

NOV 16 2022

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Eastern District of Kentucky

UNITED STATES DISTRICT COURT

FILED

for the

NOV 16 2022

Eastern District of Kentucky

AT LEXINGTON  
ROBERT R. CARR  
CLERK U.S. DISTRICT COURT

Central Division

Case No.

5:22-cv-302-KKC  
(to be filled in by the Clerk's Office)

CeQuan Dontrail Wilson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See attached

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Defendant No. 5 Fayette County Detention Center

Name Fayette County Detention Center

Job title

Shield No.

employer Fayette County

address 600 Old Frankfort Circle

Lexington KY 40510

Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Cebuan Dontrail Wilson

All other names by which you have been known:

ID Number

182004

Current Institution

Fayette County Detention Center

Address

600 Old Frankfort Circle

Lexington

Ky

40510

City

State

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Officers Ibarra

Job or Title (if known)

Officer

Shield Number

Employer

Fayette County Detention Center

Address

600 Old Frankfort Circle

Lexington

Ky

40510

City

State

Zip Code

Individual capacity

Official capacity

Defendant No. 2

Name

Captin Richard Frans

Job or Title (if known)

Captm

Shield Number

Employer

Fayette County Detention Center

Address

600 Old Frankfort Circle

Lexington

Ky

40510

City

State

Zip Code

Individual capacity

Official capacity

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Defendant No. 3

Name Major Matt LeMonds  
 Job or Title (if known) Major  
 Shield Number \_\_\_\_\_  
 Employer Fayette County Detention Center  
 Address 600 Old Frankfort Circle  
Lexington Ky 40510  
City State Zip Code  
 Individual capacity  Official capacity

Defendant No. 4

Name Director Farmer  
 Job or Title (if known) Director  
 Shield Number \_\_\_\_\_  
 Employer Fayette County Detention Center  
 Address 600 Old Frankfort Circle  
Lexington Ky 40510  
City State Zip Code  
 Individual capacity  Official capacity

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- Federal officials (a *Bivens* claim)
- State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Protection from assault under the eighth amendment.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?



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D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

*They all are state employees at Fayette County Detention Center*

**III. Prisoner Status**

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner

Other (explain) Confined in the jail awaiting trial

**IV. Statement of Claim**

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Fayette County Detention Center unit A Subdayroom 1

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C. What date and approximate time did the events giving rise to your claim(s) occur?

August 27-2022 approximately 7:00am to 7:30am

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was working a job that the jail assigned me (trustee) in a inmate behavior pod while checking my station officer ibarra opened the door for an max inmate that dont supposed to be around anyone and let him assault me. Inmates name is Jordan Washington. its on camera also cpl Mecklin witnessed it. This resulted from the officer opening the door for the max inmate which violate established policy of mixing classification I'm min. classification I believe it was on purpose if not then his negligence got me injured also because the jail is so short staff it was only one officer working unit if there always supposed to be two which is the jails failure to provide safety for us.

#### V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. Head trauma which lead to constant headaches, dizzy spells, loss of thought, hard to sleep, paranoia. The nurses say I suffer from post concussion syndrome. I've been waiting to see a doctor they also say (PTSD) post traumatic stress disorder they will not let me see a doctor I've been yet I dont know why I've been waiting for almost 2 months and the symptoms are only getting worse I have all my sick call slips on file

#### VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

make the jail change their policy to provide proper safety for inmates and to properly train these officers so this will never happen again because it happens way to often also I want the jail to provide any medical treatment I may need while I'm here and any medications I may need due to my injuries also 2500.00 to cover medical treatment I may need upon my release doctor bills, Proper brain scans/catscans. Transportation to and from appointments. Psychological treatment, compensation for missed work and for medication I may need. I need to provide shelter for myself and my son and due to my injuries if I cant work we will have nothing. Post concussion syndrome and post traumatic stress disorder affects the brain and now I need medical care for the rest of my life.



**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Fayette County Detention Center

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

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D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

fayette County Detention Center

2. What did you claim in your grievance? I was assaulted while working for the jail (trustee) due to the officer opening the door for a max inmate. His negligence caused me to be injured and I got punished because of the officers stupidity being improperly trained and his negligence and I also lost my trustee position

3. What was the result, if any? my grievance was unfounded. They said "while the actions of the officer in the situation arent irrelevant and deserve proper scrutiny as well I should responsibility for my actions because I tried to defend myself, I should not place the blame on others even when other circumstances were contributing factors"

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I appealed it which was denied/unfounded and they closed it. Major Lemonds said Captain Frans was right and he agrees so no further action will be taking.





