

JUL 20 2012

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Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

Mr.
Mrs.
Ms.
Miss

Michael St. Clair, #118671, Claimant

vs.

State of Arkansas, Respondent
Dept. of Correction

Do Not Write in These Spaces
Claim No. 13-0061-CC
Date Filed July 20, 2012
(Month) (Day) (Year)
Amount of Claim \$ 10,000.00 (total of all claims)
Fund DOC

COMPLAINT
Failure to Follow Procedure
Negligence, Mental Anguish
Pain & Suffering

Michael St. Clair, #118671, the above named Claimant, of P.O. Box 600, Grady, AR 71644
(Name) (Street or R.F.D. & No.) (City)

(State) (Zip Code) (Daytime Phone No.) County of Lincoln represented by R. Se.
(Legal Counsel, if any, for Claim)
of (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.) says:

State agency involved: Arkansas Department of Correction

Amount sought:

Month, day, year and place of incident or service: March 3rd and 31st of 2011; April 6th, 21st, 27th, and 29th of 2011; May 3rd, 5th, and 10th of 2011; and October 12th and 19th of 2011.

Explanation: Comes now the Claimant, Michael St. Clair, and states the following claims for Breach of Contract "AND" Ministerial Negligence of the State by its employees of the Arkansas Department of Correction for failure to uphold, abide by, and follow policies and procedures as well as provide adequate and proper treatment and care afforded to the claimant in accordance with Administrative Rules, Regulations, and Directives: A.D. 10-19 Employee Conduct Standards and Discipline; A.D. 10-19 (Revised to A.D. 12-16) Employee Conduct Standards; A.D. 11-42 Administrative Segregation; A.R. 235 Employee Conduct Standards; A.D. 10-20 Punitive Segregation/Restrictions; Varner Unit Policy 27.3; A.R. 407 Safety and Sanitation. Wherefore, the Claimant claims the following multiple claims numbered set forth: Claim #1) On March 3, 2011, Varner Unit (Search and Escort Team) personnel violated A.D. 10-19 Employee Conduct Standards and Discipline; A.D. 10-20 Punitive Segregation/Restrictions; Varner Unit Policy 27.3; and A.R. 235 Employee Conduct Standards when they refused, denied, and deprived claimant his one (1) hour recreational activity (yard call), causing claimant mental and emotional stress, pain, anguish and hardship (see attached evidence grievance form-11-01355), RELIEF SOUGHT: \$500.00.

Claim #2) On March 31, 2011, Warden McBeck violated A.D. 10-19 Employee Conduct Standards and Discipline; A.D. 11-42 Administrative Segregation; A.R. 235 Employee Conduct Standards; and Varner Unit Policy 27.3 when he failed to intervene, investigate, and assist in commanding yard crew (Search and Escort Team) personnel to ensure claimant was/is afforded his one (1) hour recreation activity (yard call) pursuant to A.D. 11-42 Administrative Segregation as well as Varner Unit Policy 27.3, causing claimant mental and emotional pain, stress, anguish and hardship (see attached evidence grievance form-11-01355), RELIEF SOUGHT: \$1,500.00.

Claim #3) On March 31, 2011, Varner Unit (Search and Escort Team) personnel violated A.D. 10-19 Employee Conduct Standards and Discipline; A.D. 11-42 Administrative Segregation; Varner Unit Policy 27.3; and A.R. 235 Employee Conduct Standards when they refused, denied, and deprived claimant his one (1) hour recreational activity (yard call) causing claimant mental and emotional stress, pain, anguish and hardship (see attached evidence grievance form-11-01355), RELIEF SOUGHT: \$500.00.

Claim #4) On April 6, 2011, Sgt. Taylor and Sgt. Spencer violated A.D. 10-19 Employee Conduct Standards and Discipline; A.R. 235 Employee Conduct Standards; and A.R. 407 Safety and Sanitation when they failed to allow claimant a safe and sanitized cell, knowing claimant had unsanitary sewage rubbery (Page 2 of 4 of the claimant's

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?

; when? (Month) (Day) (Year) to whom? (Department)
(Yes or No) and that the following action was taken thereon:

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

(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)
and that the nature thereof is as follows:

; and was acquired on ; in the following manner:

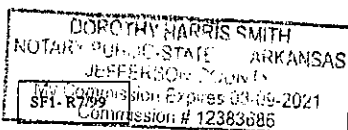
THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

Michael St. Clair (Print Claimant/Representative Name) (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Grady Ar.

(SEAL)

on this 5 day of July, 2012
(Date) (Month) (Year)



Dorothy Harris Smith (Notary Public)

My Commission Expires: 3 9 - 21
(Month) (Day) (Year)

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

claims)... up in his cell which could cause Hepatitis, Tuberculosis, and other health hazardous threats. Causing Claimant sleep deprivation, mental and emotional stress, pain, anguish, and atypical + significant hardship to the everyday incidents of prison life. (see attached evidence grievance #VSM-11-1461). RELIEF SOUGHT: \$2,500.00

Claim #5) On April 21, 2011 Yard Crew (Search and Escort Team) personnel violated A.D. 10-19 Employee Conduct Standards and Discipline; A.R. 225 Employee Conduct Standards; A.D. 11-42 Administrative Segregation, and Varner Unit Policy 27.3 when they refused, denied, and deprived Claimant his one (1) hour recreation activity daily exercise causing Claimant mental and emotional pain, stress, anguish, and hardship. (See attached evidence grievance #VSM-11-01665). RELIEF SOUGHT: \$500.00

Claim #6) On April 27, 2011 Yard Crew (Search and Escort Team) personnel violated A.D. 10-19 Employee Conduct Standards and Discipline; A.R. 225 Employee Conduct Standards; A.D. 11-42 Administrative Segregation; and Varner Unit Policy 27.3 when they refused, denied, and deprived Claimant his one (1) hour daily recreation activity causing Claimant mental and emotional stress, pain, anguish, and hardship. (See attached evidence grievance #VSM-11-01760). RELIEF SOUGHT: \$500.00

Claim #7) On April 29, 2011 Yard Crew (Search and Escort Team) personnel violated A.D. 10-19 Employee Conduct Standards and Discipline; A.R. 225 Employee Conduct Standards; A.D. 11-42 Administrative Segregation; and Varner Unit Policy 27.3 when they refused, denied, and deprived Claimant his one (1) hour daily recreation activity causing Claimant emotional and mental pain, stress, anguish, and hardship. (See attached evidence grievance #VSM-11-01760). RELIEF SOUGHT: \$500.00

Claim #8) On May 3, 2011 Yard Crew (Search and Escort Team) personnel violated A.D. 10-19 Employee Conduct Standards and Discipline; A.R. 225 Employee Conduct Standards; A.D. 11-42 Administrative Segregation; and Varner Unit Policy 27.3 when they refused, denied, and deprived Claimant his one (1) hour activity recreation (yard call) causing Claimant emotional and mental stress, pain, anguish, and hardship. (See attached evidence grievance #VSM-11-1829). RELIEF SOUGHT: \$500.00

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Claim #9) On May 5, 2011 Yard Crew (Search and Escort Team) personnel violated A.D. 10-19 Employee Conduct Standards and Discipline; A.R. 225 Employee Conduct Standards; Varner Unit Policy 27.3; and A.D. 11-42 Administrative Segregation when they refused, denied, and deprived Claimant his one (1) hour daily recreation activity (Yard Call) causing Claimant emotional and mental pain, stress, anguish, and hardship. (See attached evidence grievance #VSM-11-1829), RELIEF SOUGHT: \$500.00

Claim #10) On May 19, 2011 Yard Crew (Search and Escort Team) personnel violated A.D. 10-19 Employee Conduct Standards and Discipline; A.R. Employee Conduct Standards; Varner Unit Policy 27.3; and A.D. Administrative Segregation when they refused, denied, and deprived Claimant his one (1) hour recreation activity (Yard Call) causing Claimant mental and Emotional pain, stress, anguish, and hardship. (See attached evidence grievance #VSM-11-01857), RELIEF SOUGHT: \$500.00

Claim #11) On October 13, 2011 Ms. Lisa Robinson designated Issuance Officer/Problem-Solving Staff, refused to sign informal resolution/grievance of Claimant violating A.D. 09-01 (Revised to A.D. 12-16) Inmate Grievance Procedure; A.D. 10-19 Employee Conduct Standards and Discipline; and A.R. 225 Employee Conduct Standards causing Claimant emotional and mental pain, stress, anguish, and hardship. (See attached evidence grievance #VSM-11-4096), RELIEF SOUGHT: \$400.00

Claim #12) On October 13, 2011 Ms. Lisa Robinson designated Issuance Officer/Problem-Solving Staff, refused to sign informal resolution/grievance of Claimant violating A.D. 09-01 (Revised to A.D. 12-16) Inmate Grievance Procedure, A.D. 10-19 Employee Conduct Standards and Discipline; and A.R. 225 Employee Conduct Standards causing Claimant emotional and mental pain, stress, anguish, and hardship. Ms. Robinson Admits this claim. (See attached evidence grievance #VSM-11-4096), RELIEF SOUGHT: \$400.00

Claim #13) On October 13, 2011 Ms. Lisa Robinson, designated Issuance Officer/Problem-Solving Staff, refused to sign informal resolution/grievance of Claimant violating A.D. 09-01 (Revised to A.D. 12-16) Inmate Grievance Procedure; A.D. 10-19 Employee Conduct Standards and Discipline; and A.R. 225 Employee Conduct Standards causing Claimant emotional and mental pain, stress, anguish, and hardship. Ms. Lisa Robinson Admits this claim. (See attached evidence grievance #VSM-11-4096) RELIEF SOUGHT: \$400.00

BEFORE THE STATE CLAIMS COMMISSION
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Claim #14) ON October 19, 2011 Ms. Lisa Robinson designated Issuance Officer / Problem-Solving Staff refused to sign a informal resolution / grievance of the Claimant which violated A.D. 10-19 Employee Conduct Standards and Discipline; A.D. 09-01 (Revised to A.D. 12-16) Inmate Grievance Procedure; A.R. 225 Employee Conduct Standard causing the Claimant mental and emotional stress, pain, anguish, and hardship. Ms. Lisa Robinson Admits this claim as true. (See attached evidence grievance # VSM-11-4125). RELIEF SOUGHT: \$400.00

Claim #15) ON October 19, 2011 Ms. Lisa Robinson designated Issuance Officer / Problem-Solving Staff refused to sign a informal resolution / grievance of the Claimant which violated A.D. 10-19 Employee Conduct Standards; A.D. 09-01 (Revised to A.D. 12-16) Inmate Grievance Procedure; and A.R. 225 Employee Conduct Standards causing Claimant emotional and mental pain, stress, anguish, and hardship. Ms. Lisa Robinson admits this claim as true. (See attached evidence grievance # VSM-11-4125). RELIEF SOUGHT: \$400.00

Claimant's amount sought: Claim #1) \$500.00; Claim #2) \$1,500.00; Claim #3) \$500.00; Claim #4) \$2,500.00; Claim #5) \$500.00; Claim #6) \$500.00; Claim #7) \$500.00; Claim #8) \$500.00; Claim #9) \$500.00; Claim #10) \$500.00; Claim #11) \$400.00; Claim #12) \$400.00; Claim #13) \$400.00; Claim #14) \$400.00; and Claim #15) \$400.00

Michael St. Clair
(Print Claimant/Representative Name)

M. St. Clair
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at Grady Ar
(City) (STATE)
on this 5 day of July, 15
(DATE) (MONTH) (YEAR)

DOROTHY HARRIS SMITH
NOTARY PUBLIC STATE OF ARKANSAS
JEFFERSON COUNTY
My Commission Expires 03-09-2021
Commission # 12383686

3-9-21
My Commission Expires:

CERTIFICATE OF SERVICE

I, Michael St. Clair, Claimant herein, does certify that a copy of this Claimant's First Set of Production and Inspection has been served this 14th day of July, 2012.

To: Mr. Norman Hodges - Arkansas State Claims Commission Director at 101 East Capital Avenue, Suite 410, Little Rock, Ar 72201 (6 copies)

and

To: Ms. Lisa Mills Wilkins - Respondent at P.O. Box 8707, Pine Bluff, Ar 71611-8707 (1 Copy)

By placing same in the U.S. mail with sufficient postage affixed to ensure delivery addressed to:

Mr. Norman Hodges - Arkansas State Claims Commission Director at 101 East Capital Avenue, Suite 410, Little Rock, Ar 72201

and

Ms. Lisa Mills Wilkins - Respondent at P.O. Box 8707, Pine Bluff, Ar 71611-8707.

Respectfully Submitted,

M. St. Clair

Michael St. Clair #118671

Varner Super Max

P.O. Box 600

Grady, Ar 71644-0600

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

Michael St. Clair #118671

CLAIMANT

VS.

CLAIMS NO.

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT'S

CLAIMANT'S FIRST SET OF PRODUCTION AND INSPECTION
REQUEST TO RESPONDENTS

Comes now the Claimant, Michael St. Clair, and request for production and inspection the following:

- 1) Provide for production and inspection the video surveillance camera tape recording footage of Isolation one facing cell # Seven (7) for the date of March 2, 2011.
- 2) Provide for production and inspection the video surveillance camera tapes recording footage of Isolation one day room/recreation area for the date of March 2, 2011.
- 3) Provide for production and inspection the video surveillance camera tapes recording footage of ~~cellblock Three (3)~~ Cellblock Three (3) facing cell # 3-04 for the date of March 31, 2011.
- 4) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of March 31, 2011.
- 5) Provide for production and inspection the video surveillance camera tapes recording footage of cellblock Three (3) facing cell # 3-04 for the date of April 6, 2011.

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- 6) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell # 3-04 for the date of April 21, 2011.
- 7) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of April 21, 2011.
- 8) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell # 3-04 for the date of April 27, 2011.
- 9) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of April 27, 2011.
- 10) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell # 3-04 for the date of April 29, 2011.
- 11) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of April 29, 2011.
- 12) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell # 3-04 for the date of May 3, 2011.
- 13) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of May 3, 2011.
- 14) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of May 5, 2011.

