From: ASCC New Claims
To: Thomas Burns (DOC)
Cc: Kathryn Irby; Mika Tucker
Subject: CLAIM: Romario Waller v. ADC, Claim No. 241592
Date: Wednesday, March 27, 2024 1:58:00 PM
Attachments: Romario Waller ADC agency ltr .pdf
Romario Waller Claim 241592.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 (*via email*)
Arkansas Division of Correction
6814 Princeton Pike
Pine Bluff, Arkansas 71602

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

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

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

☑ 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]
(Name) (Street or R.F.D. & No.) (City)

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

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

State agency involved: Arkansas Dep't of Corrected. **Amount sought:** $10,000.00

Month, day, year and place of incident or service: March 19, 2023 - April 3, 2023 [redacted] APR. 3, 2023 - APR. 19, 2023 [redacted]

Explanation: 1) on 3-19-2023 Duvatt E. Felts falsified disciplinary allegations that He found (K2) synthetic cannabinoids [Yellowish Paper] Hidden in my Holy Quran. He further falsified the report to falsely allege He conducted a scientific Field Test which tested Positive for such drugs. At the time D. Felts allegedly found the non existent drugs He allegedly was in the Process of searching my cell neighbor G. Johnson's Property which is impossible to do at one time.
2) upon delivering me a copy of the Disciplinary Allegations Sgt. Miles refused to document on the form (ISSR-100) that as evidence I requested: (a) Arkansas State Crime Laboratory Test Results / confirmation of the alleged drugs and field test (b) the name of the alleged field test and a description of the manufacturer, use Procedures, and any Qualifications for use, (c) Internal Affairs - (Lie Detector) Voice stress Analysis Test because D. Felts lied and Framed me with drugs I did not Possess and for a urine Test I did not refuse. ADC Disciplinary Policy allows evidence to be called for.
3) At the Major Disciplinary Hearing Justice Minor refused to obtain the requested evidence and relied upon false evidence that was not cited / listed in D. Felts ISSR-100 report and which I never knew existed, and imposed a 30 day Punitive sentence / 60 days restrictions based upon a false report.
4) During the Appeal process Wrightsville warden Earl and the ADC Disciplinary Hearing Administrator T. Richmond (?) and Director (by I. Sanner) supported the Punishments / verdicts.
The ADC Breached it's duty by refusing to Investigate my allegations of being framed, by refusing to allow me to call for evidence, by refusing to allow Ark-crime Lab to test the so-called drugs and obtain 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 (Yes or No); when? 3-27-2023 - 7-3-2023 (Month) (Day) (Year); to whom? ADC Major Disciplinary Court [redacted] (Department) warden Earl / Assistant and Directors Offices; and that the following action was taken thereon: I was required to serve 30 days Punitive Isolation days total at Wrightsville / EAM units Plus one Year total Restrictive Housing lockdown days. and that $ zero 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 of Claimant/Representative)

SWORN TO and subscribed before me at _____ (City) _____ (State)

(SEAL) on this 2 (Date) day of March (Month), 2024 (Year)

Franklin L. Graham
(Notary Public)

FRANKLIN L. GRAHAM
No. 12704972
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

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

ISSR100

Arkansas Department of Corrections [redacted]

MAJOR DISCIPLINARY

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

Inmate: Waller, Romario **ADC#:** [redacted] **Assignment:** AM/PM:Unassigned

Class: IV **is being charged by** Felts, Dwyatt E **Title:** Lieutenant

with code violation(s):

12-3 Failure or refusing to obey verbal and/or written order(s) of staff
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.
07-1 Unauthorized use of state property/supplies
07-4 Theft or possession of of stolen property.
09-3 Possession/introduction/manufacture of any drug,narcotic intoxicant,tobacco,chemical,OR drug paraphernalia not prescribed by medical staff
02-16 Refusal to submit to substance abuse testing or submitting a diluted sample.

Date & Time: 03/19/2023 6:32 PM

Notice of Charges:

On 3/19/23 at approx. 6:32pm I, Lt. Dwyatt Felts was in Restrictive Housing Zone 1. I performed a searched of Cell 1 with housed Inmate Romario Waller #[redacted] in Inmate Waller's property, I found 21 Tylenol hidden in his hygiene bag, 1 piece of paper yellowish in color hidden in his The Quran, when the paper was field tested it was positive for Synthetic Cannabinoids (K2). Inmate Waller was given a direct order at 7:44pm to provide urine for a drug test and he had two hours to comply. Inmate Waller was given his last direct order at 10:20pm he failed to provide urine for the drug test. Therefore I Lt. Felts am charging Inmate Waller #108263 with violations 12-3, 12-4, 7-1, 7-4, 9-3, 2-16.

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

Signature of Charging Officer

NOTIFICATION: **Officer** _____ **Date & Time Notified** _____

Witness Statements: **No** X **If yes, list:**

3/21/2023

Inmate's Signature

C.S.O. Review: **Outcome:** Refer to Hearing Officer/Comm.
By: Arnold, Percy D **Date** 03/20/2023

Extension: **No** X **Yes** _____ **Has extension form been completed?** _____

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

Counsel-Substitute: **Assigned (Name)** _____ **Not Assigned** _____

[redacted] 23-00112 (Boyd admits giving Arnold my statement/"it is being huddled". APPEAL= 3/24/23 [Step-1 3-15-2023]
23-00113 (Arnold again denied knowledge of my statement (APPEAL= 3/24/2023 with WR-23-00112) [Step-1 3/[illegible]/2023

ISD

ISSR101

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Waller, Romario **ADC#:** [redacted] **Unit:** [redacted]

Code Violation(s):

12-3 Failure or refusing to obey verbal and/or written order(s) of staff
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.
07-1 Unauthorized use of state property/supplies
07-4 Theft or possession of of stolen property.
09-3 Possession/introduction/manufacture of any drug,narcotic intoxicant,tobacco,chemical,OR drug paraphernalia not prescribed by medical staff
02-16 Refusal to submit to substance abuse testing or submitting a diluted sample.

Date/Time of Alleged Offense(s): 03/19/2023 6:32 PM

Hearing Date: 03/27/2023 **Time: Start** 11:10 AM **End** 11:17 AM

Recorder: Minor, Justine M **Tape#:** **Side:** **Meter: From** **To**

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

Has waiver form been completed? _____

Inmate's Statement:

1. this disciplinary should be dismiss cause he wrote another inmate up at the same time and that can not be done and also it don't say that what they use to test the substance or if it was sent off I did not get a 401 from or nothing and they never gave me the first order so how can he give me the second order

_____
Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Not Guilty, Not Guilty, Not 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:	30	**Days Suspended:**	0
GT Class Reduced to:	IV	**Class Suspended:**	

Disciplinary Hearing Action
03/27/2023 11:50 AM
Page 2

Inmate: Waller, Romario **ADC#:** [redacted] **Unit:** [redacted]

Additional Sanctions/General Comments:

Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):
inmate was found in possession of drugs and refuse to give a urine sample for drug testing

Evidence Relied Upon:
005 from staff supporting F-1 report. F-1 statement from charging officer. Photo of evidence, 401 form, and chain of custody receipt

Reasons Why Information Purporting to Exonerate Inmate was Discounted:
Staff's eyewitness account is accepted.

