

**From:** [ASCC New Claims](#)  
**To:** [Thomas Burns \(DOC\)](#); [Leslie Browning \(DOC\)](#)  
**Cc:** [Kathryn Irby](#)  
**Subject:** CLAIM: Dennis Hutchinson v. ADC, Claim No. 230735  
**Date:** Tuesday, December 6, 2022 10:50:00 AM  
**Attachments:** [Dennis Hutchinson ADC agency ltr .pdf](#)  
[Dennis Hutchinson Claim.pdf](#)

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Please see attached. Contact Kathryn Irby with any questions.

Thank you,  
Caitlin

**Caitlin McDaniel**

*Administrative Specialist II*

**Arkansas State Claims Commission**

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

## ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY  
DIRECTOR

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

December 6, 2022

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

(via email)

RE: *Dennis Hutchinson v. Arkansas Division of Correction*  
**Claim No. 230735**

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Dear Mr. Burns,

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

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

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Dennis Hutchinson (ADC [REDACTED]), *Claimant* (w/ encl.)

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

Arkansas State Claims Commission

DEC 01 2022

RECEIVED

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

- Mr. Mrs. Ms. Miss

Dennis Hutchinson, Claimant

vs.

State of Arkansas, Respondent

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

COMPLAINT

Dennis Hutchinson, the above named Claimant, of [Redacted] (Name) [Redacted] (Street or R.F.D. & No.) [Redacted] (City)

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

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

State agency involved: Arkansas Department of Correction Amount sought: 500.00 + 30.00 for book

Month, day, year and place of incident or service: June 20, 2022 [Redacted]

Explanation: My sister bought me a book "48 laws of Power" through Amazon which in turn mailed to me at [Redacted] mail room sent my book to warden Ball. Ball refused my book. I appealed, and the book with appeal was sent to Pine Bluff (central office) review committee [UP TO DATE NO REPLY] Quoting Policy 19-34 Section (H) non-grievable is (Publication) (NOT Policy). Quoting Administrative Directive rejection List, Section 1 through 14 my book does not meet any of the Policy list. And no memo was writing and placed on Barracks Wall. Per my 1st Amendment Rights my book "48 laws of Power" (15) educational and knowledge. OACU and Pine Bluff central office has not / is not following Policy.

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? June 22, 2022; to whom? Warden Ball. (Yes or No) (Month) (Day) (Year) (Department)

and that the following action was taken thereon: rejected and appealed to Pine Bluff central office, review committee

and that \$ [Redacted] was paid thereon: (2) Has any third person or corporation an interest in this claim? Sister; if so, state name and address

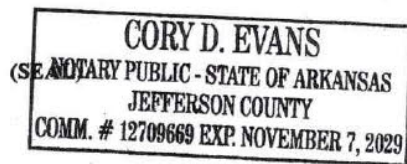
Deborah Robertson 7060 Pine Forest Rd Pensacola Florida 32526 (Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows: [Redacted] and was acquired on [Redacted], in the following manner

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believe that they are true.

Dennis Hutchinson (Print Claimant/Representative Name) Dennis Hutchinson (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Malvern AR (City) (State)



on this 19th day of November, 2022 (Date) (Month) (Year)

[Signature] (Notary Public)

SF1- R7/99

My Commission Expires: November 7, 2029 (Month) (Day) (Year)



DIVISION OF CORRECTION

6814 Princeton Pike  
Pine Bluff, AR 71611  
Phone: 870-267-6999 • Fax: 870-267-6244  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Inmate Grievance Procedure

**NUMBER:** 19-34

**SUPERSEDES:** 19-20

**APPLICABILITY:** All employees and inmates

**PAGE** 1 of 31

**REFERENCE:** AR 835 - Grievance Procedure for Offenders

**APPROVED:** Original signed by Dexter Payne

**EFFECTIVE DATE:** 12/2/2019

**I. POLICY:**

It is the policy of the Arkansas Division of Correction to provide inmates in its custody an administrative process for the resolution of complaints, problems and other issues.

**II. EXPLANATION:**

The grievance procedure is an administrative process for the submission and resolution of inmate problems and complaints. The process is designed to solve the problem at the lowest level, as promptly as feasible, and in a manner that is fair, reasonable, and consistent with the Division of Correction's mission.

The administrative process for the resolution of complaints and identification of problem areas is intended to supplement but not replace daily and routine communication between staff and inmates.

**III. DEFINITIONS:**

A. Informal Resolution – the first step consisting of a written complaint (Unit Level Grievance Form, Attachment I) by an inmate that is intended to allow staff the

Exhibit A

## AD 19-34 Inmate Grievance Procedure

opportunity to resolve an issue on an informal basis, and to serve as a prerequisite to the second step, a formal grievance.

- B. Grievance – the second (formal) step where a written complaint using the same form used for the Informal Resolution (Unit Level Grievance Form, Attachment I) is submitted by an inmate on the inmate's own behalf (an inmate cannot grieve on behalf of another inmate) regarding:
1. A policy applicable within his or her unit/center of assignment that personally affects the inmate;
  2. A condition in the facility that personally affects the inmate;
  3. An action of another inmate, or inmates, that personally affects the inmate;
  4. An action of an employee(s), contractor(s), or volunteer(s) that personally affects the inmate; or
  5. An incident occurring within his or her facility that personally affects the inmate.
- C. Warden – the Warden or Center Supervisor of the facility or designee.
- D. Appeal – a written request directed to a Chief Deputy/Deputy/Assistant Director for further action to resolve the issue or complaint in the grievance based upon the inmate's assertion that the issue has not been resolved at the Unit level. (The appeal cannot raise new or additional issues or complaints.)
- E. Working Days – Monday through Friday, excluding state observed holidays.
- F. Emergency – a problem that, if not immediately addressed, subjects the inmate to a substantial risk of personal injury or other serious and irreparable harm such as, physical abuse. If a grievance, submitted as an emergency grievance by the inmate, is deemed an emergency by the problem solver, the grievance is immediately submitted to the Warden/highest ranking supervisor at the unit without the completion of Step One, the informal process; however, if the grievance is not an Emergency, it will be processed under Step One.
- G. PREA Grievance – Grievance where inmate is alleging staff-on-inmate or inmate-on-inmate sexual abuse or sexual harassment as those terms are defined in the PREA Administrative Directive. A Problem Solver should immediately submit a suspected PREA grievance to the highest ranking supervisor at the unit, who will then contact the duty warden, without the completion of Step One, the informal process; however, if the duty warden finds that the grievance is not a PREA grievance, it will be returned to the Problem Solver and processed under Step One.

H. Non-Grievable Issues – the following matters are not grievable:

1. Parole;
2. Release;
3. Transfer;
4. Job Assignments unless in conflict with medical restrictions;
5. Disciplinary;
6. Anticipated events (i.e., events or activities which may or may not occur in the future);
7. Matters beyond the control of the Division of Correction, including issues controlled by State or Federal law or regulation;
8. Rejection of a Publication
9. A grievance submitted by an inmate on behalf of another inmate.

Note: Claims of Retaliation, even if related to an issue referenced above, are Grievable.

- I. Available Remedies –if the facts asserted by the inmate would, if true, fall within the definition of Grievance, the matter shall be investigated, unless previously investigated. If the grievance is found to be with merit, the Division official designated to respond to the grievance shall have the authority, within the exercise of his or her discretion and consistent with the Division policies and the safety, security and good order of the facility, to offer actions by the Division designed to resolve the inmate’s grievance. However, such available remedies do not include disciplinary action against an employee, contractor, or volunteer, nor monetary damages.
- J. Problem Solver – staff designated at each facility to serve as a contact for resolution of a problem or complaint, and specifically, to resolve Step One issues raised in this process. A list of these individuals will be posted in each housing unit. If the Problem Solver(s) is not available, any staff member of the rank of sergeant or above can collect Step One grievances (also referred to as “informal”) and shall then act as the Problem Solver for that Step One grievance.
- K. Medical Department – Health Services Administrator (HSA) or designee.
- L. Mental Health Supervisor – the Division of Correction employee supervising the mental health staff and programs at the unit level.

IV. PROCEDURES:

The inmate grievance procedure is an internal administrative process for the resolution of complaints and the identification of potentially problematic management areas; however, it does not replace daily and routine communication between inmates and staff. Prior to filing a formal grievance (Step Two), an

inmate must first seek a resolution of the complaint informally by taking Step One under this policy.

One form (Attachment I) will be used for both Step One (informal resolution) and Step Two (formal grievance). This same form will be used to submit all inmate grievance issues, including emergencies.

#### A. Proposed Changes to the Procedure

When the Division proposes to adopt changes to any policy which affects the inmate grievance process, the proposed changes shall be posted in prominent locations **(to include employee and inmate bulletin boards and including electronic distribution) throughout the institution at least 30 days prior to the adoption of the changes.** All comments shall be considered prior to adoption of the change and shall be kept as part of the appropriate policy file documentation. **Inmates in Restrictive Housing will be provided a copy of the proposed change by the Grievance Officer at least 30 days prior to the adoption of the change.**

#### B. Communication of Procedure

1. Written notification of the Inmate Grievance Procedure, and any changes there to, will be distributed to both inmates and employees. In addition, arriving inmates and new employees will have an opportunity to ask questions about the procedure and have them answered verbally.
2. If an inmate has a disability affecting communication or is not fluent in the English language, interpretive or explanatory services will be made available.
3. All employees at the facility level shall receive training by designated staff in the skills necessary to assist or participate in the inmate grievance procedure.
4. A summary of the Inmate Grievance Procedure will be included in the Inmate Handbook. However, the Inmate Grievance procedure is governed by this Administrative Directive and not any summary in the Inmate Handbook. All inmates shall be provided access to this Administrative Directive.

#### C. Accessibility

Each inmate shall be entitled to utilize the Inmate Grievance Procedure regardless of his or her security status, custody level, job classification, disciplinary status, or any administrative/ judicial decisions affecting the inmate.



DIVISION OF  
CORRECTION

6814 Princeton Pike  
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www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Publications

**NUMBER:** 20-04

**SUPERSEDES:** 17-17

**APPLICABILITY:** Division Staff and Inmates

**REFERENCE:** AR-864-Publications  
AD-Inmate Correspondence  
AD-Inmate Property Control  
AD-Inmate Grievance Procedure

**PAGE:** 1 of 5

**APPROVED:** Original Signed by Dexter Payne

**EFFECTIVE DATE:** 4/10/2020

### I. POLICY:

Inmates may receive publications only from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected when the publication presents a danger to the security, discipline, or good order of the institution or is inconsistent with rehabilitative goals.

### II. PURPOSE:

This Administrative Directive establishes the process by which the Division of Correction determines which publications may be received by the inmate population.

### III. DEFINITIONS:

- A. Publication: A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text. The term publication does not include a personal letter.
- B. Commercial Outlet: A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.

Exhibit B

- C. Charitable Outlet: A religious group or an incorporated non-profit organization established to promote literacy or to provide literature for inmates.
- D. Nudity: A depiction in which genitalia, buttock(s) or female breasts are fully exposed.
- E. Sexually Explicit: A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sado-masochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.
- F. Security Terrorist Threat Group (STTG): Any group of inmates that the Division of Correction reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose or activities.

#### IV. PROCEDURES:

- A. The Warden/Center Supervisor shall designate staff to review incoming publications.
- B. A publication will be rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting any one or more of the following categories may be rejected:
  - 1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;
  - 2. Material that advocates or assists criminal activity, which is an act or omission prohibited and punished by law to include but not limited to;
    - a. Material advocating, or describing, or assisting methods of escape or eluding capture or which contain blueprints, drawings, or depictions of Division facilities;
    - b. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;
    - c. Material advocating or providing instructions on identity theft;
    - d. Material that incites, encourages, advocates, or promotes act of violence such as but not limited to sexual assaults and physical assaults;
  - 3. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives or any other weaponry, including realistic

- pictures of such weapons suitable to aid in the manufacture of such weapons, or facsimiles of such weapons;
4. Depictions, descriptions, or instructions regarding the operation of security devices such as locks, cameras, or alarms;
  5. STTG materials including, but not limited to, codes, signs, symbols, photographs, drawings, training materials, and catalogs;
  6. Depictions, descriptions, or instructions on the use of hands, feet, or the head as weapons or of other fighting techniques;
  7. Depictions, descriptions, or instructions on the manufacture, cultivation, or introduction of drugs, alcohol, tobacco, or poisons;
  8. Instructions or patterns for tattoos, or other skin modification techniques or equipment;
  9. Material that incites, encourages, advocates, or promotes racism or any other illegal act of discrimination, or that is likely to be disruptive, produce violence, or cause a threat to the offender population or staff;
  10. Material that depicts nudity; however, material that includes the depiction of nudity as illustrative of and as part of broader medical, educational, anthropological, or artistic content will not be rejected solely on the basis that the material includes nudity;
  11. Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals;
  12. Posters measuring more than two hundred (200) square inches;
  13. Publications containing a product insert which, by itself, would be deemed contraband; and
  14. Publications which meet two (2) of the following conditions:
    - a. Books that measure more than 9" x 11".
    - b. Hardback books thicker than two (2) inches.
    - c. Softback books thicker than four (4) inches.
    - d. Any book heavier than three (3) pounds.

The Warden has the authority to waive these conditions on legal, educational and religious publications.

15. Photobooks are not considered an allowable publication and will not be permitted.

**Note:** Inmates are only allowed five (5) individual photos. This does not include digital photos (refer to Inmate Correspondence AD).

C. Publications recommended for rejection will be referred to the Warden/Center Supervisor for final decision. With respect to any publication, the decisions must be made on the contents of an individual publication, not previous issues of the same publication.

D. Items within the package cannot be separated; therefore, the package is rejected in its entirety.

**Note:** For any publication rejected solely because it contains a product insert, if the product insert(s) can be removed, the publication is acceptable.

E. The Warden must approve or reject the publication within thirty (30) days of receipt. If the publication is rejected, the inmate must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The inmate is also notified of appeal procedures and options for disposing of the publication. The inmate must sign that the notice of rejection has been received. Should the inmate refuse to sign, an employee will attest to the fact that the inmate was duly notified.

F. The decision to reject a publication may be appealed to the Central Office Publication Review Committee. The Committee members are to be assigned by the Director or his/her designee. The appeal must be initiated within ten (10) days of the receipt of written notification of the Warden/Center Supervisor's decision to reject the publication. Rejection of a Publication is not grievable.

G. Any rejected publication will be held safe by the Warden/Center Supervisor or his/her designee until the appeal process has been completed, or until the ten (10) day period for filing an appeal has expired.

H. Options for disposing of an unacceptable publication are:

1. Destruction;
2. Return of the publication to the sender at the expense of the inmate unless return postage is guaranteed;
3. Mailing the publication to a third party at the expense of the inmate;

**Mika Tucker**

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**From:** Leslie Browning (DOC)  
**Sent:** Tuesday, December 6, 2022 11:34 AM  
**To:** ASCC Pleadings  
**Cc:** Thomas Burns (DOC)  
**Subject:** Dennis Hutchinson 230735  
**Attachments:** ADC Answer.pdf

ADC Answer

*Leslie Browning*

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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON ( [REDACTED] ) CLAIMANT

v. CLAIM NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT  
DIVISION OF CORRECTION

ANSWER TO COMPLAINT

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

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

2. The applicable account information required by the Commission is:

- a. Agency number: 0480
- b. Cost Center: HCA 0100
- c. Internal Order: 340301
- d. Fund Center: 509

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

Respectfully submitted,

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

**CERTIFICATE OF SERVICE**

I certify that a copy of this pleading has been served this 6<sup>th</sup> day of December 2022 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Dennis Hutchinson [REDACTED]  
[REDACTED]



---

Thomas Burns

**Mika Tucker**

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Tuesday, January 3, 2023 4:18 PM  
**To:** Thomas Burns (DOC)  
**Cc:** Leslie Browning (DOC); ASCC Pleadings; Kathryn Irby  
**Subject:** CORR: Dennis Hutchinson v. ADC, Claim No. 230735  
**Attachments:** Dennis Hutchinson 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

January 3, 2023

Mr. Dennis Hutchinson (ADC [REDACTED])  
[REDACTED]

RE: *Dennis Hutchinson v. Arkansas Department of Correction*  
Claim No. 230735

Dear Mr. Hutchinson,

Please be advised that the Arkansas Department of Correction (the "Respondent") in the above-styled claim filed an Answer denying liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Claims Commission in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

**Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.**

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Kathryn Irby

ES: msscott

cc: Thomas Burns, *counsel for Respondent* (via email)

**Mika Tucker**

---

**From:** Thomas Burns (DOC)  
**Sent:** Wednesday, January 4, 2023 12:46 PM  
**To:** ASCC Pleadings  
**Cc:** Leslie Browning (DOC)  
**Subject:** Dennis Hutchinson v ADC 230735  
**Attachments:** 1843\_001.pdf

MTD

Thomas Burns  
General Counsel  
Arkansas Department of Corrections  
Division of Correction  
6814 Princeton Pike  
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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON (ADC ██████████)

CLAIMANT

v

NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

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

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.
2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan, 2011 Ark. 94*. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*
3. An "important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim." *Fifth Third Bancorp v. Dudenhoeffer, 573 U.S. 409, 425 (2014)*. Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State bank, 339 F.3d 764 (8<sup>th</sup> Cir. 2003)*. A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v Iqbal 556 U.S. 662 (2009)*. Although detailed factual allegations are not required, more that "unadorned, the-defendant-unlawfully-harmed-me-

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

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

5. The inmate seeks the sum of \$530.00, for alleged injunctive relief and Constitutional claim. Although inmate seeks an award of damages (\$530.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153 (2008)*. The inmate’s claim, even if true, does not support a claim for monetary relief.

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

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

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

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

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

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

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

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

12. The inmate is currently housed at the [REDACTED] of the ADC. He is serving a 45-year sentence on a conviction of murder and other crimes.

13. The inmate claims that the ADC wrongfully denied his book “48 laws of power”.

14. The inmate stated he got the book somewhere around June 20-30, 2022. *See attached Ex A and inmate complaint.*

15. The only time this book was brought before the Committee in 2022 was June 23, 2022 and it was another inmates book. *See attached Ex B.*

16. This inmate has had nothing reviewed by the publication committee in 2022.

17. The inmate stated in his complaint that his “sister” bought the book.

18. The inmate is not the real party in interest, Rule 17 Arkansas Rules of Civil Procedure.

19. The inmate is not the person who can discharged the claim, that would be his sister, since she is the one who allegedly would have damages. The inmate has not been damaged at all.

20. This inmate has not brought forth any proof, receipt, invoice, or other document showing a book was even ordered or sent.

21. The inmate grieved this matter and it was rejected. along with the previous grievance. *See attached Ex C.*

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

- (a) A civil action **or claim** initiated against...Department of Correction...by an inmate in a penal institution or incarcerated person appearing pro se may be:
  - (1) Dismissed without prejudice by the court on its own motion or on a motion of the defendant, if all administrative remedies available to the inmate have not been exhausted.

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

24. 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.

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

26. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). “Specifically, if the facts of a given

claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.” Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

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

Respectfully submitted,



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

**CERTIFICATE OF SERVICE**

I certify that a copy of the above pleading has been served this 4<sup>th</sup> day of January 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson ([REDACTED])  
[REDACTED]

  
Thomas Burns

Name: Hutchinson, Dennis

ADC #: [REDACTED]

IGTS010B

# Inmate Grievance

Tuesday January 03, 2023 02:33:26 PM

Received Date*	10/14/2022	Received Time*:	09:27:20 AM
Grievance #:	[REDACTED]-22-00666	Incident Date:	
Original Date Prepared by Inmate*:	10/14/2022		
Facility*:	[REDACTED]		
Zone*:	Zone 4		
Location*:	H - HOTEL		
Shift:	Shift A		
Grievance Officer*:	Cash, Allison Marie		
Grievance Category*:	Communication(300)		
Grievance Type*:	306-Publication		
Significance*:	Non-Emergency	Referred To Group*:	Warden
Has Merit:	To be determined	Due Date:	11/14/2022

## Geocode Grievance

I recived a book approxitely 6.30.22 Mail Room sent to review committee. Assit. Warden Ball refuse the book, stating book wasn't within rehabilitation goals. I appealed to Mail Room (by policy) (and within time limits) after some confusion by the mail personal, my appeal was sent electronically to Main Office committee for review. Within the appeal on publications 20-04. Effective date 4.10.2020 Mt book dose not meet any of the policy- No Nudity, Sexuall Explicit acts, STTG's, Dose not advocate escape, eluding capture, blue prints, drawing, geographical region, Nor. Advocate acts of violence, NO. how to use guns, knives, or pictures of such weapons, NO use of hands or feet as weapons, Nor manufacture of drugs, alcohol, tobacco, or poisons. Nor, over size, weight. "fact" the book "is" education witch is covered under my First Amendment Rights. and any book that advocated knowledge, is and always will be within Goals of rehabilitation. There is no reason to delay my book to me any further.

**Staff Named**

Staff Name	Facility Name	Job Title	Involvement
No Rows Found			

**Scanned Documents**

Type	Date Scanned	Title	Source	Privacy Level
Inmate Grievance	10/14/2022	OR-22-00666	Investigator	Sensitive Information

**Actions Taken (1 - 1 of 1)**

Date	Time	Action Type	Staff	Comments
<u>10/14/2022</u>	09:28 AM	Reject Grievance	Cash, Allison Marie	Grievance rejected. Inmate grieving publication committee decision and issue dates back to 6-30-2022, per inmate in grievance. Per AD 19-34, Rejection of a Publication is non-grievable. Also rejected as untimely, "The Unit Level Grievance Form (Attachment I) shall be completed and submitted within 15 days after the occurrence of the incident, with the date indicated beside "Step 1: Informal Resolution."

**Status**

Status\*: Rejected      As of Date\*: 10/14/2022      Status History

Ex A 1/2

Publications Committee Review Meeting - AD 20-4

June 23, 2022

Inmate Name & ADC#	Unit	Publication	Referred	Decision
[REDACTED]	NCU	Steel Crow Saga	B-1	referred back to unit; more information/samples needed
[REDACTED]	Grimes	Street Pix Brochure	B-10	denied
[REDACTED]	Grimes	Sub O Phat Puffs Magazine Karma Bae	B-10	denied
[REDACTED]	NCU	Superstud	B/security	approved; samples provided do not support denial
[REDACTED]	NCU	Tatted Issue #2	B-10	denied
[REDACTED]	Varner	The 48 Laws of Power	B	denied
[REDACTED]	NCU	The CIA World Factbook 2019-2022	unauthorized vendor	approved; samples provided do not support denial
[REDACTED]	Varner	The Happy Satanist	B/security threat	referred back to unit; must provide samples
[REDACTED]	Cummins	The Illustrated History of Firearms-Second Ed.	B-3	approved; samples provided do not support denial
[REDACTED]	NCU	The Invention of Sound	B-2d	denied
[REDACTED]	Varner	The Official Globalization of the ALKON	B-9	due to B-5 (STTG) denied
[REDACTED]	ORU	The Story of the SS-Hitler's Infamous Legions of Death	B-5	denied
[REDACTED]	Varner	The Wheel of the Year 2021	B-5	approved; samples provided do not support denial
[REDACTED]	Grimes	The Yearbook-Indie Gatekeepers Magazine	B-10	denied
[REDACTED]	Grimes	Trust No Man 2: Cash	B-11	denied
[REDACTED]	Grimes	Trust No Man 3: Like Father Like Son	B-11	denied
[REDACTED]	Grimes	Two Masks One Heart	B-11	denied
[REDACTED]	Grimes	Two Masks One Heart 2	B-11	denied
[REDACTED]	McPherson	Ugly Love	B-11	denied
[REDACTED]	Grimes	Virrol Gold Vol. 4	B-10	denied
[REDACTED]	Grimes	Virrol Gold Vol. 7	B-10	denied
[REDACTED]	Grimes	Virrol Platinum Vol 4	B-10	denied
[REDACTED]	NCU	Wall Periodical Order Form	B-10	denied
[REDACTED]	NCU	Wilderness Survival Guide	B-2d	approved; samples provided do not support denial
[REDACTED]	NCU	Witches' Craft A Multidenominational Wicca Bible	B-10	approved; samples provided do not support denial
[REDACTED]	ORU	Witches' Craft A Multidenominational Wicca Bible	B-10	approved; samples provided do not support denial
[REDACTED]	Varner	Witches' Craft A Multidenominational Wicca Bible	B-5	approved; samples provided do not support denial
[REDACTED]	NCU	Wolf Boys	B-1	approved; samples provided do not support denial
[REDACTED]	ORU	XXL The Unstoppable and Incomparable Cardi B	B-2	denied

EXB

1/3/23, 2:34 PM

IGTS010B - Inmate Grievance

Name: Hutchinson, Dennis  
IGTS010B

ADC #: [REDACTED]  
Tuesday January 03, 2023 02:34:24 PM

### Inmate Grievance

Received Date*	10/24/2022	Received Time*:	03:49:46 PM
Grievance #:	[REDACTED]-22-00685	Incident Date:	
Original Date Prepared by Inmate*:	10/17/2022		
Facility*:	[REDACTED]		
Zone*:	Zone 4		
Location*:	H - HOTEL		
Shift:	Shift C		
Grievance Officer*:	Cash, Allison Marie		
Grievance Category*:	Communication(300)		
Grievance Type*:	306-Publication		
Significance*:	Non-Emergency	Referred To Group*:	Warden
Has Merit:	To be determined	Due Date:	11/22/2022

#### Geocode Grievance

A book was sent to Pine Bluff Publication committee for review. According to policy 20-04 my book dose not meet any of the criteria layed out in AD. AND I have not gotten any reply from Pine Bluff and I want my book. And I am grievance policy, not publication, witch is grievanable.

