff’s theories, speculation, or statutory interpretation.” *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

6. With regard to Claimant’s lost property claim, the Claims Commission finds that, even under the liberal *Hodges* standard, Claimant has not stated a claim upon which relief can be granted. Claimant did not provide a stolen property report and does not allege having filed one. Additionally, Claimant certified on his inmate inventory record on August 9, 2017, that “all my property is listed herein and disposition of all property listed on this inventory is correct.” If Claimant was missing items, those missing items should have been noted on his inmate inventory record. Claimant’s lost property claim is DENIED and DISMISSED.

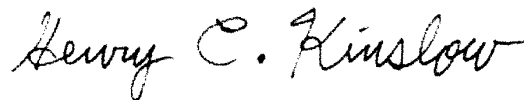
7. As to Claimant’s relief period claim, the Claims Commission finds that dismissal is premature. If Claimant was denied his 48-hour relief, as Respondent’s decision on Claimant’s grievance would suggest, then the Claims Commission is unwilling to dismiss the claim at this time. Respondent stated that Claimant had alternatives through a habeas petition or an appeal to

the director of ADC but did not provide any caselaw, statute, or policy in support of this argument. Given that Claimant filed his claim after the punitive segregation ended, a habeas petition would seem to be untimely.

8. Respondent's motion to dismiss is GRANTED as to Claimant's lost property claim and DENIED as to Claimant's claim regarding his 48-hour relief period.

9. The parties are instructed to begin discovery regarding the 48-hour relief period claim.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

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

DATE: February 20, 2019

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(b). 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(b)(3). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a).
- (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(b). 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).

Misty Scott

From: Misty Scott
Sent: Wednesday, February 27, 2019 10:30 AM
To: Thomas Burns
Cc: Jessica Persons
Subject: Barry Turner Claim No. 180886_Corres Enclosed order.pdf
Attachments: 20180425104850372517127281223919_20190222_Corres Enclosed order

Thomas,

Attached please find the order for Barry Turner, Claim No. 180886. Thanks.

Misty Scott

Arkansas State Claims Commission
501-682-1780

FEB 27 2019

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC (██████████))

CLAIMANT RECEIVED

v

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

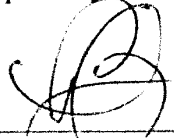
MOTION FOR RECONSIDERATION

Comes now the Respondent, Arkansas Department of Correction (ADC) and for their Motion for Reconsideration, states:

1. The Commission entered an order denying the motion to dismiss as to the Inmates 48 hour relief period.
2. The Commission stated the ADC had not cited any case law in support of the argument.
3. The ADC in paragraph 13 of their motion to dismiss cites to correct case law that Arkansas Does not recognize the relief the Inmate is seeking.
4. For the forgoing reasons the Respondent requests that the Commission grant the motion to dismiss the ADC.

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

Respectfully submitted,



Thomas Burns (02006)
Department of Correction
Office of Counsel
Post Office Box 8707
Pine Bluff, AR 71611-8707
(870)267-6371 Office
(870)267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 27th day of February 2019, on the Claimant by placing a copy of the same 1st class email, to:

Barry Turner [REDACTED]
[REDACTED]



Thomas Burns

SUPREME COURT OF ARKANSAS

No. CV-17-888

DEXTER HARMON

APPELLANT

V.

MOSES JACKSON, RANDY WATSON,
AND FLORA WASHINGTON

APPELLEES

Opinion Delivered May 31, 2018

PRO SE MOTION FOR COPIES AT
PUBLIC EXPENSE [JEFFERSON
COUNTY CIRCUIT COURT, NO.
35CV-17-70]

HONORABLE JODI RAINES
DENNIS, JUDGE

REVERSED AND REMANDED;
MOTION MOOT.

KAREN R. BAKER, Associate Justice

Appellant Dexter Harmon, an inmate incarcerated in the Arkansas Department of Correction ("ADC"), appeals from the Jefferson County Circuit Court's order granting summary judgment with respect to Harmon's civil rights and tort complaint filed against ADC officials, Moses Jackson, Randy Watson, and Flora Washington, in their individual capacities under the Arkansas Civil Rights Act of 1993 (ACRA), codified as Arkansas Code Annotated sections 16-123-101 to -108 (Repl. 2016). Harmon alleged that appellees violated his due-process rights when they failed to release him from punitive isolation for approximately one month after he was due to be released.¹ Harmon further alleged that

¹Harmon alleges in his complaint and in his argument on appeal that he had been placed in punitive isolation and was due to be released on June 10, 2014, but that the named defendants intentionally extended his stay in punitive isolation through July 7, 2014.

appellees committed the torts of false imprisonment, negligence, and “excessive confinement.”² The circuit court granted the appellees’ motion for summary judgment from which this appeal has been brought, and both Harmon and appellees have filed their briefs in this appeal. Harmon subsequently filed a “motion for request” wherein he alleges that the appellees failed to forward a copy of their brief to him and asks that this court provide him with the copy.

Because the circuit court erred when it granted summary judgment and dismissed the action on the sole ground of failure to exhaust, this matter is reversed and remanded. Harmon’s motion is therefore moot.

Appellees argued below that they were entitled to summary judgment because Harmon had failed to exhaust his administrative remedies before filing suit. In support of their argument, appellees relied on federal case law applying the Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, which requires that inmates exhaust prison grievance procedures before bringing 42 U.S.C. § 1983 actions related to prison conditions. *Burns v. Eaton*, 752 F.3d 1136 (8th Cir. 2014). Appellees alleged in the motion for summary judgment filed below that the grievances filed by Harmon had failed to specify a claim that the named ADC officials had violated his right to due process or had committed tortious acts but had instead alleged that the named officials had violated his Eighth Amendment right against cruel and unusual punishment.³ On this basis, and relying on federal case law,

²Arkansas has not recognized a cause of action for “excessive confinement.”

³Harmon filed two grievances dated June 12, 2014. One of these grievances named Jackson and Washington and stated that these two ADC employees had intentionally refused

appellees contend that Harmon failed to exhaust his administrative remedies when he failed to specify his claims for relief.

The law is well settled that summary judgment is to be granted by a circuit court only when it is clear that there are no genuine issues of material fact to be litigated, and the party is entitled to judgment as a matter of law. *Hardin v. Bishop*, 2013 Ark. 395, 430 S.W.3d 49. Where there is no material question of fact, we determine whether the moving party was entitled to judgment as a matter of law. *City of Rockport v. City of Malvern*, 2012 Ark. 445, at 3, 424 S.W.3d 870, 873. We review issues of statutory construction de novo, as it is for this court to interpret a statute. *Id.*, 424 S.W.3d at 873.

The circuit court erred when it granted summary judgment on evidence presented by appellee that Harmon had failed to exhaust his due-process and tort claims as required by the PLRA. The PLRA is a federal law that is not applicable to actions brought against public officials in their individual capacities under ACRA and Arkansas tort law. While ACRA is guided by federal law as to actions filed pursuant to § 1983, there is nothing in ACRA that references the applicability of the PLRA. See Ark. Code Ann. § 16-123-105(c) (stating in pertinent part that when construing this section a court may look for guidance to state and federal decisions interpreting 42 U.S.C. § 1983).

to release him from punitive isolation after his term had expired. The duplicate grievance alleged that Watson had conspired with Jackson to extend his term of punitive isolation in violation of his Eighth Amendment right against cruel and unusual punishment. Both grievances were appealed to the ADC Chief Deputy/Assistant Director who concluded that Harmon's extended stay in punitive isolation was due to the unavailability of bed space in the nonpunitive block.

Harmon did not file a civil rights action under § 1983 but limited his claim to one brought pursuant to ACRA and alleged a due-process violation pursuant to article 2 of the Arkansas Constitution. Arkansas has not enacted a law similar to the federal statute that requires exhaustion of administrative remedies before lodging an action for compensatory damages based on allegations of the violation of constitutional rights. In Arkansas, exhaustion is generally required when a party is seeking a declaratory judgment or injunctive relief. *See Ahmad v. Beck*, 2016 Ark. 30, 480 S.W.3d 166 (declaratory-judgment actions are intended to supplement, rather than replace, ordinary actions and litigants must therefore exhaust their administrative remedies before seeking a declaratory judgment); *see also Hotels.com, L.P. v. Pine Bluff Advert. & Promotion Comm'n*, 2013 Ark. 392, 430 S.W.3d 56; *Profl Bail Bondsman Licensing Bd. v. Frawley*, 350 Ark. 444, 88 S.W.3d 418 (2002). Furthermore, the exhaustion of administrative remedies is not required when no genuine opportunity for adequate relief exists or when an administrative appeal would be futile. *Ahmad*, 2016 Ark. 30, 480 S.W.3d 166; *see also Cummings v. Big Mac Mobile Homes, Inc.*, 335 Ark. 216, 222, 980 S.W.2d 550, 553 (1998) (When a plaintiff prays for relief that is clearly not available at the administrative level, exhaustion of available administrative remedies is not required.).

Thus, the circuit court erred in granting the appellees' motion for summary judgment and dismissing Harmon's case based on his failure to exhaust his administrative remedies. Accordingly, we reverse and remand.

Reversed and remanded; motion moot.

WOMACK, J., concurs.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (

v.

ARKANSAS DEPARTMENT OF CORRECTION

NO. 180886

Arkansas
State Claims Commission

MAR 5 2019

CLAIMANT

RESPONDENT

RECEIVED

ANSWER TO RESPONDENT'S MOTION
FOR CONSIDERATION

Comes now the claimant, Barry Turner # [REDACTED], and for his answer, states:

- 1) THE COMMISSION ENTERED AN ORDER DENYING RESPONDENT'S MOTION TO DISMISS AS TO THE CLAIMANT'S 48 HOUR RELIEF PERIOD.
- 2) THE COMMISSION STATED IN ITS DECISION THAT THE RESPONDENT HAD NOT CITED ANY CASE LAW, STATUTE, OR POLICY IN SUPPORT OF RESPONDENT'S ARGUMENT THAT CLAIMANT HAD ALTERNATIVES THROUGH A HABEAS PETITION OR AN APPEAL TO THE DIRECTOR OF THE ADC!
- 3) RESPONDENT, IN ITS MOTION FOR RECONSIDERATION, IDENTIFIED HARMON V. JACKSON, 2018 ARK 196 AS THE CASE THEY CITED IN ITS EARLIER MOTION TO DISMISS.
- 4) THIS CASE (HARMON V. JACKSON, 2018 ARK 196), HOWEVER, HAS ABSOLUTELY NOTHING TO DO WITH AN ALTERNATIVE METHOD OF RECEIVING A 48 HOUR RELIEF, WHICH IS MANDATORY EVERY 30 DAYS OF PUNITIVE ISOLATION TIME.
- 5) FURTHERMORE, HARMON V. JACKSON, 2018 ARK 196 HAS NOTHING TO DO WITH 48 HOUR RELIEF PERIODS AT ALL; SO THAT IT HAS ABSOLUTELY NO RELEVANCE OR APPLICABILITY TO THIS CLAIM.

The image shows a table with 20 horizontal rows. On the right side, there are two vertical lines that run from the top to the bottom of the page, creating a narrow column. The rest of the page is blank.

6) In addition, ADC attorney Thomas Burns would once again try to mislead the commission with false information that he knows is a lie. He attempts to convince the commission that claimant could have alternatively filed a grievance appeal to the Director of the ADC. However, the Director of the ADC is not a step in the grievance process, and has nothing to do with the grievance process. He knows this, yet still attempts to mislead the commission by lying.

7) Furthermore, a Habeas Petition is a means of addressing an on-going violation of an inmates liberties, etc. It is not to seek redress for a wrong committed previously.

8) There was nothing the ADC could do to correct the fact that I had to do 45 consecutive days without a 48 hour relief, when I was already out of isolation by the time the ADC administration got around to acknowledging that I had, in fact, been denied my 48 hour relief periods.

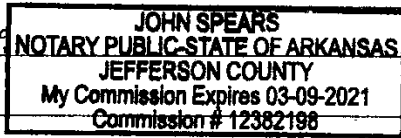
WHEREFORE, FOR THE FOREGOING REASONS CLAIMANT REQUESTS THAT RESPONDENTS MOTION FOR RECONSIDERATION BE DENIED, AND THAT THIS COMMISSION AFFIRM ITS DECISION TO MAINTAIN CLAIMANTS DENIAL OF 48 HOUR RELIEF CLAIM.

Respectfully submitted,
Barry Turner
BARRY TURNER

CERTIFICATE OF NOTARY

SUBORN TO ME AND BEFORE ME, A NOTARY PUBLIC, THIS 3rd
DAY OF MARCH, 2019.

my COMMISSION EXPIRES 9



John Spears
NOTARY PUBLIC

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THIS PLEADING HAS BEEN SERVED
THIS 3rd DAY OF MARCH, 2019, ON THE RESPONDENT BY PLACING
A COPY OF THE SAME IN THE U.S. MAIL, 1ST CLASS MAIL, TO:

THOMAS BURNS (02000)
DEPARTMENT OF CORRECTION
OFFICE OF COUNSEL
P.O. BOX 8707
PINE BLUFF, AR 71611-8707

Barry Turner
COUNSEL

Commission # 1592192
My Commission Expires 03-03-2021
JEFFERSON COUNTY
NOTARY PUBLIC STATE OF MISSISSIPPI
JOHN BREAR

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER ([REDACTED])

NO. 180886

Arkansas
State Claims Commission
MAR 5 2019

CLAIMANT

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RECEIVED

MOTION FOR RECONSIDERATION

Comes now the claimant, BARRY TURNER [REDACTED], and for his motion for consideration, states:

1) THE COMMISSION ENTERED AN ORDER GRANTING THE RESPONDENT'S MOTION TO DISMISS AS TO THE CLAIMANT'S PERSONAL PROPERTY LOSS.

2) THE COMMISSION CONCLUDED THAT CLAIMANT HAD NOT FILED A STOLEN PROPERTY FORM IN REGARD TO HIS LOST PROPERTY, AND THAT CLAIMANT SIGNED A PROPERTY FORM ON AUGUST 9TH, 2017 STATING THAT CLAIMANT WAS RECEIVING ALL HIS PROPERTY; AND THAT IF ITEMS WERE MISSING, THEY SHOULD HAVE BEEN NOTED ON THE PROPERTY FORM.

3) THE COMMISSION ERRONEOUSLY AND PREMATURELY DISMISSED CLAIMANT'S PERSONAL PROPERTY CLAIM FOR THE FOLLOWING REASONS:

A) CLAIMANT DID FILE A STOLEN PROPERTY FORM ON AUGUST 11TH, 2017; ALTHOUGH ADC ATTORNEY THOMAS BURNS FLATLY LIED TO THE COMMISSION, ALLEGING THAT I HAD NOT. (SEE ATTACHED EXHIBIT B, A COPY OF THE STOLEN PROPERTY FORM, WHICH I ACQUIRED OUT OF UNIT PROPERTY RECORDS TODAY (3-1-19) FROM THE CURRENT UNIT PROPERTY OFFICER SGT. C. SMITHS — SEE ATTACHED EXHIBIT A, WHICH WAS THE REQUEST I SUBMITTED, AND WAS RESPONDED

TO BY CURRENT UNIT PROPERTY OFFICER (SGT. C. SUNDERS)

B) CLAIMANT AFFIRMATIVELY STATES IN HIS RESPONSE TO RESPONDENTS MOTION TO DISMISS, THAT HE HAD FOLLOWED ALL PROTOCOL (TO INCLUDE FILING A STOLEN PROPERTY FORM)

C) FURTHERMORE, THE COMMISSION PREMATURELY DISMISSED CLAIMANTS PROPERTY CLAIM WITHOUT GIVING CLAIMANT THE OPPORTUNITY TO PURSUE DISCOVERY - WHICH CLAIMANT COULD HAVE FILED A PRODUCTION OF DOCUMENTS MOTION, ASKING THAT THE ADC PRODUCE THE STOLEN PROPERTY FORM, ALONG WITH OTHER SUPPORTIVE DOCUMENTARY EVIDENCE !! BY THE ARKANSAS RULES OF CIVIL PROCEDURE, THAT IS EXACTLY WHAT DISCOVERY IS FOR!

D) CLAIMANT IS ALSO SUBMITTING OTHER DOCUMENTS OF SUPPORTING EVIDENCE VERIFYING THAT HE DILIGENTLY FOLLOWED PROTOCOL IN SEEKING A RESOLUTION TO HIS LAST PROPERTY. (SEE ATTACHED EXHIBIT C, A COPY OF A GRIEVANCE WHICH HE ADDRESSED THE ISSUE OF THE STOLEN PROPERTY FORM, AND WHICH WAS RESPONDED TO BY THE UNIT PROPERTY OFFICER AT THE TIME - SGT. A. KENNEDY) (SEE ALSO ATTACHED EXHIBIT D, A COPY OF AN AFFIDAVIT CLAIMANT SUBMITTED TO PROPERTY OFFICER SGT. A. KENNEDY, AFFIRMATIVELY STATING SOME OF THE PERSONAL PROPERTY ITEMS LOST).

E) EACH OF THESE DOCUMENTS OF EVIDENCE (THE ORIGINAL COPIES) IS, AND HAS BEEN, STORED BOTH IN THE UNIT PROPERTY ROOM FILING CABINET IN PAPER FORM, AND SCANNED ELECTRONICALLY INTO ECOMIS (THE ADC COMPUTERIZED RECORD KEEPING SYSTEM)

F) THE AIC ATTORNEY, THOMAS BURNS, HAS HAD ACCESS TO ALL THESE DOCUMENTS FROM THE BEGINNING, YET HAS CHOSEN TO DENY THEIR EXISTENCE, SO AS TO MISLEAD THE COMMISSION INTO MAKING A FAULTY JUDGMENT.

G) THE COMMISSION MISCONSTRUCTED THE PROCESS OF THE CLAIMANT SIGNING THE AUGUST 9TH, 2017 PROPERTY FORM. HAD CLAIMANT CHOSEN NOT TO SIGN IT, CLAIMANT WOULD NOT HAVE BEEN ALLOWED TO RECEIVE EVEN THAT PROPERTY. CLAIMANT WAS SIGNING FOR THE PERSONAL PROPERTY THAT WAS BEING ISSUED TO HIM ON AUGUST 9TH, 2017. BY SIGNING THE PROPERTY FORM OF AUGUST 9TH, 2017, CLAIMANT WAS NOT STATING THAT "THIS IS THE ONLY PROPERTY I POSSESSED AT ANY TIME IN THE PAST"; MERELY STATING "THIS IS THE PROPERTY I POSSESS RIGHT NOW, ON AUGUST 9TH, 2017".

H) THE AIC ATTORNEY THOMAS BURNS WOULD HAVE THE COMMISSION TO BELIEVE THAT CLAIMANT DID NOT POSSESS SAID STOLEN ITEMS, AND WAS FALSIFYING A NON-MERITORIOUS CLAIM. HOWEVER, PLEASE SEE ATTACHED EXHIBITS E, F, G, H - PERSONAL PROPERTY FORMS RANGING FROM 3-21-16 TO 4-22-17, SHOWING THAT CLAIMANT CONSISTENTLY POSSESSES THE SAME ITEMS OF NOTE: MP4 PLAYER, KEYBOARD, KASS TA-80 HEADPHONES, BOOKS, MAGAZINES, ETC. CIRCLED ON THE FORMS ARE KEY ITEMS OF NOTE.

I) HAD THE COMMISSION NOT PREMATURELY DISMISSED CLAIMANT'S PROPERTY LOSS CLAIM, AND ALLOWED DISCOVERY TO PROCEED, INTERROGATORIES AND ADMISSIONS

WOULD HAVE PROVIDED CLAIMANT THE OPPORTUNITY TO COMPEL UNIT PROPERTY OFFICER AT THE TIME OF THE INCIDENT (WHO HAD BEEN TRANSFERRED TO ANOTHER PART OF THE AAC) TO ADMIT THAT SHE TOLD CLAIMANT THAT THE PROPERTY FORM OF AUGUST 9TH, 2017 THAT CLAIMANT SIGNED, WAS NOT THE FORM TO NOTE MISSING PROPERTY ITEMS; THAT SHE WOULD GIVE ME THE CORRECT AND APPROPRIATE FORM TO NOTE MISSING PROPERTY - THE STOLEN PROPERTY FORM. DISCOVERY WOULD HAVE ALLOWED THE COMMISSION TO RECEIVE THIS SUPPORTING EVIDENCE.

J) BY DISMISSING CLAIMANT'S PROPERTY LOSS CLAIM PREMATURELY, WITHOUT THE OPPORTUNITY TO GO THROUGH DISCOVERY, THE COMMISSION DID NOT ALLOW CLAIMANT THE OPPORTUNITY TO AVAIL HIMSELF OF HIS DUE PROCESS RIGHTS TO SUPPORT HIS STATED CLAIM.

K) CLAIMANT IS REQUIRED, BY LAW, TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED; NOT TO PRESENT EVERY PIECE OF EVIDENCE BEFORE DISCOVERY PROCEEDINGS! CLAIMANT AFFIRMATIVELY STATES A CLAIM - THAT HIS PERSONAL PROPERTY WAS LOST AS A DIRECT RESULT OF THE AAC'S FAILURES - AND IF THAT STATED CLAIM WAS TREATED AS TRUE (SEE HANGES V. LAMONT, 337 ARK. 470 (1999)), THE CLAIM SHOULD HAVE ~~BEEN~~ BEEN VIEWED AS A CLAIM WHICH RELIEF CAN BE GRANTED! BY DISMISSING THE CLAIM WITHOUT PROPERLY ALLOWING ARGUMENTS, DISCLOSURES, EVIDENCE, ETC. TO BE PUT FORTH THROUGH DISCOVERY PROCEEDINGS, THE COMMISSION FAILED TO

UPHOLD THE STANDARDS SET FORTH IN HADGES V. U.MARSH,
337 ARK 470!

4) IN SUMMATION, THE 2 REASONS THE COMMISSION DISMISSED CLAIMANTS PROPERTY CLAIM ARE BASED ON LIES BY THE ADC ATTORNEY (THOMAS BURNS AND BY A MISUNDERSTANDING OF THE PROPERTY ISSUANCE PROCEDURES IN THE ADC. 1 = CLAIMANT DID FILE A STOLEN PROPERTY FORM, WHICH DISCOVERY WOULD HAVE PRODUCED; AND 2 = CLAIMANT HAD TO SIGN THE AUGUST 9TH, 2017 PROPERTY FORM IN ORDER TO RECEIVE THE PERSONAL PROPERTY HE HAD LEFT. SURELY, THE COMMISSION DIDNT EXPECT CLAIMANT TO FOREGO THE LITTLE PROPERTY THAT REMAINS OF HIS. FURTHERMORE, THE STOLEN PROPERTY FORM WAS THE APPROPRIATE FORM TO NOTE MISSING ITEMS ON, NOT THE PERSONAL PROPERTY INVENTORY SHEET - WHICH DOES NOT INDICATE ANYWHERE ON IT A PLACE TO LIST MISSING ITEMS. THE PROPERTY INVENTORY FORM IS TO INVENTORY EXISTING PROPERTY, NOT MISSING PROPERTY!

4) FOR THE FOREGOING REASONS, THE COMMISSION ERRED IN ITS PREMATURE DISMISSAL OF CLAIMANTS LOSS OF PERSONAL PROPERTY CLAIM.

WHEREFORE, CLAIMANT BARRY TURNER [REDACTED] REQUESTS THAT THE COMMISSION RECONSIDER ITS DISMISSAL OF CLAIMANTS LOSS OF PERSONAL PROPERTY CLAIM, AND REVERSE ITS DECISION AND REINSTATE CLAIMANTS PERSONAL PROPERTY CLAIM; ALLOWING IT TO PROCEED TO DISCOVERY. CLAIMANT PRAYS THAT THE COMMISSION GRANT CLAIMANTS

Page
6

MOTION FOR RECONSIDERATION.

Respectfully submitted,

Barry Turner # [REDACTED]

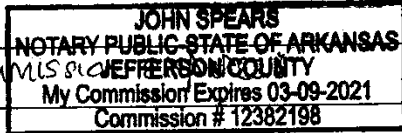
Barry Turner # [REDACTED]

[REDACTED]

Certificate of Notary

Subscribed to me and before me, a Notary Public, this
3rd day of March 2019.

My Comm



John Spears
Notary Public

Certificate of Service

I certify that a copy of this Pleading has been served
this 3rd day of March, 2019, on the Respondent by placing
a copy of the same ~~in~~ in the U.S. Mail, 1st class mail, to:

Thomas Burns (02006)
Department of Correction
Office of Counsel
P.O. Box 8707
Pine Bluff, AR 71611-8707

Barry Turner
CLAIMANT

Commissioner # 1333188
My Commission Expires 03-03-2021
JEFFERSON COUNTY
NOTARY PUBLIC STATE OF MISSISSIPPI
JOHN BEANE

EXHIBIT A

INMATE REQUEST FORM

This form is to be used by inmates to contact staff with request on issues they may have.
This is a Maximum Security Unit In-House form.

Arkansas
State Crime Commission
MAR 5 2019
RECEIVED

NAME: <u>Barry Turner</u>	ADC No.: <u>[REDACTED]</u>	DATE: <u>3-1-19</u>
---------------------------	----------------------------	---------------------

I have a request in the following area (circle one):

- | | | | |
|----------------|---------------|-----------------|----------------|
| Classification | Mental Health | Medical | Chapel |
| Commissary | Visitation | Parole | Library |
| Law Library | Mail | <u>Property</u> | Building Major |
| Field Captain | Issuance | Laundry | Food Service |

STAFF DIRECTED TO: <u>SGT. C. SANDERS</u>	OFFICE: <u>PROPERTY</u>
---	-------------------------

I NEED A COPY OF THE STOLEN PROPERTY FORM I FILED WITH UNIT
PROPERTY CONTROL OFFICER SGT. A. KENNEDY IN AUGUST OF 2017 FOR
PRESENTATION IN MY STATE CLAIM. THANK YOU!
ALSO, IF YOU HAVE ANY OTHER DOCUMENTS PERTAINING TO THIS SAME STOLEN
PROPERTY ISSUE, I WOULD APPRECIATE A COPY OF THEM.

<u>Barry Turner</u> INMATE SIGNATURE	<u>[REDACTED]</u>	<u>3-1-19</u> DATE
---	-------------------	-----------------------

STAFF RESPONDING:	DATE:
-------------------	-------

I have reviewed your request and here is my finding:

Request you ask for

<u>Sgt C Sanders</u> STAFF SIGNATURE	<u>3-1-19</u> DATE
---	-----------------------

EXHIBIT

B

Department of Correction Report of Stolen Property

Date 8-11-17

Arkansas
State Criminal Correctional
MAR 5 2019

To: CPT. WESTMORELAND, Chief Security Officer

Name: BARRY TURNER ADC # [REDACTED]

RECEIVED

Description of Property:

MP4 PLAYER, MP4 KEYBOARD, KOSS TD 80 HEADPHONES (BLACK WITH RED + CLEAR CORD)
PERSONAL BOOKS: TITLES - DESCRIPTIONS AS FOLLOWS:
BRITISH WEBSTER NEW OXFORD ABRIDGED DICTIONARY (NO COVER)
EVEN LANGUAGE DICTIONARY
FLUENT FOREVER
FUTURE CRIMES" BY MARC GOESMAN
THE ART OF SEDUCTION
1,000 PLACES TO SEE BEFORE YOU DIE
HISTORY OF THE WORLD - ORIENTAL HERITAGE
MR. SKINS SKINCYCLOPEDIA - 1ST EDITION
MR. SKINS SKINCYCLOPEDIA - 2ND EDITION

10) RING FINGER MANAGEMENT
BOOK (RED IN COLOR)

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

THESE ITEMS WERE STOLEN FROM MY CELL (E-04) BY THE INMATES WHO TOOK
ROL OF THE ISOLATION ON 8-7-17. THESE INMATES WERE SUBSEQUENTLY
TRANSFERRED TO [REDACTED] TO RECOVER MY PROPERTY. A SEARCH
THEIR "ON PERSON PROPERTY" AND STORED PROPERTY AT THE OTHER
I WILL ASSURELY TURN UP THESE ITEMS. ALL THESE PROPERTY ITEMS
NAME ARE FAMILIAR TO SGT. A. KENNEDY, THE MSU PROPERTY
TRO OFFICER

Barry Turner
Inmate's Signature

Security Officer

200-25

EXHIBIT C

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center

Name BARRY TURNER

ADC# _____ Brks # W-05 Job Assignment RESTRICTIVE HOUSING

8-17-17 (Date) STEP ONE: Informal Resolution

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

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

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

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

STAFF AND ADMINISTRATIONS FAILURE TO EVEN ATTEMPT TO RECOVER THE ITEMS OF PERSONAL PROPERTY THAT WERE STOLEN FROM ME BY THE INMATES INVOLVED IN THE EAST ISOLATION TAKEOVER ON 8-7-17. TO RECOVER MY STOLEN PROPERTY WOULD NOT BE DIFFICULT AS THE WHEREABOUTS OF THESE INMATES IS KNOWN. IT WOULD NOT BE HARD TO RECOVER MY MP4, MP4 KEYBOARD, EASILY IDENTIFIABLE KROSS TARD HEADPHONES AND SEVERAL BOOKS - ALL OF WHICH I LISTED ON A STOLEN PROPERTY FORM GIVEN TO SGT. KENN. THE MSU PROPERTY CONTROL OFFICER. IT IS SO VERY EASY TO SEARCH THE CELLS AND PROPERTY OF ALL THE INMATES INVOLVED. BUT STAFF AND THE ADMINISTRATION HAS NOT HAD THE INCLINATION TO DO SO, WHICH INDICATES THAT THEY HAVE A TOTAL DISREGARD FOR MY STOLEN PROPERTY.

I WANT MY PROPERTY RECOVERED IN A TIMELY MANNER, WITH THE INMATES MAINTAIN POSSESSION OF THE ITEMS!

Barry Turner
Inmate Signature

8-17-17
Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 8-18-17 (date), and determined to be Step One and/or an Emergency Grievance

NO (Yes or NO) This form was forwarded to medical or mental health? NO (Yes or NO). If yes, name

of the person in that department re: _____ Date _____

Lemuel Sanchez _____ Sgt. Sanders _____
PRINT STAFF NAME (PROBLEM SOLVER) Staff Signature Date Received

Describe action taken to resolve complaint, including dates: On Aug. 15, 2017 I sent the stolen property form to Sgt. R. Brown (WPCO) and as of today, he has not gotten back with me about your items. As soon as he does I will inform you on what was found. End of statement

Staff Signature & Date Returned

Inmate Signature & Date Received

This form was received on _____ (date), pursuant to Step Two. Is it an Emergency? _____ (Yes or No).

Staff Who Received Step Two Grievance: _____ Date: _____

Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____

If forwarded, provide name of person receiving this form: _____ Date: _____

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

EXHIBIT

CS Form #67

D

ARKANSAS DEPARTMENT OF CORRECTION STATEMENT OF WITNESS

Arkansas
State Claims Commission
MAR 5 2019

Name BARRY TURNER Rank/Status/Num [REDACTED] Unit [REDACTED]

STATEMENT: ON 8-7-17 WHEN I WAS ATTACKED IN MY CELL IN EAST ISOLATION BY NUMEROUS INMATES, SEVERAL OF THOSE INMATES STOLE NUMEROUS ITEMS OUT OF MY PERSONAL PROPERTY. THE THIEVING INMATES HAVE ALL BEEN TRANSFERRED TO VSM OR OTHER UNITS.

THE ITEMS OF NOTE THAT WERE STOLEN, AND CAN BE VERIFIED BY THE MIT PROPERTY OFFICER, A. KENNEDY, WERE:

- 1) my MP4 Player (which will show my name / ALC # when turned on)
- 2) LARGE BLACK KOSS TD80 HEADPHONES WITH A RED + CLEAR CORD
- 3) SEVERAL PERSONAL BOOKS, "IDENTIFIED AS":
 - A) MERRIAM WEBSTER NEW OXFORD DICTIONARY (NO COVER)
 - B) "THE ART OF SEDUCTION"
 - C) "1,000 PLACES TO SEE BEFORE YOU DIE"
 - D) "FLUENT FOREVER"
 - E) "FUTURE DRINGS" BY MARC GOODMAN
 - F) "SEVEN LANGUAGE DICTIONARY"
 - G) "MR. SKINS SKINCYCLOPEDIA - 2ND EDITION"
 - H) HISTORY OF THE WORLD - ORIENTAL HERITAGE
 - I) A REEL NUMBER MANAGEMENT BOOK (RED IN COLOR)
 - J) MR. SKINS SKINCYCLOPEDIA - 1ST EDITION
- 4) my MP4 KEYBOARD

I make this statement freely, under no duress, and without undue coercion exerted against me by any correctional officer or official of the Arkansas Department of Correction.

Barry Turner [REDACTED]
Signature

8-10-17
Date

Witness/Statement Taken By

ADC-CDC-346

EXHIBIT E

Arkansas
State Claims Commission
MAR 5 2019

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD (Code: S-STORAGE K-KEEP IN POSSESSION I-ISSUED F-FEMALE M-MALE F-941-1)

Transfer 48 on 4-14-16 48 off 4-14-16 Punitive [redacted] Medical [redacted] Court [redacted] Other [redacted]

Inmate's Name: Turner, Barry ADC#: [redacted] Sending Institution: [redacted] Receiving Institution: [redacted]

Non-Expendable Items: [redacted]

ITEM (# allowed)	#REC/SEN	CODE	#RETD	DESCRIPTION	ITEM	#REC/SEN	CODE	#RETD	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)				
All Books (10)	8	S			Personal Mail	1	S		Allen's News
Bathrobe (F, 2)	1	S			Photos (5)				
Bowls					Radio (1)	1	S		Soap (In Bowl)
Bas/Panties (F-1 3 ea +)					Religious Material				
Comb (M, 1 1)					Religious Medal (1)				
Cup					Ring (1)				
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)				
Ear buds/Phone (1)	1	S			Soap Dish	2	S		
Earbuds	1	S			Socks (1 3+2)	1	S		
Eyeglasses/Contacts (1)					Stockings				
Gloves (1)					Sweat Pants (1)				
Gym Shoes (1)	1	S			Sweat Shirts (1)	1	S		
Hair Brush (1)					Toothbrush holder				
Laundry Bag (1+1)	5	S			Undershirts	1	S		
Legal Mail/Transcript					Undershorts (M, 1-2 + 3)				
Magazines (3 ea)	33	S			Watch-Wrist (1)				
Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Batteries (4)	5	S			Flex Pens				
Beauty Aid products					Food Items				
Denture adhesive (2)					Hair Dressing (2)				
Deodorant (2)	9	S			Shampoo (2)	1	S		
Envelopes (10)					Shaving Cream (2)				
Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Chairs (Check Files Absorbent)					Chairs	1	S		
APR Vials	1	S			Key Rings	1	S		
Vials	3	S			Medical Aids	1	S		
State Issued Items (Cup Bowl)	5				Medical Aids	1	S		
Brogans-shoes (1 pr)					Razor Safety (2)				
Pants (3 pr)					Shirts (3)				
Cap/Hat (1)					Soap	3	S		
Canvas Shoes (M, 1)					Thermals (2 sets)	1	S		
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)	1	S			Toothpaste (2)	1	S		
Jacket/Coat (1)					Washcloth (1)				

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

Printed Name / Sign Name / Badge # of Official Receiving Property: Barry Turner Date: 4-14-16

Printed Name / Sign Name / Badge # of Official Returning Property: Barry Turner Date: 4-14-16

Location Stored: Property Inmate's Signature & ADC# / Writ: [redacted]

EXHIBIT F

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD (Code: S-STORAGE K-KEEP IN POSSESSION I-ISSUED F-FEMALE M-MALE F-941-1)

Transfer 48 on 48 off Punitive 891A Medical Court Other
 Inmate's Name: Turner, B. ADC#: [REDACTED] Receiving Institution: [REDACTED]

ITEM (# allowed)	#REC/SEN	CODE	#RETD	DESCRIPTION	ITEM	#REC/SENT	CODE	#RETD	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)	1	F		
All Books (10)	10	S			Personal Mail	1	F		1000s credit, person paper
Bathrobe (F, 2)					Photos (5)	1	F		
Bowls	6	S			Radio (1)				* MP4 (in box)
Bras/Panties (F-1, 3 ea + 5)					Religious Material				
Comb (M, 1, 1)	1	F			Religious Medal (1)				
Cup	2	F			Ring (1)				
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)	1	F		
Ear buds (approved)	1	F			Soap Dish	1	F		
Earplugs					Socks (1, 3 + 2)	2	F		
Eye glasses/Contacts (1)	1	F			Stockings				
Gloves (1)					Sweat Pants (1)				
Gym Shoes (1)	1	F			Sweat Shirts (1)				
Hair Brush (1)					Toothbrush holder				
Laundry Bag (1, 1 + 1)	1/6	F/S			Undershirts	2/1	F/S		
Legal Mail/Transcript	Assorted	T/S			Undershorts (M, L-2 + 3)	3/1	S/I		
Magazines (3 ea)	6	S			Watch-Wrist (1)				
Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Batteries (4)	12 pk.	S			Flex Pens	5	F		
Beauty Aid products	2	S			Food items	Assorted	S		body
Denture adhesive (2)					Hair Dressing (2)				
Deodorant (2)	1/3	F/S			Shampoo (2)				
Envelopes (10)	27	F			Shaving Cream (2)				
Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Rackel	2	F			Adhes Pack	3	F		
Change	3	S			Wet Towel	8	F		
V. towels	1 ft.	S			Compbok				
State Issued Items / None									
Brograms-shoes (1 pr)					Razor-Safety (2)				
Pants (3 pr)					Shirts (3)				
Cap/Hat (1)					Soap	1/4	F/S		
Canvas Shoes (M, 1)					Rhemals (2 sets)	2 set / 1 set	F/S		
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)	1/4	F/S			Toothpaste (2)	1/3	F/S		
Jacket/Coat (1)					Washcloth (1)				

I hereby certify that all my property is listed herein and disposition of all property listed on this inventory is correct. Also, I do not have in my possession any property that is not listed herein. I certify that all my property is listed herein and disposition of all property listed on this inventory is correct. Also, I do not have in my possession any property that is not listed herein.

