

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

MR. ROMARIO V. WALLER, Claimant

VS.

STATE OF ARKANSAS, RESPONDENT

Arkansas
State Claims Commission

MAR 07 2025

RECEIVED

Do not write in this space

Claim do. _____
Date Filed: _____
(Month)(Day)(Year)
Amount of Claim \$ _____
Filed _____

COMPLAINT

ROMARIO WALLER, (a) [REDACTED]

the above named claimant of [REDACTED]

Represented by: Pro. Se, [REDACTED]

(#2,500.00 Per Day X 30 days). Arkansas Division of Correction. Amount Sought: \$75,000.00

months day, Year and Place of Incident or service: 12/14/2023 - 3/14/2024?

On December 10, 2023, the claimant was detained at the A.D.C. [REDACTED]

[REDACTED] max cell Block 6, cell # 642 which is a solitary confinement cell with a solid steel door, differing from E.A.R.U max cell Blocks 1, 3, 5, 7 which have bar gate doors. A.D.C. Employee Sgt. Barbara Johnson in Her Official Capacity as Correctional Sgt. (Sergeant) Filed a False Issr-100 allegedly that on 12-10-2023 I was allegedly (quote): "standing at his cell bars with his erect penis in his hand moving it in a backward and forward motion while looking directly at me. I gave him several direct orders to cease his actions, but to no avail, he refused."

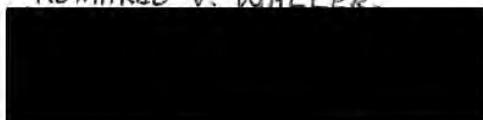
For that reason Sgt. Johnson charged me (the claimant Mr. Waller) with rules 12-3 / 10-3. Sgt. Johnson clearly knew she was falsifying her report. At the 12/14/2023 Major Disciplinary Hearing the DHO (Disciplinary Hearing Officer) Keith Waddle agreed with me, the claimant that Mr. Waller could not have done the things as alleged since cell block 6 cell 642 does not have cell bars for it to have been done at and that it was impossible for the alleged incident to have occurred as written by Sgt. Johnson. However DHO Waddle convicted me of Indecent Exposure / Disobeying orders for allegedly masturbating in an area in a situation that does not exist / impossible to occur. The said actions of DHO Waddle/Johnson is malicious arrest / malicious prosecution and prohibited by Arkansas Constitution Article 5, Section 20. DHO Waddle sentenced me to 30 days punitive isolation, 60 each visitation / commissary restriction and reduction in Good Time Class. The said punishment is malicious since DHO Waddle admitted the incident as written was impossible to occur.

Director Payne, in his memorandum omitted Sgt. Johnson's factual statement that the alleged incident occurred at the cell bars. Omission (Falsification) is not an authorized act and is an act of maliciousness.

AS Parts of this complaint, the Claimant makes the Statements and answers the following questions as indicated: (1) Has the Complaint been Presented to any State Department or Officer thereof? YES; Wiled: 12-14-2023 thru 2-12-2024 Appeal Process to Warden, Hearing Administrators Director, and the following action was taken thereon: Verdict/Punishment's Affirmed, and that \$0 was paid thereon. (2) Has any third Person or Corporation any interest in this Claim? NO;

The undersigned states on OATH that ^{HE} ~~HE~~ (1) am familiar with the matters and things set forth in the above Complaint, and that I (HE) verily believes that they are true Pursuant 42 U.S.C.A 1746.

ROMARIO V. WALLER



CERTIFICATE OF SERVICE

The Foregoing mailed to ARKANSAS State Claims Commission 801 East Capitol Avenue, Suite 410 Little Rock, ARKANSAS 72201-3325 through U.S. Postal Service Mail First Class March 5, 2025.

ISSR100

X6-42

Arkansas Department of Corrections

MAJOR DISCIPLINARY

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

Inmate: Waller, Romario

ADC#: [REDACTED]

Assignment: AM/PM:Ext Restrictive Housing

Class: IV is being charged by Williams-Johnson, Barbara A
with code violation(s):

12-3 Failure or refusing to obey verbal and/or written order(s) of staff

10-3 Indecent exposure and/or masturbation; may result in a referral for criminal prosecution (examples include, but are not limited to, verb non-verbal gestures).

Date & Time: 12/10/2023 2:55 PM

Notice of Charges:

Incident Report Unit: [REDACTED]

Incident Report Date/Time: 12/10/2023/02:55:27 PM

Incident Report Number: 2023-12-073

Incident Report Comments By: Barbara A Williams-Johnson

On 12/10/2023 at approx. 2:55 pm I Sgt B. Williams Johnson was conducting chow in Max 6 (Zone 3) when I approached cell 42 housed by inmate R. Waller ADC # [REDACTED] (Verified by EOMIS picture roster) standing at his cell bars with his erect exposed penis in his hand moving in a backward and forward motion while looking directly at me. I gave him several direct orders to cease his actions, but to no avail. he refused. Inmate Waller has been found guilty of 1 indecent exposure in the past, so no affidavit was needed. Inmate Waller knows his actions are against ADC and unit policy, I, Sgt B. Williams- Johnson I am charging him with the following rule violations 12-3, 10-3 pending DCR EOS

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

Signature of Charging Officer

NOTIFICATION:

Officer

Sgt B. Williams

Date & Time Notified

12-11-23 9:38A

Witness Statements:

No ☒

If yes, list:

Disciplinary Policy

Inmate's Signature

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

By: Taylor, Scott A

Date 12/11/2023

Extension:

No ☒

Yes

Has extension form been completed?

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

Counsel-Substitute: Assigned (Name)

Not Assigned

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
 10-3 Indecent exposure and/or masturbation; may result in a referral for criminal prosecution (examples include, but are not limited to, verbal and/or non-verbal gestures).

Date/Time of Alleged Offense(s): 12/10/2023 2:55 PM

Hearing Date: 12/14/2023

Time: Start 7:32 AM

End 7:39 AM

Recorder: Waddle, Keith L

Tape#:

Side:

Meter: From

To

Plea: Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

I ask for the disciplinary manual. There are not any cell bars in cellblock 6. The disciplinary was not signed.

Signature of Inmate _____

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Guilty

Restriction Days to Serve

Commissary: 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
12/14/2023 10:13 AM
Page 2

Inmate: Waller, Romario

ADC#: [REDACTED]

Unit: [REDACTED]

Additional Sanctions/General Comments:

restrictive housing.

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 indecently exposed his penis and disobeyed an order to stop.

Evidence Relied Upon:

F-1 statement from charging officer.

Reasons Why Information Purporting to Exonerate Inmate was Discounted:

Staff report is accepted.

Reasons for Assessment of Punishment:

Inmate must not indecently expose his penis.

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

Kath Waller

Date _____

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11220
JAN 18 2024

F.50144 STRATOR

Major Disciplinary Appeal Form

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FEB 13 2024

Director
Arkansas Department of CorrectionsInmate Name MR. ROMARIO V. WALLER ADC# [REDACTED]Unit/Center [REDACTED] Punitive Isolation ☒ Yes ☐ NoDisciplinary (date) 10/10/2023 by (charging officer) Corporal Sgt. Darbuz A. Williams

Arkansas Department of Corrections

12/14/2023 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: [Signature] Date 1/2/24Jan 1, 2024 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: [Signature] Date 1-24-24Feb 12, 2024 The Date Received by Romario V. Waller.
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: [Signature] Date 2-18-24

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) According to ADC INMATE MAJOR DISCIPLINARY MANUAL SECTION VII-D the charging person shall be specifically as to... WHERE WHEN HOW WHY the Rule infraction is being brought. The charging person did not sign her oath under penalty of perjury. According to D.H.O K. Waddle He "believes/knows" E.A.R.U MX CELL BLOCK 6 does not have cell bars in the doorway area of cells but have solid steel doors. However He relied upon the F-1 statement which alleges I was at the cell bars of MX cell block 6 - 42 cell, though the statement did not have the signature of charging person's oath. Since it is impossible for me to be standing at MX-642 cell bars due to no cell bars existing, therefore the verdicts of guilty should be reversed along with the sentences.
2. I was deprived procedural due process because I initially requested the disciplinary notification officer's files to cite the 12-10-2023 security video as evidence to illustrate there are no cell bars in max-cell block 6 that I could possibly be standing at while allegedly masturbating. However I was deprived that evidence and the current major disciplinary manual.
3. According to the 12/14/2023 disciplinary hearing action by Keith Waddle the "evidence relied upon" and "reasons why ~~conviction~~ information purporting to exonerate inmate was discounted" are a "F-1 statement from charging officer" / "staff report is accepted". The guilty verdicts are erroneous because the F-1 statement / staff report alleges I was standing at cell bars of cell # MX-642 though such an area does not exist at E.A.R.U MAX.

