

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas Commission
OCT. 29 2014 D14.

RECEIVED

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

☒ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Johnny Lee Nichols #115100 Claimant

vs.

State of Arkansas, Respondent
Dept. of Corr.

Do Not Write in These Spaces	
Claim No.	15-0345-CC
Date Filed	October 29, 2014 (Month) (Day) (Year)
Amount of Claim \$	15,000.00
Fund	DOC

COMPLAINT

Failure to Follow Procedure,
Negligence, Loss of (Potential)
Wages, Refund of Expenses

Johnny Lee Nichols #115100
(Name)

the above named Claimant, of

P.O. Box 600, Grady AR 71644
(Street or R.F.D. & No.) (City)

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

County of Lincoln

represented by Pro - se

Legal Counsel, if any, for Claim

of

(Street and No.)

(City)

(State)

(Zip Code)

(Phone No.)

(Fax No.)

says:

State agency involved: Arkansas Department of Corrections Amount sought: \$15,000.00

Month, day, year and place of incident or service:

February 24, 2014 I was labled a Security Risk

Explanation: I am being prevented from entering programs such as work Release, 309, Vo-Tech, Pathway to Freedom (Faith Based on GOD) or any minimal security functions such as a good job in the prison, ever since April 24, 2014 only because Arkansas Department of Correction (ADC) has placed a Felony High Escape Risk in my institutional jacket which in fact is incorrect and should not be there, which may or may not stem from retaliation that occurred after I filed a complaint on ADC.

This is against ADC's own policy in the sense that had it not been for this Felony High Escape Risk accusation, I am eligible for all minimal security programs, as being a TRUSTEE, and that according to ADC Grievance Procedure they are not allowed to retaliate on me because I filed a complaint and which says alot about Employee Conduct.

Based on the following facts ADC can not prevail without a Regulation, a Directive, or on a statutory basis. None exists!

The Attorney General Office refuses to HELP me with this issue!

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

(Yes or No)

(Month)

(Day)

(Year)

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?

if so, state name and address

(Name)

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

(City)

(State)

(Zip Code)

and that the nature thereof is as follows:

and was acquired on

in the following manner:

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

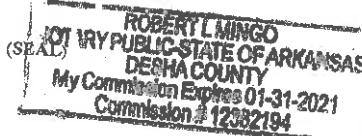
Johnny Lee Nichols
(Print Claimant/Representative Name)

Johnny Lee Nichols
(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

Grady

AR



on this 27 day of Oct, 2014

(City)

(State)

(Date)

(Month)

(Year)

Robert Mingo
(Notary Public)

(Notary Public)

My Commission Expires:

(Month)

(Day)

(Year)

SF1-R7/99

① In the year of 2013 ADC and I had a disagreement as to whether "they" (ADC employee) could use corporal punishment in "their" drug treatment programs. I exhausted all of my administrative procedural remedies through "their" grievance process, which provided me with no relief and caused me to be kicked out of the drug treatment program over dishonest charges. I entered this drug treatment program at Wrightsville Unit of 2013 from Pine Bluff Work Release where ADC forced me to attend the drug treatment program only of "their" own authority, possibly because ADC receives Federal Block Grant money from every inmate that is in the drug treatment program.

The only entity that can force an inmate to take part in a program is the parole board and by this authority can only keep the inmate in prison until he completes the drug treatment program.

ADC places the inmate in a drug treatment program without his consent and forces him to sign a contract under duress or be written a major disciplinary if he does not sign the contract.

Many grievances was written on this issue however this is not the direct issue at hand, but is the history that leads to the reasoning for this claim.

② In January 2014 I was shipped from Wrightsville Unit where the drug treatment program is located to Delta Regional Unit where I gave ADC NOTICE that a complaint is going to be filed on them in court over all of the reasons stated in # 1 above. As soon as Warden Banks of Delta Regional Unit found out about the NOTICE he shipped me to Verner Super Max Unit as a Security Risk.
(See Exhibit (Grievance) DR-14-00160)

③ Warden Banks has done this to many other inmates over various things, all of which seems to be un-deserving.

④ On April 24, 2014 I was transferred back to Pine Bluff Work Release (See Exhibit (Grievance) DR-14-00354) where the Work Release refused to allow me to stay because a High Escape Risk had been placed in my institutional jacket only a few months before hand. I was returned to Verner Super Max Unit that same day only because of the High Escape Risk.

⑤ I have applied to and been rejected to Work Release, 309, Vo-Tech, and Pathway to Freedom (which is a religious program based on my faith in God) and several I-B jobs only because of this High Escape Risk that was entered into my institutional jacket in February 2014.

Due to the fact that I have been 1-A or 1-B most of my time in prison and have been to Work Release four (4) times in the past proves that a misdemeanor 3rd degree escape in Springdale Municipal Court from 1997 has never before mattered until I filed a complaint against ADC.

Since this misdemeanor 3rd degree escape is 17 years old and I have done time since 1999 in prison, I have done eight (8) years without ADC making an issue of it.

⑥ In Exhibit (Grievance) VU-14-01212 I specifically quoted Administrative Regulation 1200, IV PROCEDURES, (A) Non-eligibility for Work Release Program, (4) Inmates convicted of a "Felony" escape are not eligible for Work Release.

I am not convicted of a "Felony" escape!

ADC is bound by their own rules and regulations just like I am.

⑦ The appearance of ADC employees retaliating on me for following procedure, over a complaint I have with them, ethically violates "their" own grievance procedure and the AR 225 Employee Conduct, not to mention State and Federal Laws.

⑧ Worden Banks of Delta Regional Unit and Worden Watson of Varner Super Max Unit both refuse to acknowledge the facts that are being presented here to you and the Deputy Director (s) Marvin Evans and Grant Morris both refuses to acknowledge the Wordens blatant neglect for the facts. All parties named here have the power and authority to correct these injuries to me but thus far refuses to do so.

Conclusion

Being in a Work Release or being placed as a 309 in one of the county jails or being able to go to Vo-Tech, or placed into the Pathway to Freedom is a chance for an inmate to better him self so he will be more able to reintegrate into society and possibly stay out of prison, plus these programs allows the inmate to get out of the main prison setting where it is the hardest to live (safely) from violence from other inmates.

I believe I have shown to this commission that the ADC / Worden Banks, etc has questionable motives as to why I am "Now" an escape risk and in fact they are not following their own policies, because of this, I continue to suffer injustices.

INJURIES

As a result of the actions of ADC employees and their neglect for their own policy I am suffering the following injuries:

- ① I suffer the stigma of being a FELONIOUS High Escape Risk that makes it appear that I can not be trusted out side of the fence, and must be locked up at a maximum security prison. This is untrue for I did nothing wrong to be placed in such a position.
- ② The Warden (s) and Deputy Director (s) have convicted me of being a High Escape Risk without so much as a hearing, trial, etc.. Failure to follow "their" policy.
- ③ Since I was on my way back to Work Release on April 24, 2014 I would have been making at the least, minimum wage since that date, which is an ongoing injury.
- ④ I was denied a 1-B job here at Varner Super Max Unit because of this High Escape Risk in around July 2014.

- ⑤ I was denied 309 Program.
- ⑥ I was denied another Work Release Program in Springdale.
- ⑦ I was denied Pathway to Freedom.
- ⑧ As a High Escape Risk I can not be placed in any unit that is not a Maximum Security Unit, units that have a single fence or no fence at all would be forbidden.
- ⑨ The cost and time for preparing this complaint such as copying fees, postage, etc.

RELIEF

For the reasons herein given I am requesting this Commission to award me \$15,000 and any or all relief deemed just and proper. Claimant is aware that dollar amounts may be adjusted especially in the consideration of the figuring of lost wages or possible earnings. Claimant expresses his belief in the integrity of this Commission to make the fair and just adjustments.

Respectfully

Johnny Lee Nichols
Johnny Lee Nichols

BEFORE THE STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS

CLAIMANT

VS.

ARKANSAS DEPARTMENT OF CORRECTIONS

CLAIMANT'S Entry of ITEMIZED DAMAGES

1.) The following is found in the ARKANSAS STATE CLAIMS COMMISSION'S Booklet (Rules and Regulations) Published February 2014; Under General Information, Rule 1.5 (e) Monetary Damages stated: A demand for monetary damages must be perfected in the complaint, if known, An itemized outline of damages sought and the total, overall, claimed in monetary figures is required prior to a hearing on the merits of a claim.

2.) Total of claim was made in the complaint in the amount of \$15,000.⁰⁰, the maximum allowed. However even though lost wages continues to grow, I do not expect any amount past the maximum allowed.

(A) Stigma of bad reputation	\$ 1000. ⁰⁰
(B) Failure to follow policy	\$ 1000. ⁰⁰
(C) Lost wages, to date	\$ 8,000. ⁰⁰
(D) Denied good jobs in prison	\$ 500. ⁰⁰
(E) Denied chances to better myself, repeatedly	\$ 2,500. ⁰⁰
(F) Cost of this action	\$ 20. ⁰⁰

Respectfully

Johnny Lee Nichols
Johnny Lee Nichols

INIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VARNER UNITName Johnny Lee NicholsADC# 115100 Brks # 3 Job Assignment HS#2-28-14 (Date) STEP ONE: Informal Resolution1-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: Problem could not be solved therefore I move to step II.

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to

substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? NO If yes, circle one: medical or mentalBRIEFLY 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): I was transferred to VARNERUNIT a Maximum Security Prison on February 24, 2014 labeled a security risk which was one week after I gave NOTICE that a complaint is going to be filed on ADC over ADC Administration committing crimes and abusing Federal Block Grants therefore transferring me is nothing more then retaliation for me petitioning the Government for a redress of a grievance and by which is my duty to report a crime according to 18 U.S.C.A. § 2, 3, 4, etc, etc where fore ADC has committed another crime because it is unlawful to punish or retaliate on someone for reporting a crime and / or up holding the law. Petitioner can prove that ADC Administration has retaliated on him before and can prove every grievance on this issue so far has been meet with a systemic and scandalous scheme to intentionally disregard their legal duty which is willful blindness that these crimes are being violated and that Federal Block Grants are being abused among other serious crimes.Inmate Signature Lee Nichols Date February 28, 2014

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 _____

Print Staff Name (Problem Solver) 7268 ID Number 7268 Staff Signature [Signature] Date Received _____Describe action taken to resolve complaint, including dates: Cannot problem this matter.Staff Signature & Date Returned [Signature] 3/1/14 Inmate Signature & Date Received Lee Nichols 3-1-14

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

FOR OFFICE USE ONLY

GRV. # DR-14-00160Date Received: 3-3-14GRV. Code #: 101

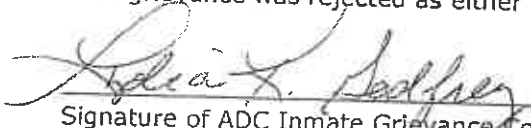
ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Nichols, Johnny L.

FROM: Godfrey, Lydia K

DATE: 03/04/2014ADC #: 115100CTITLE: ADC Inmate Grievance CoordGRIEVANCE #: DR-14-00160

Please be advised, I have received your Grievance dated 02/28/2014 on 03/03/2014.
Your grievance was rejected as either non-grievable, untimely, duplicative, frivolous, or vexatious.


Signature of ADC Inmate Grievance Coord

CHECK ONE OF THE FOLLOWING

- ☒ This Grievance will be addressed by the Warden/Center Supervisor or designee.
- ☒ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- ☒ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- ☐ This Grievance has been determined to be an emergency situation, as you so indicated.
- ☒ This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- ☒ This Grievance was REJECTED because it was either non-grievable (Transfer), 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.

RECEIVED

MAR 13 2014


Inmate Signature

115100 INMATE GRIEVANCE SUPERVISOR
ADC # ADMINISTRATION BUILDING Date

March 12, 2014

This was not just a transfer! I was labeled a security risk "for" the transfer one week after I sent out the NOTICE of Complaint being filed.
I've been transferred once per month since December.
There is a clear pattern of retaliation from ADC.

