

ORIGINAL

IN THE
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DONALD LACY, on behalf of himself)
and all others similarly situated,)
Plaintiffs,)

V.)

STATE OF INDIANA;) **1:13-cv-0811 RLY-DML**)

MIKE PENCE, in his official capacity as)
Governor for the State of Indiana;)

INDIANA DEPARTMENT OF CORRECTION;)

BRUCE LEMMON, in his official capacity as)
Commissioner of the Indiana Department of Correction;)

KEITH BUTTS, in his official capacity as)
Warden of the New Castle Correctional Facility;)

CARI REZMAN, in her individual and official capacity)
as SOMM Clinical Director at New castle Correctional)
Facility;)

WENDY KNIGHT, in her official capacity as)
Superintendent of Plainfield Correctional Facility;)

JANICE DOWNS, in her individual and official capacity)
as SOMM Counselor at Plainfield Correctional Facility;)

CHERYL MOORE, in her individual and official capacity)
as Counselor at Plainfield Correctional Facility,)

Defendants.)

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
2013 MAY 16 PM 4:46
SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

No. _____

Demand for Jury Trial

COMPLAINT

Preliminary Statement

In this action, the plaintiff, Donald Lacy, seeks to enjoin the defendants State of Indiana, the Indiana Department of Correction, its employees and members of the SOMM program from forcing him to confess guilt, disclose all other sexual behaviors, give written consent to disclosure of the confession and/or disclosure, and submit to a polygraph on these subjects. He further seeks to enjoin the defendants from subjecting him to reports of conducts, segregation, loss of good time credit, loss of credit class time and loss of life, liberties and freedoms for his refusing to admit to an act that he denied at trial.

This action further is brought on behalf of the plaintiff, Donald Lacy and on behalf of all other persons similarly situated, and seeks a declaratory judgment that the SOMM program is unconstitutional insofar as it forces the Plaintiff[s] to confess guilt, disclose all other sexual behaviors, give written consent to disclosure of the confession and/or disclosure, submit to a polygraph on these subjects; and, subject them to reports of conduct, segregation, loss of earned good time credit, loss of credit time class and loss of life, liberties and freedoms as a result of the defendants conduct complained of.

Plaintiff[s] similarly seeks declaratory relief with respect to the Fifth Amendment, applicable to the states through the Fourteenth Amendment, which provides that no person “shall be compelled in any criminal case to be witness against himself.”

The plaintiff[s] further seek injunctive relief against the defendants from enforcement of the SOMM program as written; and damages for the deprivation of their rights, privileges and immunities guaranteed by the Fifth, and Fourteenth Amendments to the United States Constitution, pursuant to 42 U.S.C. 1983.

I. Parties

A. Plaintiffs Information

Name and Prisoner Number of Plaintiff: Donald Lacy
(DOC #184915)
Present Place of Confinement or Mailing Address: New Castle Correctional Facility
P. O. Box A
New Castle, IN 47362.

B. Defendant's Information

Name of Defendant 1: State of Indiana
Address of Defendant: State House
200 W. Washington St., Rm.206
Indianapolis, IN 46204

Name of Defendant 2: Mike Pence.
Title (If applicable): Governor
Address of Defendant: State House
200 W. Washington St., Rm. 206
Indianapolis, IN 46204

Name of Defendant 3: Indiana Department of Correction
Title (If applicable): Entity of the State of Indiana
Address of Defendant: Indiana Government Center South
302 W. Washington St, Rm. E334
Indianapolis, IN 46204

Name of Defendant 4: Bruce Lemmon
Title (If applicable): Commissioner
Address of Defendant: Indiana Government Center South
302 W. Washington St, Rm. E334
Indianapolis, IN 46204

Name of Defendant 5: Keith Butts
Title (If applicable): Warden
Address of Defendant: 1000 Van Nuys Road
P. O. Box E
New Castle, IN 47362

Name of Defendant 6: Cari Rezman
Title (If applicable): SOMM Clinical Director
Address of Defendant: 1000 Van Nuys Road
P. O. Box E
New Castle, IN 47362

Name of Defendant 7: Wendy Knight
Title (If applicable): Superintendent
Address of Defendant: 272 Moon Road
Plainfield, IN 46168

Name of Defendant 8: Janice Downs
Title (If applicable): SOMM Counselor
Address of Defendant: 727 Moon Road
Plainfield, IN 46168

Name of Defendant 9: Cheryl Moore
Title (If applicable): Counselor
Address of Defendant: 727 Moon Road
Plainfield, IN 46168

C. Governmental Defendants

1. Defendant, STATE OF INDIANA, through the Department of Correction, operates prisons and other correctional facilities in the State of Indiana.

