

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

Arkansas
State Claims Commission

AUG 05 2013

F1

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

RECEIVED

- Mr.
- Mrs.
- Ms.
- Miss

Christopher Deaton, #143472, Claimant

vs.

State of Arkansas, Respondent
Dept. of Correction

Do Not Write in These Spaces		
Claim No.	14-0104-CC	
Date Filed	August 5, 2013	
	(Month)	(Day) (Year)
Amount of Claim \$	7,000.00	
Fund	DOC	

Failure to Follow Procedure

COMPLAINT

Christopher Deaton, #143472, the above named Claimant, of P.O. Box 600, Grady, AR 71644
(Name) (Street or R.F.D. & No.) (City)

NA County of NA represented by NA
(State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)

of NA (City) (State) (Zip Code) (Phone No.) (Fax No.) says:

State agency involved: Arkansas Department of Correction Amount sought: \$7000.00

Month, day, year and place of incident or service: January 16, 2013 - February 12, 2013; East Arkansas Regional Unit, ADC

Explanation:
Due to insufficient space on this form and clarity of the presentation please refer to the attached pages and exhibits.

Attachments: (7) page presentation
(9) exhibits (21 pages, including cover pages)

Total Pages: (28)

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? NA to whom? NA (Department)

and that \$ NA was paid thereon: (2) Has any third person or corporation an interest in this claim? NO; if so, state name and address
NA (Name) NA (Street or R.F.D. & No.) NA (City) NA (State) NA (Zip Code)
and that the nature thereof is as follows: NA and was acquired on NA in the following manner:

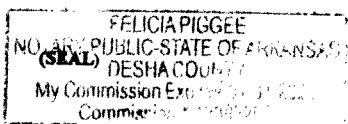
THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.

Christopher Deaton
(Print Claimant/Representative Name)

[Signature]
(Signature of Claimant/Representative)

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

on this 01 day of August, 2013
(Date) (Month) (Year)



Felicia Piggee
(Notary Public)

My Commission Expires: 01 31 2021
(Month) (Day) (Year)

SF1- R7/99

Attachment

Circumstances Giving Rise to the Claim

It is my religious belief not to cut my hair per vow of a Nazirite. The ADC has a grooming policy that regulates hair length. (AD 98-04). Therefore, my hair length is in non-compliance with grooming standards.

The East Arkansas Regional Unit's (EARU) unit grooming policy states that "[a]n inmate will not be written a subsequent disciplinary while still serving a sentence for a previous violation of grooming standards." (Exhibit A, EARU Unit grooming policy 9.14.0). This policy procedure simply means that I must come off punitive status from a previous grooming violation before I can be written another Major Disciplinary for non-compliance with grooming standards.

On December 12, 2012, I was written a major disciplinary for non-compliance with grooming standards. (Exhibit B). On December 19, 2012 Disciplinary Hearing Officer (DHO) Keith L. Waddle found me guilty of these rule violations and sentenced me to thirty (30) days punitive isolation. (Exhibit C). This (30) days of punitive isolation began on December 19, 2012 and ended at mid-night on January 18, 2013.

On January 16, 2013, Lt. Cecil D. Burnett wrote me a Major Disciplinary for non-compliance with grooming standards. (Exhibit D) At that time I was "still serving a sentence for a previous violation of grooming standards."

Once the disciplinary was written it was sent to the Chief Security Officer (CSO), Major Deangelo M. Earl, for approval. The CSO's responsibilities include an investigation to determine whether he should (1) forward it for a hearing as a major disciplinary; (2) reduce it from a major to a minor disciplinary; or

(3) dismiss the disciplinary. (EARU Unit policy, 15.01.0, Disciplinary Procedures). CSO Earl chose to forward it for a hearing as a Major Disciplinary.

On January 22, 2013, I went to a Disciplinary Hearing, via video conference, and presented EARU's Unit grooming policy, 9.14.0, as documentary evidence to DHO Justine Minor. After reviewing the policy and hearing the facts, she post-poned the hearing to the next day to determine if the unit grooming policy I presented was current.

On January 23, 2013, I returned for a Disciplinary Hearing, via video conference, and presented EARU's Unit grooming policy, 9.14.0, as documentary evidence to DHO Terrie L. Bavister, a different DHO from the previous day. I explained the reason for the postponement of the hearing from the previous day to DHO Bavister and explained that I was, in fact, on punitive when this major disciplinary was written and, per policy, the disciplinary charges should be dismissed. DHO Bavister stated, "I don't want to hear about no policy", and found me guilty of the disciplinary charges and sentenced me to thirty (30) days of punitive isolation, plus, sixty days commissary, phone, and visitation restriction. (Exhibit E).

The Unit Disciplinary Officer, Cpl. R. Thorn, was present during the entire hearing. After DHO Bavister had cut off audio communications to make her decision, Cpl. Thorn stated, "She basically said F*** policy".

DHO Bavister's blatant disregard for policy was demonstrated by her statement, "I don't want to hear about no policy", yet, her report stated that the ~~policy~~ 'Evidence Relied Upon' included the "unit policy". (Exhibit F). The conviction itself also demonstrates blatant disregard for policy.

On January 28, 2013, I appealed DHO Bavister's decision to Warden Danny Burl, EARU. On February 12, 2013 the conviction was reversed based on EARU's unit grooming policy, 9.14.0, where the Major Disciplinary should not have been written because I was still serving a sentence for a previous violation of grooming standards. (Exhibit G).

DHO Bavister's policy violations caused me to be subjected to punitive isolation from January 23, 2013 to February 12, 2013 - approximately twenty (20) days - where the charges should have been dismissed per policy.

On February 17, 2013, I wrote a grievance stating that DHO Bavister intentionally violated policy and caused me to suffer twenty (20) days in punitive isolation. This grievance was subsequently denied where, "per AD 12-16, disciplinaries are non-grievable." (Exhibit H). All administrative remedies, as are available to me, have been exhausted.

