

Please print in ink or type

Arkansas Claims Commission

D15.

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

JAN 06 2015

RECEIVED

- ☒ 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. 15-0497-CC
Date Filed January 6, 2014
(Month) (Day) (Year)
Amount of Claim \$ 100.00
Fund DOC

COMPLAINT

Failure to Follow Procedure,
Mental Anguish, Refund of
Expenses

Johnny Lee Nichols 115100, the above named Claimant, of P.O. Box 600, Grady, AR 71644
(Name) (Street or R.F.D. & No.) (City)

(State) (Zip Code) (Daytime Phone No.) County of Lincoln represented by pro-se
(Local 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: \$100.00

Month, day, year and place of incident or service: December 13, 2013

Explanation: I, Johnny Lee Nichols (from here on out will be JLN) will prove that Administrative Procedures of Arkansas, and Policies of Arkansas Department of Corrections that ensure a fair hearing were not followed by STATE employees. By this "cause" of STATE - ARKANSAS DEPARTMENT OF CORRECTIONS (ADC) employees not following these policies and procedures, an "effect" happened that resulted in an injury to JLN. - (1) - JLN will start with how he followed the grievance procedure which is the proper channel to question if how he is being treated by ADC employees is fair and just. - (A) - JLN questioned the contract he was forced to sign, under duress of threats: (to be written a disciplinary if he did not sign the contract) case No. 15-0394-CC, - (B) - whether this contract's performance is legal and lawful, and - (C) - IF it is necessary to torture JLN with wantonness sleep deprivation as a form of punishment. What followed this protest of treatment: - (2) - On November 8, 2013 JLN was given an extension of time, by ADC employees (STAFF), which added to his overall length he must endure this abusive treatment - Grievance (Exhibit) WR-13-00218

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof?
NO; when? (Month) (Day) (Year) to whom? (Department)
(Yes or No) : 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)

(Signature of Claimant/Representative)

SWORN TO and subscribed before me at

ROBERT L MINGO
NOTARY PUBLIC-STATE OF ARKANSAS
DESHA COUNTY
My Commission Expires 01-31-2021
Commission # 12382194

on this 28 day of Dec, 2014
(Date) (Month) (Year)

(Notary Public)

SF1- R7/99

My Commission Expires: (Month) (Day) (Year)

Johnny Lee Nichols 115100
Verner Unit
P.O. Box 600
Grady, AR 71644

December 30, 2014

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

RE: JOHNNY LEE NICHOLS - NEW ACTION -
- VS - ARKANSAS DEPARTMENT OF CORRECTIONS

Dear Brenda Wade :

Please find enclosed the original plus (5)
five copies of a NEW ACTION claim against ADC
for not following Administrative Procedures of
Arkansas and their own established policies.

Please file the original and return a file
marked copy to me.

Thank You

Respectfully

Johnny Lee Nichols
Johnny Lee Nichols

With no specific reasons for their actions other than JLN performance was not adequate to their standards, even though:

- ① JLN did participate in "all" Functions to the best of his ability, and
- ② JLN did participate in "all" groups, and
- ③ JLN did hand in "all" homework, on time, and
- ④ JLN did "all" sanctions (punishments) placed on him, and etc., etc.

③ In the month of December 2013, and a little before, the staff of this program barracks handed out glue sticks to make Christmas decorations for the decorating the barracks. JLN volunteered willingly to participate in this function of decorating the barracks.

④ On around December 10, 2013 Inmate B. Baker was written a confiscation form for his possession of a 16 ounce bottle of ELMER'S GLUE.

⑤ On December 13, 2013 JLN was written a confiscation form for his possession of a 2.5 ml eye dropper bottle of the same ELMER'S GLUE.

⑥ ALL of the glue was being used to make Christmas decorations for the barracks in a group participation of decorating the T.C. Program barracks.

UNDER NO CIRCUMSTANCES IS JLN BRINGING A CONSTITUTIONAL CLAIM TO THIS COMMISSION.

- ⑦ On Saturday, December 14, 2013 JLN was moved out of the T.C. Program barracks and served with a Major Disciplinary. Staff was not present.
- ⑧ The Eighth circuit said in SANTIAGO-Vs-BLAIR, 707 F.3d 984 (2013) A prisoner has a cause of action when the prisoner alleges that prison officials filed disciplinary charges based upon false allegations against the prisoner in retaliation for the prisoner's participation in grievances against prison officials.
- ⑨ ADC must show that JLN actually violated a prison rule HARTFIELD-Vs-NICHOLS, 511 F.3d 826, 829 (8th Cir. 2008).
- ⑩ JLN requested (5) five witnesses to testify in his behalf that he did participate in every way in the T.C. Program since JLN was charged with violation 12-2 "Refusing" to participate in a treatment program, however Ms. NEWTON, the Disciplinary Officer in charge of collecting these statements misled those witnesses by telling them that JLN had a contraband charge instead of the actual charge of 12-2.
- Grievance (Exhibit) WR-13-00251 directly contests this blatant malicious intent to deceive those witnesses and when this went before Grant E. Harris, he refused to entertain this clear violation because the issue is not grievable.
- ⑪ In the body of the disciplinary Cecilia Thompson wrote on JLN, it said that JLN continued to hang on to criminal addictive thinking patterns. Cecilia Thompson was JLN counselor and the only behavior

JLN believes was criminal was staffs by forcing inmates to sign contract, or be written up, then torturing the inmate with sleep deprivation by making him sit in a chair, at his rack, all day long as punishment, **CALLED TIME OUT.**

Sunday - Thursday you must be up at 5:30 AM and can not lay down till 10:30 PM.

Friday & Saturday you must be up at 5:30 AM and can not lay down till 12 AM.

Break Fast at 2 AM to 4 AM requires you to lose even more sleep.