Printed Name / Sign Name / Badge # of Official Receiving Property: [REDACTED] Date: 7-11-16

Printed Name / Sign Name / Badge # of Official Receiving Property: [REDACTED] Date: 7-11-16

Printed Name / Sign Name / Badge # of Official Returning Property: _____ Date: _____ Location Stored: _____ Inmate's Signature & ADC# / Witness, if refuses: _____ Date: _____

EXHIBIT 1 G

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD (Code: S-STORAGE K-KEEP IN POSSESSION I-ISSUED F-FEMALE M-MALE) F-441-1

Transfer 48 on 48 off 48 off
 Inmate's Name: Latrice Barrett ADC# [redacted] Receiving Institution: Medical
 Court: _____ Other: _____

ITEM (# allowed)	#REC/SENT	CODE	#RETD	DESCRIPTION	ITEM	#REC/SENT	CODE	#RETD	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)				
*ATI Books (10)	10	S			Personal Mail	1	S		
Bathrobe (F, 2)					Radio (1)	1	S		*ADP Player
Bowls					Religious Material				
Bras/Panties (F-1 3 ea + 5)					Religious Medal (1)				
Comb (M, I 1)	1	S			Ring (1)				
Cup	1	S			Shoes wk rel (1)				
Dentures (1)					Shower Shoes (1)				
Depilatory preparation (1)					Soap Dish				
*Ear buds/earphones (1)	1	S		*Black Test 150	Socks (1 3 + 2)	3	S		
Earplugs					Stockings				
Eyeglasses/Contacts (1)					Sweat Pants (1)				
Gloves (1)					Sweat Shirts (1)				
Gym Shoes (1)	1	S		Airs	Toothbrush holder				
Hair Brush (1)	1	S			Undershirts				
Laundry Bag (1 1 + 1)	1	S			Undershorts (M, J-2 + 3)	3	S		
*Legal Mail/Transcript					Watch-Wrist (1)				
Magazines (3 ea)	3	S		Various envelope papers					
Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Batteries (4)	1	S			Flex Pens				
Beauty Aid products					Food items				
Denture adhesive (2)					Hair Dressing (2)				
Deodorant (2)	2	S			Shampoo (2)				
Envelopes (10)					Shaving Cream (2)				
Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Chisel	2	S			Utensils				
Half Socks	2	S			Various Papers				
Half Socks	2	S			Various Papers				
Half Socks	2	S			Various Papers				
State Issued Items									
Bioagents-stifoc (1 pr)	1	S			Razer-Safety (2)	1	S		Various
Paints (3 pr)	1	S			Shirts (3)				
Cap/Hat (1)	1	S			Soap				
Canvas Shoes (M, I)	1	S			Thermals (2 sets)				
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)					Toothpaste (2)				
Jacket/Coat (1)					Washcloth (1)				

I hereby certify that all my property is listed herein and disposition of all property listed on this inventory is correct. Also I do not have in my possession any contraband or contrabands belonging to any other inmate.

Printed Name / Sign Name: Latrice Barrett Date: 1-13-17
 Printed Name / Sign Name: [redacted] Date: 1-13-17
 Printed Name / Sign Name: [redacted] Date: 1-13-17

27
33
118
149
221
347
159
92
131

EXHIBIT H

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD (Code: S-STORAGE K-KEEP IN POSSESSION I-ISSUED F-FEMALE M-MALE) F-841-1

Transfer 48 on 48 off
 Inmate's Name: George Timms ADC# [REDACTED] Medical Court Other
 Non-Expendable Items: Sending Institution: Receiving Institution:

ITEM (# allowed)	#REC/SEN	CODE	#RETD	DESCRIPTION	ITEM	#REC/SENT	CODE	#RETD	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)				
* All Books (10)	4	S			Personal Mail	4	S		
Bathrobe (F, 2)	6	S			Photos (5)				
Bowls					Radio (1)	1	S		* M-2
Bras/Panties (F-1 3 ea + 5)					Religious Material				
Comb (M, 1 1)					Religious Medal (1)				
Cup	3	S			Ring (1)				
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)	2	S		
* Ear buds/earphone (1)	1	S			Soap Dish	2	S		
Earplugs					Socks (1 3 + 2)	2	S		
Eye-glasses/Contacts (1)					Stockings				
Gloves (1)					Sweat Pants (1)				
Gym Shoes (1)	4	S			Sweat Shirts (1)	1	S		
Hair Brush (1)	2	S			Toothbrush holder				
Laundry Bag (1 1 + 1)					Undershirts				
Legal Mail/Transcript					Undershorts (M, 1-2 + 3)	2	S		
Magazines (3 ea)					Watch-Wrist (1)				
Expendable Items (All Hygiene Items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Batteries (4)					Flex Pens	1	S		
Beauty Aid products					Food Items				
Denture adhesive (2)					Hair Dressing (2)				
Deodorant (2)	1	S			Shampoo (2)				
Envelopes (10)					Shaving Cream (2)				
Other (All Hygiene Items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
* <u>Shampoo</u>	20	S			<u>Shampoo</u>	20	S		
* <u>Shampoo</u>	1	S			<u>Toothbrush</u>	4	S		
* <u>Shampoo</u>	3	S			<u>Toothbrush</u>	3	S		
State Issued Items									
Prograns-shoes (1 pr)					Razor-Safety (2)				
Pants (3 pr)					Shirts (3)				
Cap/Hat (1)					Soap				
Canvas Shoes (M, 1)					Thermals (2 sets)				
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)					Toothpaste (2)	3	S		
Jacket/Coat (1)					Washcloth (1)				

I hereby certify that all my property is listed herein and disposition of all property listed on this inventory is correct. Also, I do not have in my possession any legal materials belonging to any other Inmate.
 S. P. George Timms ADC# 11111111 Date 1-25-11
 Printed Name / Sign Name / Badge # of Official Receiving Property _____ Date _____ Location Stored _____ Inmate's Signature & ADC# / Witness, if refuses _____ Date _____

Printed Name / Sign Name / Badge # of Official Returning Property _____ Date _____ Location Stored _____ Inmate's Signature & ADC# / Witness, if refuses _____ Date _____

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 180886

**ARKANSAS DEPARTMENT OF
CORRECTION**

RESPONDENT

**ORDER RE MOTIONS FOR
RECONSIDERATION**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by Arkansas Department of Correction (the “Respondent”) seeking reconsideration of the Claims Commission’s February 20, 2019, order denying Respondent’s motion to dismiss the claim filed Barry Turner (the “Claimant”) relating to punitive segregation. Also pending is Claimant’s motion for reconsideration of the Claims Commission’s February 20, 2019, order granting Respondent’s motion to dismiss the Claimant’s claim for his lost property. Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on April 25, 2018, seeking “approximately \$2350.00 total” in damages resulting from lost personal property (the “Lost Property Claim”) and Respondent’s alleged violations of its procedures regarding 48-hour relief periods from punitive segregation (the “Punitive Segregation Claim”).

2. Respondent moved for dismissal of Claimant’s claim pursuant to Ark. R. Civ. Proc. 12(b)(6). On February 20, 2019, the Claims Commission granted Respondent’s motion as to the Lost Property Claim and denying Respondent’s motion as to the Punitive Segregation Claim.

Respondent's Motion for Reconsideration

3. Respondent moved for reconsideration regarding the denial of its motion to dismiss the Punitive Segregation Claim, arguing that Arkansas “[d]oes not recognize the relief the Inmate is seeking.” In support, Respondent attached the case of *Harmon v. Dexter*, 2018 Ark. 196, 547 S.W.3d 686 (2018) to support the statement in the motion to dismiss that Arkansas does not recognize a cause of action for “excessive confinement.”

4. Claimant filed a response, stating that the *Harmon* case does not address “alternative method[s] of receiving a 48-hour relief” and that Respondent did not cite to any authority for its proposition regarding Claimant’s options for relief. Claimant argued that a habeas petition “is a means of addressing an on-going violation of an inmate’s liberties . . . [but] is not to seek redress for a wrong committed previously.” (emphasis in original).

5. The Claims Commission finds that, while *Harmon* does include a footnote stating that Arkansas does not recognize a cause of action for excessive confinement, the inmate in *Harmon* specifically asserted a cause of action for excessive confinement. In the instant claim, Claimant did not specifically assert such a cause of action. The Arkansas Supreme Court did not address Claimant’s other claims of negligence and false imprisonment. As such, the Claims Commission finds that Respondent is not entitled to dismissal pursuant to *Harmon*.

Claimant's Motion for Reconsideration

6. Claimant moved for reconsideration of the dismissal of the Lost Property Claim, arguing that Claimant did file a stolen property report. Claimant attached a copy of the stolen property report dated August 11, 2017. Claimant also argued that, had he not signed the property inventory form on August 9, 2017, Claimant would not have been able to receive any of his property. Claimant stated that when he signed the August 9, 2017, property inventory form, the

effect of his signature was to certify that the property listed on the form was the property that Claimant was in possession of as of August 9, 2017.

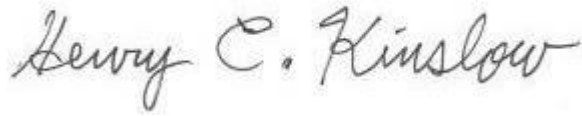
7. The Claims Commission agrees with Claimant that reconsideration of its February 20, 2019, order dismissing the Lost Property Claim is proper, given the ambiguity of the certification statement on the property inventory forms:

I hereby certify that all my property is listed herein and disposition of all property listed on this inventory is correct. Also I do not have in my possession any legal materials belonging to any other inmate.

(emphasis added). Although there is a column for entry of various codes, there is no explanation or code options provided. Should the property inventory record include all items in an inmate's possession and all items that are missing and would otherwise be in an inmate's possession (with some code listed beside the stolen or missing items)? Or is the property inventory record only supposed to include items that are currently in the inmate's possession?

8. Respondent's motion for reconsideration is DENIED. Claimant's motion for reconsideration is GRANTED. The parties are instructed to begin discovery regarding both the Lost Property Claim and the Punitive Segregation 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 29, 2019

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).

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

July 29, 2019

Mr. Barry Turner (ADC [REDACTED])
[REDACTED]

Mr. Thomas Burns
Arkansas Department of Correction
Post Office Box 8707
Pine Bluff, Arkansas 71611

(via email only)

Re: ***Barry Turner v. Arkansas Department of Correction***
Claim No. 180886

Dear Mr. Turner and Mr. Burns:

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

Sincerely,

Kathryn Irby

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

AUG 11 9 20 19

BARRY TURNER (ADC [REDACTED])

CLAIMANT

RECEIVED

v

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**FIRST SET OF REQUESTS FOR ADMISSIONS
TO BARRY TURNER**

Comes now, the Plaintiff, Arkansas Department of Correction, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Barry Turner, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages.

REQUEST FOR ADMISSION NO. 2: Admit that you have all your property.

REQUEST FOR ADMISSION NO. 3: Admit that you did not indicate missing property on your August 9, 2017, F-841.

REQUEST FOR ADMISSION NO. 4: Admit that the certification on the F-841 is to keep inmates from trafficking and trading.

REQUEST FOR ADMISSION NO. 5: Admit that you certified all you property listed on your inventory was correct.

REQUEST FOR ADMISSION NO. 6: Admit that you must keep your form F-841.

REQUEST FOR ADMISSION NO. 7: Admit that the ADC houses inmates where they see fit.

REQUEST FOR ADMISSION NO. 8: Admit that a stolen property report must be filled out to begin an investigation.

REQUEST FOR ADMISSION NO. 9: Admit that ADC acted pursuant to policy.

REQUEST FOR ADMISSION NO. 10: Admit that your complaint is baseless.

Filed 19 August 2019.

Respectfully submitted,



Thomas Burns (02006)
Department of Correction
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6845 Office
(870)267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 19th day of August 2019, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Barry Turner [REDACTED]
[REDACTED]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (# [REDACTED])

Arkansas
State Claims Commission

v.

NO. 180886

AUG 26 2019

Arkansas Department of Correction

RESPONDENT
RECEIVED

ANSWER TO REQUEST FOR ADMISSIONS

COMES NOW THE CLAIMANT, BARRY TURNER # [REDACTED], AND FOR HIS ANSWER TO RESPONDENT'S REQUEST FOR ADMISSIONS, STATES THE FOLLOWING:

ANSWER FOR REQUEST FOR ADMISSION NO. 1: I HEREBY DENY, UNEQUIVOCALLY, THAT I DO NOT HAVE ANY DAMAGES. I BELIEVE THIS FACT HAS BEEN SOLIDLY AND SUBSTANTIALLY ESTABLISHED PREVIOUSLY IN THIS CASE.

ANSWER FOR REQUEST FOR ADMISSION NO. 2: WITH THIS REQUEST BEING WHAT SEEMS TO BE INTENTIONALLY VAGUE AND BROAD IN SCOPE, I WILL ANSWER IT TO THE BEST OF MY KNOWLEDGE AND ABILITY. I DENY, UNEQUIVOCALLY, THAT I HAVE ALL THE PROPERTY WHICH I HAD PRIOR TO THE INCIDENT OF AUGUST 7TH, 2017.

ANSWER TO REQUEST FOR ADMISSION NO. 3: AS PREVIOUSLY ESTABLISHED IN THIS CASE, I ADMIT THAT I DID NOT INDICATE MISSING PROPERTY ON MY AUGUST 9TH, 2017 PROPERTY FORM BECAUSE, AS IS ALREADY ESTABLISHED

A table with 20 empty rows and 2 columns. The table is defined by a vertical line on the right side and horizontal lines separating the rows. The content of the table is as follows:

IN THIS CASE, ① THE F-841 PROPERTY FORM IS NOT THE CORRECT OR ACCEPTED FORM TO ALLEGE MISSING PROPERTY; ② THERE IS NO ASSIGNED PLACE OR CODE ON THE F-841 PROPERTY FORM TO INDICATE MISSING PROPERTY; ③ I WAS INSTRUCTED BY THE UNIT PROPERTY CONTROL OFFICER THAT I WOULD HAVE TO FILL OUT A "STOKEN PROPERTY FORM" TO INDICATE MISSING PROPERTY. SO, I WAS NOT ALLOWED TO, OR SUPPOSED TO, INDICATE MISSING PROPERTY ON MY AUGUST 9TH, 2017 F-841 PROPERTY FORM.

ANSWER TO REQUEST FOR ADMISSION NO. 4 : TO THE BEST OF MY KNOWLEDGE, I MUST DENY THAT THE F-841 PROPERTY FORM IS TO KEEP INMATES FROM TRAFFICKING AND TRADING; AS I HAVE NEVER SEEN THAT IN A.A.C. POLICY. TO MY UNDERSTANDING, THE CERTIFICATION ON THE F-841 PROPERTY FORM IS TO ESTABLISH WHAT ITEMS OF PROPERTY THE INMATE POSSESSES ON THAT SPECIFIC DATE THAT THE PROPERTY IS EITHER STORED OR ISSUED.

ANSWER TO REQUEST FOR ADMISSION NO. 5 : I HEREBY ADMIT THAT I CERTIFIED ON MY AUGUST 9TH, 2017 F-841 PROPERTY FORM THAT I WAS RECEIVING PROPERTY THAT WAS MINE ON AUGUST 9TH, 2017. I DID NOT CERTIFY THAT THAT WAS ALL THE PROPERTY THAT I EVER POSSESSED, OR EVEN POSSESSED PRIOR TO AUGUST 9TH, 2017.

ANSWER TO REQUEST FOR ADMISSION No. 6 : I ADMIT THAT INMATES MUST KEEP THE F-841 FORM TO ESTABLISH WHAT PROPERTY THEY POSSESSED ON THE LAST DATE OF PROPERTY INVENTORY. AND AS HAS ALREADY BEEN SOLIDLY ESTABLISHED IN THIS CASE, I NOT ONLY KEPT THE F-841 PROPERTY FORM FROM AUGUST 9TH, 2017, BUT ALSO NUMEROUS PREVIOUS F-841 PROPERTY FORMS ESTABLISHING THE DOCUMENTED FACT THAT I OWNED ALL THE ITEMS CLAIMED IN THIS CLAIM; AND I SUBMITTED SEVERAL OF THESE F-841 PROPERTY FORMS TO THE CLAIMS COMMISSION AS EVIDENCE!

ANSWER TO REQUEST FOR ADMISSION No. 7 ; THERE IS ABSOLUTELY NO RELEVANCE TO THIS REQUESTED ADMISSION, AS "HOUSING" HAS NO PART IN THIS CLAIM; HOWEVER, I WILL ADMIT THAT THE AAC CERTAINLY BELIEVES THEY CAN HOUSE INMATES WHEREVER THEY SEE FIT.

ANSWER TO REQUEST FOR ADMISSION No. 8 : I HEREBY ADMIT THAT A STOLEN PROPERTY FORM MUST BE FILED OUT TO BEGIN AN INVESTIGATION INTO MISSING / STOLEN PROPERTY; WHICH I HAVE ALREADY ESTABLISHED THAT I DID FILE A STOLEN PROPERTY FORM TO BEGIN AN INVESTIGATION. YOU ALREADY KNOW THIS, AS DOES THE CLAIMS COMMISSION.

ANSWER TO REQUEST FOR ADMISSION No. 9 : I DENY, UNAMBIGUOUSLY THAT THE AAC ATEES PURSUANT TO POLICY IN REGARDS TO MY PROPERTY CLAIM AND MY 48 HOUR

Relief claim.

ANSWER TO REQUEST FOR ADMISSION No. 10: I DENY, unequivocally, THAT MY COMPLAINT IS BASELESS. MY CLAIM IS LEGITIMATE AND MERITORIOUS, AND SUPPORTED BY ADC POLICY AND DOCUMENTARY EVIDENCE.

I HEREBY CERTIFY THAT I HAVE ANSWERED ALL THE ABOVE TRUTHFULLY, TO THE BEST OF MY KNOWLEDGE.

Respectfully Submitted,

Barry Turner # [REDACTED]

Barry Turner # [REDACTED]

[REDACTED]

NOTARY

SUBSCRIBED TO AND SWORN BEFORE ME, A NOTARY PUBLIC, ON THIS 22nd DAY OF August, 2019.

3-9-2021

JOHN SPEARS
NOTARY PUBLIC-STATE OF ARKANSAS
JEFFERSON COUNTY
My Commission Expires 03-09-2021
Commission # 12382198

[Signature]

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THIS PLEADING HAS BEEN SERVED THIS 22ND DAY OF August, 2019, ON THE RESPONDENT BY PLACING A COPY OF THE SAME IN THE U.S. MAIL, REGULAR POSTAGE TO: THOMAS BURNS (02000) P.O. Box 8707 FINE BLUFF, AR 71601

Barry Turner [REDACTED]

RE: CASE NO. 180886

August 27th, 2019

Arkansas
State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION,

AUG 26 2019

PLEASE FIND ENCLOSED THE ORIGINAL AND 3 COPIES
OF MY ANSWER TO RESPONDENTS REQUESTS FOR
ADMISSIONS. I DIDNT KNOW IF I WAS SUPPOSED
TO SEND 4 COPIES OF THIS, SO I DIDNT WANT TO
ERR ON THE WRONG SIDE.

I ALSO SENT A COPY TO THOMAS BURNS, THE ATTORNEY
FOR THE AAC.

Thank you!

REPECTFULLY SUBMITTED,

Barry Turner [REDACTED]

BARRY TURNER # [REDACTED]
[REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

BARRY TURNER # [REDACTED]

CLAIMANT AUG 29 2019

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT RECEIVED

FIRST SET OF REQUESTS FOR ADMISSIONS
TO ARKANSAS DEPARTMENT OF CORRECTION

COMES NOW THE CLAIMANT, BARRY TURNER # [REDACTED], AND
FOR HIS FIRST SET OF REQUESTS FOR ADMISSIONS TO ARKANSAS
DEPARTMENT OF CORRECTION, BY AND THROUGH THEIR ATTORNEY,
THOMAS BURNS, TO BE ANSWERED IN ACCORDANCE WITH THE ARKANSAS
RULES OF CIVIL PROCEDURE, STATES AS FOLLOWS:

REQUEST FOR ADMISSION NO. 1: ADMIT THAT A.D.C. POLICY
REQUIRES INMATES SERVING CONSECUTIVE PUNITIVE ISOLATION
SENTENCES, BE GIVEN A 48 HOUR RELIEF PERIOD AFTER 30
DAYS.

REQUEST FOR ADMISSION NO. 2: ADMIT THAT THIS POLICY
MANDATES 48 HOUR RELIEF HAS NOTHING TO DO WITH HOUSING.

REQUEST FOR ADMISSION NO. 3: ADMIT THAT I DID NOT
RECEIVE A 48 HOUR RELIEF PERIOD FOR THE TIME RELEVANT TO
THIS CLAIM.

REQUEST FOR ADMISSION NO. 4: ADMIT THAT WARDEN BURL
FOUNDS, AFTER AN INVESTIGATION, THAT I HAD BEEN
DENIED MY 48 HOUR RELIEF.

REQUEST FOR ADMISSION NO. 5: ADMIT THAT I NEVER
RECEIVED A 48 HOUR RELIEF AS A "CORRECTION" OF THE

②

ERROR.

REQUEST FOR ADMISSION NO. 6: ADMIT THAT NO COMPENSATION WAS MADE TO ME FOR THE EXTRA 15 DAYS I SUFFERED WITH NO 48 HOUR RELIEF.

REQUEST FOR ADMISSION NO. 7: ADMIT THAT DAMAGES AWARDS IS MERITED BECAUSE OF THIS VIOLATION OF 48 HOUR RELIEF POLICY.

REQUEST FOR ADMISSION NO. 8: ADMIT THAT PROPERTY RECORDS REFLECT THAT I DID NOT POSSESS THE ITEMS IN THIS COMPLAINT, BEFORE AUGUST 7TH, 2017.

REQUEST FOR ADMISSION NO. 9: ADMIT THAT AN F-841-1 PROPERTY FORM MUST BE FILLED OUT EVERY TIME AN INMATE'S PROPERTY IS ISSUED TO HIM OR TAKEN FROM HIM FOR STORAGE.

REQUEST FOR ADMISSION NO. 10: ADMIT THAT PER AAC POLICY, THE F-841-1 PROPERTY FORM IS FOR EXISTING PROPERTY, NOT MISSING PROPERTY.

REQUEST FOR ADMISSION NO. 11: ADMIT THAT THE F-841-1 PROPERTY FORM DOES NOT HAVE ANY PLACED PLACE ON IT TO LIST MISSING PROPERTY ITEMS.

REQUEST FOR ADMISSION NO. 12: ADMIT THAT THE ONLY CORRECT FORM TO LIST MISSING/STOLEN/LOST PROPERTY ITEMS ON IS A STOLEN PROPERTY FORM.

REQUEST FOR ADMISSION NO. 13: ADMIT THAT ACCORDING TO AAC RECORDS, BOTH PAPER AND ELECTRONIC (EAMIS), THAT I FILED A STOLEN PROPERTY FORM AND A GRIEVANCE IN REGARDS TO MY MISSING PROPERTY.

3

REQUEST FOR ADMISSION NO. 14: ADMIT THAT WHILE ON PUNITIVE ISOLATION STATUS, AN INMATES PROPERTY IS TO BE STORED IN A SAFE AND SECURE LOCATION.

REQUEST FOR ADMISSION NO. 15: ADMIT THAT MY PROPERTY WAS LEFT IN MY POSSESSION WHILE I WAS ON PUNITIVE ISOLATION SENTENCE.

REQUEST FOR ADMISSION NO. 16: ADMIT THAT THIS FACT VIOLATED AAC POLICY.

REQUEST FOR ADMISSION NO. 17: ADMIT THAT THE AAC DID NOT ACT PURSUANT TO POLICY WHEN I WAS DENIED A 48 HOUR RELIEF.

REQUEST FOR ADMISSION NO. 18: ADMIT THAT THE AAC DID NOT ACT PURSUANT TO POLICY WHEN MY PROPERTY WAS NOT TAKEN FROM ME AND STORED IN A SECURE LOCATION WHILE I WAS SERVING A PUNITIVE SENTENCE.

REQUEST FOR ADMISSION NO. 19: ADMIT THAT MY COMPLAINT AND CLAIM IS FACT BASED.

REQUEST FOR ADMISSION NO. 20: ADMIT THAT MY CLAIM IS SUPPORTED BY AAC POLICY.

REQUEST FOR ADMISSION NO. 21: ADMIT THAT MY CLAIM IS SUPPORTED BY DOCUMENTARY EVIDENCE.

REQUEST FOR ADMISSION NO. 22: ADMIT THAT MY CLAIM IS LEGITIMATE AND DESERVING OF COMPENSATION.

REQUEST FOR ADMISSION NO. 23: ADMIT THAT I CONTACTED YOU AND, ACTING ON GOOD FAITH, OFFERED YOU THE OPPORTUNITY TO MEET WITH ME TO SEEK A POSSIBLE NEGOTIATED SETTLEMENT THAT WOULD SATISFY BOTH PARTIES AND SAVE THE CLAIMS

④

Arkansas
State Claims Commission

COMMISSION FURTHER TIME AND EXPENSE.

AUG 29 2019

I THANK YOU FOR YOUR TIME AND CONSIDERATION.

RECEIVED

FILED August 27th, 2019.

Respectfully Submitted,
Barry Furner
BARRY FURNER #

NOTARY

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC,
THIS 26th day of August, 2019.

3-9-2021
Comm. Exp.

JOHN SPEARS
NOTARY PUBLIC STATE OF ARKANSAS
JEFFERSON COUNTY
My Commission Expires 03-09-2021
Commission # 12382198

John Spears
Notary Public

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THIS PLEADING HAS BEEN
SERVED THIS 27TH DAY OF AUGUST, 2019, ON THE RESPONDENT
BY PLACING A COPY OF SAME IN THE U.S. MAIL, REGULAR POSTAGE TO:

THOMAS BUENS (02006)
A.D.C.
P.O. Box 8707
PINE BLUFF, AR 71601

Barry Furner

CASE NO. 180886

August 26th, 2019

Arkansas
State Claims Commission

AUG 29 2019

To STATE CLAIMS COMMISSION,

RECEIVED

Please find enclosed 4 copies of my first set of
REQUESTS FOR ADMISSIONS of which I have served on
ADC ATTORNEY THOMAS BURNS, by mailing him a copy.

Thank you for your time and consideration.

Respectfully Submitted,

Barry Turner [REDACTED]

BARRY TURNER # [REDACTED]
[REDACTED]

The image shows a table with 20 horizontal rows. On the right side, there are two vertical lines that intersect all the horizontal lines, creating a narrow column. The table is otherwise empty.

AUG 30 2019

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC [REDACTED])

CLAIMANT

v.

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION TO DEEM REQUESTS FOR ADMISSIONS ADMITTED

Comes now, the Respondent, Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their Motion, states:

1. On August 19, 2019, Respondent caused to be served via US Mail on Claimant a set of Requests for Admissions, *See attached Ex. A.*
2. The Inmate responded on or about August 22, 2019.
3. The inmate has failed and refused answers to the Respondent as prescribed by Rule 36(a). The Inmate sent answers but did not respond as required by the Rule. *See attached Ex B.* Nor did the Inmate repeat the request before the answer or objection!
4. The permissible responses, according to **RULE 36(a)**, are, (1) **admit**; (2) **deny**; (3) object, stating the reasons for the objection; (4) state the reasons why the responding party can neither **admit** or **deny**; (5) **admit** or **deny** to the remainder; or (6) **admit** or **deny** in whole or in part with qualification. In one of the few cases construing the **rule**, for example, the Court of Appeals held that “**denied**” was an adequate response. Even if a party has no personal knowledge, he or she must answer a request for admission if the information can be obtained through reasonable inquiry. *Chiodini v Lock; 2010 Ark App 340.*
5. ARCP Rule 36(a) states in part:

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, the party to whom the

request is directed served upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney...If objection is made, the reasons therefore shall be stated. **The party answering requests for admissions shall repeat each request immediately before the answer or objection. The answer shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter.** A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by his is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why he cannot admit or deny it...[emphasis added].

6. Requests for Admissions have their own procedures and requirements, which results in automatic consequences for failure to respond that are similar to though more stringent than failing to respond to pleadings, and much more stringent than those for failing to respond to written discovery such as Interrogatories and Requests for Production. No mention of any specific Requests for Admissions is made anywhere, and no specific issue is taken, even by the respondent's own pleading, with any of the substance of the Requests for Admissions; to the extent any of the requests propounded are considered improper by the respondent, they were not independently objected to with grounds laid out in good faith as mandated by the above-quoted Rule. In any case, by the plain language of Rule 36, as quoted in paragraph 6 hereof, the matters on which admission was sought are deemed admitted. *Compare with Widmer v. Wood, 243 Ark. 547, 420 S.W.2d 828 (1967).*

7. Rule 36(a) further states that "The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion." Here, the Imamate has wholly

failed to admit, deny, or properly object to any of the propounded requests. Respondent should be granted a reasonable fee for this motion.

8. The inmate has not followed the Rules as set out for Responses to Requests for Admissions, as such the Requests **SHALL** be deemed admitted.

WHEREFORE, the Respondent prays that the Requests for Admission be Deemed Admitted; for attorney's fees and costs; and for all other just and proper relief to which he may be entitled.

Respectfully submitted,

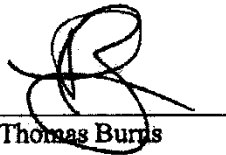


~~Thomas Burns~~ (02006)
Arkansas Department of Correction
PO Box 8707
Pine Bluff Arkansas 71611-8707
Telephone (870) 267-6845
Fax (870) 267-6373
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 30th day of August, 2019, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Barry Turner [REDACTED]
[REDACTED]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC [REDACTED])

CLAIMANT

v

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**FIRST SET OF REQUESTS FOR ADMISSIONS
TO BARRY TURNER**

Comes now, the Plaintiff, Arkansas Department of Correction, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Barry Turner, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages.

REQUEST FOR ADMISSION NO. 2: Admit that you have all your property.

REQUEST FOR ADMISSION NO. 3: Admit that you did not indicate missing property on your August 9, 2017, F-841.

REQUEST FOR ADMISSION NO. 4: Admit that the certification on the F-841 is to keep inmates from trafficking and trading.

REQUEST FOR ADMISSION NO. 5: Admit that you certified all you property listed on your inventory was correct.

REQUEST FOR ADMISSION NO. 6: Admit that you must keep your form F-841.

REQUEST FOR ADMISSION NO. 7: Admit that the ADC houses inmates where they see fit.

REQUEST FOR ADMISSION NO. 8: Admit that a stolen property report must be filled out to begin an investigation.

REQUEST FOR ADMISSION NO. 9: Admit that ADC acted pursuant to policy.

REQUEST FOR ADMISSION NO. 10: Admit that your complaint is baseless.

Ev-A

Filed 19 August 2019.

Respectfully submitted,



Thomas Burns (02006)
Department of Correction
Post Office Box 8707
Pine Bluff, AR 71611
(870)267-6845 Office
(870)267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 19th day of August 2019, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Barry Turner (██████████)

████████████████████



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (# [REDACTED])

CLAIMANT

v.

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER TO REQUEST FOR ADMISSIONS

COMES NOW THE CLAIMANT, BARRY TURNER # [REDACTED], AND FOR HIS ANSWER TO RESPONDENT'S REQUEST FOR ADMISSIONS, STATES THE FOLLOWING:

ANSWER FOR REQUEST FOR ADMISSION NO. 1: I HEREBY DENY, UNEQUIVOCALLY, THAT I DO NOT HAVE ANY DAMAGES. I BELIEVE THIS FACT HAS BEEN SOLIDLY AND SUBSTANTIALLY ESTABLISHED PREVIOUSLY IN THIS CASE.

ANSWER FOR REQUEST FOR ADMISSION NO. 2: WITH THIS REQUEST BEING WHAT SEEMS TO BE INTENTIONALLY VAGUE AND BROAD IN SCOPE, I WILL ANSWER IT TO THE BEST OF MY KNOWLEDGE AND ABILITY. I DENY, UNEQUIVOCALLY, THAT I HAVE ALL THE PROPERTY WHICH I HAD PRIOR TO THE INCIDENT OF AUGUST 7TH, 2017.

ANSWER TO REQUEST FOR ADMISSION NO. 3: AS PREVIOUSLY ESTABLISHED IN THIS CASE, I ADMIT THAT I DID NOT INDICATE MISSING PROPERTY ON MY AUGUST 9TH, 2017 PROPERTY FORM. BECAUSE, AS IS ALREADY ESTABLISHED

GT.B

IN THIS CASE, ① THE F-841 PROPERTY FORM IS NOT THE CORRECT OR ACCEPTED FORM TO ALLEGE MISSING PROPERTY; ② THERE IS NO ASSIGNED PLACE OR CODE ON THE F-841 PROPERTY FORM TO INDICATE MISSING PROPERTY; ③ I WAS INSTRUCTED BY THE UNIT PROPERTY CONTROL OFFICER THAT I WOULD HAVE TO FILL OUT A "STOLEN PROPERTY FORM" TO INDICATE MISSING PROPERTY. SO, I WAS NOT ALLOWED TO, OR SUPPOSED TO, INDICATE MISSING PROPERTY ON MY AUGUST 9TH, 2017 F-841 PROPERTY FORM.

ANSWER TO REQUEST FOR ADMISSION NO. 4: TO THE BEST OF MY KNOWLEDGE, I MUST DENY THAT THE F-841 PROPERTY FORM IS TO KEEP INMATES FROM TRAFFICKING AND TRADING; AS I HAVE NEVER SEEN THAT IN AAC POLICY. TO MY UNDERSTANDING, THE CERTIFICATION ON THE F-841 PROPERTY FORM IS TO ESTABLISH WHAT ITEMS OF PROPERTY THE INMATE POSSESSES ON THAT SPECIFIC DATE THAT THE PROPERTY IS EITHER STORED OR ISSUED.

ANSWER TO REQUEST FOR ADMISSION NO. 5: I HEREBY ADMIT THAT I CERTIFIED ON MY AUGUST 9TH, 2017 F-841 PROPERTY FORM THAT I WAS RECEIVING PROPERTY THAT WAS MINE ON AUGUST 9TH, 2017. I DID NOT CERTIFY THAT THAT WAS ALL THE PROPERTY THAT I EVER POSSESSED, OR EVEN POSSESSED PRIOR TO AUGUST 9TH, 2017.

ANSWER TO REQUEST FOR ADMISSION No. 6 : I ADMIT THAT INMATES MUST KEEP THE F-841 FORM TO ESTABLISH WHAT PROPERTY THEY POSSESSED ON THE LAST DATE OF PROPERTY INVENTORY. AND AS HAS ALREADY BEEN SOLIDLY ESTABLISHED IN THIS CASE, I NOT ONLY KEPT THE F-841 PROPERTY FORM FROM AUGUST 9TH, 2017, BUT ALSO NUMEROUS PREVIOUS F-841 PROPERTY FORMS ESTABLISHING THE DOCUMENTED FACT THAT I OWNED ALL THE ITEMS CLAIMED IN THIS CLAIM; AND I SUBMITTED SEVERAL OF THESE F-841 PROPERTY FORMS TO THE CLAIMS COMMISSION AS EVIDENCE!