II. Jurisdiction

2. This Court has jurisdiction to decide this action and to grant the requested relief pursuant to 28 U.S.C. §§ 1331, 1343(3), 1343(4), 2201, and 2202, and 42 U.S.C. 1983.

III. Venue

3. Venue is proper for the United States District Court for the Southern District of Indiana pursuant to 28 U.S.C. § 1391(a),(b) and (c).

IV. Jury Demand

4. Plaintiff[s] demand trial by jury in this action on each and every one of their claims as alleged herein.

V. Class Action

5. This action is brought on behalf of the plaintiff, Donald Lacy and on behalf of all other persons similarly situated pursuant to Rule 23(a), (b)(2) of the Federal Rules of Civil

Procedure. The class of persons similarly situated consists of all prisoners who now are forced to participate in SOMM program and are forced to confess guilt against their will, though they plead not guilty at trial.

VI. Factual Allegations

6. In a Delaware Circuit Court, the plaintiff, Donald Lacy was found guilty, via, trial by jury, on October 18, 2008, of child molesting, a class C felony; Plaintiff, however, plead not guilty before, during and after trial, and has since maintained his innocence.
7. Notwithstanding, the Delaware Circuit Court sentenced the Plaintiff to an executed term of 8 years imprisonment; as a result, the Plaintiff has been incarcerated in the Indiana Department of Corrections since on or about January 25, 2008.
8. At all times hereinafter mentioned, each and all of the acts of the defendants alleged herein were done by the defendants under color of state law, pretense of the statutes, regulations, customs and usages of the State of Indiana, and under the authority of their offices as heretofore alleged under the State of Indiana, via, the Indiana Department of Correction.
9. The Indiana Department of Correction has made it unlawful for any prisoner to refuse participation in the SOMM program, for all prisoners with a history of a sex offense conviction. The SOMM program was made mandatory by Executive Directive 06-30, Executive Directive 12-48, and Executive Directive 12-53.
10. During the Plaintiff's incarceration he has maintained that the Fifth Amendment of the United States Constitution, applicable to the States through the Fourteenth Amendment, provides that no person "shall be compelled in any criminal case to be a witness against himself."

11. On March 6, 2008, Janice Downs, SOMM counselor interviewed the plaintiff while he was at Plainfield Correctional Facility for participation in the Sex Offender Management and Monitoring program (SOMM). The defendant (Downs) informed the Plaintiff (Lacy) as to the contents of Executive Directive 06-30, and the consequences he would receive, if he refused the SOMM program.
12. The Plaintiff (Lacy) refused to participate in the SOMM program because he would not admit guilt to an act that he denied at trial. See **Exhibit A**, attached hereto.
13. As a result of the Plaintiff's refusal to participate in the SOMM program, the defendant (Downs) wrote a disciplinary report of conduct against (Lacy) for refusal to participate in a mandatory program, under disciplinary code 116A (Case #IYC 08-03-0057).
14. On March 11, 2008, the Conduct Adjustment Board (C.A.B.) held a hearing, found the Plaintiff (Lacy) guilty as charged, for Refusal to participate in a mandatory program, under disciplinary code 116A. As a result, the (C.A.B.) demoted (Lacy) from credit class I to credit class III as a sanction.
15. Plaintiff (Lacy) appealed the decision of the (C.A.B.) to Wendy Knight, Superintendent who in turn, denied said disciplinary appeal. The Plaintiff (Lacy) then appealed to the final reviewing authority, Edwin Buss, the Commissioner, who never responded; thus, constituted a denial of said disciplinary appeal.
16. On May 7, 2008, Janice Downs, SOMM counselor interviewed the plaintiff while he was at Plainfield Correctional Facility for participation in the Sex Offender Management and Monitoring program (SOMM). The defendant (Downs) informed the Plaintiff (Lacy) as to the contents of Executive Directive 06-30, and the consequences he would receive, if he refused the SOMM program.

