



**STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH**

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***Claims Review/Litigation Reports Oversight Subcommittee
of the Arkansas Legislative Council
Claims Subcommittee of the Joint Budget Committee
Statement of Redaction of Confidential Information***

Style of Case: Bart Woodard v. Arkansas Division of Correction

Docket Number: Claim No. 221169

Type of Matter (please circle one):

Claims Review

Litigation Reports Oversight

As indicated by my signature below:

- I acknowledge that documents submitted to the Subcommittee may be published or disseminated by the Subcommittee for purposes of its consideration and those documents that are published or disseminated by the Subcommittee will be considered subject to disclosure under the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.
- I further acknowledge that it is my responsibility to review each document submitted to the Subcommittee and make any necessary redactions.
- I certify that I have reviewed each document submitted herein and have redacted all confidential information excluded from public access by Arkansas Supreme Court Administrative Order No. 19, § VII, and the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., including without limitation an individual's home address, personal email address, personal phone number, date of birth, social security number, information identifying a minor child, medical records, and financial account numbers.
- If a redacted document has been submitted, I have also included a non-redacted copy of the same document that may be considered exempt from disclosure under Arkansas Code § 25-19-105.

Mika Tucker
Signature

Mika Tucker

Name

Arkansas State Claims Commission, Attorney Specialist

Title and Agency

September 16, 2024

Date

From: [ASCC New Claims](#)
To: [Thomas Burns \(DOC\)](#); [Roni Gean \(DOC\)](#)
Cc: [Kathryn Irby](#)
Subject: CLAIM: Bart Woodard v. ADC, Claim No. 221169
Date: Tuesday, April 26, 2022 11:46:00 AM
Attachments: [Bart Woodard v. ADC agency ltr .pdf](#)
[Bart Woodard v. ADC claim no. 221169 supporting docs.pdf](#)

Please see attached. Contact Kathryn Irby with any questions.

Thank you,
Caitlin

Caitlin McDaniel

Administrative Specialist II

Arkansas State Claims Commission

101 East Capitol Avenue, Suite 410

Little Rock, Arkansas 72201

(501) 682-1619

Caitlin.McDaniel@arkansas.gov

April 26, 2022

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602

(via email)

RE: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Burns,

Enclosed please find a copy of the above-styled claim filed against the Arkansas Division of Correction. Pursuant to the Arkansas Rules of Civil Procedure, as well as Claims Commission Rule 2.2, you have **thirty days from the date of service** in which to file a responsive pleading.

Your responsive pleading should include your agency number, fund code, appropriation code, and activity/section/unit/element that this claim should be charged against, if liability is admitted, or if the Claims Commission approves this claim for payment. This information is necessary even if your agency denies liability.

Sincerely,

Kathryn Irby

ES: cmcdaniel

cc: Bart Woodard (ADC [REDACTED], *Claimant* (w/ encl.)

Arkansas
State Claims Commission

APR 08 2022

RECEIVED

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

- ☒ Mr.
- ☐ Mrs.
- ☐ Ms.
- ☐ Miss

Bart Woodard (ADC [REDACTED]), Claimant

VS.

State of Arkansas, Respondent

Do Not Write in These Spaces

Claim No. _____

Date Filed _____
(Month) (Day) (Year)

Amount of Claim \$ _____

Fund _____

COMPLAINT

Bart Woodard (ADC [REDACTED]), the above named Claimant, of [REDACTED] (Street or R.F.D. & No.) [REDACTED] (City)

[REDACTED] No PHONE# Co. [REDACTED] represented by N/A PRO SE (Legal Counsel, if any, for Claim)

of N/A (Street and No.) [REDACTED] (City) [REDACTED] (State) [REDACTED] (Zip Code) [REDACTED] (Phone No.) [REDACTED] (Fax No.) says:

State agency involved: ARK DEPT of CORRECTIONS Amount sought: 12,500.00

Month, day, year and place of incident or service: STARTED IN FEB. 2020 AND CONT UNTIL OCT-2020

Explanation: APPROX. 6 mo's. IN THE MONTH OF FEB 2020 I WAS MOVED BACK INTO HOTEL BARRACKS RACK #1 DIRECTLY IN FRONT OF BOTH THE BATH ROOM AND SHOWERS. DURING THIS TIME I WAS VERY RECENTLY

[REDACTED]

NEEDLESS TO SAY I WAS UNABLE TO PROTECT MYSELF. IT WAS DURING THIS TIME THAT LEROY WILLIAMS (LOW) APPROACHED ME AND BEGAN

[REDACTED]

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? N/A (Month) N/A (Day) (Year) to whom? N/A (Department) N/A

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

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

and that the nature thereof is as follows: N/A and was acquired on N/A, in the following manner N/A

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 believe that they are true.
BART WOODARD # [REDACTED] (Print Claimant/Representative Name) Bart Woodard (Signature of Claimant/Representative)

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

DANIEL WAYNE GOLDEN
NOTARY PUBLIC-STATE OF ARKANSAS
GRANT COUNTY
COMM. #12716561 EXP. OCTOBER 21, 2031

27th day of March 2022
(Date) (Month) (Year)

[Signature of Notary Public]

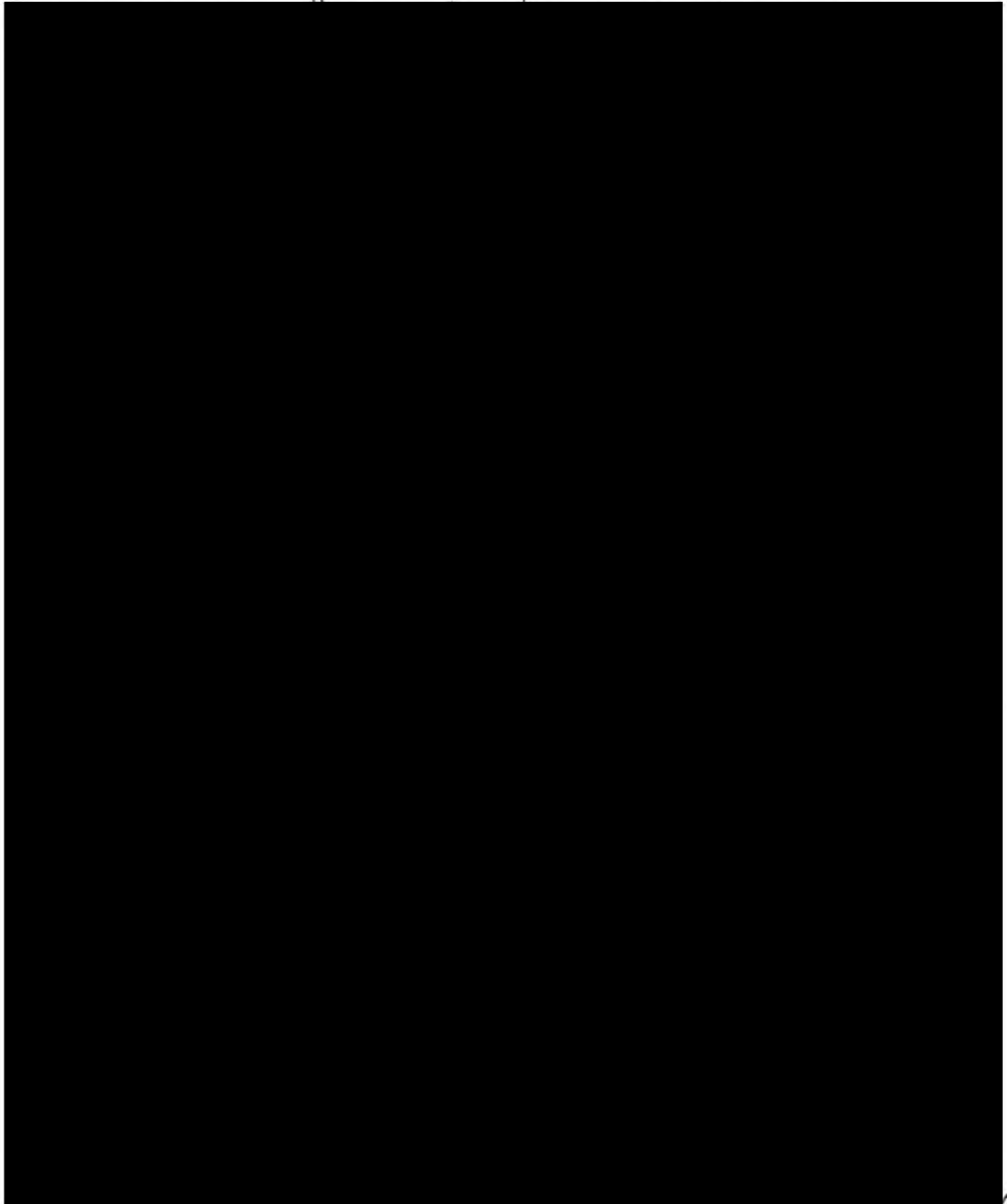
(Notary Public)

My Commission Expires: 10 21 2031
(Month) (Day) (Year)

SF1-R7/99

SNU Legal Use Only

(CONT. FROM ORIGINAL COMPLAINT FORM) OVER



SNU Legal Use Only

Page 1 of 2 - OVER

SNU Legal Use Only

INVESTIGATED AND ADMINISTERED A LIE DETECTOR TEST, AND THE INVESTIGATION WAS CLOSED WITH MY ALLEGATION BEING SUBSTANTIATED ON 8/7/2020.

Respectfully
Bart Woodward

RETURN ADDRESS
BART WOODWARD

#ADC [REDACTED]

SNU Legal Use (Only)

Page 202 for over flow

SNB / 15

ISSR100

Arkansas Department of Corrections

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: Woodard, Bart Wayne

ADC#: [REDACTED]

Assignment: AM:Unassigned

PM:DCR No Duty

Class: III is being charged by Seeley, Adam V
with code violation(s):

Title: Lieutenant

02-12 Failure to keep one's person OR quarters IN accordance with regulations, OR failure to wear Department-issued ID OR clothing according to center/unit policy.

03-5 Out of place of assignment.

13-2 Lying to a staff member, including omissions and providing misinformation

Date & Time: 06/30/2020 8:45 PM

Notice of Charges:

On 6/30/2020 at approximately 6:45 PM, I, LT Adam Seeley, initiated my investigation at approximately 6:45 PM concerning allegations from [REDACTED] PM. The witness statement provided by Inmate Woodard #119498 did not coincide with the video footage that was viewed. Therefore, I, LT Adam Seeley am charging Inmate Bart Woodard ADC#119498 with rule violations 2-12, 3-5, 10-1, 10-3, 10-6, and 13-2. 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: Coleman, Jimmy IV

Date 07/09/2020

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
#1

** → EXHIBIT #2 SENT TO PINE BLUFF 7-19-20 FOR APPEAL*

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center ORCS

Name WOODARD

ADC# [REDACTED] # INTJ Job Assignment MEDIC

FOR OFFICE USE ONLY

GRV. # SNN20-00189

Date Received: _____

GRV. Code #: _____

of WARD DECS from 7/3 E.A.

7-2-20 (Date) STEP ONE: Informal Resolution

7-6-20 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: EMERGENCY ALTHOUGH IT IS A START BUT WHAT ABOUT THE REST OF THE PROCEDURE AND WHY AM I NOT TESTED AND STILL LOOKING

_____, (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 serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: IN CONJUNCTION WITH THE PAIN PILL INJECTION

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

This form was received on 7-4-20 (date), and determined to be **Step One** and/or an Emergency Grievance Yes (Yes or No). This form was forwarded to medical or mental health? Yes (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

PRINT STAFF NAME (PROBLEM SOLVER) Det Smith ID Number [REDACTED] Staff Signature [Signature] Date Received 7-4-20

Describe action taken to resolve complaint, including dates: _____

Staff Signature & Date Returned _____ Inmate Signature & Date Received _____

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

Staff Who Received Step Two Grievance: _____ Date: _____

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

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

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

IGTT430
3GD

Attachment VI

INMATE NAME: Woodard, Bart W.

ADC #: [REDACTED]

GRIEVANCE#: SNN20-00189

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION

[REDACTED]

[REDACTED]

Gary Duffin
Director

9/3/20
Date

EXhibit
#3



[REDACTED]
6814 Princeton Pike
Pine Bluff, Arkansas 71602
Phone: 870-267-6405
Amanda.Pasley@Arkansas.Gov

To: Inmate B. Woodard ADC # [REDACTED]
From: Amanda Pasley, Division of Correction [REDACTED] Coordinator
Date: September 4, 2020
Re: ORCU Grievance # SNN20-00189

Amanda Pasley

In reference to the above-listed grievance, this allegation was investigated and found to be substantiated on 8/7/2020.

EXhibit #4

<http://DOC.Arkansas.gov>

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Roni Gean \(DOC\)](#)
Subject: Bart Woodard v ADC 211169 and 211170
Date: Thursday, April 28, 2022 10:59:41 AM
Attachments: [122-1-1.pdf](#)
[122-1-1.pdf](#)

Answers

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD [REDACTED]

CLAIMANT

v.

CLAIM NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

ANSWER TO COMPLAINT

COMES NOW the Respondent, Arkansas Department of Corrections, 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,



Thomas Burns (02006)
ADC Legal Division
6814 Princeton Pike
Pine Bluff, AR 71602-9411
(870) 267-6845 telephone
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 28th day of April 2022 on the Claimant by placing a copy of the same in the U. S. Mail, regular postage, to:

Bart Woodard ([REDACTED])
[REDACTED]



Thomas Burns

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Deborah Williams \(DOC\)](#); [Roni Gean \(DOC\)](#)
Subject: Bart Woodard v ADC 211169
Date: Friday, May 20, 2022 1:53:25 PM
Attachments: [2021-1-1.pdf](#)

Motion to Dismiss

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

v

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.
2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan*, 2011 Ark. 94. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*
3. An "important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim." *Fifth Third Bancorp v. Dudenhoeffer*, 573 U.S. 409, 425 (2014). Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State bank*, 339 F.3d 764 (8th Cir. 2003). A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v Iqbal* 556 U.S. 662 (2009). Although detailed factual allegations are not required, more that "unadorned, the-defendant-unlawfully-harmed-me-

accusations” are required. *Id.* To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to relief that is plausible on its face. *Id.* A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

4. When a trial court is presented with extraneous materials outside of the pleadings and does not exclude those materials, a motion to dismiss for failure to state facts upon which relief can be granted shall be treated as one for summary judgment. *Norris v Davis, 2014 Ark. App. 632 (2014)*

5. The inmate seeks the sum of \$12500.00 for alleged Disciplinary and [REDACTED] [REDACTED] Although inmate seeks an award of damages (\$12500.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153 (2008)*. The inmate’s claim, even if true, does not support a claim for monetary relief.

6. Even if the inmate were to plead with more specificity, he would still not be able to prevail. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992)*. Even taking the inmate’s allegations true as pleading, and giving him the benefit of every possible inference, his mere inconvenience of alleged wrongdoing can never render a claim that is anything but speculation.

7. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. *Pressler v. Ark. Publ. Serv. Comm’n, 2011 Ark. App. 512, at 9, 385 S.W.3d*

349, 355 (citing *Elder v. Mark Ford & Assocs.*, 103 Ark. App. 302, 288 S.W.3d 702 (2008)). The Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793* (ASCC 2019).

8. Whether a plaintiff is represented by counsel or is appearing pro se, his complaint must allege specific facts sufficient to state a claim. See *Martin v Sargent*, 780 F.2d 1334, 1337 (8th Cir. 1985).

9. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v Weiss*, 2010 Ark. 150.

10. In reviewing whether a complaint is subject to dismissal, the Court must accept as true all factual allegations in the complaint, but is “not bound to accept as true a legal conclusion couched as a factual allegation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* “Nor does a complaint suffice if it ‘tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (quoting *Twombly*, 550 U.S. at 557). Rather, a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 556). A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. *Twombly*, 550 U.S. at 556. A complaint cannot, however, simply leave open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery. *Id.* at 561. Rather, the facts set forth in the

complaint must be sufficient to nudge the claims across the line from conceivable to plausible. *Id.* at 570. “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged –but it has not ‘show[n]’ – ‘that the pleader is entitled to relief.’” *Iqbal*, 556 U.S. at 679 (quoting *Fed.R.Civ.P.* 8(a)(2)).

11. The Plausibility standard is not akin to a “probability requirement” but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are “merely consistent with” a defendant’s liability, it” stops short of the line between possibility a plausibility of entitlement to relief” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)

12. The inmate is currently housed at the Ouachita River Correctional Unit of the ADC. He is serving a 25-year sentence on a conviction of Aggravated Robbery and other crimes.

13. The inmate claims that the ADC wrongfully convicted him in the Disciplinary Court.

14. The inmate states in his complaint that the ADC did nothing and [REDACTED] another Inmate. *See Inmate Complaint*

15. The inmate never called the [REDACTED] hotline, nor did he ever tell anyone of the allegations. *See inmate complaint.*

16. The matter was investigated, and video showed that the claimant was the one who [REDACTED] This was the second time the Inmate has been charged with this. *See attached Ex A.* Exhibit A is being provided “In Camera” as it contains documents that would endanger the safety and security of the Inmates and Unit.

17. Both Woodard and Brown were charged with s [REDACTED] d.

18. Both inmates said they did not have a problem with one another and told medical they did not engage [REDACTED] d.

19. The Inmate is making claims of prison conditions, section 1983 claims, and 8th Amendment violations.

20. The Commission does not have jurisdiction to hear these claims.




23. While the inmate makes several claims (all outside the Commissions jurisdiction)



24. Pursuant to the Prison Litigation Reform Act (PLRA), "no actions shall be brought with respect to prison conditions under Section 1983 of this title or any other Federal law, by a prisoner confined in any jail, or other correctional facility until such administrative remedies as ae available are exhausted." 42 U.S.C § 1997e. In 1997, the Arkansas legislature adopted the PLRA's exhaustion requirement by enacting Ark. Code Ann. §16-106-202. That statute follows the PLRA by adopting a grievance exhaustion requirement for state actions:

- (a) A civil action **or claim** initiated against...Department of Correction...by an inmate in a penal institution or incarcerated person appearing pro se may be:
 - (1) Dismissed without prejudice by the court on its own motion or on a motion of the defendant, if all administrative remedies available to the inmate have not been exhausted.

25. The inmate did not grieve any of his claims beside  *Inmates complaint*

"A basic rule of administrative procedure requires that an agency be given the opportunity to

address a question before a complainant resorts to the courts. Where a party has failed to exhaust his or her administrative remedies, the trial court lacks jurisdiction over the suit” *Ark. HHS v Smith*, 370 Ark. 490. One must exhaust their administrative remedies before they may proceed in Court. *See Johnson v Johnson*, 385 F.3d 503 (2004).

26. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

27. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

28. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). “Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.” Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney’s fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



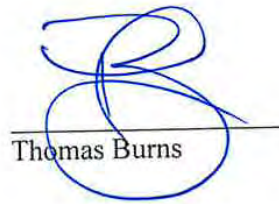
Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

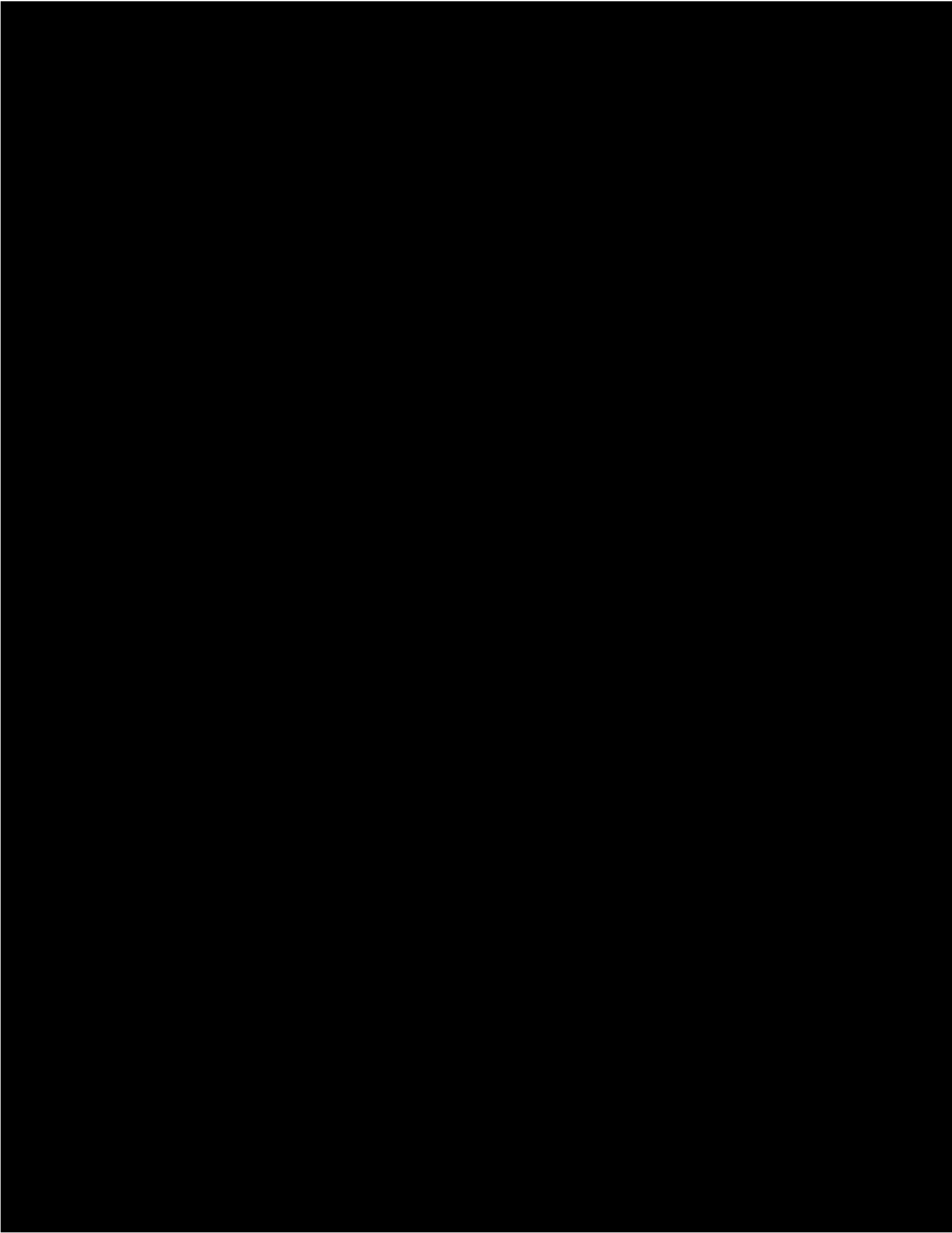
I certify that a copy of the above pleading has been served this 20th day of May 2022, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

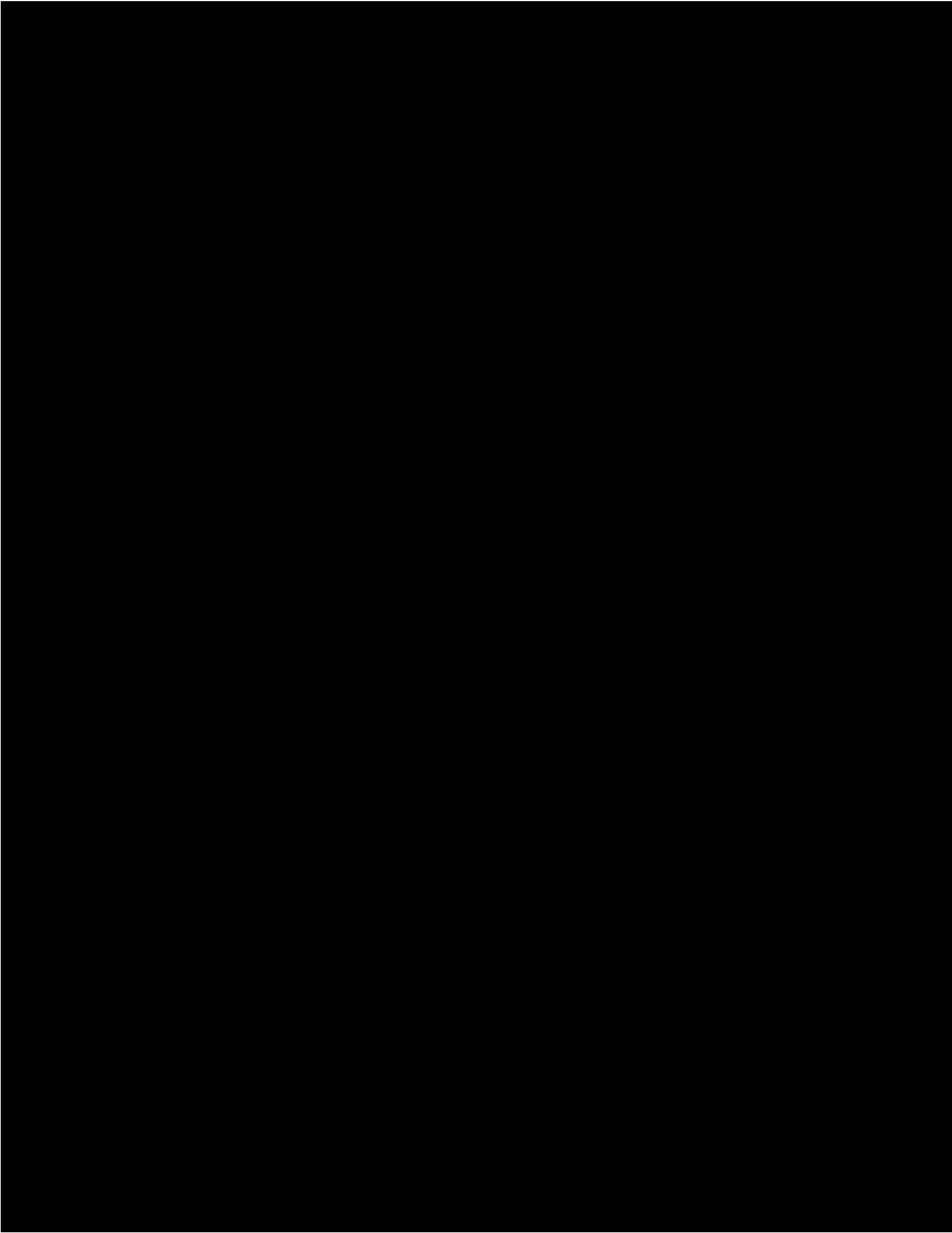
Bart Woodard

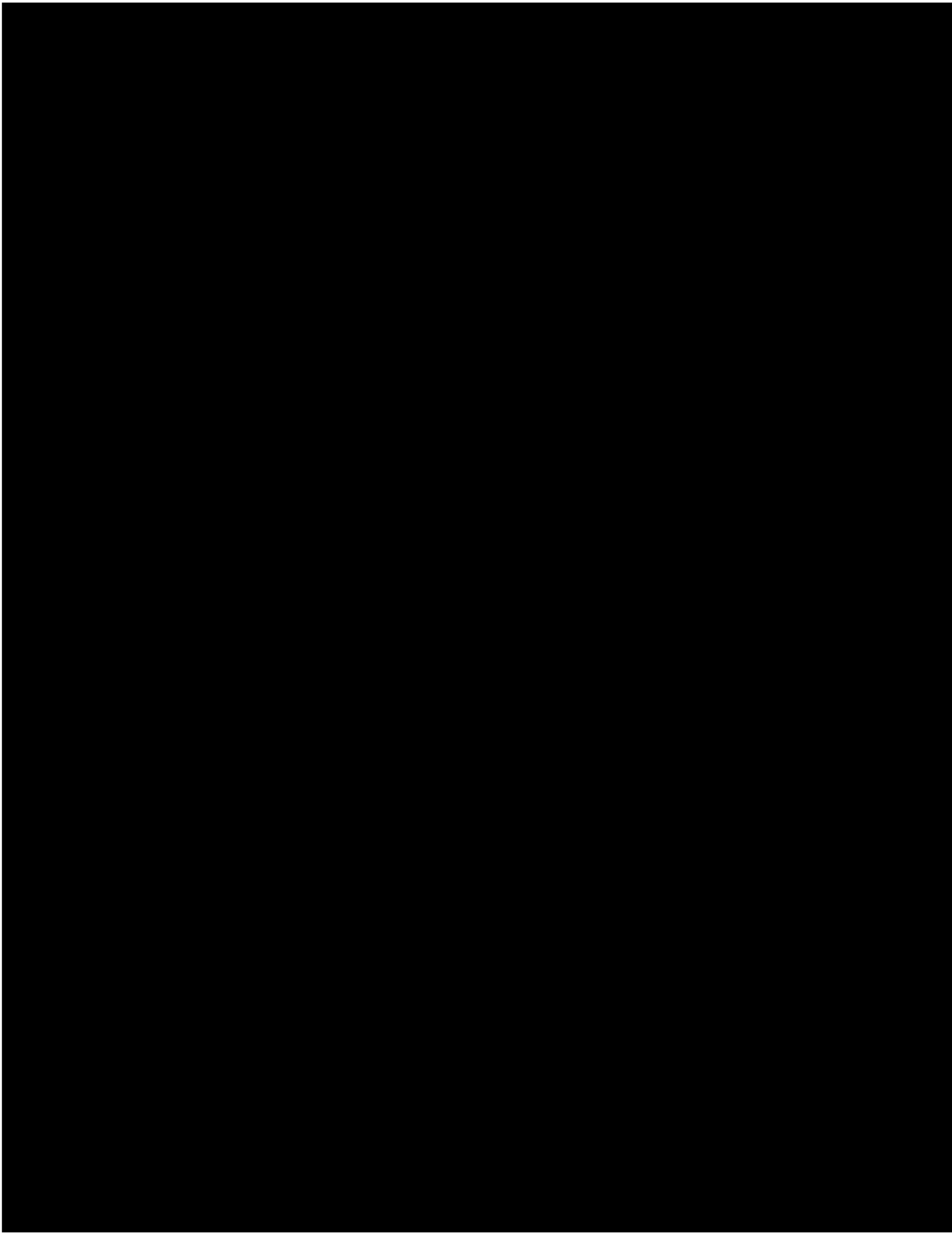
[REDACTED]

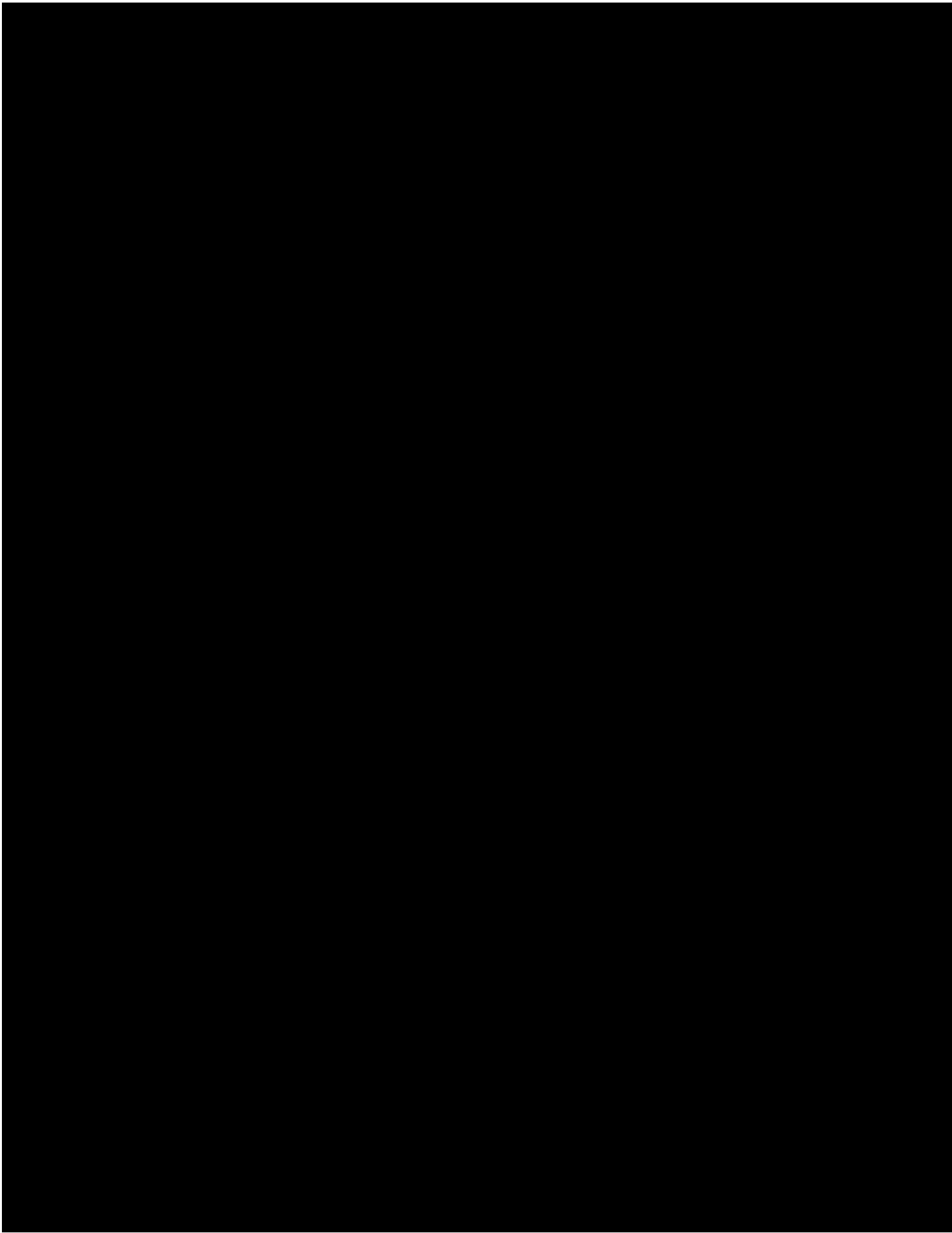


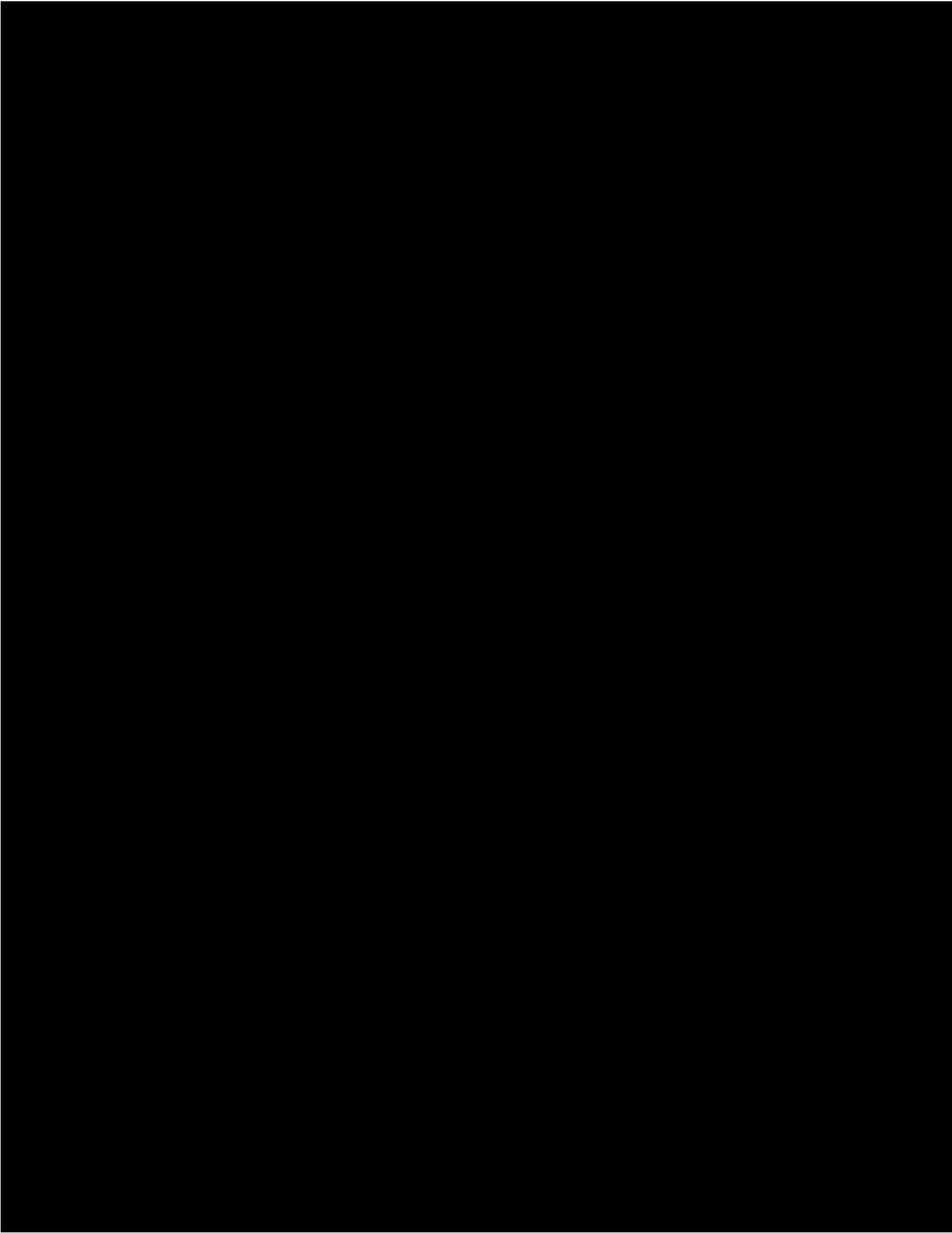
Thomas Burns

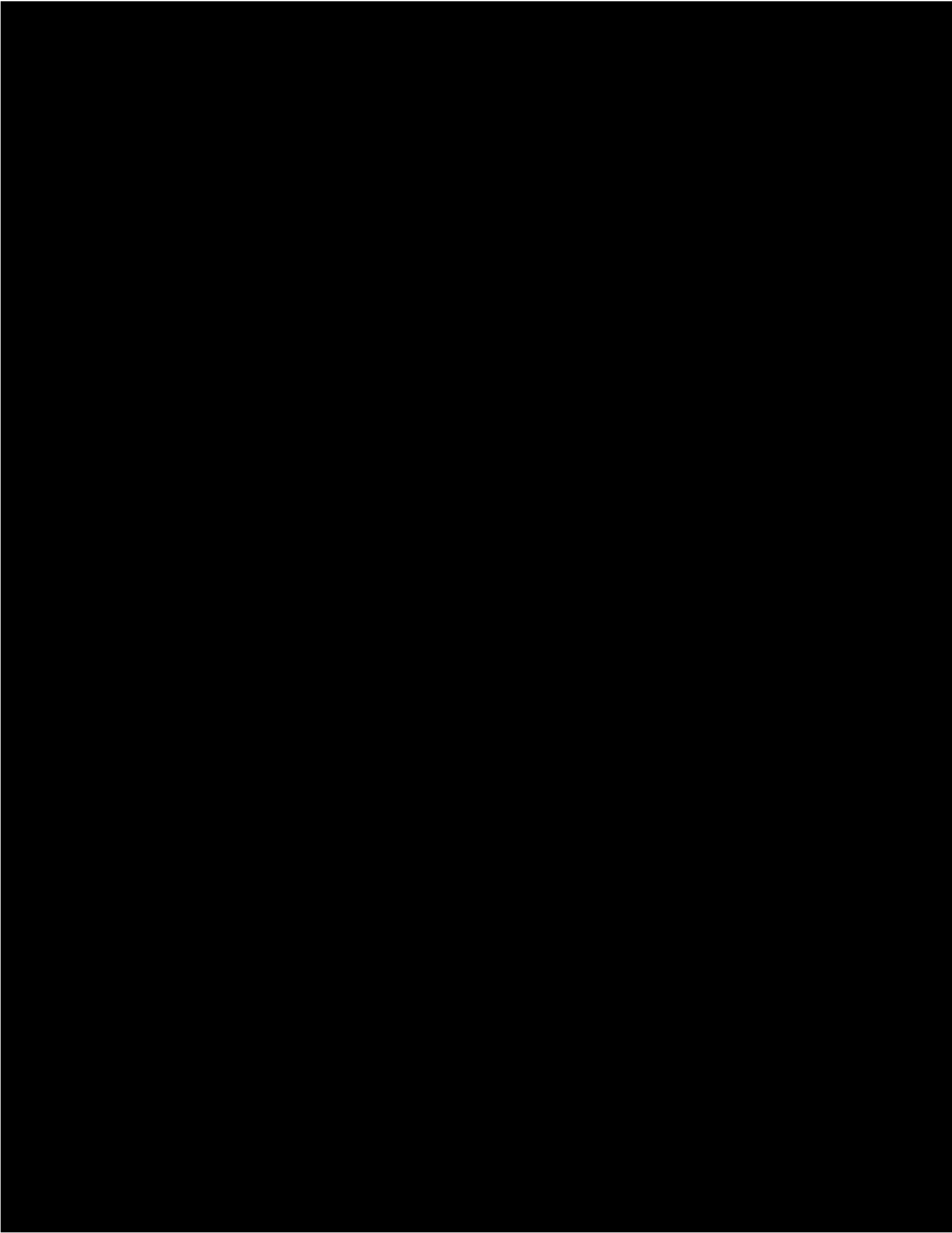


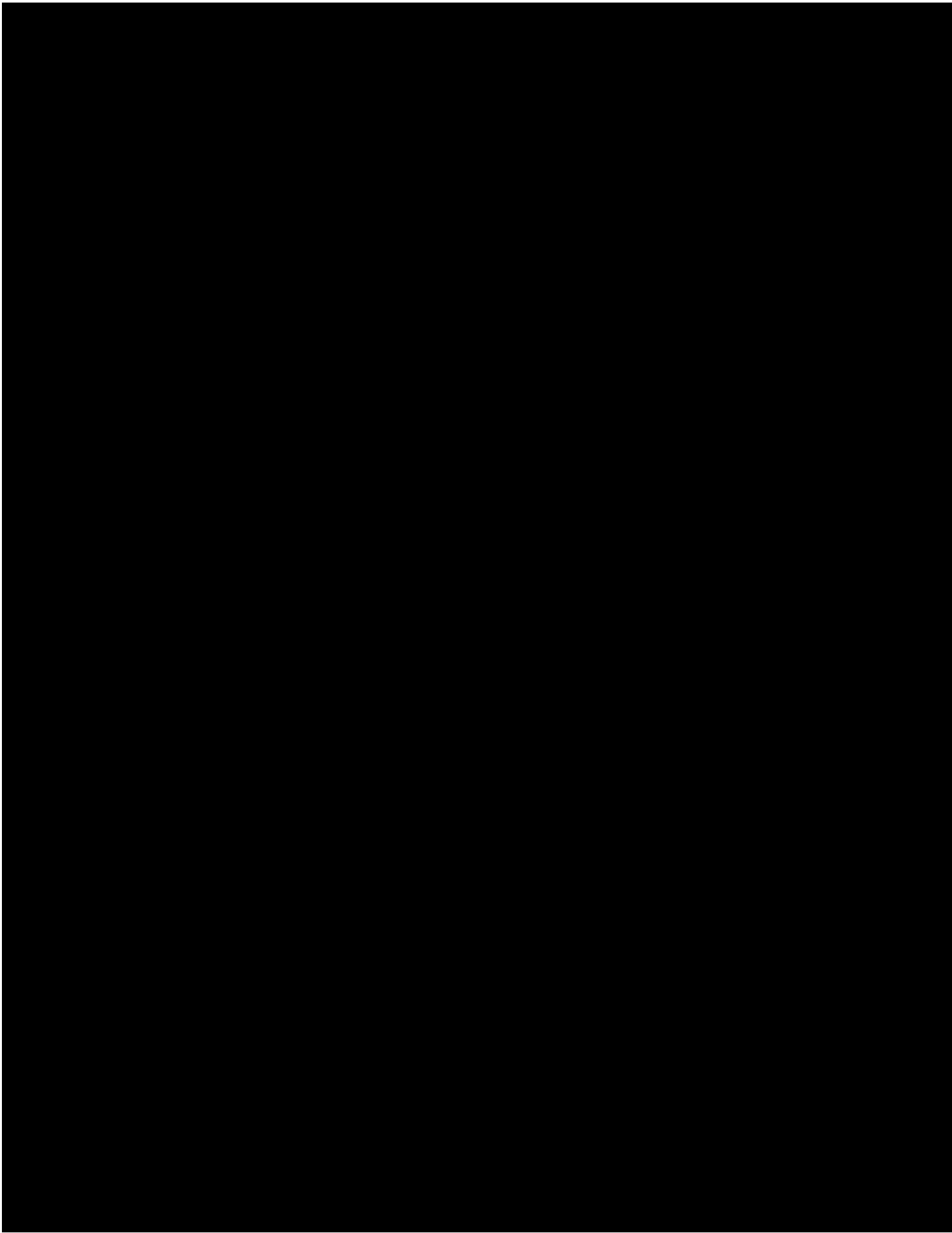


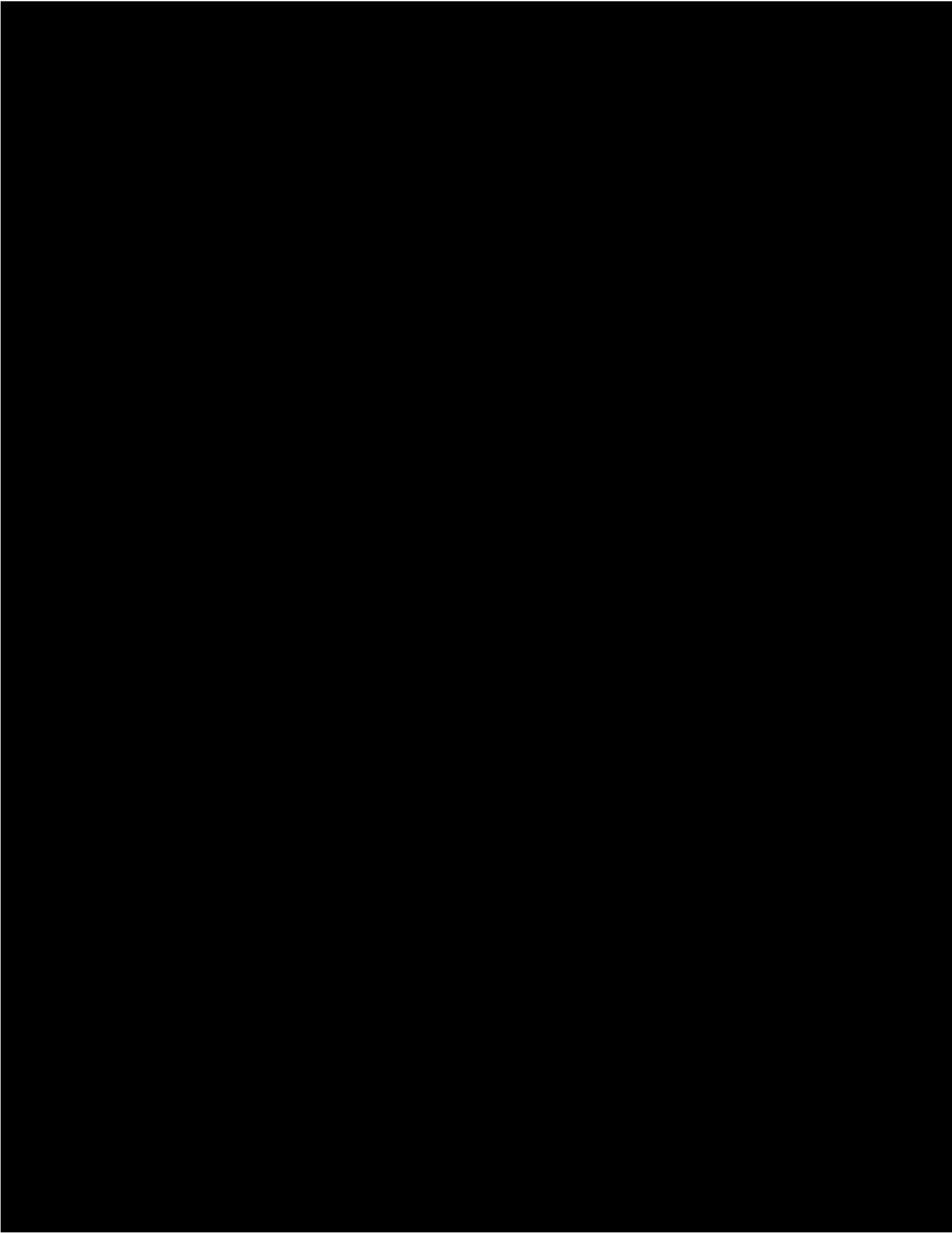


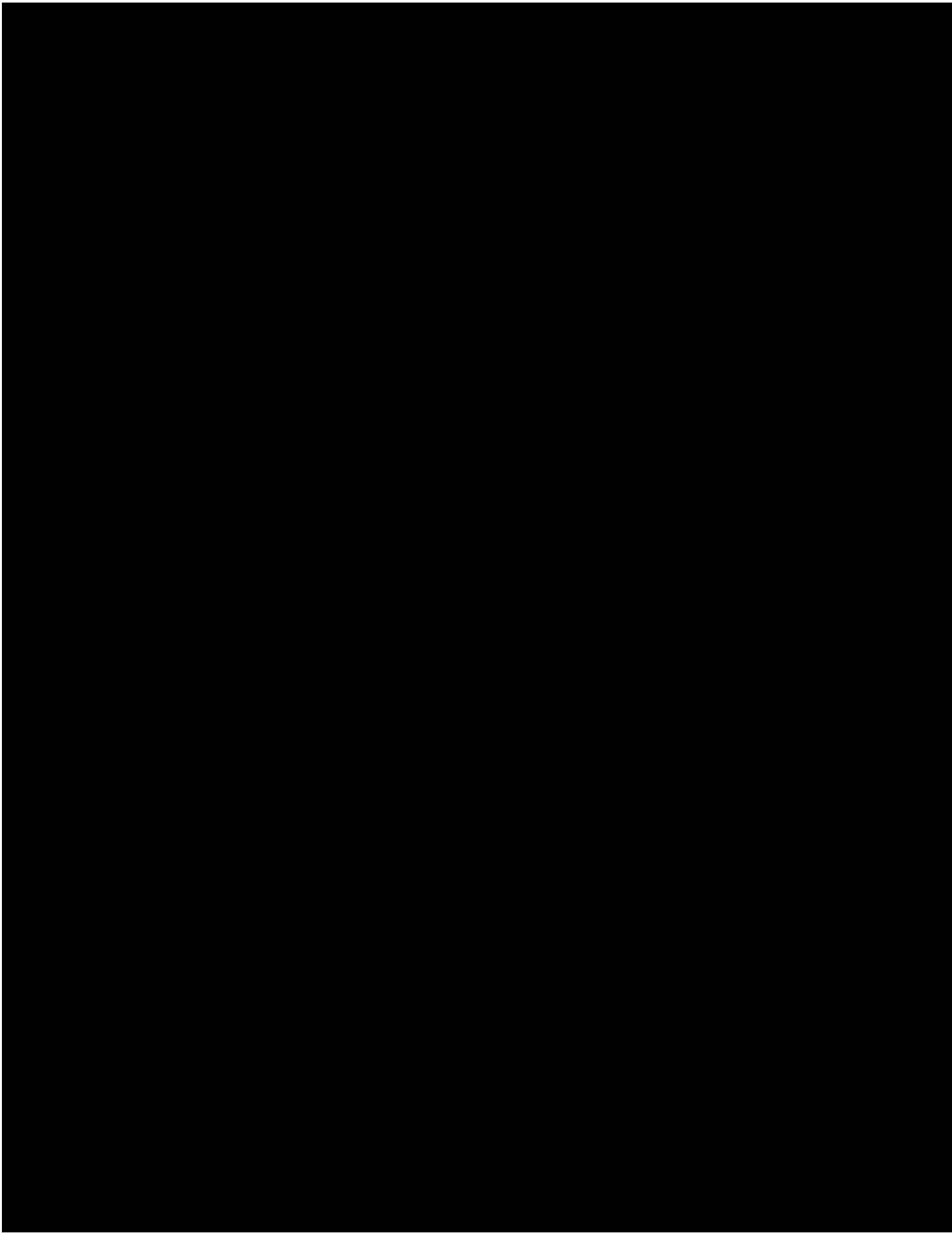


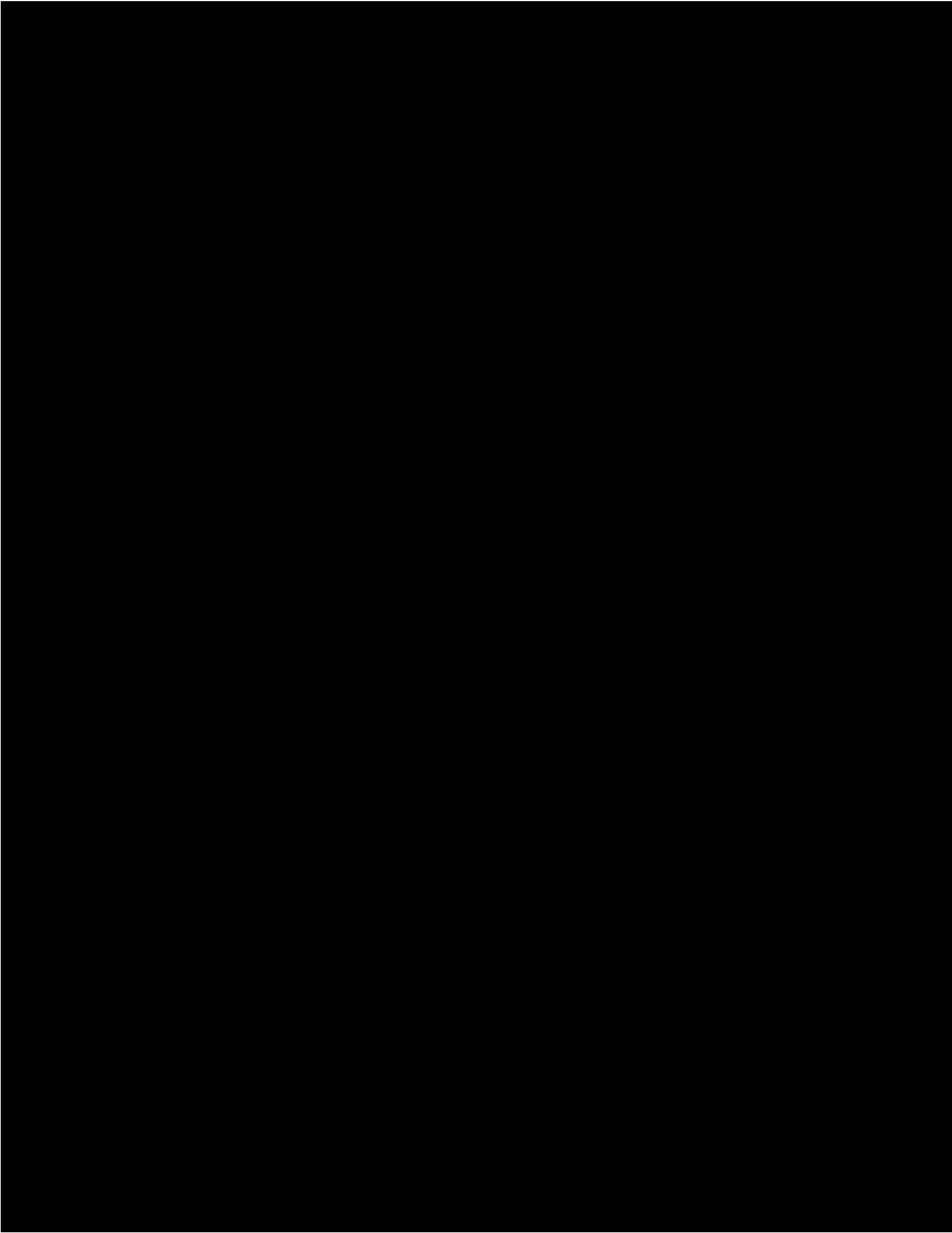


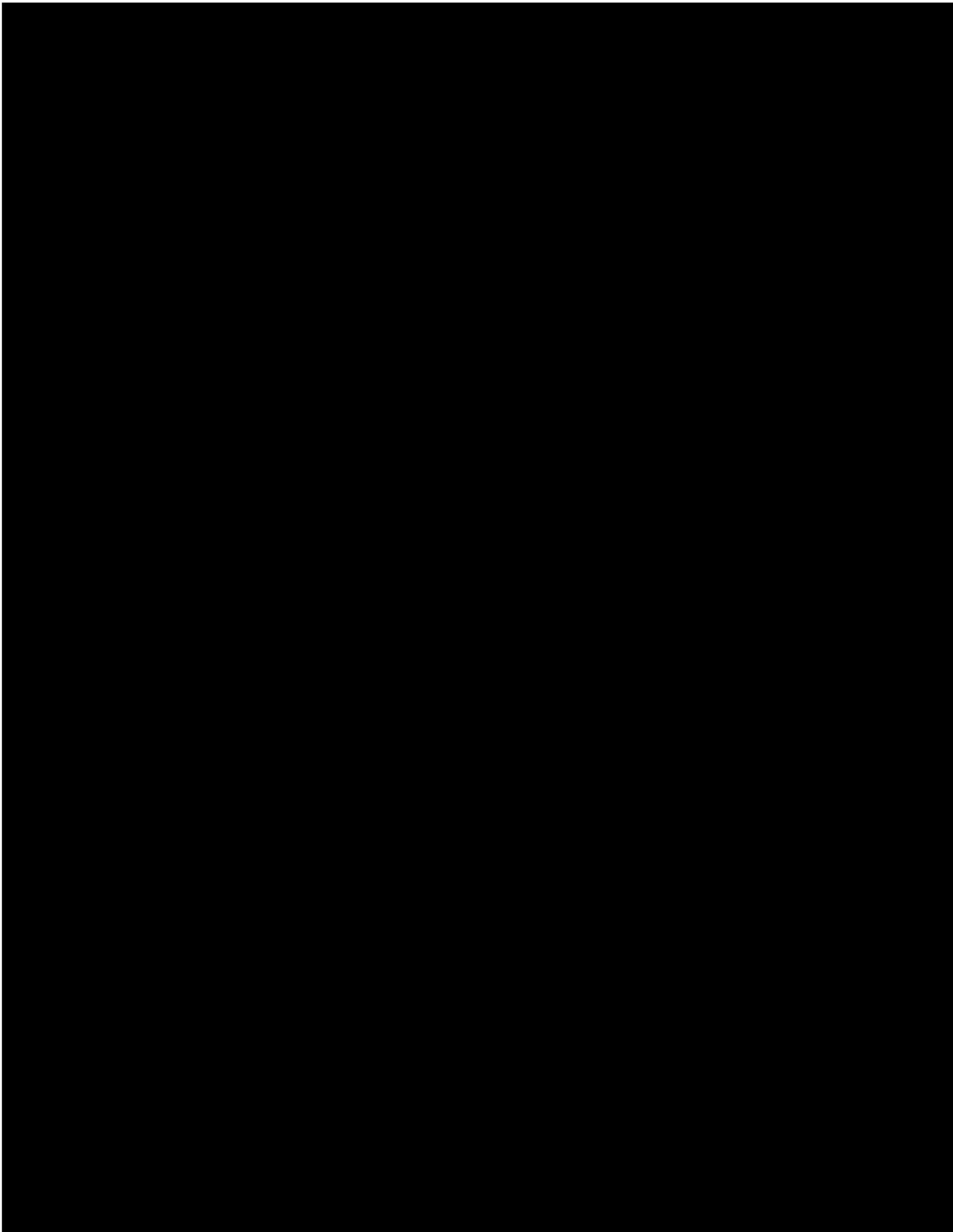


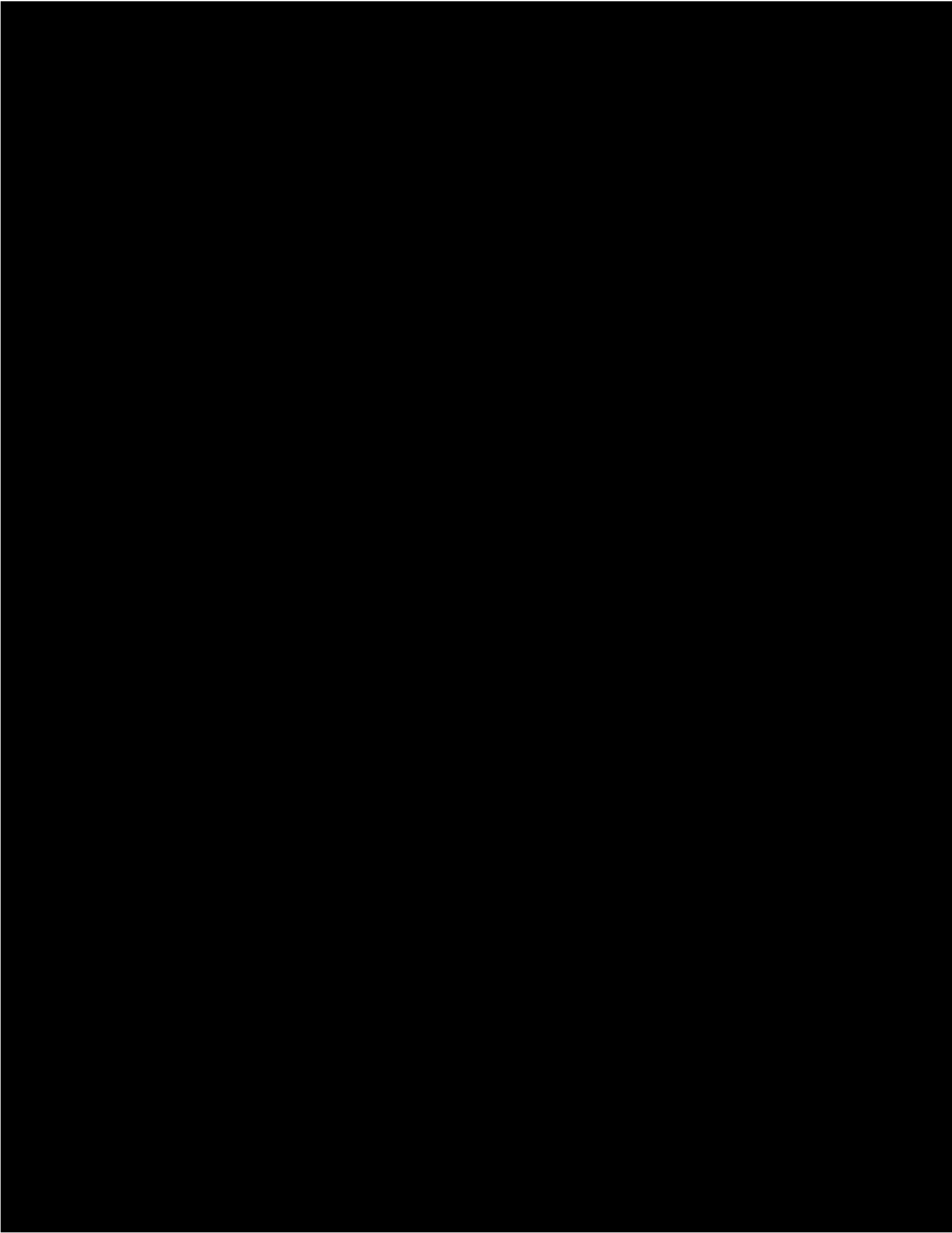


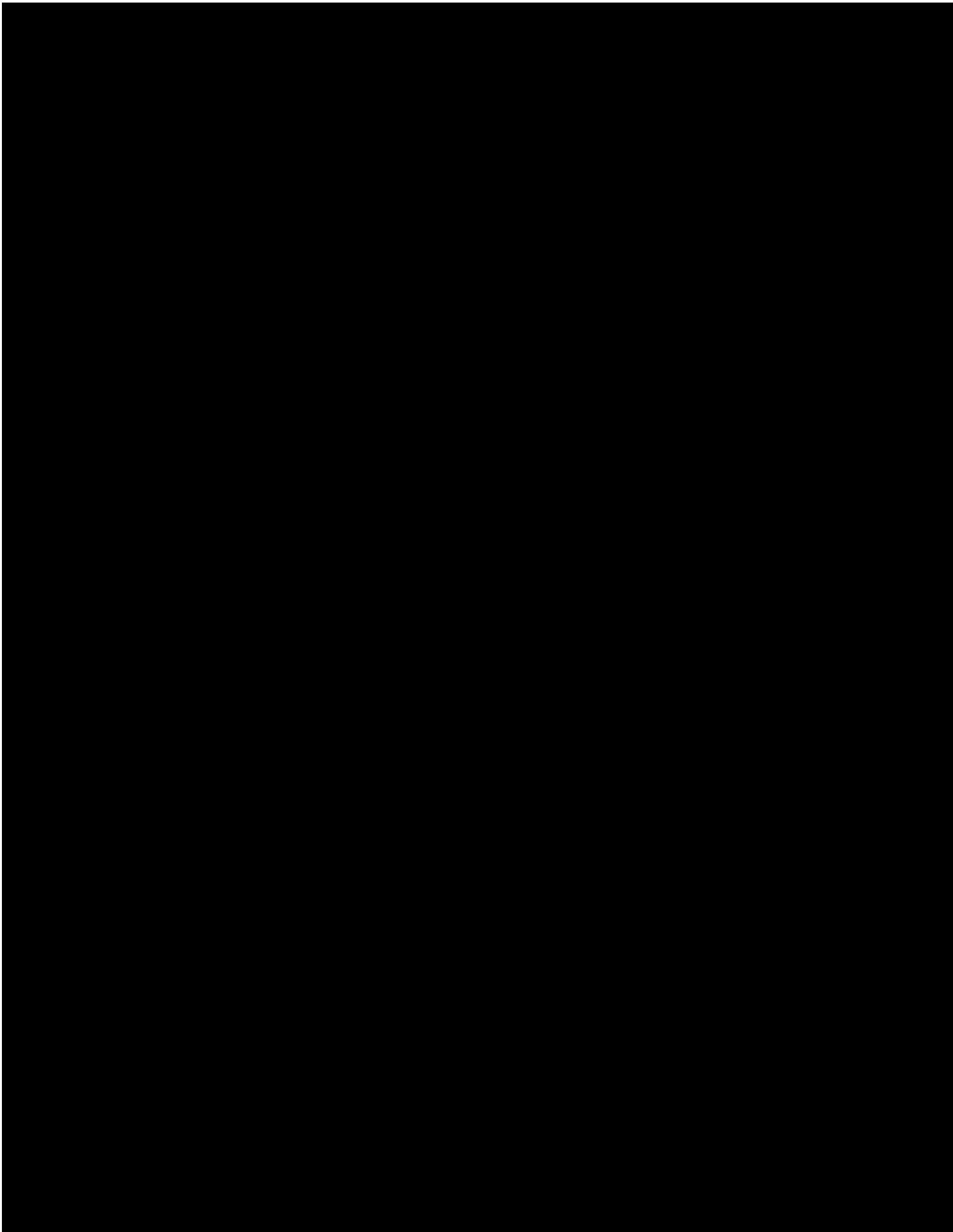


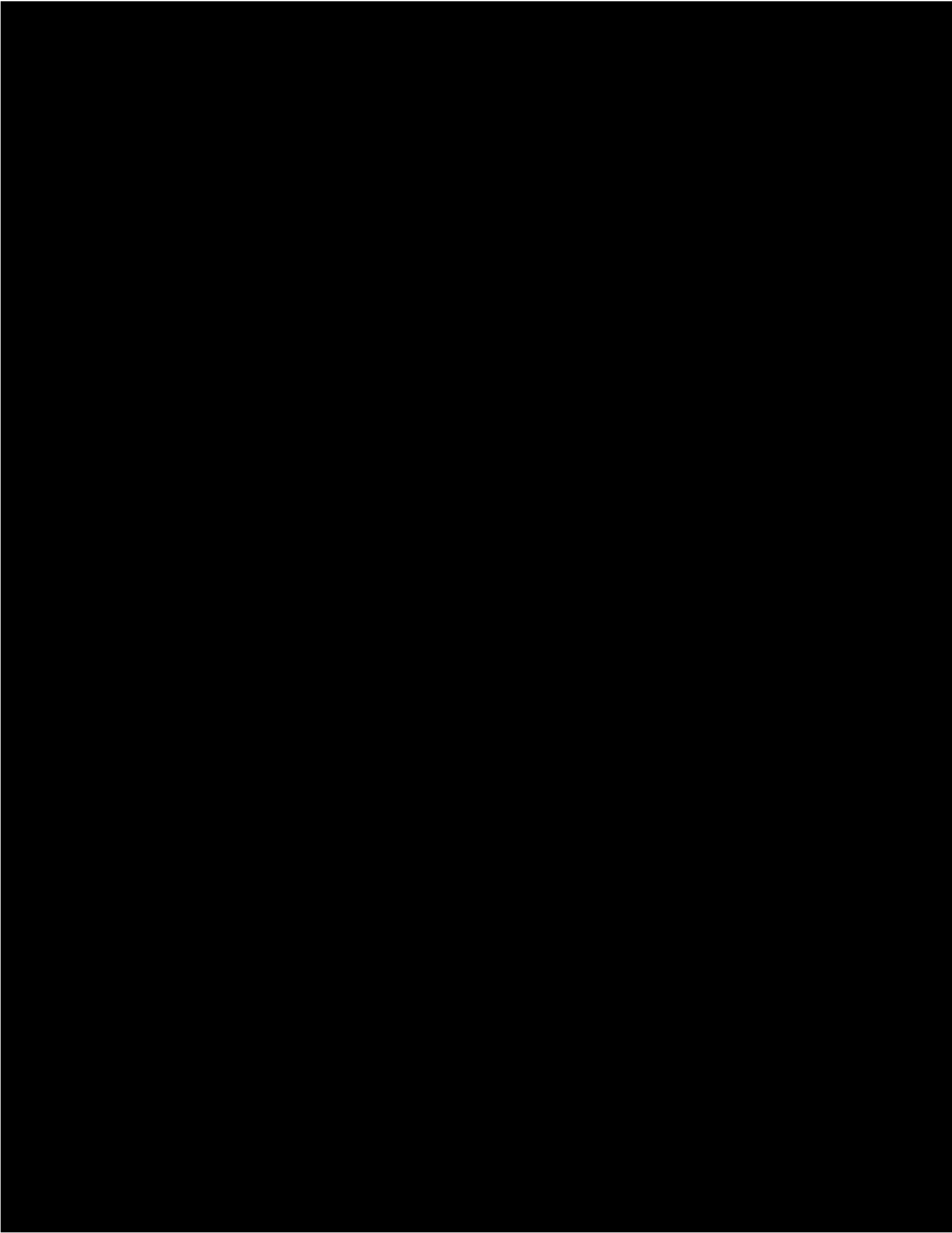


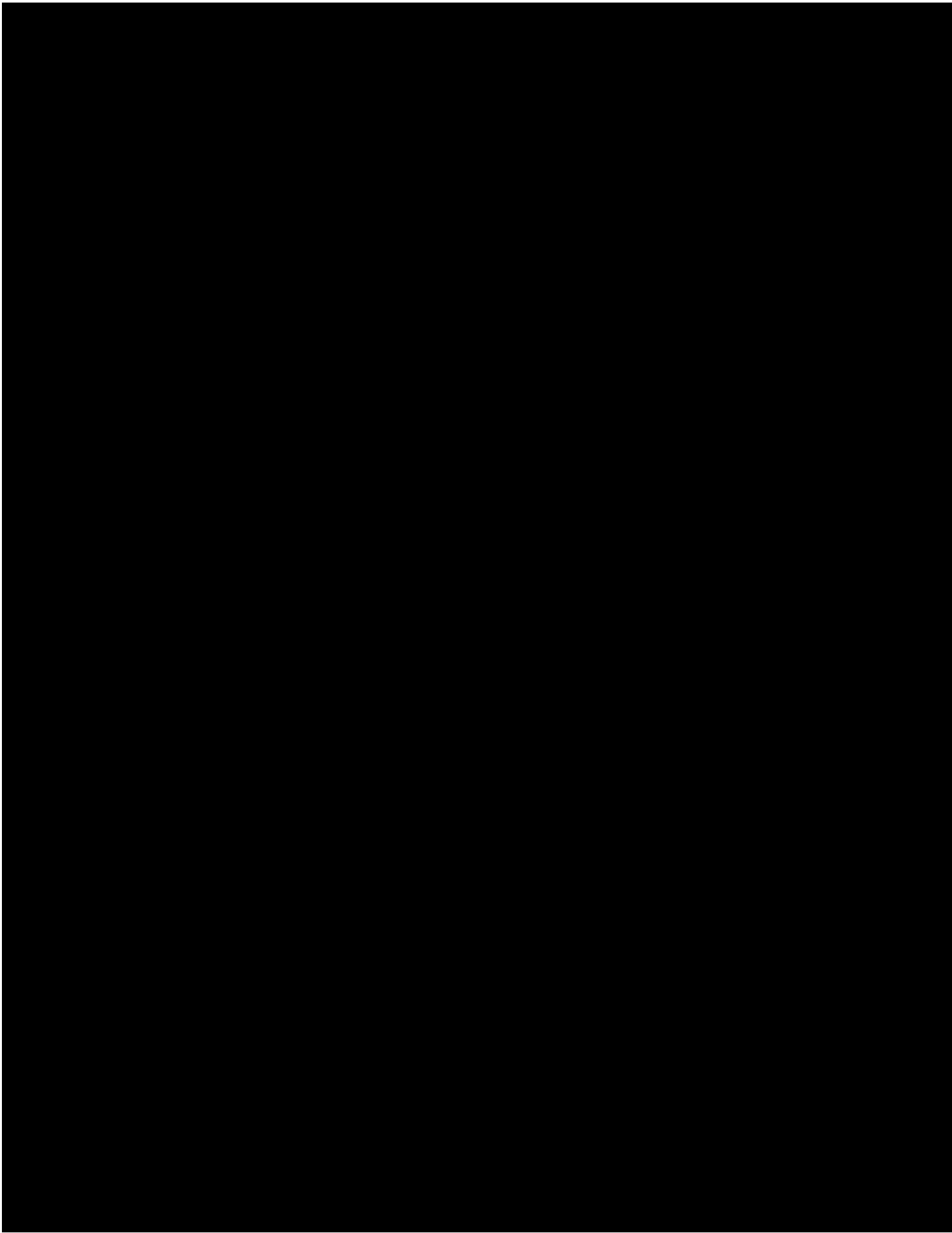


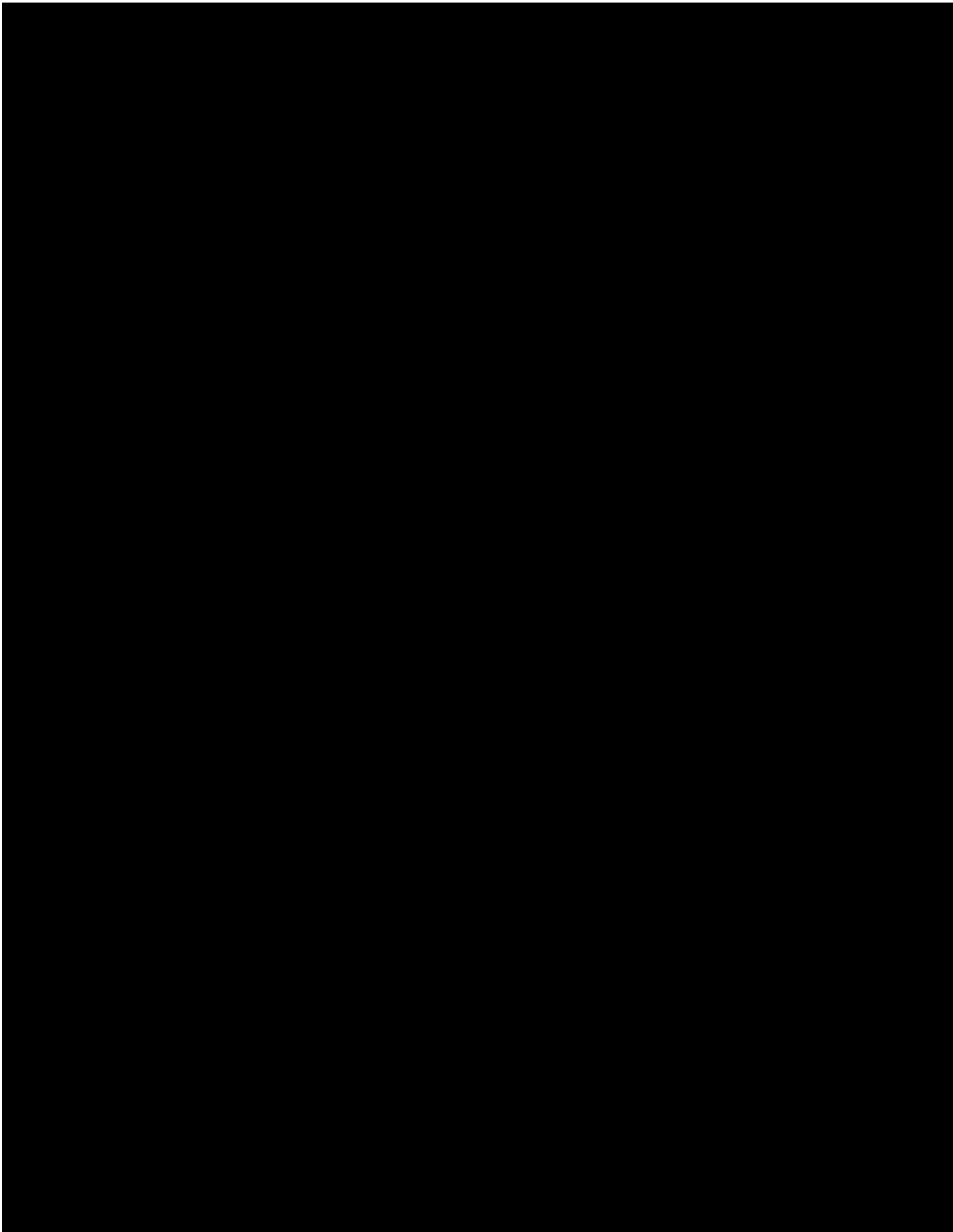


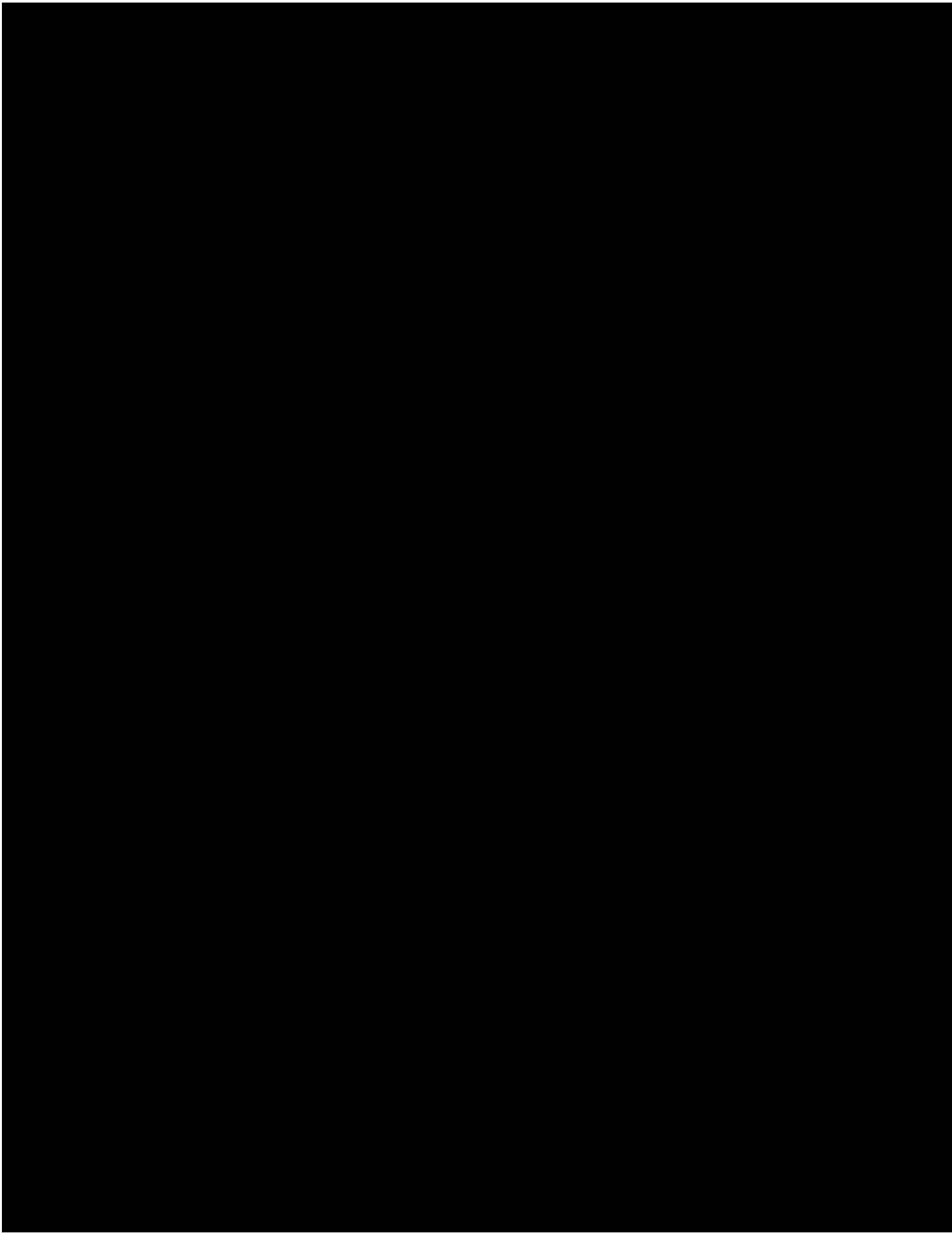


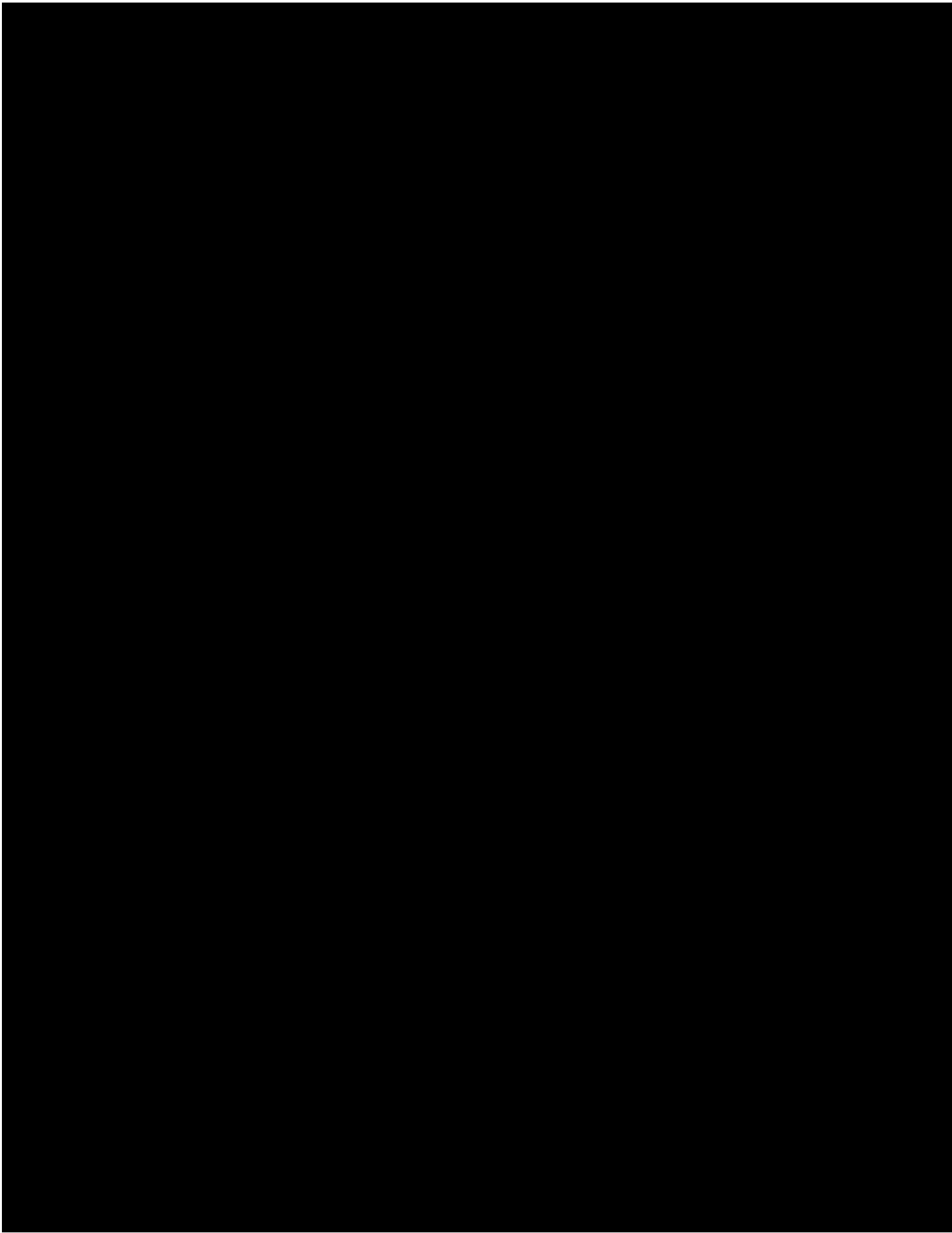




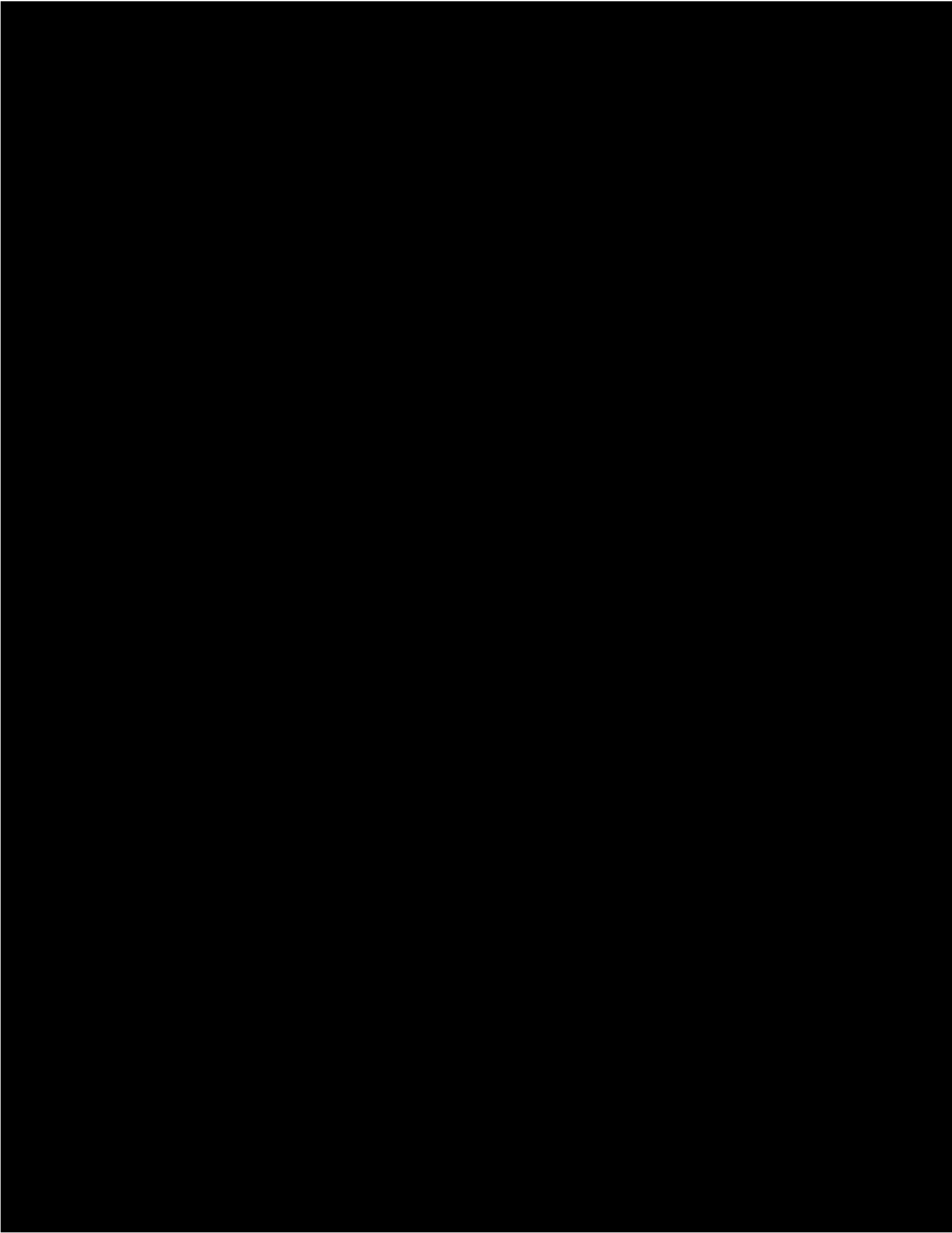


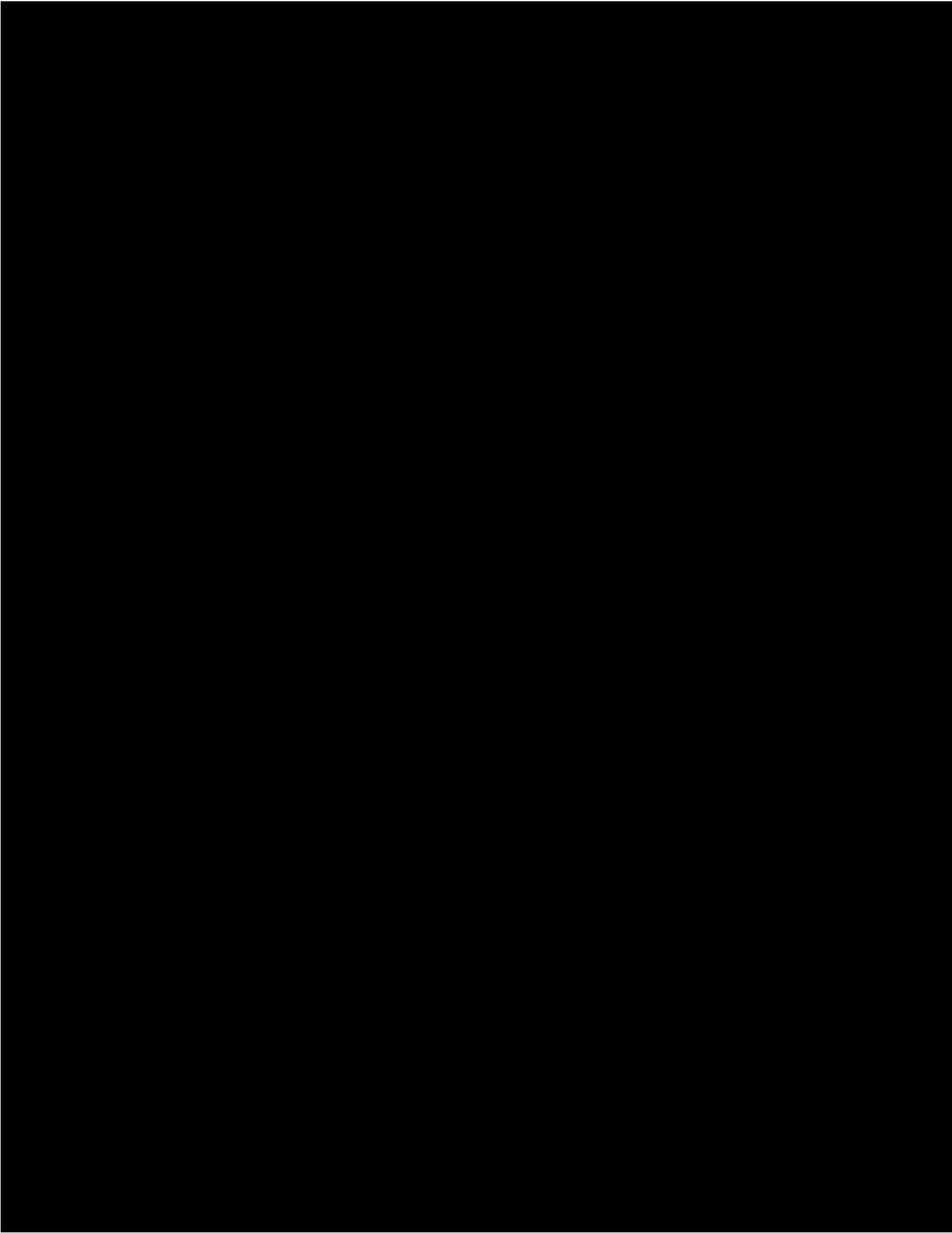


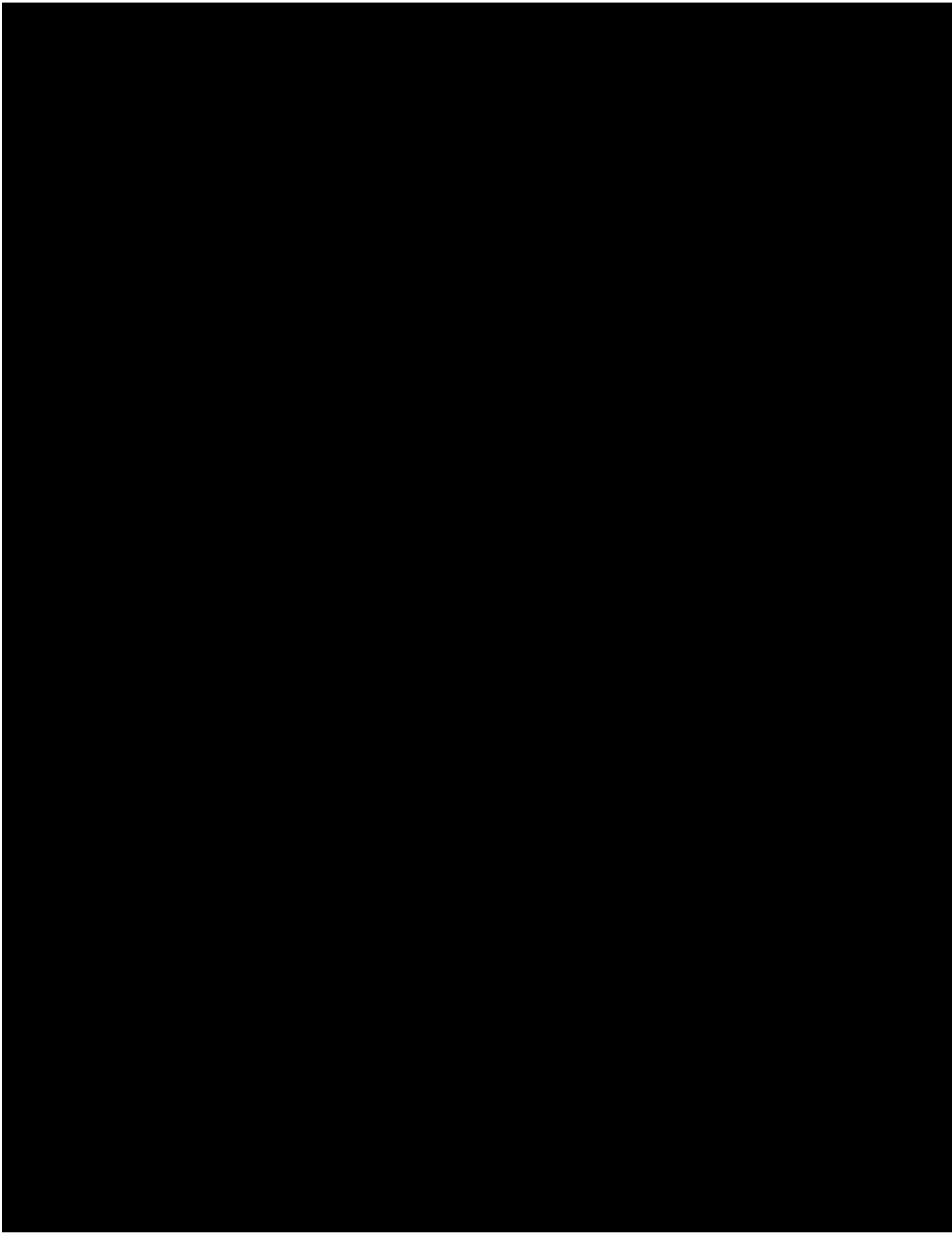


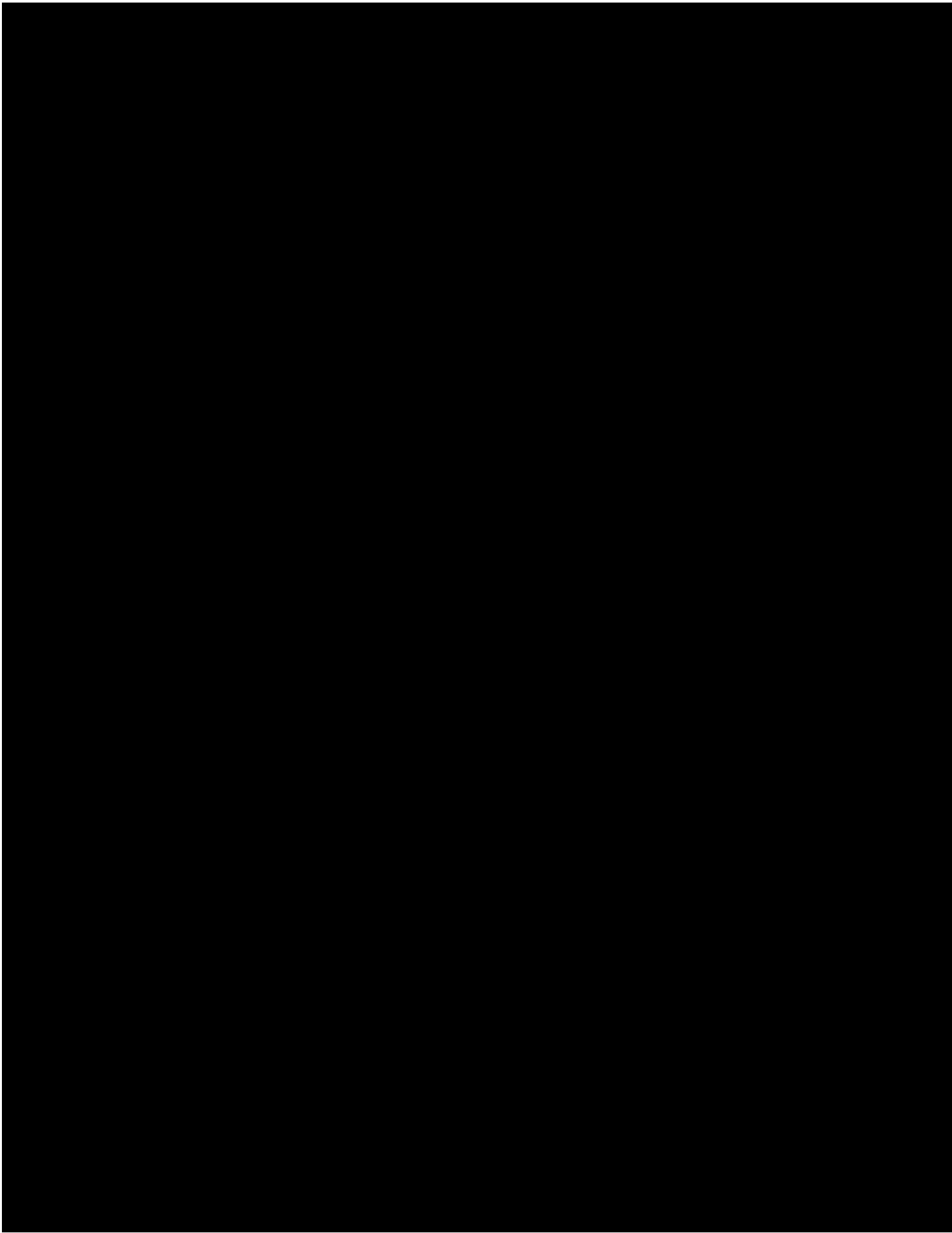


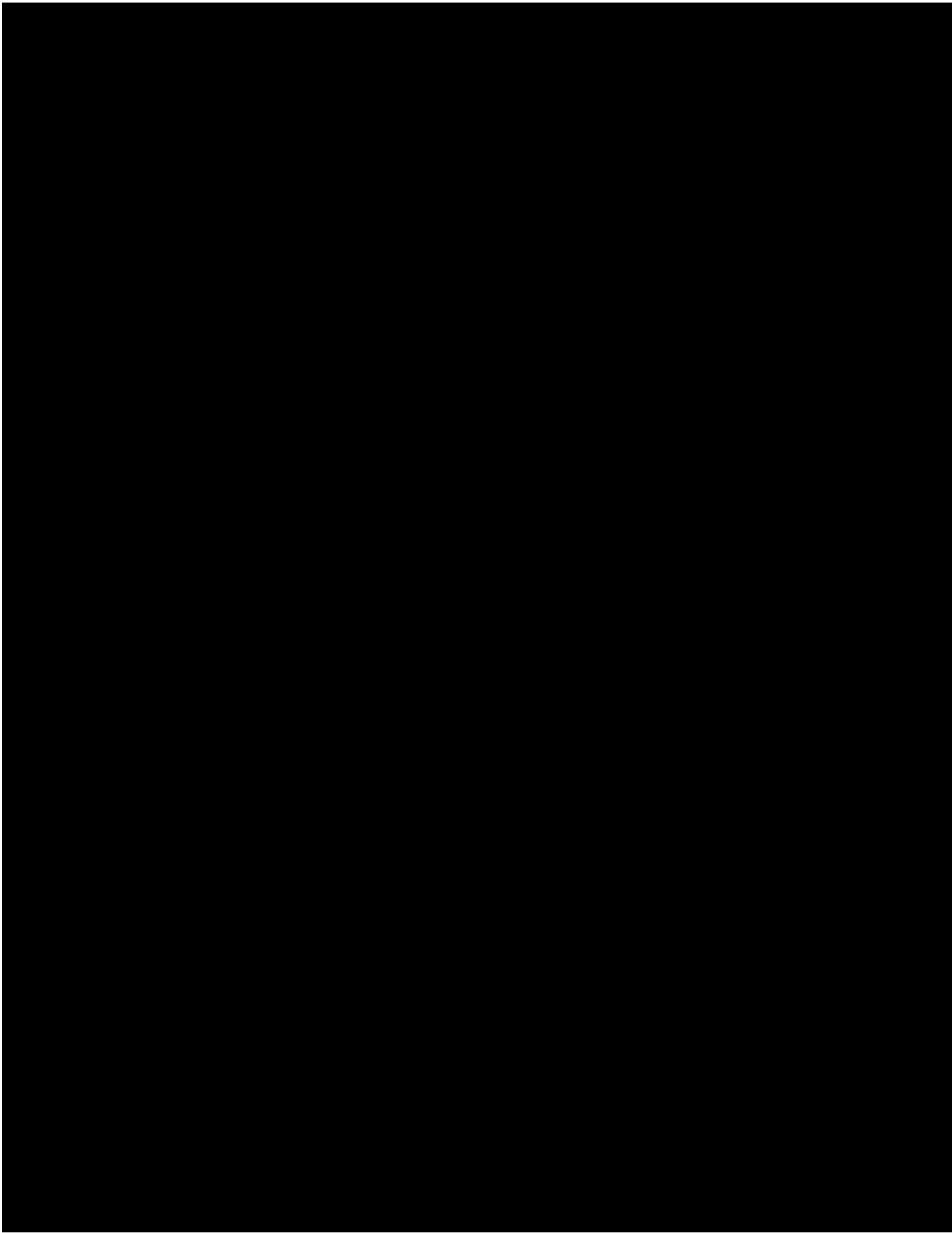


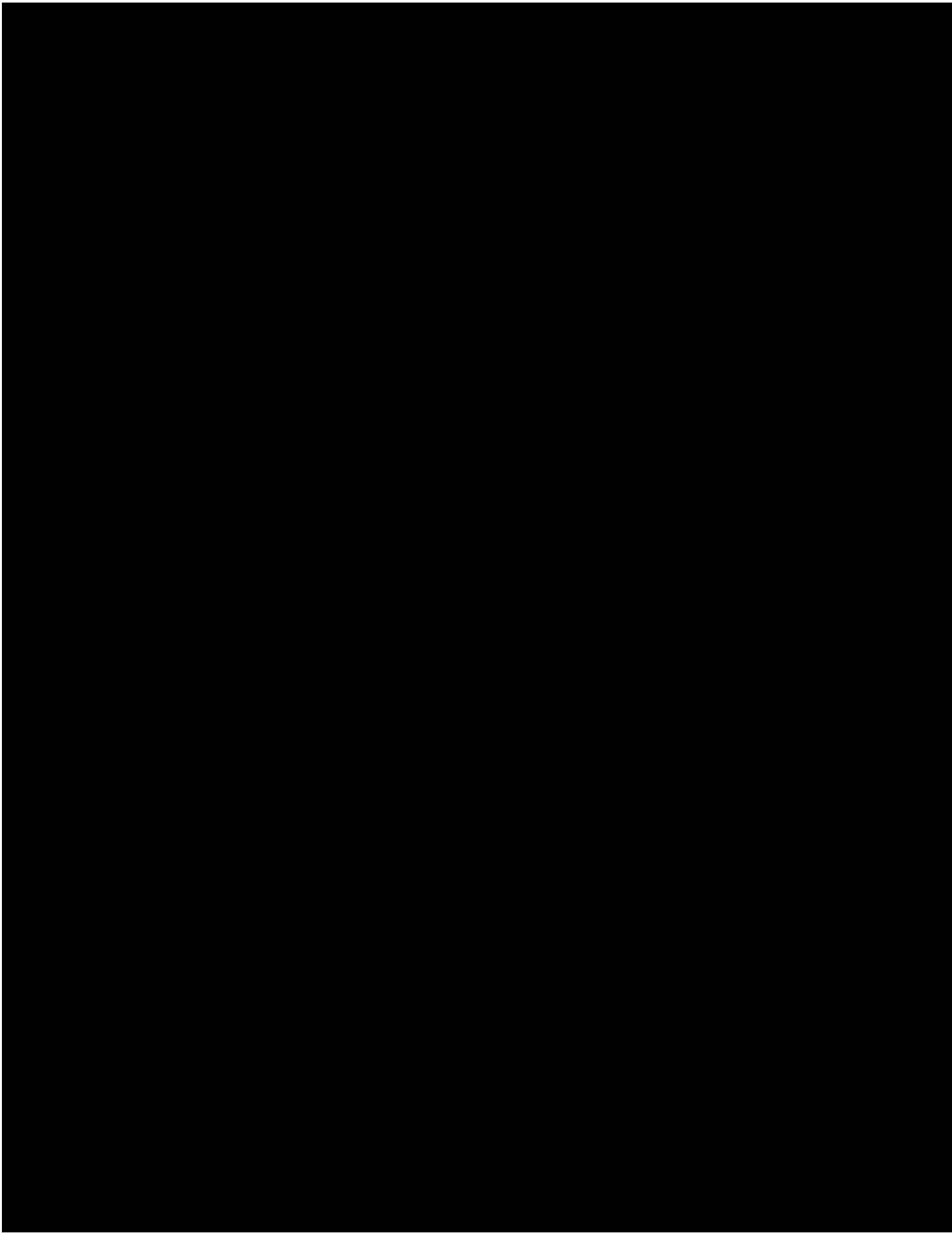












JUN 14 2022

RECEIVED

COVER SHEET

NOW BEFORE THE ARKANSAS
STATE
CLAIMS COMMISSIONBART WOODARD CLAIMANT
ADC # [REDACTED]V- 221169
ARK DEPT OF CORR. RESPONDANT
DIVISION OF CORRECTION

CONTAINS THE FOLLOWING:

25 PAGES THE CLAIMANTS REPLY
TO RESPONDANTS MOTION TO
DISMISS

9 PAGES OF EXHIBITS

1 page COVER SHEET

10 PAGE CERTIFICATION OF SERV-
ICE

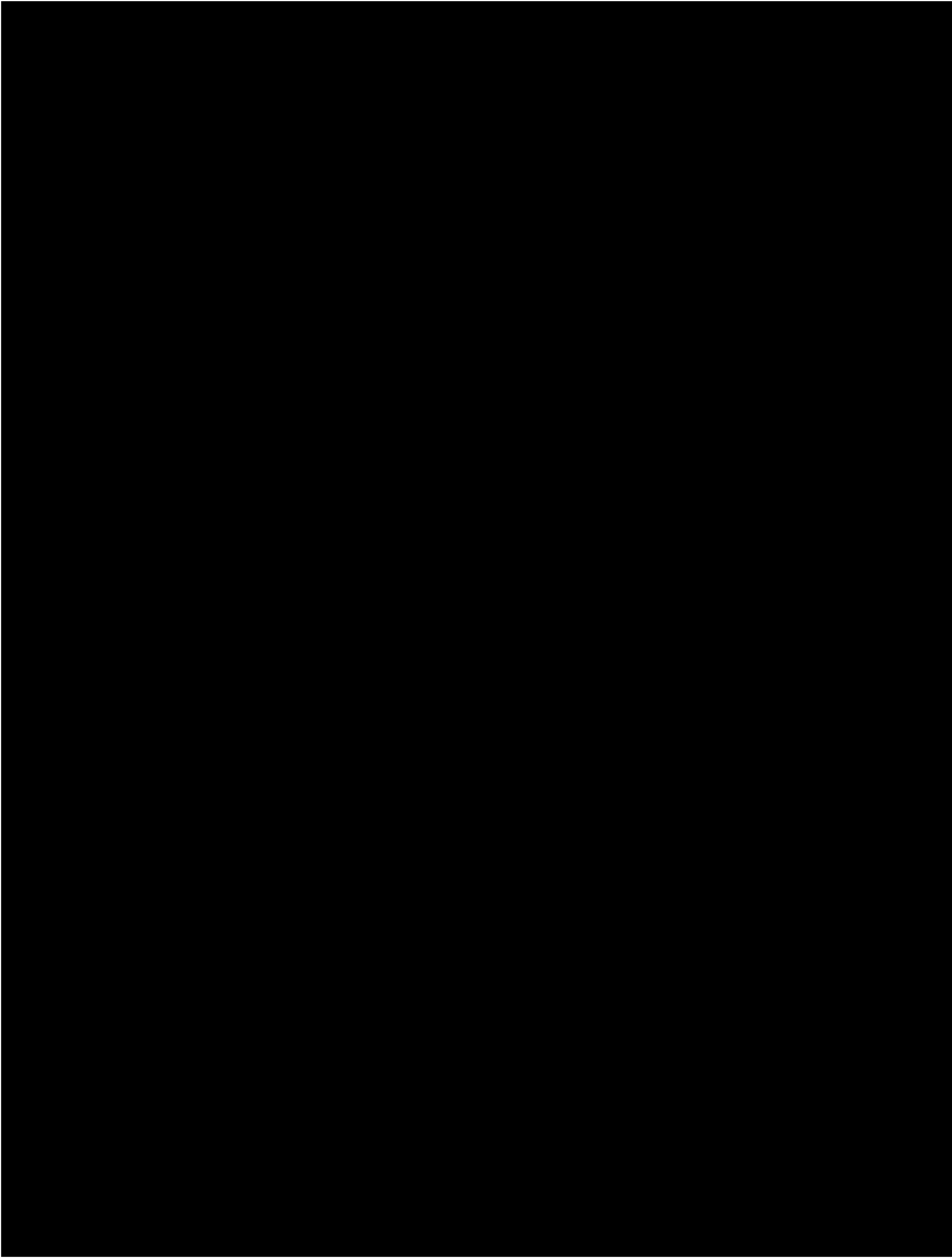
Now BEFORE THE ARKANSAS STATE CLAIMS

COMMISSION

Bart Woodard AD [REDACTED] Claimant
 V CASE NO. # 221169
 ARKANSAS DEPT. OF CORRECTION RESPONDENT
 Division of Correction.