ANSWER TO REQUEST FOR ADMISSION No. 7 ; THERE IS ABSOLUTELY NO RELEVANCE TO THIS REQUESTED ADMISSION, AS "HOUSING" HAS NO PART IN THIS CLAIM; HOWEVER, I WILL ADMIT THAT THE ADC CERTAINLY BELIEVES THEY CAN HOUSE INMATES WHEREVER THEY SEE FIT.

ANSWER TO REQUEST FOR ADMISSION No. 8 : I HEREBY ADMIT THAT A STOLEN PROPERTY FORM MUST BE FILED OUT TO BEGIN AN INVESTIGATION INTO MISSING / STOLEN PROPERTY; WHICH I HAVE ALREADY ESTABLISHED THAT I DID FILE A STOLEN PROPERTY FORM TO BEGIN AN INVESTIGATION. YOU ALREADY KNOW THIS, AS DOES THE CLAIMS COMMISSION.

ANSWER TO REQUEST FOR ADMISSION No. 9 : I DENY, UNQUESTIONABLY THAT THE ADC ACTED PURSUANT TO POLICY IN REGARDS TO MY PROPERTY CLAIM AND MY 48 HOUR

Relief claim.

ANSWER TO REQUEST FOR ADMISSION No. 10: I DENY, unequivocally, THAT MY COMPLAINT IS BASELESS. MY claim IS LEGITIMATE AND MERITORIOUS, AND SUPPORTED BY ADC POLICY AND DOCUMENTARY EVIDENCE.

I HEREBY CERTIFY THAT I HAVE ANSWERED ALL THE ABOVE FRUTHFULLY, TO THE BEST OF MY KNOWLEDGE.

Respectfully Submitted,

Barry Turner # [redacted]

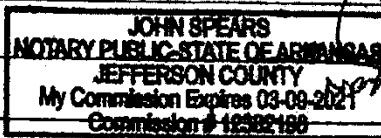
BARRY TURNER # [redacted]

[redacted]

NOTARY

SUBSCRIBED TO AND SWORN BEFORE ME, A NOTARY PUBLIC, ON THIS 22nd day of August, 2019.

5-9-2021



[Signature]

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THIS PLEADING HAS BEEN SERVED THIS 22nd day of August, 2019, ON THE RESPONDENT BY PLACING A COPY OF THE SAME IN THE U.S. MAIL, REGULAR POSTAGE TO:

Thomas Burns (02002)
P.O. Box 8707
Pine Bluff, AR 71601

Barry Turner # [redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER # [REDACTED]

v.

No. 180886

ARKANSAS DEPARTMENT OF CORRECTION

Arkansas
State Claims Commission

SEP 06 2019
RESPONDENT
RECEIVED

MOTION TO AMEND CLAIMANT'S ANSWER TO RESPONDENT'S
FIRST SET OF REQUESTS FOR ADMISSIONS

COMES NOW THE CLAIMANT, BARRY TURNER # [REDACTED], AND FOR HIS MOTION TO AMEND, STATES AS FOLLOWS:

1. ON AUGUST 19TH, 2019, RESPONDENT SERVED VIA U.S. MAIL ON CLAIMANT A SET OF REQUESTS FOR ADMISSIONS. [REDACTED]
2. ON AUGUST 22ND, 2019, CLAIMANT RESPONDED TO THE AFOREMENTIONED SET OF REQUESTS FOR ADMISSIONS. [REDACTED]
3. ON AUGUST 30TH, 2019, CLAIMANT RECEIVED VIA U.S. MAIL A "MOTION TO DEEM REQUESTS FOR ADMISSIONS ADMITTED", FILED BY RESPONDENT.
4. IN THEIR MOTION, RESPONDENT RAISES TECHNICAL FLAWS IN CLAIMANT'S "ANSWER TO RESPONDENT'S REQUESTS FOR ADMISSIONS", AND SEEKS THIS COMMISSION TO AUTOMATICALLY DEEM THE REQUESTED ADMISSIONS AS ADMITTED.
5. THIS MOTION OF THE RESPONDENTS IS IMPROPER, AND MERELY SEEKS TO AVOID LIABILITY ON A TECHNICALITY.
6. CLAIMANT IS AFFORDED THE RIGHT UNDER ARKANSAS RULES OF CIVIL PROCEDURE, TO WITHDRAW OR AMEND HIS ADMISSIONS, IN THE INTERESTS OF JUSTICE.
7. CLAIMANT IS A PRO-SE LITIGANT, WHO DOESN'T UNDERSTAND EVERY SPECIFIC NUANCE OF THE LAW; BUT ANSWERED THE

2.

RESPONDENTS REQUESTS FOR ADMISSIONS, IN GOOD FAITH, TO THE BEST OF HIS LIMITED UNDERSTANDING OF THE LAW.

8. FURTHER, CLAIMANT DID SPECIFICALLY DENY AND/OR ADMIT EVERY ADMISSIONS REQUEST BY RESPONDENT. [REDACTED]

9. CLAIMANT "QUALIFIED" EACH ADMISSIONS ANSWER, IN GOOD FAITH, SO AS TO EXPLAIN THE DENIAL OR ADMISSION.

10. ARCP RULE 36(A) STATES IN PART:

.... A DENIAL SHALL FAIRLY MEET THE SUBSTANCE OF THE REQUESTED ADMISSION, AND WHEN GOOD FAITH REQUIRES THAT A PARTY QUALIFY HIS ANSWER OR DENY ONLY PART OF THE MATTER OF WHICH AN ADMISSION IS REQUESTED, HE SHALL SPECIFY SO MUCH OF IT AS IS TRUE AND QUALIFY OR DENY THE REMAINDER. (EMPHASIS ADDED)

11. CLAIMANT DID NOT FAIL TO ANSWER THE RESPONDENTS REQUESTS FOR ADMISSIONS, AS EACH ANSWER SPECIFICALLY STATES "DENY" OR "ADMIT" - BOTH ACCEPTABLE RESPONSES TO ADMISSIONS REQUESTS.

12. ARCP Rule 36 DOES NOT STATE THAT ANSWER SHOULD CONTAIN ONLY THE ONE WORD, "DENY" OR "ADMIT"; NOR DOES IT PROHIBIT AN EXPLANATION TO EACH DENIAL OR ADMITTANCE.

13. THERE IS NO WAY TO HONESTLY AND CORRECTLY ANSWER SOME OF THE REQUESTED ADMISSIONS, WITHOUT QUALIFYING OR EXPLAINING, EACH ANSWER.

14. CLAIMANT MISUNDERSTOOD ARCP RULE 36(A) IN THE PART THAT STATES: "THE PARTY ANSWERING REQUESTS FOR ADMISSIONS SHALL REPEAT EACH REQUEST IMMEDIATELY BEFORE THE ANSWER OR OBJECTION." CLAIMANT UNDERSTOOD THAT TO MEAN TO REPEAT THE REQUEST (EXAMPL: REQUEST FOR ADMISSION NO. 1), WHICH

4.

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THIS PLEADING HAS BEEN SERVED THIS 3RD DAY OF SEPTEMBER, 2019, ON THE RESPONDENT, BY AND THROUGH THEIR ATTORNEY, THOMAS BURNS, BY PLACING A COPY OF THE SAME IN THE U.S. MAIL, REGULAR POSTAGE, TO:

THOMAS BURNS (02000)
ARKANSAS DEPARTMENT OF CORRECTION
P.O. BOX 8707
PINE BLUFF, AR 71611-8707

Barry Turner
9-3-19
BARRY TURNER



RE: NO. 180886

SEPT. 3RD, 2019

TO: ARKANSAS STATE CLAIMS COMMISSION,

Please find enclosed 4 copies of each of the following:

1. ANSWER TO RESPONDENTS MOTION TO DEEM REQUESTS FOR ADMISSIONS ADMITTED.
2. MOTION TO AMEND CLAIMANTS ANSWER TO RESPONDENTS FIRST SET OF REQUESTS FOR ADMISSIONS.
3. AMENDED ANSWER TO RESPONDENTS FIRST SET OF REQUESTS FOR ADMISSIONS.

I THANK you for your TIME AND CONSIDERATION.

Respectfully submitted,
Barry Turner # [REDACTED]
BARRY TURNER [REDACTED]
[REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER # [REDACTED]

CLAIMANT

V.

No. 180886

Arkansas
State Claims Commission

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT
JAN 16 2019

ANSWER TO RESPONDENTS MOTION TO DEEM REQUESTS
FOR ADMISSIONS ADMITTED

RECEIVED

COMES NOW THE CLAIMANT, BARRY TURNER [REDACTED], AND FOR HIS ANSWER, STATES:

1. ON AUGUST 19TH, 2019, RESPONDENT SERVED VIA U.S. MAIL ON CLAIMANT A SET OF REQUESTS FOR ADMISSIONS,

2. ON AUGUST 22ND, 2019, CLAIMANT SERVED VIA US MAIL ON RESPONDENT AN ANSWER TO THEIR REQUEST FOR ADMISSIONS,

3. ON AUGUST 30TH, 2019, RESPONDENT FILED A MOTION TO DEEM REQUESTS FOR ADMISSIONS ADMITTED.

4. IN THEIR MOTION, RESPONDENT RAISED TECHNICAL FLAWS AS GROUNDS FOR THIS COMMISSION TO DEEM ALL THEIR REQUESTED ADMISSIONS AS ADMITTED.

5. WHILE CLAIMANT MAY HAVE MISUNDERSTOOD THE MEANINGS OF SPECIFIC PARTS OF THE ARKANSAS RULES OF CIVIL PROCEDURE, RULE 36; AS A PRO-SE LITIGANT, COURTS SHOULD NOT HOLD CLAIMANT STRICTLY TO EVERY SMALL NUANCE OF LAW, AND SHOULD CONSTRUCT CLAIMANTS GOOD FAITH PLEADINGS LIBERALLY.

6. FURTHER, RESPONDENTS MOTION IS MALICIOUS, NOT IN GOOD FAITH, AND UNTIMELY AND IMPROPER. RATHER THAN TRYING TO GET TRUTHFUL ANSWERS AND JUSTICE, IN GOOD FAITH, RESPONDENTS ARE SIMPLY TRYING TO USE THE FACT THAT CLAIMANT HAS A VOICE

2.

LIMITED UNDERSTANDING OF THE LAW, TO GET CLAIMANTS MERITORIOUS CLAIM DISMISSED.

7. PURSUANT TO ARCP RULE 36, CLAIMANT HAS 30 DAYS AFTER SERVICE OF THE REQUEST FOR ADMISSIONS, TO ANSWER THE REQUEST. CLAIMANT HAS UNTIL SEPTEMBER 22ND, 2019, BEFORE THE 30 DAY LIMIT IS UP.

8. IF CLAIMANTS ANSWER TO REQUESTS FOR ADMISSIONS WAS FLAWED TECHNICALLY, CLAIMANT STILL HAS TIME TO EITHER AMEND OR WITHDRAW HIS FLAWED ANSWER. THUS, RESPONDENTS MOTION IS UNTIMELY.

9. CLAIMANT DID ANSWER EACH OF RESPONDENTS REQUESTS FOR ADMISSIONS ACCORDING TO ARCP, RULE 36, BY STATING "DENY" OR "ADMIT" ON EACH QUESTION. THE RESPONDENT IS ATTEMPTING TO SAY THAT BECAUSE I QUALIFIED, OR EXPLAINED, EACH "DENY" OR "ADMIT" IN THE INTERESTS OF A CLEAR AND SPECIFIC REPRESENTATION OF EACH ANSWER, THAT I VIOLATED THE ARCP RULE 36. THAT IS NOT SO, AS THE ARCP RULE 36 DOES NOT PROHIBIT QUALIFICATIONS OR EXPLANATIONS IN ANSWERS, AS LONG AS THE REQUESTS ARE SPECIFICALLY DENIED OR ADMITTED; WHICH CLAIMANT DID!

10. CLAIMANT UNDERSTOOD ARCP RULE 36(A) "... THE PARTY ANSWERING REQUESTS FOR ADMISSIONS SHALL REPEAT EACH REQUEST IMMEDIATELY BEFORE THE ANSWER OR OBJECTION." ... TO MEAN THAT HE HAD TO REPEAT THE REQUEST (EXAMPLE: REQUEST FOR ADMISSION NO. 1), AND NOT THE STATEMENT OR QUESTION. IF CLAIMANT WAS WRONG IN HIS INTERPRETATION, IT WAS NOT INTENTIONALLY, AS CLAIMANT ANSWERED IN GOOD FAITH.

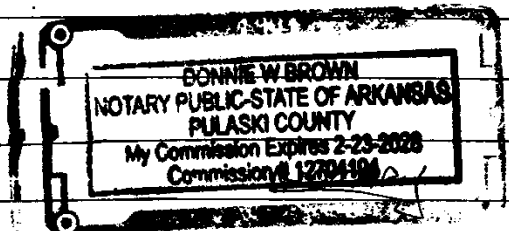
3.

11. IN ACCORDANCE WITH ARKANSAS LAW, IF CLAIMANTS GOOD FAITH ANSWERS TO RESPONDENT WERE TECHNICALLY FLAWED, CLAIMANT SHOULD BE AFFORDED THE OPPORTUNITY TO AMEND OR WITHDRAW HIS ANSWER TO RESPONDENTS REQUESTS FOR ADMISSIONS, IN THE INTERESTS OF JUSTICE.

12. THE CLAIMS COMMISSION HAS NEVER, TO CLAIMANTS KNOWLEDGE, BEEN IN THE PRACTICE OF DISMISSING POTENTIALLY VALID CLAIMS SIMPLY BECAUSE OF A SMALL, MINOR MISTAKE BY ONE OF THE PARTIES; WITHOUT GIVING THE PARTY AN OPPORTUNITY TO CORRECT THE ERROR.

WHEREFORE, CLAIMANT PRAYS THAT THIS COMMISSION DENY RESPONDENTS MOTION TO DEEM REQUESTS FOR ADMISSIONS ADMITTED, AND GRANT CLAIMANTS ATTACHED MOTION TO AMEND HIS ANSWER TO RESPONDENTS REQUESTS FOR ADMISSIONS.

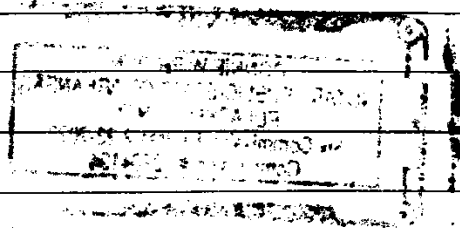
Respectfully submitted,
Barry Turner [redacted]
Barry Turner [redacted]
[redacted]



SUBSCRIBED TO AND SWORN BEFORE ME, A NOTARY PUBLIC, ON THIS 3rd Day of September, 2019.

My Commission Expires! 2-23-2028

[Signature]
Notary Public



4.

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THIS PLEADING HAS BEEN SERVED THIS
3RD DAY OF SEPTEMBER, 2019, ON THE RESPONDENT, BY AND
THROUGH THEIR ATTORNEY, THOMAS BURNS, BY PLACING A COPY
OF THE SAME IN THE U.S. MAIL, REGULAR POSTAGE, TO:

THOMAS BURNS (02006)

ARKANSAS DEPARTMENT OF CORRECTION

P.O. Box 8707

PINE BLUFF, AR 71611-8707

Barry Turner [REDACTED]
9-3-19

Barry Turner [REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER # [REDACTED]

N.

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTION

CLAIMANT
State Claims Commission

SEP 06 2019
RESPONDENT
RECEIVED

AMENDED ANSWER TO RESPONDENT'S FIRST
SET OF REQUESTS FOR ADMISSIONS

Comes now the claimant, Barry Turner [REDACTED] and for his
amended answer to respondent's request for admissions,
states:

ANSWER TO REQUEST FOR ADMISSION NO. 1: ADMIT THAT YOU DO NOT
HAVE ANY DAMAGES: DENY!

ANSWER TO REQUEST FOR ADMISSION NO. 2: ADMIT THAT YOU HAVE ALL
YOUR PROPERTY: OBJECT! REASON = STATEMENT IS TOO VAGUE.
IT DOES NOT STATE WHICH PROPERTY, AT WHAT TIME. PROPERTY
CHANGES AS TIME GOES BY, SO CLAIMANT CANNOT, IN GOOD FAITH,
DENY OR ADMIT. RESPONDENT SHOULD BE SPECIFIC.

ANSWER TO REQUEST FOR ADMISSION NO. 3: ADMIT THAT YOU DID NOT
INDICATE MISSING PROPERTY ON YOUR AUGUST 9, 2017, F-841. ADMIT

ANSWER TO REQUEST FOR ADMISSION NO. 4: ADMIT THAT THE CERTIFICATION
ON THE F-841 IS TO KEEP INMATES FROM TRAFFICKING AND TRAINING: DENY!
WITH THE QUALIFICATION THAT TO THE BEST OF MY KNOWLEDGE, THE
CERTIFICATION IS TO ACKNOWLEDGE WHAT PROPERTY IS IN POSSESSION

2.

OF THE INMATE ON THAT SPECIFIC DATE.

ANSWER TO REQUEST FOR ADMISSION NO. 5 : ADMIT THAT YOU CERTIFIED ALL YOUR PROPERTY LISTED ON YOUR INVENTORY WAS CORRECT : OBJECT!
REASON = STATEMENT IS TOO VAGUE, IT DOES NOT STATE WHICH INVENTORY, WHICH DATE, ETC. I'VE SIGNED HUNDREDS OF INVENTORY FORMS.
RESPONDENT SHOULD BE SPECIFIC.

ANSWER TO REQUEST FOR ADMISSION NO. 6 : ADMIT THAT YOU MUST KEEP YOUR FORM F-841 : ADMIT!

ANSWER TO REQUEST FOR ADMISSION NO. 7 : ADMIT THAT THE ABC HOUSES INMATES WHERE THEY SEE FIT : ADMIT!

ANSWER TO REQUEST FOR ADMISSION NO. 8 : ADMIT THAT A STOLEN PROPERTY REPORT MUST BE FILLED OUT TO BEGIN AN INVESTIGATION : ADMIT!

ANSWER TO REQUEST FOR ADMISSION NO. 9 : ADMIT THAT ABC ATEED PURSUANT TO POLICY : DENY!

ANSWER TO REQUEST FOR ADMISSION NO. 10 : ADMIT THAT YOUR COMPLAINT IS BASELESS : DENY!

I CERTIFY THAT I HAVE ANSWERED THE ABOVE TRUTHFULLY, TO THE BEST OF MY KNOWLEDGE.
FILED SEPTEMBER 2ND, 2019

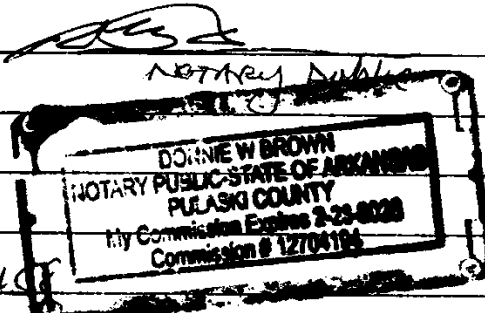
Respectfully submitted,
Barry Turner
BARRY TURNER # [REDACTED]

3,

NOTARY

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC,
THIS 3rd Day of September, 2019.

My commission expires 2/25/2020



CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THIS PLEADING HAS BEEN SERVED THIS
3RD DAY OF SEPTEMBER, 2019, ON THE RESPONDENT BY
Placing a copy of the same in the U.S. MAIL, REGULAR POSTAGE, TO:

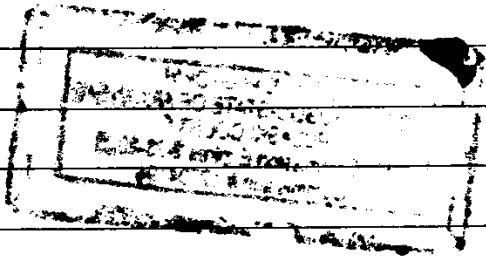
Thomas Burns (02006)
Arkansas Department of Correction
P.O. Box 8707
Pine Bluff, AR 71611-8707

Barry Turner

9-3-19

BARRY TURNER





From: [Kathryn Irby](#)
To: [Thomas Burns](#)
Cc: [Roni Gean](#)
Subject: ORDER: Turner v. ADC, Claim No. 180886
Date: Wednesday, April 8, 2020 3:39:00 PM
Attachments: [Turner v. ADC.pdf](#)
[Turner v. ADC.pdf](#)

Thomas, please see attached.

KMI

Kathryn Irby
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2822

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 8, 2020

Mr. Barry Turner (ADC [REDACTED])
[REDACTED]
[REDACTED]

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

(via email only)

Re: ***Barry Turner v. Arkansas Division of Correction***
Claim No. 180886

Dear Mr. Turner and Mr. Burns:

Enclosed please find the Order entered on April 3, 2020, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Please note, however, that the Claims Commission is currently closed due to the ongoing public health emergency. Please refer to Ark. R. Civ. Proc. 6(a) with regard to computation of deadlines when the clerk's office is closed.

Sincerely,

Kathryn Irby

ES: kmirby

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 180886

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the motion filed by the Arkansas Division of Correction (the “Respondent”) seeking to deem admitted its requests for admission propounded to Barry Turner (the “Claimant”). Also pending is Claimant’s motion to amend his responses. Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. The Claims Commission has jurisdiction to hear this claim pursuant to Ark. Code Ann. § 19-10-204(a).

2. Claimant filed his claim on April 25, 2018, seeking “approximately \$2350.00 total” in damages resulting from lost personal property (the “Lost Property Claim”) and Respondent’s alleged violations of its procedures regarding 48-hour relief periods from punitive segregation (the “Punitive Segregation Claim”).

3. Respondent moved for dismissal of Claimant’s claim pursuant to Ark. R. Civ. Proc. 12(b)(6). On February 20, 2019, the Claims Commission granted Respondent’s motion as to the Lost Property Claim and denying Respondent’s motion as to the Punitive Segregation Claim.

4. On July 29, 2019, the Claims Commission granted Claimant’s motion for reconsideration of its dismissal of the Lost Property Claim and denied Respondent’s motion for reconsideration as to the Punitive Segregation Claim.

5. Respondent sent requests for admission to Claimant on or about August 19, 2019.

6. Claimant responded to the requests for admission on August 22, 2019 (the “Original Responses”).

7. Respondent filed a motion to deem admitted on August 30, 2019, arguing that Claimant’s responses to do not fulfill the requirements of Ark. R. Civ. Proc. 36(a) and that Claimant failed to repeat the request prior to each response. As to Claimant’s responses, Respondent stated that:

The permissible responses, according to RULE 36(a), are, (1) admit; (2) deny; (3) object, stating the reasons for the objection; (4) state the reasons why the responding party can neither admit or deny; (5) admit or deny to the remainder; or (6) admit or deny in whole or in part with qualification.

Respondent conceded that there are only a “few cases construing the rule” and cited to two Arkansas cases in support of its arguments: *Chiodini v. Lock*, 2010 Ark. App. 340, 374 S.W.3d 835 (2010); *Widmer v. Wood*, 243 Ark. 457, 420 S.W.2d 828 (1967).

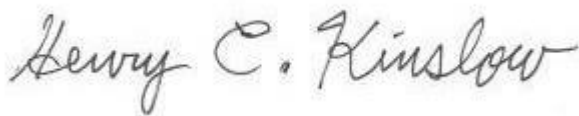
8. In response to the motion to deem admitted, on September 6, 2019, Claimant requested leave to file amended responses to the requests for admission (the “Amended Responses”). The Amended Responses were also filed on that date.

9. Claimant’s Amended Responses were filed on September 6, 2019, which is within the time permitted to respond to the requests under Ark. R. Civ. Proc. 36(a).

10. As such, the Claims Commission will grant Claimant’s request to amend his response and will accept the Amended Responses.

11. The Claims Commission hereby DENIES Respondent’s motion to deem the Original Responses admitted. The parties should continue discovery.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION

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

DATE: April 3, 2020

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: [Thomas Burns](#)
To: [ASCC Pleadings](#); [Roni Gean](#)
Subject: Barry Turner v ADC claim 180886
Date: Friday, May 15, 2020 1:01:46 PM
Attachments: [4602 v1.pdf](#)

Second Requests for Admission

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71611-8707
Phone: (870) 267-6845
Fax: (870) 267-6373
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC [REDACTED])

CLAIMANT

v

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

SECOND SET OF REQUESTS FOR ADMISSIONS
TO BARRY TURNER

Comes now, the Plaintiff, Arkansas Department of Correction, (ADC), by and through their attorney, Thomas Burns, and for their Second Set of Requests for Admissions to Barry Turner, to be answered in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit that you do not have any damages in relation to claim 180886.

REQUEST FOR ADMISSION NO. 2: Admit that the certification line of the F-841 is not ambiguous.

REQUEST FOR ADMISSION NO. 3: Admit that you went on a hunger strike to until your property, related to claim 180886, was replaced.

REQUEST FOR ADMISSION NO. 4: Admit that you are no longer on a hunger strike.

REQUEST FOR ADMISSION NO. 5: Admit that your grievance, MX-17-01643, you allege a Constitutional violation.

REQUEST FOR ADMISSION NO. 6: Admit that you must keep your form F-841.

REQUEST FOR ADMISSION NO. 7: Admit that the ADC houses inmates where they see fit.

REQUEST FOR ADMISSION NO. 8: Admit that you did not follow ADC policy regarding claim 180886.

REQUEST FOR ADMISSION NO. 9: Admit that ADC acted pursuant to policy regarding claim 180886.

REQUEST FOR ADMISSION NO. 10: Admit that your complaint, claim number 180886, is baseless.

Filed 15 May 2020.

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 this pleading has been served this 15th day of May 2020, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Barry Turner [REDACTED]
[REDACTED]



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER # [REDACTED]

VS

ARKANSAS DEPARTMENT OF CORRECTION

No. 180886

Arkansas
State Claims Commission

JUN 19 2020

CLAIMANT

RESPONDENT

RECEIVED

CLAIMANTS RESPONSE TO SECOND SET OF REQUESTS FOR
ADMISSIONS

COMES NOW THE CLAIMANT, BARRY TURNER #097339, AND
FOR HIS RESPONSES, STATES:

REQUEST FOR ADMISSION NO. 1: ADMIT THAT YOU DO NOT HAVE
ANY DAMAGES IN RELATION TO CLAIM NO. 180886.

RESPONSE: DENY

REQUEST FOR ADMISSION NO. 2: ADMIT THAT THE CERTIFICATION
LINE OF THE F-841 IS NOT AMBIGUOUS.

RESPONSE: DENY

REQUEST FOR ADMISSION NO. 3: ADMIT THAT YOU WENT ON
A HUNGER STRIKE TO UNTIL YOUR PROPERTY, RELATED TO
CLAIM 180886, WAS REPLACED.

RESPONSE: DENY

REQUEST FOR ADMISSION NO. 4: ADMIT THAT YOU ARE NO
LONGER ON A HUNGER STRIKE.

RESPONSE: DENY

REQUEST FOR ADMISSION NO. 5: ADMIT THAT YOUR GRIEVANCE

MX-17-01643, you allege a CONSTITUTIONAL VIOLATION.
RESPONSE: DENY

REQUEST FOR ADMISSION NO. 6: ADMIT THAT YOU MUST KEEP
 YOUR FORM F-841.
RESPONSE: DENY

REQUEST FOR ADMISSION NO. 7: ADMIT THAT THE AAC HOUSES
 INMATES WHERE THEY SEE FIT.
RESPONSE: DENY

REQUEST FOR ADMISSION NO. 8: ADMIT THAT YOU DID NOT FOLLOW
 AAC POLICY REGARDING CLAIM 180886.
RESPONSE: DENY

REQUEST FOR ADMISSION NO. 9: ADMIT THAT AAC VIOLATED PURSUANT
 TO POLICY REGARDING CLAIM 180886.
RESPONSE: DENY

REQUEST FOR ADMISSION NO. 10: ADMIT THAT YOUR COMPLAINT,
 CLAIM NUMBER 180886, IS BASELESS.
RESPONSE: DENY

Files June 8th, 2020!

Respectfully Submitted,

13

Barry Turner 973

Barry Turner # [REDACTED]

SWORN TO AND SUBSCRIBED BEFORE ME, A Notary Public,
THIS 8th day of June, 2020.

BRUCE E. WARREN
NOTARY PUBLIC STATE OF ARKANSAS
JEFFERSON COUNTY
My Commission Expires 06-08-2028
Commission # 12359552

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THIS PLEADING HAS BEEN SERVED
THIS 8th day of June, 2020, ON THE RESPONDENT, BY
PLACING A COPY OF THE SAME IN THE U.S. MAIL, REGULAR
POSTAGE, TO:

THOMAS BURNS (02006)
LEGAL DEPARTMENT
DEPARTMENT OF CORRECTION
6814 PRINCETON PIKE
PINE BLUFF, AR 71602

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Roni Gean \(DOC\)](#); [ASCC Pleadings](#); [Kathryn Irby](#)
Subject: CORR: Barry Turner v. ADC, Claim No. 180886
Date: Tuesday, May 24, 2022 3:13:00 PM
Attachments: [Barry Turner v. ADC.pdf](#)

Thomas:

Please see attached. Contact Kathryn Irby 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

May 24, 2022

Mr. Barry Turner (ADC 0 [REDACTED])
[REDACTED]
[REDACTED]

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

(via email only)

Re: ***Barry Turner v. Arkansas Division of Correction***
Claim No. 180886

Dear Mr. Turner and Mr. Burns,

The above-styled claim has been in discovery for an extended period of time. Please notify this office in writing by Tuesday, June 14, 2022, as to the status of discovery. If the Claims Commission does not receive a timely response, this claim will be set for hearing as soon as is practicable.

Sincerely,

Kathryn Irby

ES: msscott

RE: BARRY TURNER V. ARKANSAS DIVISION OF CORRECTION, CLAIM NO. 180886

Arkansas
State Claims Commission

JUN 04 2022

JUNE 1ST, 2022

DEAR DIRECTOR IRBY,

RECEIVED

THIS LETTER IS IN RESPONSE TO YOUR LETTER OF
MAY 24TH, 2022.

AS FAR AS I KNOW, DISCOVERY HAS BEEN COMPLETED
FOR ALMOST 2 YEARS. I HAVE HEARD NOTHING FROM
MR. THOMAS BURNS IN THE LAST 23 MONTHS. I WAS
UNDER THE IMPRESSION THAT WE WERE AWAITING A HEARING
DATE TO BE SCHEDULED FOR THIS CLAIM.

AS DISCOVERY IS CLEARLY OVER, WILL YOU PLEASE
SCHEDULE THIS CLAIM FOR A HEARING AT YOUR EARLIEST
CONVENIENCE?

Respectfully,

Barry Turner

BARRY TURNER

ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

RE: BARRY TURNER VS. ARKANSAS DIVISION OF CORRECTION
CLAIM NO. 180886

AUG 25 2022

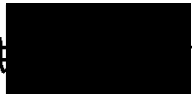
RECEIVED

August 21st, 2022

Dear Arkansas State Claims Commission,

- ⊗ I RECEIVED A NOTICE FROM YOU DATED MAY 24TH.
- ⊗ YOU TOLD ME TO NOTIFY YOUR OFFICE BY JUNE 14TH AS TO THE STATUS OF DISCOVERY IN THIS CLAIM, SO THAT A HEARING COULD BE SET FOR THIS CLAIM AS SOON AS IS PRACTICABLE.
- ⊗ I NOTIFIED YOU THAT "DISCOVERY" HAD LONG BEEN OVER, AND THAT ALL THAT REMAINS WAS A HEARING TO BE SCHEDULED.
- ⊗ IT HAS BEEN 3 MONTHS SINCE YOUR LAST COMMUNICATION TO ME, AND I HAVE NOT HEARD ANYTHING BACK FROM YOUR OFFICE.
- ⊗ I WOULD LIKE TO KNOW IF A HEARING DATE HAS BEEN SCHEDULED; AND IF SO, WHEN.
- ⊗ I UNDERSTAND THAT THIS COMMISSION IS VERY BUSY, BUT I WOULD JUST LIKE TO KNOW THE STATUS OF MY CLAIM.
- ⊗ MY CLAIM WAS FILED 4 YEARS AGO, AND I SIMPLY WANT IT TO BE CONCLUDED.

I THANK YOU IN ADVANCE FOR ANY REPLY.

Respectfully,
Barry Turner + 

From: [Kathryn Irby](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Leslie Browning \(DOC\)](#); [Mika Tucker](#)
Subject: HEARING SCHEDULED: Turner v. ADC, Claim No. 180886
Date: Wednesday, August 31, 2022 10:28:00 AM
Attachments: [Turner v. ADC - 180886 - Hearing Scheduling ltr.pdf](#)

Thomas, please see attached.

Thanks,
Kathryn

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

August 31, 2022

Mr. Barry Turner (ADC [REDACTED])
[REDACTED]
[REDACTED]

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

(via email)

Re: ***Barry Turner v. Arkansas Division of Correction***
Claim No. 180886

Dear Mr. Turner and Mr. Burns,

The Claims Commission has scheduled this claim for hearing on **Thursday, December 15, 2022**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed, and the Claims Commission asks that Mr. Burns provide the Zoom invitation to Mr. Turner's unit.

Each party's witness lists, exhibit lists, and exhibits are due by Thursday, November 3, 2022. If the parties would like for the Claims Commission to review prehearing briefs, the briefs are due at the same time.

If Claimant would like to call other inmates or ADC employees as witnesses, Claimant will need to submit subpoena requests by November 3, 2022. The subpoena requests must include the witnesses' names and addresses. If ADC objects to issuance of any subpoena, ADC will have until November 8, 2022, to file a detailed objection.

If Claimant would like to call a witness outside of ADC, Claimant will need to arrange for that witness's virtual attendance at the hearing. Claimant can direct the witness to contact the Claims Commission for the Zoom invitation. If a subpoena will be necessary to compel a witness's testimony, Claimant will need to submit a subpoena request by November 3, 2022. The subpoena request must include the witness's name and address. Once the Claims Commission issues the

subpoena, Claimant will need to have the subpoena served upon the witness pursuant to Rule 45 of the Arkansas Rules of Civil Procedure.

If Respondent will require subpoenas in order to compel the testimony of any of its witnesses, those subpoena requests are also due on November 3, 2022.

Absent good cause shown, any subpoena requests received after November 3, 2022, will be denied.

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed by November 3, 2022.

Please note that a copy of any subpoena requests, witness lists, exhibit lists, and exhibits must be served upon the opposing party via U.S. Mail in accordance with the Arkansas Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Dec 15, 2022 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87233982936?pwd=WWtCY3k1c2VKblVuaDNueHA5NTY3Zz09>

Meeting ID: 872 3398 2936

Passcode: 09QZ2p

One tap mobile

+19294362866,,87233982936#,,,,*460453# US (New York)

+13017158592,,87233982936#,,,,*460453# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 386 347 5053 US

+1 564 217 2000 US

+1 669 444 9171 US

Meeting ID: 872 3398 2936

Passcode: 460453

Find your local number: <https://us06web.zoom.us/u/kbkU0WW4wI>

From: [Kathryn Irby](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Leslie Browning \(DOC\)](#)
Subject: HEARING RESCHEDULED: Turner v. ADC, Claim No. 180886
Date: Wednesday, November 2, 2022 8:36:00 PM
Attachments: [Turner v. ADC - 180886 - Hearing Rescheduling ltr.pdf](#)

Thomas, please see attached letter.

Thanks,
Kathryn

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 2, 2022

Mr. Barry Turner (ADC [REDACTED])
[REDACTED]
[REDACTED]

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

(via email)

Re: ***Barry Turner v. Arkansas Division of Correction***
Claim No. 180886

Dear Mr. Turner and Mr. Burns,

The Claims Commission has rescheduled this claim for hearing on **Friday, March 10, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The new Zoom invitation is enclosed, and the Claims Commission asks that Mr. Burns provide the Zoom invitation to Mr. Turner's unit.

Each party's witness lists, exhibit lists, and exhibits are due by Friday, February 3, 2023. If the parties would like for the Claims Commission to review prehearing briefs, the briefs are due at the same time.

If Claimant would like to call other inmates or ADC employees as witnesses, Claimant will need to submit subpoena requests by February 3, 2023. The subpoena requests must include the witnesses' names and addresses. If ADC objects to issuance of any subpoena, ADC will have until February 8, 2023, to file a detailed objection.

