

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

Nicholas J. Ely,

)

Civil Action No. C-25-11  
1976

*Plaintiff,*

)

v.

)

Rob Jeffreys, Taggart Boyd,

)

COMPLAINT

Craig Gable, Shawn Freese,

)

Eric Steigger, Frank Howard,

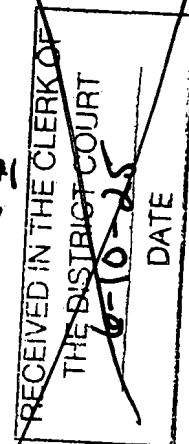
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Taylor Kester, Brittany Sherlock,

)

*Defendant*

)



LANCASTER COUNTY  
2025 JUL -2 AM 11:18  
CLERK OF THE  
DISTRICT COURT

I. JURISDICTION AND VENUE

- 1) THIS IS A CIVIL ACTION AGAINST THE Nebraska Department of Corrections (N.D.C.S.) and any named officials for violating the plaintiff's constitutional rights under Article 1 section 5 of the Nebraska Constitution and other applicable Nebraska laws. Plaintiff seeks injunctive relief and declaratory relief to prevent further violations of his constitutional rights.
- 2) The court has jurisdiction under Neb. Rev. Stat. 24-302 because the matter involves constitutional issues deriving under Nebraska law.

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- 3) Venue is proper in this court under Neb. Rev. Stat. 25-403.01 because the actions given rise to the complaint occurred in Lancaster County, Nebraska.

## II. PLAINTIFF

- 4) Plaintiff, Nicholas J. Ely, is and was at all times mentioned herein as a prisoner of the State of Nebraska in the custody of the Nebraska Department of Corrections. He is currently confined in the Reception and Treatment Center (R.T.C.) in Lincoln, Nebraska.

## III. DEFENDANTS

- 5) Defendant, Rob Jeffreys, is the Director of the State of Nebraska Department of Corrections. He is legally responsible for the overall operation of the Department and each institution under its jurisdiction, including the Reception and Treatment Center.
- 6) Defendant, Targgart Boyd, was the Warden of the Reception and Treatment Center at the time when this complaint began. He is legally responsible for the operation of the Reception and Treatment Center and for the welfare of all the inmates in that prison.
- 7) Defendant, Craig Gable, is the current Warden of the Reception and Treatment Center. He is legally responsible for the operation of R.T.C. and for the welfare of all the inmates in that prison.

- 8) Defendant, Shawn Freeze, is a Deputy Warden at the Nebraska Department of Corrections who, at all times mentioned in this complaint, held the rank of Deputy Warden and was assigned to R.T.C.
- 9) Defendant, Eric Steigger, is an Associate Warden at the Nebraska Department of Corrections who, at all times mentioned in this complaint, held the rank of Associate Warden and was assigned to R.T.C.
- 10) Defendant, Frank Howard, is an Intelligence Captain of the Nebraska Department of Corrections who, at all times mentioned in this complaint, held the rank of Captain and was assigned to R.T.C.
- 11) Defendant, Taylor Kester, is a Unit Manager at the Nebraska Department of Corrections who, at all times mentioned in this complaint, held the rank of Unit Manager and was assigned to R.T.C., housing unit F.
- 12) Defendant, Brittany Sherlock, is a Case Manager at the Nebraska Department of Corrections who, at all times mentioned in this complaint, held the rank of Case Manager and was assigned to R.T.C., housing unit F-1.
- 13) Each defendant is sued individually and in his/her official capacity. At all times mentioned in this complaint, each defendant acted under the color of state law.

#### IV. FACTS

- 14) On July 14, 2023, Plaintiff was transferred from the Tecumseh State Correctional Institution (T.S.C.I.) to the Reception and Treatment Center's "384-bed" controlled management unit.

- 15) Because inmates are only allowed out of their rooms for 3 hours per day, plaintiff decided to utilize the remaining hours of his day in a productive manner by writing a book.
- 16) Approximately a year later, the manuscript was finished and plaintiff mailed it to Julie Montpetit (then girlfriend, now wife) who published it in August of 2024 under the title "The Prisoner Manifesto."
- 17) Plaintiff then purchased a copy of the book for himself through the company Barnes and Noble, but the prison administration denied it from entering the facility and confiscated it.
- 18) Plaintiff grieved this decision using the informal grievance procedure and learned his book had been deemed to "promote security threat group ideology."
- 19) Plaintiff disputed the accusation by filing a formal step one grievance, to which the response stated that the book was still "under review" and that it had not yet been denied entry.
- 20) Plaintiff abandoned the grievance series at this time as he waited to see what the decision from the review would be.
- 21) No prison employee ever stated to the plaintiff verbally or in writing that having a book published was a violation of the department rules and regulations.
- 22) In fact, the plaintiff was congratulated by Associate Warden Sloup "face-to-face" for becoming a published author. He stated he was glad that the plaintiff had found a way to spend time wisely and out of trouble.
- 23) No immediate answer was provided as to the approval/denial of the book.

- 24) On November 14, 2024, the plaintiff's then fiancé, Julie Montpetit, released on Apple Podcasts and Spotify an episode of her new podcast called "More Than an Inmate's Girlfriend." Her podcast interviews people from all over the world who have loved ones who are or were incarcerated to discuss the dynamic within these relationships, as well as humanize the inmate population and normalize the people who love them.
- 25) To establish her credibility as an actual "woman who is in a relationship with an incarcerated man," Julie Montpetit interviewed the plaintiff over the prison phone. These calls are monitored/recorded by the prison and nothing bad was spoken about the institution.
- 26) Plaintiff did not exploit his crime, nor did he receive any compensation for this interview. (see Exhibit #1 for the interview transcript)
- 27) The podcast is harmless and speaks about love, so neither party thought that this interview would upset the prison administration. There are no rules/regulations that restrict inmates from being interviewed for a podcast.
- 28) However, on the day of the episode's release (11-14-24), plaintiff's cell was raided by defendant, Intel Captain Frank Howard, who removed everything from the plaintiff's cell (including his mattress and pillow) to be searched in headquarters. At the time of this search, plaintiff had not yet been informed as to "why" his cell was being raided.
- 29) By the end of that day (11-14-24) half of plaintiff's property was returned to him but defendant, Intel Captain Frank Howard, held the plaintiff's medicinal glaucoma eye drops, personal writings, books, and all of his personal hygiene supplies- for four days. For those four days, the plaintiff went without

toothpaste, soap, shampoo, deodorant, lotion, and- despite having submitted Emergency Grievances- his eye drops that he'd been prescribed to use 5X a day to alleviate migraines and high eye pressure.

- 30) November 14, 2024, was the date that the plaintiff began receiving retaliation from the prison administration for practicing his freedom of speech and association. From 11/14/24 to the present moment, the plaintiff has been suffering irreparable harm caused by this retaliation that violates his First, Fifth, Eighth, and Fourteenth Amendment rights, described herein.
- 31) On November 18, 2024, four days later, all of the plaintiff's property was returned to him following the completion of the search.
- 32) This same day, the administration deleted Julie Montpetit from the plaintiff's phone list and email account. The N.D.C.S. administration prohibited the plaintiff from calling or emailing his fiancé.
- 33) The N.D.C.S. administration also removed Elizabeth Hettrick (friend) and the plaintiff's mother, Greta Ericson, from his email account.
- 34) All of these restrictions took place without reason or notice on 11-18-24.
- 35) The plaintiff submitted an Inmate Interview Request (I.I.R) to the Warden, defendant, that same day concerning these restrictions.
- 36) On November 19, 2024, defendant, Intel Captain Frank Howard, had a meeting with the plaintiff concerning these restrictions. Defendant, Unit Manager Taylor Kester, was present during this meeting.
- 37) In summary, Intel Captain Howard told the plaintiff that he had read the plaintiff's book and that the podcast interview had caused a "knee jerk

reaction” from the administration, and informed the plaintiff that he needs to be more transparent with the administration moving forward.

- 38) After this transparent and constructive conversation, Intel Captain Howard admits to the plaintiff that maybe the administration had overreacted a little bit and said he’d have a talk with the Warden about reversing the decision to censor the plaintiff’s communications. He stated that ultimately the decision to reverse belongs to the Warden and recommended that the plaintiff appeal this decision to defendant, Warden Taggart Boyd.
- 39) The plaintiff then asked Intel Captain Howard why Greta Ericson (mother) and Elizabeth Hettrick (friend) were deleted from his email, as they had nothing to do with the publishing of his book or podcast. Intel Captain Howard acted confused, then stated “those two were never meant to be deleted. If this is true, it was a mistake that I’ll fix immediately.” (See Exhibit #2, a declaration of the conversation held between the plaintiff and the defendant, Intel Captain Frank Howard.)
- 40) On November 20, 2024, defendant Deputy Warden Shawn Freese, approached the plaintiff’s cell to have a conversation concerning the restrictions, but his tone was nothing similar to Intel Captain Howard’s from the day before. Whereas Intel Captain Howard had said there was nothing really “wrong” per se with what the plaintiff had done, Deputy Warden Freese began the conversation with threats of solitary confinement if the plaintiff were to “keep it up,” stating that solitary confinement is still an option that is “on the table.”
- 41) The plaintiff responded to Deputy Warden Freese by asking which policy had been violated for him to be threatening the use of solitary confinement, to which

Deputy Warden Freese stated “the common-sense policy” and that the plaintiff needs to “knock it off.” Deputy Warden Freese stated the podcast had “crossed the line,” claiming it to be “anti-establishment, anti-authority, anti-government,” therefore it won’t be tolerated.

- 42) The plaintiff responded “have you taken the time to listen to it? The podcast is about none of those things, it’s about love”
- 43) The plaintiff was then threatened by Deputy Warden Freese to receive “continuous misconduct reports” until the podcast was removed, as well as a letter from the N.D.C.S. “legal team.” (See Exhibit #3, declaration of conversation held between the plaintiff and defendant, Deputy Warden Shawn Freese)
- 44) On November 21, 2024, the plaintiff received a response via institutional mail from the initial I.I.R. that he’d submitted on 11-18-24 when these restrictions first occurred. The response came from defendant, Deputy Warden Freese, instead of Warden Taggart Boyd, and stated:

“This has been reviewed and the restrictions will stay in place. Engaging in a podcast or other enterprises will not be tolerated.”

(See Exhibit #4 for this I.I.R. response)

- 45) The plaintiff never received any misconduct reports for engaging in a podcast or other enterprises, nor had any idea that he’d done something considered a violation of regulations until Deputy Warden Freese informed him that the podcast had “crossed a line.”



- 46) The plaintiff never received a warning or any chance to fix the situation even though there are no policies that prohibit an inmate from writing a book or being interviewed for a podcast. There are no policies because the First Amendment protects freedom of speech and association.
- 47) The plaintiff submitted several informal grievances concerning these restrictions that began the exhaustion remedies, accusing the N.D.C.S. administration of harassment and retaliation, but none of the formal step one grievances concerning this matter have been answered or returned.
- 48) The plaintiff submitted an I.I.R. to defendant, Warden Taggart Boyd, for three consecutive days (11-21-24, 11-22-24, 11-23-24) concerning these communication restrictions, to which he responded to them all on 11-26-24. In summary, defendant Warden Taggart Boyd approved the restrictions after being notified about the podcast but assured he would “review the situation” in the next week.
- 49) On November 24, 2024, the plaintiff submitted an I.I.R. to visiting staff to inform them of his intent to be married on 12-25-24 (which was the assigned visiting date for the plaintiff’s housing unit) and, because it would be Christmas Day, the plaintiff provided efficient notice to prepare in case any additional staff be needed.
- 50) That same day, the plaintiff requested a “marriage application” from defendant Case Manager Brittany Sherlock, who provided the application upon request.
- 51) Upon submission, defendant Case Manager Brittany Sherlock recommended that our marriage application be denied by telling the Warden that:

“Ely, Nicholas #77049 and Julie Montpetit have

both been found to be in violation of N.D.C.S. rules and regulations by working together to create a business while Ely #77049 is incarcerated with the writing of his STG related book, running a podcast, and making 3-way calls; all of which are evidenced in the attached MR and grievance. Ely continues to encourage other individuals on the unit to participate in his podcasts and shows no regard for the rules of this institution.” (See Exhibit #5)

- 52) This statement is a list of false allegations because:
- a. The plaintiff doesn't run/own a podcast;
  - b. Julie Montpetit has never made any 3-way call for the plaintiff;
  - c. Publishing a book is not operating a business;
  - d. The plaintiff did not “continue to encourage other individuals on the unit to participate” in the podcast;
  - e. The plaintiff does show regard for the rules of the institution, which is proven by the incentives he's earned for good behavior and lack of misconduct report history.
- 53) This report was fabricated as an act of retaliation against the plaintiff for practicing his freedoms of speech and association in an attempt to deny the plaintiff his right to get married.
- 54) On December 6, 2024, defendant Warden Taggart Boyd denied the plaintiff's marriage application, violating his right to marriage.

55) On December 13, 2024, the plaintiff submitted an I.I.R. to defendant Warden Taggart requesting that the decision to deny the marriage be reviewed/reversed because “writing a book” and being interviewed for a podcast do not serve as legal grounds to deny someone their First Amendment right to get married. However, defendant Unit Manager Taylor Kester intercepted the I.I.R. from the institutional mail and responded herself, stating:

“Per policy 205.4, if the Warden deems the marriage to be a threat to the safety, security, or good order of the facility it may be denied.” (See Exhibit #6)

56) The plaintiff submitted an informal grievance upon receiving this response, grieving how unit staff are intercepting I.I.R.’s that are addressed to the Warden- who is the only employee with the authority to review/reverse an administrative decision.

57) On December 15, 2024, Julie Montpetit emailed the Warden to plea for him to reverse the denial of the marriage application.

