

EXHIBIT A

In the State of Ohio)
):ss
In the County of Mahoning)

I, Sean Swain, being duly sworn, hereby depose to state :

My name is Sean Swain. I have direct knowledge of the facts related herein and I am competent to testify to them.

Summary

1) I have been subjected to an irregular, unlawful, and unconstitutional regimen of repression and retaliation by the Ohio of Rehabilitation and Corrections and its agents; admittedly for well- established protected speech rights in a public forum. No penological interest exists in this matter. After punishment for protected speech was undertaken and approved by ODRC director Gary C. Mohr, a provably inappropriate disciplinary process was employed by prison officials creating an alternative rationale to justify and continue the repression and retaliation already undertaken for admittedly illegal purposes. As a consequence of prison officials' actions, I have been sent to high security (solitary) for which I was not recommended by the "Chief of Institutional Placement, OSP". This prevents my obtaining programming and placement required for parole. I will have to serve additional years in solitary, de facto for protected speech.

Background

2) I came to prison in 1991, convicted of Aggravated Murder after a jury trial, for the self defense killing of a man who broke into my home. After reversal of the conviction, the trial court refused to abide by the court of appeals mandate, and I remained imprisoned on a void conviction and sentenced for a crime I can prove I did not commit if I am ever provided the

fair trial ordered by the Court of Appeals.

- 3) In 2008 I was confined at Toledo Correctional Institution and I embraced Neolithic Indigenism as my religion. I was laterally moved to Mansfield Correctional Institution (MANCI) in November, 2009. Within 30 days of my arrival, I was irregularly harassed by the Security Threat Group (STG) officers for my deeply held religious beliefs.
- 4) (STG) officers monitor gangs and gang activity. When STG Officer Garcia questioned me in 2009, I had never been accused of any gang activity and lacked the preconditions by the Ohio Administrative Code and by policy for STG monitoring. In irregular questioning Officer Garcia did not ask me about gangs but instead asked me about my "beliefs". He asked me how I "felt "about "hierarchy."
- 5) I told officer Garcia that, as a Neolithic Indigenist, I saw hierarchical social structures as a rebellion against the creator and against creation, as humans were designed to live in tribal non-hierarchic social structures. Officer Garcia told me I was "not allowed to believe that."He said my belief made me an anarchist and I was therefore a member of an unauthorized group. I was a member of a non-existent "gang."He advised me to "get a new religion." He told me his supervisor , Investigator Angela Hunsinger, had sent him (Garcia) to put me on the gang list because "Columbus" (ODRC Central Office) found a website, seanswain.org, and the content had "pissed them off."
- 6) Officer Garcia took photos of all my tattoos. I asked him if he was also profiling Jews and Christians. He said he was "just following orders,"which was the Nazi defense at Nuremberg that the International Tribunal rejected.
- 7) Thereafter, to stop STG harassment, I requested recognition as Neolithic Indigenism as my approved religion. Exhibit B is a true copy of the affidavit that I sent to the Mancie chaplain to gain recognition of my religion. Exhibits C and D are approvals of religious

accommodation requests approved by Mancini Warden Terry Tibbals, and are true copies of those documents.

- 8) Despite recognition from the chaplain for my religion and accommodations granted by the warden, Investigator Hunsinger continued to keep me on a "gang list" expressly for holding ^{religious views,} ~~penological recognition from the chaplain for my religion and accommodations granted by the interest in my outgoing writings for publications and that my letter would constitute a contract.~~
- 9) On 14 June 2011, I sent two copies of a letter to Director Gary Mohr. One copy was sent certified mail as item# 7009-0080-0001-0851-6928. A true copy of that letter is attached as Exhibit E, and the documentation to prove certified mailing is attached as Exhibit F. In that letter I wrote in part, "I would like to avoid punishment for expressing my social and political beliefs to family, friends and publishers. I would prefer not to be dragged away and forced to die at supermax...So, to avoid such consequences, I am requesting that we establish a process whereby I submit all outgoing correspondence to my case manager, who will forward everything to you or your designee for your written approval..."My intention was to avoid punishment for expressing views in a public forum online, even going so far as to suggest the creation of a special process to ensure there was not even the appearance of running afoul of prison rules.
- 10) I further related, "If you do not respond I will simply assume you do not want to review my outgoing work and that you are conceding no penological interest in the content of my social ~~and political interest in the content of my social and political beliefs~~". I wrote this with the ~~understanding and that you are conceding no penological interest in the content of my social-~~ understanding that Director Mohr's ^{non response} would constitute an admission that no penological interest existed.

- 11) In August 2012, I wrote, "J pay, Sock Puppets and Our Reduction to Slavery", for posting at seanswain.org. describing how Director Mohr's J pay policy constituted hundreds of thousands of counts of identity theft. Exhibit G is a true copy of that article.
- 12) I was not then aware that prison officials were "investigating" seanswain.org and were intercepting all incoming mail that made reference to that site. Mail from Jeff Everden postmarked in June 2012 and containing images posted to the site was withheld for 8 months; mail sent from Ryan Whitman on September 11, 2012 containing printouts of postings at seanswain.org was withheld for two months and when that mailing was finally given to me all of the printouts were withheld, without notice and without process.
- 13) It was not known to me in August or early September 2012 that seanswain.org was the target of an ORDC "investigation". I did not know my mail was obstructed. As Director Mohr had never responded to my certified letter, I continued writing for publication and posting on line in good faith to include "J pay, Sock Puppets and Our Reduction to Slavery".
- 14) On September 12, 2012 I was given a security status review by Case Manager Morrow. Based on my model conduct, I was recommended for a security level decrease. This was important to me because the parole boards decision from 2011 indicated that I needed to obtain programs, which could only obtain at a lower level security. So, based upon my conduct, I was a model prisoner who belonged at medium security, apart from investigations into my "beliefs" and political social writings in a public forum, for which Director Mohr had admitted that no penological interest existed.

19 September 2012

- 15) On 19 September, 2012, my cell was subject to a surprise search by STG officers, a search that lasted nearly two hours. Importantly, because it was a surprise search, I had no

opportunity to hide or conceal or destroy anything. It cannot be said that I destroyed evidence.

- 16) It must be remembered that 19 September was just 7 days after I was recommended for medium security for being a model prisoner. It was just 8 days after print-outs from seanswain.org had been mailed to me and were intercepted by prison officials related to a secret "investigation" into my protected speech in a public forum.
- 17) On 19 September, SGT officers confiscated my typewriter and a rough draft of "J pay, Sock Puppets and Our Reduction to Slavery". Neither my typewriter nor my rough draft were ever returned.
- 18) I would later learn that two other cell searches occurred simultaneous to mine. The cells of James Dzelajlija and Les Dillon were also searched. STG officers confiscated from Dzelajlija a handwritten rap verse they claimed was incorporated into materials produced by the "Army of the Twelve Monkeys", a prison STG. From Dillon SGT officers confiscated a large cache of Twelve Monkey materials.
- 19) Of the three prisoners concurrently searched, I was the only prisoner to possess absolutely no materials even conceivably related to the Twelve Monkeys STG. Of the three prisoners, I was the only one apprehended. The two prisoners who possessed Twelve Monkey connected materials were not apprehended: only the prisoner whose published writings and typewriter were confiscated, absent any Twelve Monkey STG connection.
- 20) Irregularly, I was not taken to segregation. Instead, I was taken to a row of cells behind the medical clinic known as "torture cell row". I was held in freezing temperatures without a bed, without pens or pencils; making it impossible for me to communicate conditions to the outside world. I had no toothbrush. I was only given a small amount of clothing and bedding. My food was half portions in styrofoam containers that could not hold the

standard serving size. I was not given showers nor recreation. I had to pace 24 hours a day to stay warm. I suffered sleep deprivation and I was hallucinating.

- 21) A corrections officer explained to me that someone tried to visit me and was denied, and had inquired into my status; thereafter, friends and family pressured the administration to move me from "torture cell row". That officer's description led me to believe that if not for intervention by loved ones, I would have remained on torture cell row indefinitely.
- 22) This is significant because only months later two prisoners died on torture cell row. Their deaths were investigated by the same officials who approved my placement on torture cell row, in retaliation for protected speech.
- 23) If not for the intervention of loved ones, I might have died on torture cell row for publicly telling the truth about ODRC Director Gary C. Mohr's crimes. I was thereafter moved into a segregation cell with James Dzelalija and in the same block as Les Dillon.

The Investigation And First Conduct Report

- 24) On 04 October, day 15 of the 21-day investigation I was given a phone call with former counsel Andrea Reino. Ms Reino informed me that the FBI was investigating "threats" that the Twelve Monkeys had written Ohio law makers, so I should be careful because my mail was monitored. Thus, from 04 October, 2012 onward I knew my mail was monitored.
- 25) On October 13 2012, day 24 of a 21 day investigation I wrote a letter to a friend named Ben Turk. Exhibit H is a true copy of that letter. I also wrote what I titled "An Open Letter to the Ohio General Assembly", which was also mailed to Ben Turk. A true copy of that writing is attached as Exhibit I. Exhibit J is Ben Turks affidavit, which relate to Exhibits G,H,& I.
- 26) My letter to Ben Turk and the accompanying "Open Letter to the Ohio General Assembly," would be provably misrepresented by Investigator Hunsinger and along with my published J pay criticism, would form the false basis of a conduct report alleging that I was the creator of

the Army of the Twelve Monkeys.

- 27) Nearly 30 days into a 21 day investigation, STG officers again documented my tattoos and religious beliefs that had been documented by Officer Garcia in 2009. They admitted Twelve Monkey activities continued while I was in segregation and that the continuation of activities proved I was not responsible, but they intended to leave me on the gang list because "Columbus" was "pissed" about seanswain.org. I was advised to "get another religion."
- 28) On day 30 of a 21 day investigation, Sergeant John Littleton served me with a copy of a conduct report written by Angela Hunsinger. It was nine pages long. Exhibit K is a true copy of that conduct report with the exception that for reference purposes here I have added the "line count" numbers in the left margin of the conduct report's text and I have added the handwritten page numbers of "1 of 9" through "9 of 9" in the upper right corner.
- 29) This was the longest conduct report in MANCI history. It accuses me of three violations of prison rules: Rule 15, rioting or encouraging others to riot; Rule 17, engaging in unauthorized group activities; and Rule 56, use of telephone or mail in furtherance of any criminal activity.
- 30) In the "Supporting Facts" lines 1-18 describe the emergence of the Army of the Twelve Monkeys STG. Lines 19 -20 allege that I was one of the "creators" of the Twelve Monkeys. The remainder of the conduct report is wholly absent of any conduct attributed to me that reasonably would indicate that I was the "creator" of the Twelve Monkeys.
- 31) Investigator Hunsinger then referenced my published article, provably misrepresenting it in determinative ways: "Found in possession of Swain 243-205 was anarchist (sic) article (sic) he authored that had wording and ideologies (sic) that matched the Twelve Monkey Resistance Movement. Swain was in the process of sending these articles to Redbird Prison

Abolition to be published on his (sic) website. In the article (sic) he calls for militant tactics..."(lines 22-24) (Exhibit K)

- 32) It should be noted that "anarchist" articles, plural, became "article" singular, by the end of that paragraph. It should be noted that seanswain.org was under investigation for several months, so at the writing of the conduct report, Investigator Hunsinger knew the article, singular, was already posted at seanswain.org, and she knew that the article, singular contained no "militant language" nor any "anarchist" "ideologies." It should be noted that seanswain.org is not "my" website. That I have no financial connection to it, and I do not know the person or persons who own the site.
- 33) In short, virtually everything Investigator Hunsinger wrote in the conduct report about protected speech in a public forum was provably untrue.
- 34) The conduct report continued, describing one of my tattoos as "identical" to the logo used by the Twelve Monkey STG (Line 27-29, Exhibit K). This too is provably untrue.
- 35) It should be recalled that my tattoos were documented and photographed since 2009.
- 36) The conduct report then mentioned a tattoo, asserting that one of my tattoos "is identical to the Twelve Monkey logo that the STG was putting on their resistance manuals. (Exhibit K, lines 27-29). This assertion is demonstrably untrue. It should also be noted that known, admitted members of the Twelve Monkey STG have no similar tattoos.
- 37) The conduct report then addressed my "Open Letter," that had been mailed to Ben Turk. Investigator Hunsinger, consistent with her description of my published article and my tattoo, provably misrepresented this writing as well.
- 38) Investigator Hunsinger asserted that I told the Ohio General Assembly that they "should quickly adopt the Army of the Twelve Monkeys (sic) legislative agenda," (Lines 63-64). As point of fact, I wrote to Ben Turk, not to the Ohio General Assembly, and I wrote with

investigators who were opening my mail as my primary audience, and I never advocated that legislators should adopt a Twelve Monkey agenda. Investigator Hunsinger's description is simply not true.

- 39) Investigator Hunsinger also asserted that I claimed I "may" have written Twelve Monkey threats to legislators, presenting that I wrote what could be construed as a confession. (See Lines 66-67, Exhibit K). As point of fact, I never wrote any such a confession.
- 40) Investigator Hunsinger falsely represented that I claimed in my "Open Letter" to be a messenger for Anonymous (Line 67, Exhibit K). This is not true.
- 41) Investigator Hunsinger falsely presented that I gave legislators a deadline of November 5, 2012 to meet the Twelve Monkey agenda (Lines 72-73, Exhibit K). This is not true.
- 42) Comparison between what I actually wrote (Exhibits H and I) to Investigator Hunsinger's description of what I wrote (Exhibit K), demonstrates that Investigator Hunsinger misrepresented my communication to Ben Turk in four (4) determinative ways in order to manufacture a false justification for claimed rule violations where none provably existed, in addition to misrepresenting the content of my published speech in a public forum and misrepresenting my tattoo.
- 43) When I read the conduct report, it was clear to me that prison officials wanted very much to punish me-- enough to misrepresent facts in at least half a dozen instances-- but I was still confused as to how the stated conduct, even if accepted as true, related to the charged rule violations. I asked Sergeant Littleton how the alleged conduct related to inciting a riot, or gang activity or crimes in the mail. He admitted he had "no idea." He said, I cannot make heads or tails out of this either.
- 44) I related to Sergeant Littleton that my tattoo was not identical to the STG logo and that I had not written any of the inculpatory remarks falsely attributed to me which would mean, by

process of elimination, I was accused of inciting a riot, gang activity and criminal activity in the mail, based on having written an article critical of Director Mohr's illegal Jpay bondoogle. I noted that "Jpay" was conspicuously mentioned in the conduct report four (4) times (Lines 25, 27, 48, and 71 Exhibit K). I also noted that in the entirety of the nine pages of conduct report, there was no reference to any alleged conduct on my part that could conceivably connect me to the Twelve Monkey promoted activities described on the first page of the conduct report—jamming locks, clogging drains; and there was also no reference to any alleged conduct on my part that could conceivably connect me to the Twelve Monkey materials—i.e. copying, disseminating, or even processing Twelve Monkey materials.

- 45) The word "anarchist" appears in the conduct report at least three times (Lines 22, 43, and 51 Exhibit K) implicating my "ideologies" (Line 22, Exhibit K) I noted that I was being targeted not for and for any misconduct, nor for any rational connection to hooligans who smash windows, but for my thoughtful and religiously based critique of the dysfunctional ordering of society and for telling the truth about Gary Mohr's illegal J pay scam.
- 46) I told Sergeant Littleton that the disciplinary process was being used as a weapon to retaliate against and to repress protected speech and beliefs, absent misconduct implicating a legitimate penological interest. He agreed. He bound me over to the Rules Infraction Board, "stating, I'm just following orders," which was the Nuremberg defense."
- 47) Prior to my R.I.B. Hearing, I sent kite communications to the R.I.B. Chair, Investigator Hensinger, and to Warden Tibbals, explaining that I needed the documents that were referenced in the conduct report to be available at my R.I.B. Hearing. None of the documents were present. No explanation was given.
- 48) I was in a holding cage with Dillon and Dzelajlija just prior to my R.I.B. Hearing.

Lieutenant K. Dahlby, the R.I.B. chair came to the holding cage and menacingly said, "It's time you three monkeys stop jumping on the bed". This indicated to me that Lt. Dahlby had already decided our guilt. This conclusion is also supported by the R.I.B. Disposition, represented by Exhibit L which is a true copy of the documented. On it is Lt. Dahlby's signature affirming the finding of guilt and the punishment imposed. Lt. Dahlby's signature was affixed the day before my hearing occurred. This means Lt. Dalby had found me guilty and had imposed a punishment prior to ever having heard my defense

- 49) My R.I.B. hearing occurred 24 October 2012, the day after R.I.B. Chair Lt. Dahlby found me guilty. On the R.I.B. Panel as Secretary was officer R.D. Waltz. Officer Waltz had previously worked in the mail room and had a long history of harassing "anarchist" prisoner's mail because of her own admitted personal animus. I would later learn that R.D. Waltz had taken Investigator Hunsinger's "training program," for identifying and catching prisoner terrorist's the "training" program included a picture of me, and several quotes of my writings taken out of context from seanswain.org.
- 50) My "impartial" hearing was held before an R.I.B. Chair who already found me guilty and a Secretary with a personal animus against my beliefs who had taken a propaganda program that identified me as a terrorist. This hearing was digitally recorded as MANCI-12-007219.
- 51) No inculpatory evidence was presented. Available to the R.I.B. were three (3) pages of Twelve Monkey Fliers that Investigator Hunsinger admitted I had no connection to. By Investigator Hunsinger's testimony, there was no evidence that I participated in any of the Twelve Monkey promoted activities; there was no evidence that I played any role in the production or distribution of Twelve Monkey materials; there was no evidence that I engaged in or participated in any criminal activity. In short, her testimony exonerated me of the charged rule violations of gang activity, inciting a riot, and using mail in the furtherance of

criminal activity.

- 52) Lt. Dahlby refused to obtain the documents referenced in my conduct report. He refused to read them. When I presented that every item of alleged "evidence" referenced in the conduct report was provably misrepresented, Lt. Dahlby asked me "What? Do you want me to say she is lying?". R. D. Waltz said I was guilty because I am an "anarchist" and "anarchists want chaos." When I attempted to correct her comic book definition of a complex political and philosophical theory I was prevented from speaking. Lt. Dahlby told me in the course of the hearing "the law does not apply here" to explain he has no duty to abide by the constitutional limits to his power set by the U.S. Supreme Court related to prisoner free speech.
- 53) I was found guilty of all three (3) rule violations. I was recommended local control as punishment and a security level review which caused my security to be increased. This would mean I would not go to medium security and get needed programs to earn a parole, but would be sent to Ohio's supermax facility as a terrorist, providing the Adult Parole Authority justification for making me die in prison for a crime I did not commit, absent any real misconduct, simply because I told the truth about the ODRC Director's actions in a public forum.
- 54) Warden Terry Tibbals affirmation of those findings appears as Exhibit M which is a true copy of that document. Director Gary Mohr also affirmed as demonstrated by Exhibit N which is a true copy of these documents. Warden Tibbals recommended me for Level 5, super maximum security. His recommendation appears as Exhibit O, which is a true copy of that document.
- 55) In his super max recommendation, Warden Tibbals relates that I was "identified" as one of the "creators" of the "Twelve Monkeys resistance organization" and that I had an "ability to

cause a major disturbance within a lower level correctional institution”, all “based on the materials that were in (my) possession”.

