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Via Electronic Mail

April 6, 2020

Governor Andrew M. Cuomo
The State Capitol
State Street and Washington Avenue
Albany, New York 12224

Acting Commissioner Anthony J. Annucci
NYS Department of Corrections and Community Supervision
1220 Washington Avenue, Building 2
Albany, New York 12226-2050

Re: **Demand for the Immediate Release of Incarcerated People Susceptible to Death or Serious Complications from COVID-19**

Governor Cuomo and Acting Commissioner Annucci:

We write in follow-up to our March 30, 2020 letter to Adam Silverman and Cal Whiting to demand that New York State immediately release these **105** individuals from incarceration due to their unique vulnerability to complications from COVID-19. Many have release dates that are only weeks away. Given the exponential spread of the virus, this could mean the difference between life and death. In light of the undisputed evidence that the structure of the State prison system makes it virtually impossible to effectively implement the social distancing guidelines recommended by the Centers for Disease Control and Prevention, all of these people will better protect themselves and the community from COVID-19 by self-isolating at home.

In the addendum attached to this letter, we identify these 105 individuals, many of whom are clients of The Legal Aid Society's Criminal Appeals Bureau or Prisoners' Rights Project. Each of these individuals must be released from state custody immediately because they satisfy all or some of the following criteria:

- 1. Suffering from serious medical conditions;**
- 2. Age 50 and above; and/or**
- 3. Have an upcoming release date.¹**

¹ In the addendum, we provide an alphabetized list of these individuals and identify the criterion, or combination of criteria, each individual satisfies. We are of course willing to provide this data in a different format if that would prove useful. We note, however, that DOCCS is the best source for the most comprehensive data regarding these criteria for the people in its custody.

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To illustrate the urgency of our demand, below are stories describing the plights of the **39** most acutely vulnerable individuals in this list of 105. We demand their release forthwith. Finally, we demand that New York State continue what we hope is an ongoing review of thousands of other incarcerated people for immediate release.

The State's failure to act swiftly in the face of this crisis stands in stark contrast to the steps other states have taken. For example, California Governor Gavin Newsom has released over 3,500 incarcerated individuals to help contain the pandemic. Even Attorney General William Barr has ordered the expedited release of people incarcerated at three federal facilities impacted by the virus.

Governor Cuomo should follow suit and act soon—the crisis is worsening every day. There are over 43,000 people in State custody, yet as of March 30, 2020, according to our reports, only 57 had been tested for COVID-19. Our clients tell us that many large facilities, including Sing Sing Correctional Facility and Attica Correctional Facility, have run out of certain hygiene and cleaning supplies. At these same facilities, incarcerated people continue to congregate by the hundreds in recreation yards and mess halls. We hear reports of vigorous games of basketball and groups gathered in law libraries. These reports are shocking to us and to the many New Yorkers concerned about the continued spread of the pathogen. These facts belie the claims of Governor Cuomo and DOCCS administrators that they are serious about "slowing the spread" and "flattening the curve."

DOCCS' inability to provide for social distancing and other important measures, and the increasing infection rate in facilities from Alden to Stormville, further emphasize the need for decisive action. To stop the spread, DOCCS must release people without further delay. As we have all learned from March 2020, with each passing day, the risk climbs dangerously.

We strongly urge DOCCS, at the direction of Governor Cuomo in the exercise of his emergency executive powers, to release incarcerated people who are at (1) particularly high risk for contracting COVID-19, and/or (2) are near their release date. To mitigate the rampant spread of COVID-19 in the upstate prisons, and to ensure that the constitutional rights of these vulnerable individuals are protected, the State must act now by releasing all incarcerated people who fall into the categories we have identified, including but not limited to, the clients identified in the attached list. We urge you to take action before it is too late.

It bears noting that we were able to identify these people because they are clients of The Legal Aid Society—surely they are only the tip the iceberg. There are many incarcerated people similarly situated, who are at grave risk of death or serious complications from COVID-19 if they are not released immediately. Accordingly, to ensure a holistic response to this public health crisis, it is crucial that DOCCS conduct its own review of people in state custody based on the criteria of vulnerability and near-term release.

I. We have identified the following forty individuals as acutely vulnerable to infection. The State should immediately release these people:

1. [REDACTED] ([REDACTED])

[REDACTED] is at risk of serious complications or death from COVID-19: she is 61 years old, is immune-compromised with a diagnosis of HIV, and suffers from severe asthma, for which she requires multiple inhalers and which will worsen as the warm weather approaches. She is a transgender woman housed at Taconic Correctional Facility who requires twice-weekly hormone injections, which also impose a burden on medical staff and place her at greater risk of exposure during her repeated trips to the medical clinic. She is not able to physically distance from others in her housing area where she is confined with a number of other women: there is a common dayroom area and showers are used by all. Inmate workers who are supposed to clean the unit, including the common areas, have not received training, nor is there supervision of their work, resulting in unsanitary conditions. She requires additional treatment at an outside hospital for her ankle, which she broke in December; however, incarcerated people are transported together in vehicles and are required to wait together in holding areas for these outside appointments. Searches by staff are conducted that require close contact with officers. Tensions on her housing unit are rising, increasing her stress and anxiety. While she has spent much of her adult life in custody, her crimes involve shoplifting, but because she has entered stores to which she was not supposed to return, she has been convicted of felonies, including on her instant case burglary in the third degree. She has never been accused of—let alone convicted of—an act of violence, has an impeccable disciplinary record while in custody, and has been allowed—because of her gender identity and because she poses no risk to others—to be confined in a women’s prison. She is eligible for her merit board release as of July 2020 and for parole in less than a year, in March, 2021. Given her history and the substantial risks she faces with continued confinement, Ms. [REDACTED] should be released from custody now.

2. [REDACTED] [REDACTED] [REDACTED] ([REDACTED])

[REDACTED] is a transgender woman who was transferred to DOCCS custody on March 30, 2020 from a women’s jail at Rikers Island, where she had lived safely for over a year and a half. She is now confined with men at Sing Sing Correctional Facility because of a parole detainer for absconding from a work release facility. Her release date from DOCCS is in less than a year, on February 19, 2021. Her underlying convictions are grand larceny in the fourth degree and forgery, both non-violent crimes.

Ms. [REDACTED] was held in Rikers on a new charge, grand larceny in the fourth degree, again a non-violent crime (identity theft). She had completed virtually her minimum term of incarceration of two to four years on that case in the women’s jail before she was transferred to DOCCS. This transfer occurred only after a New York County Supreme Court judge—who was well aware that Ms. [REDACTED] owed this time to parole—issued an order on March, 26, 2020 releasing her from custody, with a direction that she return on May 19, 2020. The court released Ms. [REDACTED] in response to a letter from Correctional Health Services recommending her release from custody because of her multiple

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vulnerabilities to COVID-19. The letter from Dr. Ruth Hai, Assistant Director, Health and Hospitals Corporation, Correctional Health Services dated March 25, 2020 states “I have personally examined Ms. [REDACTED] and she may be at risk of serious illness from COVID-19...LGBTQ+ prisoners are at increased risk of injury during periods of heightened tension, both from other prisoners and from DOC personnel. Because Ms. [REDACTED] is on injectable hormone therapy, she is in more frequent contact with medical staff and thus the likelihood of being exposed to COVID-19 is higher than for other inmates. While CHS is employing all available strategies to contain risks of exposure, jails and prisons are particularly high risk settings for viral spread.” (Emphasis added.)