Inmate's Signature: [Signature] Date: December 14, 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



MEMORANDUM

TO: Inmate Romario Waller, ADC [REDACTED]
FROM: Dexter Payne, Director *Dexter Payne*
RE: Major Disciplinary Appeal
DATE: March 18, 2024

Please be advised that I am in receipt of your disciplinary appeal regarding the major disciplinary you received 12/10/2023 at 02:55 pm from Sgt. Williams-Johnson.

You stated in your disciplinary appeal that specific details were left out of your disciplinary.

Your disciplinary states, "On 12/10/2023 at approx. 2:55 pm I Sgt B. Williams Johnson was conducting chow in Max 6 (Zone 3) when I approached cell 42 housed by inmate R. Waller ADC [REDACTED] (verified by EOMIS picture roster) standing at his cell bars with his erect exposed penis in his hand moving it in a backward and forward motion while looking directly at me. I gave him several direct orders to cease his actions, but to no avail. he refused. Inmate Waller has been found guilty of 1 indecent exposure in the past, so no affidavit was needed. Inmate Waller knows his actions are against ADC and unit policy, I, Sgt B. Williams- Johnson I am charging him with the following rule violations 12-3, 10-3 pending DCR EOS"

You stated during your disciplinary hearing "I ask for the disciplinary manual. There are not any cell bars in cellblock 6. The disciplinary was not signed."

After a thorough review of all the documents pertaining to this matter, I am upholding the guilty verdicts of rule violations 12-3/Failure to obey verbal and/or written orders of staff; 10-3/Indecent Exposure and/or Masturbation; may result in a referral for a criminal prosecution; therefore, your disciplinary is upheld.

DP:ls
cc: Warden / Inmate File / File

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

March 17, 2025

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

RE: **Claim No. 251323 – deficient filing**

Dear Mr. Waller,

This office received the enclosed claim documents relating to an incident. Your claim cannot be filed, however, because you did not complete a complaint form. This form is required for all claims. For your convenience, a complaint form is enclosed.

Please complete the enclosed form, sign it in the presence of a Notary Public, and return it to this office. Your other claim documents will be retained here to be filed upon receipt of your completed forms.

Contact my office with any questions.

Sincerely,

Mika Tucker

ES: cmcdaniel

Enclosures (supporting documents file-marked 3/7/2025, new complaint form)

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 15, 2025

Romario V. Waller (ADC [REDACTED])

RE: Claim No. 251323 – deficient filing

Dear Mr. Waller,

Your claim has been filed but has not been transmitted to the Arkansas Department of Correction because the claim documents you filed on March 7, 2025, and July 8, 2025, cumulatively exceed the page limitations set out in Ark. Code Ann. § 25-44-208(f). The text of this subsection is set out on the following page for your review. I am enclosing your filings for your convenience.

Pursuant to Ark. Code Ann. § 25-44-208(f)(3)(A)(ii), you have forty-five days from the date of this letter to resubmit your complaint in compliance with the statute or to file a motion for leave to exceed the page limitations. Failure to do so will result in the dismissal of your claim without prejudice. Ark Code Ann. § 25-44-208(f)(3)(C).

If you intended that only your July 8, 2025, filing constitutes your complaint, you may simply notify the Commission accordingly without resubmitting these documents.

Sincerely,

Mika Tucker

ES: cmcdaniel

Enclosures (supporting documents file-marked 3/7/2025, claim form and supporting documents file-marked 7/8/2025)

Ark. Code Ann. § 25-44-208(f)

- (1) A claimant who is an inmate in the Department of Correction or the Department of Community Correction at the time the claim or action is filed is limited to no more than:
 - (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
 - (B) Five (5) additional pages of exhibits to accompany his or her complaint.
- (2)
 - (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
 - (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.
- (3)
 - (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
 - (i) Assign the inmate's claim a docket number; and
 - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
 - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
 - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.
 - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.
 - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
 - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
 - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.
 - (D)
 - (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
 - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

ARKANSAS CLAIMS COMMISSION

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



Questions? Send an email to
ascc.new.claims@arkansas.gov

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

Arkansas
State Claims Commission

JUL 08 2025

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CLAIM FORM

1. Claimant Information.

Mr. Waller Romario V.

(ADC Number)

2. **Claimant's Legal Counsel.** An individual claimant may act as his or her own attorney (which is known as proceeding *pro se*). If a claimant is proceeding *pro se*, this section may be left blank.

(title)	(last name)	(first name)	(email)
(address)		(AR bar number)	
(city)	(state)	(zip)	(primary phone)

3. **State Agency Involved.** The Commission can only receive claims against agencies of the State of Arkansas. Please review the Commission's jurisdictional statutes, including Ark. Code Ann. § 19-10-204 and Ark. Code Ann. § 21-5-701, for more information. This information is required for any claim filed at the Commission. Arkansas Division of Correction (A.D.C.)

4. **Date of Incident** 12-14-2023 thru 3-14-2024

5. **Location of Incident**

6. **Explanation of Incident.** Please provide an explanation of your claim, including why you believe the above-listed state agency is liable for your damages under Arkansas law. You may attach additional pages to this form. Please note that a claimant who is an inmate of the Division of Correction or the Division of Community Correction at the time the claim is filed is subject to the page limitations set forth on page 4 of this form (see Ark. Code Ann. § 19-10-208(f)).

on December 10, 2023 I was detained At [REDACTED] Max (CB) cell Block 642 which was and currently is secured with a solid steel door having a large vertical-rectangular windows and a steel hand operated food slot trap door, differing in design and locations as Max CB- [REDACTED] 1, 2, 3, 4, 5, 7, and 8 which are secured with "steel bar gates".

On 12-10-2023 Acting in Her official capacity Barbara Johnson as A.D.C Security-Correctional Sergeant falsely alleged she'd arrived at cell 642 and I was allegedly standing at the cell bars committing indecent exposure which was/is scientifically and physically impossible. At the 12-14-2023 Major Disciplinary Hearing (DHO)

Disciplinary Hearing Officer Keith Waddle is Recorded on the Teleconference Video admitting and agreeing with me that He was aware Max 6, hence 642 cell had a solid steel door as differing from the steel bar gates of Max 1, 2, 3, 4, 5, 7, and 8. He agreed/admitted the alleged incident could not have occurred "as written" due to that fact. However, in His official capacity as (DHO) Disciplinary Hearing Officer He convicted me of indecent exposure / disobeying orders in what He deemed a situation which could not have occurred as written.

Waddle sentenced me to 30 days punitive isolation / 60 days Restriction of Privileges, warden Moses Jackson's and A.D.C (DHA) Disciplinary Hearing Administrator [Name illegible] and Director Dexter Payne approved / affirmed the verdict / punishment imposed by Waddle during the appeal process.

~~The Defendant~~

The Act of falsifying an F-831-1 / ISSR-100 is a malicious and unauthorized act of Barbara Johnson.

The Act of convicting / punishing me for allegations He deemed impossible to occur is a malicious act of Keith Waddle.

The Act of affirming a disciplinary action for an incident deemed impossible to occur is a malicious act of Moses Jackson's A.D.C DHA's and Dexter Payne.

Being subjected to any form of punishment for false F-831-1 / ISSR-100 is not part of the normal aspects / conditions expected while in prison and is unauthorized & prohibited under Arkansas Administrative codes and Related Policy.

7. **Amount of Damages, if known:**

\$ 75,000.00

IMPORTANT!

A claim filed at the Commission is a lawsuit against a state agency. The Commission is the courthouse for these lawsuits. Please note that Commission staff can answer general questions about the claim process but cannot give legal advice. The Commission follows the Arkansas Rules of Civil Procedure and has its own rules of practice and procedure. Both sets of rules may be found in your law library.

STOP HERE!

