

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Sean Swain,	)	Case No. 4:14-cv-2074
)	
	)	Hon. Benita Y. Pearson
Plaintiff,)	
	)	<u>DECLARATION OF SEAN</u>
	)	<u>SWAIN</u>
v.)	
	)	Richard M. Kerger (0015864)
	)	KERGER & HARTMAN, LLC
Gary C. Mohr, et al.,	)	33 S. Michigan St., Suite 100
	)	Toledo, OH 43604
	)	Telephone: (419) 255-5990
Defendants.	)	FAX: (419) 255-5997
	)	rkgerger@kergerlaw.com
)	
	)	<i>Counsel for Plaintiff</i>
)	
)	

I, Sean Swain, declare under penalty of perjury the following:

1. My name is Sean Swain. I am the Plaintiff in this case and I am competent to testify to the facts related herein to which I have direct knowledge.

2. On or about December 2010 or January 2011, I worked as a skilled painter in Community Service when the institution held an event for people to see art and carpentry work on display. During this event, I met Warden Terry Tibbals' parents, who seemed kind. I spoke with Warden

Tibbals. At some point, the conversation turned to cars and he revealed that he owned a black Lexus with personalized plates on “her”: BLACK LIGHTNING.

3. After Warden Tibbals approved the “12Monkey frame-up” case in 2012 and subjected me to punitive conditions, I engaged in a deliberate campaign of ridicule, routinely referring to Warden Tibbals as BLACK LIGHTNING. This was particularly comical in my mind because Mr. Tibbals is pasty-white.

4. I drew cartoons of BLACK LIGHTNING which went out on hundreds of envelopes when my outgoing mail was illegally photocopied for months in 2012 and 2013. I wrote, “Days of Tear Gas, Blood and Vomit,” referring to Terry Tibbals as BLACK LIGHTNING in July 2013 and mailing it out in monitored mail. It was posted at seanswain.org and soon after to anarchistnews.org, according to printouts sent to me in August 2013.

5. The following year, Crimethinc reprinted “Days of Tear Gas, Blood and Vomit” in their quarterly journal, Rolling Thunder. A carton of BLACK LIGHTNING was also published in Earth First! Journal, the same issue where they published lawmakers’ home addresses that Defendant Clark gave me.

6. As to “burning down the Statehouse,” I could no more burn down the Statehouse than I could blow up the moon. I am currently held at a supermax facility without access to fire or accelerants. I have no means of

escape nor transportation to get to Columbus where the Statehouse stands. If I had the means of escaping from prison and getting transportation, I suspect I would have a laundry list several pages long of "Things to Do." There would be no mention of the Statehouse.

7. I ran for Ohio Governor in 2014 as a matter of political theater on the promise of abolishing the State. My slogan was, "Wanna dance naked around a bonfire where the Ohio Statehouse used to be? Swain for Governor in 2014." If I ever really got elected I believe we will all have far more emergent worries than whether a stupid building in Columbus is burning.

8. After this incident, I undertook a hunger strike to protest the violation of my First Amendment rights. This included refusing my blood pressure medication. I was told by Nurse Practitioner Clark that as long as my blood pressure remained within the limits of 160/90, I could remain in general population. It stayed at that level.

9. Then on Friday afternoon, Dr. Kline had me moved to the medical unit. This is effectively isolation. I had no access to telephone, email or anyone else. I was held in a cell with only my clothing, a mattress and toilet paper.

10. I began to be concerned that I might not make it out so I began signing messages into the video system which allowed them to observe me in my cell. Apparently after the prison officials noticed it, a

guard turned out the lights in my cell plunging me into darkness. There is a window in the door of my cell, but it opens onto a wall so it receives no significant amount of light. I remained in the dark, in the cell, for 24 hours. At one point I feigned the symptoms of having a stroke but because it was so dark, the officials did not notice it and no one responded at all. Ultimately, I determined I was becoming too exhausted and agreed to end the hunger strike and take my blood pressure medicine. I immediately returned to the general population.

I declare the above to be true and correct under penalties of perjury this ____ day of February 2015.

SEAN SWAIN