

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED
CLAIMANT

WESLEY JEFFERSON (ADC 104933)

V. NO. 13-0710-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

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 10 day of April, 2012, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Wesley Jefferson (ADC 104933)
Varner Super Max Unit
PO Box 400
Grady, AR 71644-0400

Lisa Mills Wilkins

 LISA MILLS WILKINS Ark. Bar #87190

ARKANSAS STATE CLAIMS COMMISSION
APR 17 2013
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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

WESLEY JEFFERSON (ADC #104933)

CLAIMANT

V.

NO. 13-0710-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. Claimant has filed an action seeking \$5,000.00 for failure to follow policy arising from an officer's disciplinary written on or about December 19 and 31, 2012, for indecent exposure. He was found guilty of the charges.
2. Claimant alleges his claim is against the officer for violation of employee conduct standards, violation of AD 74-03, and Varner Unit Policy 3.7.0 and AR-225.
3. Claimant has failed to state a claim upon which relief can be granted herein under ARCP Rule 12(b)(6).
4. Obviously the reports were not falsified because Claimant was found guilty of the charges.
5. Claimant cannot use the employee conduct standards, AR 225, to bring a claim against an officer because the standards are a performance evaluation policy and claimant has no standing to raise a claim under those for redress. He is not even entitled to have a copy of that policy and for him to be in possession of a copy is a violation of ADC policy.
6. Claimant raises a claim under AD74-03 which has been superseded and is no longer in effect; therefore no claim can be brought under this policy.
7. Varner Unit Policy 3.7.0 is an Employee conduct Standards Code of Ethics which Claimant is not entitled to have and cannot raise a claim under. It is a performance evaluation policy.
8. Finally, Claimant has no liberty interest in having the ADC official follow the procedures. *Munson v. Arkansas Department of Correction*, 294 S. W. 3d 409, 411 (2009). Claimant does not have a liberty interest in the actual procedures to be administered. *Kennedy v. Blankenship*, 100 F. 3d 640 (8th Cir. 1996). *Munson* is one of many cases in which the Supreme Court has considered an inmate's due process challenge to a disciplinary action which resulted in the inmate's loss of status class, certain privileges, punitive isolation, or other sanction. The Court has stated that an inmate does not have a liberty interest in proceedings administered by the ADC and sanctions imposed are insufficient to raise a due process claim. In Arkansas, there is no liberty interest in good time under the analysis in *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). A loss of class status and privileges, even if impacting good

time, would not compromise a liberty interest. Claimant has asserted no substantive due process violation as a result of the sanctions that were imposed by the ADC in the proceeding. To state a case for a substantive due process violation, appellant must have shown an atypical and substantive deprivation that was a dramatic departure from the basic conditions of his confinement. *Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995). Demotion from the general population is not the sort of deprivation that qualifies as 'atypical and significant.'" *Kennedy* at 642.

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 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 16 day of April, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

WESLEY JEFFERSON (ADC #104933)
VSM
P. O. BOX 600
GRADY, AR 71644-0600


LISA MILLS WILKINS Ark. Bar #87190

((BEFORE THE ARKANSAS STATE CLAIMS COMMISSION))

WESLEY JEFFERSON #104933

CLAIMANT

#13-0710-CC

✓
ARKANSAS DEPT. OF CORRECTION

RESPONDENT

CLAIMANT'S RESPONSE TO RESPONDENT'S MOTION
TO DISMISS

SOME'S NOW THE CLAIMANT WESLEY JEFFERSON #104933 PRO, SE STATE'S THE FOLLOWING:

