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Arkansas
State Claims Commission
MAY 15 2014

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RECEIVED

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

- ☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Jessie Hill, #104136

Claimant

VS.

State of Arkansas, Respondent
Dept. of Corr.

Do Not Write in These Spaces	
Claim No.	14-0867-CC
Date Filed	May 15, 2014 (Month) (Day) (Year)
Amount of Claim \$	?
Fund	DOC

1) Negligence, Mental Anguish
Failure to Follow Procedure

3) Failure to Follow Procedure
2501 State Farm Road, Tucker, AR 72168
(Street or R.F.D. & No.) (City)

COMPLAINT

Jessie Hill, #104136

the above named Claimant, of

2501 State Farm Road, Tucker, AR 72168

(Name)

(Street or R.F.D. & No.)

(City)

County of JEFFERSON

represented by

N/A

(Legal Counsel, if any, for Claim)

(State) (Zip Code) (Daytime Phone No.)

of

N/A
(Street and No.)

(City)

(State)

(Zip Code)

(Phone No.)

(Fax No.)

says:

State agency involved: ARKANSAS Department of Corrections, K-9 Unit Amount sought: \$58,000.00

Month, day, year and place of incident or service: OCTOBER 24, 2013 MSU 2501 State Farm Rd, Tucker, AR 72168

Explanation: ON THE FRONT OF THIS CLAIM PRESENTED: I AM NOT ASKING THIS COMMISSION COMMITTEE TO OVER TURN ANY DISCIPLINARY MATTER(S) ADDRESSED HEREIN.

CLAIM ONE OF THREE

Since May 2007 Deputy Warden Steve Outlaw has been called upon by my prison to REVIEW SECURITY FOOTAGE TO EXONERATE ME OF FALSE 10-3 INDECENT EXPOSURE RULE VIOLATIONS WRITTEN AGAINST ME BY EARLY (East Arkansas Regional Unit) Female Security Officers LAKISHA BRADLEY ALKINS AND GI SPATES. ASST/Deputy Warden Steve Outlaw's stance is that he will not be the cause of aiding a reversal of a disciplinary (for any violation of Arkansas Dept of Corrections (ADC)) nor provide a medical/unbiased witness statement informing a disciplinary hearing officer/person that a review of a specifically identified 100% and security tape footage clearly establishes the charging officers reports are false. At the time of 2007 Asst/Deputy Warden Outlaw first claimed that he reviewed requested footage and lied to me stating he could not see whether the incident occurred or not. After killing Captain Moses Jackson, Lt Nathan Estep, Sgt Brenda Parker, and three (3) other corporals each review said security tape and inform me that they, respectively, could actually see me get out of my Ad/leg jumps suit and sit on the bed and at no time performed ANY indecent acts. I approached/Confronted Asst Warden

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?

YES; when? DEC. 15th 2013; to whom? Artis Ray Hobbs, Director, ADC, P.O. Box 8707, Pine Bluff, Arkansas 71601-8707; and that the following action was taken thereon: Denied without merit And Affirmed

and that \$ 0 was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; if so, state name and address

(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code)

and that the nature thereof is as follows:

and was acquired on

in the following manner:

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

JESSIE HILL, #104136

(Print Claimant/Representative Name)

(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

Tucker

AR

(City)

(State)

on this

4

day of

May

2014

(Date)

(Month)

(Year)

(Notary Public)

My Commission Expires:

12

26

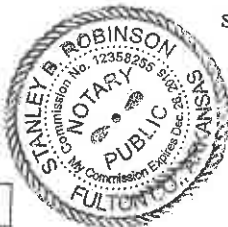
2015

(Month)

(Day)

(Year)

(SEAL)



SF1- R7/99

Outlaw with knowledge that review of security footage exonerates me of indecent exposure, Outlaw made it clear he would not reverse the disciplinary and that I am to accept the fate of a "convenient casualty" seeking out, respecting, punitive isolation for 30 days, loss of class status, and ruination of high standing reputation among the officers and ADC employees, administration, etc. A stance that is always upheld from the unit, to the disciplinary hearing administrative, and director of the ADC due to the wife's refusal to make neutral, unbiased, and exonerating statements of what security footage of the cell events.

Sept. 09, 2010 / Oct. 09, 2010, Nurse Michelle Ashley falsely accused me of committing a 10-3 Indecent Exposure Rule violation, as she was escorted through 5 BKS of the MSU, for pill call by Sgt. K. Nunnery (whom expresses a willingness to testify on my behalf). I was reliant upon Sgt. K. Nunnery, security tape footage of MSU's 5 BKS 54 cell, and the statements/responses Sgt. K. Nunnery provided to three (3) grievances surrounding the matter in which Sgt. K. Nunnery affirms he never left Nurse Michelle Ashley's side and he never witnessed me perform any indecent act, nor did he hear Nurse Ashley give me a direct order to stop masturbating or anything else considered inappropriate behavior. In fact, Sgt. Nunnery will attest that when Major Maurice E. Williams and then-warden (J. White's) secretary Ms. Fair called Sgt. Nunnery at home for his statement, all Major Williams asked Sgt. Nunnery was: "Did you ever leave the nurse's (M. Ashley) side while she was 5 BKS 54 cell, which housed inmate Jessie Hill #104136?" Sgt. Nunnery will further attest that when he stated, "No. I never left that nurse's side at all..." Major Williams immediately disconnected the phone call, opting not to hear the exonerating information of Sgt. K. Nunnery on my behalf. Again, I was subjected to punitive isolation for 30 days, loss of class status, and ruination of high standing reputation among officers and ADC employees, nurses, etc.

July 19, 2013 CD-I Kendyl V. Richardson falsely accused me of committing a 10-3 Indecent Exposure Rule violation, stating that:

(2)

"On 7-19-13 at approx 9:58 am I COI K Richardson while assigned to 1 & 3 Control booth in Zone 1 was standing in the control booth when I observed Inmate Jessie Hill #104136 who is housed in 3 Baracks cell #23 standing in his cell with his exposed erect penis in his hand stroking it in a back and forward motion while looking at me. I COI K Richardson then gave him a direct order to stop, he continued. As of May 07 Inmate Jessie Hill AIC #104136 has 3 10-3 therefore I am charging him with rule violation 12-1 (Failure to obey verbal and/OR written orders of staff), 11-1 (Insolence To A Staff Member), 10-3 (Indecent Exposure), 17-1 (Any act OR acts defined as felonies OR misdemeanor by the state of Arkansas; may result in teh [sic] loss of all good time.)"

Effective April 19, 2013, Arkansas Department of Corrections (ADC) Director, Artis Ray Hobbs approved Administrative Directive (AD) #13-10 Inmate Disciplinary Manual, applicable to Inmates and Staff, which provides in pertinent part that:

AD #13-10 II, Explanations:

'[W]hen inmate behavior requires discipline, procedures shall be followed to ensure that no unnecessary disciplines are written and that:

'A. there is no bias in favor of the charging officer;

'B. there is no presumption of guilt;

'C. there is a reliable method of determining whether an infraction has in fact occurred; and

D. blatant forms of partiality which can result from prior knowledge, involvement, bias, or personal interest in a particular case is minimized

On the date CO-I K.V. Richardson charged me with these rule violations I was unaware of them until Cpl J. Jacks informed me Saturday, July 20, 2013. I immediately wrote a request for interview to Asst./Deputy Warden Steve Outlaw; Captain K. Frazier; Major Maurice E. Williams; and Cpl. Brandy M. Young, asking each to review security tape footage of 3 BKS #23 cell, Zone #1 on July 19, 2013 for whatever ~~the~~ time the disciplinary alleges, and placed, rather had each request placed in the MSU mailbox of 5 BKS, where I was housed on S.C.R.

I received a copy of the charging F-831-1 report on Monday, July 22, 2013 from Serving Officer/Notifying Officer Cpl G. Smith. After reading the F-831-1 report, I informed Cpl Gloria Smith that I was duped into believing that I was on S.C.R. for having a blanket in the cell window and a shade over the light, which I removed per Sgt. Dora Blount's direct order around 9:30 am 07/19/13. And that I needed to call the security tape of 3 BKS #23 cell, Zone #1 as a witness. Cpl G. Smith informed that I could "call" living witnesses only. I informed Cpl G. Smith that I had written aforementioned requests for interviews and wanted/needed Outlaw, Frazier, Williams, and Young as witnesses. Cpl G. Smith affirmed that I was already scheduled for disciplinary court hearing for the next day, Tuesday, July 23, 2013. When I asked her, "How am I already scheduled and you don't have a statement from any of my witnesses. Besides, I just mailed all of them a request explaining why I'm calling them as a witness and why I used them to review the security tape." Cpl G. Smith stated

(4)

that A disciplinary court hearing date was scheduled the moment she typed the disciplinary into the BOMIS system, whether my witness list was gathered or not. As a result my witness statements were collected without either witness reviewing security tape.

On Tuesday, July 23, 2013, at or around 7:35 am, Cpl Brandy M. Young entered into 5 BKS, approached 5-50 cell, in which I was housed on A.C.R. status and stated that she had "just" received the request for interview I mailed out Monday, July 22, 2013. Cpl B.M. Young was informed of the need of said review of said security tape footage and stated that she had already given her statement that she had no knowledge because she was not present and did not understand why I had called her for a witness. After being told of the need for security tape review — within Cpl B.M. Young's direct supervisory duties at the MSU — Cpl B.M. Young stated to me that she would go directly to her supervisor, Major Maurice E. Williams and ask him if she could provide a "letterhead" statement explaining that a review of the security tape does not evidence me conducting myself as [falsely] alleged by CO-I K.V. Richardson. Prior to entering disciplinary court hearing later that date, I asked Cpl B.M. Young if Major Williams allowed her to provide neutral, unbiased, and reliable evidence of review of said security tape, of specific date July 19, 2013, time 9:58 am, in 3 BKS #23 cell, Zone #1. Cpl B.M. Young informed me that Major Williams declined to afford her an opportunity or permission to provide such a neutral, unbiased finding. See MX-13-1587

July 23, 2013, I asked Disciplinary Hearing Officer (DHO) Keith Waddle to review security tape footage of the isolated area 3 BKS - #23 cell, Zone #1, at 9:58 am in order to provide exonerating, neutral, unbiased, reliable evidence that I did not violate charges/rule infractions alleged by CO-I K.V. Richardson. DHO Keith Waddle advised that he did have authority to review specifically identified security tape footage under AR #13-10 VII Major Disciplinary Court, E. Hearings, #8, yet with the intent [and] infliction of emotional distress [IIED], DHO Keith Waddle refused to review said security tape stating that had either of my witnesses chosen to be of assistance to me, either would have done so. My attempt to explain

