

Notice of Disciplinary Appeal to Warden / Designee

Institution: RICI	RIB Case Number: RICI-22-001784
Inmate Name: WOOD, FRANK P	Number: A504107

Warden:

I am appealing the decision of the Rule Infraction Board on 3/16/2022 which I violated the following Rule(s) 19 (Inmate has 7 days from the date listed to appeal to warden or designee)

In my opinion the decision of the Rules Infraction Board was incorrect for the following reasons:

(Be brief and specific in stating the basis for your appeal)

- ☐ I did not waive my right to have 24 hours between the time I received a copy of the Conduct Report and my appearance before the RIB. I appeared before the RIB _____ hours after receiving the conduct report.
- ☐ I did not waive the presence of the charging official at the RIB hearing. The charging official did not appear.
- ☐ The RIB denied my request for a relevant witness.
- ☒ No evidence was introduced at the hearing to support the RIB's decision.

☒ Other (Be Brief and Specific): see attached Merit Affidavit of
Frank P. Wood

Inmate Signature: <u>Frank P. Wood</u>	Number: A504107	Date: <u>3-22-2022</u>
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State of Ohio)

) SS: Merit Affidavit of Frank P. Wood

County of Richland)

I. Introduction of Affiant

1. I, Frank P. Wood (#A504-107), Affiant in the instant matter, do hereby swear and affirm, under the penalty of perjury, that I am mentally fit and competent to testify, that I have direct personal knowledge of the facts contained hereinafter, and that the following facts are true and accurate to the best of my knowledge, beliefs, and experiences.
2. Currently I am incarcerated at: Richland Correctional Institution, 1001 Olivesburg Rd., Mansfield, Ohio, 44905.
3. I am submitting this Affidavit, in good faith, as a Direct Appeal regarding the erroneous finding of "guilty" by the Richland Correctional Rules Infraction Board ("RIB") that was handed down on 3-16-2022.
4. I never received a copy of the RIB decision.
5. Under AR 5120-9-26, I am requesting a polygraph to confirm

my veracity regarding my statements in this Appeal as to what actually transpired between myself and Inmate Henley (#A485-121) ("Henley").

II. Historical Background

6. As to my psychological background, M. Douglas Reed, Ph.D., the Ohio Attorney General's LEADING EXPERT, testified voir dire at my criminal trial regarding my mind and beliefs. The noble Dr. Reed unbiasedly and scientifically concluded, inter alia, that I am "sexually attracted only to adult women," that I am "not compulsive or addictive" in my behavior, that I have "normal, healthy sexual thoughts," that my "sexual behavior is under [my] control," and that I am "not slick, conning, or manipulative."
7. Far from being gay, a creep, a pervert, or a pathological liar, I have done no wrong in this situation.
8. Qualified to do work for the Department of Defense, Dr. Reed's conclusions are Flawless.
9. Attorney Ronald R. Stanley, Counsel of Record and Approved Visitor, will verify Dr. Reed's findings and credentials (Office: 330-952-1415); (copies available upon request).

10. Since the onset of my Wrongful Imprisonment in 2006 (visit www.freefrankpwood.com; Free Frank P. Wood at Facebook), I have had no Rule 14 violations, PREA complaints, Establishing, or sexual allegations levelled against me of any kind. So my prison record reveals.
11. Supporting, I had several arguments with my former bunkie John Kopp regarding his lecherous advances and activities at the rack. I had spoken to Sgt. Hayes about Kopp, and Ms. Zirkle. I had also sent multiple emails to Atty. Stanley about Kopp to build a record.
12. During the long covid lockdown, Henley and his friend Calvin Felding (#A693-707) ("Felding") kept trying to hedge me into a fight by walking up behind me and calling me a "Bitch" or "Piece of shit." Sometimes they would say these things as I would walk by. Knowing they were looking for trouble, I did my best to ignore their ignorance.
13. At the time of the incident on 3-11-2022, Henley racked at 2-A-42, Felding racked at 2-B-124, and I racked at 2-B-92. Rack locations are key, for here shortly they will provide points of observation for camera footage before, during, and after the incident.

14. Since the onset of the covid lockdown, I have witnessed Henley accuse others with "He's stalking me," "He was licking his lips at me," and "He was looking at my dick." Henley's targets have all been small in stature by comparison. For instance, I am 5'9" at 150 lbs. Henley is about 6'1" at 220 lbs.
15. As to Henley's repeated and false allegations, human behavioral studies have proven that once is an indicator, twice is a pattern, three times is confirmation, and four is commitment. Far from being the only one, Henley is psychologically committed to doing this to another.
16. About a month prior to the incident on 3-11-2022, around 10:00 p.m. on a Friday, I left my rack to use the restroom. I urinated at the first stall and left. By the time I got back to the rack I had to go again. This can happen 4-5 times over the course of an hour. In fact, DRC medical records will show that I have been on two (2) different types of medications for over ten years due to a hyperactive prostate. These same records will further confirm that Dr. Caldwell recently increased one (1) of my meds due to increased difficulty in urinating.
17. When I returned to the bathroom, someone was at the

first stall. The next two were empty. I opted for the latter. This is because of Inmate Anderson who racks in 2-B-18. He has a habit of urinating in the first stall as he turns sideways and leans over the wall to view another man's privates. Anderson and I have argued many times about this. In fact, I sent an e-Kite to Unit Manager Ms. Price to "build a record" on 11-02-2021 (RICI e-Kite Number: 11221000297).