17. The Plaintiff (Lacy) refused to participate in the SOMM program because he could not admit guilt to an act that he denied at trial. As a result, (Downs) wrote a disciplinary report of conduct against (Lacy) for refusal to participate in a mandatory program, under disciplinary code 116A (Case #IYC 08-05-0075).
18. On May 20, 2008, the Conduct Adjustment Board (C.A.B.) held a hearing, found the Plaintiff (Lacy) guilty as charged, for Refusal to participate in a mandatory program, under disciplinary code 116A. As a result, the (C.A.B.) deprived (Lacy) of 180 days of earned credit time as a sanction.
19. Plaintiff (Lacy) appealed the decision of the (C.A.B.) to Wendy Knight, Superintendent who in turn, denied said disciplinary appeal. The Plaintiff (Lacy) then appealed to the final reviewing authority, Edwin Buss, the Commissioner, who never responded; thus, constituted a denial of said disciplinary appeal.
20. On May 4, 2011, Cari Rezman, SOMM Clinical Director, sent a pass for (Lacy) while he was at New Castle Correctional Facility, for participation in the Sex Offender Management and Monitoring program (SOMM). The defendant (Rezman) informed the Plaintiff (Lacy) as to the contents of Executive Directive 06-30, and the consequences he would receive, if he refused the SOMM program.
21. The Plaintiff (Lacy) refused to participate in the SOMM program because he could not admit guilt to an act that he denied at trial. As a result, (Rezman) wrote a disciplinary report of conduct against (Lacy) for refusal to participate in a mandatory program, under disciplinary code 116A (Case #NCF 11-05-0034). The Plaintiff was sent to the segregation unit.

22. On May 5, 2011, the Conduct Adjustment Board (C.A.B.) held a hearing, found the Plaintiff (Lacy) guilty as charged, for Refusal to participate in a mandatory program, under disciplinary code 116A. As a result, the (C.A.B.) sanctioned (Lacy) to loss of privileges: 45 days commissary restriction, and 45 days telephone restriction; 90 days in segregation, deprived him of 90 days of earned credit time, and demoted him in credit class from CC I to CC II.
23. Plaintiff (Lacy) appealed the decision of the (C.A.B.) to Michael Zenk, Superintendent who in turn, denied said disciplinary appeal. The Plaintiff (Lacy) then appealed to the final reviewing authority, J. David Donahue, the Commissioner, who never responded; thus, constituting a denial of said disciplinary appeal.
24. On July 11, 2011, Cari Rezman, SOMM Clinical Director, sent a pass for (Lacy) while he was at New Castle Correctional Facility, for participation in the Sex Offender Management and Monitoring program (SOMM). The defendant (Rezman) informed the Plaintiff (Lacy) as to the contents of Executive Directive 06-30, and the consequences he would receive, if he refused the SOMM program.
25. The Plaintiff (Lacy) refused to participate in the SOMM program because he could not admit guilt to an act that he denied at trial. As a result, (Rezman) wrote a disciplinary report of conduct against (Lacy) for refusal to participate in a mandatory program, under disciplinary code 116A (Case #NCF 11-07-0068). The Plaintiff was sent to the segregation unit.
26. On July 21, 2011, the Conduct Adjustment Board (C.A.B.) held a hearing, found the Plaintiff (Lacy) guilty as charged, for Refusal to participate in a mandatory program, under disciplinary code 116A. As a result, the (C.A.B.) sanctioned (Lacy) to loss of

privilege: 30 days telephone restriction; 45 days suspended segregation time, deprived him of 120 days of earned credit time, and demoted him in credit class from CC II to CC III.