(5)

why neither witness did not do so was cruelly interrupted with a flair of nonchalant indifference and deliberate disregard for getting the truth of the incident to light of fabrication that would cause a domino effect of dismissing the disciplinary and immediately terminating the employment of CO-I K.V. Richardson Lt. J. Spears; Needless to say, I received 30 days punitive isolation, restrictions for 60 days, and looked down upon as a sexual deviant for inappropriate behavior I have not committed since Feb. 10, 2000 at Cummins Unit. See MX-13-15162. See AD #13-10 IX Sanctions

I appealed the disciplinary court hearing officer's decision July 24, 2013 to Warden William "Billy" Stranghn, arguing AD #13-10 II Explanation, A.B.C.D.; the need of review of the security tape footage and utilizing the roving cameras zoom-in feature(s), upon the control booth and the barracks and cell specifically identified by CO-I K.V. Richardson on July 19, 2013 at 9:58 ^{PM} AM, in order to verify the truthfulness of the "incident" to afford due process, fair and impartial hearing denied me by AHO Keith Waddle's refusal to carefully weigh this "primary evidence." See AD #13-10 VIII Major Disciplinary Court, E. Hearing, #15

I appealed the warden's decision to Raymond Naylor, Disciplinary Hearing Administrator - Director of Internal Affairs Division, and to Aetho Ray Hubbs, Director of Arkansas Department of Corrections, each denied the appeal without reviewing the security tape footage or weighing all additional evidence considered "primary evidence." In fact, I was found guilty based upon the (1) officers informing that "1st of May 07 Inmate Jessie Hill AIC #104136 has 3 10-3..."; (2) bias in favor of the charging officer when Lt. J. Spears placed me on D.C.R. status even after reviewing said security tape footage July 19, 2013 and finding security tape did not support officers allegations and Spears' determining I "just couldn't control" myself; (3) lack of proper trusting reliable methods of determining whether an infraction has in fact occurred; and (4) blatant focus of partiality which can [and did] result from prior knowledge, involvement, bias, or personal

interest in a particular case is minimized," see AD #13-10, II Explanations A.B.C.D.,
I Request "100 ~~00~~ for each day of punitive isolation days served, immediate termination of the
agreement, a transfer to the Cummins Unit, and permanent loss to being housed at
the Tucker Maximum Security Unit, 2501 State Farm Rd, Tucker, Ark 72168. AD #13-10, IX.

Neutral and impartial security footage evidence serves the purpose of
recording misconduct of inmates and officers for the review of Warden
William "Billy" Straughn, exonerating the falsely accused in a fair and impartial
manner, eliminating the accumulation of unnecessary disciplinarys and/or
grievances by officers and inmates alike. Each and every inmate are to be
afforded protections of "protected conduct" from such "adverse action" of
the prison officials that are so "care-less" about maintaining and upholding
the honor and integrity of a reputable ADC employee, official, or agent. It is
"subjectively unreasonable" that a warden or designee [Straughn] would
intentionally and purposely act to protect an ADC official's employment when
a question of legitimate evidence arises that informs such ADC authoritative
that an ADC official [CO-I K.V. Richardson, Lt. J. Spears, and K. Waddle]
have acted in any shape, form, fashion, or design that violates AR 225, EMPLOYEE
CONDUCT STANDARD policy, AD #13-10, II, A.B.C.D. Inmate Disciplinary Manual,
Administrative Regulation 005, by such frivolous or malicious "willful and
deliberate disregard as refusing to act under blanket defenses of "disciplinary
matters are non-grievable." See MX-13-1503, dated July 29, 2013; MX-13-1502
dated Aug. 01, 2013; MX-13-1504 dated Aug. 01, 2013; MX-13-1580 dated Aug. 02,
2013; MX-13-1587 dated Aug. 02, 2013; See AD #13-10, IX Sanctions; AD #11-35, I, II, A, B, C, D

Aug. 13, 2013, while serving punitive isolation days for the fabricated
infractions charged against me by CO-I K.V. Richardson, Cpl Brandy M.
Young entered into East Isolation under the false pretense of conducting
surveillance cameras check, obtained the cell door keys from Sgt Richard
Clark, simultaneously asking me to pull MX-13-1587, grievance; (2) threatening
me with a major disciplinary for use of the telephone while on my

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48 hour relief from punitive isolation Aug. 08th, and Aug. 09th, 2013; and (13) informing me that Cpl B.M. Young and Lt. J. Spears did actually review said security tape footage of 3 BKS #23 cell, Zone #1 on 07/19/13 BEFORE Captain K. Frazier and/or Lt. J. Spears - B-Shift Commanding Supervisor(s) made a decision that violates AD #13-10, II A.B.C.D., when placing me on S.C.R. due to CO-I K.V. Richardson's unsubstantiated allegations that she did not and could not have possibly seen from the angle provided. See notarized Affidavit dated Aug. 13, 2013. Cpl B.M. Young violated AD #11-35, I.A.1.2.b; AR 225; AD #12-10, II. 5

Aug. 16, 2013, I wrote a grievance against Lt. J. Spears for violating AD #13-10, II A.B.C.D., for which Lt. J. Spears denies that he did in fact state to me July 19, 2013, his opinion that: "You just couldn't control yourself, could you?" The response provided by Lt. J. Spears, when compared to the Mandatory Language of "AD #13-10, II A there is no bias in favor of the charging officer"; B. there is no presumption of guilt, "Conflicts and proves contradictory as Lt. J. Spears Affirms: "The charging officer stated that she saw inmate Hill in the very act of committing the offense [sic] of 10-3," even after reviewing the reliable method [security tape footage of July 19, 2013 along with Cpl B.M. Young prior to signing off on a S.C.R. Status placement movement sheet, moving me from #3-~~4~~⁵ BKS #40 (general population) to 5 BKS - #50 cell (Ad/Seq)]. of determining whether an interaction was or has not occurred, Lt. J. Spears decision, without asking me what I would say in my defense to the accusations, pulled up my past disciplinary history on EOMIS, noting that "[A]s of May 07 Inmate Jessie Hill AUC #104136 has 3 10-3" (A "[i]ntant form of partiality which [did] result from prior knowledge...or bias) resulted in Lt. J. Spears deciding that CO-I K.V. Richardson's allegations were viable. Lt. J. Spears violated AD #13-10, II A.B.C.D., AR 225-18 A.B.C.D., AR 005, when not initiating AD #11-35, I, II A.1.2.b failed to follow fair procedures listed hereinabove. See MX-13-1666 dated August 16, 2013, continuing CO-I K.V. Richardson's intentional infliction of emotional distress (IIED). By stating: "observed Inmate Jessie Hill #104136 who is housed in 3 Barracks cell #23 standing in his cell..." CO-I K.V. Richardson only Affirmed

"that she does not allege that I was not to be confused with standing on the barracks fire stairs landing; stairs; in the middle of the day room floor; in the barracks shower; by the telephones; by the mailbox; by the control booth; by the television, etc. Stating "standing in his cell" where I was seen standing in the cell door -- the only place in which an officer can visibly see 3 Barracks #23 cell from inside of the control booth. Hence, the security tape footage does serve its purpose of exonerating me of any wrong-doing and establishes Co-I K.V. Richardson did falsify documents, fabricated an incident with malicious intent to inflict emotional distress of sending me to punitive isolation, slandering my name, reputation, and/or character. See MX-13-1702, dated Aug. 15, 2013. See AD #13-10, IX

Aug. 17, 2013, I spoke with Cpl Dustin Parker, whom stood outside of the cell door of East Isolation #04, where I was housed; caught on security tape footage, admitted to me as MX-13-1688 informal violations; serious violations of my rights, or of rules, regulations or procedures AD #13-10 II A.B.C.D., and complaints of serious bearings on facility or institutional operations of Lt. Spruce falsifying document(s) MX-13-1606, as AR 225 violation so serious it requires a sanction of immediate "termination" (AR 225-18 A.B.C.D.), See AD #11-35, I, II A. 1, 2, B.

In a concerted effort of failing to follow fair procedures of the grievance process, AD #12-16, LaKisha S. Lee, Administrative Specialist I, maliciously denied MX-13-1688 as being a duplicate of MX-13-1606, knowing that AD #12-16, IV Procedures C. Accessibility 4 requires me to list all parties during the grievance process in order to not have my claim dismissed for failure to exhaust against Cpl Dustin Parker and Cpl J. Jacks. See MX-13-1688 Attachment II. In appealing to Central Office I could only provide MX-13-1688 Attachment I and II, yet Cpl Ruby L. Evans maliciously denied me an opportunity to have my appeal heard claiming I "did not send all the proper attachments." See MX-13-1688 Attachment V, thus violating AR 225-18 A.B.C.D., AD #11-35, I, II A. 1, 2 B.; AD #12-16

On or about Aug. 13, 2013, I mailed duplicating correspondences to Artis Ray Hobbs, Director; Raymond Naylor, Disciplinary Hearing Administrator--

Staff-Internal Affairs Division Administrator, and O. Futch, Classification Administrator, Central Officers, P.O. Box 8707, Pine Bluff, Arkansas 71601-8707, in which I made each aware of the existing conflict of abiding policy AD #13-10 (851) II, A.B.C.D. et al; AR 225-18, A.B.C.D., AR 005, AD #12-26, and AD #11-35, I, II, A.1, 2, 3, ~~AR 225-18, A.B.C.D.~~ and the need to change the existing policies due to MSU's staffs refusal to abide by either of the aforementioned See Response dated Aug. 21, 2013. See AD #13-10, IX, SANCTIONS

BECAUSE Marvin Evans, Jr, Deputy Director, had failed to abide AD #12-26 in its part(s) or entirely associated with the aforementioned grievances, I wrote a grievance (MX-13-1701, dated Aug. 23, 2013) against him for his failure to follow fair procedure of which AD #12-26 II, Definitions, B. 1, 2, 3, 4 and 5 clearly and convincingly applied that nonchalant indifference(s) and deliberate disregard of staff violating AR 225-18, A.B.C.D. and AD #13-10 were occurring under the Administration of MSU's Warden William Billy Straughn, for which Straughn always determined every complaint as "without merit" without conducting a thorough investigation which required him to apply AD #13-10 reversal of disciplinary decisions, thus impeding AR 225-18, A.B.C.D. sanctions against offending staff.

Upon completion of all thirty (30) days of my punitive isolation days, I was placed on Ad/Seq. Temp. Review Status, and alerted Monday, August 26, 2013, that I had to go before the Unit Classification Committee Wednesday, August 28, 2013. See Attached Notification Hearing Sheet dated Aug. 26, 2013.