Reasons for Assessment of Punishment:
Refusing to submit a urine sample for the testing of drugs of abuse and bein in possession of drugs will not be tolerated.

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 Justine Minor **Date** _____

4

4-17-18

F-831-4

Major Disciplinary Appeal Form

Inmate Name MR. ROMARIO V. WALLER, ADC# [redacted]

Unit/Center [redacted] Punitive Isolation ✓ Yes ____ No

Disciplinary (date) 3/19/2023 by (charging officer) Dwyatt Felts.

3/27/2023 Appealed to Warden/Center Supervisor: Note, if you do not agree with the decision of the Disciplinary Hearing
Date 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: ____ Date ____

4/18/2023 Appealed to Disciplinary Hearing Administrator: Note, if you do not agree with the response of the Warden/Center
Date 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: T. Rowland Date 5-1-23

Date Received:
5-23-2023 Appealed to Director: Note if you do not agree with the Disciplinary Hearing Administrator's response, you may
Date 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: Sanner Date 6-3-23

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. The ISSR-100 is in Retaliation of Grievance # WR-23-00100 / [redacted]3-00101.
2. Review of the 3/19/2023 ISSR-100 against Gary Johnson 177760 Reflects D. Felts Alleged From 6:32 P.M – 7:45 PM He Searched Johnsons Property gave him a direct order to submit to urine testing while the ISSR-100 against me alleges he searched my Property From 6:32 P.M – 7:41 PM and then gave me a direct order to submit a urine sample. The ISSR-100 is False. D. Felts Cannot conduct both Property searches at the same time, that is scientifically impossible.
3. The ISSR-100 (3/19/2023) does not list any evidence to support the false allegation yet the D.H.O. Refused Upon a 603 Report / Photo / Urine Form / Chain of Custody Form which I was not made aware of until I was delivered the Hearing Results therefore I never had a chance to defend the false evidence or call for any evidence to counter it.
4. Since Drug Possession is a Criminal Felony I Demand a CVSA-Lie Detector on MYSELF and D. Felts because I am being Framed for false charges and for false Drug test Refusal.
5. I did not Possess ka nor Refuse urine Testing. Review of the unit files Reflect I had a 100% Clean urine Testing by D. Felts on 3/1/2023 so I had no Reason to deny testing 3 wks later.
6. The CVSA is well within the Investigative Resources of the ADC and should be applied in this situation.
The Entire ADC Disciplinary Manual was violated during this Process and the only Fact Finding Remedy is the CVSA.
7. Had I had Notice I would have called for the CVSA and fully Testified.
It is not too Late to order the CVSA for the Administration of Justice SIR.

Inmate's Signature: R. V. Date: 3/27/2023

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

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION
OFFICE OF THE DIRECTOR
DEXTER PAYNE
6814 Princeton Pike
Pine Bluff, AR 71602

SARAH HUCKABEE SANDERS
GOVERNOR

JOE PROFIRI
SECRETARY

MEMORANDUM

TO: **Inmate Romario Waller- ADC** [redacted]

FROM: **Dexter Payne, Director** Dexter Payne

RE: **Major Disciplinary Appeal**

DATE: **July 3, 2023**

Please be advised that I am in receipt of your disciplinary appeal regarding the major disciplinary you received 03/19/2023 at 6:32 pm from Lt. Felts.

You state in your disciplinary appeal that you are being framed.

Your disciplinary states, "On 3/19/23 at approx. 6:32pm I, Lt. Dwyatt Felts was in Restrictive Housing Zone 1. I performed a searched of Cell 1 with housed Inmate Romario Waller [redacted] in Inmate Waller's property, I found 21 Tylenol hidden in his hygiene bag, 1 piece of paper yellowish in color hidden in his The Quran, when the paper was field tested it was positive for Synthetic Cannabinoids (K2). Inmate Waller was given a direct order at 7:44pm to provide urine for a drug test and he had two hours to comply. Inmate Waller was given his last direct order at 10:20pm he failed to provide urine for the drug test. Therefore I Lt. Felts am charging Inmate Waller # [redacted] with violations 12-3, 12-4, 7-1, 7-4, 9-3, 2-16."

You stated during your disciplinary hearing, "this disciplinary should be dismiss cause he wrote another inmate up at the same time and that cannot be done and also it don't say that what they use to test the substance or if it was sent off I did not get a 401 from or nothing and they never gave me the first order so how can he give me the second order."

After a thorough review of all the documents pertaining to this matter, I am upholding the guilty verdicts of rule violations 09-3/Possession/introduction/manufacture of any drug, narcotic, intoxicant, tobacco, chemical, or drug paraphernalia not prescribed by medical staff; 02-16/Refusal to submit to substance abuse testing. 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

Mika Tucker

From: Thomas Burns (DOC)
Sent: Monday, April 1, 2024 10:01 AM
To: ASCC Pleadings
Cc: Tawnie Rowell (DOC); Miles S. Morgan; Courtney Wall (DOC)
Subject: Romerio Waller v ADC 241592
Attachments: 3518_001.pdf

Answer

Thank you,
-TB

THOMAS BURNS
DEPUTY GENERAL COUNSEL | DIVISION OF CORRECTION
Arkansas Department of Corrections
6814 Princeton Pike
Pine Bluff, Arkansas 71602
Phone: (870) 267-6845 (Office) | (870) 267-6373 (Fax)
(870) 515-0918 (Cell)
Thomas.Burns@doc.arkansas.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO WALLER ([redacted] **CLAIMANT**

v. **NO. 241592**

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]

Thomas Burns

Mika Tucker

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

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

V. No. 241592

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT
ARKANSAS DIVISION OF CORRECTION

REPLY

The claimant Romario V. Waller with MY REPLY do state under oath & Penalty of Perjury the following to be true accurate and correct:

1. The Respondent A.D.C 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 for the claims set forth in the complaint.
3. Throughout the A.D.C Grievance/Disciplinary Process related to these claims the A.D.C ignored all MY Pleas for a CVSA-Internal Affairs Investigation. The A.D.C Internal AFFAIRS Supervisor is A.D.C Major Disciplinary Hearing Administrator. Any Internal Affairs Investigation by His department Should thereby consist of CVSA-computerized voice stress Analysis, otherwise such an Internal AFFAIRS Investigation has no Investigatory mechanism for the Truth/factfinding. Review of the documents related to the disciplinary/Grievance Process would be Biased/prejudiced in ADC favor toward the Internal Affairs Supervisor Prior Disciplinary document findings.
4. IF it is within the evidence gathering & Producing authorization OF the Arkansas State Claims Commission I the Claimant will agree/consent to an Internal-affairs Investigation if the CVSA is Part OF the Investigation but the complaint should still Proceed with the CVSA as Part OF Discovery in ADC's Requested Internal AFFAIRS Investigation.

RESPECTFULLY SUBMITTED, R.V.

CERTIFICATE OF SERVICE

I the claimant ROMARIO V. WALLER do certify a handwritten copy of this Pleading has been served Arkansas State Claims Commission 101 East-Capitol Avenue suite 410 Little Rock Arkansas 72201-3823 and Thomas Burns 6814 Princeton Pike Pine Bluff Arkansas 71602 April 10, 2024 through U.S. Postal Service mail.

