

From: [ASCC New Claims](#)
To: [Thomas Burns \(DOC\)](#)
Cc: [Kathryn Irby](#)
Subject: CLAIM: Romario Waller v. ADC, Claim No. 241591
Date: Wednesday, March 27, 2024 1:25:00 PM
Attachments: [Romario Waller ADC agency ltr 241591.pdf](#)
[Romario Waller Claim 241591.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

March 27, 2024

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

(via email)

RE: ***Romario Waller v. Arkansas Division of Correction***
Claim No. 241591

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,

Mika Tucker

ES: cmcdaniel

cc: Romario Waller (ADC [REDACTED]), *Claimant* (w/ encl.)

Please print in ink or type

MAR 08 2024

BEFORE THE STATE CLAIMS COMMISSION Of the State of Arkansas

RECEIVED

- Mr. Mrs. Ms. Miss

Romario Waller (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

Romario Waller (ADC [redacted]), the above named Claimant, of [redacted] (City)

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

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

State agency involved: ARK. Dep't of Correction Amount sought: \$ 10,000.00

Month, day, year and place of incident or service: March 1, 2024

Explanation: On 3-1-2024 Duwayne E. Felts falsified a major disciplinary report to cover-up his attack on me when he pointed a TASER directly at my face and at back of my head, and when he touched it against back of my head, and abused me by grabbing my arm from behind me attempting to slam me to the ground as my back was turned to him. ADC Policy breaches occurred as well when D. Felts and Percy Arnold stole a 3-page witness statement I wrote about the incident. I reported to the ADC (Grievance/Disciplinary court) that I did give C/O Boyd: Percy Arnold (Chief security officer) the said witness statement and instead of making it a part of the investigation Arnold stole/destroyed it then lied on several step-one informal grievance responses that he had no knowledge of it. However C/O Boyd testified during a step-one grievance process that he gave Arnold my statement, and Sgt. Miles alleged the situation "is being handled". However, after stealing my statement which listed several guards as witnesses Arnold destroyed/stole it and covered up evidence by not obtaining the mandatory staff eye witness reports (005) upon delivering me a copy of the false report Sgt. Miles refused to list my requested witness/evidence: witness statements (005) by officers - Akids, King, Williams, Macklvd, Thomas; 3-1-2023 Iso. security video; statement from C/O Boyd and lie detector (CUSA). ADC Policy allows evidence to be called/obtained yet Miles refused to list my evidence, Hearing officer Waddle refused to investigate or obtain my evidence and imposed a 21 day punitive sentence with 100 days restrictions. Warden Earl's Hearing administrator T. Richmond and I. Sudder (for Director) approved the verdicts/punishments who considered my evidence.

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

YES; when? 3-10-2023 - 5-15-2023; to whom? ADC Disciplinary Hearing Administrator / Director / (Department)

Grievance procedure, and that the following action was taken thereon: Punishments/verdicts approved and my Requests for Evidence and Grievance (23-0012) supporting my allegations were denied.

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

(Name) (Street or R.F.D. & No.) (City) (State) (Zip Code) and that the nature thereof is as follows:

: and was acquired on _____, in the following manner:

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

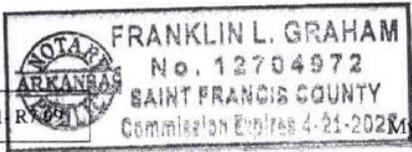
MR. ROMARIO V. WALLER (Print Claimant/Representative Name)

[Signature] (Signature of Claimant/Representative)

SWORN TO and subscribed before me at _____

(SEAL)

on this 2 day of March, 2024 (Date) (City) (State)



[Signature] (Notary Public)

Commission Expires: 4 21 2027 (Month) (Day) (Year)

State Election Commission

1000 N. 1st St.

RECEIVED



ISSR100

Arkansas Department of Corrections

MAJOR DISCIPLINARY

If the C.S.O. determines that the violation(s) described on this document are felonious; he/sh must hand carry this document to the Unit War who must immediately notifv the Director.

Inmate: Waller, Romario

ADC#: [REDACTED]

Assignment: AM:Restrictive Housing
PM:Discpl Court Review

Class: I-C is being charged by Felts, Dwyatt E

Title: Lieutenant

with code violation(s):

- 05-3 Assault. Any willful attempt or threat(s) to inflict injury upon another, directly or indirectly, verbally or in writing.
- 11-1 Insolence to a staff member.
- 12-4 Refusing a direct verbal order to leave or enter any area of the institution or ADC property including, but not limited to, a cell, barracks, hall, transportation vehicle, hallway, or work site.
- 12-3 Failure or refusing to obey verbal and/or written order(s) of staff

Date & Time: 03/01/2023 5:05 AM

Notice of Charges:

On 3/1/23 at approx. 5:05am I Lt. Dwyatt Felts responded to an all available to 4 Barracks Zone 2, given by Cpl. Rumeka Akins. When I arrived Inmate Romario Waller [REDACTED] (B/M, Black Gangster Discp. Affiliated, Class I-C) was standing outside his Barracks (4 Barracks), he was upset. I stepped in-between Cpl. Akins and Inmate Waller and gave him a direct order to move away from the Barracks. Inmate Waller turned to walk away; he then turns back to face me. I gave him a second direct order to move away from 4 Barracks, Inmate Waller complied. He walked to the road in front of 4 Barracks. After I talked to Inmate Waller, I informed Him I was going to remove him from the area. He walked a little way down the road then turned around and stopped. I gave Inmate Waller a direct order to keep walking. He then turned toward me raising his left arm with his left hand in a fist as if he was going to strike me. I Lt. Felts pulled the tazer from my holster and pointed it at Inmate Waller. He immediately opened his hand, dropped his arm, and turned around. Inmate Waller knows his actions and aggressive actions toward Officers are against ADC policy. Therefore I Lt. Felts am charging Inmate Waller with rule violations 12-3, 12-4, 11-1, 5-3

[Signature]
Signature of Charging Officer

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

NOTIFICATION:	Officer <i>Sf Arnold</i>	Date & Time Notified <i>3/9/23 2:02</i>
---------------	--------------------------	---

Witness Statements: No If yes, list:

Major Arnold

Inmate's Signature

C.S.O. Review:	Outcome: <u>Refer to Hearing Officer/Comm.</u>	Date: <u>03/09/2023</u>
	By: <u>Arnold, Percy D</u>	

Extension:	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	Has extension form been completed? <input type="checkbox"/>
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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 _____
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ISSR101

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Waller, Romario

ADC#: [REDACTED]

Unit: [REDACTED]

Code Violation(s):

- 05-3 Assault. Any willful attempt or threat(s) to inflict injury upon another, directly or indirectly, verbally or in writing.
- 11-1 Insolence to a staff member.
- 12-4 Refusing a direct verbal order to leave or enter any area of the institution or ADC property including, but not limited to, a cell, barracks, chow hall, transportation vehicle, hallway, or work site.
- 12-3 Failure or refusing to obey verbal and/or written order(s) of staff

Date/Time of Alleged Offense(s): 03/01/2023 5:05 AM

Hearing Date: 03/10/2023 Time: Start 2:09 PM End 2:18 PM

Recorder: Waddle, Keith L Tape#: Side: Meter: From To

Plea: Not Guilty, Not Guilty, Not Guilty, Not Guilty Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

I request this to be dismissed. I submitted a three page witness statement to the Major. The officers that were present did not write incident report. This is not true.

Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Guilty, Guilty, Guilty

Restriction Days to Serve

Commissary:	60	Days Suspended:	0
Phone:	60	Days Suspended:	0
Visitation:	60	Days Suspended:	0
Punitive Isolation Days to Serve:	21	Days Suspended:	0
GT Class Reduced to:	IV	Class Suspended:	

Disciplinary Hearing Action

03/10/2023 2:29 PM

Page 2

Inmate: Waller, Romario

ADC#: [REDACTED]

Unit: Wrightsville Unit

Additional Sanctions/General Comments:

9 days credit.
WS reviewed.

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

Inmate disobeyed an order to exit an area and threaten staff.

Evidence Relied Upon:

F-1 statement from charging officer.

Reasons Why Information Purporting to Exonerate Inmate was Discounted:

Staff report is accepted.

Reasons for Assessment of Punishment:

Inmate is class IC but must obey all orders and must not threaten staff.

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

Inmate's Signature _____ Counsel-Substitute _____

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

Hearing Officer Keith Waller Date _____

RECEIVED

7082
APR 13 2023

ADMINISTRATOR
DISCIPLINARY HEARINGS
F-831-4

Major Disciplinary Appeal Form

RECEIVED
MAR 01 2023

MAR 23 2023 4-17-18

GRIEVANCE OFFICE

Director
Arkansas
Department of Correction

Inmate Name MR. ROMARIO V. WALLER...

ADC# [redacted]

Unit [redacted] Punitive Isolation Yes No

Disciplinary (date) 3/1/2023 by (charging officer) DWATT Felts

RECEIVED
MAY 01 2023

3/16/2023 Appealed to Warden/Center Supervisor: Note, if you do not agree with the decision of the Disciplinary Hearing Officer, you have 15 business days from receipt of disciplinary action to appeal to the Warden/Center Supervisor.
Warden's Decision: Affirm Reverse Modify (See attached if modified)
Signature: [Signature] Date: 3-29-23

4/3/2023 Appealed to Disciplinary Hearing Administrator: Note, if you do not agree with the response of the Warden/Center Supervisor, you may appeal within 15 business days from receipt of the Warden/Center Supervisor's response to the Disciplinary Hearing Administrator.
DHA's Decision: Affirm Reverse Modify (See attached if modified)
Signature: [Signature] Date: 04/13/23

Appealed to Director: Note if you do not agree with the Disciplinary Hearing Administrator's response, you may appeal within 15 business days from receipt of the Disciplinary Hearing Administrator's decision to the Director.
Director's Decision: Affirm Reverse Modify (See attached if modified)
Signature: [Signature] Date: 5-15-23

Notice to Inmate: This form is to be used for all appeal levels and responses. Briefly state reasons why conviction or punishment should be reversed or modified. This information will be considered at all three levels of appeal. Only information that is contained within this space on this form will be considered:

- 1) I was deprived evidence and witness statement. on 3/1/2023 I submitted a 3-page witness statement to C.S.O P. Arnold /clo-Boyd. (see preserve isolation security video monitoring shower/cell hallway). C.S.O Arnold gave my witness statement to Defendant Felts to submit with the disciplinary. Isolation front entrance security video (3/1/2023 around 8:00-11:00 AM) recorded Felts and Sgt. Hyshaw standing outside the security control-booth/office reading my witness statement HOWEVER when C.S.O Arnold conducted the C.S.O Review my 3-page witness statement was missing. Felts thereby destroyed evidence /withheld evidence that was submitted to C.S.O Arnold on video.
- 2) The A.D.C major disciplinary manual required all staff witness to submit staff witness statements / incident reports of the incident. Although clo-ARKINS, KIDG, WILLIAMS, THOMAS, MACKLVA were present during the alleged incident Felts utilized his security supervisory position to violate policy by not attaching the required witness statements from the said direct staff witnesses thereby interfering with the C.S.O review / investigation by withholding evidence and staff witness statements in this matter.
- 3) The 3/16/2023 disciplinary court video contains evidence that DHO Waddle falsified statements at the hearing falsely stating that the disciplinary policy does not require the C.S.O (Major Arnold) to review all witness statements and submit them to the major disciplinary court. As a result DHO deprived me of my right to have the DHO review the direct evidence (staff witness statements) as well as my own witness statement. In return he disregarded evidence that the charging person destroyed evidence (my 3-page witness statement) after it was in the C.S.O possession.
- 4) According to D.H.O Waddle I should request internal affairs to investigate this matter. For this reason I request internal affairs be referred to conduct a CVSA on myself, D. Felts, Major Arnold, clo-Boyd and investigate all isolation videos which contain direct evidence that my 3-page statement was stolen and destroyed by Felts after C.S.O Arnold had possession but failed to make it part of the disciplinary packet; and a CVSA should be held to prove Felts withheld staff eye witness statements and omitted the fact that officers KIDG, THOMAS, WILLIAMS, MACKLVA were present and he withheld their statements to cover-up his false report.

Inmate's Signature: [Signature] Date: 3/15/2023

Original to be submitted for appeal; copies for inmate's use to proceed to next level if timely response not received.