- 56) The only materials ever alleged to be in my possession consisted solely of my published article, “J Pay, Sock Puppets, and Our Reduction to Slavery”, which exposed the criminal of the prison director made me a “creator” of “the Twelve Monkey resistance organization” according to this level five (5) recommendation.
- 57) In March 2013, my disciplinary appeals were long exhausted. I was days away from a super max transfer. I faced the likelihood of dying in perfect isolation, falsely labeled as a terrorist for telling the truth to the public about prison official’s corruption.
- 58) Friends retained counsel, Robert Fittrakis. Mr. Fittrakis wrote a letter to the ODRC director.
- 59) Les Dillon, one of the prisoners accused of Twelve Monkey involvement fashioned an affidavit on 09 January 2013. He gave me a copy, which I forwarded to legal counsel. Legal counsel referenced this affidavit in his legal correspondence to the ODRC Director, as this affidavit exonerates me of any Twelve Monkey involvement. A true copy of this affidavit appears as Exhibit P.
- 60) I also forwarded to counsel a proposal that I wrote entitled, “Blast! Blog, A Proposal” This was proposed for the creation of a feature at seanswain.org that would serve to make prison officials accountable for their human rights atrocities, given that no real checks or balances existed to prevent human rights abuses. A copy of this proposal was sent to legal counsel for review in order to ensure that the feature, if implemented, would meet legal standards set forth in 47 U.S.C.A. Section 230 for immunity under the Communications Decency Act .My Blast! Blog proposal appears as Exhibit Q. This is a true copy of this document. This proposal would become an issue after prison officials disvowed their original narrative and would pursue new disciplinary action. As a point of fact, this proposal explicitly sets forth a

mandatory disclaimer against violence and does not promote violence.

27 March 2013

- 61) On 27 March 2013, I was taken to an interview room. Two men introduced themselves as Vinko Kucinic , the STG Coordinator at Central Office, and Trevor Clark, ODRC Counsel. The man introducing himself as Mr. Clark did all the talking. Mr. Clark said he was there because he was the point man for the "F.B.I."and the "F.B.I."wanted to record the interview. He said the ORDC had been opening and photocopying all of my outgoing mail for more than six months, that he had read thousands of pages, and that the F.B.I. was going to be bringing federal charges against me.
- 62) He left a cell phone on the desk as if transmitting the content of the interview to others.
- 63) Mr Clark said that the disciplinary case MANCI-12-007219 was going to be dismissed because of its emphasis on beliefs rather than conduct. However, he told me that he was going to write a new conduct report and he knew he could "make this one stick "because he was ODRC counsel and his office reviewed disciplinary appeals.
- 64) Mr. Clark questioned me about the conduct of other people, to include prisoners James Dzelajlija, Les Dillon and Shawn Marshall. He questioned me regarding my private correspondence to friends and to my legal counsel. Mr. Clark said my outgoing mail was opened because "the FBI" asked them to do . When I asked why the FBI could not get a federal court order or a FISA court order to monitor my communications themselves, he had no answer.
- 65) I was impressed that Mr. Clark was quite obsessed with the " F.B.I."
- 66) Mr. Clark asserted that my Blast!Blog proposal promoted violence and property damage. He would not permit me to review it and refer to it in order to prove to him that it did not. Mr

Clark said he interviewed Les Dillon, and that Dillon had implicated me as being Monkey #4 of the Army of the Twelve Monkeys.

67) I did not believe him.

68) Mr Clark told me "the F.B.I. tested my type writer" and that my typewriter "matched" the threats sent to Ohio legislators from the Twelve Monkeys. I told him I knew that could not be true, as my typewriter was not used and I was not involved in the Twelve Monkeys.

69) Mr. Clark slammed paperwork on the desk and ordered me to pick it up. He told me that it was an address list of Ohio legislators and that it had been found in my packed up property. Some of the names on the paperwork were highlighted in blue and I do not have access to blue hi lighters. It was also computer generated and I had no computer access. The list did not look familiar to me.

70) Mr. Clark allowed me to hold the address list long enough for me to memorize the following addresses:

Jack Ford lived at 1935 Shenandoah in Toledo, Ohio 43607,

Lynn Oman lived at 2922 River Road in Maumee, Ohio 46537,

Robert Hagan lived at 562 Madera Avenue, Youngstown, Ohio 44504,

Teresa Fedor lived at 2054 Belvedere in Toledo, Ohio 43614;

Randy Gardner lived at 14900 Mitchell Road, Bowling Green, Ohio 43402

Jeanine Perry lived at 4928 Ottawa River Road, Toledo, Ohio 43611.

71) I noticed that when I handed the private information of Ohio legislators back to Mr. Clark that Mr. Kucinic was holding his head in his hands and shaking his head back and forth. I was perplexed as to why a licensed practicing attorney would share sensitive private information of Ohio law makers with a prisoner convicted (albeit, falsely) of Aggravated Murder and accused of forming his own terrorist organization seeking to target Ohio

legislators. I questioned the emotional and psychological stability of Mr. Clark.

- 72) Mr. Clark told me I would be found guilty of rule violations and I would be sent to maximum security instead of super-maximum security. I asked him how he could know the outcome of the disciplinary proceedings before they occurred. Mr Clark told me that if my friends pulled the plug on seanswain.org, the entire disciplinary ordeal would stop. I told him that was unacceptable.
- 73) The day after this interview I sent a letter to Mr. Clark and a copy to my counsel. A true copy of that letter appears as Exhibit R.

Other Events Prior to the Do-Over

- 74) Thereafter I received a letter that alleged to be a communication from Trevor Clark to my legal counsel with a decision from the ORDC Director appended to it. That letter appears as Exhibit S and the Directors decision appears as Exhibit T; both are true copies of those respective documents.
- 75) I noted that in his correspondence, Trevor Clark related "Inmate Swain's disciplinary and classification hearings will be completed forthwith". I found this to indicate again Mr. Clark's foreknowledge of the disciplinary process' outcome. As point of fact, I would not necessarily be subject to a classification hearing unless I was found guilty of at least some of the charges and would be recommended for a security level review by the R.I.B. chair. Thus, in asserting my classification hearing "will be" completed, Mr. Clark revealed his foreknowledge that I would be found guilty and would be recommended to higher security.
- 76) Officials at the highest levels of the ODRC had predetermined the outcome of a disciplinary process that had not yet occurred.
- 77) Prior to receiving Mr. Clark's letter, I received a Local Control Placement Review Hearing

form completed by Lt. Barlow. This placement review was conducted on 23 April 2013.

Exhibit U is a true copy of that review.

- 78) This review is significant because Lt. Barlow would be assigned as the R.I.B. chair in the "do-over" He generated this review the day before the ODRC Director reversed Mancini-12-007219 Yet, in this document, Lt. Barlow refers to the closure of Mancini -12-007219 and the rehearing that had not yet occurred (Mancini-13-002907) and the penalty he would impose in that rehearing ("L.C. Suspended").
- 79) In sum, Lt. Barlow referred to a reversal he could not reasonably have known about, as it had not yet happened; he referred to as an R.I.B. case where he would serve as the R.I.B. Chair, when it had not yet happened.
- 80) I later sent a kite to Lt. Barlow to ask him who had intimated to him in advance of the director's decision that the case was going to be reversed and that he was going to find me guilty in the "do-over." He never answered that kite. However, it is clear that ODRC Director Gary Mohr, ODRC Counsel Trevor Clark, and MANCI R.I.B. Chair Lt. Barlow all conspired to create a predetermined outcome in my disciplinary proceedings.

The New Conduct Report

- 81) The new conduct report was issued by Investigator Hunsinger on 30 April 2013. A true copy of this conduct report with exception to the handwritten line numbers line numbers on the left margin and the page number "1- 8" through "8-8" in the top right corner. appears as Exhibit v. Contrary to Director Mohr's decision of 24 April 2013, this was not a re-hearing of MANCI-12-007219. Instead, Investigator Hunsinger presented a conduct report in a new case, whereas the original conduct report charged violations of rules 15, 17, and 56. In the new conduct, the charge of using mail in furtherance of criminal activity was dropped but I

was instead charged with conspiracy and violation of security. Also, the original charged conduct of writing an article and having a tattoo and sending mail to Ben Turk were no longer mentioned. Instead, by the new story, Investigator Hunsinger accused eight instances of conduct not previously mentioned in the original narrative.

82) The only constant was that the date of the offense remained 19 September, 2012, the day that the STG officers confiscated my J Pay article and subjected me to torture. So by this new narrative that seems to disavow the old narrative, I was placed in segregation in September of 2012 because of eight (8) instances of accused conduct that happened months after I was in segregation. In other words, the effect preceded the cause by approximately six (6) months.

83) By this new narrative, the regimen of punishment to which I was subjected was completely unrelated to the rationale previously admitted-- that I wrote an article about J pay. Yet, the new narrative pointed to no alleged misconduct that preceded the regimen of punishment. The new conduct report essentially said, "We did not throw Swain in the hole for the unconstitutional reasons we previously admitted; instead, we threw him in the hole for a number of events that had not happened yet." In this way, the new narrative seemed to defy logic and reason.

84) This new conduct report alleged eight (8) instances of conduct arguably presented to demonstrate my guilt for charged rule violations.

85) The first instance alleged to implicate me was that Dillon wrote a fictional story that Investigator Hunsinger claimed impeached Dillon's sworn affidavit. By Investigator Hunsinger's description of Dillon's story, it implicated me as Monkey #4 of the Army of Twelve Monkeys (Exhibit V Lines 11-16).

86) Dillon's fictional story appears as Exhibit ^W~~N~~. This is a true copy of his story. Comparison of

his story to its description in the conduct report demonstrates that Investigator Hunsinger misrepresented the story in several determinative ways.

- 87) As point of fact, no such character as “ Monkey #4” exists in Dillon’s story. As a point of fact, I was not placed in segregation with Dillon as we arrived on separate days, contrary to Investigator Hunsingers misrepresentation. As point of fact, I did not have a level 5 hearing at the same time as Dillon, contrary to Investigator Hunsinger’s misrepresentation. As a matter of fact, I was never interviewed by the State Highway Patrol, contrary to Investigator Hunsinger’s misrepresentation. As a point of fact I do not “own ”a website contrary to Investigator Hunsinger’s misrepresentation. In sum Monkey #4 did not exist in Dillon’s story and neither did any of the commonalities that Investigator Hunsinger alleged to identify me as Monkey #4.
- 88) Investigator Hunsinger engaged in six (6) demonstrable misrepresentations in an effort to impeach Dillon’s exonerating affidavit.
- 89) The second of eight (8) instances of conduct that Investigator Hunsinger presented in the conduct report relates to Dzelajlija having written a letter; in that letter Dzelajlija allegedly wrote that I was not in favor of a Twelve Monkey website being created (Exhibit V, Lines 28-30). Investigator Hunsinger presented this as evidence that I was a member of the Twelve Monkeys. I am unaware of how someone else’s conduct implicates me.
- 90) The third of eight (8) instances of conduct that Investigator Hunsinger presented in the conduct report to prove my violation of prison rules relates to my outgoing correspondence where I provided others with the internet location of Army of Twelve Monkeys materials. As a point of fact, on advice of counsel and friends, I shared the internet location of Twelve monkeys materials with dozens of people, including the warden, the ODRC director, and supervisor of segregation. I directed them to these addresses (<http://www.ge.tt/2ckaeFO/v/0>

and <http://www.ge.tt/6UJJ4xP/v/0>) because these materials exonerate me. As counsel pointed out, none of the materials referred to anarchism nor to J pay policies.

All of them were posted were computer generated. All of them were posted online at a time when all my ingoing and outgoing mail was photocopied for "the F.B.I." Also, as my counsel located these materials, it is safe to say that the prison officials likely knew of them but concealed accusing me of misconduct for effectively exposing her initial frame-up of me. I am unaware of how this constitutes a violation of prison rules.

91) As a fourth instance of conduct, the conduct report related: "(Swain) also advocates and conspires with other in public (sic) to create on his (sic) website a "Blast Blog" which allegedly (sic) will "contain personal information of DRC staff members for the purpose of harassing, threatening, and intimidating staff members," (Lines 34-36, Exhibit V). This, however, is provably untrue as I shared this proposal with legal counsel, and it appears as Exhibit Q .The proposed feature is not for presenting personal information and it contains a disclaimer to specifically denounce the very harassment that Investigator Hunsinger attributes to Blast! Blog.

92) As a fifth instance of conduct, Investigator Hunsinger related that I wrote "correspondence touting that the Army of Twelve Monkeys resistance manuals are posted on (my) website" (Lines 37-38, Exhibit V). As point of fact, this is not true. Further, while I have never been on line and have no proprietary relationship with seanswain.org, it is my understanding that Twelve Monkey materials were never posted there.

93) As a sixth instance of conduct, Investigator Hunsinger accused me of writing to a friend and ~~understanding that Twelve Monkey~~ telling him he should sell Twelve Monkey T-shirts (Lines 38-39, Exhibit V). As point of fact, Terry Gilliam owns the copyright to the Twelve Monkeys and I would not suggest in seriousness that someone should sell T-Shirts. Also, as

a point of fact, I do not believe that the selling of a T-Shirt would make Terry Gilliam, my friend, or me a member of a terrorist group.

94) As a seventh instance of conduct, Investigator Hunsinger wrote that another prisoner sent me a coded message (Lines 39 - 42 Exhibit V). As point of fact, the prisoner was mentally ill and I did not respond to the incoherent writing he sent to me. I am unaware how this would constitute a rule violation on my part.

95) As an eighth instance of conduct, Investigator Hunsinger alleged that I participated in the creation of the Twelve Monkeys and the dissemination of their materials (Lines 53-54, Exhibit V). Investigator Hunsinger's testimony, digitally recorded in MANCI-12-007219 directly refutes this assertion. Investigator Hunsinger's testimony exonerated me prior to the writing of this conduct report.

96) These eight (8) instances of alleged conduct comprised the entirety of the allegations against me. I shared with Sergeant Van Biber, the hearing officer, my observation that the allegations in the narrative did not constitute rule violations. Three of the eight instances described the conduct of other prisoners, for which I am not responsible; four of the remaining eight described my free speech in private correspondence for which Investigator Hunsinger did not so much as allege a legal justification for monitoring. The last of the eight instances, an allegation that I participated in the creation of the Twelve Monkeys and the dissemination of their materials, was simply a baseless accusation unsupported by any evidence and contradicted by Investigator Hunsinger's prior testimony. I reminded Sergeant Van Biber that Investigator Hunsinger had previously asserted falsely that I wrote things had not written in a published article; that I possessed a tattoo what was not as described; that I had written a confession that, it turned out, did not say what she claimed. In short, the new conduct report was a second effort to "get me," issued by a prison official who has proved

she would do or say anything to get me.

97) Sergeant Van Biber bound me over to the R.I.B.

Events Prior to the Second R.I.B. Hearing

98) Prior to the hearing for MANCI-13-002907, I sent requests to Warden Tibbals, Investigator Hunsinger and her counsel, Trevor Clark, requesting an itemized list of mail to and from me, from September until March of 2013. This itemized listing was three (3) columns per page 15 pages long. No one provided me with a single piece of paper. At R.I.B. this documentation was not present.

Second R.I.B.

99) The hearing for MANCI-13-002907 occurred on 09 May 2013. It was digitally recorded. Investigator Hunsinger nor her counsel Trevor Clark admitted any evidence. Nothing was presented to me for my review. In a kite response from LT. Barlow, I would later learn that a secret hearing had been held for several hours before I was summoned, whereby Investigator Hunsinger's attorney, Trevor Clark presented "evidence." I could neither examine nor refute, the evidence, and then I was permitted a hearing that was a mere formality to provide the appearance of due process.

100) Just as in MANCI -12-007219, the decision as to my guilt was made provably, before my hearings ever began.

101) At my R.I.B. hearing I presented the testimony of Les Dillon, who stood by his affidavit and confirmed that Investigator Hunsinger misrepresented his fictional story in several determinative ways Dillon testified he was Monkey #9 of the Army of the Twelve Monkeys, and that I was never in the group.

102) I presented my J Pay article, which Investigator Hunsinger provably misrepresented in

prior proceedings; I presented my "Open Letter" which she provably misrepresented; I presented Dillon' affidavit which was not impeached. I presented a copy of my Blast! Blog proposal as sent to my counsel, Robert Fittrakis to prove Investigator Hunsinger misrepresented it.

103) I called Lt. Dahlby as a witness. He said he could recall no facts from my prior hearing. The digital recording was not played.

104) I called Angela Hunsinger's counsel, Trevor Clark. He testified to giving me home addresses of Ohio legislators when he interviewed me in March. Later during Dillon's testimony, Mr. Clark burst into the room to demand confiscation of all of my R.I.B paperwork, claiming "the F.B.I." wanted it. Mr Clark threatened that I would be subjected to more harassment in the disciplinary process because I exposed his misconduct in giving me legislators home addresses.

105) It must also be pointed out that Mr. Clark provably misrepresented the amount of time I possessed that address list, when he said I "glanced at it for five seconds". There is no way I could memorize six addresses in five seconds.

106) In my R.I.B. defense I preserved four (4) legal arguments including the fact that my hearing exceeded all statutory time lines.

107) I was found guilty of all four (4) charges. I was given the punishment that Lt. Barlow had already decided to give me, as presented in the local control review of 23 April 2013, 16 days prior to my hearing Exhibit U.

108) Exhibit X is a true copy of the Disposition of the Rules Infraction Board. According to that disposition, the "evidence" "relied on" was "handwritten letters and contraband collected." As the digital recording will reflect, not a single handwritten letter was admitted during my hearing and the record is void of any "contraband" ever being collected. The

only thing "collected" from me in terms of written material was my J Pay article.

109) On this disposition, the date of the hearing listed is 30 April 2013, the same date as Trevor Clark's letter to my counsel where he related that I would be subject to a classification hearing Exhibit S). Thus, this disposition which was filled more than a week prior to my R.I.B. Hearing reveals how Trevor Clark and Lt. Barlow had conspired to achieve a predetermined result, using the disciplinary process as a tool for that end.

110) Warden Tibbals, who previously affirmed the overturned MANCI-12-007219, again affirmed MANCI-13-002907 Exhibit 4 is a true copy of his decision. Director Mohr, who also affirmed MANCI-12-007219 before he reversed it, again affirmed MANCI-13-002907 Exhibit Z is a true copy of his decision.

Further Harassment Promised by Mr. Clark

111) This was not the end of the disciplinary process. As promised by Mr. Clark, recorded digitally, I would face further disciplinary action.

112) On 13 May 2013 I was taken to R.I.B. to answer for a conduct report in MANCI -13-002794. Sergeant Van Biber had heard me on this conduct report on 30 April 2013 and had dismissed this conduct report.

113) At that time, I had told Sergeant Van Biber that the charged rule violation was not supported by the supporting facts. He agreed and threw out the conduct report.

114) Exhibit AA is a true copy of the conduct report in MANCI-13-002794 that Sergeant Van Biber dismissed. That conduct report was written by Manci Inspector Uriah L. Melton, charging me with a violation of Rule 8, "threatening bodily harm to another." The supporting facts related in the conduct report make no reference to a threat of any kind. Thus, Sergeant Van Biber dismissed it.