1.) CLAIMANT STATE'S THAT ON 12-19-12 5pm AND 12-31-12 6pm CORPORAL ROSALYN L. WILLIAMS VIOLATED THE EMPLOYEE CONDUCT STANDARDS POLICY OF VARNER UNIT POLICY AND PROCEDURE'S 3-7-0 AND AD 74-03 "FALSIFICATION OF REPORTS ON INMATE'S" AND AR-225. WHEN CORPORAL ROSALYN L. WILLIAMS FALSIFIED A STATE DOCUMENT TOWARD THE CLAIMANT PROCLAIMING TO HAVE, "USING THE NAKED EYE" NOTICED THE CLAIMANT STANDING IN HIS CELL DOORWAY BEHIND A 100% CAST IRON STEEL DOOR "THAT BLOCKS THE VIEW OF CLAIMANT FROM HIS CHEST DOWN TO HIS FEET" AND "MAGICALLY SEEN" THE CLAIMANT EXPOSED - ERECT - AND MASTURBATING IN WHICH IS UNHUMANLY AND UNVISUALLY CAPABLE OF BEING DONE. THEREFORE RENDERING BOTH OF CORPORAL ROSALYN L. WILLIAMS REPORTS ON 12-19-12 AND 12-31-12 AS FABRICATED DOCUMENTS AND IN VIOLATION OF THE ABOVE SAID REGULATION'S AND POLICY'S.

2.) CLAIMANT STATE'S THAT ON 12-19-12 5pm AND 12-31-12 6pm CORPORAL ROSALYN L. WILLIAMS DID VIOLATE THE ARKANSAS DEPT. OF CORRECTION'S REGULATION'S AND POLICY'S - AD 74-03 - V.U. 3-7-0 AND AR-225. AND THIS "CAN BE PROVEN AT A HEARING" BEFORE THE ARKANSAS STATE CLAIMS COMMISSION.

3.) THE CLAIMANT STATE'S THAT DUE TO THE RESPONDENT'S ATTORNEY MRS. LISA MILLS WYKINS FAILED TO MEET THE REQUIREMENT OF A-R-C-P RULE (12) (b) "BEFORE" SHE FILED HER "ANSWER" ON 4-11-13, THEN THAT ALLEGATION IS "MOOT."

4.) CLAIMANT STATE'S THAT CORPORAL ROSALYN L. WILLIAMS REPORTS ON 12-19-12 5pm AND 12-31-12 6pm WAS FALSIFIED AND THAT'S WHY THE DISCIPLINARY HEARING OFFICER FOUND THE CLAIMANT GUILTY BECAUSE THE DISCIPLINARY HEARING OFFICER ACCEPTED CORPORAL ROSALYN L. WILLIAMS' FABRICATED REPORTS AS "BEING THE TRUTH."

ARKANSAS STATE
CLAIMS COMMISSION

MAY 14 2013

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5) The claimant states that Corporal Rosalyn L. Williams is supposed to follow all of the requirements of all Arkansas Dept. of Correction regulations and policy's, but on 12-19-12 5pm and 12-31-12 6pm Corporal Rosalyn L. Williams violated the Arkansas Dept. of Correction regulations AD 74-03 AR-225 and V.U. 3-7-0. SEE Knight v Armontrout, 878 F.2d 1093 (8th Cir 1989), SEE Schering Corp. v Shalala 995 F.2d 1103 (1993) AND ALSO SEE Kentucky Dept. of Correction v Thompson 490 U.S. 462 (1989).

6) The claimant states that when he requested for a copy of the policy AD 74-03 "Falsification of reports on inmate's from Varner Unit's law library he was issued AD 74-03 not the revised "Falsification of reports on inmate's" policy. Therefore that's the policy the claimant has based his claim on. SEE Knight v Armontrout, 878 F.2d 1093 (8th Cir 1989), SEE Schering v Shalala, 995 F.2d 1103 (1993) SEE Kentucky Dept. of Correction v Thompson 490 U.S. 462 (1989), SEE STUART v A-S-P COMMISSION 945 S.W. 2d 377 (1997) AND SEE SERVICE v Dulles 354 U.S. 363 (1957).

