

APR 02 2014

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

Lance Owens, #610855 Claimant

vs.

State of Arkansas, Respondent Dept. of Correction

Do Not Write in These Spaces Claim No. 14-0767-CC Date Filed April 2, 2014 Amount of Claim \$ 9000.00 Fund DOC

Loss of Property

COMPLAINT

Lance Owens, #610855, the above named Claimant, of POB 500, Grady, AR 71644

County of represented by (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 (ADC) Amount sought: \$9000.00

Month, day, year and place of incident or service: September 27, 2012, ADC Cummins Unit

Explanation: On September 27, 2012, eighteen (18) portraits were wrongfully taken from me during a shakedown. (See Exhibit A). Only ten (10) were recorded because the officer who took them miscounted and would not discuss the issue with me when he ordered me to sign the confiscation form. The drawings were pencil and ink on white paper size 8 1/2 x 11. They were confiscated as "illegal hobbycraft drawings", however, nothing about them qualify as such. In fact, ADC has repeatedly encouraged inmates to do such drawings by having competitions for such drawings. (See Exhibits B and C). Following instructions from appropriate ADC staff, I made several attempts to get the drawings back to send home. Finally, I was told to contact Mjr. James who did not respond to my request. Nine (9) days later I filed a grievance that was rejected as untimely though policy allows fifteen (15) days to file a grievance. (See Exhibits D, E, and F.)

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: 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.

Lance Mitchell Owens (Print Claimant/Representative Name) Lance Mitchell Owens (Signature of Claimant/Representative)

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

(SEAL) on this 31 day of March 2014 (Date) (Month) (Year)

CHRISTOPHER STOCKARD NOTARY PUBLIC-STATE OF ARKANSAS ARKANSAS COUNTY My Commission Expires 5-27-2021

Christopher Stockard (Notary Public)

My Commission Expires: 5 27 2021 (Month) (Day) (Year)

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

(Check One)  Inmate  Visitor  Staff  Area

Unit: \_\_\_\_\_ Building or Area: \_\_\_\_\_ Barracks  Cell

Date and Time of Search: \_\_\_\_\_ : \_\_\_\_\_ pm : \_\_\_\_\_ am

Officer(s) Conducting Search: (Print) \_\_\_\_\_

Officer(s) Conducting Search: (Signature) \_\_\_\_\_

Inmate Name: \_\_\_\_\_ ADC #: \_\_\_\_\_

Articles Seized (description and number of items):

Number	Description

Reason Seized:  Excess/Unauthorized Property  Disciplinary/Criminal Evidence

Other \_\_\_\_\_

Inmate Signature: \_\_\_\_\_ ( ) Refused to Sign

Area/Shift/Supervisor: (Signature) \_\_\_\_\_

Disposition of Contraband: \_\_\_\_\_

Copy Delivered to Inmate: Date: \_\_\_\_\_ 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)

Exhibit  
A

# "24<sup>th</sup>" RED RIBBON RUN

## October 12, 2013

It's that time again to start thinking about the Red Ribbon Run T-shirt design contest.

This will be our "24<sup>th</sup>" Annual Red Ribbon Run and will be on Saturday, October 12<sup>th</sup>, 2013, which will be here soon.

So get those thinking caps on, drawing pads out and start your design for our **24<sup>th</sup>** Red Ribbon Run T-Shirt.

Contest is open to all employees and all inmates of the Arkansas Department of Correction.

The person with the winning design will receive the following - **1st** place \$55, **2nd** place \$35 and **3rd** place \$25.

Important: The design is due in my office no later than Monday, **September 16th, 2013**. (Only 2 weeks away!)

If you have any questions, just give me a call (870-267-6301) or fax (870-267-6313).

OK, let's get started today.

Thanks.

(please share this email with those that do not have a computer & post for inmates)

Ramona C. Green  
Coordinator

Red Ribbon Theme is "A HEALTHY ME is DRUG FREE"

Exhibit  
B

# Attention Artists!!!

Please be advised that the Inmate Council is sponsoring an Art Contest for those that are in the general population. If you would like to participate in this contest, you must sign up on the list below. The following is required to participate:

- Must be drawn in either pencil or black ink pen
- Cannot be larger than an 8 ½" X 11" sheet of paper
- Submissions must have a description (meaning) of no more than 40 words attached to it.