Monetary Damages

From my arrival at EARU on March 13, 2009 to April 20, 2012, EARU officials had a custom or practice of writing inmates in non-compliance with grooming standards a major disciplinary several times a month with the intent to keep the inmate on punitive status until he come into compliance. During that three year period the Unit grooming policy, 9.14.0, was not available to any inmate through the unit Law Library. (Exhibit I). But, it should be noted that the policy had been in effect since September 1, 1998.

On April 20, 2012 the policy became available in the unit Law Library and, after presenting the policy to the Deputy Warden and Max Commander, EARU officials began the practice of NOT writing an inmate, including myself, in non-compliance with grooming standards a major disciplinary until he come off punitive status from a previous sentence for non-compliance with grooming standards. This new custom or practice became a conversation topic between staff and inmates over the next several months.

Cecil D. Burnett is a lieutenant at EARU and is required to be knowledgeable of all ADC and unit policy and procedures, including EARU's unit grooming policy 9.14.0. In the body of the disciplinary he wrote:

"...inmate C. Deaton is aware that his actions are against ADC and unit policy, therefore a major disciplinary was written." ~~XXXXXXXXXXXXXXXXXXXX~~
(see Exhibit D).

Lt. Burnett's mention of unit policy in the body of the disciplinary demonstrates that he was aware of the unit grooming policy and should have been aware of its procedures as well. Therefore, he knew or should have known that it restricted him from writing me a major disciplinary while I was still on punitive status for a previous sentence for non-compliance with grooming standards. This knowledge should have been even more prevalent where he and I had already discussed this particular restriction within policy sometime between April 20, 2012 and January 16, 2013.

Lt. Burnett's actions caused me to be placed on Disciplinary Court Review (DCR) status from January 16, 2013 through January 23, 2013 - approximately seven (7) days.

Deangelo M. Earl is a Major and CSO at EARU and is required to be knowledgeable of all ADC and unit policies and procedures, including EARU's unit grooming policy 9.14.0. As CSO, he is required to investigate all major disciplinarys to determine if a rule infraction has, in fact, occurred and make any appropriate adjustments as required by policy. Maj. Earl knew or should have known, especially with the ~~recent~~ recent controversy concerning the unit grooming policy, that EARU's unit grooming policy, 9.14.0, restricted any ADC official from writing me a major disciplinary for non-compliance with grooming standards until I come off punitive status from a previous sentence for non-compliance with grooming standards.

Maj. Earl's actions of not dismissing the major disciplinary, as required by policy, and forwarding it to the DHO for a hearing caused me to be subjected to DCR status from January 17, 2013 through January 23, 2013 - approximately six (6) days.

Although Lt. Burnett and Maj. Earl acted independently in their respective roles, they were joint responsible for my DCR status. Thus, their combined actions caused me to be subjected to seven (7) total days of DCR status.

The United States District Court, Eastern District of Arkansas, concluded that \$2,500⁰⁰ was appropriate damages for an ADC inmate placed on DCR status for six (6) days where the disciplinary was written in violation of ADC policy. Haynes v. Stephenson, 2008 WL 4368994 (E.D. Ark. Sept. 19, 2008); aff'd, 588 F.3d 1152 (8th Cir 2009).

Thus, I believe that \$2,500⁰⁰ is appropriate damages for their respective actions where I was placed on DCR status for seven (7) days for a disciplinary written in violation of ADC policy.

Terrie L. Banister is a Disciplinary Hearing Officer (DHO) employed by the ADC to conduct Major Disciplinary Hearings for inmates accused of violating ADC rules and regulations. She is specifically required to be "knowledgeable of all policies and procedures including... the Inmate Handbook, Employee Handbook, applicable state and federal laws, AR's of the Arkansas Department of Correction, AD's of the Arkansas Department of Correction, and Unit operating procedures." AD 12-20, Inmate Disciplinary Manual, V(B).

DHO Banister's only job is to ensure that institutional rules and regulations are enforced as an unbiased and prudent fact finder by hearing and adjudicating all reports of alleged institutional infractions. In a sense, she is not much different than the Commissioners assigned to adjudicate this claim. As such, she holds enormous influence concerning an inmates perception of the ADC's role to "provide for the custody, treatment, rehabilitation, and restoration of adult offenders as useful law-abiding citizens within the community." Ark. Code Ann. § 12-27-101, (a)(1).

DHO Banister's blatant disregard for policy by stating, "I dont want to hear about no policy," demonstrates bias either against inmates in general, me specifically, or in favor of the charging officer. This type of behavior encourages inmates, including myself, to believe that ADC officials are not helpful, but, in fact, corrupt and denies me the right to be restored as a useful law-abiding citizen where respect for government officials are severely diminished. "If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy."

Olmstead v. United States, 277 US 438 (1928)

DHO Bavister's actions caused me to be subjected to twenty (20) days of punitive isolation in direct violation of ADC policy. Damages for improper confinement in segregation has been awarded from \$25⁰⁰ to \$129⁰⁰ per day depending on the conditions of that confinement. ~~Stevens~~ Stevens v. McHaw, 3 F.3d 1204, 1207 (8th Cir 1993). Considering this range of awards was decided twenty (20) years ago, I believe an award of \$100⁰⁰ per day — \$2000⁰⁰ total — is reasonable to compensate for twenty (20) days of punitive conditions. However, the mental and emotional anguish accrued from her overall behavior, considering her position of authority and abuse thereof, I believe an additional \$2,500⁰⁰ is reasonable.

Therefore, I believe:

- (1) \$2,500⁰⁰ — based on the combined actions of Lt. Burnett and Maj. Earl;
 - (2) \$2,000⁰⁰ — based on the twenty (20) days confined in punitive isolation; and,
 - (3) \$2,500⁰⁰ — based on DHO Bavister's unprofessional behavior;
- \$7,000⁰⁰ Total —

is a reasonable award of damages considering the reprehensibility of their overall conduct.