7) The claimant states that the requirements of policy's - AR-225 - AD 74-03 - AND V.U. 3-7-0 is supposed to be met by all Arkansas Dept. of Correction's employee's and when Corporal Rosalyn L. Williams on 12-19-12 5pm and 12-31-12 6pm violated those policy's, that indeed effected the claimant SEE Knight v Armontrout, 878 F.2d 1093 (8th Cir 1989) SEE Schering v Shalala, 995 F.2d 1103 (1993), Kentucky Dept. of Correction v Thompson 490 U.S. 462 (1989), STUART v A-S-P-Comm. 945 S.W. 2d 377 (1997) AND SEE SERVICE v Dulles, 354 U.S. 363 (1957).

8) Claimant states that the issue #8 of respondent's attorney Mrs. Lisa Mills Wilkin's motion to dismiss is insufficient due to fact that the claimant is not challenging any liberty interest of due process violation with the claimant's commission due to advisement of Arkansas state claimant's commission rules and regulations. SEE Knight v Armontrout, 878 F.2d 1093 (8th Cir 1989), SEE Schering Corp v Shalala 995 F.2d 1103 (1993), SEE Kentucky Dept. of Correction v Thompson 490 U.S. 462 (1989), AND SEE SERVICE v Dulles, 354 U.S. 363 (1957)

9) The claimant states that the respondent's attorney Mrs. Lisa Mills Wilkin's motion to dismiss is moot due to (#4) of claimant's response.

WHEREFORE FOR THE REASONS CITED ABOVE AND THE EVIDENCE PRESENTED IN MY ORIGINAL COMPLAINT THE CLAIMANT RESPECTFULLY PRAYS THAT THIS ARKANSAS STATE CLAIMANT'S COMMISSION DENIES THE RESPONDENT'S MOTION TO DISMISS. ~~~~~

(CERTIFICATE OF SERVICE)

I, WESLEY JEFFERSON #104933 PRO, SE CERTIFY THAT (4) COPIES OF THE FOREGOING MOTION HAS BEEN MAILED TO MR. NORMAN L. HODGES, JR. DIRECTOR OF THE ARKANSAS STATE CLAIMS COMMISSION AND (1) COPY OF THE SAME MOTION HAS BEEN MAILED TO THE RESPONDENT'S ATTORNEY, MRS. LISA MILLS WILKINS AT P.O. BOX 8707 PINE BLUFF, AR 71611 ON THIS ~~12th~~ DAY OF MAY 2013.

PRO, SE _____

RESPECTFULLY SUBMITTED

WESLEY JEFFERSON

#104933

VARNER SUPER MAX

P.O. BOX 400

BRADY, AR 71644.

A F F I D A V I T

STATE OF ARKANSAS)
COUNTY OF LINCOLN)

I, ERNEST BOOKER ADC# 151886 CELL 1-77, after first being duly

sworn, do hereby swear, depose and state that: *Due to fear of Receiving A Disciplinary From staff I Can't Be A*

Witness to Any Disciplinary on Inmate Jefferson From C.O. II R. WILLIAMS on 12-19-12. But I do swear that
ON 12-19-12 I "ERNEST BOOKER" cell-177 was about to be escorted to classification by C.O II R. Williams and C.O. Woods
When I heard C.O. II R. Williams say to Inmate Jefferson in 1-76 " I know what you're doing '76 and I got you, "
was then placed in RESTRAINTS and upon passing Inmate Jefferson's cell I noticed that HIS FEED TRAP was closed
and locked. So IF C.O II R. Williams writes Inmate Jefferson A DISCIPLINARY claiming He was exposed while standing in
His doorway she would be Spuriously Informing with falsified documents.

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: ERNEST BOOKER ADC# 151886 1-77 cell

DATE: 12-19-12

Ernest Booker
SIGNATURE

Subscribed and sworn to before me this _____ day of _____, 20_____

My Commission Expires:

NOTARY PUBLIC

STATE OF ARKANSAS)
COUNTY OF Clinton)

