

PRISONER/PAROLEE GRIEVANCE APPEAL FORM *Rev'd 2/01/18*

Date Received by Grievance Coordinator at Step II: FEB 06 2018

Grievance Identifier: URF1181011 01931 107A

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.

The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: URF
Warden's Office by 2-9-18. If it is not submitted by this date, it will be considered terminated
untimely.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
GOULD, RAND W.	C-187131	URF	B-176	12/28/17	2/02/18

STEP II - Reason for Appeal *Whether or not "1-Card with Glitter" can be rejected pursuant to the constitutionally invalid new mail policy is not the question here. It is whether it can be rejected without proper notice, i.e., complying with notice requirements, as set forth in PD 05.03.118 (OO) (W); Admin. R. 791.3310 (2)(b); Admin. R. 791.663(3), MCL 800.43, and, most importantly of all, Procurer v. Martinez, 416 U.S. 396, 417 (1974). Wherefore, remedy requested at step II must be granted and card returned to grievant. Or, in the alternative, a proper notice must be issued, with a copy sent to sender, so a new hearing may be conducted.*

J. Hill 2/02/18

STEP II - Response

Date Received by Step II Respondent: FEB 06 2018
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See Attached

Connie Horton, Warden
Respondent's Name (Print)

Connie Horton
Respondent's Signature

2/16/18
Date

Date Returned to Grievant: <u>2-16-18</u>
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STEP III - Reason for Appeal *Step II respondent warden Connie Horton, denial of appeal based on a purported violation of PD 05.03.118 (MM)(F) due to "glitter" on a Christmas card, visibly alleging it was a threat "advocating or promoting violence, group disruption, or insurrection." Among other things this response stands as proof that Horton conducted no review or investigation in violation of PD-03-02-130, and indicates she is either incompetent, cannot read or comprehend what she reads, or simply refusing to perform her duties in an attempt to cover up the staff corruption that pervades URF, particularly among mail room staff, in violation of MCL 19.142, MCL 750.479 and MCL 750.505, wherefore, remedy requested at Steps I and II must be granted and the matter of Horton's criminal law violation turned over to Internal Affairs or State Attorney General for investigation.*

NOTE: Only a copy of this appeal and the response will be returned to you. *[Signature]* 2/22/18

STEP III - Director's Response is attached as a separate sheet.

STEP II GRIEVANCE RESPONSE FOR PRISONER: GOULD 187131 B-176 (URF)

Grievance URF 1801 0193 07A has been reviewed.

Prisoner is grieving an Administrative hearing on a mail rejection for a card that contained glitter.

This Step II Respondent finds the Step I response is appropriate and supported by PD 05.03.118, Prisoner Mail, Paragraph MM states in part "Prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the facility, may facilitate or encourage criminal activity, or may interfere with the rehabilitation of the prisoner. The following pose such risks under all circumstances and therefore shall be rejected: 4. Mail advocating or promoting violence, group disruption, or insurrection."

The Step I Respondent found that the grievant had a hearing regarding the rejected mail and the rejection was upheld. There is no evidence to support the grievant's allegations. No violation of policy exists.

Based on the above finding(s), this grievance appeal is denied.



Connie Horton, Warden



Date

CH/ka

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94
 CSJ-247A

Date Received at Step I 1-17-18 Grievance Identifier: URF1181011 1919131 107A1

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
GOULD, RAND W.	C-187131	URF	B-176	12/28/17	1/13/18

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 1/02/18
 If none, explain why. Requested administrative hearing, which was held on 1/11/18, with all issues raised remaining unaddressed in the report.

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used. Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

As set forth in grievant's Administrative Hearing Statement, 1/11/18, the Notice of Package/ Mail Rejection, "1-Card with Glitter" From "M. Gould" (310), was never signed or sent to sender, therefore is invalid, nor was return of the rejected material provided. See PD 05.03.118 (00)(WW); Admin. R. 791.3310 (2)(b); Admin. R. 791.6603 (3); MCL 800.43; and Procunier v. Mantone, 416 U.S. 396, 417 (1974). All of which are intentional violations of grievant's and sender's constitutionally guaranteed rights to due process and to send and receive mail. Mich. Const. 1963, art. 1, §§ 5, 17; and U.S. Const. Arts I, II, XIV.

As such, Jacqueline Mantone, and her aides and abettors, are clearly implicated in a criminal conspiracy to violate grievant's and sender's civil rights. See 18 USC §§ 241, 242, 1702, 1703. Stripped of immunity, as "fair warning" has been given, Hope v. Pelzer, 536 US 730, 741 (2002) they will be liable in a civil lawsuit but should be turned over to Michigan and U.S. Attorney General's offices for investigation and charged accordingly. Mich. MDOC's unenforced disciplinary policy has been rendered ineffective and is essentially meaningless in deterring said criminal activity, which has been repeated ad nauseam by defendants.