Basically, had I been assigned for "disciplinary history" it would have violated AR 836 which prohibits using assignment as punishment. MSU Classification Committee voted to release me back to general population because I did not "physical[ly] assault" staff CO-I K.V. Richardson - as expected by MSU personnel due to my disciplinary history of assault on staff since 2010. See AR 836 and Arkansas Dept. of Corr. Adm/Seq. Review initial Assignment Sheet dated Aug. 28, 2013. Per AD #13-10 Actist Ray Hobbs, Director, AUC, had not responded to my

disciplinary appeal of CO-I K.V. Richardson's false/fabricated allegations; as well as had not Raymond Naylor, Disc. Hearing Administrator, see AD #13-10 II Mole Disc. Cont. H. See Memorandum dated Sept. 11, 2013 from Sids Lawrence, Assistant to the Director. In said appeal to Ray Hobbs, Director, I did inform him that Raymond Naylor had not responded as he were supposed to -- being aware I was still serving punitive isolation time at the time I appealed to Raymond Naylor, Disciplinary Hearing Administrator - slash - Internal Affairs Division Administrator/Director.

En route to MSU "chow hall" for breakfast, I encountered CO-I T. Brown - NEE OJT Brown mentioned in MX-13-1066 of which I called as a witness to what Lt. Spears stated to me July 19, 2013, after he had determined to place me on A.C.R. in violation of AD #13-10 II Definitions, A, B, C, and D. CO-I T. Brown confirmed that Warden William "Billy" Straughn failed to follow fair procedures of AD #12-16, III. Definitions, H. "Remedies Available..." as Warden Straughn did not fully investigate my complaint in a timely manner, as he neither spoke with nor sought out CO-I T. Brown for her statement at or around August 16, 2013, when CO-I T. Brown just may have recalled the incident in which I inquired of her at 4:20 am on Sept. 13, 2013. See MX-13-1903 dated Sept. 13, 2013, and MX-13-1688 in which Straughn implies that he did perform the strenuous physical activity of investigating the complaint by speaking to each of the staff members listed as a witness to the incident.

September 15, 2013 I wrote a grievance, MX-13-1937, complaining of CO-I K.V. Richardson denying me to shower upon returning from gym call on said date; in spite that CO-I K.V. Richardson allowed every other "ismato" that attended gym call along with me to shower. This would become one of many times I would be retaliated against by CO-I K.V. Richardson for the grievances I've written against her. See AD #12-16, IV, Procedures, K. Reprisal OR Retaliation, #3 and #5

October 07, 2013, without reviewing requested security tape of MSU's 3 Barracks #23 cell, Zone #1, at 1:45 pm, Raymond Naylor, Disc. Hearing Admin. -

slash-Internal Affairs Division Director/Administrator would Affirm my disciplinary Appeal. See Attached.

October 17, 2013, CO-I K.V. Richardson again, continued her "Campaign of Harassment" against me by refusing to have her Acting AREA Supervisor, Cpl J. McBride, to contact Sgt. B.A. Montgomery about retrieving the paperwork I gave to her to be notarized before B-shift ended for the week. CO-I K.V. Richardson bent over into the control booth's trap door and yelled loudly, "I don't care if you don't ever get your paperwork. Now, write that up [on a grievance]!" I complied with the "direct order" of CO-I K.V. Richardson and MX-13-2242 came into fruition. Because I already had met the limit of the week, I was forced to hold off on initiating the grievance process until Oct. 24, 2013. Absolutely no B-shift commander - Captain Anthony Jackson, Lt. Joseph Spears, nor Sgt. B.A. Montgomery or Sgt. Darr Blount - would process the grievance against CO-I K.V. Richardson, i.e. showing favoritism toward the offending officer from having to answer for her actions, as of Oct. 31, 2013. Nov. 04, 2013, I received Attachment II to MX-13-2242, rejecting my grievance as untimely, in spite that I alleged CO-I K.V. Richardson's continuing "Campaign of Harassment"/reprimand/retaliation and the alleged strict prohibition against such actions per AD #12-46, IV, PROCEDURE, K. RETALIATION, "3.1.1.5". And despite that I did timely mail my appeal to Marvin Evans, Jr., Deputy Director, he denied my appeal as untimely, alleging he did not receive my appeal of MX-13-2242's denial until Dec. 04, 2013.

Nov. 07, 2013, Aetio Ray Hobbs, Director, ADC, Affirmed my disciplinary appeal "[after reviewing [only my] Appeal," see Attached letter, without once himself reviewing said referenced ~~the~~ security tape footage specifically identified, and without weighing the impact of failing to follow fair procedures per AD #13-10, III, DEFINITIONS, A.B.C. and I, IV, Major Disciplinary Cases/Hearings. As director, the highest and most tasking assurance that

Frazier, Spears; Major Danny Crook; DHO Keith Waddle; Warden William "Billy" Straughn, and Raymond Naylor have each and all closely abided by the very Administrative directives [of] AA #13-10, III, Definitions, A.B.C.D throughout the entire proceedings of the disciplinary action to ascertain that Hobbs' purpose of ascertaining that no unnecessary disciplinary has been processed. Despite Hobbs and ANC personnel's biased ~~inherent~~ inclinations to believe its officers would not falsify documents. But if it were true that Societies crème de la crème worked vigorously towards emulating the ANC's logo of "honor and integrity in public safety", there would be no need for imputing AR 225-18, A.B.C.D; AR 005; AA #13-10, III, Definitions, A.B.C.D; AA #12-26, IV, Procedures, K, Reprisal OR Retaliation; nor AA #11-35, I, II, A.1.2, B, as a warning to possible staff (and inmate) offenders whom may assume they're slick enough to get through the cracks of the system, presenting a foot on each side of the proverbial line or fence. Hence, each ignored all of the "evidence" put before them because there is the unwritten policy that the only time an "inmate's" word has value is when ANC personnel decides that such credibility shall be let to what the "inmate" is reporting only if it seems too egregious to the upper administrative echelon. And only then, see AA #13-10, IX, Sanctions

December 02, 2013, growing bolder by Captain Anthony Jackson, Lt. Joseph Spears, Sgt. Dana Blount, Sgt. B.A. Montgomery; Linda Erwin, Kakaha P. Lee, Marvin Evans, Jr.; DHO Keith Waddle; Raymond C. Naylor; and Aetio Ray Hobbs, as well as Major Danny Crook, Steve Outlaw, et al, CO-I K.V. Richardson refused to open the cell door in which I was housed, 3 Barracks #41 cell, Zone #1, to afford me an opportunity to go to the chow hall. I wrote a grievance, see MX-13-2533, that was signed by Sgt. P. Moss on Dec. 02, 2013. For some insane reason, this grievance (MX-13-2533) alleging "[t]his is the latest form of retaliation against my person" from an officer/staff I reported a complaint of "hav[ing] had problems in the past (July 19, 2013 and many more)," was not processed in the grievance office ~~until~~ until Dec. 09, 2013,

despite being treated as a first step (Step 1) formal grievance that did not require step #2 delay nor forwarding. See AD #12-16, I, II, III, Definitions, A., B., 1., 2., 3., 4. and 5

The response from Warden William "Billy" Straughn that CO-I K.V. Richardson affirms that she opened all cells on the second half of these (S) Breeches per instructions of Sgt. B.A. Montgomery, yet admitting that "[the camera footage for the time frame in question does not successfully give an accounting of whether your door was opened or not. A monitor of the time frame in question does not reveal you leaving or returning to your cell...]" should never have been ignored and determined to be without merit by Warden Straughn nor Marvin Evans, Jr, Deputy Director simply because Sgt. B.A. Montgomery brought me a cold, grease congealed laden food tray lacking any warmth. CO-I K.V. Richardson's actions are under AD #12-16, IV, Procedures, K. Repr. & Retal. #3

"...[A]bsolutely prohibited and will be dealt with in accordance with the appropriate policy regarding employee conduct and discipline. All personnel shall receive written and oral notice that formal and/or informal reprisals will not be tolerated

"The Training Academy has implemented a training program regarding inmate problem resolutions and complaints. The training is mandatory for all staff involved in the inmate grievance process."

By the very context of what "[A] monitor of the time frame in question does not reveal" as it relates to the issue/complaint of being "the latest form of retaliation against my person," Warden Straughn and Deputy Director Evans' responses failed to follow fair procedures of forwarding the grievance

to Internal Affairs for further review with all relevant documents" provided herein as related to this complaint. See Ad #12-26, IV. Procedures, & Repeal or Retaliation #5. Compare Ad #11-35, I, III.

For failing to follow fair procedures, intentional infliction of emotional distress, false imprisonment I request \$100.00 per day for each day spent on Disciplinary Court Review Status housed in 5 Bks, 50 cell, between July 19, 2013 thru July 23, 2013, as well as \$100.00 per day for each day spent in punitive isolation for thirty (30) days to include the sixty (60) days telephone, commissary, and visitation privileges restrictions that kept me from reaching out to my family and/or receiving the visits missed during said time. I also request: (2) an immediate transfer to Cummins Unit P.O. Box 500, Grady, Arkansas, 71644-0500; (3) permanent/absolute bar of rehousing at the Tucker Maximum Security Unit, 2501 State Farm Rd, Tucker, Arkansas 72116; (4) termination of each individual Department of Corrections agent, official, administrative, and/or employee mentioned in the complaint/claim above; (5) in addition to the \$100.00 per day of D.C.R. status added with \$100.00 per each day spent in punitive isolation amount of \$3,500.00 I also ask for an additional \$1,500.00 for intentional infliction of emotional distress - totaling \$5,000.00 for this claim of which negligence is included, along with nonchalant indifference and deliberate disregard of staff's members nor administrators not following fair procedures each aforementioned policies defines or creates a duty for which was breached by the Arkansas Department of Corrections officials.

CLAIM TWO OF THREE

"On Thursday, October 24, 2013, at [or around] 1:25 pm, the ADC K-9 Unit consisting of Sgt. B. HAYES, Sgt. J. LAWRENCE, Sgt. B. COCKRELL, Sgt. T. JACKSON/K-9 Rex, Sgt. C. GRIFFITH (Tucker Max Unit) and

thereby making the grand total requested in claim two: \$104,500.00

CLAIM THREE OF THREE

On January 23, 2014 After leaving the MSU gym, I went to the barracks I was assigned to, awaiting chow call. After I finished eating I stood in the chow hall door speaking with Col Ensweller in regards to having my state issued pants mended. After completion of this communication Sgt. Richard Clark stated to me, quote: "Jessie Hill, do me a favor and go sit in legal visitation for a while for me, aye-right?" unquote. I did so without contestation due to an Ad/Seg inmate coming down the hallway, according to MSU policy.

While awaiting an officer to come and let me out of the legal visitation cell, Col T. Crater asked me why was I being locked up. I was... she was mistaken. Col T. Crater informed me that, quote: "A cell for you now." unquote.

Sgt. B. A. Montgomery and Col J. Locke placed me in to escort me down the hallway, both expressing ignorance as being locked up. Encountering Sgt. N. Kelly, Unit Property Officer, know why I was being locked up. Sgt. N. Kelly expressed Jan. 23, 2014, I was placed on Disciplinary Court Roll status without knowing why I was being written up.