DHA
CONTRACT OFFICE

WRIGHTSVILLE

ADVANCE OFFICE

RECEIVED

07/18/12

150

~~Dirk Black~~

Central Office
DHA



UNIT LEVEL GRIEVANCE FORM (Attachment I)

Unit/Center _____

MAR 20 2023

FOR OFFICE USE ONLY	
GRV. #	23-00112
Date Received	3/20/23
GRV. Code #	803

Name Waller, Romario V.

ADC# _____ Brks # Isol Job Assignment _____ **GRIEVANCE OFFICE**

3/15/2023 (Date) STEP ONE: Informal Resolution

3/27/2023 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: Corp Boyd admits at step 1

Hegave cso Arnold my statement acknowledging loss of my evidence.

_____, (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 personnel involved and how **you** were affected. (Please Print): I need c/o Boyd to confirm/verify that on 3/1/2023 Hegave c.s.o Arnold my 3.1.2023 3 page witness statement regarding the incident with D.FELTS, which Boyd verified to Sgt. miles today on 3/15/2023 so that my statement can be located + added to the file. The statement was given to him at classification on 3/1/2023.

RECEIVED

MAR 28 2023

INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

Inmate Signature [Signature]

Date 3/15/2023

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

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

PRINT STAFF NAME (PROBLEM SOLVER) Sgt. Theresa Miles ID Number _____ Staff Signature [Signature] Date Received 3/15/23

Describe action taken to resolve complaint, including dates: Cpl Boyd and Major Arnold addressed this issue during classification and it has been handled.

Staff Signature & Date Returned [Signature] 3/17/23 Inmate Signature & Date Received [Signature] 3/17/2023

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.

31/10/2014

WORKS BOOK

Moved

ISSD
Cell

Deceptive



ARKANSAS DEPARTMENT OF CORRECTIONS
Division of Correction – Director’s Office

6814 Princeton Like
Pine Bluff, Arkansas 71602
Phone: (870) 267-6200 | Fax: (870) 267-6244

MEMORANDUM

TO: Inmate Romario Waller - ADC [REDACTED]
FROM: Dexter Payne, Director *Dexter Payne*
RE: Major Disciplinary Appeal
DATE: May 15, 2023

Please be advised that I am in receipt of your disciplinary appeal regarding the major disciplinary you received 03/01/2023 at 05:05 am from Lt. Felts.

You state in your disciplinary appeal that it is falsified.

Your disciplinary states, "On 3/1/23 at approx. 5:05am I Lt. Dwyatt Felts responded to an all available to 4 Barracks Zone 2, given by Cpl. Rumeka Akins. When I arrived Inmate Romario Waller [REDACTED] (B/M, Black Gangster Discp. Affiliated, Class I-C) was standing outside his Barracks (4 Barracks), he was upset. I stepped in-between Cpl. Akins and Inmate Waller and gave him a direct order to move away from the Barracks. Inmate Waller turned to walk away; he then turns back to face me. I gave him a second direct order to move away from 4 Barracks, Inmate Waller complied. He walked to the road in front of 4 Barracks. After I talked to Inmate Waller, I informed Him I was going to remove him from the area. He walked a little way down the road then turned around and stopped. I gave Inmate Waller a direct order to keep walking. He then turned toward me raising his left arm with his left hand in a fist as if he was going to strike me. I Lt. Felts pulled the tazer from my holster and pointed it at Inmate Waller. He immediately opened his hand, dropped his arm, and turned around. Inmate Waller knows his actions and aggressive actions toward Officers are against ADC policy. Therefore I Lt. Felts am charging Inmate Waller with rule violations 12-3, 12-4, 11-1, 5-3."

You stated during your disciplinary hearing, "I request this to be dismissed. I submitted a three page witness statement to the Major. The officers that were present did not write incident report. This is not true."

After a thorough review of all the documents pertaining to this matter, I am upholding the guilty verdicts of rule violations 05-3/Assault/any threat(s) to inflict injury upon another, directly or indirectly, verbally or in writing; 11-1/Insolence to a staff member; 12-4/Refusing direct verbal order to leave or enter any area of the institution or ADC property including, but not limited to, a cell, barracks, chow hall, transportation vehicle, or hallway. I am modifying 12-3/Failure to obey verbal and/or written orders of staff to read not guilty; therefore, your disciplinary is modified.

DP:ls

cc: Warden / Inmate File / File

From: [Thomas Burns \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#); [Miles S. Morgan](#); [Courtney Wall \(DOC\)](#)
Subject: Romario Waller v ADC 241591
Date: Monday, April 1, 2024 8:59:39 AM
Attachments: [3510_001.pdf](#)
[image001.png](#)

Answer

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**ROMARIO WALLER** [REDACTED]**CLAIMANT****v.****NO. 241591****ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION****RESPONDENT****ANSWER**

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 an investigation by internal affairs, if warranted, 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

3. The Respondent states that the Arkansas State Claims Commission does not have jurisdiction to hear this matter pursuant to Ark. Code Ann. § 19-10-204.

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 an investigation by Internal Affairs if warranted.

Respectfully submitted,



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

CERTIFICATE OF SERVICE

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

Romario Waller ([REDACTED])
[REDACTED]



Thomas Burns

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Thomas Burns \(DOC\)](#); [Tawnie Rowell \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: CORR: Romario Waller v. ADC, Claim Nos. 241591 and 241592
Date: Thursday, April 18, 2024 8:35:31 AM
Attachments: [Romario Waller v. ADC.pdf](#)
[Romario Waller v. ADC2.pdf](#)

Thomas and Tawnie:

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

April 18, 2024

Mr. Romario Waller (ADC [REDACTED])
[REDACTED]

RE: *Romario Waller v. Arkansas Division of Correction*
Claim No. 241591

Dear Mr. Waller,

Please be advised that the Arkansas Division of Correction (the “Respondent”) in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the “Claims Commission”) in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Mika Tucker

ES: msscott

cc: Thomas Burns and Tawnie Rowell, *counsel for Respondent* (via email)

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 18, 2024

Mr. Romario Waller (ADC [REDACTED])
[REDACTED]

RE: *Romario Waller v. Arkansas Division of Correction*
Claim No. 241592

Dear Mr. Waller,

Please be advised that the Arkansas Division of Correction (the “Respondent”) in the above-styled claim filed an Answer disputing liability. When liability is contested by the Respondent, you have two options:

- 1) You may request a hearing before the Arkansas State Claims Commission (the “Claims Commission”) in writing within fifteen (15) calendar days from the date of this correspondence.
- 2) You may do nothing. If this office does not receive any communication from you within fifteen (15) calendar days from the date of this correspondence, your claim will be dismissed by the Claims Commission for failure to respond.

Please note that even if you request a hearing on your claim, the filing of a dispositive motion (such as a Motion to Dismiss or a Motion for Summary Judgment) by the Respondent could result in dismissal of your claim before hearing. The failure of a party to file a timely response is sufficient basis for the granting of a motion by the Claims Commission.

It is your responsibility to know when responses are due to any motions or other pleadings filed in your claim. It is also your responsibility to notify both the Claims Commission and the Respondent if you have a change in mailing address.

Sincerely,

Mika Tucker

ES: msscott

cc: Thomas Burns and Tawnie Rowell, *counsel for Respondent* (via email)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER. [REDACTED]

CLAIMANT

Arkansas State Claims Commission

v.

No. 241591

APR 18 2024

ARKANSAS DEPARTMENT OF CORRECTION
ARKANSAS DIVISION OF CORRECTION

RESPONDENT

RECEIVED

REPLY

The claimant ROMARIO V. WALLER with my REPLY do state under OATH and Penalty of Perjury the following to be true accurate and correct:

1. The Respondent ADC is liable Pursuant A.C.A. 19-10-201 et. seq for the claims set forth in the complaint.
2. The Arkansas state claims commission does have Jurisdiction to hear resolve and settle the claims set forth in the Complaint Pursuant A.C.A. 19-10-201 et. seq.
3. Throughout the entire ADC major Disciplinary and Grievance Process I have related to the claims set forth in the Complaint I pursued but was ignored by ADC when I repeatedly sought Internal Affairs investigation with CVSA - (Computerized Voice Stress Analysis).
4. IF it is within the Evidence gathering and Producing authorization of the ARKANSAS STATE CLAIMS COMMISSION I the claimant will consent/agree with the ADC conducting an Internal Affairs investigation if there is a CVSA.
5. The ADC major disciplinary Hearing Administrator is Asst. Director over Internal Affairs Division. IF the ADC merely Plans to have Internal Affairs Division review the Physical documents then it will be the same Prejudicially biased review in favor of the ADC that they conducted during the disciplinary process.
6. wherefore the only fact finding Procedure is the CVSA which I have consistently requested and am voluntarily open to participate in for the factual Resolution of the Evidence gathering process, but the Complaint should proceed with CVSA as part of Discovery in ADC's requested Internal Affairs investigation.

For these Reasons I the Claimant Mr. Waller motioned the Arkansas state claims commission to let the claims/complaint proceed.

Respect Fully Submitted, R.V. [Signature]

CERTIFICATE OF SERVICE

I the Claimant ROMARIO V. WALLER certify a handwritten copy of this Pleading has been Served to Arkansas State Claims Commission 101 East Capitol Avenue Suite 410 Little Rock Arkansas 72201-3863 and Thomas Burds 6814 Princeton Pike Pine Bluff, Arkansas. 71602 through U.S. Postal service mail April 10, 2024.

MR. ROMARIO V. WALLER.
[REDACTED]

Arkansas
State Claims Commission

ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER, CLAIMANT
VS. NO. 241591

APR 27 2024
RECEIVED

ARKANSAS DIVISION OF CORRECTION RESPONDENT

REQUEST FOR HEARING BEFORE ARKANSAS STATE CLAIMS COMMISSION

The Claimant Mr. Waller do hereby request a hearing before the state claims commission because the claims in the complaint if submitted against the Respondent in the official capacity of the derelict officials/staff would be barred by the doctrine of sovereign immunity under Arkansas Constitution Article 5 sect. 20 Pursuant A.C.A. 19-10-204 if filed in a Court of General Jurisdiction.

RESPECTFULLY Romario V. Waller,
[Signature]

CERTIFICATE OF SERVICE

The foregoing mailed to Arkansas State Claims Commission 101 East Capitol Avenue suite 410 Little Rock, Arkansas 72201-3823 ~~through~~ and Thomas Burds 6814 Princeton Pike Pine Bluff, Arkansas, 71602 on April 23 2024 through U.S. Postal Service mail.

ROMARIO V. WALLER,



From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tawnie Rowell \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Mika Tucker](#)
Subject: CORR: Romario Waller v. ADC, Claim Nos. 241591 and 241592
Date: Monday, May 6, 2024 9:56:00 AM
Attachments: [Romario Waller v. ADC.pdf](#)

Ms. Rowell:

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

May 6, 2024

Mr. Romario Waller (ADC [REDACTED])
[REDACTED]

RE: ***Romario Waller v. Arkansas Division of Correction***
Claim Nos. 241591 and 241592

Dear Mr. Chambers,

The Claims Commission has reviewed your request for hearings in the above-referenced claims and would like for the parties to conduct discovery prior to the scheduling of these claims for hearing. When discovery is nearing completion, please contact me to get these claims added to the hearing docket.