1. Coddie Daniels #144455

, after first being duly sworn, do hereby swear, depose and state that: Due to fear of ^{being} ~~being~~ retaliation against by staff, I will not be presenting myself as a witness on any testimony or on any stand pertaining to the incident between inmate Jefferson in cell block #1 cell #16 & Colette Hostly Williams on 12-19-12. Colette Hostly Williams in cell #13 ^{is} solemnly swear that on 12-19-12 inmate Jefferson was standing in his cell doorway in which is facing my cell talking to me, when Colette another officer came on the third tier to ^{for} classification call, when Colette Williams was ^{observing} that inmate Jefferson was masturbating on her behind his and blue steel door which has two windows chest high level and leave everything below the chest is blocked from any ^{of} ^{view} ^{by} ^{solid} ^{steel}. Now inmate Jefferson was not masturbating on Colette ^{because} ^{she} ^{was} ^{not} ⁱⁿ ^{the} ^{cell} ^{with} ^{him} ^{at} ^{that} ^{time} ^{and} ^{if} ^{she} ^{does} ^{write} ^{him} ^a ¹⁰⁻³ ^{incent} ^{EXPOSURE} ^{Charge} ^{then} ^{that} ^{will} ^{be} ^a ^{lie} ^{to} ^{inmate} ^{Jefferson} ^{and} ^{trap} ^{was} ^{closed} ^{and} ^{there} ^{is} ^{no} ^{way} ^{she} ^{could} ^{see} ^{them} ^{through} ^{steel}.

This is all under my knowings through seeing & nothing else of Coddie Daniels
+ Coddie Daniels

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: Coddie Daniels #144455
DATE: DEC 19 2012
Coddie Daniels
SIGNATURE

Subscribed and sworn to before me this _____ day of _____, 20_____

My Commission Expires: _____ NOTARY PUBLIC

STATE OF ARKANSAS)
COUNTY OF Lincoln)

I, WESLEY JEFFERSON #104933 CELL-176, after first being duly

sworn, do hereby swear, depose and state that: TODAY ON 12-19-12 I WAS STANDING IN MY CELL

DOORWAY TALKING TO ANOTHER INMATE IN CELL 173 WHEN COII ROSALYN WILLKAMIS AND ANOTHER OFFICER
CAME ON THE THIRD FLOOR TO RUN CLASSIFICATION CALL FOR THE INMATE IN CELL 177 NEXT TO ME
MY CONVERSATION WITH CELL 173 WAS INTERRUPTED BY COII ROSALYN WILLKAMIS WHEN SHE INTERVENED
TALKING (I QUOTE) "I KNOW WHAT YOU DOING '76 AND I GOT YOU" COII ROSALYN WILLKAMIS WAS TRYING
TO INSINUATE THAT I WAS MASTER BATHING BEHIND MY CELL DOOR. NOW THE PURPOSE OF THIS AFFIDAVIT
IS YET TO MIND THE COURT THAT I WAS STANDING BEHIND A 100% CAST IRON STEEL DOOR, THAT HAS TWO
WINDOWS THAT STOP AT CHEST LEVEL, LEAVING EVERYTHING BELOW MY CHEST "UNVIEWABLE" TO ANY AND
EVERYONE, AND ALSO I ASK TO MIND THE COURT OF COII WILLKAMIS STATING "I KNOW WHAT YOU DOING '76,
I GOT YOU" NEVER DOES SHE STATE "I SEE WHAT YOU DOING '76" BECAUSE SHE COULDN'T VISUALLY PENETRATE
OR WRITE A DISCIPLINARY CLAIMING THAT I WAS INDECENTLY EXPOSED (10-3) TO HER FROM BEHIND,
100% CAST IRON STEEL DOOR THEN COII ROSALYN WILLKAMIS WOULD BE FABRICATING AND FALSIFYING
STATE DOCUMENTS IN VIOLATION OF AD 74-03 AND AR-225 OF THE ARKANSAS DEPARTMENT OF
CORRECTIONS

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: WESLEY JEFFERSON #104933

DATE: 12-19-12

Wesley Jefferson
SIGNATURE

Subscribed and sworn to before me this _____ day of _____, 20_____

My Commission Expires:

NOTARY PUBLIC

STATE OF ARKANSAS)
COUNTY OF LINCOLN)