(12) Cecilia Thompson said in the disciplinary that JLN had a bottle of glue but yet JLN was the only inmate that was written up for the glue, he was singled out. Inmate B. Baker did also have glue but did not get a disciplinary written on him and he was allowed to graduate.

(13) Having glue would be a contraband charge in violation of rule and regulation 9-5 Possession of property not issued by Unit. This is not what JLN was charged with, and the fact that the glue was being used to benefit the program by JLN participation in making christmas decorations, this is more of a contradiction to the actual charge than it is evidence supporting the 12-2 "Refusing" to participate in a treatment program.

(14) Cecilia Thompson said in the disciplinary that JLN attempted to confront staff in Encounter Group. The T.C. Client Handbook says that

a client can bring any one that is showing negative behavior to Encounter Group and since Cecilia Thompson had belittled JLN in front of the entire community the day before, he felt it was his duty to follow the rules and participate in holding every one accountable for their actions. JLN was belittled "again" for this in front of the whole community.

(15) On December 18, 2013 JLN was taken to court where he told his side of the events to the Major Disciplinary Hearing Officer which according to the Administrative Directive (AD)

13-10 INMATE DISCIPLINARY MANUAL will ensure that institutional rules and regulations are enforced through an unbiased and prudent fact finder and provide appropriate due process throughout the disciplinary process.
- SO SAYS POLICY -

(16) In section (E) (15) of this same manual, The Disciplinary hearing officer must carefully weigh all evidence with special emphasis upon individual pieces of "primary evidence". In this case the primary evidence was contradictory to the charge or the wrong charge all together.

(17) In § (K) (3) Hearing Officer are to make their decisions solely upon the evidence presented to them in disciplinary court not automatically assume guilt.

⑪ In §(M)(1)(a) The charging person is responsible for providing the Major Disciplinary Hearing Officer with accurate reports of rule violations. "All" information pertaining to the charge(s) must be detailed by the charging person.

⑫ In §(M)(2)(b) Statements made by inmates in their defense or otherwise should be entered in as great detail as possible under "Inmate statements".

In this hearing JLN spoke for a few minutes but the Hearing Officer recorded only:

"I don't see nothing that I did the disciplinary is very vade".

⑬ In §(M)(2)(c) Under "Questions", the hearing officer should indicate the general line of questioning pursued. The hearing officer should probe for any and all additional information which could aid in reaching a "fair" determination of fact.

After all the facts JLN pointed out, (the contradictions), you would think there would have been a few questions!

⑭ In §(M)(2)(e) Under "Factual Basis for Decision", the hearing officer must give a short synopsis of the facts as the hearing officer perceives them after reviewing all the evidence. This should include a summary of the reasons for finding the inmate guilty or not guilty.

This hearing officer used the fact that JLN

was dismissed from the program and violation of AD 06-25 (which is "unknown" because it is not in the Law Library here at Verner Unit) as the reasoning to find him guilty of 12-2 Refusal to participate in a treatment program when the "evidence relied upon" contradicts the charge. Since the same person is responsible for kicking JLN out of the program and is the same person who wrote the disciplinary, would it not be absurd to think it was logically impossible that this same person could have fabricated both events since they both are related in substance.

(22) In §(M)(3)(a) Under "Evidence Relied Upon" the hearing officer must include a list of the individual pieces of evidence that were relied upon in reaching a disposition. Short hand phrases such as "Officers Statement" will not be sufficient to perform this function. The evidence must not only be described, but "must" be explained. The content of any evidence relied should be given. Thus if a charging person's report is to be relied upon, the hearing officer should so state and then proceed to explain exactly what it was in the persons report that the hearing officer relied upon. In cases where contraband are involved, a notation should be made in the proper slot indicating the form in which it was observed and further describing the item with particularity.

(23) In §(M)(3)(b) In any case where the hearing officer makes a finding of guilt notwithstanding the fact that there was some evidence which

purported to exonerate the inmate, the hearing officer must include a statement indicating the reasons why such evidence was discounted.

How about the witnesses that were misled ?
The contradictions in the charge and the evidence itself !

②4 First, the Hearing Officer did not follow policy by any standard.

Second, As JLN pointed out in his statement, which is not provided in the "inmate's Statement", the fact(s) of this disciplinary contradicts the charge of refusing to participate in the program by:

- (A) JLN confronted negative behavior(s) and laws that were being violated by the grievances he wrote, which is what the program teaches inmates to do.
- (B) Attempting to confront negative behaviors of staff in "Encounter Group" is within the Encounter Group guidelines set by the T.C. Client Handbook, ANY NEGATIVE BEHAVIORS.
- (C) The so called contraband (glue in eyedrop bottle) was used to make Christmas decorations for the T.C. Program barracks.

All of which shows participation in the program.
How any of this is considered criminal addictive

thinking patterns by JLN doing exactly what is expected is the biggest contradiction because JLN was not the guilty party here by staff violating the law and their own policy.

So for the Hearing Officer to use this evidence as the sole basis of finding JLN guilty of 12-2 "Refusing" to participate is an unfair and impartial determination. Therefore the Hearing Officer must have had a bias in favor of the charging staff and held that JLN committed the rule infraction even though the disciplinary did not prove this as a fact. So she also violated ABC policy and procedure.

②⑤ In § (M)(3)(c) Under "Reasons for Assessment of Punishment" the hearing officer must state why she felt the particular disciplinary warranted the punishment assessed. And she said:

"Inmate must learn to abide by rules and regulations".

TALK ABOUT IRONIC ! ! !

②⑥ This was appealed at every level but NOTICE how Jada Lawrence, Assistant to the Director said that JLN did not follow appeal process even though there is clear proof he did. So JLN sent it all back in again with copies of this farce.

