

**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 SASHA MONIQUE DARBY
IN SUPPORT OF PLAINTIFFS’ OPPOSITION TO DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT ON DAMAGES CLAIMS**

I, Sasha Monique Darby, declare as follows:

1. I am indigent and homeless. I receive Medicaid, SNAP, and TANF.
2. I am a single mother of a four-year-old boy.
3. I suffer from Post-Traumatic Stress Disorder (“PTSD”) from being abused and assaulted as a child.
4. In 2015, I moved with my son to South Carolina from Massachusetts to be close to my mother and extended family.
5. After I moved to South Carolina, my mother initially looked after my son while I worked. But because my mother suffered from health problems due to diabetes, she could no longer care for my son. I could not afford to pay for childcare, so I had to send my son to live with his father’s mother back in Massachusetts.
6. Even after my son returned to Massachusetts during the summer of 2015, I sent money for his financial support while I worked in South Carolina.

7. In 2016, I worked as a forklift driver and in several other low paying jobs. That year, I earned around \$11,770.

8. From January to August 2016, I lived with a roommate in South Carolina to try to save money. But the housing situation did not work out and I had to move out.

9. When I was moving out of the apartment, my roommate demanded \$200 extra from me, and we got into an argument. I saw my roommate raise her hand and I thought she was going to hit me. Because of my PTSD, I felt threatened and hit my roommate.

10. My roommate called the police. The officer who came to the apartment gave me a ticket for assault and battery in the third degree.

11. I went to court on August 23, 2016. Before I entered the courtroom, someone handed me a piece of paper and told me to “check a box.”

12. The paper said I had to pay \$40 for a lawyer to represent me. Because I did not have \$40, I checked the box next to the sentence that said, “I waive my right to have an attorney present.” I did not believe I had a choice, however, because I did not have \$40. The judge did not ask me any questions about why I checked that box on the form, or what I understood or expected as a result of checking that box.

13. I did not understand, and no one told me, that I had the right to request the help of a lawyer or that I could ask the court to waive the \$40 fee for a court-appointed lawyer.

14. The judge did not explain to me how a lawyer could help me or the problems that I could face if I represented myself. The judge also did not tell me that I could be jailed if I was convicted or how long I could be jailed for.

15. When I was in court, 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.

16. I represented myself and was convicted of assault and battery in the third degree.

17. The judge ordered me to pay \$1,000. The judge never asked me about my ability to pay, income, or financial situation before or after sentencing me to pay.

18. Because I could not afford to pay \$1,000, I asked to be put on a payment plan. I said I could afford to pay \$100 or \$120 per month. I knew it would be difficult for me to pay that much, but I wanted to show the judge I would try my best to pay as much as I could as soon as possible.

19. Instead, the judge told me that the amount I offered to pay was not enough. The judge ordered me to pay \$150 each month plus a \$30 collection fee on top of the total amount I owed.

20. 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 \$150 each month.

21. I paid \$200 at court. I also made payments of \$150 in September and October.

22. Starting in November 2016, I could not afford to pay \$150 each month because I had to spend \$180 every two weeks for my son's daycare.

23. On March 28, 2017, I was arrested at my mother's house. I was pregnant at that time.

24. I was taken to the Lexington County Detention Center. At jail, I was shown a bench warrant that ordered me to pay \$680 or spend 20 days in jail.

25. I couldn't afford to pay \$680, so I was incarcerated for 20 days.

26. After I was jailed, I was never taken to Bond Court or back to the Irmo Magistrate Court for a hearing on my ability to pay \$680 in fines and fees.

27. No one from the Lexington County Public Defender Office asked to meet with me while I was in jail.

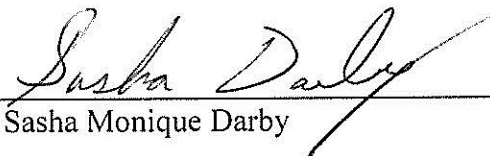
28. In jail, I did not get enough food or medical care for my pregnancy, and I missed my first prenatal care appointment. I also could not talk to my son.

29. While I was in jail, my landlord started proceedings to evict me from my home, and I lost my job as a forklift operator.

30. When I was released from jail, I was homeless, so I moved back to Massachusetts near my son. I currently live in a shelter in New Bedford, Massachusetts.

31. I recently found work as a housekeeper and am trying to save money to get a place to live, but I am still struggling after losing my job and home due to my time in jail.

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 New Bedford, Massachusetts on this 19th day of November, 2017.

By: 
Sasha Monique Darby