

DUE PROCESS

[Borden, et al v. Hofmann](#), 2009 VT 30. Full court opinion. March 13, 2009

In a 3-2 decision, J. Skoglund holds that Nutraloaf is punishment under 28 VSA 851, requiring a hearing prior to imposing a Nutraload diet. The Court determined that Nutraloaf was designed to be "unappetizing" and a deterrence. There were also less harsh methods available to achieve the same end. Both of which evidenced the DOC's punitive intent. Case reversed.