MR. ROMARIO V. WALLER. [redacted]

ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER. CLAIMANT
VS. No. 241592

ARKANSAS DIVISION OF CORRECTION RESPONDENT

REQUEST FOR HEARING BEFORE ARKANSAS STATE CLAIMS COMMISSION

The claimant Mr. waller do hereby requesta hearing before the state claims commission Because the claims in the complaint if submitted against the Respondent in the official capacity of the dere lict officials/staff would be barred by the doctrine of soverign 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.
R.V.

CERTIFICATE OF SERVICE

The Foregoing mailed to Arkansas state Claims commission 101 East Capitol Avenue suite 410 Little Rock ARKANSAS 72201-3823 and Thomas Burns 6814 Princeton Pike Pine Bluff Arkansas 71602 on April 27 2024 through u.s. Postal Service mail.

ROMARIO V. WALLER.

[redacted]

Mika Tucker

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

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)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

REMARIO V. WALLER. [redacted] CLAIMANT

V. Claim No. 241592

ARKANSAS DIVISION OF CORRECTION RESPONDENT

CLAIMANTS DISCOVERY REQUEST

Pursuant Arkansas Rules of Civil Procedural Judicial Rules and the May 6, 2024 ARKANSAS STATE CLAIMS COMMISSION direction the claimant MR. WALLER do submit the following DISCOVERY REQUESTS:

1. DISCOVERY REQUEST No. 1: Please Produce/conduct (CVSA) computerized Voice Stress ANALYSIS OF ROMARIO V. WALLER ? DWYATT FELTS in regard to the following control Question: "Did I ROMARIO V. WALLER have or own or possess or hide the alleged Paper cannabinoids (K2) in MY QURAN allegedly found there on 3/19/2023 by Dwyatt Felts? This for 3/19/2023.
2. DISCOVERY REQUEST No. 2: Please Produce/Conduct CVSA on ROMARIO V. WALLER ? DWYATT FELTS in regard to the Question: "Did I ROMARIO V. WALLER have Tylenol "hidden" in MY hygiene bag?" This for the 3/19/2023 ISSR-100.
3. DISCOVERY REQUEST No. 3: Please Produce/Conduct CVSA OF ROMARIO V. WALLER 3. DWYATT FELTS regarding the Question: "Did DWYATT FELTS or any STAFF see/hear me state I refused to give him a urine sample for drug testing 3/19/2023.
4. DISCOVERY REQUEST No. 4: Please Produce/conduct CVSA OF ROMARIO V. WALLER ? DWYATT FELTS on whether (HE) DWYATT FELTS falsified both the K2 Possession/urine Test Refusal 3/19/2023 and-or-if I told any STAFF I refused? .
5. DISCOVERY REQUEST No. 5: Please conduct/Produce CVSA OF ROMARIO V. WALLER in regard to did I request ARKANSAS STATE CRIME LABORATORY TEST RESULTS related to DWYATT FELTS alleged 3/19/2023 on-site field Drug Test related to this incident.

6. PRODUCTION REQUEST No.6: Please Produce color Photocopies of all 3/19/2023 Drug Test (on site) Field Test Kit's results and Label Information.

7. PRODUCTION REQUEST No.7: Please Produce ADC and Dwyatt Felts Legal/scientific Education authority/capability of conducting-then-confirming Drug test/on-site Drug Test/ Field Test and it's Results as of 3/19/2023.

8. PRODUCTION REQUEST No.8: Please Produce the Wrightsville Unit Isolation security log by C/O- Richardson for 6:00 P.m - 10:00 P.m 3/19/2023 on all Dwyatt Felts activities.

9. PRODUCTION REQUEST No.9: Please Produce the ADC (2023) resent employee conduct standards.

10. PRODUCTION REQUEST No.10: Please conduct/Produce CVSA on ROMARIO V. WALLER in regard to whether any staff eye witness observed or saw Dwyatt Felts find/confiscate etc any Ka paper from my QURAN.

11. PRODUCTION REQUEST No.11: Please CONDUCT CVSA OF ROMARIO V. WALLER in regard to the Question: "did Dwyatt Felts falsify the 3/19/2023 ISSR-100 Ka in QURAN Possession and Drug Test REFUSAL?

The RESPONDENT has requested the opportunity to now conduct INTERNAL AFFAIRS INVESTIGATION, Having had that prior opportunity through my Grievance/Disciplinary Appeals etc. I submit these Requests for Discovery and AGREE to the Investigative Tool CVSA since there is no Fact Finding Procedure available other than the CVSA. The CVSA can/will Resolve all Facts. Please schedule CVSA at any time or contact me for discovery scheduling.

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE

The Foregoing mailed to ARKANSAS STATE CLAMS COMMISSION 101 East Capitol Avenue Suite 410 Little Rock Arkansas 72201 and TAWANIE ROWELL 6814 Pioneer Trail Pike Pine Bluff, Arkansas 71602 May 13, 2024 through U.S. Postal Service mail.

MR ROMARIO V. WALLER.

[redacted]

Mika Tucker

From: Miles S. Morgan
Sent: Wednesday, June 26, 2024 12:14 PM
To: ASCC Pleadings
Cc: Tawnie Rowell (DOC); Kris Higdon (DOC)
Subject: Romario Waller v. ADC 241592
Attachments: Safe Harbor Letter-Waller.pdf

Safe Harbor letter.

Thanks,

Miles

MILES S. MORGAN
DEPUTY GENERAL COUNSEL
OFFICE OF THE SECRETARY
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114
Phone: (501) 682-9540 (Office)
Miles.S.Morgan@doc.arkansas.gov

ARKANSAS DEPARTMENT OF CORRECTIONS

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

SARAH HUCKABEE SANDERS
GOVERNOR

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

ROMARIO V. WALLER [redacted] CLAIMANT

VS.

CLAIM No. 241592

ARKANSAS DIVISION OF CORRECTION RESPONDENT

MOTION TO COMPEL DISCOVERY

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

1. The ADC has failed to participate in DISCOVERY.

(a) on May 10, 2024 I the CLAIMANT ROMARIO WALLER mailed my initial DISCOVERY REQUESTS 1-11 Pursuant the CIVIL RULES OF JUDICIAL PROCEDURE and the COMMISSION'S MAY 6, 2024 DISCOVERY ORDER. The A.D.C did not acknowledge nor respond.

(b) On June 15, 2024 I the CLAIMANT mailed my DISCOVERY Letter showing good-faith 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 ADC to participate in DISCOVERY.

