

EXHIBIT 1

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

EBONI EL, ANDREW HASKELL, SUNG	:	
JOO LEE, AKEEM WILLS, CHARLES	:	
GAMBER, DAVID KRAH on behalf of	:	No. _____
themselves and all persons similarly situated,	:	Class Action
	:	Original Jurisdiction
<i>Plaintiffs,</i>	:	
v.	:	
	:	
38 TH JUDICIAL DISTRICT, Hon. THOMAS	:	
M. DEL RICCI, President Judge (in his	:	
official capacity), MICHAEL GORDON,	:	
Chief Adult Probation and Parole Officer (in	:	
his official capacity), MICHAEL R. KEHS,	:	
Court Administrator (in his official capacity),	:	
and LORI SCHREIBER, Clerk of Courts (in	:	
her official capacity),	:	
	:	
<i>Defendants.</i>	:	

DECLARATION OF EBONI EL

1. I am a forty-one-year-old Black woman jailed in Montgomery County Correctional Facility since September 14, 2021, due to a probation detainer.
2. I have end-stage kidney disease, high blood pressure, and diabetes. I receive dialysis every other day. Jail makes all of these life-threatening conditions worse.
3. I have been on probation in Montgomery County since 2017 when I pled guilty to three forgery matters. I believe the judge sentenced me to 9 to 23 months followed by two years reporting probation. I was also on probation in Philadelphia for a separate matter (CP-51-CR-0006255-2011).
4. I became very ill while incarcerated at MCCF in 2017, and my doctors diagnosed me with severe kidney disease after my release.
5. In April 2018 the Philadelphia police arrested me for misdemeanor marijuana possession and driving while intoxicated (first offense) charges. A Philadelphia judge released me on bail and told me to report to Montgomery County.
6. At that time in 2018, I was in treatment for kidney disease, trying to stay healthy, working full time, and my mother was terminally ill (she passed in 2020). I was terrified; if I reported to Montgomery County, I knew they would hold me for months without any possibility of release—exactly what’s happening now.
7. I never fled; I stayed in the same house and held the same job—I was just too scared to turn myself in—I thought the conditions in MCCF would kill me.

8. From 2017 through 2021, I worked as a line chef at an Upper Darby Italian restaurant six days a week. I worked despite receiving dialysis every other day—I loved cooking and being a chef.
9. Unfortunately, it became too difficult to keep working those long demanding restaurant hours while in intensive dialysis treatment. My family was worried about me. Finally, in March 2021, I applied for disability. I learned that Social Security granted my petition in August, and on September 1, my first check was due to arrive. I believe that all of my benefits including healthcare have been terminated because of my incarceration.
10. Around August 30, 2021, I was inside a store, and the Philadelphia police were checking IDs; when they saw mine, they arrested me on a bench warrant.
11. When I appeared before a Philadelphia judge, warrant gave me unsecured bail on these new charges. Then on September 8, another judge lifted the Philadelphia detainer ordered my release. But the Montgomery County detainer kept me in jail and Philadelphia transferred me to Montgomery County.
12. This Montgomery County detainer is the only thing holding me in jail.
13. Since I arrived at MCCF, I have not seen a judge. I have had no opportunity to argue for my release, to explain to a judge why I desperately need to go home to take care of my medical issues. I have had no probation hearing whatsoever.
14. I have a court date scheduled in December 2021 for my new charges. I fear I won't get to see a judge until the resolution of that new court case, but I don't know when that will be.
15. Montgomery County has not scheduled a date for this probation matter.
16. I need a kidney transplant; but can't make the phone calls necessary to schedule the appointments, can't meet with the necessary specialists, and can't get on the transplant waitlist.
17. I am worried I am going to die here. I have put in repeated sick calls to address ongoing medical issues. When I asked a guard about the sick calls, he told me, "You know what we do with your sick slips—we read them and laugh. Then we throw them in the trash." My kidney doctor has to keep changing my medications to address my worsening condition.
18. I am supposed to be on a special diet for my kidneys and diabetes—no processed foods, low phosphorus, fruits, and vegetables. I repeatedly asked for assistance with this diet, but the officials at MCCF ignore me. They give us nothing but hot dogs, bologna, and junk food—now and then, they'll give us an apple.
19. On the mornings when the guards take me to dialysis, they do not feed me breakfast before my appointment, so I arrive at dialysis starving. My dialysis takes 4 hours—receiving this four-hour treatment without any food in my stomach is excruciating.

