

**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 TWANDA MARSHINDA BROWN  
IN SUPPORT OF PLAINTIFFS’ OPPOSITION TO DEFENDANTS’  
MOTION FOR SUMMARY JUDGMENT ON DAMAGES CLAIMS**

I, Twanda Marshinda Brown, declare as follows:

1. I am indigent and rely on needs-based public assistance, including Medicaid and Section 8 housing assistance. I have relied on Section 8 housing assistance since 2015.
2. I am a single working mother. Since 2015, I have been the sole financial provider for my three youngest children and a financial provider for my two older sons.
3. In April 2016, I pled guilty in the Irmo Magistrate Court to driving on a suspended license, 2nd offense (“DUS-2”), and to driving with no tag light. The court sentenced me to pay \$2,100 for DUS-2 and \$237.50 for no tag light. The judge never asked about my ability to pay, income, or financial situation before or after sentencing me to pay these fines and fees. The judge also did not appoint a lawyer to help me or even inform me of my right to ask for a court-appointed lawyer to help me.
4. I could not afford to pay \$2,337.50, so the judge placed me on a payment plan. Even though I told the judge I could only afford to pay \$50 each month, the judge ordered me to

make monthly payments of \$100 and to pay a three percent collection fee on top of the total amount I owed. The judge did not ask me about my ability to pay, income, or financial situation before or after setting the terms of my payment plan.

5. I explained to the judge that I could not afford to pay the court \$100 each month because I had to support my children. The judge responded, “I don’t care if you have one, two, three, four, five, six, or seven kids.”

6. When I was in court, I did not know that I had a right to request the help of a court-appointed lawyer. I did not see any public defenders or other lawyers in the courtroom who were being appointed by the judge to represent poor people like me.

7. No one told me I could request to change my payment plan or to have a court hearing if my financial situation changed and I could not afford to pay \$100 each month.

8. I was able to make the first five payments, but I could not afford to continue paying \$100 a month after October 2016. At that time, I had to reduce my hours working at a Burger King in order to take care of my son, who had an accident and had to have surgery. At around that time, my employer was not properly paying me. I eventually had to look for a new job so that I could earn consistent income. I was unemployed for more than one month while looking for a new job.

9. I found a temporary position at McIntyre Food Products in February 2017. I expected to be given a permanent position and a raise on or around February 20, 2017.

10. On the morning of February 18, 2017, officers of the sheriff’s department came to my home and arrested me in front of my children. I sent my youngest child to take out the trash so that he would not see me being handcuffed and arrested.

11. I was taken to the Lexington County Detention Center. At jail, I was shown a warrant that ordered me to pay \$1,907.63 or spend 90 days in jail.

12. I could not afford to pay \$1,907.63, so I was incarcerated for 57 days. I was for three days in the Alvin S. Glenn Detention Center and 53 days in the Lexington County Detention Center.

13. After I was jailed, I was never taken to Bond Court or back to the Irmo Magistrate for a hearing on my ability to pay \$1,907.63 in fines and fees.

14. No one from the Lexington County Public Defender Office asked to meet with me while I was in the Lexington County Detention Center or the Alvin S. Glenn Detention Center.

15. I lost my job because I could not report to work while I was in jail.

16. I cried every day I was in jail because I missed my children and worried about during my incarceration, my son turned seventeen years old, my granddaughter turned one year old, and my cousin died. I was not able to be with my family for any of these important events.

17. After I was released from jail, I had a very difficult time finding work. I am still struggling to pay off the bills that piled up while I was incarcerated.

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 Columbia, South Carolina

on the 20<sup>th</sup> day of November, 2017.

By: Twanda M. Brown  
Twanda Marshinda Brown