

DOCKET NO. UWY CV-20-6054309-S

CONNECTICUT CRIMINAL	:	SUPERIOR COURT
DEFENSE LAWYERS	:	
ASSOCIATION, et al,	:	
<i>Plaintiffs,</i>	:	
	:	JUDICIAL DISTRICT OF WATERBURY
	:	AT WATERBURY
	:	
v.	:	
	:	
LAMONT, NED, <i>et al</i> ,	:	APRIL 12, 2020
<i>Defendants,</i>	:	

DECLARATION OF CARY FRESTON, MD, CCHP

I, Cary Freston, MD, CCHP, DO DECLARE UNDER PENALTY OF PERJURY THAT THE FOLLOWING IS TRUE AND CORRECT AND IS BASED UPON MY PERSONAL KNOWLEDGE:

1. I am over the age of eighteen years old and believe in the obligations of an oath.
2. I received my medical degree from St. George's University School of Medicine in June 1996.
3. I previously worked at University of Connecticut Health Center in Correctional Managed Health Care from 2008 until 2018 when I became a staff physician for the Connecticut Department of Correction ("DOC").
4. I currently hold the position of Acting Regional Medical Director with the DOC.
5. I have reviewed the pertinent medical records of Kerri Dirgo #336374 ("plaintiff") and state as follows.
6. The plaintiff is a 31 yr old female who is currently incarcerated at the York Correctional Institution.

7. The plaintiff has a current medical level of 2 meaning low medical acuity.
8. Since the beginning of January 2020 the plaintiff has had two requests to be seen by DOC medical staff for non-chronic conditions. One to request a medical visit for constipation and the other to request a renewal of a bottom bunk pass.
9. Since the beginning of January 2020 the plaintiff has not been treated by DOC medical staff for any non-chronic complaints: When scheduled to be seen for her complaints for constipation the inmate refused to be seen by the provider.
10. Presently the patient is receiving high intensity mental health infirmary level care. She started a hunger strike, became self-injurious and combative, and refused all medical attention.
11. Plaintiff is receiving infusion therapy every six months for treatment of her chronic condition, multiple sclerosis. Her disease symptoms are stable.
12. Plaintiff has not exhibited symptomology which, under the CDC guidelines, indicates possible contraction of COVID-1, however her cellmate has exhibited symptoms. Due to this the plaintiff has been quarantined per CDC guidelines.
13. Plaintiff has refused all vital signs and physical assessments since quarantine began, however she has not exhibited or reported any symptoms at this time.
14. Plaintiff has not exhibited symptomology which, under the CDC guidelines, indicates the need for testing for COVID-19. However, because of her cellmate exhibiting symptoms, the plaintiff has been tested. Those results are pending at this time. To clarify, the plaintiff does not show any symptoms of COVID-19.
15. The plaintiff has no other positive indicators which, under CDC guidelines, requires the need for testing for COVID-19.

16. DOC medical records indicate the plaintiff does have the following chronic conditions:
Multiple Sclerosis, Borderline Personality Disorder, Alcohol Abuse.
17. DOC medical records indicate the plaintiff does have chronic medical condition(s) which
would place her in a COVID-19 higher risk category, however, her medical condition is stable.
18. Although the plaintiff does multiple sclerosis, a chronic condition, the increased risk for
COVID-19 is minimal to moderate. The condition is currently being managed as
recommended per CDC guidelines.
19. For all the foregoing reasons I don't believe that it is medically necessary to release the plaintiff
prior to her current end of sentence.

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

I, Cary Freston, MD, CCHP, declare under penalty of perjury that the foregoing is true and
correct to the best of my knowledge regarding the events alleged.

Executed on April 12, 2020.



Cary Freston, MD, CCHP

CERTIFICATION

I hereby certify that on April 13, 2020, a copy of the foregoing was filed electronically on the judicial branch website and emailed to the following:

Dan Barrett
Elana Bildner
ACLU Foundation of Connecticut
765 Asylum Avenue
Hartford, CT 06105
(860) 471-8471
e-filings@acluct.org
DBarrett@acluct.org
ebildner@acluct.org

Hope Metcalf
Marisol Orihuela
Mirtiam Gohara
Yale Law School
127 Wall Street
New Haven, CT 06511
(203) 432-9404
hope.metcalf@ylsclinics.org
marisol.oriuela@ylsclinics.org
miriam.gohara@ylsclinics.org

/s/
Steven R. Strom
Assistant Attorney General