

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

Favian Busby and Michael Edgington, *on their own behalf and on behalf of those similarly situated*;

Petitioners-Plaintiffs,

v.

Floyd Bonner, Jr., *in his official capacity*,
Shelby County Sheriff, and the Shelby County
Sheriff's Office,

Respondents-Defendants.

Case No. _____

**DECLARATION OF JOSIE HOLLAND IN SUPPORT OF
PETITIONERS-PLAINTIFFS' MOTION
FOR A TEMPORARY RESTRAINING ORDER**

I, Josie Holland, certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746:

1. My name is Josie Holland. I am over the age of 18 and I am competent to make this declaration.

2. I have been a lawyer since October 2014, and I am licensed to practice law in the state of Tennessee (BPR #33352). I am a solo practitioner and my office is at 917 South Cooper in Memphis, Tennessee 38104. I primarily practice criminal defense in Memphis. The majority of my clients are indigent, though I do some private hire work.

3. I respectfully submit this Declaration in Support of Plaintiffs' Motion for a Temporary Restraining Order. The purpose of this Declaration is to record my familiarity with Shelby County Jail ("the Jail") prior to and during the COVID-19 pandemic and the conditions at the Jail and in which detained individuals live, which are based on what I have seen and reports I have received from my clients.

I. Familiarity with the Shelby County Jail

4. I am familiar with the Jail. In the summer of 2013, I had cause to tour the Jail as an intern at the Shelby County District Attorney's Office.

5. The detainees are housed in pods, except for those in their first 60 days of incarceration. Detainees in the first 60 days of their incarceration are housed in two-men cells on the lower levels. Each pod typically houses around 40 men, and consists of a centralized recreation area as well as individual cells holding two people each. The recreational areas are on average about 30' x 40' in size for approximately 40 men. The lower level cells are approximately 6' x 8' cages where detainees are locked 23 hours a day. The detainees sleep in bunk beds.

6. Despite the pandemic, I continue to visit the Jail approximately once every two weeks. On occasion, I go to the Jail more often.

7. When I visit the Jail, my temperature is not always taken before I go inside. Even when they do remember to take my temperature, it is unclear whether the machine registers body temperature accurately. I have seen the machine register someone's temperature at ninety-five degrees, and the result was not questioned.

8. Since mid- to late March 2020, attorneys have not been allowed to meet with their clients who are held in pods. The only way to speak with them are through recorded phone calls and video conferencing at the Jail. The video conferencing rooms have booths, numbered 1 to around 100. The booths are dirty and attorneys are given baby wipes if they wish to clean them. The booths are not fully partitioned, and it is not possible to keep a six-foot distance from other people in the booths.

II. Conditions for Detained People and Staff at the Shelby County Jail

9. My clients housed in quarantine at the Jail told me that they must drink toilet water to stay hydrated. One client told me that the toilet water came from the back tank of the toilet. Other attorneys I know have heard similar stories from their clients.

10. Since May 2020, detainees at the Jail have been given one mask each without any replacements. They do not have access to hand sanitizer. If they need soap, they must buy it from the commissary.

11. Some people are quarantined on the sixth floor, while others are quarantined on the fourth floor. I have been told by my clients that individuals with confirmed cases of COVID-19 and individuals who display symptoms of COVID-19 are housed together. For example, one of my clients had some respiratory problems and, although he tested negative, as of May 7, 2020, he was housed together with people who tested positive.

12. Whether in the lower-level cells or the Jail pods, the detainees are unable to keep apart from each other when they sleep. The beds are typically less than six feet apart. Their toilets are also less than six feet from their beds.

13. Since one of the Jail deputies died from COVID-19, my clients have told me that the deputies would not enter the individual cells of detainees. Some deputies have also refused to go into the Jail pods. The quarantined people only see a nurse coming into the pod to take their temperature once a day. My clients told me that the fourth-floor quarantine pod is largely unsupervised. Some of the inmates do not wear their masks and social distancing is not observed by the detainees or enforced by the Jail staff.

III. Delays in Court

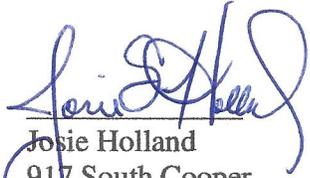
14. Tennessee courts, including those in Shelby County, have slowed down their operations in response to the COVID-19 pandemic.

15. In my experience, it takes between two and four weeks for a request for a bond reduction to be heard by the court. This is so that pre-trial services can meet with the client to gather background information. To my knowledge, during the pandemic, pre-trial services have requested a longer timeframe for bond reports. Currently, to have a bond hearing in Criminal Court, I can expect that my hearing date will be approximately one month to six weeks from the date I file my motion and request the bond hearing. This length of time varies between courtrooms.

16. An appeal of a request for a bond reduction must go to the Tennessee Court of Criminal Appeals. This process typically takes several weeks. I would estimate that an appeal from a bond hearing would take around three to four months if the parties did not request oral argument.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 19th day of May, 2020, in Memphis, Tennessee.

A handwritten signature in blue ink, appearing to read "Josie Holland", written over a horizontal line.

Josie Holland
917 South Cooper
Memphis, TN 38104
Phone: (731) 336-0885
Email: josiehollandlaw@gmail.com