

April 14, 2020

Re: The Passing of Walter Ance

Dear community,

I am very saddened to share with you all that my client, Walter Ance, at 63 years of age passed away yesterday, Saturday, April 11, 2020, from COVID-19 at the Bellevue Hospital Prison Ward. I was informed by his niece, Lourdes, on Saturday morning that he had not made it. My heart is broken and I am still processing after having received such terrible news.

Although we came very close to being heard by the court as part of our continued efforts in getting him released from Rikers Island, it was not soon enough.

Our Legal Aid office had been actively working on Mr. Ance's case, at first preparing for trial, but shifting to getting him released, once the COVID-19 pandemic caused a state of emergency and changed our lives. We quickly sought medical records from HHC, communicated with his family, and brainstormed a solid discharge plan—with the invaluable assistance of Social Worker, Rebecca Kurti. We tried to get the Queens District Attorney's Office to agree to his release, but they refused, even after being notified that Mr. Ance tested positive for the coronavirus and was also medically vulnerable. As a result, we prepared to formally request his release as part of the Queens mass writ, pioneered by the Decarceration Unit, spearheaded in Queens County by Roslyn Morrison, also with the support of Supervisor Juliette-Noor Haji.

As I sit in my living room, at times smiling and at times crying, recalling my relationship with Mr. Ance, I cannot help but recall several of our conversations. Mr. Ance was a man determined to speak his mind. Out of all my clients, he was the most determined and adamant about going to trial. He waited for thirteen months, remanded, for his day in court. He was looking forward to his chance to be heard, at trial, which we thought would be this summer. But with the emergency shut down, we had no idea when we could realistically expect his trial to be scheduled.

I recognize that Mr. Ance's case was not one which most would consider sympathetic. He had been accused of attempting to murder his wife by allegedly stabbing her in the chest, assaulting her and violating yet again another order of protection, among other charges. There was a long documented history of domestic violence with his wife, his son, Axel Ance, was named an eyewitness to the above mentioned allegations, and there was even a bystander eyewitness who called 911.

But, everyone deserves to be treated fairly and with due process under the laws of our land. And in my opinion, Mr. Ance had a hell of a story to tell.

Mr. Ance was a sweet, headstrong Argentinian man who was committed to his family. Like many others, Mr. Ance migrated to the U.S. from Argentina with his wife and children seeking the American Dream. He often voiced to me how much he loved his wife and children and how hard he had worked to provide for them. He was committed, loyal and devoted to his wife and children, and in my opinion, even to his detriment. His romantic relationship with his wife had many, many ups and downs, to say the least, but he always insisted that there were two sides to every story. And now, I feel more distraught than ever because he will never get a chance to tell his side of the story; his version of events will never be heard; his trial will never come; and he will never get the justice that he so deeply believed he would get from our American criminal justice system.

No one deserves to die alone handcuffed to a bed. Mr. Ance should not have died in jail like he did during this terrible COVID-19 pandemic. He was innocent until proven guilty. Therefore he died—innocent—awaiting his trial. He was never convicted of the crimes he was accused of in his pending case. And tragically, he became another victim of the broken criminal justice system.

Additionally, the Department of Corrections is and continues to be deliberately indifferent to the plight of detainees like Mr. Ance. Conditions are “not getting better” as some believe or are telling themselves to justify keeping folks incarcerated. Point blank, Mr. Ance was infected by the virus while he was at Rikers Island. DOC did nothing to prevent him from getting sick. His niece voiced to me that he had not had a visitor in months. Mr. Ance had been forced to live with other detainees who showed flu like symptoms. Social distancing is impossible in carceral settings, and hygiene materials were scarce—just to name a few of the conditions that he was forced to endure. Even though Mr. Ance was considered at high risk of severe

symptoms, and even of dying, if he contracted the disease due to his age and underlying conditions, he was not isolated quickly enough to avoid contagion. What remains clear is that he was infected by someone in the jail. He was practically a sitting duck: vulnerable to exposure and nowhere to go.

As we mourn Mr. Ance's loss and our failed efforts to free our clients from jail, I want to share my continued hope in the humanity that does exist in this broken system, by sharing a little more about Mr. Ance's last days.

Despite my efforts in seeking permission from DOC to speak to Mr. Ance, I was denied phone calls and video conferencing, because he had already been placed in "isolation" at the Bellevue Hospital Prison Ward. I was surprised to receive a phone call on Friday morning by an officer who had been instructed by his captain to call me to inform me of Mr. Ance's medical condition and isolation. That officer explained to me that only medical staff were allowed to see Mr. Ance, and that even he, as an officer, could not see Mr. Ance. He asked me if I could continue working, as his counsel, to get him "home." This officer obviously did not know Mr. Ance personally, nor did he know what he had been accused of or what efforts had already been taken to get him out but on a very human level, he voiced to me that Mr. Ance should not be there, sick and alone, and that he should be sent home to get better; and that for everyone's sake, he should be home and not at the prison hospital.

Minutes later, I received another phone call. This time, his son, Walter Ance Jr. who lives in California, called me and shared with me how medical staff had compassionately helped Mr. Ance communicate with him. Medical staff had helped Mr. Ance communicate with his son via FaceTime to say their goodbyes, because they were not sure that he would survive. His son shared with me that Mr. Ance was connected to a ventilator to help him breathe and that communicating with him that day, via FaceTime, may have been the last day that he'd ever see his father again. And, tragically, it was.

Up until the very end, our LAS team worked on a discharge plan and were prepared to be heard this upcoming week in court. Sadly, we were stricken by the news of Mr. Ance's death, because as valiant as our efforts were, they came too late.

The system failed Mr. Ance. Nevertheless, I hope that his life story does not fall on deafened ears. I beg you all to take a moment to pray or share a positive thought for Mr. Ance, his family and his community. I know for me personally, I will never forget him. It was an honor to have served him.

As we continue to fight for our clients and to document their stories, let us think collectively of ways that we can do better; ways that we can continue to save lives, and not just witness their loss.

And finally, let us remember to always have compassion. To recall those moments where people showed compassion, whether the system was broken or not. And to continue treating each other as human beings interconnected on one planet with love and humanity.

No one deserves to die like Mr. Ance did. Let us all continue advocating for those in need and remind those in power that no matter what a person stands accused of, everyone is worthy of justice.

Sincerely,

A handwritten signature in black ink that reads "Alejandra Lopez". The script is elegant and cursive, with a prominent flourish at the end of the name.

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