58) On December 16, 2024, defendant Associate Warden Eric Steigger responded to Julie Montpetit’s email, telling her that the denial of the marriage application related solely to “staffing issues” and is not meant to reflect her negatively in any way.

59) After claiming that the marriage was denied due to “staffing issues” and that it was not meant to reflect Julie Montpetit negatively in any way, on December 18, 2024, the defendants denied the plaintiff’s entire visit scheduled for

Christmas Day, providing no “reason” for why they denied Julie Montpetit and William Ely (father) to visit.

- 60) The defendants had no legitimate reason to deny the plaintiff’s Christmas Day visit, which he had earned as an incentive to his good behavior. “Staffing” was not an issue at all and every other inmate received their visits that day. Only the plaintiff’s visit was denied.
- 61) Defendant Associate Warden Eric Steigger had lied to Julie Montpetit about why the marriage was denied.
- 62) The plaintiff submitted an I.I.R. to defendant Unit Manager Taylor Kester that requested an explanation as to why his Christmas Day visit had been denied with his father and Julie Montpetit.
- 63) On December 20, 2024, defendant Unit Manager Kester replied:

“Your visit with your father is not denied. I see  
you put in another form.” (See Exhibit #7)
- 64) The plaintiff had not put in another “form” but attached to this I.I.R. was a new Visiting Request Form that defendant Unit Manager Kester had forged in the plaintiff’s name, acting as if the plaintiff had filled it out. (See Exhibit #8) and (See Exhibit #9, for declaration)
- 65) By this date, the plaintiff’s father had already made new plans for Christmas after hearing that the visiting request had originally been denied, so he wasn’t able to visit.
- 66) Julie Montpetit wasn’t allowed to visit, but no reason was provided for her denial. (See Exhibit #10)

- 67) The plaintiff was denied his visit and his marriage on 12-25-24 as retaliation for practicing his freedom of speech and association, as well as for utilizing the grievance system.
- 68) Additionally, during that month of December, on 12-17-24 the plaintiff submitted a grievance as “sensitive” (private) in order to be reviewed by the defendant, Director Rob Jeffreys, because the plaintiff began to fear that the N.D.C.S. administration was violating his First Amendment rights and retaliating against him for grieving these violations. The plaintiff requested Director Rob Jeffreys to please not allow the Warden to deny the wedding, explaining how Julie Montpetit presents no threats to the institution, nor would our ceremony, but the Director’s Designee refused to review the plaintiff’s complaint due to the plaintiff having already begun the grievance procedure.
- 69) Because the plaintiff’s grievances and several I.I.R.’s had received no responses over a month’s wait, the plaintiff began documenting his own records of everything he submitted on January 1, 2025.
- 70) On January 3, 2025, another friend of the plaintiff, Melissa Breckenridge, was deleted from his email list. The defendants provided no reason or notice for this restriction. The plaintiff submitted an informal grievance complaining about this censor but it was never answered.
- 71) On January 6, 2025, the plaintiff submitted his second marriage application to defendant Unit Manager Taylor Kester “face-to-face” so that they couldn’t claim they never received it.

- 72) Upon submission, Unit Manager Kester asked the plaintiff “why are you turning in another marriage application after the first one was denied?”
- 73) The plaintiff responded, “so that I can get married this month as there’s no reason why the ceremony wouldn’t be approved.”
- 74) Unit Manager Kester stated, “Julie Montpetit’s visiting status has been restored but the Warden still isn’t going to approve your wedding.”
- 75) The plaintiff responded, “I didn’t know her visiting status had ever been in question. For what reason would it be? Associate Warden Steigger told Julie that the only reason our wedding was denied on Christmas was due to staffing issues.”
- 76) Unit Manager Kester then said, “if that’s what Steigger said then I’m just gonna shut my mouth.” (See Exhibit #11, declaration of conversation between the plaintiff and the defendant, Unit Manager Taylor Kester)
- 77) Unit Manager Kester accepted the marriage application to be submitted for approval on that date, 1-6-25.
- 78) No reason was provided for why Julie Montpetit had been denied the Christmas Day visit with the plaintiff until defendant Unit Manager Taylor Kester responded to the I.I.R. on January 7, 2025, stating:
- “She was denied because the marriage was denied. A full review was done to see if she could continue to visit. At this time she will be allowed to continue to visit. That is always subject to change.” (See Exhibit #12)
- 79) This response was a subtle threat. The defendants have been using the plaintiff’s visits, marriage, and associations with loved ones (phone/email) as

weapons to retaliate against the plaintiff for publishing a book and being interviewed for a podcast.

- 80) On this same day, 1-7-25, the plaintiff requested the names of the defendants of this complaint, as well as their job titles, but defendant Unit Manager Taylor Kester replied: We are not required to provide that information. You may file a petition.” (See Exhibit #13)
- 81) This response delayed the plaintiff’s access to the courts, as the N.D.C.S. administration (the defendants) had already prohibited most of his outside communications. The plaintiff worried that if he asked a loved one to retrieve this public information for him that the defendants would retaliate by removing them from his phone and/or email list.
- 82) On January 8, 2025, the plaintiff admittedly engaged in a 3-way phone call via his brother and a radio show out of Portland, Oregon in order to talk about the book he had published and how the defendants had been retaliating against him for it.
- 83) Julie Montpetit had no involvement with the 3-way call.
- 84) On January 10, 2025, defendant Intel Captain Frank Howard wrote a misconduct report against the plaintiff for having his brother make a 3-way call and stated in the report that the plaintiff “had neither permission nor authorization to be in contact with a public media outlet.” As punishment for this misconduct report, the plaintiff received “7 days of canteen restriction.”
- 85) Later on, that same day (1-10-25), defendant Deputy Warden Shawn Freese emailed all of the defendants, telling them to temporarily suspend the plaintiff’s visits with Julie Montpetit. No reason or notification was provided

for this suspension but the correlation between 1-10-25 being the same date defendant Intel Captain Howard discovered that the plaintiff had spoken with a media outlet and 1-10-25 being the date that Deputy Warden Freese suspended all visits with Julie Montpetit proves that this suspension was further retaliation against the plaintiff for speaking to the public.

- 86) The only incident which had occurred since the “full review” (approval) of Montpetit’s visiting status from three days earlier was the 3-way call that the plaintiff’s brother made for him, an incident that had nothing to do with Julie Montpetit (See Exhibit #14, for declaration)
- 87) Defendant, Unit Manager Taylor Kester’s “subtle threat” had now been fulfilled. (See point #78-79 above)
- 88) After two months of complaining about it, the plaintiff’s mother had her email account reinstated on January 12, 2025.
- 89) It took Intel Captain Frank Howard two months to fix his alleged “mistake” but Elizabeth Hettrick (friend) is still deleted from the plaintiff’s email account.
- 90) Two months prior, Intel Captain Howard had said this deletion was a mistake, as well as the mother’s deletion, but now the plaintiff has been informed that Elizabeth Hettrick is a “threat to the safety, security, and good order of the institution.” However, the plaintiff has never been informed as to what makes her a threat, nor has the formal step one grievance been responded to. (See point #39 above)
- 91) During the month of January (2025) the plaintiff received no responded to any informal or formal grievances that he’d filed. The defendants have also stopped responding to the plaintiff’s I.I.R.s after learning of the plaintiff’s intent to file



a lawsuit. The plaintiff complained about the lack of responses to the Warden (defendant) on January 14, 2025, but nothing has changed.

- 92) Additionally, since the defendant's retaliatory behavior began and in response to the plaintiff's grievance submissions, all of the plaintiff's laundry was mysteriously lost/misplaced throughout the months of December (2024) and January (2025).
- 93) By mid-January, the plaintiff no longer had any clothes of his own, nor did he have any more laundry bags assigned to his cell. All of his clothing had been "lost in laundry". Laundry is sorted out and delivered by unit staff outside the presence of inmates.
- 94) The plaintiff had submitted two different "lost clothing form" requests to defendant Case Manager Brittant Sherlock and had complained repeatedly that he had no clothing items, but the plaintiff's complaints were ignored.
- 95) Throughout this time, the plaintiff was forced to borrow clothes/laundry bags from other inmates, which is technically against the rules, but the plaintiff had no other option available.
- 96) The plaintiff submitted grievances concerning the fact that he had no clothing but nothing was done about this complaint until the plaintiff's father, William Ely, began emailing and calling the defendants. William Ely raised this complaint via email on January 17, 2025, and spoke to defendant Case Manager Brittany Sherlock via telephone on January 28, 2025. William Ely then spoke with defendant Unit Manager Taylor Kester concerning the plaintiff not having any laundry but the issue was still not resolved.

- 97) William Ely then sent an email to communications and the Director's Designee Robert Madison on January 30<sup>th</sup> 2025, explaining how the plaintiff had been complaining for over a month to the defendants about how he has no clothing.
- 98) In the first week of February (2025) the plaintiff was delivered a brand-new wardrobe of clothing, inside of a laundry bag. Upon taking this bag of clothing to his cell and opening it, the plaintiff discovered that someone had dumped a large pile of "freshly trimmed" hair into his bag of brand-new clothes.
- 99) Because the clothing items were all brand new, the plaintiff believes this pile of hair was dumped into his clothing as harassment/retaliation by the defendants. However, after the clothes made it through the wash, the plaintiff now has clothing.
- 100) Back to the chronology of events, on January 17, 2025, every inmate except for the plaintiff received their "visiting request form" decision that notifies as to whether their visit has been approved/denied for the pre-scheduled date of 1-27-25. The plaintiff was the only inmate who requested a visit but didn't receive a response.
- 101) Because the plaintiff's father lives two hours away and Julie Montpetit lives in Canada, all parties involved needed to know whether the visit had been approved or denied. Given how the defendants had denied the plaintiff's Christmas Day visit/marriage a month prior without cause, nobody knew whether this month's visit would be approved and the plaintiff still hadn't received an answer from the marriage application he'd submitted on 1-6-25.
- 102) Every day the plaintiff would ask defendant Unit Manager Taylor Kester to produce an answer but the defendant's response was "the Warden has made

his decision already but it's still sitting on his desk and I haven't had time to pick it up." After explaining to the defendant, the urgency of the matter, the plaintiff asked Unit Manager Kester to "please call and ask, or send an email", but Unit Manager Kester said "it doesn't work like that."

- 103) Because every other inmate had already received their answer, the plaintiff believes the defendants were intentionally stalling to inform him of the Warden's decision until the last moment, knowing that Julie Montpetit wouldn't have the time necessary to make travel arrangements to attend the marriage.
- 104) Finally, on January 24, 2025 (the Friday before the visit on Monday), at 1600 hours, the defendant, Case Manager Brittany Sherlock approached the plaintiff "face-to-face" to inform him that the marriage application had been approved for Monday, but that, after the ceremony is finished, Julie Montpetit will have to leave the facility because her visits are suspended. (See Exhibit #15)
- 105) Since the plaintiff had never received any formal notice in writing, he asked defendant Case Manager Brittany Sherlock to provide the reasons for why Julie Montpetit has been suspended from visiting. Case Manager Sherlock responded, "you know why. it's the 3-way calls and all the stuff you're doing."
- 106) The plaintiff informed Case Manager Sherlock that Julie Montpetit had never made a 3-way call for him to which Case Manager Sherlock told the plaintiff that he'd be receiving a letter via institutional mail that night from the Warden concerning this matter.
- 107) The plaintiff told Case Manager Sherlock that, because they had waited until the last minute to inform him of the visit/marriage decision, he would need a

new marriage application for the date of 2-26-25 (which was the date of the housing unit's next assigned visit, as inmates can only schedule marriages on visiting days, per policy)

- 108) Later that night (1-24-25) the plaintiff received the letter from the defendant, Warden Taggart Boyd, concerning Julie Montpetit's visiting suspension. It reads:

"This letter is to inform you, that all your visits (virtual and incentive) with Julie Montpetit are suspended indefinitely. This is due to the overall security risk presented by Montpetit being complicit in helping you facilitate continuous violations of N.D.C.S. regulations. These violations include unauthorized business practices, participating in unauthorized electronic public communications, and unauthorized phone communications.

- 109) The plaintiff has never received any misconduct reports for any of the alleged violations in that letter and he disputes the accusations.
- 110) These ambiguous statements hide what the administration has implicitly said: You've lost your visits with your fiancé because she publishes your writings and interviewed you (once) for her podcast.
- 111) The plaintiff's verbal expressions and/or writings are not, nor have ever been, a threat to the safety, security, or good order of the institution. Therefore, are protected by the First Amendment, and this retaliation against the plaintiff for practicing his freedoms of speech and association violate the First, Fifth, Eighth and Fourteenth Amendments of the Constitution.

- 112) Incarcerated people who have witnessed how the defendants have retaliated against the plaintiff for writing a book and speaking on a podcast are now scared to practice their own First Amendment freedoms because they don't want to lose communication privileges with their loved ones, as did the plaintiff. Incarcerated people don't want to file grievances or speak publicly about the conditions they suffer because the harassment currently being received by the plaintiff has "chilled" them from wanting to do so.
- 113) Although not included within the formal letter, on January 28, 2025, defendant Warden Taggart Boyd stated via I.I.R. reply:
- "The suspension occurred because of violations of video visitation, which you continue to do with different numbers. If you can't do it in visiting, you can't do it on video visit. Visit appropriately and you can visit again upon end of suspension." (See Exhibit #16)
- 114) The plaintiff has never received any misconduct report for violating the rules and video visitation and the plaintiff disputes this allegation. This statement from the defendant, Warden Taggart Boyd, was another ambiguous response and the plaintiff has no knowledge of what this response is in reference to. Furthermore, the plaintiff questions why "video visit violation" was not a reason included within the formal letter from the Warden discussing the suspension of visits.
- 115) Defendant Warden Taggart Boyd never responded to any more of the I.I.R. submitted by the plaintiff. In February of 2025, Taggart Boyd was replaced by defendant Craig Gable, who is now the Warden of the institution.