This signature page must be completed in the presence of a Notary Public. Do not sign until you are directed to do so by the Notary Public. If there is more than one claimant involved in this claim, each claimant must complete a separate signature page.

If you are an ARKANSAS-LICENSED ATTORNEY submitting a claim on behalf of your client, there is a different signature page that must be used. Please call (501)682-1619 and ask for an attorney signature page.

Signature Page for Claim Filed by an Individual Claimant

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.



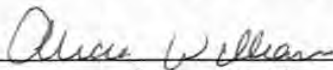
Claimant Signature

ACKNOWLEDGEMENT

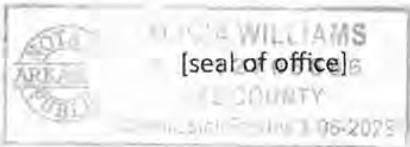
State of Arkansas
County of Lee

On this the 17th day of June, 2025 before me, the undersigned notary, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.



Signature of Notary Public



My Commission Expires: 3-06-2028

Ark. Code Ann. § 19-10-208(f)

- (1) A claimant who is an inmate in the Division of Correction or the Division of Community Correction at the time the claim or action is filed is limited to no more than:
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 - (B) Five (5) additional pages of exhibits to accompany his or her complaint.
- (2)
 - (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
 - (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.
- (3)
 - (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
 - (i) Assign the inmate's claim a docket number; and
 - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
 - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
 - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.
 - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.
 - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
 - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
 - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.
 - (D)
 - (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
 - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

ISSR100

X6.42

Arkansas Department of Corrections

MAJOR DISCIPLINARY

If the C.S.O. determines that the violations described on this document are felonious, he must hand carry this document to the Unit W who must immediately notify the Director.

Inmate: Waller, Romario

ADC#: [REDACTED]

Assignment: AM/PM:Ext Restrictive Housing

Class: IV is being charged by Williams-Johnson, Barbara A
with code violation(s):

12-3 Failure or refusing to obey verbal and/or written order(s) of staff

10-3 Indecent exposure and/or masturbation; may result in a referral for criminal prosecution (examples include, but are not limited to, verb non-verbal gestures).

Date & Time: 12/10/2023 2:55 PM

Notice of Charges:

Incident Report Unit: [REDACTED]

Incident Report Date/Time: 12/10/2023/02:55:27 PM

Incident Report Number: 2023-12-073

Incident Report Comments By: Barbara A Williams-Johnson

On 12/10/2023 at approx. 2:55 pm I Sgt B. Williams Johnson was conducting chow in Max 6 (Zone 3) when I approached cell 42 housed by inmate R. Waller ADC # [REDACTED] (Verified by EOMIS picture roster) standing at his cell bars with his erect exposed penis in his hand moving in a backward and forward motion while looking directly at me. I gave him several direct orders to cease his actions, but to no avail. he refused. Inmate Waller has been found guilty of 1 indecent exposure in the past, so no affidavit was needed. Inmate Waller knows his actions are against ADC and unit policy, I, Sgt B. Williams- Johnson I am charging him with the following rule violations 12-3, 10-3 pending DCR EOS

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

Signature of Charging Officer

NOTIFICATION:

Officer

Sgt B. Williams

Date & Time Notified

12-11-23

9:38 AM

Witness Statements:

No ☒

If yes, list:

Disciplinary Failure

Inmate's Signature

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

By: Taylor, Scott A

Date 12/11/2023

Extension:

No ☒

Yes

Has extension form been completed?

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

Counsel-Substitute: Assigned (Name)

Not Assigned

ISSR101

0098

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
- 10-3 Indecent exposure and/or masturbation; may result in a referral for criminal prosecution (examples include, but are not limited to, verbal and/or non-verbal gestures).

Date/Time of Alleged Offense(s): 12/10/2023 2:55 PM

Hearing Date: 12/14/2023 Time: Start 7:32 AM End 7:39 AM

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

Plea: Not Guilty, Not Guilty Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

I ask for the disciplinary manual. There are not any cell bars in cellblock 6. The disciplinary was not signed.

Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Guilty

Restriction Days to Serve

Commissary:	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

12/14/2023 10:13 AM

Page 2

Inmate: Waller, Romario

ADC#: [REDACTED]

Unit: [REDACTED]

Additional Sanctions/General Comments:

restrictive housing.

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 indecently exposed his penis and disobeyed an order to stop.

Evidence Relied Upon:

F-1 statement from charging officer.

Reasons Why Information Purporting to Exonerate Inmate was Discounted:

Staff report is accepted.

Reasons for Assessment of Punishment:

Inmate must not indecently expose his penis.

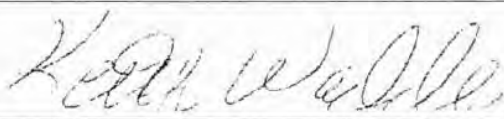
I have read this report and understand that I may appeal to the Warden about any decision made in this matter within fifteen (15) working days by completing the "Disciplinary Appeal" form.

Inmate's Signature _____

Counsel-Substitute _____

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

Hearing Officer



Date _____

150/63 11220
JAN 18 2024

ADMINISTRATOR
Disciplinary Appeal Form

Director
Arkansas Department of Correction

Inmate Name MR. ROMARIO V. WALLER ADC# [REDACTED]

Unit/Center [REDACTED] Punitive Isolation ☒ Yes ☐ No

Disciplinary (date) 12/10/2023 by (charging officer) CORPORAL / SGT. BARBARA A. WILLIAMS - JONES

Received

FEB 15 2024

Arkansas Department of Correction

12/14/2023 Appealed to Warden/Center Supervisor: Note, if you do not agree with the decision of the Disciplinary Hearing Officer, you have 15 business days from receipt of disciplinary action to appeal to the Warden/Center Supervisor.
Warden's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)
Signature: [Signature] Date 1/2/24

Jan 18, 2024 Appealed to Disciplinary Hearing Administrator: Note, if you do not agree with the response of the Warden/Center Supervisor, you may appeal within 15 business days from receipt of the Warden/Center Supervisor's response to the Disciplinary Hearing Administrator.
DHA's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)
Signature: [Signature] Date 1-24-24

Feb 12, 2024 The Date Received by Romario V. Waller.
Appealed to Director: Note if you do not agree with the Disciplinary Hearing Administrator's response, you may appeal within 15 business days from receipt of the Disciplinary Hearing Administrator's decision to the Director.
Director's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)
Signature: [Signature] Date 2-18-24

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) According to ADC INMATE MAJOR DISCIPLINARY MANUAL SECTION VII and the charging person shall be specifically as to ... WHERE WHEN HOW why the Rule infraction is being brought. The charging person did not state her on the under penalty of Perjury. According to D.H.O K. Waddle He "believes / knows" [REDACTED] MX cell Block 6 does not have cell bars in the doorway area of cells but have solid steel doors. However He relied upon the F-1 statement which alleges I was at the cell bars of MX cell Block 6 - 42 cell, though the statement did not have the signature of charging persons on the side it is impossible for me to be standing at MX-642 cell bars due to no cell bars existing. Therefore the verdicts of Guilty should be Reversed along with the sentences.
2. I was deprived procedural due process because I initially requested the disciplinary notification officer to cite the 12-10-2023 security video as evidence to illustrate there are no cell bars in max cell Block 6 that I could possibly be standing at while allegedly masturbating. However I was deprived that evidence and the current major disciplinary manual.
3. According to the 12/14/2023 disciplinary hearing action by Keith Waddle the "evidence relied upon" and "reasons why ~~information~~ information purporting to exonerate inmate was discounted" are: "F-1 statement from charging officer" / "staff report is accepted". The guilty verdicts are erroneous because the F-1 statement / staff report alleges I was standing at cell bars of cell # MX-642 though such an area does not exist at E.A.R.U. MAX.

Inmate's Signature: [Signature] Date: December 14, 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



MEMORANDUM

TO: Inmate Romario Waller, ADC [REDACTED]
FROM: Dexter Payne, Director *Dexter Payne*
RE: Major Disciplinary Appeal
DATE: March 18, 2024

Please be advised that I am in receipt of your disciplinary appeal regarding the major disciplinary you received 12/10/2023 at 02:55 pm from Sgt. Williams-Johnson.

You stated in your disciplinary appeal that specific details were left out of your disciplinary.