18. As I began to urinate, out of my peripheral, I saw the top of a black shaved head, and then a hand slide a roll of toilet paper between us. Realizing this person was uncomfortable, I squatted down, bent my body over, urinated and left. As I am 5'9", and the wall between us is 4'0" high, squatted down and bent over - there was no direct line of sight between myself and Henley.

19. I got back to my rack and laid down. Next thing I know is that Henley was shouting my name, asking me "What's wrong with the other toilet?" and accusing me of moving "to the other toilet after I sat down to shit!" I tried to explain. His response was, "Do it again and I'll beat your bitch ass!" Patrick Suter in 2-B-90 witnessed this.

20. Believing Henley unstable, I tried to ignore him, again. But over the course of the weekend he continued to tell people that I was "stalking him" and calling me a "piece of shit." When I tried to speak with him, Henley said, "Speak to me again and I'll knock you out where you stand." I replied, "You're in the wrong on this and you know it." He then challenged with, "Fine. Then let's go in the bathroom." Focusing on "Family and Freedom," I swallowed a lot of pride and walked away.

21. The next day, Monday, Henley was still speaking ill of me out loud to others. I had enough. I approached Henley and asked if we could speak "as intellectuals." Again he accused me of stalking him and threatened violence. I walked away leaving Henley to his delusions of being a sex symbol in prison. This conversation occurred in front of Inmate Ruby who racks at 2-B-7B. Ruby and I spoke and he confirmed what transpired.

22. The next day I spoke with UM Price. I told her that someone was saying some "very evil and untruthful things about me and I'm not sure how to handle it." She replied, "Come see me tomorrow and we'll all get together in my office

and we'll talk about it." Believing this would escalate the unstable Henley, I let her offer go.

23. The following day, and for the second time, I spoke with Ms. Zirkle about Henley. She suggested ignoring him unless it gets out of hand. If it does, then I would need to write a statement.

24. A few days later, as I passed 2-B-124, Henley and Felding were talking. Felding said to Henley, "let it go and give it time. Things will cool down." These comments were followed by a shift in Henley's demeanor. He stopped talking about me, insulting me, and threatening me. Believing Henley realized he was in the wrong, I let it go, too.

25. Letting it go and dropping my guard was a mistake, for that the shift in demeanor was to lull me into a state of complacency as Henley and Felding began conspiring Henley's brutal attack: felonious assault.

26. Over the next two (2) weeks Henley spent a lot of time at Calvin's rack. In passing 2-B-124 to get to my

rack at 2-B-92 I heard Henley claim he was trying to get his work supervisor or Unit Manager to "drop a PREA" on someone. During another conversation I heard Henley claim someone else was "licking his lips and looking at me." "He's insane," I said to myself and kept going.

III. The Incident

27. On the morning of March 11, 2022, I exercised in the B-side dayroom from around 8:33 a.m. to 9:25 a.m. During this time, Henley got into a heated argument with 2-Lower Case Manager Ms. Bishop. Shortly thereafter, Henley was overheard shouting, "I'm going to crash out on someone!" because he couldn't get a transfer.
28. Upon completion of my workout, I headed back to my rack at 2-B-92. As I passed 2-B-124, Henley was complaining to Felding that, "Ms. Bishop and Sgt. Viner are moving me to 5-lower because I'm "causing too many problems.""
29. From there, I got to my rack, grabbed my cup and put a cloth and dishsoap in it, and went to a bathroom sink to wash it. Got back to my rack, put on shower shoes, grabbed hygiene and a change of whites, and headed for the shower. As I passed 2-B-124, Henley and Felding

were very quiet. Too quiet for their norm.

30. While in the shower I heard Henley come in several times and shout, "Frank! O', Frank's not in there?" And every time he left, he went to Felding's rack at 2-B-124, so the cameras will reveal. And, knowing Henley was looking for trouble, I ignored him.
31. Upon leaving the shower I made a right and headed to B-side dorm. As I passed the toilet area Henley struck me from behind. As cameras reveal shadows of the attack, the first blow hit me on the left side of the head. Keep in mind, Henley is left-handed. This confirms he was behind me when he first struck.
32. The first blow put me on my hands and knees, for everything went white and I began to lose consciousness. The second blow at the hairline above my left eye, the pain itself, kept me from blacking out. Cameras will reveal that I am face-down, facing away from and under Henley, as he continued to strike my head.
33. I put my arms over my head only to receive a laceration to the outer right wrist; a defensive wound.