RESPECTFULLY SUBMITTED

R. V. W

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

MR. ROMARIO V. WALLER. C[redacted] CLAIMANT

VS. CLAIM NO. 241592

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT
ARKANSAS DIVISION OF CORRECTION

MOTION FOR DEFAULT JUDGEMENT AND ENJOINING

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 EAST ARKANSAS MAX 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 BOOKS.
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 toward 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 6, 2024 (see commission File).
5. The CLAIMANT submitted 11 DISCOVERY REQUESTS for DISCOVERABLE EVIDENCE to RESPONDENT MAY 13, 2024 (EX. 1).
6. The RESPONDENTS ATTORNEY TAMMIE 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 ADC DISCOVERY RESPONSIBILITIES and meet with me for DISCOVERY CONFERENCE warning ~~Parties~~ that Pursuant to the DISCOVERY ~~conference~~ 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 CLAIMANTS "MOTION TO COMPEL DISCOVERY" violating Rules 26-37 / 55 AR. CIV. - Proc. Rules.
9. On JULY 26, 2024 RESPONDENT had an additional 3 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 6, 2024 DISCOVERY NOTICE by ARKANSAS STATE CLAIMS COMMISSION in Violation of Rules 26-37 ~~and~~ AR. CIV. PROC. Rules.
11. On AUGUST 5, 2024 RESPONDENT has been in DEFAULT for Failing to ANSWER the "MOTION TO COMPEL DISCOVERY" for 42 days since JUNE 24, 2024 in violation of Rule 55 AR. - CIV. PROC. Rules and Rule 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 CLAIMANT ROMARIO V. WALLER FOR the RELIEF SOUGHT in the ORIGINAL COMPLAINT and all RELIEF deemed APPROPRIate by the COMMISSION.

RESPECTFULLY SUBMITTED

R.V. W

I- CLAIMANT MR. ROMARIO V. WALLER [redacted] state the foregoing to be true to the Best OF my Knowledge Belief and information Pursuant Pedalty OF Perjury Per 42 USC 1746.

CERTIFICATE OF SERVICE

The foregoing MOTION FOR DEFAULT JUDGEMENT MAILED TO ARKANSAS STATE CLAIMS COMMISSION 101 EAST CAPITOL AVENUE SUITE 410 Little ROCK, ARKANSAS 72201 and TAWANIE ROWELL 6814 Princeton PIKE Pine Bluff ARKANSAS. 71602 August 2, 2024 through U.S Postal service mail.

MR. ROMARIO V. WALLER.

[redacted]

P. 2-OF-2.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER. ([redacted]) CLAIMANT

VS. CLAIM NO. 241592

ARKANSAS DEPARTMENT OF CORRECTION RESPONDENT

CLAIMANTS DISCOVERY REQUESTS

Pursuant ARKANSAS RULES OF CIVIL JUDICIAL PROCEDURAL RULES and the MAY 6, 2023 ARKANSAS STATE CLAIMS COMMISSION direction CLAIMANT MR. WALLER do submit the Following REQUESTS:

1. DISCOVERY REQUEST NO. 1: Please conduct/Produce (CVSA) computerized voice STRESS ANALYSIS OF ROMARIO V. WALLER, DWYATT FELTS in regard to the Following Control Questions: "Did I ROMARIO V. WALLER have or own or possess or hide the alleged cannabinoids (K2) in MY QURAN allegedly found there on 3/19/2023 by DWYATT FELTS this for 3/19/2023?"
2. DISCOVERY REQUEST NO. 2: Please Produce/Conduct CVSA OF ROMARIO V. WALLER & DWYATT FELTS in regard to the control Question: "Did I ROMARIO V. WALLER have TYLENOL "hidden" in my hygiene bag?" This for the 3/19/2023 ISSR-100.
3. DISCOVERY REQUEST NO. 3: Please conduct/Produce CVSA OF ROMARIO V. WALLER & DWYATT FELTS regarding the Question: "Did DWYATT FELTS or any staff see/hear me state that I refused to give him a urine sample for drug testing 3/19/2023?"
4. DISCOVERY REQUEST NO. 4: Please Conduct/Produce CVSA OF ROMARIO V. WALLER and DWYATT FELTS on whether (He) DWYATT FELTS falsified both the K2 Possession/Urine Test Refusal 3-19-2023 and-or-if I told any staff I REFUSED?"
5. DISCOVERY REQUEST NO. 5: Please Conduct/Produce CVSA OF ROMARIO V. WALLER in regard to did I REQUEST ARKANSAS STATE CRIME LABORATORY TEST RESULTS related to DWYATT FELTS alleged 3/19/2023 on site field DRUG TEST related to this incident.

(EX. 1) P.1-OF-2 (see BACK)

6. PRODUCTION REQUEST No.6: Please Produce Photocopies of all 3/19/2023 Drug Test(on-site) Field Test it's results and label information.

7. PRODUCTION REQUEST No.7: Please Produce ADC and Dwyatt Felts legal /scientific education-authority/capability of conducting-then-confirming Drug Test/on-site Drug Test/Field Test and it's results as of 3/19/2023.

8. PRODUCTION REQUEST No.8: Please Produce the [redacted] Isolation security log by C-O Richardson for 6:00 P.M - 10:00 P.M 3/19/2024 on all Dwyatt Felts activities.

9. PRODUCTION REQUEST No.9: Please Produce ADC Present Employee Conduct standards.

10. PRODUCTION REQUEST No.10: Please Conduct/Produce CVSA on Romario V. Waller in regard to whether any staff eye witness observed or saw Dwyatt Felts find/confiscate etc any Ka paper from my QURAN.

11. PRODUCTION REQUEST No.11: Please conduct CVSA of Romario V. Waller in regard to the Question: "did Dwyatt Felts falsify the 3/19/2023 SSR-100 Ka in QURAN Possession and Drug Test Refusal?".

The Respondent has now requested opprotunity to now conduct internal affairs investigation having had that opprotunity through my grievance/disciplinary appeals etc. I submit these Requests for Discovery and agree to the investigative tool CVSA since there is no Fact finding Procedure available other than CVSA. The CVSA can/will resolve all facts. Please schedule CVSA at any time or contact me for Discovery scheduling.

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE

The Foregoing mailed to Arkansas State Claims Commission 101 East Capitol Avenue Suite 410 Little Rock Arkansas. 72201 and Jawan Rowell 10814 Prince Tom Pike Pine Bluff Arkansas 71602 May 13, 2024 through U.S. Postal service mail.

[redacted]

(P.2-of-2)

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER. [redacted] CLAIMANT

V. CLAIM No. 241592

ARKANSAS DIVISION OF CORRECTION RESPONDENT

DISCOVERY LETTER TO RESPONDENT

On MAY 13, 2024 I forwarded you II DISCOVERY REQUESTS Pursuant the DISCOVERY Rules. You Have Failed to schedule/meet with me and Respond For ~~[illegible]~~ 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. Waller

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)

Mika Tucker

From: Trent Rigdon (DOC)
Sent: Tuesday, August 13, 2024 2:44 PM
To: ASCC Pleadings
Subject: Claim 241592
Attachments: Response to Motion to Compel Disovery - Waller.pdf

Please see the attached response.

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. 241592**

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 July 5, 2024, Respondent received Claimant's Motion to Compel Discovery.

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

3. On 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 (ADC [redacted])
[redacted]

/s/ Trent Rigdon
Trent Rigdon

Mika Tucker

From: Kris Higdon (DOC)
Sent: Monday, August 19, 2024 9:09 AM
To: ASCC Pleadings
Cc: Tawnie Rowell (DOC)
Subject: Romario Waller v. ADC, 241592
Attachments: ADC Response to Motion for Default Judgment.pdf

Please see attached response to motion for default judgment.