20. I live with my sister in the house my mother left us; it's around the corner from the dialysis place and my kidney doctor.

21. If released, I would return to my home and get the care that I need to stay alive—I would get on the waitlist for a kidney transplant, eat the necessary diet necessary; and maintain my health. If I am not released, I don't know what will happen.

I, Alvin J. Al, declare under penalty of perjury under the law of the Commonwealth of Pennsylvania, 42 Pa.C.S.A. § 6206, that the above statement is true and correct.

I gave Nyssa Taylor permission to type this statement. I reviewed this statement with Nyssa Taylor and it is true and correct.

Signed on the 6th day of October, 2021 at 2:45pm (time) while incarcerated in the Montgomery County Correctional Facility in Montgomery County, Pennsylvania.

Alvin J. Al

EXHIBIT 2

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

EBONI EL, ANDREW HASKELL, SUNG	:	
JOO LEE, AKEEM WILLS, CHARLES	:	
GAMBER, DAVID KRAH on behalf of	:	No. _____
themselves and all persons similarly situated,	:	Class Action
	:	Original Jurisdiction
<i>Plaintiffs,</i>	:	
v.	:	
	:	
38 TH JUDICIAL DISTRICT, Hon. THOMAS	:	
M. DEL RICCI, President Judge (in his	:	
official capacity), MICHAEL GORDON,	:	
Chief Adult Probation and Parole Officer (in	:	
his official capacity), MICHAEL R. KEHS,	:	
Court Administrator (in his official capacity),	:	
and LORI SCHREIBER, Clerk of Courts (in	:	
her official capacity),	:	
	:	
<i>Defendants.</i>	:	

DECLARATION OF ANDREW HASKELL

I, Andrew Haskell, hereby declare the following is true and correct to the best of my knowledge and belief:

1. I, Andrew Haskell, am a forty-four-year-old white male.
2. I am currently in jail at the Montgomery County Correctional Facility (MCCF). I have been locked up in MCCF since April 20, 2021, when I was arrested for misdemeanor driving while intoxicated charge.
3. I had my first and final revocation proceeding on October 18, 2021. At that date, I moved immediately to sentencing and consolidated my open matter with my probation violation for a sentence of eight to fourteen months incarceration followed by three years reporting probation. With good time earned time, I expect to get out at the beginning of November.
4. I was incarcerated for nearly six months before I saw a judge. I do not believe I had a hearing to challenge the probation violation and believe I received no opportunity to argue that I should be released from jail during my revocation proceedings.

5. Locked up in April, I did not see a judge on the DUI case until July 19, 2021, when I had my bail hearing for that case and the judge found be releasable and assigned \$100 cash bail (ten percent of \$1,000).
6. I was originally put on probation because of convictions for retail theft and possession of drug paraphernalia. My underlying offenses result from my drug addiction.
7. My first *Gagnon* hearing was scheduled for July 13, but the court postponed the proceeding pending the outcome of my criminal case.
8. On October 18th, I pled guilty in order to get out of jail.
9. I have struggled with a drug addiction since I was 14 years old. I've been in and out of treatment. I am now on medication-assisted treatment, Suboxone, at MCCF. I believe I can recover from addiction with this support.
10. I have three children, all boys. They are 7, 14, and 16 years old. My 7-year-old is autistic and requires around-the-clock care. I am the primary breadwinner for my family and, along with my fiancée, the caretaker of my children. While I am in jail, my fiancée and elderly parents struggle to pay the bills and care for my children. I have not seen my children since I got put in jail in April. I want to get home so that I can take care of my children and provide for my family. There isn't a second that goes by where I don't think about them. My kids keep asking when I'm coming home. My whole family is suffering while I am away in jail.
11. I am a master tiler. I have a stable job laying marble and tile that I can return to, once I get out of jail. My employer keeps asking when I am coming home so that I can return to my job.
12. This probation detainer is the only thing keeping me in jail. My bail in the open case is only \$100. I could pay that bail and get home if it weren't for this probation detainer.
13. I want to get out of jail as quickly as possible and was took a plea deal to get out more quickly. If I weren't incarcerated, I would consider going to trial, but I know I will go home sooner if I don't contest the charges or the allegations. Every day I remain incarcerated is another day my children don't have their dad, and another day my family goes without my income.

