

Jason Goudlock #284-561
P.O. Box 80033
Toledo, OH 43608
<http://freejasongoudlock.org/>

Unveiling the Shadowy Past of Ohio Parole Board Member Marc Houk: A Story of Injustice

On August 18, 2006, while I was incarcerated in the C-Block Special Management Unit at the Ohio State Penitentiary (OSP) in Youngstown, Ohio, an OSP correction officer wrote an institutional Conduct Report about me. In it he said I had threatened him and intentionally broken the fire-sprinkler inside my cell, which led to water damaging a nearby service elevator that was rendered inoperable. Two other inmates were written up with similar Conduct Reports, both of them accused of breaking the fire-sprinklers in their cells and causing water damage to the same service elevator.

Although I didn't commit any of the rule infractions I was accused of on August 18, 2006, one of the two other inmates implicated in the incident—a man who openly admitted his involvement—did cause flooding inside the C-Block Special Management Unit by breaking the fire-sprinkler in his cell.

On August 23, 2006, less than a week after I was given the falsified Conduct Report, the OSP Rules Infraction Board found me guilty of three rule infractions. As a disciplinary sanction for allegedly committing property damage to the fire-sprinkler and elevator, I was ordered to pay a restitution of \$833.00. For the alleged damage to the sprinkler, I was ordered to pay \$33.00, and for the damage to the elevator, I was ordered to pay \$800.00.

After being ordered to pay \$833.00 for damage I knew I didn't cause, I set out to uncover the reason for the false charges. After corresponding with the inmate who actually caused the flooding in C-Block, I contacted the Ohio State Highway Patrol post located inside the prison to say I had been set up by OSP to pay \$833.00 of restitution for damage I didn't cause. Unknown to me at the time, the Highway Patrol was already conducting an investigation initiated by OSP Investigator Harry Wilson, who had filed a criminal complaint on behalf of the prison, naming me as suspect with two other inmates for allegedly committing a criminal act of "vandalism." When Trooper David H. Simpson of the Highway Patrol received my correspondence, he promptly came to interview me about the matter (Ohio State Highway Patrol incident number 06-000028-0400). I repeated my denial of having anything to do with the act of vandalism.

In August of 2006, Marc Houk, who is now a member of the Ohio Parole Board, was the Warden of OSP, which then operated as a hybrid-security prison, housing both maximum and super-maximum security inmates, including many of the so-called "worst-of-the-worst" inmates who were convicted of alleged crimes stemming from the infamous prison uprising at the Southern Ohio Correctional Facility in 1993. Among inmates, Marc Houk was considered a hard line disciplinarian with a reputation for allowing inmates to be physically assaulted by rogue OSP officers. Behind-the-scenes mistreatment of inmates was considered commonplace at OSP so I was not shocked to learn that on August 18, 2006, when I was accused of damaging an elevator, Marc Houk had been attempting to use the same elevator to retrieve a *customized motorcycle* that had been illegally conveyed into the prison. According to Trooper Simpson's Report of Investigation, Dan Mog of the Thyssen Krupp Elevator Corporation, which repaired the elevator, told him the motorcycle belonged to Warden Houk. His company, he said, "had to get the Warden's custom made motorcycle that was stuck on the elevator."

Aside from the fact that a motorcycle had been illegally transported inside a maximum/super-maximum security prison on a service elevator that I was falsely accused of damaging, OSP Investigator Harry Wilson failed to mention in the criminal complaint filed against me on August 18, 2006, that a

motorcycle was stuck on the elevator. It was more than a month after the criminal complaint had been filed that Highway Patrol reporting office Simpson became aware of the motorcycle. If it weren't for employee Dan Mog of Thyssen Krupp Elevator Corporation, who disclosed the information about the motorcycle during his September 21, 2006, conversation with Trooper Simpson, it might still be a secret.