27. Plaintiff (Lacy) appealed the decision of the (C.A.B.) to Michael Zenk, Superintendent who in turn, denied said disciplinary appeal. The Plaintiff (Lacy) then appealed to the final reviewing authority, J. David Donahue, the Commissioner, who never responded; thus, constituted a denial of said disciplinary appeal.
28. On October 12, 2011, Cari Rezman, SOMM Clinical Director, sent a pass for (Lacy) while he was at New Castle Correctional Facility, for participation in the Sex Offender Management and Monitoring program (SOMM). The defendant (Rezman) informed the Plaintiff (Lacy) as to the contents of Executive Directive 06-30, and the consequences he would receive, if he refused the SOMM program.
29. The Plaintiff (Lacy) refused to participate in the SOMM program because he could not admit guilt to an act that he denied at trial. As a result, (Rezman) wrote a disciplinary report of conduct against (Lacy) for refusal to participate in a mandatory program, under disciplinary code 116A (Case #NCF 11-10-0082). The Plaintiff was sent to the segregation unit.
30. On October 13, 2011, the Conduct Adjustment Board (C.A.B.) held a hearing, found the Plaintiff (Lacy) guilty as charged, for Refusal to participate in a mandatory program, under disciplinary code 116A. As a result, the (C.A.B.) sanctioned (Lacy) to loss of privileges: 30 days commissary restriction, and 30 days telephone restriction; 120 days segregation time, deprived him of 120 days of earned credit time.

31. Plaintiff (Lacy) appealed the decision of the (C.A.B.) to Michael Zenk, Superintendent who in turn, denied said disciplinary appeal. The Plaintiff (Lacy) then appealed to the final reviewing authority, J. David Donahue, the Commissioner, who never responded; thus, constituted a denial of said disciplinary appeal.
32. On January 25, 2012, Cari Rezman, SOMM Clinical Director, sent a pass for (Lacy) while he was at New Castle Correctional Facility, for participation in the Sex Offender Management and Monitoring program (SOMM). The defendant (Rezman) informed the Plaintiff (Lacy) as to the contents of Executive Directive 06-30, and the consequences he would receive, if he refused the SOMM program.
33. The Plaintiff (Lacy) refused to participate in the SOMM program because he could not admit guilt to an act that he denied at trial. As a result, (Rezman) wrote a disciplinary report of conduct against (Lacy) for refusal to participate in a mandatory program, under disciplinary code 116A (Case #NCF 12-01-0177). The Plaintiff was sent to the segregation unit.
34. On January 31, 2012, the Conduct Adjustment Board (C.A.B.) held a hearing, found the Plaintiff (Lacy) guilty as charged, for Refusal to participate in a mandatory program, under disciplinary code 116A. As a result, the (C.A.B.) sanctioned (Lacy) to loss of privileges: 45 days commissary restriction, and 45 days telephone restriction; 90 days segregation time, deprived him of 180 days of earned credit time, and demoted him in credit class from CC I to CC II.
35. Plaintiff (Lacy) appealed the decision of the (C.A.B.) to Keith Butts, Warden, who in turn, denied said disciplinary appeal. The Plaintiff (Lacy) then appealed to the final

reviewing authority, Bruce Lemmon, the Commissioner, who denied said disciplinary appeal on August 28, 2012.

36. On April 25, 2012, Cari Rezman, SOMM Clinical Director, sent a pass for (Lacy) while he was at New Castle Correctional Facility, for participation in the Sex Offender Management and Monitoring program (SOMM). The defendant (Rezman) informed the Plaintiff (Lacy) as to the contents of Executive Directive 06-30, and the consequences he would receive, if he refused the SOMM program.
37. The Plaintiff (Lacy) refused to participate in the SOMM program because he could not admit guilt to an act that he denied at trial. As a result, (Rezman) wrote a disciplinary report of conduct against (Lacy) for refusal to participate in a mandatory program, under disciplinary code 116A (Case #NCF 12-04-0162). The Plaintiff was sent to the segregation unit.
38. On May 1, 2012, the Conduct Adjustment Board (C.A.B.) held a hearing, found the Plaintiff (Lacy) guilty as charged, for Refusal to participate in a mandatory program, under disciplinary code 116A. As a result, the (C.A.B.) sanctioned (Lacy) to loss of privileges: 45 days commissary restriction, and 45 days telephone restriction; 30 days segregation time, deprived him of 180 days of earned credit time, and demoted him in credit class from CC II to CC III.
39. Plaintiff (Lacy) appealed the decision of the (C.A.B.) to Keith Butts, Warden, who in turn, denied said disciplinary appeal. The Plaintiff (Lacy) then appealed to the final reviewing authority, Bruce Lemmon, the Commissioner, who never responded; thus, constituted a denial of said disciplinary appeal.

