

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
DEC 07 2012

JAMES W. McCORMACK, CLERK
By: C. P. King DEP CLERK
PLAINTIFF

TIMOTHY WATKINS

v.

No. 4:12-cv-555-DPM

BRAD PERKINS; DAVID SMITH;
and BILLY'S TRUCKING

DEFENDANTS

ORDER

Watkins sent a video, some letters, and an affidavit to chambers. These must be filed and served on the other parties. FED. R. CIV. P. 5(a)(1)(E). The Court therefore directs the Clerk to file the documents and the video. If counsel would like to view the video, they may come to the Court and do so. In the future, Watkins must file all submissions with the Clerk, not mail them to chambers. Watkins's letters suggest he may have retained counsel. If so, counsel should file an appearance immediately.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

7 December 2012

I, Timothy Lyle Watkins do affirm and believe that this affidavit is true to the best of my knowledge of events that took place on and between 10 April 2011 to 11 April 2011. On Sunday 10 April 2011, in Memphis T.N. at about 1030hrs, I was working and preparing for my drive to Duncan O.K. were I had a delivery appointment for 11 April 2011. I completed my pre-trip and started my journey. At about 1300hrs. ,close to mile marker 193 along I-40, I was pulled over by Ark. State trooper(later identified)as Smith. Smith didn't come up to my cab. Smith stayed to the back of my trailer and yelled to me that I was following a log truck to close and to come to his car. I did grab my paperwork and turned on my camcorder as I obeyed Smith orders. Smith did take my medical card(having my social security number) and my Mississippi licenses along with the registration book for the rig. Smith informed me that he didn't know if I was following a log truck or not. Smith stated he was told by an unknown trooper to write me up. Confused as how Smith could ticket me when he stated he never viewed me doing anything wrong. I tried to question Smith as to who did see me. Smith then stated that I had a flat tire on my trailer. Smith then handed me a folder that I attempted to read, as I was being pressured to sign by Smith. Smith then stated that this is an affidavit saying you was following to close. I did refused to sign an affidavit saying that I was following anyone to close. I was then threatened by Smith saying he will have the rig completely inspected. I asked Smith if I could call my boss. Smith did not let me inspect the flat tire that was allegedly on the trailer or call anyone. A unidentified trooper pulled up as Smith took control of the rig and the cargo(valued at over 200,000 dollars). Smith then called a towing service and stated that the rig was safe and drivable. Smith then handed all the paperwork to include my License and medical card to the unidentified trooper just before Smith and I drove away. As I was traveling with Smith I could hear over the troopers radio that the troopers were only pulling over rigs. At Prairie County jail ,Smith then filled out ticket Z869871 and asked me to sign it. I refused to sign because I was not aloud to verify if I did have a flat tire along with the ticket was not written on the correct vehicle or even in the correct location. Smith turned me over to Blake Warden at the jail. I was allowed to call my boss Fred Askew to tell him the situation. I then ask Warden when I will see a judge and were will I be held (detained) until I see a judge. Warden stated that I am being arrested and he didn't know when I will see a judge. Everything was taken from me and I was given a county prison uniform along with being charged 20dollars. I was placed in a cell with 3 other people for 30hrs. On 11 April 2011 at about 1600hrs , Askew came to the jail were officer DF02 looked in a book , set bail and released me. I asked officer DF02 for my license and my medical card. Officer DF02 stated that I didn't bring that in to jail. I then stated that I know I didn't bring it in to jail with me because troopers had control of these items the last time I seen them. Office DF02 stated he knows nothing about it and he wasn't responsible for it. See receipt number 6629,6630. As Askew and I drove to the rig . Askew informed me that he talked to Smith who stated I was uncooperative and left my rig and cargo on the side of the road. As we approached Billy's Trucking we see the rig in front and not behind any fence. I checked the seal and then was shocked to find the tractor's doors unsecured. I was even mofe surprised to fined my Mississippi license alone with my medical card(that has my SSN # on it)in the driver's seat. As I climbed in the rig, I found the keys to the rig on the floor, driver's seat had been moved, a beef jerky rapper on the floor, my cloth bag was gone through. As I took inventory of my stuff I found my hand soap & Elton John CD missing. I also learned from Askew that Billy's Trucking had charged him(that he will take out of my pay) a grand for them to drive the rig 10 miles plus 200 to air up a tire. Askew informed me that he will decide later and after I repay him what to do about me and his company. On 24 April 2011, I was fired by Askew for not cooperating with Smith and for abandoning my rig & cargo, not making my appointment time. As abandoning a loaded rig is a big deal and could affect me for the rest of my life(see; Federal Motor Carrier Regulations 391.21(10) &391.21(11)also 391.53) I called the Hazen District Court to get the paperwork of the incident. I was asked how I plead. I stated that I wasn't even sure of the charges yet and I know not signing an affidavit was not against the law. I told her that I will be there by special appears do to threats, arrest and cohesions. Nobody wants to hire a person that will abandon 200 grand of stuff on the side of the road. On 27 April 2011, I received copies of everything the court stated they had. On 18 May 2011, I called Costello asking for a signed verified complete, a chain of custody for my M.S. license & medical card so I could find out who viewed my information as I am vary worried about identity theft. I asked Costello why the rig & cargo wasn't taken to impound being that it was allegedly used in a crime and why is there no record of the state taking control of