I, Andrew Haskell, declare under penalty of perjury under the law of the Commonwealth of Pennsylvania, 42 Pa.C.S.A. § 6206, that the above statement is true and correct.

I gave Nyssa Taylor permission to type this statement. I reviewed this statement with Nyssa Taylor and it is true and correct.

Signed on the 21 day of October, 2021 at 9:00 (time) while incarcerated in the Montgomery County Correctional Facility in Montgomery County, Pennsylvania.

Andrew Haskell

EXHIBIT 3

7. On September 10, 2021 at MCCF, I had a video conference with a probation officer, Lauren Cusak. I had never met her, but understood she was my assigned Pennsylvania PO. She sent me a paper listing the alleged violations. During the video conference, Ms. Cusak told me this video was my *Gagnon I*. It was only her and I on the call, neither my lawyer nor a judge were present—no one was present but the probation officer.
8. My family scraped together money to hire an attorney for me back when I was in Tennessee. That attorney filed an emergency motion to lift the detainer. I understand that the attorney later withdrew that motion to get me a better plea deal.
9. The first time I saw a judge was on September 28, 2021 when I appeared in court and the judge told me this was my sentencing. The judge sentenced me to three to twenty-three months of incarceration followed by one year of reporting probation. I am currently serving that sentence and hope to be released in November.
10. This has been a nightmare for me. I am married and my wife was eight months pregnant when the probation officer arrested. On August 25th, I was supposed to go with my wife to an ultrasound appointment.
11. I had no idea when I reported to my probation officer that he would arrest me and take me away from my family. I never got a chance to say good-bye to my wife. I haven't seen her or our baby since they locked me.
12. I wasn't even able to move my work truck, which my wife had to pick up from a site.
13. This Tuesday, September 28, 2021, while locked up at MCCF, my wife gave birth to our baby girl. We had a birth plan all figured out that she had to change at the last minute because of this. I wasn't able to be there for the birth. My sister had to fly to Tennessee from Maryland to help my wife. I missed the best thing that's ever happened to me, the miracle of life, my first child.
14. In addition to missing my child's birth, I lost desperately needed income. Before this arrest, I was working full time as a contractor renovating homes. I have a great boss who is holding my job for me and I can return to work upon release. I am the primary breadwinner in the family. Losing my income has meant that we have had to deplete our savings to pay our rent.
15. My wife only has six weeks of maternity leave, and my sister went to stay with her after the birth to help her out.
16. On September 28th, I waived everything and pled to everything because I am desperate to go home to my family. If I didn't have a family who needed me, I wouldn't have taken a deal for probation; I'd rather have stayed in jail longer if it meant that I could get off probation. Probation on Montgomery County is downward spiral, in the future, I could miss a single payment and they could come and lock me up again all over again.

17. Before the September 28 hearing, I wrote letters to the judge, to my probation officer. Friends and family, even my boss, wrote letters of recommendation on my behalf, all urging the judge to let me go home for the birth. Neither the probation officer or the judge paid any attention; all they saw was piece of paper with that May conviction. They gave me no chance.

18. Incarceration can ruin your life. There should be other steps to rehabilitate people than putting them in jail. All you do here is sleep, watch TV, order commissary, eat junk food, over and over. There's no rehabilitation here.

I, Sung Joo Joel Lee, declare under penalty of perjury under the law of the Commonwealth of Pennsylvania, 42 Pa.C.S.A. § 6206, that the above statement is true and correct.

I gave Nyssa Taylor permission to type this statement. I reviewed this statement with Nyssa Taylor and it is true and correct.

Signed on the 1st day of October, 2021 at 4am (time) while incarcerated in the Montgomery County Correctional Facility in Montgomery County, Pennsylvania.