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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

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2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

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G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

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*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?



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Yes

No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_


**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk’s Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk’s Office may result in the dismissal of my case.

Date of signing: 10-31-2022

Signature of Plaintiff 

Printed Name of Plaintiff Cequan Wilson

Prison Identification # 182604

Prison Address 600 Old Frankfort Circle

Lexington Ky 40510  
City State Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
City State Zip Code

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

Issue Class II 9-6-22

Counselor Atk

**LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT  
DIVISION OF COMMUNITY CORRECTIONS  
INMATE COMPLAINT FORM**

Complaint

Grievance

Name Wilson Ceguan Inmate ID: 182004 Housing Location LL8  
Date received 9-5-22 Date returned 9-12-22 Incident Date 8-27-22

*This form will not be processed if the date of the incident is not recorded or if more than seven (7) days have passed since the incident occurred.*

Please provide a thorough statement of the issue: **Please state one issue per form. List pertinent facts. You must include names, times, dates, location, witnesses, recommended action, etc... Please print legibly.** Inmates shall not be subject to reprisal or punishment for initiating or bringing complaints to the attention of the administration, however, inmates **willingly and knowingly** making malicious or false accusations against a staff member or other inmate can result in disciplinary sanctions.

On Aug-27-22 I was working post in Unit H 1st shift at around 7:30 AM. Upon arriving I was walking in Checking Subday room I Seemg what needs to be cleaned when I walked past an inmates room who started making threats through the door saying he is going "to beat my ass" if I dont get out He gone have his people pop the door and fuck me up I paved it no mind and stopped at a friends door and talked to him for a second. during this time the inmate tell the Correctional officer to pop the door so he did everyone heard this. so this inmate runs out ~~and~~ and we start fighting. my life was in immediate danger due to the officer ibarra negligence I was at work I was never supposed to be a randa max inmate now. when officer ibarra wrote the ticket he said I was supposed to be in unit G. which is wrong if you check the trustee work schedual for the 27 aug 22 you will see that I was in the right spot. I was then put in ARH in A14. when officer garson looked at the schedual and also confirmed and told officer Clark and Sgt dehort I also had Captin E lko have Sgt Stump send him a copy of the schedual for the 27 of aug. Its not right I'm getting punished for a officers negligence. I've been told by the nurse also I have Post Concussion Syndrome from the incident if the officers would have done what was right none of this would have happen he put my safety at risk my life in danger by letting the guy out on me I lost my job which I want back and I suffered injuries do to the officers stupidity being improperly trained and his negligence.

Fayette County Detention Center

Inmate Services Form

Name: Cedric Wilson Inmate ID: 182004 Housing Unit: LL8

Date: 8-31-22

Inmate Request

I need a copy of the trustee work list for the 27th of Aug. 2022. To show I was working unit H when the altercation happen I also need 2 Complaints forms and 2 Grievances forms also its not right I'm getting punished because of a Co's negligence By opening the door for a Max inmate and put my safety at risk while I was working, also I was only supposed to do 3 day in the ARH they left me in there for 5 for no reason

FOR STAFF ONLY

Inmate Service Counselor Cpl. K. Atkinson DATE: 9-5-22

Response

issues grievance on class II. Need the incident & date occurred for other forms.

Fayette County Detention Center

Inmate Services Form

Name: Cequan Wilson Inmate ID: 182004 Housing Unit: LL8

Date: 9-6-22 Cpl K Atkinson

**Inmate Request**

I was in a altercation on aug-27-22 in H when officer Ibarra pop the door for an inmate ~~at~~ when I was at work in H as you know I asked for two grievance forms 1 for the officer lone for the jail I also need 2 Complaint forms 1 for the officer and one for the jail I asked you this the first time you told me to explain but it all for the same class II when I explained to you on the 6 when you gave C.O. Collins a break you told me you would send them please do it is very important that I have those also I need a copy of the trustee schedule for aug 27-22 to confirm where I was

**FOR STAFF ONLY**

working that day which was unit H.