**Staff Named**

Staff Name	Facility Name	Job Title	Involvement
No Rows Found			

**Scanned Documents**

Type	Date Scanned	Title	Source	Privacy Level
Inmate Grievance	10/24/2022	[REDACTED]-22-00685	Investigator	Sensitive Information

**Actions Taken (1 - 2 of 2)**

Date	Time	Action Type	Staff	Comments
<u>11/08/2022</u>	09:59 AM	Reject Grievance Appeal	Reed, Marshall (Dale) D	rejected due to publication
<u>10/24/2022</u>	03:50 PM	Reject Grievance	Cash, Allison Marie	

**Status**

Status*:	Appeal Denied	As of Date*:	11/08/2022	<b>Status History</b>
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Prior Page

[Show Last Updated Information](#)

Ex. C 3/1

Jan 14.23

Arkansas State Claims Commission

Dennis Hutchinson (ADC [REDACTED])

Claimant  
Arkansas  
State Claims Commission

v.

NO. 230735

JAN 14 2023

Arkansas Department of Corrections  
Division of Correction

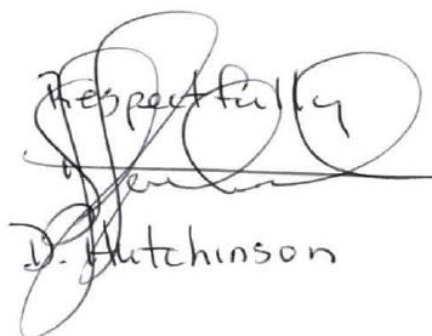
RECEIVED

Respondent

Motion for Extension of Time

Comes this day requesting a extension of time due to law Library times are limited to (3) Three days a week, with (2) Two Hours a day.

Claimant is requesting 30 days to completion.

Respectfully  
  
D. Hutchinson

Before the Arkansas State Claims Commission

Dennis Hutchinson (ADC) [REDACTED]

Arkansas  
State Claims Commission  
Claimant

JAN 19 2023

✓

NO. 230735

Arkansas Department of Correction

RECEIVED  
Respondent

Request for Time

Claimant comes this day requesting 30 days more time to complete Recovery documentation.

Claimant only is allowed 1 1/2 hours every Monday, Wednesday, Friday for research and obtaining legal Documentation to complete findings

Respectfully Submitted

Dennis Hutchinson [REDACTED]

Jan 18. 2023

Arkansas  
State Claims Commission

JAN 20 2023

RECEIVED

Before the Arkansas State Claims Commission

Dennis Hutchinson (ADC [REDACTED]) Claimant

v. NO: R30735

Arkansas Department of Correction  
Division of Correction Respondent

Response to Respondent Motion

Comes now Dennis Hutchinson (claimant), to rebuttal to Respondent's Motion to Dismiss under Arkansas Rules of Civil Procedure (ARCP) Rule 12(b)(6) failure to state fact upon which relief can be granted. "However" [Arkansas] rules requires facts.

Claimants State Commission complaint taken at face value, does [in fact] state part of Arkansas Department of Correction (ADC) violation of set and adopted Administrative Directive NO: 19-34 Inmate Grievance Procedures for Employees and inmates

section (H) Now. Grievance Issues "But" does not include Policy. section (G)(5)(6) appeal time lines Exhibit (A)(B).

Respondent introduce *Fifth Third Bancorp v Dudenhoffer*, 573 U.S. 409, 425 (2014) as an important mechanism for weeding out meritless claims for failure to state claim. Respondent should have focus on Ouachita River Correctional Unit (ORCU) violation of Administrative Directives Policy 20-04, Now Superceded by 2022-22 (updated). actions to follow if any book Does Not meeting the requirement to be rejected. Not to use personal conclusions, unsupported conclusions or unsupported evidence, in the actions of personal interpretation of the Book "48 Laws of Power" (suppled short copy of Book "48 laws of Power" Exhibit (c) (2 pages).

Respondents Attorney Thomas Burns (TB) states Claimant seeks damages (amount sought) \$530.00. If allowed by court Judge, claimant should also ask for \$100.00 a day for everyday from date July 01, 2022 approximately date Book "48 Laws of Power" arrival at ORCU (for Deprivation) to date of delivering Book to

### Claimant.

Respondents Attorney TB state a Pro Se party do not have special treatment and are held to same standards as a licensed Attorney. *Pressler v Ark. Publ. Serr. Comm'n*, 2011-ARK. App. 512, at 9, 385 S.W.3d 349, 355 *Leiting Elder v Mark Ford & Assocs.*, 103 Ark App. 302, 288 S.W.3d 702 (2008)., License Attorneys as Pro se Litigant are held to Code of Conduct.

State Claims Commission notes that under Arkansas law a claimant choosing to represent himself is held to same standards as a attorney. *Michael Pickens v. ADC claim 190793 (ASCC 2019)*. taken into fact that Pro se parties are held to Attorneys Standard [Fact] Attorney as Pro se can not introduce Material knowing Not relevant to claimants claim. violates West's Arkansas code Annotated [rules of Professional conduct Rule 3.6.] Line (12)(22) as counsel has introduce completely false Material. Exhibit (D), Also Attorney has introduce claim as a Section 1983 [claimant claim has not reference to prison conditions.

Respondent counsel intentionality made a false

allegation. Stating Book 48 Laws of Power was another inmates book. by introducing a List of books from none are claimants books. List has NO reference to claimant expect through Attorney TD word. (in a court of law, allegation must have facts not conclusions or personal thoughts. with the only attempt is to sway the courts.

Respondent reference Failure to exhaust Administrative Remedies. Claimants respond proof exhaustion Exhibit (E)(F)(G)(H 1 of 5)

Claimants correspondence with [REDACTED] Mail Room supervisor, and correspondence between [REDACTED] Mail room supervisor to Central Office Publication committee. Exhibit (I) also communication from Central Office Publication Committee (Roni Gean) for failure to send appeal electronically (more time on ORCU Mail Room) Exhibit (L)

Claimant introduce evidence that [IF] the book 48 Laws of Power would meet the denial List could take the book "48 Laws of Power" "BUT" taken Administrative Director Publications does

not meet any of Publications refusal. Exhibit Q (iii) (B-15)(F-G) four pages AD 19-34, Inmate grievance procedures section (H)(1-9) non grievable issues on [Policy] also section (Q).

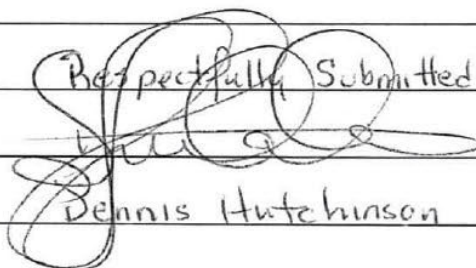
Book 48 Laws of Power does not meet any of the Administrative Directive Remedies and should have not ever been taken or refused claimant. Administrative Directive 20-04 or 2022-22. Exhibit (Q). [FACT] any book to obtain knowledge, training, education or to advance a persons well being to support themselves, has no reason to be denial. in fact any book no matter of size, shape, or color as long as the book is to advance the knowledge should never be denial. Hilter tried to do it. [But] this is not that time, this is a time of knowledge.

Per. Ark. Admin. Code 004.031.864 Publications section IV Policy, and Westlaw § 20.79.203 Definitions Chapter 79. Rehabilitation section 8 (A)

Claimant would seek that Respondent would apply policy into play and hold ADC [REDACTED] fact of violation of Administrative Directive and untimely for employees and inmates, And understand wrong is wrong no matter who violate policy.

Therefore Claimant prays the Arkansas State Claims Commission will hold ADC [REDACTED] to same standards for employees as inmates a grant Claimant amount sought, and if Claims Commission see injustice on ORCU behalf. and add deprivation amount.

Plus instruct ADC [REDACTED] to follow policy (Administrative Directives instead of Personal opinion.

Respectfully Submitted  
  
Dennis Hutchinson

Some Definitions contained  
 EVIDENCE OF KNOWLEDGE  
 " 48 LAWS OF POWER "

Arkansas  
 State Claims Commission  
 JAN 20 2023  
 RECEIVED

- #1 NEVER OUTSHINE THE MASTER
- #2 NEVER PUT TOO MUCH TRUST IN FRIENDS  
 LEARN HOW TO USE ENEMIES
- #3 CONCEAL YOUR INTENTIONS
- #4 ALWAYS SAY LESS THAN NECESSARY
- #5 SO MUCH DEPENDS ON REPUTATION  
 GUARD IT WITH YOUR LIFE
- #6 COURT ATTENTION AT ALL COST
- #9 WIN THROUGH YOUR ACTIONS  
 NEVER THROUGH ARGUMENT
- #10 KNOW WHO YOU'RE DEALING WITH "AND SO ON"

SECTION

INTRODUCTION

IF YOU COME ACROSS ANY SPECIAL TRAIT OF MEANNESS  
 OR STUPIDY --- YOU MUST BE CAREFUL NOT TO LET IT ANNOY  
 OR DISTRESS YOU --- BUT TO LOOK UPON IT MERELY AS  
 AN ADDITION TO YOUR "KNOWLEDGE" --- A NEW FACT TO BE  
 CONSIDERED IN STUDYING THE CHARACTER OF HUMANITY ---  
 YOUR ATTITUDE TOWARDS IT WILL BE THAT OF THE  
 MINERALOGIST WHO STUMBLES UPON A VERY CHARACTER-

Exhibit C

1

ORISTIC SPECIMEN OF A MINERAL

ARTHUR SCHOPENHAUER

MAN WILL ONLY BECOME BETTER WHEN YOU MAKE HIM  
SEE WHAT HE IS LIKE

ARTHUR CHEKHOV

KNOWLEDGE: PAGE 59-60

SPECIALIZED, HAVING APPEARANCE OF PAGE 86

KNOW WHO YOU'RE DEALING WITH - DO NOT OFFEND

THE WRONG PERSON (LAW 19)

PAGE 137-44

JUDGEMENT: WHEN YOU FORCE THE OTHER PERSON TO  
ACT, YOU ARE THE ONE IN CONTROL. IT IS  
ALWAYS BETTER TO MAKE YOUR OPPONENT COME  
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WIN THROUGH YOUR ACTIONS --- NEVER THROUGH  
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SPECIAL THANKS: VERY FIRST THING TO ANN  
BILLER WHO EDIT AND RESEARCH PLAYED A  
CRITICAL ROLE TO SHAPE AND CONTENT

BOOK LIKE THIS DEPENDED GREATLY ON THE RESEARCH  
MATERIAL AVAILABLE AND I AM PARTICULARLY  
GRATEFUL TO THE UCLA RESEARCH LIBRARY

- H. Non-Grievable Issues – the following matters are not grievable:
1. Parole;
  2. Release;
  3. Transfer;
  4. Job Assignments unless in conflict with medical restrictions;
  5. Disciplinary;
  6. Anticipated events (i.e., events or activities which may or may not occur in the future);
  7. Matters beyond the control of the Division of Correction, including issues controlled by State or Federal law or regulation;
  8. Rejection of a Publication
  9. A grievance submitted by an inmate on behalf of another inmate.

Note: Claims of Retaliation, even if related to an issue referenced above, are Grievable.

- I. Available Remedies –if the facts asserted by the inmate would, if true, fall within the definition of Grievance, the matter shall be investigated, unless previously investigated. If the grievance is found to be with merit, the Division official designated to respond to the grievance shall have the authority, within the exercise of his or her discretion and consistent with the Division policies and the safety, security and good order of the facility, to offer actions by the Division designed to resolve the inmate's grievance. However, such available remedies do not include disciplinary action against an employee, contractor, or volunteer, nor monetary damages.
- J. Problem Solver – staff designated at each facility to serve as a contact for resolution of a problem or complaint, and specifically, to resolve Step One issues raised in this process. A list of these individuals will be posted in each housing unit. If the Problem Solver(s) is not available, any staff member of the rank of sergeant or above can collect Step One grievances (also referred to as "informal") and shall then act as the Problem Solver for that Step One grievance.
- K. Medical Department – Health Services Administrator (HSA) or designee.
- L. Mental Health Supervisor – the Division of Correction employee supervising the mental health staff and programs at the unit level.

#### IV. PROCEDURES:

The inmate grievance procedure is an internal administrative process for the resolution of complaints and the identification of potentially problematic management areas; however, it does not replace daily and routine communication between inmates and staff. Prior to filing a formal grievance (Step Two), an

Exhibit A

safety and security of the Department

4. Appeals relating to medical, mental health or treatment program issues are submitted to the Deputy Director for Health and Correctional Programs.

All other grievances will be forwarded to the appropriate Chief Deputy/Deputy/Assistant Director for Institutions.

All Appeals will be answered by the Chief Deputy/Deputy/Assistant Director regardless of whether those individuals are named in the grievance.

5. Receipt of the appeal shall be acknowledged or rejected within five (5) working days unless a response can be provided within five (5) working days to the grievance signed by the Chief Deputy/Deputy/Assistant Director. The response shall be in written or electronic format.
6. The Chief Deputy/Deputy/Assistant Director will respond to the inmate concerning the decision within thirty (30) working days unless there is an extension or the appeal is rejected and the inmate is notified of the reason for rejection on the Acknowledgment of Grievance Appeal/Rejection of Appeal form (see Attachment V). A decision or rejection of an appeal at this level is the end of the grievance process. The response shall be in written format.
7. If a grievance appealed is a duplicate of one previously appealed by the inmate with regard to the staff member named, the date of the incident, and the subject of the grievance, the inmate will be sent an Acknowledgment of Grievance Appeal/Rejection on Attachment V, and it will be noted as "Duplicate of \_\_\_\_\_" and the earlier grievance number will be filled in the blank; the duplicate will be returned to the inmate with the Attachment V.
8. The Grievance Extension Form will be used in cases where a longer period is required for a response or resolution of the problem. The inmate shall be notified by the responding authority, in writing, of the reason for the delay and its expected length on the Grievance Extension Form (see Attachment X). Time limits for responding will be extended automatically upon completion of the Grievance Extension Form (Attachment X), unless the inmate disagrees in writing to the extension. If the inmate does not agree to the extension, the inmate understands and agrees that, with that decision, no further action will be taken on the issue, and the grievance appeal will be returned to the inmate without a decision on its merit. By disagreeing with the extension, the inmate waives his or her right to have the grievance issue considered or exhausted. A second or subsequent

Exhibit B

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[REDACTED]	Cummins	The Illustrated History of Firearms-Second Ed.	B-3	approved; samples provided do not support denial
[REDACTED]	NCU	The Invention of Sound	B-2d	denied
[REDACTED]	Varner	The Official Globalization of the ALKON	B-9	due to B-5 (STTG) denied
[REDACTED]	ORU	The Story of the SS-Hitler's Infamous Legions of Death	B-5	denied
[REDACTED]	Varner	The Wheel of the Year 2021	B-5	approved; samples provided do not support denial
[REDACTED]	Grimes	The Yearbook-Indie Gatekeepers Magazine	B-10	denied
[REDACTED]	Grimes	Trust No Man 2: Cash	B-11	denied
[REDACTED]	Grimes	Trust No Man 3: Like Father Like Son	B-11	denied
[REDACTED]	Grimes	Two Masks One Heart	B-11	denied
[REDACTED]	Grimes	Two Masks One Heart 2	B-11	denied
[REDACTED]	McPherson	Ugly Love	B-11	denied
[REDACTED]	Grimes	Viral Gold Vol. 4	B-10	denied
[REDACTED]	Grimes	Viral Gold Vol. 7	B-10	denied
[REDACTED]	Grimes	Viral Platinum Vol 4	B-10	denied
[REDACTED]	NCU	Wall Periodical Order Form	B-10	denied
[REDACTED]	NCU	Wilderness Survival Guide	B-2d	approved; samples provided do not support denial
[REDACTED]	NCU	Witches' Craft A Multidenominational Wicca Bible	B-10	approved; samples provided do not support denial
[REDACTED]	ORU	Witches' Craft A Multidenominational Wicca Bible	B-10	approved; samples provided do not support denial
[REDACTED]	Varner	Witches' Craft A Multidenominational Wicca Bible	B-5	approved; samples provided do not support denial
[REDACTED]	NCU	Wolf Boys	B-1	approved; samples provided do not support denial
[REDACTED]	ORU	XXL The Unstoppable and Incomparable Cardi B	B-2	denied

Exhibit D

IGTT405  
3GT

Attachment V

**ACKNOWLEDGEMENT OF GRIEVANCE APPEAL  
or REJECTION OF APPEAL**

TO: Inmate Hutchinson, Dennis                      ADC #:                       
FROM: Reed, Marshall (Dale) D                      TITLE: Chief Deputy Director  
RE: Receipt of Grievance                     -22-00685                      DATE: 11/08/2022

Please be advised, the appeal of your grievance dated 10/17/2022  
was received in my office on this date 11/08/2022

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

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

Arkansas  
State Claims Commission  
JAN 20 2023  
RECEIVED

Exhibit E

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center \_\_\_\_\_

Name Hutchinson, D

ADC# \_\_\_\_\_ Brks # Hotel Job Assignment UA (Medical)

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

10/6/22 (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? 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): Approximately 6:30:22 a Book was received into \_\_\_\_\_ Mail Room, I then received a notice the book was sent for review. Week or so, I received a letter from Assst. Warden Bill stating, the book is not within the goals of Rehabilitation. I filed a appeal to ORCU Mail Room. "by instructions." The Mail room sent me two notices that stated I have three days to decide what I was going to do with the books. Reply to mail room was I filed a appeal. Mail room Return with a very hateful reply ( Policy will be followed ) ORCU Mail the book to Main Office, which was returned with note stating "If there is a appeal, it must be filed electronically, and the book was return to ORCU Mail Room, Now it has been months without any reply on my books. The book dose not meet any rules or Regulation and is only knowledge / Training. and all rules and Regulation state " IF is harmful " to the goals of Rehabilitation. NO Education book is harm to anyone who is seeking knowledge. And I am working to be a lawyer and any book that teaches me, is knowledge I need.

[Signature]  
Inmate Signature

10/6/22  
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 10/6/22 (date), and determined to be Step One and/or an Emergency Grievance

\_\_\_\_\_ (Yes or No) This form was forwarded to medical or mental health? \_\_\_\_\_ (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_

Sgt. Kemp  
PRINT STAFF NAME (PROBLEM SOLVER)

96204  
ID Number

[Signature]  
Staff Signature

10-6-22  
Date Received

Describe action taken to resolve complaint, including dates: Per AD 1934 Publications are non grievable. Seek your remedy through Publication review committee

[Signature] 10-6-22  
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 F

Reject - ~~Favorable~~ / Non-grievable Publications RECEIVED

FOR OFFICE USE ONLY	
GRV. #	2-22-00085
Date Received:	10/24/22
GRV. Code #:	306

UNIT LEVEL GRIEVANCE FORM (Attachment 1) OCT 24 2022  
 Unit/Center \_\_\_\_\_  
 Name Hutchinson D  
 Brks # 4661 Job Assignment Unassigned

10.17.22 (Date) STEP ONE: Informal Resolution

10.22.22 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)  
 If the issue was not resolved during Step One, state why: Policy is grievable. And my book does not meet any criteria.

\_\_\_\_\_, (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): A Book was sent to Pine Bluff Publication Committee for review. According to Policy 20-04 my book does not meet any of the criteria layed out in AD. AND I have not gotten any reply from Pine Bluff. and I want my Book, and I am Grievance Policy, not Publication, which is Grievable.

POLICY HAS RESULTED IN A REJECTION OF THE APPEAL AND MARKS THE END OF THE APPEAL PROCESS

RECEIVED  
NOV 08 2022

INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING

[Signature]  
 Inmate Signature

10.17.22  
 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 10/19/22 (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 \_\_\_\_\_

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

Describe action taken to resolve complaint, including dates: Per AD 19-34 publication are Non Grievable Your ad submitted remedy lies in The publication Review Committee and Review process

[Signature] 10-22-22 [Signature]  
 Staff Signature & Date Returned Inmate Signature & Date Received 10.22.22

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.

IGTT400  
3GR

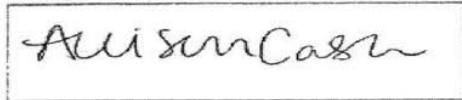
Attachment II

### ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Hutchinson, Dennis  
FROM: Cash, Allison Marie  
DATE: 10/24/2022

ADC #: [REDACTED]  
TITLE: ADC Inmate Grievance Coord  
GRIEVANCE #: [REDACTED] 22-00685

Please be advised, I have received your Grievance dated 10/17/2022 on 10/24/2022 .  
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC Inmate Grievance Coord

FAILURE TO FOLLOW  
POLICY HAS RESULTED IN  
A REJECTION FOR THIS  
APPEAL AND MARKS THE END  
OF THE APPEAL PROCESS

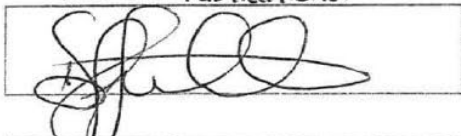
### CHECK ONE OF THE FOLLOWING

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

### INMATE'S APPEAL

If you disagree with a rejection, you may appeal this decision within five working days by filling in the information requested below and mailing it to the appropriate Chief Deputy/Deputy/Assistant Director. If you do not receive communication regarding your grievance by the date listed above, you may move to the next level of the process. To do so, indicate in the Inmate's Appeal Section below that you did not receive a response and mail it to the appropriate Chief Deputy/Deputy/Assistant Director within five working days. Keep in mind that you are appealing the decision to reject the original complaint. Address only the rejection; do not list additional issues, which were not a part of your original grievance as they will not be addressed. Your appeal statement is limited to what you write in the space provided below. As stated

Grievance is against Policy 20-04. For some reason at [REDACTED] understand "Policy" not Publications - Book still does not meet any thing listed on Publications.



Inmate Signature

ADC#: [REDACTED] Date 10.26.22

RECEIVED

NOV 08 2022

INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING

Exhibit  
H

If appealing a rejection, please include both the Unit Level Grievance Form (Attachment I) and the Rejection (Attachment II)

sent 7/26/22

AD 20-04 Publications

4. Giving to a third-party during visitation.

UNIT NAME

To: Dennis Hutchinson

H/31

From: Deputy Warden Office-T.Ball

Publication: 400 Laws of Power

Date: 7-12-22

The Unit Publication Review Committee has denied your publication for the reason(s) listed below:

[List applicable Policy Numbers]

Other (explain) INCONSISTENT WITH REHABILITATIVE GOALS

<u>Don John</u>	<u>7-12-22</u>		
Committee Member/Title	Date	Committee Member/Title	Date
<u>T. Ball</u>	<u>7-12-22</u>	<u>Cole McSwain</u>	<u>7/14/22</u>
Committee Member/Title	Date	Committee Member/Title	Date

This decision is consistent with AR 864/Publications (AD). You will have TEN (10) days upon receipt of this notification to appeal. Send your appeal to the Unit Mailroom and the mailroom will present it to the Central Office Publication Review Committee.