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- 15) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of May 5, 2011.
- 16) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell #3-04 for the date of May 10, 2011.
- 17) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of May 10, 2011.
- 18) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Four (4) facing cell #4-50 for the date of October 13, 2011.
- 19) Provide for production and inspection the video surveillance camera tapes recording footage of Cellblock Four (4) facing cell #4-50 for the date of October 19, 2011.
- 20) Attach copy and provide any and all yard call logs for Isolation One for the date of March 2, 2011.
- 21) Attach copy and provide any and all yard call logs and additional logs of Cellblock Three (3) for the date of March 31, 2011.
- 22) Attach copy and provide any and all reportings and logs for Cellblock Three (3) for the date of April 6, 2011.
- 23) Attach copy and provide any and all yard call logs and reportings for/of Cellblock Three (3) for the date of April 21, 2011.
- 24) Attach copy and provide any and all yard call logs and reporting for/of Cellblock Three (3) for the date of April 27, 2011.

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- 25) Attach copy and provide any and all yard call logs and reportings for/of Cellblock Three (3) for the date of April 29, 2011.
- 26) Attach copy and provide any and all yard call logs and reportings for/of Cellblock Three (3) for the date of May 3, 2011.
- 27) Attach copy and provide any and all yard call logs and reporting for/of Cellblock Three (3) for the date of May 5, 2011.
- 28) Attach copy and provide any and all yard call logs and reportings for/of Cellblock Three (3) for the date of May 10, 2011.
- 29) Provide for production Administrative Directive 10-19 Employee Conduct Standards and Discipline.
- 30) Provide for production Administrative Regulation 225 Employee Conduct Standards.
- 31) Provide for production any and all Revised/Supersedes Employee Conduct Standards.
- 32) Provide for production Varner Unit Policy 27.3
- 33) Provide for production Administrative Directive 11-42 Administrative Segregation.
- 34) Provide for production Administrative Directive 10-20 ~~Administrative~~ Punitive Segregation.
- 35) Provide for production Administrative Regulation 407 Safety and Sanitation.

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

ARKANSAS STATE
CLAIMS COMMISSION
SEP 25 2012

Michael St. Clair, #118671

CLAIMANT

V.

CLAIMS No. #13-0061-CC

Arkansas Department of Correction

RESPONDANT

OBJECTION TO RESPONDANTS' RESPONSE TO CLAIMANTS'
REQUEST FOR FIRST SET OF PRODUCTION AND INSPECTION;
AND DOCUMENTS PRESENTED

Comes now the Claimant, Michael St. Clair, and for his objections to Respondants' response to his request for First Set of Production and Inspection, and Documents presented, states and responds as follows:

- 1) Respondant stated to Claimant's request for video surveillance recorded footage for Numbers 1 through 19 are no longer available due to the long passage of time.
- 2) Claimant's #1. Request for production and inspection the video surveillance camera tape recording footage of Isolation One facing cell seven (#7) for the date of March 2, 2011 would, or would have shown Search and Escort Team (Yard Crew) officer stepped in front of cell seven (#7) placing Claimant and his cellmate on the yard list (Please see Respondants' REP #1 showing Isolation-1007 Lower and Upper with the (✓) check mark showing inmates on yard list).
- 3) Claimant's #2. Request for production and inspection the video surveillance camera tapes

recording footage of Isolation One dayroom/recreation area for the date of March 2, 2011 would, or would have shown two (2) inmates housed in Isolation One receiving their one hour recreation activity.

4) Claimants' #3 Request for production and inspection the video surveillance camera tapes recording footage of cell block Three (3) facing cell #3-04 for the date of March 31, 2011 would, or would have shown Search and Escort Team (Yard Crew) officer stopping at cell #3-04 placing Claimant on the yard call list (Please see Respondants R.E.P #2 showing NO check (✓) marks by any inmates who requested to be placed on the yard call list; especially Claimant, Michael St. Clair).

5) Claimants' Exhibit #2 grievance #VSM-11-01308 filed against Warden Banks for failure to intervene on the yard crews failure to give me (as well as every other inmate housed in the Varner Super Max) the required one hour recreation activity dated March 31, 2011 will show at Step One level Response Given: "Be advised due to yard crew having to work in V.S.M. due to fact they had to help make moves, transfer, sick call * etc. yard call" was cut short other than that you went out."

6) Claimants' Exhibit #3 grievance #VSM-11-01309 filed against Search and Escort Team (Yard Crew) for failure to give me my one (1) hour recreation activity dated March 31, 2011 will show at Step One level Response Given: "Yard was cut short due to doing shakedown in cell blocks."

7) Claimants' #4 Request for production and inspection the video surveillance camera tapes recording footage of Cell block Three (3) recreation area for the date of March 31, 2011

would, or would have shown (1) Claimant did not go out other than all the multi-reasons given in Exhibit #2 grievance #VSM-11-01308 (Please see Exhibit #2 Step One Level Response Given), (2) and there was no heavy rain, thundering, lightning, or inclement weather.

8) Claimants' #5. Request for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell #3-04 for the date of April 6, 2011 would, or would have shown Claimants cell #3-04 was never properly sanitized or given cleaning supplies in order to sanitize and clean his cell within twenty-four (24) hours after sewage water backed up through the pipe-line and up through the shower drainage, failing to allow Claimant a safe and sanitized cell.

9) Claimants' Exhibit #4. grievance #VSM-11-01461 filed against the lazy s***s!?! (Claimant later learning area supervisor(s) responsible at the time of incident and a day later being Sgt. Taylor and Sgt. Spencer). In the appeal to Chief Deputy Director Mr. Larry May, he state in response, "Records does not indicate Claimant was removed from his cell or given the opportunity to clean his cell on April 5, 2011. Therefore, I find your appeal with merit. Appeal Upheld."

10) Claimants' #6. Request for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell #3-04 for the date of April 21, 2011 would, or would have shown Search and Escort Team (Yard Crew) officer stopping at cell #3-04 placing Claimant on the yard call list (Please see Respondants' RFP #3 showing check (✓) marks indicating inmates placed on yard call list including Claimant Cellblock #3-304).

11) Claimant's #7. Request for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of April 21, 2011 would, or would have shown that the rain was not heavy as proclaimed, and recreation areas have roofs to allow inmates entitled one (1) hour recreation in typical light or heavy rain.

12) Claimant's Exhibit #5 grievance #VSM-11-01665 filed against the Yard Crew (Search and Escort Team) for denying me my one (1) hour recreation activity. Step One Level Response Given: "Due to heavy rain yard call was [not] done (?) U.S.M. per Captain (?)"

13) Respondant's RFP #3 shows "The Set Team was only able conduct yard call for cellblocks 5+6 because of Heavy Rain, Thunder and lightening."

14) Claimant's #8. Request for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell #3-04 for the date of April 27, 2011 would, or would have shown Search and Escort Team (Yard Crew) officer placing Claimant on the Yard Call list (Please see Respondant's RFP #4 showing the check (✓) marks indicating what inmates was placed on the Yard Call list; especially claimant housed in Cellblock Three (3) cell #3-04 and written across the record is "No Yard Call Inclement Weather").

This video surveillance camera tapes recording footage would, or would have also shown the Search and Escort Team helping with the trafficking of inmates back and forth from classification that day.

15) Claimant's Exhibit #6. grievance #VSM-11-01760 filed against the Yard Crew (Search and Escort Team) for denying me my one (1) hour recreation activity for April 27, 2011 and April 29, 2011. Step One Level Response Given: "Yard call was done you didn't put your

name on the list for yard call."

16) Claimant's #9. Request for production and inspection the video surveillance camera tapes recording footage of Cell block Three (3) recreation area for the date of April 27, 2011 would, or would have shown there was no "Inclement Weather" as Respondants' RFP #4 proclaims. Furthermore, the recording footage would, or would have shown that the weather was fair.

17) Claimant's #10. Request for production and inspection the surveillance camera tapes recording footage of Cell block Three (3) facing cell #3-04 for the date of April 29, 2011 would, or would have shown Search and Escort Team (Yard Crew) officer stopping at cell #3-04 placing Claimant on the yard call list.

18) Respondants' #7. Response to Claimant's First Set of Production Request No. 25: RFP #5 is a document recording a list of inmates housed in Isolation. The section labeled as Isolation is unrecognizable as to which Isolation it pertains to. Furthermore, it shows check (✓) marks as to which inmates was placed on the yard list and an (X) to show which inmates received their one (1) hour recreation activity. This document further insinuates in the area showing #22 circled as "Claimant's Bed" which is completely inaccurate due to Claimant was never housed in any Isolation on April 29, 2011 or for the month of April period. Claimant was housed in Cell block Three (3) on April 29, 2011 and for the month of April period.

19) Claimant's #11. Request for production and inspection the video surveillance camera tapes recording footage of Cell block Three (3) recreation area for the date of April 29, 2011 would, or would have shown the weather was in fact fair that day.

20) Claimants #12. Request for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell #3-04 for the date of May 3, 2011 would, or would have shown Search and Escort Team (Yard Crew) officer stopping at Claimants cell #3-04 placing him on the yard call list.

21) Respondants #8. Response to Claimants First Set of Production Request No. 26: RFP#6 is a document recording a list of inmates housed in isolation. The section labeled as Isolation is unrecognizable as to which Isolation it pertains to. Furthermore, it shows a check (✓) marks as to which inmates was placed on the yard list and an (X) to show which inmates received their one (1) hour recreation activity. This document dated 5-3-11 further insinuates in the area showing #22 circled as "Claimants Bed" which is completely inaccurate due to Claimant was never housed in any Isolation on May 3, 2011 or for the month of May period. Claimant was housed in Cellblock Three (3) on May 3, 2011.

22) Claimants #13. Request for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of May 3, 2011 would, or would have shown the weather was fair, and Claimant did not receive his one (1) hour recreation.

23) Claimants #14. Request for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell #3-04 for the date of May 5, 2011 would, or would have shown Search and Escort Team (Yard Crew) officer stopping in front of Claimant cell #3-04 placing him on the yard call list.

24) Respondants #9. Response to Claimants First Set of Production Request No. 27: RFP#7 is a document recording a list of inmates housed in isolation. The section labeled as Isolation

is unrecognizable as to which Isolation it pertains to. This document is irrelevant to any of the Claimant's claims or to Request # 27 as presented by Respondant. Claimant was never housed in any Isolation in the month of May, nor the 5th of May.

23) Claimant's #15. Request for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) recreation area for the date of May 5, 2011 will, or would have shown the weather was fair, and Claimant did not receive his one (1) hour recreation activity.

24) Claimant's #16. Request for production and inspection the video surveillance camera tapes recording footage of Cellblock Three (3) facing cell # 3-04 for the date of May 10, 2011 would, or would have shown Search and Escort Team (Yard Crew) officer stopping at Claimant's cell # 3-04 placing him on the yard call list.

25) Respondant's RFP #8 which is a document recording a list of inmates housed in Isolation. The section labeled as Isolation is unrecognizable as to which Isolation it pertains to. Furthermore, it shows check (✓) marks as to which inmates was placed on the yard call list and an (X) to which inmates received their one (1) hour recreation activity. This document dated 5-10-11 further insinuates in the area showing #22 as "Claimant's Bed" which is completely inaccurate due to Claimant was never housed in any Isolation on May 10, 2011 or for the month of May period. Claimant was housed in Cellblock Three (3) on May 10, 2011.

26) OBJECTION and in Response to Respondant's #3. Response to Claimant's Request No. 21 "Respondent does not know what is meant by 'additional logs' and will not guess. Claimant's

request for copy and provide any and all yard call logs and additional logs of Cellblock Three for the date of March 31, 2011 seemed and still seems pretty clear. 'Additional Logs' meaning 'Additional logs of Cellblock Three (3)' as stated. The additional logs of cellblock Three (3) could be properly inspected for the very purpose they are recorded for. That's to show documentation and records of all movements and actions of the cellblock. The fact that the logs for Cellblock Three (3) is past dated March 31, 2011 there can not possibly be any threat to the security and good order of the institution.

29) OBJECTION and in response to Respondants #4. Response to Claimants Request No. 22: "Respondent does not know what is meant by 'reporting logs' and will not guess." Claimants request for copy and provide any and all reporting logs and 'Logs' for Cellblock Three (3) for the date of April 6, 2011. The logs for Cellblock Three (3) could be properly inspected for the very purpose they are recorded for. That's to show documentation and records of all movements and actions of the cellblock. The fact that the logs for Cellblock Three (3) is past dated April 6, 2011 there can not possibly be any threat to the security and good order of the institution.

30) OBJECTION and in response to Respondants #5. Response to Claimants Request No. 23: "Respondent does not know what is meant by 'reporting logs' and will not guess." Claimants request for copy and provide any and all yard call logs and reportings for of Cellblock Three (3) for the date of April 21, 2011 could or can be properly inspected for the very purpose they are recorded for. That's to show documentation and records of all movements and actions of the cellblock. The fact that the logs for Cellblock Three (3) is past dated April 21, 2011 there cannot possibly be any threat to the security and good order of the institution.

32) OBJECTION and in response to Respondants Co. Response to Claimants Request #24:

"Respondent does not know what is meant by 'reporting logs' and will not guess.

Claimant requested for copy and provide any and all yard call logs and reporting for/of Cellblock Three (3) for the date of April 27, 2011. The requested copies of reporting logs of Cellblock Three (3) for the date of April 27, 2011 could or can be properly inspected for the very purpose they are recorded for. That is to show documentation and records of all movements and actions of the Cellblock. The fact that the logs for Cellblock Three (3) is past dated April 27, 2011 there cannot be any threat to the security and good order of the institution.

33) OBJECTION and in response to Respondants #7. Response to Claimants Request #25:

"Respondants does not know what is meant by 'reporting logs' and will not guess.

Claimant requested for copy and provide any and all yard call logs and reportings for/of Cellblock Three (3) for the date of April 29, 2011. The requested copies of reporting logs of Cellblock Three (3) for the date of April 29, 2011 could or can be properly inspected for the very purpose they are recorded. That is to show documentation and records of all movements and actions of the Cellblock. The fact that the logs for Cellblock Three (3) is past dated April 29, 2011 there cannot be any threat to the security and good order of the institution. Furthermore, Respondants RFP #5 is irrelevant to Claimants case due to the fact the document is a record of yard call list conducted on April 29, 2011 for unknown Isolation, and Claimant was never housed in any Isolation for April 29, 2011 or for the month of April period.