If Claimant would like to call a witness outside of ADC, Claimant will need to arrange for that witness's virtual attendance at the hearing. Claimant can direct the witness to contact the Claims Commission for the Zoom invitation. If a subpoena will be necessary to compel a witness's testimony, Claimant will need to submit a subpoena request by February 3, 2023. The subpoena

request must include the witness's name and address. Once the Claims Commission issues the subpoena, Claimant will need to have the subpoena served upon the witness pursuant to Rule 45 of the Arkansas Rules of Civil Procedure.

If Respondent will require subpoenas in order to compel the testimony of any of its witnesses, those subpoena requests are also due on February 3, 2023.

Absent good cause shown, any subpoena requests received after February 3, 2023, will be denied.

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed by February 3, 2023.

Please note that a copy of any subpoena requests, witness lists, exhibit lists, and exhibits must be served upon the opposing party via U.S. Mail in accordance with the Arkansas Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Mar 10, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/84070339416?pwd=MTJ3Q1ZuYkg4WURWdFA0VDdRZUhlUT09>

Meeting ID: 840 7033 9416

Passcode: 9A1twG

One tap mobile

+19294362866,,84070339416#,,,,*492071# US (New York)

+13017158592,,84070339416#,,,,*492071# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

Meeting ID: 840 7033 9416

Passcode: 492071

Find your local number: <https://us06web.zoom.us/j/84070339416>

IMPORTANT

State Claims Commission

SUNDAY
MARCH 12TH, 2023

MAR 17 2023

RECEIVED

DEAR MRS. IRBY,

I WAS SUPPOSED TO HAVE A CLAIMS HEARING ON FRIDAY, MARCH 10TH, 2023, SCHEDULED AT 9:00 A.M. BY ZOOM.

I WANT THIS COMMISSION TO KNOW THAT I DID NOT WAIVE MY HEARING, NOR DID I DO ANYTHING THAT JUSTIFIED MY NOT BEING ALLOWED TO ATTEND.

I AM AT A LOSS AS TO WHAT TO DO NOW, SO I AM WRITING TO ASK YOU. THE PROBLEM IS, THE WOMAN WHO IS IN CHARGE OF RUNNING HEARINGS SUCH AS CLAIMS HEARINGS AND DISCIPLINARY HEARINGS AT THIS UNIT, MRS. CASHIA JACKSON, DID NOT WANT TO RUN MY SCHEDULED 'CLAIMS HEARING, AND' CREATES AN EXCUSE FOR NOT TAKING ME TO IT. SHE WAIVES INMATES DISCIPLINARY HEARINGS ALL THE TIME WHEN SHE DOESNT FEEL LIKE DOING THE WORK. AND SHE DID THE SAME WITH MY CLAIMS HEARING.

ID ASK THE CLAIMS COMMISSION TO CONSIDER ONE THING.... DOES IT MAKE ANY SENSE, OR SOUND EVEN REMOTELY AUTHENTIC, THAT I WOULD NEGLIGENTLY LITIGATE MY CLAIM FOR 5 YEARS SO THAT I COULD GET A HEARING, AND THEN ON THE DAY I FINALLY GET MY LONG SOUGHT AFTER HEARING, I DO SOMETHING THAT DENIES ME THAT HEARING ??? THATS TWICE CONVENIENT FOR THE A.D.C.

TO LET THIS COMMITTEE KNOW EXACTLY WHAT EVENTS LED TO MY MISSING MY SCHEDULED CLAIMS HEARING, I WILL BRIEFLY RELATE THE FOLLOWING:

① ON THURSDAY, MARCH 9TH, 2023, SGT. CASHIA JACKSON WAS FEEDING MEALS IN MY HOUSING UNIT (8 BKS)

② CASHIA JACKSON STOPPED AT MY CELL AND TRIED TO CONVINCE ME THAT I SHOULD "REFUSE" MY CLAIMS HEARING THE FOLLOWING DAY, THAT I SHOULD LET "BYGONES BE BYGONES" AND "FORGIVE AND FORGET".

③ WHEN I TOLD HER THAT I WAS GOING TO MY HEARING TO SEEK COMPENSATION FOR LEGITIMATE CLAIMS, SHE THEN TOLD ME THAT I WAS CREATING A WHOLE LOT OF EXTRA WORK FOR HER, THAT SHE HAD OTHER THINGS SHE COULD BE DOING.

④ I ADVISED HER THAT I DID NOT CREATE THIS WORK

FOR HER, THAT THE A.D.C. CREATES IT.

⑤ SHE TOLD ME, "WELL BE READY AT 8:50 A.M. SINCE YOU DONT WANT TO HELP ME OUT. I HAVE YOUR HEARING AND THEN ANOTHER HEARING AT 11:00 A.M., BOTH OF YALL WILL PROBABLY LOSE, AND ARE WASTING MY TIME."

⑥ ON FRIDAY, MARCH 10TH, 2023, SGT. CHAITH JAKSON WAS AGAIN ASSIGNED TO WORK MY ASSIGNED HOUSING UNIT, TO RUN SHOWERS FOR INMATES HOUSES IN 8 BARRACKS.

⑦ IT HAS ALWAYS BEEN PROTOCOL IN THE A.D.C. THAT WHENEVER AN INMATE HAS A COURT HEARING SCHEDULES, THAT THE INMATE IS AFFORDED THE OPPORTUNITY TO SHOWER AND SHAVE, TO BE "PRESENTABLE" FOR HIS COURT APPEARANCE.

⑧ SGT. CHAITH JAKSON WAS GETTING READY TO BEGIN SHOWERS IN 8 BARRACKS AT 8:05 A.M.; SO I ASKED HER IF SHE WOULD PUT ME IN THE SHOWER FIRST, SO I COULD GET MY SHOWER BEFORE MY HEARING, AS IM SUPPOSED TO.

⑨ SHE TOLD ME "IM STARTING UPSTAIRS. YOUR CLAIMS HEARING IS NOT A COURT, THEY ARE NOT THAT IMPORTANT. YOU DONT NEED A SHOWER, YOU'LL BE ALRIGHT. THEY WONT BE ABLE TO SMELL YOU ANYWAY."

⑩ AT THAT POINT I SIMPLY ADVISED HER THAT "IS THE LAST TIME SHE WILL TAKE SOMETHING OR DENY SOMETHING THAT I AM SUPPOSED TO GET; WHEN I GET BACK TO MY CELL AFTER MY HEARING, IM GOING TO BURN YOU ON A GRIEVANCE, AND YOU CAN EXPLAIN TO THE WARDEN WHY YOU THINK YOU CAN DO WHATEVER YOU WANT AND GET AWAY WITH IT."

⑪ WHEN I TOLD HER THAT I WAS GOING TO WRITE THE GRIEVANCE IN HER, SHE CALLED HER SUPERVISOR (LT. CAPEL) ON HER WALKIE TALKIE, AND TOLD HIM THAT I THREATENED HER, AND THAT SHE WAS WAIVING MY CLAIMS HEARING AND WANTED ME LOCKED UP.

⑫ LT. CAPEL THEN TOLD ME TO SUBMIT TO RESTRAINTS THAT HE WAS TAKING ME TO ISOLATION FOR THREATENING HIS OFFICER.

⑬ WHEN I EXPLAINED TO HIM WHAT HIS HAPPENED AND WHAT I SAID TO HER, AND THAT I HAD A CLAIMS HEARING IN 45 MINUTES, HE TOLD ME "I DONT CARE! YOU ARE GOING TO THE COLE AND NOT TO YOUR HEARING. MY OFFICER FELT YOU THREATENED HER, AND IM ALWAYS SIDING WITH HER."

⑭ AT THAT POINT, KNOWING THAT I WAS GOING TO BE DENIED

my CLAIMS HEARING, AND KNOWING I WAS BEING LOCKED UP FOR NO MORE THAN TELLING SGT. JACKSON I WOULD WRITE A GRIEVANCE ON HER, I REFUSED TO SUBMIT TO RESTRAINTS TO GO TO THE HOLE, AND MADE THEM USE FORCE TO REMOVE ME.

(15) I NOW SIT IN AN EMPTY CELL, HAVING HAD TO BORROW THE PEN, PAPER AND STAMPED ENVELOPE TO WRITE YOU WITH.

SGT. CASHIA JACKSON DOES THIS EXACT TYPE OF THING ALL THE TIME ON DISCIPLINARIES, EITHER WAIVING IMMEDIATE DISCIPLINARY HEARINGS UNBEKNOWNST TO THEM, OR WAIVES THEIR HEARINGS BY "CLAIMING" THEY HAD AN ATTITUDE WHEN SHE ASKED THEM IF THEY WERE GOING, AS LONG AS SHE IS IN THE POSITION SHE IS IN THIS TYPE OF STUFF WILL ALWAYS HAPPEN; BECAUSE SHE FEELS SHE CAN GET AWAY WITH IT.

I WANT THIS CLAIMS COMMISSION TO KNOW THAT I DID NOT WAIVE OR REFUSE MY SCHEDULED HEARING OF MARCH 10, 23, NOR DID I DO ANYTHING TO JUSTIFY NOT BEING ALLOWED TO ATTEND. I REFUSED TO LEAVE MY CELL AFTER MY HEARING WAS DENIED TO ME.

WILL YOU PLEASE LET ME KNOW WHAT I CAN DO TO NOT ONLY GET ANOTHER HEARING, BUT ALSO TO INSURE THAT THIS SAME LAZY SGT. CASHIA JACKSON DOESNT CREATE ANOTHER EXCUSE TO DENY ME A HEARING. I HAVE WAITED TOO LONG FOR A HEARING ONLY TO HAVE IT DENIED ME FOR NO REASON OTHER THAN SGT. CASHIA JACKSON DIDNT WANT TO DO THE WORK!

PLEASE HELP ME IN THE EFFORTS OF GOOD FAITH AND THE PURSUIT OF JUSTICE AND FAIRNESS.

Respectfully SUBMITTED,
Barry Jurm [REDACTED]

3-12-23

[REDACTED]

RE: BARRY TURNER VS. ARKANSAS DIVISION OF CORRECTION
CLAIM NO. 180886

Arkansas
State Claims Commission

MAR 18 2023

MARCH 14TH, 2023

RECEIVED

DEAR MRS. IRBY,

I WROTE you CONCERNING THIS MATTER 2 DAYS AGO, AND AM ONLY WRITING AGAIN TO INSURE THAT YOU RECEIVE AT LEAST 1 OF THESE 2 LETTERS.

* IN THE ABOVE STYLED CLAIM, I HAD A HEARING SCHEDULED, VIA ZOOM, FOR 9:00 A.M. ON MARCH 10TH, 2023.

* THROUGH NO FAULT OF MY OWN, I WAS DENIED THE OPPORTUNITY TO APPEAR BEFORE THE CLAIMS COMMISSION FOR MY HEARING.

* I DID NOT WAIVE OR REFUSE MY HEARING, NOR DID I DO ANYTHING TO MERIT BEING DENIED MY HEARING.

* THE PERSON RESPONSIBLE FOR SETTING UP THE ZOOM HEARING, CONDUCTING THE ZOOM HEARING, ESCORTING ME TO THE ZOOM HEARING, SITTING WITH ME DURING THE ZOOM HEARING, AND DOING ALL THE RESULTANT PAPERWORK PERTAINING TO THE ZOOM HEARING, WAS SGT. CADITH JACKSON.

* THE PERSON RESPONSIBLE FOR DENYING ME THE OPPORTUNITY TO ATTEND MY ZOOM HEARING WAS SGT. CADITH JACKSON.

* THE SAME PERSON WAS ASSIGNED TO WORK MY HOUSING UNIT; FEED, CONDUCT SHOWERS, ETC.; SGT. CADITH JACKSON

* THE PREVIOUS DAY, SGT. CADITH JACKSON WAS ALSO ASSIGNED TO WORK MY HOUSING UNIT (8 BARRACKS).

* ON THE PREVIOUS DAY, 3-9-23, SGT. CADITH JACKSON ATTEMPTED TO PERSUADE ME TO WAIVE MY STATE CLAIMS HEARING, AS IT WAS A LOT OF EXTRA WORK FOR HER TO DO.

* SHE WAS NOT PLEASED WHEN I FIRMLY TOLD HER THAT I WOULD NOT WAIVE MY HEARING, AND WANTED TO FINALLY HAVE MY HEARING.

* ON THE MORNING OF 3-10-23, AT APPROXIMATELY 8:10 A.M. SGT. CADITH JACKSON CAME INTO 8 BARRACKS TO BEGIN CONDUCTING SHOWERS.

* I REMINDS HER THAT I HAD A SCHEDULED STATE CLAIMS HEARING IN "LESS THAN AN HOUR", AND NEEDED TO BE PLACED IN THE SHOWER BEFORE MY HEARING.

* IT HAS ALWAYS BEEN THE PRACTICE AND PROTOCOL IN THE A.D.C. THAT WHEN AN INMATE HAS A COURT APPEARANCE, THE INMATE IS AFFORDED THE OPPORTUNITY TO SHOWER AND SHAVE SO THAT HE MAY BE PRESENTABLE FOR COURT.

* SGT. CINDY JACKSON REFUSES TO GIVE ME A SHOWER, TELLING ME THAT I WAS ONLY GOING TO A STATE CLAIMS HEARING, NOT A REAL COURT, AND THAT IT WAS NOT THAT IMPORTANT. SHE TOLD ME THAT SHE WAS STARTING UPSTAIRS AND THAT I ALREADY HAD HER DOING A LOT OF EXTRA WORK, AND THAT THE CLAIMS COMMISSION WOULDN'T BE ABLE TO SMELL ME ANYWAY.

* AT THAT POINT, I TOLD HER THAT WAS THE LAST TIME SHE WOULD TAKE SOMETHING THAT I WAS SUPPOSED TO GET, AND THAT I WAS GOING TO "WRITE HER UP" FOR IT. I ALSO TOLD HER THAT I WAS THE WRONG ONE TO TAKE SOMETHING FROM, BECAUSE I WOULD STAND UP FOR MY RIGHTS.

* SGT. CINDY JACKSON THEN CALLED HER SUPERVISOR, LT. CIPLE, AND TOLD HIM, "BARRY TURNER JUST THREATENS ME. I WANT HIM LOCKED UP, AND HE'S NOT GOING TO HIS HEARING NOW."

* I TRIED TO EXPLAIN TO LT. CIPLE THAT ALL I DID WAS ADVISE HER THAT I WOULD BE WRITING A GRIEVANCE ON HER.

* LT. CIPLE DID NOT CARE, TELLING ME THAT HIS OFFICER WAS THREATENS AND HE WOULD ALWAYS SIDE WITH HER, NO MATTER WHAT.

* WHEN I AGAIN TOLD HIM THAT I HAD A CLAIMS HEARING SCHEDULED FOR 9:00 AM, HE TOLD ME THAT SGT. CINDY JACKSON HAD CANCELLED IT, AND HE THEN ORDERED ME TO SUBMIT TO HANDCUFFS.

* AT THAT POINT, I REFUSED, SINCE SGT. CINDY JACKSON WAS HAVING ME LOCKED UP SO SHE WOULDN'T HAVE TO DO "ALL THE EXTRA WORK"

7

THAT THE SCHEDULED STATE CLAIMS HEARING WOULD HAVE ENTITLED FOR HER.

* DOES IT MAKE ANY SENSE, OR SOUND EVEN REMOTELY BELIEVABLE, THAT AFTER I HAD DILIGENTLY LITIGATED THIS CLAIM FOR 5 YEARS, SO THAT I COULD HAVE A HEARING, ONLY TO THREATEN THE VERY PERSON THAT HAD TO CONDUCT MY CLAIMS HEARING - LESS THAN AN HOUR BEFORE THE HEARING WAS TO START ???

* SGT. ANJIAH JACKSON FEELS SHE CAN DO OR SAY ANYTHING SHE WANTS, WITH NO ACCOUNTABILITY, BECAUSE SHE KNOWS THATS PROVING HER ABUSE OF POWER IS USUALLY VIRTUALLY IMPOSSIBLE TO DO.

* SGT. ANJIAH JACKSON IS ALSO IN CHARGE OF THE DISCIPLINARY PROCESS AT THE MAXIMUM SECURITY UNIT, AND SHE HAS LONG ABUSED HER POWER BY WAIVING INMATES DISCIPLINARY HEARINGS AGAINST THEIR WISHES; AND THERE IS VERY LITTLE AN INMATE CAN DO.

* THIS CURRENT ABUSE, WITH SGT. ANJIAH JACKSON CANCELLING/WAIVING MY CLAIMS HEARING, SIMPLY DEFIES LOGIC !!!

* IF THIS COMMISSION SEES FIT TO RESCHEDULE MY CLAIMS HEARING FOR A FUTURE DATE, AT YOUR CONVENIENCE, THE SAME TYPE OF THING COULD HAPPEN AGAIN, IF SGT. ANJIAH JACKSON IS ALLOWED TO CONTINUE BEING IN CHARGE OF ZOOM STATE CLAIMS HEARINGS. SHE COULD VERY EASILY SIMPLY MAKE UP ANOTHER "REASON" FOR NOT AFFORDING ME, OR ANOTHER INMATE, THEIR HEARING.

I AM ASKING THAT THIS COMMISSION CONSIDER THAT I HAVE ALWAYS DILIGENTLY, AND IN GOOD FAITH, LITIGATED THIS CLAIM, AND ACCEPT THAT I WOULD NOT DO ANYTHING TO JEOPARDIZE BEING ABLE TO ATTEND MY LONG AWAITED HEARING. FURTHER, I WOULD ASK THAT THIS COMMISSION RESCHEDULE MY MISSED CLAIMS HEARING. LASTLY, I ASK THAT THIS COMMISSION PETITION THE ARKANSAS DIVISION OF CORRECTION, AND ASK THAT SGT. ANJIAH JACKSON BE REMOVED FROM

THE RESPONSIBILITY OF BEING IN CHARGE OF FUTURE STATE CLAIMS ZOOM
HEARINGS.

I THANK YOU FOR YOUR TIME AND CONSIDERATION.

Respectfully submitted,
Barry Turner [REDACTED]

Barry Turner [REDACTED]
[REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER # [REDACTED]

NO. 18-0886CC

CLAIMANT

v.
ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT
Arkansas

State Claims Commission

CLAIMANTS MOTION REQUESTING HEARING TO BE
RESCHEDULED

APR 13 2023

COMES NOW CLAIMANT, BARRY TURNER [REDACTED], PRO-SE, RECEIVED
AND FOR HIS MOTION, STATES THE FOLLOWING:

- 1) CLAIMANT FILED HIS CLAIM ON APRIL 25, 2018, SEEKING \$2750.00 IN DAMAGES RESULTING FROM LOST PERSONAL PROPERTY, AND RESPONDENTS VIOLATION OF ITS POLICIES AND PROCEDURES REGARDING 48 HOUR RELIEF PERIODS FROM PUNITIVE SEGREGATION.
- 2) CLAIMANT PROCEEDED TO DILIGENTLY LITIGATE HIS CLAIM FROM APRIL OF 2018 UNTIL THE PRESENT MOTION.
- 3) BOTH CLAIMANT AND RESPONDENT COMPLETED DISCOVERY IN JUNE OF 2020.
- 4) CLAIMANT clearly ESTABLISHED A MERITORIOUS CLAIM ON BOTH THE LOST PROPERTY AND 48 HOUR RELIEF CLAIMS, SUPPORTED BY NUMEROUS PIECES OF DOCUMENTARY EVIDENCE.
- 5) AFTER 5 YEARS OF GOOD FAITH, DILIGENT LITIGATION, THIS CLAIM WAS SCHEDULED FOR A HEARING, BY ZOOM, FOR MARCH 10, 2023, AT 9:00 A.M. (CENTRAL TIME).

CLAIMANT PETITIONS THIS COMMISSION TO RESCHEDULE THE ABOVE STYLED HEARING OF MARCH 10TH, 2023, FOR THE FOLLOWING REASONS:

- A) CLAIMANT WAS denied HIS OPPORTUNITY TO APPEAR AT HIS SCHEDULED ZOOM HEARING OF MARCH 10TH, 2023 BY ADC (ARKANSAS DEPARTMENT OF CORRECTION) STAFF.
- B) CLAIMANT DID NOT WAIVE OR REFUSE HIS HEARING, NOR WAS THERE ANY LEGITIMATE JUSTIFICATION FOR HIM

2)

TO BE DENIED HIS RIGHT TO BE PRESENT FOR HIS HEARING.

C) THE RESPONDENT ADC, BY AND THROUGH ITS EMPLOYEES, COLLECTIVELY OR INDIVIDUALLY, IN BAD FAITH, DENIED CLAIMANT THE RIGHT TO APPEAR FOR HIS ZOOM HEARING WITHOUT DUE-CAUSE.

D) THE ADC EMPLOYEE CHARGED WITH THE RESPONSIBILITY AND DUTY OF SETTING UP, CONDUCTING, ESCORTING CLAIMANT, AND DOING ALL THE RESULTANT PAPERWORK ASSOCIATED WITH THE SCHEDULED ZOOM HEARING, WAS SGT. CADIJAH V. JACKSON, AN EMPLOYEE AT THE TUCKER MAXIMUM SECURITY UNIT.

E) ON THE DAY OF THE SCHEDULED ZOOM HEARING, MARCH 10TH, 2023, LESS THAN AN HOUR BEFORE THE 9:00 A.M. HEARING, SGT. CADIJAH V. JACKSON HAD HER SUPERVISOR (LT. CIPER) TO LOCK ME UP IN ISOLATION, ALLEGING THAT CLAIMANT HAD THREATENED HER.

F) BY DOING THIS, SGT. CADIJAH V. JACKSON THEN CLAIMED SHE HAD JUSTIFICATION FOR REFUSING THE CLAIMANT HIS SCHEDULED ZOOM HEARING.

G) CLAIMANT POSITIVELY STATES THAT HE DID NOT THREATEN SGT. CADIJAH V. JACKSON AS SHE ALLEGES.

H) CLAIMANT FULLY UNDERSTANDS THAT THIS, ON ITS SURFACE, IS A HE SAYS/SHE SAYS (LITERALLY) SITUATION; AND THAT PROVING THAT HE DID NOT THREATEN SGT. CADIJAH V. JACKSON WOULD BE NEXT TO IMPOSSIBLE.

I) HOWEVER, CLAIMANT FEELS THAT THE FOLLOWING SUPPORTING ARGUMENTS, AND EVIDENCE, ALONG WITH THIS CLAIMS COMMISSIONS EXPERIENCE, INTELLIGENCE AND COMMON SENSE WILL OVERWHELMINGLY

3)

CONVINCE THIS COMMISSION OF THE GOOD FAITH FILING OF, AND NECESSITY OF, THIS MOTION.

J) IT IS CLEARLY ESTABLISHED THAT SGT. CHLITH V. JACKSON IS THE PERSON RESPONSIBLE FOR THE ZOOM HEARINGS OF MARCH 10TH, 2023. (BOTH CLAIMANTS 9:00 A.M HEARING AND A SEPARATE HEARING FOR A DIFFERENT INMATE, SCHEDULED FOR 11:00 A.M. OF THE SAME DAY)

K) THIS COMMISSION CAN ALSO CLEARLY ESTABLISH, IF IT SO FEELS NECESSARY, THAT SGT. CHLITH V. JACKSON IS THE EMPLOYEE WHO IS RESPONSIBLE FOR CONDUCTING ZOOM DISCIPLINARY HEARINGS... SHE RUNS THE DISCIPLINARY PROCESS.

L) CLAIMANT ARGUES THAT THIS FACT IS BOTH RELEVANT, AND IMPORTANT, BECAUSE IN THE LAST 12 MONTHS ALONE, SGT. CHLITH V. JACKSON HAS WAIVED AN EGREGIOUS NUMBER OF INMATES DISCIPLINARY HEARINGS (WITHOUT THEIR CONSENT OR KNOWLEDGE); AND ALWAYS "CLAIMS" EITHER THAT SHE ASKED THEM IF THEY WERE GOING TO ATTEND AND THAT THEY REFUSED, OR THAT THEY HAD AN ATTITUDE OR CURSED HER AND THEREFORE THEIR "BEHAVIOR" WAIVED THEIR HEARING.

M) ALL INMATES WHO GRIEVE THE ISSUE ARE REJECTED, AS AAC POLICY STATES THAT NO DISCIPLINARY MATTER CAN BE GRIEVED; FURTHER, ALL INMATES WHO "APPEAL" THEIR DISCIPLINARY RESULTS FROM THESE NON-CONSENSUAL MATTERS, ARE ALSO REJECTED, AS AAC POLICY DENIES INMATES ANY RIGHT TO APPEAL ANY WAIVED DISCIPLINARY.

N) WHEREFORE, SGT. CHLITH V. JACKSON HAS BECOME COMFORTABLE WITH "WAIVING" IN EXHORBITANT AMOUNT OF DISCIPLINARIES

4)

BECAUSE THERE IS NO AVENUE OF ACCOUNTABILITY FOR THESE MATTERS HERE.

O) SGT. CADIJAH [REDACTED] SECURITY UNIT RECORDS WILL/CAN REFLECT THE EGREGIOUS NUMBER OF "WAIVERS" SINCE SHE WAS GIVEN THE RESPONSIBILITY OF DISCIPLINARIES; AND THE ADC HAS A RECORD OF ALL THE INMATES WHO ATTEMPTED TO EITHER GRIEVE OR APPEAL THESE "WAIVED" DISCIPLINARIES AND WERE REJECTED.

P) IF THIS COMMISSION DEEMS IT NECESSARY OR PRUDENT, THIS "RECORD" OF WAIVERS FROM SGT. CADIJAH V. JACKSON WILL SHOW A CLEAR EGREGIOUS PATTERN TO THIS TYPE OF BEHAVIOR FROM HER.

Q) CLAIMANT IS ALSO SUBMITTING AS (EXHIBIT A) THE "DISCIPLINARY" THAT SGT. CADIJAH V. JACKSON FILED ON ME LESS THAN ONE HOUR BEFORE MY SCHEDULED ZOOM HEARING OF MARCH 10TH, 2025.

R) THIS DISCIPLINARY WILL CLEARLY ESTABLISH THAT SGT. CADIJAH V. JACKSON KNOWINGLY AND MALICIOUSLY LIED ABOUT THE ALLEGED INCIDENT.

S) SGT. CADIJAH V. JACKSON, IN WRITING THIS DISCIPLINARY, INTENTIONALLY AVOIDED MENTIONING ANYTHING ABOUT MY SCHEDULED ZOOM HEARING WITH THIS COMMISSION, EVEN THOUGH THATS WHAT THE WHOLE ALLEGED INCIDENT WAS ABOUT, AND SHE WAS RESPONSIBLE FOR IT.

T) IN FACT, THE DISCIPLINARY SHOWS THAT SHE KNOWINGLY AND INTENTIONALLY LIED, IN AN ATTEMPT TO AVOID ANY QUESTION BEING RAISED ABOUT HER "MOTIVATION" FOR WRITING THE

5)

DISCIPLINARY.

U) SGT. CINDITH V. JACKSON STATED IN THE DISCIPLINARY " ... IMMITE TURNER STATED TO ME HE HAS AN ATTORNEY VISIT (EMPHASIS ADDED) AND HE NEEDS A SHOWER AND SHAVE FIRST". SHE KNEW CLAIMANT DIDN'T HAVE AN ATTORNEY VISIT, BUT INSTEAD HAD A 9:00 AM SCHEDULED ZOOM CLAIMS HEARING, BECAUSE SHE WAS THE ONE WHO HAD TO CONDUCT / SET UP THE ZOOM HEARING.

V) SGT. CINDITH V. JACKSON KNEW THAT I ASKED HER TO SHOWER AND SHAVE BEFORE MY ZOOM HEARING, BUT THAT IF SHE ADMITTED THAT, IT WOULD REFLECT POORLY ON HER; SO SHE INTENTIONALLY LIES.

W) SGT. CINDITH V. JACKSON'S OBVIOUSLY INTENTIONAL LIE SHOWS HER WILLINGNESS TO LIE.

X) CLAIMANT WAS APPROACHED BY SGT. CINDITH V. JACKSON ON MARCH 9TH, 2023, WHILE SHE WAS ASSIGNED TO FEED MEALS IN CLAIMANT'S BARRACKS. SHE "JOKINGLY" ATTEMPTED TO CONVINCE CLAIMANT TO "WAIVE" HIS SCHEDULED ZOOM CLAIMS HEARING OF 3-10-23. SHE TOLD CLAIMANT THAT HE WAS PUTTING A LOT OF UNNECESSARY EXTRA WORK ON HER, AND THAT HE SHOULD LET BYEGONES BE BYEGONES.

Y) CLAIMANT ADVISED SGT. CINDITH V. JACKSON THAT HE WOULD NOT WAIVE HIS ZOOM CLAIMS HEARING; FOR WHICH SGT. CINDITH V. JACKSON WAS NOT PLEASED.

Z) ON THE MORNING OF MARCH 10TH, 2023, SGT. CINDITH V. JACKSON WAS AGAIN ASSIGNED TO WORK CLAIMANT'S HOUSING UNIT (& BARRACKS).

6)

AA) IN ADDITION TO HER RESPONSIBILITIES REGARDING THE 2 SCHEDULED STATE CLAIMS ZOOM HEARINGS (CLAIMANT'S 9:00 A.M. HEARING AND A SECOND 11:00 A.M. HEARING), SGT. CINDY V. JACKSON WAS TASKED WITH THE RESPONSIBILITY OF CONDUCTING ALL THE SHOWERS AND SHAVES IN 8 BARRACKS (A UNIT OF 54 INMATES) BEFORE SHE WOULD BE ALLOWED TO LEAVE WORK FOR THE DAY.

BB) WHEN SGT. CINDY V. JACKSON ENTERED 8 BARRACKS TO START CONDUCTING SHOWERS/SHAVES AT 8:10 A.M., CLAIMANT ASKED HER TO PLACE HIM IN THE SHOWER FIRST, SO THAT CLAIMANT COULD BE PRESENTABLE FOR HIS ZOOM CLAIMS HEARING AT 9:00 A.M. SGT. CINDY JACKSON TOLD CLAIMANT SHE WAS STARTING UPSTAIRS.

CC) CLAIMANT THEN ADVISED HER THAT IT WAS COMMON ABC PRACTICE TO ALLOW AN INMATE TO SHOWER AND/OR SHAVE BEFORE ANY COURT HEARING. CLAIMANT FURTHER POINTED OUT TO HER THAT THERE WERE 4 SHOWERS IN 8 BARRACKS, AND THAT PLACING HIM IN THE SHOWER, AND 3 INMATES FROM THE TOP-TIER IN THE OTHER 3 SHOWERS WOULD NOT BE ANY ADDITIONAL WORK.

DD) SGT. CINDY V. JACKSON TOLD CLAIMANT THAT HE WOULD "BE ALRIGHT", THAT HE "DIDNT NEED A SHOWER", THAT "THE CLAIMS HEARING IS NOT A REAL COURT AND IS NOT THAT IMPORTANT", AND THAT "THE CLAIMS COMMISSION WOULDN'T BE ABLE TO SMELL HIM ANYWAY".

EE) CLAIMANT THEN TOLD SGT. CINDY V. JACKSON THAT "THIS IS THE LAST TIME YOU TAKE SOMETHING FROM

7)

SOMEONE THAT THEY ARE SUPPOSED TO GET!" "I AM THE WRONG PERSON TO TAKE SOMETHING FROM!" "WHEN I GET BACK FROM MY CLAIMS HEARING, I AM GOING TO WRITE YOU UP, AND LET YOU ANSWER TO THE WARDEN AND THE COURTS." THAT MAY NOT BE A VERBATIM STATEMENT.

FF) AT THAT POINT, SGT. CINDITH V. JACKSON CALLED HER SUPERVISOR (LT. BENJAMIN CIPLE), AND TOLD HIM THAT CLAIMANT HAD THREATENED HER AND THAT NOW CLAIMANT WOULD NOT BE GOING TO HIS ZOOM HEARING.

GG) WHEN LT. CIPLE ARRIVED AT CLAIMANT'S CELL, HE TOLD CLAIMANT THAT CLAIMANT WAS BEING LOCKED UP IN THE HOLE AND PLACED ON BEHAVIOR CONTROL, AND ASKED CLAIMANT TO SUBMIT TO RESTRAINTS.

HH) CLAIMANT EXPLAINED TO LT. CIPLE THAT HE DID NOT THREATEN SGT. CINDITH V. JACKSON, BUT TOLD HER THAT HE WOULD "WRITE HER UP". CLAIMANT ALSO EXPLAINED THAT HE HAD A STATE CLAIMS ZOOM HEARING SCHEDULED FOR 9:00 AM.

II) LT. CIPLE TOLD CLAIMANT THAT HIS OFFICER (SGT. CINDITH V. JACKSON) TOLD HIM THAT CLAIMANT THREATENED HER, AND THAT HE WOULD ALWAYS RIDE WITH HIS OFFICERS.

JJ) WHEN CLAIMANT AGAIN ASKED ABOUT HIS SCHEDULED STATE CLAIMS ZOOM HEARING, LT. CIPLE TOLD CLAIMANT THAT SGT. CINDITH V. JACKSON WASN'T GOING TO ALLOW CLAIMANT TO ATTEND IT.

KK) LT. CIPLE THEN ORDERED CLAIMANT TO SUBMIT TO RESTRAINTS SO THAT HE COULD BE ESCORTED TO ISOLATION.

8)

LL) AT THAT POINT, AFTER HAVING BEEN ADVISED THAT HE WOULD NOT BE ALLOWED TO ATTEND HIS SCHEDULED ZOOM CLAIMS HEARING, CLAIMANT REFUSED TO VOLUNTARILY SUBMIT TO RESTRAINTS.

MM) CLAIMANT STATES, IN GOOD FAITH, THAT SGT. CINDY V. JACKSON DENIED CLAIMANT HIS SHOWER IN ORDER TO PROVOKE A NEGATIVE RESPONSE; AND WHEN THE ONLY RESPONSE SHE GOT WAS THAT CLAIMANT WOULD "WRITE HER UP", SHE USED THAT AS AN EXCUSE TO DENY CLAIMANT HIS ZOOM HEARING BY LYING.

NN) SGT. CINDY V. JACKSON, HAVING BECOME SO COMFORTABLE AND ACCUSTOMED TO WAIVING/REFUSING DISCIPLINARY HEARINGS, ASSUMED THAT SHE COULD DO THE SAME FOR CLAIMANT'S ZOOM HEARING, SO THAT SHE COULD "GET OUT OF" THE EXTRA WORK THAT THE ZOOM HEARING WOULD HAVE BURDENED HER WITH.

OO) CLAIMANT PRAYS THAT THIS COMMISSION DOES NOT ALLOW THIS TYPE OF PRECEDENT TO BE SET, IN THIS INSTANCE, WHICH COULD ALLOW THIS EXACT TYPE OF DENIAL/WAIVER TO BECOME COMMONPLACE IN THE FUTURE.

IN SUM, CLAIMANT ASKS THAT THIS COMMISSION USE ITS EXPERIENCE, KNOWLEDGE, INTELLIGENCE, AND COMMON SENSE TO CONSIDER:

* DOES IT MAKE ANY SENSE WHATSOEVER, THAT AFTER DILIGENTLY AND FAITHFULLY LITIGATING HIS MERITORIOUS CLAIM FOR 5 YEARS, THAT LESS THAN 1 HOUR BEFORE HIS LONG-BOUGHT AFTER HEARING, CLAIMANT WOULD

9)

THREATEN THE VERY PERSON IN CHARGE OF TAKING HIM TO HIS HEARING ??

* IF THE PERSON CHARGED WITH THE RESPONSIBILITY OF THE ENTIRE ZOOM STATE CLAIMS HEARING PROCESS CAN SIMPLY MAKE AN ALLEGATION OF A THREAT, ETC. TO AVOID LIABILITY FOR THE ADC, OR AVOID THE "MUSCLE" OF SAID HEARINGS, HOW CAN ANY INMATE WITH A MERITORIOUS CLAIM EVER AGAIN HOPE TO RECEIVE DUE PROCESS ??

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COMMISSION GRANT HIS MOTION TO RESCHEDULE, AND SCHEDULE CLAIMANT ANOTHER HEARING, AT THE CONVENIENCE OF THIS COMMISSION. IN ADDITION, CLAIMANT PRAYS THAT THIS COMMISSION ORDER/REQUEST/ASK THE ADC TO REMOVE SGT. CINDIAH N. JACKSON FROM THE RESPONSIBILITY OF STATE CLAIMS ZOOM HEARINGS, TO AVOID ANY POSSIBLE FUTURE REPEATS OF THIS TYPE OF VIOLATION OF DUE PROCESS BY HER.