- 116) Julie Montpetit and the plaintiff then arranged to be married on the next approved visiting date, which was scheduled for February 26, 2025.
- 117) Because Julie Montpetit poses no actual threat to the security of the institution, she emailed the Warden on 2-19-25 to request his special approval to allow her to visit after the wedding ceremony. The duration of normal visit is two hours.
- 118) Although Julie Montpetit has never violated any visiting policies, the defendant, Associate Warden Eric Steigger denied her request after claiming that she poses a “threat to the safety, security, and good order of the institution.”
- 119) On February 22, 2025 the plaintiff’s cell was raided by Intel staff. The rough draft of this here lawsuit was confiscated during this search and withheld from the plaintiff for two weeks as the defendants reviewed the document.
- 120) The plaintiff’s keyboard/piano was also confiscated during this search and never returned. Even after submitting receipts and proof of purchase, the defendants stated that the plaintiff “couldn’t prove that it belonged to him” and never returned it.
- 121) The plaintiff believed this search was further retaliation for his grievances and expressions of speech.
- 122) On February 26, 2025, the plaintiff was allowed to be married to Julie Montpetit. Immediately after the twenty-minute ceremony was finished, the defendants escorted the plaintiff’s wife out of the building.
- 123) The marriage was recognized by the State of Nebraska approximately March 7, 2025.

- 124) On March 5, 2025, a memorandum was delivered to the inmate population discussing a newly implemented policy concerning the consequences of “phone violations,” specifically 3-way calls. (Memorandum title: Standard Operating Procedure- Abuse of ICS Phone Privileges)
- 125) The punishment for committing a phone violation shall consist of a misconduct report and the person’s phone number being blocked from the inmate’s phone list for 7 days on first offense, 14 days on second offense, 21 days on third offense, and so on and so forth.
- 126) For the plaintiff’s alleged “phone violation” (i.e. podcast interview), Julie Montpetit (wife) has been removed from his phone list, as well as email and visiting list, for over six months at the time of this complaint, and has never received any misconduct report for this alleged phone violation.
- 127) After the distribution of this memorandum, the plaintiff submitted an I.I.R. requesting to receive “equal treatment” from the defendants, asking for the block to be removed from Julie Montpetit’s phone number.
- 128) Sergeant Hank removed the block from Julie Montpetit’s phone number on March 7, 2025 but the plaintiff is still not able to dial his wife’s number.
- 129) The plaintiff asked defendant Unit Manager Taylor Kester to email Sergeant Hank to ask why his wife’s phone number was still restricted. Sergeant Hank replied that he had removed the block on his end but that the Warden has a special block on this phone number that only could be removed from the Warden himself.
- 130) On March 2, 2025, the plaintiff had submitted an I.I.R. to the new Warden, requesting that he review these restrictions and reverse the last

administration's decision to censor communication between husband and wife. The plaintiff delineated how these restrictions came about due to the publishing of his book and having been interviewed (once) for his wife's podcast.

- 131) This I.I.R. to the Warden was (again) intercepted by defendant Unit Manager Taylor Kester, who responded to it on March 13, 2025, stating:

“You were subsequently told that those actions were and are against the rules and continued to break them. Usually, after one year you may ask for a reinstatement.” (see Exhibit #17)

- 132) This response is not only a lie, but also a violation of the plaintiff's right to request the Warden to review/reverse a decision. Because only the Warden has the power/authority to reverse these restrictions, defendant Unit Manager Kester has no right to intervene between the plaintiff's appeal and the Warden. Unit Manager Kester has prohibited the plaintiff from requesting the new Warden, Craig Gable, to review the restrictions that have unnecessarily been in place for over six months.
- 133) Concerning the substance of the response itself, the plaintiff has not continued to publish any books, nor has he been interviewed for her podcast, although the plaintiff believes both of these expressions are protected under the First Amendment's freedom of speech and association.
- 134) The defendants have been retaliating against the plaintiff for practicing his protected freedoms since November 14, 2024, and have been accusing him of



“abusing the grievance procedures as he exhausted his complaints. Although it was made difficult for the plaintiff to exhaust the N.D.C.S. grievance remedies, his complaints have been heard by every level of the administration through the provided procedural methods.

- 135) Because the plaintiff is housed in a Controlled Management Unit designated for inmates classified to super-maximum security, “classification reviews” are held every 6 months to determine if an inmate’s behavior meets the criteria to be promoted out of the Controlled Management Unit and placed back into general population.
- 136) The plaintiff has been housed in this unit (F1) for 21 months already (since 7-14-25) which is the longest time that any inmate on his unit has been housed there. The plaintiff has maintained excellent behavior, but was informed by defendant, Case Manager Brittany Sherlock, that no “recommendation of custody-promotion” will be given until the plaintiff stops attempting to communicate with his wife.
- 137) The plaintiff must stop communicating with his wife if he ever desires to leave the Controlled Management Unit- a unit intended to deter violence, gang activity, and drug trafficking. The plaintiff should never have been prohibited from communicating with his wife in the first place.
- 138) These facts further prove the retaliation, harassment, and abuse of power from the defendants, toward the plaintiff. These actions violate the plaintiff’s right to substantive due process and equal treatment under the Fifth and Fourteenth Amendments.

- 139) Furthermore, to avoid the I.I.R. being intercepted by unit staff before making its way to the Warden, the plaintiff has written an actual letter to the defendant, Warden Craig Gable, requesting the defendant to relieve the plaintiff from these ongoing constitutional violations, but the plaintiff is yet to receive a response or any relief.
- 140) After six months of retaliation for publishing a book without having requested permission from the administration, on May 12, 2025, the plaintiff received a response back from current grievance series #555616771 stating that “you do not need permission from NDCS to publish your book. Incarcerated individuals will not be allowed to purchase your book while under care of NDCS.” This response directly contradicts earlier statements from the administration that repeatedly claimed the plaintiff had violated policy/procedure by publishing a book without having received permission from the Warden.
- 141) The administration has alleged for over six months that the plaintiff has operated a business enterprise, due to the publishing of his first book, but now begins to state that permission is not required. However the administration has still not reversed any of the restrictions placed upon the plaintiff’s wife and still prohibits them from communicating or visiting each other indefinitely.
- 142) As of the date this complaint was filed, neither the new Warden or the defendant, Director Rob Jeffreys, have taken any corrective action to relieve the plaintiff of these constitutional violations, causing “irreparable harm” to the plaintiff and his wife.

- 143) Due to practicing his protected freedoms of speech and association, the defendants of this suit have retaliated against the plaintiff by prohibiting all communication between him and his wife, attempting to deny his right to marriage, and blocking several associates (Elizabeth Hettrick, Melissa Breckenridge, Greta Ericson) from his email list. Additionally, the defendants have harassed the plaintiff by subjecting him to countless unnecessary searches, confiscating personal property and reading his legal work, lost all of his clothing in the laundry, and refused to promote his custody level to move him out of the Controlled Management Unit.
- 144) The First Amendment requires the existence of written regulations to govern prison officials' discretion, and the N.D.C.S. policy/procedures have no regulations against an inmate publishing a book or being interviewed for a podcast (which qualifies as a public media outlet). The only regulation in place concerning inmate interviews states: "Incarcerated individuals shall not receive compensation or anything of value in exchange for, or as a result of, participation in an interview."
- 145) The plaintiff never received, nor requested, nor was offered any compensation for the podcast interview, and no "Sons of Sam" laws were violated within any of the plaintiff's expressions of speech.
- 146) Meaningful accountability and oversight depend upon the public's ability to access information about what is happening inside of correctional facilities.
- 147) "Publishing a book" or any articles for journals/newsletters does not constitute a "business enterprise", as alleged by the defendants. The First Amendment protects the right to publish.

- 148) The admissions from the defendants have proven the causal connections between the plaintiff's "protected speech" and the "adverse actions" of the defendants. The adverse actions of the defendants are not justified, nor are they reasonably related to legitimate penological interests.
- 149) The plaintiff requests this court to examine the alleged "threat to security" more closely to determine if Julie Montpetit (wife) poses any real threat or if it is just an excuse being used to punish the plaintiff. The right to "intimate association" is not terminated due to the plaintiff's incarceration.
- 150) An absence of alternative means of exercising the freedoms of speech and association, and the devastating impact of the failure to accommodate these rights, weighs more heavily in favor of the plaintiff than any deference generally owed to the defendants. Phone calls and emails between the plaintiff and his wife are already recorded/monitored by the defendants, therefore, the defendants may punish the plaintiff for any "phone visitations" as they may occur- but completely prohibiting the plaintiff from speaking with his wife does not serve any legitimate penological interest.
- 151) No "visiting regulations" have ever been violated by the plaintiff or his wife, thus no legitimate penological interest is served by indefinitely suspending all visits between these parties.
- 152) This retaliation has created the "chilling effect" that deters the plaintiff, as well as others, from expressing their voice to the public, in violation of the First Amendment of the United States Constitution.

- 153) When speech is directed outside of a prison, there should be limited restrictions and this speech should not be limited based on the defendant's dislike of the content.
- 154) The plaintiff is suffering psychologically and emotionally due to not being allowed to communicate with his wife.
- 155) The plaintiff has begun experiencing an ongoing dissociation and detachment from life, continuous anxiety and fear of how the defendants may retaliate next, as well as depression that stems from his inability to have intimate associations.
- 156) For no real reason, the defendants have removed the plaintiff's wife from his life, leaving an empty void and lack of meaning. The plaintiff doesn't know if he'll ever be allowed to communicate with his wife again, and, if so, without retaliation, which has left the plaintiff feeling helpless and hopeless.
- 157) These complaints have been brought to the attention of prison officials, including mental health psychiatrists, but the defendants have ignored the complaints.
- 158) The plaintiff has been deprived of this basic human need, his association with his wife, and the defendants have acted with deliberate indifference by knowing of these conditions and failing to respond in a reasonable manner:
- 159) The "irreparable harm" that the plaintiff continuously suffers because of the retaliations is cruel and unusual punishment, in violation of the Eighth Amendment of the United States Constitution.
- 160) Deprivation of any constitutional rights, such as freedom of speech and association, and freedom from cruel and unusual punishment and unequal

treatment, satisfies the “irreparable injury” that the plaintiff needed to prove in order to receive injunctive relief.

## V. LEGAL CLAIMS

- 161) The retaliation from the defendants violated plaintiff Nicholas Ely’s rights and constituted a Freedom of Speech and Association violation under the First Amendment of the United States Constitution.
- 162) The deliberate indifference of the defendants violated plaintiff Nicholas Ely’s rights and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution.
- 163) The unequal treatment and lack of due process by the defendants violated plaintiff Nicholas Ely’s rights to equal treatment and due process under the Fifth and Fourteenth Amendment of the United States Constitution.

## VI. PRAYER FOR RELIEF

WHEREFOR, plaintiff respectfully prays that this court enter judgment granting plaintiff:

- 164) A declaration that the acts and omissions described herein violated plaintiffs’ rights under the Constitution of the United States and the laws of Nebraska.

- 165) A preliminary and permanent injunction ordering defendants Rob Jeffreys, Taggart Boyd, Craig Gable, Shawn Freese, Eric Steigger, Frank Howard, Taylor Kester and Brittany Sherlock to reverse Julie Montpetit's visiting suspension and allow the plaintiff to communicate with Julie Montpetit via phone calls and emails, as Julie Montpetit is the legal wife of the plaintiff. Additionally, order all mentioned defendants to allow the plaintiff to publish his writing and participate in interviews with public media outlets, free from retaliation.
- 166) Compensatory damages in the amount of \$25,000 against each defendant, jointly and severally.
- 167) Punitive damages in the amount of \$5,000 against each defendant, and the amount of \$10,000 against defendant Taylor Kester.
- 168) A jury trial on all issues triable by jury.
- 169) Plaintiff's cost in this suit.
- 170) Any additional relief this court deems just, proper, and equitable.

Dated: \_\_\_\_\_

Respectfully submitted,

Nicholas Ely

#077049

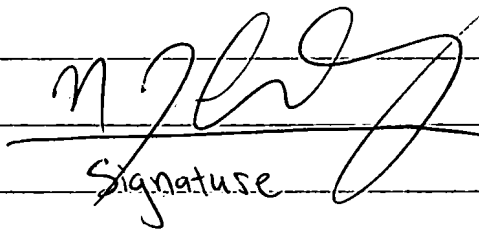
3218 W Van Dorn

Lincoln, NE 68522

## VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except to as matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Lincoln, Nebraska on 4-1-2025.

  
Signature

Nicholas J. Ely  
Print Name



## EXHIBIT #1

00:00:09.100 --> 00:00:09.240

<v JULIE MONTPETIT>No.

00:00:14.860 --> 00:00:18.240

<v JULIE MONTPETIT>Welcome to More Than A Mates Girlfriend's Podcast.

00:00:18.428 --> 00:00:21.468

<v JULIE MONTPETIT>I am Jay, I am your host.

00:00:21.468 --> 00:00:23.448

<v JULIE MONTPETIT>I'm very, very excited to be starting this.

00:00:23.448 --> 00:00:24.348

<v JULIE MONTPETIT>I guess I should start.

00:00:24.348 --> 00:00:29.648

<v JULIE MONTPETIT>Nicholas will be calling in soon to discuss further and go into a little bit more about who we are.

00:00:29.648 --> 00:00:39.688

<v JULIE MONTPETIT>But before we start all that, I just wanted to jump on alone real quick, talk about kind of what the podcast is and where we see it going.

00:00:39.688 --> 00:00:45.508

<v JULIE MONTPETIT>Initially it had started, it was supposed to be me and a friend, a girl that had been on Reddit, another prison girlfriend.

00:00:45.508 --> 00:00:48.868

<v JULIE MONTPETIT>We were supposed to start it together, and then things happened.