IGTT405
3GT

Attachment V

ACKNOWLEDGEMENT OF GRIEVANCE APPEAL or REJECTION OF APPEAL

TO: Inmate Nichols, Johnny L. ADC #: 115100C
FROM: Evans, Marvin Jr TITLE: Deputy Director
RE: Receipt of Grievance DR-14-00160 DATE: 03/13/2014

Please be advised, the appeal of your grievance dated
02/28/2014
was received in my office on this date 03/13/2014

You will receive communication from this office regarding this Grievance by 04/24/2014

- ☒ The time allowed for appeal has expired
- ☒ The matter is non-grievable and does not involve retaliation:
 - ☒ (a) Parole and/or Release matter
 - ☒ (b) Transfer
 - ☒ (c) Job Assignment unrelated to medical restriction
 - ☒ (d) Disciplinary matter
 - ☒ (e) Matter beyond the Department's control and/or matter of State/Federal law
 - ☒ (f) Involves an anticipated event
- ☒ You did not send all the proper Attachments:
 - ☒ (a) Unit Level Grievance Form (Attachment 1)
 - ☒ (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
 - ☒ (c) Did not give reason for disagreement in space provided for appeal
 - ☒ (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
 - ☒ (e) Unsanitary form(s) or documents received
 - ☒ (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

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INMATE NAME: Nichols, Johnny L.

ADC #: 115100

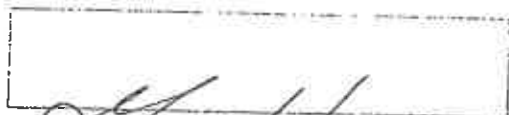
GRIEVANCE#: DR-14-00160

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

I have received your formal grievance appeal dated 03/01/14 in reference to being labeled as a security risk on the transfer papers after you filed a notice of complaint.

After reviewing all supporting documentation, I have determined that this matter was not a transfer and should have been addressed at the unit level. In reviewing your information documented in e-OMIS, I am unable to locate the information that you were transferred due to a security risk.

Based on the above stated information, I find no merit in your complaint.
Appeal denied.



Director

3-27-2014

Date

GRIEVANCE OFFICE

UNIT LEVEL GRIEVANCE FORM (Attachment)

Unit/Center VARNER

MAY 07 2004

Name Johnny Lee NicholsADC# 115100Brks # 7Job Assignment Fence Crew

DELTA REGIONAL UNIT

FOR OFFICE USE ONLY

GRV. # DR-14-00354Date Received: 5-5-14GRV. Code #: 7204-26-14 (Date) STEP ONE: Informal Resolution5-1-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: Why did this only show up in Februaryafter 17 years, and 8 years in prison, after being at WR 4 times and being 1A & 1B at least 5 of those 8 years
(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:Is this Grievance concerning Medical or Mental Health Services? NO If yes, circle one: medical or mental

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print):

On April 24, 2014 I was transferred to Pine Bluff Work Release and upon my arrival the Sergeant in Solly Port noticed that I am a custody status with minimum security requirement and that I was accepted to go into Work Release but under that I have a High Escape Risk which is a contradiction to my whole prison profile. The Sergeant looked this escape risk up in the computer and told me that it was entered in eOMIS about one month before which would be the exact same time that the Warden at Delta Regional Unit transferred me to a high Security unit labeling me as a security risk, one week after I gave "NOTICE of Intent to File a Complaint" against ADC, which would be retaliation against me for trying to report a crime. I filed a grievance on this retaliation and ADC Administration refused to give the grievance any merit saying that the Regional Unit just transferred me however this proves that "that" is not correct and it appears that ADC as a whole is retaliating on me for filing the complaint with the Federal Court, which is against the law - 18 U.S.C.R. § 1512 (Tampering with a witness, victim, or informant). I was denied acceptance to work release and returned to the prison. REMEDY: Return me to a work release and allow me to do the rest of my time there providing I stay disciplinary free.Lee Nichols

Inmate Signature

Date

April 26, 2014

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

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Describe action taken to resolve complaint, including dates:

Records due to guilty 3rd degree Escape charge in 1997 out of Washington County IF you have any further question you need to write records on classification of Alex.

Staff Signature & Date Received

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: MAY 2 2014(Forwarded to Grievance Officer/Warden/Other) Date: RECEIVED

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

Date:

JUN 09 2014

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

INMATE GRIEVANCE SUPERVISOR

INMATE NAME: Nichols, Johnny L.

ADC #: 115100C

GRIEVANCE #: DR-14-00354

WARDEN/CENTER SUPERVISOR'S DECISION

Your grievance dated 4-26-14, alleging retaliation for filing a complaint with the federal court and the inmate precaution being placed on you while at this unit has been reviewed. Records reflect that the inmate precaution, "High Escape Risk", was entered by Varner Unit Staff on 3-25-14. You were transferred from Delta Regional Unit on 2-24-14. Therefore, your grievance is without merit.



RECEIVED

JUN 09 2014

Title WARDEN

Date 6/4/2014

Signature of Warden/Supervisor or Designee

INMATE GRIEVANCE SUPERVISOR

ADMINISTRATION BUILDING

INMATE'S APPEAL

If you are not satisfied with this response, 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 along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not 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.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

I can not tell you exactly what date was labeled this High Escape Risk but I know that the officer that transferred me to Varner Unit told me I was being shipped ~~over~~ because I was labeled a Security Risk and others have been labeled this by Warden Banks in the past, just so he could ship them. I wrote a grievance about this issue on 2-28-14 as soon as I got to Varner Unit and the Administration choose to ignore the facts then. Now I have proof that I was labeled and this labeling has caused me harm.

Lee Nichols
Inmate Signature

115100
ADC#

6-4-2014
Date

I am a TRUSTEE (minimal security) that has been 1A + 1B most of my time in prison starting in 1999. I have been to Mississippi County Work Release twice, Pine Bluff Work Release, Farm work, Constructions, etc., all of which I never had any problems. I was 1B when I left prison in 2004 at Pine Bluff. How have I played any Escape Risk Factors in my past?

How can this be justified and ignored now that the grievance wrote 2-28-14 has proof of its merits? 14

IGTT405
3GT

Attachment V

ACKNOWLEDGEMENT OF GRIEVANCE APPEAL or REJECTION OF APPEAL

TO: Inmate Nichols, Johnny L. ADC #: 115100C
FROM: Evans, Marvin Jr TITLE: Deputy Director
RE: Receipt of Grievance DR-14-00354 DATE: 06/09/2014

Please be advised, the appeal of your grievance dated
04/26/2014
was received in my office on this date 06/09/2014

You will receive communication from this office regarding this Grievance by 07/22/2014

- ☐ The time allowed for appeal has expired
- ☐ The matter is non-grievable and does not involve retaliation:
 - ☐ (a) Parole and/or Release matter
 - ☐ (b) Transfer
 - ☐ (c) Job Assignment unrelated to medical restriction
 - ☐ (d) Disciplinary matter
 - ☐ (e) Matter beyond the Department's control and/or matter of State/Federal law
 - ☐ (f) Involves an anticipated event
- ☐ You did not send all the proper Attachments:
 - ☐ (a) Unit Level Grievance Form (Attachment 1)
 - ☐ (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
 - ☐ (c) Did not give reason for disagreement in space provided for appeal
 - ☐ (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
 - ☐ (e) Unsanitary form(s) or documents received
 - ☐ (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

15

INMATE NAME: Nichols, Johnny L.

ADC #: 115100

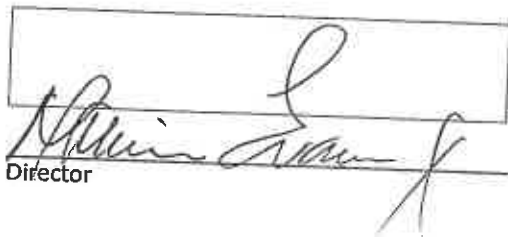
GRIEVANCE#: DR-14-00354

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

I have received your formal grievance appeal dated 05/01/14 in reference to retaliation by staff for filing a complaint with federal court by placing a high escape risk status in your file, which disapproves you for work release.

After reviewing all supporting documentation, I have determined that I concur with the Warden's response of no merit. I am unable to substantiate your claims that incorrect information has been entered into e-omis. On 04/09/97, you were found guilty of Escape 3rd Degree docket #19971919 from Washington County. If you dispute this charge then you must contact the courts in Washington County.

Appeal denied.


Director

7/2/14
Date

RETURNED TO INMATE
FOR THE FOLLOWING
REASON(S): NOT
PROCESSED, PREVIOUSLY
ANSWERED/REJECTED,
OR A DUPLICATE



Arkansas Department of Correction

Arkansas Department of Correction

Varner Unit

P. O. Box 600

Grady, Arkansas 71644-0600

Tele: (870) 575-1800 Fax: (870) 479-3803

Randall Watson, Warden

To: Inmate J. Nichols #115100

From: Randy Watson, Warden 

Date: June 16, 2014

Re: Status

I have reviewed your status based on your request dated June 3, 2014. Your records reflect you were found guilty of 3rd Degree Escape in Springdale on April 9, 1997. This is the reason you have been flagged as an escape risk in the system.

CC: File

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VARNER

Name Johnny Lee Nichols

ADC# 115100 Brks # 7 Job Assignment Fence Crew

6-18-14 (Date) STEP ONE: Informal Resolution

6-18-14 (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 have been turned down

For 309 and work Release in the last three months because of this issue.
(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? NO If yes, circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): I have a liberty interest in being a TRUSTEE
and only did I lose this TRUSTEE status and become a High Escape Risk by following
due process and giving a "NOTICE OF INTENT TO FILE A COMPLAINT", all of which are
protected by the U.S. Constitution because the complaint is access to the courts
for a redress of grievances and all of which took place in the beginning of
2014 after doing time as a TRUSTEE since 1999 with minimal security
requirements. Warden Banks at Delta Regional Unit said in grievance
DR-14-00354 that VARNER UNIT is responsible for placing this High
Escape Risk in my jacket however I did make a record of this issue before
the date he quoted in grievance DR-14-00160. Since this whole escape
issue is based on a misdemeanor and was only a failure to show up
for a commitment on time - it was pay the fine or sit in jail and
I was released as soon as I paid the fine - I want to be able to
still go to work Release or 309 or DARP or etc. because this is a liberty
interest that I can benefit from with a chance to save money and a
Parole Plan.

Lee Nichols
Inmate Signature

Date

June 18, 2014

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 _____

PRIN STAFF NAME (PROBLEM SOLVER) Sgt M. Mills 6020 ID Number Sgt M. Mills Staff Signature 6-18-14
Describe action taken to resolve complaint, including dates: _____ Date Received _____

See attached response Sgt M. Mills 6-18-14

Nancy Strang Staff Signature & Date Returned 6-18-14 Inmate Signature & Date Received Lee Nichols 6-18-14

This form was received on _____ (date), pursuant to **Step Two**. Is it an Emergency? RECEIVED (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: JUL 01 2014

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

**INTER OFFICE COMMUNICATION
DEPARTMENT OF CORRECTIONS
VARNER UNIT**

To: Nichols, Johnny #115100
From: Nancy Straughn, Records Supervisor
N Straughn
Re: Request
Date: 06-18-14

It is the discretion of the Warden to have this removed.

This is the response that was given on grievance VV-14-00730 in STEP ONE.

NOTICE that according to grievance procedure, I could not attach this response to the appeal, which made this response to not be part of the official record.

INMATE NAME: Nichols, Johnny L.

ADC #: 115100C

GRIEVANCE #: VU-14-00730

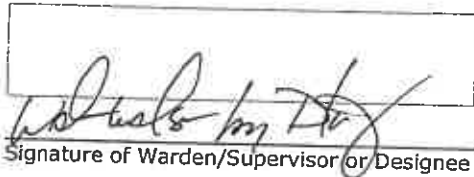
WARDEN/CENTER SUPERVISOR'S DECISION

In response to your grievance: Inmate Johnny Nichols, you state, "I have a liberty interest in being a trustee and only did I lose this trustee status and become a high escape risk by following due process and giving a "notice of intent to file a complaint," all of which are protected by the U.S. Constitution because the complaint is access to the courts for a redress of grievances and all of which took place in the beginning of 2014 after doing time as a trustee since 1999 with minimal security requirements. Warden Banks at Delta Regional Unit said in grievance DR-14-00354 that Varner Unit is responsible for placing this high escape risk in my jacket however I did make a record of this issue before the date he quoted in grievance DR-14-00160. Since this whole escape issue is based on a misdemeanor and was only a failure to show up for a commitment on time - it was pay the fine or sit in jail and I was released as soon as I paid the fine - I want to be able to still go to work release or 309 or DARP or etc. because this is a liberty interest that I can benefit from with a chance to save money and a parole plan."