Jan. 24, 2014, I received a copy of the attached F-8 Report, written by Col Kathleen Lowery charging that "playing basketball. There was a game of basket ball [sic] in [I] was a player. Inmate Hill has a medical script stating strenuous physical activity, and it also states that over head [sic] lifting. Inmate is in violation of his medical playing in a basketball game."

(40)

On Jan. 24, 2014, I wrote a grievance (MX-14-179), complaining of being subjected to atypical and significant hardships by Cpl. K. Lowery. At the time that Cpl. K. Lowery, Count Room Supervisor, "witnessed" me playing basketball, she was also aware that a similarly situated inmate James Walton was assigned as an Ad/Seg porter, performing "strenuous physical activity" and violating medical restrictions from performing an "assignment requiring handling, lifting of heavy materials," as well that there were medically restricted inmates playing in the game basketball; and that attended gym call out of 3 BKS Thursday night and Friday afternoon, whom played in a game of basketball. 3 Barracks houses similarly medically restricted "incarcerated individuals." Yet none were written a disciplinary nor locked up since Cpl. K. Lowery maliciously chose to ~~to~~ subject me to atypical and significant hardships that are for certain guaranteed by MSU standards to result in punitive isolation time. As Cpl. K. Lowery is the Count room officer, and there was an official "count time" 01/24/14 during the time 3 BKS inmates were in the gym, Cpl. K. Lowery was well aware that there were inmates allegedly committing the same rule violations she alleged I had violated by doing the same exercise regimen I've performed since obtaining medical restrictions circa 1999 and were encouraged when I developed hemorrhoids (see attached Patient Education Information #2.. Maintain regular exercise program... #4 Avoid standing in one place for long times. Avoid lifting heavy things (like weight lifting) given to me by Marvin Lamar Hughey, D.O.N., CCS) around May/June 2014. And again by Jacqueline Rhodes-Carnell, CCS provider, when she informed me that I "could attempt push-up exercises, just no 'G.I. Joe-to-the-extreme-workout-exercises'" when I complained of continuing left shoulder, lower back, etc Oct. 24, 2013 related injuries.

As pointed out by the responses given, there was no concern for Cpl. K. Lowery's obvious AR 225 18.a.b.c.d Employee Misconduct Standard violations of falsifying documents for the malicious wanton infliction of

emotional distress, see MX-14-179 Attachment III, Warden's Decision, Reason why I disagree with the response, and Attachment VI, Deputy Director Marvin Evans, Jr.'s decision.

I have attached what is known as a copy of my medical restrictions viewed by Cpl K. Lowery, Warden William "Billy" Straughn, Major Maurice E. Williams, and Marvin Evans, Jr., Deputy Director, among others. My medical (CHSS030) restrictions: "restrict 'Assignment' requiring 'prolonged' crawling, stopping, running, jumping, walking or standing"; "restrict 'Assignment' requiring strenuous physical activity for periods in excess of 0 hours," and "restrict 'Assignment' requiring handling, lifting of heavy materials in excess of 10 pounds OR [restrict Assignment] requiring 'overhead work' for a period in excess of 2 hours." For which the language clearly and convincingly establishes the maliciousness of Cpl K. Lowery's purposely and intentionally falsifying a disciplinary report, attached F-831-1 dated Jan. 23, 2014, and its adjoining AR 005 report equally falsified. See also MX-14-249, MX-14-298

Jan. 24, 2014, I was seen in the MSU infirmary in regards to a sick call request I submitted Jan. 23, 2014 complaining of continuing injury and pain associated to the Oct. 24, 2013 assault and battery, excessive, ... use of force incident. The sick call was submitted before gym call, at the pill call which occurred by or before the 10:30 am lunch hour. Nurse Sandra Perez gave me what is called a "Codman's Exercises" to perform, see attached, and scheduled me to see the physician as I complained again of still not having been seen since I was told of being rescheduled per the Dec. 2013 doctor's visit Jan. 04, 2014 by Hughes, D.O.M. MX-14-188

Jan. 28, 2014, Cpl R. Owens and Cpl C. Lowery entered 8 BKS, in which I was housed on S.C.R. status, awaiting disciplinary court hearing. Cpl R. Owens approached the cell I was in [8 BKS #08 cell] and stated to me, quote: "Give me your clothes. I need you to strip." Without any argument, I completely removed ALL of my clothing and abdominal

bindee, and handed them to Cpl R. Owens — who can be seen on camera tape footage of Jan. 28, 2014, at or around 1:15 pm, in 8 BKS #08 cell, stripping out all of my clothes — in preparation for the scheduled disciplinary court hearing. While performing these acts, Cpl Carey Lowery asked me — as I squatted and coughed — quote: "Who wrote you up? Why are you going to disciplinary court? I mean, I thought you quit smoking weed and getting high, man, what's up?" unquote. I responded, quote: "Your mama [Kathleen] wrote me up for playing basketball." unquote. Immediately, Cpl R. Lowery stiffened up and stated, quote: "Hold up, Hill. We'll be right back." unquote. Cpl Carey Lowery exited 8 BKS, accompanied by Cpl R. Owens, for the purpose of seeing if he could escort me to disciplinary court because someone he's related to had written me a major disciplinary. See MK-14-248

JAN. 28, 2014, at or around 1:16 pm, I first informed Cpl Jasmine Smith-Martin to call Cpl Emsweller over at the disciplinary court proceedings to inform her that I wanted to appear before the disciplinary court hearing officer, and that I am not waiving my appearance. Cpl Smith-Martin made a phone call, then sat down. Cpl Kurt entered 6 BKS and 8 BKS control booth. I asked him to call Cpl Emsweller to inform her that I wanted to go to disciplinary court and was not waiving my appearance. Cpl J. Smith-Martin informed Cpl Kurt to tell me that Cpl Emsweller stated that she would be over to 8 BKS #08 cell to talk to me later. When Sgt. L. Chidester entered 8 BKS around 1:23 pm, I informed him that I needed him to make the same phone call, relaying the same message. When Sgt. McDonald and Cpl Strickland entered 8 BKS, I informed Sgt. McDonald that I needed to be escorted to disciplinary court. While Sgt. McDonald was at 8 BKS control booth retrieving a handcuffs tethered to log frame "set-up", Cpl R. Owens, Cpl C. Lowery, and Lt. John Spears entered 8 BKS. Cpl R. Owens inquired what Sgt. McDonald was about to do, Sgt. McDonald stated quote: "Finney got Hill. He's the last one for disciplinary court," unquote. Cpl R. Owens stated quote:

"Oh, don't worry about it. We got him," unquote. After going through the whole getting naked, squat and cough dehumanizing tactic at the request of Lt. J. Spears, as I was being removed from the cell, I turned to Lt. J. Spears and informed him that I wanted to go to disciplinary court. Lt. J. Spears informed me that he would "check into it." Hearing this, Cpl R. Owens stated, quote: "I already signed the waiver form." I told Cpl R. Owens that I had never waived my appearance, and that according to policy any officer claiming that I had waived my disciplinary court hearing had to give me a copy of the waiver form. Cpl R. Owens said that AD#13-10 Disciplinary Manual policy had changed and that his signature that I refused was enough for me to waive the hearing proceedings.

As Cpl R. Owens and Cpl C. Lowery escorted me to begin serving the punitive isolation time punishment handed down by the disciplinary hearing officer, Cpl C. Lowery stated to me that he was fairly sure that I could have beat the entire disciplinary. After making this statement, I saw Sgt. L. Chidester exit the MBI courtroom. Sgt. L. Chidester then stated to me, quote: "I checked on that for you, Hill. They said you refused [your hearing]," unquote.

When Cpl Emsweller brought me the copies of F-831-2 and F-831-3 / ISSR 101 Disciplinary Hearing Action (Attached) blue sheet(s) and a disciplinary appeal form (F-831-4) (Attached), Cpl Emsweller slid these forms under the punitive isolation solid door of W-21 and attempted to walk off. I began yelling for Cpl Emsweller to return to West-21 (W-21) cell door. Upon Cpl Emsweller's return, I asked her, quote: "How're you just going to refuse me a disciplinary court hearing like that on these simple, bogus charges?" unquote. Cpl Emsweller stated to me, quote: "They said you waived. In fact, when you refused to strip, you waived, Hill," unquote. At this time I asked Cpl Emsweller, quote: "(1) If you'll review both security tapes for 8BKS-08 cell, Jan 28, 2014, at or around 1:16pm you'll see I got

(44)

completely naked both times Cpl R. Owens and Cpl Lowery came to [8 BKS-] "08 cell. Both times; and (2) If I refused, where is the waiver form?" in quotes. At which time Cpl Emweller walked away from W-21 cell and never provided me with a waiver form to complete nor a copy of the waiver form completed.

Jan. 29, 2014, I mailed my disciplinary appeal to William "Billy" Stearns, Warden, MSU, see attached F-831-4 Major Disciplinary Appeal Form dated Jan. 28, 2014; ~~stamped~~ received Jan. 30, 2014.

Jan. 29, 2014, I was scheduled to obtain class III promotion. I did not appear due to my being in punitive isolation. Again, no officer asked me to sign a waiver form, despite the purpose of said waiver form specifically imputed/incorporated into the ALC's system. Unknowingly, I had been scheduled for a "72 Hour Probable Cause Hearing" for Jan. 29, 2014, and thus, this is what unit records reflects I refused to appear so as to address with unit classification committee. See 72 Hour Probable Cause Hearing Jan. 29, 2014 notification attached. I received this form AFTER the hearing was held in absentia.

Sunday, Feb. 02, 2014, I wrote a grievance (MX-14-249) and very explicitly detailed that the charges against me by Cpl K. Lowery, courtroom officer, did not ~~and~~ reflect my medical restrictions, i.e. "over head 'lifting'" substituted for "overhead work" for the expressed purpose of sending me to punitive isolation. In said grievance, I also informed that Cpl K. Lowery does not allege that the basketball game lasted for a period in excess of 0 hours. Cpl K. Lowery alleges that my medical restrictions restricts me from any "over head 'lifting'" for the purpose of inferring that I lifted the basketball over head when she infers she saw me shoot the ball without ever saying that she saw me shoot the basketball, nor "running, jumping" for a prolonged period during a basketball game she claims to have witnessed me participating in.