Exhibit "A"

EARU Unit grooming policy, 9.14.0 - (2 Pages)



ARKANSAS DEPARTMENT OF CORRECTION		NUMBER:	9.14.0	PAGE NUMBER 1 of 2	
EAST ARKANSAS REGIONAL UNIT		SUPERSEDES:		ISSUING EMPLOYEE:	
POLICY AND PROCEDURES		DATE:	09-01-98	WARDEN	
CHAPTER:	Security and Control		SUBJECT: Inmate Grooming		
Revised on These Dates	08-02-12				
Annual Review on These Dates	05-18-09	4-29-10	06-08-11	08-02-12	

I. AUTHORITY: The Warden's authority to issue this document is contained in Administrative Regulation 001. This policy shall supplement all related Administrative Regulations and Departmental policies.

II. PURPOSE: To provide guidelines for the health and hygiene of incarcerated offenders, and to maintain a standard appearance throughout the period of incarceration, minimizing opportunities for disguise and transport of contraband and weapons.

III. APPLICABILITY: All inmates of the East Arkansas Regional Unit.

IV. DEFINITIONS: None.

V. Policy

- A. Inmates hair must be worn loose, clean, and neatly combed. No extreme Styles are permitted, including but not limited to "corn rows", "braids", "dreadlocks", "Mohawks", etc. The hair of male inmates must be cut so as to be above the ear, with side burns no lower than the middle of the earlobe and no longer in the back than the middle of the nape of the neck.
- B. No inmates are permitted to wear or possess hair pieces.
- C. No inmates will be permitted to wear facial hair other than a neatly trimmed Mustache that does not extend beyond the corner of the mouth or over the lip.

Exception: Medical staff may prescribe that inmates with a diagnosed dermatological problem may wear facial hair no longer than one quarter of an inch. Inmates must present MSF-207 upon demand. For such medical reasons, the Chief Security Officer authorizes the use of inmate barbershop services or equipment to trim facial hair to the required length.
- D. Nails on hands and feet will be clipped so as not to extend beyond the tips of fingers and toes.

POLICY AND PROCEDURES

POLICY NO.:
9.14.0

PAGE NUMBER:
2 of 2

UBJECT: Inmate Grooming

SUPERSEDES:

EFFECTIVE DATE:
09-01-98

E. Inmates will maintain standards of hygiene so as not to create a health hazard or public nuisance. If personal hygiene falls below these standards the Chief Security Officer may order the necessary steps be taken to force compliance. For inmates assigned to mental health or medical housing, this enforcement authority for hygiene is also vested in the mental health or medical staff person supervising the treatment area.

F. Hygiene, but not grooming standards are applicable to detainees of the ADC operated Lee County Jail.

G. Progressive steps of disciplinary action will be applied to inmates in non-compliance with grooming standards.

1. The inmate in non-compliance must be given an opportunity to conform to grooming standards before facing disciplinary action. An inmate will not be written a subsequent disciplinary while still serving a sentence for a previous violation of grooming standards.

2. An inmate observed to be in non-compliance will first be counseled individually and given a direct order that further non-compliance will result in progressively more severe disciplinary action.

REFERENCES:

ACA STANDARDS 4-4324

ADC AR 840 – Personal Cleanliness and Grooming for Inmates

Exhibit "B"

Major Disciplinary for non-compliance with
grooming standards - Dated 12-12-2012
by Officer Claudia M. Harris (1 page)

ISSR100

Arkansas Department of Corrections
East AR Regional Max Unit Unit
MAJOR DISCIPLINARY

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.

Inmate: Deaton, Christopher

ADC#: 143472A

Assignment: AM/PM:Discpl Court Review

Class: IV is being charged by Harris, Claudia M
with code violation(s):

Title:

02-12 Failure to keep one's person OR quarters IN accordance with regulations
12-1 Failure to obey verbal and/OR written orders of staff

Date & Time: 12/12/2012 9:19 PM

Notice of Charges:

On December 12, 2012 at approximately 9:19PM I Captain C. M. Harris approached and open Isolation cell/29 in Zone I to issue legal mail to inmate Christopher Deaton (143474) who was assigned to this cell. At which time I discovered his grooming to be out of compliance with ADC standards. Inmate C. Deaton has a full beard and his hair well exceeds the 4 inch regulation. I gave inmate Deaton a direct order to receive a hair cut and a shave, but to no avail. Inmate C. Deaton refused my order. Therefore I charge inmate C. Deaton (143474) with the following rule violations: 2-12, 12-1.

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

Signature of Charging Officer

NOTIFICATION: Officer _____ Date & Time Notified _____

Witness Statements: No X If yes, list:

Inmate's Signature

C.S.O. Review: Outcome: Refer to Hearing Officer/Comm.
By: Kelley, Clarence O Date 12/14/2012

Extension: No X 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 "C"

DHO Report citing 30 days punitive isolation
for Major Disciplinary written on 12-12-2012
(1 page) by Keith L. Waddle

ISSR101

ISO 29

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Deaton, Christopher

ADC#: 143472A

Unit: East AR Region. Unit

Code Violation(s):

- 02-12 Failure to keep one's person OR quarters IN accordance with regulations
- 12-1 Failure to obey verbal and/OR written orders of staff

Date/Time of Alleged Offense(s): 12/12/2012 9:19 PM

Hearing Date: 12/19/2012

Time: Start 1:33 PM

End 1:40 PM

Recorder: Waddle, Keith L

Tape#: 5

Side: B

Meter: From 070 To 111

Plea: Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

I am out of compliance with the grooming standard. the 12-1 is an unlawful rule. Inmate should not do things to violate there religion. I was not disruptive. 2-12 is the only violation that should be used. I should not be quilty of the 12-1.

Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

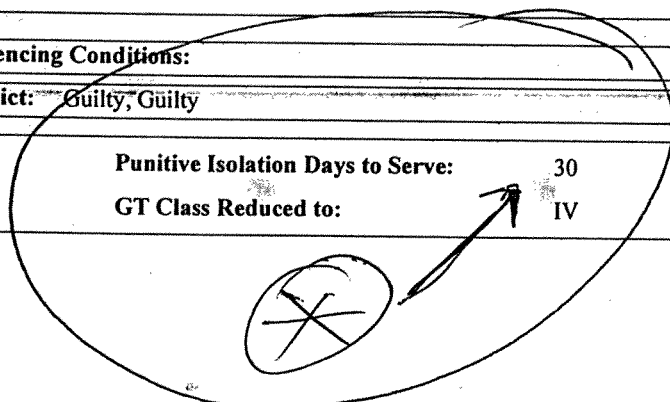
Verdict: Guilty, Guilty

Punitive Isolation Days to Serve: 30

Days Suspended: 0

GT Class Reduced to: IV

Class Suspended:



2:35 PM

DHO
 DATE: 12/20/12
 TIME: _____
Cpl. R. J. Stone

Exhibit "D"

Major Disciplinary For non-compliance with
grooming standards - Dated 1-16-2013
by Officer Cecil D. Burnett (1 page)

ISSR100

Arkansas Department of Corrections
East AR Regional Max Unit Unit
MAJOR DISCIPLINARY

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.

Inmate: Deaton, Christopher

ADC#: 143472A

Assignment: AM/PM:Punitive

Class: IV is being charged by Burnett, Cecil D

Title:

with code violation(s):

02-12 Failure to keep one's person OR quarters IN accordance with regulations
12-1 Failure to obey verbal and/OR written orders of staff

Date & Time: 01/16/2013 10:21 PM

Notice of Charges:

Incident Report Unit: East AR Region. Unit
Incident Report Date/Time: 01/16/2013/10:21:00 PM
Incident Report Number: 2013-01-106
Incident Report Comments By: Cecil D Burnett
On January 16, 2013 at approximately 10:21pm on B-shift E-max Isolation 1, zone 1 cell #29, inmate Christopher Deaton #143472 verified by Isolation roster and comis information was informed that barber and shave call was about to be conducted for Isolation 1 and inmate C. Deaton was ordered to have barber and shave call to become in compliance with the unit grooming policy, inmate C. Deaton at that time stated, "I'm not getting a haircut or shave", therefore due to inmate C. Deaton reply a photo was taken to verify his appearance, inmate C. Deaton is aware that his actions are against ADC and unit policy therefore a major disciplinary was written. End of statement.

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

Signature of Charging Officer

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: Earl, Deangelo M

Date 01/17/2013

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 "E"

DHO Terrie L. Banister's Report citing
30 days punitive isolation - PLUS
60 days Phone, Commissary, and Visitation
Restriction (1 page)

ISO 29

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Deaton, Christopher

ADC#: 143472A

Unit: East AR Region. Unit

Code Violation(s):

- 02-12 Failure to keep one's person OR quarters IN accordance with regulations
- 12-1 Failure to obey verbal and/OR written orders of staff

Date/Time of Alleged Offense(s): 01/16/2013 10:21 PM

Hearing Date: 01/23/2013

Time: Start 2:06 PM

End 2:23 PM

Recorder: Banister, Terrie L

Tape#: 020

Side: A

Meter: From

199

To 260

Plea: Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

Policy states I cannot be written up for the same incident twice.

Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Guilty

Restriction Days to Serve

Commissary: 60
 Phone: 60
 Visitation: 60
 Punitive Isolation Days to Serve: 30
 GT Class Reduced to: IV

Days Suspended: 0
 Days Suspended: 0
 Days Suspended: 0
 Days Suspended: 0
 Class Suspended:

apl. R. France

1/24/13

11:41 AM

Exhibit "F"

DHO Terrie L. Banister's Report citing
"unit policy" as "Evidence Relied Upon"
(1 page)

Disciplinary Hearing Action

01/24/2013 9:07 AM

Page 2

Inmate: Deaton, Christopher

ADC#: 143472A

Unit: East AR Region. 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.):

Staff gave Inmate Deaton a direct order to comply with the Unit grooming policy and he stated to staff "I am not getting a haircut or shave.

Evidence Relied Upon:

005 from staff supporting F-1 report.

F-1 statement from charging officer.

Photo

Unit Policy



Reasons Why Information Purporting to Exonerate Inmate was Discounted:

Staff report is accepted.

Reasons for Assessment of Punishment:

Inmate is a class IV Inmate who must learn that Failure to keep one's person and/or living area in accordance with regulations is against ADC rules and regulations and will not be tolerated for security purposes.

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 _____

Exhibit "G"

Major Disciplinary Appeal For disciplinary
dated - 1-16-2013, by Officer Cecil D. Burnett
DHO Banister's conviction Reversed by
Warden Danny Burl, EARU (1 page)

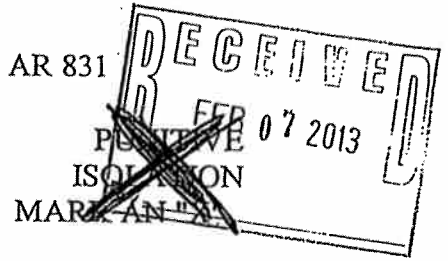
MY 818

F-831-4

ARKANSAS DEPARTMENT OF CORRECTION

AR 831

EARU Unit
MAJOR DISCIPLINARY APPEAL FORM



Inmate Christopher Deaton ADC # 143472 Date 1-28-2013
Concerning Disciplinary Given on (date) 1-16-13 by (officer) Burnett, Cecil D.

APPEAL TO WARDEN: (to be completed by inmate)

State reasons why conviction or punishment should be reversed or modified:

The Unit grooming policy, 9.14.0 (copy enclosed) states that I will NOT be written a second/subsequent disciplinary while still serving a previous sentence for non-compliance with grooming standards. I was ON PUNITIVE on ~~1-16-2013~~ 1-16-2013 when this disciplinary was written. For this reason the conviction should be reversed.

