

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE **FILED**  
MIDDLE DIVISION

APR 06 2009

Tennessee Claims Commission  
CLERK'S OFFICE

RICHARD MADKINS, )  
 )  
 Claimant, )  
 )  
 vs. )  
 )  
 STATE OF TENNESSEE, )  
 )  
 Defendant. )

Claim No. T20090525

COMPLETED ✓  
DOCUMENTED ✓  
C/S = CLAIM ✓  
EOA \_\_\_\_\_  
AG \_\_\_\_\_  
ALJ \_\_\_\_\_  
FEE PAID \_\_\_\_\_  
NOTICE SENT \_\_\_\_\_  
FILED \_\_\_\_\_  
\_\_\_\_\_ *Scan*

**ORDER OF DISMISSAL**

Defendant has moved to dismiss this matter, pursuant to Tenn. R.

Civ. P. 12.02(1) and (6), for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. Claimant has not responded to the motion.

This is the latest in a series of actions filed by the claimant, Richard Madkins, an inmate in the custody of the Tennessee Department of Correction. Mr. Madkins seeks money damages relative to his continued incarceration on his criminal sentences, which include a string of crimes that were to be served concurrently, which were later nollied. In addition to the nollied concurrent sentences, Mr. Madkins also has a 1984 conviction for assault with intent to commit robbery with a deadly weapon

and aggravated assault (Case no. 84-04503) and a 1994 conviction for especially aggravated robbery. *See Madkins v. State*, 2007 WL 595711 (Tenn.Crim.App. Feb 26, 2007)(NO. M2005-02873-CCA-R3HC), *appeal denied* (Jun 18, 2007). In 2007, the Court of Criminal Appeals denied Mr. Madkins' request for habeas corpus relief relative to his 1994 conviction and 25 year sentence, noting:

In closing, it strikes us that for the past five years, the petitioner has availed himself of every conceivable legal avenue to avoid serving the balance of his sentence for the 1994 especially aggravated robbery conviction. His arguments have been considered and reconsidered more than once, and considerable judicial resources have been expended. The petitioner's personal beliefs notwithstanding, the law does not entitle him to immediate release or further habeas corpus relief.

*Madkins v. State, supra* at \*3.

Contrary to claimant's assertions, there is no indication that claimant has been held beyond his lawful sentences or that the Commission has authority to render money damages against the State for his continued incarceration. Further, these claims, which have been presented before, are barred by the doctrines of res judicata and judicial immunity.

The defendant's motion is therefore granted and this matter is dismissed.

It is so **ORDERED** this the 3<sup>rd</sup> day of April, 2009.



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STEPHANIE R. REEVERS  
Claims Commissioner

**CERTIFICATE OF SERVICE**

This is to certify that I have mailed a true and correct copy of the foregoing document to the following parties:

MARTHA CAMPBELL  
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RICHARD MADKINS  
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Nashville, TN 37243

This 10 of April, 2009.

  
Marsha Richeson, Administrative Clerk  
Tennessee Claims Commission