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

Sincerely,

Mika Tucker

ES: msscott

cc: Tawnie Rowell, *counsel for Respondent* (via email)

Arkansas
State Claims Commission

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARJO V. WALLER, [REDACTED] CLAIMANT

MAY 17 2024

v. CLAIM NO. 241591

RECEIVED

ARKANSAS DIVISION OF CORRECTION RESPONDENT

CLAIMANT'S DISCOVERY REQUESTS

At the direction of the Director of ARKANSAS STATE CLAIMS COMMISSION

and pursuant ARKANSAS CIVIL JUDICIAL PROCEDURAL RULES I CLAIMANT

MR. WALLER SUBMITS THE FOLLOWING REQUESTS FOR PRODUCTION / DISCOVERY REQUESTS:

1. DISCOVERY REQUEST NO. 1: Please produce the "ODS/ACCIDENT REPORTS" by C-O R. AKINS, Sgt. KIRBY, C-O MS. WILLIAMS, C-O MR. THOMAS, C-O's which were present during the March 1, 2023 incident related to DWYATT FELTS false 3-1-2023 ISSR-100.
2. DISCOVERY REQUEST NO. 2: making the STEP-ONE UNIT LEVEL GRIEVANCE ACTION TAKEN FOR GRIEVANCE #WR-23-DD112 Sgt. Theresa Miles confirmed that C-O Boyd and (CSO) Chief Security Officer Arnold did receive-discuss/address my 3-page witness statement for the 3-1-2023 ISSR-100 that CSO Arnold mishandled or destroyed. Please produce all grievance file documents related to grievance 2023-DD112 (WRIGHTSVILLE) for review copy and note taking.
3. DISCOVERY REQUEST NO. 3: The RESPONDENT has requested leave to conduct INTERNAL AFFAIRS INVESTIGATION OF THESE CLAIMS and I the CLAIMANT have agreed to a CVSA (Computerized Voice Stress Analysis) which is the INTERNAL AFFAIRS INVESTIGATIVE TOOL. Please schedule a CVSA on MR. WALLER in related to any/all INVESTIGATORY QUESTIONS REGARDING the 3-1-2023 ISSR-100 and the CLAIMS in the complaint as soon as possible or within 10 BUSINESS DAYS OF THIS DISCOVERY REQUEST. Please contact me for conferencing.

Arkansas State Claims Commission

RECEIVED
MAY 13 2024
DISCOVERY REQUEST No. 4: The CLAIMANT alleged in the Complaint the ADC (HHS)

Disciplinary Hearing officer refused evidence I was not allowed to call for evidence. Yet the Teleconference video 3/10/2023 reveals the DHO utilized evidence I was not made aware of existed. Due to these breaches of PD/IC Please Produce all evidence submitted by all staff: Dwyatt Felts related to the 3-1-2023 ISSR-100 for review and note taking.

5. DISCOVERY REQUEST No. 5: Please Produce the 2023-or-Present secretarial Directive on ADC ~~employee conduct standards~~ ^{Major Disciplinary Hearings} For COPY-or-note taking.

6. DISCOVERY REQUEST No. 6: Please Produce the 2023-or-the-Present Secretarial Directive on ADC EMPLOYEE CONDUCT STANDARDS For Review COPY Note TAKING.

7. DISCOVERY REQUEST No. 7: Please Produce the 3/10/2023 Major Disciplinary Hearing Teleconference Video for Review, COPY, Note taking, and/or schedule the same.

Please be advised the Present Farm Facility Law Library supervisor Allison does not conduct weekly Law Library services wherefore the items requested are not available through the Law Library due to Allison Hostility toward Prisoner Litigation. In the year 2024 law library has been conducted ^{only} 4-times as for a security video depicts. Falsified logs may show different but do not match security video footage.

RESPECTFULLY Submitted,

[Signature]

CERTIFICATE OF SERVICE

A COPY of the Foregoing mailed to ARKANSAS STATE CLAIMS COMMISSION
MIKA TALKER 101 EAST CAPITAL AVENUE, SUITE 410 LITTLE ROCK, AR. 72201
and Tawnie Rowell 6814 Princeton Pike Pine Bluff, ARKANSAS. 71602 through
First class U.S. Postal service mail, May 13, 2024

MR. ROMARIO V. WALLER,



From: [Miles S. Morgan](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#); [Kris Higdon \(DOC\)](#)
Subject: Romario Waller v. ADC 241591
Date: Wednesday, June 26, 2024 12:13:25 PM
Attachments: [Safe Harbor Letter-Waller.pdf](#)
[image001.png](#)

Safe Harbor letter.

Thanks,

-Miles





SARAH HUCKABEE SANDERS
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS

1302 Pike Avenue, Suite C
North Little Rock, AR 72114



OFFICE OF THE
SECRETARY

June 26, 2024

Mr. Romario Waller (ADC [REDACTED])
[REDACTED]
[REDACTED]

Re: Romario Waller v ADC
Claim Nos. 241591 & 241592

Dear Mr. Waller:

I am in receipt of your Discovery Requests. These are not correctly formatted, nor correctly stated, in accordance with Rules 26, 33, 36, and 37 of the Arkansas Rules of Civil Procedure. Arkansas law makes it clear that Pro Se parties are held to the same standards as attorney and are presumed to know the law. I am pointing you to the correct rules so that you may correct deficiencies and be in compliance with the rules of Civil Procedure.

Currently, we are seeking these corrections without the intervention of the Claims Commission. We will hold off for twenty-one (21) days to allow for you to have time to correct these deficiencies.

Very truly yours,

Miles S. Morgan
Arkansas Department of Correction

MSM/

cc: File
ASCC

ARKANSAS STATE CLAIMS COMMISSION

Arkansas
State Claims Commission

ROMARIO V. WALLER [REDACTED]
VS. CLAIM NO. 241591
ARKANSAS DIVISION OF CORRECTION

CLAIMANT
RESPONDENT

JUL 05 2024
RECEIVED

MOTION TO COMPEL DISCOVERY

I THE CLAIMANT ROMARIO WALLER DO STATE THE FOLLOWING TO BE TRUE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF:

- 1. The A.D.C has failed to participate in discovery.
 - (a) on MAY 10, 2024 I the CLAIMANT ROMARIO WALLER mailed my initial discovery Requests 1-7 pursuant the CIVIL RULES OF JUDICIAL PROCEEDURE and the COMMISSIONS MAY 6, 2024 DISCOVERY ORDER. THE ADC DID NOT ACKNOWLEDGE NOR RESPOND.
 - (b) on JUNE 15, 2024 I the CLAIMANT ROMARIO V. WALLER mailed my DISCOVERY LETTER showing good intent to obtain DISCOVERY and this CORRESPONDANCE was also not acknowledged nor responded to.
 - (c) THE RESPONDENT ADC has thereby refused to participate in DISCOVERY and for this reason I motion the COMMISSION for an order compelling the A.D.C TO PARTICIPATE IN DISCOVERY.

RESPECTFULLY SUBMITTED

R.V. [Signature]

CERTIFICATE OF SERVICE

The foregoing mailed to MIKA TUCKER ARKANSAS STATE CLAIMS COMMISSION 101 EAST CAPITOL AVENUE SUITE 410 LITTLE ROCK, ARKANSAS 72201-3823 and TAWNIE ROWELL 6814 PRINCETON PIKE, PINE BLUFF, ARKANSAS 71602 JULY 1, 2024 through U.S. Postal Service Mail.

MR. ROMARIO V. WALLER,
[REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas State Claims Commission

MR. ROMARIO V. WALLER [REDACTED] CLAIMANT
VS. CLAIM NO. 241591
ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

AUG 10 2024
RECEIVED

MOTION FOR DEFAULT JUDGEMENT and SUPPORTING BRIEF OF CLAIMANT

The Claimant MR. ROMARIO V. WALLER do hereby submit this MOTION FOR DEFAULT JUDGEMENT AND BRIEF IN SUPPORT thereof under oath and Penalty of Perjury For the following REASONS:

A.

MOTION FOR DEFAULT JUDGEMENT AND ENJOINING SUPPORTING BRIEF OF CLAIMANT

Pursuant ARKANSAS CIVIL JUDICIAL PROCEDURES AND RULES a Party is entitled to JUDGEMENT IN DEFAULT against another Party when the other Party fails to prosecute his case and or abandons it's duty to reasonably participate in the case litigation. For the relief sought against the other Party.

1. The Claimant being detained at [REDACTED] am not allowed to obtain Law Books from the Law Library have been denied access to ARKANSAS STATE CLAIMS COMMISSION HANDBOOK and ARKANSAS CODE ANNOTATED - CIVIL PROCEDURAL RULES BOOK.
2. This motion and brief is therefore submitted respectfully according to my basic understanding of ARKANSAS CIVIL PROCEDURAL RULES BOOKS.
3. THE RESPONDENT ADC has abandoned it's duty and Responsibility towards this claim.
4. The ARKANSAS STATE CLAIMS COMMISSION directed the ^{parties} to conduct discovery prior to the scheduling of this claim for a hearing may 16, 2024 (EX. 1) (SEE COMMISSION FILE).
5. The CLAIMANT submitted 7 DISCOVERY REQUESTS for DISCOVERABLE EVIDENCE to RESPONDENT MAY 13, 2024 (EX. 1)
6. The RESPONDENT'S ATTORNEY TAWNIE ROWELL and all Attorneys failed to and otherwise refused to participate in DISCOVERY by JUNE 14, 2024. So the CLAIMANT submitted ATTORNEY MS. ROWELL a "DISCOVERY LETTER TO RESPONDENT" asking her to meet ABC DISCOVERY RESPONSIBILITIES and meet with me for DISCOVERY CONFERENCE warning that pursuant the DISCOVERY RULES A DISCOVERY MOTION will be filed for RESPONDENT failure to participate in DISCOVERY with certificate of service JUNE 15, 2024 (EX. 2).
7. ON JUNE 24, 2024 after giving the RESPONDENT ARKANSAS DEPARTMENT OF CORRECTION an additional 10 days to participate in DISCOVERY THE CLAIMANT ROMARIO V. WALLER submitted my MOTION TO COMPEL DISCOVERY ~~both~~ to ARKANSAS STATE CLAIMS COMMISSION with certificate of service properly made (SEE ARKANSAS STATE CLAIMS COMMISSION FILE) and to (ADC) RESPONDENT.
8. ON JULY 23, 2024 RESPONDENT ARKANSAS DEPARTMENT OF CORRECTION DEFAULTED BY NOT ANSWERING CLAIMANT'S MOTION TO COMPEL DISCOVERY violating Rules 26-37/55 AR. CIV. PROC. RULES
9. ON JULY 26, 2024 RESPONDENT had 3 additional days to ANSWER the MOTION TO COMPEL DISCOVERY and still did not ANSWER violating Rules 26-37 and 55 AR. CIV. PROC. RULES.
10. ON AUGUST 5, 2024 RESPONDENT has been in default for failing to participate in DISCOVERY three (3) months since the MAY 16, 2024 DISCOVERY notice by ARKANSAS STATE CLAIMS COMMISSION in violation of Rules 26-37 AR. CIV. PROC. RULES.
11. ON AUGUST 5, 2024 RESPONDENT has been in default for failing to ANSWER THE "MOTION TO COMPEL DISCOVERY" for 43 days since JUNE 24, 2024, in violation of Rule 55 AR. CIV. PROC. RULES, and Rules 26-37.

12. Since the RESPONDENT has abandoned it's Duty in this CLAIM PROCEEDING as so stated the CLAIMANT MOTIONS ARKANSAS STATE CLAIMS COMMISSION FOR A RULING and order against RESPONDENT ARKANSAS DEPARTMENT OF CORRECTION FOR a DEFAULT JUDGEMENT IN FAVOR of the CLAIMANT ROMARIO V. WALLER For the RELIEF sought in the original Complaint and all Relief deemed appropriate by the Commission.

RESPECTFULLY SUBMITTED,

R. V. Waller

CLAIMANT MR. ROMARIO V. WALLER. [REDACTED]

State the Foregoing to be TRUE to the BEST OF MY KNOWLEDGE BELIEF and INFORMATION Pursuant Penalty of Perjury Per 42 U.S.C. 1746.

CERTIFICATE OF SERVICE

The following MOTION FOR DEFAULT JUDGEMENT mailed to ARKANSAS STATE CLAIMS COMMISSION 101 EAST CAPITOL AVENUE SUITE 410 LITTLE ROCK, ARKANSAS, 72201 and Tawdie Rowell 6814 Princeton Pike Pine Bluff, ARKANSAS, 71602 AUGUST 2, 2024 through U.S. Postal Service mail.