Records indicate you have an active precaution as of 03/25/14 from Washington County. On 04/09/1997 Inmate Nichols, you was charged and found guilty of Escape 3rd Degree docket #19971919.

According to AR 1200 Work/Study Release Program, inmates convicted of a felony escape are not eligible for Work/Study Release.

Therefore, I find this issue without merit.


Signature of Warden/Supervisor or Designee

RECEIVED


Title

6-27-14
Date

INMATE'S APPEAL

JUL 01 2014

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATIVE CHIEF
If you are not satisfied with this response, 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 along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not 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.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE? ADC Administration is not even trying to
e this retaliation on me and is contradicting themselves in grievances DR-14-00354,
H-00160 and now this VU-14-00730. Why is it "Now" an issue of something
it happened 17 years ago? 8 years of which I have done in prison?
IA & IB? been to Work Release 4 times already? all as a TRUSTEE
in minimal security requirements? and only has it become an
ue after I filed a complaint against ADC for forcing inmates to
n contracts under duress - or be punished for not signing them.

Lee Nichols

Inmate Signature

115100

ADC#

June 28, 2014

Date

ADC / STATE OF ARKANSAS corporation can acquire Federal Block Grant Funds
on UNITED STATES OF AMERICA corporation. This is illegal and unlawful 20
in every conceivable step of the scheme.

IGTT405
3GT

Attachment V

ACKNOWLEDGEMENT OF GRIEVANCE APPEAL or REJECTION OF APPEAL

TO: Inmate Nichols, Johnny L. ADC #: 115100C
FROM: Harris, Grant E TITLE: Deputy Director
RE: Receipt of Grievance VU-14-00730 DATE: 07/01/2014

Please be advised, the appeal of your grievance dated
06/18/2014
was received in my office on this date 07/01/2014

You will receive communication from this office regarding this Grievance by 08/13/2014

- ☒ The time allowed for appeal has expired
- ☐ The matter is non-grievable and does not involve retaliation:
 - ☐ (a) Parole and/or Release matter
 - ☐ (b) Transfer
 - ☐ (c) Job Assignment unrelated to medical restriction
 - ☐ (d) Disciplinary matter
 - ☐ (e) Matter beyond the Department's control and/or matter of State/Federal law
 - ☐ (f) Involves an anticipated event
- ☐ You did not send all the proper Attachments:
 - ☐ (a) Unit Level Grievance Form (Attachment 1)
 - ☐ (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
 - ☐ (c) Did not give reason for disagreement in space provided for appeal
 - ☐ (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
 - ☐ (e) Unsanitary form(s) or documents received
 - ☐ (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

INMATE NAME: Nichols, Johnny L.

ADC #: 115100

GRIEVANCE#: VU-14-00730

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

You grieved on 6/18/14 that you have interest in being a trustee inmate, but you lost this trustee status and became a high escape risk due to failure to show up for a commitment on time. You believe that since you were released when the fine was paid, that you should still be able to work the 309 Program, DARP, or work release.

After review of your appeal and supporting documentation, I find that I concur with the Warden's decision. Your appeal is without merit.

Appeal denied.


Director

7-11-2014
Date

RETURNED TO INMATE
FOR THE FOLLOWING
REASON(S): NOT
PROCESSED, PREVIOUSLY
ANSWERED/REJECTED,
OR A DUPLICATE

Ray Hobbs

Sir, Like grievance DR-14-00354
I am putting this in your hands.

I stand on what I said in Attachment III
"WHY NOW" is this an issue?

With an escape risk in my jacket, there is
not one possible way I can take advantage of
any program(s) that will help me for when
I do get out. I am not an escape risk
and ADC knows this. This is nothing
but retaliation.

How is doing this to me going to help any
part of this? IF ADC had nothing to be concerned
about, none of what I have done should matter to
any one in ADC!

Respectfully

Johnny Z. Alkhalaf

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center VARNER

Name Johany Lee Nichols

ADC# 115100

Brks # 15

Job Assignment -UN-

9-1-14 (Date) STEP ONE: Informal Resolution

9-5-14 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: This does not address the issue nor is it an answer that provides a remedy.

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

Is this Grievance concerning Medical or Mental Health Services? NO If yes, circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): I have a complaint about how Warden Watson and ADC Administration is preventing me from work Release because I have a misdemeanor escape which is nothing more then a failure to show up for a commitment in Springdale Municipal Court from 17 years ago while the Administrative Regulation 1200 II PROCEDURES (A) Non-eligibility for work Release (4) Inmates convicted of a "FELONY" escape are not eligible for work Release. I am not convicted of a felony escape. I meet all eligible requirements. ADC is not following its own internal policy. An agency / department is bound by its own regulations and directives. Considering I have been to work Release 4 time in the past, with no problems, this is an unexcusable derailment that presents its self as retaliation for some reason, against me.

Remedy: Return me to Work Release as stated in DR-14-00354

Lee Nichols
Inmate Signature

September 1, 2014
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 9-1-14 (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 _____

A. Borthouse
PRINT STAFF NAME (PROBLEM SOLVER)

4672
ID Number

[Signature]
Staff Signature

_____ Date

Describe action taken to resolve complaint, including dates: per Classification all they do is screen paperwork, you need to send request to work release center

9-1-14
Date Received

[Signature]
Staff Signature & Date Returned

[Signature] 9-5-14
Inmate Signature & Date Received

This form was received on 9-5-14 (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: OCT 07 2014

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

White
FOR OFFICE USE ONLY
GRV. # VU-14-0022
Date Received: 9/9/14
GRV. Code #: 100

BK15/0027

ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Nichols, Johnny L.
FROM: Davison, Tivvone F
DATE: 09/09/2014

ADC #: 115100C
TITLE: ADC Inmate Grievance Coord
GRIEVANCE #: VU-14-01212

Please be advised, I have received your Grievance dated 09/01/2014 on 09/09/2014.
You should receive communication regarding the Grievance by 10/07/2014.

Jerome F. Davison
Signature of ADC Inmate Grievance Coord

CHECK ONE OF THE FOLLOWING

- ☒ This Grievance will be addressed by the Warden/Center Supervisor or designee.
- ☐ This Grievance is of a medical nature and has been forwarded to the Health Services Administrator who will respond.
- ☐ This Grievance involves a mental health issue and has been forwarded to the Mental Health Supervisor who will respond.
- ☐ This Grievance has been determined to be an emergency situation, as you so indicated.
- ☐ This Grievance has been determined to not be an emergency situation because you would not be subject to a substantial risk of personal injury or other serious irreparable harm. Your Grievance will be processed as a Non-Emergency.
- ☐ This Grievance was REJECTED because it was either non-grievable (), 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.

Inmate Signature

ADC #

Date

25

INMATE NAME: Nichols, Johnny L.

ADC #: 115100C

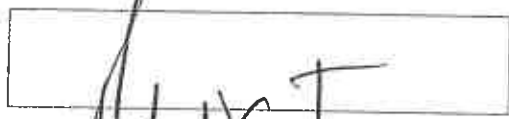
GRIEVANCE #: VU-14-01212

WARDEN/CENTER SUPERVISOR'S DECISION

In response to your Grievance: you state "I have a complaint about how Warden Watson and ADC Administration is preventing me from work release and I have a misdemeanor escape which is nothing more than a failure to show up for a commitment in Springdale Municipal Court from 17 years ago while the Administrative Regulation 1200 IV Procedures (A) Non-eligibility for work release (4) inmates convicted of a "FELONY" escape are not eligible for work release. I am not convicted of Felony escape. I meet all eligible requirements. ADC is not following it's own regulations and directives. Considering I have been to work release 4 time in the past with no problems, this is an unexcusable derailment that presents it self as retaliation for some reason, against me. Remedy: return me to work release as stated in DR-14-00354."

Inmate Nichols, per response from Classification they do not approve/deny inmates for work release. You inmate Nichols have an escape flag in your institutional file that was not placed there by classification staff.

Therefore I find this issue without Merit.



Signature of Warden/Supervisor or Designee



Title

10-1-14
Date

INMATE'S APPEAL

If you are not satisfied with this response, 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 along with the Unit Level Grievance Form. Keep in mind that you are appealing the decision to the original grievance. Do not list additional issues, which are not 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.

WHY DO YOU DISAGREE WITH THE ABOVE RESPONSE?

Inmate Nichols did not say that classification did place the escape risk in his jacket nor did Nichols ask classification to respond to this issue. The fact that a misdemeanor 3rd degree escape is in Inmate-Nichols jacket preventing him from going to work release is still not been addressed and which is in violation of ADC Procedure 1109, needs to be corrected by removing this mistake as soon as possible.

RECEIVED



Inmate Signature

OCT 07 2014

115100

ADC#

10-1-14

Date

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

Do you think God considers this to be a manipulation of the TRUTH ? Also known as a LIE ?

IGTT405
3GT

Attachment V

ACKNOWLEDGEMENT OF GRIEVANCE APPEAL or REJECTION OF APPEAL

TO: Inmate Nichols, Johnny L. ADC #: 115100C
FROM: Harris, Grant E TITLE: Deputy Director
RE: Receipt of Grievance VU-14-01212 DATE: 10/07/2014

Please be advised, the appeal of your grievance dated
09/01/2014
was received in my office on this date 10/07/2014

You will receive communication from this office regarding this Grievance by 11/19/2014

- ☐ The time allowed for appeal has expired
- ☐ The matter is non-grievable and does not involve retaliation:
 - ☐ (a) Parole and/or Release matter
 - ☐ (b) Transfer
 - ☐ (c) Job Assignment unrelated to medical restriction
 - ☐ (d) Disciplinary matter
 - ☐ (e) Matter beyond the Department's control and/or matter of State/Federal law
 - ☐ (f) Involves an anticipated event
- ☐ You did not send all the proper Attachments:
 - ☐ (a) Unit Level Grievance Form (Attachment 1)
 - ☐ (b) Warden's/Center Supervisor's Decision (Attachment III); or Health Services Response Attached (Attachment IV for Health Issues Only)
 - ☐ (c) Did not give reason for disagreement in space provided for appeal
 - ☐ (d) Did not complete Attachment III or IV with your name, ADC#, and/or date
 - ☐ (e) Unsanitary form(s) or documents received
 - ☐ (f) This Appeal was REJECTED because it was a duplicate of , or was frivolous or vexatious

INMATE NAME: Nichols, Johnny L.

ADC #: 115100

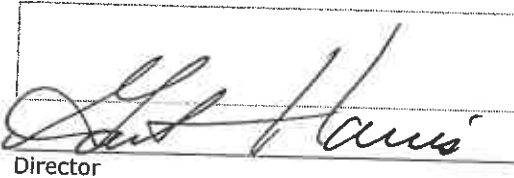
GRIEVANCE#: VU-14-01212

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

You grieved on 9/1/14 that Warden Watson and the ADC administration are preventing you from work release and you have a misdemeanor escape charge from seventeen (17) years ago for failure to show on a court date. You stated that policy says that inmates convicted of a felony escape charge are not eligible for work release. But you say that you are not convicted of a felony escape and that you are eligible and meet all the requirements for work release. You believe that this is a form of retaliation against you.

After review of your appeal and supporting documentation, I find that I concur with the Warden's decision. Your appeal is without merit.

Appeal denied.


Director

10-13-2014
Date

**INTER OFFICE COMMUNICATION
DEPARTMENT OF CORRECTIONS
VARNER UNIT**

To: Nichols, Johnny #115100 Varner Unit BK07/0036

From: Nancy Straughn, Records Supervisor
Nancy Straughn

REF: Inmate Request

Date: Friday, June 6, 2014

Yes you are considered a high escape risk due to you having a guilty charge from Springdale Police Department from the arrest date 4/9/1997. Docket #19971919, Washington County.