Inmate's Signature: [Signature] 143472

RESPONSE FROM WARDEN: (due within ten (10) calendar days of receipt of appeal if punitive)

Affirm: _____ Reverse: [Signature] Modify: _____

Reasons Action Taken: _____



Upon review of this matter, I am reversing the Disciplinary Hearing Officer's decision. I am finding you not guilty to rule violations 2-12 and 12-1 for the disciplinary you received on 1-16-2013.

Signature: [Signature] Date 2/12/13

NOTICE TO INMATE: If you do not agree with the warden's response, you may appeal it to the Hearing Officer Administrator. If you do not agree with the Hearing Officer Administrator's response, then you may appeal it to the Director. If you decide to appeal, then write a letter repeating your reasons why your conviction or punishment should be reversed or modified.

Exhibit "H"

Grievance dated 2-17-13 For
DHO Banister's violation of ADC policy,
Plus, subsequent appeals. (3 pages)

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center EARU

FEB 25 2013

Name Christopher Deaton

EAST AR REGIONAL UNIT

ADC# 143472

Brks # Max 8-18 Job Assignment N/A

FOR OFFICE USE ONLY	
GRV. #	<u>EA113-00571</u>
Date Received:	<u>2/25/2013</u>
GRV. Code #:	<u>400</u>

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

2-21-13 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: This issue is not resolved.

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

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental
BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): DHO Terrie L. Banister intentionally violated policy and caused me to suffer twenty (20) days of punitive conditions. On 1-23-2013 I went to a Disciplinary Hearing to dispute a disciplinary given in violation of policy. After presenting a copy of the policy and the violation to DHO Banister she stated - "I don't want to hear about no policy". She found me guilty and sentenced me to thirty (30) days in punitive segregation. On appeal, Warden Danny Burl, EARU, reversed the conviction on 2-12-2013. I spent twenty (20) days in punitive segregation because DHO Banister was deliberately indifferent to policy.

This is not a disciplinary matter where the conviction was reversed.

[Signature]

Inmate Signature

2-17-2013
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 2-21-2013 (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 _____

Sgt. D. Lockhart 63122 [Signature] 2-21-13
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: 2-21-13 Unable to contact
Staff mentioned to answer this informal resolution

RECEIVED

APR 03 2013

Staff Signature & Date Returned

[Signature] 2-21-13
Inmate Signature & Date Received

This form was received on 2/23/13 (date) pursuant to Step Two. Is it an Emergency? NO (Yes or No)

Staff Who Received Step Two Grievance: [Signature] Date: 2/23/13

Action Taken: FORWARDED (Forwarded to Grievance Officer/Warden/Other) Date: 2/23/13

If forwarded, provide name of person receiving this form: _____ Date: 2/23/13

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

1501/MX/15
Attachment III

IGTT410
3GS

INMATE NAME: Deaton, Christopher

ADC #: 143472A

GRIEVANCE #: EAM13-00571

WARDEN/CENTER SUPERVISOR'S DECISION

Inmate Deaton, the issue you grieve is a disciplinary matter. Per AD 12-16, disciplinarys are non-grievable. Your complaint is without merit.

[Signature Box]

AUBA

Signature of Warden/Supervisor or Designee

Warden

Title

3/22/13

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? I am grieving a policy violation. DHO Bawister intentionally violated policy to CAUSE a disciplinary matter. The disciplinary matter has been resolved where Warden Baul reversed the decision because of a policy violation. Listen to the recording of the hearing where she stated - "I don't want to hear about no policy". Please do a minimal investigation.

[Signature]

Inmate Signature

143472

ADC#

3-25-13

Date

RECEIVED
APR 03 2013
INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

IGTT430
3GD

Attachment VI

INMATE NAME: Deaton, Christopher

ADC #: 143472

GRIEVANCE#: EAM13-00571

Inmate Deaton, I have received your formal grievance dated 2/21/2013, in which you allege Disciplinary Hearing Officer Terrie L. Banister intentionally violated policy and cause you to suffer twenty (20) days of punitive conditions.

After reviewing your appeal, I find the issue you are attempting to grieve is a disciplinary matter. Per AD 12-16 disciplinaries are not grievable. Therefore, I find your appeal without merit.

Appeal denied

LMG

Director

Date

5.1.13

Exhibit "I"

Interrogatory and Answers by EARU
Law Library Supervisor, Janice Gray
Stating that the EARU unit grooming
policy, 9.14-0. was not available for inmate
review until April 20, 2012 (1 page)

ANSWER TO INTERROGATORY NO. 12: Objection. The question is overly broad concerning time frame and is not relevant to any material issue in this litigation. Without waiving objection: There have been times that the law library was not aware that information asked for was not available. Once we figured out we didn't have the information, compliance was contacted. If the information could be given to an inmate it was provided. If it could not be given the inmate would be notified.

INTERROGATORY NO. 13: Please state, to the best of your knowledge, if unit grooming policy, 9.14.0, was available in the law library for inmate review from March 9, 2009 thru March 28, 2012.

ANSWER TO INTERROGATORY NO. 13: It was not available for inmate review until April 20, 2012.

INTERROGATORY NO. 14: Please identify the approximate date the unit grooming policy, 9.14.0, became available for inmate review during your assignment as law library supervisor.

ANSWER TO INTERROGATORY NO. 14: April 20, 2012.

INTERROGATORY NO. 15: Please identify the person and method used to request and obtain law library materials.

ANSWER TO INTERROGATORY NO. 15: Janice Gray. You may use a request form or blank sheet of paper to write a written request to obtain law library materials. Also, you may ask during library call.