CLAIMANT PETITIONS THIS COMMISSION IN GOOD FAITH.

RESPECTFULLY SUBMITTED,
Barry Turner # [REDACTED]

Barry Turner [REDACTED]
[REDACTED]

10)

APR 13 2023

RECEIVED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THE ABOVE STYLED PLEADING HAS BEEN SERVED THIS 4TH DAY OF APRIL, 2023 ON THE RESPONDENT, THROUGH THE U.S. MAIL, TO:

THOMAS BURNS (02006)
DEPT. OF CORRECTION
OFFICE OF COUNSEL
6814 ARNOLD PARK
PINE BLUFF, AR 71602-9411

Barry Turner
CLAIMANT

NOTARY

I HEREBY CERTIFY THAT THIS PLEADING WAS SWORN TO ME BY Barry Turner #97339 ON THIS 4th DAY OF March, 2023.

LASONYA ROCHELLE SCOTT
JEFFERSON COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires November 18, 2029
Commission No. 12711651

Lasonya Rochelle Scott
NOTARY PUBLIC

SEN

November 18, 2029
Commission Expires

EXHIBIT A

E-19

ISSR100

Arkansas Department of Corrections

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.

MAJOR DISCIPLINARY

Inmate: Turner, Barry

ADC#: [REDACTED]

Assignment: AM:Ext Restrictive Housing
PM:Discpl Court Review

Class: III is being charged by Jackson, Cadajah V
with code violation(s):

Title: Correctional Sergeant

- 05-3 Assault. Any willful attempt or threat(s) to inflict injury upon another, directly or indirectly, verbally or in writing.
- 11-1 Insolence to a staff member.
- 12-3 Failure or refusing to obey verbal and/or written order(s) of staff
- 02-17 Creating unnecessary noise, including disruptive OR aggressive play in areas other than designated recreation areas.

Date & Time: 03/10/2023 8:12 AM

Notice of Charges:

Incident Report Unit: Maximum Security Unit
 Incident Report Date/Time: 03/10/2023/08:12:00 AM
 Incident Report Number: 2023-03-035
 Incident Report Comments By: Cadajah V Jackson
 On 3/10/23 at approx. 8:12am I Sgt. Cadajah Jackson was conducting showers in 8bks (zone 3) when I was stopped by Inmate Turner, Barry # [REDACTED] (W/M, Ext. Restrictive Housing, Class III, No Affiliations) who is solely housed in 8 cell block cell 6. Inmate Turner stated to me he has an attorney visit and he needs a shower and shave first. I Sgt. Jackson advised Inmate Turner that he was on the shower list, but we are starting at the top as usual. Inmate Turner stated, "you bitch I'm going to get my fucking shower now." I Sgt. Jackson gave Inmate Turner an order to cease his actions which he refused stating "Bitch I'm gonna fuck you up you don't know who you are fucking with." I Sgt. Jackson called for Lt. Benjamin Caple. Lt. Caple arrived and gave Inmate Turner several direct orders to accept hand restraints which Inmate Turner refused and placed his mat in front of his door to barricade himself in. Lt. Caple got authorization from Major Joseph Mohoney to use chemical agent on Inmate Turner. Lt. Caple gave Turner three more direct orders to remove the mat from in front of his door and accept hand restraints which he failed to comply. Lt. Jordon Slayden administered a burst of Mk-9S 0.7% OC Vapor into Inmate Turner cell with the wand. Lt. Caple gave Inmate Turner several more direct orders to remove the mat from the door and accept hand restraints which he refused. Lt. Slayden administer another burst of OC Vapor from the wand into cell 6. Inmate Turner then complied with orders and removed the mat from the door submit to search and accepted restraints. Inmate Turner refused medical (see infirmary report) and was placed in East isolation shower area for decontamination with copious amounts of water which he refused. (See camera footage.) Inmate Turner was placed on behavior control and all property was inventoried and stored in isolation property room. Photos taken camera footage downloaded. Therefore, I Sgt. Cadajah Jackson am charging Inmate Turner, Barry #097339 with the following rule violations: 5-3, 11-1, 12-3, and 2-17. End of statement.

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

Signature of Charging Officer

NOTIFICATION: Officer Sgt C Stewart Date & Time Notified 3-15-23 7:50AM

Witness Statements: No X If yes, list:

Inmate's Signature

C.S.O. Review: Outcome: Refer to Hearing Officer/Comm.
By: Mahoney, Joseph P Date 03/11/2023

Extension: No X 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 _____

From: [Kathryn Irby](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Mika Tucker](#)
Subject: HEARING RESCHEDULED: Turner v. ADC, Claim No. 180886
Date: Wednesday, May 17, 2023 11:24:00 AM
Attachments: [Turner v. ADC - 180886 - Hearing Rescheduling ltr.pdf](#)

Thomas, please see attached hearing rescheduling letter and new Zoom invitation.

Thanks,
Kathryn

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

May 17, 2023

Mr. Barry Turner (ADC [REDACTED])
[REDACTED]
[REDACTED]

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

(via email)

Re: ***Barry Turner v. Arkansas Division of Correction***
Claim No. 180886

Dear Mr. Turner and Mr. Burns,

The Claims Commission has rescheduled this claim for hearing on **Friday, September 22, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The new Zoom invitation is enclosed, and the Claims Commission asks that Mr. Burns provide the Zoom invitation to Mr. Turner's unit.

Each party's witness lists, exhibit lists, and exhibits are due by Friday, August 4, 2023. If the parties would like for the Claims Commission to review prehearing briefs, the briefs are due at the same time.

If Claimant would like to call other inmates or ADC employees as witnesses, Claimant will need to submit subpoena requests by August 4, 2023. The subpoena requests must include the witnesses' names and addresses. If ADC objects to issuance of any subpoena, ADC will have until August 8, 2023, to file a detailed objection or motion.

If Claimant would like to call a witness outside of ADC, Claimant will need to arrange for that witness's virtual attendance at the hearing. Claimant can direct the witness to contact the Claims Commission for the Zoom invitation. If a subpoena will be necessary to compel a witness's testimony, Claimant will need to submit a subpoena request by August 4, 2023. The subpoena request must include the witness's name and address. Once the Claims Commission issues the

subpoena, Claimant will need to have the subpoena served upon the witness pursuant to Rule 45 of the Arkansas Rules of Civil Procedure.

If Respondent will require subpoenas in order to compel the testimony of any of its witnesses, those subpoena requests are also due on August 4, 2023.

Absent good cause shown, any subpoena requests received after August 4, 2023, will be denied.

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed by August 4, 2023.

Please note that a copy of any subpoena requests, witness lists, exhibit lists, and exhibits must be served upon the opposing party via U.S. Mail in accordance with the Arkansas Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.
Time: Aug 11, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/84688689286?pwd=b3RmN01jcTJzV1hwZW1YVHFtLzdLUT09>

Meeting ID: 846 8868 9286

Passcode: W9Vm8g

Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 305 224 1968 US

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 360 209 5623 US

Meeting ID: 846 8868 9286

Passcode: 144460

Find your local number: <https://us06web.zoom.us/j/84688689286>

5-24-23 Arkansas
State Claims Commission

MAY 27 2023

MRS. IRBY,


RECEIVED

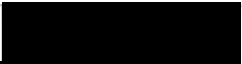
I would just like to thank you for rescheduling my zoom hearing that wrongfully was waived by an employee of the A.D.C.

Please know, that I want to appear at my hearing (via zoom) on SEPT. 22ND, 2023, and will NOT waive or refuse in any type of manner or fashion!

AGAIN, THANK YOU FOR YOUR CONSIDERATION AND UNDERSTANDING,

Respectfully submitted,

Barry Turner 

Barry Turner # 

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Leslie Browning \(DOC\)](#)
Subject: Barry Turner v ADC 180886
Date: Monday, August 7, 2023 10:31:16 AM
Attachments: [0271-1.pdf](#)
[image.png](#)

Pre Hearing Brief

Thank you,
-TB



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER ([REDACTED]

CLAIMANT

v

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

PRE-HEARING BRIEF

Come now the respondent, Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their Pre-Hearing Brief, states:

1. Claimant filed his claim on April 25, 2018, seeking “approximately \$2350.00 total” in damages resulting from lost personal property (the “Lost Property Claim”) and Respondent’s alleged violations of its procedures regarding 48-hour relief periods from punitive segregation (the “Punitive Segregation Claim”).
2. Respondent moved for dismissal of Claimant’s claim pursuant to Ark. R. Civ. Proc. 12(b)(6). On February 20, 2019, the Claims Commission granted Respondent’s motion as to the Lost Property Claim and denying Respondent’s motion as to the Punitive Segregation Claim.
3. On July 29, 2019, the Claims Commission granted Claimant’s motion for reconsideration of its dismissal of the Lost Property Claim and denied Respondent’s motion for reconsideration as to the Punitive Segregation Claim.
4. The lost property claim: The inmate claims that on August 7, 2017 that his personal property was stolen out of his cell during an incident.
5. What the inmate fails to tell the Commission is that the inmate was involved in a riot in the Unit. *See attached Ex A.*

6. An emergency situation was declared by the Warden and the Director of the ADC.
7. The ADC inmate handbook (page 9) states: When an emergency situation is declared, the department is not responsible for any property which is lost, stolen, damaged, consumed or discarded. *See attached Ex B*
8. Clearly this is exactly the type of incident we have in this claim.
9. The form F841 that the inmate attaches to his complaint (I believe he claims the property is based off) is from September 2016. *See attached Ex C.*
10. The inmate signed a form F841 on or about August 16, 2017 (after said date of loss) with his property he had. *See attached Ex D.*
10. For these reasons the ‘lost property claims’ should be dismissed.
11. The inmate makes a punitive segregation claim.
12. Where, when, why, and how inmates are housed is under the strict purview of the ADC.
13. The inmate claims he was not afforded a 48-hour relief period.
14. The inmate properly grieved that matter. In that grievance he makes the issue a Constitutional claim. *See attached Ex E*
15. “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.

16. With the inmate making Constitutional claim and the ADC having the strict purview of where and how to house inmates the Commission would not have jurisdiction to hear this matter. It would be appropriately based in the Courts.

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

18. The inmate claim in its entirety should be dismissed

WHEREFORE, The ADC, prays that the matter be dismissed; for their attorney's fees and costs; and for all other just and proper relief to which they may be entitled.

WITNESS and EXHIBIT LIST

1. The claimant
2. Any witnesses of the claimant
3. Danny Burl
4. any documents of the inmate
5. All documents attached to ADC pleadings

Respectfully submitted,



Thomas Burns (02006)
Division of Correction
Legal Service Unit
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 7th day of August 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Barry Turner # [REDACTED]
[REDACTED]



Thomas Burns

Name: Turner, Barry
IRTS020C

ADC #: [REDACTED]
Thursday February 09, 2023 02:44:02 PM

Incident Report Summary

Report Number: 2017-08-025
Unit: [REDACTED]
Facility: [REDACTED]
Zone: Zone 4
Location of Incident: East Isolation
Incident Date: 08/07/2017
Begin Time: 06:57:14 PM
Summary Prepared by Staff: Gaines, Cynthia Y
Shift: Shift B
Housing Area/Bed:

Incident Category: Investigation (CSO) Unit Report Number:
Incident Type: Riot/Disturbance
Force Used: No Injuries: Staff and Offender/Inmate
Send DOC Incident Notification: Yes IAD #:
Suspected Felony Committed: No
Drug Related: Unknown Suspected PREA Incident: No
Gang Related: Unknown

Status: Referred to Internal Affairs As of Date: 08/24/2017

Incident Summary

On August 7, 2017 at approximately 3:20 p.m. Master control called an all available officer call to east isolation. When Officers were responding/entering east isolation an unidentified inmate started spraying responding staff with employee issued chemical agents (MK9). Staff then exited east isolation and responded to master control. Security staff then reviewed the camera to ascertain what was going on, it was then noticed that several inmates were out of their cells and were on the wings of east isolation with keys and opening doors. The inmates were identified as inmate Jordan Williams # [REDACTED] Jimmy Jacobs and Larry Pitchford # [REDACTED]. Emergency plans were then initiated, an outside perimeter was secured, the unit was placed on lock down, the command center was established and the notification process began; with all notifications being made. A count of staff was then taken and it was discovered that Lt. Willie Carmickle, Sgt. Levester Johnson and Cpl. George Thomas were unaccounted for. Inmates Pitchford, and inmate J. Williams then started speaking on the radio, stating that they have the Officers and would harm them if they didn't speak with someone. Director Wendy Kelley, Chief Deputy Director Dale Reed, Deputy Director Dexter Payne, Internal Affairs administrator Raymond Naylor along with other support and administrative staff arrived. Major Randy Shores responded to the unit with additional security personnel. Major Shores then made contact with the inmates in east isolation by speaking with them through the front door of east isolation. The inmates stated that they just wanted to be transferred away from this unit. At this point Major Shores began to negotiate the release of the officers who were being held. The inmates stated that they would release the officers if they would not be harmed and transferred. The inmates agreed to release the staff, the first person released was Cpl. George Thomas, which he was immediately taking to the infirmary for medical assessment. He had several lacerations to his head, scraps on his face, and bleeding from his ear. Cpl. Thomas stated that he was dizzy and could not hear out of his ear, he was then driven to JRMCMC by staff. The inmates then stated that they would release an inmate that needed medical attention, inmate Barry Turner #097339 was release through the back door of east isolation and taken to the infirmary for treatment, when questioned about his injuries, he stated that the other inmates had attacked him. Inmate Turner sustained a puncture wound to the upper left arm, had been struck in the head; had multiple lacerations to the right side of his face a puncture wound to his right hand and several superficial wounds to his thigh and back. Inmate Turner was then transported to UAMS via ambulance for treatment. Major Shores continued speaking with the inmate in attempts to have the staff released. As negotiations continued, the inmates agreed to release another staff member, Sgt. Levester Johnson was then released and was escorted to the infirmary. Sgt. Johnson didn't have any visible injury and stated that he was fine and that the inmates didn't harm him in anyway. The third and final officer that was released was Lt. Willie Carmickle he was escorted to the infirmary where his vitals were taken and he was released with no injuries. Inmate Galan Langley also received minor injuries at the hands of other inmates, he was treated by medical staff and did not have to receive out treatment. Major Shores and security personnel escorted the aforementioned inmates along with inmates Andrew Robinson # [REDACTED] Christopher Williams [REDACTED] Floyd Brownlee [REDACTED] and Darrin Crawford [REDACTED] other inmates released and participated) to sally port, the inmates were searched and transported to the Varnier Unit. Inmate Lenaru Barnett # [REDACTED] who was identified as leaving his cell and getting into a shoving match with another unidentified inmate within east isolation in the midst of the incident. The emergency response teams then entered east isolation and secured the area. Counts were conducted of all keys and equipment, the remaining inmates were moved to west isolation until repairs can be made to east isolation.

The investigation to this incident is on going.

Evidence Retained

Ex A 17

005
 Photos
 Major Disciplinary(s)
 Witness Statements
 Video Footage

Employee(s) Involved (4 - of 4)

Involvement	Staff Name	Work Assignment	Shift	Charging Staff
<u>Victim</u>	Carmickle, Willie T	Lieutenant	B	No
<u>Victim</u>	Johnson, Levester	Correctional Sergeant	B	No
<u>Victim</u>	Thomas, George D	Correctional Officer	B	No
<u>Witness</u>	Gaines, Cynthia Y	Corporal	B	Yes



Offender(s) Involved (1 - of 13)











Involvement	Offender Name	ADC #	Offender Id	Race	Sex	DOB	Disciplinary Date	Date Appealed
<u>Victim</u>	Turner, Barry	[REDACTED]	[REDACTED]	Caucasian	Male	[REDACTED]		
<u>Victim</u>				Caucasian	Male			
<u>Suspect</u>					Male		08/14/2017 - 01:45 PM	08/29/2017
<u>Suspect</u>				Black	Male			
<u>Suspect</u>				Black	Male		08/14/2017 - 01:45 PM	08/28/2017
<u>Suspect</u>			1	Black	Male			
<u>Suspect</u>				Black	Male		08/14/2017 - 01:45 PM	
<u>Suspect</u>				Black	Male		08/14/2017 - 01:45 PM	08/29/2017
<u>Suspect</u>				Black	Male		08/14/2017 - 01:45 PM	08/28/2017
<u>Suspect</u>				Black	Male		08/14/2017 - 01:45 PM	
<u>Suspect</u>				Black	Male			
<u>Suspect</u>		19		Black	Male		08/14/2017 - 01:45 PM	08/31/2017
<u>Suspect</u>				Black	Male		08/14/2017 - 01:45 PM	09/20/2017

Other Person(s) Involved









Involvement	Name	Address	Phone
No Rows Found			



















Attached Documents Attached (1 - of 3)



















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<u>Form 005 (Incident)</u>		001		Gaines, Cynthia Y
<u>Digital Photograph</u>		001	6638KB 08/11/2017 	Gaines, Cynthia Y


Document Type	Title	Page #	Page 4175KB 08/11/2017	Prepared by Staff
<u>Digital Photograph</u>	ictures	002	 408KB 08/16/2017	Bentley, Felicia A
<u>Digital Photograph</u>	Pictures	003	 102KB 08/16/2017	Bentley, Felicia A
<u>Digital Photograph</u>	s pictures	004	 94KB 08/16/2017	Bentley, Felicia A
<u>Digital Photograph</u>	pictures	005	 107KB 08/16/2017	Bentley, Felicia A
<u>Digital Photograph</u>	pictures	006	 96KB 08/16/2017	Bentley, Felicia A
<u>Digital Photograph</u>	ictures	007	 82KB 08/16/2017	Bentley, Felicia A
<u>Infirmmary Report</u>		001	 628KB 08/11/2017	Gaines, Cynthia Y
<u>Other</u>	Investigation Report	001	 1761KB 08/11/2017	Gaines, Cynthia Y
<u>Other</u>	1st Level Appeal	004	 	Bentley, Felicia A

IRTSU20C - Incident Report Summary

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<u>Other</u>	Extension	009	 1070KB 08/21/2017	Conrad, Debra K
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<u>Other</u>	Extension	011	 782KB 08/21/2017	Conrad, Debra K
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<u>Other</u>	Served	015	 516KB 08/21/2017	Conrad, Debra K
			622KB 08/21/2017	

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<u>Other</u>	Served I	017	  744KB 08/21/2017	Conrad, Debra K
<u>Other</u>	Extension I	018	  642KB 08/21/2017	Conrad, Debra K
<u>Other</u>	Served	019	  639KB 08/21/2017	Conrad, Debra K
<u>Other</u>	Extension	020	  564KB 08/21/2017	Conrad, Debra K
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<u>Other</u>	Extension I	022	  497KB 08/21/2017	Conrad, Debra K
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<u>Other</u>		024	 	Bentley, Felicia A

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<u>Other</u>		027	490KB 09/05/2017  	Bentley, Felicia A
<u>Other</u>		038	458KB 09/15/2017  	Gean, Roni J
<u>Other</u>		039	794KB 11/14/2017  	Gean, Roni J
<u>Confidential IA Witness Statement</u>	IAD Referral	001	446KB 11/01/2017  	Burl, Danny U
<u>Inmate Witness Statement</u>		001	624KB 08/24/2017  	Gaines, Cynthia Y
<u>Inmate Witness Statement</u>		002	1368KB 08/11/2017  	Gooley, Patricia
<u>Inmate Witness Statement</u>		003	808KB 08/22/2017  	Gooley, Patricia

Document Type	Title	Page #	Page	Prepared by Staff
			798KB 08/22/2017	
<u>Inmate Witness Statement</u>		004	 159KB 08/22/2017	Gooley, Patricia

Actions Taken (1 - 2 of 2)

Date	Time	Action Type	Staff Name	Comments
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<u>08/10/2017</u>	04:26:59 PM	Referred to Internal Affairs	Emsweller, Antwon C	

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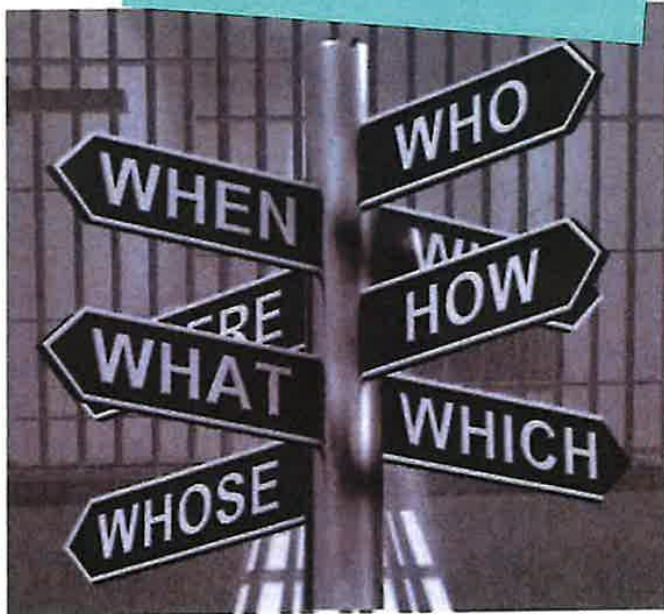
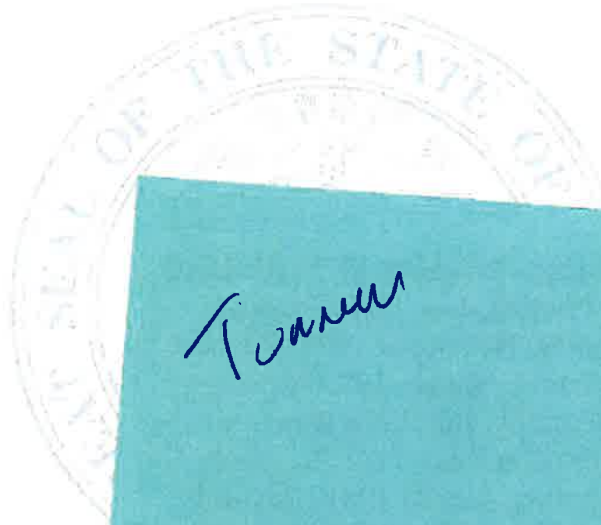
2017



ADC

honor and integrity in public service

Arkansas
Department
of Correction



November 2017

Inmate Handbook

Ex. B

Arkansas Department of Correction

**Inmate
Handbook**

- 1st Printing, December 1971 (Revised)
- 2nd Printing, July 1972 (Revised)
- 3rd Printing, November 1972 (Revised)
- 4th Printing, January 1975 (Revised)
- 5th Printing, July 1978 (Revised)
- 6th Printing, May 1981 (Revised)
- 7th Printing, August 1981 (Revised)
- 8th Printing, October 1983 (Revised and Recalled)
- 9th Printing, September 1986 (Revised)
- 10th Printing, February 1991 (Revised)
- 11th Printing, February 1994 (Revised)
- 12th Printing, December 2001 (Revised)
- 13th Printing, May 2006 (Revised)
- 14th Printing, January 2007 (Revised)
- 15th October 2010 (Revised)
- 16th October 2011 (Revised)
- 17th October 2012 (Revised)
- 18th Printing, July 2013 (Updated)
- 19th Printing, August 2013 (Updated)
- 20th Printing, June 2015 (Revised)
- 21st Printing, November 2017 (Revised)

Printed by Arkansas Correctional Industries

*Prepared by:
The Research and Planning Division
Tiffanye Compton, Research & Planning Administrator
Darrell McHenry, Research Analyst*

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Mission Statement

The mission of the Arkansas Department of Correction is to provide public safety by carrying out the mandate of the courts; provide a safe humane environment for staff and inmates; strengthen the work ethic through teaching of good habits; and provide opportunities for staff and inmates to improve spiritually, mentally, and physically.

Vision Statement

The Vision of the Arkansas Department of Correction is to be an honorable and professional organization through ethical and innovative leadership at all levels, providing cost efficient, superior correctional services that return productive people to the community.

Introduction

The inmate handbook provides you with basic information about the Department's policies and procedures. *The information in it does not cover every possible situation, and it may not reflect recent changes in policy or procedure. You are expected to follow all department policies and rules. You are encouraged to seek clarification when you have questions or are unclear about something.

Department policies are available to you in your unit's law library. You should always refer to the most recent policy as policies are reviewed annually for potential updates. You should focus on re-entry from the day you arrive, as your actions today will impact how you serve your time in the department and whether you are better prepared upon your release.

Intake

New inmates go through a diagnostic process called intake. During intake, inmates are given medical, mental health and academic examinations, court papers are reviewed, counselors gather information through interviews, program recommendations are made, a risk score is calculated and a general orientation takes place. When possible, programming will begin during the intake period.

Intake generally takes about 3 to 5 days, but can last longer. It is during intake that inmates can set up an account to purchase items from the unit commissary. Inmates cannot have visitors during intake; you will have access to a portable phone for the PREA

hotline and legal calls if needed, otherwise, no telephone use while in the lockdown area of intake. Once you move into the intake step-down barracks, telephone use is allowed.

You will be photographed during intake. If your appearance changes at any time during your incarceration, a new photograph will be taken.

Inmate Statutory Responsibilities

While in the custody of the Arkansas Department of Correction, you must follow Department policies and all state and federal laws, including the requirement to file income tax returns if you had taxable income during the tax year. If you are unable to file income tax returns, it is your responsibility to ask for assistance. If you receive an income tax refund check, the appropriate tax agency will be contacted for approval before the check is deposited into your account. Other legal obligations, such as child support, do not terminate due to incarceration either. If you have an obligation to pay child support, you should petition the court that entered the order and request a modification of the obligation.

Veterans Benefits/Social Security Income and Tax Refunds

If you are receiving Veterans benefits or Social Security Income, that agency determines whether to continue sending the benefits to you.

Initial Assignment

After intake, inmates are transferred to a parent unit for their initial assignment. Exceptions for initial assignments may be made for health reasons, security concerns or program assignments. The initial assignment lasts a minimum of 60 days. Behavior, bed space, job availability, health and institutional needs dictate future assignments.

Transfers

Any inmate may request a transfer to another ADC unit. The request must be in writing to your unit warden and/or classification officer and should be placed in the unit mail. The decision to transfer an inmate is based upon available bed space, institutional needs, security level and other factors.

Classification

Inmates are classified in three ways: custody classification, good-time earning classification and medical classification. Custody classification is the result of scoring established criteria including crime, length of sentence, disciplinary record, prior violence, escape history and various other factors that determine risk to the public and risk within the institution. Custody classification is used

to determine which facilities an inmate can be assigned.

Good-time classification places inmates in Class I, II, III or IV status. Class I is the highest classification/class status an inmate can obtain and Class IV is the lowest class status. If eligible, Class I earns 30 days additional good time credit per month (For example, after 30 days in Class I status, the inmate has 60 days credit); Class II earns 20 days additional credit per month; Class III earns 10 days additional credit per month; and Class IV does not earn any good time. An inmate being held in a city or county jail awaiting transfer to the Department of Correction **may** be awarded good time at a Class II level for time served after conviction with good behavior. If awarded good time, it will be reflected on the inmate's time card.

Class promotion is not automatic. All inmates are placed in Class II status when they arrive at the ADC. It is up to you to earn Class I status, and your class can be reduced because of disciplinary problems. Promotions in class status are decided by the Unit Classification Committee, which makes the decisions based on your past and current behavior and on recommendations from your work supervisor and/or other staff. The classification committee also makes transfer decisions, housing and work assignments.

Healthcare professionals determine medical classifications and restrictions which are considered in making work assignments.

Work Assignments

The Unit Classification Committee or Officer will make all work assignments. Programming assignments are considered work assignments. All inmates who are medically able are expected to work and disciplinaries will be written if an inmate refuses a work assignment. ADC does not pay wages to inmates, nor does ADC charge for basic hygiene items, meals, laundry services, etc.

Unit Reassignments

Any inmate may be assigned or reassigned to an appropriate unit because of poor institutional adjustment, disciplinary record, security concerns or institutional needs.

Promotion and Reclassification

After completing your initial 60 days in the Department, you may apply to your immediate supervisor for promotion or reclassification.

Reclassification is not automatic, you must apply for consideration. Your immediate supervisor must recommend a promotion or reclassification. To be eligible for consideration, you must not be found guilty of a major rule violation for at least 60 days. If you receive a minor disciplinary, warning, reprimand or suspended sentence, you are not eligible for consideration for 30 days. If you are found guilty of a rule violation, you will not be eligible for consideration until the designated period has expired unless specifically approved by the Warden. **This period does not include time you spent in punitive.**

Examples below include:

<u>Infraction</u>	<u>Time</u>
• Escape or attempted escape	1 year
• Felonious battery	1 year
• Assault/battery of an employee or throwing any substance	1 year
• Homicide or attempted homicide	1 year
• Sexual activity	3 months
• Tobacco, drugs and alcohol	3 months

After receiving reclassification, you must not receive a disciplinary for at least 30 days before appearing before the Unit Classification Committee to ask for another reclassification.

Following Orders

You must follow lawful orders. If you violate the rules either by failing to act (such as reporting for work on time) or by acting in ways that are contrary to the rules, you will be disciplined. Always follow the last instructions given by staff.

Living in a Prison Setting

Your cooperation and attitude toward yourself, staff and other inmates, plays an important role in how you will get along. The staff is here to help while making sure that order and safety are maintained in the institution. When talking to staff and other inmates, you are expected to use a respectful tone and words.

Rehabilitation is a word that you will hear a lot. It means a rebuilding of attitudes, values, work skills and education. The ADC provides several programs that can help you with the rebuilding process, and you are encouraged to take advantage of the services offered, including substance abuse treatment, classes to assist with anger management, religious programs, re-entry programs, vocational, academic education and work programs. Seek out opportunities to improve your skills to be successful in the future.

Lights Out

Normally, bedtime/lights out will be at 10:30 p.m. nightly. At that time, all televisions will be turned off. The Warden/Center Supervisor **may**, at his/her discretion, occasionally authorize special events beyond this time. At the discretion of the Warden/Center Supervisor, if you have an approved radio or MP4 Player with headphones, you may continue to listen after lights out. Radios and MP4 Players can be purchased through the commissary.

Cleanliness

You are expected to be neat and clean, and the ADC provides the basic items necessary for good grooming. During intake, you are issued personal hygiene items and clothing, which will be laundered regularly and kept in good condition. You may buy additional grooming items from the commissary. You are encouraged to shower regularly. Barber or beautician services are available to comply with the Department's grooming policy.

Any time you leave your living area, you should be dressed properly. This means shoes, socks, pants, shirts and other apparel.

It is your responsibility to keep your living area clean and in order. You will not attach anything to any walls, windows, ceiling or floor of the institution, whether you live in a barracks, cell or room. Your bed should be made neatly before leaving your living area.

Grooming Policy

All inmates are expected to conform to the grooming policy. All inmates must maintain a hair style that is worn loose, clean and neatly combed. No styles are permitted that make it difficult to search the hair, including cornrows, braids, ponytails or dread locks. No inmates are permitted to wear or possess hairpieces, weaves or wigs. If an inmate chooses to maintain facial hair, such facial hair must be worn loose, clean and neatly combed. If an inmate chooses to maintain facial hair, the inmate will be required to shave so that his appearance without facial hair can be documented. Nails on hands and feet will be clipped so they will not extend beyond the tip of fingers or toes.

You must maintain standards of hygiene that do not create a health hazard, security issues or public nuisance. If your personal hygiene falls below these standards, the Chief of Security may order steps to gain your compliance. Failure to abide by grooming standards is grounds for

disciplinary action.

Fire/Safety Evacuation

Each living area is equipped with an evacuation plan. It is your duty to become familiar with the evacuation plans.

Count

During count time, **no** movement is allowed. Whenever count time is called, an officer will explain what to do. If you are in your living quarters or work area, remain there unless directed otherwise by staff.

For count to go as quickly as possible, you are expected to cooperate. Failure to cooperate will result in disciplinary action.

Searches/Shake Downs

For everyone's protection, you, your personal property and your living quarters can be searched at any time. You do not have to be present during property or living quarter searches. You should not "hold" an item for another inmate, nor "pass" an item for another inmate as you are responsible for any item(s) found on you or in your area.

Property

Property is defined as:

1. *Personal Property* - items which are owned by you which are authorized to be retained on your person or in your living or storage area.
2. *State Issued Property* - items which are issued to you by the institution and which may be retained within a reasonable amount.

Property Transfer

If you are transferred to another unit, your property will also be transferred. If there are excessive items or items not allowed at that unit, you may send the items home at your expense, have someone pick up the items at the unit or authorize the destruction of the items.

When an emergency situation is declared, the department is not responsible for any property which is lost, stolen, damaged, consumed or discarded.

Contraband

Any article not authorized nor issued to you as personal property or state property, nor purchased by you from the commissary, is considered

contraband. Articles in excess of established limits, articles used for unauthorized purposes and/or articles in your possession in an unauthorized area are considered contraband. Any item altered from its original state is also considered contraband. Possessing contraband is a rule violation and will result in disciplinary action.

Enemy Alert Lists

If you request that another inmate be placed on your enemy alert list, the Chief of Security and the Warden will determine whether the alert is warranted. Staff cannot be placed on an inmate's enemy alert list but a staff separation can be entered if determined necessary by the Department.

Inmate Lockers/Locks

When lockers are necessary, the ADC may provide them to you, however, at some facilities we may not. As such, locks are available in the commissary and the combination must be provided to the security office. The administration reserves the right to maintain access to all lockers. If the combination is not made available to the administration, entry will be made at your expense .

Prison Rape Elimination Act

On Sept. 4, 2003, the Federal Prison Rape Elimination Act (PREA) was signed into law. It applies to all confinement institutions housing adult and juvenile offenders. **The Arkansas Department of Correction has a "zero-tolerance" policy regarding the sexual abuse of inmates, by staff or other inmates.** Speak up. Do not be a silent victim of sexual assault or rape. Sexual assault is not part of your sentence! If you have been sexually assaulted, feel you are being pressured into a sexual relationship or feel you are being sexually harassed, you can tell any staff, write a letter, file a grievance and/or call the toll free hotline on the Inmate Phone System, *0870267 and report this immediately. All calls will be reviewed.

Investigating allegation of sexual abuse

Report the incident to staff immediately or call the hotline, 1-870-267-6533. An immediate referral will be made to Health Services for a physical examination and completion of rape kit test. (Do not shower or clean yourself after the incident because it will interfere with the rape test results.) A swift and thorough investigation will be conducted.

Evidence will be collected and stored. Rape complaints will be restricted to those individuals who investigate, provide assistance or prosecute to

protect the victim. The victim will be placed in a safe place where he/she is not subject to retaliation. The unit's PREA Response Team will be notified and will assist the inmate. Statements will be taken from witnesses and findings will be documented. The case may result in discipline and/or be referred for criminal prosecution.

Tobacco Regulations

You are not allowed to have any kind of tobacco products. If you are caught with tobacco, the appropriate disciplinary action will be taken against you for possessing contraband.

Inmate Grievance Procedure

Step One: Informal Resolution Form

The Unit Level Grievance Form (Attachment I) must be completed by the inmate within 15 days from the date of the incident with the date beside "Step One: Informal Resolution" filled in. If the inmate is alleging sexual assault, sexual misconduct/harassment by staff or physical abuse, then the in-mate is not required to complete step one, but should complete a Unit Level Grievance Form (Attachment I) with a date beside "Emergency Grievance" and present it to any staff, but preferably the designated Problem Solving Staff. Please also know that an inmate **cannot** grieve on behalf of another inmate.

An inmate presents the Unit Level Grievance Form (Attachment I) directly to a designated problem-solving staff. Only in the space provided, the inmate should write a brief statement that is specific to the complaint. Include the date, place, personnel involved and/or witnesses and how the policy or incident affected you. Additional sheets cannot be attached at any level of the process.

The Problem Solver has 3 working days to resolve the issue at Step One, informal level. If the problem cannot be resolved at the informal level or if the Problem Solver does not respond within the allotted time, the inmate may proceed to Step Two, the formal grievance level, within 3 working days.