ALL who were involved in this violation:

- ① Major Disciplinary Hearing Officer -
Justine M. Minor
- ② Director of Arkansas Department of Corrections -
Ray Hobbs
- ③ Assistant to Director -
Jada Lawrence
- ④ Disciplinary Hearing Administrator -
Raymond Naylor
- ⑤ Deputy Director -
Grant E. Harris
- ⑥ Deputy Director for Hlth and Corr SVC -
Rory L. Griffin
- ⑦ Warden of Wrightsville Unit -
Dexter Payne
- ⑧ Coordinator of SATP & T.C. Programs -
Sharon McGlothlin
- ⑨ Deputy Director -
Wendy Kelley
- ⑩ Assistant Coordinator / counselor -
Eve Parham
- ⑪ Counselor to Johnny Lee Nichols -
Cecilia A. Thompson

INJURIES

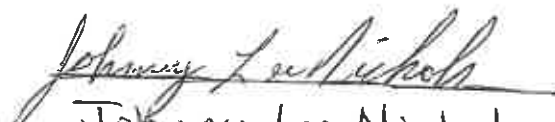
As a result of the actions of ADC employees and their neglect for their own policy I am suffering the following injuries:

- (A) I suffer the stigma of being a disciplinary problem inmate, this disciplinary made it appear that I refused to submit to and obey my authority. This is untrue, for I did no wrong. I only went through the proper channels to question if how I was being treated was fair and just.
- (B) The Hearing Officer convicted me a violation knowing the evidence did not support the charge.
- (C) I suffered the whole ordeal of having my prison class taken away, that forced me to be in many bad barracks until I was class 1 again.
- (D) I did have time invested in the T.C. Program, so I was denied my certificate of graduation.
- (E) The cost and time for preparing this complaint such as copy fees, postage, etc. . . .
- (F) Every employee of ADC named in this claim had a specific job to do to provide for my well being. So after I brought it to their attention, and they refused to HELP me, that is deliberate and maybe collous indifference to that well being.

RELIEF

For the reasons cited herein I
am requesting that this Commission
award me \$ 100.00 or the least amount
allowed and /or any Relief this
Commission deems just and proper.

Respectfully


Johnny Lee Nichols
115100

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Wrightsville

Name Johnny Lee Nichols

ADC# 115100 Brks # 15

Job Assignment T.C. Porter

RECEIVED

FOR OFFICE USE ONLY

GRV. # WR-13-00218

Date Received: 11/13/13

GRV. Code #: 209

11-8-13 (Date) STEP ONE: Informal Resolution

11-13-13 (Date) STEP TWO: Formal Grievance. (All complaints/concerns should first be handled informally.) If the issue was not resolved during Step One, state why: I've wrote grievances on

the sanctions I have gotten and they were unconstitutional and without due process.
(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 November 8, 2013 at 10 AM I was called to the T.C. Program staff office where Mrs. McElathlin, Mrs. Parker, Mrs. Thompson and several other John Doe and Jane Doe staff members were waiting on me. I was told that my 90 day review had been assessed and they (staff) decided I must have a 30 day extension added to my total amount of time I must do in the program and I would be reviewed again in 30 days to determine if I should be terminated which means a disciplinary. Staff said my performance was not adequate by their standards. I asked for specific issues as to what I was doing wrong and none was really given. I signed the 30 day extension because if I had not I would have been kicked out right then with a disciplinary. I have handed in all my homework, even the extra homework I asked for, on time. I participate in all groups because I'm just social that way and I confront negative behavior like I'm suppose to by their structure, even the staffs behavior. I look back on my daily log that I keep and I see no behavior to justify adding any time to the length of my program and possibly retaliation by staff.

Lee Nichols
Inmate Signature
A REJECTION FOR November 8, 2013
APPEAL AND MARKS THE END

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 11/10/13 (date), and determined to be Step One and/or an Emergency Grievance of the person in that department receiving this form: Yes (Yes or No). If yes, name of the person in that department receiving this form: No (Yes or No). If yes, name

Sgt. J. Stone 53436 Sgt. Stone
Staff Name (Problem Solver) ID Number Staff Signature Date 11/10/13

Describe action taken to resolve complaint, including dates: Nichols has had an excessive amount of sanction, continues to hold rightly to his thinking, refuses which will not allow him to go back and change, continue to be very aggressive.
I am DM Nichols 11-13-13
Staff Signature & Date Returned

This form was received on _____ (date), pursuant to Step Two. Is it an Emergency? No (Yes or No).
Staff Who Received Step Two Grievance: _____ Date: _____
Action Taken: _____ (Forwarded to Grievance Officer/Warden/Other) Date: 26 2013

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

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE - Grievance Officer; GREEN - Grievance Officer/Program

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center Brightsville

Name Johnny Lee Nichols

ADC# 115100 Brks # 15

Job Assignment T.C. Perdueville

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

1-13-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: I've wrote grievances on

the sanctions I have gotten and they were unconstitutional and without due process.

(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 November 8, 2013 at 10 AM I was called to the T.C. Program staff office where Mrs. McElath, Mrs. Parkman, Mrs. Thompson and several other John Doe and Jane Doe staff members were waiting on me. I was told that my 90 day review had been assessed and they (staff) decided I must have a 30 day extension added to my total amount of time I must do in the program and I would be reviewed again in 30 days to determine if I should be terminated which means a disciplinary. Staff said my performance was not adequate by their standards. I asked for specific issues as to what I was doing wrong and none was really given. I signed the 30 day extension because if I had not I would have been kicked out right then with a disciplining. I have handed in all my homework, even the extra homework I asked for, on time. I participate in all groups because I'm just social that way and I confront negative behavior like I'm suppose to by their structure; even the staffs behavior. I look back on my daily log that I keep and I see no behavior to justify adding any time to the length of my program and possibly retaliation by staffs actions.

Lee Nichols
Inmate Signature

November 8, 2013
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 11/10/13 (date), and determined to be Step One or Two or Emergency Grievance.