If you choose not to appeal the decision you will have FIFTEEN (15) days to exercise options 2, 3, 4, 5, or 6, (if applicable) before the publication will be destroyed.

1. Appeal
2. Destruction
3. Return the publication to sender at your own expense
4. Mail the publication to a third party at your own expense Address: \_\_\_\_\_
5. Give to 3rd party at Visitation
6. Authorize removal of insert(s) and release any and all claims

\*OPTION: APPEAL

\*Failure to exercise an option will be considered authorization for destruction.

[Signature] 8.6.22  
Inmate Signature Date

Refused to sign

\_\_\_\_\_  
Witness Date

Publication File  
Inmate file  
Warden  
Inmate

Exhibit I

RECEIVED 7.26.22

Inmate Request Form

This form is to be used by inmates to contact staff with requests on issues they may have. This step should be used before completing and Informal Resolution or Grievance. This is the Ouachita River Correction Unit In-House Form.

Name: <u>Hutchinson, D</u>	ADC# <span style="background-color: black; color: black;">[REDACTED]</span>	BKS: <u>Notal</u>	Date: <u>8.6.22</u>
----------------------------	---	-------------------	---------------------

Circle the Department you want your request directed to.

- |                 |                            |                  |                 |
|-----------------|----------------------------|------------------|-----------------|
| Business Office | Visitation / Inmate Phones | Medical          | Property        |
| Records         | Classification             | <u>Mail Room</u> | Law Library     |
| Commissary      | Chaplain                   | Field Office     | Laundry         |
| Mental Health   | Mental Health              | Parole           | Warden's Office |

Deputy Warden's Office


Other: \_\_\_\_\_

Staff Directed to:
--------------------

Give detailed reason for request: PRESENT TO THE CENTRAL OFFICE  
PUBLICATION REVIEW COMMITTEE THE FOLLOW / ATACT  
IS MY APPEAL, PERTAINING 48 LAWS OF POWER.

Have you talked to any staff about your request?  Yes  No

If your answer is "yes", who did you talk with about this request and when? \_\_\_\_\_

Inmate's Signature: 	Date: <u>8.6.22</u>
Staff Responding:	Date:

I have reviewed your request and here is my finding: The publication will be  
sent to central office.

I am referring this request to: Exhibit 4

I am considering this issue:  Resolved  Not Resolved

J. Moore 08/05/22  
 Staff Member's Signature & Date

AUG 6, 2022

## APPEAL ON PUBLICATION

COMMITTY ON DECISION: INCONSISTENT WITH  
REHABILITATION GOALS.

Arkansas  
State Claims Commis

JAN 20 2023

I DENNIS HUTCHINSON DISAGREE WITH THE DECISION  
STATING INCONSISTENT WITH REHABILITATIVE GOALS.

RECEIVED

1. PER POLICY ARK. ADMIN CODE 004.03.1-864  
PUBLICATIONS

NO: IV POLICY: LAST TWO LINES STATE.

QUOTE "IF IT IS HARMFUL TO THE GOAL OF  
REHABILITATION.

BOOK ON 48 LAWS OF POWER ARE LEARNING  
MATERIAL, TO HELP (REHABILITATE) ANY BODY  
"SEEKING KNOWLEDGE."

2. PER POLICY A.C.A. § 20-79-203 DEFINITION  
SECTION (8)(A) REHABILITATION MEANS:  
ANY SERVICE, PROVIDED DIRECTLY OR THROUGH  
PUBLIC OR PRIVATE INSTRUMENTALITIES, FOUNDED  
BY THE DIRECTOR OF ARKANSAS REHABILITATION  
SERVICES TO COMPENSATE AN INDIVIDUAL WITH  
DISABILITY / EMPLOYMENT / VOCATIONAL GUIDANCE  
WITH TRAINING BOOKS AND MATERIALS.

SECTION (10) REHABILITATION TRAINING:

Exhibit K

A - C

~~Central Office  
Publication Review Committee  
Roni Green~~

Arkansas  
State Claims Commission  
JAN 20 2023  
RECEIVED

Returned to [REDACTED] Mailroom Clerk

If an appeal is made, the Unit  
submits appeal electronically  
and with supporting examples  
for reason for denial at unit level.

Roni Green  
870-267-6218

Exhibit L

ALL NECESSARY TRAINING MATERIALS (BUT) NOT LIMITED TO DEVELOPING OCCUPATIONAL AND BUSINESS LICENSES, EQUIPMENT SUPPLIES, TRAINING BOOKS AND MATERIALS.

SECTION (10) CONT: REHABILITATION TRAINING

QUOTE: NOT LIMITED TO PURPOSE OF DEVELOPING OCCUPATIONAL SKILLS AND CAPACITIES.

3. PER POLICY: ADMINISTRATIVE DIRECTIVE

NO: 20-04 SUPERSEDES NO: 17-17  
EFFECTIVE DATE 4.10.2020

POLICY: (1) MAY RECEIVE PUBLICATIONS FROM RENOVATED COMMERCIAL / RELIGIOUS / CHARITABLE OUTLETS. (ANY) "MAY" BE REJECTED IF FOUND TO BE PRESENT DANGER TO SECURITY / DISCIPLINE / GOOD ORDER / INCONSISTENT WITH REHABILITATIVE GOALS.

SECTION (14) PUBLICATION WHICH MEET TWO (2) OF THE FOLLOWING CONDITIONS.

A. BOOKS MEASURE MORE THAN 9" X 11"

B. HARDBACK BOOKS THICKER THAN TWO (2) INCHES

C. SOFTBACK BOOKS THICKER THAN FOUR (4) INCHES

D. ANY BOOK HEAVIER THAN THREE (3) POUNDS

## FACTS

## THE BOOK ON 48 LAWS OF POWER (HAS NONE)

1. NO: DEPICTIONS, DESCRIPTION, INSTRUCTION REGARDING OPERATION OF SECURITY DEVICES, LOCKS, CAMERAS OR ALARMS.
2. NO: STTG MATERIALS, NOT LIMITED TO CODES, SIGNS, SYMBOLS, PHOTOGRAPHS, DRAWINGS, TRAINING MATERIAL OR CATALOGS.
3. NO: DEPICTION, DESCRIPTIONS, INSTRUCTION ON THE USE OF HANDS, FEET, HEAD AS A WEAPON OR OTHER FIGHTING TECHNIQUES
4. NO: DEPICTION, DESCRIPTION, INSTRUCTION ON MANUFACTURE, CULTIVATION, INTRODUCTION OF DRUGS, ALCOHOL, TOBACCO, OR POISONS.
5. NO: INSTRUCTION OR PATTERNS FOR TATTOOS, SKIN MODIFICATION TECHNIQUES OR EQUIPMENT
6. NO: MATERIAL THAT INCITES, ENCOURAGES, ADVOCATES, PROMOTES RACISM OR ANY OTHER ILLEGAL ACT OF DISCRIMINATION OR MAY LIKELY TO DISRUPTIVE, PRODUCE VIOLENCE, CAUSE THREAT TO POPULATION OR STAFF.
7. NO: MATERIAL THAT DEPICTS NUDITY
8. NO: SEXUALLY EXPLICIT MATERIAL - WHETHER

PICTORIAL OR TEXTUAL

9. NO: PUBLICATION CONTAINING INSERT DEEMED  
CONTRABAND

MERRIAM-WEBSTER'S DICTIONARY OF LAW

DEFINES REHABILITATION: TO RESTORE (AS  
A CONVICTED CRIMINAL DEFENDANT) TO A USE-  
FUL AND CONSTRUCTIVE PLACE IN SOCIETY THROU-  
GH THERAPY, JOB TRAINING AND OTHER COUNS-  
ELING

CONCLUSION

DURING MY TIME IN ADC, I HAVE WORKED  
TO BETTER MY SELF IN DIFFERENT TRAINING.  
AND YEARS AGO I DECIDED TO MAKE MY  
KNOWLEDGE AND JOB OPPORTUNITY AND  
STUDY CRIMINAL LAW.

NOW I HAVE CERTIFICATION IN PARALEGAL,  
LEGAL ASSISTANCE, CRIMINAL LAW, CIVIL  
LITIGATION, PRIVATE INVESTIGATOR AND I AM  
NOW ENROLLED IN SHORTER COLLEGE (MAJOR  
IN CRIMINAL LAW.)

NO ONE OR ORGANIZATION (ADC) PUSHED  
ME TO REHABILITATE MYSELF.

NO ONE MADE OR TALKED ME INTO  
STUDYING CRIMINAL LAW. THEREFORE  
ANY AND ALL MATERIALS AND BOOKS  
TO HELP ME LEARN (HOW) TO UNDERSTAND  
PEOPLE AND CRIMES IN MY PROFESSION  
IS DEEM NECESSARY FOR MY PERSONAL  
KNOWLEDGE. AND EDUCATION

A MIND IS A CRIME TO HOLD BACK

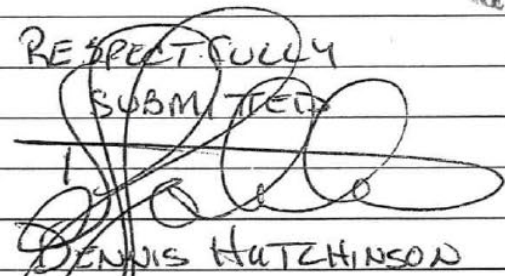

THE BOOK 48 LAWS OF POWER HAS  
NO THREATS TO NO ONE UNLESS  
THAT PERSON (S) WANT TO  
REMAIN STUPID.

Arkansas  
State Claims Commission

JAN 20 2023

RECEIVED

RESPECTFULLY  
SUBMITTED

  
DENNIS HUTCHINSON  
  
HOTEL KACK 31

*[Faint, illegible handwritten notes and markings]*

From [REDACTED] Mail Room  
 No Date  
 Document 1

Inmate: Dennis Hutchinson

Barrack: H

**ATTENTION**

This is a complimentary form that's being sent out, this will not be done again. This is an attempt to help clean up items in mailroom. This form is not in policy you have received the form from policy to make a decision on the books you ordered, there was no response to the first form that was sent, so this is just a courtesy call, but this is not something we have to do.

**MAIL ROOM NOTICE FOR BOOK/BOOKS**

You have books in the mail room you have 3 days to let us know what you want to do with these book or books. The books were rejected by publication committee according to policy. If no response within 3 days, the books will be destroyed according to policy.

Select from of the following options

- Send home (You will need to send inmate check filled out)
- Send home at visitation
- Destroy
- Donate to Chapel
- Send back to company (You will need to send inmate check filled out)

Exhibit M

From [redacted] Room

No Date

Document 2

Inmate:

Dennis Hutchinsow

[redacted]

Barrack:

H

**ATTENTION**

This is a complimentary form that's being sent out, this will not be done again. This is an attempt to help clean up items in mailroom. This form is not in policy you have received the form from policy to make a decision on the books you ordered, there was no response to the first form that was sent, so this is just a courtesy call, but this is not something we have to do.

**MAIL ROOM NOTICE FOR BOOK/BOOKS**

You have books in the mail room you have 3 days to let us know what you want to do with these book or books. The books were rejected by publication committee according to policy. If no response within 3 days, the books will be destroyed according to policy.

**Select from of the following options**

Send home (You will need to send inmate check filled out)

Send home at visitation

Destroy

Donate to Chapel

Send back to company (You will need to send inmate check filled out)

Exhibit 0

Inmate Request Form

This form is to be used by inmates to contact staff with requests on issues they may have. This step should be used before completing and Informal Resolution or Grievance. This is the Ouachita River Correction Unit In-House Form.

Name: <u>Hutchinson, D.</u>	AD: 	BKS: <u>Hotel</u>	Date: <u>8.10.22</u>
-----------------------------	---	-------------------	----------------------

Circle the Department you want your request directed to.

- |                 |                            |                  |                 |
|-----------------|----------------------------|------------------|-----------------|
| Business Office | Visitation / Inmate Phones | Medical          | Property        |
| Records         | Classification             | <u>Mail Room</u> | Law Library     |
| Commissary      | Chaplain                   | Field Office     | Laundry         |
| Mental Health   | Mental Health              | Parole           | Warden's Office |

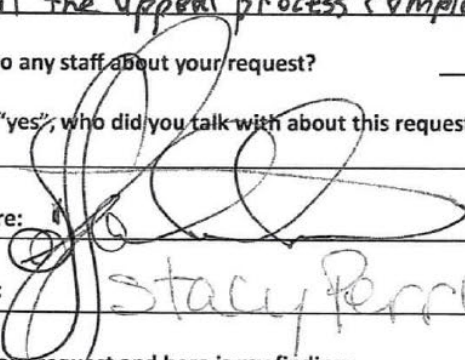
Deputy Warden's Office      Other: \_\_\_\_\_

Staff Directed to: <u>Supervisor</u>
--------------------------------------

Give detailed reason for request: As directed by page 5 of 5, AD 20-64, which I received on 7-26-22 at 8:30pm, I wrote "appeal" in "Options" field and sent # page 5 to the mail room. By Policy, the mailroom will present my appeal to Central Office Pub. Rev. Comm. If they affirm, I intend to appeal to the Warden. You do not have the authority to destroy this book until the appeal process completes and I am given options on the book.

Have you talked to any staff about your request?       Yes       No

if your answer is "yes", who did you talk with about this request and when? \_\_\_\_\_


Inmate's Signature: 	Date: <u>8.10.22</u>
Staff Responding: <u>Stacy Perry</u>	Date: _____

I have reviewed your request and here is my finding:  
We will follow policy with all books.

EXHIBIT 1

I am referring this request to: \_\_\_\_\_

I am considering this issue:       Resolved       Not Resolved

x   
 Staff Member's Signature & Date



**ARKANSAS DEPARTMENT OF CORRECTIONS**  
**Division of Correction – Director's Office**

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

Arkansas  
 State Claims Commission  
 JAN 20 2023  
 RECEIVED

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Publications

**NUMBER:** 2022-22

**SUPERSEDES:** 2020-04

**APPLICABILITY:** Staff and Inmates

**PAGE:** 1 of 4

**REFERENCE:** AR 864 Publications, AD Inmate Correspondence, AD Inmate Property Control, AD Inmate Grievance Procedure

**APPROVED:** Original signed by Dexter Payne      **EFFECTIVE DATE:** 10/12/2022

### I. POLICY:

It is the policy of the Arkansas Division of Correction (ADC) that the inmate population may only receive certain publications, as established by guidance stated herein. Publications may only be received from recognized commercial, religious, or charitable outlets. All publications are subject to inspection and may be rejected when the publication presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals.

### II. DEFINITIONS:

- A. Charitable Outlet. A religious group or an incorporated non-profit organization established to promote literacy or to provide literature for inmates.
- B. Commercial Outlet. A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.
- C. Nudity. A depiction in which genitalia, buttock(s) or female breasts are fully exposed.
- D. Publication. A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text (does not include a personal letter).
- E. Sexually Explicit. A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sado-masochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.

Exhibit Q

1 of 4

F. Security Terrorist Threat Group (STTG). Any group of inmates that the ADC reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose, or activities.

G. Warden. Includes Wardens and Work Release Center Supervisors.

### III. PROCEDURES:

- A. The Warden shall designate staff to review incoming publications.
- B. A publication will be rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting one (1) or more of the following categories may be rejected:
1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;
  2. Material that advocates or assists criminal activity, which is an act or omission prohibited and punished by law, including but not limited to:
    - a. Material advocating, describing, or assisting methods of escape or eluding capture or which contain blueprints, drawings, or depictions of ADC facilities;
    - b. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;
    - c. Material advocating or providing instructions on identity theft; or
    - d. Material that incites, encourages, advocates, or promotes an act of violence such as but not limited to sexual assaults and physical assaults.
  3. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives, or any other weaponry, including realistic pictures of such weapons suitable to aid in the manufacture of such weapons, or facsimiles of such weapons;
  4. Depictions, descriptions, or instructions regarding the operation of security devices such as locks, cameras, or alarms;
  5. STTG materials including, but not limited to codes, signs, symbols, photographs, drawings, training materials, and catalogs;
  6. Depictions, descriptions, or instructions on the use of hands, feet, or the head as weapons, or of other fighting techniques;
  7. Depictions, descriptions, or instructions on the manufacture, cultivation, or introduction of drugs, alcohol, tobacco, or poisons;
  8. Instructions or patterns for tattoos, or other skin modification techniques or equipment;

9. Material that incites, encourages, advocates, or promotes racism or any other illegal act of discrimination, or that is likely to be disruptive, produce violence, or cause a threat to the offender population or staff;
10. Material that depicts nudity; however, material that includes the depiction of nudity as illustrative of and as part of broader medical, educational, anthropological, or artistic content will not be rejected solely on the basis that the material includes nudity;
11. Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals;
12. Posters measuring more than two hundred (200) square inches;
13. Publications containing a product insert which, by itself, would be deemed contraband; and
14. Publications which meet two (2) of the following conditions:
  - a. Books that measure more than 9" x 11".
  - b. Hardback books thicker than two (2) inches.
  - c. Softback books thicker than four (4) inches.
  - d. Any book heavier than three (3) pounds.

The Warden has the authority to waive these conditions on legal, educational, and religious publications.
15. Publications altered from the original state, such as, but not limited to:
  - a. Writing in book;
  - b. Foreign objects found inside book; or
  - c. Stains from liquid.
16. Photobooks are not considered an allowable publication and will not be permitted.
17. Inmates are only allowed five (5) individual photos. This does not include digital photos (refer to AD on Inmate Correspondence).
- C. Publications recommended for rejection will be referred to the Warden for final decision. With respect to any publication, the decisions must be made on the contents of an individual publication, not previous issues of the same publication.
- D. Items within the package cannot be separated; otherwise, the package is rejected in its entirety.
- E. The Warden must approve or reject the publication within thirty (30) days of receipt. If the publication is rejected, the inmate must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The inmate is also notified of appeal procedures and options for disposing of the publication. The inmate must sign that the notice of rejection has been received. Should the inmate refuse to sign, an employee will attest to the fact that the inmate was duly notified.

- F. The decision to reject a publication may be appealed to the Central Office Publication Review Committee. The Committee members are to be assigned by the Director or his/her designee. The appeal must be initiated within ten (10) days of the receipt of written notification of the Warden's decision to reject the publication. Rejection of a Publication is not grievable.
- G. Any rejected publication will be held safe by the Warden or his/her designee until the appeal process has been completed, or until the ten (10) day period for filing an appeal has expired.
- H. Options for disposing of an unacceptable publication are:
1. Destruction;
  2. Return of the publication to the sender at the expense of the inmate unless return postage is guaranteed;
  3. Mailing the publication to a third party at the expense of the inmate; or
  4. Picked up by a person on the inmate's approved visitation list during Visitation.

#### IV. ATTACHMENT

Notice of Rejection of Publication Form

H. Non-Grievable Issues – the following matters are not grievable:

1. Parole;
2. Release;
3. Transfer;
4. Job Assignments unless in conflict with medical restrictions;
5. Disciplinary;
6. Anticipated events (i.e., events or activities which may or may not occur in the future);
7. Matters beyond the control of the Division of Correction, including issues controlled by State or Federal law or regulation;
8. Rejection of a Publication
9. A grievance submitted by an inmate on behalf of another inmate.

Note: Claims of Retaliation, even if related to an issue referenced above, are Grievable.

- I. Available Remedies –if the facts asserted by the inmate would, if true, fall within the definition of Grievance, the matter shall be investigated, unless previously investigated. If the grievance is found to be with merit, the Division official designated to respond to the grievance shall have the authority, within the exercise of his or her discretion and consistent with the Division policies and the safety, security and good order of the facility, to offer actions by the Division designed to resolve the inmate's grievance. However, such available remedies do not include disciplinary action against an employee, contractor, or volunteer, nor monetary damages.
- J. Problem Solver – staff designated at each facility to serve as a contact for resolution of a problem or complaint, and specifically, to resolve Step One issues raised in this process. A list of these individuals will be posted in each housing unit. If the Problem Solver(s) is not available, any staff member of the rank of sergeant or above can collect Step One grievances (also referred to as "informal") and shall then act as the Problem Solver for that Step One grievance.
- K. Medical Department – Health Services Administrator (HSA) or designee.
- L. Mental Health Supervisor – the Division of Correction employee supervising the mental health staff and programs at the unit level.

IV. PROCEDURES:

The inmate grievance procedure is an internal administrative process for the resolution of complaints and the identification of potentially problematic management areas; however, it does not replace daily and routine communication between inmates and staff. Prior to filing a formal grievance (Step Two), an

Exhibit R

**Mika Tucker**

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Tuesday, February 14, 2023 10:09 AM  
**To:** Thomas Burns (DOC)  
**Cc:** Leslie Browning (DOC); ASCC Pleadings; Mika Tucker  
**Subject:** ORDER: Dennis Hutchinson v. ADC, Claim No. 230735  
**Attachments:** Dennis Hutchinson v. ADC .pdf; Dennis Hutchinson-Order.pdf

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

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

**ARKANSAS STATE CLAIMS COMMISSION**

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



KATHRYN IRBY  
DIRECTOR

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

February 14, 2023

Mr. Dennis Hutchinson (ADC [REDACTED])  
[REDACTED]

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

(via email)

Re: *Dennis Hutchinson v. Arkansas Division of Correction*  
Claim No. 230735

Dear Mr. Hutchinson and Mr. Burns:

Enclosed please find an Order entered on February 9, 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

DENNIS HUTCHINSON (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 230735

ARKANSAS DIVISION OF  
CORRECTION

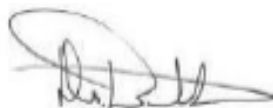
RESPONDENT

**ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the motion filed by Dennis Hutchinson (the “Claimant”) for an extension of time to respond to the motion to dismiss filed by Arkansas Division of Correction (the “Respondent”). Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

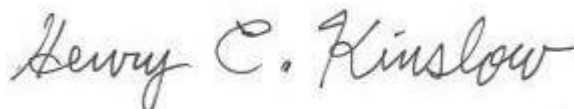
1. Claimant filed his claim on December 1, 2022, seeking 500.00 “+ 30.00 for book” in damages related to Claimant’s allegations that Respondent violated policy by refusing him a book mailed to Claimant by his sister.
2. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6), on January 4, 2023.
3. Claimant filed a motion for extension of time on January 14, 2023, requesting 30 additional days to respond. Claimant filed a similar motion for extension on January 19, 2023.
4. The Claims Commission finds that Claimant’s motion for extension was timely and GRANTS Claimant’s motion. Claimant has 30 days from the date of this order to respond to the motion to dismiss.

IT IS SO ORDERED.




---

ARKANSAS STATE CLAIMS COMMISSION  
Dexter Booth




---

ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow




---

ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair

DATE: February 9, 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).

MAR 24 2023

RECEIVED

Before the Arkansas State Claims Commission

Dennis Hutchinson (ADC 143206)

Claimant

v.

No: 230735

Arkansas Department of Correction

Division of Correction

Respondent

## Motion for Direct Judgment

Claimant Dennis Hutchinson filed a response to Respondent's motion on January 24, 2023.

Respondent has failed to respond in a timely manner, and Respondent has failed to prove Arkansas Department of Correction followed Administrative Directive's nor Administrative Directive 2022-22 Publications.

Respondent Attorney Thomas Burns at best can only waste time, prolonging the truth, that ADC has failed to follow AD's and Policy's

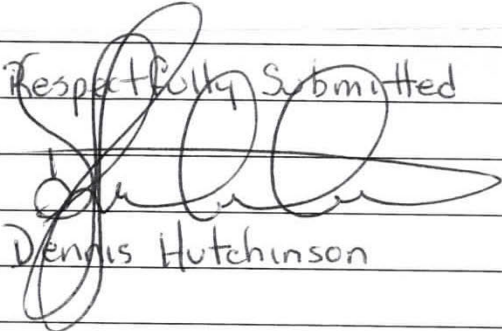
Claimant book "48 Laws of power" violates NO rules or regulations nor publication.