Step Two: Formal Grievance Procedure

After attempting to resolve an issue through Step One, informal resolution, an inmate can proceed to Step Two, formal grievance, on the same Unit Level Grievance Form (Attachment I) that was used for Step One. The inmate should complete the date beside "Step Two: Formal Grievance" and the section regarding resubmission (of this form) as to why the inmate considers the informal resolution unsuccessful, and

deposit it into the designated grievance box; or submit it to a staff member if the inmate's assignment prevents access to the grievance box. If an inmate is unable to read or write, an officer, other staff or an inmate can help fill out the forms. Inmates are only allowed to submit three Step Two, formal grievances, each seven-day period which begins each Saturday and ends on Friday; unless an emergency exists. Once the grievance has been answered at the unit level, if the Inmate is not satisfied with the response given, the grievance can be appealed within five working days to the appropriate Chief Deputy/Deputy/Assistant Director. At that point, the inmate has exhausted his/her administrative remedies.

Emergency Grievances

Emergency grievances should not be declared for ordinary problems that are not of a serious nature. If the inmate believes the matter to be an emergency, he/she will fill in on the date beside "Emergency Grievance" on the Unit Level Grievance Form, (Attachment I) to designate an emergency. Staff will determine if an emergency does exist.

Food Service

Every effort is made to provide, prepare and serve a variety of nutritious foods. Do not waste food. Three meals a day are served unless an inmate with a recognized medical condition is required to be served more often. On holidays, you might be served two meals; a late breakfast or brunch and a large holiday meal. If your religious practices prevent you from eating certain meats, nutritional substitutes are offered. A small sign indicating "Pork Free" is placed on the steam table indicating each food item that does not contain pork. A quiet, orderly and timely demeanor will be maintained. After you are finished, you will immediately leave the kitchen area.

Alternative Meal Service

Any inmate may be placed on an alternative meal service if observed misusing food, serving trays, utensils or any items used to prepare, serve or package meals.

An alternative meal is a loaf-style form of nourishment designed to be eaten without the need for utensils. Water is the only beverage available with the alternative meal, unless the responsible facility health provider prescribes a substitute beverage for medical reasons. Alternative meal service will be for seven (7) consecutive days or 21 meals before the

inmate returns to regular tray meal. The Unit Warden may reduce the number of alternative meals, if appropriate.

Telephone Use

During set hours, you are allowed to make collect calls to people on your pre-approved telephone list. ***Three-way calling and call forwarding is not allowed. All calls except those to an attorney or a known outside rape counseling service, will be recorded and may be monitored.***

Emergency Messages

The Chaplain or mental health office will notify you about family emergencies.

Personal Clothing

The ADC provides uniforms, undergarments, a pair of shoes, soap, toothbrush, toothpaste, safety razor with blade, bath towels and feminine hygiene items. Seasonal items ***may*** also be provided such as a toboggan cap, jacket or coat and thermal underwear.

Jewelry

Personal jewelry allowed includes one wristwatch, one plain metal ring or wedding band and one religious medal or emblem worn on your ID chain. The religious medal/emblem must be approved by the chaplain. The value of each item cannot exceed \$50. A wedding band can have a higher value, but you must sign a waiver of liability.

Photographs

You may have up to five personal photographs that are not nude or sexually suggestive. Photographs cannot contain subject matter that is disruptive in nature or would threaten security or the good order of the institution. Digital pictures or images generated by a computer and Xerox copies are considered to be photographs. Photographs may not be any larger than 8 1/2 X 11 inches. Such photographs may contain either single or multiple digital images/pictures. However, when digital images/pictures are cut from an 8 1/2 X 11-inch sheet, it will no longer be considered as one. Each image cut from the sheet will be counted as one of the inmate's five authorized photographs.

Major Disciplinary Process

The major disciplinary form will be used in filing major disciplinary reports against you. This form will inform you in writing of the details of the rule infractions.

1. You will receive a copy of the major disciplinary report at least 24 hours prior to the major disciplinary court hearing.
2. At the time you are served the disciplinary report, if you want to call witnesses, this is the time to do it by giving the notifying officer the names of the individuals you wish to call. There may be a limit on how many witnesses you can call. The Chief Security Officer at the unit determines this limit. **You will not be allowed to submit witness statements that you have gathered to the hearing officer.**
3. Unless your disciplinary is extended, it will expire after seven (7) business days (excluding weekends and holidays) from the date of the incident, the discovery of the incident (in cases where the incident was concealed from the staff), or the date the investigation has concluded. If your disciplinary is extended, you will be provided a copy of the extension form.
4. You will be allowed to be present at your hearing, but you will not be forced to attend. You may waive your appearance by signing a waiver form or failing to attend when disciplinary court is called. You cannot appeal if you waive your hearing.
5. The hearing will be conducted as follows:
 - a. When the hearing officer is ready to hear your case, you will be called into the room, and the hearing officer will identify any people present at the hearing for the record.
 - b. You will be informed of the specific charges against you and the possible consequences of a finding of guilt.
 - c. The hearing officer will read the disciplinary report to you and ask for your plea to each charge. There are only two acceptable pleas, "guilty" or "not guilty." Any plea other than these, or refusing to enter a plea, will be considered as a plea of not guilty.
 - d. You will be given an opportunity to make a statement on your behalf and present documentary evidence (other than witness statements).
 - e. You will then be required to leave the room while the hearing officer reads any confidential statements into the record, and considers the evidence.

- f. After the hearing officer has reached a verdict, you will be called back into the hearing room and informed of his/her findings and the reason for them.
 - g. You will be advised of your right to appeal any or all guilty decisions of the hearing officer.
 - h. At this point, your hearing will end, and if you were found guilty, this will mark the beginning of any punishment assessed.
6. Within 24 hours you will be provided a copy or ISSR 100 (electronic generated disciplinary hearing results form) of the results of the hearing.
7. **Guilty verdict of Major Disciplinary will be published on the Department's website pursuant to a 2015 state law.**

Major Disciplinary Sanctions

Major disciplinary sanctions are divided into three penalty classes, "A," "B" and "C." The disciplinary hearing officer may apply any or all of the sanctions from the penalty class of the most serious rule violated. The range of allowable sanctions is as follow:

1. Penalty Class "A"
 - a. Punitive segregation for 1-30 days.
 - b. Loss of earned good time up to 365 days. (Loss of *all* earned good time is allowable for offenses listed hat include the statement "may result in loss of all good time").
 - c. If the use of the Inmate Telephone System is involved, it shall result in the loss of telephone privileges for one (1) year.
 - d. Loss of designated privileges, 1-60 days.
 - e. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
 - f. Reduce up to three (3) steps in class.
 - g. Recommend to Classification Committee for change of assignment/unit, including an out-of-state assignment.
 - h. Extra duty up to two (2) hours per day for up to thirty (30) days.
 - i. Possession/introduction/use of a cell phone will result in the loss of Inmate Telephone System privileges for one (1) year.
 - j. For PREA related violations, referral to the Classification Committee for consideration of precautions based on the findings of the investigation an outcome of the Disciplinary Hearing. The Classification Committee will consider PREA status in housing

and job assignments and potential placement in programming based on the outcome.

2. Penalty Class “B”

- a. Loss of earned good time of 1-150 days.
- b. Loss of designated privileges for 1-45 days.
- c. Restitution based on replacement cost or the value of lost, intentionally misplaced or destroyed property.
- d. Extra duty up to two (2) hours per day for up to fifteen (15) days.
- e. Formal reprimand and/or warning.
- f. Recommend to Classification Committee for change of assignment/unit, including, if appropriate, an out-of-state assignment.
- g. Reduce up to two (2) steps in class.
- h. Punitive segregation of up to fifteen (15) days for a second or subsequent guilty verdict that is within thirty (30) days of the previous guilty verdict for the same disciplinary violation and which interferes with the safe and secure operation of the facility.

3. Penalty Class “C”

- a. Loss of earned credits up to sixty (60) days.
- b. Loss of designed privileges up to thirty (30) days.
- c. Restitution based on replacement cost or value of lost, intentionally misplaced or destroyed property.
- d. Extra duty up to two (2) hours per day for up to ten (10) days.
- e. Formal reprimand/warning.
- f. Recommend to Classification Committee for change of assignment/unit, including an out-of-state assignment..
- g. Reduce one (1) step in class.

Appeal of Major Disciplinary Action

If you do not agree with the hearing officer’s decision, you may appeal that decision through the following process.

1. Complete a major disciplinary appeal form. This should be addressed to the Warden/Center Supervisor of the unit/center where the incident occurred. You must submit this appeal in writing within 15 business days of the hearing.
2. The Warden/Center Supervisor has 30 business days from receipt of your appeal to respond. If you are serving punitive time as a result of the disciplinary and marked the box in the upper right corner of

the form with an "X", then the Warden/Center Supervisor should respond in 10 business days, if possible.

3. If you are not satisfied with the Warden's/Center Supervisor's response, you have 15 business days to appeal to the Disciplinary Hearing Administrator in the Central Administrative Office. To appeal to the hearing administrator, you must submit the same disciplinary appeal form that was submitted to the Warden. Be sure to identify the disciplinary by date, time and charging person. Do not send your copy of your disciplinary report, hearing action sheets, or additional pages because copies of these are filed in the hearing administrator's office and are reviewed with your appeal. Any documentation submitted will not be returned.
4. The Disciplinary Hearing Administrator has thirty (30) business days from receipt of your appeal to respond.
5. If you disagree with the Hearing Administrator's response, you have 15 business days to appeal to the Director of the department, who has thirty (30) business days to respond and whose decision will be the final step in the appeal process. Again, you submit the same disciplinary appeal form that was submitted to the Warden and the Disciplinary Hearing Officer.
6. A list of Major Disciplinary violations will be displayed for each inmate on the Department's website pursuant to a 2015 state law.

Minor Disciplinary Process

The minor disciplinary report is used to initiate the minor disciplinary process. The full due process considerations involved in the major disciplinary process do not apply to minor disciplinaries.

1. The Minor Disciplinary Hearing Officer must hear the disciplinary within seven (7) business days of the incident, discovery of incident, or conclusion of an investigation.
2. You will be allowed to be present and to make a statement on your behalf.
3. After hearing the charges against you and your defense, the Minor Disciplinary Hearing Officer will render his/her decision as to guilt or innocence and the appropriate action to be taken.
4. The findings of the Minor Disciplinary Hearing Officer may be

appealed to the Chief of Security and his/her decision is final.

Minor Disciplinary Sanctions

The Minor Disciplinary Committee may take any or all of the following actions:

1. Warning, reprimand or excuse the inmate.
2. Revoke privileges for up to twenty (20) days.
3. Extra duty.

Actions taken by the Minor Disciplinary Hearing Officer must not exceed 20 days.

Behavior Rules and Regulations

The same rule violations apply to both major and minor disciplinaries. The following rules and regulations shall govern your behavior at all units and are found in the disciplinary policy in the unit library. Please note that some numbers are not in order as categories were combined, but historical information will be maintained; additionally, numbers reserved for historical purposes are not listed in this Handbook. The “**bold**” words below indicate what should display on the ADC website (2015 state law requires a list and the dates) for major rule violations; in some instances it will be the category unless words in the **specific rule violation are bolded in which case those words will display on the website.**

Arkansas Department of Correction
MAJOR DISCIPLINARY
 Unit: _____
 Offense: _____
 Date: _____
 Inmate Name: _____
 Warden/Supervisor: _____
 Signature of Charging Officer: _____
 Date & Time Housed: _____
 Witness Statements No.: _____
 C/O REVIEW: Reviewed [x] / Not Reviewed []
 EXTENSION: No [x] / Yes []
 C/O REVIEW: Reviewed [x] / Not Reviewed []

GROUP DISRUPTION CATEGORY

<u>TYPE</u>	<u>PENALTY CLASS</u>
01-1. Banding together for any reason which disrupts unit operations which may include taking over any part of the unit or property of the Department, seizing one or more persons as hostages, or interrupting operations. Rule violation may result in loss of all good time.	A
01-6. Direct involvement in writing, circulating or signing a petition, letter or similar declaration that poses a threat to the security of the facility.	B
01-7. Any rule violation set forth above that is found to be related to recruitment or participation in a security threat group or is motivated by racial, religious or gender discrimination. Rule violation may result in the loss of all good time.	A

INDIVIDUAL DISRUPTIVE BEHAVIOR CATEGORY

<u>TYPE</u>	<u>PENALTY CLASS</u>
02-2. Under the influence of and/or any use of illegal drugs, alcohol, intoxicating chemicals or any medication in an unauthorized manner.	A
02-3. Monetary Misconduct —Entering into unauthorized contractual agreements, failure to turn in all checks or monies received, obtaining money through fraud or misrepresentation (examples include buying articles on a payment plan, failure to turn in tips received on work release, misleading someone to obtain money).	B
02-4. Employment Misconduct —Work Release inmates who quit a job without prior approval, get fired for misconduct, tardiness or shirking duties or fail to notify ADC staff when too ill to work.	C
02-5. Unauthorized use of mail or telephone , including passing unauthorized messages, three-way communication(s), calling on another's phone code, posing as another person and telephone communications with unauthorized persons.	B
02-11. Tattooing, piercing and self-mutilation intended to change oneself or another's appearance; this does not include attempts to commit suicide or injure oneself unless solely for manipulation—See Administrative Regulation 834, Procedure for Handling Alleged Disciplinary Infractions of Mentally Disordered Inmates.	B

<u>TYPE</u>		<u>PENALTY CLASS</u>
02-12.	Failure to keep one's person or quarters in accordance with regulations or failure to wear Department-issued ID or clothing according to center/unit policy.	C
02-13.	Breaking into or causing disruption of an inmate line or interfering with operations.	B
02-15.	Tampering with or blocking any lock or locking device.	A
02-16.	Refusal to submit to substance abuse testing.	A
02-17.	Creating unnecessary noise , including disruptive or aggressive play in areas other than designated recreation areas.	C
02-20.	Unauthorized communication , contact or conduct with a visitor or any member of the public or staff.	B
02-21.	Running from, avoiding or otherwise resisting apprehension.	B
02-22.	Interfering with the taking of count.	B
03-3.	Unexcused absence from work/school assignment or other program activity.	B
03-5.	Out of place of assignment.	B
05-5.	Provoking or agitating a fight.	B
11-1.	Insolence to a staff member.	B
12-2.	Refusal of job assignment including participating in a treatment program, boot camp, or class assignment or violating program rules that results in dismissal from a program.	B
12-3.	Failure to obey verbal and/or written order(s) of staff.	B
12-4.	Refusing a direct verbal order to leave or enter any area of the institution or ADC property including but not limited to a cell, barracks, chow hall, transportation or hallway.	A
13-2.	Lying to a staff member , including omissions and providing misinformation.	B
13-3.	Malingering , feigning an illness.	B

BATTERY CATEGORY

<u>TYPE</u>	<u>PENALTY CLASS</u>
04-4. Battery —Use of physical force upon staff.	A
04-5. Aggravated Battery - Use of a weapon in battery upon another person (not an inmate). This Rule violation may result in loss of all good time and the loss for one (1) calendar year of the privilege to purchase or possess any item which was used as a weapon.	A
04-8. Battery - Use of physical force upon an inmate.	A
04-17. Throwing or attempt to throw substances , known or unknown, toward or upon another person. Rule violation may result in loss of all good time.	A
04-18. Aggravated Battery upon inmate - Use of a weapon in a battery upon another inmate. Rule violation may result in the loss of all good time.	A

ASSAULT CATEGORY

<u>TYPE</u>	<u>PENALTY CLASS</u>
05-3. Assault - Any threat(s) to inflict injury upon another, directly or indirectly, verbally or in writing.	A
05-4. Making sexual threat(s) to another person, directly or indirectly, verbally or in writing.	A

THEFT, DESTRUCTION OF PROPERTY OR EXTORTION CATEGORY

<u>TYPE</u>	<u>PENALTY CLASS</u>
06-1. Demanding/receiving money or favors or anything of value in return for an offer/promise of protection from others, or to keep information secret.	A
07-1. Unauthorized use of state property/supplies.	B
07-4. Theft or possession of stolen property.	A
08-4. Destruction or intentional misplacement of property of another or the Department.	B
08-6. Adulteration of any food(s) or drink(s) with intent to harm others. Rule violation may result in the loss of all good time.	A
08-7. Setting a fire or destruction or tampering with fire detection or suppression device.	A

POSSESSION/MANUFACTURE OF CONTRABAND CATEGORY

<u>TYPE</u>	<u>PENALTY CLASS</u>
09-1. Possession/introduction of any firearm, ammunition, weapon, fireworks, explosive, unauthorized combustible substance or unauthorized tool. Rule violation may result in lost of all good time.	A
09-3. Possession/introduction/manufacture of any drug, narcotic intoxicant, tobacco, chemical, or drug paraphernalia not prescribed by medical staff.	A
09-4. Possession or movement of money or currency, unless specifically authorized.	A
09-5. Possession/introduction of clothing or property not issued to inmate nor authorized by the center/unit.	C
09-9. Counterfeiting, forging or unauthorized possession/introduction of any document, article of identification, money, security or official paper.	A
09-14. Possession/introduction/use of unauthorized electronic device(s), including flash drive, MP player, DVD player, etc. Rule violation may result in loss of all good time.	A
09-15. Possession/introduction/use of a cell phone or any cell phone component (e.g., sims card, charger, battery, etc.) or an unauthorized messaging device. Rule violation may result in the loss of all good time and may result in the loss of Inmate Telephone System privileges for one (1) year.	A
09-16. Use of internet or social media.	A
09-17. Preparing, conducting or participating in a gambling operation.	B

SEXUAL ACTIVITY CATEGORY

<u>TYPE</u>	<u>PENALTY CLASS</u>
10-1. Engaging in sexual activity with another consenting person.	A
10-2. Making sexual proposals to another person (PREA).	A
10-3. Indecent exposure; may result in a referral for criminal prosecution.	A
10-4. Bestiality.	A

<u>TYPE</u>	<u>PENALTY CLASS</u>
10-5. Masturbation in the presence of another inmate.	A
10-6. Engaging in non-abusive sexual activity with another.	A
10-7. Demanding sexual contact in trade or for protection from physical harm or mental anguish or other victimization.	A
04-10. Rape or forced sexual act with/on an inmate. Rule violation may result in the loss of all good time. (PREA)	A
04-19. Rape or forced sexual act on staff, volunteer, contractor or other individual not incarcerated at the time of the incident. Rule violation may result in the loss of all good time.	A

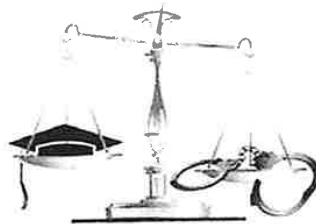
TRAFFICKING AND TRADING CATEGORY

<u>TYPE</u>	<u>PENALTY CLASS</u>
15-2. Asking, coercing or offering inducement to anyone to violate Department policy or procedure, inmate rules and regulations, center/unit operating procedures.	A
15-3. The purchase or exchange of unauthorized articles or authorized articles obtained through unauthorized channels.	B

ESCAPE CATEGORY

<u>TYPE</u>	<u>PENALTY CLASS</u>
16-1. Escape or attempt to escape from custody of the Department of Correction; may result in the loss of all good time.	A
16-2. Failure to return from any approved activity or furlough at the designated time.	A

Any felony is subject to criminal prosecution regardless of disciplinary action within the Arkansas Department of Correction.



Restrictive Housing

It is the policy of the ADC to provide secure, safe housing to inmates who require a higher degree of physical control or who staff otherwise find necessary to remove from the general population of the facility. The policy is to limit the use of Restrictive Housing to the shortest period of time possible when it is used while maintaining a safe environment within the institution. Inmates in restrictive housing may be subject to more stringent living conditions and their privileges may be restricted.

Definitions

Administrative Status - separation from the general population by the classification committee or other authorized authority when the continued presence of the inmate in the general population poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. Inmates pending investigation by the unit or law enforcement, pending trial on a criminal act, pending disciplinary court review, or pending transfer also can be included. While this status may be restrictive housing, it is a temporary status and a release plan is not required while in this status.

Restrictive Housing (RH) - a placement that requires an inmate to be confined to a cell at least twenty-two (22) hours per day.

Extended Restrictive Housing - placement in housing that separates the inmate from contact with the general population while restricting an inmate to his/her cell for twenty-two (22) hours per day and for thirty (30) days or longer for the safe and secure operations of the facility. A 48-hour relief does not end Extended Restrictive Housing because the inmate is not returned to general population during this time.

Protective Custody - form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. The classification committee reviews the inmate's status periodically. Inmates assigned to protective custody are not assigned to restrictive housing due to this status alone. Inmates placed in restrictive housing must be transferred out of restrictive housing within (3) business days when placement is due to protective custody status alone absent approval by the appropriate Deputy Director.

Disciplinary Court Review (DCR) - the confinement of an inmate in restrictive housing until a disciplinary hearing is completed due to an alleged disciplinary infraction.

Release Plan - the steps the inmate needs to take to be released to general population which may include one or more of the following as

examples: a certain number of disciplinary free days, completion of disciplinary sanctions, completion of anger management, thinking errors and/or step-down program.

Step-Down Program - a system of review that establishes criteria to prepare an inmate for transition from restrictive housing to general population or the community. A classification committee made up of a multidisciplinary team (medical, mental health, security and others determined by the Warden) will determine which individual inmates enter the program.

Reentry Plan - a pre-release assessment and plan that includes at a minimum a review of parole stipulations and program referrals, transportation to the inmate's closest commercial pick-up point, information on community services available in the area and information on how to reinstate voting rights upon discharge of their sentence.

Detainers

A detainer is a hold placed on an inmate by a law enforcement agency that has charges pending against the inmate.

Interstate Compact

Under the Interstate Compact agreement, an inmate can serve his/her Arkansas sentence in another state's correctional system but only under certain circumstances and only if both states agree.

Interstate Compact Inmates that are housed in the ADC for another state, cannot be awarded Class IA, IB nor ID or otherwise a class status that allows the inmate to work outside the confinements of the fence without armed supervision.

Medical Services

Health Services

If you have a medical or dental emergency, inform a correctional officer who will notify the Medical Department immediately for evaluation. If the problem is not an emergency, then a Health Services Sick Call request form must be submitted, which will be reviewed by the Medical Department within 24 hours, and an examination will be scheduled. ADC charges inmates a \$3 co-pay fee for any inmate-initiated request for medical or dental services. A \$3 fee is also charged for initial contact with health care services due to a fight, sports injury, or self-inflicted injury not associated with mental illness. No fee is

charged for diagnosis and treatment of communicable disease; chronic care or other staff-initiated care, including follow-up and referral visits. See the Co-Pay policy for more details; no inmate will be denied medical due to an inability to pay.

Dental Services

In addition to dental emergencies, routine and necessary examinations, treatment and cleanings are available. Dental prosthetics are provided if required for chewing food, but will not be provided for cosmetic effect.

Eye Examinations

If you are having vision difficulty, submit a request for an examination to the Medical Department. If appropriate and needed, an optometrist will exam your eyes, and standard glasses will be provided if needed. You may be re-examined as provided in policy.

Program Services

Sex Offenders Treatment

The Reduction of Sexual Victimization Program (RSVP) is a treatment program for male inmates and SOFT is the treatment program for female sex offenders that focuses on controlling compulsive sexual behaviors. Participation in the program is voluntary, but the Parole Board can require completion as a condition of early release.

Act 309 Program

Under the Act 309 Program, inmates who qualify may be assigned to county or city jail facilities. Inmates must be Class I eligible, has served a minimum of 6 months since admissions to a parent unit with the ADC, disciplinary free for 90 days, capable of abiding by the rules and regulations of the program, do not have any undisposed felony detainers filed against him or her unless approved for transfer by the agency filing the detainer, must be within 45 months from your parole or transfer eligibility date. Any eligible inmate must exhibit a current medical classification commensurate with expected work assignment. Prior to participation in the Act 309 Program, notification will be made to the sheriff of the county from which the inmate was tried and convicted and the prosecuting attorney's office who convicted the inmate. Victim or victim's family notification shall be done by mail to the last known address supplied to the ADC. Some inmates are ineligible for the program due to their criminal or disciplinary history.

Residential Programs Unit (RPU)

The Residential Programs Unit is for inmates with serious mental or emotional problems that require residential treatment as recommended by the unit's mental health staff. The RPU provides intensive treatment and specialized assessment.

Mental Health Services

Inmates can receive individual and group outpatient treatment from psychologists, psychiatrists, social workers and counselors.

Habilitation Program

The Habilitation Program provides special management and treatment for developmentally disabled inmates.

Substance Abuse Treatment Programs (TC and SATP)

There are programs at several units that provide residential substance abuse treatment. There are two programs: Therapeutic Community and Substance Abuse Treatment Program (TC and SATP) for inmates with substance abuse histories.

Anger Management Treatment

The Restrictive Housing (RH) Anger Management Treatment Program is a 12 week program designed to enable inmates to manage their anger and have positive interactions with staff members as well as other inmates. The program utilizes the Aggression Replacement Training (ART) Program as the main focus of treatment and Thinking for Change as a supplement. The program challenges inmates to recognize and change thinking and behavioral patterns that are affected by their anger.

Preparing for Success

In the Preparing for Success Program, the ADC has adopted the 100-Hour Reentry Pre-Release Program in which the goal of this series is to reduce recidivism. In the series of workbooks, students practice the skills needed to gain sustainable employment and maintain crime-free lifestyles. The Parole Board may stipulate an inmate for this program. There is a Re-entry Handbook available to any inmate in the unit libraries with resources listed.

Think Legacy Program

The ADC recognizes that the majority of inmates incarcerated will be released into the community either by discharging their sentence or on

parole. In order to increase the potential for successful reintegration into the community, it is necessary that these inmate be provided certain programming and information. Therefore, this program has been developed to assist inmates reintegrate into the community.

Reentry Planning

A reentry plan will be reviewed with you. It will include a review of any parole board stipulations, the status of your medical coverage (Medicare, Medicaid, Insurance), housing and employment plans, and whether you have a valid driver's license or state identification card. You will be provided with a copy of your reentry plan, as well as copies of any program completions and certificates. You will also receive information regarding the reinstatement of your voting rights. If you are required to register as a sex offender, notification of your pending release will be sent to the Prosecuting Attorney pursuant to Act 973 of 2015.

Work Release

In the Work Release Program, inmates are housed in correctional facilities and maybe employed in the community after working on Regional Maintenance. From the wages they earn, the inmates partially reimburse the state for their care and custody. Inmates who have dependents must remit one-third of their net income or the amount that may be required by court order. The inmate will normally be allowed to spend up to an amount equal to the approved weekly commissary draw. The remaining balance will be deposited to the inmate's ADC account. Any disbursements out of this account must be approved by the Warden/Center Supervisor. The inmate may access the account upon his or her release from custody. Work Release inmates must be Class I-A eligible, must have a parole eligibility release date within 42 months or shorter as determined by the Director, have no major disciplinary infractions for a period of not less than 3 months immediately prior to application, must exhibit a current medical classification commensurate with expected work assignment, etc. Some inmates are ineligible for the program due to their criminal or disciplinary history.

Education

Academic

At the beginning of the 1997-1998 school year, academic education became mandatory for all inmates who do not have a high school

diploma or General Education Development (GED) certificate. A full range of academic programs are available at most units, including special education programs for inmates who qualify. Summer school is provided at some units, and homebound educational services may be offered for inmates in restrictive housing. Inmates progress at their own pace and work toward their GED certificate. College courses are offered at some units.

Technical Certificate Courses

Vocational courses available to inmates include Building and Grounds Maintenance/Facilities, Combination Welding, Computerized Accounting, Computer Application Technology, Cosmetology, Finish Carpentry & Cabinetry, Culinary Arts/Food Services, HVAC & Refrigeration, Horticulture, Landscape Design & Construction, Office Technology, Plumbing, Residential Carpentry, Residential Electricity, Small Engine Repair, Graphic Arts, Furniture, Upholstery, Welding & Fabrication and Workforce Logistics.

Prison Industry Enhancement Certification Program

A PIECP worker is an inmate who provides labor for a BJA Prison Industries Enhancement Certification Program (PIECP). He or she benefits from PIECP by receiving an opportunity for training and work experience. The inmate worker must voluntarily agree to participate in PIECP and meet eligibility requirements. ADC retains an amount of the inmate's earnings for operational fees. Earnings must also go into a savings account, to the Arkansas Crime Victims Reparation Fund, to the inmate's dependents and court-ordered child support, where applicable.

Religious Services

Religious Activities

Chaplains and volunteers provide religious services, pastoral counseling, study groups, revivals and other special events.

Religious medals

One religious medal or emblem may be worn on an ID chain. A separate chain is not allowed. The religious medal or emblem cannot be larger than one and a half inches in length or width and no thicker than 1/8 of an inch. The medal/emblem must be received and approved through the chaplain's office.

Mail Policy/Packages

All of your incoming and outgoing mail may be read, except for privileged correspondence, which will be opened in your presence and inspected for contraband. This correspondence includes letters from attorneys; federal, state, and local court officials; any administrator of the Department of Correction, Parole Board and the Board of Corrections; and the media. If properly marked as privileged correspondence, it will be opened in front of you and inspected for contraband.

Outgoing mail must have your full name, return address, including your ADC number. Incoming mail and packages should have your full name and ADC number and you are limited to receiving only a black & white photocopy of the envelope and three pages.

Letters must be written in the English language unless there is approval from the Warden/Center Supervisor to communicate with family in another language.

The Department of Correction does not accept postage due mail or packages. Postage payment must be made in advance. Since opened mail will not be returned to the sender by the Postal Service without additional postage, the inmate shall be responsible for the cost.

Types of Mail Allowed

Your family, friends, officials and other significant community contacts can mail letters to you or send letters electronically with a minimum of interference consistent with the legitimate security needs of the facility. The cost of the electronic correspondence is at the expense of the sender. The cost of any rejected electronic correspondence will be borne by the sender. Rejected electronic correspondence will be rejected in its entirety. Electronic correspondence will be considered general correspondence **only**. Incoming mail received containing contraband is returned to the sender in its entirety or destroyed. **Your general correspondence is limited to three pages so that it can be photocopied along with one side of the envelope. Two sheets of 8 1/2 x 11 inches of copy paper will be provided to you that is a copy of the envelope and three pieces of the correspondence on the four-sides of the two sheets of copy paper. Only black and white copies will be made, no cards, larger size paper or anything will be manipulated to fit on the copy paper. Any general correspondence that exceeds these limits will be treated as contraband.**

Any books, magazines, newspapers or catalogs that you receive from the publisher, bookstore, educational institution or recognized commercial or charitable outlet will be rejected if it violates the publication policy. Payment must be made in advance. Publications are subject to review and may be refused/denied due to content. You will be advised of the reason if a publication is rejected.

If you have an authorized hobby craft card, you may order and receive items approved by the Warden or a designee. No other packages are allowed except with the approval of the Warden and the appropriate Assistant or Deputy Director. Packages which do not have prior approval will be returned to the sender. Packages will be searched.

Inter-Unit Correspondence

All inter-unit mail must have the approval of both the sending and receiving units. Mail between inmates of the ADC is restricted to members of the inmate's immediate family and is subject to the same rules as general correspondence.

Visitation

Approval of Visitors

Everyone who plans to visit must fill out a Visitation Questionnaire. A criminal history check is done on all prospective visitors. It is the inmate's responsibility to advise visitors of their approval and visitation days and times. It is the inmate's responsibility to notify the Warden/Center Supervisor/designee of any requested changes on the approved visitation list.

Children 12 years of age or younger may be allowed to visit only when accompanied by an adult.

Current ADC employees and contract employees (working in an ADC facility), shall not be approved for visitation unless, prior to their employment, they were immediate family members of the inmate. Former ADC employees and former contract employees shall not be approved for visitation for a period of three (3) years from their last date of employment unless, prior to their employment, they were immediate family members of the inmate.

Visitation Schedule

At most units, visitation is either on Saturday or Sunday. Your custody

classification can determine if and when visitation is allowed. Each unit will have a schedule for visitation and you must notify your visitor (s). Video visitation is also available at some facilities. Violation of any visitation rules, including displaying sexual acts or other prohibited behavior on video visitation will also result in cancellation of all visitation privileges. Please check with your Unit's Visitation Clerk for availability and scheduling.

Special Visits/Visits Other Than on Regular Visitation Day

If the Warden approves, visits may be allowed during the week or during weekend visitation for approved visitors who live more than 300 miles from your unit. Special visits, permitted during regular business hours, may be arranged with the Warden/Center Supervisor/designee for attorneys of record and clergy. Special visits have to be arranged in advance, preferably 24 hours prior to the visit.

Visitation Rules

Four visitors are allowed during any one visit, including children. However, a spouse and all children, regardless of the number, may visit at the same time.

Non-Contact Visitation

Non-contact visitation, where a glass divider separates the inmate and visitor, is used at the discretion of the Warden for inmates in restrictive housing. Non-contact is the only form of visitation allowed for inmates assigned to the Varner Supermax Program.

Visitation on Restrictive Housing

Inmates on punitive status may be allowed visitation privileges unless there are substantial reasons for withholding such privileges. Visits will be conducted for two hours, once a month and scheduled as least 24 hours in advance. The Warden or designee must approve all such visits and will consider, among other factors, the following:

- a. Nature of rule violation.
- b. Further rule violations while housed on punitive status.
- c. Satisfactory cell inspection reports.

Special Status/Assignment

Inmates on special status/assignment (such as Restrictive Housing, Investigative Status and Mental Health) may be allowed to receive a visit, consistent with good security, as designated by the Warden/Center Supervisor or Assistant Warden. Death Row visits are held in accordance with the appropriate administrative directive.

Furloughs

Emergency Furloughs

Emergency furloughs **may** be granted when there is a critical illness or death in immediate family on the inmate's approved visitation list to inmates eligible for meritorious furloughs.

Meritorious Furloughs

A meritorious furlough **may be** granted if you have maintained Class I -A or I-B status for one year, have not been sentenced to death or life without parole along with other criteria.

The Unit Classification Committee must approve all meritorious furloughs.

Under state law, meritorious furloughs cannot be granted to inmates sentenced for capital murder, murder in the first degree, kidnapping, stalking, rape, any other sexual offense or any offense concerning exploitation of children or the use of children in sexual performances. The sheriff of the county where an inmate will be staying during the furlough must be notified.

Work-Release Furloughs

Work-release furloughs may be granted for one weekend a month to inmates participating in a work release program.

Act 309 Furloughs

If approved, Act 309 furloughs are to be taken on the weekend, not to exceed 48 hours and no more often than every 90 days.

No furlough will be granted during a holiday weekend.

Commissary

Each unit has a commissary or some way to purchase items that are not normally provided by the ADC. The Board of Corrections sets the weekly limit of money allowed to be spent. A list of available items and purchase prices is provided at each commissary. Prices are subject to change.

Indigent Program

Criteria is as follows:

1. Be at the unit for 30 days.
2. Have less than \$10 on your account and have received less than \$10 on your account in the immediate preceding 30 days.

Indigent items are provided every 30 days. Requests will be filled on

the last day of the month. If the inmate is eligible and has funds on account, entitlement will be reduced by the amount of funds.

The system **will not** let you have an item before the allotted time frame, not even one day early. Nor can the system be backdated for unavailable items. Items will be issued to eligible inmates in the same manner as unit's procedures for commissary. Eligible indigent inmates will shop on routine schedules with non-indigent inmates.

Indigent commissary lists will be filled according to availability and in the order they are received.

Any outside money that the inmate receives while in the indigent program can go to pay for filing fees, legal postage or any other outstanding costs.

Money

Inmate Accounts

Upon entering the Department, an account will be set up for you to allow deposits of money while you are incarcerated. Your account will be charged for all purchases made through the commissary.

You **cannot** receive cash. Only money orders and government checks will be posted to your account. All money must be sent directly to Inmate Banking:

Arkansas Department of Correction:
Trust Fund Centralized Banking
P.O. Box 8908
Pine Bluff, AR 71611

Money orders should be made payable to the inmate's name and ADC number. A "Money Order Deposit Slip" must be completed and sent with each money order. Deposit slips are available online at the ADC Web site: www.arkansas.gov/doc.

Inmates also have access to the deposit slips at each unit and can forward them to family members.

Family and friends can also send money through the ADC Website or by phone at 1-866-250-7697. These methods require a credit card and involve a small processing fee.

Disbursements

Instructions on how to make disbursements from your inmate account are available from your unit's commissary manager or bookkeeper.

Gate Money

The Department provides most inmates with money (debit cards) when they are released from ADC custody. The money is not provided to inmates being released to a detainer or to work-release inmates unless the Director makes an exception. A portion of each gate check is retained until conditions of release are verified, and maybe used for a drivers license.

Marriage

Inmate marriage requests are submitted to the unit Chaplain, who will schedule an interview so the necessary paperwork can begin. There is a 90-day waiting period that starts on the day of the inmate's interview with the Chaplain. The request is sent from the Chaplain to the Warden for approval. If the Warden approves the marriage request, a date is set for the ceremony. You must be Class I to submit a marriage request.