00:00:48.868 --> 00:00:51.588

<v JULIE MONTPETIT>She's still a very, very close friend of mine.

00:00:51.588 --> 00:00:58.148

<v JULIE MONTPETIT>She will be on the podcast for sure, but due to some things going on in her life, she's had to take a step back.

00:00:58.148 --> 00:01:01.128

<v JULIE MONTPETIT>So I will be doing it alone, it's continued on.

00:01:01.128 --> 00:01:09.108

<v JULIE MONTPETIT>But the idea behind it is really all about destigmatizing these relationships, because it really is the most fulfilling relationship I've ever been in.

00:01:09.108 --> 00:01:12.108

<v JULIE MONTPETIT>It's not, definitely not the first relationship I've ever been in.

00:01:12.468 --> 00:01:16.368

<v JULIE MONTPETIT>It is the first relationship I've been in with an incarcerated individual.

00:01:16.388 --> 00:01:25.648

<v JULIE MONTPETIT>I've dated, I'm in my 30s, I've dated a lot, and this has been one of the most unique experiences I've ever had.

00:01:25.648 --> 00:01:34.968

<v JULIE MONTPETIT>It's been lots of ups and downs, but at the end of the day, this is something that I feel really passionately about now that I'm so heavily involved in this type of relationship.

00:01:34.968 --> 00:01:38.108

<v JULIE MONTPETIT>And I really wanted to create a safe place for people.

00:01:38.108 --> 00:01:45.388

<v JULIE MONTPETIT>So for that reason, I've remained anonymous, where I am, who I am is going to remain pretty much anonymous.

00:01:45.388 --> 00:02:00.048

<v JULIE MONTPETIT>But that doesn't take away the fact that this is a real relationship, that we go through our ups and downs, that it's really important that we have the ability to connect with others that are going through it, help people that are going through it.

00:02:00.048 --> 00:02:07.128

<v JULIE MONTPETIT>Nick and I's relationship is very strong, and we've built a really great foundation, and we really want to share that with the world.

00:02:07.128 --> 00:02:13.128

<v JULIE MONTPETIT>We really want to show people what it's like to be in these healthy relationships of people that are met while incarcerated.

00:02:13.128 --> 00:02:24.428

<v JULIE MONTPETIT>We want to discuss other people's relationships on an anonymous level, so that they have the ability to openly discuss it without fear of any kind of cruelty or negative feedback.

00:02:24.428 --> 00:02:30.208

<v JULIE MONTPETIT>We want to talk to different people from different walks who've had different experiences, good, bad, ugly.

00:02:30.208 --> 00:02:31.708

<v JULIE MONTPETIT>But we also want to talk to inmates.

00:02:31.708 --> 00:02:38.248

<v JULIE MONTPETIT>So I'll be talking to other inmates that have gone through this process of trying to meet someone while they are locked up.

00:02:38.668 --> 00:02:43.548

<v JULIE MONTPETIT>They have some crazy stories that they are willing and wanting to share about it.

00:02:43.548 --> 00:02:47.148

<v JULIE MONTPETIT>And also what happened.

00:02:47.148 --> 00:02:48.368

<v JULIE MONTPETIT>How did it go?

00:02:48.368 --> 00:02:50.088

<v JULIE MONTPETIT>Again, the good and the bad.

00:02:50.088 --> 00:02:53.548

<v JULIE MONTPETIT>Some of them ended up in really strong relationships, some of them not so much.

00:02:53.548 --> 00:03:03.588

<v JULIE MONTPETIT>Some of them met some people, you know, there's a lot of stigma around these incarcerated men that are seen as like scammers when, you know, the men are getting scammed as well.

00:03:03.588 --> 00:03:11.188

<v JULIE MONTPETIT>So, you know, trying to reverse it, trying to keep

everything open, and really create a safe place to explore that.

00:03:11.188 --> 00:03:17.668

<v JULIE MONTPETIT>So that is why we are remaining anonymous, and that is why we are, we started it.

00:03:17.668 --> 00:03:19.548

<v JULIE MONTPETIT>Nick is going to be involved in a lot of them.

00:03:19.548 --> 00:03:24.088

<v JULIE MONTPETIT>He's also very open to discussing his side of things.

00:03:24.088 --> 00:03:32.128

<v JULIE MONTPETIT>So, you know, women who have questions about their men, Nick's grown a lot in his time while he's been incarcerated.

00:03:32.128 --> 00:03:36.308

<v JULIE MONTPETIT>He's really grown from the person that he was when he went in to the person that he is today.

00:03:36.308 --> 00:03:45.408

<v JULIE MONTPETIT>And he's open to sharing his experiences and also helping other females that are trying to date men that are incarcerated or having struggles with them.

00:03:45.408 --> 00:03:50.228

<v JULIE MONTPETIT>He really wants to be able to share his opinion and help where he can.

00:03:50.228 --> 00:03:58.428

<v JULIE MONTPETIT>So I think that's really neat too, to have that ability to talk to someone who is living the life of your loved one, you know, the difficulties that go around it.

00:03:58.428 --> 00:04:05.288

<v JULIE MONTPETIT>So not every man is as open and vulnerable as I found Nick to be.

00:04:05.288 --> 00:04:21.628

<v JULIE MONTPETIT>So we really want to create that opportunity as well, for women to be able to explore that side and learn from men that are inside and the difficulties that arise on their side of having a relationship or trying to maintain a monogamous relationship with females outside.

00:04:21.628 --> 00:04:25.168

<v JULIE MONTPETIT>So yeah, he should be calling here any minute.

00:04:26.508 --> 00:04:28.688

<v JULIE MONTPETIT>There we go.

00:04:28.688 --> 00:04:29.348

<v JULIE MONTPETIT>Hello?

00:04:29.348 --> 00:04:36.188

<v AUTOMATED PHONE SYSTEM>Hello, this is a prepaid call from Nicholas, Ellie, an inmate at the Nebraska Reception and Treatment Center.

00:04:36.188 --> 00:04:40.028

<v AUTOMATED PHONE SYSTEM>To accept this call, press 5 to refuse this call.

00:04:40.028 --> 00:04:44.648

<v AUTOMATED PHONE SYSTEM>This call is from a correction facility and is subject to monitoring and recording.

00:04:44.648 --> 00:04:46.408

<v AUTOMATED PHONE SYSTEM>Thank you for using GTL.

00:04:47.168 --> 00:04:48.048  
<v JULIE MONTPETIT>Hi, baby.

00:04:48.048 --> 00:04:48.948  
<v NICHOLAS ELY>Hey, my love.

00:04:48.948 --> 00:04:49.448  
<v JULIE MONTPETIT>How are you?

00:04:49.448 --> 00:04:50.608  
<v NICHOLAS ELY>How are you?

00:04:50.608 --> 00:04:51.188  
<v JULIE MONTPETIT>Good.

00:04:51.188 --> 00:04:51.588  
<v JULIE MONTPETIT>How are you?

00:04:52.148 --> 00:04:53.128  
<v NICHOLAS ELY>What's going on?

00:04:53.128 --> 00:04:54.908  
<v JULIE MONTPETIT>I'm recording this podcast right now.

00:04:54.908 --> 00:04:56.528  
<v JULIE MONTPETIT>You ready to jump on?

00:04:57.408 --> 00:04:59.108  
<v JULIE MONTPETIT>Yeah, I think you can handle it.

00:04:59.108 --> 00:05:02.008  
<v NICHOLAS ELY>Yeah, I think I might be able to handle it.

00:05:03.128 --> 00:05:05.308  
<v JULIE MONTPETIT>Welcome to episode number one.

00:05:05.308 --> 00:05:08.228  
<v NICHOLAS ELY>Episode number one of More Than an Inmate's Girlfriend.

00:05:08.228 --> 00:05:09.588  
<v JULIE MONTPETIT>Yes, sir.

00:05:09.588 --> 00:05:10.648  
<v JULIE MONTPETIT>We're starting up.

00:05:10.648 --> 00:05:11.608  
<v JULIE MONTPETIT>Very exciting.

00:05:11.608 --> 00:05:12.508  
<v JULIE MONTPETIT>Are you comfortable?

00:05:12.508 --> 00:05:14.968  
<v JULIE MONTPETIT>Are you ready for me to start interviewing you?

00:05:14.968 --> 00:05:15.168  
<v NICHOLAS ELY>Sure.

00:05:16.828 --> 00:05:18.628  
<v NICHOLAS ELY>Go ahead.

00:05:18.628 --> 00:05:26.328  
<v JULIE MONTPETIT>So I'd really just like you to start talking about who you are, how you came here, how you got here, and tell me a little bit about yourself.

00:05:26.328 --> 00:05:27.468  
<v JULIE MONTPETIT>Share with the world.

00:05:27.468 --> 00:05:29.568  
<v NICHOLAS ELY>With the world.

00:05:29.568 --> 00:05:31.628  
<v NICHOLAS ELY>Hello, everybody.

00:05:31.628 --> 00:05:34.388  
<v NICHOLAS ELY>My name is Nicholas J.

00:05:34.388 --> 00:05:34.628  
<v NICHOLAS ELY>E.

00:05:35.428 --> 00:05:38.048  
<v NICHOLAS ELY>Don't forget the J though.

00:05:38.088 --> 00:05:41.908  
<v NICHOLAS ELY>I'm currently sitting in a prison cell at this very moment.

00:05:42.468 --> 00:05:47.608  
<v NICHOLAS ELY>Right now, I'm sitting in a cell that I spend 21 hours a day in.

00:05:47.608 --> 00:05:54.828  
<v NICHOLAS ELY>I'm in a maximum security prison in the state of Nebraska, where we're only let out of our rooms for three hours a day.

00:05:54.828 --> 00:05:58.628  
<v NICHOLAS ELY>The rest of the time, we're in here by ourselves.

00:05:58.668 --> 00:06:03.248  
<v NICHOLAS ELY>I try to spend my time as widely as possible.

00:06:03.248 --> 00:06:05.148  
<v NICHOLAS ELY>I really like to read.

00:06:05.148 --> 00:06:06.948  
<v NICHOLAS ELY>I like to write.

00:06:06.948 --> 00:06:12.968  
<v NICHOLAS ELY>I love going on tangents, talking about Oppenheimer and my love for The Matrix.

00:06:13.048 --> 00:06:16.188  
<v NICHOLAS ELY>It's one of my favorite tangents to go on.

00:06:16.188 --> 00:06:18.648  
<v JULIE MONTPETIT>That's not in the podcast.

00:06:18.648 --> 00:06:20.608  
<v JULIE MONTPETIT>That is not going to be in the podcast.

00:06:24.268 --> 00:06:26.588  
<v NICHOLAS ELY>Yeah, those tangents will probably not be in the podcast.

00:06:26.588 --> 00:06:28.548  
<v JULIE MONTPETIT>No.

00:06:28.548 --> 00:06:29.348  
<v NICHOLAS ELY>No, they won't.

00:06:29.348 --> 00:06:30.548  
<v NICHOLAS ELY>Don't worry about that.

00:06:30.548 --> 00:06:32.968  
<v NICHOLAS ELY>That's just what I enjoy.

00:06:32.968 --> 00:06:34.668  
<v NICHOLAS ELY>I like philosophy.

00:06:34.668 --> 00:06:36.748  
<v NICHOLAS ELY>I would consider myself a spiritual person.

00:06:36.768 --> 00:06:39.208  
<v NICHOLAS ELY>I'm religious in my own way, kind of like we all are.

00:06:39.668 --> 00:06:41.848  
<v NICHOLAS ELY>I'm 34 years old.

00:06:41.848 --> 00:06:46.388  
<v NICHOLAS ELY>I've been in prison since I was 20, so I'm going on 14 years now.

00:06:46.388 --> 00:06:48.608  
<v NICHOLAS ELY>I'm serving a life sentence.

00:06:48.608 --> 00:06:51.008  
<v NICHOLAS ELY>Life meaning life without parole.

00:06:51.008 --> 00:07:00.228  
<v NICHOLAS ELY>No parole meaning that if nothing changes in the future, I'll probably die sometime in these prison walls by natural death.

00:07:00.228 --> 00:07:06.028  
<v NICHOLAS ELY>I was found guilty of first-degree murder in 2011 for a murder that I didn't commit.

00:07:06.028 --> 00:07:09.028  
<v NICHOLAS ELY>They know that I didn't commit it, but I was still found guilty of it.

00:07:09.848 --> 00:07:12.128  
<v NICHOLAS ELY>And I've been here ever since, really.

00:07:12.128 --> 00:07:22.948  
<v NICHOLAS ELY>And I kind of find myself blessed to have a positive outlook on everything, even though I have a lot of reasons to be negative and to be down and out.

00:07:22.948 --> 00:07:24.928  
<v NICHOLAS ELY>I try to be as positive as possible.

00:07:24.928 --> 00:07:31.948  
<v NICHOLAS ELY>And I think that's because I have a loving family who's always been here with me throughout all the years, and I've always had some support.

00:07:31.948 --> 00:07:35.768  
<v NICHOLAS ELY>And I just have a good foundation, I guess I could say, that helps me be positive.

00:07:35.928 --> 00:07:42.268  
<v NICHOLAS ELY>My great-grandpa's motto was to never have a bad day, and he lived till he was 96 years old.

00:07:42.268 --> 00:07:46.088  
<v NICHOLAS ELY>I thought that was pretty wise, so I adopted it as my own.

00:07:46.088 --> 00:07:50.108  
<v NICHOLAS ELY>I try every day to never have a bad day, no matter where I'm at, no matter what's going on.

00:07:50.108 --> 00:07:51.928  
<v NICHOLAS ELY>I try to make the best out of it.

00:07:51.928 --> 00:07:53.208  
<v NICHOLAS ELY>Good things come with that, really.

00:07:53.208 --> 00:08:02.088  
<v NICHOLAS ELY>I can have my own happiness that I've found, and I'm very excited right now, actually, about this podcast that Jay has put together.

