

**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 XAVIER LARRY GOODWIN
IN SUPPORT OF PLAINTIFFS’ OPPOSITION TO DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT ON DAMAGES CLAIMS**

I, Xavier Larry Goodwin, declare as follows:

1. In 2016, I was indigent and struggled to provide for myself and my family. I was the sole financial provider for myself, my wife, and our two daughters. I also paid child support for two sons who do not live with me.

2. I earned an annual income of around \$32,570 in 2016. My low income made it very difficult for me to meet my financial obligations to my family and to pay for child support.

3. On July 15, 2016, I was issued five traffic tickets during a traffic stop: one for driving under a suspended license, 2nd offense (“DUS-2”); one for uninsured motor vehicle fee violation, 1st offense (“uninsured vehicle-1”); one for seatbelt violation; one for not replacing my temporary license plate; and one for use of a license plate other than for the vehicle which issued.

4. The tickets instructed me to appear in the Lexington County Central Traffic Court on August 9, 2016.

5. I could not attend court on August 9, 2016, because I had to work that day. I called the court that morning during my 9:00 a.m. break to explain and see if anything could be done. A court staff person told me, "It is best if you just come down here and see what can be done."

6. Due to my work schedule, I was unable to go to the Central Traffic Court while it was open that day.

7. On February 2, 2017, I was stopped by officers of the Lexington County Sheriff's Department officers one block away from my home. The officers gave me a ticket for DUS, 3rd Offense ("DUS-3"). That ticket required me to appear in the Irmo Magistrate Court on April 4, 2017. The officers also informed me that there was a bench warrant for my arrest.

8. I was arrested and taken to the Lexington County Detention Center. At jail, I was shown a bench warrant stating that I had been convicted of DUS-2 and uninsured vehicle-1 on August 9, 2016 by the Lexington County Central Traffic Court. The bench warrant was the first notice I received that I had been tried and convicted of these two traffic offenses in my absence. The warrant ordered me to pay \$1,710 or spend 90 days in jail.

9. I could not afford to pay \$1,710, so I was incarcerated.

10. The next day, on February 3, 2017, I was taken to Bond Court. The judge did not address the Central Traffic Court bench warrant that ordered me to pay \$1,710 or spend 90 days in jail. The judge did not ask me about my ability to pay \$1,710 and did not inquire about my income or financial obligations. The judge did not inform me about my right to request a lawyer and did not explain that I could request a waiver of the \$40 public defender application fee. The judge did not appoint a lawyer to represent me.

11. After being booked in jail, I was never taken to the Lexington County Central Traffic Court for a hearing on my ability to pay \$1,710 in fines and fees. At no point before or

after I was booked in jail did any magistrate court in Lexington County hold a hearing on my ability to pay \$1,710 in fines and fees for DUS-2 and uninsured vehicle-1.

12. I was incarcerated in the Lexington County Detention Center from February 2 until April 6, 2017, a total of 63 days.

13. No one from the Lexington County Public Defender Office asked to meet with me at any point when I was in the Lexington County Detention Center.

14. On April 4, 2017, I was transported to the Irmo Magistrate Court for a hearing on the DUS-3 charge. The judge did not appoint a lawyer to represent me. 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. I was transported back to jail immediately after the hearing.

15. Because I could not report to work while I was incarcerated, I lost both of my jobs, including my job at the recycling plant where I had worked for 13 years.

16. My family also lost our home because my wife could not afford to pay the mortgage without my income while I was in jail.

17. While I was in jail, I was separated from my family. I missed my daughter's 11th birthday and could not be with my wife on our wedding anniversary.

18. I also suffered emotional distress and headaches while I was 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 Colh, South Carolina on this 28 day of November, 2017.

By: Xavier Goodwin
Xavier Larry Goodwin