

DECLARATION OF RODOLFO QUIAMBAO

I, Rodolfo Quiambao, am over the age of 18 and fully competent to make the following Declaration:

1. Until April 13, 2020, I had been incarcerated in the minimum security satellite camp at the Federal Correctional Institution at Fort Dix. My Federal Bureau of Prisons Register Number was 85923-053. I pleaded guilty to certain tax and bribery offenses. I received a sentence of 48 months incarceration and was scheduled for release on October 23, 2021. It was my first offense. I make this declaration to describe the horror of my experience of COVID-19 at Fort Dix, which nearly took my life and caused me ultimately to end up in a hospital ICU.

2. I am 75 years old. As indicated in my Pre-Sentence Report, I suffer from the pre-existing health problems of both diabetes and hypertension. These conditions were also noted in my BOP medical file.

3. I had been housed at the Fort Dix Camp with more than 100 men when, on Monday morning, April 6, I awoke at 5:30 to report for my assignment in the kitchen as a food server. I had been feeling unwell for days. That morning, I felt feverish and was suffering from a severe cough and headache. I asked the corrections officer on duty if I might be excused for the day. He excused me and I went back to bed.

4. At approximately 7:30 that morning, there was an announcement to line up and I went to the lineup with the other inmates. Our temperatures were taken and I had a fever of 102.4. I was placed in Special Housing Unit ("SHU") for medical treatment, which was far away and which I had to walk to despite my condition.

5. Later that day, I was seen by the Fort Dix doctor. I was examined and x-rayed and told that I was suffering from pneumonia. I now know that I was suffering from COVID-19. I

was given Tylenol for my temperature and also antibiotics late that day for pneumonia. The doctor appeared to be confused or overwhelmed. I heard her talking about my condition and about getting hold of my Unit Manager to notify my next of kin. It got me very worried. I had no access to a phone and no one knew where I was.

6. As noted above, at the time I became ill, my work assignment at the camp was as a food server in the kitchen, where I worked until the onset of my symptoms. During the first week of April, I estimate I came in contact with dozens of men in my unit.

7. On Tuesday, April 7, my condition worsened and I was tested for COVID-19. I remained bedridden and was not eating.

8. On Thursday, April 9, I was told that I had tested positive for COVID-19 and was told that I had to move yet again. By this time, after four days of high fevers and not eating, I was extremely weak but was told I had to walk to another location. Moreover, I was told I had to carry my own bedlinens and pillows despite my age and weakened condition. I recall that walk very well. It was a long walk; it was cold and windy and I was in my sleepwear and slippers. I fell twice. To the best of my recollection I and five other inmates made that walk to a different isolation area.

9. On Friday, April 10, I complained of extreme weakness and my cough was uncontrollable. I received no real medical care. The only medication I received was at night when I was given Tylenol with codeine to make me sleep. I repeatedly asked for antibiotics because it was clear I had a lung infection, but did not receive them. The only medication I was offered was Tylenol or Tylenol with codeine to make me sleep.

10. There were no nurses or doctors on site throughout the day and night. Instead, they made two daily rounds, so that if you needed urgent medical care between those rounds, you had to find the corrections officer on duty, or wait.

11. I was left to myself the whole day and my symptoms became progressively worse. I had trouble breathing and pain in my lungs. I was scared to see no oxygen masks or ventilators in the building. The building was clearly not set up to be the hospital care I needed. Instead, I was simply put in a room with bunks, much like I imagine the rest of the rooms in the west compound.

12. Although we were isolated, we could walk around the floor with masks. I saw other men who looked very ill. Among the men I saw were three inmates I knew by name, but there were others too.

13. On Monday, April 6, because I was quarantined, I was unable to call my wife as I tried to do daily. Not hearing from me, she became concerned and I understand that she then called my attorney, Ronald G. Russo. Unbeknownst to me, on that day Mr. Russo called the Legal Department at Fort Dix to inquire of my condition. I have now learned that he was subsequently told that I was in quarantine, had been tested for COVID-19, but that the results of the test were not yet known. After multiple attempts at contact, on Thursday, April 9, Mr. Russo was told that I had tested positive for COVID-19.

14. On April 10, Mr. Russo wrote to the Warden asking to know of my condition and whether I had made a request for Compassionate Release. I was told that Mr. Russo sent a copy of that letter as a courtesy to the sentencing judge in the Eastern District of New York. At that point, I understand, things moved very quickly. The Court asked my attorney and the prosecutor to be on a phone conference at 5:30 pm that day. The Judge asked the prosecutor to determine,

among other things, my condition and my medical treatment. At the Court's request, the government and the Bureau of Prisons responded later on the evening of Friday, April 10. My attorney moved for an Order of Compassionate Release the following day, Saturday April 11. The government consented to my release and on Sunday, April 12, the Court entered an Order directing my release forthwith.

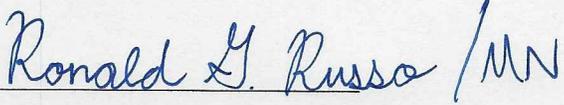
15. An ambulance picked me up at Fort Dix on Monday, April 13, and transported me to my home as directed by the Court's Order. Although I was to have remained at home, I was simply too ill to stay there. Accordingly, on Tuesday, April 14, I understand that Mr. Russo called 911 and I was transported to St. Francis Hospital in Nassau County. Becoming progressively sicker, I was moved to an ICU unit as the virus, I was told, was beginning to attack my kidneys. I was also put on oxygen.

16. By some miracle, several days later I was so improved that I was moved out of the ICU to a regular bed in that hospital. Finally, approximately one week later I was moved to Grand Rehabilitation & Nursing in Great Neck, NY where I remain under the constant care of doctors. I still have a bad cough at night but believe now that I will survive. I am not certain when I can be released from this facility.

17. In closing, I wish to make it clear that had I not been released on Monday, April 13, I believe I would not have survived this ordeal. As noted, while in quarantine, I did not receive any appropriate medication or treatment. I had stopped eating and was extremely weak when I was removed from the camp. After suffering from COVID-19 for a week, the failure to be sent to a hospital was almost fatal. I do not say this to be dramatic but to be certain the Court appreciates what almost happened to me.

/s/ Rodolfo Quiambao (by consent)

I, Ronald G. Russo, certify that I am attorney of record for Rodolfo Quiambao and obtained his Order for Compassionate Release on April 12, 2020, E.D.N.Y No. 1:15-cr-00515-ARR. I further certify that I reviewed the information contained in this declaration with Mr. Quiambao by telephone on May 14 and 15, 2020 and that, at that time, he certified that the information contained in this declaration was true and accurate to the best of his knowledge.

Handwritten signature of Ronald G. Russo in blue ink, followed by the initials "MN" in a larger, stylized font.

Ronald G. Russo, Esq.
Of Counsel
Schlam Stone & Dolan LLP
26 Broadway, 19th Floor
New York, New York 10004
Main: 212-344-5400
Fax: 212-344-7677
www.schlamstone.com
rrusso@schlamstone.com