CC: Inmate File
NS/kf



Arkansas Department of Correction

TO: NICHOLS, JOHNNY **ADC#** 115100 **Bks.** 07-36
FROM: Ms. M. McConnell, Classification Officer *MMcConnell Kf*
DATE: Wednesday, May 21, 2014
RE: Your "Request For Interview" **ID#: 5715**

I received your request concerning 1B. Due to records office has you flagged as a high escape risk, you will have to be pre-approved by Warden Watson to be placed on the classification list. You will be notified when the Warden approves or denies you.

*Denied a good job because of
escape risk.*

xc: Inmate File
E - File



Arkansas Department of Correction

Act 309 Program
P.O. 8707
Pine Bluff, Arkansas 71611
Phone: (870) 267-6319 (870) 267-6279
FAX: (870) 267-6308

TO: Inmate Johnny Nichols 115100
Varner Unit

FROM: Daisha Holcomb
Act 309 Specialist

md 7

RE: Application

DATE: 5/29/14

Upon thorough review of your institutional file and criminal history, the following has been determined:

- ☒ Poor Institutional/Disciplinary History _____
- ☐ Poor Criminal History/ Rap Sheet _____
- ☐ Not Ninety (90) days disciplinary free _____
- ☐ High Program Referral _____
- ☐ Prior 309 or Work Release Failure _____
- ☐ Not Class I or eligible to receive Class I _____
- ☐ Medical Restrictions _____
- ☐ Victim/Prosecutor/Sheriff Objection _____
- ☐ Felony Warrant/Detainer or Charge w/out Disposition _____
- ☐ TE Date exceeds ten (10) year maximum _____
- ☐ Less than six (6) months at parent unit _____
- ☐ Meets criteria for participation in the Act 309 Program _____
- ☒ Other: escape precaution _____

As a result, your request is:

APPROVED []

DISAPPROVED [x]

ADC WORK RELEASE APPLICATION

Bk. 07-36

Unit of Assignment: VARNER

Application For: N.W. Arkansas Work Release

Name: Nichols Johnny Lee
Last First MI

ADC# 115100

Date: April 27, 2014

Age: 44 Date of Birth: 12-3-69

Date Confined @ ADC: 8-24-2011

Present Job Assignment: Fence Crew

Class: 1-C

No. of Dependents: 0

SSN: _____

P/T.E. DATE: 6-22-2016

City/Town Crime Committed: Rogers AR

County: Benton

County & State of Last Residence: Benton Arkansas

How Long? 10 years

Community Work Experience:

EMPLOYER: Gilbert Central

Brown & Root

McClinton Anchor

POSITION: Operator

operator

Operator

HOW LONG: 4 1/2 years

1 year

3 years

To what location do you plan to parole? N.W. Arkansas, Rogers

Spouse's Address: None - Ex-wife is manager of KIX-104

Work Address: KIX-104 is a radio station there in N.W.

Parent's Address: Dad lives in Evansville, PO Box unknown

Lee Nichols

Signature of Applicant

DO NOT WRITE BELOW THIS LINE

Eligible: _____ Not Eligible: ☒ Reason: High escape risk

Reconsider 30 - 90 days: _____ Medical Classification: _____

5-31-14
Unit Treatment Coordinator Signature

RECOMMENDATION FROM:

Work Supervisor: Yes ___ No ___ Remarks: _____

Mental Health: Yes ___ No ___ Remarks: _____

School Supervisor: Yes ___ No ___ Remarks: _____

Classification: Yes ___ No ___ Remarks: _____

Medical Supervisor: Yes ___ No ___ Remarks: _____

Warden/Supervisor
Sending Unit/Center

Date

Warden/Supervisor
Receiving Unit/Center

Date



Date: 6.30.2014

Dear Johnny Nichols

ADC# 115100

Thank you for applying to become a member of Pathway To Freedom Program at the Wrightsville Hawkins Unit for Male. At this time, we will not be able to accept you into the program due to:

- ☐ You do not have enough time left to complete the program.
- ☐ You have too much time left.
- ☐ We are not accepting Life Offenders into the program at this time.
- ☐ ADC administration concerns based on Institutional history or record.
- ☐ You are placed on a waiting list to enter the program if you continue to meet criteria.
- ☐ Uncompleted program.
- ☐ Do not meet program criteria as listed on application.
- ☐ Institutional history/Disciplinary Record.
- ☐ Concerns during interview regarding your placement in the program at this time.
You may reapply for future consideration!
- ☐ Initial classification (60 Days) at parent unit.
- ☒ You have an Institutional escape history or record.

Sincerely,

Scott McLean
PTF Executive Director
ADC-Wrightsville Hawkins Unit for Males
PO Box 1010
Wrightsville, AR 72183-1010

**ARKANSAS DEPARTMENT OF CORRECTION
VARNER UNIT
INTER-OFFICE COMMUNICATION**

TO: Inmate Nichols, Johnny ADC # 115100 BKS 07-36
FROM: Sharon L. Cantrell, Program Specialist - Grievance *Cantrell*
RE: Request for Interview – Grievance Work Release/Transfer
DATE: May 20, 2014

You state that a grievance was sent in approximately 3 weeks ago concerning being returned from work release the same day you transferred. This grievance is being processed by the Delta Unit as grievance #DR-14-00354. You should receive a response on or before June 3, 2014.

Cc: File



Arkansas Department of Correction

TO: NICHOLS, JOHNNY **ADC#** 115100 **Bks.** 07-36
FROM: Ms. M. McConnell, Classification Officer *MM 14*
DATE: Tuesday, June 10, 2014
RE: Your "Request For Interview" **ID#: 5796**

I received your request concerning your escape risk. You need to write to records office concerning information in your file jacket. Classification has nothing to do information that was put in your institutional file by another department.

xc: Inmate File
E - File

35



honor and integrity in public service

Arkansas Department of Correction

TO: NICHOLS, JOHNNY **ADC#** 115100 **Bks.** 07-36
FROM: Ms. M. McConnell, Classification Officer *MM* *KJ*
DATE: Wednesday, June 18, 2014
RE: Your "Request For Interview" **ID#: 5850**

I received your request concerning a transfer to Cummins. In order to transfer you have to be requested by the receiving facility. You can write to classification officer Ms. Crystal Wood to see if she will accept you.

xc: Inmate File
E - File



STATE OF ARKANSAS
THE ATTORNEY GENERAL
DUSTIN MCDANIEL

September 5, 2014

Johnny Lee Nichols
ADC #115100
Varner Unit
P O Box 600
Grady, AR 71644-0600

RE: Response to your inquiry

Dear Mr. Nichols:

I am in receipt of your letter received on September 2, 2014, wherein you make allegations of retaliation against you by the warden.

Contrary to any other information you may have received, my office represents the State of Arkansas on the appeal of criminal matters. Thus, my office has a conflict of interest and Arkansas law does not permit me or members of my staff to provide legal advice or assistance to inmates, their family members, or advocates.

Therefore, we suggest that you consult your private or court-appointed attorney, as he or she will be better able to advise you of your legal rights and options as you pursue this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dustin McDaniel', written over a horizontal line.

Dustin McDaniel
Attorney General

DM:pj

NOV 05 2014

RECEIVED

CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOHNNY NICHOLS (ADC 115100)

V.

NO. 15-0345-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: 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 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 4 day of November, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Johnny Nichols (ADC 115100)
Varner Unit
PO Box 600
Grady, AR 71644-0600



LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS 115100 CLAIMANT

VS. NO. 15-0345-CC

ARKANSAS DEPARTMENT OF CORRECTIONS

November 8, 2014

REQUEST FOR DOCUMENTS

Arkansas Claims Commission
NOV 14 2014
RECEIVED

Now comes the Claimant, Johnny Lee Nichols, pro se, in a Request For Documents for the purpose of supporting this claim before the Arkansas State Claims Commission, or in the alternative to produce the following documents to this Honorable Commission, under seal, for their consideration and inspection:

- ① Request For Administrative Regulation (AR) 1200 of ADC policy shows the requirements for Work Release.
- ② Request For Administrative Directive (AD) 14-16 of ADC policy shows the requirements for the grievance procedure.

③ Request For Administrative Regulation or Directive that shows proper "employee conduct," especially in regards of conduct between staff and inmates, as referred to in AD 14-16 IV, (K), (2) from above.

In the event that Respondent should raise security or any other reason that Claimant can not have the above named documents, the Claimant prays the Claims Commission to compel the Respondent to provide said documents directly to the Commission.

CLAIMANT believes the commission should be aware that inmates do have access to these documents however the inmate "must" check them out from the Law Library then the document "must" be returned within three (3) days.

No AR or AD is allowed to be copied per policy.

CLAIMANT has requested a hearing to be scheduled but prays this can be resolved before that date.

Respect Fully

Johnny Lee Nichols

Johnny Lee Nichols

Varner Unit

Pa Box 600

Greedy, AR 71644

Administrative Directive 10-19
Employee Discipline

IV OUTLINE

(13) Employees will refrain from discriminatory conduct

(c) retaliation against inmates who have filed lawsuits, grievances, or otherwise "protected" activity, will first offense receive a written reprimand.

(18) Employees must give clear, complete, and accurate information

(B) falsification of written / verbal statements / information

(c) falsification of inmate information

BOTH CARRY DISCHARGE

(20) Employees will observe rules and regulations regarding confidential information

(A) unauthorized release

< unauthorized disclosure of ACIC / NCIC or Justice exchange is subject to prosecution >

DISCHARGE OF EMPLOYEE

(21) Employees will maintain a courteous and professional demeanor in association with inmates.

* Using ACIC information and changing a misdemeanor charge to a felony, to retaliate, could be construed as a FELONY. *

CERTIFICATE OF SERVICE

I certify that a copy of this Request
For Documents has been served this
10 day of November 2014 on the
Respondent by placing a copy of the same
in the U.S. Postal Service, postage prepaid
to :

Lisa Mills Wilkins
Attorney Supervisor
Po. Box 8707
Pine Bluff, AR 71611

Johnny Lee Nichols
Johnny Lee Nichols

BEFORE THE STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS 115100

CLAIMANT

V S.

NO. 15-0345-CC

ARKANSAS DEPARTMENT OF CORRECTION
(ADC)

Arkansas Claims Commission

NOV 14 2014

RECEIVED

November 8, 2014

RESPONSE TO RESPONDENT

REQUEST FOR A HEARING

Now comes the Claimant, Johnny Lee Nichols, pro se, in responding to Lisa Mills Wilkins (ADC) stating the following facts:

- ① Respondent denies liability of any wrong doing of the employees of ADC and requests the matter be held in abeyance until "the investigation" is completed however there has already been sufficient time for an "investigation" and this error could have been corrected by any one of four (4) grievances written on this direct issue, and all four (4) grievances are exhausted.
- ② Warden Banks, Warden Watson, Deputy Director Grant E. Harris, Deputy Director Marvin Evans all refuses to follow ADC's established

policies is the issue at hand as I'm sure this Honorable Commission will agree.

- ③ By this neglect of policy Johnny Lee Nichols has been caused a considerable injury and he believes that he should be allowed to move forward with discovery and will be submitting admissions to the Respondent in short order.
- ④ Since the Respondent failed to address the claims set forth by claimant the Respondent has in fact left all claims and issues in dispute. Therefore the claimant prays this matter be set for a hearing before this Honorable Commission.

Respectfully

Johnny Lee Nichols

Johnny Lee Nichols
Varner Unit
P.O. Box 600
Grody, AR 71644

CERTIFICATE OF SERVICE

I, Johnny Lee Nichols, do certify that a copy of this response was placed in the Varner Unit Inmate Mailbox and sent postage prepaid by the U.S. Mail "Postal Service"

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

November 10, 2014

Johnny Lee Nichols
Johnny Lee Nichols

BEFORE THE STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS

CLAIMANT

V S. NO. 15-0345-CC

ARKANSAS DEPARTMENT OF CORRECTION

Arkansas Claims Commission

NOV 14 2014

RECEIVED

November 10, 2014

REQUEST FOR ADMISSIONS

ADMIT OR DENY

Pursuant to Rule 36, Fed. R. Civ. P. The Claimant requests the Respondent make the following admissions within 30 days.