40. On July 2, 2012, Cari Rezman, SOMM Clinical Director, sent a pass for (Lacy) while he was at New Castle Correctional Facility, for participation in the Sex Offender Management and Monitoring program (SOMM). The defendant (Rezman) informed the Plaintiff (Lacy) as to the contents of Executive Directive 06-30, and the consequences he would receive, if he refused the SOMM program.
41. The Plaintiff (Lacy) refused to participate in the SOMM program because he could not admit guilt to an act that he denied at trial. As a result, (Rezman) wrote a disciplinary report of conduct against (Lacy) for refusal to participate in a mandatory program, under disciplinary code 116A (Case #NCF 12-07-0018). The Plaintiff was sent to the segregation unit.
42. On July 10, 2012, the Conduct Adjustment Board (C.A.B.) held a hearing, found the Plaintiff (Lacy) guilty as charged, for Refusal to participate in a mandatory program, under disciplinary code 116A. As a result, the (C.A.B.) sanctioned (Lacy) to loss of privileges: 45 days commissary restriction, and 45 days telephone restriction; 90 days segregation time, deprived him of 180 days of earned credit time, and demoted him in credit class from CC II to CC III.
43. Plaintiff (Lacy) appealed the decision of the (C.A.B.) to Keith Butts, Warden, who in turn, denied said disciplinary appeal. The Plaintiff (Lacy) then appealed to the final reviewing authority, Bruce Lemmon, the Commissioner, who denied said disciplinary appeal on September 23, 2012.
44. On October 15, 2012, Cari Rezman, SOMM Clinical Director, sent a pass for (Lacy) while he was at New Castle Correctional Facility, for participation in the Sex Offender Management and Monitoring program (SOMM). The defendant (Rezman) informed the

Plaintiff (Lacy) as to the contents of Executive Directive 06-30, and the consequences he would receive, if he refused the SOMM program.

45. The Plaintiff (Lacy) refused to participate in the SOMM program because he could not admit guilt to an act that he denied at trial. As a result, (Rezman) wrote a disciplinary report of conduct against (Lacy) for refusal to participate in a mandatory program, under disciplinary code 116A (Case #NCF 12-10-0154). The Plaintiff was sent to the segregation unit.
46. On October 24, 2012, the Conduct Adjustment Board (C.A.B.) held a hearing, found the Plaintiff (Lacy) guilty as charged, for Refusal to participate in a mandatory program, under disciplinary code 116A. As a result, the (C.A.B.) sanctioned (Lacy) to loss of privileges: 45 days commissary restriction, and 45 days telephone restriction; 30 days segregation time, deprived him of 180 days of earned credit time, and demoted him in credit class from CC II to CC III.
47. Plaintiff (Lacy) appealed the decision of the (C.A.B.) to Keith Butts, Warden, who in turn, denied said disciplinary appeal. The Plaintiff (Lacy) then appealed to the final reviewing authority, Bruce Lemmon, the Commissioner, who never responded; thus, constituting a denial of said disciplinary appeal.
48. At the current time, Plaintiff and the plaintiff[s] class are being subject to the SOMM program, in which forces them to confess guilt, disclose all other sexual behaviors, give written consent to disclosure of the confession and/or disclosure, and submit to a polygraph on these subjects.
49. The Plaintiff (Lacy) and the Plaintiff class, seeks to enjoin the defendants from subjecting them to reports of conducts, segregation, loss of good time credit, loss of credit class time

and loss of life, liberties and freedoms for his refusing to admit to acts that they denied at trial.

50. At all times relevant hereto, all of the individual Defendants acted under color of state law, custom or usage, acting within the scope of their authority and employment by the Indiana Department of Correction.