MR. ROMARIO V. WALLER.
[REDACTED]
[REDACTED]
[REDACTED]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER, [REDACTED] CLAIMANT

V. CLAIM NO. 241591

ARKANSAS DIVISION OF CORRECTION RESPONDENT

CLAIMANTS DISCOVERY REQUESTS

At the direction of the DIRECTOR OF THE ARKANSAS STATE CLAIMS COMMISSION and pursuant ARKANSAS CIVIL PROCEDURAL RULES I the CLAIMANT MR. WALLER submit the following Requests For Production / DISCOVERY REQUESTS:

1. DISCOVERY REQUEST NO. 1: Please Produce the "008/INCIDENT REPORTS by C/O R. AKINS, SGT. KING, C-O MS. WILLIAMS, C-O MR. THOMAS, C-O'S which were present during the March 1, 2023 incident related to Dwyatt Felts false 3-1-2023 ISSR-100.
2. DISCOVERY REQUEST NO. 2: Making the step-one unit level Grievance Action taken for Grievance #WR-23-00112 sgt. Theresa Miles confirmed C-O BOYD and (CSO) Chief Security Officer Arnold did receive/discuss-address my 3-page witness statement for the 3-1-2023 ISSR-100 that CSO Arnold mishandled, or destroyed. Please Produce all Grievance File documents related to Grievance #2023-00112 (Wrightsville) for Review copy and Note taking.
3. DISCOVERY REQUEST NO. 3: The Respondent has requested leave to conduct Internal Affairs Investigation of these Claims and I the CLAIMANT have agreed to a CVSA (Computerized Voice Stress Analysis) which is the INTERNAL AFFAIRS INVESTIGATIVE tool. Please schedule a CVSA of MR. WALLER in relation to any/all Investigatory questions regarding the 3-1-2023 ISSR-100 and the claims in the complaint, as soon as possible or within 10 Business days of this DISCOVERY REQUEST. Please Contact me for Conferencing.

Pg. 1 OF 2 (See BACK)

(EX. 1)

- 4. DISCOVERY REQUEST No. 4: The CLAIMANT alleged in the complaint the ADC (DHO) Disciplinary Hearing Officer REFUSED EVIDENCE, I was not allowed to call for evidence, yet the Teleconference video 3/10/2023 reveals the DHO utilized evidence I was not made aware of existed. Due to these Breaches of Policy Please Produce all evidence submitted by all staff: Dwyatt Felts related to the 3-1-2023 ISSR-100 For Review COPY and Note taking.
- 5. DISCOVERY REQUEST No. 5: Please Produce the 2023 or Present secretarial Directive on major Disciplinary Hearings For Review COPY Note taking.
- 6. DISCOVERY REQUEST No. 6: Please Produce the 2023 or Present secretarial Directive on ADC Employee conduct standards For review COPY Note taking.
- 7. DISCOVERY REQUEST No. 7: Please Produce the 3-10-2023 Major Disciplinary Hearing Teleconference video For review/COPY Note taking and schedule the same.

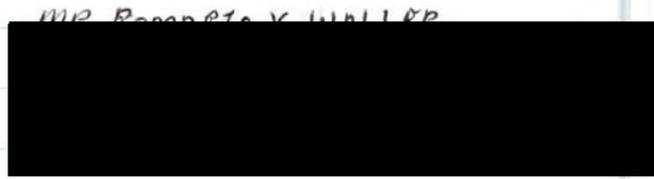
Please be advised the Present EAM Facility Law Library Supervisor ALLISON does not conduct WEEKLY Law Library services wherefore the items requested are not available through the law library due to ALLISON Hostility toward PRISONER litigation. In the year 2024 law library services has been conducted only 4-times as far as security video depicts. Falsified security Logs may show different but do not match security video Footage.

RESPECTFULLY SUBMITTED

[Signature]

CERTIFICATE OF SERVICE

A COPY OF the Foregoing mailed to ARKANSAS STATE CLAIMS COMMISSION MIKA TUCKER 101 EAST CAPITOL AVENUE Suite 410 Little Rock, AR. 72201 and Tawnie Rowell 16814 Princeton Pike Pine Bluff AR. 71602 May 10, 2024 through First Class U.S. Postal service mail May 13, 2024.



BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER [REDACTED] CLAIMANT

v. CLAIM NO. 241591

ARKANSAS DIVISION OF CORRECTION RESPONDENT

CLAIMANTS DISCOVERY LETTER

ON MAY 13, 2024 I FORWARDED YOU 7 DISCOVERY REQUESTS PURSUANT TO THE DISCOVERY RULES. YOU FAILED TO MEET ~~THE~~^{SCHEDULE} WITH ME AND RESPOND FOR PRODUCTION OF DISCOVERABLE EVIDENCE OR PARTICIPATE AS REQUESTED WITHIN 30 DAYS (JUNE 11, 2024) AND THE ADDITIONAL 3 MAILING DAYS (JUNE 14, 2024). PLEASE MEET YOUR DISCOVERY OBLIGATIONS WITHIN 5-DAYS OF THIS NOTICE OF A DISCOVERY MOTION WILL BE FILED.

RESPECTFULLY

R.V. [REDACTED]

CERTIFICATE OF SERVICE

A COPY OF THE FOREGOING MAILED TO TAWNIE ROWELL COUNSEL FOR RESPONDENT 6814 PRINCETON PIKE PINE BLUFF ARKANSAS, 71602 JUNE 15, 2024 THROUGH U.S. POSTAL SERVICE MAIL.

MR. ROMARIO V. WALLER,
[REDACTED]

(EX. 2)

From: [Trent Rigdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Subject: Claim 241591
Date: Tuesday, August 13, 2024 4:33:58 PM
Attachments: [Response to Motion to Compel Discovery - Waller 241591.pdf](#)

Please see attached.

Thank you,

Trent Rigdon
Deputy General Counsel
Office of the Secretary
479-746-1138
615 S Main St
Jonesboro, AR 72401

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO WALLER (ADC # [REDACTED])

CLAIMANT

v.

NO. 241591

**ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION**

RESPONDENT

RESPONSE TO MOTION TO COMPEL DISCOVERY

COMES NOW the Respondent, Arkansas Department of Corrections, and for its Response to Motion to Compel Discovery, states:

1. On or about July 5, 2024, Respondent received Claimant’s Motion to Compel Discovery.

2. In his motion, Claimant states that on or about May 10, 2024, he mailed “Discovery Request” to the Arkansas Division of Correction’s attorney but did not receive a reply.

3. On or about May 17, 2024, Respondent received a letter from Claimant titled “Claimants Discovery Requests”. These requests did not adhere to Rule 26, 33, 36, and 37 and the Arkansas Rules of Civil Procedure.

4. Respondent sent a letter on June 26, 2024, to Claimant informing him of the requirement he send discovery in accordance with the rules of civil procedure, informing him he had 21 days to correct his deficiencies. No corrected or additional requests for discovery have been received.

5. Claimant further states that on approximately June 15, 2024, he wrote a letter to the attorney for the Division of Corrections concerning the discovery requests but received no reply.

6. Respondent is unaware of such a letter.

7. The Division of Corrections specifically denies that Claimant is entitled to an order compelling discovery responses.

WHEREFORE, for the reasons cited herein, Respondent respectfully requests that Claimant's Motion to Compel Discovery be denied, and that Claimant's claim be dismissed with prejudice and that Claimant take nothing.

Respectfully submitted,
/s/ Trent Rigdon
Trent Rigdon Ark. Bar No. 2015227
Arkansas Department of Corrections
1302 Pike Avenue, Suite C
North Little Rock, AR 72114
479-746-1138 Office
Trent.Rigdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served this 13th day of August 2024, on the Claimant by placing a copy of the same in the U. S. Mail, regular postage to:

Romario Waller ([REDACTED]
[REDACTED]
[REDACTED]

/s/ Trent Rigdon
Trent Rigdon

From: [Kris Higdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#)
Subject: Romario Waller v. ADC, 241591
Date: Monday, September 9, 2024 1:21:40 PM
Attachments: [SHL-September2024.pdf](#)

Please see attached safe harbor letter.

Kris Alan Higdon (Mr.)
Attorney at Law
Office of the Secretary
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Phone: 501-682-9593
Kris.a.higdon@doc.arkansas.gov



SARAH HUCKABEE SANDERS
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS

1302 Pike Avenue, Suite C
North Little Rock, AR 72114



OFFICE OF THE
SECRETARY

September 9, 2024

Romario Waller ([REDACTED])
[REDACTED]

Re: Romario Waller v. ADC
Claim Number 241591

Dear Mr. Waller:

I am in receipt of the requests for admissions you sent to various individuals. The Arkansas Department of Corrections cannot respond to discovery requests submitted to non-parties. Therefore, your discovery not correctly formatted, nor correctly stated, in accordance with Rules 26, 33, 36, and 37 of the Arkansas Rules of Civil Procedure. Arkansas law makes it clear that Pro Se parties are held to the same standards as attorney and are presumed to know the law. I am pointing you to the correct rules so that you may correct deficiencies and be in compliance with the rules of Civil Procedure.

Currently, we are seeking these corrections without the intervention of the Claims Commission. We will hold off for twenty-one (21) days to allow for you to have time to correct these deficiencies.

Warm regards,

Kris Alan Higdon
Attorney at Law

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Kris Higdon \(DOC\)](#)
Cc: [ASCC Pleadings](#); [Yolanda Charles \(DOC\)](#); [Mika Tucker](#)
Subject: ORDER: Romario Waller v. ADC, Claim Nos. 241591 and 241592
Date: Monday, December 16, 2024 9:29:48 AM
Attachments: [Romario Waller v. ADC2.pdf](#)
[Romario Waller-order591.pdf](#)
[Romario Waller-order592.pdf](#)

Mr. Higdon:

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

December 16, 2024

Mr. Romario Waller (ADC) [REDACTED]
[REDACTED]

Mr. Kris A. Higdon
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

Re: ***Romario Waller v. Arkansas Division of Correction***
Claim Nos. 241591 and 241592

Dear Mr. Waller and Mr. Higdon:

Enclosed please find the Orders entered on December 13, 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

ROMARIO WALLER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 241591

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

Now before the Arkansas State Claims Commission (the “Commission”) is a motion to compel filed by Romario Waller (the “Claimant”) seeking discovery from the Arkansas Division of Correction (the “Respondent”). Claimant’s motion for default judgment is also pending. 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 March 8, 2024, seeking \$10,000.00 in damages related to his allegations about Respondent’s employee falsifying disciplinary records and the related disciplinary proceedings.

2. Respondent filed a timely answer.

3. Claimant requested a hearing, then filed a motion to compel and motion for default judgment.

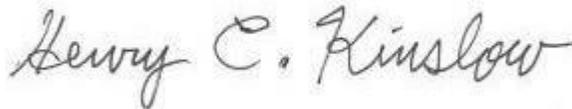
4. In reviewing the filings in this matter, the Commission notes that Claimant’s claim may be outside the jurisdiction of the Commission. The Commission finds it to be prudent and efficient to address any jurisdictional concerns now to avoid any surprises after the parties and the Commission have expended more time and resources. **Therefore, the Commission directs the parties to file briefs within 40 days of this Order, addressing whether the Commission has jurisdiction over this claim. This claim will be placed in abeyance until the Commission enters an order on the jurisdictional issue.**

5. The Commission declines to set this claim for hearing or rule on the pending motions at this time.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair

DATE: December 13, 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).

From: [Kris Higdon \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Tawnie Rowell \(DOC\)](#)
Subject: Romario Waller v. ADC, 241591
Date: Monday, January 13, 2025 7:28:10 AM
Attachments: [ADC Brief in Support of Dismissal.pdf](#)

Please see attached brief in support of dismissal

Kris Alan Higdon (Mr.)
Deputy General Counsel
1302 Pike Ave., Suite C
North Little Rock, AR 72114
Cell: (870) 643-1364
Kris.a.higdon@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION**ROMARIO WALLER (ADC [REDACTED])****CLAIMANT****V.****NO. 241591****ARKANSAS DIVISION OF CORRECTION****RESPONDENT****BRIEF IN SUPPORT OF DISMISSAL**

COMES NOW, Respondent, and for its Brief in Support of Dismissal, states:

1. Claimant filed a claim with this Commission on March 8, 2024, seeking redress for a disciplinary hearing held against him.
2. Respondent filed a timely response, denying responsibility.
3. On December 13, 2024, this Commission entered an order for briefs on whether the Commission has jurisdiction to hear this matter.
4. Respondent believes that the Commission does not have jurisdiction to hear this matter.
5. In cases of adjudication, any person, except an inmate under sentence to the custody of the Division of Correction, who considers himself or herself injured in his or her person, business, or property by final agency action shall be entitled to judicial review of the action under this subchapter. A.C.A. § 25-15-212(a).
6. The only limitation on this exception is for constitutional claims. Clinton v. Bonds, 306 Ark. 554, 816 S.W.2d 169 (1991).
7. When an inmate challenges a disciplinary proceeding and prison officials' implementation of ADC policy, the petition must allege a constitutional question sufficient to raise a liberty interest. Smith v. Hobbs, 2014 Ark. 270.

