

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SULLIVAN

THE PEOPLE OF THE STATE OF NEW YORK Ex
Rel. Philip Desgranges, Esq., on behalf of JOHN
PACE, EARL COLEMAN, TONI DILAURO,
JOSHUA WHIDBEE, AND ALL OTHERS
SIMILARLY SITUATED,

Petitioners,

v.

MICHAEL SCHIFF, Sullivan County Sheriff; and
ANTHONY ANNUCCI, Acting Commissioner, New
York State Department of Corrections and Community
Supervision,

Respondents.

**AFFIDAVIT OF EARL
COLEMAN IN SUPPORT OF
VERIFIED CLASS HABEAS
PETITION**

STATE OF NEW YORK)
COUNTY OF SULLIVAN) ss:

I, EARL COLEMAN, being duly sworn, depose and say:

1. I'm a 61-year-old man from Liberty, NY. I live there with my sister. I am incarcerated at Sullivan County Jail. I tested negative for COVID-19. I was tested on May 14, and they gave me the result on May 16.
2. I am willing to serve as a class representative in this case and have no foreseeable conflicts of interest with other class members.

Why I'm In Jail

3. I'm in jail for alleged parole violations. I was accused of being out past curfew, a technical parole violation, and I was charged with Criminal Possession of a Controlled Substance, a drug charge.
4. I'm waiting for my parole hearing, which was postponed. My criminal case is pre-trial.

5. In the past, I have been convicted of drug crimes, and not violent crimes.

COVID at Sullivan County and the Jail's Response

6. I am on C Block. We are all on lock down now.

7. At first, the trustee who was feeding us got sick. Based on what I heard, two officers who would often be in the kitchen had it, and he got it from them. After the trustee got sick, they replaced him with another trustee from the same block, G block.

8. A day or so after the first trustee got sick, two men were in a fight in the mess hall. The officers moved one of the guys in the fight to C block, where I am. The guy who came to C block didn't know he had it yet, but he ended up testing positive later.

9. On my block, the tier is long and narrow. There are tables up to the cell bars. At each table there are two seats. It is not possible to socially distance on the block. Even now in lock down, the other men have to walk past my cell to shower, use the phone, or get their food.

10. Before the lock down, three people tested positive in my living area. One had been coughing non-stop. One had trouble breathing. They had been playing cards with the guys. I was in the same galley with them. The only time I wasn't on the galley was when I went outside for rec.

11. Then, those men were moved out. After they left, the staff gave us the test results. The rest of us tested negative.

12. Someone stays in the cell next to me. There are four people in my area. The cells have bars in the front, so the air travels from cell to cell.

13. The COs who work on my block switch out. Our dorm has a sign on the door that says "clean" and other dorms where people tested positive have signs that say "dirty." But I

am certain the COs work on other blocks, and I'm pretty sure that includes blocks where people are infected.

14. The only changes that happened were that the staff started wearing masks, they locked us down, and the nurses started taking our temperatures. The nurses come around at 9:30 or 10 am. They give out medication. They give out Tylenol. They take our temperatures. Then they go to the next floor and through the whole jail.
15. At first no one was wearing a mask or anything. Then they started giving us masks, when the bar association donated the masks, probably a month ago. The first masks were flimsy and paper thin. They were the throw-away masks, blue on one side and white on the other. When we tested negative, they gave us better masks. They gave us two small cloth masks, then they gave us a KN-95 mask. We are not required to wear the masks on our unit.
16. The CO said everyone's locked down because DOC said that we have to be locked down.
17. The staff didn't explain what COVID-19 was. We just watched the news to learn. On CNN we saw that the cases were going up and people were dying. The staff didn't explain what they were going to do differently either. They don't explain things to us.
18. After we got our results and a bunch of people tested positive, the COs came in with face shields, masks, and gowns. Since then, they've stopped with the gowns.
19. A few days ago, one CO said she got tested. This was the first time I heard about a CO getting the nose test, instead of just getting their temperature checked.
20. No one has taken any special precautions to protect me from serious illness or death from COVID-19 given my medical vulnerability due to my age.

The Jail Conditions

21. We clean the shower and phone ourselves. There is no assigned job for cleaning. They are keeping the porters locked in. When one of us decides to clean it, we do it. The last time the shower was cleaned was when I did it, two or three weeks ago. We have to ask the CO for cleaning supplies. They give us watered down bleach and soap and a rag.
22. There's a slat in the ceiling where it's peeling and leaking. There's a bag over the TV held up with combs to keep the water from falling in front of the TV. It's been here since I have been here.

I certify under penalty of perjury that the foregoing has been read to me in its entirety and is true and correct.

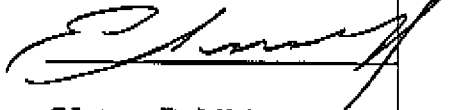
Dated: May 28, 2020

Monticello, N.Y.

Earl Coleman
EARL COLEMAN

Sworn to before me this

28 day of MAY, 2020



(Notary Public)
ELWIN M. WOOD
Notary Public, State of New York
Sullivan County Clerk's # 2623
Commission Expires July 21, 2023