Kris Alan Higdon
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

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO WALLER (ADC #[redacted] **CLAIMANT**

v. **NO. 241592**

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION **RESPONDENT**

RESPONSE TO MOTION FOR DEFAULT JUDGMENT

Comes now, the Respondent, Arkansas Department of Correction (ADC), by and through their attorney, Kris Alan Higdon, and for their Response to Motion for Default Judgment, states:

1. Claimant filed a claim in March 2024 seeking $10,000.00 in damages for what he alleges is planting of evidence and lying by ADC staff which led to him having a major disciplinary violation.

2. Respondent filed an answer denying liability in April 2024.

3. A party is entitled to default judgment when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend. A.R.C.P. Rule 55(a).

4. Default judgments are not favorites of the law and should be avoided when possible. *Born v. Hodges*, 101 Ark. App. 139, 271 S.W.3d 526 (2008).

5. Default judgment is not proper because Respondent has responded to the original petition denying liability in this matter and default is only permissible when a party has failed to defend.

6. Claimant seeks default judgment based on his allegations that Respondent has failed to participate in discovery.

7. Allegations of not properly replying to discovery is not a basis for default judgment based upon A.R.C.P. Rule 55.

8. A.R.C.P. Rule 37 sets out remedies for Claimant should he believe that Respondent is not properly responding in discovery.

WHEREFORE, the Respondent prays that Claimant's Motion for Default Judgment be denied, that the pleading be stricken from the record, for attorney's fees and costs, and for all other just and proper relief to which he may be entitled.

Respectfully submitted,

/s/ Kris Alan Higdon

Kris Alan Higdon #2004115
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, via first class mail, on this 19th day of August 2024.

Romario Waller ([redacted]

/s/ Kris Alan Higdon
Kris Alan Higdon

Mika Tucker

From:	Misty Scott on behalf of ASCC Pleadings
Sent:	Monday, December 16, 2024 9:30 AM
To:	Kris Higdon (DOC)
Cc:	ASCC Pleadings; Yolanda Charles (DOC); Mika Tucker
Subject:	ORDER: Romario Waller v. ADC, Claim Nos. 241591 and 241592
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]

Mr. Kris A. Higdon *(via email)*
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

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. 241592**

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 a drug test.

2. Respondent filed a timely answer.

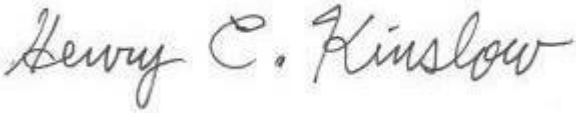
3. Claimant requested a hearing, then filed a motion to compel and motion for default judgment.

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).

Mika Tucker

From: Kris Higdon (DOC)
Sent: Monday, January 13, 2025 7:27 AM
To: ASCC Pleadings
Cc: Tawnie Rowell (DOC)
Subject: Romario Waller v. ADC, 241592
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 108263) **CLAIMANT**

V. **NO. 241592**

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]

/s/ Kris Alan Higdon
Kris Alan Higdon

Arkansas
State Claims Commission
JAN 25 2025
RECEIVED

BEFore the ARKANSAS State Claims Commission
ROMARIO V. WALLER [redacted] CLAIMANT
VS. CLAIM No. 241592
STATE OF ARKANSAS RESPONDENT

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 Juridiction 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 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 Ala Higdon 1302 Pike Ave. Suite C North Little Rock, AR. 72114 through U.S. Postal Service Mail. January 21, 2025.

MR. ROMARIO V. WALLER, [redacted]

[redacted]

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Romario Vermond Waller [redacted] Claimant

vs. Claim No. 241592

State of Arkansas - Division of Correction Respondent

Jurisdictional Brief of Claimant

Pursuant to the order of December 13, 2024 of
Arkansas State Claims Commission
Jessica D. Holcomb, Henry C. Kinslow (Commissioners);
Paul Morris (Chair)

Respectfully Submitted By,

Romario D. Waller

[redacted]

January 28 2025

(Table of Contents)

Informational Statement

This is a jurisdictional brief stating the legal authority jurisdiction of Arkansas State Claims commission to hear claims and complaints against the State of Arkansas for acts committed by state employees of Arkansas Division of Correction at the December 13, 2024 order of Arkansas State Claims Commission Commissioners Jessica D. Holcomb, Henry Kinslow, and Chairman Paul Morris.

Jurisdictional Statement

Pursuant to Arkansas Constitution Article 5, Section 20 (Sovereign Immunity), A.C.A. 19-10-203 (Duties of Director), A.C.A. 19-10-204 (Jurisdiction (a)(1)), A.C.A. 19-10-205 (Rule Making Authority), A.C.A. 19-10-206 (Meetings), A.C.A. 19-10-207 (Power to Examine), A.C. A. 19-10-208 (Complaints), A.C.A. 19-10-209 Time for Filing, A.C.A. 19-10-210 Notice and Hearings, and A.C.A. 19-10-211 -223 et. seq. Arkansas State Claims Commission has jurisdiction of this matter.

Point To Be Relied Upon

The Arkansas State Claims Commission has exclusive jurisdiction pursuant to Arkansas Constitution Article 5, Section 20 over all claims against the State of Arkansas for the acts or actions of it's employees and officers violations of clearly established principles of law (Pitcock v. State, 91 Ark. 527, 121 S.W. 742 (1901)).

Table of Authorities

Statement of the Claim

While I was under review by Arkansas Post-Prison Transfer Board 3-19-2023 as I was detained in ADC custody one of its officers Dwyatt Felts falsified disciplinary allegations/evidence and defamed my character by falsely alleging I refused a urine test, falsely alleging he found tylenol hidden in my hygiene bag and falsely alleged he found (K2) synthetic cannibinoids in my quran. He falsified a field test report and chain of custody form, photos and statements. ADC Officer Sgt. Miles delivered me a copy of the false report. I found Dwyatt Felts falsely alleged he found the drugs while searching Inmate Johnson, G. property at the same time as mine, which was impossible. Sgt. Miles refused to write my witness/evidence request as to be (a) Ark. State Crime

Lab confirmation of the test results, name of the false field test, use procedures, qualifications for use, internal affairs investigation; including cvsa lie detector. Hearing officer Justine Minor (Disciplinary Judge), Warden Earl T. Richmond, Dexter Payne (Director), upheld all punishments, verdicts though Dwyatt Felts' actions are violative of ADC employee conduct standards, and laws of Arkansas to include falsifying files, records, work related documents, falsifying inmate files and records, obstructing governmental operations, malicious arrest, malicious prosecution. As a result of being reduced to Class IV (4) for one year, I was at class 4 during my 2-15-2024 Parole Hearing and was denied access to the hearing because of the class 4 verdict thereby hindering my parole / Review and leading also to Dwyatt Felts' family (John Felts - Arkansas Parole Board) and Arkansas Parole Board to indefinitely deprive me a parole hearing. As a result, my character has been defamed and I lost access to a parole hearing (2-15-2024) due to Dwyatt Felts - state official actions that are barred by the doctrine of sovereign immunity from being raised in courts of general jurisdiction for the said official and personal acts.