8. Because the doctrine of sovereign immunity does not bar plaintiff from litigating his 42 U.S.C. § 1983 claim against defendant individually in state or federal courts of general jurisdiction, the Arkansas Claims Commission has no jurisdiction over the constitutional claim. Smith v. Johnson, 779 F.3d 867 (8th Cir. 2015).

9. In this matter, Claimant does not specifically raise constitutional claims, the law is clear that in order to seek relief from the disciplinary matter he complains of would be to raise such a claim.

10. As this Commission does not have jurisdiction to hear constitutional claims, this matter must be dismissed.

Respectfully submitted,

/s/ Kris Alan Higdon
 Kris Alan Higdon #2004115
 Deputy General Counsel
 Arkansas Department of Corrections
 1302 Pike Ave., Suite C
 North Little Rock, AR 72114
 Telephone: (501) 682-9593
 Kris.a.higdon@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Kris Alan Higdon, hereby certify that a true and correct copy of the foregoing has been served upon persons set out below, on this 13th day of January 2025.

ROMARIO WALLER (ADC) [REDACTED]
 [REDACTED]

/s/ Kris Alan Higdon
 Kris Alan Higdon

Arkansas
State Claims Commission

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION
ROMARIO V. WALLER. CLAIMANT
VS. CLAIM No. 241591
STATE OF ARKANSAS RESPONDENT

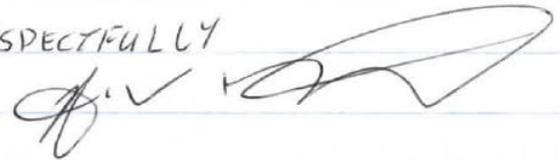
JAN 25 2025
RECEIVED

REQUEST FOR EXTENSION OF TIME TO FILE BRIEF

Comes now the claimant ROMARIO V. WALLER with my Request for extension of time to file jurisdictional Brief as follows:

1. the commission has directed the Parties to complete jurisdictional Briefs.
2. I the claimant Mr. Waller have completed my Brief and am now requesting an additional (5) five business days in order for me to obtain copies from East Arkansas Regional unit max Law Library
3. In order to submit the Brief in it's proper format the claimant do hereby request leave of the Commission for extra time.

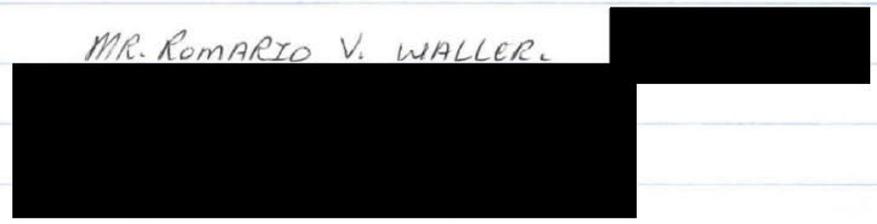
RESPECTFULLY



CERTIFICATE OF SERVICE

The foregoing mailed to Arkansas State Claims Commission 101 East Capitol Ave. suite 410 Little Rock, ARKANSAS, 72201 and Kris Alad Higdon 1302 Pike Ave. suite C North Little Rock, AR, 72117, through U.S. Postal service mail.

MR. ROMARIO V. WALLER.



FEB 03 2025

RECEIVED

Before the Arkansas State Claims Commission

Romario Vermont Waller [REDACTED]

Claimant

vs.

Claim No. 241~~91~~ 591

Arkansas Division of Correction

Respondent

Jurisdiction Brief of Claimant

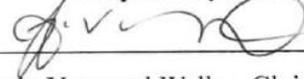
Pursuant Order of December 13, 2024 by:

Jessica Dee Holcomb (Arkansas State Claims Commission);

Henry C. Kinslow (Arkansas State Claims Commission);

Paul Morris, Chair (Arkansas State Claims Commission)

Respectfully Submitted,



Romario Vermont Waller, Claimant

[REDACTED]

[REDACTED]

[REDACTED]

Date: 1-28-2025

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Informational Statement

This is a brief showing jurisdiction of the Arkansas State Claims Commission to hear claims barred by the doctrine of sovereign immunity and which are brought alleging officials violated clearly established principles of law of which a reasonable person would have knowledge.

Jurisdictional Statement

“When the judgment would operate to control the action of the State or subject it to liability, the suit is one against the state and is barred by the doctrine of sovereign immunity.”
 “Sovereign immunity is jurisdictional immunity from suit. Hanks v. Sneed, 366 Ark. 371, 235 S.W. 3d 883 (2006), overruled on other grounds by Hardin v. Bishop, 2013 Ark. 395 S.W. 3d.”

(a) the Arkansas State Claims Commission has jurisdiction over (1) a claim or action that is barred by the doctrine of sovereign immunity under Arkansas Constitution, Article 5, Section

20 from being litigated in a court of general jurisdiction, except as otherwise provided by law. (A.C.A. 19-10-204).

Point to be Relied Upon

The Arkansas State Claims Commission has jurisdiction and specific subject matter jurisdiction to hear claims against the State for state officials actions which violate clearly established principles of law.

Table of Authorities

<u>Cases</u>	<u>Pages</u>
Hank v. Sneed, 366 Ark. 235, S.W. 3d 886 - overruled on other grounds	i
by Hardin v. Bishop, 2013Ark. 395 S.W. 3d	i
Pitcock v. State, 91 Ark. 527, 121 S.W. 792 (1909)	iv
Page v. McKinley, 196 Ark. 331, 118 S.W. 2d 235 (1938)	
Fireman's Insurance Co. v. Ark. State Claims Commission, 784 S.W. 2d 771, 201 Ark. 451 (1990)	i, iv
<u>Constitution of Arkansas Article 5, Section 20</u>	i, iv
<u>Statutes/Acts</u>	<u>Pages</u>
A.C.A. 19-10-204	ii
Act 1326 (1995)	iii
A.C.A. 16-93-618	iii
A.C.A. 19-10-304	
(Exhibits)	
6, 9, 10	

Statement of the Claims (Facts)

At all times during the State official action and present litigation leading to this complaint at Arkansas State Claims Commission, I, Claimant Romario Waller, have been and still am under direct review by Arkansas Post Prison Transfer Board including Mr. John Felts, Commissioner.

Actions of Ark. division of Correction Officer Dwyatt Felts has led to his relative, John Felts, and Ark. Post Prison Transfer Board to unlawfully detain me as a result of Dwyatt Felts using illegal acts to cause his relative, Commissioner John Felts and the Ark. Post Prison Transfer Board to take negative actions against my parole due to the resulting "Class 4" designation I was reduced to Dwyatt Felts act of maliciously falsifying documents.

Fact 1. On the night of January 26, 2023 ADC officer Cobb (Sgt. Mr. Cobb) directed an inmate to awake me around 2:00 am on the night I was transferred to [REDACTED] - 2 BRKS. Sgt. Cobb relayed to me a story from the year 2001 when he and Dwyatt Felts worked briefly at [REDACTED] Security Unit and Felts had initiated dozens of racially abusive arguments with prisoners to include myself, Claimant Romario Waller. Cobbs stated that he and Dwyatt Felts had been removed from that employment and made a career at [REDACTED] where he (Cobbs) had changed ~~form~~^{form} is racist ways but wanted to warn me that he and Dwyatt Felts remembered me, and that Dwyatt Felts had a "plan for me to finally get his payback after all these years."

Fact 2. Dwyatt Felts ^{did} ~~do~~ in the coming weeks take the following actions while employed as an official of the Arkansas Division of Corrections: on the date of January 31, 2023 I was reviewed by Arkansas Post Prison Transfer Board of which Mr. John Felts (Commissioner) was employed and a supervisory official. My review was or release eligibility upon my having become 6 months short of going minimum flat (completing my sentence of 70% of 40 years). Meaning I'd served 27 1/2 years of 28 years on a 40 year sentence pursuant to Act 1326 (1995) (A.C.A. 16-93-618). Pursuant to the Arkansas General Assembly intent, I was eligible for parole release on August 20, 2023 according to then ADC Secretary of Division of Correction Joe Profiri and Arkansas Sentencing Commission Quality Assurance Manager Toni Hamp. (See Exhibit —).

Fact 3. Dwyatt Felts, Arkansas official did take unlawful actions against me while an employee of Ark. Division of Corrections that have led to the member of his family (Commissioner Felts) and Arkansas Post Prison Transfer Board to take related unlawful actions against me in furtherance of + directly related to Dwyatt Felts actions. I was deprived a parole review after Felts unlawful acts due directly to his unlawful acts.

'''
|||

Fact 4. Assault, Battery, Terroristic Threatening are law violations which a person should know in Arkansas in 2023 as well as obstructing justice, obstructing governmental operations (lying to law officials) during an investigation which Dwyatt Felts committed each violation by abusing me and falsifying reports, and destroyed/mishandled evidence deliberately then falsified investigation statements regarding those actions. Dwyatt Felts, Theresa Miles, Percy Arnold each induced or caused Warden Earl, Keith Waddle, T. Richmond, Dexter Payne to take adverse punishments against me/uphold the verdicts related to Dwyatt Felts committing assault, battery, terroristic threatening, obstructing justice and governmental operations and falsifying documents/evidence as well as destroying evidence. The acts of Dwyatt Felts are malicious because of the particular falsification of allegations, charges, evidence, and the destruction of evidence. The evidence (Ex. 10) illustrates officer Mr. Boyd admitted to giving my witness statement to Percy Arnold while Percy Arnold gave numerous false investigative statements (Ex. 6, Ex. 9) false alleging Boyd + he had not destroyed or had knowledge of witness statements. For these reasons, Arkansas State Claims Commission has jurisdiction over this claim pursuant to Arkansas Constitution Article 5, Section 20 (1874).

Argument

The Arkansas State Claims Commission has jurisdiction pursuant to Arkansas Constitution of 1874 Article 5, Section 20 over all claims against the State of Arkansas for the acts and actions of its employees and officers violations of clearly established principles of law. *Pitcock v. State*, 91 Ark. 527, 121 S.W. 742 (1909).

In the complaint at bar, I have sued the State of Arkansas for acts of its officers/employees which violate clearly established principles of law to which ADC employees should have known in the year 2023. In the complaint, I claim truthfully that Arkansas employee Dwyatt Felts threatened my life when he both repeatedly pointed a “taser” at my face, head and touched it against the back of my head thus placing my life in danger unlawfully. Dwyatt Felts, State agent - ADC official physically attacked me while I was submissive, back turned to him being monitored-detained directly by officers Thomas, Williams and John Doe who each directly incapacitated me by having MK-9 riot canisters of mace for control purposes. After the attack

and terroristic threat on my life, state officials Dwyatt Felts falsified a Major Disciplinary Report and destroyed/covered-up/withheld Incident Reports by the witnessing officers in order to maliciously arrest and prosecute me with false evidence, i.e. his (Dwyatt Felts) false report.

The complaint further claims state agency employee chief security officer Percy Arnold obtained my 3 page witness statement by and directly from me through C/O Boyd. Arnold then and afterwards destroyed/withheld my witness statements in order to cover-up Dwyatt Felts unlawful actions against me and as part of the wider assisting Dwyatt Felts to maliciously arrest and prosecute me for false assault charge. ADC employee officer (Mr.) Boyd testifying during the ADC step-one grievance process that he did obtain my witness statement form me at Percy Arnold direction, gave it to Arnold. (See Ex.) However, as the record illustrates, Percy Arnold did not submit the witness statement into the record and lied several times during separate informal grievance investigations that he did not obtain or know of my witness statement when Officer Boyd's statement and the security video are evidence that will/would impeach Arnold for falsifying those denials.

Conclusion

The complaint is against Arkansas Division of Correction (state agency) employees who are state employees/officials for acts committed in their official capacity against me - the claimant, whole I was in Arkansas custody when those acts are violative of common law and Arkansas has not passed legislation waiving the sovereign immunity of the State form being sued in any of its courts on all suits and claims. For this reason, the Arkansas State Claims Commission was created and does have jurisdiction over claims against Arkansas Division of Corrections making the State of Arkansas the real party in liability.

V.

Certificate of Service

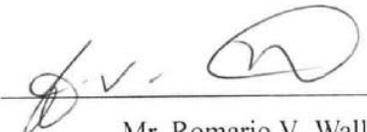
The Foregoing mailed to Arkansas State Claims Commission, 101 East Capitol Ave., Suite 410, Little Rock, AR 72201 and Kris Alan Higdon, 1302 Pike Ave. , Suite C, N. Little Rock, AR 72112 on 1-28-2025, 2025 through U.S. Postal Service mail.


