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4 Attorney for Defendant
ERIC MCDAVID

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 ERIC MCDAVID, et al.

12 Defendants.
13 _____

) NO. CR-S-06-0035-MCE

) **DECLARATION OF ERIC MCDAVID IN
SUPPORT OF MOTION TO REVOKE
DETENTION ORDER AND ALLOW
PRETRIAL RELEASE.**

) DATE: March 7, 2006

) TIME: 8:30 a.m.

) JUDGE: HON. MORRISON C. ENGLAND

14 I, Eric McDavid, hereby declare under the penalty of perjury that the following
15 is true and correct.

16 I am the defendant in the above entitled matter. I am presently at the
17 Sacramento County Jail, where I have been since my arrest on January 13, 2006. I
18 have been housed in Total Separation the entire time.

19 1. Daily life in jail regarding food.

20 This is an accurate sample of my daily life at the jail. It has existed pretty
21 much like this since my arrest, with a very few variations.

22 Monday through Sunday. Monday morning I awake to the wake up call for
23 breakfast. This is at 5:30 a.m. This occurs every day. I am allowed to walk from my
24 cell the 20-30 feet to the breakfast table. Once there, I can chose from the following
25 food: normally fruit is available, as well as untoasted wheat bread. There is water
26 and milk available to drink. I must be in my cell in about 2 minutes. I often take
27

1 the fruit and the wheat bread as I am vegan and this is all that I can eat from this
2 offering. I eat in my cell. 5 minutes later the tray must be returned from my cell to
3 the breakfast table. Immediately after this I go back to sleep.

4 5 hours later, at 11:00 a.m. I am called for lunch. What is offered is sugar
5 water colored like "Kool Aid." As well, a soup and sandwich and an orange or an
6 apple. The soup is almost always, in every instance, a meat or chicken based soup.
7 I cannot eat this as I am a vegan. The sandwich is always meat as well. There have
8 been peanut butter sandwiches on a couple of occasions since I have been here
9 (this would be a great meal on my vegan diet). There is no tray provided so I do not
10 return after eating like I do in the morning. I eat in my cell.

11 From 11:00 onward I usually read most of the day.

12 At 4:30 p.m., I am brought out for dinner. There is a tray to use at dinner.
13 The main course is always meat based. There are often vegetables, but they may
14 be cooked or done in butter; I do not know, the jail has not informed me on this.
15 There is bread. There is also a frozen fruit that I can thaw out in my cell to eat.
16 Juice is usually provided to drink. Sometimes, there is a salad with the dinner. The
17 only dressing I can eat is oil and vinegar, all others are milk based.

18 On Monday night, I fill out my canteen or commissary request. This is then
19 delivered the following Saturday afternoon. I usually obtain refried beans, rice,
20 jalapeno potato chips, peanut butter cracker packets, peanuts and flour tortillas.

21 This supplement helps to keep me alive. I desperately need more proteins;
22 this is easily solved with soy products (high in protein) and in tofu as well. I also
23 desperately need fresh vegetables to stay healthy.

24 I have lost 10-15 pounds since my arrest. This is in a period of 40 days.

25 Because of my diet and lack of fresh outdoor exercise, coupled with the rapid
26 weight loss, I am very lethargic and at times very tired. I am fatigued quite often
27 and at times somewhat disoriented.

28 I had a meeting with a jail nutritional nurse who advised me that they would

1 consider giving me soy protein shakes to address my problem. I haven't learned
2 anything about why the jail doctor refused to make such a prescription. I could also
3 benefit from purchasing generic protein bears if made available at the commissary
4 for me; there are many that do not have animal products and are made from soy
5 and other non animal products.

6 2. Daily life for out of cell activity.

7 I am allowed out of my cell, as discussed earlier, for the 3 meals which I eat
8 in my cell. The times out for those meals amount to less than 3 minutes *total*.

9 I am also allowed out if I would like for a shower about once a week. It is not
10 on a set schedule. But, you have to ask first for this out of cell time and the guards
11 normally reply that they are too busy at present. Even if you get the shower, that
12 does not mean you get any day room time. In fact, I have had day room privileges
13 11 times since my arrest on January 13, 2006.(I keep a daily log on this). On a few
14 occasions, the day room privilege was separated by a period of 5 days between
15 them. In those instances, I was allowed to walk around for a period of 20-40
16 minutes.

17 3. Daily life for outdoor exercise and fresh air. I have had outdoor exercise 4
18 times since my arrest. It is also not on any set schedule. Unfortunately, on all
19 occasions it was late evening early night and it was freezing outside. I was provided
20 no jacket and was only in my jail jumpsuit. It was too cold to be of any good. I have
21 lost all sorts of weight, my diet is very restricted, I am lethargic, and I am provided
22 no protection from the cold. It is near impossible to exercise or stay outside for any
23 appreciable time; not enough time to do any good.

24 4. Mail privileges. As with all people incarcerated, I enjoy getting mail from
25 my family and friends. Yet, there is a delay of about 10 days once it is received at
26 the jail before they bring it to me. I do not know what the extensive delay is for.
27 The giant delay disrupts my communication with friends and loved ones because
28 they don't hear back from me for such a long time, nor I from them. Often,

1 someone will see me on a social visit and reference a letter they sent over 10 days
2 earlier and I still have not received it. It may not seem like too much to someone on
3 the outside, but believe me, it is a big deal for a person like me who has never been
4 in a jail before; as well, I am held in total separation and suffer from the effects of
5 that isolation terribly. Prompt mail communication is much needed.

6 5. Attempts to accommodate my vegan diet.

7 I have done everything possible to get a vegan diet here at the jail, without
8 success. I have written to the jail medical staff, had numerous meetings with jail
9 supervisors, done everything. They will simply not provide me with a vegan diet, for
10 whatever reason.

11 I am in my cell normally for 24 hours a day, with rare exceptions. I am
12 isolated from just about all others. My mail is delayed, and I am hardly given any
13 outdoor exercise or day room privileges. I cannot sustain myself as a vegan on the
14 diet provided to me.

15 6. My Veganism.

16 Several years back I became a vegan. I did this after an extensive
17 investigation into veganism. I learned about the steroids, antibiotics, growth
18 hormones, and other unhealthy additives in meat, poultry and dairy products, not to
19 mention the treatment of the animals. The decision was a very easy decision at that
20 point. As well, my vegan beliefs and morality are animated by the way of living
21 which shows a respect for all life, recognizing the rights of living creatures;
22 extending to them the compassion and kindness exemplified toward people. It is a
23 truly ethical relationship between humans and other living creatures. My vegan
24 lifestyle is based upon my own health and my own ethical and moral underpinnings
25 which I have arrived at conscientiously and I am firmly convinced it is the right and
26 appropriate way to live. It is healthier for me and the planet I live on. It is as
27 sincerely held to me as others hold their own religious beliefs.

