

JUN 10 2013

RECEIVED

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

- Mr. Mrs. Ms. Miss

Gary Crawford, #129963, Claimant

State of Arkansas, Respondent Dept. of Correction

Do Not Write in These Spaces Claim No. 13-0881-CC Date Filed June 10, 2013 Amount of Claim \$ 20,000.00 Fund NOC

COMPLAINT

- 1) Failure to Follow Procedure 2) Failure to Follow Procedure 3) Failure to Follow Procedure

Gary Crawford, #129963, the above named Claimant, of 300 Corrections Dr, Newport, AR 72112

Arkansas 72112 Grimes Complex County of Jackson represented by NC

of (Street and No.) (City) (State) (Zip Code) (Phone No.) (Fax No.)

State agency involved: Arkansas Department of Correction Amount sought: \$ 20,000.00

Month, day, year and place of incident or service: 2-2-13, Grimes Complex, Arkansas Department of Correction

Explanation: on 2-2-13, 9:25 AM, I Gary Crawford #129963 was subjected to shake down (search) by cpl Justin Hunter, who illegally confiscated my radio and headphones, as these articles are not stolen property. I was arrested and taken to sequestration, where I was issued a confiscation form, in writing, requiring me to write a major disciplinary for (criminal evidence) possession of contraband. The written left hand corner of the form will indicate a disciplinary is written for such. Upon receiving this disciplinary a few days later, not one code violation is based on the confiscation form (99-5) possession of contraband (criminal evidence). The reason for the disciplinary I intend was subjected to much more extreme code violations (92-17) - (92-25) (92-7), and (11-1) all of which carry much more harsh penalties, than possession of contraband. This is entirely a different disciplinary from the confiscation form. This major disciplinary must reflect possession of contraband, with the other code violation, to produce a (valid) disciplinary. As you will see from my evidence a major disciplinary by cpl Jacob Palmer concerning a radio and headphones, possession of contraband is a code violation (99-5) without this code violation reflected in the major disciplinary, makes this entirely a different disciplinary causing it to be invalid. According to the confiscation form, the foundation for the disciplinary is deliberate (Breach of Duty). Therefore: this Breach of sworn duty subjected me to 38 days excessive confinement to physical, class reductions, restrictions, and sentimental value for the loss of my radio, and headphones, as it should be clear to the Commission, AdC clearly and deliberately violated Policy and Breached its sworn duty, and this type of issues will not, and should not, be tolerated throughout the Arkansas Department of Corrections, especially Grimes Complex unit.

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?

No; when? ; to whom? ; (Department)

: 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? No; if so, state name and address

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

: 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 verify believes that they are true.

GARY Crawford (Print Claimant/Representative Name) Gary Crawford (Signature of Claimant/Representative)

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

(SEAL) on this 24 day of MAY, 2013 (Date) (Month) (Year)

Antonio Garcia (Notary Public)

My Commission Expires: 01 20 2016 (Month) (Day) (Year)

(Claim One) Grimes Complex, AdC. Violated Policy, when my radio and headphones were confiscated illegally, as there is no Code violation for possession of Contraband reflected in the disciplinary.

(Claim Two) "false document" - The major disciplinary do not correspond with the foundation. The confiscation form. Possession of Contraband (09-5)

(Claim Three) Ray Hobbs/ Director, Arkansas Department of Corrections is in breach of Policy/ Duty, as he refuses to answer a legitimate disciplinary appeal, which requires reversal, mailed to his office by US mail in a timely manner.

This disciplinary should have been reversed at the warden and Hearing Administrators level. According to Policy, rules and regulations, Arkansas Department of Corrections is deliberately breaching its sworn duty.

Wherefore: I Gary Crawford seek to bring the above Valid Claims against the Arkansas Department of Corrections.

