

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

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PEOPLE OF THE STATE OF NEW YORK
EX REL. Corey Stoughton, Esq.
On behalf of

VENUS WILLIAMS, et al.,

Petitioners,

v.

CYNTHIA BRANN, Commissioner, New York City
Department of Correction; ANTHONY ANNUCCI,
Acting Commissioner, New York State Department of
Corrections and Community Supervision,

Respondents.

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MARTIN BOWE, being duly sworn deposes and says under penalty of perjury:

1. I am an Assistant Corporation Counsel assigned to represent Cynthia Brann, Commissioner of the New York City Department of Correction (“City Respondents”), in the above-captioned proceeding. I submit this affirmation in opposition to Petitioners’ Motion for Reargument and to the Verified Petition for Writ of Habeas Corpus, dated April 1, 2020, seeking an order directing the immediate release of 79 persons in the custody of the New York City Department of Correction (“DOC”) pursuant to C.P.L.R. §§ 7001 and 7002. This affirmation is being submitted in further opposition to Petitioners’ motion to reargue and renew and in opposition to their writ of habeas corpus.

2. In their Verified Addendum, filed by email at 2:56p.m. today, Petitioners identified the failure to release them as the sole conduct evincing deliberate indifference by the Respondents. See Addendum at ¶ 21. It is undisputed that DOC has no authority to release a

person in custody without a Court order. Accordingly, Petitioners cannot show deliberate indifference by Respondent Brann.

3. Additionally, as exemplified by the Bowe Affirmation submitted today, Petitioners were required to provide this Court with documentation in support of the alleged medical conditions for each petitioner rendering them at a heightened risk of death. However, despite having filed and maintained this proceeding for nearly four weeks now, Petitioners fail to meet that burden with self-authenticating medical documentation. For this reason alone, the Petitioner should be denied.

New York, New York
April 8, 2020

/s/

Martin Bowe

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