Therefore Claimant request a Direct Judgment of 500.00 Dollars plus 30.00 plus one book "48 Laws of power.

Claimant also request, if Arkansas State Claims

commission sees fit to also award Claimant 100.00 Dollars a day from July 01, 2022 to day case is finished. / complete.

Claimant has been deprived said property (48 Laws of Power) bought by Claimants sister, mail by Amazon to Malvern, Unit for Dennis Hutchinson.

Respectfully Submitted  
  
Dennis Hutchinson

3.17.23

**Mika Tucker**

---

**From:** Thomas Burns (DOC)  
**Sent:** Tuesday, March 28, 2023 9:30 AM  
**To:** ASCC Pleadings  
**Cc:** Leslie Browning (DOC)  
**Subject:** Dennis Hutchinson v ADC 230735  
**Attachments:** 3559\_001.pdf

ADC response to motion

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

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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON (ADC [REDACTED])

CLAIMANT

V.

NO. 230735

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

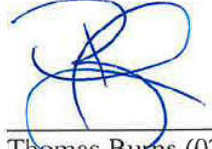
ADC RESPONSE TO MOTION FOR DIRECT JUDGMENT

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein.
2. The inmate has failed to follow a Rule 10(b) *Paragraphs; Separate Statements*. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings.
3. The inmates complaint should be dismissed pursuant to the motion to dismiss filed by the ADC.
4. The Inmate is held to the same standard as an attorney if he elects to proceed Pro Se. He has not informed the ADC of any address change or any change in circumstances. The Inmate continues to abuse the process and his claim should be dismissed with prejudice.

WHEREFORE, Respondent prays that the Motion be denied; that his claim be dismissed with prejudice; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)  
Division of Correction  
Legal Department  
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 28<sup>th</sup> day of March 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson ( [REDACTED] )  
[REDACTED]



Thomas Burns

APR 13 2023

RECEIVED

Before The Arkansas State Claims Commission

Dennis Hutchinson (ADC [REDACTED])

Claimant

v.

NO: 230735

Arkansas Department of Corrections  
Division of Correction

Defendant

Response to Motion to Dismiss

Claimant comes this day to rebuttal respondents Motion to dismiss. Under Arkansas Rules of civil procedures (ARCP) Rule 12(b)(6), failure to state fact upon which relief can be granted.

1. Respondent (if taken) State Claims, Claim form, states relief sought

A Claimants relief sought, 530.00 Dollars, and His Book 48 Laws of Power, bought by claimants sister through Amazon.

2. Defendant states, Pro se litigant are held to same standards as License Attorneys

A. [FACT] Pro se as License Attorneys are held to higher standards in law,

B. Both must seek the truth. (NOT) introduce false evidence and introduce false statements.

3. *Michael Picken's v. ADC claim 190793 (ASCC 2019)*, taken

into fact that Pro se parties and License Attorneys [cannot] introduce Material knowingly not relevant to law suit.

A. Introducing false evidence and false statements, violates West's Arkansas Code Annotated [Rule of Professional Conduct Rule 3.6.] line (12)(22), also violates Rules of Ethics.

B. violation of either Rules of Professional Conduct and Rules of Ethics, proves to society the Break down of Justice system.

4 Respondent introduce claim as a Section of 1983 [claims against prison conditions.

A. Claimants suit is in [FACT] over violations of AD's and regulations, and policy.

5. Any book, new paper, brochures, or bill boards that has knowledge and education to better ones self, without and obscend pictures or words.

A. Is only a good source of knowledge, education.

6. Per Ark. Admin. Code 004.031.864, Publications section IV, Policy, and Westlaw § 20.79.203, Definitions.

A. Chapter 79. Rehabilitation section 8 (A)

7. Claimant would ask the courts to instruct respondent along with ADC to follow AD's, Regulations, and Policy.

A. Laws, Rules, and Policy, as Administrative Directives are to be followed by either staff and inmates

8. Ouachita River Correctional Unit (ORCU) mail room Supervisor Stacy Perry along with Publication committee violate time limits and Unit Policy, Grievance procedures

A. Once Unit Publication Committee made a decision

and paperwork was held from 7.12.22 to 7.26.22 then returned to claimant. (more time lost)

9. Once Claimant received committee decision.

A. Claimant filed a appeal to mail room (as directions on appeal form states.

B. Mail room supervisor duties are to electrotonically to Central Office (Pine Bluff).

C. mail room supervisor mailed (U.S. Mail) to Central Office.

D Central Office returned to ORCU mail Room with a note on paperwork, from Roni Gear, Central Office Publication Review Committee. hand writin, instructing ORCU, Mail Room Stacy Perry (supervisor) on how appeals are to be sent to Central Office. (lost of more time)

C. failure to know Appeal process.

10. Claimant has introduce Exhibits in support of Law suit.

11. Respondent in fact deliverately introduce false statements, and introduce misleading (false) evidence, against Claimant.

12. Respondent states Claimant is seeking 530.00 Dollars and his book 48 Laws of power.

A. Proving respondent [DID] in Fact know claimants Law suit Listed sought seeking.

13. Claimant is also seeking (if courts allow) 100.00 Dollars daily for respondents depriving claimant of said property.

A. Book 48 Laws of power.

B. dated approximately July 01.2022 up to date of given Claimants property.

14. Respondent stated Fifth Third Bancorp v. Duden Soeffler, 573 U.S. 409, 425 (2002), as an important mechanism for weeding out meritless claim. (for failure to state a claim.

A. Proven fact respondent knows and read claimants claims (suit).

15. Citing Michael Pickens v. ADC claim 190793 (ASCC 2019)

A. License Attorneys or Pro se Litigants [cannot] introduce material knowingly not relevant (false) to Law suit.

B. Violations covered in West's Arkansas Code Annotated [Rule of professional conduct rule 3.6. Line (12) (22) as ADC Attorney Thomas Burns did in fact introduce false and misleading materials, and statements.

Therefore Claimant prays the Arkansas State Claims Commission will hold ADC / ORCU to same standards for staff as inmates.

Claimant prays Claims Commission "Grants" claimants 530.00 Dollars and One Book 48 Laws of Power (new) Also 100.00 Dollars a day for every day, depriving claimants use of book.

And instruct ADC / ORCU to read and follow Administrative Directives, Rules and Regulations, along with

Policy's

Respectfully Submitted

*[Handwritten signature]*



In The Arkansas State Claims Commission

Dennis Hutchinson ( [REDACTED]

Arkansas  
State Claims Commission Claimant

APR 27 2023

v.

NO: 230735

RECEIVED

Arkansas Department of Correction  
Division of Correction

Respondent

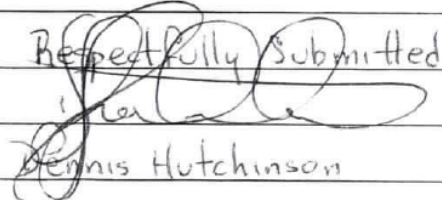
### Summer Judgment

Claimant comes this day requesting the State Claims Commission will Grant a Summerary Judgment against Arkansas Department of Correction for failure to prove the case against Plaintiff.

Claimant has in FACT proven beyond a doubt that ADC has violated their own policy, procedures, and Administrative Directives numerous times.

Claimant prays State Claims Commission will award Claimant One (1) book "48 laws of Power," 530.00 Dollars., Plus 100.00 Dollars a day from July 01, 2022 to date of diliveary to Claimant for depriving Claimant's use of personal property.

Respectfully Submitted

  
Dennis Hutchinson

Apr. 22.2023

**Mika Tucker**

---

**From:** Thomas Burns (DOC)  
**Sent:** Friday, May 5, 2023 11:06 AM  
**To:** ASCC Pleadings  
**Cc:** Leslie Browning (DOC)  
**Subject:** Dennis Hutchinson v ADC 230735  
**Attachments:** 4194\_001.pdf

ADC response to MSJ

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

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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON [REDACTED]

CLAIMANT

V.

NO. 230735

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ADC RESPONSE TO MOTION FOR SUMMARY JUDGMENT

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein.
2. The Inmate has not followed Arkansas Rules of Civil Procedure 5(c), 10(b), or 11(a)(2).
3. Rule 10(b) *Paragraphs; Separate Statements*. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense.
4. Rule 11(a)(2) **requires self-represented person shall sign his or her pleading, motion, or other paper and state his or her address** and telephone number. The inmate on every single pleading he has filed refuses and fails to abide by this rule.
5. Rule 5(c) requires **Every pleading, paper or other document required by this rule to be served upon a party or his attorney, shall contain a statement by the party or attorney filing same that a copy thereof has been served in accordance with this rule, stating therein the date and method of service and, if by mail, the name and address of each person served.** The inmate on every single pleading he has filed refuses and fails to abide by this rule.

6. The entire motion, and in fact all the pleadings of the inmate are offensive and only meant to annoy, harass, and embarrass the ADC. All this is in violation of Rule 11(b)(1) **the pleading, motion, or other paper is not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation**

7. Furthermore the inmate is not the real party in interest. This is required by Rule 17 of the Rules of Civil procedure. He stated in his complaint that "his sister purchased the book"

8. The inmate cannot discharge this claim as his sister is the one who allegedly purchased the book and had any alleged loss.

9. The Claims Commission should dismiss the complaint in its entirety.

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

Respectfully submitted,




Thomas Burns (02006)  
Division of Correction  
Legal Department  
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 5<sup>th</sup> day of May 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson (██████████)



Thomas Burns

**Mika Tucker**

---

**From:** Misty Scott on behalf of ASCC Pleadings  
**Sent:** Thursday, May 18, 2023 4:09 PM  
**To:** Thomas Burns (DOC)  
**Cc:** Leslie Browning (DOC); ASCC Pleadings; Mika Tucker  
**Subject:** ORDER: Dennis Hutchinson v. ADC, Claim No. 230735  
**Attachments:** Dennis Hutchinson v. ADC2 .pdf; Dennis Hutchinson-order2.pdf

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

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

**ARKANSAS STATE CLAIMS COMMISSION**

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



KATHRYN IRBY  
DIRECTOR

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

May 18, 2023

Mr. Dennis Hutchinson (ADC [REDACTED])  
[REDACTED]

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

(via email)

Re: *Dennis Hutchinson v. Arkansas Division of Correction*  
Claim No. 230735

---

Dear Mr. Hutchinson and Mr. Burns:

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

Sincerely,

Mika Tucker

ES: msscott

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 230735

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by the Arkansas Division of Correction (the “Respondent”) to dismiss the claim of Dennis Hutchinson (the “Claimant”). Claimant’s “Motion for Direct Judgment” and motion for summary judgment are also pending. 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 December 1, 2022, seeking \$530.00 in damages related to his allegation that Respondent violated policy in rejecting a book his sister bought him.
2. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6), arguing, *inter alia*, that Claimant has not been damaged.
3. Claimant responded to the motion to dismiss.
4. Claimant then filed a “Motion for Direct Judgment[,]” arguing that Claimant “filed a response to Respondent’s motion on January 24, 2023[, and] Respondent has failed to respond in a timely manner.”
5. Respondent responded to Claimant’s motion, arguing that it should be denied.
6. Claimant then filed a second response to Respondent’s motion to dismiss.
7. Claimant filed a motion for summary judgment, arguing that he has “proven beyond a doubt that [Respondent] violated their own policy, procedures, and Administrative Directives numerous times.”

8. Respondent responded to Claimant's motion for summary judgment, arguing, *inter alia*, that Claimant has not followed the Arkansas Rules of Civil Procedure because he failed to sign his pleading, state his address and include a certificate of service.

9. In reviewing Respondent's 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 (2011). 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)).

10. The Claims Commission elects to exclude the evidence attached to Respondent's motion for purposes of considering this motion to dismiss. *See Ark. R. Civ. P. 12(b)*. This exclusion relates only to this motion to dismiss. Respondent is free to use these documents as permitted by all applicable rules of practice and procedure and to file a motion for summary judgment once discovery is completed.

11. The Claims Commission finds that dismissal of Claimant's claim is premature.

12. Respondent's motion to dismiss is DENIED.

13. With respect to Claimant's motion for direct judgment, the Claims Commission finds that Respondent has not failed to timely respond to any pleading requiring response. As such, Claimant's motion is DENIED.

14. With respect to Claimant's motion for summary judgment, the Claims Commission notes that, pursuant to Ark. R. Civ. P. 56(c)(2), summary judgment is appropriate when there are no genuine issues as to any material fact, and the moving party is entitled to judgment as a matter

of law. See *Hisaw v. State Farm Mutual Auto Insurance Co.*, 353 Ark. 668, 122 S.W.3d 1 (2003).

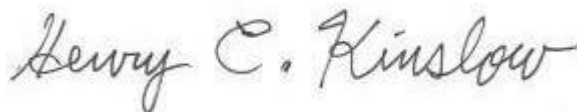
Summary judgment motions are subject to a shifting burden, in that once the moving party has made a *prima facie* showing of entitlement to summary judgment, “the burden then shifts to the nonmoving party to show that material questions of fact remain.” *Flentje v. First National Bank of Wynne*, 340 Ark. 563, 569, 11 S.W.3d 531, 536 (2000). Summary judgment is useful “when there is no real issue of fact to be decided.” *Hughes Western World, Inc. v. Westmoore Manufacturing Co.*, 269 Ark. 300, 301, 601 S.W.2d 826, 826 (1980).

15. The Claims Commission finds that there are genuine issues of material fact in this matter at this time. As such, Claimant’s motion for summary judgment is DENIED.

16. The Claims Commission cautions Claimant that any subsequent pleading must contain a certificate of service and must be served as set forth in that certificate. Failure to comply with this requirement may result in the Claims Commission striking the pleading. The Claims Commission also cautions Claimant that his pleadings should comply with Rules 10 and 11 of the Arkansas Rules of Civil Procedure.

17. The Claims Commission instructs the parties to conduct discovery.

IT IS SO ORDERED.




---

ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow




---

ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair




---

ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: May 18, 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).

**Mika Tucker**

---

**From:** Leslie Browning (DOC)  
**Sent:** Tuesday, May 23, 2023 3:43 PM  
**To:** ASCC Pleadings  
**Cc:** Thomas Burns (DOC)  
**Subject:** Dennis Hutchinson 230735  
**Attachments:** RFA to Inmate.pdf

RFA to Claimant

*Leslie Browning*

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

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON ( [REDACTED] ) CLAIMANT

v CLAIM NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION RESPONDENTREQUESTS FOR ADMISSIONS

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Dennis Hutchinson, 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 related to this matter Claim 230735.

REQUEST FOR ADMISSION NO. 2: Admit that ADC acted pursuant to policy.

REQUEST FOR ADMISSION NO. 3: Admit that this claim should be dismissed with prejudice.


REQUEST FOR ADMISSION NO. 4: Admit that the publication in question was not forwarded to the Central Office Publication Review Committee by the unit mailroom.

REQUEST FOR ADMISSION NO. 5: Admit that your complaint did not include any information regarding the publication in question aside from the title.

REQUEST FOR ADMISSION NO. 6: Admit that staff followed appropriate policy and procedure with regard to the publication in question.


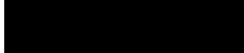
Filed 23rd day of May 2023.

Respectfully submitted,

  
\_\_\_\_\_  
Thomas Burns (02006)  
Department 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 this pleading has been served this 23rd day of May 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson (  )  




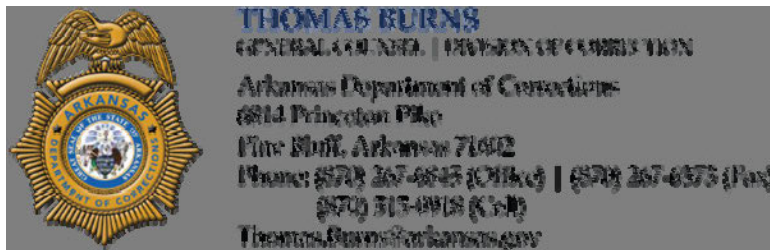
\_\_\_\_\_  
Thomas Burns

**Mika Tucker**

---

**From:** Thomas Burns (DOC)  
**Sent:** Wednesday, June 14, 2023 10:24 AM  
**To:** ASCC Pleadings  
**Cc:** Leslie Browning (DOC)  
**Subject:** Dennis Hutchinson v ADC 230735  
**Attachments:** 4710\_001.pdf

Safe Harbor Letter to Inmate



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.



SARAH HUCKABEE SANDERS  
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

LEGAL DIVISION

6814 Princeton Pike  
Pine Bluff, AR 71602



JOE PROFIRI  
SECRETARY

June 14, 2023

Dennis Hutchinson [REDACTED]  
[REDACTED]

Re: Dennis Hutchinson v ADC  
Claim Number 230735

Dear Mr. Hutchinson:

I am in receipt of your discovery responses to Request for Admissions, Interrogatories and Production of Documents. These are not correctly formatted, nor correctly stated, in accordance with Rules 26, 33, 36, and 37 of the Arkansas Rules of Civil Procedure. Arkansas law makes it clear that Pro Se parties are held to the same standards as attorney and are presumed to know the law. I am pointing you to the correct rules so that you may correct deficiencies and be in compliance with the rules of Civil Procedure.

Currently, we are seeking these corrections without the intervention of the Claims Commission. We will hold off for twenty-one (21) days to allow you to have time to correct these deficiencies. Should you fail to correct the responses we will be forced to file a motion to compel, or sanctions as allowed by the Rules.

Very truly yours,

Thomas Burns  
Legal Department  
Arkansas Division of Correction

TB/

cc: File  
ASCC

JUL 03 2023

Before The Arkansas State Claims Commission

RECEIVED

Dennis Hutchinson

Claimant

v.

CASE NO: 230735

Arkansas Department of Corrections

Division of Corrections

Thomas Burns (Attorney) (02066)

Ouachita River Mail Room Stacy Perry

Ouachita River Publication Committee

Dan Flora Chaplain

Cole McValley Lieutenant

T. Ball Deputy Warden

Defendant(s)

## DISCOVERY

Claimant comes this day to answer state claims Discovery

## FACTS


1. Allegation about a book 48 Laws of Power.

A. Deborah Robertson bought said book (as a gift) from Amazon, said book was for her brother Dennis Hutchinson (claimant) at Ouachita River Correctional Unit.

Gift: something voluntarily transferred  
by one person to another person without

6-5-2023

To whom it may CONCERN:

THE BOOK 48 LAWS OF POWER  
WAS A GIFT TO DENNIS HUTCHINSON - 

PURCHASED ON: JUNE 26, 2022  
FROM AMAZON

PRICE: \$13.76

Deborah Robertson

Exhibit  
A

- F. Security Terrorist Threat Group (STTG). Any group of inmates that the ADC reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose, or activities.
- G. Warden. Includes Wardens and Work Release Center Supervisors.

### • III. PROCEDURES:

- A. The Warden shall designate staff to review incoming publications.
- B. A publication will be rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting one (1) or more of the following categories may be rejected:
  - 1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;
  - 2. Material that advocates or assists criminal activity, which is an act or omission prohibited and punished by law, including but not limited to:
    - a. Material advocating, describing, or assisting methods of escape or eluding capture or which contain blueprints, drawings, or depictions of ADC facilities;
    - b. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;
    - c. Material advocating or providing instructions on identity theft; or
    - d. Material that incites, encourages, advocates, or promotes an act of violence such as but not limited to sexual assaults and physical assaults.
  - 3. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives, or any other weaponry, including realistic pictures of such weapons suitable to aid in the manufacture of such weapons, or facsimiles of such weapons;
  - 4. Depictions, descriptions, or instructions regarding the operation of security devices such as locks, cameras, or alarms;
  - 5. STTG materials including, but not limited to codes, signs, symbols, photographs, drawings, training materials, and catalogs;
  - 6. Depictions, descriptions, or instructions on the use of hands, feet, or the head as weapons, or of other fighting techniques;
  - 7. Depictions, descriptions, or instructions on the manufacture, cultivation, or introduction of drugs, alcohol, tobacco, or poisons;
  - 8. Instructions or patterns for tattoos, or other skin modification techniques or equipment;

Exhibit  
B

- 9. Material that incites, encourages, advocates, or promotes racism or any other illegal act of discrimination, or that is likely to be disruptive, produce violence, or cause a threat to the offender population or staff;
- 10. Material that depicts nudity; however, material that includes the depiction of nudity as illustrative of and as part of broader medical, educational, anthropological, or artistic content will not be rejected solely on the basis that the material includes nudity;
- 11. Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals;
- 12. Posters measuring more than two hundred (200) square inches;
- 13. Publications containing a product insert which, by itself, would be deemed contraband; and
- 14. Publications which meet two (2) of the following conditions:
  - a. Books that measure more than 9" x 11".
  - b. Hardback books thicker than two (2) inches.
  - c. Softback books thicker than four (4) inches.
  - d. Any book heavier than three (3) pounds.

The Warden has the authority to waive these conditions on legal, educational, and religious publications.
- 15. Publications altered from the original state, such as, but not limited to:
  - a. Writing in book;
  - b. Foreign objects found inside book; or
  - c. Stains from liquid.
- 16. Photobooks are not considered an allowable publication and will not be permitted.
- 17. Inmates are only allowed five (5) individual photos. This does not include digital photos (refer to AD on Inmate Correspondence).
- C. Publications recommended for rejection will be referred to the Warden for final decision. With respect to any publication, the decisions must be made on the contents of an individual publication, not previous issues of the same publication.
- D. Items within the package cannot be separated; otherwise, the package is rejected in its entirety.
- E. The Warden must approve or reject the publication within thirty (30) days of receipt. If the publication is rejected, the inmate must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The inmate is also notified of appeal procedures and options for disposing of the publication. The inmate must sign that the notice of rejection has been received. Should the inmate refuse to sign, an employee will attest to the fact that the inmate was duly notified.

Exhibit  
B2

sent

7/20/22

AD 20-04 Publications

4. Giving to a [redacted]

UNIT NAME

To: Dennis Hutchinson [redacted]

H/31

From: Deputy Warden Office-T.Ball

Publication: 48 Laws of Power

Date: 7-12-22

The Unit Publication Review Committee has denied your publication for the reason(s) listed below:

[List applicable Policy Numbers]

Other (explain) INCONSISTENT WITH REHABILITATIVE GOALS

<u>Don Jhr</u>	<u>7-12-22</u>	_____	_____
Committee Member/Title	Date	Committee Member/Title	Date
<u>J. Ball</u>	<u>7-12-22</u>	<u>Cole McAnally</u>	<u>7/14/22</u>
Committee Member/Title	Date	Committee Member/Title	Date

This decision is consistent with AR 864/Publications (AD). You will have TEN (10) days upon receipt of this notification to appeal. Send your appeal to the Unit Mailroom and the mailroom will present it to the Central Office Publication Review Committee.

If you choose not to appeal the decision you will have FIFTEEN (15) days to exercise options 2, 3, 4, 5, or 6, (if applicable) before the publication will be destroyed.

1. Appeal
2. Destruction
3. Return the publication to sender at your own expense
4. Mail the publication to a third party at your own expense Address: \_\_\_\_\_
5. Give to 3rd party at Visitation
6. Authorize removal of insert(s) and release any and all claims

\*OPTION: Appeal

\*Failure to exercise an option will be considered authorization for destruction.

[Signature] 8.6.22  
Inmate Signature Date

Refused to sign

\_\_\_\_\_  
Witness Date

Publication File  
Inmate file  
Warden  
Inmate

Exhibit C

Received 7/26/22

compensation

see Exhibit A

2. Ouachita River Mail Room Stacy Perry confiscated claimants book "48 Laws of Power", on July 12, 2022.

A. Book 48 Laws of Power did not meet any restriction stated in Administrative Directive 2022-22 Publication

3. Mail Room Stacy Perry applying a policy (not in any Administrative Directives) see Exhibit B, B2.

A. Stacy Perry (mail room) depriving claimant of his property. see Exhibit C

4. Ouachita River Publication Committee.

A. On July 12, 2022 Mail Room sent Claimants book to Publication Committee, that consist of Dan flora (chaplan) Cole McNalley (Lietenant), T. Ball (Deputy Waeden).