Sincerely Gary Crawford # 129963
Gary Crawford # 129963

STATE OF ARKANSAS - DEPARTMENT OF CORRECTION
CONFISCATED FORM - AREA OR PERSON

(Check One) Inmate Visitor Staff Area

Unit: Grimmer Building or Area: H120he Barracks 1 Cell 8

Date and Time of Search: 2/2, 2013 925 : pm am

Officer(s) Conducting Search: (Print) Austin Hunter

Officer(s) Conducting Search: (Signature) [Signature]

Inmate Name: Crawford Gary ADC #: 129963

Articles Seized (description and number of items):

Number	Description
1	Radio with no page # Appears to be scratched clear ear buds with clipped wires

Reason Seized: Excess/Unauthorized Property Disciplinary/Criminal Evidence

Other _____

Inmate Signature: [Signature] () Refused to Sign

Area/Shift/Supervisor: (Signature) [Signature]

Disposition of Contraband: OIC

Copy Delivered to Inmate: Date: 2/2/2013 Time: _____

Delivered By: (Signature) _____

Disciplinary Written: () No Yes By: _____

Articles may be mailed to: _____

Inmate authorizes deduction of postage from pen store account:

() No () Yes Inmate Signature: _____

To be completed by UPCO

Destruction Date: ____/____/____

UPCO: (Signature) _____ Witnessing Staff: (Signature) _____

Distribution - White-Remains with Contraband; Yellow- Institutional File; Pink-Inmate Copy
(To Be Printed On NCR Paper)

[Signature] 2-24-13

ISSR100

Arkansas Department of Corrections
Grimes Unit Unit
MAJOR DISCIPLINARY

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

Inmate: Crawford, Gary Steven

ADC#: 129963A

Assignment: AM/PM:Hoe Squad

Class: IV is being charged by Hunter, Austin C
with code violation(s):

Title: Corporal

02-17 Creating Unnecessary Noise

05-5 Provoking Or Agitating A Fight

05-7 Assault - Any willful attempt or threat(s) to inflict injury upon staff may result in the loss of all good time.

11-1 Insolence To A Staff Member

Date & Time: 02/02/2013 9:25 AM

Notice of Charges:

On 2/2/13 at approximately 9:25 AM, I, Cpl. Austin Hunter was conducting a shakedown of Zone 1, Housing 1, Barracks 1, Rack 8 belonging to Inmate Gary Crawford #129963. I discovered a radio with no ADC number present. I confiscated the radio as contraband but removed the headphones and left them inside his box. As I continued with the search, I located a second pair of earbuds that had been altered. I also confiscated these. Upon completing the shakedown, I exited 1 barracks and entered 6 barracks to continue with the shakedown. After being in 6 barracks for a few moments, Lt. Jonathan Pickering came and notified me Inmate Crawford wanted to know where his headphones were at. I exited 6 barracks and returned to 1 barracks rack 8 where I visibly observed the headphones lying in the property box. I told Inmate Crawford that his headphones were present and visible and he responded by taking an aggressive stance and stating to me in a loud aggressive tone, I aint talking to you. What? What? and You aint got nothin to say. Get out! Inmate Crawford stepped towards me and I took an aggressive stance as well. Once the Inmate stopped, I left the barracks. Inmate Crawford was called to the vestibule and placed in restraints. He was taken to medical for pre-seg and then to Isolation pending disciplinary. Therefore I, Cpl. Austin Hunter am charging Inmate Gary Crawford #129963 with rule violations: 2-17, 5-5, 5-7 and 11-1.

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

Signature of Charging Officer

NOTIFICATION: Officer Cpl T. Lawson

Date & Time Notified 2-4-13 12:46p

Witness Statements: No

If yes, list:

Inmate: Conway (16ks)

Refuse to sign
Inmate's Signature

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

By: Budnik, Christopher T

Date 02/04/2013

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

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

Counsel-Substitute: Assigned (Name) _____

Not Assigned _____

Received/ARO

Grimes Unit

FEB 12 2013

MAJOR DISCIPLINARY APPEAL FORM

~~PUNITIVE ISOLATION MARK AN "X"~~

Grimes

Inmate Gary Crawford ADC # 129963 Date 2-12-13

Concerning Disciplinary Given on (date) 2-2-13 by (officer) Hunter, Austin C

APPEAL TO WARDEN: (to be completed by inmate)