I, JERRY ELLIS #78658

after first being duly

sworn, do hereby swear, depose and state that:

ON THE EVENING OF 4-25-93 AT APPROX 7:35 P/M WHEN CO-IT ROSALYN L. WILLIAMS WAS MOVING ME TO CELL BLOCK #1 OF CELL 16 I ASKED CO-IT ROSALYN L. WILLIAMS WHY SHE WROTE THOSE (2) MAT OF BOBOS INFRACOCTIONS AGAINST MY NEPHEW INMATE WESLEY JEFFERSON #104933 CO-IT ROSALYN L. WILLIAMS REPLY TO ME SAYING SHE SHOOT FIRST AND ASK QUESTIONS LATER, SO I SAID WHAT IS YOU SAYING AND CO-IT ROSALYN L. WILLIAMS REPLIED TO ME SAYING THAT SHE WAS NOT NO FOOL SHE KNOW THAT WHEN INMATES STANDING IN THE DOORWAYS THEY BE WAITING ON FEMALE OFFICER'S TO COME ON THE TIERS OF THE CELL BLOCKS SO THEY CAN MASTURBATE TOWARD THOSE OFFICER'S, WHICH PER TO MY UNDERSTANDING OF CO-IT ROSALYN L. WILLIAMS CONVERSATION ON THE EVENING OF 4-25-93 SHE NEVER HEARLY SAW INMATE WESLEY JEFFERSON #104933 EXPOSED HIS PENIS TOWARD HER ON 12-19-91 AND 12-31-91

END OF STATEMENT

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: JERRY ELLIS #78658

DATE: 4-28-93

[Signature]
SIGNATURE

Subscribed and sworn to before me this 28 day of April, 2013

RICKY WEBB
NOTARY PUBLIC-STATE OF ARKANSAS
ASHLEY COUNTY
My Commission Expires 03-09-2022
Commission # 12383688

Ricky Webb
NOTARY PUBLIC

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 5,000.00

Claim No. 13-0710-CC

Wesley Jefferson, #104933 Claimant

Attorneys
Pro se Claimant

vs.

Department of Correction Respondent
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed April 09, 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, 2 and 4 thru 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, 2 and 4 thru 8 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing May 17, 2013

Date of Disposition May 17, 2013

[Signature] Chairman
[Signature] Commissioner
[Signature] Commissioner

11 BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ARKANSAS STATE
CLAIMS COMMISSION Claimant

WESLEY JEFFERSON #104933

#13-710-CC

JUN 04 2013

✓
ARKANSAS Dept. of CORRECTION

RECEIVED Respondent

MOTION FOR RECONSIDERATION

COMES NOW THE CLAIMANT WESLEY JEFFERSON #104933 JRO, SE MOVE'S THIS ARKANSAS STATE CLAIMS COMMISSION TO SET ASIDE ITS RULING OF MAY 17TH 2013 DUE TO THE FOLLOWING.

- ① The claimant states that for the purpose of a motion to dismiss all of the material facts alleged in the complaint are presumed to be true and all reasonable inferences should be construed in the light most favorable to the claimant according to NEAL v WILSON 873 S.W. 2d 552 (1994) citing CONLEY v GIBSON 355 U.S. 41-46 (1957) additionally this state claims commission should not attempt to weigh the merits of the conflicting evidence on a motion to dismiss, therefore the state claims commission's ruling of May 17th 2013 should be vacated and the claimant be given a reasonable hearing to prove the facts toward his claim.
- ② The claimant states that the state claims commission's opinion of May 17th 2013. should be set aside due to that they never ruled on any of the claimant's motions that he filed as of April 24 2013 through May 14th 2013 per to rule 2.4 Filing of all motions. and rule 2.2 responsive pleading of the Arkansas state claims commission's rule manual accordingly to SLATON v SLATON 956 S.W. 2d 150 (1997) LAMAN v BONE 967 S.W. 2d 561 (1988) MAY v BARB 633 S.W. 2d 376 (1982) citing CORNETT v PRATHER 737 S.W. 2d 159 (1987) wherefore the state claims commission's ruling of May 17th 2013 shall be vacated.
- ③ The claimant states that the state claims commission unanxiously grants the respondent's motion to dismiss for the reasons set forth in paragraphs 1, 2, and 4 through 8. The claimant states that in his responses to the respondent's motion to dismiss in paragraphs 1, 2, and 4 through 8 contained disputes that preclude a motion for summary judgement, the state claims commission did not treat the respondent's motion to dismiss as a motion for summary judgement per to rule (56) of the Arkansas rules of civil procedure's. then the state claims commission's ruling of May 17th 2013 shall be vacated accordingly to REGIONAL HEALTH CARE FACILITIES, INC v ROSE CARE, INC 912 S.W. 2d 409 (1995) WRIGHT v ARKANSAS STATE PLANT BOARD 842 S.W. 2d 42 (1992) STUART v ADV...