34) OBJECTION and in response to Respondants #8. Response to Claimants Request No. 26:

"Respondant(s) does not know what is meant by 'reporting logs' and will not guess. Claimant

requested for copy and provide any and all yard call logs and 'reportings' for of Cellblock Three (3) for the date of May 3, 2011. The requested copy of reporting logs of Cellblock Three (3) for the date of May 3, 2011 could or can be properly inspected for the very purpose they are recorded. That is to show documentation and records of all movements and actions of the cellblock. The fact that the logs for Cellblock Three (3) is past dated May 3, 2011 there cannot be any threat to security and good order of the institution. Furthermore, Respondants RFP#6 is irrelevant to Claimants case due to the fact the document is a record of a yard call list conducted on May 3, 2011 for unknown Isolation, and Claimant was never housed in any Isolation for May 3, 2011 or for the month of May period.

39) OBJECTION and response to Respondants #9. Response to Claimants Request No. 27: "Respondant does not know what is meant by 'reporting logs' and will not guess. Claimant requested for copy and provide any and all yard call logs and 'reportings' for of Cellblock Three (3) for the date of May 5, 2011. The requested copy of reporting logs of Cellblock Three (3) for the date of May 5, 2011 could or can be properly inspected for the very purpose they are recorded. This is to show documentation and records of all movements and actions of the cellblock. The fact that the logs for Cellblock Three (3) is past dated May 5, 2011 there cannot be any threat to security and good order of the institution. Furthermore, Respondants RFP#7 is irrelevant to Claimants case due to the fact the document is a record of a yard call list conducted May 5, 2011 for unknown Isolation, and Claimant was never housed in any Isolation for May 5, 2011 or for the month of May period.

39) OBJECTION and response to Respondants #10. Response to Claimants Request No. 28. Respondants RFP#4 is a yard call list dated April 27, 2011 and is clearly irrelevant

to Claimants request No. 28 "Attach copy and provide any and all yard call logs and 'reportings for/of Cellblock Three (3) for the date of May 10, 2011' not April 27, 2011. Furthermore, Respondant states, "Respondant does not know what is meant by 'reporting logs' and will not guess. Claimants request for reporting logs for/of Cellblock Three (3) for the date of May 10, 2011 could, or can be properly inspected for the very purpose they are recorded. The fact that the logs for Cellblock Three (3) is past dated May 10, 2011 there cannot be any threats to security and good order of the institution.

3) OBJECTION and response to Respondants #11, response to Claimants request for production and inspection No. 29-35. Respondant Objected to Claimants request and stated, "All policies to which Claimant is entitled are located in the Law Library.

On September 14, 2012, Claimant requested from the Varner Unit / Varner SuperMax Unit Law Library the A.D. 10-19 "Employee Conduct Standards and Discipline" being Claimants Request No. 29 of his Complaint; and A.R. 00-225 "Employee Conduct Standards" being Claimants Request No. 30 of his Complaint.

By Claimant being denied the above mentioned policies further violates A.D.C. policy A.D. 08-11 "Placement of Administrative Regulations, Directives, and Memoranda in Law Libraries" (Please see Exhibit # 20) #2. Explanation: Administrative regulations, directives, and memoranda are procedural statements regarding policies within the Department of Correction. Inmates affected by procedures are provided access to the policies for reference.

Claimants Request No. 29: Administrative Directive "Employee Conduct Standards and Discipline" would infact further show "Breach of Contract" and "Ministerial Negligence" and poses no security threat to the good order of the

the institution. A.D. 10-19 "Employee Conduct Standards and Discipline".

Claimants Request No. 30: Administrative Regulation "Employee Conduct Standards" would in fact also show "Breach of Contract" and "Ministerial Negligence" and poses no security threat to the good order of the institution. A.R. 00-225 "Employee Conduct Standards".

Respectfully Submitted,
Michael St. Clair #118671

M. St. Clair

P.O. Box 600

Grady, Ar 71644-0600

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MICHAEL ST. CLAIR (ADC 118671)

CLAIMANT

V.

NO. 13-0061-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ANSWER

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

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

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

Respectfully submitted,
Department of Correction Office of Counsel

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

Attorney Supervisor

Post Office Box 8707

Pine Bluff, AR 71611

(870)267-6844 Office

(870)267-6373 Facsimile

ARKANSAS STATE
CLAIMS COMMISSION

JUL 26 2012

RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 24 day of July, 2012, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Michael St. Clair (ADC 118671)

Varner Supermax Unit

PO Box 400

Grady, AR 71644-0400

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

FEB 06 2013

RECEIVED
CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MICHAEL ST. CLAIR (ADC #118671)

V.

NO. 13-0061-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its Motion to Dismiss, states as follows:

1. Many of these claims are based on the inmate not receiving recreation or 'yard call' as it is known. On any day, 100+ inmates can be signed up and escorted individually to recreation. Attached hereto as Exhibit "A" is a statement of Aaron Thomas, an officer in charge of yard call in Isolation 3 where Claimant was housed a substantial part of the time in question, to explain how it is conducted. Claimant seems to expect that an officer should appear individually at each cell to inquire personally if the inmate wants yard call that date. Such action is not required by law nor is it feasible considering the security manpower, number of inmates, and the time involved.

2. Administrative Directive 10-26, "Administrative Segregation", III(C) (12) states in the "Controls and Privileges while in Administrative Segregation" section, "Opportunity for exercise, a minimum of one hour of exercise per day five days per week, unless security or safety dictate otherwise. Opportunities to exercise outdoors, weather permitting. Reasons for the imposition of any constraints should be documented. Inmates who have out-of-cell work assignments are not required to receive the one-hour exercise period."

3. During the relevant time periods, Claimant was assigned to the following beds:

02/09/2011	Varner Unit	MAX1	007L	Disciplinary Confinement
03/22/2011	Varner Super Max	CB03	0304	Overcrowding Adjustment
05/26/2011	Varner Super Max	CB01	0157	Overcrowding Adjustment
07/15/2011	Varner Super Max	CB04	0450	Overcrowding Adjustment
12/14/2011	Varner Super Max	CB04	0450	Exchanged Beds

CLAIM #1

4. Claimant seeks \$500.00 in damages for an alleged violation of policy by his failure to receive a one (1) hour recreation on March 2, 2011.

5. Claimant has failed to state a cause of action under ARCP 12(b)(6) and the claim should be dismissed for the reasons set forth herein.

6. Claimant was housed in Max 1 Bed 7L on this date. He signed up to go, but admits that when the officer called out or yard call, he did not hear the call and did not respond. Call was made, 59 inmates responded. Claimant had an opportunity to see other inmates leaving and ask to go, but did not.

7. Claimant has failed to show any violation of policy.

CLAIM #2

8. Claimant seeks \$1,500.00 as damages alleging that Warden Banks failed to investigate his allegation of not receiving yard call.

9. Claimant has no standing to seek damages for the Warden's investigation or lack of investigation in any matter.

10. Furthermore, the matter was investigated and the number officers assisting with yard call was increased to six to ensure that everyone timely received their recreation time.

11. Claimant has failed to show any violation of policy.

CLAIM #3

12. Claimant seeks \$500.00 as damages alleging that he was denied one hour yard call on March 31, 2011.

13. Claimant admits that he was not prepared for yard because he was not dressed when it was called. Inmates are to be ready and waiting when yard is called.

14. Additionally, yard call was cut short on this date by a random shakedown in the area. Policy states that yard call will not take place in the event of security or safety. See Exhibit "B".

15. Claimant has failed to show any violation of policy.

CLAIM #4

16. Claimant seeks \$2,500.00 as damages for Sgt. Taylor and Sgt. Spencer violation of the employee conduct standards and safety and sanitation standards when they failed to allow claimant a safe and sanitized cell knowing that he had an unsanitary cell due to sewage backup.

17. Claimant has no standing to raise a claim based on the employee conduct standard which an employee performance standard and not one to which the inmate is entitled to even have in his possession.

18. Claimant fails to state how these officers knew that sewage was backed up in his cell. Claimant has failed to show any facts to support any violation of AR 407.

19. Claimant states that he was exposed to substances which could have caused him harm. However, Claimant suffered no medical or mental health effects for which he sought treatment as a result of any potentially harmful exposure.

20. On April 5, 2011, there were clogged drains in the cell block. Maintenance was notified at 7:55 p.m. and arrived at 9:20 p.m. to unclog the drains. There is no evidence or proof that Claimant had any sewer backup in his cell.

21. Claimant has failed to show any violation of policy.

CLAIM #5

22. Claimant seeks \$500.00 as damages alleging that he was denied one hour yard call on April 21, 2011.

23. On this day, yard call was cancelled due to the heavy rains. See Exhibit "C". Policy states that it will not take place if weather prohibits. Claimant has failed to show any violation of policy.

CLAIM #6

24. Claimant seeks \$500.00 as damages alleging that he was denied one hour yard call on April 27, 2011.

25. On this day, Claimant was assigned to cellblock 3, bed 304. Yard call was cancelled due to the heavy rains. See Exhibit "D". Policy states that it will not take place if weather prohibits. Claimant has failed to show any violation of policy.

CLAIM #7

26. Claimant seeks \$500.00 as damages alleging that he was denied one hour yard call on April 29, 2011.

27. Records reflect that yard call was conducted, but Claimant did not participate. Claimant has failed to show any violation of policy.

CLAIM #8

28. Claimant seeks \$500.00 as damages alleging that he was denied one hour yard call on May 3, 2011.

29. Records reflect that yard call was conducted, but had to be cut short due to a security incident in which the Set and Escort Team, the officers who escort to yard call, were required to contain. This incident report is available for the commission to view in camera. Claimant has failed to show any violation of policy.

CLAIM #9

30. Claimant seeks \$500.00 as damages alleging that he was denied one hour yard call on May 5, 2011.

31. Records reflect that yard call was conducted, but Claimant did not participate. Records reflect that yard call was conducted, but Claimant did not participate. Notations in the SET Roster indicate that yard call was cut short to deal with inmates in Isolation #4 and Isolation #1. Claimant has failed to show any violation of policy.

CLAIM #10

32. Claimant seeks \$500.00 as damages alleging that he was denied one hour yard call on May 10, 2011.

33. Claimant admits that yard call is being run everyday, but complains that the officer does not stop by each cell and ask each person individually if they want to go on yard call. Claimant simply states that he does not want to stand at the door and wait on the officers to come by. He states "yard call needs to stop and ask if I want yard." The policy and procedure for going to

yard call has been explained to Claimant and he has had ample opportunity to experience it and adjust to it. If he chooses not to follow the procedure, he will not participate. The procedure will not be changed to accommodate his wishes. Claimant has failed to show any violation of policy.

CLAIMS #11, #12, and #13

34. Claimant seeks \$400.00 each as damages alleging that Ms. Lisa Robinson refused to sign three (3) informal resolutions which were sticking out of his cell on October 13, 2011 between the hours of 11:00 a.m. and 11:15 a.m.

35. Claimant turned in three grievances which were received at 8:01 a.m., 9:45 a.m., and 9:49 a.m.. As Deputy Warden Meinzer pointed out in his investigation, there was no evidence to support his allegation.

<u>10/13/2011</u>	VSM11-03950	Varner Super Max	Law Library	No	Appeal Denied	12/28/2011	Appeal Forwarded To
<u>10/13/2011</u>	VSM11-03949	Varner Super Max	Grooming	Yes	Appeal Denied	02/09/2012	Appeal Denied
<u>10/13/2011</u>	VSM11-03942	Varner Super Max	Sanitation - Showers, Etc.	No	Appeal Denied	02/19/2012	Appeal Denied

36. Mrs. Robinson admitted being in the cellblock that morning on 'notary call' and attending to that business. Policy does not require that Ms. Robinson drop what she is doing while on a particular assignment and sign the grievances at that moment.

37. Claimant suffered no damages as his grievances were picked up and processed on that date. The policy provides that if the problem solver is not available, a sergeant or above ranking officer may pick them up. The grievances were picked up and processed that date. Claimant suffered no damages. Therefore, Claimant has failed to state a violation of policy.

CLAIMS #14 and #15

38. Claimant seeks \$400.00 each as damages alleging that Ms. Lisa Robinson refused to pick up two (2) informal grievances on October 19, 2011 when she picked up three (3) step-two formal grievances.

39. Mrs. Robinson picked up the three claims which she perceived were ready to go to step two. She advised the Claimant that she would have the unit manager come to pick up the remainder of the two (2) claims. The grievance on this matter was found to be with merit in that Mrs. Robinson could have waited for the claims to be completed. The claims were picked up that day and processed.

40. Policy provides that Mrs. Robinson, the problem solver, is not the only person who can pick up the claims. Claimant suffered no damages as his grievances were picked up and

processed on that date. The policy provides that if the problem solver is not available, a sergeant or above ranking officer may pick them up. Therefore, Claimant has failed to state a violation of policy.

WHEREFORE, for the reasons and evidence shown above the Respondent prays that the claim be dismissed with prejudice and that Claimant take nothing.

Respectfully submitted,
Department of Correction
Office of Counsel


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

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 5 day of February, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

MICHAEL ST. CLAIR (ADC #118671)
Varner Supermax
P. O. Box 600
Grady, AR 71644-0600


LISA MILLS WILKINS Ark. Bar #87190

ARKANSAS DEPARTMENT OF CORRECTION

STATEMENT OF WITNESS

NAME: Aaron Thomas

Rank/Status/Number: COIL

Unit: V.S.M.

STATEMENT: The daily routine for S.E.T. (Search & Escort Team) are as follows, We clock in at approximately 5:30 A.M. Staff are designated zones to collect a yard list, which consist of one officer per cell block and isolation. When staff enters the cell block they announce yard call in a very loud voice. At this time inmates that are up, stand at the door and start yelling "yard call" repeatedly. We require inmates to be up and verbally request to be placed on the yard list. Notes left in the door window are not acknowledged and inmates cannot request another inmates name be placed on the list. We then start yard call in the zone/area with the largest yard list. We then work our way down to the area with the least amount. Upon our arrival at the cell, inmates must be prepared and awaiting our arrival to go outside. Inmate's are required to comply with a strip search. He is then placed in restraints and escorted to the yard. Inmates receive 1 hour of yard per day, 5 days per week Monday through Friday, unless security or safety dictates otherwise. Yard call is not finished until the list is complete. If yard call is not completed this must be approved by the Deputy Warden or Duty Warden then documented.