CLAIMANT'S REPLY TO RESPONDENT'S
 motion to Dismiss and the
 CLAIMANT'S OWN CROSS motion for
 Summary Judgement, with Petition
 for Damage award with Immediate
 notice clause

CLAIMANT BART WOODARD COME PROSE
 BEFORE THE RESPECTED ARKANSAS CLAIMS
 COMMISSION, (CLAIMANT SHALL BE REF-
 ERRED TO HENCEFORTH THROUGHOUT THIS
 DOCUMENT AS CLAIMANT, OR PROSE IN-
 MATE OR I OR ME OR AS PROSE ATTY)
 TO PRESENT THE CASE REFERRED TO ABOVE,
 TO REFUTE LINE BY LINE the motion
 to Dismiss brought by the Respondent,
 (WHO WILL BE REFERRED TO HENCEFORTH AS
 RESPONDENT ADC, STATE OR DEFENDANT(S)).

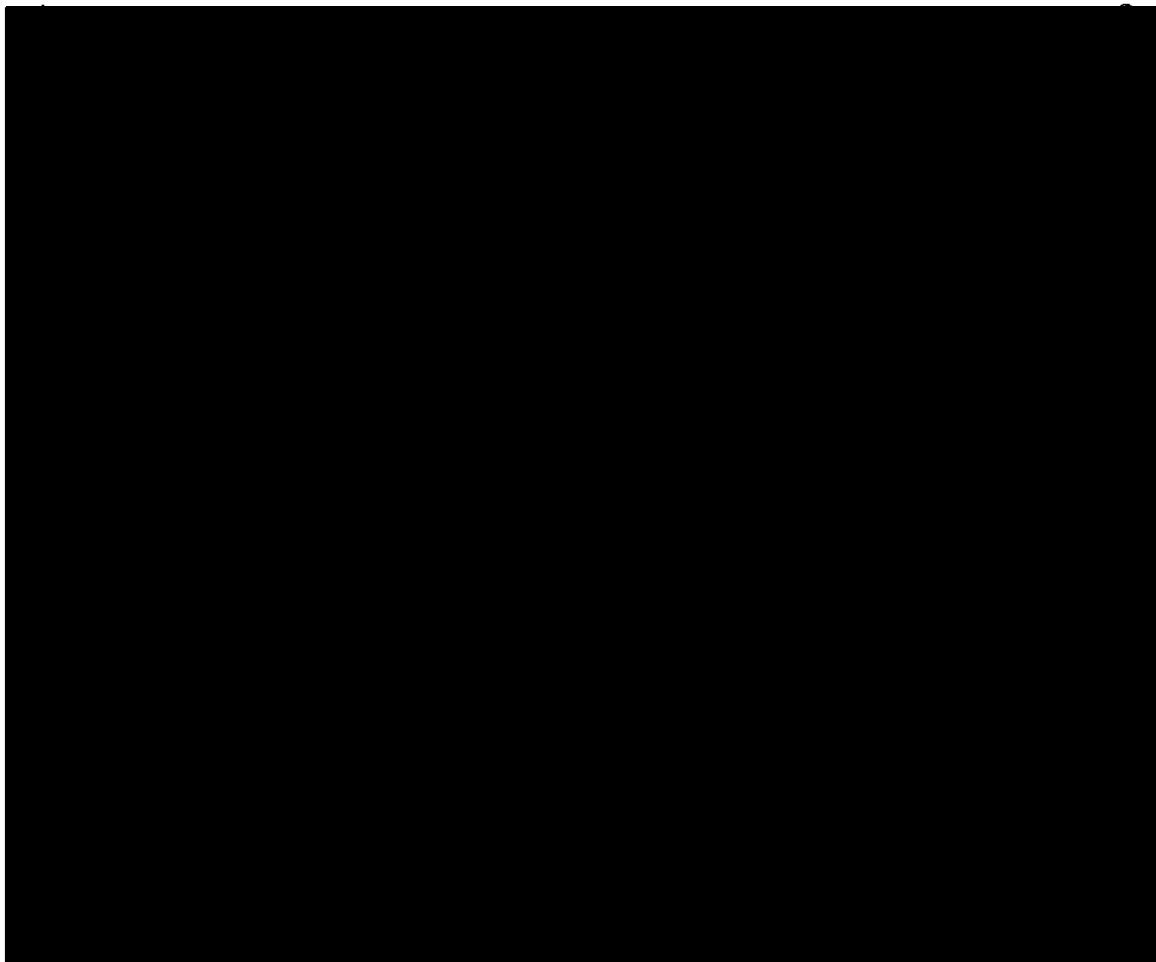


OF ADC'S UNDERSTAFFING OF ALL BARRACKS
AND FAILURE OF STAFF TO MAKE ROUNDS
EVERY 30 MINUTES AS SECURITY CHECK.
ALSO THERE SHOULD (AS PER BARRACKS RULES)
BE NO INMATES AT ANOTHER INMATES
CUBICAL, RACK AREA, LIVING SPACE AFTER
LITES OUT. THE ADC HAS FAILED TO
PROPERLY TRAIN THE STAFF OFFICERS IN
HOW TO PROPERLY PERFORM SECURITY CHECKS
AND HOW TO MONITOR THE SECURITY CAM-
ERAS, IN ORDER TO PREVENT FUTURE INCIDENTS

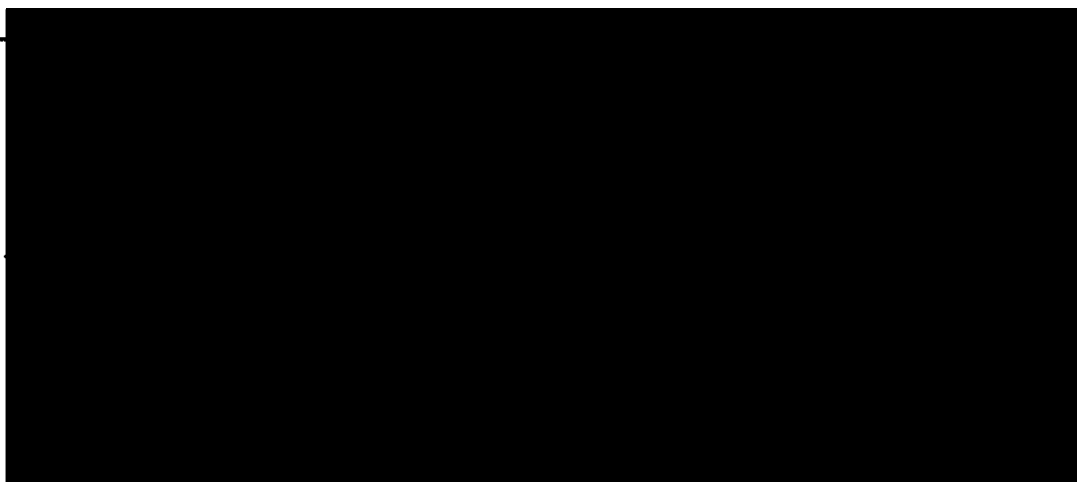
TATOOING. ALL OF THESE ARE ISSUES THAT
SHOULD BE SEEN AND PREVENTED IF THE
OFFICERS ARE PROPERLY TRAINED AND PROPERLY
SUPERVISED, AND IF RULES ARE STRICTLY
ENFORCED, AS THEY SHOULD BE. HOWEVER
THE RULES ARE NOT FOLLOWED AT ALL UNLESS
THERE IS AN OUTSIDE AUDIT BY SOME TYPE OF
AUDITOR, THESE ARE NOT RANDOM THEO-
RIES, SPECULATIONS OR CONCLUSIONS, THESE
ARE FACTS.

AS PROFF POSITIVE TAKE MY CASE
THE INCIDENTS HAPPENED OVER
A ALMOST 5 MONTH TIME FRAME DURING
WHICH TIME NO ONE SAW A THING. WILLIAM
BROWN MY CELLMATE ON RACK 2 HAD, AT

2 different times went to Lt SEELEY
ABOUT L.W. BEING AT DUTY CUBE AFTER
LITES OUT AND FINALLY LT SEELEY TOOK
ACTION AND TOOK STATEMENTS ON THE THIRD
TIME WILLIAM BROWN COMPLAINED BECAUSE
WILLIAM BROWN WENT TO THE OFFICE ON
THE DOOR THAT DAY 6-30-2020, THIS IS
BECAUSE I HAD TOLD WILLIAM BROWN THAT
WAS THE ONLY WAY HE COULD MAKE
L.W. STOP WHAT HE WAS DOING.



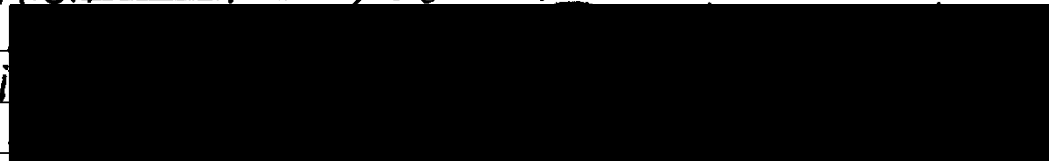
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UNDER NUMBER THREE (3) - THE STATE STATES THAT A MOTION TO DISMISS IS A IMPORTANT MECHANISM FOR WEEDING OUT MERITLESS CLAIM(S). THIS CLAIM IS NOT MERITLESS, IN FACT IT HAS SO MUCH MERIT THAT NOT ONLY CAN THIS CLAIMANT SWEAR TO IT UNDER OATH AND WILL DO SO AT THE END OF THIS DOCUMENT, BUT CLAIMANT ALSO PASSED A VOICE STRESS TEST DONE BY



AWARDED TO MY CLAIM.



TO THE ADC'S FAILURE TO PROPERLY TRAIN AND SUPERVISE, AND ENFORCE BARRECKS RULES.

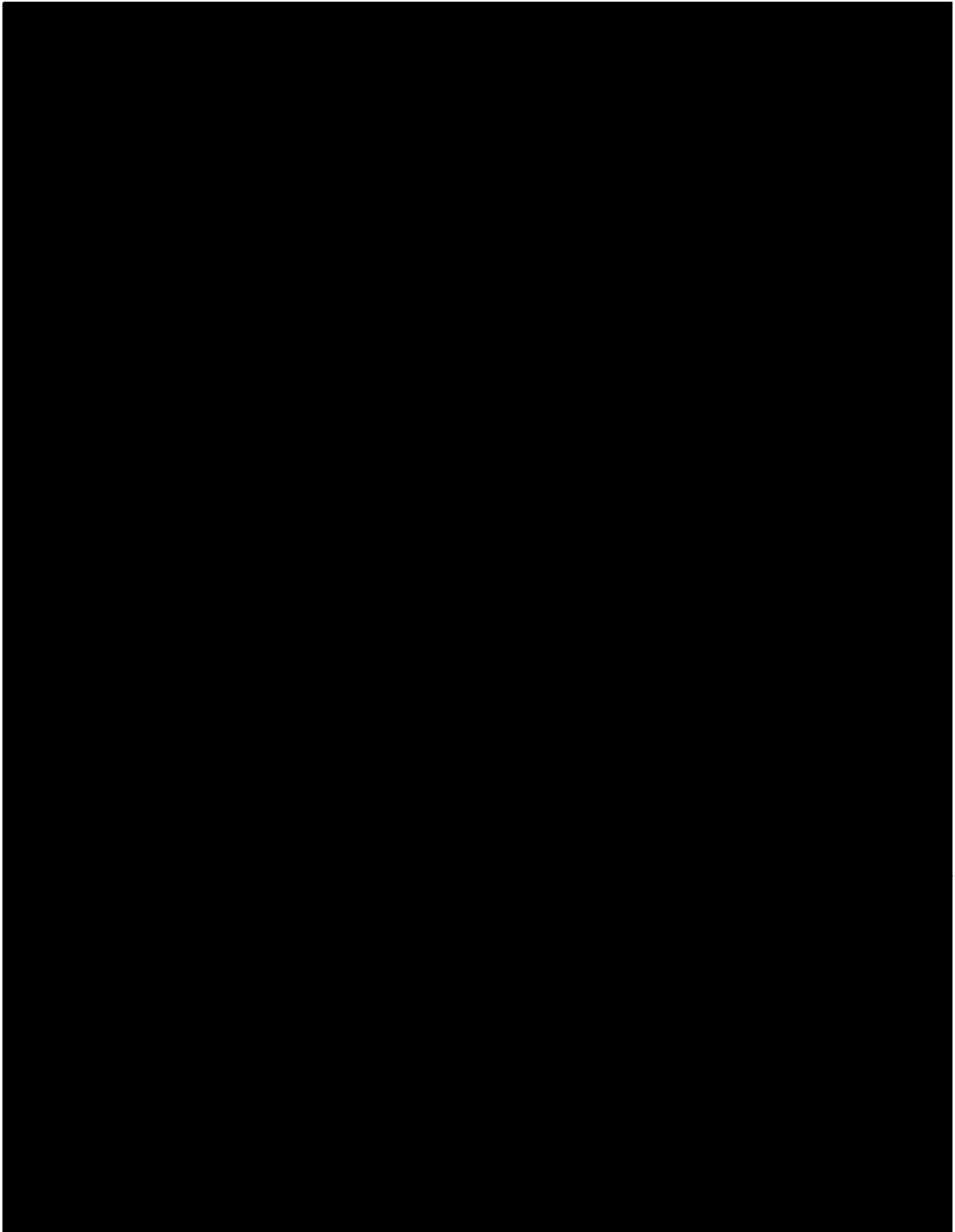
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Page 5 OF 25

THE ADC HAS FAILED OVERALL TO KEEP SAFE THE INMATES IN ITS CARE AND CUSTODY BY FAILING TO PROPERLY TRAIN ITS OFFICERS IN THE ENFORCEMENT OF ALL ITS POLICIES, RULES AND REGULATIONS RELATED TO KEEPING THE PRISON POPULATION SAFE AND SECURE AND HAS FAILED TO PROPERLY SUPERVISE THOSE OFFICERS SO THAT THE LEVEL OF SECURITY IS MAINTAINED.

#

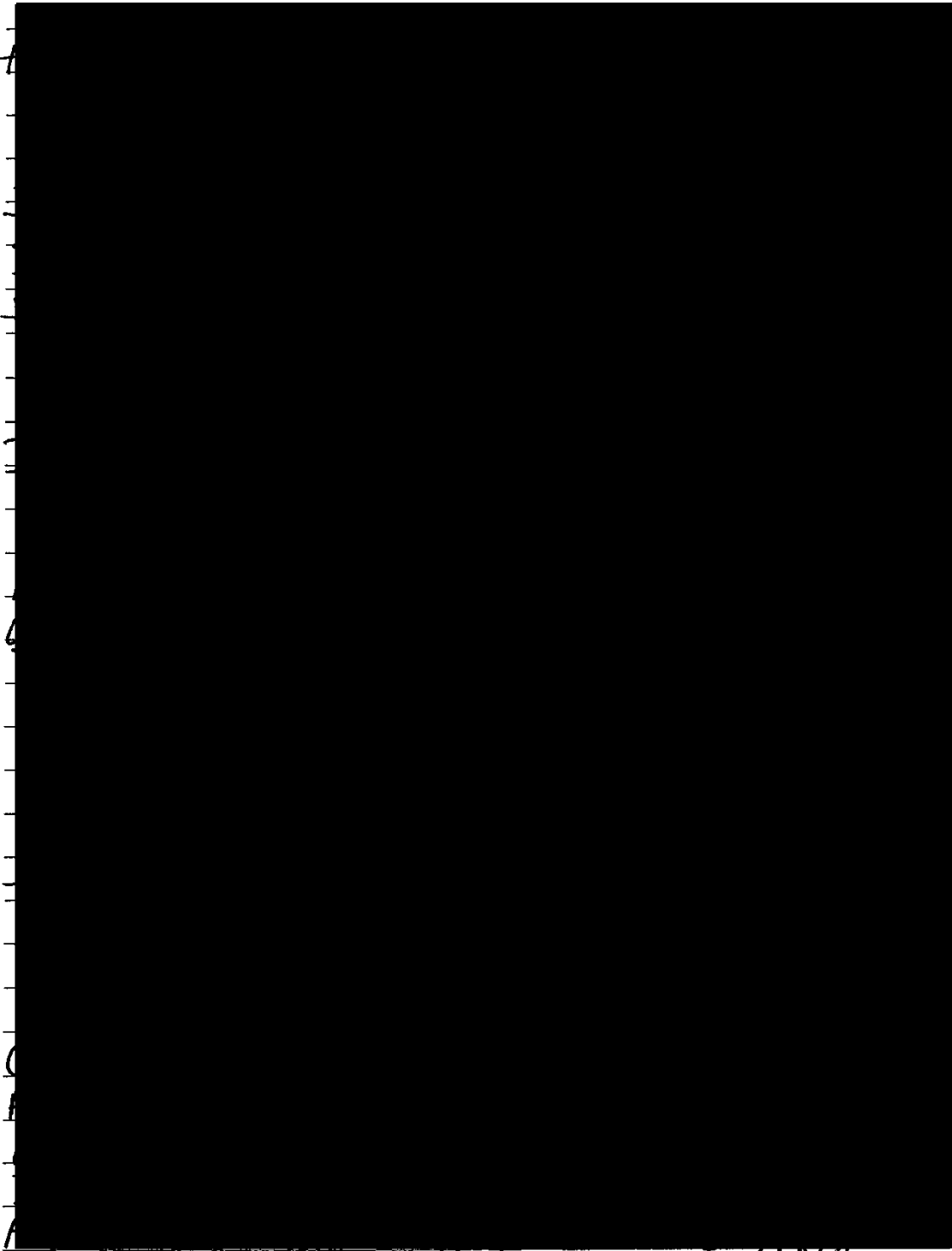
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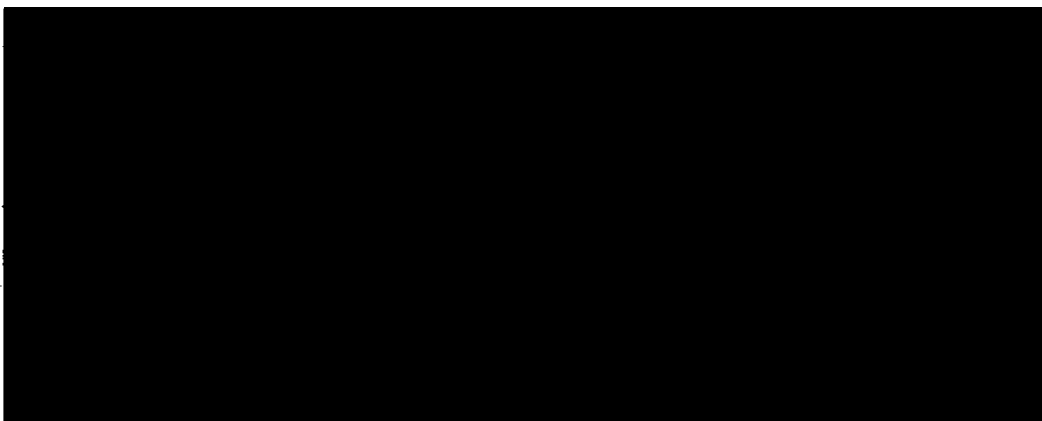
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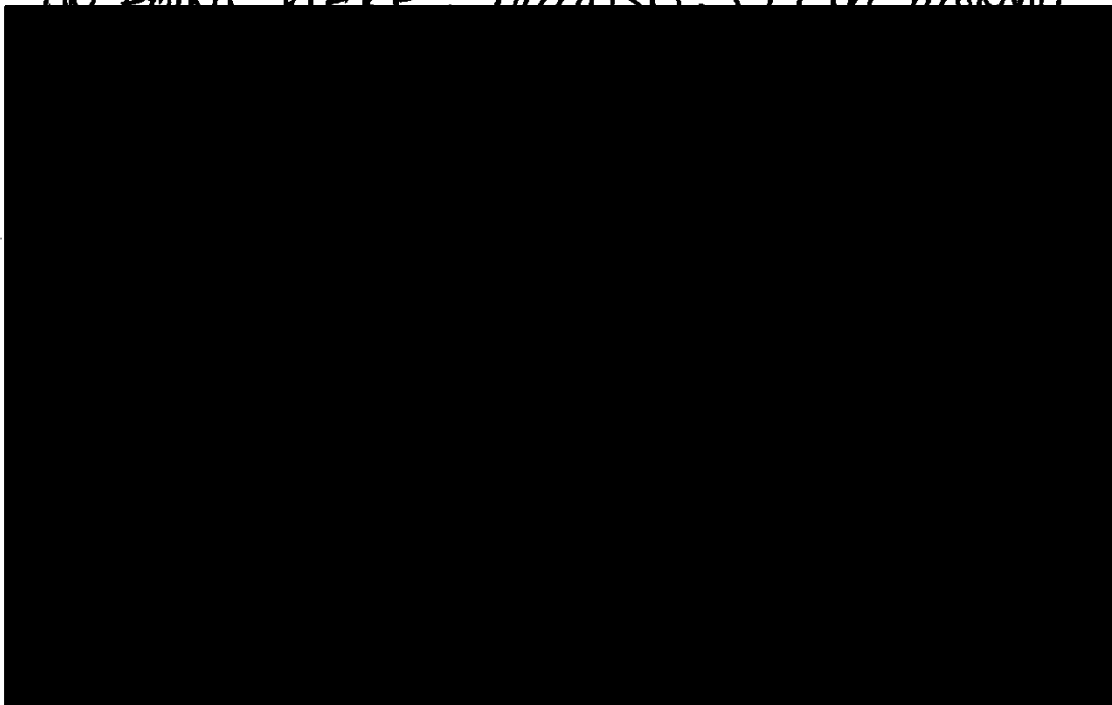
Cont from Pg 8

DEPARTMENT OF CORRECTION DIVISION OF
CORRECTION STAFF MEMBERS WHO WERE POORLY
TRAINED, UNDERSTAFFED AT THEIR RESPECTIVE
POST BADLY SUPERVISED CORRECTION OFFICERS
THAT ALLOWED + [REDACTED]
to not only happen once but A UNCOUNTABLE
AMOUNT OF TIMES. THE ARK. DEPT. OF CORRECTION
DIVISION OF CORRECTION IS RESPONSIBLE
FOR THE CARE AND WELL BEING OF NOT
ONLY THE ACTUAL PHYSICAL WELL BEING
OF THE INMATES BODY TO THE EXTENT
THAT THE SAFETY IS PARAMOUNT IN
THE MISSION STATEMENT, THE MENTAL
WELL BEING IS ALSO THE DIVISIONS OF
CORRECTION RESPONSIBILITY AS WELL
THEREFORE THE POST EVENT NO MATTER
WHAT EVENT IS THE ADC'S RESPON
SIBILITY ALSO AND ALONG WITH THE ACTUAL
MONEY DAMAGES OF 12,500⁰⁰ ALSO THE
[REDACTED]

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#6 INCLUDED WITHIN THIS DOCUMENT ARE MANY CLAIMS THAT HAVE MULTIPLE PLEADINGS. ALL OF WHICH ARE NOT ONLY BASED IN FACTS, BUT AS ANY GREAT TORT CLAIM IS THE DAMAGES IS THE MOST ESSENTIAL ELEMENT, AS IS THE CASE IN POINT HERE. ALMOST (5) FIVE MONTHS



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cont from 0210

#7 THE CLAIMS COMMISSION STATES FOR THE RECORD THAT THE PRO SE ATTYS ARE NOT TREATED ANY DIFFERENT THAN A STD ATTYS. ALSO THE CLAIMS COMMISSION NOTES THAT UNDER ARKANSAS LAW A CLAIMANT WHO CHOOSE'S TO REPRESENT HIMSELF IS HELD TO THE SAME STD AS A STD LAWYER AND QUOTES OR USES MICHAEL-V-ADC CLAIM 190793 (ASCC 2019). THIS IS REALLY A HARD ISSUE FOR THIS PRO SE ATTYS TO EVEN READ WITH A STRAIGHT FACE. A CLAIMANT IS NEVER GIVEN A LAWYER FOR A ARK STATE CLAIMS CLAIM, SO MOST IF NOT ALL CASES (CLAIMS) THAT ARE PRESENTED TO THE COMMISSION ARE BY THE PRO SE ATTYS, WHO IS EXPECTED TO PROSECUTE THEIR CASES AS A FREE-WORLD LAWYER WOULD. THIS WOULD BE A MONUMENTAL TASK FOR MOST PERSONS IN THE ARK. DEPT. OF CORRECTIONS DIV. OF CORRECTION TO ACTUALLY WIN A STATED CLAIM AND EVEN MORE UNLIKELY TO WIN ACTUAL DAMAGES.

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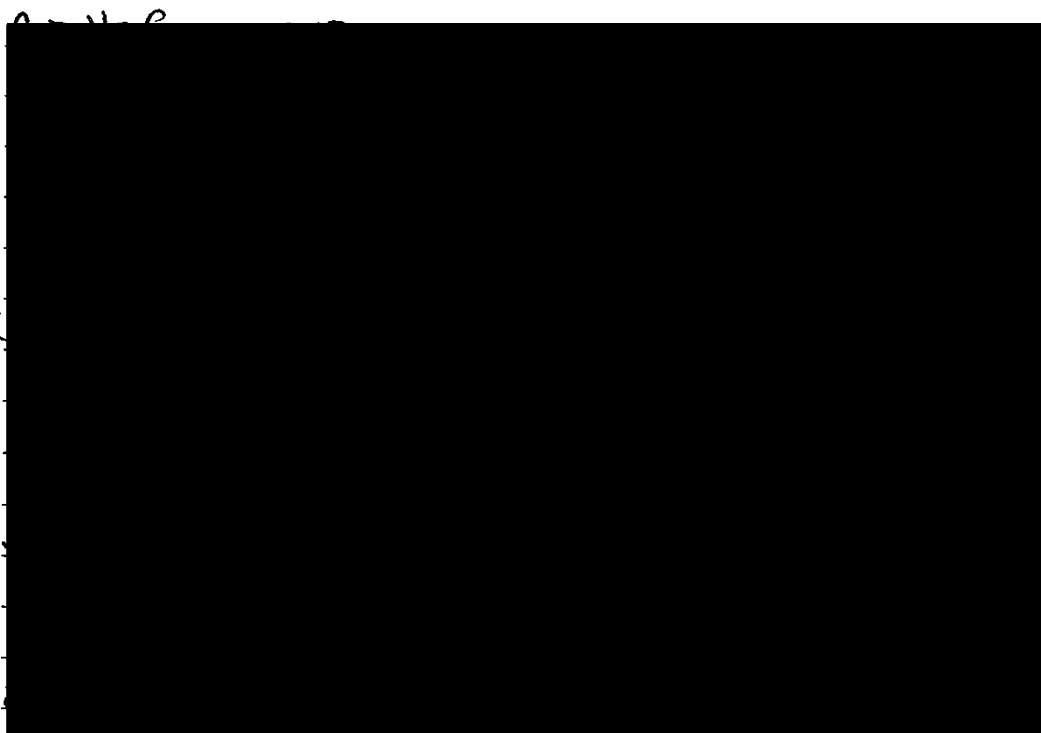
AND THAT ANY AMOUNT WOULD BE
 SOME NOMINAL AMT. THIS THOSE
 ATTY WILL FIGHT HARD TO WIN THIS
 CASE I NEED THIS CASE IN MATES
 EVERY WHERE IN THE ARK DEPT. OF
 CORRECTION NEED THIS CASE THE
 DIVISION OF CORRECTION NEEDS
 THIS CASE TO BE WON.

#8 ARKANSAS DEPARTMENT OF
 CORRECTIONS, DIVISION OF CORRECTION
 MUST RECOGNIZE ITS SHORTCOMINGS



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#10 During the review of my (this PRO SE Atty.) complaint to SEE if the claim CAN MAKE it past the motion for Dismissal. The State Claims Commission must accept all true and factual allegations in the complaint and the Commission will note that the allegations ARE WELL BASED in true facts. There is ENOUGH strong facts plead on the face of this claims face that there IS FAR MORE A PLAUSIBILITY THAN A MERE POSSIBILITY with more than

CONT FROM PG 13

CONCLUSIVE STATEMENTS. NOTE; A CLAIM HAS FACIAL PLAUSIBILITY WHEN THE CLAIMANT PLEADS FACTUAL CONTENT THAT ALLOWS THE COURT TO DRAW THE REASONABLE INFERENCE THAT THE RESPONDANT IS LIABLE FOR THE MISCONDUCT ALLEGED TWO M.B.Y 55 U.S. AT 570. IN THIS CASE BEFORE THE COMMISSION THERE CAN BE NO DOUBT THAT THE ADC AND ALL OF ITS ACTORS ARE AT FAULT IN THE INSTANCES THAT HAVE BEEN BROUGHT FORWARD IN THIS DOCUMENT. THE ADC AS THE EMPLOYER, IT IS TO TRAIN AND PLACE ITS EMPLOYEES IN THE POSITIONS THAT ARE MOST APPROPRIATE THE ADC IS TO PROVIDE SUPERVISION UNTIL THOSE EMPLOYEES ARE SUITED FOR THE POST THEY WILL WORK AND BE SUPERVISED AS REQUIRED PER THEIR LEVEL OF TRAINING, THE ADC FAILED ITS SELF, ITS SUPERVISORS IT CORRECTIONAL OFFICERS IT FAILED THIS CLAIMANT IT FAILED ITS MISSION STATEMENT IT FAILED ITS TAXPAYERS AT LARGE. THE ONLY THING REQUIRED TO SEE THIS FAILURE IS TO WATCH THE FILM FOOTAGE FROM JUNE 30th 2020 BACK UNTILL FEBRUARY 1st 2020 FROM 11pm UNTILL 5.30am. MONDAY THROUGH

cont from 14

Monday 7 days per week.

#11 This Commission is well aware of the difference between a mere possibility and probability. AS this claimant has stated and the ADC's own Atty pointed out there is camera footage of the incident(s) see #16 However as always NO inmate may see the Almighty Camera Footage as it might endanger the safety and security of the inmates and the unit

statements out. this pushes the plausibility claim all the way over the line of probability and even further than that as the old adage says a picture is worth a thousand words

12. This fact is irrelevant and the claimant does not have the burden

13. The ADC Atty needs to research

CONT from 15

THE FACTS PRIOR TO PUTTING PEN TO PAPER
IN RELATIONSHIP TO THE ADC'S ATTY

[REDACTED]

DATE

WRONGFULLY CONVICTED IN DISCIPLINARY
COURT AND WOULD BE VERY INTERESTED
IN SEEING THAT IN WRITING.

#14 THAT STATEMENT IS CORRECT, INMATE
DID STATE THAT RELATED TO AN INCIDENT
IN JULY 2016

#15 THE INMATE PROSE ATTY WAS
INTERVIEWED BY 3 OFFICERS ONE
MAY HAVE BEEN A SGT BUT THE OTHER
TWO WERE LT'S AND THE ONLY ONE (I)
THIS PROSE ATTY KNOWS OF FORSURE
WAS LT ROSS (WHO IS NOW A CPT)
THE INTERVIEW WAS RELATED TO
ISSUE OF LT SEELEY NOT DOING HIS
JOB WHEN THE INMATE REPORTED
THE [REDACTED] TO HIM ON
SEVERAL OCC. THE ONLY ISSUE THAT
LT SEELEY DID STATE HE DID WAS

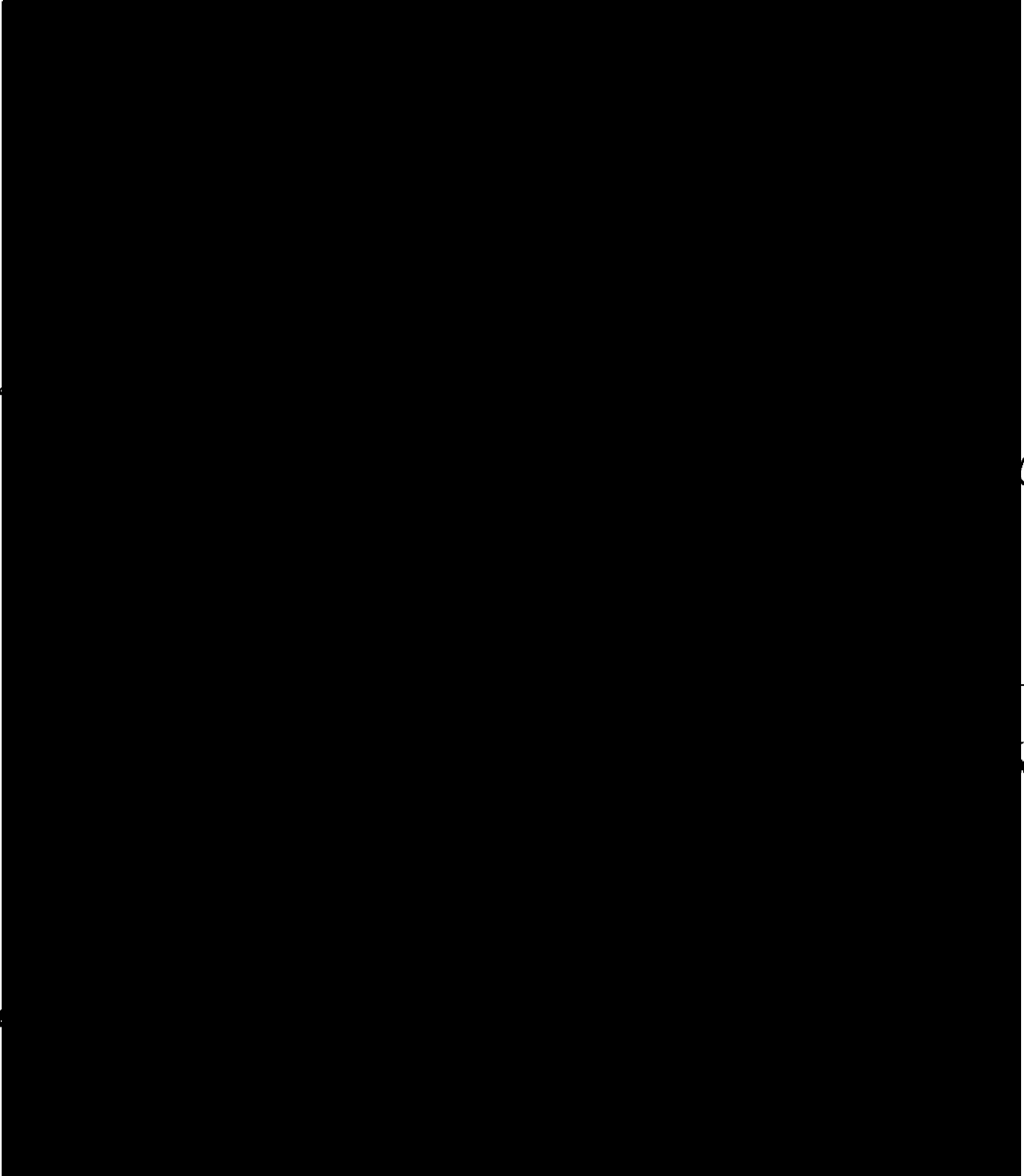
CONT FROM 16

WRITE THAT INMATE WILLIAMS ADC # [REDACTED] WAS TO BE PUT ON MY ENEMY ALERT SHEET WHICH HE WROTE AT THE BOTTOM OF THE WHITE GRIEVANCE SHEET PLEASE SEE ATTACHED. MARKED EXHIBIT # 2

16 THIS IS A COMPLETE STATEMENT THAT IS AT ODDS WITH ANY OTHER EVIDENCE THAT IS PRESENTED FOR THIS CASE. LET US REVIEW: (1) LEROY WILLIAMS ADC # [REDACTED] COME TO THIS PRO SE ATTY'S RACK AREA ALL TIME THIS IS THE CASE, MANY TIMES (LW.) LEROY WILLIAMS WAKES UP THE PROSE ATTY BW BARTWOODARD INMATE [REDACTED] AT NO TIME DURING THE ENTIRE TIME OF THE SMO. DID THE PROSE BW GO TO LW RACK TO WAKEUP LW [REDACTED]

Cont from pg 17

WAS THE INMATE WHO HELP INMATE PROSE ATTY
B.W. REPORT THAT L.W. WOULD NOT STOP COMING
OVER TO THE BACK AREA OF LE2 AND FINALLY



CONT FROM PAGE 18

PRISON CONDITIONS AT ALL AND NO MENTION
OF ANY TITLE 42 SUBSECTION 1983 FOR CONST.
VIOLATION.

*20 THIS CLAIMANT FULLY UNDERSTANDS
THE JURISDICTION OF THE ARKANSAS
STATE CLAIMS COMMISSION

*21 THE PRO SE ATTY INCLUDE STATE
MENTS ABOUT PLEA ISSUES HOW
EVER THOSE ISSUES ARE NOT WHAT
THIS CASE IS ABOUT, THIS CASE HAS
FULLY EXPLAINED THAT THIS CASE IS
RELATED TO THE ARKANSAS DEPT OF
CORRECTION DIVISION OF CORRECTION
THE DIVISION OF CORRECTION FAILED
TO TRAIN THE EMPLOYEES IT HIRES FAILS
TO PROPERLY PLACE THOSE EMPLOYEES
FAILS TO PROPERLY SUPERVISE THOSE
SAME EMPLOYEES, THEREFORE IT IS
THOSE FAILURES THAT LEAD TO THIS
STATE CLAIMS, IT HAS ABSOLUTELY
NOTHING TO DO WITH CONST. VIOLATIONS
AND PRISON CONDITIONS

22 THE CLAIM IS NOT ABOUT [REDACTED]
CLAIM - THE GRIEVANCE PLAINTIFF STATES
THAT I CAN'T REPORT A [REDACTED] IN THE HOLE

CONT FROM # 19

THIS STATEMENT IS ON THE LAST LINE OF BRIEF/ANNO
SNN20-00189. THE CLAIM THAT THIS
CLAIMANT WROTE EXPRESSLY TO AVOID
THE PITFALLS OF THE CONSTITUTIONAL 1983
EXCLUSION OF THE STATE CLAIMS COMM.
JURISDICTION.

23 THERE AGAIN [REDACTED] IS MENTIONED BUT
IT IS SIMPLY TO WORK TO BRING TO-
GETHER TO PUT INTO CONTEXT, THE ACTUAL
CAUSATIVE FACT THAT COME IN TO PLAY TO
[REDACTED] TO NOT JUST
[REDACTED]

THAT ALLOWS THIS SORT OF THING
TO GO UNCHECKED IN ORDER TO WATCH
IT FOR A PERVERSE REASON OR
WHAT I MY SELF REASON TO BE THE
CASE, BECAUSE I STILL THINK
OF MY FELLOW MAN (AND WOMAN)
AS INHERENTLY GOOD AT HIS CORE.
THERE IS SIMPLY A BREAK DOWN
IN THE TRAINING AND SUPERVISION
OF ADC EMPLOYEES AND THERE IS ALSO
A LACK OF FULL STAFFING BOTH THEN AND NOW.

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CONT from 20

24 AGAIN THIS CLAIMANT STATED ON THE VERY LAST LINE OF GRIEVANCE "AND NOW I CAN'T REPORT TO [REDACTED] THE GRIEVED ISSUES ARE THE FACT THAT LT SEELEY PLACED B.W. INMATE & L.W. INMATE BACK TOGETHER IN HOTEL AFTER INMATE WILLIAM BROWN FILED A STATEMENT RELATED TO L.W. COMING TO CUBE 1 & 2, THE GRIEVANCE NAMED, GRIEVES FACTS THAT LT SEELEY NEVER SEPERATED B.W. & L.W. L.W. HAD OVER THE PAST 4-5 MONTHS STATED TO B.W. THAT HE WOULD STAB AND KILL ME IF I (PRO SE ATTY) TOLD OR WROTE STATEMENT AGAINST HIM ABOUT THE EVENTS OCCURRING IN CUBE 1 & 2 AFTER MID-NITE OR AFTER LITE'S OUT. EVEN AFTER WILLIAM BROWN'S WRITTEN STATEMENT [REDACTED] AFTER LITE'S OUT. ALSO THE GRIEVANCE STATED THERE WAS A LACK OF TRAINING OF OFFICER AND TO WATCH AND MONITOR CAMERA AND LINE #10 STATES THIS FACTS NO ONE HAS EVER HELPED ME OR SEEN THIS ON CAMERA, THIS BRINGS TO BEAR THAT NO ONE MONITORS ANY OF THE CAMERAS AND NO ONE MAKES ROUNDS AND NO ONE ENFORCES THE BARRACKS RULES THAT SHOULD BE POSTED ON THE BARRACKS BOARD AND FORTSURE THE OFFICER'S DESK IN THE HUB HAS A COPY OF BARRACKS RULES AND POSTING ORDERS. HAD THOSE RULES AND ORDERS

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Page 21 of 25

Cont from pg 21

BEEN ENFORCED AND HAD ANYONE BEEN TRAINED TO PROPERLY DO THEIR JOBS AND HAD THE OFFICER BEEN PROPERLY SUPERVISED THEN THE HONORABLE MEMBERS OF THE COMMISSION WOULD NOT BE READING THIS COMPLAINT

25 THIS #25 HAS BEEN FULLY COVERED IN THE PAST NUMBERS AND BEYOND ADOUBT THIS CLAIMANT EXHAUSTED THE CLAIMS NEEDED TO BRING THIS BEFORE THE STATE CLAIMS COMMISSION AT THIS TIME.

26 THE ADC'S ATTY MAKE AN OFFENSIVE STATEMENT HERE. THIS ADC ATTY DOES NOT HAVE A CRYSTAL BALL, SO HOW DOES HE KNOW WHAT I KNOW HE DOES NOT THEN NOW OR IN THE FUTURE. MY COMPLAINT IS SUPPORTED BY A MULTIPLE FACTS AS DEMONSTRATED THROUGHOUT THIS DOCUMENT. THE COMMISSION SHOULD NOT AWARD THE ADC ANY FEES AND THIS ADC ATTY NEEDS TO READ THE DOCUMENTS HE IS RESPONDING TO PRIOR TO RESPONDING.

27 ONCE AGAIN THE ADC ASSUMES FACTS THAT ARE NOT YET EVIDENT

CONT from 22

this CLAIM IS A VIABLE CLAIM AND I HAVE DONE NOTHING BUT STATE FACTS AND THERE IS MANY MONTHS OF CAMERA FOOTAGE WILL SHOW EXACTLY WHAT I HAVE STATED, AND NOTHING LIKE WHAT THE ADC'S ATTY HAS FALSELY CLAIMED THERE IS NO WAY AROUND THE FACTS, AND SEVERAL TIMES I WILL POINT OUT HERE YOU MADAM'S & GENTLEMAN, THERE IS SUREFIRE EVIDENCE THAT THE ADC'S ATTY FAILED TO EVEN READ THIS CLAIM AT ALL; #13 (WAS ALREADY COVERED) this

[REDACTED]

WAS INTERVIEWED BY THAT TEAM THAT WAS THE 3 PERSON TEAM WHO HAD 2 LT'S AND I BELIEVE 1 SGT. 1 LT AT THAT TIME WAS LT ROSS (NOW CPT ROSS) THEY WERE ALSO MAKING SURE LT SEELEY HAD DONE HIS JOB WHICH LT HAD NOT. THAT INTERVIEW WAS A [REDACTED] INTERVIEW WELL DOCUMENTED THAT COVERED #15

#16 THE CAMERA FOOTAGE WHEN WATCHED IN ITS TOTALITY PER INCIDENT, FROM THE TIME LW SHOWED UP AT MY AREA UNTILL HE LEFT EACH NITE IT SHOWS WHO DID WHAT AND NEVER ONCE DID BW GO TO LW RACK TO AWAKEN HIM TO COME TO RACK #1.

CONT from 23

#17 William Brown WAS NEVER CHARGED WITH ANY TYPE OF [REDACTED]

28 The Claimant should be awarded the Amt asked for, 12,500⁰⁰ FREE from TAXES, AND ANY hidden FEES OR ENCUMBERSUMS AND from LEVY should exempt BE with the total Amt deposited into an account at the BANK of Fayetteville ROUTING # AND ACCOUNT #

THERE ARE OTHER CONDITIONS LAYED OUT ON PAGES 9 & 10 BECAUSE THERE MUST BE [REDACTED]

ANY further damages AS IT SEES FIT

Wherefore the CLAIMANT PRAYS THE RESPONDENT MOTION for DISMISSAL BE THROWN OUT AS WELL AS ANY OTHER OF the RESPONDANTS REQUEST through out that motion for dismissal, AND ALSO PRAYS this commission MAKE the AWARD OF 12500⁰⁰ damages AND the other REQUEST within this motion. AND GRANT the CROSS-

CONT from Pg 24

MOTION TO GRANT SUMMARY JUDGEMENT
WITH PETITION FOR DAMAGE AWARD WITH
IMMEDIATE NOTICE CLAUSE

DATE 6-6-22

RESPECTFULLY

[REDACTED]

Bart Woodward

BANK OF FAYETTEVILLE

BART WOODWARD

RETURN ADDRESS

BART WOODWARD

ADC # [REDACTED]

[REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

v

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT'S MOTION TO DISMISS

Comes Now the Respondent, Arkansas Department of Corrections (ADC), for its Motion to Dismiss, states:

1. The inmate's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.
2. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. *Dockery v Morgan*, 2011 Ark. 94. "However, [Arkansas's] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief." *Id.* The Court should "treat only the facts alleged in the complaint as true but not the plaintiff's theories, speculation, or statutory interpretation." *Id.*
3. An "important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim." *Fifth Third Bancorp v. Dudenhoeffer*, 573 U.S. 409, 425 (2014). Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See Farm Credit Svcs. v American State bank*, 339 F.3d 764 (8th Cir. 2003). A pleading must contain a "short and plain statement of the claim showing that the pleader is entitled to relief. *Ashcraft v Iqbal* 556 U.S. 662 (2009). Although detailed factual allegations are not required, more that "unadorned, the-defendant-unlawfully-harmed-me-

EX# 1A

accusations” are required. *Id.* To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to relief that is plausible on its face. *Id.* A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

4. When a trial court is presented with extraneous materials outside of the pleadings and does not exclude those materials, a motion to dismiss for failure to state facts upon which relief can be granted shall be treated as one for summary judgment. *Norris v Davis, 2014 Ark. App. 632 (2014)*

5. The inmate seeks the sum of \$12500.00 for alleged Disciplinary and [REDACTED]

[REDACTED] Although inmate seeks an award of damages (\$12500.00), he fails to plead any basis for an award of damages, and he fails to give the Arkansas Claims Commission any rational basis beyond mere speculation of the damages. Damages are an essential element of a tort claim and there must an allegation of sufficient facts to satisfy the damages element or the case is subject to a motion to dismiss. *Wallis v. Ford Motor Company, 362 Ark. 317, 208 S.W. 3d 153 (2008)*. The inmate’s claim, even if true, does not support a claim for monetary relief.

6. Even if the inmate were to plead with more specificity, he would still not be able to prevail. The party claiming damages has the burden of proving those damages beyond speculation. *Minerva Enterprises v. Howlett, 308 Ark. 291, 824 S.W. 2d 377 (1992)*. Even taking the inmate’s allegations true as pleading, and giving him the benefit of every possible inference, his mere inconvenience of alleged wrongdoing can never render a claim that is anything but speculation.

7. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. *Pressler v. Ark. Publ. Serv. Comm’n, 2011 Ark. App. 512, at 9, 385 S.W.3d*

EX#1B 2

349, 355 (citing *Elder v. Mark Ford & Assocs.*, 103 Ark. App. 302, 288 S.W.3d 702 (2008)). The Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793* (ASCC 2019).

8. Whether a plaintiff is represented by counsel or is appearing pro se, his complaint must allege specific facts sufficient to state a claim. See *Martin v Sargent*, 780 F.2d 1334, 1337 (8th Cir. 1985).

9. A complaint must state facts, not mere conclusions, in order to satisfy the requirements of Rule 8 of the Arkansas Rules of Civil Procedure. *Doe v Weiss*, 2010 Ark. 150.

10. In reviewing whether a complaint is subject to dismissal, the Court must accept as true all factual allegations in the complaint, but is “not bound to accept as true a legal conclusion couched as a factual allegation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* “Nor does a complaint suffice if it ‘tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (quoting *Twombly*, 550 U.S. at 557). Rather, a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 556). A well pleaded complaint may proceed even if it appears that actual proof of those facts is improbable and that recovery is very remote and unlikely. *Twombly*, 550 U.S. at 556. A complaint cannot, however, simply leave open the possibility that a plaintiff might later establish some set of undisclosed facts to support recovery. *Id.* at 561. Rather, the facts set forth in the

EX #1c 3

complaint must be sufficient to nudge the claims across the line from conceivable to plausible. *Id.* at 570. “[W]here the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged –but it has not ‘show[n]’ – ‘that the pleader is entitled to relief.’” *Iqbal*, 556 U.S. at 679 (quoting *Fed.R.Civ.P. 8(a)(2)*).

11. The Plausibility standard is not akin to a “probability requirement” but it asks for more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are “merely consistent with” a defendant’s liability, it “stops short of the line between possibility a plausibility of entitlement to relief” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)

12. The inmate is currently housed at the Ouachita River Correctional Unit of the ADC. He is serving a 25-year sentence on a conviction of Aggravated Robbery and other crimes.

13. The inmate claims that the ADC wrongfully convicted him in the Disciplinary Court.

14. The inmate states in his complaint that the ADC did nothing and he [REDACTED] another Inmate. *See Inmate Complaint*

15. The inmate never called the [REDACTED], nor did he ever tell anyone of the allegations. *See inmate complaint.*

16. The matter was investigated, and video showed that the claimant was the one who [REDACTED] This was the second time the Inmate has been charged with this. *See attached Ex A.* Exhibit A is being provided “In Camera” as it contains documents that would endanger the safety and security of the Inmates and Unit.

17. Both Woodard and Brown were charged with [REDACTED] *Id.*

18. Both inmates said they did not have a problem with one another and [REDACTED] they did not engage in [REDACTED] *Id.*

EX # 10

19. The Inmate is making claims of prison conditions, section 1983 claims, and 8th Amendment violations.

20. The Commission does not have jurisdiction to hear these claims.

21. The Inmate make [REDACTED] violations claims. Again, the Commission does not have jurisdiction in a [REDACTED] matter.

22. [REDACTED] not a reason for which you can bring an action to court. [REDACTED] of 2003 did create new individual right. Congress did not create a private right of action for prisoners to sue for [REDACTED] "Nothing in the [REDACTED] suggests that Congress intended to create a private right of action for prisoners to sue for non-compliance. The proposed additional of a [REDACTED] claim would therefore be futile." *Moore v Jordan, No. TDC-16-1741 (D. Md. Aug. 23, 2017)*.

23. While the inmate makes several claims (all outside the Commissions jurisdiction) he only grieves the [REDACTED] issue.

24. Pursuant to the Prison Litigation Reform Act (PLRA), "no actions shall be brought with respect to prison conditions under Section 1983 of this title or any other Federal law, by a prisoner confined in any jail, or other correctional facility until such administrative remedies as ae available are exhausted." 42 U.S.C § 1997e. In 1997, the Arkansas legislature adopted the PLRA's exhaustion requirement by enacting Ark. Code Ann. §16-106-202. That statute follows the PLRA by adopting a grievance exhaustion requirement for state actions:

- (a) A civil action **or claim** initiated against...Department of Correction...by an inmate in a penal institution or incarcerated person appearing pro se may be:
 - (1) Dismissed without prejudice by the court on its own motion or on a motion of the defendant, if all administrative remedies available to the inmate have not been exhausted.

25. The inmate did not grieve any of his claims besides [REDACTED] *See Inmates complaint*
 "A basic rule of administrative procedure requires that an agency be given the opportunity to

EX#1E

address a question before a complainant resorts to the courts. Where a party has failed to exhaust his or her administrative remedies, the trial court lacks jurisdiction over the suit” *Ark. HHS v Smith*, 370 Ark. 490. One must exhaust their administrative remedies before they may proceed in Court. *See Johnson v Johnson*, 385 F.3d 503 (2004).

26. The inmate has filed a complaint that he knows is in bad faith and not supported by the facts. The Commission should award the ADC fees and costs for having to respond to this baseless complaint.

27. This same claim, if presented to a court of general jurisdiction would, as a matter of law, be dismissed.

28. “The commission shall make no award for any claim which, as a matter of law, should be dismissed from a court of law or equity for reasons other than sovereign immunity.” Ark. Code Ann. § 19-10-204(3)(A) (West Supp. 2015). “Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim.” Ark. Code Ann. § 19-10-204(3)(B) (West Supp. 2015). The claimant has not been damaged and only makes mere assertions that he has been damages. Without damages a Court would dismiss the claim in its entirety.

WHEREFORE, the Respondent prays that the motion be granted and the complaint dismissed; for their attorney’s fees and costs; and all other just and proper relief to which they may be entitled.

EX# 1 F₆

Exhibit # 2

RECEIVED

JUL 08 2020

Ouachita River Unit
Grievance Office**UNIT LEVEL GRIEVANCE FORM (Attachment D)**

Unit/Center

Name WOODARD

ADC#

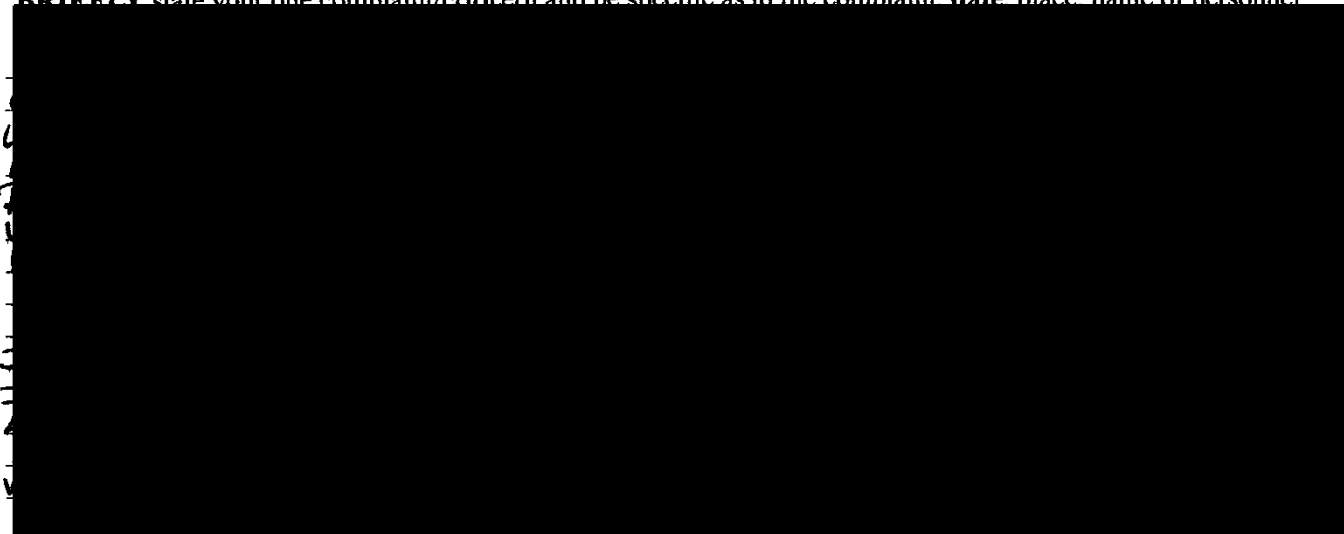
Brks #

INTI Job Assignment MED III

FOR OFFICE USE ONLY

GRV. # SNNU-00189Date Received: 7/8/20GRV. Code #: 9997-2-20 (Date) STEP ONE: Informal Resolution7-6-20 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: Emergency Alert is a start butWHAT ABOUT THE REST OF THE PROCEDURE AND WHY AM I NOT TESTED AND STILL LOCKED UP

(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 serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In 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 personnelBart Woodard
Inmate Signature7-2-20
DateIf 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 7-4-20 (date), and determined to be Step One and/or an Emergency Grievance
yes (Yes or No). This form was forwarded to medical or mental health? yes (Yes or No). If yes, name
of the person in that department receiving this form: _____ Date _____PRINT STAFF NAME (PROBLEM SOLVER) Off Smith

ID Number

Staff Signature [Signature]Date Received 7-4-20Describe action taken to resolve complaint, including RECEIVEDInmate Leroy Williams [Redacted] has been placed on your enemy alert

JUL 23 2020

[Signature] 7/5/20
Staff Signature & Date Returned

INMATE GRIEVANCES SUPERVISOR

[Signature] 7-5-20
Inmate Signature & Date Received

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

Staff Who Received Step Two Grievance: _____

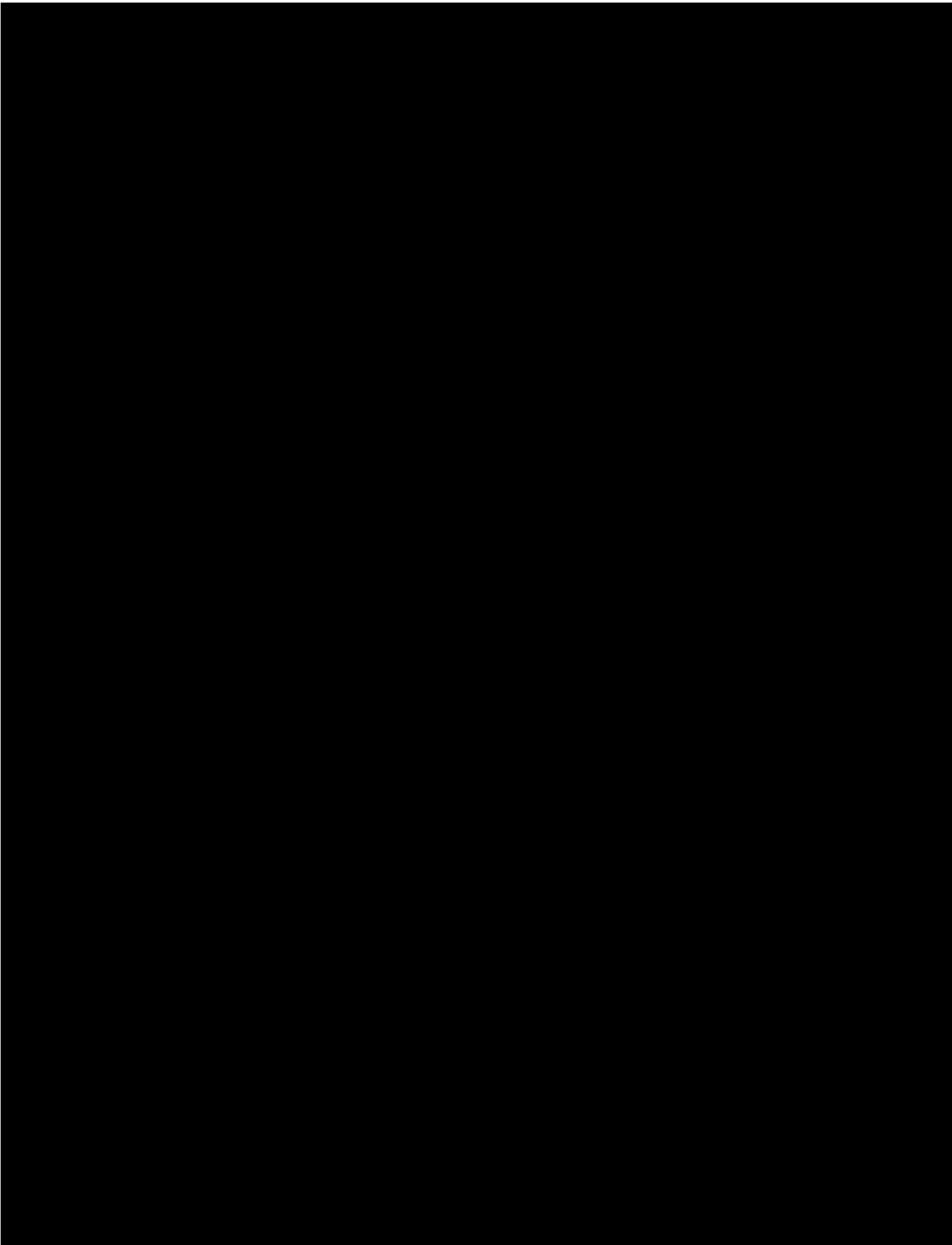
Date: _____

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

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

Date: _____

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



IGTT410
3GS

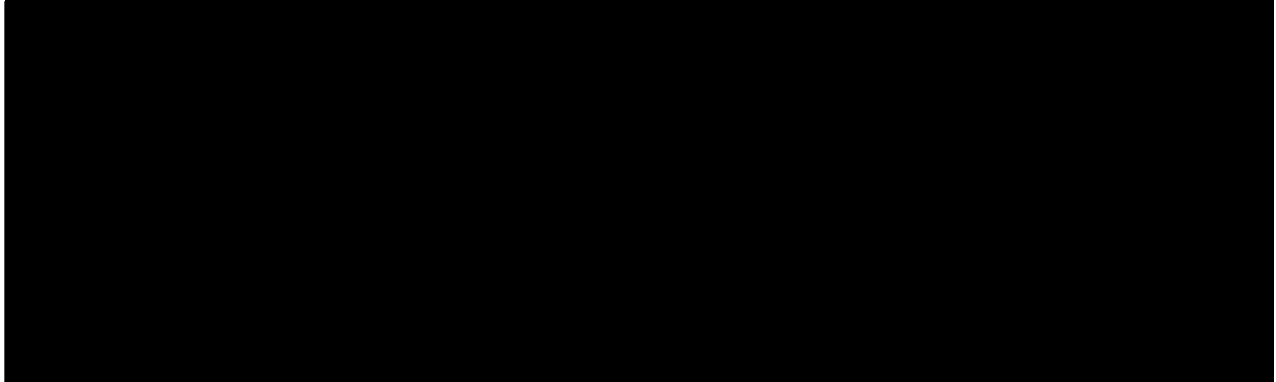
Attachment III

Exhibit # 4INMATE NAME: Woodard, Bart W.

ADC #: [REDACTED]

GRIEVANCE #: SNN20-00189

WARDEN/CENTER SUPERVISOR'S DECISION



RECEIVED

JUL 23 2020

Warden

7-13-20

Signature of Warden/Supervisor or Designee

Title

Date

INMATE GRIEVANCES SUPERVISOR

INMATE'S APPEAL

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?

IT STILL DOES NOT EXPLAIN WHY AFTER I EXPLAINED TO LT SEELY WHAT HAD HAPPENED ~~THAT~~ THERE WAS NOT ANY AIDS TESTING OR ANY EXAMS PERFORMED AT ALL, IT ALSO DOES NOT EXPLAIN WHY THERE WAS NOT A [REDACTED] REPORT MADE SOONER

ADC: [REDACTED]

7-19-20

Date

Inmate Signature

RECEIVED

JUL 8 2020

QUACHITA RIVER UNIT
WARDENS OFFICE

P

f1

RECEIVED

JUL 09 2020

QUACHITA RIVER UNIT
DW SECURITY

RECEIVED

JUL 13 2020

QUACHITA RIVER UNIT
WARDENS OFFICE

IGTT410

From: [Kathryn Irby](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Leslie Browning \(DOC\)](#); [Mika Tucker](#)
Subject: CORRECTED: HEARING SCHEDULED: Woodard v. ADC, Claim No. 221169
Date: Wednesday, August 31, 2022 10:45:00 AM
Attachments: [Woodard v. ADC - 221169 - Hearing tr \(motion\).pdf](#)

Thomas, please disregard the previous hearing letter. The attached letter correctly states the type of pending motion.

Thanks,
Kathryn

From: Kathryn Irby
Sent: Wednesday, August 31, 2022 10:38 AM
To: Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>
Cc: Leslie Browning (DOC) <Leslie.Browning@arkansas.gov>; Mika Tucker <Mika.Tucker@arkansas.gov>
Subject: HEARING SCHEDULED: Woodard v. ADC, Claim No. 221169

Thomas, please see attached.

Thanks,
Kathryn

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

August 31, 2022

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

RE: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns,

The Claims Commission has scheduled a hearing on ADC's pending motion to dismiss for **Thursday, November 17, 2022**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed, and the Claims Commission asks that Mr. Burns provide the Zoom invitation to Mr. Woodard's unit.

As this is a motion hearing, no prehearing materials are requested.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission invites you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Nov 17, 2022 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/81995454321?pwd=UE1XYmU5UGZDSVpRNFUxRjRBWFJmUT09>

Meeting ID: 819 9545 4321

Passcode: MGJr2u

One tap mobile

+19294362866,,81995454321#,,, *249553# US (New York)

+13017158592,,81995454321#,,, *249553# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 386 347 5053 US

Meeting ID: 819 9545 4321

Passcode: 249553

Find your local number: <https://us06web.zoom.us/j/kFmcsLBAAb>

From: [Kathryn Irby](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Leslie Browning \(DOC\)](#)
Subject: HEARING RESCHEDULED: Woodard v. ADC, Claim No. 221169
Date: Wednesday, November 2, 2022 8:13:00 PM
Attachments: [Woodard v. ADC - Error - Rescheduled hearing file \(motion\).pdf](#)

Thomas, please see attached.

Thanks,
Kathryn

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

November 2, 2022

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

RE: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns,

The Claims Commission has rescheduled the hearing on ADC's pending motion to dismiss for **Friday, March 10, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The new Zoom invitation is enclosed, and the Claims Commission asks that Mr. Burns provide the Zoom invitation to Mr. Woodard's unit.

As this is a motion hearing, no prehearing materials are requested.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission invites you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Mar 10, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/84070339416?pwd=MTJ3Q1ZuYkg4WURWdFA0VDdRZUhlUT09>

Meeting ID: 840 7033 9416

Passcode: 9A1twG

One tap mobile

+19294362866,,84070339416#,,, *492071# US (New York)

+13017158592,,84070339416#,,, *492071# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

Meeting ID: 840 7033 9416

Passcode: 492071

Find your local number: <https://us06web.zoom.us/j/kpygt83Im>

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Bart Woodard ADC: [REDACTED]

CLAIMANT

Arkansas
State Claims Commission

-V-

CASE #221169

NOV 26 2022

ARK DEPART OF CORRECTION RESPONDENT
DIVISION OF CORRECTIONS

RECEIVED

RELATED TO HEARING DATE CHANGE FROM 11-27-2022 TO
3-10-2023

CLAIMANTS

PETITION TO REQUEST AN EARLIER DATE
FOR A HEARING TO DISMISS CASE #
221169

THIS PRO SE CLAIMANT PRAYS THE COMMISSION TO FOREGO EXTENDING THE DATE OF THE HEARING RELATED TO THE ADC'S MOTION TO DISMISS CLAIMANT'S CASE, THERE IS NOTHING TO BE GAINED BY MOVING THE DATE SO FAR INTO THE FUTURE. THIS CLAIM WAS FILED APRIL 8-2022. AT THIS TIME THIS CLAIMANT MUST WONDER IF IN FACT THE ADC IS NOT TRYING TO GET CASE #221169 THROWN OUT DUE TO FAILURE TO PROSECUTE AS LAID OUT IN RULE

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Page 10A2

5.2 DISMISSAL OF CLAIMS. THIS CLAIMANT FILED THE ORIGINAL CLAIM AND THEN NOTHING RELEVANT AFTER THAT WAS TRANSPIRED, I THEN RECEIVE ON 08-31-22 A LETTER FROM ASCC ALERTING THIS CLAIMANT THAT HEARING HAS BEEN SET FOR 11-27-22 AT 9 AM, A HEARING FOR A MOTION TO DISMISS BROUGHT BY THE ADC. THE MOTION TO DISMISS WAS NEVER SENT TO ME AT ALL. HOWEVER I WOULD LIKE A COPY OF THAT MOTION.

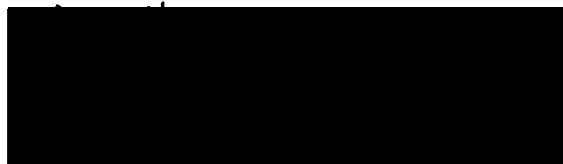
PRAYER

THIS PETITIONER WOULD FIRST REQUEST A COPY OF SAID MOTION TO DISMISS 2ND (TWO) THIS CLAIMANT/PETITIONER PRAYS THAT THE COMMISSION WILL RECONSIDER THE 4 MONTH PUT OFF OF CASE 221169, AND RETURN THE HEARING TO ITS ORIGINAL DATE OF 11-27-22 OR AT LEAST SOME TIME IN DECEMBER. THIS IS A MOTION TO DISMISS ITS THE ADC'S MOTION AND I AM READY TO PROCEED AND READY TO PROSECUTE MY CLAIM/INJURY TO THE FULLEST. ALSO GRANT ANY OTHER RELIEF THAT THE COMMISSION FEELS IS RIGHT.

RESPECTFULLY

SNU Legal Use (Only) Submitted Page 2 OF 2

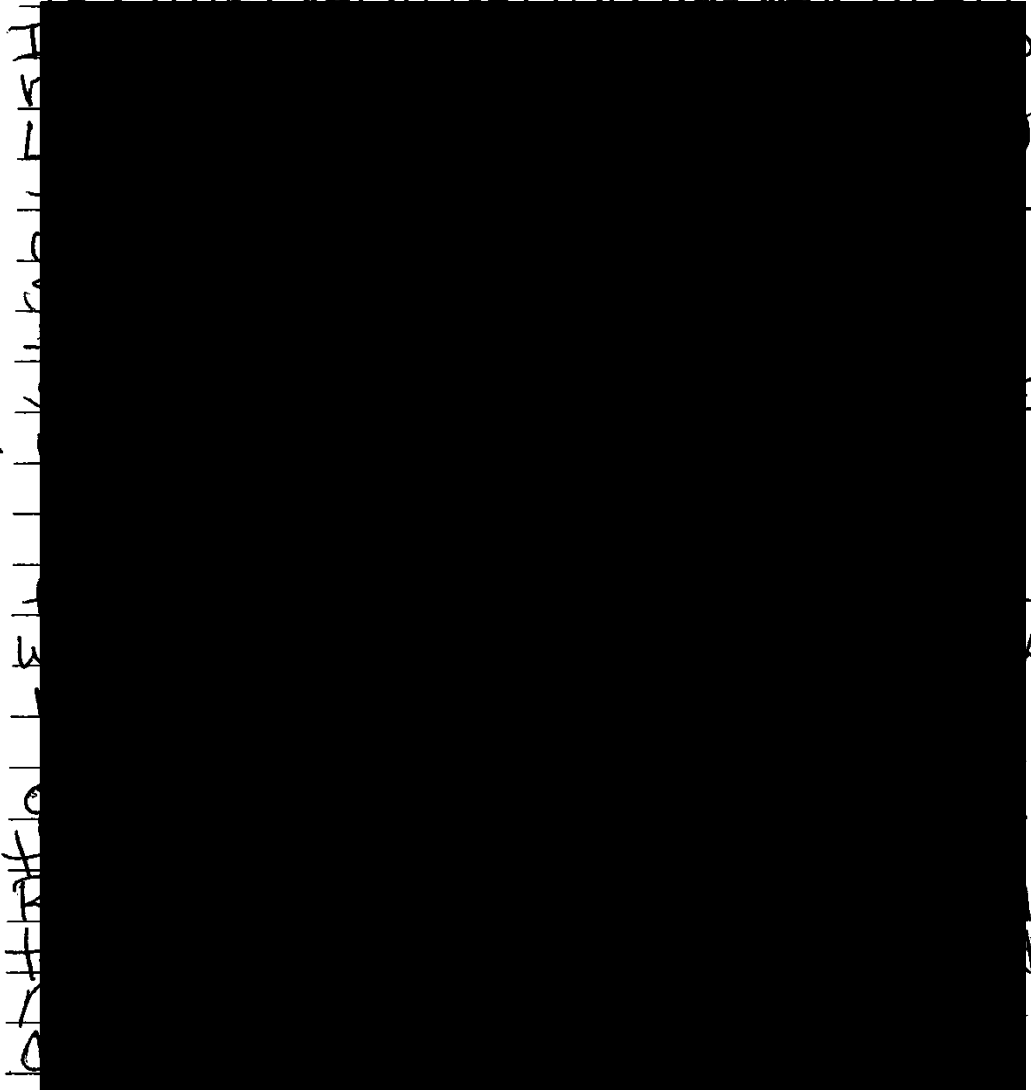
Butterwell



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DECLARATION

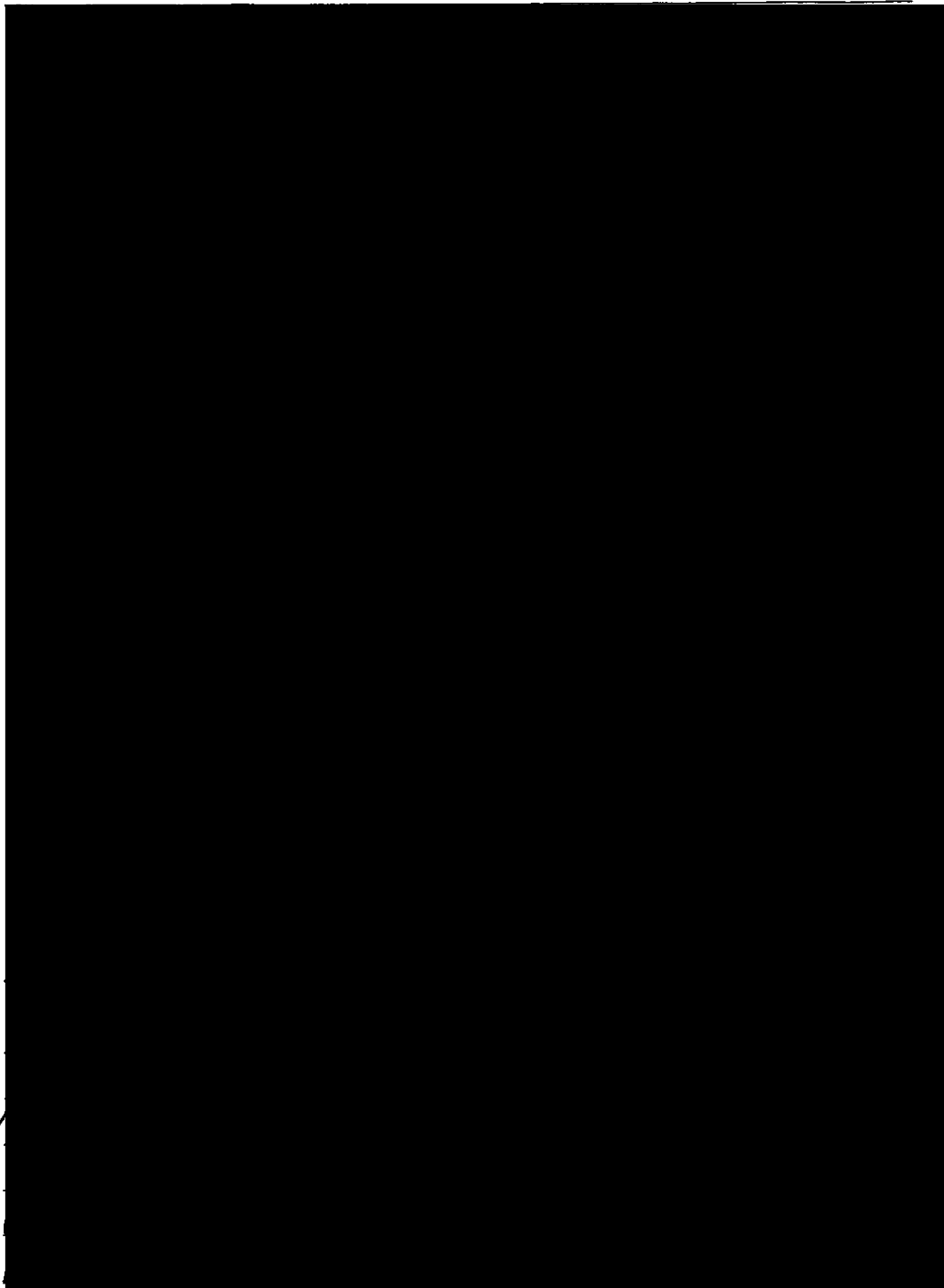
THE FOLLOWING IS A TRUE AND CORRECT STATEMENT OF THE FACTS THAT HAPPENED IN HOTEL BARRACKS DURING THE YEAR OF 2020 BETWEEN THE MONTHS OF FEBRUARY AND JULY. I WANT TO START WITH 2019 IN THE YEAR OF 2019.



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Page 1 OF 6

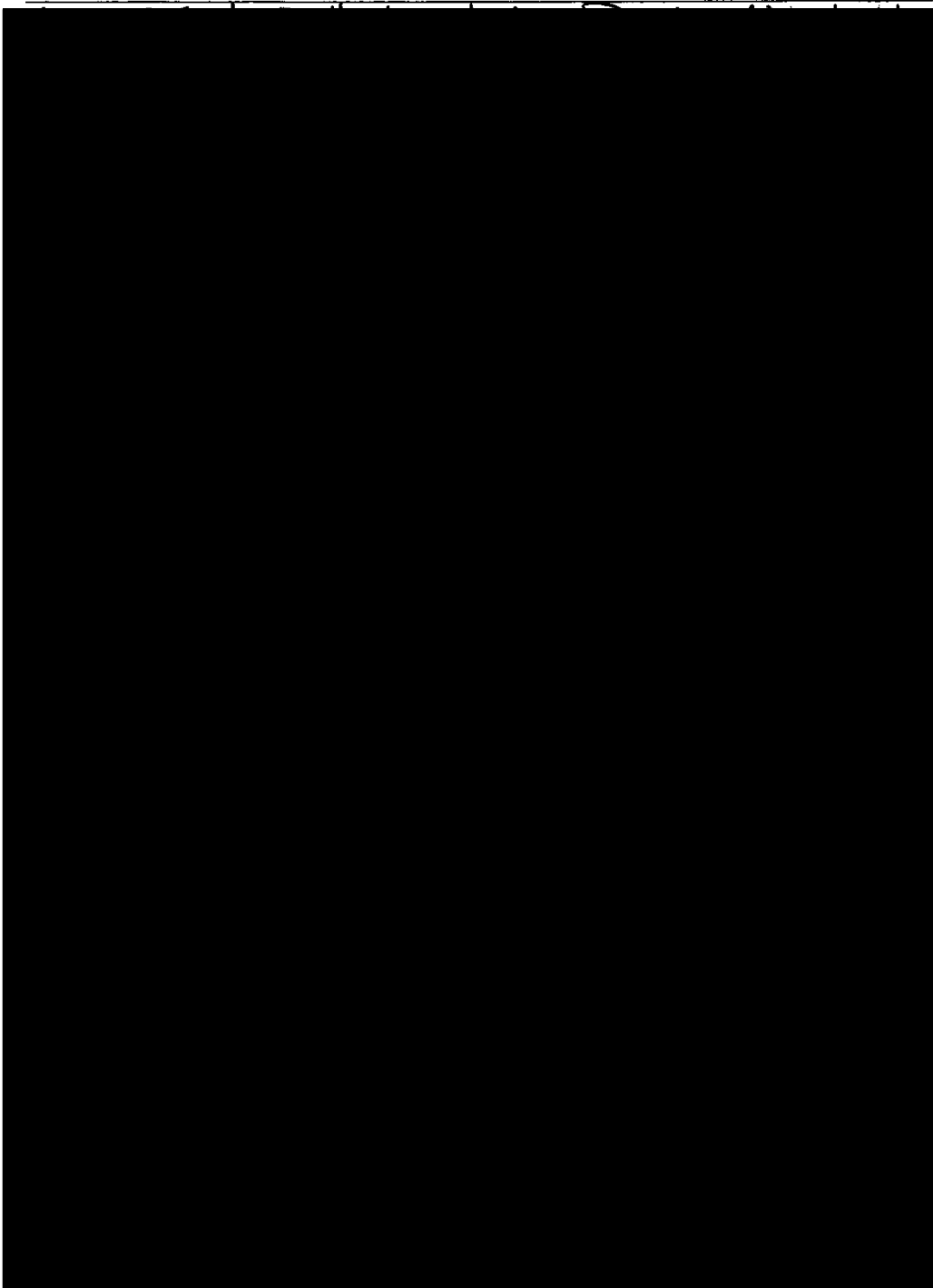
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Page 286

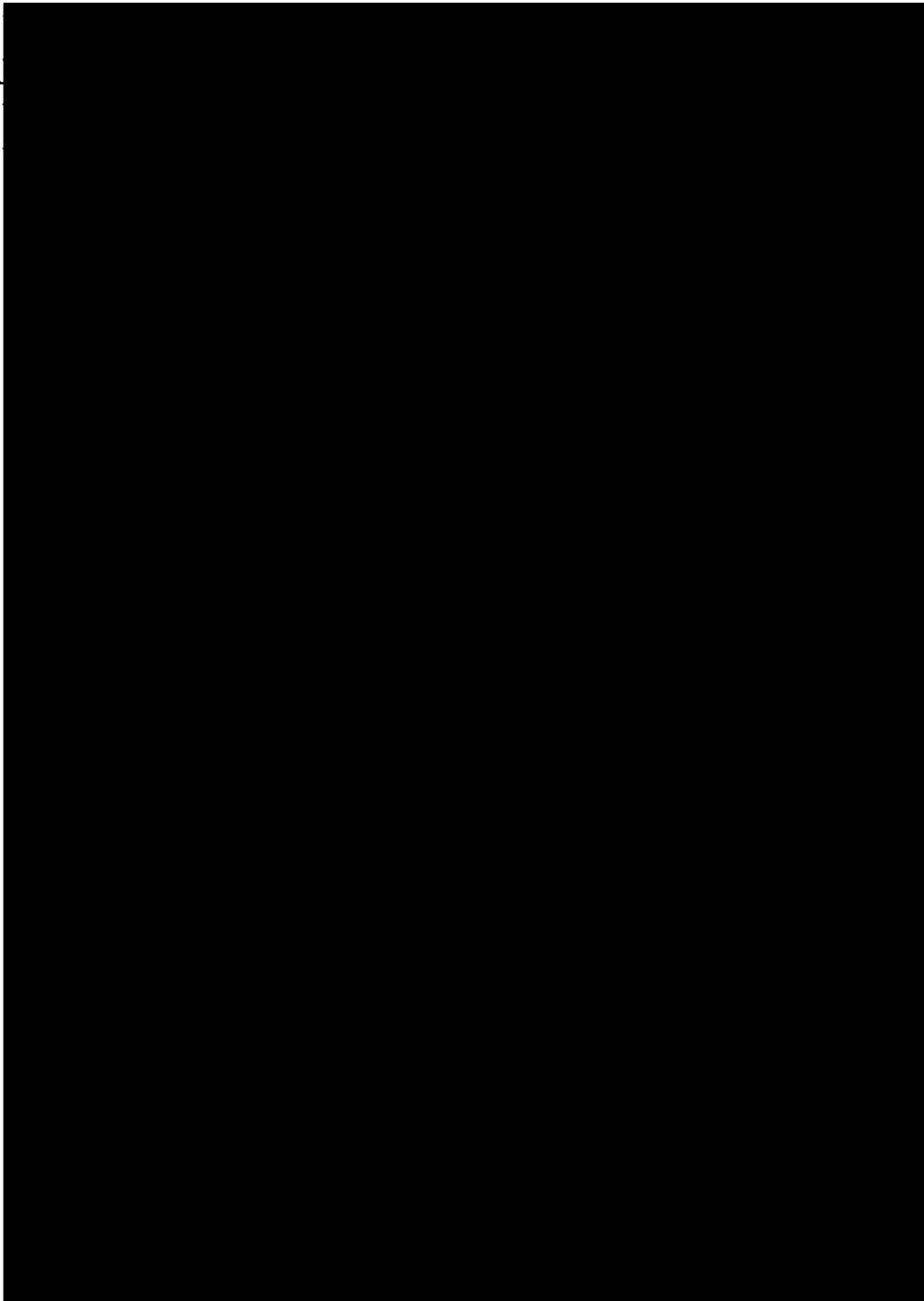
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Page 3 of 6

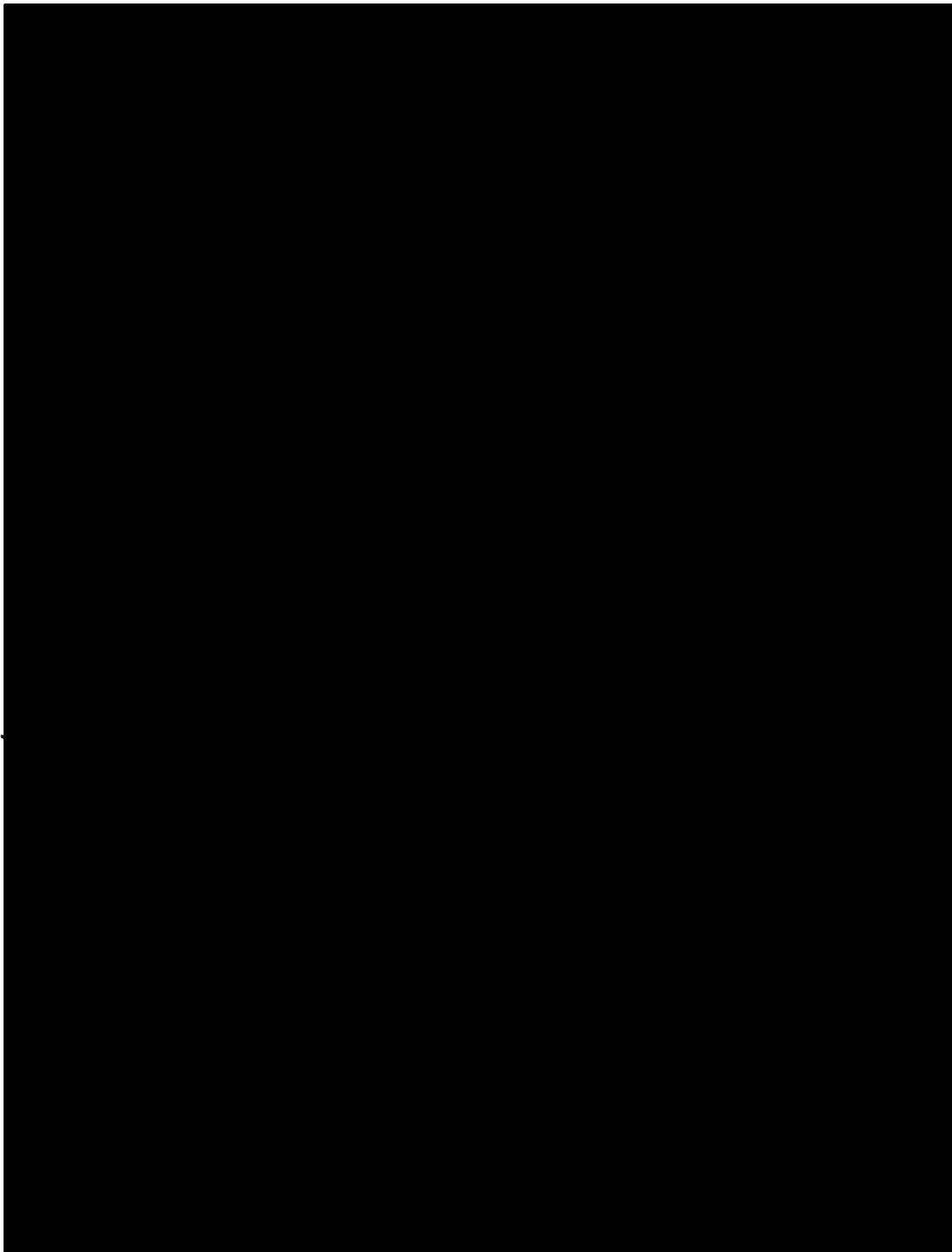
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Page 4 of 6

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Arkansas
Insurance Commission

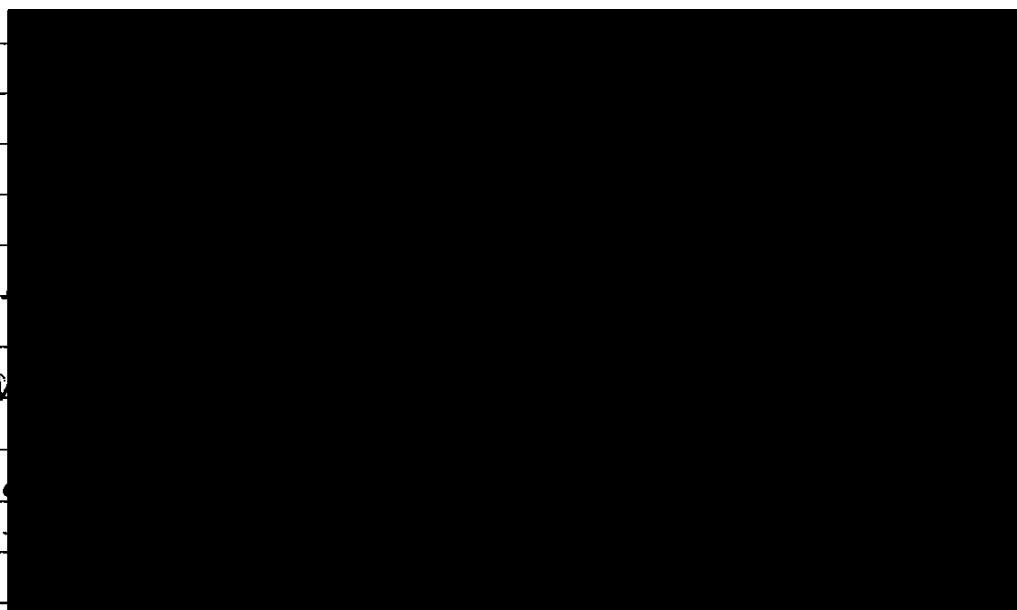
26 2022

RECEIVED

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Page 5 of 6

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RESPECTFULLY
SUBMITTED

DATE 11-13-22

Bart Woodard
BART WOODARD



NOTARY AND CERTIFICATE OF SERVICE

X Bart Woodard

DOCUMENTS BEING NOTARIZED

SIGN ABOVE

DECLARATION RELATED TO INCIDENT

AT THIS TIME; PETITION FOR HEARING DATE CHANGE

SUBSCRIBED & SWORN TO BEFORE ME ON 19th DAY OF

November

2022

X Cory Evans

NOTARY PUBLIC SIGN ABOVE HERE

CORY D. EVANS
NOTARY PUBLIC - STATE OF ARKANSAS
JEFFERSON COUNTY
COMM. # 12709669 EXP. NOVEMBER 7, 2029

RETURN ADDRESS: Bart Woodard



PLACE SEAL ABOVE

MY COMMISSION EXPIRES ON: 11-7-2029

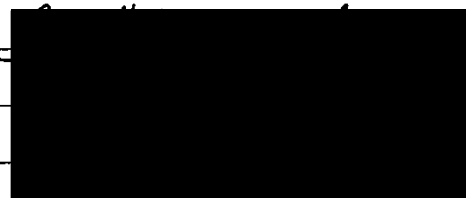
PAGE 6 OF 6

SNU Legal Use Only

CERTIFICATE OF SERVICE

I Bart Woodard DO HEREBY CERTIFY THAT I ENCLOSED A COPY OF MOTION/PETITION RELATED TO MOVING UP THE HEARING DATE FOR THE ADC'S MOTION TO DISMISS AND ALSO A COPY OF AN ORIGINAL OF A DECLARATION RE THE ISSUES RELATED TO THE CLAIM # 221169 I PLACED SAID DOCUMENTS WITH PROPER POSTAGE ATTACHED IN THE MAIL BOX PROVIDED BY THE ADC FOR IN-STATE MAIL, ADDRESSED TO ARK STATE CLAIMS COMMISSION AT 101 EAST CAPITOL AVE STE 410 LITTLE ROCK ARANSAS 72201-3823 ON NOVEMBER 20th 2022.

Bart Woodard



From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Leslie Browning \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Bart Woodard v. ADC, Claim No. 221169
Date: Wednesday, December 21, 2022 2:17:00 PM
Attachments: [Bart Woodard v. ADC.pdf](#)
[Bart Woodard v. ADC2.pdf](#)

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

December 21, 2022

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns:

Enclosed please find an Order entered on December 15, 2022, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 221169

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Claims Commission”) is a motion filed by the Arkansas Division of Correction (the “Respondent”) to dismiss the claim of Bart Woodard (the “Claimant”). Based upon a review of the motion, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his claim on April 8, 2022, seeking \$12,500.00 in damages related to Respondent’s alleged omissions that resulted in another inmate [REDACTED] from February 2020 to July 2020.

2. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. Proc. 12(b)(6), arguing, *inter alia*, that Claimant’s grievance related to a [REDACTED] and that he makes prison conditions, Eighth Amendment and § 1983 claims outside the jurisdiction of the Claims Commission.

3. Claimant responded, disagreeing that dismissal was proper and arguing, *inter alia*, that he was [REDACTED] due to Respondent’s failure to properly train, supervise and enforce barracks rules.

4. In reviewing Respondent’s motion to dismiss, the Claims Commission must treat the facts alleged in the complaint as true and view them in a light most favorable to the Claimant. *See Hodges v. Lamora*, 337 Ark. 470, 989 S.W.2d 530 (1999). All reasonable inferences must be resolved in favor of the Claimant, and the complaint must be liberally construed. *See id.* However,

the Claimant must allege facts, not mere conclusions. *Dockery v. Morgan*, 2011 Ark. 94 at *6, 380 S.W.3d 377, 382. The facts alleged in the complaint will be treated as true, but not “a plaintiff’s theories, speculation, or statutory interpretation.” *See id.* (citing *Hodges*, 337 Ark. 470, 989 S.W.2d 530 (1999)).

5. The Claims Commission elects to exclude the evidence attached to Respondent’s motion for purposes of considering this motion to dismiss. *See* Ark. R. Civ. P. 12(b). This exclusion relates only to this motion to dismiss. Respondent is free to use these documents as permitted by all applicable rules of practice and procedure and to file a motion for summary judgment once discovery is completed.

6. The Claims Commission finds that dismissal of Claimant’s claim is premature.

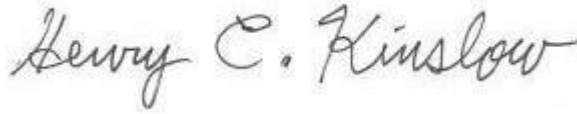
7. Respondent’s motion to dismiss is DENIED, and the parties are instructed to conduct discovery.

8. Respondent is free to file a separate motion briefing the jurisdictional issues referenced in its motion to dismiss and providing citations to applicable case law and statutes.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dexter Booth



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: December 15, 2022

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

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Arkansas
State Claims Commission

JAN 03 2023

BART WOODARD



RECEIVED

ARKANSAS CLAIMS COMMISSION
101 EAST CAPITOL AVENUE
SUITE 410
LITTLE ROCK, ARKANSAS 72201-3823

DEAR MS. MIKA TUCKER

I AM CONTACTING YOUR OFFICE TO REQUEST
YOUR HELP WITH AN ISSUE THAT HAS OCCURED
A 2ND TIME. THE ATTORNEY THOMAS BURNS
HAS FILED A MOTION TO DISMISS THIS CASE
#221169 THAT MOTION HAD EVIDENCE AND OR
EXHIBITS ATTACHED, HAVING FILED SUCH WITH
THE ARKANSAS STATE CLAIMS COMMISSION,
(A.S.C.C.) THE ATTORNEY WAS TO HAVE SENT
A COPY OF THE SAME TO THIS CLAIMANT.
THAT MOTION WAS NEVER SENT, I MIGHT
HAVE BELIVED AN OVERSIGHT ON THE ADC'S
PART HAD THE VERY SAME ISSUE NOT
OCCURED TO THIS CLAIMANT ON THE CASE
#221170. DURING DISCOVERY PHASE OF CASE
#221170, CLAIMANT REQUESTED THE DOCU-
MENTS THAT THE ADC HAD PROVIDED

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With the motion to Dismiss that was listed on docket summary, Thomas Burns responded that Claimant already had those documents. THE FACT OF THE MATTER IS THIS CLAIMANT NEVER RECEIVED ANY MOTION TO DISMISS WITH RELATED EXHIBITS AND DOCUMENTS.

THIS CLAIMANT REQUEST THAT THE ASCC PLEASE PROVIDE A COPY OF BOTH CASE #S 221169 AND #221170 MOTIONS TO DISMISS (THE AD'S MOTIONS) AND THE RELATED DOCUMENTS AND EXHIBITS THAT WERE PROVIDED IN SUPPORT OF THOSE MOTIONS TO DISMISS. THANK YOU FOR YOUR HELP IN THESE MATTERS

DATE JAN-1-2023

RESPECTFULLY
BART WOODARD


Bartwoodard

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Page 2 of 2

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD ADC # [REDACTED] CLAIMANT

Arkansas

-V-

CLAIM NO. 221169

State Claims Commission

JAN 03 2023

ARKANSAS DIVISION
OF CORRECTION

RECEIVED

RESPONDENT

PETITION FOR ORDER TO
COMPEL RESPONDENT TO PROVIDE
THE MOTION TO DISMISS AND ALL THE
DOCUMENTS ATTACHED

COMES NOW this CLAIMANT BART WOODARD
before the CLAIMS COMMISSION to pray
that the COMMISSION order the Attorney
THOMAS BURNS to provide this CLAIMANT
A COPY of the motion that was sub-
mitted to the COMMISSION to dismiss
the CLAIMANT'S CLAIM # 221169 AND
ALL RELATED documents that WERE ATTAC-
hed to SAID motion AS EXHIBITS and
OR EVIDENCE. This CLAIMANT did NOT RE-
ceive AND documents RELATED to that
motion to dismiss, the COMMISSION
CAN REFER to the DATE that the motion
WAS FILED AND CAN NOTE that NOWHERE
IN THE ADC [REDACTED] RECORDS OF LEGAL MAIL

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Page 1 of 3

deliveries, there will be no record that BART WOODARD received any legal mail during that time frame. HERE AT [REDACTED] EACH AND EVERY TIME ANY LEGAL MAIL IS RECEIVED THE INMATE MUST SIGN FOR THE MAIL PRIOR TO RECEIVING THAT MAIL.

THIS IS THE SECOND TIME THAT THOMAS BURNS HAS DONE THIS, THE FIRST TIME WAS IN 11/11/11. I WAS # 221170 AND I NEVER reviewed that motion AT ALL NOR THE DOCUMENTS THAT WERE ATTACHED. THAT TIME I THOUGHT MAYBE THERE WAS A CHANCE THAT I HAD MADE A MISTAKE AND MISFILED IT.

THIS IS NOT A MISTAKE, THIS ATTORNEY THOMAS BURNS IS DELIBERATELY FILING motions with the commission AND NOT SENDING THE CLAIMANT ANY COPIES OR NOTICES. THE FIRST I HAD HEARD OF A MOTION TO DISMISS WAS WHEN THE COMMISSION SENT THE NOTICE TO INITIALLY SCHEDULE THE ZOOM HEARING.

THEREFORE THIS CLAIMANT PRAYS THE CLAIMS COMMISSION TO CAUSE THOMAS BURNS TO BE SANCTIONED, AND ORDERED TO WITHOUT FAIL TO PROVIDE THE CLAIMANT WITH THE COPIES OF THE MOTIONS TO DISMISS AND ALL RELATED EVIDENCE AND EXHIBITS FOR THE

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first AND foremost CASE # 221169, AND ALSO IF IT IS RIGHT AND PROPER TO REQUEST THE EXACT SAME DOCUMENTS RELATED TO CASE # 221170, this is due to the fact this CLAIMANT NEVER RECEIVED those documents, AND WHEN those documents WERE REQUESTED during that discovery phase (221170) the ATTY STATED this CLAIMANT HAD ALREADY RECEIVED those documents. IN FINAL PRAYER this CLAIMS COMMISSION is designed to find the truth fairly AND honestly AND IF THERE IS ANY doubt to find IN FAVOR OF the CLAIMANT this CLAIMANT lastly PRAYS the COMMISSION find IN FAVOR BASED ON the MERITS AND the FACTS WHICH ARE ALL IN FAVOR OF this CLAIMANT, the RESPONDENT is attempting to use TRICKS AND OMISSION to ALTER the outcome of this CASE. THE CLAIMANT ONLY PRAYS for what is right AND proper.

DATE JAN-01-2023

Respectfully
Bart Woodward
ADC: [REDACTED]

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Page 3 of 3

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

August 31, 2022

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

RE: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns,

The Claims Commission has scheduled a hearing on ADC's pending motion to dismiss for **Thursday, November 17, 2022**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed, and the Claims Commission asks that Mr. Burns provide the Zoom invitation to Mr. Woodard's unit.

As this is a motion hearing, no prehearing materials are requested.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

EXhibit 1965BWA

RESPONDENTS REPLY'S

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

NO. 221170

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ADC RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW, The Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their responses, state:

REQUEST FOR PRODUCTION NO. 1: Claimant request the documents that are referred to in the Claims Commission Order issued on August 10, 2022 on page 2 of that Order and #6 bullet the evidence that was excluded by the Commission which was stated "attached" to Respondents Motion to Dismiss Claimant's Claim, the Claims Commission states that the Respondent may reintroduce this attached evidence after discovery this claimant has included all evidence ie exhibits to Respondent, the Respond is hereby requested to produce those document referred to in order was described within this #1 request.