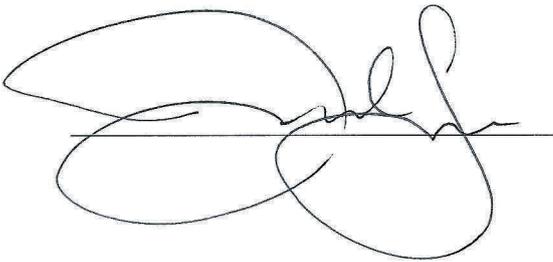
A handwritten signature in black ink, appearing to read "Sung Joo Joel Lee", is written over a horizontal line. The signature is highly stylized with large loops and flourishes.

EXHIBIT 4

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

EBONI EL, ANDREW HASKELL, SUNG	:	
JOO LEE, AKEEM WILLS, CHARLES	:	
GAMBER, DAVID KRAH on behalf of	:	No. _____
themselves and all persons similarly situated,	:	Class Action
	:	Original Jurisdiction
<i>Plaintiffs,</i>	:	
v.	:	
	:	
38 TH JUDICIAL DISTRICT, Hon. THOMAS	:	
M. DEL RICCI, President Judge (in his	:	
official capacity), MICHAEL GORDON,	:	
Chief Adult Probation and Parole Officer (in	:	
his official capacity), MICHAEL R. KEHS,	:	
Court Administrator (in his official capacity),	:	
and LORI SCHREIBER, Clerk of Courts (in	:	
her official capacity),	:	
	:	
<i>Defendants.</i>	:	

DECLARATION OF AKEEM WILLS

I, AKEEM WILLS, hereby declare the following is true and correct to the best of my knowledge and belief:

1. I, Akeem Wills, am a twenty-six-year-old Black man.
2. I am currently in jail at the Montgomery County Correctional Facility (MCCF) where I have been since around April 14, 2021 because of probation revocation proceedings due to new charges in Philadelphia.
3. I have been on probation since 2015 due to a forgery conviction. Montgomery County has revoked my probation four times before, for technical violations and non-violent charges.
4. Montgomery County transferred my probation to Philadelphia, where I live, and a Philadelphia probation officer supervises my probation.
5. At the end of March 2021, I spent a couple weeks in Philadelphia’s jail after the police arrested me for two new separate charges in Philadelphia: the unauthorized use of an automobile and drug possession with intent to deliver. Montgomery County filed a detainer and brought me to MCCF around April 14, 2021.

6. The detainer is the only reason I am in jail. Philadelphia assigned me ROR (release on recognizance) and unsecured money bail for my two new cases. If it weren't for this Montgomery County detainer, I would be home.
7. Since I was jailed in MCCF on April 14th, I have not seen a judge.
8. I have not had any opportunity to argue that I should be released from jail during the revocation process.
9. I do not believe I spoke a Montgomery County lawyer until about July 2021.
10. I had *Gagnon* hearings scheduled in June, July, August, and September. However, I don't know what happened, the sheriff didn't bring me to court, and the judge continued the hearings without me.
11. I have a hearing scheduled in my one open case in Philadelphia at the end of November and a trial scheduled March 9, 2022 for my other open case.
12. A few days after my April incarceration at MCCF, I had a video conference with a probation officer. People in the jail handed me a sheet of paper with my violation charges on it. People called this a *Gagnon* I hearing. But I never saw a judge, never had a lawyer, and never heard any evidence against me. They didn't ask me any questions and didn't give me the chance to argue for my release.
13. In the four prior times incarcerated at MCCF on probation revocation charges, I don't believe I ever had a *Gagnon* I hearing. They would sometimes schedule them, but when you got into court, they went straight to sentencing.
14. Every time Montgomery County incarcerated me, they held me for several months before my final revocation hearing. In 2016, they held me for 297 days, in 2018 they held me for 182 days, and in 2020, they held me for 329 days. Each time, when I finally got into court, the judge sentenced me to time-served followed by more probation.
15. I am on social security disability income (SSDI). Every time I go to jail, they stop my payments, which makes it even harder to get back on my feet.
16. I have a good place to live with my sister and her baby when I get out of jail. She helps me make sure I am on the right path.
17. Jail has made my life really hard. It takes a lot of time away from you. I can't get anything done to make my life better while I am in here.

