

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

DAVID TERWILLIGER,
Petitioner,
v.
ROLLIN COOK, Commissioner,
Connecticut Department of Correction, and
NICK RODRIGUEZ, Warden,
Osborn Correctional Institution,
Respondents.

Case No. 3:20-cv-540-SRU

DECLARATION OF MARY DESALVO

I, Mary DeSalvo, upon my personal knowledge, and in accordance with 28 U.S.C. § 1746, declare as follows:

- 1. My name is Mary DeSalvo. I was born on June 21, 1966 and I am 53 years old. I live in Cataula, Georgia. David Terwilliger is my father.
2. My father served for many years in the U.S. Navy. My father spent a lot of my childhood overseas, stationed throughout the world and in the Middle East, Italy and Cuba.
3. Even though he wasn't around all the time, he was a wonderful father. The happiest memories of my childhood were spent camping with my dad and fishing on a lake. He read me stories and took me to church.
4. When he finally left military service in 1991 or 1992, it was the most joyous time of my adult life because I finally got to spend quality time with him. My own daughter got to spend time reading stories with him and going to church.
5. In 2011, my father was convicted for manslaughter. He has been incarcerated since 2003. He is now 80 years old. He communicates through letters with me, my daughter Michelle Allen, and my aunt Karen Thaler. We save the letters he sends us.

6. I last saw my father in August 2019 in Osborn Correctional Facility. He was frail, and hard of hearing. My father is disabled and has severe health conditions, including lung problems. He has said he has trouble walking to and from the prison cafeteria.
7. Since his incarceration, he has been hospitalized on multiple occasions for severe health conditions, including two heart attacks.
8. In 2012, my father wrote us a letter that stated he had received care for a heart attack. In 2013, we received another letter from my father stating he was hospitalized in February of that year to repair a wound on his face.
9. While visiting my father in February 2015, he informed me that he had suffered another heart attack and had been hospitalized. And when I last saw my father, he told me that he had been again hospitalized for another heart attack. I know from hospital bills we got in the mail that he went to the emergency room in February 2017 in critical condition and received care from a cardiologist. He also told me that he had been hospitalized another time after he fainted, possibly from a seizure, and fell, cutting his head open. He showed me the scar.
10. My father was hospitalized with blood clots that were causing him blackouts in 1998 and 1999. I remember that during one of those hospitalizations, the doctors learned he had pleurisy and scarring on his lungs. He got pneumonia in about 2002 and it took him a long time to get over it. He got very sick and had to go on medications—he said his breathing was troubled then. The last time I saw him, he told me that his breathing is sometimes still hard in prison.
11. My father wrote us this month saying that COVID-19 is “spreading like wildfire” throughout his prison. He wrote that a few correctional officers have the virus and that people in another block have it as well. I’ve read the news reports that hundreds of people in Connecticut prisons are getting infected from COVID-19.
12. Because of his age, and his heart and lung conditions, I know my father is especially at-risk from COVID-19. I am terrified that my father will contract the virus and die alone.
13. When my dad has gotten sick in the past, he has stayed sick a long time because of his conditions. This virus would likely be a death sentence for my father.
14. In my father’s latest letter from April 7, he wrote that the mood in the prison is tense as people get sicker and sicker. He said there have been fights in the prison and that he is hungry and unable to get enough to eat now that the prison is on lockdown.
15. My father is supposed to be released in less than a year and a half. I am terrified that he won’t make it until then. I am willing to do anything to save his life.
16. If released, I will drive to pick him up from Connecticut at any time and bring him directly back to my home in Georgia. I have been working from home since March 11, 2020 and self-isolating since about March 16, 2020 when the schools in Georgia closed.

17. In Georgia, I live on a two-acre farm that is about a 25-30 minute drive from the nearest town. My house was hand-picked with my father in mind, so he could come home and grow old with my family. We live just 26 miles from a VA hospital, where my father could seek healthcare. I have already prepared a bedroom for him to sleep in. A photo of that bedroom is attached hereto as **Exhibit A**. We would continue to follow self-isolation guidelines and all state and local orders.
18. My dad is a deeply religious man and an ordained minister. He has told us that once he leaves prison, he wants to live a quiet and spiritual life and tend to a vegetable garden.
19. I know my father has a complicated past, and has made mistakes. But he doesn't deserve to die for his past. We love him so much. I want my dad to have second chance at a life outside prison. I am afraid that he will get infected and die before we ever get a chance to see him again.
20. I know that my father and I do not have much time left together. I want him to have a choice to know my husband, whom he's never met. I want him to be able to hold his great-grandchildren. I want us to have a chance to go fishing together one last time. If he dies in prison because of this virus, they never will.
21. It would mean everything to me and to my family to know that my father is safe. Please have mercy on my father, and allow him to live with us in peace, safe from the virus.

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

Executed this 21st day in April 2020 in Cataula, Georgia.

Mary C. DeSalvo 4/21/2020 | 14:13:42 EDT
Mary DeSalvo

Exhibit A