Given that another court found that Ms. [REDACTED]—who has no history of violence—should be released from custody because of her medical vulnerabilities during this public health crisis, DOCCS should release her.

3. [REDACTED] ([REDACTED])

[REDACTED], on the honor block at Bedford Hills Correctional Facility, was granted parole on March 9, 2020 and has an open date of July 10, 2020. Ms. [REDACTED] earned a Limited Credit Time Allowance (LCTA) parole hearing in September, 2019. While she was denied parole at this hearing, an administrative appeal was timely filed and is pending. Ms. [REDACTED] also submitted a clemency application, partly based on her deteriorating health condition, in December of 2018.

Using the guidelines issued by both the Center for Disease Control and the World Health Organization, she is at substantial risk of serious complications from COVID-19 because of her age and the multiple health conditions she suffers from. Ms. [REDACTED] will turn 57 in May. Per the CDC and WHO, certain co-morbidities such as autoimmune diseases, heart conditions, and respiratory diseases increase the risk of serious complications from COVID-19. Ms. [REDACTED] suffers from all three. She has been diagnosed with Lupus (an autoimmune disease), heart disease (for which she takes nitroglycerin and for which stents have been recommended), and severe asthma (for which she relies on an albuterol pump).

Due to her current living arrangements at Bedford Hills, Ms. [REDACTED] is unable to socially isolate, particularly during her program assignment in the Department of Motor Vehicles, where she works with several other people and where the lunch area is small, resulting in her inability to maintain the recommended six feet of distance from others. Additionally, she is housed with many other women. They share a day room, toilets, sinks and shower areas, and cleaning supplies are not readily available.

Ms. [REDACTED] has a strong reentry plan that includes living with her sister in Niskayuna, New York. She has the support of her mother, who is ardently advocating for her daughter’s immediate release, as she is concerned about Ms. [REDACTED] health. Ms. [REDACTED] also has offers of employment that she will be able to begin as soon as the COVID-19 crisis ends.

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Given the substantial risks Ms. [REDACTED] faces should she contract COVID-19, combined with her grant of parole, it is inhumane to keep her incarcerated until July, during the height of this crisis. We are therefore asking for Ms. [REDACTED] immediate release.

4. [REDACTED] ([REDACTED])

[REDACTED] is a 34 year-old man who is currently incarcerated at Sing Sing Correctional Facility and living with HIV. Mr. [REDACTED] takes medication for HIV but reports that he often misses doses for 1-2 days at a time due to the unreliability of sick call. During his most recent check-up, he was informed that his T-cell count dropped from 990 to 600 in three months, an indication that his immune system is becoming weaker. Despite his susceptibility to contracting COVID-19, Mr. [REDACTED] says that he has not received any advice on how to protect himself from the virus. He reports that there are no instructional videos, posters, or memos available to people in his housing unit who want to know more about the steps they can take to protect themselves and stop the spread of COVID-19. Mr. [REDACTED] states that people in his housing unit are only allowed to clean their cells once a week, and around 64 people have to share two mops, one toilet brush, watered-down germicides, and several "cleaning rags," which Mr. [REDACTED] states are simply torn up sheets, towels, and shirts. Given current conditions at Sing Sing specifically and Westchester County generally, we are deeply concerned that Mr. [REDACTED] is at heightened risk of contracting the COVID-19 if he remains in DOCCS custody.

Mr. [REDACTED] has served 8 years of a 6-10 year sentence for vehicular homicide. During the past 8 years he has completed several programs including the Osborne Program, Rehabilitation Through the Arts, Anger Management and Aggression Replacement Training, and Alcohol and Substance Abuse Treatment. Due to his positive behavior, he has been granted permission to participate in the Family Reunification Program.

Mr. [REDACTED] has a conditional release date of July 13, 2020. Please release him from custody immediately.

5. [REDACTED] ([REDACTED])

[REDACTED], who turns 51 on April 6, is incarcerated at Ogdensburg Correctional Facility. In light of his outstanding programmatic and disciplinary record he was approved for merit release in January, with an expected release date of May 26, 2020. In addition to his age, Mr. [REDACTED] is particularly medically vulnerable because of the immunosuppressant medication, Mercaptopurine, that he takes to control his Crohn's disease. Mr. [REDACTED] suffers daily pain because of his Crohn's disease and reports that he has been hospitalized more than ten times in the two years since he was received by DOCCS. He underwent surgery some years ago to remove a portion of his colon, and is anemic as a result. Mr. [REDACTED] has also smoked cigarettes since age 14, which also increases his vulnerability for two reasons: first, because COVID-19 attacks the lungs, and also because smoking may act as an immunosuppressant, as noted by the CDC. (See Centers for Disease Control and Prevention, "People who are at higher risk for severe illness," at

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<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>.) Mr. [REDACTED] sleeps in a dorm with 43 other men. While some social distancing measures have been implemented at Ogdensburg, such as limiting the number of people who report to the mess hall at once and requiring them to sit at some distance from each other, recreation is being run as usual, meaning that the entire prison population of 300 individuals is allowed to access the yard or gym at once.

Due to Mr. [REDACTED] age, medical vulnerability, and imminent release date, please release him from custody immediately.

6. [REDACTED] ([REDACTED])

[REDACTED] is fifty-two years old and serving an indeterminate prison term of three to six years at Elmira Correctional Facility for the theft of a package containing vitamins from the lobby of a condominium building. He suffers from chronic illnesses for which he receives treatment, including hypertension and kidney illness.

Mr. [REDACTED] was eligible for parole on January 24, 2020, has an open date for parole, and will reach his conditional release date on January 24, 2021. Due to his imminent release, age, and serious medical conditions, please release him from custody immediately.

7. [REDACTED] ([REDACTED])

[REDACTED] is a 33 year-old man currently incarcerated at Wallkill Correctional Facility. Mr. [REDACTED] pleaded guilty to Attempted Murder in the Second Degree on January 13, 2009. While in custody, Mr. [REDACTED] has been regularly employed while earning a GED certificate and participating in a correspondence course. He has been an avid participant in the Puppies Behind Bars program, which admits only a small number of carefully screened and highly motivated men to train therapy dogs for use by disabled veterans. And he has also successfully completed Aggression Replacement Training.

Mr. [REDACTED] is scheduled for release in seven days, on April 13, as he has earned the six-month Limited Credit Time Allowance due to his behavior during his incarceration. It makes little sense for the Department to risk Mr. [REDACTED] health by holding him another week. Please release Mr. [REDACTED] immediately.