State reasons why conviction or punishment should be reversed or modified: This major disciplinary is not based on the confiscation form. The basis for the disciplinary is the Confiscation form. The confiscation forms states: (I was written a major disciplinary for being in possession of Contraband) the code violations 09-17, 05-5, 05-7, and 11-1, has nothing to do with the confiscation form, Possession of Contraband. The basis for the disciplinary. In order for the disciplinary to be valid, possession of Contraband must appear with the code violations, or even the body of the disciplinary. As the written orders of staff can not be violated without committing a (12-1) disobeying direct written orders of staff. There fore in accordance with AR-831-1, Disciplinary rules and regulations, I Gary Crawford # 129963, was not afforded a fair hearing, and for the above reasons The disciplinary should be reversed accordingly. As the disciplinary does not correspond with the Confiscation form.

Inmate's Signature: Gary Crawford

RESPONSE FROM WARDEN: (due within ten (10) calendar days of receipt of appeal if punitive)

Affirm: Reverse: Modify:

Reasons Action Taken:

On 2/2/13 you were written a disciplinary for insolence, threat on staff and creating unnecessary noise. You were not charged for contraband in this disciplinary. You do not present any new evidence within your appeal to justify either a modification or reversal of this disciplinary packet.

I find that these charges are with merit and that I am in agreement with the punishment assessment of the Disciplinary Hearing Officer. If you disagree with my decision, you may further appeal to Mr. Naylor, Disciplinary Hearing Administrator, Box 8707, Central Office Pine Bluff, Ar. 71611.

Signature: J. Naylor Date 2-25-13

NOTICE TO INMATE: If you do not agree with the warden's response, you may appeal it to the Hearing Officer Administrator. If you do not agree with the Hearing Officer Administrator's response, then you may appeal to the Director. If you decide to appeal, then write a letter repeating your reasons why your conviction or punishment should be reversed or modified.

FEB 25 2013

WARDEN'S OFFICE

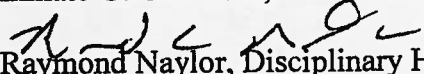
5



Arkansas Department of Correction

Internal
Affairs
Division
P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6218
Fax: (870) 267-6226

MEMORANDUM

TO: Inmate G. Crawford, ADC #129963, Grimes Unit
FROM:  Raymond Naylor, Disciplinary Hearing Administrator
RE: Major Disciplinary Appeal
DATE: March 20, 2013

Please be advised I am in receipt of your disciplinary appeal dated 02/27/13, regarding the major disciplinary you received on 02/02/13, at 09:25 a.m., by A. Hunter.

After a thorough review of all the documents pertaining to this matter, I find that I must affirm the decision of the major disciplinary hearing officer.

If you so desire, you may appeal further to the Director of the Department of Correction.

RN(jm)

cc: Warden/Inmate File
File

ISSR100

Arkansas Department of Corrections
Grimes Unit Unit
MAJOR DISCIPLINARY

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

Inmate: Crawford, Gary Steven

ADC#: 129963A

Assignment: AM/PM:Punitive

Class: IV is being charged by Palmer, Jacob N
with code violation(s):

Title: Corporal

09-5 Possession/Introduction of clothing OR property not issued OR authorized by the center/unit
12-1 Failure to obey verbal and/OR written orders of staff

Date & Time: 12/04/2012 6:35 PM

Notice of Charges:

On Dec 4, 2012 at approximately 6:35pm, I, Corporal Jacob Palmer was conducting random cell searches in Zone 5, Housing 6, Isolation, Cell 228 belonging to inmate Crawford, Gary ADC# 129963. During my search I retrieved an altered radio with battery pack and a broken pair of headphones. A confiscation form was completed and photos were taken of the contraband. Due to the above stated facts, I, Corporal Jacob Palmer am charging inmate Crawford, Gary ADC# 129963 with the following rule violations 09-5 and 12-1. End of Statement.

