

## STATEMENT OF WITNESS

Statement of: J. E. Yancey Ellis  
Age of witness: Over 18  
Occupation of witness: Attorney  
Address: Carmichael Ellis & Brock, PLLC, 108 N. Alfred Street, 1st Floor, Alexandria, Virginia 22314.

This statement, consisting of 5 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. I am a partner in the law firm Carmichael Ellis & Brock, PLLC located in Alexandria, Virginia. I received a Bachelor's Degree in Finance from West Virginia University in 1999. I received a Juris Doctor Degree from George Mason University School of Law (now the Antonin Scalia Law School) in 2005.
2. I have been a practicing attorney for almost 15 years, during which time I have practiced criminal law almost exclusively. Initially, I practiced in the U.S. Marine Corps from 2006 to 2010 as a judge advocate. From 2011 to 2015, I worked as a public defender in the City of Alexandria, Virginia. Since 2015, I have been in private practice with my current firm.
3. My job as a public defender was to represent indigent defendants charged with felony and misdemeanour criminal offenses within the City of Alexandria. In this capacity, I represented hundreds of individuals that were homeless and/or suffered from mental health issues such as schizophrenia, bi-polar disorder, depression, etc. Additionally, I represented many individuals that were incarcerated in the William G. Truesdale Adult Detention Center ("Alexandria jail"), including several inmates that

spent time in the administrative segregation unit (“ADSEG unit”). As part of our job, we were granted special access to enter the units of the jail, as opposed to private attorneys who were required to use the attorney-client rooms.

4. Since I entered private practice in 2015, I have continued to accept court appointed cases from the City of Alexandria courts, which are cases where the Public Defender’s Office has a conflict of interest. Many of these clients have been incarcerated in the Alexandria jail. Moreover, I am a member of the Criminal Justice Act (“CJA”) panel of the U.S. District Court for the Eastern District of Virginia (“EDVA”), which likewise appoints me to represent indigent defendants when the Federal Public Defender’s Office as a conflict of interest. I continue to visit the Alexandria jail on a monthly basis.

5. I have been asked for my opinion in respect of a number of questions that relate to the conditions likely to pertain to Mr. Assange, if extradited to the United States.

#### **The likelihood of pre-trial detention at the Alexandria jail?**

6. This question assumes that Mr. Assange will be held without bail prior to his trial, which I believe to be correct. That said, I have no direct knowledge of the procedures that the U. S. Marshals Service uses to place defendants at particular locations. However, placing Mr. Assange at the Alexandria jail is in my opinion likely. High-profile federal defendants are usually placed at the Alexandria jail. Two recent examples are Paul Manafort and Maria Butina. Also, the Alexandria jail is the closest facility with which the U.S. Marshals have an agreement to house federal prisoners. It is only one-half mile from the U.S. District Courthouse. That is the best arrangement for the Marshalls and for the defence counsel, which allows cases to proceed swiftly as is preferred in EDVA. A defendant will typically remain detained until the completion of trial on the merits, regardless of continuances, interlocutory motions, mistrials, etc. For complex cases, this can be many months or years. However, note one caveat: to my knowledge, Chelsea Manning is currently incarcerated at the Alexandria jail. That may affect the decision of the Marshalls Service to use that facility for Mr. Assange.

**The likelihood of Mr. Assange being subjected to ADSEG or other regime involving effectively solitary confinement?**

7. I have no direct knowledge of the procedures that the Alexandria Sheriff's Office uses to determine which defendants to place in the ADSEG unit. However, the Alexandria Sheriff sometimes places high-profile defendants in "protective custody." The ADSEG unit is one of the few places in the Alexandria jail to do that. Additionally, based on my experience, the Alexandria Sheriff would not put a high-profile defendant, such as Mr. Assange, in the general population. In my opinion, this would present the Sheriff's Office with security concerns with regards to maintaining a disciplined and orderly environment inside the jail. An inmate like Mr. Assange would generate a lot of interest, both positive and negative, from other inmates and there would probably be a concern for his safety.

**A description of the ADSEG unit and daily regime?**

8. The ADSEG unit is a small area that contains approximately four to six ADSEG cells. Each cell is a single occupancy cell, less than approximately 50 square feet, and contains a sleeping area, a small sink, and a toilet. Meals are typically taken inside the inmate's cell. Typically, inmates in ADSEG are permitted one to two hours a day outside of their cell. This is typically spent in the common area of the ADSEG unit, which may be about twice the square footage. Based on my experience, only one inmate in the ADSEG unit is permitted to be outside of his cell at one time. There is limited interaction with other ADSEG inmates during this time because their doors and food-tray slots are closed. At points in the past, there has been a television or an exercise bike in the common area of the ADSEG unit, but not consistently. However, at certain points when I visited clients there, the common area contained nothing. There is no outside recreational or exercise area at the Alexandria jail and I do not recall there being any windows in the ADSEG unit. Finally, there are limited programs available at the Alexandria jail, like high school equivalency, low-level college, sober living, etc., but these programs are typically not available to ADSEG inmates.

### **The effect of the ADSEG unit on the ability to prepare a legal defence?**

9. Being housed in the ADSEG unit will not affect Mr. Assange's ability to meet with his attorneys. The Alexandria Sheriff's Office will allow his attorneys to meet with him at any time during professional visiting hours. However, it may affect Mr. Assange's ability to assist in his defence. He will not be permitted access to the internet or computer equipment of any kind. There is a small law library in the Alexandria jail, but I am not sure if ADSEG inmates have access to it. Additionally, based on my experience, it is more difficult to make legal phone calls to the ADSEG unit. Typically, attorneys can make legal phone calls to a single "attorney phone," which is present in each unit of the jail. In general population units, a random inmate will answer the phone and call for the desired inmate. However, this is not always possible in the ADSEG unit because the inmates are not continuously out of their cells to answer the phone. Making a call to this unit involves getting a deputy sheriff to enter the unit and make the desired inmate available.

### **The adequacy of physical health and mental health provision at the Alexandria Jail?**

10. To my knowledge, there are no permanent doctors on staff at the Alexandria jail. There are nurses and perhaps physician's assistants on staff. Most health services are provided by contracting health providers, not by employees of the Sheriff's Office. This is the case for physical, dental, and mental health services. For mental health services, the only time when an inmate was regularly monitored by a psychiatrist was when the inmate was involuntarily committed to a state hospital, which first required that the inmate was a serious physical danger to himself or others. In that situation, the inmate was generally sent to a state hospital to be "rehabilitated," which usually involved medication, sometimes forcibly administered. For individuals that became suicidal, but not due to diagnosed mental health reasons, the Alexandria jail usually imposed several administrative measures: more frequent monitoring, placement in a suicide prevention suit that immobilize the arms away from the body, removing shoe strings and sheets, etc. These individuals had access to counsellors, but not increased access to psychiatric services.

11. As stated, I have represented many individuals with documented mental health issues. These individuals were often housed in the Alexandria jail’s mental health unit, which is a different area than the ADSEG unit. They reported regularly to me that they only had sporadic access to a psychiatrist for medication and medication adjustments. Some clients waited several weeks to see a doctor. Many of my clients became frustrated with the process and stopped taking medication altogether, which generally caused further deterioration. Also, I had several clients who likely had medication levels and mixtures that needed adjustment, but they deteriorated faster than those adjustments could be made. I had several clients that went back and forth from the Alexandria jail to state hospitals on multiple occasions before their cases were completed. I have also represented clients with mental health issues that were placed in the ADSEG unit, as opposed to the mental health unit.

**Dated the 17th of December, 2019**

Signed James Ellis