If you sign up for this contest, you will have until April 19, 2013 to have your submission in to be judged. To have your submission turned in, you can give your submission to your Inmate Council Barracks Representative and/or when an Inmate Council Board Member comes by your barracks.

Deadline to sign up for this contest is April 5, 2013

	<u>Name</u>	<u>ADC#</u>	<u>Bks</u>
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			

My Mitchell 3-19-13  
Mr. Myram Mitchell, Recreation Chairman

Jimmy Walker  
Mr. Jimmy Walker, Inmate Council President

April Sides 3/20/13  
Ms. April Sides, Program Specialist  
Cc: File

Major V.R. Robertson  
Major V.R. Robertson, Chief of Security

Exhibit  
C

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Cummins

Name Lance Mitchell Owens

ADC# 610855 Brks # 21

Job Assignment Vinyl Bindery

FOR OFFICE USE ONLY	
GRV #	<u>CH42-03137</u>
Date Received	
GRV Code #:	<u>505</u>

*untimely  
More than 15  
days past incident*

12-18-12 (Date) STEP ONE: Informal Resolution

12-18-12 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: I don't know who has it, but I want it back. This isn't resolved until then.

(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?            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): On 9-27-12, during a shakedown, I had 18 drawings taken as "illegal hobby craft drawings" by Sgt. Herrington. Only 10 were recorded. Other items were taken and a disciplinary was written. I went to minor disciplinary court in front of Cpt. DeWease. The drawings were pencil & ink, black & white, not hobby craft drawings. In fact, they are just like the drawings ADC challenged every Cummins inmate to draw in the Red Ribbon contest. I asked Cpt. DeWease about getting them back and he said I could contact the property officer and send them home. Ms. Johnson, property officer, denies ever having them. Mjr. Roberson got the same reply from her. I spoke to Mjr. James, who ordered them sent to the property officer, & he said he would look into it. I sent him another request last week but haven't gotten a response. I would like my intellectual property, i.e. drawings, back.

I reserve the right to name other parties as their names become known to me.

Lance Mitchell Owens

Inmate Signature

December 18, 2012

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

<u>Officer S. Brey</u>	<u>60029</u>	<u>Officer S. Brey</u>	<u>12-18-12</u>
PRINT STAFF NAME (PROBLEM SOLVER)	ID Number	Staff Signature	Date Received

Describe action taken to resolve complaint, including dates: Ms Johnson stated she never received any of this

<u>          </u>	<u>12-18-12</u>	<u>Lance Mitchell Owens</u>	<u>12-18-12</u>
Staff Signature & Date Returned	Inmate Signature	Inmate Signature & Date Received	

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

Staff Who Received Step Two Grievance:            Date:           

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

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

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

*Exhibit D*

*5*

### ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Owens, Lance M.  
FROM: Gibson, April Dyann  
DATE: 12/19/2012

ADC #: 610855B  
TITLE: Administrative Specialist I  
GRIEVANCE #: CU-12-03137

Please be advised, I have received your Grievance dated 12/18/2012 on 12/19/2012 .  
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.

Signature of Administrative Specialist I

### 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 ( ), 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.

This grievance has been rejected as untimely when it clearly is not. Ms. Gibson recognizes fifteen (15) days are permitted to file a grievance as evidenced from her note on it's top. She must not have read it! In

Inmate Signature

ADC #

Date

line ten (10), I clearly stated that the week of Dec. 9, 2012, I submitted another request to Mjr. James about the matter. Because this is obviously within the time limits, and because I was trying to resolve the issue as I was being directed by staff, the grievance is clearly timely. Ms. Gibson's acting to deny my right of due process in this matter. Furthermore, all I want is to have my property returned.