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

Signature of Charging Officer

NOTIFICATION:

Officer

Sgt. Tina Sims
Off. Michael Sims

Date & Time Notified

12-7-12 9:14 AM

Witness Statements:

No

If yes, list:

Refused
Inmate's Signature

C.S.O. Review:

Outcome: Refer to Hearing Officer/Comm.

By:

Budnik, Christopher T

Date 12/07/2012

Extension:

No

Yes

Has extension form been completed?

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

Counsel-Substitute: Assigned (Name)

Not Assigned

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Grimes Complex

Name Gary Crawford

ADC# 127763 Brks # 8 Brks Job Assignment Line squad

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

5-8-13 (Date) STEP ONE: Informal Resolution

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

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

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

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): Ray Hobbs/Director, has failed to respond to my major Disciplinary Appeal, that was received by his office 3-28-13, giving his office a 30 day deadline 4-29-13, to complete my exhaustion of Administrative Remedies Due Process required by the Arkansas Department of Corrections Policy. This appeal was mailed to his office by U.S. mail. This is a valid appeal. Therefore please send my response according to policy. This appeal involves Austin Hunter/charging officer, date of incident 2-2-13, at 9:25 AM. This disciplinary requires reversal. More over, you are denying me due process and deliberately refusing to respond in a timely fashion and your sworn duty.

Gary Crawford
Inmate Signature

5-8-13
Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 5-8-13 (date), and determined to be **Step One** and/or an Emergency Grievance yes (Yes or No). This form was forwarded to medical or mental health? no (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

Dean Stroud 11447 Dean Stroud 5-8-13
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: _____

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

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? _____ (Yes or No).
Staff Who Received Step Two Grievance: _____ Date: _____
Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____
If forwarded, provide name of person receiving this form: _____ Date: _____

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

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Grimes Unit

Unit/Center Grimes Complex

MAY 09 2013

Name Gary Crawford

FOR OFFICE USE ONLY	
GRV. #	<u>6113 00842</u>
Date Received:	<u>5-8-13</u>
GRV. Code #:	<u>400</u>

ADC# 129963 Brks # 8 Brks Job Assignment Hoie squad

5-8-13 (Date) STEP ONE: Informal Resolution

5-8-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: Repeat disciplinary matter
According to policy, yet this is grievable and yes I intend to totally exhaust my remedies

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

Is this Grievance concerning Medical or Mental Health Services? NO If yes, circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): RAY Hobbs/ Director, has failed to respond to my major Disciplinary Appeal, that was received by his office 3-28-13, giving his office a 30 day deadline 4-29-13, to complete my exhaustion of Administrative Remedies. Due Process required by the Arkansas Department of Corrections Policy. This appeal was mailed to his office by U.S. mail. This is a valid appeal. Therefore please send my response according to policy. This Appeal involves Austin Hunter/charging officer, date of incident 2-2-13, at 9:25 AM. This disciplinary requires reversal. Moreover, you are denying me due process and deliberately refusing to respond in a timely fashion. Your sworn duty.

RECEIVED

MAY 14 2013

Gary Crawford
Inmate Signature

5-8-13 INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING
Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 5-8-13 (date), and determined to be Step One and/or an Emergency Grievance yes (Yes or No). This form was forwarded to medical or mental health? no (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

Dean Staud 61447 Dean Staud 5-8-13
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: This is a non-grievable matter per MISS FORWARD

Dean Staud 5-8-13 Gary Crawford 5-8-13
Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on _____ (date), pursuant to Step Two. Is it an Emergency? _____ (Yes or No).
Staff Who Received Step Two Grievance: _____ Date: _____
Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: _____
If forwarded, provide name of person receiving this form: _____ Date: _____

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

IGTT400
3GR

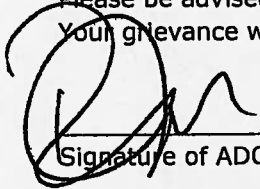
Attachment II

ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Crawford, Gary S.
FROM: Jeffrey, Ricky M
DATE: 05/09/2013

ADC #: 129963A
TITLE: ADC Inmate Grievance Coord
GRIEVANCE #: GR-13-00842

Please be advised, I have received your Grievance dated 05/08/2013 on 05/09/2013.
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.



