

DECLARATION OF SHAREE SMOOT

1. My name is Sharee Smoot, 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 currently live with my nine-year-old daughter and grandmother. In 2017, my daughter and I moved in with my grandmother because I could no longer afford to live on my own.
3. My driver's license is currently revoked because I am unable to pay the fines, penalties, and court costs for several old traffic tickets.
4. I currently work at a call center forty-five minutes away from my home. I do not have family members who can pick me up from, and drop me off at work. So I am forced to make the difficult choice of losing my job or driving on a revoked driver's license and risking more traffic tickets.
5. In 2016, I was issued a ticket for "DWLR NOT IMPAIRED REV" (i.e., driving while license revoked). When I appeared in the Cabarrus County District Court (the "District Court"), the prosecutor reduced the charge to "failure to notify DMV of address change," which I was convicted of.
6. The District Court sentenced me to pay about \$308. I could not afford to pay this. The Court did not give me any option to resolve the fine and court costs besides paying the \$308 in full. It did not conduct a hearing to ask me about or decide my ability to pay the fine and court costs.
7. I did not pay my fine and court costs within 40 days because I did not have the money. Because I did not pay within 40 days, I was also assessed a \$50 late fee.
8. Later that year, I received a revocation notice from the North Carolina Division of Motor Vehicles (the "DMV"). A true and correct copy of the notice is attached, as Attachment A. The notice did not tell me anything about how to avoid revocation, or how to get my driver's license back after revocation, except to "comply" with my citation.
9. I did not have the money to pay the fine, penalty, and court costs and stop the revocation of my driver's license by the date on the revocation notice.
10. Around the time the money was due, I was employed at a group home, where I earned \$9 per hour. I was also receiving Supplemental Nutrition Assistance Program ("SNAP") benefits.

11. Around that same that time, my mother and my daughter lived with me. I was responsible for paying the rent, utilities, a car note, car insurance, groceries, and necessities for me, my daughter, and mother. Between my SNAP benefits and the income from my work, I had just enough money to meet our needs.
12. I started receiving overtime at work and shortly afterwards, my SNAP benefits were cancelled. But my access to overtime did not last long and without SNAP benefits, I began having difficulty meeting my family's financial needs. I often had to choose between necessities, like paying the light bill or buying groceries.
13. I was also attending school part-time at the University of North Carolina-Charlotte. But I had to stop attending because I could not afford the cost of school and my family's bills on my limited income.
14. Because of my financial limits, I could not pay the fine, penalty, and court costs, and the DMV revoked my driver's license in 2016.
15. In 2017, I was issued another ticket for "DWLR NOT IMPAIRED REV" (i.e., driving while license revoked). Later that year, I appeared in District Court, was convicted, and ordered to pay about \$235. I could not afford to pay this.
16. The District Court did not give me any option to resolve the fine and court costs besides paying the \$235 in full. It did not conduct a hearing to ask me about or decide my ability to pay the fine and court costs.
17. I did not pay my fine and court costs within 40 days because I did not have the money. Because I did not pay within 40 days, I was also assessed a \$50 late fee. Later, an "outstanding order for arrest" was issued by the District Court for my failure to "comply with ordered payment." The Court also charged me a \$5 arrest fee.
18. I received a revocation notice from the DMV in 2018. A true and correct copy of the notice is attached, as Attachment B. The notice did not tell me anything about how to avoid revocation, or how to get my driver's license back after revocation, except to "comply" with my citation.
19. Around that time, I got behind on my car payments and my rent. As a result, my car was repossessed. Because I did not have transportation to work, I lost my job, and my daughter and I had to move in with my grandmother.
20. I did not have the money to pay the fine, penalty, and court costs and stop the revocation of my driver's license by the date on the revocation notice. As a result, the DMV once again revoked my driver's license in 2018 for failure to pay.

21. I need a driver's license to go to work, get food for my daughter, go to doctor's appointments, and attend church. Without a valid driver's license, I have been forced to make the difficult choice of staying home, losing my job, and not being able to take care of necessities for me, my daughter, and my grandmother, whose bills I also help pay, or continuing to drive illegally and risk more punishment.
22. I would pay my traffic fines, penalties, and court costs if I could, but I still do not have the money to pay.
23. I currently work at a call center. However, my work hours are not consistent and are often cut to less than 40 hours per week because the call center frequently has us leave early if incoming call volume is low.
24. I worry that without my driver's license, I will not be able to continue working and caring for my family, or will continue getting more tickets for driving without a valid license, because I need to drive to support and care for myself and my family.
25. I also received two other traffic tickets in 2016 and 2017. I knew I could not pay them, and so I did not go to court. I understand that as a result, my driver's license has also been revoked because of my failures to appear. I still do not have the money for those tickets, but if I am able to get the revocations for my failures to pay cleared, I will immediately appear in court for those failure to appear tickets, as I understand that would allow me to get those revocations lifted.
26. I am participating in this lawsuit so that I can get my driver's back. Having a revoked license has hindered me from moving forward in my life. It is my hope that this lawsuit will result in a clearer path for me, and others in a similar situation, to get our driver's licenses back. It is not fair for the DMV to revoke a person's license simply because she does not have enough money to pay for a traffic ticket. I want to help so that I, and the people in my community, do not have to choose between not working and caring for family, or driving illegally and risking more traffic tickets.

EXECUTED this 25th day of May, 2018.



Sharee Smoot

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