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Black Lives Matter:

ODRC and Ohio Attorney General Michael DeWine Swindle An Inmate

By Jason Goudlock

In 1994, when I was eighteen, a first-time offender, I was convicted of armed robbery and felonious assault and given a six to 25 year indefinite sentence along with a nine-year sentencing enhancement for using a firearm. After serving nearly 21 years of the indefinite sentence, a kind no longer issued after 1996, I wrote a letter to the Ohio Parole Board before my fifth release hearing in September of 2014, making a case for why I deserve to be paroled. My letter cited incidents of injustice I've experienced as a prisoner, and it concluded with the light-hearted comment that I wanted to be paroled so I "could witness in person LeBron James' pursuit of an NBA championship for my beloved hometown," Cleveland.ⁱ Shortly afterwards, local and national media, ranging from the *Akron Beacon Journal* and *TMZ* to *The Washington Post*, publicized my mention of LeBron James in my letter. Unfortunately, there was little attention paid to the incidents of injustice cited in my letter.

One of the most important examples of injustice overshadowed by my LeBron James comment is an incident on April 12, 2013, that took place at the Mansfield Correctional Institution and led to a lawsuit. Six correction officers assaulted me during an investigation into the theft of my cellmate's television set when I refused to provide testimony.

According to the April 12, 2013 Conduct Report, written by Dana Blankenship, one of the officers conducting the investigation, she was unlocking my cell door when I allegedly "kicked my cell door open" and charged towards Officer Blankenship and a group of other correction officers, causing them to use "justifiable force" against me by spraying me with pepper spray and physically restraining me. But I have been able to show that Officer Blankenship's account of the "use of force" incident, as well as the accounts submitted by Officers Matthew Neubacher, Justin Henry, Ronald Lodwick, Kierra Belcher, and Jamihia Young, were fabricated to conceal the fact that they assaulted me.

Five of the six accounts given by the correction officers in their Incident Reports and testimony to the prison's Use of Force Committee claimed that what triggered their use of force was my "kicking the cell door open." But as I will show, I have been able to prove I did not kick the cell door open. Instead, I followed a direct order from Officer Matthew Neubacher when Officer Blankenship unlocked my cell door. Officer Neubacher ordered me to go to the back of my cell, and when I turned my back to comply, Officer Neubacher came up and sprayed me in the face with pepper spray and began punching me. Other officers joined in the assault seconds later.

The Truth That Should Have Set Me Free

On May 6, 2013, several weeks after the officers assaulted me, I attended a Rules Infraction Board disciplinary hearing. I was accused of committing two infractions: "disobedience of a direct order" (Rule 21) and "physical resistance to a direct order" (Rule 20). Officer Dana Blankenship appeared telephonically as the charging official. The Rules Infraction Board included Lt. Chris Lynch and Lt. Kurt Dahlby as chairman.

After the audio-recorded disciplinary hearing began,ⁱⁱ I pled not guilty to the rule infractions, and Officer Blankenship testified in support of her earlier account. When it was time for my requested witness to appear--that is, my cellmate, whose television set was stolen—Lt. Dahlby of the Rules Infraction Board stated on the record that my witness wouldn't be needed because the chairman had viewed the surveillance video of the incident, and the video clearly showed that I did not kick the cell door open. Despite this evidence that Officer Blankenship and others had falsified the Conduct Report, the Rules Infraction Board found me guilty of all charges.

Because my Eighth Amendment protection from cruel and unusual punishment had been infringed upon by the officers' physical assault, I filed a federal civil lawsuit on May 31, 2013, in the United States District Court of Ohio as a novice pro se litigant. Initially, I filed the lawsuit against Officer Blankenship, later amending it to include Officers Neubacher, Henry, Lodwick, and Belcher (GOUDLOCK v. BLANKENSHIP, et al; Case No. 1:13cv1215).

In developing the discovery phase of my lawsuit against the officers, I prepared questions for the Defendants, which they answered under oath through their co-counsel attorney, Ohio Assistant Attorney General Thomas N. Anger. Because all of the Defendants but one had stated in their prison Incident Reports and in their Use of Force Committee testimony that my "kicking the cell door open" had triggered their use of force, I shaped most of my questions around the matter of the cell door allegedly being kicked open. Following are some of my questions and the officers' answers, all made under oath:

Defendant Blankenship

1. **Plaintiff Goudlock:** From what you alleged to have witnessed in regards to the April 12, 2013, incident, what was the reason why Officer Matthew Neubacher entered into my cell?

Defendant Blankenship's answer: While I cannot opine on the reasons other officers take certain action, my understanding is that officer Neubacher entered your cell because you kicked the door open.ⁱⁱⁱ

2. **Plaintiff Goudlock:** Were you ever interviewed by the Use of Force Committee in regards to the April 12, 2013 incident? If so, state in detail what you told them.

Defendant Blankenship's answer: Yes, I was. See Use of Force Report. According to the report I told the committee the following: . . . Inmate Collins asked me if he could talk to Goudlock to calm him down. I opened the door, then Goudlock kicked the door, we all reacted, Officer Neubacher sprayed him and we all went in eventually cuffing him. . . .^{iv}

Defendant Henry

1. **Plaintiff Goudlock:** Why did you enter my cell?