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

[Signature]

Signature

8-8-12

Date

Witness/Statement Taken By



Exhibit

A 28

Hand cut short - Set Team doing Shake down in
Cellblocks

File

Yard Call - Search and Escort Log

Cellblock #1	Cellblock #2	Cellblock #3	Cellblock #4	Cellblock #5	Cellblock #6
101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126	127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152	201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226	301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326	401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426	501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526

ISOLATION #1	ISOLATION #2	ISOLATION #3	ISOLATION #4	ISOLATION #5
ISO1-1001L	ISO1-1008L	ISO1-1016L	ISO1-1023L	ISO1-1030L
ISO1-1001U	ISO1-1008U	ISO1-1016U	ISO1-1023U	ISO1-1030U
ISO1-1002L	ISO1-1009L	ISO1-1017L	ISO1-1024L	ISO1-1031L
ISO1-1002U	ISO1-1009U	ISO1-1017U	ISO1-1024U	ISO1-1031U
ISO1-1003L	ISO1-1010L	ISO1-1018L	ISO1-1025L	ISO1-1032L
ISO1-1003U	ISO1-1010U	ISO1-1018U	ISO1-1025U	ISO1-1032U
ISO1-1004L	ISO1-1011L	ISO1-1019L	ISO1-1026L	ISO1-1033L
ISO1-1004U	ISO1-1011U	ISO1-1019U	ISO1-1026U	ISO1-1033U
ISO1-1005L	ISO1-1012L	ISO1-1020L	ISO1-1027L	ISO1-1034L
ISO1-1005U	ISO1-1012U	ISO1-1020U	ISO1-1027U	ISO1-1034U
ISO1-1006L	ISO1-1013L	ISO1-1021L	ISO1-1028L	ISO1-1035L
ISO1-1006U	ISO1-1013U	ISO1-1021U	ISO1-1028U	ISO1-1035U
ISO1-1007L	ISO1-1014L	ISO1-1022L	ISO1-1029L	ISO1-1036L
ISO1-1007U	ISO1-1014U	ISO1-1022U	ISO1-1029U	ISO1-1036U

ISOLATION #1	ISOLATION #2	ISOLATION #3	ISOLATION #4	ISOLATION #5
MAX4-4001L	MAX4-4008L	MAX4-4016L	MAX4-4023L	MAX4-4030L
MAX4-4001U	MAX4-4008U	MAX4-4016U	MAX4-4023U	MAX4-4030U
MAX4-4002L	MAX4-4009L	MAX4-4017L	MAX4-4024L	MAX4-4031L
MAX4-4002U	MAX4-4009U	MAX4-4017U	MAX4-4024U	MAX4-4031U
MAX4-4003L	MAX4-4010L	MAX4-4018L	MAX4-4025L	MAX4-4032L
MAX4-4003U	MAX4-4010U	MAX4-4018U	MAX4-4025U	MAX4-4032U
MAX4-4004L	MAX4-4011L	MAX4-4019L	MAX4-4026L	MAX4-4033L
MAX4-4004U	MAX4-4011U	MAX4-4019U	MAX4-4026U	MAX4-4033U
MAX4-4005L	MAX4-4012L	MAX4-4020L	MAX4-4027L	MAX4-4034L
MAX4-4005U	MAX4-4012U	MAX4-4020U	MAX4-4027U	MAX4-4034U
MAX4-4006L	MAX4-4013L	MAX4-4021L	MAX4-4028L	MAX4-4035L
MAX4-4006U	MAX4-4013U	MAX4-4021U	MAX4-4028U	MAX4-4035U
MAX4-4007L	MAX4-4014L	MAX4-4022L	MAX4-4029L	MAX4-4036L
MAX4-4007U	MAX4-4014U	MAX4-4022U	MAX4-4029U	MAX4-4036U
MAX4-4008L	MAX4-4015L	MAX4-4023L	MAX4-4030L	MAX4-4037L
MAX4-4008U	MAX4-4015U	MAX4-4023U	MAX4-4030U	MAX4-4037U
MAX4-4009L	MAX4-4016L	MAX4-4024L	MAX4-4031L	MAX4-4038L
MAX4-4009U	MAX4-4016U	MAX4-4024U	MAX4-4031U	MAX4-4038U
MAX4-4010L	MAX4-4017L	MAX4-4025L	MAX4-4032L	MAX4-4039L
MAX4-4010U	MAX4-4017U	MAX4-4025U	MAX4-4032U	MAX4-4039U
MAX4-4011L	MAX4-4018L	MAX4-4026L	MAX4-4033L	MAX4-4040L
MAX4-4011U	MAX4-4018U	MAX4-4026U	MAX4-4033U	MAX4-4040U
MAX4-4012L	MAX4-4019L	MAX4-4027L	MAX4-4034L	MAX4-4041L
MAX4-4012U	MAX4-4019U	MAX4-4027U	MAX4-4034U	MAX4-4041U
MAX4-4013L	MAX4-4020L	MAX4-4028L	MAX4-4035L	MAX4-4042L
MAX4-4013U	MAX4-4020U	MAX4-4028U	MAX4-4035U	MAX4-4042U
MAX4-4014L	MAX4-4021L	MAX4-4029L	MAX4-4036L	MAX4-4043L
MAX4-4014U	MAX4-4021U	MAX4-4029U	MAX4-4036U	MAX4-4043U
MAX4-4015L	MAX4-4022L	MAX4-4030L	MAX4-4037L	MAX4-4044L
MAX4-4015U	MAX4-4022U	MAX4-4030U	MAX4-4037U	MAX4-4044U

Search and Escort Officer's Signature

Inmates with these restrictions are not allowed yard privileges until removed from the restriction.

Place a check mark by inmates cell number (✓) for inmates going to the yard!

The Jet Team was only able conduct yard
for Cellblock 5+6 because of heavy rain, there
and lightning.

Yard Call - Search and Escort Log

10/15-11/15 12:00-2:50

Cellblock #1	Cellblock #2	Cellblock #3	Cellblock #4	Cellblock #5	Cellblock #6
101 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152	153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178	201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226	227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252	253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278	301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326
327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352	353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378	401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426	427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452	453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478	501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526
527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552	553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578	601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625	627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652	653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678	701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726

ISOLATION #1	ISOLATION #2	ISOLATION #3	ISOLATION #4	ISOLATION #5	ISOLATION #6
ISO1-1001U ISO1-1002U ISO1-1003U ISO1-1004U ISO1-1005U ISO1-1006U ISO1-1007U ISO1-1008U ISO1-1009U ISO1-1010U ISO1-1011U ISO1-1012U ISO1-1013U ISO1-1014U ISO1-1015U ISO1-1016U ISO1-1017U ISO1-1018U ISO1-1019U ISO1-1020U ISO1-1021U ISO1-1022U ISO1-1023U ISO1-1024U ISO1-1025U ISO1-1026U ISO1-1027U ISO1-1028U ISO1-1029U ISO1-1030U	ISO1-1008L ISO1-1009L ISO1-1010L ISO1-1011L ISO1-1012L ISO1-1013L ISO1-1014L ISO1-1015L ISO1-1016L ISO1-1017L ISO1-1018L ISO1-1019L ISO1-1020L ISO1-1021L ISO1-1022L ISO1-1023L ISO1-1024L ISO1-1025L ISO1-1026L ISO1-1027L ISO1-1028L ISO1-1029L ISO1-1030L	ISO1-1008L ISO1-1009L ISO1-1010L ISO1-1011L ISO1-1012L ISO1-1013L ISO1-1014L ISO1-1015L ISO1-1016L ISO1-1017L ISO1-1018L ISO1-1019L ISO1-1020L ISO1-1021L ISO1-1022L ISO1-1023L ISO1-1024L ISO1-1025L ISO1-1026L ISO1-1027L ISO1-1028L ISO1-1029L ISO1-1030L	ISO1-1008L ISO1-1009L ISO1-1010L ISO1-1011L ISO1-1012L ISO1-1013L ISO1-1014L ISO1-1015L ISO1-1016L ISO1-1017L ISO1-1018L ISO1-1019L ISO1-1020L ISO1-1021L ISO1-1022L ISO1-1023L ISO1-1024L ISO1-1025L ISO1-1026L ISO1-1027L ISO1-1028L ISO1-1029L ISO1-1030L	ISO1-1008L ISO1-1009L ISO1-1010L ISO1-1011L ISO1-1012L ISO1-1013L ISO1-1014L ISO1-1015L ISO1-1016L ISO1-1017L ISO1-1018L ISO1-1019L ISO1-1020L ISO1-1021L ISO1-1022L ISO1-1023L ISO1-1024L ISO1-1025L ISO1-1026L ISO1-1027L ISO1-1028L ISO1-1029L ISO1-1030L	ISO1-1008L ISO1-1009L ISO1-1010L ISO1-1011L ISO1-1012L ISO1-1013L ISO1-1014L ISO1-1015L ISO1-1016L ISO1-1017L ISO1-1018L ISO1-1019L ISO1-1020L ISO1-1021L ISO1-1022L ISO1-1023L ISO1-1024L ISO1-1025L ISO1-1026L ISO1-1027L ISO1-1028L ISO1-1029L ISO1-1030L
MAXX-4001 MAXX-4002 MAXX-4003 MAXX-4004 MAXX-4005 MAXX-4006 MAXX-4007 MAXX-4008 MAXX-4009 MAXX-4010 MAXX-4011 MAXX-4012 MAXX-4013 MAXX-4014 MAXX-4015 MAXX-4016 MAXX-4017 MAXX-4018 MAXX-4019 MAXX-4020 MAXX-4021 MAXX-4022 MAXX-4023 MAXX-4024 MAXX-4025 MAXX-4026 MAXX-4027 MAXX-4028 MAXX-4029 MAXX-4030	MAXX-4001 MAXX-4002 MAXX-4003 MAXX-4004 MAXX-4005 MAXX-4006 MAXX-4007 MAXX-4008 MAXX-4009 MAXX-4010 MAXX-4011 MAXX-4012 MAXX-4013 MAXX-4014 MAXX-4015 MAXX-4016 MAXX-4017 MAXX-4018 MAXX-4019 MAXX-4020 MAXX-4021 MAXX-4022 MAXX-4023 MAXX-4024 MAXX-4025 MAXX-4026 MAXX-4027 MAXX-4028 MAXX-4029 MAXX-4030	MAXX-4001 MAXX-4002 MAXX-4003 MAXX-4004 MAXX-4005 MAXX-4006 MAXX-4007 MAXX-4008 MAXX-4009 MAXX-4010 MAXX-4011 MAXX-4012 MAXX-4013 MAXX-4014 MAXX-4015 MAXX-4016 MAXX-4017 MAXX-4018 MAXX-4019 MAXX-4020 MAXX-4021 MAXX-4022 MAXX-4023 MAXX-4024 MAXX-4025 MAXX-4026 MAXX-4027 MAXX-4028 MAXX-4029 MAXX-4030	MAXX-4001 MAXX-4002 MAXX-4003 MAXX-4004 MAXX-4005 MAXX-4006 MAXX-4007 MAXX-4008 MAXX-4009 MAXX-4010 MAXX-4011 MAXX-4012 MAXX-4013 MAXX-4014 MAXX-4015 MAXX-4016 MAXX-4017 MAXX-4018 MAXX-4019 MAXX-4020 MAXX-4021 MAXX-4022 MAXX-4023 MAXX-4024 MAXX-4025 MAXX-4026 MAXX-4027 MAXX-4028 MAXX-4029 MAXX-4030	MAXX-4001 MAXX-4002 MAXX-4003 MAXX-4004 MAXX-4005 MAXX-4006 MAXX-4007 MAXX-4008 MAXX-4009 MAXX-4010 MAXX-4011 MAXX-4012 MAXX-4013 MAXX-4014 MAXX-4015 MAXX-4016 MAXX-4017 MAXX-4018 MAXX-4019 MAXX-4020 MAXX-4021 MAXX-4022 MAXX-4023 MAXX-4024 MAXX-4025 MAXX-4026 MAXX-4027 MAXX-4028 MAXX-4029 MAXX-4030	MAXX-4001 MAXX-4002 MAXX-4003 MAXX-4004 MAXX-4005 MAXX-4006 MAXX-4007 MAXX-4008 MAXX-4009 MAXX-4010 MAXX-4011 MAXX-4012 MAXX-4013 MAXX-4014 MAXX-4015 MAXX-4016 MAXX-4017 MAXX-4018 MAXX-4019 MAXX-4020 MAXX-4021 MAXX-4022 MAXX-4023 MAXX-4024 MAXX-4025 MAXX-4026 MAXX-4027 MAXX-4028 MAXX-4029 MAXX-4030

204 Asking
to go on the
yard

Search and Escort Officer's Signature

Date: 4-21-11

BC = Behavior Control
TP = Treatment Precation
OB = Observation
YR = Yard Restriction

Inmates with these restrictions are not allowed
yard privileges until removed from the restriction.