Lance Mitchell Owens

610855

RECEIVED

JAN 14 2013  
INMATE SUPERVISOR  
ADMINISTRATION BUILDING  
Dec. 20, 2012

Exhibit E

6

INMATE NAME: Owens, Lance M.

ADC #: 610855

GRIEVANCE#: CU-12-03137

I have received your formal grievance dated 12/18/12 in reference to some drawings that were confiscated as illegal hobby craft drawings by Sgt. Herrington and a minor disciplinary was written.

After reviewing all supporting documentation, I have determined that I concur with the Warden's rejection. You have failed to follow the grievance procedure of the 15-day time frame from the initial incident; therefore, I will not address the merits or your appeal, which is denied.

*l m*

*1.31.13*

Director

Date

*Exhibit  
F*

*7*

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LANCE OWENS (ADC 640855)

CLAIMANT

V.

NO. 14-0767-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

APR 17 2014

RECEIVED

**CERTIFICATE OF SERVICE**

I certify that a copy of this pleading has been served this 16 day of April, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Lance Owens (ADC 640855)  
Cummins Unit  
PO Box 500  
Grady, AR 71644-0500

*Lisa Mills Wilkins*  
LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

LANCE OWENS (ADC #610855)

CLAIMANT

V.

NO. 14-0767-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

Arkansas  
State Claims Commission  
MAY 13 2014  
RECEIVED

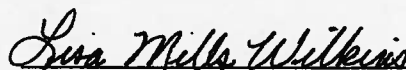
**MOTION TO DISMISS**

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

1. On September 27, 2012, 10 pages of plastic sheet protectors containing pen and ink drawings and other items were confiscated from Claimant and destroyed. He seeks \$9,000.00 in damages. Claimant has failed to state a cause of action under ARCP Rule 12(b)(6) and the claim should be dismissed.
2. Claimant alleges the items were nothing more than what is allowed and encouraged by the Respondent when requesting inmates to participate in drawing contests sponsored by the agency. These contests are for pen OR ink drawings which clearly opens them up to all inmates who do not have a hobbycraft card. However, Claimant overlooks the fact that his drawings, whether there were 10 or 18, were contained in plastic sheet protectors which rendered all of them contraband. See Exhibit "A". Plastic sheet protectors are not sold on the commissary and Claimant had no authority to be in possession of them and no right to have them returned.
3. Contraband is defined by the ADC in AD 08-14 to mean "any item or items determined by the Board of Corrections or ADC to jeopardize the safety, security, or good order of its institutions, including but not limited to the following...articles in excess of established facility limits, articles that have been altered or used for unauthorized purposes, and/or articles in an inmate's possession in an unauthorized area; unauthorized articles seized during a search of living quarters, place of assignment, vehicle or personal search, items which are illegal or banned by policies.
4. Therefore, if the items are contraband, the Claimant has failed to state a claim upon which relief can be granted under ARCP 12(B)(6) and Respondent requests that the matter be dismissed.

WHEREFORE, for the reasons submitted above, Respondent requests that the matter be dismissed.

Respectfully submitted,  
Department of Correction  
Office of Counsel



LISA MILLS WILKINS Ark. Bar #87190  
Attorney Supervisor  
Post Office Box 8707

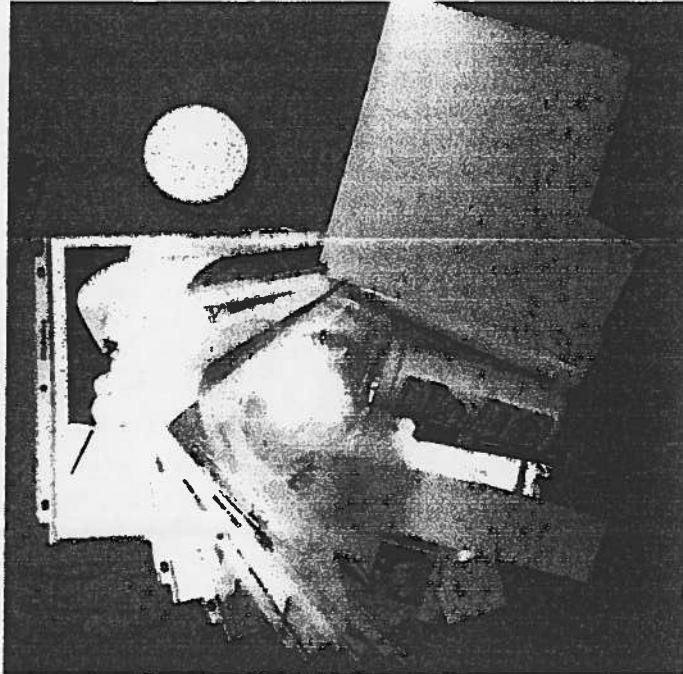
Pine Bluff, AR 71611  
(870)267-6844 Office  
(870)267-6373 Facsimile