- ① A municipal city court does not have the jurisdiction to entertain a felony charge of any kind?
- ② Springdale Arkansas Municipal Court is where the 3rd degree escape misdemeanor charge, docket #19971919 stems from?

- ③ The misdemeanor 3rd degree escape, docket # 19971919 conviction happened in year 1997?
- ④ Johnny Lee Nichols came to prison in 1999?
- ⑤ Johnny Lee Nichols was class 1-A at Mississippi County Work Release in 1999 into 2000?
- ⑥ Johnny Lee Nichols was class 1-B in 2000 into 2001?
- ⑦ Any class above class 1-C is considered a "TRUSTEE" and is trusted out side of the fence without a guard present?
- ⑧ Johnny Lee Nichols was class 1-B in 2002?
- ⑨ Johnny Lee Nichols was class 1-B in 2003?
- ⑩ Johnny Lee Nichols was class 1-B in 2004?
- ⑪ To be placed into a work release program a inmate must not be convicted of a felony escape according to ADC Administrative Regulation 1200?
- ⑫ Johnny Lee Nichols was placed in Pine Bluff Work Release on August 2013, housed in 3 barracks?
- ⑬ Johnny Lee Nichols was transferred back to Pine Bluff Work Release on April 24, 2014 but was denied the privilege to stay due to a felony high escape risk had been placed into his institutional jacket?

- ⑭ The Felony high escape risk had been added to Johnny Lee Nichols institutional jacket in year 2014 ?
- ⑮ The Felony high escape risk was added to Johnny Lee Nichols institutional jacket by Warden Jimmy Banks ?
- ⑯ N.C.I.C. or A.C.I.C. in fact does not have a Felony high escape conviction in either data base ?
- ⑰ Jimmy Banks is employed currently at ADC the whole year of 2014 ?
- ⑱ Jimmy Banks is a Warden at ADC the year of 2014 ?
- ⑲ Randy Watson is employed currently at ADC the whole year of 2014 ?
- ⑳ Randy Watson is a Warden at ADC the year of 2014 ?
- ㉑ Grant E. Harris is employed currently at ADC the whole year of 2014 ?
- ㉒ Grant E. Harris is a Deputy Director of ADC the year of 2014 ?
- ㉓ Marvin Evans is employed currently at ADC the whole year of 2014 ?
- ㉔ Marvin Evans is a Deputy Director of ADC the year of 2014 ?

- ②5) Johnny Lee Nichols did give Warden Banks a chance to correct the error of Felony high escape risk that had been placed in Nichols institutional jacket ?
- ②6) Johnny Lee Nichols did give Warden Watson a chance to correct the error of Felony high escape risk that had been placed in Nichols institutional jacket ?
- ②7) Johnny Lee Nichols did give the Deputy Director Grant E. Harris a chance to correct the error of Felony high escape risk that had been placed in Nichols institutional jacket ?
- ②8) Johnny Lee Nichols did give the Deputy Director Marvin Evans a chance to correct the error of Felony high escape risk that had been placed in Nichols institutional jacket ?
- ②9) Every man named in this Request for Admissions, besides the claimant, does have the power and authority to correct this error?
- ③0) It is considered to be in bad faith to not correct an error once it has become known to the administration of a corporation, especially one that causes an injury to another man ?

CLAIMANT reserves the right to make additional request for discovery as litigation continues before the State Claims Commission.

Claimant will hold the Respondent to the rules of discovery and require them to perform their duties accordingly.

Claimant would respectfully suggest that this action might still be avoided by simply correcting the error and returning Nichols to work release to finish out his sentence.

Respectfully

Johnny Lee Nichols

Johnny Lee Nichols
Verner Unit
P.O. Box 600
Grady, AR 71644

CERTIFICATE OF SERVICE

I certify that a copy of this Request for Admissions has been served this 10th day of November 2014 on the Respondent by placing a copy of the same in the U.S. Postal Service, postage prepaid to:

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

Johnny Lee Nichols
Johnny Lee Nichols

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS (ADC #115100)

CLAIMANT

V.

NO. 15-0345-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**RESPONSE TO CLAIMANT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to Claimant's First Set of Interrogatories and Request for Production of Documents states as follows:

1. Response to Request for Production No. 1: Objection. All documents to which Claimant is entitled to have are in the law library for review and copying and duplication here is a waste of assets.
2. Response to Request for Production No. 2: See Response #1.
3. Response to Request for Production No. 3: See Response #1.

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 15 day of December 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JOHNNY LEE NICHOLS (ADC #115100)
Varner Unit
P. O. Box 600
Grady, AR 71644-0600


LISA MILLS WILKINS Ark. Bar #87190

Arkansas Claims Commission
DEC 15 2014
RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS (ADC #115100)

CLAIMANT

V.

NO. 15-0345-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONSE TO REQUESTS FOR ADMISSIONS

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to Requests for Admissions states as follows:

1. Response to Request for Admission No. 1: Admit
2. Response to Request for Admission No. 2: Lack sufficient information to admit or deny; therefore deny.
3. Response to Request for Admission No. 3: Admit that Claimant was charged and found guilty of Escape- 3rd Degree docket #1997-1919, Washington County.
4. Response to Request for Admission No. 4: Admit
5. Response to Request for Admission No. 5: Admit Claimant was a Class 1-A from 8-20-99 until 3-4-00 when he was paroled.
6. Response to Request for Admission No. 6: Admit Claimant was a Class 1-B from 12-5-00 until 2-1-01 when he was reduced to a Class 1-C.
7. Response to Request for Admission No. 7: Admit
8. Response to Request for Admission No. 8: Admit Claimant was a Class 1-B from 10-23-02 until 12-31-02 when he was paroled.
9. Response to Request for Admission No. 9: Admit Claimant was a Class 1-B from 9-16-03 until 12-11-03 when he was reduced to a Class IV.
10. Response to Request for Admission No. 10: Deny
11. Response to Request for Admission No. 11: Admit that is one of the criteria.

Arkansas Claims Commission

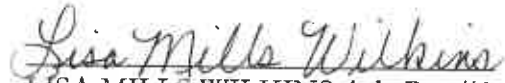
DEC 15 2014

RECEIVED

12. Response to Request for Admission No.12: Admit placed on work release, deny remainder.
13. Response to Request for Admission No. 13: Admit he was transferred.
14. Response to Request for Admission No. 14: Admit 'high escape risk precaution was added, deny remainder.
15. Response to Request for Admission No. 15: Admit 'high escape risk precaution was added, deny remainder.
16. Response to Request for Admission No. 16: Lack sufficient information to admit or deny; therefore deny.
17. Response to Request for Admission No. 17: Admit
18. Response to Request for Admission No. 18: Deny he is a Warden at ADC, he is a Warden of a specific unit of the ADC.
19. Response to Request for Admission No. 19: Admit
20. Response to Request for Admission No. 20: Deny he is a Warden at ADC, he is a Warden of a specific unit of the ADC.
21. Response to Request for Admission No. 21: Admit
22. Response to Request for Admission No. 22: Admit
23. Response to Request for Admission No. 23: Admit
24. Response to Request for Admission No. 24: Admit
25. Response to Request for Admission No. 25: Lack sufficient information to admit or deny; therefore deny.
No Felony High Escape Risk is entered in Claimant's institutional jacket.
26. Response to Request for Admission No. 26: Lack sufficient information to admit or deny; therefore deny.
No Felony High Escape Risk is entered in Claimant's institutional jacket.
27. Response to Request for Admission No. 27: Lack sufficient information to admit or deny; therefore deny.
No Felony High Escape Risk is entered in Claimant's institutional jacket.
28. Response to Request for Admission No. 28: Lack sufficient information to admit or deny; therefore deny.
No Felony High Escape Risk is entered in Claimant's institutional jacket.
29. Response to Request for Admission No.29: Deny

30. Response to Request for Admission No. 30: Lack sufficient information to admit or deny; therefore deny.

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 DISCOVERY RESPONSE has been served this 15 day of December, 2014, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JOHNNY LEE NICHOLS (ADC #115100)
Varner Unit
P. O. Box 600
Grady, AR 71644-0600


LISA MILLS WILKINS Ark. Bar #87190

BEFORE THE STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS 115100

CLAIMANT

- VS - NO. 15-0345 - CC

ARKANSAS DEPARTMENT OF CORRECTIONS
(ADC)

December 30, 2014

INTERROGATORIES

Claimant, Johnny Lee Nichols, pro se, requests that Respondent, ARKANSAS DEPARTMENT OF CORRECTIONS, through an authorized agent of the corporation, answer the following interrogatories under oath and serve them upon Claimant within 30 days, pursuant to Rule 33 of the Federal Rules of Civil Procedure. Claimant reserves the right to submit additional interrogatories upon Respondent's answers.

Due to the fact that there is a probability that a electronic database is the "source" of the information that was obtained in the (accusation) statement that Nichols engaged in the act of Felony Escape and since the "source" could have been NCIC or ACIC, these databases are protected by copyright laws because the contents is original information from its sources.

Arkansas
State Claims Commission
JAN 05 2015
RECEIVED

Effective December 1, 2006 the Federal Rules of Civil Procedure - Rule 34 - were amended to include substantial changes relating to the discovery of electronic data. The changes require that electronically stored information be available during discovery process and apply not just to governmental agencies, but to "all" parties in a civil lawsuit.

INSTRUCTIONS

In answering each interrogatory:

- (A) state whether the answer is within the personal knowledge of the flesh and blood human being answering the interrogatory and, if not, the identity of each flesh and blood human being known to have personal knowledge of the answer;
- (B) identify each document and/or data base that was used in any way to formulate the answer.

INTERROGATORIES

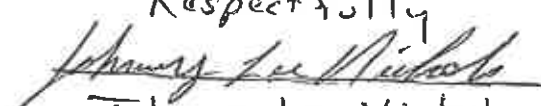
- ① Did ADC require its information about Johnny Lee Nichols from the ACIC or NCIC database to form their opinion that Nichols needs a High Escape Risk precaution added to his institutional jacket?

- ② If not from NCIC or ACIC database then from what source did this information come from?
- ③ Does ADC have access to NCIC or ACIC database?
- ④ Would altering the information from NCIC or ACIC database be considered falsification of documents?
- ⑤ In the Request For Admissions that Claimant submitted in this case, where did the information for question / statement # 2 and # 3 come from?
- ⑥ Explain why the answers in # 2 and # 3 differ when it is all related to the same subject?
- ⑦ When was the High Escape Risk precaution added to Johnny Lee Nichols institutional jacket?
- ⑧ Based on what source did this precaution come from?
- ⑨ Identify each individual flesh and blood human being that was involved in adding this High Escape Risk precaution to Johnny Lee Nichols institutional jacket.
- ⑩ Explain why those individuals took it upon themselves to add a precaution to Johnny Lee Nichols institutional jacket after Nichols did 8 years in prison.
- ⑪ Why was it stated in Request For Admissions, # 14 and # 15 that a High Escape Risk precaution was added then in # 25, # 26, # 27, and # 28 it was stated "No Felony High Escape Risk is entered in Claimants institutional jacket?"

- ⑫ In reference to the last interrogatory question, is this a contradiction or a play on words?
- ⑬ Since it was admitted that Nichols has been to Work Release in the past, as recent as last year, 2013, why is Nichols now labeled a High Escape Risk or precaution?
- ⑭ IF there is "No" High Escape Risk in Nichols institutional jacket, then why is he being labeled as such?
- ⑮ Why is Nichols being prevented from going to Work Release?
- ⑯ IF a grievance at the local unit level and beyond does not give the named official(s) a chance to correct a problem, then what does?
- ⑰ Is it okay to leave a known problem uncorrected or unresolved that is causing loss or harm to another flesh and blood human being?
- ⑱ Why is the entire central point of this complaint being ignored by ADC agents and employee's?
- ⑲ How was Nichols labeled as High Escape Risk precaution 17 years after the fact, with a municipal court charge, explain in detail?
- ⑳ State and explain all the facts that support your denial of the claim stated by Clement Nichols in this complaint?