POLICE COMMISSION 945 S.W. 2D 377 (1997) ALCOHOLIC BEVERAGE CONTROL DIVISION V BARNETT 685 S.W. 2D 511 (1985) CITING SERVICE V DULLES 354 U.S. 363 (1957).

④ THE CLAIMANT STATE'S THAT THE RESPONDENT'S RESPONSES OF PARAGRAPH'S 2 THROUGH 7 ARE INADEQUATE PER TO AR 001 POLICY AND PROCEDURE'S OF (P6)(1) OF PARAGRAPH (II) PURPOSE, APPLICABILITY III OF PARAGRAPH (3), (IV) DEFINITIONS OF PARAGRAPH (IV) PARAGRAPH (A), B OF PARAGRAPH (B) ADMINISTRATIVE DIRECTIVES AND (P6)(2) OF V. POLICY AND DUE TO THAT THE STATE CLAIM'S COMMISSION NOT RULING ON ANY OF THE CLAIMANT'S MOTION'S OF APRIL 24TH 2013 THROUGH MAY 14TH 2013 PER TO RULE 2.2, RULE 2.4, AND RULE 7.1 TOWARDS THE ARKANSAS STATE CLAIM'S COMMISSION RULE'S MANUAL ACCORDINGLY TO - SLATON V SLATON 956 S.W. 2D 150 (1997) LAMAN V BONE 967 S.W. 2D 561 (1988) MAY V BARB 633 S.W. 2D 376 (1992) AND SEE CORNETT V PRATHER 737 S.W. 2D 159 (1987) WHEREFORE THE STATE CLAIM'S COMMISSION'S RULING OF MAY 17TH 2013 SHALL BE VACATED.

⑤ THE CLAIMANT STATE'S THAT PER TO MRS. SHARON CANTRELL V-S-M PROGRAM BREVANCE SPECIALIST INTER-OFFICE COMMUNICATION TOWARDS ANOTHER V-S-M INMATE ON MAY 20TH 2013 STATED THAT AR'S-AD'S AND VARNER UNIT POLICE'S CAN BE OBTAINED FROM THE LAW LIBRARY. SO THAT DISPUTES THE RESPONDENT'S RESPONSES OF PARAGRAPH'S 2 THROUGH 7 AND DUE THE STATE CLAIM'S COMMISSION RULING OF MAY 17TH 2013 IS IN CONFLICT WITH THE CITED CASES SEE SLATON V SLATON 956 S.W. 2D 150 (1997) LAMAN V BONE 967 S.W. 2D 561 (1988) MAY V BARB 633 S.W. 2D 376 (1992) CORNETT V PRATHER 737 S.W. 2D 159 (1987) REGIONAL HEALTH CARE FACILITIES INC. V ROSE CARE INC 912 S.W. 2D 409 (1992) - WRIGHT V ARKANSAS STATE PLANT BOARD 842 S.W. 2D 42 (1992) STUART V ARKANSAS STATE POLICE COMMISSION 945 S.W. 2D 377 (1997) ALCOHOLIC BEVERAGE CONTROL DIVISION V BARNETT 685 S.W. 2D 511 (1985) CITING SERVICE V DULLES 354 U.S. 363 (1957) THEREFORE THE STATE CLAIM'S COMMISSION'S RULING OF MAY 17TH 2013 SHALL BE VACATED.