**CERTIFICATE OF SERVICE**

I certify that a copy of the MOTION TO DISMISS has been served this 12 day of May, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

LANCE OWENS (ADC #610855)  
Cummins Unit  
P. O. Box 500  
Grady, AR 71644

Lisa Mills Wilkins  
LISA MILLS WILKINS Ark. Bar #87190



**Photo # 40206**

**Contraband found during routine shakedown in barracks  
21 bed 05 belonging to Inmate L. Owens ADC# 610855  
on 09/27/2012 at approximately 2:45pm.**

**Photo by Sgt. J. Herrington**



Exhibit

A

11

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION MAY 21 2014

RECEIVED

Lance Owens (ADC 610855)

Claimant

v.

No. 14-0767-CC

Arkansas Department of  
Correction

Respondent

Response to Motion to Dismiss

Comes now the claimant, Lance Owens, and for his Response to Respondent's Motion to Dismiss, states :

1. Respondent contends that because Mr. Owens' drawings were placed in clear plastic sheet protectors that the drawings became contraband. Policy does not support this contention and, practice demonstrates otherwise as well.
2. Administrative Directive (AD) 11-24 superceeds AD 08-14 and provides the controlling definition for contraband. No-where in either definition does the language change non--contraband items to contraband because of their placement

among contraband items.

3. It's a well established legal principle that practice makes policy. The Department of Correction routinely confiscates contraband items from inmates. During these confiscations it's common practice for the confiscating officer to remove all other items from the contraband and only confiscate the contraband. (See attached Exhibits A, B, C, D, and E.) The evidence illustrates that this practice is taught to officers in their initial training. (See Exhibit A).
4. During the shakedown in which Mr. Owens' drawings were confiscated, two (2) "empty" containers were taken because containers are considered as contraband. (See Exhibit A of Complaint). Those contraband containers, however, were not empty until the contents were emptied out by the officers who confiscated the drawings. (See Exhibits F, and G). With the exception of one (1) highlighter, Mr. Owens was allowed to keep all the items removed from the containers. (Highlighters are contraband.)
5. Respondent admits taking Mr. Owens' drawings. Respondent further admits that such drawings are permitted by all inmates.
6. Respondent's attempt to distort the rigid definition of contraband to include Mr. Owens' drawings fails. Because

the drawings are not contraband Mr. Owens has stated a claim for which relief can be granted. Therefore, the Respondent's motion should be denied.

Wherefore, for the reasons stated herein, Mr. Owens request that the Motion to Dismiss be denied.

Respectfully submitted,

Lance Mitchell Owens

Lance Mitchell Owens

610855

P.O. Box 500

Grady, Ark. 71644

Certificate of Service

I hereby certify that on this 19<sup>th</sup> day of May, 2014, I did serve a copy of the foregoing on Respondent by sending same by U.S. Mail, postage paid, to :

Lisa Mills Wilkins

P.O. Box 8707

Pine Bluff, AR 71611

Lance Mitchell Owens

Lance Mitchell Owens

STATE OF ARKANSAS )  
 ) SS  
COUNTY OF Lincoln )

AFFIDAVIT

I, Marty Alward, after first being duly sworn, do hereby swear, depose and state that : On 7-22-13, I was shok down by Co. Swinford and an officer in training. During the shakedown I had several Contraband items <sup>taken</sup> from me while being Allowed to keep the items they were found in. This is common practice for shakedowns which is clear due to the fact this occurred during training. The items taken were: butter from a bowl, the bowl was returned to me; AN ONION from a laundry bag, the bag wasn't taken; and Assorted radio parts from a soap dish, the soap dish was returned to me.