RESPONSE: Claimant was previously provided a copy of the evidence attached to the Respondent's Motion to Dismiss.

REQUEST FOR PRODUCTION NO. 2: Request for electronically stored information from eOMIS related the Claimant from January 26 (the day before the legal mail arrived) thru February 26th that is 1 month only and Claimant is only requesting information from eOMIS related confiscation form entered and any destroyed form's for that same time frame.

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery.

RESPONSE IS MISLEADING AND UNTRUE.

EXBW554

REQUEST FOR PRODUCTION NO. 3: Request for any further designated documents or electronically stored information including writings, drawings, graphs, charts, photographs, video images, and/or other data or data compilations stored in any medium from which information can be obtained, and if necessary via subpoena.

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery.

DATED: October 31, 2022

Respectfully submitted,



Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

DISREGARD
For motion
to compel

This side
is NOT for
EXHIBIT USE
WITH PETITION to
COMPEL RESP. to
PROVIDE NOTIC
to Dismiss

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 31st day of October, 2022, on the Claimant via email, to:

Bart Woodard [REDACTED]
[REDACTED]
[REDACTED]



Thomas Burns

DISREGARD

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DECLARATION

RELATED to missing motions to dismiss

Bart Woodard

ADC # [REDACTED]

CLAIMANT

-V-

CASE # 221169 & 221170

ARKANSAS DIVISION
OF CORRECTION

RESPONDENT

This CLAIMANT Bart Woodard ADC # 119498, DOES HEREBY SWEAR, ATTEST & DECLARE AFFIRM AND PROMISE THAT THE FOLLOWING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, CONCERNING ARKANSAS STATE CLAIMS COMMISSION CLAIM NUMBER 221169 1st THE ATTORNEY FOR THE ADC THOMAS BURNS HAS FAILED TO PROVIDE THIS CLAIMANT A COPY OF A MOTION OR PETITION TO DISMISS CASE # 221169 NOR DID THOMAS BURNS PROVIDE ANY COPIES OF ANY EVIDENCE OR EXHIBITS THAT WERE SUBMITTED/ATTACHED TO THAT SAID SAME MOTION/PETITION TO DISMISS. THE ONLY DOCUMENT THAT THIS CLAIMANT HAS HAD, RECEIVED RELATED TO DISMISSAL ISSUES WAS RECEIVED DIRECTLY FROM THE ASCC DATED 08-31-2022 WHICH WAS A NOTICE RELATED TO A DISMISSAL HEARING (SEE ATTACHED EXHIBIT #

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Page 1 OF 2

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1965 BWA) OTHERWISE THERE WAS NO TYPE OF NOTICE FROM THE ADC'S ATTORNEY THOMAS BURNS. DUE TO THIS CLAIMANT'S MISREADING SAID NOTICE, CLAIMANT HAD ASSUMED THAT THE DISMISSAL HEARING WAS ON THE ASCC MOTION AGAIN THIS WAS IN PART DUE TO CLAIMANT'S MISREADING THE HEARING NOTIFICATION AND IN PART TO CLAIMANT EXPECTED THAT IF THE DISMISSAL MOTION WAS IN FACT ON THE ADC'S PART THIS CLAIMANT WOULD HAVE ALREADY RECEIVED NOTIFICATION FROM THE ADC IN THE FORM OF A MOTION.

THE ADC'S THOMAS BURNS DID EXACTLY THE SAME WITH CASE #221170 AGAIN MR BURNS FAILED TO SEND A COPY OF THE MOTION/PETITION TO DISMISS AND RELATED EXHIBITS & OR DOCUMENTS THAT THE ADC FILED WITH ASCC. AND THEN EVEN WORSE THE ADC'S LAWYER THOMAS BURNS MISLEAD THE CLAIMANT DURING THE DISCOVERY PHASE OF 221170 DOCUMENT PRODUCTION. THIS CLAIMANT REQUESTED THAT THE ADC PRODUCE EXHIBITS OR DOCUMENT THAT RESPONDENT HAD ATTACHED TO THE MOTION TO DISMISS PLEASE REFER TO EXHIBIT EXBW554. THIS CLAIMANT NEVER RECEIVED THE MOTIONS NOR THE RELATED EXHIBITS OR DOCUMENTS FOR EITHER CASE 221169 OR 221170. NOTARY PAGE ATTACHED.

DATE: JAN 01-2023

RESPECTFULLY

Bart Woodward

ADC #119498

Page 2 of 2

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NOTARY AND CERTIFICATE OF SERVICE	
X <u>Bart Woodard</u>	DOCUMENTS BEING NOTARIZED
SIGN ABOVE	DECLARATION RELATED TO MISSING MOTIONS
AT THIS TIME; ON BOTH CLAIMS CASES 221169 & 221170	
SUBSCRIBED & SWORN TO BEFORE ME ON	
2022	X <u>Karla Clark</u> 12-31-22
NOTARY PUBLIC SIGN ABOVE HERE	
<div style="border: 1px solid blue; padding: 5px; width: fit-content;"> KARLA CLARK NOTARY PUBLIC-STATE OF ARKANSAS HOT SPRING COUNTY COMM. #12716794 EXP. OCTOBER 21, 2031 </div>	RETURN ADDRESS: <u>Bart Woodard</u> <div style="background-color: black; width: 100px; height: 20px; margin-top: 5px;"></div>
PLACE SEAL ABOVE	
my COMMISSION EXPIRES ON: <u>October 21, 2031</u>	

CERTIFICATE OF SERVICE	
I BART WOODARD do HEREBY CERTIFY	
that the ABOVE LISTED DOCUMENT(S) HAVE	
BEEN MAILED / SERVED to (OR) ON THE	
FOLLOWING: <u>ASCC, 101 EAST CAPITOL AVE STE 10 L.R.</u>	
<u>AR 72201-3823</u>	By PLACING the SAID SAME DOCUMENTS
IN THE MAIL BOX AS PROVIDED by O.R.C.U.	
WITH THE PROPER POSTAGE ATTACHED TO BE	
MAILED VIA USPS TO THE ABOVE LISTED PERSONS	
OR PLACES. X <u>Bart Woodard</u>	DATE: <u>JAN-1-2023</u>

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Leslie Browning \(DOC\)](#)
Subject: Bart Woodard v ADC 221169
Date: Wednesday, January 11, 2023 9:14:32 AM
Attachments: [197e-1.pdf](#)

ADC response to MTC

Thomas Burns
General Counsel
Arkansas Department of Corrections
Division of Correction
6814 Princeton Pike
Pine Bluff Arkansas 71602
Phone: (870) 267-6845
Fax: (870) 267-6373
Cell: (870) 515-0918
thomas.burns@arkansas.gov

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**ADC RESPONSE TO MOTION FOR ORDER TO COMPEL
AND PROVIDE MOTION TO DISMISS**

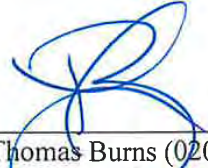
Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein.
2. The inmate has not complied with the Arkansas Rules of Civil Procedure, Specifically Rule 10(b): *Paragraphs; Separate Statements*. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings.
3. Rule 11(b)(1)-(4) states in part: *Certificate*. The signature of an attorney or party constitutes a certificate by the signatory that to the best of his or her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) the pleading, motion, or other paper is not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law; (3) the factual contentions have evidentiary support; (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information;

4. The inmate is making false and misleading statements that violate Rule 11..
5. The inmate claims that the ADC did not send him copies of the Motion to Dismiss with attachments in this case as well as case number 221170.
6. There seems to be some issue there. In the instant case the inmate filed a 35 page response to the ADC's motion to dismiss on or about June 6, 2022.
7. In that response the inmate attached as an exhibit the ADC motion to dismiss and attachments.
8. In claim 221170 the inmate filed a 65 page response to the ADC's motion to dismiss on or about June 11, 2022.
9. In that response the inmate attached as an exhibit the ADC motion to dismiss and attachments.
10. The Inmate is held to the same standard as an attorney if he elects to proceed Pro Se. Pro Se parties are not given special treatment and are held to the same standard as a licensed attorney. *Pressler v. Ark. Publ. Serv. Comm'n*, 2011 Ark. App. 512, at 9, 385 S.W.3d 349, 355 (citing *Elder v. Mark Ford & Assocs.*, 103 Ark. App. 302, 288 S.W.3d 702 (2008)). The Claims Commission notes that under Arkansas law, a claimant choosing to represent himself is held to the same standard as an attorney. *Michael Pickens v ADC claim 190793 (ASCC 2019)*.
11. The Inmate continues to abuse the process and his claim(s) should be dismissed with prejudice.
12. All of the inmate pleadings are nothing but designed to harass, intimidate, and frustrate the ADC and this Commission.

WHEREFORE, Respondent prays that this Motion to Compel be denied; that his claim be dismissed with prejudice; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



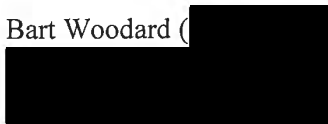

Thomas Burns (02006)
Division of Correction
Legal Department

6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 11th day of January 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Bart Woodard (

Thomas Burns

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Bart Woodard



RELATED to Claim #221169

ARKANSAS STATE CLAIMS COMMISSION
 101 EAST CAPITOL AVE SUITE 410
 LITTLE ROCK AR. 72201-3823

Arkansas
 State Claims Commission

JAN 20 2023

DEAR MS. MIKA TUCKER

RECEIVED

I CONTACT your office at this time to alert you to the fact that AS PER the Commission's orders I HAVE SUBMITTED to Mr Thomas Burns Attorney for the ADC for Claim #221169 discovery ISSUES Request for Admissions, List of interrogatories AND Request for Production of documents, which MAILED to the ADC Legal Division ON 1-24-2023. I HAVE INCLUDED TWO (2) COPIES OF THE ABOVE LISTED DOCUMENTS, PLEASE RETURN the 1 copy of the ORIGINAL file marked AT your EARLIEST CONVENIENCE. PLEASE, UNDERSTAND THAT AS A PRO SE CLAIMANT IN A PRISON IS VERY CHALLENGING for SEVERAL REASONS (1) EACH TIME VA SHAKEDOWN HAPPENS ALL THE CORRECTIONAL OFFICERS COME THRU AND MAKE A MESS OF ALL FILES AND MIX THE PAPERS ALL TOGETHER, (2) GETTING COPIES OF MOTIONS AND OF PETITIONS, PLEADING IN -

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Page 1 of 2

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Any type of orderly fashion or timely manner is next to impossible. These issues are not excuses, these are simply hurdles that must be overcome in order to have fighting chance to win a claims case. Even though in the case of 221169 claim, the claim is already won on its merits, which is really unfair because justice should be based on the actual facts and merits and truth of a case, not the tricks and slight of hand & sanction the ADC's Thomas Burns can conjure up or using smoke and mirrors and magic slick their way out of the trouble that they now find themselves in. Having said all that to say this, I am still learning the ropes of civil law and I hope that I am doing better, so please bear with me, and if I am doing something wrong or out of order please let me know. Thank you for all your help in the past & in this matter and in the future.

DATE 1-23-23

Respectfully
Bart Woodward

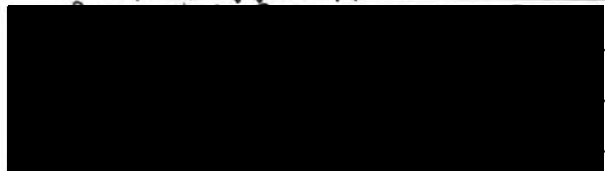
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IB2

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BART Woodard



R/T CLAIM # 221169

MR. THOMAS BURNS
DIVISION OF CORRECTION
LEGAL DEPARTMENT
6814 PRINCETON PIKE
PINE BLUF AR 71602

Arkansas
State Claims Commission

JAN 20 2023

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MR. THOMAS BURNS

I WROTE A MOTION/PETITION OF APOLOGY AND
WITHDRAWAL OF THE MOTION TO COMPEL, I DID SO
AFTER THE INCIDENT I DESCRIBED. I ALSO WANTED
TO WRITE YOU A PERSONAL LETTER OF
APOLOGY. I KNOW YOU MUST DEAL WITH
MANY RUDE AND CRUDE INMATES AND I
WANTED YOU TO KNOW, I DO NOT WANT TO
BE CONSIDERED ONE OF THOSE OF SUCH
ILK. I DO FEEL VERY STRONGLY AND
VERY PERSONLY ABOUT THIS CASE/CLAIM
AND I DO NOT MEAN TO OFFEND
OR BE ABRASIVE AND IF YOU
TRULY FEEL I HAVE, THEN FOR
THAT I ALSO APOLOGIZE. MY-

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TB2

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ONLY INTENT IS TO CONVEY MY POINTS
AND WIN MY CLAIM ON THE MERITS
ALONE.

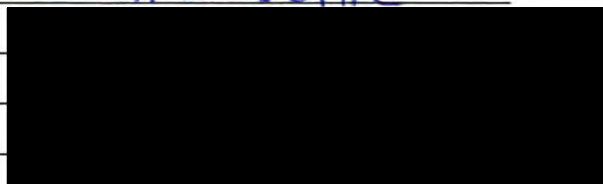
INCLOSING AGAIN PLEASE ACCEPT
MY APOLOGIES FOR ANY ILL FEELING I
HAVE CAUSED

Date 1-24-23

Very RESPECTFULLY

Bart Woodard

BART WOODARD



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Page 2 of 2
TB2

TB2

#1C1

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Bart Woodward

Claimant

ADC # [REDACTED]

Arkansas
State Claims Commission

CASE # 221169

JAN 20 2023

ARKANSAS DEPT OF
CORRECTIONS

RECEIVED
RESPONDANT

CLAIMANTS REPLY TO THE ADC'S
RESPONSE TO CLAIMANTS MOTION TO
COMPEL AND PROVIDED MOTION TO
DISMISS

THE COMMISSIONS CLAIMANT BART
WOODWARD ADC [REDACTED] HAS MADE A
MISTAKE AND WISHES TO MAKE AN
APOLOGY TO THE COMMISSION, AND ALSO MR
BURNS THE ATTORNEY FOR THE ADC.

I BART WOODWARD THE CLAIMANT IN THIS
CASE, CLAIM # 221169 CAN NOT IN
GOOD FAITH MAINTAIN THAT WITHOUT A
DOUBT THOMAS BURNS DID NOT SEND
THIS CLAIMANT A MOTION TO DISMISS
AND RELATED EXHIBITS AND DOCUMENTS.
THIS DOUBT HAS OCCURED RECENTLY DUE
TO THE FACT I OBSERVED IN THE LAW
LIBRARY ONE (1) INMATE TOOK ANOTHER IN-
MATES LEGAL WORK OUT OF A FOLDER AND

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Page 102
#1C1

#1C1

#1C1

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THREW THOSE PAPERS IN THE TRASH AND LEFT. NOW MANY TIMES BOTH IN THE LAW LIBRARY AND IN THE BARRACK I LEAVE MY LAW WORK LAYING OUT NEVER THINKING THAT ANYONE WOULD DO SOMETHING LIKE THAT, SO AFTER I SAW THAT OCCUR. I NOT BEING THE MOST POPULAR FELLOW STOPPED LEAVING MY LAW, LEGAL CASES (INCLUDING CLAIMS CASES) LAYING OUT. AND I NOW THAT I KNOW THIS HAPPENS I CAN NO LONGER IN ABSOLUTE GOOD FAITH SWEAR THAT MR BURNS HAS NOT SENT ME THE FORMS AND DOCUMENTS I STATE I DON'T HAVE. THEREFORE PLEASE ACCEPT MY APOLOGIES MR BURNS AND ALSO MEMBERS OF THE COMMISSIONS AND ALSO THE CLAIMANT WITHDRAWS THE PETITION FOR ORDER TO COMPEL RESPONDANT TO PROVIDE THE MOTION TO DISMISS AND ALL THE DOCUMENTS ATTACHED.

CLAIMANT PRAYS THE COMMISSION GRANT THE WITHDRAWAL OF SAID MOTION AND ACCEPT THE CLAIMANT'S APOLOGIES TO BOTH THE ASCC. AND ON BEHALF OF THE ADC'S ATTORNEY THOMAS BURNS.

DATE 1-24-23 ^{BW}

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RESPECTFULLY
Robert Woodard

Page 2 of 2

#1C1

#1C1

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Bart Woodard ADC # [REDACTED] CLAIMANT

-V-

Claim # 221169

ARKANSAS DEPT. OF
CORRECTIONS

RESPONDANTS

Arkansas
State Claims CommissionCLAIMANTS List
OF
INTERROGATORIES
FOR
RESPONDANT

JAN 20 2023

RECEIVED

#1 INTERROGATORY: IS THERE
A ADC WIDE (ALL UNITS) POLICY RELATED
TO INMATES BEING IN ANOTHER INMATES
CELL/CUBICAL AT ANY TIME?

RESPONSE #1:

#2 INTERROGATORY: IS THERE NOT A
POLICY AT [REDACTED] FOR THERE TO BE A SET
OF POST ORDERS AT EVERY HUB IN HOUSING(4)
FOR (Hub is the description for WHERE THE
OFFICERS SIT BETWEEN THE (2) BARRACK WHERE
THE PHONE IS AND WHERE THE MONITORS ARE
(2 MONITORS IN MOST CASES) SO THE CORREC-
TIONAL OFFICERS CAN VIEW THE CAMERA
FEEDS FROM WITHIN THE 2 BARRACKS

INT

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Page 1 OF 5

JAN 20 2023

#2 RESPONSE

RECEIVED

#3 INTERROGATORY; IS THERE NOT A SECTION WITHIN THE POST ORDERS (THE POST ORDERS THAT SHOULD BE AT EVERY HUB) THAT RELATES TO THE AMT. OF TIME THAT MUST BE ALLOWED BETWEEN ALL CALLOUT AND LAST CALLS I.E. THERE IS TO BE 5 MIN'S BETWEEN FIRST CALL CHOW AND LAST CALL CHOW.

#3 RESPONSE;

#4 INTERROGATORY; IS THERE NOT IN THE OFFICER'S POST ORDERS A SECTION WITHIN THOSE POST ORDER THAT COVERS THE ENFORCEMENT OF THE BARRACKS RULE'S

#4 RESPONSE

#5 INTERROGATORY; HOW OFTEN SHOULD A CORRECTIONAL OFFICER MAKE SECURITY ROUNDS IN A BARRACK'S

#5 RESPONSE

#6 INTERROGATORY; IF DURING A SECURITY ROUND THE CORRECTIONAL OFFICER FINDS THREE INMATES IN A CUBICAL WHAT SHOULD

INT

THAT CORRECTIONAL OFFICER DO THE VERY FIRST TIME THE INFRACTION OF BARRACK RULES ARE NOTED.

#6 RESPONSE;

#7 INTERROGATORY; WHY ARE THERE SECURITY CAMERAS LOCATED IN SO MANY PLACES IN EACH BARRACKS?

#7 RESPONSE

#8 INTERROGATORY; HOW ARE NEW CORRECTIONAL OFFICERS TRAINED TO MONITOR CAMERA FEEDS AND SORT ISSUES THAT PROBLEMS

#8 RESPONSE

#9 INTERROGATORY; WHY DOES THE ADC NOT OFFER/ALLOW PROPER MEDICATION FOR THE

#9 RESPONSE

#10 INTERROGATORY; THE ADC CONTROLS THE PSYCHOLOGY DEPARTMENT, THERE IS NO WAY AN INMATE CAN TRULY BE TREATED BY A PSY DEPARTMENT FOR A PSY ISSUE WHEN THE

INT

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ADC Employees the PERSONAL TREATING
 THE INMATE AND THE INMATE'S PSY &
 ISSUES [REDACTED] CAUSED BY THE LONG TERM
 [REDACTED] WAS DUE
 TO THE FACT THAT THE SECURITY OFFICERS
 WERE NOT ENFORCING THE ADC'S POLICIES
 DUE TO POOR TRAINING / IMPROPER SUPERVISION
 BY RANKING STAFF MEMBERS, WHY IS THE
 TRAINING OF ENFORCEMENT OF ADC POLICY
 THAT COVERS SECURITY CHECKS, RULE ENFORCE-
 MENT AND IDENTIFICATION OF SIGNS AND SYMPTOMS
 [REDACTED] A PRIORITY
 WITH THIS UNIT?

#10 RESPONSE;

CLAIMANT'S REQUEST
 FOR
 PRODUCTION OF DOCUMENTS

#1 REQUEST FOR PRODUCTION OF DOCUMENTS;
 PLEASE ATTACH A COPY OF THE REPORT THAT
 WAS GENERATED AS RELATED TO THE INVESTI-
 GATION IN WHICH THE NOW CPT ROSS THE THEN
 LT ROSS WAS INVOLVED IN RELATED TO THE
 INVESTIGATION INTO HOW LT SEELEY HANDLED THE
 [REDACTED] AS REPORTED BY MY-

#2 REQUEST FOR PRODUCTION OF DOCUMENTS;

INT

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Page 4 OF 5

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PLEASE PROVIDE AND ATTACH A COPY OF THE POST ORDERS THAT ARE PLACED AT EVERY HUB, AND IF PROVIDING A COPY OF SUCH POST ORDERS WILL POSE A SECURITY RISK IF A "INMATE" HAS SUCH A TOP SECRET DOCUMENT THEN THE LEGAL DIVISION, MR THOMAS BURNS WILL FORWARD A COPY OF THE POST ORDERS TO THE CLAIMS COMMISSION AS A NEUTRAL FACT FINDING BODY AS IT IS DESIGNED TO BE, AND THIS CLAIMANT CAN POSE QUESTIONS TO THE CLAIMS COMMISSION, AND THE COMMISSION CAN DECIDE WHAT IS AND WHAT IS NOT A SECURITY ISSUE

END OF DISCOVERY ROUND #1

CERTIFICATE OF SERVICE

I BART WOODARD DO HEREBY SWEAR, AFFIRM, AND ATTEST THAT ON THE 24 DAY OF JANUARY 2023 I DID OR CAUSED THIS COPY OF THE LIST OF INTERROGATORIES AND REQUEST FOR DOCUMENT PRODUCTION TO BE PLACED IN THE ADC PROVIDED MAIL BOX WITH PROPER POSTAGE ATTACHED AND ADDRESSED TO THE FOLLOWING: THOMAS BURNS ATTY LEGAL DIV. ADC, 6814 PRINCETON PIKE PINE BLUFF AR. 72601 VIA USPS.

DATE 1-24-23

RESPECTFULLY

Bart Woodard

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Page 5 of 5

INT

RFA
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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD ADC# [REDACTED] CLAIMANT
-V- CLAIM # 221169
ARKANSAS DEPT OF CORRECTIONS RESPONDANT

Arkansas
State Claims Commission
JAN 20 2023

CLAIMANT'S REQUEST
FOR
RESPONDANT'S ADMISSIONS RECEIVED

#1 ADMISSION REQUEST: DOES THE
RESPONDANTS THRU AND BY THEIR ATTY.
ADMIT THAT THIS CLAIMANT WROTE
A GRIEVANCE ON 07-02-20 WITH THE NO.
SNN20-00189?
ADMIT;
DENY;

#2 ADMISSION REQUEST: DOES THE
RESPONDANT THRU AND BY THEIR ATTY.
ADMIT THAT THE GRIEVANCE WITH THE
NO. SNN20-00189 WAS RESPONDED TO
ON 07-13-2020, AT WHICH TIME THE
WARDEN STATED HE HIMSELF HAD FORWARDED THE
GRIEVANCE WITH THE NO. SNN20-00189 TO THE
[REDACTED] COMPLIANCE MANGER?

ADMIT;

DENY;

RFA

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Page 1 of 7

#3 ADDMISSION REQUEST; DOES THE RESPONDANT THRU AND BY THEIR ATTY. ADMIT THAT UPON THE COMPLETION OF THE INTERNAL AFFAIRS INVESTIGATION THAT WAS STARTED BY GRIEVANCE NO. SNN20-00189 AND INCLUDED THE "BLACK BOX" STRESS TEST AND ENDED WITH THE INTERNAL AFFAIRS WRITTEN STATEMENT PROVING CLAIMANTS CLAIM AND REMOVING DOUBT THAT THIS CLAIMANT WA [REDACTED]

Admit;

DENY;

#4 ADDMISSION REQUEST; DOES THE RESPONDANT THRU THEIR ATTY. ADMIT THAT THERE ARE MULTIPLE DATES OF FILM FOOTAGE (NOTE THAT ANY TIME THE PHRASE FILM OR FILM FOOTAGE IS USED IT MEANS, OR CAN MEAN VIDEO FOOTAGE, VIDEO OR DIGITAL DATA, OR ANY OTHER TERM THAT CAN OR DOES MEAN ANY TYPE OF DATA RECORDED AND STORED FROM ANY SECURITY CAMERA (WITH THAT STATED AND SAID DISCLAIMER INCLUDED WITHIN THIS TEXT.) THAT ARE STORED EITHER ON CD OR DVD DISC OR BY SOME TYPE OF STORAGE DEVICE FOR ELECTRONIC DATA THAT HAS BEEN RECORDED BY ANY CAMERAS IN PLACE IN HOTEL BARRACKS (THE DATA CAN ALSO BE STORED IN THE DATA STORAGE TYPE KNOWN AS THE CLOUD & OR OTHER SIMILAR STORAGE TYPES)

RFA

AND OF THOSE CAMERAS THAT TOOK THAT SAID SAME FILM FOOTAGE AT LEAST (1) ONE OF THOSE CAMERAS THAT COLLECTED THAT FILM FOOTAGE TAKES/VIEWS FROM [REDACTED] CUBE WHERE THE CLAIMANT WAS [REDACTED] FROM FEB-2020 UNTILL JUN 2 [REDACTED]

Admit;

DENY;

#5 ADDMISSION REQUEST; DOES THE RESPONDANTS THRU AND BY THEIR ATTY. REGARDLESS OF THE ANSWER TO THE ADDMISSION REQUEST #4 ADMIT THAT THERE IS AT LEAST (1) ONE CAMERA WITH A DIRECT VIEW INTO CUBICAL #1 & 2 WITHOUT ANY OBSTRUCTION AND THAT CAMERA SHOWS A DIRECT AND CONTINUOUS FOOTAGE ON A MONITOR THAT SITS IN THE OFFICERS HUB. (THE CORRECTIONAL OFFICER SITS AT THE HUB AND ALL THE OFFICER HAS TO DO IS LOG IN THEIR LOG BOOK AND MONITOR THE CAMERA FEEDS AND MAKE SECURITY ROUND EVERY 30 MIN.)

Admit;

DENY;

RFA
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#6 ADDMISSION REQUEST; DOES THE RESPONDANTS THRU & BY THEIR ATTORNEY ADMIT THAT THERE EXISTED FILM/VIDEO FOOTAGE STORED /COLLECTED OR PRESERVED ON SOME TYPE OF DIGITAL DATA COLLECTION APPARATUS THAT SHOWED CUBICAL #1 & 2 BETWEEN THE DATES OF FEBRUARY 2020 AND THRU THE MONTH OF JUNE 2020 AND ALSO BETWEEN THE HOURS OF 11pm OF Friday NITE THRU THE HOURS OF MONDAY MORNING EACH WK. @ 3:30 AM OF THE MONTHS NOTED [REDACTED]

ADMIT;

DENY;

#7 ADDMISSION REQUEST; DOES THE RESPONDANTS THRU & BY THEIR ATTY. ADMIT THAT PER BARRACKS RULES AT NO TIME SHOULD ANY INMATE BE SITTING ON ANOTHER INMATES RACK AND EVEN MORE SO SHOULD THESE RULES BE ENFORCED AFTER LITES OUT.

ADMIT;

DENY;

RFA

RFA
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#8 Admission Request; Does the Respondants thru & by their Atty Admit that there are Post Order At Each Barrack hub and contained within those Post Orders are the rules and policies which the Correctional officers are to enforce and key among those rules and policies are no inmates are to be in another's cubical nor on another's Rack.

Arkansas
State Claims Commission

JAN 20 2023

Admit;

DENY;

RECEIVED

#9 Admission Request; Does the Respondants thru & by their Atty Admit that more training and better enforcement of the current policies along with more supervision

ADMIT;
DENY;

RFA

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Page 5 of 7

RFA
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#10 Admission Request; Does the Respondants thru and by their Atty. Admit that the ADC provide's the Psychology Department and the members of that Department are direct employees of the ADC.

Admit;

DENY;

#11 Admission Request; Does the Respondants thru and by their Atty. Admit that the internal affairs investigations that were performed and concluded in the year 2020 were found with merit and determined that this claimant was a victim.

Admit;

DENY;

#12 Admission Request; Does the Respondants thru and by their Atty. Admit that claimant reported the [REDACTED]

RFA

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Page 6 of 7

RFA
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Admit;

DENY;

#13 Admission Request Does the
Respondant thru & by their Atty
Admit that upon at least 100,
the Claimant was [REDACTED]
Even if all other [REDACTED] is
lost misplaced or destroyed that
would show and demonstrate that
from Feb 2020 thru June 2020 Claim-

Admit;

DENY;

End of Admission Request

Certificate of Service

I BART woodward, Claimant do hereby SWEAR &
Affirm AND attest that ON 24 day in JAN.
2023 I did PLACE (OR CAUSE TO BE PLACED by LEAVING with
Ranking Officer of the ADC) in the Mail Box
provided by the ADC for mailing USPS ARTICLES, This
Request for Admissions with proper postage to MAIL
T. Burns Atty Legal Div ADC 6814 Princeton Pike
PINE BLUFF AR 71602. DATE 1-24-23 Respectfully

RFA

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Bart woodall

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Leslie Browning \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)
Subject: CORR: Bart Woodard v. ADC, Claim Nos. 221169 and 221170
Date: Friday, February 24, 2023 10:33:00 AM
Attachments: [woodard-consentance-ltr.pdf](#)

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

February 22, 2023

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

RE: ***Bart Woodard v. Arkansas Department of Correction***
Claim Nos. 221169 & 221170

Dear Mr. Woodard,

The Claims Commission received correspondence from you on December 9, 2022, in which you request a filing history for Claim No. 221170 and file-marked copies of your two most recent filings in that claim. The Claims Commission is in receipt of your correspondence dated January 1, 2023, in which you request a copy of ADC's motions to dismiss, along with the related exhibits, filed in Claim Nos. 221169 & 221170. The Claims Commission is also in receipt of your correspondence dated January 23, 2023, in which you request file-marked copies of your "reply to the ADC's response Claimant's to motion to compel and provided motion to dismiss[.]" interrogatories, requests for production of documents, and requests for admission in Claim No. 221169.

Enclosed please find the file-marked copies of your "reply to the ADC's response Claimant's to motion to compel and provided motion to dismiss[.]" interrogatories, requests for production of documents and requests for admission filed in Claim No. 221169. Also enclosed are the ADC's motion to dismiss and your filings our office received on November 5, 2022, November 17, 2022, and November 18, 2022, in Claim No. 221170, along with the filing history for Claim No. 221170.

The Claims Commission notes that the exhibit to the ADC's motion to dismiss filed in Claim No. 21169 is marked "Submitted in camera[...]" As such, I am enclosing a copy of the motion to dismiss without the exhibit. The Claims Commission will set a hearing on your request for the exhibit to the motion. You will receive a letter with details about this hearing soon.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: mtucker

cc: Thomas Burns, *counsel for Respondent* (via email, without enclosures)

From: [Kathryn Irby](#)
To: [Thomas Burns \(DOC\)](#); [Leslie Suggs](#)
Cc: [Mika Tucker](#)
Subject: HEARING SCHEDULED: Woodard v. ADC, Claim No. 221169
Date: Monday, February 27, 2023 12:42:00 PM
Attachments: [Woodard v. ADC - Letter re: \(request for documents\).pdf](#)

Thomas, please see attached hearing letter.

Kathryn

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

February 27, 2023

Mr. Bart Woodard (ADC 1 [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

RE: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns,

The Claims Commission has scheduled a hearing on **Thursday, May 18, 2023**, beginning at 9:00 a.m., regarding Mr. Woodard's request for documents submitted by ADC. All parties will attend via Zoom. The Zoom invitation is enclosed, and the Claims Commission asks that Mr. Burns provide the Zoom invitation to Mr. Woodard's unit.

No prehearing materials are requested.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission invites you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: May 18, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/85883857910?pwd=M2R4YnRMN2xoMFc3NG5LK0VEV3djQT09>

Meeting ID: 858 8385 7910

Passcode: LBAQM3

One tap mobile

+16469313860,,85883857910#,,,,*454554# US

+19294362866,,85883857910#,,,,*454554# US (New York)

Dial by your location

+1 646 931 3860 US

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

Meeting ID: 858 8385 7910

Passcode: 454554

Find your local number: <https://us06web.zoom.us/j/85883857910?pwd=M2R4YnRMN2xoMFc3NG5LK0VEV3djQT09>

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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Bart Woodard ADC# [REDACTED]

CLAIMANT

Arkansas
State Claims Commission

MAY 27 2023

- V CASE # 221169

RECEIVED

ARK. DEPT. OF CORRECTION
DIVISION OF CORRECTIONS

RESPONDANT

RELATED TO FAILURE TO SHOW/APPEAR AT ZOOM HEARING

CLAIMANTS
PETITION FOR DEFAULT JUDGEMENT
REQUESTED

THIS PROSE CLAIMANT COMES BEFORE THE COMMISSION TODAY MAY 24 2023 TO PRAY THAT THIS HONORABLE COMMISSION TO GRANT THIS CLAIMANT THIS CLAIM #221169 SETTLED AND AWARD THIS CLAIMANT NOT ONLY THE AMOUNT REQUESTED 12,500⁰⁰ DOLLARS AND AN ADDITIONAL AMOUNT OF 500⁰⁰ DOLLARS FOR LEGAL COST, COPY FEE'S, BOOK COST, POSTAGE FEES.

THIS CLAIMANT PETITIONS THIS COURT TO AWARD THIS CLAIM AS STATED ABOVE FOR THE FOLLOWING; THE CLAIMS COMMISSION IS FULLY AWARE OF THE FACTS; THERE IS ALL THE VIDEO FOOTAGE THAT SHOWS THE FACTS AS THIS CLAIMANT HAS STATED, THIS CLAIMANT HAS

FILED FILED A SWORN DECLARATION THIS CLAIMANT HAS ALSO TAKEN AND PASSED THE "BLACK BOX".

THIS CLAIMANT HAS THIS SOLID CASE THERE IS A FACT FILED CASE AND ALL THE RESPONDANTS LAWYER THOMAS BURNS CAN DO IS STALL STALL AND MISDIRECT AND ATTEMPT TO WAIT ME OUT.

FACTS

THIS CLAIM WAS FILED APRIL 08 2022. 08-31-22 ADC FILED MOTION TO DISMISS SCHEDULED ON ZOOM FOR THUR NOV-17-22, THEN NOV-2-22 THE NOV. 27-22 ZOOM HEARING WAS SET OFF TILL FRIDAY MARCH-10-23 A FULL 4 MONTH, THEN FEB 27-23 THE NEXT SET OFF WAS DONE AGAIN, UNTILL MAY (THUR) 18 2023 NOW THAT HAS CAME AND GONE. THIS SET OFF NEVER HAPPENED, THIS WAS A DEFAULT, MR BURNS HAS TIME AND TIME AGAIN WANTED THIS CLAIMANTS CLAIM DISMISSED ON TECHNICALITIES AND REPEATEDLY WANTED THIS CLAIMANT SANCTIONED, NEVER MIND THE MERITS, NEVER MIND THE WAY THIS STILL EFFECTS ME NEVER MIND THE PTSD I SUFFER FROM. MR BURNS HAS PUT THIS CASE OFF AND DECIDED I DID NOT MATTER AND WHAT HAS HAPPEND TO ME ISNT WORTH HIS TIME OR ATTN.

~~X PRAYER X~~

IT IS THEREFORE NOTING ALL THE FACTS STATED ABOVE AND ALL THE MERITS FOUND WITHIN MY CASE AND THE FAILURE ON THE RESPONDANTS PART TO PROVIDE -

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ANY MEANINGFUL DISCOVERY, FAILURE TO PROVIDE THE DOCUMENTS AS REQUESTED RELATED TO THE DISMISSAL MOTION WHICH THE ADC HAS FAILED TO AND REFUSED TO PROVIDE TO THE CLAIMANT. PLEASE REFER TO ASCC ORDER ENTERED ON DEC 15 2022 page 2. BULLET #5 THIS IS THE INFORMATION THAT THIS CLAIMANT HAS REQUESTED THAT IS ON THOSE DOCUMENTS THIS IS WHAT THE ADC REFUSES TO PROVIDE THIS CLAIMANT.

IT IS BEEN OVER A YEAR NOW, MEMBERS OF THIS HONORABLE COMMISSION, MR BURNS HAS STALLED, PROLONGED AND JUST PLAIN REFUSED TO PROSECUTE THIS CASE PROPERLY, IT IS IN THE INTEREST OF JUSTICE, FAIRNESS THAT THIS CASE BE SETTLED THEREFORE THIS CLAIMANT PRAYS THE COMMISSION TO AWARD THIS CLAIMANT THE FULL AMOUNT OF 12,500 AND AN ADDITIONAL AMOUNT OF 500.00 FOR LEGAL COST POSTAGE FEES COPIES, SPECIAL BOOKS COST AND MISCELLANEOUS. AND THIS CLAIMANT CLOSES THE PETITION FOR DEFAULT JUDGEMENT.

MAY 23 2023
BART WOODARD.

Respectfully
Submitted

Bart Woodard

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Page 30F3

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Bart Woodward



ARKANSAS ST. CLAIM COMM.
 101 E. CAPITOL AVE STE 410
 LITTLE ROCK AR 72201-3823

DEAR MS MIKA TUCKER

THIS IS A LETTER TO BOTH THE ASCC
 AND THE ADC'S THOMAS BURNS, AS EACH
 ARE AWARE BY NOW MAY 18 2023 HAS
 CAME AND GONE, I AM INCLOSING A COPY
 OF THE PETITION WHICH IS BEING FILED
 WITH THE ASCC.

Respectfully
 Submitted

A handwritten signature in dark ink, appearing to be "Bart Woodward".

CERTIFICATE OF SERVICE

A COPY OF A PETITION FOR DEFAULT JUDGEMENT
 WAS MAILED TO ARKANSAS CLAIMS COMMISSION
 ON 26TH DAY OF MAY 2023 TO 101 EAST
 CAPITOL AVE LITTLE ROCK AR 72201-3823

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Leslie Browning \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Bart Woodard v. ADC, Claim No. 221169
Date: Tuesday, May 30, 2023 4:15:00 PM
Attachments: [Bart Woodard v. ADC2.pdf](#)
[Bart Woodard v. ADC4.pdf](#)

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

May 30, 2023

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns:

Enclosed please find an Order entered today by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

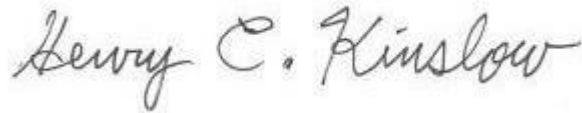
Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**BART WOODARD (ADC [REDACTED])****CLAIMANT****V.****CLAIM NO. 221169****ARKANSAS DIVISION OF
CORRECTION****RESPONDENT****ORDER**

Now before the Arkansas State Claims Commission (the “Claims Commission”) is the claim of Bart Woodard (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). At the hearing held on May 18, 2023, Thomas Burns appeared on behalf of Respondent and advised the Claims Commission that an incident had occurred in Claimant’s unit such that Claimant was unable to attend the hearing. As such, the Claims Commission will reschedule the hearing on Claimant’s request for documents marked by Respondent as submitted in camera.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: May 30, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

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JUN 08 2023

BEFORE the ARKANSAS STATE CLAIMS COMMISSION

RECEIVED

Bart Woodward ADC# [REDACTED] CLAIMANT

- V - CLAIMS# 221169

ARK DEPT. CORRECTIONS RESPONDENTS
DIV OF CORRECTIONS

RELATED TO MULTIPLE CHANGED HEARING DATES

CLAIMANTS

MOTION TO PREVENT ANY FURTHER DELAY IN RESOLUTION OF CASE 221169 DUE TO RESPONDENTS TIME DELAY TACTICS

(A PETITION FOR DEFAULT JUDGMENT WAS FILED ON MAY 23 2023)

ON 6-2-23 CLAIMANT RECEIVED THE COMMISSION'S ORDER PUTTING OFF YET AGAIN THE HEARING THAT HAS BEEN ELUSIVE FOR MORE THAN 6 MONTHS AND EVERY TIME IT IS DUE TO THE RESPONDENTS TACTICS TO STALL THE FORGONE CONCLUSION OF THIS CASE. THIS TIME THE RESPONDENTS T. BURNS, THE ATTORNEY FOR THE ADC, STATES "THERE WAS AN INCIDENT THAT [REDACTED] THAT PREVENTED CLAIMANT FROM ATTENDING, THE ONLY INCIDENT THAT OCCURRED WAS, BURNS NEVER SET UP THE ZOOM VISIT TIME BY NOTIFYING THE CORRECT PEOPLE HERE AT ORC.U. NO INCIDENT OCCURRED AT ALL DURING THAT DAY OR THAT WEEK. THE FOLLOWING WK WAS THE GRADUATION, BUT NOT THE WK OF THE 18TH. THIS CLAIMANT PRAYS THE COMMISSION TO ACTUALLY CHECK WITH THE ADC

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Page 1 OF 2

COPY TO ADC

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HERE A [REDACTED] AND THE CLAIMS COMMISSION WILL FIND NO INCIDENT OCCURED THE WEEK OF THE 18TH OF MAY, AND ALSO CHECK WITH THE PERSONAL WHO SET UP THE ZOOM COURT DATES. THE COMMISSION WILL FIND NO ZOOM DATE AND TIME WAS EVER CONFIRMED BY T. BURN'S. THE COMMISSION IS A FACT FINDING BODY, AND THIS CLAIMANT PRAYS THE COMMISSION PLEASE FIND THESE FACTS PER THOMAS BURN'S STATED ARE MOST FALSE. AND THE CLAIMANT SEEKING ONLY A FAIR JUDEMENT PRAY THE CLAIMS COMMISSION AWARD THE CLAIMANT THE AMOUNT SOUGHT 12,500 AND AN ADDITIONAL 500⁰⁰ (FIVE HUNDRED) FOR COST, MAILING, POSTAGE COPIES, AND OUTSIDE RESEARCH COST. A TOTAL AWARD OF 13,000⁰⁰ DOLLARS, DUE TO THE ACTUAL MERITS OF THIS CLAIM THAT ARE INDISPUTABLE FACTS AND ALSO DUE TO THE RESPONDENTS CONSTANT DELAYING TACTICS. CLAIMANT ALSO PRAYS THAT THE COMMISSION AWARD ANY FURTHER CONSIDERATIONS THAT THE MEMBERS MAY FIND RIGHT AND PROPER.

06-05-2023

Respectfully Submitted

BARTWOODARD [REDACTED]

COPY TO ADD

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Page 2 of 2

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Leslie Browning \(DOC\)](#)
Subject: Bart Woodard v ADC 221169
Date: Wednesday, June 14, 2023 7:41:50 AM
Attachments: [476 \[REDACTED\].pdf](#)
[\[REDACTED\].png](#)

Response to default motion



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

ADC RESPONSE TO MOTION FOR DEFAULT JUDGMENT

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein.

2. The inmate has violated Arkansas Civil Procedure Rule 10(b): Paragraphs; Separate Statements. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in Each claim founded upon a separate transaction or occurrence and all succeeding pleadings.

3. The ADC answered this complaint on or about April 28, 2022, making a default inappropriate.


4. The inmate continually abuses this process by filing baseless and incoherent motions that are intended to abuse and harass the ADC.

5. The ADC asks that this inmates complaint be dismissed for his continued abuse of the process.

6. The Inmate is held to the same standard as an attorney if he elects to proceed Pro Se. The Inmate continues to abuse the process and his claim should be dismissed with prejudice.

WHEREFORE, Respondent prays that this Motion for Default be denied; that his claim be dismissed with prejudice; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)
Division of Correction
Legal Department
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 14th day of June 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Bart Woodard ([REDACTED])
[REDACTED]



From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Leslie Browning \(DOC\)](#)
Subject: Bart Woodard v ADC 221169
Date: Wednesday, June 14, 2023 10:58:51 AM
Attachments: [471-1-2023.pdf](#)
[image.png](#)

Response to motion to prevent delay



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

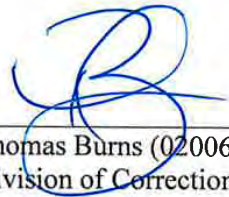
ADC RESPONSE TO MOTION TO PREVENT DELAYS

Respondent, Arkansas Department of Correction (ADC), for its reply, states:

1. The ADC denies each and every allegation contained in the Inmate's motion unless specifically admitted herein.
2. The inmate has violated Arkansas Civil Procedure Rule 10(b): Paragraphs; Separate Statements. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in Each claim founded upon a separate transaction or occurrence and all succeeding pleadings.
3. The inmate continually abuses this process by filing baseless and incoherent motions that are intended to abuse and harass the ADC.
4. The inmates blatant lie that the ADC did not advise the Unit of the hearing is out and out abuse of the process. Notice was given to the Unit, specifically of this inmate, on May 3, 2023.
See attached Ex A.
5. The ADC asks that this inmate's complaint be dismissed for his continued abuse of the process.
6. The Inmate is held to the same standard as an attorney if he elects to proceed Pro Se. The Inmate continues to abuse the process and his claim should be dismissed with prejudice.

WHEREFORE, Respondent prays that this Motion for Default be denied; that his claim be dismissed with prejudice; for their attorney's fees and costs; and all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)
Division of Correction
Legal Department
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 14th day of June 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Bart Woodard ([REDACTED])



Thomas Burns

Thomas Burns (DOC)

From: Leslie Browning (DOC)
Sent: Wednesday, June 14, 2023 10:48 AM
To: Thomas Burns (DOC)
Subject: FW: Arkansas State Claims Commission -- May 2023 hearing information
Attachments: 5-2023 Pre-Hearing Memo.pdf; May 2023 docket.pdf



LESLIE BROWNING
 LEGAL SUPPORT SPECIALIST
 DIVISION OF CORRECTION
 Arkansas Department of Corrections
 6814 Princeton Pike
 Pine Bluff, Arkansas 71602
 Phone: (870) 267-6844 (Office)
 Leslie.Browning@arkansas.gov

From: Leslie Browning (DOC)
Sent: Wednesday, May 3, 2023 11:25 AM
To: Tanya Hill (DOC) <Tanya.Hill@arkansas.gov>; Geneva Jones (DOC) <Geneva.Jones@arkansas.gov>; Tina Gibson (DOC) <Tina.Gibson@arkansas.gov>; Nicole Christian (DOC) <Nicole.Christian@arkansas.gov>; Lee Skinner (DOC) <Lee.Skinner@arkansas.gov>; Kathryn Taylor (DOC) <Kathryn.R.Taylor@arkansas.gov>; Amanda Hickerson (DOC) <Amanda.Hickerson@arkansas.gov>
Cc: Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>
Subject: FW: Arkansas State Claims Commission -- May 2023 hearing information

Please find attached the May 2023 docket for the hearings scheduled on May 18, 2023. Please ensure the inmate appears at the hearing. If you have any questions, please do not hesitate to contact me.

Varner -

EARU - #

Cummin

Grimes -

RLW - #

ORCU -

Max - #

Leslie Browning

Arkansas Division of Correction
 Central Office/Legal Division
 6814 Princeton Pike

Pine Bluff, AR 71602
 Legal Support Specialist
 Phone: 870-267-6844
 Email: leslie.browning@arkansas.gov

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>

Sent: Wednesday, May 3, 2023 9:45 AM

To: Rich Rosen <Rich.Rosen@dhs.arkansas.gov>; OCC Claims Commission Cases <OCC.ClaimsCommCases@dhs.arkansas.gov>; Brent Gasper <Brent.Gasper@dhs.arkansas.gov>; Cortney Kennedy <Cortney.Kennedy@governor.arkansas.gov>; Jewell, Kim K. <Kimberly.Jewell@ardot.gov>; Sparks, Trella A. <Trella.Sparks@ardot.gov>; Wilkins, Jay D. <Jay.Wilkins@ardot.gov>; Andrews, Amanda J. <Amanda.Andrews@ardot.gov>; Looney, Rita S. <Rita.Looney@ardot.gov>; Blakley, Sharon <Sharon.Blakley@ardot.gov>; Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>; Leslie Browning (DOC) <Leslie.Browning@arkansas.gov>; Hugh Finkelstein <hugh.finkelstein@asp.arkansas.gov>; Tess Bradford <tess.bradford@asp.arkansas.gov>; Joan Shipley <joan.shipley@asp.arkansas.gov>; Doralee Chandler <doralee.chandler@arkansasag.gov>; Desikan, Suba <desikans@blr.arkansas.gov>; Seaton, Gina <seatong@blr.arkansas.gov>; Renae Hudson <renae.hudson@arkansasag.gov>; Kate Donoven <kate.donoven@arkansasag.gov>; Katie Wilson <katie.wilson@arkansasag.gov>; Patrick Hollingsworth <phollingsworth@uasys.edu>; Sarah Debusk <Sarah.Debusk@dhs.arkansas.gov>; Andrew Middlebrooks <andrew.middlebrooks@arkansasag.gov>; Mitch Rouse <Mitch.Rouse2@dhs.arkansas.gov>

Cc: Mika Tucker <Mika.Tucker@arkansas.gov>

Subject: Arkansas State Claims Commission -- May 2023 hearing information

Attached please find information relating to the Claims Commission's May 2023 hearings. If there are any questions, please do not hesitate to call or email me.

Kathryn Irby

Kathryn Irby
Arkansas State Claims Commission
 101 East Capitol Avenue, Suite 410
 Little Rock, Arkansas 72201
 (501) 682-2822

ARKANSAS STATE CLAIMS COMMISSION

<u>Case Number</u>	<u>Claimant</u>	<u>Claimant Atty</u>	<u>Respondent</u>	<u>Respondent Atty</u>	<u>Type of Claim</u>	<u>Subject of Hearing</u>	<u>Format</u>
	Anthony Church	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Negl--LP	Motion	Zoom
	[REDACTED]	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Negl--PI	Claim	Zoom
	[REDACTED]	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Negl--FFP	Motion	Zoom
	[REDACTED]	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Negl--FFP	Motion	Zoom
	[REDACTED]	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Negl--LP	Motion	Zoom
	[REDACTED]	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Negl--LP	Motion	Zoom
	[REDACTED]	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Negl--LP	Motion	Zoom
	[REDACTED]	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Negl--LP	Motion	Zoom
	[REDACTED]	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Negl--FFP	Motion	Zoom
	[REDACTED]	John Tull	Arkansas Division of Correction	Thomas Burns	Stimulus check claim	Motion	Zoom
	Bart Woodard	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Other	Request by Claimant	Zoom
d	[REDACTED]	<i>pro se</i>	Arkansas Division of Correction	Thomas Burns	Other	Motion	Zoom



From: [Kathryn Irby](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Leslie Browning \(DOC\)](#); [Mika Tucker](#)
Subject: HEARING SCHEDULED: Woodard v. ADC, Claim No. 221169
Date: Tuesday, August 8, 2023 2:01:00 PM
Attachments: [Woodard v. ADC - 221169 - hearing request and pending motions\).pdf](#)

Thomas, please see attached.

Thanks,
Kathryn

Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

August 8, 2023

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

RE: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns,

The Claims Commission has scheduled a hearing on Claimant's request for documents, as well as all pending motions, for **Friday, September 22, 2023**, beginning at 9:00 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed.

As this is a motion hearing, no prehearing materials are requested.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Kathryn Irby

ES: kmirby

The Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Claims Commission -- hearings

Time: Sep 22, 2023 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88499326899?pwd=YUJTZi9ZRnFkbm9aeXdqcTVQUzRmQT09>

Meeting ID: 884 9932 6899

Passcode: waf37R

One tap mobile

+13126266799,,88499326899#,,, *482369# US (Chicago)

+16469313860,,88499326899#,,, *482369# US

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US

Meeting ID: 884 9932 6899

Passcode: 482369

Find your local number: <https://us06web.zoom.us/u/kbuhIwdfv2>

From: [Mika Tucker](#)
To: [Thomas Burns \(DOC\)](#); [Kathryn Irby](#)
Cc: [Leslie Browning \(DOC\)](#)
Subject: RE: HEARING SCHEDULED: Woodard v. ADC, Claim No. 221169
Date: Tuesday, August 8, 2023 2:08:00 PM
Attachments: [Woodard v. ADC.pdf](#)

Hi, Thomas.

The attached letter explains the request for documents referenced in Kathryn's hearing letter.

Thanks,
Mika

Mika Tucker
Arkansas State Claims Commission
 101 East Capitol Avenue, Suite 410
 Little Rock, Arkansas 72201
 (501) 682-2818

From: Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>
Sent: Tuesday, August 8, 2023 2:03 PM
To: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Cc: Leslie Browning (DOC) <Leslie.Browning@arkansas.gov>; Mika Tucker <Mika.Tucker@arkansas.gov>
Subject: RE: HEARING SCHEDULED: Woodard v. ADC, Claim No. 221169

We do not have a request for documents from this inmate.

-TB
 Legal Services Unit
 Arkansas Department of Corrections
 Division of Correction
 870 267-6845-telephone

From: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Sent: Tuesday, August 8, 2023 2:01 PM
To: Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>
Cc: Leslie Browning (DOC) <Leslie.Browning@arkansas.gov>; Mika Tucker <Mika.Tucker@arkansas.gov>
Subject: HEARING SCHEDULED: Woodard v. ADC, Claim No. 221169

Thomas, please see attached.

Thanks,
Kathryn

Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-1619

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

February 22, 2023

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

RE: ***Bart Woodard v. Arkansas Department of Correction***
Claim Nos. 221169 & 221170

Dear Mr. Woodard,

The Claims Commission received correspondence from you on December 9, 2022, in which you request a filing history for Claim No. 221170 and file-marked copies of your two most recent filings in that claim. The Claims Commission is in receipt of your correspondence dated January 1, 2023, in which you request a copy of ADC's motions to dismiss, along with the related exhibits, filed in Claim Nos. 221169 & 221170. The Claims Commission is also in receipt of your correspondence dated January 23, 2023, in which you request file-marked copies of your "reply to the ADC's response Claimant's to motion to compel and provided motion to dismiss[.]" interrogatories, requests for production of documents, and requests for admission in Claim No. 221169.

Enclosed please find the file-marked copies of your "reply to the ADC's response Claimant's to motion to compel and provided motion to dismiss[.]" interrogatories, requests for production of documents and requests for admission filed in Claim No. 221169. Also enclosed are the ADC's motion to dismiss and your filings our office received on November 5, 2022, November 17, 2022, and November 18, 2022, in Claim No. 221170, along with the filing history for Claim No. 221170.

The Claims Commission notes that the exhibit to the ADC's motion to dismiss filed in Claim No. 21169 is marked "Submitted in camera[...]" As such, I am enclosing a copy of the motion to dismiss without the exhibit. The Claims Commission will set a hearing on your request for the exhibit to the motion. You will receive a letter with details about this hearing soon.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: mtucker

cc: Thomas Burns, *counsel for Respondent* (via email, without enclosures)

From: [Thomas Burns \(DOC\)](#)
To: [Kathryn Taylor \(DOC\)](#); [Everett Litzsey \(DOC\)](#)
Cc: [Mika Tucker](#); [Thomas Burns \(DOC\)](#)
Subject: Bart Woodard (119498) v ADC Claim 221169
Date: Monday, August 14, 2023 9:36:38 AM
Attachments: [Woodard v. ADC 221169 - hearing - request and pending motions\).pdf](#)
[image.png](#)

Miss Kathryn and Maj. Litzsey:

This inmate has a hearing set for September 22, 2023 to begin at 0900. Attached please find the hearing notion and the Zoom instructions. Please have the inmate ready to go by 0900.

Thank you,
-TB



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From: [Thomas Burns \(DOC\)](#)
To: [Moses Jackson \(DOC\)](#)
Cc: [Geneva Jones \(DOC\)](#); [Tyrone Allison \(DOC\)](#); [ASCC Pleadings](#); [Mika Tucker](#)
Subject: Claims Commission Hearing 9/22/2023
Date: Monday, September 18, 2023 8:18:12 AM
Attachments: [image.png](#)
[Brooks v. ADC - 20230918 - Hearing ltr \(motion\).pdf](#)
[Todd v. ADC - 20230918 - Hearing ltr.pdf](#)
[Thompson v. ADC - 20230918 - Hearing ltr \(motion\).pdf](#)
[McKinney v. ADC - 20230918 - Hearing ltr \(damages portion of claim\).pdf](#)
[Woodard v. ADC - 20230918 - Hearing ltr \(request and pending motions\).pdf](#)
[Hoggard v. ADC - 20230918 - Hearing ltr.pdf](#)

The following inmates have hearing beginning at 9am on Friday. Please have online and ready by 9am. I have attached the notices and zoom instructions (all the zoom will be the same.)

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Thank you,
 -TB



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From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Bart Woodard v ADC 221169
Date: Tuesday, October 3, 2023 2:01:56 PM
Attachments: [1055 v Woodard.pdf](#)
[image001.png](#)

Motion to strike and sanction

Thank you,
-TB



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

v

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

MOTION TO STRIKE PLEADING and SANCTIONS

Comes now the Respondent, ADC, by and through their attorney, Thomas Burns, and for their Motions, states:

1. The Inmate has allegedly filed a Motion for Default Judgment in this matter or one of the two others matters he has pending, there is not claim number associated.
2. The inmate mailed a letter to the ADC on or about September 26, 2023. That letter states he filed a motion, but no motion was attached. *See attached Ex A*
3. The letter is wholly unacceptable and violated the Rule of Civil Procedure on ex parte communications. This tactic of not sending the ADC a copy of a pleading is an attempt to get the ADC to default. Such tactics are unacceptable in civil and just system.
4. The inmate continues to engage in ex parte communication thereby prejudicing the ADC.
5. The inmate has been warned by the Claims Commission in an order of April 20, 2023 that he must include a certificate of service and serve the pleading as set forth in the certificate. *See attached Ex B.*
6. The inmate in this matter has not been forthcoming with the Commission or the ADC and is not acting in good faith with the parties involved.

7. The inmate has unjustly prejudiced the ADC by attempting to get the ADC to default and get the outcome the inmate perceives he deserves.

8. The ADC requests that the inmate's pleadings be stricken as void, ab initio, and that the Inmate's claim(s) be dismissed.

9. The Arkansas Rules of Civil Procedure state:

Upon motion made by a party before responding to a pleading . . . the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter.

Ark. R. Civ. P. 12(f).

As the Commission well knows, the Arkansas Rules of Civil Procedure require that:

A party shall state in ordinary and concise language his defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies. If he is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, he shall specify so much of it as is true and material and shall deny only the remainder. Unless the pleader intends in good faith to controvert all the averments of the claim, he may make his denials as specific denials of designated averments or paragraphs, or he may generally deny all the averments, except such designated averments or paragraphs as he expressly admits, provided that he may admit any part thereof and deny the remainder. When the pleader intends in good faith to controvert all averments, including averments of the grounds upon which the court's jurisdiction depends, he may do so by general denial subject to the obligations set forth in Rule 11.

10. Arkansas Rule of Civil Procedure 5(3)(e) states:

Proof of Service. Every pleading, paper or other document required by this rule to be served upon a party or his attorney, shall contain a statement by the party or attorney filing same that a copy thereof has been served in accordance with this rule, stating therein the date and method of service and, if by mail, the name and address of each person served.

11. The Commission should strike the inmate's pleadings in their entirety and dismissal should stand.

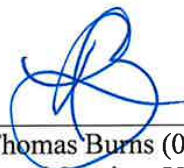
12. Should the pleading not be stricken then the ADC should have time to investigate and respond appropriately.

13. A continuance should be granted if the Commission does not strike and uphold the dismissal since the ADC has been unduly prejudiced by the inmate complete lack of candor toward this tribunal.

14. This Commission may impose sanctions upon the inmate for failure to follow the rules. The ADC asks that the inmates pleadings be stricken and the matter of the dismissal upheld.

WHEREFORE, Respondent prays that the responses be stricken, and sanctions; for their attorney's fees and costs; and for all other just and proper relief to which they may be entitled.

Respectfully submitted,



Thomas Burns (02006)
Legal Services Unit
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 3rd day of October 2023, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]



Thomas Burns

SNU Legal Use Only

Bart Woodward

9-26-23

ADC # [REDACTED]
[REDACTED]

Thomas Burns Attorney
 LEGAL DIVISION
 ARK. Division of Correction
 6814 Princeton Pike
 Pine Bluff AR. 71602

RECEIVED
 11367
 SEP 29 2023
 AB ATTORNEY
 ARKANSAS
 DIVISION OF CORRECTION

DEAR MR BURNS

I AM CONTACTING you to ALERT you to the fact that I had contact with the CLAIMS COMMISSION (OR WILL BECAUSE I AM MAILING THIS LETTER AT THE SAME TIME).

THE REASON for contacting the ASSC, is BECAUSE I FILED A MOTION FOR DE FAULT JUDGEMENT. THE MOTION I FILED WAS OF A SINGLE ORIGINAL COPY ONLY DUE TO THE FACT THAT THERE HAS BEEN NO COPIES MADE SINCE SEPT 22 23 THIS IS A PROBLEM BECAUSE THAT I COULD NOT MAKE A (2ND) SECOND COPY OR A 3RD COPY DUE TO THE FACT THAT NO COPIES AND NO COPY [REDACTED] EMPLOYEE TO MAKE COPIES.

I AM VERY SORRY THIS HAS TO BE THIS WAY, HOWEVER I NEED TO FILE A MOTION ON THE CASE, ITS LIKE YOU FORGOT ABOUT IT. ANYWAY THANK YOU FOR YOUR TIME & CONSIDERATION RELATED TO THESE MATTERS

DATE 9-26-23

Respectfully
 Bart Woodward

Ex A

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 221170

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the "Claims Commission") is the motion filed by the Arkansas Division of Correction (the "Respondent") seeking to deem admitted its requests for admission propounded to Bart Woodard (the "Claimant"). Also pending are Respondent's motion for sanctions and motion to strike, as well as Claimant's motion for default judgment. Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Claims Commission hereby finds as follows:

1. Claimant filed his original claim on April 7, 2022, seeking \$12,500.00 in damages related to the loss of a CD that contained discovery from his lawyer.
2. Respondent filed a motion to dismiss, and Claimant filed a motion for summary judgment. Both motions were denied by the Claims Commission on August 10, 2022. As part of that order, the parties were instructed to begin discovery.
3. Respondent sent requests for admission to Claimant on August 26, 2022.
4. Claimant filed responses to Respondent's requests for admission on September 19, 2022.
5. Respondent then filed the instant motion for sanctions, arguing, *inter alia*, that Claimant never served Respondent with his motion for summary judgment and other correspondence. Respondent argued that, due to the failure of Claimant to follow the rules of civil

procedure, Respondent “was prejudiced by not being allowed to respond and refute [Claimant’s] averments and documents.”

6. Claimant responded to Respondent’s motion for sanctions, arguing, *inter alia*, that Respondent was not prejudiced by not receiving the documents.

7. Claimant filed corrected responses to Respondent’s requests for admission on October 21, 2022.

8. Respondent then filed the instant motion to strike and to deem admitted, arguing that both sets of Claimant’s responses to its requests for admission failed to respond in the manner directed by Ark. R. Civ. Proc. 36(a) and failed to include a certificate of service.

9. Claimant responded to Respondent’s motion to strike and to deem admitted, arguing, *inter alia*, that his responses reached Respondent.

10. With respect to the motion to deem admitted, Ark. R. Civ. Proc. 36(a) provides, in pertinent part, that:

. . . Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney. . . . If objection is made, the reasons therefore shall be stated. The party answering requests for admissions shall repeat each request immediately before the answer or objection. The answer shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for

trial may not, on that ground alone, object to the request; he may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why he cannot admit or deny it.

The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served.

(emphasis added).

11. The Claims Commission finds that by not admitting, denying, or objecting to the requests, Claimant did not adhere to the requirements set forth in Ark. R. Civ. Proc. 36(a). The Claims Commission will give Claimant twenty (20) days from the date this Order to file amended responses pursuant to Ark. R. Civ. Proc. 36(a). Failure to submit properly amended responses within twenty (20) days will result in the granting of Respondent's motion.

12. The Claims Commission DENIES the motion to strike as Respondent received both sets of responses to its requests for admission.

13. With respect to Respondent's motion for sanctions, the Claims Commission finds that Respondent has not been prejudiced by Claimant's failure to serve Respondent with correspondence and motion for summary judgment. Therefore, Respondent's motion for sanctions is DENIED.

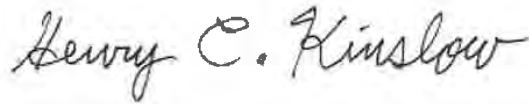
14. The Claims Commission cautions Claimant that any subsequent pleading must contain a certificate of service and must be served as set forth in that certificate. Failure to comply with this requirement may result in the Claims Commission striking the pleading.

15. The Claims Commission notes that Claimant submitted a motion for default judgment on November 5, 2022, arguing that Respondent did not respond to Claimant's discovery requests. Claimant requested that the motion not be filed until November 25, 2022, in anticipation

of Respondent failing to respond to a November 2, 2022, letter from Claimant giving Respondent 21 days to respond to discovery. The Claims Commission will not accept conditional motions for future filing such as this and notes that this motion is mooted by Respondent filing responses to Claimant's discovery on November 1, 2022. As such, Claimant's motion for default judgment is DENIED.

16. Any other pending motions are denied.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: April 20, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Bart Woodard v. ADC, Claim No. 221169
Date: Monday, October 23, 2023 3:47:00 PM
Attachments: [Bart Woodard v. ADC2.pdf](#)
[Bart Woodard v. ADC6.pdf](#)

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

October 23, 2023

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns:

Enclosed please find an Order entered on October 20, 2023, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 221169

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the request of Bart Woodard (the “Claimant”) for an exhibit filed by the Arkansas Division of Correction (the “Respondent”) that was marked “Submitted in camera: DO NOT RELEASE TO INMATE[.]” At the hearing held on September 22, 2023, Claimant appeared *pro se*, and Thomas Burns appeared on behalf of Respondent.

At the beginning of the hearing, the chair commissioner noted that Respondent submitted a motion to dismiss with an exhibit marked to be reviewed *in camera*, that the motion had been denied and that the Commission had not viewed or considered the exhibit when ruling on the motion to dismiss. The chair commissioner noted that Claimant had requested a copy of the motion to dismiss and the exhibit from the Commission. Respondent argued that Claimant could not have a copy of the exhibit that was marked for *in camera* review but agreed that Claimant could view the exhibit during the hearing.

Claimant viewed the exhibit during the hearing. Claimant stated that the exhibit contained documents he already had and indicated that he had not previously understood what documents had not been disclosed to him. The chair commissioner instructed Respondent that, if Respondent used these documents in future filings, Respondent should make it clear that the materials were those viewed by Claimant during the hearing.

Upon a question from a commissioner, Claimant agreed that his pending “petition for default judgment requested” and “motion to prevent further delay...” were moot. Claimant stated that no further discovery is needed and that he believed his claim was ready to be set for hearing.

As such, Claimant’s request for exhibits to the motion to dismiss, “petition for default judgment requested” and “motion to prevent further delay...” are DENIED as moot. The Commission will set this claim for hearing as soon as practicable.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: October 20, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDER: Bart Woodard v. ADC, Claim No. 221169
Date: Wednesday, November 8, 2023 1:43:47 PM
Attachments: [Bart Woodard v. ADC.pdf](#)
[Bart Woodard v. ADC.pdf](#)

Thomas:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

November 8, 2023

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns:

Enclosed please find an Order entered today by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 221169

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the motion filed by the Arkansas Division of Correction (the “Respondent”) to strike a filing by Bart Woodard (the “Claimant”). Based upon a review of the motions, the arguments made therein, and the law of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on April 8, 2022, seeking \$12,500.00 in damages related to Respondent’s alleged omissions that resulted in another [REDACTED] from February 2020 to July 2020.

2. Respondent filed a motion to dismiss pursuant to Ark. R. Civ. P. 12(b)(6), which was denied by the Commission on December 15, 2022.

3. Claimant filed a petition for a default judgment on May 27, 2023. Respondent filed a response to this filing on June 14, 2023.

4. A hearing on Claimant’s request for an exhibit marked by Respondent as submitted *in camera* was held on September 22, 2023. During this hearing, Claimant agreed that his petition for default judgment was moot. The Commission denied the petition as moot in its October 20, 2023, order.

5. After the September 23, 2023, hearing, but prior to the entry of the October 20, 2023, order, Respondent filed the instant motion to strike related to correspondence Claimant sent the Commission dated September 26, 2023. Claimant’s correspondence references the filing of a

motion for default judgment, but the correspondence does not identify a claim number. Respondent argues, *inter alia*, that Claimant failed to send a copy of a motion for default judgment and that Claimant has other pending claims.

6. Claimant did not respond to the motion to strike.

7. The Commission notes that Claimant's May 27, 2023, petition for default judgment in this claim was denied on October 20, 2023, and that there is no record of Claimant filing any other motion for default judgment in this claim. As such, Respondent's motion to strike is DENIED as moot.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Courtney Baird



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: November 8, 2023

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from the date of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the date of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

ACSS

ORCU LEGAL USE ONLY

Arkansas
State Claims Commission

JAN 08 2023

RECEIVED

Bart Woodard

ADC# [REDACTED]

RELATED TO CASE(S) 221169/221170/231697

ARK. STATE CLAIMS COMMISSION
101 EAST CAPITOL AVE STE 410
LITTLE ROCK ARKANSAS 72201

DEAR MS TUCKER AND/OR IRBY

I AM CONTACTING YOUR OFFICE RELATED TO
THE THREE (3) CASE(S) BEFORE THE COM-
MISSION. (1) 221169, (2) 221170, (3) 231697RELATED TO (1) CASE# 221169 THIS
CASE IS WAITING FOR A HEARING DATE,
I UNDERSTAND THAT THE HOLIDAYS HAVE
SLOWED DOWN HEARING DATE(S) HOWEVER
HOW SOON DO YOU PLAN ON SETTING A DATE
FOR A HEARING?RELATED TO (2) CASE 221170 THIS CASE IS
VERY IMPORTANT TO MY POST CONVICTION
FILINGS. I NEED TO FINISH OUT THIS
CASE BASED ON THE MERITS THIS CASE
SHOULD HAVE ALREADY BEEN FINISHED THE

H077

ORCU LEGAL USE ONLY

ADC is dragging it collective feet, ie Thomas Burns is stalling on all cases. But on this case I am hanging in the wind until I can Regather information that is/was on the dvd/cd disc. The Regathering of information requires an Attorney and a private detective which is costly. Thomas Burns is bordering on unethical conduct by the intentional delaying tactics he has employed on each of my cases before the Commission. Each and all of my actions have been in good faith. As an officer of the Court Thomas Burns is not acting in good faith and his actions thus far have been not for the truth and justice of any matter but seeks to act in bad faith by using technicalities to avoid what is right and proper and just.

Related to (3) CASE # 231697 this case is as well a case that should be easily won on the merits yet Thomas Burns drags it out. That there are winnable merits seems not to matter.

The facts are that the longer Burns drags out these cases the better it is that memories will fade, people will move

ORCU LEGAL USE ONLY

JAN 08 2024

RECEIVED

PARDON DIE, ADC LOGS BECOME "Lost" "misplaced"
AND ALL THESE FACTORS ARE A POSITIVE THING
IN THE BURN'S PLAY BOOK, THATS HOW HE WINS
THESE CLAIMS CASES NOT THROUGH SKILL
AS A LAWYER.

THE POINT TO MY CONTACTING YOUR OFFICE
LADIES, MRS TUCKER, MRS IRBY IS WHAT IS IT
THAT I NEED TO DO TO FACILITATE A RAPID
CONCLUSION OF THE CASE(S) 221169 & 221170
THOSE ARE THE OLDEST CASES AND I WOULD
LIKE PROCEED WITH MY POST CONVICTION
REMEDIAL ERROR CORAM VOBIS AND THEN ON
TO FEDERAL DISTRICT COURT. I AM NOT
ASKING FOR LEGAL ADVISE AT ALL, I SIMPLY
AM TRYING TO AVOID FURTHER DELAYS AND
SEEKING SANCTIONS AGAINST THOMAS BURN'S
THROUGH THE ARKANSAS BAR AND OR ASCC.

ANY THING YOU CAN SUGGEST WILL BE WELL
RECEIVED. THANKS YOU IN ADVANCE FOR YOUR
HELP IN THIS MATTER

Respectfully

Bart Woodward

01-07-2024

BART WOODARD
ADC

SNU Legal Use Only

CERTIFICATE OF SERVICE

I Bart Woodward do hereby declare,
 SWEAR and Affirm that ON 01-07-
 2024 I did with proper postage
 attached Give to a ADC STAFF MEM-
 BER (Sgt or Above) to be MAILED VIA the
 USPS this document A LETTER OF
 INQUIRY to this Address; ARKANSAS STATE
 CLERK'S COMM. 101 E. CAPITOL AVE ST 410, L.R. AR. 72201-3823
 This I do declare understanding that
 FALSE STATEMENTS will SUBJECT ME
 to PENALTIES for PERJURY.

DATE 01-07-2024

Bart Woodward
 Bart Woodward
 ADC
 Post Office

From: [Rebecca Woodard](#)
To: [ASCC New Claims](#)
Subject: Status of cases
Date: Friday, January 19, 2024 5:41:37 PM

You don't often get email from 1968beccaw@gmail.com. [Learn why this is important](#)

Hello,

I am attempting to determine the current status of two cases. These are by my brother, Bart Wayne Woodard. His ADC number is [REDACTED] at Ouachita River unit. The case numbers are:
CS 22-11-69 &
CS 22-11-70

Thank you very much for your help,
Rebecca Woodard

From: [ASCC Pleadings](#)
To: [Rebecca Woodard](#)
Subject: RE: Status of cases
Date: Friday, February 9, 2024 1:37:00 PM

Hello, Ms. Woodard.

Claim No. 221169 will be set for hearing as soon as practicable. There are motions currently pending in Claim No. 221170. The Commission will make a ruling as soon as possible, and Mr. Woodard will receive a copy of an order by U.S. Mail.

Thank you,

Mika Tucker
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2818

From: Rebecca Woodard <1968beccaw@gmail.com>
Sent: Friday, January 19, 2024 5:41 PM
To: ASCC New Claims <ascc.new.claims@arkansas.gov>
Subject: Status of cases

You don't often get email from 1968beccaw@gmail.com. [Learn why this is important](#)

Hello,

I am attempting to determine the current status of two cases. These are by my brother, Bart Wayne Woodard. His ADC number is [REDACTED] at Ouachita River unit. The case numbers are:
CS 22-11-69 &
CS 22-11-70

Thank you very much for your help,
Rebecca Woodard

From: [Mika Tucker](#)
To: [Thomas Burns \(DOC\)](#)
Subject: HEARING: Woodard v. ADC, Claim No. 221169
Date: Monday, February 12, 2024 9:24:00 AM
Attachments: [Woodard v. ADC - 221169 - Hearing M \(claim\) 4-12.pdf](#)

Hi, Thomas.

Please see the attached correspondence.

Thanks,
Mika

Mika Tucker
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2818

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

February 12, 2024

Mr. Bart Woodard (ADC [REDACTED])

[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

RE: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns,

The Claims Commission has scheduled this claim for hearing on **Friday, April 12, 2024**, beginning at 8:45 a.m. All parties will attend via Zoom. The Zoom invitation is enclosed. The Claims Commission requests that Mr. Burns transmit the Zoom invitation and hearing details to Claimant's unit.

Each party's witness lists, exhibit lists, and exhibits are due by March 1, 2024. If the parties would like for the Claims Commission to review prehearing briefs, the briefs are due at the same time.

If Claimant would like to call other inmates or ADC employees as witnesses, Claimant will need to submit subpoena requests by March 1, 2024. The subpoena requests must include the witnesses' names and addresses. If ADC objects to issuance of any subpoena, ADC will have until March 8, 2024, to file a motion to quash or detailed objections to the witness's proposed testimony. If the Commission issues subpoenas to ADC's current employees or inmates currently housed with ADC, the Commission asks ADC to make these individuals available for the Zoom hearing.

If Claimant would like to call a witness outside of ADC, Claimant will need to arrange for that witness's virtual attendance at the hearing. Claimant can direct the witness to contact the Claims Commission for the Zoom invitation. If a subpoena will be necessary to compel a witness's

testimony, Claimant will need to submit a subpoena request by March 1, 2024. The subpoena request must include the witness's name and address. Once the Claims Commission issues the subpoena, Claimant will need to have the subpoena served upon the witness pursuant to Rule 45 of the Arkansas Rules of Civil Procedure.

If Respondent will require subpoenas in order to compel the testimony of any of its witnesses, those subpoena requests are also due on March 1, 2024.

Absent good cause shown, any subpoena requests received after March 1, 2024, will be denied.

To the extent that either party intends to file a motion of any kind, absent a showing of good cause, the motion must be submitted in sufficient time to allow the motion to be fully briefed by March 1, 2024.

Please note that a copy of any subpoena requests, witness lists, exhibit lists, and exhibits must be served upon the opposing party via U.S. Mail in accordance with the Arkansas Rules of Civil Procedure.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: mtucker

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Commission hearings

Time: Apr 12, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/82782163487?pwd=5TCq8oMYHTLbXd3r8t5pM1bWFVC7Ue.1>

Meeting ID: 827 8216 3487

Passcode: HN5va3

One tap mobile

+13052241968,,82782163487#,,,,*818416# US

+13092053325,,82782163487#,,,,*818416# US

Dial by your location

- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US

Meeting ID: 827 8216 3487

Passcode: 818416

Find your local number: <https://us06web.zoom.us/j/kg62m2q3R>

From: [Mika Tucker](#)
To: [Thomas Burns \(DOC\)](#)
Subject: CORR: Woodard v. ADC, Claim No. 221169
Date: Monday, February 26, 2024 12:51:00 PM
Attachments: [Woodard v. ADC - 221169 - \[REDACTED\] for prehearing deadlines.pdf](#)

Hi, Thomas.

Please see the attached correspondence.

Thanks,
Mika

February 26, 2024

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

Re: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns,

Counsel for Respondent has notified the Commission of medical circumstances that could prevent Respondent from meeting the deadline set forth in the hearing letter for witness lists, exhibit lists, exhibits and prehearing briefs. As such the Commission extends the deadline for these materials until March 8, 2024, for both parties.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: mtucker

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Bart Woodard v ADC 221169
Date: Friday, March 1, 2024 3:07:28 PM
Attachments: [3000 v Woodf](#)
[image.png](#)

Witness and Exhibit list

Thank you,
-TB



Confidentiality Notice: This e-mail message and any attachments is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is for the intended recipient only. If an addressing or transmission error has misdirected this e-mail, please notify the author by replying to it. If you are not the intended recipient you may not use, disclose, distribute, copy, print or rely on this email.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD [REDACTED]

CLAIMANT

v

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT WITNESS and EXHIBIT LIST

Comes Now the Respondent, Arkansas Department of Correction (ADC), for its Motion,
states:

Witness List

1. Claimant
2. Any Witnesses of the Claimant.
3. Amanda Pasley
4. Adam Seeley
5. Maurice Culclager
6. Jimmy Coleman
7. Derwin Metcalf

Exhibit List

8. Incident report summary
9. Memo from Jimmy Coleman to Maurice Culclager
10. [REDACTED]
11. Major Disciplinary violation (Woodard)
12. Restrictive housing placement (Woodard)

13. Condensed health service encounter (Woodard)¹
14. Form 005 in relation to the incident
15. ADC Interrogatory and request for production to Inmate
16. [REDACTED]
17. AD 2019-34 Grievance policy
18. Four (4) videos to be shown of the incident

Respectfully submitted,



Thomas Burns (02006)
Legal Division
Division of Corrections
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Telephone
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 1st day of March 2024, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Bart Woodard ([REDACTED])
[REDACTED]



Thomas Burns

¹ Pursuant to ADC policy 1164.00 and 1166.00 Inmates are not allowed to have medical records. If the inmate would like to review his medical records he may do so by filing an Inmate Request form with the Warden.

5/20/22, 9:34 AM

IRTS020C - Incident Report Summary

Name: Woodard, Bart W.

ADC #: [REDACTED] PID #: [REDACTED]

IRTS020C

Incident Report Summary

Friday May 20, 2022 09:32:42 AM

Report Number: 2020-06-183

Unit: [REDACTED]

Facility: [REDACTED]

Zone: Zone 4

Location of Incident: H - HOTEL

Incident Date: 06/23/2020

Begin Time: 06:00:00 PM

Summary Prepared by Staff: Edwards, Denise A

Shift: Shift A

Housing Area/Bed:

Incident Category: Investigation (CSO)

Unit Report Number:

Incident Type: [REDACTED]

Force Used: No

Injuries: None

Send DOC Incident Notification: No

IAD #:

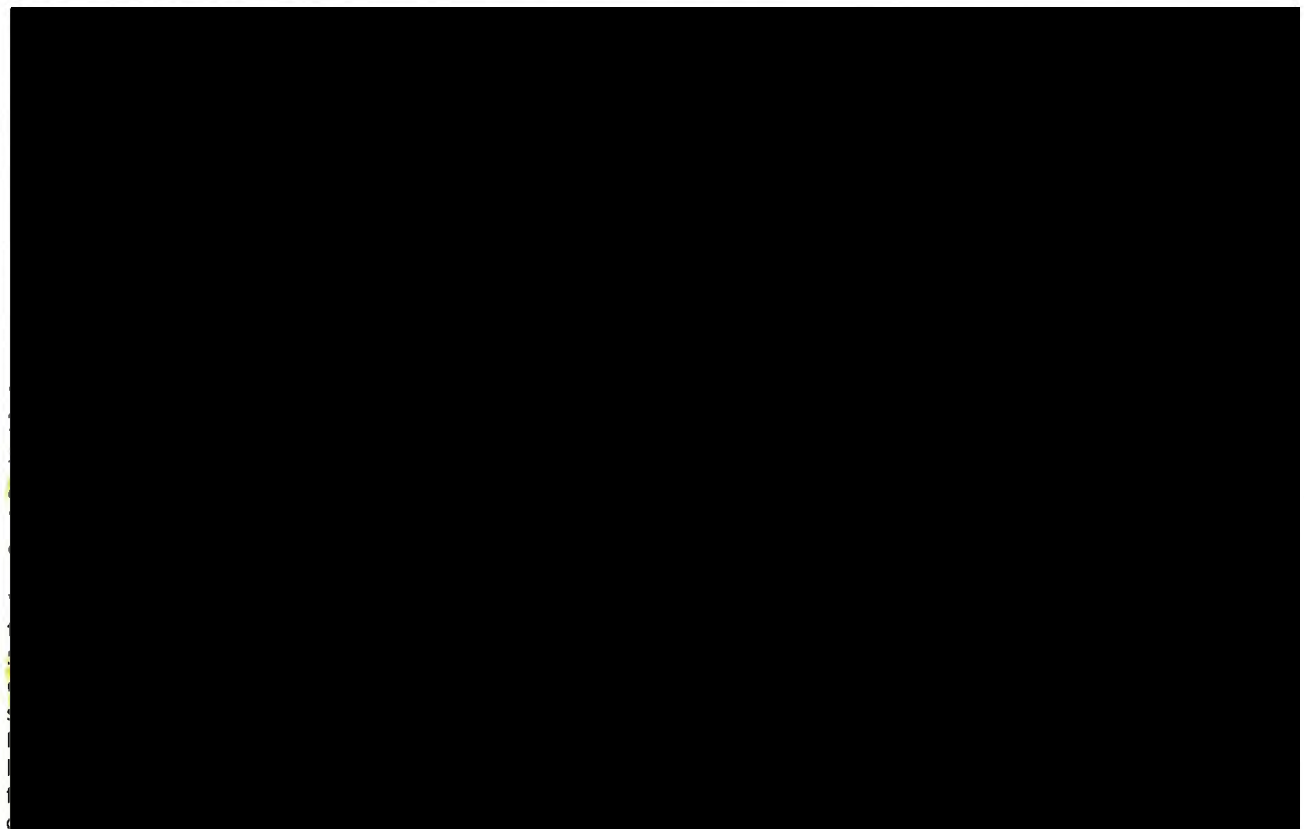
Suspected Felony Committed: No

Drug Related: No

Gang Related: No

Status: Closed

As of Date: 08/10/2020

Incident Summary*

Date: 07/2/20 --- Time: 03:51:46 PM --- User: M. Culclager (CMD1)

5/20/22, 9:34 AM

IRTS020C - Incident Report Summary

Evidence Retained

None

Employee(s) Involved (1 - 2 of 2)

Involvement	Staff Name	Work Assignment	Shift	Charging Staff
<u>Witness</u>	Edwards, Denise A	Lieutenant	A	Yes
<u>Witness</u>	Seeley, Adam Y	Lieutenant	A	Yes






Offender(s) Involved (1 - 3 of 3)

Involvement	Offender Name	ADC #	Offender Id	Race	Sex	DOB	Disciplinary Date	Date Appealed
<u>Suspect</u>								
<u>Suspect</u>								
<u>Witness</u>								

Other Person(s) Involved





Involvement	Name	Address	Phone
No Rows Found			

Scanned Documents Attached (1 - 6 of 6)

Document Type	Title	Page #	Page	Prepared by Staff
<u>Form 005 (Incident)</u>		002	  4696KB 07/07/2020	Flores, Nancy
<u>Digital Photograph</u>	Photos of Inmates	001	 327KB 06/26/2020	Ivory, Tamisha Moniek
<u>Other</u>	Cover Letter	003	  215KB 07/07/2020	Flores, Nancy

5/20/22, 9:34 AM

IRTS020C - Incident Report Summary

Document Type	Title	Page #	Page	Prepared by Staff
<u>Other</u>	IA Referral	004	 237KB 07/07/2020	Flores, Nancy
<u>Other</u>	Corrected Disc.	005	 1389KB 07/09/2020	Slayton, Kennedy M
<u>Inmate Witness Statement</u>		003	 170KB 07/09/2020	Seeley, Adam V

Actions Taken (1 - 8 of 8)

Date	Time	Action Type	Staff Name	Comments
<u>08/07/2020</u>	03:57:35 PM	Closed	Oliver, Lisa A	IA-20-1036R Closed 08/07/2020 Sustained
<u>07/09/2020</u>	10:15:46 AM	Assigned to IA Investigator	Naylor, Raymond C	assigned to Margaret Rogers 20-1036R
<u>07/07/2020</u>	09:20:48 PM	Referred to Internal Affairs	Earl, Deangelo M	
<u>07/06/2020</u>	03:08:39 PM	Referred to Warden	Culclager, Maurice D	Date: 07/6/20 --- Time: 03:08:57 PM --- User: M. Culclager (CMD1) Investigation completed and I concur with Lt. Seely and Major Coleman finding. The outcome of my decision was based on the information retrieved from the video footage.
<u>07/02/2020</u>	03:52:16 PM	Referred to CSO	Culclager, Maurice D	Date: 07/2/20 --- Time: 03:52:36 PM --- User: M. Culclager (CMD1) Major I still have not received the packet with your cover letter. I know you have completed it already I just have not received it.
<u>07/01/2020</u>	01:49:18 PM	Referred to Deputy/Assistant Warden	Coleman, Jimmy IV	incident reviewed and referred to you for your recommendation
<u>06/30/2020</u>	08:42:52 AM	Referred to CSO	Culclager, Maurice D	Date: 06/30/20 --- Time: 08:43:12 AM --- User: M. Culclager (CMD1) Major I have not seen this investigation. Please forward to my office for review.

5/20/22, 9:34 AM

IRIS0200 - Incident Report Summary

Date	Time	Action Type	Staff Name	Comments
<u>06/23/2020</u>	08:11:14 PM	Referred to Warden	Edwards, Denise A	Date: 06/23/20 --- Time: 08:11:58 PM --- User: D. Edwards (WINDE01) Investigation was conducted and it was determined that the inmate provided a false witness statement. A major disciplinary was completed.

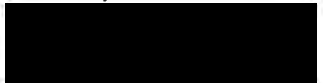
Prepare to Update Prior Page

Show Last Updated Information



Building A-100

Jimmy Coleman

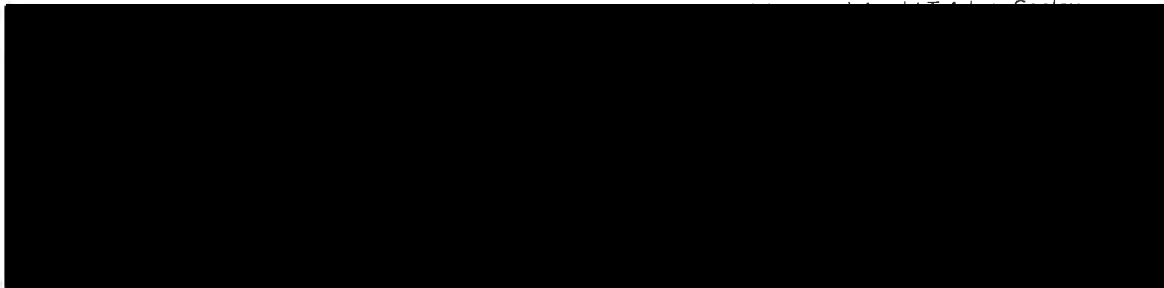


Phone: 501-467-3400

Fax: 501-467-3430

To: Deputy Warden Culclager
From: Major Jimmy Coleman
RE: 2020-06-183
Date: 6-30-2020

Jimmy Coleman



Therefore, I recommend that disciplinary action taken on both inmates and closed at the unit level. I will forward this to you for your recommendation.



Lieutenant Adam Seeley
Emergency Preparedness Coordinator

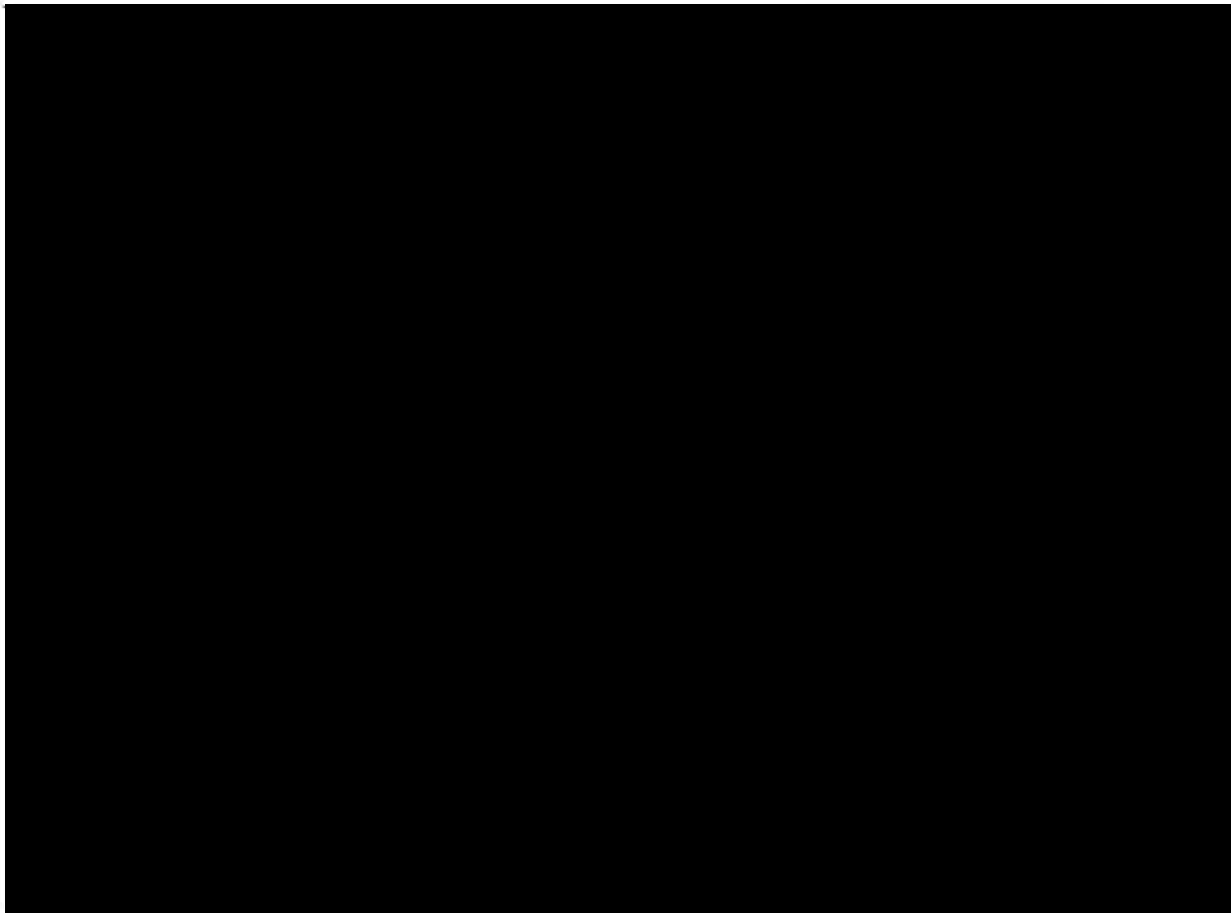


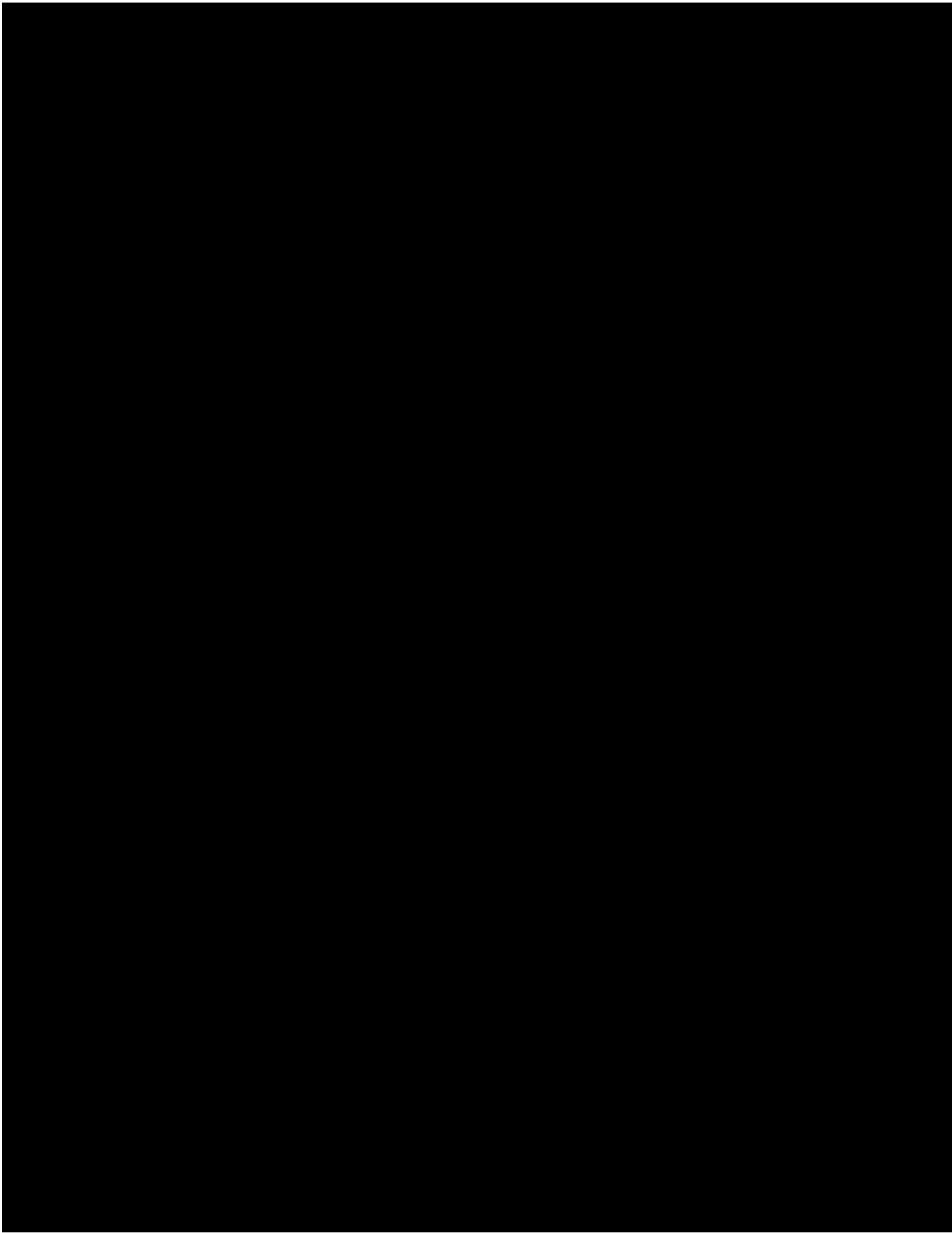
To: Major Jimmy Coleman

From: LT Adam Seeley

Subject: Incident Report #2020-06-183

Date: 06/30/2020





F-831-1

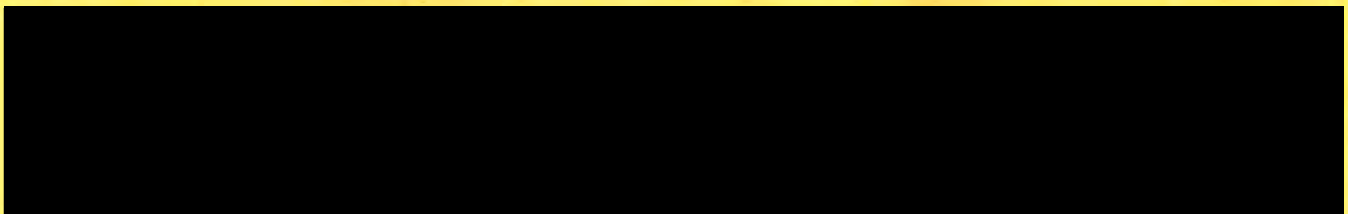
Arkansas Department of Correction

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 Bart Woodard ADC # Assignment Unassigned/DCR No
 Class III Is being charged by Adam Seeley Title Lt. Duty
 with rule violation(s) 2-12, 3-5, 10-1, 10-3, 10-6, 13-2. Time & Date Approximately 8:45 P.M. June 30, 2020

NOTICE OF CHARGES



(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: Reduce Dismiss To Disc. Court Initial JS Date 7-9-20

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

ORIGINAL – File Copy

Color - Goldenrod

RESTRICTIVE HOUSING PLACEMENT

Any placement requires a finding that this inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security of the Unit

To: Coleman, Jimmy IV

From: Seeley, Adam V

Date: 06/30/2020

Subject: Woodard, Bart A.D.C. [REDACTED] is/was placed in restrictive housing on 06/30/2020 at 09:37:00 PM for the following reason(s):

☒ Administrative Status (Temporary):

☐ pending trial for a criminal act

☒ pending disciplinary court review

☐ pending transfer to another unit

☐ pending investigation (Note: PREA victims cannot be placed in restrictive housing for more than three (3) days)

Review required within twenty-four (24) Hours of placement

☐ I was not involved in the initial placement and have reviewed the reasons for the placement. I find the placement appropriate.

☐ I find the inmate should be moved to _____ rather than remain in restrictive housing.

Signature

Date

Note: If the inmate's placement in restrictive housing is approved, he/she shall appear before the Classification Committee for possible assignment within seven (7) days.

RESTRICTIVE HOUSING PLACEMENT

Any placement requires a finding that this inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security of the Unit

To: Coleman, Jimmy IV

From: Seeley, Adam V

Date: 06/30/2020

Subject: Williams, Leroy A.D.C. [REDACTED] Is/was placed in restrictive housing on 06/30/2020 at 09:38:00 PM for the following reason(s):

☒ Administrative Status (Temporary):

☐ pending trial for a criminal act

☒ pending disciplinary court review

☐ pending transfer to another unit

☐ pending investigation (Note: PREA victims cannot be placed in restrictive housing for more than three (3) days)

Review required within twenty-four (24) Hours of placement

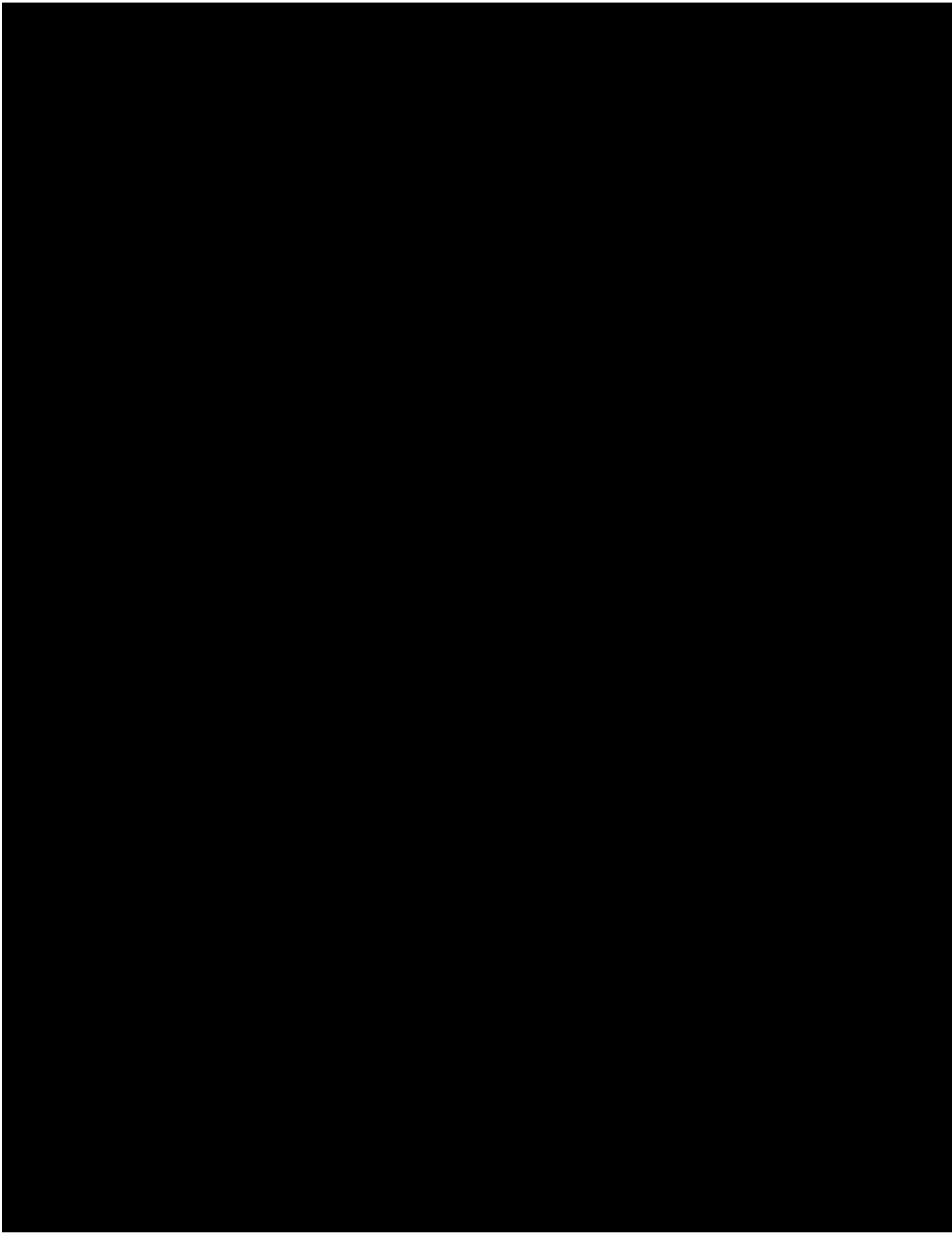
☐ I was not involved in the initial placement and have reviewed the reasons for the placement. I find the placement appropriate.


☐ I find the inmate should be moved to _____ rather than remain in restrictive housing.

Signature _____

Date _____

Note: If the inmate's placement in restrictive housing is approved, he/she shall appear before the Classification Committee for possible assignment within seven (7) days.



 ADMINISTRATIVE REGULATIONS STATE OF ARKANSAS DEPARTMENT OF CORRECTION	Section Number 005/409	Page Number 005 -- 3 of 3 409 -- 9 of 9
	Board of Correction Approval Date: 9/23/87	
	Supersedes 005-409 Form	Date 12-19-85
	Attorney General Review Date: 5/11/87	Date Filed Secy. of State 10/02/87
SUBJECT: Reporting of Incidents -- 005; Use of Force -- 409		

005

Incident
Report
and

409

Use of
Force

REPORTING EMPLOYEE: Seeley Adam
LAST FIRST

RANK: LT Utility
SHIFT ASSIGNMENT

DATE: 06/30/2020 TIME: Approx. 3:00 PM LOCATION: [REDACTED]

INMATE(S) INVOLVED: Woodard, Bart ADC# [REDACTED] Williams, Leroy AD [REDACTED] Brown, William AD [REDACTED]
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: LT Adam Seeley
(Names, Titles, Rank)

INMATE(S) PRESENT: Same as above
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: Same as above
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): See Medical Report

TREATMENT AFFORDED INMATE(S): See Medical Report

EXTENT OF INJURY TO OFFICER(S): None

TREATMENT AFFORDED OFFICER(S): None



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD ([REDACTED])

CLAIMANT

v

CLAIM NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

**FIRST SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION PROPOUNDED TO CLAIMANT**

In accordance with Rules 33 and 34 of the Arkansas Rules of Civil Procedure, Defendant hereby requests the answers and responses to the following Interrogatories and Requests for Production. You are required to serve your answers and responses at the expiration of thirty (30) days from the date upon which you receive a copy of these Interrogatories and Requests for Production.

INTERROGATORY NO. 1: Please list all witness you may call in relation to this matter and a synopsis of their expected testimony.