Argument

Arkansas State Claims Commission has jurisdiction to hear and resolve claims against the State of Arkansas for the acts or actions of state agents, state officers, state employees; pursuant to Arkansas Constitution Article 5, Section 20 (1874) the State of Arkansas shall never be made a defendant in any of her courts. See also A.C.A. 19-10-204 (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. Through passing laws, the Arkansas General Assembly has not made an exception for suit to Arkansas for acts committed at an ADC agency prison facility ~~by prisoners~~ for acts committed by ADC employees (state agents/officials) against ADC prisoners. According to A.C.A. 19-10-205 - Rule Making Authority "the Arkansas State Claims Commission may make or alter or amend all rules governing the procedures before the commission that may be necessary and expedient for the orderly discharge of the commission's duties and that are not inconsistent with this sub-chapter or other laws." Subsequently, A.C.A. 19-10-208 Complaints (F)(1) a claimant who is an inmate in the Division of Corrections or the Division of Community Corrections at the time the claim or action is filed

is limited to no more than: (a) five pages of written factual allegations and legal arguments in his or her complaint; and (b) five additional pages of exhibits to accompany his or her complaint. According to A.C.A. 19-10-208 (F)(3)(D)(ii) the commission may set a revisited limit on the number of pages an inmate's complaint and accompanying exhibits may be. These statutes/laws more than indicate jurisdiction of Arkansas State Claims Commission over inmate complaints against the ADC, but also set out various rules related to that jurisdiction directly involving inmate claims against Arkansas related to the ADC.

At the time of the filing, according to my complaint in Romario Vermond Waller (108263) Claimant v. State of Arkansas (ADC) Respondent, I, the Claimant, was detained in ADC custody at East Arkansas Regional Unit Max of Arkansas Division of Correction. The State of Arkansas has absolute and contingent interest in this claim.

"As early as Pitcock vs. State of Arkansas, 91 Ark. 527, 121 S.W. 742 (1909), this court held that the constitutional prohibition was not merely declaratory that the state could not be sued without her consent, but that all suits against the state were expressly prohibited. Extending this immunity to its next logical step, we held that where a suit is brought against an agency of the state in action and liability, and the state though not a real party of record, is the real party in interest so that a judgment for the plaintiff would lie to control the action of the state or subject the state to liability, the action is , in effect, one against the state and prohibited by the constitutional bar (Page v. McKinley, 196 Ark. 131, 118 S.W. 2d 235 (1938)).

In the complaint, the State of Arkansas is the real party in liability, interest, and claims commission action against the Arkansas Division of Correction for acts of State officers, employees, officials, for "Pitcock v. State, 91 Ark 527" purposes. See Romario V. Waller (108263) Claimant vs. Claim No. 241592 State of Arkansas (ADC) to further illustrate the intent OF General Assembly to keep and maintain a doctrine of complete immunity of the State for the Acts of its officers and employees, this court held that in the absence of specific legislation extending immunity to those officers and employees, they were not individually protected under the umbrella of the State's immunity. At the very next session of the Legislature, a statute was passed extending the State's immunity to its officers and employees in the absence of malicious acts. (A.C.A. 19-10-

iv

305 (19-10-305 (1987))) "Fireman's Insurance Co. v. Arkansas State Claims Commission, 784 S. W. 2d 771 301 Ark. 451 (1990)".

In the complaint at bar, I, Romario V. Waller (Claimant), did and truthfully alleged while on 3-19-2023, I was detained as an inmate in custody of th State of Arkansas Division of Correction while Dwyatt Felts (ADC Lieutenant - Officer) a an ADC/State employee when he falsified (arrest documents) a Major Disciplinary report falsely stating on 3-19-2023 he found (K2) cannabinoids hidden in my quran, 21 Tylenol hidden in my hygiene bag, and falsely alleged that I refused to submit to drug testing. Dwyatt Felts further falesly alleged to have conducted an unidentified field test (see ex. A-1) and did not specifically identify any supporting evidence. However, according to the disciplinary hearing action, the hearing officer Justine Minor (ADC) referenced the reliability of the following fabricated/false evidence: "photo of evidence", "401 form", "chain of custody receipt", though I was never made aware of the false evidence prior to the actual hearing nor at or after the hearing until I received the Hearing Action (Ex.). As a result of the false report, false evidence that was made by Dwyatt Felts, I was punished and my character/reputation was defamed by him Dwyatt Felts taking action (falsifying documents, evidence, reports) Dwyatt Felts caused Justine Minor (Disciplinary Hearing Officer - DHO), Warden Earl T. Richmond - DHA (Disciplinary Hearing Administrator) and Director Dexter Payne to take action to uphold the false report, false evidence and punishments + resulting defamation of my character, and loss of Parole Review Hearing in person.

Dwyatt Felts, as an employee, officer, state agent of Arkansas (ADC) is/was obligated by Arkansas Constitution Article 5, Section 20, A.C.A. 19-10-305, and the decision in Fireman's Insurance Co. v. Arkansas State Claims Commission, 784 S.W. 2d (1990) as well as ADC Secretarial Directives, employee conduct standards and his oath of office to not falsify documents, reports, work files, work related documents, or inmate files/records or state records.

The Arkansas Division of Corrections when faced with numerous opportunity to conduct an Internal Affairs Investigation into Dwyatt Felts acts refused to do so and refused to conduct the correlating (lie detector) CVSA Computerized Voice Stress Analysis on myself and Dwyatt Felts discriminatorily but did conduct the same in inmate's case when he was accused of

V.

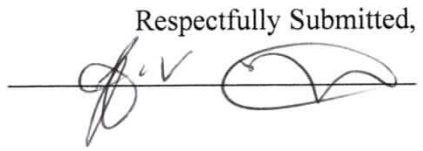
similarly smuggling drugs. This does indicate that the ADC conceded that Dwyatt Felts committed unlawful acts. During the litigation of this claim (241592) the ADC asked the ~~court~~ commission to hold the claim in abeyance while an Internal Affairs investigation was conducted (See Record - Answer dated 4-1-2024). However, the ADC still has not conducted the investigation even after almost a year (See Ex. A-2)

Since the State of Arkansas (Division of Correction) officer and employees maliciously arrested me by falsifying reports and evidence of drug possession and defamed my character without taking action to correct its resulting wrong doing against me while I was in ADC custody, the Arkansas State Claims Commission has jurisdiction of this claim because a ruling in my (Claimant Romario V. Waller) favor would operate to control the action of the State and subject the State to liability for its ADC employees and the State of Arkansas has not waived its sovereign immunity through a change amendment to the Arkansas Constitution nor passed laws waiving the State's immunity or restricting the Claims Commission from hearing these claims. Dwyatt Felts actions led to the Parole Board and his relative depriving me a parole hearing on 2-15-2024 due to being Class IV as a result of the malicious and false documents/actions.

Conclusion

Arkansas Division of Correction (state agency) employee Dwyatt Felts maliciously falsified reports and evidence leading to his family member (John Felts) and Arkansas Parole Board and ADC to take adverse punishments against me and to the falsification of State files, documents and records. Falsely reporting criminal/information violates the legal principle of obstructing governmental operations, false arrest, defamation of character.

