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* ADMITTED IN NY & NJ

March 22, 2020

Honorable Paul A. Engelmayer
United States District Court Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Daniel Hernandez
Docket No.: S5 18-CR-0834-004 (PAE)

Dear Judge Engelmayer:

As you may recall, I represent Daniel Hernandez with regard to the above-referenced case. I hope all is well and you and your family are safe during these trying and chaotic times. I am writing today to ask your Honor to modify Mr. Hernandez's sentence given his medical condition and the current spread and devastation of the novel coronavirus, COVID-19, epidemic.

As your Honor may recall, Mr. Hernandez was sentenced to 24 months in jail on December 18, 2019, and the Bureau of Prisons has now calculated his release date as July 31, 2020. While I recognize that his release date is only about four months away, given the health crisis that is currently tearing through this region and Mr. Hernandez's compromised medical condition, please strongly consider modifying Mr. Hernandez's sentence so as to immediately make him eligible for home confinement.

As verified in paragraph 140 of Mr. Hernandez's pre-sentence report, he suffers from asthma and has regularly been hospitalized due to serious asthma attacks. Additionally, as per paragraph 143 of the PSR, while incarcerated, Mr. Hernandez was diagnosed with bronchitis and sinusitis on October 31, 2019 and was hospitalized for treatment. Your Honor has likely heard that this virus can be deadly for individuals with pre-existing conditions (including those who suffer from asthma) and/or compromised immune systems. Given the significant risk to such individuals and the alarming contagious nature of the virus, New York City Corrections and the New York State Courts are taking steps to release inmates who are at high risk from this virus. I understand that 40-50 such inmates have either been released or will be released in response to this concern.

I learned today that an inmate at MDC has been diagnosed with the coronavirus. It seems like just a matter of time before all prisons in the area are hit with this virus, both inmates and

guards. Mr. Hernandez has been complaining to prison officials this week of shortness of breath, but apparently the warden of his facility will not allow Mr. Hernandez to go to the hospital despite the recommendation of the facility's medial director that Mr. Hernandez be treated by a doctor at a hospital.

Given that Mr. Hernandez is at very high risk of death or serious complications if he contracts the coronavirus, please issue an order modifying his sentence to allow him to begin home confinement immediately. Most inmates with his 24-month sentence would already be on home confinement or a half-way house, but as your Honor may recall, Mr. Hernandez's status as a cooperating witness and a government hold has made him ineligible for these programs.

Therefore, in order to protect Mr. Hernandez's health and possible risk to his life, given his serious medical condition and the grave status of the coronavirus in our area, please consider issuing an order modifying Mr. Hernandez's sentence. Thank you for your consideration. Please contact me if you have any questions or need any additional information.

Very Truly Yours,

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