Place a check mark by inmates

X- (in the box) Inmate went to yard call

✓- (Over the number) Inmate was placed on the call list

27-11

Went

COPY

File

Supervisor: SGT [Signature]

TIME	TIME	TIME	TIME	TIME	TIME	TIME	TIME	TIME
Start:	Start:	Start:	Start:	Start:	Start:	Start:	Start:	Start:
End:	End:	End:	End:	End:	End:	End:	End:	End:
201	301	401	501	601	01L	01U	01	
202	302	402	502	602	01U	01U	02	
203	303	403	503	603	029	02L	03	
204	304	404	504	604	02L	02U	04	
205	305	405	505	605	030	03U	05	
206	306	406	506	606	030	03U	06	
207	307	407	507	607	03L	04L	07	
208	308	408	508	608	03U	04U	08	
209	309	409	509	609	04L	05L	09	
210	310	410	510	610	04U	05U	10	
211	311	411	511	611	05L	06L	11	
212	312	412	512	612	05U	06U	12	
213	313	413	513	613	06L	07L	13	
214	314	414	514	614	06U	07U	14	
215	315	415	515	615	06L	07L	15	
216	316	416	516	616	07U	08U	16	
217	317	417	517	617	08L	09L	17	
218	318	418	518	618	08U	09U	18	
219	319	419	519	619	09L	10L	19	
220	320	420	520	620	09U	10U	20	
221	321	421	521	621	10L	11L	21	
222	322	422	522	622	10U	11U	22	
223	323	423	523	623	11L	12L	23	
224	324	424	524	624	11U	12U	24	
225	325	425	525	625	12L	13L	25	
226	326	426	526	626	12U	13U	26	
227	327	427	527	627	13L	14L	27	
228	328	428	528	628	13U	14U	28	
229	329	429	529	629	01L	01U	29	
230	330	430	530	630	01L	01U	30	
231	331	431	531	631	16L	16U		
232	332	432	532	632	16L	16U		
233	333	433	533	633	17L	17U		
234	334	434	534	634	17L	17U		
235	335	435	535	635	18L	18U		
236	336	436	536	636	18U	19L		
237	337	437	537	637	19L	19U		
238	338	438	538	638	20L	20U		
239	339	439	539	639	20U	21L		
240	340	440	540	640	21L			
241	341	441	541	641				



Exhibit D

129/11

COPY

X- (in the box) Inmate was on the call list
✓- (Over the number) Inmate was placed on the call list

File

Supervisor: *102 W. Williams*

TIME		TIME		TIME		TIME		TIME		TIME		TIME	
Start:		Start:		Start:		Start:		Start:		Start:		Start:	
End:		End:		End:		End:		End:		End:		End:	
643		850		1220		835		1150		205			
01L		01L		01									
201		301		401		501		601		01U		02	
202		302		402		502		602		02L		03	
203		303		403		503		603		02U		04	
204		304		404		504		604		03L		05	
205		305		405		505		605		03U		06	
206		306		406		506		606		04L		07	
207		307		407		507		607		04U		08	
208		308		408		508		608		05L		09	
209		309		409		509		609		05U		10	
210		310		410		510		610		06L		11	
211		311		411		511		611		06U		12	
212		312		412		512		612		07L		13	
213		313		413		513		613		07U		14	
214		314		414		514		614		08L		15	
215		315		415		515		615		08U		16	
216		316		416		516		616		09L		17	
217		317		417		517		617		09U		18	
218		318		418		518		618		10L		19	
219		319		419		519		619		10U		20	
220		320		420		520		620		11L		21	
221		321		421		521		621		11U		22	
222		322		422		522		622		12L		23	
223		323		423		523		623		12U		24	
224		324		424		524		624		13L		25	
225		325		425		525		625		13U		26	
226		326		426		526		626		14L		27	
227		327		427		527		627		14U		28	
228		328		428		528		628		15L		29	
229		329		429		529		629		15U		30	
230		330		430		530		630		16L			
231		331		431		531		631		16U			
232		332		432		532		632		17L			
233		333		433		533		633		17U			
234		334		434		534		634		18L			
235		335		435		535		635		18U			
236		336		436		536		636		19L			
237		337		437		537		637		19U			
238		338		438		538		638		20L			
239		339		439		539		639		20U			
240		340		440		540		640		21L			
241		341		441		541		641					



Exhibit
E

X- (in the box) Inmate went to yard call

✓- (Over the number) Inmate was placed in cell

COPY

Supervisor: SGT [Signature]

42 Went

TIME	TIME	TIME	TIME	TIME	TIME	TIME	TIME	TIME	TIME
Start:	Start:	Start:	Start: 11:30	Start: 11:30	Start:	Start: 9:40	Start: 7:50	Start: 6:00	
End:	End:	End:	End: 1:40	End: 1:40	End:	End: 11:30	End: 9:30	End: 7:20	
101	201	301	401	501	601	01L	01L	01	
102	202	302	402	502	602	01U	01U	02	
103	203	303	403 X	503	603	029	02L	03	
104	204	304	404	504	604	029	029	04	
105	205	305	405	505	605	030	03L	05	
106	206	306	406	506	606	030	03U	06	
107	207	307	407	507	607	03L	03L	07	
108	208	308	408	508	608	03U	04U	08	
109	209	309	409 X	509	609	04U	06L	09	
110	210	310	410	510	610	04U	06L	10	
111	211	311	411	511	611	06L	06L	11	
112	212	312	412	512	612	06L	06U	12	X
113	213	313	413 X	513	613	06L	06L	13	
114	214	314	414	514	614	06U	07U	14	
115	215	315	415	515	615	06U	07U	15	X
116	216	316	416	516	616	06U	08L	16	
117	217	317	417	517	617	08L	08L	17	
118	218	318	418	518	618	08L	08L	18	X
119	219	319	419	519	619	08L	08L	19	
120	220	320	420	520	620	08L	10L	20	
121	221	321	421	521	621	10L	10L	21	X
122	222	322	422 X	522	622	10U		22	
123	223	323	423	523	623	11L	X	23	
124	224	324	424	524	624	11L	X	24	X
125	225	325	425	525	625	12L		25	
126	226	326	426	526	626	12U		26	
127	227	327	427	527	627	13L		27	X
128	228	328	428	528	628	13U		28	X
129	229	329	429 X	529	629	014		29	
130	230	330	430 X	530	630	015		30	
131	231	331	431 X	531	631	16L	X		
132	232	332	432	532	632	16U	X		
133	233	333	433	533	633	17L	X		
134	234	334	434 X	534	634	17U			
135	235	335	435	535	635	18L	X		
136	236	336	436	536	636	18U	X		
137	237	337	437	537	637	19L			
138	238	338	438	538	638	19U			
139	239	339	439	539	639	20L	X		
140	240	340	440	540	640	20U			
141	241	341	441	541	641	21L			

ADC

Exhibit

F

Source: ~~SST~~ ~~41~~ ~~Went~~

41 Went

File

TIME		TIME		TIME		TIME		TIME		TIME		TIME	
Start:		Start:		Start: 11:40		Start:		Start: 8:10		Start: 8:00		Start: 6:20	
End:		End:		End: 1:55		End:		End: 11:15		End: 9:20		End: 7:38	
201	301	401	501	601	01L	01L	01						
202	302	402	502	602	01U	01U	02						
203	303	403	503	603	02L	02L	03	X				X	
204	304	404	504	604	02U	03L	04						
205	305	405	505	605	03U	03L	05						
206	306	406	506	606	03U	03U	06	X					
207	307	407	507	607	03L	04L	07						
208	308	408	508	608	03U	04U	08						
209	309	409	509	609	04L	05L	09						
210	310	410	510	610	04U	05U	10						
211	311	411	511	611	05L	06L	11						
212	312	412	512	612	05U	06U	12						
213	313	413	513	613	06L	07L	13						
214	314	414	514	614	06U	07U	14						
215	315	415	515	615	07L	07U	15						
216	316	416	516	616	07U	08L	16						
217	317	417	517	617	08L	08U	17	X					
218	318	418	518	618	08U	09L	18						
219	319	419	519	619	09L	09U	19	X					
220	320	420	520	620	09U	10L	20						
221	321	421	521	621	10L	10U	21	X					
222	322	422	522	622	10U	11L	22						
223	323	423	523	623	11L	11U	23						
224	324	424	524	624	11U	12L	24						
225	325	425	525	625	12L	12U	25						
226	326	426	526	626	12U	13L	26						
227	327	427	527	627	13L	13U	27	X					
228	328	428	528	628	13U	14L	28						
229	329	429	529	629	14L	14U	29	X					
230	330	430	530	630	14U	15L	30						
231	331	431	531	631	15L	15U	31						
232	332	432	532	632	15U	16L	32						
233	333	433	533	633	16L	16U	33	X					
234	334	434	534	634	16U	17L	34						
235	335	435	535	635	17L	17U	35						
236	336	436	536	636	17U	18L	36						
237	337	437	537	637	18L	18U	37						
238	338	438	538	638	18U	19L	38	X					
239	339	439	539	639	19L	19U	39	X					
240	340	440	540	640	19U	20L	40	X					
241	341	441	541	641	20L	21L	41						

COPY

ADC
Asbestos Data Center of California

Exhibit
G

34

5-10-11

✓ - (Over the number) Inmate was placed on the call list

Supervisor:

~~SGT [Signature]~~

53 Went

File

TIME	TIME	TIME	TIME	TIME	TIME	TIME	TIME	TIME	TIME
Start: 5:45	Start: 6:15	Start:	Start:	Start:	Start:	Start:	Start:	Start: 9:30	Start: 7:55
End: 7:05	End: 7:35	End:	End:	End:	End:	End:	End:	End: 1:30	End: 9:10
01	201	301	401	501	601	01L	01L	01	
02	202	302	402	502	602	01U	01U	02	
03	203	303	403	503	603	029	02L	03	
04	204	304	404	504	604	02L	02U	04	
05	205	305	405	505	605	02U	03L	05	
06	206	306	406	506	606	030	03U	06	
07	207	307	407	507	607	03L	04L	07	
08	208	308	408	508	608	03U	04U	08	
09	209	309	409	509	609	04L	05L	09	
10	210	310	410	510	610	04U	05U	10	
11	211	311	411	511	611	05L	06L	11	
12	212	312	412	512	612	05U	06U	12	X
13	213	313	413	513	613	06L	07L	13	
14	214	314	414	514	614	06U	07U	14	X
15	215	315	415	515	615	07L	07L	15	X
16	216	316	416	516	616	07U	08L	16	
17	217	317	417	517	617	08L	08U	17	
18	218	318	418	518	618	08U	09L	18	
19	219	319	419	519	619	09L	09U	19	
20	220	320	420	520	620	09U	10L	20	
21	221	321	421	521	621	10L	10U	21	
22	222	322	422	522	622	10U		22	
23	223	323	423	523	623	11L		23	
24	224	324	424	524	624	11U		24	X
25	225	325	425	525	625	12L		25	
26	226	326	426	526	626	12U		26	X
27	227	327	427	527	627	13L		27	X
28	228	328	428	528	628	13U		28	X
29	229	329	429	529	629	04L	X	29	
30	230	330	430	530	630	04U	X	30	X
31	231	331	431	531	631	14L			
32	232	332	432	532	632	14U			
33	233	333	433	533	633	15L	X		
34	234	334	434	534	634	15U			
35	235	335	435	535	635	16L			
36	236	336	436	536	636	16U			
37	237	337	437	537	637	17L			
38	238	338	438	538	638	17U	X		
39	239	339	439	539	639	18L	X		
40	240	340	440	540	640	18U	X		
41	241	341	441	541	641	21L			

COPY

ADC
Arizona Department of Corrections

Exhibit
H

35

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MICHAEL ST. CLAIR, #118671

CLAIMANT

V.

NO. 13-0061-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ARKANSAS STATE
CLAIMS COMMISSION
FEB 20 2013
RECEIVED

CLAIMANT'S RESPONSE TO RESPONDENT'S MOTION
TO DISMISS

Comes now the Claimant, Michael St. Clair, and for his response to the Respondent's "Motion To Dismiss", states as follows:

- 1) Respondent stated, "Many of these claims are based on the inmate not receiving recreation or 'yard call' as it is known. On any day, 100+ inmates can be signed up and escorted individually to recreation. Attached hereto as Exhibit 'A' is a statement of Aaron Thomas, an officer in charge of yard call in Isolation 3 where Claimant was housed a substantial part of the time in question, to explain how it is conducted. Claimant seems to expect that an officer should appear individually at each cell to inquire personally if the inmate wants yard call that date. Such action is not required by law nor is it feasible, considering the security manpower, number of inmates, and the time involved."
- 2) Claimant would like to respond to Respondent's #1. Response by stating, "(1) Claimant was never at any given time during his incarceration at the Vanner/Vanner Super Max Unit, housed in Isolation Three as Respondent claims. (#2) The Claimant

herein does expect the officer conducting 'yard call list' to approach each cell and ask each individual inmate if they would like to be placed on the yard call list.

- 3) As in Respondent's Exhibit "A" statement by Officer Thomas, "Staff are designated zones to collect a yard list, which consist of one officer per cell block and isolation."
- 4) Thus, Claimant expects an officer to appear at each individual cell to inquire personally if the inmate(s) wants yard call that date. Even though such action is not required by law, it is however feasible and in practice in which the Respondent denies.
- 5) In Exhibit (A), statement by Officer Thomas states, "At this time inmates that are up...."
- 6) Yard Crew (Search and Escort Team) officers appear in each cell block and isolation conducting a 'yard list' between 5:30 A.M. - 6:00 A.M. Leaving inmates a choice of trying to receive a full eight hours sleep or try and be placed on the yard call list.
- 7) In Exhibit (A), statement by Officer Thomas states, "...stand at the door and start yelling 'yard call' repeatedly."
- 8) Inmates are forced to stand at the door and scream as loud as possible their cell numbers in an attempt to be placed on the yard call list. Inmates are

Literally forced to yell their cell numbers in order to drown out other inmates yelling their cell numbers, to try and be placed on the yard list.

- 9) Respondent stated at #5. to Claim #1, "Claimant failed to state a cause of action under ARCP 12(b)(6) and the claim should be dismissed for the reason set forth herein".
- 10) Claimant has in fact stated legal authority to file his complaint under ARCP 12(b)(6) in his "Brief In Support of Claims" #1. "... under the A.C.A. § 19-10-305 'Officer and employee immunity (a)... other than malicious acts or omissions, occurring within the course and scope of their employment'."
- 11) Claimant also stated legal authority to file his complaint under A.C.A. § 16-123-105 "Liability(a) and A.C.A. § 12-27-101: Objectives and Purposes(a)(1) in his "Brief In Support of Claims".
- 12) Respondent stated at #6. to Claim #1, "Claimant was housed in Max 1 Bed 71 on this date. He signed up to go, but admits that when the officer call out or yard call, he did not hear the call and did not respond. Call was made, 59 inmates responded. Claimant had an opportunity to see other inmates leaving and ask to go, but did not."
- 13) Claimant would like to state that he was placed on the yard list on the morning of March 2, 2011. But not at anytime has Claimant herein admitted to not hearing "yard call" when the officer called out on March 2, 2011. Also

Isolation One does not and cannot house 59 inmates. And the statement, "Claimant had an opportunity to see other inmates leaving and ask to go, but did not" is incorrect. Claimant was put on the yard list on March 2, 2011 as stated. And when he seen two black inmates being escorted to the front day room area for their one hour recreation, he began to get ready. But the yard crew (Search and Escort Team) did not take anyone else in Isolation One to the day room or recreation yard. Claimant thought it to be odd to allow two black inmates their one hour recreation in the day room, when yard call is always conducted outside in the V.S.M. yard. But in Exhibit #1 of Claimant's grievance #VSM-11-00235 stated, "Be advised that the set was short on 3-2-2011 according to officer Randolf".

14) Respondent stated at #7 to Claim #1, "Claimant has failed to show any violation of policy".

15) Claimant has shown the violation of policies A.D. 10-19 "Employee Conduct Standards and Discipline" (in which he is infact being denied from the Law Library which further violates Exhibit #20 A.D. 08-11 "Placement of Administrative Regulations, Directives, and Memoranda in law libraries" #2. Explanation); A.D. 10-20 "Punitive Segregation/Restrictions"; and Varner Unit Policy 27.3.6 "Conditions of Confinement and Quality of Life - SuperMax"; and A.R. 225 "Employee Conduct Standards" (in which he is infact being denied from the law libraries which further violates Exhibit #20 A.D. 08-11 "Placement of Administrative Regulations, Directives, and Memoranda in law libraries").