You, your family and friends or another private source must pay all costs of the wedding, including transportation costs. Up to six guests may attend the ceremony. Their names must be provided in advance to the Warden, and all guests must be on your approved visitation list. The wedding couple will not be allowed to spend time together after the ceremony.

Law Library

All units, except work-release centers, have a law library that is open during set hours. The Compliance Office makes sure information available at unit law libraries is kept up to date.

Inmate Groups***Inmate Councils***

Some ADC units have an Inmate Council for inmates. If you are interested, information is available at your unit.

Inmate Panels

An inmate panel is a select group of inmates who appear before school groups, civic clubs and other organizations to discuss problems of crime

and delinquency. Only inmates with outstanding institutional records will be considered for participation.

Alcoholics Anonymous/Narcotics Anonymous

At many units, community volunteers hold weekly meetings with inmates who indicate they have alcohol or drug problems.

Parole/Transfer and Pardons

Parole/Transfer

Parole or transfer is early release from incarceration, and it is supervised and conditional. Since parole is a privilege and not a right, it may carry several conditions. An inmate can be required by the Parole Board to complete certain ADC programming such as substance abuse treatment, academic education, vocational education, the Reduction of Sexual Victimization Program or the Sex Offender Female Treatment Program before being released on parole. Because programs have waiting list, you should request a program and not wait to be stipulated or you can delay your release.

If the conditions of release are not met, or if the inmate fails to follow the reporting schedule, parole can be revoked and the inmate can be sent back to prison.

Parole Eligibility/Transfer Eligibility Dates

The records offices of the various units compute parole eligibility or transfer eligibility dates. All inmates, except those sentenced to life, life without parole, death or certain repeat offenders, can be eligible for parole/transfer at some point. Eligibility dates will depend on state laws concerning the crime, the sentence and good time. The eligibility date can change because of disciplinary action or additional convictions.

Supervision of Parolees

The Arkansas Department of Correction does not supervise parolees. Supervision of parolees is provided by the Arkansas Community Correction Department

Pardons & Commutations

Pardons and Commutations are granted by the Governor and are used to restore rights that may have been lost because of a criminal conviction. An application for pardon can be obtained from an Institutional Release Officer (IRO).

Executive**Clemency**

You may also apply to the Governor for a commutation which can reduce the length of your sentence. The eligibility criteria for the various forms of executive clemency are listed on the application in which you may request from your Unit IRO. Once an application is submitted for screening and/or consideration, the process cannot be interrupted. The following are examples of grounds upon which an application may be filed: (1) to correct an injustice which may have occurred during the person's trial; (2) life threatening medical condition (also see Ark. Code Ann. §12-29-404) (3) to reduce an excessive sentence; or (4) the person's institutional adjustment has been exemplary, and the ends of justice have been achieved. Any person who files for clemency and is denied by the Governor shall not be eligible to reapply for a period of four (4) years from the date of application. If the applicant is serving a life sentence without parole for a crime other than Capital Murder, they will not be eligible to reapply for six (6) years from the date of denial. If an applicant is serving a sentence of life without parole for a conviction of Capital Murder, they will not be eligible to reapply for eight (8) years from the date of denial. However, a person who is denied by the Governor, can petition the Board for a waiver of the waiting period.

Emergency Powers Act (EPA)

The Emergency Powers Act gives the Board of Corrections the authority to declare a prison-overcrowding emergency and to move parole/transfer eligibility dates forward by up to 90 days for eligible inmates. Even if the EPA is in effect, the Parole Board must still approve inmates for parole and an approved parole plan must exist prior to release.

Under an expanded version of the EPA, inmates who were convicted on a nonviolent offense (except for those sentencing under Act 1326), are Class I or Class II, and have been in the ADC system for at least six months and do not have violent disciplinary histories may be eligible for release up to one year early.

Legal Assistance

There are two licensed Arkansas attorneys to assist with legal advice and explanations of court documents. The attorneys *cannot* represent inmates in lawsuits against the Department of Correction or its employees or on matters concerning criminal convictions. However, they can represent inmates in certain divorce and Department of Human Services matters.

Supermax

All inmates transferred to the Varner Supermax Program will have a due process hearing. This hearing requires a 24-hour advance notice to the inmate. The sending unit may recommend that an inmate be transferred to the Supermax for any of the following:

1. Escape from inside a secure facility.
2. Assault on staff resulting in injury.
3. Assault on another inmate with a weapon.
4. Disciplinary conviction for a violent felony.
5. Other reasons, which the Warden believes may constitute a serious threat to the security and good order of the institution.

Transfer Appeals

The committee's decision to transfer an inmate to the Supermax Program may be appealed to the Chief Deputy Director/Deputy Director within 15 days after the inmate receives a copy of the decision.

Varner Supermax Program Rules

The Varner Supermax has a separate handbook that is issued to inmates who are assigned to that program.

NOTES



ADC INMATE PERSONAL PROPERTY INVENTORY RECORD (Code: S=STORAGE K=KEEP IN POSSESSION I=ISSUED F=FEMALE M=MALE) F-#41-1

Transfer 48 on 48 off ADC Punitive Medical Court Other
 Inmate's Name: Beery, Beverly ADC [redacted] Sending Institution: [redacted] Receiving Institution: Prattville Fed 10-15-14

ITEM (# allowed)	#REC/SEN	CODE	#RETD	DESCRIPTION	ITEM	#REC/SENT	CODE	#RETD	DESCRIPTION
ADA Compliance Item					Nail Clippers (1)	1	S		
All Books (10)	10	S			Personal Mail	Account	S		Walter R. Gadsden
Bathrobe (F, 2)					Photos (5)	2	S		1 photo
Bowls	6	S			Radio (1)	1	S		MP3 Player
Bras/Panties (F-1 3 ea + 5)					Religious Material				
Comb (M, 1 1)					Religious Medal (1)				
Cup					Ring (1)				
Dentures (1)					Shoes w/ret (4)	Account	S		Walter R. Gadsden
Depilatory preparation (1)					Shower Shoes (1)				
Ear buds/earplugs (1)	1	S			Soap Dish	2	S		
Earplugs					Socks (1 3 + 2)	1 pair	S		
Eyeglasses/Contacts (1)					Stokings				
Gloves (1)					Sweat Pants (1)				
Gym Shoes (1)	1	S			Sweat Shirts (1)	2	S		
Hair Brush (1)					Toothbrush holder	1	S		
Laundry Bag (1 1+1)	5	S			Toothbrush	2	S		
Legal Mail/ Transcript					Undershirts (M, 1-2 + 3)	1	S		
Magazines (3 ea)	14	S			Watch-Wrist (1)				
Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Batteries (4)	28	S			Flex Pens				
Beauty Aid products					Food items	28	S		28 Sausages, 1 pack Crackers, 1 pack Hot Sauce, 1 Bag Coffee
Denture adhesive (2)					Hair Dressing (2)				
Deodorant (2)	8	S			Shampoo (2)				
Envelopes (10)					Shaving Cream (2)				
Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Chopst	1	S			Fl. Wash	2	S		
Press Block	1	S			Shower	1	S		
Access	1	S			Keychain	1	S		
State Issued Items									
Diapers-shoes (49)	1	S			Reserv. Safety (2)	3	S		Shoe under pants
Pants (3 pr)					Shirts (3)	8	S		
Cap/Hat (1)					Soap	2 sets	S		
Canvas Shoes (M, 1)					Thermals (2 sets)	2 sets	S		
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)					Toothpaste (2)	1	S		
Jacket/Coat (1)					Washcloth (1)				

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

Printed Name: Beery, Beverly Date: 9-15-16 Location Stored: Kocach Stora
 Inmate's Signature & ADC# / Witness, if refuses: [Signature] Date: [redacted]
 Printed Name: [redacted] Sign Name: [redacted] Sign Name: [redacted] Date: [redacted]

TCCIR # 1

75.6

Transfer 48 on 48 off Punish Medical Court Other
 Inmate's Name: Turner Barry ADC#: [redacted] Sending Institution: [redacted] Receiving Institution: [redacted]

ITEM (# allowed)	#REC/SEN	CODE	#RETD	DESCRIPTION	ITEM	#REC/SENT	CODE	#RETD	DESCRIPTION
ADA Compliance Item	3	3	(11)		Nail Clippers (1)	Asset	3	1	
All Books (10)					Personal Mail	Asset	3	1	
Bathrobe (F, 2)	05	5		2 LB	Photos (5)	Asset	5	1	
Bowls					Radio (1)	Asset	1	1	(5-PK)
Bras/Panties (F-1 3 ea + 3)					Religious Material				
Comb (M, 1 1)					Religious Medal (1)				
Cup					Ring (1)				
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)				
Ear buds/earphone(1)					Soap Dish				
Earplugs					Socks (1 3 + 2)				
Eyeglasses/Contacts (1)					Stockings				
Gloves (1)					Sweat Pants (1)				
Gym Shoes (1)					Sweat Shirts (1)				
Hair Brush (1)					Toothbrush holder				
Laundry Bag (1 + 1)					Undershirts				
Legal Mail/Transcript					Undershorts (M, 1-2 + 3)				
Magazines (3 ea)					Watch/Wrist (1)				
Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Batteries (4)	1	5			Flex Pens				
Beauty Aid products					Food items				
Denture adhesive (2)					Hair Dressing (2)				
Deodorant (2)	2	5	1		Shampoo (2)				
Envelopes (10)					Shaving Cream (2)				
Other (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Mirror	1	3			Shoes	2	3	(11)	
Mirrors	11	3							
Address Books	2	5	1						
State issued items									
Brograms-shoes (1pr)					Razor-Safety (2)				
Pants (3 pr)					Shirts (3)				
Cap/Hat (1)					Soap				
Canvas Shoes (M, 1)					Thermals (2 sets)	3	1		1 set ? / top
ADC Hand Book					Bath Towel as needed				
Toothbrush (1)					Toothpaste (2)				
Jacket/Coat (1)					Washcloth (1)				

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

Printed Name / Sign Name Badge # of Official Returning Property: [redacted] Date: 8-15-17 Location Stored: [redacted] Inmate's Signature & ADC# [redacted] if refuses: [redacted] Date: 8-16-17

INMATE NAME: Turner, Barry

ADC #

GRIEVANCE# 17-01643


CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

On 9/6/17, you stated the following complaint: "I am being denied a 48 hour relief from punitive isolation. I was told that there were no cells open in 5, 6, 7 for me to go on 48, yet right now as I write W-04 is being released from W-04 to 5 bks. I have a constitutional protected right to relief from punitive isolation every 30 days and I am being denied relief. The only thing that changed is the status in eomis-I am not being given granted access to news or anything room in 5, 6, or 7 is supposed to be made to accommodate my legally protected right to 48 hour relief from punitive isolation. The inmate in W-12 is being moved to 5 bks right now too so I am being denied my right to 48 hour relief under the false pretense of no cells being available. I need to be given a 48 hour relief in ad seg, as is my right!"

The Warden responded to your grievance on 9/28/17 by stating the following: "Per documentation, I have found that you did not receive a proper 48 hour relief, as you did not receive your property. Corrective action will be taken. Therefore, I find your grievance with merit."

Your appeal was received on 9/29/17. After review of your appeal and supporting documentation, I find that I concur with the Warden's decision. Your appeal is without merit.

Appeal denied.



Director

10-13-17

Date

Arkansas
State Claims Commission

APR 25 2018

RECEIVED

ISSUE # 2

IN THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER # [REDACTED]
vs, [REDACTED]

NO. 180886

CLAIMANT

Arkansas
State Claims Commission

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

AUG 12 2023

RECEIVED

REBUTTAL RESPONSE MOTION TO RESPONDENTS

PRE-HEARING BRIEF AND MOTION FOR 10 DAY EXTENSION
OF MOTION FILING DEADLINE

COMES NOW THE CLAIMANT, BARRY TURNER # [REDACTED] AND FOR HIS MOTION,
STATES:

1) ON MAY 17TH, 2023, THE CLAIMS COMMISSION RESCHEDULED CLAIMANT'S
CLAIM NO. 180886 FOR A ZOOM HEARING TO BE HELD ON FRIDAY, SEPTEMBER 22,
2023, AT 9:00 A.M.

2) AS PART OF THIS SCHEDULING ORDER, THE CLAIMS COMMISSION SET THE
DATE OF AUGUST 4TH, 2023, AS THE DATE THAT ALL PARTIES MUST SUBMIT
ANY MOTIONS, BRIEFS, WITNESS LISTS, EXHIBIT LISTS, ETC.

3) IN ADDITION, THE CLAIMS COMMISSION ALSO ORDERED THAT "TO THE EXTENT
THAT EITHER PARTY INTENDS TO FILE A MOTION OF ANY KIND, ABSENT A SHOWING
OF GOOD CAUSE, THE MOTION MUST BE SUBMITTED IN SUFFICIENT TIME TO
ALLOW THE MOTION TO BE FULLY BRIEFED BY AUGUST 4TH, 2023".

4) IN THIS PRESENT CLAIM (NO. 180886), RESPONDENTS ATTORNEY THOMAS
BURNS FILED A PRE-HEARING BRIEF THAT WAS A MOTION, SPECIFICALLY
MOTIONING THIS COMMISSION TO DISMISS CLAIMANT'S CLAIM, WHICH IS,
IN FACT, A MOTION TO DISMISS, PURSUANT TO ARKANSAS RULES
OF CIVIL PROCEDURE.

5) RESPONDENTS ATTORNEY THOMAS BURNS OBVIOUSLY FAILED TO FILE
HIS MOTION/PRE-HEARING BRIEF IN SUFFICIENT TIME BY AUGUST 4TH, 2023,
TO ALLOW A TIMELY RESPONSE OR FULL BRIEFING BY THIS COMMISSION.

6) THOMAS BURNS FILED HIS MOTION/PRE-HEARING BRIEF ON OR AFTER
AUGUST 4TH, 2023, WHICH GUARANTEES THAT IT COULD NOT BE FULLY BRIEFED
OR RESPONDED TO BEFORE THE DEADLINE OF AUGUST 4TH, 2023.

7) IN FACT, ATTORNEY THOMAS BURNS WAITED UNTIL AUGUST 7TH, 2023 (3 DAYS AFTER THE AUGUST 4TH, 2023 DEADLINE) TO MAIL CLAIMANT A COPY OF HIS MOTION/PRE-HEARING BRIEF (WHICH CLAIMANT DIDNT RECEIVE IN THE MAIL UNTIL AUGUST 9TH, 2023.

8) THIS WAS OBVIOUSLY DONE IN ORDER TO DENY CLAIMANT THE OPPORTUNITY TO RESPOND TO ATTORNEY THOMAS BURNS OUTRAGEOUS MOTION/PRE-HEARING BRIEF, WHICH IS OBVIOUSLY ABSENT GOOD FAITH OR GOOD FAITH.

9) IN ADDITION, THOMAS BURNS BAD FAITH MOTION/PRE-HEARING BRIEF ONCE AGAIN IS FILLED WITH MISLEADING STATEMENTS IN ANOTHER ATTEMPT TO DECEITFULLY PERSUADE THIS COMMISSION TO DISMISS CLAIMANTS CLAIM.

10) AS RESPONDENTS MOTION WAS NOT IN COMPLIANCE WITH THIS COMMISSIONS ORDER TO BE FILED IN SUFFICIENT TIME TO ALLOW THE MOTION TO BE FULLY BRIEFED BY AUGUST 4TH, 2023, THE CLAIMANT SEEKS THE FOLLOWING:

A) CLAIMANT MAKES THE FOLLOWING MOTIONS/REQUESTS IN GOOD FAITH, SHOWING GOOD FAITH (THE RESPONDENTS UNTIMELY FILING OF ITS MOTION/PRE-HEARING BRIEF, DENYING CLAIMANT THE OPPORTUNITY TO DEFEND HIS CLAIM AGAINST OUTRAGEOUS LIES AND MISLEADING ALLEGATIONS).

B) CLAIMANT PETITIONS THIS COMMISSION TO REJECT RESPONDENTS MOTION/PRE-HEARING BRIEF AS UNTIMELY.

C) ABSENT REJECTING RESPONDENTS MOTION/PRE-HEARING BRIEF AS UNTIMELY, CLAIMANT PETITIONS THIS COMMISSION TO GRANT CLAIMANT A 10 DAY EXTENSION OF THE AUGUST 4TH, 2023 DEADLINE FOR MOTIONS, SUBPOENAS, ETC.; EXTENDING THE DEADLINE UNTIL AUGUST 14TH, 2023.

D) THE FACT THAT RESPONDENT FILED A "LAST MINUTE" MOTION/PRE-

3)

' HEARING BRIEF ASSERTING NEW EGREGIOUS ALLEGATIONS / ARGUMENTS WHICH ARE INTENTIONALLY FALSE AND MISLEADING, WHICH DOESNT ALLOW CLAIMANT ANY TIME TO DEFEND AGAINST THE NEW ALLEGATIONS, IS GOODS CAUSE FOR THIS COMMISSION TO GRANT CLAIMANT A SHORT EXTENSION IN ORDER TO BE ALLOWED TO DEFEND HIMSELF AGAINST NEW, LAST MINUTE PREJUDICIAL ALLEGATIONS BY RESPONDENTS.

E) IN A GOOD FAITH EFFORT TO EXPEDITE THE ISSUE, CLAIMANT IS INCLUDING HIS REPLY MOTION AND REBUTAL WITNESS LIST, ALONG WITH HIS SUBPOENA REQUEST FOR 1 REBUTAL WITNESS.

REPLY BRIEF

1) IN HIS MOTION / PRE-HEARING BRIEF, THOMAS BURNS STATES AT NO. 5 "WHAT THE INMATE FAILS TO TELL THE COMMISSION IS THAT THE INMATE WAS INVOLVED IN A RIOT IN THE UNIT." THIS ALLEGATION IS EGREGIOUSLY MISLEADING AND PREJUDICIAL, MADE IN BAD FAITH, IN AN EFFORT TO DECEIVE THIS COMMISSION.

2) THE INCIDENT AT ISSUE, OCCURRED ON AUGUST 7TH, 2017 IN THE EAST ISOLATION HOUSING UNIT. CLAIMANT WAS HOUSED IN HIS SINGLE-MAN CELL, BEHIND 2 LOCKER DOORS, WHEN NUMEROUS BLACK INMATES SEIZED CONTROL OF THE EAST ISOLATION HOUSING UNIT BY TAKING 3 GUARDS HOSTAGE. CLAIMANT DID NOT PARTICIPATE IN THE "INCIDENT" AS THOMAS BURNS TRIES TO INSINUATE TO THIS COMMISSION; CLAIMANT WAS A VICTIM OF AN ASSAULT DURING THE INCIDENT. (SEE RESPONDENTS EXHIBIT A, PAGE 2.

3) CLAIMANT WAS LOCKED IN HIS CELL WHEN NUMEROUS INMATES UNLOCKED CLAIMANTS CELL AND ATTACKED HIM WITH HOMEWIDE KNIVES, HAMMERS, SCREWDRIVERS, AND A TASER GUN.

4) AFTER THE ASSAULT, CLAIMANT WAS RELEASED TO SEEK MEDICAL HELP.

4

5) ONCE ~~THE~~ CLAIMANT HAD LEFT TO BE TAKEN TO THE UNIT INFIRMARY, THE INMATES WHO SEIZED CONTROL OF EAST ISOLATION, THEN STOLE A LOT OF PERSONAL PROPERTY OUT OF CLAIMANTS CELL.

6) CLAIMANT WAS SERVING A PUNITIVE ISOLATION SENTENCE. WHEN AN INMATE IS SERVING A PUNITIVE ISOLATION SENTENCE, THE INMATE IS NOT ALLOWED TO POSSESS HIS "PERSONAL PROPERTY"; THE INMATES "PERSONAL PROPERTY" IS TAKEN FROM HIM, INVENTORIED, AND STORED IN THE UNIT PROPERTY ROOM.

7) THE UNIT PROPERTY ROOM IS A SAFE AND SECURE LOCATION, LOCATED HUNDREDS OF FEET DOWN THE HALL FROM EAST ISOLATION. INMATES IN EAST ISOLATION HAVE ABSOLUTELY NO WAY TO ACCESS THE UNIT PROPERTY ROOM.

8) AXC POLICY GOVERNING STAFF DUTIES MANDATES THAT STAFF CONFISCATE, INVENTORY, AND STORE IN THE UNIT PROPERTY ROOM ~~AND~~ INMATES PERSONAL PROPERTY WHILE THEY ARE SERVING A PUNITIVE ISOLATION SENTENCE. (INMATES ARE NOT ALLOWED TO RECEIVE COPIES OF STAFF DUTIES / STAFF CONDUCT POLICIES, SO CLAIMANT LACKS THE ABILITY TO PRESENT THE AFOREMENTIONED POLICY AS AN EXHIBIT)

9) HAD THE AXC ACTED IN ACCORDANCE WITH POLICY, AND STORED ~~TO~~ CLAIMANTS PERSONAL PROPERTY DURING HIS PUNITIVE ISOLATION SENTENCE, CLAIMANTS PERSONAL PROPERTY WOULD HAVE REMAINED SAFE AND SECURE IN THE UNIT PROPERTY ROOM DURING THE ENTIRETY OF THE INCIDENT.

10) THE AXC FAILED TO ABIDE BY ITS OWN POLICIES GOVERNING SAFE AND SECURE PROPERTY STORAGE. AS A DIRECT RESULT, CLAIMANTS PERSONAL PROPERTY WAS AVAILABLE AND ACCESSABLE TO BE STOLEN.

11) THOMAS BURNS SUBMITTED AN INVALID EXHIBIT (EXHIBIT B), WHICH HE QUOTED FROM AS APPLICABLE. HOWEVER, EXHIBIT B IS NOT

5

APPLICABLE, AS IT IS DATED "NOVEMBER, 2017", WHICH POST-DATES THE LOSS OF ~~THE~~ CLAIMANT'S PERSONAL PROPERTY BY 3 MONTHS.

12) EVEN IF EXHIBIT B HAD BEEN APPLICABLE, IT CANNOT APPLY TO INCIDENTS IN WHICH THE ADC Failed TO FOLLOW ITS POLICIES, WHICH RESULTED IN THE LOSS OF PROPERTY.

13) ONCE AGAIN THOMAS BURNS ATTEMPTS TO IMPLY THAT CLAIMANT SIGNING A PROPERTY FORM ON AUGUST 16TH, 2017, 9 DAYS AFTER HIS PROPERTY WAS STOLEN, IS SOMEHOW AN INDICATION THAT CLAIMANT DIDN'T HAVE THE LOST PROPERTY. AGAIN, THE PROPERTY LISTED ON THE AUGUST 16TH PROPERTY FORM IS WHAT REMAINED OF CLAIMANT'S PROPERTY, AFTER MOST OF HIS PROPERTY HAD BEEN STOLEN.

14) IN ADDITION, IF CLAIMANT HAD NOT SIGNED THE AUGUST 16TH, 2017 PROPERTY FORM, HE WOULD NOT HAVE BEEN ALLOWED TO RECEIVE EVEN THAT SMALL AMOUNT OF PROPERTY THAT REMAINS.

15) THOMAS BURNS PREVIOUSLY USED THIS SAME ISSUE TO TRY TO HAVE CLAIMANT'S LOST PROPERTY CLAIM DISMISSED, AND THIS COMMISSION CORRECTLY RULED THAT CLAIMANT'S LOST PROPERTY CLAIM SHOULD NOT BE DISMISSED.

16) RESPONDENT TAKES NEW ISSUE WITH CLAIMANT'S "PUNITIVE ISOLATION" CLAIM, RESPONDENT NOW ATTEMPTS TO CONVINCE THIS COMMISSION THAT CLAIMANT MADE THIS CLAIM A "CONSTITUTIONAL CLAIM", EXCLUDING ALL OTHER CLAIMS, SIMPLY BECAUSE CLAIMANT FIRST MISTAKENLY THOUGHT THAT THE DENIAL OF HIS 48 HOUR RELIEF ROSE TO THE LEVEL OF A CONSTITUTIONAL VIOLATION, AND STATES SUCH IN HIS GRIEVANCE.

17) HOWEVER, JUST AS CLAIMANT LATER DISCOVERED, RESPONDENT KNOWS THAT THE 48 HOUR RELIEF DENIAL IS NOT A CONSTITUTIONAL ISSUE, AND THAT FEDERAL COURTS ARE NOT THE APPROPRIATE ARENA FOR THIS ISSUE.

18) FURTHERMORE, THE GRIEVANCE IS NOT AN ARENA FOR LEGAL ARGUMENTS,

6)

BUT MERELY A NOTIFICATION TO ADMINISTRATORS THAT A DEPRIVATION HAS OCCURRED, GIVING THE ADMINISTRATION THE OPPORTUNITY TO CORRECT THE GRIEVES DEPRIVATION.

19) CLAIMANT GRIEVES THE DENIAL OF HIS 48 ... THAT WAS NOTICE TO THE ADMINISTRATION THAT A VIOLATION AND/OR DEPRIVATION HAS OCCURRED. THE FACT THAT, AT THE TIME, CLAIMANT THOUGHT THAT VIOLATION/DEPRIVATION WAS A CONSTITUTIONAL VIOLATION, DOES NOT FORFEIT HIS RIGHT TO SEEK REDRESS IN THE PROPER JURISDICTION, THE ARKANSAS STATE CLAIMS COMMISSION.

20) IN FILING HIS CLAIM IN THE ARKANSAS STATE CLAIMS COMMISSION, CLAIMANT HAS NEVER ONCE ALLEGED A CONSTITUTIONAL VIOLATION OR CLAIM. THEREFORE, CLAIMANT HAS NOT FILED HIS CLAIM IN THE WRONG JURISDICTION.

21) THOMAS BURNS KNOWS THIS.

22) FURTHERMORE, IN HIS MOTION/PRE-HEARING BRIEF, THOMAS BURNS STATES AT # 14 "THE INMATE PROPERLY GRIEVES THAT MATTER."

23) AGAIN RESPONDENT ATTEMPTS TO MAKE THIS CLAIM ABOUT "HOUSING" ALONE. IT IS NOT!!! AN INMATE 48 HOUR RELIEF IS A PERIOD OF RELIEF FROM PUNITIVE ISOLATION RESTRICTIONS, AND A RESTORATION OF RIGHTS/PRIVILEGES HE WOULD NORMALLY HAVE IF HE DID NOT HAVE A PUNITIVE ISOLATION SENTENCE. THE INMATE RECEIVING THE 48 HOUR RELIEF IS TO BE RESTORED THE SAME PRIVILEGES AND/OR RIGHTS THAT OTHER INMATES HAVE.

24) A 48 HOUR RELIEF FROM PUNITIVE ISOLATION INCLUDES A RELIEF FROM HARSH PUNITIVE ISOLATION CONDITIONS; A RETURN OF THE INMATE'S PERSONAL PROPERTY; THE ISSUANCE OF ALL WITHHELD MAIL/MAGAZINES/BOOKS/NEWSPAPERS; VISITATION OPPORTUNITY; TELEPHONE ACTIVATION; BEING ABLE TO WATCH T.V. AS OTHER INMATES DO, ETC.

25) CLAIMANT WAS DENIED HIS 48 HOUR RELIEF, NOT JUST HOUSING, AND THE WARDEN FOUND CLAIMANT'S GRIEVANCE TO BE MERITORIOUS!

26) WHEN AN INMATE RECEIVES A PUNITIVE ISOLATION SENTENCE, HE IS ALLOWED TO KEEP 1 DEODORANT, 1 TOOTHPASTE, 1 SOAP... ENOUGH PERSONAL HYGIENE ITEMS TO LAST 30 DAYS.

27) IF THE INMATE HAS MORE THAN 30 DAYS PUNITIVE ISOLATION, AT THE CONCLUSION OF THE FIRST 30 DAYS HE IS AFFERDES THE 48 HOUR RELIEF. AT THAT POINT THE INMATE IS ALLOWED TO EITHER PURCHASE MORE HYGIENE ITEMS OFF-COMMISSARY, OR IF HE ALREADY HAS ADDITIONAL HYGIENE ITEMS IN HIS PERSONAL PROPERTY, HE IS ALLOWED TO REPLACE THE EXPENDED HYGIENE ITEMS WITH NEW ONES FOR HIS REMAINING PUNITIVE ISOLATION SENTENCE.

28) WHEN CLAIMANT WAS DENIED AN PROPER 48 HOUR RELIEF, HE WAS NOT AFFERDES THE OPPORTUNITY TO REPLACE HIS EXPENDED HYGIENE ITEMS. SO, FOR THE REMAINING 15 DAYS CLAIMANT HAD TO SERVE IN PUNITIVE ISOLATION AFTER HIS DENIED 48 HOUR RELIEF, CLAIMANT HAD TO DO SO WITHOUT DEODORANT, SOAP, OR TOOTHPASTE. IT WAS A VERY UNPLEASANT EXPERIENCE.

29) CLAIMANT APPROPRIATELY SEEKS RELIEF FOR THE ADC FAILURE TO FOLLOW ITS OWN POLICIES IN DENYING ME A 48 HOUR RELIEF.

30) CLAIMANT APPROPRIATELY SEEKS RELIEF FOR THE ADC FAILURE TO ABIDE BY ITS OWN POLICIES AND SAFEGUARD CLAIMANTS PROPERTY IN THE UNIT PROPERTY ROOM.

WHEREFORE, CLAIMANT EAGERLY LOOKS FORWARD TO HIS PENDING ZOOM HEARING.

REBUTTAL WITNESS AND EXHIBIT LIST

1) CLAIMANT

2) ANGELEN KENNEDY, FORMER PROPERTY CONTROL OFFICER, MAXIMUM SECURITY UNIT

3) "STAFF DUTIES" POLICIES GOVERNING PROPERTY STORAGE/CONTROL (WHICH MUST BE PROVIDED BY RESPONDENT, SINCE CLAIMANT IS UNABLE TO RECEIVE IT)

SUBPOENA REQUEST

CLAIMANT REQUESTS THAT Angeleh Kennedy BE SUBPOENAED TO TESTIFY BEFORE THIS COMMISSION, VIA ZOOM,

CLAIMANT ASSERTS THAT Angeleh Kennedy will TESTIFY TO THE NATURE OF CLAIMANTS PROPERTY AND THE SIGNIFICANCE OF THE August 16th, 2017 PROPERTY FIRM.

Angeleh Kennedy WAS THE MAXIMUM SECURITY UNIT PROPERTY CONTROL OFFICER AT THE TIME OF THE LOST PROPERTY. SHE MOVED FROM THAT POSITION TO A POSITION AT CENTRAL OFFICE OF THE ABC.

TO CLAIMANTS KNOWLEDGE, SHE IS STILL EMPLOYED BY THE ABC, AND HER ADDRESS FOR CONTACT WOULD ONLY BE KNOWN BY THE ABC.

THIS REQUEST IS MADE IN GOOD FAITH.

Respectfully submitted,

Barry Jurney [REDACTED]

Barry Turner # [REDACTED]

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THE ABOVE PLEADING HAS BEEN SERVED THIS 10th day of August, 2023, BY PLACING IT IN THE U.S. MAIL, ON THE BELOW RESPONDENTS ATTORNEY:

THOMAS BURNS (02000)
DIVISION OF CORRECTION
LEGAL SERVICES UNIT
6814 PRINCETON PIKE
PINE BLUFF, AR 71602

Barry Jurney [REDACTED]
Barry Turner # [REDACTED]

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Barry Turner v ADC 180886
Date: Monday, September 11, 2023 10:08:23 AM
Attachments: [0750 v1.pdf](#)
[0750 v1.pdf](#)
[image1.png](#)

Affidavit of Danny Burl

Thank you,
-TB



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC [REDACTED])

CLAIMANT

v

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

AFFIDAVIT OF WARDEN DANNY BURL

Comes now the Respondent, Arkansas Department of Correction (ADC) and for their Motion for Reconsideration, states:

1. The Warden of the unit has since retired.
2. He currently works for the Federal Emergency Management Agency.
3. Hurricane Idalia struck the State of Florida and Mr. Burl has been sent there to assist in the cleanup and damage assessment.
4. Mr. Burl has provided the attached affidavit in support.

WHEREFORE, the Respondent, ADC, prays that the affidavit of an unavailable witness be submitted; for their attorney's fees and costs; and for all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burnas (02006)
Legal Services Unit
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6371 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 11th day of September 2023, on the Claimant by placing a copy of the same 1st class mail, to:

Barry Turner ([REDACTED]
[REDACTED]



Thomas Burns

AFFIDAVIT OF DANNY BURL

BEFORE ME, the undersigned authority, on this day personally appeared Danny Burl, who being of sound mind and legal age, and after being duly sworn, deposes and states as follows:

1. I have personal knowledge and belief of the facts set out herein.
2. I am retired from the ADC and now work for FEMA. I am unavailable due to working in Florida with the aftermath of Hurricane Idalia.
3. On August 7, 2017, I was The [REDACTED]
4. Inmate Barry Turner ADC [REDACTED] was involved in a riot in the east isolation area where he was housed, and inmates took two Officers hostage.
5. I immediately declared an emergency situation at the unit.
6. Pursuant to the inmate handbook and the policy for inmate property control. When an emergency situation is declared, the department is not responsible for any property which is lost, stolen, damaged, consumed or discarded.
7. Since I declared an emergency and that emergency was also declared by the Director the ADC is not liable for any property loss.
8. Since Turner was in isolation, he had limited property to begin with.
9. On or about August 17, 2017 Turner signed for all his property on a form F-841.
10. That form states above the signature line "I hereby certify that all my property is listed herein and disposition of all property listed on this inventory is correct".

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 8th day of September 2023.

AFFIDAVIT OF DANNY BURL

BEFORE ME, the undersigned authority, on this day personally appeared Danny Burl, who being of sound mind and legal age, and after being duly sworn, deposes and states as follows:

1. I have personal knowledge and belief of the facts set out herein.
2. I am retired from the ADC and now work for FEMA. I am unavailable due to working in Florida with the aftermath of Hurricane Idalia.
3. On August 7, 2017, I was The Warden [REDACTED]
4. Inmate Barry Turner ADC [REDACTED] was involved in a riot in the east isolation area where he was housed, and inmates took two Officers hostage.
5. I immediately declared an emergency situation at the unit.
6. Pursuant to the inmate handbook and the policy for inmate property control. When an emergency situation is declared, the department is not responsible for any property which is lost, stolen, damaged, consumed or discarded.
7. Since I declared an emergency and that emergency was also declared by the Director the ADC is not liable for any property loss.
8. Since Turner was in isolation, he had limited property to begin with.
9. On or about August 17, 2017 Turner signed for all his property on a form F-841.
10. That form states above the signature line "I hereby certify that all my property is listed herein and disposition of all property listed on this inventory is correct".

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 8th day of September 2023.

From: [Thomas Burns \(DOC\)](#)
To: [James Shipman \(DOC\)](#)
Cc: [Deionna Trotter \(DOC\)](#); [Joseph Mahoney \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)
Subject: Claims Commission hearing 9/22/2023
Date: Monday, September 18, 2023 8:30:24 AM
Attachments: [Turner v. ADC - 20230918 - hearing rescheduling ltr.pdf](#)
[image.png](#)

The following inmate has a hearing on Frady 9/22 to begin at 9am. Please have the inmate ready to go by them. I have attached the hearing letter and zoom instructions.

Barry Turner ([REDACTED])

Thank you,
-TB



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From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Barry Turner v. ADC, Claim No. 180886
Date: Monday, October 23, 2023 8:47:00 AM
Attachments: [Barry Turner v. ADC.pdf](#)
[Barry Turner v. ADC.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

October 23, 2023

Mr. Barry Turner (ADC [REDACTED])
[REDACTED]
[REDACTED]

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

(via email)

Re: ***Barry Turner v. Arkansas Division of Correction***
Claim No. 180886

Dear Mr. Turner and Mr. Burns:

Enclosed please find an Order entered on October 20, 2023, 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

BARRY TURNER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 180886

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Barry Turner (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). At the hearing on September 22, 2023, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the testimony and evidence presented, as well as the arguments of the parties and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on April 25, 2018, seeking \$2,450.00 in damages related to lost property (the “Lost Property Claim”) and alleged violations of procedures regarding 48-hour relief periods from punitive segregation (the “Punitive Segregation Claim”).
2. Respondent denied liability.
3. Respondent filed a motion to dismiss, which was granted as to the Lost Property Claim and denied as to the Punitive Segregation Claim on February 20, 2019.
4. Claimant filed a motion for reconsideration regarding the Lost Property Claim, and Respondent filed a motion for reconsideration regarding the Punitive Segregation Claim. The Commission granted Claimant’s motion for reconsideration and denied Respondent’s motion for reconsideration on July 29, 2019.
5. Respondent then filed a motion to deem admitted, which was denied on April 3, 2020.