B. Committee viewed book for Two (2) days.

C. Deputy Warden T. Ball held on to claimants book for seventeen (17) more days, until T. Ball's Transferred to different Unit. Aug 7, 2022.

see Exhibit C

5. Claimant filed appeal.

A. On Aug 8, 2022 Claimant filed appeal Per AR 864 Publications, with Ouachita River Mail Room.

6. Appeal to Central Office Publications Review Committee.

A. Ouachita River Mail Room mailed claimants book and appeal to Central Office (only) to have Claimants Appeal Returned, with letter from Central Office Roni Gean instructing how to send appeal to

JUL 03 2023

RECEIVED

~~Central Office  
Publication Review Committee  
Roni Grean~~

Returned to [REDACTED] Mailroom Clerk

If an appeal is made, the Unit  
submits appeal electronically  
and with supporting examples  
for reason for denial at unit level.

Roni Grean  
870-267-6218

Exhibit D

central Office. Roni Gean Phone number, 870.267.6218.  
see Exhibit D

### 7. UP date on Appeal.

B to dated claimant has not received any kind of Reply from Central Office Publication Review Committee.

## DISCOVERY

### 1. Rehabilitation goals.

A. Claimant has purchased Training books, Training Courses, and Reads only things to Learn from.

Publication Committee.

A. [IF] Publication Committee would follow Administrative Directive 2022-22 Publication Item III Procedures (B) (1 through 15), verses following Fraudulant Rules.

B. Claimants book 48 Laws of Power would have never gone to Central Office Publications Review Committee.

C. Nor would Claimant have had to file Law suit with Arkansas State Claims Commission.

3 Arkansas Department of Correction only offers (as a must) GED classes.

A. ADC does not offer any education or Rehabilitation classes or courses.

4. [REDACTED] Publication Committee has alleged Claimants book "48 Laws of Power" [is] inconsistent with goals of Rehabilitation.

A Any book that [is] knowledge and contains education [is] Rehabilitive.

B. A person willing to seek education and knowledge to better them selfs, [is] on the Road to Rehabilitation.

5. [REDACTED] Publication Committee as Mail Room employees.

A. Claimant has speculation's Ouachita River does not want any person (inmates) to obtain a higher education.

B. to better themselfs.

C. to obtain a much higher employment.

6. People in ADC (inmates)

A. There are lots of people in ADC that can not Read, write, or even spell their own name.

B. ADC does not help those people eather.

7. Other states have education programs to assist people Leaving prison.

A. ADC does not.

There fore Attorney Thomas Buens keeps allegating, Claimant is not following Rules 10, 11, 26, 33, 36, 37 of Arkansas Rules of Civil Proceedores.

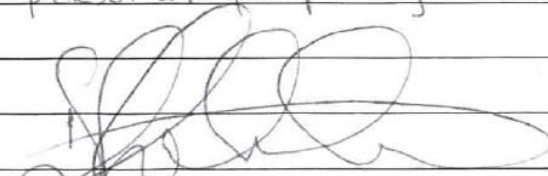
Claimant has failed in regards to Rule 10. "But"  
Always signs all papers

Claimant also has never introduce any fraudulent  
evidence, nor made false statements.

Westlaw § 5.53.102 Perjury (A)(1) makes a false  
material statement under oath required or authorized by law.  
Ark. Stats. §§ 41.3001, 41.3002. Williams v State, 1976, 259 Ark. 667,  
535 S.W. 2d 842.

Claimant intentions has never been to sue anybody.  
Claimants intention are to have ADC and all responsible  
parties [to] follow Administrative Directives and to  
stop making fraudulent statements and introducing  
fraudulent evidence, (knowing the evidence and  
statements were completely fraudulent)

Claimant prays Arkansas State Claims Commission  
will GRANT claimant 530,000 Dollars and one book  
48 Laws of Power, Plus [IF] State Claims Commission  
see fit to award claimant 100,000 Dollars a day  
from June 26, 2022 to date of deliverary, due to  
depriving claimant of his personal property.

  
Dennis Hutchinson  
ADC [REDACTED]



CERTIFICATE of SERVICE

I certify with my signature that a copy of the foregoing Discovery was served on June 28, 2023 by placing it in the ORCU Legal Mail system, postage pre-paid, addressed to: Arkansas Department of Correction  
Division of Correction  
Attorney Thomas Burn (02006)  
6814 Princeton Pike  
Pine Bluff, Ark. 71604  
on this day 28, June, 2023

  
By Dennis Hutchinson




DH/  
cc:  
ASCC


**CERTIFICATE OF SERVICE**

I certify with my signature that a copy of the foregoing Discovery  
was served on June 1 28 / 2023, by placing it in the ORCU Legal Mail system, postage  
pre-paid, addressed to:


Arkansas Department of Corrections  
Division of Corrections Attorney Thomas Burns. (02006)  
6814 Princeton Pike  
Pine Bluff, Ark 71604

on this 28 day of June, 2023

  
\_\_\_\_\_  
(SIGNATURE)

By: Hutchinson, Dennis   
(PRINT NAME) (ADC#)



Verification-Sending Officer Information	
Print Name:	<u>Coan, George</u>
Signature:	
Rank:	<u>Sgt</u> Date: <u>6/30/23</u>

DH/  
cc:  
ASCC

**Mika Tucker**

---

**From:** Leslie Browning (DOC)  
**Sent:** Friday, July 7, 2023 10:32 AM  
**To:** ASCC Pleadings  
**Cc:** Thomas Burns (DOC)  
**Subject:** Dennis Hutchinson 230735  
**Attachments:** MTDA.pdf; ADC Resp to RFA.pdf

MTDA and Resp RFA



## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON



CLAIMANT

v.

NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION 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 May 23, 2023, Respondent caused to be served via US Mail on Claimant a set of Requests for Admissions. *See attached Ex. A*
2. As such the Claimant responses to the Requests became due on June 26, 2023.
3. The Claimant answers do not comport to the responses as prescribed by Rule 36(a). The inmate has failed and refused to respond.
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. *Chiodini* is very clear that the inmates response do not comport to the rule.

**The Supreme Court has said in that ruling, only the six responses above are permissible.**

6. 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].

The Rule says the responses **SHALL** repeat each request. The true meaning of **SHALL** is that it must happen. Since that has not happened and the Rule and the ruling in *Chodini* was not followed the matter is deemed admitted.

7. Responses to requests for admissions: the inmate states yes, no, or makes no response at all, these are improper. They do not constitute a denial, and in fact amounted to admissions of the truth of the statements contained in the requests. *Young v Dodson* 239 Ark 143 (1965).

8. 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).*

9. 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.

10. The Claimant has not followed the Rules or Supreme Court ruling 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)  
Legal Department  
6814 Princeton Pike  
Pine Bluff Arkansas 71602  
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 7<sup>th</sup> day of July, 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson [REDACTED]  
[REDACTED]



---

Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON ( [REDACTED] ) CLAIMANT

v CLAIM NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION RESPONDENT

REQUESTS FOR ADMISSIONS

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Dennis Hutchinson, 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 related to this matter Claim 230735.

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REQUEST FOR ADMISSION NO. 5: Admit that your complaint did not include any information regarding the publication in question aside from the title.

REQUEST FOR ADMISSION NO. 6: Admit that staff followed appropriate policy and procedure with regard to the publication in question.

ExA

Filed 23rd day of May 2023.

Respectfully submitted,

  
Thomas Burns (02006)  
Department 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 this pleading has been served this 23rd day of May 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson   




Thomas Burns

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON (ADC [REDACTED])

CLAIMANT

v

NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSE TO REQUESTS FOR ADMISSIONS

Comes now, the Plaintiff, Arkansas Department of Correction, (ADC), by and through their attorney, Thomas Burns, and for their Response to Requests for Admissions of Dennis Hutchinson, in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Admit [REDACTED] (ADC) Publication Committee failed to follow Administrative Directive No: 19-34 in a timely manner.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 2: Admit [REDACTED] (DC) failed to follow Administrative Directive "Publications".

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 3: Admit Book 48 laws of Power does not fall under (ANY) requirement to be denial. Section 111 procedures (B)(1)(2)(A)(b)(c)(d)(3)(4)(5)(6)(7)(8)(9)(10)(11)(12)(13)(14)(15).

RESPONSE: Without being more specific the ADC cannot respond to this request, therefore deny.

REQUEST FOR ADMISSION NO. 4: Admit attorney for (ADC) Thomas Burns (02006) introduce fraudulent material/evidence.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 5: Admit [redacted] mail room failed to follow procedures, seeing Claimant's appeal to Central Office Publication Review Committee, cost of time.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 6: Admit any gift given to someone else said item becomes the other (receivers) person personal property.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 6: Admit Claimant claims carries proof and merit.

RESPONSE: Admit

Filed July 7, 2023.

Respectfully submitted,

Thomas Burns (02006)  
Department 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 7<sup>th</sup> day of July, 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson [redacted]  
[redacted]

Thomas Burns

**From:** [Leslie Browning \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Thomas Burns \(DOC\)](#)  
**Subject:** Dennis Hutchinson 230735  
**Date:** Monday, July 10, 2023 2:45:39 PM  
**Attachments:** [image001.png](#)  
[Amended MTDA.pdf](#)

---

Amended MTDA



## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON ( [REDACTED] )

CLAIMANT

v.

NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

AMENDED 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 Amended Motion, states:

1. On May 23, 2023, Respondent caused to be served via US Mail on Claimant a set of Requests for Admissions. *See attached Ex. A*
2. As such the Claimant responses to the Requests became due on June 26, 2023. Claimant responded on or about May 30, 2023.
3. The Claimant answers do not comport to the responses as prescribed by Rule 36(a). *See attached Ex. B.*
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. *Chiodini* is very clear that the inmates response do not comport to the rule.

**The Supreme Court has said in that ruling, only the six responses above are permissible.**

6. 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].

The Rule says the responses **SHALL** repeat each request. The true meaning of **SHALL** is that it must happen. Since that has not happened and the Rule and the ruling in *Chodini* was not followed the matter is deemed admitted.

7. Responses to requests for admissions: the inmate states yes, no, or makes no response at all, these are improper. They do not constitute a denial, and in fact amounted to admissions of the truth of the statements contained in the requests. *Young v Dodson 239 Ark 143 (1965)*. Respondent sent Claimant a Safe Harbor Letter on or about June 14, 2023. *See attached Ex. C*. Inmate failed and refused to respond to the Safe Harbor Letter and provided correct responses.

8. 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).*

9. 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.

10. The Claimant has not followed the Rules or Supreme Court ruling 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)  
Legal Department  
6814 Princeton Pike  
Pine Bluff Arkansas 71602  
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 7<sup>th</sup> day of July, 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson ([REDACTED])  
[REDACTED]

---

Thomas Burns

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON ( [REDACTED] ) CLAIMANT

v CLAIM NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION RESPONDENT

REQUESTS FOR ADMISSIONS

Comes now, the Plaintiff, Arkansas Department of Corrections, (ADC), by and through their attorney, Thomas Burns, and for their First Set of Requests for Admissions to Dennis Hutchinson, 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 related to this matter Claim 230735.

REQUEST FOR ADMISSION NO. 2: Admit that ADC acted pursuant to policy.

REQUEST FOR ADMISSION NO. 3: Admit that this claim should be dismissed with prejudice.

REQUEST FOR ADMISSION NO. 4: Admit that the publication in question was not forwarded to the Central Office Publication Review Committee by the unit mailroom.

REQUEST FOR ADMISSION NO. 5: Admit that your complaint did not include any information regarding the publication in question aside from the title.

REQUEST FOR ADMISSION NO. 6: Admit that staff followed appropriate policy and procedure with regard to the publication in question.

Ex. A

Filed 23rd day of May 2023.

Respectfully submitted,



Thomas Burns (02006)  
Department 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 this pleading has been served this 23rd day of May 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson [REDACTED]  
[REDACTED]



Thomas Burns

Before The Arkansas STATE Claims Commission

Dennis Hutchinson [REDACTED]

Claimant  
RECEIVED  
2802  
JUN 07 2023

✓

Claim NO: 205735

Arkansas Department of Corrections  
Division of Correction

ATTORNEY  
ARKANSAS  
DIVISION OF CORRECTION

Respondent

### Answers to Request

Claimant Dennis Hutchinson comes this day to answer Arkansas Department of Correction (ADC) attorney Thomas Burns for Division of Correction.

Answer NO: 1 damage related to use of book 48 laws of Power to obtain knowledge and higher education. (YES)

Answer NO: 2 ADC acted to policy. (NO)

Answer NO: 3 Claimants Claim should go forward and carried on it's merits.

Answer NO: 4 publication [IN FACT] sent to Central Office Publication Review Committee [TWO] times by [REDACTED] Mail Room, due to failure to follow policy / procedures.

Answer NO: 5 (YES) claimants claim did include some information contained in book 48 laws of Power.

Ex B

Answer NO8 6. [REDACTED] Mail Room failed to follow policy and procedures, Publication Committee failed to follow Administrative Directive "Publication" NO8 19-34 and Administrative Directive NO8 2022-22

Filed 30th day of May 2023

Respectfully submitted  
[Signature]  
Dennis Hutchinson [REDACTED]

CERTIFICATION OF SERVICE

I certify that a copy of this Answers has been served this day 30th of May 2023, on the Respondent by placing a copy of the same in the U.S. Mail, regular postage to:

Thomas Burns (02006)  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, Ark 71603



SARAH HUCKABEE SANDERS  
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

LEGAL DIVISION

6814 Princeton Pike  
Pine Bluff, AR 71602



JOE PROFIRI  
SECRETARY

June 14, 2023

Dennis Hutchinson [REDACTED]  
[REDACTED]

Re: Dennis Hutchinson v ADC  
Claim Number 230735

Dear Mr. Hutchinson:

I am in receipt of your discovery responses to Request for Admissions, Interrogatories and Production of Documents. These are not correctly formatted, nor correctly stated, in accordance with Rules 26, 33, 36, and 37 of the Arkansas Rules of Civil Procedure. Arkansas law makes it clear that Pro Se parties are held to the same standards as attorney and are presumed to know the law. I am pointing you to the correct rules so that you may correct deficiencies and be in compliance with the rules of Civil Procedure.

Currently, we are seeking these corrections without the intervention of the Claims Commission. We will hold off for twenty-one (21) days to allow you to have time to correct these deficiencies. Should you fail to correct the responses we will be forced to file a motion to compel, or sanctions as allowed by the Rules.

~~Very truly yours,~~

Thomas Burns  
Legal Department  
Arkansas Division of Correction

TB/  
cc: File  
ASCC

Exc



JUL 17 2023

Before The ARKANSAS State Claims Commission RECEIVED

Dennis Hutchinson [REDACTED] Claimant

v. NO: 230735

Arkansas Department of Correction  
Division of Correction Respondent

Answer to Respondents  
Request for Admissions

Comes now the Claimant, Dennis Hutchinson 143206 to Answer Admission by Arkansas Rules of civil Procedure, states:

REQUEST for Admission NO.1: Admit that you do not have any damages related to this matter Claim 200735

Response: Deny

REQUEST for Admission NO.2: Admit that ADC acted pursuant to Policy

Response: Deny

REQUEST for Admission NO.3: Admit that this claim should be dismissed with prejudice.

Response: Deny

REQUEST FOR Admission NO.4: Admit that the publication in question was not forward to the Central Office Publication Review Committee by the unit mail-room.

Response: Deny

REQUEST FOR ADMISSION NO. 5: Admit that your complaint did not include any information regarding the publication in question aside from the title.

Response: Deny

REQUEST FOR ADMISSION NO. 6: Admit that staff followed appropriate policy and procedure with regard to the publication in question.

Response: Deny


Respectfully Submitted

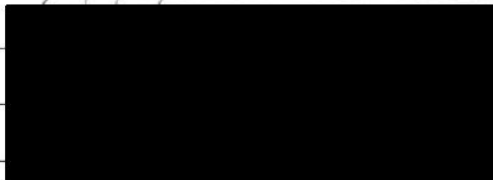
*[Handwritten Signature]*  
Dennis Hutchinson



Certificate of Service

I certify that a copy of this pleading has been served this June 28, 2023 by placing it in the ORCU Legal Mail system, postage pre-paid, addressed to:  
Arkansas Department of Correction  
Division of Correction  
Attorney Thomas Buzn (03006)  
6514 Princeton Pike  
Pine Bluff, Ark 71602

  
Dennis Hutchinson



DH/

cc: file

ASCC

JUL 21 2023

Before The Arkansas State Claims Commission

RECEIVED

Dennis Hutchinson ( [REDACTED] ) Claimant

V. NO: 230735

Arkansas Department of Corrections Respondent  
Division of CorrectionMotion to DEEM Request for Admissions  
By Claimant Response

Comes this day Claimant, Dennis Hutchinson (143206) to Admended Motion Claimant. 30th May 2023 claimant Responded to Respondent Request for Admission.

1. Claimant address Request for Admission to Respond. by placing Response in [REDACTED] Mail Room.

2. Once Claimant places Response with security, and being place in [REDACTED] Mail Room, Claimant has no control on mail [REDACTED]

3. Respondent quoted Rule 36(A). Respondent allowed Claimant to Respond to Admissions again by

4. Claimant [INFACT] Responded.

5. IN FACT Claimant had to make copies of Admission, and place in [REDACTED] Mail room by of security again. on 13th day of July 2023.

6. Respondent consistently floods Claimant and State Claims Commission with Request, Motions, allegation.

7. Claimant Request Respondent to answer all Thomas Buens (02006) question and Motions.

8. All Facts, evidence, policy, and AD's mailed to Thomas Buens and State Claims Commission. [PROVES].

[REDACTED] failed to follow policy.

b. Delayed in Response to Claimant

c. By policy, had no authority to confiscate claimants book "48 Laws of Power"

[REDACTED] failed to [REDACTED] appeal to Central Office Publication Review Committee in a correct manner.

e. Central Office: Publication Review Committee, UP To Date failed to respond to Claimants Appeal.

9. Claimant believes Thomas Buens has/is attempting to delay State Claims Commission procedures, by waste of time and money.

10. Claimant filed all evidence, that addresses claimants claim. [REDACTED] had no Reason to denial Claimant of his book,

11. Respondent [INFACT] introduce fraudulent allegations, fraudulent evidence. (knowingly false) only to waste time.


Therefore Claimant Request Arkansas State Claims Commission Rule on Claimants merits.

Respectfully Submitted

*[Handwritten Signature]*

Dennis Hutchinson



I certify that a copy of this pleading has been served this 17th day of July 2023 on Respondent by placing a copy of the same in  Room by means of Security, Regular postage to:

Arkansas Department of Correction  
Division of Correction  
Thomas Burns (09206)  
6814 Princeton Pike  
Pine Bluff, Ark. 71602

DH/

cc.

ASCC

Arkansas State Claim Commission

Dennis Hutchinson [REDACTED]

Claimant

v.

Arkansas State Claims Commission

Arkansas Department of Correction  
Division of Correction

OCT 12 2023

RECEIVED

Motion to Compel

Claimant comes this day requesting a Motion to Compel, due to Claimant has proven his case against Arkansas Department of Correction and Attorney Thomas Buens (03006).

1. Arkansas Department of Correction at [REDACTED] Unit Publication Committee violating Administrative Directives, and Unit Policies.

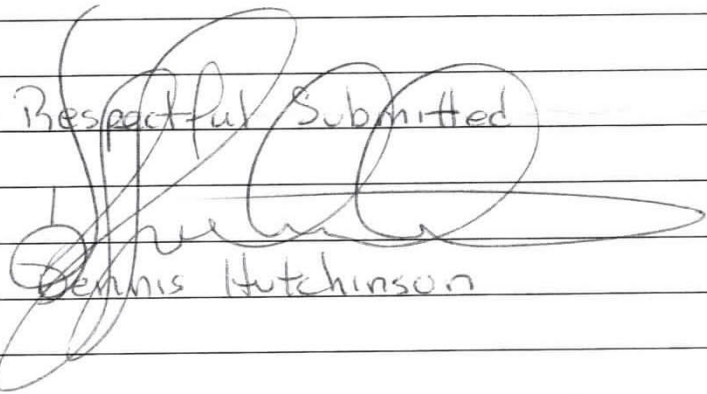
2. Attorney Thomas Buens due to violating Code of Ethics, introducing fraudulent evidence, making fraudulent statements, and using the courts for useless time delays.

Therefore with all the evidence against Arkansas Department of Corrections and Thomas Buens.

Claimant is requesting his back 48 hours of Power deprived from claimant returned to claimant, (New) And Attorney Thomas Buens (03006) filed misconduct

charges, for violating Code of Ethics, and consistently introducing fraudulent evidences "Only" to sway the court system.

Claimant request the amount sout 5.30 Dollars and a monetary amount for depriving claimants book, and monetary damage for length of time kept.

Respectful Submitted  
  
Dennis Hutchinson

**CERTIFICATE OF SERVICE**

I certify with my signature that a copy of the foregoing Motion to Compel  
was served on Sept / 25 / 23, by placing it in [REDACTED] al Mail system, postage  
pre-paid, addressed to:

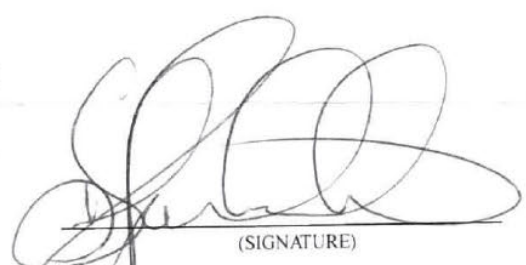
Arkansas Department of Correction

Division of Correction

6814 Princeton Pike.

Pine Bluff, Arkansas 71602

on this 25 day of Sept, 2023

  
(SIGNATURE)

By: Dennis Hutchinson [REDACTED]  
(PRINT NAME) (ADC#)

[REDACTED]

Verification-Sending Officer Information	
Print Name:	_____
Signature:	_____
Rank:	_____
Date:	_____

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Dennis Hutchinson v ADC 230735  
**Date:** Monday, October 30, 2023 1:55:40 PM  
**Attachments:** [1548\\_001.pdf](#)  
[image001.png](#)

---

ADC response to motion to compel

Thank you,  
-TB



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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON

CLAIMANT

V.

NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSE TO MOTION TO COMPEL

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein.
2. The ADC denies paragraph 1.
3. The ADC denies paragraph 2.
4. The inmate continually abuses this process by filing baseless and incoherent motions that are intended to abuse and harass the ADC.
5. The inmate again failed to add a claim number violating the rules of civil procedure.
6. Despite being ordered to do so the inmate wantonly and willfully fails to follow the rules of civil procedure by failing to include his contact information on the signature.
7. The ADC asks that this inmates complaint be dismissed for his continued abuse of the process.
8. The Inmate is held to the same standard as an attorney if he elects to proceed Pro Se. The Inmate continues to abuse the process and his claim should be dismissed with prejudice.

WHEREFORE, Respondent prays that this Motion for Default be denied; that his claim be dismissed with prejudice; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,




Thomas Burns (02006)  
Division of Correction  
Legal Services 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 this pleading has been served this 30<sup>th</sup> day of October 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson ([REDACTED])  
[REDACTED]

  
Thomas Burns

Arkansas State Claim Commission

Dennis Hutchinson



Claimant

Arkansas State Claims Commission

v.

CASE NO: 230735

OCT 30 2023

Arkansas Department of Correction  
Division of Correction

RECEIVED  
Respondent

Motion for Direct Verdict

Claimant comes this day 24 October year of 2023, praying State Claims Commission with GRANT, plaintiffs Motion for Direct Verdict.

Claimant has undisputed facts [redacted] violated Administrative Directives, and Unit Policies.

Claimant has proven Attorney Thomas Burns 02006 introduces fraudulent evidence, and false statements.

Claimant proved [redacted] was INEACT untimely.

Therefore Claimant prays State Claims Commission will GRANT Claimants claims (1) Return of one book 48 Laws of Power; (2) 530.00 in damages (3) and a substantial monetary amount for depriving claimants book, for the length of time ORCU has kept.