RESPONSE (Grievant Interviewed?) Yes No If No, give explanation. If resolved, explain resolution.)

See Attachment

Rec'd 1/26/18

[Signature] 1/23/18
 Respondent's Signature Date
[Print Name] [Working Title]
 Respondent's Name (Print) Working Title

[Signature] 1-27-18
 Reviewer's Signature Date
[Print Name] [Working Title]
 Reviewer's Name (Print) Working Title

Date Returned to Grievant: 1-25-18 If resolved at Step I, Grievant sign here. Resolution must be described above. Grievant's Signature _____ Date _____

Step I Grievance Response

Grievance Number:	URF-18-01-193-07-A
Prisoner Name:	GOULD
Prisoner Number:	187131

Prisoner was was NOT interviewed. GIVE REASON: N/A

SUMMARY OF COMPLAINT:

Prisoner Gould is grieving an Administrative Hearing on a mail rejection for card that contained glitter.

INVESTIGATION INFORMATION

Prisoner Gould #187131 was interviewed as to this grievance on 01/22/18. Prisoner Gould stated, "The copies that were presented to me at the hearing had glitter all over them. Therefore, if the glitter had the drug then the copies given to me already had the drug. This is ridiculous just give me the cards. The rest of my statement is in the grievance Thompson". PC Ledford was interviewed as to this grievance on 01/23/18. PC Ledford stated, "the mail contained glitter which is in violation of PD 05.03.118 section OO #5. Because it violates policy it was rejected."

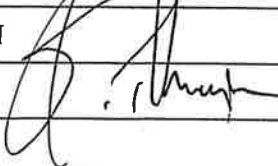
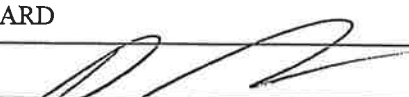
APPLICABLE POLICY, PROCEDURE, ETC.

Per PD 05.03.118 "Prisoner Mail" section OO states, "Mail which prevents an effective search may provide a means of introducing controlled substances, for example Suboxone or Fentanyl, or other contraband which poses a threat to the security, good order, or discipline of the facility. The following prevents an effective search and therefore shall be rejected. #5. "Non-commercially produced or multi-fold greeting cards, greeting cards made of non-standard card stock paper, which have embellishments, or exceed 6"x8" in size". Furthermore, section VV states, "Unless the prisoner waives his/her right to a hearing in writing, and the prisoner and staff agree on the appropriate disposition of the mail, a prompt hearing shall be conducted pursuant to Administrative Rule 791.3310 to determine if the mail violates policy for the reason(s) identified in the Notice of Package/Mail Rejection (CSJ-316) and, if so, the appropriate disposition of the mail. The hearings officer shall not be the person who issued the Notice. Mail may be disposed of only as set forth below."

SUMMARY

Based on statements by Prisoner Gould and PC Ledford, this respondent finds that Prisoner Gould has not provided any corroborating evidence to support a violation of policy or procedure.

Grievance denied at Step I.

RESPONDENT NAME:	S. THOMPSON	TITLE:	RUM
RESPONDENT SIGNATURE:		DATE:	01/23/18
REVIEWER NAME:	D. ISARD	TITLE:	DW
REVIEWER SIGNATURE:		DATE:	1-23-18

MICHIGAN DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE HEARING REPORT

CSJ-144
REV. 12/01

Institution: URF	Prisoner's Name: Gould	Number: 187131	Date of Notice: 12/28/17
Reporting Staff Member's Signature: J. Mertaugh	Block/Unit: B	Cell/Room: 1/76	
Purpose of Hearing: Mail rejection			

REPORTING STAFF MEMBER'S STATEMENT:
1-card with glitter

PRISONER'S STATEMENT:
Gould was interview and attached is a copy of his statement.

HEARING OFFICER'S FINDINGS (INCLUDE REASONS FOR FINDINGS):
PROHIBITED INCOMING MAIL

05.03.118 OO No. 5. states: Non-commercially produced or multi-fold greeting cards, greeting cards made of non-stard card stock paper, which have embellishments, or exceed 6"x8" in size.

After reviewing the mail myself and reading the statement of Gould. I determind the material in the notice of package/mail rejection to be be in violation of PD. 05.03.118 section OO No. 5. Mail containing glitter is an embellishment and is in violation of PD 05.03.118. Prisoner was informed that to appeal this hearing he must follow the greivance process.

DISPOSITION OF ITEMS, IF ANY:

After reviewing the mail myself and reading the statement of Gould. I determind the material in the notice of package/mail rejection to be be in violation of PD. 05.03.118 section OO No. 5. Prisoner was informed that to appeal this hearing he must follow the greivance process. After all appeals have been exhausted the prisoner will be required to send the mail out of the facility at his expense or it will be destroyed per P.D. 04.07.112 and PD 05.03.118.