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

5-14-14  
DATE

Marty Alward  
AFFIANT

\_\_\_\_\_  
SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 14 day of

May, 2014.  
Bobby R. Jones  
NOTARY PUBLIC

**BOBBY R. JONES**  
**NOTARY PUBLIC**  
**LINCOLN COUNTY, ARKANSAS**  
**COMM. EXP. 02-21-2017**  
**COMMISSION NO. 12361203**

My Commission Expires: 02-21-2017

Exhibit  
A

STATE OF ARKANSAS )  
 ) SS  
COUNTY OF Lincoln )

**AFFIDAVIT**

I, Damien Jones #135311, after first being duly sworn, do hereby swear, depose and state that : As an inmate for the last 8 years, I've seen alot of shakedowns. They're done on a regular basis & contraband is always taken. When the contraband is found with an inmate they're separated & the contraband is the only thing that's taken. That's the normal routine, unless the officers don't like you. If they don't then they'll take things you can have & leave it up to you to try to get it back.

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

5-15-14  
DATE

Damien C. Jones  
AFFIANT

SOCIAL SECURITY # ADC # 135311

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

May, 20 14.

Darren Dill  
NOTARY PUBLIC

My Commission Expires: 01-28-2024

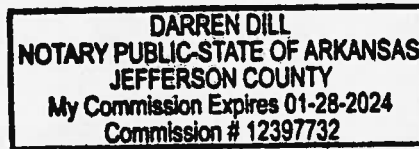


Exhibit  
B

STATE OF ARKANSAS )  
 ) SS  
COUNTY OF Lincoln )

**AFFIDAVIT**

I, William F. Bowen, after first being duly sworn, do hereby swear,  
depose and state that : during my incarceration, there have been  
times when an officer confiscated an item of contraband  
(containers, folders) and allowed me to keep the contents.  
It has been an arbitrary process. <sup>with</sup> However, items in the  
folders have not been confiscated.

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

14 MAY 2014  
DATE

William Bowen  
AFFIANT  
109249  
[REDACTED] # ADC #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 14 day of  
MAY, 2014.

NOTARY PUBLIC

Bobby R. Jones  
**BOBBY R. JONES**  
**NOTARY PUBLIC**  
**LINCOLN COUNTY, ARKANSAS**  
**COMM. EXP. 02-21-2017**  
**COMMISSION NO. 12361203**

My Commission Expires: 02-21-2017

Exhibit  
C

STATE OF ARKANSAS )  
COUNTY OF Lincoln ) SS

**AFFIDAVIT**

I, Robert Hawk, after first being duly sworn, do hereby swear, depose and state that: DURING MY TIME HERE AT THE CUMMINS UNIT OF A.D.C. WHICH AMOUNTS TO (10 YRS) I HAVE SEEN AND EXPERIENCED MANY PROPERTY SEARCHES. DURING THESE SEARCHES IT IS COMMON FOR OFFICERS TO CONFISCATE CONTRABAND ITEMS, IT IS ALSO COMMON FOR OFFICERS TO SEPARATE ~~AND~~ ALLOWED ITEMS FROM CONTRABAND ITEMS, AND ALLOW THE INMATES TO MAINTAIN THE POSSESSABLE ITEMS.