On September 22, 2006, the day after the disclosure of the motorcycle on the elevator, Warden Houk suddenly modified the OSP Rules Infraction Board's guilty finding against me. But he elected to modify only one of the three sanctions, allowing me to take a fall for the remaining two violations, which he must have known I did not commit. The following examination of the three disciplinary sanctions demonstrates that Warden Houk was complicit in the injustice caused by the August 18, 2006 Conduct Report:

On August 18, 2006, I was written a Conduct Report for allegedly committing three rule infractions, and I was subsequently found guilty of all three by the OSP Rules Infraction Board: rule infraction #8, "threats to an officer"; rule infraction #49, "destruction of state property"; and rule infraction #53, "tampering with a sprinkler." The most significant was #49, for which I was ordered to pay restitution of \$800.00 for allegedly damaging the service elevator. On September 22, 2006, however, Warden Houk exonerated me from rule infraction #49, "destruction of state property," the service elevator. But he did nothing about rule infraction #53, "tampering with a sprinkler," which disperses 50.09 gallons of water per minute. How does it make sense for me to pay \$33.00 restitution for the sprinkler if I didn't cause a flood to damage the elevator?

The sprinkler in my cell (C1-13) was never broken. Nor was it repaired. Warden Houk knowingly contributed to the embezzling of \$33.00 from my OSP inmate account under the guise of the disciplinary sanction, which he upheld although there was not a single shred of evidence against me.

As for rule infraction #8, "threat of an officer," I was issued a minor sanction of having to spend extra days in Disciplinary Control (the "hole"). Warden Houk found the officer who wrote the fabricated Conduct Report "credible" and upheld the sanction.

On March 5, 2007, Trooper Simpson met with the Mahoning County Assistant Prosecutor Nicholas E. Modarelli to present the compiled evidence on the alleged act of vandalism on August 18, 2006. Prosecutor Modarelli told Simpson "there was not sufficient enough evidence to charge any of the inmates in [the] incident," and he, Modarelli, had a serious question about "why there was a motorcycle on the elevator." He also told Trooper Simpson that he wanted Warden Houk to be interviewed about the motorcycle.

Later that same day, after meeting with Modarelli, Simpson relayed to his Highway Patrol supervisor, Sergeant Gerald A. Funelli, the request that Warden Houk be interviewed about the motorcycle. Sergeant Funelli responded that he would personally interview Warden Houk. After Assistant Prosecutor Modarelli requested the interview with Warden Houk, he was never questioned about the August 18, 2006, incident, and no one was ever charged in the matter. Soon, the case was closed.

Part Two

During Marc Houk's tenure as the warden at OSP, both before and after the August 18, 2006, alleged incident of vandalism, I experienced many acts of injustice, ranging from being physically assaulted to being denied meals. As a counter-measure, I frequently filed institutional complaints, seeking administrative relief. I was unable to convince anyone that wrong had been done to me. It is difficult to get anyone to side with a convicted criminal against a person with power and authority. Stereotypes are powerful in such circumstances.

As time went by, the turbulent storm of OSP administrative injustice that engulfed me began to subside, and I managed to make my way out of OSP to a less restrictive institution, Toledo Correctional, where former Ohio State football star Maurice Clarett was once incarcerated. Also, Marc Houk moved from being the Warden at OSP to joining the Ohio Parole Board.

In December of 2012 at Toledo Correctional Institution I went to my fourth hearing with the Parole Board expecting to be granted a parole. I had served nearly twenty years (approximately 231 months) on my indefinite sentence of six to 25 years for the criminal offenses of aggravated robbery and felonious assault, which I served in conjunction with a mandatory sentence of nine years for gun-specification sentencing enhancements. In addition, I was a first-time offender and had earned a GED, plus completed all of the recommended institutional programs cited in my Re-Entry Assessment Plan. Most importantly, at my previous Parole Board hearing, when I was at OSP on a more restrictive status, the board recommended that I be *released*, a recommendation overruled by the Parole Board's Central Office Board Review which gave me a 15-month sentence continuance instead of the parole. So I expected to be paroled when I sat in front of the television screen at the Toledo Correctional Institution. But then I saw Marc Houk as a member of the Parole Board on the closed-circuit videoconference, and my expectations changed.

From the beginning, the Parole Board in December of 2012 infringed on my right to a "fair and meaningful" hearing. I had then served 231 months, as I've written, but the Parole Board credited me with just 226 months. They refused to acknowledge that they were conducting my hearing based on erroneous information.