00:08:02.088 --> 00:08:05.908  
<v NICHOLAS ELY>I've been waiting for it, been building up, I'm super excited about it.

00:08:05.908 --> 00:08:07.528  
<v NICHOLAS ELY>She's gonna have a show for you guys.

00:08:07.528 --> 00:08:14.828  
<v NICHOLAS ELY>Let me ask you this, say, my love, would you have thought in a million years that you'd be dating a man sentenced to life without parole?

00:08:14.828 --> 00:08:16.548  
<v NICHOLAS ELY>Did you ever think that was a possibility?

00:08:16.548 --> 00:08:18.588  
<v JULIE MONTPETIT>No, definitely, definitely not.

00:08:18.588 --> 00:08:34.528  
<v JULIE MONTPETIT>And we can get into how we met and how that came to be, but this type of relationship is probably the most surprising turn of life events that I've experienced, I would say, I think.

00:08:34.528 --> 00:08:36.928  
<v JULIE MONTPETIT>It's been a whirlwind, for sure.

00:08:36.928 --> 00:08:48.128  
<v JULIE MONTPETIT>There's been a lot of ups and downs to it, but it really has been and is the best relationship I've ever been in, the greatest experience I've ever had in a relationship.

00:08:48.128 --> 00:08:55.128  
<v JULIE MONTPETIT>And yes, there are a lot of drawbacks, and yes, there are a lot of hard times, and I don't want to minimize those by any means.

00:08:55.428 --> 00:09:09.008  
<v JULIE MONTPETIT>But there has also been a lot of really great moments, and I think we've built a really deep and really strong connection over this time getting to know each other and becoming who we are.

00:09:09.688 --> 00:09:18.888  
<v JULIE MONTPETIT>I know I joke about it a lot, that if I could go back and not go on Read A Prisoner, that I would not.

00:09:18.888 --> 00:09:23.408  
<v JULIE MONTPETIT>But the fact is that I can't even imagine a life without you anymore.

00:09:23.408 --> 00:09:24.468  
<v JULIE MONTPETIT>Like, it's just not possible.

00:09:24.768 --> 00:09:25.428  
<v JULIE MONTPETIT>We are stuck.

00:09:25.428 --> 00:09:28.108

<v NICHOLAS ELY>Oh, so you've been joking all those times, huh?

00:09:28.108 --> 00:09:30.548

<v NICHOLAS ELY>You wouldn't go back and fast, would you?

00:09:30.548 --> 00:09:32.628

<v JULIE MONTPETIT>I need to keep you on your feet, you know?

00:09:33.368 --> 00:09:34.228

<v NICHOLAS ELY>It's working.

00:09:34.488 --> 00:09:35.848

<v JULIE MONTPETIT>It's working.

00:09:36.488 --> 00:09:43.148

<v NICHOLAS ELY>The goal of this whole thing is to kind of destigmatize what means you have like prison relationships.

00:09:43.148 --> 00:09:45.408

<v NICHOLAS ELY>We're trying to get rid of the negative stigma.

00:09:45.408 --> 00:09:47.408

<v JULIE MONTPETIT>And that's kind of where I come from.

00:09:47.828 --> 00:10:01.028

<v NICHOLAS ELY>Like before you came up with, decided to do this podcast on More Than an Inmate's Girlfriend, I've kind of had my thing, my organization of More Than an Inmate, which I'm trying to kind of change the way people view us from the inside.

00:10:01.028 --> 00:10:02.348

<v NICHOLAS ELY>I want to help others.

00:10:02.348 --> 00:10:12.528

<v NICHOLAS ELY>I try to spend my time in that fashion as well, helping others become better versions of ourselves through education and practicing our voice, like having a way to bring awareness to our situation.

00:10:12.528 --> 00:10:18.648

<v NICHOLAS ELY>But to do that, to destigmatize a relationship like this, I understand it's probably got to start on this side of the fence.

00:10:18.648 --> 00:10:20.768

<v NICHOLAS ELY>We've kind of got to become better over here.

00:10:20.768 --> 00:10:24.068

<v NICHOLAS ELY>And I'm working on that as we go.

00:10:24.068 --> 00:10:32.788

<v JULIE MONTPETIT>So it's like you're working on it, on making people more than an inmate or seen as more than an inmate, and not be those statistics.

00:10:32.788 --> 00:10:40.328

<v JULIE MONTPETIT>Whereas from my side, I get to show the world the men that are more than inmates and the women that choose to be with them.

00:10:40.328 --> 00:10:43.968

<v JULIE MONTPETIT>Now, don't get me wrong, there's going to be some bad stories mixed in.

00:10:44.488 --> 00:10:49.268

<v JULIE MONTPETIT>There, not everything's perfect, not everyone is perfect, and not every relationship is perfect.



00:10:49.268 --> 00:10:53.948  
<v JULIE MONTPETIT>But overall, I'm trying to convey and destigmatize it from my side.

00:10:53.948 --> 00:11:04.068  
<v JULIE MONTPETIT>And like you said, you destigmatizing inmates and incarcerated individuals, and you know that they're more than just that, they're more than just their crime.

00:11:04.068 --> 00:11:10.748  
<v JULIE MONTPETIT>And you are definitely have proven and shown me that you are more than your crime over and over and over again.

00:11:10.748 --> 00:11:16.408  
<v NICHOLAS ELY>And you have shown me that there are good women out there in the world because I forget some times.

00:11:16.408 --> 00:11:26.708  
<v NICHOLAS ELY>You have proven that women like you exist, and that makes me hopeful and excited because a lot of us don't really see good in here, and you bring a lot of light into my life every single day.

00:11:27.088 --> 00:11:28.428  
<v NICHOLAS ELY>Getting in the morning.

00:11:28.428 --> 00:11:30.548  
<v JULIE MONTPETIT>You bring a lot of light into my life.

00:11:31.228 --> 00:11:32.168  
<v JULIE MONTPETIT>I love you.

00:11:32.168 --> 00:11:37.928  
<v JULIE MONTPETIT>So, why don't you tell me what led up to you going on?

00:11:37.928 --> 00:11:40.648  
<v JULIE MONTPETIT>Like talk to me about right before we met.

00:11:41.308 --> 00:11:42.468  
<v JULIE MONTPETIT>Where were you at emotionally?

00:11:42.768 --> 00:11:45.468  
<v JULIE MONTPETIT>And psychologically, and what made you get on?

00:11:45.468 --> 00:11:52.188  
<v NICHOLAS ELY>Well, initially, a few years back, I remember actually having a moment where I was at a very low point in my life.

00:11:52.188 --> 00:11:54.688  
<v NICHOLAS ELY>I asked God for you, whether you believe it or not.

00:11:54.688 --> 00:12:01.468  
<v NICHOLAS ELY>I asked God for you to come in my life years ago, but I don't think the universe is ready for our paths across.

00:12:01.468 --> 00:12:02.568  
<v NICHOLAS ELY>Not yet.

00:12:02.568 --> 00:12:08.168  
<v NICHOLAS ELY>Until maybe about 11 months ago, which is when I decided to get on right a prisoner.

00:12:08.168 --> 00:12:10.488  
<v NICHOLAS ELY>It's been a journey, becoming the person that I became.

00:12:10.568 --> 00:12:12.988  
<v NICHOLAS ELY>Like I haven't always been the man that I am right now.

00:12:12.988 --> 00:12:19.988

<v NICHOLAS ELY>I don't know the exact thoughts that led me to get back on right a prisoner about a year ago, but I wasn't at the...

00:12:19.988 --> 00:12:26.728

<v NICHOLAS ELY>I just got out of the hole after 13 months for being called with a cell phone, and I was trying to recover from all that.

00:12:26.728 --> 00:12:30.008

<v NICHOLAS ELY>And that solid to being alone for so long kind of waved on.

00:12:30.008 --> 00:12:39.968

<v NICHOLAS ELY>Coming out of the hole for a few months into this maximum security unit, I was around some people, but I really wanted to reach out to the world, kind of build with the world again and see if that was possible.

00:12:40.188 --> 00:12:48.948

<v NICHOLAS ELY>And I didn't get on for any reason other than finding somebody who I could vibe with, like somebody I could trust and who could trust me.

00:12:48.948 --> 00:12:56.428

<v NICHOLAS ELY>I wanted to show people out there that there's good people in here that you can trust and build with and have a friendship with.

00:12:56.428 --> 00:13:00.868

<v NICHOLAS ELY>And I didn't really see anything more than the platonic friendship at the time.

00:13:00.868 --> 00:13:04.908

<v NICHOLAS ELY>But as you can see, that changed a little bit..

00:13:05.148 --> 00:13:07.428

<v NICHOLAS ELY>What led you to let it go with you?

00:13:07.428 --> 00:13:09.468

<v JULIE MONTPETIT>Yeah, what a good story that is.

00:13:09.468 --> 00:13:10.968

<v JULIE MONTPETIT>I was on...

00:13:10.968 --> 00:13:16.348

<v JULIE MONTPETIT>I had had a series of bad relationships, one after the other, a couple years ago.

00:13:16.348 --> 00:13:20.448

<v JULIE MONTPETIT>And I had decided, I was in my early thirties, and I was like, I'm done.

00:13:20.448 --> 00:13:25.808

<v JULIE MONTPETIT>Like, I do not need a man in my life that is going to take away from it.

00:13:25.808 --> 00:13:29.768

<v JULIE MONTPETIT>There's obviously a problem with me because I keep attracting all these terrible relationships.

00:13:29.768 --> 00:13:33.528

<v JULIE MONTPETIT>So it's really like I decided in that moment, I'm done dating.

00:13:34.028 --> 00:13:35.408

<v JULIE MONTPETIT>I need to be very single.

00:13:35.408 --> 00:13:47.468

<v JULIE MONTPETIT>I need to work on myself and love myself and heal

whatever I needed to heal to get to a place where I was happy and happy with myself and a whole person on my own.

00:13:47.468 --> 00:13:50.368

<v JULIE MONTPETIT>And I wasn't relying on anyone else to make me feel that.

00:13:50.368 --> 00:13:53.308

<v JULIE MONTPETIT>So I worked on that for a couple of years.

00:13:53.308 --> 00:14:02.208

<v JULIE MONTPETIT>A lot of therapy, a lot of experimenting, different things, trying different things, working on my health mentally, physically, emotionally.

00:14:03.148 --> 00:14:05.228

<v JULIE MONTPETIT>My friend circles, everything.

00:14:05.228 --> 00:14:10.528

<v JULIE MONTPETIT>I just really spent a lot of time healing and doing a lot of the work to really love myself.

00:14:10.528 --> 00:14:35.308

<v JULIE MONTPETIT>And a couple of weeks before we met, I remember so vividly driving, and I remember where it was turning, and I remember this thought in my head that, and I just spoke it out in the car by myself, and I just said, God, I am so grateful for the life that you've given me, and the journey that I have been on to get me here has been difficult, but I'm so grateful to be here right now.

00:14:35.308 --> 00:14:39.748

<v JULIE MONTPETIT>I'm so, feel so blessed to have the life that I have.

00:14:39.768 --> 00:14:50.748

<v JULIE MONTPETIT>And if this is all my life is destined to be, then I will be happy, and I'm okay, and I need you to know that I am very much okay with that.

00:14:50.748 --> 00:14:53.448

<v JULIE MONTPETIT>However, if, However.

00:14:53.448 --> 00:15:03.208

<v JULIE MONTPETIT>Yeah, if there is a man that you see for me, I am ready for him, but if there isn't, I'm also okay, and I can build a really beautiful life on my own.

00:15:03.208 --> 00:15:04.188

<v JULIE MONTPETIT>And that's kind of how it ended.

00:15:04.188 --> 00:15:07.368

<v JULIE MONTPETIT>And I was like, really just feeling very good.

00:15:07.368 --> 00:15:09.448

<v NICHOLAS ELY>And you were at peace at this time.

00:15:09.448 --> 00:15:09.928

<v JULIE MONTPETIT>Definitely.

00:15:09.928 --> 00:15:12.228

<v NICHOLAS ELY>You had a peaceful mind, very serenity.

00:15:12.228 --> 00:15:13.588

<v JULIE MONTPETIT>I was the happiest that ever been.

00:15:13.588 --> 00:15:15.148

<v JULIE MONTPETIT>My career was going well.

00:15:15.148 --> 00:15:16.788

<v JULIE MONTPETIT>Everything was just aligning.

00:15:16.788 --> 00:15:23.628

<v JULIE MONTPETIT>I'd worked really hard to get where I was, and I was just very happy in all regards of my life.

00:15:23.628 --> 00:15:28.368

<v JULIE MONTPETIT>And although I didn't have a man, I felt that I didn't need one.

00:15:28.748 --> 00:15:33.928

<v JULIE MONTPETIT>And I felt like a whole person that was able to contribute to a healthy relationship.

00:15:33.928 --> 00:15:34.668

<v JULIE MONTPETIT>That's important.

00:15:34.668 --> 00:15:35.548

<v JULIE MONTPETIT>Definitely.

00:15:35.548 --> 00:15:38.208

<v JULIE MONTPETIT>I definitely felt like that was the first time I ever felt like that.

00:15:38.208 --> 00:15:43.928

<v JULIE MONTPETIT>So anyway, then probably about a week later, I was at a girlfriend's house, and we were hanging out.

00:15:43.928 --> 00:15:47.848

<v JULIE MONTPETIT>And then one of the girls came over, another girlfriend, and we were a bunch of us.

00:15:47.848 --> 00:15:54.048

<v JULIE MONTPETIT>And she told us about this Instagram page called, I think it's Idaho Pen Pals or something.

00:15:54.048 --> 00:16:00.088

<v JULIE MONTPETIT>So she was like, let's put it on the TV, and let's look through these videos.