the rig & cargo. Costello had no commit and refused to answer any of my questions or provide any of the paper work that I required. I have been unable to find a job driving (a 20 year carrier) or doing anything. I do fear that this traffic stop has damaged me for life. Nobody wants a man that allegedly left a loaded rig worth 200,000 dollars on the side of the road. This is my affidavit and this incident has affected my work history along with my identity. I will always be worried for the rest of my life about who is using my identity. This is my statement and affidavit as of 15 June 2011.

Ernesto Rife Walker 6/20/11

Lillian C. Smith 6-20-11
NOTARY



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To: Honorable Judge
D.P. Marshall Jr.

- 1) I, Plaintiff Watkins do believe that something is wrong in the state of Arkansas, being unable to find a lawyer brave enough to represent me.
- 2) I am writing your honor because I don't like being lied to or lied about as I have been for the past 20 month in regards to this case.
- 3) In my effort to obtain a receipt for the rig and cargo, I did send several Arkansas agencies (to include Arkansas Attorney General) video I made during my arrest.

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4) I am hereby sending this evidence to you/honor
to get the truth out and to show that my complaint
is true.

5) Please understand that I have been a trucker
for 20 yrs, knowing nothing about the law and
only filed this suite because I have to try to
restore my life, not because I wanted to.

Respectively,

Timothy L Watkins

Dear, Attorney General Dustin McDaniel

I am informing your office of injustest that the state troopers have put on me. I have enclosed my affidavitt, a vidio and a few papers that I have on this incident. My lawyer has more evidents; and audio of my court trial. I must say, I was not expecting the judge to be wearing a t-shirt and blue jeans as he spit his tobacco juice in a clear plastic cup during court. I was also not expetting Judge Rhodes to rule that my vidio (that you now have) to be ruled inadmissable in his court that would of proved that the troopers were lying under oath. Judge Rhodes wouldnt allow me to challenge even the trooper's testimony or there judgement in this matter. as Attorney General of the state of Arkansas, incharge of upholding the integrity of all the courts in your state. You are responsible of making sure the constitution and all laws are upheld by the courts.

I hope your office would review this case, examine the evidence and listen to the audio of my trial that my attorney has.

my attorney: George M. Rozzell

Phone: 479-442-1404

Thanks, Timothy Lyle Watkins



THE ATTORNEY GENERAL
STATE OF ARKANSAS
DUSTIN McDANIEL

Dennis R. Hansen
Deputy Attorney General

Direct dial: (501) 682-2081
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August 3, 2011

Mr. Tim Watkins
202 Bailey Drive
Olive Branch, MS 38654

Dear Mr. Watkins:

This Office received your recent letter asking for our assistance with a traffic violation case in Prairie County Arkansas. Unfortunately, we are unable to assist you.

First, we are prohibited by a statute passed by the Arkansas General Assembly from providing advice or representation to private citizens. Second, your letter explains that this matter is already pending in court. Once a court case has begun your only remedy is to have your attorney present your version of the events to the trial court and then if you are dissatisfied with the outcome to take an appeal to an appellate court. No officials outside the court system can interfere.

You explained in your letter that you already have private counsel representing you. We recommend that you discuss any questions you have about your case with your counsel.

We regret that the law does not permit us to assist you directly but we wish you the best.

Very truly yours,

A handwritten signature in black ink that reads "Dennis R. Hansen".

DENNIS R. HANSEN
Deputy Attorney General

DRH/jkh