

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

<b>SEAN SWAIN,</b>	:	<b>Case No. 4:14-cv-2074</b>
<b>Plaintiff,</b>	:	<b>Judge Benita Y. Pearson</b>
<b>v.</b>	:	
<b>GARY C. MOHR, <i>et al.</i>,</b>	:	
<b>Defendants.</b>	:	

**AFFIDAVIT OF PAUL SHOEMAKER**

STATE OF OHIO	)	
	)	ss
COUNTY OF FRANKLIN	)	

Now comes Paul Shoemaker, having been first duly cautioned, and states and affirms as follows:

1. My name is Paul Shoemaker. I am a Deputy Chief Inspector for the Ohio Department of Rehabilitation and Correction (ODRC), Office of the Chief Inspector.
2. I have personal knowledge of the facts in this affidavit.
3. I am competent to testify about these facts.
4. I have been employed with the ODRC for the past twenty (20) years. I have been with the Chief Inspector's Office since 2004, and have served in my present position as Deputy Chief Inspector since 2012.
5. In part, my duties as the Deputy Chief Inspector include acting as a liaison between ODRC prison officials and the ODRC Information Technology staff whenever a decision is made to restrict an inmate's future access to telephone and/or JPay privileges in accordance with ODRC Policy No. 76-VIS-01. These restrictions on an inmate's phone

and/or JPay privileges are commonly necessitated by institutional security concerns that may be discovered as a result of monitoring the operation and inmate use of these systems, in three primary areas: (1) Inmates' overt or implied threats made to ODRC staff and others, (2) concerns regarding conveyances of drugs and/or other contraband into the prisons, and (3) inappropriate relationships with ODRC staff members.

6. On Thursday, January 29, 2015 I received an email from ODRC Legal Services Division reporting that Inmate Sean Swain (# 243-205), then an inmate being housed at the Ohio State Penitentiary (OSP), had recently used the JPay email system to disclose to a recipient on the outside, one Ben Turk, information concerning the private vehicle owned by a warden at one of ODRC's institutions. This information, disclosed through the JPay email system included a description of the warden's personal vehicle as well as the Ohio registration number displayed thereon. Later, my understanding was that this information was posted by the email recipient to a website being operated by the recipient, or others, titled "SeanSwain.org."
7. In addition, I was advised that recent email correspondence of Inmate Swain to Ben Turk revealed that Inmate Swain and Ben Turk had at least two (2) scheduled JPay Video Visitations scheduled for the upcoming weekend, and that the intent was for these video visits to be recorded by Ben Turk and thereafter also posted on "SeanSwain.org." I was directed to take necessary steps to cancel those two (2) scheduled JPay Video Visits for the upcoming weekend pursuant to ODRC Policy 76-VIS-01(VI)(H)(6).
8. Consistent with that directive, on Friday, January 30, 2015 I emailed my contact person at JPay and advised them to cancel the scheduled video visits through the JPay System for Inmate Sean Swain that had been scheduled for Saturday, January 31, 2015 and again

on Sunday, February 1, 2015. I received a return email later that afternoon from JPay indicating that the two (2) identified video visits had been cancelled.

9. As far as I am aware, no other restricted access to JPay has been put in place regarding Inmate Swain other than the above two (2) dates.

10. On Friday, March 3, 2015 I met with Assistant Attorney General Thomas C. Miller and after accessing the JPay site and the internet website, "SeanSwain.org," I printed off and authenticated several documents, attached hereto, as true and accurate copies of the originals maintained in the JPay System, and as displayed at [www.seanswain.org](http://www.seanswain.org)." These documents are attached hereto and marked as Exhibits 5(A) - 5(K).

FURTHER AFFIANT SAYETH NAUGHT.

  
PAUL SHOEMAKER

Sworn to me and signed in my presence this 3rd day of March, 2015.

  
NOTARY PUBLIC

My commission expires: 2/1/2017



Cheryl A. Jordan  
Notary Public, State of Ohio  
My Commission Expires 02-01-2017