REQUEST FOR PRODUCTION NO. 1: Please attach a copy of any documents you plan to introduce in any hearing of this matter

Respectfully submitted,



Thomas Burns (02006)
Division of Correction
Legal Department
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

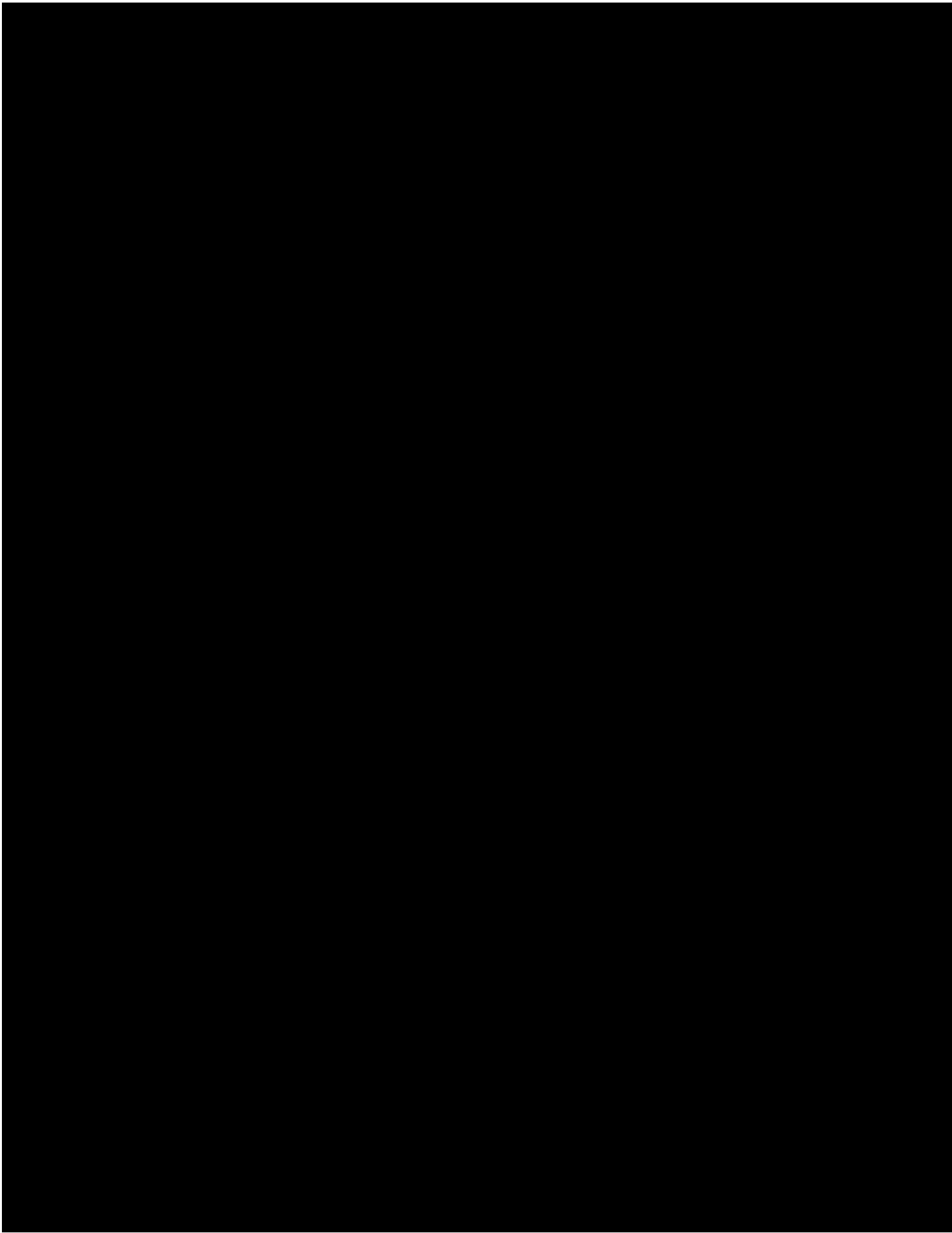
CERTIFICATE OF SERVICE

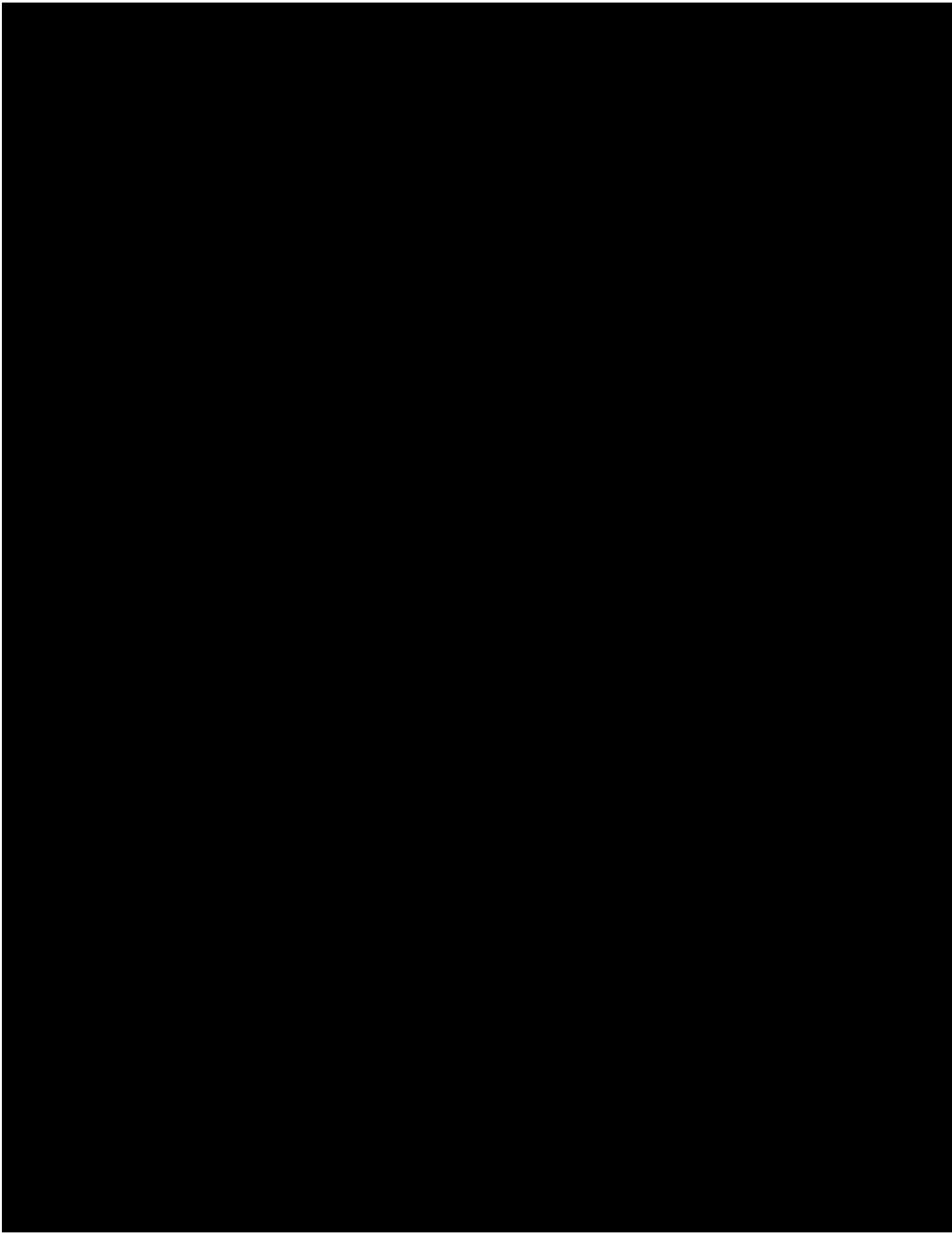
I certify that a copy of this pleading has been served this 3rd day of February, 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

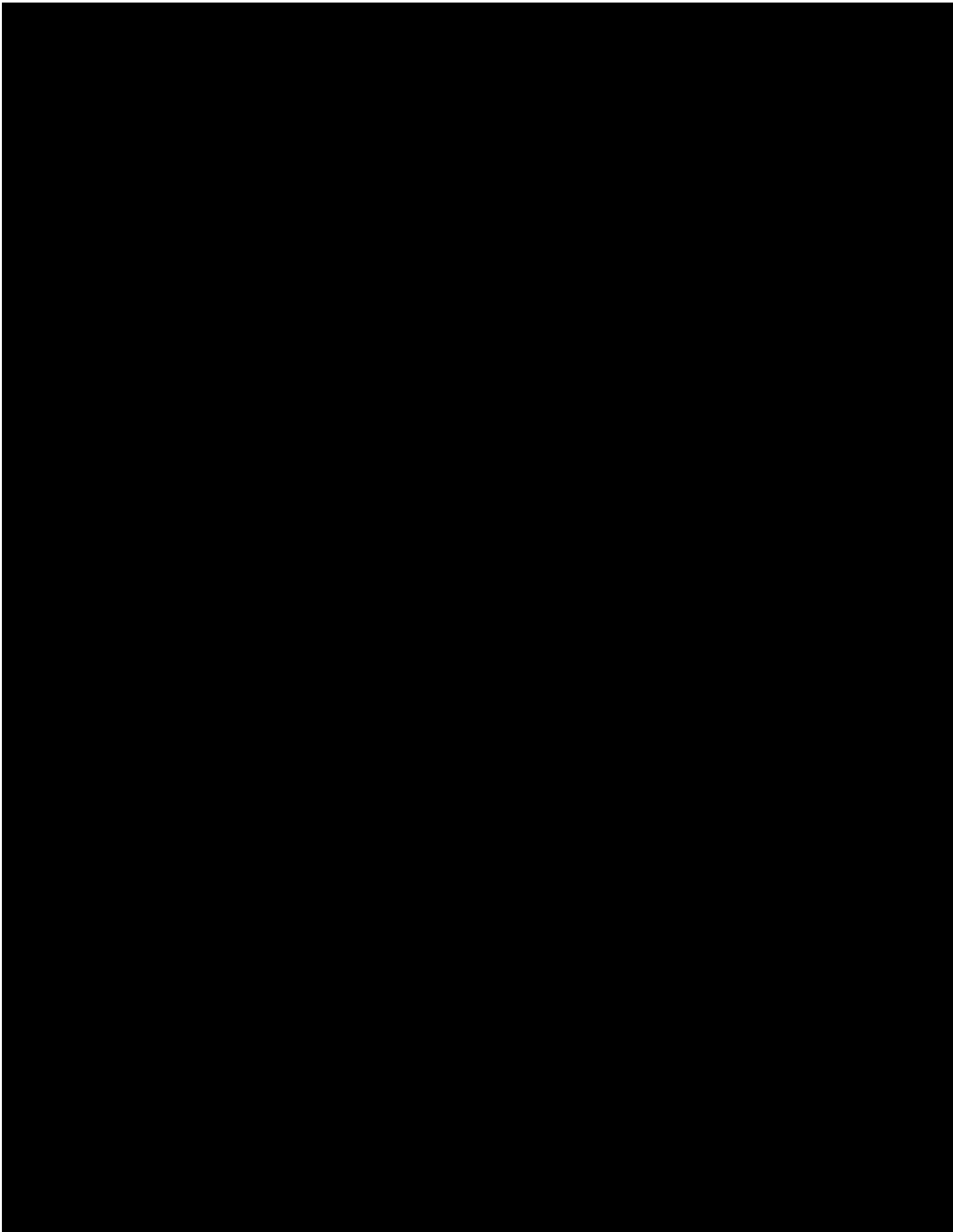
Bart Woodard [REDACTED]
[REDACTED]

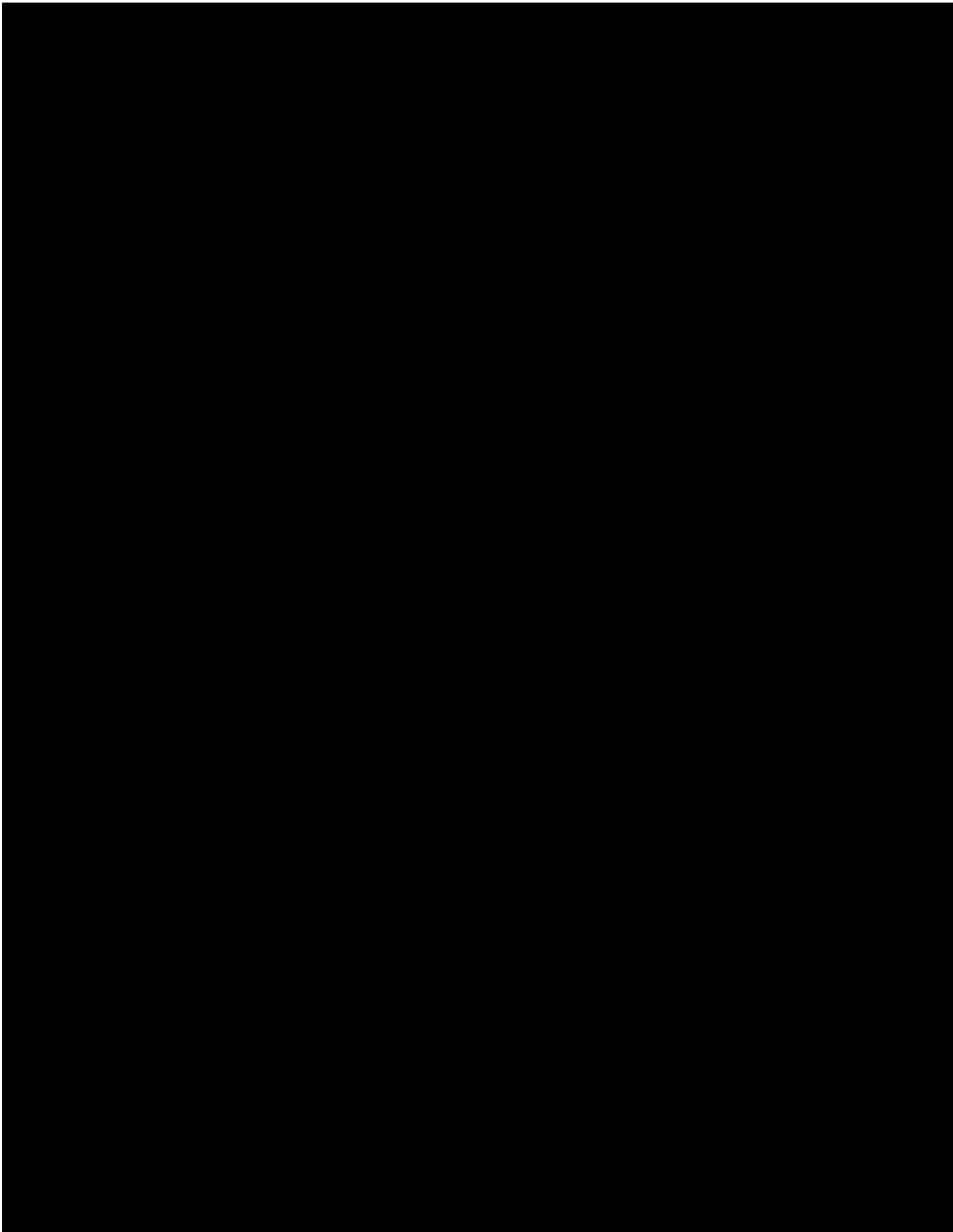


Thomas Burns

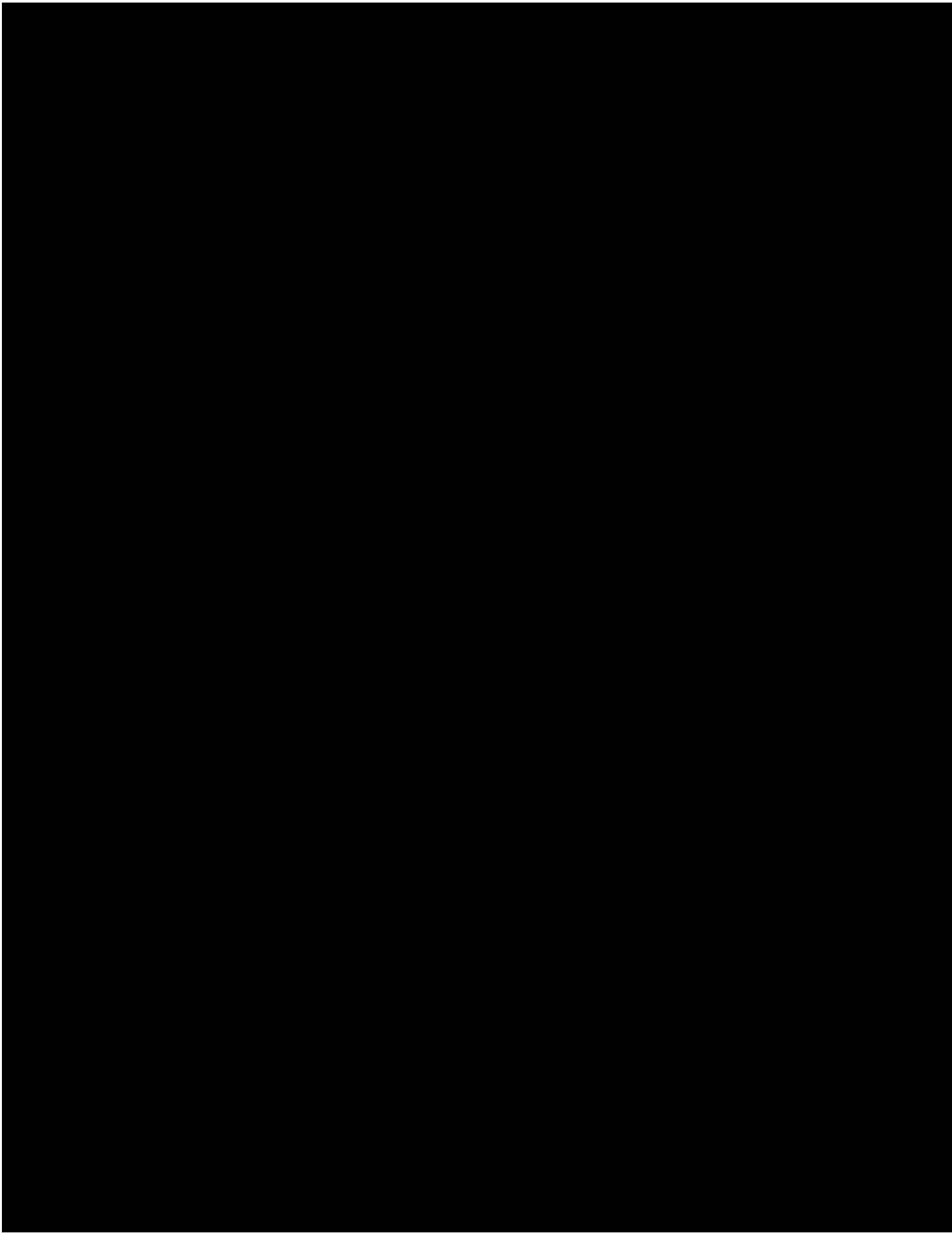


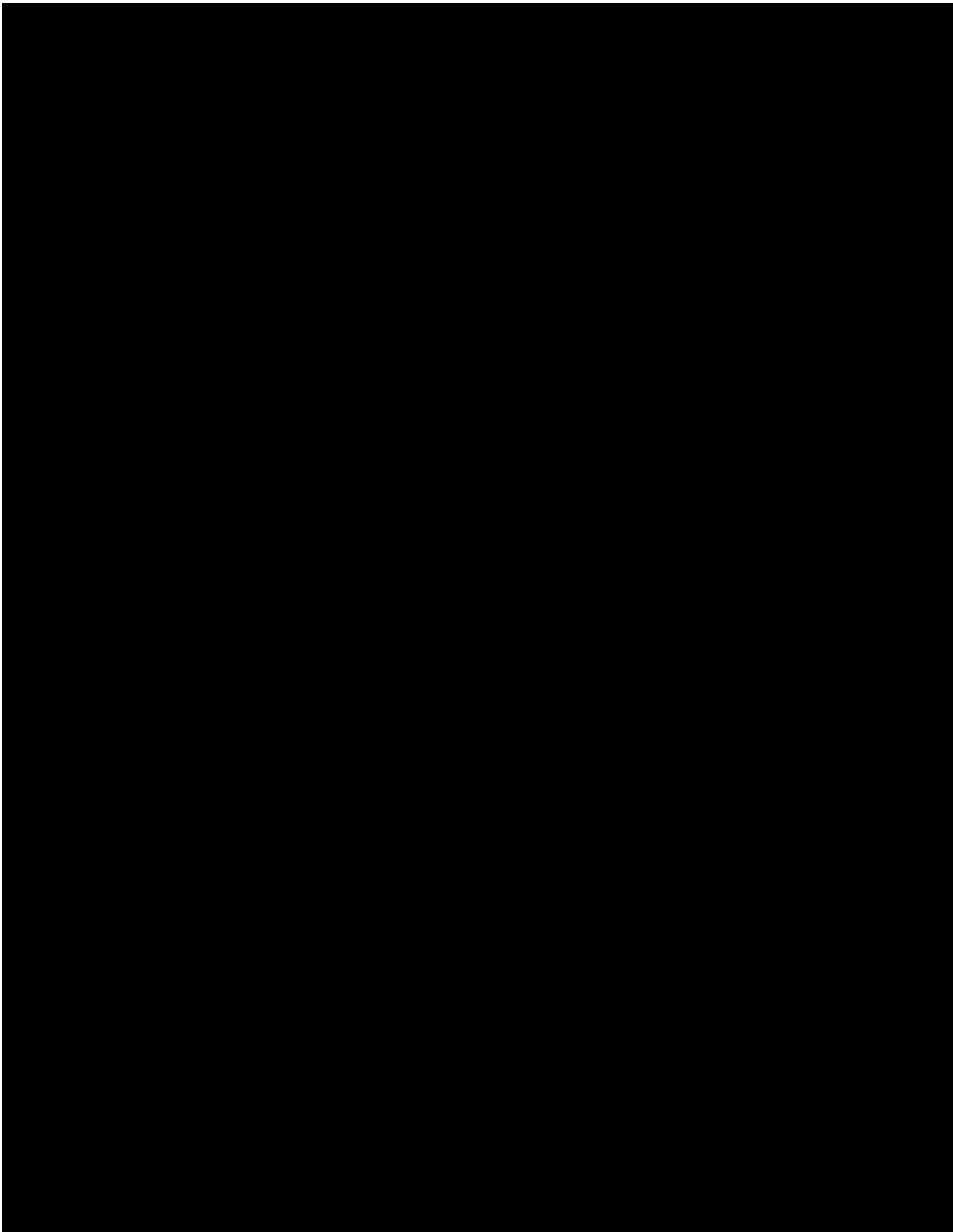


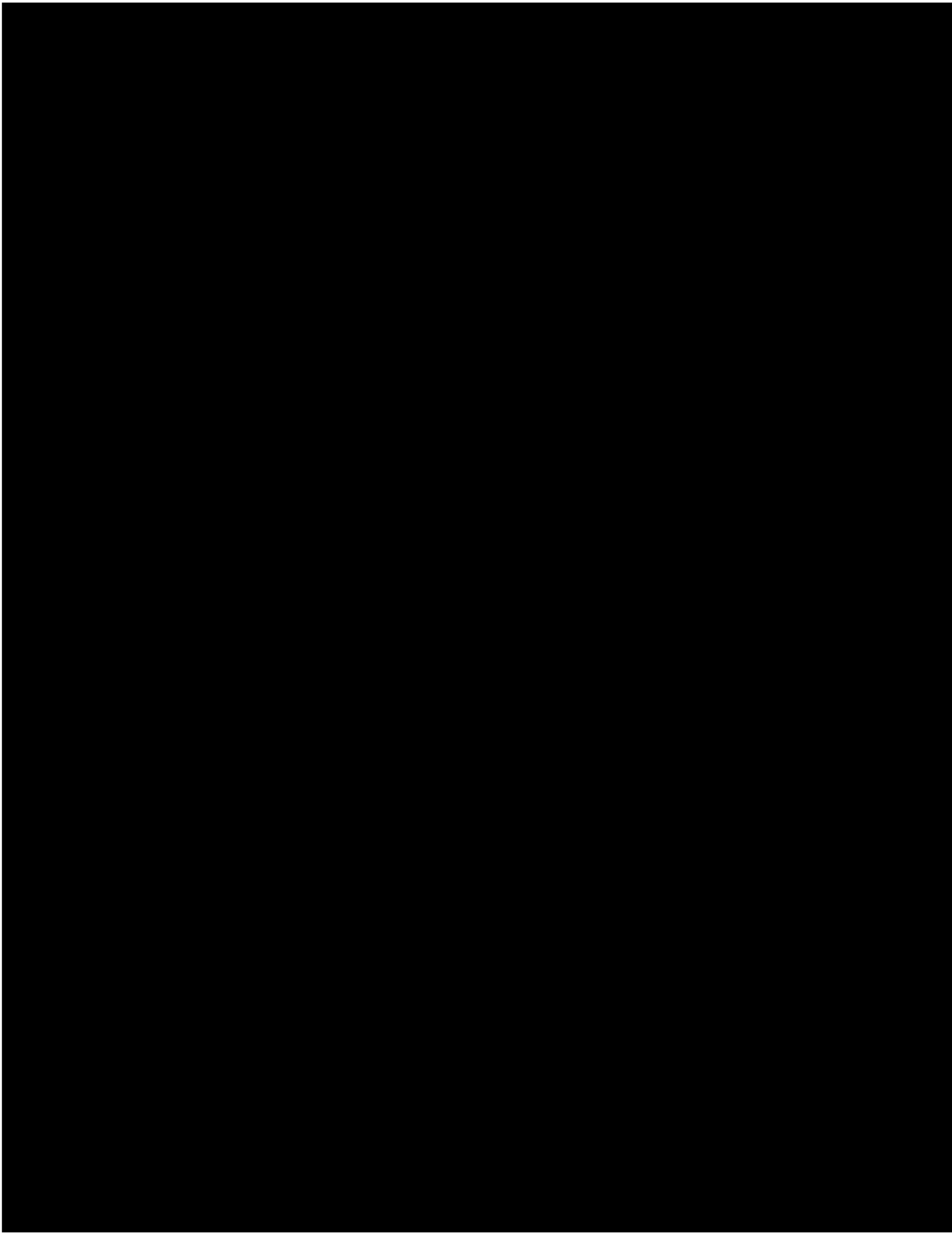


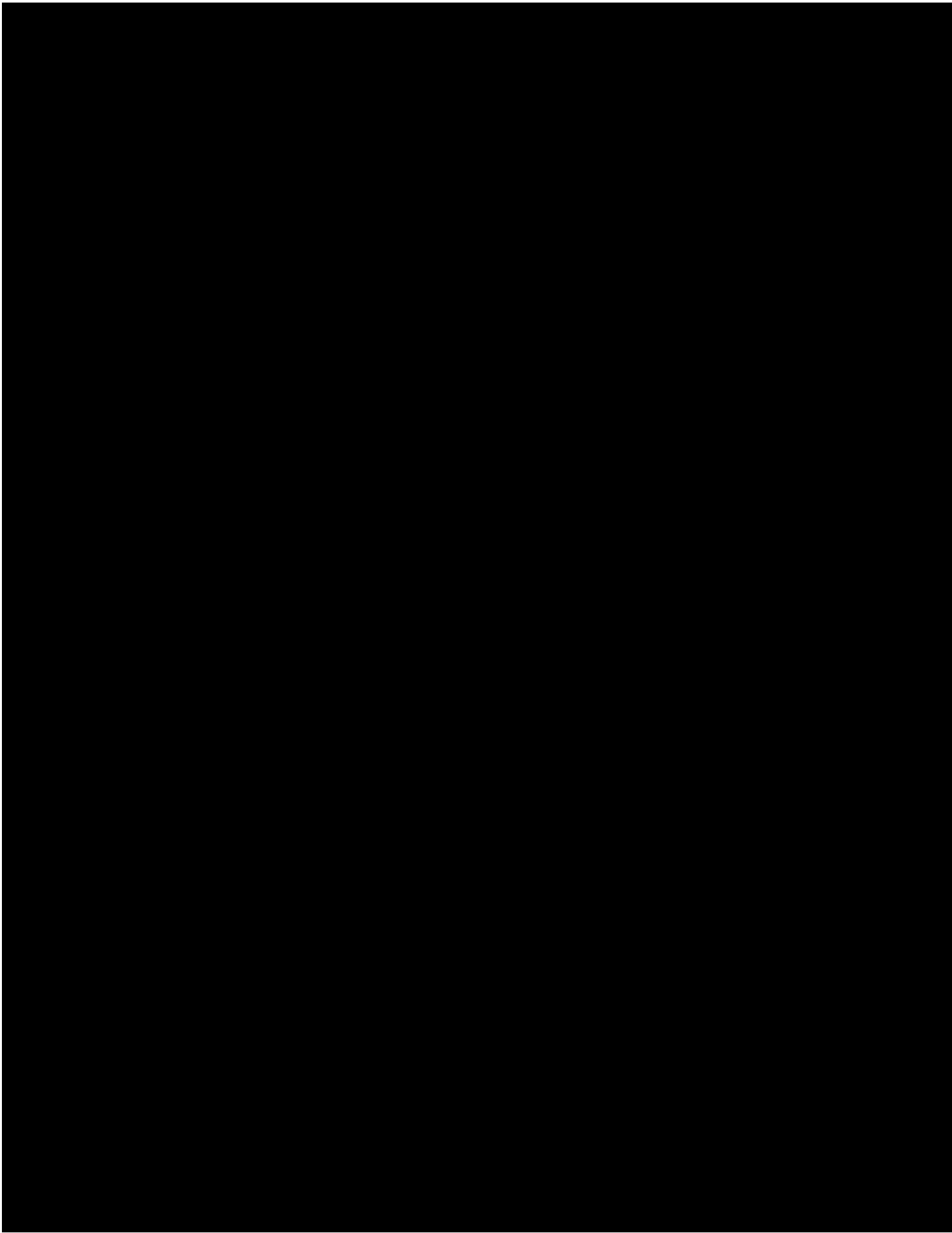


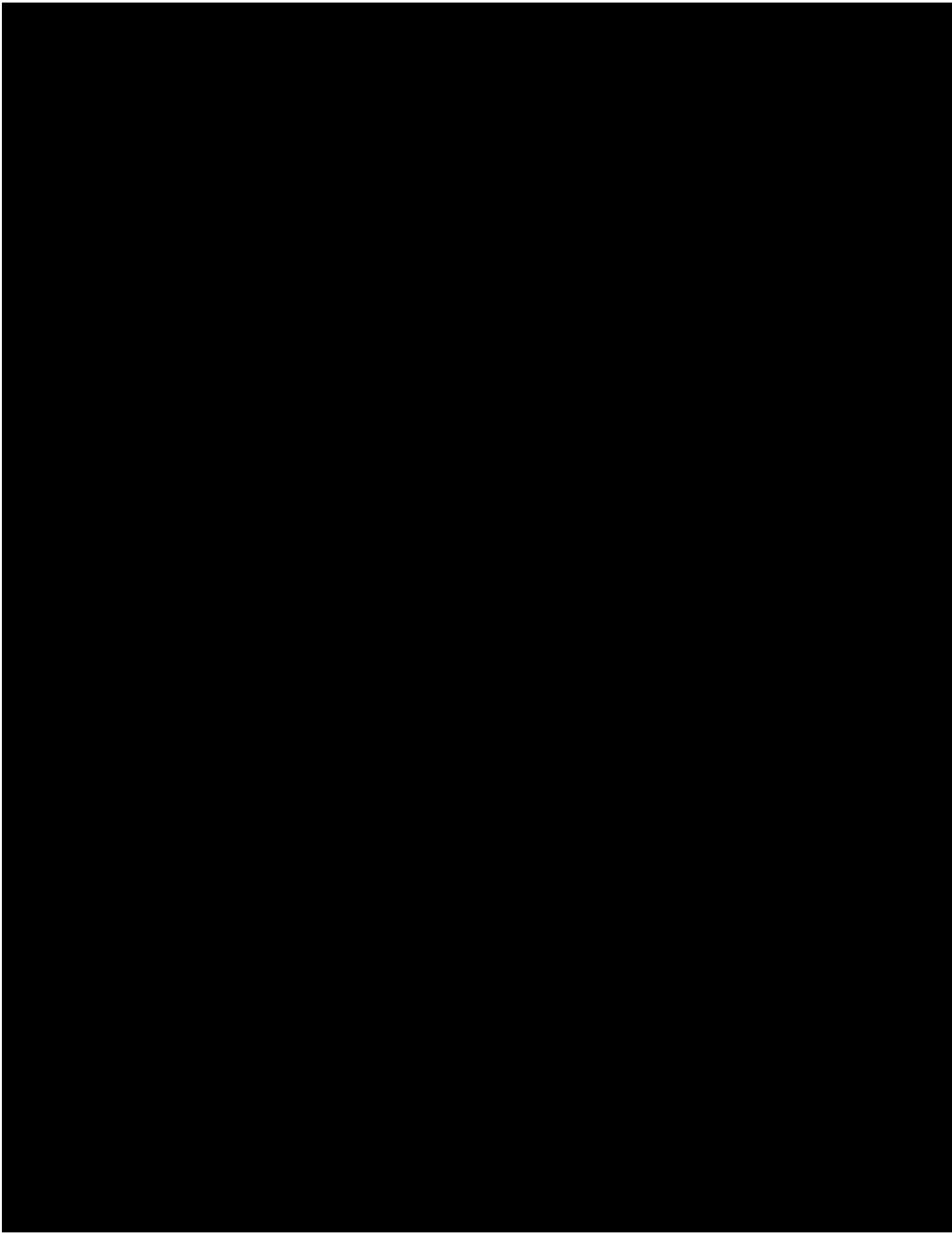


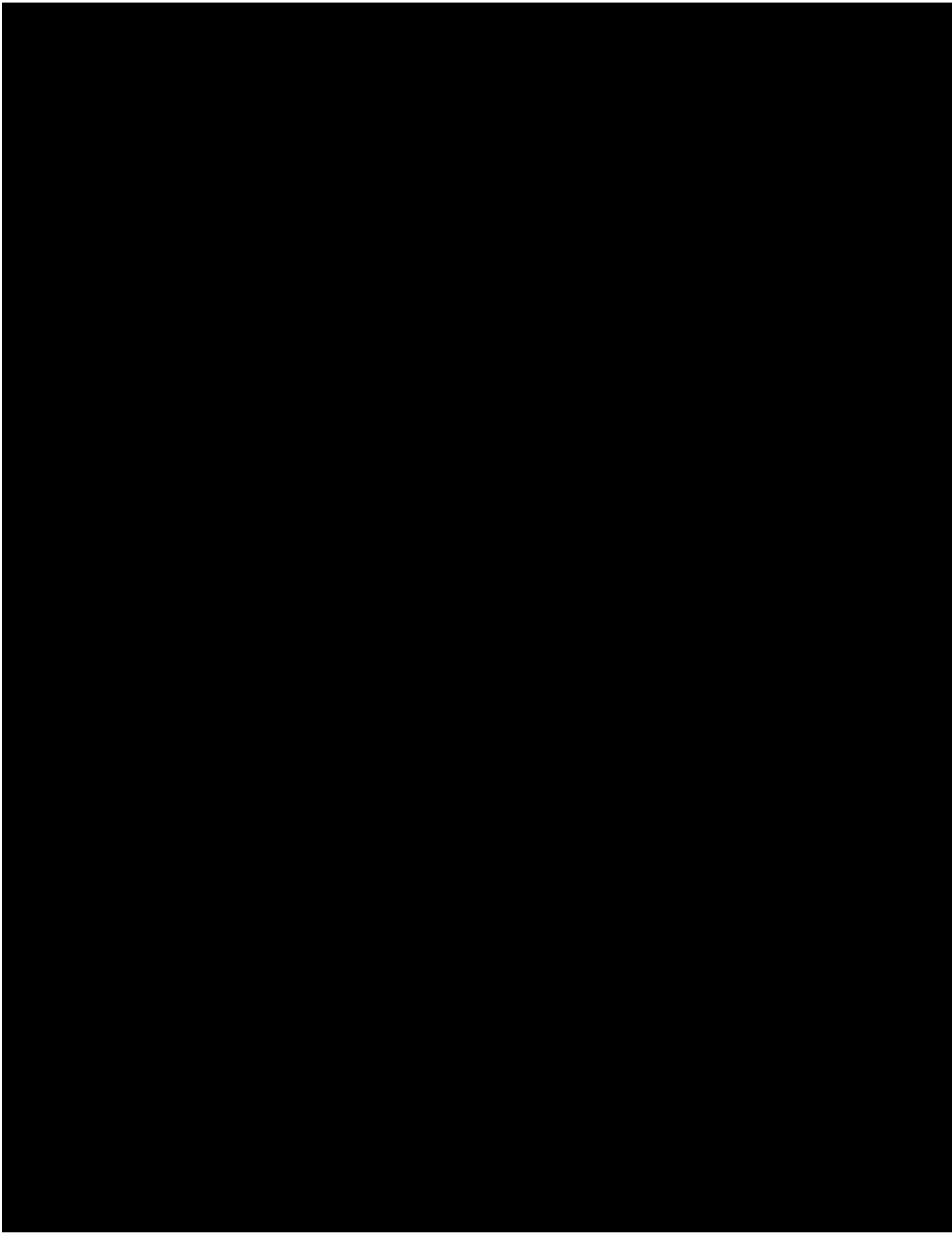


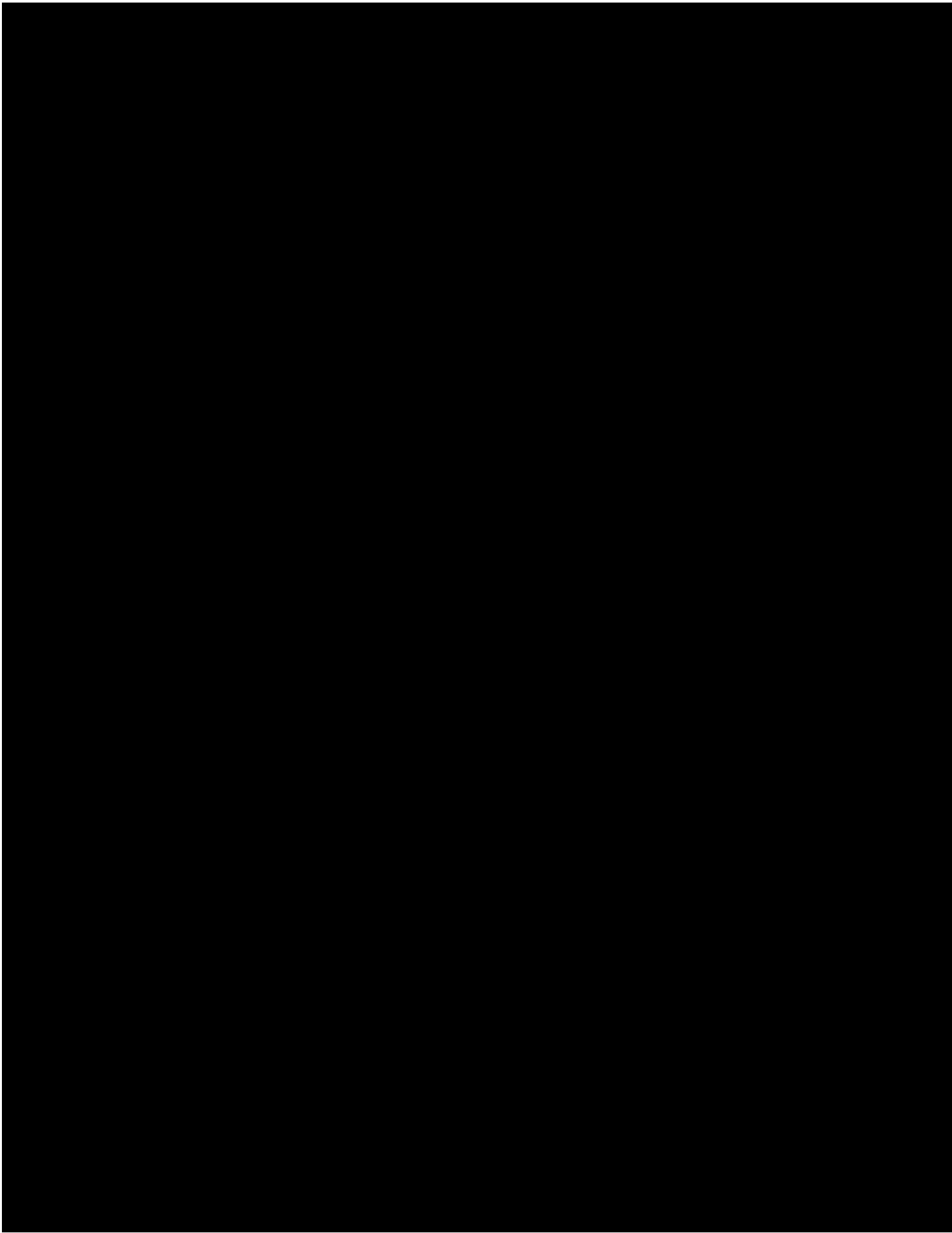


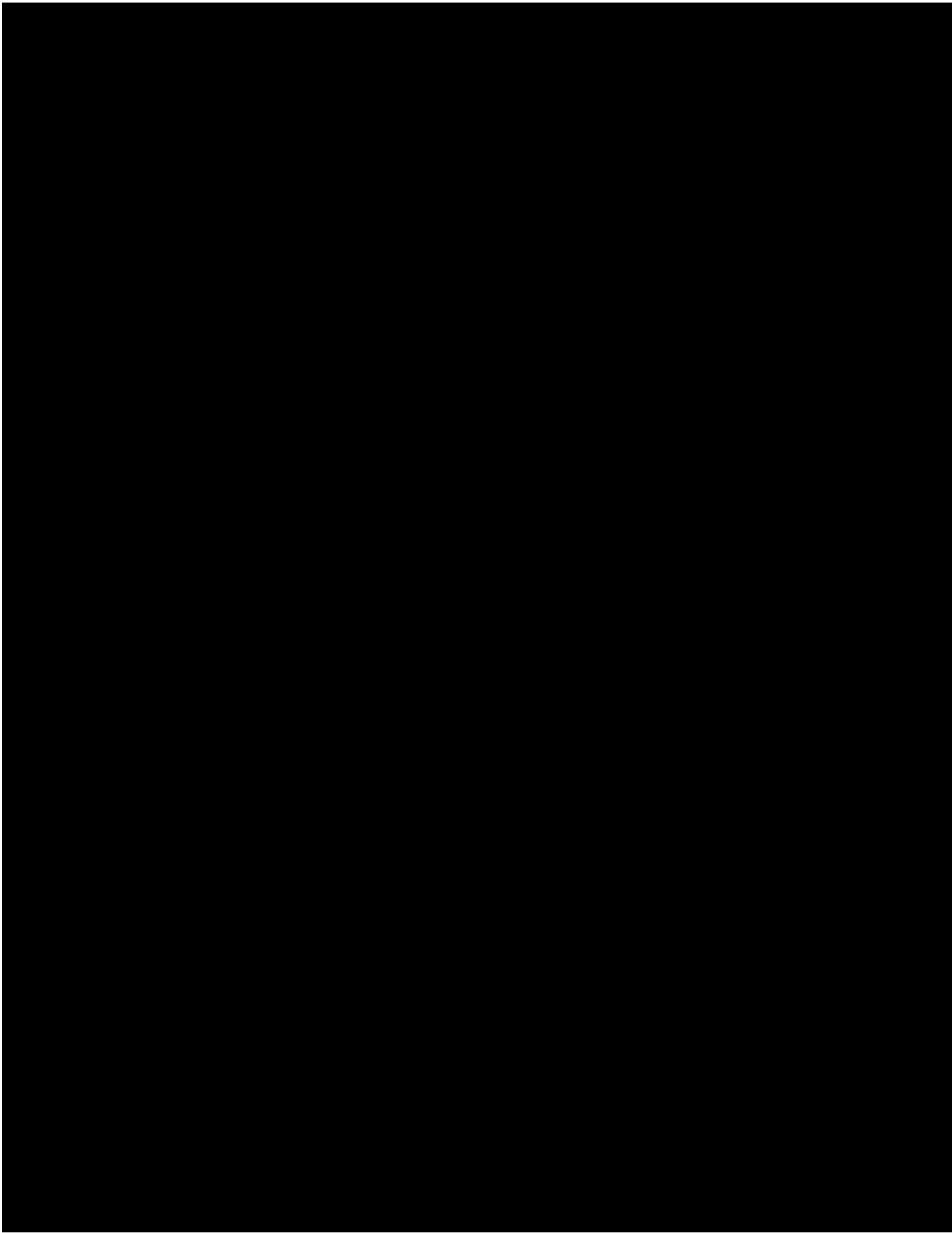


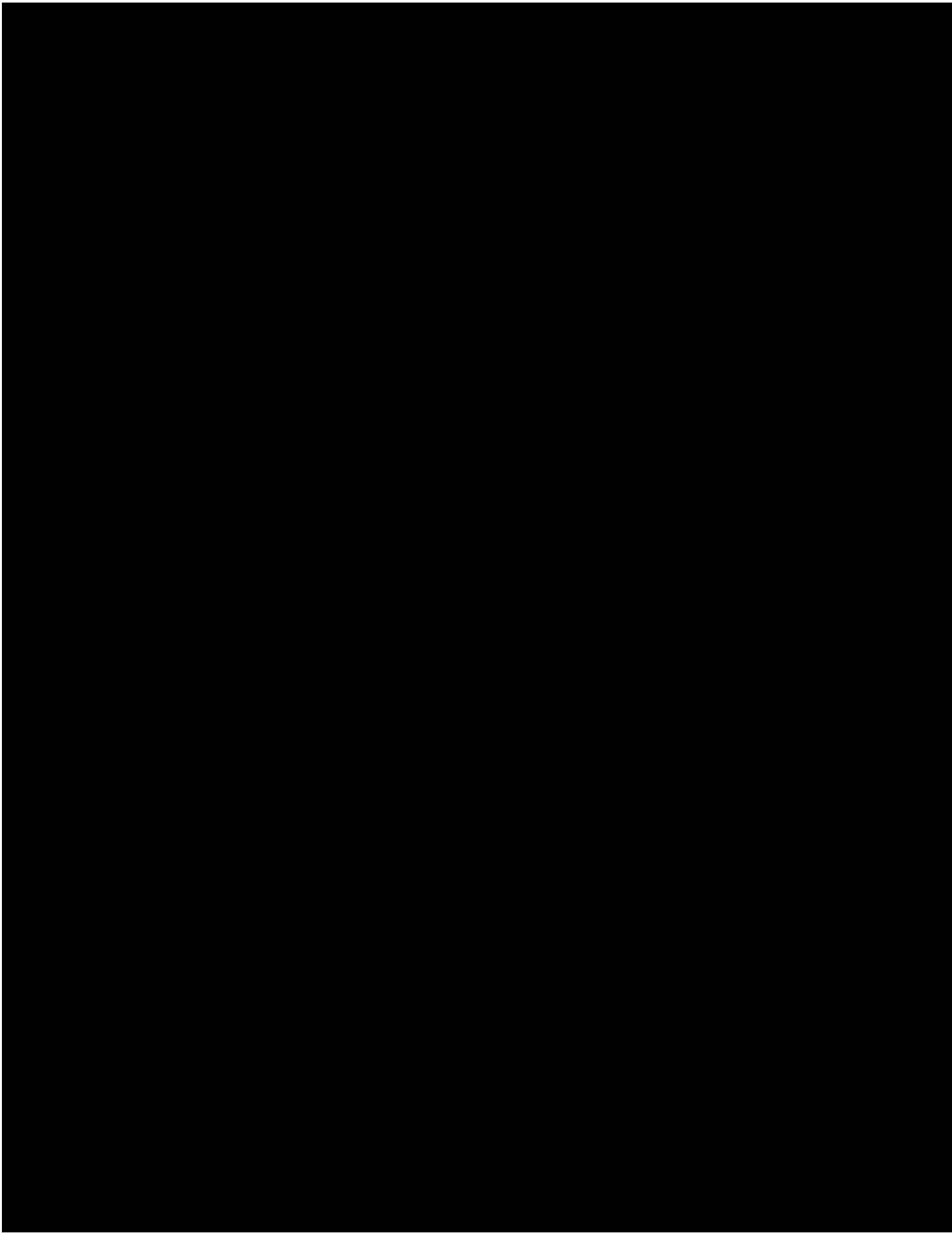


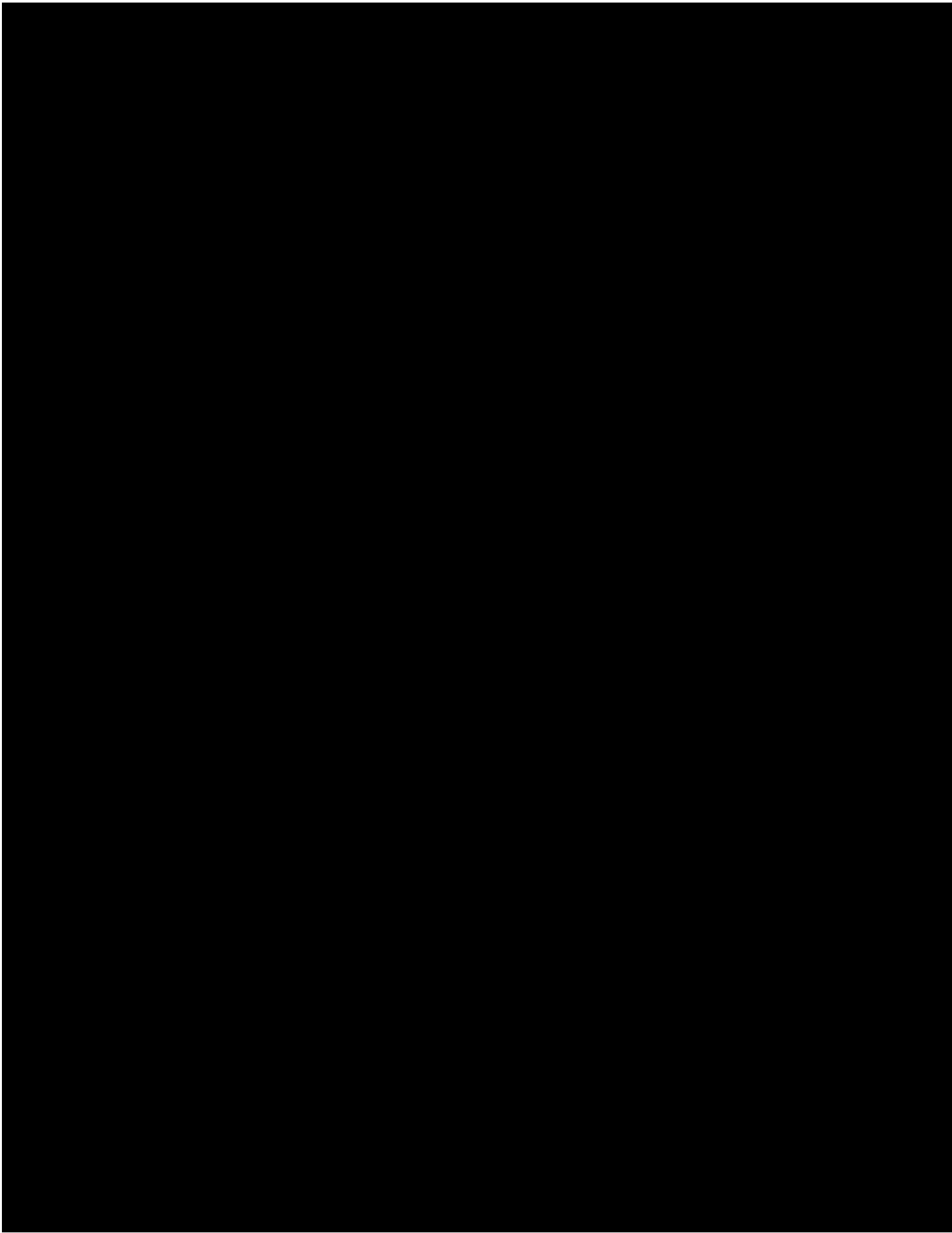


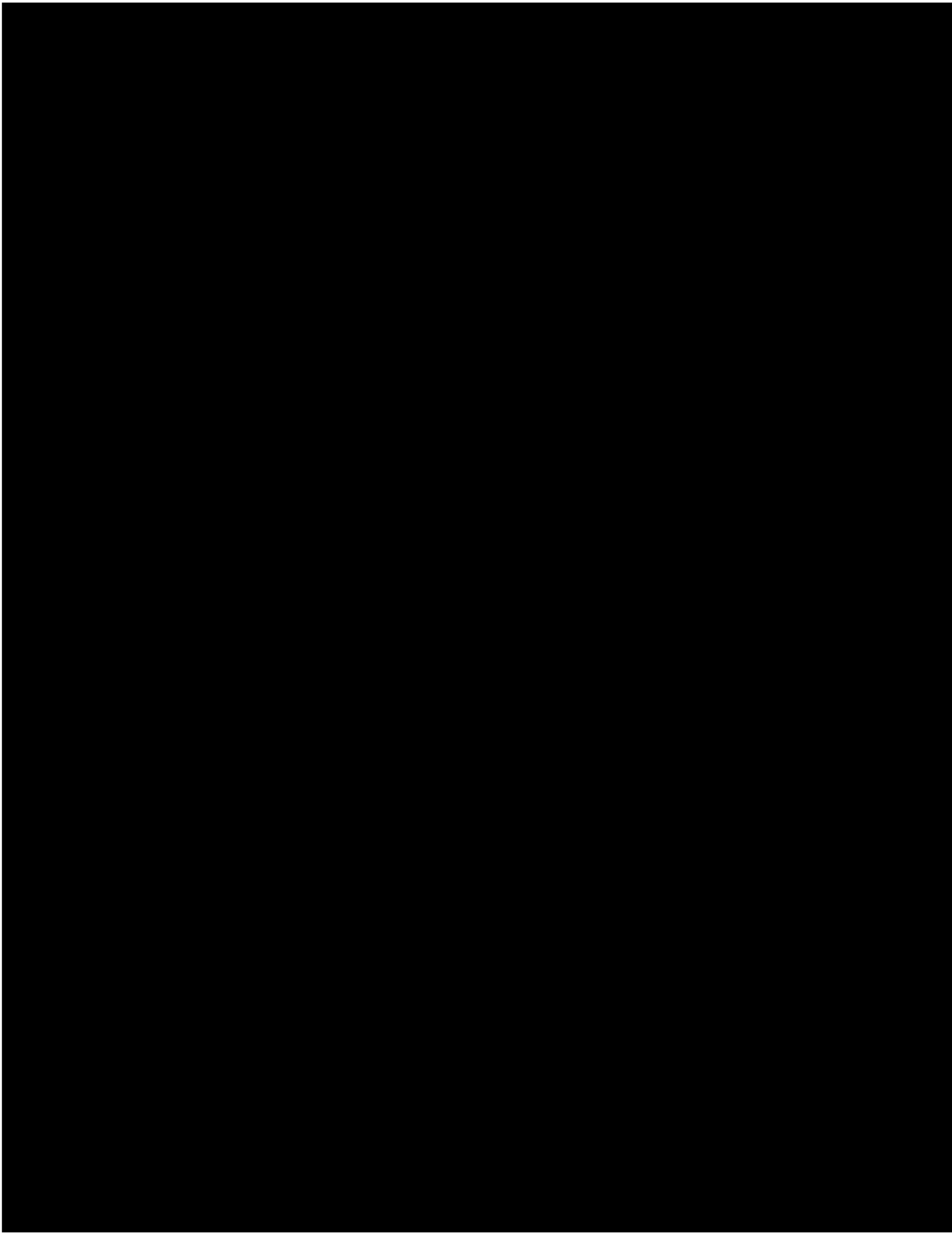


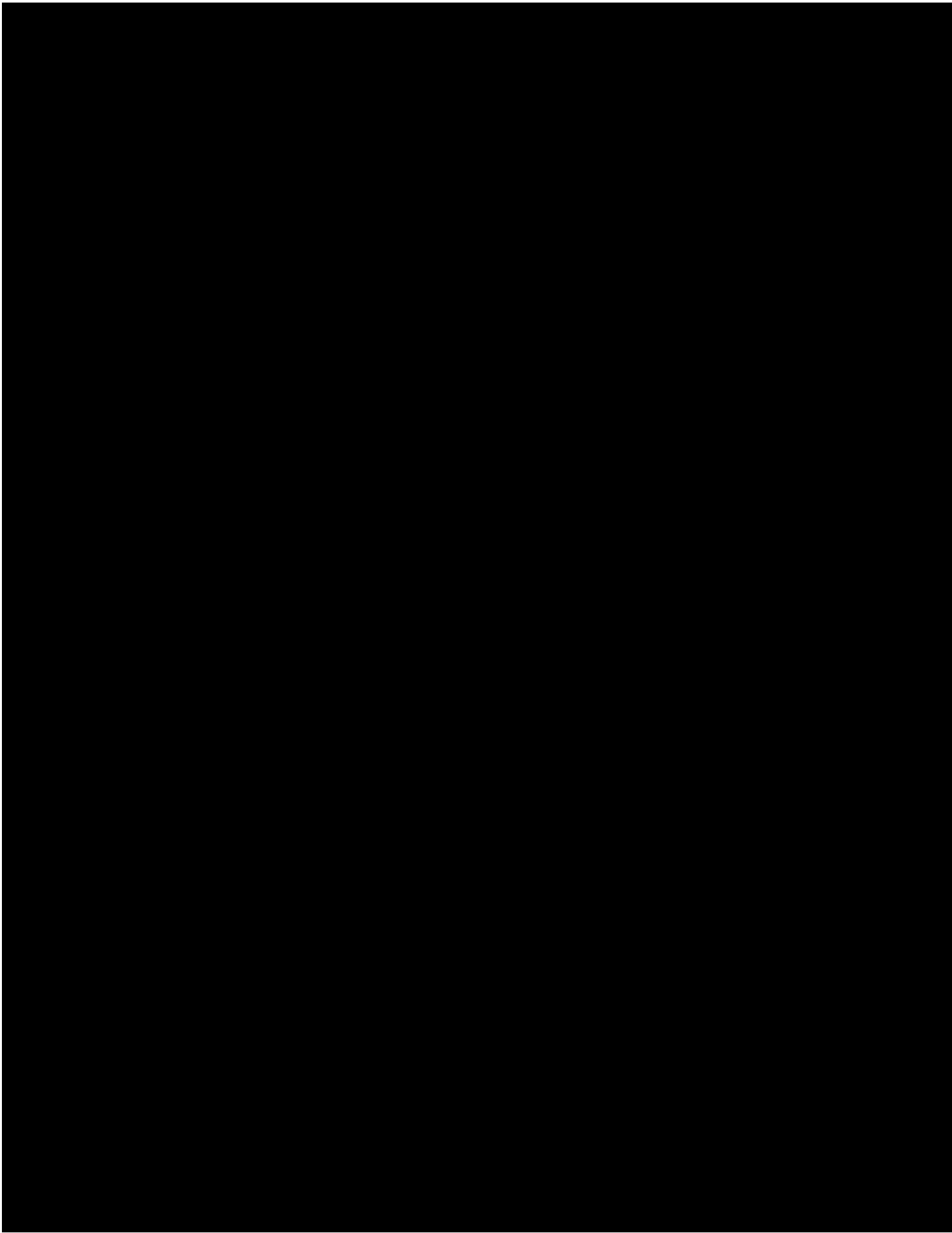




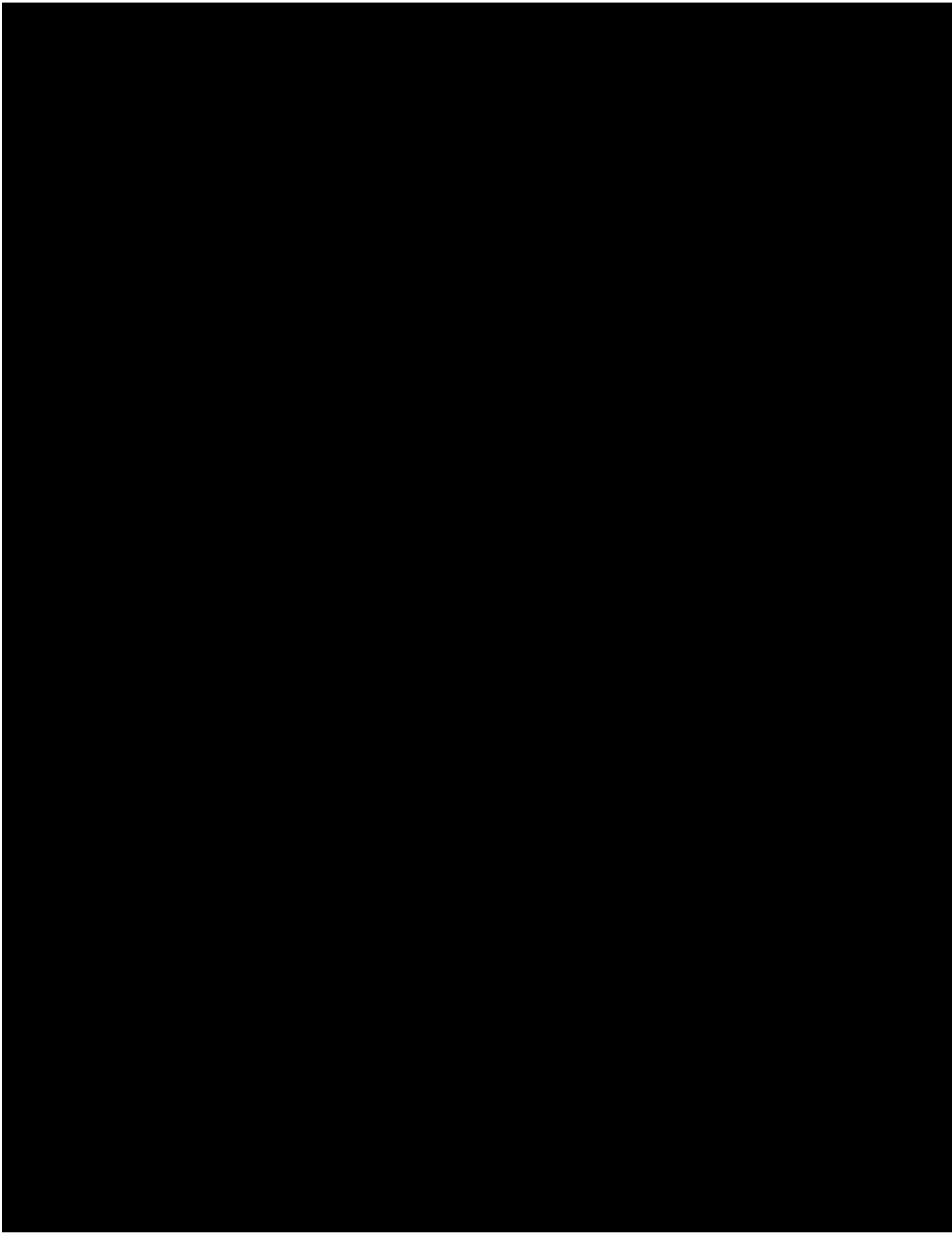


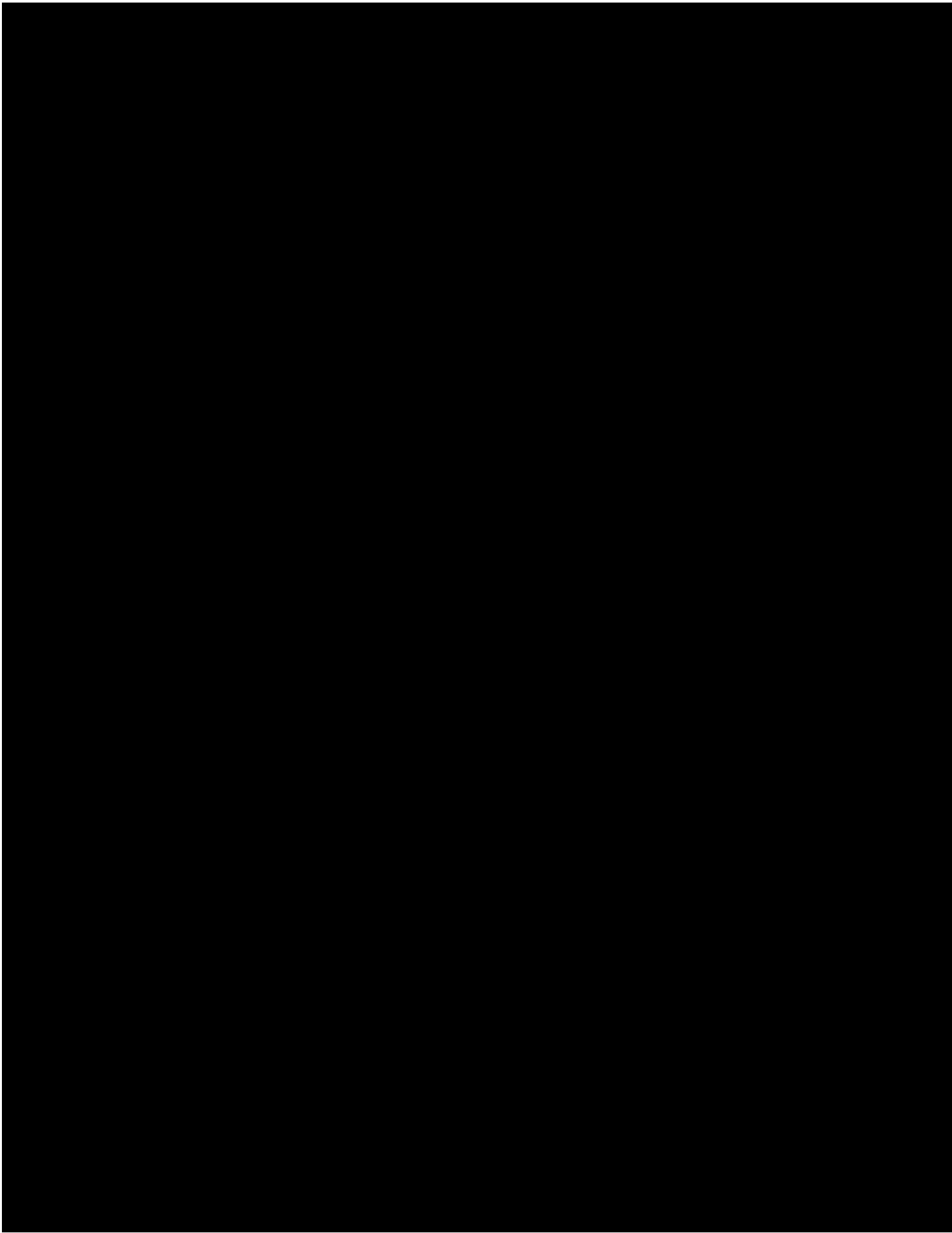


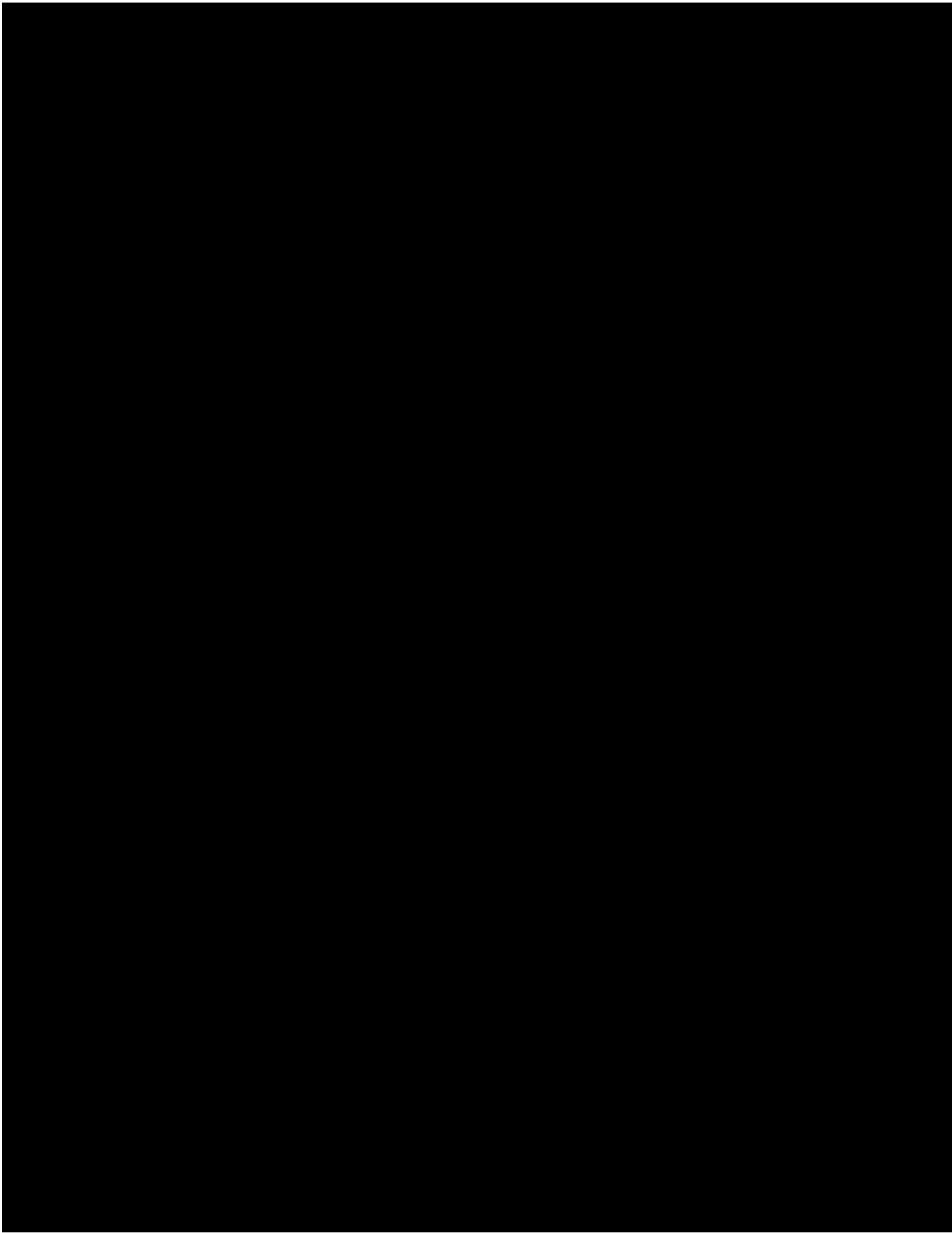


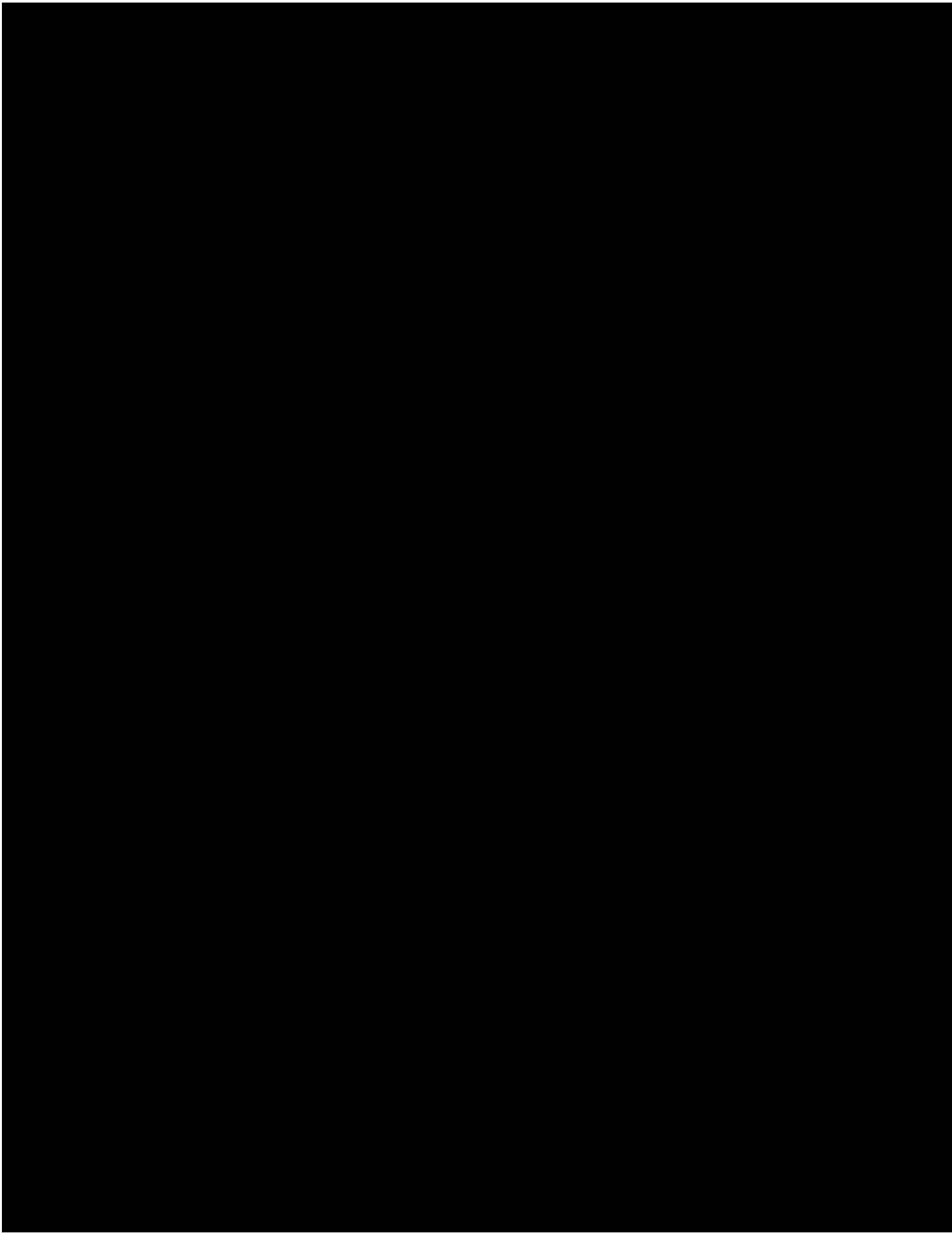


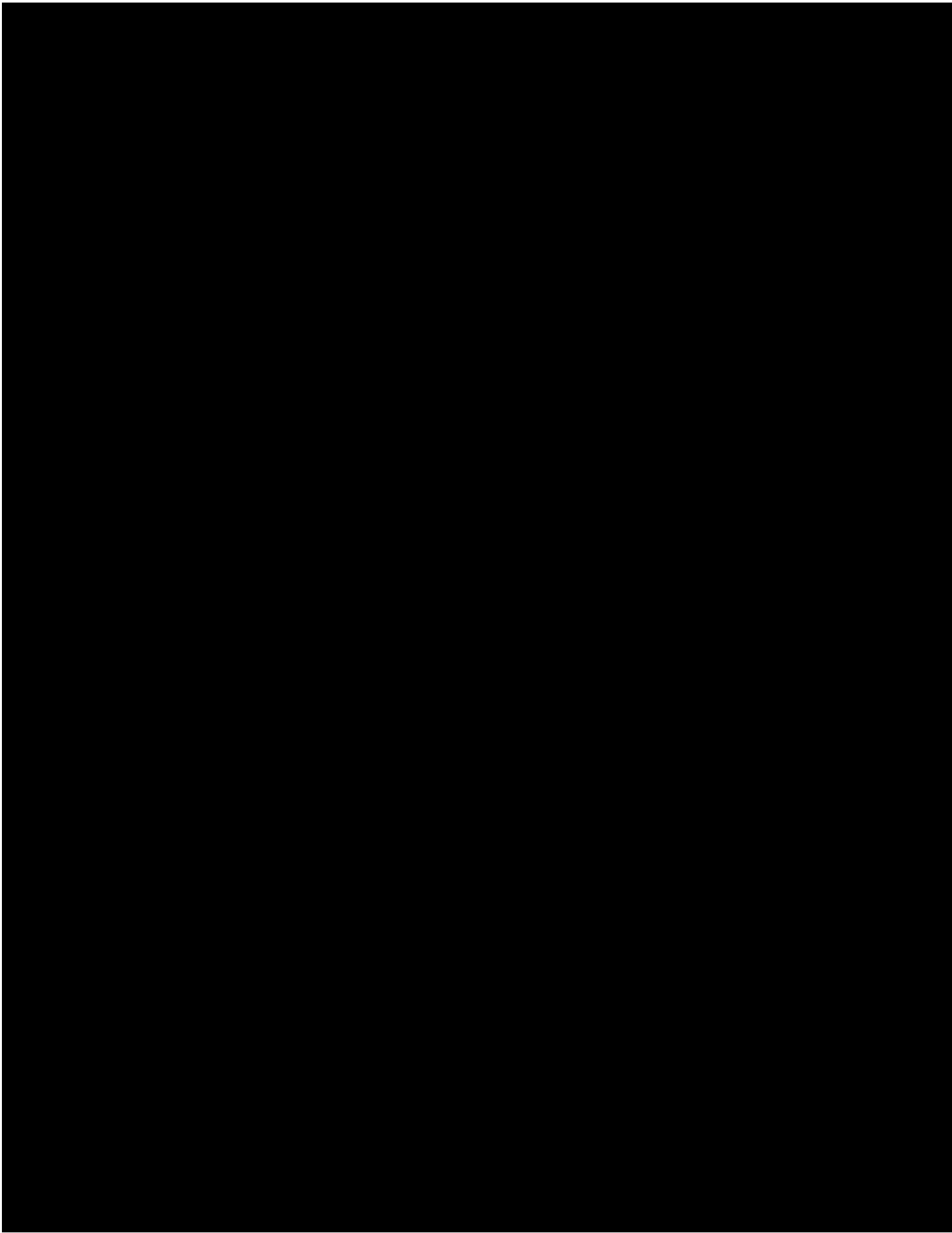


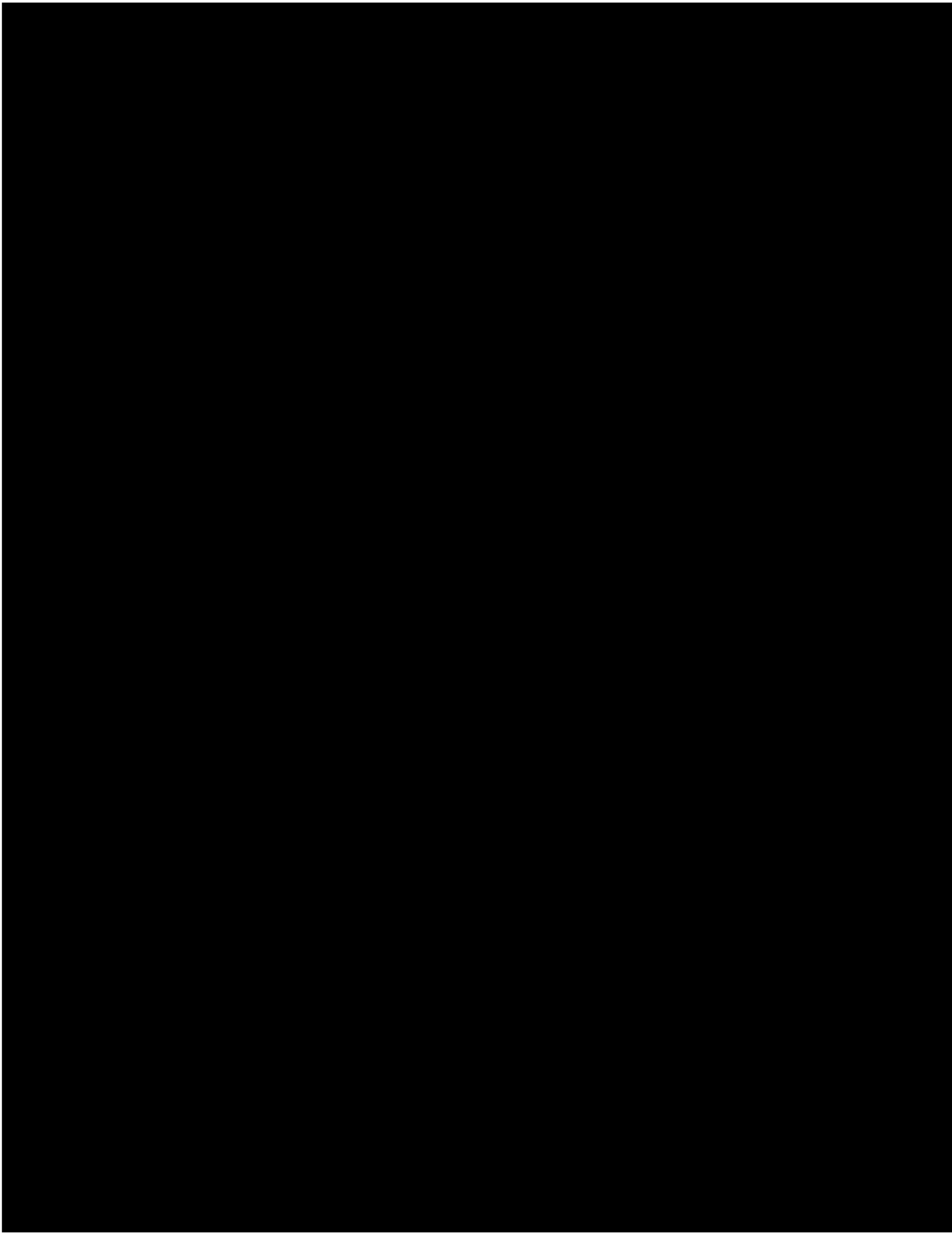


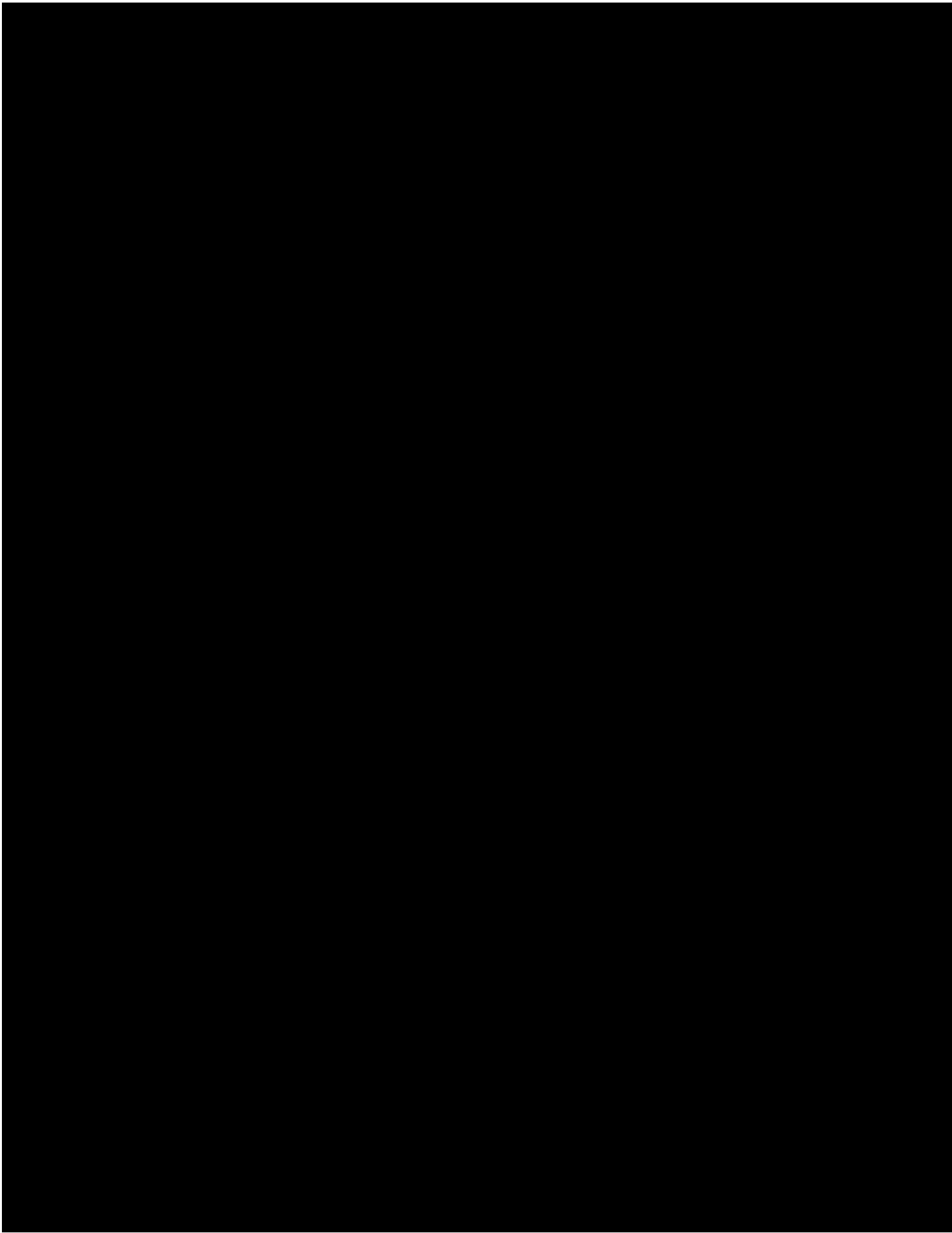


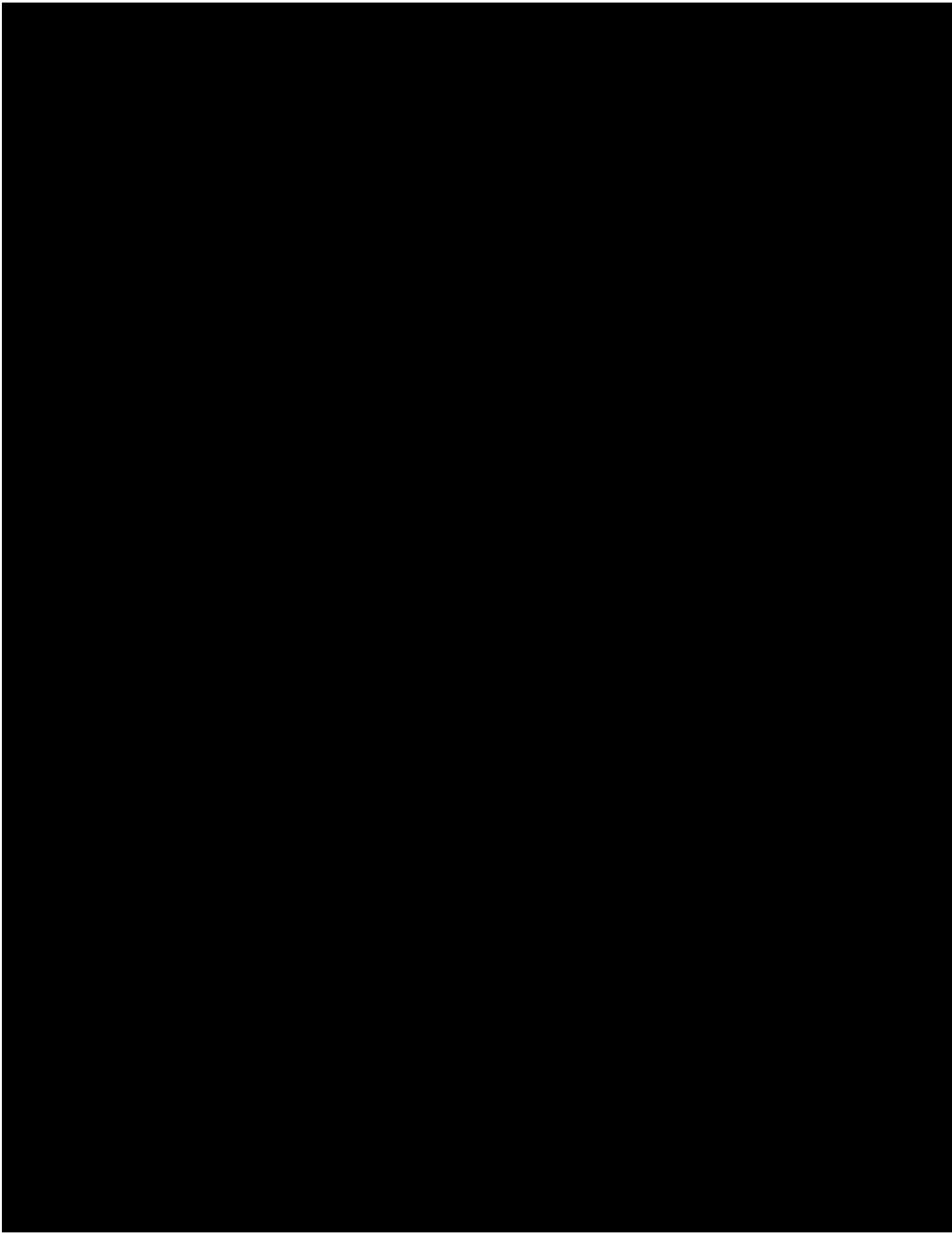


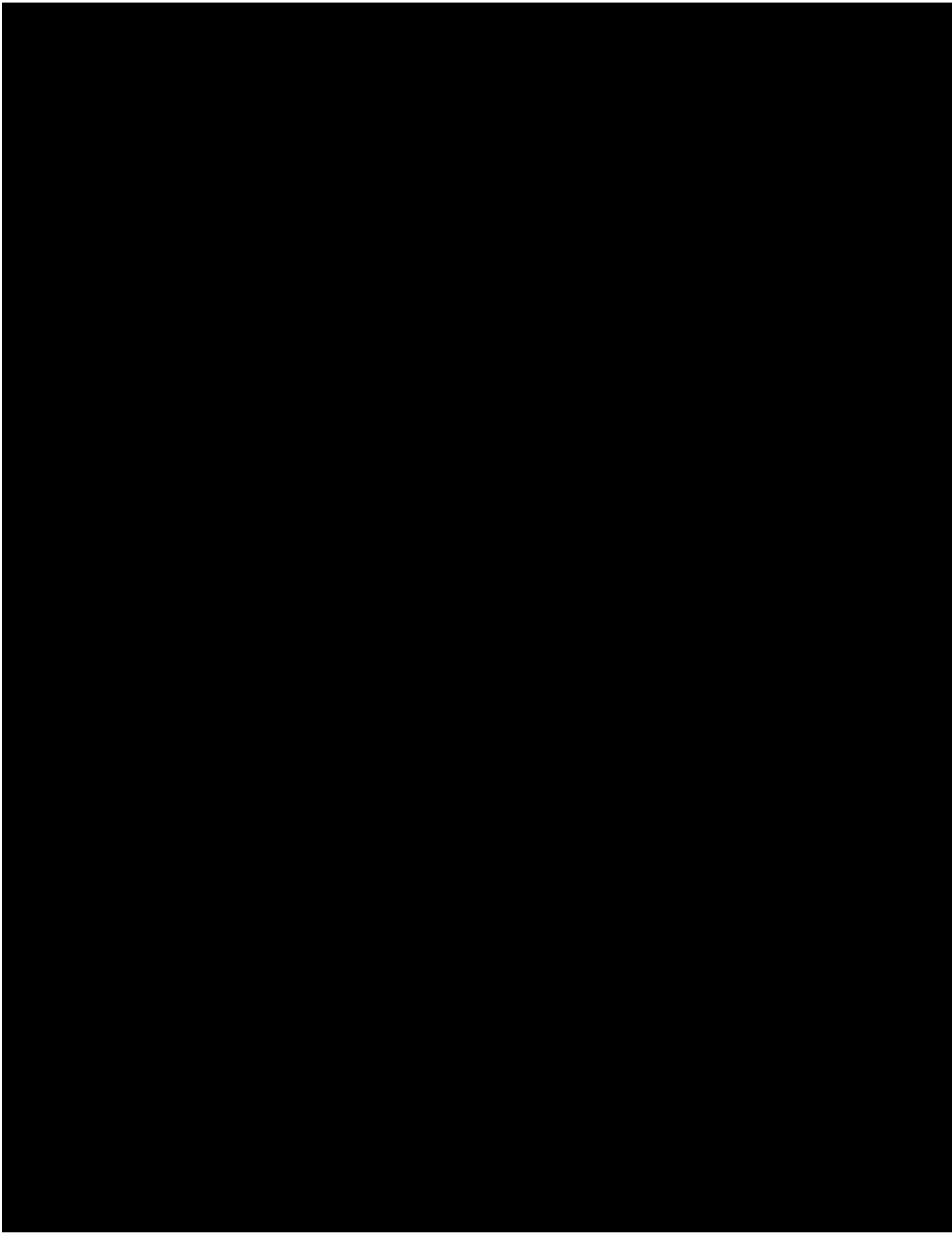


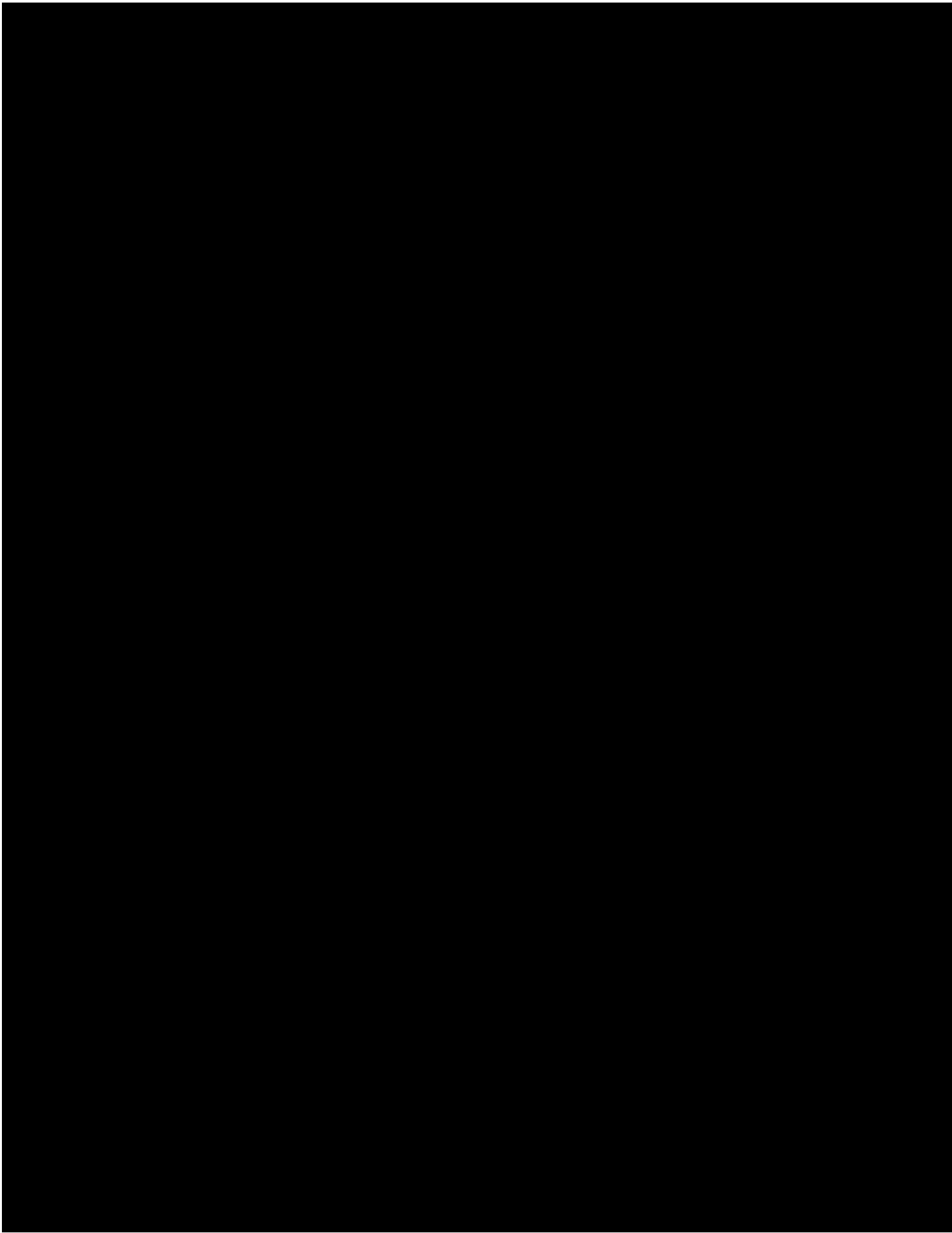


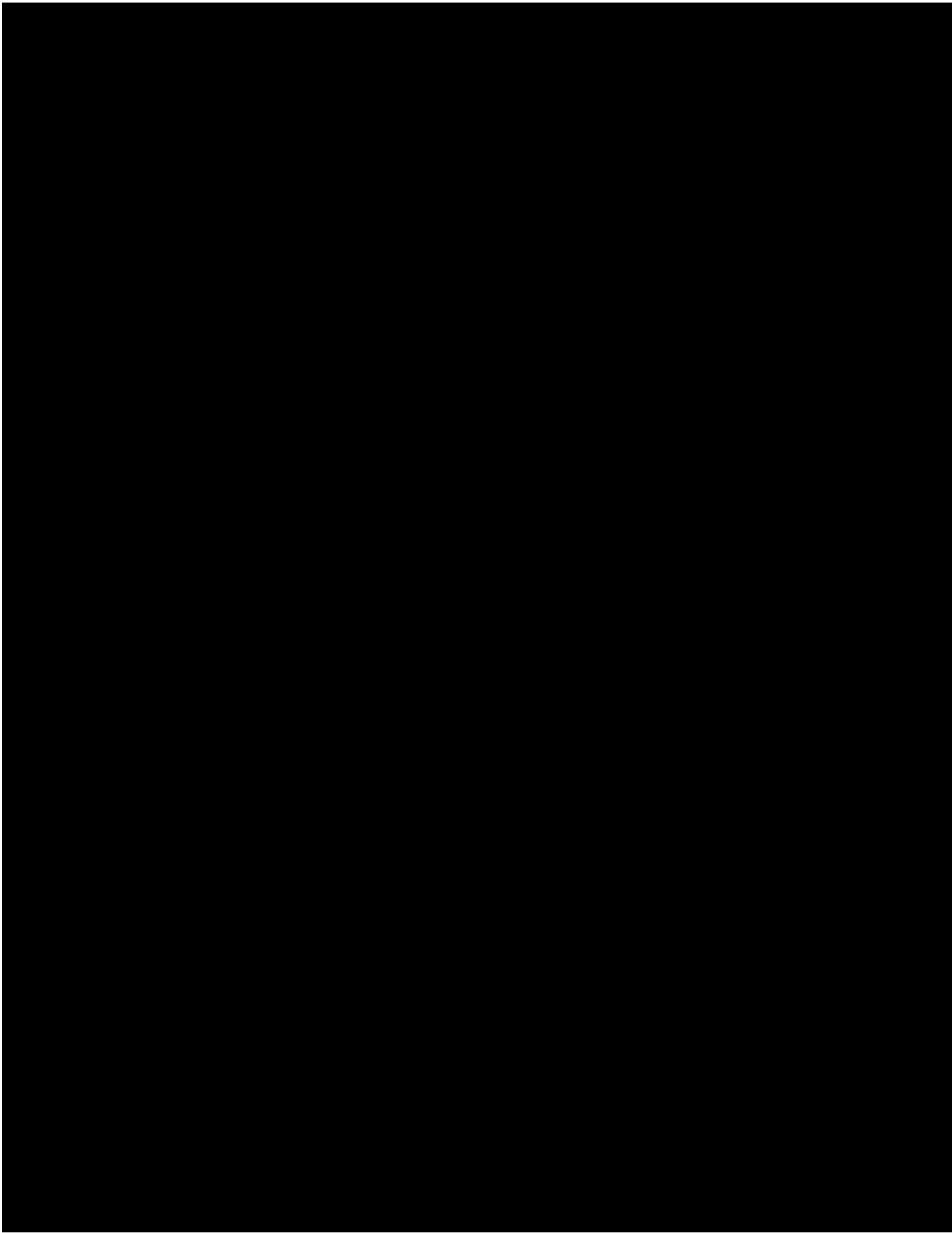


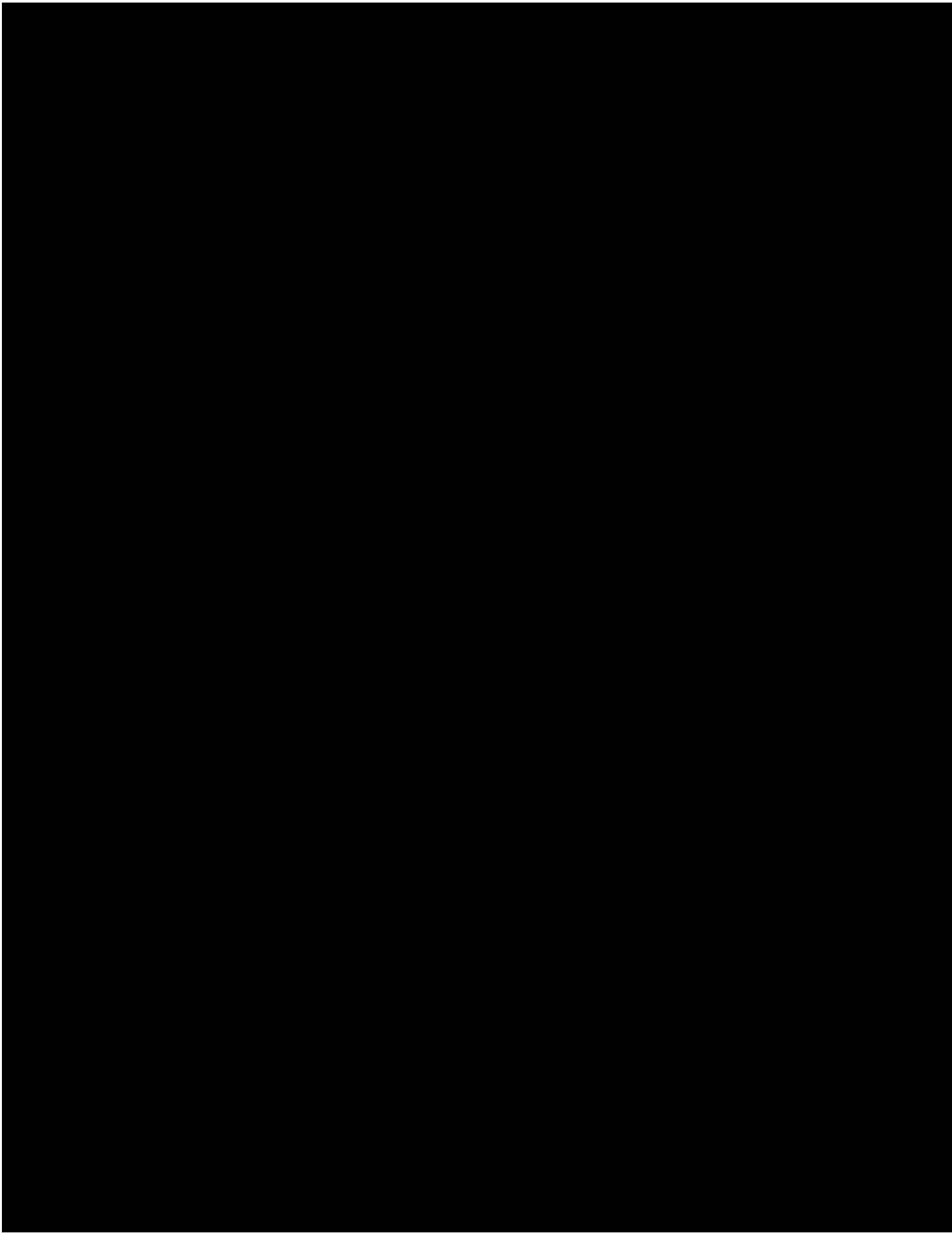


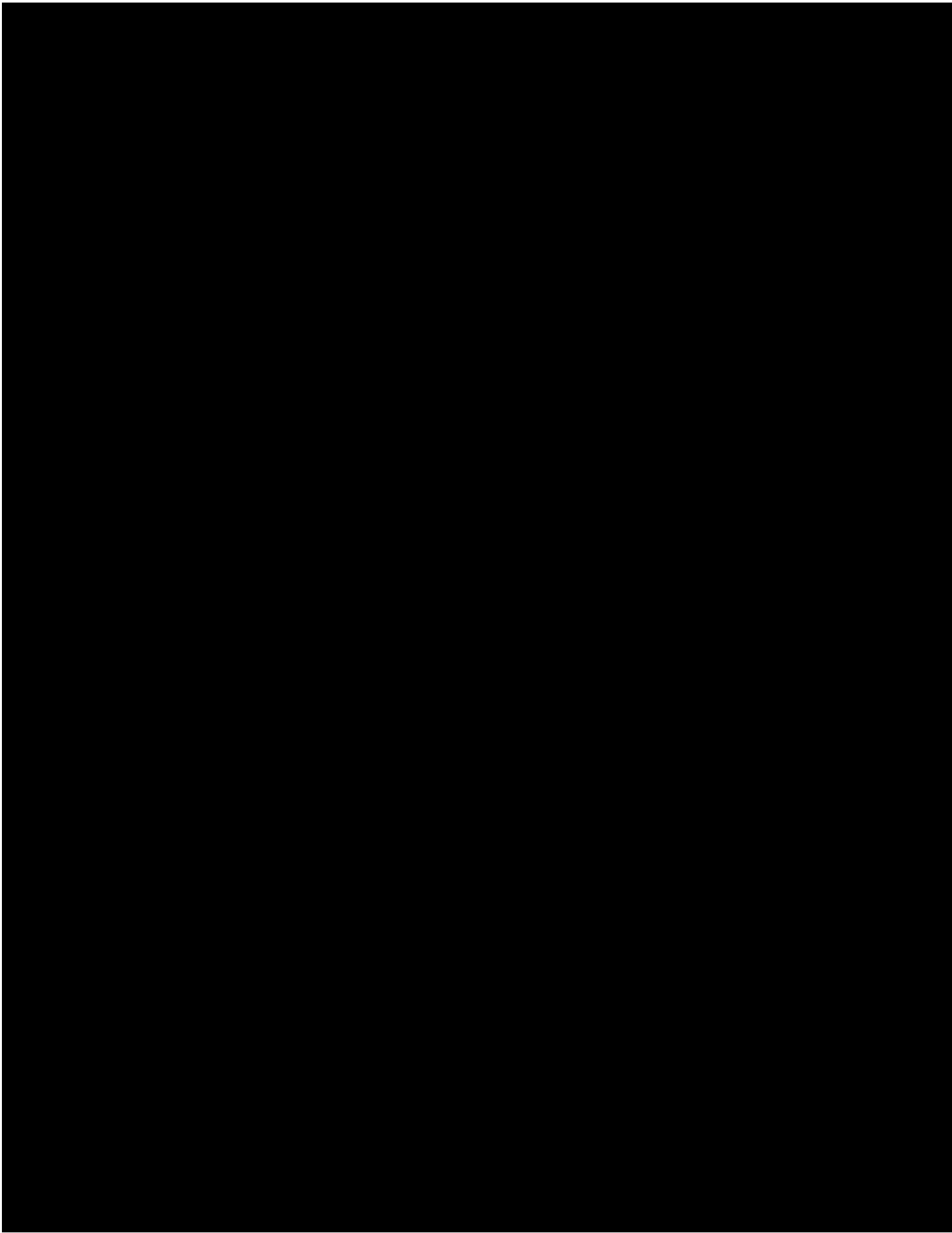


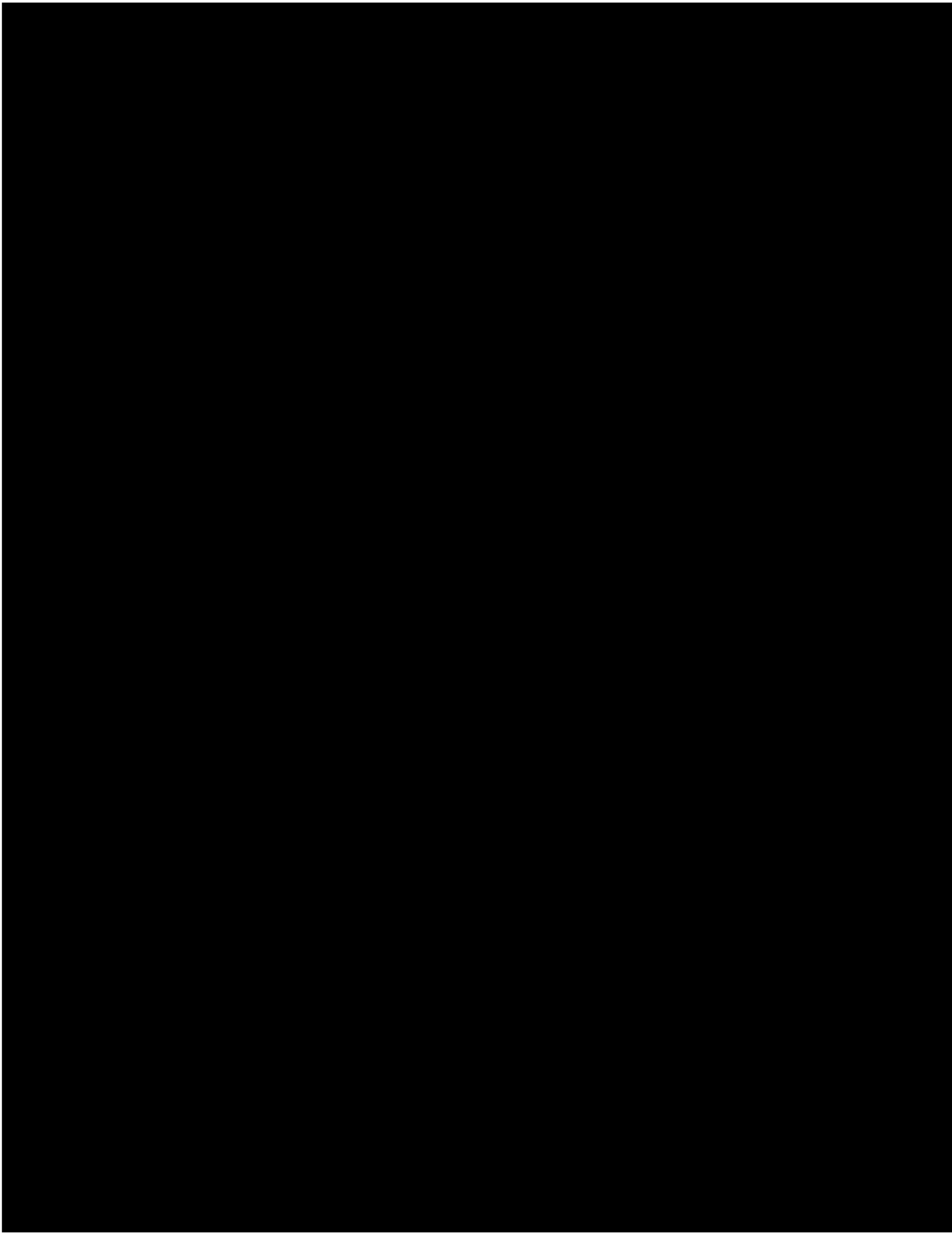














**DIVISION OF
CORRECTION**

6814 Princeton Pike
Pine Bluff, AR 71611
Phone: 870-267-6999 • Fax: 870-267-6244
www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Inmate Grievance Procedure

NUMBER: 19-34

SUPERSEDES: 19-20

APPLICABILITY: All employees and inmates

PAGE 1 of 31

REFERENCE: AR 835 - Grievance Procedure for Offenders

APPROVED: Original signed by Dexter Payne

EFFECTIVE DATE: 12/2/2019

I. POLICY:

It is the policy of the Arkansas Division of Correction to provide inmates in its custody an administrative process for the resolution of complaints, problems and other issues.