Romario V. Waller 



Oath

I , the Claimant Mr. Romario V. Waller, do state under oath and penalty of perjury the foregoing to be true, accurate and correct to the best of my knowledge, information and belief under penalty of 42 USCA 1746 perjury.


Mr. Romario V. Waller
Date: 1-28-2025

vi

to: MAJOR ARNOLD [Redacted]
UNIT LEVEL GRIEVANCE FORM (Attached to [Redacted])
Unit/Center [Redacted] MAR 16 2023

FOR OFFICIAL USE ONLY
GRV # 23-00107
Date Received: 3/16/23
GRV. Code #: 803

Name WALLER, ROMARIO V.
ADC# [Redacted] Brks # ISOL 1B Job Assignment **GRIEVANCE OFFICE**

3/10/2023 (Date) STEP ONE: Informal Resolution

3/15/2023 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)
If the issue was not resolved during Step One, state why: The Security Video of Isolation

3/14/2023 (5:00 AM - 11:00 AM) should be investigated, preserved, and CVSA conducted of all claimed.

3/15/2023, (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: A CVSA should be conducted of P. Arnold for falsifying the step-one response to Sgt. Miles investigation.

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

BRIEFLY state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): ON 3/1/2023 while in Isolation shower stall I did write a 3-page statement of witness regarding DuYatt Felts Terrorist Threat, assault, Battery against me (3-1-2023). The Isolation video security monitor footage directly recorded the following: During Classification Review headed by Dep. Warden Ms. Lewis I fully explained the situation involving Felts to Chief Security Officer Major Arnold and Clo-Boyd. I then handed my 3-page witness statement to Clo-Boyd who gave it directly to Major Arnold who began to read it as they walked down Isolation Hallway from the shower area toward the Control Booth Area. They both could verify the authenticity of my statement and the video. However in retaliation of my submitting the 3-page witness statement against D. Felts he interfered with Major Arnolds investigation of the situation by illegally taking possession of the witness statement. The Isolation security video for Isolation Front Entrance Area clearly recorded D. Felts standing outside the control booth door showing my 3-page witness statement to Sgt. Hyslaw at around a time between 8:00 AM - 10:00 P.M. (There are no clocks). Now my 3-page witness statement is missing and was not attached to the 3/1/2023 Report by D. Felts and was not attached to the 3/1/2023 major disciplinary as required pursuant the disciplinary policy indicating D. Felts sabotaged the C.S.O Review of Major Arnold by destroying evidence in retaliation of my reporting his assault, battery, terrorist threats. Please Review, preserve, investigate the said videos to verify Major Arnold had my statement + Felts later had it as well.

Inmate Signature [Signature] Date 3/10/2023

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 3/10/23 (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: [Redacted] Date

Staff Name (Problem Solver) Sgt. Theresa Miles Staff Signature [Signature] Date Received 3/10/23

Describe action taken to resolve complaint, including dates: I have not knew anything about staff threaten inmate Romario Waller #108263

Staff Signature & Date Returned [Signature] Inmate Signature & Date Received [Signature] 3/15/2023

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.

EX-16

UNIT LEVEL GRIEVANCE FORM (Attachment I)

FOR OFFICE USE ONLY	
GRV. #	_____
Date Received:	_____
GRV. Code #:	_____

Unit/Center _____

Name Waller, Remald.

ADC# _____ Brks # 2501.1B Job Assignment _____

3/13/2023 (Date) STEP ONE: Informal Resolution

3/17/2023 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: c/o Boyd did not notify Lt. Davis and Sgt. Miles/Nat. Shyode he gave Arnold my witness statement.

_____, (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 personnel involved and how you were affected. (Please Print): According to c/o Boyd on 3/11/2023 He did hand C.S.O P. Arnold my 3-page witness statement related to the 3/1/2023 incident involving D. Felts. After C.S.O Arnold gave it back to c/o Boyd with orders to bring it back to HIS office later in the day c/o Boyd did deliver my statement to C.S.O P. Arnold on 3/1/2023

Inmate Signature [Signature]

3/13/2023
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 3-14-23 (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? NO (Yes or No). If yes, name of the person in that department receiving this form: _____ Date _____

U R Davis _____ [Signature] _____ 3-14-23
PRINT STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: On 3-14-2023 I U R Davis spoke with Major Arnold and he stated that he didn't receive a 3 page statement from me.

[Signature] 3-17-23
Staff Signature & Date Returned

[Signature] 3/17/2023
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.

EX. 9

UNIT LEVEL GRIEVANCE FORM

Unit/Center

USE ONLY

Name Waller, Romario V.

Date Received: 3/20/23

ADC#

Brks # 2304

Job Assignment

GRIEVANCE OFFICE

GRV. Code #: 803

3/15/2023 (Date) STEP ONE: Informal Resolution

3/17/2023 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)

If the issue was not resolved during Step One, state why: Capt Boyd admits at step 1 he gave C/O Arnold my statement acknowledging loss of my evidence.

(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 personnel involved and how **you** were affected. (Please Print): I need C/O Boyd to confirm/verify that on 3/1/2023 he gave C/O Arnold my 3/1/2023 3 page witness statement regarding the incident with D. Felts, which Boyd verified to Sgt. Miles today on 3/15/2023 so that my statement can be located + added to the file. The statement was given to him at classification on 3/1/2023.

RECEIVED

MAR 28 2023

INMATE GRIEVANCES SUPERVISOR
ADMINISTRATION BUILDING

Inmate Signature

[Handwritten Signature]

3/15/2023
Date

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

THIS SECTION TO BE FILLED OUT BY STAFF ONLY

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

of the person in that department receiving this form: _____ Date _____

Sgt. Theresa Miles
PRINT STAFF NAME (PROBLEM SOLVER)

[Redacted]
ID Number

Sgt. Theresa Miles
Staff Signature

3/15/23
Date Received

Describe action taken to resolve complaint, including dates: Capt Boyd and Major Arnold address this issue during classification and it has been handled.

Staff Signature & Date Returned

Sgt. Miles 3/17/23

Inmate Signature & Date Received

[Handwritten Signature] 3/17/2023

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.

EX-10

Pg. 1-OF-6

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER CLAIMANT VS. CLAIM NO. 241591 No. 24159a

STATE OF ARKANSAS (Division of Correction) RESPONDENT

AFFIDAVIT OF CLAIMANT

I THE CLAIMANT MR. - ROMARIO VERMOND WALLER (1082163) do state under OATH AND PENALTY OF PERJURY PURSUANT 42 U.S.C.A. 1746 THE FOREGOING TO BE TRUE ACCURATE AND CORRECT AS FOLLOWS:

1. Pursuant A.C.A. 19-10-201 et. seq the Director of ARKANSAS STATE CLAIMS COMMISSION may modify / enlarge the Rules.

For this Reason I submit this AFFIDAVIT ON this Paper in this Format because The STATE OF ARKANSAS Has enforced A Rule Against me that I am Not Allowed OPEN CASE DOCUMENTS, PAPER, related to these cited CLAIMS while detained in ISOLATION-1 OF ARKANSAS DIVISION

A. I the CLAIMANT MR. WALLER did submit my Handwritten JURISDICTIONAL BRIEFS to A.D.C Law Library At E.A.R Unit (A.D.C) Personally by Handing it to A Law Library clerk on JAN. 13, 2025.

[SEE ATTACHED Pg. 2-OF-6]

1-OF-6

(Pg. 2-OF-6) [CONTINUED]

B. Both my Jurisdictional Briefs were attached to "REQUEST FOR INTERVIEW FORMS" explaining Among other things MY FILING DEADLINE WAS JAN. 23, 2025 that I needed COPIES, TYPING, and INDIGENT Legal supplies / Forms to mail the complete copies timely.

C. ON or about JAN. 18, 2025 the ADC Policy designated by Legal Request be filled (Five DAYS), however the A did not complete my Legal Request for said TYPING and or COPYING and SUPP.

D. ON or about JAN. 18, 2025 I MR. WALLER submitted my MOTION / REQUEST for EXTENSION OF TIME to file my JURISDICTIONAL BRIEFS due to ADC Law Library failure to follow it's own Policy by either complete or returning MY JURISDICTIONAL BRIEFS I could timely file them.

E. ON JAN. 21, 2025 ADC LAW LIBRARY returned my completed BRIEFS AND INDIGENT MAILING SUPPLIES

F. ON THE NIGHT AND EARLY MORNING JAN. 21, 2025 - JAN. 22, 2025 (Legal mail submission time) neither ADC Shift Supervisor LEVY WATSON (Inmate or any authorized staff would take rec of MY LEGAL MAIL CONTAINING MY TJ JURISDICTIONAL BRIEFS.

G. Review OF MAX CELL BLOCK 8 - (ARK. DIV. OF CORR. East ARK. Reg. U) Security Video's will reveal neither Lt. WATSON or ANY Sgt. or Above RAN entered MAX cell Block 8 to conduct Legal mail pick-up.

[SEE ATTACHED PAGE 3-OF-2-OF-6]

Arkansas State Claims Commission

FEB 08 2025

RECEIVED

(Pg. 3 of 6)

[CONTINUED]

H. IN THIS DESCRIBED MANNER THE ARK, DIVISION OF CORRECTION DEPRIVED ME ACCESS TO THE CLAIMS COMMISSION BY FAILING TO CONDUCT LEGAL MAIL ROUNDS, PICK-UP, AND ITS DESIGNATED EMPLOYEES AND OFFICIALS, OFFICERS, AND STAFF FAILURE TO DO SO ON 1-28-2025 EVEN AFTER I DIRECTLY ASKED OFFICERS 'MS. GARDNER', MR. WADE TO NOTIFY SUPERVISORS INCLUDING LT. LEVY WATSON THAT I DEEDED SOMEONE TO TAKE-UP MY LEGAL MAIL AND THAT THIS DAY (1-28-2025) WAS MY LEGAL MAILING DEADLINE.

a. ON 1-28-2025 THE A.D.C. FURTHER DEPRIVED ME ACCESS TO THE ARKANSAS STATE CLAIMS COMMISSION WHEN FROM APPROXIMATELY 6:00 A.M. - 10:00 A.M. NO STAFF, OFFICERS, OR EMPLOYEES MADE LEGAL MAIL ROUNDS ON THE DAY SHIFT TO COMPENSATE FOR LT. WATSON'S NIGHT-SHIFT LEGAL ROUNDS/LEGAL MAIL PICK-UP DEPRIVATION.

3. ON 1-28-2025 I EXPRESSED SUICIDAL THOUGHT TO OFFICER BARKS AT APPROXIMATELY 8:00 P.M. - 9:00 P.M. HOWEVER OFFICER WHITE DIRECTED MR. BARKS NOT TO CALL IT OVER THE SECURITY RADIO AND NOT TO REPORT IT.

- See Attached Pg. 4 of -]

3-OF-6

(Pa. 4 of 6)

[CONTINUED]

4. ON 1-28-2024 OR ABOUT AFTER MIDNITE, (EARLY MORNING 1-29-2025) SGT. ARCHIE DID CONDUCT LEGAL MAIL PICK-UP AND I GAVE HER MY TWO ARKANSAS STATE CLAIMS COMMISSION LEGAL MAIL PKGS CONTAINING MY JURISDICTIONAL BRIEF FOR CLAIMS NO: 241591 / 241592 ALD. WITH 2-Personal Withdrawal Request Forms TO PAY FOR POSTAGE.

A. AT THIS TIME I REPORTED TO SGT. ARCHIE I WAS SUICIDAL BECAUSE OFFICER WHITE (WHO WAS PRESENT) WAS HARASSING ME BY WAKING ME OUT OF MY SLEEP FOR NO GOOD REASON WHEN I AM NOT IN DISTRESS. I FURTHER TESTIFIED TO SGT. ARCHIE THAT I ASKED OFFICER BARKS TO REPORT I'M SUICIDAL SEVERAL TIMES AND THAT C-O WHITE DIRECTED HIM NOT TO REPORT IT.

SGT. ARCHIE LIED AND STATED C-O BARKS HAD NOT CONTACTED HER, OR REPORTED IT. SHE THEN LIED THAT A.D.C. STAFF ARE TO AWAKE PRISONERS WHEN WE ARE SLEEPING AT OR ON EACH SECURITY ROUND.