- 115) On 13 May I was taken to R.I.B. to answer a conduct report that Sergeant Van Biber had already dismissed. When I arrived and I was placed in the holding cage, I told Lt. Dahlby that the conduct report had already been dismissed. He responded that he was only doing what Trevor Clark ordered him to do. When he spoke to me his speech was slurred and he smelled of alcohol.
- 116) The hearing for MANCI-13-002794 was digitally recorded. I attempted to make an opening statement in my defense but Lt. Dahlby interrupted me. He stood, staggered around the desk and stumbled into me. He took all of my paperwork from me and said "the F.B.I." wanted it. The paperwork has not been returned to me.
- 117) Among those papers was the kite that was the basis of the conduct report. A true copy of that kite appears as Exhibit BB. Also, among those papers was the other kite the inspector received from me that same day. A true copy of that kite appears as Exhibit CC. Among those papers was also a certificate awarded to me personally by Rosa Parks, recognizing me for my peace work in prison and nominating me for placement on the Wall of Tolerance as a prison pacifist. A true copy of that certificate appears as Exhibit DD In addition I had prepared fourteen (14) questions for the charging official. Lt. Dahlby seized those as well. Those questions are reproduced as Exhibit GG.
- 118) Lt. Dahlby began questioning the charging official. He asked only one question. Then he said, "I see where you are going with this," and then would not permit the charging official to answer the remaining questions. When I objected to this, Lt. Dahlby called me "ridiculous" and kicked me out of the hearing. I was found guilty of a nonexistent threat for a kite that constituted de facto protected speech in a dismissed conduct report, in an irregular hearing held past all time limits, presided over by an R.I.B. chair who was drunk.
- 119) The disposition of the R.I.B. appears as Exhibit EE and is a true copy of that document.

- 120) I thereafter sent a kite to the charging official. Exhibit FF is a true copy of that kite. The kite contained a copy of the questions he did not answer. Exhibit GG Is a true copy of these questions.
- 121) Warden Tibbales affirmed MANCI -13-002794. A true copy of his decision appears as Exhibit HH. In it he justifies exceeding mandatory time frames due to “requested witnesses.” As a point of fact, I requested no witnesses.
- 122) Director Mohr affirmed MANCI-13-002794. A true copy of his decision appears as Exhibit II.

LEVEL 4 RECOMMENDATION

- 123) I was provided a security review. Exhibit JJ is a true copy of this review. The point total reflected on this security instrument justified my continuation at current security level of 0-3. On page 3 of this review, to override that recommendation, prison officials alleged that evidence in correspondence is clear that inmate participated in the creation and dissemination of the “Army of the Twelve Monkeys” materials. As a point of fact, no conduct that could constitute creation or dissemination of Twelve Monkey material was ever shown.
- 124) Strangely, however, when Warden Tibbales submitted the Level 4 recommendation, he did not reference any of the “conduct ” alleged in the new narrative of MANCI-13-002907 nor the non existent threat in MANCI-13-002794. Instead, Warden Tibbals reverted to the original narrative that I should be increased in status because of the article “Jpay, Sock Puppets and Our Reduction to Slavery” released 28 September 2012. He stated that as the article was in my possession, it proved my being one of the creators of the Twelve Monkeys. Because of this, I am still being targeted as a “radical”. All paperwork beginning in March 2013 was actually elaborate “smoke and mirrors” to cover up the true motivation

and animus of prison officials.

- 125) This recommendation to increase security level was approved based on Warden Tibbales opinions. "Thus, I was to be sent to Level 4, admittedly, for the "materials" I possessed, which was my J Pay article, even though ODRC Director Gary Mohr had already admitted that punishment for free speech was not legal. The warden's approved recommendation appears as (Exhibit KK) and is a true copy of that document.
- 126) The same date as my transfer to Level 4 was approved, Rob L. Jeffreys, Chief of the Bureau of Classification, sent me a correspondence. Exhibit LL is a true copy of that correspondence. In that letter, Mr Jeffery's falsely informed me that I would remain at Level 3. It was only after I arrived at the Ohio State Penitentiary that I was informed that I was elevated to Level 4B and subject to total isolation.

Further Evidence That the Reversal Was Staged and Contrived

- 127) A true copy of my job history appears as (Exhibit MM). As noted, this document was printed on 12 June 2013, nearly two months after MANCI-12-007219 was reversed. Yet, "Local Control" or "LC" designation from a start date of 07 November, 2012 remains on this job history. This means the punishment that was only entered in MANCI -12-007219 remained. As point of fact, I was never reimbursed for the pay I should have received if that local control placement had been reversed.
- 128) I was never ordered local control in MANCI-13-002794 nor MANCI-13-002707 (Exhibits X and EE). Also, refer to (Exhibit JJ), my status review, which states, "No LC Placement."
- 129) The only explanation for the totality of the evidence is that ODRC Director Gary Mohr and ODRC Counsel Trevor Clark created paperwork to stage the reversal of MANCI-12-007219 and then orchestrated and contrived ~~and~~ predetermined process for justifying the end result

they sought, which was my punishment and personal destruction at higher security, causing me to languish in prison for a number of years, for the concealed reason that I engaged in protected speech that exposed Gary Mohr's actions, but under the contrived justification of pretextual "disciplinary violations." It is my belief that everything from the reversal onward was staged, contrived and engineered for purposes of misleading my legal counsel and any legal inquiry into the original free speech repression.

130) As a result of this contrivance, the Adult Parole Authority has a pretextual justification for holding me in prison for the rest of my life for a crime I did not commit, because the ODRC Director and his counsel want to "make me pay" for telling the truth about the director's actions in a public forum.

131) In addition, the conditions that I endured in retaliation for, and repression of, my de facto protected speech included an irregular, unusual and particular regime of state terror contrary to law, policy, and evolving standards of decency. This regimen of state-terror included: Being placed in a Torture Cell as already described, where two (2) prisoners later died; Being identified in a staff "training" program as a terrorist-- a program used to promote staff hostility; Being fed starvation rations; Being housed in freezing conditions; Being subject to sleep deprivation; Being denied reasonable hygiene materials such as soap; Being denied reasonable laundry service; Being subject to harassment related to recreation; Being denied library services; Being selectively denied reading material through the mail; Having communication mediums suspended without notice to obstruct legal communication; Being subject to illegal and irregular regimes of photocopying all outgoing mail; Being selectively denied commissary privileges; Being housed in a cell where dirty toilet water rained on me for hours a day; Being subject to the selective harassment of food shoved under a rusty, dirty steel door rather than provided through the food slot; and Being threatened by staff

of having genitals placed in my food. After transfer from MANCI, I was placed in a situation of solitary confinement which may continue for the rest of my life as punishment for telling the truth in a public forum.

Post- Torture Cell

132) After I was removed from the Torture Cell, I was transferred to the Special Management Unit (SMU) at MANCI, which is the former Death Row. From 21 September, 2012 until 29 August 2013, I was housed in a cell with James Dzelajlija, also targeted as a member of the Army of the Twelve Monkeys, absent any rational connection. The conditions described are conditions we experienced during that time frame.

Training Program

133) I first became aware of the MANCI “training” program in October 2012 when staff who know me and reasonably knew I was not involved in the Twelve Monkeys intimated to me that Investigator Hunsinger created a training program that featured my photo and misrepresented my published writings to give the false impression I was a prisoner terrorist. Friendly staff also intimated that display from the training program was kept near the line-up room, where all staff on all three shifts gather before and after each shift. One staff member removed an 8.5 X 11 inch print out photo of my face and brought it to me, telling me, You didn’t get this from me.” I mailed the photo out to my attorney.

134) It should be remembered that this “terrorist” program and the designation placed on me was orchestrated by Angela Hunsinger who targeted me for my religious beliefs beginning in 2009. Thus everything I experienced was a continuation of her personal animus.

Food Portions

135) I entered the SMU weighing 215 pounds. When I left, I weighed less than 160 pounds.

While in the SMU I would sometimes pass out when I stood up.

136) Food portions in the SMU were approximately half the size of those served in general population. Not long after I learned of the “training program,” I noted that Dzelajlija’s and my portions were cut in half again. Because we were in the same cell and we were the first cell in the block, our trays were the two at the top of the stack; therefore, our food could be selectively reduced.

Freezing Conditions

137) On 16 January 2013, Dzelajlija and I were irregularly moved from our cell location in SMU3 to SMU1, into a cell where the outer window was not affixed to the frame. We were subjected to intolerably cold conditions and the window was not repaired until after we left that location. We experienced these freezing conditions provided only T-Shirts, socks, underwear, 2 blankets, 2 sheets, shower shoes, and a pair of orange pajamas.

Sleep Deprivation

138) Beginning also in January 2013, we were subject to sleep deprivation, having been irregularly moved into a cell positioned next to a steel door and a crash gate. This coincided with a new policy of corrections staff making rounds every half an hour, which meant that we would be disturbed by the crashing gate opening and slamming every thirty minutes, as well as the steel door.

139) It is reasonable to suspect that this harassment was intended, as several staff members intimated that they were pressured by administrators “pretty high up” to give Dzelajlija and I “the business”. And they opted to transfer to other posts to avoid the whole situation.

140) Shortly after the “training program” was implemented, the soap given to SMU prisoners was reduced to one third its previous size. This, along with more than a dozen other

“policy” changes, altered practices that had been in place for decades at MANCI. Also, while this effected the entire SMU, it must be remembered that most prisoners would experience the SMU for days or possibly weeks, while the accused “Twelve Monkey” prisoners, myself included, were particularly impacted, because we were irregularly kept in the SMU for nearly a year.

Laundry Service

141) Again, coinciding with the “training program” was the suspension of laundry service. When it resumed, Dzelajlija’s laundry and mine was selectively harassed or “lost.” Our laundry was identifiable because our laundry bags were marked with our names and cell location. Coinciding with a diminution of soap, we had no way to even wash our own laundry by hand. We remained generally dirty for the better part of a year.

Recreation.

142) In the outside recreation area, basketball hoops were removed in the SMU block where Dzelajlija and I were moved. When we were later moved to SMU 2, hoops were installed in the block we left, and SMU 2 had no hoops. Unlike all other cells, Dzelajlija and I were almost always offered recreation at 0630 am, making it impossible for us to get recreation and receive direct sunlight.

Library

143) The two decades old policy of book delivery to segregation was suspended after Dzelajlija and I availed ourselves to it.

Reading Materials Through Mail.

144) In the case of Dzelajlija and I, exception to policy was made whereby we were not

permitted to receive two books while in segregation. Instead, reading materials mailed to us were irregularly denied. At first, an irregular standard for withholding was applied and after we challenged it the mail room then employed a new strategy of simply returning books to the sender without any explanation. All of this was a deviation from decades-old policies and practice.

Mail Screening.

145) The mail screening process was employed for purposes of harassment, specific to mail sent to Dzelajlija and me. As one example, Walden by Henry David Thoreau was deemed a “threat to security” and I was not allowed to receive it. As a point of fact, several copies of Walden were available in the prison system’s library.

Stolen Mail

146) On many occasions, portions of my mail were simply taken by mail room staff without process. On one occasion when I was able to prove this, three pages of a five page J Pay letter from a pacifist friend of mine were not given to me. I received only page one (1 of 5) and page five (5 of 5). In my numerous communications to staff, including mail supervisor Lieutenant Paul Reece, staff denied receiving the missing pages and blamed glitches in the J Pay system . When I filed a grievance with Inspector Uriah Melton, he went to the mail room, and months later found the missing pages that Lt. Reece claimed had never been received at the institution.

147) Having proven that mail was in fact being stolen from me, Inspector Melton refused to acknowledge the illegality. When I sent him a kite informing him of the futility of the grievance process and my intent to abandon its use, he wrote a conduct report accusing me of “threatening bodily harm”, which became MANCI-13-002794.

148) Also, once the stolen three pages were recovered, they were not given to me. Instead, months after their arrival, they were “withheld” as encouraging “violence”, although I knew they were sent by a pacifist.

149) This also demonstrates what seems to be a pathology in prison officials of thinking that “violence” is defined as “views you do not like”, even if sent from a pacifist to a peace advocate honored by Rosa Parks; even if written by Henry David Thoreau and present in the library.

J Pay Discontinued

150) With regular postal mail (commonly called snail mail) being delayed regularly as long as two weeks and legal mail targeted for longer delays, friends began facilitating my communication with counsel through electronic JPays. Shortly after this was under taken, without notice of policy change, MANCI suspended all JPay service to all SMU prisoners. No rational explanation offered.

151) In addition to chronic delays in my incoming mail not experienced by the average prisoner, all of my outgoing mail was photocopied and read by prison officials, from September 2012 until at least May 2013. The documentation to justify this is that I was under investigation because I was suspected of wrongdoing and I was suspected of wrongdoing because I was under investigation.

152) I had no private communication with family or friends and my every written word was scrutinized and then misrepresented and used as a weapon against me. Along with all of the other state-terror tactics, this greatly affected me emotionally and made me feel helpless, hopeless, cut off, and powerless. I was afraid the irrational prison officials, attacking every aspect of my life, might simply shut down all of my communication with the outside world

and isolate me completely.

Commissary

153) Dzelajlija and I were denied commissary enjoyed by all other prisoners on a few occasions.

This was particularly difficult because we had no other source for writing materials. It seemed these commissary denials would always coincide with desperately important periods of legal communication, as if the goal was to use a lack of envelopes, paper, and pens as a method to obstruct my communications with counsel and supporters who acted as middlemen between myself and counsel.

TOILET WATER

154) After spring thaw, Dzelajlija and I were moved from the freezing cell to one that had holes in the ceiling and electrical problems. We had to spend many nights without lights and whenever a disgruntled person in the suicide cell all above us would flood his cell, it would rain dirty toilet water down on us, and on all of our property, for ten straight hours. Our bedding, legal work and all we owned would be drenched in toilet water. Nothing was done to fix this.

Food Under the Door

155) Officer Shore, who bragged about having taken the "terrorist" training program, claimed that Dzelajlija and I were too "dangerous" to receive our food through the food slot and decided instead to cram our food under the rusty, dirty door, knocking loose debris and dead bugs into our food.

Genitals in Food

156) When Dzelajlija and I demanded to be moved from the toilet - water - rain cell, Officer

Miller, who also admitted to having taken the “terrorist program,” threatened to put his genitals in our food. We had to go several meals without eating until we were finally moved.

Context

- 157) It must be remembered that I was subject to all of this irregular state terror because I wrote an article. I told the truth. I was then falsely labeled a terrorist and subjected to what the Central Intelligence Agency’s KUBARK manual refers to as a “full spectrum” assault on my entire life, maintained for nearly a year without abatement. For purposes of context, Shawn Marshall, a fourth prisoner accused of Twelve Monkey involvement, was placed in the SMU in January of 2013. Within two months of experiencing harassment that was by degrees less intense than what I experienced, Marshall was driven completely insane. By March 2013, Marshall was smearing blood and fecal matter on his walls and would eat holes in his arm to get to “get the electronics out”. He told me he believed in the future I was going to be a leader of the Twelve Monkeys, and that he was sent back from the future to give me manuals, and that he remembered me from the Residential Treatment Unit at Corrections Reception Center where he was sent for psychiatric evaluation in 2005. He said electronic devices were implanted inside of him by Angela Hunsinger.
- 158) Shawn Marshall is now medicated at Southern Ohio Correctional Facility and is on the psychiatric caseload after the MANCI state terror program broke his mind.

Now

- 159) I am now housed at Ohio State Penitentiary in complete and total isolation. Absent a successful legal challenge, I can anticipate that contrived pretexts will continue to arise to

justify keeping me in these extreme conditions until my mind is broken or I die. My mind is being destroyed in support of the proposition that the state reserves the right to be irrational and its conduct does not have to make logical sense.

160) My only other possible path to freedom would be to escape from my lawless criminal captors, which would be very difficult from a super maximum security prison.

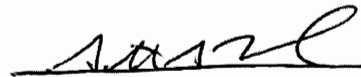
Affiant Further Sayeth Naught.



Sean Swain
Prison Reg. A243-205
Ohio State Penitentiary

Sworn and subscribed before me, a notary public this

28th day of February, 2014



SCOTT NOWAK

expires: March 26, 2015

In the Alleged State of Ohio)
):SS
In the County of Richland)

Sean Swain, being duly sworn, hereby deposes to state:

1. I am a Neolithic Indigenist. I have converted to Neolithic Indigenism because it reflects my sincere and deeply-held beliefs. Neolithic Indigenism: A Revolution of Mind, Body & Spirit sets forth the tenets of belief and practice to which I adhere.

2. As a Neolithic Indigenist, I am part of a remnant who keeps alive the indigenist practices which were otherwise obliterated 6,000 years ago when a tribe of humans undertook domestication, altering their relationship to the rest of the world, and colonizing the indigenist populations of Europe, Asia, Africa, and elsewhere. As part of this remnant, I "carry the fire" in anticipation of the end of the domesticator's system, a system that has departed from the Great Law and races toward its own destruction. With its collapse, Indigenists will bring back the Old World, allowing it to heal from the last 6,000 years of toxic dystopia.

3. Neolithic Indigenism is distinguished from all other belief systems that have developed in the last 6,000 years— humankind's period of domestication and departure from the Great Law —by the following deeply-held, religious principles: Rejection of anthropocentrism; of mass-production of food; of institutionalized hierarchy; of institutionalized law; of specialization; of the institution of private property; of patriarchy; and of militarization, all components of the social system created by the "fire eaters." Indigenism is also distinguished by its religious affirmation of tribal constructs, families, and individuals to live autonomously; the principle of eminent domain; and the rights of voluntary association, mutual aid and cooperation, and direct action, which are all components of living within the Great Law.

4. The scripture of Neolithic Indigenism is The Book of Elikiah, which provides an Indigenist explanation of life, death, and the hereafter. It provides religious precepts which Indigenists follow, and reflects a traditional way of life based upon deep spiritual conviction shared by Indigenists, intimately related to daily living. These are not mere personal or philosophical beliefs but are an integrated, spiritual system of belief with expressions of spiritual truth in spiritual practice.

5. On February 14, 2011, I requested recognition of my religious preference from the Chaplain at Mansfield Correctional Institution, pursuant to my right to the Free Exercise of Religion guaranteed by the First Amendment to the United States Constitution, pursuant to my "natural and indefeasible right to worship" guaranteed by Article I, §7 of the Ohio Constitution, pursuant to 42 U.S.C. §2000cc(5)(7)(A), and pursuant to O.D.R.C. policy 72 REG 02(IV). On February 27, 2011, I directed an affidavit to the chaplain in support of my request. On March 22, 2011, I received from the chaplain a second request to fill out. This affidavit is intended to accompany that request.

AFFIANT FURTHER SAYETH NAUGHT.

Sean Swain A243-205

Sworn and subscribed before me, notary public, this 27th day of March, 2011.



JOHN O. BABAJIDE
NOTARY PUBLIC,
STATE OF OHIO
My Commission Expires
May 31, 2011

Handwritten signature of John O. Babajide and the text NOTARY PUBLIC.

Exhibit B

Ohio Department of Rehabilitation and Correction
Institution Religious Accommodation Review Committee

Response To Request For Religious Accommodation

Offender Name: SWAIN	Number: A-243205
Current Religious Affiliation: NEOLITHIC INDIGENISM	RE: DRC4326 Dated: 04/25/2011

Chaplain Recommendation:

YOUR REQUEST FOR AN EXEMPTION TO GROW YOUR HAIR HAS BEEN RECOMMENDED ONLY FOR RELIGIOUS REASONS. AT ALL TIMES, EXCEPT FOR WASHING AND CLEANING, THE HAIR MUST BE WORN IN A PONYTAIL, BRAID OR PLAITS STYLE. DREADLOCKS ARE PROHIBITED FOR SECURITY REASONS. YOUR HAIR MUST BE SEARCHABLE WHEN REQUESTED BY STAFF. IF REFUSED, THEN YOUR HAIR WILL BE CUT.

YOUR REQUEST FOR AN EXEMPTION TO GROW A BEARD THE WIDTH OF YOUR HAND AND/OR FIVE FINGERS HAS BEEN RECOMMENDED, ONLY FOR RELIGIOUS REASONS. LASTLY, YOU ARE RESPONSIBLE FOR THE COST OF ANY NEW PHOTO TAKEN.