II. EXPLANATION:

The grievance procedure is an administrative process for the submission and resolution of inmate problems and complaints. The process is designed to solve the problem at the lowest level, as promptly as feasible, and in a manner that is fair, reasonable, and consistent with the Division of Correction's mission.

The administrative process for the resolution of complaints and identification of problem areas is intended to supplement but not replace daily and routine communication between staff and inmates.

III. DEFINITIONS:

- A. Informal Resolution – the first step consisting of a written complaint (Unit Level Grievance Form, Attachment I) by an inmate that is intended to allow staff the

opportunity to resolve an issue on an informal basis, and to serve as a prerequisite to the second step, a formal grievance.

- B. Grievance – the second (formal) step where a written complaint using the same form used for the Informal Resolution (Unit Level Grievance Form, Attachment I) is submitted by an inmate on the inmate's own behalf (an inmate cannot grieve on behalf of another inmate) regarding:
1. A policy applicable within his or her unit/center of assignment that personally affects the inmate;
 2. A condition in the facility that personally affects the inmate;
 3. An action of another inmate, or inmates, that personally affects the inmate;
 4. An action of an employee(s), contractor(s), or volunteer(s) that personally affects the inmate; or
 5. An incident occurring within his or her facility that personally affects the inmate.
- C. Warden – the Warden or Center Supervisor of the facility or designee.
- D. Appeal – a written request directed to a Chief Deputy/Deputy/Assistant Director for further action to resolve the issue or complaint in the grievance based upon the inmate's assertion that the issue has not been resolved at the Unit level. (The appeal cannot raise new or additional issues or complaints.)
- E. Working Days – Monday through Friday, excluding state observed holidays.
- F. Emergency – a problem that, if not immediately addressed, subjects the inmate to a substantial risk of personal injury or other serious and irreparable harm such as, physical abuse. If a grievance, submitted as an emergency grievance by the inmate, is deemed an emergency by the problem solver, the grievance is immediately submitted to the Warden/highest ranking supervisor at the unit without the completion of Step One, the informal process; however, if the grievance is not an Emergency, it will be processed under Step One.
- G. PREA Grievance – Grievance where inmate is alleging staff-on-inmate or inmate-on-inmate sexual abuse or sexual harassment as those terms are defined in the PREA Administrative Directive. A Problem Solver should immediately submit a suspected PREA grievance to the highest ranking supervisor at the unit, who will then contact the duty warden, without the completion of Step One, the informal process; however, if the duty warden finds that the grievance is not a PREA grievance, it will be returned to the Problem Solver and processed under Step One.

H. Non-Grievable Issues – the following matters are not grievable:

1. Parole;
2. Release;
3. Transfer;
4. Job Assignments unless in conflict with medical restrictions;
5. Disciplinary;
6. Anticipated events (i.e., events or activities which may or may not occur in the future);
7. Matters beyond the control of the Division of Correction, including issues controlled by State or Federal law or regulation;
8. Rejection of a Publication
9. A grievance submitted by an inmate on behalf of another inmate.

Note: Claims of Retaliation, even if related to an issue referenced above, are Grievable.

- I. Available Remedies –if the facts asserted by the inmate would, if true, fall within the definition of Grievance, the matter shall be investigated, unless previously investigated. If the grievance is found to be with merit, the Division official designated to respond to the grievance shall have the authority, within the exercise of his or her discretion and consistent with the Division policies and the safety, security and good order of the facility, to offer actions by the Division designed to resolve the inmate's grievance. However, such available remedies do not include disciplinary action against an employee, contractor, or volunteer, nor monetary damages.
- J. Problem Solver – staff designated at each facility to serve as a contact for resolution of a problem or complaint, and specifically, to resolve Step One issues raised in this process. A list of these individuals will be posted in each housing unit. If the Problem Solver(s) is not available, any staff member of the rank of sergeant or above can collect Step One grievances (also referred to as “informal”) and shall then act as the Problem Solver for that Step One grievance.
- K. Medical Department – Health Services Administrator (HSA) or designee.
- L. Mental Health Supervisor – the Division of Correction employee supervising the mental health staff and programs at the unit level.

IV. PROCEDURES:

The inmate grievance procedure is an internal administrative process for the resolution of complaints and the identification of potentially problematic management areas; however, it does not replace daily and routine communication between inmates and staff. Prior to filing a formal grievance (Step Two), an

inmate must first seek a resolution of the complaint informally by taking Step One under this policy.

One form (Attachment I) will be used for both Step One (informal resolution) and Step Two (formal grievance). This same form will be used to submit all inmate grievance issues, including emergencies.

A. Proposed Changes to the Procedure

When the Division proposes to adopt changes to any policy which affects the inmate grievance process, the proposed changes shall be posted in prominent locations **(to include employee and inmate bulletin boards and including electronic distribution) throughout the institution at least 30 days prior to the adoption of the changes.** All comments shall be considered prior to adoption of the change and shall be kept as part of the appropriate policy file documentation. **Inmates in Restrictive Housing will be provided a copy of the proposed change by the Grievance Officer at least 30 days prior to the adoption of the change.**

B. Communication of Procedure

1. Written notification of the Inmate Grievance Procedure, and any changes there to, will be distributed to both inmates and employees. In addition, arriving inmates and new employees will have an opportunity to ask questions about the procedure and have them answered verbally.
2. If an inmate has a disability affecting communication or is not fluent in the English language, interpretive or explanatory services will be made available.
3. All employees at the facility level shall receive training by designated staff in the skills necessary to assist or participate in the inmate grievance procedure.
4. A summary of the Inmate Grievance Procedure will be included in the Inmate Handbook. However, the Inmate Grievance procedure is governed by this Administrative Directive and not any summary in the Inmate Handbook. All inmates shall be provided access to this Administrative Directive.

C. Accessibility

Each inmate shall be entitled to utilize the Inmate Grievance Procedure regardless of his or her security status, custody level, job classification, disciplinary status, or any administrative/ judicial decisions affecting the inmate.

1. Copies of this policy shall be available for examination in each Unit's Law Library.
2. The Attachment I grievance form shall be readily available to any inmate in any housing area at any time; however, no more than five (5) forms per week, except in the case of an emergency as defined in this policy, may be requested by an individual inmate. Additionally, an inmate may not have more than ten (10) blank Attachment I grievance forms in his or her possession at any one time, and no more than twenty (20) unsubmitted (not signed by a Problem Solver) Attachment I grievance forms in his or her possession at any one time.
3. An inmate may request one copy of his or her grievance from the facility grievance staff upon presenting a completed Section 1983 lawsuit or Claims Commission claim. The inmate must provide the grievance number for the particular grievance he/she is requesting.
4. A Grievance must specifically name each individual involved in order that a proper investigation and response may be completed. An inmate must fully exhaust the grievance procedure as a prerequisite to pursuing any legal action related to the subject matter of the grievance. All inmates are hereby advised that the Division reserves the right to raise any and all defenses, including the failure to exhaust the grievance procedure, as to any claim which may have been subject to the grievance procedure and as to any person or entity.

An inmate who fails to name all parties during the grievance process may have his or her lawsuit or claim dismissed by the court or commission for failure to exhaust against all parties.

D. Completion of Forms

1. Inmates who have difficulty understanding how to complete the grievance forms or difficulty actually completing the forms should request and will be provided with assistance from staff. However, there is no prohibition against an inmate seeking assistance from another inmate if the grievant has language barriers or cannot read or write.
2. Only one Unit Level Grievance Form (Attachment I) can be submitted per grievance and only one problem/issue should be stated in the grievance, not multiple problems/issues. An inmate must use a separate form for each issue. Only one issue will be addressed in the response to a grievance. Additional problems/issues contained in the grievance will not be addressed and will not be considered as exhausted. Inmates are reminded that exhaustion of an issue is a prerequisite to filing a lawsuit related to that issue in accordance with the Prison Litigation Reform Act of 1995.

3. If the inmate is legally using a name other than the name under which he or she was committed to the Arkansas Division of Correction, both the legal and commitment names shall be used when completing the forms.
4. All forms, except those submitted electronically where and when electronic submission is available, must be legible and in ink, if available. Tape and other adhesive substances should not be used on any grievance forms.
5. If any Grievance Form is received in an unsanitary condition, that form(s) may be photographed and logged and held for evidence for appropriate disciplinary action against the inmate. Unsanitary grievance forms will not be accepted. The Problem Solver will return the grievance form to the inmate and then complete an Incident Report (Form 005).

E. Step One: Informal Resolution Procedure

Inmates are required to seek an informal resolution of a problem/complaint prior to filing a grievance.

1. The Unit Level Grievance Form (Attachment I) shall be completed and submitted within 15 days after the occurrence of the incident, with the date indicated beside "Step 1: Informal Resolution". PREA grievances are not subject to the 15 day time limit.
2. On the Unit Level Grievance Form (Attachment I), and only in the space provided, the inmate should write a brief statement that is specific as to the substance of the issue or complaint to include the date, place, personnel involved or witnesses, and how the policy or incident affected the inmate submitting the form. Illegible or unintelligible grievances will not be accepted, but rather will be returned to the inmate by the Problem Solver with an explanation stating why the grievance will not be accepted. The Problem Solver will then complete an Incident report (Form 005).

Additional sheets, including additional pages of the grievance written on Unit Level Grievance Forms (Attachment I) should not be attached and will be returned to the inmate upon submission or as soon as practical. **ONLY THE STATEMENT IN THE SPACE PROVIDED ON THE ATTACHMENT I FORM WILL BE MAINTAINED AND CONSIDERED THE GRIEVANCE SUBMISSION.** However, additional sheets attached to PREA grievances will be maintained with the grievance.

3. The Unit Level Grievance Form (Attachment I) should be presented to one of the individuals whose name is posted in the housing unit as a designated Problem Solver. If a Problem Solver is not available, any staff

member holding the rank of sergeant or above can collect a Step One grievance and shall then act as the Problem- Solver for that Step One grievance. If it is a PREA grievance, any staff member may act as the problem solver. At this time, the Problem Solver or staff member must sign and date the form, giving the inmate back the yellow and pink copies as receipts.

4. After receipt of the Unit Level Grievance Form (Attachment I), the Problem Solver will:
 - a. meet with the inmate within three working days to resolve the issue; or
 - b. meet with the inmate immediately to resolve the issue if it is an emergency; or
 - c. refer medical issues to the HSA (examples include, but are not limited to, missed medications, inability to access medical services, failure to be seen at Sick Call or clinic appointments, or failure to receive lab or test results) as soon as practical, but in any event within one working day; or
 - d. refer mental health issues to the Mental Health Supervisor as soon as practical, but in any event within one working day; or
 - e. If the grievance is a PREA grievance, immediately notify the highest ranking officer at the unit or Duty Warden who will immediately cause the initiation of an investigation.
5. If the inmate believes the matter to be an Emergency, as defined in this Administrative Directive, he/she will fill in the date beside "Emergency Grievance" on the Unit Level Grievance Form to designate the grievance as an Emergency, and present the form to any staff member, but preferably a designated Problem Solver. If that staff recipient determines that an Emergency does exist, corrective action shall be taken as soon as possible and within no more than twenty-four (24) hours. If the staff recipient determines that no Emergency exists, the informal resolution form shall be processed within the normal time limits stated within this policy.
6. Upon receipt of a Unit Level Grievance Form submitted under Step One, the HSA, or medical department representative appointed by the HSA, or the Mental Health Supervisor will take whatever action is deemed clinically appropriate to fully resolve the problem, document the action taken, or state why no action is necessary or appropriate. The HSA or Mental Health Supervisor or designee will sign the form in the space provided for the staff signature which is found on the same line as the inmate signature following the description of the action taken to resolve the complaint. Please note the staff signature should NOT be in the space provided for the signature of the designated Problem Solver.

7. As soon as practical, the HSA, Mental Health Supervisor, or designee will return the Unit Level Grievance Form to the inmate and provide a copy to the Grievance Officer. NOTE: In no event should this period exceed three (3) working days from submission of the Unit Level Grievance Form for Step One by the inmate to the Problem Solver. The HSA, Mental Health Supervisor, or designee should not respond to a grievance that is alleging misconduct by that individual against the inmate; however, where the inmate still has another step in the grievance process to challenge the conduct or the inmate is alleging indirect misconduct (failure to act) as opposed to direct misconduct, such as physical abuse or retaliation, by the HSA or the Mental Health Supervisor, then the Regional Manager or Mental Health Administrator will respond after the medical or mental health department has appropriately logged the resolution.
8. The HSA or Mental Health Supervisor will retain a copy for his or her records and for quality improvement purposes.
9. If the problem (those not referred to medical or mental health departments) can be resolved at the informal level, the Problem Solver should document the action taken on the Unit Level Grievance Form (Attachment I) and then both the inmate and the Problem Solver must sign and date the form.
10. If the problem cannot be resolved at Step One, the informal level, the Problem Solver must still document the resolution attempt on Attachment I, and then the inmate and the Problem Solver must sign and date the form. At this time, if the inmate chooses, he/she may now proceed to Step Two (the formal grievance) using this same form (Attachment I). See procedures for Step Two below.
11. If the designated Problem Solver (or substituted person to resolve the issue such as a medical or mental health staff member) has failed to contact the inmate and attempt resolution of the complaint or failed to return Step One (the grievance) within the designated three working days, the inmate may proceed to Step Two, the formal grievance, without the completion of Step One. In that instance, Step Two, the formal grievance, must be filed no later than six (6) working days from the original submission of the Unit Level Grievance Form pursuant to Step One: this allows three (3) working days to wait for a response to Step One, and three (3) working days to initiate Step Two. (These are not three (3) additional days, i.e., if the Problem Solver returns Step One on the day it was submitted, the inmate has only three (3) working days from receipt of that response to file Step Two.) The inmate will submit a copy of his/her Unit Level Grievance Form using the pink or yellow copy, whichever is most legible, that he/she retained following the instructions for Step Two.

12. Whether or not the problem is resolved, the inmate should retain either the pink or yellow copy, whichever he did not submit for Step Two. A copy may be retained by the designated Problem Solver, and a copy is forwarded to the Grievance Officer for entry into the offender tracking system if necessary.
13. If an inmate has been transferred from the Unit where the incident or issue arose within the fifteen (15) days allowed to file Step One and the inmate submits Step One at a different Unit, and if the Problem Solver, HSA, or Mental Health Supervisor cannot address the issue because of the transfer, then the response to Step One should be "proceed to Step Two." Upon submission of Step Two, the Grievance Officer will complete the portion of the Unit Level Grievance Form indicating the date received and to whom it was sent and immediately forward the grievance to the Grievance Officer at the unit where the incident or issue arose to process with a grievance number from that Unit. The deadlines will remain the same under this procedure to submit the grievance steps, and to respond with the date of submission to the first Grievance Officer beginning the response time.

F. Step Two: the Formal Grievance Procedure

After attempting to resolve the issue through Step One, informal resolution, an inmate can proceed to Step Two by filing a formal grievance on the same Unit Level Grievance Form (Attachment I) that was used for Step One.

1. The inmate should complete the date beside "Step Two: Formal Grievance" and the section regarding resubmission (of this form) including an explanation why the inmate considers the informal resolution unsuccessful, and deposit it into the designated grievance box, or submit it to a Staff Member if the inmate's assignment prevents access to the grievance box. The Grievance Officer shall collect grievance forms daily, excluding weekends and holidays.
2. Additional sheets cannot be attached to the Unit Level Grievance Form (unless it is a PREA grievance) and only information in the space provided will be considered part of the grievance submission. Any new issues added to the form will not be considered.
3. Upon receipt, the Grievance Officer shall complete the box "for office use only" on the Unit Level Grievance form by assigning a number to the grievance (using unit and subject codes as described in the Grievance Procedure Codes-Attachment VII), and logging the date the grievance was received, inmate's name, ADC number, type of grievance, and the text of the inmate's complaint contained within the appropriate space on Attachment I in eOMIS.

- a. All medical issues will be coded 600 by the Unit Grievance Officer. All mental health issues will be coded 630.
 - b. The Medical and Mental Health Departments will assign more specific type codes as indicated on Attachment VII into eOMIS when completing the response to the grievance.
4. The Grievance Officer shall then transmit an Acknowledgement or Rejection of the Unit Level Grievance Form (see Attachment II) to the inmate within five (5) working days after receipt. No acknowledgment is required if a written response to the grievance, signed by the Warden, Health Services Administrator, or Mental Health Supervisor or designees, can be provided within five (5) working days.
5. The Grievance Officer will note whether the grievance is medical or mental health related. Such Step Two medical or mental health grievances will be forwarded as soon as possible, and in no event later than five (5) days, to the appropriate medical or mental health department for investigation and response to the inmate.
 - a. If the grievance is medical in nature, it is forwarded to the Health Services Administrator (HSA) at the Unit Medical Department for a response. The HSA, or designee, should not respond to a grievance that is alleging misconduct by that individual unless the inmate still has another step in the grievance process to challenge the conduct, or the inmate is alleging indirect misconduct (failure to act). Where the inmate is alleging direct misconduct (such as physical abuse or retaliation) by the HSA, then the appropriate Regional Manager will respond after the medical department has appropriately logged the resolution.
 - b. If the grievance relates to mental health services, the supervisor of mental health services for the facility, or designee, will answer the grievance. The Mental Health Supervisor, or designee, should not respond to a grievance that is alleging misconduct by that individual unless the inmate still has another step in the grievance process to challenge the conduct, or the inmate is alleging indirect misconduct (failure to act). Where the inmate is alleging direct misconduct (physical abuse or retaliation) by the Mental Health Supervisor, then the Mental Health Administrator at Central Office will respond after the mental health department has appropriately logged the resolution.
6. The Inmate Grievance Worksheet (see Attachment VIII) may be used by staff when investigating grievances.

7. Every inmate grievant shall receive a written or electronic response to his or her grievance within 20 working days of receipt (or more promptly in the case of an Emergency grievance). The response will be on the form entitled Warden/Center Supervisor Decision (Attachment III) and signed by the Warden or the Warden's designee. In the case of a medical or mental health grievance, the response will be on the form entitled Health Services Response to Unit Level Grievance (see Attachment IV) from the medical or mental health department.

The Unit Level Grievance Response/Decision shall include:

- a. the reason for the decision, in clear, well reasoned terms; and
 - b. a statement that the Grievance:
 - has merit and requires further action for resolution; or
 - has merit, but is being resolved; or
 - had merit but has been resolved; or
 - has no merit.
8. The Grievance Officer will meet with the Warden for the appropriate response to the grievance. If the Warden refers a PREA investigation to IAD, the grievance response is sent after the Warden receives the Director's disposition of suspected PREA allegation.
 9. If an inmate has not received a response to his/her Unit Level Grievance within the allotted time frame as stated on the Acknowledgement Form or the Extension Form, if applicable, the inmate may move to the next level of the process, an appeal to the Chief Deputy/Deputy/Assistant Director Level. In this instance, the appeal must be filed no later than five (5) working days.

The Grievance Extension Form will be used in cases where a longer period is required for a response to or resolution of the problem. The inmate shall be notified by the responding authority, in writing, of the reason for the delay and its expected length on the Grievance Extension Form (see Attachment X). Time limits for responding will be extended automatically upon the completion of the Grievance Extension Form (Attachment X), unless the inmate disagrees in writing to the extension. If the inmate does not agree to the extension, the inmate understands and agrees that, with that decision, no further action will be taken on the issue, and the grievance will be returned to the inmate without a decision on its merit. By disagreeing with the extension, the inmate waives his or her right to have the grievance issue considered. If a second or additional extension is needed, the extension will be granted only upon approval of the Warden or Deputy Warden at the Step Two level.

G. Steps to Appeal the Unit Level Grievance Decision:

After receiving a response from the Warden, the Health Services Administrator (HSA), the Mental Health Supervisor, or applicable designee, if the inmate is not satisfied, he or she may appeal to the appropriate Chief Deputy/Deputy/Assistant Director who will attempt to resolve the matter or assign an appropriate staff member to do so. In this instance, the appeal must be filed within the five (5) working days from the date of the response.

1. The appeal must be written in the space provided above the signature line on the original Warden/Center Supervisor's Decision Form (Attachment III), the Health Services Response to Unit Level Grievance Form (Attachment IV) for medical or mental health grievances entitled Inmate's Appeal (see Attachment III and IV), or the Acknowledgement or Rejection of Unit Level Grievance (Attachment II). Only what is written in the space provided above the signature line for appeal will be considered part of the grievance appeal. Except for a PREA grievance, additional sheets should not be attached and will be returned to the inmate upon receipt of the appeal or as soon as practical. **ONLY THE STATEMENT IN THE SPACE PROVIDED ABOVE THE SIGNATURE LINE WILL BE MAINTAINED AND CONSIDERED PART OF THE APPEAL SUBMISSION.**
2. To appeal the inmate must include the original (no photocopies) Unit Level Grievance Form (Attachment I), which describes the matter originally grieved, and either the Warden/Center Supervisor Decision Form (Attachment III), the Health Services Response to Unit Level Grievance (Attachment IV), or the Acknowledgement or Rejection of Unit Level Grievance (Attachment II) if the inmate is asserting the grievance was improperly rejected or if the inmate did not receive a response or extension within the applicable timeframe. The inmate should deposit the appeal into the designated grievance box; or submit it to a Staff Member if the inmate's assignment prevents access to the grievance box. If these two (2) pages are not submitted with the inmate's appeal portion completed, the appeal may be returned to the inmate as rejected.

To complete the appeal, the inmate must state a reason for the appeal, and must date, sign, and write the inmate's ADC number on the attachment being appealed.

Do not list additional issues, requests, or names which were not a part of the original grievance, as those will not be addressed.

3. The Chief Deputy/Deputy/Assistant Director may process a grievance appeal not meeting the criteria set forth above when necessary for the

safety and security of the Department

4. Appeals relating to medical, mental health or treatment program issues are submitted to the Deputy Director for Health and Correctional Programs.

All other grievances will be forwarded to the appropriate Chief Deputy/Deputy/Assistant Director for Institutions.

All Appeals will be answered by the Chief Deputy/Deputy/Assistant Director regardless of whether those individuals are named in the grievance.

5. Receipt of the appeal shall be acknowledged or rejected within five (5) working days unless a response can be provided within five (5) working days to the grievance signed by the Chief Deputy/Deputy/Assistant Director. The response shall be in written or electronic format.
6. The Chief Deputy/Deputy/Assistant Director will respond to the inmate concerning the decision within thirty (30) working days unless there is an extension or the appeal is rejected and the inmate is notified of the reason for rejection on the Acknowledgment of Grievance Appeal/Rejection of Appeal form (see Attachment V). A decision or rejection of an appeal at this level is the end of the grievance process. The response shall be in written format.
7. If a grievance appealed is a duplicate of one previously appealed by the inmate with regard to the staff member named, the date of the incident, and the subject of the grievance, the inmate will be sent an Acknowledgment of Grievance Appeal/Rejection on Attachment V, and it will be noted as "Duplicate of _____" and the earlier grievance number will be filled in the blank; the duplicate will be returned to the inmate with the Attachment V.
8. The Grievance Extension Form will be used in cases where a longer period is required for a response or resolution of the problem. The inmate shall be notified by the responding authority, in writing, of the reason for the delay and its expected length on the Grievance Extension Form (see Attachment X). Time limits for responding will be extended automatically upon completion of the Grievance Extension Form (Attachment X), unless the inmate disagrees in writing to the extension. If the inmate does not agree to the extension, the inmate understands and agrees that, with that decision, no further action will be taken on the issue, and the grievance appeal will be returned to the inmate without a decision on its merit. By disagreeing with the extension, the inmate waives his or her right to have the grievance issue considered or exhausted. A second or subsequent

extension can be granted only with the approval of the Chief Deputy/Deputy/Assistant Director.

9. The entire grievance procedure should be completed within seventy-six (76) working days unless a valid extension has been executed, or it can be documented that unforeseen circumstances have occurred.
10. Release of the inmate from custody will normally terminate his or her grievance, unless the parties are under court order to exhaust remedies or the grievance highlights a problem that needs to be addressed at the discretion of the Chief Deputy/Deputy/Assistant Director, or designee.

H. Remedies

A grievance with merit will be afforded a reasonable range of meaningful remedies.

1. The responsible authority will review the conditions, policies or practices grieved and take appropriate action.
2. When a higher authority than the responding authority must authorize appropriate action, the lower authority shall note its agreement or disagreement with the inmate and transmit the completed grievance form to the higher authority with notice to the inmate.
3. The Division is to encourage the resolution of grievances found to have merit involving property losses, confiscations or forfeitures through the return of the property or replacement.
4. Errors in record keeping may be corrected and action by the staff or Classification Committees may be modified as appropriate.
5. No grievance should be discussed between or among employees and inmates except as necessary to obtain statements or to resolve the issues.
6. No employee should respond to a grievance that is alleging misconduct by that employee against the inmate unless (a) the inmate still has another step in the grievance process to challenge the conduct, or (b) the inmate's allegation was of indirect misconduct (conduct by omission). Where the inmate is alleging direct misconduct (such as physical abuse) by the employee, the employee shall not respond to the grievance. No employee may respond to a grievance that is alleging sexual harassment or sexual abuse by that employee against the inmate.

I. Allegations of Abuse

Any credible allegation of excessive force, sexual harassment or abuse, assault, or similar physical abuse of an inmate will be forwarded to the Internal Affairs Division for an investigation consistent with Arkansas Division of Correction policies.

J. Abuse of the Grievance Procedure

Abuse of the grievance procedure by inmates will be dealt with in the following manner:

1. Excessive Use of the Procedure

- a. Step One, Informal Resolutions, are limited to five (5) per seven-day period because excessive submissions may cause a delay in processing inmate grievances. The Warden or designee must maintain a record of five (5) submissions each seven-day period before rejecting one from that inmate. Only the first five (5) informal grievances, Step One, will require a response. The seven-day period will begin each Saturday and end on Friday. The submissions that exceed the limit will be marked as "No action necessary-exceeds weekly limit," followed by the staff person's name, signature and date verifying that person verified (1) that five (5) submissions under Step One had already been received from the inmate that seven-day period, and (2) it was not an emergency. A submission rejected under this section shall be returned to the inmate.
- b. Inmates are only allowed to submit three formal grievances, Step Two, each seven-day period which begins each Saturday and ends on Friday. Only the first three formal grievances, Step Two, submitted each seven-day period by an inmate require an investigation and response. This limit includes both institutional and medical or mental health grievances. All other formal grievances will be logged and reviewed to determine if an emergency exists. If it is determined to be an emergency, action will be taken promptly to resolve the issue; however, a written response to the inmate is not required. If no emergency exists, the grievance will be logged out on the same day received, and it shall be written on the Unit Level Grievance Form "No action necessary-exceeds weekly limit," dated and signed. The original grievance will then be placed in the grievance file and no written response will be given to the inmate.

- c. If the formal grievance is regarding a health issue, but exceeds the inmate's limit for weekly submission, the grievance officer will note at the top of the grievance form "EXCEEDS WEEKLY LIMIT." The formal grievance will then be forwarded to the medical or mental health department to determine if an emergency exists. If the medical or mental health departments determine the grievance to be an emergency, the Health Services Administrator or Mental Health Supervisor will ensure that prompt action is taken to resolve the issue; however, a written response to the inmate is not required. If neither the medical nor mental health departments determine the grievance to be an emergency, it will be noted at the top of the grievance form, "not an emergency" beside the "EXCEEDS WEEKLY LIMIT" statement, dated and signed by the Health Services Administrator or Mental Health Supervisor and returned to the Grievance Officer for filing.
- d. If a formal grievance is a duplicate of one previously submitted by the inmate with regard to the staff member named, the date of the incident, and the subject of the grievance, the duplicate grievance will be logged into eOMIS, the inmate will be sent a Rejection of Grievance on Attachment II, and note at the top of the grievance form as "Duplicate of _____" and the earlier grievance number will be filled in the blank; the duplicate will be returned to the inmate with the Attachment II and counted as one of the inmate's weekly submissions.
- e. If the duplicate grievance is regarding a health issue, the grievance officer will forward the logged grievance and Rejection of Grievance Attachment II to medical or mental health to determine if a response is necessary or an emergency exists. If necessary, the Health Services Administrator or Mental Health Supervisor will ensure that prompt action is taken to resolve the issue, and if not, the medical or mental health staff will note at the top, "no response necessary on duplicate," date and sign it, and return both the grievance and Rejection of Grievance Attachment II to the inmate.

2. Frivolous and Vexatious (Provoking or Harassing) Use of the Procedure

- a. A frivolous or vexatious submission at any step will be logged and returned to the inmate with a Rejection form (Attachment II or Attachment V) and counted as one of the inmate's weekly submissions.
- b. A submission is frivolous when it is clearly insufficient on its face to allege an issue or concern and is readily recognizable as devoid of merit and insufficient for resolution or appeal.

- c. A submission is vexatious when it merely agitates, provokes, harasses or irritates by petty provocation and is not designed to lead to any practical result, resolution, or appeal.

3. Use of Threats

An inmate who use the grievance procedure to direct threats at another will have the grievance rejected and copies will be referred to Internal Affairs to consider for referral for prosecution.

4. Malicious Use of the Procedure

Any inmate who knowingly makes false statements in a submission for the purpose of harming another person will have the grievance rejected.

K. Reprisals or Retaliation

1. No inmate shall suffer any threat or action based on his or her appropriate use of, or participation in, the grievance procedure. If an inmate believes he/she has been retaliated against for the use of the grievance procedure, he/she must contact the Warden/Center Supervisor or in a case of alleged retaliation by the Warden/Center Supervisor, the inmate shall contact the appropriate Chief Deputy/Deputy/Assistant Director. Regardless, the inmate must exhaust their remedies through the grievance process.
2. Any reprisal or retaliation by staff is absolutely prohibited and will be dealt with in accordance with the appropriate policy regarding employee conduct and discipline. All personnel shall receive written and oral notice that formal and/or informal reprisals will not be tolerated.

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

3. Once an inmate initiates the grievance process, the process shall be followed through all stages without interference by administrators or employees of the division. Anytime an inmate voluntarily decides to withdraw a grievance, he or she must submit a Grievance Waiver Form (see Attachment IX). The appropriate staff will verify receipt of the waiver in writing.
4. If reprisal or retaliation is suspected or determined after the unit/center investigation, the grievance shall be forwarded to Internal Affairs for further review with all relevant documentation.

L. Records

1. Each designated administrator at each level of response shall collect and systematically maintain records regarding the filing and disposition of grievances. These records will be maintained pursuant to the Division's record retention policy in either hard copy or in a retrievable form, as well as in the inmate's electronic record, and shall be available for inspection as required by law.
2. At a minimum, such records shall include aggregate information regarding the numbers, types and disposition of grievances, as well as individual records of the dates and reasons for each disposition at the formal grievance (Step Two) and appeal stages of the procedure and shall be logged in the electronic offender records system. Such records shall be preserved in accordance with the policy regarding records retention.
3. Records regarding the participation of an individual in grievance proceedings shall not be available for review by any inmate other than the grievant.
4. Grievance records, including statements and testimony provided during the process, are confidential and are not available to inmates. Division personnel other than those directly involved in the grievance process may not have access to the information, unless the person's job requires access to such records.
5. Except as otherwise provided by Arkansas law, grievance records will not be available to non-departmental personnel other than those representing the Division of Correction or providing services such as imaging or destruction of records under an agreement with the Division of Correction.
6. No entries concerning grievances, or an inmate's participation in a grievance proceeding through testimony or submission of evidence, shall be recorded in the inmate's paper institutional file.
7. Only those positions authorized by the appropriate Chief Deputy/Deputy/Assistant Director will have access to the Grievance Tracking Program.

M. Evaluation

1. Monthly, quarterly and annual reports may be generated from the tracking system.
2. Records of staff efforts at problem solving may be considered by supervisors evaluating the performance of staff.

N. Prison Litigation Reform Act Notice

Inmates are hereby advised that they must exhaust their administrative remedies as to all defendants at all levels of the grievance procedure before filing a Section 1983 lawsuit or Claims Commission claim. If this is not done, the lawsuit or claim may be summarily dismissed.

Inmates must attach a copy of the Chief Deputy/Deputy/Assistant Director's response to any petition or complaint; otherwise, the court or commission may dismiss the case.

Inmates are also advised that they shall be subject to paying filing fees in Federal Court pursuant to the Prison Litigation Reform Act.

V. **REFERENCES:**

Prison Litigation Reform Act
Prison Rape Elimination Act

VI. **ATTACHMENTS:**

Attachment I – Unit Level Grievance (Informal Resolution/Formal Grievance/Emergency Grievance)
Attachment II – Acknowledgment of Unit Level Grievance
Attachment III – Warden/Center Supervisor's Decision/Inmate Appeal
Attachment IV – Health Services Response to Unit Level Grievance
Attachment V – Acknowledgment of Grievance Appeal/Rejection of Appeal
Attachment VI – Chief Deputy/Deputy/Assistant Director's Decision
Attachment VII – Grievance Codes
Attachment VIII – Inmate Grievance Investigation Worksheet
Attachment IX – Grievance Waiver
Attachment X – Grievance Extension

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Bart Woodard v ADC 221169
Date: Monday, March 4, 2024 9:59:47 AM
Attachments: [30922 v Woodf](#)
[image001.png](#)

Addition to Exhibit list

Thank you,
-TB



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BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD ([REDACTED])

CLAIMANT

v

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT


RESPONDENT ADDITION TO EXHIBIT LIST

Comes Now the Respondent, Arkansas Department of Correction (ADC), for its Motion,
states:

Exhibit List

1. Internal Affairs review finding¹

Respectfully submitted,



Thomas Burns (02006)
Legal Division
Division of Corrections
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Telephone
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 4th day of March 2024, on
the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Bart Woodard ([REDACTED])
[REDACTED]


Thomas Burns

¹ Due to the very serious nature of the report this document is being filed in camera



From: [Thomas Burns \(DOC\)](#)
To: [Mika Tucker](#)
Cc: [Kathryn Irby](#)
Subject: RE: Bart Woodard v ADC 221169
Date: Friday, March 8, 2024 10:46:05 AM
Attachments: [image.png](#)

Everyone is

Division of Correction
 Central Office
 6814 Princeton Pike
 Pine Bluff Arkansas 71602

-TB

Legal Division
 Arkansas Department of Corrections
 Division of Correction
 870 267-6845-telephone

From: Mika Tucker <Mika.Tucker@arkansas.gov>
Sent: Friday, March 8, 2024 10:44 AM
To: Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>
Cc: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: Re: Bart Woodard v ADC 221169

Hi, Thomas. The Commission is unable to issue subpoenas without these individuals' addresses.

Thanks,
 Mika

From: Thomas Burns (DOC) <Thomas.Burns@arkansas.gov>
Sent: Friday, March 8, 2024 9:50:35 AM
To: Mika Tucker <Mika.Tucker@arkansas.gov>
Cc: Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: Bart Woodard v ADC 221169

Please issue subpoenas for the following individuals

Amanda Pasley
 Adam Seeley
 Maurice Culclager

Jimmy Coleman
Derwin Metcalf

A copy of this email will be mailed to Bart Woodard ADC# [REDACTED]

Thank you,
-TB



Confidentiality Notice: This e-mail message and any attachments is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is for the intended recipient only. If an addressing or transmission error has misdirected this e-mail, please notify the author by replying to it. If you are not the intended recipient you may not use, disclose, distribute, copy, print or rely on this email.

From: [Mika Tucker](#)
To: [Thomas Burns \(DOC\)](#)
Subject: SUBPOENAS: Woodard v. ADC, Claim No. 221169
Date: Tuesday, March 12, 2024 12:57:00 PM
Attachments: [Woodard v. ADC - 221169 - enclosing subp.pdf](#)
[Cotton v. ADC - 221169 - enclosing subp.pdf](#)
[Cotton v. ADC - 221169 - enclosing subp.pdf](#)
[Mason v. ADC - 221169 - enclosing subp.pdf](#)
[Pearson v. ADC - 221169 - enclosing subp.pdf](#)
[Seaton v. ADC - 221169 - enclosing subp.pdf](#)

Hi, Thomas. Please see the attached correspondence.

Thanks,
Mika

Mika Tucker
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201
(501) 682-2818

March 12, 2024

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Mr. Thomas Burns
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602-9411

(via email)

RE: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Mr. Burns,

Enclosed please find subpoenas issued by the Claims Commission for Amanda Pasley, Adam Seeley, Maurice Culclager, Jimmy Coleman and Derwin Metcalf per the ADC's request.

Please contact my office with any questions.

Sincerely,

Mika Tucker

ES: mtucker

Enclosures

**Issued by the
ARKANSAS STATE CLAIMS COMMISSION**

BART WOODARD, Claimant

SUBPOENA

V.

CLAIM NO. 221169

ARKANSAS DIVISION OF CORRECTION, Respondent

TO: Jimmy Coleman
6814 Princeton Pike
Pine Bluff, Arkansas 71602

 X YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

Friday, April 12, 2024**8:45 a.m.****Attendance will be via Zoom (Zoom invitation attached)**

 YOU ARE COMMANDED to appear at the place, date, and time specified below to testify in the taking of a deposition in the above case.

 YOU ARE COMMANDED, at the time of trial, hearing, or deposition described above, to produce and permit inspection and copying of the following documents or objects (list documents or objects):

 YOU ARE COMMANDED, no more than 3 business days after receiving this subpoena, to produce and permit inspection and copying of the following documents or objects (list documents of objects):



March 8, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Commission hearings

Time: Apr 12, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/82782163487?pwd=5TCq8oMYHTLbXd3r8t5pM1bWFVC7Ue.1>

Meeting ID: 827 8216 3487

Passcode: HN5va3

Dial by your location

- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US

Meeting ID: 827 8216 3487

Passcode: 818416

Find your local number: <https://us06web.zoom.us/j/kg62m2q3R>

PROOF OF SERVICE

 SERVED ON (Print Name)

 DATE

 PLACE

 MANNER OF SERVICE

 SERVED BY (Print Name)

 TITLE

DECLARATION OF SERVER

I declare, under penalty of perjury under the laws of the State of Arkansas, that the foregoing information contained in the Proof of Service is true and correct.

 Executed on

 DATE

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 ADDRESS OF SERVER

NOTICE TO PERSONS SUBJECT TO SUBPOENAS

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**Issued by the
ARKANSAS STATE CLAIMS COMMISSION**

BART WOODARD, Claimant

SUBPOENA

V.

CLAIM NO. 221169

ARKANSAS DIVISION OF CORRECTION, Respondent

TO: Maurice Culclager
6814 Princeton Pike
Pine Bluff, Arkansas 71602

 X YOU ARE COMMANDED to appear at the Arkansas State Claims Commission at the place, date, and time specified below to testify in the above case.

Friday, April 12, 2024**8:45 a.m.****Attendance will be via Zoom (Zoom invitation attached)**

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March 8, 2023

Kathryn Irby, Director
Arkansas State Claims Commission
101 East Capitol Avenue, Suite 410
Little Rock, Arkansas 72201

Date

Kathryn Irby -- Claims Commission is inviting you to a scheduled Zoom meeting.

Topic: Commission hearings

Time: Apr 12, 2024 09:00 AM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/82782163487?pwd=5TCq8oMYHTLbXd3r8t5pM1bWFVC7Ue.1>

Meeting ID: 827 8216 3487

Passcode: HN5va3

Dial by your location

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- +1 719 359 4580 US
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**Issued by the
ARKANSAS STATE CLAIMS COMMISSION**

BART WOODARD, Claimant

SUBPOENA

V.

CLAIM NO. 221169

ARKANSAS DIVISION OF CORRECTION, Respondent

TO: Derwin Metcalf
6814 Princeton Pike
Pine Bluff, Arkansas 71602

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**Issued by the
ARKANSAS STATE CLAIMS COMMISSION**

BART WOODARD, Claimant

SUBPOENA

V.

CLAIM NO. 221169

ARKANSAS DIVISION OF CORRECTION, Respondent

TO: Amanda Pasley
6814 Princeton Pike
Pine Bluff, Arkansas 71602

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**Issued by the
ARKANSAS STATE CLAIMS COMMISSION**

BART WOODARD, Claimant

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TO: Adam Seeley
6814 Princeton Pike
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ASCC

SNU Legal Use Only

Bart Woodard

Arkansas
State Claims Commission

MAR 13 2024

RECEIVED

RYT CASE #221169 Woodard-V-ARK Div. of Corr.

ARK ST CLAIM Commission
 101 EAST CAPITOL AVE STE 410
 LITTLE ROCK AR 72201-3823

DEAR COMMISSION MEMBERS AND MS TUCKER &
 MS IRBY

THIS IS A POST DEADLINE LETTER TO THE
 ABOVE NOTED AND ATTY THOMAS BURNS
 I WAS UNAWARE OF THE PRE HEARING
 LISTS DUE TO BACK TO BACK EPISODES
 OF WHAT I AM UNWISSE HOWEVER I WENT
 + [REDACTED]

MR. # [REDACTED] AND AGAIN 1.5 WKS
 LATTER SIMPLY UP TO [REDACTED]
 [REDACTED]

BOTH CAUSED MY PROPERTY INCLUDING LEGAL
 WORK TO BE PACKED UP MIXED UP AND
 IN SOME INSTANCES LOST. THIS IS NO
 EXCUSE FOR THE DEADLINE MISS, THIS IS
 THE STATEMENT FOR RECORD THAT ALL EXHIBITS
 I WILL USE HAVE ALREADY BEEN ENTERED

ASCC

SNU Legal Use Only

into the record as exhibits therefore can be called without being listed, Video footage has been introduced by the A.D.C. and therefore makes the Video footage Admissable without being listed on this CLAIMANT exhibit and witness List.

This Letter of Notification was a first blush was in this claimants mind to be a Letter of Objection and was to lead into a motion for a time extension. I have spend multiple days, many hours instead making lemonade out of the lemons.

I Bart Woodard who is the CLAIMANT in this CASE # 221169 AND had many reasons with solid evidence to request a time extension, Does not want any type extension and will simply use Exhibits Already Admitted into evidence by both parties AND witness Already given by the A.D.C. therefore this CLAIMANT is ready to try this CASE ON it's ACTUAL merits AND by the Exhibits Already introduced by both parties AND REQUEST A firm HEARING DATE to BE SET AND REQUEST that the Commission ORDER the A.D.C.'s Attorney Thomas Burn's

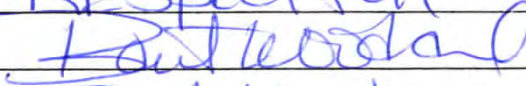
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to forgo any stalling action or delaying tactics that he is known for.

THEREFORE THIS CLAIMANT DOES SIMPLY REQUEST THAT THIS COMMISSION SET A FIRM HEARING DATE AND ALLOW THIS CLAIMANT TO PROCEED AS REQUESTED USING ONLY MERITS, AND ONLY EXHIBITS AS HAS BEEN ALREADY INTRODUCED BY BOTH PARTIES, AND ONLY THE WITNESS AS LISTED WITHIN THE ORIGINAL DOCUMENTS AND ON THE A.D.C.'S WITNESS LIST USING ONLY FOLLOW UP QUESTIONS AS CLARIFICATION OF ADC QUESTIONS AS ALLOWED BY THE COMMISSION.

^{ERROR}
DATE ~~8-10-24~~ 03-08-2024

RESPECTFUL

Bart Woodard

This is a handwritten copy

1 copy to ASCC.

1 copy to AR. Div. Corr. Atty Burns

Bart Woodward ADC # [REDACTED]

CLAIMANT

Arkansas
State Claims Commission

- V -

CASE # 221169

MAR 13 2024

ARK DEPT of CORRECTION
DIVISION of CORRECTIONRECEIVED
RESPONDENT

FIRST SET OF RESPONSES TO THE
INTERROGATORIES AND REQUEST FOR PRODUCTION
PROPOSED TO CLAIMANT;

INTERROGATORY NO 1. PLEASE LIST ALL
WITNESS YOU MAY CALL IN RELATIONSHIP TO THIS
MATTER, AND A SYNOPSIS OF THEIR EXPECTED
TESTIMONY.

NO 1 INTERROGATORY RESPONSE: THIS CLAIMANT
DOES NOT INTEND TO CALL ANY WITNESS
OTHER WHAT THE A.D.C. HAS LISTED

REQUEST FOR PRODUCTION NO 1 PLEASE ATTACH
A COPY OF ANY DOCUMENTS YOU PLAN TO INTRODUCE
IN ANY HEARING OF THIS MATTER.

NO 1 RESPONSE TO DOCUMENT PRODUCTION: THE
ONLY DOCUMENT THIS CLAIMANT WILL USE ARE THE
DOCUMENT ALREADY ON THE RECORD.

RESPECTFULLY
BOW

ORCU LEGAL USE ONLY

CERTIFICATE OF SERVICE

I BART WOODWARD A.D.C. # [REDACTED] do hereby
declare, swear, and affirm that on the day
8 and month of MARCH and in the year of our
Lord 2024 I did with the proper postage
attached, placed in the ADC MAIL BOX
(provided by the ADC in order for inmates to
mail their mail via the U.S.P.S.) the address
of which the mail was going is ASCC 101 EAST
CAPITOL AVE STE 410 L.R. AC 722013803. This I do
declare understanding that false statements
will subject me to penalties for perjury.

3 pages of Document of Notification

DATE 03-08-2024

[Signature]
Signature
BART WOODWARD

MAR 30 2024

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Bart Woodard ADC# [REDACTED] CLAIMANT

-V- CLAIM #221169

ARKANSAS DEPARTMENT
OF CORRECTIONS

RESPONDANTS

CLAIMANT'S DECLARATION
RELATED TO
STATEMENT AND RESTATMENT OF FACTS
FOR CLAIM #221169

THIS CLAIMANT Bart Woodard ADC# [REDACTED] STATES for the record that JUDGING from the Respondants Witness List AND Exhibit List AND ALSO what is NOT Provided by the ADC Lawyer Thomas Burns AS Related to documents produced AND what is NEVER MENTIONED by the ADC. Shows that the Atty for the ADC is Attempting to draw the ASCC. Attn. to ONE incident that is 6-23-20.

The Commission will PLEASE NOTE That this Document is provided MORE

2000-01-01

2000-01-01

2000-01-01

MAR 30 2024

RECEIVED

than 7 days prior to the scheduled hearing on April 12 2024 as allowed for under the Commission's Rules. PLEASE SEE RULE 4.7 TITLED EVIDENCE, & EXHIBITS. THERE IS NO NEED for ANY further delays AND THE RULE 4.7 DOES NOT MENTION ANY CONTINUANCES. for USE of this Rule.

- (1) This claim is about the Grievance # SNN20-00189 NOT ABOUT A SINGLE incident that was seen on video 6-23-20 but is about the (4+) four plus months that this CLAIMANT WAS COERCED, AND THREATENED AND LIVED IN A CONSTANT FEAR THAT HE WOULD BE ED

NO there was NOT A WEAPON OF ANY type held to this CLAIMANT's throat! HOWEVER the threats of harm or EVEN

RECEIVED
MAR 3 0 2024
BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF AGRICULTURE

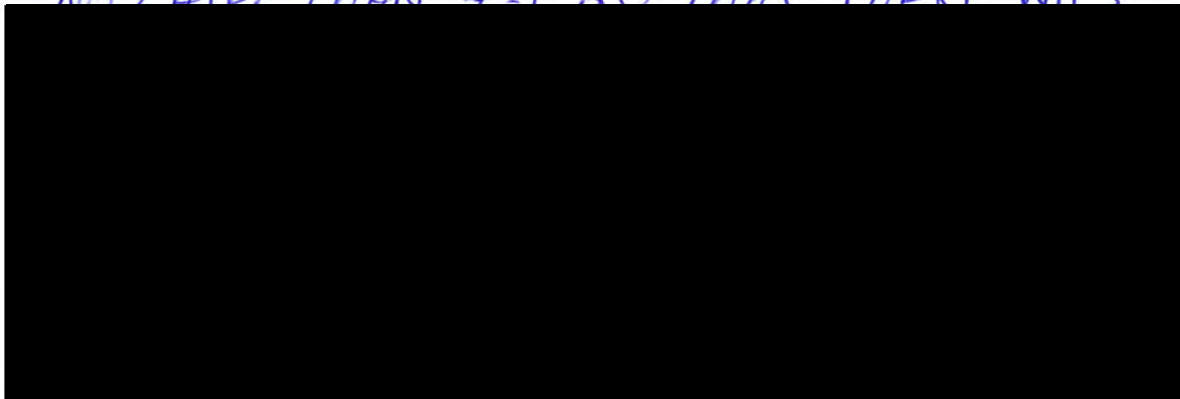
(2) This CASE/CLAIM 221169 is ALSO ABOUT THE ADC'S FAILURE TO PROPERLY TRAIN & SUPERVISE ITS OFFICERS ON POST. THE ADC HAS FAILED TO ENFORCE ITS OWN RULES FOR ITS OFFICERS. THE CLAIMANT STATES THAT PER THE ADC'S OWN AD 15-29 THERE IS TO BE TRAINING IN SEVERAL AREAS INCLUDING BUT NOT

ADC APPEARS NOT HAVE BEEN EITHER EFFECTIVE OR ENFORCED BECAUSE THIS CLAIMANT SHOULD NOT HAVE BEEN A VICTIM FOR 4 MONTHS, THERE ARE PLENTY OF CAMERAS THAT SHOW THE 1 & 2 CUBE IN HOTEL THIS IS A KNOWN FACT BECAUSE THE ADC KNEW WHO WHAT AND WHEN ON THE 4 VIDEO THAT ARE ON THEIR EXHIBIT LIST.

(3) THIS CLAIMANT WOULD NOTE FOR THE ASCC THAT THE DATE 6-23-2020 IS WHAT THE ADC IS KEYED ON WITH THEIR VIDEO THE GRIEVANCE # SSN20-00189, ALSO LIST THE 4

THE SPOILATION OF VIDEO FOR THOSE 4 MONTHS IT IS THE 6,23,2020 AND THE OTHER 4 MONTHS

OF VIDEO THAT SHOULD HAVE BEEN SAVED AND MADE AVAILABLE FOR THE COMMISSION MEMBERS DUE TO THE FACT THAT THE ADCIA DEPARTMENT AND THE [REDACTED] KNEW NO LATER THAN 7-9-20 THAT THERE WAS



1 MONTHS SHOW NOTHING INCLUDING WARDENS ON RACK 2 CUBE 1 & 2 SIT DIRECTLY ACROSS FROM THE SHOWER, SINK, TOILET AREA. ONE WOULD HAVE TO BE BLIND NOT TO SEE SOMETHING WHILE LEAVING THE REST ROOM AREA. WHEN LEAVING THE TOILET AREA WALKING TO THE SINK AREA IT IS A MUST TOO GET TO THE SINKS TOO LOOK DIRECTLY INTO CUBE 1 & 2 AND 3 & 4. SO OVER A (4) FOUR MONTH TIME FRAME THERE IS 100% NO CHANCE THAT NO ONE SAW WHAT WAS HAPPENING, OUT OF 44 OTHER INMATES NITE AFTER NITE AND NO ONE WOULD REPORT THIS.

(4) THE COMMISSION CAN AT ANYTIME LOOK AT A INMATE'S JACKET AND SEE

WHAT AND HOW MANY MAJOR DISCIPLINARY
LW. HAS HAD OVER HIS 40 PLUS YEARS
IN THE A.D.C. THIS CLAIMANT KNOWS
THERE IS NO WAY FOR THIS INMATE TO
EVER SEE SAID JACKET THEREFORE CLAIMANT
NEVER FILED A MOTION FOR VIEWING
LW'S DISCIPLINARY HISTORY.

(5) IF THE COMMISSION WOULD PLEASE
ALLOW, THIS CLAIMANT TO POINT OUT THE
GRIEVANCE #SSN20-00189 WHICH IS THE
VEHICLE THAT BROUGHT THIS CLAIM TO THIS
POINT, IS EXHAUSTED PLEASE SEE THE
ATTACHED EXHIBITS #2 #3 #4 FROM THE
ORIGINAL FILING. THE CLAIMANT ALSO WOULD
HAVE THE COMMISSION NOTE THAT THE
ATTY. THOMAS BURNS SUBMITTED UNDER
THE EXHIBITS ONLY THAT RELATE TO 62320
THE MAJOR DISCIPLINARY WAS ADMITTED
HOWEVER THE MAJOR DISCIPLINARY WAS NEVER
TAKEN TO COURT AND CLAIMANT WAS NEVER
FOUND GUILTY OF THE CHARGES, THE ADC
ALSO PUT A RESTRICTIVE HOUSING PLACE-
MENT SHEET IN THE EXHIBIT LIST AND
PUT THE SAID SAME IN EXHIBITS, THERE
IS NO JUDICIAL VALUE TO THAT EXHIBIT
IT IS SIMPLY THERE TO INFLAME THE
COMMISSION AGAINST THE CLAIMANT AND
THE FORM IS NOT SIGNED. THEN THE

ADC Submits the ASSESSMENT/Retaliation STATUS CHECK LIST Page 32 of 32. This EXHIBIT #9 is AGAIN NOT OF ANY JUDICIAL VALUE AND IF INFACT it WERE to HAVE SOME JUDICIAL VALUE THE ADC FAILED to PLACE L EDWARDS ON their WITNESS LIST BECAUSE it is SHE that filled this form AND it is SHE that should be AVAILABLE FOR QUESTIONS.

(6) THE COMMISSION WILL ALSO NOTE THE LACK OF CLAIMANTS GRIEVANCE ON THE EXHIBIT LIST FOR THE RESPONDANTS (GRIEVANCE # SSN-20-00189), CLAIMANT HAS INCLUDED A COPY OF SAID SAME LISTED AS EXHIBIT #6. THIS EXHIBIT SHOWN AS EXHIBIT FOR COMMISSIONS TO SHOW THAT THE INCIDENT FROM 6-23-20 IS ONLY STATED 1 TIME ON LINE (3) THE REST OF THE 12 TO 13 1/2 LINE'S FOCUS ON

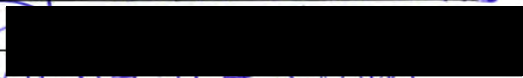
PARTS OF DOCUMENTATION PRESENTED IS TO MAKE THE ATTENTION ON 6-23-20 ONLY AND HOPE EVERY ONE WILL ONLY SEE THE 1 INCIDENT, HOWEVER 6-23-20 IS THE END OF A NIGHTMARE OF 4 MONTHS BUT

ANT WOULD ALSO NOTE THAT THE RESPONDENTS ATTY. FAILED TO INCLUDE (2) OTHER VERY KEY EXHIBITS THAT WOULD DEMONSTRATE JUST HOW FAR THE ADC IS WILLING TO GO TO AVOID ANSWERING VALID INTERROGATORIES AND ALSO WERE REQUEST FOR ADMISSION ARE CONCERNED THE RESPONDENTS WILL SIMPLY TELL UNTRUTHS AND HALF TRUTHS TO KEEP THIS CLAIMANT AND THE COMMISSION FROM GETTING AT THE TRUTH OF THE MATTER AS RELATED TO THE ISSUES AS RELATED IN THE GRIEVANCE SNN 20-00189. PLEASE FIND THE EXHIBITS # EXHIBIT #7 & #8

(7) #16 ON RESPONDENTS EXHIBITS LIST [REDACTED] FOR THIS TO BE INCLUDED ON THE ADC'S EXHIBITS LIST WAS A BOON FOR THIS CLAIMANT. THIS CLAIMANT RESUBMITS THE AD 15-29 [REDACTED] FOR HIS EXHIBIT #9 PAGES 1-32 FOR THE CLAIMANTS EXHIBIT #9 THE COMMISSION WILL PLEASE NOTE PG I II EXPLANATION, SEE HIGHLIGHTED AREA ALSO III APPLICABILITY SEE HIGHLIGHTED AREA. NOTE IV DEFINITIONS H SUBSECTION (I) HIGHLIGHTED PLEASE SEE V SPECIFIC DEFINITION [REDACTED] SUBSECTION (I) AND SUBSECTION b SEE HIGHLIGHTED AREAS. NEXT

THE COMMISSION WILL PLEASE NOTE THE



(8) THE COMMISSION WILL PLEASE SWITCH back to the ADC, "RESPONDENT WITNESS AND EXHIBIT LIST AT THIS TIME. THE COMMISSION SHOULD BE MADE AWARE OF CERTAIN FACTS RELATED TO SEVERAL OF THE WITNESSES ON SAID SAME LIST, #1 CLAIMANT, WHAT EXACTLY RESPONDENTS EXPECT TO GLEAN FROM HAVING ME AS A TOP WITNESS FOR THE RESPONDENTS IS BEYOND MY IMAGINATION BECAUSE EACH AND EVERY WORD OF MY ORIGINAL COMPLAINT IS SWORN TO AND EVERY OTHER WORD ANY WHERE ELSE IS TRUE AND CORRECT AND WILL NOT CHANGE. #2 CLAIMANT HAS NO WITNESS LIST EXCEPT RESPONDENTS WITNESS LIST. #3 MS AMANDA PASLEY WHO IS OR WAS DIVISION OF CORRECTION.  AND IS WHO WROTE THE EXHIBIT #7 FROM THE ORIGINAL COMPLAINT FORM THAT CAUSED THIS CLAIM TO BEGIN. AND IT WAS SHE THAT

WROTE ON SEPT 04-2020 THE WORDS "IN REFERENCE TO THE ABOVE LISTED GRIEVANCE (SNN20-00189), THIS ALLEGATION WAS INVESTIGATED AND FOUND TO BE SUBSTANTIATED ON 08-07-2020) END QUOTE THE DEFINITION OF SUBSTANTIATED IS AS FOLLOWS "VERIFY, PROVE, HAVING SUBSTANCE. REAL". USING THE MERRIAM-WEBSTER DICTIONARY COPY WRITE 2016 ISBN# 978-0-87779-295-6. THEREFORE THIS CLAIMANT FAILS TO SEE THE REVELANCE OF THIS WITNESS, OTHER THAN TO IMPEACH THE ADC'S OWN WITNESS.

(9) #FOUR (4) RESPONDENTS WITNESS LIST IS THE EX LT ADAM SEELEY, THIS ADC WITNESS IS THE ONE WHO PERFORMED THE (2ND) SECOND INVESTIGATION RELATED TO THE SINGLE INCIDENT ON 6-23-20 WHICH HE DID SO ON 6-30-20 THIS IS APPROX SEVEN DAYS (7) LATER THAN 6-23-20 THE ABOUT 2-3 DAYS LATER IS WHEN CLAIMANT WAS ABLE TO GET AND WRITE AND GET SGT SMITH TO SIGN A GRIEVANCE RELATED TO THE 4 MONTH LONG ORDEAL.

AT THAT TIME (WITHIN 24 HOURS) LT SEELEY CALLED ME TO HIS OFFICE I WENT TO HIS OFFICE AND HE AND I TALKED ABOUT THE

DOWN TO ME BY L.W. AND HOW A WHOLE BARRACK'S COULD TURN A BLIND EYE TO WHAT WAS RIGHT IN FRONT OF THEM AND WHY

ORCU LEGAL USE ONLY

NO OFFICER SAW OR STOPPED OR AT THE VERY LEAST ENFORCED THE ADC RULES RELATED TO NO INMATES WERE TO BE ON OTHER CUBES OR ON OTHER RACKS THAN THEIR OWN AT ANY TIME AND MOST IMPORTANTLY AFTER LITE'S OUT.

- (10) THE THEN LT SEELEY DID PLACE L.W. ON A ACTUAL ENEMY ALERT LIST TO PREVENT US BEING IN THE SAME BARRACKS ANY MORE AND THAT IS OK. THE CLAIMANT WOULD LIKE THE COMMISSION TO BE MADE AWARE OF THE FACT THAT APPROXIMATELY 30 DAYS TO 45 DAY AFTER THE LT INVESTIGATED THIS CLAIMANT, THE NOW CAPT. ROSS AND SEVERAL (2) OTHER OFFICERS CAME AROUND AND PULLED THIS

LT IS THIS REASON THAT THIS CLAIMANT OBJECTS TO THIS FORMER LT SEELEY AS A WITNESS FOR THE RESPONDENTS UNDER THE CLEAN HAND THEORY. ALSO THE FACT THAT THE EX LT HAD THE GRIEVANCE IN HAND WHEN WE SPOKE IN HIS OFFICE WHY DID HE NOT DO HIS DUTY AND INVESTIGATE THE FACTS LAID OUT ON THE GRIEVANCE, SEELEY

ORCU LEGAL USE ONLY

WAS INVOLVED IN THIS FROM THE FIRST AND HAD NO PROBLEM WITH FINDING THE 6-23-20 HE COULD HAVE SAVED, FLAGGED OR SIMPLY REVIEWED THE FOOTAGE AT THE TIME FRAMES INDICATED ON THE GRIEVANCE.

(11) WITNESS LIST #5 MAURICE COLCLAGER DEPUTY WARDEN AT THAT TIME, THIS CLAIMANT WITH THE UPMOST RESPECT FOR THIS MAN WILL SUBMIT THE FOLLOWING FOR THE COMMISSION TO MAKE NOTE OF; THE WARDEN CAN NOT LEND ANY VIABLE FACTS TO THE HEARING FOR THE FOLLOWING REASONS (1) HE HAS NEVER VIEWED THE FILM FOOTAGE AT ALL NOT FROM 6-23-20 NOR FROM ANY DATE PRIOR TO THAT DURING THE 4 MONTHS IN QUESTION AND THAT LEADS INTO THE NEXT POINT THE WARDEN IS ON THE WITNESS LIST FOR (1) ONE REASON ONLY AND THAT IS TO CONFIRM THAT HE DEPUTY WARDEN COLCLAGER DID IN FACT INSTRUCT THE THEN LT SEELEY TO CONDUCT AN INVESTIGATION ABOUT 6-23-20 THERE IS NO MEMO HOWEVER ON THE ADC EXHIBIT LIST OF SAID MEMO FROM THE WARDEN TO SEELEY. THEN THERE IS #6 MR JIMMY COLEMAN THE MAJOR (INSIDE) AT THAT TIME HERE AT [REDACTED] IS NO BETTER MAJOR AS FAR AS I KNOW AND AS FAR AS I HAVE HEARD FROM OTHER INMATES WHO HAVE KNOWN THE MAN MUCH LONGER.

ORCU LEGAL USE ONLY

THERE IS NO ACTUAL VIABLE INFORMATION THAT THE MAJOR CAN PROVIDE TO THE COMMISSION, IT IS THIS CLAIMANTS BELIEF THAT THE THEN MAJOR DID NOT VIEW THE FOOTAGE FROM 6-23-20 AND ALSO THIS CLAIMANTS BELIEF THAT IF THE MAJOR HAD VIEWED ANY OTHER FOOTAGE INCLUDING THE 6-23-20 FOOTAGE HE WOULD NOT BE ON THE ADC'S WITNESS LIST. THE ONLY ROLE THE MAJOR CAN PLAY IN THIS SHOW IS TO ACKNOWLEDGE THAT THE MAJOR DID IN FACT SEND THE MEMO TO THE WARDEN RELATED TO FORMER LT SEELEY'S INVESTIGATION. IT IS THIS CLAIMANTS COMPLETE WHOLE HEARTED BELIEF THAT THE MAJOR NOR THE WARDEN LISTED WITHIN THIS DECLARATION HAS EVER SEEN THE FOOTAGE FROM 6-23-20 NOR DID EITHER ONE EVER DIRECT SEELEY TO INVESTIGATE THE GRIEVANCE SNN-2000189. BEC-

TELL YOU, THE COMMISSION AND THE WORLD, THAT YES IT DOES HAPPEN AND IT TIME THAT PEOPLE WAKE

ORCU LEGAL USE ONLY

(12) IF YOU WANT TO CONTROL THEIR BODIES,
YOU NEED TO CONTROL THEIR MINDS
(MAN, THE DEUCE, HBO, SEASON 1, EPISODE 8, MY NAME
IS RUBY)

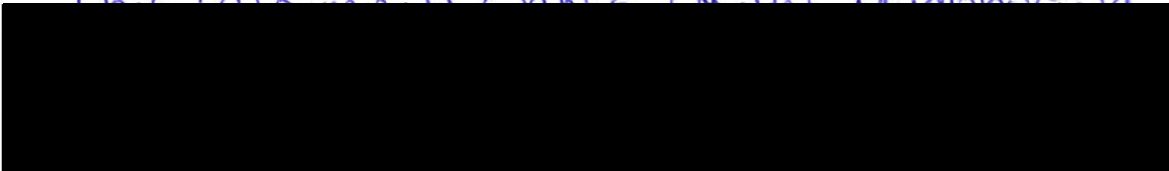
(AN EXCERPT FROM: ALL PEOPLE -V-
ABDUR-RAZZAQ #77 N.Y.S.S. 3d. 842 (NY SCt 2013)
"AN EXCERPT CAN GIVE TESTIMONY REGARDING TAA-

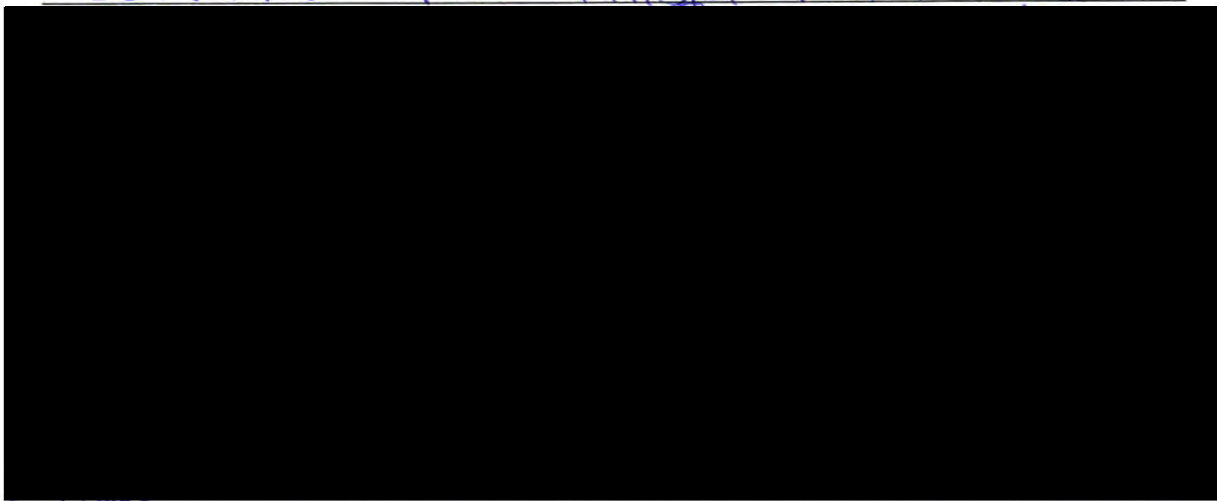
DEFINITION OF PARADOXICAL AS
PER THE MERRIAM-WEBSTER DICTIO-
NARY "ACTION, STATEMENT THAT SEEMS CON-
TRARY TO COMMON SENSE AND YET IS PER-
HAPS TRUE".

THIS CLAIMANT HAS SPENT MANY HOURS
DAYS, WEEKS, MONTHS AND YEARS DEA-
LING WITH THE AFTER MATH OF THIS
ORDEAL THERE IS NOT A DAY THAT
GOES BY THAT I DON'T REMEMBER -

ORCU LEGAL USE ONLY

WHAT HAPPENED TO ME DURING THOSE 4 MONTHS.
THIS CLAIMANT ALLEGES THAT THE FOLLOWING



- (13) THE A.D.C. (RESPONDENTS) CONTROL THE MENTAL HEALTH DEPARTMENT. ALL THE STAFF ARE DIRECTLY EMPLOYED BY THE A.D.C. AND THERE ARE EFFECTIVE MEDICATIONS THAT CAN HELP CONTROL THE PTSD, THAT THIS
- 

- (14) THIS CLAIMANT PRAYS THE COMMISSION TO UNDER RULE 4.7 TITLE EVIDENCE & EXHIBITS ALLOW THIS DECLARATION OF STATEMENT OF AND RESTATEMENT OF FACTS RELATED TO CLAIM NUMBER # 221169, TO BE ENTERED INTO THE CASE FILE TO BE USED AT ANY AND ALL FUTURE HEARING AND OR APPEALS.

AND AS THE RULE 4.7 STATE THIS DOCUMENT;
CLAIMANTS DECLARATION RELATED TO THE STATEMENT AND RESTATEMENT OF FACTS IS PRESENTED BEFORE THE 7 DAYS (AS REQUIRED) TO BOTH THE ARKANSAS STATE CLAIMS COMMISSION AND TO RESPONDENTS ATTORNEY THOMAS BURNS.

(15) I BART WOODARD A INMATE IN THE ARK DEPT OF CORRECTION, A DIVISION OF CORRECTIONS HAVE WRITTEN THESE 15 PAGES OF THIS DOCUMENT AND EVERY PAGE AND EVERY WORD IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE AND RECOLLECTION, TO THIS I DO HERE BY SWEAR, DECLARE AND AFFIRM SO HELP ME GOD?

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

3-27-24

Date

AFFIANT

Subscribed and sworn to before me, a Notary Public, on this 27th day of March, 2024.

CURTIS L. CLARK
NOTARY PUBLIC - STATE OF ARKANSAS
HOT SPRING COUNTY
COMM. #12720874 EXP. AUGUST 25, 2031

Curtis L. Clark

Notary

My Commission Expires 8 / 25 / 2032

← Page 15 of 15

CURTIS L. CLARK
NOTARY PUBLIC - STATE OF ARIZONA
MY COMMISSION EXPIRES 12/31/2011
COUNTY OF MARICOPA

ISSR100

Arkansas Department of Corrections

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: Woodard, Bart Wayne

ADC#: [REDACTED]

Assignment: AM:Unassigned

PM:DCR No Duty

Class: III is being charged by Seeley, Adam V
with code violation(s):

Title: Lieutenant

02-12 Failure to keep one's person OR quarters IN accordance with regulations, OR failure to wear Department-issued ID OR clothing according to center/unit policy.

03-5 Out of place of assignment.

Arkansas

[REDACTED]
[REDACTED]

13-2 Lying to a staff member, including omissions and providing misinformation

MAR 30 2024

Date & Time: 06/30/2020 8:45 PM

RECEIVED

Notice of Charges:

[REDACTED]	
------------	--

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

Signature of Charging Officer

NOTIFICATION:

Officer

[Signature]

Date & Time Notified

7/9/2021

Witness Statements:

No ☒

If yes, list:

[REDACTED]

Inmate's Signature

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

By:

Coleman, Jimmy IV

Date 07/09/2020

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
#1

WILLIAMSON
THE HOUSE OF COMMONS
MAY 19 1954
-COPIES-

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD [REDACTED]

CLAIMANT

v

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT WITNESS and EXHIBIT LIST

Comes Now the Respondent, Arkansas Department of Correction (ADC), for its Motion,
states:

Witness List

1. Claimant
2. Any Witnesses of the Claimant.
3. Amanda Pasley
4. Adam Seeley
5. Maurice Culclager
6. Jimmy Coleman
7. Derwin Metcalf

Exhibit List

8. Incident report summary ✓
9. Memo from Jimmy Coleman to Maurice Culclager ✓
10. [REDACTED]
11. Major Disciplinary violation (Woodard) ✓
12. Restrictive housing placement (Woodard) ✓

EXHIBIT AAA1

13. Condensed health service encounter (Woodard)¹
14. Form 005 in relation to the incident ✓
15. ADC Interrogatory and request for production to Inmate
16. A [REDACTED] ✓
17. AD 2019-34 Grievance policy ✓
18. Four (4) videos to be shown of the incident ✓

Respectfully submitted,



Thomas Burns (02006)
Legal Division
Division of Corrections
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Telephone
thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 1st day of March 2024, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to

Bart Woodard [REDACTED]
[REDACTED]



Thomas Burns

EXHIBIT
AA A2

¹ Pursuant to ADC policy 1164.00 and 1166.00 Inmates are not allowed to have medical records. If the inmate would like to review his medical records he may do so by filing an Inmate Request form with the Warden.

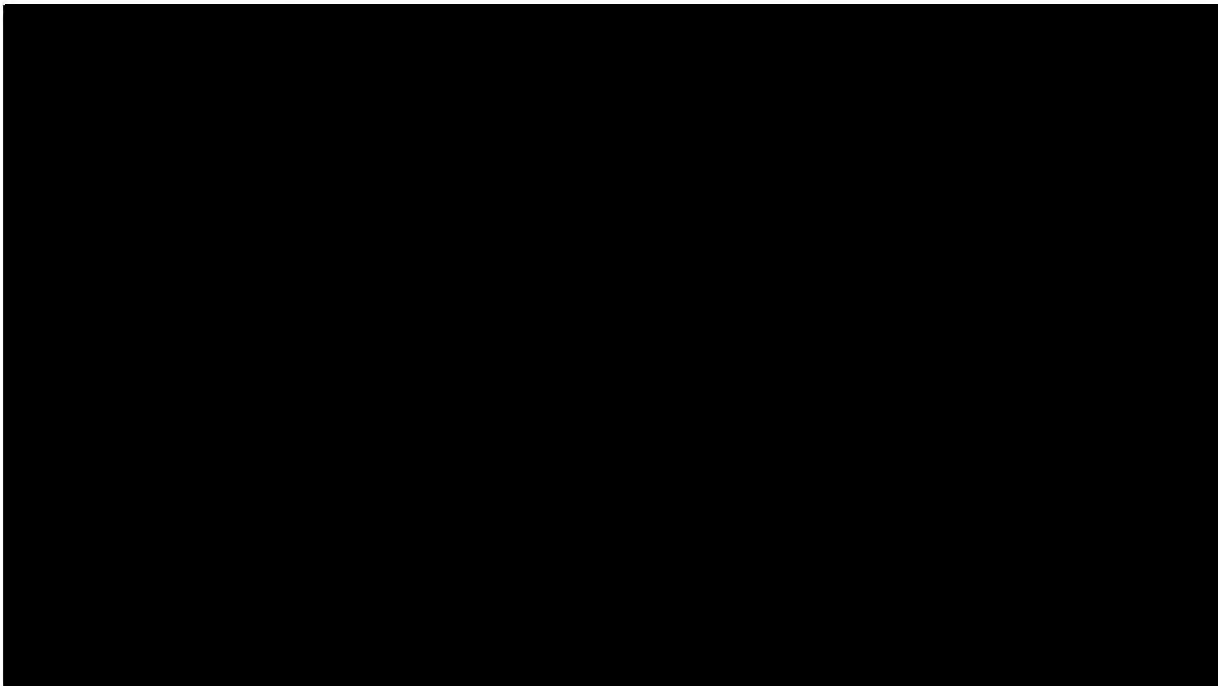
IGTT430
3GD

Attachment VI

INMATE NAME: Woodard, Bart W.

ADC # [REDACTED]

GRIEVANCE#: SNN20-00189



Gary Haffner
Director

9/3/20
Date

EXhibit
#3

TWT FSS
X23456



[REDACTED]
[REDACTED]
[REDACTED]
Phone: 870-267-6405
Amanda.Pasley@Arkansas.Gov

To: Inmate B. Woodard ADC # 119498

From: Amanda Pasley, Division of C [REDACTED]

Amanda Pasley

Date: September 4, 2020

Re: [REDACTED] SNN20-00189

In reference to the above-listed grievance, this allegation was investigated and found to be substantiated on 8/7/2020.

EXhibit #4



** EXHIBIT #2 SENT TO PINE BLUFF 7-19-20 FOR APPEAL*

UNIT LEVEL COMPLAINT (Attachment I)

Unit/Center WOODWARD

Name WOODWARD

Works # INTJ Job Assignment MEDIC

FOR OFFICE USE ONLY

GRV. # SNN20-00189

Date Received: _____

GRV. Code #: _____

of WARD Decs from 7/3 E.A.

(Date) STEP ONE: Informal Resolution 7-2-20

(Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.) 7-6-20

If the issue was not resolved during Step One, state why: EMERGENCY ALTHOUGH IT IS A START BUT WHAT ABOUT THE REST OF THE PROCEDURE AND WHY AM I NOT TESTED AND STILL WORKING

(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 serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why: EMERGENCY SITUATION

Is this Grievance concerning Medical or Mental Health Services? _____ If yes, circle one: medical or mental

BRIEFLY state your complaint/concern and be specific as to the complaint, date, place, name of personnel

But Woodward

Inmate Signature _____ Date 7-2-20

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 7-4-20 (date), and determined to be **Step One** and/or an Emergency Grievance Yes (Yes or No). This form was forwarded to medical or mental health? Yes (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

PRINT STAFF NAME (PROBLEM SOLVER) _____ ID Number 1307 Staff Signature _____ Date Received 7-4-20

Desc EXHIBIT #2 FOR ORIG FILING cluding date EXHIBIT #6 FOR this NEW DECLARATION FILING

Staff Signature & Date Received _____


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: _____

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

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

ADCF-15  www.acicatalog.com

Exhib. #7

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

**ADC RESPONSES TO CLAIMANTS LIST OF INTERROGATORIES FOR
RESPONDENT**

COMES NOW, The Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their responses, state:

INTERROGATORY NO. 1: Is there a ADC wide (all units) policy related to inmates being in another inmates cell/cubicle at any time?

RESPONSE: Objection, this is not a proper interrogatory, this is formed as a request for admission which pursuant to the Rules of Civil Procedure is incorrectly formed

INTERROGATORY NO. 2: Is there not a policy at [REDACTED] for there to be a set of post orders at every hub in housing (4) four (hub is the description for where the officers sit between the (2) barrack where the phone is and where the monitors are (2 monitors in most cases) so the corrections officers can view the camera fees from within the 2 barracks?

RESPONSE: Objection, this is not a proper interrogatory, this is formed as a request for admission which pursuant to the Rules of Civil Procedure is incorrectly formed

INTERROGATORY NO. 3: Is there not a section within the post orders (the post orders that should be at every hub) that relates to the amount of time that must be allowed between all callout and last calls if there is to be 5 minutes between first call chow and last call chow.?

RESPONSE: Objection, this is not a proper interrogatory, this is formed as a request for admission which pursuant to the Rules of Civil Procedure is incorrectly formed.

#7(1)

INTERROGATORY NO. 4: Is there not in the officers post orders a section within those post order that covers the enforcement of the barracks rules?

RESPONSE: Objection, this is not a proper interrogatory, this is formed as a request for admission which pursuant to the Rules of Civil Procedure is incorrectly formed.

INTERROGATORY NO. 5: How often should a correctional officer make security rounds in a barracks?

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violates ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

INTERROGATORY NO. 6: If during a security round the correctional officer finds three inmates in a cubicle what should that correctional officer do the very first time the infraction of barrack rules are noted?

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violets ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

INTERROGATORY NO. 7: Why are there security camera's located is so many places in each barracks?

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violets ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

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INTERROGATORY NO. 8: How are new correctional officers trained to monitor camera fee's and spot issues that are ongoing related to [REDACTED]?

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violets ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

INTERROGATORY NO. 9: Why does the ADC not offer/allow proper medication for the true treatment of PTSD?

RESPONSE: Objection, this is vague and beyond the scope of discovery. ADC does not provide medications and medical personal are not employed by the ADC as they are contractors. The Claimant would be in the better position to get this information for his health services

[REDACTED]

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery. Medical personal are not employed by the ADC as they are contractors. The Claimant would be in the better position to get this information for his health services.

[REDACTED]

[REDACTED]

[REDACTED]

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violates ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

REQUEST FOR PRODUCTION NO. 2: Please provide and attach a copy of the post orders that are placed at every hub, and if providing a copy of such post orders will pose a security risk if a "inmate" has such a top secret document then the legal division, Mr. Thomas Burns, will forward a copy of the post orders to the claims commission as a neutral fact finding body as it is designed to be and this claimant can pose questions to the claims commission, and the commission can decide what is and what is not a security issue.

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violates ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

DATED: February 2, 2023

Respectfully submitted,



Thomas Burns (02006)
Legal Department
Division of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6845 Office
(870) 267-6373 Facsimile
thomas.burns@arkansas.gov

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CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 2nd day of February, 2023, on the Claimant via email, to:

Bart Woodard [REDACTED]
[REDACTED]
[REDACTED]



Thomas Burns

75

Exhibit #8

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ADC RESPONSE TO CLAIMANTS REQUEST FOR RESPONDENTS ADMISSIONS

Comes now, the Plaintiff, Arkansas Department of Correction, (ADC), by and through their attorney, Thomas Burns, and for their Response to Requests for Admissions of Bart Woodward, in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Does the Respondents through and by their attorney admit that this Claimant wrote a grievance on 07-02-20 with the no. SNN20-00189?

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 2: Does the Respondent through and by their attorney admit that the grievance with the no. SNN20-00189 was responded to on 07-13-2020, at which time the Warden stated he himself has forwarded the grievance with the no. SNN20-00189 to the [REDACTED]

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 3: Does the Respondent through and by their attorney admit that upon the completion of the internal affairs investigation that was started by grievance no. SNN20-00189 and included the [REDACTED] and ended with the internal affairs written statement proving Claimants claim and removing doubt that this [REDACTED]

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 4: Does the Respondent through their attorney admit that there are multiple dates of film footage (note that any time the phrase film or film footage is

8A

used it means or can mean video footage, video or digital data or any other term that can or does mean any type of data recorded and stored from any security camera) (with that stated and said disclaimer included within this test) that are stored either on CD or DVD disc or by some type of storage device for electronic data that has been recorded by any camera in place in hotel barracks (the data can also be stored in the data storage type known as the cloud and or other similar storage types) and of those cameras that took that said same film footage at least (1) one of those camera that collected that film footage takes/views films the #1 and #2 cube where the Claimant was [REDACTED] from February 2020 until June 2020.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 5: Does the respondent through and by their attorney regardless of the answer to the admission request #4 admit that there is at least (1) one camera with a direct view into cubicle #1 and 2 without any obstruction and that camera shows a direct and continuous footage on a monitor that sits in the officers hub. (the correctional officer sits at the hub and all the officer has to do is log in their log book and monitor the camera fees and make security round every 30 minutes.)

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 6: Does the Respondents through and by their attorney admit that there existed film/video footage stored/collected or preserved on some type of digital data collection apparatus that showed cubicle #1 and 2 between the dates of February 2020 and through the month of June 2020 and also between the hours of 11pm of Friday nite through the hours of Monday morning each week @3:30 am of the months noted above.

RESPONSE: Deny

8 B

REQUEST FOR ADMISSION NO. 7: Does the Respondents through and by their attorney admit that per barracks rules at no time should any inmate be sitting on another inmates rack and even more so should these rules be enforced after lites out.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 8: Does the respondent through and by their attorney admit that there are post order at each barrack hub and contained within those post orders are the rules and policies which the correctional officers are to enforce and key among those rules and policies are no inmates are to be in another's cubicle nor on another's rack.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 9: Does the Respondents through and by their attorney admit that more training and better enforcement of the current policies along with more supervision of correctional officers by ranking officers would have either prevented this [REDACTED]

[REDACTED]

[REDACTED]

RESPONSE: This is not a proper request as it call for a legal conclusion, as such deny

REQUEST FOR ADMISSION NO. 10: Does the Respondents through and by their attorney admit that the ADC provides the Psychology Department and the members of that department are direct employees of the ADC.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 11: Does the Respondents through and by their attorney admit that the internal affairs investigations that were performed and concluded in the year 2020 were found with merit and determined that this [REDACTED]

RESPONSE: Deny

8c

REQUEST FOR ADMISSION NO. 12: Does the Respondents through and by their attorney admit that Claimant reported the [REDACTED]

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 13: Does the Respondent through and by their attorney admit that upon at least 2 occ the Claimant was [REDACTED] even if all other camera footage is lost misplaced or destroyed that would show and demonstrate that from Feb 2020 through June 2020 Claimant was repeatedly [REDACTED]

RESPONSE: This is not a proper request as it call for a legal conclusion, as such deny

Filed 2nd February 2023.

Respectfully submitted,



Thomas Burns (02006)
Department of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870)267-6845 Office
(870)267-6373 Facsimile
thomas.burns@arkansas.gov

8 D

CERTIFICATE OF SERVICE

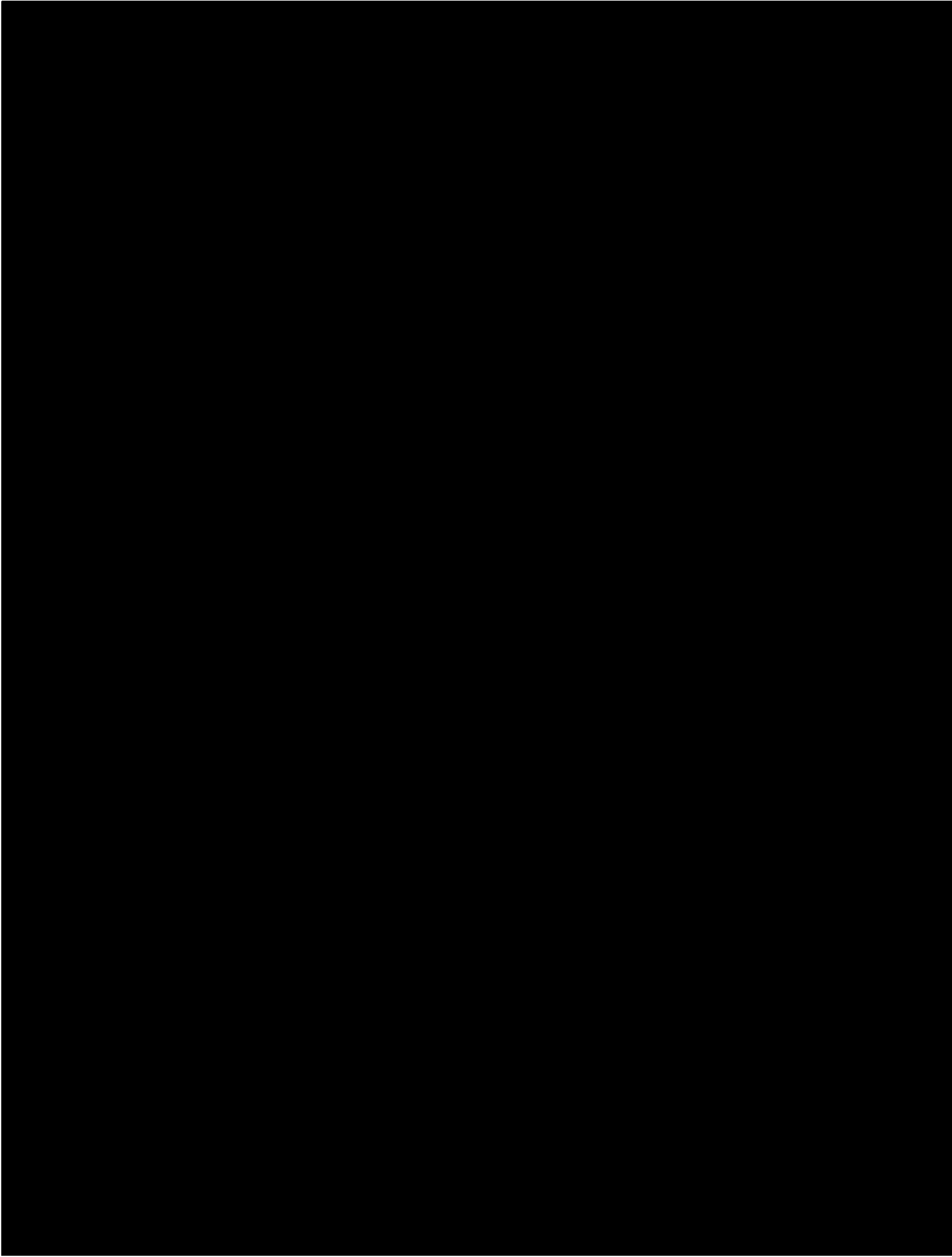
I certify that a copy of this pleading has been served this 2nd day of February 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Bart Woodard [REDACTED]
[REDACTED]
[REDACTED]



Thomas Burns

8E



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] u [REDACTED]
[REDACTED]

[REDACTED]

A [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

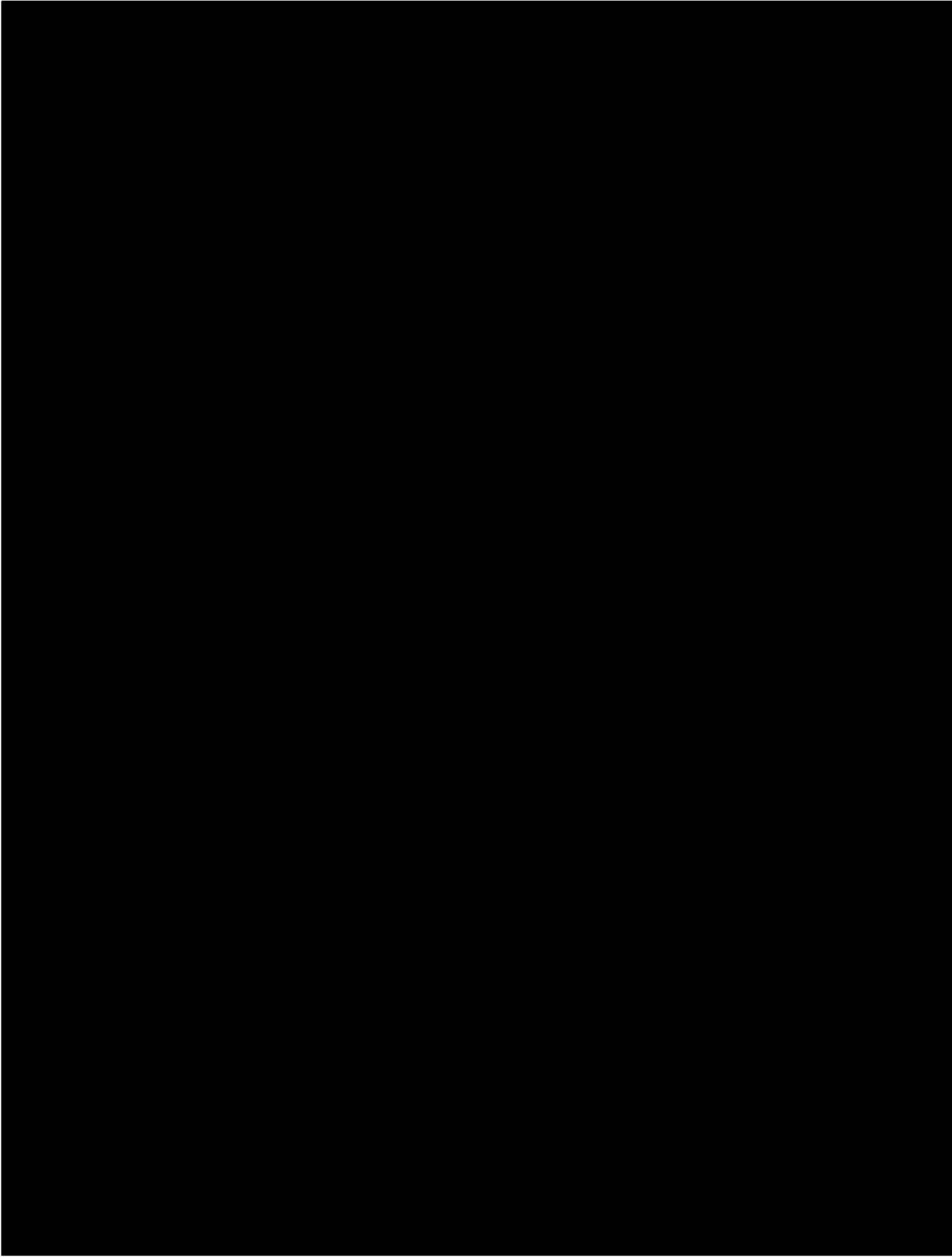
[REDACTED]

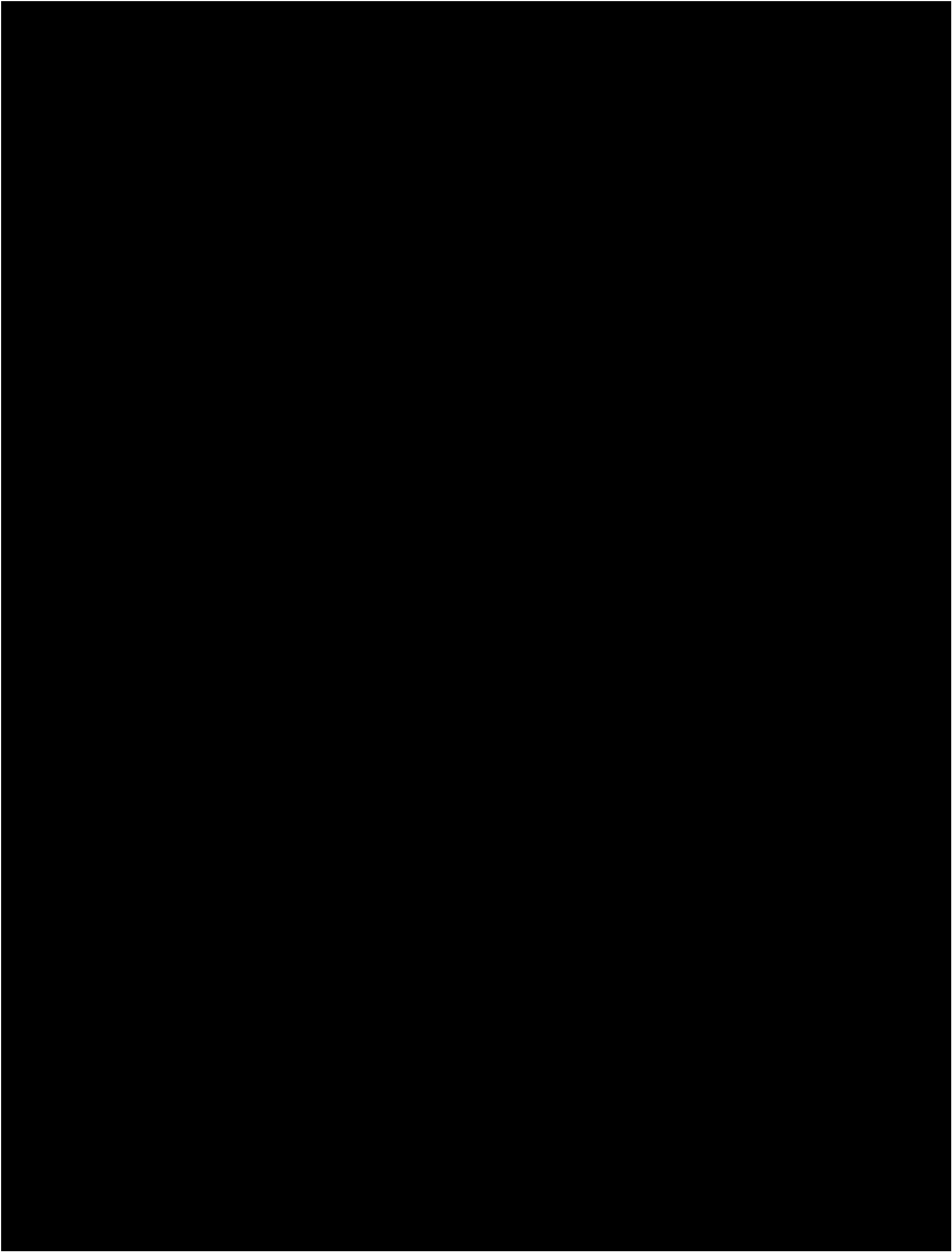
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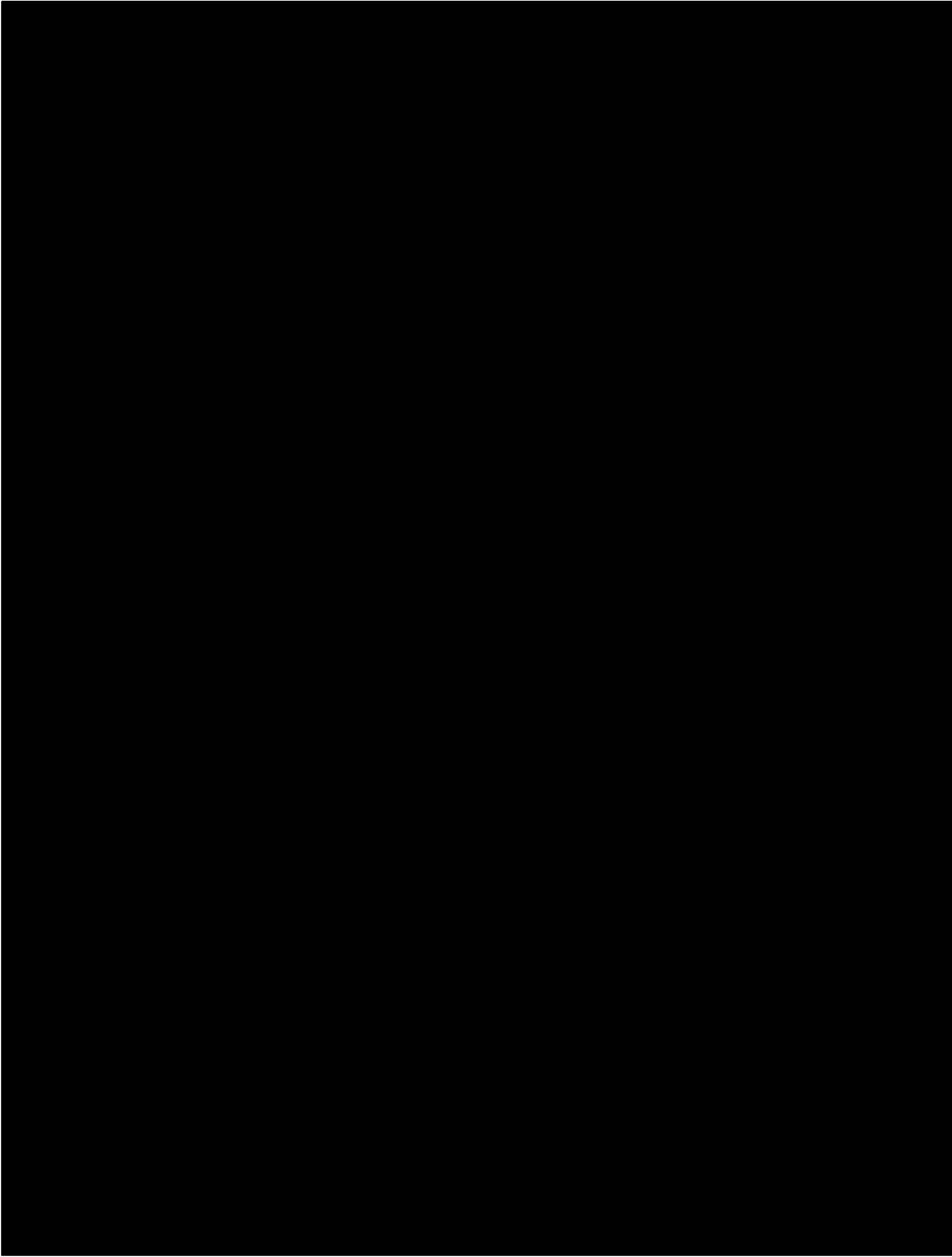
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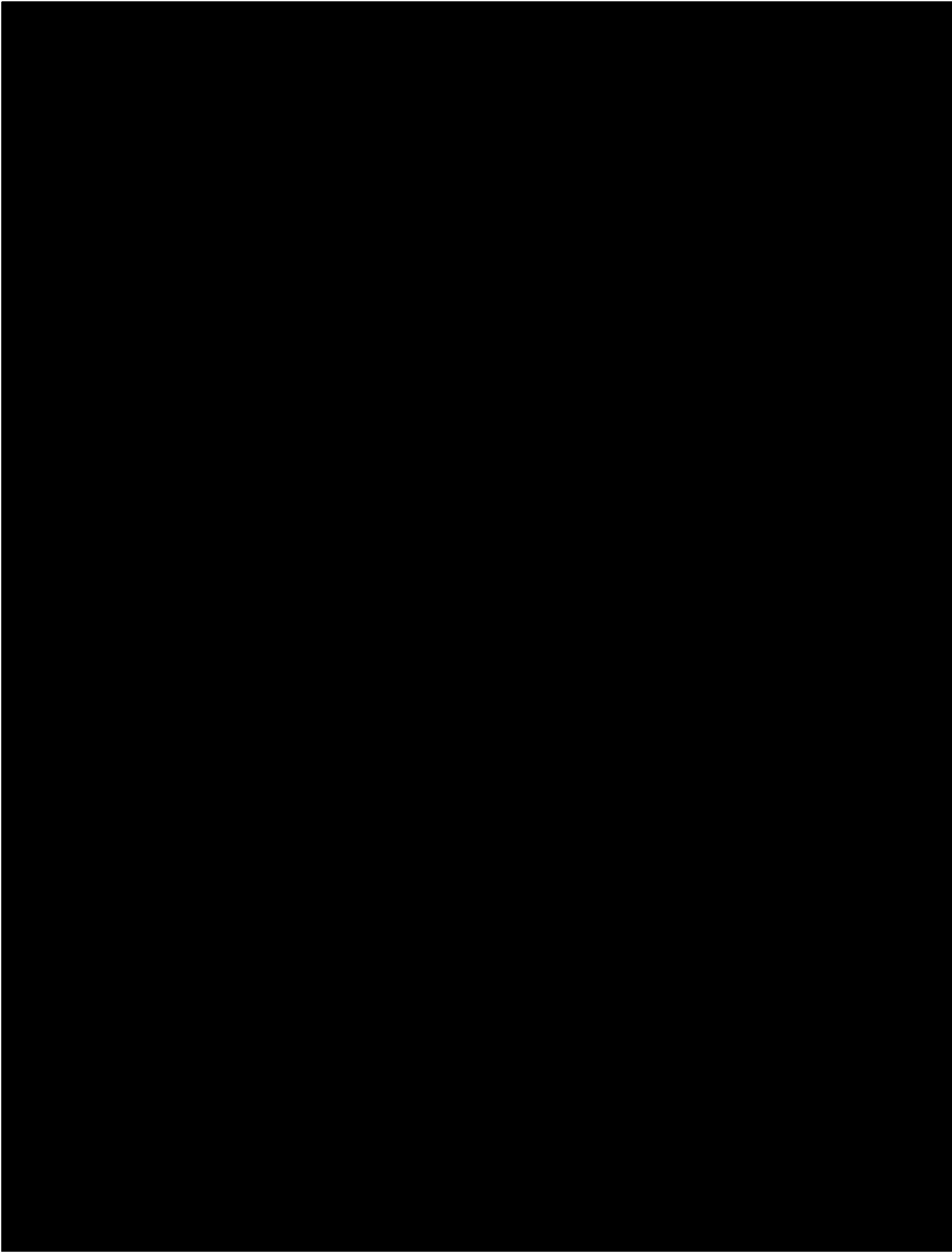
I. [REDACTED]