34. After the next blow from Henley, all I could think of was, "Get away from the pain." That is when, on camera, I crawled out from underneath Henley and stood up at the door. Then Henley struck me in the back of the head as I went through the door. He then took off out the A-side door, believing he got away with it.
35. I staggered several steps forward. Dizzy, I grabbed a cart handle to steady myself. The cart hit the CO station wall. I shook it off, then turned towards the door to face my attacker. Having had enough, I made the mental commitment of, "What ever comes through is going down."
36. Moments later, perhaps ten seconds, Sgt. Viner was at my side, Ms. Roush was standing between me and the restroom door, and I recall Ms. Zirkle a few steps behind me. I looked at Ms. Roush and said, "I didn't do anything." Sgt. Viner then cuffed me and a Lieutenant escorted me to Medical.
37. During the assault, I did hear Henley shout "licking lips". Unstable, I believe Henley would have killed me had I not made it out the door.

38. As I was leaving the Housing Unit, I heard CO Hicks declare, "I had no idea of what was happening until the cart hit the wall." As this reveals how fast Henley's strike and flight were, it supports that the only two (2) people who knew it was going to happen were Henley and Felding.

IV Medical

39. At Medical it was determined that I had four (4) lacerations to the head and one (1) to the outer right wrist. The Lieutenant took pictures of the headwounds, but not the wrist.
40. Dr. Caldwell and a nurse each took a side and glued my headwounds shut.
41. I had no injuries or marks on my hands or face.
42. Henley had no injuries or marks on his hands or face.
43. I was covered in blood.
44. Henley didn't have a drop of blood on him.
45. My glasses were knocked off and destroyed from Henley's

First blow from behind.

46. Henley's glasses were on his face, untouched and undamaged.

V. Segregation

47. I was taken from Medical to Segregation. I was placed in a holding cell a few feet from Henley.

48. I heard Sgt. Abraham ask Henley for a verbal on what happened. I did not hear his answer. Then I heard Sgt. Abraham ask, "Did you have a weapon?" To this, Henley answered loud and clear with, "Yeah, I had a weapon." Henley then said something I could not hear. Sgt. Abraham then came to me and asked, "Is that true?" I replied, "I want a polygraph." To this Sgt. Abraham said, "That's not gonna' happen."

49. Although Henley's weapon was not found, he could have passed it off to someone in the shower or standing by on his way out.

VI Post-Assault

50. Cameras reveal that Felding ran into Sgt. Viner's office "multiple times" to proffer a lie to protect himself

and Henley. Felding also went to others, who, in turn, did the same.

51. "Several people" admitted to Sgt. Viner that they saw Henley attack me from behind. Where are their statements?
52. Based on the lies of Felding and his co-conspirators, Sgt. Viner wrote a bogus Conduct Report (Exhibit-01) (a.k.a. "Ticket"), and erroneously charged me with a Rule 19 Fighting violation. Why?

VIII. Conduct Report

53. On 3-15-2022, while still locked in Segregation's Temporary Protection Unit (TPU 136), Sgt. Abraham took me in cuffs from TPU 136 to her office. After she informed me that I was being charged with a Rule 19 for fighting, she read the ticket to me.
54. Shocked, I said, "But I'm the victim! Who wrote the Ticket?" She answered, "Sgt. Viner."
55. Sgt. Abraham, despite wounds on top of my head, arbitrarily elected to find me "guilty" and took me back to TPU 136.

VIII. Rules Infraction Board

56. On 3-16-2022, I was taken from TPU 136 to see the Rules Infraction Board ("RIB") for a hearing on the Ticket.
57. I was placed in front of a podium, informed that everything said would be recorded (but it was not), and a Lieutenant, whose name I cannot recall, introduced himself and Ms. Albrecht (SP?).
58. The Lieutenant opened the RIB hearing by informing me that I was being charged with a Rule 19 violation for fighting. Ms. Albrecht immediately leaned towards the lieutenant and said, "But he's the victim." Then there was an exchange of whispers.
59. I was then permitted to read a multiple-page statement on my behalf, a statement that I wrote in TPU 136 without glasses.
60. Upon completion, the lieutenant said, "I'm going to find you guilty based on what the Ticket says." Ms. Albrecht sat silent. She knew the lieutenant was wrong. And he was wrong for the same reasons that 2-Lower Unit Manager Ms. Price

was "kept out of the investigation." But we'll get to that mystery shortly.

