

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JONATHAN STEWART RODEN,
Plaintiff,

V.

DON PLONT AND TRINITY FOOD
SERVICE GROUPS, IN INDIVIDUAL
CAPACITY, JOINTLY, AND SEVERELY.

Defendants.

Case No.: _____

Judge: _____

JURY DEMAND ENDORSED

EXHIBIT A

1. Misconduct Report
2. Misconduct Hearing Report
3. E-mails from Trinity Contract Manager
4. Food Service Event Report

MICHIGAN DEPARTMENT OF CORRECTIONS

MISCONDUCT REPORT

Prisoner Number: 319782	Prisoner Name: Roden	Facility Code: KCF	Lock: G-1-46	Violation Date: 8/30/2017
Time and Place of Violation: 17:20 Kitchen		Contraband Removal Record Provided to Prisoner? <input type="checkbox"/> Yes Date _____ <input checked="" type="checkbox"/> N/A		

Misconduct Class: I II III Charge(s): Creating a Disturbance

Describe Violation (If contraband involved, describe in detail; identify any other employee witnesses):
 At the above date and time, prisoner Roden 319782 G-1-46 approached me to make a complaint about his food, while talking with him he became loud, causing others to stop what they were doing and look in his direction to see what the commotion was. This also caused chow lines to slow down as inmates in the serving line were watching him instead of grabbing their trays and taking a seat in the dining area. Inmate ID'ed by his MDOC ID card and OTIS.

Reporting Staff Member's Name (Print) Plont	Reporting Staff Member's Signature <i>[Signature]</i>	Date and Time Written 8/30/2017 18:45
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Location/Verification/Condition of Evidence:

Elevated to Class I at review: No Yes If "yes", explain reason:

COMPLETE THIS SECTION ONLY FOR REVIEW OF CLASS I MISCONDUCT

Status Pending Hearing: <input type="checkbox"/> Bond <input type="checkbox"/> Segregation <input type="checkbox"/> Confinement to Cell/Room <input type="checkbox"/> Other	Reason if Non-Bond: <input type="checkbox"/> Non-Bond List <input type="checkbox"/> Bond Revoked (must give reason)
Date and Time Given this Status:	Who Notified in Housing Unit of Status:
Hearing Investigator Requested? <input type="checkbox"/> No <input type="checkbox"/> Yes	Witnesses Requested? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, list:
Relevant Documents Requested? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, list:	

Additional Comments: Prisoner Waives 24 Hour Notice of Hearing? No Yes
 Hearing Date: 9-2-17

Reviewing Officer's Name (Print) <i>Beaulieu DR JGT</i>	Reviewing Officer's Signature <i>[Signature]</i>	Review Date and Time 8-30-17 1951
I have received a copy of this report. My signature does not necessarily mean that I agree with the report. <input type="checkbox"/> Prisoner refused to sign. Copy given to prisoner.	Prisoner's Signature <i>[Signature]</i>	Date

WAIVER OF CLASS II OR III HEARING

I understand I have a right to a hearing. I waive my right to a hearing and plead guilty to all charges. I also waive my right to appeal and accept the sanctions imposed.

Prisoner's Signature _____ Date _____

SANCTIONS IMPOSED (Hearing Investigator enters begin and end dates for Class II misconducts)

_____ Days Toplock	Begins: _____	Ends: _____	<input type="checkbox"/> Counseling/Reprimand (Class III only)
_____ Days Loss of Privileges	Begins: _____	Ends: _____	<input type="checkbox"/> \$ _____ Restitution (Class II only)
_____ Hours Extra Duty	Begins: _____	Ends: _____	

Property Disposition If Applicable:	Employee's Signature	Date
Employee Accepting Plea and Imposing Sanction (Print)	Hearing Investigator's Signature	Date

MICHIGAN DEPARTMENT OF CORRECTIONS
 CLASS II AND III MISCONDUCT HEARING REPORT

GENERAL INFORMATION

Prisoner Number 319782	Prisoner Name Roden	Facility Code KCF	Violation Date 8/30/17
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MISCONDUCT VIOLATION

Hearing Class II <input checked="" type="checkbox"/>	Misconduct Charges Creating a Disturbance	Plea <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty
Hearing Class III <input type="checkbox"/>	Misconduct Charge if Changed by Hearing Officer	

WAIVER OF HEARING

I understand I have a right to a hearing. I waive my right to a hearing and plead guilty to all charges. I also waive my right to appeal and accept the sanctions imposed.	Prisoner's Signature	Date
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HEARING REPORT (Do Not Complete If Hearing Waived)

Evidence and/or prisoner statement in addition to misconduct report: Inmate present at hearing and pleads not guilty. Inmate states he had been given a banana that had some kind of worm on it. He simply wanted a replacement.

Reasons for findings: Due to statements given and information provided, Inmate is found not Guilty of creating a disturbance. Inmate had simply had a banana that had something on it, he requested a replacement by showing the Sgt., then the food steward. No disturbance was observed.

FINDINGS

Charge 1	<input type="checkbox"/> Guilty	<input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	CMIS Code 436
Charge 2	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	CMIS Code _____
Charge 3	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	CMIS Code _____
Charge 4	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	CMIS Code _____

SANCTIONS (Hearing Investigator enters begin and end dates)

_____ Days Toplock	Begins: _____	Ends: _____	<input type="checkbox"/> Counseling/Reprimand (Class III only)
_____ Days Loss of Privileges	Begins: _____	Ends: _____	<input type="checkbox"/> \$ _____ Restitution (Class II only)
_____ Hours Extra Duty	Begins: _____	Ends: _____	

Property Disposition if Applicable: _____

Misconduct Hearing Report given to Hearing Investigator for Delivery to Prisoner this date: _____

Hearing Officer's Name (Print) T. Menard	Hearing Officer's Signature 	Hearing Date 9/13/17
Hearing Investigator's Name (Print) VanStoker	Hearing Investigator's Signature 	Date 9-13-17

Dumback, Kathy G. (MDOC)

From: Beaulieu, [REDACTED] (MDOC)
Sent: Thursday, August 31, 2017 3:24 PM
To: Dumback, [REDACTED] (MDOC)
Subject: RE: Bad Bananas

I didn't get one, I couldn't see it but the officer on the line said he did. All the bananas were removed and replaced with apples at the time. This prisoner was the only one with a complaint. After I had the Kitchen officer inspect all the bananas in the commissary, all were ok with no overly ripe ones or worms.

From: Dumback, [REDACTED] (MDOC)
Sent: Thursday, August 31, 2017 11:56 AM
To: Beaulieu, [REDACTED] (MDOC); Kangas, [REDACTED] (MDOC)
Cc: MacLaren, [REDACTED] (MDOC); Huhtala, [REDACTED] (MDOC); Corrigan, [REDACTED] (MDOC); Raffaele, [REDACTED] (MDOC)
Subject: RE: Bad Bananas

Was a picture taken?

From: Beaulieu, Dale (MDOC)
Sent: Wednesday, August 30, 2017 7:22 PM
To: Dumback, [REDACTED] (MDOC); Kangas, [REDACTED] (MDOC)
Cc: MacLaren, [REDACTED] (MDOC); Huhtala, [REDACTED] (MDOC); Corrigan, [REDACTED] (MDOC); Raffaele, [REDACTED] (MDOC)
Subject: Bad Bananas