Inmate Service Counselor

Cpl. K. Atkinson

DATE:

9-12-22

**Response**

Everything was explained on the grievance I subm. H2.  
Are you wanting to file a separate for Oke Ibarra opening the door for a mt inmate?  
Open records sent on trustee schedule

Fayette County Detention Center

Inmate Services Form

Name: CeQuan Wilson Inmate ID: 182004 Housing Unit: LL8

Date: 9-15-22

**Inmate Request**

I need one of those civil rights violation ~~paper~~  
~~papers~~ forms and the correct paper work to file a  
lawsuit against this jail for ~~the~~ the Correctional officer  
opening the door for that max inmate my family has  
seeked counsel I just want to make sure everything is  
right on my end, and I am still waiting for my complaint  
form. for the 27 of Aug altercation ~~and~~ that I asked  
for on the 31st of Aug.

**FOR STAFF ONLY**

Inmate Service Counselor Cpl. K. Atkinson DATE: 9-19-22

**Response**

1983 Form issued  
We do not help you file civil suits. You will have  
to do that on your own or contact an attorney.  
Appeal to grievance has been submitted. Can not file  
multiple complaints based on same grievance. All info  
was in your original grievance & was addressed by  
Captain Frans.



Fayette County Detention Center

Inmate Services Form

Name: Lequan Wilson Inmate ID: 182004 Housing Unit: LL8

Date: 9-22-22

**Inmate Request**

I filed a grievance for the altercation I had in H Aug-27-22 the reason it was unfunded was said I was an active participant in the fight that's not what I was grieving I wrote the grievance on the officer opening the door for me to be harmed and breaking security protocol. is there anyway to get that put through or is there anyone I can talk to. I made it clear and they just keep saying "well you fought back" none of that would of happen if the officer kept the

**FOR STAFF ONLY** Door Shot;

Inmate Service Counselor Cpl. K Atkinson DATE: 9-28-22

**Response**

Capt. Frans said he would address the officer in the complaint. That is all you will know about that.

Fayette County Detention Center

Inmate Services Form

Name: Wilson Inmate ID: 182004 Housing Unit: 228

Date: 10-20-22

**Inmate Request**

Year I need officer Ibarra name and ~~his~~ shield number I also need the Director name at the time of Aug-27-22 I need all these thing for my 1983 and the Director shield number. Sgt. Stomp name an shield # cpl McClain name and shield # I also need the shift commands name for that day also the the mayor and the Captin over the shift that day

**FOR STAFF ONLY**

Inmate Service Counselor

Hyls

DATE:

10/25

**Response**

Submitted open records request.

Fayette County Detention Center

Inmate Services Form

Name: Wilson Inmate ID: 182004 Housing Unit: 2L8

Date: 10-25-22

Inmate Request

~~I~~ I asked for these officers names and you sent back saying submitted open records request? what do that mean? are you getting them for me or not its important that I have them also I need a big brown envelope stamped to send my 1983 off. and when you come back in here can I please come out and talk to you

FOR STAFF ONLY

Inmate Service Counselor Hughes DATE: 10/26

Response

Duh b/c its open records. I don't provide any of this information. IF its warranted to you then you will follow all policy and procedures.

Fayette County Detention Center

Inmate Services Form

Name: W. Kon Cowan Inmate ID: 182004 Housing Unit: LL8

Date: 11-9-22

Inmate Request

I sent papers to the Court house and I got them back and it wasn't a return to sender those papers was private Can you explain what happen because it looks as if this jail read and opened my mail. If the Court sent it back why? what did they say? why would they send just the papers back opened?

FOR STAFF ONLY

Inmate Service Counselor

HJD

DATE:

11/9

Response

like I advised Cpl. Walker yesterday when he called. Those papers were sent back to the Facility and when they came to us there wasn't an envelope.

I think this jail is opening and reading my mail. I sent this out before and they brought it back to me opened with no envelope and just my papers.

## Grievance Report

**Grievance #:** 28025      **Creator:** Atkinson, Kenneth      **Date:** 09/12/2022 11:02  
**Status:** Closed      **Closed By:** Atkinson, Kenneth      **Closed Date:** 09/19/2022 00:00

### Category

Grievance  
 Grievance \ Class II Offense  
 Grievance \ Class II Offense \ Class II Offense Unfounded

### Subjects

935960 - WILSON, CEQUAN DONTRAIL

### Details

Creating Person: Atkinson, Kenneth Time: 09/12/2022 11:02 / Updating Person: Atkinson, Kenneth Time: 09/12/2022 11:02  
 Subject has filed a grievance on Class II Offense: Fighting Incident #1440251.

Processed and forwarded to Capt. Frans for review.