61. I proffered Best and Direct Evidence prior to the Lieutenant's erroneous finding of guilt. What more, post-verdict, I explained that all injuries were on my head in the form of lacerations. The Lieutenant responded with, "It could have been a thumbnail." Henley has very small hands for a man his size. Having been in boxing, martial arts and wrestling from a very young age, not to mention Marine Corps hand-to-hand combat training, I and the Lieutenant know he's wrong. What more, the pictures taken of my wounds at Medical, the wounds that were glued shut, will match other lacerations made by weapons on record with the DDRC. And, with my background in support, for Henley's tiny thumbnail to deliver multiple lacerations to my head, he would have broken, at least, one thumb. Further, Henley neither had injury to, nor blood on his hands.

62. Upon completion of the hearing, as Ms. Albrecht scanned what I read into a digital file, the Lieutenant said, "I'm giving you thirty days of Jpay restriction,

seven days time served, and I'm kicking you out of the hole today." He then said, "You have ten days to appeal my decision." Ms. Albrecht gave me back my papers with an appeal form. Hence, this Affidavit.

63. By inadvertent error, I was never given a copy of the RIB's decision.

IX. Sgt. Viner's Statement

64. Sgt. Viner's statement in the Conduct Report reads as follows:

On the above date and time Inmate WOOD 504-107 walks into the inmate restroom on B-side, Inmate Henley 485-121 walks behind inmate wood the two inmates start to exchange punches with each other, inmate wood walks out of the restroom when inmate Henley walks behind wood and punches wood in the side of the head both inmates were placed in cuffs and escorted out of the unit no force was used. (Exhibit-01).

65. As we know, I went in the B-side restroom door around 9:40 a.m., wearing shower shoes, carrying clothes, towel and hygiene, so cameras reveal. Per Cameras and the time on the Ticket, I was assaulted with a weapon

from behind twenty-five minutes later at 10:05 a.m.

66. During those same twenty-five minutes, Henley made multiple trips to Felding's rack (2-B-124) and back to the restroom, stalking his prey. So the cameras reveal.
67. For Sgt. Viner to claim Henley walked in behind me is now a fallacy proffered due to Felding's lies and the lies of Felding's friends.
68. Clearly, Sgt. Viner never checked the camera to compare the recording to Felding's lies.
69. Nowhere in the Conduct Report does Sgt. Viner say he personally saw anything. When I mentioned this to the Lieutenant at the RIB, his face turned red with anger and frustration.
70. Going back to (Exhibit-01), Sgt. Viner claims "the two inmates start to exchange punches with each other." A proven fallacy. To begin with, recall the Ohio Attorney General's LEADING EXPERT: Dr. Reed. During voir dire, in reference to me, Dr. Reed stated "he is above average in intelligence." With my background in the art of war, I know better than to

challenge a man to mortal combat while wearing shower shoes. Especially a man 3" to 4" in height advantage and 70 lbs. on me.

71. Now recall that ALL injuries were on the top of my head, above the tops of my ears, so photographs prove. It's not like we were playing Whack-a-Mole.

72. No injuries on our hands or faces, blood only on me. The absence of blood or injury on Henley negates the possibility that we "exchange[d]. punches."

73. As cameras reveal, I was face down under Henley as he continued to strike, I never had a chance to face my attacker until I escaped the assault, shook it off, and turned to face the door.

X. 2-Lower Unit Manager Ms. Price

74. On 3-17-2022, I met with Ms. Price. She claimed Henley said, "He was looking at my dick." I told her, "I'm not gay. I have psych records to verify." She responded, "I know. And I know he lied. Cameras show he wasn't in there long enough to justify his story."

75. Ms. Price then declared, "For some reason I was kept out of the investigation."

76. Why? It's her Housing Unit.

77. Perhaps she was kept out of the invest because Henley should have been cuffed for a cool-down period after he verbally exploded on Ms. Bishop. Perhaps another reason that would reveal ulterior motives. Yes, I learned that, "The ticket was never investigated," from another source. Why?

XI. Conclusion

78. Henley and Felding are co-conspirators for felonious assault with a "deadly weapon" under D.R.C. § 2301.11 (A)(2).

79. This Affidavit serves as a Criminal Rule 3 Complaint.

80. I am requesting to see the Highway Patrol.

81. The Conduct Report against me must be vacated in its entirety, with prejudice.

AFFIANT FURTHER SAYETH NAUGHT

Frank P. Wood

Frank P. Wood (#A504-107)

Sworn to and subscribed in my presence this 22nd
day of March, 2022.

Monica Zirkle

Notary Public

My Commission expires 2-26-27.

Notary Seal:



CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing Merit Affidavit
of Frank P. Wood was placed in the Institution's U.S. Mail
Box to Deputy Warden Melton on 3-22-2022.

Frank P. Wood