(Yes or No). This form was forwarded to medical or mental health? No (Yes or No). If yes, name

of the person in that department receiving this form:

Sgt. J. Stone

53436

DEC 26 2013

Date

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Nichols HAS HAD AN EXCESSIVE

11/10/13

Describe action taken to resolve complaint, including dates:

amount of sanction continues to hold tightly to his thinking
places which will not allow him to grow and change, continue
to be very aggressive.
I have 0 M. Blockin 11-13-13

Staff Signature & Date Returned

Lee Nichols 11-13-13

This form was received on

(date), pursuant to

Step Two or Is it an Emergency?

NO (Yes or No).

Staff Who Received Step Two Grievance:

Action Taken:

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

DEC 26 2013

Forwarded, provide name of person receiving this form:

APPEAL AND MARKS THE END

Date:

DISTRIBUTION: YELLOW & PINK - Inmate Receipts BLUE - Grievance Officer

ACKNOWLEDGMENT OR REJECTION OF UNIT LEVEL GRIEVANCE

TO: Inmate Nichols, Johnny L.

FROM: Voss, Denese L

DATE: 11/18/2013

ADC #: 115100C

TITLE: ADC Inmate Grievance Coord

GRIEVANCE #: WR-13-00218

Please be advised, I have received your Grievance dated 11/08/2013 on 11/15/2013.
You should receive communication regarding the Grievance by 12/17/2013.



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 #

FAILURE TO FOLLOW
POLICY HAS RESULTED IN
A REJECTION FOR THIS
APPEAL AND MARKS THE END
OF THE APPEAL PROCESS

RECEIVED DEPUTY DIRECTOR
ARKANSAS DEPARTMENT
OF CORRECTION

DEC 26 2013

HEALTH & CORRECTIONAL PROGRAMS

SAIP

Sum
11/21/13

INMATE NAME: Nichols, Johnny L.

ADC #: 115100C

GRIEVANCE #: WR-13-00218

WARDEN/CENTER SUPERVISOR'S DECISION

BK10
17

Be advised that I am in receipt of your grievance dated 11/8/13, received on 11/15/13, in which you are grieving an extension of treatment services in the SATP Program. Mrs. McGlothlin advises that entered the Wrightsville TC Program on 9-18-13. For the first 2 weeks you did not complete your journal, as required. After being in the program for only 53 days a Behavior Contract was issued to you on 11-8-13. At that time you received 32 days of sanctions plus a writing assignment. Mrs. McGlothlin advises that continue to hold on to your criminal and addictive thinking patterns. She also advises that you have little to no acceptance and will argue and argue no matter how many times his counselor tries to explain. Mrs. McGlothlin advises that you have made little progress, if any, since beginning your participation in the Wrightsville Program. Records reflect that you did receive an extension of treatment services for a period of 30 days. Inmate Nichols I would strongly recommend that you sincerely participate in the program in an attempt to address issues in your behavior. This grievance is found to be without merit, and no further action will be taken.

DEC 27 2013

Arkansas
Department of Correction

11.25.13
Date

[Signature]
Signature of Warden/Supervisor or Designee

RECEIVED DEPUTY DIRECTOR
ARKANSAS DEPARTMENT
OF CORRECTION

Warden
THE POLICY TO FOLLOW
POLICY HAS RESULTED
A REJECTION FOR THIS

DEC 26 2013

APPEAL AND MARKS
OF THE APPEAL PROCESS

HEALTH & CORRECTIONAL PROGRAMS

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 state in the space provided below.

DO YOU DISAGREE WITH THE ABOVE RESPONSE? I am being taught to confront behavior
which I have done. Even ADC personnel & T.C. Staff's negative behavior
which I believe this extension is retaliation for this confrontation.
Program structure forces me to confront negative behaviors and deny
and others of our Constitutional Rights is a negative behavior which
evident in many other grievances I have wrote on this program.
Some of the sanctions I have gotten were from violating ADC Administrative
procedures or Directives or Memorandums or for any rule listed in the

NEGATIVE

Lee Nichols

115100

December 6, 2013

Inmate Signature
ate Hand book. I can receive a sanction in T.C. for standing up with my
words in my ears or not saying a sign correctly. These are not NORMAL
violations, none of which are reflections on my character as a person
one of these so called violations warrant the corporal punishment that
listed on me, little alone extend my time over the same violation. Seems
in getting punished twice for the same thing. They want us to confront
them instead of them.

I would also like to point out another fact here. A lot of my sanctions were instigated by one particular person / inmate, inmate Burrows more or less stalked me for the whole time I was on a sanction and continually wrote me up for whatever could to keep me on time out which kept me on my rack. This inmate has had many encounters with others to the point that staff has finally forced him to stop writing others up altogether however staff has not considered in the fact I received most of my sanctions from this person. A few of my grievances were over the fact staff would not give me due process over this inmates write ups. I'm confused at how this is considered treatment. Basically if I will show myself to be a door mate and not say anything about any of this, I would not have an extension added to my time. Seems to me this is a contradiction to what I say T.C. Structure is suppose to be teaching us.

FAILURE TO FOLLOW
POLICY HAS RESULTED IN
A REJECTION FOR THIS
APPEAL AND MARKS THE END
OF THE APPEAL PROCESS

IGFT405
3GT

Attachment V

ACKNOWLEDGEMENT OF GRIEVANCE APPEAL or REJECTION OF APPEAL

TO: Inmate Nichols, Johnny L.ADC #: 115100CFROM: Kelley, Wendy L.TITLE: Deputy DirectorRE: Receipt of Grievance WR-13-00218DATE: 12/30/2013BK10
17

Please be advised, the appeal of your grievance dated

→ was received in my office on this date 11/08/2013
12/30/2013 ←

Your grievance appeal is being returned pursuant to the Administrative Directive on Inmate Grievances due to one of the following:

- ☒ 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

FAILURE TO FOLLOW
POLICY HAS RESULTED IN
A REJECTION FOR THIS
APPEAL AND MARKS THE END
OF THE APPEAL PROCESS

UNIT LEVEL GRIEVANCE FOR (Attachment I)

Unit/Center Wrightsville

Name Johnny Lee Nichols

ADC# 115100

Brks # 108

Job Assignment Unit Clerk

RECEIVED

19203

FOR OFFICE USE ONLY

GRV. # WR-13-00251

Date Received: 12/18/13

GRV. Code #: 209-33

2-17-13 (Date) STEP ONE: Informal Resolution

2-17-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: Misleading my witnesses to believe the charge is about contraband, going to help me when I go to court?