*****CONTINUED PAGE 1 OF 2*****

Chaplain's Signature: <i>D Butts</i>	Date: 06/21/2011
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Accommodation Review Committee Response:

Concur with recommendation of Chaplain Butts. Approve hair exemption only!

Committee: S. Freeman, Duss; Major Hare; S. Basquin + Chaplain B...

Committee Chairperson Signature: <i>S. Freeman, Duss</i>	Date: <i>8/1/11</i>
--	---------------------

Warden's Decision: Approved Disapproved Refer to Reg. Religious Services Admin.

Comment

Signature: <i>[Signature]</i>	Date: <i>8-1-11</i>
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Ohio Department of Rehabilitation and Correction
 Institution Religious Accommodation Review Committee

Response To Request For Religious Accommodation

Offender Name: SWAIN	Number: A-243205
Current Religious Affiliation: NEOLITHIC INDIGENISM	RE: DRC4326 Dated: 04/25/2011

Chaplain Recommendation:

YOUR REQUEST FOR THE FOLLOWING RELIGIOUS ACCOMMODATIONS
 POSSESSION OF NATURAL-FIBER STATE CLOTHING; USE OR POSSESSION OF ORGANIC-MATERIAL EATING
 UTENSILS; OPERING OF ORGANIC HYGIENE ITEMS; RECEIVING OF RITUAL TATTOOS AND PIERCINGS;
 EXEMPTION FROM MANDATORY INSTITUTIONAL JOB ASSIGNMENT; CONGREGATE SERVICE - UNLESS AN
 APPROVED OUTSIDE RELIGIOUS LEADER LEADS THE SERVICE; YOUR EXEMPTION FROM THE POLICY OF
 REQUIRING REMOVAL OF RELIGIOUS HEAD GEAR; MEDITATION CUSHION AND WEARING OF BUNDLES ON
 NECKLACES - THESE WILL BE RECONSIDERED ONCE A VISUAL AND AN APPROVED VENDER IS LISTED;
 RELIGIOUS DIETARY RESTRICTIONS - YOU LISTED NO TYPE OF RESTRICTIONS; RECOGNITION OF RELIGIOUS
 HOLIDAYS - YOU LISTED NO PARTICULAR HOLIDAYS. THE FOLLOWING ARE NOT ACCOMMODATION ISSUES;
 FASTING & MANDATORY NON-VERBAL PRAYERS AT MEALS. YOU CAN FAST AND YOU CAN
 PRAY BEFORE YOUR MEALS

Chaplain's Signature: <i>D. Butts</i>	Date: 06/21/2011
---------------------------------------	------------------

Accommodation Review Committee Response:

Concur with rationale listed above by Chaplain Butts
 Committee: S. Freeman, S. Basquin, Major ~~there~~ + Chaplain Butts

Committee Chairperson Signature: <i>DWSS</i>	Date: 8/9/11
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Warden's Decision: Approved Disapproved Refer to Reg. Religious Services Admin.

Comment

Agree w/committee.

Signature: <i>[Signature]</i>	Date: 8-10-11
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Gary C. Mohr, Director
Ohio Department of Rehabilitation and Correction
770 West Broad Street
Columbus, Ohio 43222

June 13, 2011

Dear Director Mohr:

I am writing to request an arrangement for you or your designee to review all of my outgoing communication to friends, family, and publishers. As a consequence of events transpiring in your predecessors' times in office, this has become necessary.

In 2008, Toledo Correctional administrators placed me in segregation with the intent of transferring me to super-maximum security, and subjected me to conditions that the United States government has called "torture" in its internal documents. Thereafter, during my attempts to challenge this treatment, I was subject to a gauntlet of repression and retaliation designed to inhibit my ability to proceed to court and to also diminish my will to proceed. All of this greatly troubled me, as I was-- and remain --a model prisoner. In nearly twenty years of confinement for a crime I can objectively prove I did not commit (not that it matters), I have never been in a single fight. I have not been involved in drugs nor alcohol. I obey prison rules and pride myself in my ability to get along well with both prisoners and staff. I have always gotten near-perfect job reviews and, in review of my programming, a case manager once wrote that I would be a benefit to my community if released. So, you can imagine my bewilderment when faced with irregular segregation and subsequent retaliation.

The reason? My published writings. I was punished for a prison rule violation on the basis of the content of my published work beyond prison fences. Despite well-established U.S. Supreme Court case law that held that prison officials have no penological interest in my communicated beliefs to people beyond prison fences, my claims were dismissed as frivolous (Swain v. Fullenkamp, et. al., U.S. District Court Case No. 3:09-cv-02659; Sixth Circuit Case Number 10-3755). That means that you can now punish me potentially for anything I write to anyone. You now control what I can relate to persons in a public forum, and you can subject me to conditions that the U.S. government has called "torture," all without fear of reprisal.

Being a United States citizen is not what it used to be.

I would like to avoid punishment for expressing my social and political beliefs to family, friends, and publishers. I would prefer not to be dragged away and forced to die at super-max for a crime I can prove I did not commit (not that it matters). So, to avoid such consequences, I am requesting that we establish a process whereby I can submit all outgoing correspondence to my case manager, who will then forward everything to you or to your designee for your written approval, and upon receiving your approval, I will then mail out those approved writings. Those that are not approved, I will re-write and get published under an alias name so that I will not be punished for telling the truth again. That is the method that dissident writers used in Nazi Germany and under the Soviet regime.

I normally write a couple hundred pages of material per week, so if we employ this process, you may need to hire someone whose sole job is to read my outgoing

Exhibit E

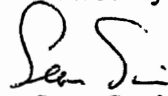
correspondence. That seems rather burdensome, given the state's economic woes.

I hope we can get started right away. I have to write to my mom. She really worries, especially since I was subjected to treatment that the United States called "torture," all because the content of my published work rubbed a prison employee the wrong way.

If you do not respond I will simply assume that you do not want to review my outgoing work and that you are conceding no penological interest in the content of my social and political beliefs.

Thank you for your time and kind consideration of these matters, and I look forward to your response.

Sincerely,



Sean Swain
Prison Reg. A243-205
MANCI
P.O. Box 788
Mansfield, OH 44901

c: File
seanswain.org

REGISTERED MAIL

Personal A/C Withdrawal
Check Out-Slip

Dollars: 2 Cents: 85

Institution: MANCI		Date: 09 14 JUN 11	
Name: GARY C. MOHR, DIRECTOR			
Address: 770 W. BROAD ST			
City: COLUMBUS	State: OH	Zip Code: 43222	

for CERTIFIED MAIL
 Postage Copies ID Misc. Check-out CK #

The inmate's signature on this withdrawal request verifies that the information listed above has been read to or by the inmate and is correct. In the event of an error in the address which results in the return of this package, the inmate shall assume financial responsibility.

7009008000108516928

Inmate's Signature: <i>[Signature]</i>	Number: 243225	Block & Cell Number: 32/256
Approved By: <i>[Signature]</i>	Witnessed: <i>[Signature]</i>	6-14-11

Ship VIA:	Date Processed:
-----------	-----------------

DRC 1004 (Rev. 3/01) DISTRIBUTION: WHITE - Cashier CANARY- Inmate Pink- ACA 4046

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	
Certified Fee		2.85
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	2.85

Sent To: Gary C Mohr Director
 Street, Apt. No. or PO Box No.: 770 W Broad ST
 City, State, ZIP+4: Columbus OH 43222

Exhibit F

- [Log In](#)

SEANSWAIN.ORG

- [About Sean Swain](#)
- [Write to Sean](#)
- [Zines](#)
- [Donate](#)

JPay, Sock Puppets and Our Reduction to Slavery

September 28, 2012

At the end of August, ManCI administrators posted a notice related to a change in money order transfer procedures to be implemented here at the prison. By the old procedure, anyone could send money orders to prisoners directly at the prison and those funds would be posted to the prisoner's account by the cashier's office. There also existed electronic transfer options for a service fee, but money orders could be sent directly without any fee at all. By the new procedure, only approved visitors may send funds to prisoners and rather than sending them to the prisoner directly, the funds are sent to JPay, a company in Hollywood, Florida— the prescription-pill addiction capital of the world. With each transaction, approved visitors must send a copy of their photo identification and a portion of the money order they send is kept by JPay as a "service fee," otherwise known as a tax.

As I've already written, all of this struck me as patently illegal, as none of my visitors consented to having the private information they turned over to the State for visiting purposes suddenly compiled into a database and turned over to a company hiring an inordinate number of pill addicts who can upload information and sell it to identity pirates in order to support their pill habits.

Bewildered that the prison system would betray the trust of 750,000 prisoner-visitors, I sent kite communications to a number of ManCI administrators, asking specific questions about this money-transfer boondoggle. This is what I wrote:

Sir or Madam:

These are questions I need answered before I get back to my attorney:

1. When did my visitors consent to having JPay get access to their private information, which was given to the ODRC only for purposes of getting on my visiting list?
2. What kind of electronic security does JPay have to make sure the sensitive information of 750,000 visitors isn't hacked for identity theft?
3. Since data entry employees for JPay can access a database to confirm visitor status, what protocols prevent those workers from stealing the identities of 750,000 visitors who never consented to their information being accessed by JPay in the first place?
4. What statute provides for a tax to be levied upon prisoner visitors when they transfer funds to prisoners?
5. When did the Ohio Assembly approve this tax?

My attorney would like to arrange a conference call with the custodian of records to insure that my visitors' sensitive information is not transferred, transmitted, nor accessed by JPay or any other private company. Who should my attorney contact?

Thank you.

Note, I opened and closed the kites with references to legal counsel and made clear that my concern was to address the legalities and privacy concerns of my visitors. You would think prison administrators, as officials in the criminal justice process, would want to ensure the legalities of their procedures. Because their job is to instill a respect for the law in all of their wayward captives, they would certainly want to make sure their own conduct is well beyond reproach, right?

Well, no.

Ms. Wainwright is the Deputy Warden of Special Services. Among her duties, she's the supervisor of Ms. Allen, the Unit Management Administrator. Deputy Warden Wainwright did not answer a single one of my questions. She wrote, "All the information we have re: JPay is posted by Ms. Allen. She is sending all updates. Refer to those. This is a statewide initiative."

That's all she said.

So, when did visitors consent to having private information handed over to pill-poppers in Florida? When did the legislature approve of this tax? What stops pill-poppers from selling my elderly parents' identities and trashing their credit? No idea.

I sent an identical kite to Sharon Berry, the Institutional Inspector, the zealous advocate who protects us captives from the abuses of our captors. She didn't answer any of my questions. She referred me to Ms. Allen, the Unit Management Administrator.

Fortunately, I had already sent an identical kite to Ms. Allen. I received her kite back, stapled to the kite I had sent to the Deputy Warden of Operations. Their joint response was, "Please direct your questions to JPay for guidance." They answered none of my questions.

No shit. Ms. Allen really told me to direct my questions to JPay. Think of the implications: 'Mr. Swain, you're ostensibly in the custody of the alleged State of Ohio, but our authority is now out-sourced to our corporate masters whose profit margins dictate government policies. They make the rules. Please consult the corporate dictators who give us our marching orders.'

That's pretty fucking disturbing.

How long is it before ODRC director Gary Mohr moves ODRC Central Office from Columbus, Ohio to Hollywood, Florida so he can be useful to his corporate golf buddies, help them count their money between sniffling lines in the clubhouse, and maybe give them hand-jobs over drinks? How long before John Kasich joins him?

Like I said, pretty fucking disturbing. I'm in the custody of corporations who have their hands up the asses of prison officials, making them walk and talk like they're real humans. Prison officials are now sock-puppets on the hands of corporations.

The last of the kites I sent to Warden Terry Tibbals. He is, after all, in charge of the prison. At least, by all appearances. Since he is the warden, you'd expect him to be concerned about the legality of this new policy. You'd expect him to answer all of my questions. His answer? "Contact: Steven Young, Legal Counsel, 770 W Broad St., Co. Ohio 43222."

I'm not making this up. I asked specific questions about the legality of this dubious procedure that profits corporations at the expense of Ohioans and I got the John Gotti response from the warden: I have no comment; ask my attorney.

This too is quite revealing. It lets us know that when these administrative sock puppets fail at union busting, they out-source Ohio jobs to corporate masters out-of-state, whether it's legal or not, whether it violates the privacy rights of Ohio citizens or not, whether it leads to identity theft of 750,000 Ohioans or not. It's all done without the consent of tax-payers, who end up footing the bill. Oh, yeah- when the lawsuits happen, JPay won't have to hire counsel. Oh, no. Steve Young, ODRC counsel, will head the dream-team for an out-of-state corporation, at the expense of the very Ohioans whose jobs were down-sized so Gary Mohr's coke-snorting golf friends could turn Ohio prisoners into a cash cow.

Yeah, I know. You probably think this is only about prisoners and how funds get to us, and nobody cares about prisoners. But it isn't. This is about a system-wide approach that Naomi Klein documented in her book The Shock Doctrine where government, reduced to sock puppets for the corporate elite, hollow out government and reduce the majority of us to slaves while those who control the "commanding heights" of the economy end up with all the cash. It's about our so-called "public" officials bending over so the wealthy elite can cram a fist in their asses, voluntarily becoming sock-puppets for the Enrons and Halliburtons and Banks of America and JPays and AccessSecurePaks and Global Tel*Links. You can't stop it by voting the bums out because the bums are just disposable gloves worn on the hands of our true enemies.

Share 



Legal Defense Fund

Donate

This button opens a new window. If you have trouble making it work, right click and select "open in a new window".

Recent Posts

Exhibit H

BLAST! blog: A PROPOSAL

BLAST! blog would be a feature added to seanswair that would give visitors to the site the opportunity to (1) read summaries of fascists' misdeeds, (2) contribute information about those fascists, and (3) read what others have contributed. As an option, there may also be a method for visitors to add someone to BLAST! blog.

BLAST! blog - FORMAT

BLAST! blog would have a short introduction, explaining that the average person victimized by the system has no real redress and that prisoners have even less, so BLAST! blog is a way to present grievances directly to the public. With each person featured on BLAST! blog a short case is presented, and anyone who knows information about the fascist is encouraged to add that information on the message board - address, phone number, make/model of vehicle, work location, shopping habits, etc. Instructions for anonymous postings will be provided.

DISCLAIMER. The disclaimer will state that the site is not promoting violence against the fascists whose crimes are presented, etc.

LISTING. Following the disclaimer will be a

BEN -

13 OCT 12

I JUST GOT DONE WRITING "AN OPEN LETTER TO THE OHIO GENERAL ASSEMBLY" AND I FELT GREAT AMOUNTS OF CATHARSIS AS I WROTE, BUT NOW THAT I'M DONE IT JUST FEELS MEAN + HATEFUL. I KNOW I WROTE "FOR POSTING + EMAILING" ON I BUT I DON'T THINK YOU SHOULD DO ANYTHING WITH IT. IT JUST GIVES YOU A SENSE OF HOW I'M FEELING RIGHT NOW. PLUS, THE OSHA + FBI CAN READ IT ON ITS WAY OUT, REALIZE I'M RIGHT - THERE'S NO CRIME TO INVESTIGATE, AND THEY CAN GET A CLUE AND MOVE ON.

IF YOU POSTED "AN OPEN LETTER" THAT WOULD BE HURTFUL, I DON'T WANT THAT. I'M NOT REALLY THAT HATEFUL. BUT WHEN YOU GET SUSPECTED TO TORTURE FOR NO FUCKING REASON AND THEN FACE THE POSSIBILITY OF DYING IN PRISON FOR BOGUS SHIT, IT STARTS TO WEAR ON YOU.

I'VE BEEN THINKING TOO. TELL ME IF I'M JUST PARANOID, BUT SOME OF THOSE 12 MONKEY FLYERS WERE OFF OF A COMPUTER. MAYBE ALL. CAN YOU MAKE A COMPUTER LOOK LIKE A TYPEWRITER? ANYHOW - ALSO, THAT STUFF WAS IN EVERY SINGLE BLOCK. THERE'S NO FUCKING WAY PRISONERS CAN DO THAT, NOT NOW WITH 8B LEVEL PRISONERS ON LOCKDOWN. NOT POSSIBLE. ALSO, HUNSINGER HAS KNOWN FOR 3 YEARS I'VE GOT THIS TATTOO. WHAT'S STOPPING HER FROM GOING ONLINE + PRINTING UP THE DESIGN FROM THE MOVIE PLACARD? SHE DOESN'T KNOW THAT I ALTERED THE TATTOO PATTERN, SO SHE'D THINK THE ONE OFF THE INTERNET WOULD BE EXACTLY LIKE MY TATTOO. I MIGHT BE PARANOID - DO YOU THINK GARY MOHR WANTS ME SILENCED THAT BAD? HE MUST REALLY BE BEHOLDEN TO HIS FLORIDA TPAY GOLF BUDDIES, MAYBE HE'D PUT HUNSINGER UP TO SOMETHING LIKE THAT? SHE SMUGGLES IN TOBACCO + HAS GUARDS GIVE IT TO HER SNITCHES, SO WHY NOT PRINT UP SOME MAYHEM TO PUT ME OUT OF COMMISSION?

MY MOM + DAD TELL ME TO STAY OUT OF TROUBLE AND I DO - BUT WHAT'S THE REWARD? I'M STILL KICKED IN THE HEAD.

LET ME KNOW HOW THE COLORADO CONFERENCE IS.

HOPEFULLY I'LL BE OUT OF HERE SOON. IT CAN'T TAKE LONG TO FIGURE OUT MY TYPEWRITER DIDN'T TYPE THAT MADNESS.

TELL EVERYONE HELLO.

HOPE TO TALK TO YOU ON THE PHONE SOON... ☺

FREEDOM,

SEAN

P.S.: HOPE YOU GET THIS BEFORE CHRISTMAS... ☺

P.S.: INVESTIGATOR HUNSINGER, 3 WORDS: HOOKED ON PHONICS... ☺

H

AN OPEN LETTER TO THE OHIO GENERAL ASSEMBLY
- FOR POSTING -
- FOR E-MAILING EVERYWHERE -

DEAR SENATORS + REPRESENTATIVES,
AND EVERYONE ELSE WHO ASSUMES THE RIGHT TO RULE
(AND DOES IT POORLY),

I HOPE ALL OF YOU HAVE SOMEONE WHO GIVES ENOUGH OF A DAMN
ABOUT YOU TO E-MAIL THIS TO YOU BECAUSE I SUSPECT YOU ARE
RUNNING OUT OF TIME. DON'T PANIC. OKAY, PANIC.

HERE'S THE DRILL. I'M IN SEGREGATION AT MANSFIELD CORRECTIONAL,
BEING INVESTIGATED BY THE OHIO STATE HIGHWAY PATROL AND THE FBI.
IT WOULD SEEM THAT THE ARMY OF THE 12 MONKEYS SENT LETTERS TO
SOME OF YOU, CLAIMING THE INTERNET ORGANIZATION ANONYMOUS
RETRIEVED YOUR PERSONAL INFORMATION AND PLANNED TO RELEASE
IT ON THE INTERNET. ALL OF YOUR HOME ADDRESSES + PHONE #S.