I, Akeem Wills, declare under penalty of perjury under the law of the Commonwealth of Pennsylvania, 42 Pa.C.S.A. § 6206, that the above statement is true and correct.

I gave Nyssa Taylor permission to type this statement. I reviewed this statement with Nyssa Taylor and it is true and correct.

Signed on the 21st day of October, 2021 at 8:30 (time) while incarcerated in the Montgomery County Correctional Facility in Montgomery County, Pennsylvania.

Akeem Wills

EXHIBIT 5

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

EBONI EL, ANDREW HASKELL, SUNG	:	
JOO LEE, AKEEM WILLS, CHARLES	:	
GAMBER, DAVID KRAH on behalf of	:	No. _____
themselves and all persons similarly situated,	:	Class Action
	:	Original Jurisdiction
<i>Plaintiffs,</i>	:	
v.	:	
	:	
38 TH JUDICIAL DISTRICT, Hon. THOMAS	:	
M. DEL RICCI, President Judge (in his	:	
official capacity), MICHAEL GORDON,	:	
Chief Adult Probation and Parole Officer (in	:	
his official capacity), MICHAEL R. KEHS,	:	
Court Administrator (in his official capacity),	:	
and LORI SCHREIBER, Clerk of Courts (in	:	
her official capacity),	:	
	:	
<i>Defendants.</i>	:	

DECLARATION OF CHARLES GAMBER

I, CHARLES GAMBER, hereby declare the following is true and correct to the best of my knowledge and belief:

1. I, Charles Gamber, am a forty-five-old white male.
2. I have been incarcerated in Montgomery County Correctional Facility (MCCF) because of a technical parole violation since August 13, 2021.
3. Around April 30, 2021 police arrested me in Arizona put me in jail in Maricopa County, Arizona. Montgomery County extradited me to Pennsylvania on August 13, 2021.
4. I am on Montgomery County’s parole because of a 2013 conviction for a misdemeanor DUI. Since then, I had prior violations both technical and direct. A 2020 violation also led to a new conviction for a misdemeanor resisting arrest and disorderly conduct.
5. On October 5, 2021, I had my first and final revocation proceeding. The judge sentenced me to seven (7) to thirteen (13) months with credit for time served followed by one year of reporting probation.

6. I waived my right to a *Gagnon* I and did not contest the allegations because I understood this was the fastest way to get out of jail.
7. The judge gave me credit for time served and I hope to be released this week. However, I recently learned that Montgomery County will not release me without a home plan. As I am currently homeless and without an income, so I fear Montgomery County won't release me anytime soon.
8. From the time of my extradition, to my final sentencing, I never had a *Gagnon* I or an opportunity to argue for my release.
9. A few days after I was incarcerated at MCCF, I saw a parole officer via video. I received a sheet of paper that listed my violation charges on it. My understanding from people in the jail was that this was the *Gagnon* I hearing. But I never saw a judge, never had a lawyer, and never heard any evidence against me.
10. I believe that my alleged violations were for failing to complete a voluntary psychiatric program, for not taking my ADHD medication as prescribed, and failing to pay about \$100 in fines.
11. Nobody asked if I could afford to pay the fine amount, and no one asked me anything about my current financial situation.
12. I am currently homeless and receive food stamps.
13. The police arrested me on this technical parole warrant at the end of April. I have been jailed ever since. I do not have any new criminal charges.
14. I have mental health conditions for which I take medication.
15. Incarceration has been very hard for me. I have tried to make the best of it, and rely on my faith. But I feel very downtrodden. Incarceration has taken away what could have been second chances at renewing my life and getting a fresh start.

I, Charles N Coomber, declare under penalty of perjury under the law of the Commonwealth of Pennsylvania, 42 Pa.C.S.A. § 6206, that the above statement is true and correct.

I gave Nyssa Taylor permission to type this statement. I reviewed this statement with Nyssa Taylor and it is true and correct.

Signed on the 15th day of October, 2021 at 8:00 (time) while incarcerated in the Montgomery County Correctional Facility in Montgomery County, Pennsylvania.