8. [REDACTED] ([REDACTED])

[REDACTED] is a 60 year-old man who is currently incarcerated at Groveland Correctional Facility. His conditional release date is January 13, 2021. Mr. [REDACTED] served his country honorably in the Army, where he was awarded at least six different medals and awards. He has a long and distinguished employment history. He has only one prior criminal conviction, for misdemeanor drunk driving. He was convicted of weapon possession for possessing guns that were lawful for him to possess in Texas but illegal in New York, although he did not know this. Mr. [REDACTED] will appear

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before the parole board in November for potential release in January of 2021. His maximum expiration date is in August of 2021.

Due to Mr. [REDACTED] age, service to his country, and near-term release date, please release Mr. [REDACTED] from custody immediately.

9. [REDACTED] ([REDACTED])

[REDACTED] is currently at Green Haven Correctional Facility serving a sentence for robbery. Mr. [REDACTED] suffers from asthma, which renders him susceptible to COVID-19 transmission and potentially serious consequences if he contracts the virus. Mr. [REDACTED] also has other serious medical conditions, has suffered from seizures previously, and has a history of head trauma. As with many of our clients, Mr. [REDACTED] release is imminent. His maximum expiration date is less than two months away, on June 3, 2020. It makes little sense for the Department to hold Mr. [REDACTED] for an additional two months. Please release Mr. [REDACTED] from custody immediately.

10. [REDACTED] ([REDACTED])

[REDACTED] is 59 years old and suffers from Chronic Obstructive Pulmonary Disease ("COPD"), advanced Type-2 diabetes, and high blood pressure, among other conditions. DOCCS has designated him a Medical Level #1. He is incarcerated at Sing Sing and takes 11 medications daily. He has served 14 years of a 17.5-years-to-life sentence for burglary in the second degree and criminal possession of stolen property in the fourth degree. Mr. [REDACTED] has no history of violence, and his record in prison demonstrates that he poses no threat to public safety. We have confirmed Mr. [REDACTED] will live with his son, [REDACTED], and [REDACTED] family in the Bronx upon his release. Mr. [REDACTED] has three of the medical conditions identified by medical professionals as rendering an individual "at risk" for heightened complications, including death, from COVID-19. Due to his advanced age and serious medical conditions, he should be released immediately.

11. [REDACTED] ([REDACTED])

[REDACTED] is 61 years old and currently incarcerated at Five Points Correctional Facility. He has Chronic Obstructive Pulmonary Disease ("COPD"), asthma, angina, peripheral neuropathy, and Gastroesophageal Reflux Disease ("GERD"). His asthma and COPD cause concerning shortness of breath, requiring daily use of two separate inhalers. He also regularly experiences serious chest pain. Since he has been incarcerated, he has been to the hospital multiple times, but has found accessing health care at DOCCS to be a struggle. When he was in the community, he had a team of cardiologists and was almost given a pacemaker, but he does not see a cardiologist at all in state custody.

During his incarceration, Mr. [REDACTED] has accomplished a spotless disciplinary history, receiving not a single infraction, and has completed all required programming. He has a large, supportive family, and plans to return to the home that he co-owns with his siblings when he is released.

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Mr. [REDACTED] age, lung disease, and heart disease mean that he has a high risk of experiencing serious complications, including death, as a result of COVID-19. However, in his facility, there is no hand sanitizer, and no more soap than usual. No one wears masks. He is still required to eat meals in the mess hall with just under 50 people gathered together. These conditions present a great risk that Mr. [REDACTED] will contract COVID-19 and experience serious complications. Please release Mr. [REDACTED] immediately.

12. [REDACTED] ([REDACTED])

[REDACTED] is a 64 year-old man currently incarcerated at Coxsackie Correctional Facility. Mr. [REDACTED] has had HIV/AIDS since at least 1989 and has also been diagnosed with hypertension. He is currently on HAART ("Highly Active Antiretroviral Therapy"), with a daily tablet of TRIUMEQ. He also takes Lisinopril daily for his hypertension. Although the antiretroviral therapy had been keeping his viral load undetectable, his last blood test, from earlier this year when he was incarcerated at Upstate Correctional Facility, indicated a detectable viral load. His CD4 count at that time was below 200 cells per cubic millimeter of blood. A normal CD4 count is from 500 to 1,400 cells per cubic millimeter of blood. At levels below 200 cells per cubic millimeter, patients become susceptible to a wide variety of opportunistic infections, many of which can be fatal.

This latest development indicates that Mr. [REDACTED] HIV infection may be progressing to full-blown AIDS. The risk of opportunistic infection that accompanies AIDS puts him in the highest risk category for complications and death from COVID-19. Despite this, DOCCS has failed to closely monitor Mr. [REDACTED] HIV infection. After being transferred to Coxsackie, Mr. [REDACTED] saw a doctor last month who recommended a new blood test to check his CD4 count. But that doctor did not order the test at that time, stating that he did not have any of the records from Upstate that he needed to order the test. He indicated it could be April or May before he would be able to order the test. At this time, Mr. [REDACTED] is still awaiting a blood test to check his CD4 count and viral load.

Additionally, although Mr. [REDACTED] is a particularly vulnerable older man, DOCCS has taken very few protective measures to keep him safe. He reports that no social distancing or new cleaning measures are in place in the mess hall or in the yard, aside from the recent introduction of Styrofoam cups. Although only 10 incarcerated people are allowed in the law library at one time, once inside the library, no social distancing measures are in place. Additionally, he has not been provided with any cleaning supplies to disinfect his cell.

Mr. [REDACTED] was convicted in 2017 of Robbery in the First Degree and Criminal Possession of a Weapon in the Second Degree. Although these are serious offenses, Mr. [REDACTED] is not a risk to public safety given his advanced age and serious medical conditions. We respectfully ask for Mr. [REDACTED] immediate release.

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13. [REDACTED] ([REDACTED])

[REDACTED] is a 55-year-old man serving a 2.5 to 5 year sentence at Wallkill Correctional Facility for third-degree burglary. His criminal history consists primarily of low level non-violent property crimes that are linked to his life-long struggle with drug addiction. Mr. [REDACTED] has already gone before the parole board and has been granted an open parole release date of July 12, 2020. He has a very supportive family. Given his age and his impending release, immediate release—to avoid the risk of COVID-19—is imperative.

14. [REDACTED] ([REDACTED])

[REDACTED] is a 55-year-old permanently disabled and partially deaf man who suffers from high blood pressure and nerve damage. Mr. [REDACTED] is at the Woodbourne Correctional Facility and lives in an open dormitory with 60 other men. He cannot practice social distancing in any manner in the dormitory, and has limited access to cleaning supplies and to medical staff. He has applied for clemency on three separate occasions but has not received a response. Additionally, Mr. [REDACTED] has served 10 years on his sentence (2 remaining) with a perfect disciplinary record. If released Mr. [REDACTED] would return to New Jersey to live with his wife and their two children. Please release Mr. [REDACTED] immediately.