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

5-15-14  
DATE

[Signature]  
AFFIANT  
A.D.C.# 129886  
SOCIAL SECURITY #

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

May, 2014.  
[Signature: Darren Dill]  
NOTARY PUBLIC

My Commission Expires: 01-28-2024

DARREN DILL  
NOTARY PUBLIC-STATE OF ARKANSAS  
JEFFERSON COUNTY  
My Commission Expires 01-28-2024  
Commission # 12397732

Exhibit  
D

STATE OF ARKANSAS )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

**AFFIDAVIT**

I, Marion E. Riddell, after first being duly sworn, do hereby swear, depose and state that: While I have been in prison I've been through a lot of Shakedown and had a lot of CONTRABAND taken + remove. When that Contraband was mixed with other items they were separated and only the CONTRABAND was taken. An example of this is when I've had instant coffee in a pill bottle and the bottle was Contraband. I've allowed to keep the coffee in something else while the bottle was taken in four years this is how I've always seen it done

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

5-15-14  
DATE

Marion E. Riddell  
AFFIANT

\_\_\_\_\_  
SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 18 day of

May 2014  
Christopher Stockard  
NOTARY PUBLIC

My Commission Expires: 5-27-2021

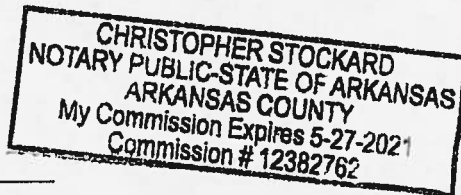


Exhibit  
E

STATE OF ARKANSAS )  
COUNTY OF Lincoln ) SS

**AFFIDAVIT**

I, Demetrius M. Hampton #144257 after first being duly sworn, do hereby swear, depose and state that : On 9-27-12, I witnessed officers conducting a shakedown on Mr. Owens, who was assigned to bed #5 from my rack, bed #41, I had a good view of the shakedown. During the shakedown, I also witnessed the officers conducting the shakedown empty out two plastic containers that had pens, pencils and cotton swabs. The officers didn't confiscate the contents but they did confiscate the plastic containers themselves because they were contraband.

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

5-15-14  
DATE

Demetrius Hampton  
AFFIANT

† SOCIAL SECURITY # \_\_\_\_\_

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

May, 20 14.

Darren Dill  
NOTARY PUBLIC

My Commission Expires: 01-28-2024

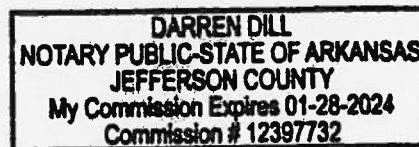


Exhibit  
F

STATE OF ARKANSAS )  
 ) SS  
COUNTY OF Lincoln )

**AFFIDAVIT**

I, James Laceyfield, after first being duly sworn, do hereby swear,  
depose and state that : On September 27, 2012, I watched my neighbor  
MR. Lance Owens, get shook down for contraband.  
The shakedown crew emptied two plastic containers and  
allowed MR. Owens to keep what was in them, but took  
the containers as contraband.

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

5-14-14  
DATE

Jim Laceyfield  
AFFIRANT

\_\_\_\_\_  
SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 14 day of

May, 2014.  
Bobby R. Jones  
NOTARY PUBLIC

**BOBBY R. JONES**  
**NOTARY PUBLIC**  
**LINCOLN COUNTY, ARKANSAS**  
**COMM. EXP. 02-21-2017**  
**COMMISSION NO. 12361209**

My Commission Expires: 02-21-2017

Exhibit  
G

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 9,000.00

Claim No. 14-0767-CC

Lance Owens, #610855 Claimant      Pro se Attorneys Claimant  
vs.  
Department of Correction Respondent      Lisa Wilkins, Attorney Respondent  
State of Arkansas  
Date Filed April 2, 2014      Type of Claim Loss of Property

FINDING OF FACTS

The Claims Commission hereby unanimously granted the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2 and 3 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously granted the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 2 and 3 contained in the motion. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing June 12, 2014

Date of Disposition June 12, 2014

Richard May Chairman  
Bill Janacek Commissioner  
Dawn Commissioner

JUN 18 2014

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION RECEIVED

Lance Owens (ADC 610855)

Claimant

v.

No. 14-0767-CC

Arkansas Department of  
Correction

Respondent

CLAIMANT'S SECOND SET OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION

Claimant, Lance Owens, pursuant to A.R.Civ.P. 33 and 34, submits the following interrogatories and request for production of documents to be answered under oath by Respondent within thirty (30) days of service:

Interrogatory No. 1: Please state what rule uses clear, unambiguous language to define clear plastic sheet protectors as contraband.