Defendant Henry's answer: You refused multiple direct orders and you kicked your door open.^v

2. **Plaintiff Goudlock:** Why did Defendant Neubacher enter my cell?

Defendant Henry's answer: You refused multiple direct orders and you kicked open your door.^{vi}

Defendant Neubacher

1. **Plaintiff Goudlock:** When I allegedly kicked my cell door open, what did it impact?

Defendant Neubacher's answer: I had my hand on the door handle when you kicked it open.^{vii}

As demonstrated by the Defendants' interrogatory responses above, my alleged act of kicking my cell door open was a crucial element in triggering their use of force against me. They needed to stand by their allegation in order to justify their use of force and then to insist they were truthful when they testified under oath. But after the Defendants' attorneys, Ohio Attorney General Michael DeWine and Ohio Assistant Attorney General Thomas N. Anger, learned I was in possession of a copy of the vindicating audio recording of the May 6, 2013 Rules Infraction Board hearing, they filed on December 1, 2014, a Motion For Summary Judgment claiming the Defendants were no longer claiming I had kicked my cell door open.

When the Defendants admitted I did not kick my cell door open, the Attorney General should have exercised his authority as Ohio's top law enforcement official and sought to rectify the injustice. Instead, he claimed the question of whether I kicked open my cell door was not material. But whether or not the Defendants were lying about their assault on me should be of deep concern to the Attorney General when the national spotlight is on Ohio due to repeated and excessive use of deadly force against non-threatening citizens. The Attorney General has recently issued assurances that unlawful and abusive policing of Ohio citizens will not be tolerated. Following highly publicized police killings in Ferguson and Cleveland, the Attorney General responded to a report from his Advisory Group on Police Training in April of 2015 by saying additional training in proper use of force would not be cheap but must be done. "It is possible today for a police officer to be on a force 20, 30 years and not have very much in refresher course in regard to life and death scenarios. . . We have to end that."^{viii}

By listening to the aforementioned audio recording of the May 6, 2013, prison Rules Infraction Board hearing (see endnote number two, "Audio Exhibit of Rules Infraction Board Hearing"), which the Attorney General and the Ohio Department of Rehabilitation and Corrections have copies of, anyone can see the unlawful and abusive treatment of imprisoned citizens is being tolerated in Ohio. If the Attorney General, as well as the ODRC, upheld justice after learning I was assaulted, I would probably be a free man today. Why was I given, instead, a draconian and controversial 60-month sentence continuation at my last Ohio Parole Board hearing in October of 2014?

Billionaire industrialist Charles Koch, through his "freedom framework," has called for a complete overhaul of the criminal justice system in the United States, which issues disproportionate punishment to poor people of color. I can only hope some good people within Ohio's criminal justice system will heed Mr. Koch's call for reform and justify the trust they have been given. Maybe then I will be given the freedom I deserve after spending almost 22 consecutive years inside a cell.

Jason Goudlock is a progressive writer embedded in the struggle against the repressive United States prison industrial complex. If you would like to offer him support on his quest to attain justice for Ohio old-law prisoners, you can contact him at the following:

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[Learn more about Jason Goudlock and his struggle for freedom at freejasongoudlock.org.](http://freejasongoudlock.org)

Endnotes

- i See FreeJasonGoudlock.org, “Media Coverage from LeBron James Post”
<http://freejasongoudlock.org/media-coverage-from-lebron-james-post/>
- ii See FreeJasonGoudlock.org, “Audio Exhibit of Rules Infraction Board Hearing”
http://freejasongoudlock.org/?attachment_id=508
- iii See GOUDLOCK v. BLANKENSHIP, et al., Case No. 1:13cv1215, Docket No. 87-3, Page ID No. 466, Answers to Plaintiff’s First Set of Interrogatories, Question No. 3.
- iv See GOUDLOCK v. BLANKENSHIP, et al., Case No. 1:13cv1215, Docket No. 87-4, Page ID No. 473, Supplemental Answers to Plaintiff’s First Set of Interrogatories to Defendant, Question N. 15.
- v See GOUDLOCK v. BLANKENSHIP, et al., Case No. 1:13cv1215, Docket No. 87-5, Page ID No. 479. Answers to Plaintiff’s First Set of Interrogatories to Defendant Henry, Question No. 7.
- vi See GOUDLOCK v. BLANKENSHIP, et al., Case No. 1:13cv1215, Docket No. 87-5, Page ID No. 479. Answers to Plaintiff’s First Set of Interrogatories to Defendant Henry, Question No. 6.
- vii See GOUDLOCK v. BLANKENSHIP, et al., Case No. 1:13cv1215, Plaintiff’s Memorandum In Opposition of Defendants’ Motion for Summary Judgment, Exhibit F Defendant Neubacher Interrogatory Answers, Question No. 10.
- viii Jim Provance, “Ohio Police Group Calls for More Training Hours,” *The Blade*, June 20, 2015.