Respectfully Submitted,



VI

Certificate of Service

The foregoing was mailed to Arkansas State Claims Commission, 101 East Capitol Ave. , Suite 410, Little Rock, AR 72201 and Krisalan Higdon, 1302 Pike Ave., Suite C, N. Little Rock, AR 72114 on the date of 1-28-2025, 2025 through U.S. Postal Service mail.

Mr. Romario V. Waller ([redacted]

[redacted]

[redacted]

Oath

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

Romario V. Waller

1-28-2025

Date

Vii

Arkansas State Claims Commission
MAR 18 2024
RECEIVED

Please print in ink or type

BEFORE THE STATE CLAIMS COMMISSION
Of the State of Arkansas

☑ Mr.
☐ Mrs.
☐ Ms.
☐ Miss

Romario Waller (ADC [redacted]), Claimant

vs.

State of Arkansas, Respondent

Do Not Write in These Spaces
Claim No. 241592
Date Filed ____ (Month) (Day) (Year)
Amount of Claim $ ____
Fund ____

COMPLAINT

Romario Waller (ADC 108263), the above named Claimant, of [redacted] (City)
(Name) (Street or R.F.D. & No.)

(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 Arkansas Dept of Correction. Amount sought: $[redacted]000.00

Month, day, year and place of incident or service: March 19, 2023 - April 3, 2023 [redacted] / April 3, 2023 - April 19, 2023 [redacted]

Explanation 1) on 3-19-2023 Duvatt & Felts falsified disciplinary allegations that he found (K2) synthetic cannabinoids [Yellowish Paper] hidden in my Holy Quran. he further falsified the report to falsely allege he conducted a Field Test which tested positive for such drugs. At the time D. Felts allegedly found the drugs existed drugs he allegedly was in the process of searching my cell neighbor G. Johnson's property which is impossible to do at one time. 2) upon delivering me a copy of the Disciplinary Allegations Sgt. Miles refused to document on the form (ISSR-100) that as evidence I requested: (a) Arkansas State Crime Laboratory Test Results / confirmation of the alleged drugs and field test & b) the name of the alleged field test and a description of the manufacturer, use procedures and any qualifications for users (c) Internal Affairs - (Lie Detector) Voice stress analysis Test because D. Felts lied and framed me with drugs I did not possess and for a urine Test I did not refuse. ADC Disciplinary Policy allows evidence to be called for. 3) At the Major Disciplinary Hearing Justice Minor refused to obtain the requested evidence and relied upon false evidence that was not cited / listed in D. Felts ISSR-100 report and which I never knew existed, and imposed a 30 day punitive seclusion / 100 days restrictions based upon a false report. 4) During the appeal process Wrightsville warden Earl and the ADC Disciplinary Hearing Administrator T. Richmond(?) and Director (by I. Sanner) supported the punishments / verdicts. The ADC Breached it's duty by refusing to investigate my allegations of being framed, by refusing to allow me to call for evidence, by refusing to allow Ark-Crime Lab to test the so-called drugs and other 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 (Yes or No); when? 3-27-2023 - 7-3-2023 (Month) (Day) (Year); to whom? ADC Major Disciplinary Court / Wrightsville warden Earl / Assistant and Directors Offices (Department) and that the following action was taken thereon: I was required to serve 30 days punitive Isolation days total at Wrightsville / Eam units plus one year total Restrictive housing lockdown days and that $ zero 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 of Claimant/Representative)

SWORN TO and subscribed before me at ____ (City) ____ (State)

(SEAL) on this 2 (Date) day of March (Month), 2024 (Year)

FRANKLIN L. GRAHAM
No. 12704372
SAINT FRANCIS COUNTY
Commission Expires 4-21-2027

(Notary Public)

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

EX. A-1

Disciplinary Hearing Action
03/27/2023 11:50 AM
Page 2

Inmate: Waller, Romario **ADC#:** [redacted] **Unit:** [redacted]

Additional Sanctions/General Comments:

Factual Basis for Decision (This is a short synopsis of the facts as the Hearing Officer perceives them after reviewing all of the evidence.):
inmate was found in possession of drugs and refuse to give a urine sample for drug testing

Evidence Relied Upon:
005 from staff supporting F-1 report. F-1 statement from charging officer. Photo of evidence, 401 form, and chain of custody receipt

Reasons Why Information Purporting to Exonerate Inmate was Discounted:
Staff's eyewitness account is accepted.

Reasons for Assessment of Punishment:
Refusing to submit a urine sample for the testing of drugs of abuse and bein in possession of drugs will not be tolerated.

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 Justine Minor **Date** _____

EX. 3

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO WALLER [redacted] **CLAIMANT**

v. **NO. 241592**

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.

EX. A-2

Pg. 1-OF-6

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER [redacted] CLAIMANT
VS. CLAIM No. 241591
No. 241592

STATE OF ARKANSAS (Division of Correction) RESPONDENT

AFFIDAVIT OF CLAIMANT

I THE CLAIMANT MR.- ROMARIO VERMOND WALLER: [redacted] 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 OF Correction Prison unit EAST ARKANSAS REGIONAL UNIT AS FOLLOWS:

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]

[Continued]

B. Both MY Jurisdictional Briefs were attached to "REQUEST FOR INTERVIE FORMS explaining among Other thin MY Filing Deadline was JAN. 23, 2025 that I Needed Copies, Typing, and Indigent Legal supplies / Forms to mail the comple 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. WALLE submitted MY MOTION / REQUEST F Extension OF Time to File MY JURISDICTI BRIEFS due to ADC Law Library Failu to Follow it's own Policy by either Comple 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 SUPPLI

F. ON THE NIGHT AND EARLY MORNING JAN. 21, 2025 - JAN. 22, 2025 (Leg mail Submission Time) Neither ADC Shift Supervisor Levy Watson (Lieute or any Authorized Staff would take rec OF MY LEGAL MAIL CONTAINING MY TI JURISDICTIONAL BRIEFS.

G. Review OF MAX CELL BLOCK 8 - CARK. 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 Conduc Legal mail Pick-UP.

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

(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 it's 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 needed someone to take-up my Legal mail and that This day (1-28-2025) was my LEGAL Mailing Deadline.

2. ON 1-28-2025 THE ADC Further deprived me ACCESS to the Arkansas State Claims Commission when From approximately 6:00 A.m. - 10:00 Am No staff, officers, or employees made Legal Mail Rounds on the DAY shift to compensate For Lt. WATSONS night-shift Legal Rounds/LEGAL mail Pick-up deprivation.

3. On 1-28-2025 I expressed suicidal thought to officer BANKS at approximately 8:00 P.m - 9:00 P.m. However officer White directed MR. BANKS not to call it over the Security Radio and not to Report it.

- See Attached Pg. 4-of-]

(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:s 241591 / 241592 along 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'd ASked Officer BANKS 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 BANKS 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) INK Pen; (1) address Book; (2) Deoderant (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 [LUNCH].
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 it's 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 9, 2025 order From Jan. 29, 2025 - February TIMELY mailed each ANSWER.
[See Attached Pg. 6 OF - 6]

(Pg. 6-of-6)
[CONTINUED]

CONCLUSION

SINCE THE STATE OF ARKANSAS has violated it's own CONSTITUTION and overruled A.C.A. 19-10-201 et.Seq. by Ruling and enforcing the NO-LEGAL RIGHTS Rule 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 Title Paper outside the established Format. That the Director/commission order the STATE OF ARKANSAS to Cease the said Cruel 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 Daily 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 Reason.