CLAIMANT reserves the right to make additional requests for discovery as litigation continues before the Honorable Commission.

Claimant would respectfully suggest that this action might still be avoided by simply correcting the error.

Respectfully

Johnny Lee Nichols

CERTIFICATE OF SERVICE

I certify that a copy of this motion has been served this 30th day of December 2014 on the Respondent by placing a copy of the same in the U.S. Postal Service, postage prepaid to:

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


Johnny Lee Nichols

Johnny Lee Nichols 115100
VARNER UNIT
P.O. Box 600
Greedy, AR 71644

Arkansas Claims Commission

MAR 03 2015

RECEIVED

FEBRUARY 25, 2015

ARKANSAS STATE CLAIMS COMMISSION
101 East Capitol Ave - Suite 410
Little Rock, AR 72201-3823

RE: JOHNNY LEE NICHOLS # 15-0345-CC
-VS- ARKANSAS DEPARTMENT OF CORRECTIONS

Dear Brenda Wade:

Please find enclosed the original and
(4) four copies of:

NOTICE
INTERROGATORIES OVERDUE

Please file the original and return a file-
stamped copy to me.

I am sending the Respondent a copy of this
letter along with a copy of this NOTICE.

Thank You

Respectfully

Johnny Lee Nichols
Johnny Lee Nichols

BEFORE THE STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS 115100 CLAIMANT

- VS - CASE No. 15-0345-CC

ARKANSAS DEPARTMENT OF CORRECTIONS
< ADC >

FEBRUARY 25, 2015

Arkansas Claims Commission

MAR 03 2015

RECEIVED

- NOTICE -

INTERROGATORIES

OVERDUE

I, Johnny Lee Nichols certify that a file-marked copy, dated: JAN 05, 2015 was sent to Lisa Mills Wilkins on January 6, 2015 by U.S. Mail Postal Service, postage prepaid.

This file-marked copy was discovery - 20 questions of INTERROGATORIES that is pursuant to Rule 33 of the Federal Rules of Civil Procedure that is to be responded to within 30 days. As of February 25, 2015 Nichols has not received a reply to these interrogatories and is sending this NOTICE in Good Faith as a "reminder".

Respectfully

Johnny Lee Nichols
Johnny Lee Nichols

CERTIFICATE OF SERVICE

I certify that a copy of this
NOTICE INTERROGATORIES OVERDUE
has been served this 25th day of
FEBRUARY 2015 on the Respondent by placing
a copy of the same in the U.S. Postal
Service, postage prepaid to:

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

Johnny Lee Nichols
Johnny Lee Nichols

BEFORE THE STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS 115100 CLAIMANT

- VS -

ARKANSAS DEPARTMENT OF CORRECTION
(ADC)

Arkansas Claims Commission

MAR 26 2015

RECEIVED

MARCH 25, 2015

NOTICE

SECOND GOOD FAITH EFFORT
INTERROGATORIES ARE OVERDUE
Fed. R. Civ. P. 37(a)(2)(B)

Claimant, Johnny Lee Nichols, pro se, moves that this Honorable Claims Commission take NOTICE that the attorney (Lisa Mills Wilkins) for Arkansas Department of Corrections, the Respondent has failed to answer interrogatories, and in support of his NOTICE states:

- ① On December 15, 2014 Nichols received contradictory statements from ADC attorney, Lisa Mills Wilkins, when she answered Nichols Request For Admissions therefore Nichols submitted Interrogatories to require a more direct answer.

- ② On January 5, 2015 Nichols did submit Interrogatories and does certify Service was followed by sending a file marked copy to Lisa Mills Wilkins on January 6, 2015 by U.S. Postal Service.
- ③ Interrogatory discovery has a 30 day time period for proper response time pursuant to Rule 33 of the Federal Rules of Civil Procedure.
- ④ On March 3, 2015 a NOTICE INTERROGATORIES OVERDUE was submitted and file marked with Service to Lisa Mills Wilkins of and on the same.
- ⑤ Nichols would like to point out his belief that if he were delinquent of obligation or lacked this very diligence for recourse, he would not be shown any mercy. However this is only the Second Good Faith "EFFORT" to settle this overdue discovery issue amongst ourselves but a Motion to Compel Discovery will be submitted in short order.

WHEREFORE Claimant requests the Respondent to follow proper procedure and submit the answers to the Interrogatories in a prompt and honorable

manner For the sake of good
Faith with clean hands.

CLAIMANT would respectfully
suggest that this action might still
be avoided by simply correcting
the error that started this
claim / case.

Respectfully
Johnny Lee Nichols
Johnny Lee Nichols

CERTIFICATE OF SERVICE

I certify that a copy of this NOTICE has been
served this 25th day of March 2015 on the
Respondent by placing a copy of the same in the
U.S. Postal Service, postage prepaid to:

Lisa Mills Wilkins, PO BOX 8707, Pine Bluff, AR 71611

Johnny Lee Nichols
Johnny Lee Nichols

64

APR 06 2015

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOHNNY NICHOLS (ADC #115100)

CLAIMANT

V. NO. 15-0345-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONSE TO INTERROGATORIES

COMES NOW the Respondent, Arkansas Department of Correction, and for its' Response to the Interrogatories, and responds as follows:

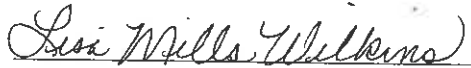
1. Response to Interrogatory No. 1: unknown
2. Response to Interrogatory No. 2: Washington County records indicate that you were convicted in 1997-1919 of Escape 3rd Degree. This information makes you a risk for escape.
3. Response to Interrogatory No. 3: Objection. Not likely to lead to any relevant information.
4. Response to Interrogatory No. 4: Objection. Calls for legal conclusion.
5. Response to Interrogatory No. 5: eOMIS database provided the information regarding the conviction from Washington County.
6. Response to Interrogatory No. 6: The eOMIS does not state it was in Springdale Municipal Court, so the question could not be admitted or denied.
7. Response to Interrogatory No. 7: March 25, 2014
8. Response to Interrogatory No. 8: Washington County Records
9. Response to Interrogatory No. 9: Objection as irrelevant and not likely to lead to any relevant information.
10. Response to Interrogatory No. 10: Objection. Calls for legal conclusion.
11. Response to Interrogatory No. 11: Claimant's precaution is High Escape risk. There is no indication of a felony.
12. Response to Interrogatory No. 12: No
13. Response to Interrogatory No. 13: The entry has been added to Claimant's precautions.
14. Response to Interrogatory No. 14: See responses above.
15. Response to Interrogatory No. 15: Unknown

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16. Response to Interrogatory No. 16: Objection. Irrelevant and not likely to lead to any relevant information to this proceeding.
17. Response to Interrogatory No. 17: Objection. Irrelevant and not likely to lead to any relevant information to this proceeding.
18. Response to Interrogatory No. 18: Objection. Irrelevant and not likely to lead to any relevant information to this proceeding.
19. Response to Interrogatory No. 19: See responses above. Claimant is being repetitive and argumentative.
20. Response to Interrogatory No. 20: This will be developed at a later time and stated in a Motion to Dismiss.

Respectfully submitted,

Department of Correction
Office of Counsel



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

CERTIFICATE OF SERVICE

I certify that a copy of this DISCOVERY RESPONSE has been served this 2 day of April, 2015, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

JOHNNY NICHOLS (ADC #115100)
WRIGHTSVILLE UNIT
P. O. Box 1000
WRIGHTSVILLE, AR 72183-1000



LISA MILLS WILKINS Ark. Bar #87190

Johnny Lee Nichols 115100
VARNER UNIT
P.O. Box 600
Grady, AR 71644

Arkansas
State Claims Commission
MAY 15 2015

MAY 12, 2015

RECEIVED

ARKANSAS STATE CLAIMS COMMISSION
101 East Capitol Avenue, Suite 410
Little Rock, AR 72201-3823

RE JOHNNY LEE NICHOLS # 15-0345-CC
-VS- ARKANSAS DEPARTMENT OF CORRECTION

Director Brenda Wade :

Please find enclosed the original plus (4)
four copies of the following :

ADD DOCUMENT
UNCERTIFIED CHARGE
AFFIDAVIT IN SUPPORT

Please file the original and return a
file - marked copy to me, of each.

Respectfully

Johnny Lee Nichols
Johnny Lee Nichols

BEFORE THE STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS 115100 CLAIMANT

- VS - NO. 15-0345 - CC

ARKANSAS DEPARTMENT OF CORRECTIONS
< ADC >

Arkansas
State Claims Commission
MAY 15 2015
RECEIVED

MAY 12, 2015

- ADD DOCUMENT -

I, Johnny Lee Nichols demand, as well as does justice, that this document be add to and for the Record to reflect that Warden Jimmy Banks has and does enter High Escape Risk precautions into inmates 'jackets' fraudulently to retaliate against inmates he has had altercations with.

Respectfully
Johnny Lee Nichols
Johnny Lee Nichols
Po Box 600
Grady, AR 71644

**INTER OFFICE COMMUNICATION
DEPARTMENT OF CORRECTIONS
VARNER UNIT**

To: Arnett, M. #145390 Bk. 8-27

From: Nancy Straughn, Records Supervisor
N. Straughn

REF: Request

Date: Tuesday, May 01, 2012

Work Release reviews all information not necessarily what is in your file but all criminal history.
Mr. Banks advised that you needed to be flagged as an escape risk.

CC: Inmate File

CERTIFICATE OF SERVICE

I certify that a copy of this motion

ADD DOCUMENT

has been served this 12th day of

MAY 2015 on the Respondent

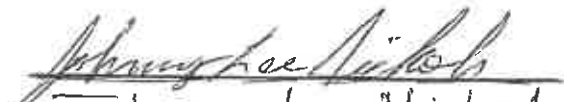
by placing a copy of the same in the
U.S. Postal Service, postage prepaid to:

Lisa Mills Wilkins

Attorney Supervisor

P.O. Box 8707

Pine Bluff, AR 71611


Johnny Lee Nichols

BEFORE THE STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
May 15 2015

RECEIVED

JOHNNY LEE NICHOLS 115100 CLAIMANT

- VS -

ARKANSAS DEPARTMENT OF
CORRECTIONS
< ADC >

MAY 12, 2015

UNCERTIFIED CHARGE

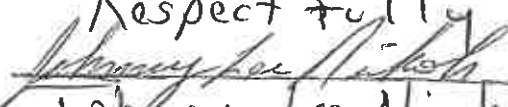
FOR and ON THE RECORD, I, Johnny Lee Nichols a flesh and blood, breathing, living soul man brings this without waiving any rights, remedies, or defenses. I am the real party in interest whom is being injured, therefore "I require under Subpoena Duces Tecum 'proof' that the charge of: Escape 3rd Degree - docket # 19971919 is certified.

As of year 2014, employee's of the
corporation, ARKANSAS DEPARTMENT OF
CORRECTIONS :

Director	-	Wendy	Kelley
Asst. Director	-	Grant	Harris
Asst. Director	-	Marvin	Evans Jr.
Warden	-	Randy	Watson
Warden	-	Jimmy	Banks

Attorney Supervisor - Lisa Mills Wilkins
and others, are participating
in injuring Johnny Lee Nichols with an uncertified
charge that is 18 years old.

A demand that all parties involved produce
evidence that Johnny Lee Nichols has any kind of
liability to the code under which he was
charged. Swear under penalty of perjury
that the code and charge was / is bonded.

Respectfully

Johnny Lee Nichols
2 of 5

CAVEAT

THAT, the employees of ARKANSAS DEPARTMENT OF CORRECTIONS (Lisa Mills Wilkins, Wendy Kelley, Jimmy Banks, Randy Watson, Grant Harris, Marvin Evans Jr.) upon this receipt of this Demand to Certify Charge - Notice and Demand, is made upon you to review and respond to the above with the requested information by U.S. Mail to the address below within 10 days upon receipt of this, allowing up to three days grace for return mail delivery. Failure to do so, by as either a "public servant" who by "Oath of Office" of duty as an 'officer', 'agent', or 'employee' of a government created corporation, municipality, etc., and /or by

and through your 'position', 'office', or
'superior knowledge of the law', will place
you in default, and the presumption will
be taken upon the private and public
record that you and your office fully agrees
that you are under knowledge that the
code and charge are not certified or bonded,
and that no man or woman has a lawfull
right to continue to victimize Johnny Lee
Nichols with this misdemeanor Escape 3rd
degree from 18 years ago.