6. At the hearing, upon a question from Claimant, the chair commissioner agreed that Claimant could address the Lost Property Claim and Punitive Segregation Claim separately. Claimant testified that the lost property issue is simple. Claimant testified that Respondent has tried to indicate that Claimant was involved in a riot. Claimant testified that the incident report submitted by Respondent shows that he was a victim and that he did not participate voluntarily in the riot. Claimant testified that his property was stolen out of cell during the riot because Respondent refused to do its job. Claimant stated that there is a rule that, in emergency situations, Respondent cannot be held accountable for lost property, but that is the rule only if Respondent is following its policy. Claimant testified that if his property had been in the proper place, which would be a safe and secure location in the property room, and had been damaged or stolen there, Respondent would be exempt from being liable for damages because it had done its job to protect the property. Claimant testified that Respondent “just chose to ignore” its job and did not store his property in a safe and secure location, which does not exempt it from liability for damage. Claimant testified that inmates in punitive isolation are not allowed personal property. Claimant testified that each time an inmate goes into isolation, Respondent will inventory the property, sort what is allowed and store the rest in a safe and secure location, which is nowhere close to the isolation location. Claimant testified that the property room was in a separate mini-office down the hall and about 75 or 100 yards from the isolation location. Claimant testified that, if Respondent had done its job properly by storing his property when he went into isolation in the unit storage, it would have been 75 yards from where the disturbance occurred and the inmates that took over isolation would not have had access to his property. Claimant testified that his property was stolen because Respondent allowed it to be where it could be stolen. Claimant testified that the inmates would not have been able to get to his property if it had been in the property room. Claimant testified that he could not have made Respondent do its job to place his property in a secure location and that

Respondent did not do an inventory form when he went into isolation. Claimant testified that he submitted documents showing that he had the stolen items of property six to eight months before going into isolation. Claimant stated that he cannot show every book title or individual names of products on the previous property form because there is not space for those things on the form. Claimant testified that he has a list of every item that was taken. Claimant testified that Respondent will sometimes list “assorted books” instead of listing them individually, which Claimant considered to be an acceptable process when he would get all of his items back, but sometimes forms will list the number of books. Claimant testified that every time an inmate is moved into isolation, Respondent is supposed to inventory the inmate’s property and issue a property form, but that Respondent was not doing that at that time. Claimant testified that Respondent’s employees stated that they did not “like dealing with it” and would leave “stuff there and, if it was stolen, oh well, too bad.” Claimant testified that Respondent cannot “hold him at fault” for Respondent refusing to do its job. Claimant testified that Respondent tried to “make an issue” about the property form Claimant completed after, but that the Commission probably deals with enough property forms to know that, when an inmate signs a property form, the inmate is only signing for what Respondent is giving the inmate. Claimant testified that he was not saying on the form that the form listed all the property he ever had or that he had two weeks before. Claimant testified that, on the property form, he is saying that this list is accurate for the property that they are issuing him at the time. Claimant testified that he signed his property form when he was in the infirmary after being beaten and stabbed. Claimant testified that the “remains” of his property was taken out of his isolation cell, inventoried by the “property woman” and taken to him in the infirmary. Claimant testified that “[the property employee] was issuing the scraps [he] had left” after his property had been stolen. Claimant testified that, “out of the kindness of her heart,” the property employee gave him ear buds and “a little cheap radio that they give out at the store” he

could use while Respondent tried to locate his large headphones that fit over his ears and his MP4 device. Claimant testified that she gave these to him because she knew he “had all of that stuff.” Claimant testified his headphones were listed on previous property forms.

7. With respect to the Punitive Segregation Claim, Claimant testified that, according to policy, inmates who receive more than 30 days punitive isolation have to be given a 48-hour relief after 30 days of punitive isolation. Claimant testified that during this 48-hour period the inmates are given their property, mail that has been withheld, books, magazines, telephone privileges, commissary privileges, visitation privileges, television and news, and the ability to purchase items. Claimant testified that Respondent left him in isolation for 45 days with no 48-hour relief period. Claimant testified that he wrote a grievance about it. Claimant testified that, when his toothpaste and deodorant ran out, he did not get “store call” and other things to replace those. Claimant testified that he had to sit “back there for fifteen extra days smelling like a goat” because Respondent did not want to give him a 48-hour relief. Claimant testified that Respondent indicated that its records showed that he was not due for the 48-hour relief period until “such and such date,” which was about “three weeks off.” Claimant testified that he wrote a grievance and that the warden admitted in the grievance that Claimant was correct and did not receive a “proper 48.” Claimant testified that the warden stated in the grievance that “[Respondent] is going to correct this situation.” Claimant testified that, by the time the warden had responded to the grievance, those extra fifteen days of punitive were over, and he was out of isolation. Claimant testified that there was no way for Respondent to correct that after the fact. Claimant argued that Respondent is attempting to make this solely a housing issue but that, even if Respondent chooses not to move him, he still has the right to a 48-hour relief and all the other things he is supposed to get. Claimant testified that Respondent chose not to move him and not to give him a 48-hour relief period, which he was entitled to per policy. Upon a question from a commissioner, Claimant

testified that he did not know the exact amount but the value of his lost property, which included MP4 player, keyboard, magazines, books, was around \$850.00. Upon a question from a commissioner, Claimant testified that the remainder of the amount listed in his claim, which should have been \$2,350.00, was for the Punitive Segregation Claim. Claimant testified that he is asking for "\$100.00 a day."

8. On cross-examination, Claimant testified that eight or nine inmates came out of their cells and "took over the isolation" for about three hours on August 7, 2017, and that it was not like the whole unit rioted. Claimant testified that these inmates took over the wing he was in and took "a couple of officers hostage." Claimant testified that he came into prison in 1991 and that he received an inmate handbook at that time. Respondent presented an excerpt of a policy as an exhibit, and Claimant testified that he agreed that "[w]hen an emergency situation is declared, the department is not responsible for any property which is lost, stolen, damaged, consumed or discarded." Claimant testified that he agreed that an emergency was declared. Claimant testified that the inmates took the keys from officers, stole his property and opened up the doors in isolation. With respect to Claimant's Punitive Segregation Claim, Respondent presented an excerpt of Claimant's grievance. Claimant testified that he remembered writing that he had a constitutional right to protected relief. Claimant testified that this was not a constitutional claim and that, just because he misunderstood what type of claim it was in the grievance, does not mean he waives his right to "what it actually is." Claimant testified that his claim does not rise to the level of a constitutional claim. Claimant testified that he is making a failure to follow policy claim. Claimant testified that a grievance is not a place for legal arguments and that the grievance is to notify the administration that an abuse, deprivation or error has occurred and give the administration a chance to correct it. Claimant testified that he agreed that federal courts require grievances to be specific as to what happened.

9. Upon a question from a commissioner, Claimant stated that he requested Angela Kennedy as a witness. The chair commissioner noted that the witness was not present at the hearing and that Claimant's request was filed after the deadline set forth in the Commission's hearing letter. Upon a question from a commissioner, Claimant testified that as a prisoner, he is unable to have staff policies. Respondent stated that, although it filed an affidavit of Danny Burl, it is not necessary as the parties stipulated that there was an emergency in the unit. The chair commissioner noted that Respondent seemed to be withdrawing the affidavit and that the Commission would not consider the affidavit because Claimant did not have the opportunity to cross-examine Mr. Burl.

10. With respect to the Lost Property Claim, Respondent argued that what happened was an unfortunate incident where inmates did "a lot of damage" and that Claimant was "not involved in it." Respondent argued that policy is very clear that if there is a riot or some sort of emergency situation, no one is liable for property damage or loss because that is something that Respondent cannot help. With respect to the Punitive Segregation Claim, Respondent argued that it is a constitutional issue and the Commission does not have jurisdiction. Upon a question from a commissioner, Respondent stated that the policy presented as an exhibit was a 2017 policy and previous policies said the same thing. Claimant then stated that the policy was a November 2017 policy. Claimant then argued that Respondent's arguments have been made in motions, and his claim has survived after the motions.

11. To prevail on a negligence claim, "the [claimant] must prove that the [respondent] owed a duty to the [claimant], that the [respondent] breached the duty, and that the breach was the proximate cause of the [claimant's] injuries." *Duran v. Sw. Arkansas Elec. Coop. Corp.*, 2018 Ark. 33, 6, 537 S.W.3d 722, 726 (2018).

12. With respect to Claimant's Lost Property Claim, the Commission finds that Claimant's testimony was credible and unrefuted, and that Claimant established that his property

was lost as a result of Respondent's negligence. As such, the Commission AWARDS Claimant \$595.00, which represents Claimant's actual damages taking into consideration the depreciation in value of Claimant's lost property, and directs the Commission clerk to issue a voucher in payment thereof.

13. With respect to Claimant's Punitive Segregation Claim, the Commission finds that Claimant did not present sufficient evidence of Respondent's negligence. As such, Claimant's Punitive Segregation Claim is DENIED and 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: October 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).

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Barry Turner v ADC 180886
Date: Monday, November 20, 2023 2:58:47 PM
Attachments: [180886 v1.pdf](#)
[image.png](#)

Reconsideration

Thank you,
-TB



Confidentiality Notice: This e-mail message and any attachments is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is for the intended recipient only. If an addressing or transmission error has misdirected this e-mail, please notify the author by replying to it. If you are not the intended recipient you may not use, disclose, distribute, copy, print or rely on this email.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER [REDACTED]

CLAIMANT

v

NO. 180886

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

MOTION FOR RECONSIDERATION

Comes Now the Respondent, Arkansas Department of Corrections (ADC), by Thomas Burns, and for their Motion for Reconsideration, states:

1. The Commission issued an Order on or about July 31, 2023, denying the ADC's motion to deem admitted based off the October 20, 2023 order.
2. That Order specifically stated in paragraph 6 "Claimant testified that his property was stolen out of cell during a riot because Respondent refused to do its job. Claimant stated that there is a rule that, in emergency situations, Respondent cannot be held liable for lost property. *See attached Ex A.*
3. Furthermore, paragraph 8 "Claimant testified that he agreed that an emergency was declared. Claimant testified that the inmates took keys from officers, stole his property and opened the doors to isolation." *Id.*
4. No matter where the inmates property was, the ADC is not liable. The inmate agrees with this.
5. The inmate stated his property was to be locked in isolation property room approximately 75 yards from his cell. Still in isolation and still in the unit that was taken by inmates.

6. The inmate signed a property for after the riot, 08/17/2017, which listed all his property. Furthermore, that form states “I certify that all my property is listed herein and disposition of all property listed on this inventory is correct. *See attached Ex B.*

7. The riot was serious and involved the entire cell block and inmate took all the property they could find. Regardless where inmate Turner’s property was the ADC is not liable because of the Emergency Plan Protocol being in effect. *See attached Ex C¹.*

8. Pursuant to Rule 7.1 Motions for Reconsideration will only be entertained if they set forth new or additional evidence which was not available to the moving party at the time of the scheduled hearing. This sets forth new and additional evidence that was unavailable at the hearing.

9. The Commission should take in the policy and see that the ADC followed policy in an emergency situation and as such the Division is not liable for lost, stolen, or damaged property. This was a criminal act by inmates who took over a cell block not the fault or negligence of the ADC.

10. The ADC asks this Commission to reconsider the Order and find that the ADC policy was follow and that in a emergency situation the ADC is not liable.

WHEREFORE, the Respondent prays that the Commission reconsider the July 31, 2023, order on behalf of the Respondent; that this Commission deem the responses admitted pursuant to the October 4, 2022 order; for their attorney fees and costs; and for all other just and proper relief to which they may be entitled.

¹ This document is being filed under seal. The ADC does not have an objection to the inmate seeing the document in camera should the Commission decide that a hearing is necessary.

Respectfully submitted,

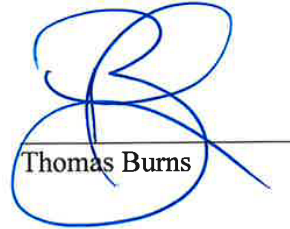


Thomas Burns (02006)
Division of Correction
Legal Support Unit
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 20th day of November 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Barry Turner



Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 180886

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Barry Turner (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). At the hearing on September 22, 2023, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the testimony and evidence presented, as well as the arguments of the parties and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on April 25, 2018, seeking \$2,450.00 in damages related to lost property (the “Lost Property Claim”) and alleged violations of procedures regarding 48-hour relief periods from punitive segregation (the “Punitive Segregation Claim”).
2. Respondent denied liability.
3. Respondent filed a motion to dismiss, which was granted as to the Lost Property Claim and denied as to the Punitive Segregation Claim on February 20, 2019.
4. Claimant filed a motion for reconsideration regarding the Lost Property Claim, and Respondent filed a motion for reconsideration regarding the Punitive Segregation Claim. The Commission granted Claimant’s motion for reconsideration and denied Respondent’s motion for reconsideration on July 29, 2019.
5. Respondent then filed a motion to deem admitted, which was denied on April 3, 2020.

6. At the hearing, upon a question from Claimant, the chair commissioner agreed that Claimant could address the Lost Property Claim and Punitive Segregation Claim separately. Claimant testified that the lost property issue is simple. Claimant testified that Respondent has tried to indicate that Claimant was involved in a riot. Claimant testified that the incident report submitted by Respondent shows that he was a victim and that he did not participate voluntarily in the riot. Claimant testified that his property was stolen out of cell during the riot because Respondent refused to do its job. Claimant stated that there is a rule that, in emergency situations, Respondent cannot be held accountable for lost property, but that is the rule only if Respondent is following its policy. Claimant testified that if his property had been in the proper place, which would be a safe and secure location in the property room, and had been damaged or stolen there, Respondent would be exempt from being liable for damages because it had done its job to protect the property. Claimant testified that Respondent “just chose to ignore” its job and did not store his property in a safe and secure location, which does not exempt it from liability for damage. Claimant testified that inmates in punitive isolation are not allowed personal property. Claimant testified that each time an inmate goes into isolation, Respondent will inventory the property, sort what is allowed and store the rest in a safe and secure location, which is nowhere close to the isolation location. Claimant testified that the property room was in a separate mini-office down the hall and about 75 or 100 yards from the isolation location. Claimant testified that, if Respondent had done its job properly by storing his property when he went into isolation in the unit storage, it would have been 75 yards from where the disturbance occurred and the inmates that took over isolation would not have had access to his property. Claimant testified that his property was stolen because Respondent allowed it to be where it could be stolen. Claimant testified that the inmates would not have been able to get to his property if it had been in the property room. Claimant testified that he could not have made Respondent do its job to place his property in a secure location and that

Respondent did not do an inventory form when he went into isolation. Claimant testified that he submitted documents showing that he had the stolen items of property six to eight months before going into isolation. Claimant stated that he cannot show every book title or individual names of products on the previous property form because there is not space for those things on the form. Claimant testified that he has a list of every item that was taken. Claimant testified that Respondent will sometimes list "assorted books" instead of listing them individually, which Claimant considered to be an acceptable process when he would get all of his items back, but sometimes forms will list the number of books. Claimant testified that every time an inmate is moved into isolation, Respondent is supposed to inventory the inmate's property and issue a property form, but that Respondent was not doing that at that time. Claimant testified that Respondent's employees stated that they did not "like dealing with it" and would leave "stuff there and, if it was stolen, oh well, too bad." Claimant testified that Respondent cannot "hold him at fault" for Respondent refusing to do its job. Claimant testified that Respondent tried to "make an issue" about the property form Claimant completed after, but that the Commission probably deals with enough property forms to know that, when an inmate signs a property form, the inmate is only signing for what Respondent is giving the inmate. Claimant testified that he was not saying on the form that the form listed all the property he ever had or that he had two weeks before. Claimant testified that, on the property form, he is saying that this list is accurate for the property that they are issuing him at the time. Claimant testified that he signed his property form when he was in the infirmary after being beaten and stabbed. Claimant testified that the "remains" of his property was taken out of his isolation cell, inventoried by the "property woman" and taken to him in the infirmary. Claimant testified that "[the property employee] was issuing the scraps [he] had left" after his property had been stolen. Claimant testified that, "out of the kindness of her heart," the property employee gave him ear buds and "a little cheap radio that they give out at the store" he

could use while Respondent tried to locate his large headphones that fit over his ears and his MP4 device. Claimant testified that she gave these to him because she knew he “had all of that stuff.” Claimant testified his headphones were listed on previous property forms.

7. With respect to the Punitive Segregation Claim, Claimant testified that, according to policy, inmates who receive more than 30 days punitive isolation have to be given a 48-hour relief after 30 days of punitive isolation. Claimant testified that during this 48-hour period the inmates are given their property, mail that has been withheld, books, magazines, telephone privileges, commissary privileges, visitation privileges, television and news, and the ability to purchase items. Claimant testified that Respondent left him in isolation for 45 days with no 48-hour relief period. Claimant testified that he wrote a grievance about it. Claimant testified that, when his toothpaste and deodorant ran out, he did not get “store call” and other things to replace those. Claimant testified that he had to sit “back there for fifteen extra days smelling like a goat” because Respondent did not want to give him a 48-hour relief. Claimant testified that Respondent indicated that its records showed that he was not due for the 48-hour relief period until “such and such date,” which was about “three weeks off.” Claimant testified that he wrote a grievance and that the warden admitted in the grievance that Claimant was correct and did not receive a “proper 48.” Claimant testified that the warden stated in the grievance that “[Respondent] is going to correct this situation.” Claimant testified that, by the time the warden had responded to the grievance, those extra fifteen days of punitive were over, and he was out of isolation. Claimant testified that there was no way for Respondent to correct that after the fact. Claimant argued that Respondent is attempting to make this solely a housing issue but that, even if Respondent chooses not to move him, he still has the right to a 48-hour relief and all the other things he is supposed to get. Claimant testified that Respondent chose not to move him and not to give him a 48-hour relief period, which he was entitled to per policy. Upon a question from a commissioner, Claimant

testified that he did not know the exact amount but the value of his lost property, which included MP4 player, keyboard, magazines, books, was around \$850.00. Upon a question from a commissioner, Claimant testified that the remainder of the amount listed in his claim, which should have been \$2,350.00, was for the Punitive Segregation Claim. Claimant testified that he is asking for “\$100.00 a day.”

8. On cross-examination, Claimant testified that eight or nine inmates came out of their cells and “took over the isolation” for about three hours on August 7, 2017, and that it was not like the whole unit rioted. Claimant testified that these inmates took over the wing he was in and took “a couple of officers hostage.” Claimant testified that he came into prison in 1991 and that he received an inmate handbook at that time. Respondent presented an excerpt of a policy as an exhibit, and Claimant testified that he agreed that “[w]hen an emergency situation is declared, the department is not responsible for any property which is lost, stolen, damaged, consumed or discarded.” Claimant testified that he agreed that an emergency was declared. Claimant testified that the inmates took the keys from officers, stole his property and opened up the doors in isolation. With respect to Claimant’s Punitive Segregation Claim, Respondent presented an excerpt of Claimant’s grievance. Claimant testified that he remembered writing that he had a constitutional right to protected relief. Claimant testified that this was not a constitutional claim and that, just because he misunderstood what type of claim it was in the grievance, does not mean he waives his right to “what it actually is.” Claimant testified that his claim does not rise to the level of a constitutional claim. Claimant testified that he is making a failure to follow policy claim. Claimant testified that a grievance is not a place for legal arguments and that the grievance is to notify the administration that an abuse, deprivation or error has occurred and give the administration a chance to correct it. Claimant testified that he agreed that federal courts require grievances to be specific as to what happened.

9. Upon a question from a commissioner, Claimant stated that he requested Angela Kennedy as a witness. The chair commissioner noted that the witness was not present at the hearing and that Claimant's request was filed after the deadline set forth in the Commission's hearing letter. Upon a question from a commissioner, Claimant testified that as a prisoner, he is unable to have staff policies. Respondent stated that, although it filed an affidavit of Danny Burl, it is not necessary as the parties stipulated that there was an emergency in the unit. The chair commissioner noted that Respondent seemed to be withdrawing the affidavit and that the Commission would not consider the affidavit because Claimant did not have the opportunity to cross-examine Mr. Burl.

10. With respect to the Lost Property Claim, Respondent argued that what happened was an unfortunate incident where inmates did "a lot of damage" and that Claimant was "not involved in it." Respondent argued that policy is very clear that if there is a riot or some sort of emergency situation, no one is liable for property damage or loss because that is something that Respondent cannot help. With respect to the Punitive Segregation Claim, Respondent argued that it is a constitutional issue and the Commission does not have jurisdiction. Upon a question from a commissioner, Respondent stated that the policy presented as an exhibit was a 2017 policy and previous policies said the same thing. Claimant then stated that the policy was a November 2017 policy. Claimant then argued that Respondent's arguments have been made in motions, and his claim has survived after the motions.

11. To prevail on a negligence claim, "the [claimant] must prove that the [respondent] owed a duty to the [claimant], that the [respondent] breached the duty, and that the breach was the proximate cause of the [claimant's] injuries." *Duran v. Sw. Arkansas Elec. Coop. Corp.*, 2018 Ark. 33, 6, 537 S.W.3d 722, 726 (2018).

12. With respect to Claimant's Lost Property Claim, the Commission finds that Claimant's testimony was credible and unrefuted, and that Claimant established that his property

was lost as a result of Respondent's negligence. As such, the Commission AWARDS Claimant \$595.00, which represents Claimant's actual damages taking into consideration the depreciation in value of Claimant's lost property, and directs the Commission clerk to issue a voucher in payment thereof.

13. With respect to Claimant's Punitive Segregation Claim, the Commission finds that Claimant did not present sufficient evidence of Respondent's negligence. As such, Claimant's Punitive Segregation Claim is DENIED and 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: October 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).

Chaviano
Control

ADC INMATE PERSONAL PROPERTY INVENTORY RECORD (Code: S=STORAGE K=KEEP IN POSSESSION I=ISSUED F=FEMALE M=MALE) F-841-1
 Transfer 48 on 48 off
 Inmate's Name: Turner, Barry ADC # [redacted]
 Medical Institution: Injunct Receiving Institution: 13-5
 Court: [redacted]

ITEM # (allowed)	#REC/SENT	CODE	#RET'D	DESCRIPTION	ITEM	#REC/SENT	CODE	#RET'D	DESCRIPTION
ADA Compliance Item	1	S			Nail Clippers (1)				
All Books (10)					Personal Mail	2 sheets	S		Asst. Fed. Pers. Mail
Bathrobe (F, 2)					Photos (5)	5	S		
Bowls					Radio (1)	1	S		
Bras/Panties (F-1 3 ea + 5)					Religious Material				
Comb (M, 1 1)					Religious Medal (1)				
Cup	2	S			Ring (1)				
Dentures (1)					Shoes wk rel (1)				
Depilatory preparation (1)					Shower Shoes (1)	1	S		
Ear buds/earphone(1)	1	S			Soap Dish	1	S		
Earplugs					Soap (1 3 + 2)	6	K, S		1 kept, 5 stored
Eyeglasses/Contacts (1)	1	K			Stockings				
Gloves (1)					Sweat Pants (1)				
Gym Shoes (1)	1	K			Sweat Shirts (1)	1	S		
Hair Brush (1)					Toothbrush holder				
Laundry Bag (1 1 + 1)	2	S			Undershirts				
Legal Mail/Transcript	8	S			Undershorts (M, L-2 + 3)	5	K, S		1 kept 4 stored
Magazines (3 ea)					Watch -Wrist (1)				
Expendable Items (All Hygiene items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
Batteries (4)	4				Flex Pens	11	S		
Beauty Aid products					Food items				
Denture adhesive (2)	4	S			Hair Dressing (2)				
Deodorant (2)					Shampoo (2)				
Envelopes (10)					Shaving Cream (2)				
Other (All Hygiene Items limited to 2 items of each type or one pack if sold in a pack. Possession is limited to maximum in a pack)									
	1	K							
	2	S							

State Issued Items

ITEM	#REC/SENT	CODE	#RET'D	DESCRIPTION
Brogans-shoes (1pr)				Razor-Safety (2)
Pants (3 pr)				Shirts (3)
Cap/Hat (1)				Soap
Canvas Shoes (M, 1)				Thermals (2 sets)
ADC Hand Book				Bath Towel as needed
Toothbrush (1)	2	S		Toothpaste (2)
Jackie/Coat (1)				Washcloth (1)

I hereby certify that all my [redacted] and [redacted] of all property listed on this inventory is correct. Also, I do not have in my possession any personal materials belonging to any other inmate.

Printed Name / Sign Name / Badge # of Official Receiving Property: Barry Turner Date: 9-17-11 Location Stored: Cell 5-B

Printed Name / Sign Name / Badge # of Official Receiving Property: Barry Turner Date: 9-17-11 Location Stored: Cell 5-B

Printed Name / Sign Name / Badge # of Official Receiving Property: _____ Date: _____ Location Stored: _____

Inmate's Signature & ADC# / Witness, if refuses: _____ Date: _____

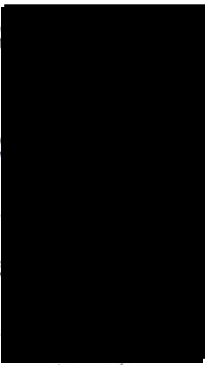
1 loose personal mail in a garbage bag

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER

VS.

ARKANSAS DEPT



80886

CORRECTIONS

Arkansas
State Claims Commission

NOV 29 2023

RESPONDENT

RECEIVED

RE [REDACTED] RESPONDENTS MOTION FOR CONSIDERATION

Comes now the claimant, Barry Turner # [REDACTED] pro-se, and for his reply, states:

1) This commission conducted a zoom hearing in the above-styled case on September 22nd, 2023.

2) At this hearing, both claimant and respondent, by and through its attorney Thomas Burns, presented their arguments and supportive evidence to the commission.

3) This commission ruled on October 20th, 2023 in favor of claimant regarding his lost property claim.

4) Respondent's attorney, Thomas Burns, then filed this completely baseless motion for reconsideration.

5) As specifically pointed out by respondent in #8 of their motion for reconsideration, "Pursuant to Rule 7.1, motions for ~~reconsideration~~ reconsideration will **ONLY** be entertained if they set forth new or additional evidence which was not available to the moving party at the time of the scheduled hearing.

6) As evidence, Mr. Thomas Burns presents in ADC Policy and a Property Form.

7) The property form has been at issue in this complaint since the very beginning, so it is certainly not new or additional evidence which was not available to Mr. Burns at the time of the scheduled hearing.

8) The ADC Policy is not only the same policy Mr. Burns uses

2)

BEEN USING FOR THE DURATION OF THIS CASE TO TRY TO EXEMPT THE ADC FROM RESPONSIBILITY FOR THEIR FAILING TO FOLLOW THEIR POLICIES; BUT AS THE ADC'S ATTORNEY, ALL ADC POLICIES WERE AVAILABLE TO HIM AT THE TIME OF THE SCHEDULED HEARING.

9) WITH NEITHER PIECE OF EVIDENCE PRESENTED BY MR. BURNS MEETING THE STRICT CRITERIA OUTLINED IN RULE 7.1 OF NEW OR ADDITIONAL EVIDENCE THAT WASNT AVAILABLE TO HIM AT THE TIME OF THE SCHEDULED HEARING, RESPONDENTS MOTION FOR RECONSIDERATION IS BASELESS AND MIST, AND SIMPLY MR. BURNS RE-ARGUING THE SAME ARGUMENTS THE COMMISSION ALREADY HEARS AND TOOK INTO CONSIDERATION IN MAKING THEIR DECISION.

10) IN ADDITION, ONCE AGAIN, MR. BURNS IS ATTEMPTING TO DECEIVE THIS COMMISSION BY INTENTIONAL MISQUOTING STATEMENTS AND MISREPRESENTING FACTS.

11) CLAIMANT DID NOT "ADMIT" THAT THE ADC IS NOT LIABLE FOR HIS LOST PROPERTY. (#4 OF MOTION)

12) CLAIMANT DID NOT STATE THAT HIS PROPERTY WAS TO BE LOCKED "IN ISOLATION" WHICH WAS TAKEN OVER BY INMATES. (#5 OF MOTION)

13) ONCE AGAIN, THE MAXIMUM SECURITY UNIT PROPERTY ROOM IS NOWHERE CLOSE TO THE ONE SMALL CELLBLOCK WHICH THE INMATES TOOK CONTROL OF. THE INMATES COULD NOT HAVE GOTTEN TO THE PROPERTY ROOM; THEY ONLY WERE ABLE TO STEAL PROPERTY THAT WAS IN THE CELLBLOCK WHICH THEY TOOK OVER.

14) ONCE AGAIN, IF THE ADC HAD DONE ITS JOB AND FOLLOWED ITS OWN POLICIES "PRIOR" TO THE INMATES TAKING OVER 1 SMALL CELLBLOCK, CLAIMANTS PROPERTY WOULD HAVE BEEN STORED SAFELY

3)

IN THE UNIT PROPERTY ROOM, WHICH THE INMATES DIDN'T
GET WITHIN 70 DAYS OF.

FOR THESE REASONS, AND BECAUSE THIS COMMISSION HAS ALREADY
CONSIDERED ALL THESE SAME ARGUMENTS AND EVIDENCE, RESPONDENT'S
MOTION FOR RECONSIDERATION SHOULD BE DISMISSED AS MERITLESS.

Respectfully Submitted,
Barry James [REDACTED]
BARRY JAMES # [REDACTED]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THIS DATE, 11-26-23, I MAILED
A COPY OF THE ABOVE STYLED REPLY TO RESPONDENT, BY PLACING
SAME IN THE UNIT MAIL BOX, ADDRESSED TO:

THOMAS BURNS
DIVISION OF CORRECTION
6814 PRINCETON AVE
PINE BLUFF, AR 7602

Barry James [REDACTED]
CLAIMANT

From: [Mika Tucker](#)
To: [Thomas Burns \(DOC\)](#)
Subject: HEARING SCHEDULED: Barry Turner v. ADC, Claim No. 180886
Date: Monday, December 18, 2023 9:10:00 AM
Attachments: [Turner v. ADC, 180886, Hearing letter \(motions\).pdf](#)

Hi, Thomas. Please see attached correspondence.

Thanks,
Mika

Mika Tucker
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2818

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

December 18, 2023

Mr. Barry Turner (ADC [REDACTED])
[REDACTED]
[REDACTED]

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

(via email)

RE: ***Barry Turner v. Arkansas Division of Correction***
Claim No. 180886

Dear Mr. Turner and Mr. Burns,

The Claims Commission has scheduled a hearing on any pending motions for **Thursday, January 18, 2024**, beginning at 8:45 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed.

As this is a motions hearing, no prehearing materials are requested.

Sincerely,

Mika Tucker

ES: mtucker

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Jan 18, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87348644534?pwd=UnAvWmlBVVA4VnNuMVB6WFpuclRodz09>

Meeting ID: 873 4864 4534

Passcode: BZ1fnd

One tap mobile

+16469313860,,87348644534#,,,,*299333# US

+19294362866,,87348644534#,,,,*299333# US (New York)

Dial by your location

- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 873 4864 4534

Passcode: 299333

Find your local number: <https://us06web.zoom.us/u/kdJNKs5RvA>

From: [Mika Tucker](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Kathryn Irby](#)
Subject: HEARING REMOVED: Turner v. ADC, Claim No. 180886
Date: Tuesday, January 16, 2024 9:43:00 AM
Attachments: [CORR Turner v. ADC 180886.pdf](#)

Hi, Thomas. Please see the attached correspondence. Thank you.

-Mika

Mika Tucker
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2818

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

January 16, 2024

Mr. Barry Turner (ADC [REDACTED])
[REDACTED]

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

(via email)

Re: ***Barry Turner v. Arkansas Division of Correction***
Claim No. 180886

Dear Mr. Turner and Mr. Burns,

The Claims Commission has removed the motion hearing in above-referenced claim from the docket. The Claims Commission will review the pending motion and enter an order soon.

Our office asks the ADC to please hand-deliver a copy of this letter to Mr. Turner as soon as possible so that he will be aware of the removal of the hearing prior to January 18, 2024.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: mtucker

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Barry Turner v. ADC, Claim No. 180886
Date: Monday, January 22, 2024 3:47:00 PM
Attachments: [Barry Turner v. ADC.pdf](#)
[Barry Turner v. ADC.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

January 22, 2024

Mr. Barry Turner (ADC [REDACTED])
[REDACTED]
[REDACTED]

Re: ***Barry Turner v. Arkansas Division of Correction***
Claim No. 180886

Dear Mr. Turner:

Enclosed please find an Order entered on January 18, 2024, 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

BARRY TURNER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 180886

**ARKANSAS DIVISION OF
CORRECTION**

RESPONDENT

**ORDER ON RESPONDENT'S
MOTION FOR RECONSIDERATION**

Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by the Arkansas Division of Correction (the “Respondent”) for reconsideration of the Commission’s October 20, 2023, order awarding Barry Turner (the “Claimant”) \$595.00 in damages. Based upon a review of the claim file, including Respondent’s motion, and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on April 25, 2018, seeking \$2,450.00 in damages related to lost property (the “Lost Property Claim”) and alleged violations of procedures regarding 48-hour relief periods from punitive segregation (the “Punitive Segregation Claim”).

2. Respondent denied liability. While the Commission originally granted Respondent’s motion to dismiss the Lost Property Claim and denied Respondent’s motion to dismiss as the Punitive Segregation Claim on February 20, 2019, the Commission later granted Claimant’s motion for reconsideration as to the dismissal of the Lost Property Claim on July 29, 2019.¹

3. Following a September 22, 2023, hearing, the Commission entered an order on October 20, 2023, finding that, as to the Lost Property Claim, Claimant established that his

¹ Respondent also filed a motion for reconsideration regarding denial of its motion to dismiss the Punitive Segregation Claim, but this motion was denied by the Commission in its July 29, 2019, order.

property was lost as a result of Respondent's negligence and awarded Claimant \$595.00, which represented Claimant's actual damages less reasonable depreciation. With respect to Claimant's Punitive Segregation Claim, the Commission found that Claimant did not present sufficient evidence of Respondent's negligence and dismissed the Punitive Segregation Claim

4. Respondent subsequently filed the instant motion for reconsideration, arguing that it was submitting new and additional evidence not available at the hearing.

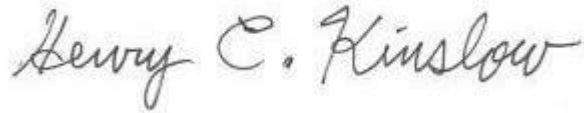
5. Claimant filed a response in opposition to the motion for reconsideration.

6. In analyzing a motion for reconsideration, Rule 7.1 of the Commission Rules and Regulations states that motions for reconsideration "will only be entertained if they set forth new or additional evidence which was not [previously] available"

7. The Commission finds that Respondent's motion does not set forth new or additional evidence not previously available. Instead, Respondent's motion simply restates arguments made during the hearing. The Commission notes that Exhibits A and B to Respondent's motion for reconsideration were specifically discussed during the hearing and referenced in the order. *See* Order at ¶¶ 6, 8 and 10. The documents contained in Exhibit C to the motion for reconsideration include Respondent's internal memoranda dated August 2017, and Respondent's motion provided no explanation as to why these documents were not previously available. The Commission will not infer an explanation and notes that it is unlikely that these documents were unavailable at the time of the hearing, especially since Respondent is now offering these documents in support of an argument made at the hearing. *See* Order at ¶ 10.

8. As such, Respondent's motion for reconsideration is DENIED, and the October 20, 2023, Commission order remains in effect.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: January 18, 2024

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: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Barry Turner v ADC 180886
Date: Tuesday, February 6, 2024 9:10:51 AM
Attachments: [272111.pdf](#)
[image.png](#)

Notice of Appeal

Thank you,
-TB



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BARRY TURNER (

CLAIMANT

v.

NO. 180886

**ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION**

RESPONDENT

NOTICE OF APPEAL

Comes now the Respondent, Division of Correction (ADC) by and through counsel, Thomas Burns, and for notice, states:

1. That notice is hereby given that the ADC appeals from the Order of the Arkansas State Claims Commission (ASCC) made on the 18th day of January 2024.
2. This appeal is taken to the Claims Subcommittee of the Joint Budget Committee, and the ADC hereby requests and directs that the ASCC file all documents pertaining to this case with the Claims Subcommittee.

Respectfully submitted,




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

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 6th day of February 2024, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Barry Turner [REDACTED]

[REDACTED]


Thomas Burns