

DECLARATION OF **ATTORNEY**

I, ATTORNEY, declare:

- 1. I am Sentencing Resource Counsel to the Federal Public and Community Defenders. I am licensed to practice law in the State of California and I am admitted to practice in this Court. I am submitting this declaration in support of **CLIENT**'s Urgent Renewed Motion for Bail Pending Appeal.
- 2. Proclamation on Declaring a Nat'l Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13, 2020), https://tinyurl.com/yx3z9jjp.
- 3. World Health Organization, Coronavirus Disease 2019: Situation Report 57 (March 17, 2020), available at https://tinyurl.com/uvhrgqb.
- 4. CDC, Coronavirus Disease 2019 (COVID-19): Situation Summary, https://tinyurl.com/ua819zu (last updated March 15, 2020) (hereafter "CDC Situation Summary").
- 5. Roni Caryn Rabin, *Coronavirus Threatens Americans with Underlying Conditions*, N.Y. Times, https://tinyurl.com/swh8b7n (last updated March 14, 2020).
- 6. Dr. Tedros Adhanom Ghebreyesus, WHO Director-General's Opening Remarks at Media Briefing on COVID-19 (March 11, 2020) (transcript available at https://tinyurl.com/vyvm6ob) (describing COVID-19 as a "pandemic"); *see also* CDC Situation Summary, *supra* paragraph 4 (same).
- 7. WHO, *Q&A on Coronaviruses (COVID-19)*, https://tinyurl.com/u4pepnl (March 9, 2020) (hereafter "WHO Q&A").
- 8. James Gallagher, *Coronavirus: What It Does to the Body*, BBC News, March 14, 2020, https://tinyurl.com/w9mgtao.
- 9. CDC, *Coronavirus Disease 2019 (COVID-19): How It Spreads*, March 4, 2020, https://tinyurl.com/vv99uoo.
- 10. News Release: 16 New Cases of Confirmed Covid-19 in Los Angeles County, L.A. County Dep't of Public Health, March 15, 2020, available at

https://tinyurl.com/qvg3j3s; see also L.A. County Dep't of Public Health, Learn More About Novel Coronavirus, https://tinyurl.com/rl9lbnu (last updated March 16, 2020 at 12:00 p.m.).

- 11. News Release: 25 New Cases of Confirmed Covid-19 in Los Angeles County, L.A. County Dep't of Public Health, March 16, 2020, available at https://tinyurl.com/soycrbn; News Release: 50 New Cases of Confirmed Covid-19 in Los Angeles County, L.A. County Dep't of Public Health, March 17, 2020, available at https://tinyurl.com/spt4xqe.
- 12. CDC, Coronavirus Disease 2019 (COVID-19): Interim U.S. Guidance for Risk Assessment and Public Health Management of Persons with Potential Coronavirus Disease 2019 (COVID-19) Exposures -- Geographic Risk and Contacts of Laboratory Confirmed Cases, https://tinyurl.com/w7hw35e (last updated March 7, 2020).
- 13. Thomas Fuller, *California Calls for Residents 65 and Older to Stay at Home*, N.Y. Times, March 15, 2020, *available at* https://tinyurl.com/qk99vcj; Office of the California Governor Newsom, *California Orders Directive to Fight COVID-19*, March 16, 2020, https://tinyurl.com/tsguoq5.
- 14. Chris Megerian & Erin B. Logan, *Trump Urges People to Avoid Gatherings of 10 or More*, L.A. Times Coronavirus Live Updates (March 16, 2020, 12:42 PM), https://tinyurl.com/r6um2bs.
- 15. David Lim & Brianna Ehley, Exclusive: U.S. Coronavirus Testing
 Threatened by Shortage of Critical Lab Materials, Politico, March 10, 2020,
 https://tinyurl.com/wgf9ezm; Rachel Becker, California Adds Online Triage for
 Coronavirus to Help with Test Shortages, March 16, 2020, https://tinyurl.com/wbkzk4l.
- 16. Joseph A. Bick, *Infection Control in Jails and Prisons*, 45 Oxford Clinical Infectious Diseases 1047 (2007), *available at* https://tinyurl.com/wwy6gjk.
- 17. John E. Dannenberg, *Prisons as Incubators and Spreaders of Disease and Illness*, Prison Legal News, Aug. 15, 2007, *available at* https://tinyurl.com/ruv4x9p.