COPIES OF THAT LETTER WERE FLOATING AROUND THIS PRISON
ALONG WITH TRAINING MANUALS FOR RESISTANCE AND ALL KINDS OF
COOL ADVERTISING. ANYWAY, I JUST ~~RECEIVED~~ ~~RECEIVED~~ ~~RECEIVED~~ RECEIVED
WHAT SEEMS TO BE A TRANSCRIPTION OF THAT LETTER. THE ONLY
WAY FOR YOU TO AVOID RELEASE OF YOUR HOME INFORMATION, IF YOU

WANTED TO AVOID IT, WOULD BE FOR YOU TO QUICKLY ADOPT THE
ARMY OF THE 12 MONKEYS' LEGISLATIVE AGENDA. FIVE THINGS:
① ABOLISH THE DEATH PENALTY, ② ABOLISH THE PAROLE BOARD,
③ GET RID OF DAMS SIX FEET HIGH OR LESS, ④ BAN FRACKING, AND
⑤ OUTLAW THE WORD "INDIANS" FOR TEAM MASCOTS.

CRAZY THING IS, THE OHIO STATE HIGHWAY PATROL HAS KNOWN
ABOUT THIS FOR A LONG TIME AND THEY KNOW YOU FACE A
QUICK DEADLINE, AND THEY DIDN'T BOTHER TO TELL YOU SO
YOU COULD DECIDE WHETHER TO ADOPT THAT AGENDA OR NOT.
IF ANONYMOUS RELEASES YOUR HOME INFORMATION ONTO THE WEB,
I'D BE PRETTY MAD IF I WERE YOU. IT WOULD ALMOST SEEM
THAT THE OHIO STATE HIGHWAY PATROL WANTS TERRIBLE THINGS
TO HAPPEN TO YOU AND YOUR FAMILIES. ASK LT. CHAPMAN.

I GUESS THE FRATERNAL ORDER OF POLICE STILL HOLDS A
GRUDGE ABOUT THAT UNION-BUSTING BILL YOU PASSED A
WHILE BACK, BLOCKED LAST NOVEMBER BY A BALLOT
INITIATIVE. I DON'T BLAME THEM.

I REFER YOU TO THE CASE OF JPAY. JPAY IS A FLORIDA FIRM RUN BY ODRC DIRECTOR GARY MOHR'S GOLF BUDDIES. THEY NOW HAVE EXCLUSIVE MONOPOLY OVER PROCESSING MONEY ORDERS SENT FROM PRISONERS' VISITORS. BUT HERE'S THE THING: MY VISITORS - MY MOM AND DAD, MY FAMILY AND FRIENDS - SENT THEIR INFORMATION (PHONE #, ADDRESS, ETC.) TO THE STATE OF OHIO SO MY VISITORS COULD BE APPROVED TO VISIT ME. NONE OF THEM EVER GAVE THE STATE PERMISSION TO SHARE THEIR PRIVATE INFORMATION WITH JPAY. BUT, NO MATTER. WITHOUT THEIR CONSENT OR APPROVAL, UPWARDS OF 750,000 PEOPLE ON OHIO PRISONERS' VISITING LISTS FOUND THEIR PERSONAL INFORMATION TRANSFERRED INTO THE CUSTODY OF JPAY IN HOLLYWOOD, FLORIDA - THE PILL-POPPING CAPITAL OF THE WORLD. THREE QUARTERS OF A MILLION LAW-ABIDING CITIZENS WERE BETRAYED BY THE ODRC. THE STATE OBTAINED THEIR PERSONAL INFORMATION FOR ONE PURPOSE, THEN BUNDLED IT, AND HANDED IT OVER TO A FOR-PROFIT COMPANY.

IS ANYTHING STOPPING JPAY EMPLOYEES FROM SELLING MY ELDERLY PARENTS' IDENTITIES TO IDENTITY PIRATES? I DON'T KNOW. AND YOU DON'T EITHER.

SO, BEFORE THE STATE TRANSFERRED MY LOVED-ONES' PRIVATE INFORMATION INTO THE HANDS OF FLORIDA PILL-POPPERS WITHOUT MY LOVED-ONES' PERMISSION OR CONSENT (AND DESPITE THEIR VOCL PROTESTS), I WROTE TO THE CORRECTIONS INSTITUTION INSPECTION COMMITTEE. THAT'S A COMMITTEE OF THE OHIO GENERAL ASSEMBLY.

YEAH. YOU GUYS.

SENATOR SHIRLEY SMITH IS CHAIR OF THE C.I.I.C.
SENATOR CLIFF HITE IS VICE-CHAIR. SENATOR EDNA BROWN
IS SECRETARY. MEMBERS INCLUDE SENATOR LARRY OBHOFF,
● REPRESENTATIVE PETER BECK, REPRESENTATIVE NANCY GARLAND,
AND REPRESENTATIVE ROBERT HACKETT.

YOU GUYS WROTE ME BACK ON 02 OCT 12. THE LETTER
WILL BE POSTED AT SEANSWAIN.ORG. IT'S SIGNED BY JAMIE
HOOKS, CORRECTIONS ANALYST I.

IN SHORT, YOU TOLD ME IT'S OKAY FOR THE STATE
TO TAKE MY PARENTS' PERSONAL INFORMATION AND GIVE
IT TO STRANGERS WITHOUT THEIR CONSENT. AGAINST
THEIR CONSENT. THERE'S NOTHING WRONG WITH THAT.

SO, YOU SEE, IF ANONYMOUS DUMPS YOUR PERSONAL
INFORMATION ON THE WEB, THEN YOU WILL BE IN THE SAME
POSITION YOU PUT MY LOVED ONES IN. YOU'LL HAVE
STRANGERS GETTING ACCESS TO YOUR PERSONAL INFORMATION
WITHOUT YOUR CONSENT TOO.

● BUT THAT'S OKAY. YOU SAID SO. YOU SAID IT WAS
OKAY WHEN YOU DID THE SAME THING TO MY LOVED ONES,
TO 750,000 VISITORS ON OHIO PRISONERS' VISITING
LISTS.

SO I'M BACK TO MY QUESTION: WHAT EXACTLY AM
I BEING INVESTIGATED FOR? FOR DOING THE SAME
THING TO ~~TO~~ YOU THAT YOU DID TO EVERYONE I LOVE?

I HOPE ANONYMOUS DOES HAVE YOUR INFORMATION. I
HOPE THEY DUMP IT ON NOVEMBER 5, IN HONOR OF
GUY FAWKES.

REMEMBER, REMEMBER THE FIFTH OF NOVEMBER.
I DON'T FEEL SORRY FOR ANY OF YOU
SCUMBAGS.

FREEDOM,
AS IN, A WORLD WITHOUT YOU
RUNNING IT,

SEAN SWAIN

In the county of Franklin)
): SS
In the State of Ohio)

I, Ben Turk, being duly sworn according to law, depose to state:

- 1. My name is Ben Turk, named as the receiver of mail from Sean Swain in the Conduct Report issued against him.
2. Exhibit G is a true and accurate copy of the posted version of Sean's article criticizing JPay policy. The version posted on-line never included the language that is referenced in the Conduct Report from Sean's original draft.
3. Exhibit H is a true and accurate copy of Sean's letter to me.
4. Exhibit I is a true and accurate copy of Sean's "Open Letter to the Ohio General Assembly," which he mailed to me. I received it in the mail. I am unaware of any criminal act that this mailing constitutes. Consistent with Sean's wishes, this letter was never posted on line.

AFFIANT FURTHER SAYETH NAUGHT.

Ben Turk
379 Chittenden Ave
Columbus Ohio 43201

Sworn and subscribed before me, a notary public, this ___ day of ___, 2013.

NOTARY PUBLIC

Conduct Report

Name: SWAIN, SEAN		Institution: MANCI	MANCI-12-007219
Date/Offense: 09/19/2012		Number: A243205	Lock: 5/SM3/2070/A
Time/Offense: 05:00 PM		Location:	
Rule(s) Violated: 17,15,56			
Engaging in unauthorized group activities as set forth in paragraph (B) of rule 5120-9-37 of the Administrative Code; Rioting or encouraging others to riot; Use of telephone or mail in furtherance of any criminal activity			

Supporting Facts (Describe what occurred and how the inmate violated the rule[s]):

Beginning in September 2012 MANCI staff began reporting unauthorized flyers being posted in pods, and lying in large piles for inmates to pick up for review. After conducting an investigation it was determined that the inmates responsible for these pamphlets that were distributed as "resistance manuals" to all inmates and other institutions across the state. The pamphlet incites other inmates to unite against prison administration stating a "joyous class war is coming, if you are a prisoner consider this an invitation. If you are a Warden consider this a threat." The pamphlet instructs inmates to bring the prison system to the brink by:

- 1-run electrical appliances and flush sink water all day
- 2-get all prisoners to flush toilets at the same time breaking water mains
- 3-break machines in the kitchen and OPI
- 4-pour salt water in staff computers
- 5-cut phone and computer lines with ruzor blades
- 6-put gum, paperclips and staples in door locks
- 7-Demand all food, clothes and medical/dental you are entitled to
- 8-get gang members to unite against our common enemy
- 9-steal, sabotage, organize, strike, resist

The pamphlets inform prison administrators that control of the prisons will soon be lost and it will not be regained as administration is outnumbered 20 to 1 and face 50,000 warriors who are now organized as the 12 Monkeys.

(Use Conduct Report Supplement sheet, if needed)

As the Charging Official, do you wish to have input into the disciplinary proceedings? Yes No

Printed Name: hunsingeram	Signature: <i>[Signature]</i>	
Shift: 8-4	Days Off: s&s	Date: 10/17/2012

A copy of this conduct report was served upon the above-named inmate on: October, 19 20 12, at 12:39 PM.

Staff Signature: *[Signature]*

I acknowledge receipt of the conduct report on the above stated date and time:

Inmate Signature: <i>[Signature]</i>	Number: A243205
--------------------------------------	-----------------

Exhibit K

Conduct Report

Name: SWAIN, SEAN		Institution: MANCI	MANCI-12-007219
Date/Offense: 09/19/2012		Number: A243205	Lock: 6/SM3/2070/A
Time/Offense: 05:00 PM		Location:	
Rule(s) Violated: 17,15,56			
Engaging in unauthorized group activities as set forth in paragraph (B) of rule 5120-9-37 of the Administrative Code; Rioting or encouraging others to riot; Use of telephone or mail in furtherance of any criminal activity			

Supporting Facts (Describe what occurred and how the inmate violated the rule[s]):

- 1 Beginning in September 2012 MANCI staff began reporting unauthorized flyers being posted in pods, and lying in large
- 2 piles for inmates to pick up for review. After conducting an investigation it was determined that the inmates responsible for
- 3 these pamphlets that were distributed as "resistance manuals" to all inmates and other institutions across the state. The
- 4 pamphlet incites other inmates to unite against prison administration stating a "joyous class war is coming, if you are a
- 5 prisoner consider this an invitation. If you are a Warden consider this a threat." The pamphlet instructs inmates to bring the
- 6 prison system to the brink by:
- 7 1-run electrical appliances and flush sink water all day
- 8 2-get all prisoners to flush toilets at the same time breaking water mains
- 9 3-break machines in the kitchen and OPT
- 10 4-pour salt water in staff computers
- 11 5-cut phone and computer lines with ruzor blades
- 12 6-put gum, paperclips and staples in door locks
- 13 7-Demand all food, clothes and medical/dental you are entitled to
- 14 8-get gang members to unite against our common enemy
- 15 9-steal, sabotage, organize, strike, resist
- 16 The pamphlets inform prison administrators that control of the prisons will soon be lost and it will not be regained as
- 17 administration is outnumbered 20 to 1 and face 50,000 warriors who are now organized as the 12 Monkeys.

(Use Conduct Report Supplement sheet, if needed)

As the Charging Official, do you wish to have input into the disciplinary proceedings? Yes No

Printed Name: hunsingeram	Signature: <i>[Signature]</i>	
Shift: 8-4	Days Off: s&s	Date: 10/17/2012

A copy of this conduct report was served upon the above-named inmate on: October, 19 20 12, at 12:39 PM.

Staff Signature: *[Signature]*

I acknowledge receipt of the conduct report on the above stated date and time:

Inmate Signature: <i>[Signature]</i>	Number: A243205
--------------------------------------	-----------------

Exhibit L

Conduct Report Supplement


Institution:	MANCI	MANCI-12-007219
Name:	SWAIN, SEAN	Number: A243205

18 . The pamphlet then warns prison administration not to do anything stupid or it will be a regret.

19 On 9/19/12 three inmates, Dillon 416-607, Swain, 243-205, and Dzelajilija 530-144 were identified as being the
20 creators of the 12 Monkey resistance organization. As a result their cells were searched and the following evidence
21 was found:

22 Found in possession of Swain 243-205 was anarchist articles he authored that had wording and ideologies that
23 matched the 12 Monkey resistance movement. Swain was in the process of sending these articles to Redbird Prison
24 Abolition to be published on his website. In the article he calls for militant tactics to be implemented and states the
25 state should make JPay profiteers pay by opening packages and lose fingers, feel bullets bouncing in their brain pan,
26 vehicles exploding, and businesses going up in flames. Swain closes the article by stating, "We have to burn the
27 JPays to the ground." Swain's tattoos were also reviewed and captured as evidence

Signature of Reporting Officer:




DRC 4255 (3/98) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Conduct Report Supplement

Institution:	MANCI		MANCI-12-007219
Name:	SWAIN, SEAN	Number:	A243205

28 in which he had the 12 Monkey logo tattooed on his leg which is identical to the 12 Monkey logo this group was
29 putting on their "resistance manuals" they were mass distributing in the institution.
30 Found in possession of inmate Dillon 416-607 were the original documents used to make mass copies of the 12
31 Monkey resistance pamphlets found throughout the institution. In addition inmate Dillon was in the process of
32 creating 12 Monkeys newsletter titled "Guerilla 33". The introduction of this manual gives a description of its
33 purpose stating, "The Guerrilla manual is directed at individual prisoners who want to be free and inspire others by
34 working in small groups called "guerrilla columns." This manual teaches you organizing, strategy, and
35 tactics." "This manual trains you how to take power away from the Warden and the Director, but it also applies to
36 taking power from the Mayor, and polices, courts, prosecutors, Governor, and law makers. Within the newsletter
37 were small articles

Signature of Reporting Officer:



DRC 4255 (3/98) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Conduct Report Supplement


Institution:	MANCI	MANCI-12-007219
Name:	SWAIN, SEAN	Number: A243205

38 authored by the 12 Monkey inmate members. One article titled "Everyone Rise" was authored by Monkey #12 was
 39 inmate Dillon's possession for the newsletter. The original handwritten article was found in the possession of inmat
 40 Dzelajilija 530-144. This article calls for everyone to rise against authority, shake the walls and break the bonds of
 41 incarceration.

42 Also found in possession of inmate Dzelajilija 530-144 was a photo copied book titled Errico Malatesta His Life &
 43 Ideas. Malatesta was an Italian anarchist that was imprisoned for 19 years before ultimately working with 30 others
 44 start an insurrection and took over villages, attempted to murder a King before being arrested.

45 Through the course of the investigation U.S. mail was screened in accordance with AR 5120-9-18. From 10/2/12 to
 46 current date all three inmates have worked in conjunction with one another to continue to promote and develop thei
 47 resistance movement to recruit and lead warfare on the ODRC as well

Signature of Reporting Officer:



Conduct Report Supplement

Institution:	MANCI	MANCI-12-007219
Name:	SWAIN, SEAN	Number: A243205

48 violent acts toward JPay and targeted Ohio citizens.

49 On 10/10/12 and 10/16/12 inmate Dillon 416-607 outgoing mail was opened. Inside the envelope on 10/10/12 was

50 press release he was sending to his mother to send out to 14 media organizations. The news release identifies

51 themselves as an anarchist revolutionary group created to aid abused prisoners and bring resistance to ODRC. The

52 2nd news release from Dillon states the FBI and OSHP are investigating Mansfield Prisoner, Sean Swain in an alleg

53 link to the internet hacker group "Anonymous". On 10/16/12 Dillon sent out in the U.S. mail another news release. I

54 this news release Dillon identifies himself as Monkey #9 and states that resistance manuals have been copied and

55 delivered to prisoners at every Ohio prison with the intent to inspire prisoners to resist the invalid hierarchy and mult

56 million dollar system ceasing its operation. Dillon states the state of Ohio started the war, the Army of the 12

57 Monkeys will finish it

Signature of Reporting Officer:



2 (5)

Conduct Report Supplement

Institution:	MANCI	MANCI-12-007219
Name:	SWAIN, SEAN	Number: A243205

58 On 10/16/12 an outgoing letter from Dzelaglilja 530-144 was opened in accordance with AR 5120-9-18. Inside the
69 envelope addressed to Ben Turk, RedBird, Columbus, OH inmate Swain 243-205 wrote a letter addressed to Senators,
60 Representatives and the Ohio General Assembly. Inmate Swain informs them that he is at Mansfield Correctional
61 Institution being investigated by the OSIP and the FBI. He speaks about the Army of 12 Monkeys sending letters to
62 some of you claiming the internet organization "Anonymous" retrieved your personal information and planned to
63 release it on the internet. The letters tells them that if they want to avoid release of your home information they
64 should quickly adopt the Army of the 12 Monkey's legislative agenda: 1-abolish the death penalty 2-abolish the parole
65 board 3-get rid of dams six feet high or less 4-ban fracking 5-outlaw the word "indians" for team mascots. Inmate
66 Swain goes on about the OSHP and the fact that he may or may not have wrote this letter

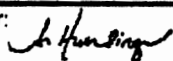
Signature of Reporting Officer: *J. Henderson*

Conduct Report Supplement

Institution:	MANCI	MANCI-12-007219
Name:	SWAIN, SEAN	Number: A243205

67 not have wrote this letter and how he was simply informing as a "messenger" of Anonymous groups intentions to
68 release their personal information. Swain then informs them that according to the letter, Anonymous will release your
69 personal information to the world. Strangers will have your information without your consent. Certainly, someone
70 might burn your house down. Maybe, or, perhaps, you'll get holiday cards from people you never met. Who knows?
71 There may be detriment or benefits...or both. Swain writes about his dislike on JPAY and the exclusive monopoly
72 they now have over the money orders inmates receive. In the end of the letter Swain informs them the deadline is on
73 November 5, 2012 in honor of Guy Fawkes, and then states, "I don't feel sorry for any of you scumbags" and signs
74 it "Scan Swain".

Signature of Reporting Officer:



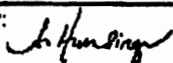
407

Conduct Report Supplement

Institution:	MANCI	MANCI-12-007219
Name:	SWAIN, SEAN	Number: A243205

75 The results of this investigation have determined that inmate Swain 243-205, Dzelaglija 530-144, and Dillon 416-607
76 have conspired together as a group in an attempt to recruit and lead incarcerated inmates to resist prison
77 administration and rules by incorporating violence and property damage. This is a direct violation of AR 5120-9-37
78 paragraph B section 1 forming, organizing, promoting, encouraging, recruiting for or participating in an unauthorized
79 group. Section 2-Possessing creating, reproducing using or circulating etc. any material related to an unauthorized
80 group. Section 3-Communicating support of, association with, or involvement in any unauthorized group. The form
81 of communication may be verbal, through codes, jargon, non-verbal, symbols, displays, drawings, graffiti, distinctive
82 clothing, hairstyles, colors, ornaments etc. Section 4-Participating in criminal activities, or disruptive activities such
83 as disturbances, riots, fostering racial or religious hatred, or union

Signature of Reporting Officer:



Conduct Report Supplement

Institution:	MANCI	MANCI-12-007219
Name:	SWAIN, SEAN	Number: A243205

- 84 activities, and Section 5-violating institutional rules or directives or state or federal laws.
- 85 Rule 15-Rioting or encouraging others to riot
- 86 Rule 56-Use of telephone or mail in furtherance of any criminal activity.
- 87 All evidence regarding this investigation can be reviewed by RIB in the Investigator's office.