(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 right to due process from the STATE OF ARKANSAS and the UNITED STATES OF AMERICA. Calling witnesses is in this due process right. Misleading my witnesses to make statements that have nothing to do with my case will deny me a fair hearing in front of a tribunal which is denying me due process. I want my witnesses to make statements on the fact I did participate in the Therapeutic Community Program, even if I lay to the best of their knowledge, because Refusal to participate is what I am charged with 12-2. My witnesses were misled to believe I was charged with a contraband charge, therefore, could not give me the help I know they wanted to give me.

12-2 is not a contraband charge. 12-2 is refusal to participate.

Lee Nichols

Inmate Signature

December 17, 2013

Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on _____ (date), and determined to be Step One and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? _____ (Yes or No). If yes, name

the person in that department receiving this form:

Sgt. RAGLAND 5780

Sgt. C. Ragland

Date

12/17/13

Describe action taken to resolve complaint, including dates:

Witnesses that were summoned on behalf of Inmate Nichols were given information for the proceedings of a future court hearing, which was dated and staff that had charged. It is disciplinary matter and it is not grievable, per Ms. Newton.

Staff Signature & Date Returned: [Signature] 12-17-13

Inmate Signature & Date Received

Who Received Step Two Grievance: _____ (Yes or No), RECEIVED

Action Taken: _____ Date: _____

Forwarded, provide name of person receiving this form: _____ Date: _____

DISTRIBUTION: YELLOW & PINK - Inmate Receipts; BLUE-Grievance Officer; ORIGINAL Given back

Inmate After Completion of Step One and Step Two

IGTT410
3GS

Attachment III

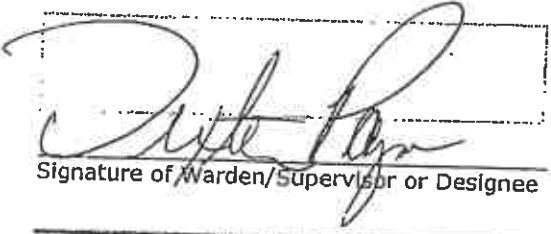
INMATE NAME: Nichols, Johnny L.ADC #: 115100CGRIEVANCE #: WR-13-00251

WARDEN/CENTER SUPERVISOR'S DECISION

I am in receipt of your grievance dated 12/1/2013 received 12/19/2013, in which you allege you were denied due process.

This is not the format to resolve issue of this nature. These issues are addressed through the disciplinary Appeal Process.

Therefore, I find this grievance has no merit.


Signature of Warden/Supervisor or Designee

Title

WARDEN RECEIVED

Date

JAN 14 2014

INMATE'S APPEAL

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

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?

This happened before I went to court and this is just another way for the issues behind this to not get addressed like every other grievance I have wrote. I am being retaliated on by the Therapeutic Community Program staff members: Shorona McGlothlin, Cecilia Thompson, and Ms Parham and ADC Administration is helping them by not addressing the facts I have brought up. The Governor will see this along with the FBI, Attorney



Inmate Signature

115100

ADC#

1-11-14

Date

oral (State & Federal) and every other person I can send this to. I was forced to sign in to the T.C. Program by threats, coercion, and duress (if I did not sign the contract I would be given a disciplinary). A violation of the Uniform Commercial Code - Arkansas Code Annotated § 4-2-302 Unconscionable Contract & many others and by which this contract violated

my and other persons Civil and Constitutional rights
of the contracts performance.

I wrote many grievances contesting all of this all of which
were not addressed by ADC Administration.

I was directly retaliated on by T.C. Staff members which
is against the very directive of the grievance procedure, the
T.C. Program Client Handbook, AR 225, and many laws.

Ms Newton the ~~Disciplinary~~ Disciplinary Officer obviously
has directed my witnesses to help the T.C. Staff members so
the truth would not get presented when I went to court
over the T.C. Staff members retaliating on me.

I have 10 grievances (all of which have Not been addressed
by ADC Admin.) to prove I contested all of the
T.C. Program and its stuff.

And that I was retaliated on.

There is not one shred of evidence to prove I did not
participate in the program. As a matter of fact I had two
weeks of home work that Cecilia Thompson would not take
from me that I still have, and my witnesses would have
testified that I did every thing expected of me in every
day.

Inmates must sign in or get wrote a disciplinary. Inmates
can not sign out without a disciplinary. And Inmates can
not contest the treatment in the program without getting
retaliated on. The contract is held over the inmates head
daily with the threat of being wrote up if he does not comply
with being tortured with sleep deprivation.

I do not care what you do to every one else that won't
end up for them selfs, but I do care what you do to

Every one is going to see my evidence against you
~~and~~ without any tricks. Just the TRUTH /

IGTT405
3GT

Attachment V

ACKNOWLEDGEMENT OF GRIEVANCE APPEAL or REJECTION OF APPEAL

TO: Inmate Nichols, Johnny L.ADC #: 115100CFROM: Harris, Grant ETITLE: Deputy DirectorRE: Receipt of Grievance WR-13-00251DATE: 01/14/2014

Please be advised, the appeal of your grievance dated
12/17/2013
was received in my office on this date 01/14/2014

You will receive communication from this office regarding this Grievance by 02/27/2014

- ☒ 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#:WR-13-00251

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

I have received your formal grievance appeal dated 12/17/13 in reference to failure to receive due process during a disciplinary hear.