00:16:00.088 --> 00:16:09.668

<v JULIE MONTPETIT>And basically the Instagram page is like Pen Pal videos, like where the men come on and talk about themselves, and they give their Pen Pal numbers and whatnot.

00:16:09.668 --> 00:16:15.628

<v JULIE MONTPETIT>And we turned it into a bit of a game, trying to guess what their crimes were, and rating them on how hot they were.

00:16:15.628 --> 00:16:16.488

<v JULIE MONTPETIT>And it was great.

00:16:16.488 --> 00:16:17.728

<v NICHOLAS ELY>So inappropriate.

00:16:17.728 --> 00:16:18.548

<v JULIE MONTPETIT>So much fun.

00:16:18.748 --> 00:16:27.608

<v JULIE MONTPETIT>And like, I don't know if, yeah, like maybe I should be saying this publicly, but like it was a lot of fun.

00:16:27.608 --> 00:16:29.448

<v JULIE MONTPETIT>And the comment section was great.

00:16:29.448 --> 00:16:31.108

<v JULIE MONTPETIT>Like we just had a blast doing it.

00:16:31.108 --> 00:16:32.508

<v JULIE MONTPETIT>Then I never really thought about it again.

00:16:32.508 --> 00:16:34.048

<v JULIE MONTPETIT>Like it was like, oh, this was so fun.

00:16:34.048 --> 00:16:35.128

<v JULIE MONTPETIT>Like we had such a good time.

00:16:35.128 --> 00:16:35.768

<v JULIE MONTPETIT>And then that's it.

00:16:35.768 --> 00:16:36.608

<v JULIE MONTPETIT>And then-

00:16:36.608 --> 00:16:40.368

<v NICHOLAS ELY>Oh, so nobody was on there trying to be the Inmate at the time?

00:16:40.368 --> 00:16:41.188

<v NICHOLAS ELY>At all.

00:16:41.188 --> 00:16:41.768

<v NICHOLAS ELY>It wasn't like that.

00:16:41.768 --> 00:16:45.388

<v JULIE MONTPETIT>No, I am the only one out of the group of people that were there.

00:16:46.368 --> 00:16:54.768

<v JULIE MONTPETIT>Anyway, so then the week later, I was at my house and it was a Sunday and I was just doing my regular cleaning, organizing meal prep, whatever.

00:16:54.768 --> 00:17:13.428

<v JULIE MONTPETIT>And I had this thought cross my mind because I was on this whole big journey, thought that it would be a good idea maybe to reach out to an older gentleman that's in prison doing life, who might have had the time to explore things about life, like deeper meaning of life than I could have the time to do.

00:17:13.428 --> 00:17:14.248

<v JULIE MONTPETIT>So that'd be really cool.

00:17:14.348 --> 00:17:26.908

<v JULIE MONTPETIT>Like I could meet this older gentleman, we could become friends, and I could ask him all these deep questions that I had about life and its meaning and the universe and philosophy and whatnot.

00:17:26.908 --> 00:17:28.528

<v NICHOLAS ELY>The philosophical questions?

00:17:28.528 --> 00:17:32.428

<v JULIE MONTPETIT>Deep, big deep questions, yeah, about the world.

00:17:32.428 --> 00:17:33.688

<v NICHOLAS ELY>You love so much.

00:17:33.688 --> 00:17:35.308

<v JULIE MONTPETIT>Like you love so much.

00:17:35.308 --> 00:17:38.028

<v JULIE MONTPETIT>Anyways.

00:17:38.028 --> 00:17:50.728

<v JULIE MONTPETIT>And then I couldn't, so I had filtered it to Oregon and Washington, which is closer to where I am, and I filtered it for ages like 50 to 70, doing life sentences, and I just started kind of scrolling while I was watching TV.

00:17:50.728 --> 00:17:57.388

<v JULIE MONTPETIT>I did not find anyone that seemed interesting or seemed like they that's what they were looking for.

00:17:57.388 --> 00:18:05.388

<v JULIE MONTPETIT>So I was kind of ready to like give up, like that wasn't a good idea after all, which hindsight, you told me it's really was not a good idea.

00:18:05.388 --> 00:18:10.748

<v JULIE MONTPETIT>But at the time I thought it was genius, thought it was genius.

00:18:10.948 --> 00:18:13.488

<v JULIE MONTPETIT>But anyway, then I sort of clicked something.

00:18:13.488 --> 00:18:17.708

<v JULIE MONTPETIT>And when I clicked, I saw Nick's page, which by the way, is still up.

00:18:17.708 --> 00:18:20.368

<v JULIE MONTPETIT>But his page, I think it's still up.

00:18:20.368 --> 00:18:22.128

<v JULIE MONTPETIT>I didn't look, but I'm pretty sure it's still up.

00:18:22.128 --> 00:18:24.808

<v JULIE MONTPETIT>I saw his page and it intrigued me for some reason.

00:18:24.808 --> 00:18:28.128

<v JULIE MONTPETIT>And I didn't even particularly like the picture that was up there.

00:18:28.128 --> 00:18:32.808

<v JULIE MONTPETIT>But not that I was looking for a relationship.

00:18:34.448 --> 00:18:41.408

<v JULIE MONTPETIT>But yeah, I read it and I remember the quotes, like if I told you I was different, would you know the difference?

00:18:41.408 --> 00:18:43.568

<v JULIE MONTPETIT>And talk about he's not a narcissist.

00:18:43.568 --> 00:18:45.588

<v JULIE MONTPETIT>And then I was like, huh.

00:18:45.588 --> 00:18:49.428

<v JULIE MONTPETIT>And I just felt like this weird like pull that I've never really felt before.

00:18:49.428 --> 00:18:52.948

<v JULIE MONTPETIT>I just felt this overwhelming feeling like I needed to message this person.

00:18:52.948 --> 00:18:54.488

<v JULIE MONTPETIT>So I did.

00:18:54.488 --> 00:18:55.748

<v JULIE MONTPETIT>And I didn't know what I was doing.

00:18:55.748 --> 00:18:56.928

<v JULIE MONTPETIT>I've never heard a GTL.

00:18:56.928 --> 00:18:57.748  
<v JULIE MONTPETIT>I don't know anything.

00:18:57.748 --> 00:19:00.248  
<v JULIE MONTPETIT>I've never messaged an inmate before.

00:19:00.248 --> 00:19:01.668  
<v JULIE MONTPETIT>I've never done any of that.

00:19:01.668 --> 00:19:02.908  
<v JULIE MONTPETIT>I didn't know how it worked.

00:19:02.908 --> 00:19:06.548  
<v JULIE MONTPETIT>I had no one to ask because no one I know has ever done that.

00:19:06.548 --> 00:19:08.128  
<v JULIE MONTPETIT>So I was kind of just trying to figure it out.

00:19:08.268 --> 00:19:09.328  
<v JULIE MONTPETIT>And then I did.

00:19:09.328 --> 00:19:10.148  
<v JULIE MONTPETIT>I downloaded it.

00:19:10.148 --> 00:19:14.928  
<v JULIE MONTPETIT>I added money and I sent a message to him.

00:19:16.728 --> 00:19:19.448  
<v JULIE MONTPETIT>Why are you laughing, Nicholas?

00:19:19.468 --> 00:19:20.548  
<v NICHOLAS ELY>Oh, no.

00:19:20.788 --> 00:19:22.788  
<v NICHOLAS ELY>I wonder what happened when you sent that message.

00:19:22.788 --> 00:19:23.208  
<v JULIE MONTPETIT>Oh, yeah.

00:19:23.208 --> 00:19:24.648  
<v JULIE MONTPETIT>How you ghosted me.

00:19:24.648 --> 00:19:25.848  
<v NICHOLAS ELY>No, you can't ghost.

00:19:25.888 --> 00:19:26.828  
<v NICHOLAS ELY>I didn't ghost.

00:19:27.288 --> 00:19:28.528  
<v JULIE MONTPETIT>You did ghost.

00:19:28.628 --> 00:19:31.568  
<v JULIE MONTPETIT>Oh, you read the message.

00:19:31.568 --> 00:19:36.348  
<v NICHOLAS ELY>So I didn't I didn't respond right away.

00:19:36.348 --> 00:19:43.608  
<v NICHOLAS ELY>The reasoning for why I didn't respond right away is probably a topic for a different podcast.

00:19:43.668 --> 00:19:50.908

<v NICHOLAS ELY>But I responded about 24 hours later and it was probably the best decision of my life when I did decide to.

00:19:50.908 --> 00:19:52.468

<v NICHOLAS ELY>It wasn't anything she said.

00:19:52.468 --> 00:19:54.908

<v NICHOLAS ELY>She sent a beautiful message, a beautiful introduction.

00:19:55.188 --> 00:20:00.168

<v NICHOLAS ELY>She told me about how she has the cutest dog in the whole entire planet.

00:20:00.168 --> 00:20:00.468

<v JULIE MONTPETIT>I do.

00:20:00.468 --> 00:20:01.988

<v NICHOLAS ELY>Which is debatable, everybody.

00:20:01.988 --> 00:20:02.368

<v JULIE MONTPETIT>No.

00:20:02.368 --> 00:20:03.468

<v NICHOLAS ELY>She has an adorable dog.

00:20:03.528 --> 00:20:04.328

<v JULIE MONTPETIT>Adorable.

00:20:04.328 --> 00:20:05.108

<v NICHOLAS ELY>It's adorable.

00:20:05.108 --> 00:20:06.408

<v NICHOLAS ELY>Pretty debatable.

00:20:07.448 --> 00:20:14.448

<v NICHOLAS ELY>But yeah, the day that she reached out to me and I read that message, I probably read it a hundred times before I responded.

00:20:14.448 --> 00:20:16.848

<v NICHOLAS ELY>Something inside me told me, I just knew, I just knew.

00:20:16.848 --> 00:20:25.008

<v NICHOLAS ELY>As soon as I responded, we were just on a roll and spending hours and hours a day messaging each other for months at a time.

00:20:25.008 --> 00:20:26.088

<v JULIE MONTPETIT>We sure did.

00:20:26.108 --> 00:20:28.668

<v NICHOLAS ELY>And those were some of my favorite moments.

00:20:28.668 --> 00:20:29.128

<v JULIE MONTPETIT>And here we are.

00:20:29.128 --> 00:20:29.848

<v NICHOLAS ELY>Of my favorite memories.

00:20:30.228 --> 00:20:32.028

<v NICHOLAS ELY>Spending hours a day right here.

00:20:32.028 --> 00:20:33.868

<v JULIE MONTPETIT>And here we are, all these months later.

00:20:33.868 --> 00:20:36.588

<v NICHOLAS ELY>And just so everyone knows, she did find herself an old man.



00:20:36.588 --> 00:20:38.488  
<v NICHOLAS ELY>I'm actually like 76.

00:20:38.508 --> 00:20:41.808  
<v JULIE MONTPETIT>That's the craziest part.

00:20:41.808 --> 00:20:43.088  
<v JULIE MONTPETIT>That is the craziest part.

00:20:43.088 --> 00:20:47.268  
<v JULIE MONTPETIT>I was literally looking for you and it was just in the wrong body.

00:20:47.268 --> 00:20:48.868  
<v JULIE MONTPETIT>You were exactly who I was looking for.

00:20:48.868 --> 00:20:50.148  
<v NICHOLAS ELY>She found herself an old soul.

00:20:51.288 --> 00:20:53.428  
<v JULIE MONTPETIT>Who has answered a lot of my questions.

00:20:53.428 --> 00:20:56.948  
<v JULIE MONTPETIT>But I think we should leave it at that for today.

00:20:56.948 --> 00:20:58.288  
<v JULIE MONTPETIT>What do you think?

00:20:58.288 --> 00:20:59.668  
<v NICHOLAS ELY>You're leaving me already?

00:20:59.668 --> 00:21:02.048  
<v JULIE MONTPETIT>No, never leaving you.

00:21:02.048 --> 00:21:03.328  
<v JULIE MONTPETIT>But I do want to stop it.

00:21:03.328 --> 00:21:07.028  
<v JULIE MONTPETIT>We can continue this discussion on the next episode.

00:21:07.028 --> 00:21:22.228  
<v JULIE MONTPETIT>I'm not sure if we're going to talk about either our relationship and our boundaries that we established to make it what it is, because we did have some interesting ways of getting to know each other without jumping.

00:21:22.228 --> 00:21:28.628  
<v JULIE MONTPETIT>We didn't really jump into a relationship, although we claim our date is when we first met.

00:21:28.628 --> 00:21:31.188  
<v JULIE MONTPETIT>We weren't actually in a relationship for many months.

00:21:31.188 --> 00:21:32.888  
<v JULIE MONTPETIT>We were building foundations, right?

00:21:32.888 --> 00:21:34.888  
<v NICHOLAS ELY>We were a lot of time building a foundation.

00:21:34.888 --> 00:21:36.728  
<v NICHOLAS ELY>We were jumping into things, being rushed.

00:21:36.728 --> 00:21:40.128  
<v JULIE MONTPETIT>Yeah, so we weren't in a relationship for quite a while,

actually.

00:21:40.128 --> 00:21:48.308

<w JULIE MONTPETIT>And then I also want to get into really quickly in the next few episodes about you and how you've grown over the years, because we are met while incarcerated.

00:21:48.368 --> 00:21:49.328

<v NICHOLAS ELY>Oh, we.

00:21:49.328 --> 00:21:55.008

<v JULIE MONTPETIT>And I don't think we would have fit if we had met before incarceration.

00:21:55.008 --> 00:21:56.448

<v JULIE MONTPETIT>What do you think?

00:21:56.448 --> 00:22:00.328

<v NICHOLAS ELY>We would not have fit if we would have met two years ago.

00:22:00.328 --> 00:22:01.368

<v NICHOLAS ELY>We probably wouldn't have fit.

00:22:01.368 --> 00:22:01.888

<v JULIE MONTPETIT>Probably not.