Your disciplinary states, "On 12/10/2023 at approx. 2:55 pm I Sgt B. Williams Johnson was conducting chow in Max 6 (Zone 3) when I approached cell 42 housed by inmate R. Waller ADC [REDACTED] (Verified by EOMIS picture roster) standing at his cell bars with his erect exposed penis in his hand moving it in a backward and forward motion while looking directly at me. I gave him several direct orders to cease his actions, but to no avail, he refused. Inmate Waller has been found guilty of 1 indecent exposure in the past, so no affidavit was needed. Inmate Waller knows his actions are against ADC and unit policy, I, Sgt B. Williams- Johnson I am charging him with the following rule violations 12-3, 10-3 pending DCR EOS"

You stated during your disciplinary hearing "I ask for the disciplinary manual. There are not any cell bars in cellblock 6. The disciplinary was not signed."

After a thorough review of all the documents pertaining to this matter, I am upholding the guilty verdicts of rule violations 12-3/Failure to obey verbal and/or written orders of staff; 10-3/Indecent Exposure and/or Masturbation; may result in a referral for a criminal prosecution; therefore, your disciplinary is upheld.

DP:ls

cc: Warden / Inmate File / File

BEFORE THE STATE CLAIMS COMMISSION
OF THE STATE OF ARKANSAS

MR. ROMARIO V. WALLER, Claimant
vs.
STATE OF ARKANSAS, RESPONDENT

Arkansas
State Claims Commission

MAR 07 2025

RECEIVED

Do not write in this space	
Claim No. _____	
Date Filed _____	
(month) (day) (year)	
Amount of Claim \$ _____	
Filed _____	

COMPLAINT

Re: ARKANSAS, et al. vs. [REDACTED] the above named claimant is [REDACTED]
represented by: PRO. SE, Says
State Agency involved: ARKANSAS Division of Correction. Amount Sought: \$75,000.00
(42,500.00 Per Day X 30 days).
months day, year and Place of incident or service: 12/14/2023 - 3/14/2024?

on December 10, 2023 I the claimant was detained at the A.D.C. [REDACTED]
max cell Block 6, cell # 642 which is a solitary
confinement cell with a solid steel door, differing from E.A.R.U max cell blocks -
1, 3, 5, 7 which have bar gate doors. A.D.C. employee Sgt. Barbara Johnson in her
official capacity as correctional Sgt. (Sergeant) Filed a False Issue-100 allegedly that
on 12-10-2023 I was allegedly: (quote): "standing at his cell bars with his erect
penis in his hand moving it in a backward and forward motion while looking directly
at me. I gave him several direct orders to cease his actions but to no avail he refused."
For that reason Sgt. Johnson charged me (the claimant Mr. Waller) with rules
12-3 / 10-3. Sgt. Johnson clearly knew she was falsifying her report.
At the 12/14/2023 Major Disciplinary Hearing the DHO (Disciplinary Hearing Officer)
Keith Waddle agreed with me the claimant that Mr. Waller could not have done the
things as alleged since cell block 6 cell 642 does not have cell bars for it to
have been done and that it was impossible for the alleged incident to have
occurred as written by Sgt. Johnson. However DHO Waddle convicted me
of indecent exposure / disobeying orders for allegedly masturbating in an area in
a situation that does not exist / impossible to occur.
The said actions of DHO Waddle / Johnson is malicious arrest / malicious prosecution and
prohibited by Arkansas Constitution Article 5, Section 20.
DHO Waddle sentenced me to 30 days punitive isolation, no each visitation / commissary
restriction and reduction in Good Time Class.
The said punishment is malicious since DHO Waddle admitted the incident as written was
impossible to occur.
Director Payne, in his memorandum omitted Sgt. Johnson's factual statement that
the alleged incident occurred at the cell bars. Omission (falsification) is not an
authorized act and is an act of maliciousness.

As Parts of this complaint, the Claimant makes the statements and answers the following questions as indicated: (1) Has the complaint been Presented to any State Department or Officer thereof? YES; Filed: 12-14-2023 thru 2-12-2024 Appeal Process to Warden, Hearing Administrator, Director, and the following action was taken thereon: Verdict/Punishment's Affirmed, and that \$0 was paid thereon. (2) Has any third Person or Corporation any interest in this claim? NO;

The undersigned states on OATH that ^{HE} ~~HE~~ (I) am familiar with the matters and things set forth in the above complaint, and that I (HE) verily believes that they are true Pursuant 42 U.S.C.A 1746. *[Signature]*

ROMARTO V. WALLER

CERTIFICATE OF SERVICE

The foregoing mailed to Arkansas State Claims Commission 101 East Capitol Avenue, Suite 410 Little Rock, Arkansas 72201-3325 through U.S. Postal Service Mail First Class March 5, 2025.

P. 2 of 2

Inmate: Waller, Romario ADC#: [REDACTED]

Assignment: AM/PM:Ext Restrictive Housing

Class: IV is being charged by Williams-Johnson, Barbara A Title: Corporal

with code violation(s):

12-3 Failure or refusing to obey verbal and/or written order(s) of staff

10-3 Indecent exposure and/or masturbation; may result in a referral for criminal prosecution (examples include, but are not limited to, verb non-verbal gestures).

Date & Time: 12/10/2023 2:55 PM

Notice of Charges:

Incident Report Unit: [REDACTED]	
Incident Report Date/Time: 12/10/2023/02:55:27 PM	
Incident Report Number: 2023-12-073	
Incident Report Comments By: Barbara A Williams-Johnson	
On 12/10/2023 at approx. 2:55 pm I Sgt B. Williams Johnson was conducting chow in Max 6 (Zone 3) when I approached cell 42 housed by inmate R. Waller ADC # [REDACTED] (Verified by EOMIS picture roster) standing at his cell bars with his erect exposed penis in his hand moving in a backward and forward motion while looking directly at me. I gave him several direct orders to cease his actions, but to no avail. he refused. Inmate Waller has been found guilty of 1 indecent exposure in the past, so no affidavit was needed. Inmate Waller knows his actions are against ADC and unit policy, I, Sgt B. Williams- Johnson I am charging him with the following rule violations 12-3, 10-3 pending DCR EOS	
(I affirm that the information in this report is true to the best of my knowledge)	Signature of Charging Officer

NOTIFICATION:	Officer Sgt B. Williams	Date & Time Notified 12-11-23 9:38am
---------------	------------------------------	--

Witness Statements: No X If yes, list:

Discontinuing Foreplay

Inmate's Signature

C.S.O. Review:	Outcome: Refer to Hearing Officer/Comm.	
	By: Taylor, Scott A	Date 12/11/2023

Extension:	No <u>X</u> 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
---------------------	-----------------	--------------

ISSR101

Page

Arkansas Department of Correction

DISCIPLINARY HEARING ACTION

Inmate: Waller, Romario

ADC#:



Unit:



Code Violation(s):

12-3 Failure or refusing to obey verbal and/or written order(s) of staff

10-3 Indecent exposure and/or masturbation; may result in a referral for criminal prosecution (examples include, but are not limited to, verbal and/or non-verbal gestures).

Date/Time of Alleged Offense(s): 12/10/2023 2:55 PM

Hearing Date: 12/14/2023

Time: Start 7:32 AM

End 7:39 AM

Recorder: Waddle, Keith L

Tape#:

Side:

Meter: From

To

Plea: Not Guilty, Not Guilty

Attendance Waived: No

Has waiver form been completed? _____

Inmate's Statement:

I ask for the disciplinary manual. There are not any cell bars in cellblock 6. The disciplinary was not signed.

Signature of Inmate

Court Questions:

Do you have a statement?

Sentencing Conditions:

Verdict: Guilty, Guilty

Restriction Days to Serve

Commissary: 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
12/14/2023 10:13 AM
Page 2

Inmate: Waller, Romario

ADC#:

Unit:

Additional Sanctions/General Comments:

restrictive housing.

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 indecently exposed his penis and disobeyed an order to stop.

Evidence Relied Upon:

F-1 statement from charging officer.

Reasons Why Information Purporting to Exonerate Inmate was Discounted:

Staff report is accepted.

Reasons for Assessment of Punishment:

Inmate must not indecently expose his penis.