Interrogatory No. 2: Please state what memos have been posted at the Cummins Unit for inmate viewing, which is signed by a person who is authorized to post policy changes, that specifically describes clear plastic sheet protectors as contraband.

Interrogatory No. 3: Please state what rule allows the confiscation of unaltered personal property stored in inmates possession along

with items of contraband.

Interrogatory No. 4: State specifically the language allowing confiscation of personal property stored with contraband.

Interrogatory No. 5: Please explain the procedure used to confiscate items that have previously been authorized but which are now considered as contraband.

Interrogatory No. 6: In respect to your response to interrogatory no. 5, please explain the procedure for dealing with authorized personal property stored among items newly deemed to be contraband.

Interrogatory No. 7: Please explain how an inmate becomes aware that an item previously permitted has been determined to be contraband.

Interrogatory No. 8: Please state when Mr. Owens was given notice that the clear plastic sheet protectors he previously was allowed to possess became contraband.

#### REQUEST FOR PRODUCTION

(Note: As of this writing the unit library is updating all AD's and AR's. As a result many are not available to Claimant.)

Request No. 1: Please provide a copy of the rule for your response to interrogatory no. 1.

Request No. 2: Please provide a copy of any and all memos that concern your response to interrogatory no. 2.

Request No. 3: Please provide a copy of the rule concerning your response to interrogatory no. 3.

Request No. 4: Please provide a copy of the procedure concerning your response to interrogatory no. 5.

Request No. 5: Please provide a copy of the notice given to Mr. Owens regarding interrogatory no. 8.

By: Lance Mitchell Owens

Lance Mitchell Owens, 610855  
P.O. Box 500  
Grady, Ark. 71644

### Certificate of Service

I hereby certify that on this 15 day of June, 2014, I served a copy of the foregoing on Respondent by U.S. Mail, addressed to:

Lisa Mills Wilkins  
P.O. Box 8707  
Pine Bluff, AR 71611

Lance Mitchell Owens  
Lance Mitchell Owens

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas  
State Claims Commission  
JUN 25 2014  
RECEIVED

Lance Mitchell Owens

Claimant

v.

No. 14-0767-CC

Arkansas Department of  
Correction

Respondent

MOTION FOR RECONSIDERATION

Comes now the claimant, Lance Owens, and for his motion for reconsideration, states :

1. On June 12, 2014, this Commission granted Respondent's motion to dismiss the instant case ;
2. The Commission's decision was based upon Respondent's assertion that the property in question was confiscated as contraband because the property was in clear plastic sheet protectors which Respondent alleges are contraband;
3. Clear plastic sheet protectors were not regarded as contraband prior to the confiscation of Mr. Owens' drawings and, have not been treated as contraband since ;
4. The clear plastic sheet protectors in question were pre-approved

by ADC staff and were given to Mr. Owens by ADC staff members who were responsible for removing all contraband from an inmates possession;

5. Mr. Owens' pencil and ink drawings were taken as "illegal hobby craft drawings" and not because of clear plastic sheet protectors. The evidence shows only one (1) clear plastic sheet protector was recorded as confiscated and, that the pencil and ink drawings are not illegal hobby craft drawings; and
6. Even if the clear plastic sheet protectors had not been permitted by Respondent, the drawings were not part of the sheet protectors and, as the evidence shows, had the confiscation been about clear plastic sheet protectors the drawings would not have been taken.

WHEREFORE, for the reasons set out herein, Mr. Owens respectfully ask this Commission to reconsider its Findings and grant him a hearing in this matter.