51. All of the acts alleged to have been done or not to have been done by Defendants, were done by Defendants acting directly or through their agents, servants or representatives, acting under color of state law, custom or usage, within the scope of their authority and employment.

52. Defendant Bruce Lemmon is the head of the Indiana Department of Corrections and is responsible for the acts and conducts of his subordinates and is further responsible for the conditions under which inmates in Indiana state prisons are forced to admit their guilt.

53. The acts and conduct herein complained of were done with the knowledge, permission, consent, and participation of Bruce Lemmon in that he promulgates regulations and rules and directives governing the conditions under which prisoners are forced to confess their guilt to the crime[s] that they have been convicted of, though, at trial they testified under oath that they did not commit the crime[s] in which they stand convicted.

VII. Claims for Relief

54. Paragraphs 1-53 are hereby incorporated by reference as though fully set forth here.

55. The action of Defendants, acting under color of state and local law, custom and usage, deprived plaintiffs of their rights, privileges, and immunities under the laws and Constitution of the United States, which provides that no person "shall be compelled in any criminal case to be witness against himself."

56. By these actions, Defendants have deprived Plaintiffs of their rights under the Fifth Amendment, applicable to the states through the Fourteenth Amendment, and in violation of 42 U.S.C. Section 1983
57. The Defendants acts were the proximate cause of the injuries and consequent damages sustained by the plaintiff.
58. Paragraphs 1-57 are hereby incorporated by reference as though fully set forth here.
59. By the actions as described above, the Defendants has intentionally acted in a manner which they knew or should have known would cause great emotional suffering to Plaintiff[s] thus, committing the tort of intentional infliction of emotional distress by extreme and outrageous conduct, to Plaintiff[s] great detriment and loss.
60. Plaintiff repeats and re-alleges the allegations of paragraphs 1–59 herein.
61. By reason of the aforesaid conduct, the plaintiff has been intentionally deprived of life, liberties and freedoms protected by the 14th Amendment of the United States Constitution.
62. The actions of the defendants Rezmen, Downs, Moore, Knight, Butts, and Lemmon in forcing Plaintiff[s] to confess guilt, were done maliciously and sadistically and constituted compelled in any criminal case to be witness against himself in violation of the rights, privileges and immunities guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution.
63. Plaintiff[s] claim that he was denied his presumptive release date (PRD) for refusing to participate in the SOMM program, and for refusing to admit to an act that he denied at trial violated the Fifth Amendment of the United States Constitution, applicable to the

states through the Fourteenth Amendment, which provides that no person “shall be compelled in any criminal case to be a witness against himself.”

64. Based on the allegations contained above, plaintiff[s] asserts that the defendants, jointly and severally, deprived him/them of rights, privileges and immunities guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution. Plaintiffs are therefore entitled to declaratory and injunctive relief pursuant to 42 U.S.C. 1983.
65. Defendant Indiana Department of Correction as the employer of Defendant Lemmon, Commissioner, Butts, Warden, and Knight, Superintendent is liable under the doctrine of respondeat superior for the tortious conduct of the individual Defendants Rezman, Downs and Moore.
66. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs 1 through 68 as if the same were fully set forth herein at length.
67. That the defendants knew or should have known that their actions forcing plaintiff to confess guilt denied him his constitutional right which provides that no person “shall be compelled in any criminal case to be witness against himself” and due process of law and therefore renders each and every one of the defendants personally liable under 42 U.S.C. § 1983.
68. Plaintiff repeats and re-alleges paragraphs 1 through 70 as if more fully set forth herein.
69. The acts complained of herein were willfully, unlawfully, maliciously and in wanton disregard for the rights, life and feelings of plaintiff. By reason thereof, plaintiff demands exemplary or punitive damages against the defendant in the sum of \$300,000.00

VIII. Class Action

70. Plaintiff brings this action individually and pursuant to Rule 23(a), (b)(2) and (b)(3) of the Federal Rules of Civil Procedure on behalf of all other persons similarly situated. The class is composed of all residents of the State of Indiana institutions and correctional facilities who are forced to participate in SOMM program and are forced to confess guilt against their will, though they plead not guilty at trial. This is a proper class action under Rule 23 of the Federal Rules of Civil Procedure in that:

- (a) the parties affected are so numerous that joinder of all parties is impracticable;
- (b) there are common questions of law or fact which predominate over any questions which affect only individual members;
- (c) the claims of the representative plaintiff is typical of those of the class;
- (d) the representative plaintiff will fairly and adequately protect the interests of the class;
- (e) the party opposing the class has acted on grounds generally applicable to the class, thereby making appropriate final injunctive relief to the class as a whole; and
- (f) the class action is superior to other available methods for the fair and efficient adjudication of the controversy.