EXHIBIT 6

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

EBONI EL, ANDREW HASKELL, SUNG	:	
JOO LEE, AKEEM WILLS, CHARLES	:	
GAMBER, DAVID KRAH on behalf of	:	No. _____
themselves and all persons similarly situated,	:	Class Action
	:	Original Jurisdiction
<i>Plaintiffs,</i>	:	
v.	:	
	:	
38 TH JUDICIAL DISTRICT, Hon. THOMAS	:	
M. DEL RICCI, President Judge (in his	:	
official capacity), MICHAEL GORDON,	:	
Chief Adult Probation and Parole Officer (in	:	
his official capacity), MICHAEL R. KEHS,	:	
Court Administrator (in his official capacity),	:	
and LORI SCHREIBER, Clerk of Courts (in	:	
her official capacity),	:	
	:	
<i>Defendants.</i>	:	

DECLARATION OF DAVID KRAH

I, David Krah, hereby declare the following is true and correct to the best of my knowledge and belief:

1. I, David Krah, am a thirty-one-year-old Black man.
2. Currently incarcerated at the Montgomery County Correctional Facility (MCCF), I have been here since September 15th, 2021 because of proceedings to revoke my 2018 probation. I am also facing new criminal charges for possession of a controlled substance in Philadelphia.
3. In 2011, Montgomery County police arrested me for possession of drug paraphernalia. After spending time in MCCF, in 2018, a judge sentenced to one year of reporting probation. The docket for that case is CP-46-CR-0000425-2011.
4. I reported to Montgomery County probation a few times but believed my probation term ended over two years ago. As far as I know, I never received a notice or letter from Montgomery County telling me that I was still on probation or somehow in violation.

5. On September 15th, 2021, the Philadelphia police arrested me for drug possession. When the Philadelphia police arrested me, they said I had a warrant from Montgomery County. I don't understand how that is possible—my probation should have expired years ago.
6. A Philadelphia judge assigned me ROR bail (release on recognizance). But Montgomery County came and brought me from Philadelphia to MCCF. If it weren't for Montgomery County's bench warrant, I would be released.
7. I have not seen a judge for my probation violation. Since I arrived at MCCF, I had no hearing or opportunity to challenge the probation violation or argue for my release from jail.
8. My counselor told me that Philadelphia held a preliminary hearing on September 30th for my open case. Montgomery County did not take me to my Philadelphia court date; they held the hearing without me. I understand a judge remanded the case, and now I am only facing misdemeanor drug possession charges.
9. My next court date in Philadelphia is November 4th, 2021.
10. A Probation Officer Andrea Holtz (sic) told me that if I just signed some papers, they would let me go now and just give me one year of reporting probation. But I didn't do anything wrong, and I don't want to plead guilty. I told her I wanted to wait until the resolution of my new case. The PO said they won't schedule a violation hearing until after November 4th, after the resolution of my new case.
11. This detainer is the only thing holding me in custody.
12. Montgomery County has not scheduled a probation hearing for me; I have no idea when I will get to see a judge.
13. Incarceration at MCCF has been brutal—another incarcerated person violently attacked me.
14. Before my arrest, I had worked for six years at a tire shop—trading, fixing, and changing tires and rims. I also worked part-time laying concrete and doing other manual labor. I plan to return to these jobs upon my release.
15. I also have an apartment that I want to return to.
16. I have a nine-year-old son who lives in Texas, but I have not seen my son since September. Currently, he lives with my girlfriend's grandfather. Before this incarceration, I co-parented, visiting my son regularly and providing regular financial support. I can't do any of that while I am incarcerated.

17. Being separated from my son and unable to speak with him has been so painful. I am sad about missing Halloween with him and hope that I can be released in time for us to spend Thanksgiving together.
18. I could not bear to tell my son that I was incarcerated, it was too devastating.
19. I am desperate to return home to my job, my family, and my life.

I, David Krause, declare under penalty of perjury under the law of the Commonwealth of Pennsylvania, 42 Pa.C.S.A. § 6206, that the above statement is true and correct.

I gave Nyssa Taylor permission to type this statement. I reviewed this statement with Nyssa Taylor and it is true and correct.

Signed on the 21 day of October, 2021 at 9:30 (time) while incarcerated in the Montgomery County Correctional Facility in Montgomery County, Pennsylvania.

David Krause