16) Respondent states at #9 to Claim #2, "Claimant has no standing to seek damages for the

Warden's investigation or lack of investigation in any matter".

- 17) Claimant has clearly shown the actual injury of the ongoing deprivation of his one hour recreation/exercise afforded to him by law that is traceable to Warden, Mr. Banks failure to adequately intervene, supervise, train, or discipline his subordinates by failing to curb the known violation. Warden, Mr. Banks was clearly made aware of the violations which clearly was brought to his attention after his Deputy Warden found a grievance with merit against Warden, Mr. Banks for failing to intervene on the yard crew (Search and Escort Team) denying me my one hour recreation/exercise filed on March 31, 2011 at Step One level and April 5, 2011 to Step Two level. The ongoing violation in which Mr. Banks was aware of can be seen in the dates of grievances filed against the yard crew (Search and Escort Team) for denying the Claimant his one hour recreation/exercise. (Please see Exhibits #5. grievance #VSM-11-01665; #6. grievance #VSM-11-01760; #7. grievance #VSM-11-01829; and #8. grievance #VSM-11-01857).
- 18) Respondent stated at #10. to Claim #2, "Furthermore, the matter was investigated and the number officers assisting with yard call was increased to six to ensure that everyone timely received their recreation time".
- 19) Claimant would like to point out that the Respondent then does recognize that the Claimant was being deprived of his one hour recreation/exercise due to the response given at #10.

- 20) Respondent stated at #11. to Claim #2, "Claimant has failed to show any violation of policy".
- 21) Claimant has clearly shown the violations of A.D. 10-19 "Employee Conduct Standards and Discipline" and A.R. 225 "Employee Conduct Standards" by relying on information and belief (Claimant was denied these policies which in fact has taken an affect on him by officials, thus violating the A.D. 08-11 "Placement of Administrative Regulations, Directives, and Memoranda in Law Libraries" Exhibit #20); A.D. 11-42 "Administrative Segregation" by failing to intervene and curb the known violations of the yard crew (Search and Escort Team) after receiving knowledge of the ongoing systematic violations through a grievance filed against Warden, Mr. Banks at Step Two level April 5, 2011 Exhibit #2. grievance #VSM-11-01303 and can be shown through the months of Exhibit #5 grievance #VSM-11-01665, Exhibit #6. grievance #VSM-11-01760, Exhibit #7. grievance #VSM-11-01829, and Exhibit #8. grievance #VSM-11-01857. further Violating Varner Unit Policy 27.3.0 "Conditions of Confinement and Quality of Life - Super Max."
- 22) Respondent stated at #13. to Claim #3, "Claimant admits that he was not prepared for yard because he was not dressed when it was called. Inmates are to be ready and waiting when yard is called".
- 23) Claimant's response to #13 of Respondent is, "At no time has Claimant ever stated that he was not prepared for yard because he was not dressed when it was called."
 (A) Claimant does not know where the Respondent receives these allegations,
 (B) Even if the Claimant did state "he was not dressed", it is protocol for strip searches before being escorted to the recreation area (Please see Respondent's Exhibit 'A' from Officer Thomas statement, "Inmates are required to comply with a strip search.")

- 24) Respondent stated at *14 to Claim #3, "Additionally yard call was cut short on this date by a random shutdown in the area. Policy states that yard call will not take place in the event of security or safety. See Exhibit 'B'".
- 25) Claimant's response to Respondent's *14 is, "Inmates one hour recreation/exercise is a Federally and State protected Right by Law, and should not be overlooked. A.D.C. policies and procedures are governed by these Federal and State authorization. The statement, "Yard call will not take place in the event of security or safety" of the policy is under the seriousness of the nature such as Breach in Security/Threat to the good order of the institution. Random shutdowns is to be or should be applied during Classification, Sick Call, Doctor Call, Visitation, etc. The inadequate response, "Yard call was cut short due to random shutdown in the area" is usually stated when the institution is understaffed and the yard crew (Search and Escort Team) is called upon to run Classification, Sick Call, Doctor Call, etc. Inmates should not suffer or give up their rights in order for the institutional burdens unless a real security or safety situation should arise such as, Riot, Escape, Hostage Situation, Sweep on Drugs and Contrabands, or Severe Thunderstorm.
- 26) Respondent stated at *15 to Claim #3, "Claimant has failed to show any violation of policy."
- 27) Claimant's response to Respondent's *15 is, "Claimant has clearly shown the violations of A.D. 10-19 "Employee Conduct Standards and Discipline" and A.R. 225 "Employee Conduct Standards" by relying upon information and belief (Claimant was denied these policies which in fact has taken an affect on him by officials, thus violating the A.D. 08-11 "Placement of Administrative Regulations, Directives, and Memoranda in law libraries" Exhibit *20 of Claimant); violating A.D. 11-42 "Administrative Segregation" and Varner Unit Policy 27.3.0 "Conditions of

Confinement and Quality of Life - Super Max".

- 28) Respondent stated at #17, to Claim #4, "Claimant has no standing to raise a claim based on the employee conduct standard which an employee performance standard and not to one which the inmate is entitled to even have in his possession".
- 29) Response to Respondents #17 is, "Claimants actual injury of sleep deprivation, pain, anguish, and atypical + significant hardship to the everyday prison incidents can be traceable to zone supervisor, Sgt. Taylor (Now Lieutenant Taylor) and Sanitation Supervisor, Sgt. Spencer. As identified in Exhibit #4, of Claimants grievance #VSM-11-01461 Sgt. Taylor was the supervisor called to the cellblock with maintenance inmate to unclog the drains in cells 3-01 through 3-10 which in fact Claimant was housed 3-04. Sgt. Taylor (L.T. Taylor) was the area supervisor and should of immediately provided inmates with cleaning supplies to clean the feces infested sewage water but did not and records reflect that. Furthermore, Claimant filed a Emergency Grievance twenty-four (24) hours later due to the physical abuse of being denied sleep due to the smell of the feces infested sewage water which actually took a psychological and emotional toll on him which can be determined by the statements made in the grievance. Sanitation Supervisor, Sgt. Spencer did not come to analyze the situation until (48) forty eight hours after the incident. Thus violating the A.R. 407 "Safety and Sanitation" and A.D. 10-19 "Employee Conduct Standards and Discipline" and A.R. 225 "Employee Conduct Standards" which authorizes the Arkansas State Claims Commissioners to remedy the malicious and wrongful act.
- 30) Respondent stated at #18 to Claim #4, "Claimant fails to show how these officers knew that

sewage was backed up in his cell. Claimant has failed to show any facts to support any violation of AR 407".

- 31) Response to Respondents #18. is, "Please see Exhibit #4. grievance #vsM-11-01461 statement by Warden, Mr. James Banks, 'Security logs for 4-5-11 show that Maintenance was called ~~at~~ at 9:17 p.m. Sgt. S. Taylor along with an inmate unclogged the drains in cells 301 through 310. The general practice is for the inmate to be allowed to clean the cell and Sgt. Taylor did not know of any reason why you would have been treated any differently. Thus, showing actual knowledge by Sgt. Taylor, and Sgt. Spencer had actual knowledge on April 8, 2011 due to response at Step One box, and as Sanitation Supervisor, she should be responsible to make rounds daily in her designated area of the Varner Super Max that consist of Isolations 1, 3, and 4, and Cellblocks 1 through 6. Therefore violating A.R. 407 "Safety and Sanitation" #3. Applicability, #4. Policy, and #5. Procedures: (A) 2, #4, and #5; and (B). (Please see also statement by inmate Achilles Romulus Gentry #142633).
- 32) Response to Respondents #19-21, "Please see Claimants response herein #29 and #31".
- 33) Respondent stated at #23. to Claim #5, "On this day, yard call was cancelled due to heavy rains. See Exhibit 'C'. Policy states that it will not take place if weather prohibits. Claimant has failed to show any violation of policy".
- 34) Claimants response to Respondents #23. is, "There was no Lightning on April 21, 2011 as Respondents claim. Although it was raining, the Varner Super Max Administrative Segregation Cellblock 1 through 6 recreation/exercise yards provide a roof over all

recreation / exercise areas. Therefore to protect and shield inmates from getting wet. The same when it snows or sleets. Isolations 1, 3, and 4 recreation / exercise areas does not provide roofs. That is why the A.D. 10-20 "Punitive Segregation / Restrictions" policy #3, Procedures: (A) Restrictions and/or Conditions of Confinement #4, states in (a.) "... During inclement weather, coats and rain coats are available". And the Administrative Segregation policy does not. (Please see Exhibits #15, A.D. 11-42 "Administrative Segregation" and Exhibit #16, A.D. 10-20 "Punitive Segregation / Restrictions" #3, Procedures (A) #4, (a)). The Claimant herein knew staff had in fact falsified documents, that is why he requested for security surveillance camera footages of the recreation / exercise areas in his "First set of Production and Inspection Request" filed on July 20, 2012 with his complaint.

35) Claimant has clearly shown violations of policies, the A.D. 10-19 "Employee Conduct Standards and Discipline" and A.R. 225 "Employee Conduct Standards" (Claimant was denied these policies which in fact has taken an affect on him by officials, thus violating the A.D. 08-11 "Placement of Administrative Regulations, Directives and Memoranda in Law Libraries" Exhibit #20 of Claimant), and the A.D. 11-42 "Administrative Segregation" and Varner Unit Policy 27.3.0 "Conditions of Confinement and Quality of Life - Super Max" on April 21, 2011.

36) Respondent stated at #25, to Claim #6., "On this day, Claimant was assigned to Cell block 3, bed 304. Yard call was cancelled due to the heavy rains. See Exhibit "D". Policy states that it will not take place if weather prohibits. Claimant has failed to show any violation of policy."

37) Claimant's response to Respondents #25 is, "There was no 'Heavy Rain' as Respondent states, nor was there any 'inclement weather' as the Respondents Exhibit 'D' states. Claimant was up all day waiting to receive his one hour recreation, listening to his A/M F/M radio and heard no signs of rain or severe thunderstorm warnings. And if there was 'inclement weather' as the Respondents Exhibit 'D' states across the document, that is why the Administrative Segregation recreation/exercise yards provide a roof so inmates can receive their one hour recreation/exercise even during inclement weather such as rain, sleet, or snow. As stated previously, Isolations 1, 3, and 4 does not provide roofing over their exercise/recreation area which is why the A.D. 10-20 "Punitive Segregation/Restrictions" policy states in #3. Procedures: (A) #4, (a) '... During inclement weather, coats and raincoats ~~are~~ are available.' (Please see Exhibit #16. A.D. 10-20 "Punitive Segregation/Restrictions") And the A.D. 11-42 "Administrative Segregation" #3. Procedures: (C) #12 does not state that coats and raincoats are available because Administrative Segregation recreation/exercise yards have a roof over them from Cellblock One through Cellblock Six. (Please see Exhibit #15. A.D. 11-42 "Administrative Segregation" #3. Procedures: (C) #12.).

38) Claimant has clearly shown violations of policies A.D. 10-19 "Employee Conduct Standards and Discipline" and A.R. 225 "Employee Conduct Standards" (Claimant was denied these policies which in fact has taken an affect on him by officials, thus violating the A.D. 08-11 "Placement of Administrative Regulations, Directives and Memoranda in Law Libraries" Claimant's Exhibit #20), and the A.D. 11-42 "Administrative Segregation" and Varner Unit Policy 27.3.0 "Conditions of Confinement and Quality of Life - SuperMax" on April 27, 2011.

- 39) Respondent stated at #27 to Claim #7, "Records reflect that yard call was conducted, but Claimant did not participate. Claimant has failed to show any violation of policy".
- 40) Response to Respondents #27 is, "Respondents records reflect contradiction in their statement or allegations. In Respondents, "Response To Claimant's First Set of Production" filed approximately September 4, 2012 "RFP#5" states Claimants Bed with cell #22 circled of Isolation Four for April 29, 2011 which infact Claimant was not on punitive segregation, not housed in punitive segregation housing area Isolation Four, nor any punitive housing area because Claimant was housed in Cellblock Three cell #3-04. Now, Respondents Exhibit "E" in their Motion To Dismiss filed on February 5, 2013 does not allege Claimant was housed in Isolation Four cell #22 as RFP#5 did, nor does Respondents Exhibit "E" reflect any inmate participated in yard call as Respondent claims in their #27. response. (Please see Respondents RFP#5 document; Respondents allegation Claimant was house in Isolation Three a substantial part of the time in question in the "Motion to Dismiss" filed February 5, 2013 #1. Response, sentence #3, and then Respondents Exhibit "E").
- 41) Claimant has not only clearly shown Respondents violated policies A.D. "10-19" "Employee Conduct Standards and Discipline" and A.R. 225 "Employee Conduct Standards" (in which Claimant was infact denied from the Law Library. These policies has personally affected the Claimant and therefore violates Claimants Exhibit #20 "Placement of Administrative Regulations, Directives and Memoranda in law Libraries" policy #2. Explanation: "...Inmates affected by procedures are provided access to the policies for references."); and A.D. 11-42 "Administrative Segregation" and Varner Unit Policy 27.3.0 "Conditions of Confinement and Quality of Life - Super Max" on April 29, 2011. But Claimant has

also clearly shown how Respondents have falsified records. When Respondent stated "yard call was conducted, but Claimant did not participate," records shows in Exhibit "E" No inmates in Cellblocks Two through Six received their recreation/exercise to #27. Response to Claim #7.

42) Respondent stated at #29. to Claim #8, "Records reflect that yard call was conducted, but had to be cut short due to a security incident in which the Search and Escort Team, the officers who escort to yard call, were required to contain. This incident report is available for the commission to view in camera. Claimant has failed to show any violation of policy".

43) Claimant response to Respondents #29. would question as to why Respondents can provide security surveillance to view the Search and Escort Team containing an incident on May 3, 2011, but they are unable to provide security surveillance camera footage for March 31, 2011; March 2, 2011, April 6, 2011; April 21st, 27th, and 29th of 2011; May 3rd and 5th, and 10th of 2011; and October 13th and 19th of 2011.!! Respondent clearly shown they have falsified records as saying yard call was conducted in cellblock 3 on April 29 and May 5 of 2011 but their records does not show any inmate received their one hour recreation on these dates according to Exhibits "E" and "G" of Respondents Motion to Dismiss Filed February 5, 2013. As stated, Claimant has clearly shown violations of said policies.

