

DECLARATION OF NOAM BIALE

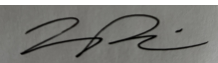
I, NOAM BIALE, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently and truthfully to these matters.
2. I am a partner at Sher Tremonte LLP and am the firm's pro bono coordinator. I am a member of the Criminal Justice Act Panels in the Eastern and Southern Districts of New York.
3. I am an attorney in good standing in the state of New York. I am admitted in the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and the United States District Courts for the District of Columbia, Connecticut, and the Southern, Eastern, and Northern Districts of New York. I specialize in the practice of criminal defense and represent both private clients and indigent individuals accused of crimes pursuant to appointment under the Criminal Justice Act.
4. I regularly represent clients who are detained by the Bureau of Prisons ("BOP") at the Metropolitan Detention Center ("MDC") in Brooklyn, New York.
5. When I need to locate and contact a client detained at MDC, I can enter that client's information into the BOP online locator system (<https://www.bop.gov/inmateloc/>), which lists the facility where that client is detained. The BOP locator system typically provides information about a client's location within 24 hours of the client's arraignment, if not sooner.
6. In-person attorney access to individuals at MDC is governed by BOP policy, which can be found here https://static1.squarespace.com/static/5f34059aa7591513b7c8d662/t/66d731f27654f065d523d631/1725379058496/MDC+Brooklyn+Attorney+Guide_AUGUST2024.pdf [https://perma.cc/D4WK-5R6S]. Under the policy, in-person attorney visits are generally available between 8:00 a.m. – 7:00 p.m. on weekdays and between 8:00 a.m. – 3:00 p.m. on weekends and holidays. On each day, there is a count, during which attorney visitors may not enter the facility, but legal visits that have begun prior to the count are permitted to continue.
7. My personal experience representing dozens of clients detained at MDC has generally been consistent with the written BOP policy.
8. In-person visits with a client detained at MDC do not require advanced scheduling. I regularly visit clients in person by appearing at the facility and requesting to see a particular client by filling out a form with that individual's name and register number. The attorney visits occur either in a separate room where only the client and I are able to

speak, or in a larger room with other attorneys and their clients. A slightly different procedure exists if my client is being housed in restrictive housing, in which case I am brought to where they are housed to speak with the client privately.

9. I am generally able to conduct in-person sensitive attorney-client conversations in private. During those meetings, both my client and I are able to look over documents and digital discovery together. While I cannot give my client paper documents to keep, the MDC maintains a legal mail drop-box, where I can leave paperwork that is usually delivered to the client in short order.
10. I also regularly speak with clients housed at MDC via videoconferencing and telephone calls. Legal calls and videoconferences can be scheduled between 9:30a.m. – 3:00p.m. Monday through Friday. To schedule a videoconference or phone call, I use the following online form: <https://airtable.com/appp1SgVH0Uu2Jtui/shrfVZQ5d2QzABZCc> [https://perma.cc/5KQQ-XBAC]. Videoconference and legal calls are scheduled at least 48 hours in advance by clicking on a desired available time slot. Subsequently, I receive an email with a link to the secure videoconference room. For phone calls, the facility will call me directly to coordinate the phone calls with my clients, which are confidential and unmonitored.
11. The above practices apply to my communications with clients detained at MDC, whether they are pre-trial detainees or have been convicted and await transfer to another facility.

Executed on 29th of July, 2025, at New York, New York.



Noam Biale