00:22:01.888 --> 00:22:06.608

<v NICHOLAS ELY>I have actually grown and matured and changed a lot over the last decade.

00:22:06.608 --> 00:22:06.948

<v JULIE MONTPETIT>Yeah.

00:22:06.948 --> 00:22:12.028

<v NICHOLAS ELY>Had our paths crossed at any other time in our lives, I probably would not have been ready for you.

00:22:12.168 --> 00:22:22.008

<v NICHOLAS ELY>So I'm so glad that the universe made me wait all these years and go through all the things that I had to go through to mold and shape me into becoming the person that was ready for you.

00:22:22.008 --> 00:22:23.108

<v JULIE MONTPETIT>Yeah.

00:22:23.108 --> 00:22:23.928

<v JULIE MONTPETIT>Me too.

00:22:23.928 --> 00:22:24.508

<v JULIE MONTPETIT>All right.

00:22:24.508 --> 00:22:28.348

<v JULIE MONTPETIT>Well, thank you for your time today talking to me.

00:22:28.348 --> 00:22:29.408

<v NICHOLAS ELY>Thank you, everybody.

00:22:29.408 --> 00:22:31.888

<v JULIE MONTPETIT>And thank you, everyone, for tuning in.

00:22:31.888 --> 00:22:34.248

<v JULIE MONTPETIT>And I hope that you're back.

00:22:34.248 --> 00:22:38.408

<v JULIE MONTPETIT>I hope you learned a little bit about us and what we're trying to do here.

00:22:38.408 --> 00:22:40.708

<v JULIE MONTPETIT>And I hope that you can support us.

00:22:40.928 --> 00:22:43.548

<v NICHOLAS ELY>I can't wait to hear your guys' stories.

00:22:43.608 --> 00:22:53.508

<v NICHOLAS ELY>I am looking forward to hearing about your guys' relationships, the relationships you have, and to hear, just to know you guys are more than an inmate's girlfriend.

00:22:53.508 --> 00:22:54.908

<v NICHOLAS ELY>That is, you're more to that.

00:22:54.908 --> 00:23:01.988

<v NICHOLAS ELY>Even if no one else in your life understands or relates to you, we get it, and I can't wait to hear your guys' stories.

00:23:01.988 --> 00:23:07.768

<v JULIE MONTPETIT>We definitely have some interesting guests that are lined up, and I'm very, very excited about that.

00:23:07.768 --> 00:23:19.308

<v JULIE MONTPETIT>I'm very excited that there's a lot of women, especially when they know that it's anonymous, that they can feel comfortable coming in and talking about what they want to talk about, and not worrying about anybody else knowing their business.

00:23:19.308 --> 00:23:30.888

<v JULIE MONTPETIT>So, TikTok at More Than an Inmate's GF, and Nicholas's is at FreeNicholasEly, E-L-Y, and that's it for now.

00:23:30.888 --> 00:23:34.248

<v JULIE MONTPETIT>We will be releasing episodes probably every two weeks.

00:23:34.248 --> 00:23:36.748

<v NICHOLAS ELY>More Than an Inmate's GF with no apostrophe.

00:23:37.408 --> 00:23:38.648

<v JULIE MONTPETIT>No apostrophe.

00:23:38.648 --> 00:23:39.468

<v JULIE MONTPETIT>And that's it.

00:23:39.468 --> 00:23:42.868

<v JULIE MONTPETIT>I hope everyone has a good day, and thanks again for listening.

00:23:42.868 --> 00:23:44.148

<v JULIE MONTPETIT>Bye.

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

Nicholas J. Ely,  
Plaintiff,

v.

Rob Jeffreys, et al.,  
Defendants

Civil Action No. \_\_\_\_\_

DECLARATION OF  
NICHOLAS J. ELY

Nicholas J. Ely hereby declares:

That on Tuesday, November 19, 2024, at approx. 10:00 hours, I was taken to an office, upon my own request, to speak with Intelligence Captain Franklin Howard concerning the administration's decision to remove Julie Montpetit (my wife) from my phone list and block her from my email list (as well as blocking my mother, Greta Ericson, and friend, Elizabeth Hetrick).

Unit Manager Taylor Kester was present and a witness to the entire conversation between Cpt. Howard and myself.

I asked Cpt. Howard, "why was Julie Montpetit removed from my phone and email list?"

Cpt. Howard replied, "Because she's helping you run a business by publishing your book and running a podcast."

I responded that I had no knowledge of any rule or policy that prohibits an inmate from having a book published, and said, "I was interviewed for her podcast but she's not running a business for me."

Cpt. Howard then explained to me the Sons of Sam law, to which I replied "I have never spoken to anyone about the crime I've been convicted of, nor would I ever exploit it for profit or publicity. My book and my interview is not a Sons of Sam violation."

Cpt. Howard went on to explain how the administration had been having problems with Nikko Jenkins (a convicted serial killer) giving interviews for podcasts, speaking about his crimes to the public, then stated, "If we're not going to allow him to do it then we're going to keep the policy the same for everyone all around the board."

I said, "I'm not Nikko Jenkins and I haven't been speaking to anyone about crime or criminal activity."

Cpt. Howard then states that I cannot publish a book or profit from any enterprise without permission from the warden, to which I replied that I was unaware that I could not have my writings published without permission. I further explained to him that I was never informed of this policy from the responses of any grievances I've filed (concerning my book being censored), nor from any previous discussions I'd had about my book with case managers, unit staff, or Associate Warden Sloup.

I then explained to Cpt. Howard how I had spoken to Associate Warden Sloup a few weeks prior, who had congratulated me on publishing my book and approving of how I'd chosen to utilize my time in a constructive manner.

I explained how nobody ever said to me that I had violated any rules by having my writings published without having received implicit permission from the warden.

Cpt. Howard then explained how the administration can't technically stop me from publishing my writings, but advised me about how a little transparency between myself and the administration would help everybody.

Cpt. Howard explained further how transparency would be nice due to my "history," which has caused a knee-jerk reaction from the administration.

I acknowledged his concerns and explained how I'd be more than happy to be transparent with the administration about my writings and my projects if that's what they'd like but, before this discussion, I'd been unaware of any problem or concern.

I argued to Cpt. Howard how their knee-jerk reaction was an over-reaction, like if a police officer were to take someone to jail as the consequence of a speeding ticket."

Cpt. Howard stated, "I've read your book already... what is your goal from all of this? What are you hoping to achieve?"

I explained to Cpt. Howard the premise of my book and how the philosophy that I believe in is "Reform Starts With Us." I explained how I wanted to share the ~~more~~ importance of integrity and education with the inmate population. I explained how I'd like to build a bridge between the administration and the inmates, getting rid of the "us versus them" mentality; how I want to stop the violence amongst each other and staff, and how I want us (inmates) to rehabilitate ourselves via reading and receiving an education; how I want to promote positivity and give back to society.

Cpt. Howard said he believes nothing is wrong with my book besides the title (The Prisoner Manifesto) claiming it to be "too extreme" for

his liking. He stated that I shouldn't use inmates' nicknames within the acknowledgement section. He said if I remove the acknowledgement section and change the title, there's no reason for denying my book from Nebraska facilities.

Cpt. Howard stated that the material within my book poses no threat to the safety, security, or good order of the institution, but requested transparency going forward.

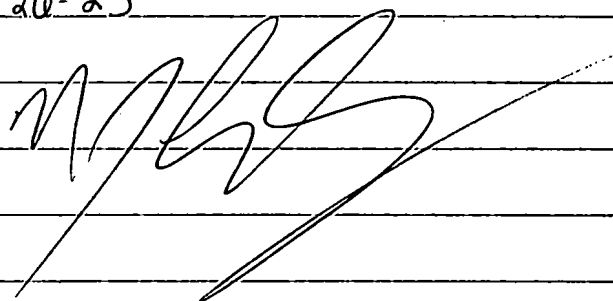
I then asked about whether Julie Montpetit will be added back to my phone/email list now that we've had a constructive conversation. Cpt. Howard said, "You need to ask the warden because the decision is ultimately his, but there is no reason for why you shouldn't be allowed to communicate with her - long as you're transparent."

Cpt. Howard assured me that the removal of Greta Ericson (mother) and Elizabeth Hetrick (friend) from my email account was a mistake, that it was never suppose to happen and would be fixed immediately. He assured me these measures were not retaliatory and that the administration just needed to "put a halt" to my communication with people as they figured things out.

I thanked Cpt. Howard for his time and understanding.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Lincoln, NE on 3-26-25

Nicholas J. Ely



IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

Nicholas J. Ely,  
Plaintiff,

v.

Rob Jeffreys, et al.,  
Defendants

Civil Action No. \_\_\_\_\_

DECLARATION OF  
NICHOLAS J. ELY

Nicholas J. Ely hereby declares:

That on November 20, 2024, while in my cell I was approached by Deputy Warden Shawn Freese to have a conversation about the phone/email restrictions that the administration had placed on Julie Montpetit.

D.W. Freese told me that they would not lift the restrictions because they were actually considering sending me to solitary confinement over the podcast interview. He told me that "solitary confinement is still on the table if you keep it up."

I responded, "I'm not worried about solitary confinement if you're not letting me talk to my fiance anyways, but what policy did we even violate for you to be threatening me with the hole?"

D.W. Freese replied, "The common sense policy."

I told D.W. Freese, "You can't just throw me in the hole for something that's not even in your policy."

D.W. Freese said, "The podcast crossed the line and you need to knock it off. It's anti-establishment, anti-government, anti-authority,



and it won't be tolerated."

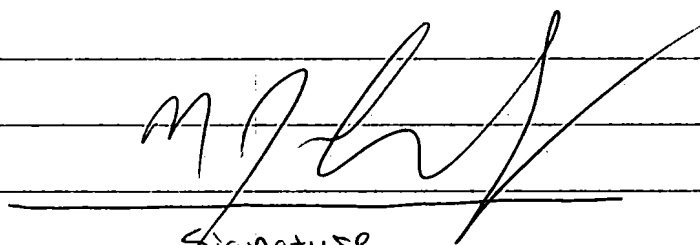
I then asked, "Have you taken the time to listen to it? The podcast is about none of those things; it's about love."

D.W. Freese then threatened me with continuous misconduct reports until I remove the podcast from the internet and warned that I'd be receiving a letter from the N.D.C.S. Legal Team.

Deputy Warden Shawn Freese then left from in front of my cell door.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Lincoln, Nebraska on April 1, 2025.



Signature

Nicholas J. Ely

Print Name

EXHIBIT

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

## INMATE INTERVIEW REQUEST

TO: Chief DATE: 11-15-17FROM: 11111 NAME / NUMBER FACILITY LOCATION

WORK LOCATION: \_\_\_\_\_ UNIT STAFF: \_\_\_\_\_

MESSAGE: I am requesting an interview with the Inmate Managerat the Lincoln Correctional Center, Lincoln, Nebraska.The purpose of the interview is to discuss the Inmate Manager'srole and responsibilities, and to discuss the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager's

ORIGINAL - DCS Employee

YELLOW - Inmate

Both copies need to be submitted for response.

REPLY: \_\_\_\_\_

I am requesting an interview with the Inmate Managerat the Lincoln Correctional Center, Lincoln, Nebraska.The purpose of the interview is to discuss the Inmate Manager'srole and responsibilities, and to discuss the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager'sdepartment and the Inmate Manager'sviews on the current state of the Inmate Manager's

## NEBRASKA

Good Life. Great Mission.

DEPT OF CORRECTIONAL SERVICES

DATE: December 6<sup>th</sup>, 2024

TO: Taggart Boyd, Warden RTV/Visiting Room Staff

FROM: Brittany Sherlock, UCM F-Unit RTC

RE: Ely, Nicholas #77049

Ely, Nicholas #77049 has requested to be married on December 25th, 2024, at 10:00 am. This marriage is requested to take place in the Reception and Treatment Center visiting room. This marriage form is being submitted by Unit Case Manager Brittany Sherlock with the following attendants and onetime special visit pending approval of any future visiting forms. Reverend Kirk McManus of the Unitarian Church of Lincoln is set to officiate the wedding. I, UCM Brittany Sherlock, verified by calling Reverend Kirk McManus whose phone is 402-671-9631. Unitarian Church of Lincoln is located at 6300 A Street Lincoln, NE 68510.

1. Julie Montpetit (on approved visiting list)
2. Officiant Reverend Kirk McManus (not on approved visiting list – special visit submitted for ceremony only)
3. Witness James Henderson #86403 (incarcerated individual)
4. Witness Joseph Fleming #78887 (incarcerated individual)

Ely, Nicholas #77049 and Juliet Montpetit have both been found to be in violation of NDCS rules and regulations by working together to create a business while Ely #77049 is incarcerated with the writing of his STG related book, running a podcast, and making 3 way calls; all of which are evidenced in the attached MR and grievance. Ely continues to encourage other individuals on the unit to participate in his podcasts and shows no regard for the rules of this institution.

Attached are the following documents:

Copy of marriage license application, marriage intention form, Special visit request, reverends information, inmate demographics for Ely #77049, Henderson #86403 & Flemming #78887, MR #G7JR, Grievance #2024-9773

Warden Taggart Boyd \_\_\_\_\_ Approved Denied

Department of Correctional Services

RECEPTION AND TREATMENT CENTER

## INMATE INTERVIEW REQUEST

TO: \_\_\_\_\_ DATE: 12/5/11

FROM: 33 NAME / NUMBER 52 FACILITY 7 LOCATION 7

WORK LOCATION: \_\_\_\_\_ UNIT STAFF: \_\_\_\_\_

MESSAGE: \_\_\_\_\_

Dear "Dad,"

I am writing you from my room at the University of California, Berkeley. I am doing well here, but I miss home very much. I hope you are all well.

I have been thinking about you a lot lately. I wish I could see you all again. Please write back soon.