Signature of Reporting Officer: *J. Harding*

812

Warden's Decision On Appeal

Institution: <p style="text-align: center;">MANCI</p>	RIB Case Number: <p style="text-align: center;">MANCI-12-007219</p>
Inmate Name: <p style="text-align: center;">SWAIN, SEAN</p>	Number: <p style="text-align: center;">A243205</p>

On October 23 2012, the Rules Infraction Board determined that the above named inmate had violated the following rule(s) 17,15,56

Inmate *Appealed* this decision and appeal was received in this office on 10 / 25 / 2012

I have reviewed the matters raised in the inmate's appeal, the record generated in the Rules Infraction Board proceeding, and the disposition of the Rules Infraction Board. I have determined that the board's decision should be:

- Affirmed Modified Returned Reversed

The evidence does support the charges. Inmate Swain 243-205 did participate and encourage others to engage in activities that would disrupt the operation and security of the institution. There were no procedural errors and the penalty is authorized.

Warden: <i>Terry Feltz (TS)</i>	Date: <p style="text-align: center;">10/25/2012</p>
---------------------------------	--

Is this decision subject to further review pursuant to 5120-9-08 (O)? Yes No

If yes, does the inmate request review of this decision by the Director? *The inmate must complete the following:*

- I WAIVE further review of this decision
 I request REVIEW of this decision by the Director.

Notice: The Warden's designee will send the entire case record to the Director's designee (Legal Services) for a review. You may send the duplicate original of this form to Lega





Ohio Department of Rehabilitation and Correction

770 West Broad Str
Columbus, Ohio 43260

John R. Kasich, Governor

www.drc.ohio.gov

Gary C. Mohr, Director

December 04, 2012

SWAIN, SEAN A243205
MANCI
RIB Case #: MANCI-12-007219

Dear Inmate SWAIN:

Pursuant to your request this office reviewed above referenced decision of the Rules Infraction Board as Director's designee.

A careful review of the procedural records was conducted. Please be advised that:

- 1) You were validly charged with the proper rule infraction;
- 2) There was substantial compliance with all applicable policies, rules and procedures;
- 3) There was sufficient evidence in the record to support the decision;
- 4) The penalty assessed was authorized and proportionate to the offense.

Therefore, decision is affirmed.

Sincerely,

Gary C. Mohr
Director

Cc: Warden
RIB File

Exhibit N



Ohio Department of Rehabilitation and Correction

770 West Broad Street
Columbus, Ohio 4322

John R. Kasich, Governor

www.drc.ohio.gov

Gary C. Mohr, Director

December 05, 2012

SEAN SWAIN
A243205
MANCI
RIB Case #: MANCI-12-007219

Dear Inmate SWAIN:

I received your notice of appeal requesting a review of the decision of the Warden, which was the result of a Local Control hearing held on 11/05/2012.

A review of your placement was conducted by the legal staff. It was determined that there was some evidence to support the conclusion of the Warden that your placement is consistent with the criteria in Paragraphs (B) (1) or (B) (2) of 5120-9-131 of the Administrative Code. In addition, the procedures required by that rule have been provided in this case.

Pursuant to 5120-9-131 (G), it is my decision that the decision of the Warden to place you in Local Control must be AFFIRMED.

Sincerely,

Gary C. Mohr
Director

Cc: DOTS Portal RIB Case

Exhibit D

In the county of Richland,
In the State of Ohio.

I, Leslie Ray Dillon, being duly sworn according to law, here depose to state:

1) I am of sound mind and I have direct knowledge of the matters contained in this document.

2) On 19 September 2012, I was housed in a 30 level pod in Unit 4 at Mansfield Correctional. My cell was searched by Security Threat Group officers. Letters and other paper work were taken from my cell. The following day I was placed in segregation under investigation. The next day I learned that the cells of Sean Swain and James Dzelaulija were also searched.

3) On 27 September 2012, Lieutenant R.S. Chapman and S. Benard of the Ohio State Highway Patrol interviewed me. Lt. Chapman indicated he was investigating bomb threats against Ohio Government officials issued by the Army of the 12 Monkeys. I knew nothing of such threats but feared I would be blamed if I admitted that I was a member of the Army of the 12 Monkeys, so I denied my membership.

4) By 12 October 2012, I knew from speaking with correction staff that the letters mentioned by the O.S.H.P. were not bomb threats, that no bomb threats had never been made. As the letters being investigated were not serious and correction staff had told me as much and finding out that Mr. Swain and Mr. Dzelaulija were also being investigated as members of the Army of the 12 Monkeys, I spent the weekend writing my third press release since being placed in segreg and admitted to being "Monkey #9, Army of the 12 Monkeys."

5) Sean Swain is not a member of the Army of the 12 Monkeys. I know this because, as Monkey #9, I am the only member of the Army of the 12 Monkeys at Mansfield Correctional Institution. And as such,

Exhibit P

2 of 4
have not recruited nor tried to recruit any members, including Sean Swain.

6) James Dzelačević is not a member of the Army of the 12 Monkeys. I know this because, as Monkey #9, I am the only member of the Army of the 12 Monkeys at Mansfield Correctional Institution. And as such, I have not recruited nor tried to recruit any members, including James Dzelačević.

7) Both Swain and Dzelačević were in 3A level housing on the opposite side of the compound from me. I did not personally know either of them, though because of my prior jobs at ManCI, I had occasion to know who both of them are. In five and a half (5 1/2) years at ManCI, I may have had brief conversations with each of them prior to this investigation. But I did not try to recruit them.

8) I did not know until I received my conduct report on 23 October 2012 that Swain had a 12 Monkeys tattoo from the 1990s film starring Brad Pitt and Bruce Willis. When I asked Swain he told me he had the tattoo for several years and also has a burn scar on his right hand that matches the scar on Brad Pitt's hand in the movie "Fight Club". Having had the opportunity to see Swain's tattoo, I know it is different from the logo on the 12 Monkey material, as he changed the time on the clock.

9) Members of the Army of the 12 Monkeys are told not to tattoo the logo onto their bodies. Members are not to identify themselves as a member. This admission is only permitted because I have already been identified.

10) After the death of 2Pac Shakur, thirteen (13) "Makaveli" albums were released. One of them features a song called "Everyone Rise". I remember this song because I am a 2Pac fan. On or about 18 September 2012, I met someone on the north recreation yard who had the lyrics to this song. I typed them and put "Monkey #12" as the name.

11) On 23 October 2012, when I read my conduct report, I found out that Dzelauliya had a handwritten copy of those lyrics. In my understanding that Dzelauliya copied the lyrics but changed some of the words, because he is a rapper and intended to use the song.

12) I have made several attempts to explain to Man CI admin: that Sean Swain and James Dzelauliya are not involved with the Army of the 12 Monkeys. I have sent Kite communications to Wc Tibbals, Major Harr, investigator Hunsinger, and the chair of the Rules and Infractions Board with no responses. Dzelauliya is facir placement in max security (4B status) and Swain is facing placement in super max security (5B status) for participation in a group that I do not belong to, and activities said to have been performed.

13) On 3 December 2012, I was approached by a Man CI staff member whom I did not recognize. He did not give me his name. I told that if I implicated Swain as the leader of the Army of the 12 Monkeys, investigator Hunsinger would get my R.I.B. conviction overturned. I refused to do that, and that evening a Security Threat Group officer searched and destroyed my cell. The next day, Director Gary Mohr affirmed my R.I.B. sanction.

14) Former Ohio Attorney General Jim Petro, in his book False Justice writes: "MATH 2: Our system almost never convicts an innocent person. Ron Huff, PhD, claims a 5 to 1% error rate nationwide, that's about 500 people in Ohio." This is also true regarding the prison system disciplinary process.

15) I make this statement without coercion or promise. I am sound mind. I fear retaliation from Man CI staff for undermining them, but I cannot keep silent while two (2) innocent men get attacked and have their lives ruined.

Affiant further saveth naught

4 of 9

X *LRD*

1-9-2013
(DATE)

Leslie Ray Dillon
Reg.# 416-607

1150 North Main Street
Mansfield, Ohio 44901

Swear and subscribed before me this 9th day of January
2013.

X *J. O. Babajide*
NOTARY PUBLIC



JOHN O.
BABAJIDE
NOTARY PUBLIC,
STATE OF OHIO
My Commission
Expires
May 31, 2016

NOTED: This document was originally written on December 26, 2012.

BLAST! blog : A PROPOSAL

BLAST! blog would be a feature added to seanswair that would give visitors to the site the opportunity to (1) read summaries of fascists' misdeeds, (2) contribute information about those fascists, and (3) read what others have contributed. As an option, there may also be a method for visitors to add someone to BLAST! blog.

BLAST! blog — FORMAT

BLAST! blog would have a short introduction, explaining that the average person victimized by the system has no real redress and that prisoners have even less, so BLAST! blog is a way to present grievances directly to the public. With each person featured on BLAST! blog a short case is presented, and anyone who knows information about the fascist is encouraged to add that information on the message board — address, phone number, make/model of vehicle, work location, shopping habits, etc. Instructions for anonymous postings will be provided.

DISCLAIMER. The disclaimer will state that the site is not promoting violence against the fascists whose crimes are presented, etc.

Following the disclaimer will be a

Exhibit Q

Dear Mr. Clark:

28 MAR 13

Since our conversation yesterday, where you indicate that the Free Speech persecution I have endured will be dismissed and that you intend to begin a new round of persecution based on (1) my correspondence (again, free speech), and (2) what other lunatics may or may not have said about me for whatever motives, I have written a letter to Ben Turk I have directed him to send you a copy.

In it, I relate:

1. That people should ONLY counterfeit Canadian money in the U.S. because that's not a crime.
2. Us poor people should volunteer our kids to die so the kids of the rich and powerful can live.
3. My counsel should inquire with the clerks of the House and Senate to discover why they sent home addresses to me.
4. BIAST! Blog shouldn't be added to seanswa.
5. Everyone in the world should love + obey their rulers.

I think that covers all of the concerns you raised yesterday in the bizarre
interaction you conducted relating to NY

Exhibit R

protected communication and your inquiry into my ideological orthodoxy, which you recorded and my counsel should ask for a copy.

That letter will be posted to seanswain.o
I see no reason why any further disciplinary action needs to be pursued. I hope you agree. I would very much like to be sent to Marion for programs so I can obtain a parole and go home to mow my parents' lawn.

Please give Mr. Kucinich my regards. I would again urge you to read Ohio

Parts I-III on ~~the~~ seanswain.org. As an attorney, I think you will find the legal arguments interesting.

Also, I would like my typewriter returned. As you can see, my handwriting is barely legible.

I look forward to putting all this behind us. Thank you in advance for your kind consideration,

Sincerely,

SEAN

it yields information (because I have to be added anonymously already).

In this era of fear and loathing, a pri website "outing" government officials' home addresses to the world will produce manick panicky media coverage and tons of hype

— Sending a write-up on this with specific to Jeff. —

[Consider: Solidarity potential: Adding the U.S. attorney conducting the grand jury in the Pacific NW; or the snitch in the Cleveland case; or other enemies of the people who deserve to be added. This makes the site a useful tool for allies + for forging deeper bonds with others.]

Ohio | Department of
Rehabilitation & Correction

John R. Kasich, Governor
Gary C. Mohr, Director

April 30, 2013

Robert J. Fitrakis, Esq.
FITRAKIS & GADELL-NEWTON, L.L.C.
1021 East Broad Street
Columbus, Ohio 43205

VIA FACSIMILE ONLY

Re: Swain, Sean - A243-205

Dear Mr. Fitrakis:


You and I have had multiple telephone conversations in response to your correspondence to the Ohio Department of Rehabilitation and Correction (ODRC) dated March 5, 2013 regarding the above-referenced inmate. During our most recent conversation on April 24, 2013, I advised that the previous disciplinary and classification hearings for Inmate Swain were being reversed. Those charges have since been overturned.

A new ticket has been written and new disciplinary procedures will be commenced to address behavior as opposed to beliefs and ideals. I am aware from your correspondence what your concerns were in the previous disciplinary process, and I believe you will see that those have been addressed.

At your request, I have enclosed a copy of Inmate Swain's new ticket as well as another recent ticket for threats contained in correspondence to staff. I can appreciate you being concerned about infringement on an individual's rights to free speech; however, as I have attempted to unsuccessfully explain to Inmate Swain, the right is not an unlimited right. The types of violence and intimidation that are advocated for in his writings fall clearly within legal exceptions to that right. ODRC will not tolerate threats, harassment and attempts at intimidation. Proper conduct reports and sound disciplinary procedures will be followed in response to such actions.

Inmate Swain's disciplinary and classification hearings will be completed forthwith. Should you have any questions as to this correspondence or the disciplinary materials enclosed, please contact me directly.

Sincerely,



Trevor M. Clark, Esq.
Staff Counsel

Cc: Terry Tibbals, Warden, Mansfield Correctional Institution
Rob Jeffreys, Chief, Bureau of Classification and Reception

Exhibits

Ohio | Department of Rehabilitation & Correction

John R. Kasich, Governor
 Gary C. Mohr, Director
 770 W. Broad Street Columbus, Ohio 43222

DECISION OF THE DIRECTOR ON DISCIPLINARY APPEAL

Inmate Name and Number	SEAN SWAIN, A243205
RIB Case Number	MANCI-12-007219
Location of Rules Infraction Board	MANCI
Date of Hearing	10/19/2012
Charges Before the Board	17,15,56
Decision of the RIB	guilty 15,17,56
Decision of Warden on Appeal	guilty 15,17,56
Decision of Director	Reverse without bar
Date of Decision	04/24/2013

Inmate SWAIN has appealed the decision and/or disposition imposed by the above referenced rules infraction board. Upon the review the following error was found:

1. Legal staff was unable to retrieve all of the disciplinary records necessary to evaluate the merits of the inmate's appeal.
2. The rules infraction board has found the inmate guilty of the following rule violations: based on a single act/the same behavior. There must be a separate act or behavior to support each rule violation.
3. The inmate did not waive the 24 hour period between service of the conduct report and appearance before the rules infraction board. The hearing was held prior to the expiration of 24 hours.
4. The inmate's written request for a relevant witness was unreasonably denied. The absence of the witness prejudiced the inmate's defense.
5. The inmate made a written request for the charging official to testify at the hearing. The charging official did not appear.
6. The rules infraction board based its decision on confidential information. The board is required to evaluate and document the credibility of the confidential information before reaching a decision. The case file does

Exhibit T

EXHIBIT T

Inmate SWAIN, A243205

Page 2

7. Insufficient evidence was presented to the board to support guilty findings for the following rule violations:
8. The disposition imposed by the board was inappropriate or unauthorized.
9. Other: Overturned by Legal for reissue and rehear of new tickets.

DECISION:

- REVERSED AND REMANDED **WITHOUT BAR** TO FURTHER PROCEEDINGS. (A charge reversed without bar may be reheard.)
- REVERSED WITH BAR TO FURTHER PROCEEDINGS. (If a charge reversed with bar, the finding of guilt for the reversed charge will be expunged from all relevant documentation, including any security instrument negatively affected by the charge)
- AFFIRMED IN PART REVERSED IN PART
 With Without BAR TO FURTHER PROCEEDINGS.
- RETURNED FOR RECONSIDERATION OF THE DISPOSITION.
- THE DISPOSITION IS MODIFIED AS FOLLOWS:

April 24, 2013
 Date

Gay C. Miller

Director, or designee

EXHIBIT T1

Local Control Placement Review Hearing

Institution: MANCI		Lock Assignment: 5/SM1/1039/A
Inmate Name: SWAIN, SEAN	Number: A243205	LC Placement Hearing Date: 04/23/2013
Official Making Referral: lc committee	Date of Significant Rule Violation: 09/19/2012	RIB Case Number: MANCI-12-007219

Prior L.C. Placements? Yes No

Placement Hearing or Monthly Review

30 Day 60 Day 90 Day 120 Day 150 Day 180 Day

Date(s):

Summary of the Inmate's Statement:
NO COMMENT

- Recommendation:
- Return to General Population
 - Place/Retain in Local Control – Inmate has demonstrated a chronic inability to adjust to the General Population.
 - Place/Retain in Local Control – Inmate's presence in the general population is likely to seriously disrupt the orderly operation of the institution.
 - Refer for security supervision review and/or
 - Refer to Bureau of Classification for other appropriate placement.
 - Other: RELEASE FROM LC TO SC PENDING TRANSFER

Reason for the Recommendation:
RECOMMEND RELEASE FROM LC TO SC PENDING TRANSFER /THIS CASE CLOSED AND REFER TO CASE MANCI MANCI-13-002907 A REHEAR AND LC SUSPENDED INRE WRITTEN CASE.

Inmate has been advised of right to file an appeal to the Director or his designee within 15 calendar days of receipt of the Warden's written notice of placement.

Committee Member: <i>LT Binkley</i>	Date: 04/23/2013
--	---------------------

Decision of the Approved

EXhibit U

Conduct Report Supplement

Institution:	MANCI	MANCI-13-002907
Name:	SWAIN, SEAN	Number: A243205

22 website for the Army of the 12 Monkeys which would include: instructions on posting prison information for
 23 purposes of escape or attack; instructions on posting staff information (pictures, social security numbers, home
 24 addresses, phone numbers, vehicle make, bank accounts); instructions on posting the Army of the 12 Monkeys
 25 resistance manuals with instructions on how to disguise them to get them into the institutions. Inmate Dzelajlija then
 26 provides in the letter the internet address links to the Army of the 12 Monkeys manuals. He also provides the
 27 recipient of the letter with letterhead of the Cuyahoga County Public Defender with instructions to send an Army of
 28 the 12 Monkeys manual to him disguised with the included letterhead. Inmate Dzelajlija's letter also implicates other
 29 Army of the 12 Monkeys members in his correspondence by indicating that Inmate Swain (A243-205) is "NOT"
 30 down for the creation of the detailed website which contains the disruptive and threatening

Signature of Reporting Officer: *L. Handberg*

DRC 4255 (3/98) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Exhibit V

Conduct Report Supplement

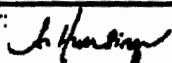
Institution:	MANCI		MANCI-13-002907
Name:	SWAIN, SEAN	Number:	A243205

31 information above. Again, it is clear from the body of the letter that Inmate Dzelajlija's use of the word "NOT" is
32 poor attempt at veiling the intent of the letter.

33 Similar to Inmate Dzelajlia's correspondence, multiple pieces of correspondence from Inmate Swain provide others
34 on the outside with the internet links to the Army of the 12 Monkeys resistance manuals. He also advocates and
35 conspires with others in the public to create on his website a "Blast Blog" which allegedly will contain personal
36 information of DRC staff members for the purpose of harassing, threatening and intimidating staff members.