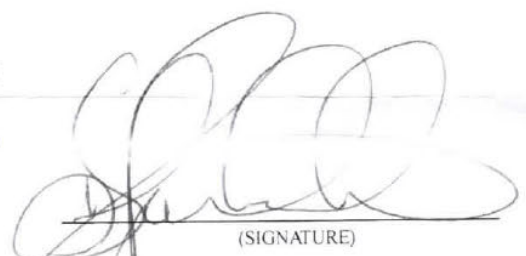
Respectfully  
  
Dennis Hutchinson

**CERTIFICATE OF SERVICE**

I certify with my signature that a copy of the foregoing Motion for Direct Verdict was served on Oct / 24 / 23, by placing it in the [redacted] Mail system, postage pre-paid, addressed to:

Arkansas Department of Correction  
Division of Correction  
6814 Princeton Pike.  
Pine Bluff, Arkansas 71602

on this 24 day of October, 2023

  
(SIGNATURE)

By: Dennis Hutchinson [redacted]  
(PRINT NAME) (ADC#)

[redacted]

Verification-Sending Officer Information	
Print Name:	_____
Signature:	_____
Rank:	_____
Date:	_____

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** RE: Dennis Hutchinson v ADC 230735  
**Date:** Tuesday, November 7, 2023 10:46:57 AM  
**Attachments:** [1666\\_001.pdf](#)  
[image001.png](#)

---

Sorry, very frazzled this morning.

-TB

Legal Services Unit  
Arkansas Department of Corrections  
Division of Correction  
870 267-6845-telephone

---

**From:** Misty Scott <Misty.Scott@arkansas.gov> **On Behalf Of** ASCC Pleadings  
**Sent:** Tuesday, November 7, 2023 10:46 AM  
**To:** Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>  
**Subject:** RE: Dennis Hutchinson v ADC 230735

Please attach the corrected one. Thanks.

---

**From:** Thomas Burns (DOC) <[Thomas.Burns@arkansas.gov](mailto:Thomas.Burns@arkansas.gov)>  
**Sent:** Tuesday, November 7, 2023 10:15 AM  
**To:** ASCC Pleadings <[ASCCPleadings@arkansas.gov](mailto:ASCCPleadings@arkansas.gov)>  
**Subject:** Dennis Hutchinson v ADC 230735

Corrected ADC response to motion direct verdict

Thank you,  
-TB



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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON (██████████)

CLAIMANT

V.

NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

ADC SRESPONSE TO MOTION FOR DIRECT VERDICT

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein.
2. The inmate has violated *Rule 10(b) Paragraphs; Separate Statements*. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense.
3. The inmate continually abuses this process by filing baseless and incoherent motions that are intended to abuse and harass the ADC.
4. Despite being ordered to do so the inmate wantonly and willfully fails to follow the rules of civil procedure. The Commission has told the Inmate that failure to comply may result in the pleadings being stricken. *Claims Commission order of May 18, 2023*.
5. The ADC asks that this inmates complaint be dismissed for his continued abuse of the process.

6. The Inmate is held to the same standard as an attorney if he elects to proceed Pro Se. The Inmate continues to abuse the process and his claim should be dismissed with prejudice.

WHEREFORE, Respondent prays that this Motion for Default be denied; that his claim be dismissed with prejudice; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)  
Division of Correction  
Legal Services 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 this pleading has been served this 7<sup>th</sup> day of November 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

*Devin Hutchinson*  
Billy Nichols ( [REDACTED] )  
[REDACTED]



Thomas Burns

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Cc:** [ASCC Pleadings](#); [Mika Tucker](#)  
**Subject:** ORDER: Dennis Hutchinson v. ADC, Claim No. 230735  
**Date:** Wednesday, November 8, 2023 12:08:01 PM  
**Attachments:** [Dennis Hutchinson v. ADC3 .pdf](#)  
[Dennis Hutchinson-Order3.pdf](#)

---

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

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

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Thomas Burns \(DOC\)](#)  
**Cc:** [ASCC Pleadings](#); [Mika Tucker](#)  
**Subject:** ORDER: Dennis Hutchinson v. ADC, Claim No. 230735  
**Date:** Wednesday, November 8, 2023 12:08:01 PM  
**Attachments:** [Dennis Hutchinson v. ADC3 .pdf](#)  
[Dennis Hutchinson-Order3.pdf](#)

---

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

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

**ARKANSAS STATE CLAIMS COMMISSION**

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



KATHRYN IRBY  
DIRECTOR

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

November 8, 2023

Mr. Dennis Hutchinson (ADC [REDACTED])  
[REDACTED]

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

(via email)

Re: *Dennis Hutchinson v. Arkansas Division of Correction*  
Claim No. 230735

---

Dear Mr. Hutchinson and Mr. Burns:

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

Sincerely,

Mika Tucker

ES: msscott

## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 230735

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

**ORDER**

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

1. Claimant filed his claim on December 1, 2022, seeking \$530.00 in damages related to his allegation that Respondent violated policy by rejecting a book his sister bought him.
2. Respondent filed a motion to dismiss, and Claimant filed a motion for summary judgment and motion for direct judgment. Respondent’s motion to dismiss and Claimant’s motions were denied by the Commission on May 18, 2023. As part of that order, the parties were instructed to begin discovery.
3. Respondent sent requests for admission to Claimant on May 23, 2023.
4. Respondent filed a motion to deem admitted on July 10, 2023, arguing that Claimant’s June 7, 2023, responses did not comply with Ark. R. Civ. P. 36(a).
5. Claimant then filed amended responses to the requests for admission on July 17, 2023, which contain a certificate of service indicating that the responses had been mailed to

Respondent. Claimant also filed a “Motion to Deem Request for Admissions [b]y Claimant Response[,]” arguing, *inter alia*, that he responded to the requests for admission.

6. Claimant then filed a “Motion to Compel,” arguing, *inter alia*, that he has proven his case against Respondent. Respondent filed a response to Claimant’s motion to compel.

7. Claimant then filed a motion for a directed verdict. Respondent filed a response to this motion.

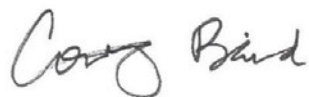
8. The Commission finds that Claimant’s filing of amended responses to requests for admission moots Respondent’s motion to deem admitted. As such, the Commission DENIES Respondent’s motion to deem admitted. However, the Commission will allow Respondent leave to file another motion to deem admitted once Respondent has had an opportunity to review the content of Claimant’s responses.

9. With respect to Claimant’s “Motion to Deem Request for Admissions [b]y Claimant Response” and “Motion to Compel[,]” the Commission is unable to ascertain the purposes of these motions or the bases for the relief sought. As such, the Commission DENIES Claimant’s “Motion to Deem Request for Admissions [b]y Claimant Response” and “Motion to Compel.”

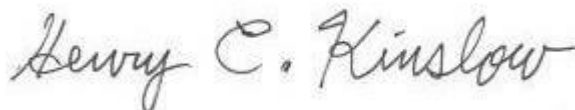
10. With respect to Claimant’s motion for directed verdict, the Commission finds that this motion is not appropriate at this stage of the proceedings and, therefore, the motion is DENIED.

11. The Commission advises the parties to notify the Commission when discovery is nearing completion so that this matter may be added to the hearing schedule.

IT IS SO ORDERED.



\_\_\_\_\_  
 ARKANSAS STATE CLAIMS COMMISSION  
 Courtney Baird



\_\_\_\_\_  
 ARKANSAS STATE CLAIMS COMMISSION  
 Henry Kinslow



\_\_\_\_\_  
 ARKANSAS STATE CLAIMS COMMISSION  
 Paul Morris, Chair

DATE: November 8, 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).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Dennis Hutchinson ( [REDACTED] )

Arkansas  
State Claims Commission  
Claimant

NOV 29 2023

v.

claim No. 230735

RECEIVED

Arkansas Department of Correction  
Division of Correction

Defendant

Claimant comes this day November 20, 2023 Requesting State Claims Commission to look at all evidence (Exhibits).

Claimant (Dennis Hutchinson) has provided irrefutable and overwhelming evidence that ADC has violated their own Administrative Directives and Policies, with only reasons to NOT follow rules and Regulations, and waste State Claims Commission time and money.

ADC Attorney Thomas Buens (02006) has knowingly violated Rule 3.4 (b) fairness to opposing party and counsel, false evidence, counsel or assist a witness to testify falsely.

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knowingly to be false or with reckless disregard as to its truth.

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B. commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness.

C. engage in conduct involving dishonesty, fraud, deceit or misrepresentation

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FACT. Claimant did fix.

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Something will stick, Thomas Burns "did" will fall and complete knowledge waste ADC's, State Claims Commission, and Claimant's time and money, [O]nly with the hopes something would sway the courts.

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State Claims Commission soul duty is to seek the truth with evidence. It may be true Claimant has made some mistakes [B]ut Prose litigants are held to a lesser degree in pleading standards than other parties (Attorneys) *Whitton v Stone County Jail*, 602 F.3d 920, April 22, 2010 (8th Cir. 2010).

Claimant is sore after State Claims Commission investigate and view all the evidence and exhibits presented by claimant, the State Claims Commission will come the truth, Claimant has proven his case, against ADC.

Claimant has proven ADC staff in a whole does not follow Administrative Directives and Rules and Regulations. (IF FACT) Administrative Directives and Rules and Regulations 'are' set fourth by Arkansas State Laws and Arkansas Department of Correction to be followed.

Therefore Claimant (Dennis Hutchinson) prays State Claims Commission will Grant his law suit, and award 530.00 Dollars, One new book "48 Laws of Power", plus 100.00 Dollars daily from 10.6.22 (Date taken) to date delivered to claimant, and filing fees, copy fees.

Correctional Unit Mail Room, to the day claimant (Dennis Hutchinson's) book 48 Laws of Power [is] returned to him, with amount(s) sought, plus 510.00 Dollars for postage, copies, legal fees.

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Claimant prays State Claims Commission will follow with case.

Respectfully Submitted

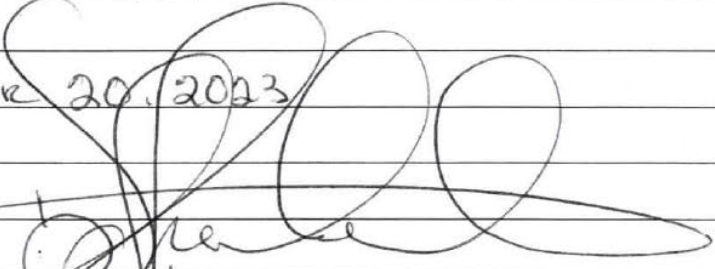
Dennis Hutchinson

CERTIFICATE OF SERVICE

I certify with my signature that a copy of the foregoing law suit was served on November 20, 2023, by placing it in the [redacted] Legal Mail system, postage pre-paid and addressed to

Arkansas Department of Correction  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, Ark. 71602

on this day November 20, 2023

  
Dennis Hutchinson



cc. Arkansas State Claims Commission

THE FOREGOING IS TRUE, TO THE BEST OF MY KNOWLEDGE, AND EVIDENCE

STATE OF ARKANSAS )  
 ) SS  
COUNTY OF Hot Springs )

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 25  
day of November, 2023.



[Signature]  
NOTARY PUBLIC

My Commission Expires: 12-01-25

**CERTIFICATE OF SERVICE**

A copy of the foregoing LAW SUIT has been served  
by the United States Mail, postage pre-paid, to:  
Arkansas Department of Correction  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, Ark 71602

on this 20 day of November, 2023.

[Signature]  
NAME and ADC#  
[Redacted]

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Subject:** Dennis Hutchinson v ADC 230735  
**Date:** Wednesday, December 6, 2023 10:13:35 AM  
**Attachments:** [1978\\_001.pdf](#)  
[image001.png](#)

---

Motion Strike

Thank you,  
-TB



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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON ( [REDACTED] ) CLAIMANT

v NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION RESPONDENT**MOTION TO STRIKE DOCUMENT**  
**SENT ON OR ABOUT NOVEMBER 20, 2023**

Comes now the Respondent, ADC, by and through their attorney, Thomas Burns, and for their Motions, states:

1. The Inmate has allegedly filed some type of letter or pleadings on or about November 20, 2023 in this matter. *See attached Ex A*
2. The document is not formatted correctly and violates Rule 10 of the Arkansas Rules of Civil Procedure (ARCP).
3. ARCP 10(b): Paragraphs; Separate Statements. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in Each claim founded upon a separate transaction or occurrence and all succeeding pleadings.
4. The document is fraught with inappropriate, blatantly false, unproven allegations against the attorney defending this matter.
5. Such threatening tactics are inappropriate and frankly disgusting that should allow for this document to be stricken from the record.
6. The inmate in this matter has not been forthcoming with the Commission or the ADC and is not acting in good faith with the parties involved.

7. The ADC requests that the inmate's document be stricken as void, ab initio, and that the Inmate's claim be upheld and dismissed.

8. The Arkansas Rules of Civil Procedure state:

Upon motion made by a party before responding to a pleading . . . the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter.

Ark. R. Civ. P. 12(f).

As the Commission well knows, the Arkansas Rules of Civil Procedure require that:

A party shall state in ordinary and concise language his defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies. If he is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, he shall specify so much of it as is true and material and shall deny only the remainder. Unless the pleader intends in good faith to controvert all the averments of the claim, he may make his denials as specific denials of designated averments or paragraphs, or he may generally deny all the averments, except such designated averments or paragraphs as he expressly admits, provided that he may admit any part thereof and deny the remainder. When the pleader intends in good faith to controvert all averments, including averments of the grounds upon which the court's jurisdiction depends, he may do so by general denial subject to the obligations set forth in Rule 11.

9. The Commission should strike the inmate's pleadings in their entirety and dismiss this action.

10. This Commission may impose sanctions upon the inmate for failure to follow the rules. The ADC asks that the inmates pleadings be stricken and the matter of the dismissal upheld.

WHEREFORE, Respondent prays that the document be stricken, and sanctions; 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)  
Legal Services Unit  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 6<sup>th</sup> day of December 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinson ( [REDACTED] )  
[REDACTED]



Thomas Burns



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Dennis Hutchinson [REDACTED]

RECEIVED Claimant

NOV 30 2023

v. Claim No. 230735

AB ATTORNEY ARKANSAS DIVISION OF CORRECTION 12/14/23

Arkansas Department of Correction  
Division of Correction

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Ex A

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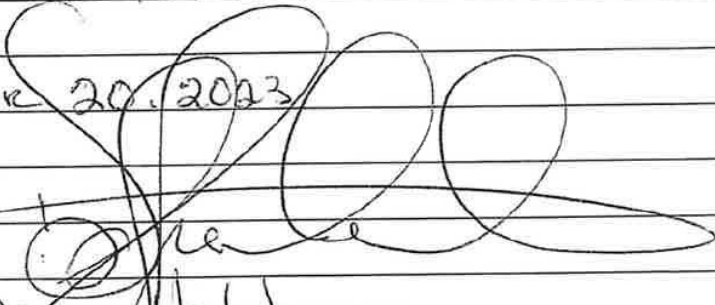
Dennis Hutchinson

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Arkansas Department of Correction  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, Ark. 71602

on this day November 20, 2023

  
Dennis Hutchinson

cc. Arkansas State Claims Commission

THE foregoing is true, to the best of my knowledge, and evidence

STATE OF ARKANSAS )  
 ) SS  
COUNTY OF Hot Springs )

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 25  
day of November, 2023.



[Signature]  
NOTARY PUBLIC

My Commission Expires: 12-01-2025

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by the United States Mail, postage pre-paid, to:

Arkansas Department of Correction  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, Ark 71602

\_\_\_\_\_ on this 20 day of November, 2023.

[Signature]  
NAME and ADC#  
[Redacted]

**From:** [Thomas Burns \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Tiffanye Compton \(DOC\)](#)  
**Subject:** Dennis Hutchinson v ADC 230375  
**Date:** Thursday, December 7, 2023 2:15:46 PM  
**Attachments:** [1989\\_001.pdf](#)  
[image001.png](#)

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MSJ

Thank you,  
-TB



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## BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON [REDACTED]

CLAIMANT

v

NO. 230735

ARKANSAS DEPARTMENT OF CORRECTIONS  
DIVISION OF CORRECTION

RESPONDENT

**MOTION FOR SUMMARY JUDGMENT**

Come now the respondent, Arkansas Department of Corrections (ADC), by and through their attorney, Thomas Burns, and for their Motion for Summary Judgment pursuant to Ark. R. Civ. P. 56, states:

1. The pleadings filed herein reveal that the facts in this case are undisputed or are settled.
2. As a result thereof, the ADC is entitled to summary judgment.
3. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of their pleadings, but their response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing there is a genuine issue for trial.
4. The inmate has not cited any legal authority that the summary judgment is inappropriate because what publications come into the unit are strictly under the purview of the ADC and the inmate has failed to exhaust his administrative remedies.
5. Book, papers, magazines, photos that come into the ADC facilities are under the strict purview of the ADC based on rehabilitative goals.
6. The ADC had policy AD 2020-04 in effect at the time. *See attached Ex A.* Under section IV(B) 1-15 publications will be denied. It is not the function of the

Arkansas State Claims Commission to be the oversight committee of the ADC's publications committee.

7. The Arkansas State Claims Commission does not have jurisdiction when an inmate fails to exhaust. "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).

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

- (a) A civil action **or claim** initiated against...Department of Correction...by an inmate in a penal institution or incarcerated person appearing pro se may be:
  - (1) Dismissed without prejudice by the court on its own motion or on a motion of the defendant, if all administrative remedies available to the inmate have not been exhausted.

9. The inmates grievance was rejected *See attached Ex B.* and since more than 15 days has elapsed since that rejection the inmate has failed to exhaust. "A basic rule of administrative procedure requires that an agency be given the opportunity to address a question before a complainant resorts to the courts. Where a party has failed to exhaust his or her administrative remedies, the trial court lacks jurisdiction over the suit" *Ark. HHS v Smith, 370 Ark. 490.* One must exhaust their administrative remedies before they may proceed in Court. *See Johnson v Johnson, 385 F.3d 503 (2004).*

10. Proper exhaustion requires the inmate to have completed “the administrative review process in accordance with the applicable procedural rules.” *Jones v. Bock*, 549 U.S. 199, 218 (2007) (quoting *Woodford v. Ngo*, 548 U.S. 81, 88 (2006)). While the level of detail needed in a grievance will vary between systems, “it is the prison’s requirements, and not the PLRA, that define the boundaries of proper exhaustion.” *Jones*, 549 U.S. at 218. “[P]roper exhaustion demands compliance with an agency’s deadlines and other critical procedural rules because no adjudicative system can function effectively without imposing some orderly structure on the course of its proceedings.” *Woodford*, 548 U.S. at 90-91. The Supreme Court has held that exhaustion is no longer left to the discretion of the district court, but is mandatory.” *Id.* at 85.

11. The ADC publications committee saw this book one (1) time in 2022 and it was rejected as “rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals.” *See attached Ex C.*

12. The Central Office Publication Committee follows the policy and rejected the book “the 48 laws of powers” in June 2022. That book was seen only one time. *See attached Ex D.*

13. In *Turner v. Baptist Medical Center*, 275 Ark. 424, 427, 631 S.W.2d 275, 277-278, (1982), it states . . . “that opposing affidavits that consist merely of general denials, without any statement of specific facts, are insufficient to defeat a summary judgment motion.”

14. The inmate has failed to demonstrate the existence of a genuine issue of any fact material to ADC’s alleged culpability of failure to follow procedure and has

failed to rebut the ADC's prima facie evidence of its entitlement to judgment as a matter of law.

15. Once the moving party makes a prima facie showing of entitlement to summary judgment, the responding party must meet proof with proof in order to demonstrate that there is remaining a genuine issue of material fact. The response and supporting material must set forth specific facts showing that there is a genuine issue for trial. See Ark. R. Civ. P. 56(e) *Hampton v. Taylor*, 318 Ark. 771, 776-777, 887 S.W.2d 535, 538-539 (1994). The inmate has failed to identify any genuine issues of material fact that would preclude a summary judgment in favor of the ADC. Therefore, this Commission should grant the Motion for Summary Judgment.

16. The ADC has attached all the documentation and has demonstrated a prima facie entitlement to Summary Judgment. To overcome this, the inmate must meet proof with proof and demonstrate the existence of a material issue of fact. *Gonzales v. City of DeWitt*, 357 Ark. 10, 14-15, 459 S.W.3d 298 301 (*emphasis added*).


17. The ADC, is entitled to judgment as a matter of law for the following reasons:

- (a) First, the inmate has failed to exhaust his administrative remedies
- (b) Second, the ADC is the sole arbiter of what publications come into units.
- (c) Third, the inmate fails to cite any legal authority for his contention that summary judgment is inappropriate.

18. The ADC should be awarded fees and costs for this action.

WHEREFORE, The ADC, prays that their Motion for Summary Judgment 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,

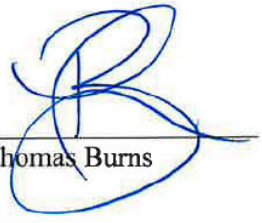


Thomas Burns (02006)  
Legal Services Unit  
Division of Correction  
6814 Princeton Pike  
Pine Bluff, AR 71602  
(870) 267-6845 Office  
(870) 267-6373 Facsimile  
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 7<sup>th</sup> day of December 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Dennis Hutchinsor [REDACTED]  
[REDACTED]



Thomas Burns





**DIVISION OF  
CORRECTION**

6814 Princeton Pike  
Pine Bluff, AR 71602  
Phone: 870-267-6200  
Fax: 870-267-6244  
www.adc.arkansas.gov

## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Publications

**NUMBER:** 20-04

**SUPERSEDES:** 17-17

**APPLICABILITY:** Division Staff and Inmates

**REFERENCE:** AR-864-Publications  
AD-Inmate Correspondence  
AD-Inmate Property Control  
AD-Inmate Grievance Procedure

**PAGE:** 1 of 5

**APPROVED:** Original Signed by Dexter Payne

**EFFECTIVE DATE:** 4/10/2020

### **I. POLICY:**

Inmates may receive publications only from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected when the publication presents a danger to the security, discipline, or good order of the institution or is inconsistent with rehabilitative goals.

### **II. PURPOSE:**

This Administrative Directive establishes the process by which the Division of Correction determines which publications may be received by the inmate population.

### **III. DEFINITIONS:**

- A. **Publication:** A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text. The term publication does not include a personal letter.
- B. **Commercial Outlet:** A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.

ELA

- C. Charitable Outlet: A religious group or an incorporated non-profit organization established to promote literacy or to provide literature for inmates.
- D. Nudity: A depiction in which genitalia, buttock(s) or female breasts are fully exposed.
- E. Sexually Explicit: A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sado-masochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.
- F. Security Terrorist Threat Group (STTG): Any group of inmates that the Division of Correction reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose or activities.

#### IV. PROCEDURES:

- A. The Warden/Center Supervisor shall designate staff to review incoming publications.
- B. A publication will be rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting any one or more of the following categories may be rejected:
  - 1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;
  - 2. Material that advocates or assists criminal activity, which is an act or omission prohibited and punished by law to include but not limited to;
    - a. Material advocating, or describing, or assisting methods of escape or eluding capture or which contain blueprints, drawings, or depictions of Division facilities;
    - b. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;
    - c. Material advocating or providing instructions on identity theft;
    - d. Material that incites, encourages, advocates, or promotes act of violence such as but not limited to sexual assaults and physical assaults;
  - 3. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives or any other weaponry, including realistic

- pictures of such weapons suitable to aid in the manufacture of such weapons, or facsimiles of such weapons;
4. Depictions, descriptions, or instructions regarding the operation of security devices such as locks, cameras, or alarms;
  5. STTG materials including, but not limited to, codes, signs, symbols, photographs, drawings, training materials, and catalogs;
  6. Depictions, descriptions, or instructions on the use of hands, feet, or the head as weapons or of other fighting techniques;
  7. Depictions, descriptions, or instructions on the manufacture, cultivation, or introduction of drugs, alcohol, tobacco, or poisons;
  8. Instructions or patterns for tattoos, or other skin modification techniques or equipment;
  9. Material that incites, encourages, advocates, or promotes racism or any other illegal act of discrimination, or that is likely to be disruptive, produce violence, or cause a threat to the offender population or staff;
  10. Material that depicts nudity; however, material that includes the depiction of nudity as illustrative of and as part of broader medical, educational, anthropological, or artistic content will not be rejected solely on the basis that the material includes nudity;
  11. Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals;
  12. Posters measuring more than two hundred (200) square inches;
  13. Publications containing a product insert which, by itself, would be deemed contraband; and
  14. Publications which meet two (2) of the following conditions:
    - a. Books that measure more than 9" x 11".
    - b. Hardback books thicker than two (2) inches.
    - c. Softback books thicker than four (4) inches.
    - d. Any book heavier than three (3) pounds.

