

EXHIBIT M

Declaration of Frank Kelly

1. I am an adult.
2. I have been incarcerated at Garner Correctional Institution since January 2, 2020. I am 25 years old. I am housed in Fox Unit. To my knowledge, there are currently approximately 25 people housed in my unit, but the number of people fluctuates daily.
3. I get at most one hour out of cell per day. When people in my unit leave their cells, they are escorted by an officer. The officers hold people's arms while escorting them. The officers wear gloves, but many do not change their gloves between each person they escort. The officers also use handcuffs while escorting some people. They do not sanitize the handcuffs each time they place them on someone new. Wearing a mask is optional, and most officers do not wear them. Sometimes officers place multiple people in recreation "cages" at the same time so that they are within six feet of one another.
4. I do not share my cell with anyone else. My sleeping area is not cleaned nor sanitized by staff. I am only provided supplies to clean my own cell once per week. I am provided with diluted cleaning supplies to clean. I do not have access to hand sanitizer.
5. I am only allowed to shower three times per week. I do not have a shower in my cell. I share approximately five showers with everyone in the unit.
6. I also share two phones with my entire unit. I am allowed to make three 15-minute phone calls per week. The phones are not always cleaned in between calls.
7. There is one person who is responsible for cleaning the entire unit, including the common area, outside recreation area, counselors' units, phone booths,

showers, and individual cells after people are transferred. He cannot clean the unit sufficiently each day.

8. Staff have provided guidance about how to protect myself and others from coronavirus transmission by placing posters in the unit. They have also provided me with two masks made out of the same material used for our uniforms.

9. Some staff members have tested positive for COVID-19. I have no way of knowing if I have come into contact with them.

10. I have been diagnosed with asthma. I have been hospitalized two times due to asthma while in the custody of the Department of Corrections. Both times, I was taken in an ambulance to an outside hospital.

11. I declare under penalty of perjury that the foregoing is true and correct. I would testify to the same statements above if called to do so in court.

12. I have authorized Wynne Muscatine Graham to affix my signature to this affidavit for me, because I am incarcerated, and it would take a minimum of seven days for me to receive a document in the mail, sign it in front of a notary, and return it by mail.

Executed this 16th day of April, 2020.

Frank Kelly
by Wynne Muscatine Graham