### Staff Response And Assignments

Responder Staff Name / Next Step Designee	Event Type / Outcome	Appeal By Date	Created Time / Updated Time	Created By / Updated By
Atkinson, Kenneth	Grievance		09/12/2022 11:04	Atkinson, Kenneth
Frans, Richard			09/12/2022 11:04	Atkinson, Kenneth
<u>Comments:</u> Subject has filed a grievance on Class II Offense: Fighting Incident #1440251				
Frans, Richard	Grievance		09/13/2022 01:38	Frans, Richard
	Unfounded		09/13/2022 01:41	Frans, Richard

Comments: Inmate Wilson,

In your grievance, you mention that you were working in Unit H on the morning of 8/27/2022. However, you were not working in that unit, as you immediately went to Unit G to work and another inmate immediately went to Unit H to work. This shows that you were not concerned with your work assignment when you willingly went to Unit G and didn't ask the officer to verify your work assignment. Even though the schedule said that you were assigned to Unit H (which I have also verified), your actions prove that you were not concerned with your assignment as you spent over 5 minutes in Unit G walking to different subday rooms prior to going to Unit H. Moving on to the events leading up to the altercation, you say that you were going around seeing what needed cleaned, and an inmate began making threats to you. Why did you remain in the subday room after this and not report the threats to the unit officer? Had you immediately left to tell the unit officer, you wouldn't have been in the altercation. While the actions of the officer in this situation aren't irrelevant and deserve proper scrutiny as well, your actions or lack thereof led to the altercation just the same. Video evidence clearly shows you engaging with the other inmate in the altercation when you could have clearly exited the subday room as soon as the door opened. Instead, you are seen making the first move towards the inmate as you both engage in the altercation. You chose to go to Unit H on your own rather than asking an officer to clarify your assignment, you chose to stay in the subday room even when the inmate was making threats, and you chose to move towards the inmate instead of away from the inmate when the door opened. As such, your actions caused the altercation as much, if not more so, than the other factors that you mention. You did nothing to prevent the altercation from occurring and were an equal part of the altercation. Thereby, you are not innocent in the matter. The restrictions will stand as written, you will not have your trustee position returned to you, and your grievance is unfounded. I suggest you be willing to accept responsibility for your actions and not attempt to place blame solely on others, even when other circumstances were contributing factors.

Cpt R. Frans

Atkinson, Kenneth	Grievance	09/19/2022	09/13/2022 09:02	Atkinson, Kenneth
			09/13/2022 09:02	Atkinson, Kenneth

Comments: Copy of response from Capt. Frans given to inmate Wilson. Subject has 7 days to appeal.

Atkinson, Kenneth	Appeal		09/19/2022 10:35	Atkinson, Kenneth
LeMonds, Matt	Founded		09/19/2022 10:35	Atkinson, Kenneth

Comments: Subject has filed an appeal to the answer from Capt. Frans.

LeMonds, Matt	Appeal		09/19/2022 10:46	LeMonds, Matt
Atkinson, Kenneth	Unfounded		09/19/2022 10:46	LeMonds, Matt

## Grievance Report

**Grievance #:** 28025      **Creator:** Atkinson, Kenneth      **Date:** 09/12/2022 11:02  
**Status:** Awaiting Inmate Appeal      **Closed By:**      **Closed Date:**

**Category**

Grievance  
 Grievance \ Class II Offense  
 Grievance \ Class II Offense \ Class II Offense Unfounded

**Subjects**

935960 - WILSON, CEQUAN DONTRAIL **LLP**

**Details**

Creating Person: Atkinson, Kenneth Time: 09/12/2022 11:02 / Updating Person: Atkinson, Kenneth Time: 09/12/2022 11:02  
 Subject has filed a grievance on Class II Offense: Fighting Incident #1440251.

Processed and forwarded to Capt. Frans for review.

**Staff Response And Assignments**

Responder Staff Name / Next Step Designee	Event Type / Outcome	Appeal By Date	Created Time / Updated Time	Created By / Updated By
Atkinson, Kenneth	Grievance		09/12/2022 11:04	Atkinson, Kenneth
Frans, Richard			09/12/2022 11:04	Atkinson, Kenneth
<b>Comments:</b> Subject has filed a grievance on Class II Offense: Fighting Incident #1440251				
Frans, Richard	Grievance		09/13/2022 01:38	Frans, Richard
	Unfounded		09/13/2022 01:41	Frans, Richard

