

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

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In the Matter of the Application of
CHARLES HOLDEN and ALBERTO FRIAS on behalf
of themselves and all others similarly situated,

Index No.

Petitioners,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

AFFIDAVIT OF
CHARLES HOLDEN

- against -

HOWARD A. ZUCKER, as Commissioner of Health for
New York State, and ANDREW M. CUOMO, as Governor
of the State of New York,

Respondents.

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CHARLES HOLDEN, being duly sworn, deposes and says:

1. I am a Petitioner in the above captioned proceeding.
2. I am currently 52 years old. I am currently incarcerated at Anna M. Kross Center (AMKC) on Rikers Island in the custody of the New York County Department of Corrections. I am incarcerated due to a securing order set in a criminal case in New York County
3. The housing unit in which I currently reside at AMKC is a dormitory setting. I am confined throughout the day and night in an enclosed space with dozens of other men. My housing unit can hold 50 men and currently houses 48.
4. I share eating spaces, toilets, sinks, showers, televisions, telephones and recreational spaces with dozens of other incarcerated men. At meal times, I eat at a communal table surrounded by other incarcerated people unable to wear masks while they eat. I, and the other men incarcerated in my housing unit, sleep on beds that are only inches apart from one another.
5. Every aspect of my daily life in AMKC is communal and I am not able to practice social distancing. I am not able to make others around me, including other incarcerated people or corrections staff, abide by measures to protect me against COVID-19 infection, such as wearing masks.
6. Department of Corrections officers are always present in my housing area and the identity of staff in the unit changes with every shift.
7. Throughout my incarceration I have not received or been offered the COVID-19 vaccination, nor to my knowledge has anyone else in my housing unit.

Charles Hefner
[client]

Sworn to before me this
29th day of January 2021

E. Fischer
NOTARY PUBLIC

**ELIZABETH ANNE FISCHER
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02F16380252
QUALIFIED IN NEW YORK COUNTY
MY COMMISSION EXPIRES SEPTEMBER 4, 2022**