Respectfully,

Lance Mitchell Owens

Lance Mitchell Owens

610855

P.O. Box 500

Grady, Ark. 71644

CERTIFICATE of SERVICE

I certify that a copy of the Motion for Reconsideration has been served on Respondent this 23<sup>rd</sup> day of June, 2014, by placing a copy of same in the U.S. Mail, postage paid to:

Lisa Wilkins  
Attorney Supervisor  
P.O. Box 8707  
Pine Bluff, AR 71611

Lance Mitchell Owens  
Lance Mitchell Owens, 610855

STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 9,000.00

Claim No. 14-0767-CC

Lance Owens, #610855 Claimant vs. Pro se Claimant  
Department of Correction Respondent vs. Lisa Wilkins, Attorney Respondent  
State of Arkansas Respondent vs. Loss of Property Respondent  
Date Filed April 2, 2014 Type of Claim \_\_\_\_\_

FINDING OF FACTS

The Claims Commission hereby unanimously denies the Claimant's "Motion for Reconsideration" for failure to provide new evidence. Therefore, the Commission's June 12, 2014 order will remain in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies the Claimant's "Motion for Reconsideration" for failure to provide new evidence. Therefore, the Commission's June 12, 2014 order will remain in effect.

Date of Hearing July 10, 2014

Date of Disposition July 10, 2014

Watmore Chairman  
Bill Zancath Commissioner  
Patmore Commissioner

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Lance Mitchell Owens

Claimant

v.

No. 14-0767-CC

Arkansas Department  
of Correction

Respondent

Arkansas  
State Claims Commission

JUL 25 2014

NOTICE OF APPEAL

RECEIVED

Comes now the Claimant, and for his Notice of Appeal, states:

1. Claimant provided clear evidence that his drawings were taken by State officials under the pretext that they were "illegal hobby craft drawings" (See: Complaint, Exhibit A);
2. Claimant provided evidence that the drawings were not "illegal hobby craft drawings" (See: Complaint, Exhibits B and C), and the respondent subsequently changed its reason for the confiscation arguing the drawings were taken because they were stored in contraband;
3. Claimant provided evidence that non-contraband items are not confiscated when found with contraband (See: Response to Motion to Dismiss, Exhibits A, B, C, D, E, F, and G);
4. Claimant has asserted and provides evidence herein that the

alleged contraband items were not contraband;

5. Claimant further asserted that the alleged contraband items (clear plastic sheet protectors) were given to him by officers of Respondent while those officers were specifically looking for contraband; and

6. In light of these facts the Commission's decision is in error.

WHEREFORE, for the reasons set out herein, the Commission's decision should be reversed and Claimant should be granted a hearing on this matter.

Respectfully submitted,

Lance Mitchell Owens

Lance Mitchell Owens  
c/o: 610855  
P.O. Box 500  
Grady, Ark. 71644

Certificate of Service

I hereby certify that a copy of the foregoing has been served on the Respondent this 23<sup>rd</sup> day of July, 2014, by U.S. Mail to:

Lisa Wilkins  
Attorney Supervisor  
P.O. Box 8707  
Pine Bluff, AR 71611

Lance Mitchell Owens

Lance Mitchell Owens

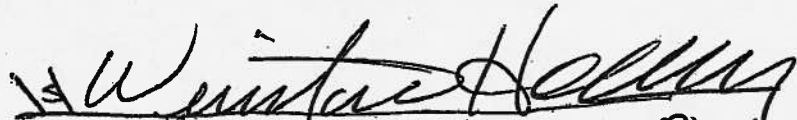
State of ARKANSAS )  
                                  )SS  
County of LINCOLN )

Affidavit

I, Winstan Holloway, ADC #67507, after being duly sworn, do hereby swear, and depose to say:  
I have been receiving through the mail from family, friends and attorney's for the past 35+ years plastic sheet protectors and covers; briefs and pleadings in covers and sheet protectors. These are used in hobby craft both in the building and at wood and leather shops. There is no rule against plastic sheet protectors, and never has been. Plastic sheet protectors are not contraband, and are not dangerous in any way.

I swear under penalty of perjury the foregoing is true pursuant to 18 U.S.C. §1621.

Executed on this 17 day of July 2014.

  
(AFFIANT) Winstan Holloway, ADC 67507  
P.O. Box 500  
Corady, Ark, 71644