The Warden has the authority to waive these conditions on legal, educational and religious publications.

15. Photobooks are not considered an allowable publication and will not be permitted.

**Note:** Inmates are only allowed five (5) individual photos. This does not include digital photos (refer to Inmate Correspondence AD).

C. Publications recommended for rejection will be referred to the Warden/Center Supervisor for final decision. With respect to any publication, the decisions must be made on the contents of an individual publication, not previous issues of the same publication.

D. Items within the package cannot be separated; therefore, the package is rejected in its entirety.

**Note:** For any publication rejected solely because it contains a product insert, if the product insert(s) can be removed, the publication is acceptable.

E. The Warden must approve or reject the publication within thirty (30) days of receipt. If the publication is rejected, the inmate must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The inmate is also notified of appeal procedures and options for disposing of the publication. The inmate must sign that the notice of rejection has been received. Should the inmate refuse to sign, an employee will attest to the fact that the inmate was duly notified.

F. The decision to reject a publication may be appealed to the Central Office Publication Review Committee. The Committee members are to be assigned by the Director or his/her designee. The appeal must be initiated within ten (10) days of the receipt of written notification of the Warden/Center Supervisor's decision to reject the publication. Rejection of a Publication is not grievable.

G. Any rejected publication will be held safe by the Warden/Center Supervisor or his/her designee until the appeal process has been completed, or until the ten (10) day period for filing an appeal has expired.

H. Options for disposing of an unacceptable publication are:

1. Destruction;
2. Return of the publication to the sender at the expense of the inmate unless return postage is guaranteed;
3. Mailing the publication to a third party at the expense of the inmate;

4. Giving to a third-party during visitation.

UNIT NAME

To: Use inmate name here

From: Use Deputy/Assistant Warden/Warden name here

Publication: Name of publication, date or identifying information here

Date:

The Unit Publication Review Committee has denied your publication for the reason(s) listed below:

\_\_\_\_\_ [List applicable Policy Numbers]

\_\_\_ Other (explain) \_\_\_\_\_

\_\_\_\_\_  
Committee Member/Title Date Committee Member/Title Date

\_\_\_\_\_  
Committee Member/Title Date Committee Member/Title Date

This decision is consistent with AR 864/Publications (AD). You will have TEN (10) days upon receipt of this notification to appeal. **Send your appeal to the Unit Mailroom** and the mailroom will present it to the Central Office Publication Review Committee.

If you choose **not** to appeal the decision you will have FIFTEEN (15) days to exercise options 2, 3, 4, 5, or 6, (if applicable) before the publication will be destroyed.

- 1. Appeal
- 2. Destruction
- 3. Return the publication to sender at your own expense
- 4. Mail the publication to a third party at your own expense Address: \_\_\_\_\_
- 5. Give to 3<sup>rd</sup> party at Visitation
- 6. Authorize removal of insert(s) and release any and all claims

**\*OPTION:** \_\_\_\_\_

**\*Failure to exercise an option will be considered authorization for destruction.**

\_\_\_\_\_  
Inmate Signature Date

Refused to sign

\_\_\_\_\_  
Witness Date

Publication File  
Inmate file  
Warden  
Inmate



1/3/23, 2:34 PM

IGTS010B - Inmate Grievance

Name: Hutchinson, Dennis  
IGTS010B

ADC #: [REDACTED]  
Tuesday January 03, 2023 02:33:26 PM

### Inmate Grievance

Received Date\* 10/14/2022 Received Time\*: 09:27:20 AM  
 Grievance #: [REDACTED]-22-00666 Incident Date:  
 Original Date Prepared by Inmate\*: 10/14/2022  
 Facility\*: [REDACTED]  
 Zone\*: Zone 4  
 Location\*: H - HOTEL  
 Shift: Shift A  
 Grievance Officer\*: Cash, Allison Marie  
 Grievance Category\*: Communication(300)  
 Grievance Type\*: 306-Publication  
 Significance\*: Non-Emergency Referred To Group\*: Warden  
 Has Merit: To be determined Due Date: 11/14/2022

#### Geocode Grievance

I recived a book approxitely 6.30.22 Mail Room sent to review committee. Assit. Warden Ball refuse the book, stating book wasn't within rehabilitation goals. I appealed to Mail Room (by policy) (and within time limits) after some confusion by the mail personal, my appeal was sent electronically to Main Office committee for review. Within the appeal on publications 20-04. Effective date 4.10.2020 Mt book dose not meet any of the policy- No Nudity, Sexuall Explicit acts, STTG's, Dose not advocate escape, eluding capture, blue prints, drawing, geographical region, Nor. Advocate acts of violence, NO. how to use guns, knives, or pictures of such weapons, NO use of hands or feet as weapons, Nor manufacture of drugs, alcohol, tobacco, or poisons. Nor, over size, weight. "fact" the book "is" education witch is covered under my First Amendment Rights. and any book that advocated knowledge, is and always will be within Goals of rehabilitation. There is no reason to delay my book to me any further.

#### Staff Named

Staff Name	Facility Name	Job Title	Involvement
No Rows Found			

#### Scanned Documents

Type	Date Scanned	Title	Source	Privacy Level
Inmate Grievance	10/14/2022	OR-22-00666	Investigator	Sensitive Information

#### Actions Taken (1 - 1 of 1)

Date	Time	Action Type	Staff	Comments
10/14/2022	09:28 AM	Reject Grievance	Cash, Allison Marie	Grievance rejected. Inmate grieving publication committee decision and issue dates back to 6-30-2022, per inmate in grievance. Per AD 19-34, Rejection of a Publication is non-grievable. Also rejected as untimely, "The Unit Level Grievance Form (Attachment I) shall be completed and submitted within 15 days after the occurrence of the incident, with the date indicated beside "Step 1: Informal Resolution."

#### Status

Status\*: Rejected As of Date\*: 10/14/2022 Status History

Ex. B 1/2

Inmate Name & ADC#	Unit	Publication	Referred	Decision
[REDACTED]	NCU	Steel Crow Saga	B-1	referred back to unit; more information/samples needed
[REDACTED]	Grimes	Street Pix Brochure	B-10	denied
[REDACTED]	Grimes	Sub O Phat Puffs Magazine Karma Bae	B-10	denied
[REDACTED]	NCU	Superstud	B/security	approved; samples provided do not support denial
[REDACTED]	Varner	Tatted Issue #2	B-10	denied
[REDACTED]	[REDACTED]	The 48 Laws of Power	B	denied
[REDACTED]	NCU	The CIA World Factbook 2019-2022	unauthorized vendor	approved; samples provided do not support denial
[REDACTED]	Varner	The Happy Satanist	B/security threat	referred back to unit; must provide samples
[REDACTED]	Cummins	The Illustrated History of Firearms-Second Ed.	B-3	approved; samples provided do not support denial
[REDACTED]	NCU	The Invention of Sound	B-2d	denied
[REDACTED]	Varner	The Official Globalization of the ALKON	B-9	due to B-5 (STTG) denied
[REDACTED]	ORU	The Story of the SS-Hitler's Infamous Legions of Death	B-5	denied
[REDACTED]	Varner	The Wheel of the Year 2021	B-5	approved; samples provided do not support denial
[REDACTED]	Grimes	The Yearbook-Indie Gatekeepers Magazine	B-10	denied
[REDACTED]	Grimes	Trust No Man 2: Cash	B-11	denied
[REDACTED]	Grimes	Trust No Man 3: Like Father Like Son	B-11	denied
[REDACTED]	Grimes	Two Masks One Heart	B-11	denied
[REDACTED]	Grimes	Two Masks One Heart 2	B-11	denied
[REDACTED]	McPherson	Ugly Love	B-11	denied
[REDACTED]	Grimes	Viral Gold Vol. 4	B-10	denied
[REDACTED]	Grimes	Viral Gold Vol. 7	B-10	denied
[REDACTED]	Grimes	Viral Platinum Vol 4	B-10	denied
[REDACTED]	NCU	Wall Periodical Order Form	B-10	denied
[REDACTED]	NCU	Wilderness Survival Guide	B-2d	approved; samples provided do not support denial
[REDACTED]	ORU	Witches' Craft A Multidenominational Wicca Bible	B-10	approved; samples provided do not support denial
[REDACTED]	Varner	Witches' Craft A Multidenominational Wicca Bible	B-5	approved; samples provided do not support denial
[REDACTED]	NCU	Wolf Boys	B-1	approved; samples provided do not support denial
[REDACTED]	ORU	XXL The Unstoppable and Incomparable Cardi B	B-2	denied

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**AFFIDAVIT OF TIFFANYE COMPTON**

BEFORE ME, the undersigned authority, on this day personally appeared Tiffanye Compton who being of sound mind and legal age, and after being duly sworn, deposes and states as follows:

1. I am a member of the ADC Central Office Publication Review Committee (“Central Committee”).
2. As a member of the Central Committee, my duty is to review publications that have been rejected at the Unit level by various ADC facilities around the state.
3. Rejected publications are only submitted to our office upon appeal by inmates through the procedures described in Administrative Directive 20-04.
4. Administrative Directive 22-22 (“AD 22-22”) is the current policy used by the ADC to assist ADC employees in determining which publications are allowed for inmate possession.
5. AD 20-04 (“AD 20-04”) was the former publications policy. AD 20-04 was enacted on April 10, 2020 and replaced by AD 22-22 on October 12, 2022.
6. The substantive content of AD 22-22 and AD 20-04 are materially identical.
7. AD 22-22(III)(A) and AD 20-04(IV)(A) are clear that staff shall be designated to review incoming publications at ADC facilities. We refer to those staff members as the “Unit Publication Review Committee” for their respective facility.

E+D

8. AD 22-22(III)(B) and AD 20-04(IV)(B) contain a list of commonly found materials that may present a risk to ADC security or run afoul of rehabilitative goals.

9. Though the list is by no means exhaustive, among the materials mentioned are “rejected if it contains contraband or if the material presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals.” AD 22-22(III); 20-04(IV)(B).

10. Should the Unit Review Committee or Warden of a facility move to reject a publication, the publication policy is clear that the inmate must be notified in writing.

11. Once the inmate is notified of the Unit’s decision, the inmate has ten days upon receipt to lodge an appeal.

12. If the publication rejection is properly appealed, the Unit’s decision and photocopies of flagged material are sent to the Central Committee.

13. Once the Central Committee receives such material, we convene at monthly review meetings to determine whether the Unit properly rejected the publication.

14. The Central Committee’s analysis is taken under administrative and Constitutional considerations.

15. If the Committee decides that a Unit has improperly rejected a publication, we notify the Unit that the publication must be returned to the inmate.

16. My goal on the Committee is to never rubber-stamp a Unit-level decision, rather, I consider each publication on its own merit. I have voted to approve publications that were initially rejected by an ADC Unit.

17. If the Central Committee agrees with the Unit's decision to reject a publication, we will also notify the Unit.


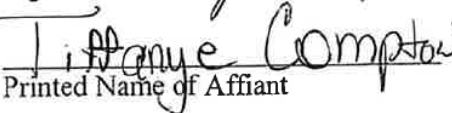
18. I have access to the records of all publications appealed to our Committee. This includes pictures of the content the Units deem objectionable, as well as copies of the notices given to inmates.

19. The only time that the book "the 48 law of power" was reviewed in 2022 was at the June 23, 2022 meeting.

20. The book was rejected for violation of AD 2020-04 IV(B).

FURTHER AFFIANT SAYETH NAUGHT.

Dated this 7<sup>th</sup> day of December 2023.

  
 Signature of Affiant  
  
 Printed Name of Affiant

State of Arkansas }  
                                  }ss  
County of Saltwater

Subscribed and sworn to before me, this 1 day of December, 2023.

My Commission Expires 9/21/2032  
9/21/2032 No. 12390002  
THOMAS BURNS  
CLEVELAND COUNTY  
NOTARY PUBLIC - ARKANSAS  
Notary Public

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON

CLAIMANT

Arkansas  
State Claims Commission

v.

NO# 230735

FEB 02 2024

RECEIVED

ARKANSAS DEPARTMENT OF CORRECTIONS

DIVISIONS OF CORRECTION

RESPONDENT

ANSWER TO SUMMARY JUDGMENT

COMES THIS DAY CLAIMANT (DENNIS HUTCHINSON) TO ANSWER TO ADC'S CLAIM FOR SUMMARY JUDGMENT.

1. ADC IS NOT ENTITLED TO SUMMARY JUDGMENT, DUE TO CLAIMANTS IRREFUTABLE AND OVERWHELMING EVIDENCE THAT PROVE ADC (OUACHITA RIVER) DID IN FACT VIOLATE ADMINISTRATIVE DIRECTIVE AND ADC POLICY AND ADC RULES AND REGULATIONS.

1A. ALL EVIDENCE WAS AND HAS BEEN FILED WITH ADC, THOMAS BURNS AND STATE CLAIMS COMMISSION

2. ATTORNEY THOMAS BURNS FOR ADC HAS IN FACT FRAUDULANT MATERIAL AND FALSE EVIDENCE.

2A. ALL EVIDENCE AND MATERIAL FILED.

3. THOMAS BURNS IS EMPLOYED BY ADC.

3A. IS NOT ENTITLED TO ATTORNEY FEES (DOUBLE DIPPING)

ANSWERS TO QUESTION

A. FIRST, THE INMATE HAS FAILED TO EXHAUST HIS ADMINISTRATIVE REMEDIES.

ANSWER CLAIMANT IN FACT HAS AND DID EXHAUST HIS ADMINISTRATIVE REMEDIES

ATTACHMENT V, 16TT405, 3GT EXHIBIT E DATED 11/8/2022 FROM REED, MARSHALL  
(DALE) D ADC CHIEF DEPUTY DIRECTOR. (EXHIBIT E SUBMITTED)

B. Second, THE ADC IS THE SOLE ARBITER OF WHAT PUBLICATIONS COME INTO  
UNITS.

ANSWERS. IT IS TRUE ADC IS A SOLE ARBITER OF WHAT PUBLICATION COME  
[INTO] THE UNITS; EVEN BY MAIL OR BY STAFF. DUE NO INMATE  
WAS THE WAYS TO BRING ANYTHING INTO ADC UNITS.

ANSWERS (B2) ADC MAYBE THE SOLE ARBITER FOR ADC UNITS. [BUT]  
WHEN DISPUTES ARISE DUE TO INDIVIDUALS LACK OF EDUCATION OF THE  
SUBJECT. THE ARGUMENT IS TAKEN TO COURTS.

C THIRD, THE INMATE FAILS TO CITE ANY LEGAL AUTHORITY FOR HIS  
CONTENTION THAT SUMMARY JUDGMENT IS INAPPROPRIATE.

ANSWER. CLAIMANT HAS FILED ADMINISTRATIVE DIRECTIVES, RULES AND  
REGULATION AND POLICIES ALONG WITH EVIDENCE THAT ADC DID  
IN FACT FAILED IN TIME LINES, AND FALSE EVIDENCE ENTERED BY  
ADC, THOMAS BORNES.

CLAIMANT HAS SUBMITTED ALL EVIDENCE THAT PROVE IRREFUTABLE AND  
OVERWHELMING EVIDENCE THAT ADC, THOMAS BORNES CAN NOT AND HAS  
NOT BEEN ABLE TO DENIAL. ADC DID IN FACT FAILED TO FOLLOW  
ALL POLICIES.

THOMAS BORNES HAS IN FACT WASTED ARKANSAS STATE CLAIMS COMMISSION  
BY STATING AND STATING FACTS CLAIMANT HAS BEEN IN FACT BEEN  
DEPRIVE OF HIS BOOK "48 LAWS OF POWER" THAT HAS NO THREAT TO  
SECURITY.

THEREFORE: CLAIMANT IS ENTITLED TO RECOVER.

1. ONE BOOK (NEW) 48 LAWS OF POWER
2. 530.00 PUNITIVE DAMAGES
3. 500.00 COPIES FEES
4. 500.00 MAIL FEES
5. 100.00 DAILY FROM DATE BOOK TAKEN TO DATE RETURNED.

DENNIS HUTCHINSON

CERTIFICATE OF SERVICE

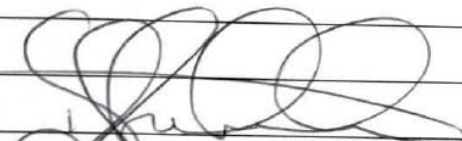
I CERTIFY THAT A COPY OF THE ABOVE PLEADINGS HAS BEEN SERVED THIS 23RD DAY OF JANUARY 2024, ON THE ADC THOMAS BURNS BY PLACING A COPY OF THE SAME IN THE U.S. MAIL REGULAR POSTAGE TO

ARKANSAS DEPARTMENT OF CORRECTION

DIVISION OF CORRECTION

6814 PRINCETON AVE

PINE BLUFF, ARK 71602

  
DENNIS HUTCHINSON

[REDACTED]

W

Inmate Name & ADC#	Unit	Publication	Referred	Decision
[REDACTED]	NCU	Steel Crow Saga	B-1	referred back to unit; more information/samples needed
[REDACTED]	Grimes	Street Pix Brochure	B-10	denied
[REDACTED]	Grimes	Sub O Phat Puffs Magazine Karma Bae	B-10	denied
[REDACTED]	NCU	Superstud	B/security threat	approved; samples provided do not support denial
[REDACTED]	Varner	Tatted Issue #2	B-10	denied
[REDACTED]	ORU	The 48 Laws of Power		
[REDACTED]	NCU	The CIA World Factbook		
[REDACTED]	Varner			
[REDACTED]	Cummins			
[REDACTED]	NCU			
[REDACTED]	Varner			
[REDACTED]	ORU			
[REDACTED]	Varner			
[REDACTED]	Grimes			
[REDACTED]	Grimes			
[REDACTED]	Grimes			
[REDACTED]	Grimes			
[REDACTED]	Grimes			
[REDACTED]	Grimes			
[REDACTED]	McPhert			
[REDACTED]	Grimes			
[REDACTED]	Grimes			
[REDACTED]	Grimes			
[REDACTED]	NCU			
[REDACTED]	NCU			
[REDACTED]	ORU			
[REDACTED]	Varner			
[REDACTED]	NCU			
[REDACTED]	ORU			

WITH THE PURPOSE ALTERING OF THIS FORM (AD-20-4) BY ATTORNEY THOMAS BOERS, ATTORNEY FOR ADC "IS IN FACT" IRREFUTABLE PROOF JUST HOW FAR THOMAS BOERS WILL GO TO SWAY THE STATE EXAMS COMMISSION. TEMPERING WITH EVIDENCE IS IN FACT A FELONY, PUNISHABLE BY IMPRISONMENT.

THIS FORM WAS ALTERED NOT ONCE BUT TWICE TO WRECK OR MORE TIME

Exhibit A

1/3/23, 2:34 PM

Name: Hutchinson, Dennis  
IGTS010B

IGTS010B - Inmate Grievance

### Inmate Grievance

ADC # [REDACTED]  
[REDACTED]  
1/3/2023 02:33:26 PM

Received Date\*: 10/14/2022  
 Grievance #: [REDACTED]-22-00666  
 Original Date Prepared by Inmate\*: 10/14/2022  
 Facility\*: [REDACTED]  
 Zone\*: [REDACTED]  
 Location\*: [REDACTED]  
 Shift: Shift A  
 Grievance Officer\*: Cash, Allison Marie  
 Grievance Category\*: Communication(300)  
 Grievance Type\*: 306-Publication  
 Significance\*: Non-Emergency\*  
 Has Merit: To be determined  
 Received Time\*: 09:27:20 AM  
 Incident Date:  
 Referred To Group\*: Warden  
 Due Date: 11/14/2022

### Geocode Grievance

I recived a book approxitely 6.30.22 Mail Room sent to review committee. Assit. Warden Ball refuse the book, stating book wasn't within rehabilitation goals. I appealed to Mail Room (by policy) (and within time limits) after some confusion by the mail personal, my appeal was sent electronically to Main Office committee for review. Within the appeal on publications 20-04. Effective date 4.10.2020 Mt book dose not meet any of the policy- No Nudity, Sexuall explicit acts, STTG's, Dose not advocate escape, eluding capture, blue prints, drawing, geographical region, Nor. Advocate acts of violence, NO. how to use guns, knives, or pictures of such weapons, NO use of hands or feet as weapons, Nor manufacture of drugs, alcohol, tobacco, or poisons. Nor, over size, weight. "fact" the book "is" education witch is covered under my First Amendment Rights. and any book that advocated knowledge, is and always will be within Goals of rehabilitation. There is no reason to delay my book to me any further.

#### Staff Named

Staff Name	Facility Name	Job Title	Involvement
No Rows Found			

#### Scanned Documents

Type	Date Scanned	Title	Source	Privacy Level
Inmate Grievance	10/14/2022	[REDACTED]-22-00666	Investigator	Sensitive Information

#### Actions Taken (1 - 1 of 1)

Date	Time	Action Type	Staff	Comments
10/14/2022	09:28 AM	Reject Grievance	Cash, Allison Marie	Grievance rejected. Inmate grieving publication committee decision and issue dates back to 6-30-2022, per inmate in grievance. Per AD 19-34, Rejection of a Publication is non-grievable. Also rejected as untimely, "The Unit Level Grievance Form (Attachment I) shall be completed and submitted within 15 days after the occurrence of the incident, with the date indicated beside "Step 1: Informal Resolution."

#### Status

Status\*: Rejected

As of Date\*: 10/14/2022

Status History



**ACKNOWLEDGEMENT OF GRIEVANCE APPEAL  
OR REJECTION OF APPEAL**

**TO: Inmate** Hutchinson, Dennis  
**FROM:** Reed, Marshall (Dale) D  
**RE: Receipt of Grievance** 23-00751

**ADC#:** [REDACTED]  
**TITLE:** Chief Deputy Director  
**DATE:** 11/09/2023

Please be advised, the appeal of your grievance dated 11/19/2023  
was received in my office on this date 11/09/2023

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

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

EXHIBIT  
E

**RECEIVED**  
NOV 09 2023  
INMATE GRIEVANCES SUPERVISOR  
ADMINISTRATION BUILDING

[Faint, illegible text]

6.19.24

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

DENNIS HUTCHINSON

CLAIMANT

v.

230735

Arkansas  
State Claims Commission

JUN 29 2024

ARKANSAS DEPARTMENT OF CORRECTION  
DIVISION OF CORRECTION

RECEIVED  
Respondent.

Motion for Default Judgment

ON THIS DAY CLAIMANT COMES TO STATE CLAIMS COMMISSION REQUESTING CLAIMS COMMISSION TO GRANT CLAIMANT A DEFAULT JUDGMENT BASED ON CLAIMS COMMISSION BOTH DENNIS HUTCHINSON AND ARKANSAS DEPARTMENT OF CORRECTION 15 CALENDAR DAYS TO RESPOND OR BE THE RESULT OF UNTIMELY. ON ADC'S PART

1. CLAIMANT RESPONDED TO ALL ADC MOTION TO DISMISS.

2. ADC FAILED TO RESPOND TO CLAIMANT'S MOTION:

CLAIMANT ALLOWED ADC TO RESPOND NOT 15, 30, NOR 60 DAYS CLAIMANT ALLOWED 180 DAYS. WITH NO RESPONSE FROM ADC NOR THOMAS BURNS.

Therefore:

CLAIMANT COMES REQUESTING CLAIMS COMMISSION TO GRANT CLAIMANT'S 530.00 DOLLARS, ONE (1) BOOK 48 LAWS OF POWER, 500.00 COPIES, FILING, POSTAGE, AND 100.00 DOLLARS FOR EACH DAY CLAIMANT HAS BEEN DEPRIVED OF THE USE OF HIS BOOK.

conclusion

Thomas Burns (ADC) PROVED WITH ALL HIS DELAYS WAS ONLY COSTING ADC, CLAIMANT AND ARKANSAS STATE CLAIMS COMMISSION, MONEY, TIME, JUST TO ALLOW THIS CASE TO BE DROP BY THOMAS BURNS.