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

Inmate's Signature

Counsel-Substitute

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

Hearing Officer

Date

RECEIVED
120/63 11220
JAN 10 2024

RECEIVED
JAN 15 2024
Director
Department of Corrections

Handwritten signature

DISCIPLINARY
Major Disciplinary Appeal Form

Inmate Name MR. ROMARIO V. WALLER ADC# [REDACTED]

Unit/Center [REDACTED] Punitive Isolation ☒ Yes ☐ No

Disciplinary (date) 12/10/2023 by (charging officer) Corporal / Sgt. Barbara A. Williams - Johnson

12/14/2023 Appealed to Warden/Center Supervisor: Note, if you do not agree with the decision of the Disciplinary Hearing Officer, you have 15 business days from receipt of disciplinary action to appeal to the Warden/Center Supervisor.
Warden's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)
Signature: *mif* Date 1/2/24

Jan 10, 2024 Appealed to Disciplinary Hearing Administrator: Note, if you do not agree with the response of the Warden/Center Supervisor, you may appeal within 15 business days from receipt of the Warden/Center Supervisor's response to the Disciplinary Hearing Administrator.
DHA's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)
Signature: *T. Sh...* Date 1-24-24

Feb 12, 2024 The Date Received by Romario V. Waller.
Appealed to Director: Note if you do not agree with the Disciplinary Hearing Administrator's response, you may appeal within 15 business days from receipt of the Disciplinary Hearing Administrator's decision to the Director.
Director's Decision: Affirm ☒ Reverse ☐ Modify ☐ (See attached if modified)
Signature: *[Signature]* Date 2-18-24

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) According to ADC INMATE MAJOR DISCIPLINARY MANUAL SECTION VII and the charging person shall be SPECIFIC as to WHERE WHEN HOW WHY the Rule infraction is being brought. The charging person did not sign her oath under penalty of perjury. According to D.H.O K. Waddle He "believes / knows" E.A.R.U MX. Cell Block 6 does not have cell bars in the doorway area of cells but have solid steel doors. However He relied upon the F-1 statement which alleges I was at the cell bars of MX. cell block 6 - 42 cell, though the ISSR-100 did not have the signature of charging person's oath. Since it is impossible for me to be standing at MX-642 cell bars due to no cell bars existing, therefore the verdicts of Guilty should be Reversed along with the sentences.
2. I was deprived procedural due process because I initially requested the disciplinary notification officer still likes to cite the 12-10-2023 security video as evidence to illustrate there are no cell bars in max-cell block 6 that I could possibly be standing at while allegedly masturbating. However I was deprived that evidence and the current Major Disciplinary manual.
- 3 According to the 12/14/2023 disciplinary hearing action by Keith Waddle the "evidence relied upon" and "reasons why ~~conviction~~ information purporting to exonerate inmate was discounted" are: "F-1 statement from charging officer" / "staff report is accepted". The guilty verdicts are erroneous because the F-1 statement / staff report alleges I was standing at cell bars of cell # MX-642 though such an area does not exist at E.A.R.U MAX.

Inmate's Signature: *[Signature]* Date: December 14, 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



MEMORANDUM

TO: Inmate Romario Waller, ADC [REDACTED]
FROM: Dexter Payne, Director *Dexter Payne*
RE: Major Disciplinary Appeal
DATE: March 18, 2024

Please be advised that I am in receipt of your disciplinary appeal regarding the major disciplinary you received 12/10/2023 at 02:55 pm from Sgt. Williams-Johnson.

You stated in your disciplinary appeal that specific details were left out of your disciplinary.

Your disciplinary states, "On 12/10/2023 at approx. 2:55 pm I Sgt B. Williams Johnson was conducting chow in Max 6 (Zone 3) when I approached cell 42 housed by inmate R. Waller ADC [REDACTED] (verified by EOMIS picture roster) standing at his cell bars with his erect exposed penis in his hand moving it in a backward and forward motion while looking directly at me. I gave him several direct orders to cease his actions, but to no avail. he refused. Inmate Waller has been found guilty of 1 indecent exposure in the past, so no affidavit was needed. Inmate Waller knows his actions are against ADC and unit policy. I, Sgt B. Williams- Johnson I am charging him with the following rule violations 12-3, 10-3 pending DCR EOS"

You stated during your disciplinary hearing "I ask for the disciplinary manual. There are not any cell bars in cellblock 6. The disciplinary was not signed."

After a thorough review of all the documents pertaining to this matter, I am upholding the guilty verdicts of rule violations 12-3/Failure to obey verbal and/or written orders of staff; 10-3/Indecent Exposure and/or Masturbation; may result in a referral for a criminal prosecution; therefore, your disciplinary is upheld.

DP:ls

cc: Warden / Inmate File / File

From: [ASCC New Claims](#)
To: [Tawnie Hughes \(DOC\)](#); [Trent Rigdon \(DOC\)](#); [Miles Morgan \(DOC\)](#); [Yolanda Charles \(DOC\)](#); [Taylor Reavis \(DOC\)](#)
Cc: [Mika Tucker](#); [Kathryn Irby](#)
Subject: CLAIM: Romario V. Waller v. ADC, Claim No. 251323
Date: Thursday, November 6, 2025 1:55:00 PM
Attachments: [Romario V. Waller v. ADC agency ltr 251323.pdf](#)
[Romario V. Waller Claim - 251323 -.pdf](#)

Dear Ms. Hughes,

Please confirm receipt of the attached claim file. The agency may file its response to this claim electronically by sending it to ascpleadings@arkansas.gov, with a copy to the claimant pursuant to the Arkansas Rules of Civil Procedure.

Please contact Mika Tucker 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

ARKANSAS STATE CLAIMS COMMISSION

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



KATHRYN IRBY
DIRECTOR

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

November 6, 2025

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

(via email)

RE: ***Romario V. Waller v. Arkansas Division of Correction***
Claim No. 251323

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

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, cost center, 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 V. Waller (ADC [REDACTED], Claimant (w/ encl.)

<u>Note to Claimant or Claimant's counsel:</u> The Claims Commission copied you on this correspondence to provide you with confirmation that your claim has been processed and served upon the respondent agency.

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

March 17, 2025

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

RE: **Claim No. 251323 – deficient filing**

Dear Mr. Waller,

This office received the enclosed claim documents relating to an incident. Your claim cannot be filed, however, because you did not complete a complaint form. This form is required for all claims. For your convenience, a complaint form is enclosed.

Please complete the enclosed form, sign it in the presence of a Notary Public, and return it to this office. Your other claim documents will be retained here to be filed upon receipt of your completed forms.

Contact my office with any questions.

Sincerely,

Mika Tucker

ES: cmcdaniel

Enclosures (supporting documents file-marked 3/7/2025, new complaint form)

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 15, 2025

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

RE: Claim No. 251323 – deficient filing

Dear Mr. Waller,

Your claim has been filed but has not been transmitted to the Arkansas Department of Correction because the claim documents you filed on March 7, 2025, and July 8, 2025, cumulatively exceed the page limitations set out in Ark. Code Ann. § 25-44-208(f). The text of this subsection is set out on the following page for your review. I am enclosing your filings for your convenience.

Pursuant to Ark. Code Ann. § 25-44-208(f)(3)(A)(ii), you have forty-five days from the date of this letter to resubmit your complaint in compliance with the statute or to file a motion for leave to exceed the page limitations. Failure to do so will result in the dismissal of your claim without prejudice. Ark Code Ann. § 25-44-208(f)(3)(C).

If you intended that only your July 8, 2025, filing constitutes your complaint, you may simply notify the Commission accordingly without resubmitting these documents.

Sincerely,

Mika Tucker

ES: cmcdaniel

Enclosures (supporting documents file-marked 3/7/2025, claim form and supporting documents file-marked 7/8/2025)

Ark. Code Ann. § 25-44-208(f)

- (1) A claimant who is an inmate in the Department of Correction or the Department of Community Correction at the time the claim or action is filed is limited to no more than:
 - (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
 - (B) Five (5) additional pages of exhibits to accompany his or her complaint.
- (2)
 - (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
 - (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.
- (3)
 - (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
 - (i) Assign the inmate's claim a docket number; and
 - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
 - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
 - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.
 - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.
 - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
 - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
 - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.
 - (D)
 - (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
 - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Romario V. Waller... (ADC # [REDACTED])

Arkansas
State Claims Commission

OCT 02 2025

[9/28/2025]

RECEIVED

TO: ARKANSAS STATE CLAIMS COMMISSION
101 EAST CAPITOL AVENUE
LITTLE ROCK, ARKANSAS. 72360

(LETTER TO COMMISSION)

[RE]

DEAR MS. TUCKER / THE COMMISSION:

In regard to your September 15, 2023 Letters related to my
Claims No's: 251322 / 251323 / 251324 I am returning to
you the complaints as requested to verify I'd like to proceed
with them as presently submitted herein.