Signature of ADC Inmate Grievance Coord

CHECK ONE OF THE FOLLOWING

- This Grievance will be addressed by the Warden/Center Supervisor or designee.
- This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- This Grievance has been determined to be an emergency situation, as you so indicated.

- This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- This Grievance was REJECTED because it was either non-grievable (Disciplinary matter), untimely, was a duplicate of , or was frivolous or vexatious.

INMATE'S APPEAL

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

you may call it what you wish, But you have not responded to my appeal in a timely manner. This is no disciplinary matter. But if you say so, we will find out for sure + why you refuse to do your sworn duty protecting this Crooked unit. guilty of wrong doing.

Gary Crawford
Inmate Signature

129963
ADC #

5-10-13
Date

RECEIVED

MAY 14 2013

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

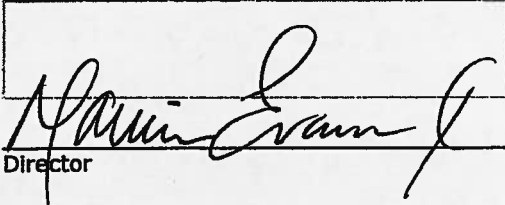
10

INMATE NAME: Crawford, Gary S.

ADC #: 129963

GRIEVANCE#: GR-13-00842

Your grievance dated 5/8/13 was received on 5/14/13. After review of your complaint and supporting documentation, I find that you failed to follow policy by submitting a disciplinary matter. I concur with the unit's rejection of your grievance. Therefore I will not address the merit of your appeal which is denied.


Director

5/21/13
Date

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JUN 12 2013

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

GARY CRAWFORD (ADC 129963)

RECEIVED
CLAIMANT

V.

NO. 13-0881-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

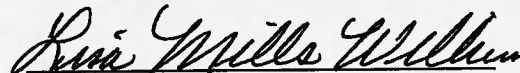
ANSWER

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

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

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

Respectfully submitted,
Department of Correction Office of Counsel


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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 12 day of June, 2013, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Gary Crawford (ADC 129963)
Grimes Unit
300 Corrections Drive
New Port, AR 72112


LISA MILLS WILKINS Ark. Bar #87190

JUN 24 2013

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

GARY CRAWFORD (ADC #129963)

CLAIMANT

V.

NO. 13-0881-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION TO DISMISS

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

- 1. Claimant has filed an action seeking \$20,000.00 for three claims of failure to follow policy arising from an officer's disciplinary written on or about February 2, 2013. Claimant maintains that Respondent did not assess him the correct disciplinary policy, incorrect information was used on the disciplinary, and the Director, Mr. Hobbs, failed to timely respond to his appeal.
- 2. Claimant has failed to state a claim upon which relief can be granted under ARCP Rule 12(b)(6) and the matter should be dismissed.

CLAIM ONE

- 3. Claimant alleges that Respondent violated policy by illegally confiscating his radio and headphones. The items were property confiscated as they were altered in violation of the AD 13-09 inmate property policy which prohibits possession of altered property.
- 4. The attached confiscation form shows that the radio had a scratched off ADC number and the ear buds had clipped wires which rendered both items altered, thus making them contraband.

CLAIM TWO

- 5. Claimant alleges that the disciplinary form does not indicate he possessed contraband, but was cited for a more serious violation. He alleges this is a falsification of the documentation.
- 6. Claimant was not charged with having the contraband and had Claimant not become insolent with the officer he would not have received a disciplinary, he would just have lost his property. He was charged with creating unnecessary noise, provoking or agitating a fight, assault, and insolence to a staff member.
- 7. Claimant's actions after the items were taken is what led to the disciplinary, not the taking of the items. He was properly charged with the offenses and found guilty of all charges except provoking or agitating a fight.