37 Furthermore, Swain has written correspondence touting that the Army of the 12 Monkeys resistance manuals are
38 posted on his website (www.seanswain.org) and has additional correspondence where he recommends selling 12
39 Monkeys T-Shirts. Additionally, Swain was sent coded correspondence from Inmate Marshall (A461-448, self
40 admitted Monkey #10), in which Marshall identifies himself as

Signature of Reporting Officer:



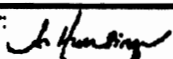
DRC 4255 (3/98) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate

Conduct Report Supplement

Institution:	MANCI	MANCI-13-002907
Name:	SWAIN, SEAN	Number: A243205

41 Monkey #10 and indicates "Monkey Down" shortly after Marshall was sent to segregation for suspected
 42 involvement. When asked about the letter, Swain indicated that he had no idea why Marshall would have sent him a
 43 coded message about the Army of the 12 Monkeys.
 44 Inmate Swain was advised that the prior conduct report against him for this conduct was being overturned due to its
 45 heavy focus on Inmate Swain's beliefs and possession of anarchist literature as opposed to his actual conduct. He was
 46 advised that, despite his disagreement with the administration, advocating property damage and potential violence is
 47 not protected speech. Inmate Swain is convinced (and has told countless individuals) that his involvement in this
 48 investigation has to with his criticism of departmental policies and contracts. Inmate Swain was again advised that he
 49 was entitled to his beliefs and writings so long as they did not advocate violence, but unfortunately the Army of the 12
 Monkeys calls for resistance

Signature of Reporting Officer:



v(5)

Conduct Report Supplement

Institution:	MANCI	MANCI-13-002907
Name:	SWAIN, SEAN	Number: A243205

51 and riot coupled with his requests for "Blast Blogs" and dissemination of personal staff information for purposes of
 52 harassing, threatening or intimidating crossed over permissible free speech lines.

53 It is clear from the correspondence of Inmates Dillon, Dzelajlija and Swain that Inmate Swain participated in the
 54 creation of and dissemination of Army of the 12 Monkeys materials. Inmate Marshall's coded messages to Inmate
 55 Swain also infer that Swain was involved in this unauthorized group. Inmate Swain is in violation of 5120-9-37,
 56 Unauthorized Group Activities which is set forth as inmate rule of conduct 17. (A) No inmate shall be permitted to
 57 become an active member in any group within an institution until that group has been approved pursuant to this rule.

58 An "unauthorized group" is defined as:

59 (1) An association of two or more persons with common characteristics (e.g., sharing a common interest, activity or
 60 purpose; acting in concert on an ongoing or recurrent basis; having a

Signature of Reporting Officer:

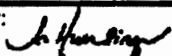


Conduct Report Supplement

Institution:	MANCI	MANCI-13-002907
Name:	SWAIN, SEAN	Number: A243205

- 61 highly organized or loosely structured internal organization; recognizing themselves as a distinct group) which serves
- 62 to distinguish that association from other inmates of groups, and;
- 63 (2) Has not been approved by the department pursuant to this rule or any departmental directive.
- 64 (B) An inmate shall not knowingly or intentionally engage in, whether individually or in concert with others:
- 65 (1) Forming, organizing, promoting, encouraging, recruiting for, or participating in, etc., an unauthorized group;
- 66 (2) Possessing, creating, reproducing, using or circulating, etc., any material related to an unauthorized group;
- 67 (3) Communicating support of, association with, or involvement in any unauthorized group. The form of
- 68 communication may be verbal (written or spoken) as through codes, jargon, etc., or non-verbal (conduct as through
- 69 hand signs, symbols, displays, drawings, graffiti, distinctive clothing, hairstyles, colors, ornaments, etc.;
- 70 (4) Participating in criminal activities

Signature of Reporting Officer:



TWELVE MONKEY RESISTANCE: The Pilot Program

9/1/12 - 11/13

My name is Leslie Ray Dillon, Drako to my friends, but you can call me Nine. Why Nine? Why not? It's a very spiritual number. It's the number of man, or mankind, in the Occult Sciences. It's the number of the beast in Revelation, 666 - added together is 18, add that - Nine! But the reason you can call me Nine, is because I'm Monkey #9 of the Army - the 12 Monkeys. And I would like to tell you a little story, a story about the fight for freedom, about revolution, about resistance.

In Summer of 2012 a prison abolition group called the Army of 12 Monkeys began planning a pilot program of resistance within the w of Mansfield Correctional in Ohio. Its members and allies designed printed fliers, pamphlets, and Resistance manuals. The fliers and pamphlets gave examples of how to resist and attack the prison. They also had some inspirational quotes from the Black Panther Party, Marxism, Mao Zedong and others. The Resistance manuals taught those who were inspired how to resist and protect themselves, as best that they can, in an organized united fashion.

At the beginning of September the 12 Monkeys launched their program onto the compound. Hundreds of fliers and pamphlets were handed out to inmates and placed in TV rooms, laundry rooms, etc. Within days things began slow, as they always do, but anarchists and others began to approach Nine and columns began to form. We started slow, only 10 or 15 us, using staples to jam door locks on the guard shack and sergeant's offices. It started costing them money to replace door knobs, repeated. Every time they fixed one we jammed it again. Then, someone got the word to the institutional inspector's office, the mail room, and the OPI door. [Ohio Prison Industries is an outside contractor that pays the state to let inmates work at slave wages doing manual labor.] We all cheered, it was a big score. OPI was closed nearly all day, money in the trash.

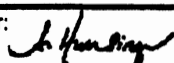
After that bolder attempts at sabotage and vandalism were undertaken. Using toe nail clippers, we started cutting the phone wires in C blocks, and computer wires in the sergeant's and lieutenant's offices. In a week had passed and no one had been caught, so we amped it up another notch. Three guys used paperclips to jam cell doors inside the blocks so

Conduct Report Supplement

Institution:	MANCI	MANCI-13-002907
Name:	SWAIN, SEAN	Number: A243205

71 , or disruptive activities such as disturbances, riots, fostering racial or religious hatred, or union activities; and,
72 (5) Violating institutional rules or directives or state or federal laws.
73 Inmate Swain is also in violation of inmate rule of conduct 60/15 - conspiring with others to riot or encourage others
74 to riot. Inmate Swain is also in violation of inmate rule of conduct 60/59- conspiring with others to create a Army of
75 the 12 Monkeys website and his own personal Blast Blog for the purposes of threatening, harassing and/or
76 intimidating staff. This writer recommends that in the event Swain is found guilty of the above charges that he be
77 profiled as a disruptive member of a security threat group and considered for Level 4 placement as defined in
78 departmental policy. All evidence regarding this investigation is available for review by contacting A. Hunsinger,
79 and/or T. Clark who assisted in the investigation.

Signature of Reporting Officer:



100

that the C.O.s could not put inmates in their cells. The 45 minute lock down period at 3:45 pm that they call "Cant Time" was screwed up in 3 different pods, in 3 different units.

In the next week and a half, nearing the conclusion of the pilot program several things happened:

1) Nine wrote a Training Manual teaching prison house workouts [I've been in prison for nearly 12 years] for Slim guys to buff up, or fat guys to tone down, or for anyone in between to get the body they want. This manual also contained training in military and militia arts (including sniping, knife fighting, and working in Special Operations Units), as well as hand to hand combat (mainly Navy Thai Kickboxing and Judo). I spent over 5 years training with a Thai blooded Navy Thai master and over 2 years in the Army - nearly 2 of that in the 3rd Battalion of the U.S. Army Ranger 75th Regiment, and was raised in an Irish Militia.

2) A newsletter was started in the idea of informing and educating both prisoners and the public. It was called "Guerilla 33".

3) Dry cement was stolen from the masonry class. It was placed into the chowhall water drains wet, clogging them, after it dried again, and causing kitchen sewer backup and flooding.

4) Graffiti in the form of the number "12" started to appear on buildings, trash cans, doors, and walls written in oil based paints. When staff attempted to remove this graffiti it stripped the other paint off of the doors and walls.

5) Every day for 5 days, from 6 am to 10 pm, 20 or more resistors turned on their sinks and let them run. This added an estimated 5% increase to the prison's water bill.

6) Multiple resistors all flushed their toilets simultaneously for over 2 minutes causing water pressure to build in the lines and causing a water main to burst, that costs them \$10,000⁰⁰ to repair.

The pilot program ended on 19 September and 20 September when Nine and 2 others, one we'll call Four the other Twelve, were placed into segregation in the ManCI Special Management Unit under investigation. Since the pilot program had been designed to end, these "arrests" did not play any real part in anything other than to inform us that we had

gotten the attention of the prison administration, and that we raise resistance at Man CI.

Several days later I was removed from my cell and taken - see two State troopers, Lt. R.S. Chapman and Sgt. J. Benard. The interest at gathering information I sat and listened to their questions, giving back ridiculous answers. After about 5 minutes I stood and told them to contact my attorney, and I walked out. I knew what I needed. The Army of the 12 Monkeys was being investigated by the Ohio Highway State Patrol for letters sent to government officials in Ohio. These letters were supposedly threatening. But what took away from this meeting the most was that in less than 3 weeks of terrorizing a prison, the 12 Monkeys had gained the attention of State authorities. The letters in question were not threatening in any way, they were merely informative of a situation. No further contact was made by the OSTP since Nine, Four, and Twelve all forwarded to attorneys.

Then I found out that Four was being investigated by the FBI in order to establish a connection between him and an internet hack group called Anonymous. This also pertained to the letters mentioned to the OSTP. We have now been acknowledged by the Feds. The Army of the 12 Monkeys were becoming famous.

Word was sent to the compound and 2 guerillas, we'll call one and one Eleven, began planning the first 12 Monkey campaign. Nine and mailed 6 articles or press releases, 3 of these never made it out of the prison. Luckily I possess copies of all my writings. The other 3 were posted either. Shit happens! The fight continued.

Four mailed his own writings to his outside contact, posting made on his website, SEANSWAIN.ORG! Twelve wrote a rap, which is now our theme song, called "Declaration". He continues to inspire people with his music. "Everyone Rise" is one of my favorites.

Nothing happened for a while, then on 17 October all 3 of us issued conduct reports. Those tickets were 9 pages long each, and were slightly different in each they all said pretty much the same thing. 7 charges were: Engaging in unauthorized group activities, use of mail for furtherance of any criminal activity, and rioting or encouraging or

to riot. [A copy of the 9 page conduct report will proceed this story; or view it at SEAN SWAIN.ORG] This could have been condensed to only 5 pages but I guess 9 looks more overwhelming to authorities. I have been told that this is the longest tract written at Manc I.

It was on or near this time that an unknown source protested our captivity by smashing out several windows on the prison's buildings. However, this information would not reach us until months later.

On 24 October, after 2 days in court (Rules and Instructions Board), Four was found guilty of all charges even though the charging official stated on record that no evidence pointed to him. He was told later by one of the RIB board members, ~~of~~ record, that central office told him to sink all of us. On 29 October, both myself and Twelve were also found guilty after not being allowed to offer any real defense. Now, keep in mind that, when you go to "court" in prison you are not allowed to have an attorney present to represent you, you are not allowed to view any of the evidence yourself, and must rely solely on your own memory and what is written on the conduct report when you make your defense. And, you are taking on the prison staff in a "court" room ran by prison staff.

The next day I write a 2 page appeal to the warden. It was denied 6 days later. Imagine that. I then wrote a 2 page appeal to the director of DRC. This appeal completely dissected the conduct report using their own evidence against them. It went in the mail on 6 November.

I received a letter from my mom on the 28th telling me that my child hood friend and one time fiancée had been in a coma and died on the 8th. After that things started becoming a little stressful. You see, my fiancée Sarah, not Tasha who just died, miscarried my daughter Ciara Lynn, 2001 after my incarceration, and then overdosed in 2007. Sarah and I married in 2002. Tasha and I got engaged in 2009 but decided against it because I still had 15 years left to serve. When I hadn't heard from her for a couple months prior to her death I hadn't thought anything of it.

On top of all this running through my head now, over the last couple of weeks the staff had been hinting around at placing me, Four, and Twelve in supermax. Yet I still have not heard back from director Mohr about my appeal. So on the 7th, December, I mailed another one.

That was Friday, on Monday I received a response to my first a, To no surprise, the director affirmed my guilty verdict. It was done for the 4th.

Nine was take on 11 December to speak with the Security Threat Group (or gang coordinator). Some times it amazes me how much info these people give to inmates. They must think we're stupid. First I labeled me in the STG file as an Anarchist, so what! But then he what I knew about an uprising in population by guys claiming to be "Monkeys". I began laughing hysterically. I laughed because he had just told me that Ten and Eleven had succeeded in starting the campaign. I was hysterical because, well, I'm not really sure - maybe the stress. But he pressed and told me to leave.

But I seem to have gotten ahead of myself. On 3 December I was approached by an unidentified staff member. He told me that if I flipped on Four all my charges would be dropped. Of course I told him where to stick it, and that evening my cell was searched and destroyed by the STG's. Then on the 6th I was recommended for level 4B security placement. I appealed this to the warden and was denied on the 12th. I then appealed it to central office. Around this time Four and Twelve informed me that their reviews had been held on November. They recommended 4B for Twelve and Supermax 5 for Four.

After 25 December the compound became somewhat crazed with Monkey activity. A few people were placed in SMU but then released. Four, and Twelve wrote more articles and mailed more letters. Confirmation was received by Nine from 3 level 2 prisons (medium security) that camps were being planned. Open revolt on the ManCI compound escalated.

On 15 January Ten was placed in SMU after learning that his mate was a snitch and had helped put Nine, Four, and Twelve in SMU. Ten beat this guy's ass and left the pod screaming "Anarchy! Fuck Polite!" There were 3 others, still unidentified, that went to SMU same day. I immediately wrote a press release that I mailed to all medium prisons. Then I sat and waited.

On 24 January, I was taken to dental in population. There I met into my comrade C.A. and he told me that ManCI was off the hook with 12 Monkey action. Everyone wants to be a monkey he said.

On 28 January I received a letter from Lake Erie Correctional. It was an account of a riot that broke out, The LAECI Army at the 12 monkeys took responsibility. I found out that 35-40 LAECI inmates had been emergency transferred to Mant I and placed in SMU in a pod separated from all the others. Why they would be moved here and placed in the same Special Management Unit as the so called leaders of the 12 monkey group is beyond me. I do find it funny that, on 31st a level 5 super-max review was held for Nine, Four, and Twelve.

There are 2 mediums that still have yet to communicate the extent of their revolt. However, the 12 Monkeys are growing, we are everywhere, anyone can be a 12 Monkey, and we are so numbered that we cannot be stopped. We have only one demand: The Total Destruction of all Ohio prisons.

~~Declaration~~

DECLARATION

- Army of the 12 Monkeys Anthem -

We, the Army of the 12 Monkeys, locked in chains, topple governments
see anarchy as self-trusting walk, sustained on self-governance
free from laws, Kings, and the hell countries propagate on their residents
freedom's all we want to dwell humbly, block our aims, bombs will leverage it
I'm just saying, Thomas Jefferson preached "resistance to tyrants"
not obeying Godless censors that reached positions of "highness"
Thomas Paine's "Common Sense", surfaced, teaching dissident science
nowadays all them men would just be imprisoned and silenced
These conditions that bind us ignite flames, the spirit of anarchy
please just listen, confinement is why slaves, turned terrorists, are talking
We've lived with your misguidance and I say it's derelict and awfully
weak, now witness the rise of the lives made from perilous malarky
inside States, nefarious and shocking, the core isn't meek pax dethronement
the lies they declare are meant to squash freedom, sure victory can be

Known with

a fight waged, experience what "strong" means, all your tyranny has eroded
but like Che Guevara said, "we're walking on pure history, and we know it".

- written by monkey #12 -

Disposition of the Rules Infraction Board

Institution: MANCI	RIB Case Number: MANCI-13-002907
Inmate Name: SWAIN, SEAN	Number: A243205
Date of Hearing: 04/30/2013	Time: 11:00 AM

Inmate Plea: GUILTY Rule: ____ Rule: ____ Rule: ____ Rule: ____ Rule: ____ Rule: ____

NOT GUILTY Rule: 60 Rule: 15 Rule: 17 Rule: 59 Rule: ____ Rule: ____

State the facts that explain the board's decision:
evidence and testimony provided

Particular evidence or statements relied on:
hand written letters and contraband collected

Did the inmate offer any defense? Yes No

Did the Board believe the inmate's defense? Yes No Why? defence was ofered on freedom of speech
and not revelant to charges

Did the board rely on any confidential statement(s) Yes No

Did the board determine the informant(s) to be credible? Yes No

Decision: Based on the above stated facts the Board believes that:

Inmate SWAIN, SEAN violated rule(s) Rule: 60 Rule: 59 Rule: 15 Rule: 17 Rule: ____ Rule: ____

Inmate SWAIN, SEAN did not violate rule Rule: ____ Rule: ____ Rule: ____ Rule: ____ Rule: ____ Rule: ____
(s)

Identify the disposition imposed and the reasons for the action taken:
cts for all rule violation suspend lc placement/ recommend lvl4 placement

LC Referral? Yes No

Appeal form given to inmate? Yes No

Signature RIB Chairperson: <i>LT Bmlaw</i>	Date: 05/09/2013
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Notice To Inmate: You may appeal this decision to the Warden.
The appeal must be submitted using the provided form DRC4027, within 15 days of receiving this disposition.

Acknowledgement of Receipt:

Inmate Signature: <i>Se Si</i>	Date: 05/09/2013	Time: 02:46 PM
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Exhibit X

Ohio | Department of Rehabilitation & Correction

John R. Kasich, Governor
Gary C. Mohr, Director

770 W. Broad Street Columbus, Ohio 43222

June 18, 2013

SWAIN, SEAN A243205
MANCI
RIB Case #: MANCI-13-002907

Dear Inmate SWAIN:

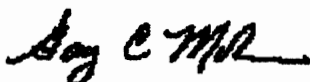
Pursuant to your request this office reviewed above referenced decision of the Rules Infraction Board as Director's designee.

A careful review of the procedural records was conducted. Please be advised that:

- 1) You were validly charged with the proper rule infraction;
- 2) There was substantial compliance with all applicable policies, rules and procedures;
- 3) There was sufficient evidence in the record to support the decision;
- 4) The penalty assessed was authorized and proportionate to the offense.

Therefore, decision is affirmed.

Sincerely,



Gary C. Mohr
Director

Cc: Warden
RIB File

Exhibit Y EXHIBIT

Conduct Report

Institution: MANCI		MANCI-13-002794
Name: SWAIN, SEAN	Number: A243205	Lock: 5/SM1/1039/A
Date/Offense: 04/23/2013	Time/Offense: 12:00 PM	Location: Inspector's Office
Rule(s) Violated: 08 Threatening bodily harm to another (with or without a weapon)		

Supporting Facts (Describe what occurred and how the inmate violated the rule[s]):

On 4/23/13 I received a kite (attached) from Inmate Swain 243205 which stated the following in the last two paragraphs:

"It is quickly becoming clear that appeals to reason + to law + to propriety are falling on deaf ears. It is quickly becoming clear that nonviolent + statutorily established channels for resolving staff harassment are totally ineffective. If we are now operating outside the law, then I accept those terms. Don't get mad.
---Swain"

I find the comments in Swain's kite are to be taken as a clear threat against the staff of the Mansfield Correctional Institution.

(Use Conduct Report Supplement sheet, if needed)

As the Charging Official, do you wish to have input into the disciplinary proceedings? Yes No

Printed Name: Melton, U. L.	Signature: <i>U. L. Melton</i>	
Shift: 1st	Days Off: Sunday/Saturday	Date: 04/25/2013

A copy of this conduct report was served upon the above-named inmate on: April, 30 20 13, at 02:55 PM.

Staff Signature: <i>C. Van B...</i>

I acknowledge receipt of the conduct report on the above stated date and time:

Inmate Signature: <i>Refused</i>	Number: A243205
----------------------------------	--------------------

Exhibit AA AA

RECEIVED

APR 23 2013

Inspector, Institutional Services
MARCH

MK. MELUW.