INTERROGATORY NO. 16: Please list the date of each request, made by you, to obtain up-to-date ADC and unit policies from March 9, 2009 thru March 28, 2012.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRISTOPHER DEATON (ADC 143472)

CLAIMANT

V.

NO. 14-0104-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT


ANSWER

COMES NOW the Respondent, Arkansas Department of Correction, and for its Answer, states and alleges as follows:

1. Respondent denies liability in this claim and asserts it will hold the Claimant to strict proof on each allegation unless admitted by Respondent. Respondent reserves the right to plead further upon completion of the investigation by internal affairs and requests the matter be held in abeyance until the investigation is complete.
2. The applicable account information required by the Commission is:
 - a. Agency number: 0480
 - b. Cost Center: HCA0100
 - c. Internal Order: 340301
 - d. Fund Center: 509

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

Respectfully submitted,
Department of Correction Office of Counsel


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

Arkansas
State Claims Commission

AUG 14 2013

RECEIVED

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 13 day of August, 2013, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Christopher Deaton (ADC 143472)
Varner Super Max
PO Box 400
Grady, AR 71644-0400


LISA MILLS WILKINS Ark. Bar #87190

ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission
AUG 20 2013

RECEIVED

Christopher Deaton (ADC 143472) - Claimant

v. No. 14-0104-CC

Arkansas Department of Correction - Respondent

Response to Respondent's Answer


Comes now the Claimant, Christopher Deaton (ADC 143472), in response to the Respondent's Answer filed on August 13, 2013, states the following:

1. The Claimant will agree to an abeyance for a reasonable amount of time to allow for an investigation by internal affairs.
2. The Claimant does not agree that the claim should be dismissed with or without prejudice. The Respondent has not yet completed an investigation by internal affairs or pleaded an adequate Answer to the Claimant's allegations except by general denial of liability with no specifics.
3. The Claimant also requests a hearing to refute the position of the Respondent.

WHEREFORE, For the reasons cited above the Claimant prays that the claim not be dismissed and the matter held in abeyance only for a reasonable amount of time to allow for an investigation by internal affairs. Also, a hearing is requested.

Respectfully Submitted,

August 19, 2013.



Christopher Deaton

ADC No. 143472

Varner Super Max

P.O. Box 600

Grady, AR 71644

Certificate of Service

I certify that a copy of this pleading has been served this day of August 19, 2013, on the Respondent by placing a copy of the same in the prison legal mail system at Varner Super Max, ADC, P.O. Box 600, Grady, Arkansas 71644, with sufficient postage to assure delivery to:

Lisa Mills Wilkins

ADC Attorney Supervisor

P.O. Box 8707

Pine Bluff, AR 71611



Christopher Deaton

ADC No. 143472

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

CHRISTOPHER DEATON (ADC #143472)

RECEIVED
CLAIMANT

V.

NO. 14-0104-CC

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

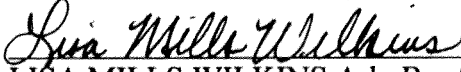
MOTION TO DISMISS

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

1. Claimant has filed an action seeking \$7,000.00 for failure to follow policy arising from an officer's disciplinary written on or about January 16, 2013. Claimant maintains that Respondent did not follow correct disciplinary policy in issuing and finding him guilty of the disciplinary violation.
2. Claimant has failed to state a claim upon which relief can be granted under ARCP Rule 12(b)(6) and the matter should be dismissed.
3. Claimant has no liberty interest in having the ADC official follow the procedures. *Munson v. Arkansas Department of Correction*, 294 S. W. 3d 409, 411 (2009). Claimant does not have a liberty interest in the actual procedures to be administered. *Kennedy v. Blankenship*, 100 F. 3d 640 (8th Cir. 1996). *Munson* is one of many cases in which the Supreme Court has considered an inmate's due process challenge to a disciplinary action which resulted in the inmate's loss of status class, certain privileges, punitive isolation, or other sanction. The Court has stated that an inmate does not have a liberty interest in proceedings administered by the ADC and sanctions imposed are insufficient to raise a due process claim. In Arkansas, there is no liberty interest in good time under the analysis in *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). A loss of class status and privileges, even if impacting good time, would not compromise a liberty interest. Claimant has asserted no substantive due process violation as a result of the sanctions that were imposed by the ADC in the proceeding. To state a case for a substantive due process violation, appellant must have shown an atypical and substantive deprivation that was a dramatic departure from the basic conditions of his confinement. *Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995). Demotion from the general population is not the sort of deprivation that qualifies as 'atypical and significant.' *Kennedy* at 642.
4. Furthermore, Claimant states that he does not cut his beard for religious reasons and so he would have received another disciplinary just three (3) days later when the first punishment expired on January 18, 2013, since he is exercising his religious freedom. He would have been found guilty of violating the grooming policy and been sentenced to isolation again as has been the case every month since March 9, 2009.
5. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(B)(6). Claimant has failed to state facts to support his claim. Respondent moves that the commission dismiss this claim.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claim must be dismissed.

Respectfully submitted,
Department of Correction
Office of Counsel


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

CERTIFICATE OF SERVICE

I certify that a copy of the above MOTION TO DISMISS has been served this 30 day of August, 2013, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

CHRISTOPHER DEATON (ADC #143472)
VSM
P. O. BOX 400
GRADY, AR 71644-0400


LISA MILLS WILKINS Ark. Bar #87190

Arkansas
State Claims Comm'n
SEP 23 2013
RECEIVED

Before The Arkansas State Claims Commission

Christopher Deaton (ADC #143472) Claimant

v. No. 14-0104-CC

Arkansas Department of Correction Respondent

Claimant's Response To
Respondent's Motion To Dismiss

On August 30, 2013, the Respondent filed a motion to dismiss in the above named case. The Claimant, Christopher Deaton, now comes in response to that motion.

