

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

<p>Twanda Marshinda Brown, <i>et al.</i>,</p> <p>Plaintiffs,</p> <p>v.</p> <p>Lexington County, South Carolina, <i>et al.</i>,</p> <p>Defendants.</p>	<p>Civil Action No. 3:17-cv-01426-MBS-SVH</p>
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**DECLARATION OF RAYMOND WRIGHT, JR.,
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, RAYMOND WRIGHT, JR., declare as follows:

1. I am indigent and disabled.
2. In July 2016, I was stopped and ticketed for driving under a suspended license, 1st offense ("DUS-1").
3. When I appeared in the Lexington County Central Traffic Court ("Central Traffic Court") on July 26, 2016, I pled guilty to the charge of DUS, 1st offense without being informed of my rights and without the assistance of counsel. The judge sentenced me to pay \$666.93.
4. After being sentenced, the judge asked me if I could pay the full \$666.93 that day. I told him that I could not afford to pay. The judge did not ask me any other questions about my ability to pay or whether I received any form of needs-based, means-tested public assistance. At that time, I was receiving food assistance through SNAP.

5. The judge told me that I would have to pay \$50 each month toward the full amount that I owed. The judge also stated that if I did not make these payments, I would be arrested and jailed.

6. It was very difficult to pay \$50 each month to the Central Traffic Court because my wife was unemployed and my Social Security Disability Insurance income of \$547 per month was the only source of income for my family, which included my wife and two granddaughters.

7. I made five payments of \$50 each to the Central Traffic Court, but I could not afford to make any more payments after December 7, 2016.

8. I appeared for a show cause hearing before the Central Traffic Court on April 19, 2017. The judge did not inform me that I had the right to request the assistance of a court-appointed attorney. He also did not inform me that I had the right to seek a waiver of any fees related to the application for a public defender due to financial hardship. The judge did not discuss with me about waiving my right to counsel. He did not ask me any questions to determine whether I was knowingly, voluntarily, and intelligently waiving my right to counsel.

9. I explained to the judge that I could not afford to pay the amount I owed to the Central Traffic Court. I explained to the judge that I owed taxes, had additional bills to pay, and needed to buy groceries to feed my family.

10. The judge told me that I had to pay the full \$416.93 that I owed the court within ten days or I would be arrested and jailed. The judge did not ask me about my financial circumstances or ability to pay.

11. I had brought bills and other documentation with me to show the court that I was in debt and could not afford to pay the court, but the judge told me that he did not want to see any of the documents.

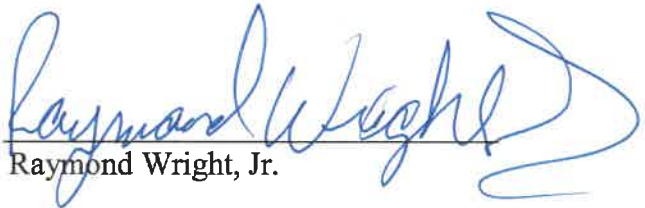
12. I asked the judge whether I could make partial payments until the full amount was paid off. The judge told me that the court would only accept full payment of the amount I owed the Central Traffic Court.

13. I was unable to pay the \$416.93 that I owed the Central Traffic Court by April 29, 2017, ten days after the show cause hearing.

14. I was also unable to pay the \$416.93 that I owed the Central Traffic Court before being arrested and incarcerated on July 25, 2017.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed in Leesville, South Carolina on this 8th day of September, 2017.

By:


Raymond Wright, Jr.