WHEREFORE FOR THE REASONS STATED THE STATE CLAIM'S COMMISSION'S OPINION OF MAY 17TH 2013 SHALL BE SET ASIDE.

CERTIFICATE OF SERVICE

I WESLEY JEFFERSON #104933 PRO, SE, DO HEREBY CERTIFY THAT (5) COPIES OF THE FOREGOING MOTION HAS BEEN MAILED TO MR NORMAN L HODGE'S DIRECTOR OF THE ARKANSAS STATE CLAIM'S COMMISSION AND (1) COPY OF THE SAME MOTION HAS BEEN MAILED TO THE RESPONDENT'S ATTORNEY MRS. LISA M'KILL WILKINS AT P.O. BOX 8707, PINEBLUFF, AR 71661 ON THIS 30TH DAY OF MAY 2013.

PRO, SE Wesley Jefferson
RESPECTFULLY SUBMITTED
WESLEY JEFFERSON
#104933
V-3-M
P.O. BOX 606
P.D. NO 71144

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 5,000.00

Claim No. 13-0710-CC

<u>Wesley Jefferson, #104933</u> vs. <u>Department of Correction</u> State of Arkansas Date Filed <u>April 9, 2013</u>	Claimant Respondent	<u>Pro se</u> <u>Lisa Wilkins, Attorney</u> Failure to Follow Procedure	Claimant Respondent
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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 May 17, 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 May 17, 2013, order remains in effect.

Date of Hearing June 13, 2013

Date of Disposition June 13, 2013

[Signature]
Chairman
[Signature]
Commissioner
[Signature]
Commissioner

((BEFORE THE ARKANSAS STATE CLAIMS COMMISSION))

WESLEY JEFFERSON #104933

CLAIMANT

✓

#13-710-CC

ARKANSAS DEPT. OF COLLECTIONS

RESPONDENT

NOTICE OF APPEAL

COME'S NOW THE CLAIMANT WESLEY JEFFERSON #104933 PRO, SE SUBMIT'S HIS NOTICE OF APPEAL PER TO ACT (33) OF 1997 TOWARDS THE ARKANSAS STATE CLAIMS COMMISSION'S OPINION OF MAY 17TH 2013.

① THE CLAIMANT WESLEY JEFFERSON #104933 PRO, SE REQUEST THAT OF THE ARKANSAS STATE CLAIMS COMMISSION TO NOTIFY THE GENERAL ASSEMBLY'S LEGISLATIVE COUNCIL OF THE CLAIMANT'S WISH TO APPEAL THE ARKANSAS STATE CLAIMS COMMISSION'S OPINION OF MAY 17TH 2013 DUE TO THE FACT THAT THE ARKANSAS STATE CLAIMS COMMISSION HAS NEVER RULED ON ANY OF THE CLAIMANT'S PREVIOUS MOTIONS AS OF APRIL 24 2013 THROUGH MAY 14TH 2013 PER TO RULE 7.1 OF THE ARKANSAS STATE CLAIMS COMMISSION'S DETERMINATIONS

CERTIFICATE OF SERVICE

I WESLEY JEFFERSON #104933 PRO, SE CERTIFY THAT I HAVE MAILED MR. NORMAN L. HODGES, JR. DIRECTOR OF THE ARKANSAS STATE CLAIMS COMMISSION (5) COPIES OF CLAIMANT'S NOTICE OF APPEAL ~~ON~~ THIS 20TH DAY OF ~~MAY~~ JUNE 2013.

Arkansas Claims Commission

JUN 21 2013

RECEIVED

PRO, SE Wesley Jefferson

RESPECTFULLY SUBMITTED

WESLEY JEFFERSON

#104933

V-S-M

P.O. BOX 600

6 RUBY, AR 71644