THANK YOU,

Romario.

ARKANSAS CLAIMS COMMISSION

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



Questions? Send an email to
ascc.new.claims@arkansas.gov

Arkansas
State Claims Commission

OCT 02 2025

RECEIVED

CLAIM NO.
251323

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

Arkansas
State Claims Commission

JUL 08 2025

RECEIVED

CLAIM FORM

1. Claimant Information.

Mr. Waller Romario V.

(ADC Number)

(city)

(state)

(zip)

2. **Claimant's Legal Counsel.** An individual claimant may act as his or her own attorney (which is known as proceeding *pro se*). If a claimant is proceeding *pro se*, this section may be left blank.

(title)

(last name)

(first name)

(email)

(address)

(AR bar number)

(city)

(state)

(zip)

(primary phone)

3. **State Agency Involved.** The Commission can only receive claims against agencies of the State of Arkansas. Please review the Commission's jurisdictional statutes, including Ark. Code Ann. § 19-10-204 and Ark. Code Ann. § 21-5-701, for more information. This information is required for any claim filed at the Commission. ARKANSAS DIVISION OF CORRECTIONS (A.D.C.)

4. Date of Incident 12-14-2023 - thru - 3-14-2024

5. Location of Incident

6. **Explanation of Incident.** Please provide an explanation of your claim, including why you believe the above-listed state agency is liable for your damages under Arkansas law. You may attach additional pages to this form. Please note that a claimant who is an inmate of the Division of Correction or the Division of Community Correction at the time the claim is filed is subject to the page limitations set forth on page 4 of this form (see Ark. Code Ann. § 19-10-208(f)).

on December 10, 2023 I was detained At [REDACTED] (CB) cell Block 642 which was and currently is secured with a solid steel door having 2 large vertical-rectangular windows and a steel hand operated food slot trap door, differing in design and locations as max CB-~~1000~~ 1,3,5,7,2,4 which are secured with "steel bar gates".

on 12-10-2023 Acting in Her official capacity Barbara Johnson as A.D.C Security-Correctional Sergeant falsely alleged she'd arrived at cell 642 and I was allegedly standing at the cell bars committing indecent exposure which was/is scientifically and physically impossible. At the 12-14-2023 major Disciplinary Hearing (DHO)

Disciplinary Hearing Officer Keith Waddle is recorded on the Teleconference video admitting and agreeing with me that he was aware max 6, hence 642 cell had a solid steel door as differing from the steel bar gates of max 1,2,3,4,5,7 and he agreed/admitted the alleged incident could not have occurred "as written" due to that fact. However, in his official capacity as (DHO) Disciplinary Hearing Officer he convicted me of indecent exposure / disobeying orders in what he deemed a situation which could not have occurred as written.

Waddle sentenced me to 30 days punitive isolation / 60 days restriction of privileges, warden Moses Jackson's and A.D.C (DHA) Disciplinary Hearing Administrator [name illegible] and Director Dexter Payde approved / affirmed the verdict / punishments imposed by Waddle during the appeal process.

~~The Act of~~

The Act of falsifying an F-831-1 / ISSR-100 is a malicious and unauthorized act of Barbara Johnson.

The Act of convicting / punishing me for allegations he deemed impossible to occur is a malicious act of Keith Waddle.

The Act of affirming a disciplinary action for an incident deemed impossible to occur is a malicious act of Moses Jackson, A.D.C DHA, and Dexter Payde. Being subjected to any form of punishment for false F-831-1 / ISSR-100 is not part of the normal aspects-conditions expected while in prison and is unauthorized & prohibited under Arkansas Administrative codes and Related Policy.

7. Amount of Damages, if known:

\$ 75,000.00

IMPORTANT!

A claim filed at the Commission is a lawsuit against a state agency. The Commission is the courthouse for these lawsuits. Please note that Commission staff can answer general questions about the claim process but cannot give legal advice. The Commission follows the Arkansas Rules of Civil Procedure and has its own rules of practice and procedure. Both sets of rules may be found in your law library.

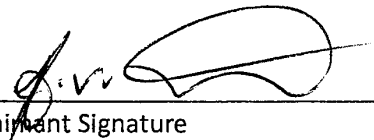
STOP HERE!

This signature page must be completed in the presence of a Notary Public. Do not sign until you are directed to do so by the Notary Public. If there is more than one claimant involved in this claim, each claimant must complete a separate signature page.

If you are an ARKANSAS-LICENSED ATTORNEY submitting a claim on behalf of your client, there is a different signature page that must be used. Please call (501)682-1619 and ask for an attorney signature page.

Signature Page for Claim Filed by an Individual Claimant

The undersigned certifies that to the best of my knowledge, information, and belief, this claim is not being presented for any improper purpose; this claim is warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; and the factual contentions have evidentiary support of, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

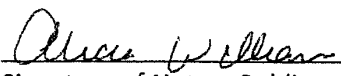

 Claimant Signature

ACKNOWLEDGEMENT

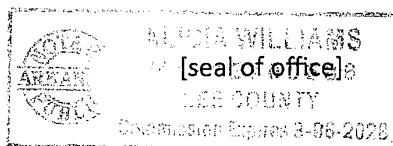
State of Arkansas
 County of Lee

On this the 17th day of June, 2025 before me, the undersigned notary, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to this instrument and acknowledged that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.


 Signature of Notary Public

My Commission Expires: 3-06-2028



Ark. Code Ann. § 19-10-208(f)

- (1) A claimant who is an inmate in the Division of Correction or the Division of Community Correction at the time the claim or action is filed is limited to no more than:
 - (A) Five (5) pages of written factual allegations and legal argument in his or her complaint; and
 - (B) Five (5) additional pages of exhibits to accompany his or her complaint.
- (2)
 - (A) An inmate filing a claim or action may file a motion to allow him or her to file additional pages of factual allegations, argument, or exhibits in excess of the limitations under subdivision (f)(1) of this section.
 - (B) A motion filed under this subdivision (f)(2) may be granted only if the commissioners of the Arkansas State Claims Commission find that the inmate needs the additional pages to fully explain his or her claim or action or if the claim or action is sufficiently complex to warrant additional pages.
- (3)
 - (A) If an inmate files a claim or action that exceeds the page limitations under this subsection, the commission shall:
 - (i) Assign the inmate's claim a docket number; and
 - (ii) Consider the inmate's claim filed, but mail the inmate's complaint and any attached exhibits back to him or her and give the inmate forty-five (45) days to:
 - (a) Resubmit his or her complaint and any attached exhibits in compliance with this subsection; or
 - (b) File a motion requesting permission to file a complaint and accompanying exhibits that exceed the page limitations under this subsection.
 - (B) The forty-five-day time period under this subsection is excludable time in calculating the statute of limitations for the inmate's claim or action.
 - (C) The commission may dismiss an inmate's complaint without prejudice if the inmate fails to:
 - (i) Resubmit a complaint and attached exhibits that meet the page limitation requirements of this subsection; or
 - (ii) File a motion requesting permission to file a complaint and attached exhibits that exceed the page limitation requirements of this subsection.
 - (D)
 - (i) If the commission grants a motion for a complaint and accompanying exhibits that exceed the page limitation requirements of this subsection, the commission shall set out in the order granting the motion the revised timeline for the inmate to file his or her complaint and accompanying exhibits.
 - (ii) The commission may set a revised limit on the number of pages an inmate's complaint and accompanying exhibits may be.

Acts of 1949, Act 462, § 3; Acts of 1983, Act 470, § 3; Acts of 2019, Act 785, § 2, eff. July 24, 2019.