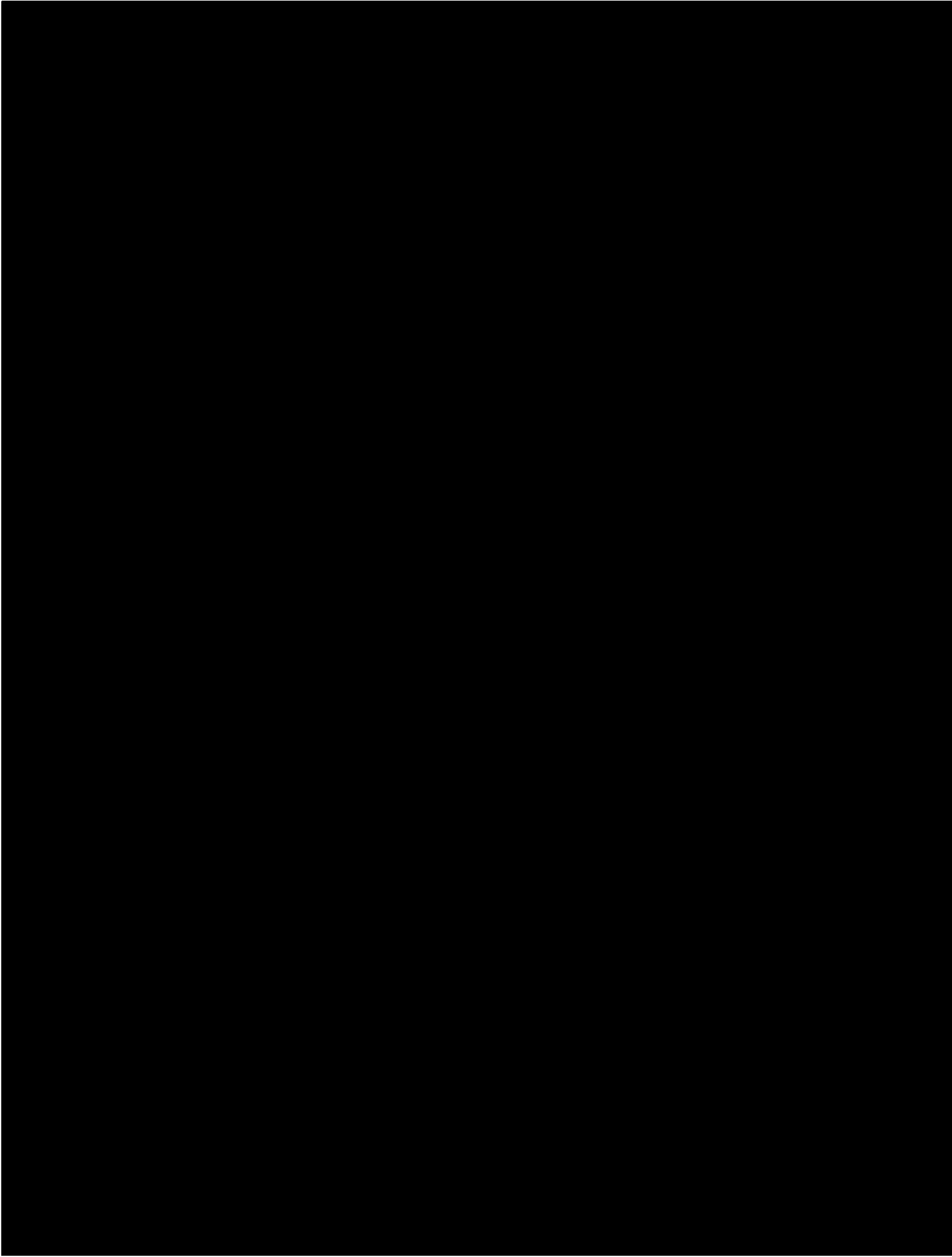
[REDACTED]

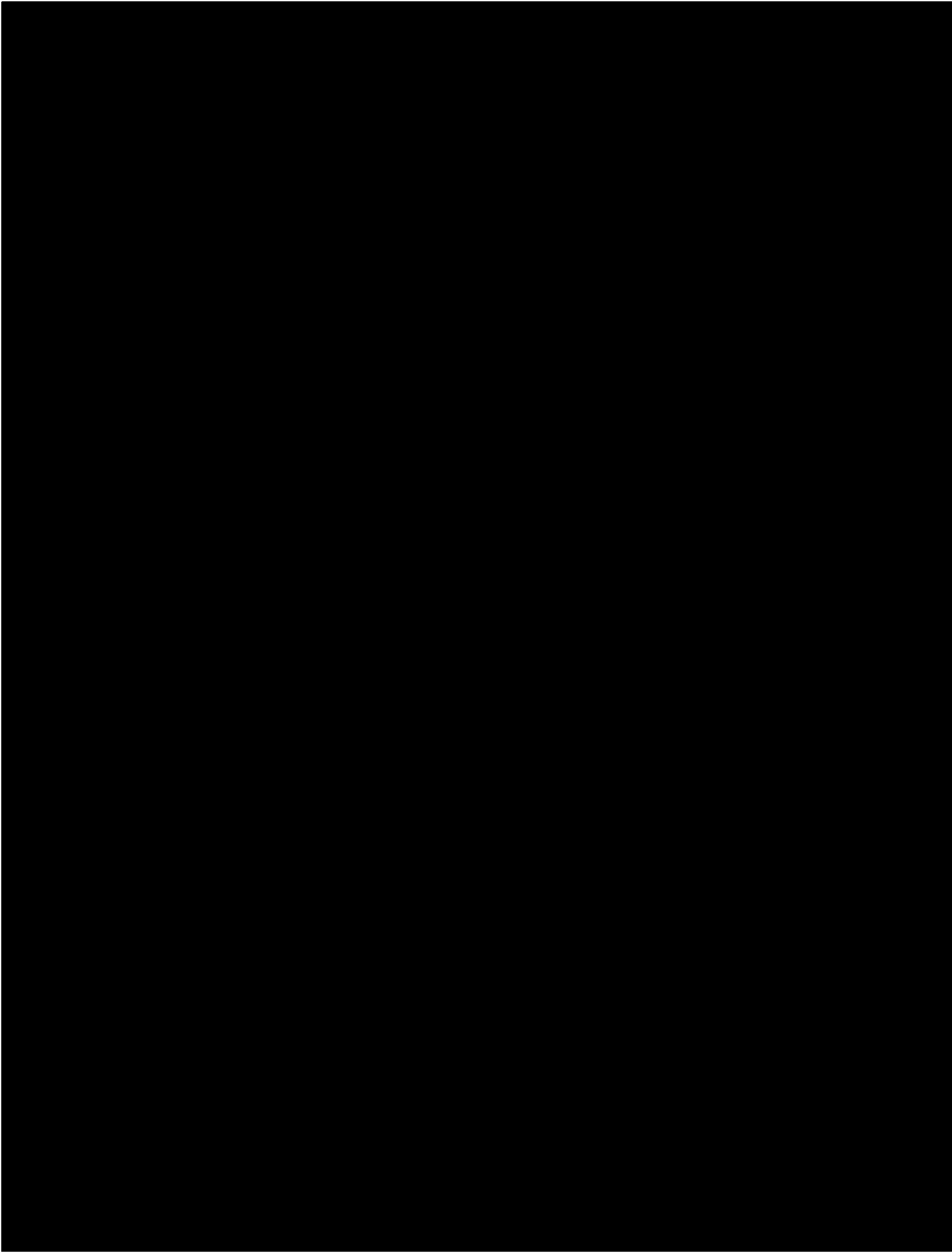


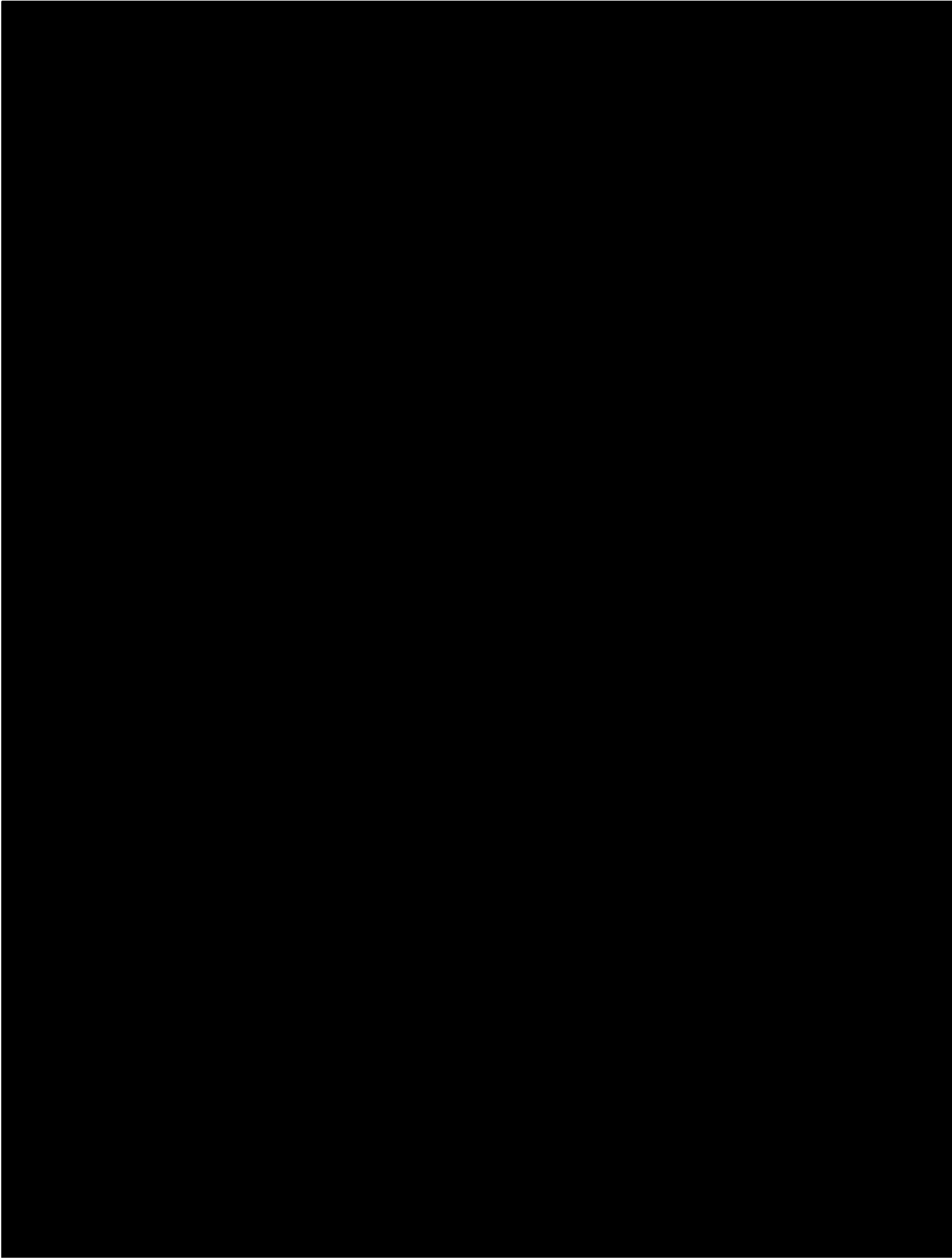


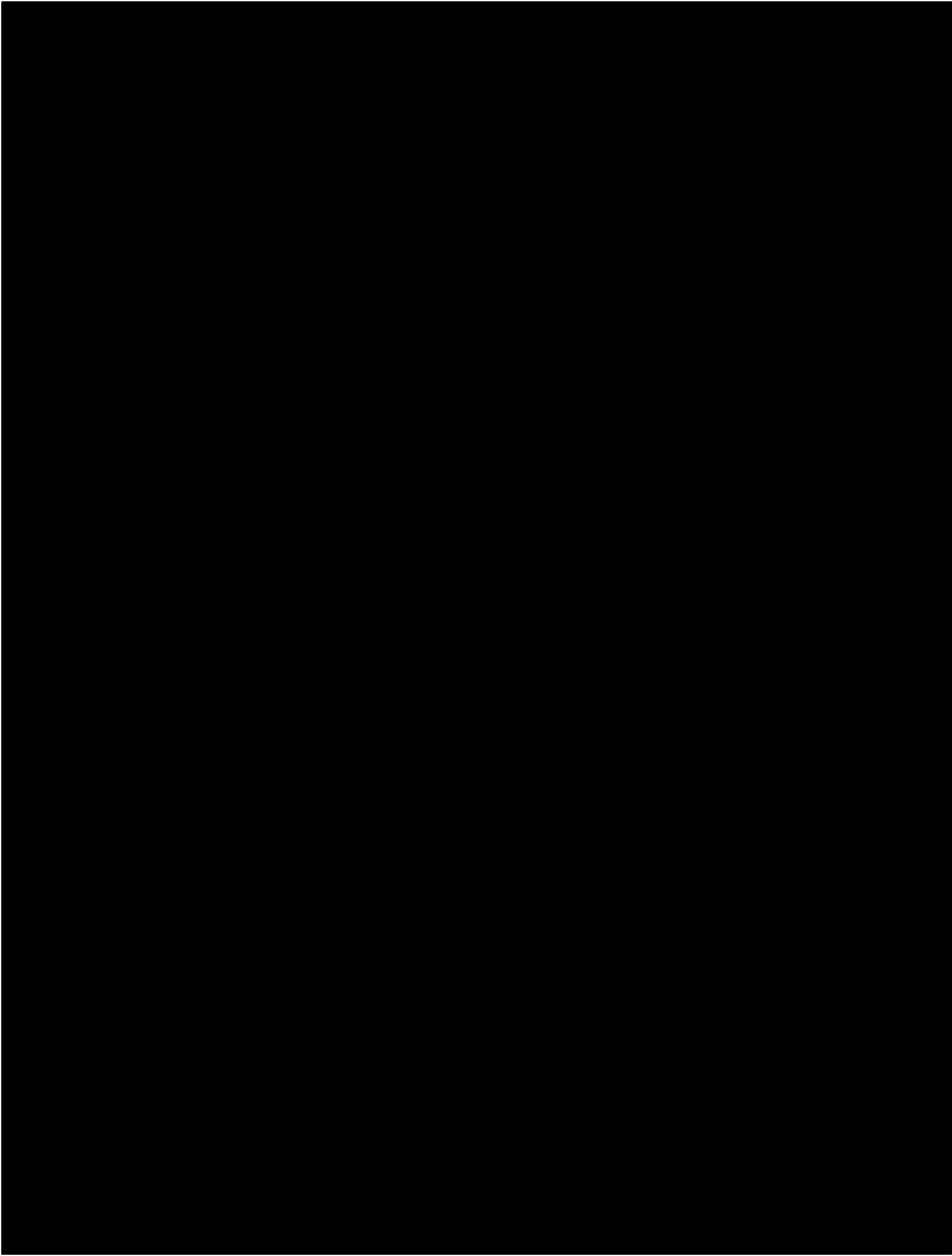


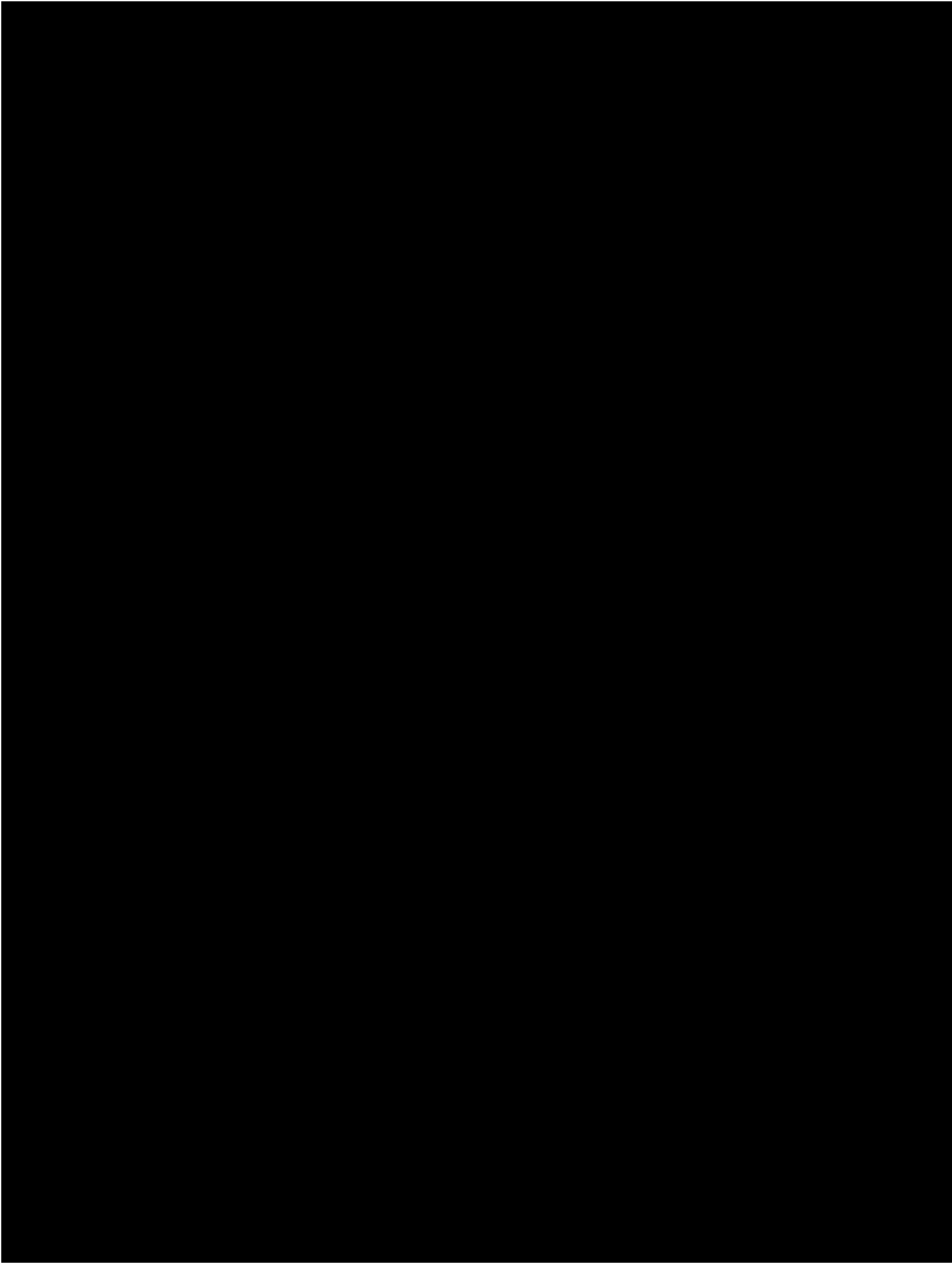


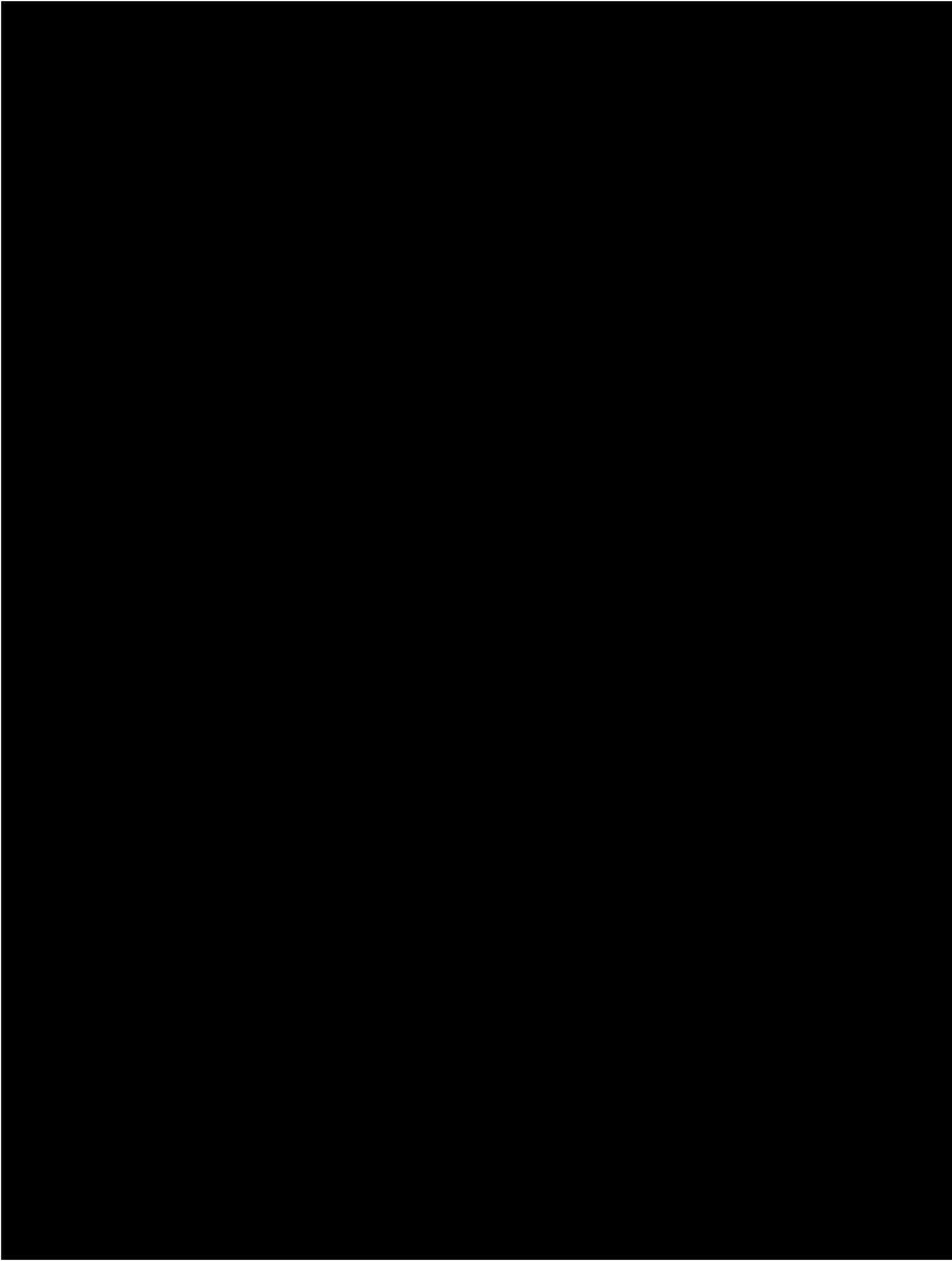


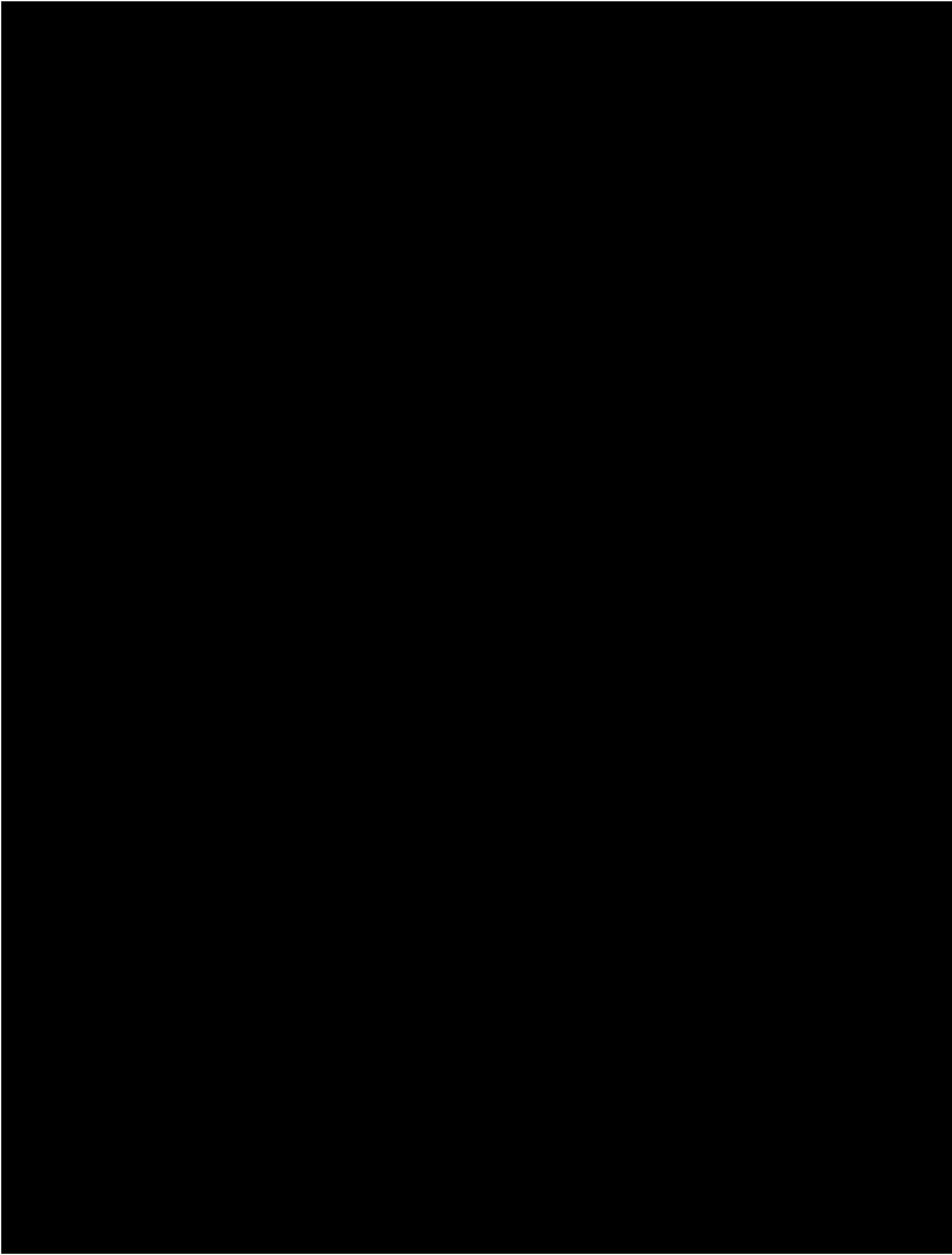


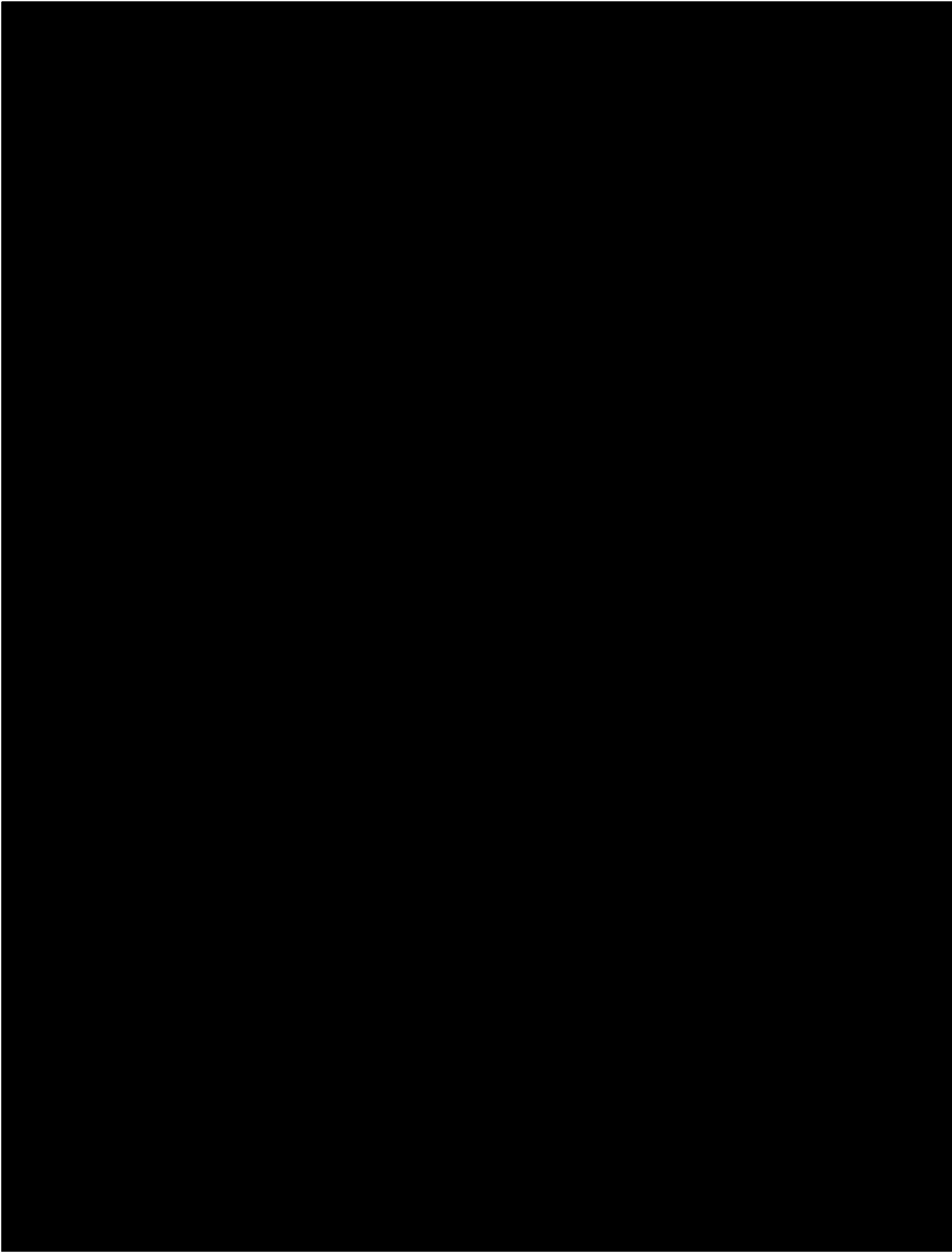


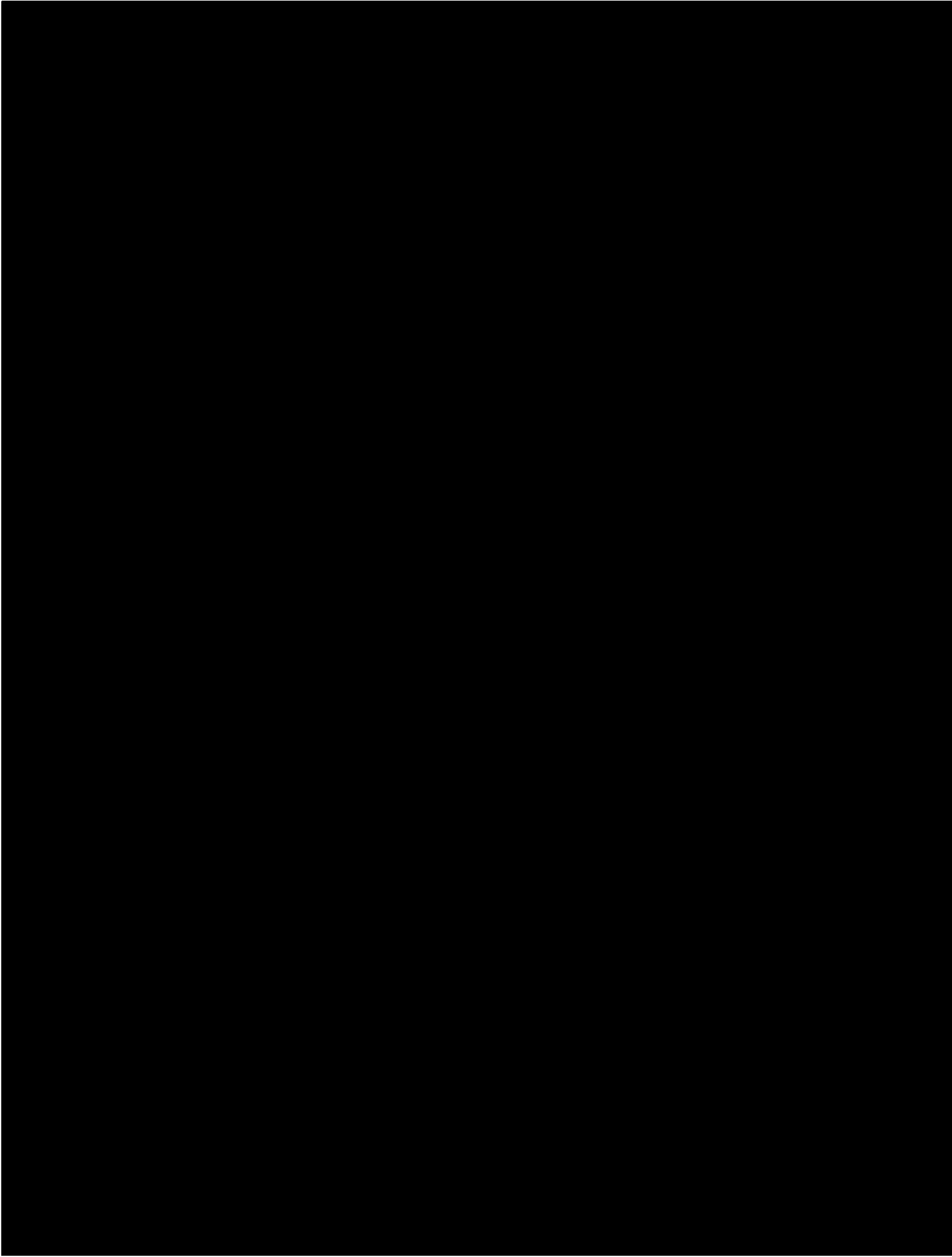


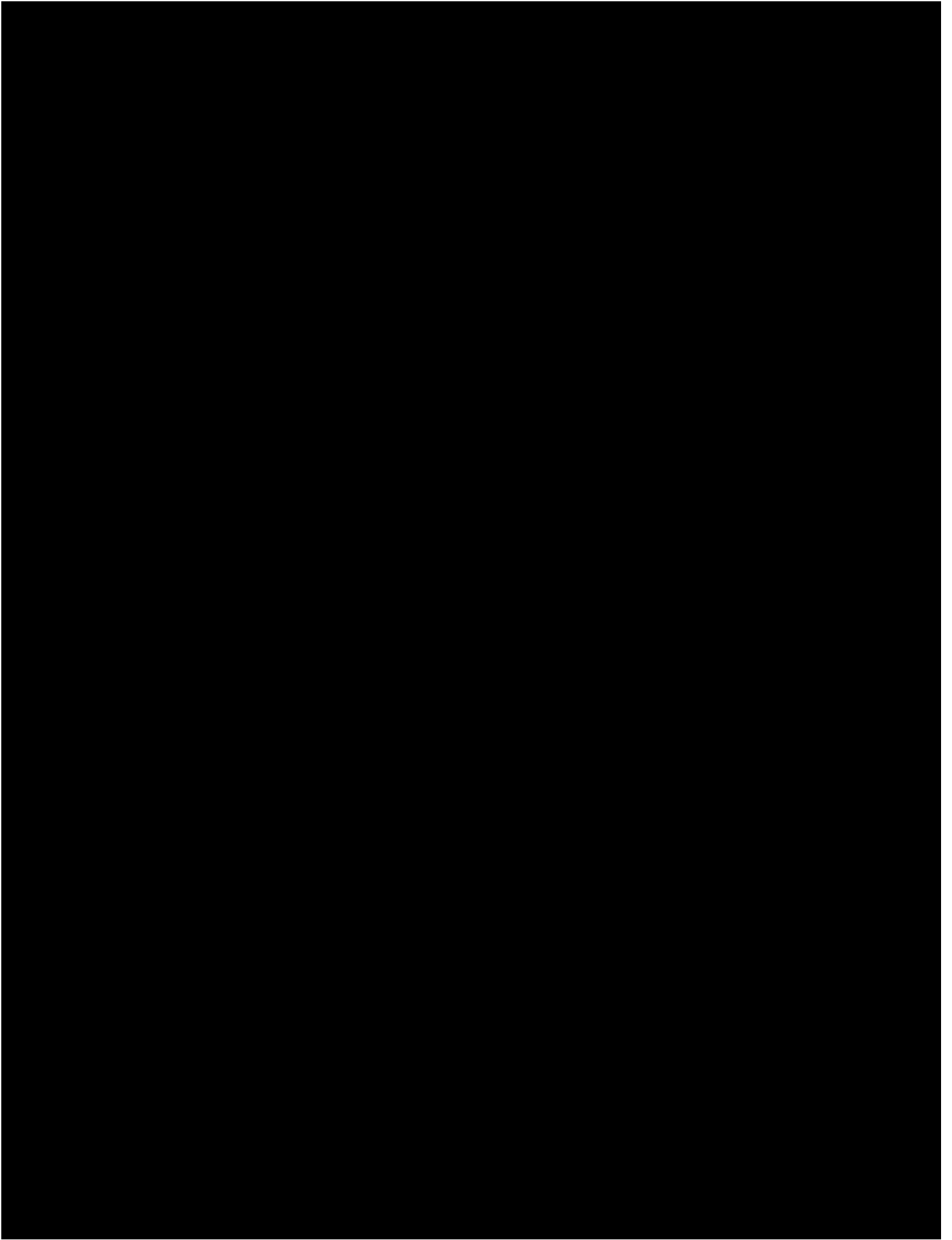


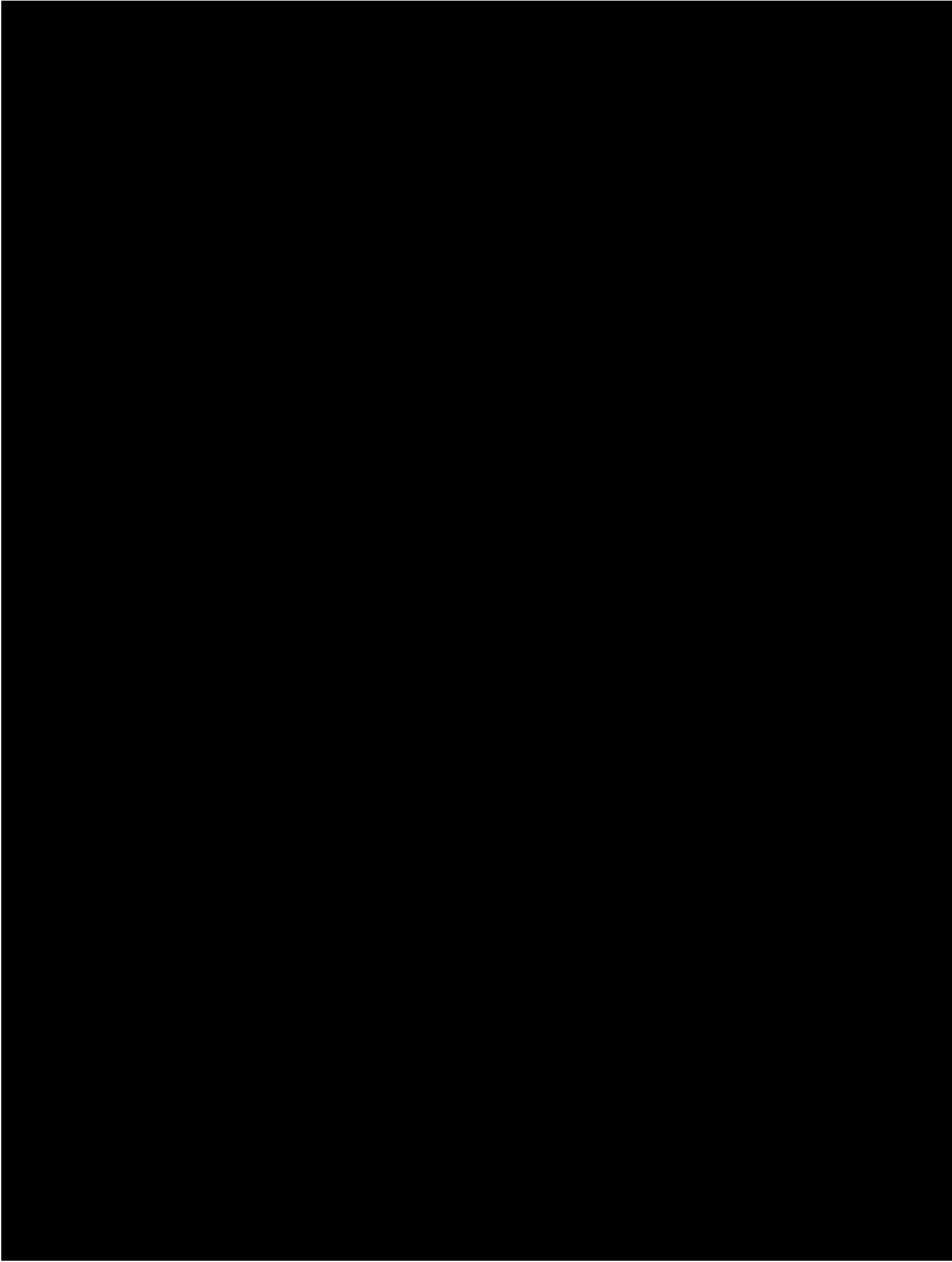


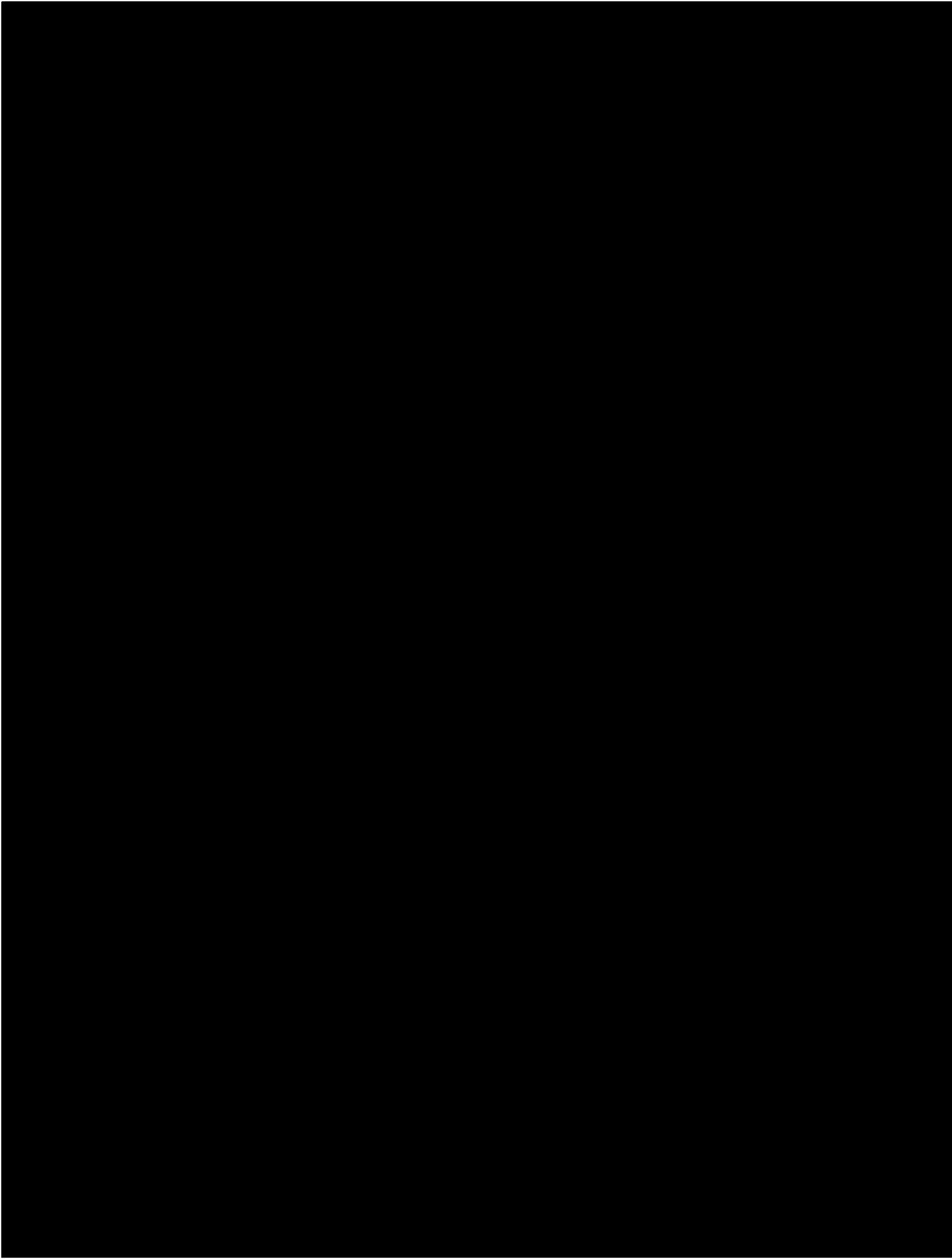


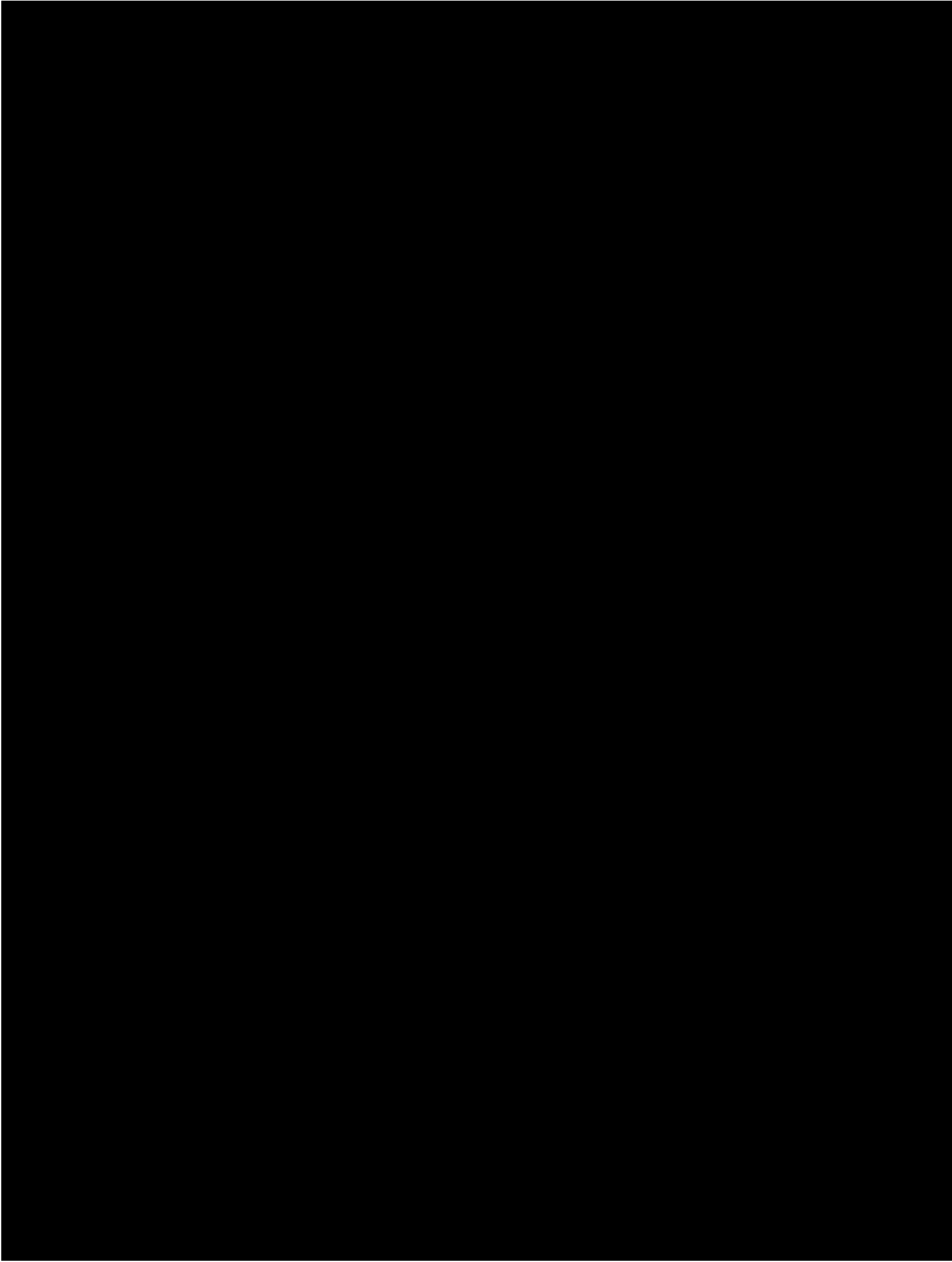


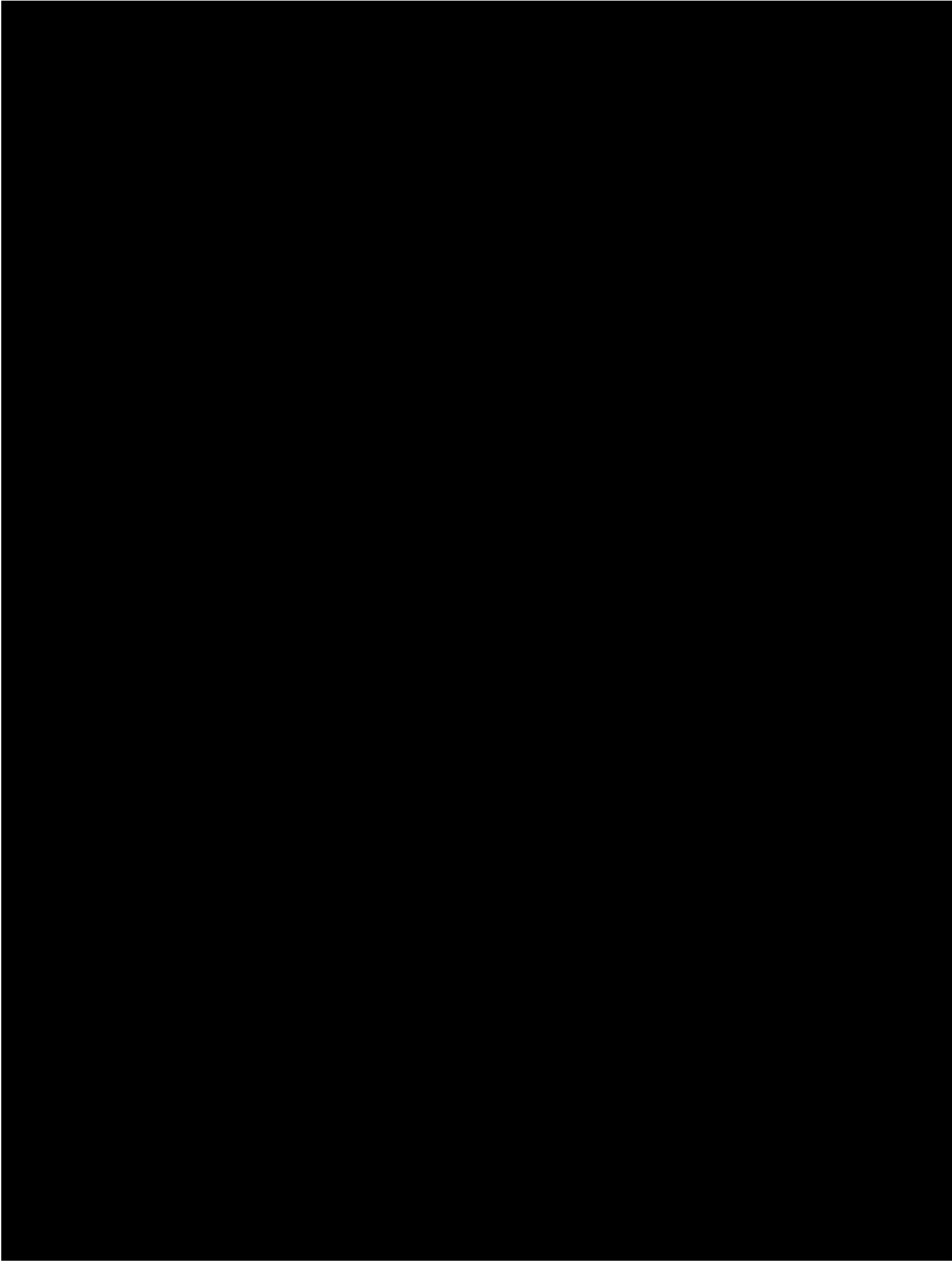


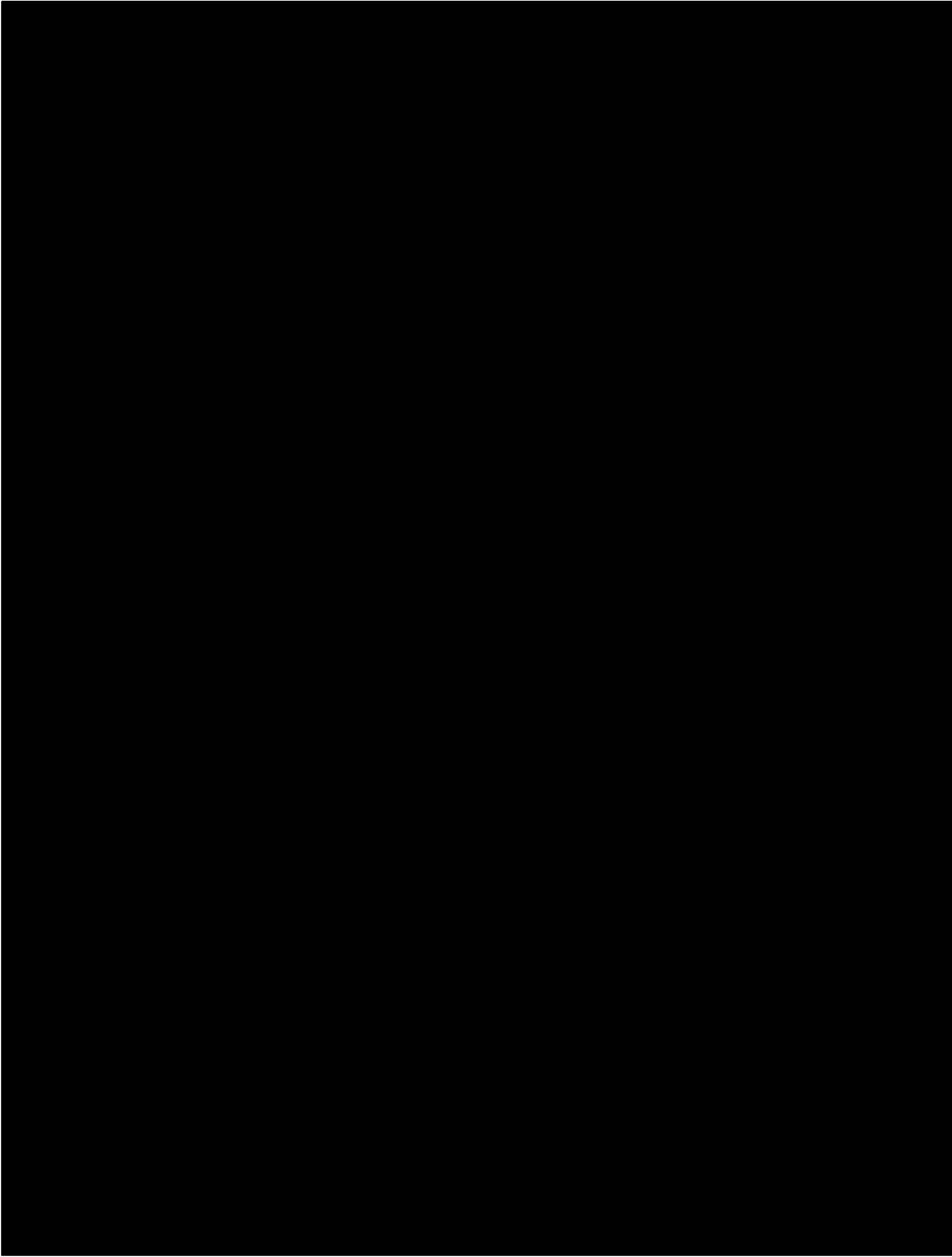


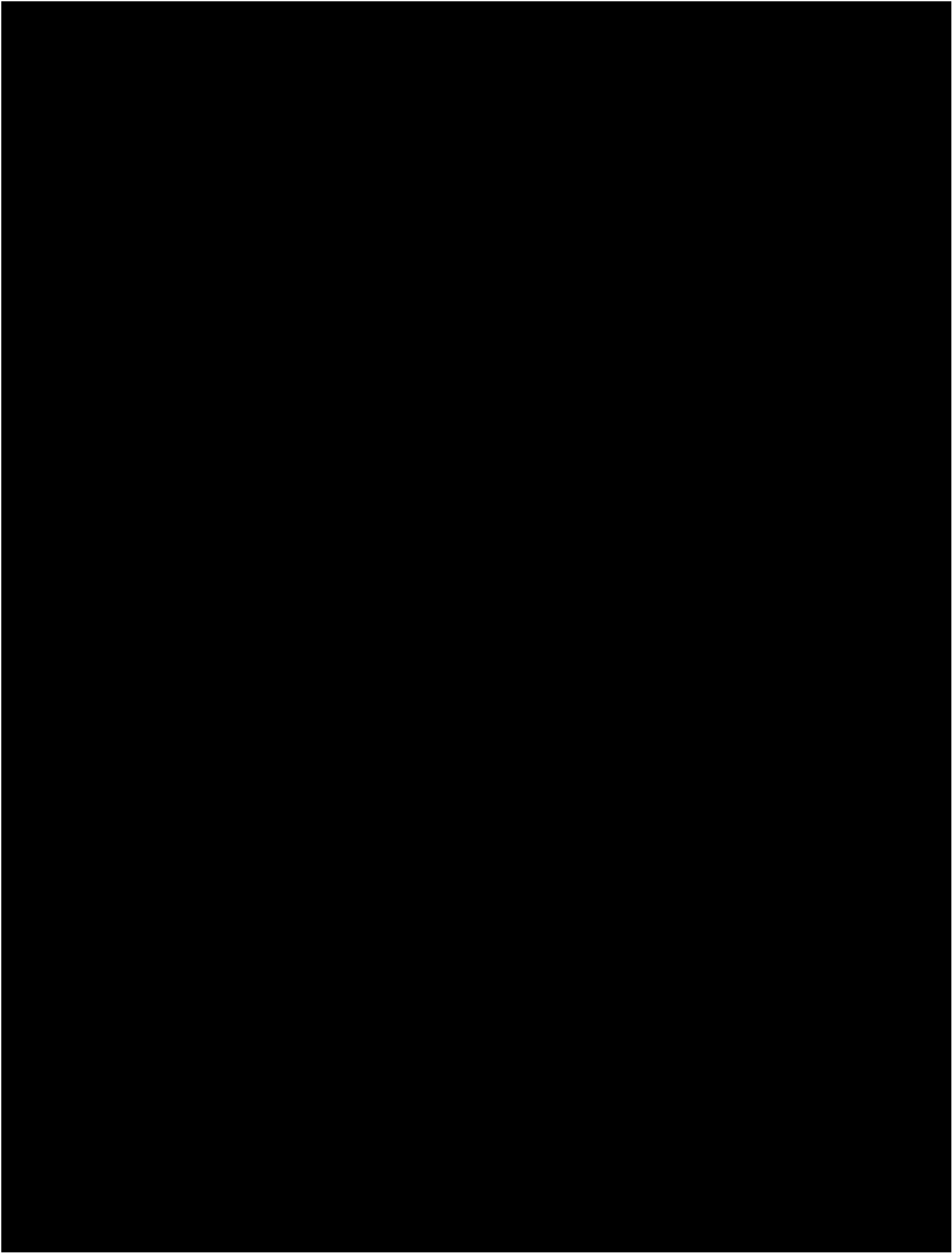


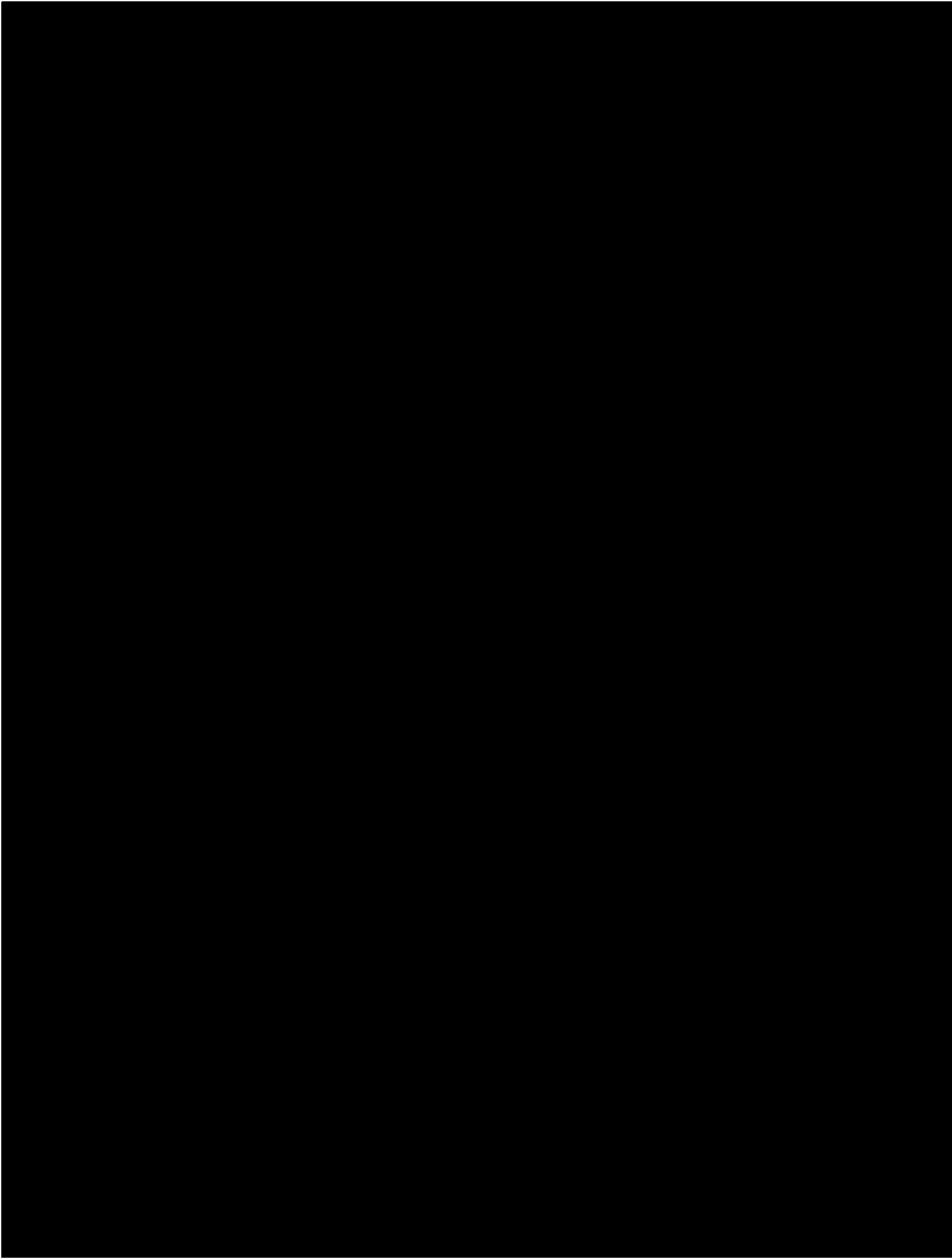


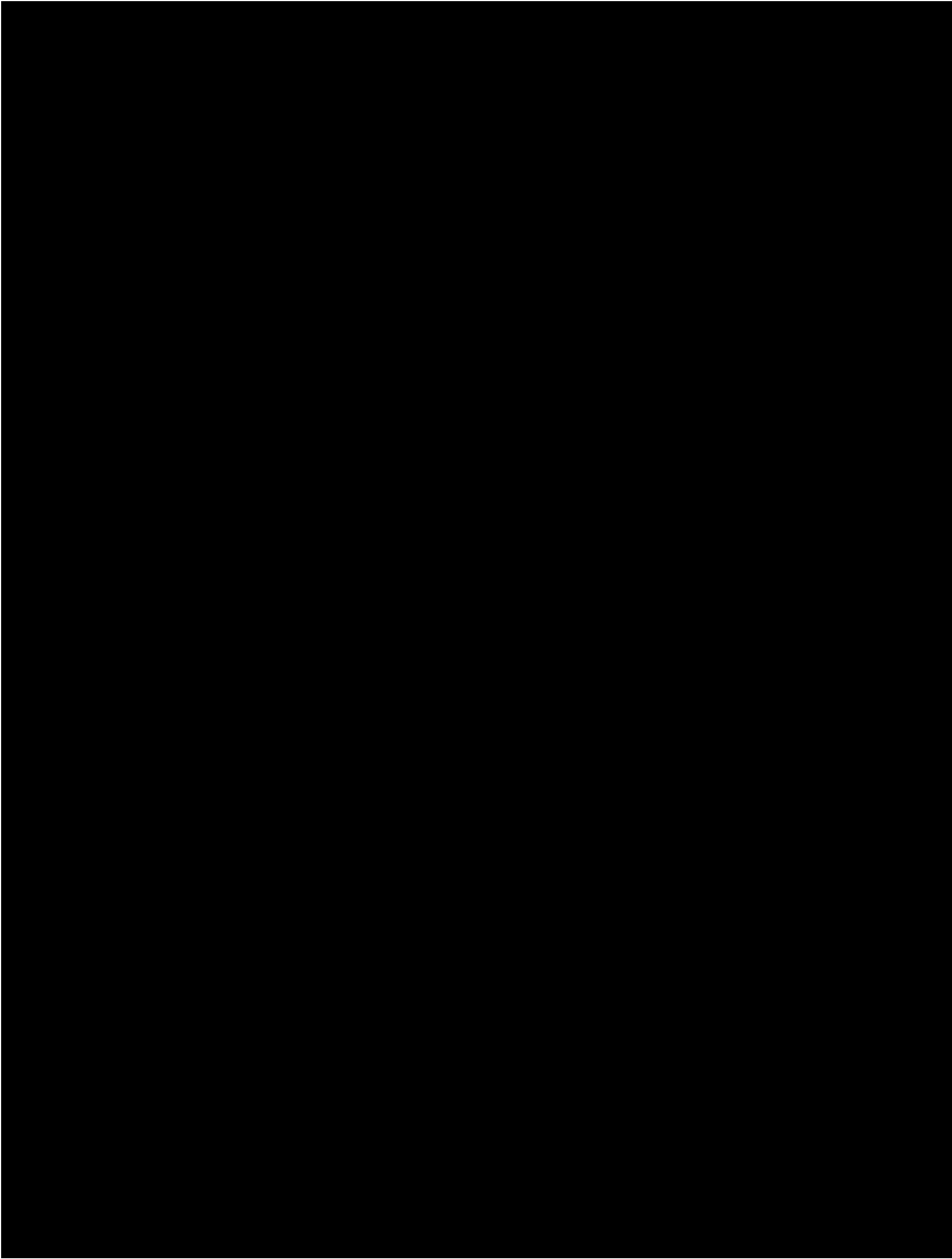


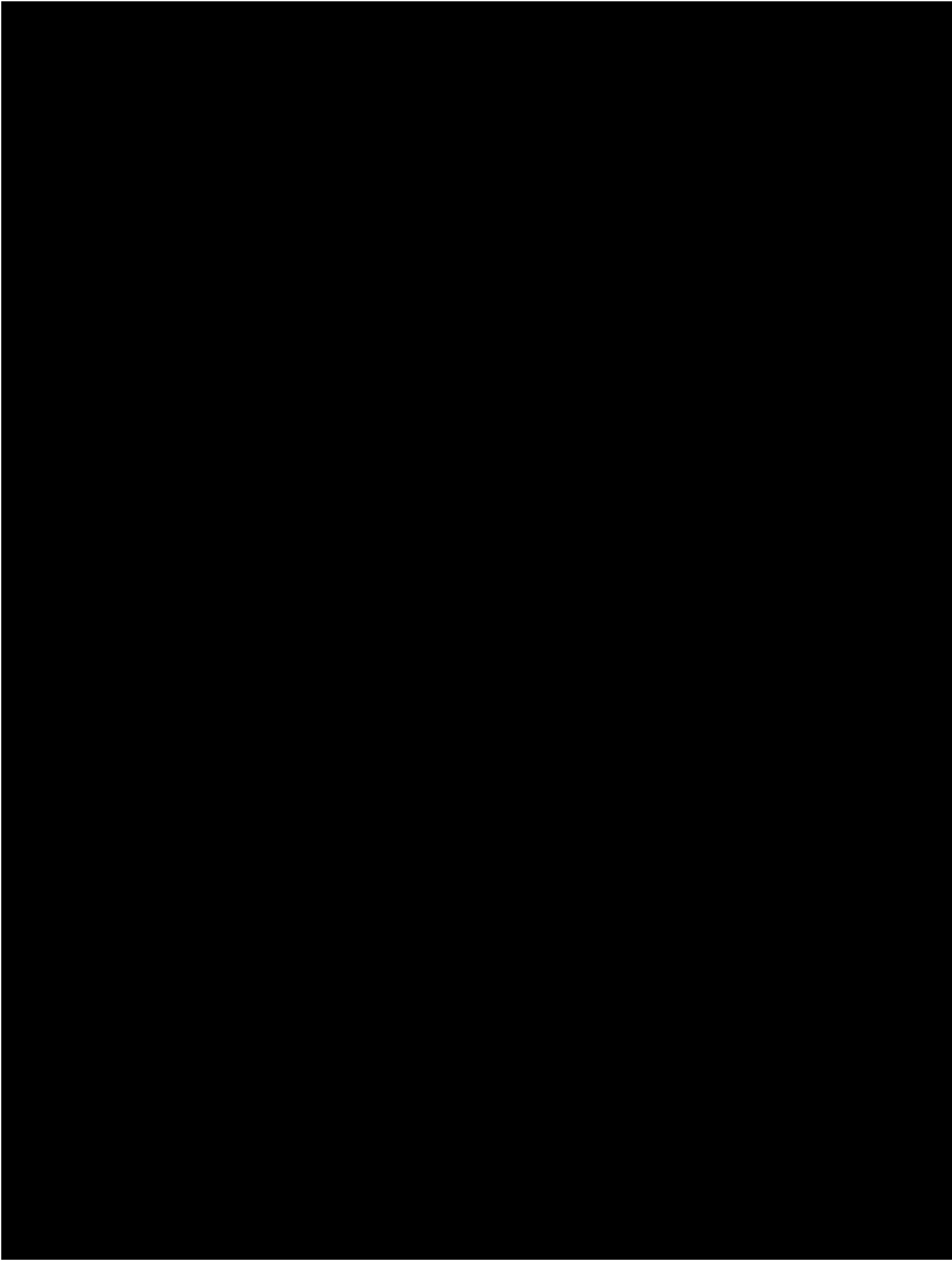


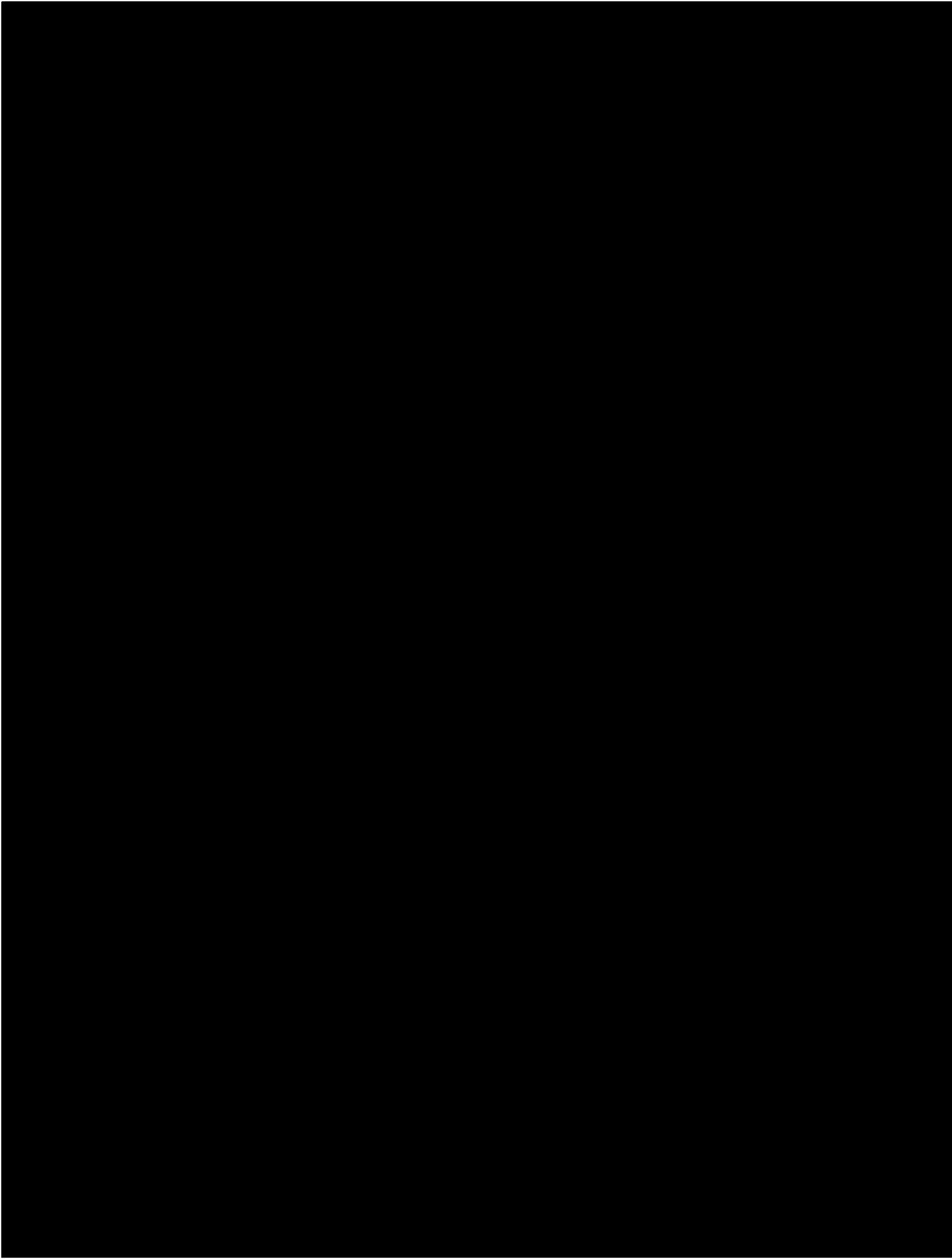


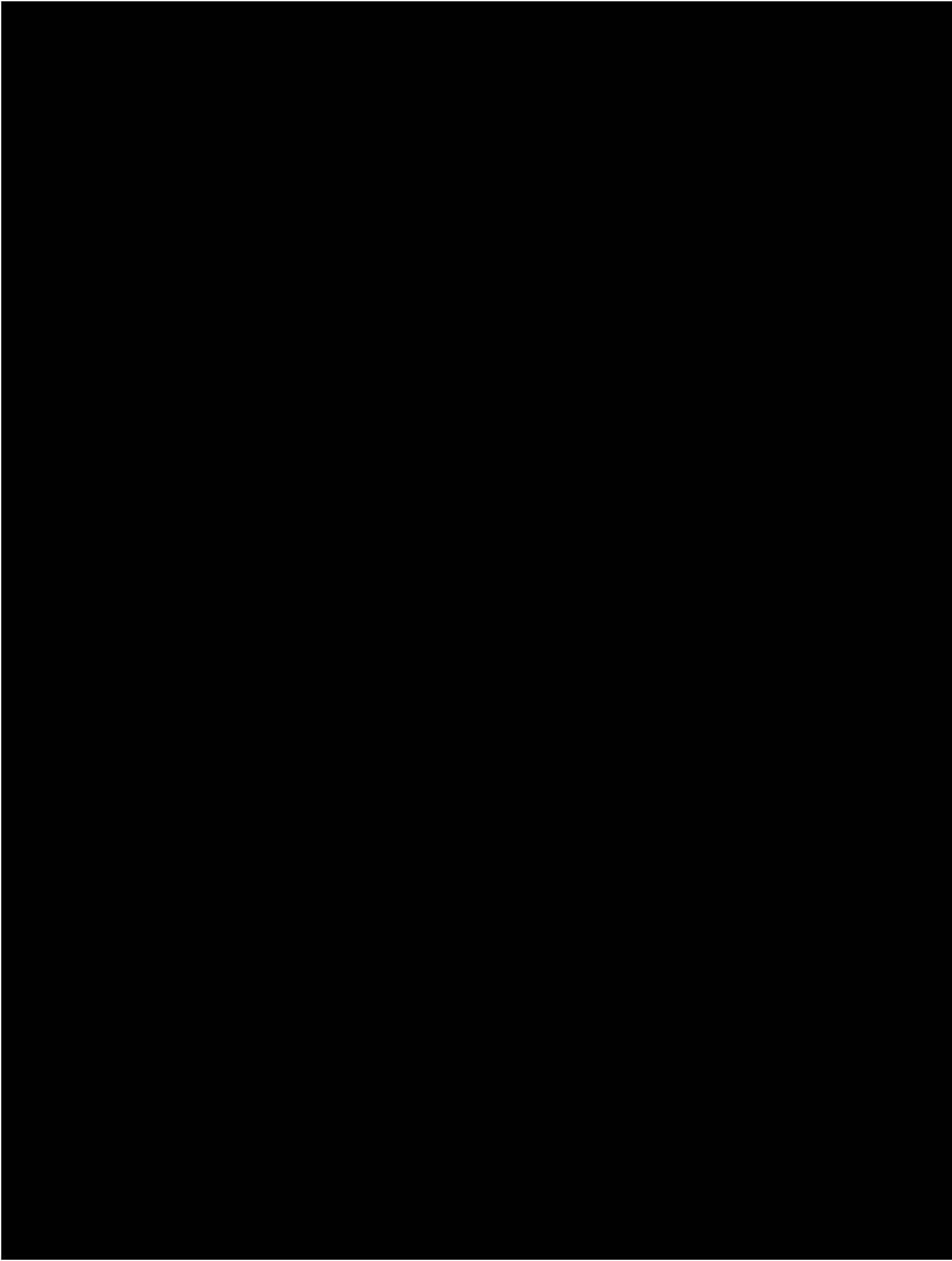


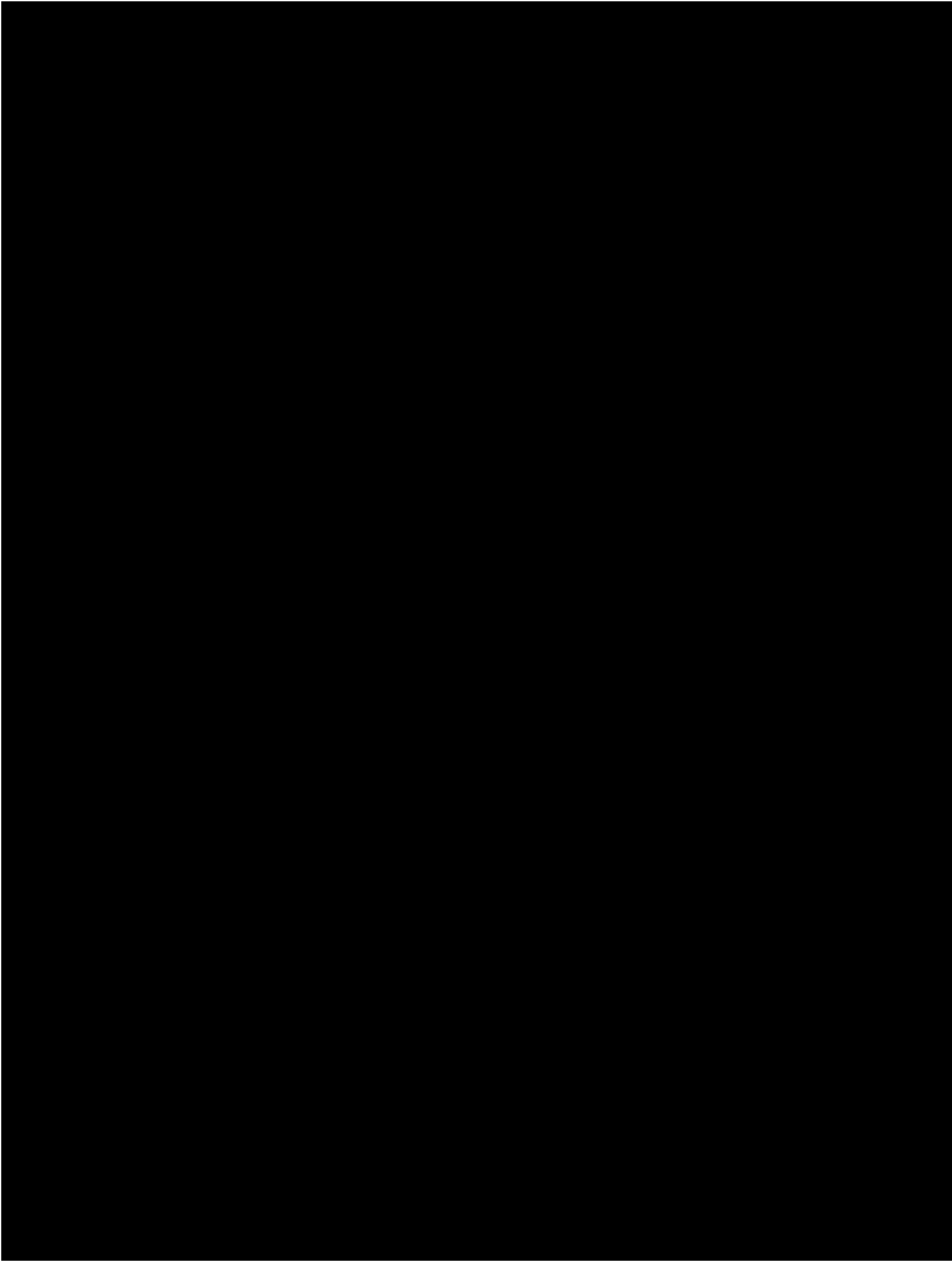


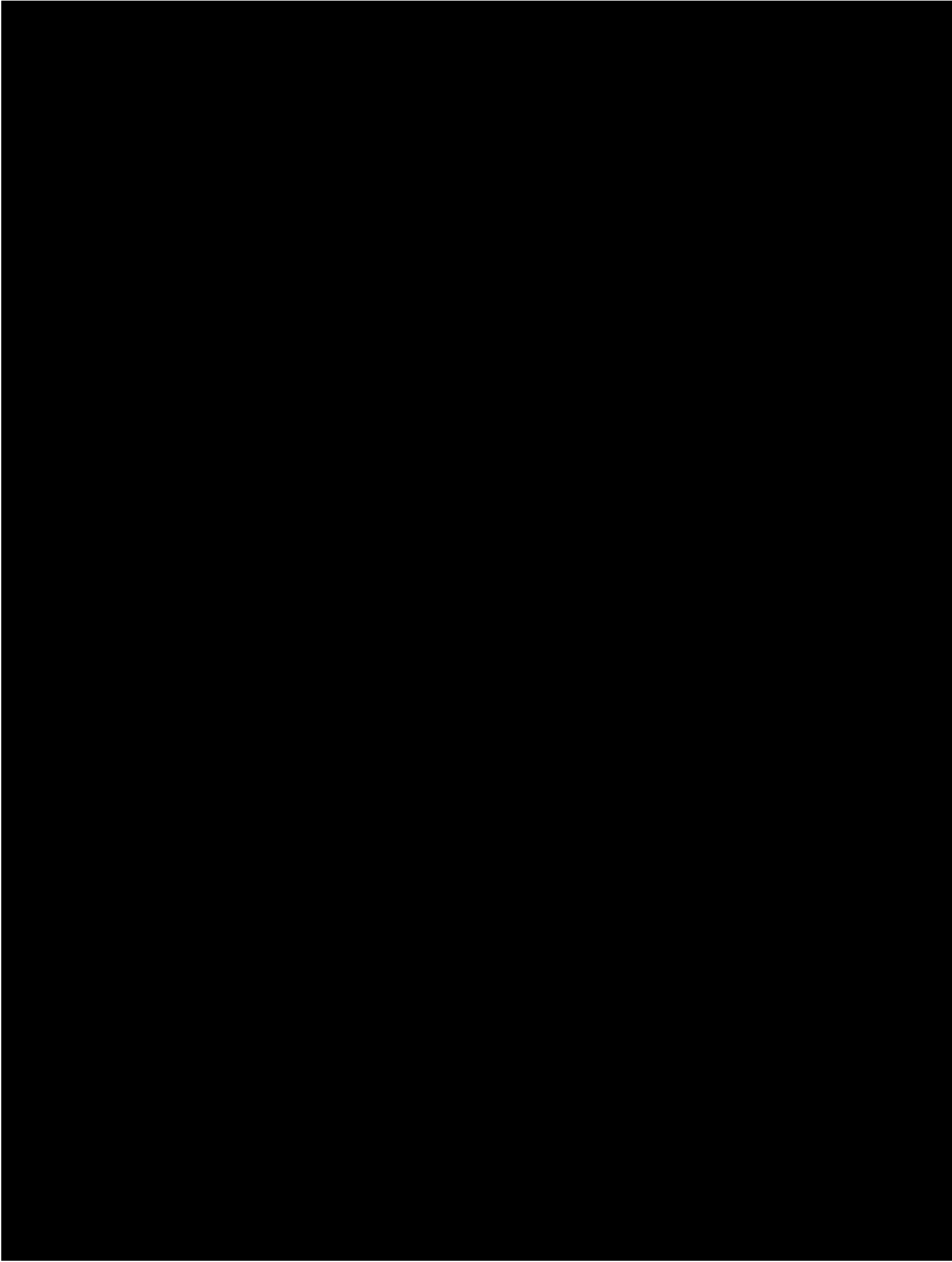


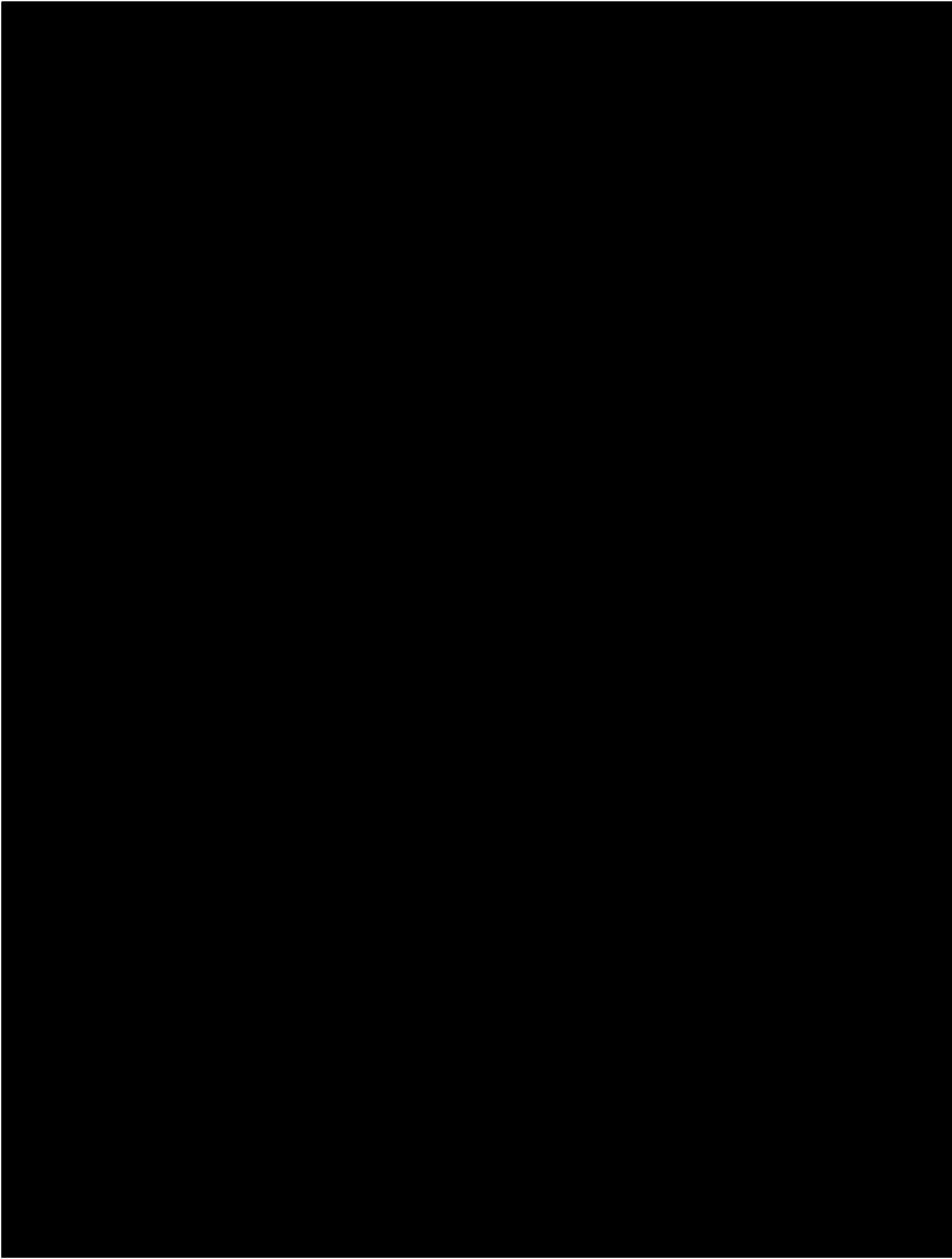


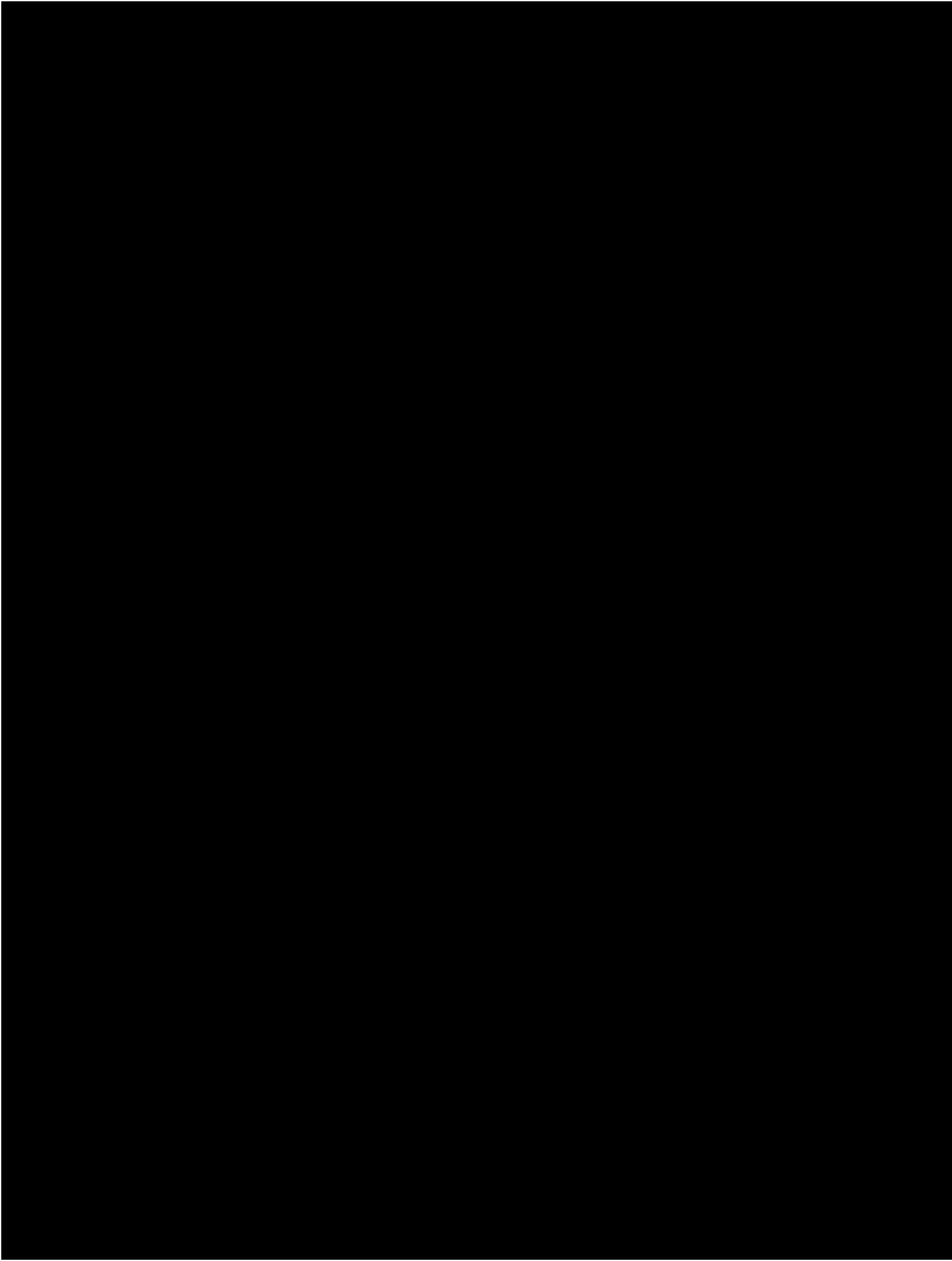


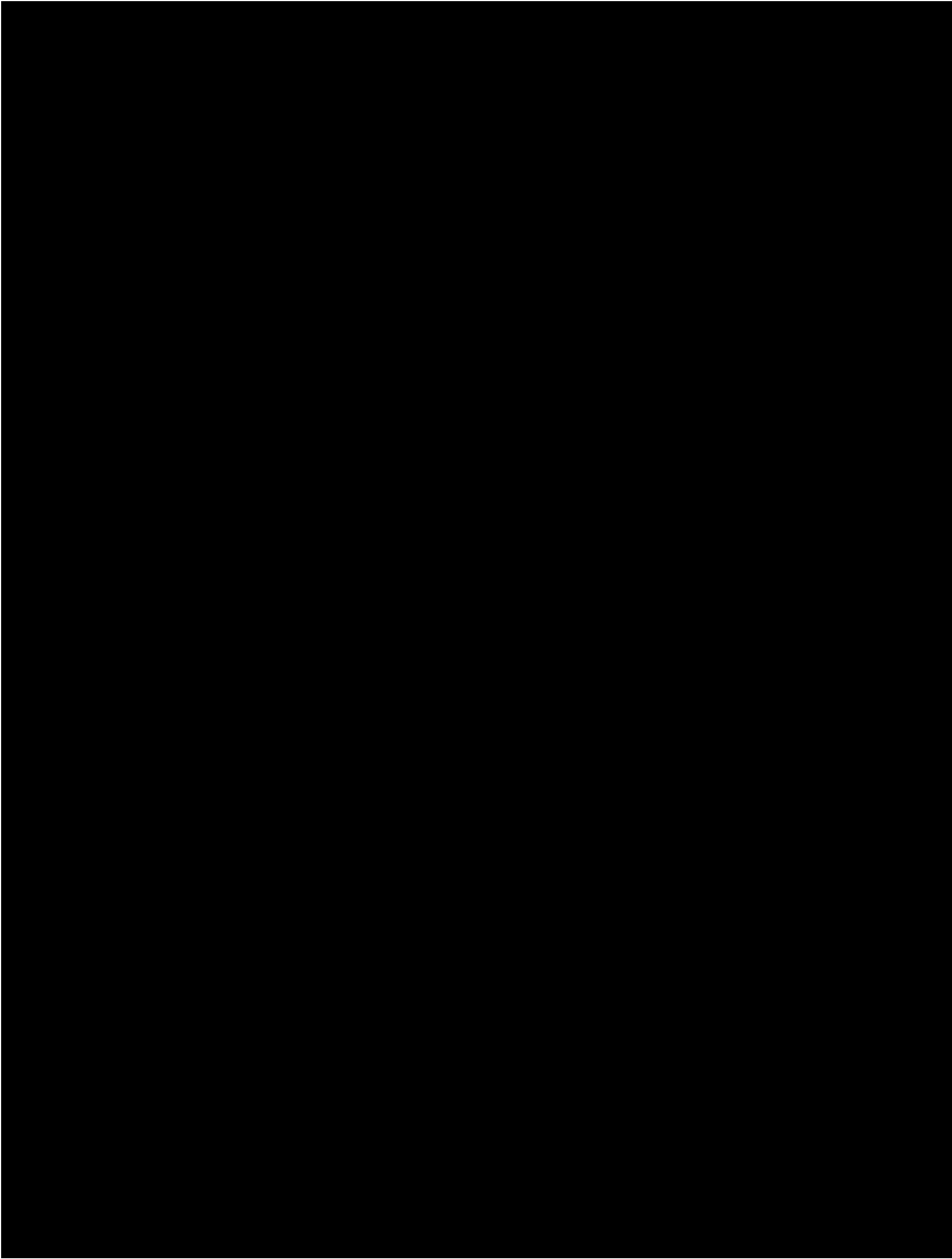














Lieutenant Adam Seeley
Emergency Preparedness Coordinator

██████████
██████████
██████████
Phone: 501-467-3450

Cell: 850-619-0547

Fax: 501-467-3430

To: Major Jimmy Coleman

From: LT Adam Seeley

Subject: Incident Report #2020-06-183

Date: 06/30/2020

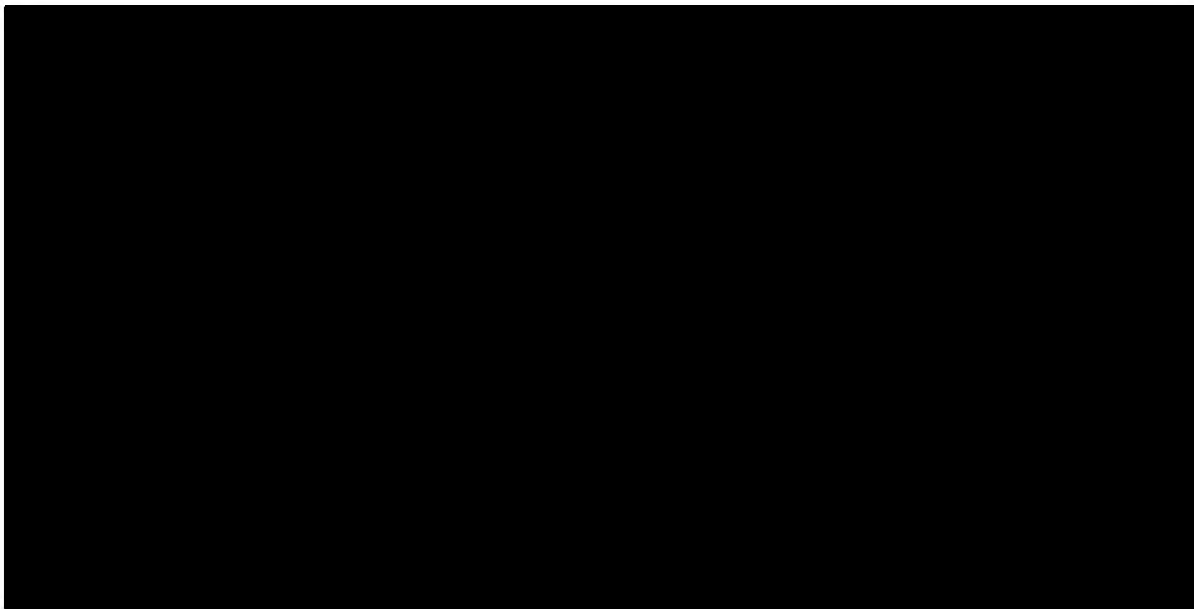


EXhibit 10 A



Respectfully,

Jimmy Coleman

[Redacted]

[Redacted]

[Redacted]

Phone: 501-467-3400

Fax: 501-467-3430

To: Deputy Warden Culclager

From: Major Jimmy Coleman

RE: 2020-06-183

Date: 6-30-2020

Major J. Coleman

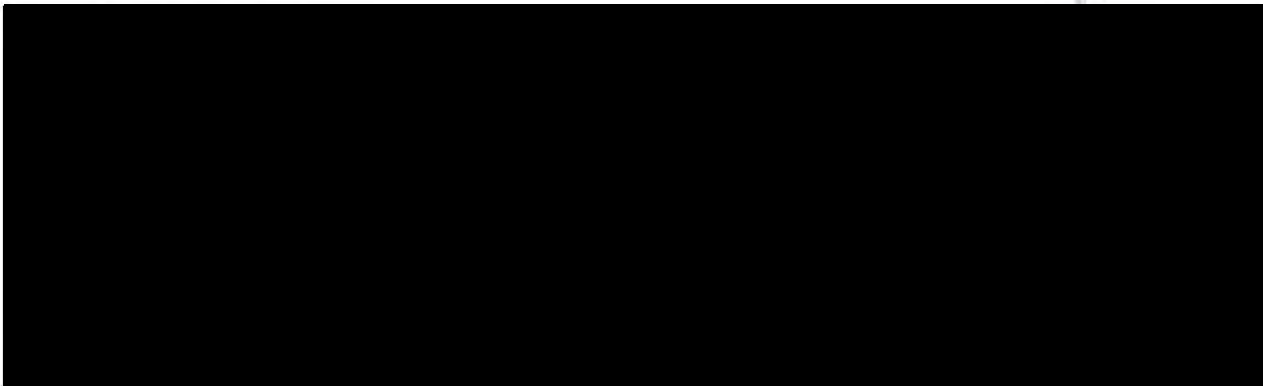


EXhibit 10B

RESTRICTIVE HOUSING PLACEMENT

Any placement requires a finding that this inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security of the Unit

To: Coleman, Jimmy IV

From: Seeley, Adam V

Date: 06/30/2020

Subject: Woodard, Bart A.D.C. [REDACTED] is/was placed in restrictive housing on 06/30/2020 at 09:37:00 PM for the following reason(s):

☒ Administrative Status (Temporary):

☐ pending trial for a criminal act

☒ pending disciplinary court review

☐ pending transfer to another unit

☐ pending investigation (Note: PREA victims cannot be placed in restrictive housing for more than three (3) days)

Review required within twenty-four (24) Hours of placement

☐ I was not involved in the initial placement and have reviewed the reasons for the placement. I find the placement appropriate.

☐ I find the inmate should be moved to _____ rather than remain in restrictive housing.

Signature

Date

Note: If the inmate's placement in restrictive housing is approved, he/she shall appear before the Classification Committee for possible assignment within seven (7) days.

Exhibit 11A

RESTRICTIVE HOUSING PLACEMENT

Any placement requires a finding that this inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security of the Unit

To: Coleman, Jimmy IV

From: Seeley, Adam V

Date: 06/30/2020

Subject: Williams, Leroy A.D.C. [REDACTED] is/was placed in restrictive housing on 06/30/2020 at 09:38:00 PM for the following reason(s):

☒ Administrative Status (Temporary):

☐ pending trial for a criminal act

☒ pending disciplinary court review

☐ pending transfer to another unit

☐ pending investigation (Note: PREA victims cannot be placed in restrictive housing for more than three (3) days)

Review required within twenty-four (24) Hours of placement

☐ I was not involved in the initial placement and have reviewed the reasons for the placement. I find the placement appropriate.


☐ I find the inmate should be moved to _____ rather than remain in restrictive housing.

Signature

Date

Note: If the inmate's placement in restrictive housing is approved, he/she shall appear before the Classification Committee for possible assignment within seven (7) days.

Exhibit 11 B

 <p>ADMINISTRATIVE REGULATIONS STATE OF ARKANSAS DEPARTMENT OF CORRECTION</p>	Section Number 005/409	Page Number 005-3 of 3 409-9 of 9
	Board of Correction Approval Date: 9/23/87	
	Supervisor 005-409 Form	Date: 12/19/85
	Attorney General Review Date: 0/11/87	Date Filed Secy. of State 10/02/87
SUBJECT: Reporting of Incidents -- 005; Use of Force -- 409		

005

Incident
Report
and

409

Use of
Force

REPORTING EMPLOYEE: Seeley Adam
LAST FIRST MIDDLE
 RANK: LT SHIFT ASSIGNMENT: Utility
 DATE: 06/30/2020 TIME: Approx. 3:00 PM LOCATION: [REDACTED]
 INMATE(S) INVOLVED: Woodard, Bart ADC# [REDACTED] Williams, Leroy ADC# [REDACTED] Brown, William ADC# [REDACTED]
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: LT Adam Seeley
(Names, Titles, Rank)

 Arkansas
 State Claims Commission

MAR 30 2024

INMATE(S) PRESENT: Same as above
(Names and ADC Numbers)

RECEIVED

EMPLOYEE(S) PRESENT: Same as above
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A
(Names & Addresses)

EXTENT OF INJURY TO INMATE(S): See Medical Report

TREATMENT AFFORDED INMATE(S): See Medical Report

Exhibit 12 A

EXTENT OF INJURY TO OFFICER(S): None

TREATMENT AFFORDED OFFICER(S): None



<p>_____ Signature of Reporting Employee</p>	<p>6/30/2020 Date</p>	<p>_____ Signature of Supervisor</p>	<p>_____ Date</p>
<p>_____ Reviewed by (Signature) Warden Center Supervisor/Administrator</p>		<p>_____ Date</p>	
<p>RECOMMENDATION: _____</p> <p>_____</p> <p>_____</p> <p>_____</p>			
<p>_____ Reviewed by (Signature) Assistant Director</p>		<p>_____ Date</p>	
<p>RECOMMENDATION: _____</p> <p>_____</p> <p>_____</p> <p>_____</p>		<p>EXhibit 12 B</p>	
<p>_____ Reviewed by (Signature) Director</p>		<p>_____ Date</p>	
<p>DISTRIBUTION OF COPIES:</p> <p>Original to Assistant Director ; then to Director and then to Captain for Original File.</p> <p>Assistant Director</p> <p>Warden Center Supervisor/Administrator</p>			
<p>INCRPTdb</p>		<p>(Reviewed)</p>	

5/20/22, 9:34 AM

IRTS020C - Incident Report Summary

Name: Woodard, Bart W.