Tuesday, February 04, 2014, I signed the Notice of Classification Hearing scheduled for Wednesday February 05, 2014, saying I would appear. See Attached

Wednesday, February 05, 2014, I was stripped (searched) by Sgt. Brinklee, and escorted to classification hearing by Sgt. Brinklee and Cpl Stacy Roddick. I appeared before the unit classification and made Warden Streightw, Danny Crook, Field Major; Maurice E. Williams, Building Major; Martin Hughey, D.O.N., CCS ~~Agent~~^W; Ms Willoughby, Mental Health; Connis L. Jenkins, Classification Supervisor/officer; Lt. A. Ruh; Lt. B.L. Gardner, Lt. HEARN, Capt. Anthony Jackson, and Capt. C. May, et al, all aware that Cpl K. Lowery, Cpl Emsweller, Cpl R. Owens, and Cpl C. Lowery had each, respectively, falsified documents, violating AR 225 18, a.b.c.d as alleged herein. I went further to raise the atypical and significant hardships aspects of this claim, and explained how I was eligible for class III promotion. I was "assigned" for having four (4) disciplinarys in 2013 and one (1) in 2014, under promise that I "indicate[] a chronic inability to comply with Agency rules and regulations..." In summation, I was assigned to Ad/Seq as punishment for being Class IV for more than six (6) months, in violation of AR 836. See Feb. 05, 2014 Initial Review Assignment and MX-14-267; see also MX-14-298 dated Feb. 08, 2014; MX-14-366

February 06, 2014, Warden Streightw affirmed my disciplinary appeal F-831-4 form dated Jan. 28, 2014, in spite of my assertions that I did not waive the hearing, was not afforded a copy of the form, denied AD #13-10 fair procedures. As well as in spite of the fact that I listed witnesses to support my assertions and his obligating duty to correct errors of records. See Inter-office Communication and disciplinary appeal affirmed Feb. 06, 2014.

On Feb. 07, 2014, I wrote a disciplinary appeal to Raymond Naylor, Disciplinary Hearing Administrative (CHA) - slash - Internal Affairs Administrator/Compliance Officer and wrote a grievance (MX-14-295) complaining of a

"[S]erious violation of [my] personal rights, or of rules, regulations or procedures, and complaints or information supplied which may have a serious bearing on facility or institutional operations [that] should [be] investigat[ed]," see

AD #11-35, II, A.1 and AD #13-10, IX Sanctions

Feb. 07, 2014, I wrote MX-14-296, in which I complained of Linda Erwin, Inmate Grievances Coordinator and/or LaKisha S. Loe, Administrative Specialist I, failing to follow fair procedures AD #12-46, AD #11-35, and AR 225. And in spite of such, continuing disregard for her duties and the duties of all administrative personnel mentioned in said grievances, none have performed their required duty of immediately terminating offending staff nor informing Internal Affairs/Director of the ADC of AR 225 violations by MSU personnel.

Feb. 08, 2014, I called (870) 247-2104 Internal Affairs hotline and complained of MSU's and ADC's failure to follow fair procedure, rules, and/or regulations, see MX-14-298. (870) 247-2104 is a telephone number listed on every prisoners allowed telephone list that does not count against the total number allowed; nor is there any record informing any prisoner of what the purpose of this number serves. Needless to say, I have not heard from any one at Central Office concerning the telephone call. ~~See attached~~

February 10, 2014, I was finally seen by Dr. Shock, CCS provider, as a result of a physician referral dated February 03, 2014 per Nurse James Hamilton, concerning complaints of injury and pains suffered as a result of the assault and battery, excessive, unnecessary, and unreasonable use of force done to me by Sgt. B. Cockrell, K-9 Unit, ADC. Dr. Shock prescribed medicine that "supposedly" enhances the Methylphenidate 750 mg 2 doses that began October 31, 2013.

February 12, 2014, I received Warden Straughn's denial of MX-14-298 and MX-14-00179, finding both to be without merit (As was done in every grievance(s) referenced in claim one then three).

February 14, 2014, I personally spoke with Warden Straughn, in the presence of Captain Jackson, while in punitive isolation W-21 cell, At or Around 11 a.m. I informed Warden Straughn that Cpl K. Lowery and Cpl R. Owens, Cpl C. Lowery, and/or Cpl Emsweller has lied to him, misleading him from the truth, and that Linda Ewin and Lakisha S. Lee were interfering with the truth being told to him by way of filtering selectively with which staff members whom are spoken to as "personnel and/or witnesses" to the complaints in my grievances. Warden Straughn communicated that he did hear my complaint and thus did acknowledge that I lodged said complaint formally. And still nothing was done. See MX-14-423. dated February 28, 2014
See also AD #12-26

February 16, 2014, I was scheduled for release from punitive isolation, having served out the twenty (20) day false imprisonment that resulted from the disciplinary written with the intentional infliction of great emotional distress, and the unfair procedures that caused its continuance.

By February 28, 2014, I still had not heard from any investigation agent per AD #11-35, II, A. 1, 2, nor had Warden Straughn shown any sign of acknowledging my complaints and information beyond that of choosing to ignore my complaints merit, nonchalantly disregarding such rights, rules and/or regulations with deliberate indifference to any of his staff following fair procedures/requirements of the AAC's personnel policies. See MX-14-423

On February 28, 2014, Lt. J. Spears responded to a grievance MX-14-422 written against Warden Straughn, giving interference in assuming to answer administrative complaints against those in a pay-grade higher than his own, see AD #12-26, III, B. 1. 2. 3. 4. 5.

H-AND I.; IV Procedures, E Step One: Informal Resolution Procedures, J. And II; K. Reprisals And Retaliation, 1, 3, And 4; M. Evaluations. 2. THE RESPONSE given by Lt. SPEARS is A RETALIATION OF MX-13-1702 and expresses that Lt. SPEARS has no proper adherences of the ADC's own personnel policy. Expressing a willingness to neglect his duties as A volunteered "Problem-Solving Staff." The neglect is so long reaching into the ADC's ~~all~~ inter-structured system that it equally applies to Sgt. Jara Blount handling MX-14-422 And MX-14-423 is such A manner of neglecting her duty as a "Problem-Solving Staff" by not placing those grievances in the Inmate Grievance Coordinator's mailbox or slid under the door of their office(s) shared spaces. Just another example of WARDEN Steaugh's Administration at the Maximum Security Unit, 2501 State Farm Rd, Tucker, ARKANSAS 72168 of the ARKANSAS Dept. of Corrections, ARE his responses to my efforts of trying to resolve his nonchalant disregard and deliberate indifference as shared by Deputy Director MARVIN EVANS, JR AND Artis Ray Hobbs, ADC Director, Raymond Naylor, Internal Affairs Compliance Officer.

MARCH 12, 2014, I spoke with Dr. Eddie Engstrom, Mental Health Counselor/Provider for the purpose of determining what does constitute as a mental health issue or concern. I WAS GIVEN AN elaborate run around just as I received from Mrs. Willoughby, Mental Health Counselor on MARCH 05, 2014, see MX-14-, and all throughout 2013, when I would attempt to address all I perceive as mental issues developed or enhanced by actions, or lack thereof regarding the deliberate disregard and nonchalant indifference of ADC administrative "treatment" of staff's misconduct which affected me to the point of wanting to react violently so as guarantee an immediate transfer from MSU's administration that

ENCLOSURES SUCH BRAZEN VIOLATIONS OF MY HUMAN RIGHTS AS A PERSON AND/OR A PRISONER.

MARCH 15, 2014, I RECEIVED A DISCIPLINARY APPEAL REJECTION FROM Raymond Naylor, Disciplinary Hearing Administrator, in which he rejected my appeal based on the waiver form I NEVER SIGNED, WERE NEVER PRESENTED WITH TO REFUSE TO SIGN, AND DID NOT CONDUCT MYSELF IN ANY FORM OF BEHAVIOR CONSISTENT WITH WAIVING MY DISCIPLINARY COURT HEARING JAN. 28, 2014; OF WHICH I DID INFORM NAYLOR, ALSO, OF WHAT A REVIEW OF SECURITY TAPE FOOTAGE OF 8 BKS - #08 CELL, ALONG WITH THE COLLECTIVE STATEMENTS OF SIX (6) STAFF MEMBERS STATEMENTS PURPOSELY NOT COLLECTED SO AS NOT TO HAVE TO ABIDE THE SANCTIONS OF AD #11-35, AR 225, AR 005, AD #13-10 IX, AND/OR AD #12-26. SEE ATTACHED

ON MARCH 19, 2014 I APPEALED TO DIRECTOR HUBBS, AND LISTED SIMILAR GROUNDS FOR REVERSAL; LISTED EVIDENCE TO SUBSTANTIATE THAT I DID NOT WAIVE MY DISCIPLINARY HEARING NOR REFUSE TO SIGN THE WAIVER FORM THAT WAS NEVER PRESENTED TO ME, ETC., AND THAT A REVIEW OF AFOREMENTIONED SECURITY TAPE FOOTAGE, COLLECTIVELY, WOULD CORROBORATE MY THEORY OF WHAT ACTUALLY OCCURRED JAN. 28, 2014, PROVIDING ADDITIONAL IMPEACHING EVIDENCE OF CPL R. OWENS, CPL. C LOWERY, AND/OR CPL ENSWELLER FALSIFYING DOCUMENT F-831-10, IN VIOLATION OF AD #13-10 Inmate Disciplinary Manual IX Sanctions AND AR 225 Employee Misconduct Standards 18, A, B, C. ¹⁸ AS AN INCARCERATED PERSON I AM NOT ALLOWED A COPY OF AR 225, PER SE

MARCH 20, 2014, I RECEIVED MX-14-422 AND WAS INFORMED THAT MY REFERENCING AD #12-26 AS THE GRIEVANCE MANUAL/POLICY WAS IN ERROR. I COUNTERED BY WRITING MX-14-598 REQUESTING CORRECTIVE MEASURES BE TAKEN TO HAVE MX-14-422, MX-14-267, MX-14-296, MX-14-483, ANY AND ALL GRIEVANCES THAT ERRONEOUSLY IDENTIFIED AD #12-16 AS AD #12-26. MX-14-598 DATED MARCH 23, 2014

ALSO ON MARCH 23, 2014, I WROTE MX-14-597, COMPLAINING OF Raymond Naylor, Disciplinary Hearing Administrator/Compliance Officer/Internal Affairs Director Administrator AND ACTR Ray Hubbs, Director, ADC, NEGLECTING THEIR DUTIES TO

maintaining a watchful eye over William "Billy" Stenughn, MSU Warden, and Steve Outlaw, MSU Asst. (Deputy) Warden, obligations to report as refer to Naylor, Hobbs, prosecutors, and/or state police any and all violations of falsified documents and/or assault [and battery], excessive, unnecessary, and unreasonable use of force made against my person.

March 25, 2014, I received a memorandum from John Lawrence, Assistant to the Director, Central Office, P.O. Box 8707, Pine Bluff, Ark 71601, erroneously alleging that I did not appeal. Had this ASC personnel thoroughly performed her duties, she would have noted that I appealed the denial received from Naylor March 15, 2014 which was dated March 04, 2014. See Attachment dated March 20, 2014. See Attached memorandum.