CLAIM THREE

8. Claimant alleges that Mr. Hobbs did not timely respond to his appeal. A review of the record indicates that he did not appeal to the director:

Appealed to Warden Date:	02/12/2013	Outcome:	Findings Upheld	Date:	02/25/2013
Appealed to H/O Admin. Date:	02/27/2013	Outcome:	Findings Upheld	Date:	03/20/2013
Appealed to Director Date:		Outcome:	N/A	Date:	

9. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(B)(6). Claimant has failed to state facts to support his claim. Respondent moves that the commission dismiss this claim.

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

Respectfully submitted,
Department of Correction
Office of Counsel

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

CERTIFICATE OF SERVICE

I certify that a copy of the above MOTION TO DISMISS has been served this 21 day of June, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

GARY CRAWFORD (ADC #129963)
GRIMES UNIT
300 CORRECTIONS DRIVE
NEWPORT, AR 72112

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

Arkansas Claims Commission
JUL 05 2013
RECEIVED

Gary Crawford #129963

Claimant

v.

No 13-0881-cc

Arkansas Department of Corrections

Respondant

Claimants response to respondents motion to dismiss

Comes Now Claimant and states as follows:

1. Claimant seeks \$20,000.00 for the failure to follow Policy for three claims from false document written 2-2-13, And the Director, Mr. Hobbs, failed to respond in a timely manner to Claimants Appeal.
2. Through legalism, Claimant states valid claims upon which relief should be granted under ARCP Rule 12 (b) (6) and the matter should be allowed by the Commission.
3. Claimants property was confascated illegally. If it was not, the code violations would be reflected in the disciplinary for possession of contraband (09-5) based on the foundation the confascation form. The reason for the disciplinary.
4. Respondants contends the radio adc number was scratched off, and clipped wires on the ear buds. Thus making them contraband.

This major disciplinary do not reflect possession of contraband as a code violation possession of contraband is a code violation especially "criminal evidence"

5. Claimant was arrested for possession of contraband (criminal evidence) But was cited for more serious code violations, causing this document to be a false document, as it is not based on the confascation form possession of contraband.
6. Claimant was not insolent to staff, and did not create unnessessary noise, and did not provoke or agitate a fight.

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7. The confiscation form initially was written concerning possession of contraband. The reason for the disciplinary. This is entirely a separate disciplinary from the foundation. The confiscation form.

8. It should be obvious Ray Hobbs/Director conspired with the warden center level, Disciplinary Hearing administrator, As he refused to answer a reversible appeal in a timely manner that should have been reversed at all levels and which I was denied grievances concerning this issue.

There was no investigation according to Answer filed 6-12-13 in which the matter should be held in abeyance until the investigation is complete.

9. A confiscation form shall state: The Articles Seized. Why they were seized, Time and date of Seizure, Indication whether a disciplinary is written for such contraband.

A disciplinary was written for these Articles therefore the code violation should be reflected as a code violation on the disciplinary, without the code violation the disciplinary is a false document. Separate from the foundation the confiscation form.

Wherefore based on legalism and for the reasons stated above and the evidence submitted Claimant Respectfully prays the Commission hears the claims.

Respectfully submitted,

Gary Crawford 129963

Gary Crawford 129903

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 20,000.00

Claim No. 13-0881-CC

Gary Crawford, #129963 Claimant
vs.

Attorneys
Pro se Claimant

Department of Correction Respondent

Lisa Wilkins, Attorney Respondent

State of Arkansas
Date Filed June 10, 2013

Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 1 & 3-8 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 & 3-8 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing July 11, 2013

Date of Disposition July 11, 2013

Patman Chairman
Haines Commissioner
Jim Baker Commissioner

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Gary Crawford

V.