In addition to miscalculating the amount of time I had served, the participation of Marc Houk in the board's decision also infringed on my right to a fair and meaningful hearing. As I've explained, Marc Houk was involved as warden at OSP in leveling unjust "disciplinary sanctions" against me, sanctions that were now used as a determining factor in the hearing. This seems to me the very definition of bias. In addition, Marc Houk's personal involvement in the elevator scandal should have led to his exclusion from my hearing. More broadly, the participation of a man tied to prisoner abuses on a Parole Board seems comparable to allowing a child molester to operate a nursery school.

Following a hearing that was never fair and meaningful, I received word in the mail that I had been given a sentence continuance of 24 months.

The sentence continuance was no surprise because of Marc Houk's presence on the Parole Board, but the 24 months was a shock. I had reduced my security status during the course of my previous 15-month continuance so it made no sense that I was given an increased sentence continuance. Furious about the two-year flop, I immediately appealed the decision to the Chairwoman of the Ohio Parole Board, citing the conflict of interest in Marc Houk's participation as well as the fact that my hearing was based on an erroneous record of the time I'd served. In her January 24, 2013 ruling on my appeal, the Parole Board Chairwoman allowed the unjust hearing to stand without commenting on the claims I'd raised.

With my claims ignored by the Parole Board Chairwoman, I contacted the Ohio Public Defender in Columbus, outlining the nature of the injustice. On February 25, 2013, Assistant State Public Defender Kenneth R. Spiert responded to my letter, as well as a follow-up letter I sent when I received no answer to the first. Spiert's letter, available at FreeJasonGoudlock.org, notes that the Parole Board failed to acknowledge the amount of time I had served on my sentence and failed to address that claim in my appeal. As for my claim of conflict of interest in the Marc Houk motorcycle/elevator incident, he says: "You would have to present substantial proof of a personal conflict between you and Mr. Houk before this could be a concern." At the time I contacted the Office of the Public Defender, I did not possess documentation that could substantiate my conflict of interest claim. But when my claim regarding the miscalculation of my time served was validated, it seems to me the Assistant State Public Defender should have explored my claim regarding Marc Houk's role in the Parole Board's decision.

Although Public Defender Spiert was unwilling to investigate the matter, he offered to write a letter on my behalf to the Chairwoman of the Parole Board requesting that she modify or rescind the December 2012 decision. I immediately accepted his offer in March of 2013. Now, eight months later, I've yet to receive any notification from either the Parole Board or the Office of the Ohio Public Defender of anything pertaining to rescinding or modifying the two-year continuance.

Today, as I sit in my cold and bare cell after being imprisoned for 20 years, I wonder if anyone in one of the branches of government will ever address the unethical and illegal Parole Board practices I have described. Marc Houk, a former prison warden and now a member of the Ohio Parole Board has unjustly prevented me from attaining my freedom. He was entrusted by the people of Ohio to make unbiased decisions about the incarceration of human beings, and he has betrayed that trust with the support of the rest of the Parole Board, including the Chair. In doing so, they have enabled depression, loneliness, and despair to torture my mind.

As one of the approximately 2.5 million people now incarcerated in the United States, I am amazed that in a time when our country is engaged in multiple wars to uphold human rights, it permits human rights abuses of countless women and men who, like me, are victimized by exploitative behavior within the prison industrial complex, including the corrupt behavior of Marc Houk.

After six years of having my life and liberty disregarded by Ohio's Parole Board, which is part of a total of 20 consecutive years served for a first offense for a crime committed when I was eighteen, I can no longer endure being deprived of my right to exist as a free man. With this being said, if I can't be afforded the guarantees of justice set forth in the Ohio and United State Constitutions, which prohibit citizens from being unlawfully imprisoned, then I wish to let it be known that in the near future I intend to officially renounce my United States citizenship by mailing a formal letter to the President of the United States. And while I'm almost certain my announcement won't matter much to anyone, it certainly will matter to me, knowing I'm no longer part of the great lie called American justice.

cc: Governor John R. Kasich; *Cleveland Call & Post*; *Columbus Dispatch*; *Cleveland Plain Dealer*; *Ohio News Network*; United States Department of Justice (Civil Rights Division); Office of the Ohio Public Defender; Correctional Institution Inspection Committee; *The Vindicator*; ACLU (Columbus); and Professor Michelle Alexander.

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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P.O. Box 80033
Toledo, OH 43608

Learn more about Jason Goudlock and his struggle for freedom at freejasongoudlock.org.