15. [REDACTED] ([REDACTED])

[REDACTED] is a 70 year-old man currently in custody at Five Points Correctional Facility. Mr. [REDACTED] suffers from multiple serious medical conditions, including neurogenic bladder disease, degenerative joint disease, and spinal stenosis. Mr. [REDACTED] reports he uses a wheelchair to ambulate, and experiences significant pain throughout his body on a regular basis due to these conditions. Although Mr. [REDACTED] is at serious risk of further health complications if he were to contract COVID-19, he states that he has not received any guidance from prison staff on how to protect himself from contracting the virus. Shockingly, Mr. [REDACTED] says that the protective measures he did learn about, he learned only from watching an evening news program. Due to Mr. [REDACTED] advanced age, serious medical needs, and inability to protect himself from COVID-19, he should be released immediately.

16. [REDACTED] ([REDACTED])

[REDACTED] is a 61 year-old woman currently incarcerated at Taconic Correctional Facility. She has diabetes and hypertension. She was convicted on Criminal Possession of a Controlled Substance in the Third Degree, having struggled with an opioid use disorder for a long time, and was sentenced to two years prison and two years post-release supervision. She is scheduled for release on August 22, 2018, at which point she will have reached the maximum expiration of the carceral portion of her sentence. She will remain on post-release supervision for an additional two years upon release. Due to her advanced age, her medical conditions, and the fact that she has served almost her full sentence and is within four months of release, we ask for her immediate release

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17. [REDACTED] ([REDACTED])

[REDACTED] is a 29-year old man who is currently incarcerated at Great Meadow Correctional Facility. Mr. [REDACTED] has an extensive history of mental illness for which he receives treatment. Additionally, he was born with only one kidney and has suffered from asthma since he was very young. Because of these conditions, he is within the most vulnerable population to experience heightened complications, including death, from COVID-19. Mr. [REDACTED] has already been granted an open date for parole release and his earliest release date is May 29, 2020, as reported on the DOCCS website. Because of Mr. [REDACTED] heightened health concerns and imminent release date, we ask that you please release him immediately.

18. [REDACTED] ([REDACTED])

[REDACTED] is a 61-year old man currently incarcerated at Auburn Correctional Facility. Mr. [REDACTED] has been diagnosed with several serious medical conditions including diabetes, chronic back pain with radiating symptoms, high cholesterol and prostate gland enlargement that make him vulnerable and at a higher risk of becoming gravely ill from COVID-19. Further, due to conditions in his facility, it is impossible for Mr. [REDACTED] to practice social distancing and take other precautions against infection from COVID-19. There have also been reports that coronavirus has infected an individual incarcerated at Mr. [REDACTED] facility.

Mr. [REDACTED] has seized upon the opportunity for self-development and improvement while incarcerated, and individuals who have supervised Mr. [REDACTED] work at Auburn Correctional Facility have spoken highly of his work ethic and character. Furthermore, Mr. [REDACTED] disciplinary record, especially over the course of the last thirteen years of his incarceration, demonstrates that he poses no threat to society.

Mr. [REDACTED] has been imprisoned in New York State maximum-security facilities for over 25 years and is scheduled for a parole hearing in June 2022 and early release in October 2022. He would be able to live with his daughter were he to be released. Due to his age, health issues, and vulnerability to COVID-19, as well as his personal growth, accomplishments and his desire to spend his remaining years with his family, the Department should release him immediately.

19. [REDACTED] ([REDACTED])

[REDACTED] is a 26-year-old woman currently incarcerated at Albion Correctional Facility. She suffers from asthma, for which she is prescribed Albuterol. This puts her at high risk of suffering more severe symptoms and possible complications should she contract COVID-19. Albion reportedly has emptied two housing blocks to quarantine those who are symptomatic, creating more crowded conditions for the rest of the facility. This increases the risk of transmission that Ms. [REDACTED] faces during her continued incarceration. She was convicted of Assault in the Second degree and sentenced to two years prison and three years post release. She is scheduled for conditional release on August 10, 2020. She has a supportive family who live in Queens, New York. Due to her high

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risk of complications from COVID-19 due to her asthma, and because she is within four months of release, we ask for her immediate release.

20. [REDACTED] ([REDACTED])

[REDACTED] is a 23 year-old man who is incarcerated at Orleans Correctional Facility. Mr. [REDACTED] is serving concurrent one to three years prison sentences on convictions for attempted robbery in the third degree and burglary in the third degree. He became eligible for parole in August 2018, but he has been denied parole and is currently set to remain in custody until his maximum expiration date, August 4, 2020. Mr. [REDACTED] has long suffered from asthma, which requires him to have an inhaler with him at all times. Because of his asthma, Mr. [REDACTED] is at high risk of suffering serious medical complications should he contract COVID-19. In addition, Mr. [REDACTED] has strong family support in the Bronx, including the support of his mother, who has regularly made long trips to visit him in prison over the course of his sentence. He has already served two years and eight months in prison on a one-to-three year sentence. He merits immediate release.

21. [REDACTED] ([REDACTED])

[REDACTED] is currently incarcerated at Cayuga Correctional Facility where he is serving sentences for criminal possession of stolen property and grand larceny. He became eligible for parole in July 2019, but was denied release. He is currently scheduled to have another parole hearing in July of this year. Mr. [REDACTED] suffers from multiple medical conditions, including high blood pressure (for which he takes multiple medications) and sleep apnea. He also has back, neck, and foot pain, and so has significant mobility problems. Because of his several medical conditions, we think that Mr. [REDACTED] is at high risk of very serious medical complication should he contract COVID-19. He merits immediate release.

22. [REDACTED] ([REDACTED])

[REDACTED] is a 59-year-old man who is incarcerated at Wallkill Correctional Facility. Mr. [REDACTED] is currently serving six-year sentences on convictions for criminal sale of a controlled substance in the third degree, and criminal possession of a weapon in the second degree. While serving his prison sentence, he has worked as an Inmate Program Associate, and will earn a Limited Credit Time Allowance ("LCTA") as a result of that work. After earning this reduction in his sentence, Mr. [REDACTED] should become eligible to be conditionally released in December 2020. Mr. [REDACTED] suffers from high blood pressure. We believe that Mr. [REDACTED] is at risk of serious medical complications should he contract COVID-19. In addition, Mr. [REDACTED] has a concrete housing plan—living with his partner, [REDACTED], who he talks to daily—when he is released. He merits immediate release.

23. [REDACTED] ([REDACTED])

[REDACTED] is a 22-year-old native of the Bronx. He is scheduled for conditional release in August 2020. Mr. [REDACTED] has suffered from severe asthma since birth. Before his current incarceration began in 2017, for years he had several forms of treatment and medication for his asthma, including Singulair, Advair Diskus, Ventolin, Albuterol, and Xopenex. He would use a

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nebulizer one to three times a day. Given the severity of Mr. [REDACTED] lifelong struggle with asthma, we believe that he is at risk of serious medical complications should he contract the coronavirus. Due to these risks and his imminent conditional release date, Mr. [REDACTED] merits immediate release.