Johnny Lee Nichols
Johnny Lee Nichols

STATE OF ARKANSAS)
COUNTY OF LINCOLN) §

SUBSCRIBED AND SWORN TO BEFORE ME a Notary Public, on this
13th day of May 2015.

Randall Curtis
Notary Public

My Commission Expires



Johnny Lee Nichols
Johnny Lee Nichols ADC#11510C
VARNER UNIT
Arkansas Department of Correction
Post Office Box 600

u . f . m

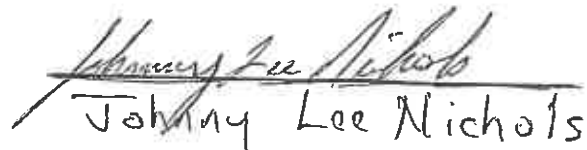
CERTIFICATE OF SERVICE

I certify that a copy of this motion

UNCERTIFIED CHARGE

has been served this 12th day of
MAY 2015 on the Respondent
by placing a copy of the same in the
U.S. Postal Service, postage prepaid to:

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


Johnny Lee Nichols

AFFIDAVIT IN SUPPORT RECEIVED
OF
UNCERTIFIED CHARGE

STATE OF ARKANSAS)
COUNTY OF LINCOLN) Scilicet

"Indeed, no more than (affidavits) is necessary
to make the prima facie case". United States
-vs- Kis, 658 F. 2nd, 526, 536 (7th Cir. 1981);
Cert Denied, 50 U.S.L.W. 2169; S.Ct. March 22, 1982

THAT, the only thing that can rebut an affidavit
is another affidavit sworn to under penalty
of perjury.

THAT, I, Johnny Lee Nichols a flesh and blood, breathing,
living soul man, being first duly sworn and depose
and say and declare by my signature that the
following facts are true, correct, and complete
to the best of my knowledge and belief, so
help me God (Yahweh).

THAT, the statutes / codes are passed by STATE
legislatures which are, in fact, de facto legis-

latures, therefore, the only things they can come out with are Bills. Those Bills are passed onto the citizens because the legislature can not charge the Bills. They are not funded so the Bills are passed along in hopes some one else will become liable on them.

THAT, title 28 U.S.C. § 3002, subparagraph 15, United States means (a) a Federal corporation, (b) an agency, department, commission, or board or other entity of the United States, or (c) an instrumentality of the United States.

THAT, the STATE OF ARKANSAS by becoming a corporator (see: 22 U.S.C.A. § 286 <e>) did lay down its sovereignty and take on [the character] that of a private citizen and that it can exercise no power which is not derived from the corporate charter (see: The Bank of the United States - vs - Planters Bank of Georgia, 6 L.Ed. 244).

THAT, according to 27 C.F.R. § 72.11 "all crimes are commercial".

THAT, a corporation can not injure a living man without committing a crime.

THAT, when a court is without authority, its judgment and orders are regarded as nullities. They are "VOID", and from no bar to a recovery sought.

even prior to reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered in law as trespassers. (see: ELLIOT -VS- PIEROL, 1 PET. 328, 340; 26 U.S. 328, 340 (1828)).

THAT, Whenever a Judge or Attorney acts where he/she does not have jurisdiction, the Judge and Attorney are engaged in an act or acts of Treason, and any Judge or Attorney who does not reject the Judge and Attorney for "TREASON" as required by law may themselves be guilty of Misprison of Treason. COHEN V. VIRGINIA, 19 U.S. (6 WHEAT) 264, 404; 5 L. ED. 257 (1821); AND REAFFIRMED UNDER U.S. V. WILL 449 U.S. 200, 216 - MISPRISON OF TREASON; AND 18 U.S.C.A. § 2, 3 AND 4 - MAKING SUCH NON-REPORTING JUDGES, ATTORNEYS, OR ANYONE THAT HAS KNOWLEDGE OF SUCH CRIMES A "PRINCIPAL IN THE CRIMINAL ACTIVITY" MISPRISON OF TREASON - 18 U.S.C.A. § 2382

THAT, I Johnny Lee Nichols have never knowingly, willingly, intentionally or voluntarily waived any of my unalienable rights.

THAT, any hidden contracts or contracts not freely and knowingly given were of deception, shrewd entrapment or fraud, and that, I, HEREBY, revoke, release, cancel, denounce Nunc Pro Tunc, including, but not all inclusive, all registrations, licenses, certificates, appointment, and any implied contract or adhesions or

allegedly entered into by any provisions of "color [counterfeit] of law" with specific Notice of Intent and consider all such signatures or adhesions are NULL and VOID.

THAT based on all of the above, that this "jurisdiction can be challenged at any time" Basso - vs - Utah Power & Light Co. (495 F.2d, 906, 910)

THAT, under the "doctrine of immunity" there are distinctions made between acts that are "discretionary duties" which one in the performance thereof is immune within, and acts which are "ministerial duties" which one in the performance thereof is liable for.

THAT, pursuant to the "Clean Hands Doctrine" and "Good Faith" dealings with the Undersigned, Failure to certify the code and charge in question will require the notification of all the sureties on the bonds, of the distress on every attorney and judges bonds, from the original court, to present, for failure to certify the charge of misdemeanor Escape 3rd Degree, docket # 19971919 only because ARKANSAS DEPARTMENT OF CORRECTIONS employees has chosen to victimize Johnny Lee Nichols with a charge 18 years old.

Distress against public official - 31 U.S.C.A § 3541. United States Treasury & IRS
- until this issue is resolved -

I further swear that the statements
matters and things contained herein are true,
correct, complete and accurate to the best of
my knowledge, information and belief, SO
HELP ME GOD.

Johnny Lee Nichols
Johnny Lee Nichols

JURAT

Subscribed and sworn to before me this
13th day of MAY 2015 and the officer
(Notary Public) thereby certifies three things:
① that the man signing the document did so in
the presence of the officer, ② that the signer
appeared before the officer on the date indicated,
and ③ that the officer administered an oath or
affirmation to the signer, who swore to or
affirmed the contents of the document (Affidavit).

My commission Expires

Randall Curtis
Officer - Notary Public



CERTIFICATE OF SERVICE

I certify that a copy of this motion
AFFIDAVIT IN SUPPORT OF
has been served this 12 day of
MAY 2015 on the Respondent
by placing a copy of the same in the
U.S. Postal Service, postage prepaid to:

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

Johnny Lee Nichols
Johnny Lee Nichols



Arkansas Department of Correction

Director's Office
P.O. Box 8707
Pine Bluff, Arkansas 71611-8707
Phone: (870) 267-6200
Fax: (870) 267-6244
www.arkansas.gov/doc

May 21, 2015

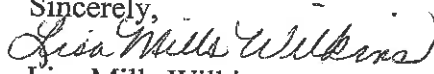
Claims Commission
Attn: Ms. Brenda Wade
101 East Capitol Avenue, Suite 410
Little Rock, AR 72201-3823

RE: Johnny Nichols (ADC #115100) v. ADC #15-0345-CC

Dear Ms. Wade:

Respondent submits the following information for the hearing on **June 10, 2015**:

Witnesses for the Respondent:
Deputy Warden Jeremy Andrews

Sincerely,

Lisa Mills Wilkins

Cc: Johnny Nichols (ADC #115100)
VARNER UNIT
P. O. Box 600
Grady, AR 71644-0600

Arkansas
State Claims Commission

MAY 21 2015

RECEIVED

Name: Nichols, Johnny L.

ADC #: 115100C PID #: 0051331

ISSS060B

Inmate Precaution

Thursday May 21, 2015 01:17:09 PM

Effective Date*: 03/25/2014

Type*: High Escape Risk

Facility*: Varner Unit

Staff*: Tillman, Sequita A

Comments

On 04-09-1997 I/M was charged and found guilty of Escape-3rd Degree docket #19971919, Washington County.

Status*: Active

As of Date*: 03/25/2014

Status History**Prior Page**Show Last Updated Information

**Submitted
in camera
DO NOT RELEASE TO INMATE**

**Submitted
in camera
DO NOT RELEASE TO INMATE**

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 15,000.00

Claim No. 15-0345-CC

Attorneys
Johnny Lee Nichols #115100 Claimant vs. Pro se Claimant

AR Department of Corrections Respondent Lisa Wilkins, Attorney Respondent
State of Arkansas

Date Filed October 29, 2015 Type of Claim Failure to Follow Procedure, Negligence, Loss of Property, Potential Wages, Refund of Expenses

FINDING OF FACTS

This claim was filed for Failure to Follow Procedure, Negligence, Loss of Property, Potential Wages, and Refund of Expenses in the amount of \$15,000.00 against Arkansas Department of Corrections.

Present at a hearing June 10, 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

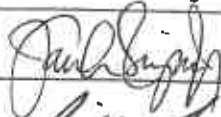
Upon consideration of all the facts, as stated above, the Claims Commission unanimously denied and dismissed this claim for Claimant's failure to prove by a preponderance of the evidence any liability on the part of the Respondent.

Date of Hearing

June 10, 2015

Date of Disposition

June 10, 2015


Chairman

Commissioner

Commissioner

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

84

BEFORE THE ARKANSAS STATE CLAIMS
COMMISSION

JOHNNY LEE NICHOLS 115100

CLAIMANT

- VS - Case No. 15-0345 - CC

Arkansas Claims Commission

ARKANSAS DEPARTMENT OF CORRECTIONS
+ ADC +

JUL 09 2015

RECEIVED

July 7, 2015

MOTION FOR RECONSIDERATION

I, Johnny Lee Nichols, the indigent and oppressed, pro se Claimant hereby states and declares, for and on the Record, under penalty of perjury:

① That, I oppose and object to being denied a copy of the transcript for the hearing date of June 10, 2015. The transcript is evidence and is the subject matter of a right and denying me a copy of this transcript violates the Federal Rules of Civil Procedure - SERVICE and can render a judgment voidable under Rule 60. The transcript is also inherent in the requirements of due process and equal protection of the law. The infringement of a right is in itself grounds for a suit, regardless of harm, though the amount of recovery, of course, will

be influenced by the amount of harm caused by the trespass. In this case of denying me a copy of the transcript of the hearing is the:

① Evidence and ② Preponderance of Evidence that Nichols is being denied to prosecute his case.

③ That, Corporations are responsible for their agents or employees in the same way that individuals are. STATE OF ARKANSAS and ARKANSAS DEPARTMENT OF CORRECTIONS are corporations and are bound by their own rules, regulations, directives, and policy.

④ That, I, Johnny Lee Nichols specifically remember (because I am denied a copy of the transcript to prove this fact) that I quoted "the" rule violation of Administrative Regulation 1200, title: Work Release Program, which is the Foundation of my case, and is ADC policy on this issue.

⑤ That, under Administrative Regulation 1200, an inmate "must" be convicted of a FELONY escape to be ineligible to participate in the Work Release Program.

⑥ That, I, Johnny Lee Nichols quoted A.C.A (Arkansas Code Annotated) section 5-54-112 Third Degree Escape which is a Class A misdemeanor.

⑥ That, point 4 and 5 above is the preponderance of the evidence and that ADC employees are "not" honoring their own policy, because Johnny Lee Nichols is not charged with a Felony Escape but rather a Class A misdemeanor Escape, therefore Nichols is eligible to participate in the Work Release Program as he has many times in the past.

⑦ That under the Federal Rules of Civil Procedure 8(b)(6), which states that failure to deny - with evidence rather than just opinion - constitutes an admission. Thus, any issue raised in this hearing on June 10, 2015 that remain unrebutted shall constitute an admission and an estoppel in pais for all future litigation on this subject.

⑧ Let it be known, that, point 6 above was raised in the hearing on June 10, 2015 and ADC Attorney: Lisa Mills Wilkins did not rebut this fact in any way but in fact admitted Nichols does not have an Felony Escape in his jacket.