From: [Yolanda Charles \(DOC\)](#)
To: [ASCC New Claims](#); [Tawnie Hughes \(DOC\)](#); [Trent Rigdon \(DOC\)](#); [Miles Morgan \(DOC\)](#); [Taylor Reavis \(DOC\)](#)
Cc: [Mika Tucker](#); [Kathryn Irby](#)
Subject: RE: CLAIM: Romario V. Waller v. ADC, Claim No. 251323
Date: Thursday, November 6, 2025 2:34:08 PM
Attachments: [image001.png](#)

Received. Thank you



Yolanda Charles
 Administrative Coordinator
 Department of Corrections
 e: Yolanda.Charles@doc.arkansas.gov
 t: 501-682-6054

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

From: ASCC New Claims <ASCC.New.Claims@arkansas.gov>
Sent: Thursday, November 6, 2025 1:56 PM
To: Tawnie Hughes (DOC) <Tawnie.Hughes@doc.arkansas.gov>; Trent Rigdon (DOC) <Trent.Rigdon@doc.arkansas.gov>; Miles Morgan (DOC) <Miles.S.Morgan@doc.arkansas.gov>; Yolanda Charles (DOC) <Yolanda.Charles@doc.arkansas.gov>; Taylor Reavis (DOC) <Taylor.P.Reavis@doc.arkansas.gov>
Cc: Mika Tucker <Mika.Tucker@arkansas.gov>; Kathryn Irby <Kathryn.Irby@arkansas.gov>
Subject: CLAIM: Romario V. Waller v. ADC, Claim No. 251323

Dear Ms. Hughes,

Please confirm receipt of the attached claim file. The agency may file its response to this claim electronically by sending it to ascppleadings@arkansas.gov, with a copy to the claimant pursuant to the Arkansas Rules of Civil Procedure.

Please contact Mika Tucker 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

From: [Tasha Tidwell \(DOC\)](#)
To: [ASCC Pleadings](#)
Cc: [Yolanda Charles \(DOC\)](#)
Subject: Romario V. Waller 251323 - Answer and MTD
Date: Monday, November 17, 2025 12:20:07 PM
Attachments: [11.17.25 Romario Waller Answer MTD 251323 discipline.pdf](#)

Please see attached—thanks!

Tasha Tidwell, Esq.
Arkansas Dept. of Corrections
6814 Princeton Pike
Pine Bluff, AR 71602
(870) 267-6844 office
(870) 209-1027 mobile
Tasha.A.Tidwell@doc.arkansa.gov

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER (ADC [REDACTED])

CLAIMANT

v.

NO. 251323

ARKANSAS DEPARTMENT OF CORRECTIONS
DIVISION OF CORRECTION

RESPONDENT

ANSWER AND RULE 12(b)(6) MOTION TO DISMISS

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

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. Respondent states that the Arkansas State Claims Commission does not have jurisdiction to hear this matter pursuant to Ark. Code Ann. § 25-44-201 *et seq.*

4. Furthermore, the Claimant's claim should be dismissed pursuant to the Arkansas Rules of Civil Procedure (ARCP) 12(b)(6) as it fails to state facts upon which relief can be granted.

5. On a motion to dismiss pursuant to Rule 12(b)(6) of the Arkansas Rules of Civil Procedure the courts treat the facts alleged in complaints as true and view them in the light most favorable to the plaintiff. Dockery v Morgan, 2011 Ark. 94.

6. “However, [Arkansas’s] rules require fact pleading, and a complaint must state facts, not mere conclusions, in order to entitle the pleader to relief.” Id. The Court should “treat only the facts alleged in the complaint as true but not the plaintiff’s theories, speculation, or statutory interpretation.” Id.

7. An “important mechanism for weeding out meritless claims [is a] motion to dismiss for failure to state a claim.” Fifth Third Bancorp v. Dudenhoeffer, 573 U.S. 409, 425 (2014).

8. Legal conclusions, unsupported conclusions, and unwarranted inferences must be ignored and fail to withstand a Rule 12(b)(6) motion. *See* Farm Credit Svcs. v American State Bank, 339 F.3d 764 (8th Cir. 2003).

9. A pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief. Ashcraft v Iqbal, 556 U.S. 662 (2009).

10. Although detailed factual allegations are not required, more than “unadorned, the-defendant-unlawfully-harmed-me-accusations” are required. Id.

11. To survive a motion to dismiss, a complaint must contain sufficient factual matter that, when accepted as true, state a claim to relief that is plausible on its face. Id.

12. A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Id.

13. Pro se parties are not given special treatment and are held to the same standard as a licensed attorney. Pressler v. Ark. Publ. Serv. Comm’n, 2011 Ark. App. 512, at 9, 385 S.W.3d 349, 355 (citing Elder v. Mark Ford & Assocs., 103 Ark. App. 302, 288 S.W.3d 702 (2008)).

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

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

16. 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).

17. The only limitation on this exception is for constitutional claims. Clinton v. Bonds, 306 Ark. 554, 816 S.W.2d 169 (1991).

18. 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.

19. 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).

20. In this matter, Claimant alleges that he was found guilty of a major disciplinary for indecent exposure based off of false allegations made by a correctional officer, when such conduct was both scientifically and physically impossible. The disciplinary decision was subsequently affirmed.

21. Because this claim is entwined with the disciplinary incident, it is beyond the scope and purpose of the Commission to consider disciplinary issues or to insert itself into the Respondent's disciplinary process. The Commission does not have jurisdiction to hear such claims. *See* Ark. Code Ann § 25-44-204.

22. Although 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.

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

WHEREFORE, Respondent prays that the motion be granted, the complaint dismissed, and all other just and proper relief to which it may be entitled.

Respectfully submitted,

/s/ Tasha Ann Tidwell
 Tasha Ann Tidwell, Ark Bar No. 2018159
 Arkansas Department of Corrections
 6814 Princeton Pike
 Pine Bluff, AR 71602
 Telephone: (870) 267-6844
 Tasha.A.Tidwell@doc.arkansas.gov

CERTIFICATE OF SERVICE

I, Tasha Ann Tidwell, hereby certify that a true and correct copy of the foregoing has been served upon Claimant set out below, on this 17th day of November 2025.

Romario V. Waller, [REDACTED]
 [REDACTED]
 [REDACTED]

/s/ Tasha Ann Tidwell
 Tasha Ann Tidwell

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

ROMARIO V. WALLER. (ADL [REDACTED])

CLAIMANT

V. CLAIM No. 251323

ARKANSAS DIVISION OF CORRECTION

RESPONDENT

REPLY AND OBJECTIONS

THE CLAIMANT WITH MY REPLY AND OBJECTIONS DO STATE THE FOLLOWING:

1. OBJECTION: MOOT / FRIVOLOUS ANSWER AND RULE 12(b)(6) MOTION TO DISMISS.

IN THE COMPLAINT THE CLAIMANT SPECIFICALLY CLAIMS (QUOTE):

"THE ACT OF FALSIFYING AN F-831-1 / ISSR-100 IS A MALICIOUS AND UNAUTHORIZED ACT OF BARBARA JOHNSON";

"THE ACT OF CONVICTING / PUNISHING ME FOR ALLEGATIONS HE DEEMED IMPOSSIBLE TO OCCUR IS A MALICIOUS ACT OF KEITH WADDLE";

"THE ACT OF AFFIRMING A DISCIPLINARY ACTION FOR AN INCIDENT DEEMED IMPOSSIBLE TO OCCUR IS A MALICIOUS ACT OF MOSES JACKSON / ADC DHA AND DEXTER PAYLE," [END QUOTES]

(A) ACCORDING TO THE ANSWER AND RULE 12(b) MOTION TO DISMISS (PARAGRAPH 22) THE RESPONDENT STATES (QUOTE):

"CLAIMANT DOES NOT SPECIFICALLY RAISE CONSTITUTIONAL CLAIMS" (END QUOTE)

SINCE BOTH PARTIES AGREE THE CLAIMANT DOES NOT MAKE CONSTITUTIONAL CLAIMS / VIOLATIONS BUT CLAIMS OF MALICIOUS PROSECUTION / MALICIOUS ACTS OF THE RESPONDENT LEADING TO / CAUSING INJURY TO CLAIMANT THE ARKANSAS STATE CLAIMS COMMISSION DOES HAVE JURISDICTION OVER THIS COMPLAINT / CLAIM OF MALICIOUS PROSECUTION.

