

Exhibit 1

SUPPLEMENTAL DECLARATION OF ANTHONY SWAIN

I, Anthony Swain, certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. §1746.

1. My name is Anthony Swain.
2. I am currently incarcerated at Jackson Memorial Hospital in South Wing 829, Bed 1. I have been at Jackson Memorial Hospital since Sunday, May 10, 2020. Before that I was in cell 1D2 at Metro West.
3. For the past few weeks, I have been asking the nurses in my cell to test me for coronavirus. I believed and was afraid that I had been exposed to the virus while at Metro West. I have asked to be tested five times. Each of my requests was denied.
4. I began experiencing shortness of breath prior to being taken to the hospital. I told guards, nurses, and my doctor that I was having trouble breathing, but nothing was done for me. I asked to be taken to the hospital multiple times because of my shortness of breath but was denied. I asked a few times in the past week, but was ignored.
5. On Sunday, May 10, I woke up around 9 am in unbearable pain and was unable to breathe. I told one of the nurses in my cell about my symptoms. She checked my vitals and said, "ain't nothing wrong with you." Nothing else was done to help me at that time.
6. Later, when I went to the shower, I was unable to breathe again. When I got out of the shower, I again told nurses and officers in my cell that there was something wrong with my body and I couldn't breathe. Finally, the guards called a medical emergency and I was transported to Metro West's North Clinic, where I was held until I was sent to Jackson Memorial Hospital.
7. When I arrived at Jackson, I was given a nasal swab to test me for coronavirus.
8. The next morning, on Monday, May 11, a doctor came into my room and informed me that I had tested positive for coronavirus. When I was told I had the virus, I felt like I had been stung with a sharp needle. I am scared for my life due to all of my pre-existing medical conditions.
9. After I found out, I asked my doctor at Jackson Memorial Hospital to please allow me to remain at the hospital until I am negative for coronavirus, instead of being taken back to Metro West. My doctor told me that he can't make the decision about whether or not I stay at the hospital, because that is the decision of MDCR.

10. I was told yesterday that I would be released back to Metro West soon.
11. I am terrified of going back to Metro West. At Metro West, I have been told that everyone who tests positive for coronavirus is put into a “medical isolation cell” with dozens of other people who have tested positive. There are no guards, nurses, or doctors in those medical isolation cells. If I was unable to breathe again in one of those cells, I’m scared I might end up like Charles Hobbs who died about a week ago in a medical isolation cell.
12. I am usually incarcerated in an ADL cell for medically vulnerable people at Metro West. ADL cells hold people who have disabilities who need daily assistance. I am scared of being put into a cell with other people with coronavirus, presumably in a non-ADL cell. If I were to be put in a medical isolation cell like that, I would be repeatedly exposed to other people who have coronavirus, so it is unclear to me how I would be able to recover from this deadly disease.
13. I also have safety concerns, because I am wheel-chair bound, yet I have heard that the medical isolation cells do not have any jail staff in them. On a daily basis, the nurses are supposed to help me get in and out of bed, help me get dressed, put pads on my body so that I don’t get wounds, and provide me with medication. What will I do if there is no staff to help me?
14. I have requested my release in the state criminal court, but am still awaiting a decision. My attorney filed a release motion in front of Judge Miranda on my behalf on April 15, 2020, and then filed supplemental documents to support that release motion. Judge Miranda still has not ruled on that release motion.

This declaration was orally sworn to by Anthony Swain on May 13, 2020 because, due to COVID19, Jackson Memorial Hospital will not allow in-person visitation to hospital patients who are in the custody of Miami Dade Department of Corrections and Rehabilitation.

Under penalties of perjury, I declare that I have read the foregoing in its entirety to Anthony Swain on May 13, 2020.



By:
Maya Ragsdale

Date: May 13, 2020