I HAVE 3 THINGS —

1. I NEED A GRIEVANCE FOR THE ANSWERED LCR TO MS. WAINWRIGHT DATED 19 APR 13.
 2. IF MANCI WILL NOT PROVIDE SERVICE OF MY TPAYS THAT HAVE BEEN PAID FOR BY MY LOVED ONES, WHO WILL GIVE THEM TO ME? AND
 3. IN REPLY TO YOUR KITE RESPONSE ABOUT MY MAIL — YOU SAID, AND I QUOTE, "ALL MAIL THAT WAS NOT WITHHELD HAS ALREADY BEEN FORWARDED TO YOU." I BEG YOUR PARDON, BUT THAT IS A NONSENSICAL STATEMENT. EITHER MAIL IS FORWARDED OR IT IS WITHHELD. ALL MAIL NOT FORWARDED IS WITHHELD, ALL MAIL NOT WITHHELD IS FORWARDED.
- MY PROBLEM IS, I KNOW MAIL ARRIVED HERE. I HAVE NOT RECEIVED IT. I HAVE NOT BEEN GIVEN A NOTICE OF WITHHOLDING. THAT MAIL INCLUDES: 5 ZINES FROM EAST BAY PRISONER SUPPORT; 1 ISSUE OF SLINGSHOT FROM LONG HAUL INFO SHOP; 1 ISSUE OF 4 STRUGGLE MAGAZINE FROM CANADA; ZINES FROM KENT BOOKS TO PRISONERS.
- I KNOW IT ARRIVED, JUST LIKE THE 3 STOLEN TPAY PAGES YOU "FOUND". I KNOW THAT NO NOTICE OF WITHHOLDING HAS BEEN ISSUED, JUST LIKE THE 3 STOLEN TPAY PAGES. I KNOW I HAVE NOT RECEIVED THEM, JUST LIKE THE 3 STOLEN TPAY PAGES.
- IT IS QUICKLY BECOMING CLEAR THAT APPEALS TO REASON + TO LAW + TO PROPRIETY ARE FALLING ON DEAF EARS. IT IS QUICKLY BECOMING CLEAR THAT NONVIOLENT + STATUTORILY ESTABLISHED CHANNELS FOR RESOLVING STAFF HARASSMENT ARE TOTALLY INEFFECTIVE.
- IF WE ARE NOW OPERATING OUTSIDE THE LAW, THEN I ACCEPT THOSE TERMS.

DON'T GET MAD.

will be coming — SQUAWIN

- #1 NOG *misclassified* will be coming — SQUAWIN
- #2 Some clarification very soon.
- #3 I have responded to this *already* by *forward* *forward*
- #4 I have responded to this *already* by *forward*
- #5 I have responded to this *already* by *forward*

Exhibit B3

243-205

293203

Dwain

CAN MY COUNSEL COMMIT YOU TO 417 SLS 4433 EXI: 2035:
PLEASE ADVISE.

— DWAIN

*Received
1st Deputy
4/23/13*

RECEIVED

APR 23 2013

Inspector, Institutional Services
MANCI

Exhibit CC

Wall of Tolerance

The undersigned co-chairs of the

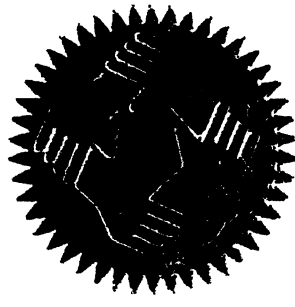
National Campaign for Tolerance

do hereby authorize that the name of

Mr. Sean Swain

be placed on the Wall of Tolerance
honoring those who are leading the way
towards a more tolerant and just America

as Founding Members of the
National Campaign for Tolerance



Authorized this 15th day of February 2002.

Morris Dees

MORRIS DEES
CO-CHAIR

Rosa Parks

ROSA PARKS
CO-CHAIR

Disposition of the Rules Infraction Board

Institution:	MANCI	RIB Case Number:	MANCI-13-002794
Inmate Name:	SWAIN, SEAN	Number:	A243205
Date of Hearing:	04/30/2013	Time:	09:40 AM

Inmate Plea: GUILTY Rule: _____ Rule: _____ Rule: _____ Rule: _____ Rule: _____ Rule: _____
 NOT GUILTY Rule: 08 Rule: _____ Rule: _____ Rule: _____ Rule: _____ Rule: _____

State the facts that explain the board's decision:
 Inmate did make imply threats to staff in a kite sent to the Institutional Inspector

Particular evidence or statements relied on:
 Attached kite

Did the inmate offer any defense? Yes No
 Did the Board believe the inmate's defense? Yes No Why? Free speech does not allow one to make
a written or verbal threat to another.

Did the board rely on any confidential statement(s) Yes No
 Did the board determine the informant(s) to be credible? Yes No

Decision: Based on the above stated facts the Board believes that:
 Inmate SWAIN, SEAN violated rule(s) Rule: 08 Rule: _____ Rule: _____ Rule: _____ Rule: _____ Rule: _____
 Inmate SWAIN, SEAN did not violate rule (s) Rule: _____ Rule: _____ Rule: _____ Rule: _____ Rule: _____ Rule: _____

Identify the disposition imposed and the reasons for the action taken:
 G R 8, cont. current RIB sanction/SLR. This inmate's actions pose a threat to the safety and security of the institution.

LC Referral? Yes No
 Appeal form given to inmate? Yes No

Signature RIB Chairperson: 	Date: 05/13/2013
--	------------------

Notice To Inmate: You may appeal this decision to the Warden.
 The appeal must be submitted using the provided form DRC4027, within 15 days of receiving this disposition.

Acknowledgement of Receipt:


Inmate Signature: <u>REMOVED FROM RIB</u> 	Date: 05/13/2013	Time: 10:19 AM
---	------------------	----------------

Exhibit EE

PLEASE DO NOT CONSTRUCTIVE THESE QUESTIONS AS A THREAT.

- ① If I stop appealing to reason + to law + to propriety, will you suffer bodily harm?
- ② If I lose faith in the grievance process and stop using it, will you suffer bodily harm?
- ③ If I accept that MAND is lawless, will you suffer bodily harm?

④ If I ask you not to get mad, will you suffer bodily harm?

⑤ In my Kite, did I make even a tangential reference to any activity that could be construed as punching, kicking, pinching, poking, smacking, scratching, biting, head-butting, ^{squeezing} choking, ^{Stab} stomping, slamming, throwing, pushing, shoving, She tripping, or pulling the hair of another human being?

decapitating,
burning,
detonating,
impaling,

⑥ who ^{specifically} did I threaten?

⑦ what did I ^{specifically} threaten to do?

⑧ what harm did I ^{specifically} threaten to cause? Exhibit 6A

(14) Would you like to voluntarily withdraw this conduct report before Representative Robert F. Hagan of the Correctional Institution Inspection Committee of the Ohio General Assembly orders the recording of this hearing for his review?

(9) Are you aware that according to AR 5120-9-07 (E) the conduct report must contain a description of specific behavior constituting the rule violation?

(10) Are you aware that according to policy 56-DSC-C (VI)(F)(1)(b) you must include all facts relevant to the charge?

(11) Are you aware that prisoners retain free speech rights and that punishing a prisoner for written or spoken speech absent a valid violation of a rule of conduct, i.e., absent an actual threat in this case, constitutes free speech retaliation according to the U.S. Supreme Court precedents — Jones vs. North Carolina Prisoners Labor Union, Inc.; Procunier vs. Martinez; Pell vs. Procunier; Thornburgh vs. Abbott; + Turner vs. Safley?

(12) Did you meet with Warden's Assistant Scott Basquin on 23 April prior to writing this conduct report?

(13) Did Scott Basquin, who has participated in the malicious theft of my mail and who serves as the warden's designee over the disciplinary process, direct you to write this conduct report?

(14) Would you like to voluntarily withdraw this conduct report before Representative Robert F. Hagan of the Correctional Institution Inspection Committee of the Ohio General Assembly orders the recording of this hearing for his review?

(9) Are you aware that according to AR 5120-9-07 (E) the conduct report must contain a description of specific behavior constituting the rule violation?

(10) Are you aware that according to policy 56-DSC-1 (VI)(F)(1)(b) you must include all facts relevant to the charge?

(11) Are you aware that prisoners retain free speech rights and that punishing a prisoner for written or spoken speech absent a valid violation of a rule of conduct, i.e., absent an actual threat in this case, constitutes free speech retaliation according to the U.S. Supreme Court precedents — Jones vs. North Carolina Prisoners Labor Union, Inc.; Procunier vs. Martinez; Pell vs. Procunier; Thornburgh vs. Abbott; + Turner vs. Safley?

(12) Did you meet with Warden's Assistant Scott Basquin on 23 April prior to writing this conduct report?

(13) Did Scott Basquin, who has participated in the malicious theft of my mail and who serves as the warden's designee over the disciplinary process, direct you to write this conduct report?

Warden's Decision On Appeal

Institution: <div style="text-align: center;">MANCI</div>	RIB Case Number: <div style="text-align: center;">MANCI-13-002794</div>
Inmate Name: <div style="text-align: center;">SWAIN, SEAN</div>	Number: <div style="text-align: center;">A243205</div>

On May 13 2013, the Rules Infraction Board determined that the above named inmate had violated the following rule(s) 08

Inmate *Appealed* this decision and appeal was received in this office on 05 / 20 / 2013

I have reviewed the matters raised in the inmate's appeal, the record generated in the Rules Infraction Board proceeding, and the disposition of the Rules Infraction Board. I have determined that the board's decision should be:

- Affirmed**

 Modified

 Returned

 Reversed

Inmate Swain did make threading implication towards the Institution Inspector. The RIB hearing was delayed due to availability of requested witness.

Warden: <u>Terry Feltb</u>	Date: <div style="text-align: center;">05/20/2013</div>
----------------------------	--

Is this decision subject to further review pursuant to 5120-9-08 (O)? Yes No
 If yes, does the inmate request review of this decision by the Director? *The inmate must complete the following:*

- I WAIVE further review of this decision
 I request REVIEW of this decision by the Director.

Notice: The Warden's designee will send the entire case record to the Director's designee (Legal Services) for a review. You may send the duplicate original of this form to Lega

Exhibit HH HH

Ohio | Department of Rehabilitation & Correction

John R. Kasich, Governor
Gary C. Mohr, Director
770 W. Broad Street Columbus, Ohio 43222

June 11, 2013

SWAIN, SEAN A243205
MANCI
RIB Case #: MANCI-13-002794

Dear Inmate SWAIN:

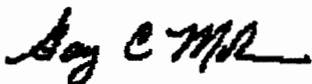
Pursuant to your request this office reviewed above referenced decision of the Rules Infraction Board as Director's designee.

A careful review of the procedural records was conducted. Please be advised that:

- 1) You were validly charged with the proper rule infraction;
- 2) There was substantial compliance with all applicable policies, rules and procedures;
- 3) There was sufficient evidence in the record to support the decision;
- 4) The penalty assessed was authorized and proportionate to the offense.

Therefore, decision is affirmed.

Sincerely,



Gary C. Mohr
Director

Cc: Warden
RIB File

Exhibit II

Male Security Review (page 1)
Department of Rehabilitation and Correction
State of Ohio

Case: 4:14-cr-002074-BYP Doc #: 1-1 Filed: 09/17/14 ID: 107. Page 14 of 14

Date of Review: 09/22/2015
 Reviewer: THOMAS J KING
 Annual Review Special Review
 Institution: MANCI

Offender Number: A243205
Date of Birth: 09/12/1969 Race: WHITE

Name: SWAIN, SEAN
Hispanic: N

Admission Date: 02/15/1995
Present Security Level: 3
Previous Offender Numbers:

Earliest Possible Release: Parole Hearing: 09/01/2016
Date of Last Security Level Review: 09/06/2011

Most Serious Current Crime: AGG MURDER
Other Current Crime(s): AGG MURDER

Felony Level of Most Serious Current Crime: AM

SECTION A: INSTRUMENT SCORING	WEIGHT	SCORE
1. Frequency of Guilty RIB Offenses (in the last 12 months)		
None	0	
1 Offense	2	4
2 to 3 Offenses	3	
4 or More Offenses	4	
2. Local Control or Level 4B Status (in the last 12 months)		
No LC or 4B Status	0	0
LC or 4B Status	1	
3. Current Active or Disruptive STG Member		
No Active or Disruptive STG Member	0	1
Active or Disruptive STG Member	1	
4. Educational Attainment (pre-prison/current)		
High School Diploma, GED, or Higher Education	-1	-1
Less Than High School Equivalency	0	
5. Age at This Review		
Age 40 or Older	-1	-1
Age 39 or Younger	0	
TOTAL SCORE:		3

-2 to -1 Points
Consider Security Level Decrease

0 to 3 Points
Consider Present Security Level

4 to 6 Points
Consider Security Level Increase

Notes:
LEVEL 4 HEARING: 5 guilty findings by RIB in the past year - No LC Placement - Disruptive STG - HS Diploma verified - Age 43

Exhibit JJ
BJ

SECTION B: OVERRIDES AND RECOMMENDATIONS

Score Indicates Considering Security Level Decrease (-2 to -1)

Score Indicates Considering Present Security Level (0 to 3)

Score Indicates Considering Security Level Increase (4 to 6)

Agree: Decrease One Level

Agree: Continue Present Level

Agree: Increase One Level

Disagree: Continue Present Level

Disagree: Decrease One Level

Disagree: Continue Present Level

Disagree: Increase One Level

Yes No Override of Designation Score is Recommended

Please select all which apply to this offender for the purposes of overriding:

Non-Discretionary Overrides for Double Perimeter Fence Only

Discretionary Overrides

Sex offenders

Time left to serve

Kidnapping or abduction offenders

Severity of current offense

High notoriety case offender

Extensive criminal history

Current conviction of aggravated murder or murder

Documented escape from supervision

Any felony for causing the death of a law enforcement officer or causing the death of another person while incarcerated

Documented escape with unknown details

Former death row or life without parole offenders

Felony detainee

Documented escape from confinement

Program Compliance

Level 2 security offenders serving an indefinite sentence for an F1 or F2 that has not had a statutory first hearing

Program Non-Compliance

Positive prison adjustment

Negative prison adjustment

Score indicates increase, but offender is manageable at current security level

Involvement in Disruptive STG incident

Involvement in Active STG incident

Other (please specify):

Other (please specify):

Attach behavior criteria for Level 4 or Level 5 (DRC2686/DRC2687) if recommending an override to Level 4/5

Recommended Placement

Level 1

Level 3

Referral for Level 5 Hearing (see 53-CLS-04)

Level 2

Level 4

Chairperson (Signature): *Thomas J. [Signature]*

Date: 05/30/2013

SECTION C: WARDEN OR WARDEN'S DESIGNEE

Warden's Action: Approve Disapprove

Warden's Rationale:

Warden's Recommended Placement

Level 1

Level 3

Referral for Level 5 Hearing (see 53-CLS-04)

Level 2

Level 4

Warden (Signature): *[Signature]*

Date: 06/14/2013

Yes No Does this placement require a transfer?

Mental Health Level: N

Yes No Is this offender in PC?

Medical Level: 2

Yes No Is this an Interstate Offender?

Special Placement Needs:

Yes No Is Level 4 or Level 5 recommended?

Yes No Transfer packet sent to Bureau of Classification?

SECTION D: BUREAU OF CLASSIFICATION

Bureau of Classification Action: Approve Disapprove

Bureau of Classification Rationale: Serious nature of RIB convictions for Rules 60, 15, 17, 59 and 8. Identified as co-creator of STG "12 Monkeys". Evidence in correspondence is clear that inmate participated in the creation and dissemination of Army of the 12 Monkeys materials. Letter of appeal is denied.

Final Placement

Level 1 Level 3 Referral for Level 5 Hearing (see 53-CLS 04)
 Level 2 Level 4

Institutional Placement: OSP

Signature:

James S. Walsh

Date:

07/18/2013

SMA-1019A



Ohio Department of Rehabilitation and Correction

RECEIVED
JUL 05 2013
Bureau of Classification

770 West Broad Street
Columbus, Ohio 4322

To. Bureau of Classification

From Warden, Terry A Tibbals

Institution Mansfield Correctional Institution

Name SWAIN, Sean		Number A-243205
Current Security Level 3	Birth Year 1969	(W)

We are requesting authorization to transfer the above named inmate(s) from.

Mansfield Correctional Institution to L-4

RIB Cases in the last 12 months 8 15 17 60

Justification:

Inmate Swain A243205 should be transferred to a Level 4 institution based on his ability to cause a major disturbance within a lower level correctional institution. Inmates Swain A243205, Dzelajlija A530144, and Dillon A416607 were identified as being the creators of the 12 Monkey resistance organization based on the materials that were in their possession. This group of inmates has conspired together in an attempt to recruit and lead incarcerated inmates to resist prison administration and rules by incorporating violence and property damage into their propaganda and rhetoric.

Supervision Review was completed and available on DOTS-Portal. Inmate is currently not on the mental health case load. Inmate does not have any institutional separations incarcerated at this time.

NATURE OF TRANSFER

- Security Medical Administrative Mental Health

Warden's Signature <i>T. A. Tibbals</i>	Date 6-17-13
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In the case of a level 4 transfer, a copy of this request was served upon the above-named inmate on:

Date 6-23-13	Time 12:57 PM	Staff Lt. K. Hoy
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DEPARTMENTAL ACTION

- Request Approved Request Amended Request Denied

Disposition:

Approved Institution OSP New Security Level 4B

Reason SECURITY UPGRADE

Notes: APPEAL - YES : Approve the request of the Warden for the reasons he lists in his recommendation

Bureau Of Classification <i>Rot Jeffery / JAW</i>	Date 7-18-13
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Exhibit KK

EXHIBIT KV

John R. Kasich, Governor
Gary C. Mohr, Director

July 18, 2013

Sean Swain #A243205
MANCI

Re: Correspondence Received: 6-25-13
Approved Security Level: 3
Approved Institution Placement: OSP

Mr. Swain,

This is in response to the above correspondence in which you wish to appeal the decision of the institution regarding your security status and placement. The Bureau of Classification and Reception has reviewed that decision and agrees that your present classification is proper and within the security guidelines of the Department. Your placement and security level are AFFIRMED. This decision is final.

Any further questions concerning this matter should be addressed with your Unit staff.

Sincerely,

Rob L. Jeffreys kmb

Rob L. Jeffreys, Chief
Bureau of Classification and Reception

RLJ

Xc: file

Ohio**Department of
Rehabilitation & Correction**John R. Kasich, Governor
Gary C. Mohr, Director

770 W. Broad Street Columbus, Ohio 43222

Wednesday, June 12, 2013 1:

JOB HISTORY FOR: A243205 SWAIN, SEAN**INCARCERATED - 09/25/2012 - VIDEOCONFERENCE HEARING****MAN**

START DATE	INSTN	JOB TITLE	JOB LOCATION
01/01/2013	MANCI	LC	LC
11/07/2012	MANCI	LC	LC
10/24/2012	MANCI	DC	D/C
09/21/2012	MANCI	SC	SC
01/22/2010	MANCI	MATERIAL HANDLER 2	COMMUNITY SERV
12/30/2009	MANCI	PORTER	3B/AM
12/10/2009	MANCI	PORTER 3	ORIENTATION
11/16/2009	TOCI	STUDENT ADVANCED	COLLEGE
10/28/2009	TOCI	SC	SEGREGATION
06/01/2009	TOCI	STUDENT ADVANCED	COLLEGE
08/01/2008	TOCI	PORTER	UNIT A
07/25/2008	TOCI	CAREER TECHNICAL AIDE	TEACHER AIDE
07/21/2008	TOCI	STUDENT	AOT-VOC
06/02/2008	TOCI	SC	SEGREGATION
04/16/2007	TOCI	STUDENT	AOT-VOC
07/18/2005	TOCI	PORTER	UNIT A

Exhibit MM
MM