B. UPON MY REFUSAL TO STOP REPORTING/COMPLAINING OF C-O WHITE'S HARASSMENT SGT. ARCHIE BECAME HOSTILE, AGGRESSIVE, ARGUMENTATIVE USING PROFANITY AND TOSSED MY WITHDRAWAL REQUEST FORMS INTO CELL 851 FOOD TRAY DOOR HITTING ME IN THE RIGHT SIDE OF MY FACE WHILE I WAS KNEELING SPEAKING TO HER THEREBY INITIATING A FIGHT / PHYSICAL CONFRONTATION WITH ME AND DEPRIVING MY LEGAL MAIL RIGHTS. AFTER THE ENSUING INCIDENT I WAS ASSIGNED TO SUICIDE WATCH. SEE ATTACHED PG. 5-OF-6

(Page 5 of 6)
[CONTINUED]

- 5. on 1-29-2025 Mental Health staff declined to assign me to suicide watch/treatment precaution.
- 6. I was assigned to D.C.R (Disciplinary-Court Review) and given the following listed PROPERTY items:
 - (1) JAK PEN (1) address Book (1) Deodorant (2) Tooth Paste (2) Pair socks (3) Pair Boxers (1) T-shirt (1) Pair shower shoes (2) tooth Brush...
- 7. Although I have not been give access to Sgt. Mc Knight (Property supervisor) or ANY other staff according to Sgt/Lt. F. Graham No Prisoner in ADC Isolations at EAST-ARKANSAS Regional unit are allowed legal Documents / open case documents or court documents.
 - [See Isolation 1010 security video / audio-visual video cell 1010 Jan. 31, 2025 [LUACH].
 - For this Reason I am being deprived Paper, legal case-open case documents for duration of the time the A.D.C chooses to violate the U.S. Constitution or keeps me in its isolation.
 - This is relevant to the fact that I've completed my ANSWER to RESPONDENT STATE OF ARKANSAS JURISDICTIONAL BRIEFS yet the STATE OF ARKANSAS is depriving me access to it.
 - MY MAILING deadline for my ANSWERS is Feb. 3, 2025. Had the A.D.C. given me access to my legal documents (supplies I said have made Handwritten copies of said order from JAN. 29, 2025 - February 2, 2025) I would have TIMELY mailed each ANSWER.
 - [See Attached pg. 6 OF 6]

(Pg. 6 of 6)
[CONTINUED]

CONCLUSION

SINCE THE STATE OF ARKANSAS has violated its own CONSTITUTION and overruled A.C.A. 19-10-201 et. Seq. by Ruling and enforcing the NO-LEGAL RIGHTS RULP against me I Request the DIRECTOR AND/OR STATE CLAIMS COMMISSION to ENLARGE/MODIFY the Rules to allow me to submit this written AFFIDAVIT on this Toilet Paper outside the established Format. That the Director / Commission order the STATE OF ARKANSAS to Cease the said Con. Deprivations, that these claims be held in ABEYANCE UNTIL I can obtain Reasonable Access to legal supplies and open case documents related to these claims, that the Time for my ANSWER be extended until such time as the said is done.

RESPECTFULLY Romario v. Waller
R. v. W.

CERTIFICATE OF SERVICE

The foregoing mailed to ARKANSAS State Claims Commission in my only 1st class envelope at 101 E. Capitol Ave., Suite 410 Little Rock, ARK. 72201 Feb. 3, 2025. I am not able to obtain copy or mail copy to respondent for the above said reasons.

MR. ROMARIO V. WALLER. [Redacted]

Pg. 6 OF 6

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Romario Vermont Waller, [REDACTED]
vs. STATE OF ARKANSAS
CLAIM NO. 091591

CLAIMANT Arkansas State Claims Commission

RESPONDED FEB 10 2025

ANSWER TO BRIEF IN SUPPORT OF DISMISSAL

RECEIVED

The CLAIMANT with my ANSWER do state the Following:

1. Pursuant Arkansas Constitution of 1874 Article 5, Section 20 the STATE OF ARKANSAS has SOVERIGN IMMUNITY for liability of it's officers, employees and agencies and therefore cannot be sued in it's courts, SOVERIGN IMMUNITY extends to ANY and ALL CLAIMS.
2. For this reason ARKANSAS STATE CLAIMS COMMISSION was created to Hear and all claims against ARKANSAS for the MALICIOUS ACTS OF it's officers, employees, and agencies when such as here's a Ruling in favor of the Claimant/Plaintiff would control the ACTION OF the STATE or make ARKANSAS liable as the REAL Party OF INTEREST.
3. In it's BRIEF, ARKANSAS argues it's Procedure for Administrative Adjudication under ARK Code, ADD. 25-15-201 et seq prohibits the Arkansas state claims commission from Hearing Prisoner claims against ARKANSAS for the acts of it's ~~the~~ DIVISION OF Correction employees and/or officers. However, both A.C.A. 19-10-201 et seq and ARKANSAS CONSTITUTION ARTICLE 5, Section 20 (1874) make clear ARKANSAS has not waived it's SOVERIGN IMMUNITY from suit for the malicious actions of it's ~~Division of Correction~~ (Official acts) for this Reason the commission has JURISDICTION OF ALL CLAIMS against ARKANSAS for ^{Division of Correction} ~~Division of Correction~~ employee's/official's malicious acts.
4. I the claimant Mr. Waller have asked the ARKANSAS STATE CLAIMS COMMISSION to hold this CLAIM in abeyance until such time as I may obtain access to LEGAL SUPPLIES and OPEN CASE documents on Feb. 3, 2025 (see AFFIDAVIT) due to ARKANSAS NEW and UNEXPECTED Rule prohibiting Prisoner Possession of LEGAL CASE / OPEN CASE documents (without approval of Division of Correction RECORDS SUPERVISOR Jena Caldwell) while in A.D.C. Isolation custody. For this Reason I had to submit the said AFFIDAVIT on Toilet Tissue Paper outside the normal Format inside MY ONLY envelope (see Feb. 3, 2025 AFFIDAVIT certificate of service). As a result I was not able to deliver a COPY to RESPONDENT and not able to submit my timely Feb. 3, 2025 ANSWER TO BRIEF IN SUPPORT OF DISMISSAL.

5. On Feb. 4, 2025 I obtained Legal supplies (Paper/envelopes) from the A.D.C. Law Library. For this reason I request the Commission accept this ANSWER being mailed Feb. 7, 2025, after I was able to obtain a functioning JAK Pen and/or copies. See attachment 1.
RESPECTFULLY Submitted,
R.V.W.

CERTIFICATE OF SERVICE

The foregoing mailed to ARKANSAS STATE CLAIMS COMMISSION 101 EAST CAPITOL AVENUE, Suite 410, Little Rock, ARKANSAS, 72201 and Troy Alan Rigdon 1302 Pike Avenue, Suite 400, North Little Rock, ARKANSAS, 72214 Feb. 7, 2025 through U.S. - Postal service.

MR. ROMARIO V. WALLER [REDACTED]

Inmate Request Form

This form is to be used by inmates to contact staff with requests on issues they may have. You should allow five working days to receive a response to your request. This is the East Arkansas Regional Unit in house form.

MR. ROMARIO V.

Name: WALLER	ADC Number: [REDACTED]	Arracks: ISOL-1010	Date: 2/5/2025
--------------	------------------------	--------------------	----------------

Staff Directed to: LAW LIBRARY	Office: LAW LIBRARY
--------------------------------	---------------------

My request is directed to the following area: (check one)

- | | | | | | | | |
|---------------|-------------------------------------|----------------|--------------------------|-------------|--------------------------|--------------------------|--------------------------|
| Chaplain | <input type="checkbox"/> | Classification | <input type="checkbox"/> | Commissary | <input type="checkbox"/> | Assistant/ Deputy Warden | <input type="checkbox"/> |
| Issuance | <input type="checkbox"/> | Food Service | <input type="checkbox"/> | Hobby Craft | <input type="checkbox"/> | General Library | <input type="checkbox"/> |
| Law Library | <input checked="" type="checkbox"/> | Laundry | <input type="checkbox"/> | Mail Room | <input type="checkbox"/> | Medical | <input type="checkbox"/> |
| Mental Health | <input type="checkbox"/> | Parole | <input type="checkbox"/> | Property | <input type="checkbox"/> | Records | <input type="checkbox"/> |
| Security | <input type="checkbox"/> | Visitation | <input type="checkbox"/> | Warden | <input type="checkbox"/> | Other: _____ | <input type="checkbox"/> |

Give a detailed reason for your request: I need 7 copies of the attached Arkansas State Claims Commission Open Case Document: "ANSWER TO BRIEF IN SUPPORT OF DISMISSAL". I am not able to make my own hand written copies due to when I was assigned to ISOL my property was inventoried outside my presence & security picked my dysfunctional ink pen to issue to me which I have to blow air into every 3-4 words in order to write with. I completed one copy but will not be able to expeditiously file/prepare enough copies for both cases No. 241591/241592. Also the required legal assist/copy forms are not available in Restraint Housing/Isolation.

Have you talked to any staff about your request? Yes No
 If yes, to whom did you speak with and when? Sgt. JAMES (MR.) Sgt. SPARKMAN.
[Signature] 2/5/2025
 Inmate Signature/ Date

Staff Responding:	Date:
-------------------	-------

Response: _____

I am referring this to: _____

Cc: _____

 Staff Signature Date

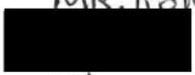
Attachment 1

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION Arkansas State Claims Commission

MR. ROMARIO V. WALLER -

CLAIMANT

MAY 21 2025



VS.

CLAIM'S NO. 251491/251492/251444/251441
251442/251322/251324/
(?)

RECEIVED

STATE OF ARKANSAS

RESPONDENT

[RE]
CLAIMANT'S

NOTICE OF DEPRIVATION OF ACCESS TO CLAIMS COMMISSION
BY ARKANSAS DIVISION OF CORRECTION OFFICER CLARK,
Captain Padilla, SGT. Archie, mailroom supervisor Ms. Southern

The claimant Mr. Romario V. Waller do state the following to be factually true to the best of my knowledge information belief and experience under oath and penalty of Perjury Pursuant 42 U.S.C.A 1746:

1. ON MAY 8, 2025 OFFICER'S CLARK and STONE awake me at around 9:38 P.M to be escorted to Captain Padilla office for reception of my incoming LEGAL MAIL.
2. At that time (OFFICER) C-O CLARK initiated an argument with me by refusing to allow me to take my outgoing LEGAL mail (claims numbers: 251491/251492/251322/251324/251441/251442/251444 / (?)) to Captain Padilla for submission for notary and mailing to the ARKANSAS STATE CLAIMS COMMISSION.
3. At that time I explained in reasonable and respectful language to both C-O Stone and CLARK that LEGAL MAIL CALL is the/one of - the proper times for notary service for outgoing LEGAL MAIL and while acting as supervisor in the situation OFFICER CLARK became hostile, aggressive, profane and intimidating called me a "bitch" and stated: "You ain't gotta do all that bitching" thereby using sexually harassing statement to deprive me access to the COURT and/or ARKANSAS STATE CLAIMS COMMISSION by refusing to escort me to Padilla's office.
4. At that time I repeatedly asked C-O CLARK to call Captain Padilla on his security walkie-talkie / handheld 2-way radio and ask him (Captain Padilla) to affirm / confirm or deny if inmates are allowed to obtain notary for outgoing LEGAL MAIL at LEGAL MAIL CALL and/or mail LEGAL MAIL OUT AT LEGAL MAIL CALL and C-O CLARK refused to do so and walked away thereby depriving me access to THE COURTS.
5. At around P.M I told SGT. Leslie Archie about the incident and reasonably and respectfully asked her to either notify Captain Padilla and have my LEGAL MAIL (incoming) delivered to me or for her and for other supervisors to include Captain Padilla deliver my incoming LEGAL mail to me or escort me to pick it up, I further asked her to take receipt of my MAY 8, 2025 informal grievance reporting the mail deprivation / court deprivation / sexual harassment and Leslie Archie refused to take action by stating: "fuck you, I don't give a fuck".