Your loving son,  
John Doe

Signature

ORIGINAL – DCS Employee

YELLOW - Inmate

Both copies need to be submitted for response.

REPLY: \_\_\_\_\_

1940

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\_\_\_\_\_

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11/10/2017

DCS-A-anim-013 (rev 1/2017)

Date \_\_\_\_\_

Signature \_\_\_\_\_

EXHIBIT

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

## INMATE INTERVIEW REQUEST

TO: Warden DATE: 12-16-20  
FROM: M. J. [unclear] Reid Fl. West 16  
NAME / NUMBER FACILITY LOCATION

WORK LOCATION: \_\_\_\_\_ UNIT STAFF: \_\_\_\_\_

MESSAGE: I am writing to request an interview withmyself. I am currently in custody at the [unclear] facility.I am currently in custody at the [unclear] facility.I am currently in custody at the [unclear] facility.I am currently in custody at the [unclear] facility.I am currently in custody at the [unclear] facility.I am currently in custody at the [unclear] facility.I am currently in custody at the [unclear] facility.  
Signature

ORIGINAL - DCS Employee

YELLOW - Inmate

Both copies need to be submitted for response.

REPLY: \_\_\_\_\_

Your reply will be sent to the [unclear] facility.I will be in custody at the [unclear] facility.I will be in custody at the [unclear] facility.I will be in custody at the [unclear] facility.  
Date Signature

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

## SPECIAL/EXTENDED/EMERGENCY VISIT REQUEST

(CIRCLE ONE)

## SECTION 1: (TO BE COMPLETED BY INMATE)

INMATE NAME Ely, Nicholas DATE OF REQUEST \_\_\_\_\_NUMBER 77049 HOUSING LOCATION F9 L18DATE REQUESTED FOR VISIT: 10/25/24

NAME OF PERSON(S) WHO WANT TO VISIT:

1) William Ely RELATIONSHIP: Father

2) \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

3) \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

4) \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

MINOR(S) NAMES/AGES: \_\_\_\_\_

CITY Lincoln STATE NEREASON VISIT IS NEEDED: Inmate visit

## SECTION 2: (OFFICE USE)

ON INMATE'S VISITING LIST: YES X NO \_\_\_\_\_ON ANOTHER INMATE'S VISITING LIST: YES \_\_\_\_\_ NO X

DATE OF LAST SPECIAL/EXTENDED/EMERGENCY VISIT: \_\_\_\_\_

APPROVED / DENIED

# OF SESSIONS

APPROVED / DENIED

CASE MANAGER/UNIT CASE MGT.

CASE MGT. SUPERVISOR/UNIT ADM.

IF DENIED, REASON \_\_\_\_\_

MUST SHOW OUT OF STATE IDENTIFICATION: YES \_\_\_\_\_ NO \_\_\_\_\_

MUST SHOW PROOF OF MARRIAGE (MARRIAGE CERTIFICATE): YES \_\_\_\_\_ NO \_\_\_\_\_

DID VISIT OCCUR?: YES \_\_\_\_\_ NO \_\_\_\_\_ DATE \_\_\_\_\_

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

Nicholas J. Ely,  
Plaintiff,

Civil Action No. \_\_\_\_\_

v.

Rob Jeffreys, et al.,  
Defendants

DECLARATION OF  
NICHOLAS J. ELY

Nicholas J. Ely hereby declares:

That 12-25-24 was the date assigned to my housing unit to receive a "contact visit" that we can earn each month as an incentive to reward us for our good behavior.

I earned this incentive, and followed the proper procedure to have my visit approved, but my visit was denied to me by unit staff without giving me any explanation.

Upon speaking with Case Manager Brittany Sherlock, she told me that "it ultimately wasn't my decision to approve or deny the visit but I did recommend that it be denied due to everything that's going on."

I asked C.M. Sherlock to please reply to my I.I.R. (write) and explain the reason as to why my visit was denied, but she refused and said she "doesn't want to be trapped on paper".

I asked C.M. Sherlock, "What does everything that's going on have to do with my father's visit being denied?"

Appearing surprised, C.M. ~~Kest~~ Sherlock stated, "I'll ask Kester

to review the request to have your father approved."

I then wrote an I.R. (Kite) to Unit Manager Taylor Kester, asking her why my visit with Julie Montpetit and William Ely was denied.

U.M. Kester replied via Kite: "Looks like you filled out a new form. Your father is approved." She still hadn't explained why she wouldn't let Julie Montpetit visit me.

I had a discussion with Unit Manager Taylor Kester "face-to-face" on 12-26-24 and I asked her, "Why was I denied a visit with Julie Montpetit?"

U.M. Kester stated, "Because there's currently a piece of paper on the warden's desk requesting his approval to remove Julie Montpetit from your visiting list."

I asked, "Had the warden approved this removal?"

U.M. Kester said, "No. Not yet."

I then asked, "Why was Julie not allowed to visit if the warden had not removed her from my visiting list?"

U.M. Kester said, "Probably because of her podcast."

I asked, "What does a podcast have to do with unit staff making the decision to deny my Christmas Day visit?"

U.M. Kester said, "I don't know."

I asked, "Who made the request to remove Julie from my visiting list?"

U.M. Kester said, "I don't know. Maybe the Unit Administrators or Intel, but it wasn't unit staff."

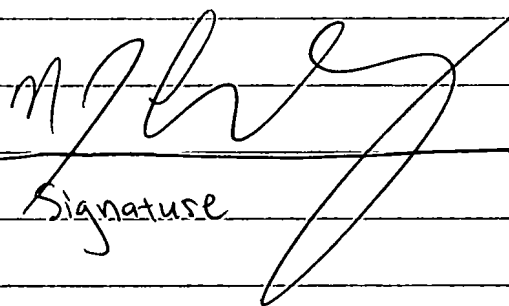


I asked, "Who gave them the authority to deny my approved visitor from coming to see me?"

U.M. Kester said, "Julie runs a podcast and needs to stop!"  
Then walked away from me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Lincoln, Nebraska on March 27, 2025.



Signature

Nicholas J. Ely

Print Name

**SPECIAL/EXTENDED/EMERGENCY VISIT REQUEST**

(CIRCLE ONE)

## SECTION 1: (TO BE COMPLETED BY INMATE)

INMATE NAME Nicholas Ely DATE OF REQUEST 12-4-24NUMBER 077049 HOUSING LOCATION R-6 F. L. 18DATE REQUESTED FOR VISIT: 12-25-24

## NAME OF PERSON(S) WHO WANT TO VISIT:

- 1) John Morgan ✓ RELATIONSHIP: father
- 2) Rev. K. W. McManis ✓ RELATIONSHIP: clergy (approved by facility)
- 3) Nicholas Ely ✓ RELATIONSHIP: son
- 4) \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

MINOR(S) NAMES/AGES: 0CITY Lincoln STATE NebraskaREASON VISIT IS NEEDED: Inmate's son - visiting father

## SECTION 2: (OFFICE USE)

ON INMATE'S VISITING LIST: YES ☒ NO ☒ON ANOTHER INMATE'S VISITING LIST: YES \_\_\_\_\_ NO ☒

DATE OF LAST SPECIAL/EXTENDED/EMERGENCY VISIT: \_\_\_\_\_

APPROVED / DENIED

# OF SESSIONS \_\_\_\_\_

APPROVED / DENIEDCm. Sherlock  
CASE MANAGER/UNIT CASE MGT.W. H. Hester  
CASE MGT. SUPERVISOR/UNIT ADM.

IF DENIED, REASON \_\_\_\_\_

MUST SHOW OUT OF STATE IDENTIFICATION: YES \_\_\_\_\_ NO \_\_\_\_\_

MUST SHOW PROOF OF MARRIAGE (MARRIAGE CERTIFICATE): YES \_\_\_\_\_ NO \_\_\_\_\_

DID VISIT OCCUR?: YES \_\_\_\_\_ NO \_\_\_\_\_ DATE \_\_\_\_\_

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

Nicholas J. Ely,	)	
Plaintiff,	)	Civil Action No. _____
v.	)	
Rob Jeffreys, et al.,	)	DECLARATION OF
Defendants	)	NICHOLAS J. ELY
	)	

Nicholas J. Ely hereby declares:

On January 6, 2025, upon turning in my marriage application to Unit Manager Taylor Kester, she asked me, "Why are you turning in another marriage application?"

I responded, "So that I can get married this month because the ceremony should be approved this month."

Unit Manager Taylor Kester stated, "Julie Montpetit's visiting status had been reviewed and it's been determined that we will allow her to continue visiting, but the administration is not allowing you two to get married."

I asked, "Why?"

She said, "You know why."

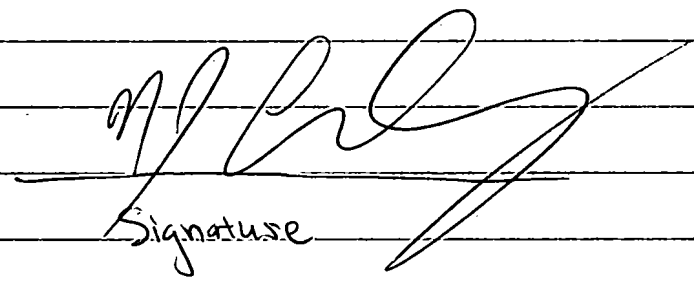
I said, "No, I do not know why, as Strigger (the associate warden) has told us that the only reason our wedding was denied on Christmas was due to staffing issues."

Kester replied, "If that's what Strigger said then I'm just gonna shut my mouth."

I said, "You guys all need to get your stories straight because what you're all doing to me right now makes no sense."  
- End of conversation

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Lincoln, Nebraska on March 27, 2025.

  
Signature

Nicholas J. Ely  
Print Name

EXHIBIT

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

## INMATE INTERVIEW REQUEST

TO: 111 DATE: 1-1-20FROM: 111 NAME / NUMBER FACILITY LOCATION

WORK LOCATION: \_\_\_\_\_ UNIT STAFF: \_\_\_\_\_

MESSAGE: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ORIGINAL - DCS Employee

Signature \_\_\_\_\_

YELLOW - Inmate

Both copies need to be submitted for response.

REPLY: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# INMATE INTERVIEW REQUEST

WORK LOCATION: \_\_\_\_\_ UNIT STAFF: \_\_\_\_\_

MESSAGE: \_\_\_\_\_

- Dams  
 - Locks  
 - Dredging  
 - Artificially raised water levels  
 - Artificially lowered water levels  
 - Canals

Thank you.

ORIGINAL – DCS Employee

YELLOW – Inmate

Both copies need to be submitted for response.

Signature \_\_\_\_\_

REPLY: \_\_\_\_\_

We are not required to provide that information. You may file a petition.

Date:

Signature

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

Nicholas J. Ely, )  
Plaintiff, )

Civil Action No. \_\_\_\_\_

v. )

Rob Jeffreys, et al., )  
Defendants )

DECLARATION OF  
NICHOLAS J. ELY

Nicholas J. Ely hereby declares:

That on January 16, 2025, during a disciplinary hearing, I was informed by Case Manager Hess that all staff had received an email from Deputy Warden Freese that told them to "suspend all of Ely's video visits until further notice."

This same email (which was sent to staff on Jan. 10, 2025) informed staff that "they may have to accommodate Ely's marriage ceremony."

On January 10, 2025, my visits were suspended without any notice or reason as to why. Also on January 10, 2025, Intel Captain Howard discovered that "Ely engaged in a three-way call to be interviewed by a Radio Show out of Portland Oregon" and that "Ely does not have permission or authorization to speak with a public media outlet." Intel Captain Howard filed a misconduct report against me for having my brother call a public media outlet.

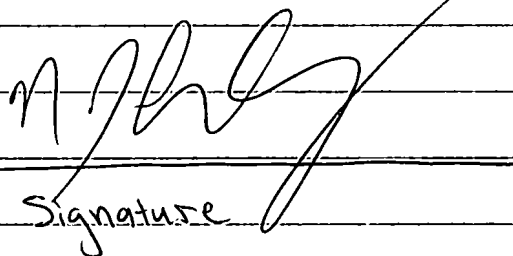
My visits with Julie Montpetit were indefinitely suspended the same day that Intel had discovered I'd given an interview to a

public media outlet.

A "full review" of my visiting privileges had just been conducted two days earlier and I'd been approved to continue visiting with Julie Montpetit, but my visiting privileges were again taken from me the day it was discovered I'd given an interview to the media.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Lincoln, NE on March 31, 2025.

  
Signature

Nicholas J. Ely  
Print Name



## INMATE INTERVIEW REQUEST

MESSAGE: P... ..

MESSAGE: There is a new way to  
have fun. Please Ask us how

\_\_\_\_\_

7th \_\_\_\_\_ A Fine American Art

the company was a small private bus

---

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Figure 1. The effect of the number of iterations on the accuracy of the proposed algorithm. The accuracy of the proposed algorithm increases with the number of iterations. The accuracy of the proposed algorithm is 100% when the number of iterations is 100.

Signature \_\_\_\_\_

Both copies need to be submitted for response.

REPLY: \_\_\_\_\_

Attorneys: [illegible]

My mother and I are attached to

1. The first part of the answer is to

1. What is the purpose of the experiment?

Verf.

## INMATE INTERVIEW REQUEST

TO: \_\_\_\_\_ DATE: \_\_\_\_\_

FROM: \_\_\_\_\_  
NAME / NUMBER                      FACILITY                      LOCATION

WORK LOCATION: \_\_\_\_\_ UNIT STAFF: \_\_\_\_\_

[illegible]

ORIGINAL – DCS Employee

YELLOW – Inmate

Both copies need to be submitted for response.

Signature \_\_\_\_\_

REPLY: The same reason because of  
violations of the inhibition, which you  
can have for any of the different numbers.  
The same reason for visiting you  
can visit. Visit. Visit.  
I don't think you can visit  
or visit at all (suspension)

1281.25

James Bond