ADC #:

IRTS020C

Incident Report Summary

Friday May 20, 2022 09:32:42 AM

Report Number: 2020-06-183

Unit: [REDACTED]

Facility: [REDACTED]

Zone: Zone 4

Location of Incident: H - HOTEL

Incident Date: 06/23/2020

Begin Time: 06:00:00 PM

Summary Prepared by Staff: Edwards, Denise A

Shift: Shift A

Housing Area/Bed:

Incident Category: Investigation (CSO)

Unit Report Number:

Incident Type: [REDACTED]

Force Used: No

Injuries: None

Send DOC Incident Notification: No

IAD #:

Suspected Felony Committed: No

Drug Related: No

Gang Related: No

Exhibit 13A

Status: Closed

As of Date: 08/10/2020

Incident Summary*

Date: 07/2/20 --- Time: 03:51:46 PM --- User: M. Culclager (CMD1)

5/20/22, 9:34 AM

IRTS020C - Incident Report Summary

Evidence Retained

None

Employee(s) Involved (1 - 2 of 2)

Involvement	Staff Name	Work Assignment	Shift	Charging Staff
<u>Witness</u>	Edwards, Denise A	Lieutenant	A	Yes
<u>Witness</u>	Seeley, Adam V	Lieutenant	A	Yes




Offender(s) Involved (1 - 3 of 3)

Involvement	Offender Name	Race	Sex	DOB	Disciplinary Date	Date Appealed
<u>Suspect</u>	Williams, Leroy	Black	Male			
<u>Suspect</u>	Woodard, Bar W.	Caucasian	Male			
<u>Witness</u>	Brown, William L.	Caucasian	Male			

Other Person(s) Involved

Involvement	Name	Address	Phone
No Rows Found			

Scanned Documents Attached (1 - 6 of 6)

Document Type	Title	Page #	Page	Prepared by Staff
<u>Form 005 (Incident)</u>		002	 Adobe	Flores, Nancy
EXhibit 13B			4696KB 07/07/2020	
				
<u>Digital Photograph</u>	Photos of Inmates	001	327KB 06/26/2020	Ivory, Tamisha Moniek
<u>Other</u>	Cover Letter	003	 Adobe	Flores, Nancy
			215KB 07/07/2020	

5/20/22, 9:34 AM

IRTS020C - Incident Report Summary

Document Type	Title	Page #	Page	Prepared by Staff
<u>Other</u>	IA Referral	004	PDF 237KB 07/07/2020	Flores, Nancy
<u>Other</u>	Corrected Disc.	005	PDF 1389KB 07/09/2020	Slayton, Kennedy M
<u>Inmate Witness Statement</u>	[REDACTED]	003	PDF 170KB 07/09/2020	Seeley, Adam V

Actions Taken (1 - 8 of 8)

Date	Time	Action Type	Staff Name	Comments
<u>08/07/2020</u>	03:57:35 PM	Closed	Oliver, Lisa A	IA-20-1036R Closed 08/07/2020 Sustained
<u>07/09/2020</u>	10:15:46 AM	Assigned to IA Investigator	Naylor, Raymond C	assigned to Margaret Rogers 20-1036R
<u>07/07/2020</u>	09:20:48 PM	Referred to Internal Affairs	Earl, Deangelo M	Exhibit 13C
<u>07/06/2020</u>	03:08:39 PM	Referred to Warden	Culclager, Maurice D	Date: 07/6/20 --- Time: 03:08:57 PM --- User: M. Culclager (CMD1) Investigation completed and I concur with Lt. Seely and Major Coleman finding. The outcome of my decision was based on the information retrieved from the video footage.
<u>07/02/2020</u>	03:52:16 PM	Referred to CSO	Culclager, Maurice D	Date: 07/2/20 --- Time: 03:52:36 PM --- User: M. Culclager (CMD1) Major I still have not received the packet with your cover letter. I know you have completed it already I just have not received it.
<u>07/01/2020</u>	01:49:18 PM	Referred to Deputy/Assistant Warden	Coleman, Jimmy IV	incident reviewed and referred to you for your recommendation
<u>06/30/2020</u>	08:42:52 AM	Referred to CSO	Culclager, Maurice D	Date: 06/30/20 --- Time: 08:43:12 AM --- User: M. Culclager (CMD1) Major I have not seen this investigation. Please forward to my office for review.

5/20/22, 9:34 AM

IRIS0200 - Incident Report Summary

Date	Time	Action Type	Staff Name	Comments
<u>06/23/2020</u>	08:11:14 PM	Referred to Warden	Edwards, Denise A	Date: 06/23/20 --- Time: 08:11:51 PM --- User: D. Edwards (WINDE01) Investigation was conducted and it was determined that the inmate provided a false witness statement. A major disciplinary was completed.

Prepare to Update Prior PageShow Last Updated Information

EXHIBIT 13D

F-831-1

Arkansas Department of Correction

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 Bart Woodard ADC # [REDACTED] Assignment Unassigned/DCR No Duty
 Class III Is being charged by Adam Seeley Title Lt.
 with rule violation(s) 2-12, 3-5, 10-1, 10-3, 10-6, 13-2. Time & Date Approximately 8:45 P.M. June 30, 2020

NOTICE OF CHARGES

EXhibit 14

(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: Reduce _____ Dismiss _____ To Disc. Court ✓ Initial JS Date 7-9-20

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

ORIGINAL – File Copy

Color - Goldenrod



Assessment/Retaliation Status Checklist Attachment 3

Initial face-to-face status checks will be conducted on all victims, reporters, and witnesses following an inmate sexual abuse allegation

Follow up face-to-face status checks will be conducted on victims and reporters at a minimum of once a month for 90-days unless retaliation is suspected.

Date: 6/23/20 Facility: [REDACTED] INC/IAD Case #: _____

Incident Report Date: 6/25/20 Employee/Inmate Number: _____

Name: Woodard, Brett

Type of Assessment: X Initial 30 Day 60 Day 90 Day

Other: _____

Monitoring of Staff Member

Review: Staff member performance reviews, staff member reassignments, and need for emotional services

Summary:

Monitoring of Inmates

Review: Conduct violations, housing assignments, program changes, and need for emotional services

Summary: *Female does not have any issues with therapy*

Signature of Staff Monitor:

Date:

Next Review Date:

Staff Member/Inmate Signature: _____

Date:

EXHIBIT 15

ORCU LEGAL USE ONLY

CERTIFICATE OF

I Baut Woodard A.D.C. [REDACTED] do hereby
DECLARE, SWEAR, and AFFIRM that on the day
27 AND month of MARCH AND IN THE YEAR OF OUR
Lord 2024 I Did with the PROPER postage
attached, PLACED IN THE A.D.C. MAIL BOX
(PROVIDED BY THE A.D.C. IN ORDER FOR INMATES TO
MAIL THEIR MAIL VIA THE U.S.P.S.) THE ADDRESS
OF WHICH THE MAIL WAS GOING IS ASCC, 101 E. Cap-
itol AVE STE 410 LITTLE ROCK AR 72201. This I do
DECLARE UNDERSTANDING THAT FALSE STATEMENTS
WILL SUBJECT ME TO PENALTIES FOR PERJURY.
DOCUMENT INCLOSED; CLAIMANTS DECLARATION ~~At the~~
~~Statement of RESTITUTION of Facts for claim~~ Baut
DATE 3-27-2024

SIGNATURE

Baut Woodard
[REDACTED]

ORCU LEGAL USE ONLY

Bart Woodard

Arkansas
State Claims CommissionADC [REDACTED]
[REDACTED]

APR 01 2024

RECEIVED

CASE# 221169

MR MORRIS

101 E. CAPITOL AVE STE 410

LITTLE ROCK AR 72201

DEAR MR MORRIS

I AM SENDING you A copy of this DECLARATION which is ACTUALLY A BRIEF overview of this CASE in a nutshell.

I could NOT find ANY RULE against SENDING individual members of this Commission A SUMMARY of this CASE.

I felt it WAS NEEDED in this INSTANCE (CASE) BECAUSE this CASE HAS BEEN drag OUT for SO LONG AND it is A very complex CASE

IF I should NO HAVE SENT this copy to the members PLEASE Let ME KNOW BECAUSE there ARE 2 MORE Actions pending BEFORE this Commission.

Respectfully
Bart Woodard

RECEIVED
JUL 10 1964
U.S. AIR FORCE
HEADQUARTERS
WASHINGTON, D.C.

ORCU LEGAL USE ONLY

Arkansas
State Claims Commission

APR 01 2024

RECEIVED

CERTIFICATE OF SERVICE

I Bart Woodward A.D.C. # [REDACTED] do hereby
 declare, swear, and affirm that on the day
27 and month of MARCH and in the year of our
 Lord 2024 I did with the proper postage
 attached, placed in the ADC MAIL BOX
 (provided by the ADC in order for inmates to
 mail their mail via the U.S.P.S.) the address
 of which the mail was going is MR Morris, ASCC
101 E. Capitol Ave Ste 410 Little Rock AR, 72201. This I do
 declare understanding that false statements
 will subject me to penalties for perjury.
 Document inclosed; Claimant's Declaration R/t State-
ment & Restatement of Facts for the claim Bart Woodward
Date 3/27/2024

Signature

Bart Woodward

RECEIVED
JAN 12 1971
U.S. DEPT. OF JUSTICE

ORCU LEGAL USE ONLY

Arkansas
State Claims CommissionBart Woodard
ADC

APR 01 2024

RECEIVED

CASE# 221169

S. Smith.

101 E. CAPITOL AVE STE 410

LITTLE ROCK, AR. 72201

DEAR Mr Smith

I AM SENDING you A copy of this DECLARATION which is actually a BRIEF OVER view of this CASE in ANOT shell. I COULD NOT find ANY RULE AGAINST SENDING individual MEMBERS of the Commission A Summary of this CASE. I FELT it WAS NEEDED in this CASE BECAUSE it HAS BEEN drag out for SO LONG AND it IS A complex CASE.

IF INFACT this IS AN ACTION PLEASE LET ME KNOW BECAUSE I HAVE 2 other CASE'S that ARE still pending.

Thankyou for your Time, Respectfully
Bart Woodard

RECEIVED
JUN 11 1954
U.S. AIR FORCE

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Arkansas
State Claims Commission

APR 01 2024

RECEIVED

Certificate of Service

I BAT woodard A.D.C. # [REDACTED] HEREBY
DECLARE, SWEAR, and AFFIRM that ON the day
3 AND MONTH OF MARCH AND IN THE YEAR OF OUR
Lord 2024 I Did with the PROPER postage
attached, PLACED IN the ADC MAIL BOX
(Provided by the ADC IN ORDER for INMATES to
MAIL their MAIL VIA the U.S.P.S) the ADDRESS
of which the MAIL WAS going is MRS. Smith AR.
ST CLAIM 101 EAST CAPITOL AVE LR. AR. 72201. This I do
DECLARE UNDERSTANDING THAT FALSE STATEMENTS
WILL SUBJECT ME TO PENALTIES FOR PERJURY.
DOCUMENT ENCLOSED: Woodards DECLARATIONS
P/R STATEMENT & RESTATEMENTS. Bat woodard
DATE 3-26-2024 SIGNATURE

APR 01 2024

RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Bart Woodard ADC [REDACTED] CLAIMANT

-V- CLAIM #221169

ARKANSAS DEPARTMENT
OF CORRECTIONS

RESPONDANTS

CLAIMANT'S DECLARATION
RELATED TO
STATEMENT AND RESTATEMENT OF FACTS
FOR CLAIM #221169

THIS CLAIMANT Bart Woodard ADC # [REDACTED] STATES for the record that Judging from the Respondants Witness List AND Exhibit List AND ALSO what is Not Provided by the ADC Lawyer Thomas Burns AS Related to documents produced AND what is NEVER MENTIONED by the ADC. Shows that the Atty for the ADC is Attempting to draw the ASCC. Attn. to ONE incident that is 6-23-20.

The Commission will PLEASE NOTE
That this Document is provided more

10/10/2010

10/10/2010

10/10/2010

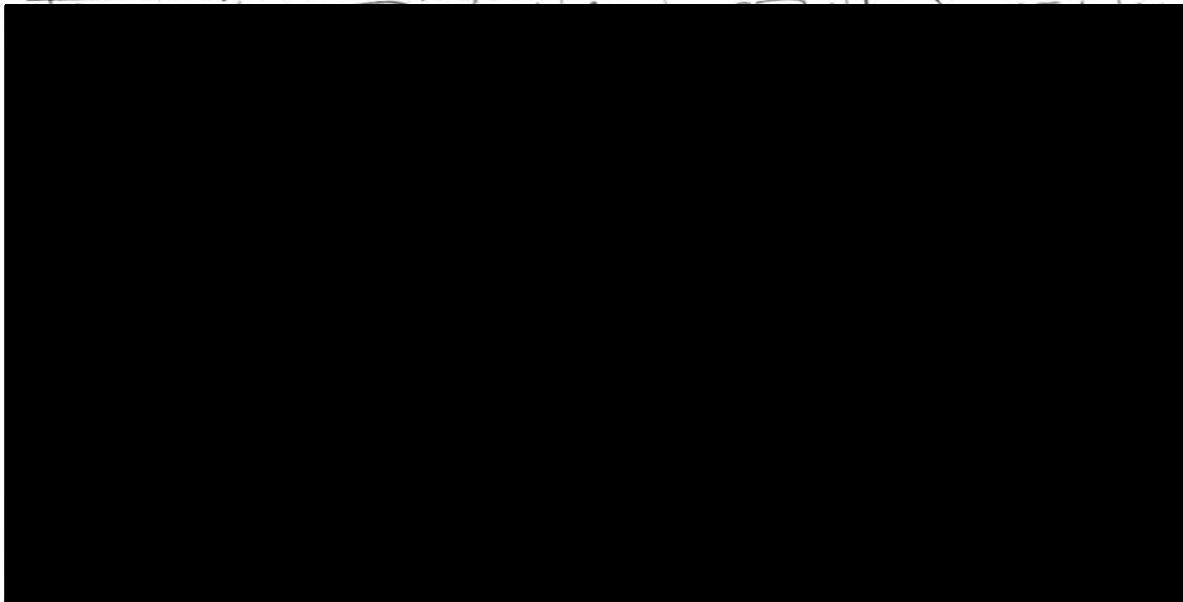
than 7 days prior to the scheduled hearing on April 12 2024 as allowed for under the Commission's Rules. PLEASE SEE RULE 4.7 TITLED EVIDENCE, & EXHIBITS. THERE IS NO NEED for ANY further delays AND THE RULE 4.7 DOES NOT MENTION ANY CONTINUANCES. for USE of this Rule.

- (1) This claim is about the Grievance # SNN 20-00189 NOT ABOUT A SINGLE INCIDENT THAT WAS SEEN ON VIDEO 6-23-20 but IS ABOUT THE (40+) FOUR PLUS MONTHS — THAT THIS CLAIMANT WAS COERCED, AND THREATENED AND LIVED IN A CONSTANT

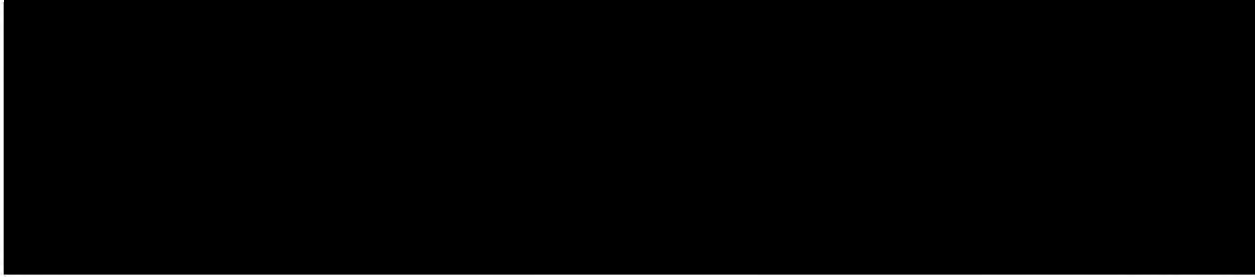
NO there was NOT A WEAPON of ANY TYPE held to this CLAIMANT throat

SNU Legal Use Only

(2) THIS CASE/CLAIM 221169 IS ALSO ABOUT THE ADC'S FAILURE TO PROPERLY TRAIN & SUPERVISE ITS OFFICERS ON POST. THE ADC HAS FAILED TO ENFORCE ITS OWN RULES FOR ITS OFFICERS. THE CLAIMANT STATES THAT PER THE ADC'S OWN AD 15-29 THERE IS TO BE TRAINING IN SEVERAL AREAS INCLUDING BUT NOT

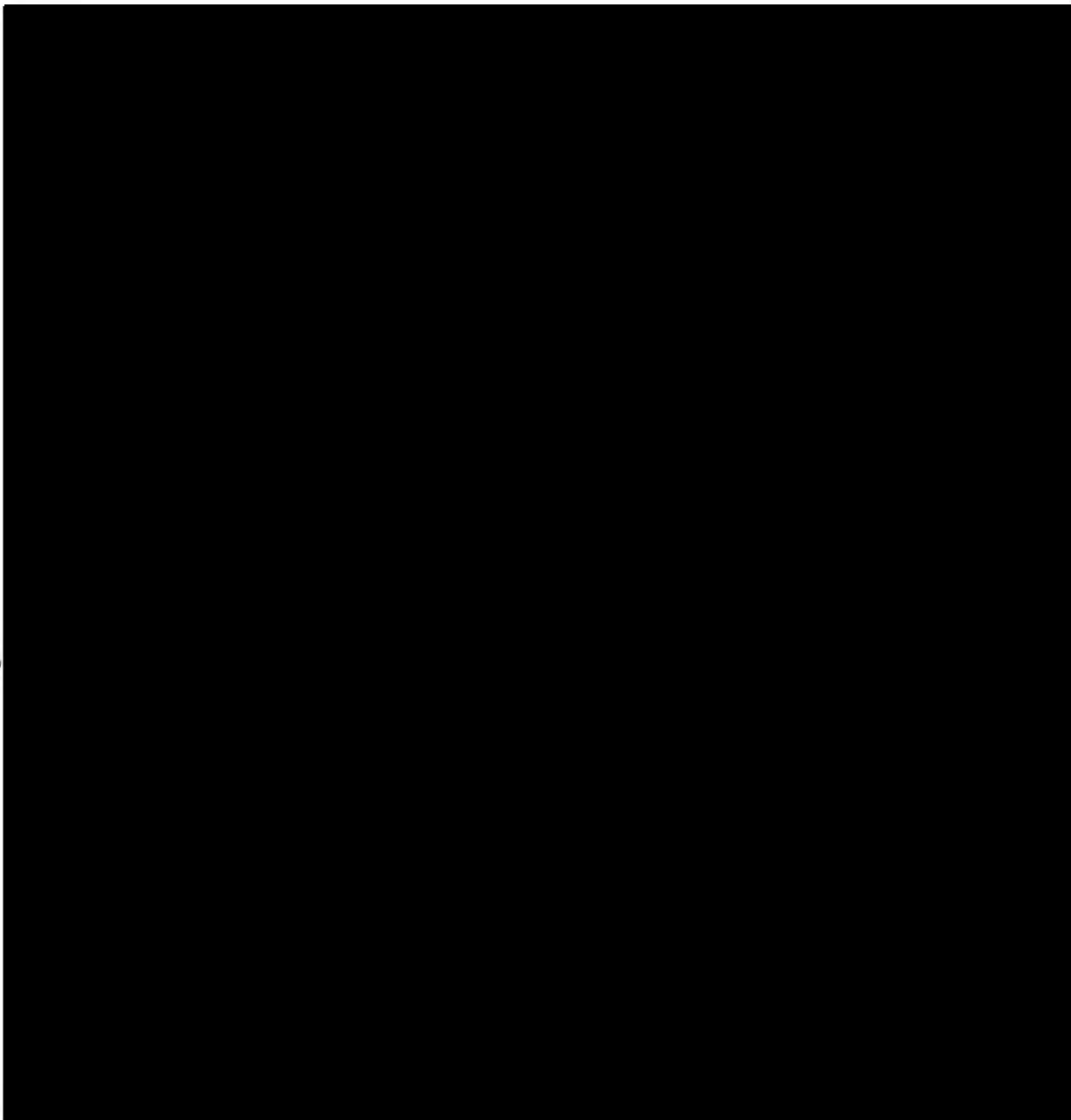


(3) THIS CLAIMANT WOULD NOTE FOR THE ASCC THAT THE DATE 6-23-2020 IS WHAT THE ADC IS KEYED ON WITH THEIR VIDEO THE AFFIDAVIT # SSN20-00189, ALSO LIST THE 4



SNU Legal Use (Only)

Page 3 of 15



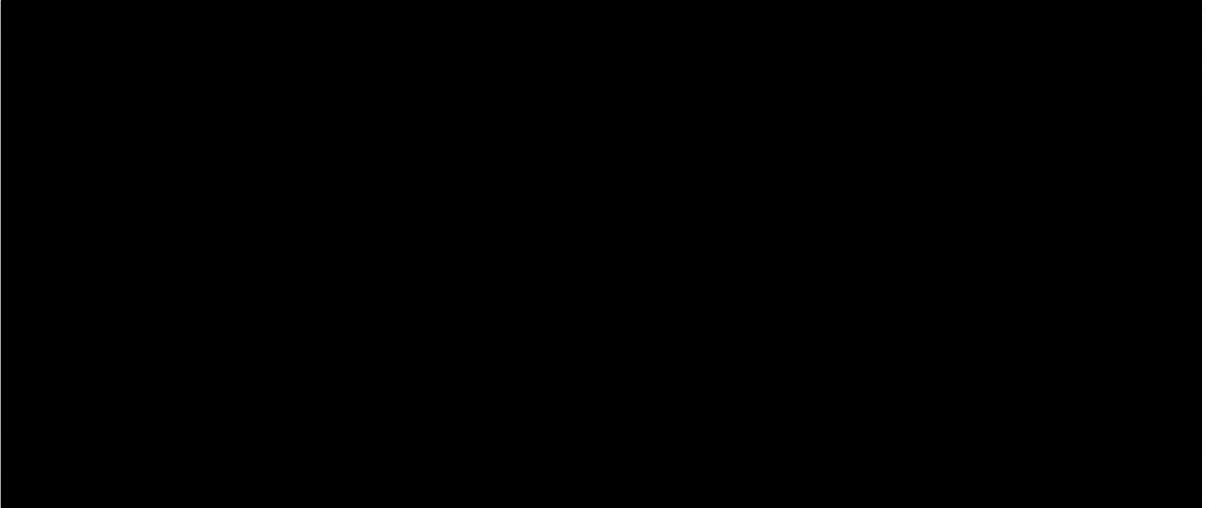
(4) THE COMMISSION CAN AT ANY TIME
LOOK AT A INMATE'S JACKET AND SEE

WHAT AND HOW MANY MAJOR DISCIPLINARY
LW. HAS HAD OVER HIS 40 PLUS YEARS
IN THE A.D.C. THIS CLAIMANT KNOWS
THERE IS NO WAY FOR THIS INMATE TO
EVER SEE SAID JACKET THEREFORE CLAI-
MANT NEVER FILED MOTION FOR VIEWING
LW'S DISCIPLINARY HISTORY.

(5) IF THE COMMISSION WOULD PLEASE
ALLOW, THIS CLAIMANT TO POINT OUT THE
GRIEVANCE #SSN20-00189 WHICH IS THE
VEHICLE THAT BROUGHT THIS CLAIM TO THIS
POINT, IS EXHAUSTED PLEASE SEE THE
ATTACHED EXHIBITS #2 #3 #4 FROM THE
ORIGINAL FILING. THE CLAIMANT ALSO WOULD
HAVE THE COMMISSION NOTE THAT THE
ATTY. THOMAS BURNS SUBMITTED UNDER
THE EXHIBITS ONLY THAT RELATE TO 62320
THE MAJOR DISCIPLINARY WAS ADMITTED
HOWEVER THE MAJOR DISCIPLINARY WAS NEVER
TAKEN TO COURT AND CLAIMANT WAS NEVER
FOUND GUILTY OF THE CHARGES, THE ADC
ALSO PUT A RESTRICTIVE HOUSING PLACE-
MENT SHEET IN THE EXHIBIT LIST AND
PUT THE SAID SAME IN EXHIBITS THERE
IS NO JUDICIAL VALUE TO THAT EXHIBIT
IT IS SIMPLY THERE TO INFLAME THE
COMMISSION AGAINST THE CLAIMANT AND
THE FORM IS NOT SIGNED. THEN THE

ADC Submits the ASSESSMENT/Retaliation STATUS CHECK List Page 32 of 32. This Exhibit #9 is AGAIN NOT of ANY JUDICIAL VALUE AND if INFACT it WERE to HAVE SOME JUDICIAL VALUE THE ADC FAILED to PLACE Lt EDWARDS ON their WITNESS List BECAUSE it is SHE that filled this form AND it is SHE that should BE AVAILABLE for QUESTIONS.

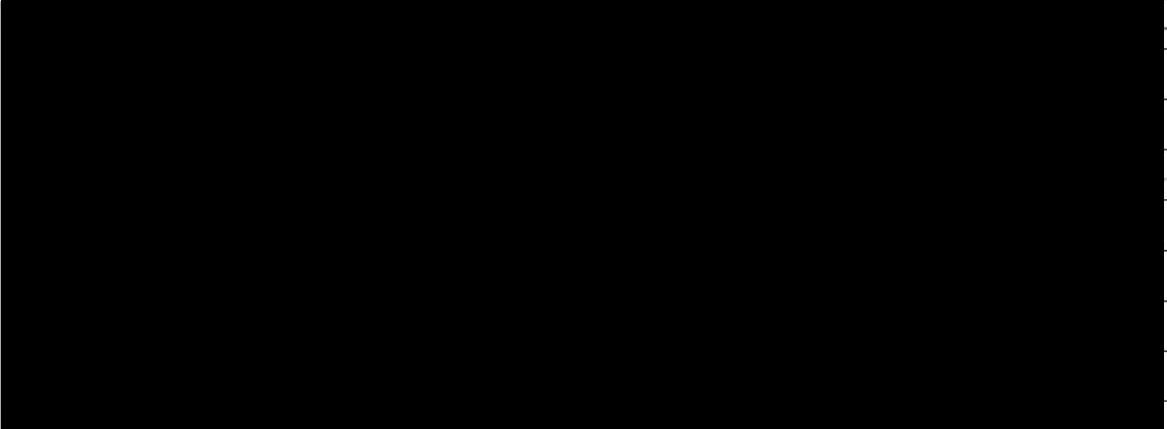
(6) THE COMMISSION WILL ALSO NOTE THE LACK OF CLAIMANTS GRIEVANCE ON THE EXHIBIT List for the RESPONDANTS (GRIEVANCE # SSN-20-00189), CLAIMANT HAS INCLUDED A COPY of SAID SAME LISTED AS EXHIBIT #6. THIS EXHIBIT SHOWN AS EXHIBIT for COMMISSIONS to SHOW that the INCIDENT from 6-23-20 IS ONLY STATED 1 TIME ON LINE (3) THE REST of the 12 to 13 1/2 LINES focus ON




ANT WOULD ALSO NOTE THAT THE RESPONDENTS ATTY. FAILED TO INCLUDE (2) OTHER VERY KEY EXHIBITS THAT WOULD DEMONSTRATE JUST HOW FAR THE ADC IS WILLING TO GO TO AVOID ANSWERING VALID INTERROGATORIES AND ALSO WERE REQUEST FOR ADMISSION ARE CONCERNED THE RESPONDENTS WILL SIMPLY TELL UNTRUTHS AND HALF TRUTHS TO KEEP THIS CLAIMANT AND THE COMMISSION FROM GETTING AT THE TRUTH OF THE MATTER AS RELATED TO THE ISSUES AS RELETED IN THE GRIEVANCE SNN 20-00189. PLEASE FIND THE EXHIBITS # EXHIBIT #7 & #8

(7) #16 ON RESPONDENTS EXHIBITS LIST IS A.D 2015-26. [REDACTED] TO BE INCLUDED ON THE ADC'S EXHIBITS LIST WAS A BOON FOR THIS CLAIMANT. THIS CLAIMANT RESUBMITS THE AD 15-29 [REDACTED] PAGES 1-32 FOR THE CLAIMANTS EXHIBIT #9 THE COMMISSION WILL PLEASE NOTE PG I II EXPLANATION, SEE HIGHLIGHTED AREA ALSO III APPLICABILITY SEE HIGHLIGHTED AREA. NOTE IV DEFINITIONS H SUBSECTION (I) HIGHLIGHTED PLEASE SEE FIRST SPECIAL DEFINITION OF [REDACTED] SUBSECTION b SEE HIGHLIGHTED AREAS. NEXT

THE COMMISSION WILL PLEASE NOTE THE



(8) THE COMMISSION WILL PLEASE SWITCH back to the ADC. RESPONDENT WITNESS and Exhibit List AT THIS TIME. THE COMMISSION SHOULD BE MADE AWARE OF CERTAIN FACTS RELATED TO SEVERAL OF THE WITNESSES ON SAID SAME LIST, #1 CLAIMANT, WHAT EXACTLY RESPONDENTS EXPECT TO GLEAN FROM HAVING ME AS A TOP WITNESS FOR THE RESPONDENTS IS BEYOND MY IMAGINATION BECAUSE EACH AND EVERY WORD OF MY ORIGINAL COMPLAINT IS SWORN TO AND EVERY OTHER WORD ANY WHERE ELSE IS TRUE AND CORRECT AND WILL NOT CHANGE. #2 CLAIMANT HAS NO WITNESS LIST EXCEPT RESPONDENTS WITNESS LIST. #3 MS AMANDA PASLEY WHO IS A CORRECTION DIVISION OF CORRECTION  AND IS WHO WROTE THE EXHIBIT #4 FROM THE ORIGINAL COMPLAINT FORM THAT CAUSED THIS CLAIM TO BEGIN. AND IT WAS SHE THAT

WROTE ON SEPT 04-2020 THE WORDS "IN REFERENCE TO THE ABOVE LISTED GRIEVANCE (SNN20-00189), THIS ALLEGATION WAS INVESTIGATED AND FOUND TO BE SUBSTANTIATED ON 08-07-2020) END QUOTE THE DEFINITION OF SUBSTANTIATED IS AS FOLLOWS "VERIFY, PROVE, HAVING SUBSTANCE REAL." USING THE MERRIAM-WEBSTER DICTIONARY COPY WRITE 2016 ISBN# 978-0-87779-295-6. THEREFORE THIS CLAIMANT FAILS TO SEE THE RELEVANCE OF THIS WITNESS, OTHER THAN TO IMPEACH THE ADC'S OWN WITNESS.

(9) #FOUR (4) RESPONDENTS WITNESS LIST IS THE EX LT ADAM SEELEY, THIS ADC WITNESS IS THE ONE WHO PERFORMED THE (2ND) SECOND INVESTIGATION RELATED TO THE SINGLE INCIDENT ON 6-23-20 WHICH HE DID SO ON 6-30-20 THIS IS APPROX SEVEN DAYS (7) LATER THAN 6-23-20 THE ABOUT 2-3 DAYS LATER IS WHEN CLAIMANT WAS ABLE TO GET AND WRITE AND GET SGT SMITH TO SIGN A GRIEVANCE RELATED TO THE 4 MONTH LONG ORDEAL.

AT THAT TIME (WITHIN 24 HOURS) LT SEELEY CALLED ME TO HIS OFFICE I WENT TO HIS OFFICE AND HE AND I TALKED ABOUT THE

DOWN TO ME BY L.W. AND HOW A WHOLE BARRACKS COULD TURN A BLIND EYE TO WHAT WAS RIGHT IN FRONT OF THEM AND WHY

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NO OFFICER SAW OR STOPPED OR AT THE VERY LEAST ENFORCED THE ADC RULES RELATED TO NO INMATES WERE TO BE ON OTHER CUBES OR ON OTHER RACKS THAN THEIR OWN AT ANY TIME AND MOST IMPORTANTLY AFTER LITES OUT.

(10) THE THEN LT SEELEY DID PLACE L.W. ON A ACTUAL ENEMY ALERT LIST TO PREVENT US BEING IN THE SAME BARRACKS ANY MORE AND THAT IS OK. THE CLAIMANT WOULD LIKE THE COMMISSION TO BE MADE AWARE OF THE FACT THAT APPROXIMATELY 30 DAYS TO 45 DAY AFTER THE LT INVESTIGATED THIS CLAIMANT, THE NOW CAPT. ROSS AND SEVERAL (2) OTHER OFFICERS CAME AROUND AND PULLED THIS CLAIMANT OUT OF CHARLIE AND INTERVIEWED THE CLAIMANT RELATED TO

AND INAPPROPRIATE BEHAVIOR, AND THEN THE LT WAS NO LONGER HERE AT [REDACTED]. IT IS THIS REASON THAT THIS CLAIMANT OBJECTS TO THIS FORMER LT SEELEY AS A WITNESS FOR THE RESPONDENTS UNDER THE CLEAN HAND THEORY. ALSO THE FACT THAT THE EX LT HAD THE GRIEVANCE IN HAND WHEN WE SPOKE IN HIS OFFICE WHY DID HE NOT DO HIS DUTY AND INVESTIGATE THE FACTS LAID OUT ON THE GRIEVANCE, SEELEY

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WAS INVOLVED IN THIS FROM THE FIRST AND HAD NO PROBLEM WITH FINDING THE 6-23-20 HE COULD HAVE SAVED, FLAGGED OR SIMPLY REVIEWED THE FOOTAGE AT THE TIME FRAMES INDICATED ON THE GRIEVANCE.

(11) WITNESS LIST #5 MAURICE CULCLAGER DEPUTY WARDEN AT THAT TIME THIS CLAIMANT WITH THE UPMOST RESPECT FOR THIS MAN WILL SUBMIT THE FOLLOWING FOR THE COMMISSION TO MAKE NOTE OF; THE WARDEN CAN NOT LEND ANY VIABLE FACTS TO THE HEARING FOR THE FOLLOWING REASONS (1) HE HAS NEVER VIEWED THE FILM FOOTAGE AT ALL NOT FROM 6-23-20 NOR FROM ANY DATE PRIOR TO THAT DURING THE 4 MONTHS IN QUESTION AND THAT LEADS INTO THE NEXT POINT THE WARDEN IS ON THE WITNESS LIST FOR (1) ONE REASON ONLY AND THAT IS TO CONFIRM THAT HE DEPUTY WARDEN CULCLAGER DID IN FACT INSTRUCT THE THEN T SEELEY TO CONDUCT AN INVESTIGATION ABOUT 6-23-20 THERE IS NO MEMO HOWEVER ON THE ADC EXHIBIT LIST OF SAID MEMO FROM THE WARDEN TO SEELEY. THEN THERE IS #6 MR JIMMY COLEMAN THE MAJOR (INSIDE) AT THAT TIME HERE AT [REDACTED] AGAIN THERE IS NO BETTER MAJOR AS FAR AS I KNOW AND AS FAR AS I HAVE HEARD FROM OTHER INMATES WHO HAVE KNOWN THE MAN MUCH LONGER.

ORCU LEGAL USE ONLY

THERE IS NO ACTUAL VIABLE INFORMATION THAT THE MAJOR CAN PROVIDE TO THE COMMISSION. IT IS THIS CLAIMANT'S BELIEF THAT THE THEN MAJOR DID NOT VIEW THE FOOTAGE FROM 6-23-20 AND ALSO THIS CLAIMANT'S BELIEF THAT IF THE MAJOR HAD VIEWED ANY OTHER FOOTAGE INCLUDING THE 6-23-20 FOOTAGE HE WOULD NOT BE ON THE AUC'S WITNESS LIST. THE ONLY ROLE THE MAJOR CAN PLAY IN THIS SHOW IS TO ACKNOWLEDGE THAT THE MAJOR DID IN FACT SEND THE MEMO TO THE WARDEN RELATED TO FORMER LT SEELEY'S INVESTIGATION. IT IS THIS CLAIMANT'S COMPLETE WHOLE HEARTED BELIEF THAT THE MAJOR NOR THE WARDEN LISTED WITHIN THIS DECLARATION HAS EVER SEEN THE FOOTAGE FROM 6-23-20 NOR DID EITHER ONE EVER DIRECT SEELEY TO INVESTIGATE THE AFFIDAVIT SNIN-2000189. BEC-

INSIDE THE AUC, WELL I'M HERE TO TELL YOU, THE COMMISSION AND THE WORLD THAT YES IT DOES HAPPEN AND IT TIME THAT PEOPLE WAKE UP. JUST BECAUSE I'M A GUY DOES NOT MEAN I CAN'T BE THREATENED, COERCED -

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OR forced to do things that outside these fences NO ONE could ever force ME this CLAIMANT to do, IVE WENT from BEING A VICTIMIZER IN the FREE world to BEING A VICTIM HERE IN the ADC.

(12) IF YOU WANT TO CONTROLL THEIR BODIES, YOU NEED TO CONTROLL THEIR MINDS
(MAN, THE DEUCE, HBO, SEASON 1, EPISODE 8, MY NAME IS RUBY)

(AN EXCERPT FROM; ALL PEOPLE V- ABDUR-RAZZAQ #77 N.Y.S. S. 3d. 842 (NYSCT 2013))
"AN EXCERPT CAN GIVE TESTIMONY REGARDING TRA-



DEFINITION OF PARADOXICAL IS PER THE MERRIAM-WEBSTER DICTIONARY "ACTION, STATEMENT THAT SEEMS CONTRARY TO COMMON SENSE AND YET IS PERHAPS TRUE".

THIS CLAIMANT HAS SPENT MANY HOURS, DAYS, WEEKS, MONTHS AND YEARS DEALING WITH THE AFTER MATH OF THIS ORDEAL THERE IS NOT A DAY THAT GOES BY THAT I DON'T REMEMBER -

ORCU LEGAL USE ONLY

WHAT HAPPENED TO ME DURING THOSE 4 MONTHS.
 THIS CLAIMANT WAKES UP THE NEIGHBORING
 INMATES WITH NITE TERRORS SCREAMS
 DUE TO NITE MARES FROM THAT PERIOD OF
 OF TIME IN 2020.

- (13) THE ADC (RESPONDENTS) CONTROL
 THE MENTAL HEALTH DEPARTMENT
 ALL THE STAFF ARE IDENTICALLY EMPLOYED

CLAIMANT SUFFERS FROM NOW DUE TO
 THE EVENTS THAT WERE THAT THE
 CULMINATE RESULT OF FAILURE UPON
 FAILURE OF THE ADC'S TRAINING, BOTH IN
 THE RETENTION OF SAID TRAINING, AND OF
 THE IMPLEMENTATION OF SAID TRAINING
 AND THE SUPERVISION OF OFFICERS ON POST
 TO ENSURE THE ADC'S POLICY RELATED TO
 SECTION, PREVENTION AND INTERVEN
 tion.

- (14) THIS CLAIMANT PRAYS THE COMMISSION
 TO UNDER RULE 4.7 TITLE EVIDENCE & EXHIBITS
 ALLOW THIS DECLARATION OF STATEMENT OF
 AND RESTATEMENT OF FACTS RELATED TO
 CLAIM NUMBER # 221169, TO BE ENTERED
 INTO THE CASE FILE TO BE USED AT
 ANY AND ALL FUTURE HEARING AND OR APPEALS.

AND AS THE RULE 4.7 STATE THIS DOCUMENT;
CLAIMANTS DECLARATION RELATED TO THE STATE-
MENT AND RESTATEMENT OF FACTS IS PRESENTED
BEFORE THE 7 DAYS (AS REQUIRED) TO BOTH THE
ARKANSAS STATE CLAIMS COMMISSION AND TO
RESPONDENTS ATTORNEY THOMAS BURNS.

(15) I PAUL WOODARD A INMATE IN THE
ARK DEPT OF CORRECTION, A DIVISION
OF COLLECTIONS HAVE WRITTEN THESE 15
PAGES OF THIS DOCUMENT AND EVERY PAGE
AND EVERY WORD IS TRUE & CORRECT TO
THE BEST OF MY KNOWLEDGE AND RECOLLE-
CTION, TO THIS I DO HERE BY SWEAR, DE-
CLARE AND AFFIRM SO HELP ME GOD?

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

Date _____

AFFIANT _____

Subscribed and sworn to before me, a Notary Public, on this _____ day of
_____, 20____.

Notary

My Commission Expires _____ / _____ / _____

Page 15 of 15

ISSR100

Arkansas Department of Corrections

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: Woodard, Bart Wayne

ADC#: [REDACTED]

Assignment: AM: Unassigned
PM: DCR No Duty

Class: III is being charged by Seeley, Adam V
with code violation(s):

Title: Lieutenant

02-12 Failure to keep one's person OR quarters IN accordance with regulations, OR failure to wear Department-issued ID OR clothing according to center unit policy.
03-5 Out of place of assignment.

Commission

13-2 Lying to a staff member, including omissions and providing misinformation

Date & Time: 06/30/2020 8:45 PM

APR 01 2024

Notice of Charges:

RECEIVED

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

Signature of Charging Officer

NOTIFICATION: Officer [Signature]

Date & Time Notified

Witness Statements:

No ☒

If yes, list:

Inmate's Signature

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

By: Coleman, Jimmy IV

Date: 07/09/2020

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
#1

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD ([REDACTED])

CLAIMANT

v

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

RESPONDENT WITNESS and EXHIBIT LIST

Comes Now the Respondent, Arkansas Department of Correction (ADC), for its Motion,
states:

Witness List

1. Claimant
2. Any Witnesses of the Claimant.
3. Amanda Pasley
4. Adam Seeley
5. Maurice Culclager
6. Jimmy Coleman
7. Derwin Metcalf

Exhibit List

8. Incident report summary ✓
9. Memo from Jimmy Coleman to Maurice Culclager ✓
10. [REDACTED]
11. Major Disciplinary violation (Woodard) ✓
12. Restrictive housing placement (Woodard) ✓

EXHIBIT AAA1

13. Condensed health service encounter (Woodard)¹
14. Form 005 in relation to the incident ✓
15. ADC Interrogatory and request for production to Inmate
16. A [REDACTED] ✓
17. AD 2019-34 Grievance policy ✓
18. Four (4) videos to be shown of the incident ✓

Respectfully submitted,



Thomas Burns (02006)
 Legal Division
 Division of Corrections
 6814 Princeton Pike
 Pine Bluff, AR 71602
 (870) 267-6845 Telephone
 thomas.burns@arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 1st day of March 2024, on the below Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Bart Woodard ([REDACTED])
 [REDACTED]
 [REDACTED]



Thomas Burns

EXHIBIT
 AAA2

¹ Pursuant to ADC policy 1164.00 and 1166.00 Inmates are not allowed to have medical records. If the inmate would like to review his medical records he may do so by filing an Inmate Request form with the Warden.

IGTT430
3GD

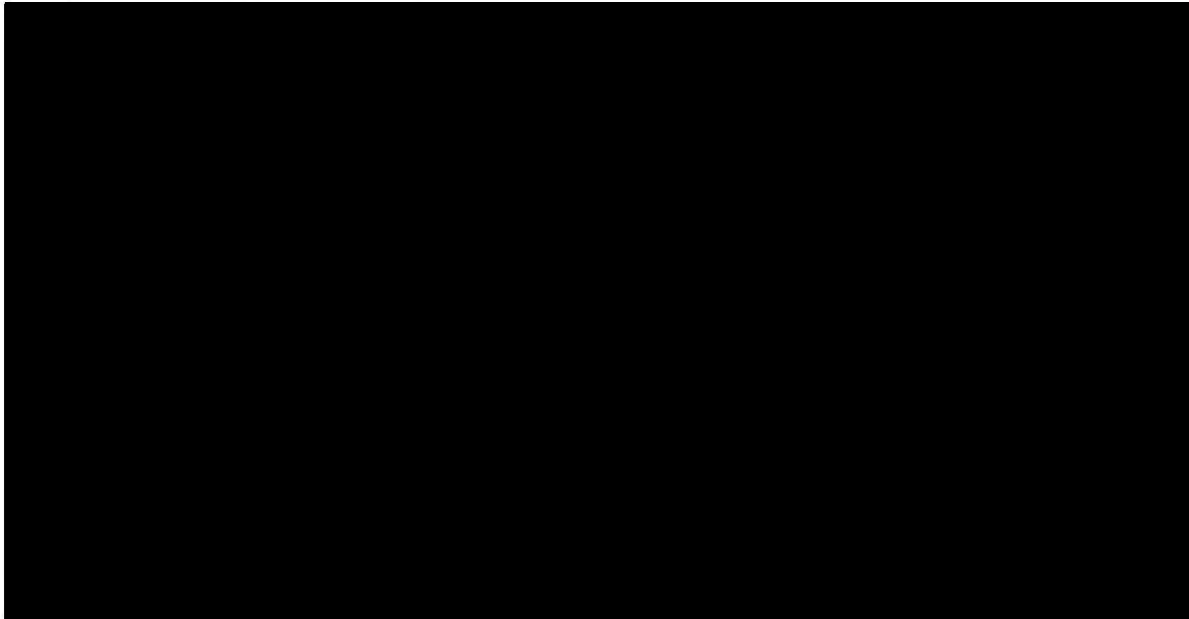
Attachment VI

INMATE NAME: Woodard, Bart W.

ADC #: [REDACTED]

GRIEVANCE#: SNN20-00189

CHIEF DEPUTY/DEPUTY/ASSISTANT DIRECTOR'S DECISION



Gary Luffen
Director

9/3/20
Date

EXhibit
#3



[REDACTED]
[REDACTED]
[REDACTED]
Phone: 870-267-6405
Amanda.Pasley@Arkansas.Gov

To: Inmate B. Woodard ADC # 119498

From: Amanda Pasley, Division of Correction [REDACTED]

Amanda Pasley

Date: September 4, 2020

Re: [REDACTED] Grievance # SNN20-00189

In reference to the above-listed grievance, this allegation was investigated and found to be substantiated on 8/7/2020.

EXhibit #4

<http://DOC.Arkansas.gov>

** → Exhibit #2 SENT TO PINE BLUFF 7-19-20 FOR APPEAR*

UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center

Name WOODARD

Brks # INT Job Assignment MELITE

FOR OFFICE USE ONLY

GRV. # SNN20-00189

Date Received:

GRV. Code #:

7-2-20 (Date) STEP ONE: Informal Resolution

7-2-20 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: SAFETY ALERT IS A SEAT BELT

WHAT ABOUT THE REST OF THE FUTURE PUNISHMENT RECEIVED AND...
(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 serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. In an Emergency, state why:

Is this Grievance concerning Medical or Mental Health Services? If yes, circle one: medical or mental

BRIEFLY state your complaint/concern and be specific as to the complaint, date, place, names, circumstances

Bart Woodard
Inmate Signature

7-2-20
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 7-2-20 (date), and determined to be **Step One** and/or an Emergency Grievance (Yes or No). This form was forwarded to medical or mental health? (Yes or No). If yes, name of the person in that department receiving this form: Date

PRINT STAFF NAME (PROBLEM SOLVER)

ID Number

Staff Signature

Date Received

Desc

cluding date

EXhibit #2

FOR ORIG Filing

Staff Signature & Date Received

EXhibit #6

FOR this NEW

DECLARATION Filing

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

Staff Who Received Step Two Grievance: Date:

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

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

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

Exhibit #7

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ADC RESPONSES TO CLAIMANTS LIST OF INTERROGATORIES FOR
RESPONDENT

COMES NOW, The Arkansas Department of Correction (ADC), by and through their attorney, Thomas Burns, and for their responses, state:

INTERROGATORY NO. 1: Is there a ADC wide (all units) policy related to inmates being in another inmates cell/cubicle at any time?

RESPONSE: Objection, this is not a proper interrogatory, this is formed as a request for admission which pursuant to the Rules of Civil Procedure is incorrectly formed

INTERROGATORY NO. 2: Is there not a policy at [REDACTED] there to be a set of post orders at every hub in housing (4) four (hub is the description for where the officers sit between the (2) barrack where the phone is and where the monitors are (2 monitors in most cases) so the corrections officers can view the camera fees from within the 2 barracks?

RESPONSE: Objection, this is not a proper interrogatory, this is formed as a request for admission which pursuant to the Rules of Civil Procedure is incorrectly formed

INTERROGATORY NO. 3: Is there not a section within the post orders (the post orders that should be at every hub) that relates to the amount of time that must be allowed between all callout and last calls if there is to be 5 minutes between first call chow and last call chow.?

RESPONSE: Objection, this is not a proper interrogatory, this is formed as a request for admission which pursuant to the Rules of Civil Procedure is incorrectly formed.

#7(1)

INTERROGATORY NO. 4: Is there not in the officers post orders a section within those post order that covers the enforcement of the barracks rules?

RESPONSE: Objection, this is not a proper interrogatory, this is formed as a request for admission which pursuant to the Rules of Civil Procedure is incorrectly formed.

INTERROGATORY NO. 5: How often should a correctional officer make security rounds in a barracks?

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violates ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

INTERROGATORY NO. 6: If during a security round the correctional officer finds three inmates in a cubicle what should that correctional officer do the very first time the infraction of barrack rules are noted?

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violets ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

INTERROGATORY NO. 7: Why are there security camera's located is so many places in each barracks?

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violets ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

72

in related to the investigation into how Lt. Seely handled the [REDACTED] as report by myself.


RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violates ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

REQUEST FOR PRODUCTION NO. 2: Please provide and attach a copy of the post orders that are placed at every hub, and if providing a copy of such post orders will pose a security risk if a "inmate" has such a top secret document then the legal division, Mr. Thomas Burns, will forward a copy of the post orders to the claims commission as a neutral fact finding body as it is designed to be and this claimant can pose questions to the claims commission, and the commission can decide what is and what is not a security issue.

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violates ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

DATED: February 2, 2023

Respectfully submitted,


 Thomas Burns (02006)
 Legal Department
 Division of Correction
 6814 Princeton Pike
 Pine Bluff, AR 71602
 (870) 267-6845 Office
 (870) 267-6373 Facsimile
 thomas.burns@arkansas.gov

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INTERROGATORY NO. 8: How are new correctional officers trained to monitor camera fee's and spot issues that are ongoing related to [REDACTED]

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery and violets ADC policy about information to be given to inmates based upon the safety and security of the facility, staff, and inmates. The ADC will comply with the order of the Commission regarding materials to be presented at the final hearing of this matter.

INTERROGATORY NO. 9: Why does the ADC not offer/allow proper medication for the true treatment [REDACTED]

RESPONSE: Objection, this is vague and beyond the scope of discovery. ADC does not provide medications and medical personal are not employed by the ADC as they are contractors. The Claimant would be in the better position to get this information for his health services

INTERROGATORY NO. 10: The ADC Controls the psychology department, there is no way a inmate can truly be treated by a psy department for a psy issue when the ADC employee's the personal treating the inmate and the inmates [REDACTED]

[REDACTED] was due to the fact that the security officers were not enforcing the ADC's policies due to poor training improper supervision by ranking staff members, why is the training of enforcement of ADC policy that covers security checks rule enforcement, and identification of [REDACTED] not a priority with this unit?

RESPONSE: Objection, this is vague, unduly burdensome, and beyond the scope of discovery. Medical personal are not employed by the ADC as they are contractors. The Claimant would be in the better position to get this information for his health services.


REQUEST FOR PRODUCTION NO. 1: Please attach a copy of the report that was generated as related to the investigation in which the now Cpt. Ross the then Lt. Ross was involved

173

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been served this 2nd day of February 2023, on the Claimant via email, to:

Bart Woodard [REDACTED]
[REDACTED]
[REDACTED]



Thomas Burns

75

Exhibit #8

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

NO. 221169

ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ADC RESPONSE TO CLAIMANTS REQUEST FOR RESPONDENTS ADMISSIONS

Comes now, the Plaintiff, Arkansas Department of Correction, (ADC), by and through their attorney, Thomas Burns, and for their Response to Requests for Admissions of Bart Woodward, in accordance with the Arkansas Rule of Civil Procedure, states:

REQUEST FOR ADMISSION NO. 1: Does the Respondents through and by their attorney admit that this Claimant wrote a grievance on 07-02-20 with the no. SNN20-00189?

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 2: Does the Respondent through and by their attorney admit that the grievance with the no. SNN20-00189 was responded to on 07-13-2020, at which time the Warden stated he himself has forwarded the grievance with the no. SNN20-00189 to the unit [REDACTED] manager?

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 3: Does the Respondent through and by their attorney admit that upon the completion of the internal affairs investigation that was started by grievance no. SNN20-00189 and included the [REDACTED] ended with the internal affairs written statement proving Claimants claim and removing doubt that this Claimant was [REDACTED] [REDACTED]?

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 4: Does the Respondent through their attorney admit that there are multiple dates of film footage (note that any time the phrase film or film footage is

8A

used it means or can mean video footage, video or digital data or any other term that can or does mean any type of data recorded and stored from any security camera) (with that stated and said disclaimer included within this test) that are stored either on CD or DVD disc or by some type of storage device for electronic data that has been recorded by any camera in place in hotel barracks (the data can also be stored in the data storage type known as the cloud and or other similar storage types) and of those cameras that took that said same film footage at least (1) one of those camera that collected that film footage takes/views films the #1 and #2 cube where the Claimant was [REDACTED] from February 2020 until June 2020.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 5: Does the respondent through and by their attorney regardless of the answer to the admission request #4 admit that there is at least (1) one camera with a direct view into cubicle #1 and 2 without any obstruction and that camera shows a direct and continuous footage on a monitor that sits in the officers hub. (the correctional officer sits at the hub and all the officer has to do is log in their log book and monitor the camera feeds and make security round every 30 minutes.)

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 6: Does the Respondents through and by their attorney admit that there existed film/video footage stored/collected or preserved on some type of digital data collection apparatus that showed cubicle #1 and 2 between the dates of February 2020 and through the month of June 2020 and also between the hours of 11pm of Friday nite through the hours of Monday morning each week @3:30 am of the months noted above.

RESPONSE: Deny

8 B

REQUEST FOR ADMISSION NO. 7: Does the Respondents through and by their attorney admit that per barracks rules at no time should any inmate be sitting on another inmates rack and even more so should these rules be enforced after lites out.

RESPONSE: Deny.

REQUEST FOR ADMISSION NO. 8: Does the respondent through and by their attorney admit that there are post order at each barrack hub and contained within those post orders are the rules and policies which the correctional officers are to enforce and key among those rules and policies are no inmates are to be in another's cubicle nor on another's rack.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 9: Does the Respondents through and by their attorney admit that more training and better enforcement of the current policies along with more supervision of correctional officers by ranking officers would have either prevented this [REDACTED] at the very least prevented the 4 months duration of the enduring [REDACTED] prevented the resulting [REDACTED]

RESPONSE: This is not a proper request as it call for a legal conclusion, as such deny

REQUEST FOR ADMISSION NO. 10: Does the Respondents through and by their attorney admit that the ADC provides the Psychology Department and the members of that department are direct employees of the ADC.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 11: Does the Respondents through and by their attorney admit that the internal affairs investigations that were performed and concluded in the year 2020 were found with merit and determined that this Claimant was a [REDACTED]

RESPONSE: Deny

8c

REQUEST FOR ADMISSION NO. 12: Does the Respondents through and by their attorney admit that Claimant reported the long term [REDACTED]

[REDACTED]


[REDACTED]

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 13: Does the Respondent through and by their attorney admit that upon at least 2 occ the Claimant was [REDACTED] even if all other camera footage is lost misplaced or destroyed that would show and demonstrate that from Feb 2020 through June 2020 Claimant was repeatedly [REDACTED]

RESPONSE: This is not a proper request as it call for a legal conclusion, as such deny
Filed 2nd February 2023.

Respectfully submitted,



Thomas Burns (02006)
Department of Correction
6814 Princeton Pike
Pine Bluff, AR 71602
(870)267-6845 Office
(870)267-6373 Facsimile
thomas.burns@arkansas.gov

8 D

CERTIFICATE OF SERVICE

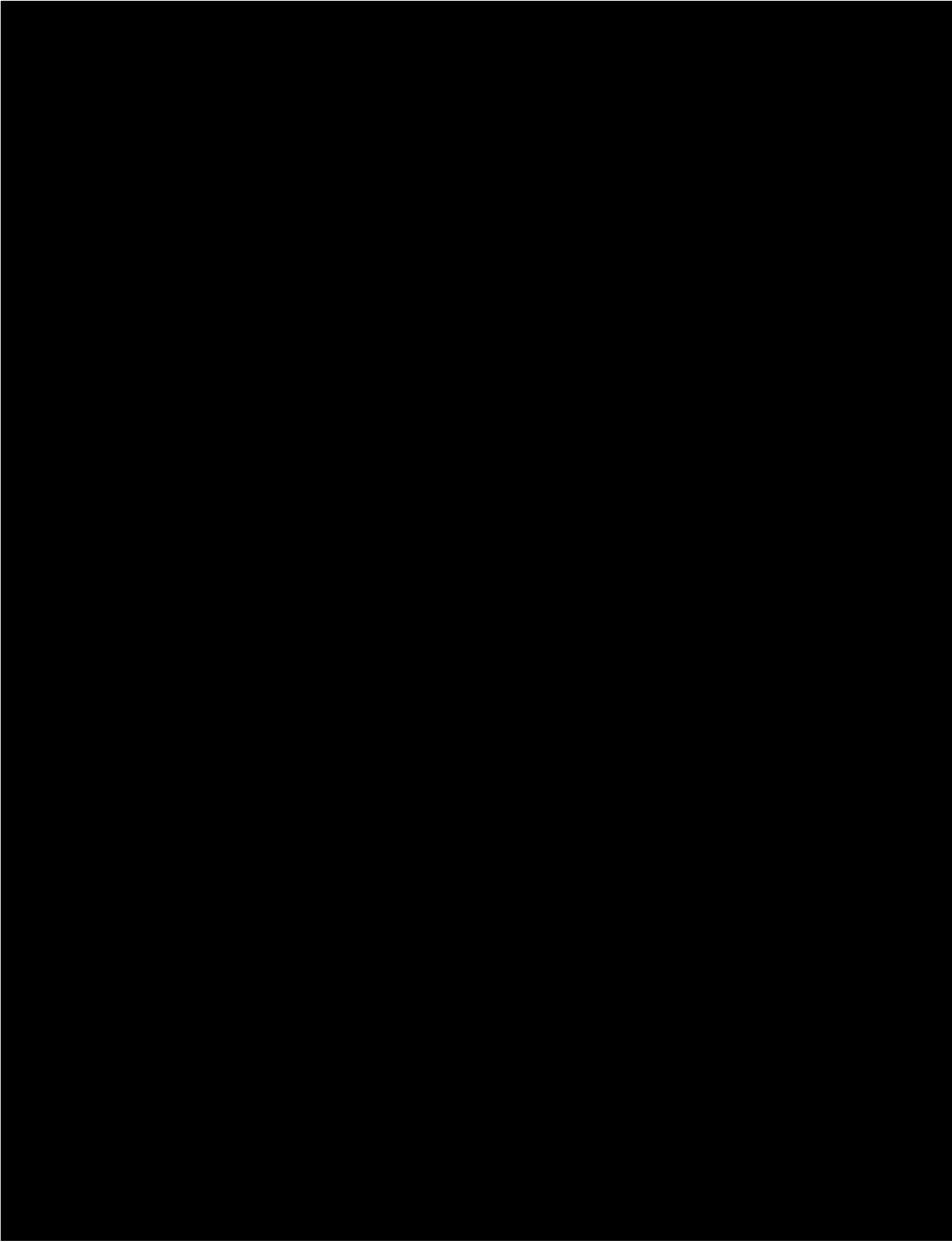
I certify that a copy of this pleading has been served this 2nd day of February 2023, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

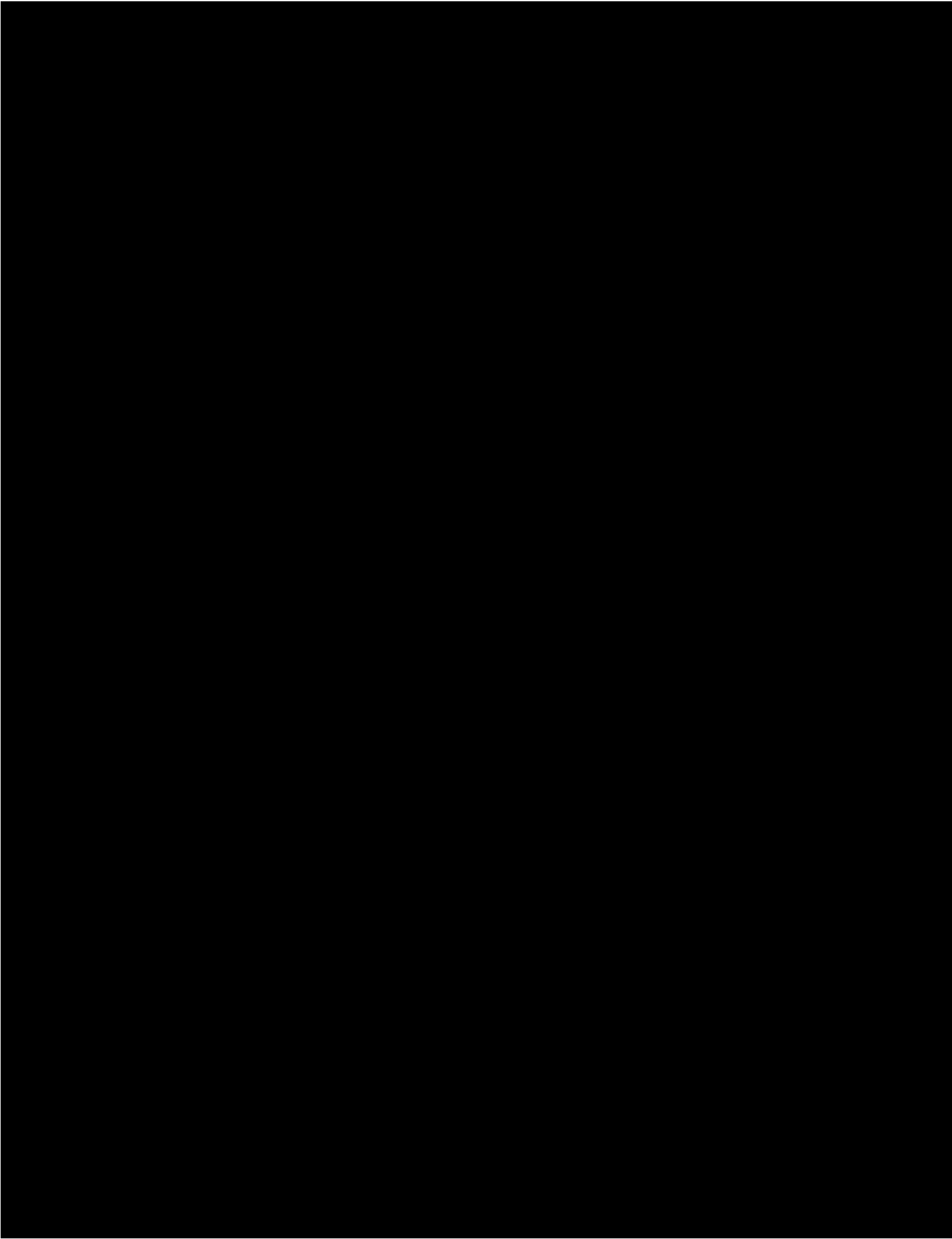
Bart Woodard [REDACTED]
[REDACTED]