24. [REDACTED] ([REDACTED])

[REDACTED] is a 22 year old who is just weeks away from his April 26th conditional release date. He is currently being held at Queensboro Correctional Facility—a minimum-security facility in Long Island City. It makes little sense to hold Mr. [REDACTED] for an additional 23 days in a facility that exposes him to the risk of contracting COVID-19. Mr. [REDACTED] merits immediate release.

25. [REDACTED] ([REDACTED])

[REDACTED] is 43 years old and is incarcerated at Sing Sing Correctional Facility. Mr. [REDACTED] is serving a 3.5-year determinate sentence of imprisonment based on his plea of guilty to committing a non-violent street level drug offense. He has served over three years of his prison sentence and has a conditional release date of April 23, 2020. When Mr. [REDACTED] gets out of prison, he will serve two years of post-release supervision and live with his mother and father. Please do not hold Mr. [REDACTED] for another 20 days, thereby exposing him to an increased risk of contracting COVID-19. Mr. [REDACTED] merits immediate release.

26. [REDACTED] ([REDACTED])

[REDACTED] is 56 years old and is incarcerated at Wallkill Correctional Facility. Mr. [REDACTED] is serving an indeterminate sentence of imprisonment of 2.5 to 5 five years for third-degree burglary based on an incident in which he non-violently broke into a flower shop in the middle of the night. Mr. [REDACTED] was homeless at the time that he committed the offense. He has served over two years of his prison sentence, has a parole eligibility date of August 23, 2020, and has a conditional release date of June 23, 2021. Due to Mr. [REDACTED] imminent release and advanced age, Mr. [REDACTED] merits release. Please release him immediately.

27. [REDACTED] ([REDACTED])

[REDACTED] is a fifty-three-year-old woman currently incarcerated at Albion Correctional Facility. Ms. [REDACTED] reports that she was diagnosed with lupus, a chronic autoimmune disease, in or around 2001. In November of 2019, she reports that the medication she has been prescribed for many years to manage her lupus was abruptly discontinued. Since then, she reports a marked worsening in her breathing. This is extremely concerning as she says she was hospitalized for four days in 2013 with breathing issues. Ms. [REDACTED] is also a breast cancer survivor. In 2012, she was diagnosed with cancer and underwent at least a 6-month long course of chemotherapy treatment. Although she is currently in remission, she has vital appointments with an oncologist every six months to monitor her condition. In December, she underwent a biopsy, which fortunately showed that the growth was benign.

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Ms. [REDACTED] has been incarcerated for approximately twenty-five years. She is serving a sentence of fifteen years-to-life and has gone before members of the Board of Parole on five occasions. We believe that she continues to be denied release due solely to nature of the crime. Her next Board of Parole appearance is in July of 2020; it will be her sixth appearance. Ms. [REDACTED] has completed many behavioral programs, has served as a co-facilitator for such programs, and in 2018 received commendation for her good behavior by gaining placement in an "earned housing unit," which signifies her rehabilitation and good behavior. Over the course of her twenty-five years inside of correctional facilities, near and very far from home, she has maintained strong bonds with her family and ties to the community. Ms. [REDACTED] will have no lack of love or support when released to the community. Due to her age, medical conditions, parole eligibility, and lengthy time served, Ms. [REDACTED] merits immediate release.

28. [REDACTED] ([REDACTED])

[REDACTED] is a 55 year-old man currently incarcerated at Clinton Correctional Facility. Mr. [REDACTED] suffers from sickle cell disease, a blood disorder that the CDC enumerates as an underlying medical condition that increases the risk of serious COVID-19 for individuals of any age. This disease, coupled with Mr. [REDACTED] vulnerable age, makes Mr. [REDACTED] an individual particularly "at risk" for heightened complications, including death, from COVID-19.

Mr. [REDACTED] is scheduled for a parole hearing in June of this year. Due to his vulnerable age and serious medical condition, the Department must release him immediately.

29. [REDACTED] ([REDACTED])

Mr. [REDACTED] is a 57 year-old man who is currently incarcerated at Green Haven Correctional Facility. He has been diagnosed with sarcoidosis with extra-pulmonary involvement and iritis. As a result of these illnesses, Mr. [REDACTED] lungs are compromised and he is legally blind. Mr. [REDACTED] has also been diagnosed with cervical spine syndrome and osteoarthritis. In particular, Mr. [REDACTED] long-standing diagnosis of sarcoidosis with extra-pulmonary involvement places him in that category of those individuals at risk for serious complications, including death, if he contracts COVID-19. Due to his age and serious medical conditions, Mr. [REDACTED] should be released immediately.

30. [REDACTED] ([REDACTED])

[REDACTED] is a 52-year-old man particularly vulnerable to COVID-19 complications due to his diabetes, asthma, and hyperthyroid conditions. He is not being properly monitored at Franklin Correctional Facility and has not been seen by a medical professional. The facility is not following appropriate CDC guidelines as incarcerated people are frequently packed closely together. Sinks and toilets are broken and the showers have visible black mold. Mr. [REDACTED] was granted parole and told that he would be released by April 28 "or earlier." When he is released, he will be able to return home to Queens with his fiancé. There is no reason to hold Mr. [REDACTED] for an additional 22 days. Mr. [REDACTED] merits immediate release.

31. [REDACTED] ([REDACTED])

[REDACTED] is a particularly vulnerable individual who is 72 years old and diagnosed with prostate cancer and Alzheimer's. He is especially susceptible to COVID-19 because he suffers from Rheumatoid Arthritis and has a long (fifteen year) history of respiratory medical conditions like COPD, severe asthma, reoccurring walking pneumonia and bronchitis. He requires the use of a CPAC machine to sleep every night, as well as the use of a wheelchair because he cannot maintain a steady gait. Additionally, Mr. [REDACTED] is diagnosed with bipolar disorder and suffers from depression and anxiety, conditions currently exacerbated by his lack of access to mental health care. Mr. [REDACTED] numerous physical and mental health problems require weekly treatment, which he is not receiving at Marcy. Furthermore, his past medical treatment in DOCCS has been inadequate and he currently suffers from complications due to a torn mesh as a result of a hernia procedure. During the COVID-19 crisis, access to medical care is extremely limited and Mr. [REDACTED] is particularly unsafe because he cannot practice social distancing in his dormitory unit, where he is housed with fifty-one other people. Additionally, the dormitory is close to two other units that are currently used to quarantine individuals diagnosed with COVID-19 or suspected to have it. The three units take turns sharing the congregate areas at different times during the day. While the staff clean the common areas and dormitories once a day, without the ability to social distance, or access to cleaning supplies, these measures are not enough to protect individuals housed in the facility. Mr. [REDACTED] has served 11 years out of his 12-year sentence and has no prior felony convictions. He has completed programs like CASAT and ART and has maintained a good disciplinary record. If released, he would go home to Janesville, NY and live with his wife and children, who are very concerned for his health and eager to be reunited with him. Please release Mr. [REDACTED] immediately.