TYPE OR PRINT NAME OF HEARING OFFICER:

P.C. Ledford

Signature of Hearing Officer:



Date of Hearing:

Thursday, January 11, 2018

STATEMENT OF RAND GOULD C-187131

NOW COMES Rand W. Gould, C-187131, and states:

1. Notice of Package/Mail Rejection, "1-Card with Glitter" from M. Gould, J. Merstaugh, 60A-7, 12/28/17, is not signed, therefore not properly promulgated in violation of due process and is null and void.

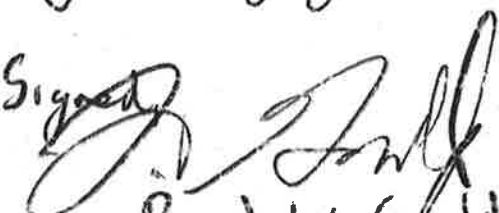
2. Said Notice was not sent to sender in violation of the due process required by Notice itself, PD 05.03.118 (UU), Admin. R. 791.6603 (8), and the U.S. Supreme Court in Provanier v. Martinez, 416 U.S. 396, 417 (1974).

3. Review of the rejected mail was not provided as required by, and in violation of, PD 05.03.118 (WW), Admin. R. 791.3310, and MCL 800.43 (3).

4. Aforesaid flagrant violations of due process requirements of law, rule, policy and both state and Federal Constitutions provide an absolute bar to the continued unlawful rejection and seizure of said U.S. P.S. mail in violation of U.S. Const. Am I and Mich. Const. 1963, art. I, § 5. To continue to do so constitutes the intentional violation of 18 USC §§ 1702, 1703 and 18 U.S.C. §§ 241, 242, requiring prosecution by U.S. Attorney General.

5. This statement constitutes the "fair warning" of unconstitutional and unlawful conduct required in Hope v. Pelzer, 536 U.S. 730, 741 (2002) that strips all MDOC employees involved, especially Jacqueline Merstaugh and those who aid and abet her, in said act, of any immunity they may have had when legal action is taken. Saucier v. Katz, 535 U.S. 194, 201 (2001).

6. I state under penalty of perjury the foregoing is true and correct.
28 U.S.C. § 1746.

Signed

Rand W. Gould

Executed on: 11 January 2017

NOTICE OF PACKAGE/MAIL REJECTION

Prisoner Number 187131	Prisoner Name GOULD	Facility URF	Lock B176
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You have received a package or mail containing the following:

1 - Card with Glitter

From M. Gould
1470 San Helen Drive
Dunedin, FL 34698

NOTE: A copy of this notice is being mailed to the sender if rejected pursuant to PD 05.03.118 "Prisoner Mail". The sender has 10 business days to send any opposition to this proposed action to the facility head. The sender will be notified of the final disposition. Sender must not use the bottom section of this form.

The item(s) identified above will not be delivered to you pursuant to

- PD 04.02.105 "Prisoner Funds" PD 04.07.112 "Prisoner Personal Property" PD 05.03.118 "Prisoner Mail"

(This notice must identify the reason for this rejection and the policy section which supports the rejection.)

PD 05.03.118 "Prisoner Mail" SECTION 00 NO 5


Non-commercially produced or multi-fold greeting cards, greeting cards made of non-standard card stock paper, which have embellishments, or exceed 6"x8" in size.

Staff - Print/Type Name J. Mertaugh	Title GOA-7	Signature	Date 12/28/2017
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THIS SECTION IS TO BE COMPLETED BY THE PRISONER ONLY

Indicate what you want to have done with the item(s) identified above by marking one of the following:

- Return to sender at my expense.
- Send at my expense to: _____
Whose address is: _____
- Hold to be picked up by (photographs, books magazines & property only).
- Destroy (mail & property only).
- Turn over to Prisoner Benefit Fund (funds & postage only).
- Donate to charity (property only).
- Store for me in Record Office File (official documents only; e.g. Birth Certificate).
- Item arrived without receipt/packing slip; I will provide purchase confirmation within seven days (JPay or hard copy acceptable).
- I request a hearing.

Prisoner - Print Name <u>R. GOULD</u>	Prisoner Number <u>C-187131</u>	Signature 	Date <u>1/02/18</u>
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Send reply within 10 business days to: Mail room Other:

THIS SECTION TO BE COMPLETED BY MAIL ROOM STAFF

Fifteen day hold expires on:

Disposition of Package/Mail:

- Mailed Picked Up Destroyed Donated Stored in RO file Date

DISTRIBUTION: Prisoner Sender (if required) Housing Unit/Mail Room Counselor File