March 26, 2014, in MX-14-483 Warden Stenughn affirmed that he would continue to neglect his duties to put a stop to AD #12-16 interference with obtaining impeaching statements of Staff Cpl Owens, Cpl C. Lowery, and/or Cpl Emsweller's knowingly falsifying F-831-6 forms 01/28/14, by allowing L.D. Ferwin and/or L.S. LEO to refrain from, rather neglect their duties of obtaining statements of Cpl Jasmine Smith-Martin, Cpl Kuet, Sgt. Lacey Chickster, Cpl Strickland, Sgt. McDonald, and/or Lt. John Spence. I appealed to Marvin Evans, Jr, Deputy Director.

April 25, 2014 I received Marvin Evans, Jr responses to MX-14-483 and MX-14-598.

April 25, 2014, I also received Ray Hobbs, Director's, Affirmance of my disciplinary appeal; in which I complained of Cpl K. Lowery, Cpl C. Lowery, and Cpl R. Owens, respectively, acting in violation of employee conduct standards which prohibits "[f]alsification of written/verbal statements information", as well as "[f]alsification of inmate information and/or files," during and in relation to the JAN, 23, 2014 disciplinary (Cpl K. Lowery) alleging I have medical restrictions that are not true, or that I refused to sign.

As a result, I was falsely imprisoned in punitive isolation for twenty (20)

days, on the false premise that I had committed violations of my medical restrictions, having the malicious intent of subjecting me to a work assignment which has the potential to cause substantial risk of physical injury to my right knee, lower back, and left shoulder. I request one hundred dollars per each day spent in punitive isolation, equating to \$2,000 this claim.

CONCLUSION AND RELIEF SOUGHT

In each claim the ADC failed to follow fair procedure in dispensing with the rules and regulations of the State's Department of Corrections, allowing officers to conduct themselves in direct violation of the policies, procedures, standards, and laws of this State.

Claim one: \$3,000.00 false imprisonment, perjury, falsified documents, etc.

Claim two: \$53,000.00 Assault and battery, use of excessive force, etc., false imprisonment, etc.

Claim three: \$2,000.00 false imprisonment, falsified documents, perjury, etc.

\$58,000.00 total

A review of security tapes related to these claims supports each claim's truthfulness.

Including \$10,000.00 per each ADC employee's intentional toward causing interference of developing facts materially related to these respective claims, total amount sought: \$248,000.00 and an immediate transfer to Cummins Unit, P.O. Box 500, Grady, Arkansas 72444-0500 with an absolute bar to rehiring / re-entry to MSU 2501 State Farm Rd, Tucker, Arkansas 72468

I have exhausted all state remedies in accordance to PLRA Act.

Dated this 05th date of May, 2014

Respectfully Submitted,

Mr. Jessie Hill, #104136
MSU 2501 State Farm Rd
Tucker, Arkansas 72468

STATE OF ARKANSAS
COUNTY OF Jackson

SUBSCRIBED AND SWORN TO BEFORE ME, Stanley Robinson A
Notary Public

Notary Public, at this 4 date of May, 2014

Stanley Robinson
PUBLIC

MY COMMISSION EXPIRES: 12-26-2015



CERTIFICATE OF SERVICE

I, Jessie Hill, #104136, PETITIONER, do hereby certify that 10 true
and accurate copies of the above foregoing has been mailed, via U.S. mail,
postage prepaid, to:

ARKANSAS STATE CHINE COMMISSION
101 EAST CAPITOL AVENUE, Suite 410
LITTLE ROCK, ARKANSAS 72201

Dated this 09th date of May, 2014

Jessie Hill
MOVANT, in propria persona

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JESSIE HILL (ADC 104136)

V.

NO. 14-0867-CC

ARKANSAS DEPARTMENT OF CORRECTION

Arkansas
State Claims Commission
MAY 29 2014

RESPONDENT

ANSWER

RECEIVED

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: HCA 0100
 - c. Internal Order: 340301
 - d. Fund Center: 509

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

Respectfully submitted,
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 28 day of May, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Jessie Hill (ADC 104136)
Maximum Security Unit
2501 State Farm Road
Tucker, AR 72168

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

Jessie Hill, #104136

Plaintiff/Claimant

v

No. 14-0867-CC

Arkansas Department of Corrections

Defendant/Respondent

REPLY BRIEF TO RESPONDENT'S ANSWER

Comes now, Jessie Hill, #104136, Claimant, in propria persona.

Respondent's "ANSWER" attempts to make a farce/mockery of these proceedings.

A thorough review of each grievance supports the very allegations Respondent denies. Claimant listed the regulations supporting his grievances and disciplinary appeals in the matters taken to the top of the administrative "food chain": Director Ray Hobbs and Raymond Naylor, Internal Affairs Division Director - such - Compliance Officer - such - Disciplinary Hearing Administrator, and Marvin Evans, Jr, Deputy Director - Inmate Grievance Coordinator. Claimant inquired of each that cause/complained of reasons to conduct an internal investigation. Each determined Claimant's complaints did not warrant an internal affairs investigation merely because Warden William "Billy" Straughn; Steve Outlaw, Deputy/Assistant Warden; and/or Maurice Williams, Major, Chief of Building Security; Danny Creek, Major, Chief of Field Security, refused to suggest that an internal affairs investigation be conducted. Now that Claimant has filed with the Claims Commission Respondent has opted to now do its duty. Too late for all that.

Does Respondent intend to subject: Cpl K.V. Richardson; Lt. John Spears; Cpl B.M. Young; Major Williams; Cpl D. Parker; Cpl J. Jacks; Cpl K. Lowery; Cpl Ensweller;

Cpl R. OWENS; Cpl. C. LOWERY; LaKisha S. LEE, Admin. Specialist I; Linda Ewin, Inmate Grievance Coordinator; Sgt. D.L. Holmes; Sgt. C. Griffith; Sgt. B. Hayes; Col. O. Giles; Cpl. A. Tyler; Cpl. K.L. BRECKENRIDGE; Cpl. J. Smith MARTIN; Cpl. Kuet; (Sgt) Cpl. L. Chidester; Cpl. STRICKLAND; Sgt. M^s Donald; Warden STEAUGHN; Deputy Asst. Warden OUTLAW; Major D. CROOK; Lt. A. RUIH; Lt. B.L. GARDNER, Et Al, to the computerized voice & stress test analysis/voice stress analysis/polygraph? Merely asking these agents, employees, or officials questions related to the grievances, disciplinarys, and incidents in question does not suffice with rebutting Claimant's complaints of failure to follow fair procedure, false imprisonment, falsified documents, intentional infliction of emotional distress; perjury; etc. Inclusive of those to be subjected to the polygraph are: Ray Hobbs, Director; Raymond Naylor, Internal Affairs Division Director-stick-Disciplinary Hearing Administrator; Marvin Evans, Jr, Deputy Director of Inmate Grievances. The polygraph/voice stress analysis test must be conducted against all the mentioned.

The strictest of proof also require the production of the security tape footage shown to the Claims Commission, of July 19, 2013, as complained of against Cpl. K.V. Richardson, Cpl. D. PARKER, Cpl J. JACKS, Lt. J. SPEARS, and Cpl T. BROWN; August 13th and Aug. 17th, 2013, as complained of against Cpl D. PARKER and Cpl B.M. Young; October 24th and 31st, 2013, as complained of against Cpl O. Giles; Sgt. C. Griffith; Sgt. B. Cockrell; Sgt. D.L. Holmes; Cpl. A. Tyler; Cpl. W. Blair; October 25, 2013 as complained against Sgt. C. Griffith and former Lt. LOWERY; December 02, 2013, as complained of against Cpl K.V. Richardson; January 28, 2014, as complained of against Cpl R. OWENS, Cpl C. LOWERY, Cpl Emsweller, Lt. J. SPEARS. Evidence that will corroborate and substantiate Claimant's complaints addressed in grievances, disciplinary appeals, telephone messages recordings to (870) 247-6533 and (870) 247-2104 -- numbers provided by the Respondent to address complaints addressed in documents submitted in support of Claimant's complaints.

The strictest proof requires the Respondent to give Claimant a typed & copy of AR 225 Employee Conduct Standards.

Claimant has provided what evidence of proof is available to him for the Claims Commission to find his complaints are meritorious and that the Respondent's answer is for no other.

REASON than to be vexatious and to delay the proceedings, i.e. requesting abeyance.

Respondent's failure to investigate or take remedial action subjected Respondent to liability, and damages are warranted against correctional officers and prison director/superintendent. Davis v. Heib, 115 F.3d 1388 (8th Cir. 1997). Prison's officials' knowledge of prison conditions learned from Claimant's communications, could, under appropriate circumstances, constitute sufficient knowledge to require action to investigate, and, if necessary, to rectify offending condition. Vance v. Peters, 97 F.3d 987 (7th Cir. 1996).

Claimant's complaints evidence Respondent's have/not: "conducted themselves in a professional manner"; "acted with" "conduct unbecoming an employee"; "engaged" in activity which compromises professional relationships; "engaged" in any activity with another employee which compromises professional relationships; "perform[ing]" at a level incommensurate with the job specifications, performances, standards, and other duties as assigned; "unsatisfactory work performance"; "unsatisfactory work performance resulting in injury [IIE]"; "[not] maintain[ing]" a courteous and respectful demeanor in dealing with [Claimant]; "discourteous treatment of others"; "refrain[ing]" from any discriminatory conduct referring to race, color, sex, religion, national origins, age, disability, etc."; "deliberate harassment"; "discrimination"; "Retaliation against [Claimant], who has" filed lawsuits or grievances, or have otherwise engaged in protected activity"; "failure or delay in reporting injuries of [Claimant]"; "Employees are expected to perform work assignments within the scope of their descriptions and follow reasonable work requests and instructions..."; "Inattentiveness while on duty"; "Employees are expected to remain alert at all times during business hours..."; "Failure to perform or carry out work related to instructions, when such instructions are reasonable and within the employee's ability to perform..."; "Deliberate refusal to carry out reasonable work..."; "Employees must give clear, complete, and accurate information in completing... work records, investigations..."; "falsification of work records... supporting documentation..."; "falsification of written/verbal statements information"; "falsification of ~~information~~ inmate information and/or files"; "Employees shall maintain a courteous and professional demeanor in their association with [Claimant]... at all times, and shall abide by the Department's regulations concerning the relationship to be observed by employee towards [Claimant]"; "Verbal Abuse"; "Unnecessary or Excessive Use of force"; "Physical Abuse used to punish or harass". VANCE v. PETERS, 97 F.3d 987 (7th Cir. 1996).