32. [REDACTED] ([REDACTED])

[REDACTED] is 61 years old and currently incarcerated at Mid-State Correctional Facility. Mr. [REDACTED] is susceptible to severe complications from COVID-19 due to his diagnoses of HIV, high blood pressure, blood clots and HPV. Mr. [REDACTED] has an approved conditional release date of May 11, 2020. Currently, he is being held in solitary confinement where his cell is only cleaned once per week. He does not have access to cleaning supplies or the ability to protect himself from COVID-19. His medical needs are not being sufficiently met as he has not received any treatment for a severe HPV outbreak and is experiencing muscle spasms while confined to solitary. While incarcerated, Mr. [REDACTED] has completed programs like CASAT, ART and Phase Two. If released, Mr. [REDACTED] is currently in the process of securing housing with Catholic Charities in Albany or alternatively with the Albany Mission. Please release Mr. [REDACTED] immediately.

33. [REDACTED] ([REDACTED])

[REDACTED] is a 26-year-old man who is currently incarcerated at Downstate Correctional Center for a 1-3 sentence on a non-violent charge of Reckless Endangerment in the 1st Degree. This is Mr. [REDACTED] first conviction. Between his arrest and his sentence, Mr. [REDACTED] spent 2 1/2 years in the community on bail. He engaged in mental health and substance

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use treatment at Mount Sinai Hospital, maintained his stability and sobriety and worked a full time job as an usher on Broadway. Mr. [REDACTED] is HIV+ and lives with bipolar disorder. His T-Cell went from 700 to 500 after his admission into DOCCS. He has also been promised that he can resume his medical, substance use and psychiatric care at Mount. Sinai Hospital. Mr. [REDACTED] will return to a loving home with his mother, [REDACTED], who is a social worker and who has an apartment in Manhattan where Mr. [REDACTED] will have his own room. Please release Mr. [REDACTED] immediately.

34. [REDACTED] ([REDACTED])

[REDACTED] is a 56-year-old woman who is currently incarcerated at Taconic Correctional Facility. Ms. [REDACTED] has been granted parole release, with an open date of May 20, 2020. Ms. [REDACTED] conviction involved simple shoplifting from department stores that resulted in a burglary conviction. She had never before been to state prison. She was granted parole release at her first interview. Given her age and the Parole Board's determination that she is suitable for release, there is no reason to hold her in prison for the next month and a half while COVID-19 spreads in prisons. Please release Ms. [REDACTED] immediately.

35. [REDACTED] ([REDACTED])

[REDACTED] is a 51-year-old man with asthma who is currently incarcerated at Marcy Correctional Facility. Mr. [REDACTED] has been granted a Conditional Release Date of May 23, 2020. He is serving a 3 1/2 year prison term for Attempted Sale of a Controlled Substance in the 3rd degree, which involved the attempted sale of a small amount of cocaine. Mr. [REDACTED] age and asthma put him at high risk of experiencing serious complications from COVID-19. He should be immediately released, rather than held in prison for another few weeks, during which the risk to his health will only grow.

36. [REDACTED] ([REDACTED])

[REDACTED] is incarcerated at Elmira Correctional Facility. His Maximum Expiration Date is less two months away, on June 2, 2020. [REDACTED] has asthma and is prescribed Albuterol. While [REDACTED] is 32 years old, asthma creates a high risk for severe illness from COVID-19. With only two months left until the completion of the full term of a 3-year sentence, [REDACTED] should be released immediately.

37. [REDACTED] ([REDACTED])

[REDACTED] is incarcerated at Southport Correctional Facility. He is HIV positive and diagnosed with Hepatitis C, Neuropathy, Gastroesophageal Reflux Disease ("GERD"), High Blood Pressure, and Hyperthyroidism. His conditions result in a suppressed immune system. He has recently been experiencing new symptoms such as fatigue, congestion, body aches and itchiness. He was concerned with his recent blood work, specifically because his viral load was over 400,000. He says he is not receiving adequate medical care because he is rarely escorted to sick call when requested

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and has not seen a specialist to determine a treatment plan for his Hepatitis C for over nine months. He feels that medical staff has been less responsive since the pandemic started.

He also reports that DOCCS has not placed him in the proper environment. For example, social distancing is impossible in his cell because he can reach through the cell door and touch his neighbor. He says that other than soap, DOCCS has not provided him hygiene or cleaning supplies, and porters do not help him clean. He instead cleans his cell himself with state-issued hand soap and dirty towels. Please release him from custody immediately.

38. [REDACTED] ([REDACTED])

[REDACTED] is currently incarcerated at Green Haven Correctional Facility, where a number of staff and people in custody have reportedly tested positive for COVID-19. He is parole eligible on September 26, 2020; his parole hearing, which was scheduled for May, has been pushed back to an unspecified date in July. Mr. [REDACTED] is medically vulnerable because of his asthma, which he treats with albuterol. He also smokes, which makes him vulnerable both because COVID-19 attacks the lungs as well as because smoking can suppress the immune system. Mr. [REDACTED] also carries several mental health diagnoses and is classified as OMH Level 2. In addition to these vulnerabilities, Mr. [REDACTED] is being denied necessary non-COVID-related medical care due to the current crisis. He has an inguinal hernia for which he has already undergone two surgeries since entering DOCCS custody in August 2017. He was scheduled for a surgery on April 3rd to repair the mesh that was placed during his last surgery, but has been told that his procedure has been indefinitely postponed. Please release Mr. [REDACTED] immediately to ensure he is not subjected to serious medical risks.

39. [REDACTED] ([REDACTED])

[REDACTED] is currently incarcerated at Gouverneur Correctional Facility and his Conditional Release Date is June 4, 2020. He has asthma that is severe enough to require him to use an inhaler twice a day to assist with his breathing. He should be released immediately given the proximity of his release date and his serious asthma.

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II. Use These Mechanisms to Release People Immediately:

The Department has several mechanisms at its disposal to release immediately people who are susceptible to COVID-19 transmission. We noted these in our earlier letter, but for convenience are again identifying a few of them here.