Respectfully

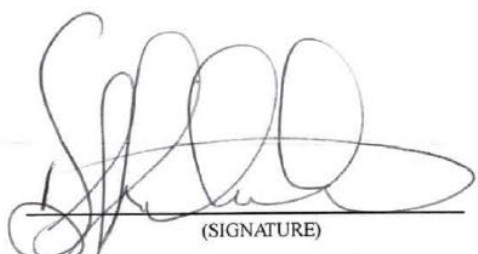
Dennis Hutchinson [REDACTED]  
[REDACTED]

Arkansas Department of Correction  
Division of Correction  
6814 PRINCETON PIKE  
PINE BLUFF, ARK 71602

**CERTIFICATE OF SERVICE**

I certify with my signature that a copy of the foregoing petition was served on HUTCHINSON, D by placing it in the [REDACTED] Legal Mail system, postage pre-paid, addressed to:  
Arkansas State Claims Commission  
101 EAST Capitol Ste 410  
Little Rock, Ark 72201

on this 20 day of June, 2024

  
(SIGNATURE)

By: HUTCHINSON D [REDACTED]  
(PRINT NAME) (ADC#)  
[REDACTED]

Arkansas State Claims Commission  
101 EAST Capitol Ste 410  
Little Rock, Ark 72201  
\_\_\_\_\_  
\_\_\_\_\_

**From:** [Kris Higdon \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Miles S. Morgan](#); [Tawnie Rowell \(DOC\)](#)  
**Subject:** Dennis Hutchinson v. ADC, 230735  
**Date:** Tuesday, July 2, 2024 3:09:35 PM  
**Attachments:** [Letter to Claimant-143206.pdf](#)

---

Please see attached letter to claimant.

Kris Alan Higdon  
Attorney at Law  
Office of the Secretary  
1302 Pike Ave., Suite C  
North Little Rock, AR 72114  
Phone: 501-862-9593  
[Kris.a.higdon@doc.arkansas.gov](mailto:Kris.a.higdon@doc.arkansas.gov)



SARAH HUCKABEE SANDERS  
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS

1302 Pike Avenue, Suite C  
North Little Rock, AR 72114



OFFICE OF THE  
SECRETARY

July 2, 2024

Dennis Hutchinson [REDACTED]

Re: Future correspondence

Dear Mr. Hutchinson:

Please address all future correspondence, discovery, and pleadings in cases before the Arkansas Claims Commission to:

Legal Department  
Arkansas Department of Corrections  
1302 Pike Ave., Suite C  
North Little Rock, AR 72114

Thank you for your cooperation on this matter.

Warm regards,

A handwritten signature in blue ink, appearing to be "Kris Alan Higdon".

Kris Alan Higdon  
Attorney at Law

Before The Arkansas State Claims Commission

Arkansas State Claims Commission

JUL 23 2024

RECEIVED

DENNIS HUTCHINSON ADC [REDACTED]  
PO BOX 1630  
Malvern, Ark 72104

I Dennis HUTCHINSON 143206 come THIS DAY REQUESTING INFORMATION about Two (2) cases.

CASE NUMBER 230735

CASE NUMBER 240863.

CASE NUMBER 230735 HAS BEEN DELAYED BY THOMAS BURNS FOR APPROXIMATELY 2 years.

Thomas BURN representative of ADC HAS wasted State Claims Commission's TIME AND MONEY. ALONG WITH DENNIS HUTCHINSON, TIME AND MONEY.

DENNIS HUTCHINSON DID IN FACT PROVE THAT ADC Malvern UNIT "[REDACTED] did not follow policy AND procedures.

ADC's Thomas BURNS could not prove that Dennis HUTCHINSONS Book 48 LAWS OF Power had or has any bearing ON Security OR Safety of ARKANSAS Department of Correction OR Staff.

Therefore ARKANSAS State Claims Commission Must Rule IN DENNIS HUTCHINSONS favor.

CASE NUMBER 240863. ADC THOMAS BURNS NEVER REPLIED TO DENNIS HUTCHINSON LAW SUIT about forensic

Science Course from Stratford Career Institutions.

DENNIS HUTCHINSON PROVED that Education is Rehabilitation and Forensic Science is Education to better himself. As all of the other Career Courses. "IN FACT" Central Office Publication Review overturn the first Denial and Warden (Deputy) Griffin used her influence to make Central Office to rule in her favor.

ADC Thomas Buens failed to respond to ANY Dennis HUTCHINSON Pleadings.

Therefore:

State Claims Commission must rule in Favor of Dennis Hutchinson due to all the proof "evidence" provided without a doubt that ANY education (is) Rehabilitation, IN FACT Director Ray Hobbs stated in a Administrative Directive stating education "is" Rehabilitation. AND Arkansas State Claims Commission Must award Dennis Hutchinson the Forensic Science Course that Dennis Hutchinson did IN FACT Start and completed the first workbook.

Respectfully

DENNIS HUTCHINSON

7.11.24

STATE OF ARKANSAS )  
 ) SS  
COUNTY OF Hot Spring )

SUBSCRIBED AND SWORN TO before me, a notary public, on this  
17<sup>th</sup> day of July, 2024.

CURTIS L. CLARK  
NOTARY PUBLIC - STATE OF ARKANSAS  
HOT SPRING COUNTY  
COMM. #12720874 EXP. AUGUST 25, 2032

Curtis L. Clark  
NOTARY PUBLIC

My Commission Expires: 8/25/2032

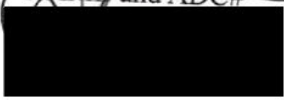
**CERTIFICATE OF SERVICE**

A copy of the foregoing Request for Information has been served  
by the United States Mail, postage pre-paid, to:

Legat Department  
Arkansas Department of Correction  
1302 Pike Ave Ste C  
North Little Rock, Ark 72114

on this 17 day of June, 2024.

[Signature]  
NAME and ADC#



Before the Arkansas State Claims Commission

DENNIS HUTCHINSON [REDACTED]  
P.O. Box 1630  
Malvern, Ark 72104

Arkansas  
State Claims Commission  
JUL 23 2024  
RECEIVED

Up to date Dennis Hutchinson "has not" received any paperwork "file copy or reply from Arkansas Department of Correction.

This is proof that Arkansas Department of Correction "is" hoping Dennis Hutchinson will drop these two cases.

Therefore Dennis Hutchinson 143206 will not allow his two (2) cases let go because of ADC Thomas Bueys wrongful action.

Dennis Hutchinson "did in fact" allow ADC ample time to correct ADC's refusal to acknowledged their wrong.

Respectfully  
DENNIS HUTCHINSON  
[REDACTED]

7.11.24

STATE OF ARKANSAS )  
COUNTY OF Hot Spring )SS

SUBSCRIBED AND SWORN TO before me, a notary public, on this  
17<sup>th</sup> day of July, 2024.

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CURTIS L. CLARK  
NOTARY PUBLIC - STATE OF ARKANSAS  
HOT SPRING COUNTY  
COMM. #12720874 EXP. AUGUST 25, 2032

Curtis F. Clark  
NOTARY PUBLIC

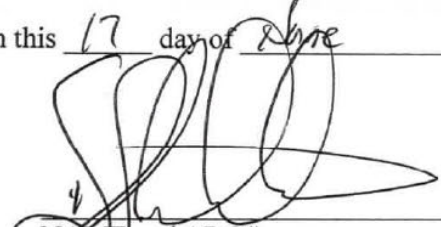

My Commission Expires: 8/25/2032

**CERTIFICATE OF SERVICE**

A copy of the foregoing Request for Answers on Case has been served  
by the United States Mail, postage pre-paid, to:

Arkansas State Claim Commission  
101 East Capitol Ste 410  
Little Rock, Ark 72201

on this 17 day of June, 2024.

  
NAME and ADC#  


**From:** [Kris Higdon \(DOC\)](#)  
**To:** [ASCC Pleadings](#)  
**Cc:** [Tawnie Rowell \(DOC\)](#)  
**Subject:** Dennis Hutchinson v. ADC, 230735  
**Date:** Tuesday, August 6, 2024 12:55:35 PM  
**Attachments:** [Response to Motion for Default Judgment.pdf](#)

---

Please see attached Response to Motion for Default Judgment

Kris Alan Higdon

Attorney at Law

Office of the Secretary

1302 Pike Ave., Suite C

North Little Rock, AR 72114

Phone: 501-682-9593

[Kris.a.higdon@doc.arkansas.gov](mailto:Kris.a.higdon@doc.arkansas.gov)

**BEFORE THE ARKANSAS STATE CLAIMS COMMISSION****DENNIS HUTCHINSON ( [REDACTED] ) CLAIMANT****v. NO. 230735****ARKANSAS DEPARTMENT OF CORRECTIONS RESPONDENT  
DIVISION OF CORRECTION****RESPONSE TO MOTION FOR DEFAULT JUDGMENT**

Comes now, the Respondent, Arkansas Department of Correction (ADC), by and through their attorney, Kris Alan Higdon, and for their Response to Motion for Default Judgment and Motion to Strike, states:

1. Claimant filed a claim seeking injunctive relief of returning a book which he claims was not provided to him called "48 Laws of Power."
2. In paragraph 2 of his Motion for Default Judgment Claimant states that he filed a motion but fails to state when this alleged motion was filed or what motion was filed. Assuming a motion was filed, it was never served upon Respondent.
3. Claimant requests return of the book he discussed in his original petition.
4. Default judgment is not proper because the Claims Commission does not have the authority to award injunctive relief.
5. Claimant goes on to request monetary damages.
6. Default judgment is not proper because Claimant never sought monetary damages in his original petition and has not filed an amended complaint.


WHEREFORE, the Respondent prays that Claimant's Motion for Default Judgment be denied, for attorney's fees and costs, and for all other just and proper relief to which he may be entitled.

Respectfully submitted,

/s/ Kris Alan Higdon  
Kris Alan Higdon #2004115  
Arkansas Department of Corrections  
1302 Pike Ave., Suite C  
North Little Rock, AR 72114  
Telephone: (501) 682-9593  
Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via first class mail, on this 6<sup>th</sup> day of August 2024.

Dennis Hutchinson  


/s/ Kris Alan Higdon  
Kris Alan Higdon

**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 19, 2024

Mr. Dennis Hutchinson (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

RE: *Dennis Hutchinson v. Arkansas Division of Correction*  
Claim Nos. 230735 and 240863

---

Dear Mr. Hutchinson,

This office received your correspondence on July 23, 2024, requesting a status update on the above referenced claims. The status in both of these matters is motion pending. When the Claims Commission enters orders on the motions, you will receive a copy via US Mail. The Claims Commission will rule on the motions as quickly as it can.

Sincerely,

Mika Tucker

ES: msscott

AUG 28 2024

Before The Arkansas State Claims Commission

RECEIVED

Dennis HUTCHINSON [REDACTED] claimant

v. NO: 230735

Arkansas Department of Correction Respondent  
Division of Correction

Response to Respondent Motion to Strike

Comes now, the Claimant in Response to Respondents Motion to strike, Claimants Motion for Default Judgment

1 Claimant filed a claim seeking injunctive relief of returning a book which he (claimant) claims was not provided to him called "48 laws of Power"

Answer: Claimant "In fact" filed suit due to Ouachita River depriving said book "48 Laws of Power" for claimant "That IN FACT" does not meet any of Ouachita River Refusal policy.

2. in paragraph 2 of his motion for Default Judgment Claimant states that he filed a motion but fails to state when this alleged motions was filed or what motion was filed, Assuming a Motion was filed, it was never served upon Respondent.

Answer: IF Respondent never was served claimants Motion for Default Judgment, fact, how would Respondent know what paragraph 2 said.

Answer: Once claimant gives Lettce with Motion of Default

judgment to Security, and Security signs and seal the letter.  
 Claimant does not know (IF) his motion was mailed or what happens  
 Claimant has to go on good fate, Ouachita River Mailed Claimants Legal Mail, to Respondent.

3. Claimant requests return of the book he discussed in his original petition

Answer: Claimant did in fact discuss return of said book, "IN FACT" Claimants suit was based on Ouachita River failure to give Claimant his book "48 hours of Power" that was bought and paid for by claimant family. (same as if Claimant paid out of his commissary money "book money")

4. Default judgment is not proper because the Claims Commission does not have the authority to award injunctive relief

Answer: Per Claims Commission Complaint form, form states Amount sought. (in English means injunctive Relief.)

5. Claimant goes on to request monetary damages.

Answer: IF Respondent stated State Claims Commission does not award injunctive relief. (so why would Respondent state Claimant requested monetary damages.

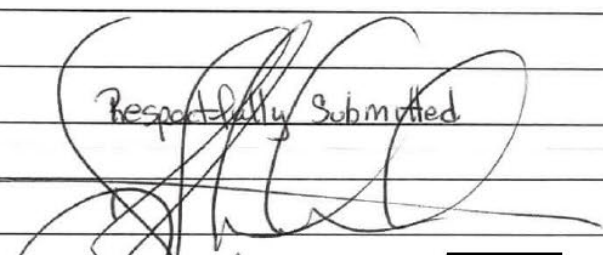


6. Default judgment is not proper because Claimant never sought monetary damages in his original petition and has not filed an amended complaint.

Answer: Same as (4)(5)(6), Claimant original Complaint form so states amount sought.

Therefore: Claimants Motion for Default Judgment Does have Merit and Claimants Motion for Default Judgment should be GRANTED, and amount sought along with deferring claims.

postage and copy cost be awarded to Claimant, along with any and all other proper relief to which Claimant may be entitled.

Respondent has in fact failed to follow Arkansas Rules of Civil Procedure Rule 11, TAPE set is NOT a signature.

Respectfully Submitted  
  
Dennis HUTCHINSON   


CERTIFICATE OF SERVICE

I, Dennis HUTCHINSON 143206 hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, via. first class mail, on this 20<sup>th</sup> day of August 2024.

Kris Alan Higdon #2004115  
Arkansas Department of Correction  
1302 Pike Ave Suite C  
North Little Rock, Ark 72114  
Telephone: (501) 682-9593  
Kris.a.higdon@doc.arkansas.gov

**From:** [Mika Tucker](#)  
**To:** [Tawnie Rowell \(DOC\)](#)  
**Subject:** HEARING: Hutchinson v. ADC, Claim No. 230735  
**Date:** Tuesday, September 3, 2024 9:01:00 AM  
**Attachments:** [Hutchinson v. ADC, 230735 hearing letter \(motion\) 10-2.pdf](#)

---

Hi, Tawnie.

Please see the 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

September 3, 2024

Mr. Dennis Hutchinson (ADC [REDACTED])  
[REDACTED]  
[REDACTED]

Ms. Tawnie Rowell  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

(via email)

RE: *Dennis Hutchinson v. Arkansas Division of Correction*  
Claim No. 230735

---

Dear Mr. Hutchinson and Ms. Rowell,

The Claims Commission has scheduled a hearing on any pending motions in this claim for **Wednesday, October 2, 2024**, beginning at 8:45 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed. The Claims Commission requests that Ms. Rowell transmit the Zoom invitation and hearing details to Claimant's unit.

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: Oct 2, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83493978046?pwd=e5H8aH25LiXMZVFoblseVzVm1a4JQV.1>

Meeting ID: 834 9397 8046

Passcode: 977skS

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One tap mobile

+13092053325,,83493978046#,,,,\*944633# US

+13126266799,,83493978046#,,,,\*944633# US (Chicago)

---

Dial by your location

- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 507 473 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)
- +1 360 209 5623 US
- +1 386 347 5053 US

Meeting ID: 834 9397 8046

Passcode: 944633

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

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Kris Higdon \(DOC\)](#)  
**Cc:** [Yolanda Charles \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)  
**Subject:** ORDER: Dennis Hutchinson v. ADC, Claim No. 230735  
**Date:** Monday, October 21, 2024 3:25:53 PM  
**Attachments:** [Dennis Hutchinson v. ADC.pdf](#)  
[Dennis Hutchinson-order4.pdf](#)

---

Mr. Higdon:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

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

**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Kris Higdon \(DOC\)](#)  
**Cc:** [Yolanda Charles \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)  
**Subject:** ORDER: Dennis Hutchinson v. ADC, Claim No. 230735  
**Date:** Monday, October 21, 2024 3:25:53 PM  
**Attachments:** [Dennis Hutchinson v. ADC.pdf](#)  
[Dennis Hutchinson-order4.pdf](#)

---

Mr. Higdon:

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 21, 2024

Mr. Dennis Hutchinson (ADC [REDACTED])  
[REDACTED]

Mr. Kris Higdon  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

(via email)

Re: *Dennis Hutchinson v. Arkansas Division of Correction*  
Claim No. 230735

---

Dear Mr. Hutchinson and Mr. Higdon:

Enclosed please find the Order entered on October 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

DENNIS HUTCHINSON (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 230735

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion for summary judgment filed by the Arkansas Division of Correction (the “Respondent”) as to the claim of Dennis Hutchinson (the “Claimant”). At the motion hearing on October 2, 2024, Claimant proceeded *pro se*, and Kris Higdon appeared on behalf of Respondent. Based upon a review of the motion and filings, as well as the argument of the parties and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on December 1, 2022, seeking \$530.00 in damages related to his allegation that Respondent violated policy and his First Amendment rights in rejecting a book his sister bought him.
2. The Commission denied Respondent’s motion to dismiss and Claimant’s “Motion for Direct Judgment” and motion for summary judgment on May 18, 2023.
3. The Commission entered an order on Respondent’s motion to deem admitted and various other motions on November 8, 2023.
4. Respondent then filed the instant motion for summary judgment, arguing, *inter alia*, that the Commission does not have jurisdiction over this matter.
5. Claimant filed a response to the motion for summary judgment, arguing that dismissal was not proper.

6. During the hearing, Respondent argued that Claimant did not file a grievance. Respondent also argued that Claimant was seeking redress for the denial of a publication Respondent determined to be inappropriate and that the Commission is not an oversight committee to determine publications the Respondent allows into its facilities.

7. Claimant argued that the book at issue does not pose any sort of security risk and that other inmates in his unit that have the book. Upon a question from a commissioner, Claimant argued that he was damaged by not having the book because he did not have knowledge of understanding others and self-control, which is the subject of the book. Upon a question from a commissioner, Claimant argued that the damages he sought included the cost of the book and postage fees.

8. The Commission agrees with Respondent that the Commission does not have jurisdiction to hear this matter. The Commission also notes that, because Claimant's sister purchased the book, Claimant has no damages. As such, pursuant to Ark. Code Ann. § 19-10-204 and Ark. R. Civ. P. 12(h)(3), the Commission DISMISSES Claimant's claim.

9. Any other pending motions are denied as moot.

IT IS SO ORDERED.




---

ARKANSAS STATE CLAIMS COMMISSION  
Henry Kinslow




---

ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair




---

ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: October 18, 2024

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

- (1) A party has forty (40) days from transmission 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 transmission 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

Arkansas State Claims Commission

NOV 12 2024

RECEIVED

Dennis Hutchinson



Claimant

v.

Claim No: 230735

Arkansas Department of Correction

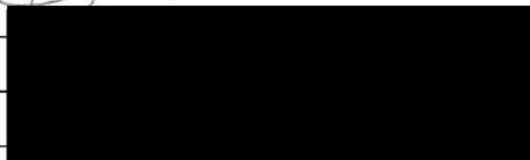
Motion for Transcript

Claimant "Dennis Hutchinson 143206" comes this day requesting a true and complete copy of court action on October 2, 2024.

Claimant will be able to file a appeal at that time, with the Transcript.

Respectfully

Dennis Hutchinson



Nov. 4, 2024

NOV 12 2024

Arkansas State Claims Commission

RECEIVED

Dennis Hutchinson [REDACTED]

Claimant

v. Claim No: 230735

Arkansas Department of Correction

Respondent

Motion for Extinction of Time

Claimant "Dennis HUTCHINSON 143206" comes this day Requesting a Extinction in Time to obtain the Transcript from October 2, 2024.

Claimant will need the Transcript "Hard copy" to file a appeal. in this case.

Respectfully  
[Signature]  
Dennis Hutchinson [REDACTED]

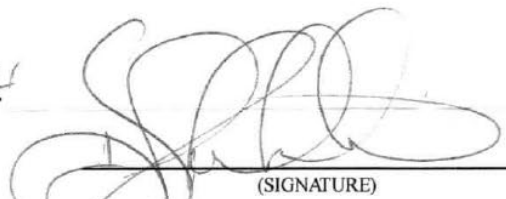
Nov 4, 2024


**CERTIFICATE OF SERVICE**

I certify with my signature that a copy of the foregoing petition was served on Arkansas Department of Correction by placing it in the ORCU Legal Mail system, postage pre-paid, addressed to:

Arkansas Department of Correction  
Legal Division  
1302 Pike Avenue, Suite C  
North Little Rock, Ark 72114

on this 4 day of November, 2024.

  
\_\_\_\_\_  
(SIGNATURE)

By: Hutchinson, D   
(PRINT NAME) (ADC#)



**From:** [Misty Scott](#) on behalf of [ASCC Pleadings](#)  
**To:** [Tawnie Rowell \(DOC\)](#); [Trent Rigdon \(DOC\)](#); [Miles S. Morgan](#)  
**Cc:** [ASCC Pleadings](#); [Yolanda Charles \(DOC\)](#); [Mika Tucker](#)  
**Subject:** ORDER: Dennis Hutchinson v. ADC, Claim No. 230735  
**Date:** Monday, April 7, 2025 3:48:11 PM  
**Attachments:** [Dennis Hutchinson v. ADC3.pdf](#)  
[Dennis Hutchinson-order230735.pdf](#)

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Dear Counselors:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

*Misty*

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

**ARKANSAS STATE CLAIMS COMMISSION**

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



KATHRYN IRBY  
DIRECTOR

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

April 7, 2025

Mr. Dennis Hutchinson (ADC [REDACTED])  
[REDACTED]

Ms. Tawnie Rowell  
Mr. Miles Morgan  
Mr. Trent Rigdon  
Arkansas Division of Correction  
1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114

(via email)

Re: ***Dennis Hutchinson v. Arkansas Division of Correction***  
Claim No. 230735

---

Dear Mr. Hutchinson, Ms. Rowell, Mr. Morgan, and Mr. Rigdon:

Enclosed please find an Order entered on April 3, 2025, 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

DENNIS HUTCHINSON (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 230735

ARKANSAS DIVISION OF  
CORRECTION

RESPONDENT

**ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by Dennis Hutchinson (the “Claimant”) for transcript and motion for extension in his claim against the Arkansas Division of Correction (the “Respondent”). Based upon a review of the filings, the arguments made therein, and the law of Arkansas, the Commission hereby unanimously finds as follows:

1. Claimant filed his claim on December 1, 2022, seeking \$530.00 in damages related to his allegation that Respondent violated policy and his First Amendment rights in rejecting a book his sister bought him.

2. The Commission denied Respondent’s motion to dismiss and Claimant’s “Motion for Direct Judgment” and motion for summary judgment on May 18, 2023.

3. The Commission entered an order on Respondent’s motion to deem admitted and various other motions on November 8, 2023.

4. Following a hearing on Respondent’s motion for summary judgment, the Commission entered an order on October 18, 2024, dismissing Claimant’s claim. This order was transmitted to the parties on October 21, 2024.

5. On November 12, 2024, Claimant filed the instant “Motion for Transcript” and motion for extension, requesting time to obtain a transcript from the Commission so that he may file a notice of appeal.

6. Respondent did not file responses to Claimant’s motions.

7. The Commission notes that the Commission transmits the claim file to the General Assembly when a claimant files a notice of appeal. The Commission also notes that it has no authority to grant an extension of the number of days a party may file a notice of appeal under Ark. Code Ann. § 19-10-211(a)(1). As such, Claimant’s motions are DENIED. However, the Commission will accept Claimant’s motions as a timely notice of appeal and will transmit this claim file to the Arkansas General Assembly pursuant to Ark. Code Ann. § 19-10-211.

IT IS SO ORDERED.




---

ARKANSAS STATE CLAIMS COMMISSION  
Dee Holcomb




---

ARKANSAS STATE CLAIMS COMMISSION  
Paul Morris, Chair




---

ARKANSAS STATE CLAIMS COMMISSION  
Sylvester Smith

DATE: April 3, 2025

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

- (1) A party has forty (40) days from transmission 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 transmission 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).