ACCORDING TO ARKANSAS SUPREME COURT, MALICE MAY BE INFERRED WHEN THE EVIDENCE INDICATES THAT THE DEFENDANT ACTED WANTONLY IN CAUSING THE INJURY OR WITH A CONSCIOUS INDIFFERENCE TO THE CONSEQUENCES. SEE STEIN V. LUCAS 308 ARK. 74, 23 S.W. 2D, 832 (1992) (WALLACE V. BRYLES 961 S.W. 2D 712, 331 ARK. 58, 332 ARK. 189, 124 ED. LAW REP. 739 (1998));

THE ARKANSAS SUPREME COURT FURTHER HELD (QUOTE): "AS EARLY AS PITCOCK V. STATE 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 FORBIDDEN. FURTHER WHERE THE PLEADINGS SHOW THAT THE ACTION IS, IN EFFECT, ONE AGAINST THE STATE, THE TRIAL COURT ACQUIRES NO JURISDICTION."

CONCLUSION

The claimant has sued ARKANSAS (Division of Correction) for the malicious ACTS of its employees conducted during their official duties causing injury, Pursuant to ARKANSAS SUPREME COURT [Quote] ?

"where a suit is brought against an AGENCY with relation to some matter in which the defendant represents the STATE in action and liability, and the STATE though not the real Party of RECORD is the Real Party in interest so that a judgement 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 1916 ARK. 331, 118 S.W.2d, 235 (1938). For this Reason THE ARKANSAS STATE CLAIMS COMMISSION has jurisdiction over these claims which are barred from litigation in courts of general Jurisdiction,

RESPECTFULLY SUBMITTED

[Signature] v. *[Signature]*

CERTIFICATE OF SERVICE

The Foregoing mailed to ARKANSAS STATE CLAIMS COMMISSION 101 East Capitol Avenue Suite 410 Little Rock, Arkansas 71602-3823 and Tasha Ann Tidwell ARK. Bar No. 2018159 A.D.C. 6814 Princeton Pike Pine Bluff, Arkansas 71602 December 15, 2025 through U.S. Postal Service mail.

DR. Benjamin V. Waller, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

From: [Misty Scott](#) on behalf of [ASCC Pleadings](#)
To: [Tasha Tidwell](#); [Miles Morgan](#)
Cc: [Yolanda Charles](#); [ASCC Pleadings](#); [Mika Tucker](#)
Subject: ORDERS: Romario Waller v. ADC, Claim Nos. 251322, 251323, and 251324
Date: Tuesday, April 14, 2026 9:05:05 AM
Attachments: [Romario Waller v. ADC3.pdf](#)
[Waller-order251322.pdf](#)
[Waller-order251323.pdf](#)
[Waller-order251324.pdf](#)

Ms. Tidwell and Mr. Morgan:

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 14, 2026

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

Ms. Tasha Tidwell
Mr. Miles Morgan
Arkansas Division of Correction
1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114

(via email)

Re: ***Romario Waller v. Arkansas Division of Correction***
Claim Nos. 251322, 251323, and 251324

Dear Mr. Waller:

Enclosed please find the Orders entered on April 9, 2026, 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. 251323

ARKANSAS DIVISION OF
CORRECTION

RESPONDENT

ORDER

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

1. Claimant filed his claim on October 2, 2025, seeking \$75,000.00 in damages related to Claimant receiving a major disciplinary.
2. Respondent filed a motion to dismiss, arguing, *inter alia*, that Claimant is challenging a disciplinary proceeding and that the Commission does not have jurisdiction over the claim.
3. Claimant filed a response to the motion to dismiss, arguing that dismissal was not proper.
4. The Commission agrees with Respondent that this claim is inexorably entwined with a disciplinary incident, and it is beyond the scope and purpose of the Commission to consider disciplinary issues or to insert itself into Respondent’s disciplinary process.
5. If Claimant believes he has federal law claims against individual employees of Respondent or believes he was deprived of due 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.

6. Respondent's motion to dismiss is GRANTED pursuant to Ark. Code Ann. § 25-44-204 and Ark. R. Civ. P. 12(h), and Claimant's claim is DISMISSED.

7. **The Commission notes that, as of the date of this Order, four claims filed by Claimant within a two-year period have been dismissed: (1) Claim No. 241591, was filed on March 8, 2024, and dismissed on September 5, 2025; (2) Claim No. 251592 was filed on March 8, 2024, and dismissed on October 3, 2025; (3) Claim No. 251322 was filed on October 2, 2025, and dismissed on the date of this Order; (4) the instant claim, Claim No. 251323 was filed on October 2, 2025, and dismissed on the date of this Order; (5) Claim No. 251324 was filed on October 2, 2025, and dismissed on the date of this Order .¹**

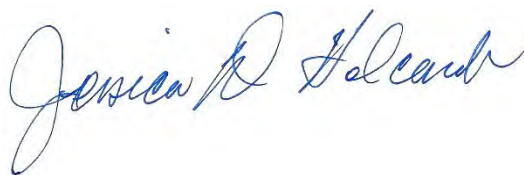
Ark. Code Ann. § 25-44-221 provides,

An inmate in the Division of Correction or the Division of Community Correction who has filed more than three (3) unsuccessful claims or actions under this subchapter within a period of two (2) years may have his or her subsequent claims or motions dismissed by the Arkansas State Claims Commission upon receipt as abuse of process, for one (1) year from the date of dismissal of the inmate's third unsuccessful claim.

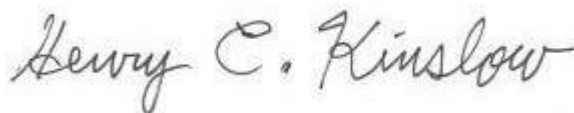
Accordingly, the Commission bars Claimant from filing any claims for one year from the date of this Order. Any claims submitted by Claimant within a year from the date of this Order will be dismissed upon receipt pursuant to Ark. Code Ann. § 25-44-221. The Commission notes that this statute does not authorize the Commission to dismiss any pending claims that Claimant may have filed before the date of this Order.

¹The Commission's September 5, 2025, decisions in Claim Nos. 241591 and 241592 were affirmed by the Arkansas Legislative Council-Claims Review Subcommittee on March 16, 2026.

IT IS SO ORDERED.



ARKANSAS STATE CLAIMS COMMISSION
Dee Holcomb



ARKANSAS STATE CLAIMS COMMISSION
Henry Kinslow, Chair



ARKANSAS STATE CLAIMS COMMISSION
Sylvester Smith

DATE: April 9, 2026

Notices which may apply to this 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 Commission. Ark. Code Ann. § 25-44-211(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 Commission. Ark. Code Ann. § 25-44-211(a)(1)(B)(ii). A decision of the Commission may only be appealed to the General Assembly. Ark. Code Ann. § 25-44-211(a)(3).
- (2) If a Claimant is awarded \$15,000.00 or less by the Commission at hearing, that award is held forty (40) days from the date of disposition before payment will be processed to allow either party to utilize its remedies under 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 more than \$15,000.00 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

MAY 08 2026

ROMARIO V. WALLER. ([REDACTED])

CLAIMANT/APPELLANT

RECEIVED

vs.

CLAIM NO. 251323

ARKANSAS DIVISION OF CORRECTION

RESPONDENT/APPELLEE

NOTICE OF APPEAL

Notice is given that Romario V. Waller the Claimant appeals the April 9, 2026 ORDER by ARKANSAS STATE CLAIMS COMMISSION to dismiss Claim No. 251324.

APPELLATE JURISDICTION

APPELLATE JURISDICTION is vested in ARKANSAS GENERAL ASSEMBLY LEGISLATIVE COUNCIL Pursuant A.C.A. 25-44-211.

DESIGNATION OF RECORD

The APPELLANT designates the entire Records of the Proceedings, Exhibits, Evidence, and documents introduced to the Proceedings to be contained in the APPEAL RECORD.

CERTIFICATE/ORDER OF TRANSCRIPT

The APPELLANT Designates and Orders the TRANSCRIPT of the entire Record and all HEARINGS to be certified and transmitted as part of the Appeal Record.

Respectfully submitted,



MR. ROMARIO V. WALLER. [REDACTED]

CERTIFICATE OF SERVICE

The foregoing mailed to MIKA TUCKER ARKANSAS STATE CLAIMS COMMISSION
101 East Capitol Avenue, Suite 410, LITTLE ROCK, ARKANSAS 72201-3823
May 5, 2026 through U.S. Postal Service Mail.