- New York Executive Law § 259-r(10): At his discretion, Acting Commissioner Annucci can grant medical parole to people who suffer from certain "terminal conditions, diseases, or syndromes" where those conditions "create a reasonable probability that [the person] is physically or cognitively incapable of presenting any danger to society." This provision covers people who are not serving a conviction for first degree murder or an attempt or conspiracy to commit murder, people who have served at least one half of the period of an indeterminate sentence, and people who have served at least one half the term of a determinate sentence for second degree murder, first degree manslaughter, or any Penal Law Article 130 offense or attempt at such an offense. Therefore, this provision covers all of the people named in this letter and hundreds of our clients. Acting Commissioner Annucci should liberally invoke this provision to release hundreds of incarcerated New Yorkers.
- New York Correction Law §§ 851, 855: The Department has the authority to grant temporary release to people who suffer from similar conditions pursuant to several provisions of the Correction Law and their implementing agency regulations. New York Correction Law § 851(4) provides the Department the ability to grant furloughs for up to seven days for incarcerated people to "seek employment, maintain family ties, solve family problems, seek post-release housing, attend an educational or vocational course, *or for any matter necessary to the furtherance of such purposes.*" While furloughs are limited to people who are within two years of parole or conditional release and limited to certain convictions, New York Correction Law § 851(6) allows the Commissioner to grant leaves of absence to any incarcerated person for any period of time. This includes for surgery or medical treatment that is absolutely necessary and not available in the Department. These provisions are subject to the conditions of 7 NYCRR Part 1900, but are still applicable to all of the people named in this letter and potentially thousands of people statewide.
- Commutations/Clemency/Emergency Powers: Finally, as we suggested in our March 18, 2020 letter, the Department can work with Governor Cuomo to grant commutations and clemencies. Article 4 of the New York State Constitution grants Governor Cuomo wide-ranging clemency power, and allows him to issue executive orders commuting sentences and invoking his emergency powers. New York Executive Law § 15 lays out Governor Cuomo's authority to commute sentences. New York Executive Law Article 2-B delineates the Governor's authority to suspend the enforcement of state laws in an emergency. California Governor Gavin Newsom has invoked similar provisions to grant clemency to 26 Californians susceptible to COVID-19. Other nations have taken similar steps in their federal prison systems. In addition, the Governor has the authority to suspend the requirements of these laws under any provision he deems necessary. He could remove the limitations set out in some of these mechanism for early release to make it clear, for example, that someone

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would not ordinarily fit the definition of medical parole would now be a candidate. This approach was taken by the Governor of Colorado in removing some of the statutory obligations for good time release and we urge the Governor to take similar steps here. We encourage the Department to work with the Governor's Office to take similar steps here in the State of New York.

There are additional mechanisms for the Department and the Governor's Office to release incarcerated individuals who are susceptible to COVID-19 transmission. Some of those mechanisms are outlined in a publication of the New York City Bar Association, which we previously provided. We again demand that the Department take swift action to ensure that our clients and Departmental staff are protected from this pandemic. Thank you for your attention to this pressing public health emergency.

Sincerely,

/s/ Stefen R. Short

Stefen R. Short
Staff Attorney
Prisoners' Rights Project

/s/ David E. Loftis

David E. Loftis
Attorney-in-Charge
Post-Conviction & Forensic Litigation

Encl. Addendum: Non-Exhaustive List of Clients For Immediate Release, With Categories

cc: Adam Silverman
General Counsel
NYS Department of Corrections and Community Supervision

Cal Whiting
Assistant Secretary for Public Safety
Office of Governor Andrew M. Cuomo

Name and DIN	Facility	Release Date before 6/15/20	Release Date within Year	Medical	50+	Narrative Above	Comments
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[REDACTED],	Taconic			X	X		58 years old, HIV, Hypertension, Heart Condition, Nerve Damage
[REDACTED],	Otisville	X	X				CR: 10/3/19
[REDACTED],	Collins			X	X		63 years old, Hypertension, Enlarged Prostate
[REDACTED],	Collins		X	X	X		61 years old, COPD, Asthma, Diabetes, Hypertension, ERD: March 2021
[REDACTED],	Wyoming		X		X		63 years old, CR: 2/19/21
[REDACTED],	Collins	X	X				ME: 4/18/20
[REDACTED],	Midstate	X	X				ME: 4/25/20
[REDACTED],	Mohawk	X	X		X		57 years old, ODPR: 11/21/19
[REDACTED],	Bedford Hills		X	X	X	X (#3)	57 years old, Autoimmune Disease, Heart Condition, Severe Asthma, ODPR: 7/10/20
[REDACTED],	Willard		X	X	X		63 years old, Congenital Heart Disease, Hypertension, Diabetes, ODPR: 10/15/20
[REDACTED],	Green Haven			X	X		63 years old, Heart Disease
[REDACTED],	Groveland		X		X	X (#8)	60 years old, CR: 1/13/21

Name and DIN	Facility	Release Date before 6/15/20	Release Date within Year	Medical	50+	Narrative Above	Comments
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[REDACTED],	Southport			X		X (#37)	HIV, Hepatitis C, Neuropathy, GERD, Hypertension, Hyperthyroidism
[REDACTED],	Woodbourne			X	X	X (#14)	55 years old, Hypertension, Nerve Damage
[REDACTED],	Fishkill	X	X	X	X		61 years old, Stage Four Lung Cancer, ME: 4/29/20
[REDACTED],	Otisville	X	X				CR: 11/23/19
[REDACTED],	Sing Sing	X	X	X		X (#25)	Hypertension, CR: 4/23/20; ME: 11/10/20
[REDACTED],	Wallkill	X	X			X (#7)	ODPR: 4/13/20
[REDACTED],	Otisville				X		75 years old
[REDACTED],	Green Haven		X	X			Sarcoidosis, ODPR: 7/14/20
[REDACTED],	Clinton			X	X		63 years old, Deteriorating Illness
[REDACTED],	Taconic		X	X	X	X (#1)	61 years old, HIV, Asthma, Gender Dysphoria, ERD: 3/19/21
[REDACTED],	Midstate			X	X		53 years old, Gender Dysphoria
[REDACTED],	Queensboro	X	X			X (#24)	CR: 4/26/20
[REDACTED],	Sing Sing		X	X		X (#2)	Gender Dysphoria, Asthma, ERD: 2/19/21
[REDACTED],	Midstate			X	X	X (#31)	72 years old, Alzheimer's, Prostate Cancer, Severe Asthma

Name and DIN	Facility	Release Date before 6/15/20	Release Date within Year	Medical	50+	Narrative Above	Comments
[REDACTED]	Otisville	X	X				CR: 5/14/20
[REDACTED]	Otisville		X		X		58 years old, CR: 12/23/20
[REDACTED]	Albion		X	X		X (#19)	Asthma, CR: 8/10/20; ME 11/24/20
[REDACTED]	Elmira		X		X		63 years old, ME: 10/15/20
[REDACTED]	Elmira	X	X	X		X (#36)	Asthma, ME: 6/2/20
[REDACTED]	Orleans		X	X		X (#20)	Asthma, ME: 8/4/20
[REDACTED]	Shawangunk	X	X	X	X		58 years old, Diabetes, Hypertension, High Cholesterol, Paralysis, ME: 5/24/20
[REDACTED]	Green Haven	X	X		X		59 years old, ME: 4/4/20
[REDACTED]	Collins	X	X				ODPR: 10/18/18
[REDACTED]	Midstate	X	X				CR: 8/2/19
[REDACTED]	Washington	X	X				ODPR: May 2020
[REDACTED]	Wallkill		X		X	X (#22)	59 years old, CR: 6/3/21
[REDACTED]	Fishkill	X	X	X			Chronic Lipid Metabolism Disorder, High Cholesterol, CR: 8/28/19
[REDACTED]	Riverview			X	X		51 years old, Diabetes, Hypertension