After reviewing all supporting documentation, I have determined this entire matter is not grievable through the inmate grievance procedure. Therefore, I will not address the merits of your appeal which is denied.


Director

Date

2-18-2014

ISSR100

Arkansas Department of Corrections
Wrightsville Unit Unit
MAJOR DISCIPLINARY

Inmate: Nichols, Johnny Lee

ADC#: 115100C

RECEIVED & FILED

If the C.S.O. determines that the violation(s) described on this document are felonious, he/she must hand carry this document to the Unit Warden who must immediately notify the Director.
OFFICE OF THE CLERK
U.S. COURT OF FEDERAL CLAIMS
Assignment: AM/PM: Barracks Porter

Class: I-C is being charged by Thompson, Cecilia A
with code violation(s):

Title: SATP Program Leader (ADC)

12-2 Refusal to participate in a treatment program, boot camp, or violating program rules that results in dismissal from the program.

Date & Time: 12/13/2013 2:45 PM

Notice of Charges:

14-330C

On December 13, 2013, at approximately 2:45 p.m. in Barracks 15, a Clinical Staffing was conducted on Inmate Johnny Nichols #115100. It was determined at that time that Inmate Johnny Nichols #115100 would be terminated from the 9-12 month TC program. Due to failing to make progress for 3 consecutive months, by continuing to hang on the criminal addictive thinking patterns which include contraband (glue in eyedrop bottle), attempting to confront staff in encounter group, and general lack of participation, therefore in accordance with ADC Administrative Directive 12-32, I, Cecilia Thompson, am charging Inmate Johnny Nichols #115100 with rule violation 12-2, Refusal to participate in a treatment program.

Cecilia Thompson

Signature of Charging Officer

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

NOTIFICATION:

Officer

Date & Time Notified

Witness Statements:

No ☒

If yes, list:

Inmate's Signature

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

By: Shipman, James T Jr

Date 12/16/2013

Extension:

No ☒

Yes

Has extension form been completed?

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

Counsel-Substitute: Assigned (Name)

Not Assigned

Exhibit

25

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Nichols, Johnny Lee

ADC#: 1151000

Unit: Wrightsville Unit

Code Violation(s):

12-2 Refusal to participate in a treatment program, boot camp, or violating program rules that results in dismissal from the program.

Date/Time of Alleged Offense(s): 12/13/2013 2:45 PM

Hearing Date: 12/18/2013

Time: Start 2:59 PM

End 3:04 PM

Recorder: Minor, Justine M

Tape#:

Side:

Meter: From

To

Plea: Not Guilty

Attendance Waived: No

Has waiver form been completed?

Inmate's Statement:

I, I dont see nothing that I did the disciplinary is very vade

Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty

GT Class Reduced to:

III

Class Suspended:

Inmate: Nichols, Johnny Lee

ADC#: 115100C

Unit: Wrightsville Unit

Additional Sanctions/General Comments:

Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):

Inmate was dismissed from S.A.T.P. program and violated A.D. 06-25.

Evidence Relied Upon:

#05 from staff supporting F-I report, F-I statement from charging officer. Supporting inmate witness statements are attached.

Reasons Why Information Purporting to Exonerate Inmate was Discounted:

Staff report is accepted.

Reasons for Assessment of Punishment:

Inmate must learn to abide by rules and regulations

I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature _____

Counsel-Substitute _____

I affirm that the information is true to the best of my knowledge.

Hearing Officer _____

Date _____



Arkansas Department of Correction

MEMORANDUM

TO: Inmate Johnny Nichols ADC# 115100
Wrightsville Unit

FROM: Raymond Naylor, Disciplinary Hearing Administrator

RE: Major Disciplinary Appeal

DATE: January 14, 2014

Please be advised I am in receipt of your disciplinary appeal dated 01-08-2014, regarding the major disciplinary you received on 12-13-2013, 2:40pm, by SATP Program Leader Cecilia Thompson.

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

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

RN1

Cc: Superintendent Payne / Inmate File
File



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

MEMORANDUM

TO: Inmate J. Nichols, ADC #115100
Delta Regional Unit

From: Jada Lawrence *Jada Lawrence*
Assistant to the Director

Date: January 27, 2014

RE: Major Disciplinary Appeal

I am in receipt of your disciplinary appeal regarding a major disciplinary you received on 12/13/2013, at 2:45 p.m., by C. Thompson, SATP Leader.

After thoroughly reviewing your information, I find that you have not followed the proper major disciplinary appeal process as outlined in AR 831. After receiving your appeal answer from the Warden, the next phase of the major disciplinary appeal process is the Disciplinary Hearing Administrator before appealing to this office.

If you do not agree with the Disciplinary Hearing Officer's decision, you may appeal back to this office.

JL/cv

cc: Warden/Inmate File
Hearing Officer Administrator
File



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

MEMORANDUM

TO: Inmate J. Nichols, ADC #115100
Varner Unit
From: Ray Hobbs, Director
Date: March 12, 2014
RE: Disciplinary Appeal

I am in receipt of your disciplinary appeal regarding a major disciplinary you received on 12/13/2013, at 2:45 p.m., by C. Thompson, SATP Leader.

After reviewing your appeal, I find that you have failed to provide any additional evidence that would warrant modification or reversal of the disciplinary hearing officer's decision. Therefore, I find no evidence to support modification or reversal of this disciplinary.

Your appeal is denied.

RH/cv

cc: Warden/Inmate File
Hearing Officer Administrator
File

Arkansas
State Claims Commission
JAN 20 2015

RECEIVED
CLAIMANT

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOHNNY NICHOLS (ADC 115100)

V.

NO. 15-0497-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.