1. The Respondent's motion to dismiss alleges that the Claimant has no liberty interest in having the ADC official follow procedures or the actual procedures to be administered as afforded by due process. They cite several case law including Wolf v. McDonnell, which outlines what process is due in a disciplinary process, and Sardin v. Conner that requires a showing of an atypical and significant hardship. They cite other case law from the Eighth Circuit and Arkansas Supreme Court in support of this argument. However, this argument fails in several respects.

First, the only process due in a disciplinary process is: (1) a written notice of the charges; (2) a brief period to prepare; (3) a written statement of the evidence relied on and reason for the disciplinary action; and (4) the ability for the inmate to call witnesses and present documentary evidence. Hartsfield v. Nichols, 511 F.3d 826, 830 (8th Cir 2008); citing Wolff v. McDonnell, 418 U.S. 539, 556-559 (1974).

Nowhere in the Complaint did the Claimant challenge any of these requirements nor did he mention or imply a due process violation. He claims only that three (3) ADC officials, acting as employees of the Arkansas Department of Correction, violated a provision of the East Arkansas Regional Unit unit grooming policy, 9.14.0, (See Exhibit A), which states that "[a]n inmate will not be written a subsequent disciplinary while still serving a sentence for a previous violation of grooming standards."

The Claimant alleges that Lt. Burnett wrote him a disciplinary in violation of the unit grooming policy where he was still serving a sentence for a previous violation of grooming standards. Major Earl supported Lt. Burnett's decision to violate the unit grooming policy by not conducting the required investigation and dismissing the disciplinary where no violation actually occurred and forwarded the disciplinary to the Disciplinary Hearing Officer (DHO) for a hearing. DHO Bavister intentionally sentenced the Claimant to punitive segregation in violation of the unit grooming policy where she had a copy of the policy, the Claimant specifically pointed out the provision in the policy that exonerated him, and she specifically stated on record that "[she did] not want to hear about no policy."

These are blatant violations of the EARU unit grooming policy and does not challenge any part of the disciplinary process. Therefore, the Claimant does not make a violation of due process claim as alleged by the Respondent.

Second, Lisa Mills Wilkins, ADC Attorney Supervisor, is acutely aware, having represented the ADC for a number of years in State Claims, that the Arkansas State Claims Commission is not the proper venue to challenge a due process violation. In the Respondent's motion she asserts that the Claimant did not state a claim under ARCP 12(B)(6) BECAUSE he had no liberty interest in having the ADC official follow the procedures or in the actual procedures to be administered and NOT because the Arkansas State Claims Commission was not the proper venue. If she truly believed that the Claimant alleged a due process violation she would have pointed to specific allegations in the Complaint and asked the commission to dismiss for lack of venue.

In the Complaint, the Claimant alleged that DHO Banister, whose only job is to ensure that institutional rules and regulations are enforced, blatantly violated policy and stated, "I don't want to hear about no policy", then sentenced him to punitive segregation in violation of that policy. He also alleged that "[t]his type of behavior encourages inmates, including myself, to believe that ADC officials are not helpful, but, in fact corrupt and denies me the right to be restored as a useful law-abiding citizen where respect for government officials are severely diminished" in violation of Arkansas Code Annotated § 12-27-101(a)(4).

Where Mrs Wilkins intentionally attempted to focus the Claimant away from his claim and argue a due process violation instead, knowing it was not the proper venue, demonstrated a trick or scheme which proves the Claimants point that ADC officials are not helpful, but, infact corrupt and denies him the right to be restored as a useful law-abiding citizen pursuant to A.C.A. § 12-27-101(a)(4). Mrs Wilkins actions simply adds insult to injury. If her intent is to properly represent the ADC in accordance with its mandate to rehabilitate she would see the facts as they are and take whatever steps necessary to prevent this type of violation from reoccurring instead of resorting to tricks or schemes to win by default and not on the merits.

2. The Respondent also asserts that regardless whether the disciplinary was written in violation of EARU unit grooming policy, the Claimant would have received another disciplinary "just three (3) day later when the first punishment expired on January 18, 2013." They also assert "[h]e would have been found guilty of violating the grooming policy and been sentenced to isolation again as has been the case every month since March 9, 2009." These statements are not necessarily true.

This particular disciplinary conviction by DHO Bawister was reversed on February 12, 2013. (See Exhibit G). The Claimant did not return to punitive status again until March 6, 2013 - twenty two (22) days later. This is a common practice where he was also off punitive status for (39) days between July 30, 2012 and September 8, 2012; (28) days between November 25, 2012 and December 19, 2012; (29) days between April 1, 2013 and April 25, 2013; and (21) days between May 24, 2013 and June 14, 2013.


Clearly, the Claimant is not always immediately written a disciplinary when he comes off punitive status. He is also not always found guilty of those disciplinarys that are written. The Respondent's assertion that he WOULD be written a disciplinary "just three (3) days later" and WOULD be found guilty are baseless and do not adequately represent the facts.

3. A motion to dismiss is proper when there are no facts upon which relief can be granted. ARCP 12(B)(6). The Claimant has sufficiently stated facts to support his claim upon which relief can be granted. Therefore, the Claimant requests that the commission deny the Respondent's motion to dismiss.

WHEREFORE, for the reasons stated above and the evidence submitted, the Respondent's Motion to Dismiss should be denied.

Respectfully submitted,

9-19-2013
Date



Christopher Deaton (ADC#143472)
VSM
P.O. Box 600
Grady, AR 71644

Certificate OF Service

I certify that a copy of the above Response to the Respondent's Motion to Dismiss has been served this 19 day of September, 2013, on the below Respondent by placing a copy of the same in the prison legal mail system at Varner Super Max, ADC with sufficient postage to:

Arkansas Department of Correction
% Lisa Mills Wilkins
Attorney Supervisor
P.O. Box 8707
Pine Bluff, AR 71611



Christopher Deaton (ADC#143472)

STATE CLAIMS COMMISSION CHECKET
OPINION

Amount of Claim \$ 7,000.00

Claim No. 14-0104-CC

Christopher Deaton, #143472
vs. Claimant

Attorneys
Pro se Claimant

Department of Correction
State of Arkansas Respondent

Lisa Wilkins, Attorney
Respondent

Date Filed August 5, 2013

Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 1, 3 and 4 contained in the motion and for Claimant's failure to file his response in a timely manner. Therefore, this claim is hereby unanimously denied and dismissed.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss" for reasons set forth in paragraphs 1, 3 and 4 contained in the motion and for Claimant's failure to file his response in a timely manner. Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing October 9, 2013

Date of Disposition October 9, 2013

Rachel Mary
Chairman

H. Moore
Commissioner

Palmer
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.