Being AWARE of the complaints specifically laid out, Respondent wasted its right to reserve the right to plead further upon completion of the investigation by Internal Affairs that is also listed as one of those inter-agency departments/divisions complained of not performing at a level commensurate with job specifications, performance standards, and other duties as assigned to Raymond Naylor, Internal Affairs Division, as is also indicated by the letterhead in which Naylor used to address each disciplinary appeal merit sought by Claimant. Finding the Claimant will require and does require counsel to obtain aforementioned significant copies of evidence, A HEARING is requested.

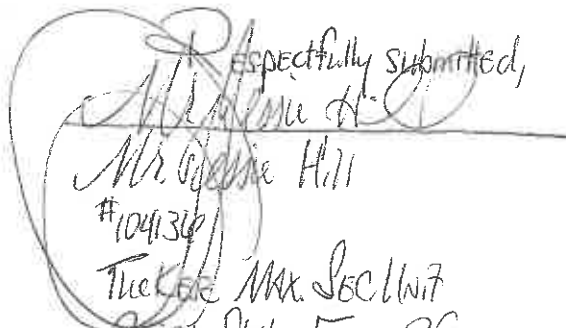
As the Claims Commission may deduce from the complaints asked by Claimant, the Claimant is due to the relief sought on the face of the ~~ple~~ claim and shall be awarded without delay, as there is nothing to combat the claims for which Respondent can or would produce.

WHEREFORE, Claimant shall be awarded the \$ sum requested, and all other relief sought, and Respondent's answer and contentions in the proceedings shall be dismissed with prejudice.

It is brought in good faith, not meant to vex or delay proceedings

It is sworn under penalty of perjury

Dated this 29th date of May, 2014

Respectfully submitted,

Mr. Jessie Hill
#1041367
Tucker Max Sec Unit
2501 State Farm Rd
Tucker, Arkansas
72168

Arkansas
State Claims Commission
JUN 04 2014

RECEIVED

STATE OF ARKANSAS

COUNTY OF

Jefferson

SUBSCRIBED AND SWORN TO BEFORE ME, _____, A Notary Public, on
this 2nd date of June, 2014

Barbara A. Montgomery
NOTARY PUBLIC

MY COMMISSION EXPIRES

9/17/2017

CERTIFICATE OF SERVICE

I, Jessie Hill, #104136, Claimant, do hereby certify that ~~5~~ true and accurate copies
of the above foregoing has been mailed, via U.S. mail, postage prepaid, to:

Norman Hodges, Jr.
Director

Arkansas State Claims Commission

101 East Capitol Ave., Suite 410

Little Rock, Arkansas 72201-3823

And

Artis Ray Hobbs

Director

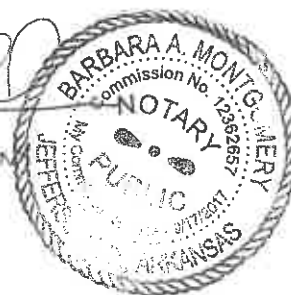
Arkansas Department of Corrections

P.O. Box 8707

Pine Bluff, Arkansas 71611

Dated this 2nd date of June, 2014

Mr. Jessie Hill
MOVANT, in propria persona



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JESSIE HILL (ADC #104136)

V.

NO. 14-0867-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

COMES NOW the Respondent, Arkansas Department of Correction, and for its MOTION TO DISMISS, states and responds as follows:

1. Claimant filed three claims, only claims one and three are accepted by the claims commission and will be responded to herein.

CLAIM ONE: DISCIPLINARY VIOLATION: INDECENT EXPOSURE

2. Claimant alleges that since May of 2007, he has sought help from Deputy Warden Outlaw to testify in a false indecent exposure claim. Since that time he received and false indecent exposure claim and subsequently was subjected to retaliation. He seeks \$3,000.00 in damages.

3. Any causing of action arising from this incident for which no grievance is attached to evidence an exhaustion of his remedies, has been barred by the three year statute of limitations in Arkansas and should be dismissed.

4. Claimant states that he received another indecent exposure charges on September 9, 2010/October 9, 2010. It is unclear by the pleading if that is two charges or if Claimant is unsure of the correct month. In either event, no grievance is attached to evidence an exhaustion of his remedies, has been barred by the three year statute of limitations in Arkansas and should be dismissed.

5. Claimant states that he received another indecent exposure charge on July 19, 2013, by Officer Richardson. He states that he wanted to call four officers as witnesses and the camera at his disciplinary hearing.

6. Claimant attempts to attribute multiple instances of his hearings as evidence of a due process violation.

7. This claims commission does not have jurisdiction over due process claims. See Exhibit "A"

8. Claimant argues that he didn't have time to get witness statements because he was notified on July 22, 2013, that his hearing would be held on July 23, 2013. AD 13-10 VI (E)(2) states "a charged inmate must be given at least twenty-four (24) hours prior notice of a disciplinary proceeding. There was no violation of policy by having the hearing the next day.

9. Claimant wanted to call the camera as a witness. AD 13-10 VI (E)(2) states "the inmate may call witness by giving he serving officer the names of the *individuals* he/she wishes to call. There is no provision which allows for the inmate to call the camera as a witness.

10. Claimant's disciplinary was upheld on all levels of appeal. Claimant cannot bring an action for damages for a properly assessed and upheld disciplinary. "A prisoner cannot pursue the damages claim until the conviction or sentence is reversed, expunged, or called into question by a state tribunal or federal court." *Brown v. Sanders* 2013 WL 5522435 (E.D. Ark.), citing *Heck v. Humphrey*, 512 U. S. 477, 489 (1994). In *Edwards v. Baliso*, 520, U. S. 641 (1997), the Supreme Court extended its holding in *Heck* so as to apply to disciplinary proceedings that resulted in a loss of good time credits.

Arkansas
State Claims Commission
JUN 05 2014
RECEIVED
CLAIMANT

11. Claimant's disciplinary conviction for the above has not been reversed, expunged or challenged by a court; therefore, his claim should be dismissed.

12. Claimant then alleged the Officer Richardson has retaliated against him on several occasions. Claimant is in the wrong court to allege retaliation against this officer. This claim should be dismissed for lack of jurisdiction under ARCP Rule 12(b)(1).

CLAIM THREE: MEDICAL SCRIPT AND BASKETBALL GAME

13. Claimant states that on January 23, 2014, he was locked up for playing basketball in violation of his medical script. He seeks \$2,000.00 in damages.

14. Claimant does not dispute that he has a medical restriction and describes it on page 42 of his complaint. The script prevents him from an assignment requiring strenuous physical activity for periods in excess of 0 hours, lifting of heavy materials in excess of 10 pounds or overhead work for a period of 0 hours.

15. Interesting, Claimant admits to placing a sick call for a continuing injury and pain associated with an assault and battery and excessive use of force incident just before going to play basketball.

16. Claimant was then placed on DCR, pending his hearing for the disciplinary violation. He alleges that he did not waive his hearing, but the officers will testify that Claimant did in fact waive his hearing by refusing to strip, he waived the hearing. There was no reason to present him with a waiver form, Claimant's actions constituted a waiver.

17. Claimant rambles on and on in great detail about events transpiring throughout his appeal process; the outcome being his appeal was upheld at all levels.

18. Claimant's disciplinary was upheld on all levels of appeal. Claimant cannot bring an action for damages for a properly assessed and upheld disciplinary. "A prisoner cannot pursue the damages claim until the conviction or sentence is reversed, expunged, or called into question by a state tribunal or federal court." *Brown v. Sanders* 2013 WL 5522435 (E.D. Ark.), citing *Heck v. Humphrey*, 512 U. S. 477, 489 (1994). In *Edwards v. Baliso*, 520, U. S. 641 (1997), the Supreme Court extended its holding in *Heck* so as to apply to disciplinary proceedings that resulted in a loss of good time credits.

19. Claimant's disciplinary conviction for the above has not been reversed, expunged or challenged by a court; therefore, his claim should be dismissed.

20. Claimant seeks an immediate transfer to Cummins Unit and an additional \$10,000.00, against each 'employee elemental toward causing interference of developing facts materially related to these respective claims.' However, these employees are not parties to this action, only the Respondent, ADC, is a party.

21. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(b)(1)(6). 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 4 day of June, 2014, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JESSIE HILL (ADC #104136)

MSU

2501 STATE FARM ROAD

TUCKER, AR 72168

Lisa Mills Wilkins

LISA MILLS WILKINS Ark. Bar #87190

ARKANSAS STATE CLAIMS COMMISSION

FILING A CLAIM

ALL ADMINISTRATIVE REMEDIES SET BY THE DEPARTMENT OF CORRECTION MUST BE EXHAUSTED BEFORE A CLAIM CAN BE FILED.

- More than one claim may be filed on one claim form as long as the total number of claims does not exceed three (3).
- The Claims Commission does not send out more than one (1) claim form at a time.
- Keep the yellow copy of the complaint form for your records. The original white complaint form must be submitted to this office.

YOU MUST ENCLOSE:

- 1) Copies of the most complete and relevant Unit Level Grievance Form(s) relating to your claim(s)
- 2) Warden/Center Supervisor Decision and Deputy/Assistant Director's Decision on your most relevant grievance to your claim(s)
- 3) Inventory sheets, pertinent policy sections, and any other supporting documentation with your claim(s)

These documents listed above are REQUIRED for your claim(s).

Any claim sent without the required documents will not be set up and you will be ask to supply the needed documents which will delay your claim in being processed.

All claims must be plainly written or plainly printed in INK. Claims may also be plainly typed.

Any correspondence written to this office must be readable.

Any grievance forms submitted to this office must be readable.

Any claims or supporting documentation submitted that cannot be read by this office will be returned without being set up.

Documentation must be front-sided only. No two-sided material.

Do NOT send your claim to the Respondent. The Claims Commission will provide the Respondent with a copy of your claim once it has been received and assigned a claim number.

If your supporting documentation for your claim exceeds six (6) pages then you must submit:

- ONE original complaint form and supporting documents
- FOUR (4) additional copies (sets)

If your supporting documentation for your claim exceeds six (6) pages and you would like a file-marked copy of your claim sent back to you then you must submit:

- ONE original complaint form and supporting documents
- FIVE (5) additional copies (sets)

This documentation will become the property of the Claims Commission when submitted with your claim(s). If you want a copy for your records, be sure to retain one before sending any information to this office. We will NOT make copies for your records.

Claims can only be filed against State Agencies. We will not accept claims against any other party.

Third party vendors such as Corizon cannot be filed with this office.

Civil Rights or Constitutional issues cannot be filed with this office.

 Due process issues cannot be filed with this office.



Exhibit

A

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$?

Claim No. 14-0867-CC

Jessie Hill, #104136 Claimant
vs.

Attorneys
Pro se Claimant

Department of Correction Respondent
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed May 15, 2014

Type of Claim (1) Negligence, Mental Anguish & Failure to Follow Procedure
(2) Out of CC Jurisdiction
(3) Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously denied and dismissed the Respondent's "Motion to Dismiss." Therefore, this claim will be set for hearing and all parties notified accordingly.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denied and dismissed the Respondent's "Motion to Dismiss." Therefore, this claim will be set for hearing and all parties notified accordingly.