⑨ Let it be known, that, the ADC Witness: Jeremy Clay Andrews did not rebut any of the facts raised by Nichols in the hearing on June 10, 2015 but rather confirmed that Nichols was being denied opportunities for Work Release outside of ADC policy.

⑩ That, in the Bible : Deuteronomy 19: 15
"One witness shall not rise up against a man for any iniquity, ... at the mouth of two witnesses, or at the mouth of three witnesses, shall a matter be established."

⑪ That, STATE OF ARKANSAS or ARKANSAS DEPARTMENT OF CORRECTIONS does not have any evidence or witnesses that Johnny Lee Nichols has done anything to deserve being denied the opportunity of work Release, or 309, or Votek programs. However

⑫ That, by the witnesses of Johnny Lee Nichols: Inmates Kennedy (Verner Unit); Inmate Westermen (Verner Unit); Inmate Axelson (Verner Unit); etc. All with claims of: ADC not following their own policy.

⑬ That, in the Bible : II Corinthians 13: 1 "THIS is the third time I am coming to you. In the mouth of two or three witnesses shall every word be established."

⑭ That, this Arkansas Claims Commission has made it standard practice to "rubber stamp" "deny" inmates claims against ARKANSAS DEPARTMENT OF CORRECTIONS employee's, which is another STATE OF ARKANSAS entity, showing preconceived determinations and biasness.

WHEREFORE by the preponderance of the evidence and the lack of "any" evidence to deny this claim, I, Johnny Lee Nichols demand a reconsideration of the facts of this case. Award me a fair sum and the judgment against ADC policy violation, or, just correct the problem / issue and any other relief this claims commission deems appropriate. It is fraud to conceal a fraud and gross negligence is equal to fraud.

Respectfully

Johnny Lee Nichols
Johnny Lee Nichols

FOR and ON the Record

Arkansas Claims Commission

JUL 09 2015

RECEIVED

ADC gave a TRUSTEE job to an inmate whom had life and in 2014 that inmate escaped from his assigned work duty.

In June 2015 ADC gave Inmate Satterfield a Work Release job whom the rest of us inmates knows is an idiot and is not trying to do well and does not have a good past record.

It is almost as if ADC deliberately gives these jobs to inmates they think will fail because I, Johnny Lee Nichols have been to work Release many times and have "never" had any problems with any part of my duty.

My big escape that ADC is holding against me is:

The Judge in Springdale, AR Municipal Court told me to pay a fine "OR" turn myself in to the Springdale City Jail in one week. I did neither and was picked up a few days later, After about a week my family paid the fine and I was released.

Not showing up for a commitment is a:

BIG ESCAPE - ACA § 5-54-112
Third Degree Escape - misdemeanor

Respectfully


Johnny Lee Nichols

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 15,000.00

Claim No. 15-0345-CC

Johnny Lee Nichols, #115100 Claimant
vs.

Attorneys

Pro se Claimant

Department of Corrections Respondent
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed October 29, 2014

Type of Claim Negligence, Refund of Expenses,
Failure to Follow Procedure, Loss of
Potential Wages

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's June 10, 2015, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that would change the prior decision of the Claims Commission. Therefore, the Commission's June 10, 2015, order remains in effect.

Date of Hearing August 13, 2015

Date of Disposition August 13, 2015

 Chairman

 Commissioner

 Commissioner

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

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BEFORE THE ARKANSAS STATE CLAIMS
COMMISSION

JOHNNY LEE NICHOLS 115100

CLAIMANT

- VS -

Case No. 15-0345 - CC

ARKANSAS DEPARTMENT OF CORRECTIONS
«ADC»

RESPONDENT

NOTICE OF APPEAL
TO THE
ARKANSAS GENERAL ASSEMBLY
ACT # 33 OF 1997
A.C.A. § 19-10-211

I, Johnny Lee Nichols, the Claimant, herby states and declares, with proof of evidence, for and on the Record, under penalty of perjury:

- Ⓐ That the ADC is not following their own Regulations or Directives;
- Ⓑ That ADC Attorney has admitted they are not following their own Regulations or Directives;
- Ⓒ That the witness for ADC admitted in the hearing that ADC is not following their own policy; and
- Ⓓ The Claims Commission is rubber stamping "deny" inmates claims against ADC, even when the inmate has a valid claim.

This all can be proven by the transcript of the June 10, 2015 Hearing, which is being denied to Nichols.

① I, Johnny Lee Nichols, oppose and object to being denied a copy of the transcript for the June 10, 2015 Hearing.

The transcript is evidence that substantiates my claim against ADC.

② Nichols quoted specifically: Administrative Regulation 1200, Title: Work Release Program which says:

An inmate "must" be convicted of a FELONY escape to be ineligible to participate in the Work Release Program.

This is the foundation of this issue, that State Departments are bound by their own rules, regulations, directives, and policy.

③ Johnny Lee Nichols has been to Mississippi County Work Release (2) two times, and to Pine Bluff Work Release in 2013, all with no problems.

④ Nichols has been 1-A or 1-B most of his time previously in prison, never with any problems. What this means is that Nichols was trusted outside the fence without a guard, usually miles from the prison on a Road Grader fixing the Tucker Unit Roads.

Nichols still maintains a TRUSTEE status with minimum security, but now with an escape risk.

⑤ In 2013 Nichols filed a complaint against ADC employee's because they "are" forcing inmates

to sign contracts, under duress and coercion, or be punished for not signing, by a disciplinary.

Warden Banks retaliated on Nichols by placing in his jacket, the escape risk, one week after Nichols gave ADC the Notice of Intent to file a Complaint.

Warden Banks manipulated a charge from 1997; misdemeanor 3rd degree escape into the intentionally oppressive issue at hand.

- ⑥ Warden Banks has done this sort of thing to other inmates which can be seen in:

Michael Arnett 145390

-VS-

Case No. 15-0760-CC

Arkansas Department of Correction

Also in the Ark. State Claims Commission

- ⑦ However, the Director of ADC: Wendy Kelley has closed the precaution of high escape risk for Michael Arnett 145390 which has made it possible for him to go on to Work Release.

It appears that Michael Arnett 145390 has family that works for the State Parole Board, so he is allowed to enforce ADC to follow their own rules.

See: New Evidence

MOTION TO DISMISS

- ⑧ In the June 10, 2015 Hearing, the ADC Attorney Lisa Mills Wilkins admitted that Nichols does "not" have a FELONY escape in his jacket.

⑨ In the June 10, 2015 Hearing Nichols did hear and witness, the ADC witness, whom ever that was, confirm that Nichols was being denied opportunities for Work Release, 309, Vo-Tech, Pathway to Freedom outside of ADC policy.

⑩ The STATE OF ARKANSAS nor the ARKANSAS DEPARTMENT OF CORRECTIONS has presented "any" evidence or witnesses that Johnny Lee Nichols has done anything to deserve or policy to prevent him from the opportunity to better himself through a Work Release, 309, Vo-Tech, or Pathway to Freedom Program.

⑪ By the, Preponderance of the Evidence, Nichols has proven his case and can show how the Arkansas Claims Commission Committee has made it standard practice to rubber stamp "deny" inmates claims against ADC and its employees, showing preconceived determination and/or biasness.

All of the following inmates had claims that were denied by the Claims Commission whom had claims of ADC not following their own policy:

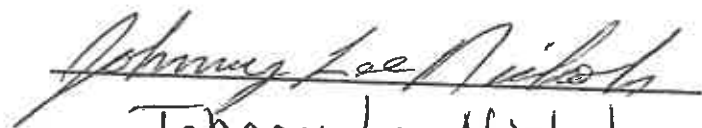
Kennedy	-	Varner Unit
Westerman	-	Varner Unit
Axelson	-	Varner Unit
Nichols	-	Varner Unit

Two is a coincident, but three or more proves to be a pattern.

WHEREFORE Johnny Lee Nichols prays
that the Good LORD GOD will give
you the proper Wisdom, Knowledge, and
Understanding to make a Fair and
honorable decision thereby bringing
this issue to a proper conclusion.

And any other relief you deem just
and proper.

Respectfully


Johnny Lee Nichols

SEP 11 2015

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS
COMMISSION

JOHNNY LEE NICHOLS 115100

CLAIMANT

- VS -

Case No. 15-0345-CC

ARKANSAS DEPARTMENT OF CORRECTIONS

ADD NEW EVIDENCE

I, Johnny Lee Nichols, the Claimant believes that the General Assembly needs to see this new evidence and which will prove ADC does not show equal and un-bias treatment to every inmate.

Motion to Dismiss, -

Case No. 15-0760-CC

Michael Arnett 145390

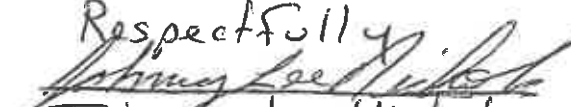
Claimant

- VS -

Arkansas Department of Correction

Respondent

Respectfully,


Johnny Lee Nichols

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

MICHAEL ARNETT (ADC #145390)

CLAIMANT

V.

NO. 15-0760-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

MOTION TO DISMISS

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

1. Claimant alleges that on March 2, 2015, he once again denied work release, Pathway to Freedom, and 309 program and other enrichment programs due to a caution of 'high Escape Risk' being on his institutional file jacket. He seeks \$15,000 as compensation.
2. He states that Warden Banks inappropriately placed felony escape on his jacket instead of 'impairing operation of a vital public facility,' a misdemeanor charge. He claims that this was in violation of ADC policy. Such was not the case. Warden Banks authorized the placement of a notation of "high escape risk" on his institutional file based on his previous conduct. No felony escape was ever entered. He was denied entry into the programs he mentioned due to the high risk of escape he posed.
3. On June 22, 2015, Director Kelley, closed the precaution of high escape risk which arose from an incident in a county jail in 2008. Claimant's record is cleared now of this precaution. He is currently enrolled in the Pathway to Freedom which began on July 1, 2015, but has not reapplied for work release since this precaution has been lifted.

WHEREFORE, for the reasons stated above 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 MOTION TO DISMISS has been served this 17 day of July, 2015, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

MICHAEL ARNETT (ADC #145390)
WRIGHTSVILLE HAWKINS FOR MALES
P. O. BOX 1000
WRIGHTSVILLE, AR 72183-1000

Lisa Mills Wilkins
LISA MILLS WILKINS Ark. Bar #87190

Was at this Unit in 1999, 2000, 2001 and worked
at the Furniture Factory
ADC WORK RELEASE APPLICATION

Unit of Assignment: VARNER

Application For: Mississippi County

Name: Nichols, Johnny Lee

ADC# 115100

Date: 8-10-2015

Age: 45 Last First MI
Date of Birth: 12-3-69

Date Confined in ADC: 8-18-2011

Present Job Assignment: Barracks Porter

Class: 1

No. of Dependents: 0 SSN: _____

P/T.E. Date: 6-22-2015

City/Town Crime Committed: Rogers

County: Benton

County & State of Last Residence: Benton, Arkansas

How Long? 2 years

Community Work Experience:

Employer: Gilbert Central Foreman & Lenim Brown & Root

Position: Heavy Machine operator operator operator

How Long: 4 1/2 years 1 year 1 year

To what location do you plan to parole? Half way House - Any Location

Spouse's Address: Greenland - Divorced ; Daughter also Greenland

Work Address: None

Parent's Address: Johnny Nichols Sr. Evansville Ark. UN-KNOWN

Lee Nichols
Signature of Applicant

DO NOT WRITE BELOW THIS LINE

Eligible: _____ Not Eligible: X Reason: Escape Risk

Reconsider 30 - 90 days: _____ Medical Classification: _____

MMcConnell KJ
Unit Treatment Coordinator Signature

RECOMMENDATION FROM:

Work Supervisor: Yes ___ No ___ Remarks: _____
Mental Health: Yes ___ No ___ Remarks: _____
School Supervisor: Yes ___ No ___ Remarks: _____
Classification: Yes ___ No ___ Remarks: _____
Medical Supervisor: Yes ___ No ___ Remarks: _____

Warden/Supervisor
Sending Unit/Center

Date

Warden/Supervisor
Receiving Unit/Center

Date