44) Respondent states at #31. to Claim #9, "Records reflect that yard was conducted, but Claimant did not participate. (Again) Records reflect that yard call was conducted, but Claimant did not participate. Notations in the SET Roster indicate that yard call was cut short to deal with

inmates in Isolation #4 and Isolation #1. Claimant has failed to show any violation of policy.

45) Claimant's response to Respondents #31, is, "Respondent states 'records reflect that yard call was conducted but Claimant did not participate'. Claimant was housed in Cellblock Three cell #3-04 from March 31, 2011 to May 10, 2011 and the Respondent records showing as Exhibits "B" thru "H" shows no inmates received their one hour recreation/exercise. For Respondent to state yard call was conducted in Cellblock Three is a false statement, because records does not reflect that." (Please see Exhibits of Respondents "B" through "H"). Therefore Claimant has shown violation of all said policies.

46) Respondent states at #33. to Claim #10, "Claimant admits that yard call is being run every day, but complains that the officers does not stop by each cell and ask each person individually if they want to go on yard call. Claimant simply states that he does not want to stand at the door and wait on the officers to come by. He states 'yard call needs to stop and ask if I want yard'. The policy and procedure for going to yard call has been explained to Claimant and he has had ample opportunity to experience it and adjust to it. If he choose not to follow the procedure, he will not participate. The procedure will not be changed to accommodate his wishes. Claimant has failed to show any violation of policy."

47) Claimant's response to Respondents #33, is, "Claimant's Claim #10 against the yard crew (Search and Escort Team) in Exhibit #8 grievance #VSM-11-01857 not once shows Claimant admitting or stating that yard call is being run every day; nor does

is show Claimant complaining that the officers does not stop by each cell and ask each person individually if they want to go to yard call. Nor does Claimant state as Respondent Claims, that he does not want to stand at the door and wait on the officers to come by. Claimant does not state as Respondent claims, that yard call needs to stop and ask if I want to go to yard. This statement from the respondent at #33 in the Motion to Dismiss is completely inaccurate and incorrect about claim #10 in Exhibit #8 grievance #VSM-11-01857. (Please see Exhibit #8, grievance #VSM-11-01857 of Claimants Complaint).

48) Respondents Motion to Dismiss for Claim #10 should be completely stricken from the record, Claimant has clearly shown violations of all said policies against the yard crew (Search and Escort Team). Claimant has shown that records have been falsified to mislead the Committee. (Please see RFP #5-8 in which Claimant is marked as being housed in Isolation #4 cell #22; Respondents "Motion To Dismiss" #1 (sentence) 3 stating Claimant was housed a substantial part of the time in Isolation Three; and Respondents #25-#33 recognizing Claimant correctly housed in Cellblock Three, but falsely stating yard call was conducted in Cellblock Three but Claimant failed to participate, Please see Exhibits "B"-"H" to see no one in Cellblock Three received their one hour recreation.

49) Respondent stated at #35, to Claims #11, #12, and #13, "Claimant turned in three grievances which were received at 8:01 A.M., 9:45 A.M. and 9:49 A.M. As Deputy Warden Meinzer pointed out in his investigation, there was no evidence to support his allegation."

50) Claimants response to Respondents #35, is, "Clearly Deputy Warden Meinzer has

STATE OF ARKANSAS

COUNTY OF Lincoln)

) §

)AFFIDAVIT

I, continue from page 15 of 25, after first being duly sworn, do hereby swear, depose and state that: ... conducted a very poor investigation. Claimant does not see what the three informal grievance complaints mentioned by Deputy Warden Meinzer, being logged into the Eomis grievance tracking system at 8:01 A.M.; 9:45 A.M.; and 9:49 A.M. on October 13, 2011 has anything to do with the three informal grievances in which Ms. Lisa Robinson refused, and admits to refusing, to sign on October 13, 2011 between 11:00 A.M. and 11:15 A.M. The three informal grievance complaints mentioned by Deputy Warden Meinzer as being logged in at 8:01 A.M.; 9:45 A.M.; and 9:49 A.M. in the Eomis grievance tracking system should not and cannot be mistaken with the three grievances in which Ms. Lisa Robinson in fact refused to sign on October 13, 2011 between 11:00 A.M.

PAGE 16 OF 25

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

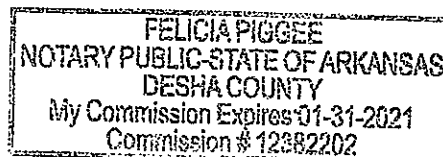
DATE

AFFIANT

SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 15 day of February, 2013.

Felicia Piggee
NOTARY PUBLIC

My Commission Expires: 01-31-2021

STATE OF ARKANSAS)
COUNTY OF Lincoln) §

AFFIDAVIT

I, continue from page 16 of 25, after first being duly sworn, do hereby swear, depose and state that: and 11:15 A.M. The three grievances logged into the Eonis grievance tracking system on October 13, 2011 at 8:01 A.M., 9:45 A.M., and 9:49 A.M. could only have been picked up out the grievance box, therefore meaning they was turned in the grievance box on October 12, 2011. These three grievances mentioned by Deputy Warden Meinzer could only be mentioned to try and mislead the investigation.

51) Respondent stated at #36 to Claims #11, #12, and #13, "Ms. Robinson admitted being in the cell-block on that morning on 'notary call' and attending to that business. Policy does not require that Ms.

PAGE 17 OF 25

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

DATE

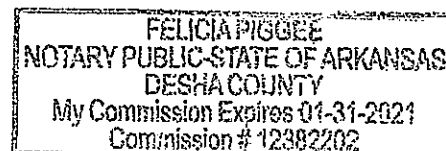
AFFIANT

SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 15 day of February, 20 13.

Felicia Piggee
NOTARY PUBLIC

My Commission Expires: 01-31-2021



STATE OF ARKANSAS)
COUNTY OF Lincoln) §

AFFIDAVIT

I, continue from page 17 of 25, after first being duly sworn, do hereby swear, depose and state that: ... Lisa Robinson drop what she is doing while on a particular assignment and sign the grievances at that moment"

52) Claimant's response to Respondents' #36 is, "If Respondent acknowledges Ms. Lisa Robinson admitted being in the cellblock that morning on 'notary call' on October 13, 2011 between 11:00 AM. and 11:15 AM. and policy does not require Ms. Robinson to drop what she is doing to sign the grievances at issue. Then why apply Deputy Warden Meinzer's poor investigation finding, "there was no evidence to support his allegation."?! Only to try and mislead the Committee once again I assume."

PAGE 18 OF 25

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

DATE

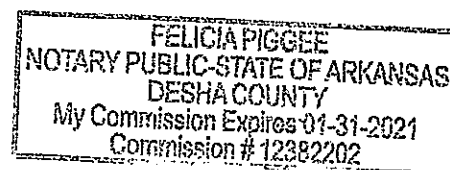
AFFIANT

SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 15 day of February, 2013.

Felicia Piggee
NOTARY PUBLIC

My Commission Expires: 01-31-2021



STATE OF ARKANSAS

800-4

COUNTY OF Lincoln

AFFIDAVIT

I, continue from PAGE 18 OF 25

after first being duly sworn, do hereby swear, depose and state that: ... Also policy A.D. 12-16 "Inmate Grievance Procedure" #3. Definition (I) PROBLEM-SOLVING STAFF: "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." Thus, policy requires Ms. Lisa Robinson to fulfill her position/title as the designated Problem-Solving Staff and sign informal grievances at step-one level and serve as a contact (not as a problem).

53) Respondent stated at *37. to Claims #11, *12, and *13, "Claimant suffered no damages as his grievances were picked up and processed on that date. The policy provides that if the problem solver

PAGE 19 OF 25

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

DATE

AFFIANT

SOCIAL SECURITY #

ARKANSAS STATE
CLAIMS COMMISSION

FEB 20 2013

RECEIVED

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 15 day of February, 2013.

Felicia Pagan
NOTARY PUBLIC

FELICIA PAGAN
NOTARY PUBLIC-STATE OF ARKANSAS
DESHA COUNTY
My Commission Expires 01-31-2021
Commission # 12382202

My Commission Expires: 01/31/2021

54

STATE OF ARKANSAS

800-4

COUNTY OF Lincoln

AFFIDAVIT

I, continue from PAGE 19 OF 25, after first being duly sworn, do hereby swear, depose and state that: ... is not available, a sergeant or above ranking officer may pick them up. The grievances were picked up and processed that date. Claimant suffered no damages. Therefore, Claimant has failed to state a violation of policy.

54) Claimant's response to Respondent's 32 is, "(#1) Claimant suffered damages due to the fact he is entitled to file five(5) informal grievances to step-one level within the week which starts on Saturday and ends on Friday. Furthermore, inmates have only fifteen (15) days to file an informal complaint from the time of an incident. (Please see Exhibit *22 A.D. 12-16

PAGE 20 OF 25

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

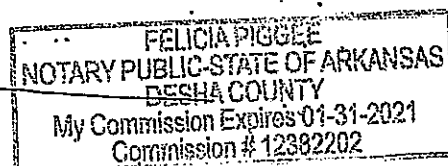
DATE _____

AFFIANT _____

SOCIAL SECURITY # _____

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 15 day of February, 20 13.

Felicia Piggee
NOTARY PUBLIC



My Commission Expires: 01-31-2021

55

STATE OF ARKANSAS

800-4

COUNTY OF Lincoln

AFFIDAVIT

I, continued from PAGE 20 OF 25, after first being duly sworn, do hereby swear, depose and state that: "Inmate Grievance Procedure" #4. Procedures: (E) Step One: Informal Resolution Procedure #1; and (F) Abuse of the Grievance Procedure #1. (a). Thus, Claimant was denied this process of filing a informal grievance within the fifteen (15) day time limit therefore suffering damages.

ss) Respondent stated at #39. to Claims #14 and #15, "Ms. Robinson picked up the three claims which she perceived were ready to go to step two. She advised the Claimant that she would have the unit manager come to pick up the remainder of the two (2) claims. The grievance on this matter was found to be with merit in that Ms. Robinson could of waited for the claims to be completed. The claims were

PAGE 21 OF 25

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

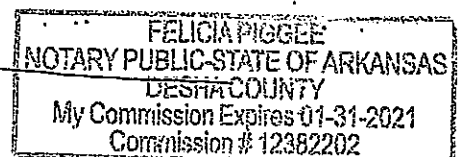
DATE _____

AFFIANT _____

SOCIAL SECURITY # _____

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 15 day of February, 20 13.

Felicia Piggee
NOTARY PUBLIC



My Commission Expires: 01-31-2021

56

STATE OF ARKANSAS

800-4

COUNTY OF Lincoln

AFFIDAVIT

I, Continued from PAGE 21 OF 25, after first being duly sworn, do hereby swear, depose and state that: ... picked up that day and processed.

5b) Claimants response to Respondents #39. is, "Ms. Robinson is a designated Problem-Solving Staff whose position/title requires her to sign and pick up and be active in inmate grievances per A.D. 12-16 "Inmate Grievance Procedure" as stated throughout herein. This act of refusing to sign and pick up my grievances and stating she would inform the Unit Manager to pick up the remainder two (2) complaints was an intention to delay and deny me the inmate grievance procedure process with malicious/callous intent. Sgt. Ricky Webb who is not or was not the

PAGE 22 OF 25

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

DATE _____

AFFIANT _____

SOCIAL SECURITY # _____

ARKANSAS STATE
CLAIMS COMMISSION

FEB 20 2013

RECEIVED

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 15 day of February, 20 13.

Felicia Piggee
NOTARY PUBLIC

FELICIA PIGGEE
NOTARY PUBLIC-STATE OF ARKANSAS
DESHA COUNTY
My Commission Expires 01-31-2021
Commission # 12382202

My Commission Expires: 01-31-2021

57

STATE OF ARKANSAS

800-4

COUNTY OF Lincoln

AFFIDAVIT

I, continue from PAGE 22 OF 25, after first being duly sworn, do hereby swear, depose and state that: ... Unit Manager did sign the grievances and pick them up, but also inquired why Claimant did not have the designated Problem-Solver Ms. Robinson do it since it's her job. I informed him she refused to pick them up and she committed the same act on the 13th. Furthermore, as stated, my grievance *VSM-11-04125 was found with merit, but not with the false statement presented by the Respondent, "... Ms. Robinson could of waited for the claims to be completed." (Please see Claimant's Exhibit 10. grievance *VSM-11-04125)

57) Respondent stated at *40. to Claims #14 and #15, "Policy provides that Ms. Robinson, the Problem-Solver

PAGE 23 OF 25

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

DATE

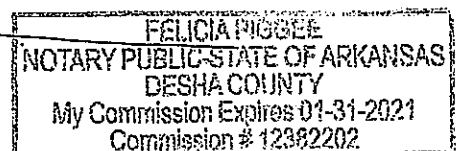
AFFIANT

SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 15 day of February, 20 13.

Felicia Piggee
NOTARY PUBLIC

My Commission Expires: 01-31-2021



STATE OF ARKANSAS

COUNTY OF Lincoln

continue from PAGE 23 OF 25

sworn, do hereby swear, depose and state that: after first being duly

... is not the only person who can pick up the claims. Claimant suffered no damages as his grievances were picked and processed on that date. The policy provides that if the problem solver is not available, a sergeant or above ranking officer may pick them up. Therefore, Claimant has failed to state a violation of policy."

58) Claimant's response to Respondent's #40, to Claims #14 and #15, is, "As Respondent stated above, "The policy provides (requires) that if the problem solver is not available".... Ms. Robinson is the designated problem solver and was available, and admits her violation of policy. Therefore, Claimant has shown violations of all stated policies.

Wherefore, for the reasons and evidence and verified falsified records shown above, the Claimant prays that his Claims be granted, and the Claims Commissioners enter judgment for the Claimant.

PAGE 24 OF 25

I further swear that the description of the incident contained herein, is a true, accurate and impartial description to the best of my knowledge, information and belief.

NAME: _____

DATE: _____

SIGNATURE

Subscribed and sworn to before me this 15 day of February, 20 13

59

FELICIA PIGORE
NOTARY PUBLIC-STATE OF ARKANSAS
DESHA COUNTY
My Commission Expires 01-31-2021
Commission # 12382202

Felicia Pigore
NOTARY PUBLIC

STATE OF ARKANSAS

COUNTY OF Lincoln

continue from PAGE 24 OF 25

sworn, do hereby swear, depose and state that:

after first being duly

The State Claims Commission Committee is granted authority to award monetary damages when it finds deficiencies within state agencies policies, procedures, or practices. Claimant request any additional relief this Committee deems just, proper and equitable.