**Comments:** Inmate Wilson,

In your grievance, you mention that you were working in Unit H on the morning of 8/27/2022. However, you were not working in that unit, as you immediately went to Unit G to work and another inmate immediately went to Unit H to work. This shows that you were not concerned with your work assignment when you willingly went to Unit G and didn't ask the officer to verify your work assignment. Even though the schedule said that you were assigned to Unit H (which I have also verified), your actions prove that you were not concerned with your assignment as you spent over 5 minutes in Unit G walking to different subday rooms prior to going to Unit H. Moving on to the events leading up to the altercation, you say that you were going around seeing what needed cleaned, and an inmate began making threats to you. Why did you remain in the subday room after this and not report the threats to the unit officer? Had you immediately left to tell the unit officer, you wouldn't have been in the altercation. While the actions of the officer in this situation aren't irrelevant and deserve proper scrutiny as well, your actions or lack thereof led to the altercation just the same. Video evidence clearly shows you engaging with the other inmate in the altercation when you could have clearly exited the subday room as soon as the door opened. Instead, you are seen making the first move towards the inmate as you both engage in the altercation. You chose to go to Unit H on your own rather than asking an officer to clarify your assignment, you chose to stay in the subday room even when the inmate was making threats, and you chose to move towards the inmate instead of away from the inmate when the door opened. As such, your actions caused the altercation as much, if not more so, than the other factors that you mention. You did nothing to prevent the altercation from occurring and were an equal part of the altercation. Thereby, you are not innocent in the matter. The restrictions will stand as written, you will not have your trustee position returned to you, and your grievance is unfounded. I suggest you be willing to accept responsibility for your actions and not attempt to place blame solely on others, even when other circumstances were contributing factors.

Cpt R. Frans

Atkinson, Kenneth	Grievance	09/19/2022	09/13/2022 09:02	Atkinson, Kenneth
			09/13/2022 09:02	Atkinson, Kenneth

**Comments:** Copy of response from Capt. Frans given to inmate Wilson. Subject has 7 days to appeal.

*appeal*

Signature

*I dont see why this Grievance is unfounded I wish to appeal) → Back*

As a trustee when working for the jail inmates makes threats at us all the time. In fact everytime we don't do something they want to get something. I had no idea he knew the correctional officer and I had no idea the correctional officer would open the door. So when you ask why didn't you run and tell the officer? I didn't tell the officer because as long as that door was closed I was safe!! No matter what my safety wasn't put in danger until the officer opened the door. The facts are that I was in the right unit which was H as you say you verified. Me stopping for a shot of coffee in unit G is not a factor in this situation. What matters is I went to where I belonged which was unit H. So obviously I was concerned about my work detail if I went to where I was supposed to be. By saying my actions are the cause only makes it seem like you are trying to cover or downplay the officer's negligence. When I was a model inmate in trustee working for the officer and the inmate is max and already in IBP. IBP is worse than max already. Those inmates really are not supposed to be around anyone let alone a trustee and that's the bottom line. Officer Ibarra's actions put my life in danger he showed complete disregard for my safety. He neglected to use his training or the jail failed to train him correctly. Because it clearly states that classifications are not to be mixed at anytime for the safety of the inmates. It's plenty of situations where officers open the doors for max inmates and they jump on other inmates. Nothing's ever done so if the officer's action deserve proper "scrutiny" what does that mean? What's going to happen to him? I don't feel safe around him either. You said other circumstances are contributing factors correct? The bottom line is if officer Ibarra wouldn't have popped the door for the inmate which he knew I suppose, none of this would have happened so that's the only contributing factor. So you all take responsibility for your negligent officer.

for Defendants full name  
This is what they told me

October 28, 2022

Inmate: Cequan Wilson - LL8

**RE: Open Records Request – Incarceration Records**

Mr. Wilson,

This is in response to your request for Officer Ibarra's name and badge number, Director's name as of 8/27/222 and badge number, Sgt. Stump's name and badge number, the commanders' and majors' name on 2nd shift on 08/287/22.

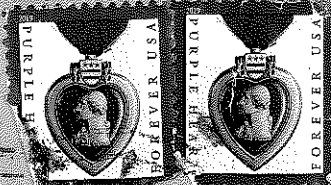
Your request is denied. Pursuant to KRS 197.025 Restrictions on access to inmate and facility records (2) KRS 61.872, to the contrary notwithstanding, the department shall not be required to comply with a request for any record from any inmate confined in a jail or any facility or any individual on active supervision under the jurisdiction of the department, unless the request is for a record which contains a specific reference to that individual.

Carol Wagner  
Administrative Specialist  
Open Records

cc: file



Cequan Wilson  
600 old frankfort circle  
lexington ky 40510



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