OCT 29 2013

RECEIVED

Before The Arkansas State Claims Commission

Christopher Deaton (ADC #143472) Claimant

v. No. 14-0104-CC

Arkansas Department of Correction Respondent

Motion For Reconsideration

COMES NOW The Claimant, Christopher Deaton, and for his motion for reconsideration, states as follows:

1. The Claimant has filed an action seeking 7,000.00 for failure to follow policy arising from an officers disciplinary written on January 16, 2013. Claimant maintains that Respondent did not follow the unit Grooming Policy in issuing and finding him guilty of the disciplinary violation.
2. The Respondent filed a motion to dismiss on August 30, 2013. Pursuant to ARCP Rule 6(c), a response to this motion to dismiss is due ten (10) days, excluding weekends and holidays, from August 30, 2013. Because the Claimant is a prisoner filing pro se he is required to make service by mail or commercial delivery. Therefore, pursuant to ARCP Rule 6(d), "three (3) days shall be added to the prescribed period" making the due date to file his response September 19, 2013

3. On September 12, 2013, the Claimant mailed a request for an extension of time to the Respondent and the Commission. The request described the Claimant's difficulties in obtaining the required copies of his response where the ADC staff member assigned to make legal copies refused the Claimant's request for copies because she was leaving for vacation and would not return until after his due date. Her temporary replacement was not scheduled to offer legal copies until after the due date.

4. On September 19, 2013, the Claimant had received the required copies and placed them in the prison^{legal}(mail) system. The Commission received his response on September 23, 2013, but, the Claimant failed to send the original copy by mistake. The Commission^{sent} a post-it note to the Claimant requesting the original copy before it could be filed. The original was mailed to the Commission on September 26, 2013 with apologies for the oversight. (Copy of Post-it enclosed)

5. On August 5, 2013, the Commission unanimously granted the Respondent's motion to dismiss for Claimant's failure to file his response in a timely manner.

6. The dismissal was inappropriate where:

(a) The Commission failed to rule on the Claimant's request for an extension of time;

(b) The Commission should have granted the Claimant's request for an extension of time where ~~he~~ he has limited access to the law library and legal services, i.e., legal copies, and the Commission is acutely aware of the difficulties of prisoners obtaining legal assistance, especially those, like the Claimant, housed in administrative segregation;

(c) Had the extension of time been granted the new due date would have been October 3, 2013 (or October 8, 2013, depending on how the Commission interprets ARCP Rule 6(c)(d)); and

(d) The Claimant mailed the original, per the Commission's request, on September 26, 2013, five (5) (or eight (8)) working days before the due date. ~~8~~

7. The Claimant's response to the Respondent's motion to dismiss was filed on or before October 3, 2013. Therefore, the Commission should consider his response before ruling on the Respondent's motion to dismiss.

WHEREFORE, for the reasons stated above and the evidence submitted, the Claimant's motion for reconsideration should be granted.

10-25-2013

Date




Christopher Deaton (ADC# 143472)

Certificate OF Service

I certify that a copy of the above Motion For Reconsideration has been served this 25 day of October, 2013, on the Respondent by placing a copy of the same in the prison legal mail system at Varner Super Max, ADC with sufficient postage to:

Arkansas Department of Correction
% Lisa Mills Wilkins
Attorney Supervisor
P.O. Box 8707
Pine Bluff, AR 71611



Christopher Deaton (ADC#143472)
Varner Super Max
P.O. Box 600
Grady, AR 71644

9-23-13

Before we can officially
file your response,
you must send us
the original. Please
refer to the enclosed
instruction.

LB

STATE CLAIMS COMMISSION DOCKET
OPINION

Amount of Claim \$ 7,000.00

Claim No. 14-0104-CC

Christopher Deaton, #143472 Claimant
vs.

Attorneys
Pro se Claimant

Department of Correction Respondent
State of Arkansas

Lisa Wilkins, Attorney Respondent

Date Filed August 5, 2013

Type of Claim Failure to Follow Procedure

FINDING OF FACTS

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's October 9, 2013, order remains in effect.

IT IS SO ORDERED.

(See Back of Opinion Form)

CONCLUSION

The Claims Commission hereby unanimously denies Claimant's "Motion for Reconsideration" for the Claimant's failure to offer evidence that was not previously available. Therefore, the Commission's October 9, 2013, order remains in effect.

Date of Hearing November 15, 2013

Date of Disposition November 15, 2013

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

Dec. 3, 2013

Re: Christopher Deaton, #143472
Claim No. 14-0104-CC


Arkansas
State Claims Commission
DEC 05 2013

RECEIVED

Notice of Appeal

The Commission dismissed my claim No. 14-0104-CC for failure to prosecute on October 9, 2013. My motion for reconsideration was denied on November 15, 2013. I hereby give notice of appeal to the General Assembly pursuant to AR.ST § 19-10-211.

As a prisoner of the State of Arkansas I am required to make service of notice by mail, thus, (3) additional days are afforded by Rule 6(d), Ark. Civ. Rules of Procedure, to file this notice of appeal. Whereas the deadline to file falls on a Sunday, the deadline to file this notice of appeal is December 9, 2013.



Christopher Deaton
ADC No. 143472
Varner Super Max
P.O. Box 600
Grady, AR 71644