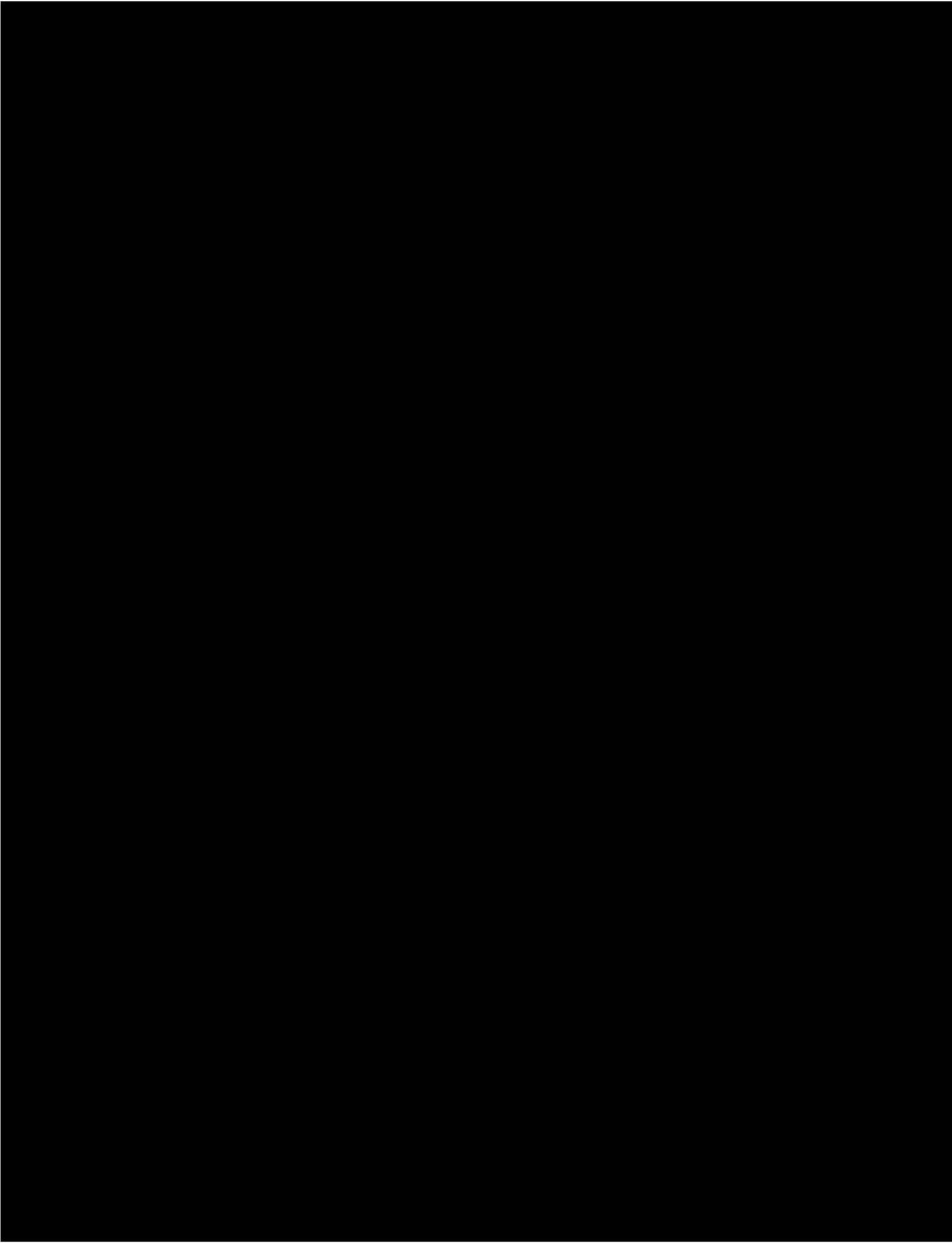


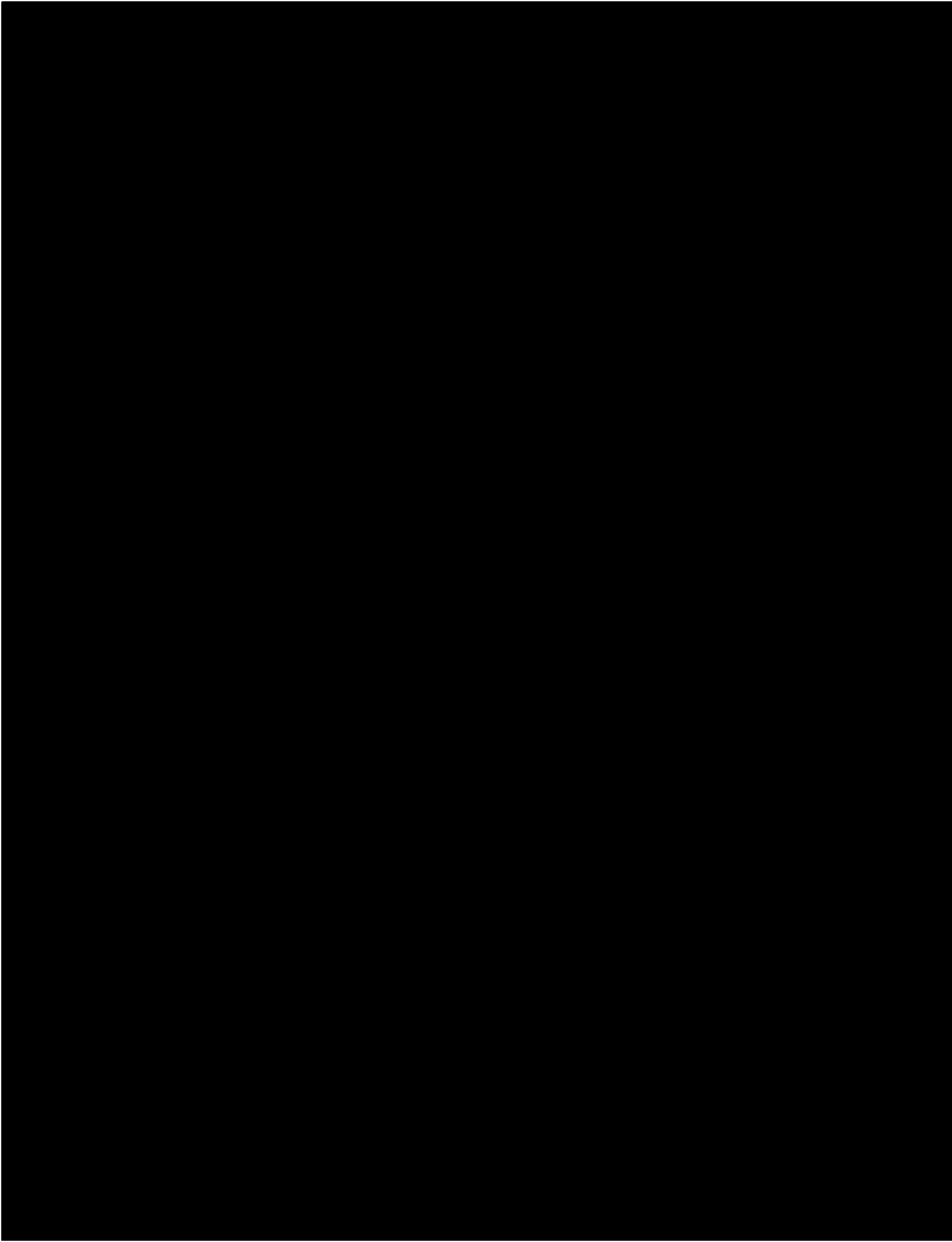
Thomas Burns

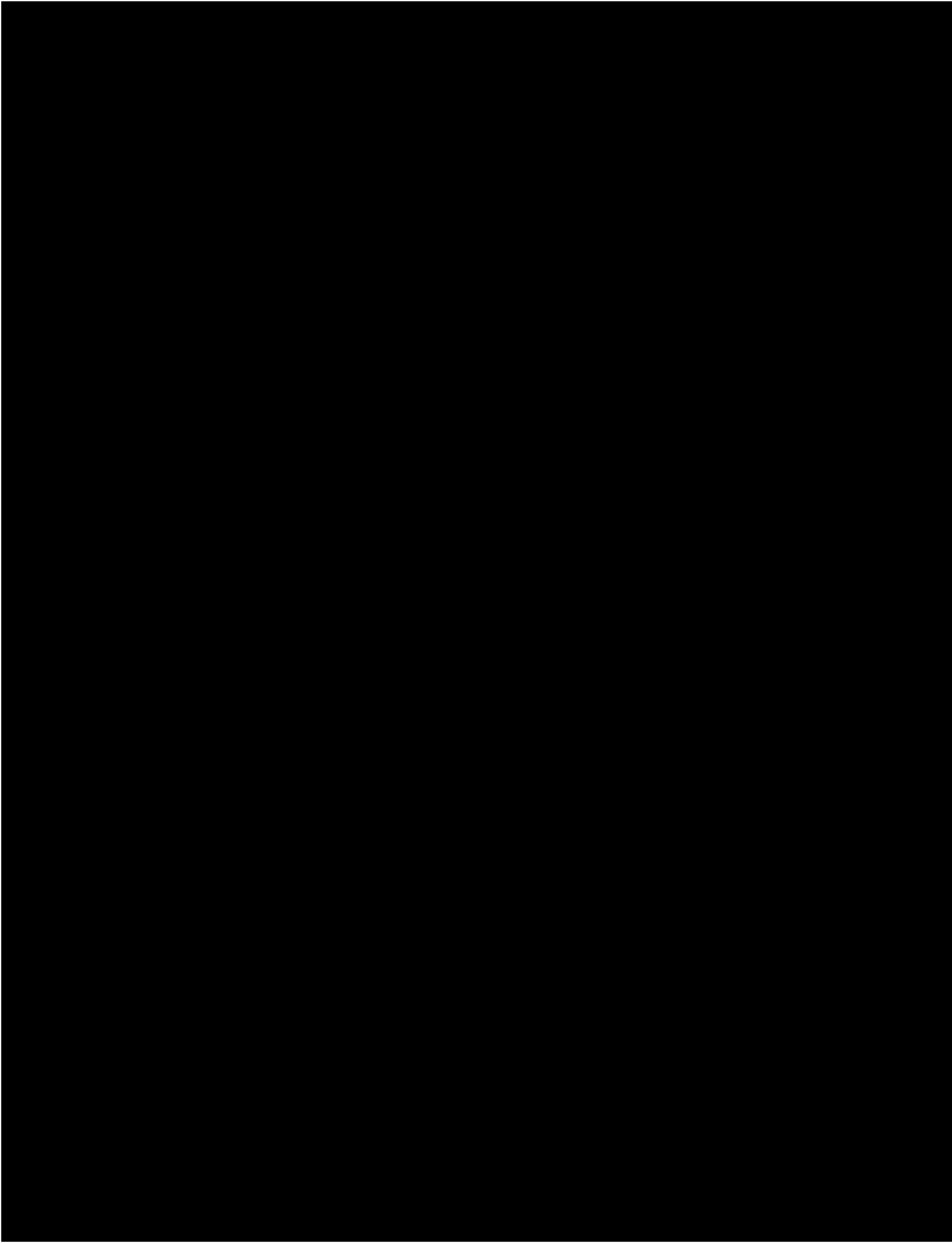
8E

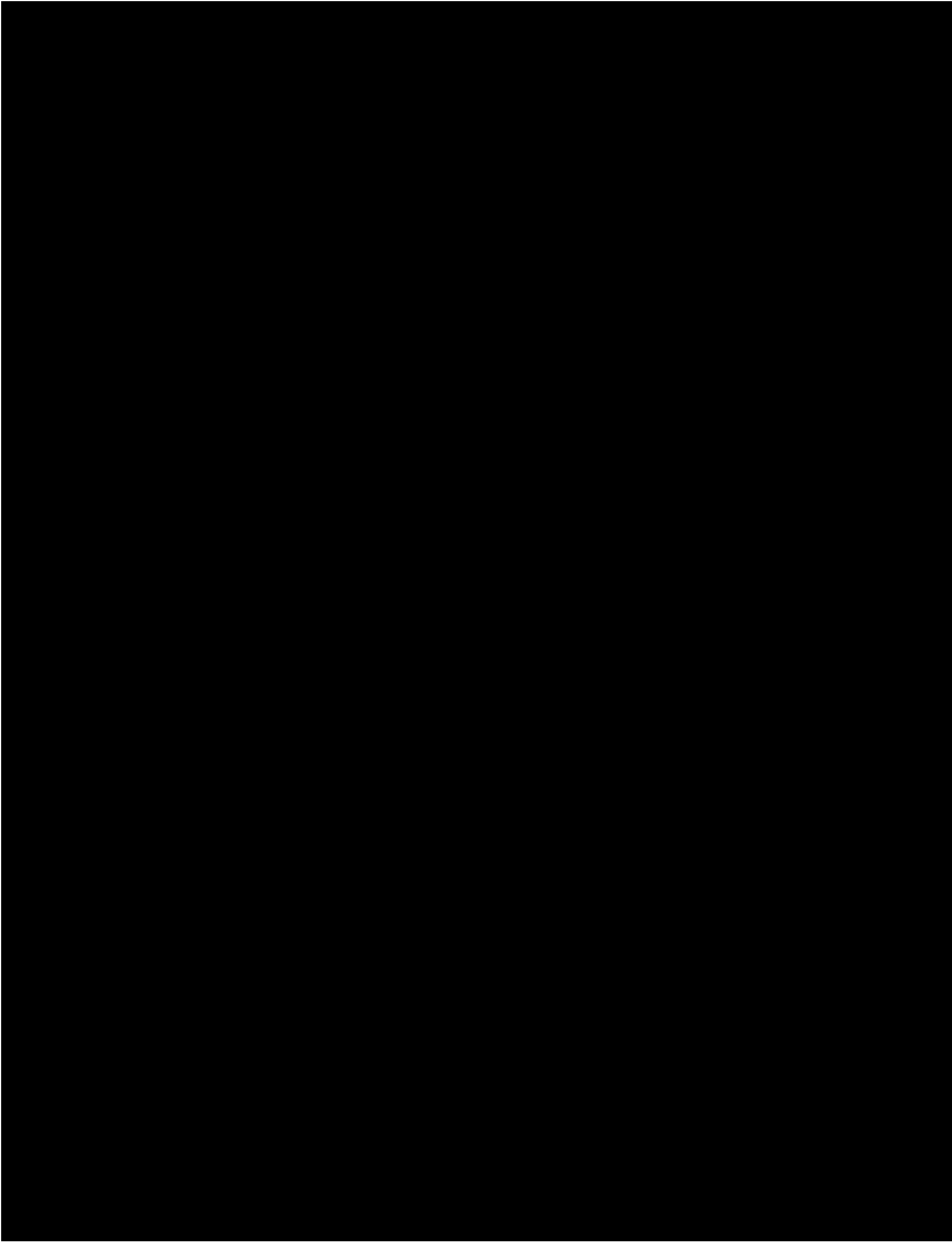


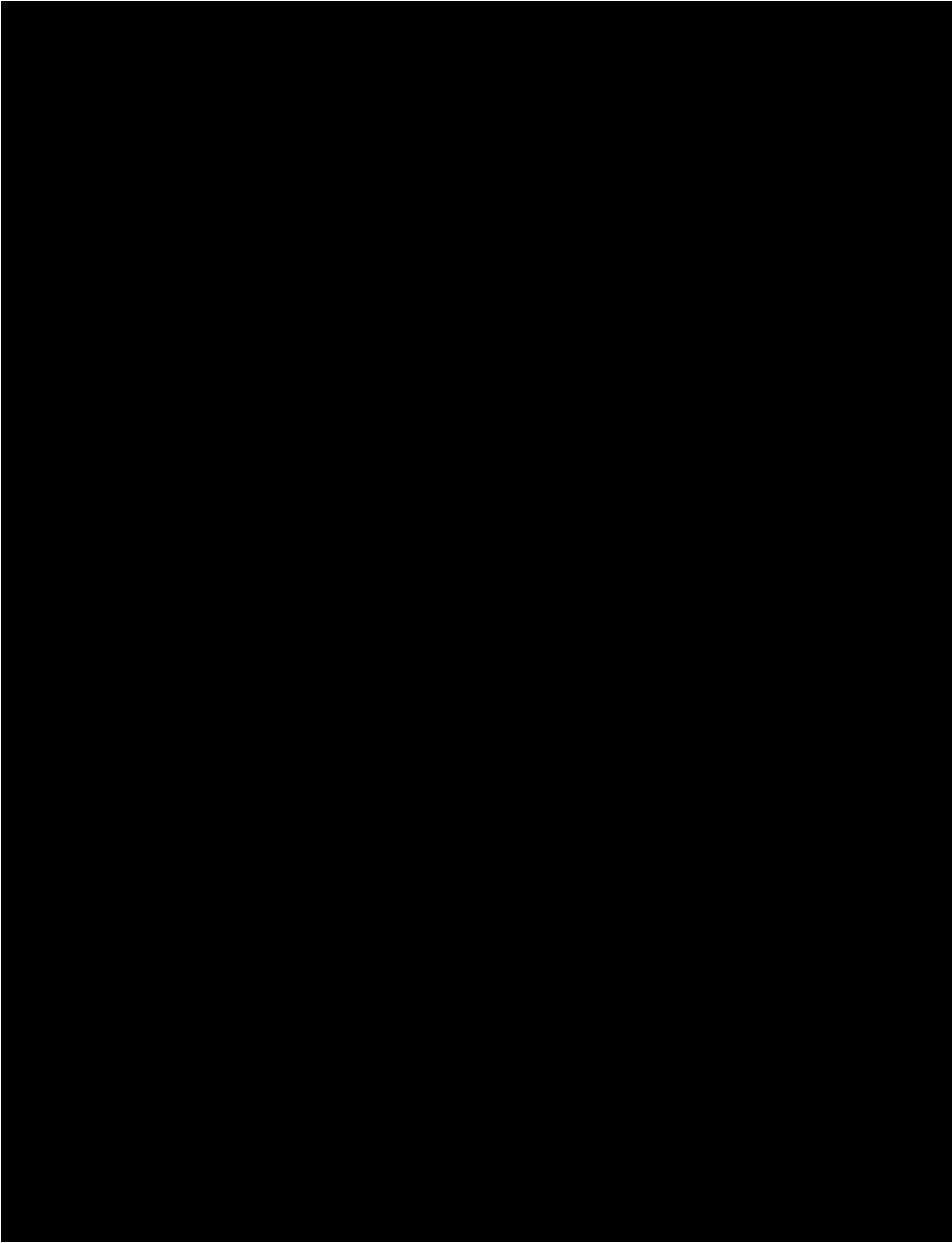


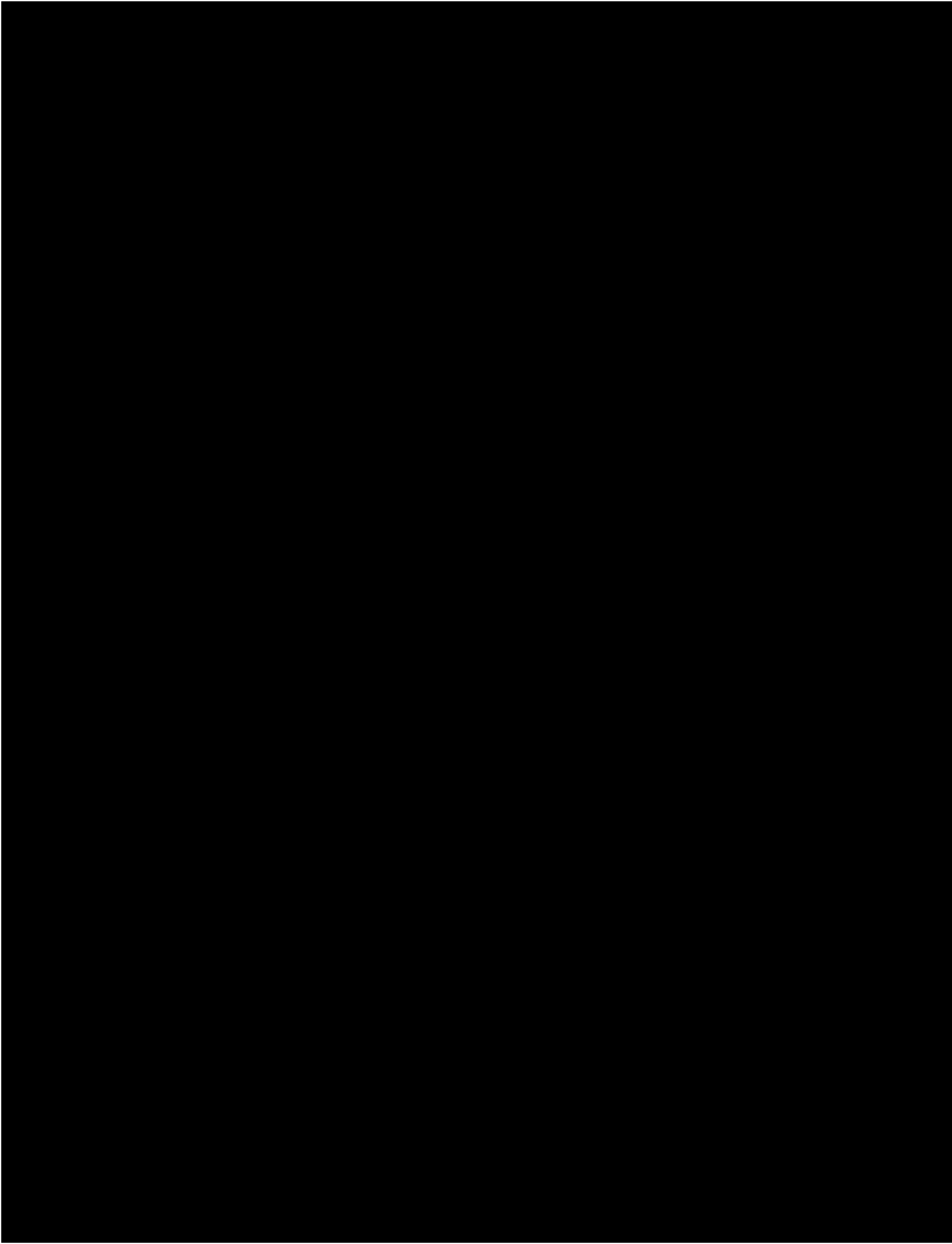


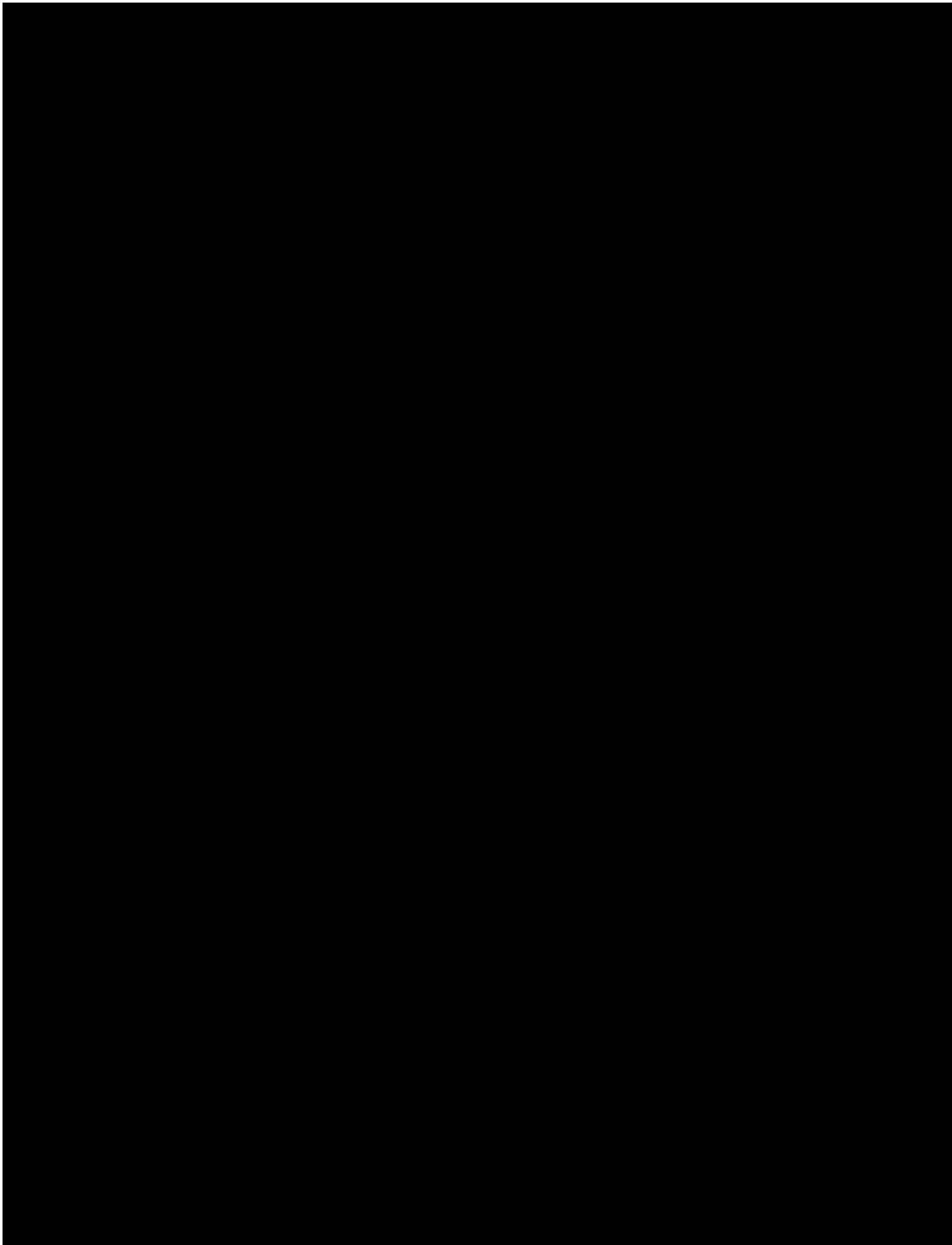


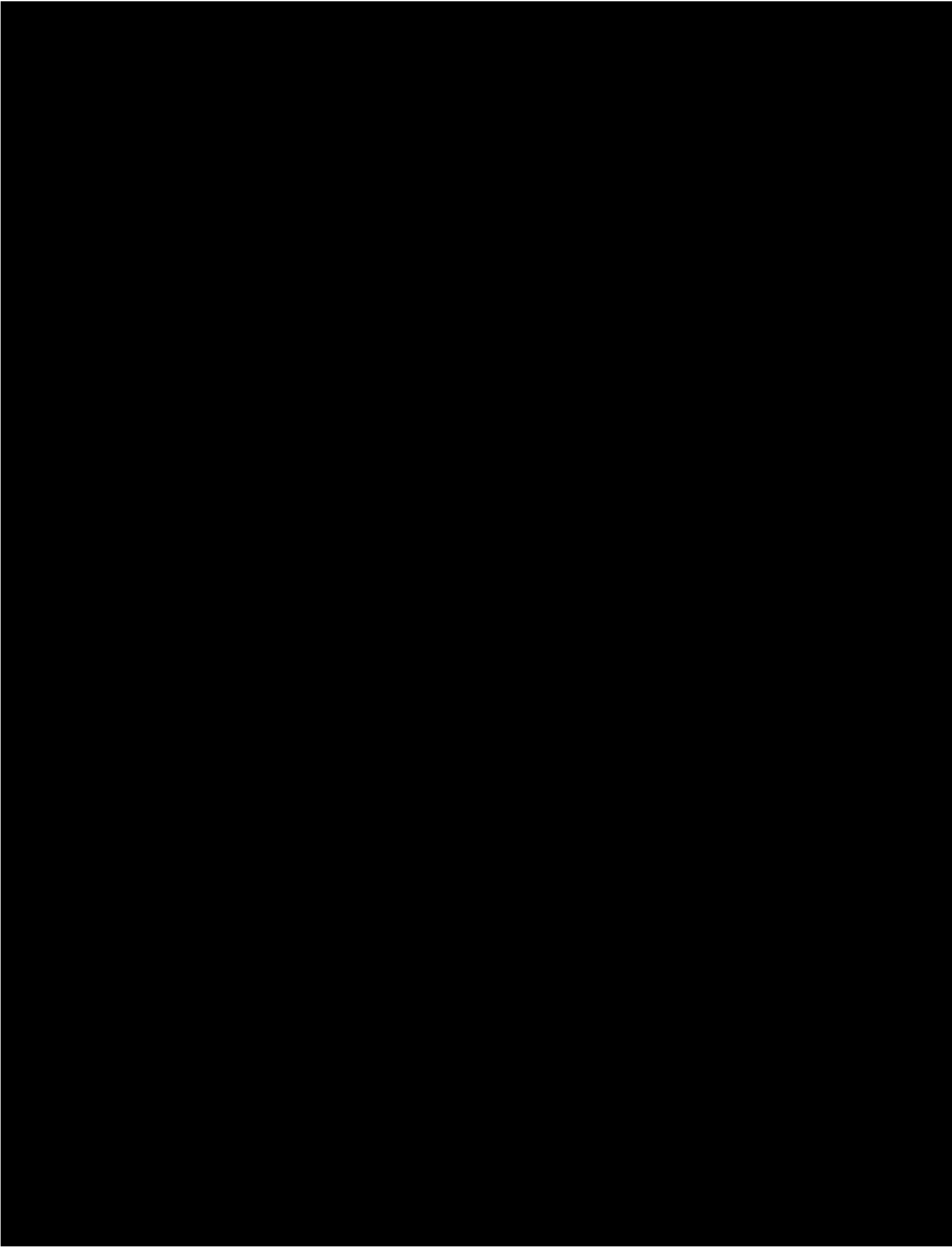


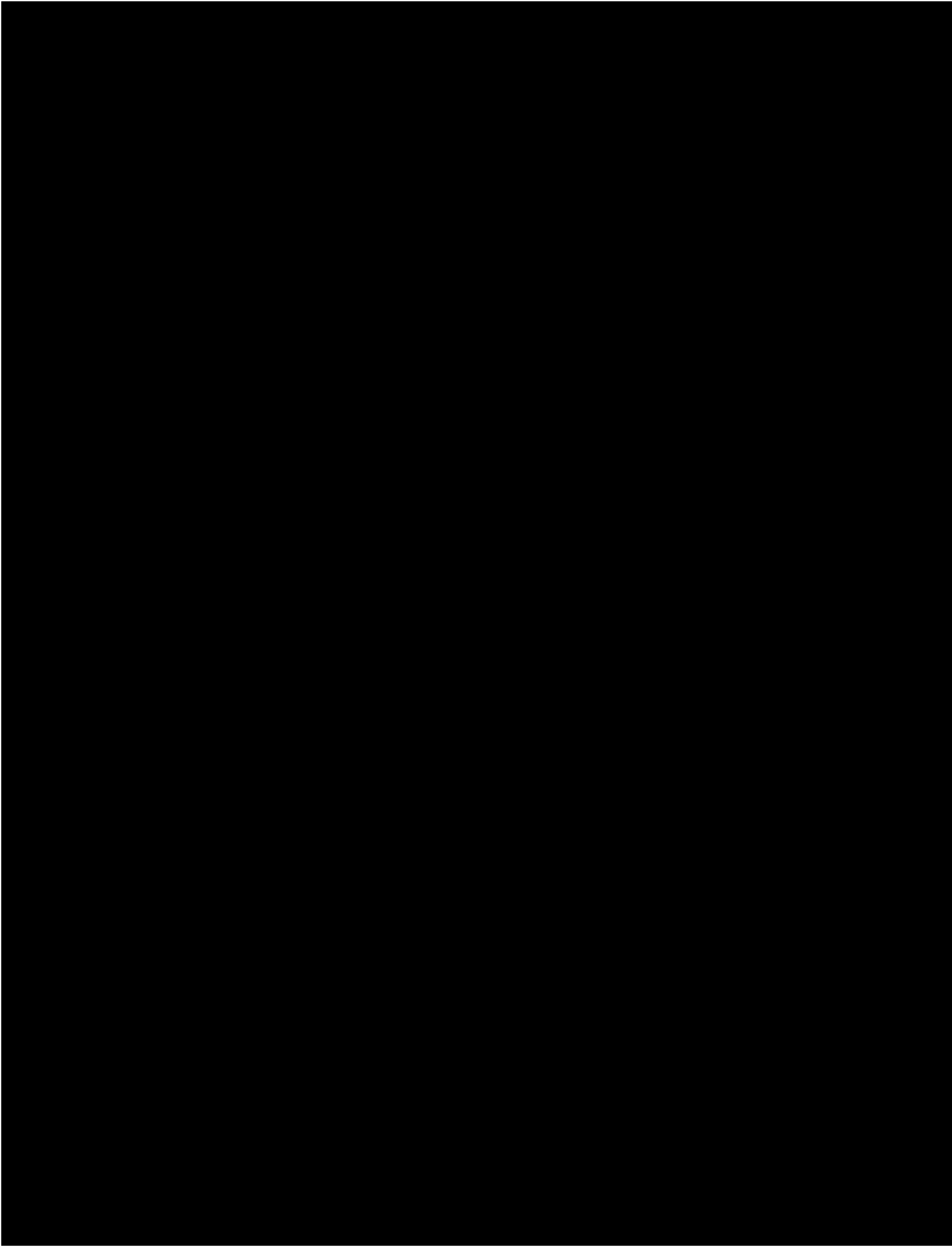


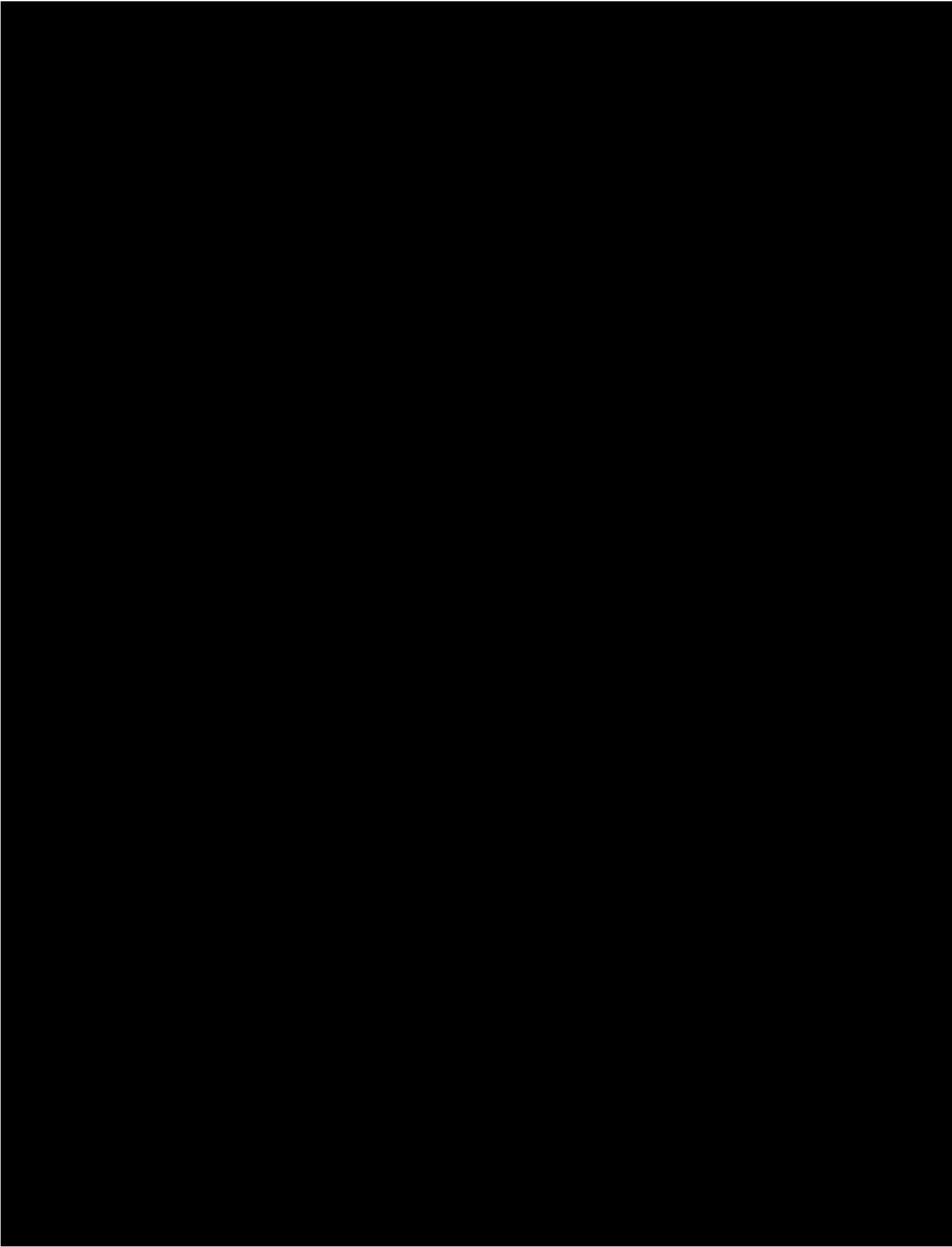


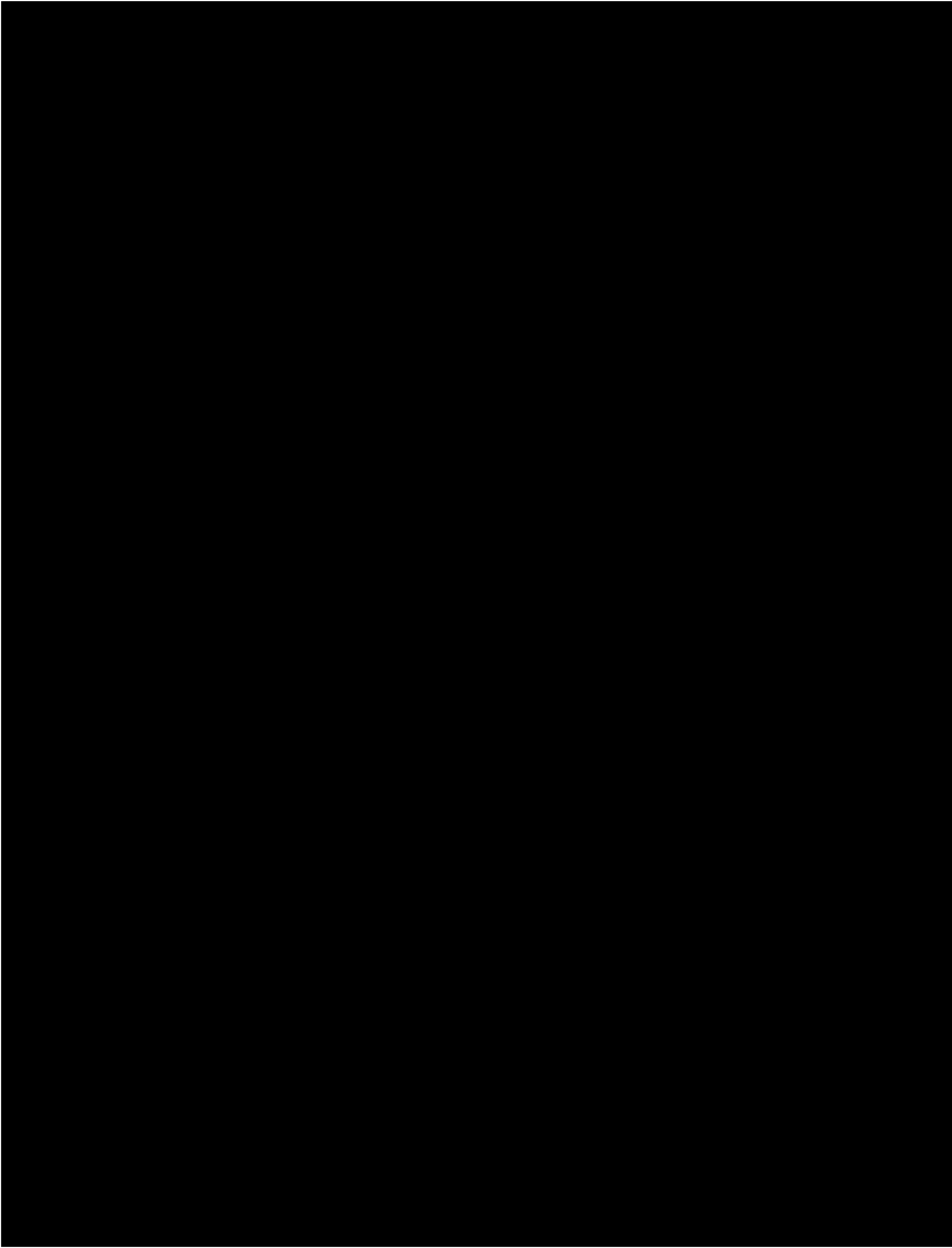


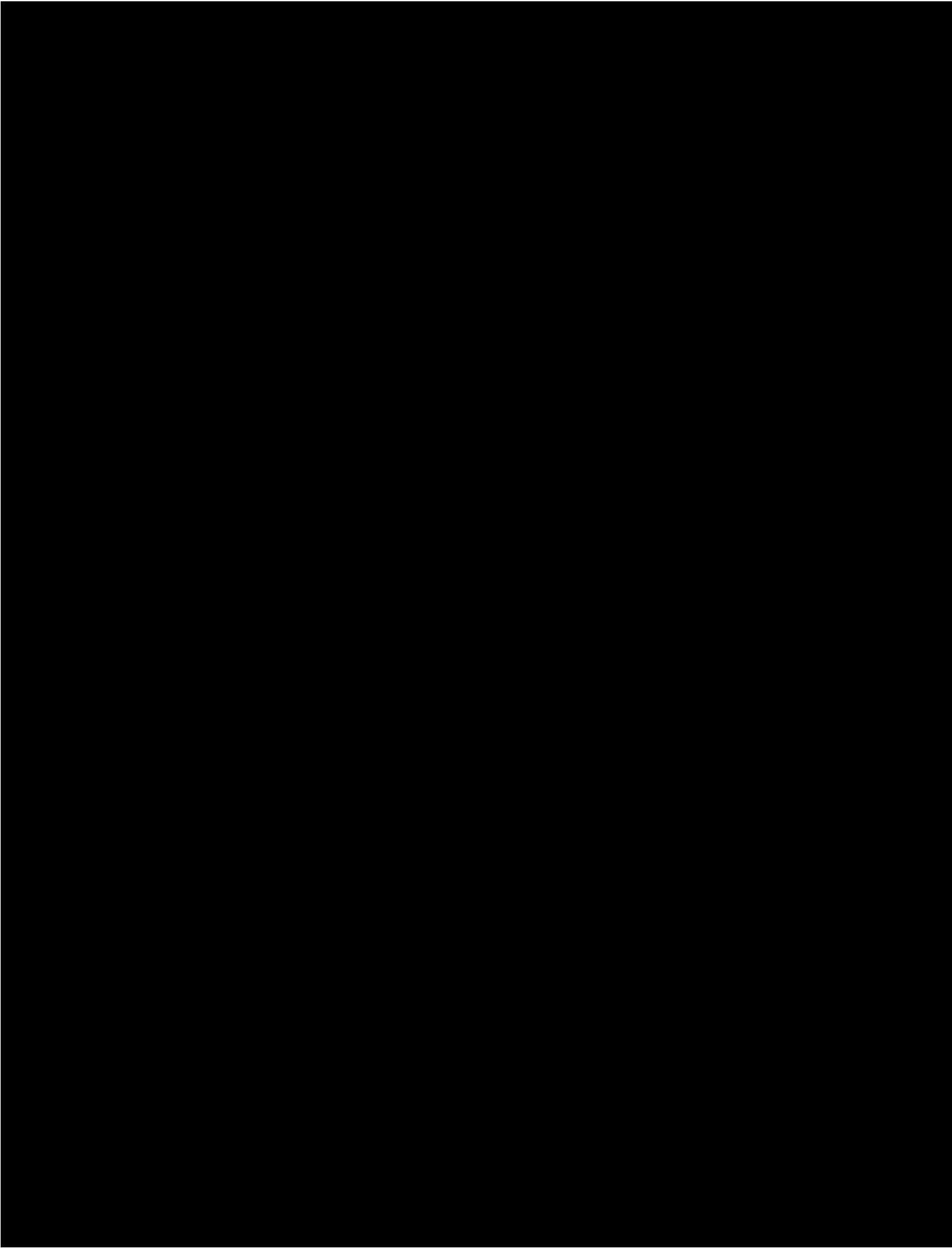


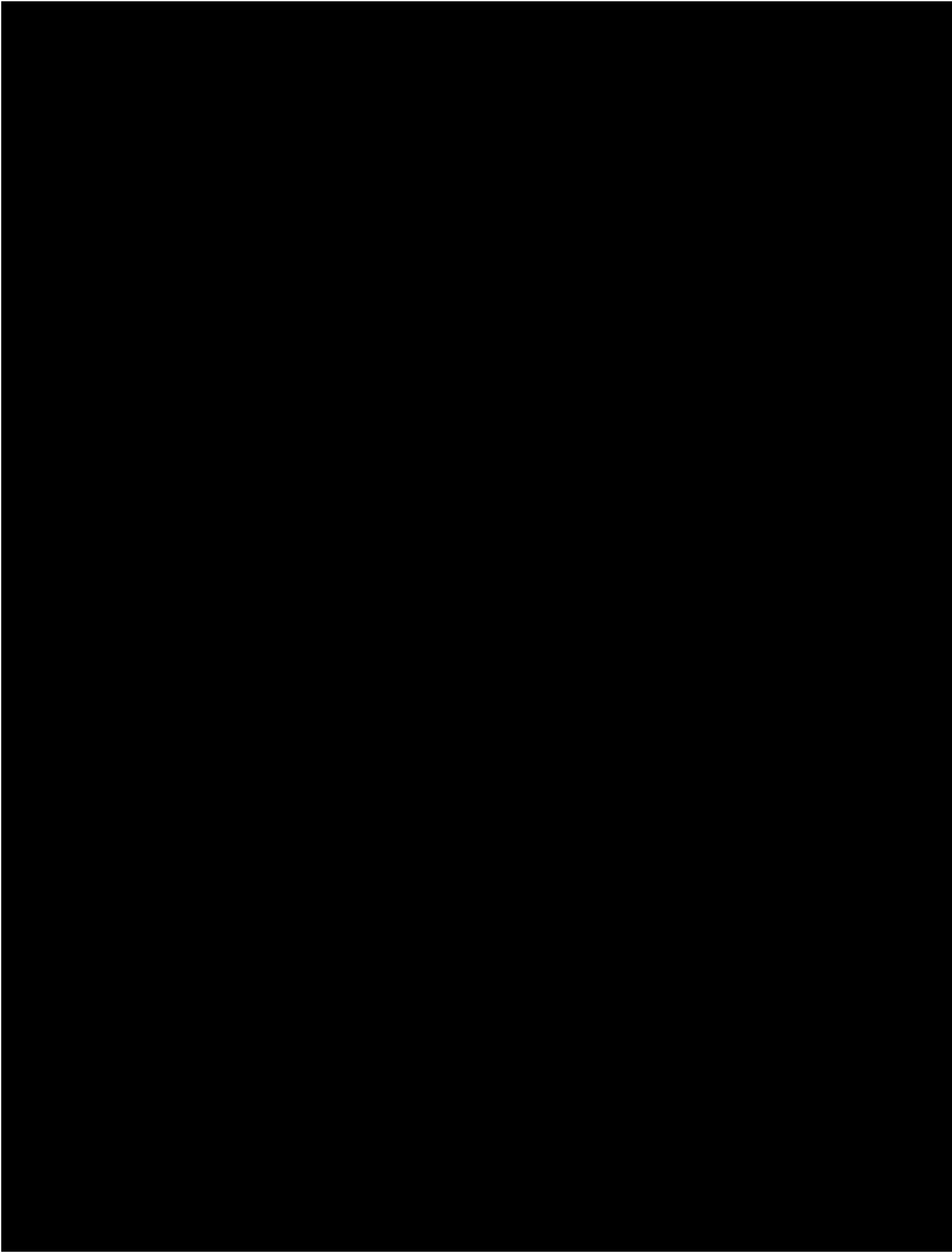


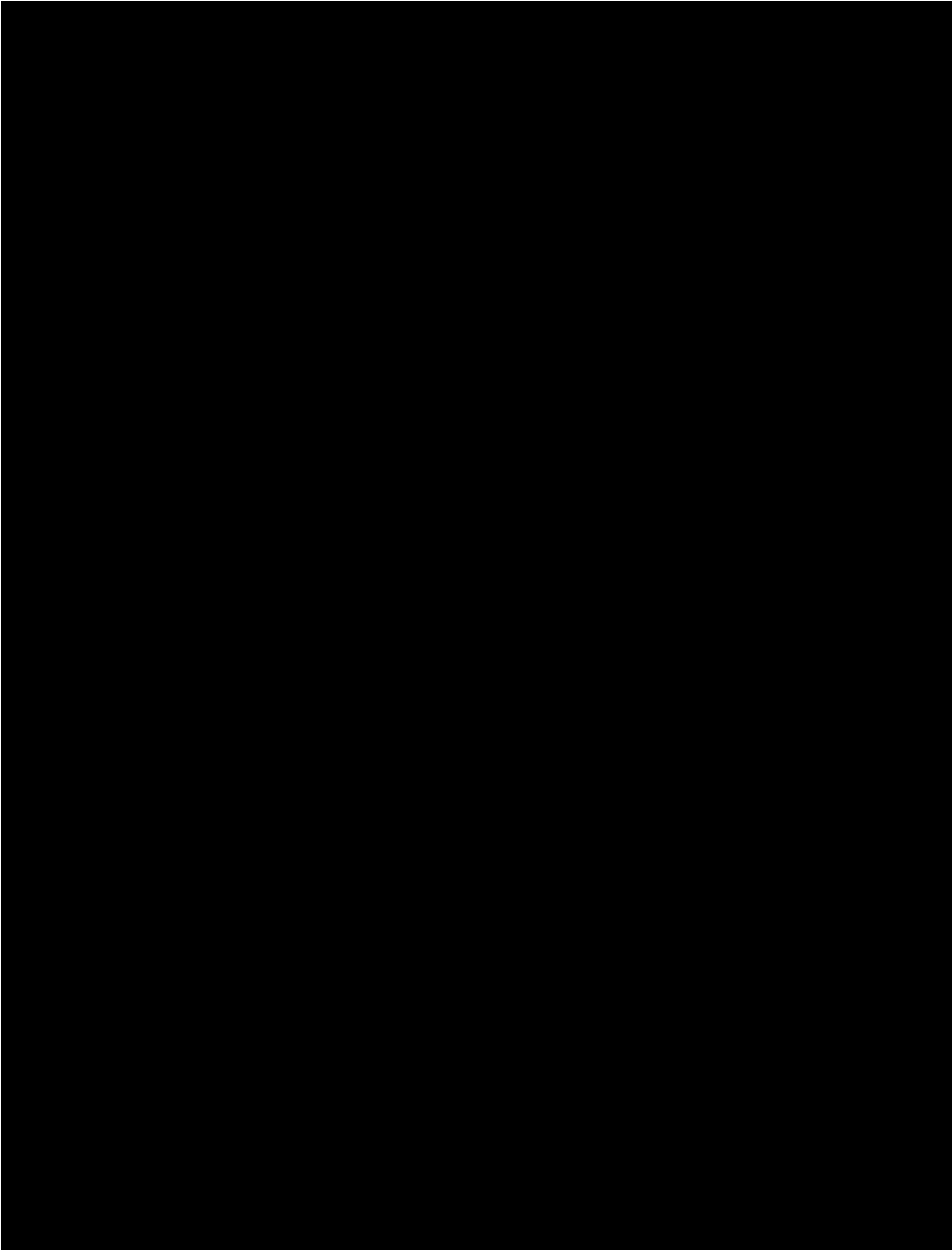


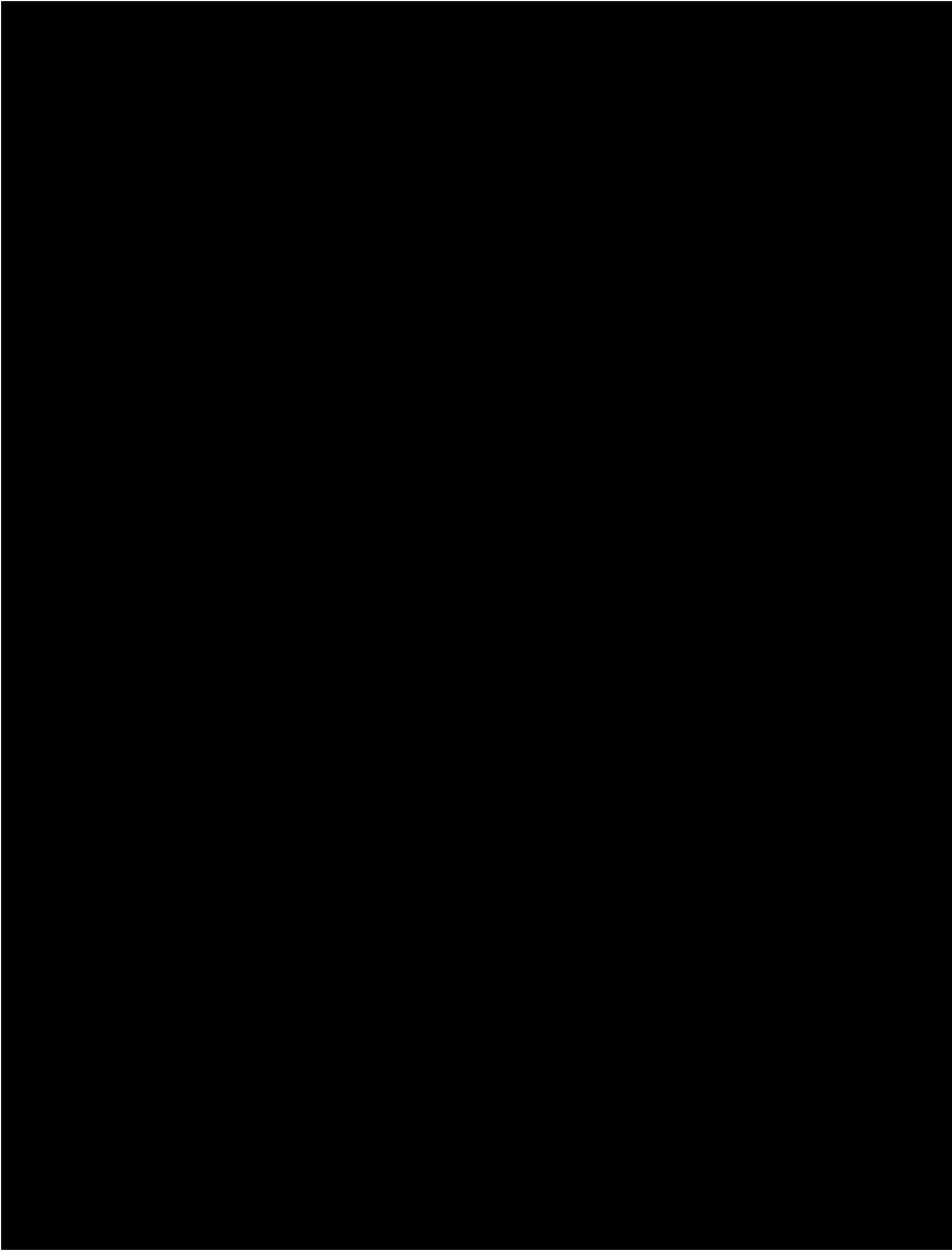


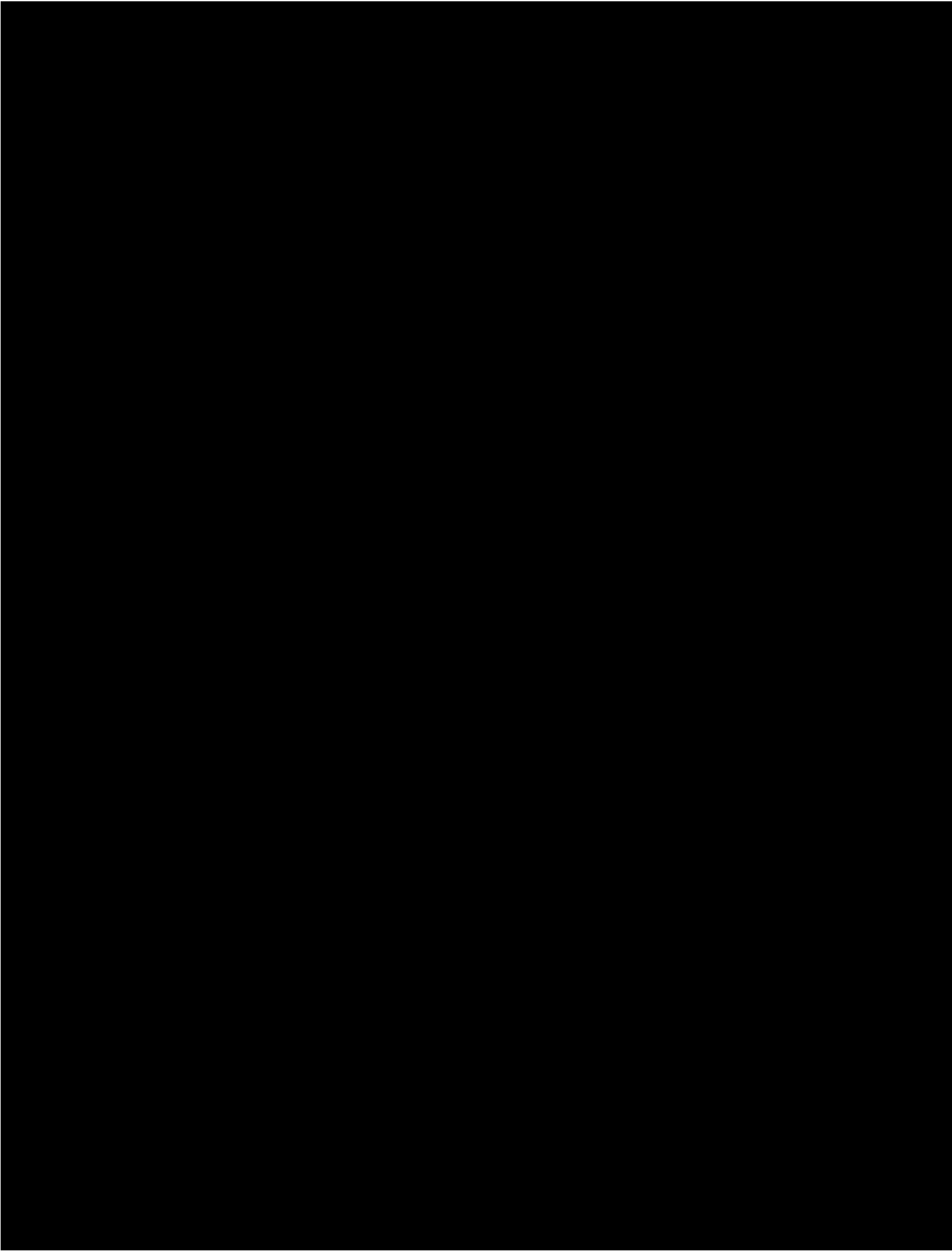


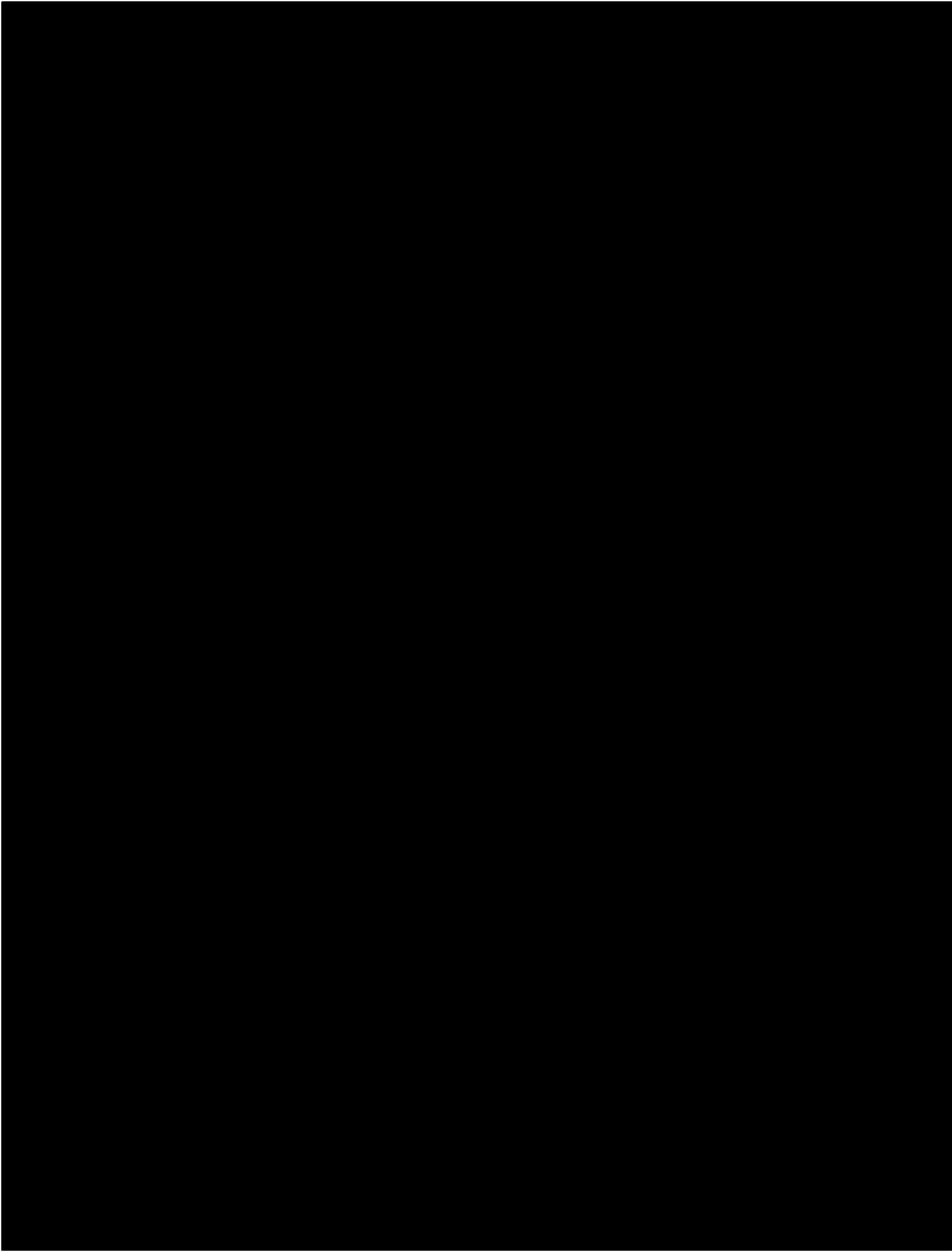


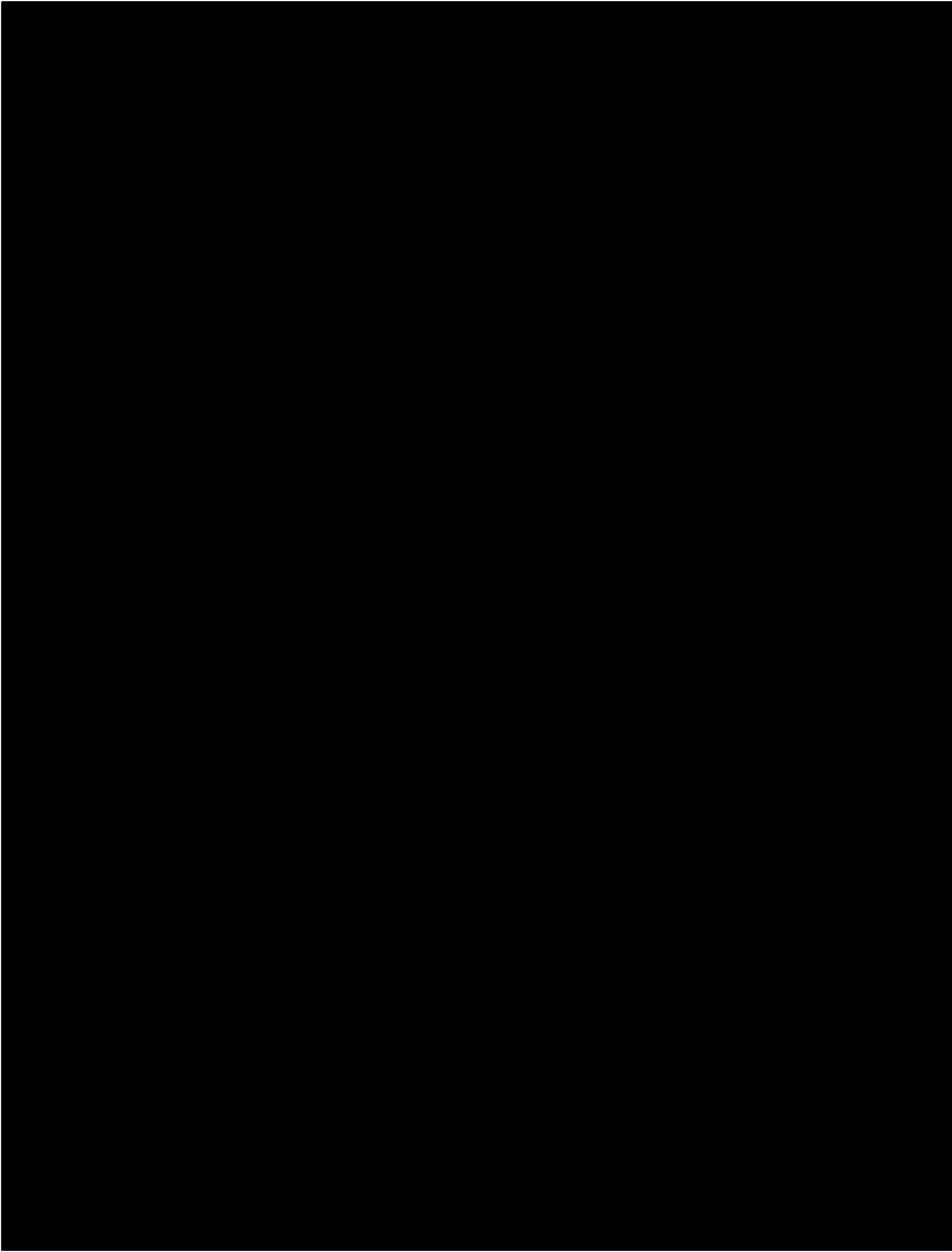


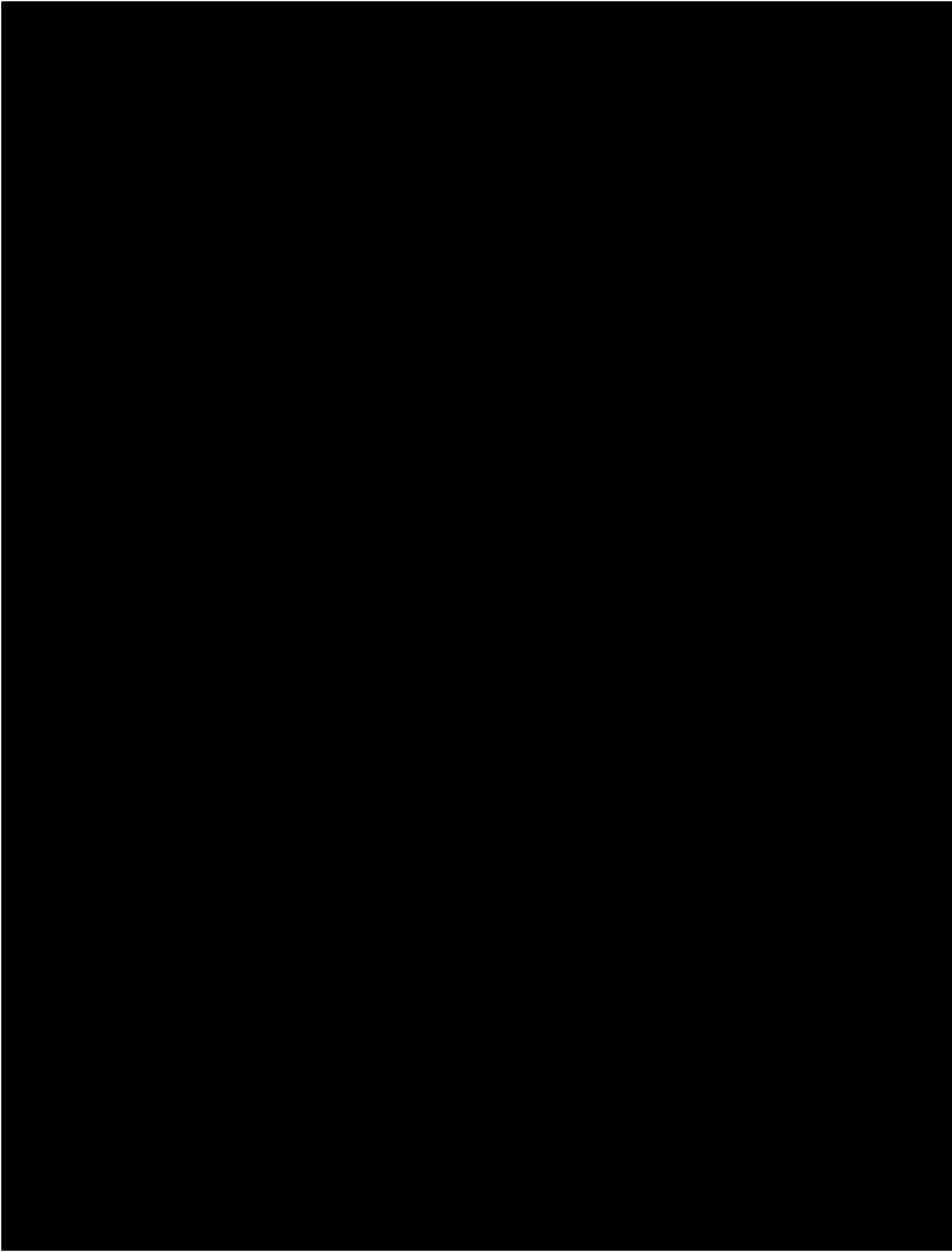


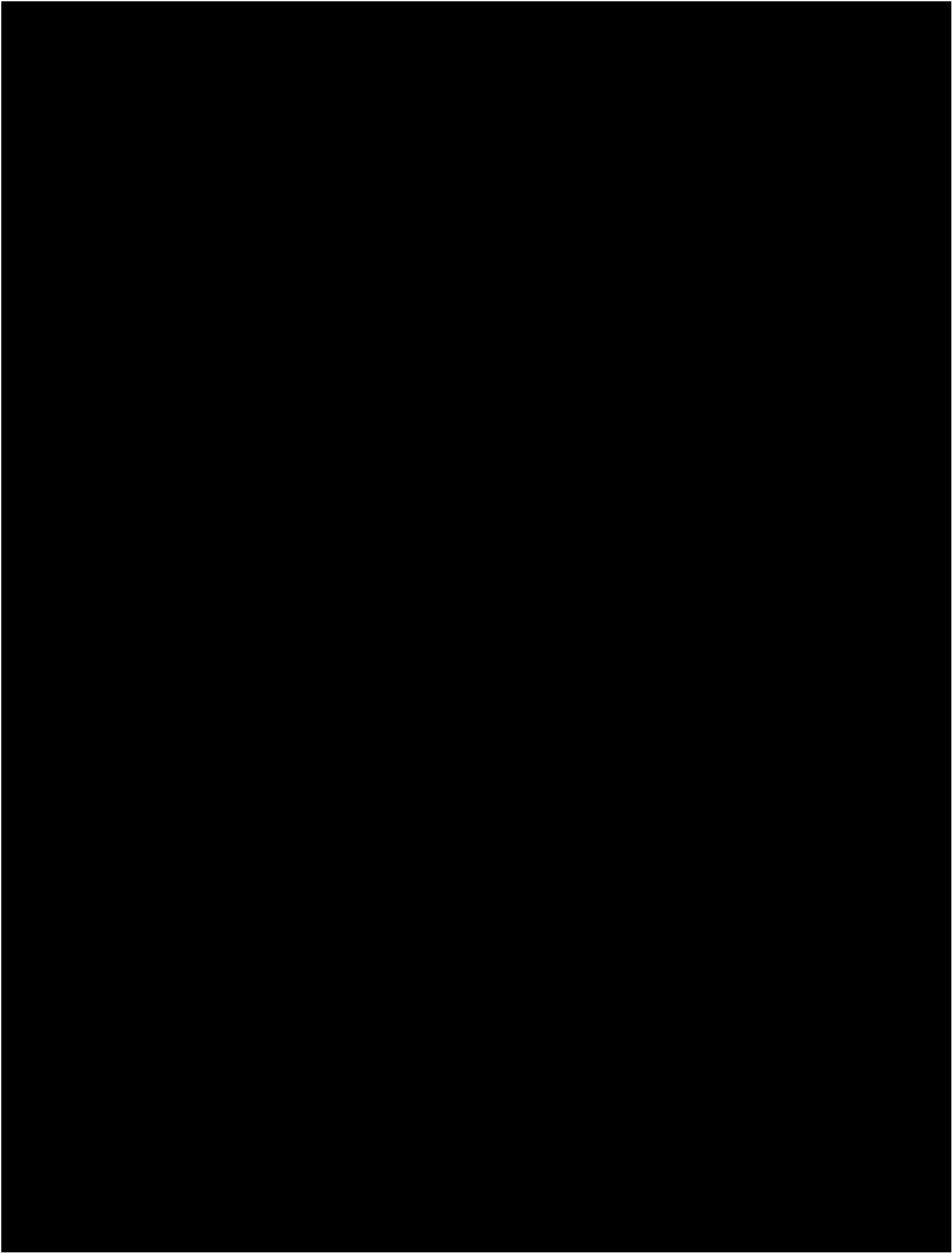


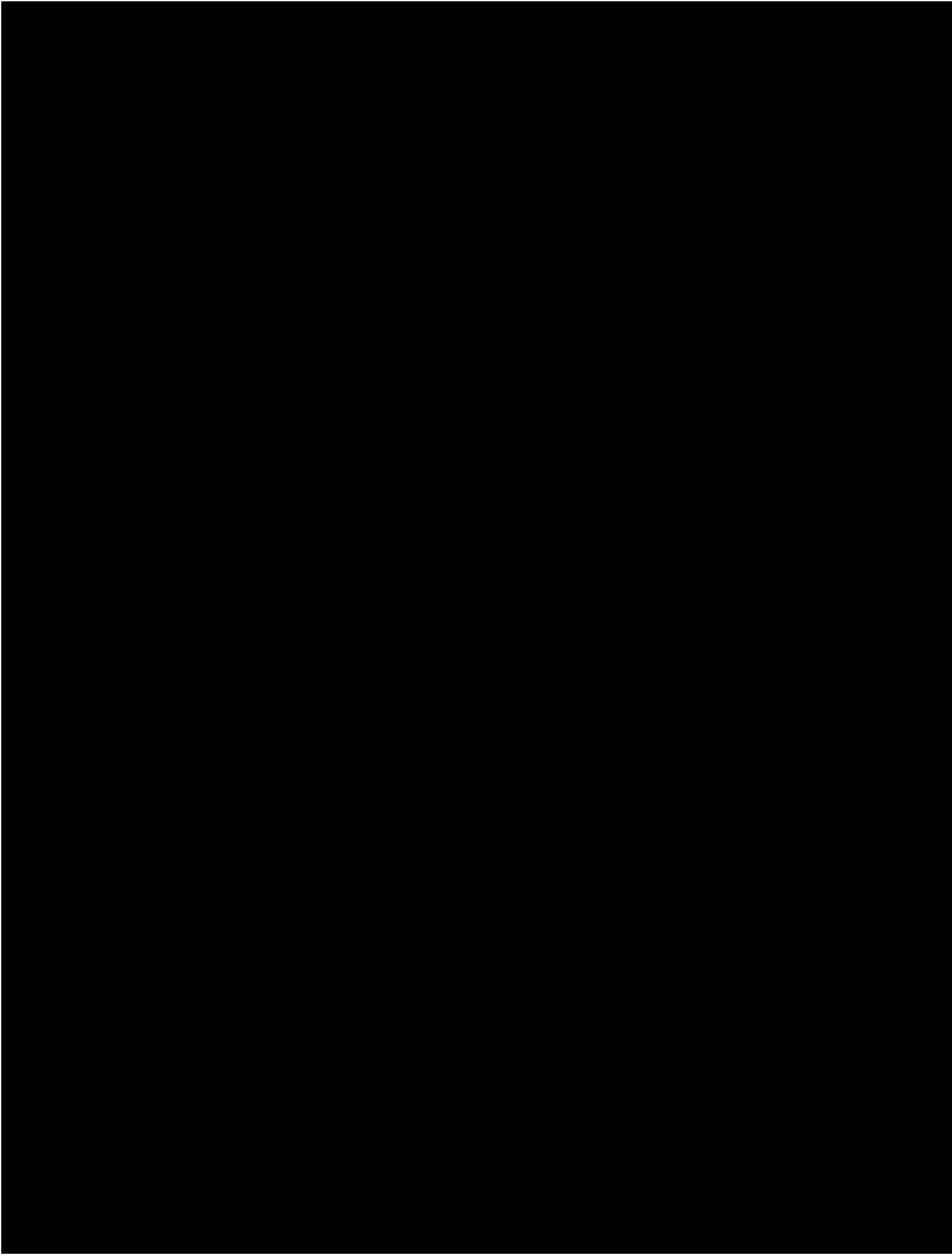


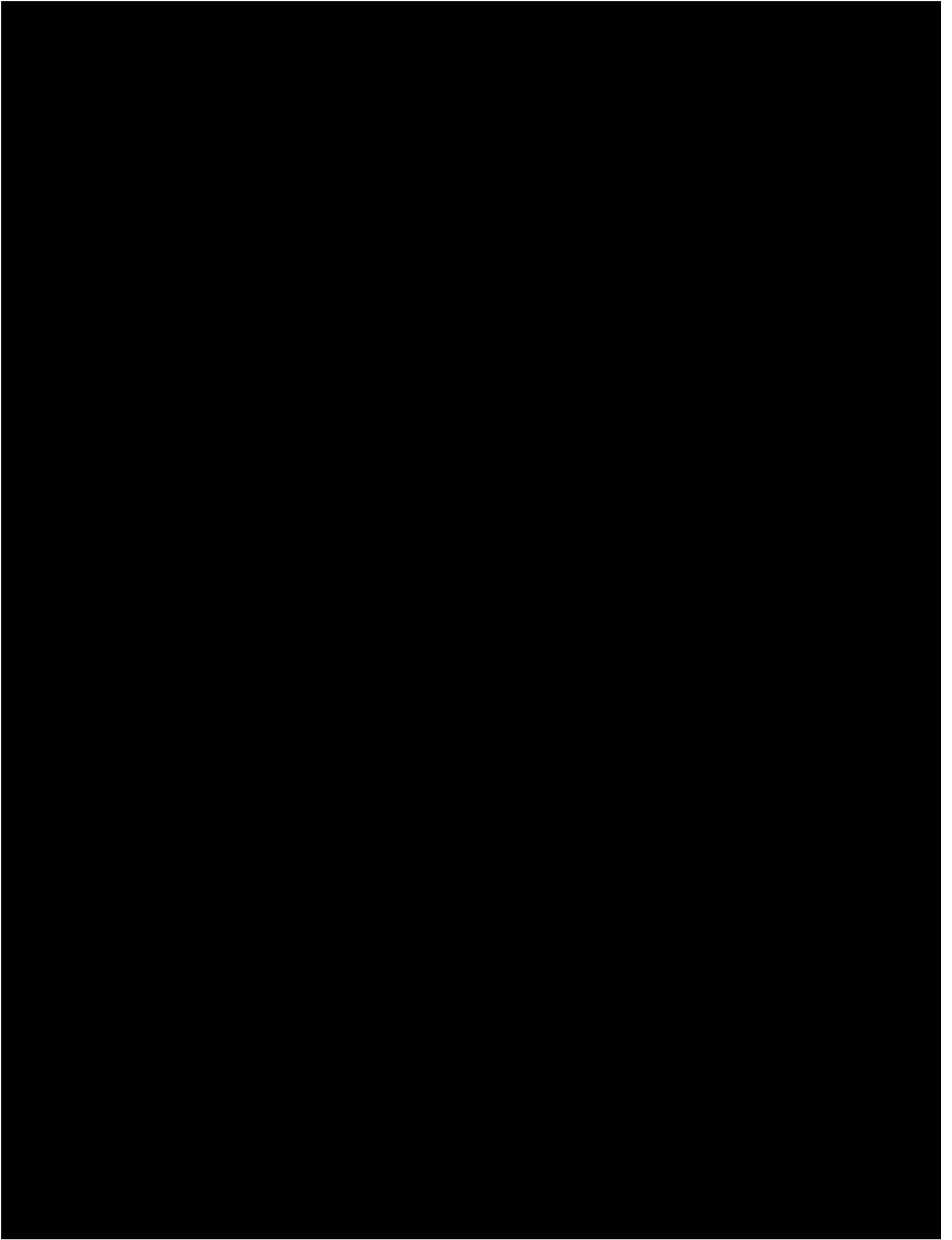


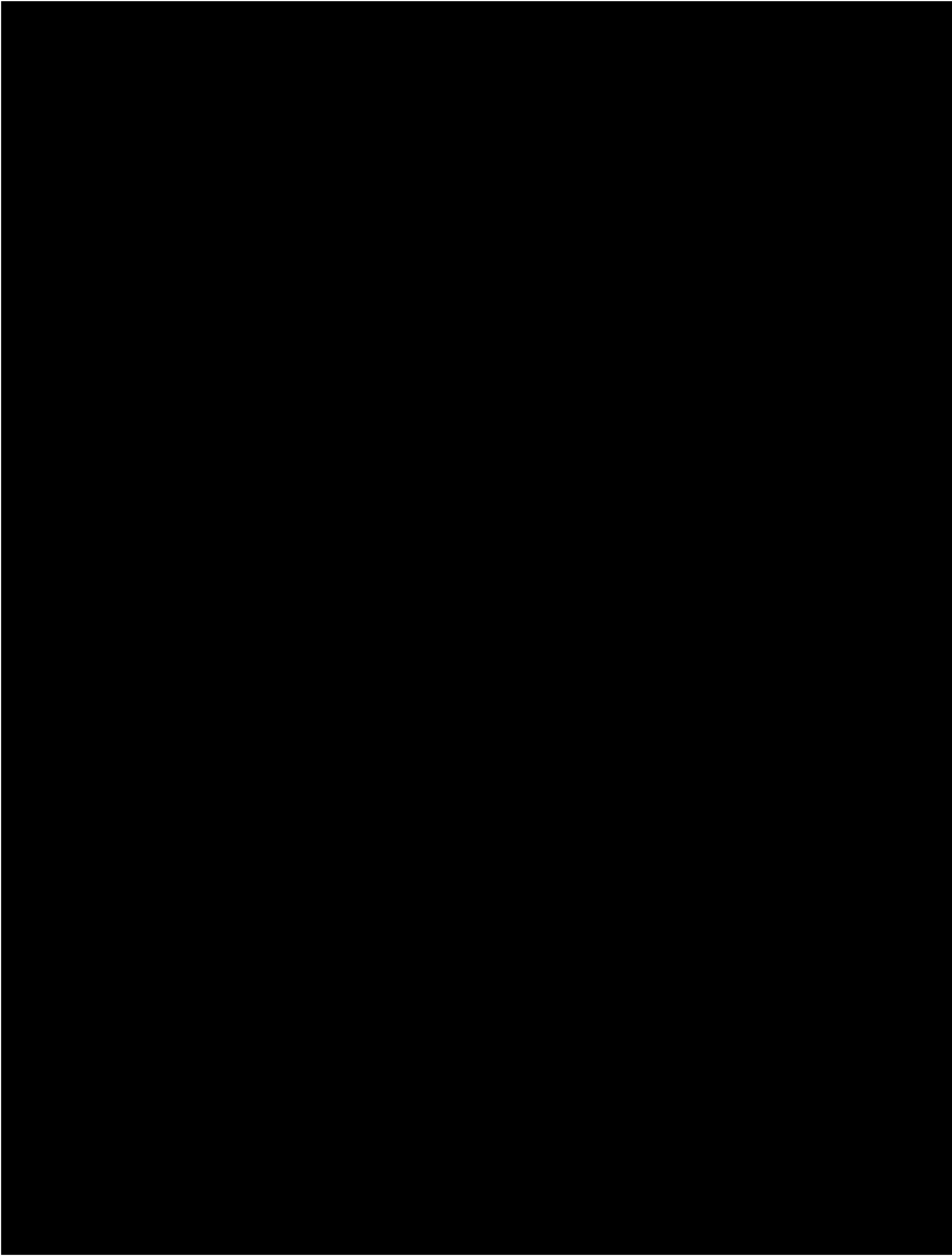


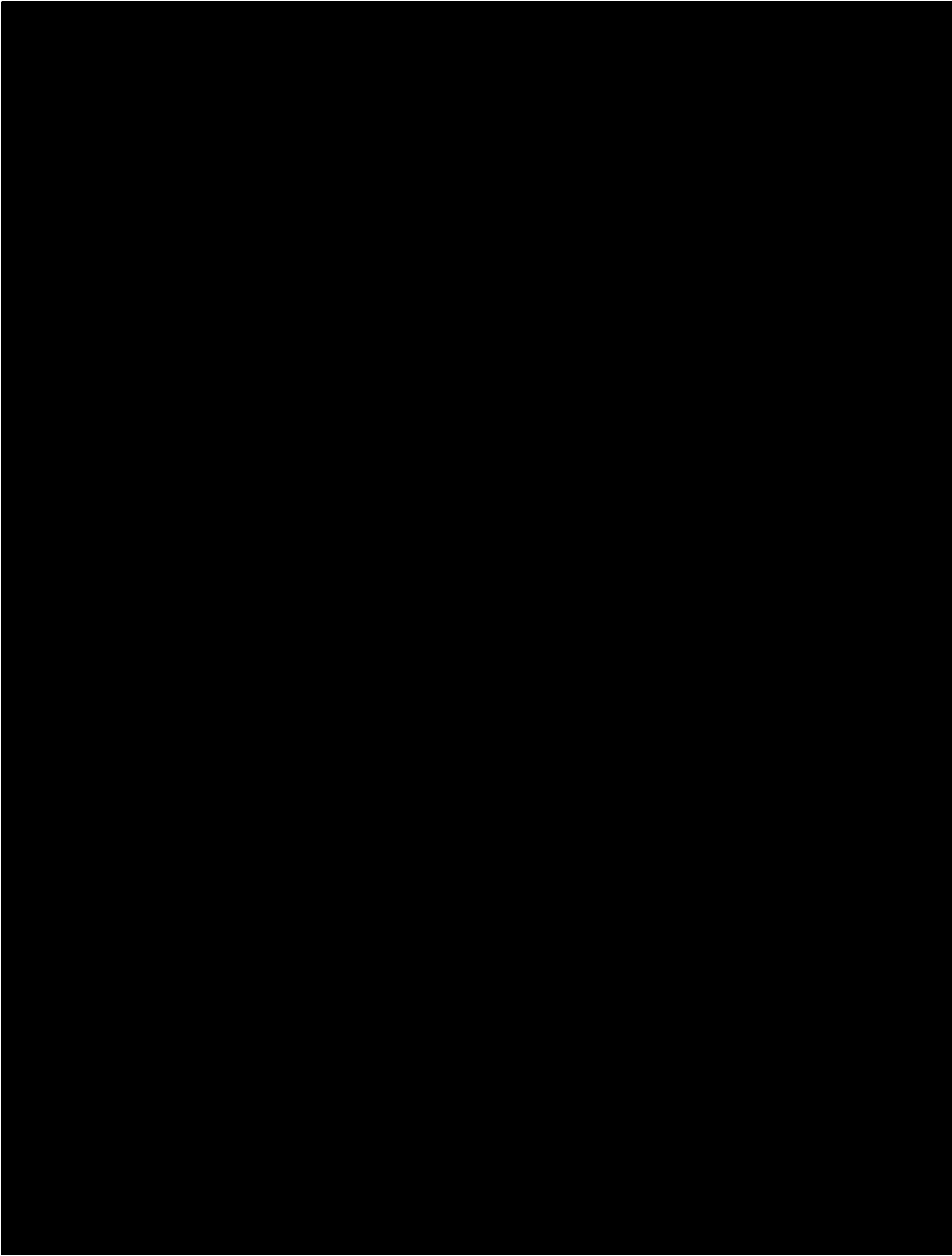


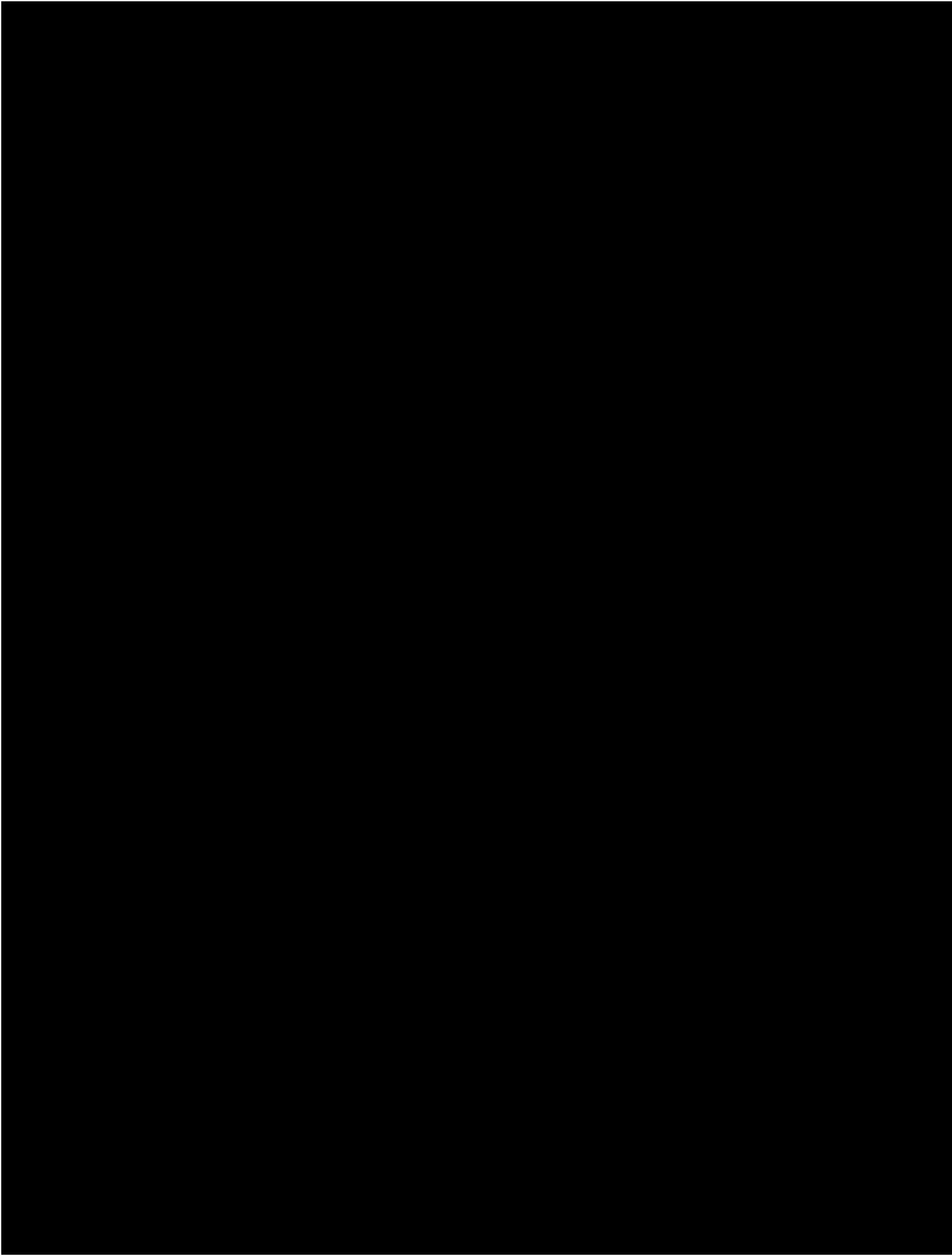


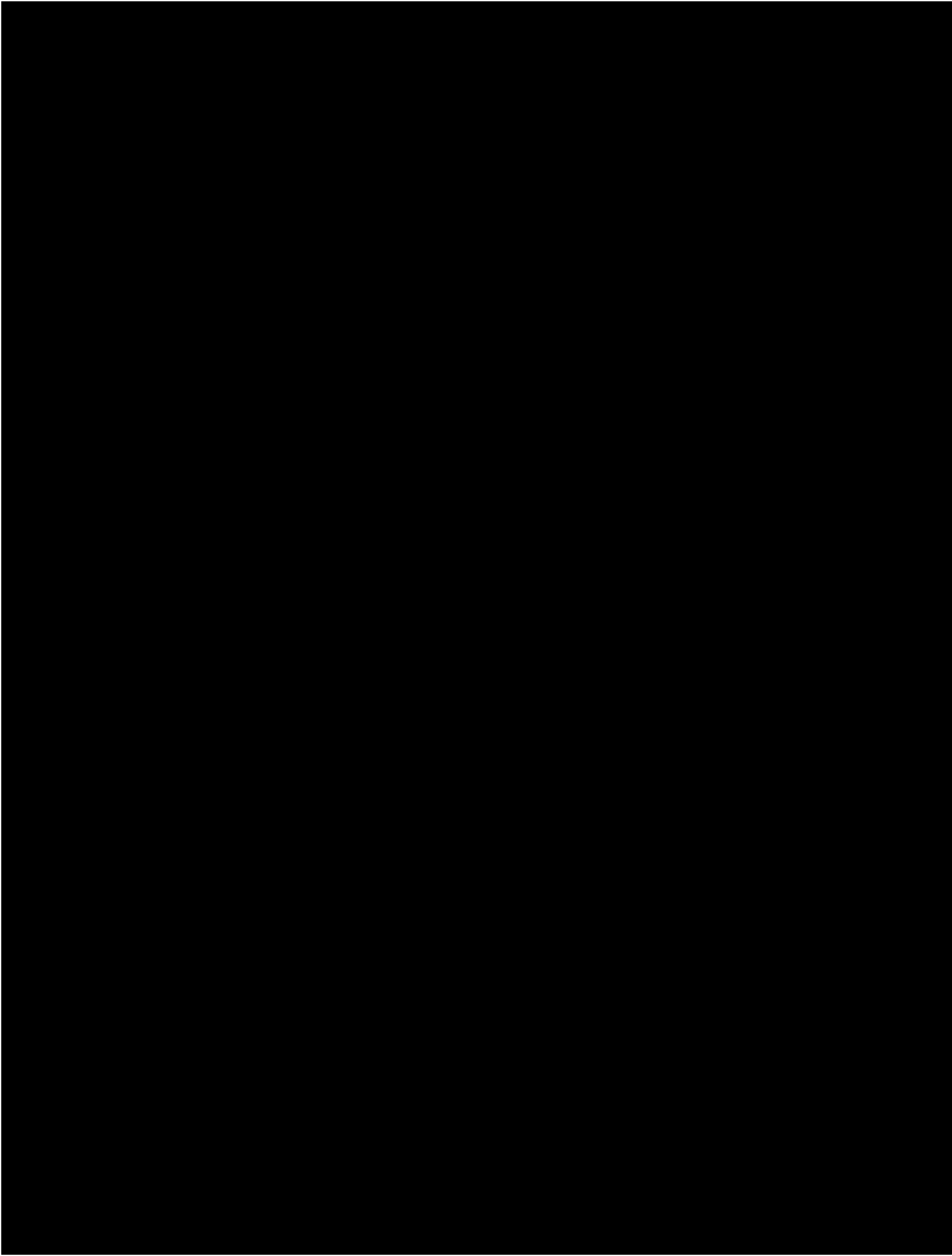


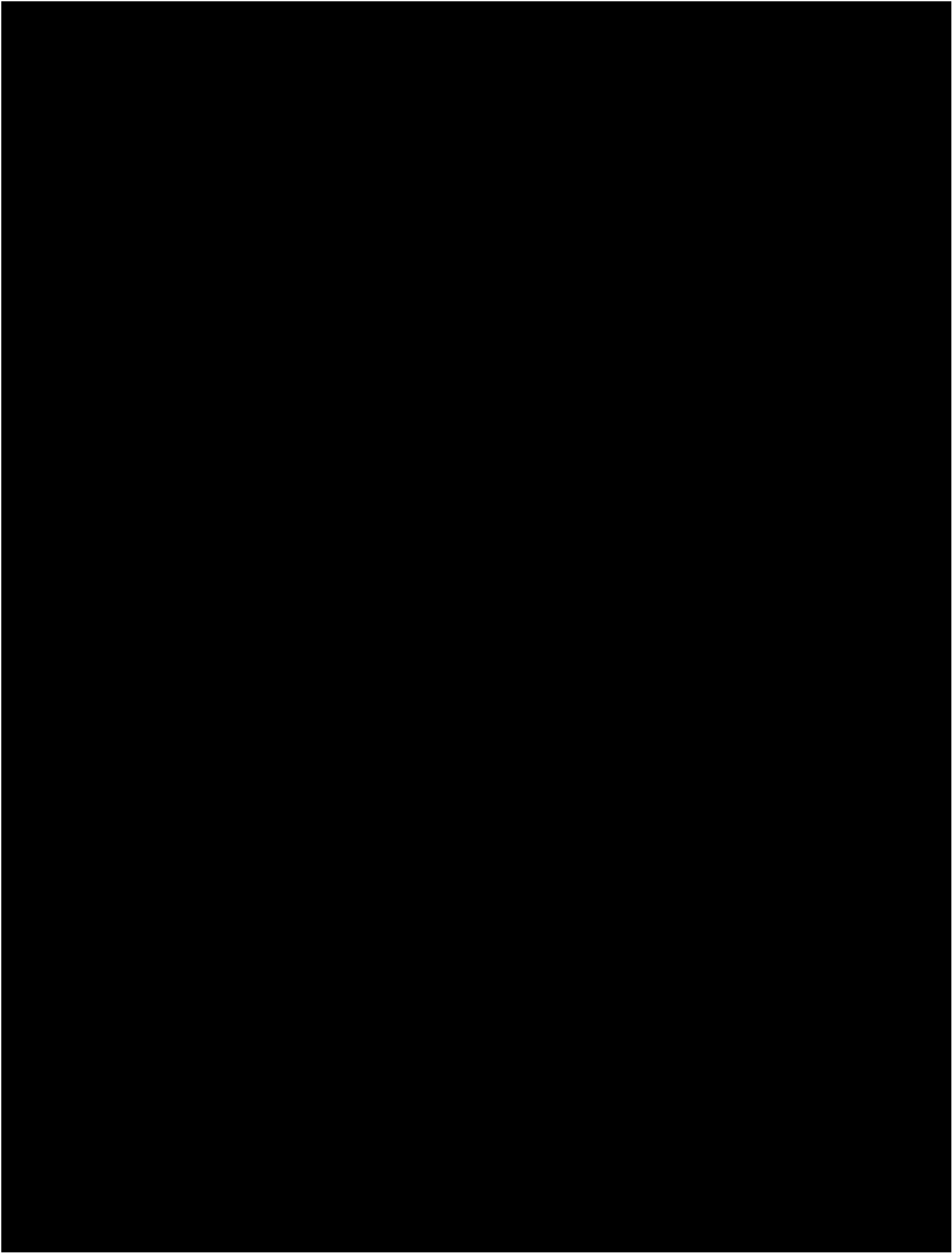


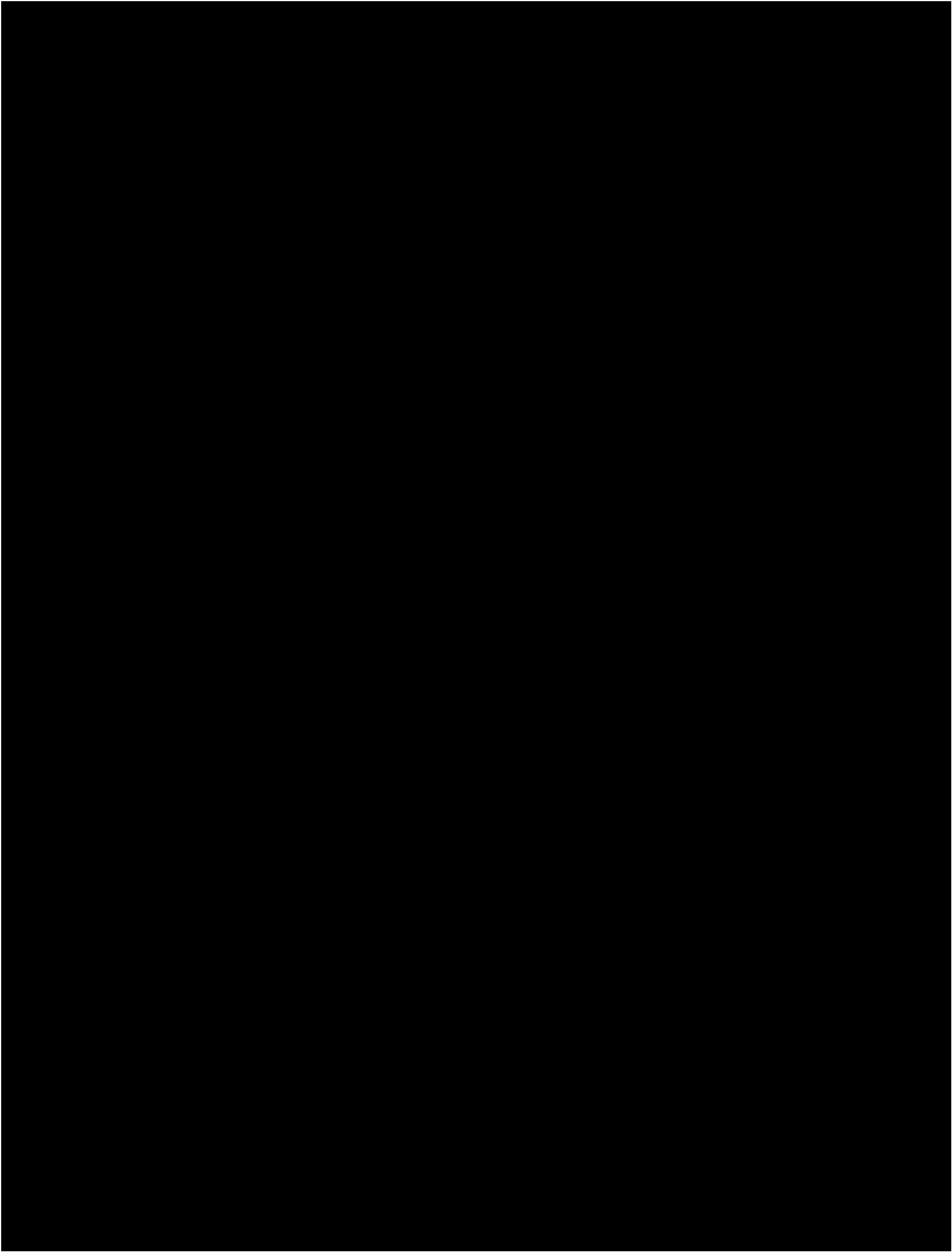


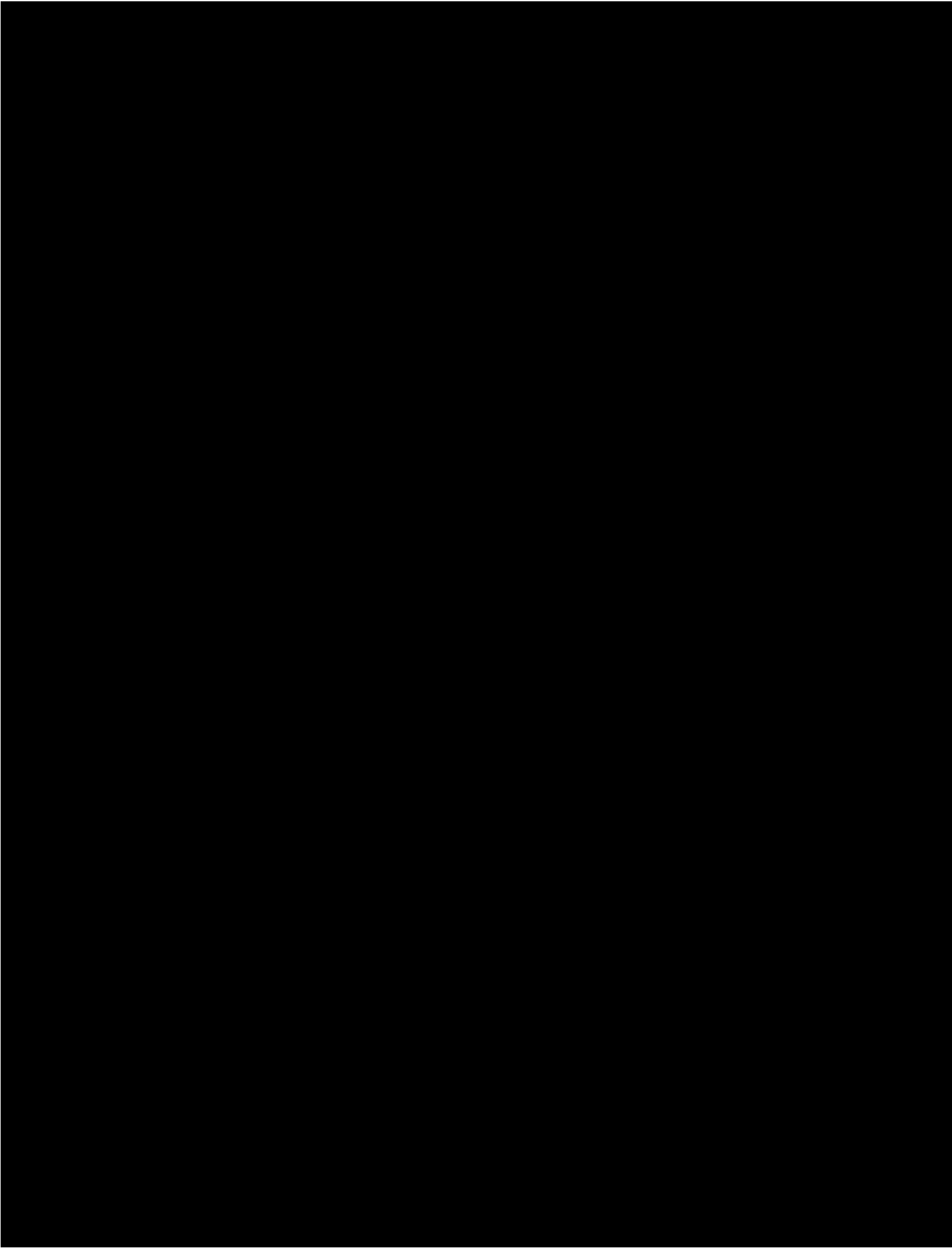


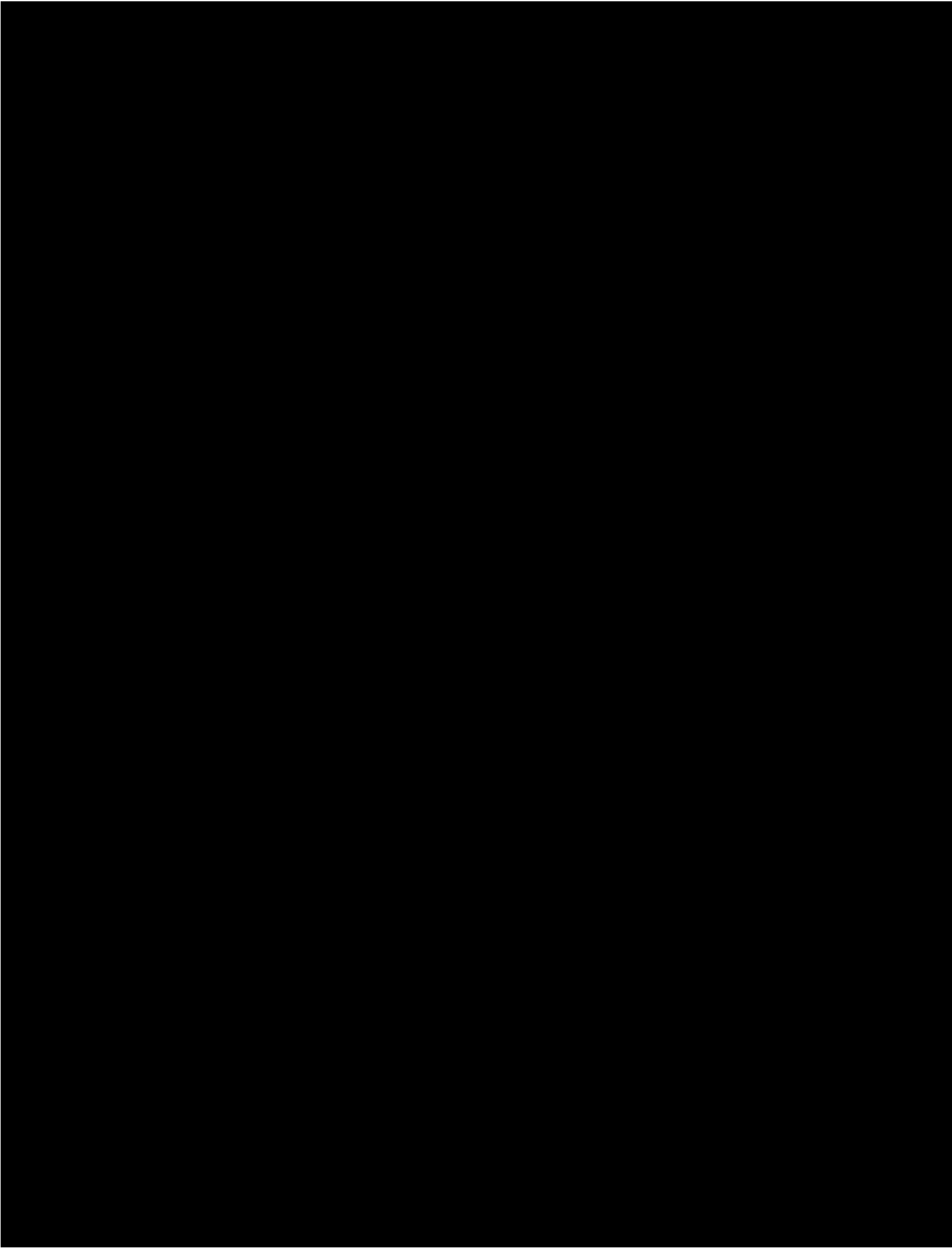














Arkansas
State Claims Commission

APR 01 2024

RECEIVED

Lieutenant Adam Seeley

Phone: 501-467-3450

Cell: 850-619-0547

Fax: 501-467-3430

To: Major Jimmy Coleman

From: LT Adam Seeley

Subject: Incident Report #2020-06-183

Date: 06/30/2020

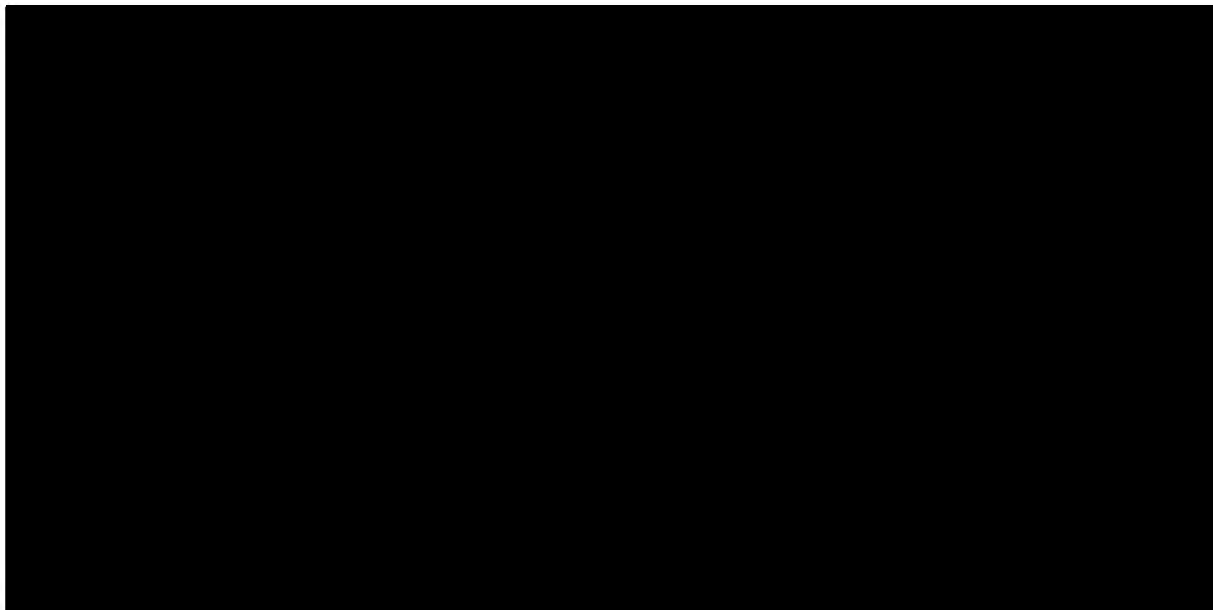


EXhibit 10 A



By: [Redacted]
Jimmy Coleman
[Redacted]
[Redacted]
[Redacted]
Phone: 501-467-3400
Fax: 501-467-3430

To: Deputy Warden Culclager
From: Major Jimmy Coleman
RE: 2020-06-183
Date: 6-30-2020

[Handwritten signature]

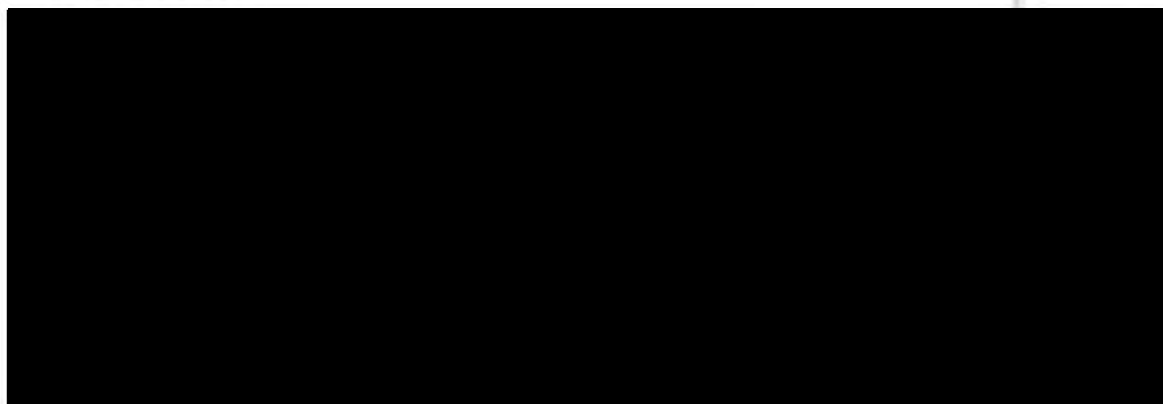


Exhibit 10B

RESTRICTIVE HOUSING PLACEMENT

Any placement requires a finding that this inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security of the Unit

To: Coleman, Jimmy IV

From: Seeley, Adam V

Date: 06/30/2020

Subject: Woodard, Bart A.D.C. [REDACTED] is/was placed in restrictive housing on 06/30/2020 at 09:37:00 PM for the following reason(s):

☒ Administrative Status (Temporary):

☐ pending trial for a criminal act

☒ pending disciplinary court review

☐ pending transfer to another unit

☐ pending investigation (Note: PREA victims cannot be placed in restrictive housing for more than three (3) days)

Review required within twenty-four (24) Hours of placement

☐ I was not involved in the initial placement and have reviewed the reasons for the placement. I find the placement appropriate.

☐ I find the inmate should be moved to _____ rather than remain in restrictive housing.

Signature

Date

Note: If the inmate's placement in restrictive housing is approved, he/she shall appear before the Classification Committee for possible assignment within seven (7) days.

EXhibit 11A

RESTRICTIVE HOUSING PLACEMENT

Any placement requires a finding that this inmate's continued presence in the general population poses a serious threat to life, property, self, staff, other inmates, or to the security of the Unit

To: Coleman, Jimmy IV

From: Seeley, Adam V

Date: 06/30/2020

Subject: Williams, Leroy A.D.C. [REDACTED] is/was placed in restrictive housing on 06/30/2020 at 09:38:00 PM for the following reason(s):

☒ Administrative Status (Temporary):

☐ pending trial for a criminal act

☒ pending disciplinary court review

☐ pending transfer to another unit

☐ pending investigation (Note: PREA victims cannot be placed in restrictive housing for more than three (3) days)

Review required within twenty-four (24) Hours of placement

☐ I was not involved in the initial placement and have reviewed the reasons for the placement. I find the placement appropriate.


☐ I find the inmate should be moved to _____ rather than remain in restrictive housing.

Signature

Date

Note: If the inmate's placement in restrictive housing is approved, he/she shall appear before the Classification Committee for possible assignment within seven (7) days.

EXhibit 11 B

 ADMINISTRATIVE REGULATIONS STATE OF ARKANSAS DEPARTMENT OF CORRECTION	Section Number 005-409	Page Number 005-5 of 3 409-9 of 9
	Director's Current Approval Date 3/23/87	
	Supervisor 005-409 (Print)	Officer 1945 RS
	Adopted by Central Manager, Date E 11 87	Case Filed Soc. Sec. State 10/02/87

SUBJECT: Reporting of Incidents — 005 Use of Force — 409

005 ☒ Incident Report and
-109 ☐ Use of Force

REPORTING EMPLOYEE: Seeley Adam
LAST FIRST
 RANK: LT SHIFT ASSIGNMENT: Utility
 DATE: 06/30/2020 TIME: Approx. 3:00 PM LOCATION: Hotel Barracks
 INMATE(S) INVOLVED: Woodard, Bart ADC# [REDACTED] Williams, Leroy ADC# [REDACTED] Brown, William ADC# [REDACTED]
(Names and ADC Numbers)

EMPLOYEE(S) INVOLVED: LT Adam Seeley
(Names, Titles, Rank)

INMATE(S) PRESENT: Same as above
(Names and ADC Numbers)

EMPLOYEE(S) PRESENT: Same as above
(Names, Titles, Rank)

OTHERS PRESENT/INVOLVED: (Specify) N/A
(Names & Addresses)

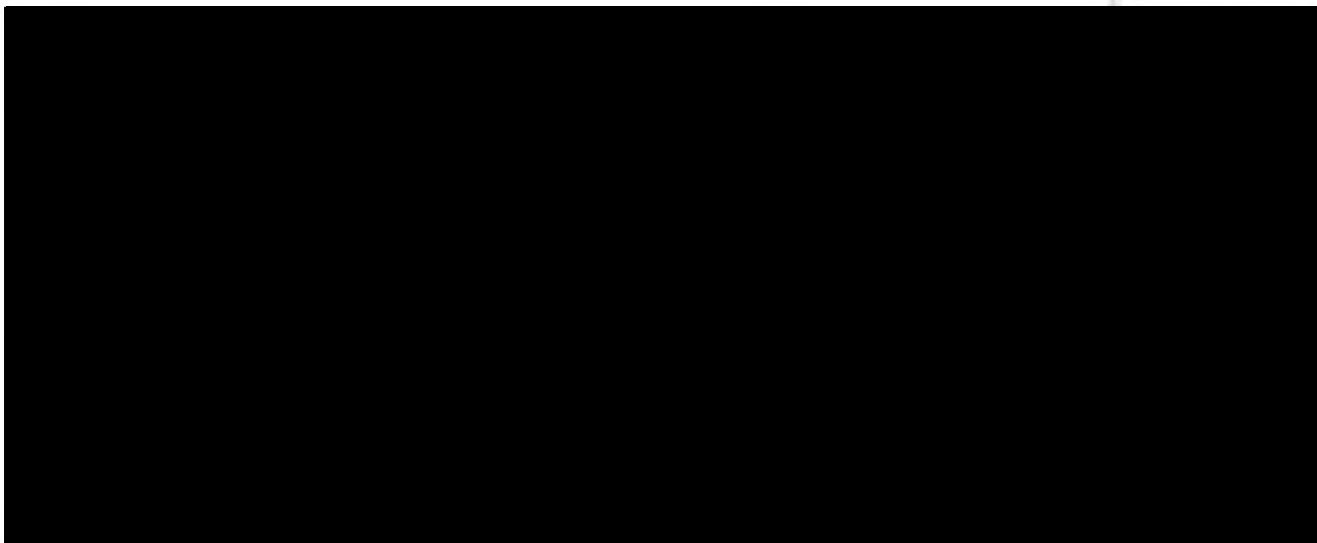
EXTENT OF INJURY TO INMATE(S): See Medical Report

TREATMENT AFFORDED INMATE(S): See Medical Report

EXTENT OF INJURY TO OFFICER(S): None

TREATMENT AFFORDED OFFICER(S): None

Exhibit 12A





Signature of Reporting Employee

6/30/2020

Date

Signature of Supervisor

Date

Reviewed by (Signature) Warden / other
Supervisor / Administrator

RECOMMENDATION: _____

Reviewed by (Signature) Assistant Director

Date

RECOMMENDATION: _____

EXhibit
12 B

Reviewed by (Signature) Director

Date

DISTRIBUTE TO: ON COPIES

Warden / Director
Warden / other Supervisor / Administrator

UNCLASSIFIED

Revised

5/20/22, 9:34 AM

IRTS020C - Incident Report Summary

Name: Woodard, Bart W.

ADC #: [REDACTED] PID #: 0132438

IRTS020C

Incident Report Summary

Friday May 20, 2022 09:32:42 AM

Report Number: 2020-06-183

Unit: [REDACTED]

Zone: Zone 4

Location of Incident: H - HOTEL

Incident Date: 06/23/2020

Begin Time: 06:00:00 PM

Summary Prepared by Staff: Edwards, Denise A

Shift: Shift A

Housing Area/Bed:

Incident Category: Investigation (CSO)

Unit Report Number:

Incident Type: [REDACTED]

Force Used: No

Injuries: None

Send DOC Incident Notification: No

IAD #:

Suspected Felony Committed: No

Drug Related: No

Gang Related: No

EXhibit 13A

Status: Closed

As of Date: 08/10/2020

Incident Summary*

Date: 07/2/20 --- Time: 03:51:46 PM --- User: M. Culclager (CMD1)

5/20/22, 9:34 AM

IRTS020G - Incident Report Summary

Evidence Retained

None

Employee(s) Involved (1 - 2 of 2)

Involvement	Staff Name	Work Assignment	Shift	Charging Staff
<u>Witness</u>	Edwards, Denise A	Lieutenant	A	Yes
<u>Witness</u>	Seeley, Adam V	Lieutenant	A	Yes

Offender(s) Involved (1 - 3 of 3)

Involvement	Offender Name	ADC #	Offender #	Race	Sex	DOB	Disciplinary Date	Date Appealed
<u>Suspect</u>	Williams, Leroy	[REDACTED]		Black	Male	[REDACTED]		
<u>Suspect</u>	Woodard, Bart W.			Caucasian	Male			
<u>Witness</u>	Brown, William L.			Caucasian	Male			

Other Person(s) Involved

Involvement	Name	Address	Phone
No Rows Found			

Scanned Documents Attached (1 - 6 of 6)

Document Type	Title	Page #	Page	Prepared by Staff
<u>Form 005 (Incident)</u>	Exhibit 13B	002	 Adobe 4696KB 07/07/2020	Flores, Nancy
<u>Digital Photograph</u>		001	 327KB 06/26/2020	Ivor, Tamisha Moniek
<u>Other</u>		003	 Adobe 215KB 07/07/2020	Flores, Nancy

5/20/22, 9:34 AM

IRTS020C - Incident Report Summary

Document Type	Title	Page #	Page	Prepared by Staff
<u>Other</u>	IA Referral	004	PDF 237KB 07/07/2020	Flores, Nancy
<u>Other</u>	Corrected Disc.	005	PDF 1389KB 07/09/2020	Slayton, Kennedy M
<u>Inmate Witness Statement</u>	█████ Grievance	003	PDF 170KB 07/09/2020	Seeley, Adam V

Actions Taken (1 - 8 of 8)

Date	Time	Action Type	Staff Name	Comments
<u>08/07/2020</u>	03:57:35 PM	Closed	Oliver, Lisa A	IA-20-1036R Closed 08/07/2020 Sustained
<u>07/09/2020</u>	10:15:46 AM	Assigned to IA Investigator	Naylor, Raymond C	assigned to Margaret Rogers 20-1036R
<u>07/07/2020</u>	09:20:48 PM	Referred to Internal Affairs	Earl, Deangelo M	Exhibit 13C
<u>07/06/2020</u>	03:08:39 PM	Referred to Warden	Culclager, Maurice D	Date: 07/6/20 --- Time: 03:08:57 PM --- User: M. Culclager (CMD1) Investigation completed and I concur with Lt. Seely and Major Coleman finding. The outcome of my decision was based on the information retrieved from the video footage.
<u>07/02/2020</u>	03:52:16 PM	Referred to CSO	Culclager, Maurice D	Date: 07/2/20 --- Time: 03:52:36 PM --- User: M. Culclager (CMD1) Major I still have not received the packet with your cover letter. I know you have completed it already I just have not received it.
<u>07/01/2020</u>	01:49:18 PM	Referred to Deputy/Assistant Warden	Coleman, Jimmy IV	incident reviewed and referred to you for your recommendation
<u>06/30/2020</u>	08:42:52 AM	Referred to CSO	Culclager, Maurice D	Date: 06/30/20 --- Time: 08:43:12 AM --- User: M. Culclager (CMD1) Major I have not seen this investigation. Please forward to my office for review.

5/20/22, 9:34 AM

IKT50200 - Incident Report Summary

Date	Time	Action Type	Staff Name	Comments
<u>06/23/2020</u>	08:11:14 PM	Referred to Warden	Edwards, Denise A	Date: 06/23/20 --- Time: 08:11:53 PM --- User: D. Edwards (WINDE01) Investigation was conducted and it was determined that the inmate provided a false witness statement. A major disciplinary was completed.

Prepare to Update **Prior Page**

Show Last Updated Information

EXHIBIT 13D

F-831-1

Arkansas Department of Correction

[REDACTED] 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 Bart Woodard ADC # [REDACTED] Assignment Unassigned/DCR No Duty
 Class III Is being charged by Adam Seeley Title Lt.
 with rule violation(s) 2-12, 3-5, 10-1, 10-3, 10-6, 13-2. Time & Date Approximately 8:45 P.M. June 30, 2020

NOTICE OF CHARGES

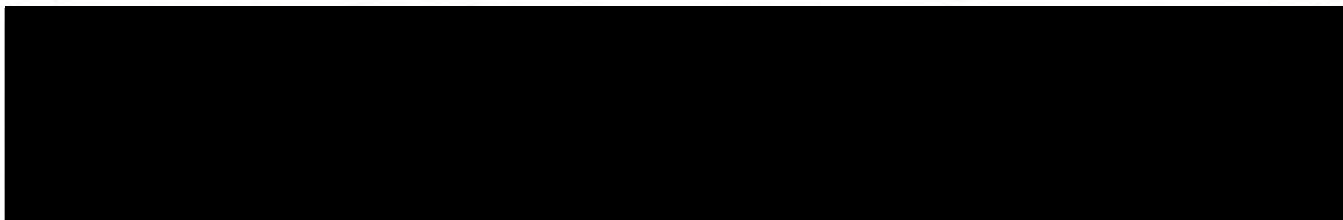



EXhibit 14

(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: Reduce _____ Dismiss _____ To Disc. Court ✓ Initial JS Date 7-9-20

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

ORIGINAL – File Copy

Color - Goldenrod



Assessment/Retaliation Status Checklist Attachment 3

Initial face-to-face status checks will be conducted on all victims, reporters, and witnesses following an inmate sexual abuse allegation.

Follow up face-to-face status checks will be conducted on victims and reporters at a minimum of once a month for 90-days unless retaliation is suspected.

Date: 6/23/20 Facility: [REDACTED] INC/IAD Case #: _____

Incident Report Date: 6/23/20 Employee/Inmate Number: [REDACTED]

Name: Woodward, Brett

Type of Assessment: X Initial 30 Day 60 Day 90 Day

Other: _____

Monitoring of Staff Member

Review: Staff member performance reviews, staff member reassignments, and need for emotional services

Summary: _____

Monitoring of Inmates

Review: Conduct violations, housing assignments, program changes, and need for emotional services

Summary: Inmate does not have any issues with mental health

Signature of Staff Monitor: [Signature]

Date: 6/23/20

Next Review Date: _____

Staff Member/Inmate Signature: [Signature]

Date: 6/23/20

EXHIBIT 15

ORCU LEGAL USE ONLY

Arkansas
State Claims Commission

APR 02 2024

RECEIVED

Bart Woodward

ADC# [REDACTED]

CASE # 221169

MR. HENERY KIN
 101 EAST CAPITOL AVE STE 41
 LITTLE ROCK AR. 72201

DEAR KINSLAW

I AM SENDING YOU A COPY OF THIS DECLARATION WHICH IS ACTUALLY A BRIEF OVERVIEW OF THIS CASE IN A NOT SHIELD. I COULD NOT FIND ANY RULE AGAINST SENDING INDIVIDUAL MEMBERS OF THE COMMISSION A SUMMARY OF THIS CASE. I FELT IT WAS NEEDED IN THIS INSTANCE (CASE) BECAUSE THIS CASE HAS BEEN DRAG OUT FOR SO LONG AND IT IS A VERY COMPLEX CASE.

IF IN FACT THIS ACTION (SENDING MEMBERS) IS NOT ALLOWED PLEASE LET ME KNOW BECAUSE I HAVE 2 ADDITIONAL CASES PENDING IN THIS FORUM. THANK YOU FOR YOUR TIME.

Respectfully

Bart Woodward

Page 1 of 1

1911
1912

1913

1914

ORCU LEGAL USE ONLY

Certificate of [REDACTED]

I BART WOODARD A.D.C. [REDACTED] do hereby
 declare, swear, and affirm that on the day
27 and month of MARCH and in the year of our
 Lord 2024 I did with the proper postage
 attached, placed in the A.D.C. mail box
 (provided by the A.D.C. in order for inmates to
 mail their mail via the U.S.P.S.) the address
 of which the mail was going is Mr Henry Kinslow
1018 CAPITOL AVE STE 410 KITHACK AR ZIP 72201. This I do
 declare understanding that false statements
 will subject me to penalties for perjury.

Document inclosed; Claimants Declaration R/t the
RESTATEMENT AND STATEMENT OF FACTS Boat
DATE 3-27-2024

Signature

BART WOODARD
[REDACTED]

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

April 3, 2024

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

RE: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard,

Enclosed please find a file-marked copy of your declaration related to statement and restatement of facts filed in the above-referenced claim. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tawnie Rowell \(DOC\)](#)
Cc: [ASCC Pleadings; Mika Tucker](#)
Subject: ORDER: Bart Woodard v. ADC, Claim No. 221169
Date: Wednesday, May 29, 2024 9:12:30 AM
Attachments: [Bart Woodard v. ADC2.pdf](#)
[Bart Woodard v. ADC.pdf](#)

Ms. Rowell:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

May 29, 2024

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Ms. Tawnie Rowell
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

Re: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Ms. Rowell:

Enclosed please find an Order entered on May 17, 2024, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

BART WOODARD (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 221169

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is the claim filed by Bart Woodard (the “Claimant”) against the Arkansas Division of Correction (the “Respondent”). At the hearing on April 12, 2024, Claimant proceeded *pro se*, and Thomas Burns appeared on behalf of Respondent. Based upon a review of the testimony and evidence presented, as well as the arguments of the parties and the law of the State of Arkansas, the Commission hereby finds as follows:

1. Claimant filed his claim on April 8, 2022, seeking \$12,500.00 in damages related to Respondent’s alleged omissions that resulted in another inmate [REDACTED] from February 2020 to July 2020.
2. Respondent denied liability.
3. Respondent filed a motion to dismiss, which the Commission denied on December 15, 2022.¹
4. At the hearing, after being sworn in, Claimant stated he would read from his most recent filing.² Respondent objected, arguing that the untimely filing appeared to be an amended complaint and asked that the document be stricken. Claimant argued that it was not an amended

¹ The Commission entered an order on October 20, 2023, related to the submission of a document marked for in camera review. This order denied as moot Claimant’s request for exhibits, petition for default judgment and motion to prevent further delay. The Commission also entered an order denying Respondent’s motion to strike on November 8, 2023.

² The Commission notes that Claimant may have been referring to a document titled “Claimant’s Declaration Related to Statement and Restatement of Facts” filed on March 30, 2024.

complaint, that the rules say that he can present filings seven days before the hearing, and that the filing was made eight or nine days before the hearing. Claimant then stated that he would testify without using the document.

5. Claimant then provided the following testimony:

- In June and August of 2019, Claimant had [REDACTED]
- Claimant was transferred to [REDACTED] February of 2020, and that is when the [REDACTED] started.
- Claimant was approached by an inmate named Leroy Williams, and Claimant [REDACTED].
- Williams continued to pester and threaten Claimant.
- Williams entered into Claimant's cell and [REDACTED] Claimant.
- Williams threatened Claimant, telling him [REDACTED]
- Williams "was a very old convict and had lots of threats."
- Williams was in Claimant's cell around midnight "after February" 2020, and made Claimant put Williams' [REDACTED]
- This type of [REDACTED] continued for several months.
- Williams said that if [REDACTED] Williams would "have [Claimant] hurt or have [Claimant] killed."
- Claimant testified that it would be easier for the Commission to view the videos instead of having him describe what happened.
- Upon a question from a commissioner, Claimant testified that from February 2020 to June 2020, the [REDACTED] would happen two to three times a week and sometimes it would happen more than once at night.
- Upon a question from a commissioner, Claimant testified that he did not report [REDACTED] to Respondent because he was in [REDACTED] make any reports.

- Claimant was hoping someone else would report the [REDACTED] because he was under cameras and that “everybody who came by had to have seen it.”
- Upon a question from a commissioner, Claimant testified that the [REDACTED] finally stopped because his now deceased cellmate reported it.
- Upon a question from a commissioner, Claimant testified that, once his roommate made the report, Respondent “put a stop to” the [REDACTED] Claimant and Williams were then separated, and Claimant “went to intake for a couple of days.”
- Claimant was then moved to “[REDACTED],” where he has been ever since that time, and that Williams has been in “[REDACTED]”
- Claimant is able to stay “right under a light” and away from people because he made this request to the [REDACTED]
- The [REDACTED] was a “never-ending nightmare.”
- Claimant now stays at his rack 95% of the time and does not like to be around people.
- Claimant only goes to shower and does not want to be bothered.
- Since Claimant was moved from Williams, there has been no more [REDACTED]

6. On cross-examination, Claimant testified as follows:

- Claimant did not report any of the [REDACTED].
- Claimant testified that, if he does not [REDACTED], Respondent will know about it because he is under cameras, and Respondent should be viewing the cameras.
- Respondent can catch people on the camera smoking cigarettes and doing drugs.
- [REDACTED] signs with the hotline number were “all over” the prison.
- Claimant did not call the [REDACTED] because he had attempted to call the hotline in 2016 when he was having problems “and nothing ever [REDACTED] came of it.”
- When the [REDACTED] happened, Claimant was [REDACTED] and was told not to say anything “by people who had been in prison for so long that they take control.”

- Claimant believed the [REDACTED] hotline was for protection and that, if he called it, he would be removed to a safe location.
- When Claimant made a report, Claimant was “put in the hole and put right back out.”
- When internal affairs and [REDACTED] coordinator spoke with Claimant, he was charged with “[REDACTED]”
- Respondent’s [REDACTED] coordinator found that Claimant’s claim that he was being [REDACTED] was substantiated.
- Claimant hoped Respondent’s counsel had a video of the [REDACTED] Williams and Claimant, and Claimant would agree to Respondent showing the video to the Commission.

7. Respondent then called Deputy Warden Maurice Culclager as a witness. After being sworn in, Mr. Culclager testified as follows:

- Mr. Culclager was deputy warden of the Tucker maximum security unit and had been the deputy warden at the [REDACTED] unit where Claimant was housed.
- Mr. Culclager was the [REDACTED] coordinator for the facility and led the investigation related to the instant claim.
- Another inmate told Lieutenant Denise Edwards about the [REDACTED] between Williams and Claimant, and Lt. Edwards initiated a [REDACTED] investigation.
- During Lt. Edwards’ investigation, inmates were questioned, and Claimant did not admit that he was being [REDACTED]. Therefore, Lieutenant Edwards made an initial finding of “no merit” with respect to the claims.
- Mr. Culclager then instructed Lieutenant Adam Seely to review surveillance video beginning one hour before the incident was reported to have occurred until one hour after the incident was reported to have occurred. The [REDACTED] Williams and Claimant were documented on the video reviewed by Lt. Seely.
- After reviewing the video, Mr. Culclager found that the incident was [REDACTED] and forwarded his findings to Respondent’s internal affairs department.

- Mr. Culclager also separated Claimant from Williams immediately.
- Mr. Culclager did not review video footage from before the reported incident because it was not reported to Respondent that it was an on-going issue.

8. On cross-examination, Mr. Culclager offered the following testimony:

- The [REDACTED] shown in the video did not seem to be [REDACTED] but there was no audio with the video.
- On June 30, 2020, Mr. Culclager watched the video from time mark 12:23 to time mark 12:39.
- Claimant “went to the hole” on June 30, 2020, and was separated from Williams at that time.
- If Claimant had reported other incidents at the time, video from other days would have been reviewed.
- If Respondent does not know about [REDACTED] it cannot help an inmate.
- When Claimant made a report of previous [REDACTED] by Williams after he and Williams were separated, there was nothing more for Respondent to do because it had already helped him.

9. Upon a question from a commissioner, Mr. Culclager offered the following additional testimony:

- The cameras in the unit allowed Respondent to record video throughout the barracks but there were no cameras in individual cells.
- The camera system only holds footage for a certain period of time, and it does not hold footage going two years back.
- If an incident is brought to Respondent’s attention within around 30 to 60 days of its occurrence, then Respondent can view the video.
- Respondent does not have an employee monitoring the cameras.
- Respondent has procedures in place to deter [REDACTED] and tries to make the unit as safe as possible for inmates.
- There were 54 inmates with one camera in the barracks in which the incident occurred.

- Mr. Culclager testified that Claimant had a choice when the assault started and had plenty of opportunities to report the [REDACTED]; for example, he could have reported during “chow” or when the officer made rounds twice per hour.
- Claimant may have been [REDACTED], but he never told Respondent before the investigation or during the investigation that the s [REDACTED]
- Whether or not the [REDACTED], Respondent was able to stop it after it was reported.
- Mr. Culclager was sorry that Claimant did not report the issue sooner so that Respondent could stop the assault sooner.

10. Respondent then called Durwin Metcalf as a witness. After being sworn in, Mr. Metcalf offered the following testimony:

- Mr. Metcalf was an investigator with Respondent’s internal affairs department.
- Margaret Rogers was the internal affairs employee that was assigned to investigate Claimant’s case, and Mr. Metcalf reviewed her entire case file.
- Ms. Rogers found that the [REDACTED] between Claimant and Williams was [REDACTED].
- Mr. Metcalf agreed with Mr. Rogers’ assessment after reviewing the case file.
- The case was not referred to the State Police because it was not found to be a [REDACTED] incident.

11. On cross-examination, Mr. Metcalf testified that his office receives referrals from wardens so that the internal affairs department can review the unit’s investigation and determine if the unit’s investigation and conclusion were correct.

12. Respondent then called Amanda Pasley as a witness. After being sworn in, Ms. Pasley offered the following testimony:

- Ms. Pasley was Respondent’s [REDACTED] coordinator at the time of the investigation relating to Claimant.
- As [REDACTED] coordinator, Ms. Pasley reviewed [REDACTED] investigations.

- Ms. Pasley wrote a memorandum to Claimant dated September 4, 2020, which stated that Claimant's allegation brought in [REDACTED] Grievance #SNN20-00189 was investigated and found to be substantiated. The allegation she found to be substantiated was [REDACTED], which did not involve [REDACTED].
- The unit investigators and internal affairs department found that the conduct was a [REDACTED], and the conduct was not referred to the State Police.
- Respondent has one [REDACTED] coordinator, and every unit has a [REDACTED] [REDACTED] manager, which is usually the deputy warden.
- Mr. Culclager was the [REDACTED] [REDACTED] manager during the investigation related to the instant claim.
- Ms. Pasley monitored Respondent's [REDACTED] when she was the [REDACTED] coordinator and would listen to the calls soon after the inmate's left recordings on the hotline.
- Ms. Pasley does not recall ever receiving a call from Claimant.
- There are many ways for inmates to anonymously report [REDACTED] conduct, including calling the [REDACTED] hotline number, calling the Arkansas State Police hotline number, writing a letter to the [REDACTED] coordinator, or writing a letter to a family member who could make a report to the [REDACTED] coordinator.
- A [REDACTED] allegation is always investigated no matter how the [REDACTED] coordinator receives the allegation.

13. On cross-examination, Ms. Pasley testified that she had been in the units' "hubs," where the officers watch videos.

14. Respondent requested that a video of [REDACTED] between Claimant and Williams be played during the hearing. Respondent informed the Commission that the video had no sound. The chair commissioner instructed Respondent to submit the video to the Commission so that the Commission could view it if necessary.

15. The Commission finds that Claimant's claim against Respondent is a negligence claim. To establish a claim for negligence, the evidence must show "(1) the existence of a duty on

the part of the [respondent] to conform to a specific standard of conduct to protect the [claimant]; (2) breach of that duty by the [respondent]; (3) injury to the [claimant] actually and proximately caused by the [respondent]'s breach; and (4) resulting damages to [claimant]...” *Peregrine Trading, LLC v. Rowe*, 2018 Ark. App. 176, 17, 546 S.W.3d 518, 529 (2018).

16. The Commission finds that the testimony of Deputy Warden Culclager was credible, including the testimony that (1) until the time another inmate made a report, Respondent was unaware that Claimant and Williams [REDACTED]; (2) after confirming [REDACTED] Claimant and Williams, Respondent took swift action to stop any further [REDACTED] Claimant and Williams and (3) video from the unit’s cameras is only reviewed by Respondent if an incident is reported. Significantly, the Commission notes that Claimant also testified that (1) he did not report the [REDACTED] to Respondent, (2) the [REDACTED] stopped after another inmate reported it to Respondent, and (3) he was separated from Williams after the other inmate made the report to Respondent.

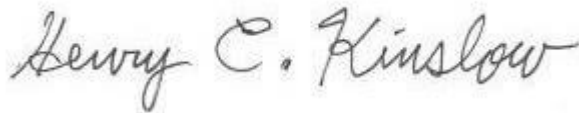
17. For these reasons, the Commission finds that Claimant did not present sufficient evidence of negligence. As such, Claimant’s claim is DENIED and DISMISSED.

18. In light of the above findings, the Commission does not deem it necessary to view Respondent’s video documenting the [REDACTED] Claimant and Williams. The Commission further notes that it is doubtful that Respondent could determine whether an inmate has [REDACTED] by viewing a video that does not have audio. As such, the Commission encourages Respondent to review its policy of using video without audio to make findings in [REDACTED] investigations.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: May 17, 2024

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).

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RECEIVED

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Bart Woodard ADM # [REDACTED] CLAIMANT

-V- Claims # - 221169

ARKANSAS DEPT. CORRECTION RESPONDENT
Division of CorrectionCLAIMANT'S
MOTION FOR TIME EXTENSION TO FILE
A NOTICE OF APPEAL AND ON APPEAL

COMES NOW Bart Woodard before the
the honorable Commission to pray the
Commissioners allow this PROSE
CLAIMANT additional time to prepare
his APPEAL / NOTICE OF APPEAL RELATED
to CASE # 221169.

Woodard along with this Motion for
EXTENSION would pray the Commission
to GRANT LEAVE to FILE both the
RECONSIDERATION AND AFTER IF NEEDED the
APPEAL, Therefore this CLAIMANT prays
the Commission GRANT this CLAIMANT until
08-06-24 to file either RECONSIDERATION
or APPEAL or both. AND ANY other COND-
ITIONS or ISSUES that the Honorable

B

ORCU LEGAL USE ONLY

Commission may consider right AND
PROPER.

Respectfully
Submitted by
Bart Woodard
Bart Woodard
ADC# [REDACTED]

CC TO Atty for ADC. FILE

MS Tucker would you pls make a copy
of this file marked AND SEND to me
PLEASE.

Respectfully
Bart Woodard

B

Certificate of Service

I Bart Woodward, A.D.C. # [REDACTED] do hereby declare, swear, and affirm that on the 05 day of the month JULY, in the year of our Lord 2024 with the proper postage attached, place the below described documents, in the ADC Mail Box (Provided by the ADC in order for inmates to mail their mail via the U.S.P.S.) these documents addressed to ASCC, 101 E CAPITOL AVE STE 410 L.R. AR 7220-3613. This I do declare understanding that false statements will subject me to penalties for perjury.

DOCUMENTS ENCLOSED; Motion for time Extension
To file REconsideration & Appeal.

DATE 07.05.2024

Bart Woodward
 Signature
 [REDACTED]

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tawnie Rowell \(DOC\)](#)
Cc: [ASCC Pleadings; Mika Tucker](#)
Subject: ORDER: Bart Woodard v. ADC, Claim No. 221169
Date: Monday, August 26, 2024 8:28:36 AM
Attachments: [Bart Woodard v. ADC.pdf](#)
[Bart Woodard v. ADC.pdf](#)

Ms. Rowell:

Please see attached. Contact Mika Tucker with any questions.

Thank you,

Misty

Misty Scott
Arkansas State Claims Commission

August 26, 2024

Mr. Bart Woodard (ADC [REDACTED])
[REDACTED]
[REDACTED]

Ms. Tawnie Rowell
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

Re: ***Bart Woodard v. Arkansas Division of Correction***
Claim No. 221169

Dear Mr. Woodard and Ms. Rowell:

Enclosed please find the Order entered on August 22, 2024, by the Arkansas State Claims Commission. If you have any questions, please do not hesitate to contact my office.

Sincerely,

Mika Tucker

ES: msscott

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**BART WOODARD (ADC [REDACTED])****CLAIMANT****V.****CLAIM NO. 221169****ARKANSAS DIVISION OF
CORRECTION****RESPONDENT****ORDER**

Now before the Arkansas State Claims Commission (the “Commission”) is a motion filed by Bart Woodard (the “Claimant”) for an extension of time to file a notice of appeal of the Commission’s May 17, 2024, order denying and dismissing Claimant’s claim against the Arkansas Division of Correction (the “Respondent”). Based upon a review of the filing, the arguments made therein, and the law of Arkansas, the Commission hereby unanimously finds as follows:

1. Claimant filed his claim on April 8, 2022, seeking \$12,500.00 in damages related to Respondent’s alleged omissions that resulted in another inmate [REDACTED] from February 2020 to July 2020.
2. Respondent filed a motion to dismiss, which the Commission denied on December 15, 2022.
3. Following a hearing on Claimant’s claim, the Commission entered an order on May 17, 2024, denying and dismissing Claimant’s claim. This order was transmitted to the parties on May 29, 2024.
4. On July 8, 2024,¹ Claimant filed the instant “Motion for Time Extension to File a Notice of Appeal and on Appeal,” asking for an extension until August 6, 2024, to file a motion for reconsideration or notice of appeal.

¹ July 8, 2024, was 40 days from the date of the transmittal of the May 17, 2024, order.

5. Respondent did not file a response to the motion for extension.

6. The Commission notes that it has no authority to grant an extension of the number of days a party may file a notice of appeal or motion for reconsideration under Ark. Code Ann. § 19-10-211(a)(1). To the extent that Claimant's motion could be construed to be a motion for reconsideration, the Commission finds that it does not set forth new or additional evidence not previously available and must be denied pursuant to Rule 7.1 of the Commission Rules and Regulations. As such, Claimant motion is DENIED and the May 17, 2024, Commission order remains in effect. However, the Commission will accept Claimant's motion as a timely notice of appeal and will transmit this claim file to the Arkansas General Assembly pursuant to Ark. Code Ann. § 19-10-211.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: August 22, 2024

Notice(s) which may apply to your claim

- (1) A party has forty (40) days from transmission of this Order to file a Motion for Reconsideration or a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from the transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 19-10-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 19-10-211(a)(3).
- (2) If a Claimant is awarded less than \$15,000.00 by the Claims Commission at hearing, that claim is held forty (40) days from the date of disposition before payment will be processed. *See* Ark. Code Ann. § 19-10-211(a). Note: This does not apply to agency admissions of liability and negotiated settlement agreements.
- (3) Awards or negotiated settlement agreements of \$15,000.00 or more are referred to the General Assembly for approval and authorization to pay. Ark. Code Ann. § 19-10-215(b).