

DECLARATION OF JAMES H. DILLINGHAM, III

I, James H. Dillingham, III, make the following declaration based on my personal knowledge and declare under the penalty of perjury that the following is true and correct to the best of my knowledge and belief

1. My name is James H. Dillingham, III. I am 51 years old, and competent to give testimony. I am currently incarcerated at Deerfield Correctional Center. My Offender ID number is 1410474
2. I have been at Deerfield since 2014.
3. I have a history of cardiac and respiratory health issues. On or about July 2020 I was told I would be scheduled for a surgically implanted heart monitor by the end of the week. Then I was told it would be scheduled over the next few months. I suffer from digestive diseases including diverticular disease, duodenitis, and gastroesophageal reflux disease.
4. My liver has a lobular contour suggesting cirrhosis. I have osteoarthritis throughout my spine.
5. I was told my bloodwork indicated a vitamin B deficiency, low red cells and hemoglobin. Last month I was told my bloodwork is fine and no further testing is needed. I was told I needed a colonoscopy; last month I was told no further testing. There has been nothing further on the heart monitor either. On or about August 15, Dr. Harris told me that I will have no further testing or medications.
6. On or about August 17, I was approached by the Assistant Warden who was patrolling my pod. I had tightening of my chest and breathing difficulties. Tylenol was prescribed.
7. On or about September 2, I was suffering chest pains, difficulty breathing and increased heart rate. I took a nitroglycerin which had been prescribed to me. I lost consciousness and fell to the floor. I was told my blood pressure fell to 67 over 41. Approximately two hours later, I was at Southampton County Hospital.
8. While at the hospital, I was in ICU. I received a number of blood tests and an ultrasound of my heart. Ms. Trina, NP, told me they wanted to do a catheterization on my heart, but I refused unless I saw a doctor. At no time did I see a doctor. I saw nurses and an ultrasound technician.
9. I was discharged on or about September 4; that same day, another individual from Deerfield who was also at the hospital died. His name is Mr. Cole and he was in the re-entry program. A second inmate also died at that hospital, but I do not know the date. He is Mr. Otis.

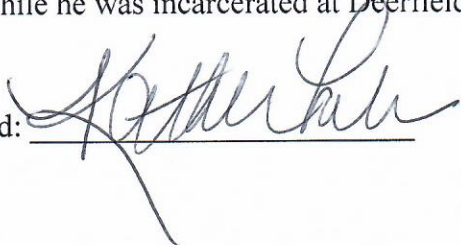
10. I tested positive for COVID while at the hospital. I returned to Deerfield and was placed in solitary confinement where I remained until on or about September 13th. Twenty minutes after my arrival, I was rushed to medical with breathing difficulty. I was given Pedialyte.
11. Solitary confinement is in an insect-infested, filthy building away from the other buildings. I was alone in my cell which has a toilet and shower. There are eight other COVID positive individuals in solitary who do not have access to a shower.
12. In solitary, I had no access to clean clothes and bedding was changed after a week in the cell. There was no hand sanitizer and I had to request soap and toilet paper which was brought to me.
13. There is a soundproof door on the solitary cell and nobody could hear me if I had a medical emergency. On or about two days into solitary, I was on the floor struggling to breathe. By chance, Nurse Wyche was walking past and saw me on the floor. She gave me some decongestants and expectorant, not prescribed, and returned again at midnight and 4am again. On or about three days later, the decongestant and expectorant were prescribed.
14. Staff forgot to bring me meals on the first day. Meals were brought sporadically. I usually got two meals a day but they were usually not edible. They neglected my dietary restrictions. The food I had purchased was never brought to me.
15. I believe this latest COVID outbreak may be the result of a tour of outsiders given at Deerfield on or about August 14 because about ten days later many of us started getting sick including Mr. Cole, who, I believe, Dr. Harris refused to medically treat. My symptoms included sore throat, headache and chills.
16. The tour was of approximately twelve people from outside the facility, accompanied by Capt. Clark and another officer.
17. My son contacted Rose Durbin to inquire why a tour was being conducted during a pandemic. She originally denied the tour. When faced with evidence she told my son that the tour was for potential employees and would not happen again.
18. It was not until August 18, that placards (for social distancing) were placed on the floor every 4-6 feet.
19. It was not until on or about August 16 that announcements about wearing masks began.
20. It was not until on or about August 17 that COVID informational posters were put up on the walls throughout the facility.

21. Recreation equipment has been shared between two pods; it is unclear how or when the equipment is cleaned.
22. On or about August 23, the prison staff declared our 1100 building a Zone Red, and told us a virus was going around, but said it was not COVID. Then they changed it to Yellow on the same day.
23. On or about September 9, I requested to contact Ms. Larkin and Lt. Morgan refused to allow me to make a phone call.
24. On or about September 14, I was moved out of solitary confinement to 1000 Pod which is Red Zone. There are about 90 of us, all COVID positive.
25. We have to stand in line every 2 – 3 hours for temperature and oxygen checks. The nurses write it all down, by bed number so some of the names are incorrect. Some have died but their belongings are still on their beds.
26. Many are too ill to move out of bed and only on or about September 14 did nurses start checking their temperatures and oxygen after some of us complained that those who are bedridden were being ignored.
27. I believe 1000, 1100 and 1200 are all Zone Red. I am unsure about 500 and 600. They keep moving people around, mingling sick and well, increasing the COVID positive population.
28. National Guard is on site today, testing only those who have not tested positive in the last 90 days.
29. The current procedure is that they are moving COVID positive out of red zone back to general population after 14 days, without further testing.
30. Among the people I personally know, Mr. Garcia died about three weeks ago and his belongings are still at his bunk. This month the aforementioned Mr. Cole and Mr. Otis died at the hospital. Mr. Offutt died on September 11th; he was to be released in about four months. Mr. Ballard, an older gentleman, also in re-entry, died at the hospital this week. There are many others in other pods who have died.
31. I believe that many more will die from COVID at Deerfield because of the incompetent handling of the pandemic and the lack of attention to our medical conditions. There seems to be a callous disregard for us by many and a conscious disregard by others whose job it is to care for us medically. The facility is getting worse. Conditions are inhumane. There is no plan or ability to fight COVID here. They just move people back and forth intermingling the

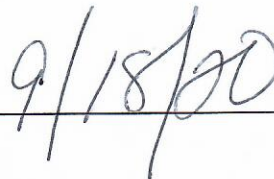
COVID positive with the COVID negative. They have given up and we are dying as a result, including many in the re-entry program with minimal time left to serve on their sentences.

I, Kathleen Larkin, reviewed this agreement with James H. Dillingham, III, and received his verbal assent to all of its terms on September 16, 2020 at approximately 2:30pm via telephone call while he was incarcerated at Deerfield Correctional Facility.

Signed: _____

A handwritten signature in dark ink, appearing to read 'Kathleen Larkin', written over a horizontal line.

Date: _____

A handwritten date '9/18/20' in dark ink, written over a horizontal line.