

DECLARATION OF SETI JOHNSON

1. My name is Seti Nyheem Hasaan Johnson, and I reside in Cabarrus County, North Carolina. I am competent to give this Declaration and have personal knowledge of the following facts.
2. I have struggled to keep work partly because my driver's license was revoked at least two times in the past because I was unable to pay my traffic tickets. When I am working, I put that income towards my family's needs.
3. I currently live with my mother because I cannot afford to pay rent in my own apartment.
4. I have a valid North Carolina driver's license. I rely on my license to go to work when I have a job, get food for my family, drive my children to school and daycare, and take my family to doctor's appointments.
5. In June or July 2017, I was pulled over by the police while driving. I was surprised when the police officer told me that my driver's license had been revoked for not paying old traffic tickets. The officer took my license from me on the spot and gave me a ticket for "DWLR not impaired" (i.e., driving while license revoked).
6. To try to get my driver's license back, I called the Cabarrus County District Court (the "District Court") to ask how to pay my fines and court costs on the old tickets. The District Court said my only option was to pay the unpaid fines and court costs and any late fees in full.
7. Instead of paying my rent, I paid more than \$700 in fines, court costs, and late fees to the District Court on the old tickets. My driver's license was later reinstated by the North Carolina Department of Motor Vehicles ("DMV"). In the meantime, I fell behind on my rent payments and eventually had to move in with my mom.
8. But before I could even come up with the more than \$700 to pay the District Court, I was issued another ticket for "DWLR not impaired" in September 2017.
9. When I appeared in the District Court on April 12, 2018, on the September DWLR ticket, the prosecutor reduced the charge to "failure to notify DMV of address change," which I was convicted of.
10. The District Court sentenced me to pay a \$100 fine and \$208 in court costs. But it did not give me any option to resolve the fine and costs besides paying the total \$308 to the court. It did not conduct a hearing to ask me about or decide my ability to pay the fine and costs.

11. The District Court gave me a Bill of Costs that states "total monies owed" are due "within 40 days" and that my license will be suspended if I do not pay in full.
12. The prosecutor, however, told me that I had to pay \$100 that day or my license would be revoked. Although I had just lost my job and had less than \$300 to my name, I scraped together \$100 to pay the court that day because I was afraid to lose my license again. However, because I did not pay the full \$308 that day, the court charged me an additional \$20 "installment plan and set up fee," even though the Bill of Costs says the entire amount is due within 40 days.
13. The remaining \$228 is due May 22, 2018, but I will not be able to pay it because I do not have the money and just secured a new job through a temp agency. I worry my driver's license will soon be revoked.
14. I hope to start working soon, but I do not believe I will be able to pay off the \$228 within sixty days of May 22 because I have a lot of unpaid bills that my first paychecks will need to go to, including an overdue mechanic bill for repairs to my truck so that I can pass inspection and get insurance, cell phone bill, and approximately \$2,000 in back rent. My children also have immediate needs like diapers, clothes, and shoes.
15. The DMV has not told me anything about how to keep my driver's license.
16. If my driver's license is revoked, I will not be able to drive to work, get food for my family, take my children to school and daycare, or take my family to doctor's appointments.
17. My license has been revoked approximately two other times for failure to pay traffic tickets that I could not pay by the due date because I did not have the money. The only option I was given to get my license back was to pay the tickets. I eventually paid off the tickets after the due dates and got my license back but struggled to make the payments, and had to sacrifice things like paying my rent, and buying necessities for myself and my children.
18. I am participating in this lawsuit to stop my driver's license from being revoked simply because I cannot pay my fine and court costs. I value taking care of my responsibilities. But that is hard to do when I am required to pay hundreds of dollars in fines and court costs, and my driver's license is revoked when I do not have the money to pay. I also want to help the people in my neighborhood and community, many of whom are repeatedly pulled over and ticketed, and have ended up in a similar situation as me. No one should have to live with the burden

of their license being revoked simply because they cannot pay off their traffic tickets.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 16th day of May, 2018.

Seti Johnson

Seti Nyheem Hasaan Johnson

CERTIFICATE OF SERVICE

I certify that arrangements have been made to this day deliver a true and correct copy of the foregoing by hand delivery to the following:

Torre Jessup, Commissioner, or
via Brandon Mattox or Charlotte Hanemann, Designated Agents
Office of the Commissioner
North Carolina Division of Motor Vehicles
3101 Mail Service Center
Raleigh, NC 27699-3101

Formal proof of service will be filed with the Court when completed.

I further certify that arrangements have been made to this day deliver a true and correct courtesy copy of the foregoing to the following, in the manners described below:

Via Certified U.S. Mail, Return Receipt Requested

Josh Stein, Attorney General
Office of the Attorney General
9001 Mail Service Center
Raleigh, North Carolina 27699-9001

Via Electronic Mail

Chuck D. Watts, General Counsel
William A. Marsh, Deputy General Counsel
North Carolina Division of Motor Vehicles
chuckwatts@ncdot.gov
wamarsh@ncdot.gov

DATED this May 30, 2018.

/s/ Kristi L. Graunke

Kristi L. Graunke