6. At regular mail call (pick-up) I mailed Ms. Southern (mailroom supervisor) my handwritten Request for Interview stating (QUOTE):
 "(RE) (1) on May 8, 2025 Officer Clark initiated the falsification of documents and told Captain Padilla I refused my in-coming LEGAL MAIL. ANY document/Email saying I refused is false. 2- I did not refuse to obtain/accept my LEGAL mail. 3. Please Deliver or Have MY LEGAL Mail Delivered to me. 4. IF You return my Legal mail to the Postal Officer/office or Sender You will be Participating in the FELONY OF FEDERAL MAIL FRAUD KNOWINGLY OR UNKNOWINGLY what Clark has done, You have been notified OFFICIALLY. RESPECTFULLY Romario." (ENDQUOTE). (see Attached Exhibit-1).
 However, Ms. Southern as of May 12, 2025 did not take action.
7. The time frame which Ms. Southern received my REQUEST/notice was at around 7:00 A.M. the same time she takes outgoing mail from the shift supervisor to include all outgoing legal mail and returned mail. She had plenty time to review my Request/notice and take action to have my incoming LEGAL MAIL made available to me.
8. At around 7:00 AM or so, I reported the said incident on the Recorded A.D.C - (P.R.E.A) Prison Rape Elimination Act Hotline due to C/O Clark sexual harassment since former CSO - Chief Security Officer Ms. Claudia Harris (now Warden) has previously notified me that officers referring to an inmate as a "Bitch" does fall under the Sexual Harassment Complaint Policy.
 However, to this date the A.D.C has not interviewed or contacted me nor taken action to give MY LEGAL to me though there was time prior to Postal Service.
9. On the night of May 9, 2025 I submitted Shift Supervisor Lt. White my Informal Grievance and Stolen Property Report related to the THEFT OF MY LEGAL MAIL. At that time Lt. White notified me that LEGAL MAIL call is the time of the proper times to submit outgoing legal mail for notary service, and that he is going to submit my REPORT OF STOLEN PROPERTY Form to Chief Security Officer John C. Haynes however Haynes has not contacted me to this date. (see attached EX. 2).

10. The [REDACTED] has a Present Protocol based upon an unwritten Policy in which Correctional Officers below Sargent Rank are infused into the LEGAL MAIL PROCESS though they have no LEGAL or POLICY Authority to view, review, read, touch, handle, open, seal, approve, deny, affirm, confirm, take-up, sign or deliver LEGAL MAIL. They are however being required to Participate in the LEGAL MAIL Process by escorting incoming Legal mail Recipients to designated Areas for Legal mail Reception which consists of a Sargent-or-Above security Rank taking the original incoming LEGAL MAIL, making a COPY OF it then shredding/destroying the original incoming LEGAL mail after VERIFYING it is valid LEGAL MAIL.
11. Through that Destruction of LEGAL mail Process some of my ARKANSAS STATE Claims Commission incoming LEGAL mail documents were irretrievably destroyed APRIL 15, 2025 by Captain Padilla causing me not to know so much as the CLAIM COMPLAINT Number.
12. Subsequently, the (C-O's) Correctional Officers such as OFFICER CLARK are now initiating conflicts with inmates who receive incoming LEGAL mail and are being contemptuous against us blaming us for causing them to have to do their SUPERVISOR'S Job (LEGAL MAIL PROCESS) while absent having to do so (all their hours of escorting) would cease and they could sit around not doing any actual work related movement.

(CONCLUSION)

In THIS manner I am being Deprived access to the courts and NOTIFY the ARKANSAS State Claims Commission and A.D.C ATTORNEY that any LEGAL MAIL you ALL Forwarded me the week of MAY 3, 2025 - thru - MAY 8, 2025 has either been destroyed or returned to you under false pretenses due to the malicious acts of E.A.R.U OFFICER CLARK, and Sgt. Leslie Archie. I did not refuse that mail and RESPECTFULLY Request you Resend it to me so I may RECEIVE it as is my wish.

RESPECTFULLY Submitted,



CERTIFICATE OF SERVICE

The foregoing mailed to PAUL MORRIS, Chairperson, ARKANSAS STATE SENTENCING Commission 101 East Capitol Avenue, Suite 410 Little Rock, ARKANSAS. 72201-3823 and ADC ATTORNEY KRIS A. HIGDON 1302 Pike Avenue, Suite-C North Little Rock, ARKANSAS. 72114, on MAY 15, 2025 through U.S. Postal Service mail.

MR. ROMARIO V. WALLER,
[REDACTED]

REQUEST FOR INTERVIEW

MAY 9, 2025

MR. ROMARIO V. WALLER,
[REDACTED]

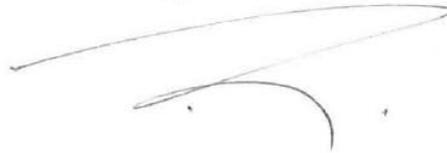
TO: MBSOUTHERN AND ALL MAIL ROOM STAFF.

(RE)

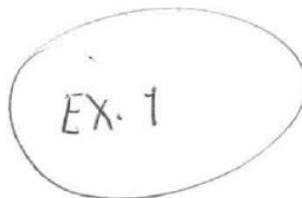
1. ON MAY 8, 2025 OFFICER CLARK INITIATED THE FALSIFICATION OF DOCUMENTS AND TOLD CAPTAIN PADILLA I'D REFUSED MY INCOMING LEGAL MAIL. ANY DOCUMENT/EMAIL SAYING I REFUSED IS FALSE.
2. I DID NOT REFUSE TO OBTAIN/ACCEPT MY LEGAL MAIL.
3. PLEASE DELIVER OR HAVE MY LEGAL MAIL DELIVERED TO ME.
4. IF YOU RETURN MY LEGAL MAIL TO THE POSTAL OFFICER/OFFICE OR SENDER YOU WILL BE PARTICIPATING IN THE FELONY OF FEDERAL MAIL FRAUD KNOWINGLY OR UNKNOWINGLY WHAT CLARK HAS DONE. YOU HAVE BEEN NOTIFIED OFFICIALLY.

RESPECTFULLY,

ROMARIO.



(HANDCOPY)





DIVISION OF CORRECTION

Attachment III

REPORT OF STOLEN PROPERTY

To: JOHN C. HAYNES. Date: May 8, 2025
~~SAMANTHA BUCHHE~~ Chief Security Officer
 Inmate Name: MR. ROMARIO V. WALLER. AD 
 List Missing Property: UNIDENTIFIED LEGAL MAIL (INCOMING)

Give a complete description of property and where property was last seen on May 8, 2025
 around 9:25 P.m c-o Clark add Stone awake me for escort to Captain Padilla office for legal mail call. Clark Refused to escort me to legal mail call by stating: "~~NO~~ don't have to do all that Bitching (which is sexual Harassment) due to my demanding to be given access to NOTARY for ~~best~~ STATE CLAIMS Commission cases Captain Padilla previous I delivered me. In this way they're (Clark) trying to justify destroying/returning my legal mail under false pretense that I'd Refused although notary service is conducted at legal mail call and notary Public Sgt. Williams is at work. At around 10:40 pm I notified Sgt. L. Archie & she refused to take up my Grievance / stolen property form and legal mail stating: "Fuck you I don't give a fuck" thereby refusing to give me access to my ~~PROPERTY~~ INCOMING LEGAL MAIL and P.R.E.A Complaint First Responder ACTION.

(Handwritten signature)

(Circled text) - COPY MADE

200-25

EX. 2

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tawnie Hughes \(DOC\)](#); [Miles Morgan \(DOC\)](#); [Trent Rigdon \(DOC\)](#); [Taylor Reavis \(DOC\)](#)
Cc: [Mika Tucker](#); [Yolanda Charles \(DOC\)](#); [ASCC Pleadings](#)
Subject: ORDERS: Romario Waller v. ADC, Claim Nos. 241591 and 241592
Date: Thursday, September 11, 2025 3:15:00 PM
Attachments: [Romario Waller v. ADC.pdf](#)
[Romario Waller-order241591.pdf](#)
[Romario Waller-order241592.pdf](#)

Dear Counselors:

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

September 11, 2025

Mr. Romario Waller (ADC [REDACTED])
[REDACTED]

Ms. Tawnie Hughes
Mr. Miles Morgan
Mr. Trent Rigdon
Ms. Taylor Reavis
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

Re: ***Romario Waller v. Arkansas Division of Correction***
Claim Nos. 241591 and 241592

Dear Mr. Waller, Ms. Hughes, Mr. Morgan, Mr. Rigdon, and Ms. Reavis:

Enclosed please find the Orders entered on September 5, 2025, 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

ROMARIO WALLER (ADC [REDACTED])

CLAIMANT

V.

CLAIM NO. 241591

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

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

1. Claimant filed his claim on March 8, 2024, seeking \$10,000.00 in damages related to his allegations about Respondent’s employee falsifying disciplinary records and abusing him.
2. Respondent filed an answer denying liability.
3. Claimant requested a hearing, then filed a motion to compel and motion for default judgment.
4. In its December 13, 2024, order, the Commission noted that Claimant’s claim may be outside the jurisdiction of the Commission and found it prudent and efficient to address any jurisdictional concerns before the parties and the Commission expended more time and resources. The Commission directed the parties to file briefs addressing whether the Commission has jurisdiction over this claim and placed the claim in an abeyance pending a decision on the jurisdictional issue.
5. Respondent filed a brief in response to the Commission’s directive, arguing, *inter alia*, dismissal is proper because Claimant’s claim relates to a disciplinary matter, and the Commission does not have jurisdiction over Claimant’s claim.

6. Claimant filed brief in response to the Commission's directive,¹ arguing, *inter alia*, Respondent's employee maliciously falsified documents, which affected his parole.

7. The Commission agrees with Respondent that dismissal of this claim is proper. Claimant's claim is inexorably entwined with a disciplinary incident. For these reasons, this claim is beyond the scope and purpose of the Commission.

8. If Claimant believes he has federal law claims against individual employees of Respondent or believes he was deprived of due process in the disciplinary process, those claims can be brought in a court of general jurisdiction. The Commission does not have jurisdiction to hear such claims. *See* Ark. Code Ann. § 25-44-204.

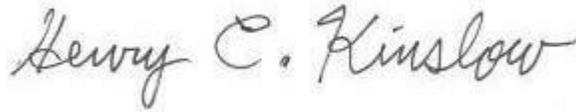
9. As such, pursuant to Ark. Code Ann. § 25-44-204 and Ark. R. Civ. P. 12(h)(3), Claimant's claim is DISMISSED.

10. Any pending motions are denied as moot.

11. The Commission notes that Claimant has made filings that contain statements about Respondent's actions, which are not directly related to this claim. To the extent that Claimant believes he has additional claims against Respondent, those claims may be pursued pursuant to the Arkansas Rules of Civil Procedure.

¹ Claimant also filed a request for an extension of time to respond to the Commission's directive. The Commission GRANTS this requests and considers Claimant's response to the Commission's directive to be timely filed.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow



ARKANSAS STATE CLAIMS COMMISSION
Paul Morris, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: September 5, 2025

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. § 25-44-211(a)(1). If a Motion for Reconsideration is denied, that party then has twenty (20) days from transmission of the denial of the Motion for Reconsideration to file a Notice of Appeal with the Claims Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Claims Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(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. § 25-44-211(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. § 25-44-215(b).

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION ^{Arkansas State Claims Commission}

SEP 29 2025

RECEIVED

ROMARIO WALLER... [REDACTED]
V. CLAIM NO. 241591
ARKANSAS DIVISION OF CORRECTION

CLAIMANT
RESPONDENT

NOTICE OF APPEAL, DESIGNATION OF RECORD, AND ORDER OF TRANSCRIPT OF PROCEEDINGS

Comes now September 23, 2025 the day after I received the 9-5-2025 order do I Romario Waller Give notice of Appeal of the Arkansas state Claims Commission dismissal of my CLAIM No. 241591 and I designate the entire Record of all Proceedings in this matter for Appeal and ORDER the TRANSCRIPT OF PROCEEDINGS for submission to ARKANSAS COURT OF APPEALS / SUPREME COURT FOR APPEAL.

RESPECTFULLY submitted,

[Signature]

CERTIFICATE OF SERVICE

A COPY OF THE FOREGOING MAILED TO ARKANSAS STATE CLAIMS COMMISSION 101 E. - CAPITOL AVE. SUITE 410 LITTLE ROCK, AR. 72201-3823 ON SEPTEMBER 24, 2025 THROUGH U.S. POSTAL SERVICE MAIL.

MR. ROMARIO V. WALLER... [REDACTED]