- 18. Achieving a Fair and Effective COVID-19 Response: An Open Letter to Vice-President Mike Pence, and Other Federal, State, and Local Leaders from Public Health and Legal Experts in the United States, Yale Law School at 4, *available at* https://bit.ly/2W9V6oS (last updated March 2, 2020).
- 19. Alex Wigglesworth, *California Airport Workers Hit by Coronavirus: Here is What We Know*, L.A. Times Coronavirus Live Updates (March 15, 2020, 6:33 PM), https://tinyurl.com/qtslmxw.
- 20. Robert Salonga, *Coronavirus: Inmates Quarantined at Santa Clara County Jail After Defense Attorney Tests Positive*, Mercury News, https://tinyurl.com/uaz3fku (last updated March 15, 2020).
- 21. Laura M. Maruschak et al., *Medical Problems of State and Federal Prisoners and Jail Inmates, 2011-12*, U.S. DOJ Bureau of Justice Statistics, Feb. 2015, *available at* https://tinyurl.com/ybx9juas.
- 22. Nicole Wetsman, *Prisons and Jails Are Vulnerable to COVID-19 Outbreaks*, The Verge, March 7, 2020, https://tinyurl.com/rhojxlz.
- 23. Rhea Mahbubani, *Chinese Jails Have Become Hotbeds of Coronavirus As More Than 500 Cases Have Erupted, Prompting the Ouster of Several Officials*, Business Insider, Feb. 21, 2020, https://tinyurl.com/wbgdk3v.
- 24. Jennifer Hansler and Kylie Atwood, *Pompeo Calls for Humanitarian Release of Wrongfully Detained Americans in Iran amid Coronavirus Outbreak*, CNN, March 10, 2020, https://tinyurl.com/w99twwf.
- 25. Claudia Lauer & Colleen Long, *US Prisons, Jails on Alert for Spread of* Coronavirus, AP News, March 7, 2020, https://tinyurl.com/row3olr.
- 26. In New York, Brooklyn District Attorney Eric Gonzalez, joined by public health experts, has asked Governor Cuomo to grant emergency clemencies to elderly and sick prisoners. *See* Sarah Lustbader, *Sentenced to COVID-19*, The Daily Appeal, March 12, 2020, https://tinyurl.com/qm36508. Cuyahoga County, Ohio, is holding mass pleas and bail hearings to reduce the current jail population. *See* Cory Shaffer,

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- Cuyahoga County Officials Will Hold Mass Plea, Bond Hearings to Reduce Jail Population over Coronavirus Concerns, Cleveland.com, March 12, 2020, https://tinyurl.com/w2dtgke. Mahoning County, Ohio, jail is refusing all non-violent misdemeanor arrestees. See Local County Jails Making Changes Due to Coronavirus Outbreak, WKBN, https://tinyurl.com/tam5yyq (last updated March 12, 2020); see also Charles Scudder, Facing Coronavirus Concerns, Collin County Sheriff Asks police Not to Bring Petty Criminals to Jail, Dallas Morning News, March 12, 2020, https://tinyurl.com/vbafrlb (Collin County, Texas, Sheriff requesting cite-and-release for nonviolent charges).
- 27. LA Jail Population Arrests Down Amid Coronavirus, LA Times, March 16, 2020, https://tinyurl.com/sr9juyc; Phil Helsel, Los Angeles Sheriff Releasing Inmates, Urging Fewer Arrests to Help Combat Coronavirus, NBC News, March 16, 2020, https://tinyurl.com/to4bfkn.
- 28. Jose Velesaca, et al. v. Thomas R. Decker, et al., 20-CV-1803-AKH, ECF No. 42 (S.D.N.Y. March 16, 2020) (declaration of Dr. Jaime Meyer in support of motion for preliminary injunction against ICE's "no-release" policy in light of COVID-19), attached here as Exhibit A.
- 29. Alene Tchekmedyian, Paige St. John, Matt Hamilton, *L.A. County Releasing Some Inmates from Jail to Combat Coronavirus*, L.A. Times, March 16, 2020, https://tinyurl.com/sr9juyc.
- 30. Kimberly Kindy, Mark Berman, and Julie Tate, *Jail and prisons suspend visitation to keep coronavirus from spreading*, L.A. Times, March 16, 2020, https://tinyurl.com/v53zzyz.
- 31. Danielle Ivory, 'We Are Not a Hospital: A Prison Braces for the Coronavirus, N.Y. Times, March 17, 2020, https://tinyurl.com/se7emva.
- 32. Cassidy McDonald, Federal prison workers say conflicting orders on coronavirus response is putting lives at risk, CBS News, March 19, 2020, https://tinyurl.com/rfouqjh.

- 33. Times Editorial Board, *Coronavirus makes jails and prisons potential death traps. That puts us all in danger*, Los Angeles Times, March 18, 2020, https://tinyurl.com/t9199ju.
- 34. Attached to this declaration as Exhibit B are certificates and other materials related to Ms. **CLIENT**'s conduct during incarceration.
- 35. On March 19, 2020, Assistant United States Attorney **AUSA** advised that the government opposes this request.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 19, 2020, at Los Angeles, California.

/s/ Davina T. Chen
Davina T. Chen