Respectfully Submitted,

Michael St. Clair, #118671

M. St. Clair

P.O. Box 600, Grady, Ar 71644-0600

PAGE 25 OF 25

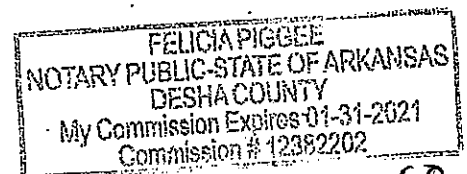
I further swear that the description of the incident contained herein is a true, accurate and impartial description to the best of my knowledge, information and belief.

NAME: _____

DATE: _____

SIGNATURE _____

Subscribed and sworn to before me this 15 day of February, 20 13



Felicia Piggee

NOTARY PUBLIC

60

My Commission Expires: 01-31-2021

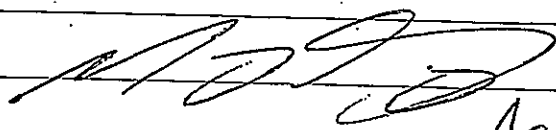
Statement By Inmate
Achilles Romulus Gentry
ADC# 142633

On January eighth, two thousand thirteen (1/8/2013) cell block one, cell three, Zone two, at approximately all times given in this statement are approximately correct for camera time references) 7:10pm, cell one through thirteen shower drains was backing up with sewage water, due to inmates flushing jumpsuits. Sewage water was flowing in our cells (1-13) I (inmate A. Gentry #142633) was trying to get CO-Dinniss attention, to have him notify the Zone Sergeant for me. At this time I was having anxiety problem, and needed to speak to the Zone Sergeant and get the problem defused. I spent from 7:10pm - 7:40pm trying to get CO-Dinniss come to my door, on which CO-Dinniss was deliberately ignoring me, and kept on picking up trash out in the day room area. CO-Dinniss finally came to my door to see what I was yelling about. I explained to CO-Dinniss that I was having some mental problems and was stressing out over the sewage water flooding my cell. At this time I called V.S.M. Controle and notified them I was having mental health problems. About 7:42pm Sgt. Everett Litzsey Jr. approached my cell. I was standing in my sink because my hole cell was flooded out. 61

my Sink was the only place to stand, closest to the door, without having to wade in Sewage water. I had been standing there the whole time, simply waiting for help. I had nothing around my neck or even close to my neck. Sgt. E. litzsey Jr. opened my box, I did not know he was there until I heard my box opening. Sgt. E. litzsey Jr. did not say anything at all to me, he just put a can of mk-9 in my cell and started spraying me all in the face. I had to grab ahold of my light in order to keep from falling off my Sink. He sprayed the hole can of mk-9. I know because the spray lasted so long and the can was spitting and spuddering by the time he got through spraying me. Sgt. E. litzsey, gave me no direct orders at all before spraying me. He did not even have a camera to document situation. ~~After~~ After being assaulted with mk-9 by Sgt. E. litzsey Jr. I was ordered to ~~submit~~ submit on which I complied. Sgt. Lorennetta Smith along with Sgt. Carmickle showed up some time during this process and put me in full restraints. I was being escorted by Sgt. Carmickle and ~~sgt~~ Sgt. L. Smith, once we got to front of cell block one's bull pen, I noticed Sgt. E. litzsey Jr. walking up smiling. I was mad because Sgt. E. litzsey ~~opened~~ sprayed me for nothing more than his own ~~amuse~~ amusement. So out of my own frustration I spit in Sgt. litzsey's face. Sgt. E. litzsey's reaction was, wipe the spit from his face, walk

the rest of the way to me (at this point I am not sure if he already had his radio walkie talkie in his hand or if he had to grab it) and hit me in my head with his walkie talkie Radio. (I am not 100% sure if he hit me more than once or not, I was dazed by the blow to my head) after being assaulted by Sgt. E. Litzsey Jr. I was pushed up against the wall, where Sgt. E. Litzsey started choking me out. Sgt. E. Litzsey was using his left hand to choke me, by squeezing my wind pipe. During this, while I was struggling for breath I heard Sgt. Smith ~~say~~ tell Sgt. Litzsey to stop and let me go. Sgt. Litzsey responded by saying "he has this", and continued to choke me. I heard Sgt. Smith repeat here plea for Litzsey to stop, then he finally did. I don't know if someone reached his arm or what, I was on the verge of passing out, but he stopped. Blood was pouring down my face by the time we were leaving the bull pen in cell block one, leaving a blood trail. During the walk down the hallway Sgt. E. Litzsey repeatedly threatened my life and told me it was not over. Sgt. Smith had to tell them several orders to leave and let her and Sgt. Carmickle handle this in order to defuse the problem. I do not know when he (Sgt. E. Litzsey Jr) left, I was blinded by mk-9 and blood running down my face, but he was not in ISOC 4 when I got there. I was placed in the last shower and ~~about~~ aloud to decontaminate ⁰³

y Sgt. Carmickle. I was then left in the Shower, with
my head wound constantly bleeding, from approximately
8:48pm through 9:30pm without any medical treatment
at all. CO-Alen was the only officer on post in
Isoc 4 the hole night. He and the camera witnessed
this. 9:30pm a nurse Dorris came down to check on
me. She noted my head was steel bleeding and
advised CO-Alen that she needed to get me out
the shower in order to properly clean me up. She
also advised Lt. Demery the same. After it became
apparent that no one was coming down to take me
out the shower, she did her best to clean me up
through the bean hole in the plexie glass. My head
was steel ~~bleeding~~ bleeding. Nurse Dorris then
advised Lt. Demery that she needed to get me
to the infirmary to properly treat me. I finally
made it to the infirmary at 12:00AM. My head
wound was steel bleeding. (I was left 4 1/2 hours in the
shower with a bleeding head) my head wound required
butterfly stitches. after which (1:00AM) I was
placed in Isoc 4 day room and ~~left~~ left till
5:45, when I was escorted back to my cell
and placed on behavior control, without any
of my property inventoried. end of statement.



Achilles Romulus
Gentry

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 10,000.00

Claim No. 13-0061-CC

<u>Michael St. Clair, #118671</u>	Claimant	<u>Attorneys</u>	<u>Pro se</u>	<u>Claimant</u>
vs.				
<u>Department of Correction</u>	Respondent	<u>Lisa Wilkins, Attorney</u>		<u>Respondent</u>
<u>State of Arkansas</u>				
<u>Date Filed July 20, 2012</u>		<u>Type of Claim</u>	<u>Failure to Follow Procedure,</u> <u>Negligence, Mental Anguish & P.</u> <u>Suffering</u>	

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 1-4 and 6-40 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 1-4 and 6-40 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing March 7, 2013

Date of Disposition March 7, 2013

<u>Chairman</u>	<u>Chairman</u>
<u>Commissioner</u>	<u>Commissioner</u>
<u>Commissioner</u>	<u>Commissioner</u>

65

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

ARKANSAS STATE
CLAIMS COMMISSION

MAR 21 2013

RECEIVED

Michael St. Clair, #118671

Claimant

MOTION FOR RECONSIDERATION

V.

Claims No. 13-0061-CC

Arkansas Department of Correction,

Respondent's

MOTION FOR RECONSIDERATION

Comes now the Claimant herein, Michael St. Clair, in the above style case, requesting for reconsideration, states the follow:

- 1) On March 7, 2013 The Claims Commission Committee has held a hearing in which the Claimant never received any notification and was unaware of and further not provided the opportunity to be present to verbally present his facts and also show the false allegations and statements made in Respondent's "Motion to Dismiss".
- 2) The Claims Commission Committee stated in their "FINDING OF FACTS", "The Claims Commission hereby unanimously grants the Respondent's 'Motion to Dismiss' for reasons set forth in paragraphs 1-4 and 6-40 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed." "IT IS SO ORDERED".
- 3) The Claims Commission Committee stated in their "CONCLUSION", "The Claims Commission hereby unanimously grants the Respondent's 'Motion to Dismiss' for reasons set forth in paragraphs 1-4 and 6-40 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed."

W

- 4) Claimant prays the Claims Commission Committee reconsider their decision and review Claimant's "Response to Respondent's Motion to Dismiss". Claimant clearly pointed out the Respondent's false allegations and has shown their false documents presented as support in their behalf.
- 5) Claimant would also request to recognize that Claimant has filed fifteen (15) different claims in the above style case No. 13-0061-CC and request each claim be reviewed individually and decided upon.

Wherefore, Claimant herein prays The Claims Commission Committee review and reconsider these claims and their decision.

Respectfully Submitted,
Michael St. Clair, #118671
Mr. St. Clair
P.O. Box 600
Grady, Ar, 71644-0600

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 15th day of March, 2013, on the below Respondent by placing a copy of the same in the U.S. Mail, regular postage to: Ms. Lisa Mills Wilkins / Attorney Supervisor

P.O. Box 8707
Pine Bluff, Ar 71611

M. St. Clair

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 10,000.00

Claim No. 13-0061-CC

Michael St. Clair, #118671
vs. Claimant

Attorneys
Pro se Claimant

Department of Correction
State of Arkansas Respondent

Lisa Wilkins, Attorney
Respondent

Date Filed July 20, 2012

Type of Claim Failure to Follow Procedure, Negl
Mental Anguish & Pain & Sufferi

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's March 7, 2013, order remains in effect.

IT IS SO ORDERED.

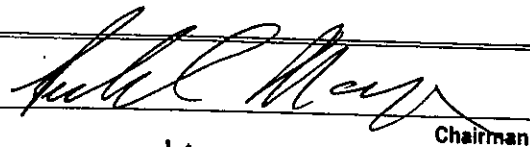
(See Back of Opinion Form)

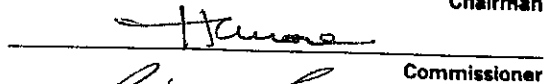
CONCLUSION

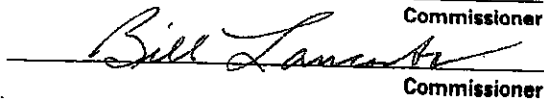
The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's March 7, 2013, order remains in effect.

Date of Hearing April 11, 2013

Date of Disposition April 11, 2013


Chairman


Commissioner


Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

MICHAEL ST. CLAIR, #118671

NOTICE OF APPEAL

V.

Claims No. 13-0061-CC

CLAIMANT
ARKANSAS STATE
CLAIMS COMMISSION

APR 16 2013

ARKANSAS DEPARTMENT OF CORRECTION

RECEIVED
RESPONDENT'S

NOTICE OF APPEAL

Comes now the Claimant, Michael St. Clair, in the above-style case pursuant to A.C.A. §19-10-211 "Appeals of Decisions" (b)(3) filing his notice of appeal of the decision to the General Assembly, states the following:

- 1) On March 7, 2013 The Claims Commission Committee held a hearing. In their "FINDING OF FACTS" the Claims Commission Committee stated, "The Claims Commission hereby unanimously grants the Respondent's 'Motion to Dismiss' for reasons set forth in paragraphs 1-4 and 6-40 contained in the motion. Therefore, this claim is hereby denied and dismissed."
- 2) On March 7, 2013 The Claims Commission Committee stated in their "CONCLUSION", "The Claims Commission hereby unanimously grants the Respondent's 'Motion to Dismiss' for reasons set forth in paragraphs 1-4 and 6-40 contained in the motion. Therefore, this claim is hereby denied and dismissed."
- 3) Claimant's appeal will be filed on the grounds of violation of A.C.A. §19-10-203 "Director's Responsibilities" (c.) "The Director shall prepare the docket of claims to be considered by the commission and shall notify all parties of record of the time, date, and place of hearing [in advance] when a claim will be docketed for hearing before the commission."

- 4) Claimant's appeal will also be filed on the grounds of the violations of A.C.A. §19-10-210 "Hearings; Notice; Procedure" (a) "The Director of the Arkansas State Claims Commission shall notify each claimant and also the head of each state agency, department, or institution against which a claim is filed of the time and place set for the hearing thereof." (b)(1) "In conducting hearings, the commission shall not be bound by the formal rules of evidence and shall conduct all hearings publicly and in a fair and impartial manner, giving the parties full opportunity for presentation of evidence, cross-examination of witnesses, and argument."
- 5) Claimant's appeal will be filed on the grounds of the violations of the "Arkansas State Claims Commission, Rules and Regulations" Rule 4.3 "Appearances", "Any individual may appear for himself in his own behalf or have his claim presented by counsel, duly admitted as such to practice law in the State of Arkansas. Any individual who elects to represent himself without the aid of counsel shall be held accountable in the same manner, and to the same degree, as qualified counsel entitled to practice before the Commission."
- 6) Claimant's appeal will further be filed on the grounds of the violations of the Arkansas Constitution, Article 2 §7. "Jury Trial - Right To - Waiver - Civil Cases, nine jurors agreeing" and §13. "Redress of Wrongs".
- 7) Claimant, Michael St. Clair appeal is being filed for the fact(s): Claimant never received advanced notice of the hearing held on March 7, 2013 by The Claims Commission Committee. Claimant was denied full opportunity to appear for himself in his own behalf to practice law in the State of Arkansas. To represent himself without the aid of counsel, be held accountable in the same manner, and to the same degree, as qualified counsel entitled to

practice before the Commission, for presentation of evidence, cross-examination of witnesses, and argument. Thus, denying and depriving Claimant herein, "The Right of Jury Trial - Right To - Waiver - Civil Cases, nine jurors agreeing" and "Redress of Wrongs".

Respectfully Submitted,
Michael St. Clair, #118671
M. St. Clair
P.O. Box 600
Grady, Ar 71644-0600

CERTIFICATE OF SERVICE

I, Michael St. Clair, the Claimant herein, certifies and states that five (5) copies of this "Notice of Appeal" has been sent/served this 15th day of April 2013 to Arkansas State Claims Commission, Director, Mr. Norman L. Hedges, Jr. at 101 East Capitol Avenue, Suite 410, Little Rock, Ar 72201-3823; and one (1) copy to the Arkansas Department of Correction, Attorney Supervisor, Ms. Lisa Mills Wilkins, at P.O. Box 8707, Pine Bluff, Ar 71611.

Respectfully Submitted,
Michael St. Clair, #118671
M. St. Clair
P.O. Box 600
Grady, Ar 71644-0600