Name and DIN	Facility	Release Date before 6/15/20	Release Date within Year	Medical	50+	Narrative Above	Comments
[REDACTED]	Greene	X	X		X		62 years old, ODP: 4/6/19
[REDACTED]	Five Points			X	X	X (#15)	70 years old, Bladder Disease, Cancer
[REDACTED]	Greene	X	X				CR: 6/9/20
[REDACTED]	Coxsackie			X	X	X (#12)	64 years old, HIV
[REDACTED]	Woodbourne			X	X		52 years old, Heart Condition
[REDACTED]	Attica		X		X		63 years old, CR: 3/28/21
[REDACTED]	Green Haven				X		51 years old
[REDACTED]	Taconic	X	X	X	X	X (#16)	61 years old, Diabetes, Hypertension, CR: 5/8/20; ME: 8/22/20
[REDACTED]	Auburn			X	X	X (#18)	61 years old, Diabetes, High Cholesterol, Prostate Condition
[REDACTED]	Collins	X	X				CR: 3/11/20
[REDACTED]	Green Haven		X	X		X (#38)	Asthma, ERD: 9/26/20
[REDACTED]	Mohawk	X	X				CR: 8/18/19
[REDACTED]	Watertown		X	X	X		60 years old, COPD, AIDS, Asthma, CR: 6/20/20

Name and DIN	Facility	Release Date before 6/15/20	Release Date within Year	Medical	50+	Narrative Above	Comments
[REDACTED]	Albion			X	X	X (#27)	53 years old, Lupus, Breast Cancer Survivor
[REDACTED]	Fishkill		X		X		52 years old, ME: 7/11/20
[REDACTED]	Marcy	X	X	X	X	X (#35)	51 years old, Asthma, CR: 5/23/20; ME: 11/25/20
[REDACTED]	Greene	X	X				CR: 5/25/20
[REDACTED]	Sing Sing			X	X	X (#10)	59 years old, Advanced Type 2 Diabetes, Hypertension
[REDACTED]	Wallkill		X		X	X (#13)	55 years old, ODPR: 7/12/20
[REDACTED]	Sullivan			X	X		57 years old, COPD, Heart Condition
[REDACTED]	Riverview	X	X				CR: 5/1/20
[REDACTED]	Queensboro	X	X				CR: 5/18/20
[REDACTED]	Fishkill	X	X				ME: 3/8/20
[REDACTED]	Woodbourne	X	X				ME: 3/8/20
[REDACTED]	Groveland		X		X		52 years old, CR: 1/13/21
[REDACTED]	Green Haven	X	X	X		X (#9)	Asthma, Seizures, ME: 6/3/20

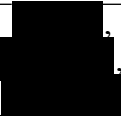
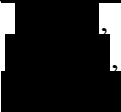
Name and DIN	Facility	Release Date before 6/15/20	Release Date within Year	Medical	50+	Narrative Above	Comments
[REDACTED]	Wallkill	X	X		X		53 years old, ODP: 6/15/20
[REDACTED]	Franklin	X	X	X	X	X (#30)	52 years old, Diabetes, Asthma, Hyperthyroidism, ODP: 4/28/20
[REDACTED]	Attica			X	X		58 years old, Hepatitis B
[REDACTED]	Clinton			X	X	X (#28)	55 years old, Sickle Cell Disease
[REDACTED]	Wallkill		X		X	X (#26)	56 years old, ERD: 8/23/20
[REDACTED]	Fishkill	X	X				ME: 6/11/19
[REDACTED]	Fishkill			X	X		69 years old, Heart Disease
[REDACTED]	Downstate		X	X		X (#33)	HIV, ERD: 1/21/21
[REDACTED]	Five Points			X	X	X (#11)	61 years old, COPD, Asthma, Heart Disease, GERD, Neuropathy
[REDACTED]	Sing Sing		X	X		X (#4)	HIV, CR: 7/13/20
[REDACTED]	Auburn	X	X				CR: 5/11/20
[REDACTED]	Gowanda	X	X	X			Benign Prostatic Hyperplasia, GERD, ODP: 1/22/20
[REDACTED]	Elmira	X	X	X	X	X (#6)	51 years old, Kidney Condition, Hypertension, ODP: 1/27/20
[REDACTED]	Riverview		X	X			Asthma, CR: 7/26/20

Name and DIN	Facility	Release Date before 6/15/20	Release Date within Year	Medical	50+	Narrative Above	Comments
[REDACTED]	Otisville	X	X		X		51 years old, O DPR: 8/16/19
[REDACTED]	Woodbourne	X	X				ODPR 5/23/19
[REDACTED]	Green Haven		X	X			Heart Disease, Lung Infections, Hypertension, Diabetes, CR: 6/27/20; ME: 12/29/20
[REDACTED]	Fishkill	X	X				CR: 5/9/20
[REDACTED]	Greene	X	X		X		60 years old, ME: 4/24/20
[REDACTED]	Attica		X		X		64 years old, ME: 10/10/20
[REDACTED]	Cayuga		X	X		X (#21)	Hypertension, Sleep Apnea, ERD: July 2020
[REDACTED]	Clinton				X		54 years old
[REDACTED]	Gouverneur			X	X		62 years old, HIV
[REDACTED]	Woodbourne	X	X	X	X		53 years old, Diabetes, Asthma, Heart Disease, Morbid Obesity, CR: 2/21/20
[REDACTED]	Mohawk		X	X		X (#23)	Severe Asthma, CR: 8/27/20; ME 8/5/21
[REDACTED]	Otisville	X	X		X		58 years old, CR: 5/13/20

Name and DIN	Facility	Release Date before 6/15/20	Release Date within Year	Medical	50+	Narrative Above	Comments
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[REDACTED],	Green Haven			X	X		72 years old, Heart Disease, Hypertension, Chronic Respiratory Disease, Biliary Tract Disease, Diabetes
[REDACTED],	Ogdensburg	X	X	X	X	X (#5)	50 years old, Crohn's Disease, MR: 5/25/20
[REDACTED],	Clinton			X	X		68 years old, HIV, Diabetes
[REDACTED],	Great Meadow			X	X		51 years old, HIV
[REDACTED],	Fishkill	X	X	X	X		60 years old, Hypertension, Heart Condition, ME: 6/2/19
[REDACTED],	Great Meadow	X	X	X		X (#17)	One Kidney, Parts of Colon Removed, ODP: 5/29/20
[REDACTED],	Bare Hill	X	X	X		X (#39)	Asthma, CR: 6/4/20; ME: 10/4/21
[REDACTED],	Green Haven			X	X	X (#29)	57 years old, Sarcoidosis
[REDACTED],	Wende	X	X		X		57 years old, ODP: 5/8/19
[REDACTED],	Downstate	X	X				CR: 4/16/20
[REDACTED],	Clinton	X	X				CR: 5/9/20

Name and DIN	Facility	Release Date before 6/15/20	Release Date within Year	Medical	50+	Narrative Above	Comments
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	Taconic	X	X		X	X (#34)	56 years old, ODPR 5/20/20
	Midstate		X	X		X (#32)	HIV, HPV, Hypertension, CR: 5/11/20