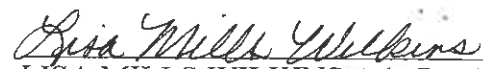
Respectfully submitted,
Department of Correction Office of Counsel


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 14 day of January, 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 - CASE NO. 15-0497-CC

ARKANSAS DEPARTMENT OF CORRECTIONS
(ADC)

Arkansas Claims Commission
JAN 21 2015
RECEIVED

JANUARY 19, 2015

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 A hearing should be set directly because the Respondent denies liability of any wrongdoing of the employee's of ADC and requests the matter be held in abeyance until "the investigation" is completed, "which is the typical blanket denial" however once again there has already been sufficient time for an "investigation" and the error could have been corrected by any stage in the appeal process or the grievances that were wrote protesting this treatment. All avenues were exhausted fully.

- ② Employee's of Arkansas Department of Corrections refuses to follow the established policies, is the issue at hand,
- 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

CERTIFICATE OF SERVICE

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

Lisa Mills Wilkins
Po Box 8707
Pine Bluff, AR 71611

Johnny Lee Nichols
Johnny Lee Nichols

BEFORE THE STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS 115100 CLAIMANT

- VS - No. 15-0497-CC

ARKANSAS DEPARTMENT OF CORRECTIONS

FEBRUARY 14, 2015

Arkansas
State Claims Commission
FEB 20 2015

REQUEST FOR DOCUMENTS

RECEIVED

Now comes the Claimant, Johnny Lee Nichols, prose, in a Request For Documents for the purpose of discovery and possibly supporting his claim before the Arkansas State Claims Commission.

The following documents are requested from the Respondent because these documents were "Evidence Relied Upon" by the Hearing Officer:

- ① The "005" INCIDENT REPORT that was written to support the Major Disciplinary that Cecilia A. Thompson wrote on Nichols;
- ② The "STATEMENT FROM CHARGING OFFICER" pertaining to the Major Disciplinary;
- ③ The "INMATE WITNESS STATEMENT (S)" that

Nichols requested the Disciplinary Officer, Ms Newton, to admit/acknowledge for the record;

- ④ The following Administrative Directive "AD 06-25" is requested due to the fact it was the Hearing Officers "Factual Basis For Decision" which was quoted in the Hearing Action: "Inmate was dismiss from SATP program and violated AD. 06-25".

This AD-06-25 is not in the Varner Unit Law Library therefore Claimant does not have any access to this directive.

- ⑤ Due to the Fact Cecilia A Thompson specifically quoted using the "CLINICAL STAFFING" as a refferrance to determine a decision to write a Major Disciplinary on the Claimant, Johnny Lee Nichols, he respectfully requests for all of the Clinical Staffing Hearing and/or Meeting reports and/or proceedings such as the minutes and/or the transcript and/or any record of the Respondents discussions and reasons for their actions that lead to Cecilia A. Thompson to believe she needed to write a Major Disciplinary (that had no merit).

- ⑥ Cecilia A. Thompson said in the Major Disciplinary (quote):
Nichols "attempted to confront staff in encounter group".

The only way Johnny Lee Nichols can prove this was within the rules of the T.C. Program is to request the rules of the program:

① The "T.C. CLIENT HANDBOOK"

② The "T.C. PROTOCOL MANUAL"

This should be the rules that was in place in 2013.

SUMMARY LIST

005 INCIDENT REPORT

STATEMENT FROM CHARGE OFFICER

INMATE WITNESS STATEMENT(S)

A.D. 06-25

CLINICAL STAFFING

T.C. CLIENT HANDBOOK

T.C. PROTOCOL MANUAL

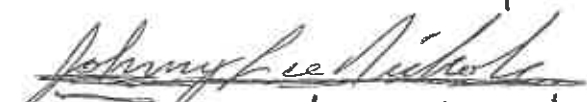
The Claimant, Johnny Lee Nichols, believes that by these documents that they will support his theory and prove that the Hearing Officer did not have in her possession factual grounds for her decision to find Nichols guilty therefore the Hearing Officer did "not" follow policy.

In the event that Respondent should raise security or any other reason that Claimant should be denied proper discovery, the Claimant prays the Claims Commission to compel the Respondent to follow the Rules of Civil Procedure.

Claimant reserves the right for future discovery - Request for Documents - and prays Respondent will comply with this requested material, expeditiously.

God Bless You and let the TRUTH prevail.

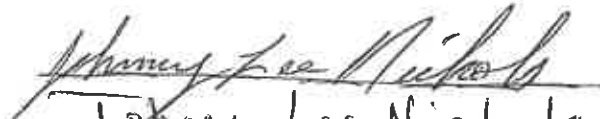
Respectfully


Johnny Lee Nichols

CERTIFICATE OF SERVICE

I certify that a copy of this
Request For Documents has been served
this February 14, 2015 on the
Respondent by placing a copy of the
same in the U.S. Postal Service, postage
pre paid to :

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


Johnny Lee Nichols

APR 06 2015

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

JOHNNY LEE NICHOLS (ADC #115100)

CLAIMANT

V.

NO. 15-0497-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS

COMES NOW the Respondent, Arkansas Department of Correction, and for its Response to Request for Production of Documents states as follows:

1. Response to Request for Production No. 1: Unable to locate one at this time. If found, this response will be supplemented.
2. Response to Request for Production No. 2: It is contained in the Notice of Charges and is attached as claimant's Exhibit.
3. Response to Request for Production No. 3: Do not know what is being requested here. Respondent is not in possession of any inmate witness statements.
4. Response to Request for Production No. 4: Objection. All policies to which the claimant is entitled are located in the law library for his review.
5. Response to Request for Production No. 5: Objection. Not relevant and not likely to lead to any relevant information.
6. Response to Request for Production No. 6: Objection. Not relevant and not likely to lead to any relevant information.

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


LISA MILLS WILKINS Ark. Bar #87190

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 100.00

Claim No. 15-0497-CC

Johnny Lee Nichols #115100 Claimant
vs.