MR. ROMARIO V. WALLER. [redacted]

Pg. 6-OF-6

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO VERMOND WALLER [redacted] CLAIMANT

VS. CLAIM NO. 241592

STATE OF ARKANSAS RESPONDENT

ANSWER TO BRIEF IN SUPPORT OF DISMISSAL

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 any and all claims against ARKANSAS for the MALICIOUS ACTS OF it's OFFICER's, employees, and agencies when such as here, a Ruling in favor OF the Claimant/ Plaintiff would control the ACTION OF the STATE of 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. Ann. 25-15-201 et.seq Prohibits the Arkansas state claims commission From Hearing Prisoner Claims against ARKANSAS For the Acts of it's 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 EMPLOYEES/ Official 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 or Feb. 3, 2025 (see AFFIDAVIT) due to ARKANSAS NEW and UNexpected Rule Prohibitting 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 Ink Pen and/or copies. See attachment 1.

RESPECTFULLY SUBMITTED,

CERTIFICATE OF SERVICE

The Foregoing mailed to ARKANSAS STATE CLAIMS COMMISSION 101 EAST CAPITOL AVENUE, Suite 410, Little Rock, ARKANSAS. 72201 and Troy Alan Rydon 1302 Pike Avenue, Suite C, North Little Rock, ARKANSAS. 72114 Feb. 5, 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 [redacted] in house form.

MR. ROMARIO V

Name: WALLER	ADC Number: [redacted]	Barracks: 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	☐	Classification	☐	Commissary	☐	Assistant/ Deputy Warden	☐
Issuance	☐	Food Service	☐	Hobby Craft	☐	General Library	☐
Law Library	☑	Laundry	☐	Mail Room	☐	Medical	☐
Mental Health	☐	Parole	☐	Property	☐	Records	☐
Security	☐	Visitation	☐	Warden	☐	Other:_____	☐

Give a detailed reason for your request: 1. 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 handwritten 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. (2) Also the Pen red Legal Assist/ copy Forms are not available in Restrictive 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 (MT.)~~ Sgt. Sparkman

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

ROMARIO VERMOND WALLER. [redacted] CLAIMANT

VS. CLAIM NO. 241592

STATE OF ARKANSAS RESPONDENT

ANSWER TO BRIEF IN SUPPORT OF DISMISSAL

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 any and all claims against ARKANSAS for the MALICIOUS ACTS OF it's OFFICERS, EMPLOYEES, and agencies when such as here, a Ruling in favor OF the CLAIMANT/ PLAINTIFF would control the ACTION OF the STATE of 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. Ann. 25-15-201 et.seq Prohibits the Arkansas State Claims Commission From Hearing Prisoner Claims against ARKANSAS For the Acts of it's 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 EMPLOYEE'S/ OFFICIAL' 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 Ink Pen and/or copies. see attachment 1.

RESPECTFULLY SUBMITTED,

CERTIFICATE OF SERVICE

The Foregoing mailed to ARKANSAS STATE CLAIMS COMMISSION 101 EAST CAPITOL AVENUE, Suite 410, Little Rock, ARKANSAS. 72201 and Troy Alan Rydon 1302 Pike AVENUE, Suite C, North Little Rock, ARKANSAS. 72114 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 [redacted] in house form.

Name: MR. ROMARIO V. WALLER	ADC Numbe[redacted]	Barracks: 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	☐	Classification	☐	Commissary	☐	Assistant/ Deputy Warden	☐
Issuance	☐	Food Service	☐	Hobby Craft	☐	General Library	☐
Law Library	☑	Laundry	☐	Mail Room	☐	Medical	☐
Mental Health	☐	Parole	☐	Property	☐	Records	☐
Security	☐	Visitation	☐	Warden	☐	Other:_____	☐

Give a detailed reason for your request: 1. 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 handwritten 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 Hand over 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 in both cases No.s 241541/241542. (2) Also the required Legal Assist/ copy Forms are not available in Restrictive 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 (MAF)~~ Sgt. Sparkman.

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

MR. ROMARIO V. WALLER. CLAIMANT
[redacted]

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

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 arguement 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 languange 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 aint 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/or 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. Southerd (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 unknowing what Clark has done. You have been notified officially. RESPECTFULLY Romario". (ENDQUOTE). (see Attached Exhibit-1).
However, Ms. Southerd as of May 12, 2025 did not take action.

7. The time frame which Ms. Southerd 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 Acti 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 one-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 views, reviews, reads, touch, handle, opens, seals, 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 Area's 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 Supervisors 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] MX - 6946
TO: MSSOUTHERN AND ALL MAILROOM 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 unknowing what Clark has done, You have been notified officially.

RESPECTFULLY,
ROMARIO.

(HardCopy)

EX. 1

Attachment III

DIVISION OF CORRECTION

REPORT OF STOLEN PROPERTY

To: JOHN C. HAYNES. ~~CAPTAIN PADILLA~~ Date: MAY 8, 2025

Chief Security Officer

Inmate Name: MR. ROMARIO V. WALLER. ADC # [redacted]

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 and Stone awake me for escort to Captain Padilla office for Legal mail call. Clark Refused to escort me to Legal mail call by stating: "~~YOU~~ don't have to do all that Bitching (which is sexual Harassment) due to my demanding to be given access to NOTARY for ~~LEGAL~~ STATE CLAIMS COMMISSION cases Captain Padilla previously 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 ~~LEGAL MAIL~~ incoming Legal mail and P.R.E.A Complaint First Responder Action.

Inmate Signature

- COPY made

200-25

EX. 2

Mika Tucker

From:	Misty Scott on behalf of ASCC Pleadings
Sent:	Thursday, September 11, 2025 3:15 PM
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
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 *(via email)*
Mr. Miles Morgan
Mr. Trent Rigdon
Ms. Taylor Reavis
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

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. 241592**

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 a drug test.

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*, that 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 violated Respondent's employee conduct standards.

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.

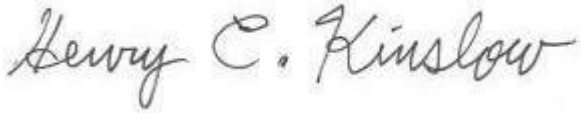
9. As such, pursuant to Ark. Code Ann. § 25-44-204 and Ark. R. Civ. P. 12(h)(3), Claimant's claim is DISMISSED.

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

ROMARIO WALLER... [redacted] CLAIMANT
V. CLAIM No. 241592
ARKANSAS DIVISION OF CORRECTION RESPONDENT

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

Comes now on September 23, 2025 the day after I received the 9-8-2025 ORDER do I Romario waller give notice of Appeal of the Arkansas state Claims Commission dismissal of my Claim No. 241592 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, and or the GENERAL ASSEMBLY.

RESPECTFULLY SUBMITTED,

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]
P.O. BOX 970
Marianna, AR. 72360.