Arkansas Department of Corrections

13-0881-CC
No. 13-088-CC

Claimant

Respondant

Arkansas
State Claims Commission
JUL 26 2013
RECEIVED

Comes Now Claimants Appeal to the Arkansas General Assembly From Claims Commission order of denial/dismissal for Claims 1 & 3-8 contained in respondents Amended motion to dismiss, June 10, 2013, from Claims Commissions order of dismissal July 11, 2013. And states as follows:

1. Claimant filed action seeking 20,000.00 for three claims of failure to follow policy from Corporal Austin Hunter's major disciplinary written February 2, 2013. (Respondant illegally confiscated Claimants radio and head phones), (filed a false document), and (Director Mr. Hobbs refused to respond to Claimants appeal in a timely matter).
2. Claimant is not charged with the code violation: Possession of contraband (09-5) based on the confiscation form. The reason for the disciplinary. Therefore: Claimants radio and headphones were illegally confiscated. Thus constituting a false document. As this disciplinary is not based on the confiscation form and is a separate altercation. See (State of Arkansas-Department of Corrections confiscation form), and see (major disciplinary code violations, by Austin Hunter 2-2-13).
3. Mr. Hobbs refused to answer Claimant's Appeal concerning this issue, which required reversal at the warden center level. Therefore Claimant filed a grievance in which Claimant was denied due process, as Repondant would not except Claimants grievance concerning this issue. See (grievance GR130084E)
4. The major disciplinary is a separate altercation from The Arkansas Department of Corrections confiscation form. The major disciplinary must reflect the code violation (09-5) Possession of Contraband to be a valid disciplinary. The confiscation form does not reflect ~~that~~ Claimant was written a disciplinary for (02-17), (05-5), (05-7), and (11-1).

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5. (Per policy) Claimant did not commit any code violations, without committing a (12-1) disobeying verbal/written orders of staff. Thus Respondant did not address the entire appeal. See (major disciplinary appeal form)
6. The major disciplinary must be based on the confiscation form. The reason the disciplinary was written. Possession of contraband is a code violation (09-5) see (major disciplinary by Jacob Palmer concerning altered radio, and headphones)
7. Therefore Claimant through legalism states valid claims upon which relief should be granted under Ar.R.Civ.P. Rule 12 (b)(6) and factually proves every claim. And denied the opportunity to complete administrative remedies. Thus Respondant did not address the entire appeal which should have been reversed at major disciplinary form level, and
8. failure to entertain claims, legally will result in a terrible miscarriage of justice according to Ar.R.Civ.P Rule 12 (b)(6).

Wherefore, the reasons stated above, and documentation submitted Claimant respectfully prays that the general assembly entertain the claims.

Respectfully submitted,

Gary Crawford
ADC# 129963

BEFORE THE ARKANSAS GENERAL ASSEMBLY

Arkansas
State Claims Commission
SEP 03 2013

Gary Crawford

Claimant

RECEIVED

V.

No. 13-0881-CC

Arkansas Department of Corrections

Respondent

Comes Now claimants "Motion To Amend" claimants appeal to The Arkansas General Assembly From Claims Commission Dismissal For Claims 1 & 3-8 contained in respondent's Motion To Dismiss, June 10, 2013, and Claims Commissions Order Of Dismissal July 11, 2013. And states as follows:

1. Claimant suffered a miscarriage of justice at the hands of the Claims Commission dismissal July 11, 2013. Claimant presents evidence through examples 1 and 2. Major disciplinary and Department of Corrections Confiscated form.

Example 1:

Major disciplinary forms code violations (09-5) possession of contraband also (07-3) possession of stolen property is based on the confiscation form and why the disciplinary was written.

Example 2:

Cpl. Austin Hunter major disciplinary written Feb 2-2013 code violations:

- (02-17) Creating unnecessary noise
- (05-5) Provoking or agitating a fight
- (05-7) Assault and
- (11-1) Insolence to staff

These code violations have nothing to do with the confiscation form:

Criminal evidence - radio and head phones.

2. Cpl. Austin Hunter's disciplinary is a false document, and proves claimant's head phones and radio were illegally confiscated from claimant. Therefore claimant suffered a miscarriage of justice at the hands of the Arkansas State Claims Commissions order of denial July 11, 2013.

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3. Wherefore the evidence submitted, also exhibits 1 and 2 contained in claimant's amended Motion To Amend. Claimant respectfully prays the General Assembly entertain the claims.

Respectfully submitted,

Gary Crawford
ADC# 129963