Attorneys

Pro se Claimant

AR Department of Corrections
State of Arkansas Respondent

Lisa Wilkins, Attorney
Respondent

Date Filed January 6, 2014

Type of Claim Failure to Follow Procedure, Mental
Anguish, Refund of Expenses

FINDING OF FACTS

This claim was filed for Failure to Follow Procedure, mental anguish, and Refund of Expenses in the amount of \$100.00 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)

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.

June 10, 2015

Date of Hearing

June 10, 2015

Date of Disposition

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.

BEFORE THE ARKANSAS STATE CLAIMS
COMMISSION

JOHNNY LEE NICHOLS 11500 CLAIMANT

- VS - Case No. 15 - 0497 - CC

ARKANSAS DEPARTMENT OF CORRECTION
+ ADC +

Arkansas Claims Commission

JUL 09 2015

July 7, 2015

RECEIVED

MOTION FOR RECONSIDERATION

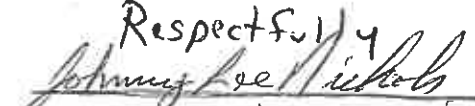
I, Johnny Lee Nichols, the indigent and oppressed, pro se Claimant hereby states and declares, for and on the Record, under penalty of perjury:

- ① That, I oppose and object to being denied a copy of the transcript for the hearing date of June 10, 2015.
- ② That, Corporations are responsible for their agents, officers, and employees in the same way that individuals are, STATE OF ARKANSAS and ARKANSAS DEPARTMENT OF CORRECTIONS are corporations and are bound by their charter, Administrative Procedures, Regulations, and Directives when adjudicating a hearing, concerning a disciplinary.

- ③ That, I, Johnny Lee Nichols specifically remember
< because I am denied a copy of the transcript to prove
this fact > that I quoted "many" violations:
- (A) Was not able to call "any" witnesses and employees of
ADC misled the witnesses to believe I had a different
charge - Grievance WR-13-00251,
 - (B) The hearing officer did not follow Administrative
Procedure - Due Process - or follow any ADC policy
in any part of the adjudication,
 - (C) The Disciplinary had "No" evidence to support a
conviction, but in fact discredited the charge.

④ Let it be known, that, due to the fact ADC is
now using the disciplinary in ways besides a
way to control behaviors: (A) Disciplinarys are seen
by the Parole Board, and (B) Disciplinarys are seen by
the PUBLIC, there must be an appeal process
past the STATE entities whom appear to be bias
of the out come, and whom show a blatant dis-
regard to Constitutional Rights to a fair trial.

WHEREFORE, I, Johnny Lee Nichols demand a reconsideration
to the fact that I did not receive a fair hearing or
trial in the disciplinary or the hearing on June 10, 2015
and that there is a blatant defect in STATE agencies
aiding and abetting each others non-compliance and thus
leaving no legal remedies to be pursued [if any remedy does exist
claims Commission should reveal this remedy to this claimant]

Respectfully

Johnny Lee Nichols

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 100.00

Claim No. 15-0497-CC

<u>Johnny Lee Nichols, #115100</u> Claimant		Attorneys	<u>Pro se</u> Claimant
vs.			
<u>Department of Corrections</u>	Respondent	<u>Lisa Wilkins, Attorney</u>	Respondent
<u>State of Arkansas</u>			
Date Filed <u>January 6, 2015</u>		Type of Claim <u>Refund of Expenses, Mental Anguish</u>	
		<u>Failure to Follow Procedure</u>	

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.

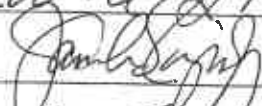
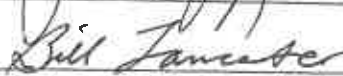
(See Back of Opinion Form)

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

BEFORE THE ARKANSAS STATE CLAIMS
COMMISSION

JOHNNY LEE NICHOLS 115100

CLAIMANT

-VS-

Case No. 15-0497-CC

ARKANSAS DEPARTMENT OF CORRECTION
< ADC >

Arkansas Claims Commission

SEP 11 2015

RECEIVED

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

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

- ① That the ADC is "not" following their own Regulations or Directives;
- ② That the Claims Commission Committee is rubber stamping "deny" inmates claims against ADC, even when the inmate has a valid claim.

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

- 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 many specific violations of ADC employees not following ADC policy and denying Nichols a fair disciplinary hearing, in the June 10, 2015 Hearing, in front of the Claims Commission Committee, which were:

①. Nichols was not able to call "any" witnesses to his disciplinary hearing because ADC employees misled the witnesses to believe Nichols had a different charge than he actually had
See: Grievance WR-13-00251.

②. The hearing officer for the disciplinary did not follow ADC Administrative Policy, Due Process, Equal Protection of the Rules or law in any part of the adjudication.

③. The disciplinary had "No" evidence to support a conviction, but in fact dis-credited the charge.

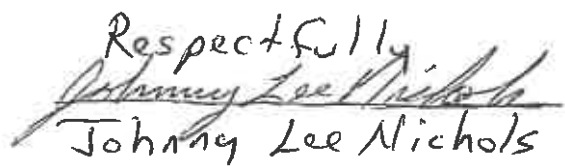
- ③ Let it be known, that, due to the fact ADC is now using the disciplinaries in ways besides a way to control behaviors:

① Disciplinaries are seen by the Parole Board;

② Disciplinaries are seen by the PUBLIC.

THEREFORE there must be an Appeal Process past the ADC or other STATE entities whom appear to be bias of the outcome, and whom show a blatant disregard to the inmates Right to a fair trial or hearing.

WHEREFORE, I, Johnny Lee Nichols prays that this Appeal will not fall on deaf ears and you will see that I did not receive a fair hearing or trial in the disciplinary or the hearing in front of the Claims Commission committee on June 10, 2015 and that there is a defect in STATE agencies aiding and abetting which makes them an accessory to the fact to each others non-compliance and thus leaving no legal remedies to be pursued, and any other relief you deem appropriate.

Respectfully,

Johnny Lee Nichols