Date of Hearing June 12, 2014

Date of Disposition June 12, 2014

Mike May Chairman
Bill Lancaster Commissioner
Partman Commissioner

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

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ _____ ?

14-0868-CC
Claim No. _____

Jessie Hill, # 104136

Claimant

Attorneys

Pro se

Claimant

vs.

AR Department of Corrections

Respondent

Lisa Wilkins, Attorney

Respondent

State of Arkansas

Date Filed May 15, 2014

Type of Claim Failure to Follow Procedure, Negligence,
Mental Anguish

FINDING OF FACTS

This claim was filed for failure to follow Procedure, negligence and mental anguish in an unknown amount against the Arkansas Department of Corrections.

Present at a hearing March 13, 2015 was the Claimant, pro se, and the Respondent, represented by Lisa Wilkins, Attorney.

The Claims Commission hereby unanimously denies and dismisses this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Therefore, this claim is hereby unanimously dismissed.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission unanimously denied and dismissed this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Date of Hearing March 13, 2015

Date of Disposition March 13, 2015

Chairman

Commissioner

Commissioner

ARKANSAS STATE CLAIMS COMMISSION



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

BRENDA WADE
DIRECTOR

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

April 27, 2015

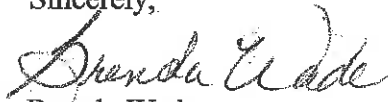
Mr. Jessie Hill, #104136
2501 State Farm Road
Tucker, AR 72168

RE: Jessie Hill, #104136
Claim #: 14-0868-CC
Vs.
AR Dept. of Correction

Dear Mr. Hill:

This office is in receipt of your letter and attempt to file a "Motion for Reconsideration" a second time on the above-referenced claim. You had forty (40) days (well over a month) from March 13, 2015, to ensure that this office received this pleading. It was your responsibility to mail it in a reasonable amount of time to ensure that the pleading arrived in this office within the forty (40) day deadline. It is not the fault of the Claims Commission that you chose to mail it near the end of the deadline. The Claims Commission will not accept your "Motion for Reconsideration" and is returning it to you.

Sincerely,


Brenda Wade
Director

BW/

Spenda Wade
Director

Arkansas State Claims Commission
101 E. Capitol Ave., Suite 410
Little Rock, Arkansas 72201

April 27, 2015

Arkansas Claims Commission

APR 29 2015

RECEIVED

RE: Denial of Reconsideration.

Ms. Wade,

I find it very unprofessional and inconsiderate that you have based the reason for denying my motion for reconsideration on a matter that is wholly and reasonably beyond my control: the date that your mail carrier delivered my motion to your office. By checking the postmark, you will certainly see that I did mail my motion for reconsideration before the April 22, 2015 deadline. As the interstate mailing system usually takes one day from the person to any where in Arkansas, you should have received my motion on or about the 21st.

I am including the envelope in which you mailed your denial ~~on~~ dated April 23, 2015, post-marked April 23, 2015, that I did not receive until April 27, 2015. Is that your fault that I did not receive your correspondence four (4) days after you mailed it? No. It is the Arkansas mailing system. Something completely external to either of us. I should have received your correspondence on April 24, 2015, if not April 25, 2015.

I am asking you to allow sensible reasoning to direct you to reconsider the grounds of your denial as the postmark is not grounds taken held against me in this matter.

Dated this 27th date of April, 2015

Respectfully Submitted,
Ms. Spenda Wade

ARKANSAS STATE CLAIMS COMMISSION



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

BRENDA WADE
DIRECTOR

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

April 23, 2015

Mr. Jessie Hill, #104136
2501 State Farm Road
Tucker, AR 72168

RE: Jessie Hill, #104136
Claim #: 14-0868-CC
Vs.
AR Dept. of Correction

Dear Mr. Hill:

This office is in receipt of your attempt to file a "Motion for Reconsideration" on the above-referenced claim on April 23, 2015. You had forty (40) days from the date of the opinion to file an "Appeal" or a "Motion for Reconsideration." Your deadline for filing a "Motion for Reconsideration" or an "Appeal" on the Claims Commission's decision expired on April 22, 2015. Therefore this claim will remain dismissed. We are returning your documents to you.

Sincerely,

A handwritten signature in black ink that reads "B. Wade". The signature is written in a cursive, flowing style.

Brenda Wade
Director

BW/

Brenda Wade
Director
Arkansas State Claims Commission
101 E. Capitol Ave, Suite 410
Little Rock, Arkansas 72201

April 29, 2015

Arkansas Claims Commission

MAY 04 2015

RECEIVED

RE: ACA819-10-2116Y6Y3XcXd
Hill v AR Dept of Correction, No. CC-14-868

Mr. Wade,

The Commission denied my claim March 13, 2015, and very unfairly denied my motion for reconsideration based on something out of my control, April 23, 2015.

This Notice of Appeal comes within twenty (20) days after the commission denial of the motion for reconsideration. I wish to file with the commission a notice of appeal of the decision to the General Assembly. ACA819-10-2116Y6Y3

The Commission shall, in a timely manner, notify the Legislative Council or the appropriate committee of the General Assembly and all parties to the claim when any notice of appeal to the General Assembly is filed with the commission. ACA819-10-2116c

Respectfully Submitted,
Ms. Jessie Hill

Mr. JESSIE HILL, #104186
MSU 2507 State Farm Rd
TUCKER, ARKANSAS 72468

BEFORE THE STATE CLAIMS COMMISSION

Jessie Hill, #104136

Claimant

v

Claim No. 14-0868-CC

Arkansas Claims Commission

MAY 04 2015

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AR Department of Corrections

Respondent

NOTICE OF APPEAL

Comes now, JESSIE HILL, #104136, Claimant, in propria persona

On March 13, 2015, the Commission unanimously denied and dismissed my claim for failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

The Commission is hereby requested to file this Notice of Appeal:

As to claim one, I presented a grievance response from Steve R. Outlaw, Deputy Asst. Warden, stating that he reviewed the security tape footage of July 19, 2013, and the security tape footage could not see me doing what was alleged. I had called Steve Outlaw, Captain K. Frazier, Brenda M. Young, Security Camera Operator/Supervisor, and Major M.E. Williams as witnesses to review the security tape footage and provide a statement detailing what the security tape footage showed related to the disciplinary before going to disciplinary court. Brenda M. Young reviewed the tape, saw that it did not show me committing the act Cpl. Kendall V. Richardson falsified against me; according to Cpl. Young, Major M.E. Williams would not allow her to provide such a statement. That is, two (2) ADC personnel were called as witnesses, knew I was favored in security tape footage, i.e. a reliable method to determine whether an infraction actually occurred, see AR 831 AD 13-10 Inmate Disciplinary Manual, and did not provide a statement. The

Respondent's claim that there ARE NO security tape footage available for/of July 19, 2013 3 BKS #23 cell. There is, A recording of the disciplinary hearing when I did inform DHO Waddles of the existing exonerating security tape footage and that the reviewing staff, one of my witnesses, Brandy M. Young, was standing right outside of the disciplinary proceedings. Per AR 83/AO 13-10 DHO Waddles refused to weigh all of the "primary evidence", i.e. the exonerating security tape footage and Cpl Brandy M. Young's equally exonerating statement. I would have Young as a witness.

CLAIM THREE

On March 13, 2015, after leaving the Commission hearing, I spoke with one of my witnesses, Cpl Kirk/Kurt. According to Cpl Kurt, he has never given a statement to anyone, nor has anyone ever asked him to provide a statement in any regards to any matter related to me or the Jan. 28, 2014 incident.

On March 23, 2015, I spoke with Sgt. McDonald, and asked him if anyone has spoken with him in regards to the Jan. 28, 2014 incident, or obtained a statement from him in regards to such. Sgt. McDonald, just like Cpl Kurt, affirms that no one has requested any statement from him, nor has he ever given a statement in regards to the matter.

I have the word of two(2) of my witnesses that Lisa Wilkins knowingly committed, or presented perjurious statements to the Commission March 13, 2015 for the purpose of persuading the outcome of the hearing. She knows she would have lost had my witnesses been allowed to physically present their statements.

In fact, I wrote a grievance about this, included in the complaint I originally mailed to the Commission. Having my witnesses present to state their own statements would provide the preponderance of the evidence to show liability on part of the Respondent.

When I wrote a grievance against ~~the~~ Lisa Wilkins for knowingly committing perjury, I was told that I could not have any ADC personnel subjected to disciplinary action, in spite of the fact that AR 225, Employee Conduct Standard very strictly holds "discharge" is the only disciplinary action for falsified documents.

Rescheduling a hearing, ordering production of the disciplinary hearing tape of July 23, 2013, presence of Brenda M. Young, will proffer proof of preponderance of the evidence, allowing granting me \$3,500.00 for claim one.

Rescheduling a hearing, ordering presence — no other alternative, is statement compiled by Respondent — would proffer proof of preponderance of evidence, allowing granting me \$2,500.00 for claim three. Presence of all of my witnesses.

Total Amount requested in the claim is \$6,000.00 (\$100.00 per day that I did on D.C.R. and in punitive isolation when other methods were available to determine that I had not violated any disciplinary infractions, etc.)

Evenmoreso, there was no security tape footage supporting Col K. Lowery's assertions

Dated this 30th date of April, 2015.

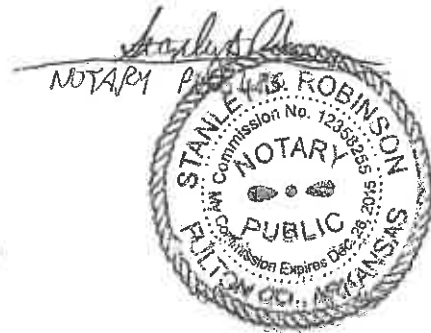
Respectfully Submitted,

Mr. JESSE HILL, #104136
MSU 2501 State Farm Rd
Tucker Arkansas
721128

STATE OF ARKANSAS }
COUNTY OF Jefferson }

SUBSCRIBED AND SWORN TO BEFORE me, Stanley Robinson, A
Notary Public, on this 19 date of April, 2015

MY COMMISSION EXPIRES: 12-26-2015



CERTIFICATE OF SERVICE

I, Jessie Hill, #04132, Claimant, do hereby certify that a true and
accurate copy of the above foregoing has been mailed, via U.S. mail, postage
prepaid, to: Brenda Wade

Director
Arkansas State Claims Commission
101 E. Capitol Ave, Suite 410
Little Rock, Arkansas 72201-3823

Dated this 30th date of April, 2015

Jessie Hill
Claimant