IX. Exhaustion of Administrative Remedies

71. The Plaintiff has exhausted his administrative remedies with respect to all claims and all defendants, in that he filed an administrative appeal concerning the denial of his constitutional rights at the disciplinary hearings by defendants Knight, Butts, and Lemmon. Plaintiff (Lacy) has completed the two steps of the administrative appeal process.

X. Previously Dismissed Actions or Appeals

72. If you are proceeding under 28 U.S.C. §1915, please list each civil action or appeal you have brought in any court of the United States while you were incarcerated or detained in any facility, that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. None.

XI. Right to Equitable Relief

73. Plaintiff and the plaintiff class has no plain, adequate or complete remedy at law to redress the wrongs alleged herein, and this suit for declaratory and injunctive relief is his only means of securing adequate relief.

XII. Prayer for Relief

WHEREFORE, plaintiff, Donald Lacy, individually and as representatives of a class of similarly situated persons, respectfully request that the Court grant relief as follows:

- A. Assume jurisdiction of this cause.
- B. Allow this action to proceed as a class action pursuant to Fed. R. of Civil Procedure 23.
- C. Issue a declaratory judgment pursuant to 28 U.S.C. 2201 and 2202, declaring that the defendants, and each of them, that has and or conducting a SOMM programs which forces a confession against the plaintiffs will thereby violate the rights, privileges and immunities secured to them by the fifth and fourteenth amendments to the United States Constitution.
- D. Issue a declaratory judgment pursuant to 28 U.S.C. 2201 and 2202, declaring that the defendants, and each of them, that has and or conducting SOMM program is unconstitutional because it forces plaintiff[s] to confess guilt, disclose all other sexual behaviors, give written consent to disclosure of the confession and/or disclosure, and submit to a polygraph on these subjects, violate the Fifth Amendment, applicable to the states through the Fourteenth Amendment, which provides that no person "shall be compelled in any criminal case to be witness against himself."
- E. Issue A temporary restraining order, a preliminary injunction, and a permanent and final injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, restraining the defendants and their employees, agents, and servants, all persons acting in concert with them from enforcing Executive Directive 06-30, Executive Directive 12-48, and Executive Directive 12-53.
- F. Declare that Executive Directive 06-30, Executive Directive 12-48, and Executive Directive 12-53, violates the Constitution of the United States, as set forth above.

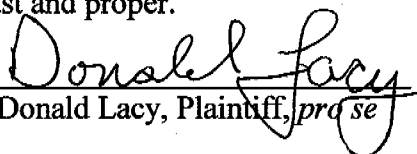
G. Award each plaintiff the sum of \$100,000.00 in compensatory damages and \$300,000.00 in punitive damages from the defendants, jointly and severally.

H. Award each plaintiff compensatory damages against Defendants State of Indiana and Indiana Department of Correction the sum of \$2,000,000.00.

I. Award plaintiffs their costs and attorney fees, pursuant to 42 U.S.C. § 1988;

J. Grant plaintiffs such additional relief as is just and equitable, including their attorney fees and costs; and

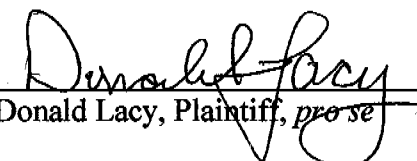
K. Enter such other and further relief as the Court deems just and proper.


Donald Lacy, Plaintiff, *pro se*

VERIFICATION

I, Donald Lacy, do hereby verify, affirm and state under the penalty of perjury that the above and forgoing information is true and correct to the best of my information, knowledge and